



OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 737 (Cy.97)

TIROEDD COMIN, CYMRU

Rheoliadau Gwaith ar Diroedd
Comin, etc. (Gweithdrefn) (Cymru)
2012

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn rhagnodi'r weithdrefn ar gyfer gwneud ceisiadau i Weinidogion Cymru o dan adran 38 o Ddeddf Tiroedd Comin 2006 ("Deddf 2006") am ganiatâd i gyflawni gwaith cyfyngedig ar dir comin, a mathau cysylltiedig penodol o geisiadau. At ddibenion y Rheoliadau hyn, mae i'r term 'gwaith cyfyngedig' yr ystyr a roddir i 'restricted works' gan adran 38(2), (3) a (4) o Ddeddf 2006.

Mae'r Rheoliadau hyn yn galluogi Gweinidogion Cymru i benodi person i arfer eu swyddogaethau mewn perthynas â cheisiadau o'r fath (rheoliad 3).

Maent yn cynnwys darpariaethau ynghylch—

- (a) gwneud a rhoi cyhoeddusrwydd i geisiadau (rheoliadau 5, 7, 8 a 19);
- (b) gwneud sylwadau mewn perthynas â cheisiadau (rheoliad 10);
- (c) rheoli a phenderfynu ceisiadau, gan gynnwys darpariaeth ar gyfer cynnal archwiliadau safle, gwrandawriadau neu ymchwiliadau mewn achosion priodol (rheoliadau 6, 9, 11-18 ac 20); a
- (ch) ceisiadau am ganiatâd ar gyfer gwaith ar dir yr Ymddiriedolaeth Genedlaethol (rheoliad 21).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, mae asesiad effaith rheoleiddiol wedi ei baratoi ynglŷn â chostau a buddion tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ neu ar-lein o www.cymru.gov.uk.

WELSH STATUTORY
INSTRUMENTS

2012 No. 737 (W.97)

COMMONS, WALES

The Works on Common Land, etc.
(Procedure) (Wales) Regulations
2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, prescribe the procedure for applications to the Welsh Ministers under section 38 of the Commons Act 2006 ("the 2006 Act") for consent to carry out restricted works on common land and certain related types of applications. The term 'restricted works' for the purposes of these Regulations, is defined in section 38(2), (3) and (4) of the 2006 Act.

These Regulations enable the Welsh Ministers to appoint a person to exercise their functions in relation to such applications (regulation 3).

They include provisions about—

- (a) making and publicising applications (regulations 5, 7, 8 and 19);
- (b) making representations in relation to applications (regulation 10);
- (c) the management and determination of applications, including provision for holding site inspections, hearings or inquiries in appropriate cases (regulations 6, 9, 11-18 and 20); and
- (d) applications for consent to works on National Trust land (regulation 21).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ or online from www.wales.gov.uk.

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TIROEDD COMIN, CYMRU

COMMONS, WALES

**Rheoliadau Gwaith ar Diroedd
Comin, etc. (Gweithdrefn) (Cymru)
2012**

**The Works on Common Land, etc.
(Procedure) (Wales) Regulations
2012**

Gwnaed 7 Mawrth 2012

Made 7 March 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 8 Mawrth 2012

*Laid before the National
Assembly for Wales* 8 March 2012

Yn dod i rym 1 Ebrill 2012

Coming into force 1 April 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru fel yr awdurdod cenedlaethol priodol gan adrannau 39(6), 40 a 59(1) o Ddeddf Tiroedd Comin 2006(1), ac sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales as the appropriate national authority by sections 39(6), 40 and 59(1) of the Commons Act 2006(1), and now exercisable by them(2), make the following Regulations:

RHAN 1

PART 1

Cyffredinol

General

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwaith ar Diroedd Comin, etc. (Gweithdrefn) (Cymru) 2012.

1.—(1) The title of these Regulations is the Works on Common Land, etc. (Procedure) (Wales) Regulations 2012.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2012.

(2) These Regulations come into force on 1 April 2012.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) These Regulations apply in relation to Wales.

Cwmpas a dehongli

Scope and Interpretation

2.—(1) Yn Rhan 2 o'r Rheoliadau hyn—

2.—(1) In Part 2 of these Regulations—

(a) mae rheoliadau 5 i 18 yn gymwys i geisiadau i Weinidogion Cymru o dan adran 38(1) o Ddeddf 2006 Act am ganiatâd i gyflawni

(a) regulations 5 to 18 apply to applications to the Welsh Ministers under section 38(1) of the 2006 Act for consent to carry out restricted

(1) 2006 p.26. Mae adran 61(1) yn cynnwys diffiniadau o "appropriate national authority" a "regulations".

(1) 2006 c.26. Section 61(1) contains definitions of "appropriate national authority" and "regulations".

(2) 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.

(2) 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).

gwaith cyfyngedig ar dir comin;

- (b) mae rheoliadau 19 ac 20 yn gymwys i geisiadau i Weinidogion Cymru o dan adran 39(5) o Ddeddf 2006 am amrywio neu ddirymu unrhyw addasiad neu amod a osodwyd mewn perthynas â chaniatâd a roddwyd yn unol â chais o dan adran 38(1); ac
- (c) mae rheoliad 21 yn gymwys i geisiadau i Weinidogion Cymru o dan adran 23(2) o Ddeddf yr Ymddiriedolaeth Genedlaethol 1971(1).

(2) Yn y Rheoliadau hyn—

ystyr "arolygydd" ("*inspector*") yw—

- (a) os Gweinidogion Cymru yw'r awdurdod sy'n penderfynu, person a benodir gan Weinidogion Cymru i gynnal gwrandawriad, ymchwiliad neu archwiliad safle;
- (b) os person arall yw'r awdurdod sy'n penderfynu, y person sy'n cynnal gwrandawriad, ymchwiliad neu archwiliad safle;

ystyr "yr awdurdod sy'n penderfynu" ("*the determining authority*") yw—

- (a) Gweinidogion Cymru, pan fônt yn arfer swyddogaethau mewn perthynas â phenderfynu cais o unrhyw un o'r mathau y cyfeirir atynt ym mharagraff (1); neu
- (b) person sy'n arfer swyddogaethau mewn perthynas â phenderfynu cais o'r fath yn unol â phenodiad o dan reoliad 3(1) (ac eithrio arolygydd a benodir i gynnal gwrandawriad, ymchwiliad neu archwiliad safle, ond nid i benderfynu cais);

mae i "cyfathrebiad electronig" yr ystyr a roddir i "*electronic communication*" yn adran 15(1) o Ddeddf Cyfathrebu Electronig 2000(2);

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Tiroedd Comin 2006;

ystyr "hysbysiad o gais" ("*notice of application*") yw hysbysiad sy'n cynnwys y manylion a bennir yn rheoliad 7(2);

ystyr "tir comin" ("*common land*") yw tir o fath a bennir yn adran 38(5)(a) a (b) o Ddeddf 2006.

works on common land;

- (b) regulations 19 and 20 apply to applications to the Welsh Ministers under section 39(5) of the 2006 Act to vary or revoke any modification or condition imposed in relation to a consent granted pursuant to an application under section 38(1); and
- (c) regulation 21 applies to applications to the Welsh Ministers under section 23(2) of the National Trust Act 1971(1).

