



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 567 (Cy. 136)

2017 No. 567 (W. 136)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Cymru) 2017

The Town and Country Planning
(Environmental Impact Assessment)
(Wales) Regulations 2017

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn dirymu ac yn ailddatgan gyda diwygiadau ddarpariaethau Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016(1) ("Rheoliadau 2016"). Roedd Rheoliadau 2016 yn cydgrynhoi ac yn diweddarau offerynnau cynharach a oedd yn gweithredu Cyfarwyddeb y Cyngor 85/337/EEC ("Cyfarwyddeb 1985") ar yr asesiad o effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd(2) o ran cynllunio gwlad a thref yng Nghymru.

Mae Cyfarwyddeb 1985 wedi ei disodli gan Gyfarwyddeb 2011/92/EU ("y Gyfarwyddeb") Senedd Ewrop a'r Cyngor dyddiedig 13 Rhagfyr 2011 ar yr asesiad o effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd(3). Mae'r Gyfarwyddeb wedi ei diwygio gan Gyfarwyddeb yr UE 2014/52/EU(4).

Mae'r Rheoliadau yn gosod gofynion gweithdrefnol mewn perthynas â rhoi caniatâd cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990(5).

These Regulations revoke and restate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016(1) ("the 2016 Regulations"). The 2016 Regulations consolidated and updated earlier instruments which implemented Council Directive 85/337/EEC ("the 1985 Directive") on the assessment of the effects of certain public and private projects on the environment(2) in relation to town and country planning in Wales.

The 1985 Directive has been replaced by Directive 2011/92/EU ("the Directive") of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment(3). The Directive has been amended by EU Directive 2014/52/EU(4).

The Regulations impose procedural requirements in relation to the granting of planning permission under the Town and Country Planning Act 1990(5).

(1) O.S. 2016/58 (Cy. 28).

(2) O.J. Rhif L 175, 5.7.1985, t. 40. Diwygiwyd Cyfarwyddeb y Cyngor 85/337/EEC gan Gyfarwyddeb y Cyngor 97/11/EC, O.J. Rhif L 73, 14.3.1997, t. 5; Cyfarwyddeb 2003/35/EC Senedd Ewrop a'r Cyngor, O.J. Rhif L 156, 25.6.2003, t. 17; a Chyfarwyddeb 2009/31/EC Senedd Ewrop a'r Cyngor, O.J. Rhif L 140, 5.6.2009, t. 114. Cafodd Cyfarwyddeb 1985 a darpariaethau diwygio Cyfarwyddeb ddilynol eu codeiddio yn y Gyfarwyddeb, O.J. Rhif L 26 28.1.2012, t. 1.

(3) O.J. Rhif L 26, 28.1.2012, t. 1.

(4) O.J. Rhif L 124, 25.4.2014, t. 1.

(5) 1990 p. 8.

(1) S.I. 2016/58 (W. 28).

(2) O.J. No. L 175, 5.7.1985, p. 40. Council Directive 85/337/EEC was amended by Council Directive 97/11/EC, O.J. No. L 73, 14.3.1997, p. 5; Directive 2003/35/EC of the European Parliament and of the Council, O.J. No. L 156, 25.6.2003, p. 17; and Directive 2009/31/EC of the European Parliament and of the Council, O.J. No. L 140, 5.6.2009, p. 114. The 1985 Directive and the amending provisions of a subsequent Directive were codified in the Directive, O.J. No. L 26, 28.1.2012, p. 1.

(3) O.J. No. L 26, 28.1.2012, p. 1.

(4) O.J. No. L 124, 25.4.2014, p. 1.

(5) 1990 c. 8.

Mae'n ofynnol cynnal asesiad o'r effaith amgylcheddol (AEA) ar gyfer pob datblygiad yn Atodlen 1. Mae'n ofynnol cynnal AEA ar gyfer datblygiad yng ngholofn 1 o'r tabl yn Atodlen 2 sydd naill ai i'w wneud mewn ardal sensitif neu sy'n bodloni trothwy neu faen prawf yng ngholofn 2 os yw'n debygol o gael effeithiau sylweddol ar yr amgylchedd.

Y prif ddiwygiadau i Reoliadau 2016 yw:

Asesiad o'r effaith amgylcheddol

Mae rheoliad 3 yn ei gwneud yn ofynnol cynnal AEA cyn y rhoddir cydsyniad i ddatblygiad sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd ("datblygiad AEA").

Mae'r rheoliad 4 newydd yn disgrifio'r broses o asesu effeithiau amgylcheddol.

Sgrinio

Mae'r broses sgrinio wedi ei diwygio. Mae rheoliad 6(2) a (3) yn ei gwneud yn ofynnol i'r person sy'n gofyn am ganiatâd cynllunio ddarparu gwybodaeth benodol, gan ystyried y meini prawf dethol yn Atodlen 3.

Yn unol â rheoliad 5(8), wrth wneud penderfyniad sgrinio, bellach rhaid i wneuthurwr y penderfyniad ystyried yr wybodaeth honno, y canlyniadau sydd ar gael o asesiadau amgylcheddol eraill yn ogystal â'r meini prawf dethol yn Atodlen 3. Mae'r meini prawf dethol hynny wedi eu diwygio.

Pan fo gwneuthurwr y penderfyniad yn mabwysiadu penderfyniad sgrinio rhaid iddo ddatgan y prif resymau dros wneud y penderfyniad yn ogystal â materion newydd eraill, yn unol â rheoliad 5(9).

Mae rheoliadau 6(6) a 7(6) yn ei gwneud yn ofynnol i benderfyniadau sgrinio gael eu gwneud yn ddim hwyrach nag o fewn 90 o ddiwrnodau o ddyddiad cyflwyno'r holl wybodaeth berthnasol oni bai bod amgylchiadau eithriadol a bod rheoliad 7(7) yn gymwys.

Cwmpasu

Mae rheoliad 14(2) yn gwneud newidiadau i natur yr wybodaeth y mae'n rhaid i berson ei darparu wrth ofyn am farn gwmpasu. Mae paragraff (6) yn ei gwneud yn ofynnol i'r corff sy'n gwneud y penderfyniad cwmpasu ystyried yr wybodaeth ychwanegol cyn mabwysiadu'r penderfyniad cwmpasu.

All development in Schedule 1 requires an environmental impact assessment ("EIA"). Development in column 1 of the table in Schedule 2 which is either to be carried out in a sensitive area or satisfies a threshold or criterion in column 2 requires an EIA if it is likely to have significant effects on the environment.

The main amendments to the 2016 Regulations are:

Environmental impact assessment

Regulation 3 is requires an EIA to be carried out before consent is given to development likely to have significant effects on the environment ("EIA development").

New regulation 4 describes the environmental impact assessment process.

Screening

The screening process is amended. Regulation 6(2) and (3) require certain information to be provided by the person seeking planning permission, taking into account the selection criteria in Schedule 3.

In accordance with regulation 5(8), when making a screening decision, the decision-maker must now take into account that information, the available results of other environmental assessments as well as the selection criteria in Schedule 3. Those selection criteria are amended.

When the decision-maker adopts a screening decision they must state the main reasons for the decision in addition to other new matters, in accordance with regulation 5(9).

Regulations 6(6) and 7(6) require screening decisions to be made at the latest within 90 days from the date of the submission of all the relevant information unless there are exceptional circumstances and regulation 7(7) applies.

Scoping

Regulation 14(2) makes changes to the nature of the information which a person must provide with a request for a scoping opinion. Paragraph (6) requires the body making the scoping decision to take additional information into account before adopting the scoping decision.

Datganiadau amgylcheddol

Mae'r wybodaeth y mae'n ofynnol ei chynnwys mewn datganiad amgylcheddol wedi ei hehangu gan reoliad 17(3) ac Atodlen 4. Mae rheoliadau 4(4) a 17(4) yn cynnwys gofynion newydd mewn perthynas â datganiadau amgylcheddol.

Y penderfyniad ynghylch pa un ai i roi caniatâd cynllunio

Mae rheoliad 25 yn gwneud darpariaeth fanwl ynghylch y weithdrefn y mae'n rhaid i wneuthurwr y penderfyniad ei dilyn wrth benderfynu pa un ai i roi caniatâd cynllunio ar gyfer datblygiad y cyflwynwyd datganiad amgylcheddol mewn perthynas ag ef. Mae paragraff (2) yn cynnwys gofyniad i gasgliad gwneuthurwr y penderfyniad ar effeithiau sylweddol y datblygiad fod yn gyfoes ar yr adeg y mae'n penderfynu pa un ai i roi caniatâd cynllunio. Mae paragraff (4) yn nodi manylion y materion y mae'n rhaid i wneuthurwr y penderfyniad eu hystyried mewn perthynas â chamau unioni a mesurau monitro posibl.

Mae rheoliad 28 yn nodi'r wybodaeth y mae'n rhaid ei darparu gyda phenderfyniad ynghylch pa un ai i roi caniatâd cynllunio.

Cyhoeddusrwydd ac ymgynghori

Mae rheoliad 19(2)(e) a diwygiadau a wnaed i Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1) gan baragraff 1(3)(c) o Atodlen 9 yn darparu ar gyfer cyfnod ymgynghori cyhoeddus sy'n para o leiaf 30 o ddiwrnodau.

Mae rheoliad 29(1)(d) yn gwneud darpariaeth ar gyfer darparu gwybodaeth fanylach i'r cyhoedd ar ôl gwneud penderfyniad mewn perthynas â pha un ai i roi caniatâd cynllunio ar gyfer datblygiad AEA.

Cosbau a gorfodi

Mae rheoliad 43 yn cynnwys dyletswydd ar awdurdodau cynllunio lleol i roi sylw i'r angen i sicrhau eu bod yn cydymffurfio â gofynion ac amcanion y Gyfarwyddeb wrth iddynt arfer eu swyddogaethau gorfodi.

Gofynion eraill

Mae rheoliad 19 a diwygiadau a wnaed i Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 gan baragraff 1(3)(h) o Atodlen 9 yn ei gwneud yn ofynnol i'r datganiad amgylcheddol a dogfennau eraill fod ar gael yn electronig i'w gweld.

Environmental statements

The information required to be included in an environmental statement has been expanded by regulation 17(3) and Schedule 4. Regulations 4(4) and 17(4) contain new requirements in relation to environmental statements.

The decision whether to grant planning permission

Regulation 25 makes detailed provision as to the procedure that the decision-maker must follow when determining whether to grant planning permission for a development in relation to which an environmental statement has been submitted. Paragraph (2) contains a requirement for the decision-maker's conclusion on the significant effects of the development to be up-to-date at the time that it makes its decision whether to grant planning permission. Paragraph (4) details the matters the decision-maker must consider in relation to potential remedial action and monitoring measures.

Regulation 28 sets out the information which must be provided with a decision on whether to grant planning permission.

Publicity and consultation

Regulation 19(2)(e) and amendments made to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1) by paragraph 1(3)(c) of Schedule 9 provide for a minimum public consultation period of 30 days.

Regulation 29(1)(d) makes provision for enhanced information to be provided to the public after a decision is made in relation to whether to grant planning permission for EIA development.

Penalties and enforcement

Regulation 43 contains the duty on local planning authorities to have regard to the need to secure compliance with the requirements and objectives of the Directive in the exercise of their enforcement functions.

Other requirements

Regulation 19 and amendments made to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 by paragraph 1(3)(h) of Schedule 9 require the environmental statement and other documents to be available electronically for inspection.

(1) O.S. 2012/801 (Cy. 110).

(1) S.I. 2010/801 (W. 110).

Mae rheoliad 26 yn ofyniad i gyd-drefnu, pan fo'n briodol, AEA o dan y Rheoliadau hyn gydag unrhyw asesiad o dan reoliad 61 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010(1).

Mae rheoliad 58 yn gwneud darpariaeth i sicrhau nad oes dim gwrthdaro buddiannau a bod swyddogaethau wedi eu gwahanu'n briodol pan fydd y corff sy'n gwneud cais am ganiatâd cynllunio hefyd yn wneuthurwr y penderfyniad ar y cais hwnnw. Mae'r darpariaethau penodol sy'n ymwneud â datblygiad gan awdurdod cynllunio lleol wedi eu dileu.

Gwnaed diwygiadau tebyg i'r prosesau yn Rhan 7 (Datblygiadau o Bwysigrwydd Cenedlaethol), Rhan 9 (Cyfyngiadau ar Roi Caniatâd), Rhan 10 (Datblygu Anawdurdodedig) a Rhan 11 (Ceisiadau ROMP).

Mae asesiad effaith rheoleiddiol wedi ei lunio mewn perthynas â'r Rheoliadau hyn. Gellir cael copïau gan yr Is-adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar y wefan yn <https://www.llyw.cymru>.

Regulation 26 is a requirement to coordinate, where appropriate, an EIA under these Regulations with any assessment under regulation 61 of the Conservation of Habitats and Species Regulations 2010(1).

Regulation 58 makes provision to secure that there is no conflict of interest and that there is an appropriate separation of functions when the decision-maker is also the body requiring planning permission. The specific provisions relating to development by a local planning authority have been removed.

Similar amendments have been made to the processes in Part 7 (Developments of National Significance), Part 9 (Restrictions on Grants of Permission), Part 10 (Unauthorised Development) and Part 11 (ROMP Applications).

A regulatory impact assessment has been prepared in relation to these Regulations. Copies may be obtained from Planning Division, The Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the website at <https://www.wales.gov.uk>.

(1) O.S. 2010/490.

(1) S.I. 2010/490.

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PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Cymru) 2017

The Town and Country Planning
(Environmental Impact Assessment)
(Wales) Regulations 2017

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ATODLEN 8 — Ceisiadau ROMP

ATODLEN 9 — Diwygiadau i offerynnau eraill

ATODLEN 10 — Diwygiadau canlyniadol

SCHEDULE 1 — Descriptions of development for the purposes of the definition of “Schedule 1 development”

SCHEDULE 2 — Descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development”

SCHEDULE 3 — Selection criteria for screening Schedule 2 development

SCHEDULE 4 — Information for inclusion in environmental statements

SCHEDULE 5 — Local Development Orders

SCHEDULE 6 — Section 102 and 97 orders under the 1990 Act

SCHEDULE 7 — Functions under section 141 of the 1990 Act

SCHEDULE 8 — ROMP Applications

SCHEDULE 9 — Amendments to other instruments

SCHEDULE 10 — Consequential amendments

Mae Gweinidogion Cymru, gan eu bod wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) mewn perthynas â'r gofyniad i asesu'r effaith ar yr amgylchedd y mae prosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd yn ei chael, i'r graddau y mae a wnelo â chynllunio gwlad a thref(2), drwy arfer y pwerau a roddir gan yr adran honno, adran 71A o Ddeddf Cynllunio Gwlad a Thref 1990(3), ac wedi ystyried y meini prawf dethol yn Atodiad III i Gyfarwyddeb 2011/92/EU(4) Senedd Ewrop a'r Cyngor ar asesu effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd(5), yn gwneud y Rheoliadau a ganlyn.

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2017.

(2) Daw'r Rheoliadau hyn i rym ar 16 Mai 2017.

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

(4) Mewn perthynas â chais am ganiatâd cynllunio a wneir i Weinidogion Cymru, mae Rhannau 2 i 7 o'r Rheoliadau hyn yn gymwys i'r graddau ac yn y ffordd a nodir yn Rhan 7 yn unig.

The Welsh Ministers being designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, insofar as it concerns town and country planning(2), in exercise of the powers conferred by that section, section 71A of the Town and Country Planning Act 1990(3), and having taken into account the selection criteria in Annex III to Directive 2011/92/EU(4) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(5), make the following Regulations.

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

(2) These Regulations come into force on 16 May 2017.

(3) These Regulations apply in relation to Wales.

(4) In relation to an application for planning permission made to the Welsh Ministers, Parts 2 to 7 of these Regulations apply only to the extent and in the way set out in Part 7.

(1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen i'r Ddeddf honno.

(2) O.S. 2007/1679. *Gweler* erthygl 4.

(3) 1990 p. 8. Mewnosodwyd adran 71A gan adran 15 o Ddeddf 1991. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan y Ddeddf honno i Gynulliad Cenedlaethol Cymru, i'r graddau y maent yn arferadwy o ran Cymru, gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw: *gweler* y cofnod yn Atodlen 1 ar gyfer Deddf 1991. Trosglwyddwyd y swyddogaethau hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno, y swyddogaethau yn swyddogaethau perthnasol i'r Cyulliad fel y diffinnir ym mharagraff 30(2).

(4) Mae Cyfarwyddeb 2011/92/EU wedi ei diwygio gan Gyfarwyddeb 2014//52/EU. *Gweler* Erthyglau 2(1) a 3(1) o Gyfarwyddeb 2014/52/EU.

(5) O.J. Rhif L 26, 28.1.2012, t. 1. Mae'r Gyfarwyddeb wedi ei diwygio gan Gyfarwyddeb 2014/52/EU Senedd Ewrop a'r Cyngor, O.J. Rhif L 124, 25.4.2014, t. 1. *Gweler* yn benodol Erthygl 3(1).

(1) 1972 c. 68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 2007/1679. *See* article 4.

(3) 1990 c. 8. Section 71A was inserted by section 15 of the 1991 Act. The functions of the Secretary of State under that Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): *see* the entry in Schedule 1 for the 1991 Act. Those functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).

(4) Directive 2011/92/EU has been amended by Directive 2014//52/EU. *See* Articles 2(1) and 3(1) of Directive 2014/52/EU.

(5) O.J. No. L 26, 28.1.2012, p. 1. The Directive has been amended by Directive 2014/52/EU of the European Parliament and of the Council O.J. No. L 124, 25.4.2014, p. 1. *See* in particular Article 3(1).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “ardal sensitif” (“*sensitive area*”) yw unrhyw un o’r canlynol—

- (a) tir hysbysedig o dan adran 28(1) (safleoedd o ddiddordeb gwyddonol arbennig) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1);
- (b) Parc Cenedlaethol o fewn ystyr Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949(2);
- (c) eiddo sy’n ymddangos ar Restr Treftadaeth y Byd a gedwir o dan Erthygl 11(2) o Gonfensiwn UNESCO ynghylch Diogelu Treftadaeth Ddiwylliannol a Naturiol y Byd 1972(3);
- (d) heneb gofrestredig o fewn ystyr Deddf Henebion a Mannau Archaeolegol 1979(4);
- (e) ardal a ddynodwyd yn ardal o harddwch naturiol eithriadol gan orchymyn a wnaed o dan adran 82(2) (ardaloedd o harddwch naturiol eithriadol) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(5);
- (f) safle Ewropeaidd;

ystyr “arolygydd” (“*inspector*”) yw person a benodir gan Weinidogion Cymru i benderfynu ar apêl;

ystyr “asesiad o’r effaith amgylcheddol” (“*environmental impact assessment*”) yw’r broses a ddisgrifir yn rheoliad 4(1);

ystyr “awdurdod cynllunio perthnasol” (“*relevant planning authority*”) yw’r corff sy’n gyfrifol, a oedd yn gyfrifol neu a fyddai’n gyfrifol am benderfynu ar gais am ganiatâd cynllunio ar gyfer y datblygiad dan sylw, oni bai—

- (a) bod y datblygiad yn ddatblygiad o arwyddocâd cenedlaethol at ddibenion adran 62D o Ddeddf 1990(6); neu

Interpretation

2.—(1) In these Regulations—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990;

“the 1991 Act” (“*Deddf 1991*”) means the Planning and Compensation Act 1991(1);

“the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995(2);

“the 2012 Order” (“*Gorchymyn 2012*”) means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(3);

“the 2016 Order” (“*Gorchymyn 2016*”) means the Developments of National Significance (Procedure) (Wales) Order 2016(4);

“any other information” (“*unrhyw wybodaeth arall*”) means any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be;

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

“by local advertisement” (“*drwy hysbyseb leol*”), in relation to a notice, means—

- (a) by publication of the notice in a newspaper circulating in the locality in which the land is situated; and
- (b) by publication of the notice on the website of the relevant planning authority;

“the consultees” (“*yr ymgynghoreion*”) means—

- (a) in respect of an application for planning permission made to the Welsh Ministers, any authority, body or person which they are required to consult, or would be required to consult if an application for planning permission were before them, by virtue of article 22 of the 2016 Order (time periods for decision) and the bodies referred to in subparagraph (c) if not already within this subparagraph;
- (b) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 14 of

(1) 1981 p. 69. Amnewidiwyd adran 28(1) gan Ddeddf Cefn Gwlad a Hawliau Tramwy 2001 (p. 37), adran 75(1) ac Atodlen 9, paragraff 1, a’i ddiwygio gan Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16) adran 105(1), Atodlen 11, Rhan 1, paragraff 79, a chan Ddeddf y Môr a Mynediad i’r Arfordir 2009 (p. 23) adran 148, Atodlen 13, Rhan 2, paragraff 2(1).

(2) 1949 p. 97, gweler adran 5(3). Gweler adran 27AA ar gyfer cymhwysiad adran 28 mewn perthynas â thir yng Nghymru.

(3) Gweler Papur Gorchymyn 9424 a <http://whc.unesco.org/en/list>.

(4) 1979 p. 46. Gweler y diffiniad yn adran 1(11).

(5) 2000 p. 37. Diwygiwyd adran 82(2) gan O.S. 2013/755.

(6) Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4).

(1) 1991 c. 34.

(2) 1995 c. 25.

(3) S.I. 2012/801 (W. 110); amended by S.I. 2015/1330 (W. 123); there are other amending instruments but none is relevant.

(4) S.I. 2016/55 (W. 25).

(b) am gyfarwyddyd o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol)(1);

mae i “barn gwmpasu” (“*scoping opinion*”) yr ystyr a roddir iddi gan reoliad 14(1);

ystyr “barn sgrinio” (“*screening opinion*”) yw barn ysgrifenedig yr awdurdod cynllunio perthnasol ynghylch a yw datblygiad yn ddatblygiad AEA;

ystyr “cais AEA” (“*EIA application*”) yw—

(a) cais am ganiatâd cynllunio ar gyfer datblygiad AEA; neu

(b) cais dilynol mewn cysylltiad â datblygiad AEA;

ystyr “cais Atodlen 1” (“*Schedule 1 application*”) a “cais Atodlen 2” (“*Schedule 2 application*”) yw cais am ganiatâd cynllunio ar gyfer datblygiad Atodlen 1 a datblygiad Atodlen 2 yn ôl eu trefn;

ystyr “cais dilynol” (“*subsequent application*”) yw cais am gydsyniad, cytundeb neu gymeradwyaeth ar fater—

(a) sy’n ofynnol gan neu o dan amod y mae caniatâd cynllunio yn ddarostyngedig iddi; a

(b) y mae’n rhaid ei gael neu ei chael cyn y caniateir dechrau ar y datblygiad cyfan neu ar ran ohono a ganiateir gan y caniatâd cynllunio;

ystyr “cofrestr” (“*register*”) yw cofrestr a gedwir yn unol ag adran 69 o Ddeddf 1990 (cofrestrau o geisiadau etc.)(2) ac ystyr “cofrestr briodol” (“*appropriate register*”) yw’r gofrestr y rhoddwyd manylion am gais am ganiatâd cynllunio ar gyfer y datblygiad perthnasol arni neu y byddent yn cael eu rhoi arni pe gwnaed cais o’r fath;

ystyr “corff cychwyn” (“*initiating body*”) yw’r awdurdod cynllunio lleol neu Weinidogion Cymru, fel y bo’n briodol, pan fônt yn bwriadu gwneud gorchymyn adran 97 neu orchymyn adran 102;

ystyr “cydsyniad dilynol” (“*subsequent consent*”) yw cydsyniad, cytundeb neu gymeradwyaeth a roddir yn unol â chais dilynol;

mae i “cyfarwyddyd cwmpasu” (“*scoping direction*”) yr ystyr a roddir iddo gan reoliad 14(7);

ystyr “cyfarwyddyd sgrinio” (“*screening direction*”) yw cyfarwyddyd a wneir gan Weinidogion Cymru ynghylch pa un a yw datblygiad yn ddatblygiad AEA;

the 2012 Order (consultations before the grant of permission) or of any direction under that article, and the bodies referred to in subparagraph (c) if not already within this subparagraph;

(c) the following bodies—

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

(ii) the Natural Resources Body for Wales(1);

(iii) other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant 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 Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(2);

“dwellinghouse” (“*tŷ annedd*”) means a building or part of a building which is used as a single private dwelling and for no other purpose;

“EIA application” (“*cais AEA*”) means—

(a) an application for planning permission for EIA development; or

(b) a subsequent application in respect of EIA development;

“EIA development” (“*datblygiad AEA*”) means development which is either—

(a) Schedule 1 development; or

(b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

“environmental information” (“*gwybodaeth amgylcheddol*”) means the environmental statement, including any further information and any other information, any representations made by any consultee and any representations duly made by any other person about the environmental effects of the development;

“environmental impact assessment” (“*asesiad o’r effaith amgylcheddol*”) means the process described in regulation 4(1);

(1) Diwygiwyd adran 77 gan Ddeddf 1991, Atodlen 7, paragraff 18.

(2) Amnewidwyd adran 69 gan Ddeddf Cynllunio a Phrynu Gorfodol 2004, adran 188(1) ac Atodlen 6, paragraffau 1 a 3; diwygiwyd adran 69 gan Ddeddf Cynllunio 2008 (p. 29), adran 190(1) a (4); Deddf Lleoliaeth 2011 (p. 20), adran 237 a Rhan 18 o Atodlen 25. Mae diwygiadau eraill nad ydynt yn berthnasol i’r offeryn hwn.

(1) See S.I. 2012/1903 (W. 230).

(2) O.J. No. L 26, 28.1.2012, p. 1-21. Council Directive 2011/92/EU has been amended by Council Directive 2014/52/EU, O.J. No. L 124, 25.4.2014, p. 1-18.

ystyr “datblygiad AEA” (“*EIA development*”) yw datblygiad sydd naill ai—

- (a) yn ddatblygiad Atodlen 1; neu
- (b) yn ddatblygiad Atodlen 2 sy’n debygol o gael effeithiau sylweddol ar yr amgylchedd yn rhinwedd ffactorau fel ei natur, ei faint neu ei leoliad;

ystyr “datblygiad Atodlen 1” (“*Schedule 1 development*”) yw datblygiad, heblaw datblygiad esempt, o ddisgrifiad a grybwyllir yn Atodlen 1;

ystyr “datblygiad Atodlen 2” (“*Schedule 2 development*”) yw datblygiad, heblaw datblygiad esempt, o ddisgrifiad a grybwyllir yng Ngholofn 1 y tabl yn Atodlen 2—

- (a) pan fo’n rhaid cyflawni unrhyw ran o’r datblygiad hwnnw mewn ardal sensitif; neu
- (b) pan fodlonir neu y rhagorir ar unrhyw drothwy neu faen prawf cymwys yn rhan gyfatebol Colofn 2 o’r tabl hwnnw mewn perthynas â’r datblygiad hwnnw;

ystyr “datblygiad esempt” (“*exempt development*”) yw datblygiad y mae Gweinidogion Cymru wedi gwneud cyfarwyddyd mewn cysylltiad ag ef o dan reoliad 5(4);

ystyr “datganiad amgylcheddol” (“*environmental statement*”) yw datganiad fel y’i disgrifir yn rheoliad 17;

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990;

ystyr “Deddf 1991” (“*the 1991 Act*”) yw Deddf Cynllunio a Digolledu 1991(1);

ystyr “Deddf 1995” (“*the 1995 Act*”) yw Deddf yr Amgylchedd 1995(2);

ystyr “deddfwriaeth yr Undeb” (“*Union legislation*”) yw unrhyw ddeddfiad sy’n gymwys o ran Cymru sy’n rhoi effaith i un o rwymedigaethau’r UE;

ystyr “drwy hysbyseb leol” (“*by local advertisement*”), mewn perthynas â hysbysiad, yw—

- (a) drwy gyhoeddi’r hysbysiad mewn papur newydd sy’n cylchredeg yn yr ardal leol lle mae’r tir wedi ei leoli; a
- (b) drwy gyhoeddi’r hysbysiad ar wefan yr awdurdod cynllunio perthnasol;

ystyr “Gorchymyn 2012” (“*the 2012 Order*”) yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1);

“environmental statement” (“*datganiad amgylcheddol*”) means a statement as described in regulation 17;

“exempt development” (“*datblygiad esempt*”) means development in respect of which the Welsh Ministers have made a direction under regulation 5(4);

“European site” (“*safle Ewropeaidd*”) means a site within the meaning of regulation 8(3) of the Conservation of Habitats and Species Regulations 2010(1);

“further information” (“*gwybodaeth bellach*”) has the meaning given in regulation 24(1);

“initiating body” (“*corff cychwyn*”) means the local planning authority or the Welsh Ministers, as appropriate, where they propose to make the section 97 order or the section 102 order;

“inspector” (“*arolygydd*”) means a person appointed by the Welsh Ministers to determine an appeal;

“the land” (“*y tir*”) means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;

“local development order” (“*gorchymyn datblygu lleol*”) means a local development order made pursuant to section 61A of the 1990 Act(2);

“monitoring measure” (“*mesur monitro*”) means provision requiring the monitoring of any significant adverse effects on the environment of proposed development including any measures contained in—

- (a) a condition imposed on the grant of planning permission; or
- (b) a planning obligation;

“principal council” (“*prif gyngor*”) has the meaning given by section 270(1) (general provisions as to interpretation) of the Local Government Act 1972(3);

“register” (“*cofrestr*”) means a register kept pursuant to section 69 of the 1990 Act (registers of applications etc.)(4) and “appropriate register”

(1) S.I. 2010/490. There are amendments to regulation 8 which are not relevant to these Regulations.

(2) Section 61A was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 40(1); sub-section (1) was repealed by the Planning Act 2008, sections 188(1), (2), 238 and Schedule 13; sub-section (2) was amended by the Planning Act 2008, section 188(1) and (3).

(3) 1972 c. 70. “Principal council” means a council elected for a county borough.

(4) Section 69 was substituted by the Planning and Compulsory Purchase Act 2004, section 188(1) and Schedule 6, paragraphs 1 and 3; section 69 was amended by the Planning Act 2008 (c. 29), section 190(1) and (4); the Localism Act 2011 (c. 20), section 237 and Part 18 of Schedule 25. There are other amendments which are not relevant to this instrument.

(1) 1991 p. 34.

(2) 1995 p. 25.

ystyr “Gorchymyn 2016” (“*the 2016 Order*”) yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016(2);

ystyr “gorchymyn adran 97” (“*section 97 order*”) yw—

- (a) gorchymyn awdurdod cynllunio lleol o dan adran 97(1) o Ddeddf 1990 (pŵer i ddirymu neu addasu caniatâd cynllunio); neu
- (b) gorchymyn Gweinidogion Cymru o dan adran 100(1) o Ddeddf 1990 (dirymu ac addasu caniatâd cynllunio);

ystyr “gorchymyn adran 102” (“*section 102 order*”) yw—

- (a) gorchymyn awdurdod cynllunio lleol o dan adran 102 o Ddeddf 1990; neu
- (b) gorchymyn Gweinidogion Cymru i'r perwyl hwnnw yn unol ag adran 104(1) o Ddeddf 1990 (gorchymynion sy'n ei gwneud yn ofynnol peidio â pharhau i ddefnyddio adeiladau neu weithfeydd neu eu haddasu neu eu diddymu);

ystyr “gorchymyn datblygu lleol” (“*local development order*”) yw gorchymyn datblygu lleol a wneir yn unol ag adran 61A o Ddeddf 1990(3);

ystyr “gwybodaeth amgylcheddol” (“*environmental information*”) yw'r datganiad amgylcheddol, gan gynnwys unrhyw wybodaeth bellach ac unrhyw wybodaeth arall, unrhyw sylwadau a wneir gan unrhyw ymgynghorai ac unrhyw sylwadau a wneir yn briodol gan unrhyw berson arall ynghylch effeithiau amgylcheddol y datblygiad;

mae i “gwybodaeth bellach” (“*further information*”) yr ystyr a roddir yn rheoliad 24(1);

ystyr “y Gyfarwyddeb” (“*the Directive*”) yw Cyfarwyddeb 2011/92/EU Senedd Ewrop a'r Cyngor ar yr asesiad o effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd(4);

ystyr “mesur monitro” (“*monitoring measure*”) yw darpariaeth sy'n ei gwneud yn ofynnol i fonitro unrhyw effeithiau andwyol sylweddol ar

(“*cofrestr briodol*”) means the register on which particulars of an application for planning permission for the relevant development have been placed or would be placed if such an application were made;

“relevant planning authority” (“*awdurdod cynllunio perthnasol*”) means the body to whom it falls, fell, or would fall, to determine an application for planning permission for the development in question, but for—

- (a) the development being a development of national significance for the purposes of section 62D of the 1990 Act(1); or
- (b) a direction under section 77 of the 1990 Act (reference of applications to Secretary of State)(2);

“Schedule 1 application” (“*cais Atodlen 1*”) and “Schedule 2 application” (“*cais Atodlen 2*”) mean an application for planning permission for Schedule 1 development and Schedule 2 development respectively;

“Schedule 1 development” (“*datblygiad Atodlen 1*”) means development, other than exempt development, of a description mentioned in Schedule 1;

“Schedule 2 development” (“*datblygiad Atodlen 2*”) means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where—

- (a) any part of that development is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively met or exceeded in relation to that development;

“scoping direction” (“*cyfarwyddyd cwmpasu*”) has the meaning given to it by regulation 14(7);

“scoping opinion” (“*barn gwmpasu*”) has the meaning given to it by regulation 14(1);

“screening direction” (“*cyfarwyddyd sgrinio*”) means a direction made by the Welsh Ministers as to whether development is EIA development;

“screening opinion” (“*barn sgrinio*”) means a written opinion of the relevant planning authority as to whether development is EIA development;

(1) O.S. 2012/801 (Cy. 110); diwygiwyd gan O.S. 2016/1330 (Cy. 123); mae offerynnau diwygio eraill ond nid oes yr un yn berthnasol.

(2) O.S. 2016/55 (Cy. 25).

(3) Mewnosodwyd adran 61A gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), adran 40(1); cafodd is-adran (1) ei diddymu gan Ddeddf Cynllunio 2008, adrannau 188(1), (2), 238 ac Atodlen 13; diwygiwyd is-adran (2) gan Ddeddf Cynllunio 2008, adran 188(1) a (3).

(4) O.J. Rhif L 26, 28.1.2012, t. 1-21. Diwygiwyd Cyfarwyddeb y Cyngor 2011/92/EU gan Gyfarwyddeb y Cyngor 2014/52/EU, O.J. Rhif L 124, 25.4.2014, t. 1-18.

(1) Section 62D was inserted by section 19 of the Planning (Wales) Act 2015 (anaw 4).

(2) Section 77 was amended by the 1991 Act, Schedule 7, paragraph 18.

amgylchedd datblygiad arfaethedig, gan gynnwys unrhyw fesurau sydd wedi eu cynnwys—

(a) mewn amod a osodir ar roi'r caniatâd cynllunio; neu

(b) mewn rhwymedigaeth gynllunio;

mae i “prif gyngor” yr ystyr a roddir i “principal council” gan adran 270(1) (darpariaethau cyffredinol ynghylch dehongli) o Ddeddf Llywodraeth Leol 1972(1);

ystyr “safle Ewropeaidd” (“*European site*”) yw safle o fewn ystyr rheoliad 8(3) o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010(2);

ystyr “y tir” (“*the land*”) yw'r tir y byddai'r datblygiad yn digwydd arno neu, mewn perthynas â datblygiad sydd wedi digwydd yn barod, y tir y mae'r datblygiad wedi digwydd arno;

ystyr “tŷ annedd” (“*dwellinghouse*”) yw adeilad neu ran o adeilad sy'n cael ei ddefnyddio fel annedd preifat sengl ac i ddim diben arall;

mae “unrhyw berson penodol” (“*any particular person*”) yn cynnwys unrhyw sefydliad anllywodraethol sy'n hyrwyddo diogelu'r amgylchedd;

ystyr “unrhyw wybodaeth arall” (“*any other information*”) yw unrhyw wybodaeth arall o sylwedd sy'n ymwneud â'r datganiad amgylcheddol ac a ddarparwyd gan y ceisydd neu'r apelydd yn ôl y digwydd;

ystyr “yr ymgynghoreion” (“*the consultees*”) yw—

(a) mewn cysylltiad â chais am ganiatâd cynllunio a wneir i Weinidogion Cymru, unrhyw awdurdod, corff neu berson y mae'n ofynnol iddynt ymgynghori ag ef yn rhinwedd erthygl 22 o Orchymyn 2016 (cyfnodau amser ar gyfer penderfyniad), neu y byddai'n ofynnol iddynt ymgynghori â hwy pe bai cais am ganiatâd cynllunio ger eu bron, a'r cyrff y cyfeirir atynt yn is-baragraff (c) os na chyfeiriwyd atynt yn barod yn yr is-baragraff hwn;

(b) unrhyw gorff y mae'n ofynnol i'r awdurdod cynllunio perthnasol ymgynghori ag ef, neu y byddai'n ofynnol iddo ymgynghori ag ef, pe byddai cais am ganiatâd cynllunio ar gyfer y datblygiad dan sylw ger ei fron, yn rhinwedd erthygl 14 o Orchymyn 2012 (ymgynghoriadau cyn rhoi caniatâd) neu o unrhyw gyfarwyddyd o dan yr erthygl honno

“section 97 order” (“*gorchymyn adran 97*”) means—

(a) an order of a local planning authority under section 97(1) of the 1990 Act (power to revoke or modify planning permission); or

(b) an order of the Welsh Ministers under section 100(1) of the 1990 Act (revocation and modification of planning permission);

“section 102 order” (“*gorchymyn adran 102*”) means—

(a) an order of a local planning authority under section 102 of the 1990 Act; or

(b) an order of the Welsh Ministers to like effect pursuant to section 104(1) of the 1990 Act (orders requiring discontinuance of use or alteration or removal of buildings or works);

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

(a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981(1);

(b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(2);

(c) 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(3);

(d) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(4);

(e) an area of outstanding natural beauty designated as such by an order made under section 82(2) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000(5);

(f) a European site;

“subsequent application” (“*cais dilynol*”) means an application for consent, agreement or approval of a matter—

(a) required by or under a condition to which a planning permission is subject; and

(1) 1972 p. 70. Ystyr “principal council” yw cyngor a etholwyd ar gyfer bwrdeistref sirol.

(2) O.S. 2010/490. Ceir diwygiadau i reoliad 8 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 1981 c. 69. Section 28(1) was substituted by the Countryside and Rights of Way Act 2001 (c. 37), section 75(1) and Schedule 9, paragraph 1, and amended by the Natural Environment and Rural Communities Act 2006 (c. 16) section 105(1), Schedule 11, Part 1, paragraph 79, and by the Marine and Coastal Access Act 2009 (c. 23) section 148, Schedule 13, Part 2, paragraph 2(1).

(2) 1949 c. 97, see section 5(3). See section 27AA for the application of section 28 in relation to land in Wales.

(3) See Command Paper 9424 and <http://whc.unesco.org/en/list>.

(4) 1979 c. 46. See the definition in section 1(11).

(5) 2000 c. 37. Section 82(2) was amended by S.I. 2013/755.

a'r cyrff y cyfeirir atynt yn is-baragraff (c) os na chyfeirir atynt yn barod yn yr is-baragraff hwn;

(c) y cyrff canlynol—

(i) unrhyw brif gyngor ar gyfer yr ardal lle mae'r tir wedi ei leoli, os nad yr awdurdod cynllunio perthnasol;

(ii) Corff Adnoddau Naturiol Cymru(1);

(iii) cyrff eraill a ddynodir gan ddarpariaeth statudol fel cyrff sydd â chyfrifoldebau amgylcheddol penodol ac y mae'r awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd, yn ystyried ei bod yn debygol y bydd ganddynt ddiddordeb yn y cais.

(2) Yn ddarostyngedig i baragraff (3), yr un ystyr sydd i'r ymadroddion a ddefnyddir yn y Rheoliadau hyn ac yn Neddf 1990 at ddibenion y Rheoliadau hyn ag sydd iddynt at ddibenion Deddf 1990.

(3) Yr un ystyr sydd i'r ymadroddion a ddefnyddir yn y Rheoliadau hyn ac yn y Gyfarwydeb at ddibenion y Rheoliadau hyn (pa un a ydynt yn cael eu defnyddio yn Neddf 1990 ai peidio) ag sydd iddynt at ddibenion y Gyfarwydeb.

(4) Yn y Rheoliadau hyn, rhaid peidio â dehongli cyfeiriadau at Weinidogion Cymru fel cyfeiriadau at arolygydd.

(5) Pan ganiateir i berson, neu pan fo'n ofynnol i berson nodi, rhoi gwybod, gofyn, cadarnhau, hysbysu neu gyflwyno sylwadau, rhaid i'r person hwnnw wneud hynny'n ysgrifenedig.

(6) Caniateir cyflwyno neu roi unrhyw hysbysiad neu ddogfen arall y mae'n rhaid eu hanfon, eu cyflwyno neu eu rhoi o dan y Rheoliadau hyn mewn modd a bennir yn adran 329 o Ddeddf 1990 (cyflwyno hysbysiadau)(2).

Gwaharddiad ar roi caniatâd cynllunio neu gydsyniad dilynol heb asesiad o'r effaith amgylcheddol

3. Ni chaniateir i awdurdod cynllunio perthnasol, Gweinidogion Cymru nac arolygydd roi caniatâd cynllunio na chydysyniad dilynol ar gyfer datblygiad AEA oni bai y cynhaliwyd asesiad o'r effaith amgylcheddol mewn cysylltiad â'r datblygiad hwnnw.

(b) which must be obtained before all or part of the development permitted by the planning permission may be begun;

“subsequent consent” (“*cydsyniad dilynol*”) means consent, agreement or approval granted pursuant to a subsequent application;

“Union legislation” (“*deddfwriaeth yr Undeb*”) means any enactment which applies in relation to Wales giving effect to an EU obligation.

(2) Subject to paragraph (3), expressions used both in these Regulations and in the 1990 Act have the same meaning for the purposes of these Regulations as they have for the purposes of the 1990 Act.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the 1990 Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(4) In these Regulations references to the Welsh Ministers must not be construed as references to an inspector.

(5) Where a person may, or is required to, state, notify, request, confirm, inform or make representations, that person must do so in writing.

(6) 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 of the 1990 Act (service of notices)(1).

Prohibition on granting planning permission or subsequent consent without environmental impact assessment

3. A relevant planning authority or the Welsh Ministers or an inspector must not grant planning permission or subsequent consent for EIA development unless an environmental impact assessment has been carried out in respect of that development.

(1) *Gweler* O.S. 2012/1903 (Cy. 230).

(2) Diwygiwyd adran 329 gan Orchymyn Cynllunio Gwlad a Thref (Cyfathrebiadau Electronig) (Cymru) (Rhif 1) 2004 (O.S. 2004/3156 (Cy. 273)).

(1) Section 329 was amended by the Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156 (W. 273)).

Asesiad o'r effaith amgylcheddol

4.—(1) Mae'r asesiad o'r effaith amgylcheddol yn broses sy'n cynnwys—

- (a) llunio datganiad amgylcheddol gan y person sy'n gofyn am ganiatâd cynllunio neu'n cychwyn caniatâd cynllunio;
- (b) unrhyw ymgynghoriad, cyhoeddiad a hysbysiad sy'n ofynnol gan Rannau 5, 9 a, phan fo'n berthnasol, Rhan 12 o'r Rheoliadau hyn, Gorchymyn 2012 neu Orchymyn 2016, mewn cysylltiad â datblygiad AEA; ac
- (c) y camau sy'n ofynnol o dan reoliad 25(1).

(2) Rhaid i'r asesiad o'r effaith amgylcheddol nodi, disgrifio ac asesu mewn modd priodol, yng ngoleuni pob achos unigol, effeithiau sylweddol uniongyrchol ac anuniongyrchol datblygiad arfethedig ar y canlynol—

- (a) y boblogaeth ac iechyd pobl;
- (b) bioamrywiaeth, gan roi sylw penodol i rywogaethau a chynefinoedd a warchodir o dan Gyfarwyddeb 92/43/EEC(1) a Chyfarwyddeb 2009/147/EC(2);
- (c) tir, pridd, dŵr, aer a'r hinsawdd;
- (d) asedau perthnasol, treftadaeth ddiwylliannol a'r dirwedd; ac
- (e) y rhyngweithio rhwng y ffactorau a restrir yn is-baragraffau (a) i (d).

(3) Rhaid i'r effeithiau y cyfeirir atynt ym mharagraff (2) ar y ffactorau a nodir yn y paragraff hwnnw gynnwys—

- (a) effeithiau gweithredol y datblygiad arfaethedig, pan fydd y datblygiad arfaethedig yn cael effeithiau gweithredol; a
- (b) yr effeithiau disgwylidig sy'n deillio o'r graddau y mae'r datblygiad arfaethedig yn agored i'r perygl o ddamweiniau difrifol a thrychinebau sy'n berthnasol i'r datblygiad hwnnw.

(4) Rhaid i'r awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd, sicrhau eu bod yn meddu ar arbenigedd digonol i archwilio'r datganiad amgylcheddol, neu sicrhau bod y fath arbenigedd ar gael iddynt fel y bo angen.

Environmental impact assessment

4.—(1) The environmental impact assessment is a process consisting of—

- (a) the preparation of an environmental statement by the person seeking or initiating planning permission;
- (b) any consultation, publication and notification required by Parts 5, 9 and where relevant, Part 12 of these Regulations, the 2012 Order or the 2016 Order in respect of EIA development; and
- (c) the steps required under regulation 25(1).

(2) The environmental impact assessment must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of proposed development on the following—

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(1) and Directive 2009/147/EC(2);
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape; and
- (e) the interaction between the factors listed in sub-paragraphs (a) to (d).

(3) The effects referred to in paragraph (2) on the factors set out in that paragraph must include—

- (a) the operational effects of the proposed development, where the proposed development will have operational effects; and
- (b) the expected effects deriving from the vulnerability of the proposed development to risks of major accidents and disasters that are relevant to that development.

(4) The relevant planning authority or the Welsh Ministers, as the case may be, must ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement.

(1) Cyfarwyddeb y Cyngor 92/43/EEC dyddiedig 21 Mai 1992 ar warchod cynefinoedd naturiol a gwarchod ffawna a fflora gwyllt O.J. L 206, 22.7.1992, tt. 7-50.

(2) Cyfarwyddeb 2009/147/EC Senedd Ewrop a'r Cyngor dyddiedig 30 Tachwedd 2009 ar warchod adar gwyllt O.J. L 20, 26.1.2010, tt. 7-25.

(1) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and on the conservation of wild fauna and flora O.J. L 206, 22.7.1992, pp. 7-50.

(2) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds O.J. L 20, 26.1.2010, pp. 7-25.

RHAN 2

Sgrinio

PART 2

Screening

Darpariaethau cyffredinol sy'n ymwneud â sgrinio

5.—(1) Yn ddarostyngedig i baragraffau (3) a (4), bydd digwyddiad a grybwyllir ym mharagraff (2) yn penderfynu at ddiben y Rheoliadau hyn bod datblygiad yn ddatblygiad AEA.

(2) Y digwyddiadau y cyfeirir atynt ym mharagraff (1) yw—

- (a) cyflwyno datganiad mewn perthynas â'r datblygiad hwnnw gan y ceisydd neu'r apelydd y mae'r ceisydd neu'r apelydd yn cyfeirio ato fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn; neu
- (b) mabwysiadu barn sgrinio i'r perwyl bod y datblygiad yn ddatblygiad AEA gan yr awdurdod cynllunio perthnasol.

(3) Mae cyfarwyddyd gan Weinidogion Cymru yn penderfynu pa un a yw datblygiad yn ddatblygiad AEA ai peidio at ddiben y Rheoliadau hyn.

(4) Caiff Gweinidogion Cymru gyfarwyddo nad yw'r Rheoliadau hyn yn gymwys mewn perthynas â datblygiad arfaethedig penodol a bennir yn y cyfarwyddyd—

- (a) yn unol ag Erthygl 2(4) o'r Gyfarwydddeb (heb leihau effaith Erthygl 7 o'r Gyfarwydddeb) pan fo Gweinidogion Cymru o'r farn y byddai cymhwyso'r Rheoliadau hyn yn cael effaith andwyol ar ddiben y datblygiad;
- (b) os yw'r datblygiad yn brosiect, neu'n ffurfio rhan o brosiect, sydd â'r diben o ymateb i argyfyngau sifil yn unig, a bod Gweinidogion Cymru o'r farn y byddai cydymffurfio â'r Rheoliadau hyn yn cael effaith andwyol ar y diben hwnnw.

(5) Pan roddir cyfarwyddyd o dan baragraff (4)(a) neu (4)(b) rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd o'r fath i'r awdurdod cynllunio perthnasol.

(6) Pan roddir cyfarwyddyd o dan baragraff (4)(a) rhaid i Weinidogion Cymru—

- (a) sicrhau bod yr wybodaeth a ystyriwyd wrth wneud y cyfarwyddyd a'r rhesymau dros wneud y cyfarwyddyd ar gael i'r cyhoedd;
- (b) ystyried pa un a fyddai math arall o asesiad yn briodol; a
- (c) cymryd unrhyw gamau y maent yn ystyried sy'n briodol er mwyn dod â'r wybodaeth a gafwyd o dan y math arall o asesiad i sylw'r cyhoedd.

General provisions relating to screening

5.—(1) Subject to paragraphs (3) and (4), the occurrence of an event mentioned in paragraph (2) determines for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are—

- (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Welsh Ministers determines for the purpose of these Regulations whether development is or is not EIA development.

(4) The Welsh Ministers may direct that these Regulations do not apply in relation to a particular proposed development specified in the direction—

- (a) in accordance with Article 2(4) of the Directive (without prejudice to Article 7 of the Directive) where in the opinion of the Welsh Ministers the application of these Regulations would adversely affect the purpose of the development;
- (b) if the development comprises or forms part of a project having the response to civil emergencies as its sole purpose and in the opinion of the Welsh Ministers compliance with these Regulations would adversely affect those purposes.

(5) Where a direction is given under paragraph (4)(a) or (4)(b) the Welsh Ministers must send a copy of any such direction to the relevant planning authority.

(6) Where a direction is given under paragraph (4)(a) the Welsh Ministers must—

- (a) make available to the public the information considered in making the direction and the reasons for making the direction;
- (b) consider whether another form of assessment would be appropriate; and
- (c) take such steps they consider appropriate to bring the information obtained under the other form of assessment to the attention of the public.

(7) Mewn achosion pan fabwysiedir datblygiad(1) o dan un o Ddeddfau Cynulliad Cenedlaethol Cymru neu fesur a wnaed o dan bwerau sydd wedi eu cynnwys mewn Deddf o'r fath, caiff Gweinidogion Cymru (heb leihau effaith Erthygl 7 o'r Gyfarwyddeb) eithrio'r datblygiad hwnnw rhag darpariaethau'r Gyfarwyddeb sy'n ymwneud ag ymgynghoriad cyhoeddus, ar yr amod y cyflawnir amcanion y Gyfarwyddeb.

(8) Pan fo'n rhaid i awdurdod cynllunio lleol neu Weinidogion Cymru benderfynu o dan y Rheoliadau hyn pa un a yw datblygiad Atodlen 2 yn ddatblygiad AEA, rhaid i'r awdurdod neu Weinidogion Cymru ystyried y canlynol wrth wneud y penderfyniad hwnnw—

- (a) unrhyw wybodaeth a ddarperir gan y person sy'n bwriadu gwneud datblygiad;
- (b) y canlyniadau sydd ar gael o asesiadau amgylcheddol eraill a gynhaliwyd yn unol â deddfwriaeth yr Undeb ac eithrio deddfwriaeth sy'n gweithredu gofynion y Gyfarwyddeb; ac
- (c) y fath meini prawf dethol a nodir yn Atodlen 3 sy'n berthnasol i'r datblygiad.

(9) Pan fo awdurdod cynllunio lleol yn mabwysiadu barn sgrinio, neu pan wneir cyfarwyddyd sgrinio gan Weinidogion Cymru—

- (a) rhaid i'r farn honno neu'r cyfarwyddyd hwnnw ddatgan y prif resymau dros ddod i'r casgliad hwnnw gan yr awdurdod neu Weinidogion Cymru, fel y bo'n briodol, gan gyfeirio at y meini prawf perthnasol a restrir yn Atodlen 3;
- (b) os penderfynir nad yw'r datblygiad arfaethedig yn ddatblygiad AEA, rhaid i'r farn honno neu'r cyfarwyddyd hwnnw ddatgan unrhyw nodweddion sy'n perthyn i'r datblygiad arfaethedig a'r mesurau a ragwelir i osgoi neu atal yr hyn a allai fel arall fod wedi bod yn effeithiau andwyol sylweddol ar yr amgylchedd.

(10) Rhaid i'r awdurdod neu Weinidogion Cymru, fel y bo'n briodol, anfon copi o'r farn neu'r cyfarwyddyd at y person sy'n bwriadu gwneud y datblygiad dan sylw, neu sydd wedi gwneud y datblygiad hwnnw.

(11) Caiff Gweinidogion Cymru wneud cyfarwyddyd sgrinio naill ai—

- (a) o'u hewyllys eu hunain; neu
- (b) os gofynnir iddynt wneud hynny gan unrhyw berson.

(7) In cases where development is adopted(1) under an Act of the National Assembly for Wales or a measure made under powers contained in such an Act, the Welsh Ministers may (without prejudice to Article 7 of the Directive) exempt that development from the provisions relating to public consultation in the Directive provided the objectives of the Directive are met.

(8) Where a local planning authority or the Welsh Ministers have to decide under these Regulations whether Schedule 2 development is EIA development, the authority or the Welsh Ministers must take into account in making that decision—

- (a) any information provided by the person minded to carry out development;
- (b) the available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and
- (c) such of the selection criteria set out in Schedule 3 as are relevant to the development.

(9) Where a local planning authority adopt a screening opinion, or the Welsh Ministers make a screening direction—

- (a) that opinion or direction must state the main reasons for the conclusion of the authority or the Welsh Ministers, as appropriate, with reference to the relevant criteria listed in Schedule 3;
- (b) if it is determined that proposed development is not EIA development, that opinion or direction must state any features of the proposed development and measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(10) The authority or the Welsh Ministers, as appropriate, must send a copy of the opinion or direction to the person who proposes to carry out, or who has carried out, the development in question.

(11) The Welsh Ministers may make a screening direction either—

- (a) of their own volition; or
- (b) if requested to do so by any person.

(1) *Gweler* Erthygl 2(5) o'r Gyfarwyddeb.

(1) *See* Article 2(5) of the Directive.

(12) Caiff Gweinidogion Cymru gyfarwyddo bod datblygiad penodol o ddisgrifiad a grybwyllir yng Ngholofn 1 o'r tabl yn Atodlen 2 yn ddatblygiad AEA er gwaethaf y ffaith nad yw'r naill na'r llall o is-baragraffau (a) a (b) o'r diffiniad o "datblygiad Atodlen 2" wedi eu bodloni mewn perthynas â'r datblygiad hwnnw.

(13) Os yw Gweinidogion Cymru yn rhoi cyfarwyddyd sgrinio yn unol â pharagraff (11), rhaid iddynt—

- (a) cymryd y fath gamau sy'n ymddangos yn rhesymol iddynt hwy o dan yr amgylchiadau, gan roi sylw i ofynion rheoliad 6(2) a (4), i gael gwybodaeth am y datblygiad arfaethedig er mwyn hysbysu cyfarwyddyd sgrinio;
- (b) cymryd i ystyriaeth wrth wneud y cyfarwyddyd hwnnw—
 - (i) yr wybodaeth a gesglir yn unol ag is-baragraff (a);
 - (ii) y canlyniadau sydd ar gael o asesiadau amgylcheddol eraill a gynhaliwyd yn unol â deddfwriaeth yr Undeb ac eithrio deddfwriaeth sy'n gweithredu gofynion y Gyfarwyddeb; a
 - (iii) y fath rai o'r meini prawf dethol a nodir yn Atodlen 3 sy'n berthnasol i'r datblygiad; ac
- (c) dyroddi cyfarwyddyd sgrinio o fewn 90 o ddiwrnodau i'r dyddiad y mae Gweinidogion Cymru wedi cael digon o wybodaeth i wneud cyfarwyddyd.

(14) Pan fo Gweinidogion Cymru yn ystyried, oherwydd amgylchiadau eithriadol sy'n ymwneud ag amgylchiadau'r datblygiad arfaethedig, nad yw'r ymarferol iddynt fabwysiadu cyfarwyddyd sgrinio o fewn y cyfnod a bennir ym mharagraff (13)(c), caiff Gweinidogion Cymru estyn y cyfnod hwnnw drwy hysbysiad a roddir i'r person a ofynnodd am gyfarwyddyd sgrinio.

(15) Rhaid i Weinidogion Cymru ddatgan mewn unrhyw hysbysiad a roddir o dan baragraff (14) y rhesymau sy'n cyfiawnhau'r estyniad a dyddiad disgwylidig y penderfyniad.

(16) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd sgrinio i'r awdurdod cynllunio perthnasol.

Achosion o ofyn am farnau sgrinio

6.—(1) Caiff person sy'n bwriadu cynnal datblygiad ofyn i'r awdurdod cynllunio perthnasol fabwysiadu barn sgrinio.

(2) Rhaid i gais am farn sgrinio mewn perthynas â chais am ganiatâd cynllunio ddod gyda—

(12) The Welsh Ministers may direct that particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that neither of sub-paragraphs (a) and (b) of the definition of "Schedule 2 development" is satisfied in relation to that development.

