



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2007 Rhif 2610 (Cy.221)

2007 No. 2610 (W.221)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Asesu Effeithiau
Amgylcheddol a Chynefinoedd
Naturiol (Echdynnu Mwynau drwy
Dreillio Gwely'r Môr) (Cymru)
2007

The Environmental Impact
Assessment and Natural Habitats
(Extraction of Minerals by Marine
Dredging) (Wales) Regulations
2007

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 gweithredu'r canlynol mewn dyfroedd o amgylch Cymru y cyfeirir atynt yn y Rheoliadau fel "dyfroedd Cymru":

These Regulations implement in waters around Wales referred to in the Regulations as "Welsh waters":

Cyfarwyddeb y Cyngor 85/337/EEC (OJ Rhif L175, 05.07.85, t.40) ar asesu effeithiau prosiectau penodol, boed yn rhai cyhoeddus neu'n rhai preifat, ar yr amgylchedd (fel y'i diwygir gan Gyfarwyddeb 97/11/EC, OJ Rhif L73, 14.03.97, t.5 a chan Gyfarwyddeb 2003/35/EC, OJ Rhif L156, 25.06.03, t.17), a

Council Directive 85/337/EEC (OJ No. L175, 05.07.85, p.40) on the assessment of the effects of certain public and private projects on the environment (as amended by Directive 97/11/EC, OJ No. L73, 14.03.97, p.5 and by Directive 2003/35/EC, OJ No. L156, 25.06.03, p.17), and

Chyfarwyddeb y Cyngor 92/43/EEC ar gadwraeth cynefinoedd naturiol a ffawna a fflora gwyllt (OJ Rhif L206, 22.07.92, t.7), y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn,

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ No. L206, 22.07.92, p.7), to which there are amendments not relevant to these Regulations,

i'r graddau y maent yn berthnasol i'r gwaith o echdynnu mwynau drwy dreillio gwely'r môr.

in so far as they relate to the extraction of minerals by marine dredging.

Yn ddarostyngedig i eithriadau sy'n bodoli ar gyfer treillio at ddibenion amddiffyn gwladol ac ar gyfer treillio a wneir o dan gytundebau penodol a oedd yn bodoli cyn i'r Rheoliadau ddod i rym, gweithredir y Cyfarwyddebau drwy sicrhau bod angen caniatâd ar gyfer prosiectau treillio gwely'r môr y mae'r naill gyfarwyddeb neu'r llall yn berthnasol iddynt (rheoliad 5) a bod unrhyw dreillio a wneir heb ganiatâd y mae ei angen yn dramgwydd (rheoliad 4). Rhaid gwneud ceisiadau am ganiatâd i dreillio i Weinidogion Cymru (rheoliad 10).

Subject to exceptions for dredging for national defence purposes and for dredging which is carried out under certain agreements in existence prior to the Regulations coming into force, the Directives are implemented by ensuring that permission is required for marine dredging projects which engage either directive (regulation 5) and that any dredging carried out without permission where it is needed is an offence (regulation 4). Applications for dredging permission must be made to the Welsh Ministers (regulation 10).

Gweithredir Cyfarwyddeb 85/337 drwy ei gwneud yn ofynnol i ddatganiad amgylcheddol gael ei ddarparu mewn perthynas â chais sy'n ymwneud â phrosiect perthnasol, h.y. echdynnu mwynau drwy dreillio yn nyfroedd Cymru a hynny'n debygol o effeithio'n sylweddol ar yr amgylchedd (rheoliad 10). Rhaid ystyried y datganiad hwnnw wrth benderfynu ar y cais (rheoliad 13). Gweithredir Cyfarwyddeb 92/43 drwy ei gwneud yn ofynnol i asesiad priodol o effeithiau treillio o'r fath gael ei wneud, pan fydd yn debygol, naill ai ar ei ben ei hun neu ar y cyd â chynlluniau neu brosiectau eraill, o gael effaith sylweddol ar safle Ewropeaidd (rheoliad 13(3) ac Atodlen 3). Cyfeirir at dreillio o'r fath yn y Rheoliadau fel "prosiect cynefinoedd". Safleoedd yn y Deyrnas Unedig a ddynodir o dan Gyfarwyddeb 92/43, a safleoedd a ddynodir yn ardaloedd gwarchodaeth arbennig o dan Gyfarwyddeb 79/409/EEC ar gadwraeth adar gwyllt ac a gaiff eu trin gan Gyfarwyddeb 92/43 fel pe baent wedi eu dynodi o dan y Gyfarwyddeb honno at y dibenion hyn yw safleoedd Ewropeaidd. At ddbenion y Rheoliadau hyn caiff safleoedd sydd wedi eu cynnig gan Weinidogion Cymru ar gyfer eu dynodi eu cynnwys hefyd. Os yw caniatâd yn ofynnol o dan reoliad 5, mae i bersonau ac eithrio'r Goron echdynnu mwynau drwy dreillio yn nyfroedd Cymru oni wneir y treillio yn unol â chaniatâd sydd wedi ei roi o dan y Rheoliadau hyn yn dramgwydd (rheoliad 4).

Mae'r Rheoliadau'n gwneud darpariaeth ar gyfer camau penodol y caniateir eu cymryd cyn i unrhyw gais am ganiatâd gael ei wneud. Mae rheoliad 6 yn galluogi unrhyw berson sy'n cynnig gwneud gwaith treillio i ofyn i Weinidogion Cymru ddyfarnu a fyddai'r treillio hwnnw'n brosiect perthnasol, a dyfanrnu a fyddai'n brosiect cynefinoedd. Mae rheoliad 7 yn galluogi person sy'n bwriadu gwneud cais am ganiatâd sy'n gwneud datganiad amgylcheddol yn ofynnol i ofyn i Weinidogion Cymru roi barn ynghylch yr wybodaeth i'w darparu yn y datganiad amgylcheddol hwnnw. Mae rheoliad 8 yn ei gwneud yn ofynnol i gyrff ymgynghori priodol, fel y'u diffinnir yn y Rheoliadau, i adrannau'r llywodraeth ac i Weinidogion Cymru nodi a darparu gwybodaeth i helpu gyda pharatoi datganiad amgylcheddol ac mae'n eu galluogi i godi tâl amdano. Mae rheoliad 9 yn darparu ar gyfer talu ffioedd mewn cysylltiad â gofyn am farn o dan reoliad 7 ac â darparu gwybodaeth gan Weinidogion Cymru o dan reoliad 8.

Mae rheoliad 10 yn ei gwneud yn ofynnol bod unrhyw gais am ganiatâd yn cynnwys datganiad amgylcheddol (onid yw Gweinidogion Cymru wedi dyfarnu fel arall). Rhaid amgáu ffi a ddyfarnwyd yn unol â rheoliad 25 gydag unrhyw gais am ganiatâd. Mae rheoliad 11 yn caniatáu i Weinidogion Cymru ofyn i'r ceisydd ddarparu gwybodaeth bellach, os yw Gweinidogion Cymru o'r farn nad yw'r datganiad amgylcheddol gwreiddiol yn cynnwys digon o wybodaeth i alluogi effeithiau amgylcheddol y treillio a gynnigir i gael eu hystyried yn llawn. O dan reoliad 12,

Directive 85/337 is implemented by requiring that an environmental statement is provided in relation to an application which relates to a relevant project, i.e. the extraction of minerals by dredging in Welsh waters which is likely to have significant effects on the environment (regulation 10). That statement must be taken into account in deciding the application (regulation 13). Directive 92/43 is implemented by requiring that an appropriate assessment is carried out of the effects of such dredging, where it is likely, either alone or in combination with other plans or projects, to have a significant effect on a European site (regulation 13(3) and Schedule 3). Such dredging is referred to in the Regulations as a "habitats project". European sites are sites in the United Kingdom designated under Directive 92/43, and sites designated as special protection areas under Directive 79/409/EEC on the conservation of wild birds which are treated by Directive 92/43 as having been designated under that directive for these purposes. For the purposes of the Regulations sites which have been proposed by the Welsh Ministers for designation are also included. Where permission is required under regulation 5, it is an offence for persons other than the Crown to extract minerals by dredging in Welsh waters unless the dredging is carried out in accordance with a permission which has been granted under these Regulations (regulation 4).

The Regulations make provision for certain actions which may be undertaken before any application for permission is made. Regulation 6 enables any person who proposes to carry out dredging to request the Welsh Ministers to determine whether that dredging would constitute a relevant project, and to determine whether it would constitute a habitats project. Regulation 7 enables a person who intends to make an application for permission which requires an environmental statement to request the Welsh Ministers to give an opinion as to the information to be provided in that environmental statement. Regulation 8 requires appropriate consultation bodies (as defined in the Regulations) government departments and the Welsh Ministers to identify and provide information to assist in the preparation of an environmental statement and enables them to charge for it. Regulation 9 provides for the payment of fees in respect of requests for opinions under regulation 7 and the provision of information by the Welsh Ministers under regulation 8.

Regulation 10 requires that any application for permission include an environmental statement (unless the Welsh Ministers have determined otherwise). Any application for permission must be accompanied by a fee determined in accordance with regulation 25. Regulation 11 allows the Welsh Ministers to require the applicant to provide further information, if the Welsh Ministers consider the original environmental statement contains insufficient information to enable the environmental effects of the proposed dredging to be fully considered. Under regulation 12, applications

rhaid i geisiadau fod yn ddarostyngedig i gyhoeddusrwydd ac ymgynghori. Mae rheoliad 13 yn nodi'r ystyriaethau (gan gynnwys y datganiad amgylcheddol ac unrhyw asesiad o'r effaith ar safle Ewropeaidd) a'r weithdrefn sy'n gymwys wrth benderfynu ar geisiadau. Cyn penderfynu ar gais am ganiatâd i wneud gwaith treillio, caiff Gweinidogion Cymru roi i bartïon penodol gyfle i wneud sylwadau yn bersonol neu'n ysgrifenedig i berson a benodir gan Weinidogion Cymru. Mae rheoliad 14 yn creu tramgwyddau os darperir gwybodaeth anwir mewn perthynas â chaffael caniatâd.

O dan reoliad 15, gwneir darpariaeth ar gyfer ymgynghori ag unrhyw wladwriaeth AEE arall os yw treillio'n debygol o effeithio'n sylweddol ar yr amgylchedd yn y wladwriaeth AEE honno.

Gwneir darpariaeth o dan y Rheoliadau ar gyfer trosglwyddo (rheoliad 16) ac amrywio caniatâd (rheoliadau 17 to 20) o wneud cais am hynny. Caniateir hefyd ddirymu caniatâd neu ei amrywio mewn ffordd arall heblaw drwy gais (rheoliadau 21 a 22), os bydd angen hynny er mwyn diogelu'r amgylchedd. Mae rheoliad 23 yn darparu ar gyfer tramgwyddau sy'n gysylltiedig â throsglwyddo neu amrywio caniatâd.

Mae rheoliad 25 yn darparu i Weinidogion Cymru dyfarnu'r ffioedd y mae'n rhaid eu talu mewn cysylltiad â threuliau Gweinidogion Cymru a dynnir wrth gydymffurfio naill ai â rheoliad 7 neu 8 neu'r ddau, wrth ystyried ceisiadau o dan y rheoliadau ac wrth fonitro caniatadau. Mae rheoliad 26 yn ei gwneud yn ofynnol i Weinidogion Cymru gadw cofrestr gyhoeddus o geisiadau am ganiatâd, cymeradwyaethau perthynol, penderfyniadau, dyfarniadau a barnau a gwybodaeth a ddarperir gan geisyddion o dan y Rheoliadau.

Mae rheoliad 27 yn darparu ar gyfer cosbau sy'n gymwys i dramgwyddau o dan y Rheoliadau ac mae rheoliad 28 yn datgymhwyso adran 3 o Ddeddf Awdurdodaeth ar Ddyfroedd Tiriogaethol 1878, gyda'r effaith na fydd angen cydsyniad yr Ysgrifennydd Gwladol ar gyfer erlyniadau yn erbyn gwladolion tramor o dan y Rheoliadau hyn.

Mae rheoliad 29 yn caniatáu i Weinidogion Cymru gynnal ymchwiliad cyn iddynt arfer swyddogaethau penodol o dan y Rheoliadau. Mae rheoliad 30 yn gwneud darpariaeth ar gyfer defnyddio cyfathrebiadau electronig wrth gydymffurfio â'r gweithdrefnau a sefydlir gan y Rheoliadau.

Nodir trefniadau trosiannol yn rheoliad 31. Gwneir diwygiadau canlyniadol angenrheidiol, gydag arbedion, i Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) 1999 (O.S. 1999/293) gan reoliad 32.

must be subject to publicity and consultation. Regulation 13 sets out the considerations (including the environmental statement and any assessment of the effect on a European site) and procedure which apply in deciding applications. Before deciding an application for permission to carry out dredging, the Welsh Ministers may give certain parties an opportunity of making representation in person or in writing to a person appointed by the Welsh Ministers. Regulation 14 creates offences where false information is provided in relation to obtaining a permission.

Under regulation 15, provision is made for consultation with any other EEA state where dredging is likely to have significant effects on the environment in that EEA state.

Provision is made under the Regulations for the transfer (regulation 16) and the variation on application (regulations 17 to 20) of a permission. A permission may also be revoked or varied otherwise than on an application (regulations 21 and 22), where necessary in order to protect the environment. Regulation 23 provides for offences related to the transfer or variation of a permission.

Regulation 25 provides for the Welsh Ministers to determine the fees which must be paid in respect of the Welsh Ministers' expenses of complying with either regulation 7 or 8 or both, of considering applications under the regulations and of monitoring permissions. Regulation 26 requires the Welsh Ministers to keep a public register of applications for permission, related approvals, decisions, determinations and opinions and information provided by applicants under the Regulations.

Regulation 27 provides for the penalties which apply to offences under the Regulations and regulation 28 disapplies section 3 of the Territorial Waters Jurisdiction Act 1878, with the effect that the consent of the Secretary of State will not be needed for prosecutions against foreign nationals under these Regulations.

Regulation 29 allows the Welsh Ministers to hold an inquiry before exercising certain functions under the Regulations. Regulation 30 makes provision for the use of electronic communications in complying with the procedures established by the Regulations.

Transitional arrangements are set out in regulation 31. Necessary consequential amendments, with savings, are made to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/293) by regulation 32.

Mae Atodlen 1 yn nodi'r gofynion ynghylch beth y mae'n rhaid ei gynnwys mewn datganiad amgylcheddol.

Mae Atodlen 2 yn nodi'r meini prawf sy'n berthnasol pan fydd Gweinidogion Cymru yn dyfarnu a yw prosiect treillio'n brosiect perthnasol.

Mae Atodlen 3 yn gosod gofynion sy'n debyg i'r rhai yn rheoliadau 48 i 53 (darpariaethau cyffredinol ar gyfer diogelu safleoedd Ewropeaidd) yn Rheoliadau Cadwraeth (Cynefinoedd Naturiol &c) 1994 (O.S. 1994/2716). Mae paragraffau 2 i 4 o Atodlen 3 yn ymwneud â diogelu safleoedd Ewropeaidd mewn tri math gwahanol o amgylchiadau-

mae paragraff 2 yn ymwneud â'r broses ar gyfer gwneud asesiad priodol o effaith prosiectau treillio newydd ar safleoedd Ewropeaidd sy'n bodoli ac mae'n pennu na chaniateir rhoi caniatâd ond ar y telerau a nodir yn is-baragraffau (5) i (9);

mae paragraff 3 yn darparu ar gyfer adolygu effaith caniatadau ar safleoedd sy'n dod yn safleoedd Ewropeaidd ar ôl i'r caniatadau hynny gael eu rhoi; ac

mae paragraff 4 yn darparu ar gyfer adolygu effaith cytundebau treillio a wnaed cyn cychwyn y Rheoliadau hyn ar safleoedd Ewropeaidd.

At ddibenion paragraffau 3 a 4 o Atodlen 3, estynnir y diffiniad o safle Ewropeaidd i gynnwys safleoedd yn y Deyrnas Unedig y mae'r Comisiwn Ewropeaidd yn ymgynghori â'r Deyrnas Unedig yn eu cylch o ran a ddylent gael eu dynodi.

Os gwneir adolygiad o ganiatâd neu o gytundeb, rhaid i Weiniogion Cymru gadarnhau, amrywio neu ddirymu'r caniatâd. Nodir ym mharagraff 5 y weithdrefn i'w dilyn os yw Gweinidogion Cymru yn dirymu neu'n amrywio caniatâd a nodir ym mharagraff 6 effaith penderfyniad Gweinidogion Cymru i fynd ymlaen â'r dirymiad neu'r amrywiad.

Os caiff caniatâd ei roi neu ei gadarnhau er gwaethaf y goblygiadau negyddol ar gyfer safle Ewropeaidd, rhaid cymryd camau digolledu er mwyn sicrhau cysondeb cyffredinol rhwydwaith Ewropeaidd o safleoedd o'r fath.

Mae asesiad effaith rheoleiddiol llawn o effaith yr offeryn hwn ar gael oddi wrth Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Gellir cael copïau o'r dogfennau y cyfeirir atynt yn rheoliad 31(3) o'r un lle, yn rhad ac am ddim.

Schedule 1 sets out requirements for what must be included in an environmental statement.

Schedule 2 sets out the criteria which are relevant when the Welsh Ministers determine whether a dredging project is a relevant project.

Schedule 3 imposes requirements which are similar to those in regulations 48 to 53 (general provisions for the protection of European sites) of the Conservation (Natural Habitats &c) Regulations 1994 (S.I. 1994/2716). Paragraphs 2 to 4 of Schedule 3 deal with the protection of European sites in three different circumstances-

paragraph 2 deals with the process for carrying out an appropriate assessment of the effect of new dredging projects on existing European sites and specifies that permission may only be granted on the terms set out in sub-paragraphs (5) to (9);

paragraph 3 provides for a review of the effect of permissions on sites which become European sites after those permissions are granted; and

paragraph 4 provides for a review of the effect on European sites of dredging agreements which were entered into before the commencement of these Regulations.

For the purposes of paragraphs 3 and 4 of Schedule 3, the definition of European site is extended to include sites in the United Kingdom upon which the European Commission is consulting the United Kingdom as to whether they should be designated.

Where a review of a permission or an agreement is carried out, the Welsh Ministers must affirm, vary or revoke the permission. The procedure to be followed where the Welsh Ministers revoke or vary a permission is set out in paragraph 5 and the effect of the Welsh Ministers' decision whether to proceed with the revocation or variation is set out in paragraph 6.

Where permission is granted or affirmed despite the negative implications for a European site, compensatory measures must be taken to ensure the overall coherence of the European network of such sites.

A full regulatory impact assessment of the effect that this instrument will have is available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

Copies of the documents referred to in regulation 31(3) may be obtained from the same place, free of charge.

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2007

The Environmental Impact
Assessment and Natural Habitats
(Extraction of Minerals by Marine
Dredging) (Wales) Regulations
2007

Gwnaed 6 Medi 2007
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 7 Medi 2007
Yn dod i rym 28 Medi 2007

Made 6 September 2007
*Laid before the National
Assembly for Wales* 7 September 2007
Coming into force 28 September 2007

TREFN Y RHEOLIADAU

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21. Dirymu, atal dros dro neu amrywio caniatâd ac eithrio ar gais
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RHAN 1

Y GOFYNION SYLFAENOL

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PART 1

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7. Mesurau digolledu

At ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) i'r graddau y maent yn ymwneud ag echdynnu mwynau drwy dreillio gwely'r môr, mae Gweinidogion Cymru wedi eu dynodi(2) mewn perthynas â chamau sy'n gysylltiedig â'r gofyniad am asesu'r effaith ar yr amgylchedd a gaiff prosiectau sy'n debygol o effeithio'n sylweddol ar yr amgylchedd, ac mewn perthynas â chamau sy'n berthnasol i gadwraeth cynefinoedd naturiol a ffawna a fflora gwyllt.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a freiniwyd ynddynt gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a chan adran 56(1) o Ddeddf Cyllid 1973(3).

Mae'r Trysorlys yn cydsynio i'r Rheoliadau hyn gael eu gwneud fel sy'n ofynnol gan adran 56(1) o Ddeddf Cyllid 1973.

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5. Procedure on review
6. Effect of Welsh Ministers' decision on review
7. Compensatory measures

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in so far as they concern the extraction of minerals by marine dredging in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment and in relation to measures relating to the conservation of natural habitats and of wild fauna and flora.

The Welsh Ministers make these Regulations in exercise of the powers vested in them by section 2(2) of the European Communities Act 1972 and by section 56(1) of the Finance Act 1973(3).

The Treasury has consented to the making of these Regulations as required by section 56(1) of the Finance Act 1973.

(1) 1972 p.68. Estynnwyd pwerau galluogi adran 2(2) o'r Ddeddf hon yn rhinwedd diwygio adran 1(2) gan adran 2(5) o Ddeddf yr Ardal Economaidd Ewropeaidd 1993 (p.51). Mae Cyfarwydddeb y Cyngor 85/337/EEC yn gymwys i'r AEE yn rhinwedd Erthygl 74 o'r Cytundeb ar yr Ardal Economaidd Ewropeaidd, a pharagraff 1 o Ran I o Atodiad XX iddo (Gorch 2073). Estynnwyd Cyfarwydddeb y Cyngor 97/11/EC i'r AEE gan Benderfyniad Rhif 20/1999 Cydbwyllgor yr AEE dyddiedig 26 Chwefror 1999, OJ Rhif L148, 22.06.00, t.45.

(2) O.S. 2000/2812 ac O.S. 2002/248 fel y diwygiwyd y ddau gan Orchymyn y Cymunedau Ewropeaidd (Dynodi) (Diwygio) 2006 (O.S. 2006/3329). Yn rhinwedd adrannau 59(1) a 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraffau 28 a 30 o Atodlen 11 iddi mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan y dynodiadau hyn yn arferadwy gan Weinidogion Cymru.

(3) 1973 p.51, y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn. *Gweler* adran 59(5) o Ddeddf Llywodraeth Cymru 2006

(1) S.I. 2000/2812 and S.I. 2002/248 both as amended by the European Communities (Designation) (Amendment) Order 2006 (S.I. 2006/3329). By virtue of sections 59(1) and 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), functions conferred on the National Assembly for Wales by these designations are exercisable by the Welsh Ministers.

(2) 1972 c.68. The enabling powers of section 2(2) of this Act were extended by virtue of the amendment of section 1(2) by section 2(5) of the European Economic Area Act 1993 (c.51). Council Directive 85/337/EEC applies to the EEA by virtue of Article 74 of, and paragraph 1 of Part I of Annex XX to, the Agreement on the European Economic Area (Cm 2073). Council Directive 97/11/EC was extended to the EEA by Decision No. 20/1999 of the EEA Joint Committee of 26th February 1999, OJ No. L148, 22.06.00, p.45.

(3) 1973 c.51, to which there are amendments which are not relevant to these Regulations. *See* section 59(5) of the Government of Wales Act 2006.

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Asesu Effeithiau Amgylcheddol a Chynefinoedd Naturiol (Echdynnu Mwynau drwy Dreillio Gwely'r Môr) (Cymru) 2007, a deuant i rym ar 28 Medi 2007.

(2) Mae'r Rheoliadau hyn yn gymwys o ran dyfroedd Cymru fel y'u diffinnir yn rheoliad 2(1).

Dehongli

2.-(1) Yn y Rheoliadau hyn-

mae i "yr Alban" yr ystyr a roddir i "Scotland" ac i "parth Albanaidd" yr ystyr a roddir i "Scottish zone" gan adran 126 o Ddeddf yr Alban 1998(1);

ystyr "ceisydd arfaethedig" ("*prospective applicant*") yw person sy'n bwriadu gwneud cais o dan reoliad 10 neu o dan reoliad 18;

ystyr "cychwyn" ("*commencement*") yw'r dyddiad y daw'r Rheoliadau hyn i rym;

mae i "Cymru" yr ystyr a roddir i "*Wales*" gan adran 158(1) o Ddeddf Llywodraeth Cymru 2006(2);

ystyr "y cyrff ymgynghori priodol" ("*the appropriate consultation bodies*") yw-

- (a) mewn perthynas ag unrhyw dreillio yn nyfroedd Cymru a allai fod yn brosiect neu ran o brosiect at ddibenion amddiffyn gwladol, yr Ysgrifennydd Gwladol;
- (b) mewn perthynas ag unrhyw dreillio yn nyfroedd Cymru a fyddai'n debygol o effeithio'n sylweddol ar yr amgylchedd yn nyfroedd Lloegr, yr Ysgrifennydd Gwladol;
- (c) mewn perthynas ag unrhyw dreillio yn nyfroedd Cymru a fyddai'n debygol o effeithio'n sylweddol ar yr amgylchedd yng Ngogledd Iwerddon, Adran yr Amgylchedd yng Ngogledd Iwerddon;

Title, commencement and application

1.-(1) The title of these Regulations is the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007, and they come into force on 28 September 2007.

(2) These Regulations apply in relation to Welsh waters as defined in regulation 2(1).

Interpretation

2.-(1) In these Regulations-

"the appropriate consultation bodies" ("*y cyrff ymgynghori priodol*") means-

- (a) in relation to any dredging in Welsh Waters which may constitute or form part of a project serving national defence purposes, the Secretary of State;
- (b) in relation to any dredging in Welsh waters which would be likely to have significant effects on the environment in English waters, the Secretary of State;
- (c) in relation to any dredging in Welsh waters which would be likely to have significant effects on the environment in Northern Ireland, the Department of the Environment in Northern Ireland;
- (d) the Countryside Council for Wales; and
- (e) such bodies as the Welsh Ministers consider, by reason of their specific environmental responsibilities, to have an interest in a relevant project;

"by public advertisement" ("*drwy hysbysebu'n gyhoeddus*"), in relation to a notice means-

- (a) by publication of the notice in such national publication and in such local newspaper as the Welsh Ministers consider appropriate; and
- (b) where the Welsh Ministers maintain a website for the purpose of advertising applications, by publication of the notice on the website;

(1) 1998 p.46. Gweler hefyd Gorchymyn Terfynau Dyfroedd Cyfagos â'r Alban 1999 (O.S. 1999/1126).

(2) 2006 p.32; Gweler hefyd erthygl 6 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 3 iddo. Caiff y darpariaethau hyn, a wnaed o dan adran 155(2) o Ddeddf Llywodraeth Cymru 1998 (p.38) (pwr i wneud gorchymyn at ddibenion y diffiniad o Gymru), eu trin fel pe baent wedi eu gwneud o dan adran 158(3) o Ddeddf Llywodraeth Cymru 2006 yn rhinwedd paragraff 26(3) o Atodlen 11 i'r Ddeddf honno.

