OFFERYNNAU STATUDOL CYMRU

2006 Rhif 3099 (Cy.283)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Diwygio) (Cymru) 2006

Wedi'u gwneud - -	*21 Tachwedd 2006*
Yn dod i rym - -	*30 Tachwedd 2006*

Mae Cynulliad Cenedlaethol Cymru, ac yntau wedi'i ddynodi gan Orchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) 2000(**1**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) o ran y gofyniad i gael asesiad o effaith ar yr amgylchedd o brosiectau sy'n debygol o gael effaith arwyddocaol ar yr amgylchedd, drwy arfer y pwerau hynny, a thrwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 71A o Ddeddf Cynllunio Gwlad a Thref 1990(**3**) ac sy'n arferadwy bellach o ran Cymru gan Gynulliad Cenedlaethol Cymru(**4**), a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, dehongli a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Diwygio) (Cymru) 2006 a deuant i rym ar 30 Tachwedd 2006.

(2) Yn y Rheoliadau hyn, mae cyfeiriad at reoliad yn gyfeiriad at y rheoliad hwnnw yn Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999 ("Rheoliadau 1999")(**5**).

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

Diwygio Rheoliadau 1999

2. Diwygir Rheoliadau 1999 yn unol â rheoliadau 3 i 19 o'r Rheoliadau hyn.

(**1**) O.S. 2000/2812, erthygl 2 ac Atodlen 1, paragraff 2.
(**2**) 1972 p.68. Cafodd pwerau galluogi adran 2(2) eu hestyn yn rhinwedd diwygio adran 1(2) gan adran 1 o Ddeddf Ardal Economaidd Ewropeaidd 1993 (p.51).
(**3**) 1990 p.8. Mewnosodwyd adran 71A gan Ddeddf Cynllunio ac Iawndal 1991 (p.34), adran 15.
(**4**) *Gweler* Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672), fel y'i hamrywiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 ac Atodlen 3 iddo (O.S. 2000/253) (Cy.5).
(**5**) O.S. 1999/293, fel y'i diwygiwyd gan O.S. 2000/2867.

Diwygio rheoliad 2

3. Yn rheoliad 2(1) (dehongli)—

(a) ar ôl y diffiniad o "the 1995 Act" mewnosoder —

""any other information" means any other substantive information relating to the environmental statement and provided by the applicant or appellant as the case may be;

"any particular person" includes any non-governmental organisation promoting environmental protection;";

(b) yn y diffiniad o "the consultation bodies", ar ôl is-baragraff (b)(iii), dileer "and" ac, ar ôl is-baragraff (b)(iv), mewnosoder—

"and

(i) other bodies designated by statutory provision as having specific environmental responsibilities and which the local planning authority or the Secretary of State, as the case may be, considers are likely to have an interest in the application;";

(c) yn y diffiniad o "environmental information", ar ôl "further information" mewnosoder "and any other information";

(ch) yn y diffiniad o "exempt development", dileer "which comprises or forms part of a project serving national defence purposes or";

(d) ar ôl y diffiniad o "the land", mewnosoder—

""by local advertisement", in relation to a notice, means—

(a) by publication of the notice in a newspaper circulating in the locality in which the land to which the application or appeal relates is situated; and

(b) where the local planning authority maintains a website for the purpose of advertisement of applications, by publication of the notice on the website;".

Diwygio rheoliad 4

4. Yn rheoliad 4 (darpariaethau cyffredinol o ran sgrinio), yn lle paragraff (4) rhodder—

"(4) The Secretary of State may direct that these Regulations shall not apply to a particular proposed development specified in the direction in accordance with Article 2(3) of the Directive (but without prejudice to Article 7 of the Directive).

(4A) Where a direction is given under sub-paragraph (4), the Secretary of State must—

(a) send a copy of any such direction to the relevant planning authority;

(b) make available to the public the information considered in making the direction and the reasons for making the direction;

(c) consider whether another form of assessment would be appropriate; and

(d) take such steps as are considered appropriate to bring the information obtained under the other form of assessment to the attention of the public.".

Diwygio rheoliad 7

5. Yn rheoliad 7 (gwneud cais i awdurdod cynllunio lleol heb ddatganiad amgylcheddol), ar ôl paragraff (2) mewnosoder—

"(2A) Where the local planning authority is aware that any particular person is or is likely to be affected by, or has an interest in, the application and who is unlikely to become

aware of it by means of a site notice or by local advertisement, the local planning authority shall notify the applicant of any such person.".

Diwygio rheoliad 8

6. Yn rheoliad 8 (cais a gyfeirir at yr Ysgrifennydd Gwladol heb ddatganiad amgylcheddol), ar ôl paragraff (3) mewnosoder—

"(3A) Where the Secretary of State is aware that any particular person is or is likely to be affected by, or has an interest in, the application and who is unlikely to become aware of it by means of a site notice or by local advertisement, the Secretary of State shall notify the applicant of any such person.".

