OFFERYNNAU STATUDOL CYMRU

2017 Rhif 544 (Cy. 121)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Ceisiadau Atgyfeiriedig a Gweithdrefn Apelau) (Cymru) 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn un o nifer o offerynnau statudol a wnaed ar yr un pryd sy'n sefydlu gweithdrefn newydd ar gyfer ceisiadau atgyfeiriedig ac apelau yng Nghymru.

Mae'r Rheoliadau hyn yn darparu ar gyfer y weithdrefn mewn perthynas â:

— ceisiadau ar gyfer caniatâd cynllunio, caniatâd adeilad rhestredig, caniatâd ardal gadwraeth a chaniatâd sylweddau peryglus a atgyfeirir at Weinidogion Cymru i'w penderfynu ("ceisiadau atgyfeiriedig").

— apelau i Weinidogion Cymru mewn perthynas â chaniatâd cynllunio, caniatâd adeilad rhestredig, caniatâd ardal gadwraeth, caniatâd sylweddau peryglus, caniatâd i arddangos hysbyseb, tystysgrifau o gyfreithlondeb defnydd neu ddatblygiad presennol neu arfaethedig, a chaniatadau o dan orchmynion cadw coed.

— apelau i Weinidogion Cymru mewn perthynas â hysbysiadau gorfodi, hysbysiadau gorfodi adeiladau rhestredig, hysbysiadau gorfodi ardal gadwraeth, hysbysiadau tramgwydd sylweddau peryglus, hysbysiadau peidio â pharhau i arddangos hysbyseb, hysbysiadau ailblannu coed a hysbysiadau ynghylch cynnal tir ("apelau gorfodi").

WELSH STATUTORY INSTRUMENTS

2017 No. 544 (W. 121)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are one of a number of statutory instruments made at the same time which establish a new procedure for referred applications and appeals in Wales.

These Regulations provide for the procedure in relation to:

— applications for planning permission, listed building consent, conservation area consent and hazardous substances consent referred to the Welsh Ministers for determination ("referred applications").

— appeals to the Welsh Ministers in relation to planning permission, listed building consent, conservation area consent, hazardous substances consent, advertisement consent, certificates of lawfulness of existing or proposed use or development and consents under tree preservation orders.

— appeals to the Welsh Ministers in relation to enforcement notices, listed buildings enforcement notices, conservation area enforcement notices, hazardous substances contravention notices, advertisement discontinuance notices, tree replacement notices and notices concerning the maintenance of land ("enforcement appeals").

Mae'r Rheoliadau hyn yn byrhau amserlenni'r broses apêl. Mae'r prif newidiadau fel a ganlyn:

— mae'r offerynnau statudol a wnaed ar yr un pryd â'r Rheoliadau hyn yn ei gwneud yn ofynnol i'r apelydd gyflwyno datganiad achos llawn gyda hysbysiad o apêl. Mae'r Rheoliadau hyn yn darparu bod rhaid i'r awdurdod cynllunio lleol gyflwyno datganiad achos llawn mewn perthynas ag apelau gorfodi, a chaiff ddewis gwneud hynny mewn perthynas ag apelau eraill. Rhaid i ddatganiad achos llawn yr awdurdod cynllunio lleol ddod i law Gweinidogion Cymru o fewn 4 wythnos i hysbysiad gan Weinidogion Cymru ynghylch cael apêl.

— rhaid i ddyddiad y gwrandawiad fod yn ddim hwyrach na 10 wythnos ar ôl yr hysbysiad gan Weinidogion Cymru ynghylch cael apêl, a rhaid i ddyddiad yr ymchwiliad fod yn ddim hwyrach na 18 wythnos ar ôl yr hysbysiad hwnnw. Pan fo Gweinidogion Cymru yn ystyried bod hynny'n anymarferol, rhaid i ddyddiad y gwrandawiad neu'r ymchwiliad fod y dyddiad cynharaf y mae Gweinidogion Cymru yn ystyried ei fod yn ymarferol.

Mae'r Rheoliadau hyn hefyd yn darparu ar gyfer ymdrin â cheisiadau atgyfeiriedig ac apelau i Weinidogion Cymru drwy gyfuniad o weithdrefnau, yn hytrach na thrwy sylwadau ysgrifenedig, gwrandawiadau neu ymchwiliadau yn unig, pan fo Gweinidogion Cymru yn ystyried bod hynny'n briodol. Rhaid i Weinidogion Cymru bennu'r weithdrefn ar gyfer ystyried achosion o fewn 6 wythnos i'r hysbysiad gan Weinidogion Cymru ynghylch cael apêl.

Mae'r Rheoliadau hyn yn dirymu'r offerynnau, neu rannau o'r offerynnau, a nodir yn Atodlen 4, ac maent yn disodli'r offerynnau hynny ac yn gwneud diwygiad canlyniadol i Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 (O.S. 2012/801 (Cy. 110)).

Ceir darpariaethau trosiannol a darpariaethau arbed ar gyfer apelau mewn perthynas â cheisiadau a wnaed cyn y daw'r Rheoliadau i rym, ac ar gyfer apelau gorfodi mewn perthynas â hysbysiadau gorfodi a hysbysiadau peidio â pharhau a ddyroddir cyn y daw'r Rheoliadau i rym (rheoliad 53).

Lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r offeryn hwn. Mae copïau ohono ar gael gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

These Regulations shorten the timescales for the appeal process. The main changes are as follows:

— the statutory instruments made at the same time as these Regulations require the appellant to submit a full statement of case with a notice of appeal. These Regulations provide that the local planning authority must submit a full statement of case in relation to enforcement appeals and may elect to do so in relation to other appeals. The local planning authority's full statement of case must be received by the Welsh Ministers within 4 weeks of the Welsh Ministers' notification of receipt of appeal.

— the date of the hearing must be no later than 10 weeks, and the date of the inquiry must be no later than 18 weeks, after the Welsh Ministers notification of receipt of appeal. Where the Welsh Ministers consider this to be impracticable the date for the hearing or inquiry must be the earliest date which the Welsh Ministers consider is practicable.

These Regulations also provide for referred applications and appeals to the Welsh Ministers to be dealt with by a combination of procedures, rather than by means of only written representations, hearings or inquiries, where the Welsh Ministers consider it appropriate. The Welsh Ministers must make a determination as to the procedure by which proceedings are to be considered within 6 weeks of the Welsh Ministers' notification of receipt of appeal.

These Regulations revoke the instruments or parts of the instruments set out in Schedule 4 which they replace and make a consequential amendment to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W. 110)).

There are transitional and savings provisions for appeals in relation to applications made before the Regulations come into force and for enforcement appeals in relation to enforcement notices and discontinuance notices issued before the Regulations come into force (regulation 53).

A regulatory impact assessment has been prepared in relation to this instrument. Copies are available from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government's website at www.gov.wales.

OFFERYNNAU STATUDOL CYMRU

2017 Rhif 544 (Cy. 121)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Ceisiadau Atgyfeiriedig a Gweithdrefn Apelau) (Cymru) 2017

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

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9. Gwybodaeth bellach
10. Gweld dogfennau
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WELSH STATUTORY INSTRUMENTS

2017 No. 544 (W. 121)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

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

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Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 217, 319B a 323A o Ddeddf Cynllunio Gwlad a Thref 1990(**1**), adran 88E o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**2**) ac adran 21B o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(**3**), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by sections 217, 319B and 323A of the Town and Country Planning Act 1990(**1**), section 88E of the Planning (Listed Buildings and Conservation Areas) Act 1990(**2**) and section 21B of the Planning (Hazardous Substances) Act 1990(**3**), make the following Regulations:

RHAN 1

Cyffredinol

PART 1

General

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Ceisiadau Atgyfeiriedig a Gweithdrefn Apelau) (Cymru) 2017 a deuant i rym ar 5 Mai 2017.

Title and commencement

1. The title of these Regulations is the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 and they come into force on the 5 May 2017.

Cymhwyso

2.—(1) Mae'r Rheoliadau hyn yn gymwys o ran Cymru mewn perthynas ag—

(a) y ceisiadau a restrir ym mharagraff (2) a wnaed ar y dyddiad y daw'r Rheoliadau hyn i rym neu ar ôl hynny; a

(b) yr apelau a restrir ym mharagraff (2) pan fo—

(i) y cais sy'n destun yr apêl yn cael ei wneud ar y dyddiad y daw'r Rheoliadau hyn i rym neu ar ôl hynny; neu

(ii) yr hysbysiad gorfodi sy'n destun yr apêl wedi ei ddyroddi ar y dyddiad y daw'r Rheoliadau hyn i rym neu ar ôl hynny.

(2) Y ceisiadau a'r apelau y cyfeirir atynt ym mharagraff (1) yw—

(a) cais am ganiatâd cynllunio a atgyfeirir at Weinidogion Cymru o dan adran 77 o'r Ddeddf Gynllunio (atgyfeirio ceisiadau i'r Ysgrifennydd Gwladol);

Application

2.—(1) These Regulations apply in Wales in relation to—

(a) the applications listed in paragraph (2) made on or after the date on which these Regulations come into force; and

(b) the appeals listed in paragraph (2) where—

(i) the application which is the subject of the appeal is made on or after the date on which these Regulations come into force; or

(ii) the enforcement notice which is the subject of the appeal was issued on or after the date on which these Regulations come into force.

(2) The applications and appeals referred to in paragraph (1) are—

(a) an application for planning permission referred to the Welsh Ministers under section 77 of the Planning Act (reference of applications to the Secretary of State);

(**1**) 1990 p. 8. Diwygiwyd adran 217 gan adran 48(1) i (6) o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) ("Deddf 2015"). Mewnosodwyd adran 319B gan Orchymyn Cynllunio Gwlad a Thref (Pennu'r Weithdrefn) (Cymru) 2014 (O.S. 2014/2773 (Cy. 280)). Mewnosodwyd adran 323A gan adran 50 o Ddeddf 2015. Cymhwyswyd adran 323A i Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 gan baragraff 21 o Atodlen 5 i Ddeddf 2015 ac i Ddeddf Cynllunio (Sylweddau Peryglus) 1990 gan baragraff 25 o Atodlen 5 i Ddeddf 2015.

(**2**) 1990 p. 9. Mewnosodwyd adran 88E gan O.S. 2014/2773 (Cy. 280).

(**3**) 1990 p. 10. Mewnosodwyd adran 21B gan O.S. 2014/2773 (Cy. 280).

(**1**) 1990 c. 8. Section 217 was amended by section 48(1) to (6) of the Planning (Wales) Act 2015 (anaw 4) ("the 2015 Act"). Section 319B was inserted by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773 (W.280)). Section 323A was inserted by section 50 of the 2015 Act. Section 323A was applied to the Planning (Listed Buildings and Conservation Areas) Act 1990 by paragraph 21 of Schedule 5 to the 2015 Act and to the Planning (Hazardous Substances) Act 1990 by paragraph 25 of Schedule 5 to the 2015 Act.

(**2**) 1990 c. 9. Section 88E was inserted by S.I. 2014/2773 (W. 280).

(**3**) 1990 c. 10. Section 21B was inserted by S.I. 2014/2773 (W. 280).

(b) apêl o dan adran 78 o'r Ddeddf Gynllunio (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) neu apêl o dan yr adran honno—

(i) fel y'i cymhwysir gan adran 198(3)(c) a (4) o'r Ddeddf honno (gorchmynion cadw coed); a

(ii) fel y'i cymhwysir gan reoliadau a wnaed o dan adran 220 o'r Ddeddf Gynllunio (rheoliadau sy'n rheoli arddangos hysbysebion);

(c) apêl o dan adran 174 o'r Ddeddf Gynllunio (apêl yn erbyn hysbysiad gorfodi) neu apêl o dan yr adran honno fel y'i cymhwysir gan reoliad 16 o Reoliadau 2015(**1**) (apelau yn erbyn hysbysiadau tramgwydd sylweddau peryglus) a Rhan 1 o Atodlen 4 iddynt;

(d) apêl o dan adran 195 o'r Ddeddf Gynllunio (apelau yn erbyn gwrthod cais am dystysgrif o gyfreithlondeb defnydd neu ddatblygiad presennol neu arfaethedig, neu fethiant i roi penderfyniad ar gais o'r fath);

(e) apêl o dan adran 208 o'r Ddeddf Gynllunio (apelau yn erbyn hysbysiadau ailblannu coed);

(f) apêl o dan adran 217 o'r Ddeddf Gynllunio (apêl yn erbyn hysbysiad sy'n ei gwneud yn ofynnol i gynnal tir);

(g) cais am ganiatâd adeilad rhestredig a atgyfeirir at Weinidogion Cymru o dan adran 12, neu gais i amrywio neu ryddhau amodau a atgyfeirir atynt o dan yr adran honno fel y'i cymhwysir gan adran 19, neu apêl iddynt o dan adran 20, o'r Ddeddf Adeiladau Rhestredig;

(h) cais am ganiatâd ardal gadwraeth a atgyfeirir at Weinidogion Cymru o dan adran 12 (gan gynnwys cais y cymhwysir yr adran honno iddo gan adran 19), neu apêl iddynt o dan adran 20 o'r Ddeddf Adeiladau Rhestredig fel y cymhwysir yr adrannau hynny gan adran 74(3) o'r Ddeddf honno;

(i) apêl o dan adran 39 o'r Ddeddf Adeiladau Rhestredig (apêl yn erbyn hysbysiad gorfodi adeiladau rhestredig) neu apêl o dan yr adran honno fel y'i cymhwysir gan adran 74(3) o'r Ddeddf honno (apêl yn erbyn hysbysiad gorfodi ardal gadwraeth);

(**1**) O.S. 2015/1597 (Cy. 196).

(b) an appeal under section 78 of the Planning Act (right to appeal against planning decisions and failure to take such decisions) or under that section—

(i) as applied by section 198(3)(c) and (4) of that Act (tree preservation orders); and

(ii) as applied by regulations made under section 220 of the Planning Act (regulations controlling display of advertisements);

(c) an appeal under section 174 of the Planning Act (appeal against enforcement notice) or under that section as applied by regulation 16 of, and Part 1 of Schedule 4 to, the 2015 Regulations(**1**) (appeals against hazardous substances contravention notices);

(d) an appeal under section 195 of the Planning Act (appeals against refusal or failure to give decision on application for a certificate of lawfulness of existing or proposed use or development);

(e) an appeal under section 208 of the Planning Act (appeals against tree replacement notices);

(f) an appeal under section 217 of the Planning Act (appeal against a notice requiring the maintenance of land);

(g) an application for listed building consent referred to the Welsh Ministers under section 12, or for variation or discharge of conditions referred to them under that section as applied by section 19, or an appeal to them under section 20, of the Listed Buildings Act;

(h) an application for conservation area consent referred to the Welsh Ministers under section 12 (including an application to which that section is applied by section 19), or an appeal to them under section 20, of the Listed Buildings Act as those sections are applied by section 74(3) of that Act;

(i) an appeal under section 39 of the Listed Buildings Act (appeal against listed buildings enforcement notice) or under that section as applied by section 74(3) of that Act (appeal against conservation area enforcement notice);

(**1**) S.I. 2015/1597 (W. 196).

(j) cais am ganiatâd sylweddau peryglus a atgyfeirir at Weinidogion Cymru o dan adran 20 o'r Ddeddf Sylweddau Peryglus (atgyfeirio ceisiadau i'r Ysgrifennydd Gwladol);

(k) apêl o dan adran 21 o'r Ddeddf Sylweddau Peryglus (apelau yn erbyn penderfyniadau neu fethiant i wneud penderfyniadau sy'n ymwneud â sylweddau peryglus).

Dehongli

3.—(1) Yn y Rheoliadau hyn—

ystyr "achosion cyfunol" ("*combined proceedings*") yw achosion sy'n cyfuno dau neu ragor o'r canlynol—

(a) sylwadau ysgrifenedig;

(b) gwrandawiad;

(c) ymchwiliad;

ystyr "apêl" ("*appeal*") yw—

(a) penderfynu ar gais atgyfeiriedig; a

(b) apêl a wneir o dan adrannau 78, 174, 195, 208 neu 217 o'r Ddeddf Gynllunio, adrannau 20 neu 39 o'r Ddeddf Adeiladau Rhestredig neu adran 21 o'r Ddeddf Sylweddau Peryglus;

ystyr "apêl deiliad tŷ" ("*householder appeal*") yw apêl o dan adran 78(1)(a) o'r Ddeddf Gynllunio mewn perthynas â chais deiliad tŷ, ond nid yw'n cynnwys—

(a) apêl yn erbyn rhoi unrhyw ganiatâd cynllunio a roddir yn ddarostyngedig i amodau; neu

(b) apêl sy'n dod gydag apêl o dan adran 174 o'r Ddeddf Gynllunio neu o dan adran 20 o'r Ddeddf Adeiladau Rhestredig;

ystyr "apêl fasnachol fach" ("*minor commercial appeal*") yw apêl o dan adran 78(1)(a) o'r Ddeddf Gynllunio mewn perthynas â chais masnachol bach, ond nid yw'n cynnwys—

(a) apêl yn erbyn rhoi unrhyw ganiatâd cynllunio a roddir yn ddarostyngedig i amodau; neu

(b) apêl sy'n dod gydag apêl o dan adran 174 o'r Ddeddf Gynllunio neu o dan adran 20 o'r Ddeddf Adeiladau Rhestredig;

ystyr "apêl gorfodi" ("*enforcement appeal*") yw apêl yn erbyn hysbysiad gorfodi;

ystyr "apêl ynghylch caniatâd i arddangos hysbyseb" ("*advertisment consent appeal"*) yw apêl o dan adran 78(1) o'r Ddeddf Gynllunio (fel y'i cymhwysir drwy reoliadau a wnaed o dan adran 220 o'r Ddeddf Gynllunio) mewn perthynas â chais i arddangos hysbyseb, ac eithrio apêl yn erbyn rhoi unrhyw ganiatâd a roddir yn ddarostyngedig i amodau;

(j) an application for hazardous substances consent referred to the Welsh Ministers under section 20 of the Hazardous Substances Act (reference of applications to Secretary of State);

(k) an appeal under section 21 of the Hazardous Substances Act (appeals against decisions or failure to take decisions relating to hazardous substances).

Interpretation

3.—(1) In these Regulations—

"the Hazardous Substances Act" ("*y Ddeddf Sylweddau Peryglus*") means the Planning (Hazardous Substances) Act 1990;

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

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

"the 2015 Act" ("*Deddf 2015*") means the Planning (Wales) Act 2015(**1**);

"the 2012 Order" ("*Gorchymyn 2012*") means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(**2**);

"the 2012 Regulations" ("*Rheoliadau 2012*") means the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(**3**);

"the 2015 Regulations" ("*Rheoliadau 2015*") means the Planning (Hazardous Substances) (Wales) Regulations 2015(**4**);

"appointed person" ("*person penodedig*") means a person appointed by the Welsh Ministers to determine an appeal or to report to the Welsh Ministers(**5**);

"advertisement application" ("*cais i arddangos hysbyseb*") means an application for express consent to display an advertisement made under Part 3 of the Town and Country Planning (Control of Advertisements) Regulations 1992(**6**);

"advertisement consent appeal" ("*apêl ynghylch caniatâd i arddangos hysbyseb*") means an appeal under section 78(1) of the Planning Act (as applied by regulations made under section 220 of the

(**1**) 2015 anaw 4.
(**2**) S.I. 2012/801 (W. 110).
(**3**) S.I. 2012/793 (W. 108).
(**4**) S.I. 2015/1597 (W. 196).
(**5**) *See* the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Wales) Regulations 2015 (S.I. 2015/1822 (W. 264)).
(**6**) S.I. 1992/666.

ystyr “apelydd” (“*appellant*”), yn achos—

(a) cais a atgyfeirir at Weinidogion Cymru o dan adran 77 o’r Ddeddf Gynllunio, adran 12 neu 19 o’r Ddeddf Adeiladau Rhestredig neu adran 20 o’r Ddeddf Sylweddau Peryglus, yw’r person a gyflwynodd y cais hwnnw i’r awdurdod cynllunio lleol;

(b) apêl o dan adran 78 o’r Ddeddf Gynllunio, adran 20 o’r Ddeddf Adeiladau Rhestredig neu adran 21 o’r Ddeddf Sylweddau Peryglus, yw’r person y gwrthodwyd ei gais, y person y caniatawyd ei gais yn ddarostyngedig i amodau (ac eithrio apelau ynghylch caniatâd i arddangos hysbyseb, apelau deiliad tŷ ac apelau masnachol bach) neu’r person nas penderfynwyd ar ei gais, gan yr awdurdod cynllunio lleol;

(c) apêl o dan adran 174 o’r Ddeddf Gynllunio, yw’r person sydd wedi rhoi hysbysiad o apêl i Weinidogion Cymru o dan yr adran honno;

(d) apêl o dan adran 195 o’r Ddeddf Gynllunio, yw’r person y gwrthodwyd ei gais o dan adran 191 o’r Ddeddf honno;

(e) apêl o dan adran 208 o’r Ddeddf Gynllunio, yw’r person sydd wedi rhoi hysbysiad o apêl i Weinidogion Cymru o dan yr adran honno;

(f) apêl o dan adran 217 o’r Ddeddf Gynllunio, yw’r person sydd wedi rhoi hysbysiad o apêl i Weinidogion Cymru o dan yr adran honno;

(g) apêl o dan adran 39 o’r Ddeddf Adeiladau Rhestredig, yw’r person sydd wedi rhoi hysbysiad o apêl i Weinidogion Cymru o dan yr adran honno;

ystyr “awdurdod cynllunio lleol” (“*local planning authority*”), mewn perthynas ag—

(a) cais atgyfeiriedig, yw’r corff a fyddai wedi ymdrin â’r cais pe na bai wedi ei atgyfeirio i Weinidogion Cymru;

(b) apêl o dan adrannau 78 neu 195 o’r Ddeddf Gynllunio, adran 20 o’r Ddeddf Adeiladau Rhestredig neu adran 21 o’r Ddeddf Sylweddau Peryglus, yw’r corff a oedd yn gyfrifol am benderfynu ar y cais sy’n achosi’r apêl;

(c) apêl o dan adrannau 174, 208 neu 217 o’r Ddeddf Gynllunio neu adran 39 o’r Ddeddf Adeiladau Rhestredig, yw’r corff a ddyroddodd yr hysbysiad sy’n achosi’r apêl;

ystyr “cais atgyfeiriedig” (“*referred application*”), mewn perthynas ag adran 77 o’r Ddeddf Gynllunio, adrannau 12 neu 19 o’r Ddeddf Adeiladau Rhestredig ac adran 20 o’r Ddeddf Sylweddau Peryglus, yw’r cais a atgyfeirir at

Planning Act) in relation to an advertisement application, except an appeal against the grant of any consent which is granted subject to conditions;

“appeal” (“*apêl*”) means—

(a) the determination of a referred application; and

(b) an appeal made under sections 78, 174, 195, 208 or 217 of the Planning Act, sections 20 or 39 of the Listed Buildings Act or section 21 of the Hazardous Substances Act;

“appellant” (“*apelydd*”) means, in the case of—

(a) an application referred to the Welsh Ministers under section 77 of the Planning Act, section 12 or 19 of the Listed Buildings Act or section 20 of the Hazardous Substances Act, the person who made that application to the local planning authority;

(b) an appeal under section 78 of the Planning Act, section 20 of the Listed Buildings Act or section 21 of the Hazardous Substances Act, the person whose application was refused, granted subject to conditions (other than advertisement consent appeals, householder appeals and minor commercial appeals) or not determined, by the local planning authority;

(c) an appeal under section 174 of the Planning Act, the person who has given notice of appeal to the Welsh Ministers under that section;

(d) an appeal under section 195 of the Planning Act, the person whose application under section 191 of that Act was refused;

(e) an appeal under section 208 of the Planning Act, the person who has given notice of appeal to the Welsh Ministers under that section;

(f) an appeal under section 217 of the Planning Act, the person who has given notice of appeal to the Welsh Ministers under that section;

(g) an appeal under section 39 of the Listed Buildings Act, the person who has given notice of appeal to the Welsh Ministers under that section;

“combined proceedings” (“*achosion cyfunol*”) means proceedings which combine two or more of the following—

(a) written representations;

(b) a hearing;

(c) an inquiry.

Weinidogion Cymru, ond nid yw'n cynnwys cais y bernir ei fod wedi ei atgyfeirio i Weinidogion Cymru yn rhinwedd rheoliad 9(3) o Reoliadau 2012(**1**);

ystyr "cais deiliad tŷ" ("*householder application*") yw cais ar gyfer—

(a) caniatâd cynllunio ar gyfer ehangu tŷ annedd, gwella tŷ annedd neu newid arall i dŷ annedd, neu ddatblygiad o fewn cwrtil tŷ annedd o'r fath, neu

(b) newid defnydd i ehangu cwrtil tŷ annedd,

at unrhyw ddiben sy'n gysylltiedig â mwynhau'r tŷ annedd, ond nid yw'n cynnwys—

(i) unrhyw gais arall am newid defnydd,

(ii) cais i godi tŷ annedd, neu

(iii) cais i newid nifer yr anheddau mewn adeilad;

ystyr "cais i arddangos hysbyseb" ("*advertisement application*") yw cais am ganiatâd datganedig i arddangos hysbyseb a wneir o dan Ran 3 o Reoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992(**2**);

ystyr "cais masnachol bach" ("*minor commercial application*") yw cais am ganiatâd cynllunio i ehangu, gwella neu wneud newid arall i adeilad presennol sydd ag arwynebedd llawr gros allanol ar lefel y llawr daear nad yw'n fwy na 250 metr sgwâr, neu ran o'r adeilad hwnnw, sy'n cael ei ddefnyddio ar hyn o bryd at unrhyw un neu ragor o'r dibenion a nodir yn Atodlen 1 i'r Rheoliadau hyn sy'n gais ar gyfer—

(a) newid defnydd o unrhyw un o'r dibenion a nodir ym mharagraff 1 o Atodlen 1 i'r Rheoliadau hyn i unrhyw un neu ragor o'r dibenion a nodir yn naill ai paragraff 2 neu baragraff 3 o'r Atodlen honno;

(b) newid defnydd o unrhyw un neu ragor o'r dibenion a nodir ym mharagraff 2 o Atodlen 1 i'r Rheoliadau hyn i unrhyw un neu ragor o'r dibenion a nodir ym mharagraff 3 o'r Atodlen honno; neu

(c) gwneud gwaith adeiladu neu weithrediadau eraill i flaen siop;

mae i "cyfathrebiad electronig" yr ystyr a roddir i "*electronic communication*" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(**3**);

(**1**) O.S. 2012/793 (Cy. 108).
(**2**) O.S. 1992/666.
(**3**) 2000 p. 7. Diwygiwyd adran 15(1) gan adran 406(1) o Ddeddf Cyfathrebiadau 2003 (p. 21) a pharagraff 158 o Atodlen 17 iddi.

