



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 565 (Cy. 134)

2017 No. 565 (W. 134)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Asesu'r Effeithiau
Amgylcheddol (Amaethyddiaeth)
(Cymru) 2017**

**The Environmental Impact
Assessment (Agriculture) (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 gweithredu'n bennaf Gyfarwyddeb 2011/92/EU Senedd Ewrop a'r Cyngor dyddiedig 13 Rhagfyr 2011 (OJ L 26, 28.1.2012, t. 1-21) ar asesu effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd ("y Gyfarwyddeb AEA") mewn perthynas â dau fath o brosiect ym mharagraff 1 o Atodiad II i'r Gyfarwyddeb honno: prosiectau i ailstrwythuro daliadau tir gwledig a phrosiectau i ddefnyddio tir heb ei drin neu ardaloedd lled-naturiol at ddibenion amaethyddol dwys. Maent yn gwneud darpariaeth ar gyfer y diwygiadau i'r Gyfarwyddeb AEA y rhoddwyd effaith iddynt gan Gyfarwyddeb 2014/52/EU Senedd Ewrop a'r Cyngor dyddiedig 16 Ebrill 2014 (OJ L 124, 25.4.2014, t. 1-18).

Maent yn gweithredu hefyd Gyfarwyddeb y Cyngor 1992/43/EEC (OJ L 206, 22.7.1992, t. 7) ar gadwraeth cynefinoedd naturiol a fflora a ffawna gwyllt ("y Gyfarwyddeb Cynefinoedd") i'r graddau y mae'r prosiectau hynny yn effeithio ar safleoedd a warchodir gan y Gyfarwyddeb honno.

Mae rheoliad 3 yn nodi'r mathau o brosiectau a eithrir o gwmpas y Rheoliadau hyn. Maent yn cynnwys gwaith a gwmpesir gan gyfundrefnau rheoleiddio cyfatebol ar gyfer coedwigaeth, prosiectau rheoli dŵr a draenio tir, tynnu gwrychoedd (perthi) ymaith, codi adeiladau a ffensys a gwaith arall ar dir comin, a'r system gynllunio. Mae'n rhoi i Weinidogion Cymru hefyd y pŵer i eithrio prosiectau penodol o gwmpas y Rheoliadau yn unol â'r Gyfarwyddeb AEA a'r Gyfarwyddeb Cynefinoedd.

These Regulations primarily implement Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 (OJ L 26, 28.1.2012, p. 1-21) on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") in relation to two types of project in paragraph 1 of Annex II to that Directive: projects for the restructuring of rural land holdings and projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes. They make provision for the amendments to the EIA Directive effected by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 (OJ L 124, 25.4.2014, p. 1-18).

They also implement Council Directive 1992/43/EEC (OJ L 206, 22.7.1992, p. 7) on the conservation of natural habitats and of wild flora and fauna ("the Habitats Directive") insofar as those projects affect sites protected by that Directive.

Regulation 3 sets out the types of projects that are excluded from the scope of these Regulations. They include works which are covered by equivalent regulatory regimes for forestry, water management and land drainage projects, the removal of hedgerows, the erection of buildings and fences and other work on common land, and the planning system. It also gives the Welsh Ministers the power to exclude certain projects from the scope of the Regulations in accordance with the EIA and Habitats Directives.

Mae rheoliad 4 yn gwahardd unrhyw berson rhag dechrau neu gyflawni prosiect ar dir lled-naturiol a/neu dir heb ei drin oni fydd y person hwnnw wedi cael penderfyniad sgrinio sy'n cadarnhau a yw'r prosiect yn debygol o gael effeithiau sylweddol ar yr amgylchedd ("penderfyniad sgrinio"). Mae'n gwahardd dechrau neu gyflawni prosiect ailstrwythuro oni fydd naill ai penderfyniad sgrinio wedi ei gael i ganiatáu i'r prosiect fynd yn ei flaen, neu fod maint y prosiect islaw'r trothwy sy'n gymwys iddo pan y'i cyfrifir yn unol â rheoliad 5 ac Atodlen 1.

Mae rheoliad 6 yn nodi'r hyn y mae'n rhaid ei gynnwys mewn cais am benderfyniad sgrinio ac yn caniatáu i Weinidogion Cymru ofyn am wybodaeth ychwanegol os bydd angen.

Mae rheoliad 7 ac Atodlen 2 yn nodi'r ffactorau sydd i'w cymryd i ystyriaeth gan Weinidogion Cymru pan fyddant yn gwneud penderfyniad sgrinio, yn ogystal â'r broses sydd i'w dilyn. Mae Atodlen 2 yn seiliedig ar Atodiad III i'r Gyfarwydddeb AEA.

Mae rheoliad 8 yn gwahardd person rhag dechrau neu gyflawni prosiect sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd ("prosiect sylweddol") oni fydd wedi cael cydsyniad Gweinidogion Cymru yn gyntaf.

Mae rheoliad 9 yn nodi'r weithdrefn y gall Gweinidogion Cymru ei defnyddio i roi i geisydd am gydsyniad farn am ba wybodaeth y mae'n rhaid ei darparu mewn datganiad amgylcheddol ("barn gwmpasu").

Mae rheoliad 10 yn nodi dyletswyddau'r cyrff ymgynghori y ceisir gwybodaeth oddi wrthynt mewn cysylltiad â barn gwmpasu neu gais am gydsyniad.

Mae rheoliad 11 yn pennu bod rhaid i geisiadau am gydsyniad gynnwys datganiad amgylcheddol yn ogystal â nodi cynnwys y datganiad (gweler hefyd Atodlen 3), y mae'n rhaid iddo gael ei lunio gan rywun sy'n meddu ar arbenigedd digonol ym maes perthnasol y prosiect dan sylw ("arbenigwr cymwys"). Er mwyn sicrhau bod aelodau'r cyhoedd y mae a wnelo'r cais â hwy yn cael cyfle i gyflwyno sylwadau cyn y penderfynir ar y cais, rhaid cyhoeddi hysbysiad sy'n rhoi manylion y cais ac yn nodi sut y gellir cyflwyno sylwadau. Mae rheoliad 12 yn nodi gweithdrefnau pellach sy'n ymwneud â gwybodaeth ychwanegol y mae'n ofynnol i'r ceisydd am gydsyniad ei rhoi.

Mae rheoliadau 13 a 14 yn nodi'r gweithdrefnau sydd i'w dilyn pan allai prosiect sylweddol yng Nghymru effeithio ar Wladwriaeth AEE arall, neu pan allai prosiect sylweddol mewn Gwladwriaeth AEE arall effeithio ar Gymru.

Regulation 4 prohibits any person from commencing or carrying out a project on semi-natural and/or uncultivated land unless that person has obtained a screening decision confirming whether the project is likely to have significant effects on the environment ("a screening decision"). It prohibits the commencement or carrying out of a restructuring project unless either a screening decision has been obtained permitting the project to go ahead, or the extent of the project falls below the threshold applicable to it when calculated in accordance with regulation 5 and Schedule 1.

Regulation 6 sets out what must be included in an application for a screening decision and allows the Welsh Ministers to request additional information if necessary.

Regulation 7 and Schedule 2 set out the factors to be taken into consideration by the Welsh Ministers when making a screening decision as well as the process to be followed. Schedule 2 is based on Annex III to the EIA Directive.

Regulation 8 prohibits a person from commencing or carrying out a project likely to have significant effects on the environment ("a significant project") without first having obtained consent from the Welsh Ministers.

Regulation 9 sets out the procedure by which the Welsh Ministers can give an applicant for consent an opinion on what information must be provided in an environmental statement ("a scoping opinion").

Regulation 10 sets out the duties of the consultation bodies from which information is sought in connection with a scoping opinion or an application for consent.

Regulation 11 stipulates that applications for consent must include an environmental statement as well as setting out the contents of the statement (see also Schedule 3) which must be prepared by someone who has sufficient expertise in the relevant field of the project concerned ("a competent expert"). In order to ensure that members of the public concerned are given an opportunity to make representations before the application is determined, a notice must be published detailing the application and how representations may be made. Regulation 12 sets out further procedures relating to additional information required from the applicant for consent.

Regulations 13 and 14 set out the procedures to be followed where a significant project in Wales might affect another EEA State or if a significant project in another EEA State may affect Wales.

Mae rheoliadau 15 ac 16 yn nodi'r ffactorau sydd i'w cymryd i ystyriaeth pan fydd Gweinidogion Cymru yn gwneud penderfyniad cydsynio, gan gynnwys y sefyllfa pan fo prosiect yn debygol o effeithio ar safle Ewropeaidd, ac yn gwneud darpariaeth ar gyfer amseru penderfyniadau cydsynio.

Mae rheoliad 17 yn nodi'r amodau y bydd cydsyniad yn ddarostyngedig iddynt ac mae rheoliad 18 yn nodi'r gweithdrefnau sydd i'w dilyn unwaith y mae penderfyniad cydsynio wedi ei wneud.

Mae rheoliad 19 yn gwneud darpariaeth ar gyfer y dull o drin prosiectau trawsffiniol.

Mae rheoliad 20 ac Atodlen 4 yn gwneud darpariaeth benodol ar gyfer y sefyllfa pan fo'r tir perthnasol, ar ôl i gydsyniad gael ei roi, yn dod yn safle Ewropeaidd.

Mae rheoliad 21 yn ei gwneud yn drosedd i ddechrau neu gyflawni prosiect heb gael penderfyniad sgrinio neu benderfyniad cydsynio. Mae rheoliad 22 yn ei gwneud yn drosedd i dorri unrhyw un o amodau'r cydsyniad ac mae rheoliad 23 yn ei gwneud yn drosedd i sicrhau penderfyniad drwy dwyll neu i ddarparu gwybodaeth neu ddogfennau anwir neu gamarweiniol.

Mae rheoliad 24 yn rhoi pŵer i Weinidogion Cymru ddyroddi "hysbysiadau stop" yn gwahardd personau rhag parhau â gwaith a ddechreuwyd heb y cydsyniad angenrheidiol. Mae rheoliad 25 yn ei gwneud yn drosedd i fynd yn groes i hysbysiad stop.

Mae rheoliad 26 yn rhoi pŵer i Weinidogion Cymru ddyroddi "hysbysiadau adfer" sy'n ei gwneud yn ofynnol i berson sydd wedi torri'r gofyniad i gael penderfyniad sgrinio neu benderfyniad cydsynio adfer y tir perthnasol i'r cyflwr yr oedd ynddo cyn i'r prosiect gael ei ddechrau, i gyflwr amgylcheddol da neu i'r fath safon y mae Gweinidogion Cymru yn ystyried ei bod yn rhesymol o dan yr amgylchiadau. Mae rheoliad 27 yn ei gwneud yn drosedd i fethu â chydymffurfio â gofyniad mewn hysbysiad adfer, heb esgus rhesymol.

Mae rheoliad 28 yn pennu bod erlyniadau am droseddau yn unol â rheoliadau 21, 22, 23, 25 a 27 i gael eu dwyn o fewn 6 mis i'r dyddiad y daw tystiolaeth ddigonol yn hysbys i'r erlynydd. Ond rhaid dwyn erlyniadau o fewn 2 flynedd i'r dyddiad y cyflawnwyd y drosedd.

Regulations 15 and 16 set out the factors to be taken into consideration when the Welsh Ministers make a consent decision, including the situation where a project is likely to affect a European site, and makes provision for the timing of consent decisions.

Regulation 17 sets out the conditions which a consent will be made subject to and regulation 18 sets out the procedures to be followed once a consent decision has been made.

Regulation 19 makes provision for the treatment of transborder projects.

Regulation 20 and Schedule 4 make specific provision for the situation where, following a grant of consent, the relevant land becomes a European site.

Regulation 21 makes it an offence to commence or carry out a project without obtaining a screening or consent decision. Regulation 22 makes it an offence to breach a condition of consent and regulation 23 makes it an offence to procure a decision by deception or through the supply of false or misleading information or documents.

Regulation 24 empowers the Welsh Ministers to issue "stop notices" prohibiting a person from continuing work commenced without the necessary consent. Regulation 25 makes it an offence to contravene a stop notice.

Regulation 26 empowers the Welsh Ministers to issue "remediation notices" requiring a person who is in breach of the requirement to obtain a screening or consent decision to return the relevant land to the condition it was in prior to the project commencing, good environmental condition or such standard as the Welsh Ministers consider reasonable in the circumstances. Regulation 27 makes it an offence to fail to comply with a requirement of a remediation notice, without reasonable excuse.

Regulation 28 stipulates that prosecutions for offences pursuant to regulations 21, 22, 23, 25 and 27 are to be brought within 6 months of the date on which sufficient evidence comes to the prosecutor's knowledge. But prosecutions must be brought within 2 years of the date on which the offence is committed.

Mae rheoliad 29 yn darparu pwerau mynediad ac arolygu sy'n gysylltiedig â gorfodi, ac yn caniatáu i ddogfennau a sbesimenau planhigion a sbesimenau pridd gael eu cymryd ymaith. Mae'n caniatáu i Weinidogion Cymru wneud gwaith sy'n ofynnol o dan hysbysiad adfer ac nad yw wedi ei gwblhau o fewn y cyfnod gofynnol, ac i adennill y costau cysylltiedig. Mae'n ei gwneud yn ofynnol i bersonau, yr eir ar eu tir ac yr arolygir eu tir, gynorthwyo personau awdurdodedig, ac mae'n ei gwneud yn drosedd i rwystro neu atal person awdurdodedig yn fwriadol, neu i fethu â rhoi cymorth iddo, heb esgus rhesymol.

Mae rheoliad 30 yn nodi darpariaethau a gweithdrefnau apelio mewn cysylltiad â hysbysiadau a phenderfyniadau perthnasol. Mae Atodlen 5 yn gwneud darpariaeth ar gyfer apelau a gynhelir gan berson a benodwyd gan Weinidogion Cymru yn unol â rheoliad 30(6).

Mae rheoliad 33 yn darparu y caiff person wneud cais i'r Uchel Lys os yw wedi ei dramgwyddo gan benderfyniad nad yw prosiect yn brosiect sylweddol, neu gan benderfyniad yn rhoi cydsyniad ar gyfer prosiect.

Mae rheoliad 34 yn diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014 (O.S. 2014/3223 (Cy. 328)) o ganlyniad i ddyfodiad i rym y Rheoliadau hyn.

Mae rheoliad 35 yn dirymu Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2007 (O.S. 2007/2933 (Cy. 253)) ac mae rheoliad 36 yn gwneud darpariaeth drosiannol mewn cysylltiad â hysbysiadau adfer a hysbysiadau stop a gyflwynwyd o dan y rheoliadau a ddirymir.

Regulation 29 provides powers of entry and inspection in connection with enforcement and allows the removal of documents and of plant and soil specimens. It permits the Welsh Ministers to carry out works required by a remediation notice which have not been completed within the required timescales and to recover the associated costs. It requires persons whose land is being entered and inspected to assist authorised persons and makes it an offence to intentionally obstruct, impede, or fail to provide assistance to, an authorised person without reasonable excuse.

Regulation 30 sets out appeal provisions and procedures in respect of relevant notices and decisions. Schedule 5 makes provision for appeals which are conducted by a person appointed by the Welsh Ministers in accordance with regulation 30(6).

Regulation 33 provides a person may make an application to the High Court if they are aggrieved by a decision that a project is not a significant project or a decision granting consent for a project.

Regulation 34 amends the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014 (S.I. 2014/3223 (W. 328)) as a consequence of these Regulations coming into force.

Regulation 35 revokes the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 (S.I. 2007/2933 (W. 253)) and regulation 36 makes transitional provision in respect of remediation and stop notices served under the revoked regulations.

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AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Rheoliadau Asesu'r Effeithiau
Amgylcheddol (Amaethyddiaeth)
(Cymru) 2017**

**The Environmental Impact
Assessment (Agriculture) (Wales)
Regulations 2017**

Gwnaed 20 Ebrill 2017

Made 20 April 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 24 Ebrill 2017

Laid before the National Assembly for Wales
24 April 2017

Yn dod i rym 16 Mai 2017

Coming into force 16 May 2017

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) mewn perthynas â mesurau sy'n ymwneud â—

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to—

- (a) y gofyniad am asesiad o'r effaith ar yr amgylchedd yn sgil prosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd (2); a
- (b) cadwraeth cynefinoedd naturiol a ffawna a fflora gwyllt(3).

- (a) the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment(2); and
- (b) the conservation of natural habitats and of wild fauna and flora(3).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn yr adran honno, ac ymddengys i Weinidogion Cymru ei bod yn hwylus dehongli unrhyw gyfeiriad yn y Rheoliadau hyn at offerynnau'r UE fel cyfeiriad at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

These Regulations make provision for a purpose mentioned in that section and it appears to the Welsh Ministers that it is expedient for any reference in these Regulations to EU instruments to be construed as a reference to those instruments as amended from time to time.

(1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) 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 iddi. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006.

(2) O.S. 2001/2555 mewn perthynas â'r gofyniad am asesiad o'r effaith ar yr amgylchedd gan brosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd.

(3) O.S. 2002/248 mewn perthynas â mesurau sy'n ymwneud â chadwraeth cynefinoedd naturiol a ffawna a fflora gwyllt.

(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

(2) S.I. 2001/2555 in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment.

(3) S.I. 2002/248 in relation to measures relating to the conservation of natural habitats and of wild fauna and flora.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A o Atodlen 2 iddi.

RHAN 1

Darpariaethau cyffredinol

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2017.

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

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

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i “amaethyddiaeth” yr un ystyr ag “*agriculture*” yn adran 109(3) o Ddeddf Amaethyddiaeth 1947(1);

ystyr “*cydsyniad*” (“*consent*”) yw cydsyniad a roddir o dan reoliad 15;

ystyr “*cyrff ymgynghori*” (“*consultation bodies*”) yw—

(a) Corff Adnoddau Naturiol Cymru; neu

(b) unrhyw awdurdod cyhoeddus arall, corff statudol neu sefydliad arall y mae Gweinidogion Cymru yn ystyried bod ganddo unrhyw fuddiant yn y prosiect neu sy'n dal unrhyw wybodaeth a allai fod yn berthnasol i'r prosiect;

ystyr “*datganiad amgylcheddol*” (“*environmental statement*”) yw datganiad fel y'i disgrifir yn rheoliad 11;

ystyr “*Gwladwriaeth AEE*” (“*EEA State*”) yw Aelod-wladwriaeth, Norwy, Gwlad yr Iâ neu Liechtenstein;

ystyr “*gwybodaeth amgylcheddol ychwanegol*” (“*additional environmental information*”) yw unrhyw wybodaeth ychwanegol sy'n ofynnol o dan reoliad 12(1);

ystyr “*y Gyfarwyddeb AEA*” (“*the EIA Directive*”) yw Cyfarwyddeb 2011/92/EU Senedd Ewrop a'r Cyngor dyddiedig 13 Rhagfyr 2011 ar asesu

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

PART 1

General provisions

Title, application and commencement

1.—(1) The title of these Regulations is the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017.

(2) These Regulations apply in relation to Wales.