(ch) Cyngor Cefn Gwlad Cymru; a

(d) y cyrff hynny sydd â buddiant mewn prosiect perthnasol, ym marn Gweinidogion Cymru, oherwydd eu cyfrifoldebau amgylcheddol penodol;

mae i'r ymadrodd "datganiad amgylcheddol" ("*environmental statement*") yr ystyr a roddir iddo gan reoliad 7(1);

ystyr "y deiliad" ("*the holder*"), mewn cysylltiad â chaniatâd a roddir o dan y Rheoliadau hyn, yw unrhyw berson y mae'r caniatâd wedi ei drosglwyddo iddo, tra bydd y caniatâd wedi ei freinio yn y person hwnnw;

ystyr "drwy hysbysebu'n gyhoeddus" ("*by public advertisement*"), mewn perthynas â hysbysiad yw-

- (a) drwy gyhoeddi'r hysbysiad mewn cyhoeddiad cenedlaethol a phapur newydd lleol y mae Gweinidogion Cymru o'r farn eu bod yn briodol; a
- (b) os yw Gweinidogion Cymru yn cynnal gwefan at ddiben hysbysebu ceisiadau, drwy gyhoeddi'r hysbysiad ar y wefan;

ystyr "dyfroedd Cymru" ("*Welsh waters*") yw dyfroedd llanw a rhannau o'r môr sy'n gyfagos â Chymru o'r ffynhonnau penllanw cymedrig i'r terfynau dyfroedd tiriogaethol allan i'r môr;

ystyr "dyfroedd Lloegr" ("*English waters*") yw -

- (a) dyfroedd llanw ac unrhyw ran o'r môr o fewn terfynau dyfroedd y Deyrnas Unedig allan i'r môr at ddibenion Deddf Môr Tiriogathol 1987(1); a
- (b) dyfroedd sydd wedi eu dynodi am y tro o dan adran 1(7) o Ddeddf yr Ysgafell Gyfandirol 1964(2) (dynodi ardaloedd yr ysgafell gyfandirol)

ac eithrio, mewn perthynas â pharagraffau (a) a (b),-

- (i) dyfroedd cyfagos â Gogledd Iwerddon,
- (ii) dyfroedd cyfagos â'r Alban,
- (iii) y parth Albanaidd, a
- (iv) dyfroedd Cymru;

"commencement" ("*cychwyn*") means the date on which these Regulations come into force;

"dredging" ("*treillio*") means the extraction of minerals by dredging in Welsh waters, but does not include-

- (a) such extraction where specifically authorised to be carried out by any enactment (including any enactment contained in a local Act or subordinate legislation), and in particular does not include extraction authorised by an order under section 3 (orders as to inland waterways etc.) of the Transport and Works Act 1992(1);
- (b) dredging in any waters within the jurisdiction of a harbour authority, as defined by section 57 of the Harbours Act 1964(2); or
- (c) extraction to which any of the following Regulations apply-
 - (i) the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(3),
 - (ii) the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999(4),
 - (iii) the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999(5),
 - (iv) the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999(6),
 - (v) the Pipe-line Works (Environmental Impact Assessment) Regulations 2000(7), and

where the context so requires, includes proposed dredging;

"the EIA Directive" ("*y Gyfarwydddeb EIA*") means Directive 85/337/EEC(8) on the assessment of the effects of certain public and private projects on the environment;

"English waters" ("*dyfroedd Lloegr*") means -

- (a) tidal waters and any part of the sea within the

(1) 1987 p.49

(2) 1964 p.29.

(1) 1992 c.42.

(2) 1964 c.40.

(3) S.I. 1999/293, amended by S.I. 2000/2867, 2006/3099 and 2006/3295.

(4) S.I. 1999/1783.

(5) S.I. 1999/1672, as amended by the Utilities Act 2000 (c.27), section 76(7) and by S.I. 2007/1996.

(6) S.I.1999/360, amended by S.I. 2007/933.

(7) S.I. 2000/1928 amended by S.I. 2007/1992.

(8) OJ No L175, 05.07.85, p. 40, amended by Directive 97/11/EC, OJ No L73, 14.03.97, p.5 and Directive 2003/35/EC, OJ No L156, 25.06.03, p.17.

ystyr "dyfroedd sy'n gyfagos â Gogledd Iwerddon" ("*waters adjacent to Northern Ireland*") yw hynny o ddyfroedd mewndirol a môr tiriogaethol y Deyrnas Unedig ag sy'n gyfagos â Gogledd Iwerddon, fel y dyfernir o dan adran 98(8) o Ddeddf Gogledd Iwerddon 1998(1);

ystyr "dyfroedd sy'n gyfagos â'r Alban" ("*waters adjacent to Scotland*") yw hynny o ddyfroedd mewndirol a môr tiriogaethol y Deyrnas Unedig ag sy'n gyfagos â'r Alban, fel y dyfernir o dan adran 126(2) o Ddeddf yr Alban 1998(2);

mae i "Gogledd Iwerddon" yr ystyr a roddir i "*Northern Ireland*" gan Ddeddf Gogledd Iwerddon 1998(3)

ystyr "y Gyfarwyddeb Adar Gwyllt" ("*the Wild Birds Directive*") yw Cyfarwyddeb y Cyngor 79/409/EEC(4) ar gadwraeth adar gwyllt;

ystyr "y Gyfarwyddeb Cynefinoedd" ("*the Habitats Directive*") yw Cyfarwyddeb y Cyngor 92/43/EEC(5) ar gadwraeth cynefinoedd naturiol a ffawna a fflora gwyllt;

ystyr "y Gyfarwyddeb EIA" ("*the EIA Directive*") yw Cyfarwyddeb 85/337/EEC(6) ar asesu effeithiau prosiectau penodol ar yr amgylchedd, boed y prosiectau'n rhai cyhoeddus neu'n rhai preifat;

ystyr "hysbysiad" ("*notice*") yw hysbysiad ysgrifenedig, a dehonglir "hysbysu" ac ymadroddion cytras yn unol â hynny;

ystyr "y meini prawf dethol" ("*the selection criteria*") yw'r meini prawf a geir yn Atodlen 2 i'r Rheoliadau hyn;

ystyr "perchennog" ("*owner*")

(a) mewn perthynas â mwynau a geir yn nyfroedd Cymru y mae gan y Goron neu Ddugiaeth fuddiant ynddynt (fel y'i diffinnir yn adran 293 (diffiniadau rhagarweiniol) o Ddeddf Cynllunio Gwlad a Thref 1990(7)), sef-

(i) ystad mewn ffi syml, neu

seaward limits of United Kingdom waters for the purposes of the Territorial Sea Act 1987(1); and

(b) waters for the time being designated under section 1(7) of the Continental Shelf Act 1964(2) (designation of areas of continental shelf)

other than, in relation to paragraphs (a) and (b),-

- (i) waters adjacent to Northern Ireland,
- (ii) waters adjacent to Scotland,
- (iii) the Scottish zone, and
- (iv) Welsh waters.

"environmental statement" ("*datganiad amgylcheddol*") has the meaning given by regulation 7(1);

"European site" ("*safle Ewropeaidd*") means any of the following located in Welsh waters-

- (a) a special area of conservation;
- (b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive;
- (c) an area classified as a special protection area under Article 4(1) or (2) of the Wild Birds Directive;
- (d) a site which has been proposed by the Welsh Ministers as a site eligible for designation as a special area of conservation for the purposes of meeting the United Kingdom's obligations under Article 4(1) of the Habitats Directive, until such time as-
 - (i) it is included in the list of sites of Community importance referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive, or
 - (ii) agreement is reached under Article 4(2) of that Directive not to include the site in that list;

"habitats project" ("*prosiect cynefinoedd*") means a project for carrying out dredging in Welsh waters

(1) 1998 p.47. *Gweler* hefyd Gorchymyn Terfynau Dyfroedd Cyfagos (Gogledd Iwerddon) 2002 (O.S. 2002/791).

(2) 1998 p.46. *Gweler* hefyd Gorchymyn Terfynau Dyfroedd Cyfagos â'r Alban 1999 (O.S. 1999/1126).

(3) 1998 p.47. *Gweler* hefyd Gorchymyn Terfynau Dyfroedd Cyfagos (Gogledd Iwerddon) 2002 (O.S. 2002/791).

(4) OJ Rhif L103, 25.04.97, t.1, y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(5) OJ Rhif L206, 22.07.92, t.7 y mae diwygiadau iddi nad ydynt yn berthnasol i'r Rheoliadau hyn.

(6) OJ Rhif L175, 05.07.85, t. 40, a ddiwygiwyd gan Gyfarwyddeb 97/11/EC, OJ Rhif L73, 14.03.97, t.5 a Chyfarwyddeb 2003/35/EC, OJ Rhif L156, 25.06.03, t.17.

(7) 1990 p. 8. mewnosodwyd adran 293 gan Atodlen 3 i Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5).

(1) 1987 c.49.

(2) 1964 c.29.

- (ii) buddiant sydd gyfwerth, ym marn Gweinidogion Cymru, ag ystad o'r fath,

yw'r awdurdod priodol fel y'i diffinnir yn yr adran honno;

- (b) mewn perthynas â mwynau nad oes gan y Goron neu Ddugiaeth fuddiant o'r fath ynddynt neu nad ydynt yn perthyn i ystad y Goron, yw'r person y breinir y mwynau ynddo mewn ffi syml neu berson sydd â buddiant yn y mwynau sy'n gyfwerth ag ystad mewn ffi syml, ym marn Gweinidogion Cymru;

ystyr "prosiect cynefinoedd" ("*habitats project*") yw prosiect ar gyfer gwneud gwaith treillio yn nyfroedd Cymru nad yw'n uniongyrchol gysylltiedig â rheoli safle Ewropeaidd neu'n angenrheidiol i hynny ac sy'n debygol o gael effaith sylweddol (naill ai ar ei ben ei hun neu ar y cyd â chynlluniau a phrosiectau eraill) ar safle Ewropeaidd;

ystyr "prosiect perthnasol" ("*relevant project*") yw unrhyw brosiect ar gyfer gwneud gwaith treillio yn nyfroedd Cymru a fyddai'n debygol o effeithio'n sylweddol ar yr amgylchedd yn rhinwedd ffactorau megis natur, maint neu leoliad y gwaith treillio;

ystyr "safle Ewropeaidd" ("*European site*") yw unrhyw un neu rai o'r canlynol a leolir yn nyfroedd Cymru-

- (a) ardal cadwraeth arbennig;
- (b) safle o bwys Cymunedol sydd wedi ei roi ar y rhestr y cyfeirir ati yn nhrydydd is-baragraff Erthygl 4(2) o'r Gyfarwyddeb Cynefinoedd;
- (c) ardal a gaiff ei dosbarthu'n ardal gwarchodaeth arbennig o dan Erthygl 4(1) neu (2) o'r Gyfarwyddeb Adar Gwyllt;
- (ch) safle y mae Gweinidogion Cymru wedi ei gynnig yn safle cymwys ar gyfer ei ddynodi'n ardal cadwraeth arbennig at ddibenion bodloni rhwymedigaethau'r Deyrnas Unedig o dan Erthygl 4(1) o'r Gyfarwyddeb Cynefinoedd-
- (i) hyd oni chaiff ei gynnwys yn y rhestr o safleoedd o bwys Cymunedol y cyfeirir ati yn nhrydydd is-baragraff Erthygl 4(2) o'r Gyfarwyddeb Cynefinoedd, neu

which is not directly connected with, or necessary to, the management of a European site and which is likely to have a significant effect (either alone or in combination with other plans or projects) on a European site;

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

"the holder" ("*y deiliad*"), in respect of a permission granted under these Regulations, means any person to whom the permission has been transferred, whilst the permission is vested in that person;

"Northern Ireland" ("*Gogledd Iwerddon*") has the meaning given by section 98(1) of the Northern Ireland Act 1998(2);

"notice" ("*hysbysiad*") means notice in writing, and "notify" and cognate expressions will be construed accordingly;

"owner" ("*perchennog*")-

- (a) in relation to minerals situated in Welsh waters in which there is a Crown interest or a Duchy interest (as defined in section 293 (preliminary definitions) of the Town and Country Planning Act 1990(3)), that is-
- (i) an estate in fee simple, or
- (ii) an interest that is, in the opinion of the Welsh Ministers, equivalent to such an estate,

means the appropriate authority as defined in that section;

- (b) in relation to minerals in which there is no such Crown interest, Duchy interest or Crown estate, means the person in whom the minerals are vested in fee simple or who, in the opinion of the Welsh Ministers, has an interest in the minerals equivalent to an estate in fee simple;

"prospective applicant" ("*ceisydd arfaethedig*") means a person who intends to make an application under regulation 10 or under regulation 18;

(1) OJ No. L206, 22.07.92, p.7 to which there are amendments not relevant to these Regulations.

(2) 1998 c.47. See also the Adjacent Waters Boundaries (Northern Ireland) Order 2002 (S.I. 2002/791).

(3) 1990 c.8. Section 293 was amended by Schedule 3 to the Planning and Compulsory Purchase Act 2004 (c.5).

- (ii) hyd oni chytunir o dan Erthygl 4(2) o'r Gyfarwyddeb honno i beidio â chynnwys y safle yn y rhestr honno; ac

ystyr "treillio" ("*dredging*") yw echdynnu mwynau drwy dreillio yn nyfroedd Cymru, ond nid yw'n cynnwys-

- (a) echdynnu y mae unrhyw ddeddfiad (gan gynnwys unrhyw ddeddfiad a geir mewn Deddf neu is-ddeddfwriaeth leol) yn awdurdodi'n benodol ei wneud, ac nid yw'n cynnwys yn benodol echdynnu a awdurdodir gan orchymyn o dan adran 3 (gorchymynion o ran dyrffyrdd mewndirol etc.) o Ddeddf Trafnidiaeth a Gweithfeydd 1992(1);
- (b) treillio mewn unrhyw ddyfroedd o fewn awdurdodaeth awdurdod porthladd, fel y'i diffinnir yn adran 57 o Ddeddf Porthladdoedd 1964(2); neu
- (c) echdynnu y mae unrhyw un neu rai o'r Rheoliadau canlynol yn gymwys iddo-
- (i) Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999(3),
- (ii) Rheoliadau Asesu Effeithiau Amgylcheddol (Gwaith Gwella Draenio Tir) 1999(4),
- (iii) Rheoliadau Gwaith Piblinell Cludo Nwy Cyhoeddus (Asesu Effeithiau Amgylcheddol) 1999(5),
- (iv) Rheoliadau Cynhyrchu Petrolewm Alltraeth a Phiblinellau Petrolewm Alltraeth (Asesu Effeithiau Amgylcheddol) 1999(6),
- (v) Rheoliadau Gwaith Piblinellau (Asesu Effeithiau Amgylcheddol) 2000(7), ac

os yw'r cyd-destun yn gwneud hynny'n ofynnol, mae'n cynnwys treillio a gynigir.

"relevant project" ("*prosiect perthnasol*") means any project for carrying out dredging in Welsh waters which would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

"Scotland" ("*yr Alban*") and the "Scottish zone" ("*parth Albanaidd*") have the meanings given by section 126 of the Scotland Act 1998(1)

"the selection criteria" ("*y meini prawf dethol*") means the criteria set out in Schedule 2 to these Regulations;

"Wales" ("*Cymru*") has the meaning given by section 158(1) of the Government of Wales Act 2006(2);

"waters adjacent to Northern Ireland" ("*dyfroedd sy'n gyfagos â Gogledd Iwerddon*") means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Northern Ireland, as determined under section 98(8) of the Northern Ireland Act 1998(3);

"waters adjacent to Scotland" ("*dyfroedd sy'n gyfagos â'r Alban*") means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland, as determined under section 126(2) of the Scotland Act 1998(4);

"Welsh waters" ("*dyfroedd Cymru*") means tidal waters and parts of the sea adjacent to Wales from the mean high water springs up to the seaward limits of territorial waters"; and

"the Wild Birds Directive" ("*y Gyfarwyddeb Adar Gwyllt*") means Council Directive 79/409/EEC(5) on the conservation of wild birds.

(1) 1992 p.42.
(2) 1964 p.40.
(3) O.S. 1999/293, a ddiwygiwyd gan O.S. 2000/2867, 2006/3099, a 2006/3295.
(4) O.S. 1999/1783.
(5) O.S. 1999/1672, fel y'i diwygir gan Ddeddf Cyfleustodau 2000 (p.27), adran 76(7) a chan O.S. 2007/1996.
(6) O.S.1999/360, a ddiwygiwyd gan O.S. 2007/933.
(7) O.S. 2000/1928, a ddiwygiwyd gan O.S. 2007/1992.

(1) 1998 c.46. See also the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).
(2) 2006 c.32; See also article 6 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). That Order was made under section 155(2) of the Government of Wales Act 1998 (c.38) (power to make an order for the purposes of the definition of Wales) and is treated as being made under section 158(3) of the Government of Wales Act 2006 by virtue of paragraph 26(3) of Schedule 11 to that Act.
(3) 1998 c.47. See also the Adjacent Waters Boundaries (Northern Ireland) Order 2002 (S.I. 2002/791)
(4) 1998 c.46. See also the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126).
(5) OJ No L103, 25.04.97, p.1, to which there are amendments not relevant to these Regulations.

(2) Mae i ymadroddion Cymraeg a ddefnyddir yn y Rheoliadau hyn, ac y mae'r ymadroddion Saesneg sy'n cyfateb iddynt yn cael eu defnyddio yn y Gyfarwydddeb EIA neu'r Gyfarwydddeb Cynefinoedd, yr un ystyr at ddibenion y Rheoliadau hyn â'r ystyr a roddir i'r ymadroddion Saesneg hynny yn y Cyfarwydddebau hynny.

(3) Pan fo'r Rheoliadau hyn yn cyfeirio at -

- (a) cais neu archiad y caiff unrhyw berson ei wneud; neu
- (b) cymeradwyaeth, penderfyniad, dyfarniad neu farn i'w dyroddi neu i'w ddyroddi gan Weinidogion Cymru;

rhaid i unrhyw gais neu archiad o'r fath gael ei wneud yn ysgrifenedig, a rhaid i unrhyw gymeradwyaeth, penderfyniad, dyfarniad neu farn o'r fath gael ei dyroddi neu ei ddyroddi'n ysgrifenedig.

Cais i'r Goron

3.-(1) Yn ddarostyngedig i baragraff (2), mae'r Rheoliadau hyn yn rhwymo'r Goron.

(2) Ni chaniateir gwneud y Goron yn droseddol atebol am dorri unrhyw un neu rai o ddarpariaethau'r Rheoliadau hyn, er bod hynny'n dramgwydd troseddol, ond caiff yr Uchel Lys, ar gais unrhyw berson y mae'n ymddangos i'r Llys fod ganddo fuddiant, ddatgan bod unrhyw weithred neu anweithred gan y Goron sy'n torri darpariaeth yn y modd hwnnw yn anghyfreithlon.

(3) Er gwaethaf unrhyw beth ym mharagraff (2), mae'r Rheoliadau hyn yn gymwys i bersonau yng ngwasanaeth cyhoeddus y Goron fel y maent yn gymwys i unrhyw berson arall.

RHAN 2

CYFYNGIADAU AR DREILLIO

Cyfyngiadau ar dreillio

4. Mae i unrhyw berson wneud gwaith treillio yn dramgwydd, ac eithrio pan fo'r treillio -

- (a) yn dod o fewn un o'r achosion a ddisgrifir yn rheoliad 5 (pan na fydd y Rheoliadau hyn yn gymwys mewn perthynas â'r treillio ond i'r graddau a bennir yn y rheoliad hwnnw mewn perthynas â'r achos penodol); neu
- (b) yn cael ei wneud o dan ganiatâd a roddir o dan Ran 4 o'r Rheoliadau hyn ac yn unol ag ef.

Cymhwysy'r Rheoliadau'n rhannol mewn achosion penodol

5.-(1) Yr achosion a grybwyllir yn rheoliad 4(a) yw'r

(2) Expressions used in these Regulations and in the EIA Directive or in the Habitats Directive have the same meaning for the purposes of these Regulations as in those Directives.

(3) Where these Regulations refer to -

- (a) an application or request which may be made by any person; or
- (b) an approval, decision, determination or opinion to be issued by the Welsh Ministers;

any such application or request must be made, and any such approval, decision, determination or opinion must be issued, in writing.

Application to the Crown

3.-(1) Subject to paragraph (2), these Regulations bind the Crown.

(2) No contravention by the Crown of any provision of these Regulations constituting a criminal offence may make the Crown criminally liable, but the High Court may, on the application of any person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding anything in paragraph (2), these Regulations apply to persons in the public service of the Crown as they apply to any other person.

PART 2

RESTRICTIONS ON DREDGING

Restrictions on dredging

4. It is an offence for any person to carry out dredging except where the dredging -

- (a) falls within one of the cases described in regulation 5 (when these Regulations will apply in relation to the dredging only to the extent specified in that regulation in relation to the particular case); or
- (b) is carried out under and in accordance with a permission granted under Part 4 of these Regulations.

Partial application of the regulations in particular cases

5.-(1) The cases mentioned in regulation 4(a) are

rhai a ddisgrifir ym mharagraffau (2), (6) a (7) o'r rheoliad hwn.

(2) Yr achos cyntaf yw pan fo Gweinidogion Cymru yn cael dyfarniad ysgrifenedig gan yr Ysgrifennydd Gwladol yn dweud-

- (a) bod y treillio'n brosiect neu ran o brosiect sy'n bodloni dibenion amddiffyn gwladol; a
- (b) y byddai cymhwyso'r Rheoliadau hyn, ac eithrio i'r graddau a bennir ym mharagraffau (4), (5), (6) neu (7) o'r rheoliad hwn, yn ôl y digwydd, yn effeithio'n andwyol ar y dibenion hynny ym marn yr Ysgrifennydd Gwladol.

(3) Pan fo paragraff (2) yn gymwys, rhaid i Weinidogion Cymru ddyfarnu a fyddai'r treillio'n brosiect cynefinoedd.

(4) Pan fo paragraff (2) yn gymwys, a bod Gweinidogion Cymru'n dyfarnu o dan baragraff (3) y byddai'r prosiect yn brosiect cynefinoedd, dim ond darpariaethau canlynol y Rheoliadau hyn fydd yn gymwys-

- (a) Rhannau 1 a 2;
- (b) rheoliad 10;
- (c) rheoliadau 13 ac 14;
- (ch) rheoliadau 16 i 24 ac Atodlen 3;
- (d) rheoliadau 25 i 30; ac
- (dd) rheoliad 32.

(5) Pan fo paragraff (2) yn gymwys a bod Gweinidogion Cymru'n dyfarnu o dan baragraff (3) na fyddai'r prosiect yn brosiect cynefinoedd, dim ond darpariaethau canlynol y Rheoliadau hyn fydd yn gymwys-

- (a) Rhannau 1 a 2;
- (b) rheoliad 26; ac
- (c) rheoliad 30.

(6) Yr ail achos yw pan fo Gweinidogion Cymru wedi dyfarnu o dan reoliad 6-

- (a) nad yw'r treillio'n brosiect perthnasol; a
- (b) nad yw'r treillio'n brosiect cynefinoedd;

ac, mewn achos o'r fath, dim ond darpariaethau canlynol y Rheoliadau hyn fydd yn gymwys-

- (i) Rhannau 1 a 2,
- (ii) rheoliad 26, a
- (iii) rheoliad 30.

(7) Yn ddarostyngedig i baragraff (8), y trydydd achos yw pan fo'r treillio'n parhau i gael ei wneud yn unol â chytundeb ysgrifenedig a wnaed gan y perchennog cyn cychwyn, ac mewn achos o'r fath dim ond darpariaethau canlynol y Rheoliadau hyn fydd yn gymwys-

those described in paragraphs (2), (6) and (7) of this regulation.

(2) The first case is where the Welsh Ministers receive from the Secretary of State a determination in writing -

- (a) that the dredging constitutes or forms part of a project serving national defence purposes; and
- (b) that in the opinion of the Secretary of State the application of these Regulations, except to the extent specified in paragraphs (4), (5), (6) or (7) of this regulation, as the case may be, would have an adverse effect on those purposes.

(3) Where paragraph (2) applies, the Welsh Ministers must determine whether the dredging would constitute a habitats project.

(4) Where paragraph (2) applies and the Welsh Ministers determine under paragraph (3) that the project would constitute a habitats project, only the following provisions of these Regulations apply-

- (a) Parts 1 and 2;
- (b) regulation 10;
- (c) regulations 13 and 14;
- (d) regulations 16 to 24 and Schedule 3;
- (e) regulations 25 to 30; and
- (f) regulation 32.

(5) Where paragraph (2) applies and the Welsh Ministers determine under paragraph (3) that the project would not constitute a habitats project, only the following provisions of these Regulations apply-

- (a) Parts 1 and 2;
- (b) regulation 26; and
- (c) regulation 30.

(6) The second case is where the Welsh Ministers have determined under regulation 6-

- (a) that the dredging does not constitute a relevant project; and
- (b) that the dredging does not constitute a habitats project;

and, in such a case, only the following provisions of these Regulations apply-

- (i) Parts 1 and 2,
- (ii) regulation 26, and
- (iii) regulation 30.

(7) Subject to paragraph (8), the third case is where the dredging continues to be carried out in accordance with a written agreement entered into by the owner before commencement, and in such a case only the following provisions of these Regulations apply-

- (a) Rhannau 1 a 2;
- (b) rheoliad 24 ac Atodlen 3;
- (c) rheoliad 26;
- (ch) rheoliad 29; a
- (d) rheoliad 30.

(8) Pan fo cytundeb ysgrifenedig a wnaed gan y perchennog cyn cychwyn yn cael ei amrywio wrth gychwyn neu ar ôl cychwyn, dim ond pan fo Gweinidogion Cymru, o ystyried y meini prawf dethol hynny sy'n berthnasol, wedi dyfarnu nad yw treillio o dan y cytundeb fel y'i hamrywir felly yn brosiect perthnasol y bydd y treillio'n dod o dan y trydydd achos (a bydd Atodlen 2 yn effeithiol i bennu'r meini prawf dethol ar gyfer dibenion y Rheoliadau hyn).

- (a) Parts 1 and 2;
- (b) regulation 24 and Schedule 3;
- (c) regulation 26;
- (d) regulation 29; and
- (e) regulation 30.

(8) Where a written agreement entered into by the owner before commencement is varied on or after commencement, the dredging will only fall within the third case where the Welsh Ministers have determined, having regard to such of the selection criteria as are relevant, that dredging under the agreement as so varied does not constitute a relevant project (and Schedule 2 will have effect to specify the selection criteria for the purposes of these Regulations).

RHAN 3

MATERION RHAGARWEINIOL

Dyfarniadau rhagarweiniol Gweinidogion Cymru

6.-(1) Caiff person sy'n cynnig gwneud gwaith treillio ofyn am ddyfarniad rhagarweiniol gan Weinidogion Cymru o ran-

- (a) p'un a fyddai'r treillio'n brosiect perthnasol ai peidio; a
- (b) p'un a fyddai'r treillio'n brosiect cynefinoedd ai peidio.

(2) Cyn gwneud dyfarniad mewn ymateb i archiad o dan baragraff (1), rhaid i Weinidogion Cymru ymgynghori-

- (a) â'r perchennog (os nad y perchennog yw'r person sy'n gofyn am y dyfarniad); a
- (b) â'r cyrff ymgynghori priodol.