"discontinuance notice" ("*hysbysiad peidio â pharhau*") means a notice under regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 1992;

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

"dwellinghouse" ("*tŷ annedd*") does not include a building containing one or more flats, or a flat contained within such a building;

"electronic communication" ("*cyfathrebiad electronig*") has the meaning given in section 15(1) of the Electronic Communications Act 2000(**1**);

"enforcement appeal" ("*apêl gorfodi*") means an appeal against an enforcement notice;

"enforcement notice" ("*hysbysiad gorfodi*") means a notice under—

(a) section 172(1) of the Planning Act;

(b) section 182(1) of the Planning Act;

(c) section 38(1) of the Listed Buildings Act or under that section as applied by section 74(3) of that Act;

(d) section 46(1) of the Listed Buildings Act;

(e) section 24(1) of the Hazardous Substances Act;

(f) section 207(1) of the Planning Act;

(g) section 215(1) of the Planning Act;

"full statement of case" ("*datganiad achos llawn*")—

(a) in relation to appeals other than enforcement appeals, has the meaning given in—

(i) article 2 of the 2012 Order;

(ii) regulation 2 of the 2012 Regulations;

(iii) regulation 2 of the 2015 Regulations;

(iv) section 78 of the Planning Act as modified by regulation 15 of, and Part III of Schedule 4 to, the Town and Country Planning (Control of Advertisements) Regulations 1992;

(v) section 78 of the Planning Act as modified by regulation 15 of, and Part V of Schedule 4 to, the Town and Country Planning (Control of Advertisements) Regulations 1992;

(vi) section 78 of the Planning Act as modified by article 7 of, and Part I of

(**1**) 2000 c. 7. Section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

y "cyfnod sylwadau" ("*representation period*") yw'r cyfnod o 6 wythnos sy'n cychwyn â'r dyddiad dechrau;

mae i "datganiad achos llawn" ("*full statement of case*")—

(a) mewn perthynas ag apelau ac eithrio apelau gorfodi, yr ystyr a roddir yn—

(i) erthygl 2 o Orchymyn 2012;

(ii) rheoliad 2 o Reoliadau 2012;

(iii) rheoliad 2 o Reoliadau 2015;

(iv) adran 78 o'r Ddeddf Gynllunio, fel y'i haddaswyd gan reoliad 15 o Reoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992 a Rhan III o Atodlen 4 iddynt;

(v) adran 78 o'r Ddeddf Gynllunio, fel y'i haddaswyd gan reoliad 15 o Reoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992 a Rhan V o Atodlen 4 iddynt;

(vi) adran 78 o'r Ddeddf Gynllunio, fel y'i haddaswyd gan erthygl 7 o'r Atodlen (Ffurf Gorchymyn Cadw Coed) i Reoliadau Cynllunio Gwlad a Thref (Coed) 1999(**1**) a Rhan I o Atodlen 2 i'r Atodlen honno;

(b) mewn perthynas ag apelau gorfodi—

(i) yn achos apêl yn erbyn hysbysiad o dan adran 24(1) o'r Ddeddf Sylweddau Peryglus, yr ystyr a roddir yn adran 174 o'r Ddeddf Gynllunio fel y'i haddaswyd gan reoliad 16 o Reoliadau 2015, a Rhan 1 o Atodlen 4 iddynt;

(ii) ym mhob achos arall, yr ystyr a ganlyn, sef y datganiad achos llawn a gyflwynir gan yr apelydd o dan reoliadau 8, 9 neu 10 o Reoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2017(**2**);

(c) yr ystyr a ganlyn, ac sydd ar y ffurf a ganlyn, mewn perthynas ag apelau ac eithrio apelau gorfodi—

(i) datganiad ysgrifenedig gan yr awdurdod cynllunio lleol sy'n cynnwys manylion llawn yr achos y mae'r awdurdod cynllunio lleol yn bwriadu ei gyflwyno mewn perthynas â'r apêl; a

(ii) copïau o unrhyw ddogfennau y mae'r awdurdod cynllunio lleol yn bwriadu

(**1**) O.S. 1999/1892.
(**2**) O.S 2017/530 (Cy. 113) .

Schedule 2 to, the Schedule (Form of Tree Preservation Order) to the Town and Country Planning (Trees) Regulations 1999(**1**);

(b) in relation to enforcement appeals—

(i) in the case of an appeal against a notice under section 24(1) of the Hazardous Substances Act, has the meaning given in section 174 of the Planning Act as modified by regulation 16 of, and Part 1 of Schedule 4 to, the 2015 Regulations;

(ii) in all other cases, means the full statement of case submitted by the appellant under regulations 8, 9 or 10 of the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2017(**2**);

(c) means and is comprised of, in relation to appeals other than enforcement appeals—

(i) a written statement by the local planning authority containing full particulars of the case the local planning authority proposes to put forward in relation to the appeal; and

(ii) copies of any documents the local planning authority proposes to refer to or put in evidence;

(d) means and is comprised of, in relation to enforcement appeals—

(i) a written statement by the local planning authority containing—

(aa) a response to each ground of appeal pleaded by the appellant;

(bb) an indication of whether the local planning authority would be prepared to grant—

(bba) planning permission for the matters alleged in the enforcement notice to constitute a breach of planning control;

(bbb) listed building consent or conservation area consent for the works to which the listed building enforcement notice or conservation area enforcement notice relates, as the case may be;

(bbc) hazardous substances consent for the presence on, over or under the land of any quantity

(**1**) S.I. 1999/1892.
(**2**) S.I. 2017/530 (W. 113) .

cyfeirio atynt neu eu cyflwyno fel tystiolaeth;

(d) yr ystyr a ganlyn, ac sydd ar y ffurf a ganlyn, mewn perthynas ag apelau gorfodi—

(i) datganiad ysgrifenedig gan yr awdurdod cynllunio lleol sy'n cynnwys—

(aa) ymateb i bob un o seiliau'r apêl a bledir gan yr apelydd;

(bb) mynegiad ynghylch pa un a fyddai'r awdurdod cynllunio lleol yn fodlon rhoi—

(bba) caniatâd cynllunio ar gyfer y materion yr honnir yn yr hysbysiad gorfodi eu bod yn torri rheolaeth gynllunio;

(bbb) caniatâd adeilad rhestredig neu ganiatâd ardal gadwraeth ar gyfer y gwaith y mae'r hysbysiad gorfodi adeilad rhestredig neu'r hysbysiad gorfodi ardal gadwraeth yn ymwneud ag ef, yn ôl y digwydd;

(bbc) caniatâd sylweddau peryglus ar gyfer presenoldeb unrhyw faint o sylweddau peryglus ar y tir, dros y tir neu o dan y tir y mae'r hysbysiad tramgwydd sylweddau peryglus yn ymwneud ag ef;

(cc) manylion yr amodau, os oes rhai, y byddent yn dymuno eu gosod ar unrhyw ganiatâd neu gydsyniad y byddent yn fodlon ei roi;

(dd) manylion llawn yr achos y mae'r awdurdod cynllunio lleol yn bwriadu ei gyflwyno mewn perthynas â'r apêl; a

(ii) copïau o unrhyw ddogfennau y mae'r awdurdod cynllunio lleol yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth;

ystyr "Deddf 2015" ("*the 2015 Act*") yw Deddf Cynllunio (Cymru) 2015(**1**);

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn Ŵyl y Banc nac yn ŵyl gyhoeddus arall yng Nghymru;

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

ystyr "drwy hysbyseb leol" ("*by local advertisement*") yw drwy gyhoeddi'r hysbysiad

of hazardous substances to which the hazardous substances contravention notice relates;

(cc) particulars of the conditions, if any, they would wish to impose on any permission or consent they would be prepared to grant;

(dd) full particulars of the case the local planning authority proposes to put forward in relation to the appeal; and

(ii) copies of any documents the local planning authority proposes to refer to or put in evidence;

"householder appeal" ("*apêl deiliad tŷ*") means an appeal under section 78(1)(a) of the Planning Act in relation to a householder application but does not include—

(a) an appeal against the grant of any planning permission which is granted subject to conditions; or

(b) an appeal which is accompanied by an appeal under section 174 of the Planning Act or under section 20 of the Listed Buildings Act;

"householder application" ("*cais deiliad tŷ*") means an application for—

(a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or

(b) change of use to enlarge the curtilage of a dwellinghouse,

for any purpose incidental to the enjoyment of the dwellinghouse but does not include—

(i) any other application for change of use,

(ii) an application for erection of a dwellinghouse, or

(iii) an application to change the number of dwellings in a building;

"interested persons" ("*personau â buddiant*") means—

(a) in relation to appeals other than enforcement appeals—

(i) any person notified or consulted in accordance with the Planning Act, Listed Buildings Act, Hazardous Substances Act, a development order or regulations, as the case may be, about the application; and

(**1**) 2015 dccc 4.

mewn papur newydd sy'n cylchredeg yn yr ardal leol lle y mae'r tir y mae'r apêl yn ymwneud ag ef wedi ei leoli;

ystyr "dyddiad dechrau" ("*starting date*") yw'r dyddiad a bennir yn yr hysbysiad a roddir gan Weinidogion Cymru o dan reoliad 15 (hysbysu ynghylch cael apêl);

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

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

ystyr "y Ddeddf Sylweddau Peryglus" ("*the Hazardous Substances Act*") yw Deddf Cynllunio (Sylweddau Peryglus) 1990;

ystyr "Gorchymyn 2012" ("*the 2012 Order*") yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(**1**);

ystyr "holiadur" ("*questionnaire*") yw dogfen ar y ffurf a gyflenwir gan Weinidogion Cymru i awdurdod cynllunio lleol at ddiben unrhyw achosion o dan y Rheoliadau hyn, ac at y diben hwn, tybir bod ffurf wedi ei chyflenwi pan fo Gweinidogion Cymru wedi ei chyhoeddi ar wefan ac wedi hysbysu'r awdurdod cynllunio lleol—

(a) bod y ffurf wedi ei chyhoeddi ar y wefan;

(b) am gyfeiriad y wefan; ac

(c) ymhle ar y wefan y gellir cael mynediad at y ffurf a sut y gellir cael mynediad ati;

ystyr "hysbysiad gorfodi" ("*enforcement notice*") yw hysbysiad o dan—

(a) adran 172(1) o'r Ddeddf Gynllunio;

(b) adran 182(1) o'r Ddeddf Gynllunio;

(c) adran 38(1) o'r Ddeddf Adeiladau Rhestredig neu hysbysiad o dan yr adran honno fel y'i cymhwysir gan adran 74(3) o'r Ddeddf honno;

(d) adran 46(1) o'r Ddeddf Adeiladau Rhestredig;

(e) adran 24(1) o'r Ddeddf Sylweddau Peryglus;

(f) adran 207(1) o'r Ddeddf Gynllunio;

(g) adran 215(1) o'r Ddeddf Gynllunio;

ystyr "hysbysiad peidio â pharhau" ("*discontinuance notice*") yw hysbysiad o dan reoliad 8 o Reoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992;

ystyr "person penodedig" ("*appointed person*") yw person a benodir gan Weinidogion Cymru i

(**1**) O.S. 2012/801 (Cy. 110).

(ii) any other person who made representations to the local planning authority about that application;

(b) in relation to enforcement appeals and discontinuance notices, occupiers of properties in the locality of the site to which the enforcement notice or discontinuance notice relates; and

(c) in relation to enforcement appeals other than appeals against tree replacement notices, any person (other than the recipient of the enforcement notice) who, in the opinion of the local planning authority or hazardous substances authority, is affected by the matters alleged in the enforcement notice.

"by local advertisement" ("*drwy hysbyseb lleol*") means by publication of the notice in a newspaper circulating in the locality in which the land to which the appeal relates is situated;

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

(a) a referred application, the body which would have dealt with the application had it not been referred to the Welsh Ministers;

(b) an appeal under section 78 or section 195 of the Planning Act, section 20 of the Listed Buildings Act or section 21 of the Hazardous Substances Act, the body which was responsible for determining the application occasioning the appeal;

(c) an appeal under section 174, section 208 or section 217 of the Planning Act or section 39 of the Listed Buildings Act, the body which issued the notice occasioning the appeal;

"minor commercial appeal" ("*apêl fasnachol fach*") means an appeal under section 78(1)(a) of the Planning Act in relation to a minor commercial application but does not include—

(a) an appeal against the grant of any planning permission which is granted subject to conditions; or

(b) an appeal which is accompanied by an appeal under section 174 of the Planning Act or under section 20 of the Listed Buildings Act;

"minor commercial application" ("*cais masnachol bach*") means an application for planning permission for the enlargement, improvement or other alteration of an existing building of no more than 250 square metres gross external floor space at ground floor level, or part of that building, currently in use for any of the purposes set out in Schedule 1 to these Regulations which is an application for—

benderfynu ar apêl neu i gyflwyno adroddiad i Weinidogion Cymru(**1**);

ystyr "personau â buddiant" ("*interested persons*")—

(a) mewn perthynas ag apelau ac eithrio apelau gorfodi—

(i) yw unrhyw berson a hysbysir neu yr ymgynghorir ag ef yn unol â'r Ddeddf Gynllunio, y Ddeddf Adeiladau Rhestredig, y Ddeddf Sylweddau Peryglus, gorchymyn neu reoliadau datblygu, yn ôl y digwydd, ynghylch y cais; a

(ii) unrhyw berson arall a gyflwynodd sylwadau i'r awdurdod cynllunio lleol ynghylch y cais hwnnw;

(b) mewn perthynas ag apelau gorfodi a hysbysiadau peidio â pharhau, yw meddianwyr eiddo yn ardal leol y safle y mae'r hysbysiad gorfodi neu'r hysbysiad peidio â pharhau yn ymwneud ag ef; ac

(c) mewn perthynas ag apelau gorfodi ac eithrio apelau yn erbyn hysbysiadau ailblannu coed, yw unrhyw berson (ac eithrio'r sawl y cyflwynir yr hysbysiad gorfodi iddo) sydd, ym marn yr awdurdod cynllunio lleol neu'r awdurdod sylweddau peryglus, yn cael ei effeithio gan y materion a honnir yn yr hysbysiad gorfodi;

ystyr "Rheoliadau 2012" ("*the 2012 Regulations*") yw Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012(**2**);

ystyr "Rheoliadau 2015" ("*the 2015 Regulations*") yw Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015(**3**);

mae "sylw" ("*representation*") yn cynnwys tystiolaeth, esboniad, gwybodaeth a sylwadaethau;

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

ystyr "terfynau amser perthnasol" ("*relevant time limits*") yw'r terfynau amser a ragnodir gan y Rheoliadau hyn neu, pan fo Gweinidogion Cymru wedi arfer y pŵer o dan reoliad 7, unrhyw derfyn amser diweddarach; a

nid yw "tŷ annedd" (*"dwellinghouse"*) yn cynnwys adeilad sy'n cynnwys un neu ragor o

(**1**) *Gweler* Rheoliadau Cynllunio Gwlad a Thref (Penderfynu ar Apelau gan Bersonau Penodedig) (Dosbarthau Rhagnodedig) (Cymru) 2015 (O.S. 2015/1822 (Cy. 264)).

(**2**) O.S. 2012/793 (Cy. 108).

(**3**) O.S. 2015/1597 (Cy. 196).

(a) the change of use from any of the purposes set out at paragraph 1 in Schedule 1 to these Regulations to any of the purposes set out in either paragraph 2 or paragraph 3 of that Schedule;

(b) the change of use from any of the purposes set out at paragraph 2 in Schedule 1 to these Regulations to any of the purposes set out in paragraph 3 of that Schedule; or

(c) the carrying out of building or other operations to a shop front;

"questionnaire" ("*holiadur*") means a document in the form supplied by the Welsh Ministers to a local planning authority for the purpose of any proceedings under these Regulations, and for this purpose a form is taken to be supplied where the Welsh Ministers have published it on a website and have notified the local planning authority of—

(a) publication of the form on the website;

(b) the address of the website; and

(c) the place on the website where the form may be accessed and how it may be accessed;

"referred application" ("*cais atgyfeiriedig*") means in relation to section 77 of the Planning Act, section 12 or 19 of the Listed Buildings Act and section 20 of the Hazardous Substances Act, the application which has been referred to the Welsh Ministers but does not include an application which is deemed to have been referred to the Welsh Ministers by virtue of regulation 9(3) of the 2012 Regulations(**1**);

"relevant time limits" ("*terfynau amser perthnasol*") means the time limits prescribed by these Regulations, or where the Welsh Ministers have exercised the power under regulation 7, any later time limit;

"representation" ("*sylw*") includes evidence, explanation, information and comments;

the "representation period" ("*cyfnod sylwadau*") is the period of 6 weeks beginning with the starting date;

the "starting date" ("*dyddiad dechrau*") means the date specified in the notice given by the Welsh Ministers under regulation 15 (notification of receipt of appeal);

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales; and

(**1**) S.I. 2012/793 (W. 108).

fflatiau, na fflat sydd wedi ei gynnwys o fewn adeilad o'r fath.

(2) Mewn perthynas â defnyddio cyfathrebiadau electronig at unrhyw ddiben yn y Rheoliadau hyn y mae modd ei gyflawni yn electronig—

(a) mae'r ymadrodd "cyfeiriad" ("*address*") yn cynnwys unrhyw rif neu gyfeiriad a ddefnyddir at ddibenion cyfathrebiadau electronig;

(b) mae cyfeiriadau at hysbysiadau, sylwadau neu ddogfennau eraill, neu at gopïau o ddogfennau o'r fath, yn cynnwys cyfeiriadau at y fath ddogfennau, neu at gopïau ohonynt, ar ffurf electronig.

Defnyddio cyfathrebiadau electronig

4.—(1) Mae paragraffau (2) i (7) o'r rheoliad hwn yn gymwys pan fo person yn defnyddio cyfathrebiad electronig at y diben o gyflawni unrhyw ofyniad yn y Rheoliadau hyn i roi i unrhyw berson arall ("y derbynnydd"), neu i anfon ato, unrhyw hysbysiad neu ddogfen arall.

(2) Ystyrir y bydd y gofyniad wedi ei gyflawni pan fo'r hysbysiad neu'r ddogfen arall a drosglwyddir drwy gyfrwng y cyfathrebiad electronig—

(a) yn un y gall y derbynnydd gael mynediad iddo neu iddi;

(b) yn ddarllenadwy ym mhob modd perthnasol; ac

(c) yn ddigon parhaol i'w ddefnyddio neu i'w defnyddio i gyfeirio ato neu ati yn ddiweddarach.

(3) Ym mharagraff (2), ystyr "darllenadwy ym mhob modd perthnasol" ("*legible in all material respects*") yw bod yr wybodaeth a gynhwysir yn yr hysbysiad neu'r ddogfen arall ar gael i'r derbynnydd i'r un graddau o leiaf â phe bai'r wybodaeth wedi ei hanfon neu ei rhoi drwy gyfrwng dogfen ar ffurf brintiedig.

(4) Pan fo'r derbynnydd yn cael y cyfathrebiad electronig y tu allan i'w oriau busnes, ystyrir ei fod wedi ei gael ar y diwrnod gwaith nesaf.

(5) Mae gofyniad yn y Rheoliadau hyn y dylai unrhyw ddogfen fod yn ysgrifenedig wedi ei fodloni pan fo'r ddogfen honno'n bodloni'r meini prawf ym mharagraff (2), ac mae "ysgrifenedig" ("*written*") ac ymadroddion cytras i'w dehongli yn unol â hynny.

(6) Pan fo apelydd, awdurdod cynllunio lleol neu barti â buddiant yn anfon unrhyw hysbysiad neu ddogfen arall at Weinidogion Cymru drwy ddefnyddio cyfathrebiadau electronig, ystyrir eu bod wedi cytuno—

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

(2) In relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

(a) the expression "address" ("*cyfeiriad*") includes any number or address used for the purposes of electronic communications;

(b) references to notices, representations or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

Use of electronic communications

4.—(1) Paragraphs (2) to (7) of this regulation apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any notice or other document to any other person ("the recipient").

(2) The requirement will be taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(3) In paragraph (2) "legible in all material respects" ("*darllenadwy ym mhob modd perthnasol*") means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(4) Where the electronic communication is received by the recipient outside the recipient's business hours, it will be taken to have been received on the next working day.

(5) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (2), and "written" ("*ysgrifenedig*") and cognate expressions are to be construed accordingly.

(6) Where an appellant, local planning authority or an interested party send any notice or other document to the Welsh Ministers using electronic communications, they will be taken to have agreed—

(a) i'r defnydd o'r fath gyfathrebiadau at bob diben sy'n ymwneud â'r apêl y mae modd eu cyflawni drwy gyfrwng electronig;

(b) mai eu cyfeiriad at ddibenion cyfathrebiadau o'r fath yw'r cyfeiriad a ymgorfforir yn yr hysbysiad neu'r ddogfen, neu, fel arall, y cyfeiriad a gysylltir yn rhesymegol â'r hysbysiad neu'r ddogfen;

(c) y bydd cytundeb tybiedig yr apelydd, yr awdurdod cynllunio lleol neu'r parti â buddiant o dan y paragraff hwn yn parhau hyd nes i'r apelydd, yr awdurdod cynllunio lleol neu barti â buddiant, yn ôl y digwydd, roi hysbysiad yn unol â rheoliad 6 o ddymuniad i ddirymu'r cytundeb.

(7) Pan ystyrir bod apelydd, awdurdod cynllunio lleol neu barti â buddiant wedi cytuno i'r defnydd o gyfathrebiadau electronig o dan baragraff (6), ystyrir hefyd eu bod wedi cytuno bod dolen uniongyrchol i'r hysbysiad neu'r ddogfen yn cael ei darparu ar wefan.

(8) Cydymffurfir â gofyniad yn y Rheoliadau hyn i anfon mwy nag un copi o ddatganiad neu ddogfen arall drwy anfon un copi yn unig o'r datganiad neu ddogfen arall ar ffurf electronig.

Trosglwyddo dogfennau

5. Caniateir anfon neu gyflenwi hysbysiadau neu ddogfennau y mae'n ofynnol eu hanfon neu eu cyflenwi o dan y Rheoliadau hyn—

(a) drwy'r post;

(b) drwy ddefnyddio cyfathrebiadau electronig i drosglwyddo'r hysbysiad neu'r ddogfen i berson ym mha bynnag gyfeiriad a bennir gan y person hwnnw at y diben hwnnw am y tro; neu

(c) drwy ddarparu dolen uniongyrchol i'r hysbysiad neu'r ddogfen i berson ym mha bynnag gyfeiriad a bennir gan y person hwnnw at y diben hwnnw am y tro.

Tynnu'n ôl gydsyniad i ddefnyddio cyfathrebiadau electronig

6.—(1) Pan na fo person yn fodlon derbyn y defnydd o gyfathrebiadau electronig mwyach at unrhyw ddiben yn y Rheoliadau hyn y gellir ei gyflawni yn electronig, rhaid i'r person roi hysbysiad ysgrifenedig sydd—

(a) yn tynnu'n ôl unrhyw gyfeiriad yr hysbyswyd Gweinidogion Cymru neu awdurdod cynllunio lleol amdano at y diben hwnnw; neu

(b) yn dirymu unrhyw gytundeb yr ymrwymwyd iddo gyda Gweinidogion Cymru neu gydag awdurdod cynllunio lleol at y diben hwnnw.

(a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically;

(b) that their address for the purposes of such communications is the address incorporated into, or otherwise logically associated with, the notice or document;

(c) that the deemed agreement of the appellant, local planning authority or an interested party under this paragraph will subsist until the appellant, local planning authority or interested party, as the case may be, gives notice in accordance with regulation 6 of a wish to revoke the agreement.

(7) Where an appellant, local planning authority or an interested party are taken to have agreed to the use of electronic communications under paragraph (6) they will also be taken to have agreed to the provision of a direct link to the notice or document on a website.

(8) A requirement in these Regulations to send more than one copy of a statement or other document is complied with by sending one copy only of the statement or other document in electronic form.

Transmission of documents

5. Notices or documents required to be sent or supplied under these Regulations may be sent or supplied by—

(a) post;

(b) using electronic communications to transmit the notice or document to a person at such address as may for the time being be specified by that person for such purpose; or

(c) providing a direct link to the notice or document to a person at such address as may for the time being be specified by that person for such purpose.

Withdrawal of consent to use of electronic communications

6.—(1) Where a person is no longer willing to accept the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically, the person must give notice in writing—

(a) withdrawing any address notified to the Welsh Ministers or to a local planning authority for that purpose; or

(b) revoking any agreement entered into with the Welsh Ministers or with a local planning authority for that purpose.

(2) Mae'r tynnu'n ôl neu'r dirymu o dan baragraff (1) yn derfynol ac yn cael effaith ar y diweddaraf o'r canlynol—

(a) y dyddiad a bennir gan y person yn yr hysbysiad ond ni chaiff y dyddiad hwnnw fod yn llai nag 1 wythnos ar ôl y dyddiad y rhoddir yr hysbysiad; neu

(b) pan fo'r cyfnod o 1 wythnos sy'n dechrau â'r dyddiad y rhoddir yr hysbysiad wedi dod i ben.

Caniatáu rhagor o amser

7. Caiff Gweinidogion Cymru mewn unrhyw achos penodol roi cyfarwyddydau sy'n estyn y terfynau amser a ragnodir gan y Rheoliadau hyn.

Arolygu safleoedd

8.—(1) Caiff Gweinidogion Cymru arolygu'r tir y mae'r apêl yn ymwneud ag ef.

(2) Pan fo Gweinidogion Cymru yn bwriadu cynnal arolygiad o dan baragraff (1), cânt hysbysu'r apelydd ac unrhyw berson arall ynghylch dyddiad ac amser yr arolygiad.

(3) Nid yw'n ofynnol i Weinidogion Cymru ohirio arolygiad pan na fo unrhyw berson (gan gynnwys yr apelydd) yn bresennol ar yr adeg a bennwyd.

Gwybodaeth bellach

9.—(1) Caiff Gweinidogion Cymru ofyn am sylwadau pellach gan—

(a) yr apelydd;

(b) yr awdurdod cynllunio lleol;

(c) unrhyw berson â buddiant a gyflwynodd sylwadau mewn perthynas â'r apêl o fewn 4 wythnos i'r dyddiad dechrau.

(2) Yn benodol, caiff Gweinidogion Cymru ofyn yn ysgrifenedig—

(a) gan y person sy'n cyflwyno unrhyw sylw, am nifer penodedig o gopïau ychwanegol o'r sylw hwnnw;

(b) am ymatebion i gwestiynau a ofynnir gan Weinidogion Cymru ynghylch y materion sydd wedi eu cynnwys mewn unrhyw sylw.

