



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 2989 (Cy.278)

2006 No. 2989 (W.278)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**Rheoliadau Tir Halogedig
(Cymru) 2006**

**The Contaminated Land (Wales)
Regulations 2006**

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, sy'n gymwys o ran Cymru, yn disodli Rheoliadau Tir Halogedig (Cymru) 2001 (O.S. 2001/2197 (Cy.157)) ("Rheoliadau 2001") ac, yn ogystal â gwneud darpariaeth debyg i'r un a wnaed yn Rheoliadau 2001, yn gwneud, o ran Cymru, ddarpariaeth sy'n hafal i'r un a wnaed o ran Lloegr ym mharagraff 50 o Atodlen 10 i Reoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000 (O.S. 2000/1973) ac mae'n nodi darpariaethau pellach ynghylch adnabod ac adfer tir halogedig o dan Ran 2A o Ddeddf Diogelu'r Amgylchedd 1990 ("Deddf 1990").

These Regulations, which apply in relation to Wales, replace the Contaminated Land (Wales) Regulations 2001 (S.I. 2001/2197 (W.157)) ("the 2001 Regulations") and, in addition to making similar provision to that made in the 2001 Regulations, make, in relation to Wales, provision equivalent to that made in relation to England in paragraph 50 of Schedule 10 to the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000/1973) and sets out further provisions relating to the identification and remediation of contaminated land under Part 2A of the Environmental Protection Act 1990 ("the 1990 Act").

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer disgrifiad ychwanegol o dir halogedig y mae'n ofynnol ei ddynodi'n safle arbennig: sef tir sy'n dir halogedig o ganlyniad i sylweddau ymbelydrol yn y tir hwnnw, arno neu oddi tano.

These Regulations make provision for an additional description of contaminated land that is required to be designated as a special site : that is land which is contaminated land as a result of radioactive substances in, on or under that land.

Mae'r Rheoliadau hyn hefyd yn dileu darpariaethau sy'n gysylltiedig ag apelau i lys ynadon yn erbyn hysbysiadau adfer, o ganlyniad i ddiwygiadau i adran 78L o Ddeddf 1990 a wnaed gan adran 104 o Ddeddf Cymdogaethau ac Glân a'r Amgylchedd 2005 (p.16).

These Regulations also remove provisions relating to appeals against remediation notices to a Magistrates' court, as a result of amendments to section 78L of the 1990 Act made by section 104 of the Clean Neighbourhoods and Environment Act 2005 (c.16).

Mae rheoliadau 2 a 3 ac Atodlen 1 yn nodi'r categorïau hynny o safleoedd (a elwir yn "safleoedd arbennig") y mae Asiantaeth yr Amgylchedd i fod yn awdurdod gorfodi ar eu cyfer. Awdurdodau lleol yw'r awdurdod gorfodi o ran unrhyw safle o fath arall.

Regulations 2 and 3, and Schedule 1, identify those categories of site (known as "special sites") for which the Environment Agency is to be the enforcing authority. Local authorities are the enforcing authority in relation to any other type of site.

Mae rheoliadau 4 a 5 yn darparu ar gyfer cynnwys "hysbysiadau adfer" ac ar gyfer cyflwyno copïau ohonynt: sef hysbysiadau a gyflwynir gan awdurdod lleol neu gan Asiantaeth yr Amgylchedd yn nodi beth

Regulations 4 and 5 provide for the content and service of copies of "remediation notices" : that is notices served by a local authority or the Environment Agency specifying what is to be done by way of

sydd i'w wneud o ran adfer, ac o fewn pa gyfnod o amser y mae'n rhaid cymryd unrhyw gamau gweithredu.

Mae rheoliad 6 ac Atodlen 2 yn gwneud darpariaeth o ran yr iawndal sydd i'w dalu'n unol ag adran 78G(5) o Ddeddf 1990 i berson sy'n rhoi, neu sy'n uno ag eraill i roi, hawliau mynediad etc sy'n ofynnol i alluogi person i gydymffurfio â hysbysiad adfer.

Mae rheoliadau 7 i 12 yn gwneud darpariaeth o ran apelau yn erbyn hysbysuadau adfer, gan gynnwys seiliau apelio a'r weithdrefn i'w dilyn.

Mae rheoliad 13 ac Atodlen 3 yn rhagnodi manylion materion y mae'n ofynnol o dan adran 78R o Ddeddf 1990 eu gosod ar gofrestr a gedwir gan awdurdodau lleol neu, yn achos safleoedd arbennig, gan Asiantaeth yr Amgylchedd.

Mae Rheoliad 14 yn dirymu Rheoliadau 2001.

remediation and the time within which any action must be taken.

Regulation 6, and Schedule 2, make provision in relation to the compensation which is to be paid in accordance with section 78G(5) of the 1990 Act to a person who grants, or joins in granting, rights of entry etc. required to enable a person to comply with a remediation notice.

Regulations 7 to 12 make provision with respect to appeals against remediation notices, including the grounds of appeal and the procedure to be followed.

Regulation 13, and Schedule 3, prescribe the particulars of matters which are required under section 78R of the 1990 Act to be placed on a register maintained by local authorities or, in the case of special sites, by the Environment Agency.

Regulation 14 revokes the 2001 Regulations.

2006 Rhif 2989 (Cy.278)**2006 No. 2989 (W.278)****DIOGELU'R AMGYLCHEDD,
CYMRU****ENVIRONMENTAL
PROTECTION, WALES****Rheoliadau Tir Halogedig
(Cymru) 2006****The Contaminated Land (Wales)
Regulations 2006***Wedi'u gwneud* 15 Tachwedd 2006*Made* 15 November 2006*Yn dod i rym* 10 Rhagfyr 2006*Coming into force* 10 December 2006

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 78A(9), 78C(8) i (10), 78E(1) a (6), 78G(5) a (6)(1), 78L(4)(2) a (5) a 78R(1), (2) ac (8) o Ddeddf Diogelu'r Amgylchedd 1990 ("Deddf 1990")(3) ac sydd bellach yn arferadwy o ran Cymru gan y Cynulliad Cenedlaethol(4), a chan yr adrannau hynny fel y'u cymhwysir gan Reoliadau Tir a halogwyd yn ymbelydrd (Addasu Deddfiadau) (Cymru) 2006 ("y Rheoliadau Addasu")(5) o ran niwed, i'r graddau y mae niwed i'w briodoli i unrhyw ymbelydredd sy'n perthyn i unrhyw sylwedd, yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred on the Secretary of State by sections 78A(9), 78C(8) to (10), 78E(1) and (6), 78G(5) and (6)(1), 78L(4)(2) and (5) and 78R(1), (2) and (8) of the Environmental Protection Act 1990 ("the 1990 Act")(3) and which are now exercisable in relation to Wales by the National Assembly(4), and those sections as applied in relation to harm, so far as attributable to any radioactivity possessed by any substance, by the Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006 ("the Modification Regulations")(5), makes the following Regulations:

Enwi, cychwyn, cymhwyso a dehongli**Title, commencement, application and interpretation**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tir Halogedig (Cymru) 2006 a deuant i rym ar 10 Rhagfyr 2006.

1.-(1) The title of these Regulations is the Contaminated Land (Wales) Regulations 2006 and they come into force on 10 December 2006.

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

(2) These Regulations apply in relation to Wales.

(1) Mae adran 78G(6) yn darparu y caiff rheoliadau a wnaed o dan is-adran 78G(5) wneud y cyfryw ddarpariaeth o ran iawndal ag y caniateir ei gwneud gan reoliadau yn rhinwedd adran 35A(4) o Ddeddf 1990 o ran iawndal o dan yr adran honno.

(2) Diwygiwyd is-adran (4) o adran 78L gan Ddeddf Cymdogaethau ac Glân a'r Amgylchedd 2005 (p.16), adrannau 104 a 107, a Rhan 10 o Atodlen 5.

(3) 1990 p.43. Mewnosodwyd adrannau 78A i 78YC gan adran 57 o Ddeddf yr Amgylchedd 1995 (p.25). *Gweler* y diffiniad o "prescribed" ac o "regulations" yn adran 78A(9).

(4) *Gweler* erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddo.

(5) O.S. 2006/2988 (Cy.277).

(1) Section 78G(6) provides that regulations made under subsection 78G(5) may make such provision in relation to compensation as may be made by regulations by virtue of section 35A(4) of the 1990 Act in relation to compensation under that section.

(2) Subsection (4) of section 78L was amended by the Clean Neighbourhoods and Environment Act 2005 (c.16), sections 104 and 107, and Part 10 of Schedule 5.

(3) 1990 c.43. Sections 78A to 78YC were inserted by section 57 of the Environment Act 1995 (c.25). *See* the definition of "prescribed" and "regulations" in section 78A(9).

(4) *See* article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(5) S.I. 2006/2988 (W.277).

(3) Yn y Rheoliadau hyn, oni nodir yn wahanol -

- (a) mae unrhyw gyfeiriad at adran â rhif yn gyfeiriad at yr adran o Ddeddf 1990 sy'n dwyn y rhif hwnnw, neu, o ran niwed sydd i'w briodoli i unrhyw ymbelydredd sy'n perthyn i unrhyw sylwedd, i'r adran honno fel y'i haddaswyd gan y Rheoliadau Addasu; a
- (b) o ran niwed, i'r graddau y mae i'w briodoli i unrhyw ymbelydredd sy'n perthyn i unrhyw sylwedd, mae gan unrhyw derm a ddiffinnir gan Ddeddf 1990 yr ystyr a roddir iddo gan y Ddeddf honno fel y'i haddasir gan y Rheoliadau Addasu.

Tir y mae'n ofynnol ei ddynodi'n safle arbennig

2.-(1) At ddibenion adran 78C(8) rhagnodir tir halogedig a ddisgrifir fel a ganlyn yn dir y mae'n ofynnol ei ddynodi'n safle arbennig -

- (a) tir sy'n effeithio ar ddyfroedd rheoledig yn yr amgylchiadau a bennir yn rheoliad 3;
- (b) tir sy'n dir halogedig oherwydd tarau asid gwastraff yn y tir, arno neu oddi tano;
- (c) tir y cynhaliwyd unrhyw un neu rai o'r gweithgareddau canlynol arno ar unrhyw adeg -
 - (i) puro (gan gynnwys coethi) petroliwm crai neu olew a echdynwyd o betroliwm, siâl neu unrhyw sylwedd bitwminaid arall ac eithrio glo; neu
 - (ii) gweithgynhyrchu neu brosesu ffrwydrion;
- (ch) tir y mae proses ragnodedig a ddynodwyd i'w rheoli'n ganolog wedi'i chyflawni arno neu wrthi'n cael ei chyflawni arno o dan awdurdodiad pan nad yw'r broses yn cynnwys dim ond pethau sy'n cael eu gwneud ac y mae'n ofynnol eu gwneud o ran gwaith adfer;
- (d) tir lle mae gweithgaredd wedi, neu yn cael, ei gynnal mewn gweithfan Rhan A(1) neu trwy gyfrwng gwaith symudol Rhan A(1) o dan drwydded, pan nad yw'r gweithgaredd yn cynnwys pethau sy'n cael eu gwneud ac y mae'n ofynnol eu gwneud o ran gwaith adfer;
- (dd) tir o fewn safle niwclear;
- (e) tir a berchenogir neu a feddiennir gan neu ar ran -
 - (i) yr Ysgrifennydd Gwladol dros Amddiffyn,
 - (ii) y Cyngor Amddiffyn,
 - (iii) pencadlys rhyngwladol neu gorff amddiffyn, neu
 - (iv) awdurdod lluoedd arfog llw sydd ar ymweliad,

(3) In these Regulations, unless otherwise indicated-

- (a) any reference to a numbered section is to the section of the 1990 Act which bears that number or, in relation to harm attributable to any radioactivity possessed by any substances, to that section as modified by the Modification Regulations; and
- (b) in relation to harm, so far as attributable to any radioactivity possessed by any substances, any term defined by the 1990 Act has the meaning given to it by that Act as modified by the Modification Regulations.

