



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 56 (Cy. 26)

2016 No. 56 (W. 26)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Datblygiadau o
Arwyddocâd Cenedlaethol (Cymru)
2016

The Developments of National
Significance (Wales) Regulations
2016

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn ymwneud â gwahanol faterion sy'n ymwneud â datblygiad sydd o arwyddocâd cenedlaethol i Gymru(1).

Mae'r Rheoliadau hyn yn:

- gwneud darpariaeth o dan adrannau 61Z1 a 61Z2 o Ddeddf Cynllunio Gwlad a Thref 1990 (“Deddf 1990”) ar gyfer darparu gwasanaethau gan awdurdodau cynllunio lleol a Gweinidogion Cymru cyn bo cais am ganiatâd cynllunio wedi ei wneud ar gyfer datblygiad o arwyddocâd cenedlaethol (Rhan 2);
- rhagnodi swyddogaethau sydd i'w cyflawni gan berson penodedig ar ran Gweinidogion Cymru, mewn perthynas â cheisiadau o'r fath a chydysyniadau eilaidd(2)(Rhan 3);
- gwneud darpariaeth ar gyfer y weithdrefn sydd i'w dilyn wrth archwilio ceisiadau o'r fath (Rhannau 4 i 10);
- gwneud darpariaeth ar gyfer y modd y trinnir cydsyniadau eilaidd neu geisiadau am gydsyniadau eilaidd gan Weinidogion Cymru (Rhan 11);

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations deal with various matters in relation to development which is of national significance to Wales(1).

These Regulations:

- make provision under sections 61Z1 and 61Z2 of the Town and Country Planning Act 1990 (“the 1990 Act”) for the provision of services by local planning authorities and the Welsh Ministers before an application for planning permission is made for development of national significance (Part 2);
- prescribe functions relating to such applications and secondary consents(2) which are to be carried out by an appointed person on behalf of the Welsh Ministers (Part 3);
- make provision for the procedure to be followed in the examination of such applications (Parts 4 to 10);
- make provision for the manner in which secondary consents or applications for secondary consents are dealt with by the Welsh Ministers (Part 11);

(1) Ar gyfer “development of national significance” (“*datblygiad o arwyddocâd cenedlaethol*”) gweler adran 62D(3) a (4) o Ddeddf 1990. Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4).
(2) Ar gyfer “cydsyniadau eilaidd” (“*secondary consents*”), gweler adran 62H o Ddeddf 1990, a fewnosodwyd gan adran 20 o Ddeddf Cynllunio (Cymru) 2015.

(1) For “development of national significance” see section 62D(3) and (4) of the 1990 Act. Section 62D was inserted by section 19 of the Planning (Wales) Act 2015 (anaw 4).
(2) For “secondary consents”, see section 62H of the 1990 Act, inserted by section 20 of the Planning (Wales) Act 2015.

- addasu deddfiadau cymwysadwy mewn perthynas â chydsyniadau eilaidd (Rhan 11 ac Atodlenni 2 i 10); a
- rhagnodi pa geisiadau a wneir o dan adran 73 o Ddeddf 1990 (penderfynu ceisiadau i ddatblygu tir heb gydymffurfio ag amodau a osodwyd yn flaenorol) sydd i'w trin fel ceisiadau ar gyfer datblygiad o arwyddocâd cenedlaethol (Rhan 12).
- modify applicable enactments in relation to secondary consents (Part 11 and Schedules 2 to 10); and
- prescribe the applications made under section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached) which are to be treated as nationally significant development applications (Part 12).

Mae asesiad effaith wedi ei baratoi mewn perthynas â'r Rheoliadau hyn. Mae copïau ohono ar gael gan Is-adran Gynllunio Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn www.cymru.gov.uk.

An impact assessment has been prepared in relation to these Regulations. Copies are available from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government's web site at www.wales.gov.uk.

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The Developments of National
Significance (Wales) Regulations
2016

Gwnaed 27 Ionawr 2016

Made 27 January 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 1 Chwefror 2016

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for Wales* 1 February 2016

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Mae Gweinidogion Cymru, drwy arfer y pwerau: a roddwyd i'r Ysgrifennydd Gwladol gan adran 60 o Ddeddf Henebion a Mannau Archeolegol 1979 ac Atodlen 1 iddi(1) ac adrannau 321B a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(2) ac sydd bellach yn

The Welsh Ministers, in exercise of the powers: conferred on the Secretary of State by section 60 of, and Schedule 1 to, the Ancient Monuments and Archaeological Areas Act 1979(1) and sections 321B and 333 of the Town and Country Planning Act 1990(2)

(1) 1979 p. 46. Gwnaed diwygiadau i Atodlen 1 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) 1990 p. 8. Mewnosodwyd adran 321B gan adran 81 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5). Diwygiwyd adran 333 gan adran 55 o Ddeddf Cynllunio (Cymru) 2015 (deccc 4) a pharagraff 6 o Atodlen 7 i'r Ddeddf honno.

(1) 1979 c. 46. There are amendments to Schedule 1 not relevant to these Regulations.

(2) 1990 c. 8. Section 321B was inserted by section 81 of the Planning and Compulsory Purchase Act 2004 (c. 5). Section 333 was amended by section 55 of, and paragraph 6 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4).

arferadwy ganddynt hwy(1); a roddwyd iddynt gan adrannau 61Z1, 61Z2(2), 62G(3), 319B(4) a 323A(5) o'r Ddeddf honno, a pharagraff 1(2) o Atodlen 4D iddi(6) a chan adran 57 o Ddeddf Cynllunio (Cymru) 2015(7); ac a roddwyd i Gynulliad Cenedlaethol Cymru fel yr awdurdod cenedlaethol priodol gan adrannau 17, 24, 40 a 59(1) o Ddeddf Tiroedd Comin 2006(8), ac sydd bellach yn arferadwy ganddynt hwy(9), yn gwneud y Rheoliadau a ganlyn:

RHAN 1

Rhagarweiniol

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016.

(2) Daw'r Rheoliadau hyn i rym ar 1 Mawrth 2016.

(3) Mae'r Rheoliadau hyn yn gymwys pan wneir cais neu pan fwriedir gwneud cais i Weinidogion Cymru o dan adran 62D o Ddeddf 1990 (datblygiadau o arwyddocâd cenedlaethol: ceisiadau sydd i'w gwneud i Weinidogion Cymru)(10).

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “asesydd” (“*assessor*”) yw person a benodir i eistedd gyda pherson penodedig mewn gwrandawriad neu ymchwiliad neu wrandawriad neu ymchwiliad a ailagorwyd, i gynorthwyo'r person penodedig;

-
- (1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler y cofnodion priodol yn Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.
 - (2) Mewnosodwyd adrannau 61Z1 a 61Z2 gan adran 18 o Ddeddf Cynllunio (Cymru) 2015.
 - (3) Mewnosodwyd adran 62G gan adran 20 o'r Ddeddf honno.
 - (4) Mewnosodwyd adran 319B gan Orchymyn Cynllunio Gwlad a Thref (Pennu'r Weithdrefn) (Cymru) 2014 (O.S. 2014/2773 (Cy. 280)) ac fe'i diwygiwyd gan adran 27 o Ddeddf Cynllunio (Cymru) 2015 a pharagraff 20 o Atodlen 4 i'r Ddeddf honno.
 - (5) Mewnosodwyd adran 323A gan adran 50 o'r Ddeddf honno.
 - (6) Mewnosodwyd Atodlen 4D gan adran 26 o'r Ddeddf honno a pharagraff 1 o Atodlen 3 iddi.
 - (7) 2015 decc 4.
 - (8) 2006 p. 26. Diffinnir “appropriate national authority” (“*awdurdod cenedlaethol priodol*”) yn adran 61(1) o'r Ddeddf honno.
 - (9) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.
 - (10) Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015.

and now exercisable by them(1); conferred on them by sections 61Z1, 61Z2(2), 62G(3), 319B(4) and 323A(5) of, and paragraph 1(2) of Schedule 4D to that Act(6) and by section 57 of the Planning (Wales) Act 2015(7); and conferred on the National Assembly for Wales as the appropriate national authority by sections 17, 24, 40 and 59(1) of the Commons Act 2006(8), and now exercisable by them(9), make the following Regulations:

PART 1

Preliminary

Title, commencement and application

1.—(1) The title of these Regulations is the Developments of National Significance (Wales) Regulations 2016.

(2) These Regulations come into force on 1 March 2016.

(3) These Regulations apply where an application is made or proposed to be made to the Welsh Ministers under section 62D of the 1990 Act (Developments of national significance: applications to be made to the Welsh Ministers)(10).

Interpretation

2. In these Regulations—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990;

-
- (1) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the appropriate entries in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
 - (2) Sections 61Z1 and 61Z2 were inserted by section 18 of the Planning (Wales) Act 2015.
 - (3) Section 62G was inserted by section 20 of that Act.
 - (4) Section 319B was inserted by the Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773 (W. 280)) and amended by section 27 of, and paragraph 20 of Schedule 4 to, the Planning (Wales) Act 2015.
 - (5) Section 323A was inserted by section 50 of that Act.
 - (6) Schedule 4D was inserted by section 26 of, and paragraph 1 of Schedule 3 to, that Act.
 - (7) 2015 anaw 4.
 - (8) 2006 c. 26. “Appropriate national authority” is defined in section 61(1) of that Act.
 - (9) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
 - (10) Section 62D was inserted by section 19 of the Planning (Wales) Act 2015.

ystyr “awdurdod cynllunio lleol” (“*local planning authority*”) yw’r awdurdod cynllunio lleol y byddid, oni bai am adran 62D o Ddeddf 1990, wedi gwneud cais iddo am ganiatâd cynllunio;

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

ystyr “cyfnod sylwadau” (“*representation period*”) yw’r cyfnod y darperir ar ei gyfer yn erthygl 4 o Orchymyn 2016(2);

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990;

ystyr “diwrnod gwaith” (“*working day*”) yw diwrnod nad yw’n ddydd Sadwrn, yn ddydd Sul, yn Wyl Banc nac yn ddydd gŵyl gyhoeddus arall yng Nghymru;

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

ystyr “Gorchymyn 2016” (“*the 2016 Order*”) yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016(3);

ystyr “hysbysiad derbyn” (“*notice of acceptance*”) yw hysbysiad o dan erthygl 6 o Orchymyn 2016 bod y cais wedi ei dderbyn;

ystyr “person penodedig” (“*appointed person*”) yw’r person a benodir yn unol â rheoliad 10 i arfer y swyddogaethau a bennir yn rheoliad 11;

mae “sylw” (“*representation*”) yn cynnwys tystiolaeth, esboniad, gwybodaeth a sylwadaethau; ac mae “sylwadau ysgrifenedig” (“*written representations*”) yn cynnwys dogfennau ategol.

“the 2016 Order” (“*Gorchymyn 2016*”) means the Developments of National Significance (Procedure) (Wales) Order 2016(1);

“appointed person” (“*person penodedig*”) means the person appointed in accordance with regulation 10 to exercise the functions specified in regulation 11;

“assessor” (“*asesydd*”) means a person appointed to sit with an appointed person at a hearing or inquiry or re-opened hearing or inquiry to assist the appointed person;

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

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);

“local planning authority” (“*awdurdod cynllunio lleol*”) means the local planning authority to which but for section 62D of the 1990 Act an application for planning permission would have been made;

“notice of acceptance” (“*hysbysiad derbyn*”) means notice under article 6 of the 2016 Order that the application is accepted;

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

“representation period” (“*cyfnod sylwadau*”) means the period provided for in article 4 of the 2016 Order(3);

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

“written representations” (“*sylwadau ysgrifenedig*”) includes supporting documents.

Cyfathrebiadau electronig

3.—(1) Yn y Rheoliadau hyn, ac mewn perthynas â defnyddio cyfathrebiadau electronig at unrhyw ddiben o’r Rheoliadau hyn y gellir ei gyflawni yn electronig—

- (a) mae’r ymadrodd “cyfeiriad” (“*address*”) yn cynnwys unrhyw rif neu gyfeiriad a ddefnyddir at ddibenion cyfathrebiadau o’r fath;
- (b) mae cyfeiriadau at hysbysiau, sylwadau neu ddogfennau eraill, neu at gopiau o ddogfennau o’r fath, yn cynnwys cyfeiriadau at y cyfryw ddogfennau neu gopiau ohonynt mewn ffurf electronig.

Electronic communications

3.—(1) In these Regulations, and 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 such 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.

(1) 2000 p. 7. Diwygiwyd adran 15(1) gan adran 406(1) o Ddeddf Cyfathrebiadau 2003 (p. 21) a pharagraff 158 o Atodlen 17 i’r Ddeddf honno.

(2) Mae erthygl 4 yn darparu mai’r cyfnod sylwadau yw pum wythnos, ond caiff Gweinidogion Cymru estyn y cyfnod hwnnw drwy gyfarwyddyd mewn unrhyw achos penodol.

(3) O.S. 2016/ 55 (Cy. 25).

(1) S.I. 2016/ 55 (W. 25).

(2) 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).

(3) Article 4 provides that the representation period is five weeks but the Welsh Ministers may by direction extend this in any particular case.

(2) Mae paragraffau (3) i (7) yn gymwys pan ddefnyddir cyfathrebiad electronig gan berson at y diben o gyflawni unrhyw ofyniad yn y Rheoliadau hyn i roi neu anfon unrhyw ddatganiad, hysbysiad neu ddogfen arall i neu at unrhyw berson arall (“y derbynnydd”).

(3) Ystyrir bod y gofyniad wedi ei gyflawni pan fo'r hysbysiad neu ddogfen arall a drawsyrir ar ffurf cyfathrebiad electronig—

- (a) yn un y gall y derbynnydd gael mynediad 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.

(4) Ym mharagraff (3), ystyr “darllenadwy ym mhob modd perthnasol” (“*legible in all material respects*”) yw fod yr wybodaeth a gynhwysir yn yr hysbysiad neu ddogfen arall ar gael i'r derbynnydd i'r un graddau, o leiaf, ag y byddai pe bai'r wybodaeth wedi ei hanfon neu ei rhoi gan ddefnyddio dogfen brintiedig.

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

(6) Mae unrhyw ofyniad yn y Rheoliadau hyn y dylai unrhyw ddogfen fod mewn ysgrifen, wedi ei gyflawni pan fo'r ddogfen honno'n bodloni'r meini prawf ym mharagraff (3), a rhaid dehongli “ysgrifenedig” (“*written*”) ac ymadroddion cytras yn unol â hynny.

(7) Bodlonir unrhyw ofyniad 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 o dan sylw mewn ffurf electronig.

Caniatáu amser ychwanegol

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

RHAN 2 Cyn-ymgeisio

Ceisiadau cymwys

5.—(1) Mae'r canlynol yn geisiadau cymwys at ddibenion adran 61Z1(4) o Ddeddf 1990 (Cymru: gwasanaethau cyn-ymgeisio)—

(2) Paragraphs (3) to (7) 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 statement, notice or other document to any other person (“the recipient”).

(3) The requirement is 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.

(4) In paragraph (3), “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.

(5) 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.

(6) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” (“*ysgrifenedig*”) and cognate expressions are to be construed accordingly.

(7) 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 question in electronic form.

Allowing further time

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

PART 2 Pre-Application

Qualifying applications

5.—(1) The following are qualifying applications for the purposes of section 61Z1(4) of the 1990 Act (Wales: pre-application services)—

- (a) cais am ganiatâd cynllunio ar gyfer datblygu tir yng Nghymru pan fo'r datblygiad y mae'r cais yn ymwneud ag ef yn ddatblygiad o arwyddocâd cenedlaethol(1); a
- (b) cais neu ofyniad am gydsyniad eilaidd(2) y tybia'r ceisydd y dylai Gweinidogion Cymru wneud penderfyniad mewn cysylltiad ag ef.

(2) Yn y Rhan hon, ystyr "ceisydd" ("*applicant*") yw'r person sy'n bwriadu gwneud cais cymwys.

Deisyfiad am wasanaethau cyn-ymgeisio

6.—(1) Rhaid i unrhyw ddeisyfiad am wasanaethau cyn-ymgeisio mewn cysylltiad â chais cymwys fod—

- (a) yn ysgrifenedig i'r awdurdod cynllunio lleol neu Weinidogion Cymru, ar ffurflen a gyhoeddwyd gan Weinidogion Cymru (neu ffurflen sydd, o ran sylwedd, yn cael yr un effaith);
- (b) yn cynnwys y manylion a bennir neu y cyfeirir atynt yn y ffurflen a gyhoeddwyd gan Weinidogion Cymru; ac
- (c) wedi ei gyflwyno ynghyd ag—
 - (i) unrhyw blaniau neu luniadau a bennir neu y cyfeirir atynt yn y ffurflen a gyhoeddir gan Weinidogion Cymru; a
 - (ii) unrhyw ffi benodedig sy'n daladwy am wasanaethau cyn-ymgeisio(3).

(2) Rhaid i unrhyw blaniau neu luniadau y mae'n ofynnol eu darparu yn rhinwedd paragraff (1)(c)(i) fod wedi eu lluniadu ar raddfa a nodir, ac yn achos planiau rhaid iddynt ddangos cyfeiriad y gogledd.

(3) Yn y Rhan hon, ystyr "deisyfiad dilys am wasanaethau cyn-ymgeisio" ("*valid request for pre-application services*") yw deisyfiad am wasanaethau cyn-ymgeisio mewn cysylltiad â chais cymwys sy'n cydymffurfio â gofynion y rheoliad hwn.

(4) Pan fo awdurdod cynllunio lleol neu Weinidogion Cymru yn cael cais dilys am wasanaethau cyn-ymgeisio, rhaid i'r awdurdod neu Weinidogion Cymru, cyn gynted ag y bo'n rhesymol

- (a) an application for planning permission for the development of land in Wales where the development to which the application relates is of national significance(1); and
- (b) an application or requirement for a secondary consent(2) in respect of which the applicant considers a decision should be made by the Welsh Ministers.

(2) In this Part "applicant" ("*ceisydd*") means the person proposing to make a qualifying application.

Request for pre-application services

6.—(1) Any request for pre-application services in respect of a qualifying application must—

- (a) be made in writing to the local planning authority or to the Welsh Ministers, on a form published by the Welsh Ministers (or a form substantially to the like effect);
- (b) include the particulars specified or referred to in the form published by the Welsh Ministers; and
- (c) be accompanied by—
 - (i) any plans or drawings specified or referred to in the form published by the Welsh Ministers; and
 - (ii) any fixed fee payable for pre-application services(3).

(2) Any plans or drawings required to be provided by virtue of paragraph (1)(c)(i) must be drawn to an identified scale and, in the case of plans, must show the direction of north.

(3) In this Part a "valid request for pre-application services" ("*deisyfiad dilys am wasanaethau cyn-ymgeisio*") means a request for pre-application services in respect of a qualifying application which complies with the requirements of this regulation.

(4) When the local planning authority or the Welsh Ministers receive a valid request for pre-application services, the authority or the Welsh Ministers must, as soon as is reasonably practicable,

(1) Mae datblygiad yn ddatblygiad o arwyddocâd cenedlaethol os yw'n bodloni'r meini prawf a bennir yn Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016 (O.S. 2016/53 (Cy. 23)).

(2) Ar gyfer y diffiniad o "secondary consent" ("*cydsyniad eilaidd*") gweler adran 62H o Ddeddf 1990, a fewnosodwyd gan adran 20 o Ddeddf Cynllunio (Cymru) 2015. Rhagnodir cydsyniadau eilaidd at ddibenion adran 62H gan Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016.

(3) Ar gyfer y ffioedd penodedig ac amrywiol sy'n daladwy mewn cysylltiad â gwasanaethau cyn-ymgeisio, gweler Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016 (O.S.2016/57) (Cy. 27).

(1) Development is of national significance if it meets the criteria specified in the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (S.I. 2016/53 (W. 23)).

(2) For the definition of "secondary consent" see section 62H of the 1990 Act, inserted by section 20 of the Planning (Wales) Act 2015. Secondary consents are prescribed for the purposes of section 62H by the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016.

(3) For fixed and variable fees payable in respect of pre-application services, see the Developments of National Significance (Fees) (Wales) Regulations 2016 (S.I.2016/57) (W. 275).

ymarferol, anfon cydnabyddiaeth o'r deisyfiad at y ceisydd, gan ddatgan erbyn pa ddyddiad y mae'n rhaid darparu gwasanaethau cyn-ymgeisio o dan reoliad 7(3) neu, yn ôl y digwydd, reoliad 8(3).

Dyletswydd i ddarparu gwasanaethau cyn-ymgeisio: awdurdodau cynllunio lleol

7.—(1) Pan fo awdurdod cynllunio lleol yn cael deisyfiad dilys am wasanaethau cyn-ymgeisio, rhaid i'r awdurdod ddarparu'r gwasanaethau cyn-ymgeisio a bennir ym mharagraff (2) o fewn y cyfnod a bennir neu y cyfeirir ato ym mharagraff (3).

(2) Y gwasanaethau cyn-ymgeisio a bennir yn y paragraff hwn yw darparu i'r ceisydd wybodaeth mewn perthynas â'r canlynol—

- (a) hanes cynllunio'r tir y bwriedir cyflawni'r datblygiad arfaethedig arno, i'r graddau y mae'n berthnasol i'r cais arfaethedig;
- (b) darpariaethau'r cynllun datblygu, i'r graddau y maent yn faterol berthnasol i'r cais arfaethedig;
- (c) unrhyw ganllawiau cynllunio atodol, i'r graddau y maent yn faterol berthnasol i'r cais arfaethedig;
- (d) unrhyw ystyriaethau eraill sydd, neu a allai fod yn faterol berthnasol ym marn yr awdurdod;
- (e) pa un a yw'n debygol ai peidio y bydd rhwymedigaethau cynllunio (yn yr ystyr a roddir i "planning obligations" gan adran 106 o Ddeddf 1990 (rhwymedigaethau cynllunio)(1)) yn ofynnol, ac os byddant, dylid nodi cwmbras tebygol y cyfryw rhwymedigaethau cynllunio, gan gynnwys nodi unrhyw swm y gallai fod yn ofynnol ei dalu i'r awdurdod; ac
- (f) unrhyw grwpiau cymunedol lleol perthnasol sy'n hysbys i'r awdurdod, y gallai'r ceisydd ymgynghori â hwy fel rhan o'r ymgynghoriad cyn-ymgeisio.

(3) Y cyfnod a bennir yn y paragraff hwn yw—

- (a) 28 diwrnod sy'n dechrau gyda'r diwrnod y ceir deisyfiad dilys am wasanaethau cyn-ymgeisio, neu pa bynnag gyfnod arall a gytunir mewn ysgrifen rhwng y ceisydd a'r awdurdod; neu
- (b) pan fo'r ffi sy'n ofynnol mewn cysylltiad â deisyfiad am wasanaethau cyn-ymgeisio wedi ei thalu â siec, a'r siec honno wedyn yn cael ei dychwelyd heb ei thalu, y cyfnod fel a bennir yn is-baragraff (a) wedi ei gyfrifo gan ddiystyru'r cyfnod rhwng y dyddiad yr

send the applicant an acknowledgement of the request stating the date by which pre-application services must be provided under regulation 7(3) or, as the case may be, regulation 8(3).

Duty to provide pre-application services: local planning authorities

7.—(1) Where a local planning authority receive a valid request for pre-application services, the authority must provide the pre-application services specified in paragraph (2) within the period specified or referred to in paragraph (3).

