OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2017 Rhif 530 (Cy. 113)

2017 No. 530 (W. 113)

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

Rheoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2017

The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli, gyda rhai newidiadau, Reoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2003 ("Rheoliadau 2003").

Y prif newidiadau a wneir gan y Rheoliadau hyn yw—

(1) diwygir yr wybodaeth sydd i'w chynnwys mewn nodyn esboniadol i fynd gyda phob hysbysiad gorfodi a gyflwynir gan awdurdod cynllunio lleol o dan adran 172(2) o Ddeddf Cynllunio Gwlad a Thref 1990 ("y Ddeddf Gynllunio") yng ngoleuni'r newidiadau y cyfeirir atynt ym mharagraff (2)(a) a (b) (rheoliad 7);

(2) mewn perthynas ag apelau i Weinidogion Cymru o dan adran 174(3) o'r Ddeddf Gynllunio neu adran 39(2) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 ("y Ddeddf Adeiladau Rhestredig")—

(a) rhaid i'r apelydd ddarparu datganiad achos llawn;

(b) mae'r amser a ragnodir o dan adran 174(4) o'r Ddeddf Gynllunio ac adran 39(4) o'r Ddeddf Adeiladau Rhestredig ar gyfer cyflwyno datganiad ysgrifenedig i Weinidogion Cymru wedi ei ddiwygio;

(c) rhaid i'r apelydd, cyn gynted ag y bo'n rhesymol ymarferol, anfon copi o'r hysbysiad o apêl a datganiad achos llawn i'r awdurdod cynllunio lleol (rheoliad 8);

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace with some changes the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003 ("the 2003 Regulations").

The main changes made by these Regulations are—

(1) the information to be included in an explanatory note to accompany every enforcement notice served by a local planning authority under section 172(2) of the Town and Country Planning Act 1990 ("the Planning Act") is amended in light of the changes referred to in paragraph (2)(a) and (b) (regulation 7);

(2) in relation to appeals to the Welsh Ministers under section 174(3) of the Planning Act or section 39(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act")—

(a) the appellant must provide a full statement of case;

(b) the time prescribed under section 174(4) of the Planning Act and section 39(4) of the Listed Buildings Act for submitting a statement in writing to the Welsh Ministers is amended;

(c) the appellant must as soon as reasonably practicable send a copy of the notice of appeal and full statement of case to the local planning authority (regulation 8);

(3) mewn perthynas ag apelau o dan adran 208(2) o'r Ddeddf Gynllunio, rhaid cyflwyno hysbysiad ysgrifenedig o apêl yn nodi'r rhesymau dros apelio ac yn datgan y ffeithiau y mae'r apêl yn seiliedig arnynt gyda datganiad achos llawn (rheoliad 9);

(4) gwneir darpariaeth mewn perthynas â'r camau i'w cymryd mewn cysylltiad â dwyn apêl gerbron Gweinidogion Cymru o dan adran 217 o'r Ddeddf Gynllunio (rheoliad 10). Yn fras, mae'r camau i'w cymryd yr un fath ag mewn perthynas ag apêl o dan adran 174(3) o'r Ddeddf Gynllunio neu adran 39(2) o'r Ddeddf Adeiladau Rhestredig.

Gwneir darpariaeth ynghylch y weithdrefn ddilynol i'w dilyn mewn cysylltiad ag apelau o dan adrannau 174, 208 a 217 o'r Ddeddf Gynllunio ac adran 39 o'r Ddeddf Adeiladau Rhestredig yn Rheoliadau Cynllunio Gwlad a Thref (Ceisiadau Atgyfeiriedig a Gweithdrefn Apelau) (Cymru) 2017.

Gwnaed rhai mân ddiwygiadau drafftio a chanlyniadol yn ogystal.

Mae Rheoliadau 2003 a darpariaethau diwygio wedi eu dirymu a cheir darpariaethau trosiannol ac arbed.

Mae'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan Lywodraeth Cymru yn: Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

(3) in relation to appeals under section 208(2) of the Planning Act, a written notice of appeal indicating the grounds of appeal and stating the facts on which the appeal is based must be accompanied by a full statement of case (regulation 9);

(4) provision is made in relation to the steps to be taken in connection with the bringing of an appeal to the Welsh Ministers under section 217 of the Planning Act (regulation 10). Broadly the steps to be taken are the same as in relation to an appeal under section 174(3) of the Planning Act or section 39(2) of the Listed Buildings Act.

Provision regarding the subsequent procedure to be followed in connection with appeals under sections 174, 208 and 217 of the Planning Act and section 39 of the Listed Buildings Act is made in the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017.

Some minor and consequential drafting changes have also been made.

The 2003 Regulations and amending provisions are revoked and there are transitional and saving provisions.

