

Planning Protocol / Protocol Cynllunio

AGENDA

1.	PLANNING PROTOCOL / PROTOCOL CYNLLUNIO - V7 20/07/23
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TITLE, COMMENCEMENT, APPLICATION AND EFFECT

TITLE

19.1 The title of this Protocol is “Planning Protocol”.

COMMENCEMENT

19.2 This Revision of the Protocol shall come into force on 20 July 2023.

19.3 This Protocol shall be reviewed at least every 2 years by the Planning Committee.

APPLICATION

19.4 This Protocol:

19.4.1 regulates, guides and informs Councillors and Officers of Powys County Council in all matters concerning the exercise of the Planning Functions.

19.4.2 explains which of the Planning Functions will be dealt with and determined by the Planning Committee and which will be dealt with and determined by the Professional Lead - Planning

19.4.3 aims to help Applicants, Agents, and anyone likely to be affected by development and planning related issues have a greater insight to the Council’s processes and procedures for dealing with the Planning Functions.

EFFECT

19.5 Failure to follow this Protocol without good reason could be taken into account in investigations into possible maladministration or alleged breaches of the Members’ Code of Conduct or have implications for the standing of Councillors and professional officers.

INTERPRETATION

19.6 In this Protocol:

19.6.1 “**Agent**” means a person (other than a Member Representative) authorised by an “Applicant” or “Objector” to represent them, which can include a professional person, which must be an independent person employed by the Applicant.

19.6.2 “**Applicant**” means a person who has instigated a planning application for whatever purpose.

19.6.3 “**Call-in**” means the procedure set out in Rules 19.51 to 19.61.

19.6.4 “**Clear Working Days**” means for the purposes of this Planning Protocol only days which do not include the day of the meeting, the day on which the request is made, weekends and bank holidays.

19.6.5 “**Councillor with a Dispensation**” has the meaning given by Rules 19.71 to 19.75 of this Protocol.

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- 19.6.6 “**Councillor with a Personal Interest**” has the meaning given by Rules 19.62 to 19.65 of this Protocol.
- 19.6.7 “**Councillor with a Prejudicial Interest**” has the meaning given by Rule 19.66 to 19.69 of this Protocol.
- 19.6.8 “**Councillor’s Family or a Relative of a Councillor**” means the wife, husband, partner, son, daughter, son-in-law, daughter-in-law, grandchild, grandfather, grandmother, uncle, aunt, nephew, niece, and cousin of the Councillor, or the Councillor’s spouse or partner, or any other person related by birth or marriage to the Councillor or the Councillor’s spouse or partner, with whom they live, or with whom the Councillor or the Councillor’s spouse or partner has regular personal contact. For the purposes of the above definition “marriage” shall be taken to include co-habitation.
- 19.6.9 **Decision Maker** has the meaning given by Rules 19.25 to 19.33 of this Protocol.
- 19.6.10 “**Decision Making Process**” has the meaning given by Rules 19.89 of this Protocol.
- 19.6.11 “**Friend(s)**” means close personal associate(s) of the Councillor or the Councillor’s spouse or partner including neighbours and individuals with whom the Councillor or the Councillor’s spouse or partner has regular social contact, including membership of the same club, association or organisation as the Councillor or the Councillor’s spouse or partner.
- 19.6.12 “**Interest**” means land property or business interest of a Councillor including but not by way of limitation legal, leasehold and beneficial interest.
- 19.6.13 “**Lobbying**” means any attempt (successful or not) to persuade or influence a Councillor or planning officer towards a particular point of view in relation to a planning application. A Member Representative may not lobby on behalf of an “Applicant” or “Objector”.
- 19.6.14 “**Local Representative**” has the meaning given by Rules 19.34 to 19.45 of this Protocol and for the avoidance of doubt more than one Councillor can undertake the role of Local Representative in relation to a Planning Application.
- 19.6.15 “**Meeting[s] of the Planning Committee /Planning Committee meeting[s]**” or any other reference to a meeting of the Planning Committee means a meeting in a place, an on-line meeting or a hybrid meeting. The rules relating to procedures and conduct apply to whichever form of meeting is being held.
- 19.6.16 “**Member Representative**” means a Councillor who has agreed to represent a person able to speak at meetings of the Planning Committee and can perform the functions set out in Rules 19.47 to 19.50 below.
- 19.6.17 “**Objector**” means a person or body (other than a Town or Community Council or a Local Representative) who has lodged an objection to any planning application.

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- 19.6.18 “**Planning Application**” means any application to the Council for an approval, agreement, permission, determination, consent, certificate or authorisation of any kind in respect of a Planning Function.
- 19.6.19 “**Public Speaking Procedures**” has the meaning given by Rules 19.113 to 19.117 of this Protocol.
- 19.6.20 “**Representative**” means any non professional person who is not a Member who is asked by an Applicant or Objector to represent him / her in relation to the application and who may carry out all the roles or functions of an “Agent”.
- 19.6.21 “**the Council**” means Powys County Council.
- 19.6.22 “**the Professional Lead - Planning**” means Head of Property, Planning and Public Protection and / or Professional Lead – Planning including any officer authorised by that Head of Service in writing to exercise those powers, duties, responsibilities and decision making on their behalf.
- 19.6.23 “**the Planning Committee**” means the Committee appointed by the Council (currently the Planning, Taxi Licensing and Rights of Way Committee) under its Constitution to exercise the Planning Functions.
- 19.6.24 “**the Planning Functions**” means all those functions set out in Section 13 of the Constitution (Responsibility for Functions) and reference to “Planning Function” or “a Planning Function” shall be construed accordingly.
- 19.6.25 “**Quorum**” means that the number of members who must be present at a meeting of the Planning Committee must be 50% or more of the total membership in accordance with The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017.

PROTOCOL’S AIMS

PROTOCOL AIMS TO:

- 19.7 Regulate, guide, inform and assist Councillors and Officers, potential developers, interested parties and members of the public in relation to the exercise of the Planning Functions.
- 19.8 Supplement the Members’ Code of Conduct contained in the Council’s Constitution, the Code of Professional Conduct of the Royal Town Planning Institute and the Protocol on Member / Officer Relations (Council Constitution Section 21).
- 19.9 Provide specific guidance on ethical matters.
- 19.10 Ensure that decisions taken are based on informed judgement within a firm policy and legal context and made in an open, transparent, impartial way with justifiable reasons.
- 19.11 Recognise the need to control development in the public interest whilst acknowledging that decisions in this area necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings.
- 19.12 Assist Councillors with their duties, obligations and responsibilities:

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- 19.12.1 to their constituents (including those who did not vote for them)
- 19.12.2 to the whole community and County (in respect of which they have an overriding duty); and
- 19.12.3 to all individuals and bodies directly and indirectly concerned with Planning Applications:
 - 19.12.3.1 not to favour, or be seen to favour, any individuals or groups or be unduly influenced by the opinions of others, and discharge the responsibility that they alone have to decide what view to take; and
 - 19.12.3.2 to decide (where they are members of the Planning Committee) all Planning Applications which fall to be determined by the Planning Committee as required by law in accordance with the statutory development plan (i.e. the Powys Unitary Development Plan or Local Development Plan) having taken into account the advice of appropriate officers and relevant representations made in respect of such Planning Applications and, what weight should be attached to them.

PUBLICATION OF THE CODE

- 19.13 This Planning Code of Conduct is publicised and made publicly available and is incorporated into the Council's Constitution.

COUNCILLORS SHOULD SEEK ADVICE

- 19.14 A Councillor in any doubt as to his position under this Protocol or the Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DELEGATION OF THE PLANNING FUNCTIONS

DELEGATION TO THE PLANNING COMMITTEE AND THE PROFESSIONAL LEAD - PLANNING

- 19.15 The Council has delegated responsibilities for the Planning Functions to the Planning Committee and to the Professional Lead - Planning.
- 19.16 The Council may from time to time review these delegation arrangements and it is essential that Councillors, Officers, Applicants, Agents and others always refer to the latest version of the Protocol.
- 19.17 The Professional Lead - Planning is responsible for ensuring that proper and timely procedures and arrangements are in place so that all Councillors may be aware of:
 - 19.17.1 Planning Applications within or affecting their electoral divisions received and being dealt with and determined by the Professional Lead - Planning; and
 - 19.17.2 Decisions made in respect of those Planning Applications by the Professional Lead - Planning.

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- 19.18 Nothing prevents the Planning Committee from delegating a function to an officer in consultation with the Chair of the Committee.

ROLES OF COUNCILLORS

INTRODUCTION

- 19.19 The Council has one Planning Committee comprising 21 Councillors which determines those Planning Applications referred to it for decision in accordance with the Decision Making Process.
- 19.20 A Planning Application will, however, in accordance with the “Decision Making Process”, more often than not be determined by the Professional Lead - Planning rather than the Planning Committee. In this situation those Councillors who sit on the Planning Committee will have no role to play in the decision making process.
- 19.21 In respect of a Planning Application in their electoral division or which affects their electoral division a Councillor may exercise the power of Call- in (so that the application is dealt with by the Planning Committee and not the Professional Lead - Planning).
- 19.22 A Councillor may also in respect of a Planning Application in their electoral division or which affects their electoral division attend a meeting of the Planning Committee when that application is determined to put forward the views of those constituents they represent (See Rule 19.24 below).
- 19.23 The roles and powers of Councillors may be restricted where there are conflicts between their position as Councillors and their private or outside interests.
- 19.24 These roles and powers of Councillors are defined in more detail below.

ROLE OF DECISION MAKER

DECISION MAKER ROLE

- 19.25 A Councillor who is a member of the Planning Committee and who takes part (or who intends to take part) at a meeting of the Planning Committee in the determination of a particular Planning Application will for the purposes of this Protocol be a Decision Maker in relation to such Planning Application.
- 19.26 A Councillor who is a Decision Maker shall comply with the provisions of the Decision Making Process and with the Members’ Code of Conduct generally.
- 19.27 For the avoidance of doubt a Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures.

OBLIGATIONS OF DECISION MAKER

- 19.28 A Decision Maker in relation to any Planning Application to be determined by the Planning Committee:

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- 19.28.1** shall not discuss such a Planning Application with, or seek information about that Planning Application from, an Applicant / Objector or any third party (including another Councillor – whether a member of the Planning Committee or not) other than the Professional Lead - Planning or the Monitoring Officer prior to the Planning Committee considering and determining that Planning Application. **In the event that any such individual attempts to hold such discussions with or impart information to the Decision Maker that individual shall be advised by the Decision Maker of the fact that under the requirements of this Protocol they are not allowed to discuss or receive information concerning such Planning Application and that the proper course of action is for the individual to discuss or relay information about the Planning Application to the Professional Lead - Planning; the Decision Maker shall also notify the Professional Lead - Planning of such approach to them forthwith. Members must take account of the provisions of Rule 19.28.9 (Councillor keeping an open mind) and Rule 19.28.15 (attendance at meetings of Town and Community Councils) in this circumstance;**
- 19.28.2** shall not allow themselves to be lobbied or influenced by any other person (including another Councillor – whether a member of the Planning Committee or not) or body such as a political or other interest group concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application. **If a Councillor acting as a Decision Maker is approached by Applicants, Objectors and others interested in the outcome of a Planning Application they should not allow themselves to be lobbied – whether for or against an application and should inform the person seeking to lobby them, that if they discuss the application with that person this will disqualify them from taking part in the decision making process on the application. Potential lobbyists should be advised to contact an appropriate officer within Planning. The Decision Maker shall also notify the Professional Lead - Planning of such approach to them forthwith. Members must take account of the provisions of Rule 19.28.9 in this circumstance;**
- 19.28.3 shall not lobby or influence or attempt to lobby or influence another Decision Maker or the Professional Lead - Planning concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application;
- 19.28.4 shall not become involved in organised local support or opposition to such application;
- 19.28.5 shall not accept any gifts or hospitality from anyone connected with such Planning Application and take immediate steps to

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- register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council;
- 19.28.6 shall not** accept or indicate that they will accept any letter, pamphlet or other written material (including email and FAX) concerning such a Planning Application before it is determined by the Planning Committee. **Where a Decision Maker gratuitously receives such material, they shall forthwith forward it to the Professional Lead - Planning who will arrange for the material to be referred to, in the Officer's Committee Report. Members must take account of the provisions of Rule 19.28.9 in this circumstance;**
- 19.28.7 **shall not** attend any Meeting, Briefing or Discussion concerning such Planning Application which is not arranged by or attended by the Professional Lead - Planning or otherwise authorised in writing by the Monitoring Officer;
- 19.28.8 shall not** indicate or express publicly or privately the likely decision on or the merits of/objections to, such Planning Application prior to the Planning Committee considering and determining that Planning Application. **In the event of a Decision Maker doing so they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker;**
- 19.28.9 shall not** give a commitment in relation to that Planning Application prior to its consideration at the Planning Committee. **It is of vital importance that Councillors come to meetings with an open mind and can demonstrate that they are open-minded;**
- 19.28.10 **shall not** bring detailed presentations with them to be read out at the meeting. **This could be perceived as indicating that the Councillor had already decided in favour of, or against an application prior to attending the meeting.** (It is recommended that Councillors make notes of points raised at the meeting as they occur for use in any presentations);
- 19.28.11 shall not** vote or take any part in the Planning Committee meeting if they have not been present to hear the entire debate, including the officer's presentation concerning the application;
- 19.28.12 shall not** resume their seat in the Planning Committee room or chamber (having left the room or chamber before the debate on the application began or during the debate on the application) until consideration of the application being determined at that time is concluded. **Until so concluded the Councillor must sit in the public gallery;**
- 19.28.13 shall not** propose, second or support a decision contrary to the Development Plan or the recommendations of the Professional Lead - Planning without clearly identifying and articulating the planning reasons supporting that proposed decision. **Those reasons must be given prior to the vote and be recorded in the Minutes;**

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- 19.28.14** shall not move a motion that the Planning Application be deferred without clearly identifying and articulating the reasons justifying such deferral. **Those reasons must be recorded in the Minutes if the planning application is deferred;**
- 19.28.15** shall not remain in the room, vote on or take part in discussions where planning applications are considered at a meeting of a Town or Community Council whether they are a member of the Town or Community Council or not. **In the event of a Decision Maker having not adhered to this Rule, they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.**
- 19.29 If, during a Planning Committee meeting a Decision Maker concludes that (for whatever reason) they are prejudiced and unable to continue to undertake the role of Decision Maker in relation to a particular Planning Application, **they cannot change their role to that of Local Representative and address the meeting in relation to that application (subject to Rules 19.97 to 19.99).** A Councillor in this situation may, however, ask the Committee to defer the application for consideration at a future meeting and must then leave the room during any subsequent discussion of the application in question by the Planning Committee.
- 19.30** A Councillor who is a member of the Planning Committee and who wishes to undertake the Local Representative role in relation to a Planning Application which is to be determined by the Planning Committee shall comply with the provisions in this Protocol relating to the Local Representative in Rules 19.39 to 19.45.
- 19.31 A Councillor who is a member of the Planning Committee shall comply with the provisions of the **Decision Making Process** and the provisions of this Protocol relating to **Councillor with a Personal Interest, Councillor with a Prejudicial Interest** and **Councillor with a Dispensation** and with the **Members' Code of Conduct** generally and is reminded in particular that if they have in respect of a Planning Application to be determined by the Planning Committee:-
- 19.31.1 a Personal Interest - the requirements as to disclosure;
- 19.31.2 a Prejudicial Interest - the need to obtain a dispensation from the Standards Committee – or otherwise be unable to undertake the role of Decision Maker.

DECISION MAKER WHO HAS EXERCISED POWER OF CALL-IN

- 19.32** If a specific planning application falls to be determined by the Planning Committee as a result of a Call-in request from a member of the Committee, then that Councillor needs to consider carefully the role which they are able to play when the Planning Committee comes to consider and determine the application in question. **In particular, where the member of the Planning Committee who has made the Call-in request:**
- 19.32.1** has couched the Call-in request in language which might indicate that they have already formed a clear and settled view as to the appropriate outcome of the application; or

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19.32.2 has made the Call-in request following discussions with the application /Agent /Objector and / or any third party (including another Councillor whether a member of the Planning Committee or not)

19.33 The Councillor should seek advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.

LOCAL REPRESENTATIVE ROLE

LOCAL REPRESENTATIVE ROLE

19.34 A Councillor who is not a member of the Planning Committee but who, in respect of a Planning Application in their electoral division or which affects their electoral division, attends (or who intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.

19.35 A Councillor who is a member of the Planning Committee and who decides not to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division, but who attends (or intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.

19.36 A Councillor who is a member of the Planning Committee and who decides to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division may arrange for another Councillor to represent their constituents in relation to the Planning Application in question and to make representations about the Planning Application on behalf of their constituents at meetings of the Planning Committee. The Councillor must advise the Professional Lead - Planning that they will be acting as a Decision Maker and provide the name of the councillor who will be taking on the Local Representative role, once they are notified of the application. In this situation this other Councillor will for the purposes of this Protocol be a Local Representative in relation to that Planning Application.

19.37 A Councillor who is a Local Representative shall comply with the Public Speaking Provisions set out in Rules 19.113 to 19.117 and with the Members' Code of Conduct generally and must comply with the rules set out in 19.62 to 19.75. Further provisions relating to the Local Representative role are also contained in Rules 19.39 to 19.45.

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- 19.38 For the avoidance of doubt a Councillor may choose (where they are a Town or Community Council member) to make representations on behalf of a Town or Community Council in their electoral division but that Councillor shall not also make representations as Local Representative under the Public Speaking Procedures.

OBLIGATIONS OF LOCAL REPRESENTATIVE

- 19.39 A Councillor wishing and, under this Protocol, entitled to act as a Local Representative at a meeting of the Planning Committee and address the Committee, make representations and answer questions must notify the Professional Lead - Planning of such wish **“no later than 3 clear working days in advance of the meeting”** unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.52. Applicants will be informed by means of a circular letter prior to the meeting that the Local Representative may exercise their right to speak at the Committee meeting.
- 19.40 A Councillor acting as a Local Representative (whether a member of the Planning Committee or not):
- 19.40.1 Shall not sit with members of the Planning Committee, when attending a meeting of the Planning Committee concerning the Planning Application in question and must wait to be called to make any representations in the public area of the room.
 - 19.40.2 Shall not speak to any member of the Planning Committee in relation to the Planning Application in question, either during a meeting of the committee or otherwise.
 - 19.40.3 May, in relation to the Planning Application in question with the consent of the Chair, respond to questions from members of the Committee, the Applicant or his Agent and any other party allowed to speak at the meeting.
 - 19.40.4 Shall if the Councillor has a prejudicial interest (unless as a Councillor with a Dispensation the Councillor has a dispensation to remain) withdraw from the room, chamber or place where the meeting of the Planning Committee is taking place once they have concluded their representations and dealt with any questions asked and in any event before further consideration of the Planning Application begins.
 - 19.40.5 Shall not accept any gift or hospitality from anyone connected with the Planning Application in question and take immediate steps to register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council.
- 19.41 Councillors who are not on the Planning Committee are expected to undertake training provided by the Council at regular intervals to enable them to properly carry out their role as Local Representative.
- 19.42 When acting in the role of Local Representative in relation to a specific Planning Application a Councillor can attend meetings held in the Community by lobby groups and others and participate in those meetings if the Councillor so wishes, but the Councillor must not communicate any information, views or recommendations arising from such meetings to

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members of the Planning Committee determining the Planning Application in question in advance of a meeting of the Planning Committee and should only express any such views as part of their formal presentations to the Planning Committee at a public meeting of the Committee called to determine the application.

- 19.43 When acting in the role of Local Representative in relation to a specific Planning Application, a Councillor who does not have a prejudicial interest may decide not to address the Planning Committee but may submit written comments either supporting or objecting to the application prior to the meeting to the Professional Lead - Planning. The comments will be included in the Planning Officer's report to the Committee where it is practicable to do so and will be displayed on the Planning Portal. The Applicant can make a written response to the Local Representative's written comments. Such a Member is allowed to sit in the public gallery during consideration of the application.
- 19.44 A Councillor acting as a Local Representative who requires further information on the Planning Application in question should seek such information from the relevant planning officers and not from members of the Planning Committee.

RIGHTS OF LOCAL REPRESENTATIVE

- 19.45 For the avoidance of doubt a Local Representative will have those rights set out in Rule 19.46 of this Protocol under the heading of "Non-Planning Committee member role" that is to say:

19.45.1 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is a Local Representative will be free to:

- 19.45.1.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
- 19.45.1.2 attend any locally organised meeting concerning the application
- 19.45.1.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application
- 19.45.1.4 relay relevant information about the application to a planning officer.
- 19.45.1.5 seek information / clarification about the application from a planning officer.

PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Professional Lead - Planning or a Planning Officer in relation to the determination of a Planning Application.

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NON-PLANNING COMMITTEE COUNCILLOR ROLE

- 19.46 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is not a member of the County Planning Committee (whether or not they play or intend to play the role of Local Representative) will be free to:
- 19.46.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
 - 19.46.2 attend any locally organised meeting concerning the application;
 - 19.46.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application;
 - 19.46.4 relay relevant information about the application to a planning officer;
 - 19.46.5 seek information / clarification about the application from a planning officer.

PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Professional Lead - Planning or a Planning Officer in relation to the determination of a Planning Application.

MEMBER REPRESENTATIVE

- 19.47 A Councillor can act as a Member Representative on behalf of persons entitled to speak at meetings of the Planning Committee PROVIDED THAT:
- 19.47.1 the Councillor cannot act for a person living within their electoral division unless the Member has handed over their responsibilities as Local Representative to another Councillor pursuant to Rule 19.68.
 - 19.47.2 the Councillor notifies the Professional Lead - Planning or a Planning Officer that they are acting as a Member Representative on behalf of an objector entitled to speak at meetings of the Planning Committee **no later than 3 clear working days in advance of the meeting.**
 - 19.47.3 Where a Councillor wishes to act as a Member Representative for an applicant s/he must notify the Professional Lead - Planning **no later than 2 clear working days in advance of the meeting.**
- 19.48 A Councillor acting as a Member Representative cannot:

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- 19.48.1 be a Decision Maker if they are a member of the Planning Committee;
 - 19.48.2 Call-in an application to the Planning Committee.
 - 19.48.3 seek to influence / lobby fellow Councillors or officers;
 - 19.48.4 attend site visits.
- 19.49 A Councillor acting as a Member Representative at a meeting of the Planning Committee must:
- 19.49.1 when the Chair calls them prior to speaking to advise the Committee:
 - 19.49.1.1 that they are not acting in the role of Local Representative;
 - 19.49.1.2 that they are not acting in the role of a County Councillor;
 - 19.49.1.3 that they are acting as a Member Representative;
 - 19.49.1.4 whether they have a personal or a personal and prejudicial interest in respect of the application.
 - 19.49.2 not speak to members of the Planning Committee regarding the application;
 - 19.49.3 sit in the public gallery and not sit with members of the Committee
- 19.50 A Councillor acting as Member Representative who has a personal and prejudicial interest must disclose that interest prior to making a presentation to the Committee, and having completed their presentation must leave the room prior to the Committee discussing the application.

CALL-IN

- 19.51 A Councillor (whether a member of the Planning Committee or not) may:
- 19.51.1 in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request, that such Planning Application which ordinarily would be determined by the Professional Lead - Planning will be determined by the Planning Committee and in this Protocol a Councillor making such a request will be referred to as exercising “the power of Call-in”.
 - 19.51.2 in respect of a planning application in their electoral division, or which affect their electoral division, where they believe that application is likely to be controversial, exercise the power of Call-in, but may withdraw that Call-in in accordance with Rules 19.57.
- 19.52 A Councillor exercising the power of Call-in will have an automatic right to speak.
- 19.53 An objection from a Town or Community Council will not automatically trigger an application being considered by the Planning Committee.

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Call-in Procedure relating to a Councillor making a request for a planning application to be determined by the Planning Committee and not by the Professional Lead - Planning.

- 19.54. Subject to Rule 19.56 below, a Councillor (whether a member of the Planning Committee or not) may, in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request in writing (by letter, email or fax), in accordance with Rule 19.55 below, that such Planning Application which ordinarily would be determined by the Professional Lead - Planning be determined by the Planning Committee;
- 19.55 A written request (by letter, email or fax) by a County Councillor for a Planning Application within their Electoral Division or which affects their electoral division to be considered by the Planning Committee shall be sent or forwarded to the Professional Lead - Planning so as to be received by them within the period of 21 consecutive days from the County Councillor receiving notification of the Planning Application and such request must set out the specific planning grounds justifying the request;
- 19.56 A Councillor shall not be entitled to make a request under Rule 19.54 above in relation to re-submitted applications where no substantial change has been made to an original application which has been refused.
- 19.57 A Councillor who has exercised the Call-in of a Planning Application may request that the Call-in be withdrawn by written notification to the Professional Lead - Planning at any time before the agenda for the meeting has been published in accordance with Section 14 of the Constitution.
- 19.58 The decision of the Chair of the Planning Committee as to whether a request complies with the procedure in Rules 19.51 to 19.61 shall be final.
- 19.59A Councillor exercising the power of Call-in who has an automatic right to speak shall comply with the provisions of this Protocol relating to Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and with the Members' Code of Conduct generally.
- 19.60 Members of the Planning Committee are cautioned that if, in exercising the power of Call-in:
- 19.60.1 they express an opinion for or against the Planning Application, they will only be able to undertake the role of Local Representative; and
 - 19.60.2 if they have previously discussed the application with Applicant and / or Agent and / or Objector and / or third party they will only be able to undertake the role of Local Representative.

In these situations, the advice of the Monitoring Officer should be sought.

- 19.61 Where a Councillor requests determination by the Planning Committee and is unable to attend the meeting to speak thereon, consideration of a letter from that Councillor relating to the Planning Application will be allowed as an alternative to an oral presentation made by that Councillor. Alternatively, a Councillor acting as Local Representative, where they are unable to attend the meeting of the Committee when the application is

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considered, may hand over their Local Representative role to another County Councillor.

COUNCILLORS WITH PERSONAL AND PREJUDICIAL INTERESTS

COUNCILLOR WITH A PERSONAL INTEREST

19.62 A Councillor with a Personal Interest in relation to a Planning Application who attends a meeting of the Planning Committee (whether as a member of the Committee or not) when that Planning Application is considered must, in accordance with the Members' Code of Conduct, disclose orally to that meeting the existence and nature of the Personal Interest in question before or at the commencement of the consideration of the Planning Application or when the Personal Interest becomes apparent to the Councillor. The role of a Councillor with a Personal Interest who also has a prejudicial interest under the Members' Code of Conduct is further limited as detailed in Rules 19.66 to 19.68 below.

DEFINITION OF COUNCILLOR WITH A PERSONAL INTEREST

19.63 Under the Members' Code of Conduct a Councillor (whether a member of the Planning Committee or not) must consider whether they have a Personal Interest (as defined in the Members' Code of Conduct) in respect of a Planning Application and whether the Members' Code of Conduct requires them to disclose that interest in the event of the Councillor attending a meeting of the Planning Committee which considers that Planning Application. A Councillor who is required to declare a personal interest in respect of a Planning Application at a meeting of the Planning Committee will for the purposes of this Protocol be a Councillor with a Personal Interest in relation to that Planning Application.

EXAMPLES OF PERSONAL INTERESTS

19.64 Paragraph 10 of the Members' Code of Conduct details what will constitute a "Personal Interest" for the purposes of the Code and, by extension through Rule 19.63 above. Illustrative of the types of interest referred to in Paragraph 10 are the categories listed below. They must not be taken as authoritative. Reference to Paragraph 10 must always be made to ascertain with certainty whether a Councillor is a Councillor with a Personal Interest.