(2) In these Regulations—

"the 2006 Act" ("*Deddf 2006*") means the Commons Act 2006;

"common land" ("*tir comin*") means land of a type specified in section 38(5)(a) and (b) of the 2006 Act;

"the determining authority" ("*yr awdurdod sy'n penderfynu*") means—

- (a) the Welsh Ministers, where they are exercising functions in relation to the determination of an application of any of the kinds referred to in paragraph (1); or
- (b) a person who is exercising functions in relation to the determination of such an application pursuant to an appointment under regulation 3(1) (other than an inspector who is appointed to carry out a hearing, inquiry or site inspection but not to determine an application);

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

"inspector" ("*arolygydd*") means—

- (a) where the Welsh Ministers are the determining authority, a person appointed by the Welsh Ministers to carry out a hearing, inquiry or site inspection;
- (b) where another person is the determining authority, the person who conducts a hearing, inquiry or site inspection;

"notice of application" ("*hysbysiad o gais*") means a notice containing the details specified in regulation 7(2).

(1) 1971 p.vi, fel y'i diwygiwyd gan baragraff 4 o Atodlen 4 i Ddeddf 2006. Mae adrannau 39 a 40 o Ddeddf 2006 yn gymwys mewn perthynas â chais o dan adran 23(2) o Ddeddf yr Ymddiriedolaeth Genedlaethol 1971 yn rhinwedd adran 23(2A) o'r Ddeddf honno, fel y'i mewnosodwyd gan baragraff 4(3) o Atodlen 4 i Ddeddf 2006.

(2) 2000 p.7. Diwygiwyd y diffiniad o "electronic communication" gan Ddeddf Cyfathrebu 2003 (p.21), Atodlen 17, paragraff 158.

(1) 1971 c.vi, as amended by paragraph 4 of Schedule 4 to the 2006 Act. Sections 39 and 40 of the 2006 Act apply in relation to an application under section 23(2) of the National Trust Act 1971 by virtue of section 23(2A) of that Act, as inserted by paragraph 4(3) of Schedule 4 to the 2006 Act.

(2) 2000 c.7. The definition of "electronic communication" was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158.

Penodi person i arfer swyddogaethau Gweinidogion Cymru

3.—(1) Caiff Gweinidogion Cymru benodi person i arfer unrhyw rai neu'n cyfan o'u swyddogaethau mewn perthynas ag—

- (a) ceisiadau o bob un, neu unrhyw rai, o'r mathau a grybwyllir ym mharagraff (1) o reoliad 2; neu
- (b) un neu ragor o geisiadau penodol o unrhyw rai o'r mathau hynny.

(2) Rhaid i unrhyw benodiad o dan baragraff (1) fod mewn ysgrifen.

(3) Caiff Gweinidogion Cymru, ar unrhyw adeg, drwy roi hysbysiad ysgrifenedig i berson a benodwyd o dan baragraff (1) ("person penodedig")—

- (a) dirymu'r penodiad yn gyffredinol;
- (b) dirymu'r penodiad i'r graddau y mae'n ymwneud â chais penodol nas penderfynwyd gan y person penodedig cyn yr adeg honno; neu
- (c) dirymu awdurdod y person penodedig i arfer swyddogaeth benodol mewn perthynas â chais

(4) Ni fydd hysbysiad o dan baragraff (3) yn effeithio ar ddilysrwydd unrhyw beth a wnaed gan y person penodedig cyn rhoi'r hysbysiad.

Cyfathrebiadau electronig

4. Ceir defnyddio cyfathrebiad electronig i fodloni unrhyw ofyniad, a osodir gan y Rheoliadau hyn, i'r perwyl bod person i anfon hysbysiad neu ddogfen at berson arall—

- (a) os canlyniad hynny fydd rhoi'r wybodaeth a gynhwysir yn yr hysbysiad neu'r ddogfen ar gael i'r person arall mewn ffurf gyffelyb i'r ffurf y byddai'r wybodaeth yn ymddangos ynddi mewn hysbysiad neu ddogfen a anfonid mewn ffurf brintiedig; a
- (b) os yw'r person arall yn cydsynio ag anfon yr hysbysiad neu'r ddogfen ato yn y modd hwnnw.

RHAN 2

Gwaith ar dir comin

Cais am ganiatâd i gyflawni gwaith cyfyngedig

5.—(1) Rhaid i gais y mae'r rheoliad hwn yn gymwys iddo—

- (a) cael ei wneud mewn ysgrifen ar ffurflen a ddarperir gan Weinidogion Cymru;

Appointment of a person to exercise functions of the Welsh Ministers

3.—(1) The Welsh Ministers may appoint a person to exercise any or all of their functions in relation to—

- (a) applications of all or any of the kinds mentioned in paragraph (1) of regulation 2; or
- (b) one or more particular applications of any of those kinds.

(2) An appointment under paragraph (1) must be in writing.

(3) The Welsh Ministers may at any time, by giving notice in writing to a person appointed under paragraph (1) (an "appointed person")—

- (a) revoke the appointment generally;
- (b) revoke the appointment insofar as it relates to a particular application which has not been determined by the appointed person before that time; or
- (c) revoke the authority of the appointed person to exercise a particular function in relation to an application.

(4) A notice under paragraph (3) will not affect the validity of anything done by the appointed person before the notice is given.

Electronic communications

4. Any requirement imposed by these Regulations for a person to send a notice or document to another person may be met by means of an electronic communication if—

- (a) it results in the information contained in that notice or document being available to the other person in a form similar to the form in which it would appear in a notice or document sent in printed form; and
- (b) the other person consents to the notice or document being sent by those means.

PART 2

Works on Common Land

Application for consent to carry out restricted works

5.—(1) An application to which this regulation applies must—

- (a) be made in writing on a form provided by the Welsh Ministers;

- (b) cynnwys yr wybodaeth a bennir yn y ffurflen honno; ac
- (c) cael ei lofnodi gan y ceisydd neu gynrychiolydd y ceisydd.

(2) Rhaid cyflwyno'r cais ynghyd ag—

- (a) map sy'n dangos y tir comin y bwriedir cyflawni'r gwaith arno, gydag—
 - (i) ffin y tir comin wedi ei marcio ar y map â lliw gwyrdd; a
 - (ii) safle'r gwaith arfaethedig wedi ei farcio ar y map 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.

Rheoli cais

6.—(1) Cyn gynted ag y bo'n ymarferol ar ôl cael y cais, rhaid i'r awdurdod sy'n penderfynu anfon at y ceisydd i gydnabod ei fod wedi ei gael, a rhaid i'r gydnabyddiaeth honno gynnwys—

- (a) y rhif cyfeirnod a ddyrannwyd i'r cais; a
- (b) cyfeiriad post a chyfeiriad e-bost lle gellir anfon cyfathrebiadau ysgrifenedig ynglŷn â'r cais at yr awdurdod sy'n penderfynu.

