



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 1772 (Cy.168)

2002 No. 1772 (W.168)

CEFN GWLAD, CYMRU

COUNTRYSIDE, WALES

**Rheoliadau Bywyd Gwyllt a Chefn
Gwlad (Safleoedd o Ddiddordeb
Gwyddonol Arbennig, Apelau)
(Cymru) 2002**

**The Wildlife and Countryside
(Sites of Special Scientific Interest,
Appeals) (Wales)
Regulations 2002**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Rhan III o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("Deddf 2000") ac Atodlen 9 iddi yn amnewid adrannau 28 i 28R newydd yn Neddf Bywyd Gwyllt a Chefn Gwlad 1981 ("Deddf 1981"). Mae Rhan III o Ddeddf 2000 ac Atodlen 11 iddi yn gwneud darpariaethau trosiannol mewn perthynas â Deddf 1981.

Part III of and Schedule 9 to the Countryside and Rights of Way Act 2000 ("the 2000 Act") substitutes new sections 28 to 28R in the Wildlife and Countryside Act 1981 ("the 1981 Act"). Part III of and Schedule 11 to the 2000 Act makes transitional provisions in relation to the 1981 Act.

Mae'r Rheoliadau hyn yn gwneud darpariaeth weithdrefnol, mewn perthynas â Chymru, ar gyfer apelau i Gynulliad Cenedlaethol Cymru gan berchenogion neu feddianwyr safleoedd o ddiddordeb gwyddonol arbennig o dan -

These Regulations make procedural provision, in relation to Wales, for appeals to the National Assembly for Wales by the owners or occupiers of sites of special scientific interest under -

- (a) adran 28F(1) o Ddeddf 1981, yn erbyn gwrthodiad gan Gyngor Cefn Gwlad Cymru ("y Cyngor") i gydsynio â gweithrediadau penodol ar y tir, yn erbyn yr amodau sydd ynghlwm wrth gydsyniad o'r fath, yn erbyn addasu neu dynnu'n ôl gydsyniad o'r fath, neu yn erbyn methiant y Cyngor i benderfynu ar gais am gydsyniad o fewn y cyfnod a ragnodwyd gan Ddeddf 1981;
- (b) adran 28(L)(1) o Ddeddf 1981, yn erbyn hysbysiad rheoli a gyflwynwyd gan y Cyngor;
- (c) paragraff 11(1) o Atodlen 11 i Ddeddf 2000, yn erbyn hysbysiad stop a gyflwynwyd gan y Cyngor mewn perthynas â gweithrediadau ar y tir.

- (a) section 28F(1) of the 1981 Act, against a refusal by the Countryside Council for Wales ("the Council"), to consent to certain operations on the land, against the conditions attached to such a consent, against the modification or withdrawal of such a consent, or against the failure of the Council to determine an application for consent within the period prescribed by the 1981 Act;
- (b) section 28(L)(1) of the 1981 Act, against a management notice served by the Council;
- (c) paragraph 11(1) of Schedule 11 to the 2000 Act, against a stop notice served by the Council in respect of operations on the land.

Mae'r Rheoliadau hyn hefyd yn rhagnodi o fewn pa amser y mae'n rhaid dwyn apêl o dan adran 28(L)(1) o Ddeddf 1981, sef bod yn rhaid i'r Cynulliad Cenedlaethol ei derbyn o fewn y cyfnod o ddau fis sy'n dechrau ar ddyddiad yr hysbysiad rheoli y mae'n berthnasol iddo oni chytunwyd ar gyfnod hwy gan y Cyngor a'r apelydd.

These Regulations also prescribe the time within which an appeal under section 28(L)(1) of the 1981 Act must be brought, namely that it must be received by the National Assembly within the period of 2 months beginning with the date of the management notice to which it relates unless a longer period has been agreed by the Council and the appellant.

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Gwyddonol Arbennig, Apelau)
(Cymru) 2002****The Wildlife and Countryside
(Sites of Special Scientific Interest,
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Regulations 2002**

Wedi'u gwneud 9 Gorffennaf 2002
Yn dod i rym 31 Gorffennaf 2002

Made 9th July 2002
Coming into force 31st July 2002

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 28F(6) a 28L(8) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(a) a pharagraffau 11(2) a 17(3) o Atodlen 11 i Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(b) ac sydd bellach yn arferadwy gan y Cynulliad Cenedlaethol(c), drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred on the Secretary of State by sections 28F(6) and 28L(8) of the Wildlife and Countryside Act 1981(a) and paragraphs 11(2) and 17(3) of Schedule 11 to the Countryside and Rights of Way Act 2000(b) and which are now exercisable by the National Assembly(c), hereby makes the following Regulations:

Enwi, cychwyn a chymhwys**Citation, commencement, and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Bywyd Gwyllt a Chefn Gwlad (Safleoedd o Ddiddordeb Gwyddonol Arbennig, Apelau) (Cymru) 2002.

1.-(1) These Regulations may be cited as the Wildlife and Countryside (Sites of Special Scientific Interest, Appeals) (Wales) Regulations 2002.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 31 Gorffennaf 2002.

(2) These Regulations come into force on 31st July 2002.

(3) Mae'r Rheoliadau hyn yn gymwys i Gymru.

(3) These Regulations apply to Wales.

Dehongli**Interpretation**

2.-(1) Yn y Rheoliadau hyn -

2. -(1) In these Regulations -

ystyr "apêl cydsyniad" ("*consent appeal*") yw apêl o dan adrannau 28F(1) neu 28F(2) o Ddeddf 1981;

"the 2000 Act" ("*Deddf 2000*") means the Countryside and Rights of Way Act 2000;

ystyr "apêl gwrthodiad tybiedig" ("*deemed refusal appeal*") yw apêl cydsyniad o dan adran 28F(2) o Ddeddf 1981;

"the 1981 Act" ("*Deddf 1981*") means the Wildlife and Countryside Act 1981;

"appointed person" ("*person penodedig*") means a person appointed for the time being by

(a) 1981 p.69; amnewidiwyd adran 28 gan adrannau 28 i 28R o dan adran 75(1) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p.37) ac Atodlen 9, paragraff 1 iddi.

(a) 1981 c.69; section 28 was replaced by sections 28 to 28R under section 75(1) of and Schedule 9, paragraph 1 to the Countryside and Rights of Way Act 2000 (c.37).

(b) 2000 p.37.

(b) 2000 c.37.

(c) Cafodd pwerau'r Ysgrifennydd Gwladol i'r graddau y maent yn arferadwy mewn perthynas â Chymru eu trosglwyddo i Gynulliad Cenedlaethol Cymru: *gweler* Erthygl 2 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, fel y'i diwygiwyd gan adran 99 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000.

