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WELSH STATUTORY  
INSTRUMENTS

**2017 Rhif 542 (Cy. 120)**

**2017 No. 542 (W. 120)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Gweithdrefn Rheoli  
Datblygu) (Cymru) (Diwygio) 2017

The Town and Country Planning  
(Development Management  
Procedure) (Wales) (Amendment)  
Order 2017

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 ("Gorchymyn 2012").

Mae'r prif newidiadau fel a ganlyn—

(1) diwygiadau i'r weithdrefn mewn perthynas â cheisiadau a atgyfeirir at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 77 o Ddeddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990"), gan gynnwys darpariaeth i geisydd gyflwyno datganiad achos llawn o fewn cyfnod amser penodedig os yw'r ceisydd yn dewis gwneud hynny (erthygl 4 sy'n rhoi erthygl 13 newydd yn lle'r un bresennol yng Ngorchymyn 2012).

(2) diwygiadau i'r weithdrefn mewn perthynas ag apelau o dan adran 78 o Ddeddf 1990 i'w gwneud yn ofynnol—

- (a) i ddatganiad achos llawn fynd gyda'r hysbysiad o apel; a
- (b) i'r apelydd anfon copi o'r datganiad achos llawn i'r awdurdod cynllunio lleol (erthygl 5 sy'n diwygio erthygl 26 o Orchymyn 2012).

(3) darpariaeth bod y weithdrefn apelio o dan adran 195 o Ddeddf 1990 (apelau yn erbyn gwrthod cais am dystysgrif cyfreithlondeb defnydd neu ddatblygiad presennol neu arfaethedig neu fethiant i wneud penderfyniad ar gais o'r fath)—

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("the 2012 Order").

The main changes are—

(1) amendments to the procedure in relation to applications referred to the Welsh Ministers pursuant to a direction under section 77 of the Town and Country Planning Act 1990 ("the 1990 Act"), including provision for an applicant to submit a full statement of case within a specified timescale if the applicant so chooses (article 4 which substitutes article 13 of the 2012 Order).

(2) amendments to the procedure in relation to appeals under section 78 of the 1990 Act to require—

- (a) a notice of appeal to be accompanied by a full statement of case; and
- (b) the appellant to send a copy of the full statement of case to the local planning authority (article 5 which amends article 26 of the 2012 Order).

(3) provision for the procedure for appeals under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application for a certificate of lawfulness of existing or proposed use or development) to—

- (a) yn ei gwneud yn ofynnol i ddatganiad achos llawn fynd gyda'r hysbysiad o apêl;
- (b) yn ei gwneud yn ofynnol i'r apelydd anfon copi o'r datganiad achos llawn i'r awdurdod cynllunio lleol; ac
- (c) yn darparu bod rhaid i geisydd sy'n dymuno apelio i Weinidogion Cymru yn erbyn gwrthod cais am dystysgrif cyfreithlondeb defnydd neu ddatblygiad presennol neu fethiant i wneud penderfyniad ar gais o'r fath wneud hynny o fewn chwe mis o ddyddiad yr hysbysiad o'r penderfyniad neu'r dyfarniad sy'n arwain at yr apêl (erthygl 6 sy'n mewnosod erthygl 26B yng Ngorchymyn 2012).

(4) darpariaeth o dan adran 78(4BA) a (4BB) ac adran 195(1DA) ac (1DB) o Ddeddf 1990 (a fewnosodwyd gan adran 47(1) a (2) o Ddeddf Cynllunio (Cymru) 2015) i—

- (a) rhagnodi amgylchiad o dan adrannau 78(4BA) a 195(1DA) pan ganiateir amrywio cais unwaith i'r hysbysiad o apêl gael ei gyflwyno; a
- (b) darparu bod cais sy'n cael ei amrywio yn y fath fodd yn destun unrhyw ymgynghori pellach y mae Gweinidogion Cymru yn ystyried ei fod yn briodol (erthygl 7 sy'n mewnosod erthygl 26C yng Ngorchymyn 2012).

Mae erthygl 8 yn cynnwys darpariaethau trosiannol ac arbed.

Lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copïau oddi wrth yr Is-adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn [www.llyw.cymru](http://www.llyw.cymru).

- (a) require a notice of appeal to be accompanied by a full statement of case;
- (b) require the appellant to send a copy of the full statement of case to the local planning authority; and
- (c) provide that an applicant who wishes to appeal to the Welsh Ministers against a refusal or failure to give a decision on an application for a certificate of lawfulness of existing use or development must do so within six months from the date of the notice of the decision or determination giving rise to the appeal (article 6 which inserts article 26B into the 2012 Order).

(4) provision under section 78(4BA) and (4BB) and section 195(1DA) and (1DB) of the 1990 Act (which were inserted by section 47(1) and (2) of the Planning (Wales) Act 2015) to—

- (a) prescribe a circumstance under sections 78(4BA) and 195(1DA) in which an application may be varied once notice of appeal has been served; and
- (b) provide for an application which is so varied to be subject to such further consultation as the Welsh Ministers consider appropriate (article 7 which inserts article 26C into the 2012 Order).

Article 8 contains transitional and saving provisions.

A regulatory impact assessment has been prepared in relation to this Order. Copies may be obtained from the Planning Division, the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the website at [www.gov.wales](http://www.gov.wales).

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PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Gweithdrefn Rheoli  
Datblygu) (Cymru) (Diwygio) 2017

The Town and Country Planning  
(Development Management  
Procedure) (Wales) (Amendment)  
Order 2017

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

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

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 62, 78, 195 a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(1), sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 62, 78, 195 and 333 of the Town and Country Planning Act 1990(1), now exercisable by them(2), make the following Order:

**Enwi, cychwyn, cymhwyso a dehongli**

**Title, commencement, application and interpretation**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2017 a daw i rym ar 5 Mai 2017.

1.—(1) The title of this Order is the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2017 and it comes into force on 5 May 2017.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies in relation to Wales.

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(1) 1990 p. 8. Diwygiwyd adrannau 78 a 195 gan adran 47(1) a (2) yn y drefn honno o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) ("Deddf 2015"). Diwygiwyd adran 333 gan adran 55 o Ddeddf 2015 a pharagraff 3 o Atodlen 7 iddi.  
(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 iddi.

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(1) 1990 c. 8. Sections 78 and 195 were amended by section 47(1) and (2) respectively of the Planning (Wales) Act 2015 (anaw 4) ("the 2015 Act"). Section 333 was amended by section 55 of, and paragraph 3 of Schedule 7 to, the 2015 Act.  
(2) The functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) Yn y Gorchymyn hwn, ystyr “Gorchymyn 2012” (“*the 2012 Order*”) yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1).

### Diwygiadau i Orchymyn 2012

2. Mae Gorchymyn 2012 wedi ei ddiwygio yn unol â'r darpariaethau a ganlyn.

### Dehongli

3. Yn erthygl 2(1) yn y lle priodol mewnosoder—

“ystyr “datganiad achos llawn” (“*full statement of case*”) yw, ac mae'n cynnwys—

- (a) datganiad ysgrifenedig sy'n cynnwys manylion llawn yr achos—
  - (i) y mae'r ceisydd yn bwriadu ei gyflwyno mewn perthynas â'r cais sydd wedi ei atgyfeirio at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 77 o Ddeddf 1990(2); neu
  - (ii) y mae'r apelydd yn bwriadu ei gyflwyno mewn perthynas â'r apêl o dan adran 78 o Ddeddf 1990; a
- (b) copïau o unrhyw ddogfennau ategol y mae'r ceisydd neu'r apelydd yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth;”.

### Atgyfeirio ceisiadau at Weinidogion Cymru

4. Yn lle erthygl 13 (hysbysiad o atgyfeirio ceisiadau at Weinidogion Cymru) a'i bennawd rhodder—

#### “Atgyfeirio ceisiadau at Weinidogion Cymru

13.—(1) Wrth atgyfeirio unrhyw gais at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol), rhaid i awdurdod cynllunio lleol cyn gynted ag y bo'n rhesymol ymarferol—

- (a) cyflwyno i'r ceisydd hysbysiad o atgyfeirio; a
- (b) anfon copi o ffeil y cais at Weinidogion Cymru.