(3) Rhaid i bob sylw ar unrhyw fater penodol a gyflwynir ar ôl gofyn amdano beidio â bod yn fwy na 3,000 o eiriau, a rhaid ei gyflwyno o fewn y cyfnod amser a bennir gan Weinidogion Cymru ac yn y dull a bennir ganddynt hwy.

(4) Caiff Gweinidogion Cymru ddiystyru unrhyw sylw—

(2) Withdrawal or revocation under paragraph (1) is final and takes effect on the later of—

(a) the date specified by the person in the notice but that date must not be less than 1 week after the date on which the notice is given; or

(b) the expiry of the period of 1 week beginning with the date on which the notice is given.

Allowing further time

7. The Welsh Ministers may in any particular case give directions which extend the time limits prescribed by these Regulations.

Site inspections

8.—(1) The Welsh Ministers may inspect the land to which the appeal relates.

(2) Where the Welsh Ministers intend to make an inspection under paragraph (1), they may notify the appellant and any other person as to the date and time of the inspection.

(3) The Welsh Ministers are not required to defer an inspection where any person (including the appellant) is not present at the time appointed.

Further information

9.—(1) The Welsh Ministers may request further representations from—

(a) the appellant;

(b) the local planning authority;

(c) any interested person who made representations in relation to the appeal within 4 weeks of the starting date.

(2) In particular, the Welsh Ministers may in writing request—

(a) from the person making any representation, a specified number of additional copies of that representation;

(b) responses to questions posed by the Welsh Ministers about the matters contained in any representation.

(3) Each representation on any particular matter submitted following a request must not exceed 3,000 words and must be submitted in the time and manner specified by the Welsh Ministers.

(4) The Welsh Ministers may disregard any representation which—

(a) a geir ar ôl y cyfnod amser neu a geir mewn dull ac eithrio'r dull a bennir;

(b) sy'n fwy na 3,000 o eiriau;

(c) y maent yn ystyried ei fod yn flinderus neu'n wacsaw; neu

(d) sy'n ymwneud â rhagoriaethau polisi a nodir mewn cynllun datblygu neu unrhyw ddatganiad polisi perthnasol a wnaed gan Weinidogion Cymru neu a gyhoeddir ganddynt hwy.

(5) Os digwydd bod sylw ysgrifenedig yn fwy na 3,000 o eiriau, caiff Gweinidogion Cymru ddychwelyd y sylw i'r person sy'n ei gyflwyno gan ofyn bod y sylw yn cael ei ailgyflwyno heb fod yn fwy na 3,000 o eiriau ac o fewn y fath derfyn amser ag y caiff Gweinidogion Cymru ei bennu wrth ddychwelyd y sylw.

(6) Caiff Gweinidogion Cymru gynyddu nifer y geiriau ym mharagraff (3) mewn unrhyw achos penodol, ac yn unol â hynny mae'r cyfeiriadau at uchafswm nifer o eiriau yn gyfeiriadau at y fath nifer uwch.

(7) Pan fo Gweinidogion Cymru yn arfer eu disgresiwn o dan baragraff (6) rhaid i'r sylw ysgrifenedig ddod gyda chrynodeb ysgrifenedig sy'n cynnwys dim mwy na 1,500 o eiriau.

(8) Rhaid i Weinidogion Cymru sicrhau bod yr holl sylwadau ysgrifenedig, a'r ymatebion ysgrifenedig i'r cwestiynau, a geir ganddynt ar gael yn y fath fodd y mae Gweinidogion Cymru yn meddwl ei fod yn briodol cyn gynted ag y bo'n rhesymol ymarferol.

Gweld dogfennau

10.—(1) Rhaid i'r awdurdod cynllunio lleol roi i unrhyw berson sy'n gwneud y fath gais gyfle rhesymol i weld unrhyw ddogfen a anfonir iddo neu ganddo yn unol â'r Rheoliadau hyn, a, phan fo'n ymarferol, wneud copïau o'r dogfennau hynny.

(2) At ddibenion paragraff (1), ystyrir bod cyfle wedi ei roi i berson pan fo'r person yn cael ei hysbysu—

(a) bod y dogfennau a grybwyllir yn y paragraff hwnnw wedi eu cyhoeddi ar wefan;

(b) ynghylch cyfeiriad y wefan;

(c) ymhle ar y wefan y gellir cael mynediad at y dogfennau a sut y gellir cael mynediad atynt.

Materion y caniateir eu codi mewn apêl yn erbyn penderfyniadau

11.—(1) Ni chaiff yr apelydd godi unrhyw fater nad oedd gerbron yr awdurdod cynllunio lleol ar yr adeg a bennir ym mharagraff (2) oni bai y gall yr apelydd ddangos—

(a) is received out of time or in a manner other than that specified;

(b) exceeds 3,000 words;

(c) they regard as vexatious or frivolous; or

(d) relates to the merits of policy set out in a development plan or any relevant policy statement made or published by the Welsh Ministers.

(5) In the event that a written representation exceeds 3,000 words, the Welsh Ministers may return the representation to the person submitting it with a request that the representation is re-submitted so that it does not exceed 3,000 words and within such time as the Welsh Ministers may specify when returning the representation.

(6) The Welsh Ministers may increase the number of words in paragraph (3) in any particular case and accordingly references to a maximum number of words are to such increased number.

(7) Where the Welsh Ministers exercise their discretion under paragraph (6) the written representation must be accompanied by a written summary containing no more than 1,500 words.

(8) The Welsh Ministers must make all written representations, and written responses to questions, received by them available in such manner as the Welsh Ministers think appropriate as soon as reasonably practicable.

Inspection of documents

10.—(1) The local planning authority must give any person who so requests a reasonable opportunity to inspect and, where practicable, take copies of any document sent to or by it in accordance with these Regulations.

(2) For the purposes of paragraph (1), an opportunity will be taken to have been given to a person where the person is notified of—

(a) publication on a website of the documents mentioned in that paragraph;

(b) the address of the website;

(c) the place on the website where the documents may be accessed and how they may be accessed.

Matters which may be raised in an appeal against decisions

11.—(1) The appellant may not raise any matter which was not before the local planning authority at the time specified in paragraph (2) unless the appellant can demonstrate—

(a) na ellid bod wedi codi'r mater cyn yr adeg honno, neu

(b) na chodwyd y mater cyn yr adeg honno o ganlyniad i amgylchiadau eithriadol.

(2) Yr adeg a bennir at ddibenion paragraff (1) yw—

(a) pan wnaed y penderfyniad sy'n destun yr apêl; neu

(b) pan roddwyd hysbysiad o apêl mewn perthynas â methiant yr awdurdod cynllunio lleol i—

(i) rhoi hysbysiad i'r apelydd am ei benderfyniad ar y cais;

(ii) rhoi hysbysiad i'r apelydd ei fod wedi arfer ei bŵer o dan adran 70A neu 70C o'r Ddeddf Gynllunio i wrthod penderfynu ar y cais; neu

(iii) rhoi hysbysiad bod y cais wedi ei atgyfeirio i Weinidogion Cymru o dan adran 77 o'r Ddeddf Gynllunio, adran 12 o'r Ddeddf Adeiladau Rhestredig neu adran 20 o'r Ddeddf Sylweddau Peryglus.

(3) Nid oes dim ym mharagraff (1) yn effeithio ar unrhyw ofyniad neu hawlogaeth i roi sylw i—

(a) darpariaethau'r cynllun datblygu, neu

(b) unrhyw amgylchiadau perthnasol eraill.

Sylwadau sydd i'w hystyried

12. Wrth benderfynu ar apêl caiff Gweinidogion Cymru neu'r person penodedig, yn ôl y digwydd, ddiystyru unrhyw sylwadau, dogfennau, tystiolaeth neu wybodaeth a geir ar ôl y terfynau amser perthnasol.

Y cyfnod rhagnodedig

13. At ddibenion adran 319B o'r Ddeddf Gynllunio, adran 88E o'r Ddeddf Adeiladau Rhestredig ac adran 21B o'r Ddeddf Sylweddau Peryglus y cyfnod rhagnodedig yw 6 wythnos o'r dyddiad dechrau.

Pennu'r weithdrefn

14.—(1) Rhaid i Weinidogion Cymru, wrth iddynt bennu'r weithdrefn o dan adrannau 319B(1) neu 217(7)(c) o'r Ddeddf Gynllunio, adran 88E(1) o'r Ddeddf Adeiladau Rhestredig neu adran 21B(1) o'r Ddeddf Sylweddau Peryglus, nodi pa faterion, os oes rhai, sydd i'w hystyried mewn gwrandawiad neu ymchwiliad.

(2) Rhaid i hysbysiad o dan adrannau 319B(5), 88E(5) neu 21B(5)—

(a) that the matter could not have been raised before that time, or

(b) that its not being raised before that time was a consequence of exceptional circumstances.

(2) The time specified for the purposes of paragraph (1) is—

(a) when the decision appealed against was made; or

(b) when notice of appeal was given in relation to the local planning authority's failure to—

(i) give notice to the appellant of their decision on the application;

(ii) give notice to the appellant that they have exercised their power under section 70A or 70C of the Planning Act to decline to determine the application; or

(iii) give notice that the application has been referred to the Welsh Ministers under section 77 of the Planning Act, section 12 of the Listed Buildings Act or section 20 of the Hazardous Substances Act.

(3) Nothing in paragraph (1) affects any requirement or entitlement to have regard to—

(a) the provisions of the development plan, or

(b) any other material circumstances.

Representations to be taken into account

12. In deciding an appeal the Welsh Ministers or the appointed person as the case may be, may disregard any representations, documents, evidence or information received after the relevant time limits.

Prescribed period

13. For the purposes of section 319B of the Planning Act, section 88E of the Listed Buildings Act and section 21B of the Hazardous Substances Act the prescribed period is 6 weeks from the starting date.

Determination of procedure

14.—(1) The Welsh Ministers must in making their determination of procedure under section 319B(1) or section 217(7)(c) of the Planning Act, section 88E(1) of the Listed Buildings Act or section 21B(1) of the Hazardous Substances Act, identify which, if any, matters are to be considered at a hearing or an inquiry.

(2) Notice under section 319B(5), section 88E(5) or section 21B(5) must—

(a) nodi'r materion, os oes rhai, sydd i'w penderfynu mewn gwrandawiad neu ymchwiliad;

(b) nodi materion y mae Gweinidogion Cymru yn gofyn am sylwadau pellach arnynt;

(c) datgan pa un a yw'r fath sylwadau pellach i'w rhoi'n ysgrifenedig neu mewn gwrandawiad neu ymchwiliad; neu

(d) cynnwys datganiad bod Gweinidogion Cymru yn bwriadu penderfynu ar y cais ar sail sylwadau ysgrifenedig.

(3) Rhaid i Weinidogion Cymru hysbysu'r apelydd a'r awdurdod cynllunio lleol o fewn 6 wythnos i'r dyddiad dechrau ynghylch y weithdrefn a bennir ganddynt o dan adran 217(7)(c), a rhaid i'r hysbysiad hwnnw nodi'r wybodaeth a bennir ym mharagraff (2)(a) i (d).

(4) Mae darpariaethau rheoliad 9 yn gymwys os yw Gweinidogion Cymru yn gofyn am unrhyw sylwadau pellach.

RHAN 2

Y Weithdrefn Gychwynnol

Hysbysu ynghylch cael apêl

15.—(1) Mae paragraff (2) yn gymwys—

(a) pan fo Gweinidogion Cymru wedi cael yr holl ddogfennau sy'n ofynnol ganddynt i'w galluogi i ystyried apêl;

(b) pan fo'r ffi angenrheidiol (lle y bo'n gymwys) wedi ei thalu mewn cysylltiad â'r apêl; ac

(c) yn achos cais atgyfeiriedig, pan fo naill ai'r datganiad achos llawn a ffeil y cais wedi eu cael, neu pan fo'r cyfnod o 4 wythnos sy'n dechrau â'r dyddiad y cyflwynir yr hysbysiad atgyfeirio(**1**) wedi dod i ben.

(2) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol, gynghori'r apelydd a'r awdurdod cynllunio lleol yn ysgrifenedig ynghylch y materion a ganlyn—

(a) y dyddiad dechrau;

(b) y rhif cyfeirnod a ddyrennir i'r apêl;

(**1**) *Gweler* erthygl 13 o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 (O.S. 2012/801 (Cy. 110)); rheoliad 11A o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012 (O.S. 2012/793 (Cy. 108)) a rheoliad 12 o Reoliadau Cynllunio (Sylweddau Peryglus) 2015 (O.S. 2015/1597 (Cy. 196)).

(a) identify the matters if any to be determined at a hearing or an inquiry;

(b) identify matters on which the Welsh Ministers require further representations;

(c) state whether such further representations are to be given in writing or at a hearing or inquiry; or

(d) contain a statement that the Welsh Ministers intend to determine the application on the basis of written representations.

(3) The Welsh Ministers must notify the appellant and the local planning authority within 6 weeks of the starting date of their determination of procedure under section 217(7)(c) which must set out the information specified in paragraph (2)(a) to (d).

(4) The provisions of regulation 9 apply if any further representations are requested by the Welsh Ministers.

PART 2

Initial Procedure

Notification of receipt of appeal

15.—(1) Paragraph (2) applies where—

(a) the Welsh Ministers have received all the documents they require to enable them to consider an appeal;

(b) the requisite fee (where applicable) has been paid in respect of the appeal; and

(c) in the case of a referred application, either the full statement of case and the application file have been received, or the period of 4 weeks beginning with the date on which the notice of reference is served(**1**) has expired.

(2) The Welsh Ministers must, as soon as reasonably practicable advise the appellant and the local planning authority in writing—

(a) of the starting date;

(b) of the reference number allocated to the appeal;

(**1**) *See* article 13 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W. 110)); regulation 11A of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (S.I. 2012/793 (W. 108)) and regulation 12 of the Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/1597 (W. 196)).

(c) y cyfeiriad y mae cyfathrebiadau ysgrifenedig i Weinidogion Cymru ynghylch yr apêl i'w hanfon iddo; a

(d) yn achos apelau gorfodi, ar ba sail y gwneir yr apêl.

(3) Yn achos apêl o dan adran 208 o'r Ddeddf Gynllunio, rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael yr apêl, anfon i'r awdurdod cynllunio lleol gopi o'r hysbysiad o apêl a'r datganiad achos llawn.

Holiadur

16.—(1) Rhaid i'r awdurdod cynllunio lleol anfon y canlynol at Weinidogion Cymru, ac anfon copi ohonynt at yr apelydd, fel y byddant yn eu cael o fewn 5 diwrnod gwaith i'r dyddiad dechrau—

(a) holiadur wedi ei gwblhau;

(b) copi o bob un o'r dogfennau y cyfeirir atynt ynddo; ac

(c) yn achos apelau gorfodi, copi o'r hysbysiad gorfodi.

(2) Nid yw paragraff (1) yn gymwys i geisiadau atgyfeiriedig.

Hysbysiad i bersonau â buddiant

17.—(1) Rhaid i'r awdurdod cynllunio lleol roi hysbysiad ysgrifenedig o'r apêl i bersonau â buddiant, fel bo'r personau hynny yn ei gael o fewn 5 diwrnod gwaith i'r dyddiad dechrau.

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

(a) datgan enw'r apelydd a chyfeiriad y safle y mae'r apêl yn ymwneud ag ef;

(b) disgrifio testun yr apêl;

(c) nodi'r materion yr hysbyswyd yr apelydd a'r awdurdod cynllunio lleol yn eu cylch o dan reoliad 15(2);

(d) datgan y bydd copïau o unrhyw sylwadau a gyflwynir i'r awdurdod cynllunio lleol gan bersonau â buddiant yn cael eu hanfon at Weinidogion Cymru a'r apelydd;

(e) datgan y bydd unrhyw sylwadau o'r fath yn cael eu hystyried gan Weinidogion Cymru wrth iddynt benderfynu ar yr apêl oni chânt eu tynnu'n ôl o fewn 4 wythnos i'r dyddiad dechrau;

(c) of the address to which written communications to the Welsh Ministers about the appeal are to be sent; and

(d) in the case of enforcement appeals, the grounds on which the appeal is being made.

(3) In the case of an appeal under section 208 of the Planning Act the Welsh Ministers must, as soon as reasonably practicable after receipt, send to the local planning authority a copy of the notice of appeal and full statement of case.

Questionnaire

16.—(1) The local planning authority must send to the Welsh Ministers, and copy to the appellant, so as to be received within 5 working days of the starting date—

(a) a completed questionnaire;

(b) a copy of each of the documents referred to in it; and

(c) in the case of enforcement appeals, a copy of the enforcement notice.

(2) Paragraph (1) does not apply to referred applications.

Notice to interested persons

17.—(1) The local planning authority must give written notice of the appeal, so as to be received within 5 working days of the starting date, to interested persons.

(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 subject matter of the appeal;

(c) set out the matters notified to the appellant and the local planning authority under regulation 15(2);

(d) state that copies of any representations made by interested persons to the local planning authority will be sent to the Welsh Ministers and the appellant;

(e) state that any such representations will be considered by the Welsh Ministers when determining the appeal unless they are withdrawn within 4 weeks of the starting date;

(f) datgan mewn perthynas ag apelau ac eithrio apelau deiliad tŷ, apelau ynghylch caniatâd i arddangos hysbyseb ac apelau masnachol bach y caniateir anfon sylwadau pellach at Weinidogion Cymru fel eu bod yn dod i law o fewn 4 wythnos i'r dyddiad dechrau, a rhaid anfon dau gopi o unrhyw sylwadau.

(f) state that in relation to appeals other than householder, advertisement consent and minor commercial appeals further representations may be sent to the Welsh Ministers so as to be received within 4 weeks of the starting date and that any representations must be accompanied by two copies.

RHAN 3

Y Weithdrefn ar gyfer Apelau Deiliad Tŷ, Apelau ynghylch Caniatâd i Arddangos Hysbyseb ac Apelau Masnachol Bach

PART 3

Procedure for Householder, Advertisement Consent and Minor Commercial Appeals

Cymhwyso Rhan 3

18. Nid yw'r Rhan hon ond yn gymwys—

(a) pan wneir apêl deiliad tŷ, apêl ynghylch caniatâd i arddangos hysbyseb neu apêl fasnachol fach mewn perthynas â chais; a

(b) pan fo Gweinidogion Cymru yn penderfynu mai mater ydyw sydd i'w ystyried ar sail sylwadau ysgrifenedig yn unig.

Application of Part 3

18. This Part only applies where—

(a) a householder, advertisement consent or minor commercial appeal is made in relation to an application; and

(b) the Welsh Ministers determine that it is a matter which is to be considered on the basis of written representations only.

Sylwadau

19.—(1) Bernir bod sylwadau'r apelydd mewn perthynas â'r apêl (ac eithrio cais atgyfeiriedig) yn cynnwys yr hysbysiad o apêl a'r dogfennau sy'n dod gyda'r hysbysiad.

(2) Bernir bod sylwadau'r apelydd mewn perthynas â chais atgyfeiriedig yn cynnwys y cais a'i ddogfennau ategol.

(3) Bernir bod sylwadau'r awdurdod cynllunio lleol mewn perthynas â'r apêl yn cynnwys yr holiadur wedi ei gwblhau a'r dogfennau sy'n dod gyda'r holiadur.

(4) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl eu cael, anfon copi o'r sylwadau a gyflwynir gan yr awdurdod cynllunio lleol at yr apelydd, a rhaid iddynt anfon copi o'r sylwadau a gyflwynir gan yr apelydd i'r awdurdod cynllunio lleol.

Representations

19.—(1) The appellant's representations in relation to the appeal (other than a referred application) will be deemed to comprise the notice of appeal and the documents accompanying it.

(2) The appellant's representations in relation to a referred application will be deemed to comprise the application and its supporting documents.

(3) The local planning authority's representations in relation to the appeal will be deemed to comprise the completed questionnaire and the documents accompanying it.

(4) The Welsh Ministers must as soon as reasonably practicable after receipt, send a copy of the representations made by the local planning authority to the appellant and must send a copy of the representations made by the appellant to the local planning authority.

Trosglwyddo apêl o Ran 3

20.—(1) Ar unrhyw adeg cyn y penderfynir ar apêl, caiff Gweinidogion Cymru benderfynu nad yw'r gweithdrefnau a nodir yn y Rhan hon yn addas ar gyfer yr apêl honno mwyach.

(2) Pan wneir y fath benderfyniad, rhaid i Weinidogion Cymru hysbysu'r apelydd a'r awdurdod cynllunio lleol yn ysgrifenedig—

Transfer of appeal from Part 3

20.—(1) At any time before an appeal is determined, the Welsh Ministers may determine that the procedures set out in this Part are no longer suitable for that appeal.

(2) Where such a determination is made the Welsh Ministers must notify the appellant and the local planning authority in writing that—

(a) bod yr apêl i'w throsglwyddo o'r gweithdrefnau yn y Rhan hon o'r Rheoliadau; a

(b) y bydd yr apêl yn mynd rhagddi yn unol â Rhan 4 o'r Rheoliadau hyn neu drwy wrandawiad, ymchwiliad neu achosion cyfunol i'r fath raddau y caiff Gweinidogion Cymru eu pennu gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r achosion hynny.

RHAN 4

Sylwadau Ysgrifenedig

Cymhwyso Rhan 4

21.—(1) Mae'r Rhan hon yn gymwys—

(a) pan fo hysbysiad o apêl wedi dod i law; a

(b) pan fo Gweinidogion Cymru yn penderfynu bod yr apêl i'w hystyried ar sail sylwadau ysgrifenedig, gwrandawiad, ymchwiliad neu achosion cyfunol; neu

(c) pan fo'r apêl wedi ei throsglwyddo o Ran 3.

(2) Mae'r Rhan hon hefyd yn gymwys—

(a) pan fo Gweinidogion Cymru wedi penderfynu bod yr apêl gyfan, neu ran ohoni, i'w hystyried ar sail gwrandawiad neu ymchwiliad, a

(b) pan fo Gweinidogion Cymru wedi hynny yn amrywio'r penderfyniad hwnnw fel bod yr apêl, neu rannau ohoni, i'w hystyried ar sail sylwadau ysgrifenedig,

i'r fath raddau y caiff Gweinidogion Cymru eu pennu gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r apêl.

Sylwadau

22.—(1) Bernir bod sylwadau'r apelydd mewn perthynas â'r apêl (ac eithrio cais atgyfeiriedig) yn cynnwys yr hysbysiad o apêl, ei ddogfennau ategol (lle y bo'n gymwys) a'r datganiad achos llawn.

(2) Bernir bod sylwadau'r apelydd mewn perthynas â chais atgyfeiriedig yn cynnwys y cais, ei ddogfennau ategol ac, os yw'r apelydd yn dewis hynny, ddatganiad achos llawn.

(3) Mewn perthynas ag apelau, ac eithrio ceisiadau atgyfeiriedig ac apelau gorfodi, caiff yr awdurdod cynllunio lleol—

(a) the appeal is to be transferred from the procedures in this Part of these Regulations; and

(b) the appeal will proceed in accordance with Part 4 of these Regulations or by means of a hearing, inquiry or combined proceedings to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to those proceedings.

PART 4

Written Representations

Application of Part 4

21.—(1) This Part applies where—

(a) notice of appeal has been received; and

(b) the Welsh Ministers determine that the appeal is to be considered on the basis of written representations, a hearing, an inquiry or combined proceedings; or

(c) the appeal has been transferred from Part 3.

(2) This Part also applies where—

(a) the Welsh Ministers have made a determination that all or part of the appeal is to be considered on the basis of a hearing or inquiry, and

(b) they subsequently vary that determination such that the appeal or parts of the appeal is or are to be considered on the basis of written representations,

to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to the appeal.

Representations

22.—(1) The appellant's representations in relation to the appeal (other than a referred application) will be deemed to comprise the notice of appeal, its accompanying documents (where applicable) and the full statement of case.

(2) The appellant's representations in relation to a referred application will be deemed to comprise the application, its supporting documents and, if the appellant so elects, a full statement of case.

(3) In relation to appeals, other than referred applications and enforcement appeals, the local planning authority may—

(a) dewis trin yr holiadur, a’r dogfennau sy’n mynd gyda’r holiadur, fel ei sylwadau mewn perthynas â’r apêl, a phan fo’n gwneud hynny, rhaid iddo hysbysu Gweinidogion Cymru a’r apelydd am hynny pan fo’n anfon yr holiadur at Weinidogion Cymru, a chopi o’r holiadur at yr apelydd, yn unol â rheoliad 16; neu

(b) cyflwyno datganiad achos llawn i Weinidogion Cymru y bernir ei fod, ynghyd â’r holiadur a’i ddogfennau ategol, yn ffurfio sylwadau’r awdurdod cynllunio lleol mewn perthynas â’r apêl.

(4) Mewn perthynas â chais atgyfeiriedig, caiff yr awdurdod cynllunio lleol ddewis cyflwyno datganiad achos llawn i Weinidogion Cymru.

(5) Mewn perthynas ag apelau gorfodi a hysbysiadau peidio â pharhau, rhaid i’r awdurdod cynllunio lleol gyflwyno datganiad achos llawn i Weinidogion Cymru y bernir ei fod, ynghyd â’r holiadur a’i ddogfennau ategol (lle y bo’n gymwys), yn ffurfio sylwadau’r awdurdod cynllunio lleol mewn perthynas â’r apêl.

(6) Rhaid i’r awdurdod cynllunio lleol anfon dau gopi o’i ddatganiad achos llawn o dan baragraffau (3)(b), (4) a (5) at Weinidogion Cymru gan sicrhau eu bod yn dod i law o fewn 4 wythnos i’r dyddiad dechrau.

(7) Rhaid i Weinidogion Cymru anfon copi o ddatganiad achos llawn yr awdurdod cynllunio lleol—

(a) at yr apelydd; a

(b) yn achos apêl gorfodi, at unrhyw berson y cyflwynir copi o’r hysbysiad gorfodi iddo.

Sylwadau personau â buddiant

23.—(1) Caiff person a hysbyswyd o dan reoliad 17 anfon sylwadau at Weinidogion Cymru gan sicrhau bod Gweinidogion Cymru yn eu cael o fewn 4 wythnos i’r dyddiad dechrau.

(2) Rhaid i bersonau â buddiant anfon tri chopi o unrhyw sylwadau a gyflwynir ganddynt at Weinidogion Cymru gan sicrhau eu bod yn eu cael o fewn 4 wythnos i’r dyddiad dechrau.