(c) The powers of the Secretary of State in so far as exercisable in relation to Wales have been transferred to the National Assembly for Wales: *see* Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as amended by section 99 of the Countryside and Rights of Way Act 2000.

ystyr "apêl hysbysiad rheoli" ("*management notice appeal*") yw apêl o dan adran 28L(1) o Ddeddf 1981;

ystyr "apêl hysbysiad stop" ("*stop notice appeal*") yw apêl o dan baragraff 11(1) o Atodlen 11 i Ddeddf 2000;

ystyr "cyfathrebu electronig" ("*electronic communication*") yw cyfathrebu sy'n cael ei drosglwyddo (naill ai oddi wrth un person at un arall, oddi wrth un ddyfais at un arall neu oddi wrth berson i ddyfais neu i'r gwrthwyneb) drwy gyfrwng system delathrebu (o fewn ystyr Deddf Telathrebu 1984(a) neu drwy gyfrwng arall ond tra bydd mewn ffurf electronig;

ystyr "y Cyngor" ("*the Council*") yw Cyngor Cefn Gwlad Cymru;

ystyr "Deddf 1981" ("*the 1981 Act*") yw Deddf Bywyd Gwyllt a Chefn Gwlad 1981;

ystyr "Deddf 2000" ("*the 2000 Act*") yw Deddf Cefn Gwlad a Hawliau Tramwy 2000;

mae i "y dyddiad dechrau" ("*starting date*") yr ystyr a roddir iddo yn rheoliad 9(3);

ystyr "ffurf ddarllenadwy" ("*legible form*"), mewn perthynas â dogfen a anfonir drwy gyfrwng cyfathrebu electronig, yw ffurf y gellir ei darllen ar sgrîn cyfrifiadur;

ystyr "ffurf electronig" ("*electronic form*") yw ffurf y gellir storio arni, trosglwyddo iddi ac oddi wrthi, a ffurf y gellir ei darllen drwy gyfrwng cyfrifiadur;

ystyr "hysbysiad apêl" ("*notice of appeal*") yw hysbysiad y mae apêl cydsyniad, apêl hysbysiad rheoli neu apêl hysbysiad stop, yn ôl y digwydd, yn cael ei dwyn;

ystyr "person penodedig" ("*appointed person*") yw person a benodwyd am y tro gan y Cynulliad Cenedlaethol o dan adran 28F(8) neu adran 28L(10) o Ddeddf 1981 i ystyried y sylwadau ysgrifenedig sy'n berthnasol i apêl neu, os yw'r apêl ar ffurf ymchwiliad neu wrandawriad lleol, i lywio'r ymchwiliad neu'r gwrandawriad, ac i benderfynu'r apêl os bydd wedi ei awdurdodi i wneud hynny;

ystyr "rheoliad parti 7(1)(b)" ("*regulation 7(1)(b) party*") yw person y mae'n ofynnol anfon hysbysiad ato gan reoliad 7(1)(b) o'r Rheoliadau hyn.

(2) Yn y Rheoliadau hyn, ystyr "yr hysbysiad o benderfyniad" ("*the decision notice*") -

- (a) yn achos apêl cydsyniad, yw hysbysiad yn rhoi cydsyniad y Cyngor yn ddarostyngedig i amodau neu am gyfnod cyfyngedig o dan adran 28E(4) o Ddeddf 1981 neu'r hysbysiad a roddir gan y Cyngor o dan adran 28E(5) neu

the National Assembly under section 28F(8) or section 28L(10) of the 1981 Act to consider the written representations relating to an appeal or, if the appeal is to take the form of a local inquiry or hearing, to conduct the inquiry or hearing, and to determine the appeal if authorised to do so;

"a consent appeal" ("*apêl cydsyniad*") means an appeal under sections 28F(1) or 28F(2) of the 1981 Act;

"the Council" ("*y Cyngor*") means the Countryside Council for Wales;

"a deemed refusal appeal" ("*apêl gwrthodiad tybiedig*") means a consent appeal under section 28F(2) of the 1981 Act;

"electronic communication" ("*cyfathrebu electronig*") means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) by means of a telecommunications system (within the meaning of the Telecommunications Act 1984(a) or by other means but while in an electronic form;

"electronic form" ("*ffurf electronig*") means a form capable of being stored on, transmitted to and from, and read by means of a computer;

"legible form" ("*ffurf ddarllenadwy*") means, in relation to a document sent by means of an electronic communication, a form in which it is capable of being read on a computer screen;

"a notice of appeal" ("*hysbysiad apêl*") means a notice by which a consent appeal, a management notice appeal or a stop notice appeal, as the case may be, is brought;

"a management notice appeal" ("*apêl hysbysiad reoli*") means an appeal under section 28L(1) of the 1981 Act;

a "regulation 7(1)(b) party" ("*parti rheoliad 7(1)(b)*") means a person to whom a notice is required to be sent by regulation 7(1)(b) of these Regulations;

"the starting date" ("*y dyddiad dechrau*") has the meaning given in regulation 9(3);

"a stop notice appeal" ("*apêl hysbysiad stop*") means an appeal under paragraph 11(1) of Schedule 11 to the 2000 Act.

(2) In these Regulations, "the decision notice" ("*yr hysbysiad penderfyniad*") means-

- (a) in the case of a consent appeal, the notice giving the consent of the Council subject to conditions or for a limited period under section 28E(4) of the 1981 Act or the notice given by the Council under section 28E(5) or section

(a) 1984 p.12.

(a) 1984 c.12.

- adran 28E(6) o Ddeddf 1981, yn ôl y digwydd;
- (b) yn achos apêl hysbysiad rheoli, yw'r hysbysiad a roddir gan y Cyngor o dan adran 28K o Ddeddf 1981;
 - (c) yn achos apêl hysbysiad stop, yw'r hysbysiad a roddir gan y Cyngor o dan baragraff 9(3) o Atodlen 11 i Ddeddf 2000;

y mae'r apêl yn berthnasol iddo.