(3) In this Order, “the 2012 Order” (“*Gorchymyn 2012*”) means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1).

### Amendments to the 2012 Order

2. The 2012 Order is amended in accordance with the following provisions.

### Interpretation

3. In article 2(1) at the appropriate place insert—

““full statement of case” (“*datganiad achos llawn*”) means and is comprised of—

- (a) a statement in writing containing full particulars of the case—
  - (i) the applicant proposes to put forward in relation to the application referred to the Welsh Ministers pursuant to a direction under section 77 of the 1990 Act(2); or
  - (ii) the appellant proposes to put forward in relation to the appeal under section 78 of the 1990 Act; and
- (b) copies of any supporting documents the applicant or the appellant proposes to refer to or put forward in evidence;”.

### Reference of applications to the Welsh Ministers

4. For article 13 (notice of reference of applications to the Welsh Ministers) and its heading substitute—

#### “Reference of applications to the Welsh Ministers

13.—(1) On referring any application to the Welsh Ministers pursuant to a direction under section 77 of the 1990 Act (reference of applications to the Secretary of State), a local planning authority must as soon as reasonably practicable—

- (a) serve on the applicant a notice of reference; and
- (b) send to the Welsh Ministers a copy of the application file.

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

(2) Mewnosodwyd adran 77(6A) o ran Cymru gan O.S. 2014/2773 (Cy. 280).

(1) S.I. 2012/801 (W. 110).

(2) Section 77(6A) was inserted in relation to Wales by S.I. 2014/2773 (W. 280).

(2) Rhaid i'r awdurdod cynllunio lleol anfon copi o'r hysbysiad o atgyfeirio at Weinidogion Cymru ar yr un pryd ag y mae'r hysbysiad yn cael ei anfon at y ceisydd.

(3) Caiff ceisydd y mae hysbysiad o atgyfeirio yn cael ei gyflwyno iddo ddewis cyflwyno datganiad achos llawn i Weinidogion Cymru.

(4) Rhaid i geisydd sy'n dewis gwneud hynny anfon—

- (a) y datganiad achos llawn fel bod Gweinidogion Cymru yn ei gael o fewn 4 wythnos sy'n dechrau â'r diwrnod y mae'r hysbysiad o atgyfeirio yn cael ei gyflwyno;
- (b) copi o'r datganiad achos llawn i'r awdurdod cynllunio lleol ar yr un pryd ag y caiff ei anfon at Weinidogion Cymru.

(5) Yn yr erthygl hon—

- (a) ystyr “ffeil y cais” (“*application file*”) yw'r cais ynghyd â dogfennau atodol a'r holl ohebiaeth â'r awdurdod cynllunio lleol sy'n ymwneud â'r cais; a
- (b) ystyr “hysbysiad o atgyfeirio” (“*notice of reference*”) yw hysbysiad—
  - (i) sy'n rhoi gwybod i'r ceisydd bod y cais wedi ei atgyfeirio at Weinidogion Cymru;
  - (ii) sy'n nodi'r rhesymau a roddir gan Weinidogion Cymru dros ddyroddi'r cyfarwyddyd; a
  - (iii) sy'n hysbysu'r ceisydd—
    - (aa) y caiff y ceisydd gyflwyno datganiad achos llawn i Weinidogion Cymru, os yw'n dewis gwneud hynny;
    - (bb) os yw'r ceisydd yn dewis cyflwyno datganiad achos llawn, rhaid i Weinidogion Cymru ei gael o fewn 4 wythnos sy'n dechrau â'r diwrnod y mae'r hysbysiad o atgyfeirio yn cael ei gyflwyno; ac
    - (cc) bod rhaid anfon copi o'r datganiad achos llawn (os yw'n gymwys) i'r awdurdod cynllunio lleol ar yr un pryd ag y caiff ei anfon at Weinidogion Cymru.”

(2) The local planning authority must send a copy of the notice of reference to the Welsh Ministers at the same time as the notice is sent to the applicant.

(3) An applicant upon whom a notice of reference is served may choose to submit a full statement of case to the Welsh Ministers.

