



Deddf Seilwaith (Cymru) 2024

2024 dsc 3

Infrastructure (Wales) Act 2024

2024 asc 3



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Deddf Seilwaith (Cymru) 2024

Deddf gan Senedd Cymru i ddiwygio'r gyfraith sy'n llywodraethu datblygiad seilwaith arwyddocaol yng Nghymru ac ardal forol Cymru; ac at ddibenion cysylltiedig.

[3 Mehefin 2024]

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:

RHAN 1

PROSIECTAU SEILWAITH ARWYDDOCAOL

Term allweddol

1 Ystyr "prosiect seilwaith arwyddocaol"

Yn y Ddeddf hon, ystyr "prosiect seilwaith arwyddocaol" yw –

- datblygiad a bennir yn y Rhan hon yn brosiect seilwaith arwyddocaol;
- datblygiad a bennir mewn cyfarwyddyd a wneir gan Weinidogion Cymru o dan adran 22 yn brosiect seilwaith arwyddocaol;
- datblygiad a bennir yn Fframwaith Datblygu Cenedlaethol Cymru o dan adran 60(3) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) yn brosiect seilwaith arwyddocaol.

Ynni

2 Y seilwaith trydan

(1) Mae'r mathau o ddatblygiad a ganlyn yn brosiectau seilwaith arwyddocaol –

- adeiladu –
 - gorsaf gynhyrchu yng Nghymru (ac eithrio gorsaf ynni gwynt), neu
 - gorsaf gynhyrchu yn ardal forol Cymru,y disgwylir y bydd ganddi gapasiti cynhyrchu gosodedig o rhwng 50 a 350 o fegawatiau ar ôl ei hadeiladu;
- estyn neu addasu –



Infrastructure (Wales) Act 2024

An Act of Senedd Cymru to reform the law governing the development of significant infrastructure in Wales and the Welsh marine area; and for connected purposes.

[3 June 2024]

Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:

PART 1

SIGNIFICANT INFRASTRUCTURE PROJECTS

Key term

1 **Meaning of “significant infrastructure project”**

In this Act, a “significant infrastructure project” means —

- (a) development specified in this Part as a significant infrastructure project;
- (b) development specified in a direction made by the Welsh Ministers under section 22 as a significant infrastructure project;
- (c) development specified in the National Development Framework for Wales under section 60(3) of the Planning and Compulsory Purchase Act 2004 (c. 5) as a significant infrastructure project.

Energy

2 **Electricity infrastructure**

(1) The following kinds of development are significant infrastructure projects —

- (a) the construction of —
 - (i) a generating station in Wales (other than a wind generating station), or
 - (ii) a generating station in the Welsh marine area,that is expected to have an installed generating capacity of between 50 and 350 megawatts when constructed;
- (b) the extension or alteration of —

- (i) gorsaf gynhyrchu yng Nghymru (ac eithrio gorsaf ynni gwynt), neu
 - (ii) gorsaf gynhyrchu yn ardal forol Cymru,
- pan ddisgwylir mai effaith yr estyniad neu'r addasiad fydd cynyddu'r capasiti cynhyrchu gosodedig 50 o fegawatiau o leiaf, ond nid fel y bo'r capasiti cynhyrchu gosodedig yn fwy na 350 o fegawatiau;
- (c) adeiladu gorsaf ynni gwynt yng Nghymru y disgwylir y bydd ganddi gapasiti cynhyrchu gosodedig 50 o fegawatiau o leiaf ar ôl ei hadeiladu;
 - (d) estyn neu addasu gorsaf ynni gwynt yng Nghymru pan ddisgwylir mai effaith yr estyniad neu'r addasiad fydd cynyddu'r capasiti cynhyrchu gosodedig 50 o fegawatiau o leiaf;
 - (e) gosod llinell drydan uwchben y ddaear yng Nghymru –
 - (i) y disgwylir y bydd ganddi foltedd enwol o 132 o gilofoltau ac y bydd yn 2 gilometr o hyd o leiaf (i'r graddau y bo yng Nghymru), a
 - (ii) sy'n gysylltiedig ag adeiladu, estyn neu addasu gorsaf gynhyrchu y mae paragraffau (a) i (d) yn gymwys iddi.
- (2) Yn yr adran hon –
- ystyr “capasiti cynhyrchu gosodedig” (“*installed generating capacity*”) yw'r capasiti cynhyrchu trydan uchaf (mewn megawatiau) y gellir gweithredu'r orsaf gynhyrchu honno yn unol ag ef am gyfnod parhaus heb ddifrodi'r orsaf (gan ragdybio bod y ffynhonnell ynni a ddefnyddir i gynhyrchu trydan ar gael yn ddi-dor);
- ystyr “gorsaf ynni gwynt” (“*wind generating station*”) yw gorsaf gynhyrchu sy'n cynhyrchu trydan o'r gwynt.