Diwygio rheoliad 9

7. Yn rheoliad 9 (apelio i'r Ysgrifennydd Gwladol heb ddatganiad amgylcheddol), ar ôl paragraff (4) mewnosoder—

"(4A) Where the Secretary of State is aware that any particular person is or is likely to be affected by, or has an interest in, the application and who is unlikely to become aware of it by means of a site notice or by local advertisement, the Secretary of State shall notify the appellant of any such person.".

Diwygio rheoliad 13

8. Yn rheoliad 13 (y weithdrefn pan gyflwynir datganiad amgylcheddol i awdurdod cynllunio lleol)—

(a) ym mharagraffau (1) a (2)(a), yn lle "three" rhodder "two"; a

(b) dileer "and" ar ddiwedd paragraff (2)(b) a'r atalnod llawn ar ddiwedd paragraff (2)(c) ac, ar ôl paragraff (2)(c), mewnosoder—

"; and

(d) where the planning authority is aware that any particular person is or is likely to be affected by, or has an interest in, the application and who is unlikely to become aware of it by means of a site notice or by local advertisement, send a notice to such person containing the details set out in regulation 14(2)(b) to (j) and the name and address of the relevant planning authority.".

Diwygio rheoliad 14

9. Yn rheoliad 14 (cyhoeddusrwydd pan gyflwynir datganiad amgylcheddol ar ôl y cais cynllunio), ar ôl paragraff (2) mewnosoder—

"(2A) Where the applicant has been notified under regulation 7(2A), 8(3A) or 9(4A) of such a person as mentioned in any of those paragraphs, the applicant shall serve a notice on every person of whom the applicant has been so notified; and the notice shall contain the information specified in paragraph (2), except that the date specified as the latest date on which the documents will be available for inspection shall not be less than 21 days later than the date on which the notice is first served.".

Diwygio rheoliad 19

10. Yn rheoliad 19 (gwybodaeth bellach a thystiolaeth ynghylch datganiadau amgylcheddol)—

(a) yn lle paragraff (2), rhodder—

"(2) Paragraphs (3) to (9) shall apply in relation to further information and any other information except insofar as the further information is provided for the purposes of an inquiry or hearing held under the Act and the request for the further information made pursuant to paragraph (1) stated that it was to be provided for such purposes;";

(b) ym mharagraff (3), ar ôl "pursuant to paragraph (1)" mewnosoder "or any other information";

(c) ym mharagraffau (3)(d) i (g) a (j) a (4), ar ôl "further information" mewnosoder "or any other information";

(ch) ym mharagraff (5)—

(i) ar ôl "further information" mewnosoder "or any other information", a

(ii) yn lle "three" rhodder "two";

(d) ym mharagraff (6), ar ôl "further information" mewnosoder "or any other information";

(dd) ym mharagraff (7)—

(i) ar ôl "under paragraph (1)" mewnosoder "or any other information is provided", a

(ii) ar ôl "further information" mewnosoder "or any other information"; ac

(e) ym mharagraffau (8) a (9), ar ôl "further information" mewnosoder "or any other information,".

Diwygio rheoliad 20

11. Yn rheoliad 20 (argaeledd opiniynau, cyfarwyddiadau etc. i'w harchwilio), ym mharagraff (1)(g) ar ôl "further information" mewnosoder "and any other information".

Diwygio rheoliad 21

12. Yn rheoliad 21 (dyletswyddau i hysbysu'r cyhoedd a'r Ysgrifennydd Gwladol o benderfyniadau terfynol)—

(a) ym mharagraff (1)(b), yn lle "publishing a notice in a newspaper circulating in the locality in which the land is situated" rhodder "local advertisement";

(b) ym mharagraff (1)(c)(ii), ar ôl "on which the decision is based" mewnosoder "including, if relevant, information about the participation of the public"; ac

(c) dileer y gair "and" ar ddiwedd paragraff (1)(c)(ii) a'r atalnod llawn ar ddiwedd paragraff (1)(c)(iii) ac, ar ôl paragraff (1)(c)(iii), mewnosoder—

"; and

(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.".

Diwygio rheoliad 22

13. Yn rheoliad 22 (datblygiad gan awdurdod cynllunio lleol), ym mharagraff (c) o reoliad 13(1) a amnewidiwyd gan baragraff (1)(e), yn lle "three" rhodder "two".

Diwygio rheoliad 25

14. Yn rheoliad 25 (datblygiad nas awdurdodwyd)—

(a) ym mharagraff (4), ar ôl is-baragraff (b) ychwaneger—