



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 395 (Cy.54)

2003 No. 395 (W.54)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Gorfodi) (Gweithdrefn
Sylwadau Ysgrifenedig) (Cymru)
2003

The Town and Country Planning
(Enforcement) (Written
Representations Procedure)
(Wales) Regulations 2003

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae adran 174 o Ddeddf Cynllunio Gwlad a Thref 1990, adran 39 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 a'r adran honno fel y'i cymhwyswyd gan adran 74(3) o'r Ddeddf honno, yn rhoi hawl apelio yn erbyn hysbysiad gorfodi, hysbysiad gorfodi adeilad rhestredig a hysbysiad gorfodi ardal gadwraeth, fel ei gilydd, ar berson sydd â buddiant yn y tir y mae'r hysbysiad gorfodi yn ymwneud ag ef neu sydd yn feddiannydd perthnasol.

Section 174 of the Town and Country Planning Act 1990, section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that section as applied by section 74(3) of that Act, confer a right of appeal against an enforcement notice, a listed building enforcement notice and a conservation area enforcement notice, respectively, on a person having an interest in the land to which the enforcement notice relates or who is a relevant occupier.

Mae gan apelydd a'r awdurdod cynllunio lleol hawl mewn unrhyw achos apêl i ymddangos gerbron person sydd wedi ei benodi gan Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") ac i gael gwrandawriad gan y person hwnnw, ond cânt gytuno i'r apêl gael ei phenderfynu ar sail sylwadau ysgrifenedig a dogfennau ategol.

An appellant and the local planning authority are entitled in any appeal proceedings to appear before and be heard by a person appointed by the National Assembly for Wales ("the National Assembly") but they may agree to the appeal being determined on the basis of written representations and supporting documents.

Mae'r Rheoliadau hyn yn pennu'r weithdrefn a'r terfynau amser mewn cysylltiad ag apelau yn erbyn hysbysuadau gorfodi sydd i'w penderfynu ar sail sylwadau ysgrifenedig.

These Regulations lay down the procedure and time limits in connection with appeals against enforcement notices which are to be disposed of on the basis of written representations.

Y prif gamau yn y weithdrefn yw -

The main steps in the procedure are -

- (a) wedi derbyn hysbysiad apêl, bydd y Cynulliad Cenedlaethol yn hysbysu'r apelydd a'r awdurdod cynllunio lleol o'r dyddiad dechrau, cyfeirnod yr apêl, y cyfeiriad y dylid anfon sylwadau ysgrifenedig iddo a'r seiliau dros apelio (rheoliad 4);

- (a) upon receipt of a notice of appeal, the National Assembly will inform the appellant and the local planning authority of the starting date, the appeal reference number, the address to which written representations may be sent and the grounds on which the appeal is brought (regulation 4);

- (b) rhaid i'r awdurdod cynllunio lleol, o fewn 2 wythnos ar ôl y dyddiad dechrau, hysbysu partïon sydd â buddiant yn yr apêl (rheoliad 5), a rhaid iddo gwblhau ac anfon holiadur ynghyd ag unrhyw ddogfennau y cyfeirir atynt ynddo i'r Cynulliad Cenedlaethol (rheoliad 6);
- (c) caiff yr awdurdod cynllunio lleol ddewis trin yr holiadur, y dogfennau a anfonwyd gydag ef, a'r datganiad a ddarperir o dan reoliad 8 o Reoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2003, fel eu sylwadau ysgrifenedig, ond pan nad ydynt yn dewis gwneud hynny mae ganddynt 6 wythnos o'r dyddiad dechrau i anfon sylwadau ysgrifenedig i'r Cynulliad Cenedlaethol (rheoliad 7);
- (ch) sylwadau'r apelydd yw'r hysbysiad apêl, dogfennau sy'n mynd gydag ef ac unrhyw ddogfen a anfonir o dan reoliad 5 o Reoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2003, ond caiff anfon sylwadau pellach o fewn 6 wythnos o'r dyddiad cychwyn i'r Cynulliad Cenedlaethol (rheoliad 7);
- (d) mae gan yr apelydd a'r awdurdod cynllunio lleol 9 wythnos o'r dyddiad cychwyn i anfon i'r Cynulliad Cenedlaethol sylwadau ar sylwadau ei gilydd (rheoliad 7);
- (dd) mae gan barti sydd â buddiant, ac sydd wedi ei hysbysu o dan reoliad 5 o'r Rheoliadau hyn, 6 wythnos o'r dyddiad dechrau i anfon sylwadau i'r Cynulliad Cenedlaethol (rheoliad 8); ac
- (e) rhoddir pŵer i'r Cynulliad Cenedlaethol anwybyddu sylwadau ysgrifenedig nad yw yn eu cael o fewn y terfyn amser perthnasol a chaiff fynd rhagddo i benderfynu heb gael unrhyw sylwadau ysgrifenedig o fewn y terfynau amser wedi iddo hysbysu'r apelydd a'r awdurdod cynllunio lleol o'i fwriad i wneud hynny (rheoliad 10).

