



OFFERYNNAU STATUDOL CYMRU

2015 Rhif 1597 (Cy. 196)

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015

<i>Gwnaed</i>	<i>3 Awst 2015</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>7 Awst 2015</i>
<i>Yn dod i rym</i>	<i>4 Medi 2015</i>

WELSH STATUTORY INSTRUMENTS

2015 No. 1597 (W. 196)

TOWN AND COUNTRY PLANNING, WALES

The Planning (Hazardous Substances) (Wales) Regulations 2015

<i>Made</i>	<i>3 August 2015</i>
<i>Laid before the National Assembly for Wales</i>	<i>7 August 2015</i>
<i>Coming into force</i>	<i>4 September 2015</i>

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**TOWN AND COUNTRY
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**The Planning (Hazardous
Substances) (Wales) Regulations
2015**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn cydgrynhoi, gyda diwygiadau, Reoliadau Cynllunio (Sylweddau Peryglus) 1992 (O.S. 1992/656) ac offerynnau diwygio dilynol i'r graddau y maent yn gymwys i Gymru. Maent hefyd yn cynnwys darpariaeth sy'n ymwneud â'r cyfnod ar gyfer penderfynu gweithdrefn o dan adrannau 20 ac 21 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 ("y DCSP").

These Regulations consolidate, with amendments, the Planning (Hazardous Substances) Regulations 1992 (S.I. 1992/656) and subsequent amending instruments insofar as they apply to Wales. They also include provision relating to the period for determination of procedure under sections 20 and 21 of the Planning (Hazardous Substances) Act 1990 ("the PHSA").

Mae'r Rheoliadau hyn hefyd yn gweithredu'r agweddau defnydd tir yng Nghyfarwyddeb 2012/18/EU Senedd Ewrop a'r Cyngor ar reoli peryglon damweiniau mawr sy'n cynnwys sylweddau peryglus (O.J. Rhif L 197, 24.7.2012, t. 1) ("Cyfarwyddeb Seveso III"). Mae'r Gyfarwyddeb honno yn diwygio ac yn diddymu Cyfarwyddeb y Cyngor 96/82/EC. Er mwyn gweithredu'r gofynion hynny yn llawn, mae rhannau o reoliadau 24 a 26 o Reoliadau Cynllunio (Sylweddau Peryglus) 2015 (O.S. 2015/627) yn gymwys i Gymru. Maent yn gymwys i'r graddau y maent yn ymwneud â materion cynllunio seilwaith nad ydynt wedi eu datganoli. Gweithredir yr agweddau nad ydynt yn ymwneud â chynllunio yng Nghyfarwyddeb Seveso III drwy Reoliadau Rheoli Peryglon Damweiniau Mawr 2015 (O.S. 2015/483).

These Regulations also implement the land-use aspects of Directive 2012/18/EU of the European Parliament and the Council on the control of major-accident hazards involving dangerous substances (O.J. No. L 197, 24.7.2012, p. 1) (the "Seveso III Directive"). That Directive amends and repeals Council Directive 96/82/EC. In order to fully implement those requirements, parts of regulations 24 and 26 of the Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627) apply to Wales. They apply to the extent that they relate to non-devolved infrastructure planning matters. The non-planning aspects of the Seveso III Directive are implemented through The Control of Major-Accident Hazards Regulations 2015 (S.I. 2015/483).

O ganlyniad mae'r Rheoliadau a ganlyn wedi eu dirymu i'r graddau y maent yn gymwys i Gymru:

Consequently the following Regulations are revoked so far as they apply to Wales:

(1) Rheoliadau Cynllunio (Sylweddau Peryglus) 1992;

(1) The Planning (Hazardous Substances) Regulations 1992;

(2) Rheoliadau Cynllunio (Rheoli Peryglon Damweiniau Mawr) 1999 (O.S. 1999/981);

(2) The Planning (Control of Major-Accident Hazards) Regulations 1999 (S.I. 1999/981);

(3) Rheoliad 10 o Orchymyn Cynllunio Gwlad a Thref (Cymhwyso Is-ddeddfwriaeth i'r Goron) 2006 (O.S. 2006/1282);

(4) Rheoliadau Cynllunio (Sylweddau Peryglus) (Diwygio) (Cymru) 2010 (O.S. 2010/450 (Cy. 48));

(5) Rheoliadau Cynllunio (Sylweddau Peryglus) (Diwygio) (Cymru) 2014 (O.S. 2014/375 (Cy. 43)); a

(6) Rheoliadau Cynllunio (Sylweddau Peryglus) (Pennu'r Weithdrefn) (Cyfnod Rhagnodedig) (Cymru) 2014 (O.S. 2014/2777 (Cy. 283)).

Mae'r prif newidiadau yn y Rheoliadau hyn fel a ganlyn—

(1) mae'r esemptiadau sydd eisoes yn bodoli i'r gofyniad i gael cydsyniad sylweddau peryglus wedi eu hestyn yn rheoliad 4 ac Atodlen 2;

(2) darperir ar gyfer esemptiad newydd i'r gofyniad ar gyfer cydsyniad sylweddau peryglus yn achos mân newidiadau penodol yn rheoliad 4 a pharagraffau 16 a 17 o Atodlen 2;

(3) mae rhestr o wybodaeth sy'n ofynnol gan reoliad 5 yn disodli'r ffurflen ragnodedig ar gyfer gwneud cais am gydsyniad;

(4) mae rheoliadau 6, 7, 10 ac 11(2) yn gwella cyfranogiad cyhoeddus yn y broses cydsyniad sylweddau peryglus;

(5) mae rheoliad 13 yn darparu mai dim ond ar gyfer apelau o dan adran 21(1) y mae terfyn amser o 6 mis i apelio o dan adran 21 o'r DCSP yn gymwys;

(6) mae gofyniad ar Weinidogion Cymru yn rheoliad 26 i ystyried, wrth lunio eu polisiau cynllunio defnydd tir, llwybrau trafniadaeth a harbyrau pysgodfeydd cenedlaethol, amcanion penodol ac ystyriaethau eraill sy'n ymwneud ag atal peryglon damweiniau mawr a chyfyngu ar ganlyniadau damweiniau o'r fath ar gyfer iechyd dynol a'r amgylchedd;

(7) mae gofynion ymgynghori cyhoeddus yn rheoliad 27 ar gyfer cynlluniau a rhaglenni cyffredinol sy'n ymwneud â chynllunio ar gyfer sefydliadau sylweddau peryglus newydd, pan allai'r lleoliad neu'r datblygiad gynyddu'r risg o ddamwain fawr neu ychwanegu at ganlyniadau damwain fawr. Nid yw'r gofynion hyn yn gymwys i gynlluniau a rhaglenni sy'n ddarostyngedig i gyfranogiad cyhoeddus o dan Ran 3 o Reoliadau Aseidiadau Amgylcheddol o Gynlluniau a Rhaglenni (Cymru) 2004 (O.S. 2004/1656 (Cy. 70));

(8) mae gofynion newydd ar gyfer ymgynghori â'r cyhoedd cyn y gwneir penderfyniadau ar ddatblygu o amgylch sefydliadau sylweddau peryglus yn rheoliad 28 pan allai'r lleoliad neu'r datblygiad achosi damwain fawr neu gynyddu'r risg o ddamwain fawr neu ychwanegu at ganlyniadau damwain o'r fath;

(3) Regulation 10 of The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006 (S.I. 2006/1282);

(4) The Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2010 (S.I. 2010/450 (W. 48));

(5) The Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2014 (S.I. 2014/375 (W. 43)); and

(6) The Planning (Hazardous Substances) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014 (S.I. 2014/2777 (W. 283)).

The main changes in these Regulations are as follows—

(1) existing exemptions to the requirement to obtain hazardous substances consent are extended in regulation 4 and Schedule 2;

(2) a new exemption to the requirement for hazardous substances consent in the case of certain minor changes is provided for in regulation 4 and paragraphs 16 and 17 of Schedule 2;

(3) the prescribed form for making an application for consent is replaced with a list of information required by regulation 5;

(4) public participation in the hazardous substances consent regime is enhanced in regulations 6, 7, 10, and 11(2);

(5) regulation 13 provides that a 6 month time limit to appeal under section 21 of the PHSA applies only to appeals under section 21(1);

(6) there is a requirement on the Welsh Ministers in regulation 26 to take into account, in their national land-use planning, transport route and fishery harbour policies, certain objectives and other considerations which relate to the prevention of major accident-hazards and the limitation of the consequences of such accidents for human health and the environment;

(7) there are public consultation requirements in regulation 27 for general plans and programmes which relate to planning for new hazardous substances establishments, where the siting or development may increase the risk or consequences of a major accident. These requirements do not apply to plans and programmes which are subject to public participation under Part 3 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I. 2004/1656 (W. 70));

(8) there are new requirements for public consultation before decisions are made on development around hazardous substances establishments in regulation 28 where the siting or development may be the source of or increase the risk or consequences of a major accident;

(9) mae'r rhestr o'r sylweddau sydd dan reolaeth wedi newid yn Atodlen 1 ac mae'r maintioli sydd dan reolaeth yn Atodlen 1 wedi ei alinio gyda'r sefydliadau hynny y cyfeirir atynt fel "haen 1" yng Nghyfarwyddeb Seveso III, (ac eithrio'r maintioli ar gyfer hydrogen a nwyon fflamadwy hylifedig penodol); a

(10) yn Rhan 3 o Atodlen 1 mae rheolaeth ar sylweddau y gellid eu cynhyrchu wrth gollu rheolaeth ar broses ddiwydiannol pan fo'n rhesymol rhag-weld y gallai sylwedd peryglus gael ei gynhyrchu.

Mae'r Rheoliadau hyn yn gymwys i Gymru ac yn nodi—

(1) yn Rhan 2 ac Atodlen 1, y sylweddau sy'n sylweddau peryglus at ddibenion y Ddeddf, y maintioli o'r sylweddau hynny sydd dan reolaeth;

(2) yn Rhan 2 ac Atodlen 2, yr esemptiadau o'r angen am gydsyniad sylweddau peryglus;

(3) yn Rhan 3 ac Atodlen 3, y gweithdrefnau i'w dilyn ar gyfer cais am gydsyniad sylweddau peryglus;

(4) yn Rhan 4 ac Atodlen 4, ddarpariaethau sy'n ymwneud â hysbysiadau tramgwydd sylweddau peryglus, gan gynnwys apelau yn eu herbyn, eu heffaith a gofyniad ar awdurdodau sylweddau peryglus i gynnal a chadw cofrestr ohonynt;

(5) yn Rhan 5, faterion eraill sy'n ymwneud â chydsyniad sylweddau peryglus, gan gynnwys yr wybodaeth i'w chadw mewn cofrestr cydsyniadau, y ffioedd sy'n ofynnol mewn cysylltiad â chais am gydsyniad sylweddau peryglus a cheisiadau tybiedig, sut mae rheoli sylweddau peryglus yn gymwys i awdurdodau sylweddau peryglus a gofynion hysbysu ar awdurdodau sylweddau peryglus a'r awdurdod COMAH cymwys (sef naill ai'r Awdurdod Gweithredol Iechyd a Diogelwch, neu'r Swyddfa dros Reoli Niwclear, a Chorff Adnoddau Naturiol Cymru) sy'n ymwneud â hawliadau am esemptiad ar gyfer presenoldeb sylweddau sefydledig;

(6) yn Rhan 6, y rhwymedigaeth i ystyried materion penodol yng Nghyfarwyddeb Seveso III wrth lunio polisiau cynllunio defnydd tir, llwybrau trafniadaeth a harbyrau pysgodfeydd; rhwymedigaethau o ran ymgynoriadau a chyfranogiad cyhoeddus mewn perthynas â chynlluniau, rhaglenni a phrosiectau penodol; ac

(7) yn Rhan 7 ac Atodlen 5, ddirymiadau, diwygiadau, arbedion, darpariaethau trosiannol a chymhwyso i'r Goron.

Paratowyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copïau oddi wrth yr Is-adran Cynllunio, Llywodraeth Cymru ym Mharc Cathays, Caerdydd CF10 3NQ ac ar y wefan yn <https://www.llyw.cymru>.

(9) the list of substances controlled has changed in Schedule 1 and the controlled quantities in Schedule 1 are aligned with those establishments referred to as "tier 1" in the Seveso III Directive, (except the quantities for hydrogen and certain liquefied flammable gases); and

(10) in Part 3 of Schedule 1 there are controls on substances that could be generated by the loss of control of an industrial process where it is reasonable to foresee that a hazardous substance might be generated.

These Regulations apply to Wales and set out—

(1) in Part 2 and Schedule 1, the substances which are hazardous substances for the purposes of the Act, the controlled quantities of those substances;

(2) in Part 2 and Schedule 2, exemptions from the need for hazardous substances consent;

(3) in Part 3 and Schedule 3, the procedures to be followed for an application for hazardous substances consent;

(4) in Part 4 and Schedule 4, provisions relating to hazardous substances contravention notices, including appeals against them, their effect and a requirement on hazardous substances authorities to maintain a register of them;

(5) in Part 5, other matters relating to hazardous substances consent, including the information to be held in a consents register, the fees required in connection with an application for hazardous substances consent and deemed applications, how hazardous substances control applies to hazardous substances authorities and notification requirements on hazardous substances authorities and the COMAH competent authority (being either HSE, or the Office for Nuclear Regulation, and the Natural Resources Body for Wales) relating to claims for exemption for the presence of established substances;

(6) in Part 6, the obligation to take certain matters in the Seveso III Directive into account in land-use planning, transport route and fishery harbour policies; public consultation and participation obligations in relation to certain plans, programmes and projects; and

(7) in Part 7 and Schedule 5, revocations, amendments, savings, transitional provisions and application to the Crown.

A regulatory impact assessment has been prepared in relation to this Order. Copies may be obtained from Planning Division, the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the website at <https://www.wales.gov>.

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The Planning (Hazardous
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Gwnaed 3 Awst 2015
*Gosodwyd gerbron Cynulliad
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Yn dod i rym 4 Medi 2015

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Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) (“Deddf 1972”) mewn perthynas ag atal effeithiau damweiniau sy'n cynnwys sylweddau peryglus, a chyfyngu arnynt, i'r graddau y maent yn ymwneud â chynllunio defnydd tir, llwybrau trafniadaeth neu bysgodfeydd(2).

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 4, 5, 7, 8, 17, 21, 21B, 24, 25, 26A, 28, 30 a 40 o Ddeddf

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The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) (“the 1972 Act”) in relation to the prevention and limitation of the effects of accidents involving dangerous substances insofar as they relate to land-use planning, transport routes or fisheries(2).

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 4, 5, 7, 8, 17, 21, 21B, 24, 25, 26A, 28, 30 and 40 of the

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

(2) O.S. 2015/814.

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

(2) S.I. 2015/814.

Cynllunio (Sylweddau Peryglus) 1990(1), adran 2(2) o Ddeddf 1972 a pharagraff 1A o Atodlen 2 iddi, ac adran 26 o Ddeddf yr Iaith Gymraeg 1993(2). Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf 1972 ac ymddengys i Weinidogion Cymru ei bod yn hwylus dehongli'r cyfeiriadau yn y Rheoliadau hyn at Reoliad (EC) Rhif 1272/2008 Senedd Ewrop a'r Cyngor dyddiedig 16 Rhagfyr 2008 ar ddsbarthu, labelu a phacio sylweddau a chymysgeddau(3), fel cyfeiriadau at yr offeryn hwnnw fel y'i diwygiwyd o bryd i'w gilydd.

RHAN 1 Cyffredinol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015 a deuant i rym ar 4 Medi 2015.

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

Planning (Hazardous Substances) Act 1990(1), section 2(2) and paragraph 1A of Schedule 2 to the 1972 Act and section 26 of the Welsh Language Act 1993(2). These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Welsh Ministers that it is expedient for the references in these Regulations to Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures(3), to be construed as references to that instrument as amended from time to time.

PART 1 General

Title, commencement and application

1.—(1) The title of these Regulations is the Planning (Hazardous Substances) (Wales) Regulations 2015 and they come into force on 4 September 2015.

(2) These Regulations apply in relation to Wales.

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- (1) 1990 p. 10. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hynny, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, ac yr oedd y swyddogaethau hynny yn swyddogaethau perthnasol y Cynulliad fel y'u diffinnir ym mharagraff 30(2). *Gweler* adran 39(2) i gael ystyr "prescribed". Diwygiwyd adran 4 gan O.S. 1999/981 y mae diwygiadau eraill iddi nad ydynt yn berthnasol i'r Rheoliadau hyn. Diwygiwyd adran 7(1) gan adran 144 o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43) ("DDA 1990") a pharagraff 3 o Ran 1 o Atodlen 13 iddi, mewnosodwyd adran 21(3A) gan adran 197 o Ddeddf Cynllunio 2008 (p. 29) ("Deddf 2008") a pharagraff 6 o Atodlen 11 iddi, mewnosodwyd adran 21B gan reoliad 2(3) o O.S. 2014/2773 (Cy. 280), diwygiwyd adran 25 gan adran 144 o DDA 1990 a pharagraff 8 o Ran 1 o Atodlen 13 iddi, adrannau 25 ac 84 o Ddeddf Cynllunio a Digolledu 1991 (p. 34) a pharagraffau 13 a 30 o Atodlen 3 a Rhan 1 o Atodlen 19 iddi, ac adran 196(4) o Ddeddf 2008 a pharagraffau 25, 28(a) a 28(b) o Atodlen 10 iddi, mewnosodwyd adran 26A gan adran 144 o DDA 1990 a pharagraff 9 o Ran 1 o Atodlen 13 iddi, diwygiwyd adran 28 gan adrannau 144 a 162 o DDA 1990 a pharagraff 2(4) o Ran 1 o Atodlen 13 a Rhan 7 o Atodlen 16 iddi, a mewnosodwyd adran 40(4) gan adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a pharagraff 27 o Atodlen 6 iddi.
- (2) 1993 p. 38. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adran hon i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.
- (3) O.J. L 345, 23.12.2008, t. 68.

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- (1) 1990 c. 10. The functions of the Secretary of State under those sections were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2). *See* section 39(2) for the meaning of "prescribed". Section 4 was amended by S.I. 1999/981 to which there are other amendments not relevant to these Regulations. Section 7(1) was amended by section 144 of and paragraph 3 of Part 1 of Schedule 13 to the Environmental Protection Act 1990 (c. 43) ("the EPA 1990"), section 21(3A) was inserted by section 197 of, and paragraph 6 of Schedule 11 to, the Planning Act 2008 (c. 29) ("the 2008 Act"), section 21B was inserted by regulation 2(3) of S.I. 2014/2773 (W. 280), section 25 has been amended by section 144 of, and paragraph 8 of Part 1 of Schedule 13 to, the EPA 1990, sections 25 and 84 of, and paragraphs 13 and 30 of Schedule 3 and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34) and section 196(4) and paragraphs 25, 28(a) and 28(b) of Schedule 10 to, the 2008 Act, section 26A was inserted by section 144 of, and paragraph 9 of Part 1 of Schedule 13 to, the EPA 1990, section 28 has been amended by sections 144 and 162 of, and paragraph 2(4) of Part 1 of Schedule 13 and Part 7 of Schedule 16 to, the EPA 1990 and section 40(4) was inserted by section 118(1) of and paragraph 27 of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5).
- (2) 1993 c. 38. The functions of the Secretary of State under this section were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were subsequently transferred to the Welsh Ministers by section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
- (3) O.J. L 345, 23.12.2008, p. 68.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “awdurdod COMAH cymwys” (“*COMAH competent authority*”)—

- (a) mewn perthynas â safle niwclear yw'r Swyddfa dros Reoli Niwclear a Chorff Adnoddau Naturiol Cymru yn gweithredu ar y cyd,
- (b) fel arall, yw'r Awdurdod Gweithredol Iechyd a Diogelwch a Chorff Adnoddau Naturiol Cymru yn gweithredu ar y cyd;

mae i “cyfathrebiadau electronig” yr ystyr a roddir i “electronic communications” yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000;

ystyr “DCGTh” (“*TCPA*”) yw Deddf Cynllunio Gwlad a Thref 1990(1);

ystyr “y DCSP” (“*the PHSA*”) yw Deddf Cynllunio (Sylweddau Peryglus) 1990;

ystyr “dyddiad cychwyn” (“*commencement date*”) yw 4 Medi 2015;

ystyr “y Gyfarwyddeb” (“*the Directive*”) yw Cyfarwyddeb 2012/18/EU Senedd Ewrop a'r Cyngor ar reoli peryglon damweiniau mawr sy'n cynnwys sylweddau peryglus(2);

ystyr “Rheoliadau 1992” (“*the 1992 Regulations*”) yw Rheoliadau Cynllunio (Sylweddau Peryglus) 1992(3); ac

mae i “safle niwclear” yr un ystyr ag sydd i “nuclear site” yn adran 112(1) o Ddeddf Ynni 2013(4).

(2) Yn y Rheoliadau hyn mae cyfeiriad at ffurflen â rhif yn gyfeiriad at y ffurflen sydd â'r rhif cyfatebol yn Atodlen 3.

(3) Mae Rhannau 1 i 3 o Atodlen 1 (sylweddau peryglus a maintioli sydd dan reolaeth) i'w dehongli yn unol â'r nodiadau i'r Atodlen honno ac mae cyfeiriad yn yr Atodlen honno at nodyn yn gyfeiriad at nodyn yn Rhan 4 o'r Atodlen honno.

(4) Mae cyfeiriadau yn y Rheoliadau hyn at Reoliad (EC) Rhif 1272/2008 Senedd Ewrop a'r Cyngor dyddiedig 16 Rhagfyr 2008 (“Rheoliad DLPh”) ar ddsbarthu, labelu a phacio sylweddau a chymysgeddau yn gyfeiriadau at y rheoliad hwnnw fel y'i diwygiwyd o bryd i'w gilydd.

(1) 1990 p. 8.

(2) O.J. Rhif L 197, 24.7.2012, t. 1.

(3) O.S. 1992/656; gwnaed diwygiadau perthnasol gan adran 76(7) o Ddeddf Cyfleustodau 2000 (p. 27) a chan O.S. 1999/981, O.S. 2006/1282, O.S. 2009/1283, O.S. 2009/1901, O.S. 2010/1050 ac O.S. 2014/162.

(4) 2013 p. 32.

Interpretation

2.—(1) In these Regulations—

“the 1992 Regulations” (“*Rheoliadau 1992*”) means the Planning (Hazardous Substances) Regulations 1992(1);

“COMAH competent authority” (“*awdurdod COMAH cymwys*”) means—

- (a) in relation to a nuclear site the Office of Nuclear Regulation and the Natural Resources Body for Wales acting jointly,
- (b) otherwise, the Health and Safety Executive and the Natural Resources Body for Wales acting jointly;

“commencement date” (“*dyddiad cychwyn*”) means 4 September 2015;

“the Directive” (“*y Gyfarwyddeb*”) means Directive 2012/18/EU of the European Parliament and the Council on the control of major-accident hazards involving dangerous substances(2);

“electronic communications” (“*cyfathrebiadau electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000;

“nuclear site” (“*safle niwclear*”) has the same meaning as in section 112(1) of the Energy Act 2013(3);

“the PHSA” (“*y DCSP*”) means the Planning (Hazardous Substances) Act 1990; and

“TCPA” (“*DCGTh*”) means the Town and Country Planning Act 1990(4).

(2) In these Regulations a reference to a numbered form is a reference to the correspondingly numbered form in Schedule 3.

(3) Parts 1 to 3 of Schedule 1 (hazardous substances and controlled quantities) are to be construed in accordance with the notes to that Schedule and a reference in that Schedule to a note is a reference to a note in Part 4 of that Schedule.

(4) References in these Regulations to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 (“the CLP Regulation”) on classification, labelling and packaging of substances and mixtures are references to that regulation as amended from time to time.

(1) S.I. 1992/656; relevant amendments were made by section 76(7) of the Utilities Act 2000 (c. 27) and by S.I. 1999/981, S.I. 2006/1282, S.I. 2009/1283, S.I. 2009/1901, S.I. 2010/1050 and S.I. 2014/162.

(2) O.J. No. L 197, 24.7.2012, p. 1.

(3) 2013 c. 32.

(4) 1990 c. 8.

RHAN 2

Sylweddau peryglus, maintioli sydd dan reolaeth ac esemptiadau

Sylweddau peryglus a maintioli sydd dan reolaeth

3. At ddiben y DCSP—

- (a) mae sylweddau peryglus yn sylweddau, cymysgeddau neu baratoadau—
 - (i) sy'n dod o fewn categori yng ngholofn 1 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn (sylweddau peryglus a maintioli sydd dan reolaeth),
 - (ii) sydd wedi eu pennu yng ngholofn 1 o Ran 2 o'r Atodlen honno, neu
 - (iii) sy'n bodloni'r disgrifiad yng ngholofn 1 o Ran 3 o'r Atodlen honno, ac sy'n bresennol fel deunyddiau crai, cynhyrchion, sgil-gynhyrchion, gweddillion neu ryng-gynhyrchion; a
- (b) y maintioli o sylwedd peryglus sydd dan reolaeth yw'r maintioli a bennir yng ngholofn 2 o Atodlen 1 i'r Rheoliadau hyn sy'n cyfateb i'r sylwedd hwnnw.

Esemptiadau

- 4. Mae Atodlen 2 i'r Rheoliadau hyn yn cael effaith.

RHAN 3

Gweithdrefnau cydsyniad sylweddau peryglus

Ceisiadau am gydsyniad sylweddau peryglus

5.—(1) Yn ddarostyngedig i baragraff (2) a rheoliad 25 (cymhwyso'r DCSP i awdurdodau sylweddau peryglus), rhaid i gais am gydsyniad sylweddau peryglus—

- (a) cael ei wneud i'r awdurdod sylweddau peryglus;
- (b) cynnwys enw a chyfeiriad y ceisydd;
- (c) cynnwys map safle a phlan lleoliad sylwedd;
- (d) cynnwys manylion am—
 - (i) lleoliad y tir y mae'r cais yn ymwneud ag ef;
 - (ii) y person sy'n rheoli'r tir y mae'r cais yn ymwneud ag ef;

PART 2

Hazardous substances, controlled quantities and exemptions

Hazardous substances and controlled quantities

3. For the purposes of the PHSA—

- (a) hazardous substances are substances, mixtures or preparations—
 - (i) falling within a category in column 1 of Part 1 of Schedule 1 to these Regulations (hazardous substances and controlled quantities),
 - (ii) specified in column 1 of Part 2 of that Schedule, or
 - (iii) meeting the description in column 1 of Part 3 of that Schedule, and present as raw materials, products, by-products, residues or intermediates; and
- (b) the controlled quantity of a hazardous substance is the quantity specified in column 2 of Schedule 1 to these Regulations corresponding to that substance.

Exemptions

- 4. Schedule 2 to these Regulations has effect.

PART 3

Hazardous substances consent procedures

Applications for hazardous substances consent

5.—(1) Subject to paragraph (2) and regulation 25 (application of the PHSA to hazardous substances authorities), an application for hazardous substances consent must—

- (a) be made to the hazardous substances authority;
- (b) include the name and address of the applicant;
- (c) include a site map and a substance location plan;
- (d) include details of—
 - (i) the location of the land to which the application relates;
 - (ii) the person in control of the land to which the application relates;

- (iii) pob sylwedd peryglus y ceisir cydsyniad ar ei gyfer (“sylwedd perthnasol”), gan gynnwys uchafswm maintioli pob sylwedd perthnasol y bwriedir iddo fod yn bresennol;
 - (iv) y prif weithgareddau a gyflawnir neu y bwriedir eu cyflawni ar y tir y mae'r cais yn ymwneud ag ef;
 - (v) sut y mae cadw a defnyddio pob sylwedd perthnasol ac ym mhle;
 - (vi) sut y bwriedir cludo pob sylwedd perthnasol i'r tir y mae'r cais yn ymwneud ag ef ac oddi yno,
 - (vii) cyffiniau'r tir perthnasol, pan fo manylion o'r fath yn berthnasol i'r risgiau o ddamwain fawr neu i ganlyniadau damwain o'r fath; ac
 - (viii) y mesurau a gymerir neu y bwriedir eu cymryd i gyfyngu ar ganlyniadau damwain fawr; a
- (e) cael ei gyflwyno ynghyd â'r hysbysiadau a'r tystysgrifau sy'n ofynnol gan reoliadau 6 a 7.

(2) Yn ddarostyngedig i reoliad 25 (cymhwyso'r DCSP i awdurdodau sylweddau peryglus), rhaid i gais y mae adran 13 o'r DCSP yn gymwys iddo (cais am gydsyniad sylweddau peryglus heb amod y rhoddwyd cydsyniad blaenorol yn ddarostyngedig iddo)—

- (a) cael ei wneud i'r awdurdod sylweddau peryglus;
- (b) cynnwys enw a chyfeiriad y ceisydd;
- (c) cynnwys plan newid lleoliad, os yw'r cais yn ymwneud ag amod sy'n cyfyngu ar leoliad sylwedd peryglus;
- (d) mewn perthynas ag unrhyw gydsyniad perthnasol, gynnwys copi o—
 - (i) y cydsyniad, pan fo'r cydsyniad perthnasol yn gydsyniad a roddwyd ar gais o dan y DCSP;
 - (ii) yr hawliad perthnasol, pan fo'r cydsyniad perthnasol yn gydsyniad y tybir ei fod wedi ei roi o dan adran 11 o'r DCSP; neu
 - (iii) y cyfarwyddwyd perthnasol, pan fo'r cydsyniad perthnasol yn gydsyniad y tybir ei fod wedi ei roi o dan adran 12;
- (e) nodi unrhyw amod a osodwyd yn flaenorol ar y cydsyniad perthnasol—
 - (i) y cynigir na ddylid ei osod mwyach ar y cydsyniad; neu
 - (ii) y cynigir mai dim ond ar ffurf wedi ei haddasu y dylid ei osod;

(2) Subject to regulation 25 (application of the PHSA to hazardous substances authorities), an application to which section 13 of the PHSA applies (application for hazardous substances consent without a condition subject to which a previous consent was granted) must—

- (a) be made to the hazardous substances authority;
- (b) include the name and address of the applicant;
- (c) include a change of location plan, if the application relates to a condition restricting the location of a hazardous substance;
- (d) include in relation to any relevant consent, a copy of—
 - (i) the consent, where the relevant consent is a consent granted on an application under the PHSA;
 - (ii) the relevant claim, where the relevant consent is a consent deemed to be granted under section 11 of the PHSA; or
 - (iii) the relevant direction, where the relevant consent is a consent deemed to be granted under section 12;
- (e) identify any condition previously imposed on the relevant consent which—
 - (i) it is proposed should no longer be imposed on the consent; or
 - (ii) it is proposed should only be imposed in a modified form;

- (f) ar gyfer unrhyw amod a nodir o dan is-baragraff (e)(i), roi'r rhesymau pam na ddylid ei osod;
- (g) ar gyfer unrhyw amod a nodir o dan is-baragraff (e)(ii)—
 - (i) nodi'r addasiad arfaethedig; a
 - (ii) rhoi'r rhesymau pam mai dim ond ar ffurf wedi ei haddasu y dylid ei osod;
- (h) disgrifio unrhyw newidiadau perthnasol mewn amgylchiadau ers dyddiad y cydsyniad perthnasol; ac
- (i) cael ei gyflwyno ynghyd â'r hysbysiadau a'r tystysgrifau sy'n ofynnol gan reoliadau 6 a 7.

(3) Rhaid i gais o dan adran 17 o'r DCSP (cais ar gyfer parhau â chydsyniad yn dilyn newid rheolaeth)—

- (a) cael ei wneud i'r awdurdod sylweddau peryglus;
- (b) cynnwys enw a chyfeiriad y ceisydd;
- (c) cynnwys plan newid rheolaeth;
- (d) cynnwys, mewn perthynas ag unrhyw gydsyniad perthnasol, ba bynnag rai o'r dogfennau a restrir ym mharagraff (2)(d) sy'n gymwys i'r cydsyniad perthnasol;
- (e) nodi'r dyddiad y mae'r person sy'n rheoli rhan o'r tir yn newid, pan fo'n hysbys;
- (f) disgrifio defnydd pob ardal o'r safle a nodwyd yn y plan newid rheolaeth;
- (g) disgrifio unrhyw newidiadau perthnasol mewn amgylchiadau ers rhoi'r cydsyniad perthnasol; a
- (h) cael ei gyflwyno ynghyd â'r hysbysiadau a'r tystysgrifau sy'n ofynnol gan reoliadau 6 a 7.

