



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 295 (Cy. 73)

2019 No. 295 (W. 73)

TRYDAN, CYMRU

ELECTRICITY, WALES

Rheoliadau Trydan (Gorsafoedd
Cynhyrchu Alltraeth) (Ceisiadau am
Gydsyniad) (Cymru) 2019

The Electricity (Offshore
Generating Stations) (Applications
for Consent) (Wales) Regulations
2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch rhoi cydsyniadau o dan adran 36 o Ddeddf Trydan 1989 ("Deddf 1989") i adeiladu, estyn neu weithredu gorsaf gynhyrchu alltraeth y mae Gweinidogion Cymru yn awdurdod priodol mewn cysylltiad â hi.

At ddibenion y Rheoliadau hyn, mae cyfeiriad at gais am gydsyniad o dan adran 36 o Ddeddf 1989 yn cynnwys unrhyw gais o dan adran 36A o'r Ddeddf honno am ddatganiad mewn perthynas â hawliau mordwyo cyhoeddus a wneir gyda chais am gydsyniad o dan adran 36 o Ddeddf 1989.

Gweinidogion Cymru yw'r awdurdod priodol mewn perthynas â cheisiadau a wneir ar ôl 1 Ebrill 2019 o dan adran 36 o Ddeddf 1989 sy'n ymwneud â gorsafoedd cynhyrchu (neu orsafoedd cynhyrchu arfaethedig) yn nyfroedd Cymru sydd â gallu cynhyrchu nad yw'n fwy na 350 megawatt neu a fydd â gallu cynhyrchu nad yw'n fwy na 350 megawatt.

Ystyr "dyfroedd Cymru" yw hynny o ddyfroedd mewnol a môr tiriogaethol y Deyrnas Unedig sy'n gyfagos i Gymru, a pharth Cymru. Mae i "parth Cymru" yr ystyr a roddir i "Welsh zone" yn adran 158 o Ddeddf Llywodraeth Cymru 2006.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch—

- (a) gwneud ceisiadau;
- (b) gofynion cyflwyno a chyhoedduswydd;

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the grant of consents under section 36 of the Electricity Act 1989 ("the 1989 Act") to construct, extend or operate an offshore generating station in respect of which the Welsh Ministers are the appropriate authority.

For the purposes of these Regulations a reference to an application for consent under section 36 of the 1989 Act includes any application under section 36A of that Act for a declaration relating to public rights of navigation which is made with an application for consent under section 36 of the 1989 Act.

The Welsh Ministers are the appropriate authority in relation to applications made after 1 April 2019 under section 36 of the 1989 Act relating to generating stations (or proposed generating stations) in Welsh waters which have or will have a capacity not exceeding 350 megawatts.

"Welsh waters" means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone. "Welsh Zone" has the meaning given in section 158 of the Government of Wales Act 2006.

These Regulations make provision about—

- (a) the making of applications;
- (b) service and publicity requirements;

- (c) o dan ba amgylchiadau y mae ymchwiliadau cyhoeddus i'w cynnal; a
- (d) cwmpas ymchwiliadau cyhoeddus pan fo un neu ragor o awdurdodau cynllunio perthnasol.

Mae'r Rheoliadau hyn hefyd yn gwneud darpariaeth ar gyfer yr amgylchiadau pan gaiff hysbysiad sy'n ofynnol gan y Rheoliadau hyn ei gyfuno â hysbysiad sy'n ofynnol gan neu o dan Atodlen 16 i Ddeddf Ynni 2004.

Maent hefyd yn gwneud diwygiad canlyniadol i Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2017.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

- (c) the circumstances in which public inquiries are to be held; and
- (d) the scope of public inquiries where there are one or more relevant planning authorities.

These Regulations also make provision for the circumstances in which a notice required by these Regulations may be combined with a notice required by or under Schedule 16 to the Energy Act 2004.

They also make a consequential amendment to the Conservation of Habitats and Species Regulations 2017.

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.