(13) If the Welsh Ministers make a screening direction in accordance with paragraph (11), they must—

- (a) take such steps as appear to be reasonable to them in the circumstances, having regard to the requirements of regulation 6(2) and (4), to obtain information about the proposed development to inform a screening direction;
- (b) take into account in making that direction—
 - (i) the information gathered in accordance with sub-paragraph (a);
 - (ii) the available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and
 - (iii) such of the selection criteria set out in Schedule 3 as are relevant to the development; and
- (c) issue a screening direction within 90 days from the date on which the Welsh Ministers have obtained sufficient information to make a direction.

(14) Where the Welsh Ministers consider that due to exceptional circumstances relating to the circumstances of the proposed development that it is not practicable for them to adopt a screening direction within the period specified in paragraph (13)(c), the Welsh Ministers may extend that period by notice given to the person who made the request for a screening direction.

(15) The Welsh Ministers must state in any notice given under paragraph (14) the reasons justifying the extension and the date when the determination is expected.

(16) The Welsh Ministers must send a copy of any screening direction to the relevant planning authority.

Requests for screening opinions

6.—(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A request for a screening opinion in relation to an application for planning permission must be accompanied by—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad o'r datblygiad, gan gynnwys yn benodol—
- (i) disgrifiad o nodweddion ffisegol y datblygiad a, phan fo'n berthnasol, y gwaith dymchwel;
 - (ii) disgrifiad o leoliad y datblygiad, gan roi sylw penodol i sensitifrwydd amgylcheddol yr ardaloedd daearyddol sy'n debygol o gael eu heffeithio;
- (c) disgrifiad o'r agweddau ar yr amgylchedd y mae'r datblygiad yn debygol o gael effaith sylweddol arnynt;
- (d) disgrifiad o unrhyw effeithiau sylweddol y mae'r datblygiad arfaethedig yn debygol o'u cael ar yr amgylchedd, i'r graddau y mae gwybodaeth ar gael ar yr effeithiau hynny, o ganlyniad i—
- (i) y gwaddodion a'r allyriadau disgwylidig a'r gwastraff a gynhyrchir, pan fo'n berthnasol; a
 - (ii) y defnydd o adnoddau naturiol, yn enwedig pridd, tir, dŵr a bioamrywiaeth; ac
- (e) y fath wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu cyflwyno gan gynnwys unrhyw rai o nodweddion y datblygiad arfaethedig neu unrhyw fesurau a ragwelir i osgoi neu atal yr hyn a allai fel arall fod wedi bod yn effeithiau andwyol sylweddol ar yr amgylchedd.
- (3) Rhaid i gais am farn sgrinio mewn perthynas â chais dilynol ddod gyda—
- (a) plan sy'n ddigonol i adnabod y tir;
 - (b) digon o wybodaeth i alluogi'r awdurdod cynllunio perthnasol i ganfod unrhyw ganiatâd cynllunio a roddwyd ar gyfer y datblygiad y gwnaed cais dilynol mewn cysylltiad ag ef;
 - (c) yr wybodaeth a ddisgrifir ym mharagraff (2)(c) a (d), ond dim ond i'r graddau y mae hyn yn ymwneud ag effeithiau sylweddol tebygol ar yr amgylchedd nas nodwyd yn flaenorol; a
 - (d) y fath wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu cyflwyno, gan gynnwys unrhyw rai o nodweddion y datblygiad arfaethedig neu unrhyw fesurau a ragwelir i osgoi neu atal yr hyn a allai fel arall fod wedi bod yn effeithiau andwyol sylweddol ar yr amgylchedd.
- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
- (i) a description of the physical characteristics of the development and, where relevant, of demolition works;
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—
- (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity; and
- (e) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.
- (3) A request for a screening opinion in relation to a subsequent application must be accompanied by—
- (a) a plan sufficient to identify the land;
 - (b) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
 - (c) the information described in paragraph (2)(c) and (d), but only to the extent that this relates to likely significant effects on the environment which were not previously identified; and
 - (d) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(4) Rhaid i'r person sy'n gwneud y cais am y farn sgrinio, pan fo'r person hwnnw yn darparu'r wybodaeth sy'n ofynnol gan baragraff (2) neu (3), gymryd i ystyriaeth y meini prawf yn Atodlen 3 a'r canlyniadau sydd ar gael o asesiadau amgylcheddol eraill a gynhaliwyd yn unol â deddfwriaeth yr Undeb ac eithrio deddfwriaeth o dan y Gyfarwyddeb.

(5) Os nad yw awdurdod y gofynnir iddo am farn sgrinio yn ystyried ei fod wedi cael digon o wybodaeth i fabwysiadu barn, rhaid iddo roi gwybod i'r person sy'n gwneud y cais am ba bwyntiau y mae angen gwybodaeth ychwanegol arno.

(6) Rhaid i awdurdod fabwysiadu barn sgrinio o fewn—

- (a) 21 o ddiwrnodau; neu
- (b) y fath gyfnod hwy nad yw'n hwy na 90 o ddiwrnodau fel y cytunir yn ysgrifenedig â'r person sy'n gofyn am y farn sgrinio,

yn y naill achos neu'r llall, o'r dyddiad y mae'r person sy'n gofyn am y farn sgrinio yn cyflwyno'r wybodaeth sy'n ofynnol o dan baragraff (2) neu (3).

(7) Rhaid i awdurdod sy'n mabwysiadu barn sgrinio yn unol â pharagraff (6) anfon copi at y person a ofynnodd amdani.

(8) Pan fo awdurdod—

- (a) yn methu â mabwysiadu barn sgrinio yn unol â pharagraff (6); neu
- (b) yn mabwysiadu barn i'r perwyl bod y datblygiad yn ddatblygiad AEA;

caiff y person a ofynnodd am y farn ofyn i Weinidogion Cymru wneud cyfarwyddyd sgrinio.

(9) Caiff y person ofyn am farn sgrinio yn unol â pharagraff (8) hyd yn oed os nad yw'r awdurdod wedi cael gwybodaeth ychwanegol y mae wedi ei cheisio o dan baragraff (5).

Achosion o ofyn am gyfarwyddydau sgrinio oddi wrth Weinidogion Cymru

7.—(1) Rhaid i berson sy'n gofyn i Weinidogion Cymru wneud cyfarwyddyd sgrinio yn unol â rheoliad 6(8) (“person sy'n gwneud cais”) gyflwyno'r canlynol gyda'r cais—

- (a) copi o'r cais i'r awdurdod cynllunio perthnasol o dan reoliad 6(1) a'r dogfennau a ddaeth ynghyd â'r cais;
- (b) copi o unrhyw hysbysiad a gafwyd o dan reoliad 6(5) ac unrhyw ymateb a anfonwyd;
- (c) copi o unrhyw farn sgrinio a gafwyd gan yr awdurdod ac unrhyw ddatganiad o'r rhesymau a ddaeth ynghyd â'r farn; a

(4) The person making the request for the screening opinion must, when that person provides the information required by paragraphs (2) or (3), take into account the criteria in Schedule 3 and the available results of other environmental assessments carried out pursuant to Union legislation other than under the Directive.

(5) An authority receiving a request for a screening opinion must, if they consider that they have not been provided with sufficient information to adopt an opinion, notify the person making the request of the points on which they require additional information.

(6) An authority must adopt a screening opinion within—

- (a) 21 days; or
- (b) such longer period not exceeding 90 days as may be agreed in writing with the person making the request,

in either case, from the date on which the person making the request submits the information required under paragraph (2) or (3).

(7) An authority which adopts a screening opinion pursuant to paragraph (6) must send a copy to the person who made the request.

(8) Where an authority—

- (a) fails to adopt a screening opinion pursuant to paragraph (6); or
- (b) adopts an opinion to the effect that the development is EIA development;

the person who requested the opinion may request the Welsh Ministers to make a screening direction.

(9) The person may make a request pursuant to paragraph (8) even if the authority have not received additional information which they have sought under paragraph (5).

Requests for screening directions of the Welsh Ministers

7.—(1) A person who pursuant to regulation 6(8) requests the Welsh Ministers to make a screening direction (a “person making a request”) must submit with the request—

- (a) a copy of the request to the relevant planning authority under regulation 6(1) and the documents which accompanied it;
- (b) a copy of any notification received under regulation 6(5) and of any response sent;
- (c) a copy of any screening opinion received from the authority and of any accompanying statement of reasons; and

(d) unrhyw sylwadau y dymuna'r person eu gwneud.

(2) Rhaid i berson sy'n gwneud cais anfon copi o'r cais hwnnw a'r sylwadau a wneir gan y person hwnnw i Weinidogion Cymru i'r awdurdod cynllunio perthnasol.

(3) Os yw Gweinidogion Cymru yn ystyried nad oes digon o wybodaeth wedi ei darparu i wneud cyfarwyddyd sgrinio, rhaid iddynt roi hysbysiad i'r person sy'n gwneud y cais.

(4) Rhaid i'r hysbysiad bennu'r pwyntiau y mae angen gwybodaeth ychwanegol amdanynt.

(5) Caiff Gweinidogion Cymru hefyd ofyn i'r awdurdod cynllunio perthnasol ddarparu cymaint o wybodaeth ag y gall am unrhyw rai o'r pwyntiau hynny.

(6) Rhaid i Weinidogion Cymru wneud cyfarwyddyd sgrinio o fewn—

(a) 21 o ddiwrnodau; neu

(b) y fath gyfnod hwy nad yw'n fwy na 90 o ddiwrnodau a all fod yn rhesymol ofynnol,

yn y naill achos neu'r llall, o'r dyddiad y mae'r person sy'n gofyn am y farn yn cyflwyno'r wybodaeth sy'n ofynnol o dan baragraff (1).

(7) Pan fo Gweinidogion Cymru yn ystyried, oherwydd amgylchiadau eithriadol sy'n ymwneud â'r datblygiad arfaethedig, nad yw'n ymarferol iddynt fabwysiadu cyfarwyddyd sgrinio o fewn y cyfnod o 90 o ddiwrnodau, caiff Gweinidogion Cymru estyn y cyfnod hwnnw drwy roi hysbysiad ysgrifenedig i'r person a ofynnodd am gyfarwyddyd sgrinio.

(8) Rhaid i Weinidogion Cymru ddatgan mewn unrhyw hysbysiad o dan baragraff (7) y rhesymau sy'n cyfiawnhau'r estyniad a dyddiad disgwylidig y penderfyniad.

(9) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd sgrinio a wneir yn unol â pharagraff (6) at y person a ofynnodd amdano, yr apelydd (os nad hwy yw'r person a ofynnodd amdano) a'r awdurdod cynllunio perthnasol cyn gynted ag y bo'n rhesymol ymarferol.

(d) any representations that the person wishes to make.

(2) A person making a request must send to the relevant planning authority a copy of that request and the representations that person makes to the Welsh Ministers.

(3) If the Welsh Ministers consider that sufficient information to make a screening direction has not been provided, they must give notice to the person making the request.

(4) The notice must specify the points on which additional information is required.

(5) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(6) The Welsh Ministers must make a screening direction within—

(a) 21 days; or

(b) such longer period not exceeding 90 days as may be reasonably required,

in either case, from the date on which the person making the request submits the information required under paragraph (1).

(7) Where the Welsh Ministers consider that due to exceptional circumstances relating to the proposed development it is not practicable for them to adopt a screening direction within the period of 90 days, the Welsh Ministers may extend that period by giving notice in writing to the person who made the request for a screening direction.

(8) The Welsh Ministers must state in any notice under paragraph (7) the reasons justifying the extension and the date when the determination is expected.

(9) The Welsh Ministers must send a copy of any screening direction made pursuant to paragraph (6) to the person who made the request, the applicant (if they are not the person who made the request) and the relevant planning authority as soon as reasonably practicable.

RHAN 3

Gweithdrefnau Ynghylch Ceisiadau am Ganiatâd Cynllunio

Ceisiadau pan ymddengys bod barn sgrinio yn ofynnol

8.—(1) Pan ymddengys i'r awdurdod cynllunio perthnasol—

PART 3

Procedures Concerning Applications for Planning Permission

Applications which appear to require screening opinion

8.—(1) Where it appears to the relevant planning authority that—

- (a) bod cais sydd ger ei fron i benderfynu arno yn gais Atodlen 1 neu'n gais Atodlen 2;
- (b) nad yw'r datblygiad dan sylw wedi bod yn destun barn sgrinio neu gyfarwyddyd sgrinio; a
- (c) nad oes ynghyd â'r cais datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn,

mae paragraffau (5) a (6) o reoliad 6 yn gymwys fel pe bai cael neu gofnodi'r cais yn gais a wnaed o dan reoliad 6(1).

(2) Pan fo rheoliad 6(4) yn gymwys yn rhinwedd y rheoliad hwn, rhaid i'r awdurdod cynllunio lleol, pan fo'n angenrheidiol i sicrhau bod y ceisydd wedi darparu'r wybodaeth y cyfeirir ati yn rheoliad 6(2), ac i'r graddau y bo hynny'n angenrheidiol, ofyn am wybodaeth ychwanegol cyn dyroddi barn sgrinio.

Ceisiadau dilynol pan ddarparwyd gwybodaeth amgylcheddol yn flaenorol

9.—(1) Mae'r rheoliad hwn yn gymwys pan ymddengys i'r awdurdod cynllunio perthnasol—

- (a) bod cais sydd ger ei fron i'w benderfynu—
 - (i) yn gais dilynol mewn perthynas â datblygiad Atodlen 1 neu ddatblygiad Atodlen 2;
 - (ii) heb fod yn destun barn sgrinio neu gyfarwyddyd sgrinio ei hun; a
 - (iii) heb ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn; a
- (b) bod y cais gwreiddiol wedi ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn.

(2) Pan ymddengys i'r awdurdod cynllunio perthnasol bod yr wybodaeth amgylcheddol sydd eisoes ger ei fron yn ddigonol ar gyfer asesu effeithiau sylweddol y datblygiad ar yr amgylchedd, rhaid iddo gymryd yr wybodaeth honno i ystyriaeth yn ei benderfyniad ynglŷn â chydsyniad dilynol.

(3) Pan ymddengys i'r awdurdod cynllunio perthnasol nad yw'r wybodaeth amgylcheddol a gyflwynwyd ger ei fron eisoes yn ddigonol ar gyfer asesu effeithiau sylweddol y datblygiad ar y amgylchedd, rhaid iddo gyflwyno hysbysiad yn ceisio gwybodaeth bellach yn unol â rheoliad 24(1).

- (a) an application which is before them for determination is a Schedule 1 application or a Schedule 2 application;
- (b) the development in question has not been the subject of a screening opinion or screening direction; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (5) and (6) of regulation 6 apply as if the receipt or lodging of the application were a request made under regulation 6(1).

(2) Where regulation 6(4) applies by virtue of this regulation, the relevant planning authority must, where and insofar as necessary to ensure that the applicant has provided the information referred to in regulation 6(2), make a request for additional information before issuing a screening opinion.

Subsequent applications where environmental information previously provided

9.—(1) This regulation applies where it appears to the relevant planning authority that—

- (a) an application which is before them for determination—
 - (i) is a subsequent application in relation to Schedule 1 or Schedule 2 development;
 - (ii) has not itself been the subject of a screening opinion or screening direction; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations.

(2) Where it appears to the relevant planning authority that the environmental information already before them is adequate to assess the significant effects of the development on the environment, they must take that information into consideration in their decision for subsequent consent.

(3) Where it appears to the relevant planning authority that the environmental information already before them is not adequate to assess the significant effects of the development on the environment, they must serve a notice seeking further information in accordance with regulation 24(1).

Ceisiadau dilynol pan na ddarparwyd gwybodaeth amgylcheddol ynghyd â hwy yn flaenorol

10.—(1) Pan ymddengys i'r awdurdod cynllunio perthnasol—

- (a) bod cais sydd ger ei fron i'w benderfynu—
 - (i) yn gais dilynol mewn perthynas â datblygiad Atodlen 1 neu ddatblygiad Atodlen 2;
 - (ii) heb fod yn destun barn sgrinio neu gyfarwyddyd sgrinio ei hun; a
 - (iii) heb ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn; a
- (b) bod y cais gwreiddiol heb ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn,

mae paragraffau (5) a (6) o reoliad 6 yn gymwys fel pe bai cael neu gofnodi'r cais yn ofyniad a wnaed o dan reoliad 6(1).

(2) Pan fo paragraff (5) o reoliad 6 yn gymwys yn rhinwedd y rheoliad hwn, rhaid i'r awdurdod cynllunio perthnasol, pan fo'n angenrheidiol i sicrhau bod y ceisydd wedi darparu'r wybodaeth y cyfeirir ati yn rheoliad 6(2), ac i'r graddau sy'n angenrheidiol i sicrhau hynny, ofyn am wybodaeth ychwanegol cyn dyroddi barn sgrinio ac mae rheoliad 6(4) yn gymwys fel pe bai cael y cais neu ei gofnodi yn rhywbeth y gofynnwyd amdano o dan reoliad 6(1).

Cais a wnaed i awdurdod cynllunio lleol heb ddatganiad amgylcheddol

11.—(1) Pan nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn, yn cael ei gyflwyno â chais AEA i awdurdod cynllunio lleol er mwyn penderfynu arno, rhaid i'r awdurdod hysbysu'r ceisydd bod cyflwyno datganiad amgylcheddol yn ofynnol.

(2) Pan fo'r awdurdod cynllunio perthnasol yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb leol, rhaid i'r awdurdod cynllunio perthnasol hysbysu'r ceisydd am unrhyw berson o'r fath.

Subsequent applications where environmental information not previously provided

10.—(1) Where it appears to the relevant planning authority that—

- (a) an application which is before them for determination—
 - (i) is a subsequent application in relation to Schedule 1 or Schedule 2 development;
 - (ii) has not itself been the subject of a screening opinion or screening direction; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (5) and (6) of regulation 6 apply as if the receipt or lodging of the application were a request made under regulation 6(1).

(2) Where paragraph (5) of regulation 6 applies by virtue of this regulation, the relevant planning authority must, where and insofar as necessary to ensure that the applicant has provided the information referred to in regulation 6(2), make a request for additional information before issuing a screening opinion and regulation 6(4) applies as if the receipt or lodging of the application were a request made under regulation 6(1).

Application made to a local planning authority without an environmental statement

11.—(1) Where an EIA application before a local planning authority for determination is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the authority must notify the applicant that the submission of an environmental statement is required.

(2) Where the relevant planning authority is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, the relevant planning authority must notify the applicant of any such person.

(3) Rhaid i awdurdod hysbysu'r ceisydd yn unol â pharagraff (1)—

- (a) o fewn 21 o ddiwrnodau yn dechrau â'r dyddiad y ceir y cais neu unrhyw gyfnod hwy y cytunir arno'n ysgrifenedig gyda'r ceisydd; neu
- (b) pan fo Gweinidogion Cymru, ar ôl terfyn y 21 diwrnod hwnnw neu unrhyw gyfnod hwy y cytunwyd arno, yn gwneud cyfarwyddyd sgrinio i'r perwyl bod y datblygiad yn ddatblygiad AEA, o fewn 7 diwrnod yn dechrau â'r dyddiad y cafodd yr awdurdod gopi o'r cyfarwyddyd sgrinio hwnnw.

(4) Caiff ceisydd sy'n cael hysbysiad yn unol â pharagraff (1) ysgrifennu at yr awdurdod o fewn 21 o ddiwrnodau yn dechrau gyda dyddiad yr hysbysiad, i ddatgan—

- (a) bod y ceisydd yn derbyn ei farn ac yn darparu datganiad amgylcheddol; neu
- (b) oni bai bod yr amod y cyfeirir ato ym mharagraff (5) yn cael ei fodloni, bod y ceisydd yn ysgrifennu at Weinidogion Cymru i ofyn am gyfarwyddyd sgrinio.

(5) At ddiben paragraff (4)(b) yr amod yw bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio mewn cysylltiad â'r datblygiad—

- (a) yn achos cais am ganiatâd cynllunio; neu
- (b) yn unol â chais dilynol,

yn ôl y digwydd.

(6) Os nad yw'r ceisydd yn ysgrifennu at yr awdurdod yn unol â pharagraff (4), tybir bod y caniatâd neu'r cydsyniad dilynol a geisir wedi ei wrthod ar ddiwedd y cyfnod perthnasol o 21 o ddiwrnodau, oni bai bod yr amod y cyfeirir ato ym mharagraff (7) yn cael ei fodloni a bod y gwrthodiad tybiedig—

- (a) yn cael ei drin fel penderfyniad yr awdurdod at ddibenion erthygl 29(3)(c) (cofrestr o geisiadau) o Orchymyn 2012; ond
- (b) nad yw'n arwain at apêl i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)(1).

(3) An authority must notify the applicant in accordance with paragraph (1)—

- (a) within 21 days beginning with the date of receipt of the application or such longer period as may be agreed in writing with the applicant; or
- (b) where the Welsh Ministers, after the expiry of that 21 days or any longer agreed period, make a screening direction to the effect that the development is EIA development, within 7 days beginning with the date the authority received a copy of that screening direction.

(4) An applicant receiving a notification pursuant to paragraph (1) may, within 21 days beginning with the date of the notification, write to the authority stating—

- (a) that the applicant accepts their view and is providing an environmental statement; or
- (b) unless the condition referred to in paragraph (5) is satisfied, that the applicant is writing to the Welsh Ministers to request a screening direction.

(5) For the purpose of paragraph (4)(b) the condition is that the Welsh Ministers have made a screening direction in respect of the development—

- (a) in the case of an application for planning permission; or
- (b) pursuant to a subsequent application,

as the case may be.

(6) If the applicant does not write to the authority in accordance with paragraph (4), the permission or subsequent consent sought is deemed to be refused at the end of the relevant 21 days, unless the condition referred to in paragraph (7) is satisfied and the deemed refusal—

- (a) is treated as a decision of the authority for the purposes of article 29(3)(c) (register of applications) of the 2012 Order; but
- (b) does not give rise to an appeal to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(1).

(1) Diwygiwyd adran 78 gan Ddeddf 1991, adran 17(2); Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), adran 43(2); Deddf Lleoliaeth 2011 (p. 20), adran 121 ac Atodlen 12, paragraffau 1 ac 11 ac adran 123(1) a (3); Deddf Cynllunio 2008 (p. 29), adran 196(4) ac Atodlen 10, paragraffau 1 a 3, adran 197 ac Atodlen 11, paragraffau 1 a 2; Deddf Twf a Seilwaith 2013 (p. 27), adran 1(2) ac Atodlen 1, paragraffau 1 ac 8; Deddf Cynllunio (Cymru) 2015 (dccc 4), adran 45; a chan O.S. 2014/2773 (Cy. 280), erthygl 3 ac Atodlen 1, paragraffau 1 a 3. Mae diwygiad arall nad yw'n berthnasol i'r offeryn hwn.

(1) Section 78 was amended by the 1991 Act, section 17(2); the Planning and Compulsory Purchase Act 2004 (c. 5), section 43(2); the Localism Act 2011 (c. 20), section 121 and Schedule 12, paragraphs 1 and 11 and section 123(1) and (3); the Planning Act 2008 (c. 29), section 196(4) and Schedule 10, paragraphs 1 and 3, section 197 and Schedule 11, paragraphs 1 and 2; the Growth and Infrastructure Act 2013 (c. 27), section 1(2) and Schedule 1, paragraphs 1 and 8; the Planning (Wales) Act 2015 (anaw 4), section 45; and by S.I. 2014/2773 (W. 280), article 3 and Schedule 1, paragraphs 1 and 3. There is another amendment which is not relevant to this instrument.

(7) At ddibenion paragraff (6) yr amod yw bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio i'r perwyl nad yw'r datblygiad yn ddatblygiad AEA—

(a) yn achos cais am ganiatâd cynllunio; neu

(b) yn unol â chais dilynol,

yn ôl y digwydd.

(8) Oni bai bod Gweinidogion Cymru yn gwneud cyfarwyddyd sgrinio nad yw'r datblygiad yn ddatblygiad AEA, rhaid i awdurdod sydd wedi rhoi hysbysiad yn unol â pharagraff (1) benderfynu ar y cais perthnasol drwy wrthod caniatâd cynllunio neu gydsyniad dilynol os nad yw'r ceisydd yn cyflwyno datganiad amgylcheddol ac yn cydymffurfio â rheoliad 19(6).

(9) Rhaid i berson sy'n gofyn am gyfarwyddyd sgrinio yn unol â pharagraff (4)(b) anfon copïau o'r canlynol at Weinidogion Cymru gyda'r gofyniad—

(a) y gofyniad i'r awdurdod cynllunio perthnasol o dan reoliad 6(1) a'r dogfennau a oedd yn dod gydag ef;

(b) unrhyw hysbysiad a wnaed o dan reoliad 6(4) ac unrhyw ymateb a anfonwyd gan y person hwnnw i'r awdurdod cynllunio perthnasol;

(c) y cais;

(d) pob dogfen a anfonwyd i'r awdurdod yn rhan o'r cais;

(e) pob gohebiaeth rhwng y ceisydd a'r awdurdod sy'n ymwneud â'r datblygiad arfaethedig;

(f) unrhyw ganiatâd cynllunio a roddwyd ar gyfer y datblygiad; ac

(g) yn achos cais dilynol, dogfennau neu wybodaeth berthnasol sy'n ymwneud â'r caniatâd cynllunio a roddwyd ar gyfer y datblygiad,

ac mae paragraffau (2) i (9) o reoliad 7 yn gymwys i ofyniad o dan y rheoliad hwn fel y maent yn gymwys i ofyniad a wneir yn unol â rheoliad 6(8).

(7) For the purpose of paragraph (6) the condition is that the Welsh Ministers have made a screening direction to the effect that the development is not EIA development—

(a) in the case of an application for planning permission; or

(b) pursuant to a subsequent application,

as the case may be.

(8) Unless the Welsh Ministers make a screening direction that the development is not EIA development, an authority which has given a notification in accordance with paragraph (1) must determine the relevant application by refusing planning permission or subsequent consent if the applicant does not submit an environmental statement and comply with regulation 19(6).

(9) A person who requests a screening direction pursuant to paragraph (4)(b) must send to the Welsh Ministers with the request copies of—

(a) the request to the relevant planning authority under regulation 6(1) and the documents which accompanied it;

(b) any notification made under regulation 6(4) and any response sent by that person to the relevant planning authority;

(c) the application;

(d) all documents sent to the authority as part of the application;

(e) all correspondence between the applicant and the authority relating to the proposed development;

(f) any planning permission granted for the development; and

(g) in the case of a subsequent application, relevant documents or information relating to the planning permission granted for the development,

and paragraphs (2) to (9) of regulation 7 apply to a request under this regulation as they apply to a request made pursuant to regulation 6(8).

Cais a atgyfeirir at Weinidogion Cymru heb ddatganiad amgylcheddol

12.—(1) Pan fo cais wedi ei atgyfeirio at Weinidogion Cymru i gael ei benderfynu o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at Weinidogion Cymru)(1), ac mae'n ymddangos i Weinidogion Cymru—

- (a) ei fod yn gais Atodlen 1 neu'n gais Atodlen 2;
- (b) bod y datblygiad dan sylw—
 - (i) heb fod yn destun barn sgrinio neu gyfarwyddyd sgrinio; neu
 - (ii) yn achos cais dilynol, wedi bod yn destun barn neu gyfarwyddyd sgrinio cyn y rhoddwyd caniatâd cynllunio i'r perwyl nad oedd yn ddatblygiad AEA; ac
- (c) nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn yn cael ei gyflwyno ynghyd â'r cais,

mae paragraffau (3) i (9) o reoliad 7 yn gymwys fel pe bai atgyfeirio'r cais yn gais a wnaed gan y ceisydd yn unol â rheoliad 6(8).

(2) Pan fo rheoliad 7(3) yn gymwys yn rhinwedd y rheoliad hwn, rhaid i Weinidogion Cymru, pan fo'n angenrheidiol i sicrhau bod y ceisydd wedi darparu—

- (a) yn achos ceisiadau, yr wybodaeth y cyfeirir ati yn rheoliad 6(2),
- (b) yn achos ceisiadau dilynol, yr wybodaeth sy'n ofynnol gan reoliad 6(3),

wneud cais am wybodaeth ychwanegol cyn dyroddi cyfarwyddyd sgrinio ac mae rheoliad 6(4) yn gymwys fel pe bai atgyfeirio'r cais yn rhywbeth y mae'r ceisydd wedi gofyn amdano o dan reoliad 6(1).

(3) Pan fo Gweinidogion Cymru wedi penderfynu bod cais a atgyfeiriwyd atynt i'w benderfynu yn gais AEA ond nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn yn dod gyda'r cais, rhaid i Weinidogion Cymru hysbysu'r ceisydd bod cyflwyno datganiad amgylcheddol yn ofynnol a rhaid iddynt anfon copi o'r hysbysiad hwnnw i'r awdurdod cynllunio perthnasol.

Application referred to the Welsh Ministers without an environmental statement

12.—(1) Where an application has been referred to the Welsh Ministers for determination under section 77 of the 1990 Act (reference of applications to the Welsh Ministers)(1), and it appears to the Welsh Ministers that—

- (a) it is a Schedule 1 application or a Schedule 2 application;
- (b) the development in question—
 - (i) has not been the subject of a screening opinion or screening direction; or
 - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it was not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) to (9) of regulation 7 apply as if the referral of the application were a request made by the applicant pursuant to regulation 6(8).

(2) Where regulation 7(3) applies by virtue of this regulation, the Welsh Ministers must, where necessary to ensure that the applicant has provided—

- (a) in the case of applications, the information referred to in regulation 6(2),
- (b) in the case of subsequent applications, the information required by regulation 6(3),

make a request for additional information before issuing a screening direction and regulation 6(4) applies as if the referral of the application were a request made by the applicant under regulation 6(1).

(3) Where the Welsh Ministers have determined that an application referred to them for determination is an EIA application but the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the Welsh Ministers must notify the applicant that the submission of an environmental statement is required and must send a copy of that notification to the relevant planning authority.

(1) Diwygiwyd adran 77 gan Ddeddf 1991, adran 32, Atodlen 7, paragraff 18; Deddf Seilwaith 2015 (p. 7), adran 30(1) ac Atodlen 4, Rhan 2, paragraffau 2 ac 11(a), a chan O.S. 2014/2773 (Cy. 280), erthygl 3 ac Atodlen 1, paragraffau 1 a 2. Mae diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(1) Section 77 was amended by the 1991 Act, section 32, Schedule 7, paragraph 18; the Infrastructure Act 2015 (c. 7), section 30(1) and Schedule 4, Part 2, paragraphs 2 and 11(a); and by S.I. 2014/2773 (W. 280), article 3 and Schedule 1, paragraphs 1 and 2. There are other amendments which are not relevant to this instrument.

(4) Pan fo Gweinidogion Cymru yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb leol, rhaid iddynt hysbysu'r ceisydd am unrhyw berson o'r fath.

(5) Rhaid i Weinidogion Cymru hysbysu'r ceisydd yn unol â pharagraff (3) o fewn 21 o ddiwrnodau yn dechrau â'r dyddiad y cafwyd y cais neu unrhyw gyfnod hwy a all fod yn rhesymol ofynnol.

(6) Caiff ceisydd sy'n cael hysbysiad o dan baragraff (3) gadarnhau i Weinidogion Cymru, o fewn 21 o ddiwrnodau yn dechrau gyda dyddiad yr hysbysiad, y darperir datganiad amgylcheddol.

(7) Os nad yw'r ceisydd yn ysgrifennu yn unol â pharagraff (6), nid oes gan Weinidogion Cymru ddyletswydd i ymdrin â'r cais ac ar ddiwedd y cyfnod o 21 o ddiwrnodau rhaid iddynt hysbysu'r ceisydd nad oes unrhyw gamau pellach yn cael eu cymryd o ran y cais.

(8) Pan—

- (a) fo hysbysiad wedi ei roi o dan baragraff (3), a
- (b) nad yw'r ceisydd yn cyflwyno datganiad amgylcheddol sy'n cydymffurfio â rheoliad 19(6),

rhaid i Weinidogion Cymru benderfynu ar y cais perthnasol drwy wrthod caniatâd cynllunio neu gydsyniad dilynol.

Apêl i Weinidogion Cymru heb ddatganiad amgylcheddol

13.—(1) Pan ymddengys i Weinidogion Cymru, wrth ystyried apêl o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) bod—

- (a) y cais perthnasol yn gais Atodlen 1 neu'n gais Atodlen 2; a
- (b) y datblygiad dan sylw—
 - (i) heb fod yn destun barn sgrinio na chyfarwyddyd sgrinio; neu
 - (ii) yn achos cais dilynol, wedi bod yn destun barn neu gyfarwyddyd sgrinio cyn y rhoddwyd caniatâd cynllunio iddo i'r perwyl nad yw'n ddatblygiad AEA; ac
- (c) y cais perthnasol heb gael ei gyflwyno ynghyd â datganiad y cyfeirir ato gan yr apelydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn,

mae paragraffau (3) i (9) o reoliad 7 yn gymwys fel pe bai'r apêl yn rhywbeth y gofynnodd yr apelydd amdani yn unol â rheoliad 6(8).

(4) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, they must notify the applicant of any such person.

(5) The Welsh Ministers must notify the applicant in accordance with paragraph (3) within 21 days beginning with the date the application was received or such longer period as may be reasonably required.

(6) An applicant who receives a notification under paragraph (3) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(7) If the applicant does not write in accordance with paragraph (6), the Welsh Ministers do not have a duty to deal with the application and at the end of the 21 days they must inform the applicant that no further action is being taken on the application.

(8) Where—

- (a) a notification has been given under paragraph (3), and
- (b) the applicant does not submit an environmental statement which complies with regulation 19(6),

the Welsh Ministers must determine the relevant application by refusing planning permission or subsequent consent.

Appeal to the Welsh Ministers without an environmental statement

13.—(1) Where, on consideration of an appeal under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) it appears to the Welsh Ministers that—

- (a) the relevant application is a Schedule 1 application or a Schedule 2 application; and
- (b) the development in question—
 - (i) has not been the subject of a screening opinion or screening direction; or
 - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it is not EIA development; and
- (c) the relevant application is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations,

paragraphs (3) to (9) of regulation 7 apply as if the appeal were a request made by the appellant pursuant to regulation 6(8).

(2) Pan fo arolygydd yn ymdrin ag apêl ac mae cwestiwn yn codi ynghylch pa un a yw'r cais perthnasol yn gais AEA ac yr ymddengys i'r arolygydd y gallai fod yn gais o'r fath, rhaid i'r arolygydd atgyfeirio'r cwestiwn hwnnw at Weinidogion Cymru ac ni chaiff benderfynu ar yr apêl cyn y gwneir cyfarwyddyd sgrinio, ac eithrio drwy wrthod caniatâd cynllunio neu gydsyniad dilynol.

(3) Mae paragraffau (3) i (9) o reoliad 7 yn gymwys i gwestiwn a atgyfeirir o dan baragraff (2) fel pe bai atgyfeirio'r cwestiwn hwnnw yn gais a wneir gan yr apelydd yn unol â rheoliad 6(8).

(4) Pan fo rheoliad 7(3) yn gymwys yn rhinwedd paragraff (1) neu (3), rhaid i Weinidogion Cymru, pan fo'n angenrheidiol i sicrhau bod y ceisydd wedi darparu, yn achos—

- (a) ceisiadau, yr wybodaeth y cyfeirir ati yn rheoliad 6(2); a
- (b) ceisiadau dilynol, yr wybodaeth y cyfeirir ati yn rheoliad 6(3),

ofyn am wybodaeth ychwanegol cyn dyroddi cyfarwyddyd sgrinio ac mae rheoliad 6(4) yn gymwys fel pe bai atgyfeirio'r cais yn rhywbeth y mae'r ceisydd wedi gofyn amdano o dan reoliad 6(8).

(5) Pan ymddengys i Weinidogion Cymru bod y cais perthnasol yn gais AEA ac nad yw'n cael ei gyflwyno ynghyd â datganiad y cyfeirir ato gan yr apelydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn, rhaid iddynt hysbysu'r apelydd bod cyflwyno datganiad amgylcheddol yn ofynnol.

(6) Pan fo Gweinidogion Cymru yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb leol, rhaid iddynt hysbysu'r apelydd am unrhyw berson o'r fath.

(7) Caiff apelydd sy'n cael hysbysiad o dan baragraff (5), gadarnhau i Weinidogion Cymru o fewn 21 o ddiwrnodau yn dechrau gyda dyddiad yr hysbysiad y bydd datganiad amgylcheddol yn cael ei ddarparu.

(8) Os nad yw'r apelydd yn cadarnhau yn unol â pharagraff (7), nid oes gan Weinidogion Cymru, na'r arolygydd pan fo hynny'n berthnasol, ddyletswydd i ymdrin â'r apêl; ac ar ddiwedd y 21 o ddiwrnodau, rhaid i Weinidogion Cymru, neu'r arolygydd, hysbysu'r apelydd nad oes unrhyw gamau pellach yn cael eu cymryd o ran yr apêl.

(9) Pan—

- (a) fo hysbysiad wedi ei roi o dan baragraff (5), a
- (b) nad yw'r apelydd yn cyflwyno datganiad amgylcheddol ac yn cydymffurfio â rheoliad 19(6),

(2) Where an inspector is dealing with an appeal and a question arises as to whether the relevant application is an EIA application and it appears to the inspector that it may be such an application, the inspector must refer that question to the Welsh Ministers and must not determine the appeal before a screening direction is made, except by refusing planning permission or subsequent consent.

(3) Paragraphs (3) to (9) of regulation 7 apply to a question referred under paragraph (2) as if the referral of that question were a request made by the appellant pursuant to regulation 6(8).

(4) Where regulation 7(3) applies by virtue of paragraph (1) or (3), the Welsh Ministers must, where necessary to ensure that the applicant has provided, in the case of—

- (a) applications, the information referred to in regulation 6(2); and
- (b) subsequent applications, the information referred to in regulation 6(3),

make a request for additional information before issuing a screening direction and regulation 6(4) applies as if the referral of the application were a request made by the applicant under regulation 6(8).

(5) Where it appears to the Welsh Ministers that the relevant application is an EIA application and is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations, they must notify the appellant that the submission of an environmental statement is required.

(6) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, they must notify the appellant of any such person.

(7) An appellant who receives a notification under paragraph (5), may within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(8) If the appellant does not confirm in accordance with paragraph (7), the Welsh Ministers have or, where relevant, the inspector has, no duty to deal with the appeal; and at the end of the 21 days the Welsh Ministers, or the inspector, must inform the appellant that no further action is being taken on the appeal.

(9) Where—

- (a) a notification has been given under paragraph (5), and
- (b) the appellant does not submit an environmental statement and comply with regulation 19(6),

rhaid i Weinidogion Cymru neu, pan fo hynny'n berthnasol, yr arolygydd benderfynu ar yr apêl drwy wrthod caniatâd cynllunio neu gydsyniad dilynol.

RHAN 4

Llunio Datganiadau Amgylcheddol

Barnau cwmpasu

14.—(1) Caiff person sy'n bwriadu gwneud cais AEA ofyn i'r awdurdod cynllunio perthnasol ddatgan ei farn o ran cwmpas a manylder yr wybodaeth i'w darparu yn y datganiad amgylcheddol ("barn gwmpasu").

(2) Rhaid i'r gofyniad o dan baragraff (1) gynnwys—

- (a) mewn perthynas â chais am ganiatâd cynllunio—
 - (i) plan sy'n ddigonol i adnabod y tir;
 - (ii) disgrifiad byr o natur a diben y datblygiad, gan gynnwys ei leoliad a'i gapasiti technegol;
 - (iii) ei effeithiau sylweddol tebygol ar yr amgylchedd; a
 - (iv) y fath wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu cyflwyno;
- (b) mewn perthynas â chais dilynol—
 - (i) plan sy'n ddigonol i adnabod y tir;
 - (ii) digon o wybodaeth i alluogi'r awdurdod cynllunio perthnasol i ganfod unrhyw ganiatâd cynllunio a roddwyd i'r datblygiad mewn cysylltiad â chais dilynol sydd wedi ei wneud;
 - (iii) disgrifiad o'r effeithiau sylweddol tebygol ar yr amgylchedd na chanfuwyd ar yr adeg y rhoddwyd y caniatâd cynllunio; a
 - (iv) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu cyflwyno.

(3) Os nad yw awdurdod sy'n cael cais o dan baragraff (1) yn ystyried ei fod wedi cael ei ddarparu â digon o wybodaeth i fabwysiadu barn sgrinio, rhaid iddo roi gwybod i'r person sy'n gwneud y cais am y pwyntiau lle y mae angen gwybodaeth ychwanegol arnynt.

the Welsh Ministers or, where relevant, the inspector must determine the appeal by refusing planning permission or subsequent consent.

PART 4

Preparation of Environmental Statements

Scoping opinions

14.—(1) A person who is minded to make an EIA application may ask the relevant planning authority to state their opinion as to the scope and level of detail of the information to be provided in the environmental statement ("scoping opinion").

(2) A request under paragraph (1) must include—

- (a) in relation to an application for planning permission—
 - (i) a plan sufficient to identify the land;
 - (ii) a brief description of the nature and purpose of the development including its location and technical capacity;
 - (iii) its likely significant effects on the environment; and
 - (iv) such other information or representations as the person making the request may wish to provide or make;
- (b) in relation to a subsequent application—
 - (i) a plan sufficient to identify the land;
 - (ii) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
 - (iii) a description of the likely significant effects on the environment which were not identified at the time planning permission was granted; and
 - (iv) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request under paragraph (1) must, if they consider that they have not been provided with sufficient information to adopt a scoping opinion, notify the person who made the request of the points on which they require additional information.

(4) Rhaid i awdurdod beidio â mabwysiadu barn gwmpasu mewn ymateb i gais o dan baragraff (1) hyd nes ei fod wedi ymgynghori â'r ymgynghoreion, ond rhaid iddo, yn ddarostyngedig i baragraff (5), fabwysiadu barn gwmpasu ac anfon copi at y person a wnaeth y cais o fewn 8 wythnos yn dechrau â'r dyddiad y ceir y cais neu unrhyw gyfnod hwy y cytunir arno yn ysgrifenedig â'r person a wnaeth y cais.

(5) Pan fo person wedi gofyn i'r awdurdod am farn o dan baragraff (1) uchod ar yr un pryd â gwneud cais am farn sgrinio o dan reoliad 6(1), ac mae'r awdurdod wedi mabwysiadu barn sgrinio i'r perwyl bod y datblygiad yn ddatblygiad AEA, rhaid i'r awdurdod fabwysiadu barn gwmpasu ac anfon copi at y person a wnaeth y cais o fewn 8 wythnos yn dechrau â'r dyddiad y mabwysiadwyd y farn sgrinio honno neu unrhyw gyfnod hwy y cytunir arno yn ysgrifenedig â'r person a wnaeth y cais.

(6) Cyn mabwysiadu barn gwmpasu, rhaid i'r awdurdod gymryd y canlynol i ystyriaeth—

- (a) unrhyw wybodaeth a ddarperir gan y ceisydd ynghylch y datblygiad arfaethedig;
- (b) nodweddion neilltuol y datblygiad penodol;
- (c) nodweddion neilltuol y datblygiad o'r math dan sylw; a
- (d) y nodweddion amgylcheddol y mae'r datblygiad yn debygol o effeithio'n sylweddol arnynt.

(7) Pan fo awdurdod yn methu â mabwysiadu barn gwmpasu o fewn y cyfnod perthnasol a grybwyllir ym mharagraff (4) neu (5), caiff y person a ofynnodd am y farn ofyn i Weinidogion Cymru wneud cyfarwyddyd o dan reoliad 15(1) ynghylch yr wybodaeth sydd i'w darparu yn y datganiad amgylcheddol ("cyfarwyddyd cwmpasu").

(8) Mae paragraff (7) yn gymwys hyd yn oed os nad yw'r awdurdod wedi cael gwybodaeth ychwanegol y mae wedi ei cheisio o dan baragraff (3).

(9) Nid oes unrhyw beth yn atal awdurdod sydd wedi mabwysiadu barn gwmpasu rhag ei gwneud yn ofynnol i'r person a wnaeth y cais ddarparu gwybodaeth ychwanegol.

(10) Ystyr "gwybodaeth ychwanegol" ("*additional information*") ym mharagraff (9) yw gwybodaeth mewn cysylltiad ag unrhyw ddatganiad y caniateir ei gyflwyno gan y person hwnnw fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn mewn cysylltiad â chais am ganiatâd cynllunio neu gais dilynol ar gyfer yr un datblygiad.

(4) An authority must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted the consultees, but must, subject to paragraph (5), within 8 weeks beginning with the date of receipt of that request or such longer period as may be agreed in writing with the person who made the request, adopt a scoping opinion and send a copy to the person who made the request.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 6(1), asked the authority for an opinion under paragraph (1) above, and the authority have adopted a screening opinion to the effect that the development is EIA development, the authority must, within 8 weeks beginning with the date on which that screening opinion was adopted or such longer period as may be agreed in writing with the person who made the request, adopt a scoping opinion and send a copy to the person who made the request.

(6) Before adopting a scoping opinion the authority must take into account—

- (a) any information provided by the applicant about the proposed development;
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be significantly affected by the development.

(7) Where an authority fail to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may ask the Welsh Ministers under regulation 15(1) to make a direction as to the information to be provided in the environmental statement (a "scoping direction").

(8) Paragraph (7) applies even if the authority has not received additional information which they have sought under paragraph (3).

(9) Nothing prevents an authority which have adopted a scoping opinion from requiring the person who made the request to provide additional information.

(10) "Additional information" ("*gwybodaeth ychwanegol*") in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations in connection with an application for planning permission or a subsequent application for the same development.

Cyfarwyddydau cwmpasu

15.—(1) Rhaid i ofyniad a wneir o dan y paragraff hwn yn unol â rheoliad 14(7) gynnwys—

- (a) copi o'r gofyniad i'r awdurdod cynllunio perthnasol o dan reoliad 14(1);
- (b) copi o unrhyw hysbysiad perthnasol o dan reoliad 14(3) ac o unrhyw ymateb;
- (c) copi o unrhyw farn sgrinio berthnasol a gafwyd gan y person sy'n gwneud y gofyniad ac unrhyw ddatganiad o'r rhesymau sy'n dod gyda'r farn; a
- (d) unrhyw sylwadau y dymuna'r person sy'n gwneud y gofyniad eu gwneud.

(2) Rhaid i berson sy'n gwneud gofyniad anfon copi o'r gofyniad hwnnw i'r awdurdod cynllunio perthnasol, ond nid oes angen i'r copi hwnnw gynnwys y materion a grybwyllir ym mharagraff (1)(a) i (c).

(3) Os yw Gweinidogion Cymru yn ystyried nad yw'r wybodaeth a ddarparwyd yn unol â pharagraff (1) yn ddigonol er mwyn gwneud cyfarwyddyd cwmpasu, rhaid i Weinidogion Cymru roi hysbysiad i'r person sy'n gwneud y cais.

(4) Rhaid i'r hysbysiad nodi unrhyw bwyntiau y mae angen gwybodaeth ychwanegol amdanynt.

(5) Caiff Gweinidogion Cymru hefyd ofyn i'r awdurdod cynllunio perthnasol ddarparu cymaint o wybodaeth ag y gall ar unrhyw rai o'r pwyntiau hynny.

(6) Rhaid i Weinidogion Cymru—

- (a) ymgynghori â'r ymgynghoreion cyn gwneud cyfarwyddyd cwmpasu mewn ymateb i ofyniad o dan baragraff (1), a
- (b) gwneud cyfarwyddyd ac anfon copi at y person sy'n gwneud y gofyniad ac i'r awdurdod cynllunio perthnasol, o fewn y 5 wythnos sy'n dechrau â'r dyddiad y ceir y gofyniad hwnnw neu unrhyw gyfnod hwy a all fod yn rhesymol ofynnol.

(7) Cyn gwneud cyfarwyddyd cwmpasu rhaid i Weinidogion Cymru ystyried y materion a bennir yn rheoliad 14(6).

(8) Nid oes dim yn atal Gweinidogion Cymru, (ar ôl iddynt wneud cyfarwyddyd cwmpasu) na'r awdurdod cynllunio perthnasol rhag ei gwneud yn ofynnol i'r person sy'n gwneud y gofyniad ddarparu gwybodaeth ychwanegol.

Scoping directions

15.—(1) A request made under this paragraph pursuant to regulation 14(7) must include—

- (a) a copy of the request to the relevant planning authority under regulation 14(1);
- (b) a copy of any relevant notification under regulation 14(3) and of any response;
- (c) a copy of any relevant screening opinion received by the person making the request and of the accompanying statement of reasons; and
- (d) any representations that the person making the request wishes to make.

(2) A person making a request must send to the relevant planning authority a copy of that request, but that copy need not include the matters mentioned in paragraph (1)(a) to (c).

(3) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.

(4) The notice must set out any points on which additional information is required.

(5) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(6) The Welsh Ministers must—

- (a) consult the consultees before making a scoping direction in response to a request under paragraph (1), and
- (b) make a direction and send a copy to the person making the request and to the relevant planning authority, within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(7) Before making a scoping direction the Welsh Ministers must take into account the matters specified in regulation 14(6).

(8) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) nor the relevant planning authority from requiring the person making the request to provide additional information.

(9) Ystyr “gwybodaeth ychwanegol” (“*additional information*”) ym mharagraff (8) yw gwybodaeth mewn cysylltiad ag unrhyw ddatganiad y caniateir ei gyflwyno gan y person hwnnw fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn mewn cysylltiad â chais am ganiatâd cynllunio neu gais dilynol ar gyfer yr un datblygiad.

Gweithdrefn i hwyluso llunio datganiadau amgylcheddol

16.—(1) Caiff unrhyw berson sy'n bwriadu cyflwyno datganiad amgylcheddol i'r awdurdod cynllunio perthnasol neu Weinidogion Cymru o dan y Rheoliadau hyn roi hysbysiad i'r awdurdod hwnnw neu i Weinidogion Cymru o dan y paragraff hwn.

(2) Rhaid i hysbysiad o dan baragraff (1) gynnwys yr wybodaeth sy'n angenrheidiol er mwyn adnabod y tir a natur a diben y datblygiad, a rhaid iddo ddangos y prif ganlyniadau amgylcheddol y mae'r person sy'n rhoi'r hysbysiad yn bwriadu cyfeirio atynt yn y datganiad amgylcheddol.

(3) Rhaid i dderbynnydd—

- (a) hysbysiad o'r math a grybwyllir ym mharagraff (1); neu
- (b) datganiad neu gadarnhad a wneir yn unol â rheoliad 11(4)(a), 12(6) neu 13(7)—

- (i) hysbysu'r ymgynghoreion am enw a chyfeiriad y person sy'n bwriadu cyflwyno datganiad amgylcheddol a'r ddyletswydd a osodir ar yr ymgynghoreion gan baragraff (4) er mwyn sicrhau bod gwybodaeth ar gael i'r person hwnnw; a
- (ii) hysbysu'r person sy'n bwriadu cyflwyno datganiad amgylcheddol o enwau a chyfeiriadau'r ymgynghoreion a hysbyswyd felly.

(4) Yn ddarostyngedig i baragraff (5), rhaid i awdurdod cynllunio perthnasol ac unrhyw ymgynghorai a hysbysir yn unol â pharagraff (3), ymgynghori â'r person, os bydd y person hwnnw sy'n bwriadu cyflwyno datganiad amgylcheddol yn gofyn am hynny, er mwyn penderfynu a oes gan yr awdurdod neu'r ymgynghorai unrhyw wybodaeth yn eu meddiant y mae'r person hwnnw, neu y maent hwy, yn ei hystyried yn berthnasol ar gyfer llunio'r datganiad amgylcheddol. Os oes ganddynt, rhaid i'r awdurdod neu'r ymgynghorai sicrhau bod yr wybodaeth honno ar gael i'r person hwnnw.

(9) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (8) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations in connection with an application for planning permission or a subsequent application for the same development.

Procedure to facilitate preparation of environmental statements

16.—(1) Any person who intends to submit an environmental statement to the relevant planning authority or the Welsh Ministers under these Regulations may give notice to that authority or the Welsh Ministers under this paragraph.

(2) A notice under paragraph (1) must include the information necessary to identify the land and the nature and purpose of the development, and must indicate the main environmental consequences to which the person giving the notice proposes to refer in the environmental statement.

(3) The recipient of—

- (a) such notice as is mentioned in paragraph (1); or
- (b) a statement or confirmation made pursuant to regulation 11(4)(a), 12(6) or 13(7),

must—

- (i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultees by paragraph (4) to make information available to that person; and
- (ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.

(4) Subject to paragraph (5), the relevant planning authority and any consultee notified in accordance with paragraph (3) must, if requested by the person who intends to submit an environmental statement, enter into consultation with that person to determine whether the authority or consultee has in its possession any information which that person considers, or they consider, relevant to the preparation of the environmental statement. If they have, the authority or consultee must make that information available to that person.

(5) Rhaid i awdurdod cynllunio perthnasol neu ymgynghorai sy'n cael gofyniad am wybodaeth o dan baragraff (4) ei drin fel gofyniad am wybodaeth o dan reoliad 5(1) o Reoliadau Gwybodaeth Amgylcheddol 2004(1).

RHAN 5

Cyhoeddusrwydd a Gweithdrefnau ar Gyflwyno Datganiadau Amgylcheddol

Datganiadau amgylcheddol

17.—(1) Rhaid i gais AEA ddod gyda datganiad amgylcheddol at ddibenion y Rheoliadau hyn, ond mae hyn yn ddarostyngedig i baragraff (2).

(2) Pan fo rheoliad 9(1) a (2) yn gymwys, nid yw paragraff (1) yn gymwys.

(3) Mae datganiad amgylcheddol yn ddatganiad sy'n cynnwys o leiaf—

- (a) disgrifiad o'r datblygiad arfaethedig sef gwybodaeth ynghylch y safle, y dyluniad, maint y datblygiad a'i nodweddion perthnasol eraill;
- (b) disgrifiad o effeithiau sylweddol tebygol y datblygiad arfaethedig ar yr amgylchedd;
- (c) disgrifiad o unrhyw un neu ragor o nodweddion y datblygiad arfaethedig, neu fesurau a ragwelir er mwyn osgoi, atal neu leihau effeithiau andwyol sylweddol tebygol ar yr amgylchedd, a gwrthbwysu'r effeithiau hynny os yw'n bosibl;
- (d) disgrifiad o'r dewisiadau amgen rhesymol a astudiwyd gan y ceisydd neu'r apelydd, sy'n berthnasol i'r datblygiad arfaethedig a'i nodweddion penodol, a mynegiad o'r prif resymau dros y dewis a wnaed, gan ystyried effeithiau sylweddol y datblygiad ar yr amgylchedd;
- (e) crynodeb annhechnegol o'r wybodaeth y cyfeirir ati yn is-baragraffau (a) i (d); a
- (f) unrhyw wybodaeth ychwanegol a bennir yn Atodlen 4 sy'n berthnasol i nodweddion penodol y datblygiad penodol neu'r math o ddatblygiad ac i'r nodweddion amgylcheddol sy'n debygol o gael eu heffeithio'n sylweddol.

(5) A relevant planning authority or consultee which receives a request for information under paragraph (4) must treat it as a request for information under regulation 5(1) of the Environmental Information Regulations 2004(1).

PART 5

Publicity and Procedures on Submission of Environmental Statements

Environmental statements

17.—(1) An EIA application must be accompanied by an environmental statement for the purposes of these Regulations but this is subject to paragraph (2).

(2) Where regulation 9(1) and (2) apply, paragraph (1) does not apply.

(3) An environmental statement is a statement which includes at least—

- (a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;
- (b) a description of the likely significant effects of the proposed development on the environment;
- (c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- (d) a description of the reasonable alternatives studied by the applicant or appellant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the development on the environment;
- (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
- (f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.

(4) Rhaid i ddatganiad amgylcheddol—

- (a) cael ei lunio gan bersonau sydd, ym marn yr awdurdod cynllunio perthnasol neu Weinidogion Cymru, fel y bo'n briodol, yn meddu ar arbenigedd digonol i sicrhau bod y datganiad yn gyflawn ac yn safonol;
- (b) cynnwys datganiad gan neu ar ran y ceisydd neu'r apelydd sy'n disgrifio arbenigedd y person a luniodd y datganiad amgylcheddol;
- (c) pan fo barn gwmpasu neu gyfarwyddyd cwmpasu wedi ei dyroddi neu ei ddyroddi yn unol â rheoliad 14 neu 15, fod yn seiliedig ar y farn gwmpasu neu'r cyfarwyddyd cwmpasu diweddaraf a ddyroddwyd (i'r graddau y mae'r datblygiad arfaethedig yn parhau i fod yr un datblygiad arfaethedig yn ei hanfod â'r datblygiad arfaethedig a fu'n destun y farn honno neu'r cyfarwyddyd hwnnw);
- (d) cynnwys yr wybodaeth sy'n rhesymol ofynnol ar gyfer dod i gasgliad rhesymedig ynghylch effeithiau sylweddol y datblygiad ar yr amgylchedd, gan roi sylw i'r wybodaeth gyfredol a'r dulliau asesu cyfredol; ac
- (e) rhoi sylw i asesiadau amgylcheddol perthnasol eraill sy'n ofynnol o dan ddeddfwriaeth yr Undeb neu unrhyw ddarpariaeth mewn deddfwriaeth ddomestig, gyda'r nod o osgoi dyblygu asesiadau.