(2) Rhaid i'r awdurdod sy'n penderfynu, naill ai ar yr adeg y mae'n cael y cais neu cyn gynted ag y bo'n ymarferol ar ôl diwedd y cyfnod a ganiateir ar gyfer gwneud sylwadau o dan reoliad 10, benderfynu pa un a ymdrinnir â'r cais—

- (a) ar sail sylwadau ysgrifenedig,
- (b) mewn gwrandawriad, neu
- (c) mewn ymchwiliad cyhoeddus,

a hysbysu'r ceisydd o'r penderfyniad hwnnw.

(3) Os Gweinidogion Cymru yw'r awdurdod sy'n penderfynu ac os penderfynant yr ymdrinnir â'r cais mewn gwrandawriad neu ymchwiliad cyhoeddus, rhaid iddynt benodi arolygydd i gynnal unrhyw wrandawriad neu ymchwiliad ac i ddarparu adroddiad ac argymhelliad i Weinidogion Cymru.

(4) Caiff yr awdurdod sy'n penderfynu, naill ai wrth gydnabod y cais neu ar unrhyw adeg ddiweddarach, roi cyfarwyddyd i'r ceisydd i—

- (a) darparu unrhyw wybodaeth neu ddogfennau a hepgorwyd o'r cais;
- (b) darparu unrhyw wybodaeth neu ddogfennau pellach sy'n angenrheidiol er mwyn galluogi penderfynu'r cais; neu
- (c) anfon hysbysiad o'r cais at bersonau a bennir yn y cyfarwyddyd, neu arddangos hysbysiad o'r cais mewn manau a bennir yn y

- (b) include the information specified in the form; and
- (c) be signed by the applicant or the applicant's representative.

(2) 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.

Management of application

6.—(1) As soon as practicable after receiving an application, the determining authority must send an acknowledgement of receipt to the applicant, which must include—

- (a) the reference number allocated to the application; and
- (b) a postal address and an e-mail address to which written communications to the determining authority about the application may be sent.

(2) The determining authority must, either when it receives the application or as soon as practicable after the expiry of the period allowed for making representations under regulation 10, decide whether the application is to be dealt with—

- (a) on the basis of written representations,
- (b) at a hearing, or
- (c) at a public inquiry,

and notify the applicant of that decision.

(3) If the determining authority is the Welsh Ministers and they decide that the application is to be dealt with at a hearing or a public inquiry, they must appoint an inspector to conduct any hearing or inquiry and provide a report and recommendation to the Welsh Ministers.

(4) The determining authority may, either when it acknowledges receipt of the application or at any time subsequently, direct the applicant to—

- (a) provide any information or documents omitted from the application;
- (b) provide any further information or documents necessary to enable the application to be determined; or
- (c) send notice of application to persons specified in the direction, or post a notice of application in places specified in the direction, in addition

cyfarwyddyd, yn ychwanegol at y gofynion yn rheoliad 7(1).

(5) Caiff yr awdurdod sy'n penderfynu bennu terfyn amser ar gyfer cydymffurfio ag unrhyw gyfarwyddiadau a roddir o dan y rheoliad hwn.

Rhoi cyhoeddusrwydd i'r cais

7.—(1) Rhaid i'r ceisydd, ddim hwyrach na saith diwrnod ar ôl gwneud cais—

- (a) cyhoeddi hysbysiad o'r cais mewn newyddiadur sy'n cylchredeg yn yr ardal lle bwriedir cyflawni'r gwaith;
- (b) am gyfnod o ddim llai nag 28 diwrnod, arddangos hysbysiad o'r cais yn y prif fannau mynediad i'r tir comin y bwriedir cyflawni'r gwaith arno (neu, os nad oes manau o'r fath, mewn man amlwg ar ffin y tir comin hwnnw); ac
- (c) anfon hysbysiad o'r cais at—
 - (i) perchennog y tir y bwriedir cyflawni'r gwaith arno (os nad y ceisydd yw'r perchennog);
 - (ii) unrhyw berson arall sydd â meddiant o'r tir;
 - (iii) os yw'r tir yn dir comin cofrestredig, meddiannydd unrhyw eiddo a ddangosir yn y gofrestr o dir comin fel eiddo sydd â hawliau comin dros y tir ynghlwm wrtho, os yw'r ceisydd yn credu bod y meddiannydd hwnnw'n arfer yr hawliau hynny, neu y byddai'r cais yn debygol o effeithio ar y meddiannydd;
 - (iv) unrhyw berson arall y mae'n hysbys i'r ceisydd fod hawl ganddo i arfer hawliau comin dros y tir, os yw'r ceisydd yn credu bod y person hwnnw'n arfer yr hawliau hynny, neu y byddai'r cais yn debygol o effeithio arno;
 - (v) y cyngor cymuned (os oes un) ar gyfer yr ardal lle bwriedir gwneud y gwaith.

(2) Rhaid i'r hysbysiad gynnwys y manylion canlynol—

- (a) enw'r ceisydd;
- (b) enw'r tir comin yr effeithid arno gan y gwaith arfaethedig;
- (c) disgrifiad o'r gwaith arfaethedig a'i leoliad;
- (ch) cyfeiriad post a chyfeiriad e-bost lle gellir anfon unrhyw sylwadau;
- (d) y dyddiad pan ddaw'r cyfnod a ganiateir ar gyfer gwneud sylwadau i ben, sef dyddiad na chaiff fod yn gynharach nag 28 diwrnod ar ôl y dyddiad y cydymffurfir yn llawn â pharagraff (1);
- (dd) cyfeiriad lle mae'r ffurflen gais a'r dogfennau a restrir yn rheoliad 5(2) ar gael i'w harchwilio;

to the requirements in regulation 7(1).

(5) The determining authority may specify a time for complying with any directions given under this regulation.

Publicising the application

7.—(1) Not later than seven days after making an application the applicant must—

- (a) publish a notice of the application in a newspaper circulating in the area in which the works are proposed;
- (b) for not less than 28 days display a notice of the application 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; and
- (c) send a notice of the application to—
 - (i) the owner of the land on which the works are proposed (if the owner is not the applicant);
 - (ii) any other person occupying the land;
 - (iii) if the land is registered common land, the occupier of any property shown in the register of common land as being property to which 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;
 - (iv) 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;
 - (v) the community council (if any) for the area in which the works are proposed.

(2) The notice must contain the following details—

- (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;
- (d) a postal address and an e-mail address to which any representations may be sent;
- (e) the date on which the period for making representations expires, which must not be less than 28 days after the date on which paragraph (1) is fully complied with;
- (f) an address at which the application form and the documents listed in regulation 5(2) are available for inspection;

- (e) yr amseroedd a'r dyddiadau pan ganiateir archwilio felly, sef amseroedd a dyddiadau y mae'n rhaid iddynt gydymffurfio â rheoliad 8(2); ac
- (f) cyfeiriad lle y gellir cael copi o'r ffurflen gais ac o'r dogfennau a gyflwynwyd gyda'r cais.