The Regulatory Impact Assessment applicable to these Regulations is obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

2017 Rhif 530 (Cy. 113)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2017

Gwnaed 5 Ebrill 2017

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru 11 Ebrill 2017

Yn dod i rym 5 Mai 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau: a roddir i'r Ysgrifennydd Gwladol gan adrannau 173, 174 a 175 o Ddeddf Cynllunio Gwlad a Thref 1990(**1**) ac adrannau 39 a 40 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(**2**), ac sy'n arferadwy bellach ganddynt hwy(**3**); a'r pwerau a roddir iddynt gan adrannau 208 a 217(**4**) o Ddeddf Cynllunio Gwlad a Thref 1990, yn gwneud y Rheoliadau a ganlyn:

(**1**) 1990 p. 8. Amnewidiwyd adran 173 gan adran 5(1) o Ddeddf Cynllunio a Digolledu 1991 (p. 34). Gwnaed diwygiadau i adrannau 174 a 175 ond nid yw unrhyw un ohonynt yn berthnasol i'r Rheoliadau hyn. I gael ystyr "prescribed" *gweler* adran 336(1) o Ddeddf Cynllunio Gwlad a Thref 1990.

(**2**) 1990 p. 9. Gwnaed diwygiadau i adrannau 39 a 40 ond nid yw unrhyw un ohonynt yn berthnasol i'r Rheoliadau hyn. I gael ystyr "prescribed" *gweler* adran 91(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

(**3**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). *Gweler* y cofnodion priodol yn Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.

(**4**) Rhoddwyd adran 208(4) i (4C) yn lle adran 208(4) gan adran 197 o Ddeddf Cynllunio 2008 (p. 29) a pharagraff 4(2) o Atodlen 11 iddi, a dirymwyd adran 208(4B) a (4C) gan adran 55 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4) a pharagraff 4(4) o Atodlen 7 iddi. Mae diwygiadau eraill i adran 208 nad ydynt yn berthnasol i'r Rheoliadau hyn. Diwygiwyd adran 217 gan adran 48 o Ddeddf Cynllunio (Cymru) 2015.

2017 No. 530 (W. 113)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2017

Made 5 April 2017

Laid before the National Assembly for Wales 11 April 2017

Coming into force 5 May 2017

The Welsh Ministers, in exercise of the powers: conferred on the Secretary of State by sections 173, 174 and 175 of the Town and Country Planning Act 1990(**1**) and sections 39 and 40 of the Planning (Listed Buildings and Conservation Areas) Act 1990(**2**), and now exercisable by them(**3**); and the powers conferred on them by sections 208 and 217(**4**) of the Town and Country Planning Act 1990, make the following Regulations:

(**1**) 1990 c. 8. Section 173 was substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34). There are amendments to sections 174 and 175 but none are relevant to these Regulations. For the meaning of "prescribed" *see* section 336(1) of the Town and Country Planning Act 1990.

(**2**) 1990 c. 9. There are amendments to sections 39 and 40 but none are relevant to these Regulations. For the meaning of "prescribed" *see* section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(**3**) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). *See* relevant entries in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**4**) Section 208(4) to (4C) were substituted for section 208(4) by section 197 of, and paragraph 4(2) of Schedule 11 to, the Planning Act 2008 (c. 29) and section 208(4B) and (4C) were repealed by section 55 of, and paragraph 4(4) of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4). There are other amendments to section 208 which are not relevant to these Regulations. Section 217 was amended by section 48 of the Planning (Wales) Act 2015.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2017, a deuant i rym ar 5 Mai 2017.

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

(3) Mae'r Rheoliadau hyn yn gymwys i—

(a) hysbysiad gorfodi o dan adran 172 neu adran 182 o'r Ddeddf Gynllunio a ddyroddir ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; a

(b) yr apelau a restrir ym mharagraff (4) pan ddyroddwyd yr hysbysiad gorfodi sy'n destun yr apêl ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym.

(4) Yr apelau a restrir yn y paragraff hwn yw—

(a) apêl o dan adran 174 o'r Ddeddf Gynllunio (apêl yn erbyn hysbysiad gorfodi);

(b) apêl o dan adran 208 o'r Ddeddf Gynllunio (apelau yn erbyn hysbysiadau ailblannu coed);

(c) apêl o dan adran 217 o'r Ddeddf Gynllunio (apelau yn erbyn hysbysiad sy'n gwneud cynnal tir yn ofynnol); a

(d) apêl o dan adran 39 o'r Ddeddf Adeiladau Rhestredig (apêl yn erbyn hysbysiad gorfodi adeiladau rhestredig) neu o dan yr adran honno fel y'i cymhwysir gan adran 74(3) o'r Ddeddf honno (apêl yn erbyn hysbysiad gorfodi ardal gadwraeth).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "awdurdod cynllunio lleol" ("*local planning authority*") yw'r corff a ddyroddodd yr hysbysiad gorfodi perthnasol;

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

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn Ŵyl Banc nac yn ŵyl gyhoeddus arall yng Nghymru;

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

(**1**) 2000 p. 7. Diwygiwyd adran 15(1) gan adran 406(1) o Ddeddf Cyfathrebiadau 2003 (p. 21) a pharagraff 158 o Atodlen 17 iddi.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2017 and they come into force on 5 May 2017.