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

Interpretation

2.—(1) In these Regulations—

“additional environmental information” (“*gwybodaeth amgylcheddol ychwanegol*”) means any additional information required under regulation 12(1);

“agriculture” (“*amaethyddiaeth*”) has the same meaning as in section 109(3) of the Agriculture Act 1947(1);

“consent” (“*cydsyniad*”) means consent granted under regulation 15;

“consultation bodies” (“*cyrff ymgynghori*”) means—

(a) the Natural Resources Body for Wales; or

(b) any other public authority, statutory body or other organisation which the Welsh Ministers considers has any interest in or holds any information which might be relevant to the project;

“EEA State” (“*Gwladwriaeth AEE*”) means a member State, Norway, Iceland or Liechtenstein;

“the EIA Directive” (“*y Gyfarwyddeb AEA*”) means Directive 2011/92/EU 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(2);

“environmental statement” (“*datganiad amgylcheddol*”) means a statement as described in regulation 11;

(1) 1947 p. 48.

(1) 1947 c. 48.

(2) OJ No. L 26, 28.1.2012, p. 1–21.

effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd(1);

ystyr “y Gyfarwydddeb Cynefinoedd” (“*the Habitats Directive*”) yw Cyfarwydddeb y Cyngor 92/43/EEC ar gadwraeth cynefinoedd naturiol a ffawna a fflora gwyllt(2);

ystyr “penderfyniad sgrinio” (“*screening decision*”) yw penderfyniad sydd wedi ei wneud, neu y bernir ei fod wedi ei wneud, gan Weinidogion Cymru o dan reoliad 7(1) neu (7);

ystyr “prosiect” (“*project*”) yw—

- (a) cyflawni gwaith adeiladu neu waith gosod neu gynlluniau eraill; neu
- (b) ymyriadau eraill yn y tir naturiol oddi amgylch a’r tirlun;

ystyr “prosiect ailstrwythuro” (“*restructuring project*”) yw prosiect i ailstrwythuro daliadau tir gwledig;

ystyr “prosiect ar dir lled-naturiol a/neu dir heb ei drin” (“*project on semi-natural and/or uncultivated land*”) yw prosiect i gynyddu cynhyrchiant amaethyddol ardal o dir lled-naturiol a/neu dir heb ei drin ac mae’n cynnwys prosiectau i gynyddu cynhyrchiant amaethyddol tir o’r fath i lefel islaw’r norm;

ystyr “prosiect sylweddol” (“*significant project*”) yw prosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro y mae Gweinidogion Cymru wedi penderfynu, neu y bernir eu bod wedi penderfynu, ei fod yn debygol o gael effeithiau sylweddol ar yr amgylchedd yn unol â rheoliad 7(1) neu (7);

ystyr “prosiect trawsffiniol” (“*transborder project*”) yw prosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro lle mae’r tir perthnasol wedi ei leoli’n rhannol yng Nghymru ac yn rhannol yn Lloegr;

ystyr “y Rheoliadau Cynefinoedd” (“*the Habitats Regulations*”) yw Rheoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010(3);

ystyr “safle Ewropeaidd” (“*European site*”) yw safle a grybwyllir ym mharagraff (1)(a), (b), (d) neu (e) o reoliad 8 o’r Rheoliadau Cynefinoedd;

ystyr “tir lled-naturiol” (“*semi-natural land*”) yw tir sy’n cynnwys llai na 25% o rywogaethau amaethyddol wedi eu gwella sy’n arwydd bod y tir yn cael ei drin;

ystyr “y tir perthnasol” (“*the relevant land*”) yw’r tir lle y mae’r prosiect i’w gyflawni (neu lle y’i cyflawnwyd).

“European site” (“*safle Ewropeaidd*”) means a site mentioned in paragraph (1)(a), (b), (d) or (e) of regulation 8 of the Habitats Regulations;

“the Habitats Directive” (“*y Gyfarwydddeb Cynefinoedd*”) means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(1);

“the Habitats Regulations” (“*y Rheoliadau Cynefinoedd*”) means the Conservation of Habitats and Species Regulations 2010(2);

“project” (“*prosiect*”) means—

- (a) the execution of construction works or other installations or schemes; or
- (b) other interventions in the natural surroundings and landscape;

“project on semi-natural and/or uncultivated land” (“*prosiect ar dir lled-naturiol a/neu dir heb ei drin*”) means a project to increase the agricultural productivity of an area of semi-natural and/or uncultivated land and includes projects to increase the agricultural productivity of such land to below the norm;

“the relevant land” (“*y tir perthnasol*”) means the land on which the project is to be (or has been) carried out;

“restructuring project” (“*prosiect ailstrwythuro*”) means a project for the restructuring of rural landholdings;

“screening decision” (“*penderfyniad sgrinio*”) means a decision which is made, or deemed to have been made, by the Welsh Ministers under regulation 7(1) or (7);

“semi-natural land” (“*tir lled-naturiol*”) means land that contains less than 25% improved agricultural species which are indicative of cultivation;

“significant project” (“*prosiect sylweddol*”) means a project on semi-natural and/or uncultivated land or a restructuring project which the Welsh Ministers have decided or are deemed to have decided is likely to have significant effects on the environment in accordance with regulation 7(1) or (7);

“transborder project” (“*prosiect trawsffiniol*”) means a project on semi-natural and/or uncultivated land or a restructuring project where the relevant land is situated partly in Wales and partly in England.

(1) OJ Rhif L 26, 28.1.2012, t. 1–21.
(2) OJ Rhif L 206, 22.7.1992, t. 7–50.
(3) O.S. 2010/490.

(1) OJ No. L 206, 22.7.1992, p. 7–50.
(2) S.I. 2010/490.

(2) Mae i'r ymadroddion eraill a ddefnyddir yn y Rheoliadau hyn ac yn y Gyfarwyddeb AEA neu yn y Gyfarwyddeb Cynefinoedd yr un ystyr yn y Rheoliadau hyn ag sydd iddynt yn y Gyfarwyddeb berthnasol.

(3) Rhaid gwneud neu gyflwyno pob cais, hysbysiad, sylw, ceisiad, cymeradwyaeth a chytundeb o dan y Rheoliadau hyn yn ysgrifenedig.

(4) Mae "ysgrifenedig" ym mharagraff (3), ac eithrio pan fo'n gymwys i hysbysiadau o dan reoliad 24 neu 26, yn cynnwys cyfathrebiad electronig o fewn ystyr "*electronic communication*" yn Neddf Cyfathrebiadau Electronig 2000(1), ond caiff hysbysiadau y mae'n ofynnol i Weinidogion Cymru eu cyflwyno i unrhyw berson ond gael eu cyflwyno drwy gyfrwng cyfathrebiad electronig os yw'r derbynydd arfaethedig—

- (a) wedi defnyddio'r dull hwnnw o gyfathrebu electronig wrth gyfathrebu â Gweinidogion Cymru mewn cysylltiad ag unrhyw ddarpariaeth yn y Rheoliadau hyn, neu
- (b) wedi mynegi fel arall bod y dull hwnnw o gyfathrebu electronig yn fodd y gall personau ei ddefnyddio i gyfathrebu ag ef.

(5) Caniateir i hysbysiadau neu ddogfennau, y mae'n ofynnol neu yr awdurdodir eu cyflwyno, eu hanfon neu eu rhoi o dan y Rheoliadau hyn, gael eu hanfon drwy'r post.

Cymhwyso'r Rheoliadau

3.—(1) Mae'r Rheoliadau hyn yn gymwys i unrhyw brosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro, oni bai ei fod yn esempt yn unol â pharagraff (2) neu (3).

(2) Nid yw'r Rheoliadau hyn yn gymwys i brosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro os yw—

- (a) yn brosiect a grybwyllir yn rheoliad 3(2) o Reoliadau Asesu'r Effaith Amgylcheddol (Coedwigaeth) (Cymru a Lloegr) 1999(2);
- (b) yn ddatblygiad y mae Rheoliadau Cynllunio Gwlad a Thref (Asesu'r Effeithiau Amgylcheddol) (Cymru) 2017(3) yn gymwys iddo;

(2) Other expressions used both in these Regulations and in the EIA Directive or the Habitats Directive have the same meanings in these Regulations as they have in the relevant Directive.

(3) All applications, notices, notifications, representations, requests, approvals and agreements under these Regulations must be made or given in writing.

(4) "Writing" in paragraph (3), except where it applies to notices under regulation 24 or 26, includes an electronic communication within the meaning of the Electronic Communications Act 2000(1), but notifications required to be made by the Welsh Ministers to any person may only be made by an electronic communication if the intended recipient—

- (a) has used that form of electronic communication in communicating with the Welsh Ministers in respect of any provision in these Regulations, or
- (b) has otherwise represented that that form of electronic communication is a means by which persons can communicate with him or her.

(5) Notices or documents required or authorised to be served, sent or given under these Regulations may be sent by post.

Application of Regulations

3.—(1) These Regulations apply to any project on semi-natural and/or uncultivated land or a restructuring project, unless it is exempt in accordance with paragraph (2) or (3).

(2) These Regulations do not apply to a project on semi-natural and/or uncultivated land or a restructuring project if it—

- (a) is a project mentioned in regulation 3(2) of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(2);
- (b) constitutes development to which the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(3) apply;

(1) 2000 p. 7.

(2) O.S. 1999/2228.

(3) O.S. 2017/567 (Cy. 136).

(1) 2000 c. 7.

(2) S.I. 1999/2228.

(3) S.I. 2017/567 (W. 136).

- (c) yn cyflawni gwaith gwella gan gorff draenio o fewn ystyr Rheoliadau Asesu Effeithiau Amgylcheddol (Gwaith Gwella Draenio Tir) 1999(1);
- (d) yn brosiect perthnasol o fewn ystyr rheoliad 3(2) a (3) o Reoliadau Adnoddau Dŵr (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 2003(2);
- (e) yn tynnu gwrych ymaith fel y caniateir gan reoliad 5(1) o Reoliadau Gwrychoedd 1997(3); neu
- (f) yn waith cyfyngedig, gan gynnwys codi unrhyw adeilad neu ffens, neu godi unrhyw waith arall, y mae cydsyniad yn ofynnol ar ei gyfer o dan adran 38 o Ddeddf Tiroedd Comin 2006(4).

(3) Mae prosiect yn esempt o dan y paragraff hwn i'r graddau y mae Gweinidogion Cymru yn cyfarwyddo, yn unol ag Erthygl 2(4) o'r Gyfarwyddeb AEA, ei fod yn esempt rhag rheoliadau 4 i 33 o'r Rheoliadau hyn.

(4) Yn achos prosiect y mae Gweinidogion Cymru yn penderfynu ei fod yn debygol o gael effaith sylweddol ar safle Ewropeaidd (naill ai ar ei ben ei hun neu ar y cyd â phrosiectau eraill), dim ond i'r graddau y sicrheir cydymffurfedd â'r Gyfarwyddeb Cynefinoedd mewn perthynas â'r prosiect y mae'r pŵer i gyfarwyddo bod y prosiect yn esempt o dan baragraff (3) yn arferadwy.

(5) Pa fo Gweinidogion Cymru yn bwriadu dyroddi cyfarwyddyd o dan baragraff (3), rhaid iddynt—

- (a) ystyried a fyddai unrhyw fath arall o asesiad o'r prosiect yn briodol; a
- (b) tynnu sylw'r cyhoedd at—
 - (i) yr wybodaeth a ystyriwyd wrth ddyroddi'r cyfarwyddyd a'r rhesymau dros wneud hynny, a
 - (ii) yr wybodaeth a gafwyd o unrhyw asesiad o'r prosiect o dan is-baragraff (a).

- (c) constitutes the carrying out of improvement works by a drainage body within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999(1);
- (d) constitutes a relevant project within the meaning of regulation 3(2) and (3) of the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003(2);
- (e) constitutes the removal of a hedgerow as permitted by regulation 5(1) of the Hedgerows Regulations 1997(3); or
- (f) constitutes restricted works, including the erection of any building or fence, or the construction of any other work, for which consent is required under section 38 of the Commons Act 2006(4).

(3) A project is exempt under this paragraph to the extent that the Welsh Ministers, in accordance with Article 2(4) of the EIA Directive, direct that it is to be exempt from regulations 4 to 33 of these Regulations.

(4) In the case of a project which the Welsh Ministers decide is likely to have a significant effect on a European site (either alone or in combination with other projects), the power to direct that the project is exempt under paragraph (3) is exercisable only to the extent that compliance with the Habitats Directive is secured in relation to the project.

(5) Where the Welsh Ministers propose to issue a direction under paragraph (3), they must—

- (a) consider whether any other kind of assessment of the project would be appropriate; and
- (b) bring to the attention of the public—
 - (i) the information considered in issuing the direction and the reasons for doing so, and
 - (ii) the information obtained from any assessment of the project under sub-paragraph (a).

(1) O.S. 1999/1783.
 (2) O.S. 2003/164.
 (3) O.S. 1997/1160.
 (4) 2006 p. 26.

(1) S.I. 1999/1783.
 (2) S.I. 2003/164.
 (3) S.I. 1997/1160.
 (4) 2006 c. 26.

RHAN 2

Sgrinio

Y gofyniad am benderfyniad sgrinio

4.—(1) Ni chaiff person ddechrau neu gyflawni prosiect ar dir lled-naturiol a/neu dir heb ei drin oni bai ei fod yn gyntaf wedi cael penderfyniad sgrinio sy'n rhoi caniatâd i'r prosiect fynd yn ei flaen.

(2) Ni chaiff person ddechrau neu gyflawni prosiect ailstrwythuro sydd o faint sy'n hafal i'r trothwy cymwys (a gyfrifir yn unol â rheoliad 5) neu'n uwch na hynny oni bai ei fod yn gyntaf wedi cael penderfyniad sgrinio sy'n rhoi caniatâd i'r prosiect fynd yn ei flaen.

Trothwyon

5.—(1) Mae'r rheoliad hwn yn darparu'r dull ar gyfer canfod a yw maint prosiect ailstrwythuro yn hafal i'r trothwy cymwys neu'n uwch na'r trothwy hwnnw.

(2) Mae'r trothwy ar gyfer math o brosiect ailstrwythuro a bennir yng ngholofn 1 o Atodlen 1 wedi ei nodi yng ngholofn 2 neu 3.

(3) Mae paragraffau (4) a (5) yn gymwys pan fo prosiect ailstrwythuro ond yn cynnwys un o'r mathau o brosiectau ailstrwythuro a bennir yng ngholofn 1 yn unig.

(4) Pan fo prosiect ailstrwythuro i'w gyflawni yn gyfan gwbl y tu allan i ardal sensitif, y trothwy sy'n gymwys iddo yw'r trothwy a bennir ar gyfer y math hwnnw o brosiect ailstrwythuro yng ngholofn 2.

(5) Pan fo prosiect ailstrwythuro, neu unrhyw ran ohono, i'w gyflawni neu ei chyflawni mewn ardal sensitif, y trothwy sy'n gymwys iddo yw'r trothwy a bennir ar gyfer y math hwnnw o brosiect ailstrwythuro yng ngholofn 3.

(6) Pan fo prosiect ailstrwythuro wedi ei ffurfio o fwy nag un o'r mathau o brosiect ailstrwythuro a bennir yng ngholofn 1—

- (a) rhaid i bob rhan berthnasol o'r prosiect ailstrwythuro gael ei asesu er mwyn canfod y trothwy sy'n gymwys i'r rhan honno, a
- (b) os yw unrhyw ran berthnasol o'r prosiect ailstrwythuro yn hafal i'r trothwy sy'n gymwys i'r rhan honno neu'n uwch na'r trothwy hwnnw, yna mae'r prosiect ailstrwythuro cyfan i'w drin fel pe bai ei faint yn hafal i'r trothwy sy'n gymwys iddo neu'n uwch na'r trothwy hwnnw.

PART 2

Screening

Requirement for a screening decision

4.—(1) A person must not commence or carry out a project on semi-natural and/or uncultivated land unless they have first obtained a screening decision permitting the project to proceed.

(2) A person must not commence or carry out a restructuring project of an extent equal to or exceeding the applicable threshold (calculated in accordance with regulation 5) unless they have first obtained a screening decision permitting the project to proceed.

Thresholds

5.—(1) This regulation provides the method for determining whether the extent of a restructuring project is equal to, or exceeds, the threshold applicable.

(2) The threshold for a type of restructuring project specified in column 1 of Schedule 1 is set out in column 2 or 3.

(3) Paragraphs (4) and (5) apply where a restructuring project consists of only one of the types of restructuring projects specified in column 1.

(4) Where a restructuring project is to be carried out wholly outside a sensitive area, the threshold applicable to it is that specified for that type of restructuring project in column 2.

(5) Where a restructuring project, or any part of it, is to be carried out in a sensitive area, the threshold applicable to it is that specified for that type of restructuring project in column 3.

(6) Where a restructuring project is made up of more than one of the types of restructuring project specified in column 1—

- (a) each relevant part of the restructuring project must be assessed so as to determine the threshold applicable to that part, and
- (b) if any relevant part of the restructuring project equals or exceeds the threshold applicable to that part, then the entire restructuring project is to be treated as having an extent equal to or exceeding the threshold applicable to it.

(7) Yn y rheoliad hwn ystyr “ardal sensitif” (“*sensitive area*”) yw—

- (a) tir yr hysbysir o dan adran 28 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1) ei fod yn safle o ddiddordeb gwyddonol arbennig;
- (b) eiddo sy'n ymddangos ar Restr Treftadaeth y Byd a gedwir o dan erthygl 11(2) o Gonfensiwn 1972 UNESCO er diogelu Treftadaeth Ddiwylliannol a Naturiol y Byd(2);
- (c) safle Ewropeaidd o fewn ystyr “*European site*” yn rheoliad 8 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010(3);
- (d) ardal o harddwch naturiol eithriadol a ddynodwyd felly drwy Orchymyn a wnaed o dan adran 82 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (dynodi ardaloedd o harddwch naturiol eithriadol) ac a gadarnhawyd yn briodol gan Weinidogion Cymru o dan adran 83(3) o'r Ddeddf honno(4);
- (e) Parc Cenedlaethol o fewn ystyr “*National Park*” yn Neddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949(5);
- (f) heneb gofrestredig o fewn ystyr “*scheduled monument*” yn Neddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979(6).

Cais am benderfyniad sgrinio

6.—(1) Rhaid i gais am benderfyniad sgrinio—

- (a) cael ei wneud i Weinidogion Cymru;
- (b) cynnwys plan sy'n ddigonol i adnabod y tir perthnasol;
- (c) cynnwys disgrifiad cryno o natur, maint a diben y prosiect a'i effeithiau posibl ar yr amgylchedd;

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- (1) 1981 p. 69. Fel y'i diwygiwyd gan baragraff 79 o Atodlen 11(1) i Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16) a pharagraff 172 o Atodlen 2 i Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755 (Cy. 90)).
 - (2) *Gweler* Papur Gorchymyn 9424.
 - (3) O.S. 2010/490.
 - (4) 2000 p. 37. Mae gorchymynion sy'n dynodi ardaloedd o harddwch naturiol eithriadol a wnaed cyn i adran 82 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ddod i rym yn cael eu trin fel pe bai eu bod wedi eu gwneud o dan adran 82 yn rhinwedd paragraff 16 o Atodlen 15 i'r Ddeddf honno.
 - (5) 1949 p. 97. Gwnaed diwygiadau perthnasol gan baragraff 2 o Atodlen 10 i Ddeddf yr Amgylchedd 1995 (p. 25), rhan 5 o adran 59(1) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16) a pharagraff 10(a) o Atodlen 11 iddi, a pharagraff 16 o Atodlen 2 i Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755 (Cy. 90)).
 - (6) 1979 p. 46, adran 1(11).

