

(7) Y ceisiadau a ragnodir at ddibenion paragraff (c) o'r diffiniad o "owner" yn adran 65(8) o Ddeddf 1990 yw ceisiadau mwynau, a'r mwynau a ragnodir at ddibenion y paragraff hwnnw yw unrhyw fwynau ac eithrio olew, nwy, glo, aur neu arian.

(8) Yn yr erthygl hon—

ystyr "ceisiadau mwynau" ("*minerals applications*") yw ceisiadau am ganiatâd cynllunio ar gyfer datblygiad sy'n cynnwys ennill a gweithio mwynau;

ystyr "hysbysiad gofynnol" ("*requisite notice*") yw hysbysiad yn y ffurf briodol a bennir yn Atodlen 2 neu ffurf sylweddol gyffelyb o ran ei heffaith, ond ni fydd yn cynnwys hysbysiad a gyflwynir gan ddefnyddio cyfathrebiad electronig; ac

ystyr "tenant" ("*tenant*") yw tenant amaethyddol fel y diffinnir "agricultural tenant" yn adran 65(8) o Ddeddf 1990, o dir y mae unrhyw ran ohono'n gynnwysedig yn y tir y mae cais yn ymwneud ag ef.

Tystysgrifau mewn perthynas â hysbysiadau o geisiadau am ganiatâd cynllunio

11.—(1) Pan wneir cais am ganiatâd cynllunio rhaid i'r ceisydd ardystio, mewn ffurf a gyhoeddir gan Weinidogion Cymru neu ffurf sylweddol gyffelyb o ran ei heffaith, bod gofynion erthygl 10 wedi eu bodloni.

(2) Os bydd gan geisydd achos i ddibyynu ar baragraff (5) o erthygl 10, rhaid i'r dystysgrif ddatgan yr amgylchiadau perthnasol.

Cyhoeddusrwydd i geisiadau am ganiatâd cynllunio

12.—(1) Rhaid i awdurdod cynllunio lleol y gwneir cais iddo am ganiatâd cynllunio roi cyhoeddusrwydd i'r cais yn y modd a ragnodir gan yr erthygl hon.

(2) Yn achos cais am ganiatâd cynllunio ar gyfer datblygiad—

- (a) sy'n gais AEA a gyflwynir ynghyd â datganiad amgylcheddol;
- (b) nad yw'n cydweddu â darpariaethau'r cynllun datblygu sydd mewn grym yn yr ardal lle mae'r tir yr ymwneir ag ef yn y cais; neu
- (c) a fyddai'n effeithio ar hawl tramwy y mae Rhan 3 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (hawliau tramwy cyhoeddus)(1) yn gymwys iddi,

(1) 1981 p.69; gweler adran 66. Ceir diwygiadau i Ran 3 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(7) The applications prescribed for the purposes of paragraph (c) of the definition of "owner" in section 65(8) of the 1990 Act are minerals applications, and the minerals prescribed for the purposes of that paragraph are any minerals other than oil, gas, coal, gold or silver.

(8) In this article—

"minerals applications" ("*ceisiadau mwynau*") means applications for planning permission for development consisting of the winning and working of minerals;

"requisite notice" ("*hysbysiad gofynnol*") means notice in the appropriate form set out in Schedule 2 or in a form substantially to the like effect, but will not include notice served using electronic communications; and

"tenant" ("*tenant*") means an agricultural tenant as defined in section 65(8) of the 1990 Act, of land any part of which is comprised in the land to which an application relates.

Certificates in relation to notices of applications for planning permission

11.—(1) Where an application for planning permission is made, the applicant must certify, in a form published by the Welsh Ministers or in a form substantially to the like effect, that the requirements of article 10 have been satisfied.

(2) If an applicant has cause to rely on paragraph (5) of article 10, the certificate must state the relevant circumstances.

Publicity for applications for planning permission

12.—(1) An application for planning permission must be publicised by the local planning authority to which the application is made, in the manner prescribed by this article.