(3) Caiff Gweinidogion Cymru ofyn i'r person sy'n gwneud yr archiad o dan baragraff (1) ddarparu'r cyfryw wybodaeth bellach o fewn y cyfryw gyfnod penodedig ac ar y cyfryw ffurf ag sy'n rhesymol ofynnol.

(4) Os bydd y person sy'n gwneud yr archiad o dan baragraff (1) yn methu â darparu'r wybodaeth y gofynnir amdani cyn pen y cyfnod penodedig neu cyn pen unrhyw gyfnod pellach ag y bydd Gweinidogion Cymru yn ei ganiatáu, bernir y bydd yr archiad wedi ei dynnu'n ôl.

(5) Wrth wneud dyfarniad rhagarweiniol mewn ymateb i gais o dan baragraff (1)(a) rhaid i Weinidogion Cymru ystyried y meini prawf dethol hynny sy'n berthnasol yn yr achos penodol.

PART 3

PRELIMINARY MATTERS

Preliminary determinations of the Welsh Ministers

6.-(1) A person who proposes to carry out dredging may request the Welsh Ministers' preliminary determination as to-

- (a) whether or not the dredging would constitute a relevant project; and
- (b) whether or not the dredging would constitute a habitats project.

(2) Before making a determination in response to a request under paragraph (1), the Welsh Ministers must consult-

- (a) the owner (if the owner is not the person requesting the determination); and
- (b) the appropriate consultation bodies.

(3) The Welsh Ministers may ask the person making the request under paragraph (1) to supply such further information within such specified period and in such form as may reasonably be required.

(4) If the person making the request under paragraph (1) fails to supply the information requested within the specified period or such further period as the Welsh Ministers may allow, the request will be deemed to be withdrawn.

(5) In making a preliminary determination in response to an application under paragraph (1)(a) the Welsh Ministers must take into account such of the selection criteria as are relevant in the particular case.

(6) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddynt wneud dyfarniad rhagarweiniol, rhaid i Weinidogion Cymru-

- (a) anfon copi ohono i'r person sy'n gwneud yr archiad o dan baragraff (1) ac i unrhyw bersonau yr ymgynghorir â hwy o dan baragraff (2); a
- (b) cymryd y camau y mae Gweinidogion Cymru o'r farn eu bod yn briodol i sicrhau ei fod ar gael i'r cyhoedd o dan sylw(1).

Barn Gweinidogion Cymru am gynnwys y datganiad amgylcheddol

7.-(1) Yn y Rheoliadau hyn, ystyr "datganiad amgylcheddol" ("*environmental statement*") yw datganiad sy'n cynnwys -

- (a) o leiaf yr wybodaeth a geir yn Rhan 1 o Atodlen 1 i'r Rheoliadau hyn; a
- (b) hynny o'r wybodaeth, a bennir yn Rhan 2 o'r Atodlen honno, ag sy'n rhesymol ofynnol ar gyfer asesu effeithiau amgylcheddol y prosiect perthnasol ac, o ystyried yn benodol wybodaeth a dulliau asesu cyfredol, ag y mae'n rhesymol gofyn i'r ceisydd ei llunio;

ac mae Atodlen 1 yn effeithiol at y dibenion hyn.

(2) Pan fydd ceisydd arfaethedig yn gofyn iddynt wneud hynny, rhaid i Weinidogion Cymru roi barn ynghylch yr wybodaeth i'w darparu drwy ddatganiad amgylcheddol.

(3) Cyn rhoi barn, rhaid i Weinidogion Cymru ymgynghori-

- (a) â'r ceisydd arfaethedig;
- (b) â'r perchennog (os nad y perchennog yw'r person sy'n gofyn am y farn); ac
- (c) â'r cyrff ymgynghori priodol,

ynghylch yr wybodaeth i'w darparu drwy'r datganiad amgylcheddol.

(4) Rhaid i Weinidogion Cymru anfon copi o farn a roddir o dan y rheoliad hwn i unrhyw berson yr ymgynghorwyd ag ef o dan baragraff (3).

Darparu gwybodaeth i hwyluso paratoi datganiad amgylcheddol

8.-(1) Pan fo'r cais a gynigir yn gwneud datganiad amgylcheddol yn ofynnol, caiff ceisydd arfaethedig roi hysbysiad o fwriad i gyflwyno cais i Weinidogion Cymru.

(2) Rhaid i hysbysiad o dan baragraff (1) gynnwys yr

(6) As soon as reasonably practicable after making a preliminary determination, the Welsh Ministers must-

- (a) send a copy of it to the person making the request under paragraph (1) and to any persons consulted under paragraph (2); and
- (b) take such steps as the Welsh Ministers consider appropriate to ensure that it is made available to the public concerned(1).

Opinion of the Welsh Ministers as to the content of the environmental statement

7.-(1) In these Regulations, "environmental statement" ("*datganiad amgylcheddol*") means a statement that includes -

- (a) at least the information set out in Part 1 of Schedule 1 to these Regulations; and
- (b) such of the information set out in Part 2 of that Schedule as is reasonably required to assess the environmental effects of the relevant project and which, having regard in particular to current knowledge and methods of assessment, the applicant can reasonably be required to compile,

and Schedule 1 has effect for these purposes.

(2) At the request of a prospective applicant, the Welsh Ministers must give an opinion as to the information to be provided by an environmental statement.

(3) Before giving an opinion, the Welsh Ministers must consult-

- (a) the prospective applicant;
- (b) the owner (if the owner is not the person requesting the opinion); and
- (c) the appropriate consultation bodies,

as to the information to be provided by the environmental statement.

(4) The Welsh Ministers must send a copy of an opinion given under this regulation to any person who has been consulted under paragraph (3).

Provision of information to facilitate preparation of environmental statement

8.-(1) A prospective applicant may, where the proposed application requires an environmental statement, give notice of an intention to submit an application to the Welsh Ministers.

(2) A notice under paragraph (1) must include the

(1) Ar gyfer "y cyhoedd o dan sylw" Gweler Erthygl 1 o'r Gyfarwyddeb EIA.

(1) For "the public concerned", see Article 1 of the EIA Directive.

wybodaeth sy'n angenrheidiol i nodi lleoliad a natur y treillio, a rhaid iddo nodi prif ganlyniadau amgylcheddol y treillio y cyfeirir atynt yn natganiad amgylcheddol y ceisydd arfaethedig.

(3) Cyn gynted ag y bydd cais o dan baragraff (1) yn dod i law, rhaid i Weinidogion Cymru -

- (a) hysbysu'r cyrff ymgynghori priodol am enw a chyfeiriad y ceisydd arfaethedig ac am y ddyletswydd a roddir ar y cyrff ymgynghori hynny gan baragraff (4) i sicrhau bod gwybodaeth ar gael i'r person hwnnw;
- (b) hysbysu'r ceisydd arfaethedig am enwau a chyfeiriadau'r cyrff a hysbysir o dan is-baragraff (a); ac
- (c) hysbysu'r ceisydd arfaethedig am enw a chyfeiriad pob un o adrannau'r llywodraeth a gaiff ddal gwybodaeth a all fod yn berthnasol i baratoi'r datganiad amgylcheddol.

(4) Yn ddarostyngedig i baragraff (5), rhaid i unrhyw gorff a hysbysir o dan baragraff (3)(a) neu unrhyw un o adrannau'r llywodraeth y rhoddir gwybod amdani i'r ceisydd arfaethedig o dan baragraff (3)(c), neu Weinidogion Cymru, os gofynnir iddynt wneud hynny gan y ceisydd arfaethedig, ddyfarnu p'un a oes ganddo yn ei feddiant, ganddi yn ei meddiant neu ganddynt yn eu meddiant unrhyw wybodaeth sy'n berthnasol i baratoi'r datganiad amgylcheddol ai peidio ac, os oes ganddo, ganddi neu ganddynt wybodaeth, rhaid i'r corff, yr adran neu Weinidogion Cymru sicrhau bod yr wybodaeth honno ar gael i'r ceisydd arfaethedig.

(5) Nid yw paragraff (4) yn ei gwneud yn ofynnol datgelu unrhyw wybodaeth-

- (a) y mae Rheoliadau Gwybodaeth Amgylcheddol 2004(1) yn gymwys iddi, os byddai gan y person sy'n dal yr wybodaeth yr hawl i'w hatal mewn ymateb i archiad a wneir yn unol â'r Rheoliadau hynny; neu
- (b) a fyddai, mewn unrhyw achos arall, yn wybodaeth esempt pe gofynnid am iddi gael ei datgelu yn unol â Deddf Rhyddid Gwybodaeth 2000(2).

(6) Caiff corff neu unrhyw un o adrannau'r llywodraeth sy'n sicrhau bod gwybodaeth ar gael yn unol â pharagraff (4) (ac eithrio Gweinidogion Cymru sy'n gyfrifol am benderfynu ar y cais) godi tâl rhesymol sy'n adlewyrchu'r gost o sicrhau bod yr wybodaeth berthnasol ar gael.

Ffioedd am faterion rhagarweiniol

9.-(1) Pan fo archiad yn cael ei wneud o dan reoliad 7(2), neu pan fo hysbysiad yn cael ei roi o dan reoliad 8(1), rhaid i'r ceisydd arfaethedig dalu i Weinidogion

(1) O.S. 2004/3391.

(2) 2000 p.36. Gweler yn benodol Ran II o'r Ddeddf honno.

information necessary to identify the location and nature of the dredging, and must indicate the main environmental consequences of the dredging which will be referred to in the prospective applicant's environmental statement.

(3) On receipt of a notice under paragraph (1), the Welsh Ministers must -

- (a) notify the appropriate consultation bodies of the name and address of the prospective applicant and of the duty imposed on such consultation bodies by paragraph (4) to make information available to that person;
- (b) notify the prospective applicant of the names and addresses of the bodies notified under subparagraph (a); and
- (c) notify the prospective applicant of the name and address of each government department which may hold information which may be relevant to the preparation of the environmental statement.

(4) Subject to paragraph (5), any body notified under paragraph (3)(a) or government department notified to the prospective applicant under paragraph (3)(c), or the Welsh Ministers, must, if requested to do so by the prospective applicant, determine whether or not it has or they have in its or their possession any information relevant to the preparation of the environmental statement and, if it has or they have, the body, department or the Welsh Ministers must make that information available to the prospective applicant.

(5) Paragraph (4) does not require the disclosure of any information-

- (a) to which the Environmental Information Regulations 2004(1) apply, where the person holding it would be entitled to withhold it in response to a request made in accordance with those Regulations; or
- (b) which in any other case would be exempt information if a request for its disclosure were made in accordance with the Freedom of Information Act 2000(2).

(6) A reasonable charge reflecting the cost of making the relevant information available may be made by a body or any government department (other than the Welsh Ministers, who are responsible for deciding the application) which makes information available in accordance with paragraph (4).

Fees for preliminary matters

9.-(1) Where a request is made under regulation 7(2), or a notice is given under regulation 8(1), the prospective applicant must pay to the Welsh Ministers

(1) S.I. 2004/3391.

(2) 2000 c.36. See specifically Part II of that Act.

Cymru y ffi a ddyfernir yn unol â rheoliad 25, ond pan fo archiad yn cael ei wneud a hysbysiad yn cael ei roi mewn cysylltiad â'r un cais, dim ond un ffi o'r fath sy'n daladwy.

(2) Ni oes rheidrwydd ar Weinidogion Cymru i gyflawni unrhyw weithred mewn ymateb i archiad neu hysbysiad hyd oni fydd y ffi wedi ei thalu.

RHAN 4

CANIATADAU AR GYFER TREILLIO

Ceisiadau am ganiatâd

10.-(1) O ran cais am ganiatâd i dreillio-

- (a) rhaid ei wneud i Weinidogion Cymru;
- (b) rhaid iddo gynnwys yr wybodaeth y mae'n rhesymol i Weinidogion Cymru ofyn amdani;
- (c) onid yw'r treillio'n dod o fewn un o'r achosion a ddisgrifir ym mharagraffau (2) a (3), rhaid iddo gynnwys datganiad amgylcheddol;
- (ch) pan fo paragraff (2) yn gymwys, a phan fo dyfarniad yr Ysgrifennydd Gwladol yn ymwneud â rhan yn unig o'r treillio, rhaid iddo gynnwys datganiad amgylcheddol mewn cysylltiad ag unrhyw ran o'r treillio nad yw'r dyfarniad yn gymwys iddo; a
- (d) rhaid amgáu gyda'r cais ffi a ddyfernir yn unol â rheoliad 25.

(2) Yr achos cyntaf yw os bydd yr Ysgrifennydd Gwladol wedi penderfynu o dan reoliad 5(2) fod y treillio'n brosiect neu ran o brosiect sy'n bodloni dibenion amddiffyn gwladol ac y byddai cymhwyso'r Rheoliadau hyn, ym marn yr Ysgrifennydd Gwladol, yn cael effaith andwyol ar y dibenion hynny.

(3) Yr ail achos yw os bydd Gweinidogion Cymru, cyn pen 12 mis cyn dyddiad y cais, wedi dyfarnu mewn ymateb i gais o dan reoliad 6(1)(a) nad yw'r treillio'n brosiect perthnasol.

(4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r ceisydd gyflenwi, o fewn y cyfnod y gellir yn rhesymol ei bennu, y nifer o gopïau o'r cais a all fod yn rhesymol ofynnol.

(5) Os bydd y ceisydd, o fewn y cyfnod y mae Gweinidogion Cymru wedi ei bennu, neu gyfnod pellach y gall Gweinidogion Cymru ei ganiatáu, yn methu â chydymffurfio ag unrhyw un o ofynion y rheoliad hwn, tybir y bydd y cais wedi ei dynnu'n ôl ar ddiwedd y cyfryw gyfnod, ac ad-delir y ffi os nad yw Gweinidogion Cymru erbyn hynny wedi cyhoeddi hysbysiad o dan reoliad 12(1).

the fee determined in accordance with regulation 25, but where both a request is made and a notice is given in respect of the same application, only one such fee is payable.

(2) The Welsh Ministers are not be obliged to carry out any action in response to the request or notice until the fee has been paid.

PART 4

PERMISSIONS FOR DREDGING

Applications for permission

10.-(1) An application for permission to carry out dredging must -

- (a) be made to the Welsh Ministers;
- (b) contain such information as the Welsh Ministers may reasonably require;
- (c) unless the dredging falls within one of the cases described in paragraphs (2) and (3), include an environmental statement;
- (d) where paragraph (2) applies, and the Secretary of State's determination relates to part only of the dredging, include an environmental statement in respect of any part of the dredging to which the determination does not apply; and
- (e) be accompanied by a fee determined in accordance with regulation 25.

(2) The first case is where the Secretary of State has determined under regulation 5(2) that the dredging constitutes or forms part of a project serving national defence purposes and that, in the opinion of the Secretary of State, the application of these Regulations would have an adverse effect on those purposes.

(3) The second case is where the Welsh Ministers have, within 12 months prior to the date of the application, determined in response to an application under regulation 6(1)(a) that the dredging does not constitute a relevant project.

(4) The Welsh Ministers may require the applicant to supply such number of copies of the application as may reasonably be required, within such period as may reasonably be specified.

(5) Where the applicant fails, within such period as the Welsh Ministers have specified, or such further period as the Welsh Ministers may allow, to comply with any requirement of this regulation, the application will be deemed to be withdrawn at the end of such period, and the fee will be refunded if the Welsh Ministers have not yet published a notice under regulation 12(1).

(6) Caniateir tynnu'n ôl gais o dan y rheoliad hwn ar unrhyw adeg drwy hysbysiad i Weinidogion Cymru, ac ad-delir y ffi os nad yw Gweinidogion Cymru, ar yr adeg pryd y mae hysbysiad tynnu'n ôl yn dod i law, wedi cyhoeddi erbyn hynny hysbysiad o dan reoliad 12(1).

(7) Pan fo cais o dan y rheoliad hwn yn dod i law, a hwnnw'n gais a all fod yn brosiect neu ran o brosiect sy'n bodloni dibenion amddiffyn gwladol, rhaid i Weinidogion Cymru ddarparu copi o'r cais hwnnw ar gyfer yr Ysgrifennydd Gwladol.

Gwybodaeth bellach

11.-(1) Mae paragraff (2) yn gymwys pan fo Gweinidogion Cymru o'r farn-

- (a) bod y datganiad amgylcheddol yn methu â chynnwys digon o wybodaeth o ddisgrifiad a bennir mewn unrhyw un neu rai o'r paragraffau yn Rhan 2 o Atodlen 1 i alluogi rhoi ystyriaeth lawn i effeithiau amgylcheddol y treillio; a
- (b) o ystyried yn benodol wybodaeth a dulliau asesu cyfredol, y gellir yn rhesymol ei gwneud yn ofynnol i'r ceisydd gyflenwi gwybodaeth bellach o'r cyfryw ddisgrifiad.

(2) Pan fo'r paragraff hwn yn gymwys, rhaid i Weinidogion Cymru ofyn i'r ceisydd gyflenwi'r wybodaeth bellach honno y mae Gweinidogion Cymru o'r farn bod ei hangen a rhaid iddynt hysbysu'r ceisydd-

- (a) am y nifer o gopïau o'r wybodaeth bellach honno y mae'n ofynnol i'r ceisydd eu cyflenwi; a
- (b) cyn pen pa gyfnod y mae'n rhaid cyflenwi'r wybodaeth bellach honno.

(3) Pan fo'r ceisydd, cyn pen y cyfnod y mae Gweinidogion Cymru wedi ei bennu, neu'r cyfnod pellach y gall Gweinidogion Cymru ei ganiatáu, yn methu â chydymffurfio ag unrhyw archiad gan Weinidogion Cymru o dan y rheoliad hwn, bernir y bydd y cais wedi ei dynnu'n ôl ar ddiwedd y cyfnod hwnnw ac ad-delir y ffi os na fydd Gweinidogion Cymru wedi cyhoeddi erbyn hynny hysbysiad o dan reoliad 12(1).

Cyhoeddusrwydd ac ymgynghori

12.-(1) Pan fo'r canlynol yn dod i law-

- (a) cais a wneir o dan reoliad 10 sy'n cynnwys datganiad amgylcheddol; neu
- (b) gwybodaeth bellach a gyflenwir o dan reoliad 11 neu wybodaeth arall a ddarperir gan y ceisydd,

rhaid i Weinidogion Cymru gyhoeddi drwy hysbysebu'n gyhoeddus, cyn gynted ag y bo'n rhesymol ymarferol, hysbysiad yn cydymffurfio â gofynion paragraff (2).

(6) An application under this regulation may be withdrawn at any time by notice to the Welsh Ministers, and the fee will be refunded if, at the time when the Welsh Ministers receive the notice of withdrawal, the Welsh Ministers have not yet published a notice under regulation 12(1).

(7) Where the Welsh Ministers receive an application under this regulation which may constitute or form part of a project serving national defence purposes, the Welsh Ministers must provide a copy of that application to the Secretary of State.

Further information

11.-(1) Paragraph (2) applies where the Welsh Ministers consider-

- (a) that the environmental statement fails to contain sufficient information of a description specified in any of the paragraphs of Part 2 of Schedule 1 to enable the environmental effects of the dredging to be fully considered; and
- (b) having regard in particular to current knowledge and methods of assessment, that the applicant can reasonably be required to supply further information of such description.

(2) Where this paragraph applies, the Welsh Ministers must request the applicant to supply such further information as the Welsh Ministers consider necessary and must notify the applicant of-

- (a) the number of copies of the further information that the applicant is required to supply; and
- (b) the period within which such further information must be supplied.

(3) Where the applicant fails, within such period as the Welsh Ministers have specified, or such further period as the Welsh Ministers may allow, to comply with any request of the Welsh Ministers under this regulation, the application will be deemed to be withdrawn at the end of such period and the fee will be refunded if the Welsh Ministers have not yet published a notice under regulation 12(1).

Publicity and consultation

12.-(1) Where the Welsh Ministers receive -

- (a) an application made under regulation 10 which includes an environmental statement; or
- (b) further information supplied under regulation 11 or any other information provided by the applicant,

the Welsh Ministers must publish by public advertisement, as soon as reasonably practicable, a notice complying with the requirements of paragraph (2).

(2) Rhaid i'r hysbysiad gynnwys yr wybodaeth ganlynol -

- (a) enw'r ceisydd;
- (b) datganiad bod y ceisydd wedi gwneud cais neu, yn ôl y digwydd, wedi cyflenwi gwybodaeth bellach neu wybodaeth arall, i Weinidogion Cymru o dan y Rheoliadau hyn;
- (c) datganiad bod y cais yn ddarostyngedig i asesiad o'i effeithiau ar yr amgylchedd o dan y Rheoliadau hyn;
- (ch) y bydd Gweinidogion Cymru'n gwneud penderfyniad ar y cais o dan y Rheoliadau hyn a datganiad y gall y cais naill ai gael ei ganiatáu, p'un ai'n ddarostyngedig i amodau ai peidio, neu ei wrthod;
- (d) cyfeiriad y man yng Nghymru lle y caniateir edrych ar gopïau o'r cais ac o unrhyw wybodaeth bellach neu wybodaeth arall ac o unrhyw adroddiadau neu gyngor sydd wedi eu dyroddi neu ei ddyroddi i Weinidogion Cymru ar yr adeg honno, yn ôl y digwydd;
- (dd) datganiad y caniateir edrych ar y cais, unrhyw wybodaeth bellach neu wybodaeth arall, ac unrhyw adroddiadau neu gyngor sydd wedi eu dyroddi neu ei ddyroddi i Weinidogion Cymru, yn y man hwnnw, yn ddi-dâl, ac ar unrhyw adeg resymol yn ystod cyfnod y mae'n rhaid iddo beidio â bod yn llai nag wyth wythnos yn cychwyn ar ddyddiad cyhoeddi'r hysbysiad;
- (e) o ba gyfeiriad y gellir caffael copïau o'r cais ac o unrhyw wybodaeth bellach neu wybodaeth arall ac o unrhyw adroddiadau neu gyngor sydd wedi eu dyroddi neu ei ddyroddi i Weinidogion Cymru ac, os codir tâl o dan baragraff (3) am gyflenwi copïau, swm y tâl;
- (f) datganiad y caiff unrhyw berson sy'n dymuno cyflwyno sylwadau i Weinidogion Cymru ynghylch y cais neu ynghylch unrhyw wybodaeth bellach neu wybodaeth arall neu unrhyw adroddiadau neu gyngor sydd wedi eu dyroddi neu ei ddyroddi i Weinidogion Cymru wneud hynny'n ysgrifenedig cyn pen y cyfnod a grybwyllir yn is-baragraff (dd); ac
- (ff) i ba gyfeiriad yng Nghymru y caniateir anfon sylwadau.

(3) Caniateir codi tâl rhesymol, ar unrhyw berson sy'n gofyn amdanynt, am ddarparu copïau o'r cais neu o unrhyw wybodaeth bellach neu wybodaeth arall neu o unrhyw adroddiadau neu gyngor sydd wedi eu dyroddi neu ei ddyroddi i Weinidogion Cymru.

(4) Rhaid i Weinidogion Cymru anfon at y cyrff ymgynghori priodol ac at y perchennog (os nad y perchennog yw'r ceisydd)-

- (a) copi o'r cais a, chyn gynted ag y bo'n rhesymol ymarferol, o unrhyw wybodaeth bellach neu wybodaeth arall ac o unrhyw adroddiadau neu

(2) The notice must contain the following information -

- (a) the applicant's name;
- (b) a statement that the applicant has made an application or, as the case may be, supplied further information or other information, to the Welsh Ministers under these Regulations;
- (c) a statement that the application is subject to an assessment of its effects on the environment under these Regulations;
- (d) that the Welsh Ministers will take a decision on the application under these Regulations and a statement that the application may either be granted, whether or not subject to conditions, or refused;
- (e) the address of the place in Wales at which copies of the application and any further or other information and any reports or advice which have been issued to the Welsh Ministers at that time, as the case may be, may be inspected;
- (f) a statement that inspection of the application, any further or other information, and any reports or advice which have been issued to the Welsh Ministers may be undertaken at that place, without charge, and at any reasonable time during a period which must be not less than eight weeks beginning with the date on which the notice is published;
- (g) the address from which copies of the application and any further or other information and any reports or advice which have been issued to the Welsh Ministers may be obtained and, if a charge is made under paragraph (3) for the supply of copies, the amount of the charge;
- (h) a statement that any person who wishes to make representations to the Welsh Ministers regarding the application or regarding any further or other information or any reports or advice which have been issued to the Welsh Ministers may do so in writing within the period mentioned in sub-paragraph (f); and
- (i) the address in Wales to which representations may be sent.

(3) A reasonable charge may be made for the provision of copies of the application or any further or other information or any reports or advice which have been issued to the Welsh Ministers, to any person who requests them.

(4) The Welsh Ministers must send to the appropriate consultation bodies and the owner (if the owner is not the applicant)-

- (a) a copy of the application and, as soon as reasonably practicable, of any further or other information and of any reports or advice that

gyngor sydd wedi eu dyroddi neu ei ddyroddi i Weinidogion Cymru, a

(b) datganiad-

- (i) y caniateir cyflwyno sylwadau i Weinidogion Cymru ynghylch y cais,
- (ii) yn datgan i ba gyfeiriad yng Nghymru y caniateir anfon y sylwadau, a
- (iii) yn datgan cyn pen pa gyfnod, nad yw'n llai nag wyth wythnos yn cychwyn ar y dyddiad pryd y cyhoeddir gyntaf hysbysiad yn unol â pharagraff (1), y caniateir cyflwyno sylwadau.

(5) Pan fo Gweinidogion Cymru yn ymwybodol o unrhyw berson arall (gan gynnwys unrhyw gorff anllwywodraethol sy'n hybu diogelu'r amgylchedd mewn dyfroedd morol) sy'n debygol o fod â diddordeb yn y cais, ond sy'n annhebygol o ddod i wybod amdano drwy gyfrwng yr hysbysebu cyhoeddus, rhaid i Weinidogion Cymru anfon i'r person hwnnw hysbysiad yn cynnwys y manylion a nodir ym mharagraff (2).

Penderfyniadau ar geisiadau

13.-(1) Cyn penderfynu p'un ai i roi neu i wrthod caniatâd i gais o dan reoliad 10, rhaid i Weinidogion Cymru ddyfarnu a yw'r cais yn ymwneud â phrosiect sy'n brosiect cynefinoedd onid oes dyfarniad rhagarweiniol wedi ei wneud, cyn pen y 12 mis cyn cyflwyno'r cais, mewn ymateb i gais o dan reoliad 6(1)(b) na fyddai'r un prosiect yn brosiect cynefinoedd.

(2) Rhaid i'r ceisydd ddarparu unrhyw wybodaeth y y mae'n rhesymol i Weinidogion Cymru ofyn amdani i alluogi Gweinidogion Cymru i wneud dyfarniad o dan baragraff (1).