(4) An applicant who so chooses must send—

- (a) the full statement of case so that it is received by the Welsh Ministers within 4 weeks beginning with the day on which the notice of reference is served;
- (b) a copy of the full statement of case to the local planning authority at the same time as it is sent to the Welsh Ministers.

(5) In this article—

- (a) “application file” (“*ffeil y cais*”) means the application together with accompanying documents and all correspondence with the local planning authority relating to the application; and
- (b) “notice of reference” (“*hysbysiad o atgyfeirio*”) means a notice—
  - (i) informing the applicant that the application has been referred to the Welsh Ministers;
  - (ii) setting out the reasons given by the Welsh Ministers for issuing the direction; and
  - (iii) notifying the applicant that—
    - (aa) if the applicant so chooses, the applicant may submit a full statement of case to the Welsh Ministers;
    - (bb) if the applicant so chooses, the full statement of case must be received by the Welsh Ministers within 4 weeks beginning with the day on which the notice of reference is served; and
    - (cc) a copy of the full statement of case (if applicable) must be sent to the local planning authority at the same time as it is sent to the Welsh Ministers.”

## Apelau o dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990

### 5.—(1) Yn erthygl 26(1)(1)—

- (a) yn is-baragraff (a) hepgorer “, o fewn y terfyn amser a bennir ym mharagraff (2),”;
- (b) yn is-baragraff (a) ar ôl “gan Weinidogion Cymru” mewnosoder “a datganiad achos llawn”;
- (c) ar ddiwedd is-baragraff (b) mewnosoder “a chopi o’r datganiad achos llawn”.

(2) Yn erthygl 26(2), yn lle “Y terfyn amser a grybwyllir ym mharagraff (1) yw” rhodder “At ddibenion adran 78(3) o Ddeddf 1990 y cyfnod amser a ragnodir y mae’n rhaid cyflwyno apêl ynddo o dan adran 78(1) o’r Ddeddf honno yw”.

### (3) Yn erthygl 26, yn lle paragraff (4) rhodder—

“(4) Caiff Gweinidogion Cymru wrthod derbyn hysbysiad o apêl—

- (a) o dan adran 78(1) o Ddeddf 1990 os nad yw’r dogfennau sy’n ofynnol o dan baragraffau (1) a (3) wedi eu cyflwyno i Weinidogion Cymru o fewn y cyfnod amser a ragnodir ym mharagraff (2);
- (b) o dan adran 78(2) o Ddeddf 1990 os nad yw’r dogfennau sy’n ofynnol o dan baragraffau (1) a (3) wedi eu cyflwyno i Weinidogion Cymru.”

## Apelau o dan adran 195 o Ddeddf 1990

### 6. Ar ôl erthygl 26A mewnosoder—

#### “Apelau o dan adran 195 o Ddeddf 1990

**26B.**—(1) Rhaid i geisydd sy’n dymuno apelio i Weinidogion Cymru o dan adran 195 o Ddeddf 1990 (apelau yn erbyn gwrthod cais am dystysgrif cyfreithlondeb defnydd neu ddatblygiad presennol neu arfaethedig neu fethiant i wneud penderfyniad ar gais o’r fath) roi hysbysiad o apêl i Weinidogion Cymru drwy—

- (a) cyflwyno i Weinidogion Cymru ffurflen a gafwyd gan Weinidogion Cymru, ynghyd â—
  - (i) y cyfryw rai o’r dogfennau a bennir ym mharagraff (2) sy’n berthnasol i’r apêl; a
  - (ii) datganiad achos llawn;

## Appeals under section 78 of the Town and Country Planning Act 1990

### 5.—(1) In article 26(1)(1)—

- (a) in subparagraph (a) omit “, within the time limit specified in paragraph (2),”;
- (b) in subparagraph (a) after “from the Welsh Ministers” insert “and a full statement of case”;
- (c) at the end of subparagraph (b) insert “and a copy of the full statement of case”.

(2) In article 26(2), for “The time limit mentioned in paragraph (1) is” substitute “For the purposes of section 78(3) of the 1990 Act the prescribed time within which an appeal must be made under section 78(1) of that Act is”.