(2) In the case of an application for planning permission for development which—

- (a) is an EIA application accompanied by an environmental statement;
- (b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; or
- (c) would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way)(1) applies,

(1) 1981 c.69; see section 66. There are amendments to Part 3 which are not relevant to this Order.

rhaid rhoi cyhoeddusrwydd i'r cais yn y modd a bennir ym mharagraff (3).

(3) Rhaid rhoi cyhoeddusrwydd i gais sy'n dod o fewn paragraff (2) ("cais paragraff (2)") drwy roi hysbysiad gofynnol—

- (a) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais yn ymwneud ag ef, am gyfnod o ddim llai nag 21 diwrnod; a
- (b) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn y gymdogaeth lle mae'r tir yr ymwneir ag ef yn y cais.

(4) Yn achos cais am ganiatâd cynllunio nad yw'n gais paragraff (2), os yw'r datblygiad arfaethedig yn ddatblygiad mawr, rhaid rhoi cyhoeddusrwydd i'r cais drwy roi hysbysiad gofynnol—

- (a) (i) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais yn ymwneud ag ef, am gyfnod o ddim llai nag 21 diwrnod; neu
- (ii) drwy gyflwyno'r hysbysiad i unrhyw berchennog neu feddiannydd cyffiniol; a
- (b) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn y gymdogaeth lle mae'r tir yr ymwneir ag ef yn y cais.

(5) Mewn achos nad yw paragraff (2) na pharagraff (4) yn gymwys iddo, rhaid rhoi cyhoeddusrwydd i'r cais drwy roi hysbysiad gofynnol—

- (a) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw'r tir y mae'r cais yn ymwneud ag ef, am gyfnod o ddim llai nag 21 diwrnod; neu
- (b) drwy gyflwyno'r hysbysiad i unrhyw berchennog neu feddiannydd cyffiniol.

(6) Os caiff hysbysiad ei dynnu ymaith, ei guddio neu'i ddifwyno cyn bo'r cyfnod o 21 diwrnod y cyfeirir ato ym mharagraff (3)(a), (4)(a)(i) neu (5)(a) wedi dod i ben, a hynny pan nad oedd bai ar yr awdurdod cynllunio lleol na bwriad ganddo i wneud hynny, rhaid trin yr awdurdod fel pe bai wedi cydymffurfio â gofynion y paragraff perthnasol, os cymerodd gamau rhesymol i ddiogelu'r hysbysiad ac i'w ailosod pe bai angen.

(7) Pan fo awdurdod cynllunio lleol yn cynnal gwefan at y diben o roi cyhoeddusrwydd i geisiadau am ganiatâd cynllunio, rhaid cyhoeddi'r wybodaeth ganlynol ar y wefan—

- (a) cyfeiriad neu leoliad y datblygiad arfaethedig;
- (b) disgrifiad o'r datblygiad arfaethedig;
- (c) erbyn pa ddyddiad y bydd rhaid gwneud unrhyw sylwadau, sef dyddiad na chaiff fod yn gynharach na diwrnod olaf y cyfnod o 14 diwrnod sy'n cychwyn gyda'r dyddiad y cyhoeddir yr wybodaeth;
- (ch) ymhle a pha bryd y ceir archwilio'r cais; a

the application must be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) ("a paragraph (2) application") must be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates, for not less than 21 days; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application must be publicised by giving requisite notice—

- (a) (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (ii) by serving the notice on any adjoining owner or occupier; and
- (b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application must be publicised by giving requisite notice—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority will be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps to protect the notice and, if need be, replace it.

(7) Where the local planning authority maintain a website for the purpose of publicising applications for planning permission the following information must be published on the website—

- (a) the address or location of the proposed development;
- (b) a description of the proposed development;
- (c) the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;
- (d) where and when the application may be inspected; and

(d) sut y gellir gwneud sylwadau ynglŷn â'r cais.

(8) Os bydd yr awdurdod cynllunio lleol wedi methu â bodloni gofynion yr erthygl hon mewn perthynas â chais am ganiatâd cynllunio ar yr adeg yr atgyfeirir y cais at Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol)(1) neu y gwneir unrhyw apel i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)(2), bydd yr erthygl hon yn parhau'n gymwys fel pe na bai'r cyfryw atgyfeiriad neu apel i Weinidogion Cymru wedi ei wneud.