(7) In this regulation, “sensitive area” (“*ardal sensitif*”) means—

- (a) land notified under section 28 of the Wildlife and Countryside Act 1981(1) as a site of special scientific interest;
- (b) 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(2);
- (c) a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010(3);
- (d) an area of outstanding natural beauty designated as such by an Order made under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas of outstanding natural beauty) and duly confirmed by the Welsh Ministers under section 83(3) of that Act(4);
- (e) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(5);
- (f) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(6).

Application for a screening decision

6.—(1) An application for a screening decision must—

- (a) be made to the Welsh Ministers;
- (b) contain a plan sufficient to identify the relevant land;
- (c) contain a brief description of the nature, extent and purpose of the project and of its possible effects on the environment;

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- (1) 1981 c. 69. As amended by paragraph 79 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16) and paragraph 172 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)).
 - (2) *See* Command Paper 9424.
 - (3) S.I. 2010/490.
 - (4) 2000 c. 37. Orders designating areas of outstanding natural beauty made before the coming into force of section 82 of the Countryside and Rights of Way Act 2000 are treated as having been made under section 82 by virtue of paragraph 16 of Schedule 15 to that Act.
 - (5) 1949 c. 97. Relevant amendments were made by the Environment Act 1995 (c. 25), Schedule 10, paragraph 2, the Natural Environment and Rural Communities Act 2006 (c. 16), Part 5, section 59(1) and Schedule 11 paragraph 10(a) and the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)), Schedule 2, paragraph 16.
 - (6) 1979.c. 46, section 1(11).

- (d) cynnwys unrhyw wybodaeth arall y gall y ceisydd ddymuno ei darparu neu unrhyw sylwadau eraill y gall ddymuno eu cyflwyno, megis disgrifiad o unrhyw un neu ragor o nodweddion y prosiect a/neu fesurau a ragwelir i osgoi neu atal yr hyn a allai fel arall wedi bod yn effeithiau andwyol sylweddol ar yr amgylchedd.

(2) Os yw Gweinidogion Cymru yn ystyried nad oes ganddynt ddigon o wybodaeth i wneud penderfyniad sgrinio, cânt ofyn i'r ceisydd ddarparu unrhyw wybodaeth ychwanegol sy'n ofynnol ganddynt.

(3) Rhaid i Weiniogion Cymru hysbysu'r ceisydd ynghylch y dyddiad y daw'r cais am benderfyniad sgrinio i'w llaw.

Y penderfyniad sgrinio

7.—(1) Rhaid i Weiniogion Cymru, yn unol â pharagraff (2) a'r meini prawf dethol yn Atodlen 2, benderfynu a yw prosiect, neu ran ohono, yn brosiect sylweddol.

(2) Os yw Gweinidogion Cymru yn penderfynu bod prosiect, neu ran ohono, yn debygol o gael effeithiau sylweddol ar safle Ewropeaidd, naill ai ar ei ben ei hun neu ar y cyd â phrosiectau eraill, ac nad yw'r prosiect yn uniongyrchol gysylltiedig â rheoli'r safle nac yn angenrheidiol i'w reoli, mae'r prosiect i gael ei drin fel pe bai'n brosiect sylweddol.

(3) Cyn gwneud penderfyniad sgrinio, caiff Gweinidogion Cymru ymgynghori ag unrhyw un neu ragor o'r cyrff ymgynghori.

(4) Rhaid i Weiniogion Cymru wneud penderfyniad sgrinio o fewn 35 o ddiwrnodau i—

- (a) y dyddiad yn rheoliad 6(3); neu
- (b) y dyddiad y bydd Gweinidogion Cymru yn cael unrhyw wybodaeth ychwanegol y maent wedi gofyn amdani o dan reoliad 6(2),

p'un bynnag yw'r diweddaraf.

(5) Caniateir estyn y cyfnod ym mharagraff (4) gyda chytundeb y ceisydd.

(6) Ar ôl gwneud penderfyniad sgrinio, rhaid i Weiniogion Cymru—

- (a) hysbysu'r ceisydd ohono o fewn y cyfnod sy'n gymwys o dan baragraff (4), gan roi'r rhesymau;
- (b) ei nodi mewn cofrestr, sef cofrestr y mae'n rhaid i'r cyhoedd gael mynediad iddi ar bob adeg resymol; ac
- (c) hysbysu unrhyw un neu ragor o'r cyrff ymgynghori y maent yn ystyried a all ddymuno cael gwybod am y penderfyniad sgrinio.

- (d) contain any other information or representation as the applicant may wish to provide or make, such as a description of any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(2) If the Welsh Ministers consider that they do not have sufficient information to make a screening decision, they may ask the applicant to supply any additional information they require.

(3) The Welsh Ministers must notify the applicant of the date on which they receive the application for a screening decision.

The screening decision

7.—(1) The Welsh Ministers must, in accordance with paragraph (2) and the selection criteria in Schedule 2, decide whether a project, or part of it, is a significant project.

(2) If the Welsh Ministers decide that a project, or part of it, is likely to have significant effects on a European site, alone or in conjunction with other projects, and the project is not directly connected with, or necessary for, the management of the site, the project is to be treated as being a significant project.

(3) Before making a screening decision the Welsh Ministers may consult any of the consultation bodies.

(4) The Welsh Ministers must make a screening decision within 35 days of—

- (a) the date in regulation 6(3); or
- (b) the date on which the Welsh Ministers receive any additional information they have requested under regulation 6(2),

whichever is the latest.

(5) The period in paragraph (4) may be extended with the agreement of the applicant.

(6) After making a screening decision the Welsh Ministers must—

- (a) notify the applicant of it within the period applicable under paragraph (4), with reasons;
- (b) enter it in a register, to which the public must have access at all reasonable times; and
- (c) notify any of the consultation bodies they consider might wish to be informed of the screening decision.

(7) Os bydd Gweinidogion Cymru yn methu â gwneud penderfyniad sgrinio neu'n methu â chyflwyno hysbysiad amdano o fewn y cyfnod ym mharagraff (4), caiff y ceisydd hysbysu Gweinidogion Cymru ei fod yn bwriadu trin y methiant hwnnw fel penderfyniad bod y prosiect yn brosiect sylweddol.

(8) Pan fo'r ceisydd wedi hysbysu Gweinidogion Cymru yn unol â pharagraff (6), bernir bod Gweinidogion Cymru wedi penderfynu bod y prosiect yn brosiect sylweddol ar ddyddiad yr hysbysiad hwnnw.

(9) Ar ôl i Weinidogion Cymru wneud penderfyniad, neu ar ôl y bernir eu bod wedi gwneud penderfyniad, fod y prosiect yn brosiect sylweddol—

- (a) os yw Gweinidogion Cymru yn cael gwybodaeth ychwanegol neu sylwadau ychwanegol; a
- (b) os yw Gweinidogion Cymru yn penderfynu, o ganlyniad i'r wybodaeth neu'r sylwadau, nad yw'r prosiect yn brosiect sylweddol,

rhaid i Weinidogion Cymru gymryd yr holl gamau a restrir ym mharagraff (6) mewn cysylltiad â'r penderfyniad hwnnw.

(10) Bydd y penderfyniad sgrinio yn peidio â chael effaith os nad yw'r prosiect y mae'n ymwneud ag ef yn dechrau o fewn cyfnod o 3 blynedd o'r dyddiad—

- (a) yr hysbysir y ceisydd am y penderfyniad sgrinio; neu
- (b) y bernir bod y penderfyniad sgrinio wedi ei wneud o dan baragraff (7).

(7) If the Welsh Ministers have failed to make or notify a screening decision within the period in paragraph (4), the applicant may notify the Welsh Ministers that they intend to treat that failure as a decision that the project is a significant project.

(8) Where the applicant has notified the Welsh Ministers in accordance with paragraph (6), the Welsh Ministers are deemed to have decided that the project is a significant project on the date of that notification.

(9) If, after the Welsh Ministers have made, or are deemed to have made, a decision that the project is a significant project—

- (a) the Welsh Ministers receive additional information or representations; and
- (b) as a result of the information or representations the Welsh Ministers decide that the project is not a significant project,

the Welsh Ministers must take all steps listed in paragraph (6) in respect of that decision.

(10) The screening decision will cease to have effect if the project to which it relates is not commenced within a period of 3 years from the date on which the screening decision—

- (a) was notified to the applicant; or
- (b) was deemed to have been taken under paragraph (7).

RHAN 3

Cydsyniad

Y gofyniad am gydsyniad

8. Rhaid i berson gael cydsyniad Gweinidogion Cymru cyn dechrau neu gyflawni prosiect sylweddol.

Barnau cwmpasu

9.—(1) Ar ôl cael penderfyniad sgrinio bod prosiect yn brosiect sylweddol, ond cyn gwneud cais am gydsyniad, caiff y ceisydd ofyn i Weinidogion Cymru roi eu barn ar ba wybodaeth y mae'n rhaid ei chynnwys yn y datganiad amgylcheddol (“barn gwmpasu”).

(2) Os yw'r ceisydd yn gofyn am farn gwmpasu, rhaid i Weinidogion Cymru ymgynghori â'r ceisydd ac unrhyw rai o'r cyrff ymgynghori sy'n briodol yn eu barn hwy, cyn rhoi eu barn.

PART 3

Consent

Requirement for consent

8. The consent of the Welsh Ministers must be obtained before a person commences or carries out a significant project.

Scoping opinions

9.—(1) After receiving a screening decision that a project is a significant project, but before applying for consent, the applicant may ask the Welsh Ministers to provide their opinion on what information must be included in an environmental statement (“a scoping opinion”).

(2) If the applicant requests a scoping opinion, the Welsh Ministers must consult the applicant and such of the consultation bodies as they think fit before providing their opinion.

(3) Os yw Gweinidogion Cymru yn ystyried nad oes ganddynt ddigon o wybodaeth i roi barn gwmpasu, cânt ofyn i'r ceisydd ddarparu unrhyw wybodaeth ychwanegol y mae arnynt ei hangen o fewn 28 o ddiwrnodau i'r dyddiad y bydd Gweinidogion Cymru yn cael y ceisiad am y farn gwmpasu.

(4) Rhaid i Weinidogion Cymru roi'r farn gwmpasu i'r ceisydd o fewn 5 wythnos—

- (a) i'r dyddiad y cawsant y farn gwmpasu; neu
- (b) pan fo'n gymwys, i'r dyddiad y cawsant yr wybodaeth ychwanegol o dan baragraff (3).

Darparu gwybodaeth

10.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) os yw Gweinidogion Cymru yn ymgynghori â chorff ymgynghori o dan reoliad 9(2); neu
- (b) os yw corff ymgynghori yn cael ceisiad am wybodaeth gan berson sy'n bwriadu gwneud cais am gydsyniad.

(2) Pan fo'r rheoliad hwn yn gymwys, rhaid i'r corff ymgynghori—

- (a) penderfynu a oes ganddo yn ei feddiant unrhyw wybodaeth y mae'n ystyried ei fod yn berthnasol i lunio'r datganiad amgylcheddol; a
- (b) yn ddarostyngedig i baragraffau (3) a (4), sicrhau bod yr wybodaeth honno ar gael i Weinidogion Cymru neu'r ceisydd o fewn 28 o ddiwrnodau i ddyddiad yr ymgynghoriad neu'r ceisiad, pa un bynnag sydd gynharaf.

(3) Caiff corff ymgynghori godi ffi resymol ar y ceisydd am ddarparu gwybodaeth o dan baragraff (2)(b), i adlewyrchu'r gost o drefnu bod yr wybodaeth berthnasol ar gael.

(4) Nid yw paragraff (2)(b) yn ei gwneud yn ofynnol i gorrff ymgynghori ryddhau i'r ceisydd unrhyw wybodaeth—

- (a) y caiff wrthod ei datgelu o dan reoliad 12(1) o Reoliadau Gwybodaeth Amgylcheddol 2004(1); neu
- (b) y'i rhwystrir rhag ei datgelu gan reoliad 13(1) o'r Rheoliadau hynny.

(5) Os nad yw corff ymgynghori yn awdurdod cyhoeddus o fewn ystyr "*public authority*" yn rheoliad 2(2) o Reoliadau Gwybodaeth Amgylcheddol 2004, mae paragraff (4) yn gymwys fel pe bai'n awdurdod cyhoeddus o'r fath.

(3) If the Welsh Ministers consider that they do not have sufficient information to provide a scoping opinion, they may ask the applicant to supply any additional information they require within 28 days of the date on which the Welsh Ministers receive the request for the scoping opinion.

(4) The Welsh Ministers must provide the applicant with the scoping opinion within five weeks of—

- (a) the date they received the scoping opinion; or
- (b) where applicable, the date they received the additional information under paragraph (3).

Provision of information

10.—(1) This regulation applies if a consultation body—

- (a) is consulted by the Welsh Ministers under regulation 9(2); or
- (b) receives a request for information from a person who intends to apply for consent.

(2) Where this regulation applies, the consultation body must—

- (a) determine whether it has in its possession any information it considers relevant to the preparation of the environmental statement; and
- (b) subject to paragraphs (3) and (4), make that information available to the Welsh Ministers or the applicant within 28 days from the date of the consultation or the request, whichever is the earliest.

(3) A consultation body may make a reasonable charge to the applicant for providing information under paragraph (2)(b), to reflect the cost of making the relevant information available.

(4) Paragraph (2)(b) does not require a consultation body to make available to the applicant any information which—

- (a) it may refuse to disclose under regulation 12(1) of the Environmental Information Regulations 2004(1); or
- (b) it is prevented from disclosing by regulation 13(1) of those Regulations.

(5) If a consultation body is not a public authority within the meaning of regulation 2(2) of the Environmental Information Regulations 2004, paragraph (4) applies as if it were such a public authority.

(1) O.S. 2004/3391.

(1) S.I. 2004/3391.

Y cais am gydsyniad a'r datganiad amgylcheddol

11.—(1) Rhaid i gais am gydsyniad—

- (a) cynnwys datganiad amgylcheddol; a
- (b) cael ei wneud i Weinidogion Cymru.

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

- (a) disgrifiad o'r prosiect, sef gwybodaeth ynghylch y safle, y dyluniad, maint y prosiect a'i nodweddion perthnasol eraill;
- (b) disgrifiad o effeithiau sylweddol tebygol y prosiect ar yr amgylchedd;
- (c) disgrifiad o nodweddion y prosiect a/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, sy'n berthnasol i'r prosiect a'i nodweddion penodol, a mynegiad o'r prif resymau dros y dewis a wnaed, gan ystyried effeithiau sylweddol y prosiect ar yr amgylchedd;
- (e) crynodeb annhechnegol o'r wybodaeth y cyfeirir ati yn is-baragraffau (a) i (d); ac
- (f) unrhyw wybodaeth ychwanegol a bennir yn Atodlen 3 sy'n berthnasol i nodweddion penodol y prosiect penodol neu'r math o brosiect ac i'r nodweddion amgylcheddol sy'n debygol o gael eu heffeithio'n sylweddol.

(3) Rhaid i'r datganiad amgylcheddol—

- (a) cael ei lunio ar ran y ceisydd gan bersonau sydd, ym marn Gweinidogion Cymru, 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 wedi ei dyroddi yn unol â rheoliad 9, fod yn seiliedig ar y farn gwmpasu ddiweddaraf a ddyroddwyd (i'r graddau y mae'r prosiect yn parhau i fod yr un prosiect yn ei hanfod â'r prosiect a fu'n destun y farn honno);
- (d) cynnwys yr wybodaeth sy'n rhesymol ofynnol ar gyfer dod i gasgliad rhesymedig ynghylch effeithiau sylweddol y prosiect ar yr amgylchedd, gan roi sylw i'r wybodaeth gyfredol a'r dulliau asesu cyfredol; ac

The consent application and environmental statement

11.—(1) An application for consent must—

- (a) include an environmental statement; and
- (b) be made to the Welsh Ministers.

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

- (a) a description of the project comprising information on the site, design, size and other relevant features of the project;
- (b) a description of the likely significant effects of the project on the environment;
- (c) a description of features of the project and/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, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the significant effects of the project 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 3 relevant to the specific characteristics of the particular project or type of project and to the environmental features likely to be significantly affected.

(3) The environmental statement must—

- (a) be prepared on behalf of the applicant by persons who, in the opinion of the Welsh Ministers, 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 has been issued in accordance with regulation 9, be based on the most recent scoping opinion issued (so far as the project remains materially the same as the project which was the subject of that opinion);
- (d) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment; and

- (e) rhoi sylw i'r canlyniadau sydd ar gael o asesiadau amgylcheddol perthnasol eraill sy'n ofynnol o dan ddeddfwriaeth yr UE neu unrhyw ddarpariaeth arall mewn deddfwriaeth ddomestig, gyda'r nod o osgoi dyblygu asesiadau.

(4) Ar ôl cael y cais am gydsyniad, rhaid i Weinidogion Cymru—

- (a) anfon copi o'r cais i unrhyw un neu ragor o'r cyrff ymgynghori sy'n briodol yn eu barn hwy, a'u hysbysu y cânt gyflwyno sylwadau o fewn 6 wythnos i'r dyddiad y cawsant y cais; a
- (b) cyhoeddi, mewn papur newydd sy'n cylchredeg yn ardal leol y tir perthnasol ac ar wefan Llywodraeth Cymru, hysbysiad—
 - (i) yn datgan bod y cais wedi ei wneud;
 - (ii) yn pennu cyfeiriad lle gellir gweld copïau o'r cais yn rhad ac am ddim, a lle caniateir i gopïau o'r cais gael eu gwneud (y caniateir i ffi resymol gael ei chodi amdanynt), ar bob adeg resymol am 6 wythnos o'r dyddiad y cyhoeddir yr hysbysiad;
 - (iii) yn datgan y caiff sylwadau ar effeithiau amgylcheddol tebygol y prosiect eu cyflwyno yn ysgrifenedig i Weinidogion Cymru yn y cyfeiriad a bennir o dan baragraff (ii) am gyfnod o 6 wythnos gan ddechrau â'r dyddiad y cyhoeddir yr hysbysiad;
 - (iv) yn datgan, os rhoddir cydsyniad, y bydd yn ddarostyngedig i'r amodau yn rheoliad 17(2), ac i unrhyw amodau eraill sy'n briodol ym marn Gweinidogion Cymru; a
 - (v) yn datgan, pan fo'n berthnasol, pa un o Wladwriaethau'r AEE, aelodau'r cyhoedd y mae a wnelo'r cais â hwy yn y Wladwriaeth AEE honno, a'r cyrff ymgynghori yr ymgynghorir â hwy ynglŷn â'r cais.