19.65 Planning Applications concerning:

19.65.1 The Councillor

19.65.2 The Councillor's family;

19.65.3 The Councillor's friends;

19.65.4 The Business interests of the Councillor;

19.65.5 The Land or property interests of the Councillor or their family;

19.65.6 An organisation of which the Councillor is a member (including those to which the Councillor has been elected, appointed or nominated by the Council;

19.65.7 Projects and schemes in respect of which the Councillor (or members of the family of the Councillor) has drawn plans for

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their family / friends or for other people or acted as Agents for their family friends or for other people.

COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.66 A Councillor with a Prejudicial Interest in relation to a Planning Application who is a member of the Planning Committee may not in respect of that Planning Application (unless granted a dispensation by the Standards Committee to be a Decision Maker) be a Decision Maker but may undertake the role of Local Representative in respect of that Planning Application.
- 19.67 A Councillor with a Prejudicial Interest in relation to a Planning Application who is not a member of the Planning Committee may undertake the role of Local Representative in respect of that Planning Application and may apply to the Standards Committee for a dispensation as detailed in the provisions of this Protocol below and in Rules 19.71 to 19.72 relating to a Councillor with a Dispensation.
- 19.68 A Councillor with a Prejudicial Interest in relation to a Planning Application whether they are a member of the committee or not, who is undertaking the Local Representative Role, may if s/he determines that their prejudicial interest is so significant that it would prejudice their ability to undertake the Local Representative role, once they are notified of the application, appoint another Councillor to undertake the Local Representative role by giving written notice to the Professional Lead - Planning who will arrange for the appointment to be placed on the relevant application file. The Councillor who takes over the Local Representative role may not be a Decision Maker or have a significant Prejudicial Interest which would prejudice their ability to act as the Local Representative and must comply with rules 19.34 – 19.38.
- 19.69 A Councillor with a Prejudicial Interest in relation to a Planning Application whether they are a member of the committee or not, who is undertaking a Local Representative role and are unable to attend the meeting may submit a written statement and must advise Planning that they are intending to submit a written submission. **at least 3 clear working days before the meeting.** The applicant will have a right of response to this submission at the committee either orally or in writing.

DEFINITION OF COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.70 Where a Councillor (whether a member of the Planning Committee or not) is a Councillor with a Personal Interest in relation to a Planning Application that Councillor will, for the purposes of this Protocol, also be a Councillor with a Prejudicial Interest in respect of that Planning Application if the interest of that Councillor is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice that Councillor's judgement of the public interest.

COUNCILLOR WITH A DISPENSATION

COUNCILLOR WITH A DISPENSATION

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- 19.71 A Councillor with a Dispensation attending a meeting of the Planning Committee (whether a member of the Committee or not) to which the dispensation is relevant may only participate in the meeting subject to:-
- 19.71.1 Stating at the Meeting that they are relying on the dispensation; and
 - 19.71.2 Giving to the Solicitor to the Council a written notification before or immediately after the close of the Meeting containing:
 - 19.71.2.1 Details of the Prejudicial Interest;
 - 19.71.2.2 Details of the Planning Application to which the Prejudicial Interest relates;
 - 19.71.2.3 Details of, and the date on which, the dispensation was granted; and
 - 19.71.2.4 The Councillor's signature.
- 19.72 A Councillor with a Dispensation making written or oral representations in reliance upon the dispensation must provide details of the dispensation within such written or oral representations, and in the latter case, provide written notification to the Solicitor to the Council within 14 days of making the representations.

DEFINITION OF COUNCILLOR WITH A DISPENSATION

- 19.73 A Councillor with a Prejudicial Interest who is a member of the Planning Committee may
- 19.73.1 undertake the Role of Local Representative, but shall leave the meeting room after making their presentation; or
 - 19.73.2 if a Local Representative with a Prejudicial Interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.
 - 19.73.3 A Councillor undertaking the role of Local Representative with a prejudicial interest is allowed to make written representations in lieu of their right to speak at the meeting.
 - 19.73.4 where he / she does not wish to act as a Decision Maker or Local Member but does wish to act as a Member Representative may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.
- 19.74 A Councillor with a Prejudicial Interest who is not a member of the Planning Committee may undertake the Role of Local Representative (or Member Representative) but shall leave the meeting room after making their presentation. If a Local Representative (or a Member Representative) with a prejudicial interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee. A Councillor undertaking the role of Local Representative with a prejudicial interest is allowed to make written representations in lieu of their right to speak at the meeting.

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- 19.75 A Councillor who has obtained such dispensation as is mentioned in Rules 19.73 and 19.74 shall for the purposes of this Protocol be a Councillor with a Dispensation.

MEMBERS' CODE OF CONDUCT

- 19.76 The Members' Code of Conduct in force at the time (as supplemented by this Protocol), **must be followed at all times.**

PREDISPOSITION AND PREDETERMINATION

- 19.77 A Councillor who is a Decision Maker may be predisposed to a particular view. However, the Councillor must be open to the possibility that they will hear arguments during the debate about the Planning Application that, will change their mind about how they intend to vote. As long as the Councillor is willing to keep an open mind about the Planning Application, they are entitled to take part on any vote on it.
- 19.78 A Decision Maker must exercise care not to predetermine a Planning application. Predetermination is where the Councillor's mind is closed to the merits of any arguments which differ from their own about a Planning Application. A Decision Maker should avoid giving the appearance that they have decided how they will vote at the meeting and that nothing will change their mind.

A COUNCILLOR'S DIRECT CONNECTIONS WITH APPLICANTS AND OTHERS

- 19.79 If a Councillor advises Applicants, Agents, Objectors or other interested parties about the likely acceptability of planning proposals then in relation to planning applications relating to those proposals that Councillor cannot undertake the role of Decision Maker and may need to consider whether they fall within the category of a Councillor with a Prejudicial Interest.
- 19.80 A Councillor who wishes to ensure that they remain eligible to carry out the role of Decision Maker should advise prospective Applicants to contact a Planning Officer for advice on both merits and procedures.
- 19.81 **A Councillor should never seek to influence / lobby fellow Councillors or officers in these circumstances.**

DEVELOPMENT PROPOSALS INVOLVING COUNCILLORS

- 19.82 A Planning Application by a Councillor (concerning a business or land in which they have an interest) or their family and relatives, close friends and business associates can easily give rise to suspicions of impropriety. It is vital that it is handled in a way that gives no grounds for accusations of favouritism.
- 19.83 A serving Councillor who prepares plans or generally acts as an Agent for people submitting a Planning Application should never be a Decision Maker or Local Representative in relation to that Planning Application and should not seek to lobby / influence fellow Councillors or officers.
- 19.84 Where a Councillor makes a planning application, they:

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- 19.84.1 must appoint an independent Agent or Representative to act on their behalf;
 - 19.84.2 must notify, in writing, the Professional Lead - Planning that such application has been submitted;
 - 19.84.3 should take no part in the processing of that application or endeavour to influence the final decision on the application;
 - 19.84.4 must not seek to influence / lobby fellow Councillors or officers;
 - 19.84.5 must not attend any meeting of the Planning Committee whilst it is considering their application;
 - 19.84.6 must regard themselves as being both a Councillor with a Personal Interest and a Councillor with a Prejudicial Interest.
 - 19.84.7 must not act as a Local Representative and must advise Democratic Services who will liaise with neighbouring Members and agree a replacement Local Representative and advise Planning – as in Rule 19.68.
- 19.85 Any Planning Application submitted by a Councillor (or relating to a councillor's business or land interests) will be determined by the Planning Committee and shall never be dealt with by officers under 'delegated powers'. The Council's Planning Solicitor should confirm to the Planning Committee that the application has been processed normally and therefore must be given the opportunity to review the file.
- 19.86 Where a Planning Application is made by a member of a Councillor's family, a friend or business associate of the Councillor or an organisation in which the Councillor holds a position of responsibility the Councillor shall advise the Professional Lead - Planning of the submission of that application, and the relationship between the Councillor and that individual. The Professional Lead - Planning shall determine whether the nature of the relationship would warrant the application being referred to the Planning Committee for determination or whether it could be determined by him. In any event the Councillor should not seek to influence / lobby fellow Councillors or officers in respect of the application.
- 19.87 A Councillor must have regard to the Members' Code of Conduct when dealing with a Planning Application involving another Councillor.

COUNCILLORS SHOULD SEEK ADVICE

- 19.88 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DECISION MAKING PROCESS

- 19.89 Subject to Rule 19.90 below the Committee will perform the functions and follow the delegation set out in Section 13 (Responsibility for Functions).
- 19.90 The Professional Lead - Planning will not exercise their delegated responsibility for functions in the following circumstances whereupon the function will be dealt with by the Planning Committee:

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- 19.90.1 the Professional Lead - Planning considers that the Planning Function should be dealt with by the Planning Committee and not by him / herself;
- 19.90.2 a Councillor registers a Call-in request under Rules 19.51 to 19.61 that a Planning Application be referred to the Planning Committee for decision and not determined by the Professional Lead - Planning;
- 19.90.3 the Planning Application in question constitutes a material departure from the Development Plan and the view of the Professional Lead - Planning is that the Planning Application should be approved;
- 19.90.4 the Planning Application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council);
- 19.90.5 the Planning Application is required to be accompanied by an Environmental Statement under the EIA Regulations;
- 19.90.6 the Planning Application is submitted by or on behalf of any member of the Council or any member of staff employed in Planning, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with Planning.

DECISION MAKING BY THE PLANNING COMMITTEE

PLANNING COMMITTEE DETERMINATION PRINCIPLES

- 19.91 In considering and determining a Planning Application the Planning Committee shall:
 - 19.91.1 have regard to the regulatory and quasi-judicial nature of the Committee's proceedings;
 - 19.91.2 disregard irrelevant considerations;
 - 19.91.3 act impartially, fairly and not take into account any political considerations;
 - 19.91.4 determine the application in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise;
 - 19.91.5 acknowledge the emphasis in determining applications is upon a 'plan-led' system;
 - 19.91.6 reflect the basis of the planning system is the consideration of private proposals against the wider public interest;
 - 19.91.7 recognise much is often at stake in this process and opposing views are often strongly held by those involved;
 - 19.91.8 take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification;
 - 19.91.9 decide which representations are material to the decision to be made, and, if so, what weight to attach to them;

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- 19.91.10 not reach any conclusion on the merits until all the relevant facts have been considered including the officer’s report and the matter appropriately debated;
- 19.91.11 ensure that the Public Speaking Provisions are implemented fairly.

Statutory Duties

19.92 The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

Equality Act 2010

19.93 Section 149 provides that:

- 19.93.1 A council must, in the exercise of its functions, have due regard to the need to:
 - 19.93.1.1 eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
 - 19.93.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 19.93.1.3 foster good relations between persons who share a protected characteristic and persons who do not share it.
- 19.93.2 The above powers relate to the following protected characteristics:
 - 19.93.2.1 age;
 - 19.93.2.2 disability;
 - 19.93.2.3 gender reassignment;
 - 19.93.2.4 marriage and civil partnership;
 - 19.93.2.5 pregnancy and maternity;
 - 19.93.2.6 race (including colour, nationality and ethnic or national origins);
 - 19.93.2.7 religion or belief;
 - 19.93.2.8 sex; or
 - 19.93.2.9 sexual orientation.

Human Rights

19.94 Section 6(1) of the Human Rights Act 1998 provides that:

“It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right.”

Best Value

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- 19.95 Section 3(1) of the Local Government Act 1999 and Part 1 of the Local Government (Wales) Measure 2009 provides that:

“A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”

Crime and Order

- 19.96 Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

DEFERRALS

- 19.97 In the event of consideration of a Planning Application being deferred at a meeting of the Planning Committee then (unless deferral of the application is agreed at the outset of the consideration of the application by the Planning Committee and no further discussion about it takes place at that meeting) only those Decision Makers present during the meeting when the application is deferred will be eligible to reconsider the application at a subsequent meeting of the Planning Committee. **Please refer also to Rule 19.117.8.4.**
- 19.98 Where the quorum of a meeting falls below 50%, any application where this occurs will be automatically deferred and considered at the next available meeting.

RECONSIDERED APPLICATIONS

- 19.99 Where an application which has been previously considered and / or determined by the Committee, is subsequently reconsidered, the Professional Lead - Planning in consultation with the Chair and Vice-Chair should consider whether:
- 19.99.1 the application is materially the same as the previous application considered. If so, only those Councillors who were present when the application was considered can take part in any subsequent consideration of the reconsidered application. Speaking rights at this meeting will be in accordance with Rule 19.117.8.4 as follows:

“If representations are made by a Councillor acting as a Local Representative / an Objector/ a representative of a Town or Community Council / an Applicant or their Agent to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only.**”

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- 19.99.2 the application is significantly different to the previous application considered. If so, the application will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the reconsidered application and full speaking rights will be allowed.
- 19.99.3 the length of time between the original consideration and subsequent consideration is 6 months or more. If the length of time is 6 months or more (the timescale starts from the date of the meeting when the matter was first considered), then it will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the reconsidered application and full speaking rights will be allowed.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 19.100 When members of the Planning Committee are minded to either approve or refuse a Planning Application contrary to the recommendation of the Professional Lead - Planning (in a written report to the Committee or communicated orally at a meeting of the Committee) those members shall clearly identify and articulate the planning reasons supporting their view before a vote is taken on the application in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Professional Lead - Planning and a copy of the minute containing the Committee's reasons shall be placed on the relevant application file.
- 19.101 If the Planning Committee is minded to refuse or grant an application contrary to Officer recommendation, it may wish to consider whether to defer the confirmation of reasons for granting or refusal of the application to the next available committee. This will allow members the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations.
- 19.102 If the Planning Committee is minded to grant an application contrary to Officer recommendation, it may wish to consider whether to delegate the conditions to the Professional Lead – Planning or defer the confirmation of conditions to the next available committee.

MODIFYING PLANNING CONDITIONS

- 19.103 Where members of the Planning Committee wish to add, modify or amend conditions which are recommended by the Professional Lead - Planning those members shall clearly identify and articulate the planning reasons supporting their view before a vote is taken on the application and/or the conditions in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Professional Lead - Planning **PROVIDED ALWAYS** that the wording of the final version of those conditions shall be delegated to the Professional Lead - Planning.
- 19.104 Where the Professional Lead - Planning considers that they would be unable to defend a proposed decision of the Planning Committee on

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appeal they shall make this point known to the Committee before the final vote is taken. In such cases the Minutes of the meeting shall record the proposer and seconder of the motion to pass a resolution contrary to the recommendation of the Professional Lead - Planning.

PREDETERMINATION

19.105 Where the Monitoring Officer (or their representative at a meeting of the Planning Committee meeting) considers that a member of the Planning Committee has prejudiced their position as a Decision Maker, by expressing a clear and settled view on an application before its determination by the Planning Committee, the Monitoring Officer (or their representative at a meeting of the Planning Committee) shall advise the Councillor in question and the Chair of the Committee of the effect of that Councillor continuing to play the role of a Decision Maker. The decision as to whether that Councillor shall continue to play the role of Decision Maker shall rest with that Councillor.

CORRESPONDENCE AND OTHER RELEVANT INFORMATION RECEIVED BY MEMBERS OF THE PLANNING COMMITTEE

19.106 A member of the Planning Committee may receive from time to time correspondence and other relevant information from persons or groups who have an interest in the outcome of a planning application to be determined by the Planning Committee and there will be pressure to reply. A member of the Planning Committee will occasionally receive a significant amount of unsolicited correspondence and other information on more contentious applications. The Councillor shall not reply or respond to this correspondence but instead shall refer it to the Professional Lead - Planning. This will prevent any delay in the process. The Professional Lead - Planning shall also:

- 19.106.1 if time permits, send a copy of such correspondence / other information to the Applicant or their Agent (provided neither is the author) so as to allow them an opportunity to respond;
- 19.106.2 place a copy of all such correspondence/other information on the relevant Planning file;
- 19.106.3 if time permits, ensure that their report to the Planning Committee refers to such correspondence / other information; otherwise the Professional Lead - Planning should refer to such correspondence / other information orally at the meeting of the Planning Committee giving it such prominence and weight as its relevance requires.

19.107 On occasions the new information may be so substantial as to lead to a deferment of the application. Where the Planning Application is not deferred the Chair will allow members an appropriate period of time to read the new material before proceeding with consideration of the item.

19.108 The Professional Lead - Planning shall be responsible for reporting any correspondence or new information of relevance to the Planning Committee.

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SITE INSPECTIONS

19.109 There will be no Site Inspections undertaken by the Planning Committee unless there are exceptional circumstances justifying a site inspection (that is to say it must be clearly demonstrated that a site inspection is essential to the decision making process i.e. that a proper decision cannot be made without a site inspection taking place). For the avoidance of doubt, it will be the expectation that Local Representatives will make any request for Site Inspections well in advance of the meeting:

19.109.1 as recommended by the Professional Lead - Planning in consultation with the Solicitor to the Council and the Chair and Vice-Chair of the Planning Committee; or

19.109.2 as determined by the Committee itself to deal with unresolved site specific planning issues in which case these wholly exceptional circumstances justifying the site visit shall be recorded in the minutes of the meeting at which the decision is taken.

19.109.3 as determined by the Chair and Vice-Chair of the Planning Committee on the application of one or more Councillors in whose electoral division(s) the development in question will take place or whose electoral division will be affected by the development in question subject to consultation with the Professional Lead - Planning and the Solicitor to the Council.

19.110 Where Site Inspections are held the following Policies shall apply.

POLICY 1: ARRANGEMENTS FOR HOLDING SITE INSPECTIONS

19.110.1 Wherever practicable Site inspections shall be arranged to take place on the same day as and immediately prior to the formal public Planning Committee meeting considering the application.

POLICY 2: ATTENDANCE AT SITE INSPECTIONS

19.110.2 ALL members of the Planning Committee shall be invited to attend Site Inspections together with planning officers.

19.110.3 Councillors acting as a Local Representative shall, be allowed to attend site visits (but not travel with the committee) to provide planning specific information to the committee except where they have a Personal and Prejudicial Interest. Alternatively, a Local Representative may provide to a planning officer only in writing, additional relevant planning information relating to the site, prior to a site inspection, and the planning officer will inform those present at the site inspection of this additional information except where the Member has a Personal and Prejudicial Interest.

19.110.4 In exceptional circumstances the Chair may, after consultation with the Professional Lead - Planning and the Vice-Chair, invite other council officers to attend site inspections for the sole purpose of providing information only, in relation to specialist matters, concerning the application and to answer such questions as Councillors may wish to raise.

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19.110.5 Landowners / representative of a Town and Community Council / Applicants / Objectors / supporters or any other third party shall not be allowed to attend site inspections.

POLICY 3: NON ATTENDANCE BY COUNCILLORS

19.110.6 All members of the Planning Committee shall use their best endeavours to attend a Site Inspection where they intend to play the role of Decision Maker in relation to the Planning Application in question. A Councillor's position to undertake the role of Decision Maker in relation to such application may be in doubt if they did not attend a relevant Site inspection (i.e. as a consequence of which the Councillor is unable to take a decision with knowledge of all relevant matters) and in that situation the Councillor shall seek the advice of the Monitoring Officer, which shall wherever practicable be obtained in writing and a copy given to the Chair and Vice-Chair of the Planning Committee prior to the commencement of the meeting in question.

19.110.7 Councillors who, as a result of such advice from the Monitoring Officer, conclude that they are unable to undertake the role of Decision Maker shall either move to the public gallery, or may leave the room during consideration of the application in question.

POLICY 4: ACCESS TO PRIVATE LAND

19.110.8 Where Councillors need to enter onto private land the landowner's prior consent shall be sought by the Professional Lead - Planning. If consent is not forthcoming, the site shall, if practicable, be viewed from the public highway.

POLICY 5: PURPOSE OF SITE INSPECTION

19.110.9 The sole purpose of the site inspection will be for the planning officers to explain in the context of the site, the planning issues relating to the application and for Councillors to view the site. **There shall be no discussions at the site inspection concerning the merits of the application and the site inspection will not be used as a forum for debate. No recommendations shall be made at the site inspection.**

POLICY 6: REPORT TO PLANNING COMMITTEE

19.110.10 The Chair of the Planning Committee shall report if a Site Inspection has been undertaken.

REPORT ON A PLANNING APPLICATION BY THE PROFESSIONAL LEAD - PLANNING

19.111 All Planning Applications considered by the Planning Committee shall be the subject of a full written report by the Professional Lead - Planning, including a detailed assessment of the proposal, including any reasonable options available to the Committee and a reasoned recommendation.

19.112 Any new matters that have arisen between the preparation of the report and the date of the Planning Committee considering the planning

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application or planning matter in question will be the subject of a written update report circulated prior to the commencement of the proceedings of the Planning Committee meeting or referred to orally at the meeting. Only exceptionally should planning officers report only orally to the Planning Committee. The update report will be filed with the signed minutes and the other reports on the Planning Application and added to the published agenda on the Council's website, where possible, prior to the meeting. All submissions should be received where possible no later than 48 hours before the meeting of the Planning Committee.

SPEAKING AT PLANNING COMMITTEE MEETINGS

WHO MAY SPEAK

- 19.113 For the purposes of Rules 19.114 to 19.117 and 19.121, an Applicant and Objector may speak either directly or via an Agent, Member Representative, or Representative.
- 19.114 Where in relation to a specific Planning Application to be determined by the Planning Committee:
- 19.114.1 a person or body (other than a statutory consultee) has lodged an **objection** to that application and has notified the Professional Lead - Planning (in accordance with Rule 19.116 below) of their wish to exercise the right to speak against the application at the relevant meeting of the Planning Committee; or
 - 19.114.2 a **Town or Community Council** has indicated a wish to be heard regarding that application as a consultee (in accordance with Rule 19.116 below); or
 - 19.114.3 **(a) Local Representative(s)** has / have indicated a / their wish to speak (in accordance with Rule 19.116 below); or
 - 19.114.4 The **Applicant** exercises the right to respond to any representations made to the Committee by an Objector, Town/Community Council or Local Representative(s)

the **PUBLIC SPEAKING PROCEDURES** set out Rule 19.117 below shall apply.

MATTERS NOT INCLUDED

- 19.115 For the avoidance of doubt Rules 19.113 to 19.116 shall not apply to, (and there shall be no right for any person to speak in relation to) the following:
- 19.115.1 enforcement cases;
 - 19.115.2 applications for listed building consent;
 - 19.115.3 advertisements;
 - 19.115.4 lawful use certificates;
 - 19.115.5 appeal decisions and proposals to remove legal obligations under Section 106 of the Town & Country Planning Act;

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19.115.6 ancient / important hedgerows.

OBTAINING THE RIGHT TO SPEAK

19.116 A right to speak at a meeting of the Planning Committee will only be obtained in the following situations:-

19.116.1 A member of the public shall be allowed to speak as an **Objector** to a planning application at the Planning Committee where:

19.116.1.1 They have duly made, within prescribed time limits, a written objection to a planning application;

19.116.1.2 A member of the public will need to register an “intention to speak” i.e. advanced notice of an intention to speak at the Committee, which will need to be confirmed **at least 3 clear working days before the date of the relevant committee**; and

19.116.1.3 Has submitted the request to be heard by the Planning Committee with Planning **at least 3 clear working days before the date of the relevant meeting of the Planning Committee**. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.

PROVIDED ALWAYS that:

19.116.1.4 Where more than one person or body (other than a statutory consultee) has lodged an objection to a planning application (as mentioned in Rule 19.114.1 above) and the Chair of the Planning Committee in consultation with the Vice-Chair concludes that the substance of the objections by those persons are identical or similar then only one such person so objecting shall be permitted to exercise the right to speak against the application in accordance with the Public Speaking Procedures, and that person shall be the individual agreed by all the Objectors who have raised the same or similar objection or in the absence of such agreement the individual who first submitted an objection in writing to Planning.

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- 19.116.1.5 Where in relation to the above situation the Chair of the Planning Committee in consultation with the Vice-Chair concludes that different persons or bodies have made objections which are different in substance each person or body making a different substantive objection shall be allowed to exercise the right to speak in opposition to the planning application in accordance with the Public Speaking Procedures.
- 19.116.1.6 Where more than one person or body (other than a statutory consultee) has submitted an objection, the Professional Lead - Planning shall, prior to the meeting of the Planning Committee in question, notify (by the most appropriate means) the persons or bodies of the conclusions of the Chair and Vice-Chair as to whether the objections are different in substance and accordingly as to those individuals and bodies who are entitled to exercise the right to speak under the Public Speaking Procedures.
- 19.116.2 **A Town or Community Council** (by its clerk or one of its members who can be a County Councillor (if a member of the Town or Community Council) will be allowed to speak as a consultee to a Planning Application at a Planning Committee where that Council has submitted a request to be heard by the Planning Committee with Planning **at least 3 clear working days before the date of the relevant meeting of the Planning Committee.** (A Town or Community Council will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee) which will need to be confirmed **at least 3 clear working days before the date of the relevant committee.** For the avoidance of doubt:
- 19.116.2.1 the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.116.2.2 The County Councillor choosing to speak on behalf of a Town or Community Council cannot also be a Local Representative.
- 19.116.3 (A) Councillor(s) exercising the role of **Local Representative(s)** [including a councillor appointed to take this role by another councillor with a significant prejudicial interest in accordance with Rule 19.68] will be allowed to

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Speak in relation to a Planning Application at a Planning Committee where that / those Councillor(s) has/have submitted a request to be heard by the Planning Committee with Planning **at least 3 clear working days before the date of the relevant meeting of the Planning Committee unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.40.** For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.

- 19.116.4 The **Applicant** will be allowed to speak (if they wish) where an Objector, Town or Community Council or Local Representative has spoken.

PUBLIC SPEAKING PROCEDURES

19.117 Where an Objector, and / or representative of a Town or Community Council, and / or (a) Councillor(s) in the role of Local Representative has duly complied with the above provisions enabling that individual or Council to speak at a meeting of a Planning Committee in relation to a specific Planning Application then the procedures to be followed at a meeting of the Planning Committee will be as follows.

19.117.1 The Chair will briefly outline these procedures that allow Councillor(s) acting as (a) Local Representative(s), Objectors, and representatives of Town and Community Councils the right to address the Committee, and the Applicant's right of reply.

19.117.2 Prior to making their representations to the Planning Committee these individuals shall sit in the public gallery or wait outside the meeting room.

19.117.3 For the purposes of making their representations to the Planning Committee an individual entitled to address the Planning Committee under these provisions will be invited by the Chair to take a seat allocated for this purpose where a microphone will be available. A maximum time limit of 5 minutes will be available for each presentation which will be strictly observed save for:

19.117.3.1 in applications where there are multiple speakers objecting to the application, the Applicant will be allowed the same aggregate time allowed to the Objectors.