3 Cyfleusterau nwy naturiol hylifedig

- (1) Mae adeiladu cyfleuster LNG yng Nghymru neu yn ardal forol Cymru yn brosiect seilwaith arwyddocaol –
 - (a) os disgwylir i gynhwysedd storio'r cyfleuster fod yn 43 o filiynau o fetrau ciwbig safonol o leiaf, neu
 - (b) os disgwylir i gyfradd llif uchaf y cyfleuster fod yn 4.5 miliwn metr ciwbig safonol y diwrnod o leiaf.
- (2) Mae addasu cyfleuster LNG yng Nghymru neu yn ardal forol Cymru yn brosiect seilwaith arwyddocaol os effaith ddisgwyliedig yr addasiad yw cynyddu –
 - (a) cynhwysedd storio'r cyfleuster 43 o filiynau o fetrau ciwbig safonol o leiaf, neu
 - (b) cyfradd llif uchaf y cyfleuster 4.5 miliwn metr ciwbig safonol y diwrnod o leiaf.
- (3) Yn yr adran hon –

ystyr “cyfleuster LNG” (“*LNG facility*”) yw cyfleuster ar gyfer –

 - (a) derbyn nwy naturiol hylifol o'r tu allan i Gymru ac ardal forol Cymru,
 - (b) storio'r nwy hwnnw, ac

- (i) a generating station in Wales (other than a wind generating station), or
 - (ii) a generating station in the Welsh marine area,
- where the effect of the extension or alteration is expected to increase the installed generating capacity by at least 50 megawatts, but not so that the installed generating capacity exceeds 350 megawatts;
- (c) the construction of a wind generating station in Wales that is expected to have an installed generating capacity of at least 50 megawatts when constructed;
 - (d) the extension or alteration of a wind generating station in Wales where the effect of the extension or alteration is expected to increase the installed generating capacity by at least 50 megawatts;
 - (e) the installation of an electric line above ground in Wales that is –
 - (i) expected to have a nominal voltage of 132 kilovolts and be no less than 2 kilometres long (to the extent it is in Wales), and
 - (ii) associated with the construction, extension or alteration of a generating station to which paragraphs (a) to (d) apply.
- (2) In this section –

“installed generating capacity” (*“capasiti cynyrchu gosodedig”*) means the maximum capacity of electricity generation (in megawatts) at which that generating station could be operated for a sustained period without damage being caused to it (assuming the source of energy used to generate electricity is available without interruption);

“wind generating station” (*“gorsaf ynni gwynnt”*) means a generating station which generates electricity from wind.

3 **Liquified natural gas facilities**

- (1) The construction of an LNG facility in Wales or the Welsh marine area is a significant infrastructure project if –
 - (a) the storage capacity of the facility is expected to be at least 43 million standard cubic metres, or
 - (b) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.
- (2) The alteration of an LNG facility in Wales or the Welsh marine area is a significant infrastructure project if the expected effect of the alteration is to increase –
 - (a) the storage capacity of the facility by at least 43 million standard cubic metres, or
 - (b) the maximum flow rate of the facility by at least 4.5 million standard cubic metres per day.
- (3) In this section –

“LNG facility” (*“cyfleuster LNG”*) means a facility for –

 - (a) the reception of liquid natural gas from outside Wales and the Welsh marine area,
 - (b) the storage of that gas, and

(c) ailnweiddio'r nwy hwnnw;

ystyr "cyfradd llif uchaf" ("maximum flow rate") yw'r gyfradd uchaf y gall nwy lifo allan o'r cyfleuster yn unol â hi, gan ragdybio—

(a) bod y cyfleuster wedi ei lenwi hyd at ei gynhwysedd mwyaf, a

(b) y mesurir y gyfradd ar ôl ailnweiddio'r nwy naturiol hylifol ac unrhyw brosesu arall sy'n ofynnol wrth adfer y nwy o'r storfa;

ystyr "cynhwysedd storio" ("storage capacity") yw cynhwysedd y cyfleuster ar gyfer storio nwy naturiol hylifol a fesurir fel pe bai'r nwy wedi ei storio ar ei ffurf ailnweiddiedig.

4 Cyfleusterau derbyn nwy

(1) Mae adeiladu cyfleuster derbyn nwy yn brosiect seilwaith arwyddocaol—

(a) os yw'r cyfleuster yng Nghymru neu yn ardal forol Cymru,

(b) os yw'r cyfleuster o fewn is-adran (3), ac

(c) os disgwylir i gyfradd llif uchaf y cyfleuster fod yn 4.5 miliwn metr ciwbig safonol y diwrnod o leiaf.

(2) Mae addasu cyfleuster derbyn nwy yn brosiect seilwaith arwyddocaol—

(a) os yw'r cyfleuster yng Nghymru neu yn ardal forol Cymru,

(b) os yw'r cyfleuster o fewn is-adran (3), ac

(c) os effaith ddisgwyliedig yr addasiad yw cynyddu cyfradd llif uchaf y cyfleuster 4.5 miliwn metr ciwbig safonol y diwrnod o leiaf.

(3) Mae cyfleuster derbyn nwy o fewn yr is-adran hon os nad yw'r nwy a gaiff ei drin gan y cyfleuster—

(a) yn tarddu o—

(i) Cymru neu ardal forol Cymru,

(ii) Lloegr neu ddyfroedd sy'n gyfagos i Loegr hyd at derfynau atfor y môr tiriogaethol,

(iii) yr Alban neu ddyfroedd sy'n gyfagos i'r Alban hyd at derfynau atfor y môr tiriogaethol, neu

(iv) y Parth Ynni Adnewyddadwy.

(b) yn cyrraedd y cyfleuster o Loegr neu'r Alban, nac

(c) wedi ei drin eisoes mewn cyfleuster arall ar ôl iddo gyrraedd Cymru neu ardal forol Cymru.

(4) Yn yr adran hon—

ystyr "cyfleuster derbyn nwy" ("gas reception facility") yw cyfleuster ar gyfer—

(a) derbyn nwy naturiol ar ei ffurf nwyol o'r tu allan i Gymru ac ardal forol Cymru, a

(b) trin nwy naturiol (rywfodd ac eithrio drwy ei storio);

(c) the regasification of that gas;

“maximum flow rate” (“*cyfradd llif uchaf*”) means the maximum rate at which gas is able to flow out of the facility, on the assumption that –

(a) the facility is filled to maximum capacity, and

(b) the rate is measured after regasification of the liquid natural gas and any other processing required on the recovery of the gas from storage;

“storage capacity” (“*cynhwysedd storio*”) means the capacity of the facility for storage of liquid natural gas measured as if the gas were stored in regasified form.

