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OFFERYNNAU STATUDOL  
CYMRU

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**2012 Rhif 1238 (Cy.151)**

**AMAETHYDDIAETH, CYMRU**

**DŴR, CYMRU**

**Rheoliadau Atal Llygredd Nitradau  
(Cymru) (Diwygio)  
2012**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli darpariaethau penodol yn Rheoliadau Atal Llygredd Nitradau (Cymru) 2008 (O.S. 2008/3143 (Cy.278)) ("y prif Reoliadau") sy'n ymwneud â dynodi parthau perygl nitradau.

Mae'r prif Reoliadau'n gweithredu, yng Nghymru, Gyfarwydded y Cyngor 91/676/EEC ynghylch diogelu dyfroedd rhag llygredd gan nitradau o ffynonellau amaethyddol (OJ Rhif L375, 31.12.1991, t.1).

Mae'r ddarpariaeth a wneir gan y Rheoliadau hyn yn ymwneud â'r adolygiad gan Weinidogion Cymru o ddynodi parthau perygl nitradau yn 2009 gan y prif Reoliadau. Mae'r adolygiad yn ofynnol gan reoliad 11 o'r prif Reoliadau.

Gwneir darpariaeth gan y Rheoliadau hyn i Asiantaeth yr Amgylchedd wneud argymhellion i Weinidogion Cymru, bod Gweinidogion Cymru'n cyhoeddi ac yn hysbysu'r penderfyniadau y maent â'u bryd ar eu gwneud yn dilyn yr argymhellion hynny, ac i apelau i gael eu gwneud i Weinidogion Cymru, ac i berson a benodwyd gan Weinidogion Cymru benderfynu arnynt.

Mae rheoliad 2 yn dirymu ac yn disodli rheoliad 2 o'r prif Reoliadau. Mae rheoliad 2, ar ôl yr amnewid, yn penderfynu cymhwysiad y rhannau amrywiol o'r prif Reoliadau yn dilyn yr amnewid (gan reoliad 3 o'r Rheoliadau hyn) o ddarpariaethau o fewn Rhan 2 o'r prif Reoliadau.

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WELSH STATUTORY  
INSTRUMENTS

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**2012 No. 1238 (W.151)**

**AGRICULTURE, WALES**

**WATER, WALES**

**The Nitrate Pollution Prevention  
(Wales) (Amendment) Regulations  
2012**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and replace certain provisions in the Nitrate Pollution Prevention (Wales) Regulations 2008 (S.I. 2008/3143 (W.278)) ("the principal Regulations") which relate to the designation of nitrate vulnerable zones.

The principal Regulations implement, in Wales, Council Directive 91/676/EEC concerning the protection of waters against pollution by nitrates from agricultural sources (OJ No L375, 31.12.1991, p.1).

The provision made by these Regulations relates to the review by the Welsh Ministers of the designation of nitrate vulnerable zones in 2009 by the principal Regulations. The review is required by regulation 11 of the principal Regulations.

Provision is made by these Regulations for the Environment Agency to make recommendations to the Welsh Ministers, for the Welsh Ministers to publish and notify the decisions they are minded to make following those recommendations, and for appeals to be made to the Welsh Ministers and determined by a person appointed by them.

Regulation 2 revokes and replaces regulation 2 of the principal Regulations. Regulation 2, as substituted, determines the application of the various parts of the principal Regulations following the substitution (by regulation 3 of these Regulations) of provisions within Part 2 of the principal Regulations.

Mae rheoliad 3 yn dirymu ac yn disodli rheoliadau 7, 8, 9 a 10 o'r prif Reoliadau.

Mae rheoliad 7 o'r prif Reoliadau, ar ôl yr amnewid, yn parhau â'r dynodiad o'r parthau perygl nitradau a wnaed gan y prif Reoliadau. Mae hefyd yn darparu bod Asiantaeth yr Amgylchedd yn cynorthwyo Gweinidogion Cymru yn eu hadolygiad o'r parthau drwy wneud argymhellion iddynt ynghylch dynodi ardaloedd yn barthau perygl nitradau, bod Gweinidogion Cymru'n cyhoeddi'r argymhellion hynny y mae eu bryd ar eu derbyn (gyda diwygiadau neu hebddynt) ac i gyflwyno hysbysiad i berchenogion a meddianwyr y tir yr effeithir arno.