(3) Cyn penderfynu p'un ai i roi neu i wrthod caniatâd i brosiect y mae Gweinidogion Cymru wedi dyfarnu y byddai'n brosiect cynefinoedd (p'un ai o dan y rheoliad hwn neu o dan reoliad 6(1)(b)), rhaid i Weinidogion Cymru wneud asesiad priodol o'r goblygiadau ar gyfer y safle Ewropeaidd yr effeithir arno, yng ngoleuni ei amcanion cadwraeth; ac mae paragraff 2 o Atodlen 3 yn gymwys at y diben hwnnw.

(4) Cyn penderfynu p'un ai i roi neu i wrthod caniatâd caiff Gweinidogion Cymru roi'r cyfle i gyflwyno sylwadau (yn bersonol neu'n ysgrifenedig) i berson a benodir gan Weinidogion Cymru at y diben hwnnw, i'r ceisydd, i'r perchennog (os nad y perchennog yw'r ceisydd) ac i unrhyw berson arall y mae Gweinidogion Cymru o'r farn y dylent gael cyfle o'r fath.

(5) Wrth benderfynu p'un ai i roi neu i wrthod caniatâd, rhaid i Weinidogion Cymru ystyried-

have been issued to the Welsh Ministers, and

(b) a statement-

- (i) that representations may be made to the Welsh Ministers regarding the application,
- (ii) of the address in Wales to which representations may be sent, and
- (iii) of the period, being not less than eight weeks beginning with the date on which notice of the application is first published in accordance with paragraph (1), within which representations may be made.

(5) Where the Welsh Ministers are aware of any other person (including any non-governmental organisation promoting environmental protection in marine waters) who is likely to have an interest in the application, but is unlikely to become aware of it by means of the public advertisement, the Welsh Ministers must send a notice to such person containing the details set out in paragraph (2).

Decisions on applications

13.-(1) Before deciding whether to grant or to refuse permission on an application under regulation 10, the Welsh Ministers must determine whether the application relates to a project which constitutes a habitats project unless, within the 12 months prior to the submission of the application, a preliminary determination has been made in response to an application under regulation 6(1)(b) that the same project would not constitute a habitats project.

(2) The applicant must provide such information as the Welsh Ministers may reasonably require to enable the Welsh Ministers to make the determination under paragraph (1).

(3) Before deciding whether to grant or to refuse permission for a project which the Welsh Ministers have determined would constitute a habitats project (whether under this regulation or under regulation 6(1)(b)), the Welsh Ministers must make an appropriate assessment of the implications for the European site affected, in view of its conservation objectives; and paragraph 2 of Schedule 3 applies for that purpose.

(4) Before deciding whether to grant or to refuse permission the Welsh Ministers may give the opportunity of making representations (whether in person or in writing) to a person appointed by the Welsh Ministers for that purpose, to the applicant, the owner (if the owner is not the applicant) and any other person whom the Welsh Ministers consider should be given such an opportunity.

(5) In deciding whether to grant or to refuse permission, the Welsh Ministers must take into consideration-

- (a) yr wybodaeth a ddarperir yn y cais;
- (b) y datganiad amgylcheddol, pan fo un wedi ei ddarparu;
- (c) unrhyw wybodaeth bellach a gyflenwir o dan reoliad 11 ac unrhyw wybodaeth arall a gyflwynir gan y ceisydd;
- (ch) unrhyw sylwadau perthnasol a wneir mewn ymateb i'r hysbysiad a gyhoeddir o dan reoliad 12(1), neu gan unrhyw un yr anfonwyd ato gopi o'r cais o dan reoliad 12(4) neu yr anfonwyd ato hysbysiad o dan reoliad 12(5);
- (d) unrhyw farn a anfonwyd ymlaen at Weinidogion Cymru o dan reoliad 15(4);
- (dd) unrhyw adroddiadau a chyngor a ddyroddwyd i Weinidogion Cymru;
- (e) adroddiad unrhyw berson a benodir o dan baragraff (4); ac
- (f) unrhyw bolisi Gweinidogion Cymru sydd wedi ei gyhoeddi mewn perthynas ag echdynnu mwynau drwy dreillio gwely'r môr.

(6) Ni chaiff Gweinidogion Cymru roi caniatâd ond -

- (a) os bydd canlyniadau asesiad a wneir o dan baragraff (3) yn cadarnhau na fydd y prosiect perthnasol, naill ai ar ei ben ei hun neu ar y cyd â chynlluniau a phrosiectau eraill, yn effeithio ar integriti'r safle Ewropeaidd; neu
- (b) os ceir asesiad negyddol o'r goblygiadau ar gyfer y safle, os bydd y darpariaethau a geir ym mharagraff 2(7), neu 2(8) a (9) o Atodlen 3 yn gymwys.

(7) O ran rhoi caniatâd -

- (a) caiff fod yn ddarostyngedig i'r amodau hynny sy'n briodol ym marn Gweinidogion Cymru; gan gynnwys-
 - (i) amodau a fwriedir i weithredu unrhyw bolisi a gymerir i ystyriaeth o dan baragraff (5)(f) sy'n cynnwys terfynau rhanbarthol ar faint o dunelli o fwynau y caniateir eu treillio, a
 - (ii) amodau o ran y ffioedd, a ddyfernir yn unol â rheoliad 25, i'w talu mewn cysylltiad â threuliau Gweinidogion Cymru a dynnir wrth asesu a dehongli canlyniadau unrhyw fonitro, a wneir yn unol â'r amodau hynny, i weld i ba raddau y cydymffurfir â'r amodau sydd ynghlwm wrth y caniatâd;

a

- (b) bydd yn cael ei wneud i'r perchennog ac, yn ddarostyngedig i unrhyw drosglwyddiad o dan reoliad 16, yn dod yn weithredol er budd y perchennog.

- (a) the information provided in the application;
- (b) the environmental statement, where one has been provided;
- (c) any further information supplied under regulation 11 and any other information submitted by the applicant;
- (d) any relevant representations made in response to the notice published under regulation 12(1), or by anyone to whom a copy of the application has been sent under regulation 12(4) or to whom a notice has been sent under regulation 12(5);
- (e) any opinion forwarded to the Welsh Ministers under regulation 15(4);
- (f) any reports and advice that have been issued to the Welsh Ministers;
- (g) the report of any person appointed under paragraph (4); and
- (h) any published policy of the Welsh Ministers in relation to the extraction of minerals by marine dredging.

(6) The Welsh Ministers may only grant permission if -

- (a) the results of an assessment carried out under paragraph (3) establish that the relevant project will not, either alone or in combination with other plans or projects, affect the integrity of the European site; or
- (b) in the event of a negative assessment of the implications for the site, the provisions set out in paragraph 2(7), or 2(8) and (9), of Schedule 3 apply.

(7) A grant of permission -

- (a) may be subject to such conditions as the Welsh Ministers consider appropriate; including -
 - (i) conditions intended to implement any policy taken into account under paragraph (5)(h) which contains regional limits on the tonnage of minerals which may be dredged, and
 - (ii) conditions as to the fees, determined in accordance with regulation 25, to be paid in respect of the Welsh Ministers' expenses incurred in assessing and interpreting the results of any monitoring of compliance with the conditions attached to the permission carried out in accordance with such conditions;

and

- (b) will be made to, and subject to any transfer under regulation 16, will ensure for the benefit of, the owner.

(8) Rhaid i Weinidogion Cymru anfon hysbysiad o'r penderfyniad at-

- (a) y ceisydd;
- (b) y perchennog (os nad y perchennog yw'r ceisydd);
- (c) unrhyw berson sydd wedi cyflwyno sylwadau mewn cysylltiad â'r cais; ac
- (ch) y cyrff ymgynghori priodol yr ymgynghorwyd â hwy o dan reoliad 12(4)

a rhaid i'r hysbysiad ddatgan -

- (i) y prif resymau dros y penderfyniad,
- (ii) y prif ystyriaethau y mae'r penderfyniad wedi ei seilio arnynt gan gynnwys, os yw'n berthnasol, wybodaeth am broses cyfranogiad y cyhoedd,
- (iii) pan fo caniatâd yn cael ei roi, unrhyw amodau a osodir o dan baragraff (7)(a), ac, a phan fo'n briodol, y prif gamau i'w cymryd i osgoi, lleihau ac, os yw'n bosibl, i wrthbwysu unrhyw effeithiau andwyol arwyddocaol, a
- (iv) y caniateir herio'r penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.

(9) Cyn pen y cyfnod o 28 o ddiwrnodau yn dechrau ar ddyddiad y penderfyniad, rhaid i Weinidogion Cymru gyhoeddi, yn yr un dull ag y cyhoeddwyd hysbysiad sy'n berthnasol i'r cais o dan reoliad 12 neu mewn dull tebyg iddo, hysbysiad yn cynnwys-

- (a) datganiad bod Gweinidogion Cymru wedi rhoi caniatâd neu, yn ôl y digwydd, wedi ei wrthod;
- (b) disgrifiad o'r treillio y mae caniatâd wedi ei roi iddo neu, yn ôl y digwydd, wedi ei wrthod ar ei gyfer; ac
- (c) y cyfeiriad yng Nghymru lle y caiff unrhyw berson edrych ar gopi o'r hysbysiad a ddyroddir o dan baragraff (8).

Tramgywyddau sy'n gysylltiedig â cheisiadau a chaniatadau

14.-(1) Mae person sydd yn gwneud y canlynol at ddibenion cael caniatâd o dan reoliad 13 (p'un ai ar ei gyfer ef ei hun neu ar gyfer rhywun arall) yn tramgywyddo,-

- (a) gwneud datganiad neu sylw, neu gyflenwi dogfen neu wybodaeth, y mae'r person yn gwybod ei fod neu ei bod yn anwir mewn manylyn perthnasol; neu
- (b) gwneud datganiad neu sylw yn ddi-hid, neu gyflenwi dogfen neu wybodaeth, sy'n anwir mewn manylyn perthnasol.

(2) Mae i berson fethu â chydymffurfio ag amod y mae caniatâd yn ddarostyngedig iddo yn dramgywydd.

(8) The Welsh Ministers must send notice of the decision to-

- (a) the applicant;
- (b) the owner (if the owner is not the applicant);
- (c) any person who has made representations in respect of the application; and
- (d) the appropriate consultation bodies who were consulted under regulation 12(4);

and the notice must state -

- (i) the main reasons for the decision,
- (ii) the main considerations on which the decision is based including, if relevant, information about the public participation process,
- (iii) where permission is granted, any conditions imposed under paragraph (7)(a), and, where applicable, the main measures to be taken to avoid, reduce and, if possible, offset any major adverse effects, and
- (iv) that the decision may be challenged and the procedures for doing so.

(9) Within the period of 28 days beginning with the date of the decision, the Welsh Ministers must publish, in the same or similar manner in which notice relevant to the application was published under regulation 12, a notice containing-

- (a) a statement that the Welsh Ministers have granted or, as the case may be, refused permission;
- (b) a description of the dredging for which permission has been granted or, as the case may be, refused; and
- (c) the address in Wales at which any person may inspect a copy of the notice issued under paragraph (8).

Offences relating to applications and permissions

14.-(1) A person commits an offence who, for the purposes of obtaining (whether for that person or another) the grant of a permission under regulation 13,-

- (a) makes a statement or representation, or furnishes a document or information, which that person knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) It is an offence for a person to fail to comply with a condition to which a permission is subject.

Prosiectau sy'n debygol o effeithio'n sylweddol ar yr amgylchedd mewn gwladwriaeth AEE arall

15.-(1) Pan fo-

- (a) yn hysbys i Weinidogion Cymru fod prosiect perthnasol yn debygol o effeithio'n sylweddol ar yr amgylchedd mewn gwladwriaeth AEE arall; neu
- (b) gwladwriaeth AEE arall, y mae prosiect perthnasol o'r fath yn debygol o effeithio'n sylweddol ar ei thiriogaeth, yn gofyn,

rhaid i Weinidogion Cymru, cyn gynted â phosibl a heb fod yn hwyrach na dyddiad cyhoeddi'r hysbysiad y cyfeirir ato yn rheoliad 12(1), gymryd y camau a bennir ym mharagraff (2).

(2) Y camau y cyfeirir atynt ym mharagraff (1) yw bod yn rhaid i Weinidogion Cymru-

- (a) anfon i'r wladwriaeth yr effeithir arni -
 - (i) manylion am leoliad a natur y treillio,
 - (ii) unrhyw wybodaeth sydd ar gael ar effaith posibl y treillio ar yr amgylchedd yn y wladwriaeth yr effeithir arni, a
 - (iii) disgrifiad o natur y penderfyniad y gellir ei wneud o dan y Rheoliadau hyn;
- (b) rhoi i'r wladwriaeth yr effeithir arni amser rhesymol er mwyn iddi, cyn i'r amser ddod i ben, ddweud a yw'n dymuno cymryd rhan yn y weithdrefn y mae'r Rheoliadau hyn yn darparu ar ei chyfer; ac
- (c) cyhoeddi yn y London Gazette hysbysiad yn cynnwys y manylion a grybwyllir yn is-baragraff (a) ac yn nodi'r cyfeiriad o ble y gellir caffael gwybodaeth ychwanegol.

(3) Os yw gwladwriaeth yr effeithir arni'n mynegi dymuniad i gymryd rhan yn y weithdrefn y mae'r Rheoliadau hyn yn darparu ar ei chyfer, rhaid i Weinidogion Cymru, cyn gynted â phosibl, anfon i'r wladwriaeth honno yr effeithir arni hynny o'r wybodaeth ganlynol nad yw wedi ei darparu eisoes ar ei chyfer yn unol â pharagraff (2)-

- (a) copi o unrhyw gais a wneir o dan reoliad 10;
- (b) copi o unrhyw wybodaeth bellach a roddir o dan baragraff 11 neu wybodaeth arall a ddarperir gan y ceisydd;
- (c) copi o unrhyw hysbysiad a gyhoeddir o dan reoliad 12(1);
- (ch) copïau o unrhyw adroddiadau a chyngor a ddyroddir i Weinidogion Cymru; a
- (d) gwybodaeth berthnasol ynghylch y weithdrefn o dan y Rheoliadau hyn.

(4) Rhaid i Weinidogion Cymru sicrhau hefyd y rhoddir y cyfle i unrhyw gyrff a chanddynt

Projects likely to have significant effects on the environment in another EEA state

15.-(1) Where-

- (a) the Welsh Ministers are aware that a relevant project is likely to have significant effects on the environment in another EEA state; or
- (b) a request is made by another EEA state, whose territory is likely to be significantly affected by such a relevant project,

the Welsh Ministers must, as soon as possible and not later than the publication of the notice referred to in regulation 12(1), carry out the actions specified in paragraph (2).

(2) The actions mentioned in paragraph (1) are that the Welsh Ministers must-

- (a) send to the affected state -
 - (i) details of the location and nature of the dredging,
 - (ii) any available information on its potential effect on the environment in the affected state, and
 - (iii) a description of the nature of the decision which may be made under these Regulations;
- (b) give the affected state a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide; and
- (c) publish in the London Gazette a notice containing the particulars mentioned in sub-paragraph (a) and indicating the address from which additional information may be obtained.

(3) Where an affected state indicates a desire to participate in the procedure for which these Regulations provide, the Welsh Ministers must, as soon as possible, send to that affected state such of the following information as has not already been provided to it in accordance with paragraph (2)-

- (a) a copy of any application made under regulation 10;
- (b) a copy of any further information supplied under regulation 11 or other information provided by the applicant;
- (c) a copy of any notice published under regulation 12(1);
- (d) copies of any reports and advice issued to the Welsh Ministers; and
- (e) relevant information regarding the procedure under these Regulations.

(4) The Welsh Ministers must also ensure that any bodies with specific environmental responsibilities

gyfrifoldebau amgylcheddol penodol ac y mae'r wladwriaeth yr effeithir arni wedi ymgynghori â hwy a'r cyhoedd o dan sylw yn cael cyfle, cyn y penderfynir ar unrhyw gais, i anfon ymlaen i Weinidogion Cymru, cyn pen cyfnod rhesymol, eu barn ar y manylion a'r wybodaeth a ddarparwyd.

(5) Rhaid i Weinidogion Cymru-

- (a) ymgynghori â'r wladwriaeth yr effeithir arni ynghylch, ymhlith materion eraill, effeithiau posibl y treillio ar amgylchedd y wladwriaeth honno yr effeithir arni a'r camau yr arfaethir eu cymryd i leihau neu i ddileu'r effeithiau hynny; a
- (b) gyda chytundeb y wladwriaeth yr effeithir arni, ddyfarnu cyfnod rhesymol o amser i'r cyfnod ymgynghori barhau.

(6) Pan fo Gweinidogion Cymru wedi ymgynghori â gwladwriaeth yr effeithir arni yn unol â pharagraff (5) ynghylch y penderfyniad i'w wneud ar unrhyw gais o dan sylw, rhaid i Weinidogion Cymru hysbysu'r wladwriaeth honno yr effeithir arni am y penderfyniad a rhaid iddynt anfon iddi hysbysiad o'r penderfyniad; a rhaid i'r hysbysiad ddatgan-

- (a) y prif resymau am y penderfyniad;
- (b) y prif ystyriaethau y seilir y penderfyniad arnynt, gan gynnwys, os yn berthnasol, wybodaeth am broses cyfranogi y cyhoedd; ac
- (c) os rhoddir y caniatâd-
 - (i) unrhyw amodau a osodir o dan reoliad 13(7)(a), a
 - (ii) pan fo'n gymwys, y prif gamau i'w cymryd i osgoi, lleihau ac, os yw'n bosibl, gwrthbwyso unrhyw effeithiau andwyol arwyddocaol.

RHAN 5

TROSGLWYDDO AC AMRYWIO CANIATADAU

Trosglwyddo caniatâd

16.-(1) Rhaid i ganiatâd a roddir o dan y Rheoliadau hyn beidio â chael ei drosglwyddo naill ai'n gyfan gwbl neu'n rhannol i berson arall heb gael cymeradwyaeth Gweinidogion Cymru ymlaen llaw ac os ymhonnir i unrhyw drosglwyddiad gael ei wneud heb gymeradwyaeth o'r fath bydd y trosglwyddiad yn ddi-rym.

(2) Caiff Gweinidogion Cymru, pan ddaw cais i law oddi wrth y perchennog neu'r deiliad, gymeradwyo trosglwyddo naill ai'n ddiamod neu'n ddarostyngedig i amodau trosglwyddo y mae Gweinidogion Cymru o'r farn eu bod yn briodol.

(3) Pan fo caniatâd yn cael ei drosglwyddo, bydd y perchennog -

who have been consulted by the affected state and the public concerned are given an opportunity, before any application is decided, to forward to the Welsh Ministers, within a reasonable time, their opinion on the particulars and information supplied.

(5) The Welsh Ministers must-

- (a) enter into consultations with the affected state regarding, amongst other matters, the potential effects of the dredging on the environment of that affected state and the measures envisaged to reduce or eliminate such effects; and
- (b) determine, in agreement with the affected state, a reasonable period of time for the duration of the consultation period.

(6) Where the Welsh Ministers have consulted an affected state in accordance with paragraph (5) on the decision to be made on any application concerned, the Welsh Ministers must inform that affected state of the decision and must send to it a notice of the decision; and the notice must state-

- (a) the main reasons for the decision;
- (b) the main considerations on which the decision is based, including, if relevant, information about the public participation process; and
- (c) where permission is granted-
 - (i) any conditions imposed under regulation 13(7)(a), and
 - (ii) where applicable, the main measures to be taken to avoid, reduce and, if possible, offset any major adverse effects.

PART 5

TRANSFER AND VARIATION OF PERMISSIONS

Transfer of permission

16.-(1) A permission granted under these Regulations must not be transferred either in whole or in part to another person without the prior approval of the Welsh Ministers and where any transfer is purported to be made without such approval the transfer will be void.

(2) The Welsh Ministers may, upon application from the owner or the holder, approve the transfer either unconditionally or subject to such conditions of transfer as the Welsh Ministers consider appropriate.

(3) Where a permission is transferred, the owner-

- (a) yn parhau'n atebol am dorri unrhyw amod y bydd y caniatâd yn ddarostyngedig iddo, pryd bynnag y bydd y tor-amod yn digwydd;
- (b) yn parhau i fod a'r cyfryw hawliau a rhwymedigaethau mewn perthynas â'r caniatâd ag y mae'r Rheoliadau hyn yn darparu ar eu cyfer.

(4) Ni fydd unrhyw ddeiliad caniatâd yn atebol am dorri amodau, sy'n cynnwys unrhyw amodau trosglwyddo, y mae'r caniatâd yn ddarostyngedig iddynt, ond pan dorrir hwynt tra bydd y deiliad yn ddeiliad y caniatâd.

(5) Ni fydd deiliad caniatâd yn atebol am dorri unrhyw amodau a osodir er mwyn gweithredu terfynau rhanbarthol ar faint o dunelli y caniateir eu treillio.

(6) Pan fo caniatâd wedi ei drosglwyddo gyda chymeradwyaeth Gweinidogion Cymru o dan baragraff (2), bydd y trosglwyddiad yn peidio â bod yn effeithiol ar ddiwedd y cyfnod o 40 o ddiwrnodau yn dechrau ar y dyddiad trosglwyddo, neu unrhyw gyfnod pellach y gall Gweinidogion Cymru gytuno iddo, onid yw'r trosglwyddai'n hysbysu Gweinidogion Cymru cyn pen y cyfnod hwnnw-

- (a) bod y cyfan o'r caniatâd wedi ei drosglwyddo neu fod rhan o'r caniatâd wedi ei throsglwyddo, yn ôl y digwydd, i'r trosglwyddai;
- (b) os trosglwyddo rhan yn unig a wneir, am hyd a lled y rhan a drosglwyddir; ac
- (c) am y dyddiad trosglwyddo.

Amrywio caniatâd

17.-(1) Caiff Gweinidogion Cymru benderfynu amrywio caniatâd a roddir o dan y Rheoliadau hyn, yn gyfan gwbl neu'n rhannol.

- (2) Caiff Gweinidogion Cymru wneud hynny naill ai -
 - (a) ar gais person a grybwyllir yn rheoliad 18(1); neu
 - (b) ar gynnig Gweinidogion Cymru eu hunain, yn yr amgylchiadau y darperir ar eu cyfer yn rheoliad 21(1).

(3) Caiff unrhyw amrywiad ei wneud nid yn unig i'r caniatâd ei hun ond hefyd i unrhyw amod yr oedd y caniatâd yn ddarostyngedig iddo cyn ei amrywio.

Amrywio caniatâd ar gais: dyfarniadau rhagarweiniol a ffioedd

18.-(1) Caniateir gwneud cais am amrywio i Weinidogion Cymru -

- (a) os trosglwyddwyd y cyfan o'r caniatâd o dan reoliad 16, gan y deiliad;
- (b) os trosglwyddwyd rhan o'r caniatâd o dan

- (a) remains liable for any breach of any condition to which the permission is subject, whenever the breach may arise;
- (b) continues to have such rights and obligations in relation to the permission as these Regulations provide.

(4) Any holder of a permission is only liable for breaches of any conditions, including any conditions of transfer, to which the permission is subject which arise whilst the holder is the holder of the permission.

(5) A holder of a permission is not liable for breaches of any conditions imposed to implement regional limits on the tonnages which may be dredged.

(6) Where a permission has been transferred with the Welsh Ministers' approval under paragraph (2), the transfer will cease to have effect at the end of the period of 40 days beginning with the date of the transfer, or such further period as may be agreed by the Welsh Ministers, unless the transferee notifies the Welsh Ministers within that period-

- (a) that the whole or, as the case may be, part of the permission has been transferred to the transferee;
- (b) where the transfer is of part only, of the extent of the part transferred; and
- (c) of the date of the transfer.

Variation of permission

17.-(1) The Welsh Ministers may decide to vary a permission granted under these Regulations, in whole or in part.

- (2) The Welsh Ministers may do so either -
 - (a) on the application of a person mentioned in regulation 18(1); or
 - (b) of the Welsh Ministers' own motion, in the circumstances provided for in regulation 21(1).

(3) Any variation may be made not only to the permission itself but also to any condition to which the permission was subject prior to the variation.

Variation of permission on application: preliminary determinations and fees

18.-(1) An application for variation may be made to the Welsh Ministers -

- (a) where there has been a transfer of the whole of the permission under regulation 16, by the holder;
- (b) where there has been a transfer of part of the

reoliad 16, ac os trosglwyddiad mewn cysylltiad â'r rhan honno yw'r trosglwyddiad a gynigir, gan y deiliad;

(c) os bydd-

- (i) person ("trosglwyddai arfaethedig") yn ystyried dod i gytundeb â'r perchennog neu'r deiliad ar gyfer trosglwyddo caniatâd o dan reoliad 16, naill ai'n gyfan gwbl neu'n rhannol, a
- (ii) yr amrywiad a gynigir yn gysylltiedig â rhan neu â'r cyfan o'r caniatâd y bwriedir ei drosglwyddo,

gan y trosglwyddai arfaethedig; ac

(ch) mewn unrhyw achos arall, gan y perchennog.

(2) Rhaid i gais o dan baragraff (1) ("cais amrywio"), os y ceisydd yw'r deiliad neu os yw'n drosglwyddai arfaethedig (p'un ai o'r cyfan neu o ran o'r caniatâd), gael dogfen yn mynd gydag ef yn dynodi cydsyniad ysgrifenedig y perchennog i'r cais.

(3) Cyn penderfynu p'un ai i ganiatáu cais amrywio ai peidio, rhaid i Weinidogion Cymru-

(a) oni phenderfynwyd bod y treillio'n brosiect amddiffyn gwladol pan roddwyd caniatâd ar gyfer y treillio, benderfynu, o ystyried y meini prawf dethol hynny sy'n berthnasol i'r amrywiad a gynigir, p'un a fyddai'r amrywiad yn brosiect perthnasol ai peidio; a

(b) p'un a fyddai'r amrywiad yn brosiect cynefinoedd ai peidio.

(4) Pan fo Gweinidogion Cymru, er mwyn iddynt wneud dyfarniad o dan baragraff (3), o'r farn bod hynny'n angenrheidiol, cânt ofyn i'r person sy'n gwneud y cais amrywio gyflenwi unrhyw wybodaeth bellach cyn pen unrhyw gyfnod penodedig ac mewn unrhyw ddull sy'n rhesymol ofynnol.

(5) Os yw'r ceisydd yn methu â chyflenwi'r wybodaeth y gofynnir amdani o dan baragraff (4) cyn pen y cyfnod penodedig neu'r cyfnod pellach y mae Gweinidogion Cymru ei ganiatáu, bernir y bydd y cais wedi ei dynnu'n ôl.

(6) Cyn gwneud dyfarniad o dan baragraff (3) rhaid i Weinidogion Cymru ymgynghori-

- (a) â'r perchennog (os nad y perchennog yw'r ceisydd);
- (b) â'r ceisydd; a
- (c) â'r cyrff ymgynghori priodol.