4 Gas reception facilities

(1) The construction of a gas reception facility is a significant infrastructure project if –

(a) the facility is in Wales or the Welsh marine area,

(b) the facility is within subsection (3), and

(c) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.

(2) The alteration of a gas reception facility is a significant infrastructure project if –

(a) the facility is in Wales or the Welsh marine area,

(b) the facility is within subsection (3), and

(c) the expected effect of the alteration is to increase the maximum flow rate of the facility by at least 4.5 million standard cubic metres per day.

(3) A gas reception facility is within this subsection if the gas handled by the facility –

(a) does not originate in –

(i) Wales or the Welsh marine area,

(ii) England or waters adjacent to England up to the seaward limits of the territorial sea,

(iii) Scotland or waters adjacent to Scotland up to the seaward limits of the territorial sea, or

(iv) the Renewable Energy Zone,

(b) does not arrive at the facility from England or Scotland, and

(c) has not already been handled at another facility after its arrival in Wales or the Welsh marine area.

(4) In this section –

“gas reception facility” (“*cyfleuster derbyn nwy*”) means a facility for –

(a) the reception of natural gas in gaseous form from outside Wales and the Welsh marine area, and

(b) the handling of natural gas (other than its storage);

ystyr “cyfradd llif uchaf” (“*maximum flow rate*”) yw’r gyfradd uchaf y gall nwy lifo allan o’r cyfleuster yn unol â hi;

mae i “Parth Ynni Adnewyddadwy” yr ystyr a roddir i “Renewable Energy Zone” gan adran 84(4) o Ddeddf Ynni 2004 (p. 20).

5 **Hollti hydrologig am olew a nwy a nwyeddio glo**

Mae’r datblygiadau a ganlyn yn brosiectau seilwaith arwyddocaol –

- (a) fforio, arfarnu neu gynhyrchu methan haen lo, olew siâl neu nwy siâl gan ddefnyddio hollti hydrologig yng Nghymru neu yn ardal forol Cymru, ac eithrio gwneud tyllau turio fforiol at ddiben samplu craidd mewn modd nad yw’n golygu cynnal hollti hydrologig;
- (b) nwyeddio glo yn y strata yng Nghymru neu yn ardal forol Cymru, ac eithrio gwneud tyllau turio fforiol at ddiben samplu craidd.

6 **Mwyngloddio glo brig**

Mae cynnal gweithrediadau yng Nghymru at ddiben –

- (a) creu mwynglawdd glo brig, neu
 - (b) cloddio a gweithio glo o fwynglawdd brig,
- yn brosiect seilwaith arwyddocaol.

Trafnidiaeth

7 **Priffyrdd**

- (1) Mae’r mathau o ddatblygiad a ganlyn yn brosiectau seilwaith arwyddocaol –
 - (a) adeiladu priffordd mewn achos sy’n dod o fewn is-adran (2);
 - (b) addasu neu wella priffordd mewn achos sy’n dod o fewn is-adran (3), oni bai eu bod wedi eu heithrio gan unrhyw un neu ragor o is-adrannau (4) i (6).
- (2) Nid yw adeiladu priffordd ond o fewn yr is-adran hon –
 - (a) os bydd y briffordd (ar ôl ei hadeiladu) yng Nghymru,
 - (b) os Gweinidogion Cymru fydd yr awdurdod priffyrdd ar gyfer y briffordd, ac
 - (c) os bydd y briffordd (ar ôl ei hadeiladu) yn briffordd ddi-dor o fwy nag 1 cilometr o hyd.
- (3) Nid yw addasu neu wella priffordd ond o fewn yr is-adran hon –
 - (a) os bydd y briffordd (ar ôl ei hadeiladu) yng Nghymru,
 - (b) os Gweinidogion Cymru fydd yr awdurdod priffyrdd ar gyfer y briffordd, ac
 - (c) os yw’r addasu neu’r gwella yn debygol o gael effaith sylweddol ar yr amgylchedd.
- (4) Nid yw’r adran hon yn gymwys i adeiladu, addasu neu wella priffordd –
 - (a) os oes gorchymyn a grybwyllir yn adran 20(3) wedi ei wneud mewn perthynas â’r datblygiad cyn i’r adran honno ddod i rym,

“maximum flow rate” (“*cyfradd llif uchaf*”) means the maximum rate at which gas is able to flow out of the facility;

“Renewable Energy Zone” has the meaning given by section 84(4) of the Energy Act 2004 (c. 20).

5 Hydraulic fracturing for oil and gas and coal gasification

The following developments are significant infrastructure projects –

- (a) the exploration, appraisal or production of coal bed methane, shale oil or shale gas using hydraulic fracturing in Wales or the Welsh marine area, except the making of exploratory boreholes for the purpose of core sampling in a way that does not involve the carrying out of hydraulic fracturing;
- (b) the gasification of coal in the strata in Wales or the Welsh marine area, except the making of exploratory boreholes for the purpose of core sampling.

6 Open cast coal mining

The carrying out of operations in Wales for the purpose of –

- (a) creating an open cast coal mine, or
- (b) winning and working of coal from an open cast mine,

is a significant infrastructure project.

Transport

7 Highways

(1) The following kinds of development are significant infrastructure projects –

- (a) the construction of a highway in a case falling within subsection (2);
- (b) the alteration or improvement of a highway in a case falling within subsection (3), unless they are excluded by any of subsections (4) to (6).