(2) The pre-application services specified in this paragraph are the provision to the applicant of information in relation to the following—

- (a) the planning history of the land on which the proposed development is to be carried out, so far as relevant to the proposed application;
- (b) the provisions of the development plan, so far as material to the proposed application;
- (c) any supplementary planning guidance, so far as material to the proposed application;
- (d) any other considerations which are or could be material in the opinion of the authority;
- (e) whether planning obligations (within the meaning of section 106 of the 1990 Act (planning obligations)(1)) are likely to be required and, if so, an indication of the likely scope of such planning obligations, including an indication of any sum which may be required to be paid to the authority; and
- (f) any relevant local community groups known to the authority which could be consulted by the applicant as part of pre-application consultation.

(3) The period specified in this paragraph is—

- (a) 28 days beginning with the day on which a valid request for pre-application services is received, or such other period as may be agreed in writing between the applicant and the authority; or
- (b) where the fee required in respect of a request for pre-application services has been paid by a cheque which is subsequently dishonoured, the period specified in sub-paragraph (a) calculated disregarding the period between the date when the authority sent the applicant

(1) Amnewidiwyd adran 106 gan adran 12(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 31) ac fe'i diwygiwyd gan adran 174(2) o Ddeddf Cynllunio 2008 (p. 29) a chan adran 7 o Ddeddf Twf a Seilwaith 2013 (p. 27) a pharagraff 3 o Atodlen 2 i'r Ddeddf honno.

(1) Section 106 was substituted by section 12(1) of the Planning and Compensation Act 1991 (c. 31) and amended by section 174(2) of the Planning Act 2008 (c. 29) and section 7 of, and paragraph 3 of Schedule 2 to, the Growth and Infrastructure Act 2013 (c. 27).

anfonodd yr awdurdod hysbysiad ysgrifenedig at y ceisydd ynghylch dychwelyd y sic eheb ei thalu a'r dyddiad pan fodlonir yr awdurdod ei fod wedi cael swm llawn y ffi.

(4) Rhaid i unrhyw wybodaeth a roddir i'r ceisydd fod mewn ysgrifen.

Dyletswydd i ddarparu gwasanaethau cyn-ymgeisio: Gweinidogion Cymru

8.—(1) Pan fo Gweinidogion Cymru yn cael deisyfiad dilys am wasanaethau cyn-ymgeisio, rhaid i Weinidogion Cymru ddarparu pa bynnag rai o'r gwasanaethau cyn-ymgeisio a bennir ym mharagraff (2) y gofynnir amdanynt gan y ceisydd, o fewn y cyfnod a bennir ym mharagraff (3).

(2) Y gwasanaethau cyn-ymgeisio a bennir yn y paragraff hwn yw—

- (a) gwybodaeth a chymorth mewn perthynas ag unrhyw rai o'r canlynol—
 - (i) ffurf a chynnwys y cais;
 - (ii) ffurf a chynnwys unrhyw adroddiadau technegol a allai fod yn ofynnol;
 - (iii) y gweithdrefnau ar gyfer gwneud cais a'i hebrwng ymlaen; a
- (b) pa bynnag wybodaeth neu gymorth arall a ddeisyfir gan y ceisydd, y gall Gweinidogion Cymru eu darparu ac y tybiant a fyddai o gymorth i'r ceisydd ar gyfer gwneud cais a'i hebrwng ymlaen; ac
- (c) asesiad dechreuol o'r cais arfaethedig.

(3) Y cyfnod penodedig yn y paragraff hwn yw 28 diwrnod, sy'n dechrau gyda'r diwrnod pan geir deisyfiad dilys am wasanaethau cyn-ymgeisio neu pa bynnag gyfnod hwy a benderfynir gan Weinidogion Cymru.

(4) Rhaid i unrhyw wybodaeth a roddir neu a gadarnheir i'r ceisydd fod mewn ysgrifen.

Monitro a datganiad o wasanaethau

9.—(1) Rhaid i awdurdodau cynllunio lleol a Gweinidogion Cymru gadw cofnod o'r canlynol—

- (a) pob deisyfiad dilys a gânt am wasanaethau cyn-ymgeisio; a
- (b) y gwasanaethau cyn-ymgeisio a ddarperir mewn cysylltiad â cheisiadau cymwys.

(2) Rhaid i'r cofnodion y cyfeirir atynt ym mharagraff (1) nodi'r tir y mae'r cais cymwys yn ymwneud ag ef.

(3) Rhaid i bob awdurdod cynllunio lleol a Gweinidogion Cymru gyhoeddi'r canlynol ar eu priod wefannau—

written notice of the dishonouring of the cheque and the date when the authority are satisfied they have received the full amount of the fee.

(4) Any information given to the applicant must be given in writing.

Duty to provide pre-application services: Welsh Ministers

8.—(1) Where the Welsh Ministers receive a valid request for pre-application services, the Welsh Ministers must provide such of the pre-application services specified in paragraph (2) as are requested by the applicant within the time period specified in paragraph (3).

(2) The pre-application services specified in this paragraph are—

- (a) information and assistance in relation to any of the following—
 - (i) the form and content of the application;
 - (ii) the form and content of any technical reports which may be required;
 - (iii) the procedures for making and progressing an application; and
- (b) such other information or assistance as requested by the applicant which the Welsh Ministers are able to provide and consider would assist the applicant in making and progressing an application; and
- (c) an initial assessment of the proposed application.

(3) The period specified in this paragraph is 28 days beginning with the day on which a valid request for pre-application services is received or such longer period as the Welsh Ministers may determine.

(4) Any information given to the applicant must be given or confirmed in writing.

Monitoring and statement of services

9.—(1) Local planning authorities and the Welsh Ministers must maintain a record of—

- (a) each valid request for pre-application services received by them; and
- (b) pre-application services provided in respect of qualifying applications.

(2) The records referred to in paragraph (1) must identify the land to which the qualifying application relates.

(3) Each local planning authority and the Welsh Ministers must publish on their respective websites—

- (a) datganiad sy'n rhoi manylion y gwasanaethau cyn-ymgeisio a ddarperir ganddynt mewn cysylltiad â cheisiadau cymwys;
- (b) yn achos awdurdod cynllunio lleol—
 - (i) y ffurflen y cyfeirir ati yn rheoliad 6(1)(a); a
 - (ii) manylion y ffioedd sy'n daladwy mewn cysylltiad â deisyfiadau am wasanaethau cyn-ymgeisio; ac
- (c) yn achos Gweinidogion Cymru, manylion y modd y cyfrifir y ffi am wasanaethau cyn-ymgeisio.

- (a) a statement which gives particulars of the pre-application services provided by them in respect of qualifying applications;
- (b) in the case of a local planning authority—
 - (i) the form referred to in regulation 6(1)(a); and
 - (ii) details of fees payable in respect of requests for pre-application services; and
- (c) in the case of the Welsh Ministers, details of how the fee for pre-application services is to be calculated.

RHAN 3

Penodi a swyddogaethau penodedig

Penodi

10.—(1) Cyn diwedd y cyfnod sylwadau rhaid i Weinidogion Cymru benodi person i arfer y swyddogaethau a ragnodir yn rheoliad 11.

(2) Yn ddarostyngedig i baragraff (3), rhaid i Weinidogion Cymru hysbysu'r ceisydd a'r awdurdod cynllunio lleol o enw'r person penodedig.

(3) Pan fo Gweinidogion Cymru yn penodi person arall i gymryd lle'r person a benodwyd yn flaenorol—

- (a) rhaid hysbysu'r ceisydd a'r awdurdod cynllunio lleol o enw'r person arall hwnnw;
- (b) neu, os na ellir gwneud hynny yn ymarferol cyn cynnal unrhyw wrandawriad neu ymchwiliad, rhaid i'r person penodedig sy'n cynnal y gwrandawriad neu ymchwiliad gyhoeddi, ar y dechrau, ei enw a'r ffaith ei fod wedi ei benodi.

Swyddogaethau penodedig

11. Mae'r swyddogaethau canlynol wedi eu rhagnodi at ddibenion paragraff 1 o Atodlen 4D i Ddeddf 1990—

- (a) swyddogaethau o dan Orchymyn 2016, ac eithrio'r rhai o dan—
 - (i) erthygl 28; a
 - (ii) erthygl 29;
- (b) swyddogaethau o dan Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016(1), ac eithrio'r rhai o dan reoliad 12 o'r Rheoliadau hynny;

PART 3

Appointment and specified functions

Appointment

10.—(1) Before the end of the representation period the Welsh Ministers must appoint a person to exercise the functions prescribed in regulation 11.

(2) Subject to paragraph (3), the Welsh Ministers must notify the name of the appointed person to the applicant and the local planning authority.

(3) Where the Welsh Ministers appoint another person instead of the person previously appointed—

- (a) the name of the other person must be notified to the applicant and the local planning authority;
- (b) or, if it is not practicable to do so before any hearing or inquiry is held, the appointed person holding the hearing or inquiry must, at its commencement, announce their name and the fact of their appointment.

Specified functions

11. The following functions are prescribed for the purposes of paragraph 1 of Schedule 4D to the 1990 Act—

- (a) functions under the 2016 Order, except those under—
 - (i) article 28; and
 - (ii) article 29;
- (b) functions under the Developments of National Significance (Fees) (Wales) Regulations 2016(1), except those under regulation 12 of those Regulations;

(1) O.S. 2016/ 57 (Cy. 27).

(1) S.I. 2016/ 57 (W. 27).

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|--|--|
| <p>(c) rhoi hysbysiad bod hysbysiad o gais wedi ei dderbyn o dan adran 62E(4) o Ddeddf 1990(1);</p> <p>(d) rhoi hysbysiad yn ei gwneud yn ofynnol llunio adroddiad ar yr effaith leol o dan adran 62I(1)(b) a (2) o Ddeddf 1990(2);</p> <p>(e) rhoi hysbysiad yn atal y cyfnod penderfynu dros dro neu'n terfynu, lleihau neu'n estyn cyfnod o ataliad o dan adran 62L(5) o Ddeddf 1990(3);</p> <p>(f) hysbysu cyngorau cymuned o dan adran 62Q(2) o Ddeddf 1990(4);</p> <p>(g) penderfynu ynglŷn â'r weithdrefn a ddilynir wrth ystyried achosion yn unol ag adran 319B(1) o Ddeddf 1990;</p> <p>(h) hysbysu'r ceisydd o'r penderfyniad ar weithdrefn o dan adran 319B(5) a (5A)(5) o Ddeddf 1990;</p> <p>(i) cynnal ymchwiliad o dan adran 320 o Ddeddf 1990;</p> <p>(j) swyddogaethau o dan y rheoliadau canlynol—</p> <p>(i) rheoliad 4 (caniatáu amser ychwanegol);</p> <p>(ii) rheoliad 6 (cael deisyfiadau am wasanaethau cyn-ymgeisio);</p> <p>(iii) rheoliad 8 (gwasanaethau cyn-ymgeisio: Gweinidogion Cymru);</p> <p>(iv) rheoliad 9 (monitro a datganiad o wasanaethau);</p> <p>(v) rheoliad 10(2) (hysbysu ynghylch enw'r person penodedig);</p> <p>(vi) rheoliad 13 (penderfynu ar weithdrefn);</p> <p>(vii) rheoliad 14 (sylwadau sydd i'w cymryd i ystyriaeth);</p> <p>(viii) rheoliad 15 (gwybodaeth bellach);</p> <p>(ix) rheoliad 16 (arolygiadau safle);</p> <p>(x) rheoliad 21 (dyddiad a lleoliad y gwrandawriad);</p> <p>(xi) rheoliad 22 (hysbysiad cyhoeddus o'r gwrandawriad);</p> <p>(xii) rheoliad 23 (penodi asesydd);</p> <p>(xiii) rheoliad 24 (cymryd rhan mewn gwrandawriad);</p> <p>(xiv) rheoliad 25 (absenoldeb, gohirio, etc.);</p> | <p>(c) giving notice that notification of an application has been accepted under section 62E(4) of the 1990 Act(1);</p> <p>(d) giving notice requiring a local impact report under section 62I(1)(b) and (2) of the 1990 Act(2);</p> <p>(e) giving notice suspending the determination period or terminating, reducing or extending a period of suspension under section 62L(5) of the 1990 Act(3);</p> <p>(f) notifying community councils under section 62Q(2) of the 1990 Act(4);</p> <p>(g) determining as to the procedure by which proceedings are to be considered in accordance with section 319B(1) of the 1990 Act;</p> <p>(h) notifying the applicant of the determination of procedure under section 319B(5) and (5A)(5) of the 1990 Act;</p> <p>(i) holding an inquiry under section 320 of the 1990 Act;</p> <p>(j) functions under these regulations—</p> <p>(i) regulation 4 (allowing further time);</p> <p>(ii) regulation 6 (receiving requests for pre-application services);</p> <p>(iii) regulation 8 (pre-application services: Welsh Ministers);</p> <p>(iv) regulation 9 (monitoring and statement of services);</p> <p>(v) regulation 10(2) (notifying the name of the appointed person);</p> <p>(vi) regulation 13 (determination of procedure);</p> <p>(vii) regulation 14 (representations to be taken into account);</p> <p>(viii) regulation 15 (further information);</p> <p>(ix) regulation 16 (site inspections);</p> <p>(x) regulation 21 (date and place of hearing);</p> <p>(xi) regulation 22 (public notice of hearing);</p> <p>(xii) regulation 23 (appointment of an assessor);</p> <p>(xiii) regulation 24 (participation in a hearing);</p> <p>(xiv) regulation 25 (absence, adjournment etc.);</p> |
|--|--|

(1) Mewnosodwyd adran 62E gan adran 19 o Ddeddf Cynllunio (Cymru) 2015.

(2) Mewnosodwyd adran 62I gan adran 21 o'r Ddeddf honno.

(3) Mewnosodwyd adran 62L gan adran 22 o'r Ddeddf honno.

(4) Mewnosodwyd adran 62Q gan adran 24 o'r Ddeddf honno.

(5) Mewnosodwyd adran 319B(5A) gan baragraff 20 o Atodlen 4 i'r Ddeddf honno.

(1) Section 62E was inserted by section 19 of the Planning (Wales) Act 2015.

(2) Section 62I was inserted by section 21 of that Act.

(3) Section 62L was inserted by section 22 of that Act.

(4) Section 62Q was inserted by section 24 of that Act.

(5) Section 319B(5A) was inserted by paragraph 20 of Schedule 4 to that Act.

- (xv) rheoliad 27 (gwrandawriad yn amhriodol);
- (xvi) rheoliad 32 (dyddiad yr ymchwiliad);
- (xvii) rheoliad 34 (ymchwiliad yn amhriodol);
- (xviii) rheoliad 37 (gweithdrefn ar ôl dileu penderfyniad).

RHAN 4

Penderfynu ar weithdrefn

Cyfnod rhagnodedig

12. At ddibenion adran 319B(3) o Ddeddf 1990 y cyfnod rhagnodedig mewn perthynas â chais yw deg diwrnod gwaith, sy'n dechrau ar ddiwedd y cyfnod sylwadau(1).

Penderfynu ar weithdrefn

13.—(1) Rhaid i Weinidogion Cymru, wrth wneud eu penderfyniad yn unol ag adran 319B o Ddeddf 1990, nodi pa faterion, os oes rhai, sydd i'w hystyried mewn gwrandawriad neu ymchwiliad.

(2) Rhaid i hysbysiad o dan adran 319B(5)—

- (a) nodi'r materion, os oes rhai, sydd i'w penderfynu mewn gwrandawriad neu ymchwiliad;
- (b) nodi materion y mae sylwadau pellach arnynt yn ofynnol ar gyfer Gweinidogion Cymru;
- (c) datgan pa un a yw sylwadau pellach o'r fath i'w cyflwyno mewn ysgrifen neu mewn gwrandawriad neu ymchwiliad; a
- (d) pan fo Gweinidogion Cymru wedi penderfynu cynnal gwrandawriad neu ymchwiliad, nodi pwy a wahoddi i gymryd rhan; neu
- (e) cynnwys datganiad bod Gweinidogion Cymru yn bwriadu penderfynu'r cais ar sail sylwadau ysgrifenedig.

(3) Mae darpariaethau rheoliad 15 yn gymwys os yw Gweinidogion Cymru yn gofyn am unrhyw sylwadau pellach.

- (xv) regulation 27 (hearing inappropriate);
- (xvi) regulation 32 (date and place of inquiry);
- (xvii) regulation 34 (inquiry inappropriate);
- (xviii) regulation 37 (procedure following quashing of a decision).

PART 4

Determination of procedure

Prescribed period

12. For the purposes of section 319B(3) of the 1990 Act the prescribed period in relation to an application is ten working days beginning at the end of the representation period(1).

Determination of procedure

13.—(1) The Welsh Ministers must in making their determination in accordance with section 319B of the 1990 Act, identify which, if any, matters are to be considered at a hearing or an inquiry.

(2) Notice under section 319B(5) must—

- (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 an inquiry; and
- (d) where the Welsh Ministers have determined that a hearing or an inquiry is to be held, identify those invited to take part; or
- (e) contain a statement that the Welsh Ministers intend to determine the application on the basis of written representations.

(3) The provisions of regulation 15 apply if any further representations are requested by the Welsh Ministers.

(1) Mae adran 319B(3) yn ei gwneud yn ofynnol bod Gweinidogion Cymru yn gwneud penderfyniad ynglŷn â'r weithdrefn berthnasol cyn diwedd y cyfnod rhagnodedig. Ystyr "rhagnodedig" ("prescribed") yw rhagnodedig mewn rheoliadau, gweler adran 336(1) o Ddeddf 1990.

(1) Section 319B(3) requires the Welsh Ministers to make a determination as to the relevant procedure before the end of the prescribed period. "Prescribed" means prescribed in regulations, see section 336(1) of the 1990 Act.

RHAN 5

Gwybodaeth ac ymweliadau safle

Sylwadau sydd i'w cymryd i ystyriaeth

14.—(1) Caiff Gweinidogion Cymru ddiystyru unrhyw sylw a wneir ar ôl diwedd y cyfnod sylwadau, ac eithrio sylwadau a ddeisyfwyd yn unol â rheoliad 15.

(2) Y sylwadau y cyfeirir atynt yn y rheoliad hwn yw sylwadau a ragnodir yn erthygl 28 o Orchymyn 2016 at ddibenion adran 71(2)(a) o Ddeddf 1990 (ymgyngoriadau mewn cysylltiad â phenderfyniadau o dan adran 70).

Gwybodaeth bellach

15.—(1) Caiff Gweinidogion Cymru ddeisyf sylwadau pellach gan—

- (a) y ceisydd;
- (b) yr awdurdod cynllunio lleol; ac
- (c) unrhyw berson â buddiant⁽¹⁾ a wnaeth sylwadau mewn perthynas â'r cais yn ystod y cyfnod sylwadau.

(2) Yn benodol, caiff Gweinidogion Cymru ddeisyf mewn ysgrifen y canlynol—

- (a) gan y person sy'n gwneud unrhyw sylw, nifer penodedig o gopïau ychwanegol o'r sylw hwnnw;
- (b) ymatebion i gwestiynau a ofynnir gan Weinidogion Cymru ynghylch materion sy'n gynnwysedig mewn unrhyw sylw.

(3) Rhaid i bob sylw ar unrhyw fater penodol a gyflwynir yn dilyn deisyfiad beidio â bod yn fwy na 3,000 o eiriau, a rhaid ei gyflwyno—

- (a) yn y modd a bennir gan Weinidogion Cymru;
- (b) ddim hwyrach na phedair wythnos ar ôl dyddiad y deisyfiad o dan baragraff (1).

(4) Caiff Gweinidogion Cymru ddiystyru unrhyw sylw—

- (a) sy'n cyrraedd yn hwyr neu mewn modd gwahanol i'r modd a bennwyd;
- (b) sy'n fwy na 3,000 o eiriau;
- (c) yr ystyriant yn wacsaw neu'n flinderus; neu
- (d) sy'n ymwneud â rhinweddau polisi a nodir mewn cynllun datblygu neu mewn unrhyw

(1) Diffinnir "interested person" ("*person â buddiant*") yn adran 319B(8A) o Ddeddf 1990. Mewnodsodwyd is-adran (8A) gan adran 27 o Ddeddf Cynllunio (Cymru) 2015 a pharagraff 20(4) o Atodlen 4 i'r Ddeddf honno.

PART 5

Information and site visits

Representations to be taken into account

14.—(1) The Welsh Ministers may disregard any representation made after the expiry of the representation period other than as requested in accordance with regulation 15.

(2) The representations referred to in this regulation are representations prescribed in article 28 of the 2016 Order for the purposes of section 71(2)(a) of the 1990 Act (consultations in connection with determinations under section 70).

Further information

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

- (a) the applicant;
- (b) the local planning authority; and
- (c) any interested person⁽¹⁾ who made representations in relation to the application during the representation period.

(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—

- (a) in the manner specified by the Welsh Ministers;
- (b) no later than four weeks from the date of the request under paragraph (1).

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

- (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

(1) "Interested person" is defined in section 319B(8A) of the 1990 Act. Subsection (8A) was inserted by section 27 of, and paragraph 20(4) of Schedule 4 to, the Planning (Wales) Act 2015.

ddatganiad polisi perthnasol a wnaed neu a gyhoeddwyd gan Weinidogion Cymru.

(5) Os digwydd bod sylw ysgrifenedig yn fwy na 3,000 o eiriau, caiff Gweinidogion Cymru ddychwelyd y sylw at y person sy'n ei gyflwyno, gyda deisyfiad ei fod yn ailgyflwyno'r sylw mewn ffurf nad yw'n fwy na 3,000 o eiriau, a hynny o fewn pa bynnag amser a ddatgenir gan Weinidogion Cymru wrth ddychwelyd y sylw.

(6) Caiff Gweinidogion Cymru, yn ôl eu disgrisiwn mewn unrhyw achos penodol, gynyddu'r nifer o eiriau ym mharagraff (3); ac yn unol â hynny, mae cyfeiriadau ar y nifer mwyaf o eiriau yn gyfeiriadau at y nifer ar ôl ei gynyddu felly.

(7) Rhaid i Weinidogion Cymru roi'r holl sylwadau ysgrifenedig ac ymatebion ysgrifenedig i gwestiynau a geir ganddynt ar gael ym mha bynnag fodd a ystyrir yn briodol gan Weinidogion Cymru cyn gynted ag y bo'n ymarferol.

Arolygiadau safle

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

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

(3) Nid yw'n ofynnol i Weinidogion Cymru ohirio arolygiad pan nad yw unrhyw berson (gan gynnwys y ceisydd) yn bresennol ar yr amser penodig.

RHAN 6

Sylwadau ysgrifenedig

Cymhwysio Rhan 6

17.—(1) Mae'r Rhan hon yn gymwys pan fo—

- (a) hysbysiad derbyn wedi ei roi; a
- (b) Gweinidogion Cymru wedi gwneud penderfyniad bod y cais i gael ei ystyried ar sail sylwadau ysgrifenedig yn unig.

(2) Mae'r Rhan hon yn gymwys hefyd pan fo Gweinidogion Cymru—

- (a) wedi gwneud penderfyniad bod y cyfan neu ran o'r cais i gael ei ystyried neu ei hystyried ar sail gwrandawriad neu ymchwiliad; a
- (b) yn amrywio'r penderfyniad hwnnw yn ddiweddarach fel bod y cais i gael ei ystyried, neu rannau o'r cais i gael eu hystyried ar sail sylwadau ysgrifenedig,

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 resubmitted such that it does not exceed 3,000 words and within such time as the Welsh Ministers may state when returning the representation.