(4) Rhaid cyflwyno tri chopi o unrhyw gais y mae'r rheoliad hwn yn gymwys iddo ac unrhyw beth y mae'n ofynnol ei gyflwyno ynghyd ag ef, os gofynna'r awdurdod sylweddau peryglus amdanynt.

(5) Yn y rheoliad hwn—

ystyr "cydsyniad perthnasol" ("*relevant consent*") yw cydsyniad sylweddau peryglus presennol y mae'r cais yn ymwneud ag ef;

"map safle" ("*site map*") yw map, sydd wedi ei atgynhyrchu o un o fapiau'r Arolwg Ordans, neu sydd wedi ei seilio ar fap o'r fath gyda graddfa heb fod yn llai na 1:10,000, sy'n nodi'r tir y mae'r cais yn ymwneud ag ef ac sy'n dangos llinellau a rhifau cyfeirnod y Grid Cenedlaethol;

- (f) for any condition identified under subparagraph (e)(i), give the reasons why it should not be imposed;
- (g) for any condition identified under subparagraph (e)(ii)—
 - (i) indicate the proposed modification; and
 - (ii) give the reasons why it should only be imposed in a modified form;
- (h) describe any relevant changes in circumstances since the date of the relevant consent; and
- (i) be accompanied by the notices and certificates required by regulations 6 and 7.

(3) An application under section 17 of the PHSA (application for the continuation of consent following a change of control) must—

- (a) be made to the hazardous substances authority;
- (b) include the name and address of the applicant;
- (c) include a change of control plan;
- (d) include, in relation to any relevant consent, whichever of the documents listed in paragraph (2)(d) is applicable to the relevant consent;
- (e) state the date on which the change in the person in control of part of the land is to take place, where known;
- (f) describe the use of each area of the site identified in the change of control plan;
- (g) describe any relevant changes in circumstances since the relevant consent was granted; and
- (h) be accompanied by the notices and certificates required by regulations 6 and 7.

(4) Any application to which this regulation applies and anything required to accompany it must, if requested by the hazardous substances authority, be submitted in triplicate.

(5) In this regulation—

"change of control plan" ("*plan newid rheolaeth*") is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies each area of the site under separate control after the proposed change of control;

"change of location plan" ("*plan newid lleoliad*") is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies the location of the hazardous substance at the date of the application and the proposed location requiring the application;

“plan lleoliad sylwedd” (“*substance location plan*”) yw plan o’r tir y mae’r cais yn ymwneud ag ef, sydd wedi ei lunio i raddfa heb fod yn llai na 1:2,500, sy’n nodi—

- (a) unrhyw ardal o’r tir y bwriedir ei defnyddio ar gyfer storio’r sylwedd;
- (b) pan fo’r sylwedd i’w ddefnyddio mewn proses weithgynhyrchu, proses drin neu broses ddiwydiannol arall, leoliad prif eitemau’r offer sy’n ymwneud â’r broses honno y bydd y sylwedd yn bresennol ynddi;
- (c) manau mynediad i’r tir ac oddi yno;

“plan newid lleoliad” (“*change of location plan*”) yw plan o’r tir y mae’r cais yn ymwneud ag ef, sydd wedi ei lunio i raddfa heb fod yn llai na 1:2,500, sy’n nodi lleoliad y sylwedd peryglus ar ddyddiad y cais a’r lleoliad arfaethedig y mae’r cais yn ofynnol ar ei gyfer; a

“plan newid rheolaeth” (“*change of control plan*”) yw plan o’r tir y mae’r cais yn ymwneud ag ef, sydd wedi ei lunio i raddfa heb fod yn llai na 1:2,500, sy’n nodi pob ardal o’r safle sydd o dan reolaeth ar wahân ar ôl y newid rheolaeth arfaethedig.

(6) Mae rheoliadau 6 i 13 yn gymwys i geisiadau a wnaed o dan adran 17 o’r DCSP (dirymu cydsyniad sylweddau peryglus wrth newid rheolaeth o dir) fel y maent yn gymwys i geisiadau ar gyfer cydsyniad sylweddau peryglus.

Cyhoeddi hysbysiadau o geisiadau

6.—(1) Cyn gwneud cais am gydsyniad sylweddau peryglus i’r awdurdod sylweddau peryglus, rhaid i’r ceisydd, yn ystod y cyfnod o 21 o ddiwrnodau yn union cyn y cais—

- (a) hysbysu’r cyhoedd drwy hysbysiad a gyhoeddwyd mewn papur newydd lleol sy’n cael ei ddsbarthu yng nghyffiniau’r tir y mae’r cais sy’n ymwneud ag ef wedi ei leoli, neu drwy gyfrwng priodol arall, gan gynnwys cyfathrebiadau electronig, o’r materion a ganlyn—
 - (i) disgrifiad o’r cynnig a chyfeiriad neu leoliad y tir y mae’r cais yn ymwneud ag ef;
 - (ii) pan fo’n gymwys, y ffaith bod y cynnig yn brosiect, neu’n rhan o brosiect, sy’n ddarostyngedig i asesiad effaith amgylcheddol cenedlaethol neu drawsffiniol neu ymgynoriadau rhwng Aelod-wladwriaethau yn unol ag Erthygl 14(3) o’r Gyfarwyddeb;

“relevant consent” (“*cydsyniad perthnasol*”) means the existing hazardous substances consent to which the application relates;

“site map” (“*map safle*”) is a map, reproduced from, or based on, an Ordnance Survey map with a scale of not less than 1:10,000, which identifies the land to which the application relates and shows National Grid lines and reference numbers; and

“substance location plan” (“*plan lleoliad sylwedd*”) is a plan of the land to which the application relates, drawn to a scale of not less than 1:2,500, which identifies—

- (a) any area of the land intended to be used for the storage of the substance;
- (b) where the substance is to be used in a manufacturing, treatment or other industrial process, the location of the major items of plant involved in that process in which the substance will be present; and
- (c) access points to and from the land.

(6) Regulations 6 to 13 apply to applications made under section 17 of the PHSA (revocation of hazardous substances consent on change of control of land) as they apply to applications for hazardous substances consent.

Publication of notices of applications

6.—(1) Before making an application for hazardous substances consent to the hazardous substances authority, the applicant must, during the 21 day period immediately preceding the application—

- (a) inform the public by notice published in a local newspaper circulating in the locality in which the land to which the application relates is situated, or by other appropriate means, including electronic communications, of the following matters—
 - (i) a description of the proposal and the address or location of the land to which the application relates;
 - (ii) where applicable, the fact that the proposal is, or is part of, a project that is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with Article 14(3) of the Directive;

- (iii) bydd yr awdurdod sylweddau peryglus (y gellir cael gwybodaeth berthnasol ganddo) yn penderfynu pa un ai i roi cydsyniad ai peidio, ac os y'i rhoddir, bydd yn penderfynu pa amodau i'w rhoi;
- (iv) y caniateir i sylwadau (gan gynnwys sylwadaethau neu gwestiynau) gael eu cyflwyno i'r awdurdod sylweddau peryglus;
- (v) manylion am sut y dylid cyflwyno sylwadau o'r fath a'r cyfnod o amser ar gyfer eu cyflwyno, na chaniateir iddo fod yn llai na 21 o ddiwrnodau gan ddechrau â'r diwrnod ar ôl y diwrnod yr anfonwyd y cais o dan reoliad 5 i'r awdurdod sylweddau peryglus;
- (vi) awgrym o'r manau lle y bydd gwybodaeth berthnasol ar gael a phryd, neu drwy ba gyfrwng y bydd ar gael; a

(b) yn ddarostyngedig i baragraffau (2) a (3), arddangos hysbysiad sy'n cynnwys yr wybodaeth y cyfeirir ati yn is-baragraff (a) ar y tir y mae'r cais yn ymwneud ag ef am gyfnod nad yw'n llai na 7 niwrnod gan ei osod a'i arddangos yn y fath fodd fel y gellir ei ddarllen yn hawdd heb fynd ar y tir.

(2) Nid yw'n ofynnol i geisydd gydymffurfio â pharagraff (1)(b)—

- (a) os nad oes gan y ceisydd hawl mynediad neu hawliau eraill mewn cysylltiad â thir a fyddai'n galluogi'r ceisydd i arddangos yr hysbysiad fel sy'n ofynnol; a
- (b) os yw'r ceisydd wedi cymryd pob cam rhesymol i gaffael yr hawliau ond ei fod wedi methu.

(3) Nid yw'r ceisydd i'w drin fel petai wedi methu â chydymffurfio â pharagraff (1)(b) os yw'r hysbysiad, heb unrhyw fai neu fwriad y ceisydd, yn cael ei symud ymaith, ei guddio neu ei ddifwyno cyn diwedd y cyfnod o 7 niwrnod y cyfeirir ato yn y paragraff hwnnw, cyhyd â bod y ceisydd wedi cymryd camau rhesymol i ddiogelu'r hysbysiad ac, os oes angen, ei ailosod.

(4) Ni chaiff yr awdurdod sylweddau peryglus ystyried cais am gydsyniad sylweddau peryglus oni bai y cyflwynir ynghyd ag ef—

- (a) copi o'r hysbysiad y cyfeirir ato ym mharagraff (1) a ardystiwyd gan, neu ar ran, y ceisydd fel un sydd wedi ei gyhoeddi yn unol â pharagraff (1)(a);
- (b) pan fo'n cael ei gyhoeddi mewn papur newydd lleol, fanylion am enw'r papur newydd a dyddiad ei gyhoeddi;

(iii) that the hazardous substances authority (from which relevant information can be obtained) will decide whether or not to grant consent, and if to grant, will decide on what conditions to grant;

(iv) that representations (including comments or questions) may be made to the hazardous substances authority;

(v) details of how such representations should be made and the time period for making representations, which must be not less than 21 days beginning with the day after the day on which an application under regulation 5 is sent to the hazardous substances authority;

(vi) an indication of the times and places where, or means by which, relevant information will be made available; and

(b) subject to paragraphs (2) and (3), post a notice containing the information referred to in subparagraph (a) on the land to which the application relates for not less than 7 days sited and displayed in such a way as to be easily legible without entering onto the land.

(2) An applicant is not required to comply with paragraph (1)(b) if—

- (a) the applicant has no right of access or other rights in respect of the land which would enable the applicant to post the notice as required; and
- (b) the applicant has taken all reasonable steps to acquire the rights but has failed.

(3) The applicant is not to be treated as having failed to comply with paragraph (1)(b) if the notice is, without any fault or intention of the applicant, removed, obscured or defaced before the 7 days referred to in that paragraph have elapsed, so long as the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.

(4) An application for hazardous substances consent must not be entertained by the hazardous substances authority unless it is accompanied by—

- (a) a copy of the notice referred to in paragraph (1) certified by, or on behalf of, the applicant as having been published in accordance with paragraph (1)(a);
- (b) where published in a local newspaper, details of the name of the newspaper and the date of its publication;

- (c) pan fo'n cael ei gyhoeddi drwy gyfrwng arall, fanylion y cyfryngau eraill hynny; a
- (d) y dystysgrif briodol ar Ffurflen 1, wedi ei llofnodi gan neu ar ran y ceisydd.

- (c) where published by other means, details of those other means; and
- (d) the appropriate certificate on Form 1, signed by or on behalf of the applicant.

Hysbysiadau o geisiadau i berchnogion

7.—(1) Ni chaiff awdurdod sylweddau peryglus ystyried cais am gydsyniad sylweddau peryglus oni bai bod pa bynnag rai o dystysgrifau A i D a nodir yn Ffurflen 2 sy'n briodol, wedi eu llofnodi gan neu ar ran y ceisydd, yn cael eu cyflwyno ynghyd â'r cais.

(2) Yn achos cais am gydsyniad sylweddau peryglus, rhaid i'r hysbysiad gofynnol y cyfeirir ato yn nhystysgrifau B ac C o Ffurflen 2 fod yn hysbysiad a roddir ar Ffurflen 3 a rhaid i gopi o'r hysbysiad y mae'n ofynnol ei gyhoeddi o dan reoliad 6(1)(a) fynd ynghyd ag ef.

Edrych ar geisiadau

8. Ar ôl cael cais o dan reoliad 5, rhaid i'r awdurdod sylweddau peryglus sicrhau bod copi o'r cais ar gael i edrych arno yn swyddfeydd yr awdurdod sylweddau peryglus yn ystod y cyfnod a ganiateir ar gyfer cyflwyno sylwadau yn unol â rheoliad 6(1).

Ceisiadau yn dod i law awdurdod sylweddau peryglus

9.—(1) Pan fo'r awdurdod sylweddau peryglus yn cael cais dilys am gydsyniad sylweddau peryglus neu gais am unrhyw gydsyniad, cytundeb neu gymeradwyaeth sy'n ofynnol gan amod a osodir ar roi cydsyniad sylweddau peryglus, rhaid iddo, cyn gynted ag y bo'n ymarferol—

- (a) cydnabod yn ysgrifenedig bod y cais wedi dod i law; a
- (b) anfon copi o'r cais i'r awdurdod COMAH cymwys.

(2) Pan fo cais sy'n dod i law yn un annilys, ym marn yr awdurdod sylweddau peryglus, rhaid i'r awdurdod, cyn gynted ag y bo'n ymarferol, hysbysu'r ceisydd am ei farn, gan roi ei resymau.

(3) At ddibenion y rheoliad hwn a rheoliadau 10 ac 11—

- (a) mae cais yn ddilys os yw'n cydymffurfio â rheoliad 5 a bod unrhyw ddogfennau sy'n ofynnol gan reoliadau 6 a 7 yn cael eu cyflwyno ynghyd ag ef; a
- (b) ystyrir bod cais dilys am gydsyniad sylweddau peryglus wedi dod i law—

Notification of applications to owners

7.—(1) An application for hazardous substances consent must not be entertained by the hazardous substances authority unless it is accompanied by whichever of certificates A to D set out in Form 2 is appropriate, signed by or on behalf of the applicant.

(2) The required notice referred to in certificates B and C of Form 2 must, in the case of an application for hazardous substances consent, be a notice given on Form 3 and must attach a copy of the notice required to be published under regulation 6(1)(a).

Inspection of applications

8. Following receipt of an application under regulation 5, the hazardous substances authority must ensure that a copy of the application is available for inspection at the offices of the hazardous substances authority during the period allowed for making representations pursuant to regulation 6(1).

Receipt of applications by hazardous substances authority

9.—(1) When the hazardous substances authority receive a valid application for hazardous substances consent or an application for any consent, agreement or approval required by a condition imposed on a grant of hazardous substances consent, they must, as soon as practicable—

- (a) acknowledge receipt of the application in writing; and
- (b) send a copy of the application to the COMAH competent authority.

(2) Where, in the opinion of the hazardous substances authority, an application received by the authority is not a valid application, the authority must, as soon as practicable, notify the applicant of their opinion, giving their reasons.

(3) For the purposes of this regulation and regulations 10 and 11—

- (a) an application is valid if it complies with regulation 5 and is accompanied by any documents required by regulations 6 and 7; and
- (b) a valid application for hazardous substances consent is to be taken to have been received when—

- (i) pan fo yn nwylo'r awdurdod sylweddau peryglus; a
- (ii) pan fo unrhyw ffi sy'n ofynnol i'w thalu mewn cysylltiad â'r cais wedi ei thalu i'r awdurdod hwnnw.

- (i) it is lodged with the hazardous substances authority; and
- (ii) any fee required to be paid in respect of the application has been paid to that authority.

Ymgynghori cyn rhoi cydsyniad sylweddau peryglus

10.—(1) Ac eithrio pan fo'r corff neu'r person dan sylw wedi hysbysu'r awdurdod sylweddau peryglus nad yw'n dymuno i'r awdurdod ymgynghori ag ef, rhaid i'r awdurdod, cyn penderfynu cais am gydsyniad sylweddau peryglus, ymgynghori â'r canlynol—

- (a) awdurdod COMAH cymwys;
- (b) y cyngor sir neu'r cyngor bwrdeistref sirol dan sylw, os nad y cyngor hwnnw yw'r awdurdod sylweddau peryglus hefyd;
- (c) y cyngor cymuned neu'r cyngor tref dan sylw;
- (d) yr awdurdod tân ac achub dan sylw, os nad yr awdurdod hwnnw yw'r awdurdod sylweddau peryglus hefyd;
- (e) y person dan sylw y mae trwydded wedi ei rhoi iddo o dan adran 7(2) o Ddeddf Nwy 1986 (trwyddedu cludwyr nwy)(1);
- (f) y person dan sylw y mae trwydded wedi ei rhoi iddo o dan adran 6(1)(b) ac (c) o Ddeddf Trydan 1989 (trwyddedau sy'n awdurdodi cyflenwi etc.)(2);
- (g) pan fo'r tir y mae'r cais yn ymwneud ag ef o fewn 2 cilometr o balas, parc neu breswylfa frenhinol, yr Ysgrifennydd Gwladol;
- (h) pan fo'r tir y mae'r cais yn ymwneud ag ef mewn ardal sydd wedi ei dynodi'n dref newydd, corfforaeth datblygu'r dref newydd;
- (i) pan fo'r tir y mae'r cais yn ymwneud ag ef wedi ei leoli o fewn 2 cilometr o—
 - (i) sir, bwrdeistref sirol, neu ddosbarth cyfagos, y cyngor ar gyfer y sir honno, y fwrdeistref sirol honno neu'r dosbarth hwnnw;
 - (ii) ardal awdurdod tân ac achub cyfagos, yr awdurdod hwnnw; neu

Consultation before the grant of hazardous substances consent

10.—(1) Except where the body or person concerned has notified the hazardous substances authority that they do not wish to be consulted, the authority must, before determining an application for hazardous substances consent, consult—

- (a) the COMAH competent authority;
- (b) the county or county borough council concerned, where that council is not also the hazardous substances authority;
- (c) the community or town council concerned;
- (d) the fire and rescue authority concerned, where that authority is not also the hazardous substances authority;
- (e) the person concerned to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licencing of gas transporters)(1);
- (f) the person concerned to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply etc.)(2);
- (g) where the land to which the application relates is within 2 kilometres of a royal palace, park or residence, the Secretary of State;
- (h) where the land to which the application relates is in an area designated as a new town, the development corporation for the new town;
- (i) where the land to which the application relates is situated within 2 kilometres of—
 - (i) an adjacent county, county borough, or district, the council for that county, county borough or district;
 - (ii) the area of an adjacent fire and rescue authority, that authority; or

(1) 1986 p. 44. Amnewidiwyd adran 7 gan adran 5 o Ddeddf Nwy 1995 (p. 45) a diwygiwyd is-adran (2) gan adrannau 3(2) a 76 o Ddeddf Cyfleustodau 2000, a pharagraffau 1 a 4 o Ran 1 o Atodlen 6 iddi a chan O.S. 2011/2704.

(2) 1989 p. 29. Amnewidiwyd adran 6 gan adran 30 o Ddeddf Cyfleustodau 2000 (p. 27), amnewidiwyd is-adran (1)(b) gan adran 136(1) o Ddeddf Ynni 2004 (p. 20) a diwygiwyd is-adran (1)(c) gan adran 197(9) o Ddeddf Ynni 2004, a Rhan 1 o Atodlen 23 iddi.

(1) 1986 c. 44. Section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and subsection (2) was amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Part 1 of Schedule 6 to, the Utilities Act 2000 and by S.I. 2011/2704.

(2) 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27), subsection (1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20) and subsection (1)(c) was amended by section 197(9) of, and Part 1 of Schedule 23 to, the Energy Act 2004.

- (iii) tref newydd gyfagos, corfforaeth datblygu'r dref newydd;
- (j) pan fo'n ymddangos i'r awdurdod sylweddau peryglus sy'n delio â'r cais y gellid effeithio ar dir yn ardal unrhyw awdurdod sylweddau peryglus arall, yr awdurdod hwnnw;
- (k) pan fo'r cais yn ymwneud â thir mewn ardal y mae adran 28(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1) yn gymwys iddi (safleoedd o ddiddordeb gwyddonol arbennig) neu pan ymddengys i'r awdurdod sylweddau peryglus sy'n delio â'r cais y gellid effeithio ar ardal o sensitifrwydd naturiol penodol neu o ddiddordeb penodol, yng Nghymru, Corff Adnoddau Naturiol Cymru neu yn Lloegr, Natural England;
- (l) pan fo'r cais yn ymwneud â thir mewn ardal gwaith glo a hysbyswyd i'r awdurdod sylweddau peryglus gan yr Awdurdod Glo, yr Awdurdod Glo; ac
- (m) pan fo'r cais yn ymwneud â thir a ddefnyddir ar gyfer gwaredu neu storio gwastraff a reolir, yr awdurdod gwaredu gwastraff dan sylw, os nad yr awdurdod hwnnw yw'r awdurdod sylweddau peryglus hefyd.

(2) Rhaid i'r awdurdod sylweddau peryglus hefyd, cyn penderfynu cais am gydsyniad sylweddau peryglus, ymgynghori ag unrhyw bersonau eraill, gan gynnwys unrhyw sefydliad anllywodraethol sy'n hyrwyddo gwaith diogelu'r amgylchedd, y mae'r cais yn effeithio arnynt neu y mae'n debygol o effeithio arnynt, neu sydd â buddiant ynddo, ac sydd ym marn yr awdurdod yn annhebygol o ddod yn ymwybodol o'r cais drwy'r hysbysiadau o dan reoliad 6.

(3) Pan fo'n ymgynghori o dan baragraff (1) neu (2) o'r rheoliad hwn, rhaid i'r awdurdod sylweddau peryglus hefyd, o fewn 7 niwrnod ar ôl cael y cais—

- (a) hysbysu'r corff neu'r person dan sylw yn ysgrifenedig ei fod wedi cael cais am gydsyniad sylweddau peryglus a rhoi gwybod iddo am y materion a ganlyn—
 - (i) disgrifiad o'r cynnig a chyfeiriad neu leoliad y tir y mae'r cais yn ymwneud ag ef;

- (iii) an adjacent new town, the development corporation for the new town;
- (j) where it appears to the hazardous substances authority dealing with the application that land in the area of any other hazardous substances authority may be affected, that authority;
- (k) where the application relates to land in an area to which section 28(1) of the Wildlife and Countryside Act 1981(1) applies (sites of special scientific interest) or where it appears to the hazardous substances authority dealing with the application that an area of particular natural sensitivity or interest may be affected, in Wales, the Natural Resources Body for Wales or in England, Natural England;
- (l) where the application relates to land in an area of coal working notified to the hazardous substances authority by the Coal Authority, the Coal Authority; and
- (m) where the application relates to land which is used for disposal or storage of controlled waste, the waste disposal authority concerned, where that authority is not also the hazardous substances authority.

(2) The hazardous substances authority must also, before determining an application for hazardous substances consent, consult any other persons, including any non-governmental organisation promoting environmental protection, who are affected or likely to be affected by, or have an interest in, the application, and who in the authority's opinion are unlikely to become aware of the application through the notices under regulation 6.

(3) When it consults under paragraph (1) or (2) of this regulation, the hazardous substances authority must also, within 7 days of receiving an application—

- (a) notify in writing the body or person concerned that they have received an application for hazardous substances consent and inform them of the following matters—
 - (i) a description of the proposal and the address or location of the land to which the application relates;

(1) 1981 p. 69. Amnewidiwyd adran 28 gan baragraff 1 o Atodlen 9 i Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37) ac fe'i diwygiwyd gan adran 105(1) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16) a pharagraff 79 o Ran 1 o Atodlen 11 iddi, a pharagraff 2 o Ran 2 o Atodlen 13 i Ddeddf Mynediad i Arfordiroedd a Glannau'r Môr 2009 (p. 23).

(1) 1981 c. 69. Section 28 was substituted by paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37) and amended by section 105(1) of, and paragraph 79 of Part 1 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16) and paragraph 2 of Part 2 of Schedule 13 to the Marine and Coastal Access Act 2009 (c. 23).

- (ii) pan fo'n gymwys, y ffaith bod y cynnig yn brosiect, neu'n rhan o brosiect, sy'n ddarostyngedig i asesiad effaith amgylcheddol cenedlaethol neu drawsffiniol neu ymgynghoriadau rhwng Aelod-wladwriaethau yn unol ag Erthygl 14(3) o'r Gyfarwyddeb;
 - (iii) y bydd yr awdurdod sylweddau peryglus (y gellir cael gwybodaeth berthnasol ganddo) yn penderfynu pa un ai i roi cydsyniad ai peidio, ac os y'i rhoddir, bydd yn penderfynu ar ba amodau i'w roi;
 - (iv) y caniateir i sylwadau (gan gynnwys sylwadaethau neu gwestiynau) gael eu cyflwyno i'r awdurdod sylweddau peryglus;
 - (v) manylion am sut y dylid cyflwyno sylwadau o'r fath a'r cyfnod o amser ar gyfer eu cyflwyno, na chaniateir iddo fod yn llai na 28 o ddiwrnodau gan ddechrau â'r diwrnod ar ôl y diwrnod yr hysbysir y person neu'r corff fod cais dilys wedi dod i law'r awdurdod sylweddau peryglus;
 - (vi) awgrym o'r manau lle y bydd gwybodaeth berthnasol ar gael a phryd, neu drwy ba gyfrwng y bydd ar gael; a
- (b) sicrhau bod copi o'r cais ar gael i edrych arno yn swyddfeydd yr awdurdod sylweddau peryglus yn ystod y cyfnod neu'r cyfnodau a ganiateir ar gyfer cyflwyno sylwadau.

(4) Pan fo'n ofynnol i awdurdod sylweddau peryglus ymgynghori â chorff o dan—

- (a) paragraff (1)(a), neu
- (b) paragraff (1)(k), pan ymddengys i'r awdurdod y gellid effeithio ar ardal o sensitifrwydd naturiol penodol neu o ddiddordeb penodol,

nid yw'r esemptiad ym mharagraff (1) yn gymwys.

(5) Yn y rheoliad hwn—

- (a) mae i "ardal o sensitifrwydd naturiol penodol neu o ddiddordeb penodol" yr un ystyr ag "area of particular natural sensitivity or interest" at ddibenion y Gyfarwyddeb;

- (ii) where applicable, the fact that the proposal is, or is part of, a project that is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with Article 14(3) of the Directive;
 - (iii) that the hazardous substances authority (from which relevant information can be obtained) will decide whether or not to grant consent, and if to grant, will decide on what conditions to grant;
 - (iv) that representations (including comments or questions) may be made to the hazardous substances authority;
 - (v) details of how such representations should be made and the time period for making representations, which must be not less than 28 days beginning with the day after the day on which the person or body is notified that a valid application has been received by the hazardous substances authority;
 - (vi) an indication of the times and places where, or means by which, relevant information will be made available; and
- (b) ensure that a copy of the application is available for inspection at the offices of the hazardous substances authority during the period or periods allowed for making representations.

(4) Where a hazardous substances authority is required to consult a body under—

- (a) paragraff (1)(a), or
- (b) paragraff (1)(k), where it appears to the authority that an area of particular natural sensitivity or interest may be affected,

the exception in paragraph (1) does not apply.

(5) In this regulation—

- (a) "area of particular natural sensitivity or interest" ("*ardal o sensitifrwydd naturiol penodol neu o ddiddordeb penodol*") has the same meaning as it has for the purposes of the Directive;

- (b) mae i “gwastraff a reolir” yr ystyr a roddir i’r ymadrodd “controlled waste” gan adran 75(4) o Ddeddf Diogelu’r Amgylchedd 1990(1) ac mae “awdurdod gwaredu gwastraff” (“*waste disposal authority*”) i’w ddehongli yn unol ag adran 30(2)(2) o’r Ddeddf honno; ac
- (c) mae i “sir”, “bwrdeistref sirol” a “dosbarth” yr un ystyron ag sydd i “county”, “county borough” a “district”, yn eu trefn, yn Neddf Llywodraeth Leol 1972(3).

- (b) “controlled waste” (“*gwastraff a reolir*”) has the meaning given to that expression by section 75(4) of the Environmental Protection Act 1990(1) and “waste disposal authority” (“*awdurdod gwaredu gwastraff*”) is to be construed in accordance with section 30(2)(2) of that Act; and
- (c) “county” (“*sir*”), “county borough” (“*bwrdeistref sirol*”) and “district” (“*dosbarth*”) have the same meanings as in the Local Government Act 1972(3).

Penderfynu ceisiadau am gydsyniad sylweddau peryglus

11.—(1) Ni chaiff awdurdod sylweddau peryglus benderfynu cais am gydsyniad sylweddau peryglus cyn y daw’r cyfnod neu’r cyfnodau i ben a ganiateir ar gyfer cyflwyno sylwadau yn unol â rheoliad 6(1) a 10(3).

(2) Wrth benderfynu cais am gydsyniad sylweddau peryglus, rhaid i’r awdurdod sylweddau peryglus ystyried canlyniadau’r ymgynghoriad a gynhelir mewn perthynas â’r cais hwnnw.

(3) Yn ddarostyngedig i baragraff (1), rhaid i awdurdod sylweddau peryglus, o fewn y cyfnod a bennir ym mharagraff (4), roi i’r ceisydd hysbysiad ysgrifenedig am ei benderfyniad neu hysbysiad bod y cais wedi ei gyfeirio at Weinidogion Cymru i’w benderfynu.

(4) Y cyfnod a bennir at ddibenion paragraff (3) yw—

- (a) cyfnod o 8 wythnos o’r dyddiad y mae’r awdurdod sylweddau peryglus yn cael y cais; neu
- (b) ac eithrio pan fo’r ceisydd eisoes wedi rhoi hysbysiad o apêl i Weinidogion Cymru, y cyfryw gyfnod hwy ag y caiff y ceisydd a’r awdurdod sylweddau peryglus gytuno arno yn ysgrifenedig.

(5) Pan fo awdurdod sylweddau peryglus yn rhoi hysbysiad o benderfyniad ar gais rhaid i’r hysbysiad, pan fo cydsyniad sylweddau peryglus yn cael ei wrthod neu ei roi yn ddarostyngedig i amodau—

- (a) nodi, yn glir ac yn fanwl, ei resymau llawn am ei wrthod neu am unrhyw amod a osodir; a

Determination of applications for hazardous substances consent

11.—(1) A hazardous substances authority must not determine an application for hazardous substances consent before the expiry of the period or periods allowed for making representations pursuant to regulations 6(1) and 10(3).

(2) In determining an application for hazardous substances consent, the hazardous substances authority must take into account the results of the consultation undertaken in relation to that application.

(3) Subject to paragraph (1), a hazardous substances authority must, within the period specified in paragraph (4), give the applicant written notice of their decision or notice that the application has been referred to the Welsh Ministers for determination.

(4) The period specified for the purposes of paragraph (3) is—

- (a) a period of 8 weeks from the date when the application is received by the hazardous substances authority; or
- (b) except where the applicant has already given notice of appeal to the Welsh Ministers, such extended period as may be agreed in writing by the applicant and the hazardous substances authority.

(5) When a hazardous substances authority give notice of a decision on an application the notice must, where hazardous substances consent is refused or is granted subject to conditions—

- (a) state, clearly and precisely, their full reasons for the refusal or for any condition imposed; and

(1) 1990 p. 43. Diwygiwyd adran 75(1) gan O.S. 2006/937. Diwygiwyd adran 75(2) gan O.S. 2011/988.

(2) Diwygiwyd adran 30(2) gan adran 22(3) o Ddeddf Llywodraeth Leol (Cymru) 1994, a pharagraff 17(2) o Atodlen 9 iddi. Mae diwygiadau eraill i’r adran hon nad ydynt yn berthnasol i’r Rheoliadau hyn.

(3) 1972 p. 70.

(1) 1990 c. 43. Section 75(1) was amended by S.I. 2006/937. Section 75(2) was amended by S.I. 2011/988.

(2) Section 30(2) was amended by section 22(3) of, and paragraph 17(2) of Schedule 9 to, the Local Government (Wales) Act 1994. There are other amendments to this section which are not relevant to these Regulations.

(3) 1972 c. 70.

- (b) os yw'r ceisydd wedi ei dramgwyddo gan y penderfyniad, gynnwys datganiad i'r perwyl y caiff y ceisydd apelio i Weinidogion Cymru o dan adran 21 o'r DCSP o fewn 6 mis i ddyddiad yr hysbysiad o benderfyniad, neu'r cyfryw gyfnod hwy ag y caiff Gweinidogion Cymru ei ganiatáu ar unrhyw adeg.