(2) Construction of a highway is within this subsection only if –

- (a) the highway will (when constructed) be in Wales,
- (b) the Welsh Ministers will be the highway authority for the highway, and
- (c) the highway (when constructed) will be a continuous length of more than 1 kilometre.

(3) Alteration or improvement of a highway is within this subsection only if –

- (a) the highway will (when constructed) be in Wales,
- (b) the Welsh Ministers will be the highway authority for the highway, and
- (c) the alteration or improvement is likely to have a significant effect on the environment.

(4) This section does not apply to the construction, alteration or improvement of a highway if –

- (a) an order mentioned in section 20(3) has been made in relation to the development before the coming into force of that section,

- (b) os oes angen gorchymyn pellach mewn perthynas â'r datblygiad, ac
 - (c) os nad oes mwy na 7 mlynedd wedi mynd heibio ers i'r gorchymyn cynharach gael ei wneud.
- (5) Nid yw'r adran hon yn gymwys i addasu priffordd –
- (a) os oes caniatâd cynllunio wedi ei roi ar gyfer datblygiad,
 - (b) os yw'r addasiad yn angenrheidiol o ganlyniad i'r datblygiad, ac
 - (c) os yw'r datblygwr wedi gofyn am i'r addasiad gael ei wneud i'r briffordd.
- (6) Nid yw'r adran hon yn gymwys i addasu priffordd –
- (a) os oes gorchymyn a grybwyllir yn adran 20(3) wedi ei wneud mewn perthynas â gwaith priffordd leol,
 - (b) os yw'r addasiad yn angenrheidiol o ganlyniad i'r gwaith priffordd leol, ac
 - (c) os yw'r awdurdod priffyrdd lleol sy'n gyfrifol am y gwaith priffordd leol wedi gofyn am i'r addasiad gael ei wneud i'r briffordd.
- (7) Yn yr adran hon –
- mae i "awdurdod priffyrdd lleol" yr ystyr a roddir i "local highway authority" gan adran 329(1) o Ddeddf Priffyrdd 1980 (p. 66);
- ystyr "gwaith priffordd leol" ("*local highway works*") yw gwaith a gynhelir gan awdurdod priffyrdd lleol, neu ar ei ran, mewn perthynas â phriffordd y mae'n awdurdod priffyrdd ar ei chyfer (ac yn yr adran hon cyfeirir at yr awdurdod priffyrdd lleol fel y sawl sy'n "gyfrifol" am y gwaith hwnnw).

8 Rheilffyrdd

- (1) Mae adeiladu rheilffordd yn brosiect seilwaith arwyddocaol –
- (a) os bydd y rheilffordd (ar ôl ei hadeiladu) yn dechrau, yn gorffen ac yn aros yng Nghymru,
 - (b) os bydd y rheilffordd (ar ôl ei hadeiladu) yn rhan o rwydwaith a weithredir gan weithredwr a gymeradwywyd,
 - (c) os bydd y rheilffordd (ar ôl ei hadeiladu) yn cynnwys darn o drac sy'n ddi-dor am fwy na 2 gilometr o hyd, a
 - (d) os nad yw adeiladu'r rheilffordd yn ddatblygu a ganiateir.
- (2) Mae addasu rheilffordd yn brosiect seilwaith arwyddocaol –
- (a) os yw'r rhan o'r rheilffordd sydd i'w haddasu yn rhan o reilffordd sy'n dechrau, yn gorffen ac yn aros yng Nghymru,
 - (b) os yw'r rheilffordd yn rhan o rwydwaith a weithredir gan weithredwr a gymeradwywyd,
 - (c) os bydd yr addasiad i'r rheilffordd yn cynnwys gosod darn o drac sy'n ddi-dor am fwy na 2 gilometr o hyd, a
 - (d) os nad yw adeiladu'r rheilffordd yn ddatblygu a ganiateir.

- (b) a further order is needed in relation to the development, and
 - (c) not more than 7 years have elapsed since the making of the earlier order.
- (5) This section does not apply to the alteration of a highway if –
- (a) planning permission has been granted for a development,
 - (b) the alteration is necessary as a result of the development, and
 - (c) the developer has asked for the alteration to be made to the highway.
- (6) This section does not apply to the alteration of a highway if –
- (a) an order mentioned in section 20(3) has been made in relation to local highway works,
 - (b) the alteration is necessary as a result of the local highway works, and
 - (c) the local highway authority responsible for the local highway works has asked for the alteration to be made to the highway.
- (7) In this section –
- “local highway authority” (*“awdurdod priffyrdd lleol”*) has the meaning given by section 329(1) of the Highways Act 1980 (c. 66);
- “local highway works” (*“gwaith priffordd leol”*) means works carried out by or on behalf of a local highway authority in relation to a highway for which it is the highway authority (and the local highway authority is referred to in this section as “responsible” for those works).

8 Railways

- (1) The construction of a railway is a significant infrastructure project if –
- (a) the railway will (when constructed) start, end and remain in Wales,
 - (b) the railway will (when constructed) be part of a network operated by an approved operator,
 - (c) the railway will (when constructed) include a stretch of track that is a continuous length of more than 2 kilometres, and
 - (d) the construction of the railway is not permitted development.
- (2) The alteration of a railway is a significant infrastructure project if –
- (a) the part of the railway to be altered is part of a railway that starts, ends and remains in Wales,
 - (b) the railway is part of a network operated by an approved operator,
 - (c) the alteration of the railway will include laying a stretch of track that is a continuous length of more than 2 kilometres, and
 - (d) the construction of the railway is not permitted development.