(2) These Regulations apply in relation to Wales.

(3) These Regulations apply to—

(a) an enforcement notice under section 172 or section 182 of the Planning Act which is issued on or after the date on which these Regulations come into force; and

(b) the appeals listed in paragraph (4) where the enforcement notice which is the subject of the appeal was issued on or after the date on which these Regulations come into force.

(4) The appeals listed in this paragraph are—

(a) an appeal under section 174 of the Planning Act (appeal against enforcement notice);

(b) an appeal under section 208 of the Planning Act (appeals against tree replacement notices);

(c) an appeal under section 217 of the Planning Act (appeal against a notice requiring the maintenance of land); and

(d) an appeal under section 39 of the Listed Buildings Act (appeal against listed buildings enforcement notice) or under that section as applied by section 74(3) of that Act (appeal against conservation area enforcement notice).

Interpretation

2.—(1) In these regulations—

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

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

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

"enforcement notice" ("*hysbysiad gorfodi*") means a notice under—

(a) section 172(1) of the Planning Act,

(b) section 182(1) of the Planning Act,

(c) section 207(1) of the Planning Act,

(**1**) 2000 c. 7. Section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

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

ystyr "hysbysiad gorfodi" ("*enforcement notice*") yw hysbysiad o dan—

(a) adran 172(1) o'r Ddeddf Gynllunio,

(b) adran 182(1) o'r Ddeddf Gynllunio,

(c) adran 207(1) o'r Ddeddf Gynllunio,

(d) adran 215(1) o'r Ddeddf Gynllunio,

(e) adran 38(1) o'r Ddeddf Adeiladau Rhestredig neu o dan yr adran honno fel y'i cymhwysir gan adran 74(3) o'r Ddeddf honno, neu

(f) adran 46(1) o'r Ddeddf Adeiladau Rhestredig.

(2) Mewn perthynas â defnyddio cyfathrebiadau electronig at unrhyw ddiben yn y Rheoliadau hyn y mae modd ei gyflawni yn electronig—

(a) mae'r ymadrodd "cyfeiriad" ("*address*") yn cynnwys unrhyw rif neu gyfeiriad a ddefnyddir at ddibenion cyfathrebiadau electronig;

(b) mae cyfeiriadau at hysbysiadau neu ddogfennau eraill, neu at gopïau o ddogfennau o'r fath, yn cynnwys cyfeiriadau at ddogfennau o'r fath, neu at gopïau ohonynt, ar ffurf electronig.

Defnyddio cyfathrebiadau electronig

3.—(1) Mae paragraffau (2) i (6) o'r rheoliad hwn yn gymwys pan fo person yn defnyddio cyfathrebiad electronig er mwyn cyflawni unrhyw ofyniad sydd yn rheoliad 8 neu 10 i roi neu i anfon unrhyw ddatganiad, hysbysiad neu ddogfen arall at unrhyw berson arall ("y derbynnydd").

(2) Ystyrir bod y gofyniad wedi ei gyflawni pan fo'r hysbysiad neu'r ddogfen arall a drosglwyddir drwy gyfrwng y cyfathrebiad electronig—

(a) yn un y gall y derbynnydd gael mynediad iddo neu iddi;

(b) yn ddarllenadwy ym mhob modd perthnasol; ac

(c) yn ddigon parhaol i'w ddefnyddio neu i'w defnyddio i gyfeirio ato neu ati yn ddiweddarach.

(3) Ym mharagraff (2), ystyr "darllenadwy ym mhob modd perthnasol" ("*legible in all material respects*") yw bod yr wybodaeth a gynhwysir yn yr hysbysiad neu'r ddogfen arall ar gael i'r derbynnydd i'r un graddau o leiaf â phe bai'r wybodaeth wedi ei hanfon neu ei rhoi drwy gyfrwng dogfen ar ffurf brintiedig.

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

(d) section 215(1) of the Planning Act,

(e) section 38(1) of the Listed Buildings Act or under that section as applied by section 74(3) of that Act, or

(f) section 46(1) of the Listed Buildings Act;

"local planning authority" ("a*wdurdod cynllunio lleol*") means the body which issued the relevant enforcement notice;

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales.

(2) In relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

(a) the expression "address" ("*cyfeiriad*") includes any number or address used for the purposes of electronic communications;

(b) references to notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

Use of electronic communications

3.—(1) Paragraphs (2) to (6) of this regulation apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in regulation 8 or 10 to give or send any statement, notice or other document to any other person ("the recipient").

(2) The requirement is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

(a) capable of being accessed by the recipient;

(b) legible in all material respects; and

(c) sufficiently permanent to be used for subsequent reference.

(3) In paragraph (2) "legible in all material respects" ("*darllenadwy ym mhob modd perthnasol*") means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(4) Where the electronic communication is received by the recipient outside the recipient's business hours, it will be taken to have been received on the next working day.

