



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2009 Rhif 3342 (Cy.293)

2009 No. 3342 (W.293)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Adolygiadau
Amhenderfynedig o Hen
Ganiatadau Mwynau) (Cymru)
2009

The Town and Country Planning
(Environmental Impact
Assessment) (Undetermined
Reviews of Old Mineral
Permissions) (Wales) Regulations
2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae Atodlen 2 i Ddeddf Cynllunio ac Iawndal 1991 ac Atodlenni 13 a 14 i Ddeddf yr Amgylchedd 1995 yn sefydlu gweithdrefn orfodol ar gyfer adolygu'r amodau y bydd hen ganiatadau cynllunio mwynau yn ddarostyngedig iddynt. Mae ceisiadau am adolygiadau yn cael eu gwneud i'r awdurdodau perthnasol ar gyfer cynllunio mwynau ("ceisiadau AHGM") a chaniateir iddynt fod yn destun atgyfeiriad neu apêl at Weinidogion Cymru.

Schedule 2 to the Planning and Compensation Act 1991 and Schedules 13 and 14 to the Environment Act 1995 establish a mandatory procedure for the review of the conditions to which old mineral planning permissions are to be subject. Applications for reviews are made to relevant mineral planning authorities ("ROMP applications") and may be the subject of a referral or appeal to the Welsh Ministers.

Mae'r Rheoliadau hyn yn gweithredu, o ran Cymru, Gyfarwyddeb y Cyngor 85/337/EEC ynghylch asesu effeithiau prosiectau cyhoeddus a phreifat penodol am yr amgylchedd (O.J. Rhif L 175, 5.7.1985, t. 40), fel y'i diwygiwyd gan Gyfarwyddeb y Cyngor 97/11/EC (O.J. Rhif L 73, 14.3.1997, t. 5) a Chyfarwyddeb y Cyngor 2003/35/EC (OJ Rhif L 156, 25.6.2003, t. 17) ("y Gyfarwyddeb") o ran ceisiadau AHGM a gyflwynwyd cyn 15 Tachwedd 2000 ac sydd, ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym, i'w penderfynu gan awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru ("ceisiadau AHGM amhenderfynedig").

These Regulations implement in relation to Wales, Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (O.J. No. L 175, 5.7.1985, p. 40), as amended by Council Directive 97/11/EC (O.J. No. L 73, 14.3.1997, p. 5) and Council Directive 2003/35/EC (OJ No L 156, 25.6.2003, p. 17) ("the Directive") in relation to ROMP applications which were submitted before 15 November 2000 and which, on or after the date on which these Regulations come into force, fall to be determined by a relevant mineral planning authority or the Welsh Ministers ("undetermined ROMP applications").

Mae'r Gyfarwyddeb wedi ei gweithredu, o ran ceisiadau AHGM yng Nghymru a gyflwynwyd ar ôl 15 Tachwedd 2000, gan Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999 (O.S. 1999/293), fel y'u haddaswyd gan

The Directive is implemented in relation to ROMP applications in Wales which were submitted after 15 November 2000 by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999/293), as modified

Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) (Diwygio) 2000 (2000/2867) ("y prif Reoliadau").

Mae'r ddarpariaeth a wneir gan y Rheoliadau hyn yn gwyro o ran rhai pethau oddi ar y ddarpariaeth a wnaed gan y prif Reoliadau. Crynhoir y prif wahaniaethau isod.

Mae Rhan 1 o'r Rheoliadau yn cyflwyno gweithdrefn i ganiatáu i awdurdodau cynllunio mwynau i estyn y cyfnodau amser statudol ar gyfer cydymffurfio â rhwymedigaethau sy'n cael eu gosod gan y Rheoliadau, yn rhoi pŵer i Weinidogion Cymru gyfarwyddo bod ceisiadau yn cael eu hatgyfeirio atynt er mwyn iddynt hwy benderfynu arnynt ac adennill costau oddi wrth awdurdodau cynllunio mwynau mewn achosion penodol.

Mae Rhan 2 yn barnu'n awtomatig fod pob cais AHGM amhenderfynedig yn gais AEA, yn ddarostyngedig i gyfnod o 3 wythnos y gall ceisydd ofyn am benderfyniad sgrinio oddi wrth Weinidogion Cymru.

Mae Rhan 3 yn ei gwneud yn ofynnol i benderfyniad cwmpasu gael ei wneud mewn cysylltiad â phob cais AHGM ac yn ei gwneud yn ofynnol i ddatganiad amgylcheddol ("DA") gael ei gyflwyno ar ffurf drafft i'w wirio cyn ymgynghori.

Mae Rhan 4 yn caniatáu i awdurdodau cynllunio mwynau ac i Weinidogion Cymru alw am wybodaeth bellach neu dystiolaeth ac yn ei gwneud yn ofynnol bod unrhyw wybodaeth o'r fath yn mynd drwy broses gwirio cyn ymgynghori. Mae'r Rhan hon yn ei gwneud yn ofynnol hefyd i awdurdodau cynllunio mwynau a Gweinidogion Cymru roi cyhoeddusrwydd i unrhyw adroddiadau perthnasol neu gyngor perthnasol y byddant wedi eu cael mewn perthynas â cheisiadau AEA cyn i'r Rheoliadau ddod i rym.

Mae Rhan 6 yn ei gwneud yn ofynnol i geiswyr, awdurdodau cynllunio mwynau a Gweinidogion Cymru gyhoeddi unrhyw hysbysiadau ffurfiol a roddir o dan y Rheoliadau.

Mae Rhan 7 yn ymdrin ag atal gorchmynion datblygu mwynau a gorchmynion gwahardd mwynau. Pan fo ceisydd, apelydd neu weithredwr yn methu â chydymffurfio â'r rhwymedigaethau a osodir gan y Rheoliadau, bydd datblygiad mwynau a awdurdodwyr drwy'r caniatâd neu'r caniatadau cynllunio sy'n destun cais AEA wedi ei atal. Pan fo ataliad yn weithredol o dan y Rheoliadau, mae'r Rhan hon yn darparu bod effaith yr ataliad hwnnw yn parhau hyd nes y cydymffurfir â'r holl rwymedigaethau perthnasol.

Mae'r Rhan hon hefyd yn gosod dyletswydd ar awdurdodau cynllunio mwynau i ystyried a ddylent arfer eu swyddogaethau i wneud gorchmynion

by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000 (2000/2867) ("the principal Regulations").

The provision made by these Regulations departs in some respects from that made by the principal Regulations. The main differences are summarised below.

Part 1 of the Regulations introduces a procedure to permit mineral planning authorities to extend the statutory time periods for compliance with obligations imposed by the Regulations, confers power on the Welsh Ministers to direct applications to be referred to them for determination and to recover costs from mineral planning authorities in certain cases.

Part 2 automatically deems all undetermined ROMP applications to be EIA applications, subject to a 3 week period within which an applicant can request a screening decision from the Welsh Ministers.

Part 3 requires a scoping decision to be made in respect of every EIA application and requires an environmental statement ("ES") to be submitted in draft for pre-consultation checking.

Part 4 permits mineral planning authorities and the Welsh Ministers to call for further information or evidence and requires that any such information undergoes pre-consultation checking. This Part also requires mineral planning authorities and the Welsh Ministers to publicise any relevant reports or advice received by them in relation to EIA applications before the Regulations come into force.

Part 6 requires applicants, mineral planning authorities and the Welsh Ministers to publish any formal notifications given under the Regulations.

Part 7 deals with suspension of minerals development and prohibition orders. Where an applicant, appellant or operator fails to comply with the obligations imposed by the Regulations, minerals development authorised by the planning permission or permissions which are the subject of an EIA application is suspended. This Part provides that where a suspension engages under the Regulations, that suspension remains in effect until all relevant obligations have been complied with.

This Part also imposes a duty on mineral planning authorities to consider whether to exercise their prohibition order-making functions under paragraph 3

gwahardd o dan baragraff 3 o Atodlen 9 i Ddeddf Cynllunio Gwlad a Thref 1990 mewn achosion lle mae datblygiad mwynau wedi ei atal am ddwy flynedd ac na chydymffurfiwyd eto â rhwymedigaethau perthnasol o dan y Rheoliadau hyn. At ddibenion y ddyletswydd hon, mae'r Rhan hon yn addasu Atodlen 9 i Ddeddf 1990 fel bod rhaid i awdurdodau cynllunio mwynau ragdybio bod datblygiad mwynau wedi peidio'n barhaol ar ôl ataliad o ddwy flynedd os cânt eu bodloni y byddai'n annhebyg i ddatblygiad mwynau cyfreithlon ailgychwyn i unrhyw raddau sylweddol.

Mae asesiad effaith rheoleiddiol rhannol wedi'i baratoi a gellir cael copïau oddi wrth Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

of Schedule 9 to the Town and Country Planning Act 1990 in cases where minerals development has been suspended for 2 years and relevant obligations under these Regulations have yet to be complied with. For the purposes of this duty, this Part modifies Schedule 9 to the 1990 Act so that mineral planning authorities must assume that minerals development has permanently ceased after 2 years suspension if they are satisfied that the resumption of lawful minerals development to any substantial extent is unlikely.

A partial regulatory impact assessment has been prepared and copies are available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

2009 Rhif 3342 (Cy.293)

2009 No. 3342 (W.293)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Adolygiadau
Amhenderfynedig o Hen
Ganiatadau Mwynau) (Cymru)
2009

The Town and Country Planning
(Environmental Impact
Assessment) (Undetermined
Reviews of Old Mineral
Permissions) (Wales) Regulations
2009

Gwnaed 16 Rhagfyr 2009

Made 16 December 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 17 Rhagfyr 2009

*Laid before the National Assembly
for Wales* 17 December 2009

Yn dod i rym 8 Ionawr 2010

Coming into force 8 January 2010

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

RHAN 1

PART 1

Cyffredinol

General

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Gwahardd penderfynu heb ystyried gwybodaeth amgylcheddol
4. Canllawiau gan Weinidogion Cymru
5. Estyn y cyfnodau amser pan fo rhaid i awdurdodau cynllunio mwynau gymryd camau
6. Pwerau diofyn Gweinidogion Cymru
7. Pwerau Gweinidogion Cymru i wneud yn ofynnol cael datganiadau gan awdurdodau cynllunio mwynau perthnasol
8. Fformat datganiadau amgylcheddol, gwybodaeth, tystiolaeth, etc.

1. Title, commencement and application
2. Interpretation
3. Prohibition on determination without consideration of environmental information
4. Guidance by the Welsh Ministers
5. Extension of time periods within which steps must be taken by mineral planning authorities
6. Default powers of the Welsh Ministers
7. Welsh Ministers' powers to require returns from relevant mineral planning authorities
8. Format of environmental statements, information, evidence etc.

RHAN 2

PART 2

Sgrinio

Screening

9. Darpariaethau cyffredinol mewn perthynas â sgrinio
10. Sgrinio cyffredinol datblygiad AHGM
11. Cyfarwyddiadau sgrinio gan Weinidogion Cymru

9. General provisions relating to screening
10. General screening of ROMP development
11. Screening directions of the Welsh Ministers

RHAN 3

Datganiadau Amgylcheddol

PENNOD 1

Paratoi Datganiadau Amgylcheddol

12. Barnau cwmpasu'r awdurdod cynllunio mwynau perthnasol
13. Cyfarwyddiadau cwmpasu Gweinidogion Cymru y gofynnir amdanynt o dan reoliad 12(8)
14. Cyfarwyddiadau cwmpasu Gweinidogion Cymru
15. Cyfarwyddiadau cwmpasu amnewidiol
16. Gweithdrefn i hwyluso paratoi datganiadau amgylcheddol

PENNOD 2

Cyflwyno Datganiadau Amgylcheddol

17. Gofyniad i gyflwyno datganiad amgylcheddol
18. Datganiadau amgylcheddol drafft: gwiriadau cyn ymgynghori
19. Datganiadau amgylcheddol: gofyniad i gyflwyno tystiolaeth ddogfennol o gyhoeddi

PENNOD 3

Datganiadau Amgylcheddol: Ymgynghori a Chyfranogiad y Cyhoedd

20. Datganiadau amgylcheddol: y gofynion cyhoeddusrwydd
21. Tystiolaeth ddogfennol sydd i'w chyflwyno i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru ar ôl cyhoeddi hysbysiad o ddatganiad amgylcheddol
22. Gweithdrefn yn dilyn hysbysiad a roddir o dan reoliad 18(21)
23. Argaeledd copïau o ddatganiadau amgylcheddol
24. Darparu copïau o ddatganiadau amgylcheddol i Weinidogion Cymru yn dilyn atgyfeirio neu apêl
25. Codi tâl am gopïau o ddatganiadau amgylcheddol

RHAN 4

Gwybodaeth Bellach, Tystiolaeth a Gwybodaeth Arall etc.

PENNOD 4

Gwybodaeth Bellach a Thystiolaeth

26. Gwybodaeth bellach
27. Tystiolaeth
28. Gwybodaeth bellach a thystiolaeth: gwirio cyn ymgynghori

PART 3

Environmental Statements

CHAPTER 1

Preparation of Environmental Statements

12. Scoping opinions of the relevant mineral planning authority
13. Scoping directions of the Welsh Ministers requested under regulation 12(8)
14. Scoping directions of the Welsh Ministers
15. Substitute scoping directions
16. Procedure to facilitate preparation of environmental statements

CHAPTER 2

Submission of Environmental Statements

17. Requirement to submit environmental statement
18. Draft environmental statements: pre-consultation checks
19. Environmental statements: requirement to submit documentary evidence of publication

CHAPTER 3

Environmental Statements: Consultation and Public Participation

20. Environmental statements: publicity requirements
21. Documentary evidence to be submitted to a relevant mineral planning authority or the Welsh Ministers following publication of notice of environmental statement
22. Procedure following notification given under regulation 18(21)
23. Availability of copies of environmental statements
24. Provision of copies of environmental statements for the Welsh Ministers on referral or appeal
25. Charges for copies of environmental statements

PART 4

Further Information, Evidence and Other Information etc.

CHAPTER 4

Further Information and Evidence

26. Further information
27. Evidence
28. Further information and evidence: pre-consultation check

29. Gwybodaeth bellach a thystiolaeth: gofyniad i gyflwyno tystiolaeth ddogfennol o gyhoeddi

PENNOD 5

Gwybodaeth Bellach a Thystiolaeth: Ymgynghori a Chyfranogiad y Cyhoedd

30. Gwybodaeth bellach neu dystiolaeth: y gofynion cyhoeddusrwydd
31. Tystiolaeth ddogfennol sydd i'w chyflwyno i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru yn dilyn cyhoeddusrwydd ynghylch gwybodaeth bellach neu dystiolaeth
32. Gweithdrefn yn dilyn hysbysiad a roddir o dan reoliad 28(8)
33. Argaeledd copïau o wybodaeth bellach a thystiolaeth
34. Darparu copïau o wybodaeth bellach a thystiolaeth i Weinidogion Cymru yn dilyn atgyfeirio neu apêl
35. Codi tâl am gopïau o wybodaeth bellach a thystiolaeth

PENNOD 6

Gwybodaeth Arall etc.

36. Adroddiadau, cyngor ac unrhyw wybodaeth arall

PENNOD 7

Gwybodaeth Berthnasol Arall: Ymgynghori a Chyfranogiad y Cyhoedd

37. Gwybodaeth berthnasol arall: y gofynion cyhoeddusrwydd
38. Gweithdrefn yn dilyn cyhoeddi o dan reoliad 37
39. Argaeledd copïau o wybodaeth berthnasol arall
40. Darparu copïau o wybodaeth berthnasol arall i Weinidogion Cymru yn dilyn atgyfeirio neu apêl
41. Codi tâl am gopïau o wybodaeth berthnasol arall

RHAN 5

Penderfynu ar Amodau

42. Penderfyniad tybiedig ar amodau o dan Ddeddfau 1991 a 1995
43. Datgymhwyso paragraff 4(4) o Atodlen 2 i Ddeddf 1991
44. Penderfynu ar amodau
45. Apelau yn erbyn methiant i benderfynu

RHAN 6

Cyhoeddusrwydd i Gyfarwyddiadau, Barnau, Hysbysiadau etc. a'u Hargaeledd a Hysbysiadau ynghylch Penderfyniadau

29. Further information and evidence: requirement to submit documentary evidence of publication

CHAPTER 5

Further Information and Evidence: Consultation and Public Participation

30. Further information or evidence: publicity requirements
31. Documentary evidence to be submitted to a relevant mineral planning authority or the Welsh Ministers following publicity regarding further information or evidence
32. Procedure following notice given under regulation 28(8)
33. Availability of copies of further information and evidence
34. Provision of copies of further information and evidence for the Welsh Ministers on referral or appeal
35. Charges for copies of further information and evidence

CHAPTER 6

Other Information etc.

36. Reports, advice and any other information

CHAPTER 7

Other Relevant Information: Consultation and Public Participation

37. Other relevant information: publicity requirements
38. Procedure following publication under regulation 37
39. Availability of copies of other relevant information
40. Provision of copies of other relevant information for the Welsh Ministers on referral or appeal
41. Charges for copies of other relevant information

PART 5

Determination of Conditions

42. Deemed determination of conditions under the 1991 and 1995 Acts
43. Disapplication of paragraph 4(4) of Schedule 2 to the 1991 Act
44. Determination of conditions
45. Appeals against non-determination

PART 6

Publicity for, and Availability of, Directions, Opinions, Notifications etc. and Notification of Decisions

46. Cyhoeddusrwydd ar gyfer barnau, cyfarwyddiadau, hysbysiadau etc.
47. Argaeledd barnau, cyfarwyddiadau etc. i'w harchwilio
48. Gwybodaeth sydd i'w chofnodi ar y gofrestr
49. Dyletswyddau i hysbysu'r cyhoedd a Gweinidogion Cymru o'r penderfyniadau terfynol

RHAN 7

Atal Datblygu Mwynau

50. Parhad ataliad datblygu mwynau
51. Gorchmynion Gwahardd

RHAN 8

Amrywiol

52. Cymhwyso Rhan VIII o Reoliadau 1999
53. Cyflwyno hysbysiadau etc.
54. Ceisiadau i'r Uchel Lys

ATODLEN 1

Meini prawf dethol ar gyfer sgrinio

1. Priodweddau datblygiad
2. Lleoliad y datblygiad
3. Priodweddau'r effaith bosibl

ATODLEN 2

Gwybodaeth ar gyfer ei chynnwys mewn datganiadau amgylcheddol

RHAN 1

RHAN 2

ATODLEN 3

Hysbysiadau

1. Hysbysiadau o dan reoliad 11 (cyfarwyddiadau sgrinio gan Weinidogion Cymru)
2. Hysbysiadau o dan reoliad 12 (barnau cwmpasu gan yr awdurdod cynllunio mwynau perthnasol)
3. Hysbysiadau o dan reoliad 13 (cyfarwyddiadau cwmpasu Gweinidogion Cymru y gofynnir amdanynt o dan reoliad 12(8))
4. Hysbysiadau o dan reoliad 14 (cyfarwyddiadau cwmpasu gan Weinidogion Cymru)
5. Hysbysiadau o dan reoliad 15 (cyfarwyddiadau cwmpasu amnewidiol)
6. Hysbysiadau o dan reoliad 18 (datganiad amgylcheddol drafft: gwiriadau cyn ymgynghori)

46. Publicity for opinions, directions, notifications etc.
47. Availability of opinions, directions, etc. for inspection
48. Information to be placed on the register
49. Duties to inform the public and the Welsh Ministers of final decisions

PART 7

Suspension of Minerals Development

50. Duration of suspension of minerals development
51. Prohibition Orders

PART 8

Miscellaneous

52. Application of Part VIII of the 1999 Regulations
53. Service of notices etc.
54. Application to the High Court

SCHEDULE 1

Selection criteria for screening

1. Characteristics of development
2. Location of development
3. Characteristics of the potential impact

SCHEDULE 2

Information for inclusion in environmental statements

PART 1

PART 2

SCHEDULE 3

Notifications

1. Notifications under regulation 11 (screening directions of the Welsh Ministers)
2. Notifications under regulation 12 (scoping opinions of the relevant mineral planning authority)
3. Notifications under regulation 13 (scoping directions of the Welsh Ministers requested under regulation 12(8))
4. Notifications under regulation 14 (scoping directions of the Welsh Ministers)
5. Notifications under regulation 15 (substitute scoping directions)
6. Notifications under regulation 18 (draft environmental statement: pre-consultation checks)

7. Hysbysiadau o dan reoliad 26 (gwybodaeth bellach)
8. Hysbysiadau o dan reoliad 27 (tystiolaeth)
9. Hysbysiadau o dan reoliad 28 (gwybodaeth bellach a thystiolaeth: gwiriadau cyn ymgynghori)

7. Notifications under regulation 26 (further information)
8. Notifications under regulation 27 (evidence)
9. Notifications under regulation 28 (further information and evidence: pre-consultation checks)

Mae Gweinidogion Cymru, sydd wedi'u dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â'r gofyniad i asesu effaith amgylcheddol prosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd i'r graddau y mae a wnelo hynny â chynllunio gwlad a thref, yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, having been designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in so far as it concerns town and country planning, make the following Regulations:

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Adolygiadau Amhenderfynedig o Hen Ganiatadau Mwynau) (Cymru) 2009.

(2) Daw'r Rheoliadau hyn i rym ar 8 Ionawr 2010.

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

Dehongli

2.–(1) Yn y Rheoliadau hyn—

ystyr "ardal sensitif" ("*sensitive area*") yw unrhyw un o'r canlynol—

- (a) tir a hysbyswyd o dan is-adran (1) o adran 28 (ardaloedd o ddiddordeb gwyddonol arbennig) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(3);
- (b) tir y mae is-adran (3) o adran 29 (gorchmynion cadwraeth natur) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 yn gymwys iddo;
- (c) ardal y mae paragraff (u)(ii) yn y tabl yn erthygl 10 o'r Gorchmyn yn gymwys iddi;
- (ch) Parc Cenedlaethol o fewn ystyr Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949(4);

PART 1

General

Title, commencement and application

1.–(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009.

(2) These Regulations come into force on 8 January 2010.

(3) These Regulations apply in relation to Wales.

Interpretation

2.–(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Town and Country Planning Act 1990 (c.8) and references to sections are references to sections of that Act;

"the 1991 Act" ("*Deddf 1991*") means the Planning and Compensation Act 1991 (c.34);

"the 1995 Act" ("*Deddf 1995*") means the Environment Act 1995 (c.25);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999/293);

(1) Dynodir Gweinidogion Cymru felly gan O.S. 2007/1679.

(2) 1972 p.68. Mae adran 2(2) yn cynnwys y pŵer i wneud darpariaeth benodol mewn perthynas â'r Ardal Economaidd Ewropeaidd yn rhinwedd adran 2(5) o Ddeddf yr Ardal Economaidd Ewropeaidd 1993 (1993 p.51).

(3) 1981 p.69.

(4) 1949 p.97.

(1) The Welsh Ministers are so designated by S.I. 2007/1679.

(2) 1972 c.68. Section 2(2) includes power to make certain provision in relation to the European Economic Area by virtue of section 2(5) of the European Economic Area Act 1993 (1993 c.51).

(d) eiddo sy'n ymddangos ar Restr Treftadaeth y Byd a gedwir o dan Erthygl 11(2) o Gonfensiwn UNESCO er Diogelu Treftadaeth Ddiwylliannol a Naturiol y Byd 1972;

(dd) heneb gofrestredig yn yr ystyr a roddir i "scheduled monument" yn Neddf Henebion a Mannau Archaeolegol 1979(1);

(e) ardal o harddwch naturiol eithriadol, a ddynodwyd fel y cyfryw drwy orchymyn a wnaed gan Gyngor Cefn Gwlad Cymru o dan adran 82 (dynodi ardaloedd) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(2) fel y'i cadarnhawyd gan Weinidogion Cymru(3);

(f) safle Ewropeaidd o fewn ystyr "European site" yn rheoliad 10 o Reoliadau Cadwraeth (Cynefinoedd Naturiol etc.) 1994(4);

ystyr "awdurdod cynllunio mwynau perthnasol" ("*relevant mineral planning authority*") yw'r corff y mae'n dod i'w ran, neu y byddai'n dod i'w ran oni bai am gyfarwyddyd o dan baragraff—

(a) 7 o Atodlen 2 i Ddeddf 1991;

(b) 13 o Atodlen 13 i Ddeddf 1995; neu

(c) 8 o Atodlen 14 i Ddeddf 1995,

i benderfynu'r cais AHGM amhenderfynedig dan sylw;

ystyr "barn gwmpasu" ("*scoping opinion*") yw datganiad ysgrifenedig o farn yr awdurdod cynllunio mwynau perthnasol, a fabwysiadwyd yn unol â rheoliad 12 ynglŷn â chwmpas yr wybodaeth y cyfeirir ati yn Rhan I o Atodlen 2 ac y mae'r awdurdod yn credu ei bod yn berthnasol i'r canlynol—

(a) priodweddau neilltuol y datblygiad AEA penodol y mae'r farn yn ymwneud ag ef;

(b) priodweddau neilltuol datblygiad o'r math sydd o dan sylw;

(c) y nodweddion amgylcheddol y mae'n debyg y byddai'r datblygiad AEA yn effeithio arnynt,

ac y mae'r awdurdod, o ystyried yn benodol yr wybodaeth a'r dulliau asesu cyfredol, yn credu y gellir yn rhesymol, ei gwneud yn ofynnol ei chrynhoi;

ystyr "cais AEA" ("*EIA application*") yw cais AHGM amhenderfynedig am ddatblygiad AEA;

ystyr "cais AHGM" ("*ROMP application*") yw cais a wneir i awdurdod cynllunio mwynau perthnasol

"any other information" (" *unrhyw wybodaeth arall*") means any substantive information provided by an applicant, appellant or operator which is relevant to the determination of the EIA application other than—

(a) screening information;

(b) scoping information;

(c) further information;

(d) evidence.

"any particular person" (" *unrhyw berson penodol*") includes any non-governmental organisation promoting environmental protection;

"the consultation bodies" ("*y cyrff ymgynghori*") means—

(a) any body which the relevant mineral planning authority is required to consult or would, if an application for planning permission for the development in question were before it, be required to consult by virtue of article 10 (consultations before the grant of permission) of the Order or of any direction under that article; and

(b) the following bodies if not included by virtue of sub-paragraph (a)—

(i) any principal council for the area where the land is situated, if not the relevant mineral planning authority;

(ii) the Countryside Council for Wales;

(iii) the Environment Agency; and

(iv) other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant mineral planning authority or the Welsh Ministers, as the case may be, consider are likely to have an interest in the application;

"the Directive" ("*y Gyfarwydddeb*") means Council Directive 85/337/EEC(1);

"draft environmental statement" ("*datganiad amgylcheddol drafft*") has the meaning attributed to it in regulation 17(2), 17(3) and 17(4);

"EEA State" ("*Gwladwriaeth AEE*") means a State party to the Agreement on the European Economic Area;

"EIA application" ("*cais AEA*") means an undetermined ROMP application for EIA

(1) 1979 p.46.

(2) 2000 p.37.

(3) Rhoddodd Deddf 2000 y swyddogaethau perthnasol i Gynulliad Cenedlaethol Cymru ac mae'r swyddogaethau hynny'n arferadwy bellach gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(4) O.S. 1994 Rhif 2716. Gwnaed diwygiad perthnasol i reoliad 10 gan O.S. 2007/1843.

(1) O.J. No. L175, 5.7.1985, p.40. Council Directive 85/337/EEC was amended by Council Directive 97/11/EC (O.J. No. L73, 14.3.1997, p.5) and further amended by Council Directive 2003/35/EC (O.J. No. L56, 25.6.2005, p.17).

am benderfynu ar yr amodau y bydd cais cynllunio'n ddarostyngedig iddynt o dan baragraff—

- (a) 2(2) o Atodlen 2 i Ddeddf 1991 (cofrestru hen ganiatadau mwynloddio);
- (b) 9(1) o Atodlen 13 i Ddeddf 1995 (adolygu hen ganiatadau cynllunio mwynau); neu
- (c) 6(1) o Atodlen 14 i Ddeddf 1995 (adolygiadau cyfnodol o ganiatadau cynllunio mwynau);

ystyr "cais AHGM amhenderfynedig" ("*undetermined ROMP application*") yw cais AHGM a wnaed cyn 15 Tachwedd 2000 ac y mae, ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym, i'w benderfynu gan awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru;

ystyr "cofrestr" ("*register*") yw cofrestr a gedwir yn unol ag adran 69 (cofrestrau o geisiadau etc.) ac ystyr "cofrestr briodol" ("*appropriate register*") yw'r gofrestr y mae manylion cais AHGM amhenderfynedig yn dod i'w cofnodi ynddi yn rhinwedd adran 69, fel y'i cymhwysir gan reoliad 47(1), a rheoliad 48(1);

ystyr "cyfarwyddyd cwmpasu" ("*scoping direction*") yw datganiad ysgrifenedig o farn Gweinidogion Cymru a wnaed yn unol â rheoliad 13, 14 neu 15, ynglŷn â chwmpas yr wybodaeth y cyfeirir ati yn Rhan I o Atodlen 2 y maent yn credu ei bod yn berthnasol i'r canlynol—

- (a) priodweddau neilltuoel y datblygiad AEA penodol y mae'r cyfarwyddyd yn ymwneud ag ef;
- (b) priodweddau neilltuoel datblygiad o'r math sydd o dan sylw;
- (c) y nodweddion amgylcheddol y mae'n debyg y byddai'r datblygiad AEA yn effeithio arnynt,

ac y mae Gweinidogion Cymru, o ystyried yn benodol yr wybodaeth a'r dulliau asesu cyfredol, yn credu y gellir yn rhesymol, ei gwneud yn ofynnol ei chrynhoi;

ystyr "cyfarwyddyd sgrinio" ("*screening direction*") yw cyfarwyddyd a roddir yn unol â rheoliad 9 i'r perwyl bod datblygiad AHGM yn ddatblygiad esempt, neu'n unol â rheoliad 11, ynghylch p'un a yw datblygiad AHGM yn ddatblygiad AEA ai peidio;

ystyr "cyfarwyddyd sgrinio cadarnhaol" ("*positive screening direction*") yw cyfarwyddyd a roddir yn unol â rheoliad 11, i'r perwyl bod datblygiad AHGM yn ddatblygiad AEA;

ystyr "cyfarwyddyd sgrinio negyddol" ("*negative screening direction*") yw cyfarwyddyd a roddir yn unol â rheoliad 9 i'r perwyl bod datblygiad AHGM yn ddatblygiad esempt, neu'n unol â rheoliad 11, i'r perwyl nad yw datblygiad AHGM yn ddatblygiad AEA;

development;

"EIA development" ("*datblygiad AEA*") means ROMP development in respect of which a negative screening direction has not been made;

"environmental information" ("*gwybodaeth amgylcheddol*") means the environmental statement together with any further information, evidence, any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the EIA development;

"environmental statement" ("*datganiad amgylcheddol*") means a statement—

- (a) presented in an appropriate form;
- (b) that includes at least the information referred to in Part 2 of Schedule 2;
- (c) that includes such of the information referred to in Part 1 of Schedule 2 as is specified in the relevant scoping decision;

"exempt development" ("*datblygiad esempt*") means ROMP development in respect of which the Welsh Ministers have made a direction under regulation 9(1);

"further information" ("*gwybodaeth bellach*") means, in respect of any particular EIA application, information which the relevant mineral planning authority or the Welsh Ministers reasonably consider—

- (a) relates to the main effects of the EIA development; or
- (b) is of material relevance to the determination of conditions to which the planning permission is to be subject,

and which, having regard in particular to current knowledge and methods of assessment, can reasonably be required to be compiled;

"the land" ("*y tir*") means the land to which the planning permission which is the subject of the ROMP application relates or, where more than one planning permission is the subject of a ROMP application, the aggregate of the land to which the planning permissions which are the subject of the ROMP application relate;

"by local advertisement" ("*drwy hysbysebu yn lleol*"), in relation to a notice, means—

- (a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application or appeal relates is situated; and
- (b) where the local planning authority maintains a website for the purpose of advertisement of applications, by publication of the notice on

ystyr "y cyrff ymgynghori" ("*the consultation bodies*") yw—

- (a) unrhyw gorff y mae'n ofynnol i'r awdurdod cynllunio mwynau perthnasol ymgynghori ag ef, neu y byddai'n ofynnol iddo ymgynghori ag ef yn rhinwedd erthygl 10 (ymgyngoriadau cyn rhoi caniatâd) o'r Gorchymyn neu unrhyw gyfarwyddyd o dan yr erthygl honno, pe bai cais am ganiatâd cynllunio am y datblygiad dan sylw ger ei fron; a
- (b) y cyrff canlynol os nad ydynt yn gynwysedig yn rhinwedd is-baragraff (a)—
 - (i) unrhyw brif gyngor ar gyfer yr ardal y lleolir y tir ynddi, os nad hwnnw yw'r awdurdod cynllunio mwynau perthnasol;
 - (ii) Cyngor Cefn Gwlad Cymru;
 - (iii) Asiantaeth yr Amgylchedd; a
 - (iv) cyrff eraill a ddynodir drwy ddarpariaeth statudol fel rhai sydd â chyfrifoldebau amgylcheddol penodol, ac a ystyrir gan yr awdurdod cynllunio mwynau perthnasol neu gan Weinidogion Cymru, yn ôl y digwydd, yn debygol o fod â diddordeb yn y cais;

ystyr "datblygiad AEA" ("*EIA development*") yw datblygiad AHGM nad oes cyfarwyddyd sgrinio negyddol wedi ei roi ynglŷn ag ef;

ystyr "datblygiad AHGM" ("*ROMP development*") yw datblygiad sydd eto heb ei gyflawni ac a awdurdodir gan ganiatâd cynllunio sy'n destun cais AHGM amhenderfynedig;

ystyr "datblygiad Atodlen 2" ("*Schedule 2 development*") yw datblygiad, ac eithrio datblygiad esempt, o ddisgrifiad a grybwyllir yng Ngholofn 1 o'r tabl yn Atodlen 2 i Reoliadau 1999—

- (a) pan fo unrhyw ran o'r datblygiad hwnnw i'w gyflawni mewn ardal sensitif; neu
- (b) pan eir dros ben unrhyw drothwy cymwys neu pan fodlonir criterion cymwys yn y rhan gyfatebol o Golofn 2 yn y tabl hwnnw mewn perthynas â'r datblygiad hwnnw;

ystyr "datblygiad esempt" ("*exempt development*") yw datblygiad AHGM y rhoddwyd cyfarwyddyd ynglŷn ag ef gan Weinidogion Cymru o dan reoliad 9(1);

ystyr "datblygiad mwynau" ("*minerals development*") yw datblygiad sy'n cynnwys ennill a gweithio mwynau, neu ollwng gwastraff mwynau;

the website;

"minerals development" ("*datblygiad mwynau*") means development consisting of the winning and working of minerals, or involving the depositing of mineral waste;

"negative screening direction" ("*cyfarwyddyd sgrinio negyddol*") means a direction made pursuant to regulation 9 to the effect that ROMP development is exempt development, or regulation 11, to the effect that ROMP development is not EIA development;

"operator" ("*gweithredwr*") means, in respect of any particular undetermined ROMP application, any person other than the applicant or appellant, who is entitled to carry out any of the ROMP development which is authorised by the planning permission to which the application relates;

"the Order" ("*y Gorchymyn*") means the Town and Country Planning (General Development Procedure) Order 1995(1);

"other relevant information" ("*gwybodaeth berthnasol arall*") has the meaning ascribed to it in regulation 36(5);

"principal council" ("*prif gyngor*") has the meaning given by sub-section (1) of section 270 (general provisions as to interpretation) of the Local Government Act 1972(2);

"positive screening direction" ("*cyfarwyddyd sgrinio cadarnhaol*") means a direction made pursuant to regulation 11, to the effect that ROMP development is EIA development;

"register" ("*cofrestr*") means a register kept pursuant to section 69 (registers of applications etc) and "appropriate register" ("*cofrestr briodol*") means the register on which particulars of an undetermined ROMP application fall to be placed by virtue of section 69, as applied by regulation 47(1), and regulation 48(1);

"relevant mineral planning authority" ("*awdurdod cynllunio mwynau perthnasol*") means the body to which it falls or would, but for a direction under paragraph—

- (a) 7 of Schedule 2 to the 1991 Act;
- (b) 13 of Schedule 13 to the 1995 Act; or
- (c) 8 of Schedule 14 to the 1995 Act,

fall to determine the undetermined ROMP application in question;

(1) S.I. 1995 No. 419; relevant amendments were made by S.I. 1996/525; S.I. 1996/1817; S.I. 1997/858; S.I. 1999/981; the Environment Act 1995 (c.25); and the Countryside and Rights of Way Act 2000 (c 37).