- (3) Nid yw'r adran hon yn gymwys i adeiladu neu addasu rheilffordd i'r graddau y bo'r rheilffordd yn ffurfio rhan (neu y bydd yn ffurfio rhan ar ôl ei hadeiladu) o gyfnewidfa nwyddau rheilffordd.
- (4) Yn yr adran hon –
- ystyr “datblygu a ganiateir” (“*permitted development*”) yw datblygu y mae caniatâd cynllunio wedi ei roi iddo gan erthygl 3 o Ddeddf Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 (O.S. 1995/418) (fel y mae'n cael effaith o bryd i'w gilydd);
- ystyr “gweithredwr a gymeradwywyd” (“*approved operator*”) yw –
- (a) person sydd wedi ei awdurdodi'n weithredwr rhwydwaith gan drwydded a roddwyd o dan adran 8 o Ddeddf Rheilffyrdd 1993 (p. 43) (trwyddedau i weithredu asedau rheilffordd), neu
- (b) is-gwmni o dan berchnogaeth lwyr cwmni sy'n berson o'r fath;
- mae i “is-gwmni o dan berchnogaeth lwyr” yr un ystyr ag a roddir i “wholly-owned subsidiary” yn Neddf Cwmnïau 2006 (p. 46) (gweler adran 1159 o'r Ddeddf honno);
- mae i “rhwydwaith” yr ystyr a roddir i “network” gan adran 83(1) o Ddeddf Rheilffyrdd 1993 (p. 43).

9 Cyfnewidfeydd nwyddau rheilffordd

- (1) Mae adeiladu cyfnewidfa nwyddau rheilffordd yn brosiect seilwaith arwyddocaol os disgwylir (ar ôl ei hadeiladu) y bodlonir pob un o'r amodau yn is-adrannau (3) i (7) mewn perthynas â hi.
- (2) Mae addasu cyfnewidfa nwyddau rheilffordd yn brosiect seilwaith arwyddocaol –
- (a) os disgwylir, ar ôl yr addasiad, y bodlonir pob un o'r amodau yn is-adrannau (3)(a) a (4) i (7) mewn perthynas â hi, a
- (b) y disgwylir i'r addasiad gael yr effaith a bennir yn is-adran (8).
- (3) Rhaid i'r tir y lleolir y gyfnewidfa nwyddau rheilffordd arno –
- (a) bod yng Nghymru, a
- (b) bod ag arwynebedd o 60 o hectarau o leiaf.
- (4) Rhaid i'r gyfnewidfa nwyddau rheilffordd allu trin –
- (a) llwythi o nwyddau oddi wrth fwy nag un traddodwr ac i fwy nag un traddodai, a
- (b) o leiaf bedwar trên nwyddau y dydd.
- (5) Rhaid i'r gyfnewidfa nwyddau rheilffordd fod yn rhan o'r rhwydwaith rheilffyrdd yng Nghymru.
- (6) Rhaid i'r gyfnewidfa nwyddau rheilffordd gynnwys warysau y gellir danfon nwyddau iddynt o'r rhwydwaith rheilffyrdd yng Nghymru naill ai yn uniongyrchol neu drwy gyfrwng math arall o drafnidiaeth.
- (7) Ni chaiff y gyfnewidfa nwyddau rheilffordd fod yn rhan o sefydliad milwrol.
- (8) Yr effaith y cyfeirir ati yn is-adran (2)(b) yw cynyddu 60 o hectarau o leiaf arwynebedd y tir y lleolir y gyfnewidfa nwyddau rheilffordd arno.

- (3) This section does not apply to construction or alteration of a railway to the extent that the railway forms part (or will when constructed form part) of a rail freight interchange.
- (4) In this section –
- “approved operator” (*“gweithredwr a gymeradwywyd”*) means –
- (a) a person who is authorised to be the operator of a network by a licence granted under section 8 of the Railways Act 1993 (c. 43) (licences for operation of railway assets), or
 - (b) a wholly-owned subsidiary of a company that is such a person;
- “network” (*“rhwydwaith”*) has the meaning given by section 83(1) of the Railways Act 1993 (c. 43);
- “permitted development” (*“datblygu a ganiateir”*) means development in relation to which planning permission is granted by article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418) (as it has effect from time to time);
- “wholly-owned subsidiary” (*“is-gwmni o dan berchnogaeth lwyf”*) has the same meaning as in the Companies Act 2006 (c. 46) (see section 1159 of that Act).

9 Rail freight interchanges

- (1) The construction of a rail freight interchange is a significant infrastructure project if (when constructed) each of the conditions in subsections (3) to (7) is expected to be met in relation to it.
- (2) The alteration of a rail freight interchange is a significant infrastructure project if –
 - (a) following the alteration, each of the conditions in subsections (3)(a) and (4) to (7) is expected to be met in relation to it, and
 - (b) the alteration is expected to have the effect specified in subsection (8).
- (3) The land on which the rail freight interchange is situated must –
 - (a) be in Wales, and
 - (b) be at least 60 hectares in area.
- (4) The rail freight interchange must be capable of handling –
 - (a) consignments of goods from more than one consignor and to more than one consignee, and
 - (b) at least four goods trains per day.
- (5) The rail freight interchange must be part of the railway network in Wales.
- (6) The rail freight interchange must include warehouses to which goods can be delivered from the railway network in Wales either directly or by means of another form of transport.
- (7) The rail freight interchange must not be part of a military establishment.
- (8) The effect referred to in subsection (2)(b) is to increase by at least 60 hectares the area of the land on which the rail freight interchange is situated.

(9) Yn yr adran hon –

ystyr “sefydliad milwrol” (“*military establishment*”) yw sefydliad y bwriedir ei ddefnyddio at ddibenion y llynges, y fyddin neu’r llu awyr neu at ddibenion Adran yr Ysgrifennydd Gwladol sy’n gyfrifol am amddiffyn;

ystyr “trên nwyddau” (“*goods train*”) yw trê (gan ddiystyru unrhyw locomotif) sy’n cynnwys cerbydau rheilffyrdd a gynlluniwyd i gludo nwyddau.