Land required to be designated as a special site

2.-(1) Contaminated land of the following descriptions is prescribed for the purposes of section 78C(8) as land required to be designated as a special site-

- (a) land affecting controlled waters in the circumstances specified in regulation 3;
- (b) land which is contaminated land by reason of waste acid tars in, on or under the land;
- (c) land on which any of the following activities have been carried on at any time-
 - (i) the purification (including refining) of crude petroleum or of oil extracted from petroleum, shale or any other bituminous substance except coal, or
 - (ii) the manufacture or processing of explosives;
- (d) land on which a prescribed process designated for central control has been, or is being, carried on under an authorisation, where the process does not solely consist of things being done which are required by way of remediation;
- (e) land on which an activity has been, or is being, carried on in a Part A(1) installation or by means of Part A(1) mobile plant under a permit, where the activity does not solely consist of things being done which are required by way of remediation;
- (f) land within a nuclear site;
- (g) land owned or occupied by or on behalf of-
 - (i) the Secretary of State for Defence,
 - (ii) the Defence Council,
 - (iii) an international headquarters or defence organisation, or
 - (iv) the service authority of a visiting force,

sef tir a ddefnyddir at ddibenion llynges, byddin neu awyrlu;

- (f) tir y gwnaed gwaith arno i weithgynhyrchu, cynhyrchu neu waredu -
 - (i) arfau cemegol,
 - (ii) unrhyw gyfrwng neu ddiocsin biolegol sy'n dod o fewn adran 1(1)(a) o Ddeddf Arfau Biolegol 1974(1) (cyfyngiad ar ddatblygu cyfryngau a thocsinau biolegol), neu
 - (iii) unrhyw arf, offer neu fodd danfon sy'n dod o fewn adran 1(1)(b) o'r Ddeddf honno (cyfyngiad ar ddatblygu arfau biolegol),

ar unrhyw adeg;

- (ff) tir sy'n fangre a ddynodir neu a ddynodwyd gan yr Ysgrifennydd Gwladol drwy orchymyn a wnaed o dan adran 1(1) o Ddeddf y Sefydliad Arfau Niwclear 1991(2) (trefniadau ar gyfer datblygu etc dyfeisiau niwclear);
- (g) tir y mae adran 30 o Ddeddf y Lluoedd Arfog 1996(3) (tir a gedwir er budd Ysbyty Greenwich) yn gymwys ar ei gyfer;
- (ng) tir sy'n dir wedi'i halogi'n gyfan gwbl neu'n rhannol yn rhinwedd unrhyw ymbelydredd sy'n perthyn i unrhyw sylwedd yn y tir hwnnw, arno neu oddi tano, a
- (h) tir -
 - (i) sy'n gyffiniol neu'n gyfagos â thir o ddisgrifiad a bennir yn is-baragraffau (b) i (ng) uchod; a
 - (ii) sy'n dir halogedig yn rhinwedd sylweddau y mae'n ymddangos eu bod wedi dianc o dir o'r disgrifiad hwnnw.

(2) At ddibenion paragraff (1)(b), mae "tarau asid gwastraff" yn darau -

- (a) sy'n cynnwys asid sylffwrig;
- (b) a gynhyrchwyd o ganlyniad i goethi bensol, ireidiau a ddefnyddiwyd neu betroliwm; ac
- (c) sydd, neu a oedd, yn cael eu storio ar dir a ddefnyddiwyd fel basn cadw ar gyfer gwaredu tarau o'r fath.

(3) Ym mharagraff (1)(ch), mae i "awdurdodiad" a "proses ragnodedig" yr un ystyr ag "authorisation" a "prescribed process" yn Rhan I o Ddeddf 1990 (rheoli integredig ar lygredd a rheoli llygredd aer gan awdurdodau lleol) ac mae'r cyfeiriad at ddynodi i'w rheoli'n ganolog yn gyfeiriad at ddynodi o dan adran 2(4) (sy'n darparu i brosesau gael eu dynodi i'w rheoli'n ganolog neu yn lleol).

being land used for naval, military or air force purposes;

- (h) land on which the manufacture, production or disposal of-
 - (i) chemical weapons,
 - (ii) any biological agent or toxin which falls within section 1(1)(a) of the Biological Weapons Act 1974(1) (restriction on development of biological agents and toxins), or
 - (iii) any weapon, equipment or means of delivery which falls within section 1(1)(b) of that Act (restriction on development of biological weapons),

has been carried on at any time;

- (i) land comprising premises which are, or were, designated by the Secretary of State by an order made under section 1(1) of the Atomic Weapons Establishment Act 1991(2) (arrangements for development etc of nuclear devices);
- (j) land to which section 30 of the Armed Forces Act 1996(3) (land held for the benefit of Greenwich Hospital) applies;
- (k) land which is contaminated land wholly or partly by virtue of any radioactivity possessed by any substance in, on or under that land; and
- (l) land which is-
 - (i) adjoining or adjacent to land of a description specified in any of sub-paragraphs (b) to (k), and
 - (ii) contaminated land by virtue of substances which appear to have escaped from land of such a description.

(2) For the purposes of paragraph (1)(b), "waste acid tars" are tars which-

- (a) contain sulphuric acid;
- (b) were produced as a result of the refining of benzole, used lubricants or petroleum; and
- (c) are, or were, stored on land used as a retention basin for the disposal of such tars.

(3) In paragraph (1)(d), "authorisation" and "prescribed process" have the same meanings as in Part I of the 1990 Act (integrated pollution control and air pollution control by local authorities) and the reference to designation for central control is a reference to designation under section 2(4) (which provides for processes to be designated for central or local control).

(1) 1974 p.6.

(2) 1991 p.46.

(3) 1996 p.46.

(1) 1974 c.6.

(2) 1991 c.46.

(3) 1996 c.46.

(4) Ym mharagraff (1)(d), mae i "gweithfan Rhan A(1)", "gwaith symudol Rhan A(1)" a "trwydded" yr un ystyr â "Part A(1) installation", "Part A(1) mobile plant" a "permit" yn Rheoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000(1).

(5) Ym mharagraff (1)(dd) uchod, ystyr "safle niwclear" yw-

- (a) unrhyw safle y mae trwydded safle niwclear mewn grym am y tro ar ei gyfer, neu ar gyfer rhan ohono; neu
- (b) unrhyw safle nad yw cyfnod cyfrifoldeb y trwyddedai wedi dod i ben ar ei gyfer neu ar gyfer rhan ohono, ar ôl iddo ddiddymu neu ildio trwydded safle niwclear.

(6) Ym mharagraff (5) mae i "trwydded safle niwclear", "trwyddedai" a "cyfnod cyfrifoldeb" yr ystyr a roddir i "nuclear site licence", "licensee" a "period of responsibility" gan Ddeddf Sefydliadau Niwclear 1965(2).

(7) At ddibenion paragraff (1)(e), dim ond os yw'r tir yn rhan o ganolfan a feddiennir at ddibenion llynges, byddin neu awyrlu y mae tir sy'n cael ei ddefnyddio at ddibenion preswyl gan Sefydliadau'r Llynges, y Fyddin a'r Awyrlu i'w drin fel tir sy'n cael ei ddefnyddio at ddibenion llynges, byddin neu awyrlu.

(8) Ym mharagraff (1)(e)-

ystyr "pencadlys rhyngwladol" a "corff amddiffyn" yw, yn eu tro, unrhyw bencadlys rhyngwladol, ac unrhyw gorff amddiffyn, a ddynodwyd at ddibenion Deddf Pencadlysoedd Rhyngwladol a Chyrff Amddiffyn 1964(3);

mae i "awdurdod lluoedd arfog" a "llu ar ymweliad" yr un ystyr â "service authority" a "visiting force" yn Rhan I o Ddeddf Lluoedd ar Ymweliad 1952(4).

(9) Ym mharagraff (1)(f), mae i "arf cemegol" yr ystyr sydd i "chemical weapon" yn is-adran (1) o adran 1 o Ddeddf Arfau Cemegol 1996(5), gan ddiystyru is-adran (2) o'r adran honno.

Llygru dyfroedd a reolir

3. Yr amgylchiadau y mae rheoliad 2(1)(a) yn cyfeirio atynt yw-

- (a) pan fydd y tir yn effeithio ar ddyfroedd a reolir sy'n cael eu defnyddio, neu y bwriedir eu defnyddio, i gyflenwi dŵr i bobl ei yfed a phan fydd angen defnyddio proses, o'r herwydd, i'w

(4) In paragraph (1)(e), "Part A(1) installation", "Part A(1) mobile plant" and "permit" have the same meanings as in the Pollution Prevention and Control (England and Wales) Regulations 2000(1).

(5) In paragraph (1)(f), "nuclear site" means-

- (a) any site in respect of which, or part of which, a nuclear site licence is for the time being in force; or
- (b) any site in respect of which, or part of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not come to an end.

(6) In paragraph (5), "nuclear site licence", "licensee" and "period of responsibility" have the meanings given by the Nuclear Installations Act 1965(2).

(7) For the purposes of paragraph (1)(g), land used for residential purposes or by the Navy, Army and Air Force Institutes is to be treated as land used for naval, military or air force purposes only if the land forms part of a base occupied for naval, military or air force purposes.

(8) In paragraph (1)(g)-

"international headquarters" and "defence organisation" mean, respectively, any international headquarters, and any defence organisation, designated for the purposes of the International Headquarters and Defence Organisations Act 1964(3);

"service authority" and "visiting force" have the same meanings as in Part I of the Visiting Forces Act 1952(4).

(9) In paragraph (1)(h), "chemical weapon" has the same meaning as in sub-section (1) of section 1 of the Chemical Weapons Act 1996(5), disregarding sub-section (2) of that section.

Pollution of controlled waters

3. The circumstances to which regulation 2(1)(a), refers are where-

- (a) controlled waters which are, or are intended to be, used for the supply of drinking water for human consumption are being affected by the land and, as a result, require a treatment

(1) O.S. 2000/1973.

(2) 1965 p.57.

(3) 1964 p.5.

(4) 1952 p.67.

(5) 1996 p.6.

(1) S.I. 2000/1973.

(2) 1965 c.57.

(3) 1964 c.5.

(4) 1952 c.67.

(5) 1996 c.6.

trin neu newid y broses honno cyn i'r dyfroedd gael eu defnyddio, er mwyn iddynt gael eu hystyried yn ddyfroedd iachusol o fewn ystyr Rhan 3 o Ddeddf y Diwydiant Dŵr 1991(1) (y cyflenwad dŵr);

- (b) pan fydd y tir yn effeithio ar ddyfroedd a reolir ac, o'r herwydd, nad yw'r dyfroedd hynny yn bodloni neu nad ydynt yn debygol o fodloni'r maen prawf ar gyfer y dosbarthiad sy'n gymwys i'r disgrifiad perthnasol o ddyfroedd a bennir mewn rheoliadau a wneir o dan adran 82 o Ddeddf Adnoddau Dŵr 1991(2) (dosbarthu ansawdd dyfroedd); neu
- (c) pan fydd y tir yn effeithio ar ddyfroedd a reolir ac -
 - (i) pan fydd unrhyw un o'r sylweddau y mae llygru'r dyfroedd yn cael ei achosi ganddynt neu'n debygol o gael ei achosi ganddynt yn dod o fewn unrhyw un o'r teuluoedd neu'r grwpiau o sylweddau a restrir ym mharagraff 1 o Atodlen 1 i'r Rheoliadau hyn, a
 - (ii) pan fydd y dyfroedd, neu unrhyw ran o'r dyfroedd, yn cael eu cynnwys o fewn strata tanddaearol sy'n cynnwys, yn gyfan gwbl neu'n rhannol, unrhyw un o'r ffurfiannau creigiau a restrir ym mharagraff 2 o Atodlen 1 i'r Rheoliadau hyn.