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ELECTRICITY, WALES

Rheoliadau Trydan (Gorsafoedd
Cynhyrchu Alltraeth) (Ceisiadau am
Gydsyniad) (Cymru) 2019

The Electricity (Offshore
Generating Stations) (Applications
for Consent) (Wales) Regulations
2019

Gwnaed 18 Chwefror 2019

Made 18 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 20 Chwefror 2019

Laid before the National Assembly for Wales
20 February 2019

Yn dod i rym 1 Ebrill 2019

Coming into force 1 April 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 36(8A) a 60 o Ddeddf Trydan 1989(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by sections 36(8A) and 60 of the Electricity Act 1989(1), make the following Regulations:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Trydan (Gorsafoedd Cynhyrchu Alltraeth) (Ceisiadau am Gydsyniad) (Cymru) 2019 a deuant i rym ar 1 Ebrill 2019.

Title and commencement

1. The title of these Regulations is the Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019 and they come into force on 1 April 2019.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i “awdurdod cynllunio lleol” yr un ystyr ag a roddir i “local planning authority” yn Rhan 1 o Ddeddf 1990;

ystyr “awdurdod cynllunio perthnasol” (“*relevant planning authority*”), mewn perthynas â thir yng Nghymru, yw awdurdod cynllunio lleol;

Interpretation

2.—(1) In these Regulations—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990(2);

(1) 1989 p. 29. Mewnosodwyd is-adran (8A) i adran 36 gan baragraff 47 o Atodlen 6 i Ddeddf Cymru 2017 (p. 4) (“*Deddf 2017*”). Mae diwygiadau i adran 60 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 1989 c. 29. Subsection (8A) was inserted into section 36 by paragraph 47 of Schedule 6 to the Wales Act 2017 (c. 4) (“the 2017 Act”). Amendments to section 60 are not relevant to these Regulations.

(2) 1990 c. 8.

ystyr “cais” (“*application*”) yw cais i Weinidogion Cymru am gydsyniad o dan adran 36(1) i adeiladu, estyn neu weithredu gorsaf gynhyrchu(2), ynghyd ag unrhyw gais o dan adran 36A(3) am ddatganiad sy’n ymwneud â hawliau mordwyo a wneir gyda’r cais o dan adran 36;

ystyr “datblygiad adran 90” (“*section 90 development*”) yw unrhyw ddatblygiad y mae’r ceisydd, wrth wneud cais, yn gofyn i Weinidogion Cymru roi cyfarwyddyd o dan adran 90(2) neu (2ZA) o Ddeddf 1990(4) (caniatâd cynllunio tybiedig ar gyfer datblygu gydag awdurdodiad llywodraeth) mewn cysylltiad ag ef;

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990(5).

(2) Oni nodir fel arall, mae unrhyw gyfeiriad yn y Rheoliadau hyn at adran â rhif yn gyfeiriad at yr adran honno o Ddeddf Trydan 1989.

Cynnwys ceisiadau

3. Rhaid gwneud cais yn ysgrifenedig a rhaid iddo ddisgrifio drwy gyfeiriad at fap y lle y mae’r cais yn ymwneud ag ef, hynny yw, y lle—

- (a) y bwriedir adeiladu’r orsaf gynhyrchu, y lle y bydd yr estyniad arfaethedig neu’r lle y mae’r orsaf y bwriedir ei gweithredu wedi ei lleoli; a
- (b) y bydd unrhyw ddatblygiad adran 90 wedi ei leoli.

Cyflwyno hysbysiad am gais i awdurdod cynllunio perthnasol

4. Pan wneir cais i Weinidogion Cymru a bod rhan o’r lle y mae’r cais yn ymwneud ag ef o fewn ardal awdurdod cynllunio perthnasol, rhaid cyflwyno hysbysiad am y cais i’r awdurdod cynllunio perthnasol.

“application” (“*cais*”) means an application to the Welsh Ministers for consent under section 36(1) to construct, extend or operate a generating station(2), together with any application under section 36A(3) for a declaration relating to rights of navigation which is made with the application under section 36;

“local planning authority” (“*awdurdod cynllunio lleol*”) has the same meaning as in Part 1 of the 1990 Act;

“relevant planning authority” (“*awdurdod cynllunio perthnasol*”) means in relation to land in Wales, a local planning authority;

“section 90 development” (“*datblygiad adran 90*”) means any development in respect of which an applicant on making an application requests the Welsh Ministers to give a direction under section 90(2) or (2ZA) of the 1990 Act(4) (deemed planning permission for development with government authorisation).

(2) Unless otherwise stated, any reference in these Regulations to a numbered section is a reference to that section of the Electricity Act 1989.

Content of applications

3. An application must be in writing and must describe by reference to a map the place to which the application relates, that is, the place where—

- (a) it is proposed to construct the generating station, where the proposed extension will be or where the station proposed to be operated is situated; and
- (b) any section 90 development will be situated.