Gwybodaeth ychwanegol

12.—(1) Os bydd Gweinidogion Cymru, ar ôl cydymffurfio â rheoliad 11(4), yn penderfynu y dylai datganiad, a gynhwyswyd gyda chais am gydsyniad, sy'n honni ei fod yn ddatganiad amgylcheddol, gynnwys gwybodaeth ychwanegol er mwyn bod yn ddatganiad amgylcheddol, rhaid i Weinidogion Cymru hysbysu'r ceisydd am yr wybodaeth ychwanegol sy'n ofynnol, a rhaid i'r ceisydd ddarparu'r wybodaeth honno i Weinidogion Cymru o fewn 28 o ddiwrnodau o gael y fath hysbysiad (“gwybodaeth amgylcheddol ychwanegol”).

- (e) take into account the available results of other relevant environmental assessments required under EU legislation or any other provision of domestic legislation, with a view to avoiding duplication of assessment.

(4) After receiving the application for consent, the Welsh Ministers must—

- (a) send a copy of the application to any of the consultation bodies they consider appropriate and inform them that they may make representations within 6 weeks of the date on which they receive the application; and
- (b) publish in a newspaper circulating in the locality of the relevant land and on the Welsh Government website, a notice—
 - (i) stating that the application has been made;
 - (ii) specifying an address at which copies of the application can be inspected free of charge and where copies of the application may be taken (for which a reasonable charge may be made), at all reasonable hours for 6 weeks from the date on which the notice is published;
 - (iii) stating that representations on the likely environmental effects of the project may be made in writing to the Welsh Ministers at the address specified under paragraph (ii) for a period of 6 weeks beginning with the date on which the notice is published;
 - (iv) stating that, if consent is granted, it will be subject to the conditions in regulation 17(2) and any other conditions that the Welsh Ministers think fit; and
 - (v) stating, where relevant, which of the EEA States, the public concerned in the EEA State, and the consultation bodies will be consulted on the application.

Additional information

12.—(1) If, after complying with regulation 11(4), the Welsh Ministers decide that a statement included with an application for consent, which purports to be an environmental statement, should contain additional information in order to be an environmental statement, the Welsh Ministers must notify the applicant of the additional information required and the applicant must provide the Welsh Ministers with that information within 28 days of being so notified (“additional environmental information”).

(2) Rhaid i Weinidogion Cymru—

- (a) anfon copi o'r wybodaeth amgylcheddol ychwanegol i unrhyw rai o'r cyrff ymgynghori y maent yn ystyried sy'n briodol, a
- (b) hysbysu'r cyrff ymgynghori y cânt gyflwyno sylwadau o fewn 28 o ddiwrnodau i'r dyddiad y daw'r wybodaeth ychwanegol i'w llaw.

(3) Rhaid i Weinidogion Cymru gyhoeddi, mewn papur newydd sy'n cylchredeg yn ardal leol y tir perthnasol ac ar wefan Llywodraeth Cymru, hysbysiad—

- (a) yn cyfeirio at y cais y mae'r wybodaeth amgylcheddol ychwanegol yn ymwneud ag ef a'r dyddiad y gwnaed y cais;
- (b) yn datgan bod yr wybodaeth amgylcheddol ychwanegol wedi dod i law;
- (c) yn pennu cyfeiriad lle gellir gweld copïau o'r wybodaeth amgylcheddol ychwanegol yn rhad ac am ddim, a lle caniateir i gopïau o'r cais gael eu gwneud (ac y caniateir i ffi resymol gael ei chodi amdanynt) ar bob adeg resymol am 28 o ddiwrnodau o'r dyddiad y cyhoeddir yr hysbysiad; a
- (d) yn datgan y caniateir i sylwadau mewn perthynas â'r wybodaeth amgylcheddol ychwanegol gael eu cyflwyno yn ysgrifenedig i Weinidogion Cymru yn y cyfeiriad a bennir o dan is-baragraff (c) am gyfnod o 28 o ddiwrnodau yn dechrau â'r dyddiad y cyhoeddir yr hysbysiad.

Y weithdrefn pan allai prosiect sylweddol yng Nghymru effeithio ar Wladwriaeth AEE arall

13.—(1) Cyn gynted â phosibl ar ôl cael cais am gydsyniad ar gyfer prosiect sylweddol, rhaid i Weinidogion Cymru ystyried a yw'r prosiect hwnnw hefyd yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall.

(2) Os yw Gweinidogion Cymru yn ystyried bod prosiect yn debygol o gael effeithiau sylweddol yn unol â pharagraff (1), neu os yw Gwladwriaeth AEE y mae'r prosiect yn debygol o gael effeithiau sylweddol arni yn gofyn am hynny, rhaid i Weinidogion Cymru anfon i'r Wladwriaeth AEE honno—

- (a) manylion natur a lleoliad y prosiect sylweddol;

(2) The Welsh Ministers must—

- (a) send a copy of the additional environmental information to such of the consultation bodies as they consider appropriate, and
- (b) inform the consultation bodies that they may make representations within 28 days of the date they receive the additional information.

(3) The Welsh Ministers must publish in a newspaper circulating in the locality of the relevant land and on the Welsh Government website, a notice—

- (a) referring to the application to which the additional environmental information relates and the date on which the application was made;
- (b) stating that the additional environmental information has been received;
- (c) specifying an address at which copies of the additional environmental information can be inspected free of charge and where copies of the application may be taken (for which a reasonable charge may be made) at all reasonable hours for 28 days from the date on which the notice is published; and
- (d) stating that representations in relation to the additional environmental information may be made in writing to the Welsh Ministers at the address specified under sub-paragraph (c) for a period of 28 days beginning with the date on which the notice was published.

Procedure where a significant project in Wales may affect another EEA State

13.—(1) As soon as possible after receiving an application for consent for a significant project, the Welsh Ministers must consider whether that project is also likely to have significant effects on the environment in another EEA State.

(2) If the Welsh Ministers consider that a project is likely to have significant effects in accordance with paragraph (1), or an EEA State likely to be significantly affected requests, the Welsh Ministers must send to that EEA State—

- (a) details of the nature and location of the significant project;

- (b) unrhyw wybodaeth sydd gan Weinidogion Cymru am yr effaith y mae'r prosiect yn debygol o gael ar y Wladwriaeth AEE honno;
- (c) mynegiad ynghylch a yw Gweinidogion Cymru o blaid rhoi cydsyniad ar gyfer y prosiect a'r amodau tebygol y bydd y cydsyniad yn ddarostyngedig iddynt; a
- (d) ceisiad bod y Wladwriaeth AEE yn rhoi mynegiad, o fewn amserlen resymol a bennir gan Weinidogion Cymru, pa un a yw'n dymuno cymryd rhan yn y weithdrefn o dan y Rheoliadau hyn.

(3) Os yw Gwladwriaeth AEE yn mynegi ei bod yn dymuno cymryd rhan yn y weithdrefn o dan y Rheoliadau hyn, rhaid i Weinidogion Cymru ddarparu'r canlynol i'r Wladwriaeth AEE honno—

- (a) copi o'r cais am gydsyniad, y datganiad amgylcheddol ac unrhyw wybodaeth bellach y maent yn ystyried ei bod yn berthnasol i'r cais; a
- (b) gwybodaeth am y weithdrefn o dan y Rheoliadau hyn.

(4) Yn unol ag Erthygl 6 o'r Gyfarwyddeb AEA, rhaid i Weinidogion Cymru—

- (a) trefnu bod y dogfennau a'r wybodaeth ym mharagraffau (2) a (3) ar gael i'r awdurdodau y cyfeirir atynt yn Erthygl 6(1) o'r Gyfarwyddeb AEA ac aelodau'r cyhoedd y mae a wnelo'r cais â hwy yn nhiriogaeth y Wladwriaeth AEE; a
- (b) sicrhau bod yr awdurdodau hynny ac aelodau'r cyhoedd y mae a wnelo'r cais â hwy yn cael cyfle i anfon at Weinidogion Cymru eu barn ar yr wybodaeth a'r dogfennau a ddarparwyd, o fewn cyfnod rhesymol cyn gwneud penderfyniad ynghylch rhoi cydsyniad.

(5) Yn unol ag Erthygl 7(4) o'r Gyfarwyddeb AEA, rhaid i Weinidogion Cymru—

- (a) dechrau ymgynghori â'r Wladwriaeth AEE y mae a wnelo'r cais â hi ynghylch, ymhlith pethau eraill, effeithiau sylweddol posibl y prosiect ar amgylchedd y Wladwriaeth honno a'r mesurau a ragwelir i leihau neu ddileu'r effeithiau hynny; a
- (b) ceisio cytuno gyda'r Wladwriaeth AEE y mae a wnelo'r cais â hi ar amserlen resymol ar gyfer yr ymgynghori hwnnw, y mae'n rhaid iddi gynnwys amser i ystyried unrhyw farnau sy'n dod i law o dan baragraff (4)(b).

- (b) any information the Welsh Ministers have on the impact the project is likely to have on that EEA State;
- (c) an indication of whether the Welsh Ministers are minded to grant consent for the project and the likely conditions attached to the consent; and
- (d) a request that the EEA State indicate, within a reasonable timeframe set by the Welsh Ministers, whether it wishes to participate in the procedure under these Regulations.

(3) If an EEA State indicates that it wishes to participate in the procedure under these Regulations, the Welsh Ministers must provide that EEA State with—

- (a) a copy of the application for consent, the environmental statement and any further information they consider relevant to the application; and
- (b) information on the procedure under these Regulations.

(4) In accordance with Article 6 of the EIA Directive, the Welsh Ministers must—

- (a) arrange for the documents and information in paragraphs (2) and (3) to be made available to the authorities referred to in Article 6(1) of the EIA Directive and the public concerned in the territory of the EEA State; and
- (b) ensure that those authorities and the public concerned are given an opportunity to provide the Welsh Ministers with their opinion on the information and documents supplied, within a reasonable time prior to a decision for consent being taken.

(5) In accordance with Article 7(4) of the EIA Directive, the Welsh Ministers must—

- (a) enter into consultations with the EEA State concerned about, amongst other things, the potential significant effects of the project on the environment of that State and the measures envisaged to reduce or eliminate those effects; and
- (b) seek to agree with the EEA State concerned, a reasonable timeframe for those consultations, which must include time for consideration of any opinions received under paragraph (4)(b).

Y weithdrefn pan allai prosiect sylweddol mewn Gwladwriaeth AEE arall effeithio ar Gymru

14.—(1) Os yw Gweinidogion Cymru yn cael oddi wrth Wladwriaeth AEE arall wybodaeth a ryddhawyd yn unol ag Erthygl 7(1) o'r Gyfarwyddeb AEA mewn perthynas â phrosiect sylweddol yn y Wladwriaeth AEE honno, cyn y gwneir penderfyniad ar roi cydsyniad, rhaid i Weinidogion Cymru—

- (a) trefnu i'r wybodaeth honno gael ei rhyddhau, o fewn cyfnod rhesymol, i'r cyrff ymgynghori ac unrhyw aelodau o'r cyhoedd y mae'r prosiect yn debygol o fod a wnelo â hwy;
- (b) sicrhau bod y cyrff ymgynghori a'r aelodau o'r cyhoedd y cyfeirir atynt yn is-baragraff (a) yn cael cyfle i anfon eu barn ar yr wybodaeth a ddarparwyd o fewn y cyfnod y cytunir arno o dan baragraff (2)(b).

(2) Yn unol ag Erthygl 7(4) o'r Gyfarwyddeb AEA, rhaid i Weinidogion Cymru—

- (a) dechrau ymgynghori â'r Wladwriaeth AEE y mae a wnelo'r cais â hi ynghylch effeithiau sylweddol posibl y prosiect ar yr amgylchedd yng Nghymru a'r mesurau a ragwelir i leihau neu ddileu'r effeithiau hynny; a
- (b) ceisio cytuno gyda'r Wladwriaeth AEE, cyn y gwneir penderfyniad ynghylch cydsyniad, ar gyfnod rhesymol pryd y gellir anfon unrhyw farnau a geir o dan baragraff (1)(b) ymlaen at y Wladwriaeth AEE honno.

(3) Os yw Gwladwriaeth AEE arall wedi gwneud penderfyniad i roi neu i wrthod cydsyniad a'i bod wedi hysbysu Gweinidogion Cymru am y penderfyniad hwnnw, rhaid i Weinidogion Cymru ddwyn at sylw'r cyhoedd yr wybodaeth a gafwyd oddi wrth y Wladwriaeth AEE honno mewn perthynas â'r penderfyniad hwnnw.

Y penderfyniad cydsynio

15.—(1) Wrth benderfynu a ddylid rhoi cydsyniad ar gyfer prosiect sylweddol, rhaid i Weinidogion Cymru ystyried—

- (a) y datganiad amgylcheddol;
- (b) unrhyw wybodaeth amgylcheddol ychwanegol;
- (c) unrhyw sylwadau a ddaw i'w llaw o dan—
 - (i) rheoliad 11(4)(a);
 - (ii) rheoliad 12(2)(b) a (3)(d); neu
 - (iii) rheoliad 13(4)(b); a

Procedure where a significant project in another EEA State may affect Wales

14.—(1) If the Welsh Ministers receive information from another EEA State made available in accordance with Article 7(1) of the EIA Directive in relation to a significant project in that EEA State, prior to a decision on consent being made, the Welsh Ministers must—

- (a) make that information available, within a reasonable time, to the consultation bodies and members of the public which are likely to be concerned by the project;
- (b) provide the consultation bodies and members of the public referred to in sub-paragraph (a) with the opportunity to submit their opinion on the information provided within the period agreed under paragraph (2)(b).

(2) In accordance with Article 7(4) of the EIA Directive, the Welsh Ministers must—

- (a) enter into a consultation, together with the EEA State concerned, regarding the potential significant effects of the project on the environment in Wales and the measures envisaged to reduce or eliminate those effects; and
- (b) seek to agree with the EEA State a reasonable period, before a consent decision is made, during which opinions under paragraph (1)(b) can be forwarded to that EEA State.

(3) If another EEA State has taken a decision to grant or refuse consent and has informed the Welsh Ministers of that decision, the Welsh Ministers must bring the information received from the EEA State in relation to that decision to the attention of the public.

The consent decision

15.—(1) When deciding whether to grant consent for a significant project, the Welsh Ministers must consider—

- (a) the environmental statement;
- (b) any additional environmental information;
- (c) any representations they receive under—
 - (i) regulation 11(4)(a);
 - (ii) regulation 12(2)(b) and (3)(d); or
 - (iii) regulation 13(4)(b); and

- (d) unrhyw effeithiau cymdeithasol neu economaidd a allai ddeillio o benderfyniad i wrthod cydsyniad ar gyfer y prosiect.

(2) Ni chaiff Gweinidogion Cymru ddod i benderfyniad o dan baragraff (1) tan y diweddraf o'r canlynol—

- (a) pan ddaw'r cyfnod yn yr hysbysiad o dan reoliad 11(4)(b)(iii) i ben;
- (b) pan ddaw'r cyfnod o 28 o ddiwrnodau ar ôl y dyddiad yr anfonwyd unrhyw wybodaeth amgylcheddol ychwanegol i'r cyrff ymgynghori yn unol â rheoliad 12(2)(b) i ben;
- (c) pan ddaw'r cyfnod o 28 o ddiwrnodau ar ôl y dyddiad y cyhoeddwyd yr hysbysiad o dan reoliad 12(3) i ben; a
- (d) pan ddaw unrhyw gyfnod y cytunir arno gyda Gwladwriaeth AEE arall o dan reoliad 13(5)(b) i ben,

p'un bynnag yw'r diweddraf.

Gofynion ychwanegol sy'n ymwneud â'r Rheoliadau Cynefinoedd

16.—(1) Rhaid i Weinidogion Cymru beidio â rhoi cydsyniad ar gyfer prosiect a fyddai'n anghyfreithlon o dan reoliadau 41, 43 neu 45 o'r Rheoliadau Cynefinoedd.

(2) Ond nid yw hynny'n cynnwys unrhyw beth y rhoddwyd trwydded ar ei gyfer o dan reoliad 53 o'r Rheoliadau Cynefinoedd.

(3) Mae paragraffau (4) i (7) yn gymwys pan fo Gweinidogion Cymru yn penderfynu pa un ai i roi cydsyniad ar gyfer prosiect sy'n debygol o gael effaith sylweddol ar safle Ewropeaidd, pa un ai ar ei ben ei hun neu ar y cyd â phrosiect arall (y cyfeirir ato yn y paragraffau hynny fel "y prosiect").

(4) Caiff Gweinidogion Cymru ond rhoi cydsyniad ar gyfer prosiect os ydynt wedi ystyried goblygiadau'r prosiect i'r safle Ewropeaidd (gan gynnwys asesiad priodol o'r goblygiadau gyda golwg ar amcanion cadwraeth y safle hwnnw) a'u bod wedi eu bodloni na fydd y prosiect yn effeithio'n andwyol ar gyfanrwydd y safle, oni bai bod paragraff (5) yn gymwys.

(5) Os yw Gweinidogion Cymru wedi eu bodloni bod rhaid i'r prosiect gael ei gyflawni am resymau hanfodol, sef bod hynny er budd cyhoeddus tra phwysig (a all, yn ddarostyngedig i baragraff (6), fod o natur cymdeithasol neu economaidd) ac nad oes unrhyw ddatrysiad amgen, cânt roi cydsyniad ar gyfer y prosiect er bod yr asesiad o'i oblygiadau o ran safle Ewropeaidd yn negyddol.

- (d) any social or economic impacts which might result from a decision to refuse consent for the project.

(2) The Welsh Ministers must not reach their decision under paragraph (1) until the latest of—

- (a) the expiry of the period in the notice under regulation 11(4)(b)(iii);
- (b) the expiry of the period of 28 days after the date on which any additional environmental information was sent to the consultation bodies in accordance with regulation 12(2)(b);
- (c) the expiry of the period of 28 days after the date the notice under regulation 12(3) was published; and
- (d) the expiry of any period agreed with another EEA State under regulation 13(5)(b),

whichever is the last to occur.

Additional requirements relating to the Habitats Regulations

16.—(1) The Welsh Ministers must not grant consent for a project which would be unlawful under regulations 41, 43 or 45 of the Habitats Regulations.

(2) But that does not include anything for which a licence has been granted under regulation 53 of the Habitats Regulations.

(3) Paragraphs (4) to (7) apply when the Welsh Ministers are deciding whether to grant consent for a project which is likely to have a significant effect on a European site, whether alone or in combination with another project (referred to in those paragraphs as "the project").

(4) The Welsh Ministers may only grant consent for a project if they have considered the implications of the project for the European site (including an appropriate assessment of the implications in the view of that site's conservation objectives) and are satisfied that the project will not adversely affect the integrity of the site, unless paragraph (5) applies.

(5) If the Welsh Ministers are satisfied that the project must be carried out for imperative reasons of overriding public interest (which may be of a social or economic nature, subject to paragraph (6)) and that there is no alternative solution, they may grant consent for the project even though the assessment of its implications for a European site is negative.