Cynnwys hysbysiadau adfer

4.-(1) Rhaid i hysbysiad adfer ddatgan (yn ychwanegol at y materion sy'n ofynnol o dan adran 78E(1) a (3))-

- (a) enw a chyfeiriad y person y cyflwynir yr hysbysiad iddo;
- (b) lleoliad a hyd a lled y tir halogedig y mae'r hysbysiad yn ymwneud ag ef (y cyfeirir ato yn y rheoliad hwn fel y "tir halogedig o dan sylw"), yn ddigon manwl i ganiatáu iddo gael ei adnabod naill ai drwy gyfeirio at blân neu fel arall;
- (c) dyddiad unrhyw hysbysiad a roddwyd o dan adran 78B(3) i'r person y cyflwynir yr hysbysiad adfer iddo yn pennu'r tir halogedig o dan sylw yn dir halogedig;
- (ch) a yw'r awdurdod gorfodi o'r farn bod y person y cyflwynir yr hysbysiad iddo yn berson priodol oherwydd -
 - (i) bod y person wedi achosi neu, gan wybod, wedi caniatáu i'r sylweddau, neu i unrhyw un o'r sylweddau, y mae'r tir halogedig o dan sylw yn dir halogedig o'u herwydd, fod yn y tir, arno neu oddi tano, neu

process or a change in such a process to be applied to those waters before use, so as to be regarded as wholesome within the meaning of Part 3 of the Water Industry Act 1991(1) (water supply);

- (b) controlled waters are being affected by the land and, as a result, those waters do not meet or are not likely to meet the criterion for classification applying to the relevant description of waters specified in regulations made under section 82 of the Water Resources Act 1991(2) (classification of quality of waters); or
- (c) controlled waters are being affected by the land and-
 - (i) any of the substances by reason of which the pollution of the waters is being or is likely to be caused falls within any of the families or groups of substances listed in paragraph 1 of Schedule 1 to these Regulations, and
 - (ii) the waters, or any part of the waters, are contained within underground strata which comprise wholly or partly any of the formations of rocks listed in paragraph 2 of Schedule 1 to these Regulations.

Content of remediation notices

4.-(1) A remediation notice must state (in addition to the matters required by section 78E(1) and (3))-

- (a) the name and address of the person on whom the notice is served;
- (b) the location and extent of the contaminated land to which the notice relates (in this regulation referred to as the "contaminated land in question") in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (c) the date of any notice which was given under section 78B(3) to the person on whom the remediation notice is served identifying the contaminated land in question as contaminated land;
- (d) whether the enforcing authority considers the person on whom the notice is served is an appropriate person by reason of-
 - (i) having caused or knowingly permitted the substances, or any of the substances, by reason of which the contaminated land in question is contaminated land, to be in, on or under that land, or

(1) 1991 p.56.

(2) 1991 p.57.

(1) 1991 c.56.

(2) 1991 c.57.

- (ii) mai'r person yw perchennog neu feddiannydd y tir halogedig o dan sylw;
- (d) manylion y niwed sylweddol, y niwed neu'r llygredd i ddyfroedd a reolir y mae'r tir halogedig o dan sylw yn dir halogedig o'u herwydd;
- (dd) y sylweddau y mae'r tir halogedig o dan sylw yn dir halogedig o'u herwydd ac, os oes unrhyw un o'r sylweddau wedi dianc o dir arall, lleoliad y tir arall hwnnw;
- (e) rhesymau'r awdurdod gorfodi dros ei benderfyniadau ynglŷn â'r pethau y mae'n ofynnol i'r person priodol eu gwneud o ran gwaith adfer, sef rhesymau y mae'n rhaid iddynt ddangos sut y mae unrhyw ganllawiau a gyhoeddwyd gan y Cynulliad Cenedlaethol o dan adran 78E(5) wedi'u cymhwyso;
- (f) pan fydd dau neu ragor o bersonau yn bersonau priodol mewn perthynas â'r tir halogedig dan sylw -
 - (i) mai felly y mae hi,
 - (ii) enw a chyfeiriad pob un person o'r fath, a
 - (iii) y peth y mae pob person o'r fath yn gyfrifol amdano o ran gwaith adfer;
- (ff) pan fyddai dau neu ragor o bersonau, ar wahân i adran 78F(6), yn bersonau priodol mewn perthynas ag unrhyw beth penodol sydd i'w wneud o ran gwaith adfer, rhesymau'r awdurdod gorfodi dros ei benderfyniad ynghylch a ddylid trin unrhyw un neu fwy ohonynt, ac os felly, pa rai, fel person nad yw'n berson priodol mewn perthynas â'r peth hwnnw, sef rhesymau y mae'n rhaid iddynt ddangos sut y mae unrhyw ganllawiau a gyhoeddwyd gan y Cynulliad Cenedlaethol o dan adran 78F(6) wedi'u cymhwyso;
- (g) pan fydd adran 78E(3) yn ei gwneud yn ofynnol i'r hysbysiad adfer ddatgan pa gyfran o gost peth sydd i'w wneud o ran gwaith adfer y mae pob un o'r personau priodol yn atebol i'w thalu mewn perthynas â'r peth hwnnw, rhesymau'r awdurdod gorfodi am y gyfran y mae wedi penderfynu arni, sef rhesymau y mae'n rhaid iddynt ddangos sut y mae unrhyw ganllawiau a gyhoeddir gan y Cynulliad Cenedlaethol o dan adran 78F(7) wedi'u cymhwyso;
- (ng) pan fydd yn hysbys i'r awdurdod gorfodi, enw a chyfeiriad -
 - (i) perchennog y tir halogedig o dan sylw, ac
 - (ii) unrhyw berson y mae'n ymddangos i'r awdurdod gorfodi ei fod yn meddiannu'r cyfan neu unrhyw ran o'r tir halogedig o dan sylw;
- (ii) being the owner or occupier of the contaminated land in question;
- (e) particulars of the significant harm, harm or pollution of controlled waters by reason of which the contaminated land in question is contaminated land;
- (f) the substances by reason of which the contaminated land in question is contaminated land and, if any of the substances have escaped from other land, the location of that other land;
- (g) the enforcing authority's reasons for its decisions as to the things by way of remediation that the appropriate person is required to do, showing how any guidance issued by the National Assembly under section 78E(5) has been applied;
- (h) where two or more persons are appropriate persons in relation to the contaminated land in question-
 - (i) that this is the case,
 - (ii) the name and address of each such person, and
 - (iii) the thing by way of remediation for which each such person bears responsibility;
- (i) where two or more persons would, apart from section 78F(6), be appropriate persons in relation to any particular thing which is to be done by way of remediation, the enforcing authority's reasons for its determination as to whether any, and if so which, of them is to be treated as not being an appropriate person in relation to that thing, showing how any guidance issued by the National Assembly under section 78F(6) has been applied;
- (j) where the remediation notice is required by section 78E(3) to state the proportion of the cost of a thing to be done by way of remediation which each of the appropriate persons in relation to that thing is liable to bear, the enforcing authority's reasons for the proportion which it has determined, showing how any guidance issued by the National Assembly under section 78F(7) has been applied;
- (k) where known to the enforcing authority, the name and address of-
 - (i) the owner of the contaminated land in question, and
 - (ii) any person who appears to the enforcing authority to be in occupation of the whole or any part of the contaminated land in question;

- (h) pan fydd yn hysbys i'r awdurdod gorfodi, enw a chyfeiriad unrhyw berson y mae'n ofynnol cael ei gydsyniad o dan adran 78G(2) cyn y gellir gwneud unrhyw beth sy'n ofynnol o dan yr hysbysiad adfer;
- (i) pan fwriedir cyflwyno'r hysbysiad drwy ddibynnu ar adran 78H(4), ei bod yn ymddangos i'r awdurdod gorfodi bod y tir halogedig o dan sylw yn y fath gyflwr, oherwydd sylweddau sydd yn y tir, arno neu odano, nes bod perygl ar fin digwydd o beri niwed difrifol neu lygredd difrifol i ddyfroedd a reolir;
- (j) y gall person y cyflwynwyd hysbysiad adfer iddo fod yn euog o dramgwydd am iddo fethu, heb esgus rhesymol, â chydymffurfio ag unrhyw un neu rai o ofynion yr hysbysiad;
- (l) y cosbau y gellir eu cymhwyso ar gollfarnu am dramgwydd o'r fath;
- (ll) enw a chyfeiriad yr awdurdod gorfodi sy'n cyflwyno'r hysbysiad; ac
- (m) dyddiad yr hysbysiad.

(2) Rhaid i hysbysiad adfer esbonio-

- (a) bod gan berson y'i cyflwynir iddo hawl i apelio yn erbyn yr hysbysiad o dan adran 78L;
- (b) sut, o fewn pa gyfnod ac ar ba sail y gellir apelio; ac
- (c) bod hysbysiad yn cael ei atal, pan fydd apêl yn cael ei gwneud yn briodol, nes penderfynu'n derfynol ar yr apêl neu roi'r gorau iddi.

Cyflwyno copïau o hysbysiau adfer

5.-(1) Yn ddarostyngedig i baragraff (2), rhaid i'r awdurdod gorfodi, yr un pryd ag y mae'n cyflwyno hysbysiad adfer, anfon copi ohono at bob un o'r personau canlynol, nad yw'n berson y mae'r hysbysiad i'w gyflwyno iddo-

- (a) unrhyw berson yr oedd yn ofynnol ymgynghori ag ef o dan adran 78G(3) cyn cyflwyno'r hysbysiad;
- (b) unrhyw berson yr oedd yn ofynnol ymgynghori ag ef o dan adran 78H(1) cyn cyflwyno'r hysbysiad;
- (c) os mai'r awdurdod lleol yw'r awdurdod gorfodi, Asiantaeth yr Amgylchedd; ac
- (ch) os Asiantaeth yr Amgylchedd yw'r awdurdod gorfodi, yr awdurdod lleol y mae'r tir halogedig o dan sylw wedi'i leoli yn ei ardal.

(2) Pan fydd yn ymddangos i'r awdurdod gorfodi fod y tir halogedig o dan sylw yn y fath gyflwr oherwydd y sylweddau sydd ynddo, arno neu oddi tano nes bod perygl ar fin digwydd o beri niwed difrifol neu lygredd difrifol i ddyfroedd a reolir, rhaid i'r awdurdod gorfodi anfon unrhyw gopïau o'r hysbysiad yn unol â

- (l) where known to the enforcing authority, the name and address of any person whose consent is required under section 78G(2) before any thing required by the remediation notice may be done;
- (m) where the notice is to be served in reliance on section 78H(4), that it appears to the enforcing authority that the contaminated land in question is in such a condition, by reason of substances in, on or under the land, that there is imminent danger of serious harm or serious pollution of controlled waters being caused;
- (n) that a person on whom a remediation notice is served may be guilty of an offence for failure, without reasonable excuse, to comply with any of the requirements of the notice;
- (o) the penalties which may be applied on conviction for such an offence;
- (p) the name and address of the enforcing authority serving the notice; and
- (q) the date of the notice.

(2) A remediation notice must explain-

- (a) that a person on whom it is served has a right of appeal against the notice under section 78L;
- (b) how, within what period and on what grounds an appeal may be made; and
- (c) that, where an appeal is duly made, a notice is suspended until the final determination or abandonment of the appeal.

Service of copies of remediation notices

5.-(1) Subject to paragraph (2), the enforcing authority must, at the same time as it serves a remediation notice, send a copy of it to each of the following persons, not being a person on whom the notice is to be served-

- (a) any person who was required to be consulted under section 78G(3) before service of the notice;
- (b) any person who was required to be consulted under section 78H(1) before service of the notice;
- (c) where the local authority is the enforcing authority, the Environment Agency; and
- (d) where the Environment Agency is the enforcing authority, the local authority in whose area the contaminated land in question is situated.

(2) Where it appears to the enforcing authority that the contaminated land in question is in such a condition by reason of substances in, on or under it that there is imminent danger of serious harm or serious pollution of controlled waters being caused, the enforcing authority must send any copies of the notice pursuant

pharagraff (1) cyn gynted ag y bo'n ymarferol ar ôl cyflwyno'r hysbysiad.

Iawndal am hawliau mynediad etc

6. Mae Atodlen 2 i'r Rheoliadau hyn yn pennu-
- (a) o fewn pa gyfnod y caiff person sy'n rhoi, neu sy'n ymuno i roi, unrhyw hawliau yn unol ag adran 78G(2) wneud cais am iawndal am roi'r hawliau hynny;
 - (b) drwy ba ddull y caniateir gwneud cais o'r fath, a'r person y caniateir gwneud y cais iddo; ac
 - (c) drwy ba ddull y bydd swm yr iawndal hwnnw'n cael ei benderfynu,

ac mae'n gwneud darpariaeth bellach ynglŷn ag iawndal o'r fath.