Service of notice of application on the relevant planning authority

4. Where an application is made to the Welsh Ministers and a part of the place to which the application relates is within the area of a relevant planning authority, notice of the application must be served on the relevant planning authority.

(1) Diwygiwyd adran 36 gan adran 93 o Ddeddf Ynni 2004 (p. 20) (“Deddf 2004”), paragraffau 31 a 32 o Atodlen 2 i Ddeddf Cynllunio 2008 (p. 29), adran 12(7) ac (8) o Ddeddf y Môr a Mynediad i’r Arfordir 2009 (p. 23) (“Deddf 2009”), adran 78 o Ddeddf Ynni 2016 (p. 20) ac adran 39(7) i (11) o Ddeddf 2017 a pharagraff 47 o Atodlen 6 iddi. Nid yw’r diwygiadau eraill yn berthnasol i’r Rheoliadau hyn.

(2) *Gweler* adran 64(1) o Ddeddf Trydan 1989 (“Deddf 1989”) am y dehongliad o “generating station”.

(3) Mewnosodwyd adran 36A yn Neddf 1989 gan adran 99(1) o Ddeddf 2004 ac fe’i diwygiwyd gan adran 12(7) ac (8) o Ddeddf 2009 ac adran 40(1) i (5) o Ddeddf 2017.

(4) Amnewidiwyd adran 90(2) a (2ZA) gan adran 21(2) o Ddeddf Twf a Seilwaith 2013 (p. 27) ac fe’i diwygiwyd gan adran 39(13) o Ddeddf 2017.

(5) 1990 p. 8.

(1) Section 36 was amended by section 93 of the Energy Act 2004 (c. 20) (“the 2004 Act”), paragraphs 31 and 32 of Schedule 2 to the Planning Act 2008 (c. 29), section 12(7) and (8) of the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”), section 78 of the Energy Act 2016 (c. 20) and section 39(7) to (11) of, and paragraph 47 of Schedule 6 to, the 2017 Act. Other amendments are not relevant to these Regulations.

(2) *See* section 64(1) of the Electricity Act 1989 (“the 1989 Act”) for the interpretation of “generating station”.

(3) Section 36A was inserted into the 1989 Act by section 99(1) of the 2004 Act and was amended by section 12(7) and (8) of the 2009 Act and section 40(1) to (5) of the 2017 Act.

(4) Section 90(2) and (2ZA) were substituted by section 21(2) of the Growth and Infrastructure Act 2013 (c. 27) and were amended by section 39(13) of the 2017 Act.

Cyflwyno hysbysiad am gais pan na fo awdurdod cynllunio perthnasol

5.—(1) Mae'r rheoliad hwn yn gymwys pan na fo unrhyw ran o'r lle y mae cais yn ymwneud ag ef o fewn ardal awdurdod cynllunio perthnasol.

(2) Pan fo unrhyw awdurdod cynllunio lleol yng Nghymru a Lloegr neu Adran yr Amgylchedd yng Ngogledd Iwerddon, ym marn y ceisydd, yn debygol o fod â buddiant yn y cais, rhaid i'r ceisydd gyflwyno hysbysiad am y cais i'r corff hwnnw, ac o fewn saith niwrnod o'i gyflwyno felly, rhoi gwybod i Weinidogion Cymru yn ysgrifenedig beth yw enw'r corff hwnnw a rhoi copi o'r hysbysiad iddynt.

(3) Pan na fo corff o'r math a grybwyllir ym mharagraff (2), ym marn y ceisydd, yn debygol o fod â buddiant yn y cais, rhaid i'r ceisydd roi gwybod i Weinidogion Cymru am y ffaith honno.

(4) Pan fo unrhyw awdurdod cynllunio lleol yng Nghymru a Lloegr neu Adran yr Amgylchedd yng Ngogledd Iwerddon, ym marn Gweinidogion Cymru, yn debygol o fod â buddiant yn y cais, caiff Gweinidogion Cymru, oni bai eu bod wedi cael hysbysiad o dan baragraff (2) i'r perwyl bod hysbysiad am gais wedi ei gyflwyno i'r corff hwnnw, gyfarwyddo bod rhaid i'r ceisydd gyflwyno hysbysiad am gais i'r corff hwnnw.