(6) The Welsh Ministers may in their discretion 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) 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 practicable.

Site inspections

16.—(1) The Welsh Ministers may inspect the land to which the application relates.

(2) Where the Welsh Ministers intend to make an inspection under paragraph (1), they may notify the applicant 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 applicant) is not present at the time appointed.

PART 6

Written representations

Application of Part 6

17.—(1) This Part applies where—

- (a) notice of acceptance has been given; and
- (b) the Welsh Ministers have determined that the application is to be considered on the basis of written representations only.

(2) This Part also applies where—

- (a) the Welsh Ministers have made a determination that all or part of the application is to be considered on the basis of a hearing or an inquiry; and
- (b) they subsequently vary that determination such that the application or parts of the application is or are to be considered on the basis of written representations,

i'r cyfryw raddau a bennir gan Weinidogion Cymru ar ôl ystyried unrhyw gamau a gymerwyd eisoes mewn perthynas â'r cais.

Adroddiad

18.—(1) Rhaid i'r person penodedig lunio adroddiad ysgrifenedig i Weinidogion Cymru, a rhaid i'r adroddiad gynnwys casgliadau'r person penodedig a'i argymhellion (neu resymau dros beidio â gwneud unrhyw argymhellion).

(2) Mae paragraff (3) yn gymwys os yw Gweinidogion Cymru yn tueddu i anghytuno ag argymhelliad yn adroddiad y person penodedig oherwydd eu bod—

- (a) yn cymryd safbwynt gwahanol i'r person penodedig ynglŷn ag unrhyw fater o ffaith a grybwyllir mewn casgliad a gyrhaeddir gan y person penodedig, neu sy'n ymddangos iddynt yn faterol berthnasol i gasgliad a gyrhaeddir ganddo, neu
- (b) wedi cymryd i ystyriaeth unrhyw dystiolaeth newydd neu fater newydd o ffaith (nad yw'n fater o bolisi).

(3) Rhaid i Weinidogion Cymru beidio â chyrraedd penderfyniad sy'n groes i argymhelliad y person penodedig heb yn gyntaf—

- (a) hysbysu'r ceisydd, yr awdurdod cynllunio lleol a'r personau hynny a gyflwynodd sylwadau ysgrifenedig ynghylch eu hanghytundeb a'u rhesymau dros anghytuno; a
- (b) cynnig cyfle iddynt gyflwyno sylwadau ysgrifenedig i Weinidogion Cymru.

(4) Rhaid i'r rhai sy'n gwneud sylwadau ysgrifenedig sicrhau bod Gweinidogion Cymru yn cael y cyfryw sylwadau o fewn pa bynnag gyfnod o amser a ddatgenir gan Weinidogion Cymru yn yr hysbysiad o dan baragraff (3).

(5) Caiff Gweinidogion Cymru beri cynnal gwrandawriad neu ymchwiliad os byddant wedi cymryd i ystyriaeth unrhyw dystiolaeth newydd neu fater newydd o ffaith, nad yw'n fater o bolisi.

(6) Pan fo gwrandawriad neu ymchwiliad i gael ei gynnal, rhaid i Weinidogion Cymru anfon at y ceisydd, yr awdurdod cynllunio lleol a'r personau a gyflwynodd sylwadau ysgrifenedig, ddatganiad ysgrifenedig o'r materion y gwahoddir sylwadau pellach yn eu cylch, at y diben o ystyried y cais ymhellach gan Weinidogion Cymru.

(7) Mae rheoliad 15(2) i (6) yn gymwys i unrhyw dystiolaeth neu sylw ysgrifenedig a gyflwynir i Weinidogion Cymru yn unol â pharagraff (4) o'r rheoliad hwn.

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

Report

18.—(1) The appointed person must make a report in writing to the Welsh Ministers which must include the appointed person's conclusions and recommendations (or reasons for not making any recommendations).

(2) Paragraph (3) applies if the Welsh Ministers are minded to disagree with a recommendation in the appointed person's report 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) have taken into consideration any new evidence or new matter of fact (not being a matter of policy).

(3) The Welsh Ministers must not come to a decision which is at variance with the appointed person's recommendation without first—

- (a) notifying the applicant, the local planning authority and those persons who submitted written representations of their disagreement and the reasons for their disagreement; and
- (b) affording them an opportunity of making written representations to the Welsh Ministers.

(4) Those making written representations must ensure that such representations are received by the Welsh Ministers within such time as the Welsh Ministers state in notification under paragraph (3).

(5) The Welsh Ministers may cause a hearing or inquiry to be held if they have taken into consideration any new evidence or new matter of fact, not being a matter of policy.

(6) Where a hearing or inquiry is to be held the Welsh Ministers must send to the applicant, the local planning authority and persons submitting written representations a written statement of the matters with respect to which further representations are invited for the purposes of the Welsh Ministers' further consideration of the application.

(7) Regulation 15(2) to (6) apply to any evidence or representation in writing submitted to the Welsh Ministers in accordance with paragraph (4) of this regulation.

Mynd ymlaen i benderfynu

19.—(1) Caiff Gweinidogion Cymru fynd ymlaen i benderfynu cais—

- (a) os na fydd sylwadau ysgrifenedig wedi eu gwneud o fewn y terfynau amser perthnasol, ar ôl rhoi i'r ceisydd ac i'r awdurdod cynllunio lleol hysbysiad ysgrifenedig o'u bwriad i wneud hynny;
- (b) os bydd deisyfiad wedi ei wneud am sylwadau pellach, ar ôl diwedd pa bynnag gyfnod a ganiatawyd ar gyfer darparu sylwadau pellach.

(2) Yn y rheoliad hwn, ystyr “terfynau amser perthnasol” (“*relevant time limits*”) yw'r terfynau amser a ragnodwyd gan reoliadau 15 a 18 neu gan unrhyw gyfarwyddyd a roddwyd o dan reoliad 4.

RHAN 7

Gwrandawiadau

Cymhwyso Rhan 7

20.—(1) Mae'r Rhan hon yn gymwys pan fo—

- (a) hysbysiad derbyn wedi ei roi; a
- (b) Gweinidogion Cymru yn gwneud penderfyniad bod y cais neu unrhyw fater i gael ei ystyried yn gyfan gwbl neu'n rhannol drwy gynnal gwrandawriad.

(2) Mae'r Rhan hon yn gymwys hefyd pan fo—

- (a) Gweinidogion Cymru wedi gwneud penderfyniad bod y cyfan neu ran o'r cais i gael ei ystyried neu ei hystyried ar sail sylwadau ysgrifenedig neu ymchwiliad;
- (b) yn amrywio'r penderfyniad hwnnw yn ddiweddarach fel bod y cais i gael ei ystyried, neu rannau o'r cais i gael eu hystyried ar sail gwrandawriad; ac
- (c) Gweinidogion Cymru wedi peri cynnal gwrandawriad yn unol â rheoliad 18(5),

i'r cyfryw raddau a bennir gan Weinidogion Cymru ar ôl ystyried unrhyw gamau a gymerwyd eisoes mewn perthynas â'r cais.

Dyddiad a lleoliad y gwrandawriad

21.—(1) Rhaid i Weinidogion Cymru bennu'r dyddiad ar gyfer y gwrandawriad.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r dyddiad ar gyfer y gwrandawriad—

- (a) peidio â bod yn hwyrach na deng wythnos ar ôl diwedd y cyfnod sylwadau; a
- (b) bod o leiaf un wythnos ar ôl diwedd y cyfnod a ganiateir ar gyfer sylwadau pellach a ddeisyfir yn unol â rheoliad 15(1).

Proceeding to a decision

19.—(1) The Welsh Ministers may proceed to determine an application—

- (a) if no written representations have been made within the relevant time limits, after giving the applicant and the local planning authority written notice of their intention to do so;
- (b) if further representations have been requested, after any period allowed for the provision of further representations has expired.

(2) In this regulation, “relevant time limits” (“*terfynau amser perthnasol*”) means the time limits prescribed by regulations 15 and 18 or by any direction given under regulation 4.

PART 7

Hearings

Application of Part 7

20.—(1) This Part applies where—

- (a) notice of acceptance has been given; and
- (b) the Welsh Ministers determine that the application or any matter is to be considered in whole or in part by way of a hearing.

(2) This Part also applies where—

- (a) the Welsh Ministers have made a determination that all or part the application is to be considered on the basis of written representations or inquiry;
- (b) they subsequently vary that determination such that the application or parts of the application is or are to be considered on the basis of a hearing; and
- (c) the Welsh Ministers have caused a hearing to be held pursuant to regulation 18(5),

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

Date and place of hearing

21.—(1) The Welsh Ministers must fix the date for the hearing.

(2) Subject to paragraph (3), the date for the hearing must be—

- (a) no later than ten weeks after the end of the representation period; and
- (b) at least one week after the end of the period allowed for further representations requested in accordance with regulation 15(1).

(3) Pan fo Gweinidogion Cymru o'r farn y byddai'n anymarferol cynnal y gwrandawriad ar ddyddiad a bennir yn unol â pharagraff (2), rhaid cynnal y gwrandawriad ar y dyddiad cynharaf a ystyrir yn ymarferol gan Weinidogion Cymru.

(4) Rhaid i'r man lle cynhelir y gwrandawriad gael ei benderfynu gan Weinidogion Cymru.

(5) Caiff Gweinidogion Cymru gyfarwyddo bod gwahanol rannau o'r gwrandawriad i'w cynnal mewn gwahanol leoliadau pan fodlonir hwy, ar ôl ystyried natur y cais, ei bod yn rhesymol gwneud hynny.

(6) Oni fydd Gweinidogion Cymru wedi cytuno gyda'r ceisydd a'r awdurdod cynllunio lleol ar gyfnod byrrach o rybudd, rhaid i Weinidogion Cymru roi o leiaf bedair wythnos o rybudd ysgrifenedig o'r dyddiad, yr amser a'r lleoliad a bennir ganddynt ar gyfer cynnal y gwrandawriad, i'r ceisydd, i'r awdurdod cynllunio lleol ac i unrhyw berson a wahoddir i gymryd rhan yn y gwrandawriad.

(7) Caiff Gweinidogion Cymru amrywio'r dyddiad a bennwyd ar gyfer y gwrandawriad, pa un a fydd y dyddiad newydd o fewn y cyfnod o ddeng wythnos a grybwyllir ym mharagraff (2)(a) ai peidio, ac mae paragraff (6) yn gymwys i amrywio dyddiad fel y mae'n gymwys i bennu'r dyddiad gwreiddiol.

(8) Caiff Gweinidogion Cymru amrywio'r amser neu'r lleoliad ar gyfer cynnal gwrandawriad, a rhaid iddynt roi cymaint o rybudd o unrhyw amrywiad ag sy'n ymddangos iddynt yn rhesymol.

Hysbysiad cyhoeddus o'r gwrandawriad

22.—(1) Oni fydd Gweinidogion Cymru yn cyfarwyddo'n wahanol, rhaid i'r awdurdod cynllunio lleol, ddim hwyrach na phedair wythnos cyn y dyddiad a bennwyd ar gyfer y gwrandawriad—

- (a) arddangos a chynnal hysbysiad o'r gwrandawriad yn y ffurf a ddarperir gan Weinidogion Cymru mewn man amlwg, neu (yn achos cais am ganiatâd ar gyfer gwaith llinellol ar y tir sy'n fwy na phum cilometr o hyd) fesul cyfwng o ddim mwy na phum cilometr, ar y tir y mae'r cais yn ymwneud ag ef, neu mor agos ato ag sy'n rhesymol ymarferol;
- (b) arddangos a chynnal yr hysbysiad o'r gwrandawriad mewn un neu ragor o leoedd lle'r arddangosir hysbysiadau cyhoeddus fel arfer yn yr ardal y mae'r cynigion sydd yn y cais yn ymwneud â hi.

(2) Rhaid i Weinidogion Cymru gyhoeddi hysbysiad o'r gwrandawriad drwy hysbysebu yn lleol yn yr ardal y bwriedir i'r cynigion sydd yn y cais gael effaith ynddi, gan gyhoeddi'r hysbysiad hwnnw ddim hwyrach na phedair wythnos cyn y dyddiad a bennwyd ar gyfer y gwrandawriad.

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

(4) The place at which a hearing is to be held must be determined by the Welsh Ministers.

(5) 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 a hearing are held at different locations.

(6) Unless the Welsh Ministers agree a shorter period of notice with the applicant and the local planning authority, the Welsh Ministers must give at least four weeks' written notice of the date, time and place fixed by them for the holding of the hearing to the applicant, the local planning authority and any person invited to take part in the hearing.

(7) The Welsh Ministers may vary the date fixed for the hearing, whether or not the date as varied is within the period of ten weeks mentioned in paragraph (2)(a); and paragraph (6) applies to a variation of a date as it applies to the date originally fixed.

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

Public notice of hearing

22.—(1) Unless the Welsh Ministers otherwise direct, the local planning authority must no later than four weeks before the date fixed for the hearing—

- (a) post and maintain a notice of the hearing in the form provided by the Welsh Ministers in a conspicuous place, or (in the case of an application for permission for land-based linear works more than five kilometres in length) at intervals of not more than five kilometres, on, or as close as is reasonably practicable to, the land to which the application relates;
- (b) post and maintain the notice of the hearing in one or more places where public notices are usually posted in the area to which the proposals contained in the application relate.

(2) The Welsh Ministers must publish a notice of the hearing by local advertisement in the area in which the proposals contained in the application are to have effect, such notice to be published no later than four weeks before the date fixed for the hearing.

(3) Yn y rheoliad hwn, ystyr “drwy hysbysebu yn lleol” (“*by local advertisement*”) yw—

- (a) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn y gymdogaeth y lleolir ynddi'r tir y mae'r cais yn ymwneud ag ef; a
- (b) pan fo Gweinidogion Cymru yn cynnal gwefan at y diben o hysbysebu ceisiadau, drwy gyhoeddi'r hysbysiad ar y wefan.

(4) Pan fo cyfarwyddyd wedi ei roi o dan reoliad 21(5), mae paragraff (1) yn cael effaith gydag amnewidiadau fel a ganlyn—

- (a) yn lle cyfeiriadau at y gwrandawriad, rhodder cyfeiriadau at y rhan o'r gwrandawriad sydd i'w chynnal mewn man a bennir yn y cyfarwyddyd hwnnw; a
- (b) yn lle cyfeiriadau at y cais, rhodder cyfeiriadau at y rhan o'r cais a fydd yn destun y rhan honno o'r gwrandawriad.

(5) Rhaid i unrhyw hysbysiad a arddangosir yn unol â pharagraff (1) fod yn hawdd i'w weld a'i ddarllen gan aelodau o'r cyhoedd.

(6) Os digwydd i'r hysbysiad, heb unrhyw fai ar yr awdurdod cynllunio lleol nac unrhyw fwriad ganddo, gael ei dynnu ymaith, ei guddio neu ei ddifwyno cyn dechrau'r gwrandawriad, ni chaiff yr awdurdod cynllunio lleol, am y rheswm hwnnw, ei drin fel pe na bai wedi cydymffurfio â gofynion paragraff (5) os yw'r awdurdod cynllunio lleol wedi cymryd camau rhesymol i ddiogelu'r hysbysiad ac, os oedd angen, ei amnewid.

(7) Rhaid i hysbysiad o wrandawriad a arddangosir neu a gyhoeddir yn unol â pharagraffau (1) a (2) gynnwys y canlynol—

- (a) datganiad o ddyddiad, amser a lleoliad y gwrandawriad;
- (b) datganiad bod y cais wedi ei wneud o dan adran 62D o Ddeddf 1990;
- (c) disgrifiad o'r cynigion a gynhwysir yn y cais, sy'n ddigonol ar gyfer adnabod lleoliad y datblygiad arfaethedig, drwy gyfeirio neu heb gyfeirio at fap penoddedig;
- (d) disgrifiad o unrhyw gydsyniadau eilaidd y mae'r penderfyniad mewn perthynas â hwy i gael ei wneud gan Weinidogion Cymru; a
- (e) manylion man lle y gellir edrych ar gopi o'r cais.

(8) Pan fo'r awdurdod wedi bodloni gofynion paragraff (1), rhaid iddo roi gwybod i Weinidogion Cymru ei fod wedi gwneud hynny, o fewn cyfnod o bum diwrnod gwaith sy'n dechrau gyda'r diwrnod yr arddangosir yr hysbysiad.

(3) In this regulation “by local advertisement” (“*drwy hysbysebu yn lleol*”) means—

- (a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated; and
- (b) where the Welsh Ministers maintain a website for the purpose of advertisement of applications, by publication of the notice on the website.

(4) Where a direction has been given under regulation 21(5), 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 application, with references to that part of the application which is to be the subject of that part of the hearing.

(5) Any notice posted pursuant to paragraph (1) must be readily visible to and legible by members of the public.

(6) 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 not complied with the requirements of paragraph (5) if the local planning authority has taken reasonable steps for the protection of the notice and, if need be, its replacement.

(7) A notice of a hearing posted or published pursuant to paragraphs (1) and (2) must contain—

- (a) a statement of the date, time and place of the hearing;
- (b) a statement that the application is made under section 62D of the 1990 Act;
- (c) a description of the proposals contained in the application sufficient to identify the location of the proposed development with or without reference to a specified map;
- (d) a description of any secondary consents in relation to which the decision is to be made by the Welsh Ministers; and
- (e) details of a place where a copy of the application can be inspected.

(8) When the authority have satisfied the requirements of paragraph (1), they must inform the Welsh Ministers that they have done so within five working days, beginning with the day on which the notice is posted.

Penodi asesydd

23. Pan fo Gweinidogion Cymru yn penodi asesydd o dan baragraff 14 o Atodlen 4D i Ddeddf 1990, rhaid iddynt hysbysu'r ceisydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddwyd i gymryd rhan yn y gwrandawriad, o enw'r asesydd a'r materion y bydd yr asesydd yn cynghori'r person penodedig yn eu cylch.

Cymryd rhan mewn gwrandawriad

24.—(1) Y personau a gaiff gymryd rhan yn y gwrandawriad yw'r canlynol—

- (a) y ceisydd;
- (b) yr awdurdod cynllunio lleol;
- (c) unrhyw berson a wahoddir gan Weinidogion Cymru i gymryd rhan.

(2) Nid oes dim ym mharagraff (1) sy'n rhwystro Gweinidogion Cymru rhag caniatáu i unrhyw berson arall gymryd rhan mewn gwrandawriad.

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

Absenoldeb, gohirio, etc.

25.—(1) Caiff Gweinidogion Cymru fynd ymlaen â chynnal gwrandawriad yn absenoldeb y ceisydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddwyd i gymryd rhan.

(2) Caiff Gweinidogion Cymru ohirio gwrandawriad o bryd i'w gilydd, ac os cyhoeddir dyddiad, amser a lleoliad y gwrandawriad gohiriedig yn y gwrandawriad cyn ei ohirio, ni fydd unrhyw hysbysiad pellach yn ofynnol.

Gweithdrefn mewn gwrandawriad

26.—(1) Y person penodedig sydd i lywyddu mewn unrhyw wrandawriad, a rhaid iddo benderfynu ar y weithdrefn yn y gwrandawriad, yn ddarostyngedig i'r Rheoliadau hyn.

(2) Rhaid cynnal gwrandawriad ar ffurf trafodaeth a arweinir gan y person penodedig, a rhaid peidio â chaniatáu croesholi.

(3) Pan fo'r person penodedig o'r farn bod croesholi yn angenrheidiol, rhaid i'r person penodedig ystyried (ar ôl ymgynghori â'r ceisydd) a ddylid cau'r gwrandawriad a chynnal ymchwiliad yn ei le.

(4) Ar ddechrau'r gwrandawriad, rhaid i'r person penodedig nodi pa faterion y mae'n ofynnol iddo, ym marn y person penodedig, gael sylwadau pellach arnynt yn y gwrandawriad.

(5) Mae hawl gan y ceisydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddwyd i gymryd rhan mewn gwrandawriad i alw tystiolaeth.

Appointment of an assessor

23. Where the Welsh Ministers appoint an assessor under paragraph 14 of Schedule 4D to the 1990 Act, they must notify the applicant, 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.

Participation in a hearing

24.—(1) The persons who may take part in the hearing are—

- (a) the applicant;
- (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.

25.—(1) The Welsh Ministers may proceed with a hearing in the absence of the applicant, 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.

Procedure at hearing

26.—(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 applicant) whether the hearing should be closed and an inquiry held instead.

(4) At the start of the hearing the appointed person must identify what are, in the appointed person's opinion, the matters on which the appointed person requires further representations at the hearing.

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

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

(7) Caiff y person penodedig wrthod caniatáu rhoi neu ddangos tystiolaeth neu gyflwyno unrhyw fater arall a ystyrir gan y person penodedig yn amherthnasol neu'n ailadroddus.

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

(9) Caiff y person penodedig—

- (a) ei gwneud yn ofynnol bod unrhyw berson, sy'n cymryd rhan neu sy'n bresennol mewn gwrandawriad, yn ymadael os yw'n ymddwyn mewn modd sydd, ym marn y person penodedig, yn tarfu ar eraill; a
- (b) gwrthod caniatáu i'r person hwnnw ddychwelyd; neu
- (c) caniatáu i'r person hwnnw ddychwelyd ar y cyfryw amodau, yn unig, a bennir gan y person penodedig,

ond caiff unrhyw berson o'r fath gyflwyno sylwadau ysgrifenedig i'r person penodedig cyn cau'r gwrandawriad.

(10) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw ysgrifenedig neu ddogfen arall a gaiff cyn cau'r gwrandawriad, ar yr amod bod y person penodedig yn datgelu hynny yn y gwrandawriad.

(11) Caiff y person penodedig wahodd unrhyw berson sy'n cymryd rhan yn y gwrandawriad i gyflwyno cyflwyniadau cloi, a rhaid i unrhyw berson sy'n gwneud hynny ddarparu copi ysgrifenedig o'i gyflwyniadau cloi i'r person penodedig cyn cau'r gwrandawriad.

(12) Yn ddarostyngedig i baragraff (7) caiff y person penodedig ganiatáu i unrhyw berson wneud sylwadau ar lafar yn y gwrandawriad.

(13) Caiff unrhyw berson sydd â hawl, neu a ganiateir, i wneud sylwadau ar lafar mewn gwrandawriad wneud hynny ar ei ran ei hunan, neu gael ei gynrychioli gan unrhyw berson arall

Gwrandawriad yn amhriodol

27. Ar unrhyw adeg yn ystod gwrandawriad, os yw'n ymddangos i Weinidogion Cymru nad yw'r weithdrefn gwrandawriad yn briodol, caiff Gweinidogion Cymru benderfynu cau'r gwrandawriad a naill ai trefnu i gynnal ymchwiliad yn ei le, neu benderfynu ystyried y mater ar sail sylwadau ysgrifenedig.

Gweithdrefn ac adroddiad ar ôl gwrandawriad

28.—(1) Ar ôl cau'r gwrandawriad—

(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,

but any such person may submit to the appointed person representations in writing before the close of the hearing.

(10) The appointed person may take into account any written representation or other document received before a hearing closes provided that the appointed person discloses it at the hearing.

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

(12) Subject to paragraph (7) the appointed person may permit any person to make oral representations at the hearing.