Cynnwys hysbysiad apêl

3. Rhaid i hysbysiad apêl -

- (a) datgan enw llawn a chyfeiriad yr apelydd ac unrhyw berson a awdurdodwyd i weithredu ar ran yr apelydd mewn perthynas â'r apêl;
- (b) ac eithrio mewn achos o apêl gwrthodiad tybiedig, amgau copi o'r hysbysiad o benderfyniad;
- (c) yn achos apêl cydsyniad sy'n ymwneud â gwrthodiad i roi cydsyniad ar gyfer gweithrediad, roi manylion o'r gweithrediad y gwrthodwyd cydsyniad ar ei gyfer (oni roddir manylion o'r fath yn yr hysbysiad o benderfyniad);
- (ch) yn achos apêl hysbysiad rheoli y mae seiliau'r apêl yn cynnwys sail y dylai rhyw berchennog neu feddiannydd tir heblaw'r apelydd gymryd y cyfan neu rai o'r mesurau a bennir yn yr hysbysiad o benderfyniad, neu dalu'r cyfan neu ran o'u costau, ddatgan enw llawn a chyfeiriad unrhyw berson o'r fath;
- (d) datgan seiliau'r apêl;
- (dd) os bydd yr apelydd yn dymuno cael gwrandawriad gan berson a benodir gan y Cynulliad Cenedlaethol mewn cysylltiad â'r apêl (yn hytrach na bod yr apêl yn cael ei phenderfynu ar sail sylwadau ysgrifenedig), ddatgan hynny a datgan ymhellach os yw'r apelydd yn dymuno cael y gwrandawriad mewn ymchwiliad lleol neu, ar y llaw arall, mewn gwrandawriad, ac os mewn gwrandawriad, os yw'r apelydd yn dymuno i'r gwrandawriad gael ei gynnal yn breifat os bydd y person sy'n gwrandaw'r apêl yn cytuno â hynny; ac
- (e) os yw'r apelydd a'r Cyngor wedi cytuno'n ysgrifenedig y dylai'r amser i'r hysbysiad apêl ddod i law fod yn hwy na'r hyn a bennir gan Ddeddf 1981 neu, yn achos apêl hysbysiad rheoli, y dylai'r cyfnod sy'n gymwys o dan Reoliad 6(2)(a)(i) fod yn hwy na dau fis, amgau copi o'r ddogfen sy'n cofnodi'r cytundeb hwnnw.

4. Caiff hysbysiad apêl fod yn Gymraeg neu Saesneg ond os yw'r apelydd yn dymuno i'r apêl gael ei thrin yn gyfan gwbl neu'n rhannol drwy gyfrwng un o'r ddwy

28E(6) of the 1981 Act, as the case may be;

- (b) in the case of a management notice appeal, the notice given by the Council under section 28K of the 1981 Act;
- (c) in the case of a stop notice appeal, the notice given by the Council under paragraph 9(3) of Schedule 11 to the 2000 Act;

to which the appeal relates.

Contents of a notice of appeal

3. A notice of appeal must -

- (a) state the full name and address of the appellant and of any person authorised to act on behalf of the appellant in relation to the appeal;
- (b) except in the case of a deemed refusal appeal, be accompanied by a copy of the decision notice;
- (c) in the case of a consent appeal relating to a refusal to give consent for an operation, give particulars of the operation for which consent has been refused (unless such particulars are given in the decision notice);
- (d) in the case of a management notice appeal in relation to which the grounds of appeal include a ground that some owner or occupier of land other than the appellant should take all or any of the measures specified in the decision notice, or should pay all or part of their cost, state the full name and address of any such person;
- (e) state the grounds of the appeal;
- (f) if the appellant wishes to be heard by a person appointed by the National Assembly in connection with the appeal (rather than that the appeal be determined on the basis of written representations), say so and further state whether the appellant wishes to be heard at a local inquiry or, alternatively, at a hearing and, if a hearing, whether the appellant wishes the hearing to be held in private if the person hearing the appeal agrees; and
- (g) if the appellant and the Council have agreed in writing that the time by which the notice of appeal must be received should be longer than that specified by the 1981 Act or, in the case of a management notice appeal, that the period which is to apply under Regulation 6(2)(a)(i) is to be longer than two months, be accompanied by a copy of the document recording that agreement.

4. A notice of appeal may be in either the English language or in the Welsh language but if the appellant wishes the appeal to be dealt with in whole or in part

iaith heblaw'r un y mynegir yr hysbysiad apêl ynddi, dylai cais i'r perwyl hwnnw gael ei gynnwys yn yr hysbysiad apêl neu gael ei amgau gydag'r hysbysiad.

Dechrau apêl

5. Dechreuir apêl drwy anfon hysbysiad apêl i'r Cynulliad Cenedlaethol.

Camau i'w cymryd gan y Cynulliad Cenedlaethol ar ôl cael hysbysiad apêl

6.-(1) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n rhesymol ymarferol ar ôl derbyn hysbysiad apêl, anfon copi ohono i'r Cyngor, ynghyd â chopi o unrhyw ddogfen arall a amgaewyd gydag ef.

(2) Nid yw paragraff (1) uchod yn gymwys i'r canlynol -

- (a) i hysbysiad apêl y mae'r Cynulliad Cenedlaethol yn ei gael:
 - (i) yn achos unrhyw apêl heblaw apêl gwrthodiad tybiedig, ar ôl i gyfnod o ddau fis ddod i ben (neu unrhyw gyfnod hwy y cytunwyd arno'n ysgrifenedig gan yr apelydd a'r Cyngor) gan ddechrau ar ddyddiad yr hysbysiad o benderfyniad; neu
 - (ii) yn achos apêl gwrthodiad tybiedig, ar ôl i gyfnod o chwe mis ddod i ben (neu'r cyfnod hwy hwnnw y cytunwyd arno'n ysgrifenedig gan yr apelydd a'r Cyngor) gan ddechrau ar y dyddiad yr anfonodd yr apelydd hysbysiad i'r Cyngor o gynnig i gyflawni'r gweithrediad yr ymdrinnir ag ef fel pe bai'r cydsyniad ar ei gyfer wedi cael ei wrthod;
- (b) i hysbysiad apêl y mae'r apelydd, mewn manylyn perthnasol, wedi methu cydymffurfio â gofynion rheoliad 3 mewn perthynas ag ef, ond mewn achos o'r fath caiff y Cynulliad Cenedlaethol roi hysbysiad i'r apelydd o natur y methiant hwnnw a'r camau sy'n angenrheidiol i'w gywiro ac os bydd yr apelydd, cyn pen 14 diwrnod ar ôl cael hysbysiad o'r fath yn cymryd y camau gofynnol, ni fydd yr is-baragraff bellach yn gymwys i'r hysbysiad apêl o dan sylw.

Y camau sydd i'w cymryd gan y Cyngor ar ôl cael copi o'r hysbysiad apêl

7.-(1) Rhaid i'r Cyngor, o fewn 14 diwrnod ar ôl cael copi o'r hysbysiad apêl gan y Cynulliad Cenedlaethol roi hysbysiad ysgrifenedig-

- (a) yn achos apêl cydsyniad, i unrhyw berson (heblaw'r apelydd) a wnaeth sylwadau i'r Cyngor mewn perthynas â'r penderfyniad ar ran y Cyngor y mae'r apêl yn berthnasol iddo (neu, yn achos apêl gwrthodiad tybiedig,

through the medium of the language other than that in which the notice of appeal is expressed it should incorporate or be accompanied by a request to that effect.

Starting an appeal

5. An appeal is started by sending a notice of appeal to the National Assembly.

Action by the National Assembly on receipt of a notice of appeal

6.-(1) The National Assembly must, as soon as reasonably practicable after receiving a notice of appeal, send a copy of it to the Council, together with a copy of any other document which accompanied it.