Cyflwyno hysbysiad am gais i bersonau eraill

6.—(1) Rhaid i'r ceisydd gyflwyno hysbysiad am gais i—

- (a) y Cyd-bwyllgor Cadwraeth Natur(1);
- (b) Corff Adnoddau Naturiol Cymru(2);
- (c) Asiantaeth y Môr a Gwylwyr y Glannau;
- (d) awdurdod harbwr, yn achos datblygiad mewn harbwr, neu gerllaw harbwr, sydd o dan reolaeth yr awdurdod hwnnw;
- (e) unrhyw bersonau eraill yn ôl cyfarwyddyd Gweinidogion Cymru.

(2) Yn y rheoliad hwn, mae i "harbwr" ac "awdurdod harbwr" yr un ystyron ag a roddir i "harbour" a "harbour authority" yn adran 57 o Ddeddf Harbyrau 1964(3) (dehongli).

Service of notice of application where there is no relevant planning authority

5.—(1) This regulation applies where no part of the place to which an application relates is within the area of a relevant planning authority.

(2) Where in the applicant's opinion any local planning authority in England and Wales or the Department of the Environment in Northern Ireland is likely to have an interest in the application, the applicant must serve notice of the application upon that body and, within seven days of such service, inform the Welsh Ministers in writing of its identity and provide them with a copy of the notice.

(3) Where, in the applicant's opinion, no such body as is mentioned in paragraph (2) is likely to have an interest in the application, the applicant must inform the Welsh Ministers of that fact.

(4) Where in the Welsh Ministers' opinion any local planning authority in England and Wales or the Department of the Environment in Northern Ireland is likely to have an interest in the application, the Welsh Ministers may, unless they have received a notice under paragraph (2) to the effect that a notice of the application has been served on that body, direct that the applicant must serve notice of an application upon that body.

Service of notice of application on other persons

6.—(1) The applicant must serve notice of an application upon—

- (a) the Joint Nature Conservation Committee(1);
- (b) the Natural Resources Body for Wales(2);
- (c) the Maritime and Coastguard Agency;
- (d) a harbour authority, in the case of development in or adjacent to a harbour under the control of that authority;
- (e) such other persons as the Welsh Ministers may direct.

(2) In this regulation, "harbour" ("*harbwr*") and "harbour authority" ("*awdurdod harbwr*") have the same meaning as in section 57 of the Harbours Act 1964(3) (interpretation).

(1) Ailgyfansoddwyd y Cyd-bwyllgor Cadwraeth Natur yn unol ag Atodlen 4 i Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16): gweler adran 31(b) o'r Ddeddf honno.

(2) Sefydlwyd Corff Adnoddau Naturiol Cymru gan erthygl 3 o O.S. 2012/1903 (Cy. 230).

(3) 1964 p. 40. Diwygiwyd adran 57 gan baragraff 33(a) o Atodlen 13 i Ddeddf Llongau Masnach 1995 (p. 21). Nid yw'r diwygiadau eraill i adran 57 yn berthnasol i'r Rheoliadau hyn.

(1) The Joint Nature Conservation Committee was re-constituted in accordance with Schedule 4 of the Natural Environment and Rural Communities Act 2006 (c. 16): see section 31(b) of that Act.

(2) The Natural Resources Body for Wales was established by article 3 of S.I. 2012/1903 (W. 230).

(3) 1964 c. 40. Section 57 was amended by paragraph 33(a) of Schedule 13 to the Merchant Shipping Act 1995 (c. 21). Other amendments to section 57 are not relevant to these Regulations.

Cyhoeddi hysbysiad am gais

7.—(1) Rhaid i'r ceisydd gyhoeddi hysbysiad am gais—

- (a) dwy wythnos yn olynol mewn un neu ragor o bapurau newydd lleol sy'n debygol o ddod i sylw'r rheini y mae'r datblygiad arfaethedig yn debygol o effeithio arnynt;
- (b) yn Lloyd's List ac mewn un neu ragor o bapurau newydd cenedlaethol;
- (c) os oes un neu ragor o gyfnodolion masnach pysgota priodol yn cylchredeg a gyhoeddir fesul ysbaid nad yw'n fwy nag un mis, mewn o leiaf un cyfnodolyn masnach o'r fath; a
- (d) yn y London Gazette.