(9) Os yw paragraff (8) yn gymwys, pan fydd yr awdurdod cynllunio lleol wedi bodloni gofynion yr erthygl hon, rhaid iddo hysbysu Gweinidogion Cymru ei fod wedi gwneud hynny.

(10) Yn yr erthygl hon—

ystyr "hysbysiad gofynnol" ("*requisite notice*") yw hysbysiad yn y ffurf briodol a bennir yn Atodlen 3 neu ffurf sylweddol gyffelyb o ran effaith; ac

ystyr "perchennog neu feddiannydd cyffiniol" ("*adjoining owner or occupier*") yw unrhyw perchennog neu feddiannydd unrhyw dir cyffiniol i'r tir y mae'r cais yn ymwneud ag ef.

(11) Mae paragraffau (1) i (6) yn gymwys i geisiadau a wneir i Weinidogion Cymru o dan adran 293A o Ddeddf 1990 (datblygiad brys y Goron: gwneud cais)(3) fel pe bai'r cyfeiriadau at awdurdod cynllunio lleol yn gyfeiriadau at Weinidogion Cymru.

Hysbysiad o atgyfeirio ceisiadau at Weinidogion Cymru

13. Wrth atgyfeirio unrhyw gais at Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol) yn unol â chyfarwyddyd i'r perwyl hwnnw, rhaid i awdurdod cynllunio lleol gyflwyno i'r ceisydd hysbysiad sydd—

- yn nodi telerau'r cyfarwyddyd ac unrhyw resymau a roddir gan Weinidogion Cymru dros ei ddyroddi;
- yn datgan bod y cais wedi ei atgyfeirio at Weinidogion Cymru; ac
- yn cynnwys datganiad y bydd Gweinidogion Cymru, os yw'r ceisydd yn dymuno hynny, yn rhoi cyfle i'r ceisydd ymddangos gerbron person a benodir gan Weinidogion Cymru at y diben hwnnw a chael ei glywed ganddo, ac y

(e) how representations may be made about the application.

(8) If the local planning authority have failed to satisfy the requirements of this article in respect of an application for planning permission at the time the application is referred to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State)(1) or any appeal to the Welsh Ministers is made under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(2), this article will continue to apply as if such referral or appeal to the Welsh Ministers had not been made.

(9) Where paragraph (8) applies, when the local planning authority have satisfied the requirements of this article, they must inform the Welsh Ministers that they have done so.

(10) In this article—

"adjoining owner or occupier" ("*perchennog neu feddiannydd cyffiniol*") means any owner or occupier of any land adjoining the land to which the application relates; and

"requisite notice" ("*hysbysiad gofynnol*") means notice in the appropriate form set out in Schedule 3 or in a form substantially to the like effect.

(11) Paragraphs (1) to (6) apply to applications made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application)(3) as if the references to a local planning authority were references to the Welsh Ministers.

Notice of reference of applications to the Welsh Ministers

13. On referring any application to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State) pursuant to a direction in that behalf, a local planning authority must serve on the applicant a notice—

- setting out the terms of the direction and any reasons given by the Welsh Ministers for issuing it;
- stating that the application has been referred to the Welsh Ministers; and
- containing a statement that the Welsh Ministers will, if the applicant so wishes, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for the

(1) Diwygiwyd adran 77 gan adran 32 o Ddeddf Cynllunio a Digolledu 1991 (p.34) a pharagraff 18 o Atodlen 7 i'r Ddeddf honno, ac adran 40(2)(d) o Ddeddf 2004.

(2) Diwygiwyd adran 78 gan adran 17(2) o Ddeddf Cynllunio a Digolledu 1991 (p.34) ac adrannau 40(2)(c) a 43(2) o Ddeddf 2004.

(3) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf 2004.

(1) Section 77 was amended by section 32 of, and paragraph 18 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34), and section 40(2)(d) of the 2004 Act.

(2) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991(c.34) and sections 40(2)(e) and 43(2) of the 2004 Act.

(3) Section 293A was inserted by section 82(1) of the 2004 Act.