(2) Paragraph (1) does not apply-

- (a) to a notice of appeal received by the National Assembly:
 - (i) in the case of any appeal other than a deemed refusal appeal, after the expiry of the period of two months (or such longer period as has been agreed in writing by the appellant and the Council) beginning with the date of the decision notice; or
 - (ii) in the case of a deemed refusal appeal, after the expiry of the period of six months (or such longer period as has been agreed in writing by the appellant and the Council) beginning with the date on which the appellant sent to the Council notice of a proposal to carry out the operation for which consent is treated as having been refused;
- (b) to a notice of appeal in respect of which the appellant has failed, in a material respect, to comply with the requirements of regulation 3, but in such a case the National Assembly may give notice to the appellant of the nature of that failure and of the steps necessary to rectify it and if the appellant, within 14 days of receipt of such notice, takes the steps required, this sub-paragraph will no longer apply to the notice of appeal in question.

Action by the Council on receipt of a copy of a notice of appeal

7.-(1) The Council must, within 14 days of receiving from the National Assembly a copy of a notice of appeal, give notice in writing-

- (a) in the case of a consent appeal, to any person (other than the appellant) who made representations to the Council in respect of the decision on the part of the Council to which the appeal relates (or, in the case of a deemed

mewn perthynas ag unrhyw benderfyniad y gallasai'r Cyngor fod wedi'i gymryd pe na bai'r apelydd wedi ymdrin â'r Cyngor fel pe bai wedi gwrthod cydsynio);

- (b) yn achos apêl hysbysiad rheoli y mae seiliau'r apêl mewn perthynas ag ef yn cynnwys sail y dylai rhyw berchennog neu feddiannydd tir heblaw'r apelydd gymryd pob mesur neu unrhyw rai o'r mesurau a bennir yn yr hysbysiad o benderfyniad, neu dalu eu costau yn gyfan gwbl neu'n rhannol, i unrhyw berson o'r fath;
- (c) i unrhyw berson arall y mae'n ymddangos i'r Cyngor fod ganddo diddordeb digonol ym mhwnc yr apêl.

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

- (a) nodi'r safle o ddi-ddordeb gwyddonol arbennig y mae'r apêl yn berthnasol iddo;
- (b) cael ei ddyddio;
- (c) amgau copi o'r hysbysiad apêl ac unrhyw hysbysiad o benderfyniad;
- (ch) datgan y caiff y derbynnydd, o fewn 28 diwrnod sy'n dechrau ar ddyddiad yr hysbysiad -
 - (i) gwneud sylwadau ysgrifenedig, a all fod naill ai yn Gymraeg neu Saesneg, i'r Cynulliad Cenedlaethol mewn perthynas â'r apêl ac y bydd, yn yr achos hwnnw, gopïau o'r sylwadau hynny'n cael eu darparu i'r apelydd ac i'r Cyngor; a
 - (ii) gwneud cais ysgrifenedig i'r Cynulliad Cenedlaethol i gael ei hysbysu am y penderfyniad ar yr apêl;
- (d) datgan y bydd derbynnydd sy'n gwneud sylwadau yn unol â pharagraff (2)(ch)(i), os bydd ymchwiliad lleol i'w gynnal, neu os bydd gwrandawriad i'w gynnal a fydd yn gyhoeddus yn gyfan gwbl neu'n rhannol, yn cael ei hysbysu o ddyddiad a lleoliad yr ymchwiliad neu'r gwrandawriad.

(3) Rhaid i hysbysiad o dan baragraff (1) a anfonir at barti rheoliad 7(1)(b) gynnwys datganiad y dylai unrhyw barti sy'n dymuno cael gwrandawriad gan berson wedi'i benodi gan y Cynulliad Cenedlaethol mewn cysylltiad â'r apêl (yn hytrach na bod yr apêl yn cael ei phenderfynu ar sail sylwadau ysgrifenedig) amgau datganiad i'r perwyl hwnnw gydag unrhyw sylwadau a wneir i'r Cynulliad Cenedlaethol, ac os yw'n gwneud felly, y dylai amgau datganiad pellach a yw'r parti hwnnw'n dymuno cael ei glywed mewn ymchwiliad lleol neu, ar y llaw arall, mewn gwrandawriad.

refusal appeal, in respect of any decision which the Council might have taken if the appellant had not treated the Council as having refused consent);

- (b) in the case of a management notice appeal in relation to which the grounds of appeal include a ground that some owner or occupier of land other than the appellant should take all or any of the measures specified in the decision notice, or should pay all or part of their cost, to any such person;
- (c) to any other person who appears to the Council to have a sufficient interest in the subject matter of the appeal.

(2) A notice under paragraph (1) must -

- (a) identify the site of special scientific interest to which the appeal relates;
- (b) be dated;
- (c) be accompanied by a copy of the notice of appeal and of any decision notice;
- (d) state that, within 28 days beginning with the date of the notice, the recipient may-
 - (i) make representations in writing, which may be in either the English language or the Welsh language, to the National Assembly with respect to the appeal and that, in that event, copies of those representations will be provided to the appellant and to the Council; and
 - (ii) request in writing to the National Assembly to be notified of the decision on the appeal;
- (e) state that if a local inquiry is to be held, or a hearing is to be held which is to be wholly or partly in public, a recipient who makes representations in accordance with paragraph (2)(d)(i) will be notified of the date of the inquiry or hearing.

(3) A notice under paragraph (1) which is sent to a regulation 7(1)(b) party must be accompanied by a statement that if that party wishes to be heard by a person appointed by the National Assembly in connection with the appeal, (rather than that the appeal be determined on the basis of written representations), any representations made to the National Assembly by that party should be accompanied by a statement to that effect and if so by a further statement as to whether that party wishes to be heard at a local inquiry or, alternatively, at a hearing .

Ymateb gan y Cyngor i apêl

8. Rhaid i'r Cyngor, o fewn 28 diwrnod ar ôl cael oddi wrth y Cynulliad Cenedlaethol gopi o hysbysiad apêl, anfon i'r Cynulliad Cenedlaethol, at yr apelydd ac at unrhyw barti rheoliad 7(1)(b) -

- (a) datganiad a yw'n gwrthwynebu'r apêl ac, os felly, ei seiliau dros wneud hynny;
- (b) yn achos apêl cydsyniad, copi o unrhyw hysbysiad perthnasol o gynnig i gyflawni'r gweithrediad (ynghyd â'r planiau a'r dogfennau sy'n cyd-fynd ag ef) a roddwyd i'r Cyngor o dan adran 28E(1) o Ddeddf 1981;
- (c) copiâu o unrhyw ohebiaeth berthnasol rhwng yr apelydd a'r Cyngor;
- (ch) copiâu o unrhyw sylwadau a roddwyd i'r Cyngor gan unrhyw berson heblaw'r apelydd mewn perthynas â'r penderfyniad ar ran y Cyngor y mae'r apêl yn berthnasol iddo (neu, yn achos apêl gwrthodiad tybiedig, mewn perthynas ag unrhyw benderfyniad y gallasai'r Cyngor fod wedi'i gymryd pe na bai'r apelydd wedi ymdrin â'r Cyngor fel pe bai wedi gwrthod cydsynio);
- (d) datganiad o enwau a chyfeiriadau unrhyw bersonau y mae'r Cyngor wedi anfon hysbysiad atynt o dan reoliad 7(1) a'r dyddiad yr anfonwyd hysbysiad o'r fath; ac
- (dd) os bydd y Cyngor yn dymuno cael gwrandawriad gan berson a benodir gan y Cynulliad Cenedlaethol mewn cysylltiad â'r apêl, datganiad i'r perwyl hwnnw ac os felly, os yw'r Cyngor yn dymuno cael y gwrandawriad mewn ymchwiliad lleol neu, ar y llaw arall, mewn gwrandawriad, ac os mewn gwrandawriad, os yw'r Cyngor yn dymuno i'r gwrandawriad gael ei gynnal yn breifat os bydd yr apelydd yn gofyn am hynny.

