

CL-01-05 Ffeilio Dogfennau'r Gofrestr Gynllunio yn Electronig - Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 (OS 1995 Rhif 419)



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Prif Swyddogion Cynllunio
Cynghorau Sir a Pharciau Cenedlaethol yng Nghymru
Cymdeithas Llywodraeth Leol Cymru
Swyddfa Archwilio Cymru
Un Llais i Gymru

Eich cyf . Your ref
Ein cyf . Our ref CL 01 05 A-PAA -56-06-016

Mai 2005

Annwyl Gyfaill

FFEILIO DOGFENNAU'R GOFRESTR GYNLLUNIO YN ELECTRONIG - GORCHYMYN CYNLLUNIO GWLAD A THREF (GWEITHDREFN DATBLYGU CYFFREDINOL) 1995 (OS 1995 Rhif 419)

Er mwyn ateb pwynt a godwyd yn ein cyfarfod a gynhaliwyd yn gynharach eleni, mae erthygl 25 o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 (fel y'i diwygiwyd) yn gofyn i awdurdodau cynllunio lleol gadw cofrestr, mewn dwy ran, o bob cais cynllunio yn eu hardal. **Nid wyf yn ymwybodol o unrhyw gyfyngiad o ran faint o amser ellir cadw'r wybodaeth sydd i'w chynnwys ar y gofrestr.**

Mae Deddf Cynllunio a Phrynu Gorfodol 2004 yn diwygio Deddf Cynllunio Gwlad a Thref 1990, mewn perthynas â'r hyn ddylid ei roi ar y gofrestr gynllunio. Mae Atodlen 6(3) o Ddeddf 2004, nad yw ar gael yn Gymraeg, yn datgan:

3. For section 69 there is substituted the following section-

"69 Register of applications etc

1. The local planning authority must keep a register containing such information as is prescribed as to-

- (a) applications for planning permission;
 - (b) requests for statements of development principles (within the meaning of section 61E);
 - (c) local development orders;
 - (d) simplified planning zone schemes.
2. The register must contain-
 - (a) information as to the manner in which applications mentioned in subsection (1)(a) and requests mentioned in subsection (1)(b) have been dealt with;
 - (b) such information as is prescribed with respect to any local development order or simplified planning zone scheme in relation to the authority's area.
 3. A development order may require the register to be kept in two or more parts.
 4. Each part must contain such information as is prescribed relating to the matters mentioned in subsection (1)(a) and (b).
 5. A development order may also make provision-
 - (a) for a specified part of the register to contain copies of applications or requests and of any other documents or material submitted with them;
 - (b) for the entry relating to an application or request (and everything relating to it) to be removed from that part of the register when the application (including any appeal arising out of it) or the request (as the case may be) has been finally disposed of.
 6. Provision made under subsection (5)(b) does not prevent the inclusion of a different entry relating to the application or request in another part of the register.
 7. The register must be kept in such manner as is prescribed.
 8. The register must be kept available for inspection by the public at all reasonable hours.
 9. Anything prescribed under this section must be prescribed by development order."

Mae Deddf Cyfathrebu Electronig 2000 yn galluogi'r Cynulliad Cenedlaethol i wneud gorchmynion sy'n awdurdodi neu'n hwyluso'r defnydd o ddulliau cyfathrebu electronig. Roedd Atodlen 1, paragraff 6 o Orchymyn Gwlad a Thref (Cyfathrebu Electronig) (Cymru) (Rhif 1) 2004 (OS 2004 Rhif 3156 (W.273)) yn diwygio erthygl 25 o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995 fel a ganlyn:

6. In article 25 (register of applications) –

- a. in paragraphs (3), (4) and (5), after "photographic", in each place where it occurs, insert "or in electronic form";
- b. at the end, insert –

" (12) Where the register kept by a local planning register authority under this article is

kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose."

Mae'r diwygiad hwn yn galluogi awdurdodau cynllunio lleol yng Nghymru i ddefnyddio copïau electronig o ddogfennau i gadw at eu hymrwymadau o dan erthygl 25 o Orchymyn 1995. Fodd bynnag, dylech gofio bod atodlen 1, paragraff 7 o Orchymyn 2004 yn darparu ar gyfer tynnu'r caniatâd i ddefnyddio dulliau cyfathrebu electronig yn ôl:

7. After article 27 (directions), insert -

" Withdrawal of consent to use of electronic communications

27A. Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, he shall give notice in writing -

(a) withdrawing any address notified to the Secretary of State or to a local planning authority for that purpose, or

(b) revoking any agreement entered into or deemed to have been entered into with the Secretary of State or with a local planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given."

Pe byddai hysbysiad o'r fath yn cael ei roi, yna dylai'r awdurdodau cynllunio lleol ddarparu copïau caled o'r dogfennau at y dibenion a nodir yng Ngorchymyn 1995. Dylid ystyried y diwygiad hwn i Orchymyn 1995 ar y cyd ag unrhyw fwriad i ddefnyddio dull electronig o storio gwybodaeth.

Mae Deddf Cynllunio a Phrynu Gorfodol 2004 a Deddf Cynllunio Gwlad a Thref (Cyfathrebu Electronig) (Cymru) (Rhif 1) 2004 ar gael ar-lein yn www.hmsso.gov.uk.

Rwy'n gobeithio bod hyn yn esbonio'r sefyllfa yng Nghymru. Os hoffech esboniad o gynnwys y llythyr hwn neu os hoffech ei drafod, cysylltwch â Jeff Speak ar 029 2082 3714.

Kay Powell

Pennaeth yr Is-adran Gynllunio