

YR ATODLENNI

ATODLEN 4

GORFODI – ADDASIADAU PENODEDIG O’R DCGTh

RHAN 2

Effaith hysbysiadau tramgwydd sylweddau peryglus, etc.

6. Yn adrannau 178, 179, 180 a 181 o DCGTh, fel y’u cymhwysir gan reoliad 18—
- (a) mae pob cyfeiriad at hysbysiad gorfodi i’w ddarllen fel petai’n gyfeiriad at hysbysiad tramgwydd sylweddau peryglus; a
 - (b) mae pob cyfeiriad at awdurdod cynllunio lleol i’w ddarllen fel petai’n gyfeiriad at awdurdod sylweddau peryglus.

Gwybodaeth Cychwyn

I1 Atod. 4 para. 6 mewn grym ar 4.9.2015, gweler [rhl. 1\(1\)](#)

7. Mae adran 178 o’r DCGTh (gweithredu a chostau gwaith sy’n ofynnol gan hysbysiadau gorfodi) fel y mae’n cael effaith mewn perthynas â hysbysiad tramgwydd sylweddau peryglus, i’w ddarllen—

- (a) fel petai yn is-adran (2), yn y ddau le y mae’r geiriau “breach of planning control” yn digwydd, yn darllen “contravention of hazardous substances control”;
- (b) fel petai is-adrannau (3) i (5) wedi eu hepgor; ac
- (c) fel petai’r is-adran a ganlyn wedi ei mewnosod ar ôl is-adran (6)—

“(7) Where different periods are specified for different steps in a hazardous substances contravention notice by virtue of section 24(5)(b) of the PHSA, references in this section and in section 179 to the period for compliance with a hazardous substances contravention notice, in relation to a step, are to the period by the end of which the step is required to have been taken.”

Gwybodaeth Cychwyn

I2 Atod. 4 para. 7 mewn grym ar 4.9.2015, gweler [rhl. 1\(1\)](#)

8. Mae adran 179 (trosedd pan na chydymffurfir â hysbysiad gorfodi), fel y mae’n cael effaith mewn perthynas â hysbysiad tramgwydd sylweddau peryglus i’w darllen—

- (a) fel petai is-adran (1) yn darllen fel a ganlyn—

“(1) Where, at any time after the end of the period for compliance with a hazardous substances contravention notice, any steps required by the notice to be taken before the end of that period have not been taken, any person other than the owner who is in control of the land and the owner of the land at the time is in breach of the notice.”;

Newidiadau i ddeddfwriaeth: Mae newidiadau yn dal heb eu gwneud i Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015. Mae unrhyw newidiadau sydd wedi cael eu gwneud yn barod gan y tîm yn ymddangos yn y cynnwys a chyfeirir atynt gydag anodiadau. (See end of Document for details) View outstanding changes

- (b) fel petai'r geiriau "the owner of the land" yn is-adran (2) yn darllen "a person";
- (c) fel petai is-adrannau (4) a (5) wedi eu hepgor;
- (d) fel petai'r geiriau "or (5)" yn is-adran (6) wedi eu hepgor;
- (e) fel petai'r geiriau "section 188" yn is-adran (7)(b) yn darllen "regulation 19 of the Planning (Hazardous Substances) (Wales) Regulations 2015".

Gwybodaeth Cychwyn

I3 Atod. 4 para. 8 mewn grym ar 4.9.2015, gweler [rhl. 1\(1\)](#)

9. Mae adran 180 (effaith caniatâd cynllunio etc. ar hysbysiad gorfodi neu hysbysiad torri amod) fel y mae'n cael effaith mewn perthynas â hysbysiad tramgwydd sylweddau peryglus, i'w darllen—

- (a) fel petai is-adran (1) yn darllen fel a ganlyn—

"(1) Where, after the service of a copy of a hazardous substances contravention notice, hazardous substances consent is granted for the presence of a hazardous substance on, over or under the land to which the notice relates or any part of that land, the notice ceases to have effect so far as inconsistent with that consent.";

- (b) fel petai is-adran (2) wedi ei hepgor; ac
- (c) fel petai'r geiriau "or breach of condition notice" yn is-adran (3) wedi eu hepgor".

Gwybodaeth Cychwyn

I4 Atod. 4 para. 9 mewn grym ar 4.9.2015, gweler [rhl. 1\(1\)](#)

10. Mae adran 181 (hysbysiad gorfodi i gael effaith yn erbyn datblygiad dilynol) fel y mae'n cael effaith mewn perthynas â hysbysiad tramgwydd sylweddau peryglus, i'w darllen fel pe rhoddid y geiriau canlynol yn lle is-adrannau (1) i (5) o'r adran honno—

"(1) Compliance with a hazardous substances contravention notice does not discharge that notice.

(2) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires a hazardous substance to be removed from the land to which the notice relates, the presence on, over or under that land of a quantity of that substance equal to or exceeding its controlled quantity at any time after the substance has been removed in compliance with the hazardous substances contravention notice is in contravention of that notice.

(3) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires the quantity of a hazardous substance on, over or under the land to which the notice relates to be reduced below a specified quantity (being greater than the controlled quantity), the presence on, over or under that land of a quantity of that substance equal to or in excess of the specified quantity at any time after the quantity of that substance has been reduced below the specified quantity in compliance with the hazardous substances contravention notice, is in contravention of that notice.

(4) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires steps to be taken to remedy a failure to comply with a condition subject to which a hazardous substances consent was granted, after those steps have been taken no further steps may be taken which would constitute a breach of that condition, and the taking of such further steps is in contravention of that notice.

(5) Sections 178 and 179 apply to the contravention of a hazardous substances contravention notice to which this section applies as if the period for compliance with the notice had expired on the date the contravention took place, but the hazardous substances authority must not enter the land under section 178(1) without, at least 28 days before their entry, serving on the owner or occupier of the land a notice of their intention to do so.”

Gwybodaeth Cychwyn

I5 Atod. 4 para. 10 mewn grym ar 4.9.2015, gweler [rhl. 1\(1\)](#)

Newidiadau i ddeddfwriaeth:

Mae newidiadau yn dal heb eu gwneud i Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015. Mae unrhyw newidiadau sydd wedi cael eu gwneud yn barod gan y tîm yn ymddangos yn y cynnwys a chyfeirir atynt ydag anodiadau.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2016/56 Sch. 6 para. 2](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 4 para. 11(1) words inserted by [S.I. 2018/1216 reg. 18\(2\)\(b\)\(i\)](#)
- Sch. 1 Pt. 4 para. 13(a) words inserted by [S.I. 2018/1216 reg. 18\(2\)\(b\)\(ii\)](#)
- Sch. 1 Pt. 4 para. 14 words inserted by [S.I. 2018/1216 reg. 18\(2\)\(b\)\(iii\)](#)
- Sch. 1 Pt. 4 para. 16(b) words inserted by [S.I. 2018/1216 reg. 18\(2\)\(b\)\(iii\)](#)
- Sch. 4 Pt. 1 para. 2(d) inserted by [S.I. 2017/547 reg. 7\(2\)\(b\)](#)
- Sch. 4 Pt. 1 para. 2(b) substituted by [S.I. 2017/547 reg. 7\(2\)\(a\)](#)
- reg. 6(1)(a)(ia) inserted by [S.I. 2019/456 reg. 5\(3\)\(b\)](#)
- reg. 10(3)(a)(ia) inserted by [S.I. 2019/456 reg. 5\(4\)\(b\)](#)
- reg. 28(2)(a)(ia) inserted by [S.I. 2019/456 reg. 5\(7\)\(b\)](#)