(5) Mae gofyniad yn y Rheoliadau hyn y dylai unrhyw hysbysiad neu ddogfen arall fod yn ysgrifenedig wedi ei fodloni pan fo'r ddogfen honno'n bodloni'r meini prawf ym mharagraff (2), ac mae "ysgrifenedig" ("*written*") ac ymadroddion cytras i'w dehongli yn unol â hynny.

(6) Pan fo apelydd yn anfon unrhyw hysbysiad neu ddogfen arall at Weinidogion Cymru drwy ddefnyddio cyfathrebiadau electronig, ystyrir eu bod wedi cytuno i'r hyn a ganlyn—

(a) i ddefnyddio'r cyfathrebiadau hynny at yr holl ddibenion sy'n ymwneud â'r apêl y mae modd eu cyflawni drwy gyfrwng electronig;

(b) mai cyfeiriad yr apelydd at ddiben cyfathrebiadau o'r fath yw'r cyfeiriad sydd wedi ei ymgorffori yn yr hysbysiad neu'r ddogfen arall, neu sydd fel arall wedi ei gysylltu yn rhesymegol â hwy;

(c) y bydd cytundeb tybiedig yr apelydd o dan y paragraff hwn yn parhau hyd nes iddo roi hysbysiad ei fod yn dymuno dirymu'r cytundeb yn unol â rheoliad 5.

Trosglwyddo dogfennau

4. Caniateir anfon neu gyflenwi hysbysiadau neu ddogfennau y mae'n ofynnol neu yr awdurdodir eu hanfon neu eu cyflenwi o dan y Rheoliadau hyn—

(a) drwy'r post, neu

(b) drwy ddefnyddio cyfathrebiadau electronig i drosglwyddo'r hysbysiad neu'r ddogfen (yn ôl y digwydd) i berson ym mha bynnag gyfeiriad a bennir gan y person hwnnw at y diben hwnnw am y tro.

Tynnu'n ôl y cydsyniad i ddefnyddio cyfathrebiadau electronig

5.—(1) Pan na fo person bellach yn fodlon derbyn y defnydd o gyfathrebiadau electronig at unrhyw ddiben o'r Rheoliadau hyn y mae modd ei gyflawni yn electronig, rhaid i'r person roi hysbysiad ysgrifenedig sydd—

(a) yn tynnu'n ôl unrhyw gyfeiriad yr hysbyswyd Gweinidogion Cymru neu awdurdod cynllunio lleol amdano at y diben hwnnw; neu

(b) yn dirymu unrhyw gytundeb a wnaed gyda Gweinidogion Cymru neu gydag awdurdod cynllunio lleol at y diben hwnnw.

(2) Mae'r tynnu'n ôl neu'r dirymu o dan baragraff (1) yn derfynol ac yn cymryd effaith ar y diweddaraf o'r canlynol—

(5) A requirement in these Regulations that any notice or other document should be in writing is fulfilled where that document meets the criteria in paragraph (2), and "written" ("*ysgrifenedig*") and cognate expressions are to be construed accordingly.

(6) Where an appellant sends any notice or other document to the Welsh Ministers using electronic communications, they will be taken to have agreed—

(a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically;

(b) that the appellant's address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the notice or other document;

(c) that the appellant's deemed agreement under this paragraph will subsist until the appellant gives notice in accordance with regulation 5 of a wish to revoke the agreement.

Transmission of documents

4. Notices or documents required or authorised to be sent or supplied under these Regulations may be sent or supplied by—

(a) post; or

(b) using electronic communications to transmit the notice or document (as the case may be) to a person at such address as may for the time being be specified by that person for such purpose.

Withdrawal of consent to use of electronic communications

5.—(1) Where a person is no longer willing to accept the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically, the person must give notice in writing—

(a) withdrawing any address notified to the Welsh Ministers or to a local planning authority for that purpose; or

(b) revoking any agreement entered into with the Welsh Ministers or with a local planning authority for that purpose.

(2) Withdrawal or revocation under paragraph (1) is final and takes effect on the later of—

(i) y dyddiad a bennir gan y person yn yr hysbysiad ond ni chaiff y dyddiad hwnnw fod yn llai nag 1 wythnos ar ôl y dyddiad y rhoddir yr hysbysiad; neu

(ii) pan fo'r cyfnod o 1 wythnos sy'n dechrau â'r dyddiad y rhoddir yr hysbysiad wedi dod i ben.

(a) the date specified by the person in the notice but that date must not be less than 1 week after the date on which the notice is given; or

(b) the expiry of the period of 1 week beginning with the date on which the notice is given.

Materion ychwanegol i'w pennu mewn hysbysiad gorfodi

6. Rhaid i hysbysiad gorfodi a ddyroddir o dan adran 172 o'r Ddeddf Gynllunio bennu—

(a) y rhesymau pam y mae'r awdurdod cynllunio lleol yn ystyried ei bod yn hwylus dyroddi'r hysbysiad;

(b) pob polisi a chynnig yn y cynllun datblygu sy'n berthnasol i'r penderfyniad i ddyroddi hysbysiad gorfodi; ac

(c) union ffiniau'r tir y mae'r hysbysiad yn berthnasol iddo, boed drwy gyfeirio at blan neu fel arall.