Mae rheoliad 8 o'r prif Reoliadau, ar ôl yr amnewid, yn disodli'r trefniadau apelio yn Rhan 2 o'r prif Reoliadau (a oedd yn gymwys mewn perthynas â dynodi parthau perygl nitradau yn 2009). Gwneir darpariaeth bod apelau'n cael eu gwneud, ar seiliau penodedig ac o fewn terfyn amser penodedig, gan y personau yr anfonwyd hysbysiad o dan reoliad 7 atynt. Gosodir gofynion o ran ffurf yr apelau. Gwneir darpariaeth i apelau gael eu gwneud i Weinidogion Cymru, ond bod unrhyw apêl a gyflwynir i gael ei hailgyfeirio i berson a benodwyd gan Weinidogion Cymru ar gyfer ei hystyried a phenderfynu arni.

Mae rheoliad 9 o'r prif Reoliadau, ar ôl yr amnewid, yn gwneud darpariaeth ynghylch ystyried apelau gan y person penodedig a phenderfynu arnynt. Mae hyn yn cynnwys darpariaeth o ran y weithdrefn ar gyfer rhoi sylwadau, cynnal gwrandawriad llafar mewn amgylchiadau eithriadol, tynnu apelau yn ôl, a chostau.

Mae rheoliad 10 o'r prif Reoliadau, ar ôl yr amnewid, yn darparu bod Gweinidogion Cymru wedi eu rhwymo wrth benderfyniad y person penodedig, ac maent i gyhoeddi'r penderfyniadau hynny.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd hi'n anghenrheidiol i wneud asesiad effaith rheoleiddiol o ran costau a manteision tebygol cydymffurfio â'r Rheoliadau hyn.

Regulation 3 revokes and replaces regulations 7, 8, 9 and 10 of the principal Regulations.

Regulation 7 of the principal Regulations, as substituted, continues the designation of nitrate vulnerable zones made by the principal Regulations. It also provides for the Environment Agency to assist the Welsh Ministers in their review of the zones by making recommendations to them about the designation of areas as nitrate vulnerable zones, and for the Welsh Ministers to publish those recommendations they are minded to accept (with or without amendment) and to serve notice on owners and occupiers of affected land.

Regulation 8 of the principal Regulations, as substituted, replaces the appeal arrangements in Part 2 of the principal Regulations (which applied in relation to the designation of nitrate vulnerable zones in 2009). Provision is made for appeals to be made, on specified grounds and within a specified time limit, by persons who have been sent a notice under regulation 7. Requirements as to the form of appeals are imposed. Provision is made for appeals to be made to the Welsh Ministers, but for any submitted appeal to be remitted to a person appointed by the Welsh Ministers for consideration and determination.

Regulation 9 of the principal Regulations, as substituted, makes provision about the consideration and determination of appeals by the appointed person. This includes provision as to the procedure for the making of representations, the holding of an oral hearing in exceptional circumstances, the withdrawal of appeals, and costs.

Regulation 10 of the principal Regulations, as substituted, provides that the Welsh Ministers are bound by the determinations of the appointed person, and are to publish those determinations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations

**2012 Rhif 1238 (Cy.151)**

**AMAETHYDDIAETH, CYMRU**

**DŴR, CYMRU**

**Rheoliadau Atal Llygredd Nitradau  
(Cymru) (Diwygio)  
2012**

*Gwnaed* 5 Mai 2012

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 9 Mai 2012

*Yn dod i rym-* 1 Mehefin 2012

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â materion sy'n ymwneud â diogelu dyfroedd rhag y llygredd a achosir gan nitradau o ffynonellau amaethyddol. Gan arfer y pwerau a roddwyd iddynt gan yr adran honno, mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn, cymhwyso a dehongli**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Atal Llygredd Nitradau (Cymru) (Diwygio) 2012 a deuant i rym ar 1 Mehefin 2012.

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

(3) Yn y Rheoliadau hyn, ystyr "y prif Rheoliadau" yw Rheoliadau Atal Llygredd Nitradau (Cymru) 2008 (3).

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(1) *Gweler* O.S. 2001/2555 am y dynodiad a roddwyd i Gynulliad Cenedlaethol Cymru. Yn rhinwedd adran 59 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 28(1) o Atodlen 11 iddi, mae'r dynodiad hwnnw wedi ei freinio bellach yng Ngweinidogion Cymru.

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

(3) O.S. 2008/3143 (Cy.278), a ddiwygiwyd gan O.S. 2010/489 (Cy.55).