Seiliau apêl yn erbyn hysbysiad adfer

7.-(1) Mae unrhyw un neu fwy o'r canlynol yn seiliau apêl yn erbyn hysbysiad adfer o dan adran 78L(1) -

- (a) bod yr awdurdod lleol, wrth benderfynu a yw'n ymddangos bod unrhyw dir y mae'r hysbysiad yn berthnasol iddo yn dir halogedig -
 - (i) wedi methu â gweithredu yn unol â'r canllawiau a gyhoeddwyd gan y Cynulliad Cenedlaethol o dan adran 78A(2), (5) neu (6), neu
 - (ii) p'un ai oherwydd y methiant hwnnw neu fel arall, wedi pennu, a hynny'n afresymol, y cyfan neu unrhyw ran o'r tir y mae'r hysbysiad yn berthnasol iddo yn dir halogedig;
- (b) bod yr awdurdod gorfodi, wrth benderfynu ar un o ofynion yr hysbysiad -
 - (i) wedi methu â rhoi sylw i ganllawiau a gyhoeddwyd gan y Cynulliad Cenedlaethol o dan adran 78E(5), neu
 - (ii) p'un ai oherwydd y methiant hwnnw neu fel arall, wedi ei gwneud yn ofynnol i'r apelydd, a hynny'n afresymol, wneud unrhyw beth o ran gwaith adfer;
- (c) bod yr awdurdod gorfodi wedi penderfynu, a hynny'n afresymol, mai'r apelydd yw'r person priodol sydd i ysgwyddo'r cyfrifoldeb dros unrhyw beth y mae'n ofynnol ei wneud o ran gwaith adfer o dan yr hysbysiad;
- (ch) yn ddarostyngedig i baragraff (2), bod yr awdurdod gorfodi, a hynny'n afresymol, wedi methu â phenderfynu bod rhyw berson yn ychwanegol at yr apelydd yn berson priodol mewn perthynas ag unrhyw beth y mae'n ofynnol ei wneud o ran gwaith adfer o dan yr hysbysiad;
- (d) bod yr awdurdod gorfodi, mewn perthynas ag unrhyw beth y mae'r hysbysiad yn ei gwneud

to paragraph (1) as soon as practicable after service of the notice.

Compensation for rights of entry etc

6. Schedule 2 to these Regulations specifies the-
- (a) period within which a person who grants, or joins in granting, any rights pursuant to section 78G(2) may apply for compensation for the grant of those rights;
 - (b) manner in which, and the person to whom, such an application may be made; and
 - (c) manner in which the amount of such compensation will be determined,

and makes further provision relating to such compensation.

Grounds of appeal against a remediation notice

7.-(1) The grounds of appeal against a remediation notice under section 78L(1) are any of the following-

- (a) that, in determining whether any land to which the notice relates appears to be contaminated land, the local authority-
 - (i) failed to act in accordance with guidance issued by the National Assembly under section 78A(2), (5) or (6), or
 - (ii) whether by reason of such a failure or otherwise, unreasonably identified all or any of the land to which the notice relates as contaminated land;
- (b) that, in determining a requirement of the notice, the enforcing authority-
 - (i) failed to have regard to guidance issued by the National Assembly under section 78E(5), or
 - (ii) whether by reason of such a failure or otherwise, unreasonably required the appellant to do any thing by way of remediation;
- (c) that the enforcing authority unreasonably determined the appellant to be the appropriate person who is to bear responsibility for any thing required by the notice to be done by way of remediation;
- (d) subject to paragraph (2), that the enforcing authority unreasonably failed to determine that some person in addition to the appellant is an appropriate person in relation to any thing required by the notice to be done by way of remediation;
- (e) that, in respect of any thing required by the notice to be done by way of remediation, the

- yn ofynnol ei wneud o ran gwaith adfer, wedi methu â gweithredu yn unol â chanllawiau a gyhoeddwyd gan y Cynulliad Cenedlaethol o dan adran 78F(6);
- (dd) pan fydd dau neu ragor o bersonau yn bersonau priodol mewn perthynas ag unrhyw beth y mae'r hysbysiad yn ei gwneud yn ofynnol ei wneud o ran gwaith adfer, bod yr awdurdod gorfodi -
- (i) wedi methu â phenderfynu pa gyfran o'r gost a ddatganwyd yn yr hysbysiad y mae'r apelydd yn atebol i'w thalu yn unol â chanllawiau a gyhoeddwyd gan y Cynulliad Cenedlaethol o dan adran 78F(7), neu
- (ii) p'un ai oherwydd y methiant hwnnw neu fel arall, wedi penderfynu, a hynny'n afresymol, pa gyfran o'r gost y mae'r apelydd i'w thalu;
- (e) bod cyflwyno'r hysbysiad wedi mynd yn groes i un o ddarpariaethau adran 78H(1) neu (3) (cyfyngiadau a gwaharddiadau ar gyflwyno hysbysiadau adfer) heblaw o dan amgylchiadau pan fydd adran 78H(4) yn gymwys;
- (f) pan gyflwynwyd yr hysbysiad drwy ddbynnu ar adran 78H(4) mewn amgylchiadau pan na chydymffurfiwyd ag adran 78H(1) neu (3), na fyddai wedi bod yn rhesymol i'r awdurdod gorfodi farnu bod y tir halogedig o dan sylw yn y fath gyflwr oherwydd y sylweddau yn y tir, arno, neu oddi tano, nes bod perygl ar fin digwydd o beri niwed difrifol neu lygredd difrifol i ddyfroedd a reolir;
- (ff) bod yr awdurdod gorfodi, a hynny'n afresymol, wedi methu â chael ei fodloni, yn unol ag adran 78H(5)(b), fod pethau priodol yn cael eu gwneud, neu y byddant yn cael eu gwneud, o ran gwaith adfer a hynny heb i hysbysiad gael ei gyflwyno;
- (g) bod unrhyw beth yr oedd yn ofynnol ei wneud o dan yr hysbysiad o ran gwaith adfer yn ofynnol yn groes i ddarpariaeth yn adran 78J (cyfyngiadau ar atebolrwydd ynglŷn â llygru dyfroedd a reolir);
- (ng) bod unrhyw beth yr oedd yn ofynnol ei wneud o dan yr hysbysiad o ran gwaith adfer yn ofynnol yn groes i ddarpariaeth yn adran 78K (atebolrwydd mewn perthynas â sylweddau halogi sy'n dianc i dir arall);
- (h) bod gan yr awdurdod gorfodi ei hun bŵer, mewn achos sy'n dod o fewn adran 78N(3)(b), i wneud yr hyn sy'n briodol o ran gwaith adfer;
- (i) bod gan yr awdurdod gorfodi ei hun bŵer, mewn achos sy'n dod o fewn adran 78N(3)(e), i wneud yr hyn sy'n briodol o ran gwaith adfer;
- enforcing authority failed to act in accordance with guidance issued by the National Assembly under section 78F(6);
- (f) that, where two or more persons are appropriate persons in relation to any thing required by the notice to be done by way of remediation, the enforcing authority-
- (i) failed to determine the proportion of the cost stated in the notice to be the liability of the appellant in accordance with guidance issued by the National Assembly under section 78F(7), or
- (ii) whether, by reason of such a failure or otherwise, unreasonably determined the proportion of the cost that the appellant is to bear;
- (g) that service of the notice contravened a provision of section 78H(1) or (3) (restrictions and prohibitions on serving remediation notices) other than in circumstances where section 78H(4) applies;
- (h) that, where the notice was served in reliance on section 78H(4) in circumstances where section 78H(1) or (3) has not been complied with, the enforcing authority could not reasonably have taken the view that the contaminated land in question was in such a condition by reason of substances in, on or under the land, that there was imminent danger of serious harm or serious pollution of controlled waters being caused;
- (i) that the enforcing authority has unreasonably failed to be satisfied, in accordance with section 78H(5)(b), that appropriate things are being, or will be, done by way of remediation without service of a notice;
- (j) that any thing required by the notice to be done by way of remediation was required in contravention of a provision of section 78J (restrictions on liability relating to the pollution of controlled waters);
- (k) that any thing required by the notice to be done by way of remediation was required in contravention of a provision of section 78K (liability in respect of contaminating substances which escape to other land);
- (l) that the enforcing authority itself has power, in a case falling within section 78N(3)(b), to do what is appropriate by way of remediation;
- (m) that the enforcing authority itself has power, in a case falling within section 78N(3)(e), to do what is appropriate by way of remediation;

- (j) bod yr awdurdod gorfodi, wrth bwyso a mesur at ddibenion adran 78N(3)(e), a fyddai'n ceisio adennill y cyfan neu gyfran o'r gost a dynnwyd ganddo wrth wneud rhyw beth penodol o ran gwaith adfer-
- (i) wedi methu â rhoi sylw i unrhyw galedi y gallai'r adennill ei achosi i'r person y gellid adennill y gost oddi wrtho neu i unrhyw ganllawiau a gyhoeddwyd gan y Cynulliad Cenedlaethol at ddibenion adran 78P(2), neu
- (ii) p'un ai oherwydd y methiant hwnnw neu fel arall, wedi dyfarnu, a hynny'n afresymol, y byddai'n penderfynu ceisio adennill y cyfan o'r gost;
- (l) bod yr awdurdod gorfodi, wrth benderfynu un o ofynion yr hysbysiad, wedi methu â rhoi sylw i ganllawiau a gyhoeddwyd gan Asiantaeth yr Amgylchedd o dan adran 78V(1);
- (ll) nad yw cyfnod a bennwyd yn yr hysbysiad yn gyfnod pryd y mae'n ofynnol i'r apelydd wneud rhywbeth yn rhesymol ddigonol at y diben;
- (m) bod yr hysbysiad yn darparu i berson sy'n gweithredu yn rhinwedd swyddogaeth berthnasol fod yn atebol yn bersonol i dalu'r cyfan neu ran o gost gwneud unrhyw beth o ran gwaith adfer, yn groes i ddarpariaethau adran 78X(3)(a);
- (n) bod cyflwyno'r hysbysiad wedi torri un o ddarpariaethau adran 78YB(1) (sy'n gwneud darpariaeth ynghylch rhyngweithio Rhan 2A o Ddeddf 1990 â deddfiadau eraill) ac mewn achos lle y dibynnir ar-
- (i) is-adran (1) o'r adran honno, y dylai fod wedi ymddangos i'r awdurdod gorfodi y gallai pwerau Asiantaeth yr Amgylchedd o dan adran 27(2) gael eu harfer,
- (ii) is-adran (3) o'r adran honno, y dylai fod wedi ymddangos i'r awdurdod gorfodi y gallai pwerau awdurdod rheoli gwastraff neu awdurdod casglu gwastraff o dan adran 59(3) gael eu harfer; neu
- (o) y cafwyd rhyw fath o anffurfioldeb, diffyg neu gamgymeriad yn yr hysbysiad, neu mewn cysylltiad ag ef, nad oes unrhyw hawl i apelio mewn perthynas ag ef o dan y seiliau a nodir yn is-baragraffau (a) i (n) uchod.
- (n) that the enforcing authority, in considering for the purposes of section 78N(3)(e) whether it would seek to recover all or a portion of the cost incurred by it in doing some particular thing by way of remediation-
- (i) failed to have regard to any hardship which the recovery may cause to the person from whom the cost is recoverable or to any guidance issued by the National Assembly for the purposes of section 78P(2), or
- (ii) whether by reason of such a failure or otherwise, unreasonably determined that it would decide to seek to recover all of the cost;
- (o) that, in determining a requirement of the notice, the enforcing authority failed to have regard to guidance issued by the Environment Agency under section 78V(1);
- (p) that a period specified in the notice within which the appellant is required to do any thing is not reasonably sufficient for the purpose;
- (q) that the notice provides for a person acting in a relevant capacity to be personally liable to bear the whole or part of the cost of doing any thing by way of remediation, contrary to the provisions of section 78X(3)(a);
- (r) that service of the notice contravened a provision of section 78YB(1) (which makes provision regarding the interaction of Part 2A of the 1990 Act with other enactments) and in a case where-
- (i) subsection (1) of that section is relied on, that it ought to have appeared to the enforcing authority that the powers of the Environment Agency under section 27(2) might be exercised,
- (ii) subsection (3) of that section is relied on, that it ought to have appeared to the enforcing authority that the powers of a waste regulation authority or waste collection authority under section 59(3) might be exercised; or
- (s) that there has been some informality, defect or error in, or in connection with, the notice, in respect of which there is no right of appeal under the grounds set out in sub-paragraphs (a) to (r).