19.117.3.2 In Planning Applications classified by the Professional Lead - Planning as major applications a maximum time limit of 8 minutes will apply but this will be subject to Rule 19.117.3.1 above (e.g. **those applications with a Welsh Office Planning Statistics (WOPS) Code 1 to 6 inclusive plus any application subject to an Environmental Impact Statement (EIA).**

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- 19.117.4 Those making presentations cannot ask questions of one another, members of the Committee or officers
- 19.117.5 Those individuals making representations under these provisions must avoid making personal or derogatory remarks, confine their presentation to relevant planning issues and shall not use plans, photographs or other display material (but may refer to plans, documents etc included in the formal application material to be considered by the Committee).
- 19.117.6 At the end of the each presentation, the individual making the presentation will either take a seat in the public gallery or leave the meeting room **PROVIDED ALWAYS** that a Local Representative who is also a Councillor with a Prejudicial Interest having completed their presentation to the Committee and answered any questions shall (unless they have received a dispensation from the Standards Committee to remain throughout the proceedings) immediately leave the room or chamber where the meeting is taking place.
- 19.117.7 The order in which individuals shall exercise their right in making representations to a Planning Committee shall be as follows:
- 19.117.7.1 The Local Representative (s).
 - 19.117.7.2 Representative(s) of Town or Community Council.
 - 19.117.7.3 Objector(s) entitled to speak under Rule 19.115.1.
 - 19.117.7.4 Applicant and / or Agent(s).
 - 19.117.7.5 Professional Lead - Planning
- PROVIDED ALWAYS** that the Applicant is not obliged to exercise a right of reply to representations / objections made to the committee if they do not wish to do so.
- 19.117.8 For the avoidance of doubt
- 19.117.8.1 where an Applicant does exercise the right to reply to representations / objections the time limits and other procedures referred to in Rules 19.117.3, 19.117.3.1 and 19.117.3.2 above shall apply.
 - 19.117.8.2 An Applicant has no right to make representations to a Planning Committee in the absence of presentations by the Local Representative(s), and / or representatives of Town or Community Councils, and / or Objector.
 - 19.117.8.3 In respect of proposals where there are lodged duplicate applications or several linked applications relating to the same site, these shall be deemed to relate to one overall development

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- and the rights to address the Committee will be interpreted accordingly.
- 19.117.8.4 If representations are made by a Councillor acting as a Local Representative / an Objector / a representative of a Town or Community Council / an Applicant to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However public speaking and additional comments are allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting where there has been a change of circumstances.**
- 19.117.8.5 A Councillor who chooses to be a Local Representative shall not also make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.117.8.6 A Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.117.8.7 Public speaking is expected to take place at the first meeting where the application is determined unless the application is deferred, a site meeting recommended or there is additional information submitted, in which case additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair.
- 19.117.9 Following oral presentations by individuals under the above provisions, the Chair of the Planning Committee shall invite the Professional Lead - Planning (if he / she wishes) to respond as necessary to those presentations before proceeding with his / her presentation of the application in the normal way **including where appropriate an update to the Committee concerning any correspondence or additional information received since publication of the Committee Agenda papers.**
- 19.117.10 The Professional Lead - Planning shall keep a record of all notices received under these provisions.
- 19.117.11 At a meeting of the Planning Committee where representations under these provisions fall to be made in respect of a specific Planning Application every effort should be made for that application to be dealt with at the earliest opportunity.

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- 19.117.12 The relevant plans shall be displayed as appropriate and a description of the application given before any oral representations are heard.
- 19.117.13 The minutes of the Planning Committee shall record the receipt of representations made under these arrangements but shall not record the substance of the representations.

ROLE AND DUTIES OF THE COMMITTEE CHAIR / VICE CHAIR

ELECTION OF THE CHAIR

19.118 The Chair of the Planning Committee shall:

- 19.118.1 be a Councillor elected by the Committee at the first meeting of the Committee following the Annual Meeting of the Council or at an ordinary meeting in the event of a vacancy occurring between Annual Meetings.
- 19.118.2 hold office until:
 - 19.118.2.1 the Annual Meeting of the County Council next following their appointment; or
 - 19.118.2.2 they resign from the office; or
 - 19.118.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - 19.118.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
 - 19.118.2.5 a vote of no confidence in the Chair of the Planning Committee is passed by the Council following a Notice on Motion; or
 - 19.118.2.6 they are no longer a Councillor;

whichever shall first occur.

ELECTION OF VICE-CHAIR

19.119 The Vice-Chair of the Planning Committee shall:

- 19.119.1 be a Councillor elected to that position by the Planning Committee at the first meeting of the Committee following the Annual Meeting of the Council, or in the event of a vacancy occurring at the next convenient meeting of the Committee following the occurrence of the vacancy.
- 19.119.2 hold office until:
 - 19.119.2.1 the first meeting of the Planning Committee which follows the next Annual Meeting of the County Council after the Councillor's appointment; or

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- 19.119.2.2 they resign from the office; or
- 19.119.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- 19.119.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
- 19.119.2.5 in the event of a vote of no confidence in the Vice-Chair of the Planning Committee being passed by the Council following a Notice on Motion; or
- 19.119.2.6 they are no longer a Councillor;

whichever shall first occur.

CHAIRING THE PLANNING COMMITTEE

19.120 In the absence of the Chair for the whole or part of a meeting of the Planning Committee the Vice-Chair shall preside. If the Vice-Chair shall be absent the Planning Committee shall choose one of its number present to preside as Chair for that meeting or part of it until the Chair (or Vice-Chair) returns to the meeting.

RESPONSIBILITY OF THE CHAIR PRESIDING AT A MEETING OF THE PLANNING COMMITTEE

19.121 The Councillor presiding as Chair at a meeting of the Planning Committee shall have the following general responsibilities:-

- 19.121.1 to preside over the meeting so that the Committee's business can be carried out efficiently and with proper regard to the rights of Councillors, Applicants, Objectors, officers and the interest of the community as a whole.
- 19.121.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning applications.
- 19.121.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol; and shall in particular have the following duties, obligations and responsibilities:
 - 19.121.3.1 at the commencement of the meeting:
 - (a) to request declarations of interests from members of the Committee relating to items to be considered on the agenda;
 - (b) to receive notification that a Member of the Planning Committee is a member of a Town and Community Council, and in relation to an application to be considered by the Planning Committee whether they:

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- (i) took part in a meeting of the Town and Community Council where the application was considered – in which case they can only take a Local Representative Role; or
 - (ii) left the room during the meeting of the Town and Community Council where the application was considered – in which case they can continue to undertake a Decision Maker Role.
 - (c) to receive declarations from members of the Committee that they will be acting as Local Representative in respect of an individual application being considered by the Committee;
 - (d) to receive details of Councillors (who are not members of the Committee) who will be acting as Local Representative in respect of an individual application being considered by the Committee.
- 19.121.3.2 prior to the consideration of each application to call out the application number (whereupon any Councillor undertaking the role of Local Representative in relation to that application, and who is a member of the committee, will withdraw to the public gallery and the withdrawal of the Local Representative will be recorded in the minutes of the committee);
- 19.121.3.3 to amend if necessary the order in which planning applications are to be considered by the committee in order wherever practicable that Planning Applications where members of the Planning Committee will; be undertaking the role of Local Representative are dealt with first;
- 19.121.3.4 to introduce each agenda item for discussion or for information; and
- 19.121.3.5 to report where a site inspection has taken place.
- 19.121.3.6 following the officer presentation relating to a Planning Application to facilitate the debate of Councillors and allow them to participate in the discussion in the order in which they acknowledge their wish to speak;
- 19.121.3.7 to consider whether an officer of the Council other than an officer of Planning should be allowed to address the Planning Committee or answer questions and to ensure that only such officers as they consider necessary do so (it being acknowledged that it will not normally be

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- the practise for such officers to address the Committee or answer questions);
- 19.121.3.8 to consider whether a representative of a statutory consultee should be allowed to address the Planning Committee or answer questions and to ensure that only such representatives as they consider necessary do so (it being acknowledged that it will not normally be the practise for such representatives to address the Committee or answer questions);
- 19.121.3.9 not to differentiate between Councillors (Members of the Planning Committee represent the whole community of Powys) and not to afford any preferential treatment of or special privileges to a Councillor on the basis that they are the local electoral division Councillor for the application;
- 19.121.3.10 to ensure so far as is reasonable that all Councillors and Officers attending the meeting shall abide by the provisions of the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol;
- 19.121.3.11 to ensure that Decision Makers refrain from making speeches and address the Committee on material 'planning matters' only. (The Chair will be expected to intervene and curtail Councillors who are making repetitious, or irrelevant statements);
- 19.121.3.12 where officers' response to comments or questions from Councillors is required to ensure that officers are given that opportunity;
- 19.121.3.13 a general discretion in relation to the protocol in consultation with the Professional Lead - Planning and Legal Officers.

BRINGING DISCUSSIONS TO A CONCLUSION

- 19.121.4 at the conclusion of the discussion relating to a specific Planning Application the Chair shall not sum up but shall request those Councillors on the Planning Committee exercising the role of Decision Maker to move and second motions and any amendments and to vote on them (taking amendments first);
- 19.121.5 to ensure that votes are properly recorded and that the result is clearly communicated to the meeting so that the outcome is in no doubt;
- 19.121.6 to rule on all questions of procedure and process at the Committee meeting (the Chair's decision shall be final and not open to discussion);
- 19.121.7 to ensure that proper regard is had by all Councillors to the advice given by officers at the Committee meeting.

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THE ROLE OF OFFICERS IN SUPPORTING THE CHAIR

19.122 The Lead Professional, Legal and the Professional Lead - Planning and relevant officers representing them shall provide professional advice to the Councillor presiding as Chair of a meeting of the Planning Committee in order to assist the Chair in discharging the duties of the post and in particular officers shall provide advice as follows:

- 19.122.1 at pre-Committee meetings so that the Chair and Vice-Chair are fully briefed on issues that may arise at meetings;
- 19.122.2 at any post-Committee meetings (if relevant);
- 19.122.3 during Committee meetings where questions are directed towards the Chair for response.

RESPECT FOR OFFICE OF CHAIR

19.123 All Councillors and officers shall respect the position of Chair.

PLANNING

CONDUCT OF OFFICERS

19.124 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute (RTPI) Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they shall:

- 19.124.1 act with competence, honesty and integrity;
- 19.124.2 fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- 19.124.3 discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Planning Code of Conduct;
- 19.124.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;
- 19.124.5 not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;
- 19.124.6 decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.

19.125 Any officer supporting or advising the Planning Committee if they have a personal and prejudicial interest relating to an application being considered, should disclose the interest at the meeting and leave the room whilst the application is being considered.

RELATIONSHIPS BETWEEN COUNCILLORS AND OFFICERS

19.126 In order to engender a committed professional relationship between both planning officers and Councillors each shall have respect and regard for

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the roles both play within the decision making process. Councillors and officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers must act in accordance with their professional codes of conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which occasionally may be at odds with the views, opinions or decisions of the Committee or its members. Officers should also have regard to and comply with the Protocol on Member / Officer Relations (Council Constitution Section 21).

REPORTS AND PRESENTATIONS TO THE PLANNING COMMITTEE

19.127 The report by the Professional Lead - Planning to the Planning Committee in relation to a Planning Application shall:

- 19.127.1 be a report based on the professional judgement of planning officers;
- 19.127.2 include the observations, recommendations and comments of consultees, Objectors and others including other departments of the Council;
- 19.127.3 be supported by the use of still photographs, video etc., to assist Councillors in determining that application (i.e. to provide a balanced view of the site, including a 360° view of the site, contours and topography) which shall specifically include points and issues raised by the Councillor for the electoral division concerned and address and deal with the observations, recommendations, comments of other departments of the Council.

19.128 Recommendations in such report may not always accord with the views and opinions of individuals, groups, statutory consultees etc. However, the report will always follow this Protocol. A Councillor acting as a Decision Maker shall respect the advice given by planning officers at the Committee or when dealing with delegated applications and shall not lobby, seek to influence, or bring pressure to bear on a planning officer for a particular recommendation or decision.

PRE-APPLICATION AND PRE-DETERMINATION DISCUSSIONS BY OFFICERS WITH APPLICANTS ETC

19.129 In any discussions involving the Professional Lead - Planning or a member of their department regarding proposed development or other planning issues, it shall always be made clear at the outset, that such discussions shall not bind the local planning authority to make a particular decision, and that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.

19.130 Any advice given by the Professional Lead - Planning or a member of their department shall be consistent and based upon the Development Plan and other material considerations. Furthermore any advice given shall be impartial; the best that the officer can give in the circumstances and shall

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highlight any apparent problems and where appropriate discuss possible options that may be open to the developer or other party to the discussions.

PUBLIC MEETINGS RELATING TO DEVELOPMENT PROPOSALS

19.131 Officers involved in the processing or determining of planning applications or planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless their attendance has been authorised by the Monitoring Officer. In some situations, attendance by officers at such meetings could lead to allegations of bias or prejudice in relation to a particular point of view. If authorised to attend such meetings officers should take great care to maintain impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

GIFTS AND HOSPITALITY

19.132 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of gifts and hospitality in accordance with the Council's policy. Officers must record any offers of hospitality refused in a register to be kept by the Professional Lead - Planning.

RECORD KEEPING

19.133 Every planning file (including one relating to an enforcement matter) shall contain an accurate account of events throughout its life including minutes and notes of meetings of all descriptions. Where appropriate, the case officer shall visit each site to which the file relates and a record shall be maintained on file. Managers and team leaders within Planning will undertake monitoring of record keeping on a regular basis.

DECISION MAKING BY THE PROFESSIONAL LEAD - PLANNING

19.134 Section 13 (Responsibility for Functions) stipulates those Planning Functions which are the responsibility of the Professional Lead - Planning.

DELEGATED DECISION MAKING

19.135 In determining Planning Applications under the delegated powers the Professional Lead - Planning shall have regard to:

- 19.135.1 the Planning Committee Determination Principles; and
- 19.135.2 the necessity of ensuring that Councillors are made aware of such Planning Applications which relate or affect their electoral division;
 - 19.135.2.1 when submitted; and
 - 19.135.2.2 when approved or refused (together with the officer's report).

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19.13353 the requirement for the relevant line manager to countersign case officer reports on delegated decisions.

19.136 Where the Professional Lead – Planning has a conflict of interest in relation to a planning application to be determined under the Scheme of Delegation, determination of that application will be taken by 2 Principal Planning Officers in his / her place.

PLANNING APPLICATIONS SUBMITTED BY OFFICERS OR BY A RELATIVE OR CLOSE FRIEND OF AN OFFICER WITHIN PLANNING

19.137 Proposals for development by officers of Planning and their relatives and close friends can easily give rise to suspicions of impropriety. It is vital that they are handled in a way that gives no grounds for accusations of favouritism.

19.138 Any member of staff within Planning shall not prepare plans or act as Agent for any person or body (including themselves, members of their own family) pursuing a planning application or planning matter with the Council. If such an officer submits their own application, they shall take no part in the processing of that application and shall appoint an Agent or Representative. Such proposals shall be reported to the Planning Committee for consideration and determination. The Solicitor to the Planning Committee must confirm that these requirements have been complied with.

19.139 A Planning Application by an officer within Planning or by a relative or close friend of such an officer, must be processed by another officer and in accordance with Rule 19.140.

19.140 Where a Planning Application is made by a relative or close friend of an officer within Planning, the Officer shall advise the Professional Lead - Planning of the submission of that application, and the relationship between the officer and that individual. The Professional Lead - Planning shall determine whether the nature of the relationship would warrant the application being referred to the Planning Committee for determination or whether it could be determined by him. The Council's Planning Solicitor should confirm to the Planning Committee or the Professional Lead – Planning, whichever is appropriate that the application has been processed normally and therefore must be given the opportunity to review the file.

19.141 A Planning Application submitted to the Council by an officer within the Senior Leadership Team or any other officer who has regular contact with Planning in the planning process shall be determined by the Planning Committee. In the event of any doubt the matter shall be determined by the Solicitor to the Planning Committee in consultation with the Chair and Vice-Chair of the Planning Committee.

19.142 Any officer who is related to a Member, when submitting a planning application should refer to Rule 19.86.

19.143 An officer (not within Planning) shall not prepare plans or act as Agent for any person or body other than themselves or close members of their family (i.e. spouses, partners, parents, grandparents, children, brothers or sisters).

PLANNING APPEALS

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PROCEDURE FOR DEALING WITH APPEALS

- 19.144 The Lead Professional, Legal is responsible for determining who should present a case at appeal / examinations and which witnesses should be called on behalf of the planning authority and generally for the care and conduct of the Appeal or hearing.
- 19.145 Officers of Legal and Planning will organise the Council's case and generally the latter will appear as witnesses at planning inquiries and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council, particularly where specialist support is necessary.

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- 19.146 In giving evidence Planning officers will present the best possible case on behalf of the Council whilst also complying with the RTPI Code of Professional Conduct.
- 19.147 Where a Planning Committee decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Planning Committee that they are unable to defend such decisions, the Professional Lead - Planning shall report notice of the appeal to the next planning meeting of the Planning Committee.
- 19.148 Where a Planning Committee decision contrary to the recommendation of the Professional Lead - Planning is the subject of an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, members of the Planning Committee who supported the decision may be called to present evidence at the appeal if deemed necessary by the Lead Professional, Legal. Councillors shall be provided with support in preparing their submissions for an Inquiry by the Council's own officers or by consultants. The Lead Professional, Legal shall provide a level of professional support for Councillors who are required to present an appeal to a Planning Inquiry.
- 19.149 The Professional Lead - Planning shall regularly report on appeal decisions
- 19.150 The Professional Lead - Planning will advise the Planning Committee of the outcome of enforcement appeal decisions.

TRAINING

TRAINING OF PLANNING COMMITTEE COUNCILLORS

- 19.151 The Council shall ensure that members of the Planning Committee satisfactorily complete Induction Training before first serving on the Planning Committee and undertake from time to time additional / refresher training in accordance with a training programme agreed by the Council.
- 19.152 Attendance records for planning training events shall be monitored. A Member who fails to attend the training sessions shall not be permitted to sit on the Planning Committee, until such training has been completed. A new member of the Council shall undertake a training session before they are permitted to sit on the Planning Committee.

TRAINING OF OTHER COUNCILLORS

- 19.153 Appropriate training for Councillors who do not sit on the Planning Committee will be arranged at regular intervals so as to enable them to properly discharge the role of Local Representative.

REVIEW OF DECISIONS

- 19.154 Visits to application sites previously considered by the Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 19.155 Attendance at the review site visits shall be restricted to Members of the Committee.

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TEITL, CYCHWYN, CYMHWYSIAD AC EFFAITH

TEITL

19.1 “Protocol Cynllunio” yw teitl y Protocol hwn.

CYCHWYN

19.2 Daw'r Adolygiad hwn o'r Protocol i rym ar 20 Gorffennaf 2023.

19.3 Bydd y Pwyllgor Cynllunio yn adolygu'r Protocol hwn o leiaf bob dwy flynedd.

CYMHWYSIAD

19.4 Mae'r Protocol hwn:

19.4.1 yn rheoleiddio, yn arwain ac yn hysbysu Cyngorwyr a Swyddogion Cyngor Sir Powys ym mhob mater sy'n ymwneud ag arfer y Swyddogaethau Cynllunio.

19.4.2 yn esbonio pa rai o'r Swyddogaethau Cynllunio fydd yn cael eu trin a'u penderfynu gan y Pwyllgor Cynllunio a pha rai fydd yn cael eu trin a'u penderfynu gan yr Arweinydd Proffesiynol—Cynllunio

19.4.3 yn bwriadu helpu Ymgeiswyr, Asiantau, ac unrhyw un y mae materion sy'n ymwneud â datblygu a chynllunio yn debygol o effeithio arno i gael gwell mewnwelediad i brosesau a gweithdrefnau'r Cyngor ar gyfer ymdrin â'r Swyddogaethau Cynllunio.

EFFAITH

19.5 Gellid ystyried methu â dilyn y Protocol hwn heb reswm da mewn ymchwiliadau i gamweinyddu posibl neu achosion honedig o dorri'r Cod Ymddygiad yr Aelodau neu fod goblygiadau i sefydlogrwydd Cyngorwyr a swyddogion proffesiynol.

DEHONGLI

19.6 Yn y Protocol hwn:

19.6.1 Ystyr “**Asiant**” yw person (ac eithrio Aelod Gynrychiolydd) a awdurdodir gan “Ymgeisydd” neu “Wrthwynebydd” i'w gynrychioli, a all gynnwys person proffesiynol, ac mae'n rhaid iddo fod yn berson annibynnol a gyflogir gan yr Ymgeisydd.

19.6.2 Ystyr “**Ymgeisydd**” yw person sydd wedi cychwyn cais cynllunio at ba ddiben bynnag.

19.6.3 Ystyr “**Galw i mewn**” yw'r weithdrefn a nodir yn Rheolau 19.51 i 19.61.

19.6.4 At ddibenion y Protocol Cynllunio hwn, ystyr “**Diwrnodau Gwaith Clir**” yw'r dyddiad canlynol yn unig: dyddiau nad ydynt yn cynnwys diwrnod y cyfarfod, y diwrnod pan wneir y cais, penwythnosau a gwyliau banc.

19.6.5 Mae i “**Gynghorydd â Goddefeb**” yr ystyr a roddir gan Reolau 19.71 i 19.75 o'r Protocol hwn.

- 19.6.6 Mae i **“Gynghorydd â Buddiant Personol”** yr ystyr a roddir gan Reolau 19.62 i 19.65 o’r Protocol hwn.
- 19.6.7 Mae i **“Gynghorydd â Buddiant Rhagfarnus”** yr ystyr a roddir gan Reolau 19.66 i 19.69 o’r Protocol hwn.
- 19.6.8 Ystyr **“Teulu y Cynghorydd neu Berthynas i Gynghorydd”** yw gwraig, gŵr, partner, mab, merch, mab yng nghyfraith, merch yng nghyfraith, ŵyr, wyres, taid, nain, ewythr, modryb, nai, nith, cefnder a chyfnither i’r Cynghorydd, neu briod neu bartner y Cynghorydd, neu unrhyw berson arall sy’n gysylltiedig â’r Cynghorydd neu briod neu bartner y Cynghorydd drwy enedigaeth neu briodas, y maent yn byw gydag ef/hi; neu y mae’r Cynghorydd neu briod neu bartner y Cynghorydd mewn cyswllt personol rheolaidd ag ef/hi. At ddibenion y diffiniad uchod, ystyrir bod “priodas” yn cynnwys cyd-fyw.
- 19.6.9 Mae i **“Wneuthurwr Penderfyniadau”** yr ystyr a roddir gan Reolau 19.25 i 19.33 o’r Protocol hwn.
- 19.6.10 Mae i’r **“Broses o Wneud Penderfyniadau”** yr ystyr a roddir gan Reolau 19.89 o’r Protocol hwn.
- 19.6.11 Ystyr **“Cyfaill/Cyfeillion”** yw cydymaith/cymdeithion personol agos i’r Cynghorydd neu briod neu bartner y Cynghorydd, gan gynnwys cymdogion ac unigolion y mae gan y Cynghorydd neu briod neu bartner y Cynghorydd gyswllt cymdeithasol rheolaidd â nhw, gan gynnwys aelodaeth o’r un clwb, cymdeithas neu sefydliad â’r Cynghorydd neu briod neu bartner y Cynghorydd.
- 19.6.12 Ystyr **“Buddiant”** yw eiddo tirol neu fuddiant busnes Cynghorydd, gan gynnwys ond nid drwy ei gyfyngu i fuddiant manteisiol, lesddaliad na chyfreithiol.
- 19.6.13 Ystyr **“Lobio”** yw unrhyw ymgais (llwyddiannus neu beidio) i berswadio neu ddylanwadu ar Gynghorydd neu swyddog cynllunio tuag at safbwynt penodol mewn cysylltiad â chais cynllunio. Ni chaiff Aelod Gynrychiolydd lobio ar ran “Ymgeisydd” na “Gwrthwynebydd”.
- 19.6.14 Mae i **“Gynrychiolydd Lleol”** yr ystyr a roddir gan Reolau 19.34 i 19.45 o’r Protocol hwn ac, er mwyn osgoi amheuaeth, caiff mwy nag un Cynghorydd ymgymryd â swyddogaeth Cynrychiolydd Lleol mewn cysylltiad â Chais Cynllunio.
- 19.6.15 Ystyr “Cyfarfod[ydd] y Pwyllgor Cynllunio” neu unrhyw gyfeiriad arall at gyfarfod y Pwyllgor Cynllunio yw cyfarfod mewn lle, cyfarfod ar-lein neu gyfarfod hybrid. Mae’r rheolau sy’n ymwneud â gweithdrefnau ac ymddygiad yn gymwys i ba bynnag fath o gyfarfod a gynhelir.**
- 19.6.16 Ystyr **“Aelod Gynrychiolydd”** yw Cynghorydd sydd wedi cytuno i gynrychioli person sy’n gallu siarad yng nghyfarfodydd y Pwyllgor Cynllunio ac sy’n gallu cyflawni’r swyddogaethau a nodir yn Rheolau 19.47 i 19.50 isod.
- 19.6.17 Ystyr **“Gwrthwynebydd”** yw person neu gorff (ac eithrio Cyngor Tref neu Gymuned neu Gynrychiolydd Lleol) sydd wedi cyflwyno gwrthwynebiad i unrhyw gais cynllunio.

- 19.6.18 Ystyr “**Cais Cynllunio**” yw unrhyw gais i'r Cyngor am gymeradwyaeth, cytundeb, caniatâd, penderfyniad, cydsyniad, tystysgrif neu awdurdod o unrhyw fath mewn cysylltiad â Swyddogaeth Gynllunio.
- 19.6.19 Mae i “**Weithdrefnau Siarad Cyhoeddus**” yr ystyr a roddir gan Reolau 19.113 i 19.117 o'r Protocol hwn.
- 19.6.20 Ystyr “**Cynrychiolydd**” yw unrhyw berson nad yw'n broffesiynol nad yw'n Aelod y mae Ymgeisydd neu Wrthwynebydd wedi gofyn iddo ei gynrychioli mewn cysylltiad â'r cais ac a allai gyflawni holl rolau neu swyddogaethau “Asiant” .
- 19.6.21 Ystyr “**y Cyngor**” yw Cyngor Sir Powys.
- 19.6.22 Ystyr “**yr Arweinydd Proffesiynol—Cynllunio**” yw Pennaeth Eiddo, Cynllunio a Gwarchod y Cyhoedd a/neu Arweinydd Proffesiynol—Cynllunio gan gynnwys unrhyw swyddog a awdurdodir gan y Pennaeth Gwasanaeth hwnnw yn ysgrifenedig i arfer y pwerau, y dyletswyddau, y cyfrifoldebau a'r gwaith gwneud penderfyniadau hynny ar ei ran.
- 19.6.23 Ystyr “**y Pwyllgor Cynllunio**” yw'r Pwyllgor a benodir gan y Cyngor (y Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy ar hyn o bryd) o dan ei Gyfansoddiad i arfer y Swyddogaethau Cynllunio.
- 19.6.24 Ystyr “**y Swyddogaethau Cynllunio**” yw'r holl swyddogaethau hynny a nodir yn Adran 13 o'r Cyfansoddiad (Cyfrifoldeb am Swyddogaethau), a dehonglir cyfeiriad at “Swyddogaeth Gynllunio” yn unol â hynny.
- 19.6.25 Mae “**Cworwm**” yn golygu bod rhaid i nifer yr aelodau y mae'n rhaid iddynt fod yn bresennol mewn cyfarfod o'r Pwyllgor Cynllunio fod yn 50% neu fwy o gyfanswm yr aelodaeth yn unol â Rheoliadau Awdurdodau Lleol (Rheolau Sefydlog) (Cymru) (Diwygio) 2017.

AMCANION Y PROTOCOL

AMCANION Y PROTOCOL YW:

- 19.7 Rheoleiddio, arwain, hysbysu a chynorthwyo Cynghorwyr a Swyddogion, darpar ddatblygwyr, partiön â diddordeb ac aelodau'r cyhoedd mewn cysylltiad ag arfer y Swyddogaethau Cynllunio.
- 19.8 Ychwanegu at God Ymddygiad yr Aelodau a gynhwysir yng Nghyfansoddiad y Cyngor, Cod Ymddygiad Proffesiynol y Sefydliad Cynllunio Trefol Brenhinol a'r Protocol ar Gysylltiadau Aelodau / Swyddogion (Adran 21 o Gyfansoddiad y Cyngor).
- 19.9 Darparu canllawiau penodol ar faterion moesegol.
- 19.10 Sicrhau bod penderfyniadau a wneir yn seiliedig ar farn wybodus mewn cyddestun polisi a chyfreithiol cadarn a'u bod yn cael eu gwneud mewn ffordd agored, tryloyw, diduedd gyda rhesymau y gellir eu cyfiawnhau.
- 19.11 Cydnabod yr angen i reoli datblygiad er buddiant y cyhoedd gan gydnabod bod penderfyniadau yn y maes hwn o reidrwydd yn effeithio ar fuddiannau tir ac eiddo, yn enwedig gwerth ariannol tirdaliadau ac ansawdd eu lleoliadau.