(6) Os yw'r safle Ewropeaidd yn lletya math o gynefin naturiol â blaenoriaeth neu rywogaeth â blaenoriaeth, rhaid i'r rhesymau ym mharagraff (5) fod naill ai—

- (a) yn rhesymau sy'n ymwneud ag iechyd dynol, diogelwch y cyhoedd neu ganlyniadau buddiol o'r pwys mwyaf i'r amgylchedd, neu
- (b) yn rhesymau eraill sydd, ym marn y Comisiwn Ewropeaidd, yn achos y safle dan sylw, yn rhesymau hanfodol, sef bod hynny er budd cyhoeddus tra phwysig.

(7) Os bydd Gweinidogion Cymru yn penderfynu rhoi cydsyniad ar gyfer prosiect yn unol â pharagraff (5), rhaid iddynt sicrhau bod unrhyw fesurau digolledu angenrheidiol yn cael eu cymryd i sicrhau bod cydlynid cyffredinol Natura 2000(1) yn cael ei ddiogelu.

Yr amodau cydsynio

17.—(1) Bydd cydsyniad a roddir yn unol â rheoliad 15 yn ddarostyngedig i—

- (a) yr amodau ym mharagraff (2); a
- (b) unrhyw amodau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

(2) Yr amodau sy'n ofynnol o dan baragraff (1)(a) yw—

- (a) bod y cydsyniad yn methu oni ddechreu y prosiect o fewn 1 flwyddyn i'r dyddiad y rhoddir y cydsyniad;
- (b) bod y cydsyniad yn dod i ben oni chwblheir y prosiect o fewn 3 blynedd i'r dyddiad y rhoddir y cydsyniad; ac
- (c) bod y cydsyniad ond yn awdurdodi'r prosiect a ddisgrifir yn y cais am gydsyniad yn unig, yn ddarostyngedig i unrhyw ddiwygiadau a gymeradwyir gan Weiniidogion Cymru yn unol â pharagraff (4).

(3) Ar ôl i gydsyniad ddod i ben yn unol â pharagraff (2)(b), caiff Gweinidogion Cymru ei gwneud yn ofynnol i gais pellach am gydsyniad yn unol â pharagraff (5) gael ei wneud mewn cysylltiad ag unrhyw weithrediadau pellach neu ddefnyddiau pellach sy'n rhan o'r prosiect.

(6) If the European site hosts a priority natural habitat type or a priority species, the reasons in paragraph (5) must be either—

- (a) reasons relating to human health, public safety or beneficial consequences or primary importance to the environment, or
- (b) other reasons which in the opinion of the European Commission are, in the case of the site concerned, imperative reasons of overriding public interest.

(7) If the Welsh Ministers decide to grant consent for a project in accordance with paragraph (5), they must secure any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000(1) is protected.

Conditions of consent

17.—(1) Consent granted in accordance with regulation 15 will be subject to—

- (a) the conditions in paragraph (2); and
- (b) any other conditions the Welsh Ministers consider appropriate.

(2) The conditions required by paragraph (1)(a) are—

- (a) the consent lapses if the project not been commenced within 1 year of the date on which the consent was granted;
- (b) the consent expires if the project is not completed within 3 years of the date on which the consent was granted; and
- (c) the consent only authorises the project described in the consent application, subject to any amendments approved by the Welsh Ministers in accordance with paragraph (4).

(3) After the expiry of a consent in accordance with paragraph (2)(b), the Welsh Ministers may require a further application for consent in accordance with paragraph (5) in respect of any further operations or uses forming part of the project.

(1) *Gweler* rheoliad 3(1) o'r Rheoliadau Cynefinoedd am y diffiniad o "Natura 2000".

(1) *See* regulation 3(1) of the Habitats Regulations for the definition of "Natura 2000".

(4) Caiff Gweinidogion Cymru gymeradwyo unrhyw ddiwygiadau i'r cydsyniad pan fo ceisydd yn gofyn amdanynt, ond bydd yn ofynnol gwneud cais pellach am gydsyniad yn unol â pharagraff (5) i wneud unrhyw newid sylweddol i'r gweithrediadau awdurdodedig neu i'r defnyddiau awdurdodedig.

(5) Caniateir i geisiadau pellach am gydsyniad o dan baragraffau (3) a (4) fod yn ddarostyngedig i unrhyw un neu ragor o'r gofynion yn y Rheoliadau hyn y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

(6) Yn y rheoliad hwn, mae prosiect wedi ei—

“dechrau” (“*commenced*”) pan fo gweithred sylweddol wedi ei chyflawni mewn cysylltiad ag unrhyw un neu ragor o'r gwaith neu'r gweithiau a ganiateir gan y cydsyniad; a

“wedi ei gwblhau” (“*completed*”) pan fydd yr holl waith a ganiateir o dan y cydsyniad wedi ei gyflawni a bod yr holl newidiadau yn y defnydd o'r tir perthnasol, neu yn lefel y defnydd hwnnw, wedi eu rhoi ar waith.

Y weithdrefn yn dilyn penderfyniad cydsynio

18. Ar ôl i Weinidogion Cymru wneud penderfyniad cydsynio mewn cysylltiad â phrosiect, rhaid iddynt—

- (a) hysbysu'r ceisydd, unrhyw gyrff ymgynghori yr anfonwyd copiâu o'r cais am gydsyniad atynt o dan reoliad 11(4)(a), unrhyw Wladwriaeth AEE a hysbyswyd o dan reoliad 13(2) ac unrhyw awdurdod neu berson a gyflwynodd farn o dan reoliad 13(4)(b), am—
 - (i) eu penderfyniad;
 - (ii) y rhesymau dros y penderfyniad;
 - (iii) unrhyw sylwadau a gyflwynwyd gan y cyhoedd;
- (b) cyhoeddi hysbysiad mewn papur newydd yn yr ardal leol y mae'r tir perthnasol wedi ei leoli ynddi neu drwy unrhyw ddulliau eraill y maent yn ystyried eu bod yn rhesymol o dan yr amgylchiadau; ac
- (c) sicrhau bod datganiad ar gael i'w weld gan y cyhoedd sy'n cynnwys y canlynol—
 - (i) y penderfyniad;
 - (ii) y rhesymau dros y penderfyniad;
 - (iii) disgrifiad o'r prif fesurau y mae'n rhaid eu cymryd er mwyn osgoi, lleihau neu wrthbwyso effeithiau andwyol sylweddol y prosiect;
 - (iv) crynodeb o unrhyw sylwadau a gyflwynwyd gan y cyhoedd; a

(4) The Welsh Ministers may approve any amendments to the consent at the request of an applicant, but any material change in the authorised operations or uses requires a further application for consent in accordance with paragraph (5).

(5) Further applications for consent under paragraphs (3) and (4) may be subject to any requirement of these Regulations that the Welsh Ministers consider appropriate.

(6) In this regulation, a project has been—

“commenced” (“*dechrau*”) when a material act has been carried out in respect of any of the works permitted by the consent; and

“completed” (“*wedi ei gwblhau*”) when all works permitted by the consent have been carried out and all changes in use, or the level of use, of the relevant land have been implemented.

Procedure following a consent decision

18. After the Welsh Ministers have made a consent decision in respect of a project, they must—

- (a) notify the applicant, any consultation body to whom copies of the consent application were sent under regulation 11(4)(a), any EEA State notified under regulation 13(2) and any authority or person who submitted an opinion under regulation 13(4)(b), of—
 - (i) their decision;
 - (ii) the reasons for the decision;
 - (iii) any representations made by the public;
- (b) publish a notice in a newspaper in the locality where the relevant land is situated or by any other means they consider reasonable in the circumstances; and
- (c) make a statement available for public inspection that contains—
 - (i) the decision;
 - (ii) the reasons for the decision;
 - (iii) a description of the principal measures that must be taken to avoid, reduce or offset any major adverse effects of the project;
 - (iv) a summary of any representations made by the public; and

- (v) gwybodaeth ynghylch yr hawl i herio'r penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.

- (v) information regarding the right to challenge the decision and procedures for doing so.

Prosiectau trawsffiniol

19.—(1) Yn achos prosiect trawsffiniol pan fo'r rhan fwyaf o'r tir perthnasol wedi ei leoli yng Nghymru, rhaid i Weinidogion Cymru ymgynghori â'r Ysgrifennydd Gwladol cyn—

- (a) gwneud penderfyniad sgrinio o dan reoliad 7;
- (b) rhoi barn gwmpasu o dan reoliad 9; neu
- (c) rhoi neu wrthod cydsyniad o dan reoliad 15.

(2) Yn achos prosiect trawsffiniol pan fo'r rhan fwyaf o'r tir perthnasol wedi ei leoli yn Lloegr, yr unig Reoliadau y bydd y prosiect hwnnw'n ddarostyngedig iddynt yw'r Rheoliadau sy'n gymwys i'r prosiect yn Lloegr, ac eithrio pan gytunir fel arall o dan baragraff (4).

(3) Yn achos cais mewn cysylltiad â phrosiect trawsffiniol y byddai'r Rheoliadau hyn fel arall yn gymwys iddynt, os bydd yr Ysgrifennydd Gwladol yn gofyn am hynny, caiff Gweinidogion Cymru gytuno i'r cais fod yn ddarostyngedig i'r Rheoliadau sy'n gymwys i'r prosiect yn Lloegr yn unig.

(4) Os bydd Gweinidogion Cymru yn gofyn am hynny, a bod yr Ysgrifennydd Gwladol yn cytuno, bydd prosiect trawsffiniol y byddai paragraff (2) yn gymwys iddo fel arall yn ddarostyngedig i'r Rheoliadau hyn yn unig.

Adolygiad o benderfyniadau a chydsyniadau

20. Mae Atodlen 4 yn gymwys os, ar ôl dyddiad—

- (a) penderfyniad nad yw prosiect yn brosiect sylweddol, neu
- (b) penderfyniad i roi cydsyniad ar gyfer prosiect,

daw'r tir perthnasol yn safle Ewropeaidd a bod Gweinidogion Cymru yn ystyried y byddai cyflawni neu gwblhau (o fewn ystyr "wedi ei gwblhau" yn rheoliad 17(6)) y prosiect yn debygol o gael effaith sylweddol ar y safle hwnnw ac na fyddai'n uniongyrchol gysylltiedig â rheoli'r safle nac yn angenrheidiol i'w reoli.

Transborder projects

19.—(1) In the case of a transborder project where the greater part of the relevant land is situated in Wales, the Welsh Ministers must consult the Secretary of State before—

- (a) making a screening decision under regulation 7;
- (b) providing a scoping opinion under regulation 9; or
- (c) granting or refusing consent under regulation 15.

(2) In the case of a transborder project where the greater part of the relevant land is situated in England, that project will be subject solely to the Regulations applicable to the project in England, except where an agreement to the contrary has been reached under paragraph (4).

(3) In the case of an application in respect of a transborder project to which these Regulations would otherwise apply, if so requested by the Secretary of State, the Welsh Ministers may agree that the application should be subject solely to the Regulations applicable to the project in England.

(4) If the Welsh Ministers so request, and the Secretary of State agrees, a transborder project to which paragraph (2) would otherwise apply will be subject solely to these Regulations.

Review of decisions and consents

20. Schedule 4 applies if, after the date of—

- (a) a decision that a project is not a significant project, or
- (b) a decision to grant consent for a project,

the relevant land becomes a European site and the Welsh Ministers consider that the carrying out or completion (within the meaning of "completed" in regulation 17(6)) of the project would be likely to have a significant effect on that site and would not be directly connected with or necessary for the management of the site.

RHAN 4

Gorfodi

Trosedd cyflawni prosiect heb benderfyniad o dan y Rheoliadau hyn

21.—(1) Mae'n drosedd dechrau neu gyflawni prosiect ar dir lled-naturiol a/neu dir heb ei drin, neu ddechrau neu gyflawni prosiect ailstrwythuro, yn groes i reoliadau 4 neu 8.

(2) Mae person sy'n euog o drosedd o dan baragraff (1) yn agored, o'i euogfarnu'n ddiannod, i ddirwy.

(3) Mewn unrhyw achos cyfreithiol o dan y rheoliad hwn sy'n ymwneud â phrosiect ar dir lled-naturiol a/neu dir heb ei drin, tybir bod unrhyw ddarn o dir y mae'r erlyniad yn honni ei fod yn dir heb ei drin neu'n dir lled-naturiol yn dir heb ei drin neu'n dir lled-naturiol, ac os felly rhaid i'r erlyniad brofi y tu hwnt i amheuaeth resymol fod y tir yn dir heb ei drin neu'n dir lled-naturiol.

Trosedd cyflawni gwaith yn groes i amod

22.—(1) Mae'n drosedd cyflawni unrhyw weithgarwch yn groes i amod cydsyniad a roddir yn unol â'r Rheoliadau hyn.

(2) Mae person sy'n euog o drosedd o dan baragraff (1) yn agored, o'i euogfarnu'n ddiannod, i ddirwy.

Trosedd sicrhau penderfyniad drwy ddarparu gwybodaeth anwir

23.—(1) Mae'n drosedd i unrhyw berson sydd, at ddiben sicrhau penderfyniad penodol ar gais a wnaed o dan y Rheoliadau hyn—

(a) yn fwriadol neu'n ddi-hid yn gwneud datganiad sy'n anwir neu'n gamarweiniol mewn manylyn perthnasol,

(b) gyda'r bwriad o dwyllo, yn defnyddio unrhyw ddogfen sy'n ffug neu'n gamarweiniol mewn manylyn perthnasol, neu

(c) gyda'r bwriad o dwyllo, yn cadw gwybodaeth berthnasol yn ôl.

(2) Mae person sy'n euog o drosedd o dan baragraff (1) yn agored—

(a) o'i euogfarnu'n ddiannod, i ddirwy heb fod yn uwch na'r uchafswm statudol; neu

(b) o'i euogfarnu ar ddiad, i ddirwy.

PART 4

Enforcement

Offence of carrying out a project without a decision under these Regulations

21.—(1) It is an offence to commence or carry out a project on semi-natural and/or uncultivated land, or a restructuring project, in breach of regulation 4 or 8.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine.

(3) In any proceedings under this regulation which relate to a project on semi-natural and/or uncultivated land, any area of land which the prosecution alleges to be uncultivated or semi-natural land will be assumed to be uncultivated or semi-natural land, in which case the prosecution must prove beyond reasonable doubt that the land is uncultivated or semi-natural land.

Offence of carrying out work in contravention of a condition

22.—(1) It is an offence to carry out any activity in contravention of a condition of consent granted pursuant to these Regulations.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine.

Offence of procuring a decision by supplying false information

23.—(1) It is an offence for a person who, for the purpose of procuring a particular decision on an application made under these Regulations—

(a) knowingly or recklessly makes a statement which is false or misleading in a material particular,

(b) with intent to deceive, uses a document that is false or misleading in a material particular, or

(c) with intent to deceive, withholds material information.

(2) A person guilty of an offence under paragraph (1) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine.

Hysbysiadau stop

24.—(1) Os yw person wedi dechrau prosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro, yn groes i reoliad 4 neu 8, caiff Gweinidogion Cymru gyflwyno hysbysiad yn gwahardd ar unwaith y cyfan neu ran o'r gwaith (“hysbysiad stop”).

(2) Caiff Gweinidogion Cymru gyflwyno hysbysiad stop i unrhyw berson y mae'n ymddangos iddynt—

- (a) bod ganddo fuddiant yn y tir perthnasol; neu
- (b) ei fod yn cyflawni prosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro, yn groes i reoliad 4 neu 8.

Cosbau am fynd yn groes i hysbysiad stop

25.—(1) Mae'n drosedd i berson fynd yn groes i hysbysiad stop, neu beri neu ganiatáu i berson arall fynd yn groes i hysbysiad stop.

(2) Mae person sy'n euog o drosedd o dan baragraff (1) yn agored—

- (a) o'i euogfarnu'n ddiannod, i ddirwy heb fod yn uwch na'r uchafswm statudol; neu
- (b) o'i euogfarnu ar ddiad, i ddirwy.

Hysbysiadau adfer

26.—(1) Os yw person wedi cyflawni prosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro, yn groes i reoliadau 4 neu 8, caiff Gweinidogion Cymru gyflwyno hysbysiad i'r person y mae'n ymddangos iddynt ei fod yn gyfrifol (“hysbysiad adfer”).

(2) Caiff hysbysiad adfer ei gwneud yn ofynnol i'r person—

- (a) adfer y tir perthnasol, er boddhad Gweinidogion Cymru, i'r un cyflwr ag yr oedd cyn dechrau'r prosiect; neu
- (b) cymryd y fath gamau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol i adfer y tir i gyflwr amgylcheddol da neu i safon y mae Gweinidogion Cymru yn ystyried ei bod yn rhesymol o dan yr amgylchiadau.

(3) Rhaid i hysbysiad adfer ddatgan y cyfnod y mae gofynion yr hysbysiad i'w cyflawni o'i fewn.

(4) Caiff Gweinidogion Cymru, ar unrhyw adeg ar ôl dyroddi hysbysiad adfer—

- (a) diwygio telerau'r hysbysiad hwnnw;
- (b) estyn y cyfnod o dan baragraff (3); neu
- (c) terfynu'r hysbysiad hwnnw.

Stop notices

24.—(1) If a person has commenced a project on semi-natural and/or uncultivated land or a restructuring project, in breach of regulation 4 or 8, the Welsh Ministers may serve a notice prohibiting all or part of the work with immediate effect (“a stop notice”).

(2) The Welsh Ministers may serve a stop notice on any person who appears to—

- (a) have an interest in the relevant land; or
- (b) be engaged in a project on semi-natural and/or uncultivated land or a restructuring project, in breach of regulation 4 or 8.

Penalties for contravention of a stop notice

25.—(1) It is an offence for a person to contravene, or cause or permit another person to contravene, a stop notice.

(2) A person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

Remediation notices

26.—(1) If a person has carried out a project on semi-natural and/or uncultivated land or a restructuring project, in breach of regulation 4 or 8, the Welsh Ministers may serve a notice on the person who appears to them to be responsible (“a remediation notice”).

(2) A remediation notice may require the person—

- (a) to reinstate, to the Welsh Ministers' satisfaction, the relevant land to the condition it was in before the project was commenced; or
- (b) to take such other steps that the Welsh Ministers consider appropriate to return the land to good environmental condition or to a standard the Welsh Ministers consider reasonable in the circumstances.

(3) A remediation notice must state the period within which the requirements of the notice are to be completed.

(4) The Welsh Ministers may, at any time after issuing a remediation notice—

- (a) amend its terms;
- (b) extend the period under paragraph (3); or
- (c) terminate it.

Y gosb am fynd yn groes i hysbysiad adfer

27.—(1) Mae person sydd, heb esgus rhesymol, yn methu â chydymffurfio ag unrhyw un o ofynion hysbysiad adfer yn euog o drosedd.

(2) Mae person sy'n euog o drosedd o dan baragraff (1) yn agored, o'i euogfarnu'n ddiannod—

- (a) i ddirwy; a
- (b) os yw'r methiant i gydymffurfio yn parhau ar ôl dyddiad yr euogfarn, i ddirwy bellach nad yw'n fwy na £100 am bob diwrnod y mae'r methiant yn parhau.