(1) Diwygiwyd adran 78YB, o ran Cymru a Lloegr, gan O.S. 2000/1973, rheoliad 39 ac Atodlen 10, Rhan I, paragraffau 2 a 6.

(2) Diwygiwyd adran 27 gan Ddeddf yr Amgylchedd 1995 (p.25), adran 120 ac Atodlen 22, paragraff 60.

(3) Diwygiwyd adran 59, o ran Cymru a Lloegr, gan Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p.16), adran 43(2).

(1) Section 78YB was amended, in relation to England and Wales, by S.I. 2000/1973, regulation 39 and Schedule 10, Part I, paragraphs 2 and 6.

(2) Section 27 was amended by the Environment Act 1995 (c.25), section 120 and Schedule 22, paragraph 60.

(3) Section 59 was amended, in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005 (c.16), section 43(2).

(2) Caiff person apelio ar y sail a bennir ym mharagraff (1)(ch) uchod dim ond mewn achos -

- (a) pan fydd yr awdurdod gorfodi wedi penderfynu ei fod yn berson priodol yn rhinwedd adran 78F(2) a bod y person hwnnw'n honni ei fod wedi dod o hyd i ryw berson arall sy'n berson priodol yn rhinwedd yr is-adran honno;
- (b) pan gyflwynir yr hysbysiad i'r person hwnnw fel perchennog neu feddiannydd y tir halogedig o dan sylw am y tro a bod y person hwnnw'n honni ei fod wedi dod o hyd i ryw berson arall sy'n berson priodol yn rhinwedd yr is-adran honno; neu
- (c) pan gyflwynir yr hysbysiad i'r person hwnnw fel perchennog neu feddiannydd y tir halogedig o dan sylw am y tro a bod y person hwnnw'n honni bod rhyw berson arall hefyd yn berchennog neu'n feddiannydd y cyfan neu ran o'r tir hwnnw am y tro.

(3) Os yw apêl yn erbyn hysbysiad adfer wedi'i seilio ar ryw anffurfioldeb, diffyg neu gamgymeriad yn yr hysbysiad, neu mewn cysylltiad ag ef, ac i'r graddau bod apêl wedi'i seilio ar y sail honno, rhaid i'r Cynulliad Cenedlaethol wrthod yr apêl os yw wedi'i fodloni nad oedd yr anffurfioldeb, y diffyg neu'r camgymeriad yn un o sylwedd.

Apelau i'r Cynulliad Cenedlaethol

8.-(1) Rhaid i apêl i'r Cynulliad Cenedlaethol yn erbyn hysbysiad adfer gael ei wneud i'r Cynulliad Cenedlaethol drwy hysbysiad ("hysbysiad apêl"), sef hysbysiad y mae'n rhaid iddo ddatgan -

- (a) enw a chyfeiriad yr apelydd;
- (b) ar ba seiliau y gwneir yr apêl; ac
- (c) a yw'r apelydd yn dymuno i'r apêl fod ar ffurf gwrandawriad neu gael ei phenderfynu ar sail sylwadau ysgrifenedig.

(2) Rhaid i'r apelydd, yr un pryd ag y mae'n cyflwyno hysbysiad apêl i'r Cynulliad Cenedlaethol gyflwyno -

- (a) copi ohono i'r canlynol-
 - (i) yr awdurdod gorfodi,
 - (ii) unrhyw berson a enwir yn yr hysbysiad adfer yn berson priodol,
 - (iii) unrhyw berson a enwir yn yr hysbysiad o apêl yn berson priodol, ac
 - (iv) unrhyw berson a enwir yn yr hysbysiad adfer yn berchennog neu'n feddiannydd y cyfan neu unrhyw ran o'r tir y mae'r hysbysiad yn ymwneud ag ef;
- (b) i'r Cynulliad Cenedlaethol ddatganiad o enwau a chyfeiriadau unrhyw bersonau sy'n dod o fewn is-baragraff (a)(ii), (iii) neu (iv); ac

(2) A person may only appeal on the ground specified in paragraph (1)(d) in a case where-

- (a) the enforcing authority has determined that the person is an appropriate person by virtue of section 78F(2) and that person claims to have found some other person who is an appropriate person by virtue of that sub-section;
- (b) the notice is served on that person as the owner or occupier for the time being of the contaminated land in question and that person claims to have found some other person who is an appropriate person by virtue of that sub-section; or
- (c) the notice is served on that person as the owner or occupier for the time being of the contaminated land in question and that person claims that some other person is also an owner or occupier for the time being of the whole or part of that land.

(3) If and insofar as an appeal against a remediation notice is based on the ground of some informality, defect or error in, or in connection with, the notice, the National Assembly must dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

Appeals to the National Assembly

8.-(1) An appeal to the National Assembly against a remediation notice must be made to the National Assembly by a notice ("notice of appeal") which must state-

- (a) the name and address of the appellant;
- (b) the grounds on which the appeal is made; and
- (c) whether the appellant wishes the appeal to be in the form of a hearing or to be disposed of on the basis of written representations.

(2) The appellant must, at the same time as serving a notice of appeal on the National Assembly, serve-

- (a) a copy of it on-
 - (i) the enforcing authority,
 - (ii) any person named in the remediation notice as an appropriate person,
 - (iii) any person named in the notice of appeal as an appropriate person, and
 - (iv) any person named in the remediation notice as the owner or occupier of the whole or any part of the land to which the notice relates;
- (b) on the National Assembly a statement of the names and addresses of any persons falling within sub-paragraph (a)(ii), (iii) or (iv); and

- (c) copi o'r hysbysiad adfer y mae'r apêl yn ymwneud ag ef i'r Cynulliad Cenedlaethol ac i unrhyw berson a enwir yn yr hysbysiad apêl yn berson priodol nad yw wedi'i enwi felly yn yr hysbysiad adfer.

(3) Os yw'r apelydd yn dymuno rhoi'r gorau i apêl, rhaid iddo wneud hynny drwy hysbysu'r Cynulliad Cenedlaethol yn ysgrifenedig; ac ymdrinnir â'r apêl wedyn fel un y rhoddwyd y gorau iddi o'r dyddiad y bydd yr hysbysiad hwnnw'n dod i law'r Cynulliad Cenedlaethol.

(4) Caiff y Cynulliad Cenedlaethol wrthod caniatáu i apelydd roi'r gorau i'w apêl yn erbyn hysbysiad adfer pan ddaw'r hysbysiad gan yr apelydd yn unol â pharagraff (3) i law'r Cynulliad Cenedlaethol ar unrhyw adeg ar ôl i'r Cynulliad Cenedlaethol hysbysu'r apelydd yn unol â rheoliad 11(1) o addasiad arfaethedig i'r hysbysiad hwnnw.

(5) Pan roir y gorau i apêl, rhaid i'r Cynulliad Cenedlaethol roi hysbysiad y rhoddwyd y gorau iddi i unrhyw berson yr oedd yn ofynnol i'r apelydd gyflwyno copi o'r hysbysiad apêl iddo.

Gwrandawiaidau ac ymchwiliadau lleol

9.-(1) Cyn penderfynu apêl, caiff y Cynulliad Cenedlaethol, os gwêl yn dda-

- (a) peri bod yr apêl yn cael ei chynnal neu ei pharhau ar ffurf gwrandawriad (a gall y gwrandawriad hwnnw gael ei gynnal, neu gael ei gynnal i ryw raddau, yn breifat, os yw'r person sy'n gwrandawrio yr apêl yn penderfynu felly); neu
- (b) peri bod ymchwiliad lleol yn cael ei gynnal.

(2) Cyn penderfynu ar apêl, rhaid i'r Cynulliad Cenedlaethol weithredu fel a grybwyllir ym mharagraff (1)(a) neu (b) os gwneir cais gan naill ai'r apelydd neu'r awdurdod gorfodi am gael gwrandawriad mewn perthynas â'r apêl.

(3) Dyma'r personau y mae ganddynt hawl i gael gwrandawriad mewn gwrandawriad -

- (a) yr apelydd;
- (b) yr awdurdod gorfodi; ac
- (c) unrhyw berson (heblaw'r awdurdod gorfodi) yr oedd yn ofynnol i'r apelydd gyflwyno copi o'r hysbysiad o apêl iddo.

(4) Ni fydd dim ym mharagraff (3) yn atal y person a benodir i gynnal gwrandawriad yr apêl rhag caniatáu i unrhyw berson arall gael ei wrando yn y gwrandawriad; a rhaid peidio â gwrthod caniatâd o'r fath a hynny'n afresymol.

(5) Ar ôl i wrandawriad ddod i ben, rhaid i'r person a benodir i gynnal y gwrandawriad, oni bai ei fod wedi'i benodi o dan adran 114(1)(a) o Ddeddf yr Amgylchedd

- (c) a copy of the remediation notice to which the appeal relates on the National Assembly and on any person named in the notice of appeal as an appropriate person who is not so named in the remediation notice.

(3) If the appellant wishes to abandon an appeal, the appellant must do so by notifying the National Assembly in writing; and the appeal will then be treated as abandoned as from the date on which the National Assembly receives that notification.

(4) The National Assembly may refuse to permit an appellant to abandon an appeal against a remediation notice where the notification by the appellant in accordance with paragraph (3) is received by the National Assembly at any time after the National Assembly has notified the appellant in accordance with regulation 11(1) of a proposed modification of that notice.

(5) Where an appeal is abandoned, the National Assembly must give notice of the abandonment to any person on whom the appellant was required to serve a copy of the notice of appeal.

Hearings and local inquiries

9.-(1) Before determining an appeal, the National Assembly may, if it thinks fit, cause-

- (a) the appeal to take, or continue in, the form of a hearing (which may, if the person hearing the appeal so decides, be held, or held to any extent, in private); or
- (b) a local inquiry to be held.

(2) Before determining an appeal, the National Assembly must act as mentioned in paragraph (1)(a) or (b) if a request is made by either the appellant or the enforcing authority to be heard with respect to the appeal.

(3) The persons entitled to be heard at a hearing are-

- (a) the appellant;
- (b) the enforcing authority; and
- (c) any person (other than the enforcing authority) on whom the appellant was required to serve a copy of the notice of appeal.

(4) Nothing in paragraph (3) prevents the person appointed to conduct the hearing of the appeal from permitting any other person to be heard at the hearing; and such permission must not be unreasonably withheld.

(5) After the conclusion of a hearing, the person appointed to conduct the hearing must, unless that person has been appointed under section 114(1)(a) of

1995(1) (pŵer y Cynulliad Cenedlaethol i ddirprwyo ei swyddogaethau penderfynu apelau neu i atgyfeirio materion sy'n gysylltiedig ag apelau) i benderfynu'r apêl, gyflwyno adroddiad ysgrifenedig i'r Cynulliad Cenedlaethol y mae'n rhaid iddo gynnwys casgliadau'r person penodedig a'i argymhellion (neu resymau dros beidio â gwneud unrhyw argymhellion).

Hysbysu ynghylch penderfyniad y Cynulliad Cenedlaethol ar apêl

10.-(1) Rhaid i'r Cynulliad Cenedlaethol hysbysu'r apelydd yn ysgrifenedig o'i benderfyniad ar apêl a darparu copi o unrhyw adroddiad a grybwyllir yn rheoliad 9(5).

(2) Rhaid i'r Cynulliad Cenedlaethol, yr un pryd ag y mae'n hysbysu'r apelydd, anfon copi o'r dogfennau a grybwyllir ym mharagraff (1) i'r awdurdod gorfodi ac at unrhyw berson arall yr oedd yn ofynnol i'r apelydd gyflwyno copi o'r hysbysiad apêl iddo.