(2) Rhaid i'r hysbysiad ddisgrifio, drwy gyfeiriad at fap, y lle y mae'r cais yn berthnasol iddo, a rhaid iddo ddarparu y gall aelodau o'r cyhoedd edrych ar y map, yn ystod oriau swyddfa arferol, naill ai—

- (a) yn swyddfeydd—
 - (i) unrhyw awdurdod cynllunio perthnasol y mae'r ceisydd yn cyflwyno hysbysiad am y cais iddo o dan reoliad 4; neu
 - (ii) pob awdurdod cynllunio lleol yng Nghymru y mae'r ceisydd yn cyflwyno hysbysiad am y cais iddo o dan reoliad 5(2) neu yn unol â chyfarwyddyd Gweinidogion Cymru o dan reoliad 5(4); neu
- (b) mewn cyfeiriad sy'n rhesymol hygyrch i'r rheini y mae'r cydsyniad y gwneir cais amdano yn debygol o effeithio arnynt os caiff ei roi.

(3) Nid yw paragraffau (1) a (2) yn gymwys i gais am estyniad neu newid i'r dull gweithredu pan fo Gweinidogion Cymru—

- (a) yn ystyried bod yr estyniad neu'r newid yn un mân ei natur; a
- (b) yn rhoi cyfarwyddyd sy'n hepgor gofynion y paragraffau hynny.

Gwrthwynebiadau gan dderbynyddion hysbysiad am gais

8.—(1) Rhaid i unrhyw hysbysiad a gyflwynir neu a gyhoeddir yn unol â rheoliadau 5, 6 neu 7(1) nodi'r cyfnod (na chaiff fod yn llai na 28 o ddiwrnodau o ddyddiad cyflwyno'r hysbysiad, neu'n llai na 28 o ddiwrnodau o ddyddiad neu ddyddiad diweddaraf cyhoeddi'r hysbysiad) y caniateir gwneud gwrthwynebiadau i'r cais i Weinidogion Cymru o'i fewn, a'r dull y caniateir gwneud hynny, gan bersonau ac eithrio unrhyw awdurdod cynllunio perthnasol.

Publication of notice of application

7.—(1) The applicant must publish notice of an application—

- (a) in two successive weeks in one or more local newspapers which are likely to come to the attention of those likely to be affected by the proposed development;
- (b) in Lloyd's List and in one or more national newspapers;
- (c) if there are in circulation one or more appropriate fishing trade journals which are published at intervals not exceeding one month, in at least one such trade journal; and
- (d) in the London Gazette.

(2) The notice must describe, by reference to a map, the place to which the application relates, and must provide that the map may be inspected, during normal office hours, by members of the public either—

- (a) at the offices—
 - (i) of any relevant planning authority upon whom the applicant serves notice of the application under regulation 4; or
 - (ii) of each local planning authority in Wales upon whom the applicant serves notice of the application under regulation 5(2) or pursuant to a direction of the Welsh Ministers under regulation 5(4); or
- (b) at an address which is reasonably accessible to those likely to be affected by the consent applied for if it is granted.

(3) Paragraphs (1) and (2) do not apply to an application for an extension or change in the manner of operation where the Welsh Ministers—

- (a) consider the extension or change to be of a minor character; and
- (b) give a direction dispensing with the requirements of those paragraphs.

Objections by recipients of notice of application

8.—(1) Any notice served or published pursuant to regulations 5, 6 or 7(1) must state the time (which must not be less than 28 days from the date of service of the notice, or less than 28 days from the date or latest date of publication of the notice) within which, and the manner in which, objections to the application may be made to the Welsh Ministers, by persons other than any relevant planning authority.

(2) Rhaid i awdurdod cynllunio perthnasol gyflwyno hysbysiad am unrhyw wrthwynebiad ganddo i gais i Weinidogion Cymru o fewn pedwar mis o ddyddiad y cais, neu o fewn unrhyw gyfnod hwy y mae'r awdurdod yn cytuno arno yn ysgrifenedig gyda Gweinidogion Cymru a'r ceisydd.

Ymchwiliadau cyhoeddus pan fo gwrthwynebiadau gan yr awdurdod cynllunio perthnasol

9.—(1) Pan fo'r awdurdod cynllunio perthnasol yn hysbysu Gweinidogion Cymru ei fod yn gwrthwynebu'r cais ac nad yw ei wrthwynebiad yn cael ei dynnu'n ôl, rhaid i Weinidogion Cymru—

- (a) peri i ymchwiliad cyhoeddus gael ei gynnal;
- (b) cyn penderfynu pa un ai i roi eu cydsyniad, ystyried y gwrthwynebiad ac adroddiad y person a gynhaliodd yr ymchwiliad.