Hysbysiad o'r weithdrefn apelio

9.-(1) Rhaid i'r Cynulliad Cenedlaethol, heb fod yn gynharach na 28 diwrnod ar ôl y diweddraf o unrhyw ddyddiadau a nodir gan y Cyngor yn unol â rheoliad 8(d) fel y dyddiadau pan anfonodd y Cyngor hysbysiadau o dan reoliad 7(1) ond mor fuan ag sy'n ymarferol wedyn, anfon:

- (a) at yr apelydd;
- (b) i'r Cyngor; ac
- (c) at unrhyw berson yr anfonwyd hysbysiad ato o dan reoliad 7(1),

hysbysiad yn pennu pa ffurf a fydd i'r apêl.

(2) Rhaid i'r hysbysiad a roddir o dan baragraff (1) gael ei ddyddio a rhaid iddo ddatgan a yw'r apêl i gymryd ffurf:

- (i) ymchwiliad lleol;

Response by the Council to an appeal

8. The Council must, within 28 days of receiving from the National Assembly a copy of a notice of appeal, send to the National Assembly, to the appellant and to any regulation 7(1)(b) party -

- (a) a statement whether it opposes the appeal and, if so, of its grounds for doing so;
- (b) in the case of a consent appeal, a copy of any relevant notice of a proposal to carry out the operation (together with accompanying plans and documents) given to the Council under section 28E(1) of the 1981 Act;
- (c) copies of any relevant correspondence between the appellant and the Council;
- (d) copies of any representations made to the Council by any person other than the appellant in respect of the decision on the part of the Council to which the appeal relates (or, in the case of a deemed refusal appeal, in respect of any decision which the Council might have taken if the appellant had not treated the Council as having refused consent);
- (e) a statement of the names and addresses of any persons to whom the Council have sent a notice under regulation 7(1) and the date on which such notice was sent; and
- (f) if the Council wishes to be heard by a person appointed by the National Assembly in connection with the appeal, a statement to that effect and if so, whether the Council wishes to be heard at a local inquiry or, alternatively, at a hearing and, if a hearing, whether the Council objects to the hearing being held in private if the appellant so requests.

Notification of appeal procedure

9.-(1) The National Assembly must, no earlier than 28 days after the latest of any dates identified by the Council in accordance with regulation 8(e) as the dates on which the Council sent notices under regulation 7(1), but as soon as practicable thereafter, send to:

- (a) the appellant;
- (b) the Council; and
- (c) any person to whom a notice was sent under regulation 7(1),

a notice specifying the form which the appeal is to take.

(2) The notice given under paragraph (1) must be dated and must state whether the appeal is to take the form of:

- (i) a local inquiry;

- (ii) gwrandawriad; neu
- (iii) ffurf nad yw'n un o'r ddau, ac y bydd gan hynny yn cael ei benderfynu drwy sylwadau ysgrifenedig.

(3) Dyddiad yr hysbysiad a roddir o dan baragraff (1) yw'r "dyddiad dechrau" at ddibenion y Rheoliadau hyn.

(4) Rhaid i hysbysiad a roddir o dan baragraff (1) ddatgan hefyd ai'r person sydd i'w benodi i ystyried sylwadau ysgrifenedig o'r fath neu, os yw'r apêl i gymryd ffurf ymchwiliad lleol neu wrandawriad, i lywio'r ymchwiliad cyhoeddus neu'r gwrandawriad, yw'r person y mae swyddogaeth penderfynu'r apêl i'w dirprwyo iddo ond os yw'n gwneud hynny caiff y Cynulliad Cenedlaethol ar unrhyw adeg benderfynu'n hytrach ei fod ef ei hunan yn penderfynu'r apêl a rhaid iddo, os yw'n penderfynu felly, roi hysbysiad o'r penderfyniad hwnnw cyn gynted ag y mae'n rhesymol ymarferol, i'r personau hynny y rhoddwyd hysbysiad o'r fath iddynt o dan baragraff (1).

Darparu sylwadau eraill i'r apelydd ac i'r Cyngor

10. Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ar ôl iddynt gael eu derbyn ag y mae'n rhesymol ymarferol, anfon at yr apelydd, i'r Cyngor ac at unrhyw barti rheoliad 7(1)(b), gopiâu o unrhyw sylwadau a ddaeth i law'r Cynulliad Cenedlaethol oddi wrth unrhyw un heblaw'r Cyngor a'r apelydd, y mae'r Cynulliad Cenedlaethol yn bwriadu cymryd i ystyriaeth mewn perthynas â'r apêl.

Tynnu apêl yn ôl

11.-(1) Caiff yr apelydd dynnu apêl yn ôl drwy roi hysbysiad ysgrifenedig i'r Cynulliad Cenedlaethol ei fod yn dymuno gwneud hynny.

(2) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad o dynnu apêl yn ôl, hysbysu'r ffaith honno i'r holl bersonau hynny y rhoddwyd hysbysiad iddynt o dan reoliad 9(1).

Newid yn ffurf apêl

12. Os yw'n ymddangos i'r Cynulliad Cenedlaethol ar unrhyw adeg ei bod yn fwy priodol bod yr apêl yn cael ei phenderfynu mewn modd sy'n wahanol i'r ffurf a gafodd ei hysbysu o dan reoliad 9(2) caiff y Cynulliad Cenedlaethol, ar ôl cael unrhyw gydsyniad y Cyngor neu'r apelydd sy'n ofynnol gan ddarpariaethau Deddf 1981, benderfynu bod yr apêl i barhau mewn ffurf heblaw honno a hysbyswyd a chaiff roi unrhyw gyfarwyddyd canlyniadol o ran y weithdrefn sydd i'w chymhwyso mewn perthynas â'r apêl gan gynnwys nodi unrhyw gamau sy'n ofynnol eu cymryd gan y partiön o dan y Rheoliadau hyn y bernir eu bod eisoes wedi'u cymryd gan amrywio yn ôl yr angen y cyfnod y

- (ii) a hearing; or
- (iii) neither, and will therefore be determined on the basis of written representations.