(7) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddynt wneud dyfarniad o dan baragraff (3);

(a) anfon copi ohono i'r ceisydd, ynghyd â gwybodaeth ynghylch sut y caniateir herio'r

permission under regulation 16, and where the proposed variation is in respect of that part, by the holder;

(c) where-

- (i) a person ("a prospective transferee") is considering entering into an agreement with the owner or holder for a transfer of a permission under regulation 16, either in whole or in part, and
- (ii) the proposed variation relates to a part or the whole of the permission which is intended to be transferred,

by the prospective transferee; and

(d) in any other case, by the owner.

(2) An application under paragraph (1) ("a variation application") must, where the applicant is the holder or a prospective transferee (whether of the whole or part of the permission), be accompanied by a document signifying the owner's consent in writing to the making of the application.

(3) Before deciding whether or not to grant a variation application, the Welsh Ministers must-

- (a) unless the dredging was determined to be a national defence project when permission was given for the dredging, determine, having regard to such of the selection criteria as are relevant to the proposed variation, whether or not the variation would constitute a relevant project; and
- (b) whether or not the variation would constitute a habitats project.

(4) Where, in order to make a determination under paragraph (3), the Welsh Ministers consider it necessary, the Welsh Ministers may ask the person making the variation application to supply such further information within such specified period and in such form as may reasonably be required.

(5) If the applicant fails to supply the information requested under paragraph (4) within the specified period or such further period as the Welsh Ministers may allow, the application will be deemed to be withdrawn.

(6) Before making a determination under paragraph (3), the Welsh Ministers must consult-

- (a) the owner (if the owner is not the applicant);
- (b) the applicant; and
- (c) the appropriate consultation bodies.

(7) As soon as is reasonably practicable after making a determination under paragraph (3), the Welsh Ministers must-

(a) send a copy of it to the applicant, together with information about how the decision may be

penderyniad;

- (b) anfon copi ohono i unrhyw bersonau eraill yr ymgynghorir â hwy o dan baragraff (6); ac
- (c) cymryd y camau hynny y mae Gweinidogion Cymru yn eu hystyried yn briodol i sicrhau ei fod ar gael i'r cyhoedd o dan sylw.

(8) Ar yr adeg yr anfonir i'r ceisydd y copi o'r dyfarniad o dan baragraff (7) rhaid i Weinidogion Cymru ofyn am i'r ffi briodol a ddyfermir o dan reoliad 25 gael ei thalu.

(9) Os na thelir y ffi o fewn y cyfnod a bennir gan Weinidogion Cymru, neu'r cyfnod pellach y mae Gweinidogion Cymru ei ganiatáu, bernir y bydd y cais amrywio wedi ei dynnu'n ôl.

Amrywio caniatâd ar gais: prosiectau perthnasol a phrosiectau cynefinoedd

19.-(1) Pan fo Gweinidogion Cymru yn dyfarnu o dan reoliad 18(3)(a) y byddai amrywriad yn brosiect perthnasol -

- (a) rhaid i Weinidogion Cymru ofyn i'r ceisydd ddarparu datganiad amgylcheddol cyn pen cyfnod penodedig a rhaid iddynt beidio â phenderfynu'r cais amrywio hyd nes y bydd y ceisydd wedi'i ddarparu; a
- (b) bydd darpariaethau canlynol y Rheoliadau hyn yn gymwys mewn perthynas â'r cais amrywio yn yr un modd ag y maent yn gymwys i gais o dan reoliad 10, fel petai cyfeiriadau at benderfynu cais o dan baragraff (1) o'r rheoliad hwnnw ac ymadroddion cytras yn gyfeiriadau at benderfynu cais o dan reoliad 18-
 - (i) rheoliadau 7 ac 8,
 - (ii) paragraffau (4), (5) a (6) o reoliad 10,
 - (iii) rheoliadau 11 a 12,
 - (iv) ac eithrio paragraff 7(b), rheoliad 13,
 - (v) rheoliadau 14 a 15,
 - (vi) rheoliad 23,
 - (vii) rheoliadau 25 i 27, ac
 - (viii) rheoliadau 29 a 30.

(2) Pan fo Gweinidogion Cymru wedi gofyn am ddatganiad amgylcheddol o dan baragraff (1)(a) ac nad yw wedi'i ddarparu cyn pen y cyfnod penodedig, neu unrhyw gyfnod pellach a ganiateir ganddynt, bernir bod y cais wedi'i dynnu'n ôl ar ddiwedd y cyfnod hwnnw ac ad-delir y ffi, ar yr amod na fydd unrhyw hysbyseb o dan reoliad 12(1), fel y'i cymhwysir gan baragraff 1(b), wedi'i chyhoeddi ar y dyddiad y tynnir y cais yn ôl.

(3) Pan fo Gweinidogion Cymru yn dyfarnu o dan reoliad 18(3)(b) y byddai amrywriad yn brosiect cynefinoedd, bydd darpariaethau canlynol y

challenged;

- (b) send a copy of it to any other persons consulted under paragraph (6); and
- (c) take such steps as the Welsh Ministers consider appropriate to ensure that it is made available to the public concerned.

(8) At the same time as sending to the applicant the copy of the determination under paragraph (7) the Welsh Ministers must request payment of the appropriate fee determined under regulation 25.

(9) If the fee is not paid within such period as the Welsh Ministers specify, or such further period as the Welsh Ministers may allow, the variation application will be deemed to be withdrawn.

Variation of permission on application: relevant projects and habitats projects

19.-(1) Where the Welsh Ministers determine under regulation 18(3)(a) that a variation would constitute a relevant project -

- (a) the Welsh Ministers must request the applicant to supply an environmental statement within a specified period and must not decide the variation application until the applicant has supplied one; and
- (b) the following provisions of these Regulations apply in relation to the variation application as they apply in relation to an application under regulation 10, as if references to deciding an application under paragraph (1) of that regulation and cognate expressions were references to deciding an application under regulation 18-
 - (i) regulations 7 and 8,
 - (ii) paragraphs (4), (5) and (6) of regulation 10,
 - (iii) regulations 11 and 12,
 - (iv) with the exception of paragraph 7(b), regulation 13,
 - (v) regulations 14 and 15,
 - (vi) regulation 23,
 - (vii) regulations 25 to 27, and
 - (viii) regulations 29 and 30.

(2) Where an environmental statement has been requested under paragraph (1)(a) and has not been supplied within the specified period, or such further period as the Welsh Ministers may allow, the application will be deemed to have been withdrawn at the end of such period and the fee will be refunded, provided that no advertisement under regulation 12(1), as applied by paragraph 1(b), has been published at the date of withdrawal.

(3) Where the Welsh Ministers determine under regulation 18(3)(b) that a variation would constitute a habitats project, the following provisions of these

Rheoliadau hyn yn gymwys mewn perthynas â'r cais amrywio yn yr un modd ag y maent yn gymwys mewn perthynas â chais a wnaed o dan reoliad 10, fel petai cyfeiriadau at benderfynu cais o dan baragraff (1) o'r rheoliad hwnnw ac ymadroddion cytras yn gyfeiriadau at benderfynu cais o dan reoliad 18-

- (a) rheoliadau 13 a 14;
- (b) rheoliadau 23 i 30.

Amrywio caniatâd ar gais: achosion eraill

20.-(1) Pan fo Gweinidogion Cymru yn dyfarnu o dan reoliad 18(3) na fyddai amrywiad yn brosiect perthnasol na phrosiect cynefinoedd, mae'r rheoliad hwn yn gymwys-

- (a) i'r cais mewn cysylltiad â'r amrywiad hwnnw;
a
- (b) i unrhyw gais dilynol, mewn cysylltiad â'r un amrywiad, a gyflwynir i Weinidogion Cymru o fewn 12 mis i ddyddiad y dyfarniad.

(2) Pan fo'n rhesymol angenrheidiol, caiff Gweinidogion Cymru ofyn i'r ceisydd ddarparu gwybodaeth bellach cyn pen unrhyw gyfnod ac ar unrhyw ffurf a bennir yn rhesymol.

(3) Pan fo'r ceisydd, cyn pen unrhyw gyfnod y bydd Gweinidogion Cymru wedi'i bennu, neu unrhyw gyfnod pellach y byddant yn ei ganiatáu, yn methu â chydymffurfio ag unrhyw archiad gan Weinidogion Cymru o dan baragraff (2), bernir bod y cais amrywio wedi'i dynnu'n ôl ac ad-delir y ffi, ar yr amod na fydd Gweinidogion Cymru, ar ddyddiad ei dynnu'n ôl, wedi cydymffurfio â gofynion paragraff (4).

(4) Rhaid i Weinidogion Cymru anfon -

- (a) copi o'r cais amrywio ac o unrhyw wybodaeth bellach a ddarparwyd o dan baragraff (2); a
- (b) datganiad yn dweud y caniateir i sylwadau ynglyn â'r cais gael eu cyflwyno i Weinidogion Cymru, ac yn nodi i ba gyfeiriad yng Nghymru y caniateir i'r sylwadau gael eu hanfon, a chyn pen pa gyfnod y caniateir i'r sylwadau gael eu cyflwyno, sef cyfnod na fydd yn llai nag wyth wythnos gan ddechrau ar y dyddiad y caiff y datganiad ei anfon,

at y personau y cyfeirir atynt ym mharagraff (5).

(5) Dyma'r personau y cyfeiriwyd atynt ym mharagraff (4)-

- (a) y cyrff ymgynghori priodol;
- (b) y perchennog (os nad y ceisydd yw'r perchennog); ac
- (c) unrhyw berson arall (gan gynnwys unrhyw gorff anllwyodraethol sy'n hyrwyddo gwaith diogelu'r amgylchedd yn nyfroedd Cymru) y

Regulations apply in relation to the variation application as they apply in relation to an application made under regulation 10, as if references to deciding an application under paragraph (1) of that regulation and cognate expressions were references to deciding an application under regulation 18-

- (a) regulations 13 and 14;
- (b) regulations 23 to 30.

Variation of permission on application: other cases

20.-(1) Where the Welsh Ministers determine under regulation 18(3) that a variation would not constitute a relevant project or a habitats project, this regulation applies-

- (a) to the application in respect of that variation; and
- (b) to any subsequent application in respect of the same variation which is submitted to the Welsh Ministers within 12 months of the date of the determination.

(2) Where reasonably necessary, the Welsh Ministers may request the applicant to supply further information within such period and in such form as may reasonably be specified.

(3) Where the applicant fails, within such period as the Welsh Ministers have specified, or such further period as the Welsh Ministers may allow, to comply with any request of the Welsh Ministers under paragraph (2), the variation application will be deemed to be withdrawn and the fee will be refunded, provided that, at the date of withdrawal, the Welsh Ministers have not complied with the requirements of paragraph (4).

(4) The Welsh Ministers must send -

- (a) a copy of the variation application and of any further information provided under paragraph (2); and
- (b) a statement that representations may be made to the Welsh Ministers regarding the application, and of the address in Wales to which representations may be sent, and of the period within which representations may be made, which will be not less than eight weeks beginning with the date on which the statement is sent,

to the persons referred to in paragraph (5).

(5) The persons mentioned in paragraph (4) are-

- (a) the appropriate consultation bodies;
- (b) the owner (if the owner is not the applicant); and
- (c) any other person (including any non-governmental organisation promoting environmental protection in Welsh waters)

mae'n debyg bod ganddo fuddiant yn y cais neu y mae Gweinidogion Cymru yn credu y byddai'r cais yn debyg o effeithio arno.

(6) Cyn penderfynu a ddylid caniatáu neu wrthod cais amrywio y mae'r rheoliad hwn yn gymwys iddo, caiff Gweinidogion Cymru roi cyfle i gyflwyno sylwadau (p'un ai'n bersonol neu'n ysgrifenedig) i berson a benodir gan Weinidogion Cymru at y diben hwnnw, i'r ceisydd, i'r perchennog (os nad y ceisydd yw'r perchennog) ac i unrhyw berson arall y mae Gweinidogion Cymru yn credu y dylid rhoi cyfle o'r fath iddo.

(7) Wrth benderfynu a ddylid caniatáu neu wrthod cais amrywio y mae'r rheoliad hwn yn gymwys iddo, rhaid i Weinidogion Cymru gymryd i ystyriaeth -

- (a) yr wybodaeth a ddarperir yn y cais amrywio;
- (b) unrhyw wybodaeth bellach a ddarperir o dan baragraff (2) ac unrhyw wybodaeth arall a gyflwynir gan y ceisydd;
- (c) unrhyw sylwadau perthnasol a gyflwynir mewn ymateb i'r copiâu o'r cais a ddarperir o dan baragraff (4);
- (ch) adroddiad unrhyw berson a benodir o dan baragraff (6); a
- (d) unrhyw un o bolisiâu cyhoeddus Gweinidogion Cymru mewn perthynas ag echdynnu mwynau drwy dreillio gwely'r môr.

(8) Caiff Gweinidogion Cymru benderfynu'r cais amrywio naill ai drwy roi neu wrthod caniatâd ar gyfer yr amrywiad.

(9) Caiff penderfyniad i roi caniatâd ar gyfer yr amrywio fod yn ddarostyngedig i unrhyw amodau y mae Gweinidogion Cymru yn credu eu bod yn briodol, gan gynnwys -

- (a) amodau sydd wedi'u bwriadu i roi ar waith unrhyw bolisi a gymerir i ystyriaeth o dan baragraff (7)(d) ac sy'n cynnwys terfynau rhanbarthol ar duneldd y mwynau y caniateir treillio amdanynt, a
- (b) amodau ynglyn â'r ffioedd, y dyfernir arnynt yn unol â rheoliad 25, ac sydd i'w talu mewn cysylltiad â threuliau Gweinidogion Cymru a dynnir wrth ddehongli ac asesu canlyniadau unrhyw waith i fonitro cydymffurfedd â'r amodau sy'n gysylltiedig â'r caniatâd a hwnnw'n fonitro a wnaed yn unol â'r amodau hynny.

(10) Rhaid i Weinidogion Cymru anfon hysbysiad o'r penderfyniad o dan baragraff (8) at y personau y cyfeiriwyd atynt ym mharagraff (5), a rhaid i'r hysbysiad ddatgan -

- (a) y prif resymau dros y penderfyniad;
- (b) y prif ystyriaethau y mae'r penderfyniad wedi'i

who is likely to have an interest in the application or who the Welsh Ministers consider is likely to be affected by the application.

(6) Before deciding whether to grant or refuse a variation application to which this regulation applies, the Welsh Ministers may give the opportunity of making representations (whether in person or in writing) to a person appointed by the Welsh Ministers for that purpose, the applicant, the owner (if the owner is not the applicant) and any other person whom the Welsh Ministers consider should be given such an opportunity.

(7) In deciding whether to grant or refuse a variation application to which this regulation applies, the Welsh Ministers must take into consideration -

- (a) the information provided in the variation application;
- (b) any further information supplied under paragraph (2) and any other information submitted by the applicant;
- (c) any relevant representations made in response to the copies of the application supplied under paragraph (4);
- (d) the report of any person appointed under paragraph (6); and
- (e) any published policy of the Welsh Ministers in relation to the extraction of minerals by marine dredging.

(8) The Welsh Ministers may decide the variation application by either granting or refusing permission for the variation.

(9) A grant of permission for the variation may be subject to such conditions as the Welsh Ministers consider appropriate, including -

- (a) conditions intended to implement any policy taken into account under paragraph (7)(e) which contains regional limits on the tonnage of minerals which may be dredged, and
- (b) conditions as to the fees, determined in accordance with regulation 25, to be paid in respect of the Welsh Ministers' expenses incurred in interpreting and assessing the results of any monitoring of compliance with the conditions attached to the permission carried out in accordance with such conditions.

(10) The Welsh Ministers must send notice of the decision under paragraph (8) to the persons referred to in paragraph (5), and the notice must state -

- (a) the main reasons for the decision;
- (b) the main considerations on which the decision is based including, if relevant, information

seilio arno gan gynnwys, os yw'n berthnasol, gwybodaeth am y broses o gyfranogi gan y cyhoedd;

- (c) pan fo caniatâd yn cael ei roi -
 - (i) unrhyw amodau a osodir o dan baragraff (9), a
 - (ii) pan fo'n gymwys, y prif gamau i'w cymryd i osgoi, lleihau ac, os yw'n bosibl, gwrthbwyso unrhyw effeithiau andwyol arwyddocaol; ac
- (ch) y caniateir herio'r penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.

Dirymu, atal dros dro neu amrywio caniatâd ac eithrio ar gais

21.-(1) Mae'r rheoliad hwn yn gymwys-

- (a) pan ddigwydd toriad sylweddol o unrhyw amod sy'n gysylltiedig â'r caniatâd neu â throsglwyddiad o'r caniatâd; neu
- (b) mewn unrhyw achos arall, pan fo Gweinidogion Cymru yn credu ei bod yn briodol arfer y pwerau a roddir gan y rheoliad hwn, er mwyn diogelu'r amgylchedd rhag effeithiau andwyol arwyddocaol a achosir gan y treillio a awdurdodir drwy'r caniatâd.

(2) Pan fo'r rheoliad hwn yn gymwys, caiff Gweinidogion Cymru-

- (a) dirymu'r caniatâd; neu
- (b) ei amrywio'n barhaol p'un ai'n gyfan gwbl neu'n rhannol.

(3) Cyn dirymu neu amrywio'n barhaol caniatâd o dan baragraff (2)-

- (a) rhaid i Weinidogion Cymru gyflwyno hysbysiad o'r dirymiad neu'r amrywiad arfaethedig-
 - (i) i'r personau a restrir ym mharagraff (4), a
 - (ii) yn unol â darpariaethau paragraff (5);

a

- (b) caiff Gweinidogion Cymru ofyn i berchennog neu ddeiliad y caniatâd, neu'r rhan o'r caniatâd yr effeithir arni, yn ôl y digwydd, ddarparu erbyn dyddiad penodedig, unrhyw wybodaeth ychwanegol y mae ei hangen, er mwyn i Weinidogion Cymru gadarnhau i ba raddau y mae'r dirymiad neu'r amrywiad arfaethedig yn debygol o fod yn effeithiol i ddiogelu'r amgylchedd rhag unrhyw effeithiau andwyol arwyddocaol a achosir fel arall gan y treillio a awdurdodir drwy'r caniatâd ("yr wybodaeth ychwanegol").

(4) Y personau a grybwyllir ym mharagraff (3)(a)(i) yw-

about the public participation process;

- (c) where permission is granted -
 - (i) any conditions imposed under paragraph (9), and
 - (ii) where applicable, the main measures to be taken to avoid, reduce and, if possible, offset any major adverse effects; and
- (d) that the decision may be challenged and the procedures for doing so.

Revocation, suspension or variation of permission otherwise than on application

21.-(1) This regulation applies where-

- (a) a significant breach has occurred of any condition attached to the permission or to a transfer of the permission; or
- (b) in any other case the Welsh Ministers consider it appropriate to exercise the powers conferred by this regulation, in order to protect the environment from significant adverse effects caused by the dredging authorised by the permission.

(2) Where this regulation applies, the Welsh Ministers may-

- (a) revoke the permission; or
- (b) permanently vary it in whole or in part.

(3) Before revoking or permanently varying a permission under paragraph (2)-

- (a) the Welsh Ministers must serve notice of the proposed revocation or variation-
 - (i) on the persons listed in paragraph (4), and
 - (ii) in accordance with the provisions of paragraph (5);

and

- (b) the Welsh Ministers may request the owner or the holder of the permission, or of the part of the permission affected, as the case may be, to provide by a specified date, such additional information as may be required, in order that the Welsh Ministers may establish the extent to which the proposed revocation or variation is likely to be effective to protect the environment from any significant adverse effects which would otherwise be caused by the dredging authorised by the permission ("the additional information").

(4) The persons mentioned in paragraph (3)(a)(i) are-

- (a) perchennog ac unrhyw ddeiliad y caniatâd neu'r rhan yr effeithir arni, yn ôl y digwydd;
- (b) y cyrff ymgynghori priodol; ac
- (c) unrhyw berson arall (gan gynnwys unrhyw gorff anllywodraethol sy'n hybu gwaith diogelu'r amgylchedd yn nyfroedd Cymru) sy'n debyg o fod â buddiant yn y cais neu y mae Gweinidogion Cymru yn credu y byddai'r dirymiad neu'r amrywiad yn debyg o effeithio arno.
- (5) Rhaid i'r hysbysiad a gyflwynwyd o dan baragraff (3)(a)-
- (a) hysbysu'r derbynwyr o'r dyddiad y bwriedir i'r dirymiad neu'r amrywiad arfaethedig ddod yn weithredol o dan reoliad 22;
- (b) pennu cyfnod, nad yw'n llai nag 28 o ddiwrnodau o ddyddiad yr hysbysiad ("y cyfnod penodedig"), y caniateir i sylwadau gael eu cyflwyno am y dirymiad neu'r amrywiad arfaethedig; ac
- (c) hysbysu'r derbynwyr o ganlyniadau methu â chydymffurfio ag archiad am wybodaeth ychwanegol a wnaed o dan baragraff 3(b), fel y darperir ar ei gyfer ym mharagraff (8).
- (6) Rhaid i Weinidogion Cymru gyhoeddi copi o'r hysbysiad a gyflwynwyd o dan baragraff (3)(a) drwy hysbyseb gyhoeddus.
- (7) Pan fo Gweinidogion Cymru yn credu ei bod yn angenrheidiol i'r treillio beidio neu i'r caniatâd gael ei amrywio cyn gynted â phosibl -
- (a) caiff y caniatâd ei atal dros dro neu daw'r amrywiad arfaethedig, yn ôl y digwydd, yn weithredol (am y tro ac wrth aros am benderfyniad Gweinidogion Cymru o dan baragraff (11)) o'r dyddiad y cyflwynir yr hysbysiad yn unol â pharagraff (3)(a) i-
- (i) deiliad y caniatâd, os oes un, neu,
- (ii) os nad oes un, y perchennog; a
- (b) rhaid i'r hysbysiad a gyflwynir o dan baragraff 3(a) hysbysu'r derbynwyr o'r penderfyniad o dan y paragraff hwn a rhaid iddo ddatgan -
- (i) y prif resymau dros y penderfyniad;
- (ii) y prif ystyriaethau y seiliwyd y penderfyniad arnynt; a
- (iii) y caniateir herio'r penderfyniad gael ei herio a'r gweithdrefnau ar gyfer gwneud hynny.
- (8) Pan fo Gweinidogion Cymru yn gofyn am wybodaeth ychwanegol o dan baragraff (3)(b), ond nad yw'r wybodaeth ychwanegol yn cael ei darparu erbyn y dyddiad a bennwyd neu cyn pen unrhyw gyfnod pellach a ganiateir gan Weinidogion Cymru, ac nad yw'r caniatâd wedi'i atal dros dro o dan baragraff (7), caiff y caniatâd ei atal dros dro.
- (a) the owner and any holder of the permission or the part affected, as the case may be;
- (b) the appropriate consultation bodies; and
- (c) any other person (including any non-governmental organisation promoting environmental protection in Welsh waters) who is likely to have an interest in the application or whom the Welsh Ministers consider is likely to be affected by the revocation or variation.
- (5) The notice served under paragraph (3)(a) must -
- (a) inform the recipients of the date when the proposed revocation or variation is intended to take effect under regulation 22;
- (b) specify a period, being not less than 28 days from the date of the notice ("the specified period"), within which representations may be made about the proposed revocation or variation; and
- (c) inform the recipients of the consequences of failing to comply with a request for additional information made under paragraph (3)(b), as provided for in paragraph (8).
- (6) The Welsh Ministers must publish a copy of the notice served under paragraph (3)(a) by public advertisement.
- (7) Where the Welsh Ministers consider that it is necessary for the dredging to cease or the permission to be varied as soon as possible -
- (a) the permission will be suspended or the proposed variation, as the case may be, will take effect (for the time being and pending the Welsh Ministers' decision under paragraph (11)) from the date on which notice in accordance with paragraph (3)(a) is served on-
- (i) the holder of the permission, if any, or,
- (ii) if there is none, the owner; and
- (b) the notice served under paragraph 3(a) must inform the recipients of the decision under this paragraph and must state -
- (i) the main reasons for the decision;
- (ii) the main considerations on which the decision is based; and
- (iii) that the decision may be challenged and the procedures for doing so.
- (8) Where the Welsh Ministers request additional information under paragraph (3)(b), but the additional information is not provided by the date specified or within such further period as the Welsh Ministers may allow, and the permission has not been suspended under paragraph (7), the permission will be suspended.

(9) Pan fo caniatâd wedi'i atal dros dro o dan baragraff (8) -

- (a) os yw'r wybodaeth ychwanegol yn cael ei darparu er bodlonrwydd Gweinidogion Cymru cyn pen chwe mis i'r ataliad dros dro, bydd yr ataliad dros dro yn peidio a bydd y caniatâd yn parhau i fod yn effeithiol;
- (b) os na chaiff yr wybodaeth ychwanegol ei darparu felly, rhaid i'r caniatâd gael ei ddirymu gan Weinidogion Cymru a rhaid i Weinidogion Cymru anfon hysbysiad o'r dirymiad at y personau a restrwyd ym mharagraff (4).

(10) Os, cyn pen y cyfnod penodedig, bydd person y mae hysbysiad wedi'i gyflwyno iddo o dan baragraff (3)(a), neu berson sydd wedi cyflwyno sylwadau mewn ymateb i'r hysbyseb a gyhoeddwyd o dan baragraff (3)(a), yn gofyn amdano, caiff Gweinidogion Cymru roi-

- (a) i'r person hwnnw; a
- (b) i unrhyw berson arall y cyflwynwyd hysbysiad iddo o dan baragraff (3)(a), neu sydd wedi cyflwyno sylwadau mewn ymateb i'r hysbyseb a gyhoeddwyd o dan baragraff (6),

gyfle i gyflwyno sylwadau (p'un ai'n bersonol neu'n ysgrifenedig) i berson a benodwyd gan Weinidogion Cymru at y diben hwnnw.

(11) Rhaid i Weinidogion Cymru benderfynu a ddylid dirymu'r caniatâd neu ei amrywio'n barhaol gan roi sylw, yn benodol-

- (a) i unrhyw sylwadau a gyflwynwyd mewn ymateb i hysbysiad a gyflwynwyd o dan baragraff (3)(a) neu hysbyseb a gyhoeddwyd o dan baragraff (6); a
- (b) os yw'n gymwys, i adroddiad unrhyw berson a benodwyd o dan baragraff (10).

(12) Rhaid i Weinidogion Cymru gyflwyno hysbysiad o'r penderfyniad o dan baragraff (11) i unrhyw berson y cyflwynwyd hysbysiad iddo o dan baragraff (3)(a) ac i unrhyw berson a gyflwynodd sylwadau mewn ymateb i hysbyseb a gyhoeddwyd o dan baragraff (6); a rhaid i'r hysbysiad ddatgan-

- (a) y prif resymau dros y penderfyniad;
- (b) y prif ystyriaethau y mae'r penderfyniad wedi'i seilio arnynt, gan gynnwys, os yw'n berthnasol, gwybodaeth am y broses o gyfranogi gan y cyhoedd; ac
- (c) y caniateir herio'r penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.