(3) Rhaid i Weinidogion Cymru anfon copi o unrhyw sylwadau a geir oddi wrth bersonau â buddiant at yr apelydd ac i’r awdurdod cynllunio lleol.

Sylwadau pellach

24.—(1) Caiff yr apelydd, yr awdurdod cynllunio lleol, a phersonau â buddiant anfon sylwadaethau ysgrifenedig ar sylwadau ei gilydd at Weinidogion Cymru gan sicrhau eu bod yn eu cael o fewn y cyfnod ar gyfer cyflwyno sylwadau.

(a) elect to treat the questionnaire, and the documents accompanying it, as their representations in relation to the appeal, and where they do so, they must notify the Welsh Ministers and the appellant accordingly when they send to the Welsh Ministers, and copy to the appellant, the questionnaire in accordance with regulation 16; or

(b) submit a full statement of case to the Welsh Ministers which, together with the questionnaire and its accompanying documents, will be deemed to comprise the local planning authority’s representations in relation to the appeal.

(4) In relation to a referred application, the local planning authority may elect to submit a full statement of case to the Welsh Ministers.

(5) In relation to enforcement appeals and discontinuance notices, the local planning authority must submit a full statement of case to the Welsh Ministers which, together with the questionnaire and its accompanying documents (where applicable), will be deemed to comprise the local planning authority’s representations in relation to the appeal.

(6) The local planning authority must send two copies of their full statement of case under paragraphs (3)(b), (4) and (5) to the Welsh Ministers so as to be received within 4 weeks of the starting date.

(7) The Welsh Ministers must send a copy of the local planning authority’s full statement of case—

(a) to the appellant; and

(b) in the case of an enforcement appeal, to any person on whom a copy of the enforcement notice has been served.

Interested persons’ representations

23.—(1) A person who has been notified under regulation 17 may send representations to the Welsh Ministers so as to be received by the Welsh Ministers within 4 weeks of the starting date.

(2) Interested persons must send three copies of any representations they make to the Welsh Ministers so as to be received within 4 weeks of the starting date.

(3) The Welsh Ministers must send a copy of any representations received from interested persons to the appellant and the local planning authority.

Further representations

24.—(1) The appellant, the local planning authority, and interested persons may send written comments on each other’s representations to the Welsh Ministers so as to be received within the representation period.

(2) Rhaid i'r apelydd a'r awdurdod cynllunio lleol anfon dau gopi o unrhyw sylwadau a gyflwynir ganddynt at Weinidogion Cymru gan sicrhau eu bod yn eu cael o fewn y cyfnod ar gyfer cyflwyno sylwadau.

(3) Rhaid i bersonau â buddiant anfon tri chopi o unrhyw sylwadau a gyflwynir ganddynt at Weinidogion Cymru gan sicrhau eu bod yn eu cael o fewn y cyfnod ar gyfer cyflwyno sylwadau.

(4) Rhaid i Weinidogion Cymru anfon copi o sylwadaethau ysgrifenedig pob parti at bob un o'r partïon eraill.

Sylwadau ysgrifenedig yn amhriodol

25.—(1) Ar unrhyw adeg cyn y penderfynir ar apêl, caiff Gweinidogion Cymru benderfynu nad yw'r gweithdrefnau a nodir yn y Rhan hon yn addas ar gyfer yr apêl honno mwyach.

(2) Pan wneir y fath benderfyniad, rhaid i Weinidogion Cymru hysbysu'r apelydd a'r awdurdod cynllunio lleol yn ysgrifenedig y bydd yr apêl yn mynd rhagddi yn unol â Rhan 5 o'r Rheoliadau hyn neu drwy achosion cyfunol, i'r fath raddau y caiff Gweinidogion Cymru eu pennu gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r achosion hynny.

RHAN 5

Gwrandawiadau

Cymhwyso Rhan 5

26.—(1) Mae'r Rhan hon yn gymwys—

(a) pan fo hysbysiad o apêl wedi dod i law; a

(b) pan fo Gweinidogion Cymru yn penderfynu bod yr apêl i'w hystyried, yn llwyr neu'n rhannol, ar sail gwrandawiad.

(2) Mae'r Rhan hon hefyd yn gymwys—

(a) pan fo Gweinidogion Cymru wedi penderfynu bod yr apêl gyfan, neu ran ohoni, i'w hystyried ar sail sylwadau ysgrifenedig neu ymchwiliad; a

(b) pan fo Gweinidogion Cymru wedi hynny yn amrywio'r penderfyniad hwnnw fel bod yr apêl, neu rannau ohoni, i'w hystyried ar sail gwrandawiad;

i'r fath raddau y caiff Gweinidogion Cymru eu pennu gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r apêl.

(2) The appellant and the local planning authority must send two copies of any representations they make to the Welsh Ministers so as to be received within the representation period.

(3) Interested persons must send three copies of the any representations they make to the Welsh Ministers so as to be received within the representation period.

(4) The Welsh Ministers must send a copy of the written comments of each party to the other parties.

Written representations inappropriate

25.—(1) At any time before an appeal is determined, the Welsh Ministers may determine that the procedures set out in this Part are no longer suitable for that appeal.

(2) Where such a determination is made the Welsh Ministers must notify the appellant and the local planning authority in writing that the appeal will proceed in accordance with Part 5 of these Regulations or by means of combined proceedings, to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to those proceedings.

PART 5

Hearings

Application of Part 5

26.—(1) This Part applies where—

(a) notice of appeal has been received; and

(b) the Welsh Ministers determine that the appeal is to be considered in whole or in part on the basis of a hearing.

(2) This Part also applies where—

(a) the Welsh Ministers have made a determination that all or part of the appeal is to be considered on the basis of written representations or inquiry; and

(b) they subsequently vary that determination such that the appeal or parts of the appeal is or are to be considered on the basis of a hearing;

to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to the appeal.

Hysbysiad ynghylch enw'r person penodedig

27.—(1) Rhaid i Weinidogion Cymru roi hysbysiad ynghylch enw'r person penodedig i bob person a wahoddir i gymryd rhan yn y gwrandawiad.

(2) Pan fo Gweinidogion Cymru yn penodi person arall yn lle'r person a benodwyd yn flaenorol ac nad yw'n ymarferol rhoi hysbysiad ynghylch y penodiad cyn y cynhelir y gwrandawiad, rhaid i'r person penodedig sy'n cynnal y gwrandawiad, ar gychwyn y gwrandawiad hwnnw, gyhoeddi ei enw a'r ffaith ei fod wedi ei benodi.

Penodi asesydd

28. Pan fo Gweinidogion Cymru yn penodi asesydd o dan baragraff 6 o Atodlen 6 i'r Ddeddf Gynllunio, paragraff 6 o Atodlen 3 i'r Ddeddf Adeiladau Rhestredig neu baragraff 6 o'r Atodlen i'r Ddeddf Sylweddau Peryglus, rhaid iddynt hysbysu'r apelydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddir i gymryd rhan yn y gwrandawiad ynghylch enw'r asesydd ac ynghylch y materion y mae'r asesydd i gynghori'r person penodedig yn eu cylch.

Dyddiad gwrandawiad, lleoliad gwrandawiad a hysbysiad ynghylch gwrandawiad

29.—(1) Rhaid i Weinidogion Cymru bennu dyddiad y gwrandawiad, a rhaid i'r dyddiad hwnnw fod yn ddim hwyrach na 4 wythnos ar ôl diwedd y cyfnod sylwadau.

(2) Pan fo Gweinidogion Cymru yn ystyried ei fod yn anymarferol cynnal y gwrandawiad ar ddyddiad a bennir yn unol â pharagraff (1), rhaid i ddyddiad y gwrandawiad fod y dyddiad cynharaf y mae Gweinidogion Cymru yn ystyried ei fod yn ymarferol.

(3) Pan fo Gweinidogion Cymru wedi eu bodloni, gan roi sylw i natur yr apêl, ei bod yn rhesymol gwneud hynny, caiff Gweinidogion Cymru roi cyfarwyddyd y cynhelir rhannau gwahanol o'r gwrandawiad mewn lleoliadau gwahanol.

(4) Rhaid i Weinidogion Cymru roi hysbysiad ysgrifenedig am y dyddiad, yr amser a'r lleoliad a bennir ar gyfer y gwrandawiad o leiaf 4 wythnos ymlaen llaw i—

(a) yr apelydd;

(b) yr awdurdod cynllunio lleol; ac

(c) unrhyw berson a wahoddir i gymryd rhan yn y gwrandawiad.

(5) Rhaid i'r hysbysiad ysgrifenedig o dan baragraff (4) nodi'r materion sydd i'w penderfynu yn y gwrandawiad ac enw'r person penodedig.

Notification of name of appointed person

27.—(1) The Welsh Ministers must notify the name of the appointed person to every person invited to take part in the hearing.

(2) Where the Welsh Ministers appoint another person instead of the person previously appointed and it is not practicable to notify the appointment before the hearing is held, the appointed person holding the hearing must, at its commencement, announce their name and the fact of their appointment.

Appointment of assessor

28. Where the Welsh Ministers appoint an assessor under paragraph 6 of Schedule 6 to the Planning Act, paragraph 6 of Schedule 3 to the Listed Buildings Act or paragraph 6 of the Schedule to the Hazardous Substances Act, they must notify the appellant, the local planning authority and any person invited to take part in the hearing of the name of the assessor and of the matters on which the assessor is to advise the appointed person.

Date, place and notification of hearing

29.—(1) The Welsh Ministers must fix the date for the hearing which must be no later than 4 weeks after the end of the representation period.

(2) Where the Welsh Ministers consider it impracticable for the hearing to be held on a date fixed in accordance with paragraph (1), the date for the hearing must be the earliest date which the Welsh Ministers consider is practicable.

(3) Where the Welsh Ministers are satisfied, having regard to the nature of the appeal, that it is reasonable to do so, the Welsh Ministers may direct that different parts of a hearing are held at different locations.

(4) The Welsh Ministers must give at least 4 weeks' written notice of the date, time and place fixed for the hearing to—

(a) the appellant;

(b) the local planning authority; and

(c) any person invited to take part in the hearing.

(5) The written notice under paragraph (4) must identify the matters to be determined at the hearing and name the appointed person.

(6) Caiff Gweinidogion Cymru amrywio'r dyddiad a bennir ar gyfer y gwrandawiad, pa un a yw'r dyddiad fel y'i hamrywir o fewn y cyfnod o 4 wythnos a grybwyllir ym mharagraff (1) ai peidio, ac mae paragraff (4) yn gymwys i amrywiad o ran dyddiad fel y mae'n gymwys i'r dyddiad a bennwyd yn wreiddiol.

(7) Caiff Gweinidogion Cymru amrywio amser neu leoliad y gwrandawiad a rhaid iddynt roi'r fath hysbysiad o unrhyw amrywiad yr ymddengys yn rhesymol iddynt hwy.

(8) Pan dynnir apêl yn ôl ar ôl rhoi hysbysiad ynghylch y gwrandawiad, rhaid i Weinidogion Cymru roi'r fath hysbysiad ynghylch canslo'r gwrandawiad fel yr ymddengys yn rhesymol iddynt hwy.

Hysbysiad cyhoeddus ynghylch gwrandawiad

30.—(1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r awdurdod cynllunio lleol gymryd un neu ragor o'r camau a ganlyn——

(a) dim llai na 2 wythnos cyn y dyddiad a bennir ar gyfer y gwrandawiad, gosod hysbysiad ynghylch y gwrandawiad, a chynnal yr hysbysiad hwnnw—

(i) mewn man amlwg, neu mor agos ag y bo'n rhesymol ymarferol at y tir y mae'r apêl yn ymwneud ag ef;

(ii) mewn un neu ragor o fannau lle y gosodir hysbysiadau cyhoeddus fel arfer yn yr ardal lle y mae'r tir y mae'r apêl yn ymwneud ag ef wedi ei leoli;

(b) dim llai na 2 wythnos cyn y dyddiad a bennir ar gyfer y gwrandawiad, cyhoeddi hysbysiad ynghylch y gwrandawiad drwy hysbyseb leol yn yr ardal lle y mae'r tir y mae'r apêl yn ymwneud ag ef wedi ei leoli;

(c) anfon hysbysiad ynghylch y gwrandawiad at y fath bersonau neu ddosbarthiadau o bersonau a bennir ganddynt, o fewn y fath gyfnod a bennir ganddynt.

(2) Pan fo cyfarwyddyd o dan reoliad 29(3) wedi ei roi, mae paragraff (1) yn cael effaith, gan roi—

(a) yn lle cyfeiriadau at y gwrandawiad, gyfeiriadau at y rhan o'r gwrandawiad sydd i'w chynnal mewn man a bennir yn y cyfarwyddyd; a

(b) yn lle cyfeiriadau at yr apêl, gyfeiriadau at y rhan honno o'r apêl sydd i fod yn destun y rhan honno o'r gwrandawiad.

(3) Rhaid i unrhyw hysbysiad a osodir o dan baragraff (1)(a) fod yn weladwy yn rhwydd i'r cyhoedd, ac yn ddarllenadwy yn rhwydd ganddynt hwy.

(6) The Welsh Ministers may vary the date fixed for the hearing, whether or not the date as varied is within the period of 4 weeks mentioned in paragraph (1), and paragraph (4) applies to a variation of a date as it applies to the date originally fixed.

(7) The Welsh Ministers may vary the time or place for the hearing and must give such notice of any variation as appears to them to be reasonable.

(8) Where an appeal is withdrawn after notice of the hearing has been given, the Welsh Ministers must give such notice of the cancellation of the hearing as appears to them to be reasonable.

Public notice of hearing

30.—(1) The Welsh Ministers may require the local planning authority to take one or more of the following steps——

(a) not less than 2 weeks before the date fixed for the hearing, post and maintain a notice of the hearing—

(i) in a conspicuous place, or as close as is reasonably practicable to the land to which the appeal relates;

(ii) in one or more places where public notices are usually posted in the area in which the land to which the appeal relates is situated;

(b) not less than 2 weeks before the date fixed for the hearing, publish a notice of the hearing by local advertisement in the area in which the land to which the appeal relates is situated;

(c) send a notice of the hearing to such persons or classes of persons as they may specify, within such period as they may specify.

(2) Where a direction has been given under regulation 29(3), paragraph (1) has effect with the substitution—

(a) for references to the hearing, with references to the part of the hearing which is to be held at a place specified in the direction; and

(b) for references to the appeal, with references to that part of the appeal which is to be the subject of that part of the hearing.

(3) Any notice posted under paragraph (1)(a) must be readily visible to, and legible by, members of the public.

(4) Pan fo'r hysbysiad yn cael ei symud ymaith, ei guddio neu ei ddifwyno cyn cychwyn y gwrandawiad, heb unrhyw fai ar yr awdurdod cynllunio lleol neu heb unrhyw fwriad ganddynt hwy i wneud hynny, nid yw'r awdurdod cynllunio lleol am y rheswm hwnnw i'w drin fel pe bai wedi methu â chydymffurfio â gofynion paragraff (3) os yw'r awdurdod cynllunio lleol wedi cymryd camau rhesymol i ddiogelu'r hysbysiad, a gosod un arall yn ei le os oes angen.

(5) Rhaid i hysbysiad ynghylch gwrandawiad a osodir, a gyhoeddir neu a anfonir o dan baragraff (1) gynnwys—

(a) datganiad o ddyddiad, amser a lleoliad y gwrandawiad ac o'r pwerau sy'n galluogi Gweinidogion Cymru i benderfynu'r apêl;

(b) disgrifiad ysgrifenedig o'r tir sy'n ddigonol i nodi'n fras ei leoliad;

(c) disgrifiad cryno o destun yr apêl; a

(d) manylion ynghylch lle a phryd y gellir gweld copïau o'r cais sy'n destun yr apêl, yr holiadur a gwblhawyd gan yr awdurdod cynllunio lleol a'r holl ddogfennau eraill a anfonir gan yr awdurdod ac a gaiff eu copïo iddo o dan y Rheoliadau hyn.

Cymryd rhan mewn gwrandawiad

31.—(1) Y personau a gaiff gymryd rhan mewn gwrandawiad yw—

(a) yr apelydd;

(b) yr awdurdod cynllunio lleol;

(c) unrhyw berson a wahoddir i gymryd rhan gan Weinidogion Cymru.

(2) Nid oes dim ym mharagraff (1) yn atal Gweinidogion Cymru rhag caniatáu i unrhyw berson arall gymryd rhan mewn gwrandawiad.

(3) Caiff unrhyw berson sy'n cymryd rhan wneud hynny ar ei ran ei hun neu gael ei gynrychioli gan unrhyw berson arall.

Absenoldeb, gohirio etc.

32.—(1) Caiff Gweinidogion Cymru fwrw ymlaen â gwrandawiad yn absenoldeb yr apelydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddir i gymryd rhan.

(2) Caiff Gweinidogion Cymru o bryd i'w gilydd ohirio gwrandawiad ac, os cyhoeddir dyddiad, amser a lleoliad gwrandawiad gohiriedig yn y gwrandawiad cyn y gohiriad, nid yw'n ofynnol rhoi unrhyw hysbysiad pellach.

(4) Where, without any fault or intention of the local planning authority, the notice is removed, obscured or defaced before the commencement of the hearing, the local planning authority is not for that reason to be treated as having failed to comply with the requirements of paragraph (3) if the local planning authority has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(5) A notice of a hearing posted, published or sent under paragraph (1) must contain—

(a) a statement of the date, time and place of the hearing and of the powers enabling the Welsh Ministers to determine the appeal;

(b) a written description of the land sufficient to identify approximately its location;

(c) a brief description of the subject matter of the appeal; and

(d) details of the place where and when copies of the application which is the subject of the appeal, the local planning authority's completed questionnaire and all other documents sent by and copied to the authority under these Regulations can be inspected.

Participation in a hearing

31.—(1) The persons who may take part in a hearing are—

(a) the appellant;

(b) the local planning authority;

(c) any person invited to take part by the Welsh Ministers.

(2) Nothing in paragraph (1) precludes the Welsh Ministers from permitting any other person to take part in a hearing.

(3) Any person who takes part may do so on their own behalf or be represented by any other person.

Absence, adjournment etc.

32.—(1) The Welsh Ministers may proceed with a hearing in the absence of the appellant, the local planning authority and any person invited to take part.

(2) The Welsh Ministers may from time to time adjourn a hearing and, if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice is required.

Y weithdrefn mewn gwrandawiad

33.—(1) Y person penodedig sy'n llywyddu mewn unrhyw wrandawiad, a rhaid iddo bennu'r weithdrefn yn y gwrandawiad, yn ddarostyngedig i'r Rheoliadau hyn.

(2) Mae gwrandawiad i fod ar ffurf trafodaeth a arweinir gan y person penodedig, ac ni chaniateir croesholi.

(3) Pan fo'r person penodedig yn ystyried bod croesholi yn ofynnol, rhaid i'r person penodedig ystyried (ar ôl ymgynghori â'r apelydd) pa un a ddylid cau'r gwrandawiad a chynnal ymchwiliad yn lle hynny.

(4) Ar ddechrau'r gwrandawiad rhaid i'r person penodedig nodi'r materion y mae'r person penodedig yn gofyn am sylwadau arnynt yn y gwrandawiad.

(5) Caiff yr apelydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddir i gymryd rhan mewn gwrandawiad alw am dystiolaeth.

(6) Caiff y person penodedig ganiatáu i unrhyw berson arall alw am dystiolaeth.

(7) Caiff y person penodedig wrthod caniatáu rhoi tystiolaeth neu gyflwyno tystiolaeth neu wrthod caniatáu cyflwyno unrhyw fater arall y mae'r person penodedig yn ystyried ei fod yn amherthnasol neu'n ailadroddus.

(8) Pan fo'r person penodedig yn gwrthod caniatáu rhoi tystiolaeth lafar, caiff y person sy'n dymuno rhoi'r dystiolaeth gyflwyno sylwadau ysgrifenedig i'r person penodedig cyn diwedd y gwrandawiad.

(9) Caiff y person penodedig—

(a) ei gwneud yn ofynnol i unrhyw berson sy'n cymryd rhan mewn gwrandawiad neu sy'n bresennol yno ac sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar, ymadael; a

(b) gwrthod caniatáu i'r person hwnnw ddychwelyd; neu

(c) dim ond caniatáu i'r person hwnnw ddychwelyd o dan y fath amodau a bennir gan y person penodedig.

(10) Caiff unrhyw berson y mae'n ofynnol iddo ymadael â gwrandawiad gyflwyno sylwadau ysgrifenedig i'r person penodedig cyn diwedd y gwrandawiad.

(11) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw ysgrifenedig neu unrhyw ddogfen arall a ddaw i law'r person penodedig oddi wrth unrhyw berson cyn dechrau'r gwrandawiad neu yn ystod y gwrandawiad ar yr amod bod y person penodedig yn datgelu hynny yn y gwrandawiad.

Procedure at hearing

33.—(1) The appointed person presides at any hearing and must determine the procedure at the hearing, subject to these Regulations.

(2) A hearing is to take the form of a discussion led by the appointed person and cross-examination is not to be permitted.

(3) Where the appointed person considers that cross-examination is required the appointed person must consider (after consulting the appellant) whether the hearing should be closed and an inquiry held instead.

(4) At the start of the hearing the appointed person must identify the matters on which the appointed person requires representations at the hearing.

(5) The appellant, the local planning authority and any person invited to take part in a hearing may call evidence.

(6) The appointed person may permit any other person to call evidence.

(7) The appointed person may refuse to permit the giving or production of evidence or presentation of any other matter which the appointed person considers to be irrelevant or repetitious.

(8) Where the appointed person refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit to the appointed person representations in writing before the close of the hearing.

(9) The appointed person may—

(a) require any person taking part in, or present at, a hearing who, in the appointed person's opinion, is behaving in a disruptive manner to leave; and

(b) refuse to permit that person to return; or

(c) permit that person to return only on such conditions as the appointed person may specify.

(10) Any person required to leave a hearing may submit to the appointed person representations in writing before the close of the hearing.

(11) The appointed person may take into account any written representation or any other document received by the appointed person from any person before a hearing opens or during the hearing provided the appointed person discloses it at the hearing.

(12) Caiff y person penodedig wahodd unrhyw berson sy'n cymryd rhan yn y gwrandawiad i wneud cyflwyniadau cloi, a rhaid i unrhyw berson sy'n gwneud hynny ddarparu copi ysgrifenedig o'i gyflwyniadau cloi i'r person penodedig cyn diwedd y gwrandawiad.

(13) Caiff y person penodedig ganiatáu i unrhyw berson wneud sylwadau llafar yn y gwrandawiad.

(14) Caiff unrhyw berson sydd â'r hawl i wneud sylwadau llafar neu y caniateir iddo wneud sylwadau llafar mewn gwrandawiad wneud hynny ar ei ran ei hun neu gael ei gynrychioli gan berson arall.

Gwrandawiad yn amhriodol

34.—(1) Ar unrhyw adeg cyn y penderfynir ar apêl, caiff Gweinidogion Cymru benderfynu nad yw'r gweithdrefnau a nodir yn y Rhan hon yn addas ar gyfer yr apêl honno mwyach.

(2) Pan wneir y fath benderfyniad, rhaid i Weinidogion Cymru hysbysu'r apelydd a'r awdurdod cynllunio lleol yn ysgrifenedig—

(a) bod yr apêl i'w throsglwyddo o'r gweithdrefnau yn y Rhan hon o'r Rheoliadau hyn; a

(b) y bydd yr apêl yn mynd rhagddi yn unol â Rhan 6 o'r Rheoliadau hyn neu drwy achosion cyfunol i'r fath raddau y caiff Gweinidogion Cymru eu pennu gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r achosion hynny.

RHAN 6

Ymchwiliadau

Cymhwyso Rhan 6

35.—(1) Mae'r Rhan hon yn gymwys—

(a) pan fo hysbysiad o apêl wedi dod i law; a

(b) pan fo Gweinidogion Cymru yn penderfynu bod yr apêl i'w hystyried yn llwyr neu'n rhannol ar sail ymchwiliad.

(2) Mae'r Rhan hon hefyd yn gymwys—

(a) pan fo Gweinidogion Cymru wedi penderfynu bod yr apêl gyfan, neu ran ohoni, i'w hystyried ar sail sylwadau ysgrifenedig neu wrandawiad; a

(b) pan fo Gweinidogion Cymru wedi hynny yn amrywio'r penderfyniad hwnnw fel bod yr apêl, neu rannau ohoni, i'w hystyried ar sail ymchwiliad,

(12) The appointed person may invite any person taking part in the hearing to make closing submissions and any person doing so must before the close of the hearing provide the appointed person with a copy of their closing submissions in writing.

(13) The appointed person may permit any person to make oral representations at the hearing.

(14) Any person entitled or permitted to make oral representations at a hearing may do so on their own behalf or be represented by another person.

Hearing inappropriate

34.—(1) At any time before an appeal is determined, the Welsh Ministers may determine that the procedures set out in this Part are no longer suitable for that appeal.

(2) Where such a determination is made the Welsh Ministers must notify the appellant and the local planning authority in writing that—

(a) the appeal is to be transferred from the procedures in this Part of these Regulations; and

(b) the appeal will proceed in accordance with Part 6 of these Regulations or by means of combined proceedings to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to those proceedings.

PART 6

Inquiries

Application of Part 6

35.—(1) This Part applies where—

(a) notice of appeal has been received; and

(b) the Welsh Ministers determine that the appeal is to be considered in whole or in part on the basis of an inquiry.

(2) This Part also applies where—

(a) the Welsh Ministers have made a determination that all or part of the appeal is to be considered on the basis of written representations or a hearing; and

(b) they subsequently vary that determination such that the appeal or parts of the appeal is or are to be considered on the basis of an inquiry,

i'r fath raddau y caiff Gweinidogion Cymru eu pennu gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r apêl.

Hysbysiad ynghylch enw'r person penodedig

36.—(1) Rhaid i Weinidogion Cymru roi hysbysiad ynghylch enw'r person penodedig i bob person a wahoddir i gymryd rhan yn yr ymchwiliad.

(2) Pan fo Gweinidogion Cymru yn penodi person arall yn lle'r person a benodwyd yn flaenorol ac nad yw'n ymarferol rhoi hysbysiad ynghylch y penodiad cyn y cynhelir yr ymchwiliad, rhaid i'r person penodedig sy'n cynnal yr ymchwiliad, ar gychwyn yr ymchwiliad hwnnw, gyhoeddi ei enw a'r ffaith ei fod wedi ei benodi.