Y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i awdurdod cynllunio lleol

18.—(1) Rhaid i geisydd sy'n cyflwyno datganiad amgylcheddol i'r awdurdod cynllunio perthnasol ei gyflwyno yn electronig ac ar bapur, oni chytunir fel arall yn ysgrifenedig.

(2) Os yw'r ceisydd yn cyflwyno copi o'r datganiad i unrhyw gorff arall ar yr un pryd ag y mae'n gwneud cais AEA, rhaid i'r ceisydd—

- (a) cyflwyno gyda'r datganiad gopi o'r cais ac unrhyw blan a gyflwynir gyda'r cais (oni bai eu bod wedi eu darparu i'r corff dan sylw eisoes);
- (b) hysbysu'r corff y caniateir cyflwyno sylwadau i'r awdurdod cynllunio perthnasol; ac
- (c) hysbysu'r awdurdod am enw pob corff y cyflwynwyd datganiad iddo felly a dyddiad y cyflwyno.

(4) An environmental statement must—

- (a) be prepared by persons who in the opinion of the relevant planning authority or the Welsh Ministers, as appropriate, have sufficient expertise to ensure the completeness and quality of the statement;
- (b) contain a statement by or on behalf of the applicant or appellant describing the expertise of the person who prepared the environmental statement;
- (c) where a scoping opinion or direction has been issued in accordance with regulation 14 or 15, be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was the subject of that opinion or direction);
- (d) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and
- (e) take into account other relevant environmental assessments required under Union legislation or any other provision of domestic legislation, with a view to avoiding duplication of assessment.

Procedure where an environmental statement is submitted to a local planning authority

18.—(1) An applicant who submits an environmental statement to the relevant planning authority must submit it in electronic and paper format unless otherwise agreed in writing.

(2) If at the same time as it makes an EIA application the applicant serves a copy of the statement on any other body, the applicant must—

- (a) serve with the statement a copy of the application and any plan submitted with the application (unless these have already been provided to the body in question);
- (b) inform the body that representations may be made to the relevant planning authority; and
- (c) inform the authority of the name of every body so served and of the date of service.

(3) Pan fo awdurdod cynllunio perthnasol yn cael datganiad amgylcheddol, rhaid i'r awdurdod—

- (a) anfon un copi electronig o'r datganiad, copi o'r cais perthnasol ac o unrhyw ddogfennau a gyflwynwyd gyda'r cais i Weinidogion Cymru o fewn 14 o ddiwrnodau ar ôl cael y datganiad;
- (b) hysbysu'r ceisydd am nifer y copïau sy'n ofynnol er mwyn galluogi'r awdurdod i gydymffurfio ag is-baragraff (c);
- (c) anfon copi o'r datganiad ymlaen at unrhyw ymgynghorai nad yw wedi cael copi yn uniongyrchol gan y ceisydd, a hysbysu unrhyw ymgynghorai o'r fath y caniateir iddo gyflwyno sylwadau;
- (d) pan fo'r awdurdod yn ymwybodol bod unrhyw berson penodol sy'n cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, neu drwy hysbysiad safle neu drwy hysbyseb leol, anfon hysbysiad at berson o'r fath yn cynnwys y manylion a nodir yn rheoliad 19(2)(b) i (k) ac enw a chyfeiriad yr awdurdod.

(4) Rhaid i'r ceisydd anfon y copïau sy'n ofynnol at ddibenion paragraff (3)(c) i'r awdurdod cynllunio perthnasol.

(5) Pan fo ceisydd yn cyflwyno datganiad amgylcheddol i'r awdurdod yn unol â pharagraff (1), mae darpariaethau erthygl 12 o Orchymyn 2012 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio) ac Atodlen 3 i'r Gorchymyn hwnnw yn gymwys i gais dilynol fel y maent yn gymwys i gais cynllunio sy'n dod o fewn erthygl 12(2) o Orchymyn 2012 fel pe bai'r cyfeiriad yn yr hysbysiad yn Atodlen 3 i Orchymyn 2012 at "ganiatâd cynllunio i" yn darllen "gydsyniad, cytundeb neu gymeradwyaeth i".

(6) Rhaid i'r awdurdod cynllunio perthnasol beidio â phenderfynu ar y cais hyd nes y daw 30 o ddiwrnodau o'r dyddiad olaf y cyflwynwyd copi o'r datganiad yn unol â'r rheoliad hwn i ben.

Cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio

19.—(1) Pan fo cais am ganiatâd cynllunio neu gais dilynol wedi ei wneud heb ddatganiad amgylcheddol a bod y ceisydd yn bwriadu cyflwyno datganiad o'r fath, rhaid i'r ceisydd gydymffurfio â pharagraffau (2) i (5) cyn ei gyflwyno.

(2) Rhaid i'r ceisydd gyhoeddi hysbysiad mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol lle y mae'r tir wedi ei leoli sy'n nodi—

(3) When a relevant planning authority receive an environmental statement, the authority must—

- (a) send to the Welsh Ministers, within 14 days of receipt of the statement, one electronic copy of the statement, a copy of the relevant application and of any documents submitted with the application;
- (b) inform the applicant of the number of copies required to enable the authority to comply with sub-paragraph (c);
- (c) forward to any consultee which has not received a copy direct from the applicant, a copy of the statement and inform any such consultee that they may make representations;
- (d) where the authority are aware of any particular person who 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 electronic publication or site notice or by local advertisement, send a notice to such person containing the details set out in regulation 19(2)(b) to (k) and the name and address of the authority.

(4) The applicant must send the copies required for the purposes of paragraph (3)(c) to the relevant planning authority.

(5) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 12 of and Schedule 3 to the 2012 Order (publicity for applications for planning permission) apply to a subsequent application as they apply to a planning application falling within article 12(2) of the 2012 Order as if the reference in the notice in Schedule 3 to the 2012 Order to "planning permission to" read "consent, agreement or approval to".

(6) The relevant planning authority must not determine the application until the expiry of 30 days from the last date on which a copy of the statement was served in accordance with this regulation.

Publicity where an environmental statement is submitted after the planning application

19.—(1) Where an application for planning permission or a subsequent application has been made without an environmental statement and the applicant proposes to submit such a statement, the applicant must, before submitting it, comply with paragraphs (2) to (5).

(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) enw'r ceisydd, bod cais yn cael ei wneud am ganiatâd cynllunio neu gydsyniad dilynol ac enw a chyfeiriad yr awdurdod cynllunio perthnasol;
 - (b) y dyddiad y gwnaed y cais, a bod y cais wedi ei atgyfeirio at Weinidogion Cymru i gael ei benderfynu neu ei fod yn destun apêl i Weinidogion Cymru os gwnaed hynny;
 - (c) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
 - (d) bod—
 - (i) copi o'r cais, unrhyw blân a dogfennau eraill a gyflwynir ynghyd ag ef, a chopi o'r datganiad amgylcheddol, a
 - (ii) yn achos cais dilynol, copi o'r caniatâd cynllunio y gwnaed y cais hwnnw mewn cysylltiad ag ef a dogfennau ategol,

ar gael i aelodau o'r cyhoedd edrych arnynt ar bob adeg resymol;
 - (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle mae'r dogfennau hynny ar gael i'r cyhoedd edrych arnynt, a'r dyddiad olaf y maent ar gael i'w gweld (sef dyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
 - (f) manylion gwefan a gynhelir gan yr awdurdod cynllunio perthnasol, neu ar ei ran, lle gellir gweld y datganiad amgylcheddol a'r dogfennau eraill, a'r dyddiad diweddaraf y byddant ar gael i'w gweld (sef dyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
 - (g) cyfeiriad (pa un a yw yr un cyfeiriad a roddir o dan is-baragraff (e) ai peidio) yn yr ardal leol lle mae'r tir wedi ei leoli lle gellir cael copïau o'r datganiad;
 - (h) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
 - (i) os codir tâl am gopi, swm y tâl;
 - (j) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau ynglŷn â'r cais wneud hynny, cyn y dyddiad diweddaraf a nodir yn unol ag is-baragraff (e) neu (f), i'r awdurdod cynllunio perthnasol neu (yn achos cais a atgyfeirir at Weinidogion Cymru neu apêl) i Weinidogion Cymru; a
- (a) the applicant's name, that an application is being made for planning permission or subsequent consent and the name and address of the relevant 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 the Welsh Ministers;
 - (c) the address or location and the nature of the proposed development;
 - (d) that—
 - (i) a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement, and
 - (ii) in the case of a subsequent application, a copy of the planning permission in respect of which that application has been made and supporting documents,

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 are available for inspection (being a date not less than 30 days later than the date on which the notice is published);
 - (f) details of a website maintained by or on behalf of the relevant planning authority on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
 - (g) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
 - (h) that copies may be obtained there so long as stocks last;
 - (i) if a charge is to be made for a copy, the amount of the charge;
 - (j) that any person wishing to make representations about the application should make them, before the later of the dates stated in accordance with sub-paragraph (e) or (f), to the relevant planning authority or (in the case of an application referred to the Welsh Ministers or an appeal) to the Welsh Ministers; and

(k) yn achos cais a atgyfeirir at Weinidogion Cymru neu apêl, y cyfeiriad, gan gynnwys cyfeiriad electronig, y dylid anfon sylwadau iddo.

(3) Rhaid i geisydd sy'n cael ei hysbysu o dan reoliad 11(2), 12(4) neu 13(6) ynghylch person o'r math a grybwyllir yn unrhyw un o'r rheoliadau hynny gyflwyno hysbysiad i bob person o'r fath; a rhaid i'r hysbysiad gynnwys yr wybodaeth a bennir ym mharagraff (2).

(4) Rhaid i'r ceisydd arddangos ar y tir hysbysiad sy'n cynnwys yr wybodaeth a bennir ym mharagraff (2), lle mae ganddo hawl i wneud hynny, neu lle y gellir caffael yn rhesymol yr hawl i wneud hynny.

(5) Rhaid i'r hysbysiad a grybwyllir ym mharagraff (4)—

- (a) cael ei adael yn ei le am gyfnod heb fod yn llai na 7 diwrnod yn y 28 o ddiwrnodau yn union cyn y dyddiad y cyflwynir y datganiad; a
- (b) cael ei osod yn gadarn ar rywbeth ar y tir a'i leoli a'i arddangos mewn modd sy'n golygu bod modd i aelodau o'r cyhoedd ei weld a'i ddarlenn yn rhwydd heb fynd ar y tir.

(6) Rhaid i'r canlynol ddod gyda'r datganiad amgylcheddol pan y'i cyflwynir—

- (a) copi o'r hysbysiad a grybwyllir ym mharagraff (2) wedi ei ardystio gan neu ar ran y ceisydd ei fod wedi ei gyhoeddi mewn papur newydd a enwir ar ddyddiad a bennir yn y dystysgrif; a
- (b) tystysgrif gan neu ar ran y ceisydd sy'n nodi naill ai—
 - (i) bod hysbysiad wedi ei arddangos ar y tir er mwyn cydymffurfio â'r rheoliad hwn a pha bryd y gwnaed hyn, a bod yr hysbysiad wedi ei adael yn ei le am gyfnod heb fod yn llai na 7 diwrnod yn y 28 o ddiwrnodau yn union cyn y dyddiad y cyflwynwyd y datganiad, neu ei fod, heb unrhyw fai na bwriad ar ran y ceisydd, wedi ei dynnu, ei guddio neu ei ddifwyno cyn diwedd y 7 diwrnod a bod y ceisydd wedi cymryd camau rhesymol i'w ddiogelu neu roi un newydd yn ei le, gan nodi'r camau a gymerwyd; neu
 - (ii) nad oedd modd i'r ceisydd gydymffurfio â pharagraffau (4) a (5) am nad oedd gan y ceisydd yr hawliau angenrheidiol i wneud hynny; bod unrhyw gamau rhesymol ar gael i gaffael yr hawliau hynny wedi eu cymryd ond yn aflwyddiannus, gan nodi'r camau a gymerwyd.

(k) in the case of an application referred to the Welsh Ministers or an appeal, the address, including an electronic address, to which representations should be sent.

(3) An applicant who is notified under regulation 11(2), 12(4) or 13(6) of such a person as mentioned in any of those regulations must serve a notice on every such person; and the notice must contain the information specified in paragraph (2).

(4) The applicant must, where it has the right to, or can reasonably acquire the right to, post on the land a notice containing the information specified in paragraph (2).

(5) The notice mentioned in paragraph (4) must—

- (a) be left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement; 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.

(6) The environmental statement, when submitted, must be accompanied by—

- (a) a copy of the notice mentioned in paragraph (2) certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate; and
- (b) a certificate by or on behalf of the applicant which states either—
 - (i) that a notice was posted on the land in compliance with this regulation and when this was done, and that the notice was left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on the applicant's part, it was removed, obscured or defaced before 7 days had elapsed and the applicant took reasonable steps for its protection or replacement, specifying the steps taken; or
 - (ii) that the applicant was unable to comply with paragraphs (4) and (5) because the applicant did not have the necessary rights to do so; that any reasonable steps available to acquire those rights have been taken but unsuccessfully, specifying the steps taken.

(7) Pan fo ceisydd yn dynodi bod y ceisydd yn bwriadu darparu datganiad o dan yr amgylchiadau a grybwyllir ym mharagraff (1), rhaid i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd, yn ôl y digwydd, (oni bai y penderfynir gwrthod y caniatâd neu'r cydsyniad dilynol a geisir) ohirio ystyried y cais neu'r apêl hyd nes y ceir y datganiad a'r dogfennau eraill a grybwyllir ym mharagraff (6); ac ni chaniateir penderfynu ar y cais na'r apêl yn ystod y cyfnod o 30 o ddiwrnodau sy'n dechrau â'r dyddiad diweddaraf y cyhoeddir y datganiad a'r dogfennau eraill a grybwyllwyd felly yn unol â'r rheoliad hwn.

(8) Pan fwriedir cyflwyno datganiad amgylcheddol mewn cysylltiad ag apêl, mae'r rheoliad hwn yn gymwys fel pe bai'r cyfeiriadau at y ceisydd yn gyfeiriadau at yr apelydd.

Darparu copïau o ddatganiadau amgylcheddol a gwybodaeth bellach i Weinidogion Cymru pe byddai atgyfeiriad neu apêl

20.—(1) Pan fo ceisydd am ganiatâd cynllunio neu gydsyniad dilynol wedi cyflwyno datganiad amgylcheddol, neu wybodaeth bellach, i'r awdurdod cynllunio perthnasol mewn cysylltiad â'r cais hwnnw ac—

- (a) mae'r cais yn cael ei atgyfeirio at Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol); neu
- (b) mae'r ceisydd yn apelio o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath),

rhaid i'r ceisydd ddarparu'r datganiad i Weinidogion Cymru a, phan fo'n berthnasol, yr wybodaeth bellach oni bai, yn achos cais sydd wedi ei atgyfeirio, bod yr awdurdod eisoes wedi gwneud hynny.

(2) Rhaid darparu'r datganiad a'r wybodaeth bellach a ddarperir yn unol â pharagraff (1) yn electronig ac ar bapur oni chytunir fel arall yn ysgrifenedig.

Y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru

21.—(1) Mae'r rheoliad hwn yn gymwys pan fo ceisydd neu apelydd yn cyflwyno datganiad amgylcheddol i Weinidogion Cymru, mewn perthynas â chais AEA—

- (a) sydd gerbron Gweinidogion Cymru neu arolygydd er mwyn penderfynu arno; neu
- (b) sy'n destun apêl i Weinidogion Cymru.

(7) Where an applicant indicates that the applicant proposes to provide a statement in the circumstances mentioned in paragraph (1), the relevant planning authority, the Welsh Ministers or the inspector, as the case may be, must (unless disposed to refuse the permission or subsequent consent sought) suspend consideration of the application or appeal until receipt of the statement and the other documents mentioned in paragraph (6); and must not determine the application or appeal during the period of 30 days beginning with the last date on which the statement and the other documents so mentioned are published in accordance with this regulation.

(8) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies as if references to the applicant were references to the appellent.

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

20.—(1) Where an applicant for planning permission or subsequent consent has submitted an environmental statement, or further information, to the relevant planning authority in connection with that application and—

- (a) the application is referred to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State); or
- (b) the applicant appeals under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions),

the applicant must supply the Welsh Ministers with the statement and, where relevant, the further information unless, in the case of a referred application, the authority have already done so.

(2) The statement and the further information supplied in accordance with paragraph (1) must be in electronic and paper format unless otherwise agreed in writing.

Procedure where an environmental statement is submitted to the Welsh Ministers

21.—(1) This regulation applies where an applicant or appellent submits an environmental statement to the Welsh Ministers, in relation to an EIA application which is—

- (a) before the Welsh Ministers or an inspector for determination; or
- (b) the subject of an appeal to the Welsh Ministers.

(2) Rhaid i'r ceisydd neu'r apelydd gyflwyno'r datganiad amgylcheddol i Weinidogion Cymru a'r awdurdod cynllunio perthnasol yn electronig ac ar bapur, oni chytunir fel arall yn ysgrifenedig.

(3) Caiff ceisydd neu apelydd sy'n cyflwyno datganiad amgylcheddol i Weinidogion Cymru ddarparu copi ohono i unrhyw gorff arall, ac os gwneir hynny rhaid iddo—

- (a) cydymffurfio ag is-baragraffau (a) a (b) o reoliad 18(2) fel pe bai'r cyfeiriad yn rheoliad 18(2)(b) at yr awdurdod cynllunio perthnasol yn gyfeiriad at Weinidogion Cymru; a
- (b) hysbysu Gweinidogion Cymru o'r materion a grybwyllir yn rheoliad 18(2)(c).

(4) Rhaid i Weinidogion Cymru gydymffurfio â rheoliad 18(3) (heblaw is-baragraff (a) o'r rheoliad hwnnw) a rhaid i'r ceisydd neu'r apelydd gydymffurfio â rheoliad 18(4) fel pe bai—

- (a) cyfeiriadau yn y darpariaethau hynny at yr awdurdod cynllunio perthnasol yn gyfeiriadau at Weinidogion Cymru; a
- (b) yn achos apêl, cyfeiriadau at y ceisydd yn gyfeiriadau at yr apelydd,

a rhaid i Weinidogion Cymru neu'r arolygydd gydymffurfio â rheoliad 18(6) fel pe bai'n cyfeirio at Weinidogion Cymru neu'r arolygydd yn hytrach na'r awdurdod cynllunio perthnasol.

Argaeledd copïau o ddatganiadau amgylcheddol

22. Rhaid i geisydd neu apelydd sy'n cyflwyno datganiad amgylcheddol mewn cysylltiad â chais neu apêl, sicrhau bod nifer rhesymol o gopïau o'r datganiad ar gael yn y cyfeiriad a enwir yn yr hysbysiadu a gyhoeddir neu a osodir yn unol ag erthygl 12 o Orchymyn 2012 neu reoliad 19(2)(g) fel y cyfeiriad lle y gellir cael copïau o'r fath.

Tâl am gopïau o ddatganiadau amgylcheddol

23. Caniateir codi tâl rhesymol sy'n adlewyrchu costau argraffu a dosbarthu ar aelod o'r cyhoedd am gopi o ddatganiad a roddir ar gael yn unol â rheoliad 22.

(2) The applicant or appellant must submit the environmental statement in electronic and paper format to the Welsh Ministers and to the relevant planning authority, unless otherwise agreed in writing.

(3) An applicant or appellant who submits an environmental statement to the Welsh Ministers may provide a copy of it to any other body, and if so must—

- (a) comply with sub-paragraphs (a) and (b) of regulation 18(2) as if the reference in regulation 18(2)(b) to the relevant planning authority were a reference to the Welsh Ministers; and
- (b) inform the Welsh Ministers of the matters mentioned in regulation 18(2)(c).

(4) The Welsh Ministers must comply with regulation 18(3) (except sub-paragraph (a) of that regulation) and the applicant or appellant must comply with regulation 18(4) as if—

- (a) references in those provisions to the relevant planning authority were references to the Welsh Ministers; and,
- (b) in the case of an appeal, references to the applicant were references to the appellant,

and the Welsh Ministers or the inspector must comply with regulation 18(6) as if it referred to the Welsh Ministers or the inspector instead of the relevant planning authority.

Availability of copies of environmental statements

22. An applicant or appellant who submits an environmental statement in connection with an application or appeal, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or posted pursuant to article 12 of the 2012 Order or regulation 19(2)(g) as the address at which such copies may be obtained.

Charges for copies of environmental statements

23. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a statement made available in accordance with regulation 22.

Gwybodaeth bellach a thystiolaeth mewn cysylltiad â datganiadau amgylcheddol

24.—(1) Os yw awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd sy'n ymdrin â chais neu apel y mae'r ceisydd neu'r apelydd wedi cyflwyno datganiad amgylcheddol mewn perthynas ag ef neu hi, o'r farn, er mwyn bodloni gofynion rheoliad 17(3), ei bod yn angenrheidiol ategu'r datganiad gyda gwybodaeth ychwanegol sy'n uniongyrchol berthnasol i ddod i gasgliad rhesymedig ar effeithiau sylweddol tebygol y datblygiad a ddisgrifir yn y cais, rhaid i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd hysbysu'r ceisydd neu'r apelydd yn unol â hynny a rhaid i'r ceisydd neu'r apelydd ddarparu'r wybodaeth ychwanegol honno ar bapur ac yn electronig, oni chytunir fel arall yn ysgrifenedig; a chyfeirir at wybodaeth ychwanegol o'r fath yn y Rheoliadau hyn fel "gwybodaeth bellach" ("*further information*").

(2) Mae paragraffau (3) i (9) yn gymwys mewn perthynas â gwybodaeth bellach ac unrhyw wybodaeth arall ac eithrio i'r graddau—

- (a) y mae'r wybodaeth bellach ac unrhyw wybodaeth arall yn cael ei darparu at ddibenion ymholiad neu wrandawriad a gynhelir o dan Ddeddf 1990; a
- (b) bod y cais am yr wybodaeth bellach a wnaed yn unol â pharagraff (1) yn nodi ei bod i'w darparu at ddibenion o'r fath.

(3) Rhaid i dderbynnnydd gwybodaeth bellach neu unrhyw wybodaeth arall gyhoeddi hysbysiad drwy hysbyseb leol sy'n nodi—

- (a) enw'r ceisydd am ganiatâd cynllunio neu am gydsyniad dilynol, neu'r apelydd (yn ôl y digwydd), ac enw a chyfeiriad yr awdurdod cynllunio perthnasol;
- (b) y dyddiad y gwnaed y cais a'r dyddiad yr atgyfeiriwyd y cais at Weinidogion Cymru, os gwnaed hynny, er mwyn penderfynu arno neu ei fod yn destun apel i Weinidogion Cymru;
- (c) yn achos cais dilynol, digon o wybodaeth i alluogi adnabod y caniatâd cynllunio ar gyfer y datblygiad;
- (d) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (e) bod gwybodaeth bellach neu unrhyw wybodaeth arall ar gael mewn perthynas â datganiad amgylcheddol sydd wedi ei ddarparu eisoes;

Further information and evidence in respect of environmental statements

24.—(1) If a relevant planning authority, the Welsh Ministers or inspector dealing with an application or appeal in relation to which the applicant or appellant has submitted an environmental statement, are of the opinion that, in order to satisfy the requirements of regulation 17(3) it is necessary for the statement to be supplemented with additional information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development described in the application, the relevant planning authority, the Welsh Ministers or inspector must notify the applicant or appellant accordingly and the applicant or appellant must provide that additional information in paper and electronic format, unless otherwise agreed in writing; and such additional information is referred to in these Regulations as "further information" ("*gwybodaeth bellach*").

(2) Paragraphs (3) to (9) apply in relation to further information and any other information except in so far as—

- (a) the further information and any other information is provided for the purposes of an inquiry or hearing held under the 1990 Act; and
- (b) the request for the further information made pursuant to paragraph (1) stated that it was to be provided for such purposes.

(3) The recipient of further information or any other information must publish by local advertisement a notice stating—

- (a) the name of the applicant for planning permission or subsequent consent, or the appellant (as the case may be), and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it is the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to the Welsh Ministers;
- (c) in the case of a subsequent application, sufficient information to enable the planning permission for the development to be identified;
- (d) the address or location and the nature of the proposed development;
- (e) that further information or any other information is available in relation to an environmental statement which has already been provided;

- (f) y caiff aelodau'r cyhoedd edrych ar gopi o'r wybodaeth bellach neu o unrhyw wybodaeth arall ac unrhyw ddatganiad amgylcheddol sy'n ymwneud ag unrhyw ganiatâd cynllunio neu gais dilynol ar bob adeg resymol;
- (g) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle caiff y cyhoedd edrych ar yr wybodaeth bellach neu unrhyw wybodaeth arall a'r dyddiad olaf y bydd ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (h) manylion gwefan a gynhelir gan yr awdurdod cynllunio perthnasol, neu ar ei ran, lle gellir gweld yr wybodaeth bellach neu unrhyw wybodaeth arall, a'r dyddiad diweddaraf y byddant ar gael i'w gweld (sef dyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (i) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli (pa un a yw yr un cyfeiriad a roddir yn unol ag is-baragraffau (g) ac (h) ai peidio) lle gellir cael copïau o'r wybodaeth bellach neu unrhyw wybodaeth arall;
- (j) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (k) os codir tâl am gopi, swm y tâl;
- (l) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am yr wybodaeth bellach neu unrhyw wybodaeth arall eu cyflwyno i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd (yn ôl y digwydd) cyn y dyddiad a nodir yn unol ag is-baragraff (g); ac
- (m) y cyfeiriad y dylid anfon sylwadau iddo.

(4) Rhaid i'r sawl sy'n derbyn gwybodaeth bellach neu unrhyw wybodaeth arall anfon copi ohoni at bob un o'r personau yr anfonwyd atynt y datganiad sy'n ymwneud â hi, yn unol â'r Rheoliadau hyn.

(5) Pan mai'r awdurdod cynllunio perthnasol yw'r sawl sy'n derbyn yr wybodaeth bellach neu unrhyw wybodaeth arall, rhaid iddo anfon un copi o'r wybodaeth bellach at Weinidogion Cymru.

(6) Caiff y sawl sy'n derbyn yr wybodaeth bellach ei gwneud yn ofynnol i'r ceisydd neu'r apelydd drwy hysbysiad i ddarparu'r cyfryw nifer o gopïau o'r wybodaeth bellach neu unrhyw wybodaeth arall a bennir yn yr hysbysiad (sef y nifer sy'n ofynnol at ddibenion paragraff (4) neu (5)).

- (f) that a copy of the further information or any other information and of any environmental statement which relates to any planning permission or subsequent application may be inspected by members of the public at all reasonable hours;
- (g) an address in the locality in which the land is situated at which the further information or any other information may be inspected and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (h) details of a website maintained by or on behalf of the relevant planning authority on which the further information or any other information may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
- (i) an address in the locality in which the land is situated (whether or not the same as that given pursuant to sub-paragraphs (g) and (h)) at which copies of the further information or any other information may be obtained;
- (j) that copies may be obtained there so long as stocks last;
- (k) if a charge is to be made for a copy, the amount of the charge;
- (l) that any person wishing to make representations about the further information or any other information should make them, before the date stated in accordance with sub-paragraph (g), to the relevant planning authority, the Welsh Ministers or the inspector (as the case may be); and
- (m) the address to which representations should be sent.

(4) The recipient of the further information or any other information must send a copy of it to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.

(5) Where the recipient of the further information or any other information is the relevant planning authority they must send to the Welsh Ministers one copy of the further information.

(6) The recipient of the further information may by notice require the applicant or appellant to provide such number of copies of the further information or any other information as is specified in the notice (being the number required for the purposes of paragraph (4) or (5)).

(7) Pan ofynnir am wybodaeth o dan baragraff (1) neu pan ddarperir unrhyw wybodaeth arall, rhaid i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd, yn ôl y digwydd,—

- (a) atal y penderfyniad ar y cais neu'r apêl dros dro; a
- (b) rhaid peidio â phenderfynu arno cyn diwedd cyfnod o 30 o ddiwrnodau ar ôl y diweddaraf o blith—
 - (i) y dyddiad yr anfonwyd yr wybodaeth bellach neu unrhyw wybodaeth arall at bob person yr anfonwyd atynt y datganiad sy'n ymwneud â hi;
 - (ii) y dyddiad y cyhoeddwyd hysbysiad amdani mewn papur newydd lleol; neu
 - (iii) y dyddiad y cyhoeddwyd hysbysiad amdani ar y wefan.

(8) Rhaid i'r ceisydd neu'r apelydd sy'n darparu gwybodaeth bellach neu unrhyw wybodaeth arall, yn unol â pharagraff (1)—

- (a) sicrhau bod nifer rhesymol o gopïau o'r wybodaeth ar gael yn y cyfeiriad a enwir yn yr hysbysiad a gyhoeddwyd yn unol â pharagraff (3)(i) fel y cyfeiriad lle gellir cael copïau o'r fath; a
- (b) cymryd unrhyw gamau rhesymol sy'n ofynnol gan yr awdurdod i sicrhau bod copïau o'r wybodaeth bellach neu wybodaeth arall ar gael i'w gweld ar y wefan y cyfeirir ati yn yr hysbysiad a gyhoeddir yn unol â pharagraff (3).

(9) Caniateir codi tâl rhesymol sy'n adlewyrchu costau argraffu a dosbarthu ar aelod o'r cyhoedd am gopi o'r wybodaeth bellach neu unrhyw wybodaeth arall, a roddir ar gael yn unol â pharagraff (8)(a).

(10) Caiff yr awdurdod cynllunio perthnasol neu Weinidogion Cymru neu arolygydd ei gwneud yn ofynnol i'r ceisydd neu'r apelydd ddangos pa bynnag dystiolaeth y gallant ofyn amdani yn rhesymol i wirio unrhyw wybodaeth yn y datganiad amgylcheddol.

Ystyried pa un a ddylid rhoi caniatâd cynllunio

25.—(1) Wrth benderfynu ar gais neu apêl y cyflwynwyd datganiad amgylcheddol mewn perthynas ag ef neu hi, rhaid i'r awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd—

- (a) archwilio'r wybodaeth amgylcheddol;

(7) Where information is requested under paragraph (1) or any other information is provided, the relevant planning authority, the Welsh Ministers or the inspector, as the case may be,—

- (a) must suspend determination of the application or appeal; and
- (b) must not determine it before the expiry of 30 days after the latest of—
 - (i) the date on which the further information or any other information was sent to all persons to whom the statement to which it relates was sent;
 - (ii) the date that notice of it was published in a local newspaper; or
 - (iii) the date that notice of it was published on the website.

(8) The applicant or appellant who provides further information or any other information, in accordance with paragraph (1) must—

- (a) ensure that a reasonable number of copies of the information are available at the address named in the notice published pursuant to paragraph (3)(i) as the address at which such copies may be obtained; and
- (b) take any reasonable steps required by the authority to ensure that copies of the further information or other information are made available for access on the website referred to in the notice published pursuant to paragraph (3).

(9) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of the further information or any other information, made available in accordance with paragraph (8)(a).

(10) The relevant planning authority or the Welsh Ministers or an inspector may require an applicant or appellant to produce such evidence as they may reasonably call for to verify any information in the environmental statement.

Consideration of whether planning permission should be granted

25.—(1) When determining an application or appeal in relation to which an environmental statement has been submitted the relevant planning authority or the Welsh Ministers, as the case may be, must—

- (a) examine the environmental information;

- (b) dod i gasgliad rhesymedig ynghylch effeithiau sylweddol y datblygiad arfaethedig ar yr amgylchedd, gan ystyried yr archwilio y cyfeirir ato yn is-baragraff (a) a, phan fo'n briodol, eu harchwiliad ategol eu hunain;
- (c) integreiddio'r casgliad hwnnw yn y penderfyniad o ran pa un ai i roi caniatâd cynllunio neu gydsyniad dilynol; a
- (d) os rhoddir caniatâd cynllunio neu gydsyniad dilynol, ystyried pa un a yw'n briodol gosod mesurau monitro.

(2) Rhaid i'r casgliad rhesymedig y cyfeirir ato ym mharagraff (1) fod yn gyfoes pan wneir y penderfyniad; a rhaid tybio bod y casgliad hwnnw yn gyfoes os ydyw, ym marn yr awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd, yn ymdrin â'r effeithiau sylweddol sy'n debygol o ddigwydd o ganlyniad i'r datblygiad arfaethedig.

(3) Wrth ystyried pa un ai i osod mesur monitro o dan baragraff (1)(d), rhaid i'r awdurdod cynllunio perthnasol neu Weinidogion Cymru, fel y bo'n briodol—

- (a) os ystyrir bod monitro yn briodol, ystyried pa un ai i wneud darpariaeth ar gyfer camau unioni posibl;
- (b) cymryd camau i sicrhau bod y math o baramedrau sydd i'w monitro, a hyd y cyfnod monitro, yn gymesur â natur, lleoliad a maint y datblygiad arfaethedig ac arwyddocâd ei effeithiau ar yr amgylchedd; ac
- (c) ystyried, er mwyn osgoi dyblygu monitro, pa un a yw trefniadau monitro sy'n ofynnol o dan ddeddfwriaeth yr Undeb (ac eithrio deddfwriaeth sy'n gweithredu gofynion y Gyfarwyddeb) neu ddeddfwriaeth arall sy'n gymwys yng Nghymru yn fwy priodol na gosod mesurau monitro.

(4) Mewn achosion pan nad oes amserlen statudol wedi ei phennu, rhaid i benderfyniad yr awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd, gael ei wneud o fewn cyfnod rhesymol, gan ystyried natur a chymhlethdod y datblygiad arfaethedig, o'r dyddiad y darparwyd yr wybodaeth amgylcheddol i'r awdurdod cynllunio perthnasol neu Weinidogion Cymru.

- (b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;
- (c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
- (d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.

(2) The reasoned conclusion referred to in paragraph (1) must be up to date when the determination is made; and that conclusion must be taken to be up to date if in the opinion of the relevant planning authority or the Welsh Ministers, as the case may be, it addresses the significant effects that are likely to arise as a result of the development proposed.

(3) When considering whether to impose a monitoring measure under paragraph (1)(d), the relevant planning authority or the Welsh Ministers, as appropriate, must—

- (a) if monitoring is considered to be appropriate, consider whether to make provision for potential remedial action;
- (b) take steps to ensure that the type of parameters to be monitored and the duration of the monitoring are proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment; and
- (c) consider, in order to avoid duplication of monitoring, whether monitoring arrangements required under Union legislation (other than legislation implementing the requirements of the Directive) or other legislation applicable in Wales are more appropriate than imposing monitoring measures.

(4) In cases where no statutory timescale is in place the determination of the relevant planning authority or the Welsh Ministers, the case may be, must be made within a reasonable period of time, taking into account the nature and complexity of the proposed development, from the date on which the relevant planning authority or the Welsh Ministers have been provided with the environmental information.

RHAN 6

Cyd-drefnu asesiadau

26.—(1) Pan fo, mewn perthynas â datblygiad AEA, ofyniad i gynnal Asesiad Rheoliadau Cynefinoedd hefyd yn ogystal â'r gofyniad i gynnal asesiad o'r effaith amgylcheddol, rhaid i'r awdurdod cynllunio perthnasol (neu Weinidogion Cymru, yn ôl y digwydd) sicrhau pan fo'n briodol bod yr Asesiad Rheoliadau Cynefinoedd a'r asesiad o'r effaith amgylcheddol yn cael eu cyd-drefnu.

(2) Yn y rheoliad hwn, ystyr "Asesiad Rheoliadau Cynefinoedd" ("*Habitats Regulations Assessment*") yw asesiad o dan reoliad 61 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010.

RHAN 7

Argaeledd Cyfarwyddydau etc. a Hysbysu am Benderfyniadau

Argaeledd barnau, cyfarwyddydau etc. i'w harchwilio

27.—(1) Pan fo manylion am gais cynllunio neu gais dilynol yn cael eu gosod yn Rhan 1 o'r gofrestr, rhaid i'r awdurdod cynllunio perthnasol gymryd camau i sicrhau bod copi yn cael eu gosod yn y Rhan honno hefyd o unrhyw—

- (a) barn sgrinio;
- (b) cyfarwyddyd sgrinio;
- (c) barn gwmpasu;
- (d) cyfarwyddyd cwmpasu;
- (e) hysbysiad a roddwyd o dan reoliad 11(1), 12(2) neu 13(5);
- (f) cyfarwyddyd o dan reoliad 5(4) neu (5);
- (g) datganiad amgylcheddol, gan gynnwys unrhyw wybodaeth bellach ac unrhyw wybodaeth arall;
- (h) datganiad o resymau sy'n dod gydag unrhyw rai o'r uchod.

(2) Pan fo'r awdurdod cynllunio perthnasol—

- (a) yn mabwysiadu barn sgrinio neu farn gwmpasu; neu

PART 6

Coordination of assessments

26.—(1) Where in relation to EIA development there is, in addition to the requirement for an environmental impact assessment to be carried out, also a requirement to carry out a Habitats Regulations Assessment, the relevant planning authority (or the Welsh Ministers, as the case may be) must where appropriate ensure that the Habitats Regulations Assessment and the environmental impact assessment are co-ordinated.

(2) In this regulation, a "Habitats Regulations Assessment" ("*Asesiad Rheoliadau Cynefinoedd*") means an assessment under regulation 61 of the Conservation of Habitats and Species Regulations 2010.

PART 7

Availability of Directions etc. and Notification of Decisions

Availability of opinions, directions etc. for inspection

27.—(1) Where particulars of a planning application or a subsequent application are placed on Part 1 of the register, the relevant planning authority must take steps to secure that there is also placed on that Part a copy of any—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 11(1), 12(3) or 13(5);
- (f) direction under regulation 5(4) or (5);
- (g) environmental statement, including any further information and any other information;
- (h) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority—

- (a) adopt a screening opinion or scoping opinion; or

- (b) yn cael gofyniad o dan reoliad 14(1), neu 15(1), neu gopi o gyfarwyddyd sgrinio, cyfarwyddyd cwmpasu, neu gyfarwyddyd o dan reoliad 5(4) cyn y gwneir cais am ganiatâd cynllunio neu gydsyniad dilynol ar gyfer y datblygiad dan sylw,

rhaid i'r awdurdod gymryd camau i sicrhau bod copi o'r farn, y cais neu'r cyfarwyddyd ac unrhyw ddatganiad o'r rhesymau sy'n dod gydag ef neu hi yn cael eu rhoi ar gael i'r cyhoedd edrych arnynt ar bob adeg resymol yn y lle y cedwir y gofrestr briodol (neu ran berthnasol o'r gofrestr honno).

(3) Rhaid i gopïau o'r dogfennau y cyfeirir atynt ym mharagraff (2) barhau i fod ar gael yn y modd hwn am gyfnod o ddwy flynedd o'r dyddiad y gosodir hwy ar y gofrestr.

Gwybodaeth i fynd gyda phenderfyniadau

28.—(1) Pan fo cais neu apêl AEA y cyflwynwyd datganiad amgylcheddol mewn perthynas ag ef neu hi yn cael ei benderfynu neu ei phenderfynu gan awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd, rhaid i'r person sy'n gwneud y penderfyniad hwnnw ddarparu i'r ceisydd neu'r apelydd yr wybodaeth a bennir ym mharagraff (2).

(2) Yr wybodaeth honno yw—

- (a) gwybodaeth ynghylch yr hawl i herio dilysrwydd y penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny; a
- (b) os yw'n benderfyniad i roi caniatâd cynllunio neu gydsyniad dilynol—
- (i) casgliad rhesymedig yr awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd, ynghylch effeithiau sylweddol y datblygiad ar yr amgylchedd, gan ystyried canlyniadau'r archwiliad y cyfeirir ato yn rheoliad 25(1)(a) a (b);
- (ii) unrhyw amodau y mae'r penderfyniad yn ddarostyngedig iddynt sy'n ymwneud ag effeithiau sylweddol tebygol y datblygiad ar yr amgylchedd;
- (iii) disgrifiad o unrhyw un neu ragor o nodweddion y datblygiad ac unrhyw fesurau a ragwelir er mwyn osgoi, atal neu leihau effeithiau andwyol sylweddol tebygol ar yr amgylchedd, a gwrthbwysu'r effeithiau hynny os yw'n bosibl; a
- (iv) unrhyw fesurau monitro y mae'r awdurdod neu Weinidogion Cymru, yn ôl y digwydd, yn ystyried eu bod yn briodol; neu

- (b) receive a request under regulation 14(1) or 15(1), or a copy of a screening direction, scoping direction, or direction under regulation 5(4) before an application is made for planning permission or subsequent consent for the development in question,

the authority must take steps to secure that a copy of the opinion, request, or direction and any accompanying statement of reasons are made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant part of that register) is kept.

(3) Copies of the documents referred to in paragraph (2) must remain so available for a period of two years from the date on which they are placed on the register.

Information to accompany decisions

28.—(1) Where an EIA application or appeal in relation to which an environmental statement has been submitted is determined by a relevant planning authority or the Welsh Ministers, as the case may be, the person making that determination must provide to the applicant or appellant the information specified in paragraph (2).

(2) The information is—

- (a) information regarding the right to challenge the validity of the decision and the procedures for doing so; and
- (b) if the decision is to grant planning permission or subsequent consent—
- (i) the reasoned conclusion of the relevant planning authority or the Welsh Ministers, as the case may be, on the significant effects of the development on the environment, taking into account the results of the examination referred to in regulation 25(1)(a) and (b);
- (ii) any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
- (iii) a description of any features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; and
- (iv) any monitoring measures considered appropriate by the authority or the Welsh Ministers, as the case may be; or

- (c) os yw'n benderfyniad i wrthod caniatâd cynllunio neu gydsyniad dilynol, y prif resymau dros wrthod.

- (c) if the decision is to refuse planning permission or subsequent consent, the main reasons for the refusal.

Dyletswyddau i hysbysu'r cyhoedd a Gweinidogion Cymru am y penderfyniadau terfynol

29.—(1) Pan fo cais AEA yn cael ei benderfynu gan awdurdod cynllunio lleol, rhaid i'r awdurdod wneud y canlynol yn brydlon—

- (a) hysbysu Gweinidogion Cymru am y penderfyniad drwy ddulliau electronig;
- (b) hysbysu'r ymgynghoreion am y penderfyniad;
- (c) hysbysu'r cyhoedd am y penderfyniad, drwy hysbyseb leol, neu drwy'r fath ddull arall sy'n rhesymol dan yr amgylchiadau; a
- (d) sicrhau bod datganiad yn cael ei roi ar gael i'r cyhoedd edrych arno yn y lle y cedwir y gofrestr briodol (neu'r rhan berthnasol o'r gofrestr honno), sy'n cynnwys—
 - (i) manylion y materion y cyfeirir atynt yn rheoliad 28(2);
 - (ii) y prif resymau ac ystyriaethau y mae'r penderfyniad wedi ei seilio arnynt gan gynnwys, os yw'n berthnasol, gwybodaeth am gyfranogiad y cyhoedd;
 - (iii) crynodeb o ganlyniadau'r ymgynghoriadau a gynhaliwyd a'r wybodaeth a gasglwyd, mewn cysylltiad â'r cais a sut y mae'r canlyniadau hynny, yn enwedig y sylwadau a gafwyd gan Wladwriaeth AEE yn unol ag ymgynghoriad o dan reoliad 56, wedi eu hymgorffori neu sut yr ymdriniwyd â hwy fel arall.

(2) Pan fo cais AEA yn cael ei benderfynu gan Weinidogion Cymru neu arolygydd, rhaid i Weinidogion Cymru—

- (a) hysbysu'r awdurdod cynllunio perthnasol am y penderfyniad; a
- (b) darparu datganiad o'r math a grybwyllir ym mharagraff (1)(c) i'r awdurdod.

(3) Rhaid i'r awdurdod cynllunio perthnasol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad o dan baragraff (2)(a), gydymffurfio ag is-baragraffau (b) i (d) o baragraff (1) mewn perthynas â'r penderfyniad yr hysbyswyd amdano yn y modd hwn fel pe bai'n benderfyniad yr awdurdod.

Duties to inform the public and the Welsh Ministers of final decisions

29.—(1) Where an EIA application is determined by a local planning authority, the authority must promptly—

- (a) inform the Welsh Ministers of the decision by electronic means;
- (b) inform the consultees of the decision;
- (c) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (d) make available for public inspection at the place where the appropriate register (or relevant part of that register) is kept, a statement containing—
 - (i) details of the matters referred to in regulation 28(2);
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a summary of the results of the consultations undertaken and information gathered, in respect of the application and how those results, in particular how the comments received from an EEA State pursuant to consultation under regulation 56, have been incorporated or otherwise addressed.

(2) Where an EIA application is determined by the Welsh Ministers or an inspector, the Welsh Ministers must—

- (a) notify the relevant planning authority of the decision; and
- (b) provide the authority with such a statement as is mentioned in paragraph (1)(c).

(3) The relevant planning authority must, as soon as reasonably practicable after receipt of a notification under paragraph (2)(a), comply with sub-paragraphs (b) to (d) of paragraph (1) in relation to the decision so notified as if it were a decision of the authority.

RHAN 8

Ceisiadau am ganiatâd cynllunio a wneir i Weinidogion Cymru

Cymhwysio Rhannau 2 i 7

30.—(1) Mae'r Rhan hon yn gymwys pan wneir cais am ganiatâd cynllunio i Weinidogion Cymru ac felly ystyr "cais" ("*application*") yn y Rhan hon yw cais am ganiatâd cynllunio a wneir yn y modd hwn.

(2) Mae Rhannau 2 i 7 yn gymwys, yn ddarostyngedig i'r eithriadau yn y paragraff canlynol a'r addasiadau a'r darpariaethau atodol yn y Rhan hon.

(3) Nid yw rheoliadau 6, 7(1), 7(2), 8 i 15, 20, na 22 yn gymwys.

Ceisiadau am gyfarwyddydau sgrinio Gweinidogion Cymru

31.—(1) Caiff person sy'n bwriadu gwneud cais ofyn i Weinidogion Cymru fabwysiadu cyfarwyddyd sgrinio.

(2) Rhaid i'r canlynol ddod gyda gofyniad am gyfarwyddyd sgrinio mewn perthynas â chais—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad o'r datblygiad, gan gynnwys yn benodol—
 - (i) disgrifiad o nodweddion ffisegol y datblygiad cyfan a, phan fo'n berthnasol, y gwaith dymchwel;
 - (ii) disgrifiad o leoliad y datblygiad, gan roi sylw penodol i sensitifrwydd amgylcheddol yr ardal oedd daearyddol sy'n debygol o gael eu heffeithio;
- (c) disgrifiad o'r agweddau ar yr amgylchedd y mae'r datblygiad yn debygol o gael effaith sylweddol arnynt;
- (d) disgrifiad o unrhyw effeithiau sylweddol tebygol y datblygiad arfaethedig ar yr amgylchedd, i'r graddau y mae gwybodaeth ar gael am yr effeithiau hynny, o ganlyniad i—
 - (i) y gwaddodion a'r allyriadau disgwylidiedig a'r gwastraff a gynhyrchir, pan fo'n berthnasol; a
 - (ii) y defnydd o adnoddau naturiol, yn enwedig pridd, tir, dŵr a bioamrywiaeth;
- (e) datganiad bod y gofyniad yn cael ei wneud mewn perthynas â datblygiad o arwyddocâd cenedlaethol at ddibenion 62D o Ddeddf 1990; ac

PART 8

Applications for planning permission made to the Welsh Ministers

Application of Parts 2 to 7

30.—(1) This Part applies where an application for planning permission is made to the Welsh Ministers and so that "application" ("*cais*") in this Part means an application for planning permission so made.

(2) Parts 2 to 7 apply subject to the exceptions in the following paragraph and the modifications and supplementary provisions in this Part.

(3) Regulations 6, 7(1), 7(2), 8 to 15, 20, and 22 do not apply.

Requests for screening directions of the Welsh Ministers

31.—(1) A person who is minded to make an application may request the Welsh Ministers to adopt a screening direction.

(2) A request for a screening direction in relation to an application must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
 - (i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity;
- (e) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and

(f) y fath wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y gofyniad ddyuno eu darparu neu eu cyflwyno, gan gynnwys unrhyw nodweddion y datblygiad arfaethedig neu unrhyw fesurau a ragwelir i osgoi neu atal yr hyn a allai fel arall fod wedi bod yn effeithiau andwyol sylweddol ar yr amgylchedd.

(3) Rhaid i'r person sy'n gofyn am y farn sgrinio ystyried y meini prawf yn Atodlen 3 a'r canlyniadau sydd ar gael o asesiadau amgylcheddol eraill a gynhaliwyd yn unol â deddfwriaeth yr Undeb ac eithrio o dan y Gyfarwydddeb pan fydd y person hwnnw yn darparu'r wybodaeth sy'n ofynnol gan baragraff (2).

(4) Rhaid i berson sy'n gwneud gofyniad yn unol â pharagraff (1) anfon copi o'r gofyniad hwnnw a'r dogfennau sy'n dod gyda'r gofyniad hwnnw i'r awdurdod cynllunio perthnasol.

(5) Mae paragraffau (3) i (9) o reoliad 7 yn gymwys fel pe bai'r cyfeiriadau at ofyn am farn o dan reoliad 6(8) yn gyfeiriadau at ofyn am gyfarwyddyd o dan reoliad 31(1).

Ceisiadau a wneir heb ddatganiad amgylcheddol

32.—(1) Pan wneir cais ac mae'n ymddangos i Weinidogion Cymru—

- (a) ei fod yn gais AEA; a
- (b) nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol yn dod gyda'r cais, at ddibenion y Rheoliadau hyn,

rhaid i Weinidogion Cymru hysbysu'r ceisydd bod cyflwyno datganiad amgylcheddol yn ofynnol a rhaid iddynt anfon copi o'r hysbysiad hwnnw i'r awdurdod cynllunio perthnasol.

(2) Rhaid i Weinidogion Cymru hysbysu'r ceisydd yn unol â pharagraff (1) o fewn 28 o ddiwrnodau sy'n dechrau gyda'r dyddiad y mae Gweinidogion Cymru yn cael y cais neu ba bynnag gyfnod hwy a bennir gan Weinidogion Cymru.

(3) Caiff ceisydd sy'n cael hysbysiad o dan baragraff (1) gadarnhau i Weinidogion Cymru, o fewn 21 o ddiwrnodau yn dechrau gyda dyddiad yr hysbysiad, y darperir datganiad amgylcheddol.

(4) Pan fo Gweinidogion Cymru yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb leol, rhaid i Weinidogion Cymru roi gwybod i'r ceisydd am unrhyw berson o'r fath.

(f) such other information or representations as the person making the request may wish to provide or make including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(3) The person making the request for the screening opinion must take into account the criteria in Schedule 3 and the available results of other environmental assessments carried out pursuant to Union legislation other than under the Directive when that person provides the information required by paragraph (2).

(4) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(5) Paragraphs (3) to (9) of regulation 7 apply as if the references to making a request under regulation 6(8) were references to making a request under regulation 31(1).

Applications made without an environmental statement

32.—(1) Where an application is made and it appears to the Welsh Ministers that—

- (a) it is an EIA application;
- and
- (b) it is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Welsh Ministers must notify the applicant that the submission of an environmental statement is required and send a copy of that notification to the relevant planning authority.

(2) The Welsh Ministers must notify the applicant in accordance with paragraph (1) within 28 days, beginning with the date on which the Welsh Ministers are in receipt of an application, or such longer period as the Welsh Ministers may determine.

(3) An applicant who receives a notification under paragraph (1) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(4) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, the Welsh Ministers must notify the applicant of any such person.

(5) Os nad yw'r ceisydd yn cadarnhau yn unol â pharagraff (3), nid oes gan Weinidogion Cymru unrhyw ddyletswydd i ymdrin â'r cais ac ar ddiwedd y cyfnod o 21 o ddiwrnodau rhaid iddynt hysbysu'r ceisydd nad oes unrhyw gamau pellach yn cael eu cymryd yn glŷn â'r cais.

(6) Pan—

- (a) fo hysbysiad wedi ei roi o dan baragraff (1); a
- (b) nad yw'r ceisydd yn cyflwyno datganiad amgylcheddol ac yn cydymffurfio â rheoliad 19 (cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio),

rhaid i Weinidogion Cymru benderfynu ar y cais drwy wrthod caniatâd cynllunio yn unig.

Cyfarwyddydau cwmpasu

33.—(1) Caiff person sy'n bwriadu gwneud cais am ganiatâd cynllunio ofyn i Weinidogion Cymru wneud cyfarwyddyd cwmpasu.

(2) Rhaid i ofyniad o dan baragraff (1) gynnwys—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad byr o natur a diben y datblygiad, gan gynnwys ei leoliad a'i gapasiti technegol;
- (c) ei effeithiau sylweddol tebygol ar yr amgylchedd;
- (d) datganiad y gofynnir am gyfarwyddyd mewn perthynas â datblygiad o arwyddocâd cenedlaethol at ddibenion adran 62D o Ddeddf 1990; ac
- (e) y fath wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y gofyniad ddymuno eu darparu neu eu cyflwyno.

(3) Rhaid i berson sy'n gwneud gofyniad yn unol â pharagraff (1) anfon copi o'r gofyniad hwnnw a'r dogfennau sy'n dod gyda'r gofyniad hwnnw i'r awdurdod cynllunio perthnasol.

(4) Os nad yw Gweinidogion Cymru yn ystyried bod yr wybodaeth a ddarperir yn unol â pharagraff (1) yn ddigonol ar gyfer gwneud cyfarwyddyd cwmpasu, rhaid i Weinidogion Cymru roi hysbysiad i'r person sy'n gwneud y gofyniad.

(5) Rhaid i'r hysbysiad nodi unrhyw bwyntiau y mae angen gwybodaeth ychwanegol amdanynt.

(6) Caiff Gweinidogion Cymru hefyd ofyn i'r awdurdod cynllunio perthnasol ddarparu pa bynnag wybodaeth y gall am unrhyw rai o'r pwyntiau hyn.

(5) If the applicant does not confirm in accordance with paragraph (3), the Welsh Ministers are under no duty to deal with the application and, at the end of the 21 day period, they must inform the applicant that no further action is being taken on the application.

(6) Where—

- (a) a notification has been given under paragraph (1); and
- (b) the applicant does not submit an environmental statement and comply with regulation 19 (publicity where an environmental statement is submitted after the planning application),

the Welsh Ministers must determine the application only by refusing planning permission.

Scoping directions

33.—(1) A person who is minded to make an application for planning permission may ask the Welsh Ministers to make a scoping direction.

(2) A request under paragraph (1) must include—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development including its location and technical capacity;
- (c) its likely significant effects on the environment;
- (d) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and
- (e) such other information or representations as the person making the request may wish to provide or make.

(3) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(4) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.

(5) The notice must set out any points on which additional information is required.

(6) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(7) Rhaid i Weinidogion Cymru—

- (a) ymgynghori â'r ymgynghoreion cyn gwneud cyfarwyddyd cwmpasu mewn ymateb i ofyniad o dan baragraff (1), a
- (b) gwneud cyfarwyddyd ac anfon copi at y person sy'n gofyn am y cyfarwyddyd ac i'r awdurdod cynllunio perthnasol, o fewn cyfnod o 8 wythnos sy'n dechrau â'r dyddiad y ceir y gofyniad hwnnw neu unrhyw gyfnod hwy a all fod yn rhesymol ofynnol.

(8) Cyn gwneud cyfarwyddyd cwmpasu rhaid i Weinidogion Cymru ystyried—

- (a) unrhyw wybodaeth a ddarperir gan y ceisydd ynghylch y datblygiad arfethedig;
- (b) nodweddion neilltuol y datblygiad penodol;
- (c) nodweddion neilltuol y datblygiad o'r math dan sylw; a
- (d) y nodweddion amgylcheddol y mae'r datblygiad yn debygol o effeithio arnynt yn sylweddol.

(9) Nid oes dim yn atal Gweinidogion Cymru, (ar ôl iddynt wneud cyfarwyddyd cwmpasu) rhag ei gwneud yn ofynnol i'r person sy'n gofyn am y cyfarwyddyd ddarparu gwybodaeth ychwanegol ynghylch effeithiau sylweddol tebygol y datblygiad arfaethedig.

(10) Ystyr “Gwybodaeth ychwanegol” (“*additional information*”) ym mharagraff (9) yw gwybodaeth mewn cysylltiad ag unrhyw ddatganiad y caniateir ei gyflwyno gan y person hwnnw fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn.

Gweithdrefn i hwyluso llunio datganiadau amgylcheddol

34. Mae rheoliad 16 yn gymwys fel pe bai—

- (a) paragraff (3) yn darllen—
“(3) Rhaid i dderbynydd—
 - (a) hysbysiad o'r math a grybwyllir ym mharagraff (1); neu
 - (b) datganiad a wneir yn unol â rheoliad 11(4)(a), 12(6), 13(7) neu 32(3)—
 - (i) hysbysu'r ymgynghoreion o enw a chyfeiriad y person sy'n bwriadu cyflwyno datganiad amgylcheddol a'r ddyletswydd a osodir ar yr ymgynghoreion gan baragraff (4) i sicrhau bod gwybodaeth yn cael ei rhoi ar gael i'r person hwnnw; a

(7) The Welsh Ministers must—

- (a) consult the consultees before making a scoping direction in response to a request under paragraph (1), and
- (b) make a direction and send a copy to the person who made the request and to the relevant planning authority, within 8 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(8) Before making a scoping direction the Welsh Ministers must take into account—

- (a) any information provided by the applicant about the proposed development;
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be significantly affected by the development.

(9) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) from requiring the person who made the request to provide additional information about the likely significant effects of the proposed development.