Additional matters to be specified in enforcement notice

6. An enforcement notice issued under section 172 of the Planning Act must specify—

(a) the reasons why the local planning authority consider it expedient to issue the notice;

(b) all policies and proposals in the development plan which are relevant to the decision to issue an enforcement notice; and

(c) the precise boundaries of the land to which the notice relates, whether by reference to a plan or otherwise.

Nodyn esboniadol i'w anfon gyda chopi o'r hysbysiad gorfodi

7. Rhaid i bob copi o hysbysiad gorfodi a gyflwynir gan awdurdod cynllunio lleol o dan adran 172(2) o'r Ddeddf Gynllunio gael ei anfon gyda nodyn esboniadol a rhaid iddo gynnwys yr hyn a ganlyn—

(a) copi o adrannau 171A, 171B a 172 hyd 177 o'r Ddeddf Gynllunio, neu grynodeb o'r adrannau hynny gan gynnwys yr wybodaeth a ganlyn—

(i) bod hawl apelio i Weinidogion Cymru yn erbyn yr hysbysiad gorfodi hwnnw;

(ii) bod modd gwneud apêl yn unig drwy roi hysbysiad ysgrifenedig o'r apêl i Weinidogion Cymru cyn y dyddiad a bennir yn yr hysbysiad gorfodi fel y dyddiad y bydd yn cymryd effaith neu drwy anfon hysbysiad o'r fath at Weinidogion Cymru mewn llythyr wedi ei gyfeirio'n gywir y talwyd am ei gludiant ymlaen llaw ac sydd wedi ei bostio atynt ar y fath amser fel, yn nhrefn arferol y post, y byddai'n eu cyrraedd cyn y dyddiad hwnnw; neu, os defnyddir cyfathrebiadau electronig i anfon hysbysiad o'r fath at Weinidogion Cymru, drwy anfon yr hysbysiad atynt ar y cyfryw adeg pan fyddai, yn nhrefn arferol y trosglwyddo, yn cyrraedd Gweinidogion Cymru cyn y dyddiad hwnnw;

Explanatory note to accompany copy of enforcement notice

7. Every copy of an enforcement notice served by a local planning authority under section 172(2) of the Planning Act must be accompanied by an explanatory note which must include the following—

(a) a copy of sections 171A, 171B and 172 to 177 of the Planning Act, or a summary of those sections including the following information—

(i) that there is a right of appeal to the Welsh Ministers against that enforcement notice;

(ii) that an appeal can only be made by giving written notice of the appeal to the Welsh Ministers before the date specified in the enforcement notice as the date on which it is to take effect or by sending such notice to the Welsh Ministers in a properly addressed, pre-paid letter posted to them at such time that, in the ordinary course of post, it would be delivered to them before that date; or, where electronic communications are used to send such notice to the Welsh Ministers, by sending the notice to them at such time that, in the ordinary course of transmission, it would be delivered to the Welsh Ministers before that date;

(iii) ar ba seiliau y caniateir cyflwyno apêl o dan adran 174 o'r Ddeddf Gynllunio;

(iv) y ffi sydd i'w thalu o dan reoliad 10 o Reoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) 2015(**1**) am y cais tybiedig am ganiatâd cynllunio i'r datblygiad yr honnir ei fod yn torri'r rheolaeth gynllunio yn yr hysbysiad gorfodi;

(b) hysbysiad bod rhaid i apelydd anfon at Weinidogion Cymru, naill ai wrth roi hysbysiad o apêl neu cyn diwedd y cyfnod a bennir yn rheoliad 8(3), ddatganiad achos llawn sy'n cynnwys—

(i) datganiad ysgrifenedig sy'n pennu seiliau'r apêl, gan ddatgan y ffeithiau y mae'r apêl yn seiliedig arnynt a chynnwys manylion llawn yr achos y mae'r apelydd yn bwriadu ei gyflwyno mewn perthynas â'r apêl; a

(ii) copïau o unrhyw ddogfennau ategol y mae'r apelydd yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth; ac

(c) rhestr o enwau a chyfeiriadau'r personau y mae copi o'r hysbysiad gorfodi wedi ei gyflwyno iddynt.