Canlyniadau dirymu, atal dros dro neu amrywio

22.-(1) Daw dirymiad neu amrywiad o dan reoliad 21(2) yn weithredol, yn ddarostyngedig i baragraff (2), ar y dyddiad y caiff hysbysiad ei gyflwyno o dan reoliad 21(12).

(9) Where a permission has been suspended under paragraph (8) -

- (a) if the additional information is provided to the Welsh Ministers' satisfaction within six months of the suspension, the suspension will cease and the permission will continue in effect;
- (b) if the additional information is not so provided, the permission must be revoked by the Welsh Ministers and the Welsh Ministers must send notice of the revocation to the persons listed in paragraph (4).

(10) If, within the specified period, a person on whom notice has been served under paragraph (3)(a), or a person who has made representations in response to the advertisement published under paragraph (6), so requests, the Welsh Ministers may give-

- (a) to that person; and
- (b) to any other person on whom notice was served under paragraph (3)(a), or who has made representations in response to the advertisement published under paragraph (6),

an opportunity to make representations (whether in person or in writing) to a person appointed by the Welsh Ministers for that purpose.

(11) The Welsh Ministers must decide whether to revoke the permission or vary it permanently having regard, in particular, to-

- (a) any representations made in response to a notice served under paragraph (3)(a) or an advertisement published under paragraph (6); and
- (b) if applicable, the report of any person appointed under paragraph (10).

(12) The Welsh Ministers must serve notice of the decision under paragraph (11) on any person on whom notice was served under paragraph (3)(a) and on any person who made representations in response to the advertisement published under paragraph (6); and the notice must state-

- (a) the main reasons for the decision;
- (b) the main considerations on which the decision is based, including, if relevant, information about the public participation process; and
- (c) that the decision may be challenged and the procedures for doing so.

Consequences of revocation, suspension or variation

22.-(1) A revocation or variation under regulation 21(2) will take effect, subject to paragraph (2), on the date on which notice is served under regulation 21(12).

(2) Pan fo mwy nag un hysbysiad yn cael ei gyflwyno o dan reoliad 21(12) mewn cysylltiad â'r un dirymiad neu amrywiad a bod yr hysbysïadau hynny'n cael eu cyflwyno ar wahanol ddiwrnodau, daw'r dirymiad neu'r amrywiad yn weithredol ar y dyddiad y caiff yr olaf ohonynt ei gyflwyno.

(3) Pan fo caniatâd wedi'i atal dros dro neu fod amrywiad wedi dod yn weithredol dros dro, o dan yr amgylchiadau a ddisgrifiwyd yn rheoliad 21(7), ond bod penderfyniad terfynol Gweinidogion Cymru o dan reoliad 21(11) yn benderfyniad i beidio â dirymu'r caniatâd nac i'w amrywio'n barhaol, bydd y caniatâd yn cael effaith eto, neu'n cael effaith yn ôl y telerau a oedd yn effeithiol cyn yr amrywiad dros dro, yn ôl y digwydd, o ddyddiad yr hysbysiad a gyflwynwyd o dan reoliad 21(12).

(4) Mewn perthynas â chaniatâd sydd wedi'i atal dros dro o dan reoliad 21(7) neu 21(8), sy'n parhau i gael effaith o dan reoliad 21(9)(a) neu y mae Gweinidogion Cymru wedi penderfynu o dan reoliad 21(11) i beidio â'i ddirymu -

- (a) ymdrinnir ag unrhyw gyfnod a bennir yn y caniatâd ar gyfer cymryd unrhyw gamau ac sy'n dirwyn i ben ar y dyddiad yr ataliwyd y caniatâd dros dro, fel cyfnod sydd wedi'i estyn gan gyfnod sy'n hafal i'r un yr ataliwyd y caniatâd ynddo dros dro; a
- (b) pan fo'n ofynnol mewn caniatâd i unrhyw beth gael ei wneud erbyn dyddiad penodedig sy'n dod ar ôl y dyddiad y cafodd y caniatâd ei atal dros dro, caiff y dyddiad penodedig hwnnw ei ohirio gan gyfnod sy'n hafal i'r un yr ataliwyd y caniatâd ynddo dros dro.

(5) Mewn perthynas â chaniatâd a gafodd ei amrywio dros dro o dan reoliad 21(8) ond y mae Gweinidogion Cymru wedi penderfynu o dan reoliad 21(11) i beidio â'i amrywio'n barhaol-

- (a) bydd unrhyw gyfnod a bennwyd yn y caniatâd ar gyfer cymryd unrhyw gamau ac sy'n dirwyn i ben ar ôl y dyddiad y cafodd y caniatâd ei amrywio dros dro o dan baragraff (b), os yw'r camau yn ymwneud â materion y mae'r amrywiad dros dro yn effeithio arnynt, yn cael ei drin fel un sydd wedi'i estyn gan gyfnod sy'n hafal i'r un yr oedd y caniatâd yn cael effaith ynddo fel caniatâd a oedd wedi'i amrywio; a
- (b) pan fo'n ofynnol mewn caniatâd i unrhyw gamau gael eu cymryd erbyn dyddiad penodedig sy'n dod ar ôl y dyddiad pryd y cafodd y caniatâd ei amrywio dros dro, bydd y dyddiad penodedig, os yw'r camau yn ymwneud â materion y mae'r amrywiad dros dro yn effeithio arnynt, yn cael ei ohirio gan gyfnod sy'n hafal i'r un yr oedd y caniatâd yn cael effaith ynddo fel caniatâd a oedd wedi'i amrywio.

(2) Where more than one notice is served under regulation 21(12) in respect of the same revocation or variation and those notices are served on different days, the revocation or variation will take effect on the date on which the last of them is served.

(3) Where a permission has been suspended or a variation has taken effect temporarily, in the circumstances described in regulation 21(7), but the Welsh Ministers' final decision under regulation 21(11) is not to revoke the permission or vary it permanently, the permission will again have effect, or have effect on the terms effective prior to the temporary variation, as the case may be, from the date of the notice served under regulation 21(12).

(4) In relation to a permission which has been suspended under regulation 21(7) or 21(8), which continues in effect under regulation 21(9)(a) or which the Welsh Ministers have decided under regulation 21(11) not to revoke -

- (a) any period specified in the permission for the taking of any action which expires after the date on which the permission was suspended, will be treated as extended by a period equal to that during which the permission was suspended; and
- (b) where a permission requires anything to be done by a specified date which falls after the date upon which the permission was suspended, that specified date will be postponed by a period equal to that during which the permission was suspended.

(5) In relation to a permission which was varied temporarily under regulation 21(8) but which the Welsh Ministers have decided under regulation 21(11) not to vary permanently-

- (a) any period specified in the permission for the taking of any action which expires after the date on which the permission was varied temporarily under paragraph (b) will, if the action relates to matters which are affected by the temporary variation, be treated as extended by a period equal to that during which the permission had effect as varied; and
- (b) where a permission requires any action to be taken by a specified date which falls after the date on which the permission was varied temporarily, the specified date will, if the action relates to matters which are affected by the temporary variation, be postponed by a period equal to that during which the permission had effect as varied.

(6) Ni fydd dirymu neu amrywio caniatâd o dan reoliad 21(2), atal caniatâd dros dro o dan reoliad 21(7) neu 21(8), neu amrywio dros dro ganiatâd o dan reoliad 21(7), yn effeithio ar unrhyw beth a wnaed o dan y caniatâd cyn y dyddiad y cafodd y caniatâd ei ddirymu, ei amrywio, ei atal dros dro neu ei amrywio dros dro, yn ôl y digwydd.

Tramgwyddau sy'n ymwneud â throsglwyddiadau ac amrywiadau

23.-(1) Mae person yn cyflawni tramgwydd os yw, er mwyn sicrhau (p'un ai iddo'i hun neu i rywun arall) drosglwyddiad o ganiatâd o dan reoliad 16 neu amrywiad o ganiatâd o dan reoliad 17, neu mewn ymateb i archiad o dan reoliad 21(3)(b) -

- (a) yn gwneud datganiad neu'n cyflwyno sylw, neu'n darparu dogfen neu wybodaeth, y mae'r person hwnnw'n gwybod ei bod yn anwir mewn manylyn perthnasol; neu
- (b) yn ddi-hid yn gwneud datganiad neu'n cyflwyno sylw, neu'n darparu dogfen neu wybodaeth, sy'n anwir mewn perthnasol.

(2) Mae'n dramgwydd i berson fethu â chydymffurfio ag unrhyw amod trosglwyddo.

(3) Tra bo caniatâd wedi'i atal dros dro o dan reoliad 21(7) neu reoliad 21(8), bydd unrhyw dreillio parhaol neu unrhyw dreillio pellach o dan y cytundeb yn dramgwydd.

RHAN 6

CYNEFINOEDD NATURIOL

Gwarchod cynefinoedd naturiol

24. Mae Atodlen 3 i'r Rheoliadau hyn yn cael effaith mewn perthynas â threillio yn nyfroedd Cymru.

RHAN 7

CYFFREDINOL

Ffioedd

25. Yn ddarostyngedig i baragraff (3) mae Gweinidogion Cymru i ddyfarnu'r ffioedd sydd i'w talu -

- (a) gan geisydd arfaethedig mewn cysylltiad â threuliau Gweinidogion Cymru o ran cyflawni naill neu'r llall o'r gweithgareddau a ddisgrifir ym mharagraff neu'r ddau ohonynt (2);
- (b) gan geisydd mewn cysylltiad â threuliau Gweinidogion Cymru o ran ystyried unrhyw

(6) The revocation or variation of a permission under regulation 21(2), the suspension of a permission under regulation 21(7) or (8), or the temporary variation of a permission under regulation 21(7), will not affect anything done under the permission before the date on which the permission was revoked, varied, suspended or temporarily varied, as the case may be.

Offences relating to transfers and variations

23.-(1) A person commits an offence who, for the purposes of obtaining (whether for that person or another) a transfer of a permission under regulation 16 or a variation of a permission under regulation 17, or in response to a request under regulation 21(3)(b) -

- (a) makes a statement or representation, or furnishes a document or information, which that person knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) It is an offence for a person to fail to comply with any condition of transfer.

(3) While a permission is suspended under regulation 21(7) or regulation 21(8), any continued or further dredging under the permission will be an offence.

PART 6

NATURAL HABITATS

Protection of natural habitats

24. Schedule 3 to these Regulations has effect in relation to dredging in Welsh waters.

PART 7

GENERAL

Fees

25. Subject to paragraph (3) the Welsh Ministers are to determine the fees to be paid -

- (a) by a prospective applicant in respect of the expenses of the Welsh Ministers of carrying out either or both of the activities described in paragraph (2);
- (b) by an applicant in respect of the expenses of the Welsh Ministers of considering,

gais o dan reoliad 10(1) neu reoliad 18(1), rhoi cyhoeddusrwydd i'r cais hwnnw a phenderfynu a ddylid ei ganiatáu neu ei wrthod;

- (c) gan berchennog neu ddeiliad unrhyw ganiatâd mewn cysylltiad â threuliau Gweinidogion Cymru o ran dehongli ac asesu canlyniadau unrhyw fonitro y darperir ar ei gyfer gan yr amodau sy'n gysylltiedig â'r caniatâd, sef monitro-
 - (i) y modd y mae'r treillio a ganiateir gan y caniatâd hwnnw yn cael neu wedi cael ei gyflawni, a
 - (ii) effeithiau'r treillio hwnnw,

drwy graffu'n benodol ar wybodaeth electronig neu ysgrifenedig gan gynnwys arolygon.

(2) Y gweithgareddau y cyfeiriwyd atynt ym mharagraff 1(a) yw-

- (a) rhoi barn o dan reoliad 7(2); a
- (b) darparu'r wybodaeth sy'n berthnasol i'r broses o baratoi'r datganiad amgylcheddol yn unol â rheoliadau 8(3) a (4).

(3) Mae ffioedd o dan yr adran hon i'w dyfarnu gan Weinidogion Cymru gyda chydsyniad y Trysorlys, ar ôl ymgynghori, ynghylch yr egwyddorion sydd i'w cymhwyso wrth ddyfarnu'r ffioedd a symiau'r ffioedd, â chyrrff y mae'n ymddangos i Weinidogion Cymru eu bod yn cynrychioli personau sy'n debyg o wneud cais am ganiatâd.

Cofrestr

26.-(1) Rhaid i Weinidogion Cymru gadw cofrestr sy'n cynnwys yr wybodaeth a bennir ym mharagraff (2).

(2) Rhaid i'r gofrestr gynnwys copi, naill ai ar ffurf ffotograffig neu ar ffurf electronig neu'r ddwy, o'r canlynol-

- (a) pob dyfarniad a wneir gan yr Ysgrifennydd Gwladol o dan reoliad 5(2);
- (b) pob dyfarniad a wneir gan Weinidogion Cymru o dan reoliad 5(4);
- (c) pob cais am ddyfarniad cychwynnol o dan reoliad 6(1);
- (ch) pob dyfarniad cychwynnol a wneir gan Weinidogion Cymru mewn ymateb i gais o dan reoliad 6(1);
- (d) pob barn a roddir gan Weinidogion Cymru o dan reoliad 7(2);
- (dd) pob cais am ganiatâd i dreillio a wneir i Weinidogion Cymru o dan reoliad 10(1), gan gynnwys unrhyw ddatganiad amgylcheddol, ac unrhyw blaniau a lluniadau sy'n dod gyda'r ceisiadau hynny;
- (e) unrhyw wybodaeth ychwanegol a ddarperir o

publicising and deciding whether to grant or to refuse any application under regulation 10(1) or regulation 18(1);

- (c) by the owner or holder of any permission in respect of the expenses of the Welsh Ministers of interpreting and assessing the results of any monitoring which is provided for by the conditions attached to the permission-
 - (i) of the manner in which the dredging permitted by that permission is being or has been carried out, and
 - (ii) of the effects of that dredging,

by, in particular, scrutiny of electronic or written information including surveys.

(2) The activities mentioned in paragraph 1(a) are -

- (a) providing an opinion under regulation 7(2); and
- (b) providing the information relevant to the preparation of the environmental statement in accordance with regulation 8(3) and (4).

(3) Fees under this section are to be determined by the Welsh Ministers with the consent of the Treasury, after consultation on the principles to be applied in determining the fees and the amounts of the fees with organisations appearing to the Welsh Ministers to represent persons who are likely to apply for permissions.

Register

26.-(1) The Welsh Ministers must keep a register containing the information specified in paragraph (2).

(2) The register must contain a copy, either in photographic or electronic form or both, of-

- (a) each determination made by the Secretary of State under regulation 5(2);
- (b) each determination made by the Welsh Ministers under regulation 5(4);
- (c) each application for a preliminary determination under regulation 6(1);
- (d) each preliminary determination made by the Welsh Ministers in response to an application under regulation 6(1);
- (e) each opinion given by the Welsh Ministers under regulation 7(2);
- (f) each application for permission to carry out dredging made to the Welsh Ministers under regulation 10(1), including any environmental statement, and any accompanying plans and drawings;
- (g) any further information supplied under

- dan reoliad 11(2), neu unrhyw wybodaeth arall a ddarperir gan y ceisydd;
- (f) pob hysbysiad a gyhoeddir o dan reoliad 12(1);
- (ff) unrhyw adroddiadau a ddyroddir ac unrhyw gyngor a roddir i Weinidogion Cymru mewn perthynas ag unrhyw gais o dan y Rheoliadau hyn;
- (g) pob dyfarniad a wneir gan Weinidogion Cymru o dan reoliad 13(1);
- (ng) unrhyw wybodaeth a ddarperir gan geisydd o dan reoliad 13(2);
- (h) pob penderfyniad gan Weinidogion Cymru o dan reoliad 13(7), gan gynnwys copi o adroddiad unrhyw berson a benodir o dan reoliad 13(4) mewn cysylltiad â'r cais, manylion unrhyw amodau y rhoddwyd y caniatâd yn ddarostyngedig iddynt a dyddiad y penderfyniad;
- (i) pob cymeradwyaeth o drosglwyddiad a roddir o dan reoliad 16(2), gan gynnwys copi o unrhyw amodau y rhoddwyd y gymeradwyaeth yn ddarostyngedig iddynt;
- (j) pob cais am amrywio caniatâd a wneir o dan reoliad 18(1);
- (l) unrhyw wybodaeth a ddarperir gan y ceisydd neu unrhyw benderfyniad, dyfarniad neu farn gan Weinidogion Cymru mewn perthynas â chais am amrywio caniatâd i dreillio, o dan unrhyw reoliad a gymhwysir i gais o dan reoliad 18(1) gan reoliad 19(1)(b) neu reoliad 19(3);
- (ll) pob dyfarniad a wneir gan Weinidogion Cymru o dan reoliad 18(3);
- (m) unrhyw wybodaeth a ddarperir gan geisydd ar gyfer amrywiad o dan reoliad 20(2);
- (n) pob penderfyniad a wneir gan Weinidogion Cymru o dan reoliad 20(8) mewn perthynas ag amrywiad arfaethedig, gan gynnwys copi o adroddiad unrhyw berson a benodir o dan reoliad 20(6) mewn cysylltiad â'r cais, manylion unrhyw amodau y rhoddwyd yr amrywiad yn ddarostyngedig iddynt a dyddiad y penderfyniad;
- (o) pob hysbysiad a gyflwynir gan Weinidogion Cymru o dan reoliad 21(3)(a);
- (p) unrhyw wybodaeth a ddarperir gan berchennog neu ddeiliad caniatâd mewn ymateb i archiad o dan reoliad 21(3)(b);
- (ph) adroddiad unrhyw berson a benodir o dan reoliad 21(10);
- (r) pob penderfyniad a wneir gan Weinidogion Cymru o dan reoliad 21(11);
- (rh) pob hysbysiad a gyflwynir gan Weinidogion Cymru o dan reoliad 21(12);
- (s) gorchymyn unrhyw lys mewn unrhyw achos cyfreithiol mewn cysylltiad â thramgwydd o regulation 11(2), or any other information supplied by the applicant;
- (h) each notice published under regulation 12(1);
- (i) any reports and advice which are issued to the Welsh Ministers in relation to any application under these Regulations;
- (j) each determination made by the Welsh Ministers under regulation 13(1);
- (k) any information supplied by an applicant under regulation 13(2);
- (l) each decision of the Welsh Ministers under regulation 13(7), including a copy of the report of any person appointed under regulation 13(4) in respect of the application, details of any conditions subject to which permission was granted and the date of the decision;
- (m) each approval of a transfer given under regulation 16(2), including a copy of any conditions subject to which the approval was given;
- (n) each application for a variation of a permission made under regulation 18(1);
- (o) any information provided by the applicant or decision, determination or opinion of the Welsh Ministers in relation to an application to vary a permission to carry out dredging, under any regulation which is applied to an application under regulation 18(1) by regulation 19(1)(b) or regulation 19(3);
- (p) each determination made by the Welsh Ministers under regulation 18(3);
- (q) any information provided by an applicant for a variation under regulation 20(2);
- (r) each decision made by the Welsh Ministers under regulation 20(8) in relation to a proposed variation, including a copy of the report of any person appointed under regulation 20(6) in respect of the application, details of any conditions subject to which the variation was granted and the date of the decision;
- (s) each notice served by the Welsh Ministers under regulation 21(3)(a);
- (t) any information provided by the owner or holder of a permission in response to a request under regulation 21(3)(b);
- (u) the report of any person appointed under regulation 21(10);
- (v) each decision made by the Welsh Ministers under regulation 21(11);
- (w) each notice served by the Welsh Ministers under regulation 21(12);
- (x) the order of any court in any legal proceedings in respect of an offence under these

dan y Rheoliadau hyn;

- (t) unrhyw wybodaeth a ddarperir gan geisydd o dan baragraff 2(2) o Atodlen 3;
- (th) unrhyw wybodaeth a ddarperir gan berchennog neu ddeiliaid caniatâd o dan baragraff 3(4) o Atodlen 3;
- (u) pob penderfyniad a wneir gan Weinidogion Cymru i gadarnhau, dirymu neu amrywio caniatâd o dan baragraff 3(5) o Atodlen 3;
- (w) pob hysbysiad a gyflwynir gan Weinidogion Cymru o dan baragraff 4(1) o Atodlen 3;
- (y) pob hysbysiad a gyflwynir gan Weinidogion Cymru o dan baragraff 5(1) neu (5) o Atodlen 3;
- (a2) pob penderfyniad a wneir gan Weinidogion Cymru mewn cysylltiad ag adolygiad o dan baragraff 5(4) o Atodlen 3, gan gynnwys copi o adroddiad unrhyw berson a benodir o dan baragraff 5(3) o'r Atodlen honno mewn cysylltiad â'r adolygiad, a dyddiad y penderfyniad;
- (b2) unrhyw ddatganiad o'r rhesymau sy'n dod gydag unrhyw un o'r uchod;
- (c2) unrhyw gynllun monitro, adroddiad neu wybodaeth arall a gyflwynir i Weinidogion Cymru o dan amod y gwnaed y caniatâd i dreillio, neu gydsyniad i drosglwyddo caniatâd o dan reoliad 16, yn ddarostyngedig iddo;
- (ch2) unrhyw sylw a gyflwynir neu wybodaeth a ddarperir i Weinidogion Cymru gan unrhyw berson neu gorff, ac yn enwedig yr Ysgrifennydd Gwladol, Adran yr Amgylchedd yng Ngogledd Iwerddon neu wladwriaeth AEE, mewn cysylltiad ag unrhyw swyddogaeth a gyflawnwyd neu sydd i'w chyflawni gan Weinidogion Cymru o dan y Rheoliadau hyn; a
- (d2) gorchymyn unrhyw lys mewn unrhyw achos cyfreithiol pan gwestiynwyd dilysrwydd unrhyw gymeradwyaeth, penderfyniad, dyfarniad, barn neu weithred arall gan Weinidogion Cymru o dan y Rheoliadau hyn wedi'i amau.

(3) Rhaid i'r gofrestr gynnwys mynegai.

(4) Rhaid i'r gofrestr fod ar gael i'r cyhoedd gael edrych arni ar bob adeg resymol, drwy apwyntiad ymlaen llaw.

(5) Pan fo'r gofrestr yn cael ei chadw gan ddefnyddio dull storio electronig, caiff Gweinidogion Cymru drefnu i'r gofrestr fod ar gael i'r cyhoedd gael edrych arni ar wefan a gynhelir gan Weinidogion Cymru at y diben hwnnw.

(6) Pan fo unrhyw aelod o'r cyhoedd yn gofyn iddynt wneud hynny ac wedi iddo dalu ffi resymol, rhaid i

Regulations;

- (y) any information supplied by an applicant under paragraph 2(2) of Schedule 3;
- (z) any information provided by the owner or holder of a permission under paragraph 3(4) of Schedule 3;
- (aa) each decision made by the Welsh Ministers to affirm, revoke or vary a permission under paragraph 3(5) of Schedule 3;
- (bb) each notice served by the Welsh Ministers under paragraph 4(1) of Schedule 3;
- (cc) each notice served by the Welsh Ministers under paragraph 5(1) or (5) of Schedule 3;
- (dd) each decision made by the Welsh Ministers in respect of a review under paragraph 5(4) of Schedule 3, including a copy of the report of any person appointed under paragraph 5(3) of that Schedule in respect of the review, and the date of the decision;
- (ee) any statement of reasons accompanying any of the above;
- (ff) any monitoring scheme, report or other information submitted to the Welsh Ministers under a condition to which permission to carry out dredging, or consent to a transfer of a permission under regulation 16, was made subject;
- (gg) any representation made or information provided to the Welsh Ministers by any person or body, and in particular the Secretary of State, the Department of the Environment in Northern Ireland or an EEA state, in connection with any function performed or to be performed by the Welsh Ministers under these Regulations; and
- (hh) the order of any court in any legal proceedings in which the validity of any approval, decision, determination, opinion or other action of the Welsh Ministers under these Regulations was questioned.

(3) The register must include an index.

(4) The register must be available for inspection by the public at all reasonable hours, by prior appointment.

(5) Where the register is kept using electronic storage, the Welsh Ministers may also make the register available for inspection by the public on a website maintained by the Welsh Ministers for that purpose.

(6) On request by any member of the public and on payment of a reasonable fee, the Welsh Ministers must

Weinidogion Cymru ddarparu copi o unrhyw ddogfen a gofnodwyd ar y gofrestr.

(7) Ac eithrio pan fo paragraff (8) yn gymwys, rhaid i gofnod yn y gofrestr gael ei gwneud cyn pen 28 o ddiwrnodau -

- (a) ar ôl y dyddiad y daw unrhyw gais, sylw, gwybodaeth, cynllun, adroddiad neu orchymyn i law Gweinidogion Cymru;
- (b) ar ôl dyddiad rhoi'r gymeradwyaeth neu farn berthnasol, neu wneud y penderfyniad neu ddyfarniad perthnasol, neu ddyroddi'r hysbysiad perthnasol.

(8) Pan fo Gweinidogion Cymru o'r farn y gallai gwneud cofnod yn y gofrestr yn unol â pharagraff (7) beryglu tegwch neu gyflymder y broses o roi unrhyw gymeradwyaeth neu farn, neu wneud unrhyw benderfyniad neu ddyfarniad, o dan y Rheoliadau hyn, rhaid i'r cofnod gael ei wneud cyn gynted ag y bo'n ymarferol ar ôl i'r gymeradwyaeth neu'r farn gael ei rhoi neu ar ôl i'r penderfyniad neu'r dyfarniad gael ei wneud.

Cosbau

27.-(1) Mae person sy'n cyflawni tramgwydd o dan y Rheoliadau hyn yn agored-

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

(2) Pan fo wedi'i phrofi bod tramgwydd o dan y Rheoliadau hyn wedi'i gyflawni gan gorff corfforaethol gyda chydsyniad neu ymoddefiad swyddog, neu y gellid ei briodoli i unrhyw esgeulustod ar ei ran, bydd y person hwnnw, yn ogystal â'r corff corfforaethol, yn euog o'r tramgwydd a bydd yn agored i gael ei erlyn a'i gosbi'n unol â hynny.

(3) Yn y rheoliad hwn, ystyr "swyddog" ("*officer*"), mewn perthynas â chorff corfforaethol yw cyfarwyddwr, aelod o'r pwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog arall tebyg i'r corff neu berson sy'n ymholni ei fod yn gweithredu yn rhinwedd y swydd honno.

(4) At ddibenion paragraff (3), ystyr "cyfarwyddwr" ("*director*"), mewn perthynas â chorff corfforaethol y mae ei fusnes yn cael ei reoli gan ei aelodau, yw aelod o'r corff corfforaethol.

(5) Mae achos am dramgwydd yr honnir ei fod wedi'i gyflawni o dan y Rheoliadau hyn gan gorff anghorfforaethol i'w ddwyn yn enw'r corff hwnnw (ac nid yn enw unrhyw un o'i aelodau) ac, at ddibenion unrhyw achos o'r fath, mae unrhyw reolau llys sy'n ymwneud â chyflwyno dogfennau yn cael effaith fel petai'r corff hwnnw'n gorfforaeth.

provide a copy of any document entered on the register.