(13) 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

27. If at any time during a hearing it appears to the Welsh Ministers that the hearing procedure is inappropriate, the Welsh Ministers may decide to close the hearing and arrange for an inquiry to be held instead or determine that the matter is considered on the basis of written representations.

Procedure and report after a hearing

28.—(1) After the close of the hearing—

- (a) caiff yr asesydd (os penodwyd un) wneud adroddiad ysgrifenedig i'r person penodedig mewn cysylltiad â'r materion y penodwyd yr asesydd i gynorthwyo gyda hwy;
- (b) rhaid i'r person penodedig wneud adroddiad ysgrifenedig i Weinidogion Cymru a chynnwys ynddo gasgliadau'r person penodedig a'i argymhellion (neu resymau dros beidio â gwneud unrhyw argymhellion).
- (2) Pan fo asesydd yn gwneud adroddiad yn unol â pharagraff (1)(a), rhaid i'r person penodedig—
- (a) ei atodi ynghlwm wrth adroddiad y person penodedig ei hunan; a
- (b) datgan 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, ddatgan y rhesymau dros yr anghytundeb hwnnw.
- (3) Wrth wneud eu dyfarniad, caiff Gweinidogion Cymru ddiystyru unrhyw sylwadau ysgrifenedig neu ddogfen arall a gânt ar ôl cau'r gwrandawriad.
- (4) Mae paragraff (5) yn gymwys os yw Gweinidogion Cymru, ar ôl cau'r gwrandawriad, yn anghytuno ag argymhelliad a wnaed gan y person penodedig, oherwydd eu bod—
- (a) yn cymryd safbwynt gwahanol i'r person penodedig ar fater o ffaith, a grybwyllir mewn casgliad a gyrhaeddir gan y person penodedig, neu sy'n ymddangos iddynt yn faterol berthnasol i'r casgliad hwnnw, neu
- (b) wedi cymryd i ystyriaeth unrhyw dystiolaeth newydd neu fater o ffaith newydd (nad yw'n fater o bolisi).
- (5) Rhaid i Weinidogion Cymru beidio â dod i benderfyniad sy'n groes i argymhelliad y person penodedig heb yn gyntaf—
- (a) hysbysu'r ceisydd, yr awdurdod cynllunio lleol a'r personau hynny a gyflwynodd sylwadau ysgrifenedig ac a gymerodd ran yn y gwrandawriad, ynghylch eu hanghytundeb a'u rhesymau dros anghytuno; a
- (b) rhoi cyfle iddynt gyflwyno sylwadau ysgrifenedig i Weinidogion Cymru.
- (6) Rhaid i'r rhai sy'n gwneud sylwadau ysgrifenedig sicrhau bod Gweinidogion Cymru yn cael y cyfryw sylwadau o fewn y cyfnod a ddatgenir yn yr hysbysiad gan Weinidogion Cymru o dan baragraff (5)(a).
- (7) Caiff Gweinidogion Cymru, fel yr ystyriant yn briodol, beri bod gwrandawriad yn cael ei ailagor.
- (8) Pan ailagorir gwrandawriad (pa un ai gan yr un person penodedig neu berson penodedig gwahanol)—
- (a) the assessor (if one is appointed) may make a report in writing to the appointed person in respect of the matters on which the assessor was appointed to assist;
- (b) the appointed person must make a report in writing to the Welsh Ministers which must include the appointed person's conclusions and recommendations (or reasons for not making any recommendations).
- (2) Where an assessor makes a report in accordance with paragraph (1)(a), the appointed person must—
- (a) append it to the appointed person's own report; and
- (b) 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.
- (3) When making their determination, the Welsh Ministers may disregard any written representations or other document received after the hearing has closed.
- (4) Paragraph (5) applies if, after the close of the hearing, the Welsh Ministers are minded 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) have taken into consideration any new evidence or new matter of fact (not being a matter of policy).
- (5) The Welsh Ministers must not come to a decision which is at variance with the appointed person's recommendation without first—
- (a) notifying the applicant, the local planning authority and those persons who submitted written representations and who took part in the hearing, of their disagreement and the reasons for their disagreement; and
- (b) affording them an opportunity of making written representations to the Welsh Ministers.
- (6) Those making written representations must ensure that such representations are received by the Welsh Ministers within the period stated in the Welsh Ministers' notification under paragraph (5)(a).
- (7) The Welsh Ministers may, as they think fit, cause a hearing to be re-opened.
- (8) Where a hearing is re-opened (whether by the same or a different appointed person)—

- (a) rhaid i'r person penodedig anfon at y ceisydd, yr awdurdod cynllunio lleol a'r personau hynny a gyflwynodd sylwadau ysgrifenedig neu a gymerodd ran yn y gwrandawriad, ddatganiad ysgrifenedig o'r materion y gwahoddir sylwadau pellach mewn cysylltiad â hwy, at y diben o ystyried y cais ymhellach gan y person penodedig; a
- (b) mae rheoliad 26 yn gymwys fel pe bai'r cyfeiriadau at wrandawriad yn gyfeiriadau at wrandawriad a ailagorwyd.

(9) Mae rheoliad 15(2) i (6) yn gymwys i unrhyw dystiolaeth neu sylw ysgrifenedig a gyflwynir i'r person penodedig yn unol â pharagraff (6) o'r rheoliad hwn.

Penderfynu

29. Caiff Gweinidogion Cymru benderfynu cais—

- (a) ar ôl cau'r gwrandawriad neu unrhyw wrandawriad a ailagorwyd; neu
- (b) os yw'n ddiweddarach, pan fo'r cyfnod a ganiatawyd ar gyfer darparu sylwadau ysgrifenedig yn unol â rheoliad 28(6) wedi dod i ben, pa un a gafwyd sylwadau yn ystod cyfnod hwnnw ai peidio.

RHAN 8

Ymchwiliadau

Cymhwyso Rhan 8

30.—(1) Mae'r Rhan hon yn gymwys pan fo—

- (a) hysbysiad derbyn wedi ei roi; a
- (b) Gweinidogion Cymru yn gwneud penderfyniad bod y cais i gael ei ystyried yn gyfan gwbl neu'n rhannol drwy gynnal ymchwiliad lleol.

(2) Mae'r Rhan hon yn gymwys hefyd pan fo—

- (a) Gweinidogion Cymru wedi gwneud penderfyniad bod y cyfan neu ran o'r cais i gael ei ystyried neu ei hystyried ar sail sylwadau ysgrifenedig neu wrandawriad; a
- (b) yn amrywio'r penderfyniad hwnnw yn ddiweddarach fel bod y cais i gael ei ystyried, neu rannau o'r cais i gael eu hystyried, ar sail ymchwiliad,

i'r cyfryw raddau a bennir gan Weinidogion Cymru ar ôl ystyried unrhyw gamau a gymerwyd eisoes mewn perthynas â'r cais.

- (a) the appointed person must send to the applicant, the local planning authority and persons who submitted written representations or who took part in the hearing, a written statement of the matters with respect to which further representations are invited for the purposes of the appointed person's further consideration of the application; and
- (b) regulation 26 applies as if the references to a hearing were references to a re-opened hearing.

(9) Regulation 15(2) to (6) apply to any evidence or representation in writing submitted to the appointed person in accordance with paragraph (6) of this regulation.

Determination

29. The Welsh Ministers may determine an application—

- (a) after the close of the hearing or any reopened hearing; or
- (b) if later, when the period allowed for the provision of written representations in accordance with regulation 28(6) has expired whether or not representations were received during that period.

PART 8

Inquiries

Application of Part 8

30.—(1) This Part applies where—

- (a) notice of acceptance has been given; and
- (b) the Welsh Ministers determine that the application is to be considered in whole or in part by way of a local inquiry.

(2) This Part also applies where—

- (a) the Welsh Ministers have made a determination that all or part the application is to be considered on the basis of written representations or a hearing; and
- (b) they subsequently vary that determination such that the application or parts of the application is or are to be considered on the basis of an inquiry,

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

(3) Mae rheoliadau 22 i 25 a 28 yn gymwys i ymchwiliadau lleol fel y maent yn gymwys i wrandawiadau, ac y unol â hynny mae'r rheoliadau hynny i'w darllen fel pe bai cyfeiriadau at wrandawiadau yn cynnwys cyfeiriadau at ymchwiliadau, i'r graddau y mae'r cyd-destun yn caniatáu ac yn ddarostyngedig i unrhyw ddarpariaeth yn y Rhan hon.

Cyfarfodydd cyn-ymchwiliad

31.—(1) Caiff y person penodedig gynnal cyfarfod cyn-ymchwiliad cyn yr ymchwiliad, i ystyried beth ellir ei wneud er mwyn sicrhau y cynhelir yr ymchwiliad mewn modd effeithlon a didrafferth.

(2) Rhaid i berson penodedig roi dim llai na dwy wythnos o rybudd ysgrifenedig o unrhyw gyfarfod cyn-ymchwiliad y mae'r person penodedig yn bwriadu ei gynnal o dan baragraff (1), i'r canlynol—

- (a) y ceisydd;
- (b) yr awdurdod cynllunio lleol;
- (c) unrhyw berson a wahoddwyd gan y person penodedig i gymryd rhan yn y cyfarfod cyn-ymchwiliad.

(3) Pan fo cyfarfod cyn-ymchwiliad wedi ei gynnal yn unol â pharagraff (1), caiff y person penodedig gynnal cyfarfod cyn-ymchwiliad pellach, a rhaid iddo drefnu i roi cymaint o rybudd o'r cyfarfod cyn-ymchwiliad pellach ag sy'n ymddangos yn angenrheidiol.

(4) Y person penodedig—

- (a) a fydd yn llywyddu mewn unrhyw gyfarfod cyn-ymchwiliad;
- (b) a fydd yn pennu'r materion sydd i'w trafod a'r weithdrefn sydd i'w dilyn;
- (c) caiff ei gwneud yn ofynnol bod unrhyw berson sy'n bresennol yn y cyfarfod cyn-ymchwiliad yn ymadael os yw'n ymddwyn mewn modd sydd, ym marn y person penodedig, yn tarfu ar eraill; a
- (d) caiff wrthod caniatáu i'r person hwnnw ddychwelyd nac ychwaith fod yn bresennol mewn unrhyw gyfarfod cyn-ymchwiliad pellach; neu
- (e) caiff ganiatáu i'r person hwnnw ddychwelyd neu fod yn bresennol ar y cyfryw amodau, yn unig, a bennir gan y person penodedig.

Dyddiad a lleoliad yr ymchwiliad

32.—(1) Rhaid i Weinidogion Cymru bennu'r dyddiad ar gyfer yr ymchwiliad.

(2) Yn ddarostyngedig i baragraff (3), rhaid i'r dyddiad a bennir ar gyfer cynnal ymchwiliad fod—

- (a) ddim hwyrach na—

(3) Regulations 22 to 25 and 28 apply to local inquiries as they apply to hearings and accordingly those regulations are to be read as if references to hearings include references to inquiries so far as the context permits and subject to any provision in this Part.

Pre-inquiry meetings

31.—(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 two weeks' written notice of a pre-inquiry meeting which the appointed person proposes to hold under paragraph (1) to—

- (a) the applicant;
- (b) the local planning authority;
- (c) any person invited by the appointed person to take part at the pre-inquiry meeting.

(3) Where a pre-inquiry meeting has been held pursuant to 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; and
- (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.

Date and place of inquiry

32.—(1) The Welsh Ministers must fix the date for the inquiry.

(2) Subject to paragraph (3), the date fixed for the holding of an inquiry must be—

- (a) no later than—

- (i) 13 wythnos ar ôl diwedd y cyfnod sylwadau; neu
- (ii) (os yw'n ddiweddarach) mwn achos pan gynhelir cyfarfod cyn-ymchwiliad yn unol â rheoliad 31(1), pedair wythnos ar ôl diwedd y cyfarfod hwnnw (neu pa bynnag gyfnod byrrach ar ôl diwedd y cyfarfod hwnnw a gytunir rhwng y ceisydd, yr awdurdod cynllunio lleol a'r person penodedig); a

(b) o leiaf un wythnos ar ôl y cyfnod a ganiatwyd ar gyfer sylwadau pellach a ddeisyfwyd yn unol â rheoliad 15(1) a (3).

(3) Pan fo Gweinidogion Cymru o'r farn y byddai'n anymarferol cynnal yr ymchwiliad ar ddyddiad a bennir yn unol â pharagraff (2), rhaid cynnal yr ymchwiliad ar y dyddiad cynharaf a ystyrir yn ymarferol gan Weinidogion Cymru.

(4) Rhaid i'r man lle cynhelir yr ymchwiliad gael ei benderfynu gan Weinidogion Cymru.

(5) Caiff Gweinidogion Cymru gyfarwyddo bod gwahanol rannau o'r ymchwiliad i'w cynnal mewn gwahanol leoliadau pan fodlonir hwy, ar ôl ystyried natur y cais, ei bod yn rhesymol gwneud hynny.

(6) Oni fydd Gweinidogion Cymru wedi cytuno gyda'r ceisydd a'r awdurdod cynllunio lleol ar gyfnod byrrach o rybudd, rhaid i Weinidogion Cymru roi o leiaf bedair wythnos o rybudd ysgrifenedig o'r dyddiad, yr amser a'r lleoliad a bennir ganddynt ar gyfer cynnal yr ymchwiliad, i'r ceisydd, yr awdurdod cynllunio lleol ac i unrhyw berson a wahoddwyd i gymryd rhan yn yr ymchwiliad.

(7) Caiff Gweinidogion Cymru amrywio'r dyddiad a bennwyd ar gyfer yr ymchwiliad, pa un a fydd y dyddiad newydd o fewn y cyfnod o dair wythnos ar ddeg a grybwyllir ym mharagraff (2)(a) ai peidio; ac mae paragraff (6) yn gymwys i amrywio dyddiad fel y mae'n gymwys i bennu'r dyddiad gwreiddiol.

(8) Caiff Gweinidogion Cymru amrywio'r amser neu'r lleoliad ar gyfer cynnal ymchwiliad, a rhaid iddynt roi cymaint o rybudd o unrhyw amrywiad ag sy'n ymddangos iddynt yn rhesymol.

Gweithdrefn mewn ymchwiliad

33.—(1) Y person penodedig sydd i lywyddu mewn unrhyw ymchwiliad, a rhaid iddo benderfynu ar y weithdrefn yn yr ymchwiliad, yn ddarostyngedig i'r Rheoliadau hyn.

(2) Oni fydd y person penodedig yn penderfynu'n wahanol mewn unrhyw achos penodol, y ceisydd sydd i ddechrau, a chlywir yr awdurdod cynllunio lleol a phersonau eraill ym mha bynnag drefn a bennir gan y person penodedig.

(i) 13 weeks after the end of the representation period; or

(ii) (if later) in a case where a pre-inquiry meeting is held pursuant to regulation 31(1), four weeks after the conclusion of that meeting (or such shorter period after conclusion of that meeting as the applicant, the local planning authority and the appointed person may agree); and

(b) at least one week after the period allowed for further representations requested in accordance with regulation 15(1) and (3).

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

(4) The place at which an inquiry is to be held must be determined by the Welsh Ministers.

(5) 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.

(6) Unless the Welsh Ministers agree a shorter period of notice with the applicant and the local planning authority, the Welsh Ministers must give at least four weeks' written notice of the date, time and place fixed by them for the holding of the inquiry to the applicant, the local planning authority and any person invited to take part in the inquiry.

(7) The Welsh Ministers may vary the date fixed for the inquiry, whether or not the date as varied is within the period of thirteen weeks mentioned in paragraph (2)(a); and paragraph (6) applies to a variation of a date as it applies to the date originally fixed.

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

Procedure at inquiry

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

(2) Unless in any particular case the appointed person otherwise determines, the applicant is to begin and the local planning authority and other persons taking part are to be heard in such order as the appointed person may determine.

(3) Ar ddechrau'r ymchwiliad, rhaid i'r person penodedig nodi pa faterion y mae'n ofynnol iddo, ym marn y person penodedig, gael sylwadau pellach arnynt yn yr ymchwiliad.

(4) Mae hawl gan y ceisydd, yr awdurdod cynllunio lleol ac unrhyw berson a wahoddwyd i gymryd rhan mewn ymchwiliad i alw tystiolaeth.

(5) Caiff y person penodedig ganiatáu i unrhyw berson arall alw tystiolaeth.

(6) Mae hawl gan y ceisydd a'r awdurdod cynllunio lleol i groesholi personau sy'n rhoi tystiolaeth, yn ddarostyngedig i baragraff (7).

(7) Caiff y person penodedig wrthod caniatáu—

- (a) rhoi neu ddangos tystiolaeth;
- (b) croesholi personau sy'n rhoi tystiolaeth; neu
- (c) cyflwyno unrhyw fater arall,

a ystyrir gan y person penodedig yn amherthnasol neu'n ailadroddus.

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

(9) Caiff y person penodedig—

- (a) ei gwneud yn ofynnol bod unrhyw berson, sy'n cymryd rhan neu sy'n bresennol mewn ymchwiliad, yn ymadael os yw'n ymddwyn mewn modd sydd, ym marn y person penodedig, yn tarfu ar eraill; a
- (b) gwrthod caniatáu i'r person hwnnw ddychwelyd; neu
- (c) caniatáu i'r person hwnnw ddychwelyd ar y cyfryw amodau, yn unig, a bennir gan y person penodedig,

ond caiff unrhyw berson o'r fath gyflwyno sylwadau ysgrifenedig i'r person penodedig cyn cau'r ymchwiliad.

(10) Mae rheoliad 15(2) i (6) yn gymwys i unrhyw dystiolaeth neu sylw ysgrifenedig a gyflwynir i'r person penodedig yn unol â pharagraff (8) neu (9) o'r rheoliad hwn.

(11) Caiff y person penodedig gyfarwyddo bod cyfleusterau i'w rhoi ar gael i unrhyw berson sy'n cymryd rhan mewn ymchwiliad, ar gyfer gwneud neu gael copïau o ddogfennau sydd ar gael i'r cyhoedd edrych arnynt.

(12) Caiff y person penodedig gymryd i ystyriaeth unrhyw sylw ysgrifenedig neu unrhyw ddogfen arall a gafodd gan unrhyw berson cyn agor yr ymchwiliad neu yn ystod yr ymchwiliad, ar yr amod bod y person penodedig yn datgelu hynny yn yr ymchwiliad.

(3) At the start of the inquiry the appointed person must identify what are, in the appointed person's opinion, the matters on which the appointed person requires representations at the inquiry.

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

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

(6) The applicant and the local planning authority are entitled to cross-examine persons giving evidence, subject to paragraph (7).

(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 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, any person wishing to give the evidence may submit the evidence in writing to the appointed person before the close of the inquiry.

(9) 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,

but any such person may submit to the appointed person representations in writing before the close of the inquiry.

(10) Regulation 15(2) to (6) apply to any evidence or representation in writing submitted to the appointed person in accordance with paragraph (8) or (9) of this regulation.

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

(12) 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.

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

(14) Rhaid i unrhyw berson sy'n gwneud cyflwyniadau cloi ddarparu copi ysgrifenedig o'r cyflwyniadau cloi hynny i'r person penodedig cyn cau'r ymchwiliad.

Ymchwiliad yn amhriodol

34. Ar unrhyw adeg yn ystod ymchwiliad, os yw'n ymddangos i Weinidogion Cymru nad yw'r weithdrefn ymchwiliad yn briodol, caiff Gweinidogion Cymru benderfynu cau'r ymchwiliad a naill ai trefnu i gynnal gwrandawriad yn ei le, neu benderfynu bod y mater i fynd ymlaen ar sail sylwadau ysgrifenedig, gan roi sylw i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r cais.

Penderfynu

35. Caiff Gweinidogion Cymru fynd ymlaen i benderfynu cais—

- (a) ar ôl cau'r ymchwiliad neu unrhyw ymchwiliad a ailagorwyd; neu
- (b) os yw'n ddiweddarach, pan fo'r cyfnod a ganiatawyd ar gyfer darparu sylwadau ysgrifenedig yn unol â rheoliad 28(6) (fel y'i cymhwysir gan reoliad 30(3)) wedi dod i ben, pa un a gafwyd sylwadau o fewn y cyfnod hwnnw ai peidio.

Hysbysiad o benderfyniad

36.—(1) Rhaid i Weinidogion Cymru roi hysbysiad o'r penderfyniad i unrhyw berson a ofynnodd am ei hysbysu o'r penderfyniad ac y mae Gweinidogion Cymru yn tybio y byddai'n rhesymol ei hysbysu.

(2) Ystyrir bod hysbysiad o benderfyniad a rhesymau o dan y rheoliad hwn wedi ei roi i berson pan fo—

- (a) Gweinidogion Cymru wedi cyhoeddi'r penderfyniad a'r rhesymau ar wefan; a
- (b) y person wedi ei hysbysu o'r canlynol—
 - (i) cyhoeddi'r penderfyniad a'r rhesymau ar wefan;
 - (ii) cyfeiriad y wefan.

(3) Pan nad anfonir copi o adroddiad y person penodedig gyda'r hysbysiad o'r penderfyniad, rhaid anfon yr hysbysiad ynghyd â datganiad o gasgliadau'r person penodedig ac o unrhyw argymhellion a wnaed gan y person penodedig.

(4) Yn y rheoliad hwn, nid yw "adroddiad" ("*report*") yn cynnwys unrhyw ddogfennau a atodwyd wrth adroddiad y person penodedig; ond caiff unrhyw berson

(13) The appointed person may invite any person taking part in the inquiry to make closing submissions.

(14) 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.

Inquiry inappropriate

34. If at any time during an inquiry it appears to the Welsh Ministers that the inquiry procedure is inappropriate, the Welsh Ministers may decide to close the inquiry and arrange for a hearing to be held instead or may determine that the matter proceeds by way of written representations, having regard to any steps already taken in relation to the application.

Determination

35. The Welsh Ministers may proceed to determine an application—

- (a) after close of the inquiry or any reopened inquiry; or
- (b) if later, when the period allowed for the provision of written representations in accordance with regulation 28(6) (as applied by regulation 30(3)) has expired whether or not representations were received during that period.

Notice of decision

36.—(1) The Welsh Ministers must notify the decision to any person who has asked to be notified of the decision and whom the Welsh Ministers consider it reasonable to notify.

(2) Notification of a decision and reasons under this regulation are taken to have been given to a person where—

- (a) the Welsh Ministers have published the decision and reasons on a website; and
- (b) the person is notified of—
 - (i) the publication of the decision and reasons on a website;
 - (ii) the address of the website.

(3) 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.

(4) In this regulation, "report" ("*adroddiad*") does not include any documents appended to the appointed person's report; but any person who has received a

sydd wedi cael copi o'r adroddiad ofyn i Weinidogion Cymru, mewn ysgrifen, am gyfle i edrych ar unrhyw ddogfennau o'r fath, a rhaid i Weinidogion Cymru roi'r cyfle hwnnw i'r person hwnnw.

(5) At ddibenion paragraff (4), ystyrir bod y cyfle wedi ei roi i berson pan fo'r person hwnnw wedi ei hysbysu o'r canlynol—

- (a) cyhoeddi'r dogfennau perthnasol ar wefan;
- (b) cyfeiriad y wefan; ac
- (c) ym mhle ar y wefan y gellir cael mynediad i'r dogfennau a sut i gael mynediad iddynt.