(10) Mae i “cerbydau rheilffyrdd”, “rhwydwaith” a “trên” yr un ystyron ag a roddir i “rolling stock”, “network” a “train” gan adran 83(1) o Ddeddf Rheilffyrdd 1993 (p. 43).

10 Cyfleusterau harbwr

(1) Mae adeiladu cyfleusterau harbwr yn brosiect seilwaith arwyddocaol –

(a) os bydd y cyfleusterau harbwr (ar ôl eu hadeiladu) yn gyfan gwbl yng Nghymru, yn ardal forol Cymru, neu yn y naill a’r llall,

(b) os na fydd y cyfleusterau harbwr (ar ôl eu hadeiladu) yn borthladd ymddiriedolaeth a gedwir yn ôl, nac yn ffurfio rhan o borthladd ymddiriedolaeth a gedwir yn ôl, ac

(c) os disgwylir i’r cyfleusterau harbwr (ar ôl eu hadeiladu) allu trin llwytho neu ddadlwytho y swm perthnasol o ddeunydd y flwyddyn o leiaf.

(2) Mae addasu cyfleusterau harbwr yn brosiect seilwaith arwyddocaol –

(a) os yw’r cyfleusterau harbwr yn gyfan gwbl yng Nghymru, yn ardal forol Cymru, neu yn y naill a’r llall,

(b) os nad yw’r cyfleusterau harbwr yn borthladd ymddiriedolaeth a gedwir yn ôl, nac yn ffurfio rhan o borthladd ymddiriedolaeth a gedwir yn ôl, ac

(c) os disgwylir mai effaith yr addasiad yw cynyddu swm y deunydd y mae’r cyfleusterau yn gallu trin ei lwytho neu ei ddadlwytho y swm perthnasol y flwyddyn o leiaf.

(3) “Y swm perthnasol” yw –

(a) yn achos cyfleusterau ar gyfer llongau cynwysyddion, 50,000 UCU;

(b) yn achos cyfleusterau ar gyfer llongau gyrru i mewn ac allan, 25,000 o unedau;

(c) yn achos cyfleusterau ar gyfer llongau cargo o unrhyw ddisgrifiad arall, 500,000 o dunelli;

(d) yn achos cyfleusterau ar gyfer mwy nag un o’r mathau o longau a grybwyllir ym mharagraffau (a) i (c), swm cyfatebol o ddeunydd.

(4) At ddibenion is-adran (3)(d), mae cyfleusterau yn gallu trin swm cyfatebol o ddeunydd os yw swm y ffracsiynau perthnasol yn un neu’n fwy.

(5) Y ffracsiynau perthnasol yw –

(a) i’r graddau y bo’r cyfleusterau ar gyfer llongau cynwysyddion –

$$\frac{x}{50,000}$$

Ffigur 1

pan fo x y nifer o UCU y mae’r cyfleusterau yn gallu eu trin;

(9) In this section –

“goods train” (“*trên nwyddau*”) means a train that (ignoring any locomotive) consists of items of rolling stock designed to carry goods;

“military establishment” (“*sefydliad milwrol*”) means an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.

(10) The following terms have the meanings given by section 83(1) of the Railways Act 1993 (c. 43) –

“network” (“*rhwydwaith*”);

“rolling stock” (“*cerbydau rheilffyrdd*”);

“train” (“*trên*”).

10 Harbour facilities

(1) The construction of harbour facilities is a significant infrastructure project if (when constructed) the harbour facilities –

- (a) will be wholly in Wales, the Welsh marine area or both,
- (b) will not be, or will not form part of, a reserved trust port, and
- (c) are expected to be capable of handling the embarkation or disembarkation of at least the relevant quantity of material per year.

(2) The alteration of harbour facilities is a significant infrastructure project if –

- (a) the harbour facilities are wholly in Wales, the Welsh marine area or both,
- (b) the harbour facilities are not, or do not form part of, a reserved trust port, and
- (c) the effect of the alteration is expected to be to increase by at least the relevant quantity per year the quantity of material the embarkation or disembarkation of which the facilities are capable of handling.

(3) “The relevant quantity” is –

- (a) in the case of facilities for container ships, 50,000 TEU;
- (b) in the case of facilities for roll-on roll-off ships, 25,000 units;
- (c) in the case of facilities for cargo ships of any other description, 500,000 tonnes;
- (d) in the case of facilities for more than one of the types of ships mentioned in paragraphs (a) to (c), an equivalent quantity of material.

(4) For the purposes of subsection (3)(d), facilities are capable of handling an equivalent quantity of material if the sum of the relevant fractions is one or more.

(5) The relevant fractions are –

- (a) to the extent that the facilities are for container ships –

$$\frac{x}{50,000}$$

Figure 1

where x is the number of TEU that the facilities are capable of handling;

- (b) i'r graddau y bo'r cyfleusterau ar gyfer llongau gyrru i mewn ac allan –

$$\frac{y}{25,000}$$

Ffigur 2

pan fo y y nifer o unedau y mae'r cyfleusterau yn gallu eu trin;

- (c) i'r graddau y bo'r cyfleusterau ar gyfer llongau cargo o unrhyw ddisgrifiad arall –

$$\frac{z}{500,000}$$

Ffigur 3

pan fo z y nifer o dunelli o ddeunydd y mae'r cyfleusterau yn gallu eu trin.