(6) Rhaid i'r awdurdod sylweddau peryglus, cyn gynted ag y bo'n ymarferol, hysbysu'r personau a ganlyn am delerau ei benderfyniad—

- (a) yr Awdurdod Gweithredol Iechyd a Diogelwch;
- (b) pan fo'r tir y mae'r penderfyniad yn ymwneud ag ef yn safle niwclear, neu ar safle o'r fath, y Swyddfa dros Reoli Niwclear;
- (c) y cyngor sir neu'r cyngor bwrdeistref sirol dan sylw, os nad y cyngor hwnnw yw'r awdurdod sylweddau peryglus dan sylw hefyd;
- (d) unrhyw ymgynghoreion eraill sydd wedi cyflwyno sylwadau iddo ar y cais; ac
- (e) unrhyw berchnogion sydd wedi cyflwyno sylwadau iddo ar y cais.

(7) Rhaid i'r awdurdod sylweddau peryglus sicrhau bod y canlynol ar gael i edrych arnynt yn swyddfeydd yr awdurdod sylweddau peryglus—

- (a) cynnwys y penderfyniad a'r rhesymau y seiliwyd y penderfyniad arnynt, gan gynnwys unrhyw hysbysiau dilynol a gafwyd gan yr awdurdod COMAH cymwys yn unol â pharagraff 17 o Atodlen 2; a
- (b) canlyniadau'r ymgynghoriadau a gynhaliwyd cyn gwneud y penderfyniad ac esboniad am sut y'u hystyriwyd wrth wneud y penderfyniad hwnnw.

Hysbysiad o gyfeirio ceisiadau at Weinidogion Cymru

12. Wrth gyfeirio unrhyw gais at Weinidogion Cymru yn unol â chyfarwyddyd o dan adran 20 o'r DCSP, rhaid i awdurdod sylweddau peryglus gyflwyno hysbysiad i'r ceisydd—

- (a) yn hysbysu'r ceisydd bod y cais wedi ei gyfeirio at Weinidogion Cymru;
- (b) yn nodi'r rhesymau a roddir gan Weinidogion Cymru am ddyroddi'r cyfarwyddyd; ac
- (c) yn cynnwys datganiad y bydd Gweinidogion Cymru yn rhoi cyfle i'r ceisydd ymddangos gerbron person a benodwyd gan Weinidogion Cymru at y diben hwnnw a chael ei glywed ganddo, os yw'r ceisydd yn dymuno hynny.

- (b) include a statement to the effect that if the applicant is aggrieved by the decision the applicant may appeal to the Welsh Ministers under section 21 of the PHSA within 6 months of the date of the notice of the decision, or such longer period as the Welsh Ministers may at any time allow.

(6) The hazardous substances authority must, as soon as is practicable, inform the following persons of the terms of their decision—

- (a) the Health and Safety Executive;
- (b) where the land to which the decision relates is, or is on, a nuclear site, the Office for Nuclear Regulation;
- (c) the county or county borough council concerned, where that council is not also the hazardous substances authority concerned;
- (d) any other consultees who have made representations to them on the application; and
- (e) any owners who have made representations to them on the application.

(7) The hazardous substances authority must make available for inspection at the offices of the hazardous substances authority—

- (a) the contents of the decision and the reasons on which it is based, including any subsequent notices received from the COMAH competent authority pursuant to paragraph 17 of Schedule 2; and
- (b) the results of the consultations held before the decision was taken and an explanation of how they were taken into account in that decision.

Notice of reference of applications to the Welsh Ministers

12. On referring any application to the Welsh Ministers pursuant to a direction under section 20 of the PHSA, a hazardous substance authority must serve on the applicant a notice—

- (a) informing the applicant that the application has been referred to the Welsh Ministers;
- (b) setting out the reasons given by the Welsh Ministers for issuing the direction; and
- (c) containing a statement that the Welsh Ministers will, if the applicant so desires, give the applicant an opportunity of appearing before and being heard by a person appointed by the Welsh Ministers for that purpose.

Apelau

13.—(1) Rhaid i unrhyw apêl i Weinidogion Cymru o dan adran 21(1) o'r DCSP (apelau yn erbyn penderfyniadau sy'n ymwneud â sylweddau peryglus) gael ei wneud o fewn 6 mis i ddyddiad yr hysbysiad o'r penderfyniad sy'n arwain at yr apêl, neu o fewn y cyfryw gyfnod hwy y caiff Gweinidogion Cymru ei ganiatáu ar unrhyw adeg.

(2) Rhaid i apêl o dan adran 21 o'r DCSP (apelau yn erbyn penderfyniadau neu fethiant i wneud penderfyniadau sy'n ymwneud â sylweddau peryglus)—

- (a) cael ei gwneud i Weinidogion Cymru ar ffurflen a geir oddi wrth Weinidogion Cymru;
- (b) cynnwys yr wybodaeth a bennir yn y ffurflen; ac
- (c) cael ei chyflwyno ynghyd â'r dogfennau a bennir ym mharagraff (3) a'r dystysgrif sy'n ofynnol gan baragraff (4).

(3) Y dogfennau a grybwyllir ym mharagraff (2)(c) yw—

- (a) y cais a wnaed i'r awdurdod sylweddau peryglus sydd wedi achosi'r apêl;
- (b) unrhyw hysbysiadau a thystysgrifau sy'n ofynnol gan reoliadau 6 a 7 a gyflwynwyd ynghyd â'r cais;
- (c) unrhyw ohebiaeth â'r awdurdod sy'n ymwneud â'r cais; a
- (d) yr hysbysiad o benderfyniad, os oes un.

(4) Ni chaiff Gweinidogion Cymru ystyried apêl o dan adran 21 o'r DCSP oni bai bod pa bynnag rai o dystysgrifau A i D sy'n briodol yn Ffurflen 2, wedi eu llofnodi gan neu ar ran yr apelydd, yn cael eu cyflwyno ynghyd â hi.

(5) Rhaid i'r hysbysiad gofynnol y cyfeirir ato yn nhystysgrifau B ac C, yn achos apêl o dan adran 21 o'r DCSP, fod yn hysbysiad a roddir ar Ffurflen 4.

(6) Rhaid i'r apelydd anfon copi o'r ffurflen hysbysiad o apêl wedi ei llenwi a'r dystysgrif sy'n cael ei chyflwyno ynghyd â hi i'r awdurdod sylweddau peryglus ar yr un pryd ag y gwneir yr apêl i Weinidogion Cymru.

Y cyfnod ar gyfer penderfynu gweithdrefn o dan adrannau 20 ac 21 o'r DCSP

14.—(1) At ddibenion adran 21B(3) o'r DCSP (penderfyniad gan Weinidogion Cymru ar y weithdrefn ar gyfer ceisiadau o dan adran 20 o'r DCSP ac apelau o dan adran 21) y cyfnod rhagnodedig yw saith niwrnod gwaith o'r dyddiad perthnasol.

Appeals

13.—(1) Any appeal to the Welsh Ministers under section 21(1) of the PHSA (appeals against decisions relating to hazardous substances) must be made within 6 months of the date of the notice of the decision giving rise to the appeal, or within such longer period as the Welsh Ministers may, at any time, allow.

(2) Any appeal under section 21 of the PHSA (appeals against decisions or failure to take decisions relating to hazardous substances) must—

- (a) be made to the Welsh Ministers on a form obtained from the Welsh Ministers;
- (b) include the information specified in the form; and
- (c) be accompanied by the documents specified in paragraph (3) and the certificate required by paragraph (4).

(3) The documents mentioned in paragraph (2)(c) are—

- (a) the application made to the hazardous substances authority which has occasioned the appeal;
- (b) any notices and certificates required by regulations 6 and 7 which accompanied the application;
- (c) any correspondence with the authority relating to the application; and
- (d) the notice of decision, if any.

(4) An appeal under section 21 of the PHSA must not be entertained by the Welsh Ministers unless it is accompanied by whichever of certificates A to D is appropriate in Form 2, signed by or on behalf of the appellant.

(5) The required notice referred to in certificates B and C must, in the case of an appeal under section 21 of the PHSA, be a notice given on Form 4.

(6) The appellant must send a copy of the completed notice of appeal form and accompanying certificate to the hazardous substances authority at the same time as the appeal is made to the Welsh Ministers.

Period for determination of procedure under sections 20 and 21 of the PHSA

14.—(1) For the purposes of section 21B(3) of the PHSA (determination by the Welsh Ministers of procedure for applications under section 20 of the PHSA and appeals under section 21) the prescribed period is seven working days from the relevant date.

(2) Yn y rheoliad hwn—

ystyr “diwrnod gwaith” (“*working day*”) yw diwrnod nad yw’n ddydd Sadwrn, yn ddydd Sul, yn Wyl y Banc nac yn wyl gyhoeddus arall yng Nghymru; ac

ystyr “y dyddiad perthnasol” (“*the relevant date*”)—

- (a) mewn perthynas â chyfeiriadau o dan adran 20(1) o’r DCSP (cyfeirio ceisiadau at Weinidogion Cymru), yw’r diwrnod y mae Gweinidogion Cymru yn cael hysbysiad gan yr awdurdod sylweddau peryglus bod y cais yn cael ei gyfeirio; a
- (b) mewn perthynas ag apêl o dan adran 21 o’r DCSP (apelau yn erbyn penderfyniadau neu fethiant i wneud penderfyniadau sy’n ymwneud â sylweddau peryglus), yw’r diwrnod y mae Gweinidogion Cymru yn cael hysbysiad o’r apêl ynghyd ag unrhyw wybodaeth y caniateir ei rhagnodi.

RHAN 4

Gorfodi (hysbysiadau tramgwydd sylweddau peryglus – apelau, effaith a chofrestr)

Hysbysiadau tramgwydd sylweddau peryglus: darpariaethau atodol

15.—(1) Yn ogystal â’r materion sy’n ofynnol gan adran 24 o’r DCSP i’w cynnwys mewn hysbysiad tramgwydd sylweddau peryglus, rhaid i hysbysiad hefyd nodi’r tir y mae’r hysbysiad yn ymwneud ag ef, pa un ai drwy gyfeirio at blân neu fel arall.

(2) Yn ogystal â chyflwyno hysbysiad tramgwydd sylweddau peryglus i’r personau a grybwyllir yn adran 24(4)(a) a (b) o’r DCSP, rhaid i awdurdod sylweddau peryglus gyflwyno copi o’r hysbysiad i bob person arall sydd â buddiant yn y tir y mae’r hysbysiad yn ymwneud ag ef.

(3) Rhaid i bob copi o hysbysiad tramgwydd sylweddau peryglus a gyflwynir yn unol ag adran 24(4) o’r DCSP gael ei gyflwyno ynghyd â datganiad sy’n nodi—

- (a) rhesymau’r awdurdod sylweddau peryglus am ddyroddi’r hysbysiad; a

(2) In this regulation—

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday in Wales; and

“the relevant date” (“*y dyddiad perthnasol*”) means—

- (a) in relation to referrals under section 20(1) of the PHSA (reference of applications to Welsh Ministers), the day on which the Welsh Ministers receive notice of the referral from the hazardous substances authority; and
- (b) in relation to an appeal under section 21 of the PHSA (appeals against decisions or failure to take decisions relating to hazardous substances), the day on which the Welsh Ministers receive notice of the appeal accompanied by information as may be prescribed.

PART 4

Enforcement (hazardous substances contravention notices – appeals, effect and register)

Hazardous substances contravention notices: supplementary provisions

15.—(1) In addition to the matters required by section 24 of the PHSA to be included in a hazardous substances contravention notice, a notice must also identify the land to which the notice relates, whether by reference to a plan or otherwise.

(2) In addition to serving a hazardous substances contravention notice on the persons mentioned in section 24(4)(a) and (b) of the PHSA, a hazardous substances authority must serve a copy of the notice on all other persons having an interest in the land to which the notice relates.

(3) Every copy of a hazardous substances contravention notice served pursuant to section 24(4) of the PHSA must be accompanied by a statement setting out—

- (a) the hazardous substances authority’s reasons for issuing the notice; and

(1) Mae diwygiadau i adran 20 nad ydynt yn berthnasol i’r ddarpariaeth hon.

(1) There are amendments to section 20 which are not relevant to this provision.

- (b) yr hawl i apelio i Weinidogion Cymru yn erbyn yr hysbysiad, a'r personau a gaiff ddwyn apêl o'r fath, y seiliau y caniateir i apêl o'r fath gael ei gwneud arnynt ac o fewn pa gyfnod y caniateir hynny.

- (b) the right of appeal to the Welsh Ministers against the notice, and the persons by whom, grounds upon which and time within which such an appeal may be brought.

Apelau yn erbyn hysbysiadau tramgwydd sylweddau peryglus

16. Mae adran 174(1), (2) a (3) i (6) ac adrannau 175(3) a (6), 176 a 177 o'r DCGTh yn gymwys mewn perthynas â hysbysiadau tramgwydd sylweddau peryglus, yn ddarostyngedig i'r addasiadau a nodir yn Rhan 1 o Atodlen 4.

Appeals against hazardous substances contravention notices

16. Section 174(1), (2) and (3) to (6) and sections 175(3) and (6), 176 and 177 of the TCPA apply in relation to hazardous substances contravention notices, subject to the modifications set out in Part 1 of Schedule 4.

Apelau: materion atodol

17.—(1) Rhaid i berson sy'n apelio o dan adran 174(1) o'r DCGTh yn erbyn hysbysiad tramgwydd sylweddau peryglus, ar yr un pryd ag y mae hysbysiad o'r apêl yn cael ei roi i Weinidogion Cymru neu ei anfon atynt o dan adran 174(3) o'r DCGTh, gyflwyno copi o'r hysbysiad o apêl a'r deunydd sy'n cael ei gyflwyno ynghyd ag ef sy'n ofynnol gan adran 174(4) o'r Ddeddf honno i'r awdurdod sylweddau peryglus a ddyroddodd yr hysbysiad.

Appeals: supplementary

17.—(1) A person who appeals under section 174(1) of the TCPA against a hazardous substances contravention notice must, at the same time as notice of the appeal is given or sent to the Welsh Ministers under section 174(3) of the TCPA, serve on the hazardous substances authority that issued the notice a copy of the notice of appeal and the accompanying material required by section 174(4) of that Act.

(2) Rhaid i'r awdurdod sylweddau peryglus, o fewn 28 o ddiwrnodau i'r dyddiad y mae'r hysbysiad o apêl yn cael ei gyflwyno iddo, gyflwyno i Weinidogion Cymru a'r apelydd ddatganiad—

(2) The hazardous substances authority must, within 28 days of being served with the notice of appeal, serve on the Welsh Ministers and on the appellant a statement—

- (a) sy'n nodi cyflwyniadau'r awdurdod mewn perthynas â phob sail dros apelio; a
- (b) sy'n nodi pa un ai y byddai'r awdurdod yn barod i roi cydsyniad sylweddau peryglus ar gyfer presenoldeb unrhyw faintioli o'r sylwedd peryglus y mae'r hysbysiad tramgwydd sylweddau peryglus yn ymwneud ag ef ar, uwchben neu oddi tan y tir ac os felly, fanylion yr amodau, os oes rhai, y dymument eu gosod ar y cydsyniad.

- (a) setting out the authority's submissions in relation to each ground of appeal; and
- (b) indicating whether the authority would be prepared to grant hazardous substances consent for the presence on, over or under the land of any quantity of the hazardous substance to which the hazardous substances contravention notice relates and, if so, particulars of the conditions, if any, which they would wish to impose on the consent.

(3) Rhaid i'r awdurdod sylweddau peryglus, o fewn y cyfnod o 28 o ddiwrnodau hwnnw, roi hysbysiad o'r apêl i feddiannwyr eiddo yng nghyffiniau'r safle y mae'r hysbysiad tramgwydd sylweddau peryglus yn ymwneud ag ef.

(3) The hazardous substances authority must, within that 28 day period, give notice of the appeal to occupiers of properties in the locality of the site to which the hazardous substances contravention notice relates.

Effaith peidio â chydymffurfio â hysbysiadau tramgwydd sylweddau peryglus, etc.

18. Mae adrannau 178 i 181 o'r DCGTh yn cael effaith mewn perthynas â hysbysiadau tramgwydd sylweddau peryglus, yn ddarostyngedig i'r addasiadau a nodir yn Rhan 2 o Atodlen 4.

Effect of non-compliance with hazardous substances contravention notices, etc.

18. Sections 178 to 181 of the TCPA have effect in relation to hazardous substances contravention notices, subject to the modifications set out in Part 2 of Schedule 4.

Y gofrestr hysbysiadau tramgwydd sylweddau peryglus

19.—(1) Rhaid i awdurdod sylweddau peryglus gadw cofrestr sy'n cynnwys yr wybodaeth ganlynol mewn cysylltiad â phob hysbysiad tramgwydd sylweddau peryglus a ddyroddir ganddynt—

- (a) cyfeiriad y tir y mae'r hysbysiad yn ymwneud ag ef;
- (b) y dyddiad y cyflwynir copiâu o'r hysbysiad;
- (c) datganiad o'r tramgwydd honedig yn erbyn y rheolaeth o sylweddau peryglus, y camau sy'n ofynnol gan yr hysbysiad i unioni'r tramgwydd, ac o fewn pa gyfnod y mae'r camau hynny i'w cymryd;
- (d) y dyddiad a bennir yn yr hysbysiad fel y dyddiad y mae'r hysbysiad i gael effaith;
- (e) dyddiad ac effaith unrhyw amrywiad i'r hysbysiad;
- (f) dyddiad unrhyw apêl i Weinidogion Cymru yn erbyn yr hysbysiad a dyddiad penderfynu'r apêl yn derfynol.

(2) Rhaid dileu'r cofnod sy'n ymwneud â'r hysbysiad tramgwydd sylweddau peryglus a phopeth sy'n ymwneud â'r hysbysiad o'r gofrestr os yw'r hysbysiad yn cael ei ddiddymu gan Weinidogion Cymru neu ei dynnu yn ôl.

(3) Rhaid i'r gofrestr gynnwys mynegai o gofnodion yn y gofrestr.

(4) Rhaid gwneud pob cofnod yn y gofrestr o fewn 14 o ddiwrnodau i'r dyddiad y mae'r wybodaeth berthnasol ar gael i'r awdurdod sylweddau peryglus.

(5) Rhaid cadw'r gofrestr ym mhrif swyddfa'r awdurdod sylweddau peryglus.

(6) Rhaid sicrhau bod pob cofrestr a gedwir o dan y rheoliad hwn ar gael i'r cyhoedd gael edrych arno ar bob adeg resymol.

Dilysrwydd, etc.

20.—(1) Mae adrannau 285 a 289(1), (3) i (4A) a (5) i (7) o'r DCGTh yn gymwys mewn perthynas â hysbysiadau tramgwydd sylweddau peryglus, yn ddarostyngedig i'r addasiadau a nodir yn Rhan 3 o Atodlen 4.

(2) Mae adran 25(2) o'r DCSP yn ddarostyngedig i unrhyw orchymyn o dan adran 289(4A) o'r DCGTh, fel y'i cymhwysir gan baragraff (1).

Dehongli'r DCGTh at ddibenion y Rhan hon

21.—(1) Mae'r rheoliad hwn yn gymwys at ddibenion dehongli'r DCGTh wrth ei chymhwyso, yn

Register of hazardous substances contravention notices

19.—(1) A hazardous substances authority must keep a register containing the following information in respect of each hazardous substances contravention notice issued by them—

- (a) the address of the land to which the notice relates;
- (b) the date of service of copies of the notice;
- (c) a statement of the alleged contravention of hazardous substances control, the steps required by the notice to remedy the contravention, and the period within which such steps are to be taken;
- (d) the date specified in the notice as the date on which it is to take effect;
- (e) the date and effect of any variation of the notice;
- (f) the date of any appeal to the Welsh Ministers against the notice and the date of the final determination of the appeal.

(2) The entry relating to the hazardous substances contravention notice and everything relating to the notice must be removed from the register if the notice is quashed by the Welsh Ministers or withdrawn.

(3) The register must include an index of entries in the register.

(4) Every entry in the register must be made within 14 days of the relevant information being available to the hazardous substances authority.

(5) The register must be kept at the principal office of the hazardous substances authority.

(6) Every register kept under this regulation must be available for inspection by the public at all reasonable hours.

Validity, etc.

20.—(1) Sections 285 and 289(1), (3) to (4A) and (5) to (7) of the TCPA apply in relation to hazardous substances contravention notices, subject to the modifications set out in Part 3 of Schedule 4.

(2) Section 25(2) of the PHSA is subject to any order under section 289(4A) of the TCPA, as applied by paragraph (1).

Interpretation of TCPA for the purposes of this Part

21.—(1) This regulation applies for the purposes of the interpretation of the TCPA in its application, by

rhinwedd y Rhan hon, i hysbysiadau tramgwydd sylweddau peryglus.

(2) Pan fo adran o'r DCGTh yn cyfeirio at adran arall o'r DCGTh a addaswyd gan y Rheoliadau hyn, mae'r cyfeiriad i'w ddarllen fel cyfeiriad at yr adran fel y'i haddaswyd.

RHAN 5

Materion eraill yn ymwneud â chydysyniad sylweddau peryglus (y gofrestr cydsyniadau, ffioedd, cymhwyso'r DCSP i awdurdodau sylweddau peryglus a hysbysu sefydliadau eraill)

Y gofrestr cydsyniadau

22.—(1) Rhaid i'r gofrestr sy'n ofynnol gan adran 28(1) o'r DCSP gael ei chadw mewn 6 rhan—

- (a) rhaid i Ran 1 gynnwys manylion pob cais am gydsyniad sylweddau peryglus a wneir i'r awdurdod sylweddau peryglus ac sydd heb ei benderfynu'n derfynol;
- (b) rhaid i Ran 2 gynnwys, mewn cysylltiad â phob cais am gydsyniad sylweddau peryglus a wneir i'r awdurdod sylweddau peryglus—
 - (i) manylion y cais;
 - (ii) manylion unrhyw gyfarwyddyd a roddir o dan adran 20 o'r DCSP;
 - (iii) manylion am benderfyniad (os oes un) yr awdurdod, gan gynnwys manylion unrhyw amodau y rhoddwyd cydsyniad yn ddarostyngedig iddynt a dyddiad y penderfyniad; a
 - (iv) rhif cyfeirnod, dyddiad ac effaith unrhyw benderfyniad gan Weinidogion Cymru, pa un ai ar gais sydd wedi ei gyfeirio o dan adran 20 o'r DCSP neu apêl o dan adran 21 o'r DCSP;
- (c) rhaid i Ran 3 gynnwys manylion pob gorchymyn sy'n dirymu neu'n addasu cydsyniad sylweddau peryglus a wnaed gan yr awdurdod sylweddau peryglus a dyddiad ac effaith unrhyw gadarnhad gan Weinidogion Cymru yn unol ag adran 15 o'r DCSP;
- (d) rhaid i Ran 4 gynnwys, mewn cysylltiad â phob cydsyniad sylweddau peryglus y tybir ei roi o dan adran 11(3) o'r DCSP, fanylion yr hawliad;

virtue of this Part, to hazardous substances contravention notices.

(2) Where a section of the TCPA refers to another section of the TCPA modified by these Regulations, the reference is to be read as a reference to the section as modified.

PART 5

Other matters relating to hazardous substances consent (consents register, fees, application of the PHSA to hazardous substances authorities and notification of other establishments)

Consents register

22.—(1) The register required by section 28(1) of the PHSA must be kept in 6 parts—

- (a) Part 1 must contain details of every application for hazardous substances consent made to the hazardous substances authority and not finally determined;
- (b) Part 2 must contain, in respect of every application for hazardous substances consent made to the hazardous substances authority—
 - (i) details of the application;
 - (ii) particulars of any direction given under section 20 of the PHSA;
 - (iii) details of the decision (if any) of the authority, including details of any conditions subject to which consent was granted and the date of the decision; and
 - (iv) the reference number, date and effect of any decision of the Welsh Ministers, whether on a reference under section 20 of the PHSA or on an appeal under section 21 of the PHSA;
- (c) Part 3 must contain details of every order revoking or modifying hazardous substances consent made by the hazardous substance authority and the date and effect of any confirmation by the Welsh Ministers in accordance with section 15 of the PHSA;
- (d) Part 4 must contain, in respect of every hazardous substances consent deemed to be granted under section 11(3) of the PHSA, details of the claim;

- (e) rhaid i Ran 5 gynnwys manylion pob cydsyniad sylweddau peryglus y tybir ei roi yn rhinwedd cyfarwyddyd a roddir gan Weinidogion Cymru neu adran o lywodraeth y Deyrnas Unedig o dan adran 12 o'r DCSP; a
- (f) rhaid i Ran 6 gynnwys manylion unrhyw gyfarwyddyd o dan adran 27 o'r DCSP a anfonwyd i'r awdurdod gan Weinidogion Cymru.

(2) Pan fo Gweinidogion Cymru yn rhoi cydsyniad sylweddau peryglus o dan adran 177 o'r DCGTh ar benderfynu apêl yn erbyn hysbysiad tramgwydd sylweddau peryglus, rhaid i'r awdurdod sylweddau peryglus ar gyfer y tir y mae'r cydsyniad yn ymwneud ag ef nodi dyddiad ac effaith y penderfyniad hwnnw yn Rhan 2 o'r gofrestr.

(3) Rhaid i'r gofrestr gynnwys mynegai o gofnodion yn y gofrestr.

(4) Rhaid gwneud pob cofnod yn y gofrestr o fewn 14 o ddiwrnodau i'r dyddiad y mae'r wybodaeth berthnasol ar gael i'r awdurdod sylweddau peryglus.

(5) Rhaid cadw'r gofrestr ym mhrif swyddfa'r awdurdod sylweddau peryglus.

(6) At ddibenion paragraff (1)(a), ni chaiff cais ei drin fel petai wedi ei benderfynu yn derfynol oni bai—

- (a) bod yr awdurdod sylweddau peryglus wedi penderfynu yn ei gylch a bod y cyfnod a bennir yn rheoliad 13(1) wedi dod i ben heb fod unrhyw apêl wedi ei gwneud i Weinidogion Cymru;
- (b) y'i cyfeiriwyd at Weinidogion Cymru o dan adran 20 o'r DCSP neu fod apêl wedi ei gwneud i Weinidogion Cymru o dan adran 21 o'r DCSP, bod penderfyniad Gweinidogion Cymru wedi ei ddyroddi a bod y cyfnod o 6 wythnos a bennir yn adran 22(1) o'r DCSP wedi dod i ben heb fod unrhyw gais wedi ei wneud i'r Uchel Lys o dan yr adran honno;
- (c) bod cais wedi ei wneud i'r Uchel Lys o dan adran 22 o'r DCSP a bod y mater wedi ei benderfynu, naill ai wrth i'r Llys wrthod y cais yn derfynol neu wrth ddiddymu penderfyniad Gweinidogion Cymru a dyroddi penderfyniad newydd (heb fod cais pellach o dan adran 22 o'r DCSP yn cael ei wneud yn y ffordd briodol); neu
- (d) bod y ceisydd wedi ei dynnu'n ôl cyn iddo gael ei benderfynu; neu

- (e) Part 5 must contain details of every hazardous substances consent deemed to be granted by virtue of a direction given by the Welsh Ministers or a department of the government of the United Kingdom under section 12 of the PHSA; and
- (f) Part 6 must contain details of any direction under section 27 of the PHSA sent to the authority by the Welsh Ministers.

(2) Where the Welsh Ministers grant hazardous substances consent under section 177 of the TCPA on the determination of an appeal against a hazardous substances contravention notice, the hazardous substances authority for the land covered by the consent must enter the date and effect of that decision in Part 2 of the register.

(3) The register must include an index of entries in the register.

(4) Every entry in the register must be made within 14 days of the relevant information being available to the hazardous substances authority.

(5) The register must be kept at the principal office of the hazardous substances authority.

(6) For the purposes of paragraph (1)(a), an application is not to be treated as finally determined unless—

- (a) it has been decided by the hazardous substances authority and the period specified in regulation 13(1) has expired without any appeal having been made to the Welsh Ministers;
- (b) it has been referred to the Welsh Ministers under section 20 of the PHSA or an appeal has been made to the Welsh Ministers under section 21 of the PHSA, the Welsh Ministers' decision has been issued and the period of 6 weeks specified in section 22(1) of the PHSA has expired without any application having been made to the High Court under that section;
- (c) an application has been made to the High Court under section 22 of the PHSA and the matter has been determined, either by final dismissal of the application by a Court or by the quashing of the Welsh Ministers' decision and the issue of a fresh decision (without a further application under section 22 of the PHSA being duly made); or
- (d) it has been withdrawn by the applicant before being determined; or

- (e) bod y ceisydd wedi tynnu apêl o dan adran 21 neu gais o dan adran 22 yn ôl cyn bod penderfyniad Gweinidogion Cymru wedi ei ddyroddi.

(7) Pan fo'r rheoliad hwn yn ei gwneud yn ofynnol darparu manylion cais, cyfarwyddyd, cydsyniad, ffurflen hawlio neu hysbysiad yn y gofrestr, rhaid darparu'r canlynol—

- (a) manylion y person sy'n rheoli'r tir y mae'r cais, y cyfarwyddyd, y cydsyniad, y ffurflen hawlio neu'r hysbysiad yn ymwneud ag ef, pan fo'n gymwys; a
- (b) y categori yng Ngholofn 1 o Ran 1 o Atodlen 1 i'r Rheoliadau hyn y mae unrhyw sylwedd sy'n destun y cais, y cyfarwyddyd, y cydsyniad, y ffurflen hawlio neu'r hysbysiad yn perthyn iddo.

Ffioedd ar gyfer ceisiadau

23.—(1) Yn ddarostyngedig i baragraff (3), rhaid talu ffi i awdurdod sylweddau peryglus ar gyfer cais am gydsyniad sylweddau peryglus fel a ganlyn—

- (a) os yw adran 13(1) o'r DCSP yn gymwys (cydsyniad newydd heb amodau blaenorol), £200;
- (b) os nad yw adran 13(1) o'r DCSP yn gymwys a bod y maintioli a bennir yn y cais fel yr uchafswm maintioli y bwriedir iddo fod yn bresennol yn fwy na dwywaith y maintioli sydd dan reolaeth, £400; ac
- (c) ym mhob achos arall, £250.

(2) Yn ddarostyngedig i baragraff (3), rhaid talu ffi o £200 i awdurdod sylweddau peryglus wrth wneud cais i barhau cydsyniad sylweddau peryglus o dan adran 17(1) o'r DCSP.

(3) Pan fo ceisiadau sy'n ymwneud â'r un safle yn cael eu gwneud i ddau awdurdod sylweddau peryglus neu ragor, dim ond i awdurdod yr ardal y mae'r rhan fwyaf o'r safle wedi ei lleoli ynddi y telir y ffi a'r swm sy'n daladwy yw'r swm a fyddai'n daladwy pe byddai'r cais yn un a oedd i'w wneud i un awdurdod mewn perthynas â'r safle cyfan.

(4) Rhaid i unrhyw ffi sy'n ddyledus mewn cysylltiad â chais fynd ynghyd â'r cais pan gaiff ei wneud i'r awdurdod sylweddau peryglus.

(5) Rhaid ad-dalu unrhyw ffi yn unol â'r rheoliad hwn os yw'r cais yn cael ei wrthod fel un annilys.

- (e) an appeal under section 21 or an application under section 22 has been withdrawn by the applicant before the Welsh Ministers' decision has been issued.

(7) Where this regulation requires details of an application, direction, consent, claim form or notice to be provided in the register, the following must be provided—

- (a) details of the person in control of the land to which the application, direction, consent, claim form or notice relates, where applicable; and
- (b) the category in Column 1 of Part 1 of Schedule 1 to these Regulations in which any substance that is the subject of the application, direction, consent, claim form or notice falls.

Fees for applications

23.—(1) Subject to paragraph (3), a fee must be paid to a hazardous substances authority on an application for hazardous substances consent as follows—

- (a) if section 13(1) of the PHSA applies (new consent without previous conditions), £200;
- (b) if section 13(1) of the PHSA does not apply and the quantity specified in the application as the maximum quantity proposed to be present exceeds twice the controlled quantity, £400; and
- (c) in all other cases, £250.

(2) Subject to paragraph (3), a fee must be paid to a hazardous substances authority on an application for the continuation of hazardous substances consent under section 17(1) of the PHSA of £200.

(3) Where applications relating to the same site are made to two or more hazardous substances authorities, a fee is to be paid only to the authority in whose area the largest part of the site is situated and the amount payable is the amount that would have been payable if the application had fallen to be made to one authority in relation to the whole site.

(4) Any fee due in respect of an application must accompany the application when it is made to the hazardous substances authority.

(5) Any fee paid pursuant to this regulation must be refunded if the application is rejected as invalidly made.