(2) 1972 c.70.

ystyr "datblygiad mwynau diawdurdod" ("*unauthorised minerals development*") yw datblygiad mwynau a beidiodd â chael ei awdurdodi gan ganiatâd cynllunio, yn unol ag—

- (a) rheoliad 11(9);
- (b) rheoliad 12(5);
- (c) rheoliad 13(10);
- (ch) rheoliad 14(11);
- (d) rheoliad 15(11);
- (dd) rheoliad 17(8);
- (e) rheoliad 18(10);
- (f) rheoliad 18(17);
- (ff) rheoliad 19(2);
- (g) rheoliad 26(5);
- (ng) rheoliad 27(5);
- (h) rheoliad 28(7);
- (i) rheoliad 29(2);

ystyr "datganiad amgylcheddol" ("*environmental statement*") yw datganiad—

- (a) a gyflwynir mewn ffurf briodol;
- (b) sy'n cynnwys o leiaf yr wybodaeth y cyfeirir ati yn Rhan 2 o Atodlen 2;
- (c) sy'n cynnwys cymaint o'r wybodaeth y cyfeirir ati yn Rhan 1 o Atodlen 2 ag a bennir yn y penderfyniad cwmpasu perthnasol;

mae i'r ymadrodd "datganiad amgylcheddol drafft" ("*draft environmental statement*") yr ystyr a roddir iddo yn rheoliad 17(2), 17(3) ac 17(4);

ystyr "Deddf 1991" ("*the 1991 Act*") yw Deddf Cynllunio ac Iawndal 1991 (p.34);

ystyr "Deddf 1995" ("*the 1995 Act*") yw Deddf yr Amgylchedd 1995 (p.25);

ystyr "drwy hysbysebu yn lleol" ("*by local advertisement*"), mewn perthynas â hysbysiad yw—

- (a) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn y gymdogaeth y lleolir ynddi y tir y mae'r cais neu'r apêl yn ymwneud ag ef; a
- (b) os yw'r awdurdod cynllunio lleol yn cynnal gwefan at y diben o hysbysebu ceisiadau, drwy gyhoeddi'r hysbysiad ar y wefan honno;

ystyr "dyddiad atal" ("*suspension date*") yw'r dyddiad pan fo caniatâd cynllunio, yn unol ag unrhyw un o'r darpariaethau canlynol, yn peidio ag awdurdodi unrhyw ddatblygiad mwynau—

- (a) rheoliad 11(9);
- (b) rheoliad 12(5);
- (c) rheoliad 13(10);
- (ch) rheoliad 14(11);

"the relevant scoping decision" ("*penderfyniad cwmpasu perthnasol*") means whichever of the following was last adopted or made—

- (a) the scoping opinion notified under regulation 12(7);
- (b) where the applicant has requested a scoping direction pursuant to regulation 12(8), the scoping direction notified pursuant to regulation 13(12);
- (c) the scoping direction notified pursuant to regulation 14(13);
- (d) any scoping direction notified under regulation 15(13)

"ROMP application" ("*cais AHGM*") means an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under paragraph—

- (a) 2(2) of Schedule 2 to the 1991 Act (registration of old mining permissions);
- (b) 9(1) of Schedule 13 to the 1995 Act (review of old mineral planning permissions); or
- (c) 6(1) of Schedule 14 to the 1995 Act (periodic review of mineral planning permissions);

"ROMP development" ("*datblygiad AHGM*") means development which has yet to be carried out and which is authorised by a planning permission which is the subject of an undetermined ROMP application;

"scoping direction" ("*cyfarwyddyd cwmpasu*") means a written statement of the opinion of the Welsh Ministers made pursuant to regulation 13, 14 or 15, as to the scope of the information referred to in Part I of Schedule 2 which they consider to be relevant to—

- (a) the specific characteristics of the particular EIA development to which the direction relates;
- (b) the specific characteristics of development of the type concerned;
- (c) the environmental features likely to be affected by the EIA development,

and which, having regard in particular to current knowledge and methods of assessment, the Welsh Ministers consider can reasonably be required to be compiled;

"scoping information" ("*gwybodaeth gwmpasu*") has the meaning attributed to it in regulations 12(2), 13(4), 14(5) and 15(5);

"scoping opinion" ("*barn gwmpasu*") means a written statement of the opinion of the relevant mineral planning authority adopted pursuant to regulation 12 as to the scope of the information referred to in Part I of Schedule 2 which the authority considers to be relevant to—

- (d) rheoliad 15(11);
- (dd) rheoliad 17(8);
- (e) rheoliad 18(10);
- (f) rheoliad 18(17);
- (ff) rheoliad 19(2);
- (g) rheoliad 26(5);
- (ng) rheoliad 27(5);
- (h) rheoliad 28(7);
- (i) rheoliad 29(2);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Cynllunio Gwlad a Thref 1990 (p.8) ac y mae cyfeiriadau at adrannau yn gyfeiriadau at adrannau o'r Ddeddf honno;

ystyr "y Gorchymyn" ("*the Order*") yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Datblygu Cyffredinol) 1995(1);

ystyr "gweithredwr" ("*operator*"), mewn perthynas ag unrhyw gais AHGM amhenderfynedig penodol yw unrhyw berson ac eithrio'r ceisydd neu'r apelydd sydd â hawl i gyflawni unrhyw ran o'r datblygiad AHGM sydd wedi ei awdurdodi drwy'r caniatâd cynllunio y mae'r cais yn ymwneud ag ef;

ystyr "Gwladwriaeth AEE" ("*EEA State*") yw Gwladwriaeth sy'n barti yng Nghytundeb yr Ardal Economaidd Ewropeaidd;

ystyr "gwybodaeth amgylcheddol" ("*environmental information*") yw'r datganiad amgylcheddol ynghyd ag unrhyw wybodaeth bellach, tystiolaeth, unrhyw wybodaeth arall, unrhyw sylwadau a wneir gan unrhyw gorff y mae'n ofynnol o dan y Rheoliadau hyn ei wahodd i wneud sylwadau, ac unrhyw sylwadau a wneir yn briodol gan unrhyw berson arall am effeithiau amgylcheddol y datblygiad AEA;

ystyr "gwybodaeth bellach" ("*further information*") mewn perthynas ag unrhyw gais AEA penodol, yw gwybodaeth a ystyrir, yn rhesymol, gan yr awdurdod cynllunio mwynau perthnasol neu gan Weinidogion Cymru, sydd—

- (a) yn ymwneud â phrif effeithiau'r datblygiad AEA; neu
- (b) yn sylweddol berthnasol ar gyfer penderfynu ar yr amodau y bydd y caniatâd cynllunio'n ddarostyngedig iddynt,

- (a) the specific characteristics of the particular EIA development to which the opinion relates;
- (b) the specific characteristics of development of the type concerned;
- (c) the environmental features likely to be affected by the EIA development,

and which, having regard in particular to current knowledge and methods of assessment, the authority considers can reasonably be required to be compiled;

"screening direction" ("*cyfarwyddyd sgrinio*") means a direction made pursuant to regulation 9 to the effect that ROMP development is exempt development, or regulation 11, as to whether ROMP development is EIA development;

"screening information" ("*gwybodaeth sgrinio*") has the meaning ascribed to it in regulation 11(3);

"sensitive area" ("*ardal sensitif*") means any of the following—

- (a) land notified under sub-section (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981(1);
- (b) land to which sub-section (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;
- (c) an area to which paragraph (u)(ii) in the table in article 10 of the Order applies;
- (d) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(2);
- (e) a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;
- (f) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(3);
- (g) an area of outstanding natural beauty designated as such by an order made by the Countryside Council for Wales under section 82 (designation of areas) of the Countryside and Rights of Way Act 2000(4) as confirmed by the Welsh Ministers(5);
- (h) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994(6);

(1) O.S. 1995 Rhif 419; gwnaed diwygiadau perthnasol gan O.S. 1996/525; O.S. 1996/1817; O.S. 1997/858; O.S. 1999/981; Deddf yr Amgylchedd 1995 (p.25); a Deddf Cefn Gwlad a Hawliau Tramwy 2000 (p.37).

(1) 1981 c.69.
 (2) 1949 c.97.
 (3) 1979 c.46.
 (4) 2000 c.37.
 (5) The 2000 Act conferred the relevant functions on the National Assembly for Wales and those functions are now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
 (6) S.I. 1994 No. 2716. A relevant amendment was made to regulation 10 by S.I. 2007/1843.

ac, o ystyried yn benodol yr wybodaeth a'r dulliau asesu cyfredol, y gellir yn rhesymol ei gwneud yn ofynnol ei chrynhoi;

mae i'r ymadrodd "gwybodaeth benodedig" ("*specified information*") yr ystyr a roddir iddo yn rheoliad 18(6)(a);

mae i'r ymadrodd "gwybodaeth berthnasol arall" ("*other relevant information*") yr ystyr a roddir iddo yn rheoliad 36(5);

mae i'r ymadrodd "gwybodaeth gwmpasu" ("*scoping information*") yr ystyr a briodolir iddo yn rheoliadau 12(2), 13(4), 14(5) ac 15(5);

mae i'r ymadrodd "gwybodaeth sgrinio" ("*screening information*") yr ystyr a briodolir iddo yn rheoliad 11(3);

ystyr "y Gyfarwyddeb" ("*the Directive*") yw

Cyfarwyddeb y Cyngor 85/337/EEC(1);

ystyr y "penderfyniad cwmpasu perthnasol" ("*the relevant scoping decision*") yw pa un bynnag o'r canlynol a fabwysiadwyd neu a wnaed ddiwethaf—

- (a) y farn gwmpasu a hysbyswyd o dan reoliad 12(7);
- (b) pan fo'r ceisydd wedi gofyn am gyfarwyddyd cwmpasu yn unol â rheoliad 12(8), y cyfarwyddyd cwmpasu a hysbyswyd yn unol â rheoliad 13(12);
- (c) y cyfarwyddyd cwmpasu a hysbyswyd yn unol â rheoliad 14(13);
- (ch) unrhyw gyfarwyddyd cwmpasu a hysbyswyd o dan reoliad 15(13);

mae i'r ymadrodd "prif gyngor" ("*principal council*") yr ystyr a roddir iddo gan is-adran (1) o adran 270 (darpariaethau cyffredinol ynglŷn â dehongli) o Ddeddf Llywodraeth Leol 1972(2);

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999 (O.S. 1999/293);

ystyr "y tir" ("*the land*") yw'r tir y mae'r caniatâd cynllunio sy'n destun y cais AHGM yn ymwneud ag ef neu, os oes mwy nag un cais cynllunio yn destun y cais AHGM, cyfanswm y tir y mae'r caniatadau cynllunio sy'n destun y cais AHGM yn ymwneud ag ef;

mae "unrhyw berson penodol" ("*any particular*

"specified information" ("*gwybodaeth benodedig*") has the meaning given in regulation 18(6)(a);

"suspension date" ("*dyddiad atal*") means the date on which, in accordance with any of the following provisions, a planning permission ceases to authorise any minerals development—

- (a) regulation 11(9);
- (b) regulation 12(5);
- (c) regulation 13(10);
- (d) regulation 14(11);
- (e) regulation 15(11);
- (f) regulation 17(8);
- (g) regulation 18(10);
- (h) regulation 18(17);
- (i) regulation 19(2);
- (j) regulation 26(5);
- (k) regulation 27(5);
- (l) regulation 28(7);
- (m) regulation 29(2);

"unauthorised minerals development" ("*datblygiad mwynau diawdurdod*") means minerals development which has ceased to be authorised by a planning permission pursuant to—

- (a) regulation 11(9);
- (b) regulation 12(5);
- (c) regulation 13(10);
- (d) regulation 14(11);
- (e) regulation 15(11);
- (f) regulation 17(8);
- (g) regulation 18(10);
- (h) regulation 18(17);
- (i) regulation 19(2);
- (j) regulation 26(5);
- (k) regulation 27(5);
- (l) regulation 28(7);
- (m) regulation 29(2);

"undetermined ROMP application" ("*cais AHGM amhenderfynedig*") means a ROMP application made before 15 November 2000 which, on or after the date on which these Regulations come into force, falls to be determined by a relevant mineral planning authority or the Welsh Ministers.

(1) O.J. Rhif L175, 5.7.1985, t.40. Cafodd Cyfarwyddeb y Cyngor 85/337/EEC ei diwygio gan Gyfarwyddeb y Cyngor 97/11/EC (O.J. Rhif L73, 14.3.1997, t.5) a'i diwygio ymhellach gan Gyfarwyddeb y Cyngor 2003/35/EC (O.J. Rhif L56, 25.6.2005, t.17).

(2) 1972 p.70.

person") yn cynnwys unrhyw gorff anllywodraethol sy'n hyrwyddo diogelu'r amgylchedd;

ystyr "unrhyw wybodaeth arall" ("*any other information*") yw unrhyw wybodaeth o sylwedd a ddarperir gan geisydd, apelydd neu weithredwr sy'n berthnasol i benderfynu'r cais AEA, ac eithrio—

- (a) gwybodaeth sgrinio;
- (b) gwybodaeth gwmpasu;
- (c) gwybodaeth bellach;
- (ch) tystiolaeth.

(2) Mae cyfeiriadau (pa fodd bynnag y'u mynegir) yn y Rheoliadau hyn at atgyfeirio cais at Weinidogion Cymru i'w benderfynu yn gyfeiriadau at atgyfeirio cais at Weinidogion Cymru⁽¹⁾ o dan unrhyw rai o'r canlynol—

- (a) paragraff 7(1) o Atodlen 2 i Ddeddf 1991 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol);
- (b) paragraff 13(1) o Atodlen 13 i Ddeddf 1995 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol);
- (c) paragraff 8(1) o Atodlen 14 i Ddeddf 1995 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol);
- (ch) rheoliad 6 (pwerau diofyn Gweinidogion Cymru).

(3) Mae cyfeiriadau (pa fodd bynnag y'u mynegir) yn y Rheoliadau hyn at apêl yn gyfeiriadau at apêl o dan—

- (a) paragraff 5(2) o Atodlen 2 i Ddeddf 1991, paragraff 11(1) o Atodlen 13 i Ddeddf 1995 neu baragraff 9(1) o Atodlen 14 i Ddeddf 1995 (hawl i apelio); neu
- (b) y darpariaethau a grybwyllir yn is-baragraff (a) fel y'u cymhwysir gan reoliad 45.

(4) Mae cyfeiriadau yn y Rheoliadau hyn at "atal datblygu mwynau" ("*suspension of minerals development*") yn gyfeiriadau at ganiatâd cynllunio yn peidio ag awdurdodi unrhyw ddatblygu mwynau yn unol ag unrhyw rai o'r canlynol—

- (a) Rheoliad 11(9);
- (b) rheoliad 12(5);
- (c) rheoliad 13(10);
- (ch) rheoliad 14(11);
- (d) rheoliad 15(11);

(2) References (however expressed) in these Regulations to the referral of an application to the Welsh Ministers for determination are references to the referral of an application to the Welsh Ministers⁽¹⁾ under any of the following—

- (a) paragraph 7(1) of Schedule 2 to the 1991 Act (reference of applications to Secretary of State));
- (b) paragraph 13(1) of Schedule 13 to the 1995 Act (reference of applications to the Secretary of State);
- (c) paragraph 8(1) of Schedule 14 to the 1995 Act (reference of applications to Secretary of State);
- (d) regulation 6 (default powers of the Welsh Ministers).

(3) References (however expressed) in these Regulations to an appeal are references to an appeal under—

- (a) paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act or paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal); or
- (b) the provisions mentioned in sub-paragraph (a) as applied by regulation 45.

(4) References in these Regulations to "suspension of minerals development" ("*atal datblygu mwynau*") are references to a planning permission ceasing to authorise any minerals development pursuant to any of the following—

- (a) regulation 11(9);
- (b) regulation 12(5);
- (c) regulation 13(10);
- (d) regulation 14(11);
- (e) regulation 15(11);

(1) Trosglwyddwyd swyddogaethau perthnasol yr Ysgrifennydd Gwladol o dan Ddeddfau 1991 a 1995 i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999 Rhif 672 ac mae'r swyddogaethau hynny'n arferadwy bellach gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) The relevant functions of the Secretary of State under the 1991 and 1995 Acts so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999 No. 672 and are now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

- (dd) rheoliad 17(8);
- (e) rheoliad 18(10);
- (f) rheoliad 18(17);
- (ff) rheoliad 19(2);
- (g) rheoliad 26(5);
- (ng) rheoliad 27(5);
- (h) rheoliad 28(7);
- (i) rheoliad 29(2).

(5) Yn ddarostyngedig i baragraff (6), mae i unrhyw ymadrodd a ddefnyddir yn y Rheoliadau hyn, ac y defnyddir yr ymadrodd Saesneg cyfatebol yn y Rheoliadau hyn ac yn y Ddeddf, yr un ystyr at ddibenion y Rheoliadau hyn ag a roddir i'r ymadrodd Saesneg cyfatebol hwnnw at ddibenion y Ddeddf.

(6) Mae i unrhyw ymadrodd a ddefnyddir yn y Rheoliadau hyn, ac y defnyddir yr ymadrodd Saesneg cyfatebol yn y Rheoliadau hyn ac yn y Gyfarwyddeb (pa un a ddefnyddir ef yn y Ddeddf yn ogystal ai peidio) yr un ystyr at ddibenion y Rheoliadau hyn ag a roddir i'r ymadrodd Saesneg cyfatebol hwnnw at ddibenion y Gyfarwyddeb.

(7) Yn y Rheoliadau hyn mae unrhyw gyfeiriad at Gyfarwyddeb y Cyngor yn gyfeiriad at y Gyfarwyddeb honno fel y'i diwygiwyd ar y dyddiad y gwnaed y Rheoliadau hyn.

Gwahardd penderfynu heb ystyried gwybodaeth amgylcheddol

3. Rhaid i awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru beidio â phenderfynu cais AEA, nac apêl mewn perthynas â chais AEA, oni fyddant yn gyntaf wedi cymryd i ystyriaeth yr wybodaeth amgylcheddol, a rhaid iddynt ddatgan yn eu penderfyniad eu bod wedi gwneud hynny.

Canllawiau gan Weinidogion Cymru

4.–(1) Caiff Gweinidogion Cymru roi canllawiau i awdurdodau cynllunio mwynau perthnasol ynglŷn ag arfer swyddogaethau'r awdurdodau yn unol â'r Rheoliadau hyn.

(2) Rhaid i awdurdod cynllunio mwynau perthnasol roi sylw i unrhyw ganllawiau a roddir o dan baragraff (1).

Estyn y cyfnodau amser pan fo rhaid i awdurdodau cynllunio mwynau gymryd camau

5.–(1) Pan yw–

- (a) yn ofynnol bod awdurdod cynllunio mwynau perthnasol yn cymryd unrhyw gam o fewn cyfnod a bennir o dan y Rheoliadau hyn, neu a gytunwyd yn unol â'r Rheoliadau hyn ("y cyfnod penodedig"); a

- (f) regulation 17(8);
- (g) regulation 18(10);
- (h) regulation 18(17);
- (i) regulation 19(2);
- (j) regulation 26(5);
- (k) regulation 27(5);
- (l) regulation 28(7);
- (m) regulation 29(2).

(5) Subject to paragraph (6), expressions used both in these Regulations and in the Act have the same meaning for the purposes of these Regulations as they have for the purposes of the Act.

(6) Expressions used both in these Regulations and in the Directive (whether or not also used in the Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(7) In these Regulations any reference to a Council Directive is a reference to that Directive as amended at the date these Regulations were made.

Prohibition on determination without consideration of environmental information

3. A relevant mineral planning authority or the Welsh Ministers must not determine an EIA application or an appeal in relation to an EIA application unless they have first taken the environmental information into consideration, and they must state in their decision that they have done so.

Guidance by the Welsh Ministers

4.–(1) The Welsh Ministers may give guidance to relevant mineral planning authorities as to the exercise of authorities' functions pursuant to these Regulations.

(2) A relevant mineral planning authority must have regard to any guidance given under paragraph (1).

Extension of time periods within which steps must be taken by mineral planning authorities

5.–(1) Where a relevant mineral planning authority–

- (a) is required to take any step within a period specified under, or agreed in accordance with, these Regulations ("the specified period"); and

- (b) yr awdurdod cynllunio mwynau perthnasol yn rhesymol yn dod i'r casgliad na all gymryd y cam hwnnw o fewn y cyfnod penodedig,

caiff yr awdurdod cynllunio mwynau perthnasol wneud cais ysgrifenedig am i Weinidogion Cymru roi cyfarwyddyd o dan y rheoliad hwn.

(2) Rhaid i gais a wneir o dan baragraff (1)–

- (a) nodi'r cam y mae'n ofynnol bod yr awdurdod yn ei gymryd;
- (b) nodi erbyn pa ddyddiad y mae'n ofynnol bod yr awdurdod yn cymryd y cam dan sylw;
- (c) cael ei gyflwyno ynghyd â datganiad ysgrifenedig o resymau'r awdurdod dros ddod i'r casgliad na all gymryd y cam dan sylw o fewn y cyfnod penodedig;
- (ch) datgan erbyn pa ddyddiad y mae'r awdurdod yn cynnig cymryd y cam dan sylw;
- (d) cael ei gyflwyno ynghyd â datganiad ysgrifenedig o resymau'r awdurdod dros ddod i'r casgliad y bydd yn gallu cymryd y cam dan sylw erbyn y dyddiad a ddatgenir yn unol ag is-baragraff (ch); ac
- (dd) cael ei gyflwyno naill ai ynghyd â chadarnhad ysgrifenedig bod yr awdurdod cynllunio mwynau perthnasol wedi cydymffurfio â pharagraff (3), neu ynghyd ag esboniad ysgrifenedig yr awdurdod ynghylch pam nad oedd yn gallu, neu pam nad oedd yn bosibl, cydymffurfio â'r paragraff hwnnw.

(3) Cyn cyflwyno cais o dan baragraff (1) rhaid i awdurdod cynllunio mwynau perthnasol hysbysu'r ceisydd mewn ysgrifen–

- (a) o fwriad yr awdurdod i gyflwyno cais i Weinidogion Cymru o dan baragraff (1);
- (b) o'r materion a nodir ym mharagraff (2) (ac eithrio'r mater y cyfeirir ato ym mharagraff (2)(dd));
- (c) y caiff y ceisydd gyflwyno sylwadau i Weinidogion Cymru o fewn 14 diwrnod o ddyddiad yr hysbysiad; ac
- (ch) effaith paragraff (10).

(4) Caiff Gweinidogion Cymru roi cyfarwyddyd o dan y rheoliad hwn a fydd yn pennu bod y cam dan sylw i'w gymryd o fewn cyfnod amgen os bodlonir hwy, ar ôl ystyried cais a wneir yn unol â pharagraff (1), unrhyw sylwadau a wneir gan y ceisydd a pha bynnag faterion eraill a ystyriant yn berthnasol–

- (a) na ellir, yn rhesymol, gwneud yn ofynnol bod yr awdurdod cynllunio mwynau perthnasol yn cymryd y cam dan sylw o fewn y cyfnod penodedig; a
- (b) nad oedd cais yr awdurdod o dan baragraff (1) yn codi oherwydd unrhyw fai neu fwriad ar ran yr awdurdod.

- (b) reasonably concludes that it will be unable to take the step within the specified period,

the relevant mineral planning authority may make a written request to the Welsh Ministers to make a direction under this regulation.

(2) A request made under paragraph (1) must–

- (a) identify the step which the authority is required to take;
- (b) state the date by which the authority is required to take the step in question;
- (c) be accompanied by a written statement of the authority's reasons for concluding that it will be unable to take the step in question within the specified period;
- (d) state a date by which the authority proposes to take the step in question;
- (e) be accompanied by a written statement of the authority's reasons for concluding that it will be able to take the step in question by the date stated pursuant to sub-paragraph (d); and
- (f) be accompanied either by written confirmation that the relevant mineral planning authority has complied with paragraph (3), or by the authority's written explanation as to why it was unable, or why it was not possible, to comply with that paragraph.

(3) Before submitting a request under paragraph (1) a relevant mineral planning authority must notify the applicant in writing–

- (a) of its intention to submit a request to the Welsh Ministers under paragraph (1);
- (b) of the matters set out in paragraph (2) (other than the matter referred to in paragraph (2)(f));
- (c) that the applicant may submit representations to the Welsh Ministers within 14 days of the date of the notification; and
- (d) the effect of paragraph (10).

(4) The Welsh Ministers may make a direction under this regulation specifying an alternative period within which the step in question is to be taken if, having considered a request made pursuant to paragraph (1), any representations made by the applicant and such other matters as they consider relevant, the Welsh Ministers are satisfied that–

- (a) the relevant mineral planning authority cannot reasonably be required to take the step in question within the specified period; and
- (b) the authority's request under paragraph (1) did not arise as a result of any fault or intention of the authority.

(5) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl rhoi cyfarwyddyd o dan baragraff (4), anfon copi o'r cyfarwyddyd hwnnw at yr awdurdod cynllunio mwynau perthnasol ac at y ceisydd.

(6) Os na fodlonir Gweinidogion Cymru ynglŷn â'r ddau fater a grybwyllir ym mharagraff (4)(a) a (b) rhaid iddynt wrthod rhoi cyfarwyddyd o dan y rheoliad hwn.

(7) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n ymarferol ar ôl gwneud penderfyniad yn unol â pharagraff (6), roi hysbysiad ysgrifenedig i'r awdurdod cynllunio mwynau perthnasol o'r penderfyniad hwnnw a'r rhesymau dros ei wneud.

(8) Rhaid i Weinidogion Cymru anfon copi at y ceisydd o unrhyw hysbysiad a roddir yn unol â pharagraff (7).

(9) Caiff cyfarwyddyd a roddir o dan y rheoliad hwn bennu pa bynnag gyfnod amgen ag yr ystyrir yn briodol gan Weinidogion Cymru.

(10) Pan fo Gweinidogion Cymru yn cael cais a wnaed yn briodol o dan baragraff (1), estynnir y cyfnod penodedig y mae'r cam a nodir yn unol â pharagraff (2)(a) i'w gymryd ynddo hyd at—

- (a) os yw Gweinidogion Cymru yn rhoi cyfarwyddyd sy'n pennu cyfnod amgen, y dyddiad y daw'r cyfnod amgen hwnnw i ben; neu
- (b) os yw Gweinidogion Cymru yn gwrthod rhoi cyfarwyddyd o dan y rheoliad hwn, y dyddiad sy'n digwydd 14 diwrnod ar ôl y diweddaraf o'r dyddiadau a ganlyn—
 - (i) y dyddiad y mae'r cyfnod penodedig yn dod i ben;
 - (ii) y dyddiad y mae hysbysiad ysgrifenedig yn cael ei roi'n unol â pharagraff (7);
 - (iii) y dyddiad y mae unrhyw gopi o hysbysiad ysgrifenedig yn cael ei anfon at y ceisydd yn unol â pharagraff (8).

(11) Ceir diwygio neu ddirymu cyfarwyddyd a roddir o dan y rheoliad hwn drwy roi cyfarwyddyd pellach.

(12) Rhaid i Weinidogion Cymru hysbysu'r awdurdod cynllunio mwynau a'r ceisydd ynghylch unrhyw gyfarwyddyd a roddir, neu benderfyniad a wneir i wrthod rhoi cyfarwyddyd, o dan y rheoliad hwn.

Pwerau diofyn Gweinidogion Cymru

6.–(1) Pan fo'r canlynol yn gymwys yn achos awdurdod cynllunio mwynol perthnasol mewn perthynas â chais AEA—

- (a) ei bod yn ofynnol i'r awdurdod hwnnw gymryd unrhyw gam o fewn cyfnod penodol; a

(5) The Welsh Ministers must, as soon as reasonably practicable following the making of a direction under paragraph (4), send to the relevant mineral planning authority and to the applicant, a copy of that direction.

(6) If the Welsh Ministers are not satisfied as to both of the matters mentioned in paragraph (4)(a) and (b) they must decline to make a direction under this regulation.

(7) The Welsh Ministers must, as soon as reasonably practicable following the taking of a decision pursuant to paragraph (6), give written notification to the relevant mineral planning authority of that decision and of the reasons for it.

(8) The Welsh Ministers must send a copy of any notification given pursuant to paragraph (7) to the applicant.

(9) A direction made under this regulation may specify such alternative period as the Welsh Ministers consider appropriate.

(10) Upon receipt by the Welsh Ministers of a duly made request under paragraph (1), the specified period within which the step identified pursuant to paragraph (2)(a) is to be taken, is extended until—

- (a) where the Welsh Ministers make a direction specifying an alternative period, the date on which that alternative period expires; or
- (b) where the Welsh Ministers decline to make a direction under this regulation, the date falling 14 days after the latest of the following dates—
 - (i) the date on which the specified period ends;
 - (ii) the date on which written notification is given pursuant to paragraph (7);
 - (iii) the date on which any copy of a written notification is sent to the applicant pursuant to paragraph (8).

(11) A direction made under this regulation may be amended or revoked by a further direction.

(12) The Welsh Ministers must notify the mineral planning authority and the applicant of any direction, or decision to decline to make a direction, made under this regulation.

Default powers of the Welsh Ministers

6.–(1) Where, in relation to an EIA application, a relevant mineral planning authority—

- (a) is required to take any step within a particular period; and

(b) nad yw'r awdurdod hwnnw'n cymryd y cam dan sylw o fewn y cyfnod penodol,

caiff Gweinidogion Cymru gyfarwyddo bod y cais AEA dan sylw yn cael ei atgyfeirio atynt hwy yn hytrach na bod yr awdurdod cynllunio mwynau perthnasol yn ymdrin â'r cais.

(2) Pan fo Gweinidogion Cymru wedi rhoi cyfarwyddyd o dan y rheoliad hwn a bod yr amgylchiadau a grybwyllir ym mharagraff (3) yn gymwys, caiff Gweinidogion Cymru adennill oddi wrth yr awdurdod cynllunio mwynau perthnasol pa bynnag gostau neu dreuliau y maent wedi mynd iddynt yn rhesymol wrth ymdrin â'r cais AEA y mae'r cyfarwyddyd yn ymwneud ag ef.

(3) Yr amgylchiadau y cyfeirir atynt ym mharagraff (2) yw pan fo Gweinidogion Cymru yn ystyried, ar sail y dystiolaeth sydd ar gael iddynt, bod methiant yr awdurdod i gymryd y cam dan sylw o fewn y cyfnod penodol wedi ei achosi o ganlyniad i ddiffyg neu fwriad yr awdurdod cynllunio mwynau perthnasol.

(4) Cyn rhoi cyfarwyddyd o dan y rheoliad hwn, rhaid i Weinidogion Cymru ymgynghori gyda'r awdurdod cynllunio mwynau perthnasol a chyda'r ceisydd.

(5) Rhaid i unrhyw gais AEA y rhoddir cyfarwyddyd mewn perthynas ag ef o dan y rheoliad hwn gael ei atgyfeirio at Weinidogion Cymru yn unol â hynny.

(6) At ddibenion y rheoliad hwn, mae cyfeiriad at gyfnod penodol yn gyfeiriad at unrhyw un o'r canlynol—

- (a) cyfnod a bennir o dan y Rheoliadau hyn;
- (b) cyfnod a gytunir mewn ysgrifen yn unol â darpariaethau'r Rheoliadau hyn;
- (c) pan fo awdurdod cynllunio mwynau perthnasol wedi gwneud cais ysgrifenedig o dan reoliad 5(1), y cyfnod a gyfrifir yn unol â rheoliad 5(10).

(7) Cyn penderfynu'r cais, caiff Gweinidogion Cymru, os yw naill ai'r ceisydd neu'r awdurdod cynllunio mwynau perthnasol yn dymuno hynny, roi cyfle i'r naill a'r llall ohonynt ymddangos gerbron a chael gwrandawriad gan berson a benodir gan Weinidogion Cymru at y diben hwnnw.

(8) Bydd penderfyniad Gweinidogion Cymru ar y cais yn derfynol.

(9) Mae'r pwerau a roddir gan y rheoliad hwn yn ychwanegol at, ac nid yn rhanddirymiad o unrhyw bwerau eraill Gweinidogion Cymru gan gynnwys, yn benodol, y pŵer a roddir gan adran 77.

(b) does not take the step in question within the particular period,

the Welsh Ministers may direct that the EIA application in question be referred to them instead of being dealt with by the relevant mineral planning authority.

(2) Where the Welsh Ministers have given a direction under this regulation and the circumstances mentioned in paragraph (3) apply, the Welsh Ministers may recover from the relevant mineral planning authority such costs or expenses as they have reasonably incurred in dealing with the EIA application to which the direction relates.

(3) The circumstances referred to in paragraph (2) are that the Welsh Ministers consider on the evidence available to them, that the failure of the authority to take the step in question within the particular period was brought about as a result of the fault or intention of the relevant mineral planning authority.

(4) Before giving a direction under this regulation the Welsh Ministers must consult the relevant mineral planning authority and the applicant.

(5) Any EIA application in respect of which a direction under this regulation is given must be referred to the Welsh Ministers accordingly.

(6) For the purposes of this regulation the reference to a particular period is a reference to any of the following—

- (a) a period specified under these Regulations;
- (b) a period agreed in writing in accordance with the provisions of these Regulations;
- (c) where a relevant mineral planning authority has made a written request under regulation 5(1), the period calculated in accordance with regulation 5(10).

(7) Before determining the application the Welsh Ministers may, if either the applicant or the relevant mineral planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for the purpose.

(8) The decision of the Welsh Ministers on the application is final.

(9) The powers conferred by this regulation are in addition to, and not in derogation from, any other powers of the Welsh Ministers including in particular, the power conferred by section 77.

Pwerau Gweinidogion Cymru i wneud yn ofynnol cael datganiadau gan awdurdodau cynllunio mwynau perthnasol

7.–(1) Caiff Gweinidogion Cymru, trwy roi hysbysiad ysgrifenedig, wneud yn ofynnol bod awdurdod cynllunio mwynau perthnasol yn darparu pa bynnag wybodaeth ynglŷn ag arfer swyddogaethau'r awdurdod o dan y Rheoliadau hyn ag a ystyrir yn briodol gan Weinidogion Cymru.

(2) Rhaid i'r wybodaeth a wneir yn ofynnol yn unol â hysbysiad ysgrifenedig o dan baragraff (1) gael ei darparu gan awdurdod cynllunio mwynau perthnasol o fewn pa bynnag gyfnod a bennir yn yr hysbysiad, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifenedig gyda Gweinidogion Cymru.

Fformat datganiadau amgylcheddol, gwybodaeth, tystiolaeth, etc.

8. Rhaid i ddatganiad amgylcheddol ac unrhyw wybodaeth bellach neu dystiolaeth y mae'n ofynnol ei chyflwyno o dan y Rheoliadau hyn gael eu cyflwyno ar bapur ac mewn fformat electronig, a rhaid dehongli cyfeiriadau at gopiâu o unrhyw ddatganiad, gwybodaeth neu dystiolaeth o'r fath yn unol â hynny.

RHAN 2

Sgrinio

Darpariaethau cyffredinol mewn perthynas â sgrinio

9.–(1) Caiff Gweinidogion Cymru gyfarwyddo bod datblygiad AHGM penodol wedi ei esemptio rhag cymhwyso'r Rheoliadau hyn yn unol ag Erthygl 2(3) o'r Gyfarwyddeb (ond heb ragfarnu Erthygl 7 o'r Gyfarwyddeb).

(2) Pan roddir cyfarwyddyd o dan baragraff (1) rhaid i Weinidogion Cymru–

- (a) anfon copi o unrhyw gyfarwyddyd o'r fath at yr awdurdod cynllunio mwynau perthnasol ac at y ceisydd neu'r apelydd;
- (b) rhoi ar gael i'r cyhoedd yr wybodaeth a ystyriwyd wrth roi'r cyfarwyddyd a'r rhesymau dros roi'r cyfarwyddyd;
- (c) ystyried a fyddai ffurf arall o asesu yn briodol; ac
- (ch) cymryd pa bynnag gamau a ystyriant yn briodol i ddwyn yr wybodaeth a gesglir o dan y ffurf arall o asesu i sylw'r cyhoedd.

(3) Pan fo Gweinidogion Cymru i benderfynu o dan y Rheoliadau hyn pa un a yw datblygiad AHGM yn ddatblygiad AEA, rhaid i Weinidogion Cymru gymryd

Welsh Ministers' powers to require returns from relevant mineral planning authorities

7.–(1) The Welsh Ministers may by notice in writing, require a relevant mineral planning authority to provide such information in relation to the exercise of the authority's functions under these Regulations as the Welsh Ministers consider appropriate.

(2) Information required in accordance with a written notification given under paragraph (1) must be provided by a relevant mineral planning authority within such period as may be specified in the notice, or within such longer period as may be agreed in writing with the Welsh Ministers.

Format of environmental statements, information, evidence etc.

8. An environmental statement and any further information or evidence required to be submitted under these Regulations must be submitted in paper and electronic format and references to copies of any such statement, information or evidence are to be construed accordingly.

PART 2

Screening

General provisions relating to screening

9.–(1) The Welsh Ministers may direct that particular ROMP development is exempted from the application of these Regulations in accordance with Article 2(3) of the Directive (but without prejudice to Article 7 of the Directive).

(2) Where a direction is given under paragraph (1), the Welsh Ministers must–

- (a) send a copy of any such direction to the relevant mineral planning authority and to the applicant or appellant;
- (b) make available to the public the information considered in making the direction and the reasons for making the direction;
- (c) consider whether another form of assessment would be appropriate; and
- (d) take such steps as they consider appropriate to bring the information obtained under the other form of assessment to the attention of the public.

(3) Where the Welsh Ministers are to decide under these Regulations whether ROMP development is EIA development the Welsh Ministers must take into

i ystyriaeth, wrth wneud y penderfyniad hwnnw, y cyfryw rai o'r meini prawf dethol a nodir yn Atodlen 1 ag sy'n berthnasol i'r datblygiad.

(4) Pan fo Gweinidogion Cymru yn rhoi cyfarwyddyd sgrinio o dan y Rheoliadau hyn—

- (a) rhaid rhoi'r cyfarwyddyd hwnnw ynghyd â datganiad ysgrifenedig sy'n rhoi yn eglur ac yn fanwl y rhesymau llawn dros y penderfyniad a gynhwysir yn y cyfarwyddyd; a
- (b) rhaid i Weinidogion Cymru anfon copi o'r cyfarwyddyd a chopi o'r datganiad ysgrifenedig sy'n ofynnol o dan is-baragraff (a) at y ceisydd neu'r apelydd, yn ôl y digwydd, ac at yr awdurdod cynllunio mwynau perthnasol.

(5) Caiff Gweinidogion Cymru roi cyfarwyddyd sgrinio, pa un a gânt gais i wneud hynny ai peidio.

Sgrinio cyffredinol datblygiad AHGM

10.—(1) Mae datblygiad AHGM yn ddatblygiad AEA.

Mae hyn yn ddarostyngedig i baragraff (2) ac nid yw'n rhagfarnu rheoliad 9.

(2) Caiff unrhyw geisydd neu apelydd, o fewn tair wythnos o'r dyddiad y daw'r Rheoliadau hyn i rym, ofyn i Weinidogion Cymru roi cyfarwyddyd sgrinio o dan reoliad 11.

Cyfarwyddiadau sgrinio gan Weinidogion Cymru

11.—(1) Rhaid i geisydd neu apelydd sydd, yn unol â rheoliad 10(2), yn gwneud cais am i Weinidogion Cymru roi cyfarwyddyd sgrinio o dan y rheoliad hwn, gyflwyno ynghyd â'r cais hwnnw—

- (a) copi o'r cais AHGM;
- (b) cynllun sy'n ddigonol ar gyfer adnabod y tir;
- (c) disgrifiad o natur a phwrpas y datblygiad AHGM a'i effeithiau posibl ar yr amgylchedd;
- (ch) unrhyw sylwadau y dymuna'r ceisydd neu'r apelydd eu gwneud.

(2) Rhaid i geisydd neu apelydd sy'n gwneud cais am gyfarwyddyd yn unol â rheoliad 10(2) mewn cysylltiad â chais AHGM amhenderfynedig sydd gerbron awdurdod cynllunio mwynau i'w benderfynu, anfon copi o'r cais am gyfarwyddyd ar unwaith at yr awdurdod cynllunio mwynau perthnasol, ynghyd â chopi o unrhyw sylwadau y mae'r person hwnnw wedi eu gwneud wrth Weinidogion Cymru.

(3) Rhaid i Weinidogion Cymru, os ydynt o'r farn na chawsant wybodaeth ddigonol i roi cyfarwyddyd sgrinio, hysbysu'r ceisydd, apelydd neu weithredwr perthnasol, mewn ysgrifen, o'r wybodaeth ychwanegol ("gwybodaeth sgrinio") sy'n ofynnol ganddynt, ac o'r materion a nodir ym mharagraff 2 o Atodlen 3.

account in making that decision such of the selection criteria set out in Schedule 1 as are relevant to the development.

(4) Where the Welsh Ministers make a screening direction under these Regulations—

- (a) that direction must be accompanied by a written statement giving clearly and precisely the full reasons for the decision comprised in the direction; and
- (b) the Welsh Ministers must send a copy of the direction and a copy of the written statement required by sub-paragraph (a) to the applicant or appellant, as the case may be, and to the relevant mineral planning authority.

(5) The Welsh Ministers may make a screening direction irrespective of whether they have received a request to do so.

General screening of ROMP development

10.—(1) ROMP development is EIA development.

This is subject to paragraph (2) and without prejudice to regulation 9.

(2) Any applicant or appellant may, within three weeks of the date on which these Regulations come into force, request the Welsh Ministers to make a screening direction under regulation 11.

Screening directions of the Welsh Ministers

11.—(1) An applicant or appellant who, pursuant to regulation 10(2), requests the Welsh Ministers to make a screening direction under this regulation must submit with that request—

- (a) a copy of the ROMP application;
- (b) a plan sufficient to identify the land;
- (c) a description of the nature and purpose of the ROMP development and its possible effects on the environment;
- (d) any representations that the applicant or appellant wishes to make.

(2) An applicant or appellant who makes a request pursuant to regulation 10(2) in connection with an undetermined ROMP application which is before a mineral planning authority for determination, must forthwith, send to the relevant mineral planning authority a copy of that request and of any representations that that person makes to the Welsh Ministers.

(3) The Welsh Ministers must, if they consider that they have not been provided with sufficient information to make a screening direction, notify in writing the applicant, appellant or a relevant operator of the additional information ("screening information") they require and of the matters set out in paragraph 2 of Schedule 3.

(4) At ddibenion paragraff (3), gweithredwr perthnasol yw unrhyw weithredwr yr ystyria Gweinidogion Cymru yn rhesymol ei fod, neu y dylai fod, yn alluog i ddarparu gwybodaeth sgrinio.