- (6) Yn yr adran hon –

ystyr "llong gargo" ("*cargo ship*") yw llong a ddefnyddir i gludo cargo;

ystyr "llong gynwysyddion" ("*container ship*") yw llong gargo sy'n cludo ei holl gargo neu'r rhan fwyaf o'i chargo mewn cynwysyddion;

ystyr "llong gyrru i mewn ac allan" ("*roll-on roll-off ship*") yw llong a ddefnyddir i gludo cargo ar olwynion;

mae i "porthladd ymddiriedolaeth a gedwir yn ôl" yr ystyr a roddir i "reserved trust port" yn adran 32 o Ddeddf Cymru 2017 (p. 4);

ystyr "UCU" ("*TEU*") yw uned cyfwerth ag ugain troedfedd;

ystyr "uned" ("*unit*") mewn perthynas â llong gyrru i mewn ac allan yw unrhyw eitem o gargo ar olwynion (pa un a yw'n hunanyredig ai peidio).

11 Meysydd awyr

- (1) Mae'r mathau o ddatblygiad a ganlyn yn brosiectau seilwaith arwyddocaol –

- adeiladu maes awyr sydd yng Nghymru neu yn ardal forol Cymru mewn achos sy'n dod o fewn is-adran (2),
- addasu maes awyr sydd yng Nghymru neu yn ardal forol Cymru mewn achos sy'n dod o fewn is-adran (3), neu
- cynyddu'r defnydd a ganiateir o faes awyr sydd yng Nghymru neu yn ardal forol Cymru mewn achos sy'n dod o fewn is-adran (5).

- (2) Mae adeiladu maes awyr o fewn yr is-adran hon os disgwylir y gall y maes awyr (ar ôl ei adeiladu) ddarparu –

- gwasanaethau cludo teithwyr awyr ar gyfer o leiaf 1 filiwn o deithwyr bob blwyddyn, neu
- gwasanaethau cludo cargo awyr ar gyfer o leiaf 5,000 o symudiadau cludo awyr gan awyrennau cargo bob blwyddyn.

- (3) Mae addasu maes awyr o fewn yr is-adran hon os disgwylir i'r addasiad –

- cynyddu nifer y teithwyr y gall y maes awyr ddarparu gwasanaethau cludo teithwyr awyr ar eu cyfer 1 filiwn y flwyddyn o leiaf, neu
- cynyddu nifer y symudiadau cludo awyr gan awyrennau cargo y gall y maes awyr ddarparu gwasanaethau cludo cargo awyr ar eu cyfer 5,000 y flwyddyn o leiaf.

- (b) to the extent that the facilities are for roll-on roll-off ships –

$$\frac{y}{25,000}$$

Figure 2

where y is the number of units that the facilities are capable of handling;

- (c) to the extent that the facilities are for cargo ships of any other description –

$$\frac{z}{500,000}$$

Figure 3

where z is the number of tonnes of material that the facilities are capable of handling.

- (6) In this section –

“cargo ship” (*“llog gargo”*) means a ship which is used for carrying cargo;

“container ship” (*“llog gynwysyddion”*) means a cargo ship which carries all or most of its cargo in containers;

“reserved trust port” (*“porthladd ymddiriedolaeth a gedwir yn ôl”*) has the meaning given in section 32 of the Wales Act 2017 (c. 4);

“roll-on roll-off ship” (*“llog gyrru i mewn ac allan”*) means a ship which is used for carrying wheeled cargo;

“TEU” (*“UCU”*) means a twenty-foot equivalent unit;

“unit” (*“uned”*) in relation to a roll-on roll-off ship means any item of wheeled cargo (whether or not self-propelled).

11 Airports

- (1) The following kinds of development are significant infrastructure projects –

- (a) the construction of an airport in Wales or the Welsh marine area in a case within subsection (2),
- (b) the alteration of an airport in Wales or the Welsh marine area in a case within subsection (3), or
- (c) an increase in the permitted use of an airport in Wales or the Welsh marine area in a case within subsection (5).

- (2) Construction of an airport is within this subsection if (when constructed) the airport is expected to be capable of providing –

- (a) air passenger transport services for at least 1 million passengers per year, or
- (b) air cargo transport services for at least 5,000 air transport movements of cargo aircraft per year.

- (3) Alteration of an airport is within this subsection if the alteration is expected –

- (a) to increase by at least 1 million per year the number of passengers for whom the airport is capable of providing air passenger transport services, or
- (b) to increase by at least 5,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services.

- (4) Mae “addasu”, mewn perthynas â maes awyr, yn cynnwys adeiladu, estyn neu addasu –
- rhedfa yn y maes awyr,
 - adeilad yn y maes awyr, neu
 - mast radar neu radio, antena neu gyfarpar arall yn y maes awyr.
- (5) Nid yw cynyddu’r defnydd a ganiateir o faes awyr ond o fewn yr is-adran hon –
- os yw’n gynnydd o 1 filiwn y flwyddyn o leiaf yn nifer y teithwyr y caniateir i’r maes awyr ddarparu gwasanaethau cludo teithwyr awyr iddynt, neu
 - os yw’n gynnydd o 5,000 y flwyddyn o leiaf yn nifer y symudiadau cludo awyr gan awyrennau cargo y caniateir i’r maes awyr ddarparu gwasanaethau cludo cargo awyr iddynt.
- (6) Yn yr adran hon –
- ystyr “a ganiateir” (“*permitted*”) yw wedi ei ganiatáu gan ganiatâd cynllunio neu gydsyniad seilwaith;
- ystyr “awyren gargo” (“*cargo aircraft*”) yw awyren sydd –
- wedi ei chynllunio i gludo cargo ond nid teithwyr, a
 - sy’n cludo cargo ar delerau masnachol;
- ystyr “gwasanaethau cludo cargo awyr” (“*air cargo transport services*”) yw gwasanaethau ar gyfer cludo cargo mewn awyren;
- ystyr “gwasanaethau cludo teithwyr awyr” (“*air passenger transport services*”) yw gwasanaethau ar gyfer cludo teithwyr mewn awyren;
- mae “cargo” (“*cargo*”) yn cynnwys post;
- ystyr “symudiad cludo awyr” (“*air transport movement*”) yw glaniad neu esgyniad awyren.