Terfynau amser ar gyfer dwyn achosion cyfreithiol

28.—(1) Caniateir dwyn achosion cyfreithiol am drosedd o dan y Rheoliadau hyn o fewn y cyfnod o 6 mis o'r dyddiad y daeth tystiolaeth, a oedd yn ddigonol ym marn yr erlynydd i gyfiawnhau'r achos cyfreithiol, yn hysbys iddo.

(2) Ond ni chaniateir cychwyn unrhyw achos o'r fath yn rhinwedd paragraff (1) fwy na 2 flynedd ar ôl i'r drosedd gael ei chyflawni.

(3) At ddibenion y rheoliad hwn—

- (a) mae tystysgrif a lofnodwyd gan neu ar ran yr erlynydd ac sy'n datgan y dyddiad y cafodd wybod am dystiolaeth a oedd yn ddigonol yn ei farn ef i gyfiawnhau'r achos yn dystiolaeth ddigamsyniol o'r ffaith honno; a
- (b) bernir bod tystysgrif sy'n datgan y mater hwnnw ac sy'n honni ei bod wedi ei llofnodi felly yn dystysgrif sydd wedi ei llofnodi felly oni phrofir i'r gwrthwyneb.

Pwerau mynediad a phwerau diofyn

29.—(1) Caiff person a awdurdodir gan Weinidogion Cymru fynd ar unrhyw dir a'i arolygu, ar unrhyw adeg, at ddibenion—

- (a) canfod pa un a yw rheoliad 4 neu 8 wedi eu torri;
- (b) canfod pa un a oes trosedd o dan y Rheoliadau hyn wedi ei chyflawni mewn cysylltiad â'r tir hwnnw;
- (c) cyflwyno hysbysiad stop neu hysbysiad adfer mewn cysylltiad â'r tir hwnnw; neu
- (d) arfer swyddogaeth a restrir yn Atodlen 4.

(2) Caiff person a awdurdodir gan Weinidogion Cymru ac sydd â sail resymol dros amau bod person wedi cyflawni trosedd o dan reoliad 23—

- (a) cael mynediad i unrhyw fangre sydd, neu y credir ei bod, wedi ei meddiannu gan, neu wedi ei feddu gan, y person y credir ei fod yn gyfrifol am gyflawni'r drosedd; a

Penalty for contravening a remediation notice

27.—(1) A person who, without reasonable excuse, fails to comply with a requirement of a remediation notice is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction—

- (a) to a fine; and
- (b) if the failure to comply continues beyond the date of conviction, a further fine not exceeding £100 for every day the failure continues.

Time limits for bringing proceedings

28.—(1) Proceedings for an offence under these Regulations may be commenced within the period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(2) But no such proceedings may be commenced by virtue of paragraph (1) more than 2 years after the commission of the offence.

(3) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in the prosecutor's opinion to warrant the proceedings came to the prosecutor's knowledge is conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed, is deemed to be so signed unless the contrary is proved.

Powers of entry and default powers

29.—(1) A person authorised by the Welsh Ministers may, at any time, enter and inspect any land for the purpose of—

- (a) ascertaining whether regulation 4 or 8 has been breached;
- (b) ascertaining whether an offence under these Regulations has been committed in connection with that land;
- (c) serving a stop or remediation notice in respect of that land; or
- (d) exercising a function listed in Schedule 4.

(2) A person authorised by the Welsh Ministers who has reasonable grounds to suspect that a person has committed an offence under regulation 23 may—

- (a) enter any premises which are, or which are believed to be, occupied by, or in the possession of, the person believed to be responsible for committing an offence; and

(b) cymryd copïau o unrhyw gofnodion sy'n berthnasol i gyflawni'r drosedd a amheuir.

(3) Ond nid yw paragraff (2) yn gymwys i unrhyw fangre a ddefnyddir fel annedd breifat yn unig.

(4) Os nad oes unrhyw fesurau sy'n ofynnol gan hysbysiad adfer neu gan hysbysiad a gyflwynwyd o dan baragraff 5 o Atodlen 4 wedi eu cyflawni o fewn y cyfnod a bennir yn yr hysbysiad—

(a) caiff person a awdurdodir gan Weinidogion Cymru gael mynediad, ar adeg resymol, i'r tir y mae'r hysbysiad yn ymwneud ag ef a chyflawni'r mesurau hynny; a

(b) adennill yr holl dreuliau yr aed iddynt yn rhesymol wrth wneud hynny oddi wrth y person a enwir yn yr hysbysiad.

(5) At ddibenion canfod pa un a gyflawnwyd trosedd ar y tir neu mewn cysylltiad â'r tir, caiff person sy'n gweithredu yn unol â pharagraff (1) symud ymaith—

(a) samplau pridd;

(b) sbesimenau planhigion; neu

(c) samplau a gymerir o sbesimenau planhigion.

(6) Rhaid i berson a awdurdodir i gael mynediad i dir neu fangreoedd o dan y rheoliad hwn ddangos tystiolaeth ei fod wedi ei awdurdodi i gael mynediad i'r tir neu'r mangreoedd, os gofynnir iddo wneud hynny.

(7) Caiff person a awdurdodir i gael mynediad i dir neu fangreoedd o dan y rheoliad hwn ddod ag unrhyw bersonau eraill neu unrhyw gyfarpar y maent yn ystyried eu bod yn angenrheidiol gyda hwy.

(8) Rhaid i berson sy'n meddiannu tir neu fangre, neu sy'n meddu ar dir neu fangre, y mae person a awdurdodir o dan y rheoliad hwn wedi mynd arno neu arni, roi y fath gymorth y gall y person awdurdodedig hwnnw ofyn yn rhesymol amdano er mwyn ei alluogi i arfer unrhyw bŵer a roddir iddo gan y rheoliad hwn.

(9) Mae'n drosedd i berson—

(a) rhwystro neu atal yn fwriadol person sy'n gweithredu wrth arfer pŵer a roddir o dan y rheoliad hwn; neu

(b) methu â chydymffurfio, heb esgus rhesymol, â cheisiad a wnaed o dan baragraff (8).

(10) Mae person sy'n euog o drosedd o dan baragraff (9) yn agored, o'i euogfarnu'n ddiannod, i ddirwy.

(b) take copies of any records relevant to the commission of the suspected offence.

(3) But paragraph (2) does not apply to any premises used solely as a private dwelling.

(4) If any measures required by a remediation notice or by notice served under paragraph 5 of Schedule 4 have not been completed within the period specified in the notice—

(a) a person authorised by the Welsh Ministers may at a reasonable time, enter the land to which the notice relates and complete the measures; and

(b) recover all expenses reasonably incurred in doing so from the person named in the notice.

(5) For the purposes of ascertaining whether an offence has been committed on or in connection with the land, a person acting in accordance with paragraph (1) may remove—

(a) samples of soil;

(b) plant specimens; or

(c) samples taken from plant specimens.

(6) A person authorised to enter land or premises under this regulation must produce evidence of their authority to enter the land or premises, if requested to do so.

(7) A person authorised to enter land or premises under this regulation may take with them such other persons or equipment as they consider necessary.

(8) A person in occupation or possession of land or premises entered by a person authorised under this regulation must provide such assistance as that authorised person reasonably requests so as to enable them to exercise any power conferred on them by this regulation.

(9) It is an offence for a person to—

(a) intentionally obstruct or impede a person acting in exercise of a power conferred under this regulation; or

(b) fail to comply, without reasonable excuse, with a request made under paragraph (8).

(10) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine.

RHAN 5

Apelau

Apelau

30.—(1) Caniateir apelio i Weinidogion Cymru yn unol â'r rheoliad hwn yn erbyn—

- (a) hysbysiad perthnasol; neu
- (b) penderfyniad perthnasol.

(2) Caniateir cyflwyno apêl yn erbyn hysbysiad perthnasol ar y sail—

- (a) nad oedd gan Weinidogion Cymru bŵer i gyflwyno'r hysbysiad perthnasol, neu nad oedd ganddynt bŵer i gynnwys amod ynddo;
- (b) bod rhyw afreoleidd-dra, ddiffyg neu wall perthnasol wedi bod yn yr hysbysiad perthnasol, neu mewn cysylltiad ag ef; neu
- (c) bod unrhyw un o ofynion yr hysbysiad yn afresymol.

(3) Caniateir i unrhyw un neu ragor o'r personau canlynol gyflwyno apêl yn erbyn penderfyniad perthnasol—

- (a) y person a wnaeth gais am benderfyniad sgrinio y mae Gweinidogion Cymru wedi ei wneud, neu y bernir eu bod wedi ei wneud, fod prosiect yn brosiect sylweddol yn unol â rheoliad 7;
- (b) y person a wnaeth gais am gydsyniad ar gyfer prosiect sylweddol ac y gwrthodwyd y cais hwnnw gan Weinidogion Cymru; neu
- (c) person a hysbyswyd am benderfyniad o dan baragraff 3 o Atodlen 4.

(4) Rhaid i apêl a gyflwynir o dan baragraff (2) neu (3)—

- (a) cael ei wneud yn ysgrifenedig yn y dull a'r ffurf a gyhoeddir gan Weinidogion Cymru;
- (b) cynnwys manylion yr holl dystiolaeth y mae'r apelydd yn bwriadu dibynnu arni; ac
- (c) dod i law Gweinidogion Cymru ddim hwyrach na 28 o ddiwrnodau ar ôl y dyddiad yr anfonodd Gweinidogion Cymru yr hysbysiad perthnasol, neu'r dyddiad y gwnaeth Gweinidogion Cymru y penderfyniad perthnasol y mae'r apêl yn ymwneud ag ef.

(5) Rhaid i'r apelydd ddatgan a yw'n dymuno i'r apêl gael ei hystyried a'i phenderfynu—

- (a) ar sail sylwadau ysgrifenedig;
- (b) mewn gwrandawriad llafar; neu
- (c) drwy ymchwiliad lleol.

PART 5

Appeals

Appeals

30.—(1) An appeal to the Welsh Ministers in accordance with this regulation may be made against—

- (a) a relevant notice; or
- (b) a relevant decision.

(2) An appeal against a relevant notice may be brought on the grounds that—

- (a) the Welsh Ministers did not have the power to serve the relevant notice or to include a condition within the notice;
- (b) there has been some material irregularity, defect or error in, or in connection with, the relevant notice; or
- (c) a requirement of the notice is unreasonable.

(3) An appeal against a relevant decision may be brought by a person—

- (a) who applied for a screening decision which the Welsh Ministers have taken, or are deemed to have taken, that a project was a significant project in accordance with regulation 7;
- (b) who applied for consent for a significant project and which the Welsh Ministers have refused; or
- (c) who has been notified of a decision under paragraph 3 of Schedule 4.

(4) An appeal brought under paragraph (2) or (3) must—

- (a) be made in writing in the manner and 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 28 days after the date on which the Welsh Ministers sent the relevant notice or made the relevant decision to which the appeal relates.

(5) The appellant must state whether they wish the appeal to be considered and determined—

- (a) on the basis of written representations;
- (b) at an oral hearing; or
- (c) by a local inquiry.

(6) Caiff Gweinidogion Cymru benodi person i arfer ar eu rhan, gyda thaliad neu hebddo, ei swyddogaeth o benderfynu ar yr apêl neu unrhyw fater sy'n ymwneud â'r apêl, ac mae Atodlen 5 yn cael effaith mewn perthynas â phenodiad o'r fath.

(7) Yn y Rhan hon—

ystyr “hysbysiad perthnasol” (“*relevant notice*”) yw hysbysiad stop, hysbysiad adfer neu hysbysiad a ddyroddir o dan baragraff 5 o Atodlen 4;

ystyr “partïon â buddiant” (“*interested parties*”) yw—

- (a) y fath gyrrff ymgynghori y mae Gweinidogion Cymru yn ystyried sy'n briodol;
- (b) person sydd wedi cyflwyno sylwadau mewn cysylltiad â'r penderfyniad perthnasol;
- (c) Gwladwriaeth AEE sy'n debygol o gael ei heffeithio yn unol â rheoliad 13(1);
- (d) awdurdod neu berson a roddodd ei farn yn unol â rheoliad 13(4)(b);
- (e) unrhyw berson arall y mae'n ymddangos i Weiniidogion Cymru fod ganddo fuddiant penodol yn nhestun yr apêl;

ystyr “penderfyniad perthnasol” (“*relevant decision*”) yw penderfyniad sgrinio a wnaed o dan reoliad 7, penderfyniad cydsyniad a wnaed o dan reoliad 15 a phenderfyniad a wnaed o dan baragraff 3 o Atodlen 4; ac

ystyr “person penodedig” (“*appointed person*”) yw person a benodir gan Weiniidogion Cymru yn unol â rheoliad 30(6).

Trafodion apêl

31.—(1) Os yw Gweinidogion Cymru wedi eu bodloni bod apêl a gyflwynwyd yn cydymffurfio â gofynion rheoliad 30 o ran yr holl fanylion perthnasol, rhaid iddynt fwrw ymlaen i benderfynu ar yr apêl.

(2) Cyn penderfynu ar yr apêl rhaid i Weiniidogion Cymru, gan ganiatáu'r fath gyfnod sy'n rhesymol—

- (a) gwahodd yr apelydd ac unrhyw bartïon â buddiant i gyflwyno sylwadau a dogfennau ategol mewn perthynas â'r apêl;
- (b) anfon at y partïon â buddiant gopi o unrhyw sylwadau a dogfennau ategol a gyflwynir gan yr apelydd;
- (c) anfon at yr apelydd gopi o unrhyw sylwadau a dogfennau ategol a gyflwynir gan y partïon â buddiant;

(6) The Welsh Ministers may appoint a person to exercise on their behalf, with or without payment, their function of determining the appeal or any matter involved in the appeal, and Schedule 5 has effect in relation to such an appointment.

(7) In this Part—

“appointed person” (“*person penodedig*”) means a person appointed by the Welsh Ministers in accordance with regulation 30(6).

“interested parties” (“*partion â buddiant*”) means—

- (a) such of the consultation bodies as the Welsh Ministers consider appropriate;
- (b) a person who made representations in respect of a relevant decision;
- (c) an EEA State likely to be affected in accordance with regulation 13(1);
- (d) an authority or a person who provided their opinion in accordance with regulation 13(4)(b);
- (e) any other person who appears to the Welsh Ministers to have a particular interest in the subject matter of the appeal;

“relevant decision” (“*penderfyniad perthnasol*”) means a screening decision made under regulation 7, a consent decision made under regulation 15 and a decision made under paragraph 3 of Schedule 4; and

“relevant notice” (“*hysbysiad perthnasol*”) means a stop notice, remediation notice or a notice issued under paragraph 5 of Schedule 4.

Appeal proceedings

31.—(1) If the Welsh Ministers are satisfied that a submitted appeal complies with the requirements of regulation 30 in all material particulars, they must proceed to determine the appeal.

(2) Before determining the appeal the Welsh Ministers must, allowing such time as is reasonable—

- (a) invite the appellant and any interested parties to submit representations and supporting documents in relation to the appeal;
- (b) send to the interested parties 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 interested parties;

- (d) rhoi cyfle i'r apelydd a'r partïon â buddiant gyflwyno sylwadaethau ar sylwadau a dogfennau ategol ei gilydd i'r person penodedig.

(3) Caiff Gweinidogion Cymru ofyn am wybodaeth bellach gan yr apelydd neu'r partïon â buddiant ar unrhyw adeg.

(4) Caiff Gweinidogion Cymru ddiystyru unrhyw sylwadau, sylwadaethau neu ddogfennau a gyflwynwyd ac eithrio yn unol â darpariaethau'r Rheoliadau hyn.

(5) Os yw gwrandawriad llafar neu ymchwiliad lleol i'w gynnal, rhaid i Weinidogion Cymru—

- (a) rhoi 6 wythnos o hysbysiad i'r apelydd a'r partïon â buddiant ynghylch y dyddiad, yr amser a'r lle a bennir ar gyfer y gwrandawriad neu'r ymchwiliad lleol ac enw'r person a benodir i gynnal y gwrandawriad neu'r ymchwiliad lleol (neu, fel y bo'n berthnasol, i benderfynu ar yr apêl); a
- (b) rhoi'r fath hysbysiad y maent yn meddwl sy'n briodol i hysbysu'r cyhoedd nid llai na 21 o ddiwrnodau cyn y dyddiad a bennir ar gyfer y gwrandawriad neu'r ymchwiliad lleol.

(6) Mae gan yr apelydd yr hawl i ymddangos mewn gwrandawriad llafar neu ymchwiliad lleol, a chaiff Gweinidogion Cymru ganiatáu i berson â buddiant ymddangos hefyd.

(7) Wrth i Weinidogion Cymru benderfynu ar apêl—

- (a) cânt gadarnhau, amrywio neu ddirymu hysbysiad perthnasol;
- (b) cânt gadarnhau neu wrthdroi penderfyniad perthnasol neu unrhyw ran ohono;
- (c) rhaid iddynt hysbysu'r apelydd ac unrhyw bartïon eraill i'r apêl.

(8) Caiff yr apelydd dynnu apêl yn ôl ar unrhyw adeg cyn y'i penderfynir.

(9) Y dull ar gyfer tynnu apêl yn ôl yw drwy gyflwyno hysbysiad ysgrifenedig oddi wrth yr apelydd i Weinidogion Cymru.

(10) Os tynnir apêl yn ôl, mae Gweinidogion Cymru yn peidio â bod o dan ddyletsydd i'w hystyried a'i phenderfynu.

- (d) allow the appellant and the interested parties an opportunity to submit comments on each other's representations and supporting documents to the appointed person.

(3) The Welsh Ministers may at any time request further information from the appellant or the interested parties.

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

(5) If an oral hearing or local inquiry is to be held, the Welsh Ministers must—

- (a) give the appellant and interested parties 6 weeks' notice of the date, time and place fixed for the hearing or local inquiry and the name of the person appointed to conduct the hearing or local inquiry (or, as applicable, to determine the appeal); and
- (b) give such notice as they think fit to inform the public not less than 21 days before the date fixed for the hearing or local inquiry.

(6) At an oral hearing or local inquiry the appellant has the right to appear, and the Welsh Ministers may permit an interested party to appear.

(7) On determining an appeal, the Welsh Ministers—

- (a) may affirm, vary or revoke a relevant notice;
- (b) may uphold or reverse a relevant decision or any part of it;
- (c) must notify the appellant and any other party to the appeal.

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

(9) Withdrawal of an appeal is to be effected by the appellant giving notice in writing to the Welsh Ministers.

(10) If an appeal is withdrawn, the Welsh Ministers cease to be under a duty to consider and determine it.

(11) Mae is-adrannau (2) i (5) o adran 250 o Ddeddf Llywodraeth Leol 1972(1) (ymchwiliadau lleol, tystiolaeth a chostau) yn gymwys mewn perthynas â gwrandawiadau neu ymchwiliadau lleol a gynhelir yn unol â rheoliad 33 fel y maent yn gymwys i ymchwiliadau lleol o dan yr adran honno, ond fel pe bai'r cyfeiriadau at y Gweinidog yn gyfeiriadau at Weinidogion Cymru a chan hepgor y cyfeiriadau at awdurdod lleol.