(3) Rhaid i'r ceisydd hefyd anfon hysbysiad o'r cais at unrhyw bersonau, neu arddangos hysbysiad o'r cais mewn unrhyw fannau, fel a gyfarwyddir gan yr awdurdod sy'n penderfynu o dan reoliad 6(4).

(4) Rhaid i'r ceisydd roi hysbysiad i'r awdurdod sy'n penderfynu pan fo'r ceisydd wedi cydymffurfio â pharagraffau (1) i (3), a rhaid i'r hysbysiad hwnnw—

- (a) cynnwys manylion o'r canlynol—
 - (i) y newyddiadur y cyhoeddwyd yr hysbysiad o'r cais ynddo, a'r dyddiad cyhoeddi;
 - (ii) y dyddiad y gosodwyd hysbysiad o'r cais ar y tir;
 - (iii) y personau yr anfonwyd hysbysiad o'r cais atynt, y dyddiad neu'r dyddiadau yr anfonwyd yr hysbysiadau hynny, a natur buddiant pob un o'r personau hynny yn y tir (os oes buddiant);
 - (iv) y man lle gosodwyd hysbysiad o'r cais ar y tir (gan gyfeirio at fap os oes angen); a
- (b) cael ei gyflwyno ynghyd â chopi o'r dudalen berthnasol o'r newyddiadur y cyhoeddwyd yr hysbysiad o'r cais ynddo.

(5) Os caiff hysbysiad ei dynnu ymaith, ei guddio neu'i ddfwyo cyn bo'r cyfnod o 28 diwrnod y cyfeirir ato ym mharagraff (1)(b) wedi dod i ben, a hynny pan nad oes bai ar y ceisydd na bwriad ganddo i wneud hynny, rhaid trin y ceisydd fel pe bai wedi cydymffurfio â gofynion y paragraff hwnnw, os cymerodd gamau rhesymol i ddiogelu'r hysbysiad ac i'w ailosod pe bai angen.

Archwilio a chyflenwi copïau o ddogfennau

8.—(1) Rhaid i'r ceisydd sicrhau bod copïau o'r cais ac o'r dogfennau a gyflwynwyd ynghyd â'r cais ar gael i'w harchwilio yn y cyfeiriad a bennwyd at y diben hwnnw yn yr hysbysiad o gais, ar yr amseroedd a'r dyddiadau a bennwyd yn yr hysbysiad o gais.

(2) Yn ddarostyngedig i baragraff (5), rhaid i'r amseroedd a'r dyddiadau pan yw'n ofynnol bod y cais a'r dogfennau a gyflwynwyd ynghyd â'r cais ar gael i'w harchwilio gynnwys yr holl oriau swyddfa arferol yn ystod cyfnod o ddim llai nag 28 diwrnod, sy'n dod i ben ar ddiwedd y cyfnod a ganiateir ar gyfer gwneud sylwadau.

(3) Caiff unrhyw berson ofyn am gopi gan y ceisydd, o'r cais ac o unrhyw ddogfennau a gyflwynwyd ynghyd ag ef, drwy ysgrifennu i'r cyfeiriad a bennir at y diben hwnnw yn yr hysbysiad o gais.

- (g) the times and dates on which such inspection may take place, which must be in accordance with regulation 8(2); and
- (h) an address from which a copy of the application form and accompanying documents may be obtained.

(3) The applicant must also send a notice of application to such other persons, or display a notice of application in such further places, as the determining authority may direct under regulation 6(4).

(4) The applicant must give notice to the determining authority when the applicant has complied with paragraphs (1) to (3), which must—

- (a) include details of—
 - (i) the newspaper in which the notice of application was published, and the date of publication;
 - (ii) the date on which a notice of application was posted on the land;
 - (iii) the persons to whom a notice of application was sent, the date or dates on which they were sent, and the nature of each such person's interest in the land (if any);
 - (iv) the place at which a notice of application was posted on the land (if necessary, by reference to a map); and
- (b) be accompanied by a copy of the page of the newspaper in which the notice of application was published.

(5) Where a notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 28 days referred to in paragraph (1)(b) has elapsed, the applicant will be treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps to protect the notice and, if need be, replace it.

Inspection and supply of copies of documents

8.—(1) The applicant must ensure that copies of the application and the accompanying documents are available for inspection at the address specified in the notice of application for that purpose, at the times and dates specified in the notice of application.

(2) Subject to paragraph (5), the times and dates at which the application and accompanying documents must be available for inspection must include all normal office hours during a period of not less than 28 days ending on the expiry of the period for making representations.

(3) Any person may request a copy of the application and any accompanying documents from the applicant by writing to the address specified in the notice of application for that purpose.

(4) Yn ddarostyngedig i baragraff (5), rhaid i'r ceisydd ymateb i gais o dan baragraff (3) drwy gyflenwi'r dogfennau y gofynnwyd amdanynt cyn gynted ag y bo'n ymarferol.

(5) Caiff yr awdurdod sy'n penderfynu roi cyfarwyddyd sy'n awdurdodi trefniadau eraill ar gyfer archwilio neu gyflenwi copïau o ddogfennau, os bodlonir yr awdurdod na ellir, yn rhesymol, ddisgwyl i'r ceisydd gydymffurfio â'r rhwymedigaeth ym mharagraff (2) neu (4).

Methiant i gydymffurfio

9. Os yw'r ceisydd yn peidio â chydymffurfio â rheoliad 7 neu 8, neu ag unrhyw gyfarwyddiadau a roddir o dan reoliad 6, caiff yr awdurdod sy'n penderfynu—

- (a) trin y cais fel pe bai wedi ei dynnu'n ôl;
- (b) rhoi cyfarwyddiadau i'r ceisydd i unioni'r methiant i gydymffurfio (ac os yw'n briodol, estyn y cyfnod a ganiateir ar gyfer gwneud sylwadau); neu
- (c) diystyru'r methiant i gydymffurfio, os bodlonir yr awdurdod sy'n penderfynu y byddai'n afresymol gwneud cydymffurfio'n ofynnol ac nad yw'n debygol y niweidir neb oherwydd y methiant i gydymffurfio.

Sylwadau

10.—(1) Caiff unrhyw berson anfon sylwadau ynglŷn â'r gwaith arfaethedig at yr awdurdod sy'n penderfynu erbyn y dyddiad a bennir yn yr hysbysiad o gais.

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

- (a) datgan enw a chyfeiriad y person sy'n gwneud y sylwadau, a natur buddiant y person hwnnw yn y tir neu'r gwaith arfaethedig (os oes buddiant);
- (b) bod mewn ysgriflen ac wedi eu llofnodi gan y person sy'n eu gwneud; ac
- (c) datgan ar ba seiliau y gwneir y sylwadau.