Ffioedd ar gyfer ceisiadau tybiedig

24.—(1) Yn ddarostyngedig i baragraff (5), rhaid talu ffi i Weinidogion Cymru ym mhob achos pan dybir bod cais am gydsyniad sylweddau peryglus wedi ei wneud yn rhinwedd adran 177(5) o DCGTh (o ganlyniad i apêl o dan adran 174 o'r Ddeddf honno yn erbyn hysbysiad tramgwydd sylweddau peryglus).

(2) Mae'r ffi a grybwyllir ym mharagraff (1) yn daladwy gan bob person sydd wedi gwneud apêl ddilys yn erbyn yr hysbysiad tramgwydd sylweddau peryglus perthnasol ac nad yw ei apêl wedi ei thynnu'n ôl cyn y dyddiad y dyroddir hysbysiad gan Weinidogion Cymru o dan baragraff (4).

(3) Yn ddarostyngedig i baragraff (7), y ffi sy'n daladwy yw'r swm a fyddai'n daladwy o dan reoliad 23 pe byddai'r cais yn gais yr oedd y rheoliad hwnnw yn gymwys iddo.

(4) Rhaid talu'r ffi sy'n ddyledus ar yr adeg y caiff Gweinidogion Cymru yn yr achos penodol ei bennu drwy hysbysiad ysgrifenedig i'r apelydd.

(5) Nid yw'r rheoliad hwn yn gymwys pan fo'r apelydd—

- (a) cyn y dyddiad y dyroddwyd yr hysbysiad tramgwydd sylweddau peryglus, wedi gwneud cais i'r awdurdod sylweddau peryglus am gydsyniad sylweddau peryglus ar gyfer presenoldeb maintoli'r sylwedd y mae'r hysbysiad yn ymwneud ag ef, ac wedi talu'r ffi daladwy i'r awdurdod mewn cysylltiad â'r cais hwnnw, neu
- (b) cyn y dyddiad a bennir yn yr hysbysiad fel y dyddiad y bydd yn cael effaith, wedi gwneud apêl i Weinidogion Cymru yn erbyn y ffaith fod yr awdurdod sylweddau peryglus wedi gwrthod rhoi cydsyniad,

ac ar y dyddiad y dyroddwyd yr hysbysiad perthnasol nid oedd y cais hwnnw wedi ei benderfynu neu, yn achos apêl a wnaed cyn y dyddiad hwnnw, nid oedd yr apêl honno wedi ei phenderfynu.

(6) Rhaid i Weinidogion Cymru ad-dalu unrhyw ffi a dalwyd mewn cysylltiad â'r cais tybiedig i'r apelydd—

- (a) os yw Gweinidogion Cymru yn gwrthod awdurdodaeth ynghylch yr apêl berthnasol ar y sail nad yw'n cydymffurfio ag un neu ragor o ofynion is-adrannau (1) i (3) o adran 174 o'r DCGTh;

Fees for deemed applications

24.—(1) Subject to paragraph (5), a fee must be paid to the Welsh Ministers in every case where an application for hazardous substances consent is deemed to have been made by virtue of section 177(5) of the TCPA (in consequence of an appeal under section 174 of that Act against a hazardous substances contravention notice).

(2) The fee mentioned in paragraph (1) is payable by every person who has made a valid appeal against the relevant hazardous substances contravention notice and whose appeal has not been withdrawn before the date on which the Welsh Ministers issue a notice under paragraph (4).

(3) Subject to paragraph (7), the fee payable is the amount which would be payable under regulation 23 if the application were an application to which that regulation applied.

(4) The fee due must be paid at such time as the Welsh Ministers may in the particular case specify by notice in writing to the appellant.

(5) This regulation does not apply where the appellant had—

- (a) before the date when the hazardous substances contravention notice was issued, applied to the hazardous substances authority for hazardous substances consent for the presence of the quantity of the substance to which the notice relates, and had paid to the authority the fee payable in respect of that application, or
- (b) before the date specified in the notice as the date on which it is to take effect, made an appeal to the Welsh Ministers against the refusal of the hazardous substances authority to grant consent,

and at the date when the relevant notice was issued that application or, in the case of an appeal made before that date, that appeal, had not been determined.

(6) Any fee paid in respect of the deemed application must be refunded to the appellant by the Welsh Ministers if—

- (a) the Welsh Ministers decline jurisdiction on the relevant appeal on the grounds that it does not comply with one or more of the requirements of subsections (1) to (3) of section 174 of the TCPA;

- (b) os yw Gweinidogion Cymru yn gwrthod yr apêl berthnasol wrth arfer y pwerau o dan adran 176(3)(a) o'r DCGTh (ar y sail bod yr apelydd wedi methu â chydymffurfio ag adran 174(4) o'r Ddeddf honno);
 - (c) os yw Gweinidogion Cymru yn caniatáu'r apêl berthnasol ac yn diddymu'r hysbysiad tramgwydd sylweddau peryglus perthnasol wrth arfer y pwerau o dan adran 176(3)(b) o'r DCGTh (ar y sail bod yr awdurdod sylweddau peryglus wedi methu â chydymffurfio â rheoliad 17(2) o'r Rheoliadau hyn);
 - (d) os yw'r apêl berthnasol yn cael ei thynnu'n ôl ac o ganlyniad bod o leiaf 21 o ddiwrnodau rhwng y dyddiad y mae Gweinidogion Cymru yn cael yr hysbysiad ysgrifenedig am y tynnu'n ôl ac—
 - (i) y dyddiad (neu yn achos gohiriad, y dyddiad hwyrach) a bennir ar gyfer cynnal ymchwiliad neu wrandawriad ar gyfer yr apêl honno; neu
 - (ii) yn achos apêl sy'n cael ei thrin drwy gyfrwng sylwadau ysgrifenedig, y dyddiad (neu yn achos gohiriad, y dyddiad hwyrach) a bennir ar gyfer arolygu'r safle y mae'r hysbysiad yn ymwneud ag ef;
 - (e) os yw'r awdurdod sylweddau peryglus yn tynnu'r hysbysiad tramgwydd sylweddau peryglus perthnasol yn ôl cyn iddo gael effaith, neu os yw Gweinidogion Cymru yn penderfynu nad oes grym i'r hysbysiad;
 - (f) os yw Gweinidogion Cymru yn caniatáu'r apêl berthnasol ar unrhyw un neu ragor o'r seiliau a nodir yn adran 174(2)(b) i (e) o'r DCGTh; neu
 - (g) os yw Gweinidogion Cymru yn caniatáu'r apêl berthnasol ar y sail bod yr hysbysiad yn annilys, neu ei fod yn cynnwys nam, gwall neu gamddisgrifiad na ellir ei gywiro o dan adran 176(1)(a) o'r DCGTh.
- (b) the Welsh Ministers dismiss the relevant appeal in exercise of the powers under section 176(3)(a) of the TCPA (on the grounds that the appellant has failed to comply with section 174(4) of that Act);
 - (c) the Welsh Ministers allow the relevant appeal and quash the relevant hazardous substances contravention notice in exercise of the powers under section 176(3)(b) of the TCPA (on the grounds that the hazardous substances authority have failed to comply with regulation 17(2) of these Regulations);
 - (d) the relevant appeal is withdrawn with the result that there are at least 21 days between the date on which notice in writing of the withdrawal is received by the Welsh Ministers and—
 - (i) the date (or in the event of postponement, the latest date) appointed for the holding of an inquiry or hearing into that appeal; or
 - (ii) in the case of an appeal which is being dealt with by written representations, the date (or in the event of postponement, the latest date) appointed for the inspection of the site to which the notice relates;
 - (e) the hazardous substances authority withdraws the relevant hazardous substances contravention notice before it takes effect, or the Welsh Ministers decide that the notice is a nullity;
 - (f) the Welsh Ministers allow the relevant appeal on any of the grounds set out in section 174(2)(b) to (e) of the TCPA; or
 - (g) the Welsh Ministers allow the relevant appeal on the ground that the notice is invalid, or that it contains a defect, error or misdescription which cannot be corrected under section 176(1)(a) of the TCPA.

(7) Pan fo hysbysiad tramgwydd sylweddau peryglus yn cael ei amrywio o dan adran 176(1) o'r DCGTh ac eithrio er mwyn ystyried rhoi cydsyniad sylweddau peryglus o dan adran 177(1) o'r DCGTh, a byddai'r ffi a gyfrifir yn unol â pharagraff (3) wedi bod yn swm llai pe bai'r hysbysiad gwreiddiol wedi bod ar delerau'r hysbysiad sydd wedi ei amrywio, y ffi sy'n daladwy yw'r swm llai hwnnw a rhaid ad-dalu unrhyw swm dros ben a dalwyd eisoes.

(8) Wrth benderfynu ffi o dan baragraff (7) ni chaniateir ystyried unrhyw newid i'r ffioedd sy'n cael effaith ar ôl gwneud y cais tybiedig.

(7) Where a hazardous substances contravention notice is varied under section 176(1) of the TCPA otherwise than to take account of a grant of hazardous substances consent under section 177(1) of the TCPA, and the fee calculated in accordance with paragraph (3) would have been a lesser amount if the original notice had been in the terms of the varied notice, the fee payable is that lesser amount and any excess amount already paid must be refunded.

(8) In determining a fee under paragraph (7) no account is to be taken of any change in fees which takes effect after the making of the deemed application.

Cymhwyso'r DCSP i awdurdodau sylweddau peryglus

25.—(1) Rhaid i unrhyw gais gan awdurdod sylweddau peryglus am gydsyniad sylweddau peryglus gael ei wneud i Weinidogion Cymru.

(2) Mae rheoliadau 5 i 8, 10 ac 11(2) yn gymwys i wneud cais o'r fath fel y maent yn gymwys i geisiadau a wneir i awdurdod sylweddau peryglus.

(3) At ddiben rheoliad 22, mae cais a wneir i Weinidogion Cymru gan awdurdod sylweddau peryglus i'w drin fel cais a wneir i'r awdurdod sylweddau peryglus a'i gyfeirio at Weinidogion Cymru o dan adran 20 o'r DCSP.

(4) Mae adran 9 (ac eithrio is-adran (2)(e)) o'r DCSP yn gymwys mewn perthynas â chais a wneir i Weinidogion Cymru gan awdurdod sylweddau peryglus fel y mae'n gymwys mewn perthynas â chais a wneir i awdurdod sylweddau peryglus.

(5) At ddiben adran 22 o'r DCSP, mae penderfyniad Gweinidogion Cymru ynghylch cais a wneir iddynt gan awdurdod sylweddau peryglus i'w drin fel penderfyniad o dan adran 20 o'r DCSP.

RHAN 6

Polisiâu ac ymgynghoriad a chyfranogiad cyhoeddus

Polisiâu

26.—(1) Wrth baratoi, adolygu neu addasu unrhyw bolisi perthnasol, rhaid i Weinidogion Cymru sicrhau bod y materion a ganlyn yn cael eu hystyried—

- (a) amcanion atal damweiniau mawr a chyfyngu ar ganlyniadau damweiniau o'r fath ar gyfer iechyd dynol a'r amgylchedd; a
- (b) y materion y cyfeirir atynt yn Erthygl 13(2) o'r Gyfarwyddeb.

(2) Yn y rheoliad hwn ystyr “polisi perthnasol” (“*relevant policy*”) yw Cynllun Gofodol Cymru; ac unrhyw bolisi cynllunio defnydd tir, llwybrau trafniadaeth neu harbwr pysgodfa cenedlaethol cyfredol pan fo'r polisi hwnnw ym marn Gweinidogion Cymru yn ymwneud â materion sy'n effeithio ar risgiau neu ganlyniadau damwain fawr.

(3) Mae i ymadroddion sy'n ymddangos yn y rheoliad hwn ac yn y Gyfarwyddeb yr un ystyr at ddibenion y rheoliad hwn ag a roddir iddynt at ddibenion y Gyfarwyddeb.

Application of the PHSA to hazardous substances authorities

25.—(1) Any application by a hazardous substances authority for hazardous substances consent must be made to the Welsh Ministers.

(2) Regulations 5 to 8, 10 and 11(2) apply to the making of such an application as they apply to applications made to a hazardous substances authority.

(3) For the purpose of regulation 22, an application made to the Welsh Ministers by a hazardous substances authority is to be treated as an application made to the hazardous substances authority and referred to the Welsh Ministers under section 20 of the PHSA.

(4) Section 9 (other than subsection (2)(e)) of the PHSA applies in relation to an application made to the Welsh Ministers by a hazardous substances authority as it applies in relation to an application made to a hazardous substances authority.

(5) For the purpose of section 22 of the PHSA, a decision of the Welsh Ministers on an application made to them by a hazardous substances authority is to be treated as a decision under section 20 of the PHSA.

PART 6

Policies and public consultation and participation

Policies

26.—(1) In preparing, reviewing or modifying any relevant policy, the Welsh Ministers must ensure that the following matters are taken into account—

- (a) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment; and
- (b) the matters referred to in Article 13(2) of the Directive.

(2) In this regulation “relevant policy” (“*polisi perthnasol*”) means the Wales Spatial Plan; and any current national land-use planning, transport routes or fishery harbour policy where in the opinion of the Welsh Ministers that policy concerns matters affecting the risks or consequences of a major accident.

(3) Expressions appearing both in this regulation and in the Directive have the same meaning for the purposes of this regulation as they have for the purposes of the Directive.

Cynlluniau a rhaglenni

27.—(1) Yn ddarostyngedig i baragraff (3), mae'r rheoliad hwn yn gymwys pan fo awdurdod cyfrifol yn bwriadu paratoi, adolygu neu addasu cynllun neu raglen berthnasol.

(2) Pan fo'r rheoliad hwn yn gymwys, rhaid i'r awdurdod cyfrifol—

- (a) cymryd y fath fesurau y mae'n eu hystyried yn briodol i sicrhau bod ymgynghoreion cyhoeddus yn cael cyfleoedd cynnar ac effeithiol i gymryd rhan yng ngwaith paratoi, addasu neu adolygu'r cynllun neu'r rhaglen berthnasol; a
- (b) wrth wneud hynny, gymryd y fath fesurau y mae'n eu hystyried yn briodol i sicrhau—
 - (i) bod ymgynghoreion cyhoeddus yn cael gwybod am unrhyw gynigion i baratoi, addasu neu adolygu cynllun neu raglen berthnasol;
 - (ii) bod gwybodaeth berthnasol am gynigion o'r fath ar gael i ymgynghoreion cyhoeddus, gan gynnwys gwybodaeth am yr hawl i gymryd rhan yn y broses o wneud penderfyniadau ac am yr awdurdod y caniateir cyflwyno sylwadaethau neu gwestiynau iddo;
 - (iii) bod hawl gan ymgynghoreion cyhoeddus i fynegi sylwadaethau a barn pan fo'r holl opsiynau yn agored cyn y gwneir penderfyniadau ynghylch y cynllun a'r rhaglen berthnasol; a
 - (iv) bod unrhyw gyfnodau a ddarperir ar gyfer cyfranogiad y cyhoedd o dan y rheoliad hwn yn caniatáu amser digonol i ymgynghoreion cyhoeddus baratoi a chymryd rhan yn y broses o wneud penderfyniadau mewn perthynas â'r cynllun neu'r rhaglen berthnasol;
- (c) ystyried canlyniadau cyfranogiad y cyhoedd o ran gwneud y penderfyniadau hynny; a
- (d) cymryd y fath fesurau y mae'n eu hystyried yn briodol i roi gwybod i'r ymgynghoreion cyhoeddus am y penderfyniadau a wnaed a'r rhesymau a'r ystyriaethau y seiliwyd y penderfyniadau hynny arnynt, gan gynnwys gwybodaeth am broses gyfranogiad y cyhoedd.

Plans and programmes

27.—(1) Subject to paragraph (3), this regulation applies where a responsible authority proposes to prepare, review or modify a relevant plan or programme.

(2) Where this regulation applies, the responsible authority must—

- (a) take such measures as it considers appropriate to ensure that public consultees are given early and effective opportunities to participate in the preparation, modification or review of the relevant plan or programme; and
- (b) in doing so, take such measures as it considers appropriate to ensure that—
 - (i) public consultees are informed of any proposals to prepare, modify or review a relevant plan or programme;
 - (ii) relevant information about such proposals is made available to public consultees, including information about the right to participate in decision-making and about the authority to which comments or questions may be submitted;
 - (iii) public consultees are entitled to express comments and opinions when all options are open before decisions on the relevant plan and programme are made; and
 - (iv) any periods provided for public participation under this regulation allow public consultees sufficient time to prepare and participate in decision-making in relation to the relevant plan or programme;
- (c) take into account the results of the public participation in making those decisions; and
- (d) take such measures as it considers appropriate to inform the public consultees about the decisions taken and the reasons and considerations on which those decisions are based, including information about the public participation process.

(3) Nid yw'r rheoliad hwn yn gymwys i gynllun neu raglen berthnasol y mae gweithdrefn cyfranogiad y cyhoedd yn cael ei weithredu mewn perthynas ag ef o dan Ran 3 o Reoliadau Asesiadau Amgylcheddol o Gynlluniau a Rhaglenni (Cymru) 2004(1).

(4) Yn y rheoliad hwn—

ystyr “awdurdod cyfrifol” (“*responsible authority*”) yw—

- (a) yr awdurdod y mae cynllun neu raglen berthnasol yn cael ei baratoi neu ei pharatoi ganddo neu ar ei ran; a
- (b) pan fo'r awdurdod hwnnw, ar unrhyw adeg benodol, yn peidio â bod yn gyfrifol, neu'n gwbl gyfrifol, am gymryd camau mewn perthynas â'r cynllun neu'r rhaglen, y person sy'n gyfrifol (yn unigol neu ar y cyd â'r awdurdod), ar yr adeg honno, am gymryd y camau hynny;

ystyr “cynllun neu raglen berthnasol” (“*relevant plan or programme*”) yw cynllun neu raglen gyffredinol sy'n ymwneud ag—

- (a) cynllunio ar gyfer sefydliadau newydd yn unol ag Erthygl 13 o'r Gyfarwyddeb, neu
- (b) datblygiadau newydd o amgylch sefydliadau pan allai'r lleoliad neu'r datblygiadau gynyddu'r risg o ddamwain fawr neu ychwanegu at ganlyniadau damwain fawr yn unol ag Erthygl 13 o'r Gyfarwyddeb; ac

ystyr “ymgyngoreion cyhoeddus” (“*public consultees*”) yw personau y mae'r awdurdod cyfrifol yn ymwybodol ohonynt, gan gynnwys unrhyw sefydliad anllwyodraethol sy'n hyrwyddo gwaith diogelu'r amgylchedd, y mae'r cynllun neu'r rhaglen berthnasol dan sylw yn effeithio arnynt neu'n debygol o effeithio arnynt, neu sydd â buddiant yn y cynllun neu'r rhaglen honno.

(5) Nid yw'r rheoliad hwn yn gymwys i Weinidog y Goron (fel y diffinnir “Minister of the Crown” yn adran 8(1) o Ddeddf Gweinidogion y Goron 1975(2)) nac adran o Lywodraeth y Deyrnas Unedig.

(6) Mae'r rheoliad hwn yn gymwys i gynllun neu raglen berthnasol sy'n ymwneud â Chymru gyfan neu unrhyw ran ohoni, ond mae hyn yn ddarostyngedig i baragraff (5).

(7) Caiff unrhyw gamau a gymerir cyn 4 Medi 2015 mewn perthynas â chynllun neu raglen berthnasol eu trin fel camau a gymerir at ddibenion y rheoliad hwn.

(3) This regulation does not apply to a relevant plan or programme in relation to which a public participation procedure is carried out under Part 3 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004(1).

(4) In this regulation—

“public consultees” (“*ymgyngoreion cyhoeddus*”) means persons of whom the responsible authority is aware, including any non-governmental organisation promoting environmental protection, who are affected or likely to be affected by, or have an interest in, the relevant plan or programme in question;

“relevant plan or programme” (“*cynllun neu raglen berthnasol*”) means a general plan or programme relating to—

- (a) planning for new establishments pursuant to Article 13 of the Directive, or
- (b) new developments around establishments where the siting or developments may increase the risk or consequences of a major accident pursuant to Article 13 of the Directive; and

“responsible authority” (“*awdurdod cyfrifol*”) means—

- (a) the authority by which or on whose behalf a relevant plan or programme is prepared; and
- (b) where, at any particular time, that authority ceases to be responsible, or solely responsible, for taking steps in relation to the plan or programme, the person who, at that time, is responsible (solely or jointly with the authority) for taking those steps.

(5) This regulation does not apply to a Minister of the Crown (as defined in section 8(1) of the Ministers of the Crown Act 1975(2)) or a department of the Government of the United Kingdom.

(6) This regulation applies to a relevant plan or programme relating to the whole or any part of Wales, but this is subject to paragraph (5).

(7) Any steps taken before 4 September 2015 in relation to a relevant plan or programme may be treated as steps taken for the purposes of this regulation.

(1) O.S. 2004/1656 (Cy. 170), diwygiwyd gan O.S. 2011/1043; y mae offerynnau diwygio eraill i'w cael ond nid yw'r un ohonynt yn berthnasol.

(2) 1975 p. 26.

(1) S.I. 2004/1656 (W. 170), amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

(2) 1975 c. 26.

Cymeradwyaethau cynllunio eraill ar gyfer prosiectau

28.—(1) Yn ddarostyngedig i baragraff (4), mae'r rheoliad hwn yn gymwys pan geisir am gydsyniad, caniatâd neu awdurdodiad arall ar gyfer prosiect perthnasol oddi wrth awdurdod cymwys.

(2) Cyn penderfynu rhoi unrhyw gydsyniad, caniatâd neu awdurdodiad arall ar gyfer prosiect perthnasol i gynllunio defnydd tir, llwybr trafnidiaeth neu harbwr pysgodfa, rhaid i awdurdod cymwys gymryd y fath fesurau y mae'n eu hystyried yn briodol i sicrhau—

- (a) yr hysbysir y cyhoedd gan hysbysiadau cyhoeddus neu ddulliau priodol eraill, gan gynnwys cyfathrebiadau electronig os ydynt ar gael, o'r materion a ganlyn yn gynnar yn y weithdrefn ar gyfer gwneud penderfyniad neu, fan bellaf, gyn gynted ag y gellir yn rhesymol ddarparu'r wybodaeth—
 - (i) pwnc y prosiect perthnasol;
 - (ii) pan fo'n gymwys, y ffaith bod y prosiect yn ddarostyngedig i asesiad effaith amgylcheddol cenedlaethol neu drawsffiniol neu ymgynoriadau rhwng Aelod-wladwriaethau yn unol ag Erthygl 14(3) o'r Gyfarwyddeb;
 - (iii) manylion yr awdurdod cymwys sy'n gyfrifol am wneud y penderfyniad, y gellir cael gwybodaeth berthnasol oddi wrtho ac y gellir cyflwyno sylwadaethau neu gwestiynau iddo;
 - (iv) awgrym o'r amserau a'r manau lle y bydd yr wybodaeth berthnasol ar gael, neu'r dulliau y bydd ar gael;
 - (v) manylion y cyfnod ar gyfer trosglwyddo sylwadaethau neu gwestiynau; a
 - (vi) natur penderfyniadau posibl neu, os oes un, y penderfyniad drafft;
- (b) yr ymgynghorir â'r awdurdod COMAH cymwys ynghylch y prosiect;
- (c) bod y prif adroddiadau a chyngor a ddyroddir i'r awdurdod cymwys ar yr adeg pan hysbyswyd y cyhoedd dan sylw yn unol â pharagraff (2)(a) ar gael i'r cyhoedd dan sylw ar yr adeg honno;
- (d) bod hawl gan y cyhoedd dan sylw i fynegi sylwadaethau a barn i'r awdurdod cymwys cyn bod penderfyniad yn cael ei wneud; ac
- (e) bod canlyniadau'r ymgynoriadau a gynhelir yn unol â'r rheoliad hwn yn cael eu hystyried wrth wneud penderfyniad.

Other planning approvals for projects

28.—(1) Subject to paragraph (4), this regulation applies where a consent, permission or other authorisation for a relevant project is sought from a competent authority.

(2) A competent authority must, before deciding to give any land-use planning, transport route or fishery harbour consent, permission or other authorisation for a relevant project, take such measures as it considers appropriate to ensure that—

- (a) the public is informed by public notices or other appropriate means, including electronic communications where available, of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided—
 - (i) the subject of the relevant project;
 - (ii) where applicable, the fact that a project is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with Article 14(3) of the Directive;
 - (iii) details of the competent authority responsible for taking the decision, from which relevant information can be obtained and to which comments or questions can be submitted;
 - (iv) an indication of the times and places where, or means by which, the relevant information will be made available;
 - (v) details of the period for transmitting comments or questions; and
 - (vi) the nature of possible decisions or, where there is one, the draft decision;
- (b) the COMAH competent authority is consulted about the project;
- (c) the main reports and advice issued to the competent authority at the time when the public concerned was informed pursuant to paragraph (2)(a) are made available to the public concerned at that time;
- (d) the public concerned is entitled to express comments and opinions to the competent authority before a decision is taken; and
- (e) the results of the consultations held pursuant to this regulation are taken into account in the taking of a decision.

(3) Ar ôl penderfynu pa un ai i roi unrhyw gydsyniad, caniatâd neu awdurdodiad arall ar gyfer prosiect perthnasol, rhaid i'r awdurdod cymwys sicrhau bod y canlynol ar gael i'r cyhoedd—

- (a) cynnwys y penderfyniad a'r rhesymau sy'n sail iddo, gan gynnwys unrhyw ddiweddariadau dilynol;
- (b) canlyniadau'r ymgynoriadau a gynhaliwyd cyn gwneud y penderfyniad ac esboniad am sut y'u hystyriwyd wrth wneud y penderfyniad hwnnw.

(4) I'r graddau y mae eisoes yn ofynnol o dan unrhyw ddeddfiad i'r awdurdod cymwys gymryd unrhyw un neu ragor o'r camau a nodir ym mharagraffau (2) neu (3) o'r rheoliad hwn, nid yw'r paragraffau hynny yn gymwys.

(5) Yn y rheoliad hwn—

ystyr “awdurdod cymwys” (“*competent authority*”) yw Gweinidogion Cymru, awdurdod lleol neu awdurdod arall sydd â chyfrifoldeb am benderfynu pa un ai i roi cydsyniad, caniatâd neu awdurdodiad arall y cyfeirir ato ym mharagraff (1);

ystyr “y cyhoedd dan sylw” (“*the public concerned*”) yw personau, gan gynnwys unrhyw sefydliad anllywodraethol sy'n hyrwyddo gwaith diogelu'r amgylchedd, y mae gwneud penderfyniad i roi cydsyniad, caniatâd neu awdurdodiad arall y cyfeirir ato ym mharagraff (1) yn effeithio arnynt neu'n debygol o effeithio arnynt, neu sydd â buddiant ynddo; ac

ystyr “prosiect perthnasol” (“*relevant project*”) yw—

- (a) datblygiad sy'n dod o fewn paragraffau (c), (ca) neu (s) o Atodlen 4 i Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1);
- (b) gwaith y tu hwnt i'r marc distyll cymedrig a fwriedir mewn perthynas â harbwr pysgodfa yng Nghymru naill ai—
 - (i) mewn ardal y mae'r awdurdod COMAH cymwys wedi hysbysu'r awdurdod cymwys amdani at ddibenion y paragraff hwn ac sy'n debygol o arwain at gynnydd sylweddol yn nifer y personau sy'n byw neu'n gweithio yn yr ardal yr hysbyswyd amdani neu sy'n ymweld â hi; neu

(3) After deciding whether to give any consent, permission or other authorisation for a relevant project, the competent authority must make available to the public—

- (a) the content of the decision and the reasons on which it is based, including any subsequent updates;
- (b) the results of the consultations held before the decision was taken and an explanation of how they were taken into account in that decision.

(4) To the extent that the competent authority is already required by any enactment to take any of the actions set out in paragraphs (2) or (3) of this regulation, those paragraphs do not apply.

(5) In this regulation—

“competent authority” (“*awdurdod cymwys*”) means the Welsh Ministers, local authority or other authority with responsibility for deciding whether to give a consent, permission or other authorisation referred to in paragraph (1);

“the public concerned” (“*y cyhoedd dan sylw*”) means persons, including any non-governmental organisation promoting environmental protection, who are affected or likely to be affected by, or have an interest in, the taking of a decision to give the consent, permission or other authorisation referred to in paragraph (1); and

“relevant project” (“*prosiect perthnasol*”) means—

- (a) development falling within paragraphs (c), (ca) or (x) of Schedule 4 to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1);
- (b) works beyond the mean low water mark which are proposed in relation to a fishery harbour in Wales either—
 - (i) in an area which has been notified by the COMAH competent authority to the competent authority for the purposes of this paragraph and which are likely to result in a material increase in the number of persons living in, working in or visiting the notified area; or

(1) O.S. 2012/801 (Cy. 110), diwygiwyd gan O.S. 2014/469 ac O.S. 2013/755 (Cy. 90). Mae diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(1) S.I. 2012/801 (W. 110), amended by S.I. 2014/469 and S.I. 2013/755 (W. 90). There are other amendments which are not relevant to this instrument.

(ii) pan allai'r lleoliad neu'r gwaith fel arall gynyddu'r risg o ddamwain fawr neu ychwanegu at ganlyniadau damwain fawr; neu

(c) sefydliad newydd.

(6) Yn y rheoliad hwn, ystyr cyfeiriad at roi cydsyniad, caniatâd neu awdurdodiad arall yw—

(a) rhoi caniatâd cynllunio i gais o dan Ran 3 o'r DCGTh(1) (rheolaeth dros ddatblygu);

(b) rhoi caniatâd cynllunio i gais o dan adran 293A o'r Ddeddf honno(2) (datblygiad brys y Goron)(3);

(c) rhoi caniatâd cynllunio, neu gadarnhau penderfyniad yr awdurdod cynllunio lleol i roi caniatâd cynllunio (pa un ai yn ddarostyngedig i'r un amodau a therfynau â'r rheini a osodir gan yr awdurdod cynllunio lleol ai peidio), ynghylch penderfynu apêl o dan adran 78 o'r Ddeddf honno (yr hawl i apelio yn erbyn penderfyniadau cynllunio)(4) mewn cysylltiad â chais o'r fath;

(d) rhoi caniatâd cynllunio o dan—

(i) adran 141(2)(a) o'r Ddeddf honno (camau gweithredu mewn perthynas â hysbysiad prynu); neu

(ii) adran 177(1)(a) o'r Ddeddf honno (rhoi neu addasu caniatâd cynllunio yn dilyn apelau yn erbyn hysbysiadau gorfodi);

(ii) where the siting or works may otherwise increase the risk or consequences of a major accident; or

(c) a new establishment.

(6) In this regulation, a reference to giving consent, permission or other authorisation means—

(a) granting planning permission on an application under Part 3 of the TCPA(1) (control over development);

(b) granting planning permission on an application under section 293A of that Act(2) (urgent Crown development)(3);

(c) granting planning permission, or upholding a decision of the local planning authority to grant planning permission (whether or not subject to the same conditions and limitations as those imposed by the local planning authority), on determining an appeal under section 78 of that Act (right to appeal against planning decisions)(4) in respect of such an application;

(d) granting planning permission under—

(i) section 141(2)(a) of that Act (action in relation to purchase notice); or

(ii) section 177(1)(a) of that Act (grant or modification of planning permission on appeals against enforcement notices);

(1) 1990 p. 8. Trosglwyddwyd swyddogaethau Gweinidogion y Goron o dan y DCGTh ac eithrio (a) adran 90(2), (b) swyddogaethau Gweinidogion y Goron ac eithrio Ysgrifennydd Gwladol Cymru o dan adrannau 90(1), 101 ac Atodlen 8, 170(12), 238(1)(a), 239(1)(a), 263(3) a (4), 266, 268, 279(5) a (6), 305, 325(9) a 336(3); (c) swyddogaethau'r Ysgrifennydd Gwladol dros Fasnach a Diwydiant o dan adran 272(5) a (6); a (d) swyddogaethau'r Trysorlys o dan adrannau 293(3) a 336(2) i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i diwygiwyd gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253). Mae terfynau eraill ar y trosglwyddiad hwnnw nad ydynt yn berthnasol i'r Rheoliadau hyn. Trosglwyddwyd y swyddogaethau hynny wedyn i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.

(2) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 ("Deddf 2004") (p. 5). Mae adran 118(3) o Ddeddf 2004 yn darparu bod rhaid ystyried cyfeiriad yn Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 at ddeddfiad a ddiwygir gan y Ddeddf hon i fod yn gyfeiriad at ddeddfiad fel y'i diwygiwyd felly.