### (3) In article 26, for paragraph (4) substitute—

“(4) The Welsh Ministers may refuse to accept a notice of appeal—

- (a) under section 78(1) of the 1990 Act if the documents required under paragraphs (1) and (3) are not served on the Welsh Ministers within the time prescribed in paragraph (2);
- (b) under section 78(2) of the 1990 Act if the documents required under paragraphs (1) and (3) are not served on the Welsh Ministers.”

## Appeals under section 195 of the 1990 Act

### 6. After article 26A insert—

#### “Appeals under section 195 of the 1990 Act

**26B.**—(1) An applicant who wishes to appeal to the Welsh Ministers under section 195 of the 1990 Act (appeals against refusal or failure to give decision on application for a certificate of lawfulness of existing or proposed use or development) must give notice of appeal to the Welsh Ministers by—

- (a) serving on the Welsh Ministers a form obtained from the Welsh Ministers, together with—
  - (i) such of the documents specified in paragraph (2) as are relevant to the appeal; and
  - (ii) a full statement of case;

(1) Diwygiwyd erthygl 26 gan O.S. 2015/1330 (Cy. 123) ac O.S. 2016/59 (Cy. 29).

(1) Article 26 was amended by S.I. 2015/1330 (W.123) and S.I. 2016/59 (W. 29).

- (b) cyflwyno i'r awdurdod cynllunio lleol gopi o'r ffurflen a grybwyllir yn is-baragraff (a), cyn gynted ag y bo'n rhesymol ymarferol, ynghyd â chopi o unrhyw ddogfennau perthnasol a grybwyllir ym mharagraff (2)(ch) a chopi o'r datganiad achos llawn.
- (2) Y dogfennau a grybwyllir ym mharagraff (1)(a)(i) yw—
- (a) y cais a wnaed i'r awdurdod cynllunio lleol a arweiniodd at yr apêl;
- (b) yr holl blaniau, lluniadau a dogfennau a anfonwyd at yr awdurdod mewn cysylltiad â'r cais;
- (c) yr holl ohebiaeth gyda'r awdurdod mewn perthynas â'r cais;
- (ch) unrhyw blaniau, dogfennau neu luniadau eraill mewn perthynas â'r cais nad oedd wedi eu hanfon at yr awdurdod;
- (d) yr hysbysiad o'r penderfyniad neu'r dyfarniad, os oes un.
- (3) At ddibenion adran 195(1B) o Ddeddf 1990, y cyfnod amser a ragnodir y mae'n rhaid i apêl a wneir o dan adran 195(1)(a) o'r Ddeddf honno gael ei gwneud ynddo yw 6 mis o ddyddiad yr hysbysiad o benderfyniad neu ddyfarniad sy'n arwain at yr apêl.
- (4) Caiff Gweinidogion Cymru wrthod derbyn hysbysiad o apêl—
- (a) o dan adran 195(1)(a) o Ddeddf 1990 os na chyflwynir y dogfennau sy'n ofynnol o dan baragraffau (1) a (2) i Weinidogion Cymru o fewn y cyfnod amser a ragnodir ym mharagraff (3);
- (b) o dan adran 195(1)(b) o Ddeddf 1990 os na chyflwynir y dogfennau sy'n ofynnol o dan baragraffau (1) a (2) i Weinidogion Cymru.
- (5) Caiff Gweinidogion Cymru ddarparu, neu drefnu ar gyfer darparu, gwefan i'w defnyddio at ba bynnag ddibenion a ystyrir yn briodol gan Weinidogion Cymru—
- (a) sy'n ymwneud ag apelau o dan adran 195 o Ddeddf 1990 a'r erthygl hon, a
- (b) y gellir eu cyflawni yn electronig.
- (6) Pan fo person yn rhoi hysbysiad o apêl i Weinidogion Cymru gan ddefnyddio cyfathrebiadau electronig, mae darpariaethau erthygl 32 yn gymwys.”
- (b) serving on the local planning authority a copy of the form mentioned in subparagraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (2)(d) and a copy of the full statement of case.
- (2) The documents mentioned in paragraph (1)(a)(i) are—
- (a) the application made to the local planning authority which occasioned the appeal;
- (b) all plans, drawings and documents sent to the authority in connection with the application;
- (c) all correspondence with the authority relating to the application;
- (d) any other plans, documents or drawings relating to the application which were not sent to the authority;
- (e) the notice of the decision or determination, if any.
- (3) For the purposes of section 195(1B) of the 1990 Act the prescribed time within which an appeal must be made under section 195(1)(a) of that Act is 6 months from the date of the notice of the decision or determination giving rise to the appeal.
- (4) The Welsh Ministers may refuse to accept a notice of appeal—
- (a) under section 195(1)(a) of the 1990 Act if the documents required under paragraphs (1) and (2) are not served on the Welsh Ministers within the time prescribed in paragraph (3);
- (b) under section 195(1)(b) of the 1990 Act if the documents required under paragraphs (1) and (2) are not served on the Welsh Ministers.
- (5) The Welsh Ministers may provide, or arrange for the provision of, a website for use for such purposes as the Welsh Ministers think fit which—
- (a) relate to appeals under section 195 of the 1990 Act and this article, and
- (b) are capable of being carried out electronically.
- (6) Where a person gives notice of appeal to the Welsh Ministers using electronic communications, the provisions of article 32 apply.”