Apelau o dan adran 174 o'r Ddeddf Gynllunio neu adran 39 o'r Ddeddf Adeiladau Rhestredig

8.—(1) Rhaid i berson sy'n gwneud apêl i Weinidogion Cymru o dan adran 174 o'r Ddeddf Gynllunio neu adran 39 o'r Ddeddf Adeiladau Rhestredig neu'r adran honno fel y'i cymhwysir gan adran 74(3) o'r Ddeddf Adeiladau Rhestredig yn erbyn hysbysiad gorfodi anfon at Weinidogion Cymru ddatganiad achos llawn sy'n cynnwys—

(a) datganiad ysgrifenedig sy'n pennu seiliau'r apêl(**2**), gan ddatgan y ffeithiau y mae'r apêl yn seiliedig arnynt a chynnwys manylion llawn yr achos y mae'r apelydd yn bwriadu ei gyflwyno mewn perthynas â'r apêl; a

(b) copïau o unrhyw ddogfennau ategol y mae'r apelydd yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth.

(**1**) Diwygiwyd O.S. 2015/1522 (Cy. 179) gan Reoliadau Cynllunio Gwlad a Thref (Ffioedd am Geisiadau, Ceisiadau Tybiedig ac Ymweliadau Safle) (Cymru) (Diwygio) 2017 (O.S. 2017/528) (Cy. 111). Ceir offerynnau diwygio eraill, ond nid oes yr un ohonynt yn berthnasol.

(**2**) *Gweler* adran 174(4)(a) o Ddeddf Cynllunio Gwlad a Thref 1990 ac adran 39(4)(a) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

(iii) the grounds on which an appeal may be brought under section 174 of the Planning Act;

(iv) the fee payable under regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015(**1**) for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice;

(b) notification that an appellant must send to the Welsh Ministers, either when giving notice of appeal or before the end of the period specified in regulation 8(3), a full statement of case comprised of—

(i) a statement in writing specifying the grounds of the appeal, stating the facts on which the appeal is based and containing full particulars of the case the appellant proposes to put forward in relation to the appeal; and

(ii) copies of any supporting documents the appellant proposes to refer to or put forward in evidence; and

(c) a list of the names and addresses of the persons on whom a copy of the enforcement notice has been served.

Appeals under section 174 of the Planning Act or section 39 of the Listed Buildings Act

8.—(1) A person who makes an appeal to the Welsh Ministers under section 174 of the Planning Act or section 39 of the Listed Buildings Act or that section as applied by section 74(3) of Listed Buildings Act against an enforcement notice must send to the Welsh Ministers a full statement of case comprised of—

(a) a statement in writing specifying the grounds of the appeal(**2**), stating the facts on which the appeal is based and containing full particulars of the case the appellant proposes to put forward in relation to the appeal; and

(b) copies of any supporting documents the appellant proposes to refer to or put forward in evidence.

(**1**) S.I. 2015/1522 (W. 179), amended by the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2017 (S.I. 2017/528 (W. 111). There are other amending instruments but none are relevant.

(**2**) *See* section 174(4)(a) of the Town and Country Planning Act 1990 and section 39(4)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2) Os na chaiff y datganiad achos llawn a grybwyllir ym mharagraff (1) ei gynnwys yn yr hysbysiad o apêl, rhaid i'r apelydd ei anfon at Weinidogion Cymru fel y byddant yn ei gael cyn diwedd y cyfnod a bennir ym mharagraff (3).

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

(a) 7 niwrnod gan ddechrau â'r diwrnod y bydd Gweinidogion Cymru yn cael yr hysbysiad o apêl; neu

(b) pa bynnag gyfnod hwy y mae Gweinidogion Cymru yn ei ganiatáu ar yr amod y caiff unrhyw gyfnod hwy o'r fath ei awdurdodi yn ysgrifenedig ganddynt cyn y dyddiad a bennwyd yn yr hysbysiad gorfodi fel y dyddiad y bydd yn cymryd effaith.

(4) Rhaid i'r apelydd anfon copi o'r hysbysiad o apêl yn ogystal â'r datganiad achos llawn a grybwyllir ym mharagraff (1), i'r awdurdod cynllunio lleol cyn gynted ag y bo'n rhesymol ymarferol.

Apelau o dan adran 208 o'r Ddeddf Gynllunio

9. Rhaid i hysbysiad ysgrifenedig o apêl a gyflwynir i Weinidogion Cymru yn unol ag adran 208(2) o'r Ddeddf Gynllunio—

(a) dangos seiliau'r apêl(**1**);

(b) nodi'r ffeithiau y mae'r apêl yn seiliedig arnynt(**2**);

(c) cael ei anfon gyda datganiad achos llawn sy'n cynnwys—

(i) datganiad ysgrifenedig sy'n cynnwys manylion llawn yr achos y mae'r apelydd yn bwriadu ei gyflwyno mewn perthynas â'r apêl; a

(ii) copïau o unrhyw ddogfennau ategol y mae'r apelydd yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth.

Apelau o dan adran 217 o'r Ddeddf Gynllunio

10.—(1) Rhaid gwneud apêl o dan adran 217 o'r Ddeddf Gynllunio drwy roi hysbysiad ysgrifenedig o'r apêl i Weinidogion Cymru fel y byddant yn cael yr hysbysiad o apêl o fewn y cyfnod a bennwyd yn yr hysbysiad gorfodi o dan adran 215 o'r Ddeddf Gynllunio fel y cyfnod y bydd yn cymryd effaith ar ei ddiwedd.