Penodi asesydd

37. Pan fo Gweinidogion Cymru yn penodi asesydd o dan baragraff 6 o Atodlen 6 i'r Ddeddf Gynllunio, paragraff 6 o Atodlen 3 i'r Ddeddf Adeiladau Rhestredig neu baragraff 6 o'r Atodlen i'r Ddeddf Sylweddau Peryglus, rhaid iddynt hysbysu'r apelydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddir i gymryd rhan yn yr ymchwiliad ynghylch enw'r asesydd ac ynghylch y materion y mae'r asesydd i gynghori'r person penodedig yn eu cylch.

Cymryd rhan mewn ymchwiliad

38.—(1) Y personau a gaiff gymryd rhan mewn ymchwiliad yw—

(a) yr apelydd;

(b) yr awdurdod cynllunio lleol;

(c) unrhyw berson a wahoddir i gymryd rhan gan Weinidogion Cymru.

(2) Nid oes dim ym mharagraff (1) yn atal Gweinidogion Cymru rhag caniatáu i unrhyw berson arall gymryd rhan mewn ymchwiliad.

(3) Caiff unrhyw berson sy'n cymryd rhan wneud hynny ar ei ran ei hun neu gael ei gynrychioli gan unrhyw berson arall.

Absenoldeb, gohirio etc.

39.—(1) Caiff Gweinidogion Cymru fwrw ymlaen ag ymchwiliad yn absenoldeb yr apelydd, yr awdurdod cynllunio lleol ac unrhyw bersonau a wahoddir i gymryd rhan.

(2) Caiff Gweinidogion Cymru o bryd i'w gilydd ohirio ymchwiliad ac, os cyhoeddir dyddiad, amser a lleoliad yr ymchwiliad gohiriedig yn yr ymchwiliad cyn y gohiriad, nid yw'n ofynnol rhoi unrhyw hysbysiad pellach.

to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to the appeal.

Notification of name of appointed person

36.—(1) The Welsh Ministers must notify the name of the appointed person to every person invited to take part in the inquiry.

(2) Where the Welsh Ministers appoint another person instead of the person previously appointed and it is not practicable to notify the appointment before the inquiry is held, the appointed person holding the inquiry must, at its commencement, announce their name and the fact of their appointment.

Appointment of assessor

37. Where the Welsh Ministers appoint an assessor under paragraph 6 of Schedule 6 to the Planning Act, paragraph 6 of Schedule 3 to the Listed Buildings Act or paragraph 6 of the Schedule to the Hazardous Substances Act, they must notify the appellant, the local planning authority and any person invited to take part in the inquiry of the name of the assessor and of the matters on which the assessor is to advise the appointed person.

Participation in an inquiry

38.—(1) The persons who may take part in an inquiry are—

(a) the appellant;

(b) the local planning authority;

(c) any person invited to take part by the Welsh Ministers.

(2) Nothing in paragraph (1) precludes the Welsh Ministers from permitting any other person to take part in an inquiry.

(3) Any person who takes part may do so on their own behalf or be represented by any other person.

Absence, adjournment etc.

39.—(1) The Welsh Ministers may proceed with an inquiry in the absence of the appellant, the local planning authority and any persons invited to take part.

(2) The Welsh Ministers may from time to time adjourn an inquiry and, if the date, time and place of the adjourned inquiry are announced at the inquiry before the adjournment, no further notice is required.

Cyfarfodydd rhagymchwiliad

40.—(1) Caiff y person penodedig gynnal cyfarfod rhagymchwiliad cyn ymchwiliad i ystyried yr hyn y caniateir ei wneud gyda'r nod o sicrhau y cynhelir yr ymchwiliad yn effeithlon ac yn hwylus.

(2) Rhaid i berson penodedig roi hysbysiad ysgrifenedig o ddim llai na 2 wythnos ynghylch cyfarfod rhagymchwiliad y mae'r person penodedig yn bwriadu ei gynnal o dan baragraff (1) i—

(a) yr apelydd;

(b) yr awdurdod cynllunio lleol;

(c) unrhyw berson a wahoddir i gymryd rhan yn y cyfarfod rhagymchwiliad.

(3) Pan fo cyfarfod rhagymchwiliad wedi ei gynnal o dan baragraff (1), caiff y person penodedig gynnal cyfarfod rhagymchwiliad pellach a rhaid iddo drefnu i'r fath hysbysiad gael ei roi ynghylch cyfarfod rhagymchwiliad pellach ag yr ymddengys yn angenrheidiol.

(4) Y person penodedig—

(a) sydd i lywyddu mewn unrhyw gyfarfod rhagymchwiliad;

(b) sydd i benderfynu ar y materion sydd i'w trafod a phennu'r weithdrefn sydd i'w dilyn;

(c) caiff ei gwneud yn ofynnol i unrhyw berson sy'n bresennol mewn cyfarfod rhagymchwiliad ac sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar, ymadael;

(d) caiff wrthod caniatáu i'r person hwnnw ddychwelyd neu fynychu unrhyw gyfarfod rhagymchwiliad pellach, neu

(e) caiff ganiatáu i'r person hwnnw ddychwelyd neu fynychu o dan y fath amodau a bennir gan y person penodedig yn unig.

Amserlen ymchwiliad

41.—(1) Caiff y person penodedig lunio amserlen ar gyfer yr achosion mewn cysylltiad ag ymchwiliadau a chaiff wneud hynny mewn ymchwiliad, neu mewn rhan o ymchwiliad.

(2) Caiff y person penodedig, ar unrhyw adeg, amrywio'r amserlen a drefnwyd o dan baragraff (1).

(3) Caiff y person penodedig bennu mewn amserlen a drefnwyd o dan y rheoliad hwn ddyddiad erbyn pryd y mae'n rhaid i unrhyw ddatganiad tystiolaeth a chrynodeb ysgrifenedig a anfonir yn unol â rheoliad 44 gael eu hanfon at Weinidogion Cymru.

Pre-inquiry meetings

40.—(1) The appointed person may hold a pre-inquiry meeting prior to an inquiry to consider what may be done with a view to securing that the inquiry is conducted efficiently and expeditiously.

(2) An appointed person must give not less than 2 weeks' written notice of a pre-inquiry meeting which the appointed person proposes to hold under paragraph (1) to—

(a) the appellant;

(b) the local planning authority;

(c) any person invited to take part at the pre-inquiry meeting.

(3) Where a pre-inquiry meeting has been held under paragraph (1), the appointed person may hold a further pre-inquiry meeting and must arrange for such notice to be given of a further pre-inquiry meeting as appears necessary.

(4) The appointed person—

(a) is to preside at any pre-inquiry meeting;

(b) is to determine the matters to be discussed and the procedure to be followed;

(c) may require any person present at the pre-inquiry meeting who, in the appointed person's opinion, is behaving in a disruptive manner to leave;

(d) may refuse to permit that person to return or to attend any further pre-inquiry meeting, or

(e) may permit that person to return or attend only on such conditions as the appointed person may specify.

Inquiry timetable

41.—(1) The appointed person may prepare a timetable for the proceedings in respect of inquiries and may do so at, or at part of, an inquiry.

(2) The appointed person may, at any time, vary the timetable arranged under paragraph (1).

(3) The appointed person may specify in a timetable arranged under this regulation a date by which any written statement of evidence and summary sent in accordance with regulation 44 must be sent to the Welsh Ministers.

Dyddiad ymchwiliad, lleoliad ymchwiliad a hysbysiad ynghylch ymchwiliad

42.—(1) Rhaid i Weinidogion Cymru bennu'r dyddiad ar gyfer yr ymchwiliad, a rhaid i'r dyddiad hwnnw fod yn ddim hwyrach na—

(a) 12 wythnos ar ôl diwedd y cyfnod sylwadau; neu

(b) (os yw'n hwyrach) mewn achos pan gynhelir cyfarfod rhagymchwiliad o dan reoliad 40(1), 4 wythnos ar ôl diwedd y cyfarfod hwnnw (neu'r fath gyfnod byrrach ar ôl diwedd y cyfarfod hwnnw y caiff yr apelydd, yr awdurdod cynllunio lleol a'r person penodedig gytuno arno).

(2) Pan fo Gweinidogion Cymru yn ystyried nad yw'n ymarferol cynnal yr ymchwiliad ar ddyddiad a bennir yn unol â pharagraff (1), rhaid i ddyddiad yr ymchwiliad fod y dyddiad cynharaf y mae Gweinidogion Cymru yn ystyried ei fod yn ymarferol.

(3) Pan fo Gweinidogion Cymru wedi eu bodloni, gan roi sylw i natur y cais, ei bod yn rhesymol gwneud hynny, caiff Gweinidogion Cymru roi cyfarwyddyd bod rhannau gwahanol o ymchwiliad i'w cynnal mewn lleoliadau gwahanol.

(4) Rhaid i Weinidogion Cymru roi o leiaf 4 wythnos o hysbysiad ysgrifenedig o'r dyddiad, yr amser a'r lleoliad a bennir ganddynt hwy ar gyfer yr ymchwiliad i—

(a) yr apelydd;

(b) yr awdurdod cynllunio lleol; ac

(c) unrhyw berson a wahoddir i gymryd rhan yn yr ymchwiliad.

(5) Rhaid i'r hysbysiad ysgrifenedig o dan baragraff (4) nodi'r materion sydd i'w penderfynu yn yr ymchwiliad ac enw'r person penodedig.

(6) Caiff Gweinidogion Cymru amrywio'r dyddiad a bennir ar gyfer yr ymchwiliad, pa un a yw'r dyddiad fel y'i hamrywir o fewn y cyfnod o 12 wythnos a grybwyllir ym mharagraff (1) ai peidio, ac mae paragraff (4) yn gymwys i amrywiad o ran dyddiad fel yr oedd yn gymwys i'r dyddiad a bennwyd yn wreiddiol.

(7) Caiff Gweinidogion Cymru amrywio'r amser neu'r lleoliad a bennir ar gyfer yr ymchwiliad a rhaid iddynt roi'r fath hysbysiad ynghylch unrhyw amrywiad ag yr ymddengys yn rhesymol iddynt hwy.

(8) Pan dynnir apêl yn ôl ar ôl rhoi hysbysiad ynghylch yr ymchwiliad, rhaid i Weinidogion Cymru roi'r fath hysbysiad ynghylch canslo'r gwrandawiad ag yr ymddengys yn rhesymol iddynt hwy.

Date, place and notification of inquiry

42.—(1) The Welsh Ministers must fix the date for the inquiry which must be no later than—

(a) 12 weeks after the end of the representation period; or

(b) (if later) in a case where a pre-inquiry meeting is held under regulation 40(1), 4 weeks after the conclusion of that meeting (or such shorter period after the conclusion of that meeting as the appellant, the local planning authority and the appointed person may agree).

(2) Where the Welsh Ministers consider it impracticable for the inquiry to be held on a date fixed in accordance with paragraph (1), the date for the inquiry must be the earliest date which the Welsh Ministers consider is practicable.

(3) Where the Welsh Ministers are satisfied, having regard to the nature of the application, that it is reasonable to do so, the Welsh Ministers may direct that different parts of an inquiry are held at different locations.

(4) The Welsh Ministers must give at least 4 weeks' written notice of the date, time and place fixed by them for the inquiry to—

(a) the appellant;

(b) the local planning authority; and

(c) any person invited to take part in the inquiry.

(5) The written notice under paragraph (4) must identify the matters to be determined at the inquiry and name the appointed person.

(6) The Welsh Ministers may vary the date fixed for the inquiry, whether or not the date as varied is within the period of 12 weeks mentioned in paragraph (1), and paragraph (4) applies to a variation of a date as it applies to the date originally fixed.

(7) The Welsh Ministers may vary the time or place for the inquiry and must give such notice of any variation as appears to them to be reasonable.

(8) Where an appeal is withdrawn after notice of the inquiry has been given, the Welsh Ministers must give such notice of the cancellation of the inquiry as appears to them to be reasonable.

Hysbysiad cyhoeddus ynghylch ymchwiliad

43.—(1) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r awdurdod cynllunio lleol gymryd un neu ragor o'r camau a ganlyn—

(a) dim llai na 2 wythnos cyn y dyddiad a bennir ar gyfer yr ymchwiliad, gosod hysbysiad ynghylch yr ymchwiliad, a chynnal yr hysbysiad hwnnw—

(i) mewn man amlwg, neu mor agos ag y bo'n rhesymol ymarferol at y tir y mae'r apêl yn ymwneud ag ef;

(ii) mewn un neu ragor o fannau lle y gosodir hysbysiadau cyhoeddus fel arfer yn yr ardal lle y mae'r tir y mae'r apêl yn ymwneud ag ef wedi ei leoli;

(b) dim llai na 2 wythnos cyn y dyddiad a bennir ar gyfer yr ymchwiliad, cyhoeddi hysbysiad ynghylch yr ymchwiliad drwy hysbyseb leol yn yr ardal lle y mae'r tir y mae'r apêl yn ymwneud ag ef wedi ei leoli;

(c) anfon hysbysiad ynghylch y gwrandawiad at y fath bersonau neu ddosbarthiadau o bersonau a bennir ganddynt, o fewn y fath gyfnod a bennir ganddynt.

(2) Pan roddir cyfarwyddyd o dan reoliad 42(3), mae paragraff (1) yn cael effaith, gan roi—

(a) yn lle cyfeiriadau at yr ymchwiliad, gyfeiriadau at y rhan o'r ymchwiliad sydd i'w chynnal mewn man a bennir yn y cyfarwyddyd; a

(b) yn lle cyfeiriadau at yr apêl, gyfeiriadau at y rhan honno o'r apêl a fydd yn destun y rhan honno o'r ymchwiliad.

(3) Rhaid i unrhyw hysbysiad a osodir o dan baragraff (1)(a) fod yn weladwy yn rhwydd i'r cyhoedd, ac yn ddarllenadwy yn rhwydd ganddynt hwy.

(4) Pan fo'r hysbysiad yn cael ei symud ymaith, ei guddio neu ei ddifwyno cyn cychwyn yr ymchwiliad, heb unrhyw fai ar yr awdurdod cynllunio lleol neu heb unrhyw fwriad ganddynt hwy i wneud hynny, nid yw'r awdurdod cynllunio lleol am y rheswm hwnnw i'w drin fel pe bai wedi methu â chydymffurfio â gofynion paragraff (3) os yw'r awdurdod cynllunio lleol wedi cymryd camau rhesymol i ddiogelu'r hysbysiad, a gosod un arall yn ei le os oes angen.

(5) Rhaid i hysbysiad ynghylch ymchwiliad a osodir, a gyhoeddir neu a anfonir o dan baragraff (1) gynnwys—

(a) datganiad o ddyddiad, amser a lleoliad yr ymchwiliad ac o'r pwerau sy'n galluogi Gweinidogion Cymru i benderfynu'r apêl;

Public notice of inquiry

43.—(1) The Welsh Ministers may require the local planning authority to take one or more of the following steps—

(a) not less than 2 weeks before the date fixed for the inquiry, post and maintain a notice of the inquiry—

(i) in a conspicuous place, or as close as is reasonably practicable to the land to which the appeal relates;

(ii) in one or more places where public notices are usually posted in the area in which the land to which the appeal relates is situated;

(b) not less than 2 weeks before the date fixed for the inquiry, publish a notice of the inquiry by local advertisement in the area in which the land to which the appeal relates is situated;

(c) send a notice of the hearing to such persons or classes of persons as they may specify, within such period as they may specify.

(2) Where a direction has been given under regulation 42(3), paragraph (1) has effect with the substitution—

(a) for references to the inquiry, with references to the part of the inquiry which is to be held at a place specified in the direction; and

(b) for references to the appeal, with references to that part of the appeal which is to be the subject of that part of the inquiry.

(3) Any notice posted under paragraph (1)(a) must be readily visible to, and legible by, members of the public.

(4) Where, without any fault or intention of the local planning authority, the notice is removed, obscured or defaced before the commencement of the inquiry, the local planning authority is not for that reason to be treated as having failed to comply with the requirements of paragraph (3) if the local planning authority has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(5) A notice of an inquiry posted, published or sent under paragraph (1) must contain—

(a) a statement of the date, time and place of the inquiry and of the powers enabling the Welsh Ministers to determine the appeal;

(b) disgrifiad ysgrifenedig o'r tir sy'n ddigonol i nodi'n fras ei leoliad;

(c) disgrifiad cryno o destun yr apêl; a

(d) manylion ynghylch lle a phryd y gellir gweld copïau o'r cais sy'n destun yr apêl, yr holiadur a gwblhawyd gan yr awdurdod cynllunio lleol a'r holl ddogfennau eraill a anfonir i'r awdurdod ac a gaiff eu copïo iddo o dan y Rheoliadau hyn.

(b) a written description of the land sufficient to identify approximately its location;

(c) a brief description of the subject matter of the appeal; and

(d) details of the place where and when copies of the application which is the subject of the appeal, the local planning authority's completed questionnaire and all other documents sent by and copied to the authority under these Regulations can be inspected.

Datganiadau tystiolaeth ysgrifenedig

44.—(1) Os yw'r apelydd, yr awdurdod cynllunio lleol neu unrhyw berson a wahoddir i gymryd rhan yn yr ymchwiliad yn bwriadu rhoi tystiolaeth yn yr ymchwiliad drwy ddarllen datganiad ysgrifenedig, neu'n bwriadu galw person arall i roi tystiolaeth felly—

(a) rhaid i'r apelydd anfon un copi o'r datganiad, ynghyd â chrynodeb ysgrifenedig, i'r awdurdod cynllunio lleol;

(b) rhaid i'r awdurdod cynllunio lleol anfon un copi o'r datganiad, ynghyd â chrynodeb ysgrifenedig, at yr apelydd;

(c) rhaid i'r apelydd a'r awdurdod cynllunio lleol ar yr un pryd anfon un copi o'u datganiad, ynghyd â chrynodeb ysgrifenedig, at Weinidogion Cymru;

(d) rhaid i bob person a wahoddir i gymryd rhan yn yr ymchwiliad anfon un copi o'u datganiad, ynghyd â chrynodeb ysgrifenedig, at Weinidogion Cymru.

(2) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl eu cael—

(a) anfon copi o ddatganiad tystiolaeth ysgrifenedig pob person a wahoddir i gymryd rhan yn yr ymchwiliad, ynghyd ag unrhyw grynodeb, i'r awdurdod cynllunio lleol; a

(b) anfon copi o bob datganiad tystiolaeth ysgrifenedig, ynghyd ag unrhyw grynodeb, at bob person a wahoddir i gymryd rhan yn yr ymchwiliad.

(3) Nid yw'n ofynnol cyflwyno unrhyw grynodeb ysgrifenedig pan na fo'r datganiad tystiolaeth y bwriedir ei ddarllen yn cynnwys mwy na 1,500 o eiriau.

(4) Rhaid i'r datganiad tystiolaeth ac unrhyw grynodeb ddod i law Gweinidogion Cymru yn ddim hwyrach na—

(a) 4 wythnos cyn y dyddiad a bennir ar gyfer yr ymchwiliad; neu

Written statements of evidence

44.—(1) If the appellant, the local planning authority or any person invited to take part in the inquiry propose to give, or to call another person to give, evidence at the inquiry by reading a written statement—

(a) the appellant must send one copy of the statement, together with a written summary, to the local planning authority;

(b) the local planning authority must send one copy of the statement, together with a written summary, to the appellant;

(c) the appellant and local planning authority must simultaneously send one copy of their statement, together with a written summary, to the Welsh Ministers;

(d) each person invited to take part in the inquiry must send one copy of their statement, together with a written summary, to the Welsh Ministers.

(2) The Welsh Ministers must, as soon as reasonably practicable after receipt—

(a) send a copy of the written statement of evidence, together with any summary, of each person invited to take part in the inquiry to the local planning authority; and

(b) send a copy of each written statement of evidence, together with any summary, to each person invited to take part in the inquiry.

(3) No written summary is required where the statement of evidence proposed to be read contains no more than 1,500 words.

(4) The statement of evidence and any summary must be received by the Welsh Ministers no later than—

(a) 4 weeks before the date fixed for the inquiry; or

(b) pan fo amserlen wedi ei llunio o dan reoliad 41, y dyddiad a bennir yn yr amserlen honno.

(5) Rhaid i Weinidogion Cymru anfon at y person penodedig, cyn gynted ag y bo'n rhesymol ymarferol ar ôl eu cael, unrhyw ddatganiad tystiolaeth, ynghyd ag unrhyw grynodeb, a anfonir atynt yn unol â'r rheoliad hwn ac a geir ganddynt hwy o fewn y cyfnod perthnasol, os oes un, a bennir yn y rheoliad hwn.

(6) Pan ddarperir crynodeb ysgrifenedig yn unol â pharagraff (1), dim ond y crynodeb hwnnw sydd i'w ddarllen yn yr ymchwiliad oni bai bod y person penodedig yn caniatáu fel arall neu'n ei gwneud yn ofynnol fel arall.

(7) Rhaid i unrhyw berson y mae'n ofynnol gan y rheoliad hwn iddo anfon copïau o ddatganiad tystiolaeth at Weinidogion Cymru eu hanfon gyda'r un nifer o gopïau o'r ddogfen gyfan y cyfeirir ati yn y datganiad, neu'r rhan berthnasol ohoni, oni bai bod copi o'r ddogfen neu'r rhan berthnasol o'r ddogfen dan sylw eisoes ar gael i'w gweld o dan reoliad 10.

Y weithdrefn mewn ymchwiliad

45.—(1) Y person penodedig sy'n llywyddu yn yr ymchwiliad a rhaid iddo bennu'r weithdrefn yn yr ymchwiliad, yn ddarostyngedig i'r Rheoliadau hyn.

(2) Ar ddechrau'r ymchwiliad rhaid i'r person penodedig nodi'r materion y mae'r person penodedig yn gofyn am sylwadau arnynt yn yr ymchwiliad.

(3) Caiff yr apelydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddir i gymryd rhan mewn ymchwiliad alw am dystiolaeth.

(4) Caiff y person penodedig ganiatáu i unrhyw berson arall alw am dystiolaeth.

(5) Mae'r apelydd, yr awdurdod cynllunio lleol ac unrhyw bersonau a wahoddir i gymryd rhan yn yr ymchwiliad i gael gwrandawiad yn y fath drefn a gaiff ei phennu gan y person penodedig.

(6) Caiff yr apelydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddir i gymryd rhan mewn ymchwiliad groesholi personau sy'n rhoi tystiolaeth ond, yn ddarostyngedig i'r uchod a pharagraffau (7) a (8), fel arall caniateir galw am dystiolaeth a chroesholi personau sy'n rhoi tystiolaeth yn ôl disgresiwn y person penodedig.

(7) Caiff y person penodedig wrthod caniatáu—

(a) rhoi neu gyflwyno tystiolaeth,

(b) croesholi personau sy'n rhoi tystiolaeth, neu

(c) cyflwyno unrhyw fater,

y mae'r person penodedig yn ystyried ei fod yn amherthnasol neu'n ailadroddus.

(b) where a timetable has been arranged under regulation 41, the date specified in that timetable.

(5) The Welsh Ministers must send to the appointed person, as soon as reasonably practicable after receipt, any statement of evidence together with any summary sent to them in accordance with this regulation and received by them within the relevant period, if any, specified in this regulation.

(6) Where a written summary is provided in accordance with paragraph (1), only that summary is to be read at the inquiry unless the appointed person permits or requires otherwise.

(7) Any person required by this regulation to send copies of a statement of evidence to the Welsh Ministers, must send with them the same number of copies of the whole, or the relevant part, of any document referred to in the statement, unless a copy of the document or relevant part of the document in question is already available for inspection under regulation 10.

Procedure at inquiry

45.—(1) The appointed person presides at the inquiry and must determine the procedure at the inquiry, subject to these Regulations.

(2) At the start of the inquiry the appointed person must identify the matters on which the appointed person requires representations at the inquiry.

(3) The appellant, the local planning authority and any person invited to take part in an inquiry may call evidence.

(4) The appointed person may permit any other person to call evidence.

(5) The appellant, local planning authority and any persons invited to take part in the inquiry are to be heard in such order as the appointed person may determine.

(6) The appellant, local planning authority and any person invited to take part in an inquiry may cross examine persons giving evidence but, subject to the foregoing and paragraphs (7) and (8), the calling of evidence and the cross examination of persons giving evidence are otherwise at the discretion of the appointed person.

(7) The appointed person may refuse to permit—

(a) the giving or production of evidence;

(b) the cross-examination of persons giving evidence; or

(c) the presentation of any matter,

which the appointed person considers to be irrelevant or repetitious.

(8) Pan fo person yn rhoi tystiolaeth mewn ymchwiliad drwy ddarllen crynodeb o'i ddatganiad tystiolaeth ysgrifenedig yn unol â rheoliad 44(6)—

(a) mae'r datganiad ysgrifenedig y cyfeirir ato yn rheoliad 44(1) i'w drin fel pe bai wedi ei gyflwyno fel tystiolaeth oni bai bod y person y mae'n ofynnol iddo ddarparu'r crynodeb yn hysbysu'r person penodedig am ddymuniad i ddibynnu ar gynnwys y crynodeb hwnnw yn unig; a

(b) mae'r person y mae ei dystiolaeth wedi ei chynnwys yn y datganiad ysgrifenedig i fod yn agored i'w groesholi ar y dystiolaeth honno i'r un graddau â phe bai'n dystiolaeth a roddwyd ar lafar.

(9) Pan fo'r person penodedig yn gwrthod caniatáu rhoi tystiolaeth lafar, caiff y person sy'n dymuno rhoi'r dystiolaeth gyflwyno'r dystiolaeth yn ysgrifenedig i'r person penodedig cyn diwedd yr ymchwiliad.

(10) Caiff y person penodedig—

(a) ei gwneud yn ofynnol i unrhyw berson sy'n cymryd rhan mewn ymchwiliad neu sy'n bresennol yno ac sydd, ym marn y person penodedig, yn ymddwyn mewn modd aflonyddgar, ymadael; a

(b) gwrthod caniatáu i'r person hwnnw ddychwelyd; neu

(c) dim ond caniatáu i'r person hwnnw ddychwelyd o dan y fath amodau a bennir gan y person penodedig.

(11) Caiff unrhyw berson y mae'n ofynnol iddo ymadael ag ymchwiliad gyflwyno sylwadau ysgrifenedig i'r person penodedig cyn diwedd yr ymchwiliad.

(12) Caiff y person penodedig roi cyfarwyddyd y darperir cyfleusterau i unrhyw berson sy'n cymryd rhan mewn ymchwiliad gymryd copïau o ddogfennau sydd ar gael i'w gweld gan y cyhoedd neu gael copïau o'r dogfennau hynny.

(13) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw ysgrifenedig neu unrhyw ddogfen arall a geir gan y person penodedig oddi wrth unrhyw berson cyn dechrau'r ymchwiliad neu yn ystod yr ymchwiliad ar yr amod bod y person penodedig yn datgelu hynny yn yr ymchwiliad.