(3) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf 2004.

(4) Diwygiwyd adran 78 gan adran 17(2) o Ddeddf Cynllunio a Digolledu 1991 (p. 34), adrannau 40(2)(e) a 43(2) o Ddeddf 2004 a pharagraffau 1 a 3 o Atodlen 10 a pharagraffau 1 a 2 o Atodlen 11 i Ddeddf Cynllunio 2008 (p. 9).

(1) 1990 c. 8. The functions of the Ministers of the Crown under the TCPA except (a) section 90(2), (b) the functions of the Ministers of the Crown other than the Secretary of State for Wales under sections 90(1), 101 and Schedule 8, 170(12), 238(1)(a), 239(1)(a), 263(3) and (4), 266, 268, 279(5) and (6), 305, 325(9) and 336(3); (c) the functions of the Secretary of State for Trade and Industry under section 272(5) and (6); and (d) the Treasury functions under sections 293(3) and 336(2) were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as amended by the National Assembly for Wales (Transfer of Functions) Order (S.I. 2000/253). There are other limitations on that transfer which are not relevant to these Regulations. Those functions were subsequently transferred to the Welsh Ministers by section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(2) Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") (c. 5). Section 118(3) of the 2004 Act provides that a reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 to an enactment amended by this Act must be taken to be a reference to the enactment as so amended.

(3) Section 293A was inserted by section 82(1) of the 2004 Act.

(4) Section 78 was amended by section 17(2) of Planning and Compensation Act 1991 (c. 34), sections 40(2)(e) and 43(2) of the 2004 Act and paragraphs 1 and 3 of Schedule 10 and paragraphs 1 and 2 of Schedule 11 to the Planning Act 2008 (c. 9).

- (e) cyfarwyddo o dan is-adran (1) neu (2A) o adran 90 o'r Ddeddf honno (datblygiad gydag awdurdodiad y llywodraeth) y tybir bod caniatâd cynllunio wedi ei roi;
- (f) gwneud—
- (i) gorchymyn datblygu lleol o dan adran 61A o'r DCGTh(1);
- (ii) parth cynllunio syml o dan adran 82 o'r Ddeddf honno;
- (iii) gorchymyn sy'n dynodi ardal fenter o dan Atodlen 32 o Ddeddf Llywodraeth Leol, Cynllunio a Thir 1980(2);
- (iv) gorchymyn o dan adran 102 o'r DCGTh (gorchymynion sy'n ei gwneud yn ofynnol peidio â pharhau i ddefnyddio adeiladau neu weithfeydd neu eu haddasu neu eu diddymu)(3), gan gynnwys gorchymyn a wneir o dan yr adran honno yn rhinwedd adran 104 o'r Ddeddf honno (pwerau mewn perthynas â gorchymynion adran 102) sy'n rhoi caniatâd cynllunio neu sy'n cadarnhau unrhyw orchymyn o'r fath o dan adran 103 o'r Ddeddf honno (cadarnhau gorchymynion adran 102);
- (v) gorchymyn o dan baragraff 1 o Atodlen 9 i'r Ddeddf honno (gorchymyn sy'n ei gwneud hi'n ofynnol peidio â pharhau i weithio mwynau)(4), gan gynnwys gorchymyn a wneir o dan y paragraff hwnnw yn rhinwedd paragraff 11 o'r Atodlen i'r Ddeddf honno (pwerau mewn perthynas â gorchymynion o dan Atodlen 9) sy'n rhoi caniatâd cynllunio;
- (vi) gorchymyn o dan adran 14 (pwerau Gweinidogion, ynghylch ceisiadau awdurdodau harbyrau, neu eraill, i wneud gorchymynion ar gyfer sicrhau effeithlonrwydd harbyrau, etc.) neu adran 16(1) neu (2) (pwerau Gweinidogion, ynghylch ceisiadau darpar ymglymerwyr,
- (e) directing under subsection (1) or (2A) of section 90 of that Act (development with government authorisation) that planning permission is deemed to be granted;
- (f) making—
- (i) a local development order under section 61A of the TCPA(1);
- (ii) a simplified planning zone under section 82 of that Act;
- (iii) an order designating an enterprise zone under Schedule 32 to the Local Government, Planning and Land Act 1980(2);
- (iv) an order under section 102 of the TCPA (orders requiring discontinuance of use or alteration or removal of buildings or works)(3), including an order made under that section by virtue of section 104 of that Act (powers in relation to section 102 orders) which grants planning permission, or confirming any such order under section 103 of that Act (confirmation of section 102 orders);
- (v) an order under paragraph 1 of Schedule 9 to that Act (order requiring discontinuance of mineral working)(4), including an order made under that paragraph by virtue of paragraph 11 of that Schedule to that Act (powers in relation to orders under Schedule 9) which grants planning permission;
- (vi) an order under section 14(1) (Ministers' powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency, etc.) or section 16(1) or (2) (Ministers' powers, on application of intending undertakers, or others, to make orders conferring

(1) Mewnosodwyd adran 61A gan adran 40(1) o Ddeddf 2004 ac fe'i diwygiwyd gan adrannau 188 a 238 o Ddeddf Cynllunio 2008, ac Atodlen 13 iddi.

(2) 1980 p. 65.

(3) Diwygiwyd adran 102 gan baragraff 6 o Atodlen 1 a pharagraff 21 o Atodlen 7 i Ddeddf Cynllunio a Digolledu 1991 (p. 34).

(4) Diwygiwyd paragraff 1 o Atodlen 9 gan baragraff 15 o Atodlen 1 i Ddeddf Cynllunio a Digolledu 1991 (p. 34).

(1) Section 61A was inserted by section 40(1) of the 2004 Act and has been amended by sections 188 and 238 of, and Schedule 13 to the Planning Act 2008.

(2) 1980 c.65.

(3) Section 102 was amended by paragraph 6 of Schedule 1 and paragraph 21 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

(4) Paragraph 1 of Schedule 9 was amended by paragraph 15 of Schedule 1 to the Planning and Compensation Act 1991 (c. 34).

- neu eraill, i wneud gorchmynion sy'n rhoi pwerau i wella, adeiladu, etc. harbyrau) o Ddeddf Harbyrau 1964(1);
- (g) awdurdodi gwaith mewn harbwr pysgodfa yn unol â phwerau sydd wedi eu cynnwys mewn gorchymyn o dan adran 14(1) neu 16(1) neu (2) o Ddeddf Harbyrau 1964;
- (h) cyfarwyddo o dan y darpariaethau a ganlyn os gwneir cais am ganiatâd cynllunio, rhaid iddo gael ei roi o dan—
- (i) adran 141(3) o'r Ddeddf honno (camau gweithredu mewn perthynas â hysbysiad prynu); neu
- (ii) adran 35(5) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (camau gweithredu mewn perthynas â hysbysiad prynu adeilad rhestredig)(2);
- (i) gwneud gorchymyn o dan unrhyw un neu ragor o'r darpariaethau a ganlyn o Ddeddf Priffyrdd 1980(3) mewn perthynas â gwaith a gyflawnir gan Weinidogion Cymru—
- (i) adran 10 (darpariaeth gyffredinol o ran cefnffyrdd);
- (ii) adran 14 (pwerau o ran ffyrdd sy'n croesi cefnffyrdd neu ffyrdd dosbarthiadol neu sy'n ymuno â hwy);
- (iii) adran 18 (gorchmynion atodol sy'n ymwneud â ffyrdd arbennig);
- (j) llunio cynllun o dan adran 16 o Ddeddf Priffyrdd 1980 mewn perthynas â gwaith a gyflawnir gan Weinidogion Cymru;
- (k) cyfarwyddo o dan adran 12 o'r DCSP y tybir bod cydsyniad sylweddau peryglus wedi ei roi;
- (l) rhoi cydsyniad sylweddau peryglus o dan adran 20 o'r DCSP; a
- (m) rhoi cydsyniad sylweddau peryglus o dan adran 177(1)(a) o'r DCGTh (fel y'i cymhwysir i hysbysiadau tramgwydd sylweddau peryglus ac y'i haddaswyd gan reoliad 16 ac Atodlen 4).
- powers for improvement, construction, etc., of harbours) of the Harbours Act 1964(1);
- (g) authorising works in a fishery harbour pursuant to powers contained in an order under section 14(1) or 16(1) or (2) of the Harbours Act 1964;
- (h) directing under the following provisions that if an application is made for planning permission it must be granted under—
- (i) section 141(3) of that Act (action in relation to purchase notice); or
- (ii) section 35(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (action in relation to listed building purchase notice)(2);
- (i) making an order under any of the following provisions of the Highways Act 1980(3) in relation to works carried out by the Welsh Ministers—
- (i) section 10 (general provision as to trunk roads);
- (ii) section 14 (powers as respects roads that cross or join trunk or classified roads);
- (iii) section 18 (supplementary orders relating to special roads);
- (j) making a scheme under section 16 of the Highways Act 1980 in relation to works carried out by the Welsh Ministers;
- (k) directing under section 12 of the PHSA that hazardous substances consent is deemed to be granted;
- (l) granting hazardous substances consent under section 20 of the PHSA; and
- (m) granting hazardous substances consent under section 177(1)(a) of the TCPA (as applied to hazardous substances contravention notices and modified by regulation 16 and Schedule 4).

(1) 1964 p. 40. Trosglwyddwyd swyddogaethau'r Gweinidog mewn perthynas â harbyrau pysgodfeydd o dan adrannau 14 ac 16 o'r DCSP i Weinidogion Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, fel y'i diwygiwyd gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253).

(2) 1990 p. 9.

(3) 1980 p. 66. Diwygiwyd adran 10(2)(a)(i) gan adran 22(2)(a) o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991. Mae diwygiadau eraill i'r Ddeddf nad ydynt yn berthnasol i'r offeryn hwn.

(1) 1964 c. 40. The functions of the Minister in relation to fishery harbours under sections 14 and 16 of the PHSA were transferred to the Welsh Ministers by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as amended by the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253).

(2) 1990 c. 9.

(3) 1980 c. 66. Section 10(2)(a)(i) was amended by section 22(2)(a) of the New Roads and Street Works Act 1991. There are other amendments to the Act which are not relevant to this instrument.

(7) Mae'r rheoliad hwn yn gymwys i benderfyniad i ymgymryd â gwaith o dan adran 24(1) o Ddeddf Priffyrdd 1980 (adeiladu priffyrdd newydd), nad yw'n ymwneud ag arfer unrhyw un neu ragor o ddarpariaethau paragraff 6(i) neu (j) fel petai'n "gydsyniad, caniatâd neu awdurdodiad arall" y cyfeirir atynt ym mharagraff (1).

(8) Mewn perthynas ag unrhyw gydsyniad, caniatâd neu awdurdodiad arall sy'n dod o fewn paragraff (6) neu (7) sy'n gallu cael ei amrywio neu ei addasu, rhaid i'r awdurdod cymwys ymdrin â'r addasiad neu'r amrywiad fel petai'n gydsyniad, yn ganiatâd neu'n awdurdodiad arall ar gyfer prosiect perthnasol at ddibenion y rheoliad hwn pan fo'r addasiad neu'r amrywiad hwnnw yn awdurdodi datblygiad sy'n dod o fewn paragraff (s) o'r Tabl yn Atodlen 4 i Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012.

(9) Yn y rheoliad hwn, mae i "sefydliad newydd" yr un ystyr ag sydd i "new establishment" yn Erthygl 3 o'r Gyfarwyddeb.

(7) This regulation applies to a decision to carry out works under section 24(1) of the Highways Act 1980 (construction of new highways), which does not relate to the exercise of any of the provisions of paragraph (6)(i) or (j) as if it were "a consent, permission or other authorisation" referred to in paragraph (1).

(8) In relation to any consent, permission or authorisation falling within paragraph (6) or (7) which is capable of being varied or modified, the modification or variation must be treated by the competent authority as if it is a consent, permission or other authorisation for a relevant project for the purposes of this regulation where that modification or variation authorises development falling within paragraph (x) of the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

(9) In this regulation, "new establishment" ("sefydliad newydd") has the same meaning as in Article 3 of the Directive.

RHAN 7

Dirymiadau, diwygiadau, arbedion a darpariaethau trosiannol a chymhwyso i'r Goron

Dehongli'r Rhan hon

29. Yn y Rhan hon, ystyr "dyddiad cychwyn" ("*commencement date*") yw 4 Medi 2015.

Dirymiadau

30.—(1) Mae'r Rheoliadau a ganlyn wedi eu dirymu i'r graddau a bennir, yn ddarostyngedig i'r arbedion a'r darpariaethau trosiannol a nodir yn y Rhan hon—

(1) <i>Y Rheoliadau a ddirymir</i>	(2) <i>Cyfeiriadau</i>	(3) <i>Graddau'r dirymu</i>
Rheoliadau Cynllunio (Sylweddau Peryglus) 1992	O.S. 1992/656	Y Rheoliadau cyfan
Rheoliadau Cynllunio (Rheoli Peryglon Damweiniau Mawr) 1999	O.S. 1999/981	Y Rheoliadau cyfan
Gorchymyn Cynllunio Gwlad a Thref	O.S. 2006/1282	Erthygl 10

PART 7

Revocations, amendments, savings and transitional provisions and application to the Crown

Interpretation of this Part

29. In this Part, "commencement date" ("*dyddiad cychwyn*") means 4 September 2015.

Revocations

30.—(1) The following Regulations are revoked to the extent specified, subject to the savings and transitional provisions set out in this Part—

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
The Planning (Hazardous Substances) Regulations 1992	S.I. 1992/656	The whole Regulations
The Planning (Control of Major-Accident Hazards) Regulations 1999	S.I. 1999/981	The whole Regulations
The Town and Country Planning	S.I. 2006/1282	Article 10

(Cymhwyso Is-ddeddfwriaeth i'r Goron) 2006			(Application of Subordinate Legislation to the Crown) Order 2006		
Rheoliadau Cynllunio (Sylweddau Peryglus) (Diwygio) (Cymru) 2010	O.S. 2010/450 (Cy. 48)	Y Rheoliadau cyfan	The Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2010	S.I. 2010/450 (W.48)	The whole Regulations
Rheoliadau Cynllunio (Sylweddau Peryglus) (Diwygio) (Cymru) 2014	O.S. 2014/375 (Cy. 43)	Y Rheoliadau cyfan	The Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2014	S.I. 2014/375 (W. 43)	The whole Regulations
Rheoliadau Cynllunio (Sylweddau Peryglus) (Pennu'r Weithdrefn) (Cyfnod Rhagnodedig) (Cymru) 2014	O.S. 2014/2777 (Cy. 283)	Y Rheoliadau cyfan	The Planning (Hazardous Substances) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014	S.I. 2014/2777 (W. 283)	The whole Regulations

Ceisiadau trosiannol ac apelau

31.—(1) Os nad yw cais neu apêl yn ymwneud â chydysniad sylweddau peryglus a wnaed yn unol â Rheoliadau 1992 wedi ei benderfynu neu ei phenderfynu erbyn y dyddiad cychwyn, ystyrir bod y cais neu'r apêl wedi ei wneud neu ei gwneud o dan y Rheoliadau hyn.

(2) Ystyrir bod unrhyw beth a wnaed o dan Reoliadau 1992 mewn perthynas â'r cais hwnnw neu'r apêl honno cyn y dyddiad cychwyn wedi ei wneud o dan y Rheoliadau hyn.

Dehongli cydsyniadau presennol

32.—(1) Yn y rheoliad hwn, ystyr “cydsyniad perthnasol” (“*relevant consent*”) yw cydsyniad sylweddau peryglus a roddwyd o dan Reoliadau 1992 neu gydsyniad tybiedig a hawliwyd cyn y dyddiad cychwyn y mae'r canlynol wedi eu hawdurdodi'n bendant oddi tano—

- (a) presenoldeb categori o sylwedd a restrir yng ngholofn 1 o Ran B o Atodlen 1 i Reoliadau 1992; neu
- (b) presenoldeb sylwedd a enwir yng ngholofn 1 o Ran A o Atodlen 1 i Reoliadau 1992.

Transitional applications and appeals

31.—(1) If an application or appeal relating to a hazardous substances consent made in accordance with the 1992 Regulations has not been determined by the commencement date, the application or appeal is taken to be made under these Regulations.

(2) Anything done under the 1992 Regulations in relation to that application or appeal before the commencement date is taken to be done under these Regulations.

Interpretation of existing consents

32.—(1) In this regulation, “relevant consent” (“*cydsyniad perthnasol*”) means a hazardous substances consent granted under the 1992 Regulations or a deemed consent claimed before the commencement date under which the following are expressly authorised—

- (a) the presence of a category of substance listed in column 1 of Part B of Schedule 1 to the 1992 Regulations; or
- (b) the presence of a substance named in column 1 of Part A of Schedule 1 to the 1992 Regulations.

(2) Mae'r rheoliad hwn yn gymwys i gydsyniad perthnasol—

- (a) pan na fo'r categori neu'r sylwedd y cyfeirir ato ym mharagraff (1) uchod wedi ei gynnwys yn Atodlen 1 i'r Rheoliadau hyn; neu
- (b) pan fo'r categori neu'r sylwedd y cyfeirir ato ym mharagraff (1) uchod wedi ei enwi neu ei ddiffinio yn wahanol o dan Atodlen 1 i'r Rheoliadau hyn.

(3) Pan fo'r rheoliad hwn yn gymwys mae cyfeiriadau mewn cydsyniad perthnasol at gategori neu sylwedd y cyfeirir ato ym mharagraff (1) i'w dehongli fel pe na bai'r Rheoliadau hyn wedi dod i rym.

Arbed ar gyfer amodau cydsyniad tybiedig

33.—(1) Mae'r rheoliad hwn yn gymwys i unrhyw gydsyniad y tybir ei fod wedi ei roi o dan adran 11 neu 30B o'r DCSP cyn y dyddiad cychwyn.

(2) Mewn perthynas ag unrhyw gydsyniad y mae'r rheoliad hwn yn gymwys iddo—

- (a) mae'r amodau a nodir yn Atodlen 3 o Reoliadau 1992 yn parhau i fod yn gymwys (oni bai y dilëwyd unrhyw amod yn dilyn cais o dan adran 13 o'r DCSP); a
- (b) mae'r amodau hynny yn parhau i gael eu dehongli yn unol â rheoliad 15 o Reoliadau 1992.

Hysbysu sefydliadau eraill

34.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) pan fyddai cydsyniad sylweddau peryglus yn ofynnol oni bai am yr esemptiad ym mharagraff 12 o Atodlen 2 i'r Rheoliadau hyn(1); a
- (b) pan fo awdurdod sylweddau peryglus yn cael oddi wrth y person sy'n rheoli'r tir y mae'r hysbysiad yn ymwneud ag ef hysbysiad ysgrifenedig sy'n cynnwys—
 - (i) manylion lleoliad y tir y mae'r hysbysiad yn ymwneud ag ef a'r person sy'n rheoli'r tir;
 - (ii) manylion y sylweddau peryglus a gedwir ar y safle, gan gynnwys y maintioli; a
 - (iii) esboniad ynghylch pam bod paragraff 12 o Atodlen 2 i'r Rheoliadau hyn yn gymwys.

(2) This regulation applies to a relevant consent where the category or substance referred to in paragraph (1) above—

- (a) is not contained in Schedule 1 to these Regulations; or
- (b) is differently named or defined under Schedule 1 to these Regulations.

(3) Where this regulation applies references in a relevant consent to a category or substance referred to in paragraph (1) are to be interpreted as if these Regulations had not come into force.

Saving for deemed consent conditions

33.—(1) This regulation applies to any consent that was deemed to be granted under section 11 or 30B of the PHSA before the commencement date.

(2) In relation to any consent to which this regulation applies—

- (a) the conditions set out in Schedule 3 of the 1992 Regulations continue to apply (unless any condition was removed following an application under section 13 of the PHSA); and
- (b) those conditions continue to be interpreted in accordance with regulation 15 of the 1992 Regulations.

Notification of other establishments

34.—(1) This regulation applies where—

- (a) hazardous substance consent would be required but for the exemption in paragraph 12 of Schedule 2 to these Regulations(1); and
- (b) a hazardous substance authority receives from the person in control of the land to which the notice relates a notice in writing which contains—
 - (i) details of the location of the land to which the notice relates and the person in control of the land;
 - (ii) details of the hazardous substances held at the site, including the quantities; and
 - (iii) an explanation of why paragraph 12 of Schedule 2 to these Regulations applies.

(1) Presenoldeb sylweddau sefydledig.

(1) Presence of established substances.

(2) Rhaid i'r awdurdod sylweddau peryglus, cyn gynted ag y bo'n ymarferol ar ôl cael yr hysbysiad, anfon copi o'r hysbysiad i'r awdurdod COMAH cymwys.

(3) Rhaid i'r awdurdod COMAH cymwys, o fewn 8 wythnos o gael yr hysbysiad oddi wrth yr awdurdod sylweddau peryglus o dan baragraff (2), benderfynu a yw'r hysbysiad yn ymwneud â sefydliad sy'n dod o fewn ystyr y Gyfarwyddeb ac, os ydyw, hysbysu awdurdod cynllunio lleol yr ardal y mae'r sefydliad wedi ei leoli ynddi.

Diwygiadau

35. Mae Atodlen 5 i'r Rheoliadau hyn yn cael effaith.

Cymhwyso i'r Goron

36. Mae'r Rheoliadau hyn yn gymwys i'r Goron fel petai'r canlynol wedi ei fewnosod, yn Atodlen 2 i'r Rheoliadau hyn, ar ôl paragraff 1—

“Tir milwrol

(1A) Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb sylweddau peryglus mewn, ar, uwchben neu oddi tan dir sefydliadau, gosodiadau neu gyfleusterau storio milwrol.”

(2) The hazardous substances authority must, as soon as practicable after receiving the notice, send the COMAH competent authority a copy of the notice.

(3) The COMAH competent authority must, within 8 weeks of receiving notification from the hazardous substances authority under paragraph (2), determine whether the notice concerns an establishment within the meaning of the Directive and, if so, notify the local planning authority for the area in which the establishment is located.

Amendments

35. Schedule 5 to these Regulations has effect.

Application to the Crown

36. These Regulations apply to the Crown as if, in Schedule 2 to these Regulations, after paragraph 1 there were inserted—

“Military land

(1A) Hazardous substances consent is not required for the presence of a hazardous substance in, on, over or under land at military establishments, installations or storage facilities.”

Carl Sargeant

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion
Cymru
3 Awst 2015

Minister for Natural Resources, one of the Welsh
Ministers
3 August 2015

SCHEDULES

SCHEDULE 1

Regulation 3

HAZARDOUS SUBSTANCES AND CONTROLLED QUANTITIES

PART 1

Categories of substances

This Part covers all hazardous substances falling under the hazard categories listed in Column 1:

<i>Column 1</i>	<i>Column 2</i>
Hazard categories in accordance with the CLP Regulation	Controlled quantity in tonnes
Section 'H' – HEALTH HAZARDS	
H1 ACUTE TOXIC Category 1, all exposure routes	5
H2 ACUTE TOXIC — Category 2, all exposure routes — Category 3, inhalation exposure route (see note 7)	50
H3 STOT SPECIFIC TARGET ORGAN TOXICITY – SINGLE EXPOSURE STOT SE Category 1	50
Section 'P' – PHYSICAL HAZARDS	
P1a EXPLOSIVES (see note 8) — Unstable explosives or — Explosives, Division 1.1, 1.2, 1.3, 1.5 or 1.6, or — Substances or mixtures having explosive properties according to method A.14 of Regulation (EC) No 440/2008 (see note 9) and do not belong to the hazard classes Organic peroxides or Self-reactive substances and mixtures	10
P1b EXPLOSIVES (see note 8) Explosives, Division 1.4 (see note 10)	50
P2 FLAMMABLE GASES Flammable gases, Category 1 or 2	10
P3a FLAMMABLE AEROSOLS (see note 11.1) 'Flammable' aerosols Category 1 or 2, containing flammable gases Category 1 or 2 or flammable liquids Category 1	150 (net)
P3b FLAMMABLE AEROSOLS (see note 11.1) 'Flammable' aerosols Category 1 or 2, not containing flammable gases Category 1 or 2 nor flammable liquids category 1 (see note 11.2)	5,000 (net)
P4 OXIDISING GASES Oxidising gases, Category 1	50

P5a FLAMMABLE LIQUIDS — Flammable liquids, Category 1, or — Flammable liquids Category 2 or 3 maintained at a temperature above their boiling point, or — Other liquids with a flash point ≤ 60 °C, maintained at a temperature above their boiling point (see note 12)	10
P5b FLAMMABLE LIQUIDS — Flammable liquids Category 2 or 3 where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards, or — Other liquids with a flash point ≤ 60 °C where particular processing conditions, such as high pressure or high temperature, may create major-accident hazards (see note 12)	50
P5c FLAMMABLE LIQUIDS Flammable liquids, Categories 2 or 3 not covered by P5a and P5b	5,000
P6a SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES Self-reactive substances and mixtures, Type A or B or organic peroxides, Type A or B	10
P6b SELF-REACTIVE SUBSTANCES AND MIXTURES and ORGANIC PEROXIDES Self-reactive substances and mixtures, Type C, D, E or F or organic peroxides, Type C, D, E, or F	50
P7 PYROPHORIC LIQUIDS AND SOLIDS Pyrophoric liquids, Category 1 Pyrophoric solids, Category 1	50
P8 OXIDISING LIQUIDS AND SOLIDS Oxidising Liquids, Category 1, 2 or 3, or Oxidising Solids, Category 1, 2 or 3	50
Section 'E' – ENVIRONMENTAL HAZARDS	
E1 Hazardous to the Aquatic Environment in Category Acute 1 or Chronic 1	100
E2 Hazardous to the Aquatic Environment in Category Chronic 2	200
Section 'O' – OTHER HAZARDS	
O1 Substances or mixtures with hazard statement EUH014	100
O2 Substances and mixtures which in contact with water emit flammable gases, Category 1	100
O3 Substances or mixtures with hazard statement EUH029	50

PART 2

Named hazardous substances

<i>Column 1</i>	<i>CAS number (1)</i>	<i>Column 2</i>
Hazardous substances		Controlled quantity (tonnes)
1. Ammonium nitrate (see note 13)	-	5,000
2. Ammonium nitrate (see note 14)	-	1,250
3. Ammonium nitrate (see note 15)	-	350
4. Ammonium nitrate (see note 16)	-	10
5. Potassium nitrate (see note 17)	-	5,000
6. Potassium nitrate (see note 18)	-	1,250
7. Arsenic pentoxide, arsenic (V) acid and/or salts	1303-28-2	1
8. Arsenic trioxide, arsenious (III) acid and/or salts	1327-53-3	0.1
9. Bromine	7726-95-6	20
10. Chlorine	7782-50-5	10
11. Nickel compounds in inhalable powder form: nickel monoxide, nickel dioxide, nickel sulphide, trinickel disulphide, dinickel trioxide	-	1
12. Ethyleneimine	151-56-4	10
13. Fluorine	7782-41-4	10
14. Formaldehyde (concentration \geq 90%)	50-00-0	5
15. Hydrogen	1333-74-0	2
16. Hydrogen chloride (liquefied gas)	7647-01-0	25
17. Lead alkyls	-	5
18. Liquefied flammable gases, Category 1 or 2 (including LPG) and natural gas (including Liquefied Natural Gas) (see note 19)	-	Natural Gas (including Liquefied Natural Gas) (LNG): 15 Liquefied Petroleum Gas (LPG): 25 Any other liquefied flammable gases : 50
19. Acetylene	74-86-2	5
20. Ethylene oxide	75-21-8	5
21. Propylene oxide	75-56-9	5
22. Methanol	67-56-1	500
23. 4, 4'-Methylene bis (2-chloraniline) and/or salts, in powder form	101-14-4	0.01
24. Methylisocyanate	624-83-9	0.15

25. Oxygen	7782-44-7	200
26. 2,4 -Toluene diisocyanate 2,6 -Toluene diisocyanate	584-84-9 91-08-7	10
27. Carbonyl dichloride (phosgene)	75-44-5	0.3
28. Arsine (arsenic trihydride)	7784-42-1	0.2
29. Phosphine (phosphorus trihydride)	7803-51-2	0.2
30. Sulphur dichloride	10545-99-0	1
31. Sulphur trioxide	7446-11-9	15
32. Polychlorodibenzofurans and polychlorodibenzodioxins (including TCDD), calculated in TCDD equivalent (see note 20)	-	0.001
33. The following CARCINOGENS or the mixtures containing the following carcinogens at concentrations above 5% by weight: 4-Aminobiphenyl and/or its salts, Benzotrichloride, Benzidine and/or salts, Bis (chloromethyl) ether, Chloromethyl methyl ether, 1,2-Dibromoethane, Diethyl sulphate, Dimethyl sulphate, Dimethylcarbamoyl chloride, 1,2-Dibromo-3-chloropropane, 1,2-Dimethylhydrazine, Dimethylnitrosamine, Hexamethylphosphoric triamide, Hydrazine, 2- Naphthylamine and/or salts, 4-Nitrodiphenyl, and 1,3 Propanesultone	-	0.5
34. Petroleum products and alternative fuels (a) gasolines and naphthas, (b) kerosenes (including jet fuels), (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams) (d) heavy fuel oils (e) alternative fuels serving the same purposes and with similar properties as regards flammability and environmental hazards as the products referred to in points (a) to (d)	-	2,500
35. Anhydrous Ammonia	7664-41-7	50
36. Boron trifluoride	7637-07-2	5
37. Hydrogen sulphide	7783-06-4	5
38. Piperidine	110-89-4	50
39. Bis(2-dimethylaminoethyl) (methyl)amin	3030-47-5	50
40. 3-(2-Ethylhexyloxy)propylamin	5397-31-9	50

41. Mixtures (*) of sodium hypochlorite classified as Aquatic Acute Category 1 [H400] containing less than 5 % active chlorine and not classified under any of the other hazard categories in Part 1 of Schedule 1. _____ (*) Provided that the mixture in the absence of sodium hypochlorite would not be classified as Aquatic Acute Category 1 [H400].		200
42. Propylamine (see note 21)	107-10-8	500
43. Tert-butyl acrylate (see note 21)	1663-39-4	200
44. 2-Methyl-3-butenenitrile (see note 21)	16529-56-9	500
45. Tetrahydro-3,5-dimethyl-1,3,5,-thiadiazine-2-thione (Dazomet) (see note 21)	533-74-4	100
46. Methyl acrylate (see note 21)	96-33-3	500
47. 3-Methylpyridine (see note 21)	108-99-6	500
48. 1-Bromo-3-chloropropane (see note 21)	109-70-6	500

PART 3

Substances used in an industrial chemical process

<i>Column 1 Hazardous Substances</i>	<i>Column 2 Controlled quantity</i>
Where it is reasonable to foresee that a substance falling within Part 1 or Part 2 ("HS") may be generated during loss of control of the processes, including storage activities in any installation within an establishment, any substance which is used in that process ("S").	The amount of S which it is believed may generate (on its own or in combination with other substances used in the relevant process) an amount equal to or exceeding the controlled quantity of the HS in question.

(See note 23)

PART 4

Notes to Parts 1 to 3

1. Substances and mixtures are classified in accordance with the CLP Regulation⁽¹⁾.
2. Mixtures must be treated in the same way as pure substances provided they remain within concentration limits set according to their properties under the CLP Regulation, or its latest adaptation to technical progress, unless a percentage composition or other description is specifically given.
3. The controlled quantities set out in Parts 1 to 3 of this Schedule relate to each establishment.

The quantities to be considered for the application of these Regulations are the maximum quantities which are present or are likely to be present at any one time.

4. The following rule governing the addition of hazardous substances, or categories of dangerous substances, applies where appropriate.

In the case of an establishment where no individual hazardous substance is present in a quantity above or equal to the relevant controlled quantity, the following rule must be applied to determine whether the establishment is covered by the relevant requirements of these Regulations. These Regulations apply to establishments if the sum $q_1/Q_{L1} + q_2/Q_{L2} + q_3/Q_{L3} + q_4/Q_{L4} + q_5/Q_{L5} + \dots$ is greater than or equal to 1,

where

q_x = the quantity of dangerous substance x (or category of dangerous substances) falling within Part 1 or Part 2 of this Schedule; and

Q_{Lx} = the relevant controlled quantity for hazardous substance or category x from Column 2 of Part 1 or from Column 2 of Part 2 of this Schedule, except as set out in the following paragraph.