(12) Mae adran 322C o Ddeddf Cynllunio Gwlad a Thref 1990(2) (Costau: Cymru) yn gymwys mewn perthynas â gwrandawriad llafar neu ymchwiliad lleol o dan reoliad 30 fel y mae'n gymwys i wrandawriad neu ymchwiliad lleol y cyfeirir ato yn yr adran honno.

Effaith apelau ar hysbysiadau

32.—(1) Pan fo apêl yn cael ei chyflwyno yn erbyn hysbysiad adfer, ni fydd yr hysbysiad yn cael effaith tan fod Gweinidogion Cymru wedi penderfynu ar yr apêl yn unol â rheoliad 31(7).

(2) Pan fo apêl yn cael ei chyflwyno yn erbyn hysbysiad stop, mae'r holl ofynion sydd wedi eu cynnwys yn yr hysbysiad yn cael effaith tan fod Gweinidogion Cymru wedi penderfynu ar yr apêl yn unol â rheoliad 31(7).

(3) Mae penderfyniad gan Weinidogion Cymru i amrywio hysbysiad stop neu hysbysiad adfer yn unol â rheoliad 31(7)(a) ond yn cael effaith o ddyddiad yr hysbysiad o dan reoliad 31(7)(c) yn unig.

Cais i'r Uchel Lys gan berson a dramgwyddir

33.—(1) Caiff person a dramgwyddir gan benderfyniad Gweinidogion Cymru nad yw prosiect yn brosiect sylweddol neu benderfyniad i roi cydsyniad i brosiect sylweddol wneud cais i'r Uchel Lys am orchymyn i ddiddymu'r penderfyniad.

(2) Caiff yr Uchel Lys ddiddymu penderfyniad a grybwyllir ym mharagraff (1) os yw wedi ei fodloni—

- (a) nad yw'r penderfyniad wedi ei wneud yn gyfreithlon; neu
- (b) bod buddiannau'r person sydd wedi gwneud cais i'r llys wedi eu rhagfarnu'n sylweddol gan fethiant i gydymffurfio ag unrhyw un neu ragor o ofynion eraill y Rheoliadau hyn.

(11) Subsections (2) to (5) of section 250 of the Local Government Act 1972(1) (local inquiries, evidence and costs) apply in relation to hearings or local inquiries held in accordance with regulation 33 as they apply to local inquiries under that section, but as if the references to the Minister were references to the Welsh Ministers and with the omission of references to a local authority.

(12) Section 322C of the Town and Country Planning Act 1990(2) (Costs: Wales) applies in relation to an oral hearing or local inquiry under regulation 30 as it applies to a hearing or local inquiry referred to in that section.

Effect of appeals on notices

32.—(1) Where an appeal is brought against a remediation notice, the notice will be of no effect until the Welsh Ministers have determined the appeal in accordance with regulation 31(7).

(2) Where an appeal is brought against a stop notice, all requirements contained within the notice have effect until the Welsh Ministers have determined the appeal in accordance with regulation 31(7).

(3) A determination by the Welsh Ministers to vary a stop notice or remediation notice in accordance with regulation 31(7)(a) only has effect from the date of the notification under regulation 31(7)(c).

Application to the High Court by a person aggrieved

33.—(1) A person aggrieved by a decision of the Welsh Ministers that a project is not a significant project or a decision to grant consent for a significant project may make an application to the High Court for an order quashing the decision.

(2) The High Court may quash a decision mentioned in paragraph (1) if it satisfied that—

- (a) the decision is not lawfully made; or
- (b) the interests of the person who has applied to the court have been substantially prejudiced by a failure to comply with any other requirement of these Regulations.

(1) 1972 p. 70.

(2) 1990 p. 8. Fel y'i diwygiwyd gan adran 49 o Ddeddf Cynllunio (Cymru) 2015 (decc 4).

(1) 1972 c. 70.

(2) 1990 c. 8. As amended by section 49 of the Planning (Wales) Act 2015 (anaw 4).

(3) Rhaid cyflwyno cais i'r Uchel Lys o dan y rheoliad hwn o fewn 6 wythnos i'r dyddiad y mae'r penderfyniad—

- (a) yn cael ei nodi yn y gofrestr yn unol â rheoliad 7(6)(b); neu
- (b) yn cael ei gyhoeddi yn unol â rheoliad 18(b).

(4) Caiff yr Uchel Lys drwy orchymyn interim, tra'n disgwyl penderfyniad ar gais o dan y rheoliad hwn, atal y penderfyniad rhag cael ei weithredu ar y fath delerau y mae'n ystyried sy'n briodol.

(3) An application to the High Court under this regulation must be made within 6 weeks of the date the decision is—

- (a) entered in the register in accordance with regulation 7(6)(b); or
- (b) published accordance with regulation 18(b).

(4) The High Court may be interim order, pending the determination of an application under this regulation, stay the operation of the decision on such terms as it considers appropriate.

RHAN 6

Darpariaethau terfynol

Diwygio Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014

34. Mae Rheoliadau'r Polisi Amaethyddol Cyffredin (System Integredig Gweinyddu a Rheoli a Gorfodi a Thrawsgydymffurfio) (Cymru) 2014(1) wedi eu diwygio drwy roi'r paragraff a ganlyn yn lle paragraff 10 o Atodlen 1—

“**10.**—(1) Ni chaiff buddiolwr ddechrau neu gyflawni prosiect ar dir lled-naturiol a/neu dir heb ei drin neu brosiect ailstrwythuro yn groes i reoliadau 4 neu 8 o'r Rheoliadau AEA (Amaethyddiaeth).

(2) Ni chaiff buddiolwr fynd yn groes i hysbysiad stop a gyflwynwyd iddo o dan reoliad 24 o'r Rheoliadau AEA (Amaethyddiaeth).

(3) Ni chaiff buddiolwr, heb esgus rhesymol, fethu â chydymffurfio ag unrhyw un neu ragor o ofynion hysbysiad adfer a gyflwynir iddo o dan reoliad 26 o'r Rheoliadau AEA (Amaethyddiaeth).

(4) Yn y paragraff hwn, mae i “prosiect ar dir lled-naturiol a/neu dir heb ei drin” (“*project on semi-natural and/or uncultivated land*”) yr ystyr a roddir iddo gan reoliad 2(1) o'r Rheoliadau AEA (Amaethyddiaeth).

(5) Yn y paragraff hwn, ystyr “y Rheoliadau AEA (Amaethyddiaeth)” (“*the EIA (Agriculture) Regulations*”) yw Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2017.”

PART 6

Final provisions

Amendment to the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014

34. The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014(1) are amended by substituting paragraph 10 of Schedule 1 with the following—

“**10.**—(1) A beneficiary must not commence or carry out a project on semi-natural and/or uncultivated land or a restructuring project in breach of regulation 4 or 8 of the EIA (Agriculture) Regulations.

(2) A beneficiary must not breach a stop notice that has been served on him under regulation 24 of the EIA (Agriculture) Regulations.

(3) A beneficiary must not, without reasonable excuse, fail to comply with any requirement of a remediation notice served on him under regulation 26 of the EIA (Agriculture) Regulations.

(4) In this paragraph, “project on semi-natural and/or uncultivated land” (“*prosiect ar dir lled-naturiol a/neu dir heb ei drin*”) has the meaning given to it by regulation 2(1) of the EIA (Agriculture) Regulations.

(5) In this paragraph, “the EIA (Agriculture) Regulations” (“*y Rheoliadau AEA (Amaethyddiaeth)*”) means the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017.”

(1) O.S. 2014/3223 (Cy. 328).

(1) S.I. 2014/3223 (W. 328).

Dirymu

35. Mae Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2007(1) wedi eu dirymu.

Darpariaethau trosiannol

36.—(1) Mae'r rheoliad hwn yn darparu ar gyfer trin hysbysiadau penodol a gyflwynwyd o dan Reoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2007 ("Rheoliadau 2007").

(2) Yn ddarostyngedig i baragraff (4), mae hysbysiad stop a gyflwynir yn unol â rheoliad 24 o Reoliadau 2007 i'w drin fel pe bai wedi ei gyflwyno yn unol â rheoliad 24 o'r Rheoliadau hyn, ac mae rheoliadau 25, 28 a 29 o'r Rheoliadau hyn yn gymwys i unrhyw gamau gorfodi a gymerir mewn cysylltiad â thorri'r hysbysiad.

(3) Yn ddarostyngedig i baragraff (4), mae hysbysiad adfer a gyflwynir yn unol â rheoliad 26 o Reoliadau 2007 i'w drin fel pe bai wedi ei gyflwyno yn unol â rheoliad 26 o'r Rheoliadau hyn, ac mae rheoliadau 27 i 29 yn gymwys i unrhyw gamau gorfodi a gymerir mewn cysylltiad â thorri'r hysbysiad.

(4) Nid oes dim ym mharagraff (2) neu (3) yn effeithio ar unrhyw apêl a gyflwynir yn unol â rheoliad 30(2) o Reoliadau 2007 cyn i'r Rheoliadau hyn ddod i rym.

Revocation

35. The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007(1) are revoked.

Transitional provisions

36.—(1) This regulation provides for the treatment of certain notices served under the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007 ("the 2007 Regulations").

(2) Subject to paragraph (4), a stop notice served in accordance with regulation 24 of the 2007 Regulations is to be treated as though it was served in accordance with regulation 24 of these Regulations, and regulations 25, 28 and 29 of these Regulations apply to any enforcement action taken in respect of a breach of the notice.

(3) Subject to paragraph (4), a remediation notice served in accordance with regulation 26 of the 2007 Regulations is to be treated as though it was served in accordance with regulation 26 of these Regulations, and regulations 27 to 29 apply to any enforcement action taken in respect of a breach of the notice.

(4) Nothing in paragraph (2) or (3) affects any appeal brought in accordance with regulation 30(2) of the 2007 Regulations before the coming into force of these Regulations.

Jane Hutt

Un o Weinidogion Cymru
20 Ebrill 2017

One of the Welsh Ministers
20 April 2017

ATODLEN 1 Rheoliad 5
Trothwyon

SCHEDULE 1 Regulation 5
Thresholds

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Prosiect ailstrwythuro terfyn</i>	<i>4 cilometr</i>	<i>2 gilometr</i>	<i>Boundary restructuring project</i>	<i>4 kilometres</i>	<i>2 kilometres</i>
<i>Prosiect ailstrwythuro arwynebedd</i>	<i>100 o hectarau</i>	<i>50 o hectarau</i>	<i>Area restructuring project</i>	<i>100 hectares</i>	<i>50 hectares</i>
<i>Prosiect ailstrwythuro cyfaint</i>	<i>10,000 o fetrau ciwbig</i>	<i>5,000 o fetrau ciwbig</i>	<i>Volume restructuring project</i>	<i>10,000 cubic metres</i>	<i>5,000 cubic metres</i>

Dehongli'r Atodlen hon

1. Yn yr Atodlen hon—

ystyr “prosiect ailstrwythuro arwynebedd” (“*area restructuring project*”) yw prosiect ailstrwythuro sy’n ymwneud ag arwynebedd tir;

ystyr “prosiect ailstrwythuro cyfaint” (“*volume restructuring project*”) yw prosiect ailstrwythuro sy’n ymwneud ag ychwanegu, gwaredu neu ailddosbarthu cyfaint o bridd neu ddeunydd arall mewn perthynas â thir;

ystyr “prosiect ailstrwythuro terfyn” (“*boundary restructuring project*”) yw prosiect ailstrwythuro sy’n ymwneud ag ychwanegu neu waredu unrhyw derfyn cae (gan gynnwys unrhyw wal, ffens, clawdd, ffos neu gwrs dŵr).

Interpretation of this Schedule

1. In this Schedule—

“area restructuring project” (“*prosiect ailstrwythuro arwynebedd*”) means a restructuring project which involves an area of land;

“boundary restructuring project” (“*prosiect ailstrwythuro terfyn*”) means restructuring project involving the addition or removal of any field boundary (including any wall, fence, bank, ditch or watercourse);

“volume restructuring project” (“*prosiect ailstrwythuro cyfaint*”) means a restructuring project involving the addition, removal or redistribution of a volume of earth or other material in relation to land.

Y meini prawf dethol ar gyfer
penderfyniad sgrinio

Nodweddion prosiectau

1. Nodweddion prosiectau, gan roi sylw penodol i—
 - (a) maint a dyluniad y prosiect cyfan;
 - (b) sut mae'n cyfuno â phrosiectau eraill presennol a/neu a gymeradwywyd;
 - (c) y defnydd o adnoddau naturiol, yn enwedig tir, pridd, dŵr a bioamrywiaeth;
 - (d) y gwastraff a gaiff ei gynhyrchu;
 - (e) llygredd a niwsans;
 - (f) y perygl o ddamweiniau difrifol a/neu drychinebau sy'n berthnasol i'r prosiect dan sylw, gan gynnwys y rheini a achosir gan newid yn yr hinsawdd, yn unol â gwybodaeth wyddonol; ac
 - (g) y risgiau i iechyd pobl (er enghraifft yn sgil halogi dŵr neu lygredd aer).

Lleoliad y prosiect

2. Sensitifrwydd amgylcheddol ardaloedd daearyddol y mae prosiectau yn debygol o effeithio arnynt, gan roi sylw penodol i—
 - (a) y defnydd presennol o'r tir a'r defnydd a gymeradwywyd o'r tir;
 - (b) digonedd, argaeledd, ansawdd a gallu atgynhyrchiol cymharol adnoddau naturiol (gan gynnwys pridd, tir, dŵr a bioamrywiaeth) yn yr ardal, gan gynnwys adnoddau tanddaearol; ac
 - (c) gallu'r amgylchedd naturiol i amsugno, gan roi sylw penodol i'r ardaloedd a ganlyn—
 - (i) gwlyptiroedd, glannau afonydd, aberoedd afonydd;
 - (ii) parthau arfordirol a'r amgylchedd morol;
 - (iii) ardaloedd mynyddig a choedwigoedd;
 - (iv) gwarchodfeydd natur a pharciau;
 - (v) ardaloedd sydd wedi eu dosbarthu neu wedi eu diogelu o dan ddeddfwriaeth (gan gynnwys safleoedd Ewropeaidd);

Selection criteria for a screening decision

Characteristics of projects

1. The characteristics of projects, having regard in particular to—
 - (a) the size and design of the whole project;
 - (b) cumulation with other existing and/or approved projects;
 - (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 which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge; and
 - (g) the risks to human health (for example due to water contamination or air pollution).

Location of project

2. The environmental sensitivity of geographical areas likely to be affected by projects, 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; and
 - (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) areas classified or protected by legislation (including European sites);

- (vi) ardaloedd lle bu methiant eisoes i fodloni'r safonau ansawdd amgylcheddol a nodir yn neddfwriaeth yr UE ac sy'n berthnasol i'r prosiect, neu ardaloedd lle ystyrir bod methiant o'r fath;
- (vii) ardaloedd dwys eu poblogaeth; ac
- (viii) tirweddau a safleoedd sydd o bwys hanesyddol, diwylliannol neu archaeolegol.

- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in EU legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas; and
- (viii) landscapes and sites of historical, cultural or archaeological significance.

Yr effaith bosibl

3. Rhaid ystyried effeithiau sylweddol tebygol prosiectau ar yr amgylchedd, mewn perthynas â'r meini prawf a nodir ym mharagraffau 1 a 2 o'r Atodlen hon, o ran effaith y prosiect ar y ffactorau a bennir ym mharagraff 4(1) o Atodlen 3, gan gymryd i ystyriaeth—

- (a) maint a graddau gofodol yr effaith (er enghraifft 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, hyd, amllder a gwrthdroadwyedd disgwylidig yr effaith;
- (g) sut mae'r effaith yn cyfuno ag effaith prosiectau eraill presennol a/neu a gymeradwywyd; ac
- (h) y posibilrwydd o leihau'r effaith yn effeithiol.

The potential impact

3. The likely significant effects of projects on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 of this Schedule, with regard to the impact of the project on the factors specified in paragraph 4(1) of Schedule 3, 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 projects; and
- (h) the possibility of effectively reducing the impact.

Gwybodaeth i'w chynnwys mewn datganiad amgylcheddol

1. Disgrifiad o'r prosiect, gan gynnwys yn benodol—

- (a) disgrifiad o leoliad y prosiect;
- (b) disgrifiad o nodweddion ffisegol y prosiect cyfan gan gynnwys, pan fo hynny'n berthnasol, y gwaith dymchwel gofynnol, a'r gofynion defnydd tir yn ystod y cyfnod adeiladu a'r cyfnod gweithredol;
- (c) disgrifiad o brif nodweddion cyfnod gweithredol y prosiect (yn enwedig unrhyw broses gynhyrchu), er enghraifft y galw am ynni a'r ynni a ddefnyddir, natur a swm y deunyddiau a'r adnoddau naturiol (gan gynnwys dŵr, tir a bioamrywiaeth) a ddefnyddir;
- (d) amcangyfrif, yn ôl math a swm, o'r gwaddodion a'r allyriadau disgwylidig (megis llygredd dŵr, aer, pridd ac isbridd, sŵn, dirgryniad, golau, gwres, ymbelydredd) a'r symiau a'r mathau o wastraff a gynhyrchir yn ystod y cyfnod adeiladu a'r cyfnod gweithredol.

2. Disgrifiad o'r dewisiadau eraill rhesymol (er enghraifft o ran dyluniad, technoleg, lleoliad, maint a graddfa'r prosiect) a astudiwyd gan y ceisydd, sy'n berthnasol i'r prosiect arfaethedig a'i nodweddion penodol, a mynegiad o'r prif resymau dros ddedol yr opsiwn a ddewiswyd, gan gynnwys cymhariaeth o'r effeithiau amgylcheddol.

3. Disgrifiad o'r agweddau perthnasol ar gyflwr presennol yr amgylchedd (senario waelodlin) ac amlinelliad o esblygiad y senario honno heb weithredu'r prosiect i'r graddau y gellir asesu newidiadau naturiol o'r senario waelodlin gydag ymdrech resymol ar sail argaeledd gwybodaeth amgylcheddol a gwybodaeth wyddonol.

4.—(1) Disgrifiad o'r ffactorau y mae'r prosiect arfaethedig yn debygol o gael effaith sylweddol arnynt, gan ymdrin ag effeithiau uniongyrchol ac unrhyw effeithiau anuniongyrchol, eilaidd, cronol, trawsffiniol, tymor byr, tymor canolig a hirdymor, parhaol a thros dro, cadarnhaol a negyddol y prosiect, gan gynnwys—

- (a) poblogaeth ac iechyd pobl;

Information for inclusion in an environmental statement

1. Description of the project, including in particular—

- (a) a description of the location of the project;
- (b) a description of the physical characteristics of the whole project, 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 project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land and biodiversity) used;
- (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the applicant, which are relevant to the proposed project 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 evolution thereof without implementation of the project 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.—(1) A description of the factors likely to be significantly affected by the proposed project, covering 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 project, including—

- (a) population and human health;

- (b) bioamrywiaeth gyda sylw arbennig i'r rhywogaethau a ddiogelir gan y Gyfarwyddeb Cynefinoedd a'r Gyfarwyddeb Adar;
- (c) tir (er enghraifft meddiannu tir), pridd (er enghraifft deunydd organig, erydiad, cywasgiad, selio), dŵr (er enghraifft newidiadau hydromorffolegol, swm ac ansawdd), aer a'r hinsawdd (er enghraifft allyriadau nwyon tŷ gwydr, effeithiau sy'n berthnasol i ymaddasu);
- (d) asedau materol, gan gynnwys agweddau pensaernïol ac archaeolegol a'r dirwedd.