Mae rheoliad 11 yn awdurdodi dogfennau, sy'n cael eu hanfon yn unol â'r Rheoliadau hyn, gael eu hanfon drwy gyfrwng cyfathrebu electronig.

- (b) the local planning authority must, within 2 weeks of the starting date, notify interested parties of the appeal (regulation 5), and must send a completed questionnaire and any documents referred to in it to the National Assembly (regulation 6);
- (c) the local planning authority may elect to treat the questionnaire, documents sent with it, and the statement provided under regulation 8 of the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003, as their written representations, but where they do not so elect they have 6 weeks from the starting date to send written representations to the National Assembly (regulation 7);
- (d) the appellant's representations are the notice of appeal, documents accompanying it and any statement sent under regulation 5 of the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003, however they may send further representations within 6 weeks of the starting date to the National Assembly (regulation 7);
- (e) the appellant and local planning authority have 9 weeks from the starting date to send to the National Assembly representations on each others' representations (regulation 7);
- (f) an interested party, notified under regulation 5 of these Regulations, has 6 weeks from the starting date to send representations to the National Assembly (regulation 8); and
- (g) the National Assembly is given power to disregard written representations not received within the relevant time limit and it may proceed to a decision without receiving any written representations within the time limits after giving notice to the appellant and local planning authority of its intention to do so (regulation 10).

Regulation 11 authorises documents, which are sent in accordance with these Regulations, to be sent by means of electronic communication.

2003 Rhif 395 (Cy.54)**2003 No. 395 (W.54)****CYNLLUNIO GWLAD A
THREF, CYMRU****TOWN AND COUNTRY
PLANNING, WALES****Rheoliadau Cynllunio Gwlad a
Thref (Gorfodi) (Gweithdrefn
Sylwadau Ysgrifenedig) (Cymru)
2003****The Town and Country Planning
(Enforcement) (Written
Representations Procedure)
(Wales) Regulations 2003**

Wedi'u gwneud 25 Chwefror 2003
Yn dod i rym 1 Ebrill 2003

Made 25th February 2003
Coming into force 1st April 2003

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru gan adrannau 175, 323 a 333 o Ddeddf Cynllunio Gwlad a Thref 1990(a) ac adrannau 40, 89(1), 91(1) a 93(2) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(b) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State, and now vested in the National Assembly for Wales, by sections 175, 323 and 333 of the Town and Country Planning Act 1990(a) and sections 40, 89(1), 91(1) and 93(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Enwi, cychwyn a chymhwysio

1.-(1) Enw'r rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Gorfodi) (Gweithdrefn Sylwadau Ysgrifenedig) (Cymru) 2003 a deuant i rym ar 1 Ebrill 2003.

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

Citation, commencement and application

1. -(1) These Regulations may be cited as the Town and Country Planning (Enforcement) (Written Representations Procedure) (Wales) Regulations 2003 and come into force on 1st April 2003.

(2) These Regulations apply to Wales.

- (a) 1990 p.8; trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 175 a 323, mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo a breinir hwy bellach yng Nghynulliad Cenedlaethol Cymru gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253 (Cy.5)) ac Atodlen 3 iddo. Mae adran 175 yn cynnwys diwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn. Diwygiwyd adran 323 gan baragraff 26 o Atodlen 3 i'r Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992 (p.53).
- (b) 1990 p.9; trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Mae adran 89(1) yn cymhwyso'r darpariaethau gwneud rheoliadau a gynhwysir yn adran 323 o Ddeddf Cynllunio Gwlad a Thref i'r Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) at ddibenion y Rheoliadau hyn.