RHAN 9

Penderfyniadau a ddilëir

Gweithdrefn sydd i'w dilyn ar ôl dileu penderfyniad

37.—(1) Pan fo penderfyniad gan Weinidogion Cymru i ganiatáu neu wrthod cais wedi ei ddileu mewn achos gerbron unrhyw lys, a phan fo'n ofynnol i Weinidogion Cymru ailystyried eu penderfyniad—

- (a) rhaid iddynt anfon at y personau a gyflwynodd sylwadau ysgrifenedig, neu a gymerodd ran yn y gwrandawriad neu ymchwiliad, ddatganiad ysgrifenedig o'r materion y gwahoddir sylwadau pellach mewn cysylltiad â hwy, at y diben o ystyried y cais ymhellach gan Weinidogion Cymru;
- (b) rhaid iddynt roi cyfle i'r personau hynny wneud sylwadau ysgrifenedig i'w cyflwyno iddynt mewn cysylltiad â'r materion hynny; ac
- (c) fel yr ystyriant yn briodol, cânt—
 - (i) peri ailagor y gwrandawriad neu ymchwiliad;
 - (ii) yn achos gwrandawriad, peri cynnal ymchwiliad yn hytrach (pa un ai gan yr un person penodedig neu berson penodedig arall);
 - (iii) yn achos ymchwiliad, peri cynnal gwrandawriad yn hytrach (pa un ai gan yr un person penodedig neu berson penodedig arall);
 - (iv) peri cynnal gwrandawriad neu ymchwiliad (pan na chynhaliwyd yr un yn flaenorol); neu
 - (v) penderfynu'r mater ar sail sylwadau ysgrifenedig.

(2) Os yw Gweinidogion Cymru yn ailagor y gwrandawriad neu ymchwiliad, mae rheoliadau 21 a 32 yn gymwys fel pe bai'r cyfeiriadau at wrandawriad neu ymchwiliad yn gyfeiriadau at wrandawriad neu ymchwiliad a ailagorwyd.

copy of the report may apply to the Welsh Ministers in writing for an opportunity to inspect any such documents and the Welsh Ministers must afford that person that opportunity.

(5) For the purposes of paragraph (4), an opportunity is to be taken to have been afforded to a person where that person is notified of—

- (a) publication of the relevant documents on a website;
- (b) the address of the website; and
- (c) the place on the website where the documents may be accessed and how they may be accessed.

PART 9

Quashed decisions

Procedure following quashing of a decision

37.—(1) Where the grant or refusal of an application by the Welsh Ministers is quashed in proceedings before any court and the Welsh Ministers are required to reconsider their decision, they—

- (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 with respect to which further representations are invited for the purposes of their further consideration of the application;
- (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 by way of written representations.

(2) If the Welsh Ministers re-open the hearing or inquiry regulations 21 and 32 apply as if the references to a hearing or inquiry are to a re-opened hearing or inquiry.

(3) Rhaid i'r personau hynny sy'n gwneud sylwadau sicrhau bod Gweinidogion Cymru yn cael y cyfryw sylwadau o fewn y cyfnod a ddatgenir yn natganiad Gweinidogion Cymru o dan baragraff (1)(a).

RHAN 10

Cyfarwyddydau diogelwch gwladol

Addasiadau pan roddir cyfarwyddyd diogelwch gwladol

38. Mae'r addasiadau i'r Rheoliadau hyn a nodir yn Atodlen 1 yn cael effaith mewn perthynas â cheisiadau a wneir o dan adran 62D o Ddeddf 1990 pan roddir cyfarwyddyd gan Weinidogion Cymru neu'r Ysgrifennydd Gwladol o dan adran 321(3) o Ddeddf 1990 (ymchwiliadau cynllunio i'w cynnal yn gyhoeddus, yn ddarostyngedig i eithriadau penodol).

Rheoliadau Cynllunio (Cyfarwyddiadau Diogelwch Gwladol a Chynrychiolwyr Penodedig) (Cymru) 2006

39.—(1) Mae Rheoliadau Cynllunio (Cyfarwyddiadau Diogelwch Gwladol a Chynrychiolwyr Penodedig) (Cymru) 2006(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 6(4) ar ôl “datblygiad mawr” mewnosoder “neu ddatblygiad o arwyddocâd cenedlaethol”.

(3) Yn rheoliad 6(8) yn y man priodol mewnosoder—

“ystyr “datblygiad o arwyddocâd cenedlaethol” (“*development of national significance*”) yw datblygiad sydd o arwyddocâd cenedlaethol at ddibenion adran 62D o Ddeddf 1990.”

RHAN 11

Cydsyniadau eilaidd

Cymhwyso'r Rhan hon

40.—(1) Mae'r Rhan hon yn gymwys pan fo penderfyniad mewn perthynas â chydsyniad eilaidd i gael ei wneud gan Weinidogion Cymru—

(a) yn rhinwedd adran 62F(2) o Ddeddf 1990; neu

(3) Those persons making representations must ensure that such representations are received by the Welsh Ministers within the period stated in the Welsh Ministers' statement under paragraph (1)(a).

PART 10

National security directions

Modifications where national security direction given

38. The modifications to these Regulations set out in Schedule 1 have effect in relation to applications made under section 62D of the 1990 Act where a direction is given by the Welsh Ministers or the Secretary of State under section 321(3) of the 1990 Act (planning inquiries to be held in public subject to certain exceptions).

The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006

39.—(1) The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006(1) are amended as follows.

(2) In regulation 6(4) after “major development” insert “or development of national significance”.

(3) In regulation 6(8) at the appropriate place insert—

““development of national significance” (“*datblygiad o arwyddocâd cenedlaethol*”) means development which is of national significance for the purposes of section 62D of the 1990 Act.”

PART 11

Secondary consents

Application of this Part

40.—(1) This Part applies where a decision in relation to a secondary consent is to be made by the Welsh Ministers—

(a) by virtue of section 62F(2) of the 1990 Act; or

(1) O.S. 2006/1387 (Cy. 137).

(1) S.I. 2006/1387 (W. 137).

- (b) o dan unrhyw ddeddfiad arall pan fo Gweinidogion Cymru o'r farn bod y cydsyniad eilaidd yn gysylltiedig â chais o dan adran 62D o Ddeddf 1990.

(2) At ddibenion y Rhan hon, mae cyfeiriadau at Orchymyn 2016 yn gyfeiriadau at Orchymyn 2016 fel y bo ar y dyddiad y daw'r Rheoliadau hyn i rym.

Cymhwyso ac addasu deddfwriaeth sylfaenol

41. Pan gymhwysir Gorchymyn 2016, gydag addasiadau neu hebddynt, gan Atodlen i'r Rheoliadau hyn, yna, yn ychwanegol at unrhyw addasiadau yn yr Atodlen honno, mae'r Gorchymyn i'w ddarllen gydag addasiadau fel a ganlyn—

- (a) yn erthygl 5 ar ôl paragraff (1) mewnosoder—

“(1A) Rhaid i geisydd hysbysu Gweinidogion Cymru a'r person perthnasol(1) o'r holl gydsyniadau eilaidd(2) y mae'r ceisydd yn bwriadu gwneud cais amdanynt a pha un a yw'r ceisydd yn bwriadu gwneud cais i Weinidogion Cymru neu i'r person perthnasol.”;

- (b) ar ôl erthygl 12(7) mewnosoder—

“(7A) Pan fo Gweinidogion Cymru yn cael cais am gydsyniad eilaidd, rhaid iddynt, cyn gynted ag y bo'n ymarferol, roi gwybod i'r person perthnasol eu bod wedi cael y cais.”;

- (c) ar ôl erthygl 12 mewnosoder—

“**12A.** Ar y diwrnod pan fo'r ceisydd yn gwneud cais, rhaid iddo gyflwyno i Weinidogion Cymru geisiadau am yr holl gydsyniadau eilaidd y mae'r ceisydd yn dymuno i Weinidogion Cymru eu penderfynu.”;

- (d) yn erthygl 18(1) yn lle “Rhaid i gais gael ei hysbysebu” rhodder “Rhaid i gais a chais am gydsyniad eilaidd gael eu hysbysebu”;

- (e) yn erthygl 18, ar ôl paragraff (3) mewnosoder—

“(3A) Rhaid i Weinidogion Cymru hysbysu'r cyngor cymuned ar gyfer yr ardal y lleolir ynddi'r tir y mae'r cais am gydsyniad eilaidd yn ymwneud ag ef.”;

- (f) yn erthygl 22, ar ôl paragraff (5) mewnosoder—

“(6) At ddibenion yr erthygl hon, mae'r person perthnasol yn ymgynghorai arbenigol.”;

- (b) under any other enactment where the Welsh Ministers consider that the secondary consent is connected to an application under section 62D of the 1990 Act.

(2) For the purposes of this Part references to the 2016 Order are references to the 2016 Order as at the date these Regulations come into force.

Application of and modification of primary legislation

41. Where the 2016 Order is applied by a Schedule to these Regulations either with or without modifications, in addition to any modifications in that Schedule, the Order is read as if—

- (a) in article 5 after paragraph (1) there is inserted—

“(1A) An applicant must notify the Welsh Ministers and the relevant person(1) of all the secondary consents(2) the applicant intends to apply for and whether the applicant intends to apply to the Welsh Ministers or the relevant person.”;

- (b) after article 12(7) there is inserted—

“(7A) Where the Welsh Ministers receive an application for a secondary consent they must as soon as practicable notify the relevant person of its receipt.”;

- (c) after article 12 there is inserted—

“**12A.** On the day on which the applicant makes an application the applicant must submit to the Welsh Ministers applications for all secondary consents that the applicant wishes the Welsh Ministers to determine.”;

- (d) in article 18(1) after “An application” there is inserted “and an application for a secondary consent”;

- (e) in article 18 after paragraph (3) there is inserted—

“(3A) The Welsh Ministers must notify the community council for the area in which the land to which the application for a secondary consent relates is situated.”;

- (f) in article 22 after paragraph (5) there is inserted—

“(6) For the purposes of this article the relevant person is a specialist consultee.”;

(1) Gweler adran 62G(2) o Ddeddf 1990 ar gyfer ystyr “relevant person” (“*person perthnasol*”).

(2) Gweler adran 62H o Ddeddf 1990 ar gyfer ystyr “secondary consent” (“*cydsyniad eilaidd*”).

(1) See section 62G(2) of the 1990 Act for the meaning of “relevant person”.

(2) See section 62H of the 1990 Act for the meaning of “secondary consent”.

- (g) hepgorer erthygl 24;
- (h) yn erthygl 27—
 - (i) ym mharagraff (1) ar ôl “amrywio cais” mewnosoder “a chais am gydsyniad eilaidd”;
 - (ii) ym mharagraff (2) ar ôl “cais penodol” mewnosoder “a chais am gydsyniad eilaidd”.

- (g) article 24 is omitted;
- (h) in article 27—
 - (i) in paragraph (1) after “Subject to the following provisions of this article, an application” there is inserted “and an application for a secondary consent”;
 - (ii) in paragraph (2) after “a particular application” there is inserted “and an application for a secondary consent”.

Rheolaeth ar waith sy’n effeithio ar henebion cofrestredig

42. Mae Atodlen 2 yn gymwys pan fo’r cydsyniad eilaidd yn gydsyniad o dan adran 2(3) o Ddeddf Henebion a Mannau Archeolegol 1979 (rheolaeth ar waith sy’n effeithio ar henebion cofrestredig) (1).

Control of works affecting scheduled monuments

42. Schedule 2 applies where the secondary consent is a consent under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979 (control of works affecting scheduled monuments)(1).

Gosod rheiliau, trawstiau etc. dros briffyrdd

43. Mae Atodlen 3 yn gymwys pan fo’r cydsyniad eilaidd yn gydsyniad o dan adran 178(1) o Ddeddf Priffyrdd 1980 (cyfyngu ar osod rheiliau, trawstiau etc. dros briffyrdd)(2).

Placing rails, beams etc. over highways

43. Schedule 3 applies where the secondary consent is a consent under section 178(1) of the Highways Act 1980 (restriction on placing rails, beams etc. over highways)(2).

Caniatâd adeilad rhestredig

44. Mae Atodlen 4 yn gymwys pan fo’r cydsyniad eilaidd yn gydsyniad o dan adran 8(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (awdurdodi gwaith: caniatâd adeilad rhestredig)(3).

Listed building consent

44. Schedule 4 applies where the secondary consent is a consent under section 8(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (authorisation of works: listed building consent)(3).

Rheolaeth ar ddymchwel mewn ardaloedd cadwraeth

45. Mae Atodlen 5 yn gymwys pan fo’r cydsyniad eilaidd yn gydsyniad o dan adran 74(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (rheolaeth ar ddymchwel mewn ardaloedd cadwraeth)(4).

Control of demolition in a conservation areas

45. Schedule 5 applies where the secondary consent is a consent under section 74(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (control of demolition in conservation areas)(4).

Cydsyniad sylweddau peryglus

46. Mae Atodlen 6 yn gymwys pan fo’r cydsyniad eilaidd yn gydsyniad o dan—

- (a) adran 4(1) o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 (5) (gofyniad am gydsyniad sylweddau peryglus);

Hazardous substances consent

46. Schedule 6 applies where the secondary consent is a consent under—

- (a) section 4(1) of the Planning (Hazardous Substances) Act 1990(5) (requirement of hazardous substances consent);

(1) 1979 p. 46.

(2) 1980 p. 66.

(3) 1990 p. 9.

(4) Diwygiwyd adran 74(1) gan adran 63 o Ddeddf Menter a Diwygio Rheoleiddio 2013 (p. 24) a pharagraffau 7, 12(1) a (2) o Atodlen 17 i’r Ddeddf honno.

(5) 1990 p. 10.

(1) 1979 c. 46.

(2) 1980 c. 66.

(3) 1990 c. 9.

(4) Section 74(1) was amended by section 63 of, and paragraphs 7, 12(1) and (2) of Schedule 17 to, the Enterprise and Regulatory Reform Act 2013 (c. 24).

(5) 1990 c. 10.

- (b) adran 13(1) o'r Ddeddf honno (cais am gydsyniad sylweddau peryglus heb amod a osodwyd ar gydsyniad blaenorol); ac
- (c) adran 17(1) o'r Ddeddf honno (diddymu cydsyniad sylweddau peryglus yn dilyn newid yn rheolaeth tir).

- (b) section 13(1) of that Act (application for hazardous substances consent without condition attached to previous consent); and
- (c) section 17(1) of that Act (revocation of hazardous substances consent on change of control of land).

Caniatâd cynllunio

47. Mae Atodlen 7 yn gymwys pan fo'r cydsyniad eilaidd yn ganiatâd cynllunio o dan adran 57(1) o Ddeddf 1990 (caniatâd cynllunio sy'n ofynnol ar gyfer datblygiad).

Planning permission

47. Schedule 7 applies where the secondary consent is planning permission under section 57(1) of the 1990 Act (planning permission required for development).

Priffyrdd yr effeithir arnynt gan ddatblygiad

48. Mae Atodlen 8 yn gymwys pan fo'r cydsyniad eilaidd—

- (a) yn orchymyn o dan adran 247(1) o Ddeddf 1990 (priffyrdd yr effeithir arnynt gan ddatblygiad: gorchymynion gan yr Ysgrifennydd Gwladol) a Gweinidogion Cymru wedi eu bodloni y dylid gwneud gorchymyn o dan yr adran honno;
- (b) yn orchymyn o dan adran 248(2) o Ddeddf 1990 (priffyrdd sy'n croesi neu'n ymuno â llwybr priffordd newydd arfaethedig, etc.) ac mae'n ymddangos i Weinidogion Cymru y byddai gorchymyn o dan yr adran honno yn hwylus er budd defnyddwyr y brif briffordd (fel y diffinnir "the main highway" yn adran 248(1)) neu er mwyn hwyluso symudiad traffig ar y brif briffordd;
- (c) yn orchymyn yn diddymu hawl tramwy cyhoeddus o dan adran 251(1) o Ddeddf 1990 (diddymu hawliau tramwy cyhoeddus dros dir a ddelir at ddibenion cynllunio).

Highways affected by development

48. Schedule 8 applies where the secondary consent is—

- (a) an order under section 247(1) of the 1990 Act (highways affected by development: orders by Secretary of State) and the Welsh Ministers are satisfied that an order should be made under that section;
- (b) an order under section 248(2) of the 1990 Act (highways crossing or entering route of proposed new highway, etc.) and it appears to the Welsh Ministers that an order under that section is expedient in the interests of users of the main highway (as defined in section 248(1)) or to facilitate the movement of traffic on the main highway;
- (c) an order extinguishing a public right of way under section 251(1) of the 1990 Act (extinguishment of public rights of way over land held for planning purposes).

Dadgofrestru a chyfnwid tir comin

49. Mae Atodlen 9 yn gymwys pan fo'r cydsyniad eilaidd yn gydsyniad o dan adran 16(1) o Ddeddf Tiroedd Comin 2006 (dadgofrestru a chyfnwid: ceisiadau)(1).

Deregistration and exchange of common land

49. Schedule 9 applies where the secondary consent is a consent under section 16(1) of the Commons Act 2006 (deregistration and exchange: applications)(1).

Gwaith ar dir comin

50. Mae Atodlen 10 yn gymwys pan fo'r cydsyniad eilaidd yn gydsyniad o dan adran 38(1) o Ddeddf Tiroedd Comin 2006 (gwahardd gwneud gwaith heb gydsyniad).

Works on common land

50. Schedule 10 applies where the secondary consent is a consent under section 38(1) of the Commons Act 2006 (prohibition on works without consent).

(1) 2006 p. 26.

(1) 2006 c. 26.

RHAN 12

PART 12

Ceisiadau a drinnir fel ceisiadau ar gyfer datblygiad o arwyddocâd cenedlaethol

51. At ddibenion adran 62D(6) o Ddeddf 1990 (datblygiadau o arwyddocâd cenedlaethol: ceisiadau sydd i'w gwneud i Weinidogion Cymru)(1), rhaid peidio â thrin cais o fewn adran 62D(7) o'r Ddeddf honno fel cais ar gyfer datblygiad o arwyddocâd cenedlaethol ac eithrio os yw'r cais—

- (a) yn ymwneud â datblygiad o arwyddocâd cenedlaethol fel y darperir ar ei gyfer yn adran 62D(3) a (4) o'r Ddeddf honno;
- (b) wedi ei wneud yn unol ag adran 73 o'r Ddeddf honno (penderfynu ceisiadau i ddatblygu tir heb gydymffurfio ag amodau a osodwyd yn flaenorol)(2); ac
- (c) yn ymwneud â therfyn amser a osodwyd gan neu o dan adran 91 o'r Ddeddf honno (amod cyffredinol sy'n cyfyngu ar barhad caniatâd cynllunio)(3).

Applications treated as nationally significant development applications

51. For the purposes of section 62D(6) of the 1990 Act (developments of national significance: applications to be made to Welsh Ministers)(1), an application within section 62D(7) of that Act is to be treated as a nationally significant development application only if the application—

- (a) relates to development of national significance as provided for in section 62D(3) and (4) of that Act;
- (b) is made pursuant to section 73 of that Act (determination of applications to develop land without compliance with conditions previously attached)(2); and
- (c) relates to a time limit imposed by or under section 91 of that Act (general condition limiting duration of planning permission)(3).

Carl Sargeant

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion
Cymru
27 Ionawr 2016

Minister for Natural Resources, one of the Welsh
Ministers
27 January 2016

(1) 1990 p. 8. Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015.

(2) Diwygiwyd adran 73 gan adrannau 42(2) a 120 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ac Atodlen 9 i'r Ddeddf honno. Mae erthygl 2(1) o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Cymhwyso Deddfiadau) (Cymru) 2016 (O.S. 2016/54) (Cy. 24) yn cymhwyso adran 73, gydag addasiadau, i geisiadau a wneir i Weinidogion Cymru yn unol ag adran 62D o Ddeddf 1990.

(3) Gwnaed diwygiadau i adran 91 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 1990 c. 8. Section 62D was inserted by section 19 of the Planning (Wales) Act 2015.

(2) Section 73 was amended by sections 42(2) and 120 of, and Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5). Article 2(1) of the Developments of National Significance (Application of Enactments) (Wales) Order 2016 (S.I. 2016/54) (W. 24) applies section 73, with modifications, to applications made to the Welsh Ministers in accordance with section 62D of the 1990 Act.

(3) There are amendments to section 91 not relevant to these Regulations.

Addasiadau pan roddir cyfarwyddyd diogelwch gwladol

Dehongli

1. Rhaid darllen rheoliad 2 fel pe bai'r canlynol wedi eu mewnosod yn y manau priodol—

“ystyr “cyfarwyddyd diogelwch” (“*security direction*”) yw cyfarwyddyd a roddir gan Weinidogion Cymru neu'r Ysgrifennydd Gwladol o dan adran 321(3) o Ddeddf 1990 (materion yn ymwneud â diogelwch gwladol);”;

“ystyr “cynrychiolydd penodedig” (“*appointed representative*”) yw person a benodir o dan adran 321(5) neu (6) o Ddeddf 1990;”;

“ystyr “tystiolaeth gaeedig” (“*closed evidence*”) yw dystiolaeth sy'n destun cyfarwyddyd diogelwch;”.

Gwybodaeth bellach

2. Rhaid darllen rheoliad 15 fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (7)—

“(7A) Nid yw paragraff (7) yn gymwys pan fo'r sylwadau a'r ymatebion ysgrifenedig a geir gan Weinidogion Cymru (“sylwadau pellach”) yn cynnwys neu'n cyfeirio at dystiolaeth gaeedig.

(7B) Pan fo sylwadau pellach yn cynnwys neu'n cyfeirio at dystiolaeth gaeedig—

- (a) rhaid i Weinidogion Cymru, cyn gynted ag y bo'n ymarferol ar ôl eu cael, anfon y sylwadau pellach at y ceisydd ac unrhyw gynrychiolydd penodedig; a
- (b) rhaid rhoi'r sylwadau pellach (ac eithrio'r dystiolaeth gaeedig) ar gael ym mha bynnag fodd a ystyrir yn briodol gan Weinidogion Cymru cyn gynted ag y bo'n ymarferol.”

Arolygiadau safle

3. Rhaid darllen rheoliad 16 fel a ganlyn—

- (a) ar ddiwedd paragraff (2) mewnosoder “a rhaid iddynt hysbysu felly unrhyw gynrychiolydd penodedig”;
- (b) ar ôl paragraff (2) mewnosoder—

Modifications where national security direction given

Interpretation

1. Regulation 2 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 1990 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 1990 Act (matters related to national security);”.

Further information

2. Regulation 15 is read as if after paragraph (7) there is inserted—

“(7A) Paragraph (7) 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 includes or refers to closed evidence—

- (a) the Welsh Ministers must, as soon as practicable after receipt, send the further representations to the applicant and any appointed representative; and
- (b) must make the further representations (other than the closed evidence) available in such manner as the Welsh Ministers think appropriate as soon as practicable.”

Site inspections

3. Regulation 16 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) Pan fo arolygiad safle yn cynnwys arolygu tystiolaeth gaeedig, caiff Gweinidogion Cymru arolygu’r tir yng nghwmni’r ceisydd ac unrhyw gynrychiolydd penodedig.”

Cyfarfodydd cyn-ymchwiliad

4. Rhaid darllen rheoliad 31(2) fel pe bai’r canlynol wedi ei fewnosod ar ôl is-baragraff (b)—

“(ba) unrhyw gynrychiolydd penodedig;”.

Dyddiad a lleoliad yr ymchwiliad

5. Rhaid darllen rheoliad 32(6) fel pe mewnosodwyd “, unrhyw gynrychiolydd penodedig” ar ôl “ceisydd” yn y ddau fan lle mae’n digwydd.