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod a ganiateir ar gyfer gwneud sylwadau, rhaid i'r awdurdod sy'n penderfynu naill ai—

- (a) hysbysu'r ceisydd nad oes unrhyw sylwadau wedi eu gwneud; neu
- (b) anfon at y ceisydd gopi o'r holl sylwadau a gafwyd.

(4) Pan fo'r ceisydd wedi cael copi o sylwadau o dan baragraff (3)(b), caiff y ceisydd anfon ymateb i'r sylwadau hynny at yr awdurdod sy'n penderfynu, o fewn 21 diwrnod ar ôl cael copi o'r fath.

(5) Rhaid i ymateb o dan baragraff (4) fod mewn ysgriflen ac wedi ei lofnodi gan y ceisydd neu gynrychiolydd y ceisydd.

(4) Subject to paragraph (5), the applicant must respond to a request under paragraph (3) by supplying the requested documents as soon as practicable.

(5) The determining authority may give a direction authorising other arrangements for the inspection or supply of copies of documents, if satisfied that the applicant cannot reasonably be expected to comply with the obligation in paragraph (2) or (4).

Non-compliance

9. If the applicant fails to comply with regulation 7 or 8, or with any directions given under regulation 6, the determining authority may—

- (a) treat the application as withdrawn;
- (b) give directions to the applicant to remedy the non-compliance (and, if appropriate, extend the period allowed for making representations); or
- (c) waive the non-compliance, if the determining authority is satisfied that it would be unreasonable to require compliance and no-one is likely to be prejudiced by the non-compliance.

Representations

10.—(1) Any person may send representations about the proposed works to the determining authority by the date specified in the notice of application.

(2) Representations under paragraph (1) must—

- (a) state the name and address of the person making them, and the nature of that person's interest in the land or proposed works (if any);
- (b) be made in writing and signed by the person making them; and
- (c) state the grounds on which they are made.

(3) As soon as reasonably practicable after the expiry of the period for making representations, the determining authority must either—

- (a) notify the applicant that no representations have been made; or
- (b) send the applicant a copy of all the representations received.

(4) Where the applicant has received a copy of representations under paragraph (3)(b), the applicant may reply to the determining authority within 21 days of such receipt, setting out a response to them.

(5) A reply under paragraph (4) must be in writing, and signed by the applicant or the applicant's representative.

(6) Yn achos dogfen a anfonir gan ddefnyddio cyfathrebiad electronig yn unol â'r Rheoliadau hyn, bodlonir y gofynion ym mharagraffau (2) a (5), sef bod y ddogfen wedi ei llofnodi, os yw'r person y mae'n ofynnol iddo lofnodi'r ddogfen yn teipio enw'r person hwnnw neu'n cynhyrchu llofnod y person hwnnw drwy ddefnyddio cyfrifiadur neu ddull mecanyddol arall.

Hysbysiad o wrandawriad neu ymchwiliad

11.—(1) Os yw'r awdurdod sy'n penderfynu yn penderfynu cynnal gwrandawriad neu ymchwiliad, rhaid iddo sicrhau —

- (a) y cyhoeddir hysbysiad o'r gwrandawriad neu ymchwiliad ar wefan briodol, a hefyd mewn newyddiadur sy'n cylchredeg yn yr ardal lle bwriedir gwneud y gwaith ;
- (b) yr anfonir hysbysiad o'r gwrandawriad neu ymchwiliad at unrhyw berson a wnaeth sylwadau yn unol â rheoliad 10; ac
- (c) os yw'r awdurdod sy'n penderfynu o'r farn bod angen hynny, y rhoddir cyhoeddu'rwydd i hysbysiad o'r gwrandawriad neu ymchwiliad ym mha bynnag ffordd arall, neu'r anfonir yr hysbysiad at ba bynnag bersonau eraill, fel y bo'n briodol er mwyn dwyn y gwrandawriad neu ymchwiliad i sylw personau y mae'r gwaith yn debygol o effeithio arnynt.

(2) Rhaid i'r hysbysiad o'r gwrandawriad neu ymchwiliad gynnwys —

- (a) disgrifiad o'r gwaith arfaethedig a'i leoliad;
- (b) datganiad i'r perwyl y cynhelir gwrandawriad neu ymchwiliad (yn ôl fel y digwydd) mewn cysylltiad â'r gwaith arfaethedig;
- (c) dyddiad, amser a lleoliad y gwrandawriad neu ymchwiliad ac enw'r arolygydd; a
- (ch) cyfeiriad lle gellir cael copi o'r ffurflen gais ac o'r dogfennau a gyflwynwyd gyda'r cais, gan yr awdurdod sy'n penderfynu.

(3) Ni chaiff y dyddiad a bennir ar gyfer dechrau'r gwrandawriad neu'r ymchwiliad fod yn gynharach na chwe wythnos ar ôl yr adeg y cydymffurfiwyd â pharagraff (1).

Gwrandawriadau ac ymholiadau: darpariaethau cyffredinol

12.—(1) Yn ddarostyngedig i baragraffau canlynol y rheoliad hwn ac i reoliadau 13 a 15, mae'r weithdrefn mewn gwrandawriad neu ymchwiliad i'w phenderfynu gan yr arolygydd.

(2) Caiff unrhyw berson sydd â diddordeb yn y mater sydd gerbron gwrandawriad neu ymchwiliad ymddangos yn y gwrandawriad neu ymchwiliad, naill ai'n bersonol neu drwy gynrychiolydd.

(6) The requirements in paragraphs (2) and (5) for a document to be signed are satisfied, in the case of a document sent by means of an electronic communication in accordance with these Regulations, by the person who is required to sign the document typing that person's name or producing that person's signature by computer or other mechanical means.

Notice of hearing or inquiry

11.—(1) If the determining authority decides to hold a hearing or inquiry, it must ensure that a notice of hearing or inquiry is—

- (a) published on an appropriate website, and in a newspaper circulating in the area in which the works are proposed;
- (b) sent to the applicant and to any person who has made representations in accordance with regulation 10; and
- (c) if the determining authority considers it necessary, publicised by such other means or sent to such other persons as may be appropriate to bring the hearing or inquiry to the attention of persons likely to be affected by the works.

(2) The notice of hearing or inquiry must include—

- (a) a description of the proposed works, and their location;
- (b) a statement including that a hearing or inquiry (as the case may be) will be held in connection with the proposed works;
- (c) the date, time and place of the hearing or inquiry and the name of the inspector; and
- (d) an address from which a copy of the application form and accompanying documents may be obtained from the determining authority.

(3) The date fixed for the start of the hearing or inquiry must not be less than six weeks after paragraph (1) has been complied with.

Hearings and inquiries: general provisions

12.—(1) Subject to the following paragraphs of this regulation, and to regulations 13 and 15, the procedure at a hearing or inquiry is to be determined by the inspector.