(10) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations.

Procedure to facilitate preparation of environmental statements

34. Regulation 16 applies as if—

- (a) paragraph (3) reads—
“(3) The recipient of—
 - (a) such notice as is mentioned in paragraph (1); or
 - (b) a statement made pursuant to regulation 11(4)(a), 12(6), 13(7) or 32(3),must—
 - (i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultees by paragraph (4) to make information available to that person; and

- (ii) hysbysu'r person sy'n bwriadu cyflwyno datganiad amgylcheddol o enwau a chyfeiriadau'r ymgynghoreion a hysbyswyd felly.”; a
- (b) y cyfeiriadau ym mharagraffau (4) a (5) i'r “awdurdod cynllunio perthnasol” ac “awdurdod” yn gyfeiriadau at Weinidogion Cymru.

- (ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.”; and
- (b) the references in paragraphs (4) and (5) to the “relevant planning authority” and “authority” were to the Welsh Ministers.

Cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio

35. Mae rheoliad 19 yn gymwys fel pe bai paragraffau (2) a (3) yn darllen—

“(2) Rhaid i'r ceisydd gyhoeddi hysbysiad yn nodi'r canlynol mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol lle mae'r tir wedi ei leoli—

- (a) enw'r ceisydd, bod cais yn cael ei wneud i Weinidogion Cymru am ganiatâd cynllunio a chyfeiriad Gweinidogion Cymru;
- (b) y dyddiad y gwnaed y cais;
- (c) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (d) bod copi o'r cais, unrhyw blan a dogfennau eraill sy'n mynd ynghyd ag ef, a chopi o'r datganiad amgylcheddol ar gael i aelodau'r cyhoedd edrych arnynt ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle mae'r dogfennau hynny ar gael i'r cyhoedd edrych arnynt, a'r dyddiad olaf y maent ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (f) manylion gwefan a gynhelir gan Weinidogion Cymru, neu ar eu rhan, lle gellir gweld y datganiad amgylcheddol a dogfennau eraill, a'r dyddiad diweddaraf y byddant ar gael i'w cyrchu (sef dyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (g) cyfeiriad (pa un a yw yr un cyfeiriad a roddir o dan is-baragraff (e) ai peidio) yn yr ardal leol lle mae'r tir wedi ei leoli lle gellir cael copïau o'r datganiad;

Publicity where an environmental statement is submitted after the planning application

35. Regulation 19 applies as if paragraphs (2) and (3) read—

“(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the applicant's name, that an application is being made to the Welsh Ministers for planning permission and the address of the Welsh Ministers;
- (b) the date on which the application was made;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application, any accompanying plan and other documents, and 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 are available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the Welsh Ministers on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
- (g) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;

- (h) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (i) os codir tâl am gopi, swm y tâl;
- (j) bod yn rhaid i unrhyw berson sy'n dymuno cyflwyno sylwadau ynglŷn â'r cais eu cyflwyno i Weinidogion Cymru cyn y dyddiad a nodir yn unol ag is-baragraff (e) neu (f), pa un bynnag sydd ddiweddaraf; a

- (k) y cyfeiriad y dylid anfon sylwadau iddo.

(3) Rhaid i geisydd sy'n cael ei hysbysu o dan reoliad 32(4) ynghylch person o'r math a grybwyllir yn y rheoliad hwnnw gyflwyno hysbysiad i bob person o'r fath; a rhaid i'r hysbysiad gynnwys yr wybodaeth a bennir ym mharagraff (2), ond ni chaiff y dyddiad a nodir fel y dyddiad olaf y mae'r dogfennau ar gael i aelodau o'r cyhoedd edrych arnynt fod yn llai na 21 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyflwynir yr hysbysiad gyntaf."

- (h) that copies may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy, the amount of the charge;
- (j) that any person wishing to make representations about the application must make them, before the date named in accordance with sub-paragraph (e) or (f), whichever is the latest, to the Welsh Ministers; and

- (k) the address to which representations should be sent.

(3) An applicant who is notified under regulation 32(4) of such a person as mentioned in that regulation, must serve a notice on every such person; and the notice must contain the information specified in paragraph (2), except that the date noted 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."

Argaeledd copïau o ddatganiadau amgylcheddol

36. Rhaid i geisydd sy'n cyflwyno datganiad amgylcheddol mewn cysylltiad â chais, sicrhau bod nifer rhesymol o gopïau o'r datganiad ar gael yn y cyfeiriad a enwir yn yr hysbysiadau a gyhoeddir neu a gyflwynir yn unol ag erthygl 18(2) o Orchymyn 2016 fel y cyfeiriad lle gellir cael copïau o'r fath.

Argaeledd cyfarwyddydau etc. i'w harchwilio

37. Mae rheoliad 27 yn gymwys fel pe bai paragraff (1)(e) yn darllen "hysbysiad a roddwyd o dan reoliad 32(2) (ceisiadau a wneir heb ddatganiad amgylcheddol);".

Availability of copies of environmental statements

36. An applicant who submits an environmental statement in connection with an application, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or served pursuant to article 18(2) of the 2016 Order as the address at which such copies may be obtained.

Availability of directions etc. for inspection

37. Regulation 27 applies as if paragraph (1)(e) reads "notification given under regulation 32(2) (applications made without environmental statement);".

RHAN 9

Cyfyngiadau ar Roi Caniatâd

Cynlluniau parth cynllunio wedi eu symleiddio neu orchymynion parth menter newydd

38. Ni chaiff—

- (a) mabwysiadu neu gymeradwyo cynllun parth cynllunio wedi ei symleiddio(1);
- (b) gorchymyn sy'n dynodi parth menter a wnaed o dan adran 88 o Ddeddf 1990; neu

PART 9

Restrictions of Grants of Permission

New simplified planning zone schemes or enterprise zone orders

38. No—

- (a) adoption or approval of a simplified planning zone scheme(1);
- (b) an order designating an enterprise zone made under section 88 of the 1990 Act; or

(1) *Gweler* y diffiniad o "simplified planning zone" yn adran 336 o Ddeddf 1990.

(1) *See* the definition of "simplified planning zone" in section 336 of the 1990 Act.

(c) cymeradwyo cynllun wedi ei addasu mewn perthynas â pharth menter o'r fath, wneud y canlynol—

- (i) rhoi caniatâd cynllunio ar gyfer datblygiad AEA; neu
- (ii) rhoi caniatâd cynllunio ar gyfer datblygiad Atodlen 2 oni bai bod y caniatâd hwnnw yn cael ei wneud yn ddarostyngedig i fabwysiadu barn sgrinio yn flaenorol neu cyn gwneud cyfarwyddyd sgrinio nad yw'r datblygiad arfaethedig penodol yn ddatblygiad AEA.

Gorchymynion datblygu lleol

39.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â datblygiad Atodlen 2 y mae awdurdod cynllunio lleol yn bwriadu rhoi caniatâd cynllunio iddo drwy orchymyn datblygu lleol.

(2) Pan fo'r rheoliad hwn yn gymwys—

- (a) ni chaiff awdurdod cynllunio lleol fabwysiadu na diwygio gorchymyn datblygu lleol oni bai ei fod naill ai wedi gofyn am farn sgrinio a'i mabwysiadu neu bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio;
- (b) mae rheoliad 7(1) yn gymwys fel pe bai'r geiriau "yn unol â rheoliad 6(8)" wedi eu heggor;
- (c) mae rheoliadau 6(2) i (9), 7 ac 8 yn gymwys fel pe bai cyfeiriadau—
 - (i) at gais am ganiatâd cynllunio yn gyfeiriadau at gynnig ar gyfer gorchymyn datblygu lleol;
 - (ii) at awdurdod cynllunio perthnasol yn gyfeiriadau at yr awdurdod cynllunio lleol a fyddai'n gyfrifol am fabwysiadu neu ddiwygio'r gorchymyn datblygu lleol;
 - (iii) at y ceisydd yn gyfeiriadau at yr awdurdod; a
 - (iv) at gais Atodlen 2 yn gyfeiriadau at gynnig ar gyfer gorchymyn datblygu lleol i roi caniatâd cynllunio i ddatblygiad Atodlen 2.

(3) Mae paragraff (4) ac Atodlen 5 yn gymwys—

- (a) pan fo'r awdurdod cynllunio lleol yn mabwysiadu barn sgrinio; neu
- (b) pan fo Gweinidogion Cymru yn gwneud cyfarwyddyd sgrinio,

i'r perwyl bod y datblygiad dan sylw yn ddatblygiad AEA.

(c) the approval of a modified scheme in relation to such an enterprise zone,

may—

- (i) grant planning permission for EIA development; or
- (ii) grant planning permission for Schedule 2 development unless that grant is made subject to the prior adoption of a screening opinion or prior making of a screening direction that the particular proposed development is not EIA development.

Local development orders

39.—(1) This regulation applies in relation to Schedule 2 development for which a local planning authority propose to grant planning permission by local development order.

(2) Where this regulation applies—

- (a) the local planning authority must not adopt or revise a local development order unless they have either requested and adopted a screening opinion or the Welsh Ministers have made a screening direction;
- (b) regulation 7(1) applies as if the words "pursuant to regulation 6(8)" were omitted;
- (c) regulations 6(2) to (9), 7 and 8 apply as if references to—
 - (i) an application for planning permission, are to a proposal for a local development order;
 - (ii) a relevant planning authority, are to the local planning authority to whom it would fall to adopt or revise the local development order;
 - (iii) the applicant, are to the authority; and
 - (iv) a Schedule 2 application are to a proposal for a local development order to grant planning permission for Schedule 2 development.

(3) Paragraph (4) and Schedule 5 apply where—

- (a) the local planning authority adopts a screening opinion; or
- (b) the Welsh Ministers make a screening direction,

to the effect that the development concerned is EIA development.

(4) Ni chaiff yr awdurdod cynllunio lleol fabwysiadu na diwygio gorchymyn datblygu lleol sy'n rhoi caniatâd cynllunio ar gyfer datblygiad Atodlen 2 sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd yn rhinwedd ffactorau megis natur, maint neu leoliad y datblygiad oni bai bod asesiad o'r effaith amgylcheddol wedi ei gynnal mewn cysylltiad â'r datblygiad hwnnw.

Gorchymynion adran 97 a gorchymynion adran 102

40.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod cynllunio lleol neu Weinidogion Cymru yn bwriadu gwneud neu gadarnhau gorchymyn adran 97 sy'n addasu unrhyw ganiatâd i ddatblygu tir neu orchymyn adran 102 sy'n rhoi caniatâd cynllunio.

(2) Ni chaiff yr awdurdod cynllunio lleol na Gweinidogion Cymru wneud na chadarnhau gorchymyn adran 97 neu orchymyn adran 102 mewn perthynas â datblygiad Atodlen 2 oni bai bod yr awdurdod wedi gofyn am farn sgrinio a'i mabwysiadu neu bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio.

(3) Pan fo'r rheoliad hwn yn gymwys—

- (a) nid yw rheoliad 6(4) yn gymwys;
- (b) mae rheoliad 7(1) yn gymwys fel pe bai'r geiriau "yn unol â rheoliad 6(8)" wedi eu heggor;
- (c) mae rheoliadau 6(2), (4), (5) i (9) a 7(1), (3) i (9) yn gymwys fel pe bai cyfeiriadau—
 - (i) at gais am ganiatâd cynllunio yn gyfeiriadau at gynnig am orchymyn adran 97 neu orchymyn adran 102;
 - (ii) at awdurdod cynllunio perthnasol yn gyfeiriadau at y corff sy'n gyfrifol am wneud y gorchymyn adran 97 neu'r gorchymyn adran 102;
 - (iii) at y ceisydd yn gyfeiriadau at y corff cychwyn; a
 - (iv) at gais Atodlen 1 neu gais Atodlen 2 yn gyfeiriadau at gynnig ar gyfer gorchymyn adran 97 neu orchymyn adran 102 a fyddai'n rhoi neu'n addasu caniatâd cynllunio ar gyfer datblygiad Atodlen 1 neu ddatblygiad Atodlen 2 yn y drefn honno.

(4) Mae paragraffau (5) a (6) ac Atodlen 6 yn gymwys yn y naill achos neu'r llall—

- (a) i ddatblygiad Atodlen 1;
- (b) pan fo naill ai—
 - (i) yr awdurdod cynllunio lleol yn mabwysiadu barn sgrinio, neu

(4) The local planning authority must not adopt or revise a local development order which grants planning permission for Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location unless an environmental impact assessment has been carried out in respect of that development.

Section 97 orders and section 102 orders

40.—(1) This regulation applies where a local planning authority or the Welsh Ministers propose to make or confirm a section 97 order modifying any permission to develop land or a section 102 order granting planning permission.

(2) The local planning authority must not make and the Welsh Ministers must not make or confirm a section 97 order or a section 102 order in relation to Schedule 2 development unless the authority have requested and adopted a screening opinion or the Welsh Ministers have made a screening direction.

(3) Where this regulation applies—

- (a) regulation 6(4) does not apply;
- (b) regulation 7(1) applies as if the words "pursuant to regulation 6(8)" were omitted;
- (c) regulations 6(2), (4), (5) to (9) and 7(1), (3) to (9) apply as if references to—
 - (i) an application for planning permission, are to a proposal for a section 97 or a section 102 order;
 - (ii) a relevant planning authority, are to the body to whom it falls to make the section 97 or section 102 order;
 - (iii) the applicant are to the initiating body; and
 - (iv) a Schedule 1 or a Schedule 2 application are to a proposal of a section 97 order or a section 102 order which would grant or modify planning permission for Schedule 1 development or Schedule 2 development respectively.

(4) Paragraphs (5) and (6) and Schedule 6 apply in either case—

- (a) to Schedule 1 development;
- (b) where either—
 - (i) the local planning authority adopts a screening opinion, or

- (ii) Gweinidogion Cymru yn gwneud cyfarwyddyd sgrinio o dan y Rheoliadau hyn,

i'r perwyl bod y datblygiad yn ddatblygiad AEA.

(5) Ni chaiff yr awdurdod cynllunio lleol wneud gorchymyn adran 97 sy'n caniatáu datblygiad AEA neu'n gwneud datblygiad AEA yn ofynnol oni bai bod asesiad o'r effaith amgylcheddol wedi ei gynnal mewn perthynas â'r datblygiad hwnnw.

(6) Ni chaiff Gweinidogion Cymru gadarnhau na gwneud gorchymyn adran 97 na gorchymyn adran 102 sy'n caniatáu datblygiad AEA neu'n gwneud datblygiad AEA yn ofynnol oni bai bod asesiad o'r effaith amgylcheddol wedi ei gynnal mewn perthynas â'r datblygiad hwnnw.

Camau gweithredu o dan adran 141 o Ddeddf 1990

41.—(1) Mae'r rheoliad hwn ac Atodlen 7 yn gymwys mewn perthynas ag arfer swyddogaethau gan Weinidogion Cymru o dan adran 141(2) neu (3) o Ddeddf 1990(1).

(2) Pan fo Gweinidogion Cymru yn cael hysbysiad prynu o dan adran 139(4) o Ddeddf 1990, ni chaiff Gweinidogion Cymru addasu caniatâd cynllunio ar gyfer datblygiad AEA neu roi cyfarwyddyd, os y gwneir cais am ganiatâd cynllunio ar gyfer datblygiad AEA, bod rhaid rhoi'r caniatâd hwnnw oni bai y cynhaliwyd asesiad o'r effaith amgylcheddol mewn cysylltiad â'r datblygiad hwnnw.

RHAN 10

Datblygiad Anawdurdodedig

Dehongli'r Rhan hon

42. Yn y Rhan hon—

ystyr “apêl sail (a)” (“*ground (a) appeal*”) yw apêl a gyflwynir o dan adran 174(2)(a) o Ddeddf 1990 (apêl yn erbyn hysbysiad gorfodi)(2); ac

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- (1) Mae adran 141 o Ddeddf 1990 yn galluogi Gweinidogion Cymru i gymryd camau penodol mewn perthynas â chaniatâd cynllunio yn hytrach na chadarnhau hysbysiad prynu a gyflwynir iddynt yn unol ag adran 140 o Ddeddf 1990. Gellir cyflwyno hysbysiad prynu i gyngor yn unol ag adran 137 o Ddeddf 1990.
- (2) Diwygiwyd adran 174 gan adrannau 6, 32 ac 84 o Ddeddf 1991, O.S. 2004/3156 (Cy. 273) a pharagraff 22 o Ran 1 o Atodlen 19 iddi, adran 63 o Ddeddf Menter a Diwygio Rheoleiddio 2013 (p. 24) a pharagraffau 2 a 5 o Atodlen 17 iddi a chan adran 46 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4). Ceir diwygiadau eraill nad ydynt yn berthnasol o ran Cymru. *Gweler* hefyd adran 177(5) a ddiwygiwyd gan baragraff 24 o Atodlen 7 i Ddeddf 1991.

- (ii) the Welsh Ministers make a screening direction under these Regulations,

to the effect that the development is EIA development.

(5) The local planning authority must not make a section 97 order which permits or requires EIA development unless an environmental impact assessment has been carried out in relation to that development.

(6) The Welsh Ministers must not confirm or make a section 97 order or a section 102 order which permits or requires EIA development unless an environmental impact assessment has been carried out in relation to that development.

Action under section 141 of the 1990 Act

41.—(1) This regulation and Schedule 7 apply in relation to the exercise of functions by the Welsh Ministers under section 141(2) or (3) of the 1990 Act(1).

(2) Where the Welsh Ministers receive a purchase notice under section 139(4) of the 1990 Act, the Welsh Ministers must not modify planning permission for EIA development or direct that, if an application for planning permission for EIA development is made, it must be granted unless an environmental impact assessment has been carried out in respect of that development.

PART 10

Unauthorised Development

Interpretation of this Part

42. In this Part—

“enforcement functions” (“*swyddogaethau gorfodi*”) means—

- (a) the issue of an enforcement notice under section 172 of the 1990 Act (issue of enforcement notice)(2);
- (b) the issue of a planning contravention notice under section 171C of the 1990 Act (power to require information about activities on land)(3);

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- (1) Section 141 of the 1990 Act enables Welsh Ministers to take certain action in relation to planning permission instead of confirming a purchase notice submitted to them pursuant to section 140 of the 1990 Act. A purchase notice may be served on a council pursuant to section 137 of the 1990 Act.
- (2) Section 172 was substituted by section 5 of the 1991 Act.
- (3) Section 171C was inserted by section 1 of the 1991 Act and amended by article 5(a) of S.I. 2004/3156 (W. 273).

ystyr “datblygiad AEA anawdurdodedig” (“*unauthorised EIA development*”) yw datblygiad AEA sy’n destun hysbysiad gorfodi o dan adran 172 o Ddeddf 1990 (dyroddi hysbysiad gorfodi);

ystyr “swyddogaethau gorfodi” (“*enforcement functions*”) yw—

- (a) dyroddi hysbysiad gorfodi o dan adran 172 o Ddeddf 1990 (dyroddi hysbysiad gorfodi)(1);
- (b) dyroddi hysbysiad tramgwydd cynllunio o dan adran 171C o Ddeddf 1990 (pŵer i wneud gwybodaeth ynghylch gweithgarwch ar dir yn ofynnol)(2);
- (c) dyroddi hysbysiad stop dros dro o dan adran 171E o Ddeddf 1990 (hysbysiad stop dros dro)(3);
- (d) dyroddi hysbysiad stop o dan adran 183 o Ddeddf 1990 (hysbysiaid stop)(4);
- (e) cyflwyno hysbysiad torri amodau o dan adran 187A o Ddeddf 1990 (gorfodi amodau)(5); a
- (f) cais i’r llys am waharddeb o dan adran 187B o Ddeddf 1990 (gwaharddebau sy’n atal achosion o dorri rheol gynllunio)(6).

Dylatswydd i sicrhau y cyflawnir amcanion y Gyfarwyddeb

43. Rhaid i awdurdodau cynllunio perthnasol, wrth arfer eu swyddogaethau gorfodi, roi sylw i’r angen i sicrhau cydymffurfiaeth â gofynion ac amcanion y Gyfarwyddeb.

Gwahardd rhoi caniatâd cynllunio ar gyfer datblygiad AEA anawdurdodedig

44. Ni chaiff Gweinidogion Cymru nac arolygydd roi caniatâd cynllunio na chydysniad dilynol o dan adran 177(1) o Ddeddf 1990 (rhoi neu addasu caniatâd cynllunio ar apelau yn erbyn hysbysiaid gorfodi)(7) mewn cysylltiad â datblygiad AEA anawdurdodedig oni bai y cynhaliwyd asesiad o’r effaith amgylcheddol mewn cysylltiad â’r datblygiad hwnnw.

- (c) the issue of a temporary stop notice under section 171E of the 1990 Act (temporary stop notice)(1);
- (d) the issue of a stop notice under section 183 of the 1990 Act (stop notices)(2);
- (e) the service of a breach of condition notice under section 187A of the 1990 Act (enforcement of conditions)(3); and
- (f) an application to the court for an injunction under section 187B of the 1990 Act (injunctions restraining breaches of planning control)(4);

“ground (a) appeal” (“*apêl sail (a)*”) means an appeal brought under section 174(2)(a) of the 1990 Act (appeal against enforcement notice)(5); and

“unauthorised EIA development” (“*datblygiad AEA anawdurdodedig*”) means EIA development which is the subject of an enforcement notice under section 172 of the 1990 Act (issue of enforcement notice).

Duty to ensure objectives of the Directive are met

43. Relevant planning authorities, in the exercise of their enforcement functions, must have regard to the need to secure compliance with the requirements and objectives of the Directive.

Prohibition on the grant of planning permission for unauthorised EIA development

44. The Welsh Ministers or an inspector must not grant planning permission or subsequent consent under section 177(1) of the 1990 Act (grant or modification of planning permission on appeals against enforcement notices)(6) in respect of unauthorised EIA development unless an environmental impact assessment has been carried out in respect of that development.

(1) Amnewidiwyd adran 172 gan adran 5 o Ddeddf 1991.

(2) Mewnosodwyd adran 171C gan adran 1 o Ddeddf 1991 ac fe’i diwygiwyd gan erthygl 5(a) o O.S. 2004/3156 (Cy. 273).

(3) Mewnosodwyd adran 171E gan adran 52 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5).

(4) Amnewidiwyd adran 183 gan adran 9 o Ddeddf 1991.

(5) Mewnosodwyd adran 187A gan adran 2 o Ddeddf 1991. Ceir diwygiad pellach nad yw’n berthnasol o ran Cymru.

(6) Mewnosodwyd adran 187B gan adran 3 o Ddeddf 1991.

(7) Diwygiwyd adran 177 gan adrannau 6(3) a 32 o Ddeddf 1991 a pharagraff 24 o Atodlen 7 iddi, a chan adran 123(1), (6) o Ddeddf Lleoliaeth 2011 (p. 20) a chan adran 46 o Ddeddf Cynllunio (Cymru) 2015. Mae diwygiad arall nad yw’n berthnasol i’r offeryn hwn.

(1) Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004 (c. 5).

(2) Section 183 was substituted by section 9 of the 1991 Act.

(3) Section 187A was inserted by section 2 of the 1991 Act. There is a further amendment which is not relevant to Wales.

(4) Section 187B was inserted by section 3 of the 1991 Act.

(5) Section 174 was amended by sections 6, 32 and 84 of, and paragraph 22 of Part 1 to Schedule 19 to the 1991 Act, S.I. 2004/3156 (W. 273), section 63 of, and paragraphs 2 and 5 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and by section 46 of the Planning (Wales) Act 2015 (anaw 4). There are other amendments which are not relevant to Wales. See also section 177(5) which was amended by paragraph 24 of Schedule 7 to the 1991 Act.

(6) Section 177 was amended by sections 6(3) and 32 of, and paragraph 24 of Schedule 7 to, the 1991 Act and by section 123(1), (6) of the Localism Act 2011 (c. 20) and by section 44(1) and (3) of the Planning (Wales) Act 2015. There is another amendment which is not relevant to this instrument.

Barnau sgrinio

45.—(1) Pan ymddengys i'r awdurdod cynllunio lleol y dyroddir hysbysiad gorfodi ganddo neu ar ei ran bod y materion sy'n golygu torri rheol gynllunio yn ddatblygiad Atodlen 1 neu'n cynnwys datblygiad Atodlen 1 neu'n ddatblygiad Atodlen 2 neu'n cynnwys datblygiad Atodlen 2 rhaid iddo, cyn y dyroddir yr hysbysiad gorfodi—

(a) cymryd y fath gamau sy'n ymddangos yn rhesymol iddynt o dan yr amgylchiadau, gan roi sylw i ofynion rheoliad 6(2) a (4), i gael gwybodaeth am ddatblygiad anawdurdodedig i hysbysu barn sgrinio; a

(b) mabwysiadu barn sgrinio.

(2) Pan ymddengys i'r fath awdurdod cynllunio lleol bod y materion sy'n golygu torri rheol gynllunio yn ddatblygiad AEA neu'n cynnwys datblygiad AEA, rhaid iddo gyflwyno gyda chopi o'r hysbysiad gorfodi, hysbysiad ("hysbysiad rheoliad 45") y mae'n rhaid iddo—

(a) cynnwys y farn sgrinio sy'n ofynnol gan baragraff (1); a

(b) ei gwneud yn ofynnol i berson sy'n rhoi hysbysiad o apêl o dan adran 174 o Ddeddf 1990 gyflwyno dau gopi o ddatganiad amgylcheddol sy'n ymwneud â'r datblygiad AEA hwnnw i Weinidogion Cymru gyda'r hysbysiad.

(3) Rhaid i'r awdurdod cynllunio lleol a gyflwynodd hysbysiad rheoliad 45 anfon copi ohono at—

(a) Gweinidogion Cymru;

(b) yr ymgynghoreion; ac

(c) unrhyw berson penodol y mae'r awdurdod yn ymwybodol ohono, sy'n debygol o gael ei effeithio gan, neu sydd â diddordeb yn, yr hysbysiad rheoliad 45.

(4) Pan fo awdurdod cynllunio lleol yn darparu copi o hysbysiad rheoliad 45 i Weinidogion Cymru, rhaid iddo gynnwys gydag ef restr o'r personau eraill y mae copi o'r hysbysiad wedi ei anfon neu sydd am gael ei anfon atynt.

Cyfarwyddydau sgrinio

46.—(1) Caiff unrhyw berson y cyflwynir hysbysiad rheoliad 45 iddo, wneud cais i Weinidogion Cymru am gyfarwyddyd sgrinio o fewn 21 o ddiwrnodau yn dechrau â'r dyddiad y cyflwynir yr hysbysiad.

(2) Rhaid i'r canlynol gael eu cyflwyno ynghyd â'r cais am gyfarwyddyd sgrinio—

(a) copi o'r hysbysiad rheoliad 45;

Screening opinions

45.—(1) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include Schedule 1 development or Schedule 2 development they must, before the enforcement notice is issued—

(a) take such steps as appear to be reasonable to them in the circumstances, having regard to the requirements of regulation 6(2) and (4), to obtain information about unauthorised development to inform a screening opinion; and

(b) adopt a screening opinion.

(2) Where it appears to such local planning authority that the matters constituting the breach of planning control comprise or include EIA development they must serve with a copy of the enforcement notice a notice ("regulation 45 notice") which must—

(a) include the screening opinion required by paragraph (1); and

(b) require a person who gives notice of an appeal under section 174 of the 1990 Act to submit to the Welsh Ministers with the notice two copies of an environmental statement relating to that EIA development.

(3) The local planning authority by whom a regulation 45 notice has been served must send a copy of it to—

(a) the Welsh Ministers;

(b) the consultees; and

(c) any particular person of whom the authority is aware, who is likely to be affected by, or has an interest in, the regulation 45 notice.

(4) Where a local planning authority provide the Welsh Ministers with a copy of a regulation 45 notice they must include with it a list of the other persons to whom a copy of the notice has been or is to be sent.

Screening directions

46.—(1) Any person on whom a regulation 45 notice is served may, within 21 days beginning with the date the notice is served, apply to the Welsh Ministers for a screening direction.

(2) An application for a screening direction must be accompanied by—

(a) a copy of the regulation 45 notice;

- (b) copi o'r hysbysiad gorfodi a oedd yn dod gydag ef; ac
- (c) yr wybodaeth sy'n ofynnol o dan reoliad 6(2), a'r sylwadau a gyflwynir yn unol â'r rheoliad hwnnw, y mae'n rhaid i'r ceisydd eu llunio wrth gydymffurfio â rheoliad 6(4).

(3) Ar yr un pryd ag y gwneir cais i Weinidogion Cymru, rhaid i'r ceisydd anfon copi o'r cais a'r wybodaeth ac unrhyw sylwadau a ddarperir neu a gyflwynir yn unol â pharagraff (2)(c) i'r awdurdod a gyflwynodd yr hysbysiad rheoliad 45.

(4) Os yw Gweinidogion Cymru yn ystyried nad yw'r wybodaeth a ddarperir yn unol â pharagraff (2) yn ddigonol i wneud cyfarwyddyd, rhaid iddynt hysbysu'r ceisydd a'r awdurdod am y materion y mae angen gwybodaeth ychwanegol mewn cysylltiad â hwy; a rhaid i'r wybodaeth y gofynnwyd amdani felly gael ei darparu gan y ceisydd o fewn pa bynnag gyfnod rhesymol a bennir yn yr hysbysiad.

(5) Mae rheoliad 7(6) i (8) yn gymwys i gyfarwyddyd y ceisir yn unol â pharagraff (1).

(6) Rhaid i Weinidogion Cymru anfon copi o'r cyfarwyddyd at y ceisydd.

(7) Pan fo Gweinidogion Cymru yn cyfarwyddo nad yw'r materion yr honnir eu bod yn torri rheol gynllunio yn ddatblygiad AEA nac yn cynnwys datblygiad AEA, rhaid iddynt anfon copi o'r cyfarwyddyd at bob person yr anfonwyd copi o'r hysbysiad rheoliad 45 atynt.

Darparu gwybodaeth

47.—(1) Rhaid i'r awdurdod cynllunio perthnasol ac unrhyw berson, ac eithrio Gweinidogion Cymru, yr anfonwyd copi o hysbysiad rheoliad 45 atynt ("yr ymgynghorai rheoliad 45"), ymgynghori â'r person hwnnw, os gofynnir iddo wneud hynny gan y person y cyflwynwyd yr hysbysiad rheoliad 45 iddo, er mwyn penderfynu a oes gan yr ymgynghorai rheoliad 45 unrhyw wybodaeth yn ei feddiant y mae'r person hwnnw neu'r ymgynghorai rheoliad 45 yn ystyried ei bod yn berthnasol ar gyfer llunio datganiad amgylcheddol ac os oes ganddo, rhaid i'r ymgynghorai rheoliad 45 sicrhau bod unrhyw wybodaeth o'r fath ar gael i'r person hwnnw.

(2) Mae rheoliad 16(5) yn gymwys i wybodaeth o dan baragraff (1) fel y mae'n gymwys i unrhyw wybodaeth sy'n dod o fewn rheoliad 16(4).

- (b) a copy of the enforcement notice which it accompanied; and
- (c) the information required under, and representations made in accordance with, regulation 6(2), which must be prepared by the applicant in compliance with regulation 6(4).

(3) At the same time as applying to the Welsh Ministers, the applicant must send to the authority by whom the regulation 45 notice was served, a copy of the application and of the information and any representations provided or made in accordance with paragraph (2)(c).

(4) If the Welsh Ministers consider that the information provided in accordance with paragraph (2) is insufficient to make a direction, they must notify the applicant and the authority of the matters in respect of which additional information is required; and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice.

(5) Regulation 7(6) to (8) applies to a direction sought pursuant to paragraph (1).

(6) The Welsh Ministers must send a copy of the direction to the applicant.

(7) Where the Welsh Ministers direct that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, they must send a copy of the direction to every person to whom a copy of the regulation 45 notice was sent.

Provision of information

47.—(1) The relevant planning authority and any person, other than the Welsh Ministers, to whom a copy of the regulation 45 notice has been sent ("the regulation 45 consultee") must, if requested by the person on whom the regulation 45 notice was served, enter into consultation with that person to determine whether the regulation 45 consultee has in their possession any information which that person or the regulation 45 consultee considers relevant to the preparation of an environmental statement and if they have, the regulation 45 consultee must make any such information available to that person.

(2) Regulation 16(5) applies to information under paragraph (1) as it applies to any information falling within regulation 16(4).

Apêl i Weinidogion Cymru heb farn sgrinio neu gyfarwyddyd sgrinio

48.—(1) Pan ymddengys i Weinidogion Cymru wrth ystyried apêl o dan adran 174 o Ddeddf 1990 bod y materion yr honnir eu bod yn golygu torri rheol gynllunio yn ddatblygiad Atodlen 1 neu'n cynnwys datblygiad Atodlen 1, neu'n ddatblygiad Atodlen 2 neu'n cynnwys datblygiad Atodlen 2, rhaid iddynt wneud cyfarwyddyd sgrinio cyn y cyflwynir unrhyw hysbysiad yn unol â rheoliad 49.

(2) Pan fo arolygydd yn ymdrin ag apêl o dan adran 174 o Ddeddf 1990 a bod cwestiwn yn codi ynghylch a yw'r materion yr honnir eu bod yn golygu torri rheol gynllunio yn ddatblygiad Atodlen 1 neu'n cynnwys datblygiad Atodlen 1, neu'n ddatblygiad Atodlen 2 neu'n cynnwys datblygiad Atodlen 2, rhaid i'r arolygydd atgyfeirio'r cwestiwn hwnnw at Weinidogion Cymru.

(3) Cyn cael cyfarwyddyd sgrinio ni chaiff yr arolygydd benderfynu ar gais y tybir ei fod wedi ei wneud yn rhinwedd yr apêl o dan adran 174 o Ddeddf 1990 ("y cais tybiedig") ac eithrio i wrthod y cais hwnnw.

(4) Pan atgyfeirir cwestiwn o dan baragraff (2), rhaid i Weinidogion Cymru wneud cyfarwyddyd sgrinio o fewn 21 o ddiwrnodau yn dechrau â'r dyddiad yr atgyfeiriwyd y cwestiwn neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol, heb fod yn fwy na 90 o ddiwrnodau o'r dyddiad y mae'r person sy'n gofyn am y cyfarwyddyd yn cyflwyno'r wybodaeth sy'n ofynnol o dan reoliad 46(2)(c).

(5) Pan fo Gweinidogion Cymru yn ystyried, oherwydd amgylchiadau eithriadol sy'n ymwneud â'r datblygiad arfaethedig, nad yw'n ymarferol iddynt fabwysiadu cyfarwyddyd sgrinio o fewn y cyfnod o 90 o ddiwrnodau sy'n dechrau â dyddiad y gofyniad, caiff Gweinidogion Cymru estyn y cyfnod hwnnw drwy roi hysbysiad ysgrifenedig i'r person a ofynnodd am y cyfarwyddyd.

(6) Rhaid i Weinidogion Cymru ddatgan mewn unrhyw hysbysiad o dan baragraff (5) y rhesymau sy'n cyfiawnhau'r estyniad a dyddiad disgwylidig y penderfyniad.

(7) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd sgrinio a wneir yn unol â pharagraff (4) at yr arolygydd.

Appeal to the Welsh Ministers without a screening opinion or screening direction

48.—(1) Where on consideration of an appeal under section 174 of the 1990 Act it appears to the Welsh Ministers that the matters alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development, they must, before any notice is served pursuant to regulation 49, make a screening direction.

(2) Where an inspector is dealing with an appeal under section 174 of the 1990 Act and a question arises as to whether the matters alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development, the inspector must refer that question to the Welsh Ministers.

(3) Before receiving a screening direction the inspector may not determine the application which is deemed to have been made by virtue of the appeal under section 174 of the 1990 Act ("the deemed application") except to refuse that application.

(4) Where a question is referred under paragraph (2), the Welsh Ministers must make a screening direction within 21 days beginning with the date on which the question was referred or such longer period as may be reasonably required, not exceeding 90 days from the date on which the person making the request submits the information required under regulation 46(2)(c).

(5) Where the Welsh Ministers consider that due to exceptional circumstances relating to the proposed development it is not practicable for them to adopt a screening direction within the period of 90 days beginning with the date of the request, the Welsh Ministers may extend that period by giving notice in writing to the person who made the request.

(6) The Welsh Ministers must state in any notice under paragraph (5) the reasons justifying the extension and the date when the determination is expected.

(7) The Welsh Ministers must send a copy of any screening direction made pursuant to paragraph (4) to the inspector.

(8) Os yw Gweinidogion Cymru yn ystyried nad oes digon o wybodaeth wedi ei darparu i wneud cyfarwyddyd sgrinio, rhaid iddynt roi hysbysiad i'r ceisydd a'r awdurdod a gyflwynodd yr hysbysiad rheoliad 45 am y materion y mae angen gwybodaeth ychwanegol mewn cysylltiad â hwy, ac mae'n rhaid i'r wybodaeth honno y gofynnir amdani felly gael ei darparu gan y ceisydd o fewn unrhyw gyfnod rhesymol a bennir yn yr hysbysiad.

(9) Os bydd apelydd sydd wedi cael hysbysiad o dan baragraff (8) yn methu â chydymffurfio â gofynion yr hysbysiad hwnnw mae'r apêl, i'r graddau y mae'n apêl sail (a), yn methu ar ddiwedd y cyfnod a bennir yn yr hysbysiad.

Apêl i Weinidogion Cymru heb ddatganiad amgylcheddol

49.—(1) Mae'r weithdrefn ym mharagraff (2) yn gymwys pan fo—

- (a) Gweinidogion Cymru neu arolygydd yn ystyried apêl o dan adran 174 o Ddeddf 1990;
- (b) y materion yr honnir eu bod yn golygu torri'r rheol gynllunio yn ddatblygiad AEA anawdurdodedig neu'n cynnwys datblygiad AEA anawdurdodedig; ac
- (c) nid yw'r dogfennau a gyflwynir at ddibenion yr apêl yn cynnwys datganiad y cyfeirir ato gan yr apelydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn.

(2) Y weithdrefn yw—

- (a) rhaid i Weinidogion Cymru, o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau gyda'r diwrnod y ceir yr apêl, neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol, rhoi hysbysiad i'r apelydd o ofynion is-baragraff (c); ond mae hyn yn ddarostyngedig i is-baragraff (b);
- (b) nid oes angen rhoi hysbysiad o dan is-baragraff (a) pan fo'r apelydd wedi cyflwyno datganiad amgylcheddol i Weinidogion Cymru at ddibenion apêl o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) sydd—
 - (i) yn ymwneud â'r datblygiad y mae'r apêl o dan adran 174 o Ddeddf 1990 yn ymwneud ag ef; a
 - (ii) i'w benderfynu ar yr un adeg â'r apêl o dan adran 174 o Ddeddf 1990;

(8) If the Welsh Ministers consider that sufficient information to make a screening direction has not been provided, they must give notice to the applicant and the authority by whom the regulation 45 notice was served, of the matters in respect of which additional information is required, and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice.

(9) If an appellant to whom notice has been given under paragraph (8) fails to comply with the requirements of that notice, the appeal in so far as it is a ground (a) appeal, lapses at the end of the period specified in the notice.

Appeal to the Welsh Ministers without an environmental statement

49.—(1) The procedure in paragraph (2) applies where—

- (a) the Welsh Ministers or an inspector are considering an appeal under section 174 of the 1990 Act;
- (b) the matters which are alleged to constitute the breach of planning control comprise or include unauthorised EIA development; and
- (c) the documents submitted for the purposes of the appeal do not include a statement referred to by the appellant as an environmental statement for the purposes of these Regulations.

(2) The procedure is—

- (a) the Welsh Ministers must, within the period of 21 days beginning with the day on which the appeal is received, or such longer period as may be reasonably required, notify the appellant of the requirements of sub-paragraph (c); but this is subject to sub-paragraph (b);
- (b) notice need not be given under sub-paragraph (a) where the appellant has submitted an environmental statement to the Welsh Ministers for the purposes of an appeal under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) which—
 - (i) relates to the development to which the appeal under section 174 of the 1990 Act relates; and
 - (ii) is to be determined at the same time as the appeal under section 174 of the 1990 Act;

ac mae'n rhaid trin y datganiad, unrhyw wybodaeth bellach, unrhyw wybodaeth arall a'r sylwadau (os oes rhai) a wneir mewn perthynas ag ef fel yr wybodaeth amgylcheddol at ddiben rheoliad 41;

- (c) rhaid i'r apelydd, o fewn y cyfnod a bennir yn yr hysbysiad neu pa bynnag gyfnod hwy y caniateir gan Weinidogion Cymru, gyflwyno dau gopi o ddatganiad amgylcheddol sy'n ymwneud â'r datblygiad AEA anawdurdodedig dan sylw i Weinidogion Cymru;
- (d) rhaid i Weinidogion Cymru anfon copi o unrhyw hysbysiad a anfonwyd at yr apelydd o dan is-baragraff (a) i'r awdurdod cynllunio perthnasol;
- (e) os bydd apelydd y rhoddwyd hysbysiad o dan is-baragraff (a) iddo yn methu â chydymffurfio â gofynion is-baragraff (c), mae'r apêl sail (a) yn methu ar ddiwedd y cyfnod a ganiateir;
- (f) cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r methu a ddisgrifir yn is-baragraff (e) ddigwydd, rhaid i Weinidogion Cymru hysbysu'r apelydd a'r awdurdod cynllunio perthnasol bod yr apêl sail (a) wedi methu.

Gweithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru

50. Pan fo Gweinidogion Cymru yn cael datganiad amgylcheddol mewn cysylltiad ag apêl gorfodi (ac eithrio fel y crybwyllir yn rheoliad 49(2)(b)), rhaid iddynt—

- (a) anfon copi o'r datganiad hwnnw i'r awdurdod cynllunio perthnasol, cyngori'r awdurdod y bydd y datganiad yn cael ei gymryd i ystyriaeth wrth benderfynu ar yr apêl sail (a), a'i hysbysu y caniateir iddo gyflwyno sylwadau;
- (b) hysbysu'r personau yr anfonwyd copi o'r hysbysiad rheoliad 45 perthnasol atynt y bydd y datganiad yn cael ei gymryd i ystyriaeth wrth benderfynu ar yr apêl sail (a), a'u hysbysu y caniateir iddynt gyflwyno sylwadau ac, os ydynt yn dymuno cael copi o'r datganiad neu unrhyw ran ohono, bod yn rhaid iddynt hysbysu Gweinidogion Cymru o'u gofynion o fewn 7 diwrnod i gael hysbysiad Gweinidogion Cymru; ac
- (c) ymateb i ofynion a hysbysir yn unol â pharagraff (b) drwy ddarparu copi o'r datganiad neu o'r rhan y gofynnwyd amdani (yn ôl y digwydd).

and that statement, any further information, any other information and the representations (if any) made in relation to it must be treated as the environmental information for the purpose of regulation 41;

- (c) the appellant must, within the period specified in the notice or such longer period as the Welsh Ministers may allow, submit to the Welsh Ministers two copies of an environmental statement relating to the unauthorised EIA development in question;
- (d) the Welsh Ministers must send to the relevant planning authority a copy of any notice sent to the appellant under sub-paragraph (a);
- (e) if an appellant to whom notice has been given under sub-paragraph (a) fails to comply with the requirements of sub-paragraph (c), the ground (a) appeal lapses at the end of the period allowed;
- (f) as soon as reasonably practicable after the occurrence of the lapse described in sub-paragraph (e), the Welsh Ministers must notify the appellant and the relevant planning authority that the ground (a) appeal has lapsed.

Procedure where an environmental statement is submitted to the Welsh Ministers

50. Where the Welsh Ministers receive (otherwise than as mentioned in regulation 49(2)(b)) an environmental statement in connection with an enforcement appeal, they must—

- (a) send a copy of that statement to the relevant planning authority, advise the authority that the statement will be taken into consideration in determining the ground (a) appeal, and inform them that they may make representations;
- (b) notify the persons to whom a copy of the relevant regulation 45 notice was sent that the statement will be taken into consideration in determining the ground (a) appeal, and inform them that they may make representations and that, if they wish to receive a copy of the statement or any part of it, they must notify the Welsh Ministers of their requirements within 7 days of the receipt of the Welsh Ministers' notice; and
- (c) respond to requirements notified in accordance with paragraph (b) by providing a copy of the statement or of the part requested (as the case may be).

Gwybodaeth bellach a thystiolaeth ynghylch datganiadau amgylcheddol

51. Mae rheoliad 24(1) a (10) yn gymwys i ddatganiadau a ddarperir yn unol â'r Rhan hon gyda'r addasiadau canlynol—

- (a) pan fo Gweinidogion Cymru neu arolygydd yn hysbysu'r apelydd o dan reoliad 24(1), rhaid i'r apelydd ddarparu'r wybodaeth bellach o fewn y fath gyfnod a bennir gan Weinidogion Cymru neu'r arolygydd yn yr hysbysiad neu ba bynnag gyfnod hwy y caniateir gan Weinidogion Cymru neu'r arolygydd;
- (b) os bydd apelydd y mae hysbysiad wedi ei roi iddo o dan baragraff (a) yn methu â darparu'r wybodaeth bellach o fewn y cyfnod a bennir neu a ganiateir, mae'r apêl sail (a) yn methu ar ddiwedd y cyfnod hwnnw.

Cyhoeddusrwydd ar gyfer datganiadau amgylcheddol neu wybodaeth bellach

52.—(1) Pan fo awdurdod yn cael copi o ddatganiad yn rhinwedd rheoliad 50(a) neu unrhyw wybodaeth bellach neu wybodaeth arall, rhaid iddo gyhoeddi hysbysiad drwy hysbyseb leol sy'n nodi—

- (a) enw'r apelydd a bod yr hysbysiad gorfodi wedi ei apelio i Weinidogion Cymru;
- (b) cyfeiriad neu leoliad y tir y mae'r hysbysiad yn ymwneud ag ef a natur y datblygiad;
- (c) digon o wybodaeth i alluogi adnabod unrhyw ganiatâd cynllunio ar gyfer y datblygiad;
- (d) bod copi o'r datganiad, gwybodaeth bellach neu unrhyw wybodaeth arall ac o unrhyw ganiatâd cynllunio ar gael i aelodau o'r cyhoedd edrych arnynt ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle caiff y cyhoedd edrych ar y datganiad neu wybodaeth bellach neu unrhyw wybodaeth arall, a'r dyddiad olaf y bydd ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (f) manylion gwefan a gynhelir gan yr awdurdod cynllunio perthnasol, neu ar ei ran, lle gellir gweld y datganiad amgylcheddol a dogfennau eraill, a'r dyddiad diweddaraf y byddant ar gael i'w cyrchu (sef dyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);

Further information and evidence respecting environmental statements

51. Regulation 24(1) and (10) apply to statements provided in accordance with this Part with the following modifications—

- (a) where the Welsh Ministers or an inspector notify the appellant under regulation 24(1), the appellant must provide the further information within such period as the Welsh Ministers or the inspector may specify in the notice or such longer period as the Welsh Ministers or the inspector may allow;
- (b) if an appellant to whom a notice has been given under paragraph (a) fails to provide the further information within the period specified or allowed, the the ground (a) appeal lapses at the end of that period.

Publicity for environmental statements or further information

52.—(1) Where an authority receive a copy of a statement by virtue of regulation 50(a) or any further information or other information, they must publish by local advertisement a notice stating—

- (a) the name of the appellant and that the enforcement notice has been appealed to the Welsh Ministers;
- (b) the address or location of the land to which the notice relates and the nature of the development;
- (c) sufficient information to enable any planning permission for the development to be identified;
- (d) that a copy of the statement, further information or any other information and of any planning permission 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 the statement or further information or any other information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the relevant planning authority on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);

- (g) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am unrhyw fater sy'n cael ei drin yn y datganiad neu'r wybodaeth bellach neu unrhyw wybodaeth arall eu cyflwyno i Weinidogion Cymru cyn y dyddiad diweddaraf a nodir yn unol ag is-baragraff (e) neu (f); ac
- (h) y cyfeiriad y dylid anfon unrhyw sylwadau o'r fath iddo.

(2) Rhaid i'r awdurdod, cyn gynted ag y bo'n ymarferol ar ôl cyhoeddi hysbysiad yn unol â pharagraff (1), anfon copi o'r hysbysiad at Weinidogion Cymru, wedi ei ardystio gan neu ar ran yr awdurdod ei fod wedi ei gyhoeddi drwy hysbyseb leol ar ddyddiad a bennir yn y dystysgrif.

(3) Rhaid i'r awdurdod cynllunio perthnasol sicrhau bod y datganiad amgylcheddol ar gael i'w weld ar wefan a gynhelir ganddo neu ar ei ran.

(4) Ni chaiff Gweinidogion Cymru sy'n cael tystysgrif o dan baragraff (2) nac arolygydd benderfynu ar yr apêl sail (a) mewn cysylltiad â'r datblygiad y mae'r dystysgrif yn ymwneud ag ef hyd nes bod y cyfnod o 30 o ddiwrnodau o'r dyddiad a nodir yn yr hysbysiad cyhoeddedig fel y dyddiad olaf yr oedd y datganiad neu'r wybodaeth bellach ar gael i'r cyhoedd edrych arnynt wedi dod i ben.

Dogfennau ar gael i'r cyhoedd edrych arnynt

53.—(1) Rhaid i'r awdurdod cynllunio perthnasol sicrhau bod copi o'r canlynol ar gael i'r cyhoedd edrych arnynt ar bob adeg resymol yn y lle y cedwir y gofrestr briodol (neu ran berthnasol o'r gofrestr)—

- (a) pob hysbysiad rheoliad 45 a roddwyd gan yr awdurdod;
- (b) pob hysbysiad a gafwyd gan yr awdurdod o dan reoliad 49(2)(d); ac
- (c) pob datganiad a phob gwybodaeth bellach a gafwyd gan yr awdurdod o dan reoliad 50(a);

a rhaid i gopïau o'r dogfennau hynny barhau i fod ar gael felly am gyfnod o 2 flynedd neu hyd y byddant yn cael eu rhoi yn Rhan 2 o'r gofrestr yn unol â pharagraff (2), pa bynnag un sy'n digwydd gyntaf.

(2) Pan fo manylion am unrhyw ganiatâd cynllunio a roddwyd gan Weinidogion Cymru neu arolygydd o dan adran 177 o Ddeddf 1990 yn cael eu rhoi yn Rhan 2 o'r gofrestr(1), rhaid i'r awdurdod cynllunio perthnasol gymryd camau i sicrhau bod y Rhan honno hefyd yn cynnwys copi o unrhyw rai o'r dogfennau y cyfeirir atynt ym mharagraff (1) sy'n berthnasol i'r datblygiad y rhoddwyd caniatâd cynllunio ar ei gyfer.

(1) *Gweler* adran 177(8) o Ddeddf 1990.

- (g) that any person wishing to make representations about any matter dealt with in the statement or further information or any other information should make them, before the latest date stated in accordance with subparagraph (e) or (f), to the Welsh Ministers; and
- (h) the address to which any such representations should be sent.

(2) The authority must, as soon as practicable after publication of a notice in accordance with paragraph (1), send to the Welsh Ministers a copy of the notice certified by or on behalf of the authority as having been published by local advertisement on a date specified in the certificate.

(3) The relevant planning authority must make the environmental statement available for inspection on a website maintained by or on its behalf.

(4) Neither the Welsh Ministers receiving a certificate under paragraph (2) nor an inspector may determine the ground (a) appeal in respect of the development to which the certificate relates until the expiry of 30 days from the date stated in the published notice as the last date on which the statement or further information was available for inspection.

Public inspection of documents

53.—(1) The relevant planning authority must make available for public inspection at all reasonable hours at the place where the appropriate register (or relevant part of that register) is kept, a copy of—

- (a) every regulation 45 notice given by the authority;
- (b) every notice received by the authority under regulation 49(2)(d); and
- (c) every statement and all further information received by the authority under regulation 50(a);

and copies of those documents must remain so available for a period of 2 years or until they are entered in Part 2 of the register in accordance with paragraph (2), whichever is the sooner.

(2) Where particulars of any planning permission granted by the Welsh Ministers or an inspector under section 177 of the 1990 Act are entered in Part 2 of the register(1), the relevant planning authority must take steps to secure that that Part also contains a copy of any of the documents referred to in paragraph (1) as are relevant to the development for which planning permission has been granted.

(1) *See* section 177(8) of the 1990 Act.

(3) Mae darpariaethau paragraffau (2) a (3) o reoliad 29 yn gymwys i ganiatâd cynllunio a roddir o dan adran 177 o Ddeddf 1990 fel y maent yn gymwys i gais am ganiatâd cynllunio a rhoi caniatâd cynllunio o dan Ran 3 o Ddeddf 1990.

Effeithiau trawsffiniol sylweddol

54. Mae rheoliad 56 yn gymwys i ddatblygiad AEA anawdurdodedig fel pe bai—

- (a) rheoliad 56(1)(a) i'w ddarllen fel—
 - “(a) wrth ystyried apêl o dan adran 174 o Ddeddf 1990, mae Gweinidogion Cymru o'r farn bod y materion yr honnir eu bod yn golygu torri rheol gynllunio yn ddatblygiad AEA neu'n cynnwys datblygiad AEA a bod y datblygiad wedi neu yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu”;
- (b) yn rheoliad 56(3)(a), “copi o'r cais dan sylw”, i'w ddarllen fel “disgrifiad o'r datblygiad dan sylw”;
- (c) yn rheoliad 56(6), “y cais” i'w ddarllen fel “yr apêl”.

RHAN 11

Ceisiadau ROMP

Cymhwysiad cyffredinol y Rheoliadau i geisiadau ROMP

- 55.—(1) Yn y rheoliad hwn ac yn Atodlen 8—
- ystyr “awdurdod cynllunio mwynau perthnasol” (“*relevant mineral planning authority*”) yw'r corff sy'n gyfrifol, oedd yn gyfrifol neu a fyddai'n gyfrifol, oni bai am gyfarwyddyd o dan—
- (a) paragraff 7 o Atodlen 2 i Ddeddf 1991;
 - (b) paragraff 13 o Atodlen 13 i Ddeddf 1995; neu
 - (c) paragraff 8 o Atodlen 14 i Ddeddf 1995,
- am benderfynu ar y cais ROMP dan sylw;
- ystyr “cais dilynol ROMP” (“*ROMP subsequent application*”) yw cais am gymeradwyo mater—
- (a) pan fo'r gymeradwyaeth yn ofynnol gan neu o dan amod y mae caniatâd cynllunio yn ddarostyngedig iddo ar ôl penderfynu ar gais ROMP; a
 - (b) pan fo rhaid cael y gymeradwyaeth cyn y caniateir dechrau ar neu barhau â'r datblygiad mwynau cyfan neu ran o'r datblygiad mwynau a ganiateir gan y caniatâd cynllunio;

(3) The provisions of paragraphs (2) and (3) of regulation 29 apply to a grant of planning permission under section 177 of the 1990 Act as they apply to an application for and grant of planning permission under Part 3 of the 1990 Act.

Significant transboundary effects

54. Regulation 56 applies to unauthorised EIA development as if—

- (a) regulation 56(1)(a) read—
 - “(a) on consideration of an appeal under section 174 of the 1990 Act the Welsh Ministers are of the opinion that the matters which are alleged to constitute the breach of planning control comprise or include EIA development and that the development has or is likely to have significant effects on the environment in another EEA State; or”;
- (b) in regulation 56(3)(a), “a copy of the application concerned” read “a description of the development concerned”;
- (c) in regulation 56(6) “application” read “appeal”.

PART 11

ROMP Applications

General application of the Regulations to ROMP applications

- 55.—(1) In this regulation and in Schedule 8—
- “the General Regulations” (“*y Rheoliadau Cyffredinol*”) means the Town and Country Planning General Regulations 1992(1);
- “relevant mineral planning authority” (“*awdurdod cynllunio mwynau perthnasol*”) means the body to whom it falls, fell, or would, but for a direction under—
- (a) paragraph 7 of Schedule 2 to the 1991 Act;
 - (b) paragraph 13 of Schedule 13 to the 1995 Act; or
 - (c) paragraph 8 of Schedule 14 to the 1995 Act,
- fall to determine the ROMP application in question;
- “ROMP” (“*ROMP*”) means review of old mineral permission;

(1) S.I. 1992/1492. Relevant amending instruments are S.I. 1992/1892 and S.I. 1997/3006.

ystyr “cais ROMP” (“*ROMP application*”) yw cais i awdurdod cynllunio mwynau perthnasol i benderfynu ar yr amodau y bydd caniatâd cynllunio yn ddarostyngedig iddynt o dan—

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

mae i “cais ROMP amhenderfynedig” (“*undetermined ROMP application*”) yr un ystyr ag yn rheoliad 2 o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Adolygiadau Amhenderfynedig o Hen Ganiatadau Mwynau) (Cymru) 2009(2);

ystyr “cydsyniad dilynol ROMP” (“*ROMP subsequent consent*”) yw cydsyniad a roddir yn unol â chais dilynol ROMP;

ystyr “datblygiad ROMP” (“*ROMP development*”) yw datblygiad nad yw wedi digwydd eto ac sydd wedi ei awdurdodi gan ganiatâd cynllunio y mae cais ROMP wedi neu yn mynd i gael ei wneud mewn cysylltiad ag ef;

ystyr “ROMP” (“*ROMP*”) yw adolygiad o hen ganiatâd mwynau;

ystyr “y Rheoliadau Cyffredinol” (“*the General Regulations*”) yw Rheoliadau Cyffredinol Cynllunio Gwlad a Thref 1992(3).