ADRAN 19—PROTOCOL CYNLLUNIO

- 19.12 Cynorthwyo Cynghorwyr gyda'u dyletswyddau, eu rhwymedigaethau a'u cyfrifoldebau:
- 19.12.1 i'w hetholwyr (gan gynnwys y rhai na bleidleisiodd drostynt)
 - 19.12.2 i'r gymuned gyfan a'r Sir (y mae ganddynt ddyletswydd hollbwysig mewn cysylltiad â nhw); ac
 - 19.12.3 i bob unigolyn a chorff sy'n ymwneud yn uniongyrchol ac yn anuniongyrchol â cheisiadau cynllunio:
 - 19.12.3.1 i beidio â ffafrio, neu gael eu gweld yn ffafrio, unrhyw unigolion na grwpiau na chael eu dylanwadu'n ormodol gan farnau pobl eraill, a chyflawni'r cyfrifoldeb y mae'n rhaid iddyn nhw, yn unig, benderfynu pa safbwynt i'w gymryd;
 - 19.12.3.2 penderfynu (pan fônt yn aelodau o'r Pwyllgor Cynllunio) ar yr holl Geisiadau Cynllunio sydd i'w penderfynu arnynt gan y Pwyllgor Cynllunio fel sy'n ofynnol yn ôl y gyfraith yn unol â'r cynllun datblygu statudol (h.y. Cynllun Datblygu Unedol Powys neu Gynllun Datblygu Lleol) ar ôl ystyried cyngor y swyddogion priodol a sylwadau perthnasol a wneir mewn cysylltiad â Cheisiadau Cynllunio o'r fath a, pha mor sylweddol ydynt.

CYHOEDDI'R COD

- 19.13 Mae'r Cod Ymddygiad Cynllunio hwn yn cael ei hysbysebu, mae ar gael yn gyhoeddus, ac fe'i hymgorfforir yng Nghyfansoddiad y Cyngor.

DYLAI CYNGHORWYR OFYN AM GYNGOR

- 19.14 Dylai Cynghorydd sydd ag unrhyw amheuaeth am ei swydd o dan y Protocol hwn neu God Ymddygiad yr Aelodau ofyn am gyngor y Swyddog Monitro bob amser.

DIRPRWYO'R SWYDDOGAETHAU CYNLLUNIO

DIRPRWYO I'R PWYLLGOR CYNLLUNIO A'R ARWEINYDD PROFFESIYNOL—CYNLLUNIO

- 19.15 Mae'r Cyngor wedi dirprwyo cyfrifoldebau dros y Swyddogaethau Cynllunio i'r Pwyllgor Cynllunio ac i'r Arweinydd Proffesiynol—Cynllunio.
- 19.16 Caiff y Cyngor adolygu'r trefniadau dirprwyo hyn o bryd i'w gilydd ac mae'n hanfodol bod Cynghorwyr, Swyddogion, Ymgeiswyr, Asiantiaid ac eraill yn cyfeirio at y fersiwn ddiweddaraf o'r Protocol bob amser.
- 19.17 Yr Arweinydd Proffesiynol—Cynllunio sy'n gyfrifol am sicrhau bod gweithdrefnau a threfniadau priodol ac amserol ar waith fel y gall pob Cynghorydd fod yn ymwybodol o'r hyn a ganlyn:
- 19.17.1 Y Ceisiadau Cynllunio sydd yn eu hadrannau etholiadol, neu sy'n effeithio arnynt, a dderbynnir ac y mae'r Arweinydd Proffesiynol—Cynllunio yn ymdrin â nhw ac yn penderfynu

- arnynt;
- 19.17.2 Penderfyniadau a wneir mewn cysylltiad â'r Ceisiadau Cynllunio hynny gan yr Arweinydd Proffesiynol—Cynllunio.
- 19.18 Nid oes dim yn atal y Pwyllgor Cynllunio rhag dirprwyo swyddogaeth i swyddog mewn ymgynghoriad â Chadeirydd y Pwyllgor.

SWYDDOGAETHAU CYNGHORWYR

RHAGARWEINIAD

- 19.19 Mae gan y Cyngor un Pwyllgor Cynllunio sy'n cynnwys 21 o Gyngorwyr sy'n penderfynu ar y Ceisiadau Cynllunio hynny y cyfeirir ato i'w penderfynu arnynt yn unol â'r Broses o Wneud Penderfyniadau.
- 19.20 Fodd bynnag, yn amlach na pheidio, ac yn unol â'r "Broses o Wneud Penderfyniadau", penderfynir ar Gais Cynllunio gan yr Arweinydd Proffesiynol—Cynllunio yn hytrach na'r Pwyllgor Cynllunio. Yn y sefyllfa hon, ni fydd gan y Cyngorwyr hynny sy'n eistedd ar y Pwyllgor Cynllunio unrhyw swyddogaeth i'w chwarae yn y broses o wneud penderfyniadau.
- 19.21 Mewn cysylltiad â Chais Cynllunio yn ei adran etholiadol neu sy'n effeithio ar ei ranbarth etholiadol, caiff Cyngorydd arfer pŵer Galw i mewn (fel bod y Pwyllgor Cynllunio yn ymdrin â'r cais yn hytrach na'r Arweinydd Proffesiynol—Cynllunio).
- 19.22 Hefyd, mewn cysylltiad â Cheisiadau Cynllunio yn ei adran etholiadol neu sy'n effeithio ar ei adran etholiadol, caiff Cyngorydd fynd i gyfarfod o'r Pwyllgor Cynllunio pan benderfynwyd bod y cais hwnnw'n cyflwyno safbwyntiau yr etholwyr hynny y mae'n eu cynrychioli (gweler Rheol 19.24 isod).
- 19.23 Gellid cyfyngu ar swyddogaethau a phwerau y Cyngorwyr pan fo gwrthdaro rhwng eu swydd fel Cyngorwyr a'u buddiannau preifat neu allanol.
- 19.24 Diffinnir swyddogaethau a phwerau Cyngorwyr yn fanylach isod.

SWYDDOGAETH GWNEUTHURWR PENDERFYNIADAU

SWYDDOGAETH Y GWNEUTHURWR PENDERFYNIADAU

- 19.25 Bydd Cyngorydd sy'n aelod o'r Pwyllgor Cynllunio ac sy'n cymryd rhan (neu sy'n bwriadu cymryd rhan) mewn cyfarfod o'r Pwyllgor Cynllunio wrth benderfynu ar Gais Cynllunio penodol at ddibenion y Protocol hwn yn Wneuthurwr Penderfyniadau mewn cysylltiad â Chais Cynllunio o'r fath.
- 19.26 Bydd Cyngorydd sy'n Wneuthurwr Penderfyniadau yn cydymffurfio â darpariaethau'r Broses o Wneud Penderfyniadau ac â Chod Ymddygiad yr Aelodau yn gyffredinol.
- 19.27 Er mwyn osgoi amheuaeth, ni fydd Cyngorydd sy'n Wneuthurwr Penderfyniadau yn cyflwyno sylwadau ar ran Cyngor Tref na Chymuned o dan y Gweithdrefnau Siarad Cyhoeddus.

RHWYMEDIGAETHAU GWNEUTHURWR PENDERFYNIADAU

- 19.28 Mewn cysylltiad ag unrhyw Gais Cynllunio sydd i'w benderfynu arno gan y Pwyllgor Cynllunio, **ni fydd** Gwneuthurwr Penderfyniadau yn gwneud yr hyn

a ganlyn:

- 19.28.1** trafod Cais Cynllunio o'r fath ag Ymgeisydd/Gwrthwynebydd nac unrhyw drydydd parti (gan gynnwys Cynghorydd arall—boed yn aelod o'r Pwyllgor Cynllunio ai peidio), neu geisio cael gwybodaeth am y Cais Cynllunio hwnnw ganddo ac eithrio'r Arweinydd Proffesiynol—Cynllunio neu'r Swyddog Monitro cyn i'r Pwyllgor Cynllunio ystyried a phenderfynu ar y Cais Cynllunio hwnnw. **Os bydd unrhyw unigolyn o'r fath yn ceisio cynnal trafodaethau o'r fath gyda'r Gwneuthurwr Penderfyniadau, neu'n ceisio trosglwyddo gwybodaeth iddo, bydd y Gwneuthurwr Penderfyniadau yn rhoi gwybod i'r unigolyn hwnnw nad yw'n cael trafod na derbyn gwybodaeth am Gais Cynllunio o'r fath o dan ofynion y Protocol hwn ac mai'r camau priodol yw i'r unigolyn drafod neu gyfnewid gwybodaeth am y Cais Cynllunio â'r Arweinydd Proffesiynol—Cynllunio; bydd y Gwneuthurwr Penderfyniadau hefyd yn rhoi gwybod i'r Arweinydd Proffesiynol—Cynllunio ar unwaith am y modd yr aed ato. Rhaid i Aelodau ystyried darpariaethau Rheol 19.28.9 (Cynghorydd sy'n cadw meddwl agored) a Rheol 19.28.15 (presenoldeb mewn cyfarfodydd Cynghorau Tref a Chymuned) yn yr amgylchiadau hyn;**
- 19.28.2** lobïo na chaniatáu i unrhyw berson arall (gan gynnwys Cynghorydd arall—boed yn aelod o'r Pwyllgor Cynllunio ai peidio) na chorff megis grŵp gwleidyddol neu grŵp buddiant arall ddylanwadu arno ynghylch Cais Cynllunio o'r fath a'r penderfyniad arno cyn i'r Pwyllgor Cynllunio ystyried a phenderfynu ar y Cais Cynllunio hwnnw. **Os bydd Ymgeiswyr, Gwrthwynebwyr ac eraill sydd â diddordeb yng nghanlyniad y Cais Cynllunio yn mynd at Gynghorydd sy'n gweithredu fel Gwneuthurwr Penderfyniadau, ni ddylai ganiatáu iddo ei hun gael ei lobïo—boed o blaid neu yn erbyn cais a dylai roi gwybod i'r sawl sy'n ceisio ei lobïo, os bydd yn trafod y cais gyda'r person hwnnw, y bydd hyn yn ei wahardd rhag cymryd rhan yn y broses o wneud penderfyniadau ar y cais. Dylid dweud wrth lobïwyr posibl am gysylltu â swyddog priodol yn yr Adran Gynllunio. Bydd y Gwneuthurwr Penderfyniadau hefyd yn rhoi gwybod i'r Arweinydd Proffesiynol—Cynllunio ar unwaith am y modd yr aed ato. Rhaid i Aelodau ystyried darpariaethau Rheol 19.28.9 yn yr amgylchiadau hyn;**
- 19.28.3 lobïo na dylanwadu na cheisio lobïo neu ddylanwadu ar Wneuthurwr Penderfyniadau eraill neu'r Arweinydd Proffesiynol—Cynllunio ynghylch Cais Cynllunio o'r fath a'i benderfyniad cyn i'r Pwyllgor Cynllunio ystyried a phenderfynu ar y Cais Cynllunio hwnnw;
- 19.28.4 cymryd rhan mewn cefnogaeth neu wrthwynebiad lleol a drefnir i gais o'r fath;
- 19.28.5 derbyn unrhyw roddion neu letygarwch oddi wrth unrhyw un sy'n gysylltiedig â Chais Cynllunio o'r fath a chymryd camau ar

- unwaith i gofrestru unrhyw gynigion o roddion neu letygarwch a wrthodwyd yn y Gofrestr a gedwir at y diben hwnnw gan Gyfreithiwr y Cyngor;
- 19.28.6** derbyn na nodi y bydd yn derbyn unrhyw lythyr, pamffled neu ddeunydd ysgrifenedig arall (gan gynnwys e-bost a FFACS) ynghylch Cais Cynllunio o'r fath cyn i'r Pwyllgor Cynllunio benderfynu arno. **Pan fo Gwneuthurwr Penderfyniadau yn derbyn deunydd o'r fath yn ddi-alw-amdano, bydd yn ei anfon at yr Arweinydd Proffesiynol—Cynllunio ar unwaith a fydd yn trefnu i gyfeirio at y deunydd yn Adroddiad Pwyllgor y Swyddog. Rhaid i Aelodau ystyried darpariaethau Rheol 19.28.9 yn yr amgylchiadau hyn;**
- 19.28.7 mynd i unrhyw Gyfarfod, Sesiwn Gyfarwyddo na Thrafodaeth ynghylch Cais Cynllunio o'r fath nad yw'n cael ei drefnu gan yr Arweinydd Proffesiynol neu le nad yw'r Arweinydd Proffesiynol—Cynllunio yn bresennol neu a awdurdodir fel arall yn ysgrifenedig gan y Swyddog Monitro;
- 19.28.8** nodi na mynegi'n gyhoeddus neu'n breifat y penderfyniad tebygol ar rinweddau/gwrthwynebiad i Gais Cynllunio o'r fath cyn i'r Pwyllgor Cynllunio ystyried a phenderfynu ar y Cais Cynllunio hwnnw. **Os bydd Gwneuthurwr Penderfyniadau yn gwneud hynny, rhaid iddo gael cyngor gan y Swyddog Monitro ynghylch parhau yn swyddogaeth y Gwneuthurwr Penderfyniadau;**
- 19.28.9** rhoi ymrwymiad mewn cysylltiad â'r Cais Cynllunio hwnnw cyn iddo gael ei ystyried yn y Pwyllgor Cynllunio. **Mae'n hanfodol bwysig bod Cynghorwyr yn dod i gyfarfodydd â meddwl agored a'u bod yn gallu dangos bod ganddynt feddwl agored;**
- 19.28.10 dod â chyflwyniadau manwl gydag ef i'w darllen yn y cyfarfod. **Gellid ystyried bod hyn fel nodi bod y Cynghorydd eisoes wedi penderfynu o blaid, neu yn erbyn cais cyn dod i'r cyfarfod.** (Argymhellir bod Cynghorwyr yn gwneud nodiadau o bwytiau a godir yn y cyfarfod wrth iddynt ddigwydd i'w defnyddio mewn unrhyw gyflwyniadau);
- 19.28.11** pleidleisio na chwarae unrhyw ran yng nghyfarfod y Pwyllgor Cynllunio os nad yw wedi bod yn bresennol i glywed y ddadl gyfan, gan gynnwys cyflwyniad y swyddog ynghylch y cais;
- 19.28.12** ailafael yn ei sedd yn ystafell y Pwyllgor Cynllunio neu'r siambr (ar ôl gadael yr ystafell neu'r siambr cyn i'r ddadl ar y cais ddechrau neu yn ystod y ddadl ar y cais) nes bod y broses o ystyried y cais y penderfynir arno bryd hynny wedi ei chwblhau. **Tan hynny, mae'n rhaid i'r Cynghorydd eistedd yn yr oriel gyhoeddus;**
- 19.28.13** cynnig, eilio na chefnogi penderfyniad sy'n groes i'r Cynllun Datblygu neu argymhellion yr Arweinydd Proffesiynol—Cynllunio heb nodi a mynegi'n glir y rhesymau cynllunio sy'n cefnogi'r penderfyniad arfaethedig hwnnw. **Rhaid rhoi'r rhesymau hynny cyn y bleidlais a'u cofnodi yn y Cofnodion;**

- 19.28.14 symud cynnig y dylid gohirio'r Cais Cynllunio heb nodi a mynegi'n glir y rhesymau sy'n cyfiawnhau gohiriad o'r fath. **Rhaid cofnodi'r rhesymau hynny yn y Cofnodion os caiff y cais cynllunio ei ohirio;**
- 19.28.15 aros yn yr ystafell, pleidleisio na chymryd rhan mewn trafodaethau pan fo ceisiadau cynllunio yn cael eu hystyried mewn cyfarfod Cyngor Tref neu Gymuned ni waeth a yw'n aelod o'r Cyngor Tref neu Gymuned ai peidio. **Os na fydd Gwneuthurwr Penderfyniadau wedi cadw at y Rheol hon, rhaid iddo gael cyngor gan y Swyddog Monitro ynghylch parhau yn swyddogaeth y Gwneuthurwr Penderfyniadau.**
- 19.29 Os, yn ystod cyfarfod Pwyllgor Cynllunio, bydd Gwneuthurwr Penderfyniadau yn dod i'r casgliad (am ba bynnag reswm) ei fod yn rhagfarnlyd ac na all barhau i ymgymryd â swyddogaeth y Gwneuthurwr Penderfyniadau mewn cysylltiad â Chais Cynllunio penodol, **ni chaiff newid ei swyddogaeth i swyddogaeth Cynrychiolydd Lleol ac annerch y cyfarfod mewn cysylltiad â'r cais hwnnw (yn ddarostyngedig i Reolau 19.97 i 19.99).** Fodd bynnag, caiff Cynghorydd sydd yn y sefyllfa hon ofyn i'r Pwyllgor ohirio'r cais i'w ystyried mewn cyfarfod yn y dyfodol ac yna rhaid iddo adael yr ystafell yn ystod unrhyw drafodaeth ddilynol ar y cais dan sylw gan y Pwyllgor Cynllunio.
- 19.30 **Bydd Cynghorydd sy'n aelod o'r Pwyllgor Cynllunio ac sy'n dymuno ymgymryd â swyddogaeth y Cynrychiolydd Lleol mewn cysylltiad â Chais Cynllunio y bydd y Pwyllgor Cynllunio yn penderfynu arno yn cydymffurfio â'r darpariaethau yn y Protocol hwn sy'n ymwneud â'r Cynrychiolydd Lleol yn Rheolau 19.39 i 19.45.**
- 19.31 Bydd Cynghorydd sy'n aelod o'r Pwyllgor Cynllunio yn cydymffurfio â darpariaethau'r **Broses o Wneud Penderfyniadau** a darpariaethau'r Protocol hwn sy'n ymwneud â'r **Cynghorydd â Buddiant Personol, Cynghorydd â Buddiant Rhagfarnus a Chynghorydd â Goddefeb** ac â **Chod Ymddygiad yr Aelodau** yn gyffredinol ac fe'i hatgoffir yn benodol os oes ganddo yr hyn a ganlyn mewn cysylltiad â Chais Cynllunio i'w benderfynu arno gan y Pwyllgor Cynllunio:-
- 19.31.1 Buddiant Personol—y gofynion o ran datgelu;
- 19.31.2 Buddiant Rhagfarnus—yr angen i gael goddefeb gan y Pwyllgor Safonau—neu os yw'n methu â chyflawni swyddogaeth y Gwneuthurwr Penderfyniadau fel arall.

GWNEUTHURWR PENDERFYNIADAU SYDD WEDI ARFER PŴER GALW I MEWN

- 19.32 Os yw'r Pwyllgor Cynllunio yn penderfynu ar gais cynllunio penodol o ganlyniad i gais Galw i mewn gan aelod o'r Pwyllgor, yna mae angen i'r Cynghorydd ystyried yn ofalus y swyddogaeth y gall ei chwarae pan ddaw'r Pwyllgor Cynllunio i ystyried a phenderfynu ar y cais dan sylw. **Yn benodol, pan fo'r aelod o'r Pwyllgor Cynllunio sydd wedi gwneud y cais Galw i Mewn:**
- 19.32.1 **wedi geirio'r cais Galw i mewn mewn iaith a allai ddangos**

ei fod eisoes wedi ffurfio safbwynt clir a sefydlog ynghylch canlyniad priodol y cais; neu

19.32.2 **edi gwneud y cais Galw i mewn yn dilyn trafodaethau gyda'r cais/Asiant/Gwrthwynebydd a/neu unrhyw drydydd parti (gan gynnwys Cynghorydd arall p'un a yw'n aelod o'r Pwyllgor Cynllunio ai peidio)**

19.33 Dylai'r Cynghorydd ofyn am gyngor gan y Swyddog Monitro ynghylch parhau yn swyddogaeth y Gwneuthurwr Penderfyniadau.

SWYDDOGAETH CYNRYCHIOLYDD LLEOL

SWYDDOGAETH CYNRYCHIOLYDD LLEOL

19.34 Bydd Cynghorydd nad yw'n aelod o'r Pwyllgor Cynllunio ond sydd, mewn cysylltiad â Chais Cynllunio sydd yn ei adran etholiadol neu sy'n effeithio ar ei adran etholiadol, yn mynd i (neu'n bwriadu mynd i) gyfarfod Pwyllgor Cynllunio, pan fydd yn ystyried y Cais Cynllunio dan sylw i gyflwyno sylwadau am y Cais Cynllunio ar ran ei etholwyr, at ddibenion y Protocol hwn, bydd yn Gynrychiolydd Lleol mewn cysylltiad â'r Cais Cynllunio hwnnw. Er mwyn osgoi amheuaeth, nid yw Cynghorydd yn Gynrychiolydd Lleol ar y sail bod yr Ymgeisydd nac unrhyw un sydd wedi cyflwyno sylwadau mewn cysylltiad â'r Cais Cynllunio yn preswyllo yn ei adran etholiadol.

19.35 Bydd Cynghorydd sy'n aelod o'r Pwyllgor Cynllunio ac sy'n penderfynu peidio â bod yn Wneuthurwr Penderfyniadau mewn cysylltiad â Chais Cynllunio sydd yn ei adran etholiadol neu sy'n effeithio ar ei adran etholiadol, ond sy'n mynd i (neu'n bwriadu mynd i) gyfarfod Pwyllgor Cynllunio, pan fydd yn ystyried y Cais Cynllunio dan sylw i gyflwyno sylwadau am y Cais Cynllunio ar ran ei etholwyr, at ddibenion y Protocol hwn, bydd yn Gynrychiolydd Lleol mewn cysylltiad â'r Cais Cynllunio hwnnw. Er mwyn osgoi amheuaeth, nid yw Cynghorydd yn Gynrychiolydd Lleol ar y sail bod yr Ymgeisydd nac unrhyw un sydd wedi cyflwyno sylwadau mewn cysylltiad â'r Cais Cynllunio yn preswyllo yn ei adran etholiadol.

19.36 Caiff Cynghorydd sy'n aelod o'r Pwyllgor Cynllunio ac sy'n penderfynu bod yn Wneuthurwr Penderfyniadau mewn cysylltiad â Chais Cynllunio sydd yn ei adran etholiadol neu sy'n effeithio ar ei adran etholiadol, drefnu i Gynghorydd arall gynrychioli ei etholwyr mewn cysylltiad â'r Cais Cynllunio dan sylw a chyflwyno sylwadau am y Cais Cynllunio ar ran ei etholwyr yng nghyfarfodydd y Pwyllgor Cynllunio. Rhaid i'r Cynghorydd roi gwybod i'r Arweinydd Proffesiynol—Cynllunio y bydd yn gweithredu fel Gwneuthurwr Penderfyniadau a darparu enw'r cynghorydd a fydd yn ymgymryd â swyddogaeth y Cynrychiolydd Lleol, pan fydd yn cael gwybod am y cais. Yn y sefyllfa hon, bydd y Cynghorydd arall hwn at ddibenion y Protocol hwn yn Gynrychiolydd Lleol mewn cysylltiad â'r Cais Cynllunio hwnnw.

19.37 Bydd Cynghorydd sy'n Gynrychiolydd Lleol yn cydymffurfio â'r Darpariaethau Siarad Cyhoeddus a nodir yn Rheolau 19.113 i 19.117 ac â Chod Ymddygiad yr Aelodau yn gyffredinol a rhaid iddo gydymffurfio â'r rheolau a nodir yn 19.62 i 19.75. Cynhwysir darpariaethau pellach sy'n ymwneud â swyddogaeth y Cynrychiolydd Lleol hefyd yn Rheolau 19.39 i 19.45.

- 19.38 Er mwyn osgoi amheuaeth, caiff Cynghorydd ddewis (os yw'n aelod o'r Cyngor Tref neu Gymuned) cyflwyno sylwadau ar ran Cyngor Tref neu Gymuned yn ei adran etholiadol ond ni chaiff y Cynghorydd hwnnw gyflwyno sylwadau hefyd fel Cynrychiolydd Lleol o dan y Gweithdrefnau Siarad Cyhoeddus.

RHWYMEDIGAETHAU CYNRYCHIOLYDD LLEOL

- 19.39 Mae Cynghorydd sy'n dymuno ac, o dan y Protocol hwn, y mae ganddo hawl i weithredu fel Cynrychiolydd Lleol mewn cyfarfod Pwyllgor Cynllunio ac annerch y Pwyllgor, cyflwyno sylwadau ac ateb cwestiynau yn gorfod rhoi gwybod i'r Arweinydd Proffesiynol—Cynllunio am ddymuniad o'r fath **“heb fod yn hwyrach na 3 diwrnod gwaith clir cyn y cyfarfod”** oni bai bod y cais wedi cael ei Alw i Mewn gan y Cynghorydd hwnnw, ac os felly, mae gan y Cynghorydd hawl awtomatig i siarad o dan Reol 19.52. Caiff ymgeiswyr eu hysbysu drwy gylchlythyr cyn y cyfarfod y gallai'r Cynrychiolydd Lleol arfer ei hawl i siarad yng nghyfarfod y Pwyllgor.
- 19.40 Bydd Cynghorydd sy'n gweithredu fel Cynrychiolydd Lleol (boed yn aelod o'r Pwyllgor Cynllunio ai peidio) yn gwneud yr hyn a ganlyn:
- 19.40.1 Peidio ag eistedd gydag aelodau'r Pwyllgor Cynllunio wrth fynd i gyfarfod Pwyllgor Cynllunio ynghylch y Cais Cynllunio dan sylw a rhaid iddo aros i gael ei alw i gyflwyno unrhyw sylwadau yn ardal gyhoeddus yr ystafell.
 - 19.40.2 Peidio â siarad ag unrhyw aelod o'r Pwyllgor Cynllunio mewn cysylltiad â'r Cais Cynllunio dan sylw, nid yn ystod cyfarfod pwyllgor nac fel arall.
 - 19.40.3 Mewn cysylltiad â'r Cais Cynllunio dan sylw gyda chydysyniad y Cadeirydd, bydd yn cael ymateb i gwestiynau gan aelodau'r Pwyllgor, yr Ymgeisydd neu ei Asiant ac unrhyw barti arall sy'n cael siarad yn y cyfarfod.
 - 19.40.4 Os oes gan y Cynghorydd fuddiant rhagfarnus (oni bai fel Cynghorydd â Goddefeb fod gan y Cynghorydd oddefeb i aros) bydd yn gadael yr ystafell, y siambr neu'r fan lle y cynhelir cyfarfod y Pwyllgor Cynllunio pan fydd wedi cwblhau ei sylwadau ac wedi ymdrin ag unrhyw gwestiynau a ofynnir, a beth bynnag, cyn dechrau ystyriaeth bellach o'r Cais Cynllunio.
 - 19.40.5 Peidio â derbyn unrhyw rodd neu letygarwch gan unrhyw un sy'n gysylltiedig â'r Cais Cynllunio dan sylw a chymryd camau ar unwaith i gofrestru unrhyw gynigion o roddion neu letygarwch a wrthodir yn y Gofrestr a gedwir at y diben hwnnw gan Gyfreithiwr y Cyngor.
- 19.41 Disgwylir i gynghorwyr nad ydynt ar y Pwyllgor Cynllunio ymgymryd â hyfforddiant a ddarperir gan y Cyngor yn rheolaidd i'w galluogi i gyflawni eu swyddogaeth fel Cynrychiolydd Lleol yn briodol.
- 19.42 Wrth weithredu mewn swyddogaeth Cynrychiolydd Lleol mewn cysylltiad â Chais Cynllunio penodol, caiff Cynghorydd fynd i gyfarfodydd a gynhelir yn y Gymuned gan grwpiau lobïo ac eraill a chymryd rhan yn y cyfarfodydd hynny os yw'r Cynghorydd yn dymuno gwneud hynny, ond rhaid i'r Cynghorydd beidio â chyfathrebu unrhyw wybodaeth, safbwyntiau nac

argymhellion sy'n codi o gyfarfodydd o'r fath ag aelodau o'r Pwyllgor Cynllunio sy'n penderfynu ar y Cais Cynllunio dan sylw cyn cyfarfod o'r Pwyllgor Cynllunio ac ni ddylai fynegi unrhyw safbwyntiau o'r fath oni bai eu bod yn rhan o'i gyflwyniadau ffurfiol i'r Pwyllgor Cynllunio mewn cyfarfod cyhoeddus o'r Pwyllgor a alwyd i benderfynu ar y cais.