**2012 No. 1238 (W.151)**

**AGRICULTURE, WALES**

**WATER, WALES**

**The Nitrate Pollution Prevention  
(Wales) (Amendment) Regulations  
2012**

*Made* 5 May 2012

*Laid before the National  
Assembly for Wales* 9 May 2012

*Coming into force* 1 June 2012

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to matters relating to the protection of waters against pollution caused by nitrates from agricultural sources. In exercise of the powers conferred upon them by that section, the Welsh Ministers make the following Regulations:

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2012 and they come into force on 1 June 2012.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations, "the principal Regulations" means the Nitrate Pollution Prevention (Wales) Regulations 2008(3).

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(1) *See* S.I. 2001/2555 for the designation conferred upon the National Assembly for Wales. By virtue of section 59 of, and paragraph 28(1) of Schedule 11 to, the Government of Wales Act 2006, that designation is now vested in the Welsh Ministers.

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

(3) S.I. 2008/3143 (W. 278), amended by S.I. 2010/489 (W. 55).

## Amnewid rheoliad 2

2. Yn lle rheoliad 2 (cymhwyso) o'r prif Reoliadau, rhodder—

### "Cymhwyso

2.—(1) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) Mae Rhannau 3 i 8 yn gymwys yn unig i ddaliad mewn parth perygl nitradau a ddynodir felly gan y Rheoliadau hyn.

(3) Yn achos daliad sy'n rhannol o fewn parth perygl nitradau a ddynodir felly gan y Rheoliadau hyn, mae Rhannau 3 i 8 yn gymwys yn unig i'r rhan o'r daliad sydd o fewn y parth, ac mae cyfeiriad at ddaliad o fewn Rhannau 3 i 8 yn gyfeiriad at y rhan honno."

## Amnewid rheoliadau 7 i 10

3. Yn lle rheoliadau 7 (dynodi parthau perygl nitradau), 8 (cais am ddatganiad), 9 (achosion cyfreithiol gerbron y person penodedig) a 10 (effaith y canfyddiadau a wneir gan y person penodedig) yn y prif Reoliadau, rhodder—

### "Dynodi parthau perygl nitradau

7.—(1) Yn y Rhan hon—

ystyr "daliad perthnasol" ("*relevant holding*") yw tir ynghyd â'i adeiladau cysylltiedig sydd ar gael i'r meddiannydd ac sy'n cael eu defnyddio i dyfu cnydau mewn pridd neu fagu da byw at ddibenion amaethyddol, ac sydd yn gyfan gwbl neu'n rhannol o fewn ardal—

- (a) y mae'r Asiantaeth yn ei argymhell; a
- (b) bod Gweinidogion Cymru â'u bryd ar dderbyn (gyda diwygiadau neu hebddynt)

a ddylai gael ei ddynodi yn barth perygl nitradau, neu a ddylai barhau i gael ei ddynodi felly at ddibenion y Rheoliadau hyn;

ystyr "y person penodedig" ("*the appointed person*") yw'r person a benodwyd gan Weiniogion Cymru.

(2) Mae'r ardaloedd a nodir ar y map o'r enw "Parthau Perygl Nitradau Map Mynegai 2008" ("*Nitrate Vulnerable Zones Index Map 2008*") ac a adneuwyd yn swyddfeydd Gweinidogion Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ yn cael eu dynodi yn barthau perygl nitradau at ddibenion y Rheoliadau hyn.

(3) Parthau perygl nitradau yw darnau o dir sy'n draenio i ddyfroedd llygredig ac sy'n cyfrannu at lygru'r dyfroedd hynny.

(4) I gynorthwyo Gweinidogion Cymru mewn perthynas â'u ddyletswyddau o dan reoliad 11(3), rhaid i'r Asiantaeth, ar 1 Mehefin 2012, ac ar yr hwyraf, bob pedair blynedd sy'n dilyn, wneud

## Substitution for regulation 2

2. For regulation 2 (application) of the principal Regulations, substitute—

### "Application

2.—(1) These Regulations apply in relation to Wales.

(2) Parts 3 to 8 only apply to a holding in a nitrate vulnerable zone designated as such by these Regulations.

(3) In the case of a holding which is partly in a nitrate vulnerable zone designated as such by these Regulations, Parts 3 to 8 apply only to the part of the holding inside the zone, and a reference to a holding in Parts 3 to 8 is a reference to that part."