For the purposes of calculating Q_{Lx} only, where the hazardous substance is one specified in column 1 of the following table, the relevant controlled quantity is as set out in column 2 of the following table A:

Table A

<i>Column 1</i>	<i>CAS number</i>	<i>Column 2</i>
15. Hydrogen	1333-74-0	5
18. Liquefied flammable gases, Category 1 or 2 (including LPG) and natural gas (including liquid natural gas)	-	50

This rule must be used to assess the health hazards, physical hazards and environmental hazards. It must therefore be applied three times—

- (a) for the addition of hazardous substances listed in Part 2 that fall within acute toxicity category 1, 2 or 3 (inhalation route) or STOT SE category 1, together with hazardous substances falling within section H, entries H1 to H3 of Part 1;
- (b) for the addition of hazardous substances listed in Part 2 that are explosives, flammable gases, flammable aerosols, oxidising gases, flammable liquids, self-reactive substances and mixtures, organic peroxides, pyrophoric liquids and solids, oxidising liquids and solids, together with hazardous substances falling within section P, entries P1 to P8 of Part 1;

⁽¹⁾ Regulation (EC) No 1272/2008 of the European Parliament and the Council.

- (c) for the addition of hazardous substances listed in Part 2 that fall within hazardous to the aquatic environment acute category 1, chronic category 1 or chronic category 2, together with hazardous substances falling within section E, entries E1 and E2 of Part 1.

The relevant provisions of these Regulations apply where any of the sums obtained by (a), (b) or (c) is greater than or equal to 1.

5. In the case of hazardous substances which are not covered by the CLP Regulation, including waste, but which nevertheless are present, or are likely to be present, in an establishment and which possess or are likely to possess, under the conditions found at the establishment, equivalent properties in terms of major accident potential, these must be provisionally assigned to the most analogous category or named hazardous substance falling within the scope of these Regulations.

6. In the case of hazardous substances with properties giving rise to more than one classification, for the purposes of these Regulations the lowest controlled quantities apply. However, for the application of the rule in Note 4, the lowest controlled quantity for each group of categories in Notes 4(a), 4(b) and 4(c) corresponding to the classification concerned must be used.

7. Hazardous substances that fall within Acute Toxic Category 3 via the oral route (H 301) fall under entry H2 ACUTE TOXIC in those cases where neither acute inhalation toxicity classification nor acute dermal toxicity classification can be derived, for example due to lack of conclusive inhalation and dermal toxicity data.

8. The hazard class Explosives includes explosive articles (see Section 2.1 of Annex I to the CLP Regulation). If the quantity of the explosive substance or mixture contained in the article is known, that quantity must be considered for the purposes of these Regulations. If the quantity of the explosive substance or mixture contained in the article is not known, then, for the purposes of these Regulations, the whole article must be treated as explosive.

9. Testing for explosive properties of substances and mixtures is only necessary if the screening procedure according to Appendix 6, Part 3 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria (UN Manual of Tests and Criteria)(1) identifies the substance or mixture as potentially having explosive properties.

10. If Explosives of Division 1.4 are unpacked or repacked, they must be assigned to the entry P1a, unless the hazard is shown to still correspond to Division 1.4, in accordance with the CLP Regulation.

11.—(1) Flammable aerosols are classified in accordance with the Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers(2) (Aerosol Dispensers Directive). “Extremely flammable” and “Flammable” aerosols of Directive 75/324/EEC correspond to Flammable Aerosols Category 1 or 2 respectively of the CLP Regulation.

(2) In order to use this entry, it must be documented that the aerosol dispenser does not contain Flammable Gas Category 1 or 2 nor Flammable Liquid Category 1.

12. According to paragraph 2.6.4.5 in Annex I to the CLP Regulation, liquids with a flash point of more than 35°C need not be classified in Category 3 if negative results have been obtained in the sustained combustibility test L.2, Part III, section 32 of the UN Manual of Tests and Criteria. This is however not valid under elevated conditions such as high temperature or pressure, and therefore such liquids are included in this entry.

13. Ammonium nitrate (5,000/10,000): fertilisers capable of self-sustaining decomposition

(1) More guidance on waiving of the test can be found in the A.14 method description, *see* Commission Regulation (EC) No. 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (O.J. L 142, 31.5.2008, p. 1).

(2) O.J. L 147, 9.6.1975, p. 40.

This applies to ammonium nitrate-based compound/composite fertilisers (compound/composite fertilisers contain ammonium nitrate with phosphate and/or potash) which are capable of self-sustaining decomposition according to the UN Trough Test (see UN Manual of Tests and Criteria, Part III, subsection 38.2), and in which the nitrogen content as a result of ammonium nitrate is—

- (a) between 15.75%(1) and 24.5%(2) by weight, and either with not more than 0.4% total combustible/organic materials or which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers(3);
- (b) 15.75% by weight or less and unrestricted combustible materials.

14. Ammonium nitrate (1,250/5,000): fertiliser grade

This applies to straight ammonium nitrate-based fertilisers and to ammonium nitrate-based compound/composite fertilisers which fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003 and in which the nitrogen content as a result of ammonium nitrate is—

- (a) more than 24.5% by weight, except for mixtures of straight ammonium nitrate based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90%;
- (b) more than 15.75% by weight for mixtures of ammonium nitrate and ammonium sulphate;
- (c) more than 28%(4) by weight for mixtures of straight ammonium nitrate-based fertilisers with dolomite, limestone and/or calcium carbonate with a purity of at least 90%.

15. Ammonium nitrate (350/2,500): technical grade

This applies to ammonium nitrate and mixtures of ammonium nitrate in which the nitrogen content as a result of the ammonium nitrate is—

- (a) between 24.5% and 28% by weight, and which contain not more than 0.4% combustible substances;
- (b) more than 28% by weight, and which contain not more than 0.2% combustible substances.

It also applies to aqueous ammonium nitrate solutions in which the concentration of ammonium nitrate is more than 80% by weight.

16. Ammonium nitrate (10/50): 'off-specs' material and fertilisers not fulfilling the detonation test

This applies to—

- (a) material rejected during the manufacturing process and to ammonium nitrate and mixtures of ammonium nitrate, straight ammonium nitrate-based fertilisers and ammonium nitrate-based compound/composite fertilisers referred to in Notes 14 and 15, that are being or have been returned from the final user to a manufacturer, temporary storage or reprocessing plant for reworking, recycling or treatment for safe use, because they no longer comply with the specifications of Notes 14 and 15;
- (b) fertilisers referred to in Note 13(a), and Note 14 to this Schedule which do not fulfil the requirements of Annex III-2 to Regulation (EC) No 2003/2003.

17. Potassium nitrate (5,000/10,000)

This applies to those composite potassium-nitrate based fertilisers (in prilled/granular form) which have the same hazardous properties as pure potassium nitrate.

18. Potassium nitrate (1,250/5,000)

This applies to those composite potassium-nitrate based fertilisers (in crystalline form) which have the same hazardous properties as pure potassium nitrate.

(1) 15.7% nitrogen content by weight as a result of ammonium nitrate corresponds to 45% ammonium nitrate.

(2) 24.5% nitrogen content by weight as a result of ammonium nitrate corresponds to 70% ammonium nitrate.

(3) O.J. L 304, 21.11.2003, p. 1.

(4) 28% nitrogen content by weight as a result of ammonium nitrate corresponds to 80% ammonium nitrate.

19. Upgraded biogas

For the purpose of the implementation of these Regulations, upgraded biogas may be classified under entry 18 of Part 2 of Schedule 1 where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that of natural gas, including the content of Methane, and which has a maximum of 1% Oxygen.

20. Polychlorodibenzofurans and polychlorodibenzodioxins

The quantities of polychlorodibenzofurans and polychlorodibenzodioxins are calculated using the factors in Table 1—

Table 1

WHO 2005 TEF*

2,3,7,8-TCDD	1	2,3,7,8-TCDF	0.1
1,2,3,7,8-PeCDD	1	2,3,4,7,8-PeCDF	0.3
		1,2,3,7,8-PeCDF	0.03
1,2,3,4,7,8-HxCDD	0.1		
1,2,3,6,7,8-HxCDD	0.1	1,2,3,4,7,8-HxCDF	0.1
1,2,3,7,8,9-HxCDD	0.1	1,2,3,7,8,9-HxCDF	0.1
		1,2,3,6,7,8-HxCDF	0.1
1,2,3,4,6,7,8-HpCDD	0.01	2,3,4,6,7,8-HxCDF	0.1
OCDD	0.0003	1,2,3,4,6,7,8-HpCDF	0.01
		1,2,3,4,7,8,9-HpCDF	0.01
		OCDF	0.0003

(T = tetra, P = penta, Hx = hexa, Hp = hepta, O = octa)

*Reference — Van den Berg et al: The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds.

21. In cases where this hazardous substance falls within category P5a Flammable liquids or P5b Flammable liquids, then for the purposes of these Regulations the lower controlled quantity applies.

22. Where a hazardous substance is covered by Part 1 of this Schedule and is also listed in Part 2, the controlled quantity set out in Column 2 of Part 2 apply.

23. In relation to Part 3—

- (a) where S also falls within Part 1 or Part 2, the classification with the lowest controlled quantity applies; and
- (b) where S also falls within Part 1 and Part 2, the controlled quantity which is lowest when the controlled quantities under Part 2 and Part 3 are compared applies.

24. Expressions appearing both in this Schedule and in the Directive have the same meaning for the purposes of this Schedule as they have for the purposes of the Directive.

YR ATODLENNI

ATODLEN 1

Rheoliad 3

SYLWEDDAU PERYGLUS A'R MAINTIOLI SYDD DAN REOLAETH

RHAN 1

Categoriâu o sylweddau

Mae'r Rhan hon yn cwmpasu pob sylwedd peryglus sy'n perthyn i'r categorïau perygl a restrir yng Ngholofn 1:

<i>Colofn 1</i>	<i>Colofn 2</i>
Categoriâu perygl yn unol â'r Rheoliad DLPh	Maintioli sydd dan reolaeth mewn tunelli
Adran 'H' - PERYGLON I IECHYD	
H1 GWENWYNIG ACÍWT Categori 1, pob llwybr amlygu	5
H2 GWENWYNIG ACÍWT — Categori 2, pob llwybr amlygu — Categori 3, llwybr amlygu anadlu (gweler nodyn 7)	50
H3 GPOD GWENWYNDRA PENODOL ORGAN DARGED - AMLYGIAD UNIGOL GPOD AU Categori 1	50
Adran 'P' – PERYGLON CORFFOROL	
P1a FFRWYDRON (gweler nodyn 8) — Ffrwydron ansefydlog neu — Ffrwydron, Is-adran 1.1, 1.2, 1.3, 1.5 neu 1.6, neu — Sylweddau neu gymysgeddau sydd â nodweddion ffrwydrol yn ôl dull A.14 o Reoliad (EC) Rhif 440/2008 (gweler nodyn 9) ac nad ydynt yn perthyn i'r dosbarthiadau perygl perocsidau Organig na sylweddau a chymysgeddau Hunanadweithiol	10
P1b FFRWYDRON (gweler nodyn 8) Ffrwydron, Is-adran 1.4 (gweler nodyn 10)	50
P2 NWYON FFLAMADWY Nwyon Fflamadwy, Categori 1 neu 2	10
P3a EROSOLAU FFLAMADWY (gweler nodyn 11.1) Erosolau 'fflamadwy' Categori 1 neu 2, sy'n cynnwys nwyon fflamadwy Categori 1 neu 2 neu hylifau fflamadwy Categori 1	150 (net)
P3b EROSOLAU FFLAMADWY (gweler nodyn 11.1) Erosolau 'fflamadwy' Categori 1 neu 2, nad ydynt yn cynnwys nwyon fflamadwy Categori 1 na 2 na hylifau fflamadwy Categori 1 (gweler nodyn 11.2)	5,000 (net)
P4 NWYON SY'N OCSIDIO Nwyon sy'n ocsidio, Categori 1	50

P5a HYLIFAU FFLAMADWY — Hylifau fflamadwy, Categori 1, neu — Hylifau fflamadwy Categori 2 neu 3 a gynhelir ar dymheredd uwchlaw eu berwbwynt, neu — Hylifau eraill sydd â fflachbwynt ≤ 60 °C, a gynhelir ar dymheredd uwchlaw eu berwbwynt (gweler nodyn 12)	10
P5b HYLIFAU FFLAMADWY — Hylifau fflamadwy Categori 2 neu 3 pan fo amodau prosesu penodol, fel gwasgedd uchel neu dymheredd uchel, yn gallu creu peryglon o ran damwain fawr, neu — Hylifau eraill sydd â fflachbwynt ≤ 60 °C pan fo amodau prosesu penodol, fel gwasgedd uchel neu dymheredd uchel, yn gallu creu peryglon o ran damwain fawr (gweler nodyn 12)	50
P5c HYLIFAU FFLAMADWY Hylifau fflamadwy, Categori 2 neu 3 nad yw P5a na P5b yn eu cwmpasu	5,000
P6a SYLWEDDAU A CHYMYSGEDDAU HUNANADWEITHIOL a PHEROCSIDAU ORGANIG Sylweddau a chymysgeddau hunanadweithiol, Math A neu B neu berocsidau organig, Math A neu B	10
P6b SYLWEDDAU A CHYMYSGEDDAU HUNANADWEITHIOL a PHEROCSIDAU ORGANIG Sylweddau a chymysgeddau hunanadweithiol, Math C, D, E neu F neu berocsidau organig, Math C, D, E neu F	50
P7 HYLIFAU A SOLIDAU PYROFFORIG Hylifau pyrofforig, Categori 1 Solidau pyrofforig, Categori 1	50
P8 HYLIFAU A SOLIDAU SY’N OCSIDIO Hylifau sy’n Ocsidio, Categori 1, 2 neu 3, neu Solidau sy’n Ocsidio, Categori 1, 2 neu 3	50
Adran ‘E’ – PERYGLON AMGYLCHEDDOL	
E1 Peryglus i’r Amgylchedd Dyfrol yng Nghategori Aciwt 1 neu Gronig 1	100
E2 Peryglus i’r Amgylchedd Dyfrol yng Nghategori Cronig 2	200
Adran ‘O’ – PERYGLON ERAILL	
O1 Sylweddau neu gymysgeddau sydd â datganiad perygl EUH014	100
O2 Sylweddau a chymysgeddau sy’n rhyddhau nwyon fflamadwy wrth ddod i gyswllt â dŵr, Categori 1	100
O3 Sylweddau neu gymysgeddau sydd â datganiad perygl EUH029	50

RHAN 2

Sylweddau peryglus a enwir

<i>Colofn 1</i>	<i>Rhif CAS (1)</i>	<i>Colofn 2</i>
Sylweddau peryglus		Maintoli sydd dan reolaeth (tunelli)
1. Amoniwm nitrad (gweler nodyn 13)	-	5000
2. Amoniwm nitrad (gweler nodyn 14)	-	1,250
3. Amoniwm nitrad (gweler nodyn 15)	-	350
4. Amoniwm nitrad (gweler nodyn 16)	-	10
5. Potasiwm nitrad (gweler nodyn 17)	-	5,000
6. Potasiwm nitrad (gweler nodyn 18)	-	1,250
7. Arsenig pentocsid, asid a/neu halwynau arsenig (V)	1303-28-2	1
8. Arsenig triocsid, asid a/neu halwynau arsenaidd (III)	1327-53-3	0.1
9. Bromin	7726-95-6	20
10. Clorin	7782-50-5	10
11. Cyfansoddion nicel ar ffurf powdwr y gellir ei anadlu i mewn: nicel monocsid, nicel deuocsid, nicel sylffid, trinichel deusylffid, deunicel triocsid	-	1
12. Ethylenamin	151-56-4	10
13. Fflworin	7782-41-4	10
14. Fformaldehyd (crynodiaid $\geq 90\%$)	50-00-0	5
15. Hydrogen	1333-74-0	2
16. Hydrogen clorid (nwy hylifedig)	7647-01-0	25
17. Alcyllau plwm	-	5
18. Nwyon fflamadwy hylifedig, Categori 1 neu 2 (gan gynnwys NPH) a nwy naturiol (gan gynnwys Nwy Naturiol Hylifedig) (gweler nodyn 19)	-	Nwy Naturiol (gan gynnwys Nwy Naturiol Hylifedig) (NNH): 15 Nwy Petrolewm Hylifedig (NPH): 25 Unrhyw nwyon fflamadwy hylifedig eraill: 50
19. Asetylen	74-86-2	5
20. Ethylen ocsid	75-21-8	5
21. Propylen ocsid	75-56-9	5
22. Methanol	67-56-1	500
23. 4, 4'-Methylen bis (2-cloranylen) a/neu halwynau, ar ffurf powdwr	101-14-4	0.01
24. Methylisocyanad	624-83-9	0.15

25. Ocsigen	7782-44-7	200
26. 2,4 -Tolwen deuisocyanad 2,6 -Tolwen deuisocyanad	584-84-9 91-08-7	10
27. Carbonyl deuclorid (ffosgen)	75-44-5	0.3
28. Arsin (arsenig trihydrid)	7784-42-1	0.2
29. Ffosffin (trihydrad ffosfforaidd)	7803-51-2	0.2
30. Sylffwr deuclorid	10545-99-0	1
31. Sylffwr triocsid	7446-11-9	15
32. Polyclorodeubensoffwrnau a pholyclorodeubensodeuocsinau (gan gynnwys TCDD), wedi'u cyfrifo mewn TCDD cyfwerth (gweler nodyn 20)	-	0.001
33. Y CARSIENOGENAU a ganlyn neu'r cymysgeddau sy'n cynnwys y carsinogenau a ganlyn mewn crynodiadau uwch na 5% yn ôl pwysau: 4-Aminobiffenyl a/neu ei halwynau, Bensotriclorid, Bensidin a/neu halwynau, Bis (cloromethyl) ether, Cloromethyl methyl ether, 1,2-Deubromoethan, Deuethyl sylffad, Deumethyl sylffad, Deumethylcarbamoil clorid, 1,2-Deubromo-3-cloropropan, 1,2-Deumethylhydrasin, Deumethylnitrosamin, Hecsamethylffosfforig triamid, Hydrasin, 2- Naffthylamin a/neu halwynau, 4-Nitrodeuffenyl, ac 1,3 Propaneswlton	-	0.5
34. Cynhyrchion petrolewm a thanwyddau amgen (a) gasolinau a naffthau, (b) cerosinau (gan gynnwys tanwyddau jet), (c) olewau nwy (gan gynnwys tanwyddau disel, olewau cynhesu'r cartref a ffrydiau cymysgu olew nwy) (d) olewau tanwydd trwm (e) tanwyddau amgen sy'n diwallu'r un dibenion ac sydd â nodweddion tebyg o ran fflamadwyedd a pheryglon amgylcheddol i'r cynhyrchion y cyfeirir atynt ym mhwyntiau (a) i (d)	-	2,500
35. Amonia Anhydrus	7664-41-7	50
36. Boron trifflworid	7637-07-2	5
37. Hydrogen sylffid	7783-06-4	5
38. Piperidin	110-89-4	50

39. Bis(2-deumethylaminoethyl) (methyl)amin	3030-47-5	50
40. 3-(2-Ethylhecsylocsi)propylamin	5397-31-9	50
41. Cymysgeddau (*) o sodiwm hypoclorit sydd wedi eu dosbarthu fel Dyfrol Aciwt Categori 1 [H400] sy'n cynnwys llai na 5% o glorin actif ac nad ydynt wedi eu dosbarthu o dan unrhyw un neu ragor o'r categorïau perygl eraill yn Rhan 1 o Atodlen 1. (*) Ar yr amod na fyddai'r cymysgedd yn absenoldeb sodiwm hypoclorit yn cael ei ddsbarthu fel Dyfrol Aciwt Categori 1 [H400].		200
42. Propylamin (gweler nodyn 21)	107-10-8	500
43. Tert-biwtyl acrylad (gweler nodyn 21)	1663-39-4	200
44. 2-Methyl-3-biwtenenitril (gweler nodyn 21)	16529-56-9	500
45. Tetrahydro-3,5-deumethyl-1,3,5,-thiadiasin-2-thione (Dasomet) (gweler nodyn 21)	533-74-4	100
46. Methyl acrylad (gweler nodyn 21)	96-33-3	500
47. 3-Methylpyridin (gweler nodyn 21)	108-99-6	500
48. 1-Bromo-3-cloropropan (gweler nodyn 21)	109-70-6	500

RHAN 3

Sylweddau a ddefnyddir mewn proses gemegol ddiwydiannol

<i>Colofn 1 Sylweddau Peryglus</i>	<i>Colofn 2 Maintioli sydd dan reolaeth</i>
Pan fo'n rhesymol rhagweld y gall sylwedd sy'n dod o fewn Rhan 1 neu Ran 2 ("SP") gael ei gynhyrchu wrth golli rheolaeth ar y prosesau, gan gynnwys gweithgareddau storio mewn unrhyw osodiad o fewn sefydliad, unrhyw sylwedd a ddefnyddir yn y broses honno ("S").	Maintioli S y credir y gallai gynhyrchu (ar ei ben ei hun neu ar y cyd â sylweddau eraill a ddefnyddir yn y broses berthnasol) swm cyfwerth â'r maintioli sydd dan reolaeth neu fwy o'r SP dan sylw.

(Gweler nodyn 23)

RHAN 4

Nodiadau i Rannau 1 i 3

1. Caiff sylweddau a chymysgeddau eu dosbarthu yn unol â'r Rheoliad DLPh(1).

2. Rhaid trin cymysgeddau yn yr un ffordd â sylweddau pur ar yr amod eu bod yn parhau o fewn terfynau crynodiad a bennwyd yn unol â'u nodweddion o dan y Rheoliad DLPh, neu ei addasiad diweddaraf i gynnydd technegol, oni bai y rhoddir yn benodol gyfansoddiad canrannol neu ddisgrifiad arall.

3. Mae'r maintioli sydd dan reolaeth a bennir yn Rhannau 1 i 3 o'r Atodlen hon yn berthnasol i bob sefydliad.

Y maintioli sydd i'w ystyried ar gyfer cymhwyso'r Rheoliadau hyn yw'r maintioli mwyaf sy'n bresennol neu'n debygol o fod yn bresennol ar unrhyw un adeg.

4. Mae'r rheol a ganlyn sy'n rheoli ychwanegu sylweddau peryglus, neu gategoriâu o sylweddau peryglus, yn gymwys pan fo'n briodol.

Yn achos sefydliad pan na fo unrhyw sylwedd peryglus unigol yn bresennol o faintioli uwchlaw neu gyfwerth â'r maintioli sydd dan reolaeth perthnasol, rhaid cymhwyso'r rheol a ganlyn er mwyn penderfynu a yw gofynion perthnasol y Rheoliadau hyn yn cwmpasu'r sefydliad.

Mae'r Rheoliadau hyn yn gymwys i sefydliadau os yw swm $q_1/Q_{L1} + q_2/Q_{L2} + q_3/Q_{L3} + q_4/Q_{L4} + q_5/Q_{L5} + \dots$ yn fwy nag 1 neu'n gyfwerth ag 1,

pan fo

q_x = maintioli'r sylwedd peryglus x (neu gategori o sylweddau peryglus) sy'n dod o fewn Rhan 1 neu Ran 2 o'r Atodlen hon; a

Q_{Lx} = y maintioli sydd dan reolaeth perthnasol ar gyfer sylwedd peryglus neu gategori x o Golofn 2 o Ran 1 neu o Golofn 2 o Ran 2 o'r Atodlen hon, ac eithrio fel a nodir yn y paragraff a ganlyn.

At ddibenion cyfrifo Q_{Lx} yn unig, pan fo'r sylwedd peryglus yn un a bennir yng ngholofn 1 o'r tabl a ganlyn, mae'r maintioli sydd dan reolaeth perthnasol fel sydd wedi ei nodi yng ngholofn 2 o'r tabl A a ganlyn:

Tabl A

<i>Colofn 1</i>	<i>Rhif CAS</i>	<i>Colofn 2</i>
15. Hydrogen	1333-74-0	5
18. Nwyon fflamadwy hylifedig, Categori 1 neu 2 (gan gynnwys NPH) a nwy naturiol (gan gynnwys mwy naturiol hylifedig)	-	50

Rhaid defnyddio'r rheol hon i asesu'r peryglon i iechyd, y peryglon corfforol a'r peryglon amgylcheddol. Rhaid ei chymhwyso dair gwaith felly—

- ar gyfer ychwanegu sylweddau peryglus a restrir yn Rhan 2 sy'n dod o fewn categori gwenwyndra aciwt 1, 2 neu 3 (llwybr anadlu) neu GPOD AU categori 1, ynghyd â sylweddau peryglus sy'n dod o fewn adran H, cofnodion H1 i H3 o Ran 1;
- ar gyfer ychwanegu sylweddau peryglus a restrir yn Rhan 2 sy'n ffrwydrion, nwyon fflamadwy, erosolau fflamadwy, nwyon sy'n ocsidio, hylifau fflamadwy, sylweddau a

(1) Rheoliad (EC) Rhif 1272/2008 Senedd Ewrop a'r Cyngor.

chymysgeddau hunanadweithiol, perocsidau organig, hylifau a solidau pyrofforig, hylifau a solidau sy'n ocsidio, ynghyd â sylweddau peryglus sy'n dod o fewn adran P, cofnodion P1 i P8 o Ran 1;

- (c) ar gyfer ychwanegu sylweddau peryglus a restrir yn Rhan 2 sy'n dod o fewn categori aciwt 1 peryglus i'r amgylchedd dyfrol, categori cronig 1 neu categori cronig 2, ynghyd â sylweddau peryglus sy'n dod o fewn adran E, cofnodion E1 ac E2 o Ran 1.

Mae darpariaethau perthnasol y Rheoliadau hyn yn gymwys pan fo unrhyw un neu ragor o'r symiau a geir drwy (a), (b) neu (c) yn fwy nag 1 neu'n gyfwerth ag 1.

5. Yn achos sylweddau peryglus nad yw'r Rheoliad DLPh yn eu cwmpasu, gan gynnwys gwastraff, ond sydd er hynny yn bresennol neu'n debygol o fod yn bresennol mewn sefydliad ac sy'n meddu ar neu'n debygol o feddu ar nodweddion cyfwerth o ran y potensial am ddamwain fawr, o dan yr amodau a geir yn y sefydliad, rhaid eu neilltuo dros dro i'r categori mwyaf cydweddol neu'r sylwedd peryglus a enwyd mwyaf cydweddol sy'n dod o fewn cwmpas y Rheoliadau hyn.

6. Yn achos sylweddau peryglus sydd â nodweddion sy'n arwain at fwy nag un dosbarthiad, at ddibenion y Rheoliadau hyn mae'r maintioli isaf sydd dan reolaeth yn gymwys. Fodd bynnag, ar gyfer cymhwyso'r rheol yn Nodyn 4, rhaid defnyddio'r maintioli isaf sydd dan reolaeth ar gyfer pob grŵp o categorïau yn Nodiadau 4(a), 4(b) a 4(c) sy'n cyfateb i'r dosbarthiad dan sylw.

7. Mae sylweddau peryglus sy'n dod o fewn Categori 3 Gwenwynig Acíwt drwy lwybr y geg (H 301) yn dod o dan gofnod H2 GWENWYNIG ACÍWT yn yr achosion hynny pan na ellir cael dosbarthiad gwenwyndra anadlu aciwt na dosbarthiad gwenwyndra croenol aciwt, er enghraifft oherwydd diffyg data pendant ynghylch gwenwyndra'r llwybr anadlu a chroenol.

8. Mae'r dosbarth perygl Ffrwydron yn cynnwys eitemau ffrwydrol (gweler Adran 2.1 o Atodiad I i'r Rheoliad DLPh). Os yw maintioli'r sylwedd neu'r cymysgedd ffrwydrol sydd wedi ei gynnwys yn yr eitem yn wybyddus, rhaid ystyried y maintioli hwnnw at ddibenion y Rheoliadau hyn. Os nad yw maintioli'r sylwedd neu'r cymysgedd ffrwydrol sydd wedi ei gynnwys yn yr eitem yn wybyddus, yna, at ddibenion y Rheoliadau hyn, rhaid trin yr eitem gyfan fel un ffrwydrol.

9. Nid oes angen profi ar gyfer nodweddion ffrwydrol sylweddau a chymysgeddau onid yw'r weithdrefn sgrinio yn unol ag Atodiad 6, Rhan 3 o Argymhellion y Cenhedloedd Unedig ar Gludo Nwyddau Peryglus, y Llawlyfr Profion a Meini Prawf (Llawlyfr Profion a Meini Prawf y Cenhedloedd Unedig)(1) yn nodi bod potensial bod y sylwedd neu'r cymysgedd yn meddu ar nodweddion ffrwydrol.

10. Os caiff Ffrwydron sy'n perthyn i Is-adran 1.4 eu dadbacio neu eu hailbacio, rhaid eu neilltuo i'r cofnod P1a, oni bai y dangosir bod y perygl yn dal i gyfateb i Is-adran 1.4, yn unol â'r Rheoliad DLPh.

11.—(1) Caiff eriolau fflamadwy eu dosbarthu yn unol â Chyfarwyddeb y Cyngor 75/324/EEC dyddiedig 20 Mai 1975 ar gyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau yn ymwneud â chyflenwyr eriol(2) (Y Gyfarwyddeb Cyflenwyr Erosol). Mae eriolau "Fflamadwy dros ben" a "Fflamadwy" o Gyfarwyddeb 75/324/EEC yn cyfateb i Erosolau Fflamadwy Categori 1 neu 2, yn y drefn honno, o'r Rheoliad DLPh.

(2) Er mwyn defnyddio'r cofnod hwn, rhaid iddi gael ei dogfennu nad yw'r cyflenwr eriol yn cynnwys Nwy Fflamadwy Categori 1 na 2 na Hylif Fflamadwy Categori 1.

12. Yn ôl paragraff 2.6.4.5 yn Atodiad I i'r Rheoliad DLPh, nid oes angen dosbarthu hylifau sydd â fflachbwynt uwchlaw 35°C yng Nghategori 3 os cafwyd canlyniadau negyddol yn y prawf hylsoedd parhaus L.2, Rhan III, adran 32 o Lawlyfr Profion a Meini Prawf y Cenhedloedd Unedig.

(1) Gellir dod o hyd i ragor o ganllawiau ar hepgor y prawf yn y disgrifiad o ddull A.14, gweler Rheoliad y Comisiwn (EC) Rhif 440/2008 dyddiedig 30 Mai 2008 sy'n gosod dulliau profi yn unol â Rheoliad (EC) Rhif 1907/2006 Senedd Ewrop a'r Cyngor ynghylch Cofrestru, Gwerthuso, Awdurdodi a Chyfyngu ar Gemegau (REACH) (O.J. L 142, 31.5.2008, t. 1).

(2) O.J. L 147, 9.6.1975, t. 40.

Nid yw hyn yn ddilys, fodd bynnag, o dan amodau uwch fel tymheredd neu wasgedd uchel, ac felly mae hylifau o'r fath wedi eu cynnwys yn y cofnod hwn.

13. Amoniw m nitrad (5,000/10,000): gwrteithiau sy'n gallu dadelfennu'n hunangynhaliol

Mae hyn yn gymwys i wrteithiau cyfansawdd/cyfun seiliedig ar amoniwm nitrad (mae gwrteithiau cyfansawdd/cyfun yn cynnwys amoniwm nitrad ynghyd â ffosffad a/neu botash) sy'n gallu dadelfennu'n hunangynhaliol yn ôl Prawf Cafn y Cenhedloedd Unedig (gweler Llawlyfr Profion a Meini Prawf y Cenhedloedd Unedig, Rhan III, is-adran 38.2), ac y mae'r nitrogen a gynhwysir ynddynt o ganlyniad i'r amoniwm nitrad—

- (a) rhwng 15.75%(1) a 24.5%(2) yn ôl pwysau, a naill ai â dim mwy na chyfanswm o 0.4% o ddeunyddiau hylosg/organig neu sy'n cyflawni gofynion Atodiad III-2 i Reoliad (EC) Rhif 2003/2003 Senedd Ewrop a'r Cyngor dyddiedig 13 Hydref 2003 yn ymwneud â gwrteithiau(3);
- (b) yn 15.75% neu lai yn ôl pwysau ac yn cynnwys deunyddiau hylosg digyfyngiad.