- (a) 1990 c.8; the functions of the Secretary of State under sections 175 and 323 were, in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now vested in the National Assembly for Wales by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253 (W.5)). Section 175 contains amendments not relevant to these Regulations. Section 323 was amended by paragraph 26 of Schedule 3 to the Tribunals and Inquiries Act 1992 (c.53).
- (b) 1990 c.9; the functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Section 89(1) applies the regulation-making provisions contained in section 323 of the Town and Country Planning Act 1990 to the Planning (Listed Buildings and Conservation Areas) Act 1990 for the purposes of these Regulations.

Dehongli

2. Yn y rheoliadau hyn-

ystyr "yr apelydd" ("*the appellant*") yw person sy'n rhoi hysbysiad apêl i'r Cynulliad Cenedlaethol;

ystyr "awdurdod cynllunio lleol" ("*local planning authority*") yw'r corff sy'n dyroddi'r hysbysiad gorfodi perthnasol;

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

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

mae cyfeiriad at adran 39 o'r Ddeddf Adeiladau Rhestredig yn cynnwys cyfeiriad at yr adran honno fel y'i cymhwyswyd gan adran 74(3) o'r Ddeddf honno (apêl yn erbyn hysbysiad gorfodi ardal gadwraeth);

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

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

ystyr "dyddiad dechrau" ("*starting date*") yw dyddiad hysbysiad ysgrifenedig y Cynulliad Cenedlaethol i'r apelydd a'r awdurdod cynllunio lleol o dan reoliad 4;

ystyr "holiadur" ("*questionnaire*") yw dogfen ar ffurf a ddarperir gan y Cynulliad Cenedlaethol i awdurdodau cynllunio lleol at ddibenion achos o dan y Rheoliadau hyn;

ystyr "hysbysiad apêl" ("*notice of appeal*") yw hysbysiad apêl o dan adran 174(3) o'r Ddeddf Gynllunio neu adran 39(2) o'r Ddeddf Adeiladau Rhestredig;

ystyr "hysbysiad gorfodi" ("*enforcement notice*") yw hysbysiad a ddyroddir o dan adran 172(1) o'r Ddeddf Gynllunio neu adran 38(1) o'r Ddeddf Adeiladau Rhestredig;

ystyr "y Rheoliadau Hysbysiadau Gorfodi ac Apelau" ("*the Enforcement Notices and Appeals Regulations*") yw Rheoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2003(b); ac

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

(a) 1990 p.9; diwygiwyd adran 39 gan baragraff 3 o Atodlen 3 i Ddeddf Cynllunio ac Iawndal 1991 (p.34), diwygiwyd Atodlen 3 gan adran 25 o'r Ddeddf honno ac Atodlen 3, Rhan II, paragraff 28 iddi, a chan O.S. 1997/2971. Diwygiwyd adran 12 gan adran 17 o Ddeddf Trafnidiaeth a Gwaith 1992 (p.42). Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(b) O.S. 2003/394 (Cy.53).

Interpretation

2. In these Regulations-

"the appellant" ("*yr apelydd*") means a person giving notice of appeal to the National Assembly;

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

"enforcement notice" ("*hysbysiad gorfodi*") means a notice issued under section 172(1) of the Planning Act or section 38(1) of the Listed Buildings Act;

"the Enforcement Notices and Appeals Regulations" ("*y Rheoliadau Hysbysiadau Gorfodi ac Apelau*") means the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003(a);

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

"local planning authority" ("*awdurdod cynllunio lleol*") means the body who issue the relevant enforcement notice;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"notice of appeal" ("*hysbysiad apêl*") means a notice of appeal under section 174(3) of the Planning Act or section 39(2) of the Listed Buildings Act;

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

"questionnaire" ("*holiadur*") means a document in the form supplied by the National Assembly to local planning authorities for the purpose of proceedings under these Regulations;

reference to section 39 of the Listed Buildings Act includes reference to that section as applied by section 74(3) of that Act (appeal against conservation area enforcement notice);

"starting date" ("*dyddiad dechrau*") means the date of the National Assembly's written notice to the appellant and the local planning authority under regulation 4; and

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

(a) S.I. 2003/394 (W.53).

(b) 1990 c.9; section 39 was amended by paragraph 3 of Schedule 3 to the Planning and Compensation Act 1991 (c.34), Schedule 3 was amended by section 25 of, and Schedule 3, Part II, paragraph 28 to, that Act and by S.I. 1997/2971. Section 12 was amended by section 17 of the Transport and Works Act 1992 (c.42). There are other amendments not relevant to these Regulations.