(2) Any person interested in the subject-matter of a hearing or inquiry may appear at the hearing or inquiry in person or by a representative.

(3) Caiff yr arolygydd, ar unrhyw adeg yn ystod gwrandawriad neu ymchwiliad, rwystro unrhyw berson rhag—

- (a) rhoi tystiolaeth,
- (b) croesholi person sy'n rhoi tystiolaeth, neu
- (c) cyflwyno unrhyw fater,

os yw'r arolygydd o'r farn bod hynny'n amherthnasol neu'n ailadroddus.

(4) Caiff yr arolygydd, os yw'r arolygydd o'r farn bod person yn ymddwyn yn aflonyddgar—

- (a) gwneud yn ofynnol bod y person hwnnw'n gadael gwrandawriad neu ymchwiliad,
- (b) rhwystro'r person hwnnw rhag cymryd rhan yn y gwrandawriad neu ymchwiliad drwy roi tystiolaeth, croesholi person sy'n rhoi tystiolaeth neu gyflwyno unrhyw fater, neu
- (c) caniatáu i'r person hwnnw aros yn y gwrandawriad neu ymchwiliad, neu gymryd rhan ynddo, yn ddarostyngedig i amodau penodedig yn unig.

(5) Caiff yr arolygydd fynd ymlaen â gwrandawriad neu ymchwiliad yn absenoldeb unrhyw berson sydd â hawl i ymddangos ynddo.

(6) Caiff yr arolygydd gymryd i ystyriaeth unrhyw sylwadau neu dystiolaeth ysgrifenedig neu unrhyw ddogfen arall a gaiff yr arolygydd gan unrhyw berson cyn neu yn ystod gwrandawriad neu ymchwiliad, ar yr amod bod yr arolygydd yn datgelu hynny yn y gwrandawriad neu ymchwiliad.

(7) Caiff yr arolygydd—

- (a) gohirio gwrandawriad neu ymchwiliad i'w barhau ar ddyddiad arall;
- (b) gohirio gwrandawriad neu ymchwiliad er mwyn ei ailgynnull ar safle'r gwaith arfaethedig, a chynnal rhan o'r gwrandawriad neu ymchwiliad ar y safle hwnnw, ynghyd â chynnal archwiliad safle.

Y weithdrefn mewn gwrandawriadau

13.—(1) Rhaid i wrandawriad fod ar ffurf trafodaeth dan arweiniad yr arolygydd.

(2) Yn ddarostyngedig i reoliad 12(3) i (5)—

- (a) mae hawl gan y ceisydd i roi, neu alw person arall i roi, tystiolaeth ar lafar; a
- (b) caiff unrhyw berson arall roi tystiolaeth ar lafar gyda chaniatâd yr arolygydd.

(3) Ni chaniateir croesholi oni fydd yr arolygydd yn penderfynu bod hynny'n angenrheidiol er mwyn sicrhau archwiliad digonol o'r materion gebron.

Cyfarfod cyn yr ymchwiliad

14.—(1) Os penderfynwyd cynnal ymchwiliad, caiff yr arolygydd gynnal cyfarfod cyn yr ymchwiliad, os

(3) The inspector may, at any stage of a hearing or inquiry, prevent any person from—

- (a) giving evidence,
- (b) cross-examining a person giving evidence, or
- (c) presenting any matter,

if the inspector considers it to be irrelevant or repetitious.

(4) The inspector may, if the inspector considers that a person is behaving in a disruptive manner—

- (a) require the person to leave a hearing or inquiry,
- (b) prevent the person from participating in the hearing or inquiry by giving evidence, cross-examining a person giving evidence, or presenting any matter, or
- (c) permit the person to remain at, or participate in, the hearing or inquiry only on specified conditions.

(5) The inspector may proceed with a hearing or inquiry in the absence of any person entitled to appear at it.

(6) The inspector may take into account any written representations or evidence or any other document received by the inspector from any person before or during a hearing or inquiry, provided that the inspector discloses it at the hearing or inquiry.

(7) The inspector may—

- (a) adjourn a hearing or inquiry to continue on another date;
- (b) adjourn a hearing or inquiry to the site of the proposed works, and conduct part of the hearing or inquiry at that site in conjunction with a site inspection.

Procedure at hearings

13.—(1) A hearing is to take the form of a discussion led by the inspector.

(2) Subject to regulation 12(3) to (5)—

- (a) the applicant is entitled to give, or to call another person to give, oral evidence; and
- (b) any other person may give oral evidence with the permission of the inspector.

(3) Cross-examination is not permitted unless the inspector decides that it is necessary to ensure a sufficient examination of the issues.

Pre-inquiry meeting

14.—(1) Where it has been decided to hold an inquiry, the inspector may, if the inspector considers it

yw'r arolygydd o'r farn y byddai'n ddymunol gwneud hynny er mwyn penderfynu pa faterion sydd i'w trafod a pha weithdrefn i'w dilyn yn yr ymchwiliad.

(2) Os yw'r arolygydd yn penderfynu cynnal cyfarfod cyn yr ymchwiliad, rhaid i'r arolygydd roi cyfnod o rybudd o ddim llai na dwy wythnos, mewn ysgrifen, i'r canlynol—

- (a) y ceisydd;
- (b) unrhyw berson a wnaeth sylwadau ysgrifenedig ynglŷn â'r cais; ac
- (c) unrhyw berson arall y byddai ei bresenoldeb yn y cyfarfod cyn yr ymchwiliad yn ddymunol ym marn yr arolygydd.

(3) Mae paragraffau (1) i (5) o reoliad 12 (i'r graddau y maent yn berthnasol) yn gymwys i gyfarfodydd cyn yr ymchwiliad, fel y maent yn gymwys i ymchwiliadau.

(4) Mewn cyfarfod cyn yr ymchwiliad, caiff yr arolygydd—

- (a) rhoi cyfarwyddiadau i'r ceisydd ac i unrhyw berson arall sy'n dymuno ymddangos yn yr ymchwiliad, ynglŷn â'r pethau sydd i'w gwneud i baratoi ar gyfer yr ymchwiliad; a
- (b) pennu dyddiad neu ddyddiadau terfynol ar gyfer cydymffurfio ag unrhyw gyfarwyddiadau o'r fath.

(5) Yn benodol, caiff yr arolygydd gyfarwyddo unrhyw berson sy'n dymuno rhoi tystiolaeth yn yr ymchwiliad—

- (a) i anfon datganiad ysgrifenedig o'r dystiolaeth honno at yr arolygydd; a
- (b) i anfon copi o'r datganiad ysgrifenedig hwnnw at ba bynnag bersonau eraill a bennir gan yr arolygydd.

Y weithdrefn mewn ymchwiliadau

15.—(1) Ar ddechrau ymchwiliad, rhaid i'r arolygydd—

- (a) nodi'r prif faterion sydd i'w hystyried yn yr ymchwiliad;
- (b) nodi unrhyw faterion y mae'n ofynnol gan yr arolygydd gael esboniad pellach yn eu cylch gan unrhyw berson sy'n ymddangos yn yr ymchwiliad; ac
- (c) esbonio'r weithdrefn sydd i'w dilyn yn yr ymchwiliad.