(7) Except where paragraph (8) applies, an entry in the register must be made within 28 days of-

- (a) the receipt by the Welsh Ministers of any application, representation, information, scheme, report or order;
- (b) the giving or making of the relevant approval, decision, determination or opinion or the issuing of the relevant notice.

(8) Where the Welsh Ministers are of the view that making an entry in the register in accordance with paragraph (7) may prejudice the fairness or speed of the process of the giving or making of any approval, decision, determination, or opinion under these Regulations, the entry must be made as soon as practicable after the approval, decision, determination or opinion has been made or given.

Penalties

27.-(1) A person who commits an offence under these Regulations is liable-

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

(2) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, neglect on the part of an officer, that person, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(3) In this regulation, "officer" ("*swyddog*"), in relation to a body corporate means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or a person purporting to act in that capacity.

(4) For the purposes of paragraph (3), "director" ("*cyfarwyddwr*"), in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(5) Proceedings for an offence alleged to have been committed under these Regulations by an unincorporated body are to be brought in the name of that body (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.

(6) Caniateir dwyn achos am dramgwydd o dan y rheoliad hwn, a chaniateir ymdrin â'r tramgwydd at bob diben atodol fel petai wedi'i gyflawni yn unrhyw le yng Nghymru.

(7) Caniateir dwyn achos i gael datganiad o dan reoliad 3(2), a chaniateir ymdrin â'r tor rheoliad y cwynir amdano at bob diben atodol fel petai wedi'i gyflawni mewn unrhyw ran o Gymru.

Deddf Awdurdodaeth ar Ddyfroedd Tiriogaethol 1878

28. Nid yw Adran 3 o Ddeddf Awdurdodaeth ar Ddyfroedd Tiriogaethol 1878(1) (cydsyniadau ag erlyniadau am dramgwyddau a gyflawnwyd ar y môr agored gan bersonau nad ydynt yn ddinasyddion Prydeinig) yn gymwys i unrhyw achos am dramgwydd o dan y Rheoliadau hyn.

Ymchwiliadau lleol

29.-(1) Caiff Gweinidogion Cymru beri i ymchwiliad lleol gael ei gynnal er mwyn arfer unrhyw un o swyddogaethau Gweinidogion Cymru o dan y Rheoliadau hyn.

(2) Mewn perthynas ag ymchwiliad lleol a gynhelir o dan y Rheoliadau hyn, mae is-adrannau (2) i (5) o adran 250 (pŵer i gyfarwyddo bod ymchwiliadau yn cael eu cynnal) o Ddeddf Llywodraeth Leol 1972(2) yn gymwys-

- (a) fel y bônt yn gymwys i ymchwiliadau lleol a gynhelir o dan y Ddeddf honno;
- (b) o ddileu'r geiriau "local authority or" o is-adran (4) (darpariaethau ynghylch costau'r Ysgrifennydd Gwladol o ran cynnal ymchwiliadau); ac
- (c) fel petai cyfeiriadau yn isadrannau (4) a (5) (darpariaethau ynghylch gorchmynion ar gyfer talu costau partïon mewn ymchwiliadau) at "the Minister", yn gyfeiriadau at Weinidogion Cymru.

Cyfathrebiadau electronig

30.-(1) Bodlonir gofyniad yn y Rheoliadau hyn bod rhaid i unrhyw gais, cymeradwyaeth, penderfyniad, dyfarniad, hysbysiad, barn neu archiad fod yn ysgrifenedig pan fo'r derbynnydd yn cydsynio â'i dderbyn neu ei derbyn yn electronig a bod y ddogfen yn bodloni'r meini prawf ym mharagraff (4) ac mae "ysgrifenedig" i'w ddehongli'n unol â hynny.

(6) Proceedings for an offence under this regulation may be taken, and the offence may for all incidental purposes be treated as having been committed in any place in Wales.

(7) Proceedings for a declaration under regulation 3(2) may be taken, and the contravention which is complained of may for all incidental purposes be treated as having been committed in any part of Wales.

Territorial Waters Jurisdiction Act 1878

28. Section 3 of the Territorial Waters Jurisdiction Act 1878(1) (consents to prosecutions of offences committed on the open sea by persons who are not British citizens) does not apply to any proceedings for an offence under these Regulations.

Local inquiries

29.-(1) The Welsh Ministers may cause a local inquiry to be held for the purposes of the exercise of any function of the Welsh Ministers under these Regulations.

(2) In relation to a local inquiry held under these Regulations, subsections (2) to (5) of section 250 (power to direct inquiries) of the Local Government Act 1972(2) apply-

- (a) as they apply in relation to local inquiries held under that Act;
- (b) with the deletion of the words "local authority or" from subsection (4) (provisions as to Secretary of State's costs of holding inquiries); and
- (c) as if references in subsections (4) and (5) (provisions as to orders for the payment of costs of parties to inquiries) to the Minister, were references to the Welsh Ministers.

Electronic communications

30.-(1) A requirement in these Regulations that any application, approval, decision, determination, notice, opinion or request must be in writing is fulfilled where the recipient consents to receive it electronically and the document meets the criteria in paragraph (4) and "written" is to be construed accordingly.

(1) 1878 p. 73.

(2) 1972 p. 70. Diwygiwyd is-adran (2) gan Ddeddf Cyfraith Statud (Diddymu) 1989 (p.43). Diwygiwyd is-adran (3) gan adrannau 37, 38 a 46 o Ddeddf Cyfiawnder Troseddol 1982 (p.48). Diwygiwyd is-adran (4) gan Ddeddf Tai a Chynllunio 1986 (p.63), adran 49(2), ac Atodlen 12, Rhan III.

(1) 1878 c. 73.

(2) 1972 c. 70. Subsection (2) was amended by the Statute Law (Repeals) Act 1989 (c. 43). Subsection (3) was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48). Subsection (4) was amended by the Housing and Planning Act 1986 (c. 63), section 49(2), and Schedule 12, Part III.

(2) Pan fo cais yn cael ei wneud i Weinidogion Cymru am unrhyw gymeradwyaeth, penderfyniad, dyfarniad neu farn, o dan y Rheoliadau hyn gan ddefnyddio cyfathrebiadau electronig, bernir bod y person sy'n gwneud y cais wedi cytuno -

- (a) i ddefnyddio'r cyfathrebiadau hynny at bob diben sy'n ymwneud â'r cais y mae modd eu cyflawni'n electronig;
- (b) mai'r cyfeiriad at ddibenion y cyfathrebiadau hynny yw'r cyfeiriad a ymgorfforwyd yn y cais neu sydd wedi'i gysylltu fel arall yn rhesymegol â'r cais hwnnw; ac
- (c) y bydd y cytundeb tybiedig o dan y paragraff hwn yn parhau hyd nes y bydd y person hwnnw'n hysbysu ei fod am ddirymu'r cytundeb.

(3) Pan na fo person yn fodlon derbyn defnyddio cyfathrebiadau electronig mwyach mewn perthynas ag unrhyw gais o dan y Rheoliadau hyn, rhaid i'r person hwnnw hysbysu Gweinidogion Cymru a bydd y dirymu hwnnw'n derfynol ac yn dod yn weithredol ar ddyddiad a bennir gan y person yn yr hysbysiad, ond heb fod yn llai na saith niwrnod ar ôl y dyddiad y rhoddwyd yr hysbysiad.

(4) Y meini prawf y cyfeirir atynt ym mharagraff (1) yw bod y ddogfen a drosglwyddir drwy'r cyfathrebiadau electronig-

- (a) yn un y gellir ei chyrru gan y derbynnydd;
- (b) yn ddarllenadwy ym mhob manylyn perthnasol; ac
- (c) yn ddigon parhaol fel bod modd cyfeirio ati wedi hynny.

(5) Ym mharagraff (4), ystyr "yn ddarllenadwy ym mhob manylyn perthnasol" yw bod yr wybodaeth a geir yn y ddogfen ar gael i'r derbynnydd i raddau nad ydynt yn llai â phe câi ei hanfon neu ei rhoi drwy gyfrwng dogfen ar ffurf brintiedig.

(6) Ni fydd dim yn y rheoliad hwn yn atal Gweinidogion Cymru rhag ei gwneud yn ofynnol i geisydd am ganiatâd o dan reoliad 10 neu'r ceisydd mewn perthynas ag unrhyw gais o dan reoliad 6(1), 7(2), 16(2) neu 18(1) neu berchennog neu ddeiliad caniatâd yn achos dirymiad neu amrywiad arfaethedig o dan reoliad 21, ddarparu'r nifer o gopïau printiedig o unrhyw ddogfen y bydd ar Weinidogion Cymru angen rhesymol amdanynt, er gwaethaf y ffaith bod y ddogfen eisoes wedi'i throsglwyddo'n electronig i Weinidogion Cymru.

(7) Pan fo'r cyfathrebiad electronig yn dod i law'r derbynnydd y tu allan i'w oriau busnes, cymerir ei fod wedi dod i law ar y diwrnod gwaith nesaf; ac, at y diben hwn, ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn Wyl Banc nac yn wyl gyhoeddus arall.

(2) Where an application is made to the Welsh Ministers for any approval, decision, determination or opinion, under these Regulations using electronic communications, the person making the application will be taken to have agreed -

- (a) to the use of such communications for all purposes relating to the application which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that the deemed agreement under this paragraph will subsist until that person gives notice to revoke the agreement.

(3) Where a person is no longer willing to accept the use of electronic communications in relation to any application under these Regulations, that person must give notice to the Welsh Ministers and such revocation will be final and will take effect on a date specified by the person in the notice, but not less than seven days after the date on which the notice is given.

(4) The criteria referred to in paragraph (1) are that the document transmitted by the electronic communication is-

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(5) In paragraph (4), "legible in all material respects" means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Nothing in this regulation will prevent the Welsh Ministers from requiring an applicant for permission under regulation 10 or the applicant in relation to any application under regulation 6(1), 7(2), 16(2) or 18(1) or the owner or holder of a permission in the case of a proposed revocation or variation under regulation 21, to provide such number of printed copies of any document as the Welsh Ministers will reasonably require, notwithstanding that the document has already been transmitted to the Welsh Ministers electronically.

(7) Where the electronic communication is received by the recipient outside the recipient's business hours, it will be taken to have been received on the next working day; and, for this purpose, "working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(8) Yn y rheoliad hwn-

- (a) mae'r term "cyfeiriad" ("*address*") yn cynnwys unrhyw rif neu gyfeiriad a ddefnyddir at ddibenion y cyfathrebiadau hynny neu'r storio hwnnw; a
- (b) mae i "cyfathrebiad electronig" yr ystyr a roddir i ("*electronic communication*") gan adran 15(1) o Ddeddf Cyfathrebu Electronig 2000(1).

Darpariaethau trosiannol

31.-(1) Caiff cais o dan y naill neu'r llall o'r gweithdrefnau a grybwyllir ym mharagraff (3) sy'n aros yn gais heb ei ddyfarnu ar y cychwyn, ac a fyddai, petai wedi'i wneud o dan y Rheoliadau hyn, yn dod o fewn cwrdd y Rheoliadau, ei drin (oni chaiff ei dynnu'n ôl) fel cais am ganiatâd neu, yn ôl y digwydd, amrywiad a wneir yn briodol o dan y Rheoliadau hyn os yw'n cynnwys datganiad amgylcheddol.

(2) Caiff camau a gymerwyd yn unol â'r gweithdrefnau hynny mewn perthynas â chais sy'n cael ei drin yn y modd a grybwyllwyd ym mharagraff (1) eu trin fel camau a gymerwyd o dan reoliad 12, i'r graddau y caiff Gweinidogion Cymru eu bodloni bod y camau fel y'u cymerwyd gan y ceisydd yn rhoi i raddau helaeth yr un faint o gyhoeddusrwydd i'r cais hwnnw â'r cyhoeddusrwydd ag y byddai cais wedi'i gael gan Weinidogion Cymru o dan reoliad 12.

(3) Y gweithdrefnau y cyfeiriwyd atynt ym mharagraff (1) yw'r rhai a ddisgrifir -

- (a) yn y ddogfen o'r enw "Offshore Dredging for Sand, Gravel and other Minerals", a ddyddiwyd Ebrill 1989, ac a gyhoeddwyd gan y Swyddfa Gymreig ac Adran yr Amgylchedd; a
- (b) yn y ddogfen o'r enw "Government View: New Arrangements for the Licensing of Minerals Dredging", a ddyddiwyd Mai 1998, ac a gyhoeddwyd gan y Swyddfa Gymreig ac Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau.

(4) Pan fo caniatâd yn cael ei roi neu ei amrywio o ganlyniad i unrhyw gais y mae'r rheoliad hwn yn gymwys iddo, bydd y Rheoliadau hyn yn gymwys iddo yn yr un modd ag y maent yn gymwys i ganiatadau a roddwyd o ganlyniad i gais o dan reoliad 10.

(8) In this regulation-

- (a) the expression "address" ("*cyfeiriad*") includes any number or address used for the purpose of such communications or storage; and
- (b) "electronic communication" ("*cyfathrebiad electronig*") has the meaning given in section 15(1) of the Electronic Communications Act 2000(1).

Transitional provisions

31.-(1) An application under either of the procedures mentioned in paragraph (3) which remains undetermined at commencement, and which if it had been made under these Regulations would fall within the scope of the Regulations, will (unless withdrawn) be treated as an application for permission or, as the case may be, variation duly made under these Regulations if it includes an environmental statement.

(2) Steps taken in accordance with those procedures in relation to an application that is treated as mentioned in paragraph (1) will be treated as steps taken under regulation 12, to the extent that the Welsh Ministers are satisfied that the steps as taken by the applicant publicise that application to substantially the same extent as an application would have been publicised by the Welsh Ministers under regulation 12.

(3) The procedures referred to in paragraph (1) are those set out in -

- (a) the document entitled "Offshore Dredging for Sand, Gravel and other Minerals", dated April 1989, and published by the Department of the Environment and the Welsh Office; and
- (b) the document entitled "Government View: New Arrangements for the Licensing of Minerals Dredging", dated May 1998, and published by the Department of the Environment, Transport and the Regions and the Welsh Office.

(4) Where a permission is granted or varied as a result of any application to which this regulation applies, these Regulations will apply to it as they do to permissions granted as a result of an application under regulation 10.

(1) 2000 p.7. Diwygiwyd adran 15 gan Ddeddf Cyfathrebu 2003 (p. 21), Atodlen 17, paragraff 158.

(1) 2000 c.7 Section 15 was amended by Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

Diwygiadau i Reoliadau, ac arbedion

32.-(1) Yn Atodlen 2 i Reoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999(1), yng ngholofn 1 o'r tabl, ym mharagraff 2(c), ar ôl "fluvial" mewnosoder "or marine".

(2) Nid yw'r diwygiad a wnaed gan baragraff (1) yn cael effaith mewn perthynas â'r canlynol-

- (a) unrhyw gais am ganiatâd cynllunio, neu am ddiwygio caniatâd cynllunio sy'n bodoli eisoes ac a gofnodwyd neu a gafwyd gan awdurdod cynllunio lleol cyn y dyddiad cychwyn;
- (b) unrhyw apêl mewn perthynas â'r cais hwnnw;
- (c) unrhyw fater y mae awdurdod cynllunio lleol, cyn cychwyn, wedi dyroddi hysbysiad gorfodi mewn perthynas ag ef o dan adran 172 (dyroddi hysbysiad gorfodi) o Ddeddf Cynllunio Gwlad a Thref 1990(2); neu
- (ch) unrhyw ddatblygiad a ddechreuwyd cyn y cychwyn gan ddibynnu ar ganiatâd cynllunio a roddwyd gan Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(3).

Amendments of Regulations, and savings

32.-(1) In Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(1), in column 1 of the table, in paragraph 2(c), after "fluvial" insert "or marine".

(2) The amendment made by paragraph (1) does not have effect in relation to-

- (a) any application for planning permission, or for the amendment of an existing planning permission lodged or received by a local planning authority before commencement;
- (b) any appeal in relation to such an application;
- (c) any matter in relation to which, before commencement, a local planning authority has issued an enforcement notice under section 172 (issue of enforcement notice) of the Town and Country Planning Act 1990(2); or
- (d) any development begun before commencement in reliance on planning permission granted by the Town and Country Planning (General Permitted Development) Order 1995(3).

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weiniogion Cymru

6 Medi 2007

Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

6 September 2007

(1) O.S. 1999/293, a ddiwygiwyd gan O.S. 2000/2867, 2006/3099 a 2006/3295.

(2) 1990 p.8. Mewnosodwyd adran 172 gan Ddeddf Cynllunio ac Iawndal 1991 (p. 34), Adran 5.

(3) O.S. 1995/418; fe'i diwygiwyd gan O.S. 1996/528.

(1) S.I. 1999/293, amended by S.I. 2000/2867, 2006/3099 and 2006/3295.

(2) 1990 c.8. Section 172 was substituted by the Planning and Compensation Act 1991 (c.34), Section 5.

(3) S.I. 1995/418; amended by S.I. 1996/528.

Rheoliadau 7(1) ac 11(1)

Regulations 7(1) and 11(1).

DATGANIADAU AMGYLCHEDDOL

ENVIRONMENTAL STATEMENTS

RHAN 1

PART 1

Y GOFYNION SYLFAENOL

MINIMUM REQUIREMENTS

1. Disgrifiad o'r prosiect, sef gwybodaeth am safle, dyluniad a maint y prosiect.
2. Disgrifiad o'r mesurau a ragwelir er mwyn osgoi, lleihau ac, os yw'n bosibl, unioni unrhyw effeithiau andwyol arwyddocaol.
3. Y data y mae eu hangen i adnabod ac asesu'r prif effeithiau y mae'r prosiect yn debygol o'u cael ar yr amgylchedd.
4. Braslun o'r prif ddewisiadau eraill a astudiwyd gan y ceisydd a syniad o'r prif resymau dros ei ddewis, gan gymryd i ystyriaeth yr effeithiau amgylcheddol.
5. Crynodeb annhechnegol o'r wybodaeth a ddarparwyd o dan baragraffau 1 i 4 o'r Rhan hon.

1. A description of the project comprising information on the site, design and size of the project.
2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
3. The data required to identify and assess the main effects which the project is likely to have on the environment.
4. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.
5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

RHAN 2

PART 2

Y GOFYNION YCHWANEGOL

ADDITIONAL REQUIREMENTS

1. Disgrifiad o'r prosiect, gan gynnwys yn benodol-
 - (a) disgrifiad o nodweddion ffisegol y prosiect cyfan a'r anghenion o ran defnydd tir yn ystod y cyfnod adeiladu a'r cyfnod gweithredol;
 - (b) disgrifiad o brif nodweddion y prosesau cynhyrchu, er enghraifft, natur y deunyddiau a ddefnyddir a pha faint ohonynt a ddefnyddir;
 - (c) amcangyfrif, yn ôl math a maint, o'r gwaddodion a'r allyriadau disgwylidig (llygredd dwr, aer a phridd, swm, dirgryniad, golau, gwres, ymbelydredd, etc.) a fyddai'n deillio o weithredu'r prosiect arfaethedig.
2. Amlinelliad o'r prif ddewisiadau eraill a astudiwyd gan y ceisydd a syniad o'r prif resymau dros y dewis hwn, gan gymryd i ystyriaeth yr effeithiau amgylcheddol.
3. Disgrifiad o'r agweddau ar yr amgylchedd y mae'r prosiect arfaethedig yn debyg o effeithio'n sylweddol arnynt, gan gynnwys, yn benodol, poblogaeth, ffawna, fflora, pridd, dwr, aer, ffactorau hinsoddol, asedau

1. A description of the project, including in particular-
 - (a) a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases;
 - (b) a description of the main characteristics of the production processes, for instance nature and quantity of the materials used;
 - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed project.
2. An outline of the main alternatives studied by the applicant and an indication of the main reasons for this choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the proposed project including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets,

materol, gan gynnwys y dreftadaeth bensaernïol ac archeolegol, y tirlun a rhyngberthynas y ffactorau uchod.

4. Disgrifiad o effeithiau sylweddol tebygol y prosiect arfaethedig ar yr amgylchedd, a hwnnw'n ddisgrifiad a ddylai ymdrin ag effeithiau uniongyrchol ac unrhyw effeithiau anuniongyrchol, eilaidd, cronol, byrdymor, tymor-canolig a hirdymor, parhaol a thros dro, cadarnhaol a negyddol y prosiect, a fyddai'n deillio o:

- (a) bodolaeth y prosiect;
- (b) y defnydd o adnoddau naturiol;
- (c) allyriant llygrwyr, creu niwsansau a dileu gwastraff,

a disgrifiad gan y ceisydd o'r dulliau darogan a ddefnyddir i asesu'r effeithiau ar yr amgylchedd.

5. Disgrifiad o'r mesurau a ragwelir i atal, lleihau ac, os yw'n bosibl, i wrthbwyso unrhyw effeithiau andwyol arwyddocaol ar yr amgylchedd.

6. Crynodeb annhechnegol o'r wybodaeth a ddarperir o dan baragraffau 1 i 5 o'r Rhan hon.

7. Awgrym o unrhyw anawsterau (diffygion technegol neu ddiffyg gwybodaeth ymarferol) y daethpwyd ar eu traws gan y ceisydd wrth grynhoi'r wybodaeth sy'n ofynnol.

including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

4. A description of the likely significant effects of the proposed project on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project, resulting from:

- (a) the existence of the project;
- (b) the use of natural resources;
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,

and a description by the applicant of the forecasting methods used to assess the effects on the environment.

5. A description of the measures envisaged to prevent, reduce and, where possible, offset any significant adverse effects on the environment.

6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Rheoliad 5(8)

Regulation 5(8)

Y MEINI PRAWF DETHOL

SELECTION CRITERIA

Nodweddion y prosiectau

1. Rhaid ystyried nodweddion y prosiectau, gan roi sylw, yn benodol, i-

- (a) maint y prosiect;
- (b) sut mae'n cyfuno â phrosiectau eraill;
- (c) y defnydd o adnoddau naturiol;
- (ch) cynhyrchu gwastraff;
- (d) llygredd a niwsansau;
- (dd) y perygl o ddamweiniau, gan roi sylw, yn benodol, i'r sylweddau neu'r technolegau a ddefnyddir.

Lleoliad y prosiectau

2. Rhaid ystyried sensitifrwydd amgylcheddol yr ardaloedd daearyddol y mae prosiectau yn debygol o effeithio arnynt, gan roi sylw, yn benodol, i -

- (a) y defnydd presennol o'r tir;
- (b) digonedd, ansawdd a gallu atgynhyrchiol cymharol yr adnoddau naturiol yn yr ardal;
- (c) gallu'r amgylchedd naturiol i amsugno, o roi sylw penodol i'r ardaloedd canlynol-
 - (i) gwlyptiroedd,
 - (ii) parthau arfordirol,
 - (iii) ardaloedd mynyddig a fforestydd,
 - (iv) gwarchodfeydd natur a pharciau,
 - (v) ardaloedd sydd wedi'u dosbarthu neu wedi'u gwarchod o dan ddeddfwriaeth y gwladwriaethau AEE; ardaloedd gwarchodaeth arbennig a ddynodwyd gan Aelod-wladwriaethau o dan y Gyfarwyddeb Adar Gwyllt neu'r Gyfarwyddeb Cynefinoedd,
 - (vi) ardaloedd lle rhagorwyd eisoes ar y safonau ansawdd amgylcheddol sydd wedi'u pennu mewn deddfwriaeth Gymunedol,
 - (vii) ardaloedd dwys eu poblogaeth,
 - (viii) tirluniau sydd o bwys hanesyddol, diwylliannol neu archeolegol.

Characteristics of projects

1. The characteristics of projects must be considered having regard, in particular, to-

- (a) the size of the project;
- (b) the cumulation with other projects;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of projects

2. The environmental sensitivity of geographical areas likely to be affected by projects must be considered, having regard, in particular, to-

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas-
 - (i) wetlands,
 - (ii) coastal zones,
 - (iii) mountain and forest areas,
 - (iv) nature reserves and parks,
 - (v) areas classified or protected under EEA states' legislation; special protection areas designated by Member States under the Wild Birds Directive or the Habitats Directive,
 - (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded,
 - (vii) densely populated areas,
 - (viii) landscapes of historical, cultural or archaeological significance.

Nodweddion yr effaith bosibl

3. Rhaid ystyried effeithiau sylweddol posibl prosiectau, mewn perthynas â'r meini prawf a nodwyd o dan baragraffau 1 a 2 uchod, a chan roi sylw, yn benodol, i-

- (a) hyd a lled yr effaith (yr ardal ddaearyddol a maint y boblogaeth yr effeithir arni);
- (b) natur drawsffiniol yr effaith;
- (c) graddfa a chymhlethdod yr effaith;
- (ch) tebygolrwydd yr effaith;
- (d) hyd, amllder a gwrthdroadwyedd yr effaith.

ATODLEN 3

Rheoliadau 13(3) a 24

CYNEFINOEDD NATURIOL

Diffiniadau

1.-(1) Yn yr Atodlen hon, ystyr "Natura 2000" yw'r rhwydwaith Ewropeaidd o ardaloedd cadwraeth arbennig, ac ardaloedd gwarchodaeth arbennig a ddynodwyd o dan y Gyfarwyddeb Adar Gwyllt, y darparwyd ar eu cyfer gan Erthygl 3(1) o'r Gyfarwyddeb Cynefinoedd.

(2) At ddibenion paragraffau 3 a 4 o'r Atodlen hon, estynnir y diffiniad o "safle Ewropeaidd" yn rheoliad 2 drwy fewnosod y paragraff canlynol-

"(d)safle sy'n lletya math o gynefin naturiol â blaenoriaeth neu rywogaeth â blaenoriaeth y mae ymgynghoriad wedi'i gychwyn mewn cysylltiad ag ef neu hi o dan Erthygl 5(1) o'r Gyfarwyddeb Cynefinoedd, yn ystod y cyfnod ymgynghori neu wrth aros am benderfyniad y Cyngor o dan Erthygl 5(3)."

Darpariaeth i warchod safleoedd Ewropeaidd: prosiectau treillio newydd

2.-(1) Mae'r paragraff hwn yn gymwys o ran pob prosiect y mae Gweinidogion Cymru wedi dyfarnu mewn cysylltiad ag ef o dan reoliad 6, 13(1) neu 18(3) y byddai'n brosiect cynefinoedd.

(2) Rhaid i berson sy'n gwneud cais o dan reoliad 10, neu o dan reoliad 18, ddarparu unrhyw wybodaeth y bydd angen rhesymol amdani ar Weindogion Cymru at ddibenion yr asesiad o dan reoliad 13(3) neu'r rheoliad hwnnw fel y'i cymhwysir gan reoliad 19(3).

Characteristics of the potential impact

3. The potential significant effects of projects must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to-

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

SCHEDULE 3

Regulations 13(3) and 24

NATURAL HABITATS

Definitions

1.-(1) In this Schedule, "Natura 2000" means the European network of special areas of conservation, and special protection areas designated under the Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive.

(2) For the purposes of paragraphs 3 and 4 of this Schedule, the definition of "European site" in regulation 2 is extended by the insertion of the following paragraph-

"(e) a site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period or pending a decision of the Council under Article 5(3)."

