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INSTRUMENTS

2012 Rhif 792 (Cy.107)

2012 No. 792 (W.107)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Coed) (Diwygio) (Cymru)
2012

The Town and Country Planning
(Trees) (Amendment) (Wales)
Regulations 2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999 ("Rheoliadau 1999") yn gwneud darpariaeth, ymhlith pethau eraill, ar gyfer ffurf gorchmynion cadw coed ac ar gyfer ceisiadau am gydsyniad i wneud gwaith ar goed sy'n ddarostyngedig i orchymyn.

The Town and Country Planning (Trees) Regulations 1999 ("the 1999 Regulations") make provision, among other things, for the form of tree preservation orders and for applications for consent to carry out work on trees subject to an order.

Mae rheoliad 2(2) o'r Rheoliadau hyn yn mewnosod rheoliad 9B newydd yn Rheoliadau 1999 i wneud darpariaeth ar gyfer ffurf a chynnwys ceisiadau am gydsyniad ar gyfer gweithio ar goed yng Nghymru. Mae diwygiadau canlyniadol yn cael eu gwneud i'r Atodlen i Rheoliadau 1999 gan reoliad 2(3).

Regulation 2(2) of these Regulations inserts a new regulation 9B into the 1999 Regulations to make provision for the form and content of applications for consent for tree works in Wales. Consequential amendments are made to the Schedule to the 1999 Regulations by regulation 2(3).

Paratowyd asesiad effaith mewn perthynas â'r Rheoliadau hyn. Gellir cael copïau gan: Y Gyfarwyddiaeth Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar-lein yn www.cymru.gov.uk.

An impact assessment was prepared in relation to these Regulations. Copies may be obtained from the Planning Directorate, the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and online at www.wales.gov.uk.

2012 Rhif 792 (Cy.107)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**Rheoliadau Cynllunio Gwlad a
Thref (Coed) (Diwygio) (Cymru)
2012**

Gwnaed 10 Mawrth 2012
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 13 Mawrth 2012
Yn dod i rym 30 Ebrill 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 198(8) a 333(1) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sy'n arferadwy bellach ganddynt hwy(2), yn gwneud y Rheoliadau a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Coed) (Diwygio) (Cymru) 2012 a deuant i rym ar 30 Ebrill 2012.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â'r canlynol—

- (a) ceisiadau a wneir ar 30 Ebrill 2012 neu ar ôl hynny; a
- (b) Cymru.

**Diwygio Rheoliadau Cynllunio Gwlad a Thref
(Coed) 1999**

2.—(1) Mae Rheoliadau Cynllunio Gwlad a Thref (Coed) 1999(3) wedi eu diwygio fel a ganlyn.

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- (1) 1990 p.8. Mewnosodwyd adran 198(8) gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5), adran 42(3). Diwygiwyd adran 333(1) gan Ddeddf yr Amgylchedd 1995 (p.25), adran 78 ac Atodlen 10, paragraff 32(12).
 - (2) Trosglwyddwyd y swyddogaethau o dan yr adrannau hynny, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru.
 - (3) O.S. 1999/1892, y mae diwygiadau iddo nad ydynt yn berthnasol i'r offeryn hwn.

2012 No. 792 (W.107)

**TOWN AND COUNTRY
PLANNING, WALES**

**The Town and Country Planning
(Trees) (Amendment) (Wales)
Regulations 2012**

Made 10 March 2012
*Laid before the National
Assembly for Wales* 13 March 2012
Coming into force 30 April 2012

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 198(8) and 333(1) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012 and they come into force on 30 April 2012.

(2) These Regulations apply in relation to—

- (a) applications made on or after 30 April 2012; and
- (b) Wales.

**Amendments to the Town and Country Planning
(Trees) Regulations 1999**

2.—(1) The Town and Country Planning (Trees) Regulations 1999(3) are amended as follows.

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- (1) 1990 c.8. Section 198(8) was inserted by the Planning and Compulsory Purchase Act 2004 (c.5) section 42(3). Section 333(1) was amended by the Environment Act 1995 (c.25) section 78 and Schedule 10, paragraph 32(12).
 - (2) Functions under those sections, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), those functions are now exercisable by the Welsh Ministers.
 - (3) S.I. 1999/1892 to which there are amendments not relevant to this instrument.

(2) Ar ôl rheoliad 9A mewnosoder—

"Applications for consent under tree preservation order: Wales

9B.—(1) Subject to the following provisions of this regulation, an application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which an order is for the time being in force must—

- (a) be made in writing to the authority—
 - (i) on a form published by the Welsh Ministers for the purpose of proceedings under these Regulations; or
 - (ii) where the authority has consented to applications being made electronically, on a form published electronically by the Welsh Ministers and provided to the applicant using electronic communication for that purpose;
- (b) include the particulars specified in the form;
- (c) be accompanied, whether electronically or otherwise by—
 - (i) a plan which identifies the tree or trees to which the application relates;
 - (ii) such information as is necessary to specify the work for which consent is sought;
 - (iii) a statement of the applicant's reasons for making the application; and
 - (iv) appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable.

(2) Where an application is made using electronic communication, the applicant is taken to have agreed—

- (a) to the use of such communication by the authority for the purposes of the application;
- (b) that the applicant's address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that deemed agreement under this paragraph will subsist until the applicant gives notice in writing—
 - (i) withdrawing any address notified to the authority for that purpose; or
 - (ii) revoking that deemed agreement,and such withdrawal or revocation will be final

(2) After regulation 9A insert—

"Applications for consent under tree preservation order: Wales

9B.—(1) Subject to the following provisions of this regulation, an application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which an order is for the time being in force must—

- (a) be made in writing to the authority—
 - (i) on a form published by the Welsh Ministers for the purpose of proceedings under these Regulations; or
 - (ii) where the authority has consented to applications being made electronically, on a form published electronically by the Welsh Ministers and provided to the applicant using electronic communication for that purpose;
- (b) include the particulars specified in the form;
- (c) be accompanied, whether electronically or otherwise by—
 - (i) a plan which identifies the tree or trees to which the application relates;
 - (ii) such information as is necessary to specify the work for which consent is sought;
 - (iii) a statement of the applicant's reasons for making the application; and
 - (iv) appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable.

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- (b) that the applicant's address for those purposes is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that deemed agreement under this paragraph will subsist until the applicant gives notice in writing—
 - (i) withdrawing any address notified to the authority for that purpose; or
 - (ii) revoking that deemed agreement,and such withdrawal or revocation will be final

and must take effect on the date specified by the applicant in the notice being not less than seven days after the date on which the notice is given."

(3) In the Schedule (form of tree preservation order)—

- (a) omit article 6 (applications for consent under the order); and
- (b) in article 9(4)(b) for the words "statement of reasons" to "such statement" substitute "application and the documents and particulars accompanying it".

and must take effect on the date specified by the applicant in the notice being not less than seven days after the date on which the notice is given."

(3) In the Schedule (form of tree preservation order)—

- (a) omit article 6 (applications for consent under the order); and
- (b) in article 9(4)(b) for the words "statement of reasons" to "such statement" substitute "application and the documents and particulars accompanying it".

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

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

10 Mawrth 2012

10 March 2012

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