(2) Yn ddarostyngedig i baragraff (3) a’r addasiadau a’r ychwanegiadau a nodir yn Atodlen 8, mae’r Rheoliadau hyn yn gymwys i—

- (a) cais ROMP fel y maent yn gymwys i gais am ganiatâd cynllunio;
- (b) cais dilynol ROMP fel y maent yn gymwys i gais dilynol;
- (c) datblygiad ROMP fel y maent yn gymwys i ddatblygiad y mae cais am ganiatâd cynllunio yn, wedi neu yn mynd i gael ei wneud mewn cysylltiad ag ef;

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

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

“ROMP development” (“*datblygiad ROMP*”) means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made;

“ROMP subsequent application” (“*cais dilynol ROMP*”) means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject following determination of a ROMP application; and
- (b) must be obtained before all or part of the minerals development permitted by the planning permission may be begun or continued;

“ROMP subsequent consent” (“*cydsyniad dilynol ROMP*”) means consent granted pursuant to a ROMP subsequent application; and

“undetermined ROMP application” (“*cais ROMP amhenderfynedig*”) has the same meaning as in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009(2).

(2) Subject to paragraph (3) and to the modifications and additions set out in Schedule 8, these Regulations apply to—

- (a) a ROMP application as they apply to an application for planning permission;
- (b) a ROMP subsequent application as they apply to a subsequent application;
- (c) ROMP development as they apply to development in respect of which an application for planning permission is, has been, or is to be made;

(1) Diwygiwyd paragraff 6 gan O.S. 2004/3156 (Cy. 273). Mae diwygiad arall nad yw’n berthnasol i’r Rheoliadau hyn.

(2) O.S. 2009/3342 (Cy. 293).

(3) O.S. 1992/1492. Yr offerynnau diwygio perthnasol yw O.S. 1992/1892 ac O.S. 1997/3006.

(1) Paragraph 6 was amended by S.I. 2004/3156 (W. 273). There is another amendment which is not relevant to these Regulations.

(2) S.I. 2009/3342 (W. 293).

- (d) awdurdod cynllunio mwynau perthnasol fel y maent yn gymwys i awdurdod cynllunio perthnasol;
 - (e) person sy'n gwneud cais ROMP fel y maent yn gymwys i geisydd am ganiatâd cynllunio;
 - (f) person sy'n gwneud cais dilynol ROMP fel y maent yn gymwys i berson sy'n gwneud cais dilynol;
 - (g) penderfyniad ar gais ROMP fel y maent yn gymwys i roi caniatâd cynllunio; a
 - (h) rhoi cydsyniad dilynol ROMP fel y maent yn gymwys i roi cydsyniad dilynol.
- (3) Nid yw'r Rheoliadau hyn yn gymwys i—
- (a) unrhyw gais ROMP amhenderfynedig y mae Rheoliadau Cynllunio Gwlad a Thref (Aseu Effeithiau Amgylcheddol) (Adolygiadau Amhenderfynedig o Hen Ganiatadau Mwynau) (Cymru) 2009 yn gymwys iddo;
 - (b) unrhyw apel mewn perthynas â chais o'r fath.
- (d) a relevant mineral planning authority as they apply to a relevant planning authority;
 - (e) a person making a ROMP application as they apply to an applicant for planning permission;
 - (f) a person making a ROMP subsequent application as they apply to a person making a subsequent application;
 - (g) the determination of a ROMP application as they apply to the granting of a planning permission; and
 - (h) the granting of ROMP subsequent consent as they apply to the granting of subsequent consent.
- (3) These Regulations do not apply to—
- (a) any undetermined ROMP application to which the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009 apply;
 - (b) to any appeal in relation to such an application.

RHAN 12

Datblygiad ag Effeithiau Trawsffiniol Sylweddol

Datblygiad yng Nghymru sy'n debygol o gael effeithiau sylweddol mewn Gwladwriaeth AEE arall

56.—(1) Pan—

- (a) y daw i sylw Gweinidogion Cymru bod datblygiad y bwriedir ei gynnal yng Nghymru yn destun cais AEA ac yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu
- (b) bod Gwladwriaeth AEE arall sy'n debygol o gael ei heffeithio'n sylweddol gan ddatblygiad o'r fath yn gofyn iddynt,

rhaid i Weinidogion Cymru—

- (i) anfon y manylion a grybwyllwyd ym mharagraff (2) ac, os yn berthnasol, yr wybodaeth y cyfeirir ati ym mharagraff (3) i'r Wladwriaeth AEE cyn gynted ag y bo modd a dim hwyrach na'r dyddiad cyhoeddi yn y London Gazette y cyfeirir ato yn is-baragraff (ii);
- (ii) cyhoeddi'r wybodaeth ym mharagraff (2) mewn hysbysiad yn y London Gazette, ac os yw'n berthnasol, yr wybodaeth y cyfeirir ati ym mharagraff (3) a chyfeiriad lle mae gwybodaeth ychwanegol ar gael; a

PART 12

Development with Significant Transboundary Effects

Development in Wales likely to have significant effects in another EEA State

56.—(1) Where—

- (a) it comes to the attention of the Welsh Ministers that development proposed to be carried out in Wales is the subject of an EIA application and is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by such development so requests,

the Welsh Ministers must—

- (i) send to the EEA State as soon as possible and no later than the date of publication in the London Gazette referred to in subparagraph (ii), the particulars mentioned in paragraph (2) and, if relevant, the information referred to in paragraph (3);
- (ii) publish in a notice in the London Gazette the information in paragraph (2) and, if relevant, the information referred to in paragraph (3) and an address where additional information is available; and

(iii) rhoi amser rhesymol i'r Wladwriaeth AEE ddynodi a yw'n dymuno cymryd rhan yn y weithdrefn y mae'r Rheoliadau hyn yn darparu ar ei chyfer.

(2) Y manylion y cyfeirir atynt ym mharagraff (1)(b)(i) yw—

- (a) disgrifiad o'r datblygiad ynghyd ag unrhyw wybodaeth sydd ar gael ar ei effaith sylweddol bosibl ar yr amgylchedd mewn Gwladwriaeth AEE arall; a
- (b) gwybodaeth ynghylch natur y penderfyniad y caniateir ei wneud.

(3) Pan fo Gwladwriaeth AEE yn dynodi, yn unol â pharagraff (1)(b)(iii), ei bod yn dymuno cymryd rhan yn y weithdrefn y mae'r Rheoliadau hyn yn darparu ar ei chyfer, rhaid i Weinidogion Cymru anfon y canlynol i'r Wladwriaeth AEE honno cyn gynted ag y bo modd—

- (a) copi o'r cais dan sylw;
- (b) manylion yr awdurdod sy'n gyfrifol am benderfynu ar y cais;
- (c) copi o unrhyw ganiatâd cynllunio sy'n ymwneud â'r datblygiad;
- (d) copi o unrhyw ddatganiad amgylcheddol mewn cysylltiad â'r datblygiad; a
- (e) gwybodaeth berthnasol ynglŷn â'r weithdrefn o dan y Rheoliadau hyn,

ond dim ond i'r graddau nad yw gwybodaeth o'r fath wedi ei darparu i'r Wladwriaeth AEE yn gynharach yn unol â pharagraff (1)(b)(i).

(4) Rhaid i Weinidogion Cymru hefyd sicrhau bod y Wladwriaeth AEE dan sylw yn cael cyfle, cyn y rhoddir caniatâd cynllunio ar gyfer y datblygiad, i anfon ymlaen at Weinidogion Cymru o fewn cyfnod rhesymol, farn y cyhoedd a'r awdurdodau sy'n debygol o fod â phryderon yn sgîl y prosiect oherwydd eu cyfrifoldebau amgylcheddol penodol am yr wybodaeth a ddarperir.

(5) Rhaid i Weinidogion Cymru, yn unol ag Erthygl 7(4) o'r Gyfarwyddeb—

- (a) cynnal ymgynghoriadau gyda'r Wladwriaeth AEE dan sylw ynghylch, ymysg pethau eraill, effeithiau sylweddol posibl y datblygiad ar amgylchedd y Wladwriaeth AEE honno a'r mesurau a ragwelir ar gyfer lleihau neu ddileu effeithiau o'r fath; a
- (b) penderfynu ar y cyd â'r Wladwriaeth AEE arall ar gyfnod rhesymol o amser ar gyfer hyd y cyfnod ymgynghori.

(iii) give the EEA State a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(2) The particulars referred to in paragraph (1)(b)(i) are—

- (a) a description of the development, together with any available information on its possible significant effect on the environment in another EEA State; and
- (b) information on the nature of the decision which may be taken.

(3) Where an EEA State indicates, in accordance with paragraph (1)(b)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Welsh Ministers must as soon as possible send to that EEA State—

- (a) a copy of the application concerned;
- (b) details of the authority responsible for deciding the application;
- (c) a copy of any planning permission relating to the development;
- (d) a copy of any environmental statement in respect of the development; and
- (e) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (1)(b)(i).

(4) The Welsh Ministers must also ensure that the EEA state concerned is given an opportunity, before planning permission for the development is granted, to forward to the Welsh Ministers, within a reasonable time, the opinions of its public and of the authorities likely to be concerned by the project by reason of their specific environmental responsibilities on the information supplied.

(5) The Welsh Ministers must in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with the EEA State concerned regarding, inter alia, the potential significant effects of the development on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with the other EEA State a reasonable period of time for the duration of the consultation period.

(6) Pan ymgynghorir â Gwladwriaeth AEE yn unol â pharagraff (5) ar benderfyniad ynghylch y cais dan sylw, rhaid i Weinidogion Cymru hysbysu'r Wladwriaeth AEE am y penderfyniad ac anfon ati gopi o'r wybodaeth y cyfeirir ati yn rheoliad 28.

Prosiectau mewn Gwladwriaeth AEE arall sy'n debygol o gael effeithiau trawsffiniol sylweddol

57.—(1) Pan fo Gweinidogion Cymru yn cael gwybodaeth gan Wladwriaeth AEE arall, yn unol ag Erthygl 7(1) neu (2) o'r Gyfarwyddeb, a gasglwyd oddi wrth ddatblygwr prosiect arfaethedig yn y Wladwriaeth AEE arall gan y Wladwriaeth AEE honno, sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd yng Nghymru, rhaid iddynt, yn unol ag Erthygl 7(4) o'r Gyfarwyddeb—

- (a) cynnal ymgynghoriadau gyda'r Wladwriaeth AEE honno ynghylch effeithiau sylweddol posibl y prosiect arfaethedig ar yr amgylchedd yng Nghymru a'r mesurau a ragwelir ar gyfer lleihau neu ddileu effeithiau o'r fath; a
- (b) cyn y rhoddir cydsyniad datblygu i'r prosiect, penderfynu ar gyfnod rhesymol ar y cyd â'r Wladwriaeth AEE honno pryd y caniateir i aelodau'r cyhoedd yng Nghymru gyflwyno sylwadau i'r awdurdod cymwys yn y Wladwriaeth AEE honno, yn unol ag Erthygl 7(3)(b) o'r Gyfarwyddeb.

(2) Rhaid i Weinidogion Cymru hefyd—

- (a) trefnu i'r wybodaeth y cyfeirir ati ym mharagraff (1) fod ar gael, o fewn cyfnod rhesymol ac am gyfnod nad yw'n llai na 30 o ddiwrnodau, i'r awdurdodau yng Nghymru sy'n debygol o fod â phryderon ynghylch y prosiect oherwydd eu cyfrifoldebau amgylcheddol penodol, ac i'r cyhoedd dan sylw yng Nghymru hefyd;
- (b) sicrhau bod yr awdurdodau hynny a'r cyhoedd dan sylw yn cael cyfle i anfon ymlaen eu barn ar yr wybodaeth a ddarparwyd at yr awdurdod cymwys yn y Wladwriaeth AEE berthnasol o fewn cyfnod rhesymol o amser, cyn y rhoddir cydsyniad datblygu i'r prosiect; ac
- (c) sicrhau bod unrhyw wybodaeth a geir gan awdurdod cymwys y Wladwriaeth AEE berthnasol ar gael i'r cyhoedd dan sylw er mwyn cydymffurfio ag Erthygl 9(2) o'r Gyfarwyddeb.

(6) Where an EEA State has been consulted in accordance with paragraph (5), on the determination of the application concerned the Welsh Ministers must inform the EEA State of the decision and must forward to it a copy of the information referred to in regulation 28.

Projects in another EEA State likely to have significant transboundary effects

57.—(1) Where the Welsh Ministers receive from another EEA State, pursuant to Article 7(1) or (2) of the Directive, information which that EEA State has gathered from the developer of a proposed project in that EEA State, which is likely to have significant effects on the environment in Wales, they must, in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with that EEA State regarding the potential significant effects of the proposed project on the environment in Wales and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with that EEA State a reasonable period, before development consent for the project is granted, during which members of the public in Wales may submit to the competent authority in that EEA State representations pursuant to Article 7(3)(b) of the Directive.

(2) The Welsh Ministers must also—

- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time and for a time period of no less than 30 days, both to the authorities in Wales which are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in Wales;
- (b) ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information supplied; and
- (c) make available to the public concerned any information received from the competent authority of the relevant EEA State in order to comply with Article 9(2) of the Directive.

Gwrthrychedd a rhagfarn

58.—(1) Pan fo gan awdurdod cynllunio lleol neu Weinidogion Cymru ddyletswydd o dan y Rheoliadau hyn, rhaid iddynt gyflawni'r ddyletswydd honno mewn modd gwrthrychol er mwyn osgoi sefyllfa sy'n arwain at wrthdaro buddiannau.

(2) Pan fo awdurdod cynllunio lleol neu Weinidogion Cymru yn gweithredu fel datblygwr a bod yr awdurdod hwnnw neu Weinidogion Cymru, yn ôl y digwydd, hefyd yn gyfrifol am benderfynu ar ei gynnig ei hun neu eu cynnig eu hunain, rhaid i'r awdurdod hwnnw neu Weinidogion Cymru, yn ôl y digwydd, wneud trefniadau gweinyddol priodol er mwyn sicrhau bod gwahanu swyddogaethau rhwng y personau hynny sy'n gwneud cais am ganiatâd i ddatblygu, neu y mae caniatâd i ddatblygu yn ofynnol iddynt, a'r personau sy'n gyfrifol am benderfynu ar y cynnig hwnnw.

Cais i'r Uchel Lys

59. At ddibenion Rhan 12 o Ddeddf 1990 (dilysrwydd penderfyniadau penodol), rhaid cymryd bod y cyfeiriad yn adran 288(1)(b)(1) nad yw gweithredoedd Gweinidogion Cymru o fewn pwerau Deddf 1990 yn cynnwys peidio â chaniatáu rhoi caniatâd cynllunio neu gydsyniad dilynol oherwydd rheoliadau 3 neu 44.

Gwastraff peryglus a newid defnydd sylweddol

60. Mae newid yn nefnydd tir neu adeiladau i ddefnydd at ddiben a grybwyllir ym mharagraff 9 o Atodlen 1 yn cynnwys newid sylweddol yn y defnydd o'r tir hwnnw neu'r adeiladau hynny at ddibenion adran 55(1) o Ddeddf 1990 (ystyr "datblygiad" a "datblygiad newydd").

Ymestyn y cyfnod ar gyfer penderfyniad awdurdod ar gais cynllunio

61.—(1) At ddibenion adran 78 o Ddeddf 1990 (hawli apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath), o ran penderfynu ar yr amser sydd wedi mynd heibio heb i'r awdurdod cynllunio perthnasol roi hysbysiad i'r ceisydd o'i benderfyniad—

Objectivity and bias

58.—(1) Where a local planning authority or the Welsh Ministers have a duty under these Regulations, they must perform that duty in an objective manner and so as not to find themselves in a situation giving rise to a conflict of interest.

(2) Where a local planning authority, or the Welsh Ministers are acting as a developer and that authority or the Welsh Ministers, as the case may be, are also responsible for determining their own proposal, that authority or the Welsh Ministers, as the case may be, must make appropriate administrative arrangements to ensure that there is a functional separation between those persons who seek or require permission for development and the persons responsible for determining that proposal.

Application to the High Court

59. For the purposes of Part 12 of the 1990 Act (validity of certain decisions), the reference in section 288(1)(b)(1) to action of the Welsh Ministers not being within the powers of the 1990 Act is to be taken to extend to a grant of planning permission or subsequent consent not being permitted by reason of regulations 3 or 44.

Hazardous waste and material change of use

60. A change in the use of land or buildings to a use for a purpose mentioned in paragraph 9 of Schedule 1 involves a material change in the use of that land or those buildings for the purposes of section 55(1) of the 1990 Act (meaning of "development" and "new development").

Extension of the period for an authority's decision on a planning application

61.—(1) For the purposes of section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions), in determining the time which has elapsed without the relevant planning authority giving notice to the applicant of their decision, where—

(1) Diwygiwyd adran 288(1)(b) gan Ddeddf Cynllunio (Cymru) 2015 (dccc 4), adran 27 ac Atodlen 4, paragraff 16.

(1) Section 288(1)(b) was amended by the Planning (Wales) Act 2015 (anaw 4), section 27 and Schedule 4, paragraph 16.

- (a) pan fo'r awdurdod wedi hysbysu ceisydd yn unol â rheoliad 11(1) bod cyflwyno datganiad amgylcheddol yn ofynnol; a
- (b) pan fo Gweinidogion Cymru wedi rhoi cyfarwyddyd sgrinio mewn perthynas â'r datblygiad dan sylw,

nid oes unrhyw ystyriaeth i'w roi i unrhyw gyfnod cyn dyroddi'r cyfarwyddyd.

(2) Pan fo awdurdod yn gyfrifol am benderfynu ar gais AEA, mae erthyglau 22 (cyfnodau amser ar gyfer penderfyniadau) a 23 (ceisiadau a wneir o dan amod cynllunio) o Orchymyn 2012 yn cael effaith fel pe bai—

- (a) pob un o'r cyfeiriadau yn erthyglau 22(2)(a) a 23 at gyfnod o 8 wythnos yn gyfeiriad at gyfnod o 16 wythnos; a
- (b) y cyfeiriad yn erthygl 22(2)(aa)(1) at y cyfnod o 12 wythnos yn gyfeiriad at y cyfnod o 20 wythnos.

Ymestyn y pŵer i ddarparu mewn gorchymyn datblygu ar gyfer rhoi cyfarwyddydau ynghylch y dull yr ymdrinnir â cheisiadau cynllunio

62. Rhaid i ddarpariaethau a gynhwysir mewn gorchymyn datblygu yn rhinwedd adran 60 o Ddeddf 1990 (caniatâd a roddir gan orchymyn datblygu)(2) sy'n galluogi Gweinidogion Cymru i roi cyfarwyddydau, eu galluogi i gyfarwyddo bod datblygiad sydd o ddisgrifiad a grybwyllir yng Ngholofn 1 y tabl yn Atodlen 2, a hefyd o ddsbarth a ddisgrifir yn y cyfarwyddyd yn ddatblygiad AEA at ddibenion y Rheoliadau hyn.

Cymhwyso i'r Goron

63.—(1) Mae'r Rheoliadau hyn yn gymwys i'r Goron gyda'r addasiadau canlynol.

(2) Mewn perthynas â chais a wneir i Weinidogion Cymru heblaw cais o dan adran 62D o Ddeddf 1990 (datblygiadau o arwyddocâd cenedlaethol: ceisiadau am ganiatâd cynllunio), rhaid darllen rheoliad 12 (cais a atgyfeirir at Weinidogion Cymru heb ddatganiad amgylcheddol) fel pe bai—

- (a) the authority have notified an applicant in accordance with regulation 11(1) that the submission of an environmental statement is required; and
- (b) the Welsh Ministers have given a screening direction in relation to the development in question,

no account is to be taken of any period before the issue of the direction.

(2) Where it falls to an authority to determine an EIA application, articles 22 (time periods for decisions) and 23 (applications made under planning condition) of the 2012 Order have effect as if—

- (a) each of the references in articles 22(2)(a) and 23 to a period of 8 weeks is a reference to a period of 16 weeks; and
- (b) the reference in article 22(2)(aa)(1) to the period of 12 weeks is a reference to the period of 20 weeks.

Extension of the power to provide in a development order for the giving of directions as respects the manner in which planning applications are dealt with

62. Provisions included in a development order by virtue of section 60 of the 1990 Act (permission granted by development order)(2) which enable the Welsh Ministers to give directions, must enable them to direct that development which is both of a description mentioned in Column 1 of the table in Schedule 2, and of a class described in the direction is EIA development for the purposes of these Regulations.

Application to the Crown

63.—(1) These Regulations apply to the Crown with the following modifications.

(2) In relation to an application made to the Welsh Ministers other than an application under section 62D of the 1990 Act (developments of national significance: applications for planning permission), regulation 12 (application referred to the Welsh Ministers without an environmental statement) is to be read as if—

(1) Mewnosodwyd is-baragraff (aa) o erthygl 22(2) gan erthygl 11(b) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2016 (O.S. 2016/59 (Cy. 29)).

(2) Mae diwygiadau i adran 60 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) Sub-paragraph (aa) of article 22(2) was inserted by article 11(b) of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59 (W. 29)).

(2) There are amendments to section 60 which are not relevant to these Regulations.

- (a) ym mharagraff (1)—
 - (i) cyn “atgyfeirio” yn y lle cyntaf y mae’n digwydd, yn darllen “wneud i Weinidogion Cymru o dan adran 293A o Ddeddf 1990 (datblygiad brys y Goron: cais)(1) neu ei”; a
 - (ii) cyn “atgyfeirio’r” yn darllen “gwneud neu”;
- (b) ym mharagraff (2), cyn “atgyfeirio’r” yn darllen “gwneud neu”; ac
- (c) ym mharagraff (3), cyn “a atgyfeiriwyd” yn y lle cyntaf y mae’n digwydd, yn darllen “a wnaed o dan adran 293A o Ddeddf 1990 neu”.

- (a) in paragraph (1)—
 - (i) before “referred” in the first place it occurs, it read “made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application)(1) or”; and
 - (ii) before “referral” it read “making or the”;
- (b) in paragraph (2), before “referral”, it read “making or the”; and
- (c) in paragraph (3), before “referred” in the first place it occurs, it read “made under section 293A of the 1990 Act or”.

Diwygio offerynnau eraill

64. Mae’r offerynnau yn Atodlen 9 wedi eu diwygio i’r graddau a nodir yn yr Atodlen honno.

Amendment of other instruments

64. The instruments in Schedule 9 are amended to the extent set out in that Schedule.

Darpariaethau dirymu, arbed a throsiannol

65.—(1) Mae Rheoliadau 2016 wedi eu dirymu, ond mae hynny’n ddarostyngedig i baragraffau (2) i (8).

(2) Pan fo’r amod ym mharagraff (3) yn gymwys mae Rheoliadau 2016 yn parhau i gael effaith mewn cysylltiad â’r canlynol—

- (a) cais am ganiatâd cynllunio;
- (b) cais ROMP y mae Rheoliadau 2016 yn gymwys iddo;
- (c) apêl mewn perthynas â chais o fewn is-baragraff (a) neu (b);
- (d) mater y mae awdurdod cynllunio lleol wedi dyroddi hysbysiad gorfodi mewn perthynas ag ef o dan adran 172 o Ddeddf 1990.

(3) At ddibenion paragraff (2), yr amod yw bod y ceisydd neu’r apelydd (yn ôl y digwydd), cyn 16 Mai 2017, wedi—

- (a) gofyn am farn gwmpasu neu gyfarwyddyd cwmpasu; neu
- (b) cyflwyno datganiad amgylcheddol,

mewn cysylltiad â’r datblygiad y mae’r cais neu’r apêl yn ymwneud ag ef.

Revocation, saving and transitional provisions

65.—(1) The 2016 Regulations are revoked, but this is subject to paragraphs (2) to (8).

(2) Where the condition in paragraph (3) applies the 2016 Regulations continue to have effect in respect of the following—

- (a) an application for planning permission;
- (b) a ROMP application to which the 2016 Regulations apply;
- (c) an appeal in relation to an application within sub-paragraph (a) or (b);
- (d) a matter in relation to which a local planning authority have issued an enforcement notice under section 172 of the 1990 Act.

(3) For the purposes of paragraph (2), the condition is that before 16 May 2017 the applicant or appellant (as the case may be) has—

- (a) requested a scoping opinion or a scoping direction; or
- (b) submitted an environmental statement,

in respect of the development to which the application or appeal relates.

(1) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) (“Ddeddf 2004”) ac fe’i diwygiwyd gan adran 16 ac Atodlen 2, paragraffau 8 a 9 ac adran 27 a pharagraffau 1 a 17(1) i (3) o Atodlen 4 i Ddeddf Cynllunio (Cymru) 2015. Mae adran 118(3) o Ddeddf 2004 yn darparu bod rhaid cymryd bod cyfeiriad yn Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) at ddeddfiad a ddiwygiwyd gan Ddeddf 2004 yn gyfeiriad at y deddfiad fel y’i diwygiwyd felly.

(1) Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) (the “2004 Act”) and has been amended by section 16 and Schedule 2, paragraphs 8 and 9 and section 27 and paragraphs 1 and 17(1) to (3) of Schedule 4 to the Planning (Wales) Act 2015. Section 118(3) of the 2004 Act provides that a reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to an enactment amended by the 2004 Act must be taken as a reference to the enactment as so amended.

(4) Pan fo'r amod ym mharagraff (5) yn gymwys mae Rheoliadau 2016 yn parhau i gael effaith mewn cysylltiad â'r canlynol—

- (a) gorchymyn datblygu lleol arfaethedig;
- (b) gorchymyn adran 97 neu orchymyn adran 102 arfaethedig.

(5) At ddibenion paragraff (4), yr amod yw fod yr awdurdod cynllunio lleol, y corff cychwyn neu'r ceisydd (yn ôl y digwydd), cyn 16 Mai 2017, wedi—

- (a) gofyn am farn gwmpasu neu gyfarwyddyd cwmpasu; neu
- (b) llunio datganiad amgylcheddol,

mewn cysylltiad â'r datblygiad y mae'r gorchymyn arfaethedig yn ymwneud ag ef.

(6) Mae Rheoliadau 2016 yn parhau i gael effaith mewn cysylltiad â cham gweithredu arfaethedig o dan adran 141 o Ddeddf 1990 pan fo'r ceisydd, fel y'i diffinnir ym mharagraff 3 o Atodlen 7, cyn 16 Mai 2017, wedi—

- (a) gofyn am farn gwmpasu neu gyfarwyddyd cwmpasu; neu
- (b) cyflwyno datganiad amgylcheddol,

mewn cysylltiad â'r datblygiad y mae'r cam gweithredu arfaethedig yn ymwneud ag ef.

(7) Mae Rhannau 1 a 2 o Reoliadau 2016 yn parhau i gael effaith mewn cysylltiad â—

- (a) gofyniadau am farn sgrinio neu gyfarwyddyd sgrinio;
- (b) barnau sgrinio a fabwysiedir gan yr awdurdod cynllunio perthnasol; ac
- (c) cyfarwyddydau sgrinio a wneir gan Weinidogion Cymru,

pan fo, cyn 16 Mai 2017, y fath ofyniadau wedi eu gwneud, neu pan fo'r awdurdod cynllunio lleol neu Weinidogion Cymru (yn ôl y digwydd) wedi cychwyn gwneud barnau sgrinio neu gyfarwyddydau sgrinio neu wedi cychwyn mabwysiadu barnau neu gyfarwyddydau o'r fath.

(8) Mae Rheoliadau 2016 yn parhau i gael effaith at ddibenion Rheoliadau Cynllunio Gwlad a Thref (Adolygiadau Amhenderfynedig o Hen Ganiatadau Mwynau) (Cymru) 2009(1).

(9) Yn unol â hynny, nid yw'r Rheoliadau hyn (ac eithrio'r rheoliad hwn) yn gymwys mewn cysylltiad â datblygiad y mae Rheoliadau 2016 yn parhau i gael effaith arno yn rhinwedd unrhyw un neu ragor o baragraffau (2) i (8).

(4) Where the condition in paragraph (5) applies the 2016 Regulations continue to have effect in respect of the following—

- (a) a proposed local development order;
- (b) a proposed section 97 or a section 102 order.

(5) For the purposes of paragraph (4), the condition is that before 16 May 2017 the local planning authority, the initiating body or the applicant (as the case may be) has—

- (a) requested a scoping opinion or a scoping direction; or
- (b) prepared an environmental statement,

in respect of the development to which the proposed order relates.

(6) The 2016 Regulations continue to have effect in respect of proposed action under section 141 of the 1990 Act where before 16 May 2017 the applicant, as defined in paragraph 3 of Schedule 7, has—

- (a) requested a scoping opinion or a scoping direction; or
- (b) submitted an environmental statement,

in respect of the development to which the proposed action relates.

(7) Parts 1 and 2 of the 2016 Regulations continue to have effect in respect of—

- (a) requests for a screening opinion or screening direction;
- (b) screening opinions adopted by the relevant planning authority; and
- (c) screening directions made by the Welsh Ministers,

where, before 16 May 2017, such requests were made, or the local planning authority or the Welsh Ministers (as the case may be) initiated the making or adoption of screening opinions or screening directions.

(8) The 2016 Regulations continue to have effect for the purposes of the Town and Country Planning (Undetermined Reviews of Old Mineral Permissions)(Wales) Regulations 2009(1).

(9) Accordingly, these Regulations (other than this regulation) do not apply in respect of development to which the 2016 Regulations continue to have effect by virtue of any of paragraphs (2) to (8).

(1) O.S. 2009/3342 (Cy. 293) fel y'i diwygiwyd gan O.S. 2003/755 (Cy. 90) ac O.S. 2016/58 (Cy. 28) gweler ar gyfer ceisiadau ROMP a wnaed cyn 15 Tachwedd 2000.

(1) S.I. 2009/3342 (W. 293) as amended by S.I. 2003/755 (W. 90) and S.I. 2016/58 (W. 28) see for ROMP applications made before 15 November 2000.

(10) Yn y rheoliad hwn—

mae i “barn gwmpasu” (“*scoping opinion*”), “cyfarwyddyd cwmpasu” (“*scoping direction*”) a “datganiad amgylcheddol” (“*environmental statement*”) yr ystyron a roddir yn rheoliad 2 o Reoliadau 2016;

mae i “cais ROMP” (“*ROMP application*”) a “ROMP” (“*ROMP*”) yr un ystyr ag yn rheoliad 55(1); ac

ystyr “Rheoliadau 2016” (“*2016 Regulations*”) yw Rheoliadau Cynllunio Gwlad a Thref (Aseu Effeithiau Amgylcheddol) (Cymru) 2016(1).

Diwygiadau canlyniadol

66. Mae'r offerynnau yn Atodlen 10 wedi eu diwygio i'r graddau a ddangosir yn yr Atodlen honno.

(10) In this regulation—

“2016 Regulations” (“*Rheoliadau 2016*”) means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016(1);

“environmental statement” (“*datganiad amgylcheddol*”), scoping direction” (“*cyfarwyddyd cwmpasu*”) and “scoping opinion” (“*barn gwmpasu*”) have the meanings in regulation 2 of the 2016 Regulations; and

“ROMP” (“*ROMP*”) and “ROMP application” (“*cais ROMP*”) have the same meaning as in regulation 55(1).

Consequential amendments

66. The instruments in Schedule 10 are amended to the extent shown in that Schedule.

Lesley Griffiths

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru
20 Ebrill 2017

Cabinet Secretary for Environment and Rural Affairs, one of the Welsh Ministers
20 April 2017

(1) O.S. 2016/58 (Cy. 28).

(1) S.I. 2016/58 (W. 28).

Disgrifiadau o ddatblygiad at ddibenion y diffiniad o “datblygiad Atodlen 1”

Dehongli

Yn yr Atodlen hon—

nid yw “gorsaf bŵer niwclear” (“*nuclear power station*”) ac “adweithydd niwclear arall” (“*other nuclear reactor*”) yn cynnwys gosodiad o safle lle mae pob tanwydd niwclear a deunyddiau wedi eu halogi’n ymbelydrol wedi eu symud oddi yno’n barhaol; a rhaid peidio â thrin datblygiad at ddiben datgymalu neu ddadgomisiynu gorsaf bŵer niwclear neu adweithydd niwclear arall fel datblygiad o ddisgrifiad a grybwyllir ym mharagraff 2(b) yr Atodlen hon;

ystyr “gwibffordd” yw ffordd sy’n cydymffurfio â’r diffiniad o “express road” yng Nghytundeb Ewrop ar Briffyrdd Traffig Rhyngwladol, 15 Tachwedd 1975(1);

ystyr “maes awyr” (“*airport*”) yw maes awyr sy’n cydymffurfio â’r diffiniad o “airport” yng Nghonfensiwn Chicago 1944 yn sefydlu’r Sefydliad Hedfan Sifil Rhyngwladol (Atodiad 14)(2).

Disgrifiadau o ddatblygiad

Cynnal datblygiad er mwyn darparu unrhyw rai o’r canlynol—

1. Purfeydd olew crai (ac eithrio ymgymeriadau sy’n gweithgynhyrchu dim ond ireidiau o olew crai) a gosodiadau ar gyfer nwyeddio a hylifo 500 tonnelli neu fwy o lo neu olew siâl bitwminaid y dydd.

2.

- (a) Gorsafoedd pŵer thermal a gosodiadau ymlogi eraill sy’n cynhyrchu 300 megawat o wres neu fwy; a
- (b) Gorsafoedd pŵer niwclear ac adweithyddion niwclear eraill (ac eithrio gosodiadau ymchwil er mwyn cynhyrchu a thrawsnewid deunyddiau ymholltol a ffrwythlon, nad yw eu pŵer uchaf yn fwy na llwyth thermal parhaus o 1 cilowat).

(1) *Gweler* Papur Gorchymyn 6993.
(2) *Gweler* Papur Gorchymyn 6614.

Descriptions of development for the purposes of the definition of “Schedule 1 development”

Interpretation

In this Schedule—

“airport” (“*maes awyr*”) means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14)(1);

“express road” (“*gwibffordd*”) means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975(2);

“nuclear power station” (“*gorsaf bŵer niwclear*”) and “other nuclear reactor” (“*adweithydd niwclear arall*”) do not include an installation from the site of which all nuclear fuel and other radioactive contaminated materials have been permanently removed; and development for the purpose of dismantling or decommissioning a nuclear power station or other nuclear reactor is not to be treated as development of the description mentioned in paragraph 2(b) of this Schedule.

Descriptions of development

The carrying out of development to provide any of the following—

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2.

- (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more; and
- (b) Nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

(1) *See* Command Paper 6614.
(2) *See* Command Paper 6993.

3.

- (a) Gosodiadau ar gyfer ailbroesu tanwydd niwclear arbelydredig;
- (b) Gosodiadau a gynlluniwyd—
 - (i) ar gyfer cynhyrchu neu gyfoethogi tanwydd niwclear;
 - (ii) ar gyfer prosesu tanwydd niwclear arbelydredig neu wastraff ymbelydrol lefel uchel;
 - (iii) ar gyfer cael gwared yn derfynol ar danwydd niwclear arbelydredig;
 - (iv) ar gyfer cael gwared yn derfynol ar wastraff ymbelydrol yn unig;
 - (v) ar gyfer storio (a gynllunnir am dros 10 mlynedd) tanwyddau niwclear arbelydredig neu wastraff ymbelydrol mewn safle gwahanol i'r safle lle eu cynhyrchir yn unig.

4.

- (a) Gwaith integredig ar gyfer toddi cychwynnol haearn bwrw a dur;
- (b) Gosodiadau ar gyfer cynhyrchu metelau crai anfferrus o fwyn, crynodiadau neu ddeunyddiau crau eilaidd drwy brosesau metelegol, cemegol neu electrolytig.

5. Gosodiadau ar gyfer echdynnu asbestos a phrosesu a thrawsnewid asbestos a chynhyrchion sy'n cynnwys asbestos—

- (a) ar gyfer cynhyrchion asbestos-sment, sy'n cynhyrchu mwy na 20,000 tonnell o'r cynhyrchion gorffenedig y flwyddyn;
- (b) ar gyfer deunydd ffirithiant, sy'n cynhyrchu mwy na 50 tonnell o'r cynhyrchion gorffenedig y flwyddyn; ac
- (c) ar gyfer defnydd arall o asbestos, sy'n defnyddio mwy na 200 tonnell y flwyddyn.

6. Gosodiadau cemegol integredig, hynny yw, gosodiadau ar gyfer gweithgynhyrchu sylweddau drwy ddefnyddio prosesau trawsnewid cemegol ar raddfa ddiwydiannol, lle y cyfosodir nifer o unedau a'u cysylltu'n weithredol â'i gilydd ac sydd—

- (a) ar gyfer cynhyrchu cemegau organig sylfaenol;
- (b) ar gyfer cynhyrchu cemegau anorganig sylfaenol;
- (c) ar gyfer cynhyrchu gwrtaith y mae ffosfforws, nitrogen neu botasiwm yn sylfaen iddo (gwrteithiau syml neu gyfansawdd);
- (d) ar gyfer cynhyrchu cynhyrchion iechyd planhigion sylfaenol a bywleiddiaid;

3.

- (a) Installations for the reprocessing of irradiated nuclear fuel;
- (b) Installations designed—
 - (i) for the production or enrichment of nuclear fuel;
 - (ii) for the processing of irradiated nuclear fuel or high-level radioactive waste;
 - (iii) for the final disposal of irradiated nuclear fuel;
 - (iv) solely for the final disposal of radioactive waste;
 - (v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4.

- (a) Integrated works for the initial smelting of cast-iron and steel;
- (b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos—

- (a) for asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products;
- (b) for friction material, with an annual production of more than 50 tonnes of finished products; and
- (c) for other uses of asbestos, utilisation of more than 200 tonnes per year.

6. Integrated chemical installations, that is to say, installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are—

- (a) for the production of basic organic chemicals;
- (b) for the production of basic inorganic chemicals;
- (c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
- (d) for the production of basic plant health products and of biocides;

- (e) ar gyfer cynhyrchu cynhyrchion fferyllol sylfaenol drwy ddefnyddio proses gemegol neu fiolegol;
- (f) ar gyfer cynhyrchu ffrwydron.

7.

- (a) Adeiladu rheilffyrdd ar gyfer traffig rheilffordd pellter hir a meysydd awyr sydd â hyd rhedfa sylfaenol o 2,100 metr neu fwy;
- (b) Adeiladu traffyrdd a gwibffyrdd;
- (c) Adeiladu ffordd newydd o bedair lôn neu fwy, neu adlinio a/neu ledu ffordd bresennol o ddwy lôn neu lai er mwyn darparu pedair neu fwy o lonydd, pan fyddai ffordd newydd o'r fath, neu ran wedi ei hadlinio a/neu ei lledu o ffordd yn 10 cilometr neu fwy mewn hyd parhaus.

8.

- (a) Dyfrffyrdd mewndirol a phorthladdoedd ar gyfer traffig dyfrffyrdd mewndirol sy'n caniatáu hynt llongau dros 1,350 tonnelli;
- (b) Porthladdoedd masnachu, pierau ar gyfer llwytho a dadlwytho sydd wedi eu cysylltu i dir a thu allan i borthladdoedd (ac eithrio pierau fferi) a all dderbyn llongau sydd dros 1,350 tonnelli.

9. Gosodiadau gwaredu gwastraff ar gyfer llosgi, trin yn gemegol (fel y'i diffinnir yn Atodiad IIA i Gyfarwyddeb y Cyngor 75/442/EEC(1) o dan bennawd D9), neu dirlenwi gwastraff peryglus fel y'i diffinnir yn rheoliad 6 o Reoliadau Gwastraff Peryglus (Cymru) 2005(2).

10. Gosodiadau gwaredu gwastraff ar gyfer llosgi neu drin yn gemegol (fel y'i diffinnir yn Atodiad IIA i Gyfarwyddeb y Cyngor 75/442/EEC o dan bennawd D9) gwastraff nad yw'n beryglus gyda chynhwysedd o dros 100 tonnelli y dydd.

11. Cynlluniau tynnu dŵr daear neu ail-lenwi dŵr daear artiffisial pan fo cyfaint blynyddol y dŵr a dynnir neu a ail-lenwir yn cyfateb i neu'n fwy na 10 miliwn metr ciwbig.

- (e) for the production of basic pharmaceutical products using a chemical or biological process;
- (f) for the production of explosives.

7.

- (a) Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more;
- (b) Construction of motorways and express roads;
- (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length.

8.

- (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes;
- (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC(1) under heading D9), or landfill of hazardous waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005(2).

10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.

11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

(1) O.J. Rhif L 194, 25.7.1975, t. 39. Diwygiwyd Cyfarwyddeb y Cyngor 75/442/EEC gan Gyfarwyddeb y Cyngor 91/156/EEC (O.J. Rhif L 78, 26.3.1991, t. 32) a chan Benderfyniad y Comisiwn 94/3/EC (O.J. Rhif L 5, 7.1.1994, t. 15).

(2) O.S. 2005/1806 (Cy. 138).

(1) O.J. No. L 194, 25.7.1975, p. 39. Council Directive 75/442/EEC was amended by Council Directive 91/156/EEC (O.J. No. L 78, 26.3.1991, p. 32) and by Commission Decision 94/3/EC (O.J. No. L 5, 7.1.1994, p. 15).

(2) S.I. 2005/1806 (W. 138).

12.

- (a) Gwaith ar gyfer trosglwyddo adnoddau dŵr, heblaw dŵr yfed a bibellir, rhwng basnau afon pan mai nod y trosglwyddiad yw atal prinder dŵr posibl a phan fo swm y dŵr a drosglwyddir yn fwy na 100 miliwn metr ciwbig y flwyddyn;
- (b) Ym mhob achos arall, gwaith ar gyfer trosglwyddo adnoddau dŵr, heblaw dŵr yfed a bibellir, rhwng basnau afon pan fo llif cyfartalog aml-flynyddol y basn y tynnir y dŵr ohono yn fwy na 2,000 miliwn metr ciwbig y flwyddyn a phan fo swm y dŵr a drosglwyddir yn fwy na 5% o'r llif hwn.

13. Gweithfeydd trin dŵr gwastraff gyda chynhwysedd sy'n fwy na chyfwerth â 150,000 o boblogaeth fel y'i diffinnir yn Erthygl 2 pwynt (6) o Gyfarwyddeb y Cyngor 91/271/EEC(1).

14. Echdynnu petrolewm a nwy naturiol at ddibenion masnachol pan fo'r swm a echdynnir yn fwy na 500 tonnall y dydd yn achos petrolewm a 500,000 metr ciwbig y dydd yn achos nwy.

15. Argloddiau a gosodiadau eraill a gynlluniwyd er mwyn dal dŵr yn ôl neu storio dŵr yn barhaol, pan fo swm newydd neu swm ychwanegol o ddŵr a ddelir yn ôl neu a gaiff ei storio yn fwy na 10 miliwn metr ciwbig.

16. Piblinellau sydd â diamedr o fwy na 800 milimetr a hyd o fwy na 40 cilometr:

- ar gyfer cludo nwy, olew, cemegau, neu
- ar gyfer cludo ffrwd carbon deuocsid er mwyn ei storio'n ddaearegol, gan gynnwys gorsafoedd atgyfnerthu cysylltiedig.

17. Gosodiadau ar gyfer magu dofednod neu foch yn ddwys gyda mwy na—

- (a) 85,000 o leoedd ar gyfer brwyliaid neu 60,000 o leoedd ar gyfer ieir;
- (b) 3,000 o leoedd ar gyfer moch cynhyrchu (dros 30 kg); neu
- (c) 900 o leoedd ar gyfer hychod.

18. Gweithfeydd diwydiannol ar gyfer—

- (a) cynhyrchu pwlp o goed neu ddeunyddiau ffibrog tebyg;
- (b) cynhyrchu papur a bwrdd gyda'r lle i gynhyrchu dros 200 tonnall y dydd.

12.

- (a) Works for the transfer of water resources, other than piped drinking water, between river basins where the transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year;
- (b) In all other cases, works for the transfer of water resources, other than piped drinking water, between river basins where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5% of this flow.

13. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Council Directive 91/271/EEC(1).

14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.

15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

16. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres:

- for the transport of gas, oil, chemicals, or
- for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.

17. Installations for the intensive rearing of poultry or pigs with more than—

- (a) 85,000 places for broilers or 60,000 places for hens;
- (b) 3,000 places for production pigs (over 30 kg); or
- (c) 900 places for sows.

18. Industrial plants for—

- (a) the production of pulp from timber or similar fibrous materials;
- (b) the production of paper and board with a production capacity exceeding 200 tonnes per day.

(1) O.J. Rhif L 135, 30.5.1991, t. 40.

(1) O.J. No. L 135, 30.5.1991, p. 40.

19. Chwareli a chloddio glo brig pan fo arwyneb y safle yn fwy na 25 hectar, neu echdynnu mawn pan fo arwyneb y safle yn fwy na 150 hectar.

20. Gosodiadau ar gyfer storio petroliwm, cynhyrchion petrocemegol neu gemegol gyda lle i 200,000 tonnell neu fwy.

21. Safleoedd storio yn unol â Chyfarwyddeb 2009/31/EC Senedd Ewrop a'r Cyngor dyddiedig 23 Ebrill 2009 ar storio carbon deuocsid yn ddaearegol⁽¹⁾.

22. Gosodiadau ar gyfer dal ffrydiau carbon deuocsid at ddibenion eu storio'n ddaearegol yn unol â Chyfarwyddeb 2009/31/EC o osodiadau a gynhwysir yn yr Atodlen hon, neu pan fo cyfanswm o 1.5 megaton neu fwy o garbon deuocsid y flwyddyn yn cael ei ddal.

23. Unrhyw newid i ddatblygiad neu estyniad ohono a restrir yn yr Atodlen hon pan fo newid neu estyniad o'r fath ynddo'i hun yn bodloni trothwyon, os oes rhai, neu ddisgrifiad o ddatblygiad a nodir yn yr Atodlen hon.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.

20. Installations for storage of petroleum, petrochemical or chemical products with a capacity of 200,000 tonnes or more.

21. Storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾.

22. Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations covered by this Schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more.

23. Any change to or extension of development listed in this Schedule where such a change or extension in itself meets the thresholds, if any, or description of development set out in this Schedule.

⁽¹⁾ O.J. Rhif L 140, 5.6.2009, t. 114.

⁽¹⁾ O. J. No L 140, 5.6.2009, p. 114.

ATODLEN 2 Rheoliad 2(1)

Disgrifiadau o ddatblygiad a throthwyon a meini prawf cymwys at ddibenion y diffiniad o “datblygiad Atodlen 2”

1. Yn y tabl isod—

mae “arwynebedd gwaith” (“*area of the works*”) yn cynnwys unrhyw arwynebedd lle mae aparatws, cyfarpar, peiriannau, deunyddiau, offer, tomen rwbwl neu gyfleusterau eraill neu storffeydd y mae eu hangen ar gyfer adeiladu neu osod;

ystyr “arwynebedd llawr” (“*floorspace*”) yw arwynebedd y lloriau mewn adeilad neu adeiladau.

mae i “dyfroedd a reolir” yr un ystyr ag a roddir i “controlled waters” yn Neddf Adnoddau Dŵr 1991(1).

2. Mae'r tabl isod yn nodi disgrifiadau o ddatblygiad a throthwyon a meini prawf cymwys at ddiben dosbarthu datblygiad yn ddatblygiad Atodlen 2.

| <i>Colofn 1</i> <i>Disgrifiad o ddatblygiad</i> | <i>Colofn 2</i> <i>Trothwyon a meini prawf cymwys</i> |
|--|--|
|--|--|

Cynnal datblygiad ar gyfer darparu unrhyw un o'r canlynol—

| <i>1 Amaethyddiaeth a dyframaethu</i> | |
|--|---|
| (a) Prosiectau ar gyfer defnyddio tir heb ei drin neu arwynebau lled-naturiol at ddibenion amaethyddol dwys; | Mae arwynebedd y datblygiad yn fwy na 0.5 hectar. |
| (b) Prosiectau rheoli dŵr ar gyfer amaethyddiaeth, gan gynnwys prosiectau dyfrhau a draenio tir; | Mae arwynebedd y gwaith yn fwy nag 1 hectar. |

SCHEDULE 2 Regulation 2(1)

Descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development”

1. In the table below—

“area of the works” (“*arwynebedd gwaith*”) includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“controlled waters” (“*dyfroedd a reolir*”) has the same meaning as in the Water Resources Act 1991(1);

“floorspace” (“*arwynebedd llawr*”) means the floorspace in a building or buildings.

2. The table below sets out the descriptions of development and applicable thresholds and criteria for the purpose of classifying development as Schedule 2 development.

| <i>Column 1</i> <i>Description of development</i> | <i>Column 2</i> <i>Applicable thresholds and criteria</i> |
|--|--|
|--|--|

The carrying out of development to provide any of the following—

| <i>1 Agriculture and aquaculture</i> | |
|--|--|
| (a) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes; | The area of the development exceeds 0.5 hectare. |
| (b) Water management projects for agriculture, including irrigation and land drainage projects; | The area of the works exceeds 1 hectare. |

(1) 1991 p. 57. *Gweler* adran 104.

(1) 1991 c. 57. *See* section 104.

| | | | |
|---|--|--|--|
| (c) Gosodiadau da byw dwys (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae'r arwynebedd llawr newydd yn fwy na 500 metr sgwâr. | (c) Intensive livestock installations (unless included in Schedule 1); | The area of new floorspace exceeds 500 square metres. |
| (d) Ffermio pysgod dwys; | Mae'r gosodiad a gyfyd o'r datblygiad wedi ei gynllunio i gynhyrchu mwy na 10 tunnell o bwysau pysgod marw y flwyddyn. | (d) Intensive fish farming; | The installation resulting from the development is designed to produce more than 10 tonnes of dead weight fish per year. |
| (e) Adennill tir o'r môr. | Pob datblygiad. | (e) Reclamation of land from the sea. | All development. |

| | | | |
|---|---|---|---|
| 2 Diwydiant echdynnol | | 2 Extractive industry | |
| (a) Chwareli, cloddio glo brig ac echdynnu mawn (oni bai eu bod wedi eu cynnwys yn Atodlen 1); (b) Cloddio o dan y ddaear; | Pob datblygiad heblaw adeiladu adeiladau neu adeileddau ategol eraill lle nad yw'r arwynebedd llawr yn fwy na 1,000 metr sgwâr. | (a) Quarries, open cast mining and peat extraction (unless included in Schedule 1); (b) Underground mining; | All development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres. |
| (c) Echdynnu mwynau drwy garthu afonol neu forol; | Pob datblygiad. | (c) Extraction of minerals by fluvial or marine dredging; | All development. |
| (d) Driliadau dwfn, yn enwedig— (i) drilio geothermol; (ii) drilio ar gyfer storio deunydd gwastraff niwclear; (iii) drilio ar gyfer cyflenwadau dŵr; ac eithrio driliadau ar gyfer ymchwilio i sefydlogrwydd y pridd; | (i) Mewn perthynas ag unrhyw fath o ddrilio, mae arwynebedd y gwaith yn fwy nag 1 hectar; neu (ii) mewn perthynas â drilio geothermol a drilio ar gyfer storio deunydd gwastraff niwclear, mae'r drilio o fewn 100 metr oddi wrth unrhyw ddyfroedd a reolir. | (d) Deep drillings, in particular— (i) geothermal drilling; (ii) drilling for the storage of nuclear waste material; (iii) drilling for water supplies; with the exception of drillings for investigating the stability of the soil; | (i) In relation to any type of drilling, the area of the works exceeds 1 hectare; or (ii) in relation to geothermal drilling and drilling for the storage of nuclear waste material, the drilling is within 100 metres of any controlled waters. |
| (e) Gosodiadau diwydiannol ar yr wyneb ar gyfer echdynnu glo, petrolewm, nwy a mwynau naturiol, yn ogystal â siâl bitwminaidd. | Mae arwynebedd y datblygiad yn fwy na 0.5 hectar. | (e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale. | The area of the development exceeds 0.5 hectare. |

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| 3 Diwydiant ynni | | 3 Energy industry | |
| (a) Gosodiadau diwydiannol ar gyfer cynhyrchu trydan, stêm a dŵr poeth (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae arwynebedd y datblygiad yn fwy na 0.5 hectar. | (a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1); | The area of the development exceeds 0.5 hectare. |
| (b) Gosodiadau diwydiannol ar gyfer cludo nwy, stêm a dŵr poeth; | Mae arwynebedd y gwaith yn fwy nag 1 hectar. | (b) Industrial installations for carrying gas, steam and hot water; | The area of the works exceeds 1 hectare. |
| (c) Storio nwy naturiol ar yr wyneb; (d) Storio nwyon hysg o dan y ddaear; (e) Storio tanwydd ffosil ar yr wyneb; | (i) Mae arwynebedd unrhyw adeilad, gwaddod neu adeiledd newydd yn fwy na 500 metr sgwâr; neu (ii) adeilad, gwaddod neu adeiledd newydd sydd i'w leoli o fewn 100 metr oddi wrth unrhyw ddyfroedd a reolir. | (c) Surface storage of natural gas; (d) Underground storage of combustible gases; (e) Surface storage of fossil fuels; | (i) The area of any new building, deposit or structure exceeds 500 square metres; or (ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters. |
| (f) Cynhyrchu brics o lo a lignit ar raddfa ddiwydiannol; | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr. | (f) Industrial briquetting of coal and lignite; | The area of new floorspace exceeds 1,000 square metres. |
| (g) Gosodiadau ar gyfer prosesu a storio gwastraff ymbelydrol (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | (i) Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr; neu (ii) bydd yn ofynnol i'r gosodiad sy'n deillio o'r datblygiad gael trwydded amgylcheddol o dan Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010(1) mewn perthynas â gweithgaredd sylweddau ymbelydrol a ddisgrifir ym mharagraff 11(2)(b), (2)(c) neu (4) o Ran 2 o Atodlen 23 i'r Rheoliadau hynny, neu amrywiad o drwydded o'r fath. | (g) Installations for the processing and storage of radioactive waste (unless included in Schedule 1); | (i) The area of new floorspace exceeds 1,000 square metres; or (ii) the installation resulting from the development will require the grant of an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010(1) in relation to a radioactive substances activity described in paragraph 11(2)(b), (2)(c) or (4) of Part 2 of Schedule 23 to those Regulations, or the variation of such a permit. |
| (h) Gosodiadau ar gyfer cynhyrchu ynni hydrodrydanol; | Mae'r gosodiad wedi ei gynllunio i gynhyrchu mwy na 0.5 megawatt. | (h) Installations for hydroelectric energy production; | The installation is designed to produce more than 0.5 megawatts. |
| (i) Gosodiadau ar gyfer defnyddio pŵer y gwynt er mwyn cynhyrchu ynni (ffermydd gwynt); | (i) Mae'r datblygiad yn golygu gosod mwy na 2 dyrbin; neu | (i) Installations for the harnessing of wind power for energy production (wind farms); | (i) The development involves the installation of more than 2 turbines; or |

(1) O.S. 2010/675.

(1) S.I. 2010/675.