Absenoldeb, gohirio, etc.

6. Rhaid darllen rheoliad 25(1) (fel y’i cymhwysir i ymchwiliadau gan reoliad 30(3)) fel pe mewnosodwyd “, unrhyw gynrychiolydd penodedig,” ar ôl “ceisydd”.

Gweithdrefn mewn ymchwiliad

7. Rhaid darllen rheoliad 33 fel a ganlyn—

- (a) ym mharagraff (2) ar ôl “awdurdod cynllunio lleol” mewnosoder “, unrhyw gynrychiolydd penodedig”;
- (b) ym mharagraff (4) ar ôl “awdurdod cynllunio lleol” mewnosoder “, unrhyw gynrychiolydd penodedig”;
- (c) ym mharagraff (6) ar ôl “ceisydd” mewnosoder “, unrhyw gynrychiolydd penodedig”;
- (d) ar ddiwedd paragraff (12) mewnosoder “yn ddarostyngedig i baragraff (12A)”;
- (e) ar ôl paragraff (12) mewnosoder—

“(12A) Pan fo unrhyw sylw ysgrifenedig neu ddogfen arall (“gwybodaeth bellach”) yn cynnwys tystiolaeth gaeedig, rhaid i’r person penodedig—

- (a) datgelu’r wybodaeth bellach i’r ceisydd ac i unrhyw gynrychiolydd penodedig;
- (b) datgelu’r wybodaeth bellach ac eithrio unrhyw dystiolaeth gaeedig i’r awdurdod cynllunio lleol ac i bob person arall sy’n cymryd rhan yn yr ymchwiliad.”

Gweithdrefn ar ôl ymchwiliad

8. Rhaid darllen rheoliad 28 (fel y’i cymhwysir i ymchwiliadau gan reoliad 30(3)) fel a ganlyn—

“(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 applicant and any appointed representative.”

Pre-inquiry meetings

4. Regulation 31(2) is read as if after sub-paragraph (b) there is inserted—

“(ba) any appointed representative;”.

Date and place of inquiry

5. Regulation 32(6) is read as if after “applicant” in both places there is inserted “, any appointed representative”.

Absence, adjournment, etc.

6. Regulation 25(1) (as applied to inquiries by regulation 30(3)) is read as if after “applicant” there is inserted “, any appointed representative”.

Procedure at inquiry

7. Regulation 33 is read as if—

- (a) in paragraph (2) after “local planning authority” there is inserted “, any appointed representative”;
- (b) in paragraph (4) after “local planning authority” there is inserted “, any appointed representative”;
- (c) in paragraph (6) after “applicant” there is inserted “, any appointed representative”;
- (d) at the end of paragraph (12) there is inserted “subject to paragraph (12A)”;
- (e) after paragraph (12) there is inserted—

“(12A) Where any written representation or other document (“further information”) contains closed evidence, the appointed person must—

- (a) disclose the further information to the applicant and any appointed representative;
- (b) disclose the further information other than any closed evidence to the local planning authority and every person who takes part in the inquiry.”

Procedure after inquiry

8. Regulation 28 (as it applies to inquiries by regulation 30(3)) is read as if—

(a) ar ôl paragraff (2) mewnosoder—
“(2A) Pan ystyriwyd dystiolaeth gaeedig yn yr ymchwiliad—

(a) rhaid i'r person penodedig a'r asesydd, pan fo un wedi ei benodi, nodi mewn rhan ar wahân o'u hadroddiadau (“y rhan gaeedig”) 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 wrth ran gaeedig adroddiad y person penodedig, a rhaid iddo ddatgan, yn rhan gaeedig yr adroddiad hwnnw, y lefel o gytundeb neu anghytundeb â rhan gaeedig adroddiad yr asesydd, a phan fo anghytundeb â'r asesydd, y rhesymau am yr anghytundeb hwnnw.”;

(b) ym mharagraff (4) ar ôl “Mae paragraff (5) yn gymwys” mewnosoder “ac yn ddarostyngedig i baragraff (5A)”;

(c) ar ôl paragraff (5) mewnosoder—

“(5A) Pan fo Gweinidogion Cymru yn cymryd safbwynt gwahanol i'r person penodedig ar unrhyw fater o ffaith, a grybwyllir mewn casgliad a gyrhaeddir gan y person penodedig, neu sy'n ymddangos i Weinidogion Cymru yn faterol berthnasol i'r casgliad hwnnw, mewn perthynas â mater y rhoddwyd dystiolaeth gaeedig yn ei gylch, rhaid i'r hysbysiad y cyfeirir ato ym mharagraff (5) gynnwys y rhesymau pam y mae Gweinidogion Cymru yn anghytuno, oni bai—

(a) bod yr hysbysiad wedi ei gyfeirio at berson nad yw'n gynrychiolydd penodedig nac yn unrhyw berson a bennir, nac o ddisgrifiad a bennir yn y cyfarwyddyd diogelwch; a

(b) byddai cynnwys y rhesymau yn datgelu unrhyw ran o'r dystiolaeth gaeedig.”;

(d) ym mharagraff (8) ar ôl “ceisydd” mewnosoder “, y cynrychiolydd penodedig.”.

Gweithdrefn ar ôl dileu penderfyniad

9. Rhaid darllen rheoliad 37 fel a ganlyn—

(a) ar ddechrau is-baragraff (a) o baragraff (1) mewnosoder “yn ddarostyngedig i baragraff (1A),”; a

(b) ar ôl paragraff (1) mewnosoder—

(a) after paragraph (2) there is inserted—

“(2A) Where closed evidence was considered at the inquiry—

(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 the level of agreement or disagreement with the closed part of the assessor's report and, where there is disagreement with the assessor, the reasons for that disagreement.”;

(c) after paragraph (5) there is inserted—

“(5A) 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, the notification referred to in paragraph (5) 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) inclusion of the reasons would disclose any part of the closed evidence.”;

(d) in paragraph (8) after “applicant” there is inserted “, the appointed representative”.

Procedure following quashing of decision

9. Regulation 37 is read as if—

(a) at the beginning of sub-paragraph (a) of paragraph (1) there is inserted “subject to paragraph (1A),”; and

(b) after paragraph (1) there is inserted—

“(1A) Pan fydd y materion y cyfeirir atynt ym mharagraff (1)(a) yn cynnwys ystyried tystiolaeth gaeedig, rhaid i Weinidogion Cymru anfon y datganiad ysgrifenedig at neb ond y canlynol—

- (a) unrhyw gynrychiolydd penodedig; a
- (b) person a bennwyd, neu berson o unrhyw ddisgrifiad a bennwyd, yn y cyfarwyddyd diogelwch.”

Peidio â datgelu tystiolaeth gaeedig

10. Rhaid darllen Rhan 10 fel pe mewnosodwyd y canlynol ar ôl rheoliad 39—

“Peidio â datgelu tystiolaeth gaeedig

39A. Nid oes dim yn y Rheoliadau hyn sydd i’w ystyried fel pe bai’n ei gwneud yn ofynnol nac yn caniatáu datgelu tystiolaeth gaeedig i berson ac eithrio—

- (a) Gweinidogion Cymru;
- (b) y cynrychiolydd penodedig; neu
- (c) person a bennwyd, neu berson o unrhyw ddisgrifiad a bennwyd, yn y cyfarwyddyd diogelwch.”

ATODLEN 2 Rheoliad 42

Rheolaeth ar waith sy’n effeithio ar henebion cofrestredig

1.—(1) Mae Gorchymyn 2016 yn gymwys gyda’r addasiadau a ganlyn.

(2) Rhaid darllen erthygl 15 (derbyn ceisiadau), yn achos cydsyniad o dan adran 2 o Ddeddf 1979 (rheolaeth ar waith sy’n effeithio ar henebion cofrestredig), fel pe bai’r cais yn dod gydag—

- (a) un neu ragor o’r tystysgrifau arestrir ym mharagraff 2 o Atodlen 1 i’r Ddeddf honno(1) wedi eu llofnodi gan neu ar ran y ceisydd; a
- (b) yr eitemau a restrir yn rheoliad 2(2) o Reoliadau Henebion (Ceisiadau am Gydsyniad Heneb Gofrestredig) 1981(2).

2.—(1) Mae darpariaethau’r Rheoliadau hyn yn gymwys mewn perthynas â rhoi cydsyniad o dan adran 2(3) o Ddeddf 1979 yn ddarostyngedig i’r addasiad canlynol.

-
- (1) Gwnaed diwygiadau i Atodlen 1 nad ydynt yn berthnasol i’r Rheoliadau hyn.
 - (2) O.S. 1981/1301. Mae Rheoliadau Henebion (Ceisiadau am Gydsyniad Heneb Gofrestredig) (Ffurflenni a Manylion Cymraeg) 2001 (O.S. 2001/1438) (Cy.100) yn rhagnodi’r fersiwn Gymraeg o’r ffurflenni perthnasol.

“(1A) Where the matters referred to in paragraph (1)(a) will involve consideration of closed evidence, the Welsh Ministers must only send the written statement to—

- (a) any appointed representative; and
- (b) a person specified, or of any description specified, in the security direction.”

Closed evidence not to be disclosed

10. Part 10 is read as if after regulation 39 there is inserted—

“Closed evidence not to be disclosed

39A. Nothing in these Regulations is to be taken so as to require or permit closed evidence to be disclosed to a person other than—

- (a) the Welsh Ministers;
- (b) the appointed representative; or
- (c) a person specified, or of any description specified, in the security direction.”

SCHEDULE 2 Regulation 42

Control of works affecting scheduled monuments

1.—(1) The 2016 Order applies with the following modifications.

(2) Article 15 (acceptance of applications) is to be read as if in the case of a consent under section 2 of the 1979 Act (control of works affecting scheduled monuments), the application is accompanied by—

- (a) one or more of the certificates listed in paragraph 2 of Schedule 1 to that Act(1) signed by or on behalf of the applicant; and
- (b) the items listed in regulation 2(2) of the Ancient Monuments (Application for Scheduled Monument Consent) Regulations 1981(2).

2.—(1) The provisions of these Regulations apply in relation to the grant of consent under section 2(3) of the 1979 Act subject to the following modification.

-
- (1) There are amendments to Schedule 1 not relevant to these Regulations.
 - (2) S.I.1981/1301. The Ancient Monuments (Applications for Scheduled Monument Consent) (Welsh Forms and Particulars) Regulations 2001 (S.I. 2001/1438) (W. 100) prescribe the Welsh version of the relevant forms.

(2) Yn rheoliad 2 rhaid darllen y diffiniad o “person penodedig” fel “yw’r person a benodir gan Weinidogion Cymru o dan baragraff 3(2)(b) o Ran 1 o Atodlen 1 i Ddeddf 1979”.

ATODLEN 3 Rheoliad 43

Gosod rheiliau, trawstiau etc. dros briffyrdd: addasu deddfwriaeth sylfaenol

1. Rhaid darllen adran 178 o Ddeddf Priffyrdd 1980 (cyfyngiad ar osod rheiliau, trawstiau etc. dros briffyrdd) fel a ganlyn—

- (a) yn is-adran (1) rhaid darllen cyfeiriadau at “the highway authority for the highway” ac at “the highway authority” fel cyfeiriadau at “the Welsh Ministers”;
- (b) hepgorer is-adrannau (2) a (3).

ATODLEN 4 Rheoliad 44

Caniatâd adeilad rhestredig

RHAN 1

Addasu deddfwriaeth sylfaenol

1.—(1) Mae Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(1) (“y Ddeddf Adeiladau Rhestredig”) (“*the Listed Buildings Act*”) yn gymwys gyda’r addasiadau canlynol.

(2) Rhaid darllen adran 10 (gwneud ceisiadau am ganiatâd adeilad rhestredig) fel a ganlyn—

- (a) yn lle is-adran (1) rhodder “An application for listed building consent must be made to and dealt with by the Welsh Ministers”;
- (b) yn is-adran (2)(c) yn lle “the authority” rhodder “the Welsh Ministers”.

(3) Rhaid darllen adran 62 (dilysrwydd gorchmynion a phenderfyniadau penodol) fel a ganlyn—

- (a) yn is-adran (2), ar ôl paragraff (a), mewnosoder y canlynol—
 - “(aza) any decision on an application for listed building consent where that decision is made by the Welsh Ministers by virtue of section 62F(2) of the principal Act.”;

(1) 1990 p. 9.

(2) In regulation 2 the definition of “appointed person” is read as “means the person appointed by the Welsh Ministers under paragraph 3(2)(b) of Part 1 of Schedule 1 to the 1979 Act”.

SCHEDULE 3 Regulation 43

Placing rails, beams etc. over highways Modifications to primary legislation

1. Section 178 of the Highways Act 1980 (restriction on placing rails, beams etc. over highways) is read as if—

- (a) in subsection (1) reference to the highway authority for the highway and the highway authority are references to the Welsh Ministers;
- (b) subsections (2) and (3) are omitted.

SCHEDULE 4 Regulation 44

Listed building consent

PART 1

Modifications to primary legislation

1.—(1) The Planning (Listed Buildings and Conservation Areas) Act 1990(1) (“the Listed Buildings Act”) (“*y Ddeddf Adeiladau Rhestredig*”) applies with the following modifications.

(2) Section 10 (making of applications for listed building consent) is read as if—

- (a) for subsection (1) there were substituted “An application for listed building consent must be made to and dealt with by the Welsh Ministers”;
- (b) in subsection (2)(c) “the Welsh Ministers” is substituted for “the authority”.

(3) Section 62 (validity of certain orders and decisions), is read as if—

- (a) in subsection (2) the following is inserted after paragraph (a)—
 - “(aza) any decision on an application for listed building consent where that decision is made by the Welsh Ministers by virtue of section 62F(2) of the principal Act.”;

(1) 1990 c. 9.

- (b) yn is-adrannau (1) a (3) rhodder “the Welsh Ministers” yn lle “the Secretary of State” mewn perthynas â phenderfyniadau sydd o fewn is-adran (2)(aza).

- (b) in subsections (1) and (3) “the Welsh Ministers” is substituted for “the Secretary of State” in relation to decisions within subsection (2)(aza).

RHAN 2

Addasu is-ddeddfwriaeth

2.—(1) Mae Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012(1) yn gymwys gyda'r addasiadau canlynol.

(2) Rhaid darllen rheoliad 3 (ceisiadau am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth) fel a ganlyn—

- (a) ym mharagraff (1)(a) yn lle “i awdurdod cynllunio lleol” rhodder “i Weinidogion Cymru”;
- (b) ym mharagraff (1)(c)(ii) a (iii) yn lle “fod yr awdurdod cynllunio lleol” rhodder “fod Gweinidogion Cymru”;
- (c) hepgorer paragraff (3) a Rhan 1 o Atodlen 1;
- (d) ym mharagraff (4) yn lle “awdurdod cynllunio lleol yn barnu, wedi iddo anfon y gydnabyddiaeth fel sy'n ofynnol gan baragraff (3), fod y cais yn annilys, rhaid iddo” rhodder “Gweinidogion Cymru yn barnu bod y cais yn annilys, rhaid iddynt”;
- (e) yn lle paragraff (5) rhodder—
“(5) Pan fo Gweinidogion Cymru wedi cael cais dilys, yr amser a ganiateir iddynt ar gyfer rhoi hysbysiad o'u penderfyniad i'r ceisydd yw'r cyfnod penderfynu fel y'i disgrifir yn adran 62L o'r brif Ddeddf.”;
- (f) ym mharagraff (6) hepgorer “neu hysbysiad o gyfeirio at Weinidogion Cymru” ac yn lle “awdurdod cynllunio lleol yn penderfynu rhoi” rhodder “Gweinidogion Cymru yn penderfynu rhoi”;
- (g) hepgorer paragraff (7).

(3) Rhaid darllen rheoliad 6(1) fel pe rhoddid “unrhyw gais am ganiatâd adeilad rhestredig, pan fo'r penderfyniad ar y caniatâd hwnnw i gael ei wneud gan Weinidogion Cymru yn unol ag adran 62F o'r brif Ddeddf,” yn lle “unrhyw gais i awdurdod cynllunio lleol am ganiatâd adeilad rhestredig”.

(4) Rhaid darllen rheoliad 7 (tystysgrif sydd i ddod gyda cheisiadau ac apelau) fel a ganlyn—

PART 2

Modifications to secondary legislation

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(1) apply with the following modifications.

(2) Regulation 3 (applications for listed building consent or for conservation area consent) is read as if—

- (a) in paragraph (1)(a) for “to a local planning authority” there is substituted “to the Welsh Ministers”;
- (b) in paragraph (1)(c)(ii) and (iii) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (c) paragraph (3) and Part 1 of Schedule 1 are omitted;
- (d) in paragraph (4) “after sending an acknowledgement as required by paragraph (3),” is omitted and for “the local planning authority” there is substituted “the Welsh Ministers”;
- (e) for paragraph (5) there is substituted—
“(5) Where a valid application has been received by the Welsh Ministers, the time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act.”;
- (f) in paragraph (6) “or reference to the Welsh Ministers” is omitted and for “the local planning authority decide to grant” there is substituted “the Welsh Ministers decide to grant”;
- (g) paragraph (7) is omitted.

(3) Regulation 6(1) is read as if for “Any application to a local planning authority for listed building consent” there is substituted “Any application for listed building consent where the decision on that consent is to be made by the Welsh Ministers in accordance with section 62F of the principal Act”.

(4) Regulation 7 (certificate to accompany applications and appeals) is read as if —

(1) O.S. 2012/793 (Cy. 108).

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

- (a) ym mharagraff (1) yn lle “awdurdod cynllunio lleol” rhodder “Weinidogion Cymru” a hepgorer “neu 4”;
- (b) ym mharagraff (3)—
- (i) hepgorer “neu 4”;
- (ii) yn lle “yr awdurdod cynllunio lleol” rhodder “Gweinidogion Cymru”;
- (iii) yn lle is-baragraff (a) rhodder—
- “(a) rhaid iddynt benderfynu’r cais cyn diwedd y cyfnod penderfynu y darperir ar ei gyfer yn adran 62L o Ddeddf 1990”;
- (iv) yn lle is-baragraff (b) rhodder—
- “(b) wrth benderfynu’r cais rhaid iddynt gymryd i ystyriaeth unrhyw sylwadau sy’n ymwneud ag ef a wneir iddynt cyn diwedd y cyfnod sylwadau y darperir ar ei gyfer yn erthygl 4 o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016 gan unrhyw berson sy’n bodloni Gweinidogion Cymru fod y person yn berchennog ar yr adeilad neu unrhyw ran ohono”;
- (5) Nid yw rheoliadau 8 a 9 yn gymwys.
- (6) Rhaid darllen rheoliad 10 (hysbysebu ceisiadau) fel a ganlyn—
- (a) hepgorer paragraff (1); a
- (b) yn lle paragraff (2) rhodder—
- “Yr amser a ganiateir i Weinidogion Cymru roi hysbysiad i’r ceisydd o’u penderfyniad yw’r cyfnod penderfynu, fel y’i disgrifir yn adran 62L o’r brif Ddeddf”.
- (7) Hepgorer rheoliadau 11, 12 a 12A.
- 3.—**(1) Mae Gorchymyn 2016 yn gymwys gyda’r addasiadau a ganlyn.
- (2) Rhaid darllen erthygl 15 (derbyn ceisiadau) fel pe bai’r cais, yn achos cais am ganiatâd o dan adran 8 o’r Ddeddf Adeiladau Rhestredig, yn dod gyda’r eitemau hynny a restrir yn rheoliadau 3(1), 3(2) a 6 (datganiadau dylunio a mynediad) o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012.
- (3) Rhaid darllen erthygl 18 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio: Gweinidogion Cymru) fel pe na bai’n gymwys mewn perthynas ag unrhyw gais am—
- (a) caniatâd adeilad rhestredig i wneud gwaith sy’n effeithio yn unig ar du mewn adeilad a ddosbarthwyd fel adeilad rhestredig Gradd II (di-seren) pan hysbyswyd yr awdurdod cynllunio lleol yn ei gylch ddiwethaf gan Weinidogion Cymru, fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig; neu
- (b) amrywio neu ryddhau o amodau a osodwyd ar ganiatâd adeilad rhestredig mewn cysylltiad â thu mewn adeilad rhestredig Gradd II (di-seren) o’r fath.
- (a) in paragraph (1) for “A local planning authority” there is substituted “The Welsh Ministers and “or 4” is omitted;
- (b) in paragraph (3)—
- (i) “or 4” is omitted;
- (ii) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (iii) for sub-paragraph (a) there is substituted—
- “(a) must determine the application before the end of the determination period as provided for in section 62L of the 1990 Act”;
- (iv) in sub-paragraph (b) for “that period” there is substituted “the representation period as provided for in article 4 of the Developments of National Significance (Procedure) (Wales) Order 2016”.
- (5) Regulations 8 and 9 do not apply.
- (6) Regulation 10 (advertisement of applications) is read as if—
- (a) paragraph (1) is omitted; and
- (b) for paragraph (2) there is substituted—
- “The time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act”.
- (7) Regulations 11, 12 and 12A are omitted.
- 3.—**(1) The 2016 Order applies with the following modifications.
- (2) Article 15 (acceptance of applications) is to be read as if in the case of a consent under section 8 of the Listed Building Act, the application is accompanied by those items listed in regulations 3(1), 3(2) and 6 (design and access statements) of the Planning (Listed Buildings and Conservation Areas)(Wales) Regulations 2012.
- (3) Article 18 (publicity of applications for planning permission: Welsh Ministers) is to be read as if it does not apply in relation to any application for—
- (a) listed building consent to carry out works affecting only the interior of a building which when last notified to the local planning authority by the Welsh Ministers as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building; or
- (b) the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

Dymchwel mewn ardaloedd cadwraeth

RHAN 1

Addasu deddfwriaeth sylfaenol

1. Rhaid darllen adran 74(2) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (“y Ddeddf Adeiladau Rhestredig”) (rheolaeth ar ddymchwel mewn ardaloedd cadwraeth) fel pe bai “and” wedi ei hepgor o baragraff (a) a’r canlynol wedi ei fewnosod ar ôl y paragraff hwnnw—

“(aa) in relation to applications where the decision on the consent is to be made by the Welsh Ministers by virtue of section 62F(2) of the principal Act (developments of national significance: meaning of secondary consents), the Welsh Ministers; and”.

RHAN 2

Addasu is-ddeddfwriaeth

2.—(1) Mae Rheoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012(1), mewn perthynas â rhoi caniatâd o dan adran 74(2) o’r Ddeddf Adeiladau Rhestredig, yn gymwys yn ddarostyngedig i’r addasiadau canlynol.

(2) Rhaid darllen rheoliad 3 (ceisiadau am ganiatâd adeilad rhestredig neu ganiatâd ardal gadwraeth) fel a ganlyn—

- (a) ym mharagraff (1)(a) yn lle “i awdurdod cynllunio lleol” rhodder “i Weinidogion Cymru”;
- (b) ym mharagraff (1)(c)(ii) a (iii) yn lle “fod yr awdurdod cynllunio lleol” rhodder “fod Gweinidogion Cymru”.
- (c) hepgorer paragraff (3) a Rhan 1 o Atodlen 1;
- (d) ym mharagraff (4) yn lle “awdurdod cynllunio lleol” rhodder “Gweinidogion Cymru” ac yn lle “iddo”, yn y ddau fan lle mae’n digwydd, rhodder “iddynt”;
- (e) yn lle paragraff (5) rhodder—

“(5) Pan fo Gweinidogion Cymru wedi cael cais dilys o dan baragraff (1), rhaid i Weinidogion Cymru roi hysbysiad o’u penderfyniad i’r ceisydd cyn diwedd y cyfnod

Demolition in conservation areas

PART 1

Modifications to primary legislation

1. Section 74(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”) (control of demolition in conservation areas) is read as if in paragraph (a) “and” is omitted and after that paragraph there is inserted—

(aa) in relation to applications where the decision on the consent is to be made by the Welsh Ministers by virtue of section 62F(2) of the principal Act (developments of national significance: meaning of secondary consents), the Welsh Ministers; and”.