(3) The date of the notice given under paragraph (1) is the "starting date" for the purposes of these Regulations.

(4) The notice given under paragraph (1) must also state whether the person who is to be appointed to consider such written representations or, if the appeal is to take the form of a local inquiry or hearing, to conduct the inquiry or hearing, is to be the person to whom the function of determining the appeal is to be delegated but if it does so the National Assembly may at any time decide instead that it is to determine the appeal itself and must, if it so decides, give notice of that decision, as soon as reasonably practicable, to those persons to whom such notice under paragraph (1) has been given.

Provision of other representations to the appellant and to the Council

10. The National Assembly must, as soon as reasonably practicable after they are received, send to the appellant, to the Council and to any regulation 7(1)(b) party, copies of any representations received by the National Assembly from anyone other than the Council and the appellant, which the National Assembly intends to take into account in relation to the appeal.

Withdrawal of an appeal

11. -(1) The appellant may withdraw an appeal by giving notice in writing to the National Assembly of a wish to do so.

(2) The National Assembly must, as soon as reasonably practicable after receiving notice of withdrawal of an appeal, give notice of that fact to all those persons to whom a notice was given under regulation 9(1).

Change to the form of an appeal

12. If at any time it appears to the National Assembly that it is more appropriate that the appeal should be determined in a way which is different from the form which was notified under regulation 9(2) it may, after obtaining any consent of the Council or of the appellant required by the provisions of the 1981 Act, determine that the appeal is to continue in a form other than that notified and may give any consequential guidance as to the procedure to be applied in relation to the appeal, including identifying any steps which are required to be taken by the parties under these Regulations which are to be deemed to have already been taken and varying as necessary the time within

mae'n rhaid cymryd o'i fewn unrhyw gam o'r fath nad yw eisoes wedi ei gymryd.

Apelau a benderfynir ar sail sylwadau ysgrifenedig

13.-(1) Mae'r rheoliad hwn yn gymwys i apel sydd i'w phenderfynu ar sail sylwadau ysgrifenedig.

(2) Rhaid i'r Cyngor, o fewn 28 diwrnod o'r dyddiad dechrau, anfon i'r Cynulliad Cenedlaethol, at yr apelydd ac at unrhyw barti rheoliad 7(1)(b), gopi o unrhyw sylwadau ysgrifenedig pellach neu ddogfennau eraill, yn ychwanegol at y rhai a anfonwyd eisoes i'r Cynulliad Cenedlaethol yn unol â rheoliad 7, y mae'n dymuno dibynnu arnynt wrth wrthwynebu'r apel neu, os nad yw'n dymuno dibynnu ar unrhyw sylwadau neu ddogfennau pellach o'r fath, hysbysiad i'r perwyl hwnnw.

(3) Rhaid i'r apelydd, o fewn 28 diwrnod ar ôl cael unrhyw sylwadau pellach neu ddogfennau eraill yn unol â pharagraff (2) (neu hysbysiad nad yw'r Cyngor yn bwriadu dibynnu ar unrhyw rai) anfon i'r Cynulliad Cenedlaethol, i'r Cyngor ac i unrhyw barti rheoliad 7(1)(b), gopi o unrhyw sylwadau ysgrifenedig pellach neu ddogfennau eraill, yn ychwanegol at y rhai a anfonwyd eisoes i'r Cynulliad Cenedlaethol yn unol â rheoliad 3, y mae'r apelydd yn dymuno dibynnu arnynt i gefnogi'r apel neu, os nad yw'r apelydd yn dymuno dibynnu ar unrhyw sylwadau pellach neu ddogfennau eraill o'r fath, hysbysiad i'r perwyl hwnnw.

(4) Caiff y Cynulliad Cenedlaethol, mewn achos penodol, wahodd y Cyngor a'r apelydd i anfon i'r Cynulliad Cenedlaethol, i'w gilydd ac i unrhyw barti rheoliad 7(1)(b), o fewn amser rhesymol y gall ei bennu, sylwadau pellach neu ddogfennau eraill o'r fath y mae'n credu bod angen amdanynt er mwyn galluogi i'r apel gael ei phenderfynu, gan gynnwys unrhyw sylwadau ar unrhyw gynrychioliad a gafwyd gan y Cynulliad Cenedlaethol ar ôl y dyddiad dechrau oddi wrth unrhyw berson heblaw'r apelydd a'r Cyngor y mae'r Cynulliad Cenedlaethol yn bwriadu eu cymryd i ystyriaeth wrth benderfynu'r apel ac y mae'r Cynulliad Cenedlaethol wedi anfon copïau ohonynt at yr apelydd ac i'r Cyngor.

Apel sydd i'w phenderfynu ar ôl gwrandawriad

14.-(1) Mae'r rheoliad hwn yn gymwys i apel sydd i'w phenderfynu ar ôl gwrandawriad.

(2) Heblaw fod y Rheoliadau hyn yn darparu yn wahanol, gall y person penodedig benderfynu'r weithdrefn mewn perthynas â gwrandawriad.

(3) Rhaid i'r Cyngor a'r apelydd, o fewn 42 diwrnod o'r dyddiad dechrau, anfon i'r Cynulliad Cenedlaethol, at ei gilydd ac at unrhyw barti rheoliad 7(1)(b), ddatganiad ysgrifenedig (ynghyd â chopïau o unrhyw

which any such step which has not already been taken must be taken.

Appeals determined on the basis of written representations

13.-(1) This regulation applies to an appeal which is to be determined on the basis of written representations.

(2) The Council must, within 28 days of the starting date, send to the National Assembly, to the appellant and to any regulation 7(1)(b) party, a copy of any further written representations or other documents, in addition to those already sent to the National Assembly in accordance with regulation 7, on which it wishes to rely in opposing the appeal or, if it does not wish to rely on any such further representations or other documents, a notice to that effect.

(3) The appellant must, within 28 days of receiving any further representations or other documents in accordance with paragraph (2) (or a notice that the Council does not intend to rely on any), send to the National Assembly, to the Council and to any regulation 7(1)(b) party, a copy of any further written representations or other documents, in addition to those already sent to the National Assembly in accordance with regulation 3, on which the appellant wishes to rely in support of the appeal or, if the appellant does not wish to rely on any such further representations or other documents, a notice to that effect.

(4) The National Assembly may, in a particular case, invite the Council and the appellant to send to the National Assembly, to each other and to any regulation 7(1)(b) party, within such reasonable time as it may specify, such further representations or other documents as it believes are necessary in order to enable the appeal to be decided, including any comments on any representation received by the National Assembly after the starting date from any person other than the appellant and the Council which the National Assembly proposes to take into account when deciding the appeal and of which the National Assembly has sent copies to the appellant and the Council.