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| | (ii) mae uchder canol unrhyw dyrbin neu uchder unrhyw adeiledd arall yn fwy na 15 metr. | | (ii) the hub height of any turbine or height of any other structure exceeds 15 metres. |
| (j) Gosodiadau ar gyfer dal ffrydiau carbon deuocsid at ddibenion storio daearegol yn unol â Chyfarwyddeb 2009/31/EC o osodiadau nad ydynt wedi eu cynnwys yn Atodlen 1. | Pob datblygiad. | (j) Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations not included in Schedule 1. | All development. |

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| 4 Cynhyrchu a phrosesu metelau | | 4 Production and processing of metals | |
| <p>(a) Gosodiadau ar gyfer cynhyrchu haearn crai neu ddur (prif ymdoddiad neu ymdoddiad eilaidd) gan gynnwys castio parhaus;</p> <p>(b) Gosodiadau ar gyfer prosesu metelau fferrus—</p> <p>(i) melinau rholio poeth;</p> <p>(ii) gofaniaeth gyda morthwylion;</p> <p>(iii) araenu gyda haenau metel ymdoddedig amddiffynnol;</p> <p>(c) Ffowndriau metel fferrus;</p> <p>(d) Gosodiadau ar gyfer toddi, gan gynnwys aloieiddio, metelau anfferrus, ac eithrio metelau gwerthfawr, gan gynnwys cynhyrchion wedi eu hadfer, (coethi, castio ffowndri, etc.);</p> <p>(e) Gosodiadau ar gyfer trin arwynebedd metelau a deunyddiau plastig drwy ddefnyddio proses electrolytig neu gemegol;</p> <p>(f) Gweithgynhyrchu a chydod cerbydau modur a gweithgynhyrchu peiriannau cerbydau modur;</p> <p>(g) Ierdydd llongau;</p> <p>(h) Gosodiadau ar gyfer adeiladu a thrwsio awyrennau;</p> <p>(i) Gweithgynhyrchu offer rheilffordd;</p> <p>(j) Swagio gyda ffrwydrion;</p> | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr. | <p>(a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;</p> <p>(b) Installations for the processing of ferrous metals—</p> <p>(i) hot-rolling mills;</p> <p>(ii) smitheries with hammers;</p> <p>(iii) application of protective fused metal coats;</p> <p>(c) Ferrous metal foundries;</p> <p>(d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);</p> <p>(e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;</p> <p>(f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;</p> <p>(g) Shipyards;</p> <p>(h) Installations for the construction and repair of aircraft;</p> <p>(i) Manufacture of railway equipment;</p> <p>(j) Swaging by explosives;</p> | The area of new floorspace exceeds 1,000 square metres. |

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| (k) Gosodiadau ar gyfer rhostio a sintro mwynau metelig. | | (k) Installations for the roasting and sintering of metallic ores. | |
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| 5 Diwydiant mwynol | | 5 Mineral industry | |
| (a) Ffyrnau golosg (distyllu glo sych); (b) Gosodiadau ar gyfer gweithgynhyrchu sment; (c) Gosodiadau ar gyfer cynhyrchu asbestos a gweithgynhyrchu cynhyrchion sy'n seiliedig ar asbestos (oni bai eu bod wedi eu cynnwys yn Atodlen 1); (d) Gosodiadau ar gyfer gweithgynhyrchu gwydr gan gynnwys gwydrffibr; (e) Gosodiadau ar gyfer mwyndoddi sylweddau mwynol gan gynnwys cynhyrchu ffibrau mwynol; (f) Gweithgynhyrchu cynhyrchion ceramig drwy losgi, yn enwedig teils to, briciau, briciau gwrthsafol, teils, crochenwaith caled neu borslen. | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr. | (a) Coke ovens (dry coal distillation); (b) Installations for the manufacture of cement; (c) Installations for the production of asbestos and the manufacture of asbestos-based products (unless included in Schedule 1); (d) Installations for the manufacture of glass including glass fibre; (e) Installations for smelting mineral substances including the production of mineral fibres; (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain. | The area of new floorspace exceeds 1,000 square metres. |

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| 6 Diwydiant cemegol (oni bai ei fod wedi ei gynnwys yn Atodlen 1) | | 6 Chemical industry (unless included in Schedule 1) | |
| (a) Trin rhan-gynhyrchion a chynhyrchu cemegau; (b) Cynhyrchu plaeiddiaid a chynhyrchion fferyllol, paent a farneisiau, elastomerau a pherocsidau; | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr | (a) Treatment of intermediate products and production of chemicals; (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides; | The area of new floorspace exceeds 1,000 square metres. |

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| (c) Cyfleusterau storio ar gyfer petrolewm, cynhyrchion petrocemegol a chemegol. | (i) Mae arwynebedd unrhyw adeilad neu strwythur newydd yn fwy na 0.05 hectar; neu (ii) bydd mwy na 200 tonnelli o betrolewm, cynhyrchion petrocemegol neu gemegol yn cael eu storio ar unrhyw un adeg. | (c) Storage facilities for petroleum, petrochemical and chemical products. | (i) The area of any new building or structure exceeds 0.05 hectare; or (ii) more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time. |
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| 7 Diwydiant bwyd | | 7 Food industry | |
| (a) Gweithgynhyrchu olew a braster llysiau ac anifeiliaid; (b) Pacio a chanio cynhyrchion anifeiliaid a llysiau; (c) Gweithgynhyrchu cynnyrch llaeth; (d) Bragu a bragio; (e) Gweithgynhyrchu melysion a surop; (f) Gosodiadau ar gyfer cigyddu anifeiliaid; (g) Gosodiadau gweithgynhyrchu startsh diwydiannol; (h) Ffatrioedd pysg mâl ac olew pysgod; (i) Ffatrioedd siwgr. | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr. | (a) Manufacture of vegetable and animal oils and fats; (b) Packing and canning of animal and vegetable products; (c) Manufacture of dairy products; (d) Brewing and malting; (e) Confectionery and syrup manufacture; (f) Installations for the slaughter of animals; (g) Industrial starch manufacturing installations; (h) Fish-meal and fish-oil factories; (i) Sugar factories. | The area of new floorspace exceeds 1,000 square metres. |

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| 8 Diwydiannau tecstil, lledr, pren a phapur | | 8 Textile, leather, wood and paper industries | |
| (a) Gwaith diwydiannol ar gyfer cynhyrchu papur a bwrdd (oni bai ei fod wedi ei gynnwys yn Atodlen 1); (b) Gweithfeydd ar gyfer rhagdriniaeth (gweithrediadau megis golchi, cannu, sgleinio) neu liwio ffibrau neu decstilau; (c) Gweithfeydd ar gyfer trin lledr a chroen; (d) Gosodiadau prosesu a chynhyrchu seliwlos. | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr. | (a) Industrial plants for the production of paper and board (unless included in Schedule 1); (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles; (c) Plants for the tanning of hides and skins; (d) Cellulose-processing and production installations. | The area of new floorspace exceeds 1,000 square metres. |

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| 9. Y diwydiant rwber | | 9. Rubber industry | |
| Gweithgynhyrchu a thrin cynhyrchion sy'n seiliedig ar elastomer. | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr. | Manufacture and treatment of elastomer-based products. | The area of new floorspace exceeds 1,000 square metres. |

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| 10. Prosiectau seilwaith | | 10. Infrastructure projects | |
| (a) Prosiectau datblygu ystad ddiwydiannol; | Mae arwynebedd y datblygiad yn fwy na 5 hectar. | (a) Industrial estate development projects; | The area of the development exceeds 5 hectares. |
| (b) Prosiectau datblygu trefol, gan gynnwys adeiladu canolfannau siopa a meysydd parcio, stadiymau chwaraeon, canolfannau hamdden a sinemâu aml-sgrîn; | (i) Mae'r datblygiad yn cynnwys mwy nag 1 hectar o ddatblygiad trefol nad yw'n ddatblygiad tai annedd; neu (ii) mae'r datblygiad yn cynnwys mwy na 150 o dai annedd; neu (iii) mae arwynebedd cyffredinol y datblygiad yn fwy na 5 hectar. | (b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas; | (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellinghouses; or (iii) the overall area of the development exceeds 5 hectares. |
| (c) Adeiladu cyfleusterau trawslwytho rhyngfoddol a therfynellau rhyngfoddol (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae arwynebedd y datblygiad yn fwy na 0.5 hectar. | (c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1); | The area of the development exceeds 0.5 hectare. |
| (d) Adeiladu rheilffyrdd (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae arwynebedd y gwaith yn fwy nag 1 hectar. | (d) Construction of railways (unless included in Schedule 1); | The area of the works exceeds 1 hectare. |
| (e) Adeiladu meysydd glanio (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | (i) Mae'r datblygiad yn cynnwys estyniad i redfa; neu (ii) mae arwynebedd y gwaith yn fwy nag 1 hectar. | (e) Construction of airfields (unless included in Schedule 1); | (i) The development involves an extension to a runway; or (ii) the area of the works exceeds 1 hectare. |
| (f) Adeiladu ffordd (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae arwynebedd y gwaith yn fwy nag 1 hectar. | (f) Construction of roads (unless included in Schedule 1); | The area of the works exceeds 1 hectare. |
| (g) Adeiladu harbyrau a gosodiadau porthladd gan gynnwys harbyrau pysgota (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae arwynebedd y gwaith yn fwy nag 1 hectar. | (g) Construction of harbours and port installations including fishing harbours (unless included in Schedule 1); | The area of the works exceeds 1 hectare. |
| (h) Adeiladu dyfrffordd fewndirol nad ydyw wedi ei chynnwys yn Atodlen 1, gwaith camlesu a lleddfau llifogydd; (i) Argloddiau a gosodiadau eraill sydd wedi eu cynllunio i ddal dŵr neu ei storio yn yr hir dymor (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae arwynebedd y gwaith yn fwy nag 1 hectar. | (h) Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works; (i) Dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1); | The area of the works exceeds 1 hectare. |

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| (j) Tramffyrdd, rheilffyrdd uwch ben a thanddaearol, leiniau crog neu leiniau tebyg o fath penodol, a ddefnyddir i gludo teithwyr yn unig neu'n bennaf; | | (j) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport; | |
| (k) Gosodiadau piblinellau olew a nwy a phiblinellau i gludo ffrydiau carbon deuocsid at ddibenion storio daearegol (oni bai eu bod wedi eu cynnwys yn Atodlen 1); (l) Gosodiadau traphontydd dŵr pellter hir; | (i) Mae arwynebedd y gwaith yn fwy nag 1 hectar; neu, (ii) yn achos piblinell nwy, bod gan y gosodiad bwysedd cynllun gweithredu sy'n fwy na medrydd 7 bar. | (k) Oil and gas pipeline installations and pipelines for the transport of carbon dioxide streams for the purposes of geological storage (unless included in Schedule 1); (l) Installations of long-distance aqueducts; | (i) The area of the works exceeds 1 hectare; or, (ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge. |
| (m) Gwaith arfordirol er mwyn mynd i'r afael ag erydiad a gwaith morol a all addasu'r arfordir drwy adeiladu, er enghraifft argloddiau, morgloddiau, glanfeydd a gwaith arall sy'n amddiffyn rhag y môr, ac eithrio cynnal a chadw ac ailadeiladu gwaith o'r fath; | Pob datblygiad. | (m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works; | All development. |
| (n) Cynlluniau tynnu dŵr daear ac ail-lenwi dŵr daear artiffisial nad ydynt wedi eu cynnwys yn Atodlen 1; (o) Gwaith ar gyfer trosglwyddo adnoddau dŵr rhwng basnau afonydd nad ydyw wedi ei gynnwys yn Atodlen 1; | Mae arwynebedd y gwaith yn fwy nag 1 hectar. | (n) Groundwater abstraction and artificial groundwater recharge schemes not included in Schedule 1; (o) Works for the transfer of water resources between river basins not included in Schedule 1; | The area of the works exceeds 1 hectare. |
| (p) Mannau gwasanaeth traffyrdd. | Mae arwynebedd y gwaith yn fwy na 0.5 hectar. | (p) Motorway service areas. | The area of the development exceeds 0.5 hectare. |

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| II Prosiectau eraill | | II Other projects | |
| (a) Traciau rasio a phrofi cerbydau modur parhaol; | Mae arwynebedd y gwaith yn fwy nag 1 hectar. | (a) Permanent racing and test tracks for motorised vehicles; | The area of the development exceeds 1 hectare. |
| (b) Gosodiadau ar gyfer cael gwared â gwastraff (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | (i) Mae'r gwarediad yn digwydd drwy losgi; neu (ii) mae arwynebedd y datblygiad yn fwy na 0.5 hectar; neu (iii) bydd y gosodiad yn cael ei leoli o fewn 100 metr i unrhyw ddyfroedd a reolir. | (b) Installations for the disposal of waste (unless included in Schedule 1); | (i) The disposal is by incineration; or (ii) the area of the development exceeds 0.5 hectare; or (iii) the installation is to be sited within 100 metres of any controlled waters. |
| (c) Gweithfeydd trin dŵr gwastraff (oni bai eu bod wedi eu cynnwys yn Atodlen 1); | Mae arwynebedd y datblygiad yn fwy na 1,000 metr sgwâr. | (c) Waste-water treatment plants (unless included in Schedule 1); | The area of the development exceeds 1,000 square metres. |

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| (d) Safleoedd gwaddodi llaid; (e) Storio haearn sgrap, gan gynnwys cerbydau sgrap; | (i) Mae arwynebedd y gwaddod neu storio yn fwy na 0.5 hectar; neu (ii) bydd gwaddod yn cael ei wneud neu sgrap yn cael ei storio o fewn 100 metr i unrhyw ddyfroedd a reolir. | (d) Sludge-deposition sites; (e) Storage of scrap iron, including scrap vehicles; | (i) The area of deposit or storage exceeds 0.5 hectare; or (ii) a deposit is to be made or scrap stored within 100 metres of any controlled waters. |
| (f) Meinciau arbrofi ar gyfer peiriannau, tyrbinau neu adweithyddion; (g) Gosodiadau ar gyfer gweithgynhyrchu ffibrau mwynol artiffisial; (h) Gosodiadau ar gyfer adfer neu ddinistrio deunyddiau ffrwydrol; (i) Ierdydd naceriaid. | Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr. | (f) Test benches for engines, turbines or reactors; (g) Installations for the manufacture of artificial mineral fibres; (h) Installations for the recovery or destruction of explosive substances; (i) Knackers' yards. | The area of new floorspace exceeds 1,000 square metres. |

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| 12 Twristiaeth a hamdden | | 12 Tourism and leisure | |
| (a) Llethrau sgïo, lifftiau sgïo a cheir cebl a datblygiadau cysylltiedig; | (i) Mae arwynebedd y gwaith yn fwy nag 1 hectar; neu (ii) mae uchder unrhyw adeilad neu adeiledd arall yn fwy na 15 metr. | (a) Ski-runs, ski-lifts and cable-cars and associated developments; | (i) The area of the works exceeds 1 hectare; or (ii) the height of any building or other structure exceeds 15 metres. |
| (b) Marinas; | Mae arwynebedd y dŵr amgaeedig yn fwy na 1,000 metr sgwâr. | (b) Marinas; | The area of the enclosed water surface exceeds 1,000 square metres. |
| (c) Pentrefi gwyliau a chyfateiladau gwestai y tu allan i ardaloedd trefol a datblygiadau cysylltiedig; (d) Parciau thema; | Mae arwynebedd y datblygiad yn fwy na 0.5 hectar. | (c) Holiday villages and hotel complexes outside urban areas and associated developments; (d) Theme parks; | The area of the development exceeds 0.5 hectare. |
| (e) Meysydd carafanau a safleoedd gwerysyla parhaol; | Mae arwynebedd y datblygiad yn fwy na 1 hectar. | (e) Permanent camp sites and caravan sites; | The area of the development exceeds 1 hectare. |
| (f) Cyrsiau golff a datblygiadau cysylltiedig. | Mae arwynebedd y datblygiad yn fwy na 1 hectar. | (f) Golf courses and associated developments. | The area of the development exceeds 1 hectare. |

| <i>13 Newidiadau ac estyniadau</i> | | <i>13 Changes and extensions</i> | |
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| (a) Unrhyw newid neu estyniad i ddatblygiad o ddisgrifiad a restrir yn Atodlen 1 (heblaw newid neu estyniad sy'n dod o fewn paragraff 23 o'r Atodlen honno) pan fo'r datblygiad wedi ei awdurdodi, ei weithredu neu yn y broses o gael ei weithredu eisoes. | Gall y datblygiad fel y'i newidir neu y'i hestynnir gael effeithiau andwyol sylweddol ar yr amgylchedd. | (a) Any change to or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 23 of that Schedule) where that development is already authorised, executed or in the process of being executed. | The development as changed or extended may have significant adverse effects on the environment. |
| (b) Unrhyw newid neu estyniad i ddatblygiad o ddisgrifiad a restrir ym mharagraffau 1 i 12 o golofn 1 o'r tabl hwn, pan fo'r datblygiad wedi ei awdurdodi, ei weithredu neu yn y broses o gael ei weithredu eisoes. | (a) Bodlonir neu rhagorir ar y trothwyon a'r meini prawf yn y rhan gyfatebol o Golofn 2 o'r tabl hwn sy'n gymwys i'r datblygiad fel y'i newidir neu y'i hestynnir; a (b) mewn achos o'r fath gall y datblygiad fel y'i newidir neu y'i hestynnir gael effaith andwyol sylweddol ar yr amgylchedd. | (b) Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed. | (a) The thresholds and criteria in the corresponding part of Column 2 of this table applied to the development as changed or extended are met or exceeded; and (b) in such a case the development as changed or extended may have significant adverse effects on the environment. |
| (c) Datblygiad o ddisgrifiad a grybwyllir yn Atodlen 1 a wneir ar gyfer datblygu a phrofi dulliau neu gynhyrchion newydd yn unig neu'n bennaf ac nad ydyw wedi ei ddefnyddio am fwy na dwy flynedd. | Pob datblygiad. | (c) Development of a description mentioned in Schedule 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years. | All development. |

Meini prawf dethol ar gyfer sgrinio datblygiad Atodlen 2

Nodweddion y datblygiad

1. Rhaid ystyried nodweddion y datblygiad gan roi sylw yn benodol i—

- (a) maint a dyluniad y datblygiad;
- (b) y cyfuniad â datblygiad arall presennol a/neu ddatblygiad a gymeradwyir;
- (c) y defnydd o adnoddau naturiol, yn enwedig tir, pridd, dŵr a bioamrywiaeth;
- (d) cynhyrchu gwastraff;
- (e) llygredd a niwsans;
- (f) y perygl o ddamweiniau difrifol a/neu drychinebau sy'n berthnasol i'r datblygiad dan sylw, gan gynnwys y rheini a achosir gan newid yn yr hinsawdd, yn unol â gwybodaeth wyddonol;
- (g) y risgiau i iechyd pobl (er enghraifft yn sgil halogi dŵr neu lygredd aer).

Lleoliad y datblygiad

2. Rhaid i sensitifrwydd amgylcheddol ardaloedd daearyddol sy'n debygol o gael eu heffeithio gan ddatblygiad gael ei ystyried, gan roi sylw, yn arbennig i'r canlynol—

- (a) y defnydd presennol o'r tir a'r defnydd a gymeradwywyd o'r tir;
- (b) digonedd cymharol, argaeledd, ansawdd a chapasiti atgynhyrchiol adnoddau naturiol (gan gynnwys pridd, tir, dŵr a bioamrywiaeth) yn yr ardal, gan gynnwys adnoddau tanddaearol;
- (c) capasiti amsugnad yr amgylchedd naturiol, gan roi sylw arbennig i'r ardaloedd a ganlyn—
 - (i) gwlypdiroedd, ardaloedd glannau afonydd, ac aberoedd afonydd;
 - (ii) parthau arfordirol a'r amgylchedd morol;
 - (iii) ardaloedd mynyddoedd a choedwigoedd;
 - (iv) gwarchodfeydd natur a pharciau;
 - (v) safleoedd Ewropeaidd ac ardaloedd eraill a ddosberthir neu a warchodir o dan ddeddfwriaeth genedlaethol;

Selection criteria for screening Schedule 2 development

Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—

- (a) the size and design of the development;
- (b) the cumulation with other existing development and/or approved development;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example due to water contamination or air pollution).

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 and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation;

- (vi) ardaloedd lle bu methiant eisoes i gyflawni'r safonau ansawdd amgylcheddol a nodir yn neddfwriaeth yr Undeb ac sy'n berthnasol i'r prosiect, neu ardaloedd lle ystyrir bod methiant o'r fath;
- (vii) ardaloedd trwchus eu poblogaeth;
- (viii) tirweddau a safleoedd o arwyddocâd hanesyddol, diwylliannol neu archaeolegol.

- (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in Union legislation and relevant to the project, or in which it is considered there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

Mathau a nodweddion yr effaith bosibl

3. Rhaid ystyried effeithiau sylweddol tebygol y datblygiad ar yr amgylchedd mewn perthynas â'r meini prawf a nodir o dan baragraffau 1 a 2, gan roi sylw i effaith y datblygiad ar y ffactorau a bennir yn rheoliad 4(2), gan ystyried—

- (a) maint a graddau gofodol yr effaith (er enghraifft yr arwynebedd daearyddol a maint y boblogaeth sy'n debygol o gael ei heffeithio);
- (b) natur yr effaith;
- (c) natur trawsffiniol yr effaith;
- (d) dwysedd a chymhlethdod yr effaith;
- (e) tebygolrwydd yr effaith;
- (f) dechreuad, parhad, amledd a gwrthdroadwyedd disgwylidig yr effaith;
- (g) cyfuniad yr effaith ag effaith datblygiad arall presennol a/neu ddatblygiad a gymeradwywyd;
- (h) y posibilrwydd o leihau'r effaith yn effeithiol.

Types and characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

Gwybodaeth i'w chynnwys mewn datganiadau amgylcheddol

1. Disgrifiad o'r datblygiad, gan gynnwys yn benodol—

- (a) disgrifiad o leoliad y datblygiad;
- (b) disgrifiad o nodweddion ffisegol y datblygiad cyfan, gan gynnwys, pan fo'n berthnasol, y gwaith dymchwel gofynnol a'r gofynion o ran y defnydd o'r tir yn ystod y cyfnod adeiladu a'r cyfnod gweithredol;
- (c) disgrifiad o brif nodweddion cyfnod gweithredol y datblygiad (yn enwedig unrhyw brosesau cynhyrchu), er enghraifft, y galw am ynni a'r ynni a ddefnyddir; natur ac ansawdd y deunyddiau a'r adnoddau naturiol (gan gynnwys dŵr, tir, pridd a bioamrywiaeth) a ddefnyddir;
- (d) amcangyfrifiad, yn ôl math ac ansawdd, o'r gweddillion a'r allyriadau (megis llygredd dŵr, llygredd aer, llygredd olew a llygredd isbridd, sŵn, dirgryniad, golau, gwres, ymbelydredd) a'r swm a'r mathau o wastraff a gynhyrchir yn ystod y cyfnod adeiladu a'r cyfnod gweithredol.

2. Disgrifiad o'r dewisiadau amgen rhesymol (er enghraifft o ran dyluniad, technoleg, lleoliad, maint a graddfa'r datblygiad) a astudiwyd gan y ceisydd neu'r apelydd sy'n berthnasol i'r datblygiad arfaethedig a'i nodweddion penodol a mynegiad o'r prif resymau dros y dewis a wnaed, gan gynnwys cymhariaeth o'r effeithiau amgylcheddol.

3. Disgrifiad o'r agweddau perthnasol ar gyflwr presennol yr amgylchedd (senario waelodlin) ac amlinelliad o ddatblygiad tebygol y senario honno heb weithredu'r datblygiad i'r graddau y gellir asesu newidiadau naturiol o'r senario waelodlin gydag ymdrech resymol ar sail argaeledd gwybodaeth amgylcheddol a gwybodaeth wyddonol.

Information for inclusion in environmental statements

1. Description of the development, including in particular—

- (a) a description of the location of the development;
- (b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works and the land-use requirements during the construction and operational phases;
- (c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
- (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, oil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operational phases.

2. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the applicant or appellant which are relevant to the proposed development and its specific characteristics and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. Disgrifiad o'r ffactorau a bennir yn rheoliad 4(2) sy'n debygol o gael eu heffeithio'n sylweddol gan y datblygiad: poblogaeth, iechyd pobl, bioamrywiaeth (er enghraifft ffawna a fflora), tir (er enghraifft meddiannu tir) pridd (er enghraifft deunydd organig, erydiad, cywasgiad, selio), dŵr (er enghraifft newidiadau hydromorffolegol, swm ac ansawdd), aer, yr hinsawdd (er enghraifft allyriadau nwyon tŷ gwydr, effeithiau sy'n berthnasol i ymaddasu), asedau materol, treftadaeth ddiwylliannol, gan gynnwys agweddau pensaernïol ac archaeolegol, a'r dirwedd.

5. Disgrifiad o effeithiau sylweddol tebygol y datblygiad ar yr amgylchedd, o ganlyniad i, ymhlith eraill—

- (a) y gwaith adeiladu a bodolaeth y datblygiad, gan gynnwys, pan fo'n berthnasol, y gwaith dymchwel;
- (b) y defnydd o adnoddau naturiol, yn enwedig tir, pridd, dŵr a bioamrywiaeth, gan ystyried i'r graddau y bo'n bosibl argaeledd cynaliadwy'r adnoddau hyn;
- (c) allyriad llygryddion, sŵn, dirgryniadau, golau, gwres ac ymbelydredd, creu niwsans a gwaredu gwastraff a'i adfer;
- (d) y risgiau i iechyd pobl, treftadaeth ddiwylliannol neu'r amgylchedd (er enghraifft o ganlyniad i ddamweiniau neu drychinebau);
- (e) cyfuniad yr effeithiau â phrosiectau eraill presennol a/neu brosiectau eraill a gymeradwywyd, gan ystyried unrhyw broblemau amgylcheddol presennol sy'n ymwneud ag ardaloedd o bwysigrwydd amgylcheddol arbennig sy'n debygol o gael eu heffeithio neu'r defnydd o adnoddau naturiol;
- (f) effaith y prosiect ar yr hinsawdd (er enghraifft natur a graddau allyriadau nwyon tŷ gwydr) ac i ba raddau y mae newid yn yr hinsawdd yn peryglu'r prosiect;

4. A description of the factors specified in regulation 4(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the development on the environment resulting from, inter alia—

- (a) the construction and existence of the development, including, where relevant, demolition works;
- (b) the use of natural resources in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances and the disposal and recovery of waste,
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;

(g) y technolegau a'r sylweddau a ddefnyddir.

Dylai'r disgrifiad o'r effeithiau sylweddol tebygol ar y ffactorau a bennir yn rheoliad 4(2) gwmpasu'r effeithiau uniongyrchol ac unrhyw effeithiau anuniongyrchol, effeithiau eilaidd, effeithiau cynyddol, effeithiau trawsffiniol, effeithiau byr dymor, tymor canolog a hirdymor, effeithiau parhaol a thros dro ac effeithiau cadarnhaol a negyddol y datblygiad. Dylai'r disgrifiad hwn ystyried yr amcanion diogelu'r amgylchedd a sefydlwyd ar lefel yr Undeb Ewropeaidd neu lefel yr Aelod Wladwriaeth sy'n berthnasol i'r prosiect, gan gynnwys yn benodol y rheini a sefydlwyd o dan Gyfarwyddeb y Cyngor 92/43/EEC(1) a Chyfarwyddeb 2009/147/EC(2).

6. Disgrifiad o'r dulliau darogan neu'r dystiolaeth a ddefnyddir i nodi ac asesu'r effeithiau ar yr amgylchedd, gan gynnwys manylion anawsterau (er enghraifft diffygion technegol neu ddiffyg gwybodaeth) a gododd wrth grynhoi'r wybodaeth ofynnol a'r prif ffactorau sy'n peri ansicrwydd.

7. Disgrifiad o'r mesurau a ragwelir i osgoi, atal, lleihau neu, os yw'n bosibl, gwrthbwyso unrhyw effeithiau andwyol sylweddol ar yr amgylchedd a nodwyd a, phan fo'n briodol, disgrifiad o unrhyw drefniadau monitro arfaethedig (er enghraifft llunio dadansoddiad ar ôl y prosiect). Dylai'r disgrifiad hwnnw esbonio i ba raddau y mae effeithiau andwyol sylweddol ar yr amgylchedd wedi eu hosgoi, eu hatal, eu lleihau neu eu gwrthbwyso, a dylai gynnwys y cyfnod adeiladu yn ogystal â'r cyfnod gweithredol.

8. Disgrifiad o effeithiau andwyol sylweddol disgwylidig y datblygiad ar yr amgylchedd sy'n deillio o'r graddau y mae'r datblygiad yn agored i'r perygl o ddamweiniau difrifol a/neu drychinebau sy'n berthnasol i'r prosiect dan sylw. Caniateir defnyddio gwybodaeth berthnasol sydd ar gael ac a gasglwyd drwy asesiadau risg yn unol â deddfwriaeth yr Undeb Ewropeaidd megis Cyfarwyddeb 2012/18/EU Senedd Ewrop a'r Cyngor neu Gyfarwyddeb y Cyngor 2009/71/Euratom neu asesiadau perthnasol a gyflawnir yn unol â deddfwriaeth genedlaethol at y diben hwn ar yr amod y cyflawnir gofynion y Gyfarwyddeb. Pan fo'n briodol, dylai'r disgrifiad hwn gynnwys mesurau a ragwelir i atal neu liniaru effeithiau andwyol sylweddol digwyddiadau o'r fath ar yr amgylchedd a manylion y parodrwydd ar gyfer argyfyngau o'r fath a'r ymateb arfaethedig iddynt.

(g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at European Union or Member State level which are relevant to the project, including in particular those established under Council Directive 92/43/EEC(1) and Directive 2009/147/EC(2).

6. A description of the forecasting methods or evidence used to identify and assess the effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of the Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

(1) Cyfarwyddeb y Cyngor 92/43/EEC dyddiedig 21 Mai 1992 ar warchod cynefinoedd naturiol a fflora a ffawna O.J. L 206, 22/07/1992 tt. 7-50.

(2) Cyfarwyddeb 2009/147/EC Senedd Ewrop a'r Cyngor dyddiedig 30 Tachwedd 2009 ar warchod adar gwyllt O.J. L 20, 26/1/2010, tt. 7-25.

(1) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora O.J. L 206, 22/07/1992 pp. 7-50.

(2) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds O.J. L 20, 26/1/2010, pp. 7-25.

9. Crynodeb annhechnegol o'r wybodaeth a ddarperir o dan baragraffau 1 i 8.

10. Rhestr gyfeirio sy'n nodi manylion y ffynonellau a ddefnyddir ar gyfer y disgrifiadau a'r asesiadau a gynhwysir yn y datganiad amgylcheddol.

9. A non-technical summary of the information provided under paragraphs 1 to 8.

10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.

Gorchmynion Datblygu Lleol

1. Mewn achos pan fo'r Atodlen hon yn cael effaith, mae'r Rheoliadau hyn yn gymwys, yn ddarostyngedig i'r addasiadau canlynol.

2. Nid yw rheoliadau 3, 9, 10, 12, 13, 20, ac 21 yn gymwys.

3. Yn rheoliad 5—

- (a) nid yw paragraff (2)(a) yn gymwys;
- (b) ym mharagraff (2)(b) a (5), yn lle "perthnasol" darllener "lleol";
- (c) darllener fel pe bai paragraffau (10) a (16) wedi eu hepgor.

4. Mae rheoliad 11 yn gymwys fel pe bai cyfeiriadau at—

- (a) cais, neu gais am ganiatâd cynllunio, yn gyfeiriadau at orchymyn datblygu lleol arfaethedig;
- (b) awdurdod cynllunio perthnasol, yn gyfeiriadau at yr awdurdod cynllunio lleol a fyddai'n gyfrifol am wneud y gorchymyn datblygu lleol;
- (c) y ceisydd, yn gyfeiriadau at yr awdurdod cynllunio lleol sy'n bwriadu gwneud y gorchymyn; a
- (d) y cais AEA, yn gyfeiriadau at orchymyn datblygu lleol arfaethedig ar gyfer datblygiad AEA.

5. Mae rheoliad 14 i'w ddarllen fel pe bai'n darparu—

“Barnau Cwmpasu

14.—(1) Pan fo gorchymyn datblygu lleol arfaethedig yn ddatblygiad AEA, caiff yr awdurdod cynllunio lleol ddatgan ei farn ynghylch cwmpas a manylder yr wybodaeth sydd i'w darparu yn y datganiad amgylcheddol (“barn gwmpasu”).

(2) Cyn dyroddi barn gwmpasu o dan baragraff (1) rhaid i'r awdurdod cynllunio lleol lunio—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad cryno o natur a diben y datblygiad gan gynnwys ei leoliad a'i gapasiti technegol;

Local Development Orders

1. In a case to which this Schedule has effect, these Regulations apply, subject to the following modifications.

2. Regulations 3, 9, 10, 12, 13, 20 and 21 do not apply.

3. In regulation 5—

- (a) paragraph (2)(a) does not apply;
- (b) in paragraph (2)(b) and (5), for “relevant” read “local”;
- (c) read as if paragraphs (10) and (16) were omitted.

4. Regulation 11 applies as if references to—

- (a) an application, or an application for planning permission, are to a proposal for a local development order;
- (b) a relevant planning authority, are to the local planning authority to whom it would fall to make the local development order;
- (c) the applicant, are to the local planning authority proposing the order; and
- (d) the EIA application, are to a proposal for a local development order for EIA development.

5. Regulation 14 is to be read as if it provided—

“Scoping opinions

14.—(1) Where a proposed local development order is EIA development, the local planning authority may state its opinion as to the scope and level of detail of the information to be provided in the environmental statement (“a scoping opinion”).

(2) Before issuing a scoping opinion under paragraph (1) the local planning authority must prepare—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development including its location and technical capacity;

- (c) ei effeithiau sylweddol tebygol ar yr amgylchedd; a
- (d) y fath wybodaeth arall neu sylwadau eraill y gallai'r awdurdod cynllunio lleol ddymuno ei darparu neu eu cyflwyno.

(3) Ni chaiff awdurdod cynllunio lleol fabwysiadu barn gwmpasu hyd nes ei fod wedi ymgynghori â'r ymgynghoreion.

(4) Cyn mabwysiadu barn sgrinio rhaid i'r awdurdod cynllunio lleol gymryd i ystyriaeth—

- (a) yr wybodaeth a luniwyd gan yr awdurdod ynghylch y datblygiad arfaethedig yn unol â pharagraff (2);
- (b) nodweddion penodol y datblygiad neilltuol;
- (c) nodweddion penodol datblygiad o'r math dan sylw; a
- (d) y nodweddion amgylcheddol sy'n debygol o gael eu heffeithio gan y datblygiad.

(5) Caiff awdurdod cynllunio lleol ofyn i Weinidogion Cymru o dan reoliad 15(1) wneud cyfarwyddyd o ran yr wybodaeth sydd i'w darparu yn y datganiad amgylcheddol ("cyfarwyddyd cwmpasu")."

6. Rhaid darllen rheoliad 15 fel pe bai'n darparu—

“Cyfarwyddydau cwmpasu

15.—(1) Rhaid i ofyniad o dan y paragraff hwn yn unol â rheoliad 14(5) gynnwys—

- (a) yr wybodaeth y cyfeirir ati yn rheoliad 14(2)(a)(i) i (iii); a
- (b) unrhyw sylwadau y mae'r awdurdod cynllunio lleol yn dymuno eu cyflwyno.

(2) Os yw Gweinidogion Cymru yn ystyried nad yw'r wybodaeth a ddarperir yn unol â pharagraff (1) yn ddigonol i wneud cyfarwyddyd cwmpasu, rhaid i Weinidogion Cymru roi hysbysiad i'r awdurdod cynllunio lleol.

(3) Rhaid i'r hysbysiad nodi unrhyw bwyntiau y mae angen gwybodaeth ychwanegol amdanynt.

(4) Rhaid i Weinidogion Cymru—

- (a) ymgynghori â'r ymgynghoreion cyn gwneud cyfarwyddyd cwmpasu mewn ymateb i ofyniad o dan baragraff (1), a

- (c) its likely significant effects on the environment; and
- (d) such other information or representations as the local planning authority may wish to provide or make.

(3) A local planning authority must not adopt a scoping opinion until they have consulted the consultees.

(4) Before adopting a scoping opinion the local planning authority must take into account—

- (a) the information prepared by the authority about the proposed development in accordance with paragraph (2);
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be affected by the development.

(5) A local planning authority may ask the Welsh Ministers under regulation 15(1) to make a direction as to the information to be provided in the environmental statement ("scoping direction")."

6. Regulation 15 is to be read as if it provided—

“Scoping directions

15.—(1) A request made under this paragraph pursuant to regulation 14(5) must include—

- (a) the information referred to in regulation 14(2)(a)(i) to (iii); and
- (b) any representations that the local planning authority wish to make.

(2) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the local planning authority.

(3) The notice must set out any points on which additional information is required.

(4) The Welsh Ministers must—

- (a) consult the consultees before making a scoping direction in response to a request under paragraph (1), and

- (b) gwneud cyfarwyddyd ac anfon copi i'r awdurdod cynllunio lleol, o fewn 5 wythnos gan ddechrau â'r dyddiad y daeth y gofyniad hwnnw i law neu'r fath gyfnod hwy sy'n rhesymol ofynnol.

(5) Cyn gwneud cyfarwyddyd cwmpasu rhaid i Weinidogion Cymru ystyried y materion a bennir yn rheoliad 14(4)."

7. Rhaid darllen rheoliad 16 fel pe bai'n darparu—

“Gweithdrefn i hwyluso llunio datganiadau amgylcheddol

16.—(1) Caiff awdurdod cynllunio lleol sy'n bwriadu llunio datganiad amgylcheddol holi ymgynghorai ynghylch pa un a oes gan yr ymgynghorai unrhyw wybodaeth y mae'r ymgynghorai neu'r awdurdod cynllunio lleol yn ystyried ei fod yn berthnasol i lunio'r datganiad amgylcheddol.

(2) Os oes gan yr ymgynghorai y fath wybodaeth rhaid iddo drin yr ymholiad gan yr awdurdod fel pe bai'r awdurdod cynllunio lleol yn gofyn am wybodaeth o dan reoliad 5(1) o Reoliadau Gwybodaeth Amgylcheddol 2004(1).”

8. Mae rheoliad 17 i'w ddarllen fel pe bai—

- (a) paragraffau (1) a (2) wedi eu hepgor;
- (b) ym mharagraff (3)(d), yn lle “y ceisydd neu'r apelydd” ei fod yn darllen “yr awdurdod cynllunio lleol”;
- (c) ym mharagraff (4)—
- (i) yn is-baragraff (a), “neu Weinidogion Cymru, fel y bo'n briodol,” wedi ei hepgor; a
- (ii) yn is-baragraff (b), yn lle “y ceisydd” ei fod yn darllen “yr awdurdod cynllunio lleol”.

9. Mae rheoliad 18 i'w ddarllen fel pe bai'n darparu—

“Y weithdrefn pan fo datganiad amgylcheddol yn cael ei lunio mewn perthynas â gorchymyn datblygu lleol

- (b) make a direction and send a copy to the local planning authority, within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(5) Before making a scoping direction the Welsh Ministers must take into account the matters specified in regulation 14(4).”

7. Regulation 16 is to be read as if it provided—

“Procedure to facilitate preparation of environmental statements

16.—(1) A local planning authority which intend to prepare an environmental statement may enquire of a consultee whether the consultee has any information which the consultee or the local planning authority consider relevant to the preparation of the environmental statement.

(2) If the consultee has such information it must treat the enquiry by the authority as a request for information by the local planning authority under regulation 5(1) of the Environmental Information Regulations 2004(1).”

8. Regulation 17 is to be read as if—

- (a) paragraphs (1) and (2) were omitted;
- (b) in paragraph (3)(d), for “applicant or appellant” it read “local planning authority”;
- (c) in paragraph (4)—
- (i) in sub-paragraph (a), “or the Welsh Ministers, as appropriate,” were omitted; and
- (ii) in sub-paragraph (b), for “applicant” it read “local planning authority”.

9. Regulation 18 is to be read as if it provided—

“Procedure where an environmental statement is prepared in relation to a local development order

(1) O.S. 2004/3391.

(1) S.I. 2004/3391.

18.—(1) Pan fo datganiad, y cyfeirir ato fel “datganiad amgylcheddol”, wedi ei lunio mewn perthynas â datblygiad AEA y mae’r awdurdod cynllunio lleol yn bwriadu rhoi caniatâd cynllunio iddo drwy orchymyn datblygu lleol, rhaid i’r awdurdod cynllunio lleol—

- (a) anfon copi o’r datganiad at yr ymgynghoreion a’u hysbysu y cânt gyflwyno sylwadau; a
- (b) hysbysu unrhyw berson penodol y mae’r awdurdod yn ymwybodol ohono, sy’n debygol o gael ei effeithio gan y cais, neu sydd â diddordeb yn y cais, ac sy’n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb leol, o gyfeiriad yn yr ardal leol lle mae’r tir wedi ei leoli, lle gellir cael copi o’r datganiad a’r cyfeiriad y caniateir anfon sylwadau iddo.

(2) Ni chaiff yr awdurdod cynllunio lleol wneud y gorchymyn datblygu lleol hyd nes y bydd 30 o ddiwrnodau o’r dyddiad olaf y cyflwynwyd copi o’r datganiad yn unol â’r rheoliad hwn wedi dod i ben.”

10. Mae rheoliad 19 i’w ddarllen fel pe bai—

- (a) paragraff (1) wedi ei hepgor;
- (b) paragraff (2) yn darllen—

“(2) Rhaid i’r awdurdod cynllunio lleol gyhoeddi hysbysiad drwy hysbyseb leol sy’n datgan—

 - (a) enw a chyfeiriad yr awdurdod cynllunio lleol;
 - (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn datblygu lleol arfaethedig;
 - (c) bod copi o’r gorchymyn drafft ac unrhyw blannau neu ddogfennau eraill sy’n mynd ynghyd ag ef, yn ogystal â chopi o’r datganiad amgylcheddol, ar gael i aelodau o’r cyhoedd edrych arno ar bob adeg resymol;
 - (d) cyfeiriad yn yr ardal leol lle mae’r tir wedi ei leoli lle caiff y cyhoedd edrych ar y dogfennau hynny, a’r dyddiad olaf y maent ar gael i’w gweld (sydd yn ddyddiad nad yw’n llai na 30 o ddiwrnodau o’r dyddiad y cyhoeddir yr hysbysiad);

18.—(1) Where a statement, referred to as an “environmental statement”, has been prepared in relation to EIA development for which a local planning authority propose to grant planning permission by a local development order, the local planning authority must—

- (a) send a copy of the statement to the consultees and inform them that they may make representations; and
- (b) notify any particular person of whom the authority are aware, who 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 electronic publication, a site notice or by local advertisement, of an address in the locality in which the land is situated where a copy of the statement may be obtained and the address to which representations may be sent.

(2) The local planning authority must not make the local development order until the expiry of 30 days from the last date on which a copy of the statement was served in accordance with this regulation.”

10. Regulation 19 is to be read as if—

- (a) paragraph (1) were omitted;
- (b) paragraph (2) read—

“(2) The local planning authority must publish by local advertisement a notice stating—

 - (a) the name and address of the local planning authority;
 - (b) the address or location and the nature of the development referred to in the proposed local development order;
 - (c) that a copy of the draft order and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
 - (d) 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 are available for inspection (being a date not less than 30 days from the date on which the notice is published);

- (e) manylion gwefan a gynhelir gan yr awdurdod cynllunio perthnasol, neu ar ei ran, lle gellir gweld y datganiad amgylcheddol a'r dogfennau eraill, a'r dyddiad diweddaraf y byddant ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
 - (f) cyfeiriad yn yr ardal leol (pa un a yw'r un cyfeiriad ag a roddir o dan is-baragraff (d) ai peidio) lle mae'r tir wedi ei leoli lle gellir cael copïau o'r datganiad;
 - (g) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
 - (h) os codir tâl am gopi, swm y tâl; ac
 - (i) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am y gorchymyn eu cyflwyno i'r awdurdod cynllunio lleol cyn y dyddiad diweddaraf a bennir yn unol ag is-baragraff (d) neu (e).”;
- (c) paragraff (3) wedi ei hepgor;
 - (d) ym mharagraff (4), bod “ceisydd” yn darllen “awdurdod cynllunio lleol”; ac
 - (e) paragraffau (6) i (8) wedi eu hepgor.

11. Mae rheoliad 22 i'w ddarllen fel pe bai'n darparu—

“Argaeledd copïau o ddatganiadau amgylcheddol

22. Rhaid i'r awdurdod cynllunio lleol sicrhau bod nifer rhesymol o gopïau o'r datganiad y cyfeirir ato fel y datganiad amgylcheddol a luniwyd mewn perthynas â datblygiad AEA y mae'r awdurdod yn bwriadu rhoi caniatâd cynllunio ar ei gyfer drwy orchymyn datblygu lleol ar gael yn—

- (a) ei brif swyddfa yn ystod oriau swyddfa arferol; a
 - (b) y fath leoedd eraill o fewn ei ardal fel yr ystyria yn briodol; ac
- y gellir cyrchu'r datganiad amgylcheddol ar y wefan y cyfeirir ati yn yr hysbysiad sy'n ofynnol o dan reoliad 19(2)(e).”.

- (e) details of a website maintained by or on behalf of the relevant planning authority on which the environmental statement and other documents may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days from the date on which the notice is published);
 - (f) an address (whether or not the same as that given under sub-paragraph (d)) 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; and
 - (i) that any person wishing to make representations about the order should make them before the latest date in accordance with sub-paragraph (d) or (e), to the local planning authority.”;
- (c) paragraph (3) were omitted;
 - (d) in paragraph (4), “applicant” read “local planning authority”; and
 - (e) paragraphs (6) to (8) were omitted.

11. Regulation 22 is to be read as if it provided—

“Availability of copies of environmental statements

22. The local planning authority must ensure that a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to EIA development for which the authority propose to grant planning permission by a local development order, are available at—

- (a) their principal office during normal office hours; and
 - (b) at such other places within their area as they consider appropriate; and
- the environmental statement can be accessed at the website referred to in the notice required under regulation 19(2)(e).”.

12. Mae rheoliad 24 i'w ddarllen fel pe bai—

(a) paragraff (1) yn darllen—

“(1) Pan fo datganiad amgylcheddol wedi ei lunio a bod yr awdurdod cynllunio lleol o'r farn, er mwyn bodloni gofynion rheoliad 17(3), ei bod yn angenrheidiol ategu'r datganiad gyda gwybodaeth ychwanegol sy'n uniongyrchol berthnasol i ddod i gasgliad rhesymedig ar effeithiau sylweddol tebygol y datblygiad arfaethedig er mwyn bod yn ddatganiad amgylcheddol, rhaid i'r awdurdod sicrhau bod gwybodaeth ychwanegol yn cael ei darparu, ac y cyfeirir at y fath wybodaeth yn y Rheoliadau hyn fel “gwybodaeth bellach” (“*further information*”).”;

(b) paragraff (3) yn darllen—

“(3) Rhaid i'r awdurdod cynllunio lleol gyhoeddi hysbysiad drwy hysbyseb leol sy'n nodi—

- (a) enw a chyfeiriad yr awdurdod;
- (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn datblygu lleol arfaethedig;
- (c) bod gwybodaeth bellach ar gael mewn perthynas â datganiad amgylcheddol sydd wedi ei ddarparu'n barod;
- (d) bod copi o'r wybodaeth bellach ar gael i aelodau o'r cyhoedd edrych arno ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle caiff y cyhoedd edrych ar yr wybodaeth bellach, a'r dyddiad olaf y mae ar gael i'w gweld (sef dyddiad nad yw'n llai na 30 o ddiwrnodau o'r dyddiad y cyhoeddir yr hysbysiad);
- (f) manylion gwefan a gynhelir gan yr awdurdod, neu ar ei ran, lle gellir gweld y datganiad amgylcheddol a dogfennau eraill, a'r dyddiad diweddaraf y maent ar gael i'w cyrchu (sef dyddiad nad yw'n llai na 30 o ddiwrnodau yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (g) cyfeiriad yn yr ardal leol (pa un a yw'r un cyfeiriad ag a roddir o dan is-baragraff (e) ai peidio) lle mae'r tir wedi ei leoli lle gellir cael copïau o'r wybodaeth bellach;
- (h) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (i) os codir tâl am gopi, swm y tâl;

12. Regulation 24 is to be read as if—

(a) paragraph (1) read—

“(1) Where an environmental statement has been prepared and the local planning authority are of the opinion that, in order to satisfy the requirements of regulation 17(3) it is necessary for the statement to be supplemented with additional information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the proposed development in order to be an environmental statement, the authority must ensure that additional information is provided, and such information is referred to in these Regulations as “further information” (“*gwybodaeth bellach*”).”;

(b) paragraph (3) read—

“(3) The local planning authority must publish by local advertisement a notice stating—

- (a) the name and address of the authority;
- (b) the address or location and the nature of the development referred to in the proposed local development order;
- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information 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 the further information may be inspected, and the latest date on which it is available for inspection (being a date not less than 30 days from the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the authority on which the environmental statement and other documents may be inspected, and the latest date on which they are available for access (being a date not less than 30 days from the date on which the notice is published);
- (g) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the further information may be obtained;
- (h) that copies may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy, the amount of the charge;

- (j) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am yr wybodaeth bellach eu cyflwyno i'r awdurdod cyn y dyddiad diweddaraf a bennir yn unol ag is-baragraffau (e) ac (f);
- (k) y cyfeiriad y dylid anfon sylwadau iddo.”;
- (c) paragraff (4) yn darllen—

“(4) Rhaid i'r awdurdod cynllunio lleol anfon copi o'r wybodaeth bellach ac unrhyw wybodaeth arall at bob person, yn unol â'r Rheoliadau hyn, yr anfonwyd atynt y datganiad sy'n ymwneud â hi ac at Weinidogion Cymru.”;
- (d) paragraffau (5) a (6) wedi eu hepgor;
- (e) paragraff (7) yn darllen—

“(7) Pan ddarperir gwybodaeth o dan baragraff (1) rhaid i'r awdurdod cynllunio lleol beidio â gwneud y gorchymyn datblygu lleol cyn diwedd cyfnod o 30 o ddiwrnodau ar ôl y diweddaraf o blith—

 - (a) y dyddiad yr anfonwyd yr wybodaeth bellach at bob person yr anfonwyd atynt y datganiad sy'n ymwneud â hi;
 - (b) y dyddiad y cyhoeddwyd hysbysiad amdani mewn papur newydd lleol; neu
 - (c) y dyddiad y cyhoeddwyd hysbysiad amdani ar wefan.”;
- (f) ym mharagraff (8)—
 - (i) yn lle “ceisydd neu'r apelydd sy'n darparu” ei fod yn darllen “awdurdod cynllunio lleol sy'n darparu”; a
 - (ii) yn is-baragraff (a), ar ôl “nifer rhesymol o gopiâu o'r wybodaeth” ei fod yn darllen “bellach neu wybodaeth arall”.

13. Mae rheoliad 25 i'w ddarllen fel pe bai ym mharagraff (1) “ar gais neu apêl y cyflwynwyd datganiad amgylcheddol mewn perthynas ag ef neu hi” i'w ddarllen “pa un ai i wneud gorchymyn datblygu lleol y cyflwynwyd datganiad amgylcheddol mewn perthynas ag ef”.

14. Mae rheoliad 27 i'w ddarllen fel pe bai paragraffau (1) a (2) yn darllen—

“(1) Pan fo manylion gorchymyn datblygu lleol drafft yn cael eu gosod ar Ran 3 o'r gofrestr, rhaid i'r awdurdod cynllunio lleol gymryd camau i sicrhau bod copi o unrhyw rai perthnasol o'r canlynol yn cael eu gosod ar y Rhan honno hefyd—

- (a) barn sgrinio;
- (b) cyfarwyddyd sgrinio;
- (c) barn gwmpasu;

- (j) that any person wishing to make representations about the further information should make them before the latest date specified in accordance with sub-paragraphs (e) and (f), to the authority; and
- (k) the address to which representations should be sent.”;
- (c) paragraph (4) read—

“(4) The local planning authority must send a copy of the further information and any other information to each person to whom, in accordance with these Regulations, the statement to which it relates was sent and to the Welsh Ministers.”;
- (d) paragraphs (5) and (6) were omitted;
- (e) paragraph (7) read—

“(7) Where information is provided under paragraph (1) the local planning authority must not make the local development order before the expiry of 30 days after the latest of—

 - (a) the date on which the further information was sent to all persons to whom the statement to which it relates was sent;
 - (b) the date that notice of it was published in a local newspaper; or
 - (c) the date that notice of it was published on a website.”;
- (f) in paragraph (8)—
 - (i) instead of “The applicant or appellant who provides” it read “The local planning authority providing”; and
 - (ii) in sub-paragraph (a), after “number of copies of the” it read “further information or other”.

13. Regulation 25 is to be read as if in paragraph (1) “an application or appeal” read “whether to make a local development order”.

14. Regulation 27 is to be read as if paragraphs (1) and (2) read—

“(1) Where particulars of a draft local development order are placed on Part 3 of the register, the local planning authority must take steps to secure that there is also placed on that Part a copy of any relevant—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;

- (d) cyfarwyddyd o dan reoliad 5(4) neu (5);
- (e) datganiad y cyfeirir ato fel y datganiad amgylcheddol gan gynnwys unrhyw wybodaeth bellach;
- (f) datganiad o resymau sy'n mynd ynghyd ag unrhyw rai o'r uchod.

(2) Pan fo'r awdurdod cynllunio perthnasol yn mabwysiadu barn sgrinio neu farn gwmpasu, neu'n cael copi o gyfarwyddyd sgrinio cyn y gwneir gorchymyn datblygu lleol, rhaid i'r awdurdod cynllunio lleol gymryd camau i sicrhau bod copi o'r farn neu'r cyfarwyddyd ac unrhyw ddatganiad o resymau sy'n mynd ynghyd ag ef ar gael i'r cyhoedd gael edrych arno ar bob adeg resymol yn y lle y cedwir y gofrestr briodol (neu'r adran berthnasol o'r gofrestr honno)."

15. Mae rheoliad 28 i'w ddarllen fel pe bai paragraff (1) yn darllen—

"(1) Pan fo awdurdod cynllunio lleol yn gwneud gorchymyn datblygu lleol sy'n rhoi caniatâd ar gyfer datblygiad AEA, rhaid iddo lunio datganiad sy'n nodi'r wybodaeth a bennir ym mharagraff (2)."

16. Mae rheoliad 29 i'w ddarllen fel pe bai—

- (a) ym mharagraff (1) yn lle "Pan fo cais AEA yn cael ei benderfynu gan awdurdod cynllunio lleol" ei fod yn darllen "Pan fo awdurdod cynllunio lleol yn mabwysiadu gorchymyn datblygu lleol sy'n rhoi caniatâd i ddatblygiad sy'n ddatblygiad AEA";
- (b) paragraff (2) wedi ei hepgor; ac
- (c) ym mharagraff (3) y cyfeiriad at "awdurdod cynllunio perthnasol" yn darllen "awdurdod cynllunio lleol".

17. Mae rheoliad 56 i'w ddarllen fel pe bai—

- (a) paragraff (1)(a) yn darllen—

"(a) y daw i sylw Gweinidogion Cymru bod datblygiad AEA y bwriedir ei gynnal yng Nghymru y mae awdurdod cynllunio lleol yn bwriadu rhoi caniatâd cynllunio drwy orchymyn datblygu lleol ar ei gyfer yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu"; a
- (b) ym mharagraffau (3) a (6), yn lle "cais" ei fod yn darllen "gorchymyn datblygu lleol arfaethedig".

- (d) direction under regulation 5(4) or (5);
- (e) statement referred to as the environmental statement including any further information;
- (f) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority adopt a screening opinion or scoping opinion, or receive a copy of a screening direction before a local development order is made, the local planning authority must take steps to secure that a copy of the opinion or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant section of that register) is kept."

15. Regulation 28 is to be read as if paragraph (1) read—

"(1) Where a local planning authority make a local development order granting permission for EIA development, they must prepare a statement setting out the information specified in paragraph (2)."

16. Regulation 29 is to be read as if—

- (a) in paragraph (1) for "Where an EIA application is determined by a local planning authority" it read "Where a local planning authority adopt a local development order granting permission for development which constitutes EIA development";
- (b) paragraph (2) was omitted; and
- (c) in paragraph (3) the reference to "relevant planning authority" read "local planning authority".

17. Regulation 56 is to be read as if—

- (a) paragraph (1)(a) read—

"(a) it comes to the attention of the Welsh Ministers that EIA development proposed to be carried out in Wales for which a local planning authority propose to grant planning permission by a local development order is likely to have significant effects on the environment in another EEA State; or"; and
- (b) in paragraphs (3) and (6), instead of "application" it read "proposed local development order".

Gorchymynion adran 97 a 102 o dan
Ddeddf 1990

1. Mewn achos pan fo'r Atodlen hon yn cael effaith, mae'r Rheoliadau hyn yn gymwys yn ddarostyngedig i'r addasiadau a ganlyn.

2. Nid yw rheoliadau 3, 7(2), 9, 10, 12(1), (2) ac (8), 13 ac 21 yn gymwys.

3. Yn yr Atodlen hon ac wrth gymhwyso'r Rheoliadau hyn gan yr Atodlen hon, mae cyfeiriadau at yr "awdurdod cynllunio perthnasol" yn gyfeiriadau at yr awdurdod cynllunio lleol a fyddai'n gyfrifol am wneud y gorchymyn adran 97 neu'r gorchymyn adran 102, pa un ai hwy yw'r corff cychwyn ai peidio.

4. Mae rheoliad 5 i'w ddarllen fel pe bai—

- (a) paragraff (2)(a) heb fod yn gymwys;
- (b) ym mharagraff (2)(b), yn lle "perthnasol" ei fod yn darllen "lleol";
- (c) paragraff (10) wedi ei hepgor.

5. Mae rheoliadau 8, 11 a 12(3) i (8) yn gymwys fel pe bai cyfeiriadau at—

- (a) cais neu gais am ganiatâd cynllunio yn gyfeiriadau at gynnig ar gyfer gorchymyn adran 97 neu orchymyn adran 102;
- (b) y ceisydd yn gyfeiriadau at y corff cychwyn; ac
- (c) cais AEA, yn gyfeiriadau at gynnig ar gyfer gorchymyn adran 97 neu orchymyn adran 102 sy'n rhoi caniatâd cynllunio ar gyfer datblygiad AEA neu'n addasu caniatâd o'r fath.

6. Mae rheoliad 12(8) i'w ddarllen fel pe bai "drwy wrthod caniatâd cynllunio neu gydsyniad dilynol" yn darllen "drwy wrthod gwneud neu gadarnhau'r gorchymyn adran 97 neu'r gorchymyn adran 102".

7. Mae rheoliad 14 a'i bennawd i'w darllen fel pe baent yn darparu—

Section 97 and 102 Orders under the
1990 Act

1. In a case to which this Schedule has effect, these Regulations apply subject to the following modifications.

2. Regulations 3, 7(2), 9, 10, 12(1), (2) and (8), 13 and 21 do not apply.

3. In this Schedule and in the application of these Regulations by this Schedule, references to the "relevant planning authority" are to the local planning authority to whom it would fall to make the section 97 order or the section 102 order, whether or not they are the initiating body.

4. Regulation 5 is to be read as if—

- (a) paragraph (2)(a) does not apply;
- (b) in paragraph (2)(b), for "relevant" read "local";
- (c) paragraph (10) is omitted.

5. Regulations 8, 11 and 12(3) to (8) apply as if references to—

- (a) an application or an application for planning permission, are to a proposal for a section 97 order or a section 102 order;
- (b) the applicant are to the initiating body; and
- (c) an EIA application, are to a proposal for a section 97 order or a section 102 order granting or modifying planning permission for EIA development.

6. Regulation 12(8) is to be read as if "by refusing planning permission or subsequent consent" read "by refusing to make or confirm the section 97 or section 102 order".