Dylai'r disgrifiad hwn gymryd i ystyriaeth yr amcanion diogelu'r amgylchedd a bennwyd ar lefel yr Undeb Ewropeaidd neu'r Aelod-wladwriaeth sy'n berthnasol i'r prosiect, gan gynnwys yn enwedig y rhai hynny a bennwyd gan y Gyfarwyddeb Cynefinoedd a'r Gyfarwyddeb Adar.

(2) Yn y paragraff hwn—

ystyr “y Gyfarwyddeb Adar” (“*the Birds Directive*”) yw Cyfarwyddeb 2009/147/EC Senedd Ewrop a'r Cyngor dyddiedig 30 Ebrill 2009 ar gadwraeth adar gwyllt.

5. Disgrifiad o effeithiau sylweddol tebygol y prosiect ar yr amgylchedd o ganlyniad i, ymhlith pethau eraill—

- (a) y gwaith adeiladau a bodolaeth y prosiect gan gynnwys, pan fo'n berthnasol, 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 hynny;
- (c) allyriad llygryddion, sŵn, dirgryniad, 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) sut mae'r effeithiau'n cyfuno â phrosiectau eraill presennol a/neu a gymeradwywyd, gan gymryd i ystyriaeth 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;
- (g) y technolegau a'r sylweddau a ddefnyddir.

- (b) biodiversity with specific attention on species protected by the Habitats Directive and the Birds Directive;
- (c) land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air and climate (for example greenhouse gas emissions, impacts relevant to adaptation);
- (d) material assets, including architectural and archaeological aspects and landscape.

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 by the Habitats Directive and the Birds Directive.

(2) In this paragraph—

“the Birds Directive” (“*y Gyfarwyddeb Adar*”) means Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

5. A description of the likely significant effects of the project on the environment resulting from, amongst other things—

- (a) the construction and existence of the project, 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) the technologies and the substances used.

6. Disgrifiad o'r dulliau darogan neu'r dystiolaeth a ddefnyddir i nodi ac asesu'r effeithiau sylweddol ar yr amgylchedd, gan gynnwys manylion anawsterau (er enghraifft anawsterau 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 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 sylweddol disgwylidig y prosiect ar yr amgylchedd sy'n deillio o'r graddau y mae'r prosiect 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 UE megis Cyfarwyddeb 2012/18/EU(1) Senedd Ewrop a'r Cyngor neu Gyfarwyddeb y Cyngor 2009/71/Euratom(2) neu asesiadau perthnasol a gyflawnir yn unol â deddfwriaeth genedlaethol at y diben hwn ar yr amod y bodlonir gofynion y Gyfarwyddeb AEA. Pan fo hynny'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.

9. Crynodeb annhechnegol o'r wybodaeth a ddarperir o dan baragraffau 1 i 8 o'r Atodlen hon.

10. Rhestr gyfeirio sy'n nodi manylion y ffynonellau a ddefnyddir ar gyfer y disgrifiadau a'r asesiadau a gynhwysir yn yr adroddiad.

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical difficulties 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 effects of the project on the environment deriving from the vulnerability of the project 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 EU legislation such as Directive 2012/18/EU(1) of the European Parliament and of the Council or Council Directive 2009/71/Euratom(2) or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of the EIA 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.

9. A non-technical summary of the information provided under paragraphs 1 to 8 of this Schedule.

10. A reference list detailing the sources used for the descriptions and assessments included in the report.

(1) Cyfarwyddeb 2012/18/EU ar reoli peryglon damweiniau difrifol sy'n ymwneud â sylweddau peryglus, gan ddiwygio a diddymu wedi hynny Gyfarwyddeb y Cyngor 96/82/EU.

(2) Cyfarwyddeb y Cyngor 2009/71/Euratom dyddiedig 25 Mehefin 2009 yn sefydlu fframwaith y Gymuned ar gyfer diogelwch niwclear sefydliadau niwclear.

(1) Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EU.

(2) Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations.

Adolygiad o benderfyniadau a chydysyniadau

1. Cyn gynted ag y bo'n rhesymol ymarferol, rhaid i Weinidogion Cymru wneud asesiad priodol o oblygiadau'r prosiect i'r safle Ewropeaidd gyda golwg ar amcanion cadwraeth y safle, er mwyn dyfarnu a fydd y prosiect a ganiateir gan y penderfyniad neu'r cydsyniad yn effeithio'n andwyol ar gyfanrwydd y safle.

2. At ddibenion yr asesiad, caiff Gweinidogion Cymru—

- (a) ei gwneud yn ofynnol i unrhyw berson sydd â buddiant yn y tir perthnasol ddarparu iddynt unrhyw wybodaeth y maent yn ystyried yn rhesymol sy'n angenrheidiol; a
- (b) ymgynghori â'r cyhoedd, os ydynt yn ystyried bod hynny'n angenrheidiol.

3. Oni fydd Gweinidogion Cymru, yn dilyn yr asesiad, wedi eu bodloni na fydd y prosiect a ganiateir gan y penderfyniad neu'r cydsyniad yn effeithio'n andwyol ar gyfanrwydd y safle Ewropeaidd, ac nad yw rheoliad 16(4) yn gymwys, rhaid i Weinidogion Cymru—

- (a) yn achos penderfyniad, dirymu'r penderfyniad; a
- (b) yn achos cydsyniad, naill ai—
 - (i) dirymu'r cydsyniad; neu
 - (ii) gwneud unrhyw addasiadau i'r cydsyniad sy'n ymddangos yn angenrheidiol iddynt er mwyn sicrhau na fydd y prosiect yn effeithio'n andwyol ar gyfanrwydd y safle Ewropeaidd,

a rhaid i Weinidogion Cymru hysbysu pob person y mae'n ymddangos iddynt fod ganddynt fuddiant yn y tir perthnasol am eu penderfyniad (eu "penderfyniad pellach").

4. Nid yw penderfyniad pellach yn effeithio ar unrhyw waith sydd eisoes wedi ei wneud mewn perthynas â phenderfyniad neu gydsyniad, yn ddarostyngedig i baragraff 5.

5.—(1) Os yw—

- (a) prosiect sy'n ddarostyngedig i benderfyniad pellach wedi dechrau; a
- (b) yn ymddangos i Weinidogion Cymru ei bod yn angenrheidiol diogelu cyfanrwydd y safle Ewropeaidd,

Review of decisions and consents

1. As soon as is reasonably practicable, the Welsh Ministers must make an appropriate assessment of the implications of the project for the European site in view of the site's conservation objectives, in order to determine whether the project permitted by the decision or consent will adversely affect the integrity of the site.

2. For the purposes of the assessment, the Welsh Ministers may—

- (a) require any person interested in the relevant land to supply them with such information as they reasonably consider necessary; and
- (b) consult the public, if they consider it necessary.

3. Unless, following the assessment, the Welsh Ministers are satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site, and regulation 16(4) does not apply, the Welsh Ministers must—

- (a) in the case of a decision, revoke the decision; and
- (b) in the case of a consent, either—
 - (i) revoke the consent; or
 - (ii) make such modifications to the consent as they consider necessary to ensure that the project will not adversely affect the integrity of the European site,

and the Welsh Ministers must notify all persons who appear to them to have an interest in the relevant land of their decision (their "further decision").

4. A further decision does not affect any works that have already been carried out in relation to a decision or consent, subject to paragraph 5.

5.—(1) If—

- (a) a project which is subject to a further decision has commenced; and
- (b) it appears to the Welsh Ministers to be necessary to safeguard the integrity of the European site,

caiff Gweinidogion Cymru ei gwneud yn ofynnol drwy hysbysiad i'r person sy'n gyfrifol am gyflawni'r gwaith hwnnw, neu unrhyw berson â buddiant yn y tir perthnasol, gyflawni unrhyw waith adfer sy'n rhesymol o dan yr amgylchiadau.

(2) Rhaid i hysbysiad o dan is-baragraff (1) ddatgan y cyfnod y mae'n rhaid i'r gwaith gael ei gyflawni ynddo.

(3) Mae hawlogaeth gan berson sy'n cyflawni gwaith adfer o'r fath, wedi iddo gyflwyno hawliad yn unol â pharagraff 8, adennill oddi wrth Weinidogion Cymru ddiogollediad mewn cysylltiad ag unrhyw dreuliau yr aethpwyd iddynt yn rhesymol wrth gyflawni'r gwaith hwnnw.

6. Mae rheoliad 30 yn gymwys i—

- (a) penderfyniad pellach a wneir o dan baragraff 3; a
- (b) hysbysiad a gyflwynir o dan baragraff 5.

7. Os yw person, yn dilyn penderfyniad pellach o dan baragraff 3, wedi mynd i gostau wrth wneud gwaith sydd bellach yn ddi-fudd oherwydd y penderfyniad pellach, neu os yw fel arall wedi dioddef colled neu ddifrod y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r penderfyniad pellach, mae hawlogaeth gan y person i gael digollediad ar ôl cyflwyno hawliad yn unol â pharagraff 8.

8. Rhaid i hawliad am ddiogollediad sy'n daladwy o dan baragraff 5(3) neu 7—

- (a) cael ei gyflwyno i Weinidogion Cymru o fewn 6 wythnos i ddyddiad yr hysbysiad am y penderfyniad pellach; a
- (b) dod gydag unrhyw dystiolaeth y mae Gweinidogion Cymru yn ei gwneud yn rhesymol ofynnol.

9. Caniateir i anghydfod ynghylch swm y digollediad sy'n daladwy o dan baragraffau 5(3) a 7 gael ei atgyfeirio i'r Tribiwnlys Tiroedd o fewn 6 mlynedd i ddyddiad yr hysbysiad am y penderfyniad pellach y mae digollediad yn daladwy mewn cysylltiad ag ef.

10. Nid oes dim yn yr Atodlen hon yn effeithio ar unrhyw beth a wnaed yn unol â phenderfyniad neu gydsyniad cyn y dyddiad y daeth y safle yn safle Ewropeaidd.

the Welsh Ministers may by notice require the person responsible for carrying out such works, or any person with an interest in the relevant land, to carry out such works of reinstatement as may be reasonable in the circumstances.

(2) A notice under sub-paragraph (1) must state the period during which the works must be carried out.

(3) A person who carries out such reinstatement works is entitled, on making a claim in accordance with paragraph 8, to recover from the Welsh Ministers compensation in respect of any expenses reasonably incurred in carrying out those works.

6. Regulation 30 applies to—

- (a) a further decision made under paragraph 3; and
- (b) a notice served under paragraph 5.

7. If, following a further decision under paragraph 3, a person has incurred expenditure in carrying out work which is rendered abortive by the further decision, or has otherwise sustained loss or damage which is directly attributable to the further decision, that person is entitled to be paid compensation on submitting a claim in accordance with paragraph 8.

8. A claim for compensation payable under paragraph 5(3) or 7 must be—

- (a) submitted to the Welsh Ministers within 6 weeks of the date of the notification of the further decision; and
- (b) accompanied by such evidence as the Welsh Ministers may reasonably require.

9. A dispute as to the amount of compensation payable under paragraphs 5(3) and 7 may be referred to the Lands Tribunal within 6 years of the date of the notification of the further decision in respect of which compensation is payable.

10. Nothing in this Schedule affects anything done in pursuance of a decision or consent before the date the site became a European site.

Dirprwyo swyddogaethau apeliadol

1. Yn yr Atodlen hon ystyr “person penodedig” (“*appointed person*”) yw person a benodir o dan reoliad 30(6) ac ystyr “penodiad” (“*appointment*”) yw penodiad o dan y rheoliad hwnnw.

2. Rhaid i benodiad gael ei wneud yn ysgrifenedig ac—

- (a) caiff ymwneud ag unrhyw apêl benodol neu fater penodol a bennir yn y penodiad neu ag apelau neu faterion o ddisgrifiad penodedig;
- (b) caiff ddarparu bod unrhyw swyddogaeth y mae'n ymwneud â hi i fod yn arferadwy gan y person penodedig naill ai'n ddiamed neu'n ddarostyngedig i gyflawni unrhyw amodau a bennir yn y penodiad; ac
- (c) caniateir, drwy hysbysiad a roddir i'r person penodedig, iddo gael ei ddirymu ar unrhyw adeg gan Weinidogion Cymru mewn cysylltiad ag unrhyw apêl neu fater nas penderfynwyd gan y person penodedig cyn yr adeg honno.

3. Mae gan berson penodedig, mewn perthynas ag unrhyw apêl y mae penodiad yn ymwneud â hi neu unrhyw fater y mae'n ymwneud ag ef, yr un pwerau neu ddyletswyddau â'r rhai sydd gan Weinidogion Cymru o dan reoliadau 30 a 31, yn ôl y digwydd.

4. Os bydd person penodedig yn cynnal gwrandawriad llafar neu ymchwiliad lleol yn unol â'r Atodlen hon, caiff Gweinidogion Cymru benodi asesydd i eistedd gyda'r person penodedig i'w gynghori ar unrhyw fater sy'n codi, er gwaethaf y ffaith mai'r person penodedig sydd i benderfynu ar yr apêl.

5. Rhaid i gostau gwrandawriad llafar neu ymchwiliad lleol a gynhelir o dan yr Atodlen hon gael eu talu gan Weinidogion Cymru, yn ddarostyngedig i reoliad 31(11).

6. Ar ôl cwblhau gwrandawriad llafar neu ymchwiliad lleol, neu ar ôl ystyried sylwadau ysgrifenedig, rhaid i'r person penodedig, onid yw wedi ei benodi i benderfynu ar yr apêl, lunio adroddiad i Weinidogion Cymru y mae'n rhaid iddo gynnwys—

- (a) casgliad; a
- (b) argymhellion, neu'r rhesymau pam na wneir unrhyw argymhellion.

Delegation of appellate functions

1. In this Schedule “appointed person” (“*person penodedig*”) means a person appointed under regulation 30(6) and “appointment” (“*penodiad*”) means an appointment under that regulation.

2. An appointment must be in writing and—

- (a) may relate to any particular appeal or matter specified in the appointment or to appeals or matters of a specified description;
- (b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of any conditions specified in the appointment; and
- (c) may, by notice given to the appointed person, be revoked at any time by the Welsh Ministers in respect of any appeal or matter which has not been determined by the appointed person before that time.

3. An appointed person has, in relation to any appeal or matter which an appointment relates, the same powers or duties as the Welsh Ministers have under regulations 30 and 31, as the case may be.

4. If an appointed person holds an oral hearing or a local inquiry in accordance with this Schedule, the Welsh Ministers may appoint an assessor to sit the appointed person to advise them on any matter arising, notwithstanding that the appointed person is to determine the appeal.

5. The costs of an oral hearing or local inquiry held under this Schedule must be met by the Welsh Ministers, subject to regulation 31(11).

6. After the conclusion of an oral hearing or local inquiry, or having considered written representations, the appointed person must, unless he or she has been appointed to determine the appeal, make a report to the Welsh Ministers which must include—

- (a) a conclusion; and
- (b) recommendations, or reasons why no recommendations are made.

7. Os yw Gweinidogion Cymru yn bwriadu anghytuno â'r argymhelliad a wneir yn yr adroddiad am eu bod—

- (a) yn anghytuno â'r person sy'n llunio'r adroddiad ar unrhyw fater o ffaith a grybwyllir mewn casgliad a gyrhaeddir gan y person hwnnw, neu yr ymddengys iddynt ei fod yn berthnasol i gasgliad o'r fath; neu
- (b) yn cymryd i ystyriaeth dystiolaeth newydd neu fater newydd o ffaith;

ni chaniateir iddynt wneud penderfyniad heb roi cyfle yn gyntaf i bob person a ymddangosodd yn y gwrandawriad neu'r ymchwiliad lleol gyflwyno sylwadau o fewn cyfnod rhesymol a bennir ganddynt.

8.—(1) Os caiff penodiad y person penodedig ei ddirymu o dan baragraff 2(c) mewn cysylltiad ag unrhyw apêl neu fater, rhaid i Weinidogion Cymru, onid ydynt yn bwriadu penderfynu ar y mater eu hunain, benodi person arall o dan reoliad 30(6) i benderfynu ar y mater yn eu lle.

(2) Os caiff penodiad newydd ei wneud, rhaid i'r broses o ystyried yr apêl neu'r mater, neu unrhyw ymchwiliad lleol neu wrandawriad arall mewn cysylltiad â'r apêl neu'r mater, ddechrau o'r newydd.

(3) Nid oes dim yn is-baragraff (2) yn ei gwneud yn ofynnol i unrhyw berson gael cyfle i gyflwyno sylwadau newydd neu i addasu unrhyw sylwadau a gyflwynwyd eisoes neu eu tynnu yn eu hôl.

9.—(1) Mae unrhyw beth sydd wedi ei wneud neu sydd heb ei wneud gan berson penodedig wrth iddo arfer, neu honni arfer, unrhyw swyddogaeth y mae'r penodiad yn ymwneud â hi, neu mewn cysylltiad ag arfer neu honni arfer y swyddogaeth honno, i'w drin i bob pwrpas fel rhywbeth sydd wedi ei wneud neu heb ei wneud gan Weinidogion Cymru.

(2) Nid yw is-baragraff (1) yn gymwys—

- (a) at ddibenion cymaint o unrhyw gontract a wnaed rhwng Gweinidogion Cymru a'r person penodedig ag sy'n ymwneud ag arfer y swyddogaeth; na
- (b) at ddibenion unrhyw achos troseddol a ddygir mewn cysylltiad ag unrhyw beth sydd wedi ei wneud neu sydd heb ei wneud fel a grybwyllir yn yr is-baragraff hwnnw.

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7. If the Welsh Ministers are minded to disagree with the recommendation made in the report because they—

- (a) differ from the person making the report on any matter of fact mentioned in, or appearing to them to be material to, a conclusion reached by that person; or
- (b) takes into consideration new evidence or a new matter of fact,

they must not come to a decision without first giving every person who appeared at the hearing or local inquiry an opportunity to make representations within a reasonable time specified by them.

8.—(1) If the appointment of the appointed person is revoked under paragraph 2(c) in respect of any appeal or matter, the Welsh Ministers must, unless they propose to determine the matter themselves, appoint another person under regulation 30(6) to determine the matter instead.

(2) If a new appointment is made, the consideration of the appeal or matter, or any local inquiry or other hearing in connection with it, must begin afresh.

(3) Nothing in sub-paragraph (2) requires any person to be given an opportunity to make fresh representations or to modify or withdraw any representations already made.

9.—(1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates is to be treated for all purposes as done or omitted to be done by the Welsh Ministers.

(2) Sub-paragraph (1) does not apply—

- (a) for the purposes of so much of any contract made between the Welsh Ministers and the appointed person as relates to the exercise of the function; or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.

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