- 19.43 Wrth weithredu mewn swyddogaeth Cynrychiolydd Lleol mewn cysylltiad â Chais Cynllunio penodol, caiff Cynghorydd nad oes ganddo fuddiant rhagfarnus benderfynu peidio ag annerch y Pwyllgor Cynllunio ond caiff gyflwyno sylwadau ysgrifenedig yn cefnogi neu'n gwrthwynebu'r cais i'r Arweinydd Proffesiynol—Cynllunio cyn y cyfarfod. Bydd y sylwadau'n cael eu cynnwys yn adroddiad y Swyddog Cynllunio i'r Pwyllgor fel y bo'n ymarferol gwneud hynny a byddant yn cael eu harddangos ar y Porthol Cynllunio. Caiff yr ymgeisydd wneud ymateb ysgrifenedig i sylwadau ysgrifenedig y Cynrychiolydd Lleol. Caniateir i Aelod o'r fath eistedd yn yr oriel gyhoeddus wrth i'r cais gael ei ystyried.
- 19.44 Dylai Cynghorydd sy'n gweithredu fel Cynrychiolydd Lleol y mae arno angen rhagor o wybodaeth am y Cais Cynllunio dan sylw ofyn am wybodaeth o'r fath gan y swyddogion cynllunio perthnasol ac nid gan aelodau'r Pwyllgor Cynllunio.

HAWLIAU CYNRYCHIOLYDD LLEOL

- 19.45 Er mwyn osgoi amheuaeth, bydd gan Gynrychiolydd Lleol yr hawliau hynny a nodir yn Rheol 19.46 o'r Protocol hwn o dan y pennawd "Swyddogaeth aelod nad yw ar y Pwyllgor Cynllunio" sy'n dweud:

19.45.1 Yn ddarostyngedig i'r darpariaethau yn y Protocol hwn sy'n ymwneud â Chynghorydd â Buddiant Personol, Cynghorydd â Buddiant Rhagfarnus a Chynghorydd â Goddefeb ac i ddarpariaethau Cod Ymddygiad yr Aelodau yn gyffredinol, bydd Cynghorydd sy'n Gynrychiolydd Lleol yn rhydd i wneud yr hyn a ganlyn:

- 19.45.1.1 trafod unrhyw Gais Cynllunio gyda'r Ymgeisydd/Asiant/Gwrthwynebydd/grŵp lobïo ac ati;
- 19.45.1.2 mynd i unrhyw gyfarfod a drefnir yn lleol ynghylch y cais
- 19.45.1.3 mynd i unrhyw Gyfarfod Cyngor Tref neu Gymuned ynghylch y cais a siarad am y cais (gan gynnwys mynegi safbwynt naill ai o blaid neu yn erbyn y cais) ac (os yw'n aelod o'r Cyngor Tref neu Gymuned) pleidleisio ar y cais
- 19.45.1.4 trosglwyddo gwybodaeth berthnasol am y cais i swyddog cynllunio.
- 19.45.1.5 gofyn am wybodaeth/eglurhad am y cais gan swyddog cynllunio.

AR YR AMOD BOB TRO wrth wneud hynny nad yw'r Cynghorydd byth yn ceisio lobïo na dylanwadu'n amhriodol ar Wneuthurwr Penderfyniadau, yr Arweinydd Proffesiynol—Cynllunio na Swyddog Cynllunio mewn cysylltiad â phenderfynu

ar Gais Cynllunio.

SWYDDOGAETH CYNGHORYDD NAD YW AR Y PWYLLGOR CYNLLUNIO

19.46 Yn ddarostyngedig i'r darpariaethau yn y Protocol hwn sy'n ymwneud â Chynghorydd â Buddiant Personol, Cynghorydd â Buddiant Rhagfarnus a Chynghorydd â Goddefeb ac i ddarpariaethau Cod Ymddygiad yr Aelodau yn gyffredinol, bydd Cynghorydd nad yw'n aelod o'r Pwyllgor Cynllunio Sirol (p'un a yw'n chwarae rhan Cynrychiolydd Lleol neu'n bwriadu gwneud hynny ai peidio) yn rhydd i wneud yr hyn a ganlyn:

- 19.46.1 trafod unrhyw Gais Cynllunio gyda'r Ymgeisydd/Asiant/
Gwrthwynebydd/grŵp lobïo ac ati;
- 19.46.2 mynd i unrhyw gyfarfod a drefnir yn lleol ynghylch y cais;
- 19.46.3 mynd i unrhyw Gyfarfod Cyngor Tref neu Gymuned ynghylch y
cais a siarad am y cais (gan gynnwys mynegi safbwynt naill ai o
blaid neu yn erbyn y cais) ac (os yw'n aelod o'r Cyngor Tref neu
Gymuned) pleidleisio ar y cais;
- 19.46.4 trosglwyddo gwybodaeth berthnasol am y cais i swyddog
cynllunio;
- 19.46.5 gofyn am wybodaeth/eglwurhad am y cais gan swyddog cynllunio.

AR YR AMOD BOB TRO wrth wneud hynny nad yw'r Cynghorydd byth yn ceisio lobïo na dylanwadu'n amhriodol ar Wneuthurwr Penderfyniadau, yr Arweinydd Proffesiynol—Cynllunio na Swyddog Cynllunio mewn cysylltiad â phenderfynu ar Gais Cynllunio.

AELOD GYNRYCHIOLYDD

19.47 Caiff Cynghorydd weithredu fel Aelod Gynrychiolydd ar ran pobl sydd â hawl i siarad yng nghyfarfodydd y Pwyllgor Cynllunio **AR YR AMOD**:

- 19.47.1 na chaiff y Cynghorydd weithredu dros berson sy'n byw yn ei adran etholiadol oni bai bod yr Aelod wedi trosglwyddo ei gyfrifoldebau fel Cynrychiolydd Lleol i Gynghorydd arall yn unol â Rheol 19.68.
- 19.47.2 bod y Cynghorydd yn hysbysu'r Arweinydd Proffesiynol—Cynllunio neu'r Swyddog Cynllunio ei fod yn gweithredu fel Aelod Gynrychiolydd ar ran gwrthwynebydd sydd â hawl i siarad yng nghyfarfodydd y Pwyllgor Cynllunio **heb fod yn hwyrach na 3 diwrnod gwaith clir cyn y cyfarfod.**
- 19.47.3 Pan fo Cynghorydd yn dymuno gweithredu fel Aelod Gynrychiolydd ar ran ymgeisydd, rhaid iddo roi gwybod i'r Arweinydd Proffesiynol—Cynllunio **heb fod yn hwyrach na 2 ddiwrnod gwaith clir cyn y cyfarfod.**

19.48 Ni chaiff Cynghorydd sy'n gweithredu fel Aelod Gynrychiolydd wneud yr hyn a ganlyn:

ADRAN 19—PROTOCOL CYNLLUNIO

- 19.48.1 bod yn Wneuthurwr Penderfyniadau os yw'n aelod o'r Pwyllgor Cynllunio;
 - 19.48.2 Galw cais i mewn i'r Pwyllgor Cynllunio.
 - 19.48.3 ceisio lobïo/dylanwadu ar Gydgynghorwyr na chydswyddogion;
 - 19.48.4 mynd i ymweliadau safleoedd.
- 19.49 Rhaid i Gyngorydd sy'n gweithredu fel Aelod Gynrychiolydd mewn cyfarfod Pwyllgor Cynllunio:
- 19.49.1 pan fo'r Cadeirydd yn galw arno cyn siarad i ddweud wrth y Pwyllgor:
 - 19.49.1.1 nad yw'n gweithredu yn fel Cynrychiolydd Lleol;
 - 19.49.1.2 nad yw'n gweithredu yn fel Cynghorydd Sir;
 - 19.49.1.3 ei fod yn gweithredu fel Aelod Gynrychiolydd;
 - 19.49.1.4 p'un a oes ganddo fuddiant personol neu fuddiant personol a rhagfarnus mewn cysylltiad â'r cais.
 - 19.49.2 peidio â siarad ag aelodau'r Pwyllgor Cynllunio ynglŷn â'r cais;
 - 19.49.3 eistedd yn yr oriel gyhoeddus a pheidio ag eistedd gydag aelodau'r Pwyllgor
- 19.50 Rhaid i Gyngorydd sy'n gweithredu fel Aelod Gynrychiolydd sydd â buddiant personol a rhagfarnus ddatgelu'r buddiant hwnnw cyn gwneud cyflwyniad i'r Pwyllgor, ac ar ôl cwblhau ei gyflwyniad rhaid iddo adael yr ystafell cyn i'r Pwyllgor drafod y cais.

GALW I MEWN

- 19.51 Caiff Gyngorydd (boed yn aelod o'r Pwyllgor Cynllunio ai peidio):
- 19.51.1 mewn cysylltiad â Chais Cynllunio yn ei adrannau etholiadol, neu sy'n effeithio ar ei adran etholiadol, ofyn, am i Gais Cynllunio o'r fath y byddai Arweinydd Proffesiynol—Cynllunio yn arfer penderfynu arno gael ei benderfynu gan y Pwyllgor Cynllunio ac, yn y Protocol hwn, cyfeirir at Gyngorydd sy'n gwneud cais o'r fath fel rhywun sy'n arfer "pŵer Galw i mewn".
 - 19.51.2 mewn cysylltiad â chais cynllunio yn ei adran etholiadol, neu sy'n effeithio ar ei adran etholiadol, pan mae'n credu bod y cais hwnnw'n debygol o fod yn ddadleuol, arfer pŵer Galw i mewn, ond caiff dynnu'r Alwad i mewn hwnnw yn ôl yn unol â Rheolau 19.57.
- 19.52 Bydd gan Gyngorydd sy'n arfer pŵer Galw i mewn hawl awtomatig i siarad.
- 19.53 Ni fydd gwrthwynebiad gan Gyngor Tref neu Gymuned yn sbarduno cais yn awtomatig sy'n cael ei ystyried gan y Pwyllgor Cynllunio.

Gweithdrefn Galw i Mewn sy'n ymwneud â Chynghorydd yn gwneud cais i'r Pwyllgor Cynllunio, ac nid yr Arweinydd Proffesiynol—Cynllunio, benderfynu ar gais cynllunio.

- 19.54 Yn ddarostyngedig i Reol 19.56 isod, caiff Cynghorydd (p'un a yw'n aelod o'r Pwyllgor Cynllunio ai peidio), mewn cysylltiad â Chais Cynllunio yn ei adrannau etholiadol, neu sy'n effeithio ar ei adran etholiadol, ofyn yn ysgrifenedig (drwy lythyr, e-bost neu ffacs), yn unol â Rheol 19.55 isod, am i Gais Cynllunio o'r fath y byddai Arweinydd Proffesiynol—Cynllunio yn arfer penderfynu arno gael ei benderfynu gan y Pwyllgor Cynllunio;
- 19.55 Bydd cais ysgrifenedig (drwy lythyr, e-bost neu ffacs) gan Gynghorydd Sir sy'n gofyn am Gais Cynllunio yn ei Adran Etholiadol neu sy'n effeithio ar ei adran etholiadol gael ei ystyried gan y Pwyllgor Cynllunio yn cael ei anfon at yr Arweinydd Proffesiynol—Cynllunio fel y bydd yn cael ei dderbyn ganddo o fewn y cyfnod o 21 diwrnod i'r Cynghorydd Sir dderbyn hysbysiad o'r Cais Cynllunio a rhaid i gais o'r fath nodi'r seiliau cynllunio penodol sy'n cyfiawnhau'r cais;
- 19.56 Ni fydd gan Gynghorydd hawl i wneud cais o dan Reol 19.54 uchod mewn cysylltiad â cheisiadau a ailgyflwynir pan na wnaed unrhyw newid sylweddol i gais gwreiddiol sydd wedi ei wrthod.
- 19.57 Caiff Cynghorydd sydd wedi arfer pŵer Galw Cais Cynllunio i mewn ofyn am i'r Alwad i Mewn gael ei dynnu'n ôl drwy hysbysiad ysgrifenedig i'r Arweinydd Proffesiynol—Cynllunio unrhyw bryd cyn i agenda y cyfarfod gael ei chyhoeddi yn unol ag Adran 14 o'r Cyfansoddiad.
- 19.58 Bydd penderfyniad Cadeirydd y Pwyllgor Cynllunio ynghylch a yw cais yn cydymffurfio â'r weithdrefn yn Rheolau 19.51 i 19.61 yn derfynol.
- 19.59 Bydd Cynghorydd sy'n arfer pŵer Galw i Mewn y mae ganddo hawl awtomatig i siarad yn cydymffurfio â darpariaethau y Protocol hwn sy'n ymwneud â Chynghorydd â Buddiant Personol, Cynghorydd â Buddiant Rhagfarnus a Chynghorydd â Goddefeb ac â Chod Ymddygiad yr Aelodau yn gyffredinol.
- 19.60 Rhybuddir aelodau o'r Pwyllgor Cynllunio os ydynt yn gwneud yr hyn a ganlyn wrth arfer pŵer Galw i mewn:
- 19.60.1 mynegi barn o blaid neu yn erbyn y Cais Cynllunio mai dim ond swyddogaeth Cynrychiolydd Lleol y byddant yn gallu ymgymryd â hi; a
 - 19.60.2 os ydynt wedi trafod y cais yn flaenorol gydag Ymgeisydd a/neu Asiant a/neu Wrthwynebydd a/neu drydydd parti, dim ond swyddogaeth Cynrychiolydd Lleol y byddant yn gallu ymgymryd â hi.

Yn y sefyllfaoedd hyn, dylid gofyn i'r Swyddog Monitro am gyngor.

- 19.61 Pan fo Cynghorydd yn gofyn i'r Pwyllgor Cynllunio am benderfyniad ac nid yw'n gallu mynd i'r cyfarfod i siarad amdano, caniateir ystyried llythyr gan y Cynghorydd hwnnw yn ymwneud â'r Cais Cynllunio fel dewis arall i gyflwyniad llafar gan y Cynghorydd hwnnw. Fel arall, caiff Cynghorydd sy'n gweithredu fel Cynrychiolydd Lleol, pan nad yw'n gallu bod yn bresennol yng nghyfarfod y Pwyllgor pan ystyrir

y cais, drosglwyddo ei swyddogaeth Cynrychiolydd Lleol i Gyngorydd Sir arall.

CYNGHORWYR SYDD Â BUDDIANNAU PERSONOL A RHAGFARNUS

CYNGHORYDD Â BUDDIANT PERSONOL

19.62 Rhaid i gyngorydd â Buddiant Personol mewn cysylltiad â Chais Cynllunio sy'n mynd i gyfarfod Pwyllgor Cynllunio (boed hynny fel aelod o'r Pwyllgor ai peidio), pan fo'r Cais Cynllunio hwnnw yn cael ei ystyried, yn unol â Chod Ymddygiad yr Aelodau, ddatgelu ar lafar i'r cyfarfod hwnnw fodolaeth a natur y Buddiant Personol dan sylw cyn neu ar ddechrau'r broses o ystyried y Cais Cynllunio neu pan fo'r Buddiant Personol yn dod yn amlwg i'r Cyngorydd. Cyfyngir ymhellach ar swyddogaeth Cyngorydd â Buddiant Personol sydd â buddiant rhagfarnus hefyd o dan God Ymddygiad yr Aelodau fel y nodir yn Rheolau 19.66 i 19.68 isod.

DIFFINIAD CYNGHORYDD Â BUDDIANT PERSONOL

19.63 O dan God Ymddygiad yr Aelodau, rhaid i Gyngorydd (p'un a yw'n aelod o'r Pwyllgor Cynllunio ai peidio) ystyried a oes ganddo Fuddiant Personol (fel y'i diffinnir yng Nghod Ymddygiad yr Aelodau) mewn cysylltiad â Chais Cynllunio ac a yw Cod Ymddygiad yr Aelodau yn ei gwneud yn ofynnol iddo ddatgelu'r buddiant hwnnw pe byddai'r Cyngorydd yn mynd i gyfarfod Pwyllgor Cynllunio sy'n ystyried y Cais Cynllunio hwnnw. Bydd Cyngorydd y mae'n ofynnol iddo ddatgan buddiant personol mewn cysylltiad â Chais Cynllunio mewn cyfarfod Pwyllgor Cynllunio, at ddibenion y Protocol hwn, yn Gyngorydd â Buddiant Personol mewn cysylltiad â'r Cais Cynllunio hwnnw.

ENGHREIFFTIAU O FUDDIANNAU PERSONOL

19.64 Mae paragraff 10 o God Ymddygiad yr Aelodau yn nodi'r hyn a fydd gyfwerth â "Buddiant Personol" at ddibenion y Cod a, thrwy estyniad, drwy Reol 19.63 uchod. Mae'r categorïau a restrir isod yn enghreifftiau o'r mathau o fuddiannau y cyfeirir atynt ym Mharagraff 10. Ni ddylid eu cymryd fel rhai awdurdodol. Rhaid cyfeirio at Baragraff 10 bob amser er mwyn gwirio a yw Cyngorydd yn Gyngorydd â Buddiant Personol.

19.65 Ceisiadau cynllunio sy'n ymwneud â:

- 19.65.1 Y Cyngorydd
- 19.65.2 Teulu'r Cyngorydd;
- 19.65.3 Cyfeillion y Cyngorydd;
- 19.65.4 Buddiannau busnes y Cyngorydd;
- 19.65.5 Buddiannau tir neu eiddo'r Cyngorydd neu ei deulu;
- 19.65.6 Sefydliad y mae'r Cyngorydd yn aelod ohono (gan gynnwys y rhai y mae'r Cyngorydd wedi ei ethol, ei benodi neu ei enwebu iddo gan y Cyngor);
- 19.65.7 Prosiectau a chynlluniau y mae'r Cyngorydd (neu aelodau o deulu y Cyngorydd) wedi eu llunio cynlluniau ar gyfer

ei deulu/cyfeillion neu ar gyfer pobl eraill neu wedi gweithredu fel Asiantau ar gyfer gyfeillion ei deulu neu bobl eraill.

CYNGHORYDD Â BUDDIANT RHAGFARNUS

- 19.66 Ni chaiff Cyngorydd sydd â Buddiant Rhagfarnus mewn cysylltiad â Chais Cynllunio sy'n aelod o'r Pwyllgor Cynllunio mewn cysylltiad â'r Cais Cynllunio hwnnw (oni bai ei fod yn cael gofeddeb i fod yn Wneuthurwr Penderfyniadau gan y Pwyllgor Safonau) fod yn Wneuthurwr Penderfyniadau, ond caiff ymgymryd â swyddogaeth Cynrychiolydd Lleol mewn cysylltiad â'r Cais Cynllunio hwnnw.
- 19.67 Caiff Cyngorydd â Buddiant Rhagfarnus mewn cysylltiad â Chais Cynllunio nad yw'n aelod o'r Pwyllgor Cynllunio ymgymryd â swyddogaeth Cynrychiolydd Lleol mewn cysylltiad â'r Cais Cynllunio hwnnw ac fe gaiff wneud cais i'r Pwyllgor Safonau am ofeddeb fel y manylir yn narpariaethau y Protocol hwn isod ac yn Rheolau 19.71 i 19.72 sy'n ymwneud â Chyngorydd â Gofeddeb.
- 19.68 Caiff Cyngorydd â Buddiant Rhagfarnus mewn cysylltiad â Chais Cynllunio, p'un a yw'n aelod o'r pwyllgor ai peidio, sy'n ymgymryd â'r Swyddogaeth Cynrychiolydd Lleol, os yw'n penderfynu bod ei fuddiant rhagfarnus mor arwyddocaol y byddai'n rhagfarnu ei allu i ymgymryd â swyddogaeth y Cynrychiolydd Lleol, cyn gynted ag y caiff ei hysbysebu am y cais, benodi Cyngorydd arall i ymgymryd â swyddogaeth y Cynrychiolydd Lleol drwy roi hysbysiad ysgrifenedig i'r Arweinydd Proffesiynol—Cynllunio a fydd yn trefnu i'r penodiad gael ei roi ar ffeil perthnasol y cais. Ni chaiff y Cyngorydd sy'n derbyn swyddogaeth y Cynrychiolydd Lleol fod yn Wneuthurwr Penderfyniadau na bod â Buddiant Rhagfarnus sylweddol a fyddai'n rhagfarnu ei allu i weithredu fel y Cynrychiolydd Lleol, a rhaid iddo gydymffurfio â rheolau 19.34–19.38.
- 19.69 Caiff Cyngorydd â Buddiant Rhagfarnus mewn cysylltiad â Chais Cynllunio, p'un a yw'n aelod o'r pwyllgor ai peidio, sy'n ymgymryd â swyddogaeth Cynrychiolydd Lleol ac sy'n methu â mynd i'r cyfarfod, gyflwyno datganiad ysgrifenedig a rhaid iddo roi gwybod i'r Adran Gynllunio ei fod yn bwriadu cyflwyno cyflwyniad ysgrifenedig **o leiaf 3 diwrnod gwaith cyn y cyfarfod**. Bydd gan yr ymgeisydd hawl i ymateb i'r cyflwyniad hwn yn y pwyllgor yn ysgrifenedig neu ar lafar.

DIFFINIAD CYNGHORYDD Â BUDDIANT RHAGFARNUS

- 19.70 Pan fo Cyngorydd (p'un a yw'n aelod o'r Pwyllgor Cynllunio ai peidio) yn Gyngorydd â Buddiant Personol mewn cysylltiad â Chais Cynllunio, bydd y Cyngorydd hwnnw, at ddibenion y Protocol hwn, hefyd yn Gyngorydd â Buddiant Rhagfarnus mewn cysylltiad â'r Cais Cynllunio hwnnw os yw buddiant y Cyngorydd hwnnw yn un y byddai aelod o'r cyhoedd â gwybodaeth am y ffeithiau perthnasol yn ei ystyried yn rhesymol mor arwyddocaol y byddai'n debygol o ragfarnu barn ar fuddiant y cyhoedd y Cyngorydd hwnnw.

CYNGHORYDD Â GODDEFEB

CYNGHORYDD Â GODDEFEB

- 19.71 Mae hawl Cynghorydd â Gofeddeb sy'n mynd i gyfarfod y Pwyllgor Cynllunio (boed yn aelod o'r Pwyllgor ai peidio), y mae'r gofeddeb yn berthnasol iddo, i gymryd rhan yn y cyfarfod yn amodol ar yr hyn a ganlyn:
- 19.71.1 Rhaid iddo ddatgan yn y Cyfarfod ei fod yn dibynnu ar yr ofeddeb;
a
 - 19.71.2 Rhaid iddo roi hysbysiad ysgrifenedig i Gyfreithiwr y Cyngor cyn neu yn syth ar ôl i'r Cyfarfod ddod i ben:
 - 19.71.2.1 Sy'n rhoi manylion am y Buddiant Rhagfarnus;
 - 19.71.2.2 Sy'n rhoi manylion am y Cais Cynllunio y mae'r Buddiant Rhagfarnus yn ymwneud ag ef;
 - 19.71.2.3 Sy'n rhoi manylion am yr ofeddeb a'r dyddiad y caniatwyd yr ofeddeb; a
 - 19.71.2.4 Llofnod y Cynghorydd.
- 19.72 Rhaid i Gynghorydd â Gofeddeb sy'n gwneud sylwadau ysgrifenedig neu lafar gan ddibynnu ar yr ofeddeb ddarparu manylion yr ofeddeb yn y cyfryw sylwadau ysgrifenedig neu lafar, ac yn yr achos olaf, rhaid iddo gyflwyno hysbysiad ysgrifenedig i Gyfreithiwr y Cyngor o fewn 14 diwrnod i wneud y sylwadau.

DIFFINIAD CYNGHORYDD Â GODDEFEB

- 19.73 Caiff Cynghorydd â Buddiant Rhagfarnus sy'n aelod o'r Pwyllgor Cynllunio
- 19.73.1 ymgymryd â Swyddogaeth Cynrychiolydd Lleol, ond bydd yn gadael yr ystafell gyfarfod ar ôl gwneud ei gyflwyniad; neu
 - 19.73.2 os yw Cynrychiolydd Lleol â Buddiant Rhagfarnus yn dymuno aros yn yr ystafell gyfarfod, fe gaiff wneud cais am oddefeb gan Bwyllgor Safonau y Cyngor ymhell cyn cyfarfod y Pwyllgor Cynllunio.
 - 19.73.3 Caniateir i Gynghorydd sy'n ymgymryd â swyddogaeth Cynrychiolydd Lleol â buddiant rhagfarnus wneud sylwadau ysgrifenedig yn lle ei hawl i siarad yn y cyfarfod.
 - 19.73.4 pan nad yw'n dymuno gweithredu fel Gwneuthurwr Penderfyniadau neu Aelod Lleol, ond ei fod yn dymuno gweithredu fel Aelod Gynrychiolydd, caiff wneud cais am oddefeb gan Bwyllgor Safonau y Cyngor ymhell cyn cyfarfod y Pwyllgor Cynllunio.
- 19.74 Caiff Cynghorydd â Buddiant Rhagfarnus nad yw'n aelod o'r Pwyllgor Cynllunio ymgymryd â Swyddogaeth Cynrychiolydd Lleol (neu Aelod Gynrychiolydd) ond bydd yn gadael yr ystafell gyfarfod ar ôl gwneud ei gyflwyniad. Os yw Cynrychiolydd Lleol (neu Aelod Gynrychiolydd) â buddiant rhagfarnus yn dymuno aros yn yr ystafell gyfarfod, fe gaiff wneud cais am oddefeb gan Bwyllgor Safonau y Cyngor ymhell cyn cyfarfod y Pwyllgor Cynllunio. Caniateir i Gynghorydd sy'n ymgymryd â swyddogaeth Cynrychiolydd Lleol â buddiant rhagfarnus wneud sylwadau ysgrifenedig yn lle ei hawl i siarad yn y cyfarfod.

- 19.75 Bydd Cynghorydd sydd wedi cael y fath oddefeb ag a grybwyllir yn Rheolau 19.73 a 19.74 at ddibenion y Protocol hwn yn Gynghorydd â Goddefeb.

COD YMDDYGIAD YR AELODAU

- 19.76 Rhaid dilyn Cod Ymddygiad yr Aelodau sydd mewn grym ar y pryd (fel yr ategir gan y Protocol hwn) **bob amser**.

RHAGDUEDDIAD A RHAGDERFYNIAD

- 19.77 Efallai y bydd Cynghorydd sy'n Wneuthurwr Penderfyniadau yn rhagdueddol i safbwynt penodol. Fodd bynnag, rhaid i'r Cynghorydd fod yn agored i'r posibilrwydd y bydd yn clywed dadleuon yn ystod y ddadl ynghylch y Cais Cynllunio a fydd yn newid ei feddwl ynghylch sut y mae'n bwriadu pleidleisio. Os yw'r Cynghorydd yn barod i gadw meddwl agored am y Cais Cynllunio, mae ganddo hawl i gymryd rhan mewn unrhyw bleidlais arno.
- 19.78 Rhaid i Wneuthurwr Penderfyniadau arfer gofal i beidio â rhagderfynu cais Cynllunio. Rhagderfyniad yw pan fo meddwl y Cynghorydd wedi ei gau i rinweddau unrhyw ddadleuon sy'n wahanol i'w rai ef ynghylch Cais Cynllunio. Dylai Gwneuthurwr Penderfyniadau osgoi rhoi'r ymddangosiad ei fod wedi penderfynu sut y bydd yn pleidleisio yn y cyfarfod ac na fydd dim byd yn newid ei feddwl.