7. Regulation 14 and its heading are to be read as if they provided—

“Barnau cwmpasu a chyfarwyddydau cwmpasu

14.—(1) Pan fo gorchymyn adran 97 arfaethedig neu orchymyn adran 102 arfaethedig yn caniatáu datblygiad AEA neu'n gwneud datblygiad AEA yn ofynnol, caniateir i'r corff cychwyn ddatgan ei farn am gwmpas a manylder yr wybodaeth sydd i'w darparu yn y datganiad amgylcheddol.

(2) Cyn dyroddi barn gwmpasu neu gyfarwyddyd cwmpasu o dan baragraff (1) rhaid i'r corff cychwyn gynnwys—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad byr o natur a diben y datblygiad gan gynnwys ei leoliad a'i gapasiti technegol;
- (c) ei effeithiau sylweddol tebygol ar yr amgylchedd; a
- (d) y fath wybodaeth arall neu sylwadau eraill y mae'r corff cychwyn yn dymuno eu darparu neu eu cyflwyno.

(3) Rhaid i gorrff cychwyn beidio â mabwysiadu barn gwmpasu na chyfarwyddyd cwmpasu hyd nes ei fod wedi ymgynghori â'r ymgynghoreion.

(4) Cyn mabwysiadu barn gwmpasu neu gyfarwyddyd cwmpasu rhaid i'r corff cychwyn ystyried—

- (a) yr wybodaeth a luniwyd gan y corff cychwyn am y datblygiad arfaethedig yn unol â pharagraff (2);
- (b) nodweddion penodol y datblygiad penodol;
- (c) nodweddion penodol datblygiad o'r math dan sylw; a
- (d) y nodweddion amgylcheddol sy'n debygol o gael eu heffeithio arnynt gan y datblygiad.

(5) Caiff awdurdod cynllunio lleol ofyn i Weinidogion Cymru o dan reoliad 15(1) wneud cyfarwyddyd ynghylch yr wybodaeth sydd i'w darparu yn y datganiad amgylcheddol.

(6) Os yw Gweinidogion Cymru yn gwneud cyfarwyddyd cwmpasu o'u hewyllys eu hunain neu ar gais trydydd parti, rhaid iddynt anfon copi i'r awdurdod cynllunio lleol sydd wedi cychwyn y gorchymyn.”

“Scoping opinions and scoping directions

14.—(1) Where a proposed section 97 order or section 102 order permit or require EIA development, the initiating body may state its opinion as to the scope and level of detail of the information to be provided in the environmental statement.

(2) Before issuing a scoping opinion or scoping direction under paragraph (1) the initiating body must include—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development including its location and technical capacity;
- (c) its likely significant effects on the environment; and
- (d) such other information or representations as the initiating body may wish to provide or make.

(3) An initiating body must not adopt a scoping opinion or scoping direction until they have consulted the consultees.

(4) Before adopting a scoping opinion or scoping direction the initiating body must take into account—

- (a) the information prepared by the initiating body about the proposed development in accordance with paragraph (2);
- (b) the specific characteristics of the particular development;
- (c) the specific characteristics of development of the type concerned; and
- (d) the environmental features likely to be affected by the development.

(5) A local planning authority may ask the Welsh Ministers under regulation 15(1) to make a direction as to the information to be provided in the environmental statement.

(6) If the Welsh Ministers make a scoping direction of their own volition or at the request of a third party, they must send a copy to the local planning authority which initiated the order.”

8. Mae rheoliad 15 i'w ddarllen fel pe bai'n darparu—

“Cyfarwyddydau cwmpasu

15.—(1) Rhaid i ofyniad a wneir o dan y paragraff hwn yn unol â rheoliad 14(5) gynnwys—

- (a) yr wybodaeth y cyfeirir ati yn rheoliad 14(2); a
- (b) unrhyw sylwadau y mae'r awdurdod cynllunio lleol yn dymuno eu cyflwyno.

(2) Os yw Gweinidogion Cymru yn ystyried nad yw'r wybodaeth a ddarperir yn unol â pharagraff (1) yn ddigonol i wneud cyfarwyddyd cwmpasu, rhaid i Weinidogion Cymru roi hysbysiad i'r awdurdod cynllunio lleol.

(3) Rhaid i'r hysbysiad nodi unrhyw bwyntiau y mae'n ofynnol cael gwybodaeth ychwanegol amdanynt.

(4) Rhaid i Weinidogion Cymru—

- (a) ymgynghori â'r ymgynghoreion cyn gwneud cyfarwyddyd cwmpasu mewn ymateb i ofyniad o dan baragraff (1), a
- (b) gwneud cyfarwyddyd ac anfon copi i'r awdurdod cynllunio lleol, o fewn 5 wythnos gan ddechrau â'r dyddiad y ceir y gofyniad hwnnw neu'r fath gyfnod hwy a all fod yn rhesymol ofynnol.

(5) Cyn gwneud cyfarwyddyd cwmpasu rhaid i Weinidogion Cymru ystyried y materion a bennir yn rheoliad 14(4).”

9. Mae rheoliad 16 i'w ddarllen fel pe bai'n darparu—

“16.—(1) Caiff corff cychwyn sy'n bwriadu llunio datganiad amgylcheddol ymgynghori ag ymgynghorai er mwyn penderfynu pa un a oes gan yr ymgynghorai unrhyw wybodaeth y mae'r ymgynghorai neu'r corff cychwyn yn ystyried ei bod yn berthnasol i lunio'r datganiad amgylcheddol.

(2) Os oes gan yr ymgynghorai y fath wybodaeth, rhaid i'r ymgynghorai drin yr ymgynghoriad gan y corff cychwyn fel pe bai'r awdurdod cynllunio lleol yn gofyn am wybodaeth o dan reoliad 5(1) o Reoliadau Gwybodaeth Amgylcheddol 2004(1).”

8. Regulation 15 is to be read as if it provided—

“Scoping directions

15.—(1) A request made under this paragraph pursuant to regulation 14(5) must include—

- (a) the information referred to in regulation 14(2); and
- (b) any representations that the local planning authority wishes to make.

(2) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the local planning authority.

(3) The notice must set out any points on which additional information is required.

(4) The Welsh Ministers must—

- (a) consult the consultees before making a scoping direction in response to a request under paragraph (1), and
- (b) make a direction and send a copy to the local planning authority, within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(5) Before making a scoping direction the Welsh Ministers must take into account the matters specified in regulation 14(4).”

9. Regulation 16 is to be read as if it provided—

“16.—(1) An initiating body which intends to prepare an environmental statement may consult with a consultee in order to determine whether the consultee has any information which the consultee or the initiating body considers relevant to the preparation of the environmental statement.

(2) If the consultee has such information, the consultee must treat the consultation by the initiating body as a request for information by the local planning authority under regulation 5(1) of the Environmental Information Regulations 2004(1).”

(1) O.S. 2004/3391.

(1) S.I. 2004/3391.

10. Mae rheoliad 17 i'w ddarllen fel pe bai—

- (a) paragraff (1) wedi ei hepgor;
- (b) ym mharagraff (3)(d), yn lle “ceisydd neu'r apelydd” ei fod yn darllen “corff cychwyn”;
- (c) ym mharagraff (4)(b), yn lle “ceisydd neu'r apelydd” ei fod yn darllen “corff cychwyn”.

11. Mae rheoliad 18 i'w ddarllen fel pe bai'n darparu—

“**18.**—(1) Pan fo datganiad, y cyfeirir ato fel datganiad amgylcheddol, wedi ei lunio gan gorff cychwyn mewn perthynas â datblygiad sy'n ymwneud â gorchymyn adran 97 neu orchymyn adran 102, rhaid i'r corff hwnnw—

- (a) anfon copi o'r gorchymyn adran 97 drafft neu'r gorchymyn adran 102 drafft a'r datganiad at yr ymgynghoreion a'u hysbysu y cânt gyflwyno sylwadau; a
- (b) hysbysu unrhyw berson penodol y mae'r corff yn ymwybodol ohono ac sy'n debygol o gael ei effeithio gan y gorchymyn drafft, neu sydd â diddordeb yn y gorchymyn drafft, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad safle neu drwy hysbyseb leol, o—
 - (i) cyfeiriad swyddfa'r corff cychwyn lle gellir cael copi o'r gorchymyn drafft a'r datganiad; a
 - (ii) y cyfeiriad y caniateir anfon sylwadau iddo.

(2) Ni chaiff y corff cychwyn wneud y gorchymyn hyd nes diwedd 30 o ddiwrnodau o'r dyddiad diweddaraf y cyhoeddwyd copi o'r datganiad yn unol â'r rheoliad hwn neu reoliad 19.

(3) Pan fo'r awdurdod cynllunio lleol yn llunio datganiad amgylcheddol, rhaid iddo anfon at Weinidogion Cymru, o fewn 14 o ddiwrnodau ar ôl anfon y datganiad at yr ymgynghoreion, un copi o bob un o unrhyw farn sgrinio, datganiad o resymau a gorchymyn drafft perthnasol yn electronig ac ar bapur oni chytunir fel arall yn ysgrifenedig.”

12. Mae rheoliad 19 i'w ddarllen fel pe bai—

- (a) paragraff (1) wedi ei hepgor;
- (b) paragraff (2) yn darllen—

“(2) Rhaid i'r corff cychwyn gyhoeddi drwy hysbyseb leol hysbysiad sy'n nodi—

 - (a) enw a chyfeiriad y corff cychwyn;

10. Regulation 17 is to be read as if—

- (a) paragraph (1) is omitted;
- (b) in paragraph (3)(d), for “applicant or appellant” it read “initiating body”;
- (c) in paragraph (4)(b), for “applicant or appellant” it read “initiating body”.

11. Regulation 18 is to be read as if it provided—

“**18.**—(1) Where a statement, referred to as an environmental statement, has been prepared by an initiating body in relation to development which is related to a section 97 order or section 102 order, that body must—

- (a) send a copy of the draft section 97 order or draft section 102 order and the statement to the consultees and inform them that they may make representations; and
- (b) notify any particular person of whom the body is aware and who is likely to be affected by, or has an interest in, the draft order and unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, of—
 - (i) the address of the office of the initiating body where a copy of the draft order and statement may be obtained; and
 - (ii) the address to which representations may be sent.

(2) The initiating body must not make the order until after the expiry of 30 days from the last date on which a copy of the statement was publicised in accordance with this regulation or regulation 19.

(3) When the local planning authority prepare an environmental statement, they must send to the Welsh Ministers, within 14 days after sending the statement to the consultees, one copy of each of any relevant screening opinion, statement of reasons and draft order, in electronic and paper format unless otherwise agreed in writing.”

12. Regulation 19 is to be read as if—

- (a) paragraph (1) were omitted;
- (b) paragraph (2) read—

“(2) The initiating body must publish by local advertisement a notice stating—

 - (a) the name and address of the initiating body;

- (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn adran 97 neu'r gorchymyn adran 102 arfaethedig;
- (c) bod copi o'r gorchymyn drafft ac unrhyw blun neu ddogfennau eraill sy'n dod gydag ag ef, yn ogystal â chopi o'r datganiad amgylcheddol ar gael i aelodau'r cyhoedd edrych arno ar bob adeg resymol;
- (d) cyfeiriad swyddfa'r corff cychwyn lle mae'r dogfennau hynny ar gael i'r cyhoedd edrych arnynt, a'r dyddiad diweddaraf y byddant ar gael i'w gweld (sef dyddiad nad yw'n llai na 30 o ddiwrnodau o'r dyddiad y cyhoeddir yr hysbysiad);
- (e) manylion gwefan a gynhelir gan neu ar ran yr awdurdod cynllunio perthnasol lle gellir gweld yr wybodaeth bellach neu unrhyw wybodaeth arall, a'r dyddiad diweddaraf y maent ar gael i'w cyrchu (sef dyddiad nad yw'n llai na 30 o ddiwrnodau o'r dyddiad y cyhoeddir yr hysbysiad);
- (f) cyfeiriad (pa un a yw'r un cyfeiriad a roddir o dan is-baragraff (d) ai peidio) swyddfa'r corff cychwyn lle gellir cael copïau o'r datganiad;
- (g) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (h) os codir tâl am gopi, swm y tâl; ac
- (i) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau ynglŷn â'r gorchymyn eu cyflwyno i'r corff cychwyn cyn y dyddiad a bennir yn unol ag is-baragraff (d).";

(c) paragraff (3) wedi ei hepgor;

(d) ym mharagraff (4), bod "ceisydd" yn darllen "corff cychwyn"; ac

(e) paragraffau (6) i (8) wedi eu hepgor.

13. Mae rheoliad 20 i'w ddarllen fel pe bai'n darparu—

"**20.** Pan fo awdurdod cynllunio lleol yn cyflwyno gorchymyn adran 97 neu orchymyn adran 102 i Weinidogion Cymru i'w gadarnhau, rhaid i'r awdurdod hefyd gyflwyno un copi o unrhyw ddatganiad amgylcheddol ac unrhyw wybodaeth bellach."

14. Mae rheoliad 22 i'w ddarllen fel pe bai'n darparu—

(b) the address or location and the nature of the development referred to in the proposed section 97 order or section 102 order;

(c) that a copy of the draft order and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;

(d) the address of the office of the initiating body 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 30 days from the date on which the notice is published);

(e) details of a website maintained by or on behalf of the relevant planning authority on which further information or any other information may be inspected and the latest date on which they are available for access (being a date not less than 30 days from the date on which the notice is published);

(f) an address (whether or not the same as that given under sub-paragraph (d)) of the office of the initiating body 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; and

(i) that any person wishing to make representations about the order should make them before the date specified in accordance with sub-paragraph (d), to the initiating body.";

(c) paragraph (3) were omitted;

(d) in paragraph (4), "applicant" read "initiating body"; and

(e) paragraphs (6) to (8) were omitted.

13. Regulation 20 is to be read as if it provided—

"**20.** Where a local planning authority submits a section 97 order or a section 102 order to the Welsh Ministers for confirmation, the authority must also submit one copy of any environmental statement and any further information."

14. Regulation 22 is to be read as if it provided—

“22.—(1) Pan mai'r awdurdod cynllunio lleol yw'r corff cychwyn, rhaid iddo sicrhau bod nifer rhesymol o gopïau o'r datganiad y cyfeirir ato fel y datganiad amgylcheddol a luniwyd mewn perthynas â'r datblygiad y mae'r awdurdod yn bwriadu gwneud gorchymyn adran 97 neu orchymyn adran 102 mewn perthynas ag ef ar gael—

- (a) yn ei brif swyddfa yn ystod oriau swyddfa arferol; a
- (b) yn y fath leoedd eraill o fewn ei ardal fel yr ystyria yn briodol.

(2) Pan mai Gweinidogion Cymru yw'r corff cychwyn, rhaid iddynt anfon copi o'r datganiad amgylcheddol a luniwyd mewn perthynas â'r gorchymyn arfaethedig i'r awdurdod cynllunio lleol a fyddai'n gyfrifol am benderfynu ar gais am ganiatâd cynllunio mewn perthynas â'r datblygiad sy'n dod o dan y gorchymyn adran 97 neu'r gorchymyn adran 102 arfaethedig.

(3) Pan fo'r awdurdod cynllunio lleol yn cael copi o ddatganiad amgylcheddol yn unol â pharagraff (2), rhaid iddo sicrhau bod nifer rhesymol o gopïau o'r datganiad ar gael—

- (a) yn ei brif swyddfa yn ystod oriau swyddfa arferol; a
- (b) yn y fath leoedd eraill o fewn ei ardal fel yr ystyria yn briodol.”

15. Rhaid darllen rheoliad 24 fel pe bai—

- (a) paragraff (1) yn darllen—

“(1) Pan fo—

- (a) datganiad amgylcheddol wedi ei lunio; a gorchymyn adran 97 neu orchymyn adran 102 wedi ei gyflwyno i Weinidogion Cymru i'w gadarnhau; a
- (b) Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol i'r datganiad gynnwys gwybodaeth ychwanegol sy'n uniongyrchol berthnasol i ddod i gasgliad rhesymedig ar effeithiau sylweddol tebygol y datblygiad er mwyn bod yn ddatganiad amgylcheddol, rhaid i Weinidogion Cymru hysbysu'r awdurdod cynllunio perthnasol; a rhaid i'r awdurdod hwnnw sicrhau bod yr wybodaeth ychwanegol yn cael ei darparu; a chyfeirir at wybodaeth ychwanegol o'r fath yn y Rheoliadau hyn fel “gwybodaeth bellach” (“*further information*”).”;

- (b) paragraff (3) yn darllen—

“22.—(1) Where the initiating body is the local planning authority, they must ensure that a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to development in relation to which the authority propose to make a section 97 order or section 102 order are available at—

- (a) their principal office during normal office hours; and
- (b) at such other places within their area as they consider appropriate.

(2) Where the initiating body is the Welsh Ministers, they must send to the local planning authority who would be responsible for determining an application for planning permission in respect of the development covered by the proposed section 97 order or section 102 order, a copy of the environmental statement prepared in relation to the proposed order.

(3) When the local planning authority receive a copy of an environmental statement pursuant to paragraph (2), they must ensure that a reasonable number of copies of the statement are available at—

- (a) their principal office during normal office hours; and
- (b) at such other places within their area as they consider appropriate.”

15. Regulation 24 must be read as if—

- (a) paragraph (1) read—

“(1) Where—

- (a) an environmental statement has been prepared; and a section 97 order or section 102 order is submitted to the Welsh Ministers for confirmation; and
- (b) the Welsh Ministers consider that it is necessary for the statement to contain additional information directly relevant to reaching a reasoned conclusion on the likely significant effects of the development in order to be an environmental statement, the Welsh Ministers must notify the relevant planning authority; and that authority must ensure that the additional information is provided; and such additional information is referred to in these Regulations as “further information” (“*gwybodaeth bellach*”).”;

- (b) paragraph (3) read—

“(3) Rhaid i’r corff cychwyn gyhoeddi drwy hysbyseb leol hysbysiad sy’n nodi—

- (a) enw a chyfeiriad yr awdurdod cynllunio perthnasol;
- (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn adran 97 neu’r gorchymyn adran 102 arfaethedig;
- (c) bod gwybodaeth bellach ar gael mewn perthynas â datganiad amgylcheddol sydd wedi ei ddarparu eisoes;
- (d) y caiff aelodau’r cyhoedd edrych ar gopi o’r wybodaeth bellach ar bob adeg resymol;
- (e) cyfeiriad swyddfa’r corff cychwyn lle caiff y cyhoedd edrych ar yr wybodaeth bellach, a’r dyddiad diweddaraf y bydd ar gael i’w gweld (sydd yn ddyddiad nad yw’n llai na 30 o ddiwrnodau o’r dyddiad y cyhoeddir yr hysbysiad);
- (f) manylion gwefan a gynhelir gan yr awdurdod, neu ar ei ran lle gellir gweld yr wybodaeth arall, a’r dyddiad diweddaraf y mae ar gael i’w cyrchu (sef dyddiad nad yw’n llai na 30 o ddiwrnodau o’r dyddiad y cyhoeddir yr hysbysiad);
- (g) cyfeiriad y corff cychwyn (pa un a yw’r un cyfeiriad ag a roddir o dan is-baragraff (e) ai peidio) lle y gellir cael yr wybodaeth bellach;
- (h) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (i) os codir tâl am gopi, swm y tâl;
- (j) y dylai unrhyw berson sy’n dymuno cyflwyno sylwadau am yr wybodaeth bellach eu cyflwyno i’r awdurdod cyn y dyddiad diweddaraf a bennir yn unol ag is-baragraffau (e) ac (f);
- (k) y cyfeiriad y dylid anfon sylwadau iddo.”;

(c) paragraff (4) yn darllen—

“(4) Rhaid i’r awdurdod cynllunio lleol anfon copi o’r wybodaeth bellach at bob person yr anfonwyd atynt y datganiad sy’n ymwneud â hi, yn unol â’r Rheoliadau hyn, ac at Weinidogion Cymru.”;

(d) paragraffau (5) a (6) wedi eu hepgor;

“(3) The initiating body must publish by local advertisement a notice stating—

- (a) the name and address of the relevant planning authority;
- (b) the address or location and the nature of the development referred to in the proposed section 97 order or section 102 order;
- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information may be inspected by members of the public at all reasonable hours;
- (e) the address of the office of the initiating body at which the further information may be inspected, and the latest date on which it is available for inspection (being a date not less than 30 days from the date on which the notice is published);
- (f) details of a website maintained by or on behalf of the authority on which the other information may be inspected and the latest date on which it is available for access (being a date not less than 30 days from the date on which the notice is published);
- (g) the address (whether or not the same as that given under sub-paragraph (e)) of the office of the initiating body at which copies of the further information may be obtained;
- (h) that copies may be obtained there so long as stocks last;
- (i) if a charge is to be made for a copy, the amount of the charge;
- (j) that any person wishing to make representations about the further information should make them to the authority before the latest date specified in accordance with sub-paragraphs (e) and (f);
- (k) the address to which representations should be sent.”;

(c) paragraph (4) read—

“(4) The local planning authority must send a copy of the further information to each person to whom, in accordance with these Regulations, the statement to which it relates was sent, and to the Welsh Ministers.”;

(d) paragraphs (5) and (6) were omitted;

(e) paragraff (7) yn darllen—

“(7) Pan ddarperir gwybodaeth o dan baragraff (1) neu pan ddarperir unrhyw wybodaeth arall, rhaid i Weinidogion Cymru beidio â chadarnhau gorchymyn adran 97 na gorchymyn adran 102 cyn diwedd 30 o ddiwrnodau ar ôl y diweddaraf o blith—

- (a) y dyddiad yr anfonwyd yr wybodaeth bellach at bob person yr anfonwyd atynt y datganiad sy’n ymwneud â hi;
- (b) y dyddiad y cyhoeddwyd hysbysiad amdani mewn papur newydd lleol; neu
- (c) y dyddiad y cyhoeddwyd hysbysiad amdani ar wefan.”;

(f) ym mharagraff (8)—

- (i) “ceisydd neu’r apelydd sy’n darparu” yn darllen “awdurdod cynllunio lleol sy’n darparu”; a
- (ii) yn is-baragraff (a), ar ôl “nifer rhesymol o gopïau o’r wybodaeth” ei fod yn dweud “bellach”.

16. Mae rheoliad 25(1) i’w ddarllen fel pe bai—

- (a) “ar gais neu apêl” yn darllen “pa un ai i wneud neu gadarnhau gorchymyn adran 97 neu orchymyn adran 102”; a
- (b) “cyflwynwyd datganiad amgylcheddol mewn perthynas ag ef neu hi” yn darllen “lluniwyd datganiad amgylcheddol mewn perthynas ag ef”.

17. Mae rheoliad 27 i’w ddarllen fel pe bai’n darllen—

“**27.**—(1) Rhaid i bob awdurdod cynllunio lleol gadw cofnod sy’n cynnwys copi o bob gorchymyn adran 97 a gorchymyn adran 102 sy’n ymwneud â’i ardal, ynghyd â datganiad o’r rhesymau dros wneud y gorchymyn; a rhaid i’r awdurdod gymryd camau i sicrhau bod copi’n cael ei roi ar y cofnod hwnnw hefyd o unrhyw un o’r canlynol sy’n berthnasol—

- (a) barn sgrinio;
- (b) cyfarwyddyd sgrinio;
- (c) barn gwmpasu;
- (d) cyfarwyddyd o dan reoliad 5(4) neu (5);
- (e) datganiad y cyfeirir ato fel y datganiad amgylcheddol, gan gynnwys unrhyw wybodaeth bellach;
- (f) datganiad o resymau sy’n dod gydag unrhyw rai o’r uchod.

(e) paragraph (7) read—

“(7) Where information is provided under paragraph (1) or any other information is provided the Welsh Ministers must not confirm the section 97 order or section 102 order before the expiry of 30 days after the latest of—

- (a) the date on which the further information was sent to all persons to whom the statement to which it relates was sent;
- (b) the date that notice of it was published in a local newspaper; or
- (c) the date that notice of it was published on a website.”;

(f) in paragraph (8)—

- (i) “The applicant or appellant who provides” read “The local planning authority providing”; and
- (ii) in sub-paragraph (a), after “number of copies of the” and before “information”, it read “further”.

16. Regulation 25(1) is to be read as if—

- (a) “an application or appeal” read “whether to make or confirm a section 97 or section 102 order”; and
- (b) “submitted” read “prepared”.

17. Regulation 27 is to be read as if it read—

“**27.**—(1) Each local planning authority must keep a record containing a copy of every section 97 order and section 102 order relating to their area, together with a statement of the reasons for making the order; and the authority must take steps to secure that there is also placed on that record a copy of any relevant—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) direction under regulation 5(4) or (5);
- (e) statement referred to as the environmental statement, including any further information;
- (f) statement of reasons accompanying any of the above.

(2) Pan fo'r awdurdod cynllunio lleol yn mabwysiadu barn sgrinio neu farn gwmpasu, neu'n cael copi o gyfarwyddyd sgrinio neu gyfarwyddyd cwmpasu cyn i orchymyn adran 97 neu orchymyn adran 102 gael ei wneud, rhaid i'r awdurdod gymryd camau i sicrhau bod copi o'r farn neu'r cyfarwyddyd ac unrhyw ddatganiad o resymau sy'n dod gydag ef neu hi ar gael i'r cyhoedd edrych arno ar bob adeg resymol yn y lle y cedwir y cofnod.

(3) Rhaid i gopïau o'r dogfennau y cyfeirir atynt ym mharagraff (2) barhau i fod ar gael am gyfnod o ddwy flynedd o'r dyddiad y'u gosodir ar y cofnod."

18. Mae rheoliad 28 i'w ddarllen fel pe bai paragraff (1) yn darllen—

"(1) Pan fo corff cychwyn yn gwneud gorchymyn adran 97 neu orchymyn adran 102 sy'n rhoi caniatâd cynllunio ar gyfer datblygiad AEA, rhaid iddo lunio datganiad sy'n nodi'r wybodaeth a bennir ym mharagraff (2)."

19. Mae rheoliad 29 i'w ddarllen fel pe bai'n darparu—

"**29.**—(1) Yn y rheoliad hwn, ystyr "penderfyniad" ("*decision*"), mewn perthynas â gorchymyn sy'n cael effaith o dan adran 97(7) o Ddeddf 1990, yw'r penderfyniad i wneud y gorchymyn ac fel arall, y penderfyniad i gadarnhau'r gorchymyn adran 97 neu'r gorchymyn adran 102.

(2) Pan fo gorchymyn adran 97 neu orchymyn adran 102 sy'n caniatáu datblygiad AEA neu'n gwneud datblygiad AEA yn ofynnol yn cael effaith, rhaid i Weinidogion Cymru—

- (a) hysbysu'r awdurdod cynllunio lleol perthnasol pan fo'r gorchymyn yn cael ei wneud neu ei gadarnhau; a
- (b) ac eithrio mewn perthynas â gorchymynion adran 97 sy'n cael effaith heb gael eu cadarnhau gan Weinidogion Cymru(1), ddarparu datganiad sy'n cynnwys yr wybodaeth ym mharagraff (3)(c) i'r awdurdod.

(3) Pan fo gorchymyn adran 97 neu orchymyn adran 102 sy'n caniatáu datblygiad AEA neu'n gwneud datblygiad AEA yn ofynnol yn cael effaith, rhaid i'r awdurdod cynllunio perthnasol—

(2) Where the local planning authority adopt a screening opinion or scoping opinion, or receive a copy of a screening direction or scoping direction before a section 97 order or a section 102 order is made, the authority must take steps to secure that a copy of the opinion or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at the place where the record is kept.

(3) Copies of the documents referred to in paragraph (2) must remain so available for a period of two years from the date on which they are placed on the record."

18. Regulation 28 is to be read as if paragraph (1) read—

"(1) Where an initiating body makes a section 97 or section 102 order granting permission for EIA development, they must prepare a statement setting out the information specified in paragraph (2)."

19. Regulation 29 is to be read as if it provided—

"**29.**—(1) In this regulation, "decision" ("*penderfyniad*") means, in relation to an order which takes effect under section 97(7) of the 1990 Act, the decision to make the order and otherwise, the decision to confirm the section 97 order or the section 102 order.

(2) Where a section 97 order or a section 102 order permitting or requiring EIA development takes effect, the Welsh Ministers must—

- (a) notify the relevant planning authority when the order is made or confirmed; and
- (b) other than in relation to section 97 orders which take effect without being confirmed by the Welsh Ministers(1), provide the authority with a statement containing the information in paragraph (3)(c).

(3) Where a section 97 order or a section 102 order permitting or requiring EIA development takes effect, the relevant planning authority must—

(1) *Gweler* adran 99(7) o Ddeddf 1990 mewn perthynas â gorchymynion a gadarnhawyd gan Weinidogion Cymru.

(1) *See* section 99(7) of the 1990 Act in relation to orders confirmed by the Welsh Ministers.

- (a) hysbysu'r cyhoedd am y penderfyniad, drwy hysbyseb leol, neu drwy'r fath ddulliau eraill sy'n rhesymol o dan yr amgylchiadau; a
- (b) sicrhau bod datganiad sy'n cynnwys y canlynol ar gael i'r cyhoedd edrych arno yn y lle y mae'r cofnod o orchymynion adran 97 a gorchymynion adran 102 yn cael eu cadw—
 - (i) cynnwys y penderfyniad ac unrhyw amodau cysylltiedig;
 - (ii) y prif resymau ac ystyriaethau y seiliwyd y penderfyniad arnynt gan gynnwys, os yw'n berthnasol, gwybodaeth am gyfranogiad y cyhoedd;
 - (iii) disgrifiad, pan fo angen, o'r prif fesurau i osgoi, lleihau, ac os yn bosibl, wrthbwysu prif effeithiau andwyol y datblygiad a ganiateir gan y gorchymyn neu sy'n ofynnol gan y gorchymyn; a
 - (iv) gwybodaeth ynglŷn â'r hawl i herio dilysrwydd y penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny."

20. Mae rheoliad 56 i'w ddarllen fel pe bai—

- (a) "penderfyniad" â'r un ystyr ag yn rheoliad 29 fel y'i haddaswyd gan baragraff 19;
- (b) paragraff (1)(a) yn darllen—
 - “(a) y daw i sylw Gweinidogion Cymru bod datblygiad AEA y bwriedir ei gynnal yng Nghymru ac y mae corff cychwyn yn bwriadu ei gwneud yn ofynnol neu ganiatáu drwy orchymyn adran 97 neu orchymyn adran 102, yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu ”; ac
- (c) ym mharagraffau (3) a (6), yn lle “cais” ei fod yn darllen “gorchymyn adran 97 neu orchymyn adran 102 arfaethedig”.

- (a) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (b) make available for public inspection at the place where the record of section 97 orders and section 102 orders is kept, a statement containing—
 - (i) the content of the decision and any conditions attached to it;
 - (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 permitted or required by the order; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.”

20. Regulation 56 is to be read as if—

- (a) “decision” has the same meaning as in regulation 29 as modified by paragraph 19;
- (b) in paragraph (1)(a) read—
 - “(a) it comes to the attention of the Welsh Ministers that EIA development proposed to be carried out in Wales, which an initiating body proposes to require or permit by a section 97 order or a section 102 order is likely to have significant effects on the environment in another EEA State; or”; and
- (c) in paragraphs (3) and (6), instead of “application” it read “proposed section 97 order or section 102 order”.

Swyddogaethau o dan adran 141 o
Ddeddf 1990

1. Mewn achos pan fo'r Atodlen hon yn cael effaith, mae'r Rheoliadau hyn yn gymwys yn ddarostyngedig i'r addasiadau a ganlyn.

2. Nid yw rheoliadau 3, 7(2), 8 i 13, 18 nac 21 yn gymwys.

3. Yn yr Atodlen hon, ac wrth gymhwyso rheoliadau eraill gan yr Atodlen hon, mae cyfeiriadau at—

- (a) “y ceisydd” (“*the applicant*”) yn gyfeiriadau at—
 - (i) y ceisydd am ganiatâd cynllunio a benderfynwyd eisoes;
 - (ii) yr awdurdod cynllunio mwynau yn achos gorchymyn o dan baragraff 1 o Atodlen 9 i Ddeddf 1990;
 - (iii) y corff cychwyn mewn cysylltiad â gorchymyn adran 97 neu 102; neu
 - (iv) person y caniateir iddo wneud cais am ganiatâd cynllunio pe bai Gweinidogion Cymru yn arfer eu swyddogaethau o dan adran 141(3) o Ddeddf 1990;
- (b) “y cais” (“*the application*”) yn gyfeiriadau at—
 - (i) y cynnig i roi caniatâd cynllunio neu addasu caniatâd cynllunio;
 - (ii) y cynnig ar gyfer gorchymyn adran 97 neu orchymyn adran 102;
 - (iii) y cais am ganiatâd cynllunio a fyddai'n ofynnol ar gyfer y datblygiad dan sylw yn dilyn unrhyw gyfarwyddyd o dan adran 141(3) o Ddeddf 1990.

4.—(1) Pan fo'n ymddangos i Weinidogion Cymru, wrth ystyried hysbysiad prynu—

- (a) bod y cais perthnasol yn gais Atodlen 1 neu'n gais Atodlen 2, neu y byddai'n gais o'r fath; a
- (b) mewn perthynas â'r datblygiad dan sylw—
 - (i) ni fu'n destun barn sgrinio neu gyfarwyddyd sgrinio; neu
 - (ii) bu'n destun barn sgrinio neu gyfarwyddyd sgrinio cyn y rhoddwyd caniatâd cynllunio neu cyn y'i haddaswyd i'r effaith nad yw'n ddatblygiad AEA; ac

Functions under Section 141 of the 1990
Act

1. In a case to which this Schedule has effect, these Regulations apply subject to the following modifications.

2. Regulations 3, 7(2), 8 to 13, 18 and 21 do not apply.

3. In this Schedule and in the application of other regulations by this Schedule, references to—

- (a) the “applicant” (“*y ceisydd*”) are to—
 - (i) the applicant for planning permission which has previously been determined;
 - (ii) the mineral planning authority in the case of an order under paragraph 1 of Schedule 9 to the 1990 Act;
 - (iii) the initiating body in respect of a section 97 or 102 order; or
 - (iv) a person who may apply for planning permission if the Welsh Ministers exercised their functions under section 141(3) of the 1990 Act;
- (b) the “application” (“*y cais*”) are to—
 - (i) the proposal to grant or modify planning permission;
 - (ii) the proposal for a section 97 or section 102 order;
 - (iii) the application for planning permission which would be required for the development in question following any direction under section 141(3) of the 1990 Act.

4.—(1) Where, on consideration of a purchase notice it appears to the Welsh Ministers that—

- (a) the relevant application is, or would be, a Schedule 1 application or a Schedule 2 application; and
- (b) the development in question—
 - (i) has not been the subject of a screening opinion or screening direction; or
 - (ii) has been the subject of a screening opinion or direction before planning permission was granted or modified to the effect that it is not EIA development; and

- (c) nad yw'r cais perthnasol yn dod gyda datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn mae paragraffau (3) a (4) o reoliad 7 yn gymwys fel pe bai'r gofyniad am gadarnhau'r hysbysiad prynu yn ofyniad gan y ceisydd yn unol â rheoliad 6(8).

(2) Pan fo rheoliad 7(3) yn gymwys yn rhinwedd paragraff (1), rhaid i Weinidogion Cymru, pan fo'n angenrheidiol, ac i'r graddau y mae'n angenrheidiol i sicrhau bod y ceisydd wedi darparu, yn achos—

- (a) ceisiadau pan na wnaed unrhyw farn sgrinio neu gyfarwyddyd sgrinio, yr wybodaeth y cyfeirir ati yn rheoliad 6(2); a
- (b) ceisiadau eraill, yr wybodaeth y cyfeirir ati yn rheoliad 6(3),

ofyn am wybodaeth ychwanegol cyn dyroddi cyfarwyddyd sgrinio.

5. Pan fo'n ymddangos i Weinidogion Cymru bod y cais perthnasol yn gais AEA ac nad yw'n dod gyda datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn, rhaid iddynt—

- (a) hysbysu'r ceisydd bod cyflwyno datganiad amgylcheddol yn ofynnol; a
- (b) anfon copi o'r hysbysiad hwnnw i'r awdurdod cynllunio perthnasol (os nad yr awdurdod hwnnw yw'r ceisydd).

6.—(1) Pan fo'r ceisydd yn bwriadu cyflwyno datganiad amgylcheddol, mae'r Rheoliadau hyn yn gymwys i'r ceisydd a'r cais perthnasol—

- (a) fel y maent yn gymwys i apelyddion ac apelau, yn achos camau arfaethedig o dan adran 141 o Ddeddf 1990—
 - (i) i roi caniatâd cynllunio;
 - (ii) i ddirymu neu ddiwygio'r amodau sy'n gysylltiedig â chaniatâd cynllunio;
 - (iii) i roi cyfarwyddyd, pe bai cais am ganiatâd cynllunio yn cael ei wneud, bod rhaid rhoi'r caniatâd hwnnw; ac
- (b) fel y maent yn gymwys i'r corff cychwyn a gorchymyn adran 97 arfaethedig neu orchymyn adran 102 arfaethedig, yn achos camau arfaethedig o dan adran 141 o Ddeddf 1990—
 - (i) i ddirymu neu ddiwygio amodau sy'n gysylltiedig â'r fath orchymyn;
 - (ii) i ddiwygio'r fath orchymyn.

- (c) the relevant application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations paragraphs (3) and (4) of regulation 7 apply as if the request for confirmation of the purchase notice were a request made by the applicant pursuant to regulation 6(8).

(2) Where regulation 7(3) applies by virtue of paragraph (1), the Welsh Ministers must, where and insofar as necessary to ensure that the applicant has provided, in the case of—

- (a) applications where no screening opinion or direction has been made, the information referred to in regulation 6(2); and
- (b) other applications, the information referred to in regulation 6(3),

make a request for additional information before issuing a screening direction.

5. Where it appears to the Welsh Ministers that the relevant application is an EIA application and is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, they must—

- (a) notify the applicant that the submission of an environmental statement is required; and
- (b) send a copy of that notification to the relevant planning authority (if they are not the applicant).

6.—(1) Where the applicant proposes to submit an environmental statement, these Regulations apply to the applicant and relevant application—

- (a) as they apply to appellants and appeals, in the cases of proposed actions under section 141 of the 1990 Act—
 - (i) to grant planning permission;
 - (ii) to revoke or amend the conditions attached to a planning permission;
 - (iii) to direct that, if an application for planning permission were made, it must be granted; and
- (b) as they apply to the initiating body and a proposed section 97 order or a proposed section 102 order, in the cases of proposed actions under section 141 of the 1990 Act—
 - (i) to revoke or amend conditions attaching to such an order;
 - (ii) to amend such an order.

(2) Pan fo'r ceisydd yn bwriadu cyflwyno datganiad amgylcheddol rhaid i'r ceisydd gydymffurfio â darpariaethau erthygl 12(7A)(1) o Orchymyn 2012 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio) fel pe bai'r datganiad amgylcheddol wedi ei gyflwyno mewn perthynas â chais cynllunio sy'n dod o fewn erthygl 12(2) o Orchymyn 2012 ac fel pe bai, yn erthygl 12(7A) o Orchymyn 2012, y cyfeiriadau at gais am ganiatâd cynllunio yn gyfeiriadau at fwriad i weithredu o dan adran 141(2) neu (3) o Ddeddf 1990.

(3) Pan fo Gweinidogion Cymru yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio gan y cais, neu'n debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac yn annhebygol o ddod yn ymwybodol ohono drwy ddull cyhoeddiad electronig, hysbysiad safle neu drwy hysbyseb leol, rhaid iddynt hysbysu'r ceisydd am unrhyw berson o'r fath.

(4) Caiff ceisydd sy'n cael hysbysiad o dan baragraff 5 o'r Atodlen hon, o fewn 21 o ddiwrnodau sy'n dechrau â dyddiad yr hysbysiad, gadarnhau yn ysgrifenedig i Weinidogion Cymru y darperir datganiad amgylcheddol.

(5) Os nad yw'r ceisydd yn ysgrifennu yn unol â pharagraff (4), ar ddiwedd y cyfnod o 21 o ddiwrnodau ni chaiff Gweinidogion Cymru weithredu o dan adran 141(2) neu (3) o Ddeddf 1990.

7. Pan—

- (a) fo hysbysiad wedi ei roi o dan baragraff 6(3), a
- (b) nad yw'r ceisydd yn cyflwyno datganiad amgylcheddol ac yn cydymffurfio â rheoliad 19(6),

ni chaiff Gweinidogion Cymru benderfynu ar y mater ond drwy gadarnhau'r hysbysiad prynu neu wrthod cadarnhau'r hysbysiad hwnnw.

8. Pan fo'n ymddangos i Weinidogion Cymru bod yr wybodaeth amgylcheddol sydd eisoes ger eu bron—

- (a) yn ddigonol i asesu effeithiau amgylcheddol y datblygiad sy'n destun y gweithredu arfaethedig o dan adran 141(2) neu (3) o Ddeddf 1990, rhaid iddynt gymryd yr wybodaeth honno i ystyriaeth wrth wneud eu penderfyniad;
- (b) yn annigonol i asesu effeithiau amgylcheddol y datblygiad, rhaid iddynt gyflwyno hysbysiad yn gofyn am wybodaeth bellach yn unol â rheoliad 24(1); ac

mae rheoliadau 14 i 17 a 19 i 28 o'r Rheoliadau hyn yn gymwys i'r ceisydd a'r cais—

(2) Where the applicant proposes to submit an environmental statement the applicant must comply with the provisions of article 12(7A)(1) of the 2012 Order (publicity for applications for planning permission) as if the environmental statement had been submitted in relation to a planning application falling within article 12(2) of the 2012 Order and as if, in article 12(7A) to the 2012 Order the references to an application for planning permission were to a proposal to act under section 141(2) or (3) of the 1990 Act.

(3) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, they must notify the applicant of any such person.

(4) An applicant who receives a notification under paragraph 5 of this Schedule, may within 21 days beginning with the date of the notification, confirm to the Welsh Ministers in writing that an environmental statement will be provided.

(5) If the applicant does not write in accordance with paragraph (4), at the end of the 21 days the Welsh Ministers must not take action under section 141(2) or (3) of the 1990 Act.

7. Where—

- (a) a notification has been given under paragraph 6(3), and
- (b) the applicant does not submit an environmental statement and comply with regulation 19(6),

the Welsh Ministers must determine the matter only by confirming or refusing to confirm the purchase notice.

8. Where it appears to the Welsh Ministers that the environmental information already before them—

- (a) is adequate to assess the environmental effects of the development which is the subject of the proposed action under section 141(2) or (3) of the 1990 Act, they must take that information into consideration in their decision;
- (b) is not adequate to assess the environmental effects of the development, they must serve a notice seeking further information in accordance with regulation 24(1); and

regulations 14 to 17 and 19 to 28 of these Regulations apply to the applicant and application—

(1) Mewn sodir erthygl 12(7A) yng Ngorchymyn 2012 gan baragraff 1(3)(h) o Atodlen 9 i'r Rheoliadau hyn.

(1) Article 12(7A) is inserted in the 2012 Order by paragraph 1(3)(h) of Schedule 9 to these Regulations.

- (i) fel y maent yn gymwys i apelyddion ac apelau yn achos—
 - (aa) cynnig i roi caniatâd cynllunio;
 - (bb) cynnig i ddirymu neu ddiwygio'r amodau sy'n gysylltiedig â chaniatâd cynllunio; neu
 - (cc) cynnig i roi cyfarwyddyd, pe bai cais am ganiatâd cynllunio yn cael ei wneud, bod rhaid rhoi'r caniatâd hwnnw; a
 - (ii) fel y maent yn gymwys i'r corff cychwyn a gorchymyn adran 97 arfaethedig neu orchymyn adran 102 arfaethedig yn achos—
 - (aa) cynnig i ddirymu neu ddiwygio amodau sy'n gysylltiedig â'r fath orchymyn; neu
 - (bb) cynnig i ddiwygio'r fath orchymyn; a
 - (iii) fel pe bai'r cyfeiriadau at yr "awdurdod cynllunio perthnasol" yn gyfeiriadau at yr awdurdod cynllunio lleol a fyddai'n penderfynu ar unrhyw gais am ganiatâd cynllunio ar gyfer y datblygiad dan sylw pe bai cais o'r fath yn cael ei gyflwyno.
- (i) as they apply to appellants and appeals in the case of—
 - (aa) a proposal to grant planning permission;
 - (bb) a proposal to revoke or amend the conditions attached to a planning permission; or
 - (cc) a proposal to direct that, if an application for planning permission were made, it must be granted; and
 - (ii) as they apply to the initiating body and a proposed section 97 order or a proposed section 102 order in the case of—
 - (aa) a proposal to revoke or amend conditions attaching to such an order; or
 - (bb) a proposal to amend such an order; and
 - (iii) as if references to the "relevant planning authority" were to the local planning authority who would determine any application for planning permission for the development in question were such an application to be submitted.

ATODLEN 8 Rheoliad 55(2)
Ceisiadau ROMP

Addasu darpariaethau ynglŷn â gwaharddiad ar roi caniatâd cynllunio neu gydsyniad dilynol

1. Mae rheoliad 3 (gwaharddiad ar roi caniatâd cynllunio neu gydsyniad dilynol heb ystyried gwybodaeth amgylcheddol) i'w ddarllen fel pe bai, ar ôl “datblygiad AEA” ei fod yn darllen “yn unol â chais ROMP”(1).

Addasu darpariaethau mewn cais i awdurdod cynllunio lleol heb ddatganiad amgylcheddol

2. Yn achos cais ROMP, rhaid i reoliad 11(4) (cais a wnaed i awdurdod cynllunio lleol heb ddatganiad amgylcheddol) gael ei ddarllen fel pe bai—

- (a) “21 o ddiwrnodau” yn darllen “6 wythnos”; a
- (b) ar ôl “yr hysbysiad”, ei fod yn darllen “, neu o fewn cyfnod arall y cytunir arno gyda'r awdurdod yn ysgrifenedig”.

Datgymhwyso rheoliadau ac addasu darpariaethau ar gais a atgyfeiriwyd neu a apelwyd i Weinidogion Cymru heb ddatganiad amgylcheddol

3.—(1) Yn achos cais ROMP, nid yw rheoliadau 11(6) ac (8), 12(7) ac (8), 13(8) a (9), a 61 yn gymwys.

(2) Yn achos cais ROMP, rhaid darllen rheoliad 12(6) (cais a atgyfeiriwyd at Weinidogion Cymru heb ddatganiad amgylcheddol) a rheoliad 13(7) (apel i Weinidogion Cymru heb ddatganiad amgylcheddol) fel pe bai—

- (a) “21 o ddiwrnodau” yn darllen “6 wythnos”; a
- (b) ar ôl “yr hysbysiad” ei fod yn darllen “, neu o fewn unrhyw gyfnod arall y cytunir arno gyda Gweinidogion Cymru yn ysgrifenedig”.

SCHEDULE 8 Regulation 55(2)
ROMP Applications

Modification of provisions on prohibition of granting planning permission or subsequent consent

1. Regulation 3 (prohibition on granting planning permission or subsequent consent without consideration of environmental information) is to be read as if, after “for EIA development” it read “pursuant to a ROMP application”(1).

Modification of provisions on application to local planning authority without an environmental statement

2. In the case of a ROMP application, regulation 11(4) (application made to a local planning authority without an environmental statement) is to be read as if—

- (a) “21 days” read “6 weeks”; and
- (b) after “the notification”, it read “, or within such other period as may be agreed with the authority in writing”.

Disapplication of regulations and modifications of provisions on application referred to or appealed to the Welsh Ministers without an environmental statement

3.—(1) In the case of a ROMP application, regulations 11(6) and (8), 12(7) and (8), 13(8) and (9) and 61 do not apply.

(2) In the case of a ROMP application, regulation 12(6) (application referred to the Welsh Ministers without an environmental statement) and regulation 13(7) (appeal to the Welsh Ministers without an environmental statement) are to be read as if—

- (a) “21 days” read “6 weeks”; and
- (b) after “the notification” they read “, or within such other period as may be agreed with the Welsh Ministers in writing”.

(1) Ar gyfer ystyr “cais ROMP” a “ROMP” gweler rheoliad 55(1).

(1) For the meaning of “ROMP” and “ROMP application” see regulation 55(1).

Amnewid cyfeiriadau at hawl i apelio o dan adran 78 o Ddeddf 1990 ac addasiadau i ddarpariaethau wrth apelio i Weinidogion Cymru heb ddatganiad amgylcheddol

4.—(1) Yn achos cais ROMP, yn rheoliadau 13(1) a 20(1)(b), yn lle'r cyfeiriadau at “adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)” darllener—

“baragraff 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)”.

(2) Yn achos cais ROMP, darllener rheoliad 13(2) (apêl i Weinidogion Cymru heb ddatganiad amgylcheddol) fel pe bai “, ac eithrio drwy wrthod caniatâd cynllunio neu gydsyniad dilynol” wedi ei hepgor.

Addasu darpariaethau ar lunio, cyhoeddusrwydd a gweithdrefnau wrth gyflwyno datganiadau amgylcheddol

5.—(1) Yn achos cais ROMP, yn rheoliadau 14(10) a 15(9), yn lle'r geiriau “â chais am ganiatâd cynllunio neu gais dilynol ar gyfer” darllener “â chais ROMP sy'n ymwneud â chaniatâd cynllunio arall sy'n awdurdodi”.

(2) Yn achos cais ROMP, yn rheoliad 18 (y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i awdurdod cynllunio lleol) yn lle paragraff (4) darllener—

“(4) Pan fo ceisydd yn cyflwyno datganiad amgylcheddol i'r awdurdod yn unol â pharagraff (1), mae darpariaethau erthygl 12 o Orchymyn 2012 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio) ac Atodlen 3 iddo yn gymwys i gais ROMP o dan baragraff—

- (a) 2(2) o Atodlen 2 i Ddeddf 1991, a
- (b) 6(1) o Atodlen 14 i Ddeddf 1995(1),

Substitution of references to section 78 of the 1990 Act right of appeal and modification of provisions on appeal to the Welsh Ministers without an environmental statement

4.—(1) In the case of a ROMP application, in regulations 13(1) and 20(1)(b), for the references to “section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)” read—

“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)”.

(2) In the case of a ROMP application, read regulation 13(2) (appeal to the Welsh Ministers without an environmental statement) as if “, except by refusing planning permission or subsequent consent,” were omitted.

Modification of provisions on preparation, publicity and procedures on submission of environmental statements

5.—(1) In the case of a ROMP application, in regulations 14(10) and 15(9), for the words “an application for planning permission or a subsequent application for” read “a ROMP application which relates to another planning permission which authorises”.

(2) In the case of a ROMP application, in regulation 18 (procedure where an environmental statement is submitted to a local planning authority) for paragraph (4) read—

“(4) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 12 of and Schedule 3 to the 2012 Order (publicity for applications for planning permission) apply to a ROMP application under paragraph—

- (a) 2(2) of Schedule 2 to the 1991 Act, and
- (b) 6(1) of Schedule 14 to the 1995 Act(1),

(1) Mae darpariaethau Gorchymyn 2012 yn gymwys i geisiadau o dan baragraff 9(1) o Atodlen 13 i Ddeddf 1995 yn rhinwedd paragraff 9(5) o'r Atodlen honno.

(1) The provisions of the 2012 Order apply to applications under paragraph 9(1) of Schedule 13 to the 1995 Act by virtue of paragraph 9(5) of that Schedule.

fel y maent yn gymwys i gais cynllunio sy'n dod o fewn paragraff (3A)(1) o erthygl 12 o Orchymyn 2012 ac eithrio bod “benderfynu'r amodau y mae cais cynllunio i fod yn ddarostyngedig iddynt” yn cael ei roi yn lle'r cyfeiriadau at “ganiatâd cynllunio” yn yr hysbysiad yn Atodlen 3 i Orchymyn 2012 a bod rhaid i'r hysbysiad gyfeirio at ddarpariaethau perthnasol Deddf 1991 neu Ddeddf 1995 y gwneir y cais yn unol â hwy.”

(3) Yn achos cais ROMP, yn rheoliad 19 (cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio)—

(a) ym mharagraff (2)(a) yn lle'r geiriau “bod cais yn cael ei wneud am ganiatâd cynllunio neu gydsyniad dilynol” darllener—

“bod cais yn cael ei wneud i benderfynu'r amodau y mae caniatâd cynllunio i fod yn ddarostyngedig iddynt, darpariaethau perthnasol Deddf 1991 neu Ddeddf 1995 y gwneir y cais yn unol â hwy”;

(b) yn lle paragraff (7) darllener—

“(7) Pan fo ceisydd yn dynodi bod y ceisydd yn bwriadu darparu datganiad o'r fath ac o dan y fath amgylchiadau a grybwyllir ym mharagraff (1), rhaid i'r awdurdod cynllunio mwynau perthnasol, Gweinidogion Cymru neu'r arolygydd, yn ôl y digwydd, ohirio ystyried y cais neu'r apêl hyd nes y dyddiad a bennir gan yr awdurdod neu gan Weinidogion Cymru ar gyfer cyflwyno'r datganiad amgylcheddol a chydymffurfio â pharagraff (6); a rhaid iddynt beidio â phenderfynu'r cais neu'r apêl yn ystod y cyfnod o 30 o ddiwrnodau sy'n dechrau â'r dyddiad diweddaraf y mae'r datganiad a'r dogfennau eraill a grybwyllir ym mharagraff (6) yn cael eu cyhoeddi yn unol â'r rheoliad hwn.”

(4) Yn achos cais ROMP, yn rheoliad 20(1) (darparu copïau o ddatganiadau amgylcheddol a gwybodaeth bellach i Weinidogion Cymru pe bai atgyfeiriad neu apelio)—

(a) yn is-baragraff (a) yn lle “adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol)” darllener “baragraff 7(1) o Atodlen 2 i Ddeddf 1991, paragraff 13(1) o Atodlen 13 i Ddeddf 1995 neu baragraff 8(1) o Atodlen 14 i Ddeddf 1995”; a

as they apply to a planning application falling within paragraph (3A)(1) of article 12 of the 2012 Order except that for the references in the notice in Schedule 3 to the 2012 Order to “planning permission” there is substituted “determination of the conditions to which a planning permission is to be subject” and that the notice must refer to the relevant provisions of the 1991 Act or 1995 Act pursuant to which the application is made.”

(3) In the case of a ROMP application, in regulation 19 (publicity where an environmental statement is submitted after the planning application)—

(a) in paragraph (2)(a) for the words “that an application is being made for planning permission or subsequent consent” read—

“that an application is being made for determination of the conditions to which a planning permission is to be subject, the relevant provisions of the 1991 Act or 1995 Act pursuant to which the application is made”;

(b) for paragraph (7) read—

“(7) Where an applicant indicates that the applicant proposes to provide such a statement and in such circumstances as are mentioned in paragraph (1), the relevant mineral planning authority, the Welsh Ministers or the inspector, as the case may be, must suspend consideration of the application or appeal until the date specified by the authority or the Welsh Ministers for submission of the environmental statement and compliance with paragraph (6); and must not determine the application or appeal during the period of 30 days beginning with the last date on which the statement and the other documents mentioned in paragraph (6) are published in accordance with this regulation.”

(4) In the case of a ROMP application, in regulation 20(1) (provision of copies of environmental statements and further information for the Welsh Ministers on referral or appeal)—

(a) in sub-paragraph (a) for “section 77 of the 1990 Act (reference of applications to Secretary of State)” read “paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act”; and

(1) Mewnosodir paragraff (3A) yng Ngorchymyn 2012 gan baragraff 1(3)(c) o Atodlen 9 i'r Rheoliadau hyn.

(1) Paragraph (3A) is inserted in the 2012 Order by paragraph 1(3)(c) of Schedule 9 to these Regulations.

- (b) yn is-baragraff (b), yn lle “adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o’r fath)” darllener “baragraff 5(2) o Atodlen 2 i Ddeddf 1992, paragraff 11(1) o Atodlen 13 i Ddeddf 1995 neu baragraff 9(1) o Atodlen 14 i Ddeddf 1995 (hawl apelio)”.

(5) Yn achos cais ROMP, yn rheoliad 22 (argaeledd copïau o ddatganiadau amgylcheddol) ar ôl “Orchymyn 2012” darllener “(fel y’i cymhwysir gan reoliad 18(5) neu gan baragraff 9(5) o Atodlen 13 i Ddeddf 1995)”.

(6) Yn achos cais ROMP, yn rheoliad 24 (gwybodaeth bellach a thystiolaeth mewn cysylltiad â datganiadau amgylcheddol)—

- (a) ym mharagraff (3)(a) yn lle’r geiriau “ceisydd am ganiatâd cynllunio neu am gydsyniad dilynol, neu’r apelydd (yn ôl y digwydd)” darllener—

“person sydd wedi gwneud cais am benderfynu’r amodau y mae’r cais cynllunio i fod yn ddarostyngedig iddynt neu sydd wedi apelio mewn perthynas â hwy, darpariaethau perthnasol Deddf 1991 neu Ddeddf 1995 y gwneir y cais yn unol â hwy”;

- (b) ym mharagraff (7)(a) ar ôl y geiriau “cais neu’r apêl dros dro” darllener “hyd y dyddiad a bennir ganddynt ar gyfer cyflwyno’r wybodaeth bellach”.

(7) Yn rheoliad 25 (ystyried pa un a ddylid rhoi caniatâd cynllunio), ym mharagraff (1)(d) darllener fel pe bai “os rhoddir caniatâd cynllunio neu gydsyniad dilynol” wedi ei hepgor.