(5) Rhaid i Weinidogion Cymru anfon copi o unrhyw hysbysiad ysgrifenedig a roddir o dan baragraff (3) at yr awdurdod cynllunio mwynau perthnasol.

(6) Caiff Gweinidogion Cymru ofyn, mewn ysgrifen, i'r awdurdod cynllunio mwynau perthnasol ddarparu pa bynnag wybodaeth y gall ei darparu, ynglŷn â gwybodaeth sgrinio a geisir o dan baragraff (3).

(7) Rhaid i awdurdod cynllunio mwynau y gwneir cais iddo o dan baragraff (6), o fewn tair wythnos o'r dyddiad y gwneir y cais, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru—

- (a) darparu pa bynnag wybodaeth y gall ynglŷn â'r wybodaeth sgrinio; neu
- (b) hysbysu Gweinidogion Cymru mewn ysgrifen o'r rhesymau pam na all ddarparu unrhyw wybodaeth o'r fath.

(8) Rhaid darparu gwybodaeth sgrinio sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (3) o fewn cyfnod o dair wythnos, sy'n cychwyn ar y dyddiad y rhoddir yr hysbysiad neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(9) Os na ddarperir gwybodaeth sgrinio sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (3) o fewn y cyfnod perthnasol, bydd y caniatâd cynllunio y mae'r cais AHGM amhenderfynedig yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(10) Rhaid i Weinidogion Cymru roi cyfarwyddyd sgrinio cyn gynted ag y bo'n rhesymol ymarferol ar ôl y diweddaraif o'r dyddiadau canlynol—

- (a) y dyddiad y ceir cais yn unol â rheoliad 10(2);
- (b) os yw'r person sy'n gwneud y cais wedi ei hysbysu yn unol â pharagraff (3), y dyddiad y ceir yr wybodaeth sgrinio sy'n ofynnol;
- (c) y dyddiad y ceir ymateb ysgrifenedig o dan baragraff (7).

(11) Os yw'r datblygiad AHGM sy'n destun cais sgrinio a wnaed yn unol â rheoliad 10(2) yn ddatblygiad o fath a restrir yn Atodiad I i'r Gyfarwydddeb, rhaid i Weinidogion Cymru roi cyfarwyddyd bod y datblygiad hwnnw yn ddatblygiad AEA.

Nid yw hyn yn rhagfarnu rheoliad 9.

(12) Rhaid i Weinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl rhoi cyfarwyddyd sgrinio o dan y rheoliad hwn, anfon at y person a

(4) For the purposes of paragraph (3), a relevant operator is any operator which the Welsh Ministers reasonably consider is, or should be, able to provide screening information.

(5) The Welsh Ministers must send a copy of any written notification given under paragraph (3) to the relevant mineral planning authority.

(6) The Welsh Ministers may in writing request the relevant mineral planning authority to provide such information as it can in relation to screening information requested under paragraph (3).

(7) A mineral planning authority to which a request is made under paragraph (6) must, within 3 weeks of the date on which that request is made, or such longer period as is agreed in writing with the Welsh Ministers—

- (a) provide such information as it can in relation to the screening information; or
- (b) notify the Welsh Ministers in writing of the reasons why it cannot provide any such information.

(8) Screening information required pursuant to written notification given under paragraph (3) must be provided within 3 weeks beginning with the date on which the notification is given, or such longer period as may be agreed in writing with the Welsh Ministers ("the relevant period").

(9) If screening information required pursuant to written notification given under paragraph (3) is not provided within the relevant period the planning permission to which the undetermined ROMP application relates ceases to authorise any minerals development from the end of the relevant period.

(10) The Welsh Ministers must make a screening direction as soon as reasonably practicable following the latest of the following dates—

- (a) the date on which a request pursuant to regulation 10(2) is received;
- (b) where the person making the request has been notified pursuant to paragraph (3), the date on which the screening information required is received;
- (c) the date on which a written response under paragraph (7) is received.

(11) If the ROMP development which is the subject of a screening request made pursuant to regulation 10(2) is development of a type listed in Annex I to the Directive, the Welsh Ministers must direct that that development is EIA development.

This is without prejudice to regulation 9.

(12) The Welsh Ministers must, as soon as reasonably practicable following the making of a screening direction under this regulation, send to the

wnaeth y cais am gyfarwyddyd—

- (a) copi o'r cyfarwyddyd sgrinio a roddwyd; a
- (b) pan fo'r cyfarwyddwyd sgrinio i'r perwyl bod y datblygiad dan sylw yn ddatblygiad AEA, hysbysiad ysgrifenedig o'r materion a nodir ym mharagraff 3 o Atodlen 3.

(13) Caiff Gweinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (3) ar unrhyw bryd cyn y daw'r cyfnod perthnasol i ben.

RHAN 3

Datganiadau Amgylcheddol

PENNOD 1

Paratoi Datganiadau Amgylcheddol

Barnau cwmpasu'r awdurdod cynllunio mwynau perthnasol

12.—(1) Rhaid i awdurdod cynllunio mwynau perthnasol fabwysiadu barn gwmpasu mewn perthynas â phob cais AEA sydd ger ei fron i'w benderfynu, a chydymffurfio â pharagraff (7)—

- (a) pan fo paragraff (2) yn gymwys, o fewn wyth wythnos ar ôl cael pa bynnag wybodaeth gwmpasu a all fod yn ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan y paragraff hwnnw;
- (b) pan fo ceisydd wedi gwneud cais am gyfarwyddyd sgrinio yn unol â rheoliad 10(2), o fewn wyth wythnos ar ôl cael copi o gyfarwyddyd sgrinio cadarnhaol;
- (c) ym mhob achos arall, o fewn wyth wythnos o'r dyddiad y daw'r Rheoliadau hyn i rym.

(2) Os yw awdurdod o'r farn na ddarparwyd digon o wybodaeth iddo i fabwysiadu barn gwmpasu, rhaid iddo—

- (a) pan fo ceisydd wedi gwneud cais am gyfarwyddyd sgrinio yn unol â rheoliad 10(2), o fewn wyth wythnos ar ôl cael copi o gyfarwyddyd sgrinio cadarnhaol a wnaed o dan y rheoliad hwnnw; neu fel arall
- (b) o fewn wyth wythnos o'r dyddiad y daw'r Rheoliadau hyn i rym;

hysbysu'r ceisydd neu weithredwr perthnasol mewn ysgrifenedig o'r wybodaeth ychwanegol ("gwybodaeth gwmpasu") sy'n ofynnol ganddo ac o'r materion a nodir ym mharagraff 4 o Atodlen 3.

(3) At ddibenion paragraff (2), gweithredwr perthnasol yw unrhyw weithredwr yr ystyrir yn rhesymol gan yr awdurdod cynllunio mwynau perthnasol ei fod, neu y dylai fod, yn alluog i ddarparu gwybodaeth gwmpasu.

person who made the request—

- (a) a copy of the screening direction made; and
- (b) where the screening direction is to the effect that the development in question is EIA development, written notification of the matters set out in paragraph 3 of Schedule 3.

(13) The Welsh Ministers may withdraw a written notification given under paragraph (3) at any time before the expiration of the relevant period.

PART 3

Environmental Statements

CHAPTER 1

Preparation of Environmental Statements

Scoping opinions of the relevant mineral planning authority

12.—(1) A relevant mineral planning authority must adopt a scoping opinion in relation to every EIA application which is before it for determination and comply with paragraph (7)—

- (a) where paragraph (2) applies, within 8 weeks of receipt of such scoping information as may be required pursuant to written notification given under that paragraph;
- (b) where an applicant has made a request pursuant to regulation 10(2), within 8 weeks of receipt of a copy of a positive screening direction;
- (c) in all other cases, within 8 weeks of the date on which these Regulations come into force.

(2) If an authority considers that it has not been provided with sufficient information to adopt a scoping opinion it must—

- (a) where an applicant has made a request pursuant to regulation 10(2), within 8 weeks of receipt of a copy of a positive screening direction made under that regulation; otherwise
- (b) within 8 weeks of the date on which these Regulations come into force;

notify the applicant or a relevant operator in writing of the additional information ("scoping information") it requires and of the matters set out in paragraph 4 of Schedule 3.

(3) For the purposes of paragraph (2), a relevant operator is any operator which the relevant mineral planning authority reasonably considers is, or should be, able to provide scoping information.

(4) Rhaid darparu gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (2) o fewn cyfnod o dair wythnos, sy'n cychwyn ar y dyddiad y rhoddir yr hysbysiad neu ba bynnag gyfnod hwy a gytunir mewn ysgrifenedig gyda'r awdurdod ("y cyfnod perthnasol").

(5) Os na ddarperir gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (2) o fewn y cyfnod perthnasol bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(6) Rhaid i awdurdod beidio â mabwysiadu barn gwmpasu o dan baragraff (1) cyn ei fod wedi ymgynghori gyda'r ceisydd, gydag unrhyw weithredwr perthnasol a hysbyswyd o dan baragraff (2) a chyda'r cyrff ymgynghori.

(7) Rhaid i awdurdod anfon at y ceisydd—

- (a) copi o'i farn gwmpasu a fabwysiadwyd o dan y rheoliad hwn; a
- (b) hysbysiad ysgrifenedig o'r materion a restrir ym mharagraff 5 o Atodlen 3.

(8) Os yw awdurdod yn peidio â chydymffurfio â pharagraff (7) o fewn y cyfnod o wyth wythnos sy'n gymwys yn unol â pharagraff (1), caiff y ceisydd ofyn i Weinidogion Cymru roi cyfarwyddyd cwmpasu o dan reoliad 13.

(9) Nid yw mabwysiadu barn gwmpasu o dan y rheoliad hwn yn rhwystro'r awdurdod cynllunio mwynau perthnasol na Gweinidogion Cymru rhag rhoi hysbysiad ysgrifenedig o dan reoliad 26 (gwybodaeth bellach) neu reoliad 27 (tystiolaeth).

(10) Pan fo awdurdod cynllunio mwynau perthnasol yn cael copi o gyfarwyddyd cwmpasu yn unol â rheoliad 13(12) rhaid i'r awdurdod, o fewn saith niwrnod ar ôl cael y copi, hysbysu'r ceisydd mewn ysgrifenedig o'r materion a nodir ym mharagraff 6 o Atodlen 3.

(11) Caiff awdurdod cynllunio mwynau perthnasol dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (2) ar unrhyw bryd cyn y daw'r cyfnod perthnasol i ben.

Cyfarwyddiadau cwmpasu Gweinidogion Cymru y gofynnir amdanynt o dan reoliad 12(8)

13.–(1) Rhaid i geisydd sy'n gofyn i Weinidogion Cymru roi cyfarwyddyd cwmpasu yn unol â rheoliad 12(8) gyflwyno'r canlynol ynghyd â'i gais am gyfarwyddyd—

- (a) cynllun sy'n ddigonol ar gyfer adnabod y tir;
- (b) disgrifiad byr o natur a phwrpas y datblygiad a'i effeithiau posibl ar yr amgylchedd;
- (c) copi o unrhyw hysbysiad perthnasol a

(4) Scoping information required pursuant to written notification given under paragraph (2) must be provided within 3 weeks beginning on the date on which the notification is given or such longer period as may be agreed in writing with the authority ("the relevant period").

(5) If scoping information required pursuant to written notification given under paragraph (2) is not provided within the relevant period the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

(6) An authority must not adopt a scoping opinion under paragraph (1) until it has consulted the applicant, any relevant operator notified under paragraph (2) and the consultation bodies.

(7) An authority must send to an applicant—

- (a) a copy of its scoping opinion adopted under this regulation; and
- (b) written notification of the matters set out in paragraph 5 of Schedule 3.

(8) Where an authority fails to comply with paragraph (7) within the 8 week period applicable in accordance with paragraph (1), the applicant may request the Welsh Ministers to make a scoping direction under regulation 13.

(9) The adoption of a scoping opinion under this regulation does not preclude the relevant mineral planning authority or the Welsh Ministers from giving written notification under regulation 26 (further information) or regulation 27 (evidence).

(10) Where a relevant mineral planning authority receives a copy of a scoping direction pursuant to regulation 13(12) the authority must, within seven days of receipt of the copy, notify the applicant in writing of the matters set out in paragraph 6 of Schedule 3.

(11) A relevant mineral planning authority may withdraw a written notification given under paragraph (2) at any time before the expiration of the relevant period.

Scoping directions of the Welsh Ministers requested under regulation 12(8)

13.–(1) An applicant who, pursuant to regulation 12(8), requests the Welsh Ministers to make a scoping direction must submit with that request—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;
- (c) a copy of any relevant notification given to the

roddwyd i'r ceisydd o dan reoliad 12(2) ac o unrhyw ymateb;

(ch) pa bynnag wybodaeth neu sylwadau eraill y mae'r ceisydd yn dymuno eu darparu neu eu gwneud.

(2) Rhaid i geisydd sy'n gwneud cais am gyfarwyddyd yn unol â rheoliad 12(8) anfon at yr awdurdod cynllunio mwynau perthnasol gopi o'r cais hwnnw ac o unrhyw wybodaeth neu sylwadau y mae'r ceisydd yn eu cyflwyno, i Weinidogion Cymru yn unol â pharagraff 13(1)(ch).

(3) Cyn gynted ag y bo'n rhesymol ymarferol—

(a) ar ôl cael cais a wnaed yn unol â rheoliad 12(8); neu

(b) pan fo paragraff (4) yn gymwys, ar ôl cael pa bynnag wybodaeth gwmpasu a all fod yn ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan y paragraff hwnnw,

rhaid i Weinidogion Cymru roi cyfarwyddyd cwmpasu mewn perthynas â'r cais AEA sy'n destun y cais am gyfarwyddyd.

(4) Os yw Gweinidogion Cymru, o'r farn na chawsant wybodaeth ddigonol i roi cyfarwyddyd cwmpasu rhaid iddynt, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael cais yn unol â rheoliad 12(8), hysbysu'r ceisydd neu weithredwr perthnasol, mewn ysgrifen, o'r wybodaeth ychwanegol ("gwybodaeth gwmpasu") sy'n ofynnol ganddynt, ac o'r materion a nodir ym mharagraff 7 o Atodlen 3.

(5) At ddibenion paragraff (4), gweithredwr perthnasol yw unrhyw weithredwr yr ystyria Gweinidogion Cymru yn rhesymol ei fod, neu y dylai fod, yn alluog i ddarparu gwybodaeth gwmpasu.

(6) Rhaid i Weinidogion Cymru anfon copi o unrhyw hysbysiad a roddir o dan baragraff (4) at yr awdurdod cynllunio mwynau perthnasol.

(7) Caiff Gweinidogion Cymru, mewn ysgrifen, ofyn i'r awdurdod cynllunio mwynau perthnasol ddarparu pa bynnag wybodaeth y gall ei darparu o ran gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (4).

(8) Rhaid i awdurdod cynllunio mwynau y gwneir cais iddo o dan baragraff (7), o fewn tair wythnos o'r dyddiad y gwneir y cais hwnnw, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru—

(a) darparu pa bynnag wybodaeth y gall ynglŷn â'r wybodaeth gwmpasu; neu

(b) hysbysu Gweinidogion Cymru mewn ysgrifen o'r rhesymau pam na all ddarparu unrhyw wybodaeth o'r fath.

(9) Rhaid darparu gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (4) o fewn cyfnod o dair wythnos, sy'n

applicant under regulation 12(2) and of any response;

(d) such other information or representations as the applicant may wish to provide or make.

(2) An applicant who makes a request pursuant to regulation 12(8) must send to the relevant mineral planning authority a copy of that request and of any information or representations which the applicant submits to the Welsh Ministers pursuant to paragraph 13(1)(d).

(3) As soon as reasonably practicable—

(a) following receipt of a request made pursuant to regulation 12(8); or

(b) where paragraph (4) applies, following receipt of such scoping information as may be required pursuant to written notification given under that paragraph,

the Welsh Ministers must make a scoping direction in relation to the EIA application which is the subject of the request.

(4) If the Welsh Ministers consider that they have not been provided with sufficient information to make a scoping direction they must, as soon as reasonably practicable following receipt of a request made pursuant to regulation 12(8), notify the applicant or a relevant operator in writing of the additional information ("scoping information") they require and of the matters set out in paragraph 7 of Schedule 3.

(5) For the purposes of paragraph (4), a relevant operator is any operator which the Welsh Ministers reasonably consider is, or should be, able to provide scoping information.

(6) The Welsh Ministers must send a copy of any notification given under paragraph (4) to the relevant mineral planning authority.

(7) The Welsh Ministers may in writing, request the relevant mineral planning authority to provide such information as it can in relation to scoping information required pursuant to a written notification given under paragraph (4).

(8) A mineral planning authority to which a request is made under paragraph (7) must, within 3 weeks of the date on which that request is made, or such longer period as is agreed in writing with the Welsh Ministers—

(a) provide such information as it can in relation to the scoping information; or

(b) notify the Welsh Ministers in writing of the reasons why it cannot provide any such information.

(9) Scoping information required pursuant to written notification given under paragraph (4) must be provided within 3 weeks beginning with the date on

cychwyn ar y dyddiad y rhoddir yr hysbysiad neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(10) Os na ddarperir gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (4) o fewn y cyfnod perthnasol, bydd y caniatâd cynllunio y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(11) Rhaid i Weinidogion Cymru beidio â rhoi cyfarwyddyd cwmpasu o ran y rheoliad hwn cyn ymgynghori gyda'r ceisydd, gydag unrhyw weithredwr perthnasol a hysbyswyd o dan baragraff (4) a chyda'r cyrff ymgynghori.

(12) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl rhoi cyfarwyddyd cwmpasu o dan y rheoliad hwn, anfon copi o'r cyfarwyddyd hwnnw at y ceisydd a'r awdurdod cynllunio mwynau perthnasol.

(13) Rhaid i'r copi o'r cyfarwyddyd a anfonir at y ceisydd o dan baragraff (12) gael ei anfon ynghyd â hysbysiad ysgrifenedig o'r hawl i herio'r cyfarwyddyd ac o'r cyfnod o amser ar gyfer gwneud hynny.

(14) Nid yw rhoi cyfarwyddyd cwmpasu o dan y rheoliad hwn yn rhwystro Gweinidogion Cymru nac awdurdod cynllunio mwynau perthnasol rhag rhoi hysbysiad ysgrifenedig o dan reoliad 26 (gwybodaeth bellach) neu reoliad 27 (tystiolaeth).

(15) Caiff Gweinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (4) ar unrhyw bryd cyn i'r cyfnod perthnasol ddod i ben.

Cyfarwyddiadau cwmpasu Gweinidogion Cymru

14.–(1) Mae'r paragraff hwn yn gymwys i bob cais AEA sydd, yn union cyn y dyddiad y daw'r Rheoliadau hyn i rym, gerbron Gweinidogion Cymru i'w benderfynu.

(2) Rhaid i Weinidogion Cymru roi cyfarwyddyd cwmpasu mewn perthynas â phob cais AEA y mae paragraff (1) yn gymwys iddo—

- (a) mewn achosion pan fo paragraff (5) yn gymwys, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael pa bynnag wybodaeth gwmpasu a all fod yn ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan y paragraff hwnnw;
- (b) pan fo ceisydd neu apelydd wedi gwneud cais am gyfarwyddyd sgrinio yn unol â rheoliad 10(2), cyn gynted ag y bo'n rhesymol ymarferol ar ôl rhoi cyfarwyddyd sgrinio cadarnhaol;
- (c) ym mhob achos arall, cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad y daw'r Rheoliadau hyn i rym.

which the notification is given, or such longer period as may be agreed in writing with the Welsh Ministers ("the relevant period").

(10) If scoping information required pursuant to written notification given under paragraph (4) is not provided within the relevant period the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

(11) The Welsh Ministers must not make a scoping direction under this regulation until they have consulted the applicant, any relevant operator notified under paragraph (4) and the consultation bodies.

(12) The Welsh Ministers must, as soon as reasonably practicable following the making of a scoping direction under this regulation, send to the applicant and the relevant mineral planning authority a copy of that direction.

(13) The copy of the direction sent to the applicant under paragraph (12) must be accompanied by written notification of the right to challenge the direction and the time period for doing so.

(14) The making of a scoping direction under this regulation does not preclude the Welsh Ministers or a relevant mineral planning authority from giving written notification under regulation 26 (further information) or regulation 27 (evidence).

(15) The Welsh Ministers may withdraw a written notification given under paragraph (4) at any time before the expiration of the relevant period.

Scoping directions of the Welsh Ministers

14.–(1) This paragraph applies to every EIA application which, immediately before the date on which these Regulations come into force, is before the Welsh Ministers for determination.

(2) The Welsh Ministers must make a scoping direction in relation to every EIA application to which paragraph (1) applies—

- (a) in cases where paragraph (5) applies, as soon as reasonably practicable following receipt of such scoping information as may be required pursuant to written notification given under that paragraph;
- (b) where an applicant or appellant has made a request pursuant to regulation 10(2), as soon as reasonably practicable following the making of a positive screening direction;
- (c) in all other cases, as soon as reasonably practicable after the date on which these Regulations come into force.

(3) Mae'r paragraff hwn yn gymwys i bob cais AEA a atgyfeirir at Weinidogion Cymru i'w benderfynu ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym ac nad oes, mewn perthynas â'r cyfryw gais—

- (a) copi o farn gwmpasu wedi ei anfon at y ceisydd o dan reoliad 12(7); a
- (b) copi o gyfarwyddyd sgrinio wedi ei anfon at y ceisydd o dan reoliad 13(12).

(4) Rhaid i Weinidogion Cymru roi cyfarwyddyd cwmpasu mewn perthynas â phob cais AEA y mae paragraff (3) yn gymwys iddo—

- (a) cyn gynted ag y bo'n rhesymol ymarferol ar ôl atgyfeirio'r cais felly; neu
- (b) pan fo paragraff (5) yn gymwys, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael pa bynnag wybodaeth gwmpasu a all fod yn ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan y paragraff hwnnw.

(5) Os yw Gweinidogion Cymru o'r farn na chawsant wybodaeth ddigonol i roi cyfarwyddyd cwmpasu, rhaid iddynt—

- (a) mewn perthynas â chais AEA y mae paragraff (1) yn gymwys iddo, cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; neu
- (b) mewn perthynas â chais AEA y mae paragraff (3) yn gymwys iddo, cyn gynted ag y bo'n rhesymol ymarferol ar ôl atgyfeirio'r cais felly,

hysbysu'r ceisydd neu'r apelydd neu weithredwr perthnasol mewn ysgrifen o'r wybodaeth ychwanegol ("gwybodaeth gwmpasu") sy'n ofynnol ganddynt ac o'r materion a nodir ym mharagraff 8 o Atodlen 3.

(6) At ddibenion paragraff (5), gweithredwr perthnasol yw unrhyw weithredwr yr ystyria Gweinidogion Cymru yn rhesymol ei fod, neu y dylai fod, yn alluog i ddarparu gwybodaeth gwmpasu.

(7) Caiff Gweinidogion Cymru, mewn ysgrifen, ofyn i'r awdurdod cynllunio mwynau perthnasol ddarparu pa bynnag wybodaeth y gall ei darparu o ran gwybodaeth gwmpasu sy'n destun hysbysiad ysgrifenedig a roddir o dan baragraff (5).

(8) Rhaid cyflwyno cais a wneir yn unol â pharagraff (7) ynghyd â chopi o'r hysbysiad a roddir o dan baragraff (5) ac y mae'r cais yn ymwneud ag ef.

(9) Rhaid i awdurdod cynllunio mwynau y gwneir cais iddo o dan baragraff (7), o fewn tair wythnos o'r dyddiad y gwneir y cais hwnnw, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru—

- (a) darparu pa bynnag wybodaeth y gall ynglŷn â'r wybodaeth gwmpasu; neu
- (b) hysbysu Gweinidogion Cymru mewn ysgrifen o'r rhesymau pam na all ddarparu unrhyw wybodaeth o'r fath.

(3) This paragraph applies to every EIA application referred to the Welsh Ministers for determination on or after the date on which these Regulations come into force and in respect of which—

- (a) a copy of a scoping opinion has not been sent to the applicant under regulation 12(7); and
- (b) a copy of a screening direction has not been sent to the applicant under regulation 13(12).

(4) The Welsh Ministers must make a scoping direction in relation to every EIA application to which paragraph (3) applies—

- (a) as soon as reasonably practicable following the application being so referred; or
- (b) where paragraph (5) applies, as soon as reasonably practicable following receipt of such scoping information as may be required pursuant to written notification given under that paragraph.

(5) If the Welsh Ministers consider that they have not been provided with sufficient information to make a scoping direction they must—

- (a) in relation to an EIA application to which paragraph (1) applies, as soon as reasonably practicable following the date on which these Regulations come into force; or
- (b) in relation to an EIA application to which paragraph (3) applies, as soon as reasonably practicable following the application being so referred,

notify the applicant or appellant or a relevant operator in writing of the additional information ("scoping information") they require and of the matters set out in paragraph 8 of Schedule 3.

(6) For the purposes of paragraph (5), a relevant operator is any operator which the Welsh Ministers reasonably consider is, or should be, able to provide scoping information.

(7) The Welsh Ministers may in writing, request the relevant mineral planning authority to provide such information as it can in relation to scoping information which is the subject of a written notification under paragraph (5).

(8) A request made pursuant to paragraph (7) must be accompanied by a copy of the notification given under paragraph (5) to which the request relates.

(9) A mineral planning authority to which a request is made under paragraph (7) must, within 3 weeks of the date on which that request is made, or such longer period as is agreed in writing with the Welsh Ministers—

- (a) provide such information as it can in relation to the scoping information; or
- (b) notify the Welsh Ministers in writing of the reasons why it cannot provide any such information.

(10) Rhaid darparu gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (5) o fewn cyfnod o dair wythnos, sy'n cychwyn ar y dyddiad y rhoddir yr hysbysiad o dan y paragraff hwnnw, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(11) Os na ddarperir gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (5) o fewn y cyfnod perthnasol bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(12) Rhaid i Weinidogion Cymru beidio â rhoi cyfarwyddyd cwmpasu o dan baragraff (2) neu (4) cyn ymgynghori gyda'r ceisydd neu'r apelydd, gydag unrhyw weithredwr perthnasol a hysbyswyd o dan baragraff (5) a chyda'r cyrff ymgynghori.

(13) Rhaid i Weinidogion Cymru, cyn gynted ag y bônt wedi rhoi cyfarwyddyd cwmpasu o dan y rheoliad hwn, anfon at y ceisydd neu'r apelydd—

- (a) copi o'r cyfarwyddyd hwnnw; a
- (b) hysbysiad ysgrifenedig o'r materion a nodir ym mharagraff 9 o Atodlen 3.

(14) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd a anfonir, ac unrhyw hysbysiad ysgrifenedig a roddir o dan baragraff (13) at yr awdurdod cynllunio mwynau perthnasol.

(15) Nid yw rhoi cyfarwyddyd cwmpasu o dan y rheoliad hwn yn rhwystro Gweinidogion Cymru rhag rhoi hysbysiad ysgrifenedig o dan reoliad 26 (gwybodaeth bellach) neu 27 (tystiolaeth).

(16) Caiff Gweinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (5) ar unrhyw bryd cyn y daw'r cyfnod perthnasol i ben.

Cyfarwyddiadau cwmpasu amnewidiol

15.—(1) Mae'r rheoliad hwn yn gymwys i unrhyw gais AEA y bodlonir pob un o'r amodau canlynol mewn perthynas ag ef—

- (a) bod penderfyniad cwmpasu perthnasol wedi ei hysbysu;
- (b) nad oes hysbysiad o dan reoliad 18(21) eto wedi ei roi; ac
- (c) bod y cais AEA dan sylw wedi ei atgyfeirio at Weinidogion Cymru i'w benderfynu.

(2) At ddibenion paragraff (1)(a), mae penderfyniad cwmpasu perthnasol wedi ei hysbysu os, mewn perthynas â'r cais AEA dan sylw, yw'r awdurdod cynllunio mwynau perthnasol wedi cydymffurfio â rheoliad 12(7), neu Weinidogion Cymru wedi cydymffurfio â rheoliad 13(12).

(10) Scoping information required pursuant to a written notification given under paragraph (5) must be provided within 3 weeks beginning with the date on which notification under that paragraph is given, or such longer period as may be agreed in writing with the Welsh Ministers ("the relevant period").

(11) If scoping information required pursuant to written notification given under paragraph (5) is not provided within the relevant period the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

(12) The Welsh Ministers must not make a scoping direction under paragraph (2) or (4) until they have consulted the applicant or appellant, any relevant operator notified under paragraph (5), and the consultation bodies.

(13) The Welsh Ministers must, as soon as they have made a scoping direction under this regulation, send to the applicant or appellant—

- (a) a copy of that direction; and
- (b) written notification of the matters set out in paragraph 9 of Schedule 3.

(14) The Welsh Ministers must send a copy of any direction sent, and written notification given, under paragraph (13) to the relevant mineral planning authority.

(15) The making of a scoping direction under this regulation does not preclude the Welsh Ministers from giving written notification under regulation 26 (further information) or 27 (evidence).

(16) The Welsh Ministers may withdraw a written notification given under paragraph (5) at any time before the expiration of the relevant period.

Substitute scoping directions

15.—(1) This regulation applies to any EIA application in respect of which all of the following conditions are met—

- (a) a relevant scoping decision has been notified;
- (b) notification under regulation 18(21) has yet to be given; and
- (c) the EIA application in question has been referred to the Welsh Ministers for determination.

(2) For the purposes of paragraph (1)(a), a relevant scoping decision has been notified if, in relation to the EIA application in question, the relevant mineral planning authority has complied with regulation 12(7), or the Welsh Ministers have complied with regulation 13(12).

(3) Caiff Gweinidogion Cymru roi cyfarwyddyd cwmpasu mewn perthynas â chais AEA y mae'r rheoliad hwn yn gymwys iddo os tybiant y byddai'n gyfleus gwneud hynny.

(4) Mae cyfarwyddyd cwmpasu a roddir o dan baragraff (3) yn cymryd lle, at ddibenion y Rheoliadau hyn—

- (a) y farn gwmpasu a fabwysiadwyd o dan reoliad 12; a
- (b) unrhyw gyfarwyddyd cwmpasu a roddir o dan reoliad 13.

(5) Os yw Gweinidogion Cymru o'r farn nad oes ganddynt wybodaeth ddigonol i roi cyfarwyddyd cwmpasu o dan baragraff (3), rhaid iddynt hysbysu'r ceisydd neu weithredwr perthnasol, mewn ysgrifen, o'r wybodaeth ychwanegol ("gwybodaeth gwmpasu") sy'n ofynnol ganddynt, ac o'r materion a nodir ym mharagraff 10 o Atodlen 3.

(6) At ddibenion paragraff (5), gweithredwr perthnasol yw unrhyw weithredwr yr ystyria Gweinidogion Cymru yn rhesymol ei fod, neu y dylai fod, yn alluog i ddarparu gwybodaeth gwmpasu.

(7) Caiff Gweinidogion Cymru, mewn ysgrifen, ofyn i'r awdurdod cynllunio mwynau perthnasol ddarparu pa bynnag wybodaeth y gall ei darparu o ran gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (5).

(8) Rhaid cyflwyno cais a wneir yn unol â pharagraff (7) ynghyd â chopi o'r hysbysiad a roddir o dan baragraff (5) ac y mae'r cais yn ymwneud ag ef.

(9) Rhaid i awdurdod cynllunio mwynau y gwneir cais iddo o dan baragraff (7), o fewn tair wythnos o'r dyddiad y gwneir y cais hwnnw, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru—

- (a) darparu pa bynnag wybodaeth y gall ynglŷn â'r wybodaeth gwmpasu; neu
- (b) hysbysu Gweinidogion Cymru mewn ysgrifen o'r rhesymau pam na all ddarparu unrhyw wybodaeth o'r fath.

(10) Rhaid darparu gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (5) o fewn cyfnod o dair wythnos, sy'n cychwyn ar y dyddiad y rhoddir yr hysbysiad o dan y paragraff hwnnw neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(11) Os na ddarperir gwybodaeth gwmpasu sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (5) o fewn y cyfnod perthnasol bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(12) Rhaid i Weinidogion Cymru beidio â rhoi

(3) The Welsh Ministers may make a scoping direction in relation to an EIA application to which this regulation applies if they consider it expedient to do so.

(4) A scoping direction made under paragraph (3) replaces, for the purposes of these Regulations—

- (a) the scoping opinion adopted under regulation 12; and
- (b) any scoping direction made under regulation 13.

(5) If the Welsh Ministers consider that they do not have sufficient information to make a scoping direction under paragraph (3) they must notify the applicant or a relevant operator in writing of the additional information ("scoping information") they require and of the matters set out in paragraph 10 of Schedule 3.

(6) For the purposes of paragraph (5), a relevant operator is any operator which the Welsh Ministers reasonably consider is, or should be, able to provide scoping information.

(7) The Welsh Ministers may in writing, request the relevant mineral planning authority to provide such information as it can in relation to scoping information required pursuant to a written notification given under paragraph (5).

(8) A request made pursuant to paragraph (7) must be accompanied by a copy of the notification given under paragraph (5) to which the request relates.

(9) A mineral planning authority to which a request is made under paragraph (7) must, within 3 weeks of the date on which that request is made, or such longer period as is agreed in writing with the Welsh Ministers—

- (a) provide such information as it can in relation to the scoping information; or
- (b) notify the Welsh Ministers in writing of the reasons why it cannot provide any such information.

(10) Scoping information required pursuant to a written notification given under paragraph (5) must be provided within 3 weeks beginning with the date on which notification under that paragraph is given, or such longer period as may be agreed in writing with the Welsh Ministers ("the relevant period").

(11) If scoping information required pursuant to written notification given under paragraph (5) is not provided within the relevant period the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

(12) The Welsh Ministers must not make a scoping

cyfarwyddyd cwmpasu o dan baragraff (3) cyn ymgynghori gyda'r ceisydd, gydag unrhyw weithredwr perthnasol a hysbyswyd o dan baragraff (5) a chyda'r cyrff ymgynghori.

(13) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl rhoi cyfarwyddyd cwmpasu o dan baragraff (3), rhaid i Weinidogion Cymru anfon copi at y ceisydd o'r cyfarwyddyd hwnnw ynghyd â hysbysiad ysgrifenedig o'r materion a nodir ym mharagraff 11 o Atodlen 3.

(14) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd cwmpasu a wneir o dan y rheoliad hwn at yr awdurdod cynllunio mwynau perthnasol.

(15) Nid yw rhoi cyfarwyddyd cwmpasu o dan y rheoliad hwn yn rhwystro Gweinidogion Cymru rhag rhoi hysbysiad ysgrifenedig o dan reoliad 26 (gwybodaeth bellach) neu 27 (tystiolaeth).

(16) Caiff Gweinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (5) ar unrhyw bryd cyn y daw'r cyfnod perthnasol i ben.

Gweithdrefn i hwyluso paratoi datganiadau amgylcheddol

16.–(1) Yn ddarostyngedig i baragraff (6), rhaid i'r awdurdod cynllunio mwynau perthnasol, os gofynnir iddo gan berson a hysbysir yn unol â rheoliad 12(7), 13(12), 14(13) neu 15(13), ymuno mewn ymgynghoriad â'r person hwnnw er mwyn penderfynu a oes gan yr awdurdod unrhyw wybodaeth yn ei feddiant a ystyrir gan y person neu'r awdurdod yn berthnasol i baratoi'r datganiad amgylcheddol, ac os oes, rhaid i'r awdurdod roi'r wybodaeth honno ar gael i'r person hwnnw.

(2) Caiff unrhyw berson a hysbysir yn unol â rheoliad 12(7), 13(12), 14(13) neu 15(13) roi hysbysiad ysgrifenedig i'r awdurdod cynllunio mwynau perthnasol neu, yn ôl y digwydd, i Weinidogion Cymru, o dan y paragraff hwn.

(3) Rhaid i hysbysiad o dan baragraff (2) gynnwys yr wybodaeth sydd ei hangen i adnabod y tir a natur a phwrpas y datblygiad AEA.

(4) Rhaid i dderbynydd hysbysiad o'r math y cyfeirir ato ym mharagraff (2)–

(a) hysbysu'r cyrff ymgynghori, mewn ysgrifen, o enw a chyfeiriad y person a roddodd hysbysiad o dan baragraff (2), ac o'r ddyletswydd a osodir ar y cyrff ymgynghori gan baragraff (5) i roi gwybodaeth ar gael i'r person hwnnw; a

(b) hysbysu, mewn ysgrifen, y person a roddodd yr hysbysiad, o enwau a chyfeiriadau y cyrff a hysbyswyd felly.

(5) Yn ddarostyngedig i baragraff (6), rhaid i unrhyw gorff a hysbysir yn unol â pharagraff (4)(a), os

direction under paragraph (3) until they have consulted the applicant, any relevant operator notified under paragraph (5), and the consultation bodies.

(13) As soon as reasonably practicable following the making of a scoping direction under paragraph (3), the Welsh Ministers must send to the applicant a copy of that direction and written notification of the matters set out in paragraph 11 of Schedule 3.

(14) The Welsh Ministers must send a copy of any scoping direction made under this regulation to the relevant mineral planning authority.

(15) The making of a scoping direction under this regulation does preclude the Welsh Ministers from giving written notification under regulation 26 (further information) or 27 (evidence).

(16) The Welsh Ministers may withdraw a written notification given under paragraph (5) at any time before the expiration of the relevant period.

Procedure to facilitate preparation of environmental statements

16.–(1) Subject to paragraph (6), the relevant mineral planning authority must, if requested by a person notified in accordance with regulation 12(7), 13(12), 14(13) or 15(13), enter into consultation with that person to determine whether the authority has in its possession any information which the person or the authority considers relevant to the preparation of the environmental statement and, if it has, the authority must make that information available to that person.

(2) Any person notified in accordance with regulation 12(7), 13(12), 14(13) or 15(13) may give notice in writing to the relevant mineral planning authority or, as the case may be, to the Welsh Ministers, under this paragraph.

(3) A notice under paragraph (2) must include the information necessary to identify the land and the nature and purpose of the EIA development

(4) The recipient of such notice as is mentioned in paragraph (2) must–

(a) notify the consultation bodies in writing of the name and address of the person who gave notice under paragraph (2), and of the duty imposed on the consultation bodies by paragraph (5) to make information available to that person; and

(b) inform in writing the person who gave the notice of the names and addresses of the bodies so notified.

(5) Subject to paragraph (6), any body notified in accordance with paragraph (4)(a) must, if requested by

gofynnir iddo gan y person y rhoddwyd ei enw i'r corff fel y person a roddodd hysbysiad o dan baragraff (2), ymuno mewn ymgynghoriad â'r person hwnnw er mwyn penderfynu a oes gan y corff unrhyw wybodaeth yn ei feddiant a ystyrir gan y person neu'r corff yn berthnasol i baratoi'r datganiad amgylcheddol, ac os oes, rhaid i'r corff roi'r wybodaeth honno ar gael i'r person hwnnw.

(6) Nid yw'n ofynnol o dan y rheoliad hwn ddatgelu unrhyw wybodaeth—

- (a) y mae Rheoliadau Gwybodaeth Amgylcheddol 2004(1) yn gymwys iddi, pe bai hawl gan y person sy'n dal yr wybodaeth i wrthod ei datgelu wrth ymateb i gais a wneid yn unol â'r Rheoliadau hynny; neu
- (b) a fyddai, mewn unrhyw achos arall, yn wybodaeth esempt pe gwneid cais am ei datgelu yn unol â Deddf Rhyddid Gwybodaeth 2000(2).