CYSYLLTIADAU UNIONGYRCHOL CYNGHORYDD AG YMGEISWYR AC ERAILL

- 19.79 Os yw Cynghorydd yn dweud wrth Ymgeiswyr, Asiantau, Gwrthwynebwyr neu bartïon eraill sydd â buddiannau am dderbynoldeb tebygol cynigion cynllunio, yna mewn cysylltiad â cheisiadau cynllunio sy'n ymwneud â'r cynigion hynny, ni chaiff y Cynghorydd ymgymryd â swyddogaeth Gwneuthurwr Penderfyniadau ac efallai y bydd angen iddo ystyried a yw'n dod o dan gategori Cynghorydd â Buddiant Rhagfarnus.
- 19.80 Dylai Cynghorydd sy'n dymuno sicrhau ei fod yn parhau i fod yn gymwys i gyflawni swyddogaeth Gwneuthurwr Penderfyniadau ddweud wrth ddarpar Ymgeiswyr gysylltu â Swyddog Cynllunio i gael cyngor ar rinweddau a gweithdrefnau.
- 19.81 **Ni ddylai Cynghorydd byth geisio lobïo/dylanwadu ar Gydgynghorwyr na chydsyddogion o dan yr amgylchiadau hyn.**

CYNIGION DATBLYGU SY'N CYNWYS CYNGHORWYR

- 19.82 Mae'n hawdd i gais cynllunio gan Gynghorydd (sy'n ymwneud â busnes neu dir y mae ganddo fuddiant ynddo) neu ei deulu a'i berthnasau, ei gyfeillion agos a'i gymdeithion busnes arwain at amheuan o amhriodoldeb. Mae'n hanfodol ei fod yn cael ei drin mewn ffordd nad yw'n rhoi unrhyw sail dros gyhuddiadau o ffafriaeth.
- 19.83 Ni ddylai Cynghorydd mewn gwasanaeth sy'n paratoi cynlluniau neu'n gweithredu'n gyffredinol fel Asiant ar gyfer pobl sy'n cyflwyno Cais Cynllunio byth fod yn Wneuthurwr Penderfyniadau nac yn Gynrychiolydd Lleol mewn cysylltiad â'r Cais Cynllunio hwnnw ac ni ddylai geisio lobïo/dylanwadu ar Gydgynghorwyr na chydsyddogion.

ADRAN 19—PROTOCOL CYNLLUNIO

- 19.84 Pan fo Cynghorydd yn gwneud cais cynllunio, rhaid iddo wneud yr hyn a ganlyn:
- 19.84.1 penodi Asiant neu Gynrychiolydd annibynnol i weithredu ar ei ran;
 - 19.84.2 hysbysu, yn ysgrifenedig, yr Arweinydd Proffesiynol—Cynllunio bod cais o'r fath wedi ei gyflwyno;
 - 19.84.3 peidio â chymryd unrhyw ran wrth brosesu'r cais hwnnw nac ymdrechu i ddylanwadu ar y penderfyniad terfynol ar y cais;
 - 19.84.4 peidio â cheisio lobïo/dylanwadu ar Gydgynghorwyr na chydswyddogion;
 - 19.84.5 peidio â mynd i unrhyw gyfarfod Pwyllgor Cynllunio pan fo'n ystyried ei gais;
 - 19.84.6 ystyried ei hun fel Cynghorydd â Buddiant Personol ac fel Cynghorydd â Buddiant Rhagfarnus.
 - 19.84.7 peidio â gweithredu fel Cynrychiolydd Lleol a rhaid iddo roi gwybod i'r Gwasanaethau Democrataidd a fydd yn cysylltu ag Aelodau cyfagos ac yn cytuno ar Gynrychiolydd Lleol newydd ac yn rhoi gwybod i'r Pwyllgor Cynllunio—yn unol â Rheol 19.68.
- 19.85 Bydd unrhyw Gais Cynllunio a gyflwynir gan Gynghorydd (neu sy'n ymwneud â buddiannau busnes neu dirol cynghorydd) yn cael ei benderfynu gan y Pwyllgor Cynllunio ac ni fydd swyddogion o dan 'bwerau dirprwyedig' yn ymdrin ag ef byth. Dylai Cyfreithiwr Cynllunio y Cyngor gadarnhau i'r Pwyllgor Cynllunio fod y cais wedi ei brosesu fel arfer ac felly mae'n rhaid rhoi cyfle iddo adolygu'r ffeil.
- 19.86 Pan wneir Cais Cynllunio gan aelod o deulu Cynghorydd, cyfaill neu gydymaith busnes y Cynghorydd neu sefydliad y mae gan y Cynghorydd swydd â chyfrifoldeb ynddo, bydd y Cynghorydd yn rhoi gwybod i'r Arweinydd Proffesiynol—Cynllunio am gyflwyniad y cais hwnnw, a'r berthynas sydd rhwng y Cynghorydd a'r unigolyn hwnnw. Yr Arweinydd Proffesiynol—Cynllunio fydd yn penderfynu a fyddai natur y berthynas yn cyfiawnhau cyfeirio'r cais fel y gall y Pwyllgor Cynllunio benderfynu arno neu a allai ef benderfynu arno. Beth bynnag, ni ddylai'r Cynghorydd geisio lobïo/dylanwadu ar ei Gydgynghorwyr na'i gydsyddogion mewn cysylltiad â'r cais.
- 19.87 Mae'n rhaid i Gynghorydd roi sylw i God Ymddygiad yr Aelodau wrth ymdrin â Chais Cynllunio sy'n cynnwys Cynghorydd arall.

DYLAI CYNGHORWYR OFYN AM GYNGOR

- 19.88 Dylai Cynghorydd sydd ag unrhyw amheuaeth am ei swydd o dan y Protocol hwn neu God Ymddygiad yr Aelodau ofyn am gyngor y Swyddog Monitro bob amser.

PROSES O WNEUD PENDERFYNIADAU

- 19.89 Yn ddarostyngedig i Reol 19.90 isod, bydd y Pwyllgor yn cyflawni'r swyddogaethau ac yn dilyn y ddirprwyaeth a nodir yn Adran 13 (Cyfrifoldeb am Swyddogaethau).
- 19.90 Ni fydd yr Arweinydd Proffesiynol—Cynllunio yn arfer ei gyfrifoldeb

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dirprwyedig am swyddogaethau o dan yr amgylchiadau canlynol ac ar hynny bydd y Pwyllgor Cynllunio yn ymdrin â'r swyddogaeth:

- 19.90.1 mae'r Arweinydd Proffesiynol—Cynllunio o'r farn mai'r Pwyllgor Cynllunio ac nid efe y dylai ymdrin â'r Swyddogaeth Gynllunio;
- 19.90.2 mae Cynghorydd yn cofrestru cais Galw i mewn o dan Reolau 19.51 i 19.61, y dylid cyfeirio Cais Cynllunio at y Pwyllgor Cynllunio i benderfynu arno ac na ddylai'r Arweinydd Proffesiynol—Cynllunio benderfynu arno;
- 19.90.3 mae'r Cais Cynllunio dan sylw yn gyfystyr â gwriad perthnasol oddi wrth y Cynllun Datblygu a safbwynt yr Arweinydd Proffesiynol—Cynllunio yw y dylid cymeradwyo'r Cais Cynllunio;
- 19.90.4 mae'r Cais Cynllunio yn cael ei wneud gan y Cyngor Sir neu ar ran y Cyngor Sir, neu mae'n ymwneud â thir neu eiddo i'r Cyngor neu'n effeithio ar dir neu eiddo i'r Cyngor (p'un a yw'r Cyngor yn ei feddiannu ai peidio);
- 19.90.5 o dan Reoliadau asesiad o'r effaith amgylcheddol, mae'n ofynnol i'r Cais Cynllunio ddod gyda Datganiad Amgylcheddol;
- 19.90.6 cyflwynir y Cais Cynllunio gan unrhyw aelod o'r Cyngor neu ar ei ran neu unrhyw aelod o staff a gyflogir yn yr Adran Gynllunio, y Prif Weithredwr, Cyfarwyddwyr Strategol a Chyfarwyddwyr, Penaethiaid Gwasanaeth, neu swyddogion sydd mewn cysylltiad rheolaidd â'r Adran Gynllunio.

PENDERFYNIADAU A WNEIR GAN Y PWYLLGOR CYNLLUNIO

EGWYDDORION PENDERFYNU Y PWYLLGOR CYNLLUNIO

- 19.91 Wrth ystyried a phenderfynu ar Gais Cynllunio, bydd y Pwyllgor Cynllunio yn gwneud yr hyn a ganlyn:
 - 19.91.1 rhoi sylw i natur rheoleiddiol a lled-farnwrol trafodion y Pwyllgor;
 - 19.91.2 diystyru ystyriaethau amherthnasol;
 - 19.91.3 gweithredu'n ddiudedd, yn deg a pheidio ag ystyried unrhyw ystyriaethau gwleidyddol;
 - 19.91.4 penderfynu ar y cais yn unol â'r Cynllun Datblygu Statudol oni bai bod ystyriaethau cynllunio perthnasol yn nodi fel arall;
 - 19.91.5 cydnabod bod y pwyslais wrth benderfynu ar geisiadau ar system 'dan arweiniad cynllun';
 - 19.91.6 adlewyrchu mai sail y system gynllunio yw ystyried cynigion preifat o'u cymharu â buddiant ehangach y cyhoedd;
 - 19.91.7 cydnabod bod llawer yn y fantol yn aml yn y broses hon ac yn aml fod safbwyntiau gwrthwynebol yn cael eu dal yn gryf gan y rhai dan sylw;
 - 19.91.8 ystyried sylwadau a wnaed i'r awdurdod cynllunio lleol o ganlyniad i ymgynghoriad â chyrff â buddiant neu o ganlyniad i hysbysiad cyhoeddus neu hysbysiad i gymydog;
 - 19.91.9 penderfynu pa sylwadau sy'n berthnasol i'r penderfyniad sydd i'w wneud, ac os felly, pa mor bwysig ydynt;

- 19.91.10 peidio â dod i unrhyw gasgliad ar y rhinweddau nes bod yr holl ffeithiau perthnasol wedi eu hystyried gan gynnwys adroddiad y swyddog a'r mater yn cael ei drafod yn briodol;
- 19.91.11 sicrhau bod y Darpariaethau Siarad Cyhoeddus yn cael eu gweithredu'n deg.

Dyletswyddau Statudol

- 19.92 Mae'r Cyngor hefyd yn ddarostyngedig i nifer o ddyletswyddau statudol y mae'n rhaid iddo gydymffurfio â nhw wrth gyflawni ei swyddogaethau statudol. Bydd y rhain yn berthnasol i'r swyddogaeth gynllunio ac eithrio pan fo materion o'r fath yn amlwg yn amherthnasol oherwydd nad ydynt yn gallu ymwneud â defnyddio tir datblygu. Mae enghreifftiau o'r dyletswyddau hyn yn cynnwys:

Deddf Cydraddoldeb 2010

- 19.93 Mae adran 149 yn darparu'r hyn a ganlyn:
 - 19.93.1 Wrth arfer ei swyddogaethau, rhaid i gyngor roi sylw dyledus i'r angen i wneud yr hyn a ganlyn:
 - 19.93.1.1 dileu gwahaniaethu, aflonyddu, erledigaeth ac unrhyw ymddygiad arall a waherddir gan, neu o dan, Ddeddf Cydraddoldeb 2010;
 - 19.93.1.2 Hybu cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig berthnasol a phobl nad ydynt yn ei rhannu;
 - 19.93.1.3 meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchoddedig a'r bobl nad ydynt yn ei rhannu.
 - 19.93.2 Mae'r pwerau uchod yn ymwneud â'r nodweddion gwarchoddedig canlynol:
 - 19.93.2.1 oedran;
 - 19.93.2.2 anabledd;
 - 19.93.2.3 ailbennu rhywedd;
 - 19.93.2.4 priodas a phartneriaeth sifil;
 - 19.93.2.5 beichiogrwydd a mamolaeth;
 - 19.93.2.6 hil (gan gynnwys lliw, cenedligrwydd a tharddiadau ethnig neu genedlaethol);
 - 19.93.2.7 crefydd neu gred;
 - 19.93.2.8 rhyw;
 - 19.93.2.9 cyfeiriadedd rhywiol.

Hawliau Dynol

19.94 Mae Adran 6(1) Deddf Hawliau Dynol 1998 yn nodi:

[Saesneg yn unig]

“It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right.”

Gwerth Gorau

19.95 Mae adran 3(1) o Ddeddf Llywodraeth Leol 1999 a Rhan 1 o Fesur Llywodraeth Leol (Cymru) 2009 yn nodi:

[Saesneg yn unig]

“A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”

Trosedd a Threfn

19.96 Mae Adran 17(1) o Ddeddf Trosedd ac Anhrefn 1998 yn nodi:

[Saesneg yn unig]

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

GOHIRO

19.97 Os bydd Cais Cynllunio sy'n cael ei ystyried yn cael ei ohirio mewn cyfarfod Pwyllgor Cynllunio, yna (oni bai bod y Pwyllgor Cynllunio yn cytuno i'r gohiriad wrth ddechrau ystyried y cais ac nad oes trafodaeth bellach yn ei gylch yn digwydd yn y cyfarfod hwnnw) dim ond y Gwneuthurwyr Penderfyniadau hynny sy'n bresennol yn ystod y cyfarfod pan fo'r cais yn cael ei ohirio fydd yn gymwys i ailystyried y cais mewn cyfarfod dilynol o'r Pwyllgor Cynllunio. **Cyfeirier hefyd at Reol 19.117.8.4.**

19.98 Pan fo cworwm cyfarfod yn is na 50%, bydd unrhyw gais lle mae hyn yn digwydd yn cael ei ohirio yn awtomatig a'i ystyried yn y cyfarfod nesaf sydd ar gael.

AILYSTYRIED CEISIADAU

19.99 Pan fo cais a ystyriwyd yn flaenorol a/neu y penderfynwyd arno gan y Pwyllgor yn cael ei ailystyried, dylai'r Arweinydd Proffesiynol—Cynllunio mewn ymgynghoriad â'r Cadeirydd a'r Is-gadeirydd ystyried:

19.99.1 a yw'r cais yn ei hanfod yr un fath â'r cais blaenorol a ystyriwyd. Os felly, dim ond y Cynghorwyr hynny a oedd yn bresennol pan ystyriwyd y cais a gaiff gymryd rhan yn y broses ddilynol o ailystyried unrhyw gais. Bydd hawliau siarad yn y cyfarfod hwn yn unol â Rheol 19.117.8.4 fel a ganlyn:

“Os caiff sylwadau eu gwneud gan Gynghorydd sy'n gweithredu fel Cynrychiolydd

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Lleol/Gwrthwynebydd/cynrychiolydd Cyngor Tref neu Gymuned/Ymgeisydd neu ei Asiant mewn cyfarfod Pwyllgor Cynllunio a bod y mater yn cael ei ohirio tan gyfarfod dilynol, yna **ni fydd gan unrhyw un o'r unigolion hyn yr hawl i ailgyflwyno sylwadau llafar i'r cyfarfod sy'n ailymgynnull a dim ond yn ysgrifenedig y bydd unrhyw sylwadau pellach yn cael eu gwneud.**

- 19.99.2 a yw'r cais yn sylweddol wahanol i'r cais blaenorol a ystyriwyd. Os felly, bydd y cais yn cael ei ystyried yn gais newydd a bydd holl aelodau'r Pwyllgor Cynllunio yn cael cymryd rhan mewn unrhyw ystyriaeth ddilynol o'r cais a ailystyriar a bydd hawliau siarad llawn yn cael eu caniatáu.
- 19.99.3 y cyfnod rhwng yr ystyriaeth wreiddiol a'r ystyriaeth ddilynol yw 6 mis neu fwy. Os yw cyfnod yr amser yn 6 mis neu fwy (mae'r amserlen yn dechrau o ddyddiad y cyfarfod pan ystyriwyd y mater am y tro cyntaf), yna bydd y cais yn cael ei ystyried yn gais newydd a bydd holl aelodau'r Pwyllgor Cynllunio yn cael cymryd rhan mewn unrhyw ystyriaeth ddilynol o'r cais a ailystyriar a bydd hawliau siarad llawn yn cael eu caniatáu.

PENDERFYNIADAU YN GROES I ARGYMHELLION SWYDDOGION

- 19.100 Pan fo aelodau o'r Pwyllgor Cynllunio yn bwriadu cymeradwyo neu wrthod Cais Cynllunio yn groes i argymhelliad yr Arweinydd Proffesiynol—Cynllunio (mewn adroddiad ysgrifenedig i'r Pwyllgor neu a gyflëir ar lafar mewn cyfarfod Pwyllgor) bydd yr aelodau hynny'n nodi'n glir ac yn mynegi'r rhesymau cynllunio sy'n cefnogi eu safbwynt cyn i bleidlais gael ei chymryd ar y cais dan sylw a bydd y rhesymau hynny yn cael eu cofnodi yng Nghofnodion y cyfarfod os yw'r Pwyllgor Cynllunio yn gwneud penderfyniad yn groes i argymhelliad yr Arweinydd Proffesiynol—Cynllunio a bydd chopi o'r cofnod sy'n cynnwys rhesymau'r Pwyllgor yn cael eu rhoi ar ffeil berthnasol y cais.
- 19.101 Os yw'r Pwyllgor Cynllunio yn bwriadu gwrthod neu ganiatáu cais yn groes i argymhelliad Swyddog, efallai y bydd yn dymuno ystyried a ddylid gohirio cadarnhau'r rhesymau dros ganiatáu neu wrthod y cais tan y pwyllgor nesaf sydd ar gael. Bydd hyn yn rhoi cyfle i aelodau gael rhagor o gyngor cynllunio a chyfreithiol ar y rhesymau arfaethedig dros weithredu yn groes i'r argymhelliad yn seiliedig ar ystyriaethau cynllunio perthnasol.
- 19.102 Os yw'r Pwyllgor Cynllunio yn bwriadu caniatáu cais yn groes i argymhelliad Swyddog, efallai y bydd yn dymuno ystyried a ddylid dirprwyo'r amodau i'r Arweinydd Proffesiynol—Cynllunio neu ohirio cadarnhau amodau tan y pwyllgor nesaf sydd ar gael.

ADDASU AMODAU CYNLLUNIO

- 19.103 Pan fo aelodau'r Pwyllgor Cynllunio yn dymuno ychwanegu, addasu neu ddiwygio amodau a argymhellir gan yr Arweinydd Proffesiynol—Cynllunio, bydd yr aelodau hynny'n nodi'n glir ac yn mynegi'r rhesymau cynllunio sy'n cefnogi eu safbwynt cyn i bleidlais gael ei chymryd ar y cais a/neu'r amodau dan sylw a bydd y rhesymau hynny yn cael eu cofnodi yng Nghofnodion y cyfarfod os yw'r Pwyllgor Cynllunio yn gwneud penderfyniad yn groes i

argymhelliad yr Arweinydd Proffesiynol—Cynllunio **AR YR AMOD BOB AMSER** y bydd geiriad fersiwn derfynol yr amodau hynny'n cael ei ddirprwyo i'r Arweinydd Proffesiynol—Cynllunio.

- 19.104 Pan fo'r Arweinydd Proffesiynol—Cynllunio o'r farn na fyddai'n gallu amddiffyn penderfyniad arfaethedig y Pwyllgor Cynllunio ar apêl, bydd yn gwneud y pwynt hwn yn hysbys i'r Pwyllgor cyn y bleidlais derfynol. Mewn achosion o'r fath, bydd Cofnodion y cyfarfod yn cofnodi cynigydd ac eilydd y cynnig i basio penderfyniad yn groes i argymhelliad yr Arweinydd Proffesiynol—Cynllunio.

RHAGDERFYNIAD

- 19.105 Pan fo'r Swyddog Monitro (neu ei gynrychiolydd mewn cyfarfod Pwyllgor Cynllunio) o'r farn bod aelod o'r Pwyllgor Cynllunio wedi rhagfarnu ei safbwynt fel Gwneuthurwr Penderfyniadau, drwy fynegi safbwynt clir a sefydlog ar gais cyn i'r Pwyllgor Cynllunio benderfynu arno, bydd y Swyddog Monitro (neu ei gynrychiolydd mewn cyfarfod Pwyllgor Cynllunio) yn rhoi gwybod i'r Cynghorydd dan sylw a Chadeirydd y Pwyllgor am effaith y Cynghorydd hwnnw pe byddai'n parhau i chwarae swyddogaeth Gwneuthurwr Penderfyniadau. Y Cynghorydd hwnnw fydd yn penderfynu a fydd y Cynghorydd hwnnw'n parhau i chwarae swyddogaeth Gwneuthurwr Penderfyniadau ai peidio.

GOHEBIAETH A GWYBODAETH BERTHNASOL ARALL A DDERBYNNIR GAN AELODAU O'R PWYLLGOR CYNLLUNIO

- 19.106 Caiff aelod o'r Pwyllgor Cynllunio dderbyn gohebiaeth a gwybodaeth berthnasol arall o bryd i'w gilydd oddi wrth bobl neu grwpiau sydd â buddiant yng nghanlyniad cais cynllunio y bydd y Pwyllgor Cynllunio yn penderfynu arno, a bydd pwysau i ymateb. O bryd i'w gilydd, bydd aelod o'r Pwyllgor Cynllunio yn cael cryn dipyn o ohebiaeth na ofynnwyd amdani a gwybodaeth arall am geisiadau mwy dadleuol. Ni fydd y Cynghorydd yn ateb nac yn ymateb i'r ohebiaeth hon ond yn hytrach bydd yn ei chyfeirio at yr Arweinydd Proffesiynol—Cynllunio. Bydd hyn yn atal unrhyw oedi yn y broses. Bydd yr Arweinydd Proffesiynol—Cynllunio hefyd yn gwneud yr hyn a ganlyn:

- 19.106.1 os yw amser yn caniatáu, anfon copi o ohebiaeth/gwybodaeth arall o'r fath at yr Ymgeisydd neu ei Asiant (ar yr amod nad yw'r un ohonynt yn awdur yr ohebiaeth/gwybodaeth arall o'r fath) er mwyn rhoi cyfle iddynt ymateb;
- 19.106.2 rhoi copi o'r holl ohebiaeth o'r fath/gwybodaeth arall ar y ffeil Cynllunio perthnasol;
- 19.106.3 os yw amser yn caniatáu, sicrhau bod ei adroddiad i'r Pwyllgor Cynllunio yn cyfeirio at ohebiaeth/gwybodaeth arall o'r fath; fel arall, dylai'r Arweinydd Proffesiynol—Cynllunio gyfeirio at ohebiaeth/gwybodaeth arall o'r fath ar lafar yng nghyfarfod y Pwyllgor Cynllunio gan roi cymaint o amlygrwydd a phwysau iddo ag sydd ei angen yn ôl ei berthnasedd.

- 19.107 Ar adegau, gallai'r wybodaeth newydd fod mor sylweddol ag arwain at ohirio'r cais. Pan na ohirir y Cais Cynllunio, bydd y Cadeirydd yn caniatáu cyfnod priodol o amser i aelodau ddarllen y deunydd newydd cyn bwrw ymlaen i ystyried yr eitem.

19.108 Yr Arweinydd Proffesiynol—Cynllunio fydd yn gyfrifol am adrodd unrhyw ohebiaeth neu wybodaeth newydd sy'n berthnasol i'r Pwyllgor Cynllunio.

AROLYGU SAFLEOEDD

19.109 Ni fydd y Pwyllgor Cynllunio yn cynnal Arolygiadau Safleoedd oni bai bod amgylchiadau eithriadol sy'n cyfiawnhau archwilio safle (hynny yw, rhaid dangos yn glir bod archwilio safle yn hanfodol i'r broses o wneud penderfyniadau h.y. na ellir gwneud penderfyniad priodol heb gynnal archwiliad safle). Er mwyn osgoi amheuaeth, disgwylir i Gynrychiolwyr Lleol wneud unrhyw gais am Arolygiad Safle ymhell cyn y cyfarfod:

- 19.109.1 fel yr argymhellir gan yr Arweinydd Proffesiynol—Cynllunio mewn ymgynghoriad â Chyfreithiwr y Cyngor a Chadeirydd ac Is-gadeirydd y Pwyllgor Cynllunio; neu
- 19.109.2 fel y bo'r Pwyllgor ei hun yn penderfynu ymdrin â materion cynllunio sy'n benodol i safleoedd nad ydynt wedi eu datrys, ac os felly bydd yr amgylchiadau cwbl eithriadol hyn sy'n cyfiawnhau'r ymweliad â'r safle yn cael eu cofnodi yng nghofnodion y cyfarfod y gwneir y penderfyniad ynddo.
- 19.109.3 fel y penderfynir gan Gadeirydd ac Is-gadeirydd y Pwyllgor Cynllunio ar gymhwyso un neu fwy o Gynghorwyr y bydd y datblygiad dan sylw yn digwydd yn ei adran(nau) etholiadol neu y bydd y datblygiad dan sylw yn effeithio ar ei adran etholiadol yn amodol ar ymgynghori â'r Arweinydd Proffesiynol—Cynllunio a Chyfreithiwr y Cyngor.

19.110 Pan gynhelir Arolygiadau Safle, bydd y Polisiâu canlynol yn berthnasol.

POLISI 1: TREFNIADAU AR GYFER CYNNAL ARCHWILIADAU SAFLE

19.110.1 Fel y bo'n ymarferol, trefnir archwiliadau safle i'w cynnal ar yr un diwrnod ag yn uniongyrchol cyn cyfarfod y Pwyllgor Cynllunio ffurfiol cyhoeddus sy'n ystyried y cais.

POLISI 2: PRESENOLDEB YN YSTOD AROLYGIADAU SAFLE

- 19.110.2 Ynghyd â swyddogion cynllunio, gwahoddir HOLL aelodau'r Pwyllgor Cynllunio i fod yn bresennol ar gyfer Arolygiadau Safle.
- 19.110.3 Bydd cynghorwyr sy'n gweithredu fel Cynrychiolwyr Lleol yn cael bod yn bresennol ar gyfer ymweliadau safle (ond ni chânt deithio gyda'r pwyllgor) er mwyn darparu gwybodaeth benodol i gynllunio i'r pwyllgor ac eithrio pan fo ganddynt Fuddiant Personol a Rhagfarnus. Fel arall, caiff Cynrychiolydd Lleol ddarparu gwybodaeth cynllunio perthnasol ychwanegol sy'n ymwneud â'r safle i'r swyddog cynllunio yn ysgrifenedig yn unig, cyn archwilio'r safle, a bydd y swyddog cynllunio yn rhoi gwybod i'r rhai sy'n bresennol yn yr archwiliad safle am yr wybodaeth ychwanegol hon ac eithrio pan fo gan yr Aelod Fuddiant Personol a Rhagfarnus.
- 19.110.4 Mewn amgylchiadau eithriadol, caiff y Cadeirydd, ar ôl ymgynghori â'r Arweinydd Proffesiynol—Cynllunio a'r Is-gadeirydd, wahodd swyddogion eraill y cyngor i fod yn bresennol ar gyfer arolygiadau safle at y diben penodol o ddarparu gwybodaeth yn unig, mewn cysylltiad â materion arbenigol,

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ynghylch y cais ac ateb cwestiynau o'r fath fel y bo Cynghorwyr yn dymuno eu codi.