Addasu darpariaethau wrth wneud cais i Uchel Lys a rhoi cyfarwyddydau

6.—(1) Yn achos cais ROMP, yn lle rheoliad 59 (cais i’r Uchel Lys) darllener—

“Cais i’r Uchel Lys

59. At ddibenion Rhan 12 o Ddeddf 1990 (dilysrwydd penderfyniadau penodol), rhaid cymryd bod y cyfeiriad yn adran 288 o Ddeddf 1990, 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, nad yw gweithredoedd Gweinidogion Cymru o fewn pwerau Deddf 1990, yn ymestyn i benderfynu cais ROMP gan Weinidogion Cymru yn groes i reoliad 3.”

- (b) in sub-paragraph (b), for “section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)”, read “paragraph 5(2) of Schedule 2 to the 1992 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)”.

(5) In the case of a ROMP application, in regulation 22 (availability of copies of environmental statements) after “the 2012 Order” read “(as applied by regulation 18(5) or by paragraph 9(5) of Schedule 13 to the 1995 Act)”.

(6) In the case of a ROMP application, in regulation 24 (further information and evidence in respect of environmental statements)—

- (a) in paragraph (3)(a) for the words “applicant for planning permission or subsequent consent or the appellant (as the case may be)” read—

“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 Act or 1995 Act pursuant to which the application is made”;

- (b) in paragraph (7)(a) after the words “application or appeal” read “until the date they specify for submission of the further information”.

(7) In regulation 25 (consideration of whether planning permission should be granted), in paragraph (1)(d) read as if “if planning permission or subsequent consent is to be granted” were omitted.

Modification of provisions on application to the High Court and giving of directions

6.—(1) In the case of a ROMP application, for regulation 59 (application to the High Court) read—

“Application to the High Court

59. For the purposes of Part 12 of the 1990 Act (validity of certain decisions), the reference in section 288 of the 1990 Act, 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 Welsh Ministers not being within the powers of the 1990 Act must be taken to extend to the determination of a ROMP application by the Welsh Ministers in contravention of regulation 3.”

(2) Mae'r pŵer i roi cyfarwyddyd yn erthygl 18(2) o Orchymyn 2012 yn gymwys i ddatblygiad ROMP fel y mae'n gymwys i ddatblygiad y gwneir cais cynllunio mewn cysylltiad ag ef.

Atal datblygiad mwynau dros dro

7.—(1) Pan fo'r awdurdod, Gweinidogion Cymru neu arolygydd yn ymdrin â chais ROMP neu apêl sy'n codi o gais ROMP ac yn hysbysu'r ceisydd neu'r apeliwr, yn ôl y digwydd, ei bod—

- (a) yn ofynnol dan reoliad 11(1), 12(3) neu 13(5) i gyflwyno datganiad amgylcheddol, yna mae'n rhaid i hysbysiad o'r fath bennu'r cyfnod y mae'r datganiad amgylcheddol a chydymffurfriad â rheoliad 19(6) yn ofynnol; neu
- (b) y dylai datganiad gynnwys gwybodaeth ychwanegol o dan reoliad 24(1), yna mae'n rhaid i hysbysiad o'r fath bennu'r cyfnod y mae'n rhaid darparu'r wybodaeth ynddo.

(2) Yn ddarostyngedig i baragraff (3), ni chaiff y caniatâd cynllunio y mae'r cais ROMP yn ymwneud ag ef ond awdurdodi unrhyw ddatblygiad mwynau (heblaw bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio i'r perwyl nad yw datblygiad ROMP yn ddatblygiad AEA) os yw'r ceisydd neu'r apelydd wedi—

- (a) ysgrifennu at yr awdurdod cynllunio mwynau perthnasol neu Weinidogion Cymru o fewn y 6 wythnos neu gyfnod arall y cytunir arno yn unol â rheoliadau 11(3) ac 11(4), 12(4) a 12(6) neu 13(7);
- (b) cyflwyno datganiad amgylcheddol a chydymffurfio â rheoliad 19(6) o fewn y cyfnod a bennir gan yr awdurdod neu Weinidogion Cymru yn unol â pharagraff (1) neu o fewn unrhyw gyfnod estynedig y cytunir arno'n ysgrifenedig;
- (c) darparu gwybodaeth ychwanegol o fewn y cyfnod a bennir gan yr awdurdod, Gweinidogion Cymru neu arolygydd yn unol â pharagraff (1) neu o fewn unrhyw gyfnod estynedig y cytunir arno'n ysgrifenedig; neu
- (d) pan fo hysbysiad o dan reoliad 6(5), 7(3), 14(3) neu 15(3) wedi ei gael, ar yr amod bod yr wybodaeth ychwanegol y gofynnwyd amdani o fewn 21 o ddiwrnodau gan ddechrau â dyddiad yr hysbysiad, neu o fewn unrhyw gyfnod estynedig y cytunir arno'n ysgrifenedig.

(3) Pan fo paragraff (2) yn gymwys, ni chaiff y caniatâd cynllunio awdurdodi unrhyw ddatblygiad mwynau o ddiwedd—

(2) The direction making power in article 18(2) of the 2012 Order applies to ROMP development as it applies to development in respect of which a planning application is made.

Suspension of minerals development

7.—(1) Where the authority, the Welsh Ministers or an inspector are dealing with a ROMP application or an appeal arising from a ROMP application and notify the applicant or appellant, as the case may be, that—

- (a) the submission of an environmental statement is required under regulation 11(1), 12(3) or 13(5), then such notification must specify the period within which the environmental statement and compliance with regulation 19(6) are required; or
- (b) a statement should contain additional information under regulation 24(1), then such notification must specify the period within which that information is to be provided.

(2) Subject to paragraph (3), the planning permission to which the ROMP application relates may only authorise any minerals development (unless the Welsh Ministers have made a screening direction to the effect that ROMP development is not EIA development) if the applicant or the appellant has—

- (a) written to the relevant mineral planning authority or Welsh Ministers within the 6 week or other period agreed pursuant to regulations 11(3) and 11(4), 12(4) and 12(6) or 13(7);
- (b) submitted an environmental statement and complied with regulation 19(6) within the period specified by the authority or the Welsh Ministers in accordance with paragraph (1) or within such extended period as is agreed in writing;
- (c) provided additional information within the period specified by the authority, the Welsh Ministers or an inspector in accordance with paragraph (1) or within such extended period as is agreed in writing; or
- (d) where a notification under regulation 6(5), 7(3), 14(3) or 15(3) has been received, provided the additional information requested within 21 days beginning with the date of the notification, or within such extended period as may be agreed in writing.

(3) Where paragraph (2) applies, the planning permission may not authorise any minerals development from the end of—

- (a) y cyfnod perthnasol a bennir yn rheoliadau 11(3) a 11(4), 12(4) a 12(6) neu 13(7) neu gyfnod y cytunir arno yn unol â'r rheoliadau hynny; a
- (b) y cyfnod a bennir neu y cytunir arno yn ysgrifenedig fel y cyfeirir ato ym mharagraff (2)(b), (c), a (d),

hyd nes bod y ceisydd wedi cydymffurfio â'r holl ddarpariaethau y cyfeirir atynt ym mharagraff (2) sy'n berthnasol i'r cais neu'r apêl dan sylw.

(4) Rhaid i fanylion atal datblygiad mwynau dros dro a dyddiad y bydd yr ataliad hwnnw'n dod i ben gael eu nodi yn y rhan briodol o'r gofrestr(1) cyn gynted ag sy'n rhesymol ymarferol.

(5) Nid yw paragraff (2) yn effeithio ar unrhyw ddatblygiad mwynau a gynhelir o dan y caniatâd cynllunio cyn dyddiad atal y datblygiad mwynau dros dro.

(6) At ddibenion paragraffau (2) i (5), ystyr "datblygiad mwynau" ("*minerals development*") yw datblygiad sy'n cynnwys tynnu mwynau a gweithio ar fwynau, neu'n cynnwys gwaddodi gwastraff mwynol.

Penderfynu ar amodau a hawl apelio wrth beidio â phenderfynu

8.—(1) Pan mai cyfrifoldeb awdurdod cynllunio mwynau yw penderfynu ar gais Atodlen 1 neu gais Atodlen 2, nid yw paragraff 2(6)(b) o Atodlen 2 i Ddeddf 1991, paragraff 9(9) o Atodlen 13 i Ddeddf 1995 neu baragraff 6(8) o Atodlen 14 i Ddeddf 1995 yn cael effaith fel bod yr awdurdod yn cael ei drin fel pe bai wedi penderfynu ar yr amodau y mae unrhyw ganiatâd cynllunio perthnasol i fod yn ddarostyngedig iddynt oni bai—

- (a) bod yr awdurdod wedi mabwysiadu barn sgrinio; neu
- (b) bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio i'r perwyl nad yw'r datblygiad ROMP dan sylw yn ddatblygiad AEA;

(2) Pan mai cyfrifoldeb awdurdod cynllunio mwynau neu Weiniogion Cymru yw penderfynu ar gais Atodlen 1 neu Atodlen 2—

- (a) the relevant period specified in or agreed pursuant to regulations 11(3) and 11(4), 12(4) and 12(6) or 13(7); and
- (b) the period specified or agreed in writing as referred to in paragraph (2)(b), (c), and (d),

until the applicant has complied with all of the provisions referred to in paragraph (2) which are relevant to the application or appeal in question.

(4) Particulars of the suspension of minerals development and the date when that suspension ends must be entered in the appropriate part of the register(1) as soon as reasonably practicable.

(5) Paragraph (2) does not affect any minerals development carried out under the planning permission before the date of suspension of minerals development.

(6) For the purposes of paragraphs (2) to (5), "minerals development" ("*datblygiad mwynau*") means development consisting of the winning and working of minerals, or involving the depositing of mineral waste.

Determination of conditions and right of appeal on non-determination

8.—(1) Where it falls to a mineral planning authority to determine a Schedule 1 or a Schedule 2 application, paragraph 2(6)(b) of Schedule 2 to the 1991 Act, paragraph 9(9) of Schedule 13 to the 1995 Act or paragraph 6(8) of Schedule 14 to the 1995 Act do not have effect so as to treat the authority as having determined the conditions to which any relevant planning permission is to be subject unless either—

- (a) the authority has adopted a screening opinion; or
- (b) the Welsh Ministers have made a screening direction to the effect that the ROMP development in question is not EIA development;

(2) Where it falls to a mineral planning authority or the Welsh Ministers to determine a Schedule 1 or a Schedule 2 application—

(1) Gweler paragraff 8(2) o'r Atodlen hon.

(1) See paragraph 8(2) of this Schedule.

- (a) mae adran 69 o Ddeddf 1990 (cofrestr o geisiadau etc.), ac unrhyw ddarpariaethau o Orchymyn 2012 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 ROMP o dan baragraff 9(1) o Atodlen 13 i Ddeddf 1995 a pharagraff 6(1) o Atodlen 14 i Ddeddf 1995(1); a
- (b) pan nad yr awdurdod yw'r awdurdod y mae'n ofynnol iddo gadw'r gofrestr, rhaid i'r awdurdod ddarparu'r awdurdod y mae'n ofynnol iddo ei chadw gyda dogfennau a gwybodaeth o'r fath y mae ar yr awdurdod eu hangen i gydymffurfio ag adran 69 o Ddeddf 1990 fel y'i cymhwysir gan baragraff (a), gyda rheoliad 27 fel y'i cymhwysir gan reoliad 55, a chyda paragraff 7(4) o'r Atodlen hon.

(3) Pan mai cyfrifoldeb yr awdurdod cynllunio mwynol neu Weinidogion Cymru yw penderfynu ar gais AEA a wnaed o dan baragraff 2(2) o Atodlen 2 i Ddeddf 1991 nid yw paragraff 4(4) o'r Atodlen honno yn gymwys.

(4) Pan mai cyfrifoldeb yr awdurdod cynllunio mwynol yw penderfynu ar gais AEA, rhaid i'r awdurdod roi rhybudd o'i benderfyniad am y cais ROMP o fewn 16 wythnos gan ddechrau â'r dyddiad y ceir cais ROMP gan yr awdurdod neu unrhyw gyfnod estynedig y cytunir arno'n ysgrifenedig rhwng y ceisydd a'r awdurdod.

(5) At ddibenion paragraff (4), ceir cais ROMP gan awdurdod cynllunio mwynau pan fydd yn cael—

- (a) dogfen y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn;
- (b) unrhyw ddogfennau gofynnol i gyd-fynd â'r datganiad hwnnw; ac
- (c) unrhyw wybodaeth ychwanegol y mae'r awdurdod wedi hysbysu'r ceisydd y dylai'r datganiad amgylcheddol ei chynnwys.

(6) Pan fo paragraff (1) yn gymwys—

- (a) section 69 of the 1990 Act (register of applications, etc), and any provisions of the 2012 Order made by virtue of that section, have effect with any necessary amendments as if references to applications for planning permission included ROMP applications under paragraph 9(1) of Schedule 13 to the 1995 Act and paragraph 6(1) of Schedule 14 to the 1995 Act(1); and
- (b) where the authority is not the authority required to keep the register, the authority must provide the authority required to keep it with such information and documents as that authority requires to comply with section 69 of the 1990 Act as applied by paragraph (a), with regulation 27 as applied by regulation 55, and with paragraph 7(4) of this Schedule.

(3) Where it falls to the mineral planning authority or the Welsh Ministers to determine an EIA application made under paragraph 2(2) of Schedule 2 to the 1991 Act, paragraph 4(4) of that Schedule does not apply.

(4) Where it falls to the mineral planning authority to determine an EIA application, the authority must give notice of their determination of the ROMP application within 16 weeks beginning with the date of receipt by the authority of the ROMP application or such extended period as may be agreed in writing between the applicant and the authority.

(5) For the purposes of paragraph (4), a ROMP application is received by the mineral planning authority when they receive—

- (a) a document referred to by the applicant as an environmental statement for the purposes of these Regulations;
- (b) any documents required to accompany that statement; and
- (c) any additional information which the authority has notified the applicant that the environmental statement should contain.

(6) Where paragraph (1) applies—

(1) Mae'r darpariaethau hyn yn gymwys i geisiadau o dan baragraff 2(2) o Atodlen 2 i Ddeddf 1991 fel y'u cymhwysir gan baragraff 9 o Atodlen 2 i Ddeddf 1991.

(1) These provisions apply to applications under paragraph 2(2) of Schedule 2 to the 1991 Act as they are applied by paragraph 9 of Schedule 2 to the 1991 Act.

- (a) 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 apelio) yn cael effaith fel pe bai hefyd hawl apelio i Weinidogion Cymru pan nad yw'r awdurdod cynllunio mwynol wedi rhoi rhybudd o'i benderfyniad am y cais ROMP yn unol â pharagraff (4); a
- (b) 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 apelio) yn cael effaith fel pe baent hefyd yn darparu ar gyfer hysbysiad am apêl i gael ei wneud o fewn 6 mis ar ôl i'r 16 wythnos ddod i ben neu gyfnod arall y cytunwyd arno yn unol â pharagraff (4).

(7) Wrth benderfynu at ddibenion—

- (a) paragraffau 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); neu
- (b) 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 apelio) fel y'u cymhwysir gan baragraff 8(6)(b) o'r Atodlen hon,

yr amser sydd wedi mynd heibio heb i'r awdurdod cynllunio mwynol hysbysu'r ceisydd am ei benderfyniad ynglŷn ag achos pan fo'r awdurdod wedi hysbysu ceisydd yn unol â rheoliad 11(1) bod cyflwyno datganiad amgylcheddol yn ofynnol a bod Gweinidogion Cymru wedi rhoi cyfarwyddyd sgrinio mewn perthynas â'r datblygiad ROMP dan sylw, ni chaniateir ystyried unrhyw gyfnod cyn y dyroddwyd y cyfarwyddyd hwnnw.

Cais ROMP gan awdurdod cynllunio mwynol

9.—(1) Pan fo awdurdod cynllunio mwynol yn bwriadu gwneud neu yn gwneud cais ROMP sy'n gais Atodlen 1 neu Atodlen 2 i Weinidogion Cymru o dan reoliad 11 (cydsyniadau eraill) o'r Rheoliadau Cyffredinol(1), mae'r Rheoliadau hyn yn gymwys i'r cais neu'r cais arfaethedig hwnnw fel y maent yn gymwys i gais ROMP yr atgyfeiriwyd at Weinidogion Cymru o dan baragraff 7(1) o Atodlen 2 i Ddeddf 1991, paragraff 13(1) o Atodlen 13 i Ddeddf 1995 neu baragraff 8(1) o Atodlen 14 i Ddeddf 1995 (atgyfeirio ceisiadau i Weinidogion Cymru) yn ddarostyngedig i'r addasiadau canlynol—

- (a) 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 where the mineral planning authority have not given notice of their determination of the ROMP application in accordance with paragraph (4); and
- (b) 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 provide for notice of appeal to be made within 6 months from the expiry of the 16 week or other period agreed pursuant to paragraph (4).

(7) In determining for the purposes of—

- (a) paragraphs 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); or
- (b) 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) as applied by paragraph 8(6)(b) of this Schedule,

the time which has elapsed without the mineral planning authority giving the applicant notice of their determination in a case where the authority have notified an applicant in accordance with regulation 11(1) that the submission of an environmental statement is required and the Welsh Ministers have given a screening direction in relation to the ROMP development in question no account may be taken of any period before the issue of the direction.

ROMP application by a mineral planning authority

9.—(1) Where a mineral planning authority propose to make or makes a ROMP application which is a Schedule 1 or a Schedule 2 application to the Welsh Ministers under regulation 11 (other consents) of the General Regulations(1), these Regulations apply to that application or proposed application as they apply to a ROMP application referred to the Welsh Ministers under paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act (reference of applications to the Welsh Ministers) subject to the following modifications—

(1) Diwygiwyd rheoliad 11 gan O.S. 1999/1810 ac O.S. 1999/1892.

(1) Regulation 11 was amended by S.I. 1999/1810 and S.I. 1999/1892.

- (a) yn ddarostyngedig i baragraff (2), nid yw rheoliadau 6 i 11, 13, 14, 15, 18 (ac eithrio at ddibenion rheoliadau 21(3) a (4)), 20 a 29(1) yn gymwys;
- (b) yn rheoliad 5 (darpariaethau cyffredinol yn ymwneud â sgrinio), nid yw paragraffau (4) a (5) yn gymwys;
- (c) mae rheoliad 12(3) (cais a atgyfeirir at Weinidogion Cymru heb ddatganiad amgylcheddol), yn gymwys fel pe bai “a rhaid iddynt anfon copi o’r hysbysiad hwnnw i’r awdurdod cynllunio perthnasol” wedi ei hepgor;
- (d) yn rheoliad 16 (gweithdrefn i hwyluso llunio datganiadau amgylcheddol)—
- (i) ym mharagraff (3)(b) yn lle “11(4)(a), 12(6) neu 13(7)” darllener “12(6)”;
- (ii) darllener paragraff (4) fel pe bai “awdurdod cynllunio perthnasol ac” ac “awdurdod neu’r” yn y ddau le y mae’n digwydd wedi eu hepgor;
- (e) yn rheoliad 19(2) (cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio)—
- (i) yn is-baragraff (a) darllener fel pe bai “ac enw a chyfeiriad yr awdurdod cynllunio perthnasol” wedi ei hepgor;
- (ii) darllener fel pe bai is-baragraff (b) yn darparu—
- “(b) y dyddiad y gwnaed y cais a’i fod wedi ei wneud i Weinidogion Cymru o dan reoliad 11 o’r Rheoliadau Cyffredinol;”
- ;
- (f) darllener rheoliad 21(2) (y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru), fel pe bai “a’r awdurdod cynllunio perthnasol” wedi ei hepgor;
- (g) yn rheoliad 24(3) (gwybodaeth bellach a thystiolaeth mewn cysylltiad â datganiadau amgylcheddol)—
- (i) darllener is-baragraff (a) fel pe bai “ac enw a chyfeiriad yr awdurdod cynllunio perthnasol” wedi ei hepgor;
- (ii) darllener is-baragraff (b) fel pe bai’n darparu—
- “(b) y dyddiad y gwnaed y cais a’i fod wedi ei wneud i Weinidogion Cymru o dan reoliad 11 o’r Rheoliadau Cyffredinol;”
- ;
- a
- (a) subject to paragraph (2), regulations 6 to 11, 13, 14, 15, 18 (except for the purposes of regulations 21(3) and (4)), 20 and 29(1) do not apply;
- (b) in regulation 5 (general provisions relating to screening), paragraphs (4) and (5) do not apply;
- (c) regulation 12(3) (application referred to the Welsh Ministers without an environmental statement), applies as if “and must send a copy of that notification to the relevant planning authority” were omitted;
- (d) in regulation 16 (procedure to facilitate preparation of environmental statements)—
- (i) in paragraph (3)(b) “11(4)(a), 12(6) or 13(7)” read “12(6)”;
- (ii) read paragraph (4) as if “the relevant planning authority and” and “authority or” in both places where it occurs were omitted;
- (e) in regulation 19(2) (publicity where an environmental statement is submitted after the planning application)—
- (i) sub-paragraph (a) read as if “and the name and address of the relevant planning authority” were omitted;
- (ii) read as if sub-paragraph (b) provided—
- “(b) the date on which the application was made and that it has been made to the Welsh Ministers under regulation 11 of the General Regulations;”;
- (f) read regulation 21(2) (procedure where an environmental statement is submitted to the Welsh Ministers), as if “and to the relevant planning authority” were omitted;
- (g) in regulation 24(3) (further information and evidence in respect of environmental statements)—
- (i) read sub-paragraph (a) as if “and the name and address of the relevant planning authority” were omitted;
- (ii) read sub-paragraph (b) as if it provided—
- “(b) the date on which the application was made and that it has been made to the Welsh Ministers under regulation 11 of the General Regulations;” and

(h) rheoliadau 25 (ystyried pa un a ddylid rhoi caniatâd cynllunio), 27 (argaeledd barnau, cyfarwyddyd etc. i'w harchwilio), 28(1) (gwybodaeth i ddod gyda phenderfyniadau) a 29(2) (dyletswyddau i hysbysu'r cyhoedd a Gweinidogion Cymru am y penderfyniadau terfynol) yn gymwys fel pe bai cyfeiriadau at awdurdod cynllunio perthnasol yn gyfeiriadau at awdurdod cynllunio mwynol.

(2) Caiff awdurdod cynllunio mwynol sy'n bwriadu gwneud cais ROMP i Weinidogion Cymru o dan reoliad 11 o'r Rheoliadau Cyffredinol ofyn i Weinidogion Cymru wneud cyfarwyddyd sgrinio, ac mae paragraffau (3) i (6) o reoliad 7 yn gymwys i gais o'r fath fel y maent yn gymwys i gais a wneir yn unol â rheoliad 6(8) ac eithrio fel pe bai ym mharagraff (5) “, hefyd ofyn i'r awdurdod cynllunio perthnasol ddarparu cymaint o wybodaeth ag y gall am unrhyw rai o'r pwyntiau hynny” wedi ei hepgor.

(3) Rhaid i ofyniad o dan baragraff (2) ddod gyda'r canlynol—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad o natur a diben y datblygiad ROMP, gan gynnwys yn benodol—
 - (i) disgrifiad o nodweddion ffisegol y datblygiad cyfan a, phan fo'n berthnasol, y gwaith dymchwel;
 - (ii) disgrifiad o leoliad y datblygiad, gan roi sylw penodol i sensitifrwydd amgylcheddol ardaloedd daearyddol sy'n debygol o gael eu heffeithio;
- (c) disgrifiad o'r agweddau ar yr amgylchedd sy'n debygol o gael eu heffeithio yn sylweddol gan y datblygiad;
- (d) disgrifiad o unrhyw effeithiau sylweddol tebygol, i'r graddau bod gwybodaeth ar gael ar yr effeithiau hynny, y datblygiad arfaethedig ar yr amgylchedd o ganlyniad i—
 - (i) y gwaddodion a'r allyriadau disgwylidiedig a'r gwastraff a gynhyrchir, pan fo'n berthnasol; a
 - (ii) y defnydd o adnoddau naturiol, yn enwedig pridd, tir, dŵr a bioamrywiaeth; ac
- (e) y fath wybodaeth arall y gallai'r awdurdod ddyuno ei darparu gan gynnwys unrhyw nodweddion y datblygiad arfaethedig neu unrhyw fesurau a ragwelir i osgoi neu atal yr hyn a allai fod wedi bod fel arall yn effeithiau andwyol sylweddol ar yr amgylchedd.

(h) regulations 25 (consideration of whether planning permission should be granted), 27 (availability of opinions, directions etc. for inspection), 28(1) (information to accompany decisions) and 29(2) (duties to inform the public and the Welsh Ministers of final decisions) apply as if the references to a relevant planning authority were references to a mineral planning authority.

(2) A mineral planning authority minded to make a ROMP application to the Welsh Ministers under regulation 11 of the General Regulations may request the Welsh Ministers to make a screening direction, and paragraphs (3) to (6) of regulation 7 apply to such a request as they apply to a request made pursuant to regulation 6(8) except as if in paragraph (5) “, and may request the relevant planning authority to provide such information as they can on any of those points” were omitted.

(3) A request under paragraph (2) must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a description of the nature and purpose of the ROMP development, including in particular—
 - (i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) a description of any likely significant effects, to the extent of the information available on those effects, of the proposed development on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity; and
- (e) such other information as the authority may wish to provide including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(4) Rhaid i awdurdod sy'n gwneud cais o dan baragraff (2) anfon at Weinidogion Cymru unrhyw wybodaeth ychwanegol y caniateir iddynt ofyn amdani i wneud cyfarwyddyd.

Ceisiadau ROMP: dyletswydd i wneud gorchymyn gwahardd ar ôl atal caniatad dros dro am ddwy flynedd

10.—(1) Mae'r paragraff hwn yn gymwys, mewn perthynas â datblygiad mwynau—

- (a) os yw'r cyfnod o 2 flynedd yn dechrau ar y dyddiad atal wedi mynd heibio, a
- (b) os yw'r camau a bennir ym mharagraff 7(2) heb eu cymryd eto.

(2) Y "dyddiad atal" yw'r dyddiad y mae atal y pŵer i awdurdodi datblygiad mwynau (o fewn ystyr paragraff 7(6)) yn dechrau.

(3) Mae paragraff 3 o Atodlen 9 i Ddeddf 1990 (gwahardd aildechrau gwaith mwynau) (1) yn cael effaith mewn perthynas ag unrhyw ran o safle fel y mae'n cael effaith mewn perthynas â'r safle cyfan.

(4) Mae is-baragraff (1) o'r paragraff hwnnw yn cael effaith fel pe bai "the mineral planning authority may by order" i'r diwedd yn darllen—

"the mineral planning authority—

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
- (ii) may in the order impose, in relation to the site, any such requirement as is specified in sub-paragraph (3)."

(5) Yn is-baragraff (2)(a) a (b) o'r paragraff hwnnw, rhaid darllen cyfeiriadau at dynnu a gweithio neu waddodi fel cyfeiriadau at dynnu a gweithio neu waddodi lle nad yw caniatâd wedi ei atal yn unol â pharagraff 7(3).

(6) Mae paragraff 4(7) o Atodlen 9 i Ddeddf 1990 yn cael effaith fel pe bai "have effect" yn darllen "authorise that development".

(4) An authority making a request under paragraph (2) must send to the Welsh Ministers any additional information they may request to enable them to make a direction.

ROMP applications: duty to make a prohibition order after two years suspension of permission

10.—(1) This paragraph applies if, in relation to a minerals development—

- (a) a period of 2 years beginning with the suspension date has expired, and
- (b) the steps specified in paragraph 7(2) have yet to be taken.

(2) The "suspension date" is the date on which the suspension of the power to authorise minerals development (within the meaning of paragraph 7(6)) begins.

(3) Paragraph 3 of Schedule 9 to the 1990 Act (prohibition of resumption of mineral working) (1) has effect in relation to any part of a site as it has effect in relation to the whole site.

(4) Sub-paragraph (1) of that paragraph has effect as if from "the mineral planning authority may by order" to the end read—

"the mineral planning authority—

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
- (ii) may in the order impose, in relation to the site, any such requirement as is specified in sub-paragraph (3)."

(5) In sub-paragraph (2)(a) and (b) of that paragraph, references to winning and working or depositing are to be read as references to winning and working or depositing for which permission is not suspended by virtue of paragraph 7(3).

(6) Paragraph 4(7) of Schedule 9 to the 1990 Act has effect as if "have effect" read "authorise that development".

(1) Diwygiwyd paragraff 3 gan Ddeddf 1991, Atodlen 1, paragraff 15(6).

(1) Paragraph 3 was amended by the 1991 Act, Schedule 1, paragraph 15(6).

Diwygiadau i offerynnau eraill

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

1.—(1) Mae Gorchymyn 2012 wedi ei ddiwygio yn unol â'r paragraff hwn.

(2) Yn erthygl 2(1)—

- (a) hepgorer y diffiniadau o “cais AEA” (“*EIA application*”), “datblygiad AEA” (“*EIA development*”), “datganiad amgylcheddol” (“*environmental statement*”) a “gwybodaeth amgylcheddol” (“*environmental information*”);
- (b) yn y lleoedd perthnasol, mewnosoder—
 - (i) mae i “unrhyw wybodaeth arall” (“*any other information*”) yr ystyr a roddir yn y Rheoliadau AEA,
 - (ii) mae i “cais AEA” (“*EIA application*”) yr ystyr a roddir yn y Rheoliadau AEA,
 - (iii) mae i “datblygiad AEA” (“*EIA development*”) yr ystyr a roddir yn y Rheoliadau AEA,
 - (iv) ystyr “Rheoliadau AEA” (“*EIA Regulations*”) yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2017;
 - (v) mae i “gwybodaeth amgylcheddol” (“*environmental information*”) yr ystyr a roddir yn y Rheoliadau AEA;
 - (vi) mae i “datganiad amgylcheddol” (“*environmental statement*”) yr ystyr a roddir yn y Rheoliadau AEA;
 - (vii) mae i “gwybodaeth bellach” (“*further information*”) yr ystyr a roddir yn y Rheoliadau AEA,
 - (viii) mae i “datblygiad Atodlen 1” (“*Schedule 1 development*”) a “datblygiad Atodlen 2” (“*Schedule 2 development*”) yr ystyron a roddir yn y Rheoliadau AEA;
 - (ix) mae i “barn gwmpasu” (“*scoping opinion*”) yr ystyr a roddir yn y Rheoliadau AEA; a
 - (x) mae i “cyfarwyddyd cwmpasu” (“*scoping direction*”) yr ystyr a roddir yn y Rheoliadau AEA.

Amendments to other instruments

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

1.—(1) The 2012 Order is amended in accordance with this paragraph.

(2) In article 2(1)—

- (a) omit the definitions of “EIA application” (“*cais AEA*”), “EIA development” (“*datblygiad AEA*”), “environmental information” (“*gwybodaeth amgylcheddol*”) and “environmental statement” (“*datganiad amgylcheddol*”);
- (b) in the relevant places, insert—
 - (i) “any other information” (“*unrhyw wybodaeth arall*”) has the meaning in the EIA Regulations;
 - (ii) “EIA application” (“*cais AEA*”) has the meaning in the EIA Regulations;
 - (iii) “EIA development” (“*datblygiad AEA*”) has the meaning in the EIA Regulations;
 - (iv) “EIA Regulations” (“*Rheoliadau AEA*”) means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017;
 - (v) “environmental information” (“*gwybodaeth amgylcheddol*”) has the meaning in the EIA Regulations;
 - (vi) “environmental statement” (“*datganiad amgylcheddol*”) has the meaning in the EIA Regulations;
 - (vii) “further information” (“*gwybodaeth bellach*”) has the meaning in the EIA Regulations;
 - (viii) “Schedule 1 development” (“*datblygiad Atodlen 1*”) and “Schedule 2 development” (“*datblygiad Atodlen 2*”) have the meanings in the EIA Regulations;
 - (ix) “scoping opinion” (“*barn gwmpasu*”) has the meaning in the EIA Regulations; and
 - (x) “scoping direction” (“*cyfarwyddyd cwmpasu*”) has the meaning in the EIA Regulations.

(3) Yn erthygl 10(4), ar ôl “ganiatâd cynllunio”, mewnosoder “ac eithrio ceisiadau AEA”.

(4) Yn erthygl 12(1)—

(a) ym mharagraff (2), yn lle “Yn” rhodder “Yn ddarostyngedig i baragraff (3A), yn”;

(b) hepgorer paragraff (2)(a);

(c) ar ôl paragraff (3), mewnosoder—

“(3A) Yn achos cais AEA, rhaid i’r awdurdod cynllunio lleol roi cyhoeddusrwydd i’r cais yn unol â gofynion paragraff (7A) a, phan fo’r datganiad amgylcheddol yn cael ei gyflwyno gyda’r cais, drwy roi hysbysiad gofynnol—

(a) drwy arddangos ar y safle mewn o leiaf un man ar neu gerllaw’r tir y mae’r cais yn ymwneud ag ef, am gyfnod o ddim llai na 30 diwrnod; a

(b) drwy gyhoeddi’r hysbysiad mewn papur newydd sy’n cylchredeg yn y gymdogaeth lle mae’r tir yr ymwneir ag ef yn y cais.”;

(d) ym mharagraff (4), yn lle “paragraff (4A)” rhodder “paragraff (3A) neu (4A)”;

(e) ym mharagraff (4A), yn lle “(2)(a) neu (c)” rhodder “(2)(c) neu (3A)”;

(f) ym mharagraff (5), ar ôl “paragraff (2),” mewnosoder “paragraff (3A),”;

(g) ym mharagraff (6), ar ôl “neu (5)(a),” mewnosoder “, neu cyn y cyfnod o 30 o ddiwrnodau y cyfeirir ato ym mharagraff (3A)(a),”

(h) ym mharagraff (7), ar ôl “ganiatâd cynllunio”, mewnosoder “ac eithrio ceisiadau AEA”; ac

(i) ar ôl paragraff (7) mewnosoder—

“(7A) Rhaid i’r awdurdod cynllunio lleol sicrhau ei fod yn cynnal gwefan at ddiben rhoi cyhoeddusrwydd i geisiadau AEA a rhaid cyhoeddi’r wybodaeth a ganlyn ar y wefan—

(a) cyfeiriad neu leoliad y datblygiad arfaethedig;

(b) disgrifiad o’r datblygiad arfaethedig;

(c) y ffaith bod y datblygiad yn ddarostyngedig i’r weithdrefn asesu effeithiau amgylcheddol;

(3) In article 10(4), after “planning permission”, insert “other than EIA applications”.

(4) In article 12(1)—

(a) in paragraph (2), for “In” substitute “Subject to paragraph (3A), in”;

(b) omit paragraph (2)(a);

(c) after paragraph (3), insert—

“(3A) In the case of an EIA application, the local planning authority must publicise the application in accordance with the requirements of paragraph (7A) and, where the environmental statement is submitted with the application, by giving requisite notice—

(a) by site display in at least one place on or near the land to which the application relates for not less than 30 days; and

(b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.”;

(d) in paragraph (4), for “paragraff (4A)” substitute “paragraff (3A) or (4A)”;

(e) in paragraph (4A), for “(2)(a) or (c)”, substitute “(2)(c) or (3A)”;

(f) in paragraph (5), after “paragraff (2),” insert “paragraff (3A),”;

(g) in paragraph (6), after “or (5)(a)”, insert “, or before the period of 30 days referred to in paragraph (3A)(a),”;

(h) in paragraph (7), after “planning permission”, insert “other than EIA applications”; and

(i) after paragraph (7) insert—

“(7A) The local planning authority must ensure it maintains a website for the purpose of publicising EIA applications and the following information must be published on the website—

(a) the address or location of the proposed development;

(b) a description of the proposed development;

(c) the fact that the development is subject to an environmental impact assessment procedure;

(1) Diwygiwyd erthygl 12 gan erthyglau 2 a 5(a) o O.S. 2015/1330 (Cy. 123) a chan erthyglau 2 a 10(2) o O.S. 2016/59 (Cy. 29).

(1) Article 12 has been amended by articles 2 and 5(a) of S.I. 2015/1330 (W. 123) and by articles 2 and 10(2) of S.I. 2016/59 (W. 29).

- (d) y datganiad amgylcheddol, unrhyw farn gwmpasu berthnasol neu gyfarwyddyd cwmparu perthnasol ac unrhyw wybodaeth bellach neu unrhyw wybodaeth arall;
 - (e) yn unol â Deddf Rhyddid Gwybodaeth 2000 a Deddf Diogelu Data 1998, y prif adroddiadau a chynghor a ddyroddwyd i'r awdurdod ar yr adeg y cyhoeddir yr wybodaeth (os oes rhai);
 - (f) yn unol â Rheoliadau Gwybodaeth Amgylcheddol 2004(1), gwybodaeth heblaw am yr wybodaeth sy'n ofynnol o dan unrhyw is-baragraff arall sy'n berthnasol i'r penderfyniad ac sydd ond yn dod ar gael ar ôl yr adeg y cyhoeddir yr wybodaeth sy'n ofynnol gan y paragraff hwn am y tro cyntaf;
 - (g) lle, pryd a thrwy ba ddull y gellir edrych ar y cais a'r datganiad amgylcheddol;
 - (h) sut y gellir cael copïau o'r datganiad amgylcheddol a chost y fath gopïau;
 - (i) y dyddiad erbyn pryd y mae'n rhaid cyflwyno unrhyw sylwadau am y cais, na chaiff fod cyn diwrnod olaf y cyfnod o 30 o ddiwrnodau sy'n dechrau â'r dyddiad diweddaraf y cyhoeddir y datganiad amgylcheddol naill ai ar y wefan, yn unol â pharagraff (3A) neu yn unol â rheoliad 19 o'r Rheoliadau AEA;
 - (j) manylion eraill y trefniadau ar gyfer cyfranogiad y cyhoedd yn y weithdrefn gwneud penderfyniadau gan gynnwys disgrifiad o'r weithdrefn ar gyfer cyhoeddi unrhyw wybodaeth ychwanegol a gyflwynir wedi hynny gan y ceisydd;
 - (k) sut y caniateir cyflwyno sylwadau ynghylch y cais;
 - (l) manylion y person neu'r corff sy'n gyfrifol am wneud y penderfyniad;
- (d) the environmental statement, any relevant scoping opinion or scoping direction and any further information or any other information;
 - (e) in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998, the main reports and advice issued to the authority at the time the information is published (if any);
 - (f) in accordance with the Environmental Information Regulations 2004(1), information other than that required under any other sub-paragraph which is relevant to the decision and which only becomes available after the time the information required by this paragraph was first published;
 - (g) where, when and the means by which the application and the environmental statement may be inspected;
 - (h) how copies of the environmental statement may be obtained and the cost of such copies;
 - (i) the date by which any representations about the application must be made, which must not be before the last day of the period of 30 days beginning with the last date on which the environmental statement is published either on the website, in accordance with paragraph (3A) or in accordance with regulation 19 of the EIA Regulations;
 - (j) other details of the arrangements for public participation in the decision-making procedure including a description of the procedure for the publication of any additional information subsequently submitted by the applicant;
 - (k) how representations may be made about the application;
 - (l) details of the person or body responsible for taking the decision;

(m) yn achos cais deiliad tŷ neu gais masnachol bach, os digwydd bod apêl yn mynd rhagddi drwy'r weithdrefn hwylusach, bod unrhyw sylwadau a gyflwynir ynghylch y cais yn cael eu trosglwyddo i Weinidogion Cymru ac ni fydd cyfle i gyflwyno sylwadau pellach."

(5) Yn erthygl 14(4)(b), yn lle "21 diwrnod" yn y ddau le y mae'n digwydd, rhodder "30 diwrnod yn achos cais AEA neu 21 diwrnod mewn unrhyw achos arall".

(6) Yn erthygl 15A(2)(1), ar ôl "21 diwrnod" mewnosoder " , neu 30 diwrnod yn achos cais AEA, yn y naill achos neu'r llall".

(7) Yn erthygl 15C ar ôl "21 diwrnod" mewnosoder " , neu 30 diwrnod yn achos cais AEA, yn y naill achos neu'r llall".

(8) Yn erthygl 16 ar ôl "14 diwrnod" yn y ddau le y mae'n digwydd, mewnosoder " , (neu 30 diwrnod yn achos cais AEA,)"

(9) Yn erthygl 18(2), yn lle "i Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol (Cymru) 2016", rhodder "i'r Rheoliadau AEA".

(10) Yn erthygl 21—

(a) ym mharagraff (1)(a), ar ôl "21 diwrnod", mewnosoder " , neu, yn achos cais AEA sy'n dod gyda datganiad amgylcheddol 30 diwrnod, yn y naill achos neu'r llall"; a

(b) ym mharagraff (1)(c), ar ôl "14 diwrnod", mewnosoder " , neu, yn achos cais AEA sy'n dod gyda datganiad amgylcheddol 30 diwrnod, yn y naill achos neu'r llall".

(11) Yn erthygl 22—

(a) ym mharagraff (6)(a), ar ôl "21 diwrnod", mewnosoder "neu, yn achos cais AEA sy'n dod gyda datganiad amgylcheddol 30 diwrnod, yn y naill achos neu'r llall"; a

(b) ym mharagraff (6)(c), ar ôl "14 diwrnod", mewnosoder "neu, yn achos cais AEA sy'n dod gyda datganiad amgylcheddol 30 diwrnod, yn y naill achos neu'r llall".

(12) Hepgorer erthygl 24(2).

(13) Yn erthygl 27—

(a) ym mharagraff (5)(b), yn lle "28 diwrnod", rhodder "30 diwrnod";

(m) that, in the case of a householder application or a minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Welsh Ministers and there will be no opportunity to make further representations."

(5) In article 14(4)(b), for "21 days" in both places it occurs, substitute "30 days in the case of an EIA application or 21 days in any other case".

(6) In article 15A(2)(1), after "21 days" insert " , or 30 days in the case of an EIA application, in either case".

(7) In article 15C after "21 days" insert " , or 30 days in the case of an EIA application, in either case".

(8) In article 16 after "14 days" in both places where it occurs, insert " , (or 30 days in the case of an EIA application),".

(9) In article 18(2), for "the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016", substitute "the EIA Regulations".

(10) In article 21—

(a) in paragraph (1)(a), after "21 days", insert " , or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case"; and

(b) in paragraph (1)(c), after "14 days", insert " , or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case".

(11) In article 22—

(a) in paragraph (6)(a), after "21 days" insert "or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case"; and

(b) in paragraph (6)(c), after "14 days" insert "or, in the case of an EIA application accompanied by an environmental statement 30 days, in either case".

(12) Omit article 24(2).

(13) In article 27—

(a) in paragraph (5)(b), for "28 days", insert "30 days";

(1) Mewnosodwyd erthygl 15A(2) gan erthyglau 2 a 7 o O.S. 2015/1330 (Cy. 123). Fe'i digwygiwyd ymhellach gan erthyglau 2 a 10(5)(b) o O.S. 2016/59 (Cy. 29).

(1) Article 15A(2) was inserted by articles 2 and 7 of S.I. 2015/1330 (W. 123). It was further amended by articles 2 and 10(5)(b) of S.I. 2016/59 (W. 29).

- (b) ym mharagraff (6)(b)(iii) yn lle “28 diwrnod” rhodder “30 diwrnod”;
- (c) ym mharagraff (6)(c)(iii), yn lle “28 diwrnod” rhodder “30 diwrnod”;
- (d) ym mharagraff (7)(a) ac (c) yn lle “28 diwrnod” rhodder “30 diwrnod”; ac
- (e) ym mharagraff (13)(b), yn lle “o Reoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru) 2016”, rhodder “o’r Rheoliadau AEA”.

(14) Yn Atodlen 3, yn yr hysbysiad o dan erthygl 12(3) o gais am ganiatâd cynllunio—

- (a) ar ôl “ERTHYGL 12(3)” mewnosoder “NEU 12(3A)”;
- (b) ar ôl “yn ystod unrhyw oriau rhesymol hyd at (dd)...” mewnosoder “(dda)” ac ar ddiwedd yr hysbysiad ar ôl nodyn (dd) mewnosoder y nodyn (dda) a ganlyn—

“(dda) manylion y wefan lle gellir edrych ar y datganiad amgylcheddol ac unrhyw ddogfennau eraill”;

- (c) ar ôl “am dâl o (f)*...” mewnosoder “(fa)” ac ar ddiwedd yr hysbysiad ar ôl nodyn (f) mewnosoder y nodyn (fa) a ganlyn—

“(fa) y wefan lle cyhoeddir unrhyw wybodaeth arall a gafwyd oddi wrth y ceisydd mewn cysylltiad â’r datblygiad arfaethedig”;

- (d) yn nodyn (dd) yn lle “dyddiad”, rhodder—
“dyddiad:

“(i) yn achos cais AEA, sy’n rhoi cyfnod o 30 diwrnod sy’n dechrau â’r diwedd araf o blith dyddiad arddangos yr hysbysiad am y tro cyntaf ar neu gerllaw’r safle, dyddiad cyhoeddi’r hysbysiad am y tro cyntaf mewn papur newydd neu ddyddiad cyhoeddi’r wybodaeth y mae’n ofynnol ei chyhoeddi ar wefan yr awdurdod cynllunio lleol yn unol ag erthygl 12(7); neu

(ii) mewn unrhyw achos arall,”.

- (b) in paragraph (6)(b)(iii) for “28 days” insert “30 days”;
- (c) in paragraph (6)(c)(iii), for “28 days” insert “30 days”;
- (d) in paragraph (7)(a) and (c) for “28 days” substitute “30 days; and
- (e) in paragraph (13)(b), for “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”, substitute “the EIA Regulations”.

(14) In Schedule 3, in the notice under article 12(3) of application for planning permission—

- (a) after “ARTICLE 12(3)” insert “OR 12(3A)”;
- (b) after “until all reasonable hours until (f)...” insert “(fa)” and at the end of the notice after note (f) insert as note (fa)—

“(fa) details of the website on which the environmental statement and any other documents may be inspected”;

- (c) after “at a charge of (h)*...” insert “(ha)” and at the end of the notice after note (h) insert as note (ha)—

“(ha) the website where any other information received from the applicant in respect of the proposed development is published”;

- (d) in note (f) for “date”, substitute—
“date:

“(i) in the case of an EIA application, giving a period of 30 days beginning with the later of the date on which the notice is first displayed on or near the site, the date the notice is first published in a newspaper or the date the information required to be published on the website of the local planning authority pursuant to article 12(7) is so published; or

(ii) in any other case,”.

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

2.—(1) Mae Gorchymyn 2016 wedi ei ddiwygio yn unol â’r paragraff hwn.

(2) Yn erthygl 2—

- (a) yn y diffiniad o “y Rheoliadau AEA” (“*EIA Regulations*”), yn lle “2016”, rhodder “2017”; a

Developments of National Significance (Procedure) (Wales) Order 2016

2.—(1) The 2016 Order is amended in accordance with this paragraph.

(2) In article 2—

- (a) in the definition of “the EIA Regulations” (“*y Rheoliadau AEA*”), for “2016”, substitute “2017”; and

- (b) yn y lleoedd perthnasol, mewnosoder—
- (i) “mae i “datblygiad AEA” (“*EIA development*”) yr ystyr a roddir yn y Rheoliadau AEA;”;
 - (ii) “mae i “datblygiad Atodlen 1” (“*Schedule 1 development*”) a “datblygiad Atodlen 2” (“*Schedule 2 development*”) yr ystyron a roddir yn y Rheoliadau AEA;”;
 - (iii) “mae i “cyfarwyddyd cwmpasu” (“*scoping direction*”) yr ystyr a roddir yn y Rheoliadau AEA;”;
 - (iv) “mae i “barn gwmpasu” (“*scoping opinion*”) yr ystyr a roddir yn y Rheoliadau AEA;”.

(3) Yn erthygl 18—

- (a) ar ôl paragraff (3)(b), mewnosoder—

“(ba) yn achos cais sy’n dod gyda datganiad amgylcheddol—

- (i) y ffaith bod y datblygiad yn ddarostyngedig i weithdrefn asesu effaith amgylcheddol;
- (ii) y datganiad amgylcheddol, unrhyw gyfarwyddyd cwmpasu perthnasol, ac unrhyw wybodaeth bellach neu unrhyw wybodaeth arall;
- (iii) yn unol â Deddf Rhyddid Gwybodaeth 2000 a Deddf Diogelu Data 1998, y prif adroddiadau a chyngor a ddyroddwyd i Weinidogion Cymru ar yr adeg y cyhoeddir yr wybodaeth (os oes rhai);
- (iv) yn unol â Rheoliadau Gwybodaeth Amgylcheddol 2004(1), gwybodaeth heblaw am yr wybodaeth sy’n ofynnol o dan unrhyw is-baragraff arall sy’n berthnasol i’r penderfyniad ac sydd ond yn dod ar gael ar ôl yr adeg y cyhoeddir yr wybodaeth sy’n ofynnol gan y paragraff hwn am y tro cyntaf;
- (v) sut y gellir cael copïau o’r datganiad amgylcheddol a chost y fath gopïau;

- (b) in the relevant places, insert—

- (i) ““EIA development” (“*datblygiad AEA*”) has the meaning in the EIA Regulations;”;
- (ii) ““Schedule 1 development” (“*datblygiad Atodlen 1*”) and “Schedule 2 development” (“*datblygiad Atodlen 2*”) have the meanings in the EIA Regulations;”;
- (iii) ““scoping direction” (“*cyfarwyddyd cwmpasu*”) has the meaning in the EIA Regulations;”;
- (iv) ““scoping opinion” (“*barn gwmpasu*”) has the meaning in the EIA Regulations;”.

(3) In article 18—

- (a) after paragraph (3)(b), insert—

“(ba) in the case of an application accompanied by an environmental statement—

- (i) the fact that the development is subject to an environmental impact assessment procedure;
- (ii) the environmental statement, any relevant scoping direction, and any further information or any other information;
- (iii) in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998, the main reports and advice issued to the Welsh Ministers at the time the information is published (if any);
- (iv) in accordance with the Environmental Information Regulations 2004(1), information other than that required under any other sub-paragraph which is relevant to the decision and which only becomes available after the time the information required by this paragraph was first published;
- (v) how copies of the environmental statement may be obtained and the cost of such copies;

- (vi) manylion eraill y trefniadau ar gyfer cyfranogiad y cyhoedd yn y weithdrefn gwneud penderfyniadau gan gynnwys disgrifiad o'r weithdrefn ar gyfer cyhoeddi unrhyw wybodaeth ychwanegol a gyflwynir wedi hynny gan y ceisydd;
- (vii) manylion yr awdurdod sy'n gyfrifol am wneud y penderfyniad;
- (b) ym mharagraff (3)(c), ar ôl "cais", mewnosoder " , na chaiff, yn achos cais sy'n dod gyda datganiad amgylcheddol, fod cyn diwrnod olaf y cyfnod o 30 diwrnod sy'n dechrau ar y dyddiad diweddaraf y rhoddydwyd cyhoeddusrwydd i'r cais yn unol ag erthygl 18(2), (3) neu 19(2)";
- (c) ym mharagraff (4), yn y lle priodol, mewnosoder—
 "mae i "gwybodaeth bellach" ("*further information*") ac "unrhyw wybodaeth arall" ("*any other information*") yr un ystyron ag yn y Rheoliadau AEA;".
- (4) Yn erthygl 19—
- (a) ym mharagraff (2), yn lle "21 diwrnod" rhodder "30 diwrnod, yn achos cais sy'n dod gyda datganiad amgylcheddol, ac 21 diwrnod mewn unrhyw achos arall";
- (b) ym mharagraff (5), yn lle "21 diwrnod" rhodder "21 neu 30 diwrnod, fel y bo'n briodol,".
- (5) Yn erthygl 22(4)(b), ar ôl "21 diwrnod" mewnosoder " , neu yn achos cais sy'n dod gyda datganiad amgylcheddol, 30 diwrnod,".
- (6) Yn erthygl 23(2)(a), yn lle "21 diwrnod", rhodder "30 diwrnod, yn achos cais sy'n dod gyda datganiad amgylcheddol, a 21 diwrnod mewn unrhyw achos arall, yn y naill achos neu'r llall".
- (7) Yn erthygl 29, hepgorer paragraffau (4) a (5).
- (8) Yn y ffurflen yn Atodlen 4—
- (a) ar ôl "+Mae'r cais wedi ei gyflwyno ynghyd â Datganiad Amgylcheddol", mewnosoder "+Mae'r datblygiad arfaethedig yn debygol o gael effeithiau sylweddol mewn Gwladwriaeth AEE arall";
- (b) yn nodyn j)—
- (i) yn lle "21" rhodder "30"; a
- (ii) ar ôl "chyhoeddi", mewnosoder " , neu yn achos cais nad yw'n ofynnol i ddatganiad amgylcheddol ddod gydag ef yn unol â'r Rheoliadau AEA, rhaid i'r cyfnod hwnnw fod yn 21 diwrnod".
- (vi) other details of the arrangements for public participation in the decision-making procedure including a description of the procedure for the publication of any additional information subsequently submitted by the applicant;
- (vii) details of the authority responsible for taking the decision;";
- (b) in paragraph (3)(c), after "received", insert "which, in the case of an application accompanied by an environmental statement, must not be before the last day of the period of 30 days beginning on the latest date on which the application has been publicised in accordance with article 18(2), (3) or 19(2)";
- (c) in paragraph (4), in the appropriate place, insert—
 "“further information” ("*gwybodaeth bellach*") and “any other information” ("*unrhyw wybodaeth arall*") have the same meanings as the EIA Regulations;".
- (4) In article 19—
- (a) in paragraph (2), for "21 days" substitute "30 days, in the case of an application accompanied by an environmental statement, and 21 days in any other case";
- (b) in paragraph (5), for "21 days" substitute "21 or 30 days, as appropriate,".
- (5) In article 22(4)(b), after "21 days" insert " , or in the case of an application accompanied by an environmental statement 30 days,".
- (6) In article 23(2)(a), for "21 days", substitute "30 days, in the case of an application accompanied by an environmental statement and 21 days in any other case, in either case".
- (7) In article 29, omit paragraphs (4) and (5).
- (8) In the form in Schedule 4—
- (a) after "+The application is accompanied by an Environmental Statement", insert "+The proposed development is likely to have significant effects in another EEA State";
- (b) in note j)—
- (i) for "21" substitute "30"; and
- (ii) after "publication", insert " , or in the case of an application which is not required to be accompanied by an environmental statement in accordance with the EIA Regulations, that period must be 21 days".

Diwygiadau canlyniadol

Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995

1.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 3—

- (a) ym mharagraff (10), yn lle “2016”, rhodder “2017”; a
- (b) ym mharagraffau (10) ac (11)—
 - (i) yn lle “regulation 4(8)” rhodder “regulation 5(11)”;
 - (ii) yn lle “regulation 6(6)” rhodder “regulation 7(6)”;
 - (iii) yn lle “regulation 4(4)” rhodder “regulation 5(4)”.

Rheoliadau Gwaith Piblinellau Trawsgludo Nwy Cyhoeddus (Asesu Effeithiau Amgylcheddol) 1999

2.—(1) Mae Rheoliadau Gwaith Piblinellau Trawsgludo Nwy Cyhoeddus (Asesu Effeithiau Amgylcheddol) 1999(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn lle’r diffiniad o “the 2016 EIA Regulations” rhodder—

““the 2017 Regulations” means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017;”.

(3) Yn rheoliad 4(3)—

- (a) yn is-baragraff (b), yn lle “regulation 6(6)”, rhodder “regulation 7(6)”;
- (b) yn lle “2016” (yn y ddau le y mae’n digwydd) rhodder “2017”.

Consequential amendments

The Town and Country Planning (General Permitted Development) Order 1995

1.—(1) The Town and Country Planning (General Permitted Development) Order 1995(1) is amended as follows.

(2) In article 3—

- (a) in paragraph (10), for “2016”, substitute “2017”; and
- (b) in paragraphs (10) and (11)—
 - (i) for “regulation 4(8)” substitute “regulation 5(11)”;
 - (ii) for “regulation 6(6)” substitute “regulation 7(6)”;
 - (iii) for “regulation 4(4)” substitute “regulation 5(4)”.

The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999

2.—(1) The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999(2) are amended as follows.

(2) In regulation 2(1), for the definition of “the 2016 EIA Regulations” substitute—

““the 2017 Regulations” means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017;”.

(3) In regulation 4(3)—

- (a) in sub-paragraph (b), for “regulation 6(6)” substitute “regulation 7(6)”;
- (b) for “2016” (in both places where it occurs) substitute “2017”.

(1) O.S. 1995/418 y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.
 (2) O.S. 1999/1672.

(1) S.I. 1995/418 to which there are amendments not relevant to these Regulations.
 (2) S.I. 1999/1672.

Rheoliadau Cynllunio (Cyfarwyddiadau Diogelwch Gwladol a Chynrychiolwyr Penodedig) (Cymru) 2006

3.—(1) Mae Rheoliadau Cynllunio (Cyfarwyddiadau Diogelwch Gwladol a Chynrychiolwyr Penodedig) (Cymru) 2006(1) wedi eu diwygio fel a ganlyn.

(2) Yn y diffiniad o “cais Asesiad o’r Effaith Amgylcheddol” (“*EIA application*”) yn rheoliad 6(8), yn lle “2016”, rhodder “2017”.

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The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006

3.—(1) The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006(1) are amended as follows.

(2) In the definition of “EIA application” (“*cais Asesiad o'r Effaith Amgylcheddol*”) in regulation 6(8), for “2016”, substitute “2017”.

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