Cymhwyso'r Rheoliadau hyn

3.-(1) Mae'r Rheoliadau hyn yn gymwys os, wedi iddynt ddod i rym, bydd apelydd yn rhoi gwybod i'r Cynulliad Cenedlaethol yn yr hysbysiad apêl am ddymuniaid i'r apêl gael ei phenderfynu ar sail sylwadau ysgrifenedig.

(2) Pan na fydd apêl o dan adran 174 o'r Ddeddf Gynllunio (apêl yn erbyn hysbysiad gorfodi) neu adran 39 o'r Ddeddf Adeiladau Rhestredig (apêl yn erbyn hysbysiad gorfodi adeilad rhestredig neu ardal gadwraeth) yn cael ei phenderfynu ar sail sylwadau ysgrifenedig a phan fydd yr apelydd a'r awdurdod cynllunio lleol yn rhoi gwybod i'r Cynulliad Cenedlaethol eu bod yn dymuno iddo gael ei phenderfynu ar y sail honno, bydd y Rheoliadau hyn yn gymwys i'r achos i unrhyw raddau ag y bydd y Cynulliad Cenedlaethol yn eu pennu gan roi ystyriaeth i unrhyw gamau a gymerwyd eisoes mewn perthynas â'r achos hwnnw.

(3) Bydd y Rheoliadau hyn yn peidio â bod yn gymwys i'r achos os bydd y Cynulliad Cenedlaethol yn rhoi gwybod i'r apelydd a'r awdurdod cynllunio lleol y bydd yn rhoi cyfle iddynt ymddangos gerbron person a benodir ganddo at y diben hwn a chael ei wrando gan y person hwn.

Hysbysu cael apêl

4. Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y bo'n ymarferol, hysbysu'r apelydd a'r awdurdod cynllunio lleol yn ysgrifenedig am-

- (a) y dyddiad dechrau;
- (b) y cyfeirnod a ddyrannwyd i'r apêl;
- (c) y cyfeiriad y mae unrhyw gyfathrebu ysgrifenedig am yr apêl at y Cynulliad Cenedlaethol i gael eu hanfon iddo; ac
- (ch) y sail, neu'r seiliau, o dan adran 174(2) o'r Ddeddf Gynllunio neu adran 39(1) o'r Ddeddf Adeiladau Rhestredig, yn ôl y digwydd, dros apelio.

Hysbysiad i bartïon sydd â buddiant

5.-(1) Rhaid i'r awdurdod cynllunio lleol, o fewn 2 wythnos o'r dyddiad dechrau, roi hysbysiad apêl i unrhyw-

- (a) berson y cyflwynwyd copi o'r hysbysiad gorfodi iddo;
- (b) meddiannydd eiddo yn yr ardal lle lleolir y tir y mae'r hysbysiad gorfodi yn berthnasol iddo; ac
- (c) personau eraill yr effeithir arnynt ym marn yr awdurdod cynllunio lleol gan dorri ar y rheolaeth gynllunio neu fynd yn groes i reolaeth adeiladau rhestredig neu ardaloedd cadwraeth ac a honnir yn yr hysbysiad gorfodi.

Application of these Regulations

3.-(1) These Regulations apply where, after they come into force, an appellant informs the National Assembly in the notice of appeal of a wish for the appeal to be disposed of on the basis of written representations.

(2) Where an appeal under section 174 of the Planning Act (appeal against enforcement notice) or section 39 of the Listed Building Act (appeal against listed building, or conservation area, enforcement notice) is not being disposed of on the basis of written representations and the appellant and the local planning authority inform the National Assembly that they wish it to be disposed of on that basis, these Regulations apply to the proceedings to such extent as the National Assembly may specify having regard to any steps already taken in relation to those proceedings.

(3) These Regulations cease to apply to proceedings if the National Assembly informs the appellant and the local planning authority that it will give them an opportunity of appearing before and being heard by a person appointed by it for the purpose.

Notification of receipt of appeal

4. The National Assembly must, as soon as practicable, advise the appellant and the local planning authority in writing of-

- (a) the starting date;
- (b) the reference number allocated to the appeal;
- (c) the address to which written communications to the National Assembly about the appeal are to be sent; and
- (d) the ground, or grounds, under section 174(2) of the Planning Act or section 39(1) of the Listed Buildings Act, as the case may be, on which the appeal has been brought.