## Substitution for regulations 7 to 10

3. For regulations 7 (designation of nitrate vulnerable zones), 8 (application for a declaration), 9 (proceedings before the appointed person) and 10 (effect of findings made by the appointed person) of the principal Regulations, substitute—

### "Designation of nitrate vulnerable zones

7.—(1) In this Part—

"the appointed person" ("*y person penodedig*") means a person appointed by the Welsh Ministers;

"relevant holding" ("*daliad perthnasol*") means land and its associated buildings that are at the disposal of the occupier and which are used for the growing of crops in soil or rearing of livestock for agricultural purposes, and which are wholly or partly within an area which—

- (a) the Agency recommends; and
- (b) the Welsh Ministers are minded to accept (with or without amendment)

should be, or should continue to be, designated as a nitrate vulnerable zone for the purposes of these Regulations.

(2) The areas marked as nitrate vulnerable zones on the map marked "Nitrate Vulnerable Zones Index Map 2008" ("*Parthau Perygl Nitradau Map Mynegai 2008*") and deposited at the offices of the Welsh Ministers at Cathays Park, Cardiff, CF10 3NQ are designated as nitrate vulnerable zones for the purposes of these Regulations.

(3) Nitrate vulnerable zones are areas of land that drain into polluted waters and that contribute to the pollution of those waters.

(4) To assist the Welsh Ministers in relation to their duties under regulation 11(3), the Agency must, on 1 June 2012, and at the latest every 4 years subsequently, make recommendations to the

argymhellion i Weinidogion Cymru, drwy gyfeirio at y materion a grybwyllir yn rheoliad 11(3)(a) i (c), ynghylch pa ardaloedd y dylid eu dynodi'n barthau perygl nitradau neu a ddylai barhau i gael eu dynodi felly at ddibenion y Rheoliadau hyn.

(5) Mae unrhyw argymhellion ynghylch y materion a gaiff eu datgan yn rheoliad 7(4) ac a gafodd eu gwneud gan yr Asiantaeth cyn 1 Mehefin 2012 yn cael effaith fel petaent wedi eu gwneud ar y dyddiad hwnnw.

(6) Rhaid i Weinidogion Cymru gyhoeddi'r argymhellion hynny a wnaed gan yr Asiantaeth y maent â'u bryd ar eu derbyn (gyda diwygiadau neu hebddynt) ac anfon hysbysiad o'r argymhellion i unrhyw berchennog neu feddiannydd daliad perthnasol.

(7) Rhaid i hysbysiad gynnwys cyfeiriad at dudalen ar wefan a gynhelir gan yr Asiantaeth neu Weinidogion Cymru, lle y mae modd dod o hyd i'r argymhelliad perthnasol (gydag unrhyw ddiwygiad y mae Gweinidogion Cymru â'u bryd ar ei wneud iddo).

#### **Apelau**

**8.**—(1) Caiff perchennog neu feddiannydd daliad perthnasol yr anfonwyd hysbysiad iddo o dan reoliad 7(6) apelio i Weinidogion Cymru yn erbyn yr hysbysiad hwnnw.

(2) Dim ond ar un neu ragor o'r seiliau a nodir ym mharagraff (3) y ceir apelio.

(3) Y seiliau yw bod, mewn perthynas â'r daliad perthnasol neu unrhyw ran ohono, na ddylai Gweinidogion Cymru dderbyn argymhellion yr Asiantaeth (yn ddarostyngedig i unrhyw ddiwygiad y mae Gweinidogion Cymru â'u bryd ar ei wneud iddynt) oherwydd—

- (a) nad yw'r daliad perthnasol nac unrhyw ran ohono yn draenio i ddŵr—
  - (i) y mae Gweinidogion Cymru â'u bryd ar ei ddynodi ei fod yn llygredig neu wedi ei ddynodi felly, neu
  - (ii) sydd wedi cael ei nodi felly yn Lloegr; neu
- (b) bod y daliad perthnasol neu unrhyw ran ohono yn draenio i ddŵr na ddylai Gweinidogion Cymru ddynodi ei fod yn llygredig, neu na ddyllai barhau i gael ei ddynodi felly.

(4) Mae'r apêl i'w seilio ar naill ai—

- (a) data a ddarparwyd gan yr apelydd; neu
- (b) tystiolaeth a ddarparwyd gan yr apelydd sy'n dangos fod y data y mae Gweinidogion Cymru'n dibynnu arno yn anghywir.