Provision for the protection of European sites: new dredging projects

2.-(1) This paragraph applies in relation to every project in respect of which the Welsh Ministers have determined under regulation 6, 13(1) or 18(3) that it would constitute a habitats project.

(2) A person applying under regulation 10, or under regulation 18, must provide such information as the Welsh Ministers may reasonably require for the purposes of the assessment under regulation 13(3) or that regulation as applied by regulation 19(3).

(3) At ddibenion yr asesiad, rhaid i Weinidogion Cymru geisio cyngor gwyddonol priodol.

(4) Caiff Gweinidogion Cymru gymryd camau priodol hefyd i gael barn y cyhoedd at ddibenion yr asesiad.

(5) Yng ngoleuni'r casgliad y daethpwyd iddo yn yr asesiad, ac yn ddarostyngedig i is-baragraffau (7) ac (8) isod, dim ond ar ôl i Weinidogion Cymru ganfod na fydd y prosiect, naill ar ei ben ei hun neu ar y cyd â chynlluniau neu brosiectau eraill, yn effeithio'n andwyol ar gyfanrwydd y safle Ewropeaidd y cânt roi caniatâd ar gyfer y prosiect hwnnw.

(6) Wrth bwysu a mesur a fyddai'r prosiect yn effeithio'n andwyol ar gyfanrwydd y safle, rhaid i Weinidogion Cymru roi sylw-

- (a) i'r modd y bwriedir cyflawni'r prosiect; a
- (b) i unrhyw amodau neu gyfyngiadau y bwriedir i'r caniatâd a roddir fod yn ddarostyngedig iddynt.

(7) Pan fo Gweinidogion Cymru yn credu y câ unrhyw effeithiau andwyol y prosiect ar gyfanrwydd safle Ewropeaidd eu hosgoi pe bai'r caniatâd yn ddarostyngedig i amodau, dim ond yn ddarostyngedig i'r amodau hynny y gall caniatâd gael ei roi.

(8) Os yw Gweinidogion Cymru wedi'u bodloni, am nad oes unrhyw atebion eraill, bod rhaid i'r prosiect gael ei gyflawni am resymau hanfodol o fudd cyhoeddus tra phwysig (y cânt, yn ddarostyngedig i baragraff (9) isod, fod o natur gymdeithasol neu economaidd), caiff caniatâd gael ei roi ar gyfer y prosiect er gwaethaf asesiad negyddol o'r goblygiadau i'r safle.

(9) Pan fo'r safle o dan sylw yn lletya math o gynefin naturiol â blaenoriaeth neu rywogaeth â blaenoriaeth, rhaid i'r rhesymau y cyfeirir atynt yn is-baragraff (8) fod naill ai-

- (a) yn rhesymau sy'n ymwneud ag iechyd dynol, diogelwch cyhoeddus neu ganlyniadau buddiol o'r pwys mwyaf i'r amgylchedd, neu
- (b) rhesymau eraill o fudd cyhoeddus tra phwysig, cyhyd â bod Gweinidogion Cymru wedi rhoi sylw priodol i farn y Comisiwn Ewropeaidd wrth ddod i'r casgliad bod rhesymau o'r fath.

Darpariaeth i warchod safleoedd Ewropeaidd: adolygu caniatadau sy'n bodoli eisoes

3.-(1) Pan fo-

- (a) Gweinidogion Cymru, cyn y dyddiad y daw safle yn safle Ewropeaidd, wedi rhoi caniatâd o dan y Rheoliadau hyn ar gyfer prosiect y mae Gweinidogion Cymru yn credu a fyddai wedi bod yn brosiect cynefinoedd pe bai'r safle Ewropeaidd wedi'i ddynodi ar y dyddiad y

(3) For the purposes of the assessment, the Welsh Ministers must take appropriate scientific advice.

(4) The Welsh Ministers may also take appropriate steps to obtain the opinion of the public for the purposes of the assessment.

(5) In the light of the conclusion of the assessment, and subject to sub-paragraphs (7) and (8) below, the Welsh Ministers may grant permission for the project only after having ascertained that it will not, either alone or in combination with other plans or projects, adversely affect the integrity of the European site.

(6) In considering whether a project will adversely affect the integrity of the site, the Welsh Ministers must have regard to-

- (a) the manner in which it is proposed to be carried out; and
- (b) any conditions or restrictions subject to which it is proposed that the permission should be granted.

(7) Where the Welsh Ministers consider that any adverse effects of the project on the integrity of an European site would be avoided if the permission were subject to conditions, permission can only be granted subject to those conditions.

(8) If the Welsh Ministers are satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of overriding public interest (which, subject to sub-paragraph (9), may be of a social or economic nature), permission may be granted for the project notwithstanding a negative assessment of the implications for the site.

(9) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in sub-paragraph (8) must be either-

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment, or
- (b) other reasons of overriding public interest, provided the Welsh Ministers have had due regard to the opinion of the European Commission in concluding that there are such reasons.

Provision for the protection of European sites: review of existing permissions

3.-(1) Where -

- (a) before the date on which a site becomes a European site, the Welsh Ministers have granted permission under these Regulations for a project which the Welsh Ministers consider would have constituted a habitats project had the European site been designated

dyfarnwyd ar y cais am y caniatâd; a

- (b) dim un o'r amgylchiadau a grybwyllir yn is-baragraff (2) yn gymwys,

rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad y daw'r safle yn safle Ewropeaidd, adolygu'r caniatâd.

(2) Yr amgylchiadau y cyfeirir atynt yn is-baragraff (1)(b) yw-

- (a) bod y treillio y mae'r caniatâd yn ymwneud ag ef wedi'i gwblhau cyn i'r safle ddod yn safle Ewropeaidd;
- (b) bod y caniatâd wedi'i roi yn ddarostyngedig i amod ynglyn â'r cyfnod yr oedd y treillio y mae'n ymwneud ag ef i'w ddechrau a bod y cyfnod hwnnw wedi dod i ben heb fod y treillio wedi'i ddechrau, a bod dim modd i'r caniatâd gael ei weithredu mwyach heb gael ei amrywio gan Weinidogion Cymru; ac
- (c) bod y caniatâd wedi'i roi am gyfnod penodedig a bod y cyfnod hwnnw wedi dirwyn i ben.

(3) Rhaid i Weinidogion Cymru, at ddibenion adolygu'r caniatâd, wneud asesiad priodol o oblygiadau'r treillio i'r safle oherwydd ei amcanion cadwraeth; a bydd darpariaethau is-baragraffau (3), (4), (5) a (6) o baragraff 2 yn gymwys, gydag addasiadau priodol, mewn perthynas ag adolygiad o'r fath.

(4) Pan fo caniatâd yn cael ei adolygu o dan y rheoliad hwn, caiff Gweinidogion Cymru ofyn i berchennog neu ddeiliad y caniatâd, yn ôl y digwydd, ddarparu, o fewn cyfnod penodedig, unrhyw wybodaeth ychwanegol y mae ar Weinidogion Cymru ei hangen er mwyn cynnal yr adolygiad ac, os na ddarperir yr wybodaeth honno o fewn y cyfnod a bennwyd, neu unrhyw gyfnod pellach y bydd Gweinidogion Cymru yn ei ganiatáu, caiff Gweinidogion Cymru ddirymu'r caniatâd heb gwblhau'r adolygiad.

(5) Wedi iddynt adolygu caniatâd o dan y paragraff hwn, rhaid i Weinidogion Cymru-

- (a) ei gadarnhau neu ei amrywio yn unol ag is-baragraff (6), (7) neu (8); neu
- (b) mewn unrhyw achos arall, ei ddirymu.

(6) Caniateir i'r caniatâd gael ei gadarnhau os yw Gweinidogion Cymru wedi'u bodloni na fydd y prosiect yn effeithio'n andwyol ar gyfanrwydd y safle Ewropeaidd.

(7) Caniateir i'r caniatâd gael ei amrywio os yw Gweinidogion Cymru wedi'u bodloni y câi unrhyw effeithiau andwyol gwaith i gyflawni neu, yn ôl y digwydd, parhau â'r prosiect, eu hosgoi drwy amrywio'r caniatâd.

at the date when the application for the permission was determined; and

- (b) none of the circumstances mentioned in sub-paragraph (2) apply,

the Welsh Ministers must, as soon as reasonably practicable after the date on which the site becomes a European site, review the permission.

(2) The circumstances referred to in sub-paragraph (1)(b) are-

- (a) the dredging to which the permission relates has been completed before the site became a European site;
- (b) the permission was granted subject to a condition as to the period within which the dredging to which it relates was to be begun and that period has expired without the dredging having been begun, and the permission is no longer capable of implementation without being varied by the Welsh Ministers; and
- (c) the permission was granted for a limited period and that period has expired.

(3) The Welsh Ministers must, for the purpose of reviewing the permission, make an appropriate assessment of the implications of the dredging for the site in view of its conservation objectives; and the provisions of sub-paragraphs (3), (4), (5) and (6) of paragraph 2 apply, with appropriate modifications, in relation to such a review.

(4) Where a permission is reviewed under this regulation, the Welsh Ministers may request the owner or the holder of the permission, as the case may be, to provide, within a specified period, any additional information which the Welsh Ministers require in order to carry out the review and, if that information is not provided within the period specified, or such further period as the Welsh Ministers may allow, the Welsh Ministers may revoke the permission without completing the review.

(5) Having reviewed a permission under this paragraph, the Welsh Ministers must-

- (a) affirm or vary it in accordance with sub-paragraph (6), (7) or (8); or
- (b) in any other case, revoke it.

(6) The permission may be affirmed if the Welsh Ministers are satisfied that the project will not adversely affect the integrity of the European site.

(7) The permission may be varied if the Welsh Ministers are satisfied that any adverse effects on the integrity of the European site of the carrying out or, as the case may be, the continuation of the project, would be avoided by a variation of the permission.

(8) Yn ddarostyngedig i is-baragraff (10), os yw Gweinidogion Cymru wedi'u bodloni, am nad oes unrhyw atebion eraill, bod rhaid i'r prosiect gael ei gyflawni am resymau hanfodol o fudd cyhoeddus tra phwysig (y cânt fod o natur gymdeithasol neu economaidd, ac eithrio mewn achosion y mae is-baragraff (9) yn gymwys iddynt), caniateir i'r caniatâd gael ei gadarnhau er gwaethaf asesiad negyddol o'r goblygiadau i'r safle.

(9) Pan fo'r safle o dan sylw yn lletya math o gynefin naturiol â blaenoriaeth neu rywogaeth â blaenoriaeth, rhaid i'r rhesymau y cyfeiriwyd atynt yn is-baragraff (8) fod naill ai -

- (a) yn rhesymau sy'n ymwneud ag iechyd dynol, diogelwch cyhoeddus neu ganlyniadau buddiol o'r pwys mwyaf i'r amgylchedd; neu
- (b) yn rhesymau eraill o fudd cyhoeddus tra phwysig, cyhyd â bod Gweinidogion Cymru wedi rhoi sylw priodol i farn y Comisiwn Ewropeaidd wrth ddod i'r casgliad bod rhesymau o'r fath.

(10) Rhaid i Weinidogion Cymru beidio â chadarnhau caniatâd o dan is-baragraff (8) mewn unrhyw achos pan fo is-baragraff (6) neu (7) yn gymwys.

(11) Nid oes dim yn y paragraff hwn sy'n effeithio ar unrhyw beth a wneir o dan y caniatâd cyn y dyddiad y daeth y safle yn safle Ewropeaidd.

Darpariaeth i warchod safleoedd Ewropeaidd: adolygiad o'r cytundebau sy'n bodoli eisoes

4.-(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl y cychwyn, rhaid i Weinidogion Cymru gyflwyno i'r partïon i bob cytundeb y mae is-baragraff (2) yn gymwys iddo, hysbysiad yn pennu dyddiad at ddibenion is-baragraff (5).

(2) Mae'r is-baragraff hwn yn gymwys i unrhyw gytundeb ysgrifenedig -

- (a) y mae perchennog wedi ymrwymo iddo cyn y dyddiad cychwyn; a
- (b) y mae Gweinidogion Cymru yn credu ei fod yn ymwneud â threillio sy'n gyfwerth â phrosiect cynefinoedd.

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i safle ddod yn safle Ewropeaidd, rhaid i Weinidogion Cymru gyflwyno i'r partïon i bob cytundeb y mae is-baragraff (4) yn gymwys iddo, hysbysiad yn pennu dyddiad at ddibenion is-baragraff (5).

(4) Mae'r is-baragraff hwn yn gymwys i unrhyw gytundeb -

- (a) y mae perchennog wedi ymrwymo iddo cyn y dyddiad cychwyn; a
- (b) y mae Gweinidogion Cymru yn credu ei fod yn ymwneud â threillio sy'n gyfwerth â phrosiect

(8) Subject to sub-paragraph (10), if the Welsh Ministers are satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of overriding public interest (which, except in cases to which sub-paragraph (9) applies, may be of a social or economic nature), the permission may be affirmed notwithstanding a negative assessment of the implications for the site.

(9) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in sub-paragraph (8) must be -

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or
- (b) other reasons of overriding public interest, provided the Welsh Ministers have had due regard to the opinion of the European Commission in concluding that there are such reasons.

(10) The Welsh Ministers must not affirm a permission under sub-paragraph (8) in any case where sub-paragraph (6) or (7) applies.

(11) Nothing in this paragraph affects anything done under the permission before the date on which the site became a European site.

Provision for the protection of European sites: review of existing agreements

4.-(1) As soon as reasonably practicable after commencement, the Welsh Ministers must serve on the parties to each agreement to which sub-paragraph (2) applies a notice specifying a date for the purposes of sub-paragraph (5).

(2) This sub-paragraph applies to any written agreement -

- (a) entered into by an owner before commencement; and
- (b) which the Welsh Ministers consider relates to dredging which constitutes a habitats project.

(3) As soon as reasonably practicable after a site becomes a European site, the Welsh Ministers must serve on the parties to each agreement to which sub-paragraph (4) applies, a notice specifying a date for the purposes of sub-paragraph (5).

(4) This sub-paragraph applies to any agreement -

- (a) entered into by an owner before commencement; and
- (b) which the Welsh Ministers consider relates to dredging which constitutes a habitats project

cynefinoedd yn sgil -

- (i) dynodi'r safle Ewropeaidd, neu
- (ii) cynnig gan Weinidogion Cymru i safle gael ei ddynodi'r ardal gwarchodaeth arbennig at ddibenion bodloni rhwymedigaethau'r Deyrnas Unedig o dan Erthygl 4(1) o'r Gyfarwyddeb Cynefinoedd.

(5) Ar neu ar ôl y dyddiad a bennir mewn hysbysiad o dan is-baragraff (1) neu (3), bydd y cytundeb yn cael effaith i bob pwrpas fel caniatâd a roddwyd o ganlyniad i gais o dan reoliad 10 ac y mae'n ddyletswydd ar Weinidogion Cymru i'w adolygu o dan baragraff 3.

Y weithdrefn ar ôl adolygiad

5.-(1) Pan fo Gweinidogion Cymru, ar ôl adolygiad o dan baragraff 3 neu 4, yn bwriadu dirymu neu amrywio caniatâd a roddwyd, neu sy'n cael effaith fel petai wedi'i roi, o dan y Rheoliadau hyn, rhaid iddynt gyflwyno hysbysiad-

- (a) i'r perchennog;
- (b) i unrhyw ddeiliaid y caniatâd, neu'r rhan yr effeithir arni, yn ôl y digwydd; ac
- (c) i unrhyw berson arall yr effeithir arno, ym marn Gweinidogion Cymru, gan y dirymu neu'r amrywio,

yn eu hysbysu o'r penderfyniad ac yn pennu cyfnod, nad yw'n llai nag 28 o ddiwrnodau o ddyddiad yr hysbysiad ("y cyfnod penodedig"), y caniateir i sylwadau mewn perthynas â'r penderfyniad hwnnw gael eu cyflwyno ynddo.

(2) Rhaid i Weinidogion Cymru gyflwyno hysbysiad hefyd i unrhyw berson neu gorff y cafwyd cyngor gwyddonol oddi wrtho, yn ei hysbysu o'r penderfyniad ac yn ei wahodd i gyflwyno ei sylwadau o fewn y cyfnod penodedig.

(3) Os bydd angen hynny, o fewn y cyfnod penodedig, ar berson y mae hysbysiad wedi'i gyflwyno iddo o dan is-baragraff (1), rhaid i Weinidogion Cymru, cyn iddynt benderfynu a ddylid bwrw ymlaen â'r dirymu neu'r amrywio, roi-

- (a) i'r person hwnnw; a
- (b) i unrhyw berson neu gorff arall y cyflwynwyd hysbysiad iddo o dan yr is-baragraff hwnnw neu is-baragraff (2),

gyfle i gyflwyno sylwadau (p'un ai'n bersonol neu'n ysgrifenedig) i berson a benodir gan Weinidogion Cymru at y diben hwnnw.

(4) Rhaid i Weinidogion Cymru benderfynu, gan roi sylw, yn benodol-

- (a) i unrhyw sylwadau a gyflwynir mewn ymateb i hysbysiad a gyflwynwyd o dan is-baragraff (1) neu (2); a

as a result of-

- (i) the designation of the European site, or
- (ii) a proposal by the Welsh Ministers that a site be designated as a special area of conservation for the purposes of meeting the United Kingdom's obligations under Article 4(1) of the Habitats Directive.

(5) On and after the date specified in a notice under sub-paragraph (1) or (3), the agreement has effect for all purposes as a permission granted as the result of an application under regulation 10 and which it is the Welsh Ministers' duty to review under paragraph 3.

Procedure on review

5.-(1) Where, on a review under paragraph 3 or 4, the Welsh Ministers propose to revoke or vary a permission granted, or having effect as if granted, under these Regulations, the Welsh Ministers must serve notice on -

- (a) the owner;
- (b) any holder of the permission, or the part affected, as the case may be; and
- (c) any other person who, in the Welsh Ministers' opinion, will be affected by the revocation or variation,

informing them of the decision and specifying a period, being not less than 28 days from the date of the notice ("the specified period"), within which representations may be made in relation to that decision.

(2) The Welsh Ministers must also serve notice on any person or body from which scientific advice was obtained, informing them of the decision and inviting their representations within the specified period.

(3) If, within the specified period, a person on whom notice has been served under sub-paragraph (1) so requires, the Welsh Ministers must, before deciding whether to proceed with the revocation or variation, give-

- (a) to that person; and
- (b) to any other person or body on whom notice was served under that sub-paragraph or sub-paragraph (2),

an opportunity to make representations (whether in person or in writing) to a person appointed by the Welsh Ministers for the purpose.

(4) The Welsh Ministers must decide, having regard, in particular, to-

- (a) any representations made in response to a notice served under sub-paragraph (1) or (2); and

(b) os yw'n gymwys, i adroddiad unrhyw berson a benodir o dan is-baragraff (3),

a ddylid bwrw ymlaen â dirymu neu amrywio'r caniatâd.

(5) Rhaid i Weinidogion Cymru gyflwyno i unrhyw berson y cyflwynwyd hysbysiad iddo o dan-

(a) is-baragraff (1); neu

(b) is-baragraff (2),

hysbysiad o'r penderfyniad o dan is-baragraff (4) yn datgan -

- (i) y prif resymau dros y penderfyniad,
- (ii) y prif ystyriaethau y seiliwyd y penderfyniad arnynt, a
- (iii) y caniateir herio'r penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.

Effaith penderfyniad Gweinidogion Cymru ar ôl adolygiad

6.-(1) Pan fo Gweinidogion Cymru yn bwriadu, o dan baragraff 5(1), ddirymu neu amrywio caniatâd a roddwyd, neu sy'n cael effaith fel petai wedi'i roi, o dan y Rheoliadau hyn, caiff y caniatâd ei atal dros dro neu bydd yr amrywio'n dod yn weithredol dros dro, yn ôl y digwydd, yn ddarostyngedig i is-baragraff (2), ar y dyddiad y cyflwynir hysbysiad o dan baragraff 5(1).

(2) Pan fo mwy nag un hysbysiad yn cael ei gyflwyno o dan baragraff 5(1) mewn cysylltiad â'r un dirymu neu amrywio, a bod yr hysbysiau hynny'n cael eu cyflwyno ar ddiwrnodau gwahanol, daw'r ataliad dros dro neu'r amrywiad dros dro'n weithredol ar y dyddiad y cyflwynir yr olaf ohonynt.

(3) Pan fo Gweinidogion Cymru yn penderfynu peidio â bwrw ymlaen â dirymu neu amrywio'r caniatâd o dan baragraff 5(4), bydd yn cael effaith eto, neu'n cael effaith ar y telerau yr oedd y caniatâd hwnnw'n effeithiol arnynt cyn yr amrywio dros dro, yn ôl y digwydd, o ddyddiad penderfyniad Gweinidogion Cymru i beidio â bwrw ymlaen.

(4) Mewn perthynas â chaniatâd y mae is-baragraff (3) yn gymwys iddo-

(a) pan fo Gweinidogion Cymru wedi penderfynu peidio â dirymu'r caniatâd -

- (i) bydd unrhyw gyfnod a bennir yn y caniatâd ar gyfer cymryd unrhyw gamau, a hwnnw'n gyfnod sy'n dirwyn i ben ar ôl y dyddiad yr ataliwyd y caniatâd dros dro o dan is-baragraff (1) neu is-baragraff (2), yn cael ei drin fel un sydd wedi'i estyn gan gyfnod sy'n hafal i'r un yr ataliwyd y caniatâd ynddo dros dro, a
- (ii) pan fo'n ofynnol mewn caniatâd i unrhyw beth gael ei wneud erbyn dyddiad penodedig, sy'n dod ar ôl y dyddiad y cafodd y caniatâd ei atal dros dro, caiff y

(b) if applicable, the report of any person appointed under sub-paragraph (3),

whether to proceed with the revocation or variation of the permission.

(5) The Welsh Ministers must serve on any person on whom notice was served under-

(a) sub-paragraph (1); or

(b) sub-paragraph (2),

notice of the decision under sub-paragraph (4) stating -

- (i) the main reasons for the decision,
- (ii) the main considerations on which the decision is based, and
- (iii) that the decision may be challenged and the procedures for doing so.

Effect of Welsh Ministers' decision on review

6.-(1) Where the Welsh Ministers propose, under paragraph 5(1), to revoke or vary a permission granted, or having effect as if granted, under these Regulations, the permission will be suspended or the variation will take effect temporarily, as the case may be, subject to sub-paragraph (2), on the date on which notice is served under paragraph 5(1).

(2) Where more than one notice is served under paragraph 5(1) in respect of the same revocation or variation, and those notices are served on different days, the suspension or temporary variation will take effect on the date on which the last of them is served.

(3) Where the Welsh Ministers decide not to proceed with the revocation or variation of the permission under paragraph 5(4), it will again have effect, or have effect on the terms on which that permission was effective prior to the temporary variation, as the case may be, from the date of the Welsh Ministers' decision not so to proceed.

(4) In relation to a permission to which sub-paragraph (3) applies-

(a) where the Welsh Ministers have decided not to revoke the permission-

- (i) any period specified in the permission for the taking of any action, which expires after the date on which the permission was suspended under sub-paragraph (1) or sub-paragraph (2), will be treated as extended by a period equal to that during which the permission was suspended, and
- (ii) where a permission requires anything to be done by a specified date, which falls after the date upon which the permission was suspended, the specified date will be

dyddiad penodedig ei ohirio gan gyfnod sy'n hafal i'r un yr ataliwyd y caniatâd ynddo dros dro.

- (b) pan fo Gweinidogion Cymru wedi penderfynu peidio ag amrywio'r caniatâd-
- (i) bydd unrhyw gyfnod a bennir yn y caniatâd ar gyfer cymryd unrhyw gamau, a hwnnw'n gyfnod sy'n dirwyn i ben ar ôl y dyddiad y cafodd y caniatâd ei amrywio arno dros dro o dan is-baragraff (1) neu (2), os yw'r camau yn ymwneud â materion y mae'r amrywiad dros dro yn effeithio arnynt, yn cael ei drin fel un sydd wedi'i estyn gan gyfnod sy'n hafal i'r un yr oedd y caniatâd yn cael effaith ynddo fel caniatâd a oedd wedi'i amrywio; a
 - (ii) pan fo'n ofynnol mewn caniatâd i unrhyw gamau gael eu cymryd erbyn dyddiad penodedig sy'n dod ar ôl y dyddiad y cafodd y caniatâd ei amrywio arno dros dro, caiff y dyddiad penodedig, os yw'r camau yn ymwneud â materion y mae'r amrywiad dros dro yn effeithio arnynt, ei ohirio gan gyfnod sy'n hafal i'r un yr oedd y caniatâd yn cael effaith ynddo fel caniatâd a oedd wedi'i amrywio.

(5) Ni fydd dirymu neu amrywio o dan baragraff 5(1), neu atal caniatâd dros dro neu ei amrywio dros dro o dan is-baragraff (1), yn effeithio ar unrhyw beth a wnaed o dan y caniatâd cyn y dyddiad a ddyfarnwyd yn unol â'r is-baragraff hwnnw neu, yn ôl y digwydd, is-baragraff (2).

Mesurau digolledu

7. Pan fo-

- (a) caniatâd yn cael ei roi ar gyfer prosiect, er gwaethaf asesiad negyddol o'r goblygiadau i safle Ewropeaidd; neu
- (b) caniatâd yn cael ei gadarnhau ar ôl adolygiad, er gwaethaf asesiad o'r fath,

rhaid i Weinidogion Cymru sicrhau bod unrhyw fesurau digolledu angenrheidiol yn cael eu cymryd i sicrhau bod cydlyniaid cyffredinol Natura 2000 yn cael ei ddiogelu a rhaid iddynt sicrhau bod y Comisiwn Ewropeaidd yn cael ei hysbysu o'r mesurau digolledu a gymerwyd.

postponed by a period equal to that during which the permission was suspended;

- (b) where the Welsh Ministers have decided not to vary the permission-
- (i) any period specified in the permission for the taking of any action, which expires after the date on which the permission was varied temporarily under sub-paragraph (1) or (2), will, if the action relates to matters which are affected by the temporary variation, be treated as extended by a period equal to that during which the permission had effect as varied, and
 - (ii) where a permission requires any action to be taken by a specified date which falls after the date on which the permission was varied temporarily, the specified date will, if the action relates to matters which are affected by the temporary variation, be postponed by a period equal to that during which the permission had effect as varied.

(5) A revocation or variation under paragraph 5(1), or the suspension or temporary variation of a permission under sub-paragraph (1), will not affect anything done under the permission before the date determined in accordance with that sub-paragraph or, as the case may be, sub-paragraph (2).

Compensatory measures

7. Where -

- (a) a project is granted permission, notwithstanding a negative assessment of the implications for a European site; or
- (b) a permission is affirmed on review, notwithstanding such an assessment,

the Welsh Ministers must secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected and must ensure that the European Commission is informed of the compensatory measures taken.

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