Addasu hysbysiad adfer

11.-(1) Cyn addasu hysbysiad adfer o dan adran 78L(2)(b) (apelau yn erbyn hysbysiadau adfer) mewn unrhyw fodd a fyddai'n llai ffafriol i'r apelydd neu i unrhyw berson arall y cyflwynwyd yr hysbysiad iddo, rhaid i'r Cynulliad Cenedlaethol-

- (a) hysbysu'r apelydd ac unrhyw bersonau yr oedd yn ofynnol i'r apelydd gyflwyno copi o'r hysbysiad o apêl iddynt, o'r addasiad arfaethedig;
- (b) caniatáu i unrhyw bersonau a hysbyswyd felly gyflwyno sylwadau mewn perthynas â'r addasiad arfaethedig; a
- (c) caniatáu i'r apelydd neu unrhyw berson arall y cyflwynwyd yr hysbysiad adfer iddo gael eu gwranddo os bydd unrhyw berson o'r fath yn gofyn am hynny.

(2) Pan wrandewir ar yr apelydd neu ar unrhyw berson arall, yn unol â pharagraff (1), bydd gan yr awdurdod gorfodi hawl i gael gwrandawriad hefyd.

Atal hysbysiad adfer

12.-(1) Pan gyflwynir apêl yn briodol yn erbyn hysbysiad adfer, ni fydd unrhyw effaith i'r hysbysiad tra disgwylir am y penderfyniad terfynol ar yr apêl neu nes y rhoddir y gorau iddi.

(2) Mae apêl yn erbyn hysbysiad adfer yn cael ei gwneud yn briodol at ddibenion y rheoliad hwn os yw'n cael ei gwneud o fewn y cyfnod a bennir yn adran 78L(1) ac os cydymffurfwyd â gofynion rheoliad 8(1) a (2).

the Environment Act 1995(1) (power of National Assembly to delegate its functions of determining, or to refer matters involved in, appeals) to determine the appeal, make a report in writing to the National Assembly, which must include the appointed person's conclusions and recommendations (or reasons for not making any recommendations).

Notification of National Assembly's decision on an appeal

10.-(1) The National Assembly must notify the appellant in writing of its decision on an appeal and provide the appellant with a copy of any report mentioned in regulation 9(5).

(2) The National Assembly must, at the same time as it notifies the appellant, send a copy of the documents mentioned in paragraph (1) to the enforcing authority and to any other person on whom the appellant was required to serve a copy of the notice of appeal.

Modification of a remediation notice

11.-(1) Before modifying a remediation notice under section 78L(2)(b) (appeals against remediation notices) in any respect which would be less favourable to the appellant or any other person on whom the notice was served, the National Assembly must-

- (a) notify the appellant, and any persons on whom the appellant was required to serve a copy of the notice of appeal, of the proposed modification;
- (b) permit any persons so notified to make representations in relation to the proposed modification; and
- (c) permit the appellant or any other person on whom the remediation notice was served to be heard if any such person so requests.

(2) Where, in accordance with paragraph (1), the appellant or any other person is heard, the enforcing authority is also entitled to be heard.

Suspension of a remediation notice

12.-(1) Where an appeal is duly made against a remediation notice, the notice has no effect pending the final determination or abandonment of the appeal.

(2) An appeal against a remediation notice is duly made for the purposes of this regulation if it is made within the period specified in section 78L(1) and the requirements of regulation 8(1) and (2) have been complied with.

(1) 1995 p25.

(1) 1995 c.25.

Cofrestrau

13.-(1) At ddiben adran 78R(1) (cofrestrau), pennir y manylion y mae'n rhaid eu cynnwys mewn cofrestr a gedwir o dan yr is-adran honno yn Atodlen 3.

(2) Rhagnodir y disgrifiadau canlynol o wybodaeth at ddibenion adran 78R(2) yn wybodaeth sydd i'w chynnwys mewn hysbysiadau at ddibenion adran 78R(1)(h) a (j)-

- (a) lleoliad a hyd a lled y tir yn ddigon manwl i ganiatáu dod o hyd iddo;
- (b) enw a chyfeiriad y person yr honnir ei fod wedi gwneud pob un o'r pethau o ran gwaith adfer;
- (c) disgrifiad o unrhyw beth yr honnir ei fod wedi'i wneud o ran gwaith adfer; ac
- (ch) y cyfnod yr honnwyd bod popeth o'r fath wedi'i wneud ynddo.

(3) Rhagnodir y lleoedd canlynol at ddibenion adran 78R(8) yn lleoedd y bydd unrhyw gofrestrau neu gyfleusterau ar gyfer cael copïau ohonynt ar gael neu wedi'u darparu i'r cyhoedd yn unol â pharagraff (a) neu (b) o'r is-adran honno-

- (a) os yr awdurdod lleol yw'r awdurdod gorfodi, ei brif swyddfa; a
- (b) os Asiantaeth yr Amgylchedd yw'r awdurdod gorfodi, ei swyddfa ar gyfer yr ardal y mae'r tir halogedig o dan sylw wedi'i leoli ynddi.

Dirymu

14. Caiff Rheoliadau Tir Halogedig (Cymru) 2001(1) eu dirymu.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(2).

15 Tachwedd 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

Registers

13.-(1) For the purpose of section 78R(1) (registers), the particulars that must be contained in a register maintained under that subsection are specified in Schedule 3.

(2) The following descriptions of information are prescribed for the purposes of section 78R(2) as information to be contained in notifications for the purposes of section 78R(1)(h) and (j)-

- (a) the location and extent of the land in sufficient detail to enable it to be identified;
- (b) the name and address of the person who it is claimed has done each of the things by way of remediation;
- (c) a description of any thing which it is claimed has been done by way of remediation; and
- (d) the period within which it is claimed each such thing was done.

(3) The following places are prescribed for the purposes of section 78R(8) as places at which any registers or facilities for obtaining copies must be available or afforded to the public in pursuance of paragraph (a) or (b) of that subsection-

- (a) where the enforcing authority is the local authority, its principal office; and
- (b) where the enforcing authority is the Environment Agency, its office for the area in which the contaminated land in question is situated.

Revocation

14. The Contaminated Land (Wales) Regulations 2001(1) are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

15 November 2006

The Presiding Officer of the National Assembly

(1) O.S. 2001/2197 (Cy.157).

(2) 1998 p.38.

(1) S.I. 2001/2197 (W.157).

(2) 1998 c.38.

SAFLEOEDD ARBENNIG

SPECIAL SITES

1. Y teuluoedd a'r grwpiau o sylweddau sy'n berthnasol at ddibenion rheoliad 3(c)(i) yw'r canlynol-

- (a) cyfansoddion organohalogen a sylweddau a all ffurfio cyfansoddion o'r fath yn yr amgylchedd dyfrol;
- (b) cyfansoddion organoffosfforws;
- (c) cyfansoddion organotin;
- (ch) sylweddau â phriodweddau carsinogenig, mwtagenig neu teratogenig yn yr amgylchedd dyfrol neu drwyddo;
- (d) mercwri a'i gyfansoddion;
- (dd) cadmiwm a'i gyfansoddion;
- (e) olew mwynol a hydrocarbonau eraill;
- (f) syanidau.

2. Y ffurfiadau creigiau sy'n berthnasol at ddibenion rheoliad 3(c)(ii) yw'r canlynol-

- (a) Crag Norwich Pleistosenaid;
- (b) Sialc Cretasaidd Uchaf;
- (c) Tywodfeini Cretasaidd Isaf;
- (ch) Calchfeini Cwrelaidd Jurasig Uchaf;
- (d) Calchfeini Jurasig Canol;
- (dd) Tywodydd Cotteswold Jurasig Isaf;
- (e) Grwp Tywodfeini Sherwood Permo-Driasig;
- (f) Calchfaen Magnesaidd Permaidd Uchaf;
- (ff) Tywodfaen Penrith Permaidd Isaf;
- (g) Tywodfaen Collyhurst Permaidd Isaf;
- (ng) Breccias, Clymfeini a Thywodfeini Gwaelodol Permaidd Isaf;
- (h) Calchfeini Carbonifferaidd Isaf.

1. The families and groups of substances relevant for the purposes of regulation 3(c)(i) are-

- (a) organohalogen compounds and substances which may form such compounds in the aquatic environment;
- (b) organophosphorus compounds;
- (c) organotin compounds;
- (d) substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment;
- (e) mercury and its compounds;
- (f) cadmium and its compounds;
- (g) mineral oil and other hydrocarbons;
- (h) cyanides.

2. The formations of rocks relevant for the purposes of regulation 3(c)(ii) are-

- (a) Pleistocene Norwich Crag;
- (b) Upper Cretaceous Chalk;
- (c) Lower Cretaceous Sandstones;
- (d) Upper Jurassic Corallian;
- (e) Middle Jurassic Limestones;
- (f) Lower Jurassic Cotteswold Sands;
- (g) Permo-Triassic Sherwood Sandstone Group;
- (h) Upper Permian Magnesian Limestone;
- (i) Lower Permian Penrith Sandstone;
- (j) Lower Permian Collyhurst Sandstone;
- (k) Lower Permian Basal Breccias, Conglomerates and Sandstones;
- (l) Lower Carboniferous Limestones.

IAWNDAL AM HAWLIAU MYNEDIAD
ETCCOMPENSATION FOR RIGHTS OF ENTRY
ETC**Dehongli****1. Yn yr Atodlen hon-**

ystyr "Deddf 1961" ("the 1961 Act") yw Deddf Iawndal Tir 1961(1);

ystyr "grantwr" ("*grantor*") yw person sydd wedi rhoi, neu wedi ymuno i roi, unrhyw hawliau yn unol ag adran 78G(2); ac

ystyr "buddiant perthnasol" ("*relevant interest*") yw buddiant mewn tir y rhoddwyd hawliau allan ohono yn unol ag adran 78G(2).

Y cyfnod ar gyfer gwneud cais

2. Rhaid gwneud cais am iawndal o fewn y cyfnod sy'n dechrau ar ddyddiad rhoi'r hawliau yr hawlir iawndal mewn perthynas â hwy ac sy'n dod i ben ar ba un bynnag yw'r diweddaraf o'r dyddiadau canlynol-

- (a) deuddeng mis ar ôl dyddiad rhoi'r hawliau hynny;
- (b) pan wneir apêl yn erbyn hysbysiad adfer y rhoddwyd yr hawliau o dan sylw mewn perthynas ag ef, ac nad oes effaith i'r hysbysiad yn rhinwedd rheoliad 12, deuddeng mis ar ôl dyddiad y penderfyniad terfynol neu ar ôl rhoi'r gorau i'r apêl; neu
- (c) chwe mis ar ôl y dyddiad yr arferwyd yr hawliau gyntaf.

Dull gwneud cais

3.-(1) Rhaid gwneud cais yn ysgrifenedig a'i gyflwyno, neu ei anfon drwy bost ragdaledig, i gyfeiriad gohebu hysbys diwethaf y person priodol y rhoddwyd yr hawliau iddo.

(2) Rhaid i'r cais gynnwys, neu rhaid anfon gyda'r cais,-

- (a) copi o'r grant hawliau y mae'r grantwr yn gwneud cais am iawndal ar ei gyfer, ac o unrhyw blaniau sydd ynghlwm wrth y grant hwnnw;
- (b) disgrifiad o union natur unrhyw fuddiant mewn tir y gwneir cais am iawndal ar ei gyfer; a

Interpretation**1. In this Schedule-**

"the 1961 Act" ("*Deddf 1961*") means the Land Compensation Act 1961(1);

"grantor" ("*grantwr*") means a person who has granted, or joined in the granting of, any rights pursuant to section 78G(2); and

"relevant interest" ("*buddiant perthnasol*") means an interest in land out of which rights have been granted pursuant to section 78G(2).

Period for making an application

2. An application for compensation must be made within the period beginning with the date of the grant of the rights in respect of which compensation is claimed and ending on the expiry of whichever is the latest of the following periods-

- (a) twelve months after the date of the grant of those rights;
- (b) where an appeal is made against a remediation notice in respect of which the rights in question have been granted, and the notice is of no effect by virtue of regulation 12, twelve months after the date of the final determination or abandonment of the appeal; or
- (c) six months after the date on which the rights were first exercised.

Manner of making an application

3.-(1) An application must be made in writing and delivered at, or sent by pre-paid post to, the last known address for correspondence of the appropriate person to whom the rights were granted.