Appeal to be decided after a hearing

14.-(1) This regulation applies to an appeal which is to be decided after a hearing.

(2) Except as otherwise provided in these Regulations, the appointed person may determine the procedure relating to a hearing.

(3) The Council and the appellant must, within 42 days of the starting date, send to the National Assembly, to each other and to any regulation 7(1)(b) party, a written statement (together with copies of any

ddogfennau, ffotograffau, mapiau neu blaniau y cyfeirir atynt yn y datganiad hwnnw) sy'n cynnwys manylion llawn o'r achos y mae'r person hwnnw yn bwriadu eu cyflwyno yn y gwrandawriad.

(4) Gall y Cynulliad Cenedlaethol drwy hysbysiad ysgrifenedig ei gwneud yn ofynnol i'r Cyngor neu'r apelydd ddarparu, o fewn cyfnod rhesymol y gall ei bennu, wybodaeth bellach benodedig y mae'n ymddangos i'r Cynulliad Cenedlaethol ei bod yn berthnasol i'r apêl a rhaid i unrhyw barti y mae'n ofynnol iddo ddarparu gwybodaeth bellach o'r fath, anfon copi at y parti arall pan fydd yn ei hanfon i'r Cynulliad Cenedlaethol.

(5) Rhaid i'r Cynulliad Cenedlaethol, heb fod yn llai na 42 diwrnod cyn y dyddiad y mae wedi'i bennu i gynnal y gwrandawriad (neu gyfnod byrrach o'r fath y gall yr apelydd a'r Cyngor gytuno arno), roi i'r apelydd, y Cyngor ac unrhyw barti rheoliad 7(1)(b) hysbysiad o'r dyddiad, amser a lle'r gwrandawriad hwnnw ac enw'r person a benodwyd i'w lywio.

(6) Rhaid i'r Cynulliad Cenedlaethol, heb fod yn llai na 21 diwrnod cyn y dyddiad a bennwyd ar gyfer y gwrandawriad -

- (i) cyhoeddi, mewn o leiaf un papur newydd sy'n cylchredeg yn yr ardal lle lleolir y tir y mae'r apêl yn berthnasol iddo, hysbysiad sy'n cynnwys yr un wybodaeth ag y mae'n ofynnol ei rhoi i'r apelydd a'r Cyngor o dan baragraff (5); a
- (ii) anfon copi o'r hysbysiad hwnnw at unrhyw berson yr anfonwyd hysbysiad iddo o dan reoliad 7(1)(a) neu 7(1)(c) sydd wedi gwneud sylwadau yn ysgrifenedig i'r Cynulliad Cenedlaethol.

(7) Caiff y Cynulliad Cenedlaethol amrywio'r dyddiad a bennwyd ar gyfer y gwrandawriad, ac os digwydd hynny mae paragraffau (4) a (5) yn gymwys i'r dyddiad a gafodd ei amrywio yn yr un modd ag y maent yn gymwys ar gyfer y dyddiad a bennwyd yn wreiddiol.

(8) Caiff y Cynulliad Cenedlaethol amrywio'r amser neu'r lle a bennir ar gyfer y gwrandawriad, ac os digwydd hynny rhaid iddo roi hysbysiad o'r amrywiad hwnnw y mae'n ymddangos iddo ei fod yn rhesymol.

(9) Dyma'r personau sydd â hawl i gael eu clywed mewn gwrandawriad -

- (a) yr apelydd;
- (b) y Cyngor;
- (c) unrhyw barti rheoliad 7(1)(b),
- (ch) unrhyw berson yr anfonwyd hysbysiad ato o dan reoliad 7(1)(a) neu 7(1)(c) ac y mae wedi gwneud sylwadau ysgrifenedig i'r Cynulliad Cenedlaethol.

(10) Caiff y person sy'n llywio'r gwrandawriad ganiatáu i unrhyw berson arall gael ei glywed ac ni

documents, photographs, maps or plans referred to in that statement) containing full particulars of the case which that person proposes to put forward at the hearing.

(4) The National Assembly may by notice in writing require the Council or the appellant to provide, within such reasonable time as it may require, such further specified information as appears to the National Assembly to be relevant to the appeal and any party required to provide such further information must, when sending it to the National Assembly, send a copy to the other party.

(5) The National Assembly must, not less than 42 days before the date which it has fixed for the holding of the hearing (or such shorter period as the appellant and the Council may agree), give the appellant, the Council and any regulation 7(1)(b) party notice of the date time and place of that hearing and the name of the person appointed to conduct it.

(6) The National Assembly must, not less than 21 days before the date fixed for the hearing -

- (i) publish, in at least one newspaper circulating in the area in which the land to which the appeal relates is situated, a notice containing the same information as that required to be given to the appellant and the Council under paragraph (5); and
- (ii) send a copy of that notice to any person to whom a notice was sent under regulation 7(1)(a) or 7(1)(c) and who has made representations in writing to the National Assembly.

(7) The National Assembly may vary the date fixed for the hearing, in which case paragraphs (4) and (5) apply to the date as varied as they apply to the date originally fixed.

(8) The National Assembly may vary the time or place fixed for the hearing, in which case it must give such notice of such variation as appears to it to be reasonable.

(9) The persons entitled to be heard at a hearing are -

- (a) the appellant;
- (b) the Council;
- (c) any regulation 7(1)(b) party,
- (d) any person to whom a notice was sent under regulation 7(1)(a) or 7(1)(c) and who has made representations in writing to the National Assembly.

(10) The person who conducts the hearing may permit any other person to be heard and such

cheir gwrthod caniatâd o'r fath yn afresymol.

(11) Gellir cynnal y gwrandawriad yn breifat yn gyfan gwbl neu'n rhannol os yw'r apelydd yn gofyn am hynny a bod y person sy'n llywio'r gwrandawriad yn cytuno â hynny.

(12) Caiff y person sy'n llywio'r gwrandawriad ei ohirio o dro i dro ac os cyhoeddir yr amser a'r lle y bydd y gwrandawriad yn aildechrau yn y gwrandawriad pan gaiff ei ohirio, ni fydd hysbysiad pellach yn ofynnol.

Apêl sydd i'w phenderfynu ar ôl ymchwiliad lleol

15. Rhaid i'r Cynulliad Cenedlaethol, wrth anfon hysbysiad o dan reoliad 9(1) bod apêl i gymryd ffurf ymchwiliad lleol, roi hysbysiad ysgrifenedig ar yr un pryd i'r personau y cyfeirir atynt yn rheoliad 9(1)(a), (b) a (c) o'r weithdrefn sydd i'w chymhwyso a chaiff o dro i dro wedyn roi canllawiau pellach o ran y weithdrefn i'w dilyn fel y bo'n briodol.