Notice to interested parties

5. -(1) The local planning authority must, within 2 weeks of the starting date, give written notice of the appeal to any-

- (a) person on whom a copy of the enforcement notice has been served;
- (b) occupier of property in the locality in which the land to which the enforcement notice relates is situated; and
- (c) other persons who in the opinion of the local planning authority are affected by the breach of planning control or contravention of listed building or conservation area control which is alleged in the enforcement notice.

(2) Rhaid i'r hysbysiad a roddir o dan baragraff (1) gynnwys-

- (a) enw'r apelydd a chyfeiriad y tir y mae'r apêl yn berthnasol iddynt;
- (b) y dyddiad dechrau;
- (c) y cyfeirnod a ddyrannwyd i'r apêl;
- (ch) disgrifiad o'r torri honedig ar y rheolaeth;
- (d) yn achos apêl yn erbyn hysbysiad gorfodi o dan adran 172 o'r Ddeddf Gynllunio, datganiad sy'n nodi'r materion ychwanegol a bennir yn rheoliad 3 o'r Rheoliadau Hysbysiadau Gorfodi ac Apelau;
- (dd) y sail, neu'r seiliau, o dan adran 174(2) o'r Ddeddf Gynllunio neu adran 39(1) o'r Ddeddf Adeiladau Rhestredig, yn ôl y digwydd, dros apelio;
- (e) datganiad y gellir anfon sylwadau i'r Cynulliad Cenedlaethol fel ei fod yn eu cael o fewn 6 wythnos o'r dyddiad dechrau a'r cyfeiriad y dylid anfon y sylwadau hynny iddo;
- (f) datganiad yr anfonir unrhyw sylwadau a wneir gan berson a grybwyllir ym mharagraff (1) at yr apelydd ac i'r awdurdod cynllunio lleol; ac
- (ff) datganiad y bydd y Cynulliad Cenedlaethol yn ystyried y sylwadau hynny pan fydd yn penderfynu'r apêl oni bai fod unrhyw berson a grybwyllir ym mharagraff (1) yn eu tynnu yn ôl o fewn 6 wythnos o'r dyddiad dechrau.

Holiadur

6.-(1) Rhaid i'r awdurdod cynllunio lleol anfon i'r Cynulliad Cenedlaethol a chopïo i'r apelydd, fel eu bod yn eu derbyn o fewn 2 wythnos o'r dyddiad dechrau -

- (a) holiadur wedi'i gwblhau; a
- (b) copi o bob un o'r dogfennau y cyfeirir atynt ynddo.

(2) Rhaid i'r holiadur ddatgan y dyddiad yr anfonir ef i'r Cynulliad Cenedlaethol arno.

Sylwadau

7.-(1) Sylwadau'r apelydd, mewn perthynas â'r apêl, yw'r hysbysiad apêl, y dogfennau sy'n mynd gydag ef ac unrhyw ddatganiad a anfonir o dan reoliad 5 o'r Rheoliadau Hysbysiadau Gorfodi ac Apelau.

(2) Caiff yr awdurdod cynllunio lleol ddewis trin yr holiadur, y dogfennau a anfonir gydag ef a'r datganiad a anfonir o dan reoliad 8 o'r Rheoliadau Hysbysiadau Gorfodi ac Apelau, fel ei sylwadau mewn perthynas â'r apêl; ac, os gwnaiff felly, rhaid iddo hysbysu'r Cynulliad Cenedlaethol a'r apelydd yn unol â hynny pan fydd yn anfon yr holiadur neu'n anfon un copi yn unol â rheoliad 6.

(2) The notice given under paragraph (1) must include-

- (a) the name of the appellant and the address of the land to which the appeal relates;
- (b) the starting date;
- (c) the reference number allocated to the appeal;
- (d) a description of the alleged breach of control;
- (e) in the case of an appeal against an enforcement notice under section 172 of the Planning Act, a statement setting out the additional matters specified in regulation 3 of the Enforcement Notices and Appeals Regulations;
- (f) the ground, or grounds, under section 174(2) of the Planning Act or section 39(1) of the Listed Buildings Act, as the case may be, on which the appeal is made;
- (g) a statement that representations may be sent to the National Assembly so as to be received by it within 6 weeks of the starting date and the address to which such representations should be sent;
- (h) a statement that any representations made by any person mentioned in paragraph (1) will be sent to the appellant and the local planning authority; and
- (i) a statement that any such representations will be considered by the National Assembly when determining the appeal unless any person mentioned in paragraph (1) withdraws them within 6 weeks of the starting date.