PART 2

Modifications to secondary legislation

2.—(1) The Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012(1), in relation to the grant of consent under section 74(2) of the Listed Buildings Act, apply subject to the following modifications.

(2) Regulation 3 (applications for listed building consent or for conservation area consent) is read as if—

- (a) in paragraph (1)(a) for “to a local planning authority” there is substituted “to the Welsh Ministers”;
- (b) in paragraph (1)(c)(ii) and (iii) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (c) paragraph (3) and Part 1 of Schedule 1 are omitted;
- (d) in paragraph (4) for “the local planning authority” there is substituted “the Welsh Ministers”;
- (e) for paragraph (5) there is substituted—

“(5) Where a valid application under paragraph (1) has been received by the Welsh Ministers, the Welsh Ministers must give notice to the applicant of their decision before the end

(1) O.S. 2012/793 (Cy. 108).

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

penderfynu fel y'i disgrifir yn adran 62L o'r brif Ddeddf.”;

- (f) ym mharagraff (6) hepgorer “neu hysbysiad o gyfeirio at Weinidogion Cymru”; yn lle “awdurdod cynllunio lleol yn penderfynu rhoi caniatâd adeilad rhestredig neu ganiatâd” rhodder “Gweinidogion Cymru yn penderfynu rhoi caniatâd”; ac yn lle “neu eu gwrthod” rhodder “neu ei wrthod”;

- (g) hepgorer paragraff (7).

(3) Rhaid darllen rheoliad 6(1) fel pe rhoddid “unrhyw gais am ganiatâd ardal gadwraeth pan fo'r penderfyniad ar y caniatâd hwnnw i gael ei wneud gan Weinidogion Cymru yn unol ag adran 62F o'r brif Ddeddf” yn lle “unrhyw gais i awdurdod cynllunio lleol am ganiatâd adeilad rhestredig”.

(4) Rhaid darllen rheoliad 7 (tystysgrif sydd i ddod gyda cheisiadau ac apelau) fel a ganlyn—

- (a) ym mharagraff (1) yn lle “awdurdod cynllunio lleol” rhodder “Weinidogion Cymru” a hepgorer “neu 4”;

- (b) ym mharagraff (3)—

(i) hepgorer “neu 4”;

(ii) yn lle “yr awdurdod cynllunio lleol” rhodder “Gweinidogion Cymru”;

(iii) yn lle is-baragraff (a) rhodder—

“(a) rhaid iddynt benderfynu'r cais cyn diwedd y cyfnod penderfynu fel y darperir ar ei gyfer yn adran 62L o'r brif Ddeddf”;

(iv) yn lle is-baragraff (b) rhodder—

“(b) wrth benderfynu'r cais rhaid iddynt gymryd i ystyriaeth unrhyw sylwadau sy'n ymwneud ag ef a wneir iddynt cyn diwedd y cyfnod sylwadau y darperir ar ei gyfer yn erthygl 4 o Orchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016 gan unrhyw berson sy'n bodloni Gweinidogion Cymru fod y person yn berchennog ar yr adeilad neu unrhyw ran ohono”;

(5) Nid yw rheoliadau 8 (defnyddio cyfathrebiadau electronig) a 9 (ceisiadau gan awdurdodau cynllunio lleol) yn gymwys.

(6) Rhaid darllen rheoliad 10 (hysbysebu ceisiadau) gydag addasiadau fel a ganlyn —

- (a) hepgorer paragraff (1); a

- (b) yn lle paragraff (2) rhodder—

“Yr amser a ganiateir i Weinidogion Cymru roi hysbysiad i'r ceisydd o'u penderfyniad yw'r cyfnod penderfynu, fel y'i disgrifir yn adran 62L o'r brif Ddeddf”.

of the determination period as described in section 62L of the principal Act.”;

- (f) in paragraph (6) “or reference to the Welsh Ministers” is omitted and for “the local planning authority decide to grant listed building consent or” there is substituted “the Welsh Ministers decide to grant”;

- (g) paragraph (7) is omitted.

(3) Regulation 6(1) is read as if for “Any application to a local planning authority for listed building consent” there is substituted “Any application for conservation area consent where the decision on that consent is to be made by the Welsh Ministers in accordance with section 62F of the principal Act”.

(4) Regulation 7 (certificate to accompany applications and appeals) is read as if—

- (a) in paragraph (1) for “A local planning authority” there is substituted “The Welsh Ministers” and “or 4” is omitted;

- (b) in paragraph (3)—

(i) “or 4” is omitted;

(ii) for “the local planning authority” there is substituted “the Welsh Ministers”;

(iii) for sub-paragraph (a) there is substituted—

“(a) must determine the application before the end of the determination period as provided for in section 62L of the principal Act”;

(iv) in sub-paragraph (b) for “that period” there is substituted “the representation period as provided for in article 4 of the Developments of National Significance (Procedure) (Wales) Order 2016”.

(5) Regulations 8 (use of electronic communications) and 9 (applications by local planning authorities) do not apply.

(6) Regulation 10 (advertisement of applications) is read as if—

- (a) paragraph (1) is omitted; and

- (b) for paragraph (2) there is substituted—

“The time within which the Welsh Ministers must give notice to the applicant of their decision is the determination period as described in section 62L of the principal Act”.

(7) Nid yw rheoliadau 11 (hysbyseb am geisiadau am waith brys mewn perthynas â datblygiad gan y Goron), 12 (apelau) a 12A (apel wedi ei wneud: swyddogaethau'r awdurdod cynllunio lleol) yn gymwys.

3.—(1) Mae Gorchymyn 2016 yn gymwys gyda'r addasiadau a ganlyn.

(2) Rhaid darllen erthygl 15 (derbyn ceisiadau) fel pe bai'r cais, yn achos caniatâd o dan adran 74 o'r Ddeddf Adeiladau Rhestredig yn dod gyda'r eitemau hynny a restrir yn rheoliad 3(1) a (2) o Reoliadau Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2012.

(3) Nid yw erthygl 18 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio: Gweinidogion Cymru) yn gymwys mewn perthynas ag unrhyw gais am—

- (a) caniatâd adeilad rhestredig i wneud gwaith sy'n effeithio yn unig ar du mewn adeilad a ddsbarthwyd fel adeilad rhestredig Gradd II (di-seren) pan hysbyswyd yr awdurdod cynllunio lleol yn ei gylch ddiwethaf gan Weinidogion Cymru, fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig; neu
- (b) amrywio neu ryddhau o amodau a osodwyd ar ganiatâd adeilad rhestredig mewn cysylltiad â thu mewn adeilad rhestredig Gradd II (di-seren) o'r fath.

ATODLEN 6 Rheoliad 46

Cydsyniad sylweddau peryglus

RHAN 1

Addasu deddfwriaeth sylfaenol

1.—(1) Mae Deddf Cynllunio (Sylweddau Peryglus) 1990 (“y Ddeddf Sylweddau Peryglus”) yn gymwys gyda'r addasiadau canlynol.

(2) Rhaid darllen adran 9 (penderfynu ceisiadau am gydsyniad sylweddau peryglus) ac adran 10 (pŵer i osod amodau wrth roi cydsyniad sylweddau peryglus) fel pe bai cyfeiriadau at “the hazardous substances authority” yn gyfeiriadau at “the Welsh Ministers”.

(7) Regulations 11 (advertisement of applications for urgent works relating to Crown development), 12 (appeals) and 12A (appeal made: functions of the local planning authority) do not apply.

3.—(1) The 2016 Order applies with the following modifications.

(2) Article 15 (acceptance of applications) is to be read as if in the case of a consent under section 74 of the Listed Buildings Act, the application is accompanied by those items listed in regulation 3(1) and (2) of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.

(3) Article 18 (publicity for applications for planning permission: Welsh Ministers) does not apply in relation to any application for—

- (a) listed building consent to carry out works affecting only the interior of a building which when last notified to the local planning authority by the Welsh Ministers as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building; or
- (b) the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

SCHEDULE 6 Regulation 46

Hazardous substances consent

PART 1

Modifications to primary legislation

1.—(1) The Planning (Hazardous Substances) Act 1990 (“the Hazardous Substances Act”) applies with the following modifications.

(2) Sections 9 (determination of applications for hazardous substances consent) and 10 (power to impose conditions on grant of hazardous substances consent) are read as if references to the hazardous substances authority are references to the Welsh Ministers.

RHAN 2

Addasu is-ddeddfwriaeth

2.—(1) Mae Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015(1), mewn perthynas â rhoi cydsyniad o dan adrannau 4(1), 13 a 17 o'r Ddeddf Sylweddau Peryglus, yn gymwys yn ddarostyngedig i'r addasiadau canlynol.

(2) Rhaid darllen rheoliad 5(1)(a) fel pe rhoddid “i Weinidogion Cymru” yn lle “i'r awdurdod sylweddau peryglus”.

(3) Rhaid darllen rheoliad 6 (cyhoeddi hysbysiadau o geisiadau) fel pe rhoddid “i Weinidogion Cymru” yn lle “i'r awdurdod sylweddau peryglus” ym mhob man lle mae'n digwydd, a “Gweinidogion Cymru” yn lle “yr awdurdod sylweddau peryglus” yn y ddau fan lle mae'n digwydd.

(4) Rhaid darllen rheoliad 7(1) fel pe rhoddid “Gweinidogion Cymru” yn lle “awdurdod sylweddau peryglus”.

(5) Rhaid darllen rheoliad 8 (edrych ar geisiadau) fel pe rhoddid yn ei le y canlynol—

“Ar ôl cael cais o dan reoliad 5, rhaid i Weinidogion Cymru sicrhau bod copi o'r cais ar gael i edrych arno yn swyddfeydd y person perthnasol yn ystod y cyfnod a ganiateir ar gyfer gwneud sylwadau yn unol â rheoliad 6(1).”

(6) Rhaid darllen rheoliad 9 (ceisiadau yn dod i law awdurdod sylweddau peryglus) fel pe rhoddid “Gweinidogion Cymru” yn lle “awdurdod sylweddau peryglus” ym mhob man lle mae'n digwydd.

(7) Rhaid darllen rheoliad 10 (ymgyngori cyn rhoi cydsyniad sylweddau peryglus) fel a ganlyn—

- (a) ym mharagraff (1) yn lle “hysbysu'r awdurdod sylweddau peryglus” rhodder “hysbysu Gweinidogion Cymru” ac yn lle “i'r awdurdod” rhodder “i Weinidogion Cymru”;
- (b) yn lle paragraff (1)(b) rhodder “y person perthnasol;”;
- (c) yn lle paragraff (1)(j) rhodder “pan fo'n ymddangos i Weinidogion Cymru y gellid effeithio ar dir yn ardal unrhyw gyngor sir neu gyngor bwrdeistref sirol ac eithrio'r person perthnasol, y cyngor hwnnw;”;
- (d) ym mharagraff (1)(m) hepgorer “, os nad yr awdurdod hwnnw yw'r awdurdod sylweddau peryglus hefyd”;
- (e) ym mharagraffau (2) a (3) yn lle “awdurdod sylweddau peryglus” ac “yr awdurdod” rhodder “Gweinidogion Cymru”;

PART 2

Modifications to secondary legislation

2.—(1) The Planning (Hazardous Substances) (Wales) Regulations 2015(1) in relation to the grant of consent under sections 4(1), 13 and 17 of the Hazardous Substances Act, apply subject to the following modifications.

(2) Regulation 5(1)(a) is read as if for “the hazardous substances authority” there is substituted “the Welsh Ministers”.

(3) Regulation 6 (publication of notices of applications) is read as if for “the hazardous substances authority” in each place where it occurs there is substituted “the Welsh Ministers”.

(4) Regulation 7(1) is read as if for “the hazardous substances authority” there is substituted “the Welsh Ministers”.

(5) Regulation 8 (inspection of applications) is read as if there is substituted—

“Following receipt of an application under regulation 5, the Welsh Ministers must ensure that a copy of the application is available for inspection at the offices of the relevant person during the period allowed for making representations pursuant to regulation 6(1).”

(6) Regulation 9 (receipt of applications by hazardous substances authority) is read as if for “the hazardous substances authority” in each place where it occurs there is substituted “the Welsh Ministers”.

(7) Regulation 10 (consultation before the grant of hazardous substances consent) is read as if—

- (a) in paragraph (1) for “the hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”;
- (b) for paragraph (1)(b) there is substituted “the relevant person;”;
- (c) for paragraph (1)(j) there is substituted “where it appears to the Welsh Ministers that land in the area of any county or county borough council other than the relevant person may be affected, that council;”;
- (d) in paragraph (1)(m) “where that authority is not also the hazardous substances authority” is omitted;
- (e) in paragraphs (2) and (3) for “the hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”;

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

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

- (f) ym mharagraff (4) yn lle “i awdurdod sylweddau peryglus” ac “i’r awdurdod” rhodder “i Weinidogion Cymru”.

(8) Rhaid darllen rheoliad 11 (penderfynu ceisiadau am gydsyniad sylweddau peryglus) fel a ganlyn—

- (a) ym mharagraff (1) yn lle “awdurdod sylweddau peryglus” rhodder “Gweinidogion Cymru” ac mae’r cyfeiriadau at reoliadau 6(1) a 10(3) yn gyfeiriadau at y rheoliadau hynny fel y’u haddaswyd gan is-baragraffau (3) a (7) uchod;
- (b) ym mharagraff (2) yn lle “i’r awdurdod sylweddau peryglus” rhodder “i Weinidogion Cymru”;
- (c) yn lle paragraff (3) rhodder—
“(3) Rhaid i Weinidogion Cymru roi i’r ceisydd hysbysiad ysgrifenedig o’u penderfyniad o fewn y cyfnod penderfynu fel y’i disgrifir yn adran 62L o Ddeddf 1990.”;
- (d) hepgorer paragraff (4);
- (e) ym mharagraff (5) yn lle “awdurdod sylweddau peryglus” rhodder “Gweinidogion Cymru” a hepgorer paragraff (5)(b) a’r gair “a” sy’n ei ragflaenu;
- (f) ym mharagraff (6), yn lle “i’r awdurdod sylweddau peryglus” rhodder “i Weinidogion Cymru” ac yn lle is-baragraff (c) rhodder—

“(c) y person perthnasol dan sylw”;

- (g) ym mharagraff (7) yn lle “Rhaid i’r awdurdod sylweddau peryglus” rhodder “Rhaid i Weinidogion Cymru”.

(9) Rhaid darllen rheoliad 22 (y gofrestr cydsyniadau) fel pe mewnosodwyd y canlynol ar ôl paragraff (2)—

“(2A) Rhaid i Weinidogion Cymru hysbysu’r awdurdod sylweddau peryglus ynghylch yr holl faterion mewn perthynas â chydsyniad eilaidd y mae’n rhaid eu cynnwys yn y gofrestr.”

3. Rhaid darllen rheoliadau 15 i 33 o’r Rheoliadau hyn, wrth eu cymhwysu i roi cydsyniad o dan adrannau 4(1), 13 a 17 o’r Ddeddf Sylweddau Peryglus, fel pe rhoddid “awdurdod sylweddau peryglus” yn lle “awdurdod cynllunio lleol” ym mhob man lle mae’n ymddangos.

- (f) in paragraph (4) for “a hazardous substances authority” and “the authority” there is substituted “the Welsh Ministers”.

(8) Regulation 11 (determination of applications for hazardous substances consent) is read as if—

- (a) in paragraph (1) for “A hazardous substances authority” there is substituted “The Welsh Ministers” and references to regulations 6(1) and 10(3) are to those regulations as modified by sub-paragraphs (3) and (7) above;
- (b) in paragraph (2) for “the hazardous substances authority” there is substituted “the Welsh Ministers”;
- (c) for paragraph (3) there is substituted—
“(3) The Welsh Ministers must give the applicant written notice of their decision within the determination period as described in section 62L of the 1990 Act.”;
- (d) paragraph (4) is omitted;
- (e) in paragraph (5) for “a hazardous substances authority” there is substituted “the Welsh Ministers” and paragraph (5)(b) and the word “and” preceding it, are omitted;
- (f) paragraph (6) is read as if for “The hazardous substances authority” there is substituted “The Welsh Ministers” and for sub-paragraph (c) there is substituted—

“(c) the relevant person concerned”;

- (g) in paragraph (7) for “The hazardous substances authority must make available” there is substituted “The Welsh Ministers must make available”.

(9) Regulation 22 (consents register) is read as if after paragraph (2) there is inserted—

“(2A) The Welsh Ministers must notify the hazardous substances authority of all matters in relation to a secondary consent that must be contained on the register.”

3. Regulations 15 to 33 of these Regulations in their application to the grant of consent under sections 4(1), 13 and 17 of the Hazardous Substances Act, are read as if for “local planning authority” wherever it appears there is substituted “hazardous substances authority”.

ATODLEN 7 Rheoliad 47
Caniatâd cynllunio

RHAN 1

Addasu deddfwriaeth sylfaenol

1.—(1) Mae darpariaethau canlynol Deddf 1990 yn gymwys gydag addasiadau fel bod cyfeiriadau at “local planning authority” i’w trin fel cyfeiriadau at “the Welsh Ministers”—

- (a) adran 62(1);
- (b) adran 62(3);
- (c) adran 65(5);
- (d) adran 70(1);
- (e) adran 70(2)(1);
- (f) adran 70A(1)(2);
- (g) adran 70A(2);
- (h) adran 71(1)(3);
- (i) adran 71(2);
- (j) adran 72(1);
- (k) adran 73(2);
- (l) adran 73A(1)(4); ac
- (m) adran 327A(2)(5).

(2) Pan fo unrhyw ddarpariaeth arall o Ddeddf 1990 yn cyfeirio at ddarpariaeth a addaswyd gan y Rheoliadau hyn, rhaid darllen y cyfeiriad, mewn perthynas â chais o dan adran 62D o’r Ddeddf honno, fel cyfeiriad at y ddarpariaeth fel y’i haddaswyd.

RHAN 2

Addasu is-ddeddfwriaeth

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(6) yn gymwys gyda’r addasiadau canlynol.

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- (1) Gwnaed diwygiadau i adran 70(2) nad ydynt yn berthnasol i’r Rheoliadau hyn.
 - (2) Mewnosodwyd adran 70A gan adran 17 o Ddeddf Cynllunio a Digolledu 1991 (p. 34). Gwnaed diwygiadau i adran 70A nad ydynt yn berthnasol i’r Rheoliadau hyn.
 - (3) Amnewidwyd adran 71(1) a (2) gan adran 16(2) o Ddeddf Cynllunio a Digolledu 1991.
 - (4) Mewnosodwyd adran 73A gan adran 32 o’r Ddeddf honno a pharagraff 16 o Atodlen 7 iddi.
 - (5) Mewnosodwyd adran 327A gan adran 42(5) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5).
 - (6) O.S. 2012/801 (Cy. 110). Gwnaed diwygiadau i’r Gorchymyn hwnnw nad ydynt yn berthnasol i’r Atodlen hon.

SCHEDULE 7 Regulation 47
Planning permission

PART 1

Modifications to primary legislation

1.—(1) The following provisions of the 1990 Act apply with modifications so that references to local planning authorities are treated as references to the Welsh Ministers—

- (a) section 62(1);
- (b) section 62(3);
- (c) section 65(5);
- (d) section 70(1);
- (e) section 70(2)(1);
- (f) section 70A(1)(2);
- (g) section 70A(2);
- (h) section 71(1)(3);
- (i) section 71(2);
- (j) section 72(1);
- (k) section 73(2);
- (l) section 73A(1)(4); and
- (m) section 327A(2)(5).

(2) Where any other provision of the 1990 Act refers to a provision modified by these Regulations, the reference is to be read in relation to an application under section 62D of that Act as a reference to the provision as modified.

PART 2

Modifications to secondary legislation

2.—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(6) applies with the following modifications.

-
- (1) There are amendments to section 70(2) not relevant to these Regulations.
 - (2) Section 70A was inserted by section 17 of the Planning and Compensation Act 1991 (c. 34). There are amendments to section 70A not relevant to these Regulations.
 - (3) Section 71(1) and (2) were substituted by section 16(2) of the Planning and Compensation Act 1991.
 - (4) Section 73A was inserted by section 32 of, and paragraph 16 of Schedule 7 to, that Act.
 - (5) Section 327A was inserted by section 42(5) of the Planning and Compulsory Purchase Act 2004 (c. 5).
 - (6) S.I. 2012/801 (W. 110). There are amendments to that Order not relevant to this Schedule.

(2) Nid yw erthyglau 1 i 23, 25 i 28 a 31 i 33 yn gymwys.

3.—(1) Mae Gorchymyn 2016 yn gymwys gyda'r addasiadau canlynol.

(2) Nid yw erthygl 29 (hysbysiad ysgrifenedig o benderfyniad mewn perthynas â chais) ac erthygl 30 (hysbysiad diwygiedig o benderfyniad i roi caniatâd cynllunio) yn gymwys.

ATODLEN 8 Rheoliad 48

Priffyrdd yr effeithir arnynt gan ddatblygiad

Addasu is-ddeddfwriaeth

1.—(1) Mae'r darpariaethau canlynol o'r Rheoliadau hyn, mewn perthynas â gorchymynion o dan adrannau 247(1), 248(2) a 251(1) o Ddeddf 1990, yn gymwys gyda'r addasiadau canlynol.

(2) At ddiben rheoliadau 17, 20 a 30, mae Rhannau 6, 7 ac 8 hefyd yn gymwys pan fo Gweinidogion Cymru wedi penderfynu peidio â chynnal gwrandawriad neu ymchwiliad cyn gwneud gorchymyn o dan adran 247, 248 neu 251 o Ddeddf 1990.

(3) Rhaid i adroddiad y person penodedig o dan reoliadau 18 (adroddiad) a 28 (gweithdrefn ac adroddiad ar ôl gwrandawriad) gynnwys, yn ychwanegol at gasgliadau ac argymhellion y person penodedig mewn perthynas â'r cais, argymhelliad mewn perthynas â gorchymyn o dan adran 247, 248 neu 251 o Ddeddf 1990.

(4) Rhaid darllen rheoliad 18(3)(a) fel pe rhoddid "personau a fu'n gwrthwynebu gwneud gorchymyn o dan adran 247, 248 neu 251 o Ddeddf 1990" yn lle "personau hynny a gyflwynodd sylwadau ysgrifenedig".

(5) Rhaid darllen rheoliad 21(5) fel pe rhoddid "gorchymyn arfaethedig o dan adran 247, 248 neu 251 o Ddeddf 1990" yn lle'r cyfeiriad at "y cais".

(6) Rhaid i hysbysiad o dan reoliad 22(7) gynnwys, yn ychwanegol, y materion hynny a restrir yn adran 252(1) o Ddeddf 1990.