(5) Rhaid i'r apêl—

- (a) gael ei gwneud yn ysgrifenedig yn y dull

Welsh Ministers by reference to the matters mentioned in regulation 11(3)(a) to (c) as to which areas should be designated, or continue to be designated, as nitrate vulnerable zones for the purposes of these Regulations.

(5) Any recommendations as to the matters stated at regulation 7(4) which have been made by the Agency prior to 1 June 2012 have effect as if made on that date.

(6) The Welsh Ministers must publish such of the Agency's recommendations which the Welsh Ministers are minded to accept (with or without amendment) and send notice of the recommendations to any owner or occupier of a relevant holding.

(7) A notice must contain a reference to a page on a website maintained by the Agency or the Welsh Ministers where the relevant recommendation (with any amendment the Welsh Ministers are minded to make to it) can be found.

#### **Appeals**

**8.**—(1) The owner or occupier of a relevant holding who is sent a notice under regulation 7(6) may make an appeal against that notice to the Welsh Ministers.

(2) The appeal is to be made only on one or more of the grounds stated in paragraph (3).

(3) The grounds are that in relation to the relevant holding or any part of it, the recommendations of the Agency (subject to any amendment the Welsh Ministers are minded to make to them) should not be accepted by the Welsh Ministers because the relevant holding or any part of it—

- (a) does not drain into water which—
  - (i) the Welsh Ministers are minded to identify, or continue to identify, as being polluted, or
  - (ii) has been similarly identified in England; or
- (b) drains into water that the Welsh Ministers should not identify, or continue to identify, as being polluted.

(4) The appeal is to be based on either—

- (a) data provided by the appellant; or
- (b) evidence provided by the appellant that the data relied on by the Welsh Ministers is incorrect.

(5) The appeal must—

- (a) be made in writing in the manner and

a'r ffurf a gyhoeddir gan Weinidogion Cymru;

- (b) cynnwys manylion yr holl dystiolaeth y mae'r apelydd yn bwriadu dibynnu arni; ac
- (c) bod yn nwylo Gweinidogion Cymru ddim hwyrach na 35 o ddiwrnodau ar ôl y dyddiad yr anfonodd Gweinidogion Cymru'r hysbysebiad y mae'r apêl yn ymwneud ag ef.

(6) Rhaid i Weinidogion Cymru ailgyfeirio'r apêl at y person penodedig ar gyfer ei ystyriaeth a'i benderfyniad arni.

#### **Achosion gerbron y person penodedig**

9.—(1) Os yw'r person penodedig wedi ei fodloni bod apêl a gyflwynwyd yn cydymffurfio â gofynion rheoliad 8 ym mhob manylyn o bwys, rhaid i'r person penodedig fynd ymlaen i wneud penderfyniad ar yr apêl.

(2) Mae'r weithdrefn ar gyfer gwneud penderfyniad ar yr apêl i'w phennu gan y person penodedig.

(3) Ond mae hynny yn ddarostyngedig i ddarpariaethau canlynol y rheoliad hwn.

(4) Cyn penderfynu ar yr apêl rhaid i'r person penodedig, gan ganiatáu'r cyfnod hwnnw sy'n rhesymol—

- (a) gwahodd yr apelydd a Gweinidogion Cymru i gyflwyno sylwadau a dogfennau ategol mewn perthynas â'r apêl;
- (b) anfon i Weinidogion Cymru gopi o unrhyw sylwadau a dogfennau ategol a gyflwynwyd gan yr apelydd;
- (c) anfon i'r apelydd gopi o unrhyw sylwadau a dogfennau ategol a gyflwynwyd gan Weinidogion Cymru;
- (d) rhoi cyfle i'r apelydd a Gweinidogion Cymru gyflwyno sylwadaethau i'r person penodedig ar sylwadau a dogfennau ategol y naill a'r llall.

(5) Caiff y person penodedig, ar unrhyw adeg, ofyn am wybodaeth bellach gan yr apelydd neu gan Weinidogion Cymru.

(6) Caiff y person penodedig wahodd unrhyw berson yr ymddengys bod ganddo fuddiant sylweddol mewn apêl i gyflwyno sylwadau, ond rhaid iddo ganiatáu i'r apelydd a Gweinidogion Cymru gael y cyfle i gyflwyno sylwadaethau ar unrhyw un o'r sylwadau a wnaed.

(7) Caiff y person penodedig anwybyddu unrhyw sylwadau, sylwadaethau neu ddogfennau sydd wedi eu cyflwyno mewn modd nad yw'n unol â'r Rheoliadau hyn.

form published by the Welsh Ministers;

- (b) include details of all the evidence that the appellant intends to rely on; and

- (c) be received by the Welsh Ministers no later than 35 days after the date on which the Welsh Ministers sent the notice to which the appeal relates.