Questionnaire

6. -(1) The local planning authority must, so as to be received within 2 weeks of the starting date, send to the National Assembly and copy to the appellant-

- (a) a completed questionnaire; and
- (b) a copy of each of the documents referred to in it.

(2) The questionnaire must state the date on which it is sent to the National Assembly.

Representations

7.-(1) The notice of appeal, the documents accompanying it and any statement sent under regulation 5 of the Enforcement Notices and Appeals Regulations will comprise the appellant's representations in relation to the appeal.

(2) The local planning authority may elect to treat the questionnaire, the documents sent with it and the statement sent under regulation 8 of the Enforcement Notices and Appeals Regulations, as its representations in relation to the appeal; and, where it does so, it must notify the National Assembly and the appellant accordingly when sending the questionnaire or sending one copy in accordance with regulation 6.

(3) Os bydd yr apelydd yn dymuno gwneud unrhyw sylwadau pellach at y rheini ym mharagraff (1), rhaid i'r apelydd anfon 2 gopi o'r sylwadau pellach hynny i'r Cynulliad Cenedlaethol fel ei fod yn eu cael o fewn 6 wythnos o'r dyddiad dechrau.

(4) Os na fydd yr awdurdod cynllunio lleol yn dewis fel a ddisgrifir ym mharagraff (2), rhaid iddo anfon 2 gopi o'i sylwadau ysgrifenedig i'r Cynulliad Cenedlaethol fel ei fod yn eu cael o fewn 6 wythnos o'r dyddiad dechrau a rhaid i'r rhain gynnwys-

- (a) crynodeb o ymateb yr awdurdod cynllunio lleol i bob un o'r seiliau y gwneir yr apêl arnynt; a
- (b) datganiad a fyddai'n barod i roi caniatâd cynllunio ar gyfer y materion a honnir yn yr hysbysiad gorfodi eu bod yn torri ar y rheolaeth gynllunio, neu i roi cydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth i'r gwaith y mae'r hysbysiad gorfodi adeiladau rhestredig neu'r hysbysiad gorfodi ardal gadwraeth yn berthnasol iddo, yn ôl y digwydd, ac, os felly, manylion o'r amodau, os oes rhai, a ddymunai eu gosod ar y caniatâd neu'r cydsyniad.

(5) Rhaid dyddio unrhyw sylwadau a wneir i'r Cynulliad Cenedlaethol o dan baragraff (3) neu (4) a'u hanfon i'r Cynulliad Cenedlaethol ar y dyddiad sydd arnynt.

(6) Rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol wedi iddo eu cael, anfon copi o unrhyw sylwadau a wneir iddo gan yr awdurdod cynllunio lleol at yr apelydd a rhaid iddo anfon copi o unrhyw sylwadau a wneir iddo gan yr apelydd i'r awdurdod cynllunio lleol.

(7) Rhaid i'r apelydd a'r awdurdod cynllunio lleol anfon 2 gopi o unrhyw sylwadau sydd ganddynt ar sylwadau ei gilydd i'r Cynulliad Cenedlaethol fel ei fod yn eu cael o fewn 9 wythnos o'r dyddiad dechrau; a rhaid i'r Cynulliad Cenedlaethol, cyn gynted ag y mae'n ymarferol ar ôl eu cael, anfon copi o'r sylwadau ysgrifenedig pellach at y parti arall.

(8) Caiff y Cynulliad Cenedlaethol ddisystyru gwybodaeth bellach oddi wrth yr apelydd a'r awdurdod cynllunio lleol nad oedd wedi ei chael o fewn 9 wythnos o'r dyddiad dechrau oni bai iddo fynnu'r wybodaeth bellach honno.

Sylwadau trydydd parti

8.-(1) Os yw person sydd â buddiant ac a hysbysir o dan reoliad 5(1) yn dymuno anfon sylwadau i'r Cynulliad Cenedlaethol, rhaid i'r person hwnnw wneud hynny er mwyn sicrhau bod y Cynulliad Cenedlaethol yn cael y sylwadau hynny o fewn 6 wythnos o'r dyddiad dechrau.

(3) If the appellant wishes to make any further representations to those in paragraph (1), the appellant must send 2 copies of those further representations to the National Assembly so as to be received by it within 6 weeks of the starting date.