(2) Nid yw paragraff (1) yn gymwys pan fo Gweinidogion Cymru yn bwriadu caniatáu'r cais yn ddarostyngedig i unrhyw addasiadau neu amodau a fydd yn rhoi effaith i wrthwynebiad yr awdurdod cynllunio perthnasol.

(3) Caiff Gweinidogion Cymru, at ddibenion paragraff (1), ddiystyru unrhyw wrthwynebiad na chafwyd hysbysiad ar ei gyfer gan awdurdod cynllunio perthnasol yn unol â rheoliad 8(2).

Ymchwiliadau cyhoeddus pan fo gwrthwynebiadau gan bersonau eraill

10.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) pan na fo'n ofynnol i Weinidogion Cymru yn rhinwedd rheoliad 9(1) beri i ymchwiliad cyhoeddus gael ei gynnal; ond
- (b) pan fo gwrthwynebiadau neu gopïau o wrthwynebiadau wedi eu hanfon at Weinidogion Cymru yn unol â'r Rheoliadau hyn.

(2) Rhaid i Weinidogion Cymru—

- (a) ystyried gwrthwynebiadau neu gopïau o wrthwynebiadau a anfonir atynt yn unol â'r Rheoliadau hyn, ynghyd â phob ystyriaeth berthnasol arall, gyda golwg ar benderfynu a ddylid cynnal ymchwiliad cyhoeddus mewn cysylltiad â'r cais; a
- (b) peri i ymchwiliad cyhoeddus gael ei gynnal os ydynt yn credu ei bod yn briodol gwneud hynny, naill ai yn ychwanegol at unrhyw wrandawriad arall neu gyfle i ddatgan gwrthwynebiadau i'r cais neu yn lle hynny.

(2) A relevant planning authority must serve notification of any objection by it to an application upon the Welsh Ministers within four months of the date of the application, or within any longer period as may be agreed in writing by the authority with both the Welsh Ministers and the applicant.

Public inquiries where there are objections by the relevant planning authority

9.—(1) Where the relevant planning authority notify the Welsh Ministers that they object to the application and their objection is not withdrawn, the Welsh Ministers—

- (a) must cause a public inquiry to be held;
- (b) before determining whether to give their consent, must consider the objection and the report of the person who held the inquiry.

(2) Paragraph (1) does not apply where the Welsh Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the relevant planning authority

(3) The Welsh Ministers may, for the purposes of paragraph (1), disregard any objection not notified by a relevant planning authority in accordance with regulation 8(2).

Public inquiries where there are objections by other persons

10.—(1) This regulation applies where—

- (a) the Welsh Ministers are not required by virtue of regulation 9(1) to cause a public inquiry to be held; but
- (b) objections or copies of objections have been sent to the Welsh Ministers in accordance with these Regulations.

(2) The Welsh Ministers must—

- (a) consider objections or copies of objections sent to them in accordance with these Regulations, together with all other material considerations, with a view to determining whether a public inquiry should be held with respect to the application; and
- (b) cause a public inquiry to be held if they think it appropriate to do so, either in addition to or instead of any other hearing or opportunity of stating objections to the application.

Cwmpas ymchwiliadau cyhoeddus pan fo un neu ragor o awdurdodau cynllunio perthnasol

11.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

- (a) ymchwiliad cyhoeddus i'w gynnal yn unol â rheoliad 9(1) neu 10; a
- (b) y cais yn ymwneud â lle y mae rhan ohono yn ardal un neu ragor o awdurdodau cynllunio perthnasol.

(2) Ac eithrio i'r graddau y mae Gweinidogion Cymru yn cyfarwyddo fel arall, rhaid cyfyngu ymchwiliad a gynhelir o dan reoliad 9(1) i hynny o'r cais sy'n ymwneud â thir o fewn ardal yr awdurdod sydd wedi gwneud gwrthwynebiad.

(3) Rhaid i Weinidogion Cymru roi sylw i wrthwynebiadau a wneir ac eithrio gan yr awdurdod o dan sylw wrth benderfynu pa un ai i roi cyfarwyddyd o dan baragraff (2) ac wrth benderfynu (pan fônt yn rhoi un) pa gyfarwyddyd i'w roi.