(2) Rhaid i berson sy'n rhoi hysbysiad o dan baragraff (1) anfon at Weinidogion Cymru ddatganiad achos llawn sy'n cynnwys—

(**1**) *Gweler* adran 208(4)(a) o Ddeddf Cynllunio Gwlad a Thref 1990.
(**2**) *Gweler* adran 208(4)(b) o Ddeddf Cynllunio Gwlad a Thref 1990.

(2) If the full statement of case mentioned in paragraph (1) is not included with the notice of appeal, the appellant must send it to the Welsh Ministers so that it is received by them before the end of the period specified in paragraph (3).

(3) The period specified in this paragraph is—

(a) 7 days beginning with the day on which the notice of appeal is received by the Welsh Ministers; or

(b) such longer period as the Welsh Ministers may allow provided that any such longer period is authorised in writing by them before the date specified in the enforcement notice as the date on which it is to take effect.

(4) The appellant must send to the local planning authority, as soon as reasonably practicable, a copy of the notice of appeal and the full statement of case mentioned in paragraph (1).

Appeals under section 208 of the Planning Act

9. A written notice of appeal submitted to the Welsh Ministers in accordance with section 208(2) of the Planning Act must—

(a) indicate the grounds of the appeal(**1**);

(b) state the facts on which the appeal is based(**2**);

(c) be accompanied by a full statement of case comprised of—

(i) a statement in writing containing full particulars of the case the appellant proposes to put forward in relation to the appeal; and

(ii) copies of any supporting documents the appellant proposes to refer to or put forward in evidence.

Appeals under section 217 of the Planning Act

10.—(1) An appeal under section 217 of the Planning Act must be made by giving written notice of the appeal to the Welsh Ministers so that the notice of appeal is received by them within the period specified in the enforcement notice under section 215 of the Planning Act as the period at the end of which it is to take effect.

(2) A person who gives notice under paragraph (1) must send to the Welsh Ministers a full statement of case comprised of—

(**1**) *See* section 208(4)(a) of the Town and Country Planning Act 1990.
(**2**) *See* section 208(4)(b) of the Town and Country Planning Act 1990.

(a) datganiad ysgrifenedig sy'n pennu seiliau'r apêl, gan ddatgan y ffeithiau y mae'r apêl yn seiliedig arnynt a chynnwys manylion llawn yr achos y mae'r apelydd yn bwriadu ei gyflwyno mewn perthynas â'r apêl; a

(b) copïau o unrhyw ddogfennau ategol y mae'r apelydd yn bwriadu cyfeirio atynt neu eu cyflwyno fel tystiolaeth.

(3) Os na chaiff y datganiad achos llawn a grybwyllir ym mharagraff (2) ei gynnwys yn yr hysbysiad o apêl, rhaid i'r apelydd ei anfon at Weinidogion Cymru fel y byddant yn ei gael cyn diwedd y cyfnod a bennir ym mharagraff (4).

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

(a) 7 niwrnod gan ddechrau â'r diwrnod y bydd Gweinidogion Cymru yn cael yr hysbysiad o apêl; neu

(b) pa bynnag gyfnod hwy y mae Gweinidogion Cymru yn ei ganiatáu ar yr amod y caiff unrhyw gyfnod hwy o'r fath ei awdurdodi yn ysgrifenedig ganddynt o fewn y cyfnod a bennwyd yn yr hysbysiad gorfodi fel y cyfnod y bydd yn cymryd effaith ar ei ddiwedd.

(5) Rhaid i'r apelydd anfon copi o'r hysbysiad o apêl yn ogystal â'r datganiad achos llawn a grybwyllir ym mharagraff (2), i'r awdurdod cynllunio lleol cyn gynted ag y bo'n rhesymol ymarferol.

Cymhwyso'r Rheoliadau hyn i hysbysiadau a ddyroddir gan Weinidogion Cymru

11.—(1) Mae'r Rheoliadau hyn, ac eithrio rheoliadau 9 a 10, yn gymwys yn ddarostyngedig i'r addasiadau a nodir ym mharagraff (2) i—

(a) hysbysiadau gorfodi a ddyroddir gan Weinidogion Cymru o dan adran 182 o'r Ddeddf Gynllunio,

(b) apelau yn erbyn hysbysiadau gorfodi a ddyroddir gan Weinidogion Cymru o dan adran 182 o'r Ddeddf Gynllunio, ac

(c) apelau yn erbyn hysbysiadau gorfodi a ddyroddir gan Weinidogion Cymru o dan adran 46 o'r Ddeddf Adeiladau Rhestredig,

fel y maent yn gymwys i hysbysiadau o'r fath a ddyroddir gan awdurdodau cynllunio lleol ac i apelau a wneir yn eu herbyn.