(4) Where the local planning authority does not elect as described in paragraph (2), it must send 2 copies of its written representations to the National Assembly so as to be received by it within 6 weeks of the starting date and these must include-

- (a) a summary of the local planning authority's response to each of the grounds on which the appeal is brought; and
- (b) a statement as to whether it would be prepared to grant planning permission for the matters alleged in the enforcement notice to constitute a breach of planning control, or to grant listed building consent or conservation area consent for the works to which the listed building enforcement notice or conservation area enforcement notice relates, as the case may be, and, if so, particulars of the conditions, if any, which it would wish to impose on the permission or consent.

(5) Any representations made to the National Assembly under paragraph (3) or (4) must be dated and sent to the National Assembly on the date they bear.

(6) The National Assembly must, as soon as practicable after receipt, send a copy of any representations made to it by the local planning authority to the appellant and must send a copy of any representations made to it by the appellant to the local planning authority.

(7) The appellant and the local planning authority must send 2 copies of any comments they have on each other's representations to the National Assembly so as to be received by it within 9 weeks of the starting date; and the National Assembly must, as soon as practicable after receipt, send a copy of these further comments to the other party.

(8) The National Assembly may disregard further information from the appellant and the local planning authority which was not received within 9 weeks of the starting date unless that further information has been requested by it.

Third party representations

8.-(1) If an interested person notified under regulation 5(1) wishes to send representations to the National Assembly, that person must do so in order to ensure that those representations are received by it within 6 weeks of the starting date.

(2) Rhaid i'r Cynulliad Cenedlaethol-

- (a) anfon at yr apelydd ac i'r awdurdod cynllunio lleol, cyn gynted ag y mae'n ymarferol wedi iddo eu cael, gopi o bob un o'r sylwadau a geir gan bersonau sydd â buddiant; a
- (b) pennu cyfnod nad yw'n llai na 2 wythnos erbyn pryd y mae'n rhaid iddo gael unrhyw sylwadau ar y sylwadau rheiny.

(3) Caiff y Cynulliad Cenedlaethol ddiystyru sylwadau a wneir gan yr awdurdod cynllunio lleol o dan baragraff 2(b) os bydd yr awdurdod wedi methu â hysbysu personau sydd â buddiant yn unol â rheoliad 5.

Caniatáu rhagor o amser

9. Caiff y Cynulliad Cenedlaethol mewn achos penodol roi cyfarwyddiadau sy'n gosod terfynau amser hwyrach na'r rheini a ragnodir yn y Rheoliadau hyn.

Penderfynu ar apêl

10.-(1) Caiff y Cynulliad Cenedlaethol fynd rhagddo i benderfynu ar apêl gan gymryd i ystyriaeth dim ond y sylwadau ysgrifenedig hynny y mae wedi eu cael o fewn y terfynau amser perthnasol.

(2) Caiff y Cynulliad Cenedlaethol, wedi iddo hysbysu'r apelydd a'r awdurdod cynllunio lleol yn ysgrifenedig o'i fwriad i wneud hynny, fynd rhagddo i benderfynu ar apêl er nad oedd unrhyw sylwadau ysgrifenedig wedi cael eu gwneud o fewn y terfynau amser perthnasol os ymddengys iddo fod ganddo ddigon o ddeunydd ger ei fron i'w alluogi i ddod i benderfyniad ar rinweddau'r achos.

(3) Yn y rheoliad hwn, ystyr "terfynau amser perthnasol" ("*relevant time limits*") yw'r terfynau amser a ragnodir gan y Rheoliadau hyn neu, pan fydd y Cynulliad Cenedlaethol wedi arfer ei bwerau o dan reoliad 9, unrhyw derfynau amser hwyrach.

Trosglwyddo dogfennau

11.-(1) Gellir anfon unrhyw ddogfennau y mae'n ofynnol eu hanfon, neu yr awdurdodwyd eu hanfon, gan y naill berson at y llall o dan y Rheoliadau hyn drwy gyfrwng cyfathrebu electronig a rhaid dehongli unrhyw gyfeiriad at ysgrifennu yn y Rheoliadau hyn, sut bynnag y caiff ei fynegi, fel petai'n cynnwys cyfeiriad at ffurf y mae modd ei chadw ar gyfrifiadur, ei throsglwyddo i gyfrifiadur ac oddi wrth gyfrifiadur, a'i darllen gan gyfrifiadur.