(7) Caiff awdurdod neu gorff sy'n rhoi gwybodaeth ar gael yn unol â pharagraff (1) neu (5) godi tâl rhesymol sy'n adlewyrchu'r gost o roi'r wybodaeth berthnasol.

PENNOD 2

Cyflwyno Datganiadau Amgylcheddol

Gofyniad i gyflwyno datganiad amgylcheddol

17.—(1) Rhaid i ddatganiad amgylcheddol gael ei gyflwyno ar gyfer pob cais AEA y mae hysbysiad ysgrifenedig wedi ei roi mewn cysylltiad ag ef yn unol â rheoliad 12(7), 13(12), 14(13) neu 15(13).

(2) Rhaid i ddatganiad amgylcheddol sy'n ofynnol mewn cysylltiad â chais AEA sydd gerbron awdurdod cynllunio mwynau perthnasol i'w benderfynu gael ei gyflwyno i'r awdurdod hwnnw ar ffurf drafft ("datganiad amgylcheddol drafft")—

- (a) o fewn 16 wythnos o'r dyddiad yr anfonir, yn unol â rheoliad 12(7)(a), gopi o farn gwmpasu'r awdurdod at y ceisydd; neu
- (b) os gofynnwyd am gyfarwyddyd cwmpasu'n unol â rheoliad 12(8), o fewn 16 wythnos o'r dyddiad yr anfonwyd, yn unol â rheoliad 13(12), gopi o gyfarwyddyd cwmpasu Gweinidogion Cymru at y ceisydd,

neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda'r awdurdod ("y cyfnod perthnasol").

(3) Rhaid i ddatganiad amgylcheddol sy'n ofynnol mewn cysylltiad â chais AEA neu apêl y mae rheoliad 14(1) neu 14(3) yn gymwys iddo gael ei gyflwyno i

the person identified to the body as being the person who gave notice under paragraph (2), enter into consultation with that person to determine whether the body has in its possession any information which the person or the body considers relevant to the preparation of the environmental statement and, if it has, the body must make that information available to that person.

(6) This regulation does not require the disclosure of any information—

- (a) to which the Environmental Information Regulations 2004(1) apply, where the person holding it would be entitled to withhold it in response to a request made in accordance with those Regulations; or
- (b) which in any other case would be exempt information if a request for its disclosure were made in accordance with the Freedom of Information Act 2000(2).

(7) A reasonable charge reflecting the cost of making the relevant information available may be made by an authority or body which makes information available in accordance with paragraph (1) or (5).

CHAPTER 2

Submission of Environmental Statements

Requirement to submit environmental statement

17.—(1) An environmental statement must be submitted for every EIA application in connection with which written notification is given pursuant to regulation 12(7), 13(12), 14(13) or 15(13).

(2) An environmental statement required in connection with an EIA application which is before a relevant mineral planning authority for determination must be submitted to that authority in draft ("draft environmental statement")—

- (a) within 16 weeks of the date on which, in accordance with regulation 12(7)(a), a copy of the authority's scoping opinion is sent to the applicant; or
- (b) where a scoping direction has been requested pursuant to regulation 12(8), within 16 weeks of the date on which, in accordance with regulation 13(12), a copy of the Welsh Ministers' scoping direction is sent to the applicant,

or such longer period as may be agreed in writing with the authority ("the relevant period").

(3) An environmental statement required in connection with an EIA application to which regulation 14(1) or 14(3) applies, must be submitted to the Welsh

(1) O.S. 2004 Rhif 3391.

(2) 2000 p. 36.

(1) S.I. 2004 No. 3391.

(2) 2000 c. 36.

Weinidogion Cymru ar ffurf drafft ("datganiad amgylcheddol drafft") o fewn 16 wythnos o ddyddiad yr hysbysiad a roddir o dan reoliad 14(13), neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(4) Rhaid i ddatganiad amgylcheddol sy'n ofynnol mewn cysylltiad â chais AEA y mae rheoliad 15 yn gymwys iddo gael ei gyflwyno i Weinidogion Cymru ar ffurf drafft ("datganiad amgylcheddol drafft") o fewn 16 wythnos o ddyddiad yr hysbysiad a roddir o dan reoliad 15(13), neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(5) Mae'r paragraff hwn yn gymwys pan fo cais AEA wedi ei atgyfeirio at Weinidogion Cymru—

- (a) ar ôl y dyddiad yr anfonwyd barn gwmpasu neu gyfarwyddyd cwmpasu at y ceisydd yn unol â rheoliad 12(7)(a) neu 13(12); a
- (b) cyn bo datganiad amgylcheddol wedi ei gyflwyno i awdurdod cynllunio mwynau perthnasol o dan y rheoliad hwn.

(6) Pan fo paragraff (5) yn gymwys, rhaid cyflwyno'r datganiad amgylcheddol drafft i Weinidogion Cymru fewn 16 wythnos o'r dyddiad yr anfonwyd y farn gwmpasu neu'r cyfarwyddyd cwmpasu at y ceisydd yn unol â rheoliad 12(7)(a) neu 13(12), yn ôl y digwydd, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(7) Ni chaiff awdurdod cynllunio mwynau perthnasol na Gweinidogion Cymru dderbyn mwy nag un datganiad amgylcheddol drafft mewn perthynas ag unrhyw gais AEA.

(8) Os na chyflwynir datganiad amgylcheddol drafft o fewn y cyfnod perthnasol sy'n gymwys yn unol â pharagraff (2), (3), (4) neu (6), bydd y caniatâd cynllunio y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

Datganiadau amgylcheddol drafft: gwiriadau cyn ymgynghori

Y cyfnodau amser yn ystod y cyfryw y mae'n rhaid rhoi hysbysiad ysgrifenedig

18.—(1) Rhaid i awdurdod cynllunio mwynau perthnasol, o fewn tair wythnos ar ôl cael datganiad amgylcheddol drafft, gydymffurfio â pharagraff (3) a rhoi hysbysiad ysgrifenedig yn unol ag un o'r canlynol—

- (a) paragraff (6);
- (b) paragraff (15); neu
- (c) paragraff (21).

(2) Rhaid i Weinidogion Cymru, o fewn pa bynnag gyfnod ag y bo'n rhesymol ofynnol ganddynt ar ôl cael datganiad amgylcheddol drafft, gydymffurfio â

Ministers in draft (a "draft environmental statement") within 16 weeks of the date of the notification given under regulation 14(13), or such longer period as may be agreed in writing by the Welsh Ministers ("the relevant period").

(4) An environmental statement required in connection with an EIA application to which regulation 15 applies, must be submitted to the Welsh ministers in draft (a "draft environmental statement") within 16 weeks of the date of the notification given under regulation 15(13), or such longer period as may be agreed in writing by the Welsh Ministers ("the relevant period").

(5) This paragraph applies where an EIA application is referred to the Welsh Ministers—

- (a) following the date on which a scoping opinion or direction is sent to the applicant pursuant to regulation 12(7)(a) or 13(12); and
- (b) before an environmental statement is submitted to a relevant mineral planning authority under this regulation.

(6) Where paragraph (5) applies, the draft environmental statement must be submitted to the Welsh Ministers within 16 weeks of the date on which, the scoping opinion or direction was sent to the applicant pursuant to regulation 12(7)(a) or 13(12), as the case may be, or such longer period as may be agreed in writing by the Welsh Ministers ("the relevant period").

(7) No more than one draft environmental statement may be accepted by a relevant mineral planning authority or the Welsh Ministers in respect of any EIA application.

(8) If a draft environmental statement is not submitted within the relevant period applicable in accordance with paragraph (2), (3), (4) or (6), the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

Draft environmental statements: pre-consultation checks

Time periods within which written notification must be given

18.—(1) A relevant mineral planning authority must, within 3 weeks of receipt of a draft environmental statement, comply with paragraph (3) and give written notification in accordance with one of the following—

- (a) paragraph (6);
- (b) paragraph (15); or
- (c) paragraph (21).

(2) The Welsh Ministers must, within such period following receipt of a draft environmental statement as they may reasonably require, comply with paragraph

pharagraff (3) a rhoi hysbysiad ysgrifenedig yn unol ag un o'r canlynol—

- (a) paragraff (6);
- (b) paragraff (15); neu
- (c) paragraff (21).

Gofyniad i wirio cysondeb y penderfyniad cwmpasu perthnasol â'r datganiad amgylcheddol drafft

(3) Ar ôl cael datganiad amgylcheddol drafft rhaid i awdurdod cynllunio mwynau perthnasol edrych i weld a yw'n ymddangos bod cynnwys a rychwant yr wybodaeth sydd wedi ei chynnwys yn y datganiad amgylcheddol drafft yn gyson â'r penderfyniad cwmpasu perthnasol.

(4) Ar ôl cael datganiad amgylcheddol drafft mewn cysylltiad â chais AEA a atgyfeiriwyd at Weinidogion Cymru, neu yr apelwyd yn ei gylch i Weinidogion Cymru cyn y dyddiad y daeth y Rheoliadau hyn i rym, rhaid i Weinidogion Cymru edrych i weld a yw'n ymddangos bod cynnwys a rychwant yr wybodaeth sydd wedi ei chynnwys yn y datganiad amgylcheddol drafft yn gyson â'r cyfarwyddyd cwmpasu a hysbyswyd o dan reoliad 14(13).

(5) Ar ôl cael datganiad amgylcheddol drafft mewn cysylltiad â chais AEA a atgyfeiriwyd at Weinidogion Cymru ar neu ar ôl y dyddiad y daeth y Rheoliadau hyn i rym, rhaid i Weinidogion Cymru edrych i weld a yw'n ymddangos bod cynnwys a rychwant yr wybodaeth sydd wedi ei chynnwys yn y datganiad amgylcheddol drafft yn gyson â'r penderfyniad cwmpasu perthnasol.

Gofynion hysbysu ynglŷn ag anghysondebau sylweddol rhwng y penderfyniad cwmpasu perthnasol a'r datganiad amgylcheddol drafft

(6) Os yw'n ymddangos i awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru bod cynnwys neu rychwant yr wybodaeth sydd wedi ei chynnwys mewn datganiad amgylcheddol drafft a gyflwynwyd iddo neu iddynt yn sylweddol anghyson â'r penderfyniad cwmpasu perthnasol, rhaid i'r awdurdod neu Weinidogion Cymru roi hysbysiad ysgrifenedig i'r ceisydd neu'r apelydd, neu i weithredwr perthnasol—

- (a) sy'n nodi'n glir ac yn fanwl-gywir yr anghysondeb sylweddol o dan sylw a'r wybodaeth sy'n angenrheidiol i gywiro'r anghysondeb ("gwybodaeth benodedig"); a
- (b) o'r materion a nodir ym mharagraff 12 o Atodlen 3.

(7) At ddibenion paragraff (6), gweithredwr perthnasol yw unrhyw weithredwr yr ystyria'r awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru yn rhesymol ei fod, neu y dylai fod, yn alluog i ddarparu gwybodaeth benodedig.

Gofyniad i ddarparu gwybodaeth benodedig

(3) and give written notification in accordance with one of the following—

- (a) paragraph (6);
- (b) paragraph (15); or
- (c) paragraph (21).

Requirement to check consistency between relevant scoping decision and draft environmental statement

(3) On receipt of a draft environmental statement a relevant mineral planning authority must check whether the content and extent of the information included in the draft environmental statement appears to be consistent with the relevant scoping decision.

(4) On receipt of a draft environmental statement in connection with an EIA application which was referred or appealed to the Welsh Ministers before the date on which these Regulations come into force, the Welsh Ministers must check whether the content and extent of the information included in the draft environmental statement appears to be consistent with the scoping direction notified under regulation 14(13).

(5) On receipt of a draft environmental statement in connection with an EIA application referred to the Welsh Ministers on or after the date on which these Regulations come into force, the Welsh Ministers must check whether the content and extent of the information included in the draft environmental statement appears to be consistent with the relevant scoping decision.

Notification requirements concerning material inconsistencies between relevant scoping decision and draft environmental statement

(6) If it appears to a relevant mineral planning authority or the Welsh Ministers that the content or extent of the information included in a draft environmental statement submitted to them is materially inconsistent with the relevant scoping decision, the authority or the Welsh Ministers must give written notification to the applicant or appellant, or to a relevant operator—

- (a) identifying clearly and precisely both the material inconsistency in question, and the information which is necessary to remedy the inconsistency ("specified information"); and
- (b) of the matters set out in paragraph 12 of Schedule 3.

(7) For the purposes of paragraph (6), a relevant operator is any operator which the relevant mineral planning authority or the Welsh Ministers reasonably consider is, or should be, able to provide specified information.

Requirement to provide specified information

(8) Rhaid i wybodaeth benodedig a ddynodir yn unol â hysbysiad ysgrifenedig a roddir gan awdurdod cynllunio mwynau perthnasol o dan baragraff (6) gael ei darparu i'r awdurdod hwnnw o fewn tair wythnos o ddyddiad yr hysbysiad a roddwyd o dan y paragraff hwnnw, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda'r awdurdod ("y cyfnod perthnasol").

(9) Rhaid i wybodaeth benodedig a ddynodir yn unol â hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan baragraff (6) gael ei darparu i Weinidogion Cymru o fewn tair wythnos o ddyddiad yr hysbysiad a roddwyd o dan y paragraff hwnnw, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(10) Os na ddarperir gwybodaeth benodedig a ddynodir yn unol â hysbysiad ysgrifenedig o dan baragraff (6) o fewn y cyfnod perthnasol a grybwyllir ym mharagraff (8) neu, yn ôl y digwydd, ym mharagraff (9), bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol sydd dan sylw ymlaen.

(11) Caiff awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (6) ar unrhyw bryd cyn y daw'r cyfnod perthnasol y cyfeiriwyd ato ym mharagraff (8) neu, yn ôl y digwydd, paragraff (9) i ben.

Gofyniad i ystyried y ffurf y cyflwynir datganiad amgylcheddol drafft ynddi

(12) Os bodlonir awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru bod datganiad amgylcheddol drafft yn ymddangos yn cynnwys yr holl wybodaeth a bennir yn y penderfyniad cwmpasu perthnasol, rhaid i'r awdurdod neu Weinidogion Cymru (yn ôl y digwydd) ystyried a yw'r datganiad amgylcheddol drafft wedi ei gyflwyno mewn ffurf briodol.

(13) Pan fo awdurdod cynllunio mwynau perthnasol wedi ei fodloni fel a grybwyllir ym mharagraff (12) o ganlyniad i wybodaeth benodedig a gafodd yn unol â hysbysiad ysgrifenedig a roddwyd o dan baragraff (6), rhaid i'r awdurdod, o fewn tair wythnos ar ôl cael yr wybodaeth benodedig, gydymffurfio â pharagraff (12) a hysbysu'r ceisydd mewn ysgrifen yn unol ag un o'r canlynol—

- (a) paragraff (15); neu
- (b) paragraff (21).

(14) Pan fo Gweinidogion Cymru wedi eu bodloni fel a grybwyllir ym mharagraff (12) o ganlyniad i wybodaeth benodedig a gawsant yn unol â hysbysiad ysgrifenedig a roddwyd o dan baragraff (6), rhaid i Weinidogion Cymru, o fewn pa bynnag gyfnod ag y bo'n rhesymol ofynnol ganddynt ar ôl cael yr wybodaeth benodedig, gydymffurfio â pharagraff (12) a hysbysu'r ceisydd neu'r apelydd mewn ysgrifen yn

(8) Specified information identified pursuant to a written notification given by a relevant mineral planning authority under paragraph (6) must be provided to that authority within 3 weeks of the date of the notification given under that paragraph, or such longer period as may be agreed in writing with the authority ("the relevant period").

(9) Specified information identified pursuant to a written notification given by the Welsh Ministers under paragraph (6) must be provided to the Welsh Ministers within 3 weeks of the date of the notification given under that paragraph, or such longer period as may be agreed in writing with the Welsh Ministers ("the relevant period").

(10) If specified information identified pursuant to a written notification under paragraph (6) is not provided within the relevant period mentioned in paragraph (8) or, as the case may be, paragraph (9), the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period in question.

(11) A relevant mineral planning authority or the Welsh Ministers may withdraw a written notification given under paragraph (6) at any time before the expiration of the relevant period referred to in paragraph (8) or, as the case may be, paragraph (9).

Requirement to consider form in which draft environmental statement is presented

(12) If a relevant mineral planning authority or the Welsh Ministers is or are satisfied that a draft environmental statement appears to contain all of the information specified in the relevant scoping decision, the authority or the Welsh Ministers (as the case may be) must consider whether the draft environmental statement is presented in an inappropriate form.

(13) Where a relevant mineral planning authority is satisfied as mentioned in paragraph (12) as a result of specified information received pursuant to written notification given under paragraph (6), the authority must, within 3 weeks of receipt of the specified information, comply with paragraph (12) and notify the applicant in writing in accordance with one of the following—

- (a) paragraph (15); or
- (b) paragraph (21).

(14) Where the Welsh Ministers are satisfied as mentioned in paragraph (12) as a result of specified information received pursuant to written notification given under paragraph (6), the Welsh Ministers must, within such period following receipt of the specified information as they may reasonably require, comply with paragraph (12) and notify the applicant or appellant in writing in accordance with one of the

unol ag un o'r canlynol—

- (a) paragraff (15); neu
- (b) paragraff (21).

Gofynion hysbysu ynghylch ffurf y datganiad amgylcheddol drafft

(15) Os yw awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru o'r farn, yn rhesymol, bod datganiad amgylcheddol drafft wedi ei gyflwyno mewn ffurf amhriodol, rhaid i'r awdurdod neu Weinidogion Cymru (yn ôl y digwydd), mewn ysgrifen, hysbysu'r ceisydd neu'r apelydd o'r canlynol—

- (a) y newidiadau y mae'n ofynnol eu gwneud yn y ffurf y cyflwynir y datganiad amgylcheddol drafft; a
- (b) y materion a nodir ym mharagraff 13 o Atodlen 3.

Gofyniad i ailgyflwyno datganiad amgylcheddol drafft

(16) Pan yw'n ofynnol gwneud newidiadau yn ffurf datganiad amgylcheddol drafft yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (15), rhaid cyflwyno datganiad amgylcheddol drafft pellach sy'n cynnwys y newidiadau hynny yn unol â'r rheoliad hwn, o fewn tair wythnos o ddyddiad yr hysbysiad a roddwyd o dan y paragraff hwnnw neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda'r awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru, yn ôl y digwydd ("y cyfnod perthnasol").

(17) Os na chyflwynir datganiad amgylcheddol drafft pellach sy'n cynnwys y newidiadau sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (15) o fewn y cyfnod perthnasol a grybwyllir ym mharagraff (16), bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol hwnnw ymlaen.

(18) Caiff awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (15) ar unrhyw bryd cyn y daw'r cyfnod perthnasol y cyfeiriwyd ato ym mharagraff (16) i ben.

Yr awdurdod y mae gwybodaeth benodedig neu ddatganiad amgylcheddol drafft pellach i'w chyflwyno neu i'w gyflwyno iddo yn dilyn atgyfeirio

(19) Mae'r paragraff hwn yn gymwys pan fo cais AEA wedi ei atgyfeirio at Weinidogion Cymru i'w benderfynu—

- (a) ar neu ar ôl y dyddiad y rhoddwyd hysbysiad ysgrifenedig o dan baragraff (6) neu (15); a
- (b) cyn bo'r wybodaeth benodedig wedi ei chyflwyno neu'r datganiad amgylcheddol drafft pellach wedi ei gyflwyno, yn ôl y digwydd.

following—

- (a) paragraph (15); or
- (b) paragraph (21).

Notification requirements concerning form of draft environmental statement

(15) If a relevant mineral planning authority or the Welsh Ministers reasonably consider that a draft environmental statement is presented in an inappropriate form, the authority or the Welsh Ministers (as the case may be) must notify the applicant or appellant in writing of—

- (a) the changes which are required to be made to the form in which the draft environmental statement is presented; and
- (b) the matters set out in paragraph 13 of Schedule 3.

Requirement to re-submit draft environmental statement

(16) Where changes are required to be made to the form of a draft environmental statement pursuant to a written notification given under paragraph (15), a further draft environmental statement incorporating those changes must be submitted in accordance with this regulation within 3 weeks of the date of the notification given under that paragraph, or such longer period as may be agreed in writing with the relevant mineral planning authority or the Welsh Ministers, as the case may be ("the relevant period").

(17) If a further draft environmental statement incorporating the changes required pursuant to a written notification given under paragraph (15) is not submitted within the relevant period mentioned in paragraph (16), the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of that relevant period.

(18) A relevant mineral planning authority or the Welsh Ministers may withdraw a written notification given under paragraph (15) at any time before the expiration of the relevant period referred to in paragraph (16).

Authority to which specified information or further draft environmental statement is to be provided following referral

(19) This paragraph applies where an EIA application is referred to the Welsh Ministers for determination—

- (a) on or after the date on which written notification is given under paragraph (6) or (15); and
- (b) before the specified information or, as the case may be, the further draft environmental statement, is submitted.

(20) Pan fo paragraff (19) yn gymwys, rhaid cyflwyno'r wybodaeth benodedig neu, yn ôl y digwydd, y datganiad amgylcheddol drafft pellach, i Weinidogion Cymru o fewn y cyfnod perthnasol a grybwyllir ym mharagraff (8) neu, yn ôl y digwydd, paragraff (16).

Cyfarwyddyd i gyhoeddi'r datganiad amgylcheddol

(21) Os bodlonir awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru bod datganiad amgylcheddol drafft a gyflwynir iddo neu iddynt—

- (a) yn ymddangos yn cynnwys yr holl wybodaeth a bennwyd yn y penderfyniad cwmpasu perthnasol; a
- (b) nad yw wedi ei gyflwyno mewn ffurf amhriodol,

rhaid i'r awdurdod neu, yn ôl y digwydd, Weinidogion Cymru roi i'r ceisydd neu'r apelydd yr hysbysiad ysgrifenedig a bennir ym mharagraff (24).

(22) Pan fo awdurdod cynllunio mwynau perthnasol wedi ei fodloni fel a grybwyllir ym mharagraff (21), o ganlyniad i ddatganiad amgylcheddol drafft pellach a geir yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (15), rhaid i'r awdurdod, o fewn tair wythnos ar ôl cael y datganiad amgylcheddol drafft pellach, gydymffurfio â pharagraff (21).

(23) Pan fo Gweinidogion Cymru wedi eu bodloni fel a grybwyllir ym mharagraff (21), o ganlyniad i ddatganiad amgylcheddol drafft pellach a geir yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (15), rhaid i Weinidogion Cymru, o fewn pa bynnag gyfnod ag y bo'n rhesymol ofynnol ganddynt ar ôl cael y datganiad amgylcheddol drafft pellach, gydymffurfio â pharagraff (21).

(24) Rhaid i'r hysbysiad ysgrifenedig y cyfeirir ato ym mharagraff (21)—

- (a) cyfarwyddo'r ceisydd neu'r apelydd i gydymffurfio â rheoliad 20;
- (b) pennu'r nifer o gopïau o'r datganiad amgylcheddol sy'n ofynnol at ddibenion y dyletswyddau a osodir ar yr awdurdod neu, yn ôl y digwydd, ar Weinidogion Cymru gan reoliad 22;
- (c) pan fo'r awdurdod neu Weinidogion Cymru yn ymwybodol bod y cais yn effeithio, neu'n debygol o effeithio, ar unrhyw berson penodol, neu fod gan y person fuddiant yn y cais a'i fod yn annhebygol o ddod i wybod am y cais drwy gyfrwng hysbysiad ar y safle neu hysbyseb leol, enwi unrhyw berson o'r fath;
- (ch) hysbysu'r ceisydd neu'r apelydd o'r materion a nodir ym mharagraff 14 o Atodlen 3.

Gwybodaeth bellach a thystiolaeth

(25) Nid yw hysbysiad ysgrifenedig a roddir yn unol â pharagraff (21) yn rhwystro'r awdurdod cynllunio

(20) Where paragraph (19) applies, the specified information or, as the case may be, the further draft environmental statement, must be submitted to the Welsh Ministers within the relevant period mentioned in paragraph (8) or, as the case may be, paragraph (16).

Instruction to publish environmental statement

(21) If a relevant mineral planning authority or the Welsh Ministers is or are satisfied that a draft environmental statement submitted to it or them—

- (a) appears to contain all of the information specified in the relevant scoping decision; and
- (b) is not presented in an inappropriate form,

the authority or, as the case may be, the Welsh Ministers must give to the applicant or appellant the written notification specified in paragraph (24).

(22) Where a relevant mineral planning authority is satisfied as mentioned in paragraph (21) as a result of a further draft environmental statement received pursuant to written notification given under paragraph (15), the authority must, within 3 weeks of receipt of the further draft environmental statement, comply with paragraph (21).

(23) Where the Welsh Ministers are satisfied as mentioned in paragraph (21) as a result of a further draft environmental statement received pursuant to written notification given under paragraph (15), the Welsh Ministers must, within such period following receipt of the further draft environmental statement as they may reasonably require, comply with paragraph (21).

(24) The written notification referred to in paragraph (21) must—

- (a) instruct the applicant or appellant to comply with regulation 20;
- (b) specify the number of copies of the environmental statement required for the purposes of the duties imposed on the authority or, as the case may be, on the Welsh Ministers, by regulation 22;
- (c) where the authority or the Welsh Ministers is or are aware that any particular person is or is likely to be affected by, or has an interest in, the application and who is unlikely to become aware of it by means of a site notice or by local advertisement, identify any such person;
- (d) notify the applicant or appellant of the matters set out in paragraph 14 of Schedule 3.

Further information and evidence

(25) Written notification given pursuant to paragraph (21) does not preclude the relevant mineral planning

mwynau perthnasol na Gweinidogion Cymru rhag rhoi hysbysiad ysgrifenedig o dan reoliad 26 (gwybodaeth bellach) neu 27 (tystiolaeth).

Datganiadau amgylcheddol: gofyniad i gyflwyno dystiolaeth ddogfennol o gyhoeddi

19.–(1) Rhaid i geisydd neu apelydd a hysbysir yn unol â rheoliad 18(21) gydymffurfio â rheoliad 21 o fewn chwe wythnos o ddyddiad yr hysbysiad a roddir o dan reoliad 18(21), neu ba bynnag gyfnod hwy a gytunir mewn ysgrifenedig gyda'r awdurdod neu Weinidogion Cymru, yn ôl y digwydd ("y cyfnod perthnasol").

(2) Os nad yw ceisydd neu apelydd a hysbysir yn unol â rheoliad 18(21) yn cydymffurfio â rheoliad 21 o fewn y cyfnod perthnasol, bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol hwnnw ymlaen.

PENNOD 3

Datganiadau Amgylcheddol: Ymgynghori a Chyfranogiad y Cyhoedd

Datganiadau amgylcheddol: y gofynion cyhoeddusrwydd

20.–(1) Rhaid i'r ceisydd neu'r apelydd gyhoeddi, mewn papur newydd lleol sy'n cylchredeg yn y gymdogaeth y lleolir y tir ynddi, hysbysiad sy'n datgan–

- (a) enw'r person a wnaeth gais am benderfynu, neu a apeliodd mewn perthynas â phenderfynu yr amodau y bydd y caniatâd cynllunio yn ddarostyngedig iddynt, y darpariaethau perthnasol o Ddeddf 1991 neu 1995 y gwneir y cais yn unol â hwy ac enw a chyfeiriad yr awdurdod cynllunio mwynau perthnasol;
- (b) y dyddiad y gwnaed y cais, a'r dyddiad, os digwyddodd hynny, y'i hatgyfeiriwyd at Weinidogion Cymru i'w benderfynu neu y daeth yn destun apêl iddynt;
- (c) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (ch) bod copi o'r cais a chopiau o unrhyw gynllun a dogfennau eraill a gyflwynwyd ynghyd ag ef, gan gynnwys copi o'r datganiad amgylcheddol, ar gael i'w harchwilio gan aelodau'r cyhoedd yn ystod unrhyw oriau rhesymol;
- (d) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynddi, lle y gellir archwilio'r dogfennau hynny, a'r dyddiad olaf pan fyddant ar gael i'w harchwilio (sef dyddiad na fydd yn gynharach nag 21 diwrnod ar ôl y dyddiad pan gyhoeddir yr hysbysiad);
- (dd) cyfeiriad o fewn y gymdogaeth y lleolir y tir

authority or the Welsh Ministers from giving written notification under regulation 26 (further information) or 27 (evidence).

Environmental statements: requirement to submit documentary evidence of publication

19.–(1) An applicant or appellant notified in accordance with regulation 18(21) must comply with regulation 21 within 6 weeks of the date of the notification given under regulation 18(21), or such longer period as may be agreed in writing with the authority or, as the case may be, the Welsh Ministers ("the relevant period").

(2) If an applicant or appellant notified in accordance with regulation 18(21) does not comply with regulation 21 within the relevant period, the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of that relevant period.

CHAPTER 3

Environmental Statements: Consultation and Public Participation

Environmental statements: publicity requirements

20.–(1) The applicant or appellant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating–

- (a) the name of the person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made and the name and address of the relevant mineral planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to them;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application and of any plan and other documents submitted with it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that

ynndi (pa un ai'r un cyfeiriad ai peidio â hwnnw a roddir o dan is-baragraff (d)), lle y gellir cael copïau o'r datganiad;

- (e) y gellir cael copïau yno cyhyd â bo'r stoc yn parhau;
- (f) os oes bwriad i godi tâl am gopi, y swm a godir;
- (ff) os bu gwybodaeth bellach neu dystiolaeth yn destun hysbysiad ysgrifenedig a roddwyd o dan reoliad 28(8), y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth neu'r dystiolaeth honno yn ystod unrhyw oriau rhesymol;
- (g) os bu gwybodaeth berthnasol arall yn destun cyhoeddusrwydd o dan reoliad 37, y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth berthnasol arall honno yn ystod unrhyw oriau rhesymol;
- (ng) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynndi, lle y gellir archwilio copïau o unrhyw wybodaeth neu dystiolaeth a grybwyllir yn is-baragraffau (ff) ac (g);
- (h) y dylai unrhyw berson sy'n dymuno gwneud sylwadau ynglŷn â'r cais eu cyflwyno mewn ysgrifen i'r awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru (yn ôl y digwydd), cyn diwedd 21 o ddiwrnodau o ddyddiad yr hysbysiad; ac
- (i) y cyfeiriad y dylid anfon sylwadau iddo.

(2) Pan fo'r ceisydd neu'r apelydd wedi ei hysbysu ynghylch unrhyw berson penodol yr effeithir arno, neu y mae'n debygol yr effeithir arno, neu sydd â buddiant yn y cais, rhaid i'r ceisydd neu'r apelydd gyflwyno hysbysiad i bob person yr hysbyswyd y ceisydd yn ei gylch felly; a rhaid i'r hysbysiad gynnwys yr wybodaeth a bennir ym mharagraff (1), ac eithrio rhaid i'r dyddiad a bennir fel y dyddiad olaf y bydd dogfennau ar gael i'w harchwilio beidio â bod yn gynharach nag 21 diwrnod ar ôl y dyddiad pan gyflwynir yr hysbysiad gyntaf.

(3) Rhaid i'r ceisydd neu'r apelydd, ac eithrio pan nad oes gan y ceisydd neu'r apelydd y cyfryw hawliau a fyddai'n ei alluogi i wneud hynny ac nad oedd modd iddo, yn rhesymol, gaffael yr hawliau hynny, arddangos hysbysiad ar y tir, a fydd yn cynnwys yr wybodaeth a bennir ym mharagraff (1), ac eithrio rhaid i'r dyddiad a bennir fel y dyddiad olaf y bydd dogfennau ar gael i'w harchwilio beidio â bod yn gynharach nag 21 diwrnod ar ôl y dyddiad pan arddangosir yr hysbysiad gyntaf.

(4) Rhaid i'r hysbysiad a grybwyllir ym mharagraff (3)–

- (a) cael ei adael yn ei le am ddim llai na saith niwrnod yn ystod y 28 diwrnod yn union cyn y dyddiad y cyflwynir y dystysgrif sy'n ofynnol yn unol â rheoliad 21(2)(b); a

given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;

- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) if further information or evidence has been the subject of a written notification given under regulation 28(8), that a copy of that information or evidence may be inspected by members of the public at all reasonable hours;
- (j) if other relevant information has been the subject of publicity under regulation 37, that a copy of that other relevant information may be inspected by members of the public at all reasonable hours;
- (k) an address in the locality in which the land is situated at which copies of any information or evidence mentioned in sub-paragraphs (i) and (j) may be inspected;
- (l) that any person wishing to make representations about the application should make them in writing to the relevant mineral planning authority or the Welsh Ministers (as the case may be), before the expiration of 21 days from the date of the notice ; and
- (m) the address to which representations should be sent.

(2) Where the applicant or appellant has been notified of any particular person who is or is likely to be affected by, or have an interest in the application, the applicant or appellant must serve on every person of whom the applicant has been so notified, a notice; and the notice must contain the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.

(3) The applicant or appellant must, unless the applicant or appellant has not, and was not reasonably able to acquire, such rights as would enable the applicant or appellant to do so, post on the land a notice containing the information specified in paragraph (1), except that the date named as the latest date on which the documents will be available for inspection must be not less than 21 days later than the date on which the notice is first posted.

(4) The notice mentioned in paragraph (3) must–

- (a) be left in position for not less than seven days in the 28 days immediately preceding the date on which the certificate required pursuant to regulation 21(2)(b) is submitted; and

- (b) cael ei gysylltu'n gadarn wrth ryw wrthrych ar y tir a'i leoli a'i arddangos mewn modd sy'n galluogi aelodau'r cyhoedd i'w weld yn rhwydd a'i ddarllen heb fynd ar y tir.

Tystiolaeth ddogfennol sydd i'w chyflwyno i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru ar ôl cyhoeddi hysbysiad o ddatganiad amgylcheddol

21.–(1) Rhaid i geisydd neu apelydd a hysbysir yn unol â rheoliad 18(21) gyflwyno–

- (a) os rhoddwyd yr hysbysiad gan awdurdod cynllunio mwynau perthnasol, i'r awdurdod hwnnw;
- (b) os rhoddwyd yr hysbysiad gan awdurdod cynllunio mwynau perthnasol, a chyn cyflwyno'r dogfennau sy'n ofynnol o dan y rheoliad hwn, atgyfeiriwyd y cais AEA at Weinidogion Cymru i'w benderfynu, i Weinidogion Cymru; neu
- (c) os rhoddwyd yr hysbysiad gan Weinidogion Cymru, i Weinidogion Cymru,

y dogfennau a bennir ym mharagraff (2).

(2) Y dogfennau y cyfeirir atynt ym mharagraff (1) yw–

- (a) copi o'r hysbysiad a grybwyllir yn rheoliad 20(1) wedi ei ardstyio gan neu ar ran y ceisydd neu'r apelydd fel hysbysiad a gyhoeddwyd mewn papur newydd a enwyd ar ddyddiad a bennir yn y dystysgrif;
- (b) tystysgrif gan neu ar ran y ceisydd neu'r apelydd sy'n datgan naill ai–
 - (i) bod y ceisydd neu'r apelydd wedi arddangos hysbysiad ar y tir er mwyn cydymffurfio â rheoliad 20(3) a (4), y dyddiad yr arddangoswyd yr hysbysiad felly, ac naill ai bod yr hysbysiad wedi ei adael yn ei le am ddim llai na saith niwrnod yn ystod y 28 diwrnod yn union cyn y dyddiad y cyflwynwyd y dystysgrif neu, heb fai na bwriad ar ran y ceisydd neu'r apelydd, y symudwyd, cuddiwyd neu difwynwyd yr hysbysiad cyn i'r saith niwrnod ddod i ben a bod y ceisydd neu'r apelydd wedi cymryd camau rhesymol i'w ddiogelu neu ei amnewid, gan nodi'r camau a gymerwyd; neu
 - (ii) nad oedd modd i'r ceisydd neu'r apelydd gydymffurfio â rheoliad 20(3) a (4) oherwydd nad oedd gan y ceisydd neu'r apelydd yr hawliau angenrheidiol i wneud hynny; bod y ceisydd neu'r apelydd wedi cymryd pa bynnag gamau rhesymol oedd yn agored i'r ceisydd neu'r apelydd er mwyn caffael yr hawliau i wneud hynny; ac na lwyddodd i wneud hynny, gan nodi'r camau a gymerwyd; ac

- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

Documentary evidence to be submitted to a relevant mineral planning authority or the Welsh Ministers following publication of notice of environmental statement

21.–(1) An applicant or appellant notified in accordance with regulation 18(21) must submit–

- (a) where the notification was given by a relevant mineral planning authority, to that authority;
- (b) where the notification was given by a relevant mineral planning authority and before submitting the documents required under this regulation the EIA application in question is referred to the Welsh Ministers for determination, to the Welsh Ministers; or
- (c) where the notification was given by the Welsh Ministers, to the Welsh Ministers,

the documents specified in paragraph (2).

(2) The documents referred to in paragraph (1) are–

- (a) a copy of the notice mentioned in regulation 20(1) certified by or on behalf of the applicant or appellant as having been published in a named newspaper on a date specified in the certificate;
- (b) a certificate by or on behalf of the applicant or appellant which states either–
 - (i) that the applicant or appellant has posted a notice on the land in compliance with regulation 20(3) and (4), the date on which the notice was so posted, and that either the notice was left in position for not less than seven days in the 28 days immediately preceding the date on which the certificate is submitted, or that, without any fault or intention on the part of the applicant or appellant, it was removed, obscured or defaced before seven days had elapsed and the applicant or appellant took reasonable steps for its protection or replacement, specifying the steps taken; or
 - (ii) that the applicant or appellant was unable to comply with regulation 20(3) and (4) because the applicant or appellant did not have the necessary rights to do so; that the applicant or appellant has taken such reasonable steps as are open to the applicant or appellant to acquire those rights; and has been unable to do so, specifying the steps taken; and

- (c) pan fo'r ceisydd neu'r apelydd wedi ei hysbysu ynghylch unrhyw berson penodol y mae'n debygol yr effeithir arno gan y cais, neu sydd â buddiant yn y cais, copi o'r hysbysiad a grybwyllir yn rheoliad 20(2), wedi ei ardystio gan neu ar ran y ceisydd neu'r apelydd fel hysbysiad a roddwyd i'r person hwnnw ar ddyddiad a bennir yn y dystysgrif.

(3) Os yw unrhyw berson yn dyroddi tystysgrif sy'n honni cydymffurfio â gofynion paragraff (2)(b) ac yn cynnwys datganiad y gŵyr y person hwnnw ei fod yn ffug neu gamarweiniol mewn unrhyw fanylyn perthnasol, neu'n dyroddi yn ddi-hid tystysgrif sy'n honni cydymffurfio â'r gofynion hynny ac yn cynnwys datganiad sy'n ffug neu gamarweiniol mewn unrhyw fanylyn perthnasol, mae'r person hwnnw yn euog o dramgwydd ac yn agored, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn fwy na lefel 3 ar y raddfa safonol.

Gweithdrefn yn dilyn hysbysiad a roddir o dan reoliad 18(21)

22.–(1) Rhaid i geisydd neu apelydd a hysbysir o dan reoliad 18(21), o fewn saith niwrnod o ddyddiad yr hysbysiad hwnnw, ddarparu i'r awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru (yn ôl y digwydd), pa bynnag nifer o gopiau o'r datganiad amgylcheddol a bennir yn yr hysbysiad o dan y rheoliad hwnnw.