(2) Mae'r addasiadau fel a ganlyn—

(a) bod cyfeiriadau at Weinidogion Cymru yn cael eu rhoi yn lle cyfeiriadau at awdurdod cynllunio lleol;

(b) yn rheoliad 6, bod "adran 182" yn cael ei roi yn lle "adran 172";

(a) a statement in writing specifying the grounds of the appeal, stating the facts on which the appeal is based and containing full particulars of the case the appellant proposes to put forward in relation to the appeal; and

(b) copies of any supporting documents the appellant proposes to refer to or put forward in evidence.

(3) If the full statement of case mentioned in paragraph (2) is not included with the notice of appeal, the appellant must send it to the Welsh Ministers so that it is received by them before the end of the period specified in paragraph (4).

(4) The period specified in this paragraph is—

(a) 7 days beginning with the day on which the notice of appeal is received by the Welsh Ministers; or

(b) such longer period as the Welsh Ministers may allow provided that any such longer period is authorised in writing by them within the period specified in the enforcement notice as the period at the end of which it is to take effect.

(5) The appellant must send to the local planning authority, as soon as reasonably practicable, a copy of the notice of appeal and the full statement of case mentioned in paragraph (2).

Application of these Regulations to notices issued by the Welsh Ministers

11.—(1) These Regulations, except regulations 9 and 10, apply subject to the modifications set out in paragraph (2) to—

(a) enforcement notices issued by the Welsh Ministers under section 182 of the Planning Act,

(b) appeals against enforcement notices issued by the Welsh Ministers under section 182 of the Planning Act, and

(c) appeals against enforcement notices issued by the Welsh Ministers under section 46 of the Listed Buildings Act,

as they apply to such notices issued by local planning authorities and to appeals made against them.

(2) The modifications are as follows—

(a) for references to a local planning authority there are substituted references to the Welsh Ministers;

(b) in regulation 6, for "section 172" there is substituted "section 182";

(c) yn rheoliad 7—

(i) bod “adran 182(1)” yn cael ei roi yn lle “adran 172(2)”; a

(ii) ym mharagraff (a), bod “adrannau 171A, 171B, 172 hyd 177 a 182” yn cael ei roi yn lle “adrannau 171A, 171B a 172 hyd 177”;

(d) bod rheoliad 8(4) yn cael ei hepgor.

Dirymu a darpariaethau trosiannol ac arbed

12.—(1) Mae’r offerynnau a restrir yng ngholofn (1) o’r Atodlen wedi eu dirymu i’r graddau y maent yn gymwys o ran Cymru i’r graddau a nodir yng ngholofn (3) yn ddarostyngedig i baragraff (2).

(2) Mae’r offerynnau a restrir yng ngholofn (1) o’r Atodlen yn parhau i fod yn gymwys pan fo apêl yn cael ei gwneud mewn perthynas â hysbysiad gorfodi a ddyroddir cyn i’r Rheoliadau hyn ddod i rym.

(c) in regulation 7—

(i) for “section 172(2)” there is substituted “section 182(1)”; and

(ii) in paragraph (a), for “sections 171A, 171B and 172 to 177” there are substituted “sections 171A, 171B, 172 to 177 and 182”;

(d) regulation 8(4)is omitted.

Revocation, transitional and saving provisions

12.—(1) The instruments listed in column (1) of the Schedule are revoked in so far as they apply in relation to Wales to the extent indicated in column (3) subject to paragraph (2).

(2) The instruments listed in column (1) of the Schedule continue to apply where an appeal is made in relation to an enforcement notice issued before these Regulations come into force.

Jane Hutt

Un o Weinidogion Cymru
5 Ebrill 2017

One of the Welsh Ministers
5 April 2017

YR ATODLEN Rheoliad 12

Yr Offerynnau Statudol a Ddirymir i'r graddau y maent yn gymwys o ran Cymru

SCHEDULE Regulation 12

Statutory Instruments Revoked so far as they apply to Wales

Yr Offeryn Statudol a ddirymir	*Y Cyfeirnod*	*Graddau'r Dirymu*	*Statutory Instrument revoked*	*Reference*	*Extent of Revocation*
Rheoliadau Cynllunio Gwlad a Thref (Hysbysiadau Gorfodi ac Apelau) (Cymru) 2003	O.S. 2003/394 (Cy. 53)	Y Rheoliadau cyfan	The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003	S.I. 2003/394 (W. 53)	The whole Regulations
Gorchymyn Cynllunio Gwlad a Thref (Cyfathrebu Electronig) (Cymru) (Rhif 2) 2004	O.S. 2004/3157 (Cy. 274)	Paragraff (1) o erthygl 3 ac Atodlen 2	The Town and Country Planning (Electronic Communications) (Wales) (No. 2) Order 2004	S.I. 2004/3157 (W. 274)	Paragraph (1) of article 3 and Schedule 2
Gorchymyn Cynllunio Gwlad a Thref (Cymhwyso Is-ddeddfwriaeth i'r Goron) 2006	O.S. 2006/1282	Erthygl 36	The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006	S.I. 2006/1282	Article 36

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