(2) Nid yw paragraff (1)(a) yn allgáu materion eraill rhag cael eu hystyried, neu eu codi gan bersonau sy'n ymddangos yn yr ymchwiliad.

(3) Os yw person sy'n rhoi tystiolaeth yn yr ymchwiliad wedi darparu datganiad ysgrifenedig o dystiolaeth yn unol â chyfarwyddyd o dan reoliad 14(5), caiff yr arolygydd gyfarwyddo—

desirable, hold a pre-inquiry meeting to determine the matters to be addressed and the procedure to be followed at the inquiry.

(2) If the inspector decides to hold a pre-inquiry meeting, the inspector must give not less than two weeks notice in writing to—

- (a) the applicant;
- (b) any person who has made written representations about the application; and
- (c) any other person whose presence at the pre-inquiry meeting the inspector considers desirable.

(3) Paragraphs (1) to (5) of regulation 12 (so far as relevant) apply to pre-inquiry meetings as they apply to inquiries.

(4) The inspector may, at a pre-inquiry meeting—

- (a) give directions to the applicant and any other person wishing to appear at the inquiry about things to be done in preparation for the inquiry; and
- (b) specify a date or dates by which any such directions must be complied with.

(5) In particular, the inspector may direct any person wishing to give evidence at the inquiry to—

- (a) send the inspector a written statement of that evidence; and
- (b) send a copy of that written statement to such other persons as the inspector may specify.

Procedure at inquiries

15.—(1) At the start of an inquiry, the inspector must—

- (a) identify the main issues to be considered at the inquiry;
- (b) identify any matters on which the inspector requires further explanation from any person appearing at the inquiry; and
- (c) explain the procedure to be followed at the inquiry.

(2) Paragraph (1)(a) does not preclude other issues from being considered, or raised by persons appearing, at the inquiry.

(3) If a person giving evidence at the inquiry has provided a written statement of evidence in accordance with a direction under regulation 14(5), the inspector may direct that—

- (a) bod y datganiad ysgrifenedig i'w drin fel tystiolaeth y person hwnnw, neu fel rhan o dystiolaeth y person hwnnw; a
- (b) y caiff partïon eraill yn yr ymchwiliad groesholi'r person hwnnw ynglŷn â'r datganiad ysgrifenedig.

Archwiliadau safle

16.—(1) Os yw cais i gael ei benderfynu heb gynnal gwrandawriad nac ymchwiliad, caiff yr awdurdod sy'n penderfynu, ar unrhyw adeg cyn penderfynu'r cais, benodi neu neilltuo arolygydd i archwilio safle'r gwaith arfaethedig ac i ddarparu adroddiad.

(2) Caiff arolygydd sy'n cynnal gwrandawriad neu archwiliad archwilio safle'r gwaith arfaethedig.

(3) Os yw arolygydd yn bwriadu gwneud archwiliad safle o dan baragraff (1) neu (2), rhaid i'r arolygydd ofyn i'r ceisydd a yw'r ceisydd yn dymuno bod yn bresennol, neu gael ei gynrychioli, yn yr archwiliad safle.

(4) Os yw'r ceisydd yn datgan ei fod yn dymuno bod yn bresennol neu gael ei gynrychioli, rhaid i'r arolygydd roi rhybudd rhesymol i'r ceisydd, o ddyddiad ac amser yr archwiliad, a rhoi cyfle i'r ceisydd, neu gynrychiolydd y ceisydd, fod yn bresennol.

(5) Nid yw'n ofynnol bod arolygydd yn gohirio archwiliad os nad yw'r ceisydd neu gynrychiolydd y ceisydd yn bresennol ar yr adeg benodedig.

Newidiadau yn y weithdrefn

17.—(1) Os yw'r awdurdod sy'n penderfynu wedi hysbysu'r ceisydd y cynhelir gwrandawriad neu ymchwiliad mewn perthynas â chais, caiff yr awdurdod, ar unrhyw adeg cyn bo'r gwrandawriad neu ymchwiliad wedi dod i ben, benderfynu—

- (a) diddymu'r gwrandawriad neu ymchwiliad a phenderfynu'r cais drwy gyfrwng sylwadau ysgrifenedig; neu
- (b) cynnal gwrandawriad yn hytrach nag ymchwiliad, neu i'r gwrthwyneb.

(2) Rhaid i'r awdurdod sy'n penderfynu ymgynghori â'r ceisydd cyn penderfynu newid y weithdrefn ar gyfer penderfynu cais.

Penderfynu cais

18.—(1) Cyn gynted ag y bo'n ymarferol ar ôl ystyried—

- (a) y cais a'r holl sylwadau a wnaed yn unol â rheoliad 10,
- (b) unrhyw adroddiad gan arolygydd yn dilyn archwiliad safle, ac
- (c) os cynhaliwyd gwrandawriad neu ymchwiliad—

- (a) the written statement is to be treated as the person's evidence, or as part of the person's evidence; and
- (b) other parties at the inquiry may cross-examine the person on the written statement.

Site inspections

16.—(1) Where an application is to be determined without a hearing or inquiry, the determining authority may at any time before determining the application appoint or assign an inspector to inspect the site of the proposed works and to provide a report.

(2) An inspector carrying out a hearing or inquiry may inspect the site of the proposed works.

(3) Where an inspector intends to make a site inspection under paragraph (1) or (2), the inspector must ask the applicant whether the applicant wishes to be present or be represented.

(4) If the applicant states that the applicant wishes to be present or be represented, the inspector must give the applicant reasonable notice of the date and time of the inspection, and give the applicant or the applicant's representative the opportunity to be present.

(5) The inspector is not required to postpone an inspection if the applicant or the applicant's representative is not present at the appointed time.

Changes of procedure

17.—(1) Where the determining authority has notified the applicant that a hearing or inquiry is to be held in relation to an application, it may at any time before the conclusion of the hearing or inquiry decide—

- (a) to cancel the hearing or inquiry and determine the application by way of written representations; or
- (b) to hold a hearing instead of an inquiry, or vice versa.

(2) The determining authority must consult the applicant before deciding to change the procedure for determining an application.

Determination of application

18.—(1) As soon as practicable after considering—

- (a) the application and all representations made in accordance with regulation 10,
- (b) any report by an inspector following a site inspection, and
- (c) where a hearing or inquiry has been held, either—

- (i) y dystiolaeth a gyflwynwyd yn y gwrandawriad neu ymchwiliad (os gwneir y penderfyniad gan yr arolygydd a glywodd y dystiolaeth honno), neu
- (ii) adroddiad ac argymhelliad yr arolygydd (os na wneir y penderfyniad gan yr arolygydd),

rhaid i'r awdurdod sy'n penderfynu benderfynu pa un a roddir caniatâd ar gyfer y gwaith arfaethedig ai peidio, a hysbysu'r ceisydd o'r penderfyniad hwnnw, mewn ysgriflen.