(14) Caiff y person penodedig wahodd unrhyw berson sy'n cymryd rhan yn yr ymchwiliad i wneud sylwadau cloi.

(15) Rhaid i unrhyw berson sy'n gwneud sylwadau cloi ddarparu i'r person penodedig gopi ysgrifenedig o'r sylwadau hynny erbyn diwedd yr ymchwiliad.

(8) Where a person gives evidence at an inquiry by reading a summary of their written statement of evidence in accordance with regulation 44(6)—

(a) the written statement referred to in regulation 44(1) is to be treated as tendered in evidence unless the person required to provide the summary notifies the appointed person of a wish to rely on the contents of that summary alone; and

(b) the person whose evidence the written statement contains is to be open to cross examination on it to the same extent as if it were evidence that had been given orally.

(9) Where the appointed person refuses to permit the giving of oral evidence, the person wishing to give the evidence may submit the evidence in writing to the appointed person before the close of the inquiry.

(10) The appointed person may—

(a) require any person taking part in, or present at, an inquiry who, in the appointed person's opinion, is behaving in a disruptive manner to leave; and

(b) refuse to permit that person to return; or

(c) permit that person to return only on such conditions as the appointed person may specify.

(11) Any person required to leave an inquiry may submit to the appointed person representations in writing before the close of the inquiry.

(12) The appointed person may direct that facilities are afforded to any person taking part in an inquiry to take or obtain copies of documents that are open to public inspection.

(13) The appointed person may take into account any written representation or any other document received by the appointed person from any person before an inquiry opens or during the inquiry provided that the appointed person discloses it at the inquiry.

(14) The appointed person may invite any person taking part in the inquiry to make closing submissions.

(15) Any person who makes closing submissions must by the close of the inquiry provide the appointed person with a copy of those closing submissions in writing.

Ymchwiliad yn amhriodol

46.—(1) Ar unrhyw adeg cyn y penderfynir ar apêl, caiff Gweinidogion Cymru benderfynu nad yw'r gweithdrefnau a nodir yn y Rhan hon yn addas ar gyfer yr apêl honno mwyach.

(2) Pan wneir y fath benderfyniad, rhaid i Weinidogion Cymru hysbysu'r apelydd a'r awdurdod cynllunio lleol yn ysgrifenedig—

(a) bod yr apêl i'w throsglwyddo o'r gweithdrefnau yn y Rhan hon o'r Rheoliadau hyn; a

(b) y bydd yr apêl yn mynd rhagddi yn unol â Rhan 5 o'r Rheoliadau hyn neu drwy achosion cyfunol i'r fath raddau y caiff Gweinidogion Cymru eu pennu gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r achosion hynny.

Inquiry inappropriate

46.—(1) At any time before an appeal is determined, the Welsh Ministers may determine that the procedures set out in this Part are no longer suitable for that appeal.

(2) Where such a determination is made the Welsh Ministers must notify the appellant and the local planning authority in writing that—

(a) the appeal is to be transferred from the procedures in this Part of these Regulations; and

(b) the appeal will proceed in accordance with Part 5 of these Regulations or by means of combined proceedings to such extent as the Welsh Ministers may specify having regard to any steps already taken in relation to those proceedings.

RHAN 7

Y weithdrefn ar ôl sylwadau ysgrifenedig, gwrandawiadau, ymchwiliadau neu achosion cyfunol

PENNOD 1

Apelau a benderfynir gan Bersonau Penodedig yn dilyn sylwadau ysgrifenedig, gwrandawiadau, ymchwiliadau neu achosion cyfunol

Y weithdrefn ar ôl achosion

47.—(1) Rhaid i'r person penodedig lunio adroddiad ysgrifenedig ("yr adroddiad ar benderfyniad y person penodedig")—

(a) mewn perthynas ag apêl yr ymdrinnir â hi drwy sylwadau ysgrifenedig, pan fydd y person penodedig wedi ystyried y sylwadau ysgrifenedig; neu

(b) ar ôl diwedd y gwrandawiad, yr ymchwiliad neu'r achosion cyfunol.

(2) Rhaid i'r adroddiad ar benderfyniad y person penodedig gynnwys casgliadau'r person penodedig a'i benderfyniad ar yr apêl.

(3) Pan fo asesydd wedi ei benodi, rhaid i'r asesydd, ar ôl diwedd y gwrandawiad, yr ymchwiliad neu'r achosion cyfunol, lunio adroddiad ysgrifenedig mewn cysylltiad â'r materion y penodwyd yr asesydd i gynghori arnynt.

PART 7

Procedure after written representations, hearings, inquires or combined proceedings

CHAPTER 1

Appeals determined by appointed persons following written representations, hearings, inquiries or combined proceedings

Procedure after proceedings

47.—(1) The appointed person must make a report in writing ("the appointed person's decision report")—

(a) in relation to an appeal dealt with by means of written representations, when the appointed person has considered the written representations; or

(b) after the close of the hearing, inquiry or combined proceedings.

(2) The appointed person's decision report must include the appointed person's conclusions and decision on the appeal.

(3) Where an assessor has been appointed, the assessor must, after the close of the hearing, inquiry or combined proceedings make a report in writing to the appointed person in respect of the matters on which the assessor was appointed to advise.

(4) Pan fo asesydd yn llunio adroddiad yn unol â pharagraff (3), rhaid i'r adroddiad ar benderfyniad y person penodedig ddatgan i ba raddau y mae'r person penodedig yn cytuno neu'n anghytuno ag adroddiad yr asesydd a, phan fo'r person penodedig yn anghytuno â'r asesydd, rhaid iddo nodi'r rhesymau dros yr anghytuno hwnnw.

(5) Wrth wneud y penderfyniad, caiff y person penodedig ddiystyru—

(a) mewn perthynas ag apêl, neu ran o apêl, yr ymdrinnir â hi drwy sylwadau ysgrifenedig, unrhyw sylwadau ysgrifenedig sy'n dod i law y tu allan i'r terfynau amser perthnasol;

(b) unrhyw sylwadau ysgrifenedig, tystiolaeth neu unrhyw ddogfen arall sy'n dod i law ar ôl diwedd y gwrandawiad neu ymchwiliad.

(6) Mewn perthynas ag apêl neu ran o apêl yr ymdrinnir â hi drwy sylwadau ysgrifenedig, os yw'r person penodedig, ar ôl y terfynau amser perthnasol, yn bwriadu cymryd i ystyriaeth unrhyw dystiolaeth newydd neu unrhyw fater newydd o ffaith (nad yw'n fater o bolisi Gweinidogion Cymru) na chafodd ei chynnwys neu ei gynnwys yn y sylwadau ysgrifenedig ac y mae'r person penodedig yn ystyried ei bod neu ei fod yn berthnasol i'r penderfyniad, rhaid i'r person penodedig beidio â dod i benderfyniad heb yn gyntaf—

(a) hysbysu'r apelydd, yr awdurdod cynllunio lleol a phersonau â buddiant sydd wedi cyflwyno sylwadau ysgrifenedig; a

(b) rhoi cyfle i'r rheini a hysbysir o dan is-baragraff (a) gyflwyno sylwadau ysgrifenedig ar y dystiolaeth newydd neu'r mater newydd o ffaith.

(7) Os yw'r person penodedig, ar ôl diwedd y gwrandawiad neu'r ymchwiliad, yn bwriadu cymryd i ystyriaeth unrhyw dystiolaeth newydd neu unrhyw fater newydd o ffaith (nad yw'n fater o bolisi Gweinidogion Cymru) na chafodd ei chodi neu ei godi yn y gwrandawiad neu'r ymchwiliad ac y mae'r person penodedig yn ystyried ei bod neu ei fod yn berthnasol i'r penderfyniad, rhaid i'r person penodedig beidio â dod i benderfyniad heb yn gyntaf—

(a) hysbysu'r apelydd, yr awdurdod cynllunio lleol, y personau â buddiant a gyflwynodd sylwadau ysgrifenedig a'r personau a gymerodd ran yn y gwrandawiad neu'r ymchwiliad; a

(b) rhoi cyfle i'r rheini a hysbysir o dan is-baragraff (a) gyflwyno sylwadau ysgrifenedig ar y dystiolaeth newydd neu'r mater newydd o ffaith neu ofyn am ailagor y gwrandawiad neu'r ymchwiliad.

(4) Where an assessor makes a report in accordance with paragraph (3), the appointed person's decision report must state how far the appointed person agrees or disagrees with the assessor's report and, where the appointed person disagrees with the assessor, the reasons for that disagreement.

(5) When making the decision, the appointed person may disregard—

(a) in relation to an appeal, or part of an appeal dealt with by means of written representations, any written representations received outside the relevant time limits;

(b) any written representations, evidence or any other document received after the close of the hearing or inquiry.

(6) In relation to an appeal or part of an appeal dealt with by means of written representations, if after the relevant time limits, an appointed person proposes to take into consideration any new evidence or any new matter of fact (not being a matter of Welsh Ministers' policy) which was not included in the written representations and which the appointed person considers to be material to the decision, the appointed person must not come to a decision without first—

(a) notifying the appellant, the local planning authority and interested persons who made written representations; and

(b) affording those notified under subparagraph (a) an opportunity of making written representations upon the new evidence or new matter of fact.

(7) If, after the close of the hearing or inquiry, an appointed person proposes to take into consideration any new evidence or any new matter of fact (not being a matter of Welsh Ministers' policy) which was not raised at the hearing or inquiry and which the appointed person considers to be material to the decision, the appointed person must not come to a decision without first—

(a) notifying the appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry; and

(b) affording those notified under subparagraph (a) an opportunity of making written representations upon the new evidence or new matter of fact or of asking for the re-opening of the hearing or inquiry.

(8) Rhaid i'r apelydd, yr awdurdod cynllunio lleol, y personau â buddiant a gyflwynodd sylwadau ysgrifenedig a'r personau a gymerodd ran yn y gwrandawiad neu'r ymchwiliad sicrhau bod sylwadau ysgrifenedig neu geisiadau i ailagor y gwrandawiad neu'r ymchwiliad a gyflwynir o dan baragraffau (6) a (7) yn dod i law Gweinidogion Cymru o fewn y cyfnod a bennir yn hysbysiad Gweinidogion Cymru o dan y paragraffau hynny.

(9) Caiff person penodedig, fel y gwêl y person penodedig orau, beri bod gwrandawiad neu ymchwiliad yn cael ei ailagor, a rhaid iddo wneud hynny os gofynnir iddo wneud hynny gan yr apelydd neu'r awdurdod cynllunio lleol o dan yr amgylchiadau a grybwyllir ym mharagraff (7), ac o fewn y cyfnod a bennir yn yr hysbysiad gan Weinidogion Cymru o dan baragraff (7).

(10) Pan fo gwrandawiad neu ymchwiliad yn cael ei ailagor—

(a) rhaid i'r person penodedig anfon at yr apelydd, yr awdurdod cynllunio lleol, y personau â buddiant a gyflwynodd sylwadau ysgrifenedig a'r personau a gymerodd ran yn y gwrandawiad neu'r ymchwiliad ddatganiad ysgrifenedig o'r materion y gwahoddir tystiolaeth bellach mewn cysylltiad â hwy;

(b) rhaid i dystiolaeth bellach a gyflwynir ar ôl gofyn amdani beidio â bod yn fwy na 3,000 o eiriau, a rhaid ei chyflwyno o fewn y cyfnod a bennir gan y person penodedig ac yn y dull a bennir ganddo; ac

(c) mae paragraffau (3) i (8) o reoliad 29, rheoliad 30, paragraffau (3) i (8) o reoliad 42 a rheoliad 43 yn gymwys fel pe bai'r cyfeiriadau at wrandawiad neu ymchwiliad yn gyfeiriadau at wrandawiad neu ymchwiliad a ailagorir.

PENNOD 2

Apelau a benderfynir gan Weinidogion Cymru yn dilyn sylwadau ysgrifenedig, gwrandawiadau, ymchwiliadau neu achosion cyfunol

Y weithdrefn ar ôl achosion

48.—(1) Rhaid i'r person penodedig lunio adroddiad ysgrifenedig i Weinidogion Cymru—

(a) mewn perthynas ag apêl yr ymdrinnir â hi drwy sylwadau ysgrifenedig, pan fydd y person penodedig wedi ystyried y sylwadau ysgrifenedig; neu

(b) ar ôl diwedd y gwrandawiad, yr ymchwiliad neu'r achosion cyfunol.

(8) The appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry must ensure that written representations or requests to re-open the hearing or inquiry made under paragraphs (6) and (7) are received by the Welsh Ministers within the period specified in the Welsh Ministers' notification under those paragraphs.

(9) An appointed person may, as the appointed person thinks fit, cause a hearing or inquiry to be re-opened, and must do so if asked by the appellant or the local planning authority in the circumstances mentioned in paragraph (7) and within the period specified in the Welsh Ministers notification under paragraph (7).

(10) Where a hearing or inquiry is re-opened—

(a) the appointed person must send to the appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry a written statement of the matters in respect of which further evidence is invited;

(b) further evidence submitted following a request must not exceed 3,000 words and must be submitted in the time and manner specified by the appointed person; and

(c) paragraphs (3) to (8) of regulation 29, regulation 30, paragraphs (3) to (8) of regulation 42 and regulation 43 apply as if the references to a hearing or an inquiry were references to a re-opened hearing or inquiry.

CHAPTER 2

Appeals determined by the Welsh Ministers following written representations, hearings, inquiries or combined proceedings

Procedure after proceedings

48.—(1) The appointed person must make a report in writing to the Welsh Ministers—

(a) in relation to an appeal dealt with by means of written representations, when the appointed person has considered the written representations; or

(b) after the close of the hearing, inquiry or combined proceedings.

(2) Rhaid i'r adroddiad gynnwys casgliadau ac argymhellion y person penodedig (neu resymau'r person penodedig dros beidio â gwneud unrhyw argymhellion).

(3) Pan fo asesydd wedi ei benodi, rhaid i'r asesydd, ar ôl diwedd yr achosion, lunio adroddiad ysgrifenedig i'r person penodedig ar y materion y penodwyd yr asesydd i gynghori yn eu cylch.

(4) Pan fo asesydd yn llunio adroddiad yn unol â pharagraff (3), rhaid i'r person penodedig atodi'r adroddiad hwnnw i'w adroddiad ei hun, a rhaid iddo ddatgan yn yr adroddiad hwnnw i ba raddau y mae'r person penodedig yn cytuno neu'n anghytuno ag adroddiad yr asesydd a, phan fo'r person penodedig yn anghytuno â'r asesydd, rhaid iddo nodi'r rhesymau dros yr anghytuno hwnnw.

(5) Wrth wneud eu penderfyniad caiff Gweinidogion Cymru ddiystyru—

(a) mewn perthynas ag apêl, neu ran o apêl, yr ymdrinnir â hi drwy sylwadau ysgrifenedig, unrhyw sylwadau ysgrifenedig sy'n dod i law y tu allan i'r terfynau amser perthnasol;

(b) unrhyw sylwadau ysgrifenedig, tystiolaeth neu unrhyw ddogfen arall sy'n dod i law ar ôl diwedd y gwrandawiad neu'r ymchwiliad.

(6) Mae paragraff (7) yn gymwys mewn perthynas ag apêl, neu ran o apêl, yr ymdrinnir â hi drwy sylwadau ysgrifenedig, os yw Gweinidogion Cymru yn penderfynu anghytuno ag argymhelliad a wneir gan y person penodedig oherwydd eu bod—

(a) yn anghytuno â'r person penodedig ynghylch unrhyw fater o ffaith a grybwyllir mewn casgliad a gyrhaeddir gan y person penodedig, neu fater o ffaith yr ymddengys iddynt hwy ei fod yn berthnasol i'r casgliad a gyrhaeddir gan y person penodedig; neu

(b) yn bwriadu ystyried unrhyw dystiolaeth newydd neu unrhyw fater newydd o ffaith (nad yw'n fater o bolisi Gweinidogion Cymru).

(7) Rhaid i Weinidogion Cymru beidio â dod i benderfyniad sy'n groes i'r argymhelliad a wnaed gan y person penodedig heb yn gyntaf—

(a) hysbysu'r apelydd, yr awdurdod cynllunio lleol a'r personau â buddiant sydd wedi cyflwyno sylwadau ysgrifenedig; a

(b) rhoi cyfle i'r rheini a hysbysir o dan is-baragraff (a) gyflwyno sylwadau ysgrifenedig ar y dystiolaeth newydd neu'r mater newydd o ffaith.

(2) The report must include the appointed person's conclusions and recommendations (or the appointed person's reasons for not making any recommendations).

(3) Where an assessor has been appointed, the assessor must, after the close of the proceedings, make a report in writing to the appointed person in respect of the matters on which the assessor was appointed to advise.

(4) Where an assessor makes a report in accordance with paragraph (3), the appointed person must append it to the appointed person's own report and must state in that report how far the appointed person agrees or disagrees with the assessor's report and, where the appointed person disagrees with the assessor, the reasons for that disagreement.

(5) When making their decision the Welsh Minsters may disregard—

(a) in relation to an appeal or part of an appeal dealt with by means of written representations, any written representations received outside the relevant time limits;

(b) any written representations, evidence or any other document received after the close of the hearing or inquiry.

(6) Paragraph (7) applies in relation to an appeal or part of an appeal dealt with by means of written representations, if the Welsh Ministers are disposed to disagree with a recommendation made by the appointed person because they—

(a) differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person; or

(b) propose to take into consideration any new evidence or any new matter of fact (not being a matter of Welsh Ministers' policy).

(7) The Welsh Ministers must not come to a decision which is at variance with the recommendation made by the appointed person without first—

(a) notifying the appellant, the local planning authority and the interested persons who made written representations; and

(b) affording those notified under subparagraph (a) an opportunity of making written representations upon the new evidence or new matter of fact.

(8) Mae paragraff (9) yn gymwys os yw Gweinidogion Cymru, ar ôl diwedd y gwrandawiad neu'r ymchwiliad, yn penderfynu anghytuno ag argymhelliad a wneir gan y person penodedig oherwydd eu bod—

(a) yn anghytuno â'r person penodedig ynghylch unrhyw fater o ffaith a grybwyllir mewn casgliad a gyrhaeddir gan y person penodedig, neu fater o ffaith yr ymddengys iddynt hwy ei fod yn berthnasol i gasgliad a gyrhaeddir gan y person penodedig; neu

(b) yn bwriadu ystyried unrhyw dystiolaeth newydd neu unrhyw fater newydd o ffaith (nad yw'n fater o bolisi Gweinidogion Cymru).

(9) Rhaid i Weinidogion Cymru beidio â dod i benderfyniad sy'n anghytuno â'r argymhelliad a wnaed gan y person penodedig heb yn gyntaf—

(a) hysbysu'r apelydd, yr awdurdod cynllunio lleol, y personau â buddiant a gyflwynodd sylwadau ysgrifenedig a'r personau a gymerodd ran yn y gwrandawiad neu'r ymchwiliad eu bod yn anghytuno, a'r rhesymau dros hynny; a

(b) rhoi cyfle iddynt gyflwyno sylwadau ysgrifenedig ar y dystiolaeth newydd neu'r mater newydd o ffaith i Weinidogion Cymru neu ofyn am ailagor y gwrandawiad neu'r ymchwiliad.

(10) Rhaid i'r apelydd, yr awdurdod cynllunio lleol, y personau â buddiant a gyflwynodd sylwadau ysgrifenedig a'r personau a gymerodd ran yn y gwrandawiad neu ymchwiliad sicrhau bod sylwadau ysgrifenedig neu geisiadau i ailagor y gwrandawiad neu'r ymchwiliad a gyflwynir o dan baragraffau (7) a (9) yn dod i law Gweinidogion Cymru o fewn y cyfnod a bennir yn hysbysiad Gweinidogion Cymru o dan y paragraffau hynny.

(11) Caiff Gweinidogion Cymru, fel yr ystyriant yn briodol, beri bod gwrandawiad neu ymchwiliad yn cael ei ailagor, a rhaid iddynt wneud hynny os gofynnir iddynt wneud hynny gan yr apelydd neu'r awdurdod cynllunio lleol o dan yr amgylchiadau a grybwyllir ym mharagraff (9), ac o fewn y cyfnod a bennir yn yr hysbysiad gan Weinidogion Cymru o dan baragraff (9).

(12) Pan ailagorir gwrandawiad neu ymchwiliad (pa un ai gan yr un person penodedig neu berson penodedig gwahanol)—

(8) Paragraph (9) applies if, after the close of the hearing or inquiry, the Welsh Ministers are disposed to disagree with a recommendation made by the appointed person because they—

(a) differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person; or

(b) propose to take into consideration any new evidence or new matter of fact (not being a matter of Welsh Ministers' policy).

(9) The Welsh Ministers must not come to a decision which is at variance with the recommendation made by the appointed person without first—

(a) notifying the appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry of their disagreement and the reasons for it; and

(b) affording them an opportunity of making written representations upon the new evidence or new matter of fact to the Welsh Ministers or of asking for the re-opening of the hearing or inquiry.

(10) The appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry must ensure that written representations or requests to re-open the hearing or inquiry made under paragraphs (7) and (9) are received by the Welsh Ministers within the period specified in the Welsh Ministers' notification under those paragraphs.

(11) The Welsh Ministers may, as they think fit, cause a hearing or inquiry to be re-opened, and they must do so if asked by the appellant or the local planning authority in the circumstances mentioned in paragraph (9) and within the period specified in the Welsh Ministers' notification under paragraph (9).

(12) Where a hearing or inquiry is re-opened (whether by the same or a different appointed person)—

(a) rhaid i Weinidogion Cymru anfon at yr apelydd, yr awdurdod cynllunio lleol, y personau â buddiant a gyflwynodd sylwadau ysgrifenedig a'r personau a gymerodd ran yn y gwrandawiad neu'r ymchwiliad ddatganiad ysgrifenedig o'r materion y gwahoddir tystiolaeth bellach mewn cysylltiad â hwy;

(b) rhaid i dystiolaeth bellach a gyflwynir ar ôl gofyn amdani beidio â bod yn fwy na 3,000 o eiriau, a rhaid ei chyflwyno o fewn y cyfnod a bennir gan Weinidogion Cymru ac yn y dull a bennir ganddynt hwy; ac

(c) mae paragraffau (3) i (8) o reoliad 29, rheoliad 30, paragraffau (3) i (8) o reoliad 42 a rheoliad 43 yn gymwys fel pe bai'r cyfeiriadau at wrandawiad neu ymchwiliad yn gyfeiriadau at wrandawiad neu ymchwiliad a ailagorir.

PENNOD 3

Hysbysiad am benderfyniad

49.—(1) Rhaid i Weinidogion Cymru neu'r person penodedig, yn ôl y digwydd, anfon y penderfyniad ar apêl, a'u rhesymau dros ddod i'r penderfyniad hwnnw, yn ysgrifenedig at—

(a) yr apelydd;

(b) yr awdurdod cynllunio lleol;

(c) y personau a gymerodd ran yn yr achosion;

(d) unrhyw berson arall a ofynnodd i gael hysbysiad ynghylch y penderfyniad ac y mae Gweinidogion Cymru yn ystyried ei fod yn rhesymol ei hysbysu.

(2) Pan na fo copi o adroddiad y person penodedig yn cael ei anfon gyda'r hysbysiad am benderfyniad, rhaid i'r hysbysiad ddod gyda datganiad o gasgliadau'r person penodedig ac unrhyw argymhellion a wnaed gan y person penodedig, ac os nad yw person sydd â hawl i gael hysbysiad am y penderfyniad wedi cael copi o'r adroddiad hwnnw, rhaid cyflenwi copi o'r adroddiad hwnnw i'r person hwnnw ar gais ysgrifenedig i Weinidogion Cymru.

(3) Yn y rheoliad hwn nid yw "adroddiad" ("*report*") yn cynnwys unrhyw ddogfennau a atodir i'r adroddiad; ond caiff unrhyw berson sydd wedi cael copi o'r adroddiad wneud cais ysgrifenedig i Weinidogion Cymru, o fewn 6 wythnos i ddyddiad penderfyniad Gweinidogion Cymru, am gyfle i weld unrhyw ddogfennau o'r fath, a rhaid i Weinidogion Cymru roi'r cyfle hwnnw i'r person hwnnw.

(4) Rhaid i unrhyw berson sy'n gwneud cais i Weinidogion Cymru o dan baragraff (2) sicrhau bod Gweinidogion Cymru yn cael y cais o fewn 4 wythnos i benderfyniad Gweinidogion Cymru.

(a) the Welsh Ministers must send to the appellant, the local planning authority, the interested persons who made written representations and the persons who took part in the hearing or inquiry a written statement of the matters in respect of which further evidence is invited;

(b) further evidence submitted following a request must not exceed 3,000 words and must be submitted in the time and manner specified by the Welsh Ministers; and

(c) paragraphs (3) to (8) of regulation 29, regulation 30, paragraphs (3) to (8) of regulation 42 and regulation 43 apply as if references to a hearing or an inquiry were references to a re-opened hearing or inquiry.

CHAPTER 3

Notice of decision

49.—(1) The Welsh Ministers, or the appointed person as the case may be, must send the decision on an appeal, and their reasons for it in writing to—

(a) the appellant;

(b) the local planning authority;

(c) the persons who took part in the proceedings;

(d) any other person who asked to be notified of the decision and whom the Welsh Ministers consider it reasonable to notify.

(2) Where a copy of the appointed person's report is not sent with the notification of the decision, the notification must be accompanied by a statement of the appointed person's conclusions and of any recommendations made by the appointed person, and if a person entitled to be notified of the decision has not received a copy of that report, that person must be supplied with a copy of it on written application to the Welsh Ministers.

(3) In this regulation "report" ("*adroddiad*") does not include any documents appended to it; but any person who has received a copy of the report may apply to the Welsh Ministers in writing, within 6 weeks of the date of the Welsh Ministers decision, for an opportunity to inspect any such documents and the Welsh Ministers must afford that person that opportunity.

(4) Any person applying to the Welsh Ministers under paragraph (2) must ensure that the application is received by the Welsh Ministers within 4 weeks of the Welsh Ministers' determination.