14. Amoniw m nitrad (1,250/5,000): gradd gwrtaith

Mae hyn yn gymwys i wrteithiau sengl seiliedig ar amoniwm nitrad ac i wrteithiau cyfansawdd/cyfun seiliedig ar amoniwm nitrad sy'n cyflawni gofynion Atodiad III-2 i Reoliad (EC) Rhif 2003/2003 ac y mae'r nitrogen a gynhwysir ynddynt o ganlyniad i'r amoniwm nitrad—

- (a) yn fwy na 24.5% yn ôl pwysau, ac eithrio ar gyfer cymysgeddau o wrteithiau sengl seiliedig ar amoniwm nitrad sy'n cynnwys dolomit, calchfaen a/neu galsiwm carbonad sydd â phurdeb o 90% o leiaf;
- (b) yn fwy na 15.75% yn ôl pwysau ar gyfer cymysgeddau o amoniwm nitrad ac amoniwm sylffad;
- (c) yn fwy na 28%(4) yn ôl pwysau ar gyfer cymysgeddau o wrteithiau sengl seiliedig ar amoniwm nitrad sy'n cynnwys dolomit, calchfaen a/neu galsiwm carbonad sydd â phurdeb o 90% o leiaf.

15. Amoniw m nitrad (350/2,500): gradd dechnegol

Mae hyn yn gymwys i amoniwm nitrad a chymysgeddau o amoniwm nitrad pan fo'r nitrogen a gynhwysir ynddynt o ganlyniad i'r amoniwm nitrad—

- (a) rhwng 24.5% a 28% yn ôl pwysau, ac sy'n cynnwys dim mwy na 0.4% o sylweddau hylosg;
- (b) yn fwy na 28% yn ôl pwysau, ac sy'n cynnwys dim mwy na 0.2% o sylweddau hylosg.

Mae hefyd yn gymwys i hydoddiannau amoniwm nitrad dyfrllyd y mae eu crynodiad o amoniwm nitrad yn fwy nag 80% yn ôl pwysau.

16. Amoniw m nitrad (10/50): deunydd nad yw'n bodloni'r fanyleb a gwrteithiau nad ydynt yn bodloni'r prawf taniad

Mae hyn yn gymwys i—

- (a) deunydd a wrthodwyd yn ystod y broses weithgynhyrchu ac i amoniwm nitrad a chymysgeddau o amoniwm nitrad, gwrteithiau sengl seiliedig ar amoniwm nitrad a gwrteithiau cyfansawdd/cyfun seiliedig ar amoniwm nitrad y cyfeirir atynt yn Nodiadau 14 a 15, sy'n cael eu dychwelyd neu sydd wedi eu dychwelyd gan y defnyddiwr terfynol i weithgynhyrchwr, i storfa dros dro neu i safle ailbroesu ar gyfer eu hailweithio, eu hailgylchu neu eu trin ar gyfer eu defnyddio'n ddiogel, oherwydd nad ydynt mwyach yn cydymffurfio â manylebau Nodiadau 14 a 15;

(1) Mae cynnwys nitrogen o 15.7% yn ôl pwysau o ganlyniad i amoniwm nitrad yn cyfateb i 45% o amoniwm nitrad.

(2) Mae cynnwys nitrogen o 24.5% yn ôl pwysau o ganlyniad i amoniwm nitrad yn cyfateb i 70% o amoniwm nitrad.

(3) O.J. L 304, 21.11.2003, t. 1.

(4) Mae cynnwys nitrogen o 28% yn ôl pwysau o ganlyniad i amoniwm nitrad yn cyfateb i 80% o amoniwm nitrad.

- (b) gwrteithiau y cyfeirir atynt yn Nodyn 13(a), a Nodyn 14 i'r Atodlen hon nad ydynt yn cyflawni gofynion Atodiad III-2 i Reoliad (EC) Rhif 2003/2003.

17. Potasiwm nitrad (5,000/10,000)

Mae hyn yn gymwys i'r gwrteithiau cyfun hynny sy'n seiliedig ar botasiwm-nitrad (ar ffurf peledau/gronynnau) sydd â'r un nodweddion peryglus â photasiwm nitrad pur.

18. Potasiwm nitrad (1,250/5,000)

Mae hyn yn gymwys i'r gwrteithiau cyfun hynny sy'n seiliedig ar botasiwm-nitrad (ar ffurf grisialau) sydd â'r un nodweddion peryglus â photasiwm nitrad pur.

19. Bio-nwy wedi ei uwchraddio

At ddibenion gweithredu'r Rheoliadau hyn, caniateir dosbarthu bio-nwy wedi ei uwchraddio o dan gofnod 18 o Ran 2 o Atodlen 1 pan fo wedi ei brosesu yn unol â safonau cymwys ar gyfer bio-nwy puredig ac uwchraddedig gan sicrhau ansawdd sy'n cyfateb i ansawdd nwy naturiol, gan gynnwys y Methan a gynhwysir ynddo, ac sydd ag uchafswm o 1% o Ocsigen.

20. Polychlorodeubensoffwrannau a pholychlorodeubensodeuocsinau

Cyfrifir y maintioli o bolychlorodeubensoffwrannau a pholychlorodeubensodeuocsinau gan ddefnyddio'r ffactorau yn Nhabl 1—

Tabl 1

Ffactorau Cywerthedd Gwenwyndra ar gyfer Deuocsinau a Chyfansoddion tebyg i Ddeuocsin 2005 Sefydliad Iechyd y Byd*

2,3,7,8-TCDD	1	2,3,7,8-TCDF	0.1
1,2,3,7,8-PeCDD	1	2,3,4,7,8-PeCDF	0.3
		1,2,3,7,8-PeCDF	0.03
1,2,3,4,7,8-HxCDD	0.1		
1,2,3,6,7,8-HxCDD	0.1	1,2,3,4,7,8-HxCDF	0.1
1,2,3,7,8,9-HxCDD	0.1	1,2,3,7,8,9-HxCDF	0.1
		1,2,3,6,7,8-HxCDF	0.1
1,2,3,4,6,7,8-HpCDD	0.01	2,3,4,6,7,8-HxCDF	0.1
OCDD	0.0003	1,2,3,4,6,7,8-HpCDF	0.01
		1,2,3,4,7,8,9-HpCDF	0.01
		OCDF	0.0003

(T = tetra, P = penta, Hx = hecsa, Hp = hepta, O = octa)

*Cyfeiriad — Van den Berg et al: "The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds".

21. Mewn achosion pan fo'r sylwedd peryglus hwn yn dod o fewn categori Hylifau fflamadwy P5a neu Hylifau fflamadwy P5b, yna at ddibenion y Rheoliadau hyn mae'r maintioli is sydd dan reolaeth yn gymwys.

22. Pan fo Rhan 1 o'r Atodlen hon yn cwmpasu sylwedd peryglus a'i fod hefyd wedi ei restru yn Rhan 2, mae'r maintioli sydd dan reolaeth a nodir yng Nghlofn 2 o Ran 2 yn gymwys.

23. Mewn perthynas â Rhan 3—

- (a) pan fo S hefyd yn dod o fewn Rhan 1 neu Ran 2, y dosbarthiad sydd â'r maintioli isaf sydd dan reolaeth sy'n gymwys; a

(b) pan fo S hefyd yn dod o fewn Rhan 1 a Rhan 2, y maintioli sydd dan reolaeth sydd isaf wrth gymharu'r maintioli sydd dan reolaeth o dan Ran 2 a Rhan 3 sy'n gymwys.

24. Mae i ymadroddion sy'n ymddangos yn yr Atodlen hon ac yn y Gyfarwyddeb yr un ystyr at ddibenion yr Atodlen hon ag a roddir iddynt at ddibenion y Gyfarwyddeb.

ATODLEN 2 Rheoliad 4
ESEMPTIADAU

Llwytho, dadlwytho a storio dros dro

1. Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb dros dro sylwedd peryglus ar, uwchben neu oddi tan dir pan fo'r presenoldeb hwnnw yn ymwneud yn uniongyrchol â chludo sylweddau peryglus ar y ffordd, ar drên, ar ddyffrffyrdd mewnol, ar y môr neu yn yr awyr, y tu allan i sefydliadau sy'n dod o fewn cwmpas y Rheoliadau hyn, gan gynnwys llwytho a dadlwytho a chludo rhwng un cyfrwng cludo i'r llall mewn dociau, ceioedd neu ierdydd trefnu.

Piblinellau

2. Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb sylwedd peryglus sy'n cael ei gludo mewn piblinell, gan gynnwys gorsaf bwmpio, y tu allan i unrhyw dir—

- (a) y mae cydsyniad sylweddau peryglus ar gyfer unrhyw sylwedd yn bodoli mewn cysylltiad ag ef;
- (b) (heb ystyried maintioli'r sylwedd yn y biblinell neu'r orsaf bwmpio) y mae cydsyniad o'r fath yn ofynnol ar gyfer unrhyw sylwedd mewn cysylltiad â'r tir hwnnw.

Dadlwytho oddi ar longau mewn argyfwng

3. Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb sylwedd peryglus sydd wedi ei ddadlwytho oddi ar long neu fad môr arall mewn argyfwng hyd nes bod y cyfnod o 14 o ddiwrnodau sy'n dechrau â'r diwrnod y cafodd ei ddadlwytho yn dod i ben.

4. At ddiben paragraff 3, mae sylwedd i'w drin fel petai wedi ei ddadlwytho oddi ar fad mewn argyfwng—

- (a) os cafodd ei ddadlwytho oddi ar fad yr oedd cyfarwyddyd o dan adran 3(1) o Ddeddf Llestrau Peryglus 1985(1) (cyfarwyddiadau gan yr Ysgrifennydd Gwladol i harbwrfeistr) yn gymwys iddo; neu

(1) 1985. p. 22.

SCHEDULE 2 Regulation 4
EXEMPTIONS

Loading, unloading and intermediate storage

1. Hazardous substances consent is not required for the intermediate temporary presence of a hazardous substance on, over or under land where that presence is directly related to the transport of hazardous substances by road, rail, internal waterways, sea or air, outside establishments covered by these Regulations, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards.

Pipelines

2. Hazardous substances consent is not required for the presence of a hazardous substance where it is being transported in a pipeline, including a pumping station, outside any land in respect of which—

- (a) there is a hazardous substances consent for any substance, or
- (b) (not taking into account the quantity of the substance in the pipeline or pumping station) there is required to be such a consent for any substance.

Emergency unloading from ships

3. Hazardous substances consent is not required for the presence of a hazardous substance which has been unloaded from a ship or other sea going craft in an emergency until the expiry of the period of 14 days beginning with the day it was unloaded.

4. For the purpose of paragraph 3, a substance is to be treated as having been unloaded from a craft in an emergency if—

- (a) it was unloaded from a craft to which a direction under section 3(1) of the Dangerous Vessels Act 1985(1) (directions by Secretary of State to harbour master) applied; or

(1) 1985. c. 22.

- (b) os cafodd ei ddadlwytho oddi ar fad ar ôl iddo ddod i mewn i harbwr neu ardal harbwr, o fewn ystyr “harbour” neu “harbour area” yn rheoliad 2 o Reoliadau Sylweddau Peryglus mewn Ardaloedd Harbwr 1987(1), heb fod hysbysiad yn ofynnol o dan baragraff (1) o reoliad 6 o'r Rheoliadau hynny yn rhinwedd esemptiad o dan baragraff (5) o'r rheoliad hwnnw.

Safleoedd tirlenwi

5. Yn ddarostyngedig i baragraff 7, nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb sylweddau peryglus ar, uwchben neu oddi tan dir safle tirlenwi gwastraff, gan gynnwys safle storio gwastraff tanddaearol.

6. Nid yw paragraff 5 yn gymwys i—

- (a) safle a ddefnyddir ar gyfer storio mercwri metelaidd yn unol ag Erthygl 3(1)(b) o Reoliad (EC) Rhif 1102/2008 Senedd Ewrop a'r Cyngor ar wahardd allforio mercwri metelaidd a chyfansoddion a chymysgeddau penodol mercwri a storio mercwri metelaidd yn ddiogel(2);
- (b) storffeydd nwy tanddaearol yn y tir mewn strata naturiol, dyfrhaenau, ceudodau halen a mwyngloddiau segur;
- (c) gweithrediadau prosesu cemegol a thermol a storffeydd sy'n ymwneud â'r gweithrediadau hynny; neu
- (d) cyfleusterau gwaredu sorod gweithredol, gan gynnwys pyllau neu argaeau sorod, sy'n cynnwys sylweddau peryglus.

Safleoedd niwclear

7. Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb sylweddau peryglus sy'n creu perygl o ymbelydredd ïoneiddio os yw'n bresennol ar, uwchben neu oddi tan dir y mae trwydded safle niwclear wedi ei rhoi neu'n ofynnol at ddibenion adran 1 o Ddeddf Safleoedd Niwclear 1965(3) mewn cysylltiad ag ef.

Mwynau

8. Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb sylweddau peryglus at

- (b) it was unloaded from a craft after having been brought into a harbour or harbour area, within the meaning of regulation 2 of the Dangerous Substances in Harbour Areas Regulations 1987(1), without requiring notification under paragraph (1) of regulation 6 of those Regulations by virtue of an exemption under paragraph (5) of that regulation.

Landfill sites

5. Subject to paragraph 7, hazardous substances consent is not required for the presence of a hazardous substance on, over or under land at a waste land-fill site, including underground waste storage.

6. Paragraph 5 does not apply to—

- (a) a site used for the storage of metallic mercury pursuant to Article 3(1)(b) of Regulation (EC) No 1102/2008 of the European Parliament and of the Council on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury(2);
- (b) onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines;
- (c) chemical and thermal processing operations and storage related to those operations; or
- (d) operational tailings disposal facilities, including tailing ponds or dams, containing a hazardous substance.

Nuclear sites

7. Hazardous substances consent is not required for the presence of a hazardous substance which creates a hazard from ionising radiation if present on, over or under land in respect of which a nuclear site licence has been granted or is required for the purposes of section 1 of the Nuclear Installations Act 1965(3).

Minerals

8. Hazardous substances consent is not required for the presence of a hazardous substance for the purposes

(1) O.S. 1987/37, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(2) O.J. Rhif L 304, 14.11.2008; t. 75.
(3) 1965 p. 57; amnewidiwyd adran 1 gan baragraffau 16 a 17 o Atodlen 12 i Ddeddf Ynni 2013 (p. 32).

(1) S.I. 1987/37, to which there are amendments not relevant to these Regulations.
(2) O.J. No. L 304, 14.11.2008, p. 75.
(3) 1965 c. 57; section 1 was substituted by paragraphs 16 and 17 of Schedule 12 to the Energy Act 2013 (c. 32).

ddibenion elwa ar fwynau mewn mwyngloddiau a chwareli, sef chwilio amdanynt, eu hechdynnu a'u prosesu, gan gynnwys drwy gyfrwng tyllau turio, ac eithrio pan fônt yn bresennol mewn cysylltiad â'r materion y cyfeirir atynt ym mharagraff 6(b) i (d) o'r Atodlen hon.

9. Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb sylweddau peryglus at ddibenion—

- (a) chwilio am fwynau yn y môr ac elwa arnynt, gan gynnwys hydrocarbonau; neu
- (b) storio nwy mewn safleoedd tanddaearol yn y môr gan gynnwys safleoedd storio dynodedig a safleoedd lle y bydd chwilio ac elwa ar fwynau, gan gynnwys hydrocarbonau.

Ffrwydron

10. Nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb ffrwydron o fewn ystyr "explosive" yn rheoliad 2(1) o Reoliadau Ffrwydron 2014(1)—

- (a) y mae trwydded yn ofynnol ar ei gyfer ac wedi ei rhoi ar ei gyfer o dan y Rheoliadau hynny gan yr Awdurdod Gweithredol Iechyd a Diogelwch os yr Awdurdod hwnnw yw'r awdurdod trwyddedu yn rhinwedd—
 - (i) paragraff 1(b) o Atodlen 1 i'r Rheoliadau hynny mewn achosion pan oedd cydsyniad awdurdod lleol yn ofynnol yn unol â rheoliad 13(3) o'r Rheoliadau hynny neu pan fyddai wedi bod yn ofynnol oni bai am reoliad 13(4)(b), (c), (d), (e), (f) neu (g) o'r Rheoliadau hynny, neu
 - (ii) paragraff 1(d) o Atodlen 1 i'r Rheoliadau hynny; neu
- (b) y mae trwydded yn ofynnol ar ei gyfer ac wedi ei rhoi ar ei gyfer o dan y Rheoliadau hynny gan y Swyddfa dros Reoli Niwclear mewn achosion pan oedd cydsyniad awdurdod lleol yn ofynnol yn unol â rheoliad 13(3) o'r Rheoliadau hynny neu pan fyddai wedi bod yn ofynnol oni bai am reoliad 13(4)(b), (c), (d), (e), (f) neu (g) o'r Rheoliadau hynny.

11. Nid yw cydsyniad sylweddau peryglus yn ofynnol pan fo trwydded ar gyfer ffrwydron o fewn

of the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes, except where present in connection with the matters referred to in paragraph 6(b) to (d) of this Schedule.

9. Hazardous substances consent is not required for the presence of a hazardous substance for the purposes of—

- (a) the offshore exploration and exploitation of minerals, including hydrocarbons; or
- (b) the storage of gas at underground offshore sites including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons are also carried out.

Explosives

10. Hazardous substances consent is not required for the presence of an explosive within the meaning of regulation 2(1) of the Explosives Regulations 2014(1) in relation to which—

- (a) a licence is required and has been granted under those Regulations by the Health and Safety Executive where it is the licensing authority by virtue of—
 - (i) paragraph 1(b) of Schedule 1 to those Regulations in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations, or
 - (ii) paragraph 1(d) of Schedule 1 to those Regulations; or
- (b) a licence is required and has been granted under those Regulations by the Office for Nuclear Regulation in cases where the assent of the local authority was required pursuant to regulation 13(3) of those Regulations or would have been required but for regulation 13(4)(b), (c), (d), (e), (f) or (g) of those Regulations.

11. Hazardous substance consent is not required where an explosive license within the meaning of

(1) O.S. 2014/1638. Mae yna newidiadau i'r rheoliad hwn nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2014/1638. There are amendments to this regulation which are not relevant to these Regulations.

ystyr “explosive” yn rheoliad 2(1) o Reoliadau Sylweddau Peryglus mewn Ardaloedd Harbwr 1987(1) wedi ei dyroddi.

Presenoldeb sylweddau sefydledig

12. Nid yw cydsyniad sylweddau peryglus yn ofynnol mewn perthynas â sylwedd peryglus sydd ar, uwchben neu oddi tan unrhyw dir (“y sylwedd perthnasol”)—

- (a) os oedd y sylwedd perthnasol yn bresennol ar, uwchben neu oddi tan y tir ar unrhyw adeg yn ystod y cyfnod sefydlu;
- (b) os nad oedd cydsyniad sylweddau peryglus yn ofynnol ar gyfer presenoldeb y sylwedd perthnasol ar yr adeg yr oedd yn bresennol yn ystod y cyfnod sefydlu; ac
- (c) pe byddai cydsyniad sylweddau peryglus wedi bod yn ofynnol ar gyfer presenoldeb y sylwedd perthnasol petai'r Rheoliadau hyn wedi bod mewn grym ar yr adeg honno.

13. Nid yw paragraff 12 yn gymwys pan fo maintioli'r sylwedd perthnasol yn fwy nag uchafswm maintioli'r sylwedd perthnasol a oedd yn bresennol ar, uwchben neu oddi tan y tir ar unrhyw un adeg yn ystod y cyfnod sefydlu.

Presenoldeb sylweddau sydd wedi eu hesemptio

14. Nid yw presenoldeb sylwedd y mae esemptiad wedi ei ddarparu ar ei gyfer o dan baragraffau 1 i 13 i'w ystyried wrth gyfrifo maintioli'r sylwedd peryglus sy'n bresennol ar, uwchben neu oddi tan dir at unrhyw ddiben o'r DCSP neu'r Rheoliadau hyn.

Presenoldeb maintioli bach o sylweddau

15. Nid yw presenoldeb maintioli o sylwedd peryglus—

- (a) mewn lleoliad lle nad yw'n gallu achosi damwain fawr mewn man arall ar y safle perthnasol, a
- (b) sy'n gyfwerth â dau y cant neu lai o'r maintioli perthnasol sydd dan reolaeth ar gyfer y sylwedd hwnnw,

i'w ystyried wrth gyfrifo maintioli'r sylwedd peryglus sy'n bresennol ar, uwchben neu oddi tan dir at unrhyw ddiben o'r DCSP neu'r Rheoliadau hyn.

regulation 2(1) of the Dangerous Substances in Harbour Areas Regulations 1987(1) has been issued.

Presence of established substances

12. Hazardous substances consent is not required in relation to a hazardous substance which is on, over or under any land (“the relevant substance”) if—

- (a) the relevant substance was present on, over or under the land at any time during the establishment period;
- (b) hazardous substances consent was not required for the presence of the relevant substance at the time it was present during the establishment period; and
- (c) hazardous substances consent would have been required for the presence of the relevant substance had these Regulations been in force at that time.

13. Paragraph 12 does not apply where the quantity of the relevant substance exceeds the maximum quantity of the relevant substance which was present on, over or under the land at any one time during the establishment period.

Presence of exempted substances

14. The presence of a substance for which an exemption is provided under paragraphs 1 to 13 is not be taken into account when calculating the quantity of a hazardous substance present on, over or under land for any purpose of the PHSA or these Regulations.

Presence of small quantities of substances

15. The presence of a quantity of a hazardous substance—

- (a) in a location where it cannot act as an initiator of a major accident elsewhere on the relevant site, and
- (b) which is equal to or less than two per cent of the relevant controlled quantity for that substance,

is not to be taken into account when calculating the quantity of a hazardous substance present on, over or under land for any purpose of the PHSA or these Regulations.

(1) O.S. 1987/37. Diwyglwyd rheoliad 2(1) gan erthygl 6(2) o O.S. 2014/469 a pharagraffau 37 a 38(b) o Ran 3 o Atodlen 3 iddo. Mae yna newidiadau eraill i'r rheoliad hwn nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 1987/37. Regulation 2(1) was amended by article 6(2) of, and paragraphs 37 and 38(b) of Part 3 of Schedule 3 to, S.I. 2014/469. There are other amendments to this regulation which are not relevant to these Regulations.

Mân newidiadau i fathau a maintioli o sylweddau

16. Pan fo'r amodau ym mharagraff 17 wedi eu bodloni, nid yw cydsyniad sylweddau peryglus yn ofynnol ar gyfer mân newid perthnasol.

17. Yr amodau yw—

- (a) cyn bod y mân newid perthnasol yn digwydd, bod yr awdurdod sylweddau peryglus yn cael oddi wrth yr awdurdod COMAH cymwys hysbysiad ysgrifenedig y mae'n rhaid i'r awdurdod COMAH cymwys wneud copi ohono ar gyfer y person sy'n rheoli'r tir y mae'r cydsyniad sylweddau peryglus dan sylw yn ymwneud ag ef, yn cadarnhau—
 - (i) manylion y mân newid perthnasol, gan gynnwys manylion am sut i gadw a defnyddio sylweddau;
 - (ii) na fydd y mân newid perthnasol yn arwain at newid o ran perygl diogelwch; a
 - (iii) na fydd y mân newid perthnasol yn arwain at sefydliad haen is yn dod yn sefydliad haen uwch neu i'r gwrthwyneb; a
- (b) bod unrhyw sylweddau peryglus a gedwir heb gydsyniad sylweddau peryglus gan ddibynnu ar yr esemptiad hwn yn cael eu cadw a'u defnyddio yn unol â'r manylion a nodir yn yr hysbysiad oddi wrth yr awdurdod COMAH cymwys.

Dehongli'r Atodlen hon

18. Yn yr Atodlen hon—

ystyr “cyfnod sefydlu” (“*establishment period*”) yw'r cyfnod o 12 wythnos sy'n dod i ben ar—

- (a) 4 Medi 2015; neu
- (b) (os yw'n hwyrach) y dyddiad yr oedd y cydsyniad sylweddau peryglus yn ofynnol yn gyntaf ar gyfer y sylwedd perthnasol;

ystyr “mân newid perthnasol” (“*relevant minor change*”) yw newid i'r maintioli neu'r math o sylweddau peryglus sy'n bresennol mewn, ar neu oddi tan dir y mae cydsyniad sylweddau peryglus yn bodoli mewn perthynas ag ef, pan fyddai cydsyniad sylweddau peryglus yn ofynnol ar gyfer y newid hwnnw oni bai am yr Atodlen hon;

ystyr “newid o ran perygl diogelwch” (“*safety hazard change*”) yw newid i ardal y mae'r Awdurdod Gweithredol Iechyd a Diogelwch neu'r Swyddfa dros Reoli Niwclear wedi hysbysu awdurdod cynllunio lleol amdano at ddibenion paragraffau (c) neu (ca) o'r Tabl yn Atodlen 4 i

Minor changes to types and quantities of substances

16. Where the conditions in paragraph 17 are met, hazardous substances consent is not required for a relevant minor change.

17. The conditions are—

- (a) that before the relevant minor change occurs, the hazardous substances authority receives from the COMAH competent authority, notice in writing, which must be copied by the COMAH competent authority to the person in control of the land to which the hazardous substances consent in question relates, confirming—
 - (i) details of the relevant minor change, including details about how substances are to be kept and used;
 - (ii) that the relevant minor change will not result in a safety hazard change; and
 - (iii) that the relevant minor change will not result in a lower-tier establishment becoming an upper-tier establishment or vice versa; and
- (b) that any hazardous substances that are held without hazardous substances consent in reliance on this exemption are kept and used in accordance with the details set out in the notice from the COMAH competent authority.

Interpretation of this Schedule

18. In this Schedule—

“establishment period” (“*cyfnod sefydlu*”) means the period of 12 months ending on—

- (a) 4 September 2015; or
- (b) (if later) the date on which hazardous substances consent was first required for the relevant substance;

“relevant minor change” (“*mân newid perthnasol*”) means a change to the quantity or type of hazardous substances present in, on or under land in relation to which there is a hazardous substances consent, where hazardous substances consent would be required for that change but for this Schedule;

“safety hazard change” (“*newid o ran perygl diogelwch*”) means a change to an area notified to a local planning authority by the Health and Safety Executive or the Office of Nuclear Regulation for the purposes of paragraphs (c) or (ca) of the Table in Schedule 4 to the Town and Country Planning

Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1) pan fo'r newid hwnnw yn arwain at—

- (a) yr ardal honno yn cwmpasu tir nad oedd yn ei gwmpasu yn flaenorol; neu
- (b) pan fo'r hysbysiad am yr ardal honno wedi nodi parthau o fewn yr ardal honno sy'n cyfateb i lefelau risg, ehangu unrhyw barth o'r fath.

19. Mae i ymadroddion sy'n ymddangos yn yr Atodlen hon ac yn y Gyfarwyddeb yr un ystyr at ddibenion yr Atodlen hon ag a roddir iddynt at ddibenion y Gyfarwyddeb.

(Development Management Procedure) (Wales) Order 2012(1), where that change results in—

- (a) that area encompassing land which it did not previously encompass; or
- (b) where the notification of that area included the identification of zones within that area corresponding to levels of risk, the expansion of any such zone.

19. Expressions appearing both in this Schedule and in the Directive have the same meaning for the purposes of this Schedule as they have for the purposes of the Directive.

(1) O.S. 2012/801 (Cy. 110).

(1) S.I. 2012/801 (W. 110).

SCHEDULE 3 Regulations 6(4), 7, 13(4) and 13(5)
PRESCRIBED FORMS, NOTICES AND CERTIFICATES
Form 1

Posting of Notice of Application Certificate

The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) (Wales) Regulations 2015 (Regulation 6)

Certificate A

I certify that:

I/the applicant* posted the notice required by regulation 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application.

The notice was left in position for not less than 7 days during the 21 day period preceding the application.

or

Certificate B

I certify that:

I have/the applicant has* been unable to post the notice required by regulation 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application because I have/the applicant has* no right of access or other rights in respect of the land that would enable me/the applicant* to do so.

I have/the applicant has* taken the following steps to acquire those rights, but have/has* been unsuccessful.

(Give description of steps taken)

.....

or

Certificate C

I certify that:

I/the applicant* posted the notice required by regulation 6(1)(b) of the above Regulations on the land which is the subject of the accompanying application.

The notice was, however, left in position for less than 7 days during the 21 day period preceding the application.

This happened because it was removed/obscured/defaced* before 7 days had elapsed.

This was not my/the applicant's* fault or intention.

I/the applicant* took the following steps to protect and replace the notice:

(Give description of steps taken)

Signed.....

*on behalf of.....

Date.....

* delete where inappropriate

Form 2
Certificates under Regulation 7(1)* or 13(4)*(a)
The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) (Wales) Regulations 2015

Certificate A

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application/appeal* nobody, except the applicant/appellant*, was the owner **(b)** of any part of the land to which the application/appeal* relates.

Signed.....

*on behalf of.....

Date.....

Certificate B

I certify that:

I have/the applicant has/the appellant has* given the required notice **(c)** to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application/appeal, was the owner **(b)** of any part of the land to which the application/ appeal*relates, as listed below.

Owner's name

Address at which notice was served

Date on which notice was served

Signed.....

*on behalf of.....

Date.....

Certificate C

I certify that:

I/the applicant/the appellant* cannot issue a Certificate A or B in respect of the accompanying application/appeal*.

I have/the applicant has/the appellant has* given the required notice **(c)** to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application/appeal*, were owners **(b)** of any part of the land to which the application/appeal *relates.

Owner's name

Address at which notice was served

Date on which notice was served

I have/the applicant has/the appellant has* taken all reasonable steps open to me/the applicant/the appellant* to find out the names and addresses of the remaining owners (b) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:—

(d)
.....

Signed.....
*on behalf of.....
Date.....

Certificate D

I certify that:

I/the applicant/the appellant* cannot issue a Certificate A in respect of the accompanying application/appeal*

I/the applicant/the appellant* have/has* taken all reasonable steps open to me/the applicant/the appellant* to find out the names and addresses of everyone else who, at the beginning of the period of 21 days ending with the date of the application/appeal*, was the owner (b) of any part of the land to which the application/appeal* relates, but have/has* been unable to do so. These steps were as follows:—

(d).....
.....

Signed.....
*on behalf of.....
Date.....

* delete where inappropriate

(a) These Certificates are for use both with applications and appeals for hazardous substances consent. References to either regulation 7(1) or 13(4) should therefore be deleted as appropriate. One of certificates A, B, C or D must be completed.

(b) “Owner” means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.

(c) Form 3 (for applications) or Form 4 (for appeals).

(d) Insert description of steps taken.

Form 3

Notice of Application for Hazardous Substances Consent/Continuation of Hazardous Substances Consent*
The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) (Wales) Regulations 2015 (Regulation 7)

To be served on an owner(a)

I give notice that **(b)**.....

is applying to the **(c)**.....

for hazardous substances consent/the continuation of hazardous substances consent*
(d).....

at **(e)**.....

Details about how you may inspect a copy of the application and make representations to
(c).....are set out in the attached public notice.

Signed:

*on behalf of.....

Date.....

* delete where inappropriate

(a) "Owner" means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.

(b) Insert applicant's name.

(c) Insert name of Council or other body to whom the application is to be made.

(d) Insert brief details of the consent being sought.

(e) Insert address or location of the application site.

Form 4

Notice of Appeal
The Planning (Hazardous Substances) Act 1990

The Planning (Hazardous Substances) (Wales) Regulations 2015 (Regulation 13)

To be served on an owner **(a)**

I give notice that **(b)**.....

having applied to the **(c)**..... for hazardous substances consent/the continuation of hazardous substances consent*

for **(d)**.....

at **(e)**.....

is appealing to the Welsh Ministers against the decision of the **(b)**.....

—on the failure of the **(b)**.....to give notice of a decision*

If you wish to make representations about this appeal you should write to the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF14 0NS within 21 days of the date of service of this notice.

Signed:

*on behalf of.....

Date.....

* delete where inappropriate

(a) “Owner” means a person having a freehold interest or a tenancy the unexpired term of which is not less than 7 years.

(b) Insert appellant’s name.

(c) Insert name of Council or other body to whom the application was made.

(d) Insert a description of the proposals.

(e) Insert address or location of the application site.

ATODLEN 3 Rheoliadau 6(4), 7, 13(4) a 13(5)
FFURFLENNI, HYSBYSIADAU A THYSTYSGRIFAU
RHAGNODEDIG

Ffurflen 1

Gosod Tystysgrif Hysbysiad o Gais

Deddf Cynllunio (Sylweddau Peryglus) 1990

Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015 (Rheoliad 6)

Tystysgrif A

Yr wyf yn ardystio:

Fy mod/Bod y ceisydd* wedi gosod yr hysbysiad sy'n ofynnol gan reoliad 6(1)(b) o'r Rheoliadau uchod ar y tir y mae'r cais cysylltiedig yn ymwneud ag ef.