(4) Caiff Gweinidogion Cymru gyfarwyddo y caniateir cynnal ymchwiliadau ar wahân mewn perthynas ag unrhyw un neu bob un o'r canlynol—

- (a) hynny o'r cais sy'n ymwneud â thir o fewn ardal awdurdod cynllunio perthnasol penodol;
- (b) hynny o'r cais sy'n ymwneud â rhywle nad yw o fewn ardal awdurdod cynllunio perthnasol.

(5) At ddibenion paragraff (2) mae awdurdod cynllunio sydd wedi gwneud gwrthwynebiad i'w drin fel pe na bai wedi gwneud hynny os yw Gweinidogion Cymru yn bwriadu caniatáu'r cais yn ddarostyngedig i unrhyw addasiadau neu amodau sy'n bodloni'r gwrthwynebiad hwnnw.

Hysbysiad cyfun

12. Caniateir i hysbysiad sy'n ofynnol gan y Rheoliadau hyn gael ei gyfuno â hysbysiad sy'n ofynnol gan neu o dan Atodlen 16 i Ddeddf Ynni 2004(1) (ceisiadau a chynigion am hysbysiadau o dan adran 95) mewn unrhyw achos sy'n ymwneud â'r un orsaf gynhyrchu.

Diwygiad canlyniadol

13.—(1) Mae rheoliad 90(3) o Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2017(2) (cydsyniadau o dan Ddeddf Trydan 1989: y weithdrefn adolygu) wedi ei ddiwygio fel a ganlyn.

(1) 2004 p. 20. Diwygiwyd Atodlen 16 gan adran 62(1), (17), (18) a (19) o Ddeddf yr Alban 2016 (p. 11) a pharagraff 61 o Atodlen 6 i Ddeddf 2017. Nid yw'r diwygiadau eraill yn berthnasol i'r Rheoliadau hyn.
(2) O.S. 2017/1012.

Scope of public inquiries where there are one or more relevant planning authorities

11.—(1) This regulation applies where—

- (a) a public inquiry is to be held in accordance with regulation 9(1) or 10; and
- (b) the application relates to a place a part of which is in the area of one or more relevant planning authorities.

(2) Except in so far as the Welsh Ministers otherwise direct, an inquiry held under regulation 9(1) must be confined to so much of the application as relates to land within the area of the authority by whom an objection has been made.

(3) The Welsh Ministers must have regard to objections made otherwise than by the authority in question in determining whether to give a direction under paragraph (2) and in determining (where they give one) what direction to give.

(4) The Welsh Ministers may direct that separate inquiries may be held in relation to any or each of the following—

- (a) so much of the application as relates to land within the area of a particular relevant planning authority;
- (b) so much of the application as relates to anywhere that is not within the area of a relevant planning authority.

(5) For the purposes of paragraph (2) a planning authority that has made an objection is to be treated as not having done so if the Welsh Ministers propose to accede to the application subject to such modifications or conditions as meet that objection.

Combined notice

12. A notice required by these Regulations may be combined with a notice required by or under Schedule 16 to the Energy Act 2004(1) (applications and proposals for notices under section 95) in any case involving the same generating station.

Consequential amendment

13.—(1) Regulation 90(3) of the Conservation of Habitats and Species Regulations 2017(2) (consents under Electricity Act 1989: procedure on review) is amended as follows.

(1) 2004 c. 20. Schedule 16 was amended by section 62(1), (17), (18) and (19) of the Scotland Act 2016 (c. 11) and paragraph 61 of Schedule 6 to the 2017 Act. Other amendments are not relevant to these Regulations.
(2) S.I. 2017/1012.

(2) Cyn is-baragraff (a) mewnosoder—

“(za) in a case where the Welsh Ministers are the competent authority, the relevant planning authority within the meaning of regulation 2(1) of the Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019 (interpretation),”.

(3) Ar ddechrau is-baragraff (a) mewnosoder “in any other case,”.

(2) Before sub-paragraph (a) insert—

“(za) in a case where the Welsh Ministers are the competent authority, the relevant planning authority within the meaning of regulation 2(1) of the Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019 (interpretation),”.

(3) At the beginning of sub-paragraph (a) insert “in any other case,”.

Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o
Weinidogion Cymru
18 Chwefror 2019

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Minister for Housing and Local Government, one of
the Welsh Ministers
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