(7) Rhaid darllen rheoliad 28 fel a ganlyn—

- (a) ym mharagraff (3), yn lle "sylwadau ysgrifenedig neu ddogfen arall a gânt" rhodder "unrhyw wrthwynebiad i wneud gorchymyn o dan adran 247, 248 neu 251 o Ddeddf 1990 sy'n cyrraedd";
- (b) ym mharagraff (5)(a) yn lle "a gyflwynodd sylwadau ysgrifenedig" rhodder "a fu'n gwrthwynebu gwneud gorchymyn o dan adran 247, 248 neu 251 o Ddeddf 1990";
- (c) ym mharagraff (8)(a) yn lle "a gyflwynodd sylwadau ysgrifenedig" rhodder "a fu'n gwrthwynebu gwneud gorchymyn o dan adran 247, 248 neu 251 o Ddeddf 1990".

(2) Articles 1 to 23, 25 to 28 and 31 to 33 do not apply.

3.—(1) The 2016 Order applies with the following modifications.

(2) Article 29 (written notice of decision relating to an application) and article 30 (revised notice of decision to grant planning permission) do not apply.

SCHEDULE 8 Regulation 48

Highways affected by development

Modifications to secondary legislation

1.—(1) The following provisions of these Regulations, in relation to orders under sections 247(1), 248(2) and 251(1) of the 1990 Act, apply with the following modifications.

(2) For the purpose of regulations 17, 20 and 30, Parts 6, 7 and 8 also apply where the Welsh Ministers have determined not to hold a hearing or inquiry before making an order under section 247, 248 or 251 of the 1990 Act.

(3) The report of the appointed person under regulations 18 (report) and 28 (procedure and report after a hearing) must include, in addition to the appointed person's conclusions and recommendations in relation to the application, a recommendation in relation to an order under section 247, 248 or 251 of the 1990 Act.

(4) Regulation 18(3)(a) is read as if for "persons who submitted written representations" there is substituted "persons who made objections to the making of an order under section 247, 248 or 251 of the 1990 Act".

(5) Regulation 21(5) is read as if for reference to "the application" there is substituted "proposed order under section 247, 248 or 251 of the 1990 Act".

(6) Notice under regulation 22(7) must contain in addition those matters listed in section 252(1) of the 1990 Act.

(7) Regulation 28 is read as if—

- (a) in paragraph (3) for "written representations or other document" there is substituted "any objection to the making of an order under section 247, 248 or 251 of the 1990 Act";
- (b) in paragraph (5)(a) for "submitted written representations" there is substituted "made objections to the making of an order under section 247, 248 or 251 of the 1990 Act";
- (c) in paragraph (8)(a) for "submitting written representations" there is substituted "making objections to the making of an order under section 247, 248 or 251 of the 1990 Act".

Dadgofrestru a chyfnewid tir comin

Addasu is-ddeddfwriaeth

1.—(1) Mae Rheoliadau Dadgofrestru a Chyfnewid Tir Comin a Meysydd Tref neu Bentref (Gweithdrefn) (Cymru) 2012(1) mewn perthynas â chydsyniad a geisir o dan adran 16(1) o Ddeddf Tiroedd Comin 2006, yn gymwys gyda'r addasiadau a ganlyn.

(2) Rhaid darllen y diffiniad o “arolygydd” (“*inspector*”) yn rheoliad 2(2) fel pe bai is-baragraff (b) a'r gair “neu” sy'n ei ragflaenu wedi eu hepgor.

(3) Nid yw rheoliadau 4 i 9 yn gymwys.

(4) Rhaid darllen rheoliad 10(1) fel pe rhoddid “at Weinidogion Cymru cyn diwedd y cyfnod sylwadau” yn lle “at yr awdurdod sy'n penderfynu erbyn y dyddiad a bennir yn yr hysbysiad o gais”.

(5) Nid yw rheoliad 10(3) i (6) yn gymwys.

(6) Nid yw rheoliadau 11 i 18 yn gymwys.

2.—(1) Mae Gorchymyn 2016 yn gymwys gyda'r addasiadau canlynol.

(2) Rhaid darllen erthygl 2 (dehongli) fel pe bai'r canlynol wedi eu mewnosod yn y manau priodol—

“ystyr “cofrestr” (“*register*”) yw cofrestr o dir comin neu gofrestr o feysydd tref neu bentref;”;

“mae i “tir a ryddheir” yr ystyr a roddir i “release land” yn adran 16(1) o Ddeddf Tiroedd Comin 2006;” ac

“mae i “tir cyfnewid” yr ystyr a roddir i “replacement land” yn adran 16(3) o Ddeddf Tiroedd Comin 2006;”.

(3) Rhaid darllen erthygl 12 (ceisiadau: gofynion cyffredinol) fel pe bai rhaid i'r cais ddod gydag—

(a) map Ordnans, ar raddfa nad yw'n llai nag 1:2,500 os oes un ar gael, a dim llai beth bynnag nag 1:10,000, sy'n dangos—

(i) ffin y tir a ryddheir wedi ei marcio â lliw coch;

(ii) os yw'r tir a ryddheir yn rhan o'r tir mewn uned gofrestr fwy, ffin y tir yn yr uned gofrestr honno wedi ei marcio â lliw gwyrdd tywyll; a

(iii) ffin unrhyw dir cyfnewid wedi ei marcio mewn lliw gwyrdd golau; a

Deregistration and exchange of common land

Modifications to secondary legislation

1.—(1) The Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012(1) in relation to consent requested under section 16(1) of the Commons Act 2006, apply with the following modifications.

(2) The definition of “inspector” (“*arolygydd*”) in regulation 2(2) is read as if sub-paragraph (b) and the word “or” preceding it, are omitted.

(3) Regulations 4 to 9 do not apply.

(4) Regulation 10(1) is read as if for “to the determining authority by the date specified in the notice of application” there is substituted “to the Welsh Ministers before the expiry of the representation period”.

(5) Regulation 10(3) to (6) does not apply.

(6) Regulations 11 to 18 do not apply.

2.—(1) The 2016 Order applies with the following modifications.

(2) Article 2 (interpretation) is read as if the following are inserted at each appropriate place—

““register” (“*cofrestr*”) means a register of common land or a register of town or village greens;”;

““release land” (“*tir a ryddheir*”) has the meaning in section 16(1) of the Commons Act 2006;” and

““replacement land” (“*tir cyfnewid*”) has the meaning in section 16(3) of the Commons Act 2006;”.

(3) Article 12 (applications: general requirements) is read as if the application must be accompanied by—

(a) an Ordnance Map, at a scale of not less than 1:2,500 if available, and in any case not less than 1:10,000, showing—

(i) the boundary of the release land marked in red;

(ii) if the release land constitutes part of the land in a larger register unit, the boundary of the land in that register unit marked in dark green; and

(iii) the boundary of any replacement land marked in light green; and

(1) O.S. 2012/738 (Cy.98).

(1) S.I. 2012/738 (W.98).

- (b) copi o'r cofnod yn y gofrestr sy'n ymwneud â'r tir a ryddheir neu'r tir sy'n cynnwys y tir a ryddheir.

(4) Rhaid darllen erthygl 18 (cyhoedduswydd i geisiadau am ganiatâd cynllunio: Gweinidogion Cymru) fel pe bai'r hysbysiad gofynnol yn cynnwys—

- (a) enw'r ceisydd;
- (b) enw'r tir comin neu'r maes tref neu bentref yr effeithir arno gan y cynnig;
- (c) lleoliad y tir a ryddheir a'i arwynebedd mewn metrau sgwâr;
- (d) pa un ai yw'r cais yn cynnwys cynnig ai peidio i gofrestru tir fel tir cyfnewid, ac os felly, lleoliad y tir cyfnewid a'i arwynebedd mewn metrau sgwâr;
- (e) datganiad byr o'r rheswm dros wneud y cais.

(5) Rhaid darllen erthygl 18(2)(b) fel pe bai rhaid anfon yr hysbysiad gofynnol at—

- (a) unrhyw berson (ac eithrio'r ceisydd) sy'n meddiannu'r tir a ryddheir;
- (b) meddiannydd unrhyw eiddo a ddangosir yn y gofrestr fel eiddo y mae hawliau comin ar y tir a ryddheir yn gysylltiedig ag ef, ac y cred y ceisydd fod y meddiannydd yn arfer yr hawliau hynny, neu fod y cais yn debygol o effeithio arno;
- (c) unrhyw berson arall y gŵyr y ceisydd fod hawl ganddo i arfer hawliau comin ar y tir a ryddheir ac y cred y ceisydd ei fod yn arfer yr hawliau hynny, neu fod y cais yn debygol o effeithio arno; a
- (d) y cyngor neu'r cyngorau cymuned (os oes un) ar gyfer yr ardal y lleolir ynddi neu ynddynt y tir a ryddheir a'r tir cyfnewid.

(6) Rhaid darllen erthygl 18(3) fel pe bai rhaid i'r wybodaeth sydd i'w chyhoeddi ar wefan a gynhelir gan Weinidogion Cymru gynnwys y materion a restrir yn is-baragraff (4)(a) i (e).

(7) Rhaid darllen erthygl 19(2) fel pe rhoddid yn ei lle y canlynol:

“(2) Rhaid i'r awdurdod cynllunio lleol roi hysbysiad drwy arddangos ar y safle, mewn ffurf a gyflenwir i'r awdurdod gan Weinidogion Cymru, am ddim llai na 21 diwrnod yn y prif fannau mynediad i'r canlynol (neu, os nad oes lleoedd o'r fath, mewn man amlwg ar ffin)—

- (i) y tir a ryddheir; a
- (ii) y tir cyfnewid (os oes tir cyfnewid).”

(8) Rhaid darllen erthygl 29 (hysbysiad ysgrifenedig o benderfyniad mewn perthynas â chais) fel pe bai rhaid hefyd i Weinidogion Cymru—

- (b) a copy of the entry in the register which relates to the release land or land including it.

(4) Article 18 (publicity for applications for planning permission: Welsh Ministers) is read as if the requisite notice includes—

- (a) the name of the applicant;
- (b) the name of the common land or town or village green affected by the proposal;
- (c) the location and area in square metres of the release land;
- (d) whether the application includes a proposal for land to be registered as replacement land and, if so, the location and area in square metres of the replacement land;
- (e) a brief statement of the reason for the application.

(5) Article 18(2)(b) is read as if the requisite notice must be sent to—

- (a) any person (other than the applicant) occupying the release land;
- (b) the occupier of any property shown in the register as being property to which rights of common over the release land are attached and whom the applicant believes to be exercising those rights or likely to be affected by the application;
- (c) any other person known to the applicant to be entitled to exercise rights of common over the release land and whom the applicant believes to be exercising those rights or likely to be affected by the application; and
- (d) the community council or councils (if any) for the area in which the release land and the replacement land are situated.

(6) Article 18(3) is read as if the information to be published on a website maintained by the Welsh Ministers must include the matters listed in subparagraph (4)(a) to (e).

(7) Article 19(2) is read as if there is substituted:

“(2) The local planning authority must give notice by site display, in a form supplied to them by the Welsh Ministers, for not less than 21 days at the principal places of entry to (or, if there are no such places, at a conspicuous place on the boundary of)—

- (i) the release land; and
- (ii) the replacement land (if any).”

(8) Article 29 (written notice of decision relating to an application) is read as if the Welsh Ministers must also—

- (a) anfon eu gorchymyn o dan adran 17 o Ddeddf Tiroedd Comin 2006 at yr awdurdod cofrestru tiroedd comin ar gyfer yr ardal y lleolir ynddi'r tir a ryddheir a'r tir cyfnewid (os oes tir cyfnewid); a
- (b) anfon copi o'r gorchymyn at y ceisydd.

3.—(1) Mae darpariaethau canlynol y Rheoliadau hyn mewn perthynas â chydysniad a geisir o dan adran 16(1) o Ddeddf Tiroedd Comin 2006, yn gymwys gyda'r addasiadau canlynol.

(2) Rhaid darllen rheoliad 2 (dehongli)—

- (a) fel pe bai cyfeiriad at “person penodedig” (“*appointed person*”) yn gyfeiriad at y person a benodir gan Weinidogion Cymru o dan reoliad 3 o Reoliadau Dadgofrestru a Chyfnwid Tir Comin a Meysydd Tref neu Bentref (Gweithdrefn) (Cymru) 2012 i arfer pob un neu unrhyw rai o'u swyddogaethau o dan adran 16 o Ddeddf Tiroedd Comin 2006 yn gyffredinol neu mewn perthynas â'r cais;
- (b) fel pe bai'r canlynol wedi eu mewnosod yn y manau priodol—

“mae i “tir a ryddheir” yr ystyr a roddir i “release land” yn adran 16(1) o Ddeddf Tiroedd Comin 2006;” ac

“mae i “tir cyfnewid” yr ystyr a roddir i “replacement land” yn adran 16(3) o Ddeddf Tiroedd Comin 2006;”.

(3) Rhaid darllen rheoliad 16(1) (arolygiadau safle) fel pe rhoddid “tir a ryddheir ac unrhyw dir cyfnewid” yn lle “tir y mae'r cais yn ymwneud ag ef”.

(4) At ddiben rheoliad 22 (hysbysiad cyhoeddus o'r gwrandawriad) rhaid i'r hysbysiad a arddangosir neu a gyhoeddir yn unol â pharagraffau (1) a (2) o'r rheoliad hwnnw gynnwys—

- (a) lleoliad y tir a ryddheir; a
- (b) datganiad a gynigir ai peidio cofrestru unrhyw dir fel tir cyfnewid, ac os felly, lleoliad y tir cyfnewid.

ATODLEN 10 Rheoliad 50

Gwaith cyfyngedig ar dir comin

Addasu is-ddeddfwriaeth

1.—(1) Mae Rheoliadau Gwaith ar Diroedd Comin, etc. (Gweithdrefn) (Cymru) 2012(1) mewn perthynas â cheisiadau o dan adran 38(1) o Ddeddf Tiroedd Comin 2006, yn gymwys gyda'r addasiadau canlynol.

(1) O.S. 2012/737 (Cy. 97).

- (a) send their order under section 17 of the Commons Act 2006 to the commons registration authority for the area in which the release land and the replacement land (if any) are situated; and
- (b) send a copy of the order to the applicant.

3.—(1) The following provisions of these Regulations in relation to consent requested under section 16(1) of the Commons Act 2006, apply with the following modifications.

(2) Regulation 2 (interpretation) is read as if—

- (a) reference to an “appointed person” (“*person penodedig*”) is to the person appointed by the Welsh Ministers under regulation 3 of the Deregistration and Exchange of Common Land and Greens (Procedure) (Wales) Regulations 2012 to exercise all or any of their functions in relation to applications under section 16 of the Commons Act 2006 generally or in relation to the application;
- (b) there is inserted at the appropriate place—

““release land” (“*tir a ryddheir*”) has the meaning in section 16(1) of the Commons Act 2006;” and

““replacement land” (“*tir cyfnewid*”) has the meaning in section 16(3) of the Commons Act 2006;”.

(3) Regulation 16(1) (site inspections) is read as if for “land to which the application relates” there is substituted “release land and any replacement land”.

(4) For the purpose of regulation 22 (public notice of hearing) the notice posted or published pursuant to paragraphs (1) and (2) of that regulation must include—

- (a) the location of the release land; and
- (b) a statement as to whether it is proposed that any land be registered as replacement land and, if so, the location of the replacement land.

SCHEDULE 10 Regulation 50

Restricted works on common land

Modifications to secondary legislation

1.—(1) The Works on Common Land, etc. (Procedure) (Wales) Regulations 2012(1) in relation to applications under section 38(1) of the Commons Act 2006, apply with the following modifications.

(1) S.I. 2012/737 (W. 97).

(2) Yn rheoliad 2(2), rhaid darllen y diffiniad o “yr awdurdod sy’n penderfynu” (“*the determining authority*”) fel pe bai is-baragraff (b) a’r gair “neu” sy’n ei ragflaenu wedi eu hepgor.

(3) Nid yw rheoliadau 4 i 9 yn gymwys.

(4) Rhaid darllen rheoliad 10(1) fel pe rhoddid “at Weinidogion Cymru cyn i’r cyfnod sylwadau ddod i ben” yn lle “at yr awdurdod sy’n penderfynu erbyn y dyddiad a bennir yn yr hysbysiad o gais”.

(5) Nid yw rheoliad 10(3) i (6) yn gymwys.

(6) Nid yw rheoliadau 11 i 18 yn gymwys.

2.—(1) Mae Gorchymyn 2016 yn gymwys gyda’r addasiadau a ganlyn.

(2) Rhaid darllen erthygl 2 (dehongli) fel pe bai’r canlynol wedi ei fewnosod yn y man priodol—

“ystyr “tir comin” (“*common land*”) yw tir o fath a bennir yn adran 38(5)(a) a (b) o Ddeddf Tiroedd Comin 2006;”.

(3) Rhaid darllen erthygl 12 (ceisiadau: gofynion cyffredinol) fel pe bai rhaid i’r cais ddod gydag—

(a) map sy’n dangos y tir comin y bwriedir gwneud y gwaith arno, gydag—

(i) ffin y tir comin wedi ei marcio â lliw gwyrdd; a

(ii) safle’r gwaith arfaethedig wedi ei farcio â lliw coch;

(b) (pan fo’n briodol) plan neu luniad o’r gwaith arfaethedig; ac

(c) os yw’r tir yn dir comin cofrestredig, copi o’r cofnod perthnasol yn y gofrestr o dir comin gedwir gan yr awdurdod cofrestru tiroedd comin perthnasol o dan adran 1 o Ddeddf Tiroedd Comin 2006.

(4) Rhaid darllen erthygl 18 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio: Gweinidogion Cymru) fel pe bai’r hysbysiad gofynnol yn cynnwys—

(a) enw’r ceisydd;

(b) enw’r tir comin yr effeithir arno gan y gwaith arfaethedig;

(c) disgrifiad o’r gwaith arfaethedig a’i leoliad.

(5) Rhaid darllen erthygl 18(2)(b) fel pe bai rhaid anfon yr hysbysiad gofynnol at—

(a) perchennog y tir y bwriedir gwneud y gwaith arno (os nad y perchennog yw’r ceisydd);

(b) unrhyw berson arall sy’n meddiannu’r tir;

(c) os yw’r tir yn dir comin cofrestredig, meddiannydd unrhyw eiddo a ddangosir yn y gofrestr tir comin fel eiddo sydd â hawliau

(2) In regulation 2(2) the definition of “the determining authority” (“*yr awdurdod sy’n penderfynu*”) is read as if sub-paragraph (b) and the word “or” preceding it, are omitted.

(3) Regulations 4 to 9 do not apply.

(4) Regulation 10(1) is read as if for “to the determining authority by the date specified in the notice of application” there is substituted “to the Welsh Ministers before the expiry of the representation period.”

(5) Regulation 10(3) to (6) does not apply.

(6) Regulations 11 to 18 do not apply.

2.—(1) The 2016 Order applies with the following modifications.

(2) Article 2 (interpretation) is read as if at the appropriate place there is inserted—

“common land” (“*tir comin*”) means land of a type specified in section 38(5)(a) and (b) of the Commons Act 2006;”.

(3) Article 12 (applications: general requirements) is read as if the application must be accompanied by—

(a) a map showing the common land on which the works are proposed to be carried out, with—

(i) the boundary of the common land marked in green; and

(ii) the site of the proposed works marked in red;

(b) (if appropriate) a plan or drawing of the proposed works; and

(c) if the land is registered common land, a copy of the relevant entry in the register of common land kept by the relevant commons registration authority under section 1 of the Commons Act 2006.

(4) Article 18 (publicity for applications for planning permission: Welsh Ministers) is read as if the requisite notice includes—

(a) the name of the applicant;

(b) the name of the common land affected by the proposed works;

(c) a description of the proposed works, and their location.

(5) Article 18(2)(b) is read as if the requisite notice must be sent to—

(a) the owner of the land on which the works are proposed (if the owner is not the applicant);

(b) any other person occupying the land;

(c) if the land is registered common land, the occupier of any property shown in the register of common land as being property to which

comin yn gysylltiedig ag ef, ac y cred y ceisydd fod y meddiannydd yn arfer yr hawliau hynny, neu fod y cais yn debygol o effeithio arno;

- (d) unrhyw berson arall y gŵyr y ceisydd fod hawl ganddo i arfer hawliau comin ar y tir ac y cred y ceisydd ei fod yn arfer yr hawliau hynny neu fod y cais yn debygol o effeithio arno;
- (e) y cyngor cymuned (os oes un) ar gyfer yr ardal y bwriedir gwneud y gwaith ynddi.

(6) Rhaid darllen erthygl 18(3) fel pe bai rhaid i'r wybodaeth sydd i'w chyhoeddi ar wefan a gynhelir gan Weinidogion Cymru gynnwys y materion a restrir yn is-baragraff (4)(a) i (c).

(7) Rhaid darllen erthygl 19(2) fel pe rhoddid yn ei lle y canlynol—

“(2) Rhaid i'r awdurdod cynllunio lleol roi hysbysiad drwy arddangos ar y safle, mewn ffurf a gyflenwir i'r awdurdod gan Weinidogion Cymru, am ddim llai na 21 diwrnod, yn y prif fannau mynediad i'r tir comin y bwriedir gwneud y gwaith arno (neu, os nad oes manau o'r fath, mewn man amlwg ar ffin y tir comin hwnnw).”

(8) Rhaid darllen erthygl 29(3) fel pe rhoddid yn ei lle y canlynol—

“(3) Rhaid i'r penderfyniad ddatgan, gan roi rhesymau, pa un a yw cydsyniad ar gyfer y gwaith arfaethedig—

- (a) wedi ei roi fel y gofynnwyd yn y cais;
- (b) wedi ei roi yn rhannol yn unig, neu'n ddarostyngedig i addasiadau neu amodau; neu
- (c) wedi ei wrthod.”

3. Yn rheoliad 2 o'r Rheoliadau hyn yn y modd y'u cymhwysir i gais am gydsyniad o dan adran 38(1) o Ddeddf Tiroedd Comin 2006, mae cyfeiriad at “person penodedig” (“*appointed person*”) yn gyfeiriad at y person a benodwyd gan Weinidogion Cymru o dan reoliad 3 o Reoliadau Gwaith ar Diroedd Comin, etc. (Gweithdrefn) (Cymru) 2012.

rights of common over the land are attached and who the applicant believes to be exercising those rights or likely to be affected by the application;

- (d) any other person known to the applicant to be entitled to exercise rights of common over the land and who the applicant believes to be exercising those rights or likely to be affected by the application;
- (e) the community council (if any) for the area in which the works are proposed.

(6) Article 18(3) is read as if the information to be published on a website maintained by the Welsh Ministers must include the matters listed in subparagraph (4)(a) to (c).

(7) Article 19(2) is read as if there is substituted—

“(2) The local planning authority must give notice by site display, in a form supplied to them by the Welsh Ministers, for not less than 21 days at the principal places of entry to (or, if there are no such places, at a conspicuous place on the boundary of) the common land on which the works are proposed.”

(8) Article 29(3) is read as if there is substituted—

“(3) The decision must state, with reasons, whether consent to the proposed works is—

- (a) granted as sought in the application;
- (b) granted only in part, or subject to modifications or conditions; or
- (c) refused.”

3. In regulation 2 of these Regulations in their application to consent requested under section 38(1) of the Commons Act 2006, reference to an “appointed person” (“*person penodedig*”) is to the person appointed by the Welsh Ministers under regulation 3 of the Works on Common Land, etc. (Procedure) (Wales) Regulations 2012.