(2) The application must contain, or be accompanied by,-

- (a) a copy of the grant of rights in respect of which the grantor is applying for compensation, and of any plans attached to that grant;
- (b) a description of the exact nature of any interest in land in respect of which compensation is applied for; and

- (c) datganiad o swm yr iawndal y gwneir cais amdano, gan wahaniaethu rhwng y symiau y gwneir cais amdanynt o dan bob un o is-baragraffau (a) i (d) o baragraff 4, a chan ddangos sut y cyfrifwyd pob swm y gwneir cais amdano o dan bob is-baragraff.

Colled a difrod y mae iawndal yn daladwy ar eu cyfer

4.-(1) Yn ddarostyngedig i baragraff 5(3) a (5)(b), mae iawndal yn daladwy o dan adran 78G(5) am golled a difrod o'r disgrifiadau canlynol-

- (a) dibrisiant yng ngwerth unrhyw fuddiant perthnasol y mae gan y grantwr hawl i'w gael ac sy'n deillio o'r grant hawliau;
- (b) dibrisiant yng ngwerth unrhyw fuddiant arall mewn tir y mae gan y grantwr hawl i'w gael ac sy'n deillio o arfer yr hawliau;
- (c) colled neu ddifrod, mewn perthynas ag unrhyw fuddiant perthnasol y mae gan y grantwr hawl iddo, ac -
 - (i) y gellir ei briodoli i'r grant hawliau neu i arfer yr hawliau hynny,
 - (ii) nad yw'n cynnwys dibrisiant yng ngwerth y buddiant hwnnw, a
 - (iii) sy'n golled neu'n ddifrod o fath y mae iawndal am aflonyddu, neu am unrhyw fater arall nad yw wedi'i seilio'n uniongyrchol ar werth y buddiant hwnnw, yn daladwy mewn cysylltiad â hwy ar gaffael gorfodol;
- (ch) difrod i unrhyw fuddiant mewn tir y mae gan y grantwr hawl iddo ac nad yw'n fuddiant perthnasol ac sy'n deillio o roi'r hawliau neu eu harfer, neu effaith niweidiol ar y buddiant hwnnw; a
- (d) colled mewn perthynas â gwaith a gyflawnwyd gan neu ar ran y grantwr ac sy'n cael ei wneud yn ofer drwy roi'r hawliau neu drwy eu harfer.

Y sail ar gyfer asesu'r iawndal

5.-(1) Bydd y darpariaethau canlynol yn cael effaith at ddibenion asesu'r swm sydd i'w dalu o ran iawndal o dan adran 78G(5).

(2) Bydd y rheolau a nodir yn adran 5(1) o Ddeddf 1961 (rheolau ar gyfer asesu iawndal) yn cael effaith, i'r graddau y maent yn gymwysadwy ac yn ddarostyngedig i unrhyw addasiadau angenrheidiol, at ddibenion asesu unrhyw iawndal o'r fath yn yr un modd ag y maent yn effeithiol at ddibenion asesu iawndal ar gyfer caffael buddiant mewn tir yn orfodol.

(1) Diwygiwyd adran 5 gan Ddeddf Cynllunio ac Iawndal 1991 (p.43), adrannau 70 ac 84, Atodlen 15, paragraff 1 ac Atodlen 19, Rhan 3.

- (c) a statement of the amount of compensation applied for, distinguishing the amounts applied for under each of sub-paragraphs (a) to (e) of paragraph 4, and showing how the amount applied for under each sub-paragraph has been calculated.

Loss and damage for which compensation payable

4.-(1) Subject to paragraph 5(3) and (5)(b), compensation is payable under section 78G(5) for loss and damage of the following descriptions-

- (a) depreciation in the value of any relevant interest to which the grantor is entitled which results from the grant of the rights;
- (b) depreciation in the value of any other interest in land to which the grantor is entitled which results from the exercise of the rights;
- (c) loss or damage, in relation to any relevant interest to which the grantor is entitled, which-
 - (i) is attributable to the grant of the rights or the exercise of them,
 - (ii) does not consist of depreciation in the value of that interest, and
 - (iii) is loss or damage of a kind in respect of which compensation for disturbance, or any other matter not directly based on the value of that interest, is payable on a compulsory acquisition;
- (d) damage to, or injurious affection of, any interest in land to which the grantor is entitled which is not a relevant interest and which results from the grant of the rights or the exercise of them; and
- (e) loss in respect of work carried out by, or on behalf of, the grantor which is rendered abortive by the grant of the rights or the exercise of them.

Basis on which compensation assessed

5.-(1) The following provisions have effect for the purpose of assessing the amount to be paid by way of compensation under section 78G(5).

(2) The rules set out in section 5(1) of the 1961 Act (rules for assessing compensation) have effect, so far as applicable and subject to any necessary modifications, for the purpose of assessing any such compensation as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(1) Section 5 was amended by the Planning and Compensation Act 1991 (c.43), sections 70 and 84, Schedule 15, paragraph 1 and Schedule 19, Part 3.

(3) Rhaid peidio â rhoi unrhyw ystyriaeth i unrhyw welliant yng ngwerth unrhyw fuddiant mewn tir, oherwydd unrhyw adeilad a godir, unrhyw waith a wneir neu unrhyw welliant neu newid a wneir ar unrhyw dir y mae'r grantwr, neu yr oedd adeg y gwaith codi neu adeg y gwneud, yn ymwneud ag ef yn uniongyrchol neu'n anuniongyrchol, os yw'r Tribiwnlys Tiroedd wedi'i fodloni nad oedd codi'r adeilad, gwneud y gwaith, gwneud y gwelliant neu'r newid yn rhesymol angenrheidiol a'i fod wedi'i wneud gyda golwg ar gael iawndal neu fwy o iawndal.

(4) Wrth gyfrifo swm unrhyw golled o dan baragraff 4(d), cymerir gwariant a dynnwyd wrth baratoi planiau neu a dynnwyd oherwydd materion paratoi tebyg eraill i ystyriaeth.

(5) Pan fydd y buddiant y mae iawndal i'w asesu mewn perthynas ag ef yn ddarostyngedig i forgais -

- (a) rhaid i'r iawndal gael ei asesu fel pe na bai'r buddiant yn ddarostyngedig i'r morgais; ac
- (b) ni fydd unrhyw iawndal yn daladwy mewn perthynas â buddiant y morgais (yn wahanol i'r buddiant sy'n ddarostyngedig i'r morgais).

(6) Rhaid i iawndal o dan adran 78G(5) gynnwys swm sy'n hafal i gostau prisio rhesymol y grantwr a'i gostau cyfreithiol rhesymol.

Talu iawndal a phenderfynu dadleuon

6.-(1) Rhaid i iawndal sy'n daladwy o dan adran 78G(5) mewn perthynas â buddiant sy'n ddarostyngedig i forgais gael ei dalu i'r morgais neu, os oes mwy nag un morgais, i'r morgais cyntaf ac yn y naill achos neu'r llall, rhaid ei gymhwyso fel petai'n enillion ar werthiant.

(2) Bydd symiau iawndal a benderfynir o dan yr Atodlen hon yn daladwy -

- (a) pan fydd y person priodol a'r grantwr neu'r morgais yn cytuno bod taliad unigol i'w wneud ar ddyddiad penodedig, ar y dyddiad hwnnw;
- (b) pan fydd y person priodol a'r grantwr neu'r morgais yn cytuno bod taliad i'w wneud mewn rhandaliadau ar ddyddiadau gwahanol, ar y dyddiad y cytunir arno o ran pob rhandaliad; ac
- (c) ym mhob achos arall, yn ddarostyngedig i unrhyw gyfarwyddyd gan y Tribiwnlys Tiroedd neu'r llys, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i swm yr iawndal gael ei benderfynu'n derfynol.

(3) Rhaid cyfeirio unrhyw gwestiwn ynghylch cymhwyso paragraff 5(3) neu iawndal sy'n destun dadl at y Tribiwnlys Tiroedd er mwyn iddynt hwy benderfynu arno.

(3) No account is to be taken of any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made on any land in which the grantor is, or was at the time of erection, doing or making, directly or indirectly concerned, if the Lands Tribunal is satisfied that the erection of the building, the doing of the work, the making of the improvement or the alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(4) In calculating the amount of any loss under paragraph 4(e), expenditure incurred in the preparation of plans or on other similar preparatory matters will be taken into account.

(5) Where the interest in respect of which compensation is to be assessed is subject to a mortgage-

- (a) the compensation will be assessed as if the interest were not subject to the mortgage; and
- (b) no compensation is payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage).

(6) Compensation under section 78G(5) must include an amount equal to the grantor's reasonable valuation and legal expenses.

Payment of compensation and determination of disputes

6.-(1) Compensation payable under section 78G(5) in respect of an interest which is subject to a mortgage must be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and must, in either case, be applied as if it were proceeds of sale.

(2) Amounts of compensation determined under this Schedule are payable-

- (a) where the appropriate person and the grantor or mortgagee agree that a single payment is to be made on a specified date, on that date;
- (b) where the appropriate person and the grantor or mortgagee agree that payment is to be made in instalments on different dates, on the date agreed as regards each instalment; and
- (c) in any other case, subject to any direction of the Lands Tribunal or the court, as soon as reasonably practicable after the amount of the compensation has been finally determined.

(3) Any question as to the application of paragraph 5(3) or of disputed compensation must be referred to, and determined by, the Lands Tribunal.

(4) Mewn perthynas â phenderfynu ar unrhyw gwestiwn o'r fath, bydd adrannau 2(1) a 4 o Ddeddf 1961 (sy'n darparu ar gyfer y weithdrefn ynglŷn â chyfeirio at y Tribiwnlys Tiroedd a'r costau) yn gymwys -

- (a) fel petai'r cyfeiriad yn adran 2(1) o'r Ddeddf honno at adran 1 o'r Ddeddf honno yn gyfeiriad at is-baragraff (3) o'r paragraff hwn; a
- (b) fel petai'r cyfeiriadau yn adran 4 o'r Ddeddf honno at yr awdurdod caffael yn gyfeiriadau at y person priodol.

ATODLEN 3

Rheoliad 13(1)

MANYLION A RAGNODIR AT DDIBEN ADRAN 78R(1)

Hysbysiadau Adfer

1.-(1) Mewn perthynas â hysbysiad adfer a gyflwynir gan yr awdurdod gorfodi -

- (a) enw a chyfeiriad y person y cyflwynir yr hysbysiad iddo;
- (b) lleoliad a hyd a lled y tir halogedig y mae'r hysbysiad yn ymwneud ag ef, yn ddigon manwl i ganiatáu dod o hyd iddo naill ai drwy gyfeirio at blân neu fel arall;
- (c) y niwed sylweddol, y niwed neu'r llygredd sylweddol i ddyfroedd a reolir y mae'r tir halogedig o dan sylw yn dir halogedig o'i herwydd;
- (ch) y sylweddau y mae'r tir halogedig o dan sylw yn dir halogedig o'u herwydd ac, os oes unrhyw un o'r sylweddau wedi dianc o dir arall, lleoliad y tir arall hwnnw;
- (d) defnydd cyfredol y tir halogedig o dan sylw;
- (dd) yr hyn y mae pob person priodol i'w wneud o ran gwaith adfer a'r cyfnodau y mae'n ofynnol iddynt wneud pob un o'r pethau ynddynt; a
- (e) dyddiad yr hysbysiad.

Apelau yn erbyn hysbysiadau adfer

2. Unrhyw apêl yn erbyn hysbysiad adfer a gyflwynir gan yr awdurdod gorfodi.

(4) In relation to the determination of any such question, sections 2(1) and 4 of the 1961 Act (which provide for the procedure on reference to the Lands Tribunal and costs) apply as if-

- (a) the reference in section 2(1) of that Act to section 1 of that Act were a reference to sub-paragraph (3) of this paragraph; and
- (b) references in section 4 of that Act to the acquiring authority were references to the appropriate person.