(2) Rhaid i awdurdod cynllunio mwynau perthnasol, o fewn 14 diwrnod o ddyddiad hysbysiad a roddir ganddo o dan reoliad 18(21)–

- (a) anfon at Weinidogion Cymru ddau gopi o'r datganiad amgylcheddol y mae'r hysbysiad yn ymwneud ag ef, ynghyd â chopi o'r cais perthnasol ac o unrhyw ddogfennau a gyflwynwyd ynghyd â'r cais;
- (b) anfon copi at bob un o'r cyrff ymgynghori o'r datganiad amgylcheddol y mae'r hysbysiad yn ymwneud ag ef; ac
- (c) rhoi i bob corff ymgynghori hysbysiad ysgrifenedig sy'n datgan bod rhaid i unrhyw sylwadau y bydd y corff yn dymuno'u gwneud wrth ymateb i'r ymgynghoriad ynglŷn â'r cais gael eu gwneud mewn ysgrifen i'r awdurdod cynllunio mwynau perthnasol o fewn 28 diwrnod o ddyddiad yr hysbysiad (neu ba bynnag gyfnod hwy a gytunir rhwng yr awdurdod cynllunio mwynau perthnasol a'r corff ymgynghori).

(3) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddynt roi hysbysiad o dan reoliad 18(21)–

- (a) anfon copi at bob un o'r cyrff ymgynghori o'r datganiad amgylcheddol y mae'r hysbysiad yn ymwneud ag ef;
- (b) rhoi i bob corff ymgynghori hysbysiad ysgrifenedig sy'n datgan bod rhaid i unrhyw

- (c) where the applicant or appellant has been notified of any particular person who is likely to be affected by, or have an interest in, the application, a copy of the notice mentioned in regulation 20(2) certified by or on behalf of the applicant or appellant as having been given to that person on a date specified in the certificate.

(3) If any person issues a certificate which purports to comply with the requirements of paragraph (2)(b) and which contains a statement which that person knows to be false or misleading in any material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in any material particular, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Procedure following notification given under regulation 18(21)

22.–(1) An applicant or appellant notified under regulation 18(21) must, within 7 days of the date of that notification, provide to the relevant mineral planning authority or the Welsh Ministers (as the case may be), such number of copies of the environmental statement as are specified in the notice given under that regulation.

(2) A relevant mineral planning authority must, within 14 days of the date of a notice given by it under regulation 18(21)–

- (a) send to the Welsh Ministers, two copies of the environmental statement to which the notification relates and a copy of the relevant application and of any documents submitted with the application;
- (b) send to each of the consultation bodies a copy of the environmental statement to which the notice relates; and
- (c) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation regarding the application must be made in writing to the relevant mineral planning authority within 28 days of the date of the notice (or such longer period as may be agreed between the relevant mineral planning authority and the consultation body).

(3) The Welsh Ministers must, as soon as reasonably practicable following the giving of notice by them under regulation 18(21)–

- (a) send to each of the consultation bodies a copy of the environmental statement to which the notification relates;
- (b) give written notification to each consultation body stating that any representation it wishes

sylwadau y bydd y corff yn dymuno'u gwneud wrth ymateb i'r ymgynghoriad ynglŷn â'r cais gael eu gwneud mewn ysgriflen i Weinidogion Cymru o fewn 28 diwrnod o ddyddiad yr hysbysiad (neu ba bynnag gyfnod hwy a gytunir rhwng Gweinidogion Cymru a'r corff ymgynghori); ac

- (c) anfon copi o'r datganiad amgylcheddol y mae'r hysbysiad yn ymwneud ag ef at yr awdurdod cynllunio mwynau perthnasol.

(4) Pan fo awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru yn rhoi hysbysiad ysgrifenedig o dan reoliad 18(21), rhaid i'r awdurdod neu, yn ôl y digwydd, Gweinidogion Cymru, ymatal rhag ystyried y cais neu'r apêl o dan sylw hyd nes y daw'r cyfnod perthnasol sy'n gymwys yn unol â rheoliad 19(1) i ben; a rhaid iddo neu rhaid iddynt beidio â phenderfynu'r cais neu'r apêl hyd nes y daw yr 21 diwrnod, sy'n dilyn y dyddiad y bydd y cyfnod perthnasol hwnnw'n gorffen, i ben.

Argaeledd copïau o ddatganiadau amgylcheddol

23. Rhaid i geisydd neu apelydd y rhoddir hysbysiad ysgrifenedig iddo o dan reoliad 18(21) sicrhau bod nifer rhesymol o gopïau o'r datganiad amgylcheddol ar gael yn y cyfeiriad a enwir yn yr hysbysiadau a gyhoeddir neu a arddangosir yn unol â rheoliad 20 fel y cyfeiriad lle y gellir cael copïau o'r fath.

Darparu copïau o ddatganiadau amgylcheddol i Weinidogion Cymru yn dilyn atgyfeirio neu apêl

24. Pan fo cais AEA wedi ei atgyfeirio at, neu'n destun apêl i Weinidogion Cymru ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym, caiff Gweinidogion Cymru, drwy roi hysbysiad ysgrifenedig, wneud yn ofynnol bod y ceisydd yn darparu pa bynnag nifer o gopïau o'r datganiad amgylcheddol ag y tybiant sydd eu hangen, o fewn pa bynnag gyfnod a bennir yn yr hysbysiad.

Codi tâl am gopïau o ddatganiadau amgylcheddol

25. Ceir codi tâl rhesymol, sy'n adlewyrchu'r costau argraffu a dosbarthu, ar aelod o'r cyhoedd am gopi o ddatganiad amgylcheddol a roddir ar gael yn unol â rheoliad 23.

to make in response to the consultation regarding the application must be made in writing to the Welsh Ministers within 28 days of the date of the notice (or such longer period as may be agreed between the Welsh Ministers and the consultation body); and

- (c) send to the relevant mineral planning authority a copy of the environmental statement to which the notice relates.

(4) Where a relevant mineral planning authority or the Welsh Ministers give written notification under regulation 18(21), the authority or, as the case may be, the Welsh Ministers, must suspend consideration of the application or appeal in question until the expiry of the relevant period applicable in accordance with regulation 19(1); and must not determine the application or appeal until the expiry of 21 days following the date on which that relevant period ends.

Availability of copies of environmental statements

23. An applicant or an appellant to whom written notification is given under regulation 18(21) must ensure that a reasonable number of copies of the environmental statement are available at the address named in the notices published or posted pursuant to regulation 20 as the address at which such copies may be obtained.

Provision of copies of environmental statements for the Welsh Ministers on referral or appeal

24. Where an EIA application is referred or appealed to the Welsh Ministers on or after the date on which these Regulations come into force, the Welsh Ministers may by notice in writing, require the applicant to provide such number of copies of the environmental statement as they consider necessary, within such period as is specified in the notice.

Charges for copies of environmental statements

25. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of an environmental statement made available in accordance with regulation 23.

RHAN 4

Gwybodaeth Bellach, Tystiolaeth a
Gwybodaeth Arall etc.

PENNOD 4

Gwybodaeth Bellach a Thystiolaeth

Gwybodaeth bellach

26.–(1) Os yw awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru o'r farn, yn rhesymol, bod gwybodaeth bellach yn ofynnol er mwyn ystyried cais AEA yn briodol neu, yn achos Gweinidogion Cymru, er mwyn ystyried apêl mewn perthynas â chais AEA yn briodol, a naill ai–

- (a) y ceisydd neu'r apelydd yn alluog (neu dylai fod yn alluog) i ddarparu'r cyfryw wybodaeth, neu
- (b) gweithredwr yn alluog (neu dylai fod yn alluog) i ddarparu'r cyfryw wybodaeth,

rhaid i'r awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru hysbysu'r ceisydd, yr apelydd neu, yn ôl y digwydd, y gweithredwr, mewn ysgrifen, o'r wybodaeth bellach sy'n ofynnol.

(2) Rhaid i hysbysiad ysgrifenedig a roddir o dan baragraff (1) ddatgan yn eglur a manwl pa wybodaeth sy'n ofynnol.

(3) Rhaid cyflwyno'r hysbysiad ysgrifenedig a roddir o dan baragraff (1) ynghyd â hysbysiad ysgrifenedig o'r materion a nodir ym mharagraff 15 o Atodlen 3.

(4) Rhaid darparu gwybodaeth bellach sy'n ofynnol yn unol â hysbysiad o dan baragraff (1) o fewn chwe wythnos o ddyddiad yr hysbysiad, neu ba bynnag gyfnod hwy a gytunir gyda'r awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru (yn ôl y digwydd) ("y cyfnod perthnasol").

(5) Os na ddarperir gwybodaeth bellach o fewn y cyfnod perthnasol, bydd y caniatâd cynllunio y mae'r cais AEA neu'r apêl yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(6) Nid yw hysbysiad ysgrifenedig a roddir o dan baragraff (1) yn rhwystro awdurdod cynllunio mwynau perthnasol na Gweinidogion Cymru rhag rhoi hysbysiad ysgrifenedig pellach o dan y paragraff hwnnw neu o dan reoliad 27 (tystiolaeth).

(7) Caiff awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (1) ar unrhyw bryd cyn y daw'r cyfnod perthnasol i ben.

PART 4

Further Information, Evidence and Other
Information etc.

CHAPTER 4

Further Information and Evidence

Further information

26.–(1) Where a relevant mineral planning authority or the Welsh Ministers reasonably consider that further information is required to properly consider an EIA application or, in the case of the Welsh Ministers, to properly consider an appeal in relation to an EIA application, and either–

- (a) the applicant or appellant is (or should be) able to provide such information, or
- (b) an operator is (or should be) able to provide such information,

the relevant mineral planning authority or the Welsh Ministers must notify the applicant, the appellant or, as the case may be, the operator, in writing of the further information required.

(2) A written notification given under paragraph (1) must state clearly and precisely the information required.

(3) Written notification given under paragraph (1) must be accompanied by written notification of the matters set out in paragraph 15 of Schedule 3.

(4) Further information required pursuant to a notification under paragraph (1) must be provided within 6 weeks of the date of the notice, or such longer period as may be agreed in writing with the relevant mineral planning authority or the Welsh Ministers (as the case may be) ("the relevant period").

(5) If further information is not provided within the relevant period the planning permission to which the EIA application or appeal relates ceases to authorise any minerals development from the end of the relevant period.

(6) A written notification given under paragraph (1) does not preclude a relevant mineral planning authority or the Welsh Ministers from giving a further written notification under that paragraph or under regulation 27 (evidence).

(7) A relevant mineral planning authority or the Welsh Ministers may withdraw a written notification given under paragraph (1) at any time before the expiration of the relevant period.

Tystiolaeth

27.–(1) Caiff awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru, drwy hysbysiad ysgrifenedig, wneud yn ofynnol bod ceisydd neu apelydd yn dangos pa bynnag dystiolaeth y galwant yn rhesymol amdani er mwyn gwirio–

- (a) unrhyw wybodaeth sgrinio;
- (b) unrhyw wybodaeth gwmpasu;
- (c) unrhyw wybodaeth mewn datganiad amgylcheddol;
- (ch) unrhyw wybodaeth bellach;
- (d) unrhyw wybodaeth arall,

a gyflwynwyd gan y ceisydd neu, yn ôl y digwydd, yr apelydd.

(2) Caiff awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru, drwy hysbysiad ysgrifenedig, ei gwneud yn ofynnol i weithredwr ddangos pa bynnag dystiolaeth y galwant yn rhesymol amdani er mwyn gwirio unrhyw wybodaeth sgrinio, gwybodaeth gwmpasu, gwybodaeth benodedig neu unrhyw wybodaeth bellach a gyflwynwyd gan y gweithredwr yn unol â hysbysiad ysgrifenedig a roddwyd o dan y Rheoliadau hyn.

(3) Rhaid cyflwyno'r hysbysiad ysgrifenedig a roddir o dan baragraff (1) neu (2) ynghyd â hysbysiad ysgrifenedig o'r materion a nodir ym mharagraff 16 o Atodlen 3.

(4) Rhaid darparu tystiolaeth sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (1) neu (2) o fewn cyfnod o chwe wythnos sy'n cychwyn ar ddyddiad yr hysbysiad, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifen gyda'r awdurdod neu Weinidogion Cymru ("y cyfnod perthnasol").

(5) Os na ddarperir tystiolaeth sy'n ofynnol yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (1) neu (2) o fewn y cyfnod perthnasol, bydd y caniatâd cynllunio y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(6) Nid yw hysbysiad ysgrifenedig a roddir o dan baragraff (1) neu (2) yn rhwystro awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru rhag rhoi hysbysiad ysgrifenedig pellach o dan y paragraffau hynny neu o dan reoliad 26 (gwybodaeth bellach).

(7) Caiff awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (1) neu (2) ar unrhyw bryd cyn y daw'r cyfnod perthnasol i ben.

Gwybodaeth bellach a thystiolaeth: gwirio cyn ymgyngori

28.–(1) Pan fo awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru ("y derbynydd")

Evidence

27.–(1) A relevant mineral planning authority or the Welsh Ministers may by notification in writing require an applicant or appellant to produce such evidence as they may reasonably call for to verify–

- (a) any screening information;
- (b) any scoping information;
- (c) any information in an environmental statement;
- (d) any further information;
- (e) any other information,

submitted by the applicant or, as the case may be, by the appellant.

(2) A relevant mineral planning authority or the Welsh Ministers may by notification in writing, require an operator to produce such evidence as they may reasonably call for to verify any screening information, scoping information, specified information or any further information submitted by the operator pursuant to a written notification given under these Regulations.

(3) Written notification given under paragraph (1) or (2) must be accompanied by written notification of the matters set out in paragraph 16 of Schedule 3

(4) Evidence required pursuant to a written notification given under paragraph (1) or (2) must be provided within 6 weeks beginning with the date of the notification or such longer period as may be agreed in writing with the authority or the Welsh Ministers ("the relevant period").

(5) If evidence required pursuant to a written notification given under paragraph (1) or (2) is not provided within the relevant period the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

(6) A written notification given under paragraph (1) or (2) does not preclude a relevant mineral planning authority or the Welsh Ministers from giving a further written notification under those paragraphs or under regulation 26 (further information).

(7) A relevant mineral planning authority or the Welsh Ministers may withdraw a written notification given under paragraph (1) or (2) at any time before the expiration of the relevant period.

Further information and evidence: pre-consultation check

28.–(1) Where a relevant mineral planning authority or the Welsh Ministers ("the recipient") receives

yn cael gwybodaeth bellach neu dystiolaeth, rhaid i'r derbynnydd gydymffurfio â pharagraff (4) a hysbysu'r ceisydd, yr apelydd neu, yn ôl y digwydd, y gweithredwr mewn ysgrifenedig yn unol â naill ai—

- (a) paragraff (5); neu
- (b) paragraff (8).

(2) Pan fo'r derbynnydd yn awdurdod cynllunio mwynau perthnasol, rhaid i'r derbynnydd gydymffurfio â pharagraff (1) o fewn tair wythnos ar ôl cael yr wybodaeth bellach neu'r dystiolaeth dan sylw.

Ond mae hyn yn ddarostyngedig i baragraff (10).

(3) Os y derbynnydd yw Gweinidogion Cymru, rhaid i'r derbynnydd gydymffurfio â pharagraff (1) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael yr wybodaeth bellach neu'r dystiolaeth.

Ond mae hyn yn ddarostyngedig i baragraff (12).

(4) Rhaid i'r derbynnydd ystyried a yw'r wybodaeth bellach neu'r dystiolaeth wedi ei chyflwyno mewn ffurf amhriodol.

(5) Os yw derbynnydd o'r farn, yn rhesymol, bod yr wybodaeth bellach neu'r dystiolaeth wedi ei chyflwyno mewn ffurf amhriodol, rhaid i'r derbynnydd hysbysu'r ceisydd, yr apelydd neu, yn ôl y digwydd, y gweithredwr mewn ysgrifenedig, o'r canlynol—

- (a) y newidiadau y mae'n ofynnol eu gwneud yn y ffurf y cyflwynir yr wybodaeth bellach neu'r dystiolaeth; a
- (b) y materion a nodir ym mharagraff 17 o Atodlen 3.

(6) Pan yw'n ofynnol gwneud newidiadau yn y ffurf y cyflwynir gwybodaeth bellach neu dystiolaeth yn unol â hysbysiad ysgrifenedig a roddir o dan baragraff (5), rhaid ailgyflwyno'r wybodaeth bellach neu'r dystiolaeth mewn ffurf sy'n cynnwys y newidiadau a bennir yn yr hysbysiad, o fewn tair wythnos o ddyddiad yr hysbysiad a roddwyd o dan y paragraff hwnnw neu ba bynnag gyfnod hwy a gytunir mewn ysgrifenedig gyda'r awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru ("y cyfnod perthnasol").

(7) Os nad ailgyflwynir yr wybodaeth bellach neu'r dystiolaeth mewn ffurf sy'n cynnwys y newidiadau a bennwyd yn unol â hysbysiad ysgrifenedig a roddwyd o dan baragraff (5), o fewn y cyfnod perthnasol, bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

(8) Os bodlonir y derbynnydd nad yw'r wybodaeth bellach neu'r dystiolaeth wedi ei chyflwyno mewn ffurf amhriodol, rhaid i'r derbynnydd, mewn ysgrifenedig—

- (a) cyfarwyddo'r ceisydd, yr apelydd neu, yn ôl y digwydd, y gweithredwr i gydymffurfio â rheoliad 30;

further information or evidence the recipient must comply with paragraph (4) and notify the applicant, the appellant or, as the case may be, the operator, in writing in accordance with either—

- (a) paragraph (5); or
- (b) paragraph (8).

(2) Where the recipient is a relevant mineral planning authority, the recipient must comply with paragraph (1) within 3 weeks of receipt of the further information or evidence in question.

But this is subject to paragraph (10).

(3) Where the recipient is the Welsh Ministers, the recipient must comply with paragraph (1) as soon as reasonably practicable following receipt of the further information or evidence.

But this is subject to paragraph (12).

(4) The recipient must consider whether the further information or evidence is presented in an inappropriate form.

(5) If the recipient reasonably considers that the further information or evidence is presented in an inappropriate form, the recipient must notify the applicant, the appellant or, as the case may be, the operator, in writing of—

- (a) the changes which are required to be made to the form in which the further information or evidence is presented; and
- (b) the matters set out in paragraph 17 of Schedule 3.

(6) Where changes are required to be made to the form in which further information or evidence is presented pursuant to a written notification given under paragraph (5), the further information or evidence must be re-submitted in a form incorporating the changes identified in the notification within 3 weeks of the date of the notification given under that paragraph, or such longer period as may be agreed in writing with the relevant mineral planning authority or the Welsh Ministers ("the relevant period").

(7) If the further information or evidence is not re-submitted in a form incorporating the changes identified pursuant to a written notification given under paragraph (5) within the relevant period, the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of the relevant period.

(8) If the recipient is satisfied that further information or evidence is not presented in an inappropriate form, the recipient must, in writing—

- (a) instruct the applicant, the appellant or, as the case may be, the operator, to comply with regulation 30;

- (b) pennu'r nifer o gopïau o'r wybodaeth bellach neu'r dystiolaeth sy'n ofynnol at ddibenion dyletswyddau'r derbynydd o dan reoliad 32;
- (c) pan fo'r derbynydd yn ymwybodol bod y cais yn effeithio, neu'n debygol o effeithio, ar unrhyw berson penodol, neu fod gan y person fuddiant yn y cais a'i fod yn annhebygol o ddod i wybod am y cais drwy gyfrwng hysbysiad ar y safle neu hysbyseb leol, enwi unrhyw berson o'r fath;
- (ch) hysbysu'r ceisydd, yr apelydd neu, yn ôl y digwydd, y gweithredwr, o'r materion a nodir ym mharagraff 18 o Atodlen 3.

(9) Pan fo'r derbynydd yn awdurdod cynllunio mwynau perthnasol a'r wybodaeth wedi ei fodloni, fel a grybwyllir ym mharagraff (8) o ganlyniad i wybodaeth bellach neu dystiolaeth a ailgyflwynwyd yn unol â hysbysiad ysgrifenedig a roddwyd o dan baragraff (5), rhaid i'r derbynydd gydymffurfio â pharagraff (8) o fewn tair wythnos ar ôl cael yr wybodaeth bellach neu'r dystiolaeth dan sylw a ailgyflwynwyd.

Ond mae hyn yn ddarostyngedig i baragraff (10).

(10) Pan fo'r derbynydd yn awdurdod cynllunio mwynau perthnasol a'r wybodaeth bellach neu'r dystiolaeth a gafwyd ganddo yn ymwneud â chais nad oes hysbysiad ysgrifenedig yn unol â rheoliad 18(21) eto wedi ei roi ynglŷn ag ef, nid oes raid i'r derbynydd gydymffurfio â pharagraff (8) o fewn tair wythnos ar ôl derbyn yr wybodaeth bellach neu'r dystiolaeth dan sylw neu, yn ôl y digwydd, o fewn tair wythnos ar ôl derbyn yr wybodaeth bellach neu'r dystiolaeth ailgyflwynedig dan sylw, ond rhaid i'r derbynydd gydymffurfio â'r paragraff hwnnw o fewn 14 diwrnod o'r dyddiad y rhoddir hysbysiad ysgrifenedig yn unol â rheoliad 18(21).

(11) Os y derbynydd yw Gweinidogion Cymru a'r derbynydd wedi ei fodloni, fel a grybwyllir ym mharagraff (8) o ganlyniad i wybodaeth bellach neu dystiolaeth a ailgyflwynwyd yn unol â hysbysiad ysgrifenedig a roddwyd o dan baragraff (5), rhaid i'r derbynydd gydymffurfio â pharagraff (8) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael yr wybodaeth bellach neu'r dystiolaeth dan sylw.

Ond mae hyn yn ddarostyngedig i baragraff (12).

(12) Os y derbynydd yw Gweinidogion Cymru a'r wybodaeth bellach neu'r dystiolaeth a gafwyd ganddynt yn ymwneud â chais neu apêl nad oes hysbysiad ysgrifenedig yn unol â rheoliad 18(21) eto wedi ei roi ynglŷn ag ef, nid oes raid i'r derbynydd gydymffurfio â pharagraff (8) cyn gynted ag y bo'n rhesymol ymarferol ar ôl derbyn yr wybodaeth bellach neu'r dystiolaeth dan sylw neu, yn ôl y digwydd, cyn gynted ag y bo'n rhesymol ymarferol ar ôl derbyn yr wybodaeth bellach neu'r dystiolaeth ailgyflwynedig dan sylw, ond rhaid i'r derbynydd gydymffurfio â'r

- (b) specify the number of copies of the further information or evidence required for the purposes of the recipient's duties under regulation 32;
- (c) where the recipient is aware that any particular person is or is likely to be affected by, or has an interest in, the application and who is unlikely to become aware of it by means of a site notice or by local advertisement, identify any such person;
- (d) notify the applicant, the appellant or, as the case may be, the operator, of the matters set out in paragraph 18 of Schedule 3.

(9) Where the recipient is a relevant mineral planning authority and the recipient is satisfied as mentioned in paragraph (8) as a result of further information or evidence re-submitted pursuant to a written notification given under paragraph (5) the recipient must comply with paragraph (8) within 3 weeks of receipt of the re-submitted further information or evidence in question.

But this is subject to paragraph (10).

(10) Where the recipient is a relevant mineral planning authority and the further information or evidence received by it relates to an application in connection with which written notification pursuant to regulation 18(21) has yet to be given, the recipient need not comply with paragraph (8) within 3 weeks of receipt of the further information or evidence in question or, as the case may be, within 3 weeks of receipt of the re-submitted further information or evidence in question, but must comply with that paragraph within 14 days of the date on which written notification is given pursuant to regulation 18(21).

(11) Where the recipient is the Welsh Ministers and the recipient is satisfied as mentioned in paragraph (8) as a result of further information or evidence re-submitted pursuant to a written notification given under paragraph (5), the recipient must comply with paragraph (8) as soon as reasonably practicable following receipt of the further information or evidence in question.

But this is subject to paragraph (12).

(12) Where recipient is the Welsh Ministers and the further information or evidence received by them relates to an application or appeal in connection with which written notification pursuant to regulation 18(21) has yet to be given, the recipient need not comply with paragraph (8) as soon as reasonably practicable following receipt of the further information or evidence in question or, as the case may be, as soon as reasonably practicable following receipt of the re-submitted further information or evidence in question, but must comply with that paragraph as soon as

paragraff hwnnw cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad y rhoddir hysbysiad ysgrifenedig yn unol â rheoliad 18(21).

(13) Nid yw hysbysiad ysgrifenedig a roddir o dan y rheoliad hwn yn rhwystro awdurdod cynllunio mwynau perthnasol na Gweinidogion Cymru rhag rhoi hysbysiad ysgrifenedig o dan reoliad 26 (gwybodaeth bellach) neu 27 (tystiolaeth).

(14) Caiff awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru dynnu'n ôl hysbysiad ysgrifenedig a roddir o dan baragraff (5) ar unrhyw bryd cyn y daw'r cyfnod perthnasol i ben.

Gwybodaeth bellach a thystiolaeth: gofyniad i gyflwyno dystiolaeth ddogfennol o gyhoeddi

29.–(1) Rhaid i geisydd, apelydd neu weithredwr a hysbysir o dan reoliad 28(8) gydymffurfio â rheoliad 30 o fewn chwe wythnos i ddyddiad yr hysbysiad hwnnw, neu ba bynnag gyfnod hwy a gytunir mewn ysgrifenedig gyda'r awdurdod neu, yn ôl y digwydd, gyda Gweinidogion Cymru ("y cyfnod perthnasol").

(2) Os nad yw ceisydd, apelydd neu weithredwr a hysbyswyd o dan reoliad 28(8) yn cydymffurfio â rheoliad 30 o fewn y cyfnod perthnasol, bydd y caniatâd y mae'r cais AEA yn ymwneud ag ef yn peidio ag awdurdodi unrhyw ddatblygiad mwynau o ddiwedd y cyfnod perthnasol ymlaen.

PENNOD 5

Gwybodaeth Bellach a Thystiolaeth: Ymgynghori a Chyfranogiad y Cyhoedd

Gwybodaeth bellach neu dystiolaeth: y gofynion cyhoeddusrwydd

30.–(1) Rhaid i'r ceisydd, apelydd neu'r gweithredwr gyhoeddi mewn papur newydd lleol sy'n cylchredeg yn y gymdogaeth y lleolir y tir ynddi, hysbysiad sy'n datgan–

- (a) enw'r person a wnaeth gais am benderfynu, neu a apeliodd mewn perthynas â phenderfynu yr amodau y bydd y caniatâd cynllunio yn ddarostyngedig iddynt, y darpariaethau perthnasol o Ddeddf 1991 neu 1995 y gwneir y cais yn unol â hwy ac enw a chyfeiriad yr awdurdod cynllunio mwynau perthnasol;
- (b) y dyddiad y gwnaed y cais, a'r dyddiad, os digwyddodd hynny, y'i hatgyfeiriwyd at Weinidogion Cymru i'w benderfynu neu y daeth yn destun apêl iddynt;
- (c) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (ch) bod copi o'r cais a chopïau o unrhyw gynllun a dogfennau eraill a gyflwynwyd ynghyd ag ef, ar gael i'w harchwilio gan aelodau'r cyhoedd yn ystod unrhyw oriau rhesymol;

reasonably practicable following the date on which written notification is given pursuant to regulation 18(21).

(13) Written notification given under this regulation does not preclude a relevant mineral planning authority or the Welsh Ministers from giving written notification under regulation 26 (further information) or 27 (evidence).

(14) A relevant mineral planning authority or the Welsh Ministers may withdraw a written notification given under paragraph (5) at any time before the expiration of the relevant period.

Further information and evidence: requirement to submit documentary evidence of publication

29.–(1) An applicant, an appellant or an operator notified under regulation 28(8) must comply with regulation 30 within 6 weeks of the date of that notification, or such longer period as may be agreed in writing with the authority or, as the case may be, the Welsh Ministers ("the relevant period").

(2) If an applicant, an appellant or an operator notified under regulation 28(8) does not comply with regulation 30 within the relevant period, the planning permission to which the EIA application relates ceases to authorise any minerals development from the end of that relevant period.

CHAPTER 5

Further Information and Evidence: Consultation and Public Participation

Further information or evidence: publicity requirements

30.–(1) The applicant, appellant or operator must publish in a local newspaper circulating in the locality in which the land is situated, a notice stating–

- (a) the name of the person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made and the name and address of the relevant mineral planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to them;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application and of any plan and other documents submitted with it may be inspected by members of the public at all reasonable hours;

- (d) os bu datganiad amgylcheddol yn destun hysbysiad ysgrifenedig a roddwyd o dan reoliad 18(21), y caiff aelodau'r cyhoedd archwilio copi o'r datganiad amgylcheddol yn ystod unrhyw oriau rhesymol;
- (dd) os bu gwybodaeth bellach neu dystiolaeth, yn gynharach, yn destun hysbysiad ysgrifenedig a roddwyd o dan reoliad 28(8), y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth neu'r dystiolaeth honno yn ystod unrhyw oriau rhesymol;
- (e) os cyhoeddwyd gwybodaeth berthnasol arall yn gynharach yn unol â rheoliad 37, y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth berthnasol arall honno yn ystod unrhyw oriau rhesymol;
- (f) bod gwybodaeth bellach neu dystiolaeth ar gael mewn cysylltiad â chais AEA;
- (ff) y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth bellach neu'r dystiolaeth honno yn ystod unrhyw oriau rhesymol;
- (g) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynddi, lle y gellir archwilio'r wybodaeth bellach neu'r dystiolaeth honno ar dyddiad olaf pan fydd ar gael i'w harchwilio (sef dyddiad na fydd yn gynharach nag 21 diwrnod ar ôl y dyddiad pan gyhoeddir yr hysbysiad);
- (ng) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynddi, lle y gellir archwilio copïau o'r cais, unrhyw ddatganiad amgylcheddol, unrhyw wybodaeth bellach neu dystiolaeth o'r math y cyfeirir ato yn is-baragraff (dd), neu unrhyw wybodaeth berthnasol arall o'r math y cyfeirir ato yn is-baragraff (e);
- (h) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynddi (pa un ai'r un cyfeiriad ai peidio â hwnnw a roddir yn unol ag is-baragraff (g)), lle y gellir cael copïau o'r wybodaeth bellach neu'r dystiolaeth honno;
- (i) y gellir cael copïau yno cyhyd â bo'r stoc yn parhau;
- (j) os oes bwriad i godi tâl am gopi, y swm a godir;
- (l) y dylai unrhyw berson sy'n dymuno gwneud sylwadau ynglŷn â'r wybodaeth bellach neu'r dystiolaeth eu cyflwyno mewn ysgrifen i'r awdurdod cynllunio mwynau perthnasol neu, yn ôl y digwydd, i Weinidogion Cymru cyn diwedd 21 o ddiwrnodau o ddyddiad yr hysbysiad; ac
- (ll) y cyfeiriad y dylid anfon sylwadau iddo.
- (e) if an environmental statement has been the subject of written notification given under regulation 18(21), that a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (f) if further information or evidence has previously been the subject of written notification given under regulation 28(8), that a copy of that information or evidence may be inspected by members of the public at all reasonable hours;
- (g) if other relevant information has previously been published in accordance with regulation 37, that a copy of that other relevant information may be inspected by members of the public at all reasonable hours;
- (h) that further information or evidence is available in connection with an EIA application;
- (i) that a copy of that further information or evidence may be inspected by members of the public at all reasonable hours;
- (j) an address in the locality in which the land is situated at which that further information or evidence may be inspected and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (k) an address in the locality in which the land is situated at which copies of the application, any environmental statement, any further information or evidence of the kind referred to in sub-paragraph (f), or any other relevant information of the kind referred to in sub-paragraph (g), may be inspected;
- (l) an address (whether or not the same as that given pursuant to sub-paragraph (j)) in the locality in which the land is situated at which copies of that further information or evidence may be obtained;
- (m) that copies may be obtained there so long as stocks last;
- (n) if a charge is to be made for a copy, the amount of the charge;
- (o) that any person wishing to make representations about the further information or evidence should make them in writing to the relevant mineral planning authority or, as the case may be, to the Welsh Ministers, before the expiration of 21 days from the date of the notice; and
- (p) the address to which representations must be sent.

(2) Pan fo'r ceisydd, apelydd neu'r gweithredwr wedi ei hysbysu ynghylch unrhyw berson penodol yr effeithir arno, neu y mae'n debygol yr effeithir arno, neu sydd â buddiant yn y cais AEA, rhaid i'r ceisydd,

(2) Where the applicant, appellant or operator has been notified of any particular person who is or is likely to be affected by, or have an interest in the EIA application, the applicant, appellant or operator must

apelydd neu'r gweithredwr gyflwyno hysbysiad i bob person o'r fath; a rhaid i'r hysbysiad gynnwys yr wybodaeth a bennir ym mharagraff (1), ac eithrio rhaid i'r dyddiad a bennir fel y dyddiad olaf y bydd y dogfennau ar gael i'w harchwilio beidio â bod yn gynharach nag 21 diwrnod ar ôl y dyddiad pan gyflwynir yr hysbysiad gyntaf.

(3) Rhaid i'r ceisydd, apelydd neu'r gweithredwr, ac eithrio pan nad oes ganddo'r cyfryw hawliau a fyddai'n ei alluogi i wneud hynny ac nad oedd modd iddo, yn rhesymol, gaffael yr hawliau hynny, arddangos hysbysiad ar y tir, a fydd yn cynnwys yr wybodaeth a bennir ym mharagraff (1), ac eithrio rhaid i'r dyddiad a bennir fel y dyddiad olaf y bydd dogfennau ar gael i'w harchwilio beidio â bod yn gynharach nag 21 diwrnod ar ôl y dyddiad pan arddangosir yr hysbysiad gyntaf.

(4) Rhaid i'r hysbysiad a grybwyllir ym mharagraff (3)–

- (a) cael ei adael yn ei le am ddim llai na saith niwrnod yn ystod y 28 diwrnod yn union cyn y dyddiad y cyflwynir y dystysgrif sy'n ofynnol yn unol â rheoliad 31(2)(b); a
- (b) cael ei gysylltu'n gadarn wrth ryw wrthrych ar y tir a'i leoli a'i arddangos mewn modd sy'n galluogi aelodau'r cyhoedd i'w weld yn rhwydd a'i ddarllen heb fynd ar y tir.

Tystiolaeth ddogfennol sydd i'w chyflwyno i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru yn dilyn cyhoeddusrwydd ynghylch gwybodaeth bellach neu dystiolaeth

31.–(1) Rhaid i geisydd neu weithredwr a hysbysir yn unol â rheoliad 28(8) gyflwyno–

- (a) os rhoddwyd yr hysbysiad gan awdurdod cynllunio mwynau perthnasol, i'r awdurdod hwnnw;
- (b) os rhoddwyd yr hysbysiad gan awdurdod cynllunio mwynau perthnasol, a chyn cyflwyno'r dogfennau sy'n ofynnol o dan y rheoliad hwn, atgyfeiriwyd y cais AEA at Weinidogion Cymru i'w benderfynu, i Weinidogion Cymru; neu
- (c) os rhoddwyd yr hysbysiad gan Weinidogion Cymru, i Weinidogion Cymru,

y dogfennau a bennir ym mharagraff (2).

(2) Y dogfennau penodedig yw–

- (a) copi o'r hysbysiad a grybwyllir yn rheoliad 30(1) wedi ei ardystio gan neu ar ran y ceisydd, apelydd neu'r gweithredwr fel hysbysiad a gyhoeddwyd mewn papur newydd a enwyd ar ddyddiad a bennir yn y dystysgrif;
- (b) tystysgrif gan neu ar ran y ceisydd, apelydd neu'r gweithredwr sy'n datgan naill ai–
 - (i) bod y ceisydd, apelydd neu'r gweithredwr wedi arddangos hysbysiad ar y tir er mwyn

serve on every such person a notice; and the notice must contain the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.

(3) The applicant, appellant or operator must, unless it has not, and was not reasonably able to acquire, such rights as would enable it to do so post, or arrange to have posted, on the land a notice containing the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must be not less than 21 days later than the date on which the notice is first posted.

(4) The notice mentioned in paragraph (3) must–

- (a) be left in position for not less than seven days in the 28 days immediately preceding the date on which the certificate required pursuant to regulation 31(2)(b) is submitted; and
- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

Documentary evidence to be submitted to a relevant mineral planning authority or the Welsh Ministers following publicity regarding further information or evidence

31.–(1) An applicant or operator notified under regulation 28(8) must submit–

- (a) where the notification was given by a relevant mineral planning authority, to that authority;
- (b) where the notification was given by a relevant mineral planning authority and before submitting the documents required under this regulation the EIA application in question is referred to the Welsh Ministers for determination, to the Welsh Ministers; or
- (c) where the notification was given by the Welsh Ministers, to the Welsh Ministers,

the documents specified in paragraph (2).

(2) The specified documents are–

- (a) a copy of the notice mentioned in regulation 30(1) certified by or on behalf of the applicant, appellant or operator as having been published in a named newspaper on a date specified in the certificate;
- (b) a certificate by or on behalf of the applicant, appellant or operator which states either–
 - (i) that the applicant, appellant or operator has posted a notice on the land in compliance

cydymffurfio â'r rheoliad hwn, a'r dyddiad yr arddangoswyd yr hysbysiad felly, ac naill ai bod yr hysbysiad wedi ei adael yn ei le am ddim llai na saith niwrnod yn ystod y 28 diwrnod yn union cyn y dyddiad y cyflwynwyd y dystysgrif neu, heb fai na bwriad ar ran y ceisydd, apelydd neu'r gweithredwr, y symudwyd, cuddiwyd neu difwynwyd yr hysbysiad cyn i'r saith niwrnod ddod i ben a bod y ceisydd, apelydd neu'r gweithredwr wedi cymryd camau rhesymol i'w ddiogelu neu ei amnewid, gan nodi'r camau a gymerwyd; neu

- (ii) nad oedd modd i'r ceisydd, apelydd neu'r gweithredwr gydymffurfio â rheoliad 30(3) a (4) oherwydd nad oedd gan y ceisydd, apelydd neu'r gweithredwr yr hawliau angenrheidiol i wneud hynny; bod y ceisydd, apelydd neu'r gweithredwr wedi cymryd pa bynnag gamau rhesymol oedd yn agored i'r ceisydd, apelydd neu'r gweithredwr er mwyn caffael yr hawliau hynny; ac na lwyddodd i wneud hynny, gan nodi'r camau a gymerwyd; ac
- (c) pan fo'r ceisydd, apelydd neu'r gweithredwr wedi ei hysbysu ynghylch unrhyw berson penodol y mae'n debygol yr effeithir arno gan y cais, neu sydd â buddiant yn y cais, copi o'r hysbysiad a grybwyllir yn rheoliad 30(2), wedi ei ardystio gan neu ar ran y ceisydd, apelydd neu weithredwr fel hysbysiad a roddwyd ar ddyddiad a bennir yn y dystysgrif.

(3) Os yw unrhyw berson yn dyroddi tystysgrif sy'n honni cydymffurfio â gofynion paragraff (2)(b) ac yn cynnwys datganiad y gŵyr y person hwnnw ei fod yn ffug neu gamarweiniol mewn unrhyw fanylyn perthnasol, neu'n dyroddi yn ddi-hid dystysgrif sy'n honni cydymffurfio â'r gofynion hynny ac yn cynnwys datganiad sy'n ffug neu gamarweiniol mewn unrhyw fanylyn perthnasol, mae'r person hwnnw yn euog o dramgwydd ac yn agored, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn fwy na lefel 3 ar y raddfa safonol.

Gweithdrefn yn dilyn hysbysiad a roddir o dan reoliad 28(8)

32.–(1) Rhaid i geisydd, apelydd neu weithredwr a hysbysir o dan reoliad 28(8), o fewn saith niwrnod o ddyddiad yr hysbysiad hwnnw, ddarparu i'r awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru (yn ôl y digwydd), pa bynnag nifer o gopïau o'r wybodaeth bellach neu'r dystiolaeth a bennir yn yr hysbysiad a roddir o dan y rheoliad hwnnw.