Ymweliad â'r safle

16.-(1) Caiff y person penodedig ymweld â'r tir y mae'r apêl yn berthnasol iddo ond rhaid iddo roi hysbysiad ysgrifenedig rhesymol o'i fwriad i wneud hynny i'r apelydd a'r Cyngor a rhoi cyfle rhesymol iddynt neu i unrhyw berson a awdurdodwyd i weithredu ar eu rhan i fod yn bresennol.

(2) Rhaid i apelydd gymryd y camau hynny sy'n rhesymol o fewn pŵer yr apelydd er mwyn galluogi'r person penodedig i gael mynediad i'r tir o dan sylw.

Penderfyniad gan berson penodedig

17. Os yw swyddogaeth penderfynu'r apêl wedi'i dirprwyo i'r person penodedig, rhaid i'r person hwnnw roi hysbysiad ysgrifenedig o'r penderfyniad, a'r rhesymau drosto, i'r holl bersonau oedd â hawl i ymddangos yng ngwrandawriad yr apêl (p'un a ddigwyddodd gwrandawriad neu beidio) ac i unrhyw berson arall a ofynnodd i gael ei hysbysu am y penderfyniad yn unol â rheoliad 7(2)(ch)(ii).

Penderfyniad gan y Cynulliad Cenedlaethol

18. Os nad yw rheoliad 17 yn gymwys i benderfynu apêl, rhaid i'r person a benodwyd i ystyried y sylwadau ysgrifenedig neu i lywio'r ymchwiliad lleol neu'r gwrandawriad, yn ôl y digwydd, baratoi adroddiad ysgrifenedig i'r Cynulliad Cenedlaethol, gan ymgorffori casgliadau ac argymhellion y person hwnnw ynddo a rhaid i'r Cynulliad Cenedlaethol, ar ôl ystyried yr adroddiad hwnnw, roi hysbysiad ysgrifenedig o'r penderfyniad, a'r rhesymau drosto, i'r holl bersonau oedd â hawl i ymddangos yng ngwrandawriad yr apêl (p'un a ddigwyddodd

permission must not be unreasonably withheld.

(11) The hearing may be held wholly or partly in private if the appellant so requests and the person conducting the hearing agrees.

(12) The person conducting the hearing may from time to time adjourn it and if the date time and place of the resumed hearing are announced at the hearing when it is adjourned, no further notice is to be required.

Appeal to be decided after a local inquiry

15. The National Assembly must, at the same time as sending a notice under regulation 9(1) that an appeal is to take the form of a local inquiry, give notice in writing to the persons referred to in regulation 9(1)(a),(b) and (c) of the procedure which is to apply and may from time to time thereafter give such further guidance as to the procedure to be followed as is appropriate.

Site visit

16.-(1) The appointed person may visit the land to which the appeal relates but must give the appellant and the Council reasonable notice in writing of an intention to do so and give them or any person authorised to act on their behalf a reasonable opportunity of being present.

(2) An appellant must take such steps as are reasonably within the appellant's power to enable the appointed person to obtain access to the land to be visited.

Decision by an appointed person

17. If the function of determining the appeal has been delegated to the appointed person, that person must give notice in writing of the decision, and the reasons for it, to all persons entitled to appear at a hearing of the appeal (whether or not a hearing took place) and any other person who made a request to be notified of the decision in accordance with regulation 7(2)(d)(ii).

Decision by the National Assembly

18. If regulation 17 does not apply to the determination of an appeal, the person appointed to consider the written representations or to conduct the local inquiry or hearing, as the case may be, must prepare a report in writing to the National Assembly, incorporating that person's conclusions and recommendations and the National Assembly must, having considered that report, give notice in writing of the decision, and the reasons for it, to all persons entitled to appear at a hearing of the appeal (whether or not a hearing took place) and any other person who

gwrandawriad neu beidio) ac i unrhyw berson arall a ofynnodd i gael ei hysbysu am y penderfyniad yn unol â rheoliad 7(2)(ch)(ii).

Gweithdrefnau pellach neu wahanol

19. Caiff y Cynulliad Cenedlaethol, os yw'r amgylchiadau sy'n berthnasol i apel benodol yn peri bod angen hynny, ei gwneud yn ofynnol bod unrhyw gamau penodedig yn cael eu cymryd, naill ai yn ychwanegol at, neu yn lle, y rheiny a ragnodir gan y Rheoliadau hyn a gall estyn yr amser a ragnodir gan y Rheoliadau hyn, neu sy'n ofynnol fel arall o dan y Rheoliadau hyn, er mwyn cymryd unrhyw gam, ond cyn iddo wneud hynny, onid yw'r effaith wedi'i gyfyngu i estyniad amser, rhaid iddo ymgynghori â'r apelydd a'r Cyngor ac ystyried unrhyw sylwadau y gallant eu gwneud ynghylch dymunoldeb gofyniad o'r fath.

Pwerau person penodedig

20. Gall pwerau a dyletswyddau'r Cynulliad Cenedlaethol o dan y Rheoliadau hyn gael eu harfer gan berson penodedig ac mae cyfeiriadau yn y Rheoliadau at y Cynulliad Cenedlaethol i'w dehongli yn unol â hynny.

Defnyddio cyfathrebu electronig

21. Gall unrhyw ddogfen y mae'n ofynnol ei hanfon neu a awdurdodwyd ei hanfon gan un person at un arall o dan ddarpariaethau'r Rheoliadau hyn gael ei hanfon, fel dull amgen i unrhyw ddull arall, drwy gyfrwng cyfathrebu electronig, ar yr amod bod gan y person sy'n anfon y ddogfen sail resymol dros gredu y daw'r ddogfen i sylw'r person yr anfonir hi ato, mewn ffurf ddarllenadwy, o fewn amser rhesymol.

made a request to be notified of the decision in accordance with regulation 7(2)(d)(ii).

Further or different procedures

19. The National Assembly may, if the circumstances relating to a particular appeal make it necessary, require any specified steps to be taken, either in addition to, or in substitution for, those prescribed by these Regulations and may extend the time prescribed by these Regulations, or otherwise required under these Regulations, for the taking of any step but must, before doing so, unless the effect is limited to an extension of time, consult the appellant and the Council and consider any representations which they may make as to the desirability of such a requirement.

Powers of an appointed person

20. The powers and duties of the National Assembly under these Regulations may be exercised by an appointed person and references in these Regulations to the National Assembly are to be construed accordingly.

Use of electronic communication

21. Any document required or authorised to be sent by one person to another under the provisions of these Regulations may, as an alternative to any other method, be sent by means of an electronic communication, provided the person who sends the document has reasonable grounds for believing that the document will come to the attention of the person to whom it is sent, in legible form, within a reasonable time.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

9 Gorffennaf 2002

9th July 2002

John Marek

Dirprwy Lywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the Assembly

(a) 1998 p.38.

(a) 1998 c.38.

CYNULLIAD CENEDLAETHOL CYMRU

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NATIONAL ASSEMBLY FOR WALES

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2002 No. 1772 (W.168)

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