RHAN 8

Penderfyniadau a ddiddymir

Y weithdrefn yn dilyn diddymu penderfyniad

50.—(1) Pan fo penderfyniad Gweinidogion Cymru neu berson penodedig ar apêl yn cael ei ddiddymu mewn achosion gerbron unrhyw lys—

(a) rhaid i Weinidogion Cymru anfon at y personau a gyflwynodd sylwadau ysgrifenedig neu a gymerodd ran yn y gwrandawiad neu ymchwiliad ddatganiad ysgrifenedig o'r materion y gwahoddir sylwadau pellach mewn cysylltiad â hwy at ddibenion rhoi ystyriaeth bellach i'r apêl;

(b) rhaid i Weinidogion Cymru roi cyfle i'r personau hynny gyflwyno sylwadau ysgrifenedig iddynt hwy mewn cysylltiad â'r materion hynny; ac

(c) caiff Gweinidogion Cymru, fel yr ystyriant yn briodol—

(i) peri i'r gwrandawiad neu'r ymchwiliad i gael ei ailagor;

(ii) yn achos gwrandawiad, beri i ymchwiliad gael ei gynnal yn lle hynny (pa un ai gan yr un person penodedig neu berson penodedig gwahanol);

(iii) yn achos ymchwiliad, beri i wrandawiad gael ei gynnal yn lle hynny (pa un ai gan yr un person penodedig neu berson penodedig gwahanol);

(iv) peri i wrandawiad neu ymchwiliad gael ei gynnal (pan na fo un wedi ei gynnal yn flaenorol); neu

(v) penderfynu ar y mater ar sail sylwadau ysgrifenedig.

(2) Os yw Gweinidogion Cymru yn ailagor y gwrandawiad neu'r ymchwiliad, mae rheoliadau 29 a 42 yn gymwys fel pe bai'r cyfeiriadau at wrandawiad neu ymchwiliad yn gyfeiriadau at wrandawiad neu ymchwiliad a ailagorir.

(3) Rhaid i'r personau hynny sy'n cyflwyno sylwadau sicrhau bod y fath sylwadau yn dod i law Gweinidogion Cymru o fewn y cyfnod a bennir yn natganiad Gweinidogion Cymru o dan baragraff (1)(a).

PART 8

Quashed decisions

Procedure following quashing of decision

50.—(1) Where a decision of the Welsh Ministers or an appointed person on an appeal is quashed in proceedings before any court, the Welsh Ministers—

(a) must send to the persons who submitted written representations or who took part in the hearing or inquiry, a written statement of the matters in respect of which further representations are invited for the purposes of their further consideration of the appeal;

(b) must afford to those persons the opportunity of making written representations to them in respect of those matters; and

(c) may, as they think fit—

(i) cause the hearing or inquiry to be re-opened;

(ii) in the case of a hearing, cause an inquiry to be held instead (whether by the same or a different appointed person);

(iii) in the case of an inquiry, cause a hearing to be held instead (whether by the same or a different appointed person);

(iv) cause a hearing or inquiry to be held (where none was held previously); or

(v) determine the matter on the basis of written representations.

(2) If the Welsh Ministers re-open the hearing or inquiry regulation 29 and regulation 42 apply as if the references to a hearing or inquiry are to a re-opened hearing or inquiry.

(3) Those persons making representations must ensure that such representations are received by the Welsh Ministers within the period specified in the Welsh Ministers' statement under paragraph (1)(a).

RHAN 9

Cyfarwyddydau Diogelwch Gwladol

Addasiadau pan roddir cyfarwyddyd diogelwch gwladol

51. Mae'r addasiadau a nodir yn Atodlen 2 yn cael effaith pan roddir cyfarwyddyd gan Weinidogion Cymru o dan—

(a) adran 321(3)(**1**) o'r Ddeddf Gynllunio (ymchwiliadau cynllunio sydd i'w cynnal yn gyhoeddus yn ddarostyngedig i eithriadau penodol);

(b) paragraff 6(6) o Atodlen 3(**2**) i'r Ddeddf Adeiladau Rhestredig (ymchwiliadau lleol a gwrandawiadau); neu

(c) paragraff 6(6) o'r Atodlen(**3**) i'r Ddeddf Sylweddau Peryglus (ymchwiliadau lleol a gwrandawiadau).

RHAN 10

Hysbysiadau Gorfodi a ddyroddir gan Weinidogion Cymru

Cymhwyso Rheoliadau i hysbysiadau gorfodi a ddyroddir gan Weinidogion Cymru

52. Mae'r Rheoliadau hyn yn gymwys i apelau yn erbyn hysbysiadau gorfodi a ddyroddir gan Weinidogion Cymru o dan adran 182 o'r Ddeddf Gynllunio ac i apelau yn erbyn hysbysiadau gorfodi adeiladau rhestredig a ddyroddir gan Weinidogion Cymru o dan adran 46 o'r Ddeddf Adeiladau Rhestredig, yn ddarostyngedig i'r addasiadau a nodir yn Atodlen 3.

(**1**) Mewnosodwyd is-adrannau (5) i (12) o adran 321 gan adran 80(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ("Deddf 2004").

(**2**) Mewnosodwyd paragraff 6A o Atodlen 3 gan adran 80(3) o Ddeddf 2004.

(**3**) Mewnosodwyd paragraff 6A o'r Atodlen gan adran 80(3) o Ddeddf 2004.

PART 9

National Security Directions

Modifications where national security direction given

51. The modifications set out in Schedule 2 have effect where a direction is given by the Welsh Ministers under—

(a) section 321(3)(**1**) of the Planning Act (planning inquiries to be held in public subject to certain exceptions);

(b) paragraph 6(6) of Schedule 3(**2**) to the Listed Buildings Act (local inquiries and hearings); or

(c) paragraph 6(6) of the Schedule(**3**) to the Hazardous Substances Act (local inquiries and hearings).

PART 10

Enforcement Notices issued by the Welsh Ministers

Application of Regulations to enforcement notices issued by the Welsh Ministers

52. These Regulations apply to appeals against enforcement notices issued by the Welsh Ministers under section 182 of the Planning Act and to appeals against listed building enforcement notices issued by the Welsh Ministers under section 46 of the Listed Buildings Act, subject to the modifications set out in Schedule 3.

(**1**) Section 321 subsections (5) to (12) were inserted by section 80(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act").

(**2**) Paragraph 6A of Schedule 3 was inserted by section 80(3) the 2004 Act.

(**3**) Paragraph 6A of the Schedule was inserted by section 80(3) of the 2004 Act.

RHAN 11

Dirymu a diwygiad canlyniadol

Darpariaethau dirymu, darpariaethau trosiannol a darpariaethau arbed

53.—(1) Mae'r offerynnau a restrir yng ngholofn (1) o Atodlen 4 wedi eu dirymu i'r graddau y maent yn gymwys o ran Cymru i'r graddau a nodir yng ngholofn (3), yn ddarostyngedig i baragraffau (2) a (3).

(2) Mae'r offerynnau a restrir yng ngholofn (1) o Atodlen 4 yn parhau i fod yn gymwys i apelau, ac eithrio apelau gorfodi, pan wneir yr apêl mewn perthynas â chais a wnaed cyn y daw'r Rheoliadau hyn i rym.

(3) Mae'r offerynnau a restrir yng ngholofn (1) o Atodlen 4 yn parhau i fod yn gymwys i apelau gorfodi pan wneir yr apêl mewn perthynas â hysbysiad gorfodi a ddyroddwyd cyn y daw'r Rheoliadau hyn i rym.

Diwygiad canlyniadol

54.—(1) Mae Gorchymyn 2012 wedi ei ddiwygio fel a ganlyn.

(2) Yn Atodlen 2, yn yr Hysbysiad o dan Erthygl 10 o Gais am Ganiatâd Cynllunio, yn lle "Rhan 1 o Reoliadau Cynllunio Gwlad a Thref (Atgyfeiriadau ac Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2015" rhodder "Rhan 3 o Reoliadau Cynllunio Gwlad a Thref (Ceisiadau Atgyfeiriedig a Gweithdrefn Apelau) (Cymru) 2017".

PART 11

Revocation and consequential amendment

Revocation, transitional and saving provisions

53.—(1) The instruments listed in column (1) of Schedule 4 are revoked in so far as they apply in relation to Wales to the extent indicated in column (3), subject to paragraphs (2) and (3).

(2) The instruments listed in column (1) of Schedule 4 continue to apply to appeals, other than enforcement appeals, where the appeal is made in relation to an application made before these Regulations come into force.

(3) The instruments listed in column (1) of Schedule 4 continue to apply to enforcement appeals where the appeal is made in relation to an enforcement notice issued before these Regulations come into force.

Consequential amendment

54.—(1) The 2012 Order is amended as follows.

(2) In Schedule 2, in the Notice Under Article 10 of Application for Planning Permission, for "Part 1 of the Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2015" substitute "Part 3 of the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017".

Jane Hutt

Un o Weinidogion Cymru
5 Ebrill 2017

One of the Welsh Ministers
5 April 2017

ATODLEN 1 — Rheoliad 3

Defnyddiau datblygu masnachol bach

Siopau

1.

Defnydd ar gyfer yr holl ddibenion a ganlyn, neu unrhyw un neu ragor ohonynt—

(a) manwerthu nwyddau ac eithrio bwyd poeth,

(b) fel swyddfa'r post,

(c) ar gyfer gwerthu tocynnau neu fel swyddfa deithio,

(d) ar gyfer gwerthu brechdanau neu fwyd oer arall i'w fwyta i ffwrdd o'r fangre honno,

(e) ar gyfer trin gwallt,

(f) ar gyfer trefnu angladdau,

(g) ar gyfer arddangos nwyddau i'w gwerthu,

(h) ar gyfer hurio nwyddau neu eitemau domestig neu bersonol,

(i) ar gyfer golchi neu lanhau dillad neu ffabrigau yn y fangre,

(j) ar gyfer derbyn nwyddau i'w golchi, eu glanhau neu eu hatgyweirio,

pan fo'r gwerthu, yr arddangos neu'r gwasanaeth ar gyfer aelodau o'r cyhoedd sy'n ymweld.

Gwasanaethau ariannol a phroffesiynol

2.

Defnydd ar gyfer darparu—

(a) gwasanaethau ariannol,

(b) gwasanaethau proffesiynol (ac eithrio gwasanaethau iechyd neu feddygol), neu

(c) unrhyw wasanaethau eraill (gan gynnwys defnydd fel swyddfa fetio) y mae'n briodol eu darparu mewn ardal siopa,

pan ddarperir y gwasanaethau yn bennaf i aelodau o'r cyhoedd sy'n ymweld.

Bwyd a diod

3.

Defnydd ar gyfer gwerthu bwyd neu ddiod ar gyfer ei fwyta neu ei yfed yn y fangre neu fwyd poeth ar gyfer ei fwyta i ffwrdd o'r fangre.

SCHEDULE 1 — Regulation 3

Minor commercial development uses

Shops

1.

Use for all or any of the following purposes—

(a) for the retail sale of goods other than hot food,

(b) as a post office,

(c) for the sale of tickets or as a travel agency,

(d) for the sale of sandwiches or other cold food for consumption off the premises,

(e) for hairdressing,

(f) for the direction of funerals,

(g) for the display of goods for sale,

(h) for the hiring out of domestic or personal goods or articles,

(i) for the washing or cleaning of clothes or fabrics on the premises,

(j) for the reception of goods to be washed, cleaned or repaired,

where the sale, display or service is to visiting members of the public.

Financial and professional services

2.

Use for the provision of—

(a) financial services,

(b) professional services (other than health or medical services), or

(c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,

where the services are provided principally to visiting members of the public.

Food and drink

3.

Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.

ATODLEN 2 Rheoliad 51

Addasiadau pan roddir cyfarwyddyd diogelwch gwladol

Dehongli

1. Mae rheoliad 3 i'w ddarllen fel pe bai'r canlynol wedi ei fewnosod yn y lleoedd priodol—

> "ystyr "cyfarwyddyd diogelwch" ("*security direction*") yw cyfarwyddyd a roddir gan Weinidogion Cymru neu'r Ysgrifennydd Gwladol o dan adran 321(3) o'r Ddeddf Gynllunio, paragraff 6(6) o Atodlen 3 i'r Ddeddf Adeiladau Rhestredig neu baragraff 6(6) o'r Atodlen i'r Ddeddf Sylweddau Peryglus,";

> "ystyr "cynrychiolydd penodedig" ("*appointed representative"*) yw person a benodir o dan adran 321(5) neu (6) o'r Ddeddf Gynllunio, adrannau 22 a 40 o'r Ddeddf Adeiladau Rhestredig a pharagraff 6A o Atodlen 3 iddi, ac adran 21 o'r Ddeddf Sylweddau Peryglus a pharagraff 6A o'r Atodlen iddi,";

> "ystyr "tystiolaeth gaeedig" ("*closed evidence*") yw tystiolaeth sy'n ddarostyngedig i gyfarwyddyd diogelwch;".

Arolygu safleoedd

2. Mae rheoliad 8 i'w ddarllen fel pe bai—

(a) ar ddiwedd paragraff (2), "a rhaid iddynt roi'r fath hysbysiad i unrhyw gynrychiolydd penodedig" wedi ei fewnosod;

(b) ar ôl paragraff (2), y canlynol wedi ei fewnosod—

> "(2A) Pan fo arolygu safle yn golygu arolygu tystiolaeth gaeedig, caiff Gweinidogion Cymru arolygu'r tir yng nghwmni'r apelydd ac unrhyw gynrychiolydd penodedig."

Gwybodaeth bellach

3. Mae rheoliad 9 i'w ddarllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (8)—

> "(8A) Nid yw paragraff (8) yn gymwys pan fo'r sylwadau a'r ymatebion ysgrifenedig a geir gan Weinidogion Cymru ("sylwadau pellach") yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig.

> (7B) Pan fo sylwadau pellach yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig rhaid i Weinidogion Cymru—

SCHEDULE 2 Regulation 51

Modifications where national security direction given

Interpretation

1. Regulation 3 is read as if in the appropriate places there is inserted—

> ""appointed representative" ("*cynrychiolydd penodedig*") means a person appointed under section 321(5) or (6) of the Planning Act, sections 22 and 40 of, and paragraph 6A of Schedule 3 to, the Listed Buildings Act and section 21 of, and paragraph 6A of the Schedule to, the Hazardous Substances Act;";

> ""closed evidence" ("*tystiolaeth gaeedig*") means evidence which is subject to a security direction;";

> ""security direction" ("*cyfarwyddyd diogelwch*") means a direction given by the Welsh Ministers or the Secretary of State under section 321(3) of the Planning Act, paragraph 6(6) of Schedule 3 to the Listed Buildings Act or paragraph 6(6) of the Schedule to the Hazardous Substances Act; ".

Site inspections

2. Regulation 8 is read as if—

(a) at the end of paragraph (2) there is inserted "and they must so notify any appointed representative";

(b) after paragraph (2) there is inserted—

> "(2A) Where an inspection of a site involves the inspection of closed evidence, the Welsh Ministers may inspect the land in the company of the appellant and any appointed representative."

Further information

3. Regulation 9 is read as if after paragraph (8) there is inserted—

> "(8A) Paragraph (8) does not apply where the representations and written responses received by the Welsh Ministers ("further representations") include or refer to closed evidence.

> (7B) Where further representations include or refer to closed evidence the Welsh Ministers must—

(a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl eu cael, anfon y sylwadau pellach at yr apelydd ac unrhyw gynrychiolydd penodedig; a

(b) sicrhau bod y sylwadau pellach (ac eithrio'r dystiolaeth gaeedig) ar gael yn y fath fodd y mae Gweinidogion Cymru yn meddwl ei fod yn briodol cyn gynted ag y bo'n rhesymol ymarferol."

Sylwadau

4. Mae rheoliad 22 i'w ddarllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (7)—

"(7A) Nid yw paragraff (7) yn gymwys pan fo'r datganiad achos llawn a geir gan Weinidogion Cymru ("y datganiad achos llawn") yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig.

(7B) Pan fo'r datganiad achos llawn yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig rhaid i Weinidogion Cymru—

(a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl ei gael, anfon y datganiad achos llawn at yr apelydd ac at unrhyw gynrychiolydd penodedig; a

(b) sicrhau bod y datganiad achos llawn (ac eithrio'r dystiolaeth gaeedig) ar gael yn y fath fodd y mae Gweinidogion Cymru yn meddwl ei fod yn briodol cyn gynted ag y bo'n rhesymol ymarferol."

Sylwadau personau â buddiant

5. Mae rheoliad 23 i'w ddarllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (3)—

"(3A) Nid yw paragraff (3) yn gymwys pan fo'r sylwadau a geir gan Weinidogion Cymru oddi wrth bersonau â buddiant ("sylwadau personau â buddiant") yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig.

(3B) Pan fo sylwadau'r personau â buddiant yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig rhaid i Weinidogion Cymru—

(a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl eu cael, anfon sylwadau'r personau â buddiant at yr apelydd ac unrhyw gynrychiolydd penodedig; a

(a) as soon as reasonably practicable after receipt, send the further representations to the appellant and any appointed representative; and

(b) make the further representations (other than the closed evidence) available in such manner as the Welsh Ministers think appropriate as soon as reasonably practicable."

Representations

4. Regulation 22 is read as if after paragraph (7) there is inserted—

"(7A) Paragraph (7) does not apply where the full statement of case received by the Welsh Ministers ("the full statement of case") includes or refers to closed evidence.

(7B) Where the full statement of case received includes or refers to closed evidence the Welsh Ministers must—

(a) as soon as reasonably practicable after receipt, send the full statement of case to the appellant and any appointed representative; and

(b) make the full statement of case (other than the closed evidence) available in such manner as the Welsh Ministers think appropriate as soon as reasonably practicable."

Interested persons' representations

5. Regulation 23 is read as if after paragraph (3) there is inserted—

"(3A) Paragraph (3) does not apply where the representations received by the Welsh Ministers from interested persons ("interested persons' representations") include or refer to closed evidence.

(3B) Where the interested persons' representations include or refer to closed evidence the Welsh Ministers must—

(a) as soon as reasonably practicable after receipt, send the interested persons' representations to the appellant and any appointed representative; and

(b) sicrhau bod sylwadau'r personau â buddiant (ac eithrio'r dystiolaeth gaeedig) ar gael yn y fath fodd y mae Gweinidogion Cymru yn meddwl ei fod yn briodol cyn gynted ag y bo'n rhesymol ymarferol."

Sylwadau pellach

6. Mae rheoliad 24 i'w ddarllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (4)—

"(4A) Nid yw paragraff (4) yn gymwys pan fo'r sylwadaethau ysgrifenedig a geir gan Weinidogion Cymru ("sylwadaethau ysgrifenedig") yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig.

(4B) Pan fo'r sylwadaethau ysgrifenedig yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig rhaid i Weinidogion Cymru—

(a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl eu cael, anfon y sylwadaethau ysgrifenedig at yr apelydd ac unrhyw gynrychiolydd penodedig; a

(b) sicrhau bod y sylwadaethau ysgrifenedig (ac eithrio'r dystiolaeth gaeedig) ar gael yn y fath fodd y mae Gweinidogion Cymru yn meddwl ei fod yn briodol cyn gynted ag y bo'n rhesymol ymarferol."

Penodi asesydd

7. Mae rheoliadau 28 a 37 i'w darllen fel pe bai ", unrhyw gynrychiolydd penodedig" wedi ei fewnosod ar ôl "yr awdurdod cynllunio lleol".

Dyddiad gwrandawiad ac ymchwiliad, lleoliad gwrandawiad ac ymchwiliad a hysbysiad ynghylch gwrandawiad ac ymchwiliad

8. Mae rheoliadau 29 a 42 i'w darllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (4)(b)—

"(ba) unrhyw gynrychiolydd penodedig;".

Cymryd rhan mewn gwrandawiad, cymryd rhan mewn ymchwiliad

9. Mae rheoliadau 31(1) a 38(1) i'w darllen fel pe bai'r canlynol wedi ei fewnosod ar ôl is-baragraff (b)—

"(ba) unrhyw gynrychiolydd penodedig;".

(b) make the interested persons' representations (other than the closed evidence) available in such manner as the Welsh Ministers think appropriate as soon as reasonably practicable."

Further representations

6. Regulation 24 is read as if after paragraph (4) there is inserted—

"(4A) Paragraph (4) does not apply where the written comments received by the Welsh Ministers ("written comments") include or refer to closed evidence.

(4B) Where the written comments include or refer to closed evidence the Welsh Ministers must—

(a) as soon as reasonably practicable after receipt, send the written comments to the appellant and any appointed representative; and

(b) make the written comments (other than the closed evidence) available in such manner as the Welsh Ministers think appropriate as soon as reasonably practicable."

Appointment of assessor

7. Regulations 28 and 37 are read as if after "the local planning authority" there is inserted ", any appointed representative".

Date, place and notification of hearing and inquiry

8. Regulations 29 and 42 are read as if after paragraph (4)(b) there is inserted—

"(ba) any appointed representative;".

Participation in a hearing, participation in an inquiry

9. Regulations 31(1) and 38(1) are read as if after subparagraph (b) there is inserted—

"(ba) any appointed representative;".

Absenoldeb, gohirio etc.

10. Mae rheoliadau 32(1) a 39(1) i'w darllen fel pe bai ", unrhyw gynrychiolydd penodedig" wedi ei fewnosod ar ôl "awdurdod cynllunio lleol".

Y weithdrefn mewn gwrandawiad

11. Mae rheoliad 33(5) i'w ddarllen fel pe bai ", unrhyw gynrychiolydd penodedig" wedi ei fewnosod ar ôl "awdurdod cynllunio lleol".

Cyfarfodydd rhagymchwiliad

12. Mae rheoliad 40(2) i'w ddarllen fel pe bai'r canlynol wedi ei fewnosod ar ôl is-baragraff (b)—

"(ba) unrhyw gynrychiolydd penodedig;".

Datganiadau tystiolaeth ysgrifenedig

13. Mae rheoliad 44 i'w ddarllen fel pe bai—

(a) ar ôl paragraff (1), y canlynol wedi ei fewnosod—

"(1A) Nid yw paragraff (1) yn gymwys pan fo'r datganiad tystiolaeth ysgrifenedig yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig.

(1B) Pan fo'r datganiad tystiolaeth ysgrifenedig yn cynnwys tystiolaeth gaeedig neu'n cyfeirio at dystiolaeth gaeedig—

(a) rhaid i'r apelydd, yr awdurdod cynllunio lleol a phob person a wahoddir i gymryd rhan yn yr ymchwiliad sy'n bwriadu rhoi tystiolaeth, neu'n bwriadu galw person arall i roi tystiolaeth, yn yr ymchwiliad drwy ddarllen datganiad ysgrifenedig, anfon at Weinidogion Cymru—

(i) un copi o'r datganiad ysgrifenedig gan gynnwys y dystiolaeth gaeedig, ynghyd â chrynodeb ysgrifenedig;

(ii) un copi o'r datganiad ysgrifenedig heb gynnwys y dystiolaeth gaeedig ("y datganiad agored"), ynghyd â chrynodeb ysgrifenedig;

(b) rhaid i'r apelydd anfon un copi o'r datganiad agored, ynghyd â chrynodeb ysgrifenedig, i'r awdurdod cynllunio lleol;

(c) rhaid i'r awdurdod cynllunio lleol anfon un copi o'r datganiad agored, ynghyd â chrynodeb ysgrifenedig, at yr apelydd.";

Absence, adjournment etc.

10. Regulations 32(1) and 39(1) are read as if after "local planning authority" there is inserted ", any appointed representative".

Procedure at hearing

11. Regulation 33(5) is read as if after "local planning authority" there is inserted ", any appointed representative".

Pre-inquiry meetings

12. Regulation 40(2) is read as if after subparagraph (b) there is inserted—

"(ba) any appointed representative;".

Written statements of evidence

13. Regulation 44 is read as if—

(a) after paragraph (1) there is inserted—

"(1A) Paragraph (1) does not apply where the written statement of evidence includes or refers to closed evidence.

(1B) Where the written statement of evidence includes or refers to closed evidence—

(a) the appellant, the local planning authority and each person invited to take part in the inquiry who propose to give or call another person to give evidence at the inquiry by reading a written statement, must send to the Welsh Ministers—

(i) one copy of the written statement including closed evidence, together with a written summary;

(ii) one copy of the written statement excluding closed evidence ("the open statement"), together with a written summary;

(b) the appellant must send one copy of the open statement, together with a written summary, to the local planning authority;

(c) the local planning authority must send one copy of the open statement, together with a written summary, to the appellant.";

(b) ar ôl paragraff (2), y canlynol wedi ei fewnosod—

“(2A) Nid yw paragraff (2) yn gymwys pan fo’r datganiad tystiolaeth ysgrifenedig yn cynnwys tystiolaeth gaeedig neu’n cyfeirio at dystiolaeth gaeedig.

(2B) Pan fo’r datganiad tystiolaeth ysgrifenedig yn cynnwys tystiolaeth gaeedig neu’n cyfeirio at dystiolaeth gaeedig rhaid i Weinidogion Cymru, cyn gynted ag y bo’n rhesymol ymarferol ar ôl ei gael—

(a) anfon copi o ddatganiad agored pob person a wahoddir i gymryd rhan yn yr ymchwiliad, ynghyd ag unrhyw grynodeb, i’r awdurdod cynllunio lleol; a

(b) anfon copi o bob datganiad agored, ynghyd ag unrhyw grynodeb, at bob person a wahoddir i gymryd rhan yn yr ymchwiliad.”

Y weithdrefn mewn ymchwiliad

14. Mae rheoliad 45 i’w ddarllen fel pe bai—

(a) ym mharagraffau (3), (5) a (6), “, unrhyw gynrychiolydd penodedig” wedi ei fewnosod ar ôl “awdurdod cynllunio lleol”;

(b) ar ôl paragraff (12), y canlynol wedi ei fewnosod—

“(12A) Nid yw paragraff (12) yn gymwys os yw unrhyw sylw ysgrifenedig neu unrhyw ddogfen arall a geir gan y person penodedig (“gwybodaeth bellach”) yn cynnwys tystiolaeth gaeedig neu’n cyfeirio at dystiolaeth gaeedig.

(12B) Pan fo’r wybodaeth bellach yn cynnwys tystiolaeth gaeedig neu’n cyfeirio at dystiolaeth gaeedig, rhaid i’r person penodedig—

(a) datgelu’r wybodaeth bellach i’r apelydd ac unrhyw gynrychiolydd penodedig;

(b) datgelu’r wybodaeth bellach (ac eithrio’r dystiolaeth gaeedig) i’r awdurdod cynllunio lleol a phob person sy’n cymryd rhan yn yr ymchwiliad.”

Y weithdrefn ar ôl sylwadau ysgrifenedig, gwrandawiadau, ymchwiliadau neu achosion cyfunol.

15. Mae rheoliad 47 i’w ddarllen fel pe bai’r canlynol wedi ei fewnosod ar ôl paragraff (4)—

“(4A) Nid yw paragraff (4) yn gymwys pan ystyriwyd tystiolaeth gaeedig.

(b) after paragraph (2) there is inserted—

“(2A) Paragraph (2) does not apply where the written statement of evidence includes or refers to closed evidence.