(2) Rhaid i awdurdod cynllunio mwynau perthnasol, o fewn 14 diwrnod o ddyddiad hysbysiad a roddir ganddo o dan reoliad 28(8)–

- (a) anfon at Weinidogion Cymru ddau gopi o'r

with this regulation and the date on which the notice was so posted, and that either the notice was left in position for not less than seven days in the 28 days immediately preceding the date on which the certificate is submitted, or that, without any fault or intention on the part of the applicant, appellant or operator, it was removed, obscured or defaced before seven days had elapsed and the applicant, appellant or operator took reasonable steps for its protection or replacement, specifying the steps taken; or

- (ii) that the applicant, appellant or operator was unable to comply with regulation 30(3) and (4) because the applicant, appellant or operator did not have the necessary rights to do so; that the applicant, appellant or operator has taken such reasonable steps as are open to the applicant, appellant or operator to acquire those rights; and has been unable to do so, specifying the steps taken; and

- (c) where the applicant, appellant or operator has been notified of any particular person who is likely to be affected by, or have an interest in, the application, a copy of the notice mentioned in regulation 30(2) certified by or on behalf of the applicant, appellant or operator as having been given on a date specified in the certificate.

(3) If any person issues a certificate which purports to comply with the requirements of paragraph (2)(b) and which contains a statement which that person knows to be false or misleading in any material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in any material particular, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Procedure following notice given under regulation 28(8)

32.–(1) An applicant, appellant or operator notified under regulation 28(8) must, within seven days of the date of that notification, provide to the relevant mineral planning authority or the Welsh Ministers (as the case may be), such number of copies of the further information or evidence as are specified in the notice given under that regulation.

(2) A relevant mineral planning authority must, within 14 days of the date of a notice given by it under regulation 28(8)–

- (a) send to the Welsh Ministers, two copies of the

wybodaeth bellach neu'r dystiolaeth y mae'r hysbysiad yn ymwneud â hi;

- (b) anfon copi at bob un o'r cyrff ymgynghori o'r wybodaeth bellach neu'r dystiolaeth y mae'r hysbysiad yn ymwneud â hi; ac
- (c) rhoi i bob corff ymgynghori hysbysiad ysgrifenedig sy'n datgan y dylai unrhyw sylwadau y bydd y corff yn dymuno'u gwneud wrth ymateb i'r ymgynghoriad gael eu gwneud mewn ysgrifen i'r awdurdod cynllunio mwynau perthnasol o fewn 28 diwrnod o ddyddiad yr hysbysiad (neu ba bynnag gyfnod hwy a gytunir rhwng yr awdurdod cynllunio mwynau perthnasol a'r corff ymgynghori).

(3) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferer ar ôl dyddiad hysbysiad a roddir ganddynt o dan reoliad 28(8)–

- (a) anfon copi at bob un o'r cyrff ymgynghori o'r wybodaeth bellach neu'r dystiolaeth y mae'r hysbysiad yn ymwneud â hi;
- (b) rhoi i bob corff ymgynghori hysbysiad ysgrifenedig sy'n datgan y dylai unrhyw sylwadau y dymuna'r corff gwneud wrth ymateb i'r ymgynghoriad gael eu gwneud mewn ysgrifen i Weinidogion Cymru o fewn 28 diwrnod o ddyddiad yr hysbysiad (neu ba bynnag gyfnod hwy a gytunir rhwng Gweinidogion Cymru a'r corff ymgynghori); ac
- (c) anfon copi o'r wybodaeth bellach neu'r dystiolaeth y mae'r hysbysiad yn ymwneud â hi at yr awdurdod cynllunio mwynau perthnasol.

(4) Pan fo awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru yn rhoi hysbysiad ysgrifenedig o dan reoliad 28(8), rhaid i'r awdurdod neu, yn ôl y digwydd, Gweinidogion Cymru, ymatal rhag ystyried y cais neu'r apêl o dan sylw hyd nes y daw'r cyfnod perthnasol sy'n gymwys yn unol â rheoliad 29(1) i ben; a rhaid iddo neu rhaid iddynt beidio â phenderfynu'r cais neu'r apêl hyd nes y daw yr 21 diwrnod sy'n dilyn y dyddiad y bydd y cyfnod perthnasol hwnnw'n gorffen, i ben.

Argaeledd copïau o wybodaeth bellach a thystiolaeth

33. Rhaid i geisydd, apelydd neu weithredwr y rhoddir hysbysiad ysgrifenedig iddo o dan reoliad 28(8) sicrhau bod nifer rhesymol o gopïau o'r wybodaeth bellach neu'r dystiolaeth ar gael yn y cyfeiriad a enwir yn yr hysbysiadau a gyhoeddir neu a arddangosir yn unol â rheoliad 30 fel y cyfeiriad lle y gellir cael copïau o'r fath.

further information or evidence to which the notice relates;

- (b) send to each of the consultation bodies a copy of the further information or evidence to which the notice relates; and
- (c) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation should be made in writing to the relevant mineral planning authority within 28 days of the date of the notice (or such longer period as may be agreed between the relevant mineral planning authority and the consultation body);

(3) The Welsh Ministers must, as soon as reasonably practicable following the date of a notice given by them under regulation 28(8)–

- (a) send to each of the consultation bodies a copy of the further information or evidence to which the notice relates;
- (b) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation should be made in writing to the Welsh Ministers within 28 days of the date of the notice (or such longer period as may be agreed between the Welsh Ministers and the consultation body); and
- (c) send to the relevant mineral planning authority a copy of the further information or evidence to which the notice relates.

(4) Where a relevant mineral planning authority or the Welsh Ministers give written notification under regulation 28(8), the authority or, as the case may be, the Welsh Ministers, must suspend consideration of the application or appeal in question until the expiry of the relevant period applicable in accordance with regulation 29(1); and must not determine the application or appeal until the expiry of 21 days following the date on which that relevant period ends .

Availability of copies of further information and evidence

33. An applicant, appellant or operator to which written notification is given under regulation 28(8) must ensure that a reasonable number of copies of the further information or evidence are available at the address named in the notices published or posted pursuant to regulation 30 as the address at which such copies may be obtained.

Darparu copïau o wybodaeth bellach a thystiolaeth i Weinidogion Cymru yn dilyn atgyfeirio neu apêl

34. Pan fo cais AEA wedi ei atgyfeirio at, neu'n destun apêl i Weinidogion Cymru ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym, caiff Gweinidogion Cymru, drwy roi hysbysiad ysgrifenedig, ei gwneud yn ofynnol i'r ceisydd, yr apelydd neu weithredwr ddarparu pa bynnag nifer o gopïau o unrhyw wybodaeth bellach neu dystiolaeth y tybiant sydd eu hangen, o fewn pa bynnag gyfnod a bennir yn yr hysbysiad.

Codi tâl am gopïau o wybodaeth bellach a thystiolaeth

35. Ceir codi tâl rhesymol, sy'n adlewyrchu'r costau argraffu a dosbarthu, ar aelod o'r cyhoedd am gopi a roddir ar gael yn unol â rheoliad 33 o wybodaeth bellach neu dystiolaeth.

PENNOD 6

Gwybodaeth Arall etc.

Adroddiadau, cyngor ac unrhyw wybodaeth arall

36.–(1) Mae'r paragraff hwn yn gymwys i wybodaeth o'r math canlynol–

- (a) unrhyw wybodaeth arall;
- (b) unrhyw adroddiad mewn cysylltiad â chais neu apêl AEA, a ddyroddir i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; ac
- (c) unrhyw gyngor mewn cysylltiad â chais neu apêl AEA, a ddarperir i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym.

(2) Mae'r paragraff hwn yn gymwys i wybodaeth o'r math canlynol–

- (a) unrhyw adroddiad mewn cysylltiad â chais neu apêl AEA, a ddyroddir i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru cyn y dyddiad y daw'r Rheoliadau hyn i rym; a
- (b) unrhyw gyngor mewn cysylltiad â chais neu apêl AEA, a ddarperir i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru cyn y dyddiad y daw'r Rheoliadau hyn i rym.

(3) Nid yw paragraff (1) yn gymwys i unrhyw wybodaeth o'r math a grybwyllir ym mharagraff (1)(b) neu (c)–

- (a) y mae Rheoliadau Gwybodaeth Amgylcheddol 2004 yn gymwys iddi, pe bai hawl gan y person sy'n dal yr wybodaeth i wrthod ei

Provision of copies of further information and evidence for the Welsh Ministers on referral or appeal

34. Where an EIA application is referred or appealed to the Welsh Ministers on or after the date on which these Regulations come into force, the Welsh Ministers may by notice in writing, require the applicant, appellant or an operator to provide such number of copies of any further information or evidence as they consider necessary, within such period as is specified in the notice.

Charges for copies of further information and evidence

35. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of further information or evidence made available in accordance with regulation 33.

CHAPTER 6

Other Information etc.

Reports, advice and any other information

36.–(1) This paragraph applies to information of the following kind–

- (a) any other information;
- (b) any report in connection with an EIA application or appeal which is issued to a relevant mineral planning authority or the Welsh Ministers on or after the date on which these Regulations come into force; and
- (c) any advice in connection with an EIA application or appeal which is provided to a relevant mineral planning authority or the Welsh Ministers on or after the date on which these Regulations come into force.

(2) This paragraph applies to information of the following kind–

- (a) any report in connection with an EIA application or appeal which was issued to a relevant mineral planning authority or the Welsh Ministers before the date on which these Regulations come into force; and
- (b) any advice in connection with an EIA application or appeal which was provided to a relevant mineral planning authority or the Welsh Ministers before the date on which these Regulations come into force.

(3) Paragraph (1) does not apply to any information of the type mentioned in paragraph (1)(b) or (c)–

- (a) to which the Environmental Information Regulations 2004 apply, where the person holding it would be entitled to withhold it in

datgelu wrth ymateb i gais a wnaed yn unol â'r Rheoliadau hynny; neu

- (b) a fyddai, mewn unrhyw achos arall, yn wybodaeth esempt pe gwneid cais am ei datgelu yn unol â Deddf Rhyddid Gwybodaeth 2000.

(4) Nid yw paragraff (2) yn gymwys i unrhyw wybodaeth o'r math a grybwyllir ynddo—

- (a) y mae Rheoliadau Gwybodaeth Amgylcheddol 2004 yn gymwys iddi, pe bai hawl gan y person sy'n dal yr wybodaeth i wrthod ei datgelu wrth ymateb i gais a wnaed yn unol â'r Rheoliadau hynny; neu
- (b) a fyddai, mewn unrhyw achos arall, yn wybodaeth esempt pe gwneid cais am ei datgelu yn unol â Deddf Rhyddid Gwybodaeth 2000.

(5) Pan fo awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru ("y derbynnnydd") yn cael neu'n dal unrhyw wybodaeth y mae paragraff (1) neu (2) yn gymwys iddi, a'r derbynnnydd o'r farn bod yr wybodaeth yn ymwneud â phrif effeithiau'r datblygiad AEA dan sylw, neu'n berthnasol o ran penderfynu'r amodau y bydd y caniatâd cynllunio yn ddarostyngedig iddynt ("gwybodaeth berthnasol arall"), rhaid i'r derbynnnydd—

- (a) cyhoeddi'r wybodaeth berthnasol arall honno yn unol â rheoliad 37; a
- (b) os yw'r wybodaeth berthnasol arall yn wybodaeth o'r math a grybwyllir ym mharagraff (1)(a), hysbysu'r ceisydd neu'r apelydd mewn ysgrifen o'r canlynol—
 - (i) y nifer o gopïau o'r wybodaeth berthnasol arall sy'n ofynnol ar ddibenion y ddyletswydd a osodir ar yr awdurdod neu, yn ôl y digwydd, Weinidogion Cymru, gan reoliad 38;
 - (ii) y ddyletswydd a osodir gan reoliad 39(1); a
 - (iii) yr hawl a roddir gan reoliad 41.

(6) Pan fo'r derbynnnydd yn awdurdod cynllunio mwynau perthnasol, a'r wybodaeth berthnasol arall yn wybodaeth y mae paragraff (1) yn gymwys iddi, rhaid i'r derbynnnydd gydymffurfio â pharagraff (5) o fewn 14 diwrnod ar ôl cael yr wybodaeth berthnasol arall.

Ond mae hyn yn ddarostyngedig i baragraff (10).

(7) Pan fo'r derbynnnydd yn awdurdod cynllunio mwynau perthnasol, a'r wybodaeth berthnasol arall yn wybodaeth y mae paragraff (2) yn gymwys iddi, rhaid i'r derbynnnydd gydymffurfio â pharagraff (5) o fewn tair wythnos o'r dyddiad y rhoddir hysbysiad ysgrifenedig gan yr awdurdod yn unol â rheoliad 18(21).

(8) Os y derbynnnydd yw Gweinidogion Cymru a'r wybodaeth berthnasol arall yn wybodaeth y mae paragraff (1) yn gymwys iddi, rhaid i'r derbynnnydd

response to a request made in accordance with those Regulations; or

- (b) which in any other case would be exempt information if a request for its disclosure were made in accordance with the Freedom of Information Act 2000.

(4) Paragraph (2) does not apply to any information of the type mentioned there—

- (a) to which the Environmental Information Regulations 2004 apply, where the person holding it would be entitled to withhold it in response to a request made in accordance with those Regulations; or
- (b) which in any other case would be exempt information if a request for its disclosure were made in accordance with the Freedom of Information Act 2000.

(5) Where a relevant mineral planning authority or the Welsh Ministers ("the recipient") receives or holds any information to which paragraph (1) or (2) applies and the recipient is of the opinion that that information relates to the main effects of the EIA development in question, or is of material relevance to the determination of conditions to which the planning permission is to be subject ("other relevant information"), the recipient must—

- (a) publish that other relevant information in accordance with regulation 37; and
- (b) if the other relevant information is information of the kind mentioned in paragraph (1)(a), notify the applicant or appellant in writing of—
 - (i) the number of copies of the other relevant information required for the purposes of the duty imposed on the authority or, as the case may be, the Welsh Ministers, by regulation 38;
 - (ii) the duty imposed by regulation 39(1); and
 - (iii) the right conferred by regulation 41.

(6) Where the recipient is a relevant mineral planning authority, and the other relevant information is information to which paragraph (1) applies, the recipient must comply with paragraph (5) within 14 days of receipt of the other relevant information.

But this is subject to paragraph (10).

(7) Where the recipient is a relevant mineral planning authority, and the other relevant information is information to which paragraph (2) applies, the recipient must comply with paragraph (5) within 3 weeks of the date on which the authority gives written notification pursuant to regulation 18(21).

(8) Where the recipient is the Welsh Ministers, and the other relevant information is information to which paragraph (1) applies, the recipient must comply with

gydymffurfio â pharagraff (5) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael yr wybodaeth berthnasol arall.

Ond mae hyn yn ddarostyngedig i baragraff (11).

(9) Os y derbynnydd yw Gweinidogion Cymru a'r wybodaeth berthnasol arall yn wybodaeth y mae paragraff (2) yn gymwys iddi, rhaid i'r derbynnydd gydymffurfio â pharagraff (5) cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad y rhoddir hysbysiad ysgrifenedig gan Weinidogion Cymru yn unol â rheoliad 18(21).

(10) Pan fo'r derbynnydd yn awdurdod cynllunio mwynau perthnasol ac yn cael yr wybodaeth berthnasol arall mewn perthynas â chais AEA nad oes hysbysiad ysgrifenedig yn unol â rheoliad 18(21) eto wedi ei roi ynglŷn ag ef, nid oes raid i'r derbynnydd gydymffurfio â pharagraff (5) o fewn 14 diwrnod ar ôl cael yr wybodaeth berthnasol arall dan sylw, ond rhaid iddo gydymffurfio â'r paragraff hwnnw o fewn 14 diwrnod o'r dyddiad y rhoddir hysbysiad ysgrifenedig yn unol â rheoliad 18(21).

(11) Os y derbynnydd yw Gweinidogion Cymru ac os yw'r wybodaeth berthnasol arall a gânt yn ymwneud â chais AEA nad oes hysbysiad ysgrifenedig yn unol â rheoliad 18(21) eto wedi ei roi ynglŷn ag ef, nid oes raid i'r derbynnydd gydymffurfio â pharagraff (8) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael yr wybodaeth berthnasol arall dan sylw, ond rhaid iddo gydymffurfio â'r paragraff hwnnw cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad y bydd Gweinidogion Cymru yn rhoi hysbysiad ysgrifenedig yn unol â rheoliad 18(21).

(12) Pan fo awdurdod cynllunio mwynau perthnasol yn dal gwybodaeth y mae paragraff (2) yn gymwys iddi mewn cysylltiad â chais AEA—

- (a) a atgyfeirir at Weinidogion Cymru ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym; a
- (b) nad oes hysbysiad ysgrifenedig yn unol â rheoliad 18(21) eto wedi ei roi mewn perthynas ag ef,

rhaid i'r awdurdod cynllunio mwynau perthnasol ddarparu'r wybodaeth honno i Weinidogion Cymru o fewn 14 diwrnod o'r dyddiad yr atgyfeirir y cais felly.

(13) Nid yw'r ffaith bod gwybodaeth wedi dod i law Gweinidogion Cymru yn unol â pharagraff (12) yn ei gwneud yn ofynnol i'r wybodaeth honno gael ei thrin fel gwybodaeth y mae paragraff (1) yn gymwys iddi.

paragraph (5) as soon as reasonably practicable following receipt of the other relevant information.

But this is subject to paragraph (11).

(9) Where the recipient is the Welsh Ministers, and the other relevant information is information to which paragraph (2) applies, the recipient must comply with paragraph (5) as soon as reasonably practicable following the date on which the Welsh Ministers give written notification pursuant to regulation 18(21).

(10) Where the recipient is a relevant mineral planning authority and other relevant information is received by it in connection with an EIA application in respect of which written notification pursuant to regulation 18(21) has yet to be given, the recipient need not comply with paragraph (5) within 14 days of receipt of the other relevant information in question, but must comply with that paragraph within 14 days of the date on which written notification is given pursuant to regulation 18(21).

(11) Where the recipient is the Welsh Ministers and other relevant information is received by it in connection with an EIA application in respect of which written notification pursuant to regulation 18(21) has yet to be given, the recipient need not comply with paragraph (8) as soon as reasonably practicable following receipt of the other relevant information in question, but must comply with that paragraph as soon as reasonably practicable following the date on which the Welsh Ministers give written notification pursuant to regulation 18(21).

(12) Where information to which paragraph (2) applies is held by a relevant mineral planning authority in connection with an EIA application—

- (a) which is referred to the Welsh Ministers on or after the date on which these Regulations come into force; and
- (b) in respect of which written notification pursuant to regulation 18(21) has yet to be given,

the relevant mineral planning authority must, within 14 days of the date on which the application is so referred, provide that information to the Welsh Ministers.

(13) The receipt of information by the Welsh Ministers pursuant to paragraph (12) does not require that information to be treated as information to which paragraph (1) applies.

Gwybodaeth Berthnasol Arall: Ymgynghori a
Chyfranogiad y Cyhoedd

**Gwybodaeth berthnasol arall: y gofynion
cyhoeddusrwydd**

37.–(1) Rhaid i'r derbynnydd gyhoeddi mewn papur newydd lleol sy'n cylchredeg yn y gymdogaeth y lleolir y tir ynddi, hysbysiad sy'n datgan–

- (a) enw'r person a wnaeth gais am benderfynu, neu a apeliodd mewn perthynas â phenderfynu yr amodau y bydd y caniatâd cynllunio yn ddarostyngedig iddynt, y darpariaethau perthnasol o Ddeddf 1991 neu 1995 y gwneir y cais yn unol â hwy ac enw a chyfeiriad yr awdurdod cynllunio mwynau perthnasol;
- (b) y dyddiad y gwnaed y cais, a'r dyddiad, os digwyddodd hynny, y'i hatgyfeiriwyd at Weinidogion Cymru i'w benderfynu neu y daeth yn destun apêl iddynt;
- (c) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (ch) bod copi o'r cais a chopïau o unrhyw gynllun a dogfennau eraill a gyflwynwyd ynghyd ag ef, ar gael i'w harchwilio gan aelodau'r cyhoedd yn ystod unrhyw oriau rhesymol;
- (d) os bu datganiad amgylcheddol yn destun hysbysiad ysgrifenedig a roddwyd o dan reoliad 18(21), y caiff aelodau'r cyhoedd archwilio copi o'r datganiad amgylcheddol yn ystod unrhyw oriau rhesymol;
- (dd) os bu gwybodaeth bellach neu dystiolaeth yn destun hysbysiad ysgrifenedig a roddwyd o dan reoliad 28(8), y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth neu'r dystiolaeth honno yn ystod unrhyw oriau rhesymol;
- (e) os cyhoeddwyd gwybodaeth berthnasol arall yn gynharach yn unol â rheoliad 37, y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth berthnasol arall honno yn ystod unrhyw oriau rhesymol;
- (f) bod gwybodaeth berthnasol arall ar gael mewn cysylltiad â chais AEA;
- (ff) y caiff aelodau'r cyhoedd archwilio copi o'r wybodaeth berthnasol arall honno yn ystod unrhyw oriau rhesymol;
- (g) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynddi, lle y gellir archwilio'r wybodaeth berthnasol arall honno a'r dyddiad olaf pan fydd ar gael i'w harchwilio (sef dyddiad na fydd yn gynharach nag 21 diwrnod ar ôl y dyddiad pan gyhoeddir yr hysbysiad);
- (ng) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynddi, lle y gellir archwilio copïau o'r cais,

Other Relevant Information: Consultation
and Public Participation

**Other relevant information: publicity
requirements**

37.–(1) The recipient must publish in a local newspaper circulating in the locality in which the land is situated, a notice stating–

- (a) the name of the person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 or 1995 Act pursuant to which the application is made and the name and address of the relevant mineral planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to them;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application and of any plan and other documents submitted with it may be inspected by members of the public at all reasonable hours;
- (e) if an environmental statement has been the subject of written notification under regulation 18(21), that a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (f) if further information or evidence has been the subject of written notification given under regulation 28(8), that a copy of that information or evidence may be inspected by members of the public at all reasonable hours;
- (g) if other relevant information has previously been published in accordance with regulation 37, that a copy of that other relevant information may be inspected by members of the public at all reasonable hours;
- (h) that other relevant information is available in connection with an EIA application;
- (i) that a copy of that other relevant information may be inspected by members of the public at all reasonable hours;
- (j) an address in the locality in which the land is situated at which that other relevant information may be inspected and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (k) an address in the locality in which the land is situated at which copies of the application, any

unrhyw ddatganiad amgylcheddol, unrhyw wybodaeth bellach neu dystiolaeth o'r math y cyfeirir ato yn is-baragraff (dd), neu unrhyw wybodaeth berthnasol arall o'r math a grybwyllwyd yn is-baragraff (e);

- (h) cyfeiriad o fewn y gymdogaeth y lleolir y tir ynddi (pa un ai'r un cyfeiriad ai peidio â hwnnw a roddir yn unol ag is-baragraff (g)), lle y gellir cael copïau o'r wybodaeth berthnasol arall honno;
- (i) y gellir cael copïau yno cyhyd â bo'r stoc yn parhau;
- (j) os oes bwriad i godi tâl am gopi, y swm a godir;
- (l) y dylai unrhyw berson sy'n dymuno gwneud sylwadau ynglŷn â'r wybodaeth berthnasol arall eu cyflwyno mewn ysgrifen i'r awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru (yn ôl y digwydd) cyn diwedd 21 o ddiwrnodau o ddyddiad yr hysbysiad; ac
- (ll) y cyfeiriad y dylid anfon sylwadau iddo.

(2) Pan fo'r derbynydd yn ymwybodol o unrhyw berson penodol yr effeithir arno, neu y mae'n debygol yr effeithir arno, neu sydd â buddiant yn y cais, rhaid i'r derbynydd gyflwyno hysbysiad i bob person o'r fath; a rhaid i'r hysbysiad gynnwys yr wybodaeth a bennir ym mharagraff (1), ac eithrio rhaid i'r dyddiad a bennir fel y dyddiad olaf y bydd y dogfennau ar gael i'w harchwilio beidio â bod yn gynharach nag 21 diwrnod ar ôl y dyddiad pan gyflwynir yr hysbysiad gyntaf.

(3) Rhaid i'r derbynydd, ac eithrio pan nad oes ganddo'r cyfryw hawliau a fyddai'n ei alluogi i wneud hynny ac nad oedd modd iddo, yn rhesymol, gaffael yr hawliau hynny, arddangos neu drefnu arddangos hysbysiad ar y tir, a fydd yn cynnwys yr wybodaeth a bennir ym mharagraff (1), ac eithrio rhaid i'r dyddiad a bennir fel y dyddiad olaf y bydd dogfennau ar gael i'w harchwilio beidio â bod yn gynharach nag 21 diwrnod ar ôl y dyddiad pan arddangosir yr hysbysiad gyntaf.

(4) Rhaid i'r hysbysiad a grybwyllir ym mharagraff (3)–

- (a) gael ei adael yn ei le am ddim llai na 14 diwrnod; a
- (b) cael ei gysylltu'n gadarn wrth ryw wrthrych ar y tir a'i leoli a'i arddangos mewn modd sy'n galluogi aelodau'r cyhoedd i'w weld yn rhwydd a'i ddarllen heb fynd ar y tir.

Gweithdrefn yn dilyn cyhoeddi o dan reoliad 37

38.–(1) Rhaid i geisydd neu apelydd a hysbysir o dan reoliad 36(5)(b), o fewn saith niwrnod ar ôl dyddiad yr hysbysiad hwnnw, ddarparu i'r awdurdod cynllunio

environmental statement, any further information or evidence of the kind referred to in sub-paragraph (f), or any other relevant information of the kind mentioned in sub-paragraph (g) may be inspected;

- (l) an address (whether or not the same as that given pursuant to sub-paragraph (j)) in the locality in which the land is situated at which copies of that other relevant information may be obtained;
- (m) that copies may be obtained there so long as stocks last;
- (n) if a charge is to be made for a copy, the amount of the charge;
- (o) that any person wishing to make representations about the other relevant information should make them in writing to the relevant mineral planning authority or the Welsh Ministers (as the case may be), before the expiration of 21 days from the date of the notice; and
- (p) the address to which representations must be sent.

(2) Where the recipient is aware of any particular person who is or is likely to be affected by, or have an interest in the application, the recipient must serve on every such person a notice; and the notice must contain the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served.

(3) The recipient must, unless it has not, and was not reasonably able to acquire, such rights as would enable it to do so post, or arrange to have posted, on the land a notice containing the information specified in paragraph (1), except that the date specified as the latest date on which the documents will be available for inspection must be not less than 21 days later than the date on which the notice is first posted.

(4) The notice mentioned in paragraph (3) must–

- (a) be left in position for not less than 14 days; and
- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

Procedure following publication under regulation 37

38.–(1) An applicant or appellant notified pursuant to regulation 36(5)(b) must, within seven days of the date of that notification, provide to the relevant mineral

mwynau perthnasol neu i Weinidogion Cymru (yn ôl y digwydd), pa bynnag nifer o gopïau o'r wybodaeth bellach arall a bennir yn yr hysbysiad a roddir o dan y rheoliad hwnnw.

(2) Rhaid i awdurdod cynllunio mwynau perthnasol, o fewn 14 diwrnod o ddyddiad cyhoeddi hysbysiad o dan reoliad 37–

- (a) anfon at Weinidogion Cymru ddau gopi o'r wybodaeth berthnasol arall y mae'r hysbysiad yn ymwneud â hi;
- (b) anfon copi o'r wybodaeth berthnasol arall at bob un o'r cyrff ymgynghori; ac
- (c) rhoi i bob corff ymgynghori hysbysiad ysgrifenedig sy'n datgan y dylai unrhyw sylwadau y bydd y corff yn dymuno'u gwneud wrth ymateb i'r ymgynghoriad ynglŷn â'r wybodaeth berthnasol arall gael eu gwneud mewn ysgrifen i'r awdurdod cynllunio mwynau perthnasol o fewn 21 diwrnod o ddyddiad yr hysbysiad (neu ba bynnag gyfnod hwy a gytunir rhwng yr awdurdod cynllunio mwynau perthnasol a'r corff ymgynghori).

(3) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl dyddiad cyhoeddi hysbysiad o dan reoliad 37–

- (a) anfon copi o'r wybodaeth berthnasol arall at bob un o'r cyrff ymgynghori;
- (b) rhoi i bob corff ymgynghori hysbysiad ysgrifenedig sy'n datgan y dylai unrhyw sylwadau y dymuna'r corff eu gwneud wrth ymateb i'r ymgynghoriad ynglŷn â'r wybodaeth berthnasol arall gael eu gwneud mewn ysgrifen i Weinidogion Cymru o fewn 21 diwrnod o ddyddiad yr hysbysiad (neu ba bynnag gyfnod hwy a gytunir rhwng Gweinidogion Cymru a'r corff ymgynghori); ac
- (c) anfon copi o'r wybodaeth berthnasol arall at yr awdurdod cynllunio mwynau perthnasol.

(4) Pan gyhoeddir gwybodaeth berthnasol arall yn unol â rheoliad 37, rhaid i'r awdurdod cynllunio mwynau perthnasol neu (yn ôl y digwydd), Gweinidogion Cymru, beidio â phenderfynu'r cais neu'r apêl tan ddiwedd cyfnod o 21 diwrnod ar ôl y diweddaraf o'r dyddiadau canlynol–

- (a) y dyddiad y cyhoeddwyd yr hysbysiad o'r wybodaeth berthnasol arall mewn papur newydd lleol yn unol â rheoliad 37(1);
- (b) y dyddiad (os oedd un) y cyflwynwyd hysbysiad o'r wybodaeth berthnasol arall yn unol â rheoliad 37(2);
- (c) y dyddiad yr arddangoswyd hysbysiad o'r wybodaeth berthnasol arall ar y tir yn unol â rheoliad 37(3);
- (ch) y dyddiad yr anfonwyd yr wybodaeth berthnasol arall at y cyrff ymgynghori yn unol

planning authority or the Welsh Ministers (as the case may be), such number of copies of the other relevant information as are specified in the notice given under that regulation.

(2) A relevant mineral planning authority must, within 14 days of the date of publishing a notice under regulation 37–

- (a) send to the Welsh Ministers, two copies of the other relevant information to which the notice relates;
- (b) send to each of the consultation bodies a copy of the other relevant information; and
- (c) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation regarding the other relevant information must be made in writing to the relevant mineral planning authority within 21 days of the date of the notice (or such longer period as may be agreed between the relevant mineral planning authority and the consultation body).

(3) The Welsh Ministers must, as soon as reasonably practicable following the date of publishing a notice under regulation 37–

- (a) send to each of the consultation bodies a copy of the other relevant information;
- (b) give written notification to each consultation body stating that any representation it wishes to make in response to the consultation regarding the other relevant information must be made in writing to the Welsh Ministers within 21 days of the date of the notice (or such longer period as may be agreed between the Welsh Ministers and the consultation body); and
- (c) send to the relevant mineral planning authority a copy of the other relevant information.

(4) Where other relevant information is published in accordance with regulation 37, the relevant mineral planning authority or the Welsh Ministers (as the case may be), must not determine the application or appeal until the expiry of the period of 21 days after the latest of the following dates–

- (a) the date on which notice of the other relevant information was published in a local newspaper pursuant to regulation 37(1);
- (b) the date (if any) on which notice of the other relevant information was served pursuant to regulation 37(2);
- (c) the date on which notice of the other relevant information was posted on the land pursuant to regulation 37(3);
- (d) the date on which the other relevant information was sent to the consultation bodies

â'r rheoliad hwn.

Argaeledd copïau o wybodaeth berthnasol arall

39.–(1) Rhaid i geisydd, neu apelydd sy'n cael hysbysiad ysgrifenedig yn unol â rheoliad 36(5)(b) sicrhau bod nifer rhesymol o gopïau o'r wybodaeth berthnasol arall sy'n destun yr hysbysiad ar gael yn y cyfeiriad a enwir yn yr hysbysiad a gyhoeddir yn unol â rheoliad 37(1) fel y cyfeiriad lle y gellir cael copïau o'r fath.

(2) Pan fo awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru yn cyhoeddi gwybodaeth berthnasol arall o'r math a grybwyllir yn rheoliad 36(1)(b) neu (c), neu wybodaeth berthnasol arall y mae rheoliad 36(2) yn gymwys iddi, rhaid i'r awdurdod neu, yn ôl y digwydd, Gweinidogion Cymru, sicrhau bod nifer rhesymol o gopïau o'r wybodaeth berthnasol arall honno ar gael yn y cyfeiriad a enwir yn yr hysbysiad a gyhoeddir yn unol â rheoliad 37(1) fel y cyfeiriad lle y gellir cael copïau o'r fath.

Darparu copïau o wybodaeth berthnasol arall i Weinidogion Cymru yn dilyn atgyfeirio neu apêl

40. Pan atgyfeirir cais AEA at Weinidogion Cymru neu pan fo'n destun apêl i Weinidogion Cymru ar neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym, caiff Gweinidogion Cymru, drwy roi hysbysiad ysgrifenedig, ei gwneud yn ofynnol i'r ceisydd ddarparu pa bynnag nifer o gopïau o unrhyw wybodaeth berthnasol arall, o'r math y cyfeirir ato yn rheoliad 36(1)(a), ag y tybiant sydd eu hangen, o fewn pa bynnag gyfnod a bennir yn yr hysbysiad.

Codi tâl am gopïau o wybodaeth berthnasol arall

41. Ceir codi tâl rhesymol, sy'n adlewyrchu'r costau argraffu a dosbarthu, ar aelod o'r cyhoedd am gopi o wybodaeth berthnasol arall a roddir ar gael yn unol â rheoliad 39(1).

RHAN 5

Penderfynu ar Amodau

Penderfyniad tybiedig ar amodau o dan Ddeddfau 1991 a 1995

42.–(1) Nid yw paragraff 2(6)(b) o Atodlen 2 i Ddeddf 1991, paragraff 9(9) o Atodlen 13 i Ddeddf 1995 a paragraff 6(8) o Atodlen 14 i Ddeddf 1995 yn gymwys i gais AHGM amhenderfynedig oni fydd Gweinidogion Cymru wedi rhoi cyfarwyddyd sgrinio o dan reoliad 9 neu 11 i'r perwyl nad yw'r datblygiad dan sylw yn ddatblygiad AEA.

(2) Wrth benderfynu, at ddibenion paragraffau

pursuant to this regulation.

Availability of copies of other relevant information

39.–(1) An applicant or appellant who receives written notification pursuant to regulation 36(5)(b) must ensure that a reasonable number of copies of the other relevant information which is the subject of the notification, are available at the address named in the notice published pursuant to regulation 37(1) as the address at which such copies may be obtained.

(2) If a relevant mineral planning authority or the Welsh Ministers publish other relevant information of the type mentioned in regulation 36(1)(b) or (c), or other relevant information to which regulation 36(2) applies, the authority or, as the case may be, the Welsh Ministers, must ensure that a reasonable number of copies of that other relevant information are available at the address named in the notice published pursuant to regulation 37(1) as the address at which such copies may be obtained.

Provision of copies of other relevant information for the Welsh Ministers on referral or appeal

40. Where an EIA application is referred or appealed to the Welsh Ministers on or after the date on which these Regulations come into force, the Welsh Ministers may by notice in writing, require the applicant to provide such number of copies of any other relevant information of the type mentioned in regulation 36(1)(a) as they consider necessary, within such period as is specified in the notice.

Charges for copies of other relevant information

41. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of other relevant information made available in accordance with regulation 39(1).

PART 5

Determination of Conditions

Deemed determination of conditions under the 1991 and 1995 Acts

42.–(1) Paragraph 2(6)(b) of Schedule 2 to the 1991 Act, paragraph 9(9) of Schedule 13 to the 1995 Act and paragraph 6(8) of Schedule 14 to the 1995 Act do not apply to an undetermined ROMP application unless the Welsh Ministers have made a screening direction under regulation 9 or 11 to the effect that the development in question is not EIA development.

(2) In determining for the purposes of paragraphs

2(6)(b) o Atodlen 2 i Ddeddf 1991, 9(9) o Atodlen 13 i Ddeddf 1995 a 6(8) o Atodlen 14 i Ddeddf 1995 (penderfynu ar amodau), yr amser a aeth heibio heb i'r awdurdod cynllunio mwynau roi hysbysiad ysgrifenedig i'r ceisydd o'i benderfyniad, mewn achos pan fo Gweinidogion Cymru wedi rhoi cyfarwyddyd o dan reoliad 9 i'r perwyl bod datblygiad AHGM yn ddatblygiad esempt, neu o dan reoliad 11 i'r perwyl nad yw'r datblygiad dan sylw yn ddatblygiad AEA, rhaid anwybyddu'r cyfnod cyn dyroddi'r cyfarwyddyd.

Datgymhwysio paragraff 4(4) o Atodlen 2 i Ddeddf 1991

43. Nid yw paragraff 4(4) o Atodlen 2 i Ddeddf 1991 (gofyniad bod awdurdod cynllunio mwynau yn rhoi hysbysiad ysgrifenedig o benderfyniad) yn gymwys i gais AEA a wneir o dan baragraff 2(2) o'r Atodlen honno.

Penderfynu ar amodau

44.-(1) Rhaid i awdurdod cynllunio mwynau perthnasol roi hysbysiad ysgrifenedig o'i benderfyniad ynghylch cais AEA o fewn 16 wythnos o'r diweddaraf o'r dyddiadau canlynol—

- (a) y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y mae'n cael y dogfennau sy'n ofynnol o dan reoliad 21 neu, os ceir y dogfennau hynny ar wahanol ddyddiadau, y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y ceir y ddogfen derfynol;
- (b) y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y mae'n cael y dogfennau sy'n ofynnol o dan reoliad 31 neu, os ceir y dogfennau hynny ar wahanol ddyddiadau, y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y ceir y ddogfen derfynol;
- (c) y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y mae'r awdurdod cynllunio mwynau perthnasol yn cyhoeddi unrhyw wybodaeth berthnasol arall o dan reoliad 37,

neu ba bynnag gyfnod hwy a gytunir rhwng y ceisydd a'r awdurdod cynllunio mwynau perthnasol.

(2) Rhaid i Weinidogion Cymru roi hysbysiad ysgrifenedig o'u penderfyniad ynghylch cais AEA o fewn y cyfryw gyfnod ag y bo'n ofynnol ganddynt yn rhesymol ar ôl y diweddaraf o'r dyddiadau canlynol—

- (a) y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y maent yn cael y dogfennau sy'n ofynnol o dan reoliad 21 neu, os ceir y dogfennau hynny ar wahanol ddyddiadau, y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y ceir y ddogfen derfynol;
- (b) y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y maent yn cael y dogfennau sy'n ofynnol o dan reoliad 31 neu, os ceir y

2(6)(b) of Schedule 2 to the 1991 Act, 9(9) of Schedule 13 to the 1995 Act and 6(8) of Schedule 14 to the 1995 Act (determination of conditions) the time which has elapsed without the mineral planning authority giving the applicant written notice of its determination in a case where the Welsh Ministers have made a direction under regulation 9 to the effect that ROMP development is exempt development, or regulation 11 to the effect that the development in question is not EIA development, the period prior to the issue of the direction is to be disregarded.

Disapplication of paragraph 4(4) of Schedule 2 to the 1991 Act

43. Paragraph 4(4) of Schedule 2 to the 1991 Act (requirement for mineral planning authority to give written notice of determination) does not apply to an EIA application made under paragraph 2(2) of that Schedule.