- 19.110.5 Ni chaiff tirfeddianwyr/cynrychiolydd Cyngor Tref a Chymuned/Ymgeiswyr/Gwrthwynebwyrr/cefnogwyr nac unrhyw drydydd parti arall fod yn bresennol ar gyfer archwiliadau safle.**

POLISI 3: DIFFYG PRESENOLDEB GAN GYNGHORWYR

19.110.6 Bydd pob aelod o'r Pwyllgor Cynllunio yn gwneud eu gorau i fod yn bresennol ar gyfer Archwiliad Safle pan maent yn bwriadu chwarae swyddogaeth Gwneuthurwyr Penderfyniadau mewn cysylltiad â'r Cais Cynllunio dan sylw. Efallai y bydd swydd Cynghorydd sy'n ymgymryd â swyddogaeth Gwneuthurwr Penderfyniadau mewn cysylltiad â chais o'r fath yn amheus os nad oedd yn bresennol ar gyfer arolygiad Safle perthnasol (h.y. o ganlyniad, nid yw'r Cynghorydd yn gallu gwneud penderfyniad gyda gwybodaeth am yr holl faterion perthnasol) ac yn y sefyllfa honno, bydd y Cynghorydd yn gofyn am gyngor y Swyddog Monitro, a phryd bynnag y bo'n ymarferol, bydd yn cael y cyngor hwnnw yn ysgrifenedig, a rhoddir copi ohono i Gadeirydd ac Is-gadeirydd y Pwyllgor Cynllunio cyn dechrau'r cyfarfod dan sylw.

- 19.110.7 Bydd cynghorwyr sydd, o ganlyniad i gyngor o'r fath gan y Swyddog Monitro, yn dod i'r casgliad nad yw'n gallu ymgymryd â swyddogaeth y Gwneuthurwr Penderfyniadau yn symud i'r oriel gyhoeddus, neu fe gaiff adael yr ystafell tra bod y cais dan sylw yn cael ei ystyried.**

POLISI 4: MYNEDIAD I DIR PREIFAT

19.110.8 Pan fo angen i Gynghorwyr fynd ar dir preifat, bydd yr Arweinydd Proffesiynol—Cynllunio yn gofyn am gydsyniad blaenorol y tirfeddiannwr. Os na chafwyd cydsyniad, bydd y safle, os yw'n ymarferol, yn cael ei weld o'r briffordd gyhoeddus.

POLISI 5: DIBEN ARCHWILIO'R SAFLE

19.110.9 Unig ddiben yr archwiliad safle fydd i'r swyddogion cynllunio egluro yng nghyd-destun y safle, y materion cynllunio sy'n ymwneud â'r cais ac i Gynghorwyr weld y safle. **Ni fydd unrhyw drafodaethau yn ystod arolygiad y safle ynghylch rhinweddau'r cais ac ni fydd archwiliad y safle yn cael ei ddefnyddio fel fforwm ar gyfer trafodaeth. Ni fydd unrhyw argymhellion yn cael eu gwneud yn ystod arolygiad y safle.**

POLISI 6: ADRODDIAD I'R PWYLLGOR CYNLLUNIO

19.110.10 Bydd Cadeirydd y Pwyllgor Cynllunio yn adrodd a oes Archwiliad Safle wedi ei gynnal.

ADRODDIAD AR GAIS CYNLLUNIO GAN YR ARWEINYDD PROFFESIYNOL—CYNLLUNIO

19.111 Bydd yr holl Geisiadau Cynllunio a ystyrir gan y Pwyllgor Cynllunio yn destun adroddiad ysgrifenedig llawn gan yr Arweinydd Proffesiynol—Cynllunio, gan

gynnwys asesiad manwl o'r cynnig, gan gynnwys unrhyw ddewisiadau rhesymol sydd ar gael i'r Pwyllgor ac argymhelliad rhesymegol.

- 19.112 Bydd unrhyw faterion newydd sydd wedi codi rhwng paratoad yr adroddiad a'r dyddiad pan fo'r Pwyllgor Cynllunio yn ystyried y cais cynllunio neu fater cynllunio dan sylw yn destun adroddiad diweddarau ysgrifenedig a gylchredir cyn cychwyn trafodion cyfarfod y Pwyllgor Cynllunio neu cyfeirir ato ar lafar yn ystod y cyfarfod. Dim ond fel eithriad y dylai swyddogion cynllunio adrodd i'r Pwyllgor Cynllunio ar lafar. Bydd yr adroddiad diweddarau yn cael ei ffeilio gyda'r cofnodion wedi eu llofnodi a'r adroddiadau eraill ar y Cais Cynllunio ac fe'i hychwanegir at yr agenda a gyhoeddir ar wefan y Cyngor, cyn y cyfarfod pan fo hynny'n bosibl. Pan fo hynny'n bosibl, dylid derbyn yr holl gyflwyniadau heb fod yn hwyrach na 48 awr cyn cyfarfod y Pwyllgor Cynllunio.

SIARAD YNG NGHYFARFODYDD Y PWYLLGOR

CYNLLUNIO PWY A GAIFF SIARAD

- 19.113 At ddibenion Rheolau 19.114 i 19.117 a 19.121, caiff Ymgeisydd a Gwrthwynebydd siarad yn uniongyrchol neu drwy Asiant, Aelod Gynrychiolydd neu Gynrychiolydd.

- 19.114 Mewn cysylltiad â Chais Cynllunio penodol sydd i'w benderfynu arno gan y Pwyllgor Cynllunio:

- 19.114.1 os yw person neu gorff (ac eithrio ymgynghorai statudol) wedi cyflwyno **gwrthwynebiad** i'r cais hwnnw ac wedi hysbysu'r Arweinydd Proffesiynol—Cynllunio (yn unol â Rheol 19.116 isod) o'i ddymuniad i arfer yr hawl i siarad yn erbyn y cais yng nghyfarfod perthnasol y Pwyllgor Cynllunio; neu
- 19.114.2 os yw **Cyngor Tref neu Gymuned** wedi nodi dymuniad i gael ei glywed ynghylch y cais hwnnw fel ymgynghorai (yn unol â Rheol 19.116 isod); neu
- 19.114.3 **(a)** fod **Cynrychiolwyr Lleol** wedi nodi (eu) dymuniad i siarad (yn unol â Rheol 19.116 isod); neu
- 19.114.4 Mae'r **Ymgeisydd** yn arfer yr hawl i ymateb i unrhyw sylwadau a wneir i'r Pwyllgor gan Wrthwynebydd, Cyngor Tref/Cymuned neu Gynrychiolydd/Cynrychiolwyr Lleol.

mae'r **GWEITHDREFNAU SIARAD CYHOEDDUS** yn nodi y bydd Rheol 19.117 isod yn berthnasol.

MATERION NAD YDYNT WEDI EU CYNWYS

- 19.115 Er mwyn osgoi amheuaeth, ni fydd Rheolau 19.113 i 19.116 yn gymwys i'r hyn a ganlyn (ac ni fydd gan unrhyw berson hawl i siarad mewn cysylltiad â nhw):

- 19.115.1 achosion gorfodi;
- 19.115.2 ceisiadau am gydsyniad adeilad rhestredig;
- 19.115.3 hysbysebion;
- 19.115.4 tystysgrifau defnydd cyfreithlon;

ADRAN 19—PROTOCOL CYNLLUNIO

- 19.115.5 apelio penderfyniadau a chynigion i ddileu rhwymedigaethau cyfreithiol o dan Adran 106 o'r Ddeddf Cynllunio Gwlad a Thref
- 19.115.6 gwrychoedd hynafol/pwysig.

CAEL YR HAWL I SIARAD

19.116 Dim ond yn y sefyllfaoedd canlynol y ceir hawl i siarad mewn cyfarfod Pwyllgor Cynllunio:-

- 19.116.1 Bydd gan aelod o'r cyhoedd hawl i siarad fel **Gwrthwynebydd** i gais cynllunio yn y Pwyllgor Cynllunio pan:
- 19.116.1.1 y bo wedi gwneud gwrthwynebiad ysgrifenedig priodol i gais cynllunio o fewn y terfynau amser penodedig;
- 19.116.1.2 Bydd angen i aelod o'r cyhoedd gofrestru "bwriad i siarad" h.y. hysbysiad uwch o fwriad i siarad yn y Pwyllgor, a bydd angen ei gadarnhau **o leiaf 3 diwrnod gwaith clir cyn dyddiad y pwyllgor perthnasol**; a
- 19.116.1.3 Fod wedi cyflwyno'r cais i gael ei glywed gan y Pwyllgor Cynllunio gyda'r Adran Gynllunio **o leiaf 3 diwrnod gwaith clir cyn dyddiad cyfarfod perthnasol y Pwyllgor Cynllunio**. Er mwyn osgoi amheuaeth, y cyfarfod perthnasol yw cyfarfod cyntaf y Pwyllgor Cynllunio pan fo'r Cais Cynllunio hwnnw ar yr agenda. Pan fo gwybodaeth ychwanegol yn cael ei chyflwyno, gellir caniatáu sylwadau ychwanegol yn ôl disgrisiwn y Cadeirydd mewn ymgynghoriad â'r Is-gadeirydd mewn cyfarfod dilynol.

YN AMODOL BOB AMSER ar yr hyn a ganlyn:

- 19.116.1.4 Pan fo mwy nag un person neu gorff (ac eithrio ymgynghorai statudol) wedi cyflwyno gwrthwynebiad i gais cynllunio (fel y nodir yn Rheol 19.114.1 uchod) a phan fo Cadeirydd y Pwyllgor Cynllunio mewn ymgynghoriad â'r Is-gadeirydd yn dod i'r casgliad bod sylwedd y gwrthwynebiad gan y bobl hynny yr un fath neu'n debyg, yna dim ond un person o'r fath sy'n gwrthwynebu fydd yn cael arfer yr hawl i siarad yn erbyn y cais yn unol â'r Gweithdrefnau Siarad Cyhoeddus, a'r unigolyn y cytunir arno gan yr holl Wrthwynebwyr sydd wedi codi'r un gwrthwynebiad neu wrthwynebiad tebyg fydd y person hwnnw, neu yn absenoldeb cytundeb o'r fath yr unigolyn a gyflwynodd wrthwynebiad ysgrifenedig i'r Adran Gynllunio yn gyntaf.

- 19.116.1.5 Pan, mewn cysylltiad â'r sefyllfa uchod, fo Cadeirydd y Pwyllgor Cynllunio mewn ymgynghoriad â'r Is-gadeirydd yn dod i'r casgliad bod gwahanol bobl neu gyrff wedi gwneud gwrthwynebiad sy'n wahanol o ran sylwedd, bydd pob person neu gorff sy'n gwneud gwrthwynebiad sylweddol gwahanol yn cael arfer yr hawl i siarad yn erbyn y cais cynllunio yn unol â'r Gweithdrefnau Siarad Cyhoeddus.
- 19.116.1.6 Pan fo mwy nag un person neu gorff (ac eithrio ymgynghorai statudol) wedi cyflwyno gwrthwynebiad, bydd yr Arweinydd Proffesiynol—Cynllunio, cyn cyfarfod y Pwyllgor Cynllunio dan sylw, yn hysbysu'r bobl neu'r cyrff (drwy'r modd mwyaf priodol) o gasgliadau'r Cadeirydd a'r Is-gadeirydd ynghylch a yw'r gwrthwynebiad yn wahanol o ran sylwedd ac yn unol â hynny ynghylch yr unigolion a'r cyrff hynny sy'n gallu arfer hawl i siarad o dan y Gweithdrefnau Siarad Cyhoeddus.
- 19.116.2 Bydd **Cyngor Tref neu Gymuned** (drwy ei glerc neu un o'i aelodau a all fod yn Gynghorydd Sir (os yw'n aelod o'r Cyngor Tref neu Gymuned)) yn cael siarad am Gais Cynllunio fel ymgynghorai mewn Pwyllgor Cynllunio pan fo'r Cyngor hwnnw wedi cyflwyno cais i gael ei glywed gan y Pwyllgor Cynllunio gyda'r Adran Gynllunio **o leiaf 3 diwrnod gwaith clir cyn dyddiad cyfarfod perthnasol y Pwyllgor Cynllunio.** (Bydd angen i Gyngor Tref neu Gymuned gofrestru "bwriad i siarad" pan wneir cyflwyniad i'r Cyngor h.y. hysbysiad uwch o fwriad i siarad yn y Pwyllgor) a bydd angen ei gadarnhau **o leiaf 3 diwrnod gwaith clir cyn dyddiad y pwyllgor perthnasol.** Er mwyn osgoi amheuaeth:
- 19.116.2.1 y cyfarfod perthnasol yw cyfarfod cyntaf y Pwyllgor Cynllunio pan fo'r Cais Cynllunio hwnnw ar yr agenda. Pan fo gwybodaeth ychwanegol yn cael ei chyflwyno, gellir caniatáu sylwadau ychwanegol yn ôl disgresiwn y Cadeirydd mewn ymgynghoriad â'r Is-gadeirydd mewn cyfarfod dilynol.
- 19.116.2.2 Ni chaiff y Cynghorydd Sir sy'n dewis siarad ar ran Cyngor Tref neu Gymuned fod yn Gynrychiolydd Lleol hefyd.
- 19.116.3 Bydd Cynghorydd/Cynghorwyr sy'n arfer swyddogaeth **Cynrychiolydd/Cynrychiolwyr Lleol** [gan gynnwys cynghorydd a benodir i ymgymryd â'r swyddogaeth hon gan gynghorydd arall sydd â buddiant rhagfarnus sylweddol yn unol â Rheol 19.68] yn cael

siarad mewn cysylltiad â Chais Cynllunio mewn Pwyllgor Cynllunio pan fo'r Cynghorydd/Cynghorwyr hynny wedi cyflwyno cais i gael eu clywed gan y Pwyllgor Cynllunio gyda Chynllunio **o leiaf 3 diwrnod gwaith clir cyn dyddiad cyfarfod perthnasol y Pwyllgor Cynllunio oni bai bod y Cynghorydd hwnnw wedi Galw'r cais i Mewn ac os felly mae gan y Cynghorydd hawl awtomatig i siarad o dan Reol 19.40.** Er mwyn osgoi amheuaeth, y cyfarfod perthnasol yw cyfarfod cyntaf y Pwyllgor Cynllunio pan fo'r Cais Cynllunio hwnnw ar yr agenda. Pan fo gwybodaeth ychwanegol yn cael ei chyflwyno, gellir caniatáu sylwadau ychwanegol yn ôl disgresiwn y Cadeirydd mewn ymgynghoriad â'r Is-gadeirydd mewn cyfarfod dilynol.

- 19.116.4 Bydd yr **Ymgeisydd** yn cael siarad (os yw'n dymuno) pan fo Gwrthwynebydd, Cyngor Tref neu Gymuned neu Gynrychiolydd Lleol wedi siarad.

GWEITHDREFNAU SIARAD CYHOEDDUS

19.117 Pan fo Gwrthwynebydd, a/neu gynrychiolydd Cyngor Tref neu Gymuned, a/neu Gynghorydd/Cynghorwyr mewn swyddogaeth Cynrychiolydd Lleol wedi cydymffurfio'n briodol â'r darpariaethau uchod sy'n galluogi'r unigolyn neu'r Cyngor hwnnw i siarad mewn cyfarfod Pwyllgor Cynllunio mewn cysylltiad â Chais Cynllunio penodol, yna bydd y gweithdrefnau i'w dilyn mewn cyfarfod Pwyllgor Cynllunio fel a ganlyn.

19.117.1 Bydd y Cadeirydd yn amlinellu'r gweithdrefnau hyn yn gryno sy'n rhoi'r hawl i Gynghorydd/Cynghorwyr sy'n gweithredu fel Cynrychiolydd/Cynrychiolwyr Lleol, Gwrthwynebwyd, a chynrychiolwyr Cynghorau Tref a Chymuned annerch y Pwyllgor, a hawl i'r ymgeisydd ymateb.

19.117.2 Cyn cyflwyno eu sylwadau i'r Pwyllgor Cynllunio, bydd yr unigolion hyn yn eistedd yn yr oriel gyhoeddus neu'n aros y tu allan i'r ystafell gyfarfod.

19.117.3 At ddibenion cyflwyno ei sylwadau i'r Pwyllgor Cynllunio, gwahoddir unigolyn sydd â hawl i annerch y Pwyllgor Cynllunio o dan y darpariaethau hyn gan y Cadeirydd i gymryd sedd a ddyrennir at y diben hwn lle bydd meicroffon ar gael. Bydd uchafswm terfyn amser o 5 munud ar gael ar gyfer pob cyflwyniad a fydd yn cael ei gadw'n llym ac eithrio ar gyfer:

19.117.3.1 mewn ceisiadau pan fo nifer o siaradwyr yn gwrthwynebu'r cais, bydd yr Ymgeisydd yn cael yr un amser cyfanredol â'r Gwrthwynebwyd.

19.117.3.2 Mewn Ceisiadau Cynllunio y mae'r Arweinydd Proffesiynol—Cynllunio yn eu dosbarthu fel ceisiadau mawr, bydd uchafswm terfyn amser o 8 munud yn berthnasol, ond bydd hyn yn ddarostyngedig i Reol 19.117.3.1 uchod (e.e. **y ceisiadau hynny sydd â Chod Ystadegau Cynllunio y Swyddfa Gymreig (WOPS) 1 i 6 cynhwysol ynghyd ag unrhyw gais sy'n destun**

Datganiad Effaith Amgylcheddol (asesiad o'r effaith amgylcheddol).

- 19.117.4 Ni chaiff y rhai sy'n gwneud cyflwyniadau ofyn cwestiynau i'w gilydd, i aelodau o'r Pwyllgor nac i swyddogion
- 19.117.5 Rhaid i'r unigolion hynny sy'n cyflwyno sylwadau o dan y darpariaethau hyn osgoi gwneud sylwadau personol neu ddifriol, cyfyngu eu cyflwyniad i faterion cynllunio perthnasol ac ni wnânt ddefnyddio cynlluniau, ffotograffau na deunydd arddangos arall (ond cânt gyfeirio at gynlluniau, dogfennau ac ati a gynhwysir yn y deunydd cais ffurfiol i'w ystyried gan y Pwyllgor).
- 19.117.6 Ar ddiwedd pob cyflwyniad, bydd yr unigolyn sy'n gwneud y cyflwyniad yn eistedd yn yr oriel gyhoeddus neu'n gadael yr ystafell gyfarfod **AR YR AMOD BOB AMSER** fod Cynrychiolydd Lleol sydd hefyd yn Gynghorydd â Buddiant Rhagfarnus ar ôl cwblhau ei gyflwyniad i'r Pwyllgor ac wedi ateb unrhyw gwestiynau (oni bai ei fod wedi cael goddefeb gan y Pwyllgor Safonau i aros drwy gydol y trafodion) yn gadael yr ystafell neu'r siambr ar unwaith lle y cynhelir y cyfarfod.
- 19.117.7 Bydd y drefn y bydd unigolion yn arfer eu hawl i gyflwyno sylwadau i Bwyllgor Cynllunio fel a ganlyn:
- 19.117.7.1 Y Cynrychiolydd/Cynrychiolwyr Lleol.
 - 19.117.7.2 Cynrychiolydd/Cynrychiolwyr Cyngor Tref neu Gymuned.
 - 19.117.7.3 Gwrthwynebydd/Gwrthwynebwyr sydd â hawl i siarad o dan Reol 19.115.1.
 - 19.117.7.4 Ymgeisydd a/neu Asiant(au).
 - 19.117.7.5 Yr Arweinydd Proffesiynol—Cynllunio
- AR YR AMOD BOB AMSER** nad oes rheidrwydd ar yr Ymgeisydd i arfer hawl i ymateb i sylwadau/gwrthwynebiad a wneir i'r pwyllgor os nad yw'n dymuno gwneud hynny.
- 19.117.8 Er mwyn osgoi amheuaeth
- 19.117.8.1 pan fo Ymgeisydd yn arfer yr hawl i ymateb i sylwadau/gwrthwynebiad, bydd y terfynau amser a'r gweithdrefnau eraill y cyfeirir atynt yn Rheolau 19.117.3, 19.117.3.1 a 19.117.3.2 uchod yn gymwys.
 - 19.117.8.2 Nid oes gan Ymgeisydd hawl i gyflwyno sylwadau i Bwyllgor Cynllunio yn absenoldeb cyflwyniadau gan y Cynrychiolydd/Cynrychiolwyr Lleol, a/neu gynrychiolwyr Cyngorau Tref neu Gymuned, a/neu Wrthwynebydd.
 - 19.117.8.3 Mewn cysylltiad â chynigion lle bo ceisiadau dyblyg wedi eu cyflwyno neu nifer o geisiadau cysylltiedig sy'n ymwneud â'r un safle, bernir bod

- y rhain yn ymwneud ag un datblygiad cyffredinol a dehonglir yr hawliau i annerch y Pwyllgor yn unol â hynny.
- 19.117.8.4 Os caiff sylwadau eu gwneud gan Gyngorydd sy'n gweithredu fel Cynrychiolydd Lleol/Gwrthwynebydd/cynrychiolydd Cyngor Tref neu Gymuned/Ymgeisydd mewn cyfarfod Pwyllgor Cynllunio a bod y mater yn cael ei ohirio tan gyfarfod dilynol, yna **ni fydd gan unrhyw un o'r unigolion hyn yr hawl i ailgyflwyno sylwadau llafar i'r cyfarfod sy'n ailymgynnull a dim ond yn ysgrifenedig y bydd unrhyw sylwadau pellach yn cael eu gwneud. Fodd bynnag, caniateir siarad yn gyhoeddus a sylwadau ychwanegol yn ôl disgrisiwn y Cadeirydd mewn ymgynghoriad â'r Is-Gadeirydd yn y cyfarfod dilynol pan fo newid mewn amgylchiadau.**
- 19.117.8.5 Ni fydd Cyngorydd sy'n dewis bod yn Gynrychiolydd Lleol yn cyflwyno sylwadau ar ran Cyngor Tref na Chymuned hefyd o dan y Gweithdrefnau Siarad Cyhoeddus a nodir uchod.
- 19.117.8.6 Ni fydd Cyngorydd sy'n Wneuthurwr Penderfyniadau yn cyflwyno sylwadau ar ran Cyngor Tref na Chymuned o dan y Gweithdrefnau Siarad Cyhoeddus a nodir uchod.
- 19.117.8.7 Disgwylir i siarad cyhoeddus ddigwydd yn y cyfarfod cyntaf lle y penderfynir ar y cais oni bai bod y cais yn cael ei ohirio, bod cyfarfod ar y safle yn cael ei argymhell neu os oes gwybodaeth ychwanegol yn cael ei chyflwyno, ac os felly gellir caniatáu sylwadau ychwanegol yn ôl disgrisiwn y Cadeirydd mewn ymgynghoriad â'r Is-gadeirydd.
- 19.117.9 Yn dilyn cyflwyniadau llafar gan unigolion o dan y darpariaethau uchod, bydd Cadeirydd y Pwyllgor Cynllunio yn gwahodd yr Arweinydd Proffesiynol—Cynllunio (os yw'n dymuno) i ymateb yn ôl yr angen i'r cyflwyniadau hynny cyn bwrw ymlaen â'i gyflwyniad o'r cais yn y ffordd arferol, **gan gynnwys, fel y bo'n briodol, yr wybodaeth ddiweddaraf i'r Pwyllgor ynghylch unrhyw ohebiaeth neu wybodaeth ychwanegol a dderbyniwyd ers cyhoeddi papurau Agenda y Pwyllgor.**
- 19.117.10 Bydd yr Arweinydd Proffesiynol—Cynllunio yn cadw cofnod o'r holl hysbysiadau a dderbynnir o dan y darpariaethau hyn.
- 19.117.11 Mewn cyfarfod Pwyllgor Cynllunio lle y cyflwynir sylwadau o dan y darpariaethau hyn mewn cysylltiad â Chais Cynllunio penodol, dylid gwneud pob ymdrech i ymdrin â'r cais hwnnw cyn gynted â phosibl.

- 19.117.12 Bydd y cynlluniau perthnasol yn cael eu harddangos fel y bo'n briodol a rhoddir disgrifiad o'r cais cyn i unrhyw sylwadau llafar gael eu clywed.
- 19.117.13 Bydd cofnodion y Pwyllgor Cynllunio yn cofnodi derbyn sylwadau a wneir o dan y trefniadau hyn ond ni fyddant yn cofnodi sylwedd y sylwadau.

SWYDDOGAETH A DYLETSWYDDAU CADEIRYDD Y

PWYLLGOR/ETHOLIAD IS-GADEIRYDD Y CADEIRYDD

19.118 Bydd Cadeirydd y Pwyllgor Cynllunio yn gwneud yr hyn a ganlyn:

- 19.118.1 bod yn Gynghorydd a etholir gan y Pwyllgor yng nghyfarfod cyntaf y Pwyllgor yn dilyn Cyfarfod Blynyddol y Cyngor neu mewn cyfarfod cyffredin os bydd swydd wag rhwng Cyfarfodydd Blynyddol.
- 19.118.2 dal swydd tan:
- 19.118.2.1 Gyfarfod Blynyddol y Cyngor Sir nesaf yn dilyn ei benodiad; neu
 - 19.118.2.2 ymddiswyddo o'r swydd; neu
 - 19.118.2.3 cael ei atal dros dro rhag bod yn Gynghorydd o dan Ran III o Ddeddf Llywodraeth Leol 2000 (er y caiff ailafael yn y swydd ar ddiwedd cyfnod yr ataliad dros dro); neu
 - 19.118.2.4 cael ei anghymhwyso rhag bod yn Gynghorydd o dan Ran III o Ddeddf Llywodraeth Leol 2000; neu
 - 19.118.2.5 bydd y Cyngor yn pasio pleidlais o ddiffyg hyder yng Nghadeirydd y Pwyllgor Cynllunio yn dilyn Hysbysiad ar Gynnig; neu
 - 19.118.2.6 nid yw'n Gynghorydd mwyach;

pa un bynnag a fydd yn digwydd gyntaf.

ETHOL IS-GADEIRYDD

19.119 Bydd Is-gadeirydd y Pwyllgor Cynllunio yn gwneud yr hyn a ganlyn:

- 19.119.1 bod yn Gynghorydd a etholwyd i'r swydd honno gan y Pwyllgor Cynllunio yng nghyfarfod cyntaf y Pwyllgor yn dilyn Cyfarfod Blynyddol y Cyngor, neu os bydd swydd wag, yng nghyfarfod cyfleus nesaf y Pwyllgor sy'n dilyn y swydd wag.
- 19.119.2 dal swydd tan:
- 19.119.2.1 gyfarfod cyntaf y Pwyllgor Cynllunio sy'n dilyn Cyfarfod Blynyddol nesaf y Cyngor Sir ar ôl i'r Cynghorydd gael ei benodi; neu

- 19.119.2.2 ymddiswyddo o'r swydd; neu
- 19.119.2.3 cael ei atal dros dro rhag bod yn Gyngorydd o dan Ran III o Ddeddf Llywodraeth Leol 2000 (er y caiff ailafael yn y swydd ar ddiwedd cyfnod yr ataliad dros dro); neu
- 19.119.2.4 cael ei anghymhwyso rhag bod yn Gyngorydd o dan Ran III o Ddeddf Llywodraeth Leol 2000; neu
- 19.119.2.5 os bydd y Cyngor yn pasio pleidlais o ddiffyg hyder yn Is-gadeirydd y Pwyllgor Cynllunio yn dilyn Hysbysiad ar Gynnig; neu
- 19.119.2.6 nid yw'n Gyngorydd mwyach;

pa un bynnag a fydd yn digwydd gyntaf.

CADEIRIO'R PWYLLGOR CYNLLUNIO

19.120 Yn absenoldeb y Cadeirydd am gyfarfod cyfan neu ran o gyfarfod Pwyllgor Cynllunio, bydd yr Is-gadeirydd yn llywyddu. Os bydd yr Is-gadeirydd yn absennol, bydd y Pwyllgor Cynllunio yn dewis un o'i nifer sy'n bresennol i llywyddu fel Cadeirydd yn y cyfarfod hwnnw neu ran ohono nes bod y Cadeirydd (neu'r Is-gadeirydd) yn dychwelyd i'r cyfarfod.