(2) Os oes gofyniad, o dan y Rheoliadau hyn, y dylid anfon copi o ddatganiad, sylw, hysbysiad neu ddogfen arall gan y naill berson at y llall, yna, os anfonir y copi hwnnw drwy gyfrwng cyfathrebu electronig, dylid disytyru unrhyw ofyniad pellach bod rhaid anfon mwy nag un copi.

(2) The National Assembly must-

- (a) send to the appellant and the local planning authority, as soon as practicable after receipt, a copy each of all of the representations received from interested persons; and
- (b) specify a period of not less than 2 weeks within which any comments on the representations must be received.

(3) The National Assembly may disregard comments made by the local planning authority under paragraph 2(b) where the authority failed to notify interested persons in accordance with regulation 5.

Allowing further time

9. The National Assembly may in a particular case give directions setting later time limits than those prescribed by these Regulations.

Decision on appeal

10.-(1) The National Assembly may proceed to a decision on an appeal taking into account only such written representations as have been received within the relevant time limits.

(2) The National Assembly may, after giving the appellant and the local planning authority written notice of its intention to do so, proceed to a decision on an appeal notwithstanding that no written representations have been made within the relevant time limits if it appears to it that it has sufficient material before it to enable it to reach a decision on the merits of the case.

(3) In this regulation, "relevant time limits" ("*terfynau amser perthnasol*") means the time limits prescribed by these Regulations or, where the National Assembly has exercised its power under regulation 9, any later time limits.

Transmission of documents

11.-(1) Any document required or authorised to be sent by one person to another under these Regulations may be sent by post or by means of electronic communication and any reference in these Regulations, however expressed, to writing is to be construed as including a reference to a form capable of being stored on, transmitted to and from, and read by means of a computer.

(2) Where, under these Regulations, there is a requirement that a copy of a statement, representation notice or other document should be sent by one person to another then, if that copy is sent by means of electronic communication, any further requirement that more than one copy should be sent is to be disregarded.

Darpariaethau trosiannol

12.-(1) Yn ddarostyngedig i baragraff (2), rhaid i unrhyw apêl y cymhwyswyd Rheoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) 1991(a) ("Rheoliadau 1991") iddi ac nas penderfynwyd ar y dyddiad pan ddaeth y Rheoliadau hyn i rym barhau o dan Rheoliadau 1991.

(2) Os bydd apêl y cymhwysir Rheoliadau 1991 iddi yn cael ei hanfon yn ôl i'r Cynulliad Cenedlaethol i'w aillbenderfynu mewn achos gerbron unrhyw lys, ac mae i'w phenderfynu ar sail sylwadau ysgrifenedig, rhaid aillbenderfynu'r penderfyniad yn unol â'r Rheoliadau hyn ac nid â Rheoliadau 1991.

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

25 Chwefror 2003

Llywydd y Cynulliad Cenedlaethol

Transitional provisions

12.-(1) Subject to paragraph (2), any appeal to which the Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991(a) ("the 1991 Regulations") applied which has not been determined on the date when these Regulations come into force is to be continued under the 1991 Regulations.

(2) Where an appeal to which the 1991 Regulations applied is subsequently remitted to the National Assembly for re-determination in proceedings before any court, and is to be disposed of on the basis of written representations, the decision is to be re-determined in accordance with these Regulations and not the 1991 Regulations.

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

25th February 2003

D.Elis-Thomas

The Presiding Officer of the National Assembly

(a) O.S. 1991/2804, fel y'i diwygiwyd gan O.S. 1991/1492 a 1992/1904.
(b) 1998 p.38.

(a) S.I. 1991/2804, as amended by S.I 1991/1492 and 1992/1904.
(b) 1998 c.38.

OFFERYNNAU STATUDOL

2003 Rhif 395 (Cy.54)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

Rheoliadau Cynllunio Gwlad a
Thref (Gorfodi) (Gweithdrefn
Sylwadau Ysgrifenedig) (Cymru)
2003

STATUTORY INSTRUMENTS

2003 No. 395 (W. 54)

**TOWN AND COUNTRY
PLANNING, WALES**

The Town and Country Planning
(Enforcement) (Written
Representations Procedure)
(Wales) Regulations 2003

© Hawlfraint y Goron 2003

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

£2.50

W48/03/03

ON

© Crown copyright 2003

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

ISBN 0-11-090688-8



9 780110 906881