Determination of conditions

44.-(1) A relevant mineral planning authority must give written notification of its determination of an EIA application within 16 weeks of the latest of the following dates—

- (a) the date falling 21 days after the date on which the documents required by regulation 21 are received by it or, if those documents are received on different dates, the date falling 21 days after the date on which the final document is received;
- (b) the date falling 21 days after the date on which any documents required by regulation 31 are received by it or, if those documents are received on different dates, the date falling 21 days after the date on which the final document is received;
- (c) the date falling 21 days after the date on which the relevant mineral planning authority publishes any other relevant information under regulation 37,

or such longer period as may be agreed between the applicant and the relevant mineral planning authority.

(2) The Welsh Ministers must give written notification of their determination of an EIA application within such period following the latest of the following dates as they may reasonably require—

- (a) the date falling 21 days after the date on which the documents required by regulation 21 are received by them or, if those documents are received on different dates, the date falling 21 days after the date on which the final document is received;
- (b) the date falling 21 days after the date on which any documents required by regulation 31 are received by them or, if those documents are

dogfennau hynny ar wahanol ddyddiadau, y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y ceir y ddogfen derfynol;

- (c) y dyddiad sy'n digwydd 21 diwrnod ar ôl y dyddiad y mae Gweinidogion Cymru yn cyhoeddi unrhyw wybodaeth berthnasol arall o dan reoliad 37,

neu ba bynnag gyfnod hwy a gytunir rhwng Gweinidogion Cymru a'r ceisydd neu'r apelydd.

Apelau yn erbyn methiant i benderfynu

45.–(1) Mae paragraff 5(2) o Atodlen 2 i Ddeddf 1991, paragraff 11(1) o Atodlen 13 i Ddeddf 1995 a pharagraff 9(1) o Atodlen 14 i Ddeddf 1995 (hawl i apelio) yn cael effaith fel pe bai hawl hefyd i apelio i Weinidogion Cymru⁽¹⁾ pan nad yw'r awdurdod cynllunio mwynau perthnasol wedi rhoi hysbysiad ysgrifenedig o'i benderfyniad yn unol â rheoliad 44.

Mae hyn yn ddarostyngedig i baragraff (2).

(2) Mae paragraff 5(5) o Atodlen 2 i Ddeddf 1991, paragraff 11(2) o Atodlen 13 i Ddeddf 1995 a pharagraff 9(2) o Atodlen 14 i Ddeddf 1995 (hawl i apelio) yn cael effaith fel pe baent hefyd yn darparu ar gyfer gwneud hysbysiad o apêl o fewn chwe mis ar ôl diwedd y cyfnod o 16 wythnos neu gyfnod arall a gytunwyd yn unol â rheoliad 44.

RHAN 6

Cyhoeddusrwydd i Gyfarwyddiadau, Barnau, Hysbysiadau etc. a'u Hargaeledd a Hysbysiadau ynghylch Penderfyniadau

Cyhoeddusrwydd ar gyfer barnau, cyfarwyddiadau, hysbysiadau etc.

Cyhoeddusrwydd sydd i'w gyflawni gan awdurdodau cynllunio mwynau perthnasol

46.–(1) Rhaid i awdurdod cynllunio mwynau perthnasol gymryd pa bynnag gamau yr ystyria'n fwyaf tebygol o ddwyn unrhyw wybodaeth o'r math a bennir ym mharagraff (4)(a) i (e) neu (ng) i (h) i sylw personau sy'n debygol o fod â diddordeb mewn cais AHGM amhenderfynedig, o fewn 14 diwrnod o'r dyddiad pan anfonir unrhyw wybodaeth o'r fath at yr awdurdod gan Weinidogion Cymru.

received on different dates, the date falling 21 days after the date on which the final document is received;

- (c) the date falling 21 days after the date on which the Welsh Ministers publish any other relevant information under regulation 37,

or such longer period as may be agreed between the Welsh Ministers and the applicant or appellant.

Appeals against non-determination

45.–(1) Paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act and paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal) have effect as if there were also a right of appeal to the Welsh Ministers⁽¹⁾ where the relevant mineral planning authority has not given written notice of its determination in accordance with regulation 44.

This is subject to paragraph (2).

(2) Paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) have effect as if they also provided for notice of appeal to be made within six months from the expiry of the 16 week or other period agreed pursuant to regulation 44.

PART 6

Publicity for, and Availability of, Directions, Opinions, Notifications etc. and Notification of Decisions

Publicity for opinions, directions, notifications etc.

Publicity to be undertaken by relevant mineral planning authorities

46.–(1) A relevant mineral planning authority must take such steps as it considers most likely to bring to the attention of persons likely to be interested in an undetermined ROMP application, any information of the kind specified in paragraph (4)(a) to (g) or (k) to (l) within 14 days of the date on which any such information is sent to the authority by the Welsh Ministers.

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddfau 1991 a 1995, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999 Rhif 672 ac maent yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) The Secretary of State's functions under the 1991 and 1995 Acts so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999 No. 672 and are now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) Rhaid i awdurdod cynllunio mwynau perthnasol gymryd pa bynnag gamau yr ystyria'n fwyaf tebygol o ddwyn unrhyw wybodaeth o'r math a bennir ym mharagraff (4)(f) i (g) neu (i) i (r) i sylw personau sy'n debygol o fod â diddordeb mewn cais AHGM amhenderfynedig, o fewn 14 diwrnod o'r dyddiad pan anfonir neu rhoddir unrhyw wybodaeth o'r fath gan yr awdurdod.

(3) Nid yw'n ofynnol o dan baragraffau (1) a (2) bod awdurdod cynllunio mwynau perthnasol yn arddangos hysbysiad ar y safle.

(4) Yr wybodaeth y cyfeirir ati ym mharagraffau (1) a (2) yw—

- (a) unrhyw gyfarwyddyd a roddir o dan reoliad 5, yr anfonir copi ohono at yr awdurdod cynllunio mwynau perthnasol yn unol â rheoliad 5(5);
- (b) unrhyw hysbysiad ysgrifenedig a roddir i'r awdurdod cynllunio mwynau perthnasol o dan reoliad 5(7);
- (c) unrhyw gyfarwyddyd a roddir o dan reoliad 6;
- (ch) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 11(3), yr anfonir copi ohono at yr awdurdod cynllunio mwynau perthnasol o dan reoliad 11(5);
- (d) unrhyw gyfarwyddyd sgrinio a roddir gan Weinidogion Cymru, sy'n ymwneud â chais AHGM amhenderfynedig sydd gerbron yr awdurdod cynllunio mwynau perthnasol i'w benderfynu, ac yr anfonir copi ohono at yr awdurdod yn unol â rheoliad 9(2)(a) neu 9(4)(b);
- (dd) unrhyw ddatganiad ysgrifenedig o resymau a anfonwyd at yr awdurdod yn unol â rheoliad 9(4)(b);
- (e) unrhyw hysbysiad ysgrifenedig a oedd ynghyd â chopi o gyfarwyddyd sgrinio a anfonwyd at yr awdurdod yn unol â rheoliad 11(12);
- (f) unrhyw hysbysiad ysgrifenedig a roddwyd gan yr awdurdod o dan reoliad 12(2);
- (ff) unrhyw farn gwmpasu a fabwysiadwyd gan yr awdurdod, yr anfonwyd copi ohoni at geisydd yn unol â rheoliad 12(7);
- (g) yr hysbysiad ysgrifenedig y mae'n ofynnol o dan reoliad 12(7)(b) ei anfon ynghyd â chopi o unrhyw farn gwmpasu a anfonir yn unol â rheoliad 12(7)(a);
- (ng) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 13(4), ac yr anfonir copi ohono at yr awdurdod yn unol â rheoliad 13(6);
- (h) unrhyw gyfarwyddyd cwmpasu a wneir gan Weinidogion Cymru, ac yr anfonir copi ohono at yr awdurdod yn unol â rheoliad 13(12);
- (i) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod o dan reoliad 12(10);

(2) A relevant mineral planning authority must take such steps as it considers most likely to bring to the attention of persons likely to be interested in an undetermined ROMP application, any information of the kind specified in paragraph (4)(h) to (j) or (m) to (v) within 14 days of the date on which any such information is sent or given by the authority.

(3) Paragraphs (1) and (2) do not require a relevant mineral planning authority to post a site notice.

(4) The information referred to in paragraphs (1) and (2) is—

- (a) any direction made under regulation 5, a copy of which is sent to the relevant mineral planning authority pursuant to regulation 5(5);
- (b) any written notification given to the relevant mineral planning authority under regulation 5(7);
- (c) any direction given under regulation 6;
- (d) any written notification given by the Welsh Ministers under regulation 11(3), a copy of which is sent to a relevant mineral planning authority under regulation 11(5);
- (e) any screening direction made by the Welsh Ministers which relates to an undetermined ROMP application which is before the relevant mineral planning authority for determination, a copy of which is sent to the authority pursuant to regulation 9(2)(a) or 9(4)(b);
- (f) any written statement of reasons sent to the authority pursuant to regulation 9(4)(b);
- (g) any written notification which accompanies a copy of a screening direction sent to the authority pursuant to regulation 11(12);
- (h) any written notification given by the authority under regulation 12(2);
- (i) any scoping opinion adopted by the authority, a copy of which is sent to an applicant pursuant to regulation 12(7);
- (j) the written notification required by regulation 12(7)(b) to accompany a copy of any scoping opinion sent pursuant to regulation 12(7)(a);
- (k) any written notification given by the Welsh Ministers under regulation 13(4), a copy of which is sent to the authority pursuant to regulation 13(6);
- (l) any scoping direction made by the Welsh Ministers, a copy of which is sent to the authority pursuant to regulation 13(12);
- (m) any written notification given by the authority under regulation 12(10);

- (j) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod o dan reoliad 18(6);
- (l) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod o dan reoliad 18(15);
- (ll) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod yn unol â rheoliad 18(21);
- (m) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod o dan reoliad 26(1);
- (n) yr hysbysiad ysgrifenedig y mae'n ofynnol o dan reoliad 26(3) ei gyflwyno ynghyd ag unrhyw hysbysiad ysgrifenedig a roddir o dan reoliad 26(1);
- (o) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod o dan reoliad 27(1) neu (2);
- (p) yr hysbysiad ysgrifenedig y mae'n ofynnol o dan reoliad 27(3) ei gyflwyno ynghyd ag unrhyw hysbysiad ysgrifenedig a roddir o dan reoliad 27(1) neu (2);
- (ph) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod o dan reoliad 28(5);
- (r) unrhyw hysbysiad ysgrifenedig a roddir gan yr awdurdod o dan reoliad 28(8).

Cyhoedduswydd sydd i'w gyflawni gan Weinidogion Cymru

(5) Rhaid i Weinidogion Cymru gymryd pa bynnag gamau yr ystyriant yn fwyaf tebygol o ddwyn unrhyw wybodaeth o'r math a bennir ym mharagraff (7) i sylw personau sy'n debygol o fod â diddordeb mewn cais AHGM amhenderfynedig, cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad yr anfonir neu y rhoddir unrhyw wybodaeth o'r fath gan Weinidogion Cymru.

(6) Nid yw'n ofynnol o dan baragraff (5) bod Gweinidogion Cymru yn arddangos hysbysiad ar y safle.

(7) Yr wybodaeth y cyfeirir ati ym mharagraff (5) yw—

- (a) unrhyw gyfarwyddyd a roddir gan Weinidogion Cymru o dan reoliad 5;
- (b) unrhyw benderfyniad a hysbysir i awdurdod cynllunio mwynau perthnasol o dan reoliad 5(7);
- (c) unrhyw gyfarwyddyd a roddir o dan reoliad 6;
- (ch) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 11(3);
- (d) unrhyw gyfarwyddyd sgrinio a roddir gan Weinidogion Cymru, yr anfonir copi ohono at geisydd neu apelydd yn unol â rheoliad 9(2)(a), 9(4)(b) neu 11(12)(a);
- (dd) mewn perthynas ag unrhyw gyfarwyddyd sgrinio a grybwyllir yn is-baragraff (d), y datganiad ysgrifenedig o resymau y mae'n ofynnol ei anfon ynghyd ag ef o dan reoliad 9(4)(a);

- (n) any written notification given by the authority under regulation 18(6);
- (o) any written notification given by the authority under regulation 18(15);
- (p) any written notification given by the authority pursuant to regulation 18(21);
- (q) any written notification given by the authority under regulation 26(1);
- (r) the written notification required by regulation 26(3) to accompany any written notification given under regulation 26(1);
- (s) any written notification given by the authority under regulation 27(1) or (2);
- (t) the written notification required by regulation 27(3) to accompany any written notification given under regulation 27(1) or (2);
- (u) any written notification given by the authority under regulation 28(5);
- (v) any written notification given by the authority under regulation 28(8).

Publicity to be undertaken by the Welsh Ministers

(5) The Welsh Ministers must take such steps as they consider most likely to bring to the attention of persons likely to be interested in an undetermined ROMP application, any information of the kind specified in paragraph (7) as soon as reasonably practicable following the date on which any such information is sent or given by the Welsh Ministers.

(6) Paragraph (5) does not require the Welsh Ministers to post a site notice.

(7) The information referred to in paragraph (5) is—

- (a) any direction made by the Welsh Ministers under regulation 5;
- (b) any decision notified to a relevant mineral planning authority under regulation 5(7);
- (c) any direction given under regulation 6;
- (d) any written notification given by the Welsh Ministers under regulation 11(3);
- (e) any screening direction made by the Welsh Ministers, a copy of which is sent to an applicant or appellant pursuant to regulation 9(2)(a), 9(4)(b) or 11(12)(a);
- (f) in respect of any screening direction mentioned in sub-paragraph (e), the written statement of reasons required by regulation 9(4)(a) to accompany it;

- (e) mewn perthynas ag unrhyw gyfarwyddyd sgrinio a roddir o dan reoliad 11, unrhyw hysbysiad y mae'n ofynnol ei anfon ynghyd ag ef o dan reoliad 11(12)(b);
- (f) unrhyw hysbysiad ysgrifenedig a roddir o dan reoliad 13(4);
- (ff) unrhyw gyfarwyddyd cwmpasu yr anfonir copi ohono at geisydd neu apelydd yn unol â rheoliad 13(12);
- (g) yr hysbysiad ysgrifenedig y mae'n ofynnol o dan reoliad 13(13) ei anfon ynghyd â chopi o unrhyw gyfarwyddyd cwmpasu a anfonir yn unol â rheoliad 13(12);
- (ng) unrhyw hysbysiad ysgrifenedig a roddir o dan reoliad 14(5);
- (h) unrhyw gyfarwyddyd cwmpasu, yr anfonir copi ohono at geisydd neu apelydd yn unol â rheoliad 14(13)(a);
- (i) unrhyw hysbysiad ysgrifenedig, yr anfonir copi ohono at geisydd neu apelydd o dan reoliad 14(13)(b);
- (j) unrhyw hysbysiad ysgrifenedig a roddir o dan reoliad 15(5);
- (l) unrhyw gyfarwyddyd cwmpasu, yr anfonir copi ohono at geisydd o dan reoliad 15(13);
- (ll) yr hysbysiad ysgrifenedig y mae'n ofynnol o dan reoliad 15(13) ei anfon ynghyd â chopi o gyfarwyddyd cwmpasu a anfonir at geisydd o dan y rheoliad hwnnw;
- (m) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 18(6);
- (n) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 18(15);
- (o) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru yn unol â rheoliad 18(21);
- (p) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 26(1);
- (ph) yr hysbysiad ysgrifenedig sy'n ofynnol o dan reoliad 26(3) ei gyflwyno ynghyd ag unrhyw hysbysiad ysgrifenedig a roddir o dan reoliad 26(1);
- (r) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 27(1) neu (2);
- (rh) yr hysbysiad ysgrifenedig y mae'n ofynnol o dan reoliad 27(3) ei gyflwyno ynghyd ag unrhyw hysbysiad ysgrifenedig a roddir o dan reoliad 27(1) neu (2);
- (s) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 28(5);
- (t) unrhyw hysbysiad ysgrifenedig a roddir gan Weinidogion Cymru o dan reoliad 28(8).
- (g) in respect of any screening direction made under regulation 11, any notification required by regulation 11(12)(b) to accompany it
- (h) any written notification given under regulation 13(4);
- (i) any scoping direction a copy of which is sent to an applicant or appellant pursuant to regulation 13(12);
- (j) the written notification required by regulation 13(13) to accompany a copy of any scoping direction sent pursuant to regulation 13(12);
- (k) any written notification given under regulation 14(5);
- (l) any scoping direction, a copy of which is sent to an applicant or appellant under regulation 14(13)(a);
- (m) any written notification, a copy of which is sent to an applicant or appellant under regulation 14(13)(b);
- (n) any written notification given under regulation 15(5);
- (o) any scoping direction, a copy of which is sent to an applicant under regulation 15(13);
- (p) the written notification required by regulation 15(13) to accompany a copy of a scoping direction sent to an applicant under that regulation;
- (q) any written notification given by the Welsh Ministers under regulation 18(6);
- (r) any written notification given by the Welsh Ministers under regulation 18(15);
- (s) any written notification given by the Welsh Ministers pursuant to regulation 18(21);
- (t) any written notification given by the Welsh Ministers under regulation 26(1);
- (u) the written notification required by regulation 26(3) to accompany any written notification given under regulation 26(1);
- (v) any written notification given by the Welsh Ministers under regulation 27(1) or (2);
- (w) the written notification required by regulation 27(3) to accompany any written notification given under regulation 27(1) or (2);
- (x) any written notification given by the Welsh Ministers under regulation 28(5);
- (y) any written notification given by the Welsh Ministers under regulation 28(8).

Cyhoedduswydd hysbysiad safle sydd i'w gyflawni gan geiswyr, apelwyr a gweithredwyr

Site notice publicity to be undertaken by applicants, appellants and operators

(8) Mae'r paragraff hwn yn gymwys i unrhyw geisydd neu apelydd yr anfonir copi o gyfarwyddyd sgrinio ato yn unol â rheoliad 9(2)(a), 9(4)(b) neu 11(12)(a), neu y rhoddir hysbysiad ysgrifenedig iddo yn unol ag unrhyw ddarpariaeth a grybwyllir ym mharagraff (4) neu (7).

(9) Rhaid i geisydd neu apelydd y mae paragraff (8) yn gymwys iddo, ac eithrio pan nad oes gan y ceisydd neu'r apelydd y cyfryw hawliau a fyddai yn ei alluogi i wneud hynny, ac nad oedd modd iddo, yn rhesymol, gaffael yr hawliau hynny, arddangos copi o'r canlynol ar y tir—

- (a) unrhyw gyfarwyddyd sgrinio a grybwyllir yn y paragraff hwnnw;
- (b) unrhyw hysbysiad ysgrifenedig a roddir i'r ceisydd neu'r apelydd yn unol ag unrhyw ddarpariaeth a grybwyllir ym mharagraff (4) neu (7);

o fewn 14 diwrnod i'r dyddiad y rhoddir hysbysiad o'r fath.

(10) Pan fo copi o hysbysiad ysgrifenedig a arddangosir ar y tir yn unol â pharagraff (9)(b) o'r math a grybwyllir ym mharagraff (4)(g) neu (i), neu paragraff (7)(g), (i) neu (ll), rhaid i'r copi o'r hysbysiad hwnnw a arddangosir ar y tir gael ei arddangos ynghyd â hysbysiad sy'n datgan cyfeiriad yn y gymdogaeth y lleolir y tir ynddi lle y ceir archwilio copi o'r farn gwmpasu gysylltiedig, neu'r cyfarwyddyd cwmpasu cysylltiedig, yn ystod unrhyw oriau rhesymol.

(11) Mae'r paragraff hwn yn gymwys i unrhyw weithredwr y rhoddir hysbysiad ysgrifenedig iddo o dan neu'n unol â'r canlynol—

- (a) rheoliad 11(3);
- (b) rheoliad 12(2);
- (c) rheoliad 13(4);
- (ch) rheoliad 14(5);
- (d) rheoliad 15(5);
- (dd) rheoliad 18(6);
- (e) rheoliad 26(1);
- (f) rheoliad 27(2);
- (ff) rheoliad 28(5);
- (g) rheoliad 28(8).

(12) Rhaid i weithredwr y mae paragraff (11) yn gymwys iddo, ac eithrio pan nad oes gan y gweithredwr y cyfryw hawliau a fyddai yn ei alluogi i wneud hynny, ac nad oedd modd iddo, yn rhesymol, gaffael yr hawliau hynny, arddangos copi ar y tir o unrhyw hysbysiad ysgrifenedig o'r math y cyfeirir ato yn y paragraff hwnnw, o fewn 14 diwrnod i'r dyddiad y rhoddir yr hysbysiad.

(13) Rhaid i gopi o gyfarwyddyd neu hysbysiad ysgrifenedig a arddangosir ar y tir yn unol â pharagraff (9), ac unrhyw hysbysiad a arddangosir ar y tir yn unol

(8) This paragraph applies to any applicant or appellant to whom a copy of a screening direction is sent pursuant to regulation 9(2)(a), 9(4)(b) or 11(12)(a), or to whom written notification is given pursuant to any provision mentioned in paragraph (4) or (7).

(9) An applicant or appellant to whom paragraph (8) applies must, unless the applicant or appellant has not, and was not reasonably able to acquire, such rights as would enable the applicant or appellant to do so, post on the land a copy of—

- (a) any screening direction mentioned in that paragraph;
- (b) any written notification given to the applicant or appellant pursuant to any provision mentioned in paragraph (4) or (7);

within 14 days of the date on which such notification is given.

(10) Where a copy of a written notification posted on the land in accordance with paragraph (9)(b) is of the kind mentioned in paragraph (4)(j) or (m), or paragraph (7)(j), (m) or (p), the copy of that notification which is posted on the land must be accompanied by a notice stating an address in the locality in which the land is situated, at which a copy of the associated scoping opinion or direction can be inspected at all reasonable hours.

(11) This paragraph applies to any operator to whom written notification is given under or pursuant to—

- (a) regulation 11(3);
- (b) regulation 12(2);
- (c) regulation 13(4);
- (d) regulation 14(5);
- (e) regulation 15(5);
- (f) regulation 18(6);
- (g) regulation 26(1);
- (h) regulation 27(2);
- (i) regulation 28(5);
- (j) regulation 28(8).

(12) An operator to which paragraph (11) applies must, unless the operator has not, and was not reasonably able to acquire, such rights as would enable the operator to do so, post on the land a copy of any such written notification as is referred to in that paragraph within 14 days of the date on which the notification is given.

(13) A copy of a direction or written notification posted on the land in accordance with paragraph (9), and any notification posted on the land in accordance

â pharagraff (10) neu (12)–

- (a) cael ei adael yn ei le am ddim llai na phedwar diwrnod ar ddeg; a
- (b) cael ei gysylltu'n gadarn wrth ryw wrthrych ar y tir a'i leoli a'i arddangos mewn modd sy'n galluogi aelodau'r cyhoedd i'w weld yn rhwydd a'i ddarllen heb fynd ar y tir.

Argaeledd barnau, cyfarwyddiadau etc. i'w harchwilio

47.–(1) Mae adran 69 (cofrestr ceisiadau, etc.), ac unrhyw ddarpariaethau o'r Gorchymyn a wnaed yn rhinwedd yr adran honno, yn cael effaith, gydag unrhyw ddiwygiadau angenrheidiol, fel pe bai cyfeiriadau at geisiadau am ganiatâd cynllunio yn cynnwys ceisiadau AHGM amhenderfynedig o dan baragraff 9(1) o Atodlen 13 i Ddeddf 1995 a pharagraff 6(1) o Atodlen 14 i Ddeddf 1995.

(2) Os nad yr awdurdod cynllunio mwynau perthnasol yw'r awdurdod y mae'n ofynnol iddo gadw'r gofrestr, rhaid i'r awdurdod cynllunio mwynau perthnasol ddarparu i'r awdurdod y mae'n ofynnol iddo ei chadw y cyfryw wybodaeth a dogfennau sy'n ofynnol gan yr awdurdod hwnnw er mwyn cydymffurfio ag–

- (a) adran 69 fel y'i cymhwysir gan baragraff (1); a
- (b) rheoliad 48.

Gwybodaeth sydd i'w chofnodi ar y gofrestr

48.–(1) Pan gofnodir manylion cais AHGM amhenderfynedig yn Rhan I o'r gofrestr, rhaid i'r awdurdod cynllunio mwynau perthnasol gymryd camau i sicrhau y rhoddir hefyd, yn y Rhan honno o'r gofrestr, wybodaeth o'r math canlynol sy'n ymwneud â'r cais AHGM amhenderfynedig dan sylw–

- (a) unrhyw gyfarwyddyd sgrinio;
- (b) unrhyw farn gwmpasu;
- (c) unrhyw gyfarwyddyd cwmpasu;
- (ch) unrhyw hysbysiad ysgrifenedig y cyfeirir ato yn rheoliad 46(4) neu (7);
- (d) unrhyw ddatganiad amgylcheddol sy'n destun hysbysiad ysgrifenedig a roddir o dan reoliad 18(21);
- (dd) unrhyw wybodaeth bellach neu dystiolaeth sy'n destun hysbysiad ysgrifenedig a roddir o dan reoliad 28(8);
- (e) unrhyw wybodaeth berthnasol arall a gyhoeddir yn unol â rheoliad 37;
- (f) unrhyw ddatganiad o resymau sydd ynghyd ag unrhyw un o'r uchod;
- (ff) manylion am unrhyw ataliad o ddatblygu mwynau;
- (g) y dyddiad (os oes un) y daeth unrhyw ataliad o ddatblygu mwynau i ben;

with paragraph (10) or (12), must–

- (a) be left in position for not less than fourteen days; and
- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

Availability of opinions, directions, etc. for inspection

47.–(1) Section 69 (register of applications, etc.), and any provisions of the Order made by virtue of that section, has effect with any necessary amendments as if references to applications for planning permission included undetermined ROMP applications under paragraph 9(1) of Schedule 13 to the 1995 Act and paragraph 6(1) of Schedule 14 to the 1995 Act.

(2) Where the relevant mineral planning authority is not the authority required to keep the register, the relevant mineral planning authority must provide the authority required to keep it with such information and documents as that authority requires to comply with–

- (a) section 69 as applied by paragraph (1); and
- (b) regulation 48.

Information to be placed on the register

48.–(1) Where particulars of an undetermined ROMP application are placed on Part I of the register, the relevant mineral planning authority must take steps to secure that there is also placed on that Part an information of the following kind which relates to the undetermined ROMP application in question–

- (a) any screening direction;
- (b) any scoping opinion;
- (c) any scoping direction;
- (d) any written notification referred to in regulation 46(4) or (7);
- (e) any environmental statement which is the subject of written notification given under regulation 18(21);
- (f) any further information or evidence which is the subject of a written notification given under regulation 28(8);
- (g) any other relevant information published in accordance with regulation 37;
- (h) any statement of reasons accompanying any of the above;
- (i) particulars of any suspension of minerals development;
- (j) the date (if any) on which any suspension of minerals development ended;

(ng) manylion am unrhyw orchymyn a wnaed o dan Atodlen 9 i'r Ddeddf yn unol â rheoliad 51.

(k) particulars of any order made under Schedule 9 to the Act pursuant to regulation 51.

Dyletswyddau i hysbysu'r cyhoedd a Gweinidogion Cymru o'r penderfyniadau terfynol

49.—(1) Pan benderfynir cais AEA gan awdurdod cynllunio mwynau perthnasol, rhaid i'r awdurdod—

- (a) hysbysu Gweinidogion Cymru a'r cyrff ymgynghori, mewn ysgrifen, o'r penderfyniad;
- (b) hysbysu'r cyhoedd o'r penderfyniad, drwy hysbyseb leol, neu drwy ba bynnag ddulliau eraill sy'n rhesymol o dan yr amgylchiadau; ac
- (c) rhoi ar gael i'w archwilio gan y cyhoedd, yn y man lle cedwir y gofrestr briodol (neu'r adran berthnasol o'r gofrestr honno) datganiad sy'n cynnwys—
 - (i) yr hyn sy'n gynnwysedig yn y penderfyniad ac unrhyw amodau a gysylltwyd ag ef;
 - (ii) y prif resymau ac ystyriaethau y seiliwyd y penderfyniad arnynt, gan gynnwys, pan fo'n berthnasol, gwybodaeth am gyfranogiad y cyhoedd;
 - (iii) disgrifiad, pan fo angen, o'r prif fesurau i osgoi, lleihau ac, os oes modd, gwrthbwyso prif effeithiau anffafriol y datblygiad; a
 - (iv) gwybodaeth ynglŷn â'r hawl i herio dilysrwydd y penderfyniad, a'r gweithdrefnau ar gyfer gwneud hynny.

(2) Pan benderfynir cais AEA gan Weinidogion Cymru, rhaid i Weinidogion Cymru—

- (a) hysbysu'r awdurdod cynllunio mwynau perthnasol a'r cyrff ymgynghori o'r penderfyniad; a
- (b) darparu i'r awdurdod ddatganiad o'r fath fel a grybwyllir ym mharagraff (1)(c).

(3) Rhaid i'r awdurdod cynllunio mwynau perthnasol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad a roddir o dan baragraff,(2) gydymffurfio ag is-baragraffau (b) ac (c) o baragraff (1) mewn perthynas â'r penderfyniad a hysbysir felly, fel pe bai'n benderfyniad yr awdurdod.

Duties to inform the public and the Welsh Ministers of final decisions

49.—(1) Where an EIA application is determined by a relevant mineral planning authority, the authority must—

- (a) in writing, inform the Welsh Ministers and the consultation bodies of the decision;
- (b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing—
 - (i) the content of the decision and any conditions attached thereto;
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(2) Where an EIA application is determined by the Welsh Ministers the Welsh Ministers must—

- (a) notify the relevant mineral planning authority and the consultation bodies of the decision; and
- (b) provide the authority with such a statement as is mentioned in paragraph (1)(c).

(3) The relevant mineral planning authority must, as soon as reasonably practicable following receipt of a notification given under paragraph (2), comply with sub-paragraphs (b) and (c) of paragraph (1) in relation to the decision so notified as if it were a decision of the authority.

RHAN 7

Atal Datblygu Mwynau

Parhad ataliad datblygu mwynau

50.—(1) Mae ataliad datblygu mwynau yn parhau i fod yn effeithiol hyd nes y cydymffurfir â phob gofyniad perthnasol.

PART 7

Suspension of Minerals Development

Duration of suspension of minerals development

50.—(1) A suspension of minerals development remains in effect until every relevant requirement has been complied with.

(2) At ddibenion paragraff (1), gofyniad perthnasol yw unrhyw ofyniad a osodir ar geisydd, apelydd neu weithredwr gan neu o dan ddarpariaeth y cyfeirir ati yn rheoliad 51(4) mewn cysylltiad â'r cais AEA y mae'r ataliad datblygu mwynau yn ymwneud ag ef.

(3) Nid yw ataliad datblygu mwynau yn effeithio ar unrhyw ddatblygu mwynau a gyflawnwyd o dan y caniatâd cynllunio cyn y dyddiad atal.

Gorchmynion Gwahardd

51.–(1) Mae'r paragraff hwn yn gymwys, mewn perthynas ag unrhyw ddatblygiad mwynau diawdurdod–

- (a) os oes cyfnod o 2 flynedd, sy'n cychwyn ar y dyddiad atal, wedi dod i ben; a
- (b) os na chydymffurfiwyd eto ag unrhyw un o'r gofynion a osodwyd ar geisydd, apelydd neu weithredwr gan neu o dan ddarpariaeth a grybwyllir ym mharagraff (4).

(2) Pan fo paragraff (1) yn gymwys, rhaid i'r awdurdod cynllunio mwynau perthnasol ystyried a ddylai wneud gorchmyn o dan baragraff 3 o Atodlen 9 i'r Ddeddf mewn perthynas â rhywfaint neu'r cyfan o'r datblygiad mwynau diawdurdod o dan sylw,.

(3) At ddibenion paragraff (2), mae Atodlen 9 i'r Ddeddf yn cael effaith yn ddarostyngedig i'r addasiadau a nodir ym mharagraffau (5) i (8).

(4) Y gofynion y cyfeirir atynt ym mharagraff (1)(b) yw unrhyw ofynion a osodir gan neu o dan unrhyw un o'r darpariaethau a ganlyn–

- (a) rheoliadau 11 i 15;
- (b) rheoliadau 17 i 19;
- (c) rheoliadau 26 i 29.

(5) Mae paragraff 3 o Atodlen 9 yn cael effaith mewn perthynas ag unrhyw ran o safle fel y mae'n cael effaith mewn perthynas â'r safle cyfan.

(6) Mae paragraff 3(1)(b) o Atodlen 9 yn cael effaith fel pe bai'r canlynol wedi ei roi yn lle'r paragraff hwnnw–

"(b) the winning and working or depositing has permanently ceased, the mineral planning authority–

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
- (ii) may, by provision made in the order, impose in relation to the site, any such requirement as is specified in sub-paragraph (3)."

(7) Mae paragraff 3(2) o Atodlen 9 yn cael effaith–

- (a) fel pe bai'r ymadrodd "must assume" wedi ei roi yn lle "may assume";

(2) For the purposes of paragraph (1), a relevant requirement is any requirement imposed on an applicant, appellant or operator by or under a provision referred to in regulation 51(4) in connection with the EIA application to which the suspension of minerals development relates.

(3) A suspension of minerals development does not affect any minerals development carried out under the planning permission before the suspension date.

Prohibition Orders

51.–(1) This paragraph applies where, in relation to any unauthorised minerals development–

- (a) a period of 2 years has elapsed, beginning with the suspension date; and
- (b) any requirement imposed on an applicant, appellant or operator by or under a provision mentioned in paragraph (4) has yet to be complied with.

(2) Where paragraph (1) applies, the relevant mineral planning authority must consider whether to make an order under paragraph 3 of Schedule 9 to the Act in relation to some or all of the unauthorised minerals development in question.

(3) For the purposes of paragraph (2), Schedule 9 to the Act has effect subject to the modifications set out in paragraphs (5) to (8).

(4) The requirements referred to in paragraph (1)(b) are any requirements imposed by or under any of the following provisions–

- (a) regulations 11 to 15;
- (b) regulations 17 to 19;
- (c) regulations 26 to 29.

(5) Paragraph 3 of Schedule 9 has effect in relation to any part of a site as it has effect in relation to the whole site.

(6) Paragraph 3(1)(b) of Schedule 9 has effect as if for that paragraph there were substituted–

"(b) the winning and working or depositing has permanently ceased, the mineral planning authority–

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
- (ii) may, by provision made in the order, impose in relation to the site, any such requirement as is specified in sub-paragraph (3)."

(7) Paragraph 3(2) of Schedule 9 has effect–

- (a) as if for "may assume" there were substituted "must assume";

- (b) fel pe bai'r gair "only" wedi ei hepgor; ac
- (c) fel pe bai'r cyfeiriadau at ennill a gweithio neu ddyddodi ("*winning and working or depositing*") yn is-baragraff (2)(a) a (b) yn gyfeiriadau at ennill a gweithio neu ddyddodi ac eithrio'r ennill a gweithio neu ddyddodi y peidiwyd â'u hawdurdodi drwy ganiatâd cynllunio gan neu o dan y Rheoliadau hyn.

(8) Mae paragraff 4(7) o Atodlen 9 yn cael effaith fel pe bai "authorise that development" wedi ei roi yn lle "have effect".

(9) Nid oes dim yn y rheoliad hwn yn ei gwneud yn ofynnol i awdurdod cynllunio mwynau perthnasol wneud gorchymyn o dan baragraff 3 o Atodlen 9 i'r Ddeddf mewn perthynas ag unrhyw dir o fewn y cyfnod o bum mlynedd yn union ar ôl y diwrnod y cafodd unrhyw orchymyn arall o dan adran 97 o'r Ddeddf, neu baragraff 1 neu 3 o Atodlen 9 iddo, ei wneud mewn cysylltiad â'r un tir.

RHAN 8

Amrywiol

Cymhwysio Rhan VIII o Reoliadau 1999

52. Mae Rhan VIII (datblygu sydd ag effeithiau trawsffiniol sylweddol) o Reoliadau 1999 yn gymwys at ddibenion y Rheoliadau hyn fel y mae'n gymwys at ddibenion Rheoliadau 1999.

Cyflwyno hysbysiadau etc.

53. Ceir cyflwyno unrhyw hysbysiad neu ddogfen arall sydd i'w anfon, ei gyflwyno neu ei roi o dan y Rheoliadau hyn mewn modd a bennir yn adran 329 (cyflwyno hysbysiadau).

Ceisiadau i'r Uchel Lys

54.—(1) At ddibenion Rhan XII o'r Ddeddf (dilysrwydd gorchymynion, penderfyniadau a chyfarwyddiadau eraill), rhaid cymryd bod y cyfeiriad yn adran 288, fel y'i cymhwysir gan baragraff 9(3) o Atodlen 2 i Ddeddf 1991, paragraff 16(4) o Atodlen 13 i Ddeddf 1995 neu baragraff 9(4) o Atodlen 14 i Ddeddf 1995, at weithredu gan yr Ysgrifennydd Gwladol(1) nad yw o fewn pwerau'r Ddeddf, yn ymestyn i gynnwys penderfynu cais AEA gan Weinidogion Cymru yn groes i reoliad 3.

(1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 ac maent yn arferadwy bellach gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

- (b) as if the word "only" were omitted; and
- (c) as if the references to winning and working or depositing in sub-paragraph (2)(a) and (b) were references to winning and working or depositing other than winning and working or depositing which has ceased to be authorised by a planning permission by or under these Regulations.

(8) Paragraph 4(7) of Schedule 9 has effect as if for "have effect" there were substituted "authorise that development".

(9) Nothing in this regulation requires a relevant mineral planning authority to make an order under paragraph 3 of Schedule 9 to the Act in relation to any land within the period of five years immediately following the day on which any other order under section 97 of, or paragraph 1 or 3 of Schedule 9 to, the Act was made in respect of the same land.

PART 8

Miscellaneous

Application of Part VIII of the 1999 Regulations

52. Part VIII (development with significant transboundary effects) of the 1999 Regulations applies for the purposes of these Regulations as it applies for the purposes of the 1999 Regulations.

Service of notices etc.

53. Any notice or other document to be sent, served or given under these Regulations may be served or given in a manner specified in section 329 (service of notices).

Application to the High Court

54.—(1) For the purposes of Part XII of the Act (validity of other orders, decisions and directions), the reference in section 288, as applied by paragraph 9(3) of Schedule 2 to the 1991 Act, paragraph 16(4) of Schedule 13 to the 1995 Act or paragraph 9(4) of Schedule 14 to the 1995 Act, to action of the Secretary of State(1) which is not within the powers of the Act is to be taken to extend to the determination of an EIA application by the Welsh Ministers in contravention of regulation 3.

(1) The functions of the Secretary of State so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672 and are now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) At ddibenion Rhan XII o'r Ddeddf (dilysrwydd gorchmynion, penderfyniadau a chyfarwyddiadau penodol), mae adrannau 284 a 288 yn cael effaith fel pe bai'r cyfeiriadau yn adran 284(1)(e) a (2)(e) at orchymyn o dan baragraff 3 o Atodlen 9 i'r Ddeddf yn cynnwys cyfeiriad at orchymyn a wnaed o dan y paragraff hwnnw, yn unol â rheoliad 51.

(2) For the purposes of Part XII of the Act (validity of certain orders, decisions and directions) sections 284 and 288 have effect as if the references in section 284(1)(e) and (2)(e) to an order under paragraph 3 of Schedule 9 to the Act included a reference to an order made under that paragraph pursuant to regulation 51.