CYFRIFOLDEB Y CADEIRYDD SY'N LLYWYDDU MEWN CYFARFOD PWYLLGOR CYNLLUNIO

19.121 Bydd gan y Cyngorydd sy'n llywyddu fel Cadeirydd mewn cyfarfod Pwyllgor Cynllunio y cyfrifoldebau cyffredinol a ganlyn:-

- 19.121.1 llywyddu'r cyfarfod fel y gellir cyflawni busnes y Pwyllgor yn effeithlon a chan roi sylw priodol i hawliau Cyngorwyr, Ymgeiswyr, Gwrthwynebwyr, swyddogion a buddiannau'r gymuned yn ei chyfanrwydd.
- 19.121.2 sicrhau bod cyfarfod y Pwyllgor yn cael ei gynnal yn briodol fel fforwm ar gyfer trafodaeth ar geisiadau cynllunio.
- 19.121.3 sicrhau y cynhelir busnes y cyfarfod yn unol â'r darpariaethau perthnasol a gynhwysir yng Nghyfansoddiad y Cyngor, Cod Ymddygiad yr Aelodau, y Protocol ar Gysylltiadau Aelodau/Swyddogion, a'r Protocol hwn; ac yn benodol, bydd ganddo'r dyletswyddau, y rhwymedigaethau a'r cyfrifoldebau a ganlyn:
 - 19.121.3.1 ar ddechrau'r cyfarfod:
 - (a) gofyn am ddatganiadau o fuddiannau gan aelodau'r Pwyllgor ynghylch yr eitemau i'w hystyried ar yr agenda;
 - (b) derbyn hysbysiad bod Aelod o'r Pwyllgor Cynllunio yn aelod o Gyngor Tref a Chymuned, ac mewn cysylltiad â chais i'w ystyried gan y Pwyllgor Cynllunio p'un a wnaeth:

- (i) gymryd rhan mewn cyfarfod Cyngor Tref a Chymuned lle ystyriwyd y cais—ac os felly, dim ond Swyddogaeth Cynrychioliadol Lleol y caiff ei chymryd; neu
 - (ii) adael yr ystafell yn ystod y cyfarfod Cyngor Tref a Chymuned lle ystyriwyd y cais—ac os felly, fe gaiff barhau i ymgymryd â Swyddogaeth Gwneuthurwr Penderfyniadau.
- (c) derbyn datganiadau gan aelodau'r Pwyllgor y byddant yn gweithredu fel Cynrychiolydd Lleol mewn cysylltiad â chais unigol y mae'r Pwyllgor yn ei ystyried;
- (d) derbyn manylion y Cynghorwyr (nad ydynt yn aelodau o'r Pwyllgor) a fydd yn gweithredu fel Cynrychiolydd Lleol mewn cysylltiad â chais unigol y mae'r Pwyllgor yn ei ystyried.
- 19.121.3.2 cyn ystyried pob cais i alw rhif y cais (ac ar hyn, bydd unrhyw Gynghorydd sy'n ymgymryd â swyddogaeth Cynrychiolydd Lleol mewn cysylltiad â'r cais hwnnw, ac sy'n aelod o'r pwyllgor, yn gadael i'r oriel gyhoeddus a bydd ymadawiad y Cynrychiolydd Lleol yn cael ei gofnodi yng nghofnodion y pwyllgor);
- 19.121.3.3 newid, os oes angen, y drefn y bydd y pwyllgor yn ystyried ceisiadau cynllunio fel y bo'n ymarferol fel bod Ceisiadau Cynllunio lle bydd aelodau'r Pwyllgor Cynllunio; yn ymgymryd â swyddogaeth Cynrychiolydd Lleol yn cael eu trin yn gyntaf;
- 19.121.3.4 cyflwyno pob eitem ar y rhaglen sydd i'w drafod neu er gwybodaeth; a
- 19.121.3.5 adrodd pan fo archwiliad safle wedi digwydd.
- 19.121.3.6 yn dilyn cyflwyniad y swyddog sy'n ymwneud â Chais Cynllunio, hwyluso dadl y Cynghorwyr a'u galluogi i gymryd rhan yn y drafodaeth yn y drefn y maent yn cydnabod eu bod yn dymuno siarad ynddi;
- 19.121.3.7 ystyried a ddylid caniatáu i swyddog o'r Cyngor, ac eithrio swyddog cynllunio, annerch y Pwyllgor Cynllunio neu ateb cwestiynau a sicrhau mai dim ond swyddogion o'r fath y mae'n credu sy'n angenrheidiol sy'n gwneud hynny (gan gydnabod nad yw

- swyddogion o'r fath yn arfer annerch y Pwyllgor nac ateb cwestiynau);
- 19.121.3.8 ystyried a ddylid caniatáu i gynrychiolydd ymgynghorai statudol annerch y Pwyllgor Cynllunio neu ateb cwestiynau a sicrhau mai dim ond cynrychiolwyr o'r fath y mae'n credu sy'n angenrheidiol sy'n gwneud hynny (gan gydnabod nad yw cynrychiolwyr o'r fath yn arfer annerch y Pwyllgor nac ateb cwestiynau);
- 19.121.3.9 peidio â gwahaniaethu rhwng Cynghorwyr (mae Aelodau'r Pwyllgor Cynllunio yn cynrychioli cymuned gyfan Powys) a pheidio â rhoi unrhyw driniaeth ffafriol neu freintiau arbennig i Gynghorydd ar y sail mai ef yw'r Cynghorydd adran etholiadol lleol ar gyfer y cais;
- 19.121.3.10 sicrhau cyn belled ag y bo'n rhesymol y bydd yr holl Gynghorwyr a Swyddogion sy'n bresennol yn y cyfarfod yn cadw at ddarpariaethau Cyfansoddiad y Cyngor, Cod Ymddygiad yr Aelodau, y Protocol ar Gysylltiadau Aelodau/Swyddogion, a'r Protocol hwn;
- 19.121.3.11 sicrhau bod y Gwneuthurwyr Penderfyniadau yn ymatal rhag gwneud areithiau ac yn annerch y Pwyllgor ar 'faterion cynllunio' perthnasol yn unig. (Disgwylir i'r Cadeirydd ymyrryd a chwtogi Cynghorwyr sy'n gwneud datganiadau ailadroddus neu amherthnasol);
- 19.121.3.12 pan fo angen ymateb gan swyddogion i sylwadau neu gwestiynau gan Gynghorwyr er mwyn sicrhau bod swyddogion yn cael y cyfle hwnnw;
- 19.121.3.13 disgresiwn cyffredinol mewn cysylltiad â'r protocol mewn ymgynghoriad â'r Arweinydd Proffesiynol—Cynllunio a Swyddogion Cyfreithiol.

DOD Â THRAFODAETHAU I BEN

- 19.121.4 ar ddiwedd y drafodaeth sy'n ymwneud â Chais Cynllunio penodol, ni fydd y Cadeirydd yn crynhoi ond bydd yn gofyn i'r Cynghorwyr hynny ar y Pwyllgor Cynllunio sy'n arfer swyddogaeth y Gwneuthurwr Penderfyniadau symud ac eilio cynigion ac unrhyw welliannau, a phleidleisio arnynt (gan wneud gwelliannau yn gyntaf);
- 19.121.5 sicrhau bod pleidleisiau'n cael eu cofnodi'n gywir a bod y canlyniad yn cael ei gyfleu'n glir i'r cyfarfod fel nad oes amheuaeth am y canlyniad;
- 19.121.6 dyfarnu ar bob cwestiwn o ran gweithdrefn a phroses yng nghyfarfod y Pwyllgor (bydd penderfyniad y Cadeirydd yn derfynol ac nid yw'n agored i'w drafod);
- 19.121.7 sicrhau bod pob Cynghorydd yn rhoi sylw priodol i'r cyngor a roddir gan swyddogion yng nghyfarfod y Pwyllgor.

SWYDDOGAETH SWYDDOGION WRTH GEFNOGI'R CADEIRYDD

19.122 Bydd yr Arweinydd Proffesiynol, Cyfreithiol a'r Arweinydd Proffesiynol—Cynllunio a'r swyddogion perthnasol sy'n eu cynrychioli yn rhoi cyngor proffesiynol i'r Cynghorydd sy'n llywyddu fel Cadeirydd cyfarfod Pwyllgor Cynllunio er mwyn cynorthwyo'r Cadeirydd i gyflawni dyletswyddau'r swydd ac yn benodol bydd swyddogion yn rhoi cyngor fel a ganlyn:

- 19.122.1 mewn cyfarfodydd cyn y Pwyllgor fel bod y Cadeirydd a'r Is-gadeirydd yn cael eu cyfarwyddo'n llawn ar faterion a allai godi mewn cyfarfodydd;
- 19.122.2 mewn unrhyw gyfarfodydd ôl-bwyllgor (os yw'n berthnasol);
- 19.122.3 yn ystod cyfarfodydd y Pwyllgor pan fo cwestiynau'n cael eu cyfeirio at y Cadeirydd i gael ymateb.

PARCH I SWYDD Y CADEIRYDD

19.123 Bydd pob Cynghorydd a swyddog yn parchu swydd y Cadeirydd.

CYNLLUNIO

YMDDYGIAD SWYDDOGION

19.124 Arweinir swyddogion sy'n Gynllunwyr Tref Siartredig gan God Ymddygiad Proffesiynol y Sefydliad Cynllunio Trefol Brenhinol. Rhaid i bob swyddog, boed yn aelodau o'r Sefydliad ai peidio, gadw at yr un egwyddorion, sef yr hyn a ganlyn:

- 19.124.1 gweithredu gyda chymhwyster, gonestrwydd ac uniondeb;
- 19.124.2 arfer eu barn broffesiynol annibynnol yn ddi-ofn ac yn ddiuedd hyd eithaf eu medr a'u dealltwriaeth;
- 19.124.3 cyflawni eu dyletswydd i'w cyflogwyr, eu cleientiaid, eu cydweithwyr ac eraill sydd â gofal a diwydrwydd dyladwy yn unol â darpariaethau'r Cod Ymddygiad Cynllunio hwn;
- 19.124.4 Ni fydd yn dwyn anfri ar y proffesiwn na'r Sefydliad Cynllunio Trefol Brenhinol;
- 19.124.5 peidio â datgelu neu ddefnyddio er eu budd eu hunain na wybodaeth yr Awdurdod a gafwyd yn gyfrinachol yn ystod eu gwaith;
- 19.124.6 gwrthod unrhyw ddisgownt, rhoddion neu gomisiynau a gynigir gan unrhyw drydydd parti mewn cysylltiad â'u gwaith fel cynllunwyr proffesiynol.

19.125 Dylai unrhyw swyddog sy'n cefnogi neu'n cynghori'r Pwyllgor Cynllunio, os oes ganddo fuddiant personol a rhagfarnus mewn cysylltiad â chais sy'n cael ei ystyried, ddatgelu'r buddiant yn y cyfarfod a gadael yr ystafell tra bo'r cais yn cael ei ystyried.

PERTHYNAS RHWNG CYNGHORWYR A SWYDDOGION

19.126 Er mwyn meithrin perthynas broffesiynol ymroddedig rhwng swyddogion cynllunio a chynghorwyr, bydd y naill yn parchu ac yn ystyried

y swyddogaethau y mae'r ddau ohonynt yn eu chwarae yn y broses o wneud penderfyniadau. Mae gan gynghorwyr a swyddogion swyddogaethau gwahanol, ond mae'r naill yn gymar i'r llall. Mae'r ddau yn gwasanaethu'r cyhoedd ond mae Cynghorwyr yn gyfrifol i'r etholwyr, ac mae swyddogion yn gyfrifol i'r Cyngor yn ei gyfanrwydd. Rhaid i swyddogion weithredu yn unol â'u codau ymddygiad proffesiynol. O ganlyniad, cyflwynir safbwyntiau, barnau ac argymhellion swyddogion cynllunio ar sail eu rhwymedigaeth gyffredinol o annibyniaeth broffesiynol, a allai weithiau fod yn groes i safbwyntiau, barnau neu benderfyniadau'r Pwyllgor neu ei aelodau. Hefyd, dylai swyddogion ystyried a chydymffurfio â'r Protocol ar Gysylltiadau Aelodau/Swyddogion (Cyfansoddiad y Cyngor, Adran 21).

ADRODDIADAU A CHYFLWYNIADAU I'R PWYLLGOR CYNLLUNIO

19.127 Bydd yr adroddiad gan yr Arweinydd Proffesiynol—Cynllunio i'r Pwyllgor Cynllunio mewn cysylltiad â Chais Cynllunio:

- 19.127.1 yn adroddiad sy'n seiliedig ar farn broffesiynol swyddogion cynllunio;
- 19.127.2 yn cynnwys arsylwadau, argymhellion a sylwadau ymgynghorwyr, Gwrthwynebwyr ac eraill gan gynnwys adrannau eraill y Cyngor;
- 19.127.3 yn cael ei gefnogi gan ddefnyddio ffotograffau llonydd, fideo ac ati, i gynorthwyo Cynghorwyr i benderfynu ar y cais hwnnw (h.y. i ddarparu golwg gytbwys o'r safle, gan gynnwys golwg 360° o'r safle, cyfuchliniau a thopograffeg) a fydd yn cynnwys pwyntiau a materion a godwyd gan y Cynghorydd ar gyfer yr adran etholiadol dan sylw a mynd i'r afael ac ymdrin â'r arsylwadau, yr argymhellion, sylwadau adrannau eraill y Cyngor.

19.128 Efallai na fydd argymhellion mewn adroddiad o'r fath yn cyd-fynd bob amser â safbwyntiau a barnau unigolion, grwpiau, ymgynghoreion statudol ac ati. Fodd bynnag, bydd yr adroddiad yn dilyn y Protocol hwn bob amser. Bydd Cynghorydd sy'n gweithredu fel Gwneuthurwr Penderfyniadau yn parchu'r cyngor a roddir gan swyddogion cynllunio yn y Pwyllgor neu wrth ymdrin â cheisiadau dirprwyedig ac ni ddylai lloïo, ceisio dylanwadu na phwyso ar swyddog cynllunio am argymhelliad neu benderfyniad penodol.

TRAFODAETHAU CYN YMGEISIO A CHYN PENDERFYNU GAN SWYDDOGION GYDAG YMGEISWYR AC ATI

- 19.129 Mewn unrhyw drafodaethau sy'n ymwneud â'r Arweinydd Proffesiynol—Cynllunio neu aelod o'i adran ynghylch datblygiad arfaethedig neu faterion cynllunio eraill, bydd yn cael ei gwneud yn glir bob amser ar y dechrau, na fydd trafodaethau o'r fath yn rhwymo'r awdurdod cynllunio lleol i wneud penderfyniad penodol, a bod unrhyw safbwyntiau a fynegir yn seiliedig ar ddyfarniad proffesiynol dros dro y swyddogion ond nad ydynt yn ymrwmo'r awdurdod cynllunio lleol i unrhyw benderfyniad penodol.
- 19.130 Bydd unrhyw gyngor a roddir gan yr Arweinydd Proffesiynol—Cynllunio neu aelod o'i adran yn gyson ac yn seiliedig ar y Cynllun Datblygu ac ystyriaethau perthnasol eraill. Hefyd, bydd unrhyw gyngor a roddir yn ddiduedd; y gorau y gall y swyddog ei roi o dan yr amgylchiadau a bydd yn

amlygu unrhyw broblemau ymddangosiadol a, phan fo hynny'n briodol, yn trafod dewisiadau posibl a allai fod yn agored i'r datblygwr neu barti arall i'r trafodaethau.

CYFARFODYDD CYHOEDDUS SY'N YMWNEUD Â CHYNIGION DATBLYGU

19.131 Ni ddylai swyddogion sy'n ymwneud â phrosesu neu benderfynu ar geisiadau cynllunio neu faterion cynllunio fynd i gyfarfodydd cyhoeddus mewn cysylltiad â chynigion datblygu na cheisiadau cynllunio a gyflwynwyd, oni bai bod y Swyddog Monitro wedi awdurdodi eu presenoldeb. Mewn rhai sefyllfaoedd, gallai presenoldeb swyddogion mewn cyfarfodydd o'r fath arwain at honiadau o ragfarn mewn cysylltiad â safbwynt penodol. Os caniateir iddynt fynd i'r cyfarfodydd hynny, dylai swyddogion gymryd gofal mawr i barhau i fod yn ddiduedd, canolbwyntio ar ddarparu gwybodaeth ffeithiol, gwrando ar sylwadau ac osgoi rhoi safbwyntiau ar rinweddau neu agweddau eraill ar y cynnig.

RHODDION A LLETYGARWCH

19.132 Yn ystod eu dyletswyddau, gallai swyddogion gael cynnig lletygarwch gan bobl sydd â buddiant mewn cynnig cynllunio. Dylai swyddogion wrthod cynigion o roddion a lletygarwch yn unol â pholisi y Cyngor. Rhaid i swyddogion gofnodi unrhyw gynigion lletygarwch a wrthodir mewn cofrestr a gedwir gan yr Arweinydd Proffesiynol—Cynllunio.

CADW COFNODION

19.133 Bydd pob ffeil gynllunio (gan gynnwys un sy'n ymwneud â mater gorfodi) yn cynnwys cofnod cywir o ddigwyddiadau drwy gydol ei hoes, gan gynnwys cofnodion a nodiadau cyfarfodydd o'r holl ddisgrifiadau. Fel y bo'n briodol, bydd y swyddog achos yn ymweld â phob safle y mae'r ffeil yn ymwneud ag ef a bydd cofnod yn cael ei gadw ar ffeil. Bydd rheolwyr ac arweinwyr tîm yn yr Adran Gynllunio yn monitro'r cofnodion a gedwir yn rheolaidd.

PENDERFYNIADAU A WNEIR GAN YR ARWEINYDD PROFFESIYNOL—CYNLLUNIO

19.134 Mae Adran 13 (Cyfrifoldeb am Swyddogaethau) yn pennu'r Swyddogaethau Cynllunio hynny y mae'r Arweinydd Proffesiynol—Cynllunio yn gyfrifol amdanynt.

GWNEUD PENDERFYNIADAU DIRPRWYEDIG

19.135 Wrth benderfynu ar Geisiadau Cynllunio o dan y pwerau dirprwyedig, bydd yr Arweinydd Proffesiynol—Cynllunio yn rhoi sylw i:

19.135.1 Egwyddorion Penderfynu y Pwyllgor Cynllunio;

19.135.2 yr angen i sicrhau bod Cynghorwyr yn cael gwybod am Geisiadau Cynllunio o'r fath sy'n ymwneud â'u hadran etholiadol neu sy'n effeithio arni;

19.135.2.1 pan maent yn cael eu cyflwyno;

19.135.2.2 pan maent yn cael eu cymeradwyo neu eu gwrthod (ynghyd ag adroddiad y swyddog).

19.13353 y gofyniad i'r rheolwr llinell perthnasol gydfodnodi adroddiadau swyddogion achos ar benderfyniadau dirprwyedig.

19.136 Pan fo gan yr Arweinydd Proffesiynol—Cynllunio wrthdaro buddiannau mewn cysylltiad â chais cynllunio y mae angen penderfynu arno o dan y Cynllun Dirprwy, bydd 2 Brif Swyddog Cynllunio yn penderfynu ar y cais hwnnw yn ei le.

CEISIADAU CYNLLUNIO A GYFLWYNIR GAN SWYDDOGION NEU GAN BERTHYNAS NEU GYFAILL AGOS I SWYDDOG SYDD YN YR ADRAN GYNLLUNIO

19.137 Gall cynigion datblygu gan swyddogion Cynllunio a'u perthnasau a'u cyfeillion agos arwain at amheuan o amhriodoldeb yn hawdd. Mae'n hanfodol eu bod yn cael eu trin mewn ffordd nad yw'n rhoi unrhyw sail dros gyhuddiadau o ffafriaeth.

19.138 Ni fydd unrhyw aelod o staff yn yr Adran Gynllunio yn paratoi cynlluniau nac yn gweithredu fel asiant ar gyfer unrhyw berson na chorff (gan gynnwys eu hunain, aelodau o'u teulu eu hunain) sy'n dilyn cais cynllunio neu fater cynllunio gyda'r Cyngor. Os bydd swyddog o'r fath yn cyflwyno ei gais ei hun, ni fydd yn cymryd unrhyw ran wrth brosesu'r cais hwnnw a rhaid iddo benodi Asiant neu Gynrychiolydd. Bydd cynigion o'r fath yn cael eu hadrodd i'r Pwyllgor Cynllunio i'w hystyried ac i'w penderfynu arnynt. Rhaid i Gyfreithiwr y Pwyllgor Cynllunio gadarnhau y cydymffurfiwyd â'r gofynion hyn.

19.139 Rhaid i Gais Cynllunio gan swyddog yn yr Adran Gynllunio neu gan berthynas neu gyfaill agos i swyddog o'r fath gael ei brosesu gan swyddog arall ac yn unol â Rheol 19.140.

19.140 Pan wneir Cais Cynllunio gan berthynas neu gyfaill agos i swyddog yn yr Adran Gynllunio, bydd y Swyddog yn rhoi gwybod i'r Arweinydd Proffesiynol—Cynllunio am gyflwyniad y cais hwnnw, a'r berthynas sydd rhwng y swyddog a'r unigolyn hwnnw. Yr Arweinydd Proffesiynol—Cynllunio fydd yn penderfynu a fyddai natur y berthynas yn cyfiawnhau cyfeirio'r cais fel y gall y Pwyllgor Cynllunio benderfynu arno neu a allai ef benderfynu arno. Dylai Gyfreithiwr Cynllunio y Cyngor gadarnhau i'r Pwyllgor Cynllunio neu'r Arweinydd Proffesiynol—Cynllunio, pa un bynnag sy'n briodol, fod y cais wedi ei brosesu fel arfer ac felly mae'n rhaid rhoi cyfle iddo adolygu'r ffeil.

19.141 Y Pwyllgor Cynllunio fydd yn penderfynu ar Gais Cynllunio a gyflwynir i'r Cyngor gan swyddog yn yr Uwch-dîm Arweinyddiaeth neu unrhyw swyddog arall sydd â chysylltiad rheolaidd â'r Adran Gynllunio yn ystod y broses gynllunio. Os bydd unrhyw amheuaeth, penderfynu ar y mater gan Gyfreithiwr y Pwyllgor Cynllunio mewn ymgynghoriad â Chadeirydd ac Is-gadeirydd y Pwyllgor Cynllunio.

19.142 Dylai unrhyw swyddog sy'n perthyn i Aelod gyfeirio at Reol 19.86 wrth gyflwyno cais cynllunio.

19.143 Ni fydd swyddog (nid yn yr Adran Gynllunio) yn paratoi cynlluniau nac yn gweithredu fel asiant i unrhyw berson na chorff heblaw ef ei hun neu aelodau agos o'i deulu (h.y. priod, partneriaid, rhieni, neiniau a theidiau, plant, brodyr neu chwiorydd).

APELIADAU CYNLLUNIO**GWEITHDREFN AR GYFER YMDRIN AG APELIADAU**

- 19.144 Yr Arweinydd Proffesiynol, Cyfreithiol sy'n gyfrifol am benderfynu pwy ddylai gyflwyno achos mewn apêl/archwiliadau a pha dystion y dylid galw arnynt ar ran yr awdurdod cynllunio ac yn gyffredinol i ofalu am yr Apêl neu'r gwrandawriad, a'i arwain.
- 19.145 Bydd Swyddogion Cyfreithiol a Chynllunio yn trefnu achos y Cyngor ac yn gyffredinol bydd yr olaf yn ymddangos fel tystion mewn ymchwiliadau cynllunio ac achosion eraill ar ran y Cyngor. Mewn rhai amgylchiadau, efallai y bydd angen penodi ymgynghorwyr i ymddangos ar ran y Cyngor, yn enwedig pan fo angen cymorth arbenigol.
- 19.146 Wrth roi tystiolaeth, bydd swyddogion Cynllunio yn cyflwyno'r achos gorau posibl ar ran y Cyngor, gan gydymffurfio hefyd â Chod Ymddygiad Proffesiynol y Sefydliad Cynllunio Trefol Brenhinol.
- 19.147 Pan fo penderfyniad gan y Pwyllgor Cynllunio yn groes i argymhelliad y swyddog yn destun apêl a bod swyddogion wedi hysbysu'r Pwyllgor Cynllunio yn flaenorol nad ydynt yn gallu cyfiawnhau penderfyniadau o'r fath, bydd yr Arweinydd Proffesiynol—Cynllunio yn rhoi hysbysiad o'r apêl i gyfarfod cynllunio nesaf y Pwyllgor Cynllunio.
- 19.148 Pan fo penderfyniad y Pwyllgor Cynllunio sy'n groes i argymhelliad yr Arweinydd Proffesiynol—Cynllunio yn destun apêl a bod y swyddogion wedi rhoi gwybod i'r Pwyllgor yn flaenorol nad ydynt yn gallu cyfiawnhau penderfyniadau o'r fath, efallai y bydd aelodau y Pwyllgor Cynllunio a gefnogodd y penderfyniad yn cael eu galw i gyflwyno tystiolaeth yn yr apêl os yw'r Arweinydd Proffesiynol, Cyfreithiol o'r farn bod hynny'n angenrheidiol. Bydd Cynghorwyr yn cael cymorth wrth baratoi eu cyflwyniadau ar gyfer Ymchwiliad gan swyddogion y Cyngor ei hun neu gan ymgynghorwyr. Bydd yr Arweinydd Proffesiynol, Cyfreithiol yn darparu lefel o gymorth proffesiynol i Gynghorwyr y mae'n ofynnol iddynt gyflwyno apêl i Ymchwiliad Cynllunio.
- 19.149 Bydd yr Arweinydd Proffesiynol—Cynllunio yn adrodd yn rheolaidd ar benderfyniadau apêl
- 19.150 Bydd yr Arweinydd Proffesiynol—Cynllunio yn rhoi gwybod i'r Pwyllgor Cynllunio am ganlyniad penderfyniadau apêl gorfodi.

HYFFORDDIANT**HYFFORDDI CYNGHORWYR Y PWYLLGOR CYNLLUNIO**

- 19.151 Bydd y Cyngor yn sicrhau bod aelodau y Pwyllgor Cynllunio yn cwblhau Hyfforddiant Cynefino yn foddhaol cyn gwasanaethu ar y Pwyllgor Cynllunio ac yn dilyn hyfforddiant ychwanegol/gloywi o bryd i'w gilydd yn unol â rhaglen hyfforddi y cytunir arni gan y Cyngor.
- 19.152 Bydd cofnodion presenoldeb ar gyfer digwyddiadau hyfforddiant cynllunio, yn cael eu monitro. Ni chaiff Aelod sy'n methu â dilyn y sesiynau hyfforddi eistedd ar y Pwyllgor Cynllunio, hyd nes y bydd hyfforddiant o'r fath wedi ei gwblhau. Bydd aelod newydd o'r Cyngor yn dilyn sesiwn hyfforddi cyn y caniateir iddo eistedd ar y Pwyllgor Cynllunio.

HYFFORDDI CYNGHORWYR ERAILL

19.153 Trefnir hyfforddiant priodol ar gyfer Cyngorwyr nad ydynt yn eistedd ar y Pwyllgor Cynllunio yn rheolaidd er mwyn eu galluogi i gyflawni swyddogaeth Cynrychiolydd Lleol yn briodol.

ADOLYGU PENDERFYNIADAU

19.154 Trefnir ymweliadau â safleoedd ceisiadau y mae'r Cyngor wedi eu hystyried yn flaenorol ochr yn ochr ag ymweliadau â safleoedd ceisiadau cyfredol, fel y bo'n briodol. Bydd nodiadau cyfarwyddo yn cael eu paratoi ym mhob achos.

19.155 Cyfyngir presenoldeb yn y safleoedd a adolygir yr ymwelir â nhw i Aelodau y Pwyllgor.

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