(2B) Where the written statement of evidence includes or refers to closed evidence the Welsh Ministers must, as soon as reasonably practicable after receipt—

(a) send a copy of the open statement, together with any summary, of each person invited to take part in the inquiry to the local planning authority; and

(b) send a copy of each open statement, together with any summary, to each person invited to take part in the inquiry.”

Procedure at inquiry

14. Regulation 45 is read as if—

(a) in paragraphs (3), (5) and (6) after “local planning authority” there is inserted “, any appointed representative”;

(b) after paragraph (12) there is inserted—

“(12A) Paragraph (12) does not apply if any written representation or any other document received by the appointed person (“further information”) includes or refers to closed evidence.

(12B) Where the further information includes or refers to closed evidence, the appointed person must—

(a) disclose the further information to the appellant and any appointed representative;

(b) disclose the further information (other than the closed evidence) to the local planning authority and every person who takes part in the inquiry.”

Procedure after written representations, hearings, inquires or combined proceedings.

15. Regulation 47 is read as if after paragraph (4) there is inserted—

“(4A) Paragraph (4) does not apply where closed evidence was considered.

(4B) Pan ystyriwyd tystiolaeth gaeedig—

(a) rhaid i'r person penodedig a'r asesydd, pan fo un wedi ei benodi, nodi mewn rhan ar wahân ("y rhan gaeedig") o'u hadroddiadau unrhyw ddisgrifiad o'r dystiolaeth honno ynghyd ag unrhyw gasgliadau neu argymhellion mewn perthynas â'r dystiolaeth honno; a

(b) pan fo asesydd wedi ei benodi, rhaid i'r person penodedig atodi'r rhan gaeedig o adroddiad yr asesydd i'r rhan gaeedig o adroddiad y person penodedig a rhaid iddo ddatgan yn y rhan gaeedig o'r adroddiad hwnnw i ba raddau y mae'n cytuno neu'n anghytuno â'r rhan gaeedig o adroddiad yr asesydd a, phan fo'n anghytuno â'r asesydd, y rhesymau dros yr anghytuno hwnnw."

16. Mae rheoliad 48 i'w ddarllen fel pe bai—

(a) y canlynol wedi ei fewnosod ar ôl paragraff (4)—

"(4A) Nid yw paragraff (4) yn gymwys pan ystyriwyd tystiolaeth gaeedig.

(4B) Pan ystyriwyd tystiolaeth gaeedig—

(a) rhaid i'r person penodedig a'r asesydd, pan fo un wedi ei benodi, nodi mewn rhan ar wahân ("y rhan gaeedig") o'u hadroddiadau unrhyw ddisgrifiad o'r dystiolaeth honno ynghyd ag unrhyw gasgliadau neu argymhellion mewn perthynas â'r dystiolaeth honno; a

(b) pan fo asesydd wedi ei benodi, rhaid i'r person penodedig atodi'r rhan gaeedig o adroddiad yr asesydd i'r rhan gaeedig o adroddiad y person penodedig a rhaid iddo ddatgan yn y rhan gaeedig o'r adroddiad hwnnw i ba raddau y mae'n cytuno neu'n anghytuno â'r rhan gaeedig o adroddiad yr asesydd a, phan fo'n anghytuno â'r asesydd, y rhesymau dros yr anghytuno hwnnw.";

(b) y canlynol wedi ei fewnosod ôl paragraff (9)—

"(9A) Nid yw paragraff (9) yn gymwys pan fo Gweinidogion Cymru yn anghytuno â'r person penodedig ynghylch unrhyw fater o ffaith a grybwyllir mewn casgliad a gyrhaeddir gan y person penodedig mewn perthynas â mater y rhoddwyd tystiolaeth gaeedig mewn cysylltiad ag ef, neu yr ymddengys iddynt hwy ei fod yn berthnasol i gasgliad o'r fath.

(4B) Where closed evidence was considered—

(a) the appointed person and assessor, where one has been appointed, must set out in a separate part ("the closed part") of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and

(b) where an assessor has been appointed, the appointed person must append the closed part of the assessor's report to the closed part of the appointed person's report and must state in the closed part of that report how far the appointed person agrees or disagrees with the closed part of the assessor's report and, where there is disagreement with the assessor, the reasons for that disagreement."

16. Regulation 48 is read as if—

(a) after paragraph (4) there is inserted—

"(4A) Paragraph (4) does not apply where closed evidence was considered.

(4B) Where closed evidence was considered—

(a) the appointed person and assessor, where one has been appointed, must set out in a separate part ("the closed part") of their reports any description of that evidence together with any conclusions or recommendations in relation to that evidence; and

(b) where an assessor has been appointed, the appointed person must append the closed part of the assessor's report to the closed part of the appointed person's report and must state in the closed part of that report how far the appointed person agrees or disagrees with the closed part of the assessor's report and, where there is disagreement with the assessor, the reasons for that disagreement.";

(b) after paragraph (9) there is inserted—

"(9A) Paragraph (9) does not apply where the Welsh Ministers differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person in relation to a matter in respect of which closed evidence has been given.

(9B) Pan fo Gweinidogion Cymru yn anghytuno â'r person penodedig ynghylch unrhyw fater o ffaith a grybwyllir mewn casgliad a gyrhaeddir gan y person penodedig mewn perthynas â mater y rhoddwyd tystiolaeth gaeedig mewn cysylltiad ag ef, neu yr ymddengys iddynt hwy ei fod yn berthnasol i gasgliad o'r fath, rhaid iddynt gynnwys rhesymau Gweinidogion Cymru dros anghytuno oni bai—

(a) bod yr hysbysiad wedi ei gyfeirio at berson nad yw'n gynrychiolydd penodedig nac yn unrhyw berson a bennir yn y cyfarwyddyd diogelwch, neu'n unrhyw berson o ddisgrifiad a bennir yn y cyfarwyddyd diogelwch; a

(b) y byddai cynnwys y rhesymau yn datgelu unrhyw ran o'r dystiolaeth gaeedig."

(9B) Where the Welsh Ministers differ from the appointed person on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by the appointed person in relation to a matter in respect of which closed evidence has been given, they must include the reasons for the Welsh Ministers disagreement unless—

(a) the notification is addressed to a person who is neither the appointed representative nor any person specified, or of a description specified, in the security direction; and

(b) the inclusion of the reasons would disclose any part of the closed evidence."

Hysbysiad ynghylch penderfyniad

17. Mae rheoliad 49 i'w ddarllen fel pe bai—

(a) ym mharagraff (1), "Yn ddarostyngedig i baragraff (1A)" wedi ei fewnosod cyn "Rhaid i Weinidogion Cymru,";

(b) y canlynol wedi ei fewnosod ar ôl paragraff (1)—

"(1A) Pan fo rhesymau Gweinidogion Cymru dros benderfyniad yn ymwneud â materion y rhoddwyd tystiolaeth gaeedig mewn cysylltiad â hwy, nid oes dim ym mharagraff (1) yn ei gwneud yn ofynnol i Weinidogion Cymru roi hysbysiad ynghylch y rhesymau hynny i unrhyw berson ac eithrio—

(a) y cynrychiolydd penodedig; neu

(b) person a bennir yn y cyfarwyddyd diogelwch, neu berson o unrhyw ddisgrifiad a bennir yn y cyfarwyddyd diogelwch.";

(c) ym mharagraff (2), "Yn ddarostyngedig i baragraff (3A)" wedi ei fewnosod cyn "Pan na fo copi";

(d) y canlynol wedi ei fewnosod ar ôl paragraff (3)—

"(3A) Nid oes dim ym mharagraffau (2) neu (3) yn ei gwneud yn ofynnol i ddatgelu neu weld y rhan gaeedig o adroddiad y person penodedig, neu unrhyw ddogfennau sy'n ffurfio neu'n cynnwys tystiolaeth gaeedig a atodir i adroddiad y person penodedig, i unrhyw berson ac eithrio—

(a) y cynrychiolydd penodedig; neu

Notification of decision

17. Regulation 49 is read as if—

(a) in paragraph (1), before "The Welsh Ministers," there is inserted "Subject to paragraph (1A);

(b) after paragraph (1), there is inserted—

"(1A) Where the Welsh Ministers reasons for a decision relate to matters in respect of which closed evidence has been given, nothing in paragraph (1) requires the Welsh Ministers to notify those reasons to any person other than—

(a) the appointed representative; or

(b) a person specified, or of any description specified, in the security direction.";

(c) in paragraph (2), before "Where a copy" there is inserted "Subject to paragraph (3A)";

(d) after paragraph (3) there is inserted—

"(3A) Nothing in paragraphs (2) or (3) require the disclosure or inspection of the closed part of the appointed person's report, or of any documents comprising or containing closed evidence appended to the appointed person's report, to any person other than—

(a) the appointed representative; or

(b) person a bennir yn y cyfarwyddyd diogelwch, neu berson o unrhyw ddisgrifiad a bennir yn y cyfarwyddyd diogelwch.”

Y weithdrefn yn dilyn diddymu penderfyniad

18. Mae rheoliad 50(1) i’w ddarllen fel pe bai’r canlynol wedi ei fewnosod ar ôl is-baragraff (a)—

“(aa) nid yw is-baragraff (a) yn gymwys pan fo’r materion y cyfeirir atynt yn is-baragraff (a) yn golygu ystyried tystiolaeth gaeedig;

(ab) pan fo’r materion y cyfeirir atynt yn is-baragraff (a) yn golygu ystyried tystiolaeth gaeedig, ni fydd Gweinidogion Cymru ond yn anfon y datganiad ysgrifenedig at—

(i) y cynrychiolydd penodedig; neu

(ii) person a bennir yn y cyfarwyddyd diogelwch, neu berson o unrhyw ddisgrifiad a bennir yn y cyfarwyddyd diogelwch;”.

Peidio â datgelu tystiolaeth gaeedig

19. Mae’r canlynol wedi ei fewnosod ar ôl rheoliad 51—

“**51A.** Nid oes dim yn y Rheoliadau hyn i’w gymryd fel pe bai’n ei gwneud yn ofynnol i ddatgelu, neu’n caniatáu datgelu, tystiolaeth gaeedig i unrhyw berson ac eithrio—

(a) Gweinidogion Cymru;

(b) y person penodedig; neu

(c) person a bennir yn y cyfarwyddyd diogelwch, neu berson o unrhyw ddisgrifiad a bennir yn y cyfarwyddyd diogelwch.”

(b) a person specified, or of any description specified, in the security direction.”

Procedure following quashing of decision

18. Regulation 50(1) is read as if after subparagraph (a) there is inserted—

“(aa) subparagraph (a) does not apply where the matters referred to in subparagraph (a) will involve consideration of closed evidence;

(ab) where the matters referred to in subparagraph (a) will involve consideration of closed evidence, the Welsh Ministers will only send the written statement to—

(i) the appointed representative; or

(ii) a person specified, or of any description specified, in the security direction;”.

Closed evidence not to be disclosed

19. After regulation 51 there is inserted—

“**51A.** Nothing in these Regulations is to be taken so as to require or permit closed evidence to be disclosed to any person other than—

(a) the Welsh Ministers;

(b) the appointed person; or

(c) a person specified, or of any description specified, in the security direction.”

ATODLEN 3 Rheoliad 52

Addasiadau pan ddyroddir hysbysiadau gorfodi gan Weinidogion Cymru

Dehongli

1. Mae rheoliad 3 i'w ddarllen fel pe bai, yn y diffiniad o "datganiad achos llawn", fod paragraff (d) yn darparu—

"(d) yr ystyr a ganlyn, ac sydd ar y ffurf a ganlyn, mewn perthynas ag apelau gorfodi—

(i) datganiad ysgrifenedig gan Weinidogion Cymru sy'n cynnwys—

(aa) ymateb i bob un o seiliau'r apêl a bledir gan yr apelydd; a

(bb) manylion llawn yr achos y mae Gweinidogion Cymru yn bwriadu ei gyflwyno mewn perthynas â'r apêl; a

(ii) copïau o unrhyw ddogfennau ategol y mae Gweinidogion Cymru yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth."

Gwybodaeth bellach

2. Mae rheoliad 9 i'w ddarllen fel pe bai paragraff (1)(b) wedi ei hepgor.

Gweld dogfennau

3. Nid yw rheoliad 10 yn gymwys.

Pennu'r weithdrefn

4. Mae rheoliad 14(3) i'w ddarllen fel pe bai "a'r awdurdod cynllunio lleol" wedi ei hepgor.

Hysbysu ynghylch cael apêl

5. Mae rheoliad 15(2) i'w ddarllen fel pe bai, "a'r awdurdod cynllunio lleol" wedi ei hepgor.

Holiadur

6. Nid yw rheoliad 16 yn gymwys.

SCHEDULE 3 Regulation 52

Modifications where enforcement notices issued by Welsh Ministers

Interpretation

1. Regulation 3 is read as if in the definition of "full statement of case", paragraph (d) provided—

"(d) means and is comprised of in relation to enforcement appeals—

(i) a written statement by the Welsh Ministers containing—

(aa) a response to each ground of appeal pleaded by the appellant; and

(bb) full particulars of the case the Welsh Ministers propose to put forward in relation to the appeal; and

(ii) copies of any supporting documents the Welsh Ministers propose to refer to or put in evidence."

Further information

2. Regulation 9 is read as if paragraph (1)(b) were omitted.

Inspection of documents

3. Regulation 10 does not apply.

Determination of procedure

4. Regulation 14(3) is read as if "and the local planning authority" were omitted.

Notification of receipt of appeal

5. Regulation 15(2) is read as if, "and the local planning authority" were omitted.

Questionnaire

6. Regulation 16 does not apply.

Hysbysiad i bersonau â buddiant

7. Mae rheoliad 17 i'w ddarllen fel pe bai—

(a) ym mharagraff (1), "i'r awdurdod cynllunio lleol" i'w ddarllen fel "i Weinidogion Cymru";

(b) ym mharagraff (2)(c), "a'r awdurdod cynllunio lleol" wedi ei hepgor.

Sylwadau

8. Mae rheoliad 22 i'w ddarllen fel pe bai—

(a) paragraff (5) i'w ddarllen fel pe bai'n darparu—

"(5) Mewn perthynas ag apelau yn erbyn hysbysiadau gorfodi, rhaid i Weinidogion Cymru anfon datganiad achos llawn at yr apelydd ac unrhyw berson y cyflwynwyd copi o'r hysbysiad gorfodi iddo, fel ei fod yn dod i law o fewn 4 wythnos i'r dyddiad cychwyn. ";

(b) paragraffau (6) a (7) wedi eu hepgor.

Sylwadau personau â buddiant

9. Mae rheoliad 23(3) i'w ddarllen fel pe bai "ac i'r awdurdod cynllunio lleol" wedi ei hepgor.

Sylwadau pellach

10. Mae rheoliad 24 i'w ddarllen fel pe bai—

(a) ym mharagraff (1), ", yr awdurdod cynllunio lleol," wedi ei hepgor;

(b) ym mharagraff (2), "a'r awdurdod cynllunio lleol" wedi ei hepgor.

Sylwadau ysgrifenedig yn amhriodol

11. Mae rheoliad 25(2) i'w ddarllen fel pe bai "a'r awdurdod cynllunio lleol" wedi ei hepgor.

Penodi asesydd

12. Mae rheoliadau 28 a 37 i'w darllen fel pe bai ", yr awdurdod cynllunio lleol" wedi ei hepgor.

Dyddiad gwrandawiad, lleoliad gwrandawiad a hysbysiad ynghylch gwrandawiad

13. Mae rheoliadau 29(4) a 42(4) i'w darllen fel pe bai is-baragraffau (b) wedi eu hepgor.

Notice to interested persons

7. Regulation 17 is read as if—

(a) in paragraph (1), "local planning authority" read "Welsh Ministers";

(b) in paragraph (2)(c), "and the local planning authority" were omitted.

Representations

8. Regulation 22 is read as if—

(a) paragraph (5) read as if it provided—

"(5) In relation to appeals against enforcement notices, the Welsh Ministers must send a full statement of case to the appellant and any person on whom a copy of the enforcement notice has been served, so as to be received within 4 weeks of the starting date.";

(b) paragraphs (6) and (7) were omitted.

Interested persons' representations

9. Regulation 23(3) is read as if "and the local planning authority" were omitted.

Further representations

10. Regulation 24 is read as if—

(a) in paragraph (1), ", the local planning authority," were omitted;

(b) in paragraph (2), "and the local planning authority" were omitted.

Written representations inappropriate

11. Regulation 25(2) is read as if "and the local planning authority" were omitted.

Appointment of assessor

12. Regulations 28 and 37 are read as if ", the local planning authority" were omitted.

Date, place and notification of hearing or inquiry

13. Regulations 29(4) and 42(4) are read as if subparagraphs (b) were omitted.

Hysbysiad cyhoeddus ynghylch gwrandawiad neu ymchwiliad

14. Mae rheoliadau 30(5) a 43(5) i'w darllen fel pe bai is-baragraffau (d) wedi eu hepgor.

Cymryd rhan mewn gwrandawiad neu ymchwiliad

15. Mae rheoliadau 31(1) a 38(1) i'w darllen fel pe bai is-baragraffau (b) wedi eu hepgor.

Absenoldeb a gohirio

16. Mae rheoliadau 32(1) a 39(1) i'w darllen fel pe bai "Ž, yr awdurdod cynllunio lleol" wedi ei hepgor.

Y weithdrefn mewn gwrandawiad

17. Mae rheoliad 33(5) i'w ddarllen fel pe bai "Ž, yr awdurdod cynllunio lleol" wedi ei hepgor.

Gwrandawiad yn amhriodol

18. Mae rheoliad 34(2) i'w ddarllen fel pe bai "a'r awdurdod cynllunio lleol" wedi ei hepgor.

Cyfarfodydd rhagymchwiliad

19. Mae rheoliad 40(2) i'w ddarllen fel pe bai is-baragraff (b) wedi ei hepgor.

Datganiadau tystiolaeth ysgrifenedig

20. Mae rheoliad 44 i'w ddarllen fel pe bai—

(a) ym mharagraff (1), "Ž, yr awdurdod cynllunio lleol" wedi ei hepgor;

(b) paragraffau (1)(a) a (b) wedi eu hepgor;

(c) paragraff (1)(c) i'w ddarllen fel pe bai'n darparu—

"(c) rhaid i'r apelydd anfon un copi o ddatganiad yr apelydd, ynghyd â chrynodeb ysgrifenedig, at Weinidogion Cymru;";

(d) paragraff (2)(a) wedi ei hepgor.

Y weithdrefn mewn ymchwiliad

21. Mae rheoliad 45 i'w ddarllen fel pe bai, ym mharagraffau (3), (5) a (6) "Ž, yr awdurdod cynllunio lleol" wedi ei hepgor.

Ymchwiliad yn amhriodol

22. Mae rheoliad 46(2) i'w ddarllen fel pe bai "a'r awdurdod cynllunio lleol" wedi ei hepgor.

Public notice of hearing or inquiry

14. Regulations 30(5) and 43(5) are read as if subparagraphs (d) were omitted.

Participation in a hearing or inquiry

15. Regulations 31(1) and 38(1) are read as if subparagraphs (b) were omitted.

Absence and adjournment

16. Regulations 32(1) and 39(1) are read as if "Ž, the local planning authority" were omitted.

Procedure at hearing

17. Regulation 33(5) is read as if "Ž, the local planning authority" were omitted.

Hearing inappropriate

18. Regulation 34(2) is read as if "and the local planning authority" were omitted.

Pre-inquiry meetings

19. Regulation 40(2) is read as if subparagraph (b) were omitted.

Written statements of evidence

20. Regulation 44 is read as if—

(a) in paragraph (1), "Ž, the local planning authority" were omitted;

(b) paragraphs (1)(a) and (b) were omitted;

(c) paragraph (1)(c) read as if it provided—

"(c) the appellant must send one copy of the appellant's statement, together with a written summary, to the Welsh Ministers;";

(d) paragraph (2)(a) were omitted.

Procedure at inquiry

21. Regulation 45 is read as if in paragraphs (3), (5) and (6) "Ž, the local planning authority" were omitted.

Inquiry inappropriate

22. Regulation 46(2) is read as if "and the local planning authority" were omitted.

Y weithdrefn ar ôl achosion

23. Mae rheoliad 47 i'w ddarllen fel pe bai—

(a) ym mharagraffau (6)(a), (7)(a) ac (8), ", yr awdurdod cynllunio lleol" wedi ei hepgor;

(b) ym mharagraff (9), "neu'r awdurdod cynllunio lleol" wedi ei hepgor.

24. Mae rheoliad 48 i'w ddarllen fel pe bai—

(a) ym mharagraffau (7)(a), (9)(a) a (10) ", yr awdurdod cynllunio lleol" wedi ei hepgor;

(b) ym mharagraff (11), "neu'r awdurdod cynllunio lleol" wedi ei hepgor.

Hysbysiad am benderfyniad

25. Mae rheoliad 49(1) i'w ddarllen fel pe bai is-baragraff (b) wedi ei hepgor.

Procedure after proceedings

23. Regulation 47 is read as if—

(a) in paragraphs (6)(a), (7)(a) and (8), ", the local planning authority" were omitted;

(b) in paragraph (9), "or the local planning authority" were omitted.

24. Regulation 48 is read as if—

(a) in paragraphs (7)(a), (9)(a) and (10) ", the local planning authority" were omitted;

(b) in paragraph (11), "or the local planning authority" were omitted.

Notice of decision

25. Regulation 49(1) is read as if subparagraph (b) were omitted.

ATODLEN 4 Rheoliad 53

Offerynnau Statudol a Ddirymir i'r graddau y maent yn gymwys o ran Cymru

Yr Offerynnau Statudol a ddirymir	*Cyfeirnodau*	*Graddau'r dirymu*
Rheoliadau Cynllunio Gwlad a Thref (Gorfodi) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2003	O.S. 2003/395 (Cy. 54)	Yr offeryn cyfan
Rheolau Cynllunio Gwlad a Thref (Gweithdrefn Ymchwiliadau) (Cymru) 2003	O.S. 2003/1266	Yr offeryn cyfan
Rheolau Apelau Cynllunio Gwlad a Thref (Penderfyniadau gan Arolygwyr) (Gweithdrefn Ymchwiliadau) (Cymru) 2003	O.S. 2003/1267	Yr offeryn cyfan
Rheolau Cynllunio Gwlad a Thref (Gorfodi) (Gweithdrefn Gwrandawiadau) (Cymru) 2003	O.S. 2003/1268	Yr offeryn cyfan
Rheolau Cynllunio Gwlad a Thref (Gorfodi) (Gweithdrefn Ymchwiliadau) (Cymru) 2003	O.S. 2003/1269	Yr offeryn cyfan

SCHEDULE 4 Regulation 53

Statutory Instruments Revoked so far as they apply to Wales

Statutory Instruments revoked	*References*	*Extent of revocation*
Town and Country Planning (Enforcement) (Written Representations Procedure) (Wales) Regulations 2003	S.I. 2003/395 (W. 54)	The whole instrument
Town and Country Planning (Inquiries Procedure) (Wales) Rules 2003	S.I. 2003/1266	The whole instrument
Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003	S.I. 2003/1267	The whole instrument
Town and Country Planning (Enforcement) (Hearings Procedure) (Wales) Rules 2003	S.I. 2003/1268	The whole instrument
Town and Country Planning (Enforcement) (Inquiries Procedure) (Wales) Rules 2003	S.I. 2003/1269	The whole instrument

Rheolau Cynllunio Gwlad a Thref (Gorfodi) (Penderfyniadau gan Arolygwyr) (Gweithdrefn Ymchwiliadau) (Cymru) 2003	O.S. 2003/1270	Yr offeryn cyfan	Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (Wales) Rules 2003	S.I. 2003/1270	The whole instrument
Rheolau Cynllunio Gwlad a Thref (Gweithdrefn Gwrandawiadau) (Cymru) 2003	O.S. 2003/1271	Yr offeryn cyfan	Town and Country Planning (Hearings Procedure) (Wales) Rules 2003	S.I. 2003/1271	The whole instrument
Gorchymyn Cynllunio Gwlad a Thref (Cyfathrebu Electronig) (Cymru) (Rhif 2) 2004	O.S. 2004/3157 (Cy. 274)	Erthygl 2 ac Atodlen 1 Paragraff (2) o erthygl 3 ac Atodlen 3	Town and Country Planning (Electronic Communication s) (Wales) (No. 2) Order 2004	S.I. 2004/3157 (W. 274)	Article 2 and Schedule 1 Paragraph (2) of article 3 and Schedule 3
Gorchymyn Cynllunio Gwlad a Thref (Cyfathrebu Electronig) (Cymru) (Rhif 3) 2004	O.S. 2004/3172	Yr offeryn cyfan	Town and Country Planning (Electronic Communication s) (Wales) (No. 3) Order 2004	S.I. 2004/3172	The whole instrument
Gorchymyn Cynllunio Gwlad a Thref (Cymhwyso Is-ddeddfwriaeth i'r Goron) 2006	O.S. 2006/1282	Erthyglau 35 a 37 i 43	Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006	S.I. 2006/1282	Articles 35 and 37 to 43
Rheolau Cynllunio Gwlad a Thref (Diwygio Gweithdrefn Apelau) (Cymru) 2007	O.S. 2007/2285	Yr offeryn cyfan	Town and Country Planning (Amendment of Appeals Procedures) (Wales) Rules 2007	S.I. 2007/2285	The whole instrument
Rheoliadau Cynllunio Gwlad a Thref (Pennu'r Weithdrefn) (Cyfnod Rhagnodedig) (Cymru) 2014	O.S. 2014/2775 (Cy. 281)	Yr offeryn cyfan	Town and Country Planning (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014	S.I. 2014/2775 (W. 281)	The whole instrument

Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Pennu'r Weithdrefn) (Cyfnod Rhagnodedig) (Cymru) 2014	O.S. 2014/2776 (Cy. 282)	Yr offeryn cyfan	The Planning (Listed Buildings and Conservation Areas) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014	S.I. 2014/2776 (W. 282)	The whole instrument
Rheoliadau Cynllunio Gwlad a Thref (Atgyfeiriadau ac Apelau) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2015	O.S. 2015/1331 (Cy. 124)	Yr offeryn cyfan	Town and Country Planning (Referrals and Appeals) (Written Representations Procedure) (Wales) Regulations 2015	S.I. 2015/1331 (W. 124)	The whole instrument
Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015	O.S. 2015/1597 (Cy. 196)	Rheoliadau 14, 17(2) a (3)	Planning (Hazardous Substances) (Wales) Regulations 2015	S.I. 2015/1597 (W. 196)	Regulations 14, 17(2) and (3)

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