(2) Rhaid i'r penderfyniad ddatgan, gan roi rhesymau, pa un a yw'r caniatâd ar gyfer y gwaith arfaethedig—

- (a) wedi ei roi fel y gofynnir yn y cais;
- (b) wedi ei roi yn rhannol yn unig, neu'n ddarostyngedig i addasiadau neu amodau; neu
- (c) wedi ei wrthod.

(3) Os yw arolygydd wedi paratoi adroddiad yn dilyn gwrandawriad, ymchwiliad neu archwiliad safle, rhaid anfon copi o'r adroddiad hwnnw gyda'r hysbysiad o'r penderfyniad a anfonir at y ceisydd.

(4) Rhaid i'r awdurdod sy'n penderfynu gyhoeddi'r penderfyniad, a'r rhesymau drosto, ar wefan briodol.

Cais i amrywio neu ddirymu addasiadau neu amodau

19.—(1) Pan fo caniatâd yn gosod addasiadau neu amodau, rhaid i unrhyw gais o dan adran 39(5) o Ddeddf 2006 am ddirymu neu amrywio'r addasiadau neu'r amodau hynny gael ei wneud o fewn 3 mis ar ôl y dyddiad yr hysbysir y ceisydd o'r penderfyniad i roi caniatâd.

(2) Rhaid i'r cais—

- (a) bod mewn ysgriflen;
- (b) nodi'r addasiad neu'r amod y mae'r ceisydd yn gofyn am ei amrywio neu ddirymu;
- (c) disgrifio'r amrywiad a geisir, gan roi rhesymau am hynny; a
- (ch) cael ei lofnodi gan y ceisydd neu gynrychiolydd y ceisydd.

Gweithredu ar ôl cael cais i ddirymu neu amrywio addasiadau neu amodau

20.—(1) Ar ôl cael cais y cyfeirir ato yn rheoliad 19(1), caiff yr awdurdod sy'n penderfynu naill ai—

- (a) penderfynu'r cais; neu
- (b) rhoi cyfarwyddiadau i'r ceisydd i hysbysu personau penodedig o'r cais, a chaniatáu cyfle i'r personau hynny wneud sylwadau cyn penderfynu'r cais.

- (i) the evidence presented at the hearing or inquiry (if the determination is being made by the inspector who heard the evidence), or
- (ii) the report and recommendation of the inspector (if the determination is not being made by the inspector),

the determining authority must determine whether or not to grant consent to the proposed works, and notify the applicant in writing of that decision.

(2) 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) Where an inspector has produced a report following a hearing, inquiry or site inspection, the notification of the decision sent to the applicant must be accompanied by a copy of that report.

(4) The determining authority must publish the decision, and the reasons for it, on an appropriate website.

Application to vary or revoke modifications or conditions

19.—(1) Where a consent imposes modifications or conditions, any application under section 39(5) of the 2006 Act for those modifications or conditions to be varied or revoked must be made within 3 months of the date on which the applicant is notified of the decision to grant consent.

(2) The application must—

- (a) be in writing;
- (b) identify the modification or condition which the applicant wishes to vary or revoke;
- (c) describe the variation sought, and give reasons for it; and
- (d) be signed by the applicant or the applicant's representative.

Action after receiving an application to revoke or vary modifications or conditions

20.—(1) On receiving an application referred to in regulation 19(1), the determining authority may—

- (a) determine the application; or
- (b) give directions to the applicant to notify specified persons of the application, and allow them an opportunity to make representations before determining the application.

- (2) Rhaid i'r awdurdod sy'n penderfynu—
- (a) hysbysu'r ceisydd, mewn ysgrifen, o'i benderfyniad ac o'r rhesymau drosto;
 - (b) cyhoeddi'r penderfyniad, a'r rhesymau drosto, ar wefan briodol.

Ceisiadau am ganiatâd ar gyfer gwaith ar dir yr Ymddiriedolaeth Genedlaethol

21.—(1) Mae rheoliadau 5 i 18 yn gymwys mewn perthynas â chais o dan adran 23(2) o Ddeddf yr Ymddiriedolaeth Genedlaethol 1971(1), fel pe bai'n gais o dan adran 38(1) o Ddeddf 2006.

(2) Pan wneir cais gan yr Ymddiriedolaeth Genedlaethol, rhaid i'r cais, yn ychwanegol at y materion sy'n ofynnol gan reoliad 5, ardystio bod y gwaith arfaethedig o fewn pwerau'r Ymddiriedolaeth Genedlaethol.

(3) Mae rheoliadau 19 ac 20 yn gymwys mewn perthynas â chais o dan adran 39(5) o Ddeddf 2006 am amrywio neu ddirymu unrhyw addasiad neu amod a osodwyd mewn cysylltiad ag unrhyw ganiatâd a roddwyd ynglŷn â chais o dan adran 23(2) o Ddeddf yr Ymddiriedolaeth Genedlaethol 1971.

- (2) The determining authority must—
- (a) notify the applicant in writing of its decision and the reasons for it;
 - (b) publish the decision, and the reasons for it, on an appropriate website.

Applications for consent to works on National Trust land

21.—(1) Regulations 5 to 18 apply in relation to an application under section 23(2) of the National Trust Act 1971(1), as if it were an application under section 38(1) of the 2006 Act.

(2) An application by the National Trust must, in addition to the matters required by regulation 5, certify that the proposed works are within the powers of the National Trust.

(3) Regulations 19 and 20 apply in relation to an application under section 39(5) of the 2006 Act to vary or revoke any modification or condition imposed in relation to any consent granted upon an application under section 23(2) of the National Trust Act 1971.

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

7 Mawrth 2012

7 March 2012

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(1) 1971 p.vi, fel y'i diwygiwyd gan baragraff 4 o Atodlen 4 i Ddeddf 2006. Mae adrannau 39 a 40 o Ddeddf 2006 yn gymwys mewn perthynas â chais o dan adran 23(2) o Ddeddf yr Ymddiriedolaeth Genedlaethol 1971 yn rhinwedd adran 23(2A) o'r Ddeddf honno, fel y'i mewnosodwyd gan baragraff 4(3) a Atodlen 4 i Ddeddf 2006.

(1) 1971 c.vi, as amended by paragraph 4 of Schedule 4 to the 2006 Act. Sections 39 and 40 of the 2006 Act apply in relation to an application under section 23(2) of the National Trust Act 1971 by virtue of section 23(2A) of that Act, as inserted by paragraph 4(3) of Schedule 4 to the 2006 Act.

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TIROEDD COMIN, CYMRU

Rheoliadau Gwaith ar Diroedd
Comin, etc. (Gweithdrefn) (Cymru)
2012

WELSH STATUTORY
INSTRUMENTS

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COMMONS, WALES

The Works on Common Land, etc.
(Procedure) (Wales) Regulations
2012