Dŵr

12 Argaeau a chronfeydd dŵr

Mae’r mathau o ddatblygiad a ganlyn yn brosiectau seilwaith arwyddocaol –

- adeiladu argae neu gronfa ddŵr yng Nghymru os yw cyfaint disgwylidig y dŵr a gedwir yn ôl gan yr argae neu a gaiff ei storio yn y gronfa ddŵr yn fwy na 10 miliwn o fetrau ciwbig;
- addasu argae neu gronfa ddŵr yng Nghymru os yw cyfaint ychwanegol disgwylidig y dŵr a gedwir yn ôl gan yr argae neu a gaiff ei storio yn y gronfa ddŵr o ganlyniad i’r addasiad yn fwy na 10 miliwn o fetrau ciwbig.

13 Trosglwyddo adnoddau dŵr

- (1) Mae datblygiad sy’n ymwneud â throsglwyddo adnoddau dŵr yn brosiect seilwaith arwyddocaol –
- os cynhelir y datblygiad gan un neu ragor o ymgymerydd dŵr,
 - os yw’r datblygiad yn digwydd yng Nghymru,

- (4) “Alteration”, in relation to an airport, includes the construction, extension or alteration of –
- (a) a runway at the airport,
 - (b) a building at the airport, or
 - (c) a radar or radio mast, antenna or other apparatus at the airport.
- (5) An increase in the permitted use of an airport is within this subsection only if –
- (a) it is an increase of at least 1 million per year in the number of passengers for whom the airport is permitted to provide air passenger transport services, or
 - (b) it is an increase of at least 5,000 per year in the number of air transport movements of cargo aircraft for which the airport is permitted to provide air cargo transport services.
- (6) In this section –
- “air cargo transport services” (“*gwasanaethau cludo cargo awyr*”) means services for the carriage by air of cargo;
- “air passenger transport services” (“*gwasanaethau cludo teithwyr awyr*”) means services for the carriage by air of passengers;
- “air transport movement” (“*symudiad cludo awyr*”) means a landing or take-off of an aircraft;
- “cargo” (“*cargo*”) includes mail;
- “cargo aircraft” (“*awyren cargo*”) means an aircraft which is –
- (a) designed to transport cargo but not passengers, and
 - (b) engaged in the transport of cargo on commercial terms;
- “permitted” (“*a ganiateir*”) means permitted by planning permission or infrastructure consent.

Water

12 Dams and reservoirs

The following kinds of development are significant infrastructure projects –

- (a) the construction of a dam or reservoir in Wales if the volume of water to be held back by the dam or stored in the reservoir is expected to exceed 10 million cubic metres;
- (b) the alteration of a dam or reservoir in Wales if the additional volume of water to be held back by the dam or stored in the reservoir as a result of the alteration is expected to exceed 10 million cubic metres.

13 Transfer of water resources

- (1) Development relating to the transfer of water resources is a significant infrastructure project if –
- (a) the development is carried out by one or more water undertakers,
 - (b) the development takes place in Wales,

- (c) os yw cyfaint disgwylidig y dŵr a drosglwyddir o ganlyniad i'r datblygiad yn fwy na 100 miliwn o fetrau ciwbig y flwyddyn,
 - (d) os yw'r datblygiad yn galluogi trosglwyddo adnoddau dŵr –
 - (i) rhwng basnau afonydd yng Nghymru,
 - (ii) rhwng ardaloedd ymgymrwyr dŵr yng Nghymru, neu
 - (iii) rhwng basn afon yng Nghymru ac ardal ymgymrwyr dŵr yng Nghymru, ac
 - (e) os nad yw'r datblygiad yn ymwneud â throsglwyddo dŵr yfed.
- (2) Yn yr adran hon –
- ystyr “ardal ymgymrwyr dŵr” (“*water undertaker's area*”) yw'r ardal y penodwyd ymgymrwyr dŵr ar ei chyfer o dan Ddeddf y Diwydiant Dŵr 1991;
- ystyr “basn afon” (“*river basin*”) yw ardal o dir a ddraenir gan afon a'i his-afonydd;
- ystyr “ymgymrwyr dŵr” (“*water undertaker*”) yw cwmni sydd wedi ei benodi'n ymgymrwyr dŵr o dan adran 6 o Ddeddf y Diwydiant Dŵr 1991 (penodi ymgymrwyr perthnasol).

Dŵr gwastraff

14 Gweithfeydd trin dŵr gwastraff

- (1) Mae adeiladu gwaith trin dŵr gwastraff yn brosiect seilwaith arwyddocaol –
 - (a) os yw'r gwaith trin yng Nghymru neu yn ardal forol Cymru, a
 - (b) os yw capasiti disgwylidig y gwaith trin (ar ôl ei adeiladu) yn fwy na chyfwerth poblogaeth o 500,000.
- (2) Mae adeiladu seilwaith i drosglwyddo neu storio dŵr gwastraff yn brosiect seilwaith arwyddocaol –
 - (a) os yw'r seilwaith yng Nghymru neu yn ardal forol Cymru,
 - (b) os prif ddiben y seilwaith yw –
 - (i) trosglwyddo dŵr gwastraff i'w drin, neu
 - (ii) storio dŵr gwastraff cyn ei drin,
 neu'r ddau