SCHEDULE 3

Regulation 13(1)

PARTICULARS PRESCRIBED FOR THE PURPOSE OF SECTION 78R(1)

Remediation notices

1.-(1) In relation to a remediation notice served by the enforcing authority-

- (a) the name and address of the person on whom the notice is served;
- (b) the location and extent of the contaminated land to which the notice relates in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (c) the significant harm, harm or pollution of controlled waters by reason of which the contaminated land in question is contaminated land;
- (d) the substances by reason of which the contaminated land in question is contaminated land and, if any of the substances have escaped from other land, the location of that other land;
- (e) the current use of the contaminated land in question;
- (f) what each appropriate person is to do by way of remediation and the periods within which they are required to do each of the things; and
- (g) the date of the notice.

Appeals against remediation notices

2. Any appeal against a remediation notice served by the enforcing authority.

(1) Diwygiwyd adran 2 gan Ddeddf Llywodraeth Leol, Cynllunio a Thir 1980 (p.65), adran 193 ac Atodlen 33, paragraff 5.

(1) Section 2 was amended by the Local Government, Planning and Land Act 1980 (c.65), section 193 and Schedule 33, paragraph 5.

3. Unrhyw benderfyniad ar apêl o'r fath.

Datganiadau adfer

4. Unrhyw ddatganiad adfer a baratoir ac a gyhoeddir gan yr awdurdod gorfodi o dan adran 78H(6).

5. Mewn perthynas ag unrhyw ddatganiad adfer o'r fath -

- (a) lleoliad a hyd a lled y tir halogedig o dan sylw, yn ddigon manwl i ganiatáu dod o hyd iddo naill ai drwy gyfeirio at blan neu fel arall; a
- (b) y materion y cyfeirir atynt yn is-baragraffau (c), (ch) a (d) o baragraff 1.

Mynegiad adfer

6. Unrhyw fynegiad adfer a baratoir ac a gyhoeddir gan yr awdurdod gorfodi o dan adran 78H(7) neu gan yr awdurdod gorfodi o dan adran 78H(9).

7. Mewn perthynas ag unrhyw fynegiad adfer o'r fath -

- (a) lleoliad a hyd a lled y tir halogedig o dan sylw, yn ddigon manwl i ganiatáu dod o hyd iddo naill ai drwy gyfeirio at blan neu fel arall; a
- (b) materion y cyfeirir atynt yn is-baragraffau (c), (ch) a (d) o baragraff 1.

Apelau yn erbyn hysbysiadau codi tâl

8. Unrhyw apêl o dan adran 78P(8) yn erbyn hysbysiad codi tâl a gyflwynwyd gan yr awdurdod gorfodi.

9. Unrhyw benderfyniad ar apêl o'r fath.

Dynodi safleoedd arbennig

10.-(1) Yn achos Asiantaeth yr Amgylchedd, mewn perthynas ag unrhyw dir y mae'n awdurdod gorfodi mewn perthynas ag ef, ac yn achos awdurdod lleol, mewn perthynas ag unrhyw dir yn ei ardal-

- (a) unrhyw hysbysiad a roddwyd gan awdurdod lleol o dan adran 78C(1)(b) neu (5)(a), neu gan y Cynulliad Cenedlaethol o dan adran 78D(4)(b), sy'n cael effaith o ran dynodi unrhyw dir yn safle arbennig, yn rhinwedd adran 78C(7) neu adran 78D(6);
- (b) y darpariaethau yn rheoliad 2 neu 3 y mae'n ofynnol dynodi'r tir yn safle arbennig o'u herwydd;
- (c) unrhyw hysbysiad a roddwyd gan Asiantaeth yr Amgylchedd o dan adran 78Q(1)(a) o'i phenderfyniad i fabwysiadu hysbysiad adfer; ac

3. Any decision on such an appeal.

Remediation declarations

4. Any remediation declaration prepared and published by the enforcing authority under section 78H(6).

5. In relation to any such remediation declaration-

- (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Remediation statements

6. Any remediation statement prepared and published by the responsible person under section 78H(7) or by the enforcing authority under section 78H(9).

7. In relation to any such remediation statement-

- (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

Appeals against charging notices

8. Any appeal under section 78P(8) against a charging notice served by the enforcing authority.

9. Any decision on such an appeal.

Designation of special sites

10.-(1) In the case of the Environment Agency, as respects any land in relation to which it is the enforcing authority, and in the case of a local authority, as respects any land in its area-

- (a) any notice given by a local authority under section 78C(1)(b) or (5)(a), or by the National Assembly under section 78D(4)(b), which, by virtue of section 78C(7) or 78D(6) respectively, has effect as the designation of any land as a special site;
- (b) the provisions of regulation 2 or 3 by virtue of which the land is required to be designated as a special site;
- (c) any notice given by the Environment Agency under section 78Q(1)(a) of its decision to adopt a remediation notice; and

(ch) unrhyw hysbysiad a roddwyd gan yr awdurdod gorfodi neu iddo o dan adran 78Q(4) yn terfynu dynodiad unrhyw dir yn safle arbennig.

(d) any notice given by, or to, the enforcing authority under section 78Q(4) terminating the designation of any land as a special site.

Hysbysu adferiad honedig

11. Unrhyw hysbysiad a roddir i'r awdurdod gorfodi at ddibenion adran 78R(1)(h) neu (j).

Notification of claimed remediation

11. Any notification given to the enforcing authority for the purposes of section 78R(1)(h) or (j).

Collfarnau am dramgwyddau o dan adran 78M

12. Unrhyw gollfarniad a gafodd person am unrhyw dramgwyddau o dan adran 78M mewn perthynas â hysbysiad adfer a gyflwynwyd gan yr awdurdod gorfodi, gan gynnwys enw'r tramgwyddwr, dyddiad y gollfarn, y gosb a osodwyd ac enw'r Llys.

Convictions for offences under section 78M

12. Any conviction of a person for any offence under section 78M in relation to a remediation notice served by the enforcing authority, including the name of the offender, the date of conviction, the penalty imposed and the name of the Court.

Canllawiau a roddir o dan adran 78V(1)

13. Yn achos Asiantaeth yr Amgylchedd, dyddiad unrhyw ganllawiau a gyhoeddwyd ganddi o dan adran 78V(1) ac, yn achos awdurdod lleol, dyddiad unrhyw ganllawiau a roddwyd iddo gan yr Asiantaeth o dan yr is-adran honno.

Guidance issued under section 78V(1)

13. In the case of the Environment Agency, the date of any guidance issued by it under section 78V(1) and, in the case of a local authority, the date of any guidance issued by the Agency to it under that subsection.

Rheolaethau amgylcheddol eraill

14. Pan fydd yr awdurdod gorfodi yn cael ei wahardd yn rhinwedd adran 78YB(1) neu 78YB(2B)(1) rhag cyflwyno hysbysiad adfer -

- (a) lleoliad a hyd a lled y tir halogedig o dan sylw, yn ddigon manwl i ganiatáu dod o hyd iddo naill ai drwy gyfeirio at blân neu fel arall;
- (b) y materion y cyfeirir atynt yn is-baragraffau (c), (ch) a (d) o baragraff 1; ac
- (c) unrhyw gamau y mae'r awdurdod yn gwybod amdanynt, ac a gyflawnwyd o dan adran 27(2) neu trwy gamau gorfodi (o fewn ystyr adran 78YB(2C)(3)), tuag at adfer unrhyw niwed sylweddol, niwed neu lygredd sylweddol i ddyfroedd a reolir y mae'r tir o dan sylw yn dir halogedig o'u herwydd.

Other environmental controls

14. Where the enforcing authority is precluded by virtue of section 78YB(1) or 78YB(2B)(1) from serving a remediation notice-

- (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and
- (c) any steps of which the authority has knowledge, carried out under section 27(2) or by means of enforcement action (within the meaning of section 78YB(2C)(3)), towards remedying any significant harm, harm or pollution of controlled waters by reason of which the land in question is contaminated land.

15.-(1) Pan fydd yr awdurdod gorfodi yn cael ei wahardd yn rhinwedd adran 78YB(3) rhag cyflwyno hysbysiad adfer mewn perthynas â thir sy'n dir halogedig oherwydd gollwng gwastraff a reolir neu unrhyw ganlyniadau i ollwng y gwastraff hwnnw -

15. Where the enforcing authority is precluded by virtue of section 78YB(3) from serving a remediation notice in respect of land which is contaminated land by reason of the deposit of controlled waste or any consequences of its deposit-

(1) Mewosodwyd is-adran (2B) o adran 78YB, o ran Cymru a Lloegr, gan O.S. 2000/1973, rheoliad 39 ac Atodlen 10, Rhan 1, paragraffau 2 a 6.

(2) Diwygiwyd adran 27 gan Ddeddf yr Amgylchedd 1995 (p.25), adran 120 ac Atodlen 22, paragraff 60.

(3) Mewnosodwyd is-adran (2C) o adran 78YB, o ran Cymru a Lloegr, gan O.S. 2000/1973, rheoliad 39 ac Atodlen 10, Rhan 1, paragraffau 2 a 6.

(1) Sub-section (2B) of section 78YB was inserted, in relation to England and Wales, by S.I. 2000/1973, regulation 39 and Schedule 10, Part 1, paragraphs 2 and 6.

(2) Section 27 was amended by the Environment Act 1995 (c.25), section 120 and Schedule 22, paragraph 60.

(3) Sub-section (2C) of section 78YB was inserted, in relation to England and Wales, by S.I. 2000/1973, regulation 39 and Schedule 10, Part 1, paragraphs 2 and 6.

- (a) lleoliad a hyd a lled y tir halogedig o dan sylw, yn ddigon manwl i ganiatáu dod o hyd iddo naill ai drwy gyfeirio at blân neu fel arall;
- (b) y materion y cyfeirir atynt yn is-baragraffau (c), (ch) a (d) o baragraff 1; ac
- (c) unrhyw gamau y mae'r awdurdod gorfodi yn gwybod amdanynt, ac a gyflawnwyd o dan adran 59(1), mewn perthynas â'r gwastraff hwnnw neu â chanlyniadau ei ollwng, ac mewn achos lle cymerodd awdurdod casglu gwastraff (o fewn ystyr adran 30(3)(2)) y camau hynny neu ei gwneud yn ofynnol i'r camau gael eu cymryd, enw'r awdurdod hwnnw.

16. Pan fydd yr awdurdod gorfodi, o ganlyniad i gydsyniad a roddwyd o dan Bennod 2 o Ran 3 o Ddeddf Adnoddau Dwr 1991 (troseddau llygru), yn rhinwedd adran 78YB(4) yn cael ei wahardd rhag pennu mewn hysbysiad adfer unrhyw beth penodol o ran gwaith adfer y byddai wedi'i bennu fel arall mewn hysbysiad o'r fath,-

- (a) y cydsyniad;
- (b) lleoliad a hyd a lled y tir halogedig o dan sylw, yn ddigon manwl i ganiatáu dod o hyd iddo naill ai drwy gyfeirio at blân neu fel arall; ac
- (c) y materion y cyfeirir atynt yn is-baragraffau (c), (ch) a (d) o baragraff 1.

- (a) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise;
- (b) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1; and
- (c) any steps of which the enforcing authority has knowledge, carried out under section 59(1), in relation to that waste or the consequences of its deposit; and in a case where a waste collection authority (within the meaning of section 30(3)(2)) took those steps or required the steps to be taken, the name of that authority.

16. Where, as a result of a consent given under Chapter 2 of Part 3 of the Water Resources Act 1991 (pollution offences), the enforcing authority is precluded by virtue of section 78YB(4) from specifying in a remediation notice any particular thing by way of remediation which it would otherwise have specified in such a notice-

- (a) the consent;
- (b) the location and extent of the contaminated land in question in sufficient detail to enable it to be identified, whether by reference to a plan or otherwise; and
- (c) the matters referred to in sub-paragraphs (c), (d) and (e) of paragraph 1.

(1) Diwygiwyd adran 59, o ran Cymru a Lloegr, gan Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p.16), adran 43(2).

(2) Diwygiwyd is-adran (3) o adran 30 gan Ddeddf Llywodraeth Leol (Cymru) 1994 (p.19), adrannau 22(3) a 66(8) ac Atodlen 9, paragraff 17(3) ac Atodlen 18.

(1) Section 59 was amended, in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005 (c.16), section 43(2).

(2) Subsection (3) of section 30 was amended by the Local Government (Wales) Act 1994 (c.19), sections 22(3) and 66(8) and Schedule 9, paragraph 17(3) and Schedule 18.

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