Jane Hutt

Y Gweinidog dros Fusnes a'r Gyllideb, un o
Weinidogion Cymru

16 Rhagfyr 2009

Minister for Business and Budget, one of the Welsh
Ministers

16 December 2009

Meini prawf dethol ar gyfer sgrinio

Selection criteria for screening

Priodweddau datblygiad

1. Rhaid ystyried nodweddion datblygiad gan roi sylw, yn benodol, i—

- (a) maint y datblygiad;
- (b) y cyfuniad â datblygiadau eraill;
- (c) defnyddio adnoddau naturiol;
- (ch) cynhyrchu gwastraff;
- (d) llygredd a niwsansau;
- (dd) y risg o ddamweiniau, gan ystyried yn benodol y sylweddau neu'r technolegau a ddefnyddir.

Lleoliad y datblygiad

2. Rhaid ystyried sensitifrwydd amgylcheddol yr ardaloedd daearyddol y mae'r datblygiad yn debygol o effeithio arnynt, gan roi sylw, yn benodol i—

- (a) y defnydd tir presennol;
- (b) maint cymharol y cyflenwad o adnoddau naturiol yn yr ardal, eu hansawdd, a'u galluoedd atgynhyrchiol;
- (c) galluoedd amsugol yr amgylchedd naturiol, gan roi sylw penodol i'r ardaloedd canlynol—
 - (i) gwlyptiroedd;
 - (ii) parthau arfordirol;
 - (iii) ardaloedd mynyddig a choedwigol;
 - (iv) gwarchodfeydd natur a pharciau;
 - (v) ardaloedd dosbarthedig neu warchoddedig o dan ddeddfwriaeth Aelod-wladwriaethau; ardaloedd a ddynodwyd gan Aelod-wladwriaethau yn unol â Chyfarwyddeb y Cyngor 79/409/EEC(1) ar gadwraeth adar gwylt(2) a Chyfarwyddeb y Cyngor 92/43/EEC(3) ar gadwraeth cynefinoedd naturiol a ffawna a fflora gwylt(4);
 - (vi) ardaloedd lle'r aed eisoes y tu hwnt i'r trothwyon ansawdd amgylcheddol a bennir yn neddfwriaeth yr UE;

(1) O.J. Rhif L103, 25.4.79, t.1.

(2) Diwygiwyd y Gyfarwyddeb Adar Gwylt ddiwethaf gan Gyfarwyddeb y Cyngor 2008/102/EC. O.J. Rhif L323, 3.12.2008, t.31.

(3) O.J. Rhif L206, 27.7.92, t.7.

(4) Diwygiwyd y Gyfarwyddeb Cynefinoedd ddiwethaf gan Gyfarwyddeb y Cyngor 2006/105/EC ddyddiedig 20 Tachwedd 2006 a oedd yn addasu Cyfarwyddebau 79/409/EEC, 92/43/EEC, 97/68/EC, 2001/80/EC a 2001/81/EC ym maes yr amgylchedd, oherwydd ymaelodaeth Bwlgaria a Romania (O.J. Rhif L363, 20.12.2006, t. 368; a gweler O.J. L80, 21.3.2007, t. 15, ar gyfer y Corigendwm a ddiwygiodd yr enw gwreiddiol).

Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands;
 - (ii) coastal zones;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under Member States' legislation; areas designated by Member States pursuant to Council Directive 79/409/EEC(1) on the conservation of wild birds(2) and Council Directive 92/43/EEC(3) on the conservation of natural habitats and of wild fauna and flora(4);
 - (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded;

(1) O.J. No. L103, 25.4.79, p.1.

(2) The Wild Birds Directive was last amended by Council Directive 2008/102/EC, O.J. No. L323, 3.12.2008, p.31.

(3) O.J. No. L206, 27.7.92, p.7.

(4) The Habitats Directive was last amended by Council Directive 2006/105/EC of 20 November 2006 adapting Directives 79/409/EEC, 92/43/EEC, 97/68/EC, 2001/80/EC and 2001/81/EC in the field of environment, by reason of the accession of Bulgaria and Romania (O.J. No. L363, 20.12.2006, p. 368; and see O.J. L80, 21.3.2007, p. 15, for the Corrigendum amending the original title).

- (vii) ardaloedd trwchus eu poblogaeth;
- (viii) tirweddau o arwyddocâd hanesyddol, diwylliannol neu archaeolegol.

- (vii) densely populated areas;
- (viii) landscapes of historical, cultural or archaeological significance.

Priodweddau'r effaith bosibl

3. Rhaid ystyried effeithiau arwyddocaol posibl y datblygiad gyferbyn â'r meini prawf a bennir o dan baragraffau 1 a 2 uchod, a chan roi sylw penodol i—

- (a) ehangder yr effaith (arwynebedd daearyddol a maint y boblogaeth yr effeithir arni);
- (b) natur drawsffiniol yr effaith;
- (c) maint a chymhlethdod yr effaith;
- (ch) tebygolrwydd yr effaith;
- (d) parhad, amllder a gwrthdroadwyedd yr effaith.

Characteristics of the potential impact

3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to—

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

ATODLEN 2

Gwybodaeth ar gyfer ei chynnwys mewn datganiadau amgylcheddol

SCHEDULE 2

Information for inclusion in environmental statements

RHAN 1

1. Disgrifiad o'r datblygiad, gan gynnwys yn benodol—

- (a) disgrifiad o briodweddau ffisegol yr holl ddatblygiad a'r gofynion defnydd tir yn ystod y cyfnodau adeiladu a gweithredu;
- (b) disgrifiad o brif briodweddau'r prosesau cynhyrchu, er enghraifft, natur a maint y deunyddiau a ddefnyddir;
- (c) amcangyfrif, yn ôl math ac ansawdd, o'r gwaddodion ac allyriadau a ddisgwyllir (llygredd dŵr, aer a phridd; sŵn, dirgryniadau, golau, gwres, pelydredd, etc.) o ganlyniad i weithredu'r datblygiad arfaethedig.

2. Rhaglen neu raglenni gwaith manwl, y bwriada'r ceisydd neu'r apelydd gyflawni'r datblygiad yn unol â hi neu â hwy, gan gynnwys, yn benodol, manylion am gyfeiriad a dyfnder y gwaith.

3. Amlinelliad o'r prif ddulliau amgen a astudiwyd gan y ceisydd neu'r apelydd, ac awgrym o'r prif resymau dros y dewis neu ddewisiadau a wnaed gan y ceisydd neu'r apelydd, gan gymryd i ystyriaeth yr effeithiau amgylcheddol.

4. Disgrifiad o'r agweddau ar yr amgylchedd y mae'r datblygiad yn debygol o gael effaith arwyddocaol arnynt gan gynnwys, yn benodol, poblogaeth, ffawna, fflora, pridd, dŵr, aer, ffactorau hinsoddol, asedau

PART 1

1. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.

2. A detailed working programme or programmes in accordance with which the applicant or appellant proposes to carry out the development including, in particular, details of the direction and depth of working.

3. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the applicant's or appellant's choice or choices, taking into account the environmental effects.

4. A description of the aspects of the environment likely to be significantly affected by the development including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including

materol, gan gynnwys y dreftadaeth bensaernïol ac archaeolegol, y dirwedd a chydberthynas y ffactorau uchod.

5. Disgrifiad o effeithiau arwyddocaol tebygol y datblygiad ar yr amgylchedd; dylai hyn gynnwys effeithiau uniongyrchol ac unrhyw effeithiau anuniongyrchol, eilaidd, cronnus, tymor byr, tymor canolig a hirdymor, parhaol a thros dro, cadarnhaol a negyddol y datblygiad, o ganlyniad i—

- (a) bodolaeth y datblygiad;
- (b) y defnydd o adnoddau naturiol;
- (c) allyrru llygryddion, creu niwsansau a dileu gwastraff,

a disgrifiad gan y ceisydd o'r dulliau rhagamcanu a ddefnyddiwyd i asesu'r effeithiau ar yr amgylchedd.

6. Disgrifiad o'r mesurau y rhagwelir eu defnyddio i atal, lleihau, a phan fo modd, gwrthbwyso unrhyw effeithiau anffafriol arwyddocaol ar yr amgylchedd.

7. Crynodeb annhechnegol o'r wybodaeth a ddarperir o dan baragraffau 1 i 6 o'r Rhan hon.

8. Awgrym o unrhyw anawsterau (diffygion technegol neu ddiffyg medrusrwydd) a wynebwyd gan y ceisydd neu'r apelydd wrth grynhoi'r wybodaeth a oedd yn ofynnol.

RHAN 2

9. Disgrifiad o'r datblygiad, gan gynnwys gwybodaeth am safle, dyluniad a maint y datblygiad.

10. Rhaglen waith fanwl, y bwriada'r ceisydd gyflawni'r datblygiad yn unol â hi, gan gynnwys, yn benodol, manylion am gyfeiriad a dyfnder y gwaith.

11. Disgrifiad o'r mesurau y rhagwelir eu defnyddio i atal, lleihau, a phan fo modd, gwrthwneud effeithiau anffafriol arwyddocaol.

12. Y data sy'n ofynnol er mwyn adnabod ac asesu prif effeithiau tebygol y datblygiad ar yr amgylchedd.

13. Amlinelliad o'r prif ddulliau amgen a astudiwyd gan y ceisydd neu'r apelydd, ac awgrym o'r prif resymau dros y dewis a wnaed gan y ceisydd neu'r apelydd, gan gymryd i ystyriaeth yr effeithiau amgylcheddol.

14. Crynodeb annhechnegol o'r wybodaeth a ddarperir o dan baragraffau 9 i 13 o'r Rhan hon.

the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

5. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from—

- (a) the existence of the development;
- (b) the use of natural resources;
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

6. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

7. A non-technical summary of the information provided under paragraphs 1 to 6 of this Part.

8. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information.

PART 2

9. A description of the development comprising information on the site, design and size of the development.

10. A detailed working programme in accordance with which the applicant proposes to carry out the development including, in particular, details of the direction and depth of working.

11. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.

12. The data required to identify and assess the main effects which the development is likely to have on the environment.

13. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the applicant's or appellant's choice, taking into account the environmental effects.

14. A non-technical summary of the information provided under paragraphs 9 to 13 of this Part.

Hysbysiadau

1. Nid yw'r geiriau sydd mewn cromfachau yn yr Atodlen hon yn rhan o'r Rheoliadau.

Hysbysiadau o dan reoliad 11 (cyfarwyddiadau sgrinio gan Weinidogion Cymru)

2. Y materion y cyfeirir atynt yn rheoliad 11(3) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid darparu'r wybodaeth sgrinio (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 11(8) i ben);
- (b) effaith rheoliad 11(9) (atal);
- (c) effaith rheoliad 50 (parhad yr ataliad);
- (ch) effaith rheoliad 51 (gwahardd);
- (d) y ddyletswydd a osodir ar y ceisydd, apelydd neu, yn ôl y digwydd, ar y gweithredwr, gan reoliad 46 (cyhoeddusrwydd drwy hysbysiad ar y safle);
- (dd) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

3. Y materion y cyfeirir atynt yn rheoliad 11(12)(b) yw—

- (a) effaith y cyfarwyddyd gan Weinidogion Cymru, sef na cheir penderfynu'r cais AHGM amhenderfynedig dan sylw heb ystyried yr wybodaeth amgylcheddol;
- (b) y bydd datganiad amgylcheddol drafft yn ofynnol maes o law;
- (c) ei bod yn ofynnol yn awr i'r awdurdod cynllunio mwynau perthnasol fabwysiadu barn gwmpasu o dan reoliad 12, neu, yn ôl y digwydd, ei bod yn ofynnol yn awr i Weinidogion Cymru roi cyfarwyddyd cwmpasu o dan reoliad 14;
- (ch) effaith rheoliad 12(5) neu, yn ôl y digwydd, 14(11) (ataliad) os digwydd i unrhyw wybodaeth gwmpasu sy'n ofynnol beidio â chael ei chyflwyno o fewn y cyfnod perthnasol;
- (d) effaith rheoliad 50 (parhad ataliad);
- (dd) effaith rheoliad 51 (gwahardd);
- (e) pan fo'r hysbysiad yn ymwneud â chais AEA sydd gerbron awdurdod cynllunio mwynau perthnasol ar gyfer ei benderfynu, effaith rheoliad 12(1) (cyfnod a ganiateir ar gyfer rhoi hysbysiad o farn gwmpasu);
- (f) yr hawl a roddir gan reoliad 12(8) (hawl i ofyn am gyfarwyddyd cwmpasu);

Notifications

1. Words in parenthesis in this Schedule are not part of the Regulations.

Notifications under regulation 11 (screening directions of the Welsh Ministers)

2. The matters referred to in regulation 11(3) are—

- (a) the date by which the screening information must be provided (being the date on which the relevant period for the purposes of regulation 11(8) ends);
- (b) the effect of regulation 11(9) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the duty imposed on the applicant, appellant or, as the case may be, on the operator, by regulation 46 (publicity by site notice);
- (f) the right to challenge the notification and the time period for doing so.

3. The matters referred to in regulation 11(12)(b) are—

- (a) the effect of the Welsh Ministers' direction being that the undetermined ROMP application in question cannot be determined without consideration of the environmental information;
- (b) that a draft environmental statement will be required in due course;
- (c) that the relevant mineral planning authority is now required to adopt a scoping opinion under regulation 12 or, as the case may be, that the Welsh Ministers are now required to make a scoping direction under regulation 14;
- (d) the effect of regulation 12(5) or, as the case may be, 14(11) (suspension) in the event that any scoping information required is not submitted within the relevant period;
- (e) the effect of regulation 50 (duration of suspension);
- (f) the effect of regulation 51 (prohibition);
- (g) where the written notification relates to an EIA application which is before a relevant mineral planning authority for determination, the effect of regulation 12(1) (period within which notification of scoping opinion to be given);
- (h) the right conferred by regulation 12(8) (right to request scoping direction);

- (ff) y ddyletswydd a osodir ar y ceisydd neu'r apelydd gan reoliad 46 (cyhoeddusrwydd);
- (g) yr hawl i herio'r cyfarwyddyd sgrinio a'r cyfnod o amser ar gyfer gwneud hynny.

- (i) the duty imposed on the applicant or appellant by regulation 46 (publicity);
- (j) the right to challenge the screening direction and the time period for doing so.

Hysbysiadau o dan reoliad 12 (barnau cwmpasu gan yr awdurdod cynllunio mwynau perthnasol)

Notifications under regulation 12 (scoping opinions of the relevant mineral planning authority)

4. Y materion y cyfeirir atynt yn rheoliad 12(2) yw—

4. The matters referred to in regulation 12(2) are—

- (a) erbyn pa ddyddiad y mae'n rhaid darparu'r wybodaeth gwmpasu (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 12(4) i ben);
- (b) effaith rheoliad 12(5) (atal);
- (c) effaith rheoliad 50 (parhad ataliad);
- (ch) effaith rheoliad 51 (gwahardd);
- (d) effaith rheoliad 12(6) (ymgyngori cyn mabwysiadu barn gwmpasu);
- (dd) yr hawl a roddir gan reoliad 12(8) (hawl i ofyn am gyfarwyddyd cwmpasu);
- (e) effaith rheoliad 12(9) (nid yw mabwysiadu barn gwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (f) y ddyletswydd a osodir ar y ceisydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);
- (ff) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

- (a) the date by which the scoping information must be provided (being the date on which the relevant period for the purposes of regulation 12(4) ends);
- (b) the effect of regulation 12(5) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 12(6) (consultation prior to adoption of scoping opinion);
- (f) the right conferred by regulation 12(8) (right to request scoping direction);
- (g) the effect of regulation 12(9) (adoption of scoping opinion does not preclude right to require further information or evidence);
- (h) the duty imposed on the applicant or, as the case may be, the operator, by regulation 46 (publicity);
- (i) the right to challenge the notification and the time period for doing so.

5. Y materion y cyfeirir atynt yn rheoliad 12(7)(b) yw—

5. The matters referred to in regulation 12(7)(b) are—

- (a) erbyn pa ddyddiad y mae'n rhaid cyflwyno'r datganiad amgylcheddol drafft (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 17(2) i ben);
- (b) bod rhaid i'r datganiad amgylcheddol drafft gynnwys yr holl wybodaeth a bennir yn y farn gwmpasu;
- (c) effaith rheoliad 17(8) (atal);
- (ch) effaith rheoliad 50 (parhad ataliad);
- (d) effaith rheoliad 51 (gwahardd);
- (dd) effaith rheoliad 16 (gweithdrefn i hwyluso paratoi datganiadau amgylcheddol);
- (e) effaith rheoliad 12(9) (nid yw mabwysiadu barn gwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (f) effaith rheoliad 18 (datganiad amgylcheddol drafft: gwiriadau cyn cyhoeddi);
- (ff) y ddyletswydd a osodir ar y ceisydd gan reoliad 46 (cyhoeddusrwydd);
- (g) yr hawl i herio'r farn gwmpasu a'r cyfnod o

- (a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(2) ends);
- (b) that the draft environmental statement must include all of the information specified in the scoping opinion;
- (c) the effect of regulation 17(8) (suspension);
- (d) the effect of regulation 50 (duration of suspension);
- (e) the effect of regulation 51 (prohibition);
- (f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);
- (g) the effect of regulation 12(9) (adoption of scoping opinion does not preclude right to require further information or evidence);
- (h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);
- (i) the duty imposed on the applicant by regulation 46 (publicity);
- (j) the right to challenge the scoping opinion and

amser ar gyfer gwneud hynny.

6. Y materion y cyfeirir atynt yn rheoliad 12(10) yw—
- (a) erbyn pa ddyddiad y mae'n rhaid cyflwyno'r datganiad amgylcheddol drafft (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 17(2) i ben);
 - (b) bod rhaid i'r datganiad amgylcheddol drafft gynnwys yr holl wybodaeth a bennir yn y cyfarwyddyd cwmpasu;
 - (c) effaith rheoliad 17(8) (atal);
 - (ch) effaith rheoliad 50 (parhad ataliad);
 - (d) effaith rheoliad 51 (gwahardd);
 - (dd) effaith rheoliad 16 (gweithdrefn i hwyluso paratoi datganiadau amgylcheddol);
 - (e) effaith rheoliad 13(14) (nid yw rhoi cyfarwyddyd cwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
 - (f) effaith rheoliad 18 (datganiad amgylcheddol drafft: gwiriadau cyn ymgynghori);
 - (ff) y ddyletswydd a osodir ar y ceisydd gan reoliad 46 (cyhoeddusrwydd).

Hysbysiadau o dan reoliad 13 (cyfarwyddiadau cwmpasu Gweinidogion Cymru y gofynnir amdanynt o dan reoliad 12(8))

7. Y materion y cyfeirir atynt yn rheoliad 13(4) yw—
- (a) erbyn pa ddyddiad y mae'n rhaid darparu'r wybodaeth gwmpasu (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 13(9) i ben);
 - (b) effaith rheoliad 13(10) (atal);
 - (c) effaith rheoliad 50 (parhad ataliad);
 - (ch) effaith rheoliad 51 (gwahardd);
 - (d) effaith rheoliad 13(11) (ymgynghori cyn mabwysiadu barn gwmpasu);
 - (dd) effaith rheoliad 13(14) (nid yw mabwysiadu barn gwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
 - (e) y ddyletswydd a osodir ar y ceisydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);
 - (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

Hysbysiadau o dan reoliad 14 (cyfarwyddiadau cwmpasu gan Weinidogion Cymru)

8. Y materion y cyfeirir atynt yn rheoliad 14(5) yw—
- (a) erbyn pa ddyddiad y mae'n rhaid darparu'r wybodaeth gwmpasu (sef y dyddiad pan

the time period for doing so.

6. The matters referred to in regulation 12(10) are—
- (a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(2) ends);
 - (b) that the draft environmental statement must include all of the information specified in the scoping direction;
 - (c) the effect of regulation 17(8) (suspension);
 - (d) the effect of regulation 50 (duration of suspension);
 - (e) the effect of regulation 51 (prohibition);
 - (f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);
 - (g) the effect of regulation 13(14) (making of a scoping direction does not preclude right to require further information or evidence);
 - (h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);
 - (i) the duty imposed on the applicant by regulation 46 (publicity).

Notifications under regulation 13 (scoping directions of the Welsh Ministers requested under regulation 12(8))

7. The matters referred to in regulation 13(4) are—
- (a) the date by which the scoping information must be provided (being the date on which the relevant period for the purposes of regulation 13(9) ends);
 - (b) the effect of regulation 13(10) (suspension);
 - (c) the effect of regulation 50 (duration of suspension);
 - (d) the effect of regulation 51 (prohibition);
 - (e) the effect of regulation 13(11) (consultation prior to adoption of scoping opinion);
 - (f) the effect of regulation 13(14) (adoption of scoping opinion does not preclude right to require further information or evidence);
 - (g) the duty imposed on the applicant or, as the case may be, the operator, by regulation 46 (publicity).
 - (h) the right to challenge the notification and the time period for doing so.

Notifications under regulation 14 (scoping directions of the Welsh Ministers)

8. The matters referred to in regulation 14(5) are—
- (a) the date by which the scoping information must be provided (being the date on which the

ddaw'r cyfnod perthnasol at ddibenion rheoliad 14(10) i ben);

- (b) effaith rheoliad 14(11) (atal);
- (c) effaith rheoliad 50 (parhad ataliad);
- (ch) effaith rheoliad 51 (gwahardd);
- (d) effaith rheoliad 14(12) (ymgyngori cyn rhoi cyfarwyddyd cwmpasu);
- (dd) effaith rheoliad 14(15) (nid yw rhoi cyfarwyddyd cwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (e) y ddyletswydd a osodir ar y ceisydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);
- (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

9. Y materion y cyfeirir atynt yn rheoliad 14(13)(b) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid cyflwyno'r datganiad amgylcheddol drafft (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 17(3) i ben);
- (b) bod rhaid i'r datganiad amgylcheddol gynnwys yr holl wybodaeth a bennir yn y cyfarwyddyd cwmpasu;
- (c) effaith rheoliad 17(8) (atal);
- (ch) effaith rheoliad 50 (parhad ataliad);
- (d) effaith rheoliad 51 (gwahardd);
- (dd) effaith rheoliad 16 (gweithdrefn i hwyluso paratoi datganiadau amgylcheddol);
- (e) effaith rheoliad 14(15) (nid yw rhoi cyfarwyddyd cwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (f) effaith rheoliad 18 (datganiad amgylcheddol drafft: gwiriadau cyn ymgynghori);
- (ff) y ddyletswydd a osodir ar y ceisydd neu'r apelydd gan reoliad 46 (cyhoeddusrwydd);
- (g) yr hawl i herio'r cyfarwyddyd cwmpasu a'r cyfnod o amser ar gyfer gwneud hynny.

Hysbysadau o dan reoliad 15 (cyfarwyddiadau cwmpasu amnewidiol)

10. Y materion y cyfeirir atynt yn rheoliad 15(5) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid darparu'r wybodaeth gwmpasu (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 15(10) i ben);
- (b) effaith rheoliad 15(11) (atal);
- (c) effaith rheoliad 50 (parhad ataliad);
- (ch) effaith rheoliad 51 (gwahardd);

relevant period for the purposes of regulation 14(10) ends);

- (b) the effect of regulation 14(11) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 14(12) (consultation prior to making scoping direction);
- (f) the effect of regulation 14(15) (making of scoping direction does not preclude right to require further information or evidence);
- (g) the duty imposed on the applicant or, as the case may be, the operator, by regulation 46 (publicity).
- (h) the right to challenge the notification and the time period for doing so.

9. The matters referred to in regulation 14(13)(b) are—

- (a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(3) ends);
- (b) that the environmental statement must include all of the information specified in the scoping direction;
- (c) the effect of regulation 17(8) (suspension);
- (d) the effect of regulation 50 (duration of suspension);
- (e) the effect of regulation 51 (prohibition);
- (f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);
- (g) the effect of regulation 14(15) (making of scoping direction does not preclude right to require further information or evidence);
- (h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);
- (i) the duty imposed on the applicant or appellant by regulation 46 (publicity).
- (j) the right to challenge the scoping direction and the time period for doing so.

Notifications under regulation 15 (substitute scoping directions)

10. The matters referred to in regulation 15(5) are—

- (a) the date by which the scoping information must be provided (being the date on which the relevant period for the purposes of regulation 15(10) ends);
- (b) the effect of regulation 15(11) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);

- (d) dyletswyddau Gweinidogion Cymru o dan reoliad 15(12) (ymgyngori cyn rhoi cyfarwyddyd cwmpasu);
- (dd) effaith rheoliad 15(15) (nid yw rhoi cyfarwyddyd cwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (e) y ddyletswydd a osodir ar y ceisydd, apelydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);
- (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

11. Y materion y cyfeirir atynt yn rheoliad 15(13) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid cyflwyno'r datganiad amgylcheddol drafft (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 17(4) i ben);
- (b) bod rhaid i'r datganiad amgylcheddol gynnwys yr holl wybodaeth a bennir yn y cyfarwyddyd cwmpasu;
- (c) effaith rheoliad 17(8) (atal);
- (ch) effaith rheoliad 50 (parhad ataliad);
- (d) effaith rheoliad 51 (gwahardd);
- (dd) effaith rheoliad 16 (gweithdrefn i hwyluso paratoi datganiadau amgylcheddol);
- (e) effaith rheoliad 15(15) (nid yw rhoi cyfarwyddyd cwmpasu yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (f) effaith rheoliad 18 (datganiad amgylcheddol drafft: gwiriadau cyn ymgynghori);
- (ff) y ddyletswydd a osodir ar y ceisydd neu'r apelydd gan reoliad 46 (cyhoeddusrwydd);
- (g) yr hawl i herio'r cyfarwyddyd cwmpasu a'r cyfnod o amser ar gyfer gwneud hynny.

Hysbysiadau o dan reoliad 18 (datganiad amgylcheddol drafft: gwiriadau cyn ymgynghori)

12. Y materion y cyfeirir atynt yn rheoliad 18(6)(b) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid darparu'r wybodaeth benodedig (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 18(8) neu, yn ôl y digwydd, rheoliad 18(9), i ben);
- (b) effaith rheoliad 18(10) (atal);
- (c) effaith rheoliad 50 (parhad ataliad);
- (ch) effaith rheoliad 51 (gwahardd);
- (d) effaith rheoliad 18(12) i (24) (gofyniad i ystyried ffurf datganiad amgylcheddol);

- (e) the Welsh Ministers' duties under regulation 15(12) (consultation prior to making scoping direction);
- (f) the effect of regulation 15(15) (making of scoping direction does not preclude right to require further information or evidence);
- (g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity).
- (h) the right to challenge the notification and the time period for doing so.

11. The matters referred to in regulation 15(13) are—

- (a) the date by which the draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 17(4) ends);
- (b) that the environmental statement must include all of the information specified in the scoping direction;
- (c) the effect of regulation 17(8) (suspension);
- (d) the effect of regulation 50 (duration of suspension);
- (e) the effect of regulation 51 (prohibition);
- (f) the effect of regulation 16 (procedure to facilitate preparation of environmental statements);
- (g) the effect of regulation 15(15) (making of scoping direction does not preclude right to require further information or evidence);
- (h) the effect of regulation 18 (draft environmental statement: pre-consultation checks);
- (i) the duty imposed on the applicant or appellant by regulation 46 (publicity).
- (j) the right to challenge the scoping direction and the time period for doing so.

Notifications under regulation 18 (draft environmental statement: pre-consultation checks)

12. The matters referred to in regulation 18(6)(b) are—

- (a) the date by which the specified information must be provided (being the date on which the relevant period for the purposes of regulation 18(8) or, as the case may be, regulation 18(9), ends);
- (b) the effect of regulation 18(10) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 18(12) to (24) (requirement to consider form of environmental statement);

- (dd) effaith rheoliad 18(25) (nid yw cyfarwyddyd i gyhoeddi yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (e) y ddyletswydd a osodir ar y ceisydd, apelydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);
- (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

13. Y materion y cyfeirir atynt yn rheoliad 18(15) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid cyflwyno'r datganiad amgylcheddol drafft pellach (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 18(16) i ben);
- (b) effaith rheoliad 18(17) (atal);
- (c) effaith rheoliad 50 (parhad ataliad);
- (ch) effaith rheoliad 51 (gwahardd);
- (d) effaith rheoliad 18(19) i (24);
- (dd) effaith rheoliad 18(25) (nid yw cyfarwyddyd i gyhoeddi yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (e) y ddyletswydd a osodir ar y ceisydd neu'r apelydd gan reoliad 46 (cyhoeddusrwydd);
- (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

14. Y materion y cyfeirir atynt yn rheoliad 18(24)(ch) yw—

- (a) effaith rheoliad 19(1) (dyletswydd i gydymffurfio â rheoliad 21);
- (b) erbyn pa ddyddiad y mae'n rhaid cyflwyno'r dystiolaeth ddogfennol sy'n ofynnol o dan reoliad 21 (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 19(1) i ben);
- (c) effaith rheoliad 19(2) (atal);
- (ch) effaith rheoliad 50 (parhad ataliad);
- (d) effaith rheoliad 51 (gwahardd);
- (dd) gofynion rheoliad 20 (datganiadau amgylcheddol: y gofynion cyhoeddusrwydd);
- (e) gofynion rheoliad 21 (gofyniad i gyflwyno tystiolaeth ddogfennol o gyhoeddi);
- (f) y gofyniad a osodir gan reoliad 22(1) (darparu copïau o ddatganiad amgylcheddol);
- (ff) y gofyniad a osodir gan reoliad 23 (argaeledd copïau o ddatganiadau amgylcheddol);
- (g) yr hawl a roddir gan reoliad 25 (codi tâl am gopïau o ddatganiadau amgylcheddol);
- (ng) pan fo'r hysbysiad yn ymwneud â chais AEA

- (f) the effect of regulation 18(25) (instruction to publish does not preclude right to require further information or evidence);
- (g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity).
- (h) the right to challenge the notification and the time period for doing so

13. The matters referred to in regulation 18(15) are—

- (a) the date by which the further draft environmental statement must be submitted (being the date on which the relevant period for the purposes of regulation 18(16) ends);
- (b) the effect of regulation 18(17) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 18(19) to (24);
- (f) the effect of regulation 18(25) (instruction to publish does not preclude right to require further information or evidence);
- (g) the duty imposed on the applicant or appellant by regulation 46 (publicity).
- (h) the right to challenge the notification and the time period for doing so.

14. The matters referred to in regulation 18(24)(d) are—

- (a) the effect of regulation 19(1) (duty to comply with regulation 21);
- (b) the date by which the documentary evidence required by regulation 21 must be submitted (being the date on which the relevant period for the purposes of regulation 19(1) ends);
- (c) the effect of regulation 19(2) (suspension);
- (d) the effect of regulation 50 (duration of suspension);
- (e) the effect of regulation 51 (prohibition);
- (f) the requirements of regulation 20 (environmental statements: publicity requirements);
- (g) the requirements of regulation 21 (requirement to submit documentary evidence of publication);
- (h) the requirement imposed by regulation 22(1) (provision of copies of environmental statement);
- (i) the requirement imposed by regulation 23 (availability of copies of environmental statements);
- (j) the right conferred by regulation 25 (charges for copies of environmental statements);
- (k) where the notification relates to an EIA

sydd gerbron awdurdod cynllunio mwynau perthnasol ar gyfer ei benderfynu, effaith rheoliad 24 (darparu copiâu o ddatganiadau amgylcheddol i Weinidogion Cymru yn achos atgyfeiriad neu apêl);

- (h) effaith rheoliad 18(25) (nid yw cyfarwyddyd i gyhoeddi yn atal yr hawl i fynnu cael gwybodaeth bellach neu dystiolaeth);
- (i) effaith rheoliad 32(4) (gwahardd penderfynu yn ystod cyfnod ymgynghori);
- (j) y ddyletswydd a osodir ar y ceisydd neu'r apelydd gan reoliad 46 (cyhoeddusrwydd);
- (l) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

Hysbysiadau o dan reoliad 26 (gwybodaeth bellach)

- 15.** Y materion y cyfeirir atynt yn rheoliad 26(3) yw—
- (a) erbyn pa ddyddiad y mae'n rhaid cyflwyno gwybodaeth bellach (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 26(4) i ben);
 - (b) effaith rheoliad 26(5) (atal);
 - (c) effaith rheoliad 50 (parhad ataliad);
 - (ch) effaith rheoliad 51 (gwahardd);
 - (d) effaith rheoliad 28 (gwybodaeth bellach a thystiolaeth: gwiriadau cyn ymgynghori);
 - (dd) effaith rheoliad 26(6) (nid yw hysbysu yn atal y gofyniad i gyflwyno gwybodaeth bellach neu dystiolaeth);
 - (e) y ddyletswydd a osodir ar y ceisydd, apelydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);
 - (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

Hysbysiadau o dan reoliad 27 (tystiolaeth)

- 16.** Y materion y cyfeirir atynt yn rheoliad 27(3) yw—
- (a) erbyn pa ddyddiad y mae'n rhaid darparu'r dystiolaeth (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 27(4) i ben);
 - (b) effaith rheoliad 27(5) (atal);
 - (c) effaith rheoliad 50 (parhad ataliad);
 - (ch) effaith rheoliad 51 (gwahardd);
 - (d) effaith rheoliad 28 (gwybodaeth bellach a thystiolaeth: gwiriadau cyn ymgynghori);
 - (dd) effaith rheoliad 27(6) (nid yw hysbysu yn atal y gofyniad i gyflwyno gwybodaeth bellach neu dystiolaeth);
 - (e) y ddyletswydd a osodir ar y ceisydd, apelydd

application which is before a relevant mineral planning authority for determination, the effect of regulation 24 (provision of copies of environmental statements for the Welsh Ministers on referral or appeal);

- (l) the effect of regulation 18(25) (instruction to publish does not preclude right to require further information or evidence);
- (m) the effect of regulation 32(4) (prohibition on determination during consultation period);
- (n) the duty imposed on the applicant or appellant by regulation 46 (publicity);
- (o) the right to challenge the notification and the time period for doing so.

Notifications under regulation 26 (further information)

- 15.** The matters referred to in regulation 26(3) are—
- (a) the date by which the further information must be provided (being the date on which the relevant period for the purposes of regulation 26(4) ends);
 - (b) the effect of regulation 26(5) (suspension);
 - (c) the effect of regulation 50 (duration of suspension);
 - (d) the effect of regulation 51 (prohibition);
 - (e) the effect of regulation 28 (further information and evidence: pre-consultation checks);
 - (f) the effect of regulation 26(6) (notification does not preclude requirement to submit further information or evidence);
 - (g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity);
 - (h) the right to challenge the notification and the time period for doing so.

Notifications under regulation 27 (evidence)

- 16.** The matters referred to in regulation 27(3) are—
- (a) the date by which the evidence must be provided (being the date on which the relevant period for the purposes of regulation 27(4) ends);
 - (b) the effect of regulation 27(5) (suspension);
 - (c) the effect of regulation 50 (duration of suspension);
 - (d) the effect of regulation 51 (prohibition);
 - (e) the effect of regulation 28 (further information and evidence: pre-consultation checks);
 - (f) the effect of regulation 27(6) (notification does not preclude requirement to submit further information or evidence);
 - (g) the duty imposed on the applicant, appellant

neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);

- (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

Hysbysiadau o dan reoliad 28 (gwybodaeth bellach a thystiolaeth: gwiriadau cyn ymgynghori)

17. Y materion y cyfeirir atynt yn rheoliad 28(5)(b) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid i'r wybodaeth bellach neu'r dystiolaeth gael ei hailgyflwyno (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 28(6) i ben);
- (b) effaith rheoliad 28(7) (atal);
- (c) effaith rheoliad 50 (parhad ataliad);
- (ch) effaith rheoliad 51 (gwahardd);
- (d) effaith rheoliad 28(8) i (12);
- (dd) effaith rheoliad 28(13) (nid yw hysbysu yn atal y gofyniad i gyflwyno gwybodaeth bellach neu dystiolaeth);
- (e) y ddyletswydd a osodir ar y ceisydd, apelydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddusrwydd);
- (f) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

18. Y materion y cyfeirir atynt yn rheoliad 28(8)(ch) yw—

- (a) erbyn pa ddyddiad y mae'n rhaid darparu tystiolaeth ddogfennol o gyhoeddi (sef y dyddiad pan ddaw'r cyfnod perthnasol at ddibenion rheoliad 29(1) i ben);
- (b) effaith rheoliad 29(2) (atal);
- (c) effaith rheoliad 50 (parhad ataliad);
- (ch) effaith rheoliad 51 (gwahardd);
- (d) gofynion rheoliad 30 (gwybodaeth bellach neu dystiolaeth: y gofynion cyhoeddusrwydd);
- (dd) gofynion rheoliad 31 (tystiolaeth ddogfennol o gyhoeddi);
- (e) effaith rheoliad 32(1) (darparu copïau ymgynghori i awdurdod cynllunio mwynau perthnasol neu i Weinidogion Cymru);
- (f) effaith rheoliad 33 (nifer rhesymol o gopïau o wybodaeth bellach neu dystiolaeth i'w rhoi ar gael i'r cyhoedd);
- (ff) yr hawl a roddir gan reoliad 35 (codi tâl am gopïau o wybodaeth bellach neu dystiolaeth);
- (g) effaith rheoliad 34 (darparu copïau o wybodaeth bellach a thystiolaeth i Weinidogion Cymru yn achos atgyfeiriad neu apêl);

or, as the case may be, the operator, by regulation 46 (publicity);

- (h) the right to challenge the notification and the time period for doing so.

Notifications under regulation 28 (further information and evidence: pre-consultation checks)

17. The matters referred to in regulation 28(5)(b) are—

- (a) the date by which the further information or evidence must be re-submitted (being the date on which the relevant period for the purposes of regulation 28(6) ends);
- (b) the effect of regulation 28(7) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the effect of regulation 28(8) to (12);
- (f) the effect of regulation 28(13) (notification does not preclude requirement to submit further information or evidence);
- (g) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity);
- (h) the right to challenge the notification and the time period for doing so.

18. The matters referred to in regulation 28(8)(d) are—

- (a) the date by which the documentary evidence of publication must be provided (being the date on which the relevant period for the purposes of regulation 29(1) ends);
- (b) the effect of regulation 29(2) (suspension);
- (c) the effect of regulation 50 (duration of suspension);
- (d) the effect of regulation 51 (prohibition);
- (e) the requirements of regulation 30 (further information or evidence: publicity requirements);
- (f) the requirements of regulation 31 (documentary evidence of publication);
- (g) the effect of regulation 32(1) (provision of consultation copies to relevant mineral planning authority or the Welsh Ministers);
- (h) the effect of regulation 33 (reasonable number of copies of further information or evidence to be made available to the public);
- (i) the right conferred by regulation 35 (charges for copies of further information or evidence);
- (j) the effect of regulation 34 (provision of copies of further information and evidence for the Welsh Ministers on referral or appeal);

- (ng) effaith rheoliad 32(4) (gwahardd penderfynu yn ystod cyfnod ymgynghori);
- (h) effaith rheoliad 28(13) (nid yw hysbysiad ysgrifenedig a roddir o dan reoliad 28 yn rhwystro hawl i'w gwneud yn ofynnol i wybodaeth bellach neu dystiolaeth gael ei darparu);
- (i) ddyletswydd a osodir ar y ceisydd, apelydd neu, yn ôl y digwydd, y gweithredwr, gan reoliad 46 (cyhoeddu swydd);
- (j) yr hawl i herio'r hysbysiad a'r cyfnod o amser ar gyfer gwneud hynny.

- (k) the effect of regulation 32(4) (prohibition on determination during consultation period);
- (l) the effect of regulation 28(13) (written notification given under regulation 28 does not preclude right to require further information or evidence);
- (m) the duty imposed on the applicant, appellant or, as the case may be, the operator, by regulation 46 (publicity);
- (n) the right to challenge the notification and the time period for doing so.

© 2009 Hawlfraint y Goron 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2009

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.