Y cafodd yr hysbysiad ei adael yn ei le am ddim llai na 7 niwrnod yn ystod y cyfnod o 21 o ddiwrnodau cyn y cais.

neu

Tystysgrif B

Yr wyf yn ardystio:

Nad wyf/Nad yw'r ceisydd* wedi gallu gosod yr hysbysiad sy'n ofynnol gan reoliad 6(1)(b) o'r Rheoliadau uchod ar y tir y mae'r cais cysylltiedig yn ymwneud ag ef am nad oes gennyf/gan y ceisydd* unrhyw hawl mynediad na hawliau eraill mewn cysylltiad â'r tir a fyddai'n fy ngalluogi/galluogi'r ceisydd* i wneud hynny.

Fy mod/Bod y ceisydd* wedi cymryd y camau a ganlyn i gaffael yr hawliau hynny, ond nad wyf/yw* wedi bod yn llwyddiannus.

(Rhowch ddisgrifiad o'r camau a gymerwyd)

.....

neu

Tystysgrif C

Yr wyf yn ardystio:

Fy mod/Bod y ceisydd* wedi gosod yr hysbysiad sy'n ofynnol gan reoliad 6(1)(b) o'r Rheoliadau uchod ar y tir y mae'r cais cysylltiedig yn ymwneud ag ef.

Y cafodd yr hysbysiad ei adael yn ei le, fodd bynnag, am lai na 7 niwrnod yn ystod y cyfnod o 21 o ddiwrnodau cyn y cais.

Y digwyddodd hynny am iddo gael ei symud ymaith/ei guddio/ei ddifwyno* cyn i 7 niwrnod fynd heibio.

Nad oedd bai arnaf/ar y ceisydd* am hyn ac nad dyma oedd fy mwriad/bwriad y ceisydd*.

Y cymerais/Y cymerodd y ceisydd* y camau a ganlyn i warchod yr hysbysiad a rhoi hysbysiad yn ei le:

(Rhowch ddisgrifiad o'r camau a gymerwyd)

Llofnodwyd.....

*Ar ran.....

Dyddiad.....

* dileer os yw'n amhriodol

Ffurflen 2
Tystysgrifau o dan Reoliad 7(1)* neu 13(4)*(a)

Deddf Cynllunio (Sylweddau Peryglus) 1990

Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015

Tystysgrif A

Yr wyf yn ardystio:

nad oedd unrhyw un ac eithrio'r ceisydd/apelydd*, ar ddechrau'r cyfnod o 21 o ddiwrnodau sy'n dod i ben gyda dyddiad y cais cysylltiedig/apêl gysylltiedig*, yn berchennog **(b)** ar unrhyw ran o'r tir y mae'r cais/apêl* yn ymwneud ag ef.

Llofnodwyd.....

*ar ran.....

Dyddiad.....

Tystysgrif B

Yr wyf yn ardystio:

Fy mod/Bod y ceisydd/Bod yr apelydd* wedi rhoi'r hysbysiad gofynnol **(c)** i bawb arall a oedd, ar ddechrau'r cyfnod o 21 o ddiwrnodau sy'n dod i ben gyda dyddiad y cais cysylltiedig /apêl gysylltiedig, yn berchennog **(b)** ar unrhyw ran o'r tir y mae'r cais/apêl* yn ymwneud ag ef, fel y'u rhestrir isod.

Enw'r perchennog

Y cyfeiriad y cyflwynwyd hysbysiad ynddo

Dyddiad cyflwyno'r hysbysiad

Llofnodwyd.....

*ar ran.....

Dyddiad.....

Tystysgrif C

Yr wyf yn ardystio:

Na allaf/Na all y ceisydd/Na all yr apelydd* roi Tystysgrif A neu B mewn cysylltiad â'r cais cysylltiedig/apêl gysylltiedig*.

Fy mod/Bod y ceisydd/Bod yr apelydd* wedi rhoi'r hysbysiad gofynnol **(c)** i'r personau a bennir isod, sef personau a oedd, ar ddechrau'r cyfnod o 21 o ddiwrnodau sy'n dod i ben gyda dyddiad y cais/yr apêl*, yn berchenogion **(b)** ar unrhyw ran o'r tir y mae'r cais/apêl* yn ymwneud ag ef.

Enw'r perchennog

Y cyfeiriad y cyflwynwyd hysbysiad ynddo

Dyddiad cyflwyno'r hysbysiad

Fy mod/Bod y ceisydd/Bod yr apelydd* wedi cymryd pob cam rhesymol oedd ar gael i mi/i'r ceisydd/i'r apelydd* i ddarganfod enwau a chyfeiriadau gweddill perchenogion **(b)** y tir, neu ran ohono, ond nid wyf/yw* wedi gallu gwneud hynny. Dyma'r camau a gymerwyd:—

(d)
.....

Llofnodwyd.....
*ar ran.....
Dyddiad.....

Tystysgrif D

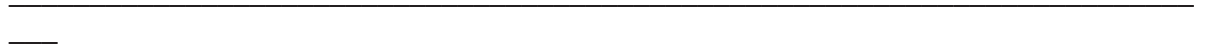
Yr wyf yn ardystio:

Na allaf/Na all y ceisydd/Na all yr apelydd* roi Tystysgrif A mewn cysylltiad â'r cais cysylltiedig/apêl gysylltiedig*.

Fy mod/Bod y ceisydd/Bod yr apelydd* wedi cymryd pob cam rhesymol oedd ar gael i mi/i'r ceisydd/i'r apelydd* i ddarganfod enwau a chyfeiriadau pawb arall a oedd, ar ddechrau'r cyfnod o 21 o ddiwrnodau sy'n dod i ben gyda dyddiad y cais/yr apêl, yn berchennog (b) ar unrhyw ran o'r tir y mae'r cais/apêl* yn ymwneud ag ef, ond nid wyf/yw* wedi gallu gwneud hynny. Dyma'r camau a gymerwyd:—

(d)
.....

Llofnodwyd.....
*ar ran.....
Dyddiad.....
* dileer os yw'n amhriodol



(a) Dylid defnyddio'r Tystysgrifau hyn ar gyfer ceisiadau ac apelau am gydsyniad sylweddau peryglus. Dylid, felly, ddileu cyfeiriadau at naill ai reoliad 7(1) neu 13(4), fel y bo'n briodol. Rhaid llenwi un o blith tystysgrifau A, B, C neu D.

(b) Ystyr "perchennog" yw person sydd â buddiant rhydd-ddaliadol neu denantiaeth sydd â chyfnod sy'n weddill o ddim llai na 7 mlynedd.

(c) Ffurflen 3 (ar gyfer ceisiadau) neu Ffurflen 4 (ar gyfer apelau).

(d) Mewnoder disgrifiad o'r camau a gymerwyd.

Ffurflen 3

Hysbysiad o Gais am Gydsyniad Sylweddau Peryglus/Parhad Cydsyniad Sylweddau Peryglus* Deddf Cynllunio (Sylweddau Peryglus) 1990

Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015 (Rheoliad 7)

I'w gyflwyno i berchennog(a)

Yr wyf yn hysbysu bod (b).....

yn gwneud cais i (c).....

am gydsyniad sylweddau peryglus/am barhad cydsyniad sylweddau peryglus*
(d).....

yn (e).....

Mae'r manylion am sut y gallwch edrych ar gopi o'r cais a chyflwyno sylwadau i
(c)..... wedi eu nodi yn yr hysbysiad cyhoeddus sydd ynghlwm.

Llofnodwyd:

*ar ran.....

Dyddiad.....

* dileer os yw'n amhriodol

(a) Ystyr "perchennog" yw person sydd â buddiant rhydd-ddaliadol neu denantiaeth sydd â chyfnod sy'n weddill o ddim llai na 7 mlynedd.

(b) Mewnoder enw'r ceisydd.

(c) Mewnoder enw'r Cyngor neu'r corff arall y gwneir cais iddo.

(d) Mewnoder manylion cryno'r cydsyniad y gwneir cais amdano.

(e) Mewnoder cyfeiriad neu leoliad y safle y gwneir cais yn ei gylch.

Ffurflen 4

Hysbysiad o Apêl Deddf Cynllunio (Sylweddau Peryglus) 1990

Rheoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015 (Rheoliad 13)

I'w gyflwyno i berchennog **(a)**

Yr wyf yn hysbysu bod **(b)**.....

ar ôl gwneud cais i **(c)**..... am gydsyniad sylweddau peryglus/am barhad cydsyniad sylweddau peryglus*

ar gyfer **(d)**.....

yn **(e)**.....

yn apelio i Weinidogion Cymru yn erbyn penderfyniad **(b)**.....

—ynghylch methiant **(b)**.....i roi hysbysiad o benderfyniad*

Os ydych yn dymuno gwneud sylwadau am yr apêl hon dylech ysgrifennu at yr Arolygiaeth Gynllunio, Adeiladau'r Goron, Parc Cathays, Caerdydd CF14 0NS o fewn 21 o ddiwrnodau i ddyddiad cyflwyno'r hysbysiad hwn.

Llofnodwyd:

*ar ran.....

Dyddiad.....

* dileer os yw'n amhriodol

(a) Ystyr “perchennog” yw person sydd â buddiant rhydd-ddaliadol neu denantiaeth sydd â chyfnod sy'n weddill o ddim llai na 7 mlynedd.

(b) Mewnoder enw'r apelydd.

(c) Mewnoder enw'r Cyngor neu'r corff arall y gwnaed y cais iddo.

(d) Mewnoder disgrifiad o'r cynigion.

(e) Mewnoder cyfeiriad neu leoliad y safle y gwneir cais yn ei gylch.

ATODLEN 4

Rheoliadau 16, 18 ac 20(1)

GORFODI – ADDASIADAU PENODEDIG O'R DCGTh

RHAN 1

Apelau yn erbyn hysbysiadau tramgwydd sylweddau peryglus

1. Yn adrannau 174, 175, 176 a 177 o'r DCGTh fel y'u cymhwysir gan reoliad 16—

- (a) mae pob cyfeiriad at hysbysiad gorfodi i'w ddarllen fel petai'n gyfeiriad at hysbysiad tramgwydd sylweddau peryglus; a
- (b) mae pob cyfeiriad at awdurdod cynllunio lleol i'w ddarllen fel petai'n gyfeiriad at awdurdod sylweddau peryglus.

2. Mae adran 174 o'r DCGTh (apelau yn erbyn hysbysiad gorfodi), wrth ei chymhwyso mewn perthynas â hysbysiad tramgwydd sylweddau peryglus, i'w darllen—

- (a) fel petai is-adran (2) yn darllen fel a ganlyn—

“(2) An appeal may be brought on any of the following grounds—

 - (a) that, in respect of any contravention of hazardous substances control specified in the notice, hazardous substances consent ought to be granted for the quantity of the hazardous substance present on, over or under the land or, as the case may be, the condition concerned ought to be discharged;
 - (b) that the matters alleged to constitute a contravention of hazardous substances control have not occurred;
 - (c) that those matters (if they occurred) do not constitute a contravention of hazardous substances control;
 - (d) that copies of the hazardous substances contravention notice were not served as required by or under section 24(4) of the Planning (Hazardous Substances) Act 1990;
 - (e) that the steps required by the notice to be taken exceed what is necessary to remedy any contravention of hazardous substances control;

SCHEDULE 4

Regulations
16, 18 and 20(1)

ENFORCEMENT – SPECIFIED MODIFICATIONS OF THE TCPA

PART 1

Appeals against hazardous substances contravention notices

1. In sections 174, 175, 176 and 177 of the TCPA as applied by regulation 16—

- (a) each reference to an enforcement notice is to be read as if it were a reference to a hazardous substances contravention notice; and
- (b) each reference to a local planning authority is to be read as if it were a reference to a hazardous substances authority.

2. Section 174 of the TCPA (appeals against enforcement notice), in its application in relation to a hazardous substances contravention notice, is to be read as if—

- (a) subsection (2) read as follows—

“(2) An appeal may be brought on any of the following grounds—

 - (a) that, in respect of any contravention of hazardous substances control specified in the notice, hazardous substances consent ought to be granted for the quantity of the hazardous substance present on, over or under the land or, as the case may be, the condition concerned ought to be discharged;
 - (b) that the matters alleged to constitute a contravention of hazardous substances control have not occurred;
 - (c) that those matters (if they occurred) do not constitute a contravention of hazardous substances control;
 - (d) that copies of the hazardous substances contravention notice were not served as required by or under section 24(4) of the Planning (Hazardous Substances) Act 1990;
 - (e) that the steps required by the notice to be taken exceed what is necessary to remedy any contravention of hazardous substances control;

- (f) that any period specified in the notice in accordance with section 24(5)(b) of that Act falls short of what should reasonably be allowed.”;
- (b) fel petai is-adran (4) yn darllen fel a ganlyn—
 - “(4) A notice under subsection (3) must be accompanied by a copy of the hazardous substances contravention notice, together with a statement—
 - (a) specifying the grounds on which the appeal is being made against the hazardous substances contravention notice; and
 - (b) setting out the appellant’s submissions in relation to each ground of appeal.”;
- (c) fel petai yn is-adran (5)—
 - (i) y geiriau “in that statement” wedi eu mewnosod yn union ar ôl “does not”;
 - (ii) y geiriau “in that statement” wedi eu mewnosod yn union ar ôl “failed”; a
 - (iii) y geiriau “within the prescribed time” ac “within that time” wedi eu hepgor.

3. Mae adran 175 o’r DCGTh (apelau: darpariaethau atodol), wrth ei chymhwyso mewn perthynas â hysbysiad tramgwydd sylweddau peryglus, i’w darllen fel petai, yn is-adran (6), y geiriau “section 25(1) of the Planning (Hazardous Substances) Act 1990” wedi eu rhoi yn lle “any other provisions of this Act”.

4. Mae adran 176 o’r DCGTh (darpariaethau cyffredinol sy’n ymwneud â phenderfynu apelau), wrth ei chymhwyso mewn perthynas â hysbysiad tramgwydd sylweddau peryglus, i’w darllen yn is-adran (3)—

- (i) fel petai’r geiriau ym mharagraff (a) “within the prescribed time” wedi eu hepgor; a
- (ii) fel petai paragraff (b) yn darllen fel a ganlyn—
 - “(b) may allow an appeal and quash the hazardous substances contravention notice if the hazardous substances authority fail to comply with regulation 17(2) of the Planning (Hazardous Substances) (Wales) Regulations 2015.”

5. Mae adran 177 o’r DCGTh (rhoi neu addasu caniatâd cynllunio yn dilyn apêl yn erbyn hysbysiad gorfodi), wrth ei chymhwyso mewn perthynas â hysbysiad tramgwydd sylweddau peryglus, i’w darllen—

- (f) that any period specified in the notice in accordance with section 24(5)(b) of that Act falls short of what should reasonably be allowed.”;
- (b) subsection (4) read as follows—
 - “(4) A notice under subsection (3) must be accompanied by a copy of the hazardous substances contravention notice, together with a statement—
 - (a) specifying the grounds on which the appeal is being made against the hazardous substances contravention notice; and
 - (b) setting out the appellant’s submissions in relation to each ground of appeal.”;
- (c) in subsection (5)—
 - (i) the words “in that statement” were inserted immediately after “does not”;
 - (ii) the words “in that statement” were inserted immediately after “failed”; and
 - (iii) the words “within the prescribed time” and “within that time” were omitted.

3. Section 175 of the TCPA (appeals: supplementary provisions), in its application in relation to a hazardous substances contravention notice, is to be read as if in subsection (6), the words “section 25(1) of the Planning (Hazardous Substances) Act 1990” were substituted for “any other provisions of this Act”.

4. Section 176 of the TCPA (general provisions relating to determination of appeals), in its application in relation to a hazardous substances contravention notice, is to be read as if in subsection (3)—

- (i) in paragraph (a), “within the prescribed time” were omitted; and
- (ii) paragraph (b) read as follows—

“(b) may allow an appeal and quash the hazardous substances contravention notice if the hazardous substances authority fails to comply with regulation 17(2) of the Planning (Hazardous Substances) (Wales) Regulations 2015.”

5. Section 177 of the TCPA (grant or modification of planning permission on appeal against enforcement notice), in its application in relation to a hazardous substances contravention notice, is to be read as if—

- (a) fel pe rhoddid yn lle paragraffau (a) a (b)—
“(a) grant hazardous substances consent for the presence of the hazardous substance on, over or under the land or on, over or under part of that land to which the hazardous substances contravention notice relates;
(b) discharge any condition subject to which hazardous substances consent was granted.”;
- (b) fel petai is-adrannau (1A) i (1C) wedi eu hepgor;
- (c) yn is-adran (2)—
(i) fel petai’r geiriau “hazardous substances consent” wedi eu rhoi yn lle “planning permission”; a
(ii) fel petai’r geiriau “to any considerations which a hazardous substances authority would have to have regard to under section 9(2) of the Planning (Hazardous Substances) Act 1990 when dealing with an application for hazardous substances consent.” wedi eu rhoi yn lle’r geiriau ar ôl “regard”;
- (d) yn is-adran (3)—
(i) fel petai’r geiriau “hazardous substances consent” wedi eu rhoi yn lle “planning permission” yn y ddau le y mae’n digwydd; a
(ii) fel petai’r cyfeiriad at “Part III” yn gyfeiriad at “the Planning (Hazardous Substances) Act 1990”;
- (e) fel petai’r ddau gyfeiriad at “or limitation” yn is-adran (4) wedi eu hepgor;
- (f) yn is-adran (5)—
(i) fel petai paragraff (b) wedi ei hepgor; a
(ii) fel petai’r geiriau “hazardous substances consent in respect of the matters specified in the hazardous substances contravention notice as constituting a contravention of hazardous substances control.” wedi eu rhoi yn lle’r geiriau o “planning permission” hyd y diwedd;
- (g) fel petai, yn is-adran (5A) y geiriau “section 26A of the Planning (Hazardous Substances) Act 1990” wedi eu rhoi yn lle “section 303”;
- (h) fel petai, yn is-adrannau (6) a (7), y geiriau “hazardous substances consent” wedi eu rhoi yn lle “planning permission”; ac
- (i) yn is-adran (8)—
- (a) for paragraphs (a) and (b) were substituted—
“(a) grant hazardous substances consent for the presence of the hazardous substance on, over or under the land or on, over or under part of that land to which the hazardous substances contravention notice relates;
(b) discharge any condition subject to which hazardous substances consent was granted.”;
- (b) subsections (1A) to (1C) were omitted;
- (c) in subsection (2)—
(i) the words “hazardous substances consent” were substituted for “planning permission”; and
(ii) the words after “regard” were substituted with “to any considerations which a hazardous substances authority would have to have regard to under section 9(2) of the Planning (Hazardous Substances) Act 1990 when dealing with an application for hazardous substances consent.”;
- (d) in subsection (3)—
(i) the words “hazardous substances consent” were substituted for “planning permission” in both places where it occurs; and
(ii) the reference to “Part III” were a reference to “the Planning (Hazardous Substances) Act 1990”;
- (e) in subsection (4) both references to “or limitation” were omitted;
- (f) in subsection (5)—
(i) paragraph (b) were omitted;
(ii) for the words from “planning permission” to the end, were substituted “hazardous substances consent in respect of the matters specified in the hazardous substances contravention notice as constituting a contravention of hazardous substances control.”;
- (g) in subsection (5A), the words “section 26A of the Planning (Hazardous Substances) Act 1990” were substituted for “section 303”;
- (h) in subsections (6) and (7), the words “hazardous substances consent” were substituted for “planning permission”; and
- (i) in subsection (8)—

- (i) fel petai'r geiriau "section 28 of the Planning (Hazardous Substances) Act 1990" wedi eu rhoi yn lle "section 69"; a
- (ii) fel petai'r geiriau "hazardous substances consent" wedi eu rhoi yn lle "planning permission".

- (i) the words "section 28 of the Planning (Hazardous Substances) Act 1990" were substituted for "section 69"; and
- (ii) the words "hazardous substances consent" were substituted for "planning permission".

RHAN 2

Effaith hysbysiadau tramgwydd sylweddau peryglus, etc.

6. Yn adrannau 178, 179, 180 a 181 o DCGTh, fel y'u cymhwysir gan reoliad 18—

- (a) mae pob cyfeiriad at hysbysiad gorfodi i'w ddarllen fel petai'n gyfeiriad at hysbysiad tramgwydd sylweddau peryglus; a
- (b) mae pob cyfeiriad at awdurdod cynllunio lleol i'w ddarllen fel petai'n gyfeiriad at awdurdod sylweddau peryglus.

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

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

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

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

- (a) fel petai is-adran (1) yn darllen fel a ganlyn—
 "(1) Where, at any time after the end of the period for compliance with a hazardous substances contravention notice, any steps required by the notice to be taken before the end of that period have not been taken, any person other than the owner who is in control of the

PART 2

Effect of hazardous substances contravention notices, etc.

6. In sections 178, 179, 180 and 181 of the TCPA, as applied by regulation 18—

- (a) each reference to an enforcement notice is to be read as if it were a reference to a hazardous substances contravention notice; and
- (b) each reference to a local planning authority is to be read as if it were a reference to a hazardous substances authority.

7. Section 178 of the TCPA (execution and cost of works required by enforcement notices) as it has effect in relation to a hazardous substances contravention notice, is to be read as if—

- (a) in subsection (2), in both places where the words "breach of planning control" occur, it read "contravention of hazardous substances control";
- (b) subsections (3) to (5) were omitted; and
- (c) the following subsection were inserted after subsection (6)—

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

8. Section 179 (offence where enforcement notice not complied with), as it has effect in relation to a hazardous substances contravention notice, is to be read as if—

- (a) subsection (1) read as follows—
 "(1) Where, at any time after the end of the period for compliance with a hazardous substances contravention notice, any steps required by the notice to be taken before the end of that period have not been taken, any person other than the owner who is in control of the

land and the owner of the land at the time is in breach of the notice.”;

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

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

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

“(1) Where, after the service of a copy of a hazardous substances contravention notice, hazardous substances consent is granted for the presence of a hazardous substance on, over or under the land to which the notice relates or any part of that land, the notice ceases to have effect so far as inconsistent with that consent.”;
- (b) fel petai is-adran (2) wedi ei hepgor; ac
- (c) fel petai'r geiriau “or breach of condition notice” yn is-adran (3) wedi eu hepgor”.

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

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

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

(3) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires the quantity of a hazardous substance on, over or under the land to which the notice relates to be reduced below a specified quantity (being greater than the controlled quantity), the presence on, over or

land and the owner of the land at that time is in breach of the notice.”;

- (b) in subsection (2), for the words “the owner of the land” read “a person”;
- (c) subsections (4) and (5) were omitted;
- (d) in subsection (6), the words “or (5)” were omitted; and
- (e) in subsection (7)(b), the words “section 188” read “regulation 19 of the Planning (Hazardous Substances) (Wales) Regulations 2015”.

9. Section 180 (effect of planning permission etc. on enforcement or breach of condition notice) as it has effect in relation to a hazardous substances contravention notice, is to be read as if—

- (a) subsection (1) read as follows—

“(1) Where, after the service of a copy of a hazardous substances contravention notice, hazardous substances consent is granted for the presence of a hazardous substance on, over or under the land to which the notice relates or any part of that land, the notice ceases to have effect so far as inconsistent with that consent.”;
- (b) subsection (2) were omitted; and
- (c) in subsection (3), the words “or breach of condition notice” were omitted.

10. Section 181 (enforcement notice to have effect against subsequent development) as it has effect in relation to a hazardous substances contravention notice, is to be read as if the following were substituted for subsections (1) to (5) of that section—

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

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

(3) Without prejudice to subsection (1), where a provision of a hazardous substances contravention notice requires the quantity of a hazardous substance on, over or under the land to which the notice relates to be reduced below a specified quantity (being greater than the controlled quantity), the presence on, over or

under that land of a quantity of that substance equal to or in excess of the specified quantity at any time after the quantity of that substance has been reduced below the specified quantity in compliance with the hazardous substances contravention notice, is in contravention of that notice.

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

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

RHAN 3

Dilysrwydd

11.—(1) Mae adran 285 o’r DCGTh (dilysrwydd hysbysiadau gorfodi a hysbysiadau tebyg), fel y’i cymhwysir gan reoliad 20(1), i’w darllen—

- (a) fel petai pob cyfeiriad at hysbysiad gorfodi yn gyfeiriad at hysbysiad tramgwydd sylweddau peryglus; a
- (b) fel petai is-adrannau (3) a (4) wedi eu hepgor.

(2) Mae adran 289 o’r DCGTh (apelau i’r Uchel Lys sy’n ymwneud â hysbysiadau gorfodi etc.), fel y’i cymhwysir gan reoliad 20(1), i’w darllen—

- (a) fel petai pob cyfeiriad at hysbysiad gorfodi yn gyfeiriad at hysbysiad tramgwydd sylweddau peryglus; a
- (b) fel petai pob cyfeiriad at awdurdod cynllunio lleol yn is-adrannau (1) a (4A) yn gyfeiriad at awdurdod sylweddau peryglus.

under that land of a quantity of that substance equal to or in excess of the specified quantity at any time after the quantity of that substance has been reduced below the specified quantity in compliance with the hazardous substances contravention notice, is in contravention of that notice.

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

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

PART 3

Validity

11.—(1) Section 285 of the TCPA (validity of enforcement notices and similar notices), as applied by regulation 20(1), is to be read as if—

- (a) each reference to an enforcement notice were a reference to a hazardous substances contravention notice; and
- (b) subsections (3) and (4) were omitted.

(2) Section 289 of the TCPA (appeals to High Court relating to enforcement notices etc.), as applied by regulation 20(1), is to be read as if—

- (a) each reference to an enforcement notice were a reference to a hazardous substances contravention notice; and
- (b) each reference to a local planning authority in subsections (1) and (4A) were a reference to a hazardous substances authority.

DIWYGIADAU I DDEDDFWRIAETH

Diwygio Rheoliadau Cynllunio Gwlad a Thref (Cynlluniau Datblygu Lleol) (Cymru) 2005

1.—(1) Mae Rheoliadau Cynllunio Gwlad a Thref (Cynlluniau Datblygu Lleol) (Cymru) 2005(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 13 (cynllun datblygu lleol: materion ychwanegol y dylid rhoi sylw iddynt)—

(a) yn lle paragraff (1)(c) rhodder—

“(c) amcanion atal damweiniau mawr a chyfyngu ar ganlyniadau damweiniau o’r fath ar iechyd dynol a’r amgylchedd drwy fynd ar drywydd yr amcanion hynny drwy’r rheolaethau a ddisgrifir yn Erthygl 13 o Gyfarwyddeb 2012/18/EU;”;

(b) yn lle paragraff (ch) rhodder—

“(ch) yr angen, yn y tymor hir—

(i) i gadw pellteroedd diogelwch priodol rhwng sefydliadau ac ardaloedd preswyl, adeiladau ac ardaloedd a ddefnyddir gan y cyhoedd, ardaloedd hamdden, a, chyn belled â phosibl, lwybrau trafnidiaeth pwysig;

(ii) i warchod ardaloedd o sensitifrwydd naturiol penodol neu o ddiddordeb penodol yng nghyffiniau’r sefydliadau, pan fo hynny’n briodol drwy bellteroedd diogelwch priodol neu fesurau perthnasol eraill;

(iii) yn achos sefydliadau sy’n bodoli eisoes, i gymryd mesurau technegol ychwanegol yn unol ag Erthygl 5 o Gyfarwyddeb 2012/18/EU er mwyn peidio â chynyddu’r risgiau i iechyd dynol a’r amgylchedd.”;

(c) ym mharagraff (2), yn lle “yng Nghyfarwyddeb y Cyngor 96/82/EC (fel y’i diwygiwyd gan Gyfarwyddeb y Cyngor 2003/105/EC)” rhodder “yng Nghyfarwyddeb 2012/18/EU”.

AMENDMENTS TO LEGISLATION

Amendment of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005

1.—(1) The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005(1) are amended as follows.

(2) In regulation 13 (LDP: additional matters to which regard is to be had)—

(a) for paragraph (1)(c) substitute—

“(c) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment by pursuing those objectives through the controls described in Article 13 of Directive 2012/18/EU;”

(b) for paragraph (d) substitute—

“(d) the need, in the long term—

(i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;

(ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;

(iii) in the case of existing establishments, to take additional technical measures in accordance with Article 5 of Directive 2012/18/EU so as not to increase the risks to human health and the environment.”;

(c) in paragraph (2), for “Council Directive 96/82/EC (as amended by Council Directive 2003/105/EC)” substitute “Directive 2012/18/EU”.

(1) O.S. 2005/2839 (Cy. 203), y mae iddo ddiwygiadau nad ydynt yn berthnasol i’r offeryn hwn.

(1) S.I. 2005/2839 (W. 203), to which there have been amendments which are not relevant to this instrument.

**Diwygio Gorchymyn Cynllunio Gwlad a Thref
(Gweithdrefn Rheoli Datblygu) (Cymru) 2012**

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn y Tabl yn Atodlen 4 (ymgyngoriadau cyn rhoi caniatâd cynllunio), ym mharagraff (s)—

(a) yn lle'r geiriau yn yr ail golofn (disgrifiad o'r datblygiad) rhodder—

“Datblygiad—

- (i) sy'n cynnwys lleoli sefydliadau newydd;
- (ii) sy'n cynnwys addasiadau i sefydliadau presennol y mae Erthygl 11 o Gyfarwyddeb 2012/18/EU yn eu cwmpasu; neu
- (iii) sy'n newydd, gan gynnwys llwybrau trafniadaeth, lleoliadau a ddefnyddir gan y cyhoedd ac ardaloedd preswyl yng nghyffiniau sefydliadau presennol, lle gallai'r lleoliad neu'r datblygiad fod yn ffynhonnell y risg o ddamwain fawr, neu gynyddu'r risg neu ganlyniadau damwain fawr.”;

(b) yn lle'r geiriau yn y drydedd golofn (ymgyngorai) rhodder—

“Awdurdod COMAH cymwys, ac mewn perthynas â datblygiad sy'n dod o fewn paragraff (iii), unrhyw berson sydd, yn ôl y gofrestr a gedwir gan yr awdurdod sylweddau peryglus o dan reoliad 22 o Reoliadau Cynllunio (Sylweddau Peryglus) (Cymru) 2015, y person sy'n rheoli'r tir y mae unrhyw sefydliad presennol dan sylw wedi ei leoli arno”;

(c) yn Atodlen 4 yn y paragraff sy'n delio â Dehongli'r Tabl, yn lle paragraff (ng) rhodder—

“(ng) ym mharagraff (s)—

- (i) mae i'r ymadroddion a ddefnyddir yn y paragraff hwnnw ac yng Nghyfarwyddeb 2012/18/EU yr un ystyr ag a roddir i'r ymadroddion Saesneg cyfatebol yn y Gyfarwyddeb honno; a

**Amendment of the Town and Country Planning
(Development Management Procedure) (Wales)
Order 2012**

2.—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1) is amended as follows.

(2) In the Table in Schedule 4 (consultations before the grant of permission), in paragraph (x)—

(a) for the words in the second column (description of development) substitute—

“Development—

- (i) involving the siting of new establishments;
- (ii) consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU; or
- (iii) which is new, including transport routes, locations of public use and residential areas in the vicinity of existing establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident.”;

(b) for the words in the third column (consultee) substitute—

“The COMAH competent authority, and in relation to development falling within paragraph (iii), any person who is, according to the register held by the hazardous substances authority under regulation 22 of the Planning (Hazardous Substances) (Wales) Regulations 2015, the person who is in control of the land on which any existing establishment in question is located”;

(c) in Schedule 4 in the paragraph dealing with the Interpretation of Table, for paragraph (k) substitute—

“(k) in paragraph (x)—

- (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive; and

(1) O.S. 2012/801 (Cy. 110).

(1) S.I. 2012/801 (W. 110).

(ii) ystyr “awdurdod COMAH cymwys” (“*COMAH competent authority*”) yw—

(aa) mewn perthynas â safle niwclear perthnasol, y Swyddfa dros Reoli Niwclear a Chorff Adnoddau Naturiol Cymru yn gweithredu ar y cyd;

(bb) fel arall, yr Awdurdod Gweithredol Iechyd a Diogelwch a Chorff Adnoddau Naturiol Cymru yn gweithredu ar y cyd.”

(ii) “COMAH competent authority” (“*awdurdod COMAH cymwys*”) means—

(aa) in relation to a relevant nuclear site, the Office of Nuclear Regulation and the Natural Resources Body for Wales, acting jointly;

(bb) otherwise, the Health and Safety Executive and the Natural Resources Body for Wales acting jointly.”

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