## Amrywio ceisiadau ar ôl hysbysiad o apêl

7. Ar ôl erthygl 26B mewnosoder—

### “Amrywio ceisiadau ar ôl hysbysiad o apêl

**26C.**—(1) At ddibenion adrannau 78(4BA) a 195(1DA) o Ddeddf 1990 yr amgylchiad a ragnodir yw bod y cais y mae'r apêl yn ymwneud ag ef yn cynnwys gwall cywiradwy.

(2) Mae cais sydd wedi ei amrywio o dan yr amgylchiad a ragnodir ym mharagraff (1) yn destun unrhyw ymgynghori pellach y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.

(3) Yn yr erthygl hon ystyr “gwall cywiradwy” (“*correctable error*”) yw gwall—

- (a) sydd wedi ei gywiro er mwyn sicrhau bod yr wybodaeth a gynhwysir yn y cais a'r dogfennau atodol yn gyson; a
- (b) nad yw'n addasu hanfod y cais.”

## Darpariaethau trosiannol ac arbed

**8.**—(1) Mae paragraff (2) yn gymwys pan fo unrhyw un neu ragor o'r canlynol yn digwydd mewn perthynas â chais a wnaed cyn i'r Rheoliadau hyn ddod i rym—

- (a) bod y cais yn cael ei atgyfeirio at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 77 o Ddeddf Cynllunio Gwlad a Thref 1990, neu
- (b) bod apêl yn cael ei wneud.

(2) Mae Rheoliadau 2015 yn gymwys i'r cais hwnnw neu'r apêl honno fel pe na bai'r diwygiadau a wneir gan erthyglau 2 i 7 wedi eu gwneud.

## Variation of applications after notice of appeal

7. After article 26B insert—

### “Variation of applications after notice of appeal

**26C.**—(1) For the purposes of sections 78(4BA) and 195(1DA) of the 1990 Act the prescribed circumstance is the application to which the appeal relates contains a correctable error.

(2) An application which is varied in the circumstance prescribed in paragraph (1) is subject to such further consultation as the Welsh Ministers consider appropriate.

(3) In this article “correctable error” (“*gwall cywiradwy*”) means an error which—

- (a) is corrected in order to ensure consistency in the information contained in the application and the accompanying documents; and
- (b) does not alter the substance of the application.”

## Transitional and saving provisions

**8.**—(1) Paragraph (2) applies where any of the following occurs in relation to an application made before these Regulations come into force—

- (a) the application is referred to the Welsh Ministers pursuant to a direction under section 77 of the Town and Country Planning Act 1990, or
- (b) an appeal is made.

(2) The 2015 Regulations apply to that application or appeal as though the amendments made by articles 2 to 7 had not been made.

*Jane Hutt*

Un o Weinidogion Cymru  
5 Ebrill 2017

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One of the Welsh Ministers  
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