(6) The Welsh Ministers must remit the appeal to the appointed person for consideration and determination.

#### **Proceedings before the appointed person**

9.—(1) If the appointed person is satisfied that a submitted appeal complies with the requirements of regulation 8 in all material particulars, the appointed person must proceed to determine the appeal.

(2) The procedure for determining the appeal is to be decided by the appointed person.

(3) But that is subject to the following provisions of this regulation.

(4) Before determining the appeal the appointed person must, allowing such time as is reasonable—

- (a) invite the appellant and the Welsh Ministers to submit representations and supporting documents in relation to the appeal;
- (b) send to the Welsh Ministers a copy of any representations and supporting documents submitted by the appellant;
- (c) send to the appellant a copy of any representations and supporting documents submitted by the Welsh Ministers;
- (d) allow the appellant and the Welsh Ministers an opportunity to submit comments on each other's representations and supporting documents to the appointed person.

(5) The appointed person may at any time request further information from the appellant or the Welsh Ministers.

(6) The appointed person may invite any person appearing to have a significant interest in an appeal to submit representations, but must allow the appellant and the Welsh Ministers an opportunity to submit comments on any representations made.

(7) The appointed person may disregard any representations, comments or documents which have been submitted other than in accordance with the provisions of these Regulations.

(8) Os yw'r person penodedig wedi ei fodloni bod amgylchiadau eithriadol yn bodoli, caiff gynnal gwrandawriad llafar.

(9) Mewn gwrandawriad llafar mae gan y apelydd a Gweinidogion Cymru hawl i ymddangos, a chaiff y person penodedig ganiatáu i unrhyw barti arall ymddangos gerbron.

(10) Wrth benderfynu ar yr apêl, rhaid i'r person penodedig anfon copi o'r penderfyniad i bawb a oedd yn barti i'r apêl.

(11) Rhaid i bob un sy'n barti i apêl ddwyn ei gostau ei hun.

(12) Caiff yr apelydd dynnu apêl yn ôl ar unrhyw adeg cyn i'r person penodedig benderfynu arni.

(13) Mae tynnu apêl yn ôl yn effeithiol wrth i'r apelydd roi hysbysiad ysgrifenedig i'r person penodedig.

(14) Os tynnir apêl yn ôl mae'r person penodedig yn peidio â bod o dan ddyletswydd i'w hystyried a phenderfynu arni.

#### **Effaith y penderfyniadau a wneir gan y person penodedig**

**10.**—(1) Mae Gweinidogion Cymru wedi eu rhwymo wrth benderfyniad y person penodedig ar yr apêl.

(2) Rhaid i Weinidogion Cymru gyhoeddi penderfyniadau'r apelau gan y person penodedig ar wefan a gynhelir ganddynt."

(8) The appointed person may, if satisfied that exceptional circumstances exist, convene an oral hearing.

(9) At an oral hearing the appellant and the Welsh Ministers have the right to appear, and the appointed person may permit any other party to appear.

(10) On determining an appeal, the appointed person must send a copy of the determination to all parties to the appeal.

(11) All parties to an appeal are to bear their own costs.

(12) An appeal may be withdrawn by the appellant at any time before it is determined by the appointed person.

(13) Withdrawal of an appeal is to be effected by the appellant giving notice in writing to the appointed person.

(14) If an appeal is withdrawn, the appointed person ceases to be under a duty to consider and determine it.

#### **Effect of a determination made by the appointed person**

**10.**—(1) The Welsh Ministers are bound by a determination of an appeal by the appointed person.

(2) The Welsh Ministers must publish on a website maintained by them all determinations of appeals by the appointed person."

*John Griffiths*

Y Gweinidog Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

5 Mai 2012

5 May 2012

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OFFERYNNAU STATUDOL  
CYMRU

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**2012 Rhif 1238 (Cy.151)**

**AMAETHYDDIAETH, CYMRU**

**DŴR, CYMRU**

Rheoliadau Atal Llygredd Nitradau  
(Cymru) (Diwygio)  
2012

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WELSH STATUTORY  
INSTRUMENTS

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**2012 No. 1238 (W.151)**

**AGRICULTURE, WALES**

**WATER, WALES**

The Nitrate Pollution Prevention  
(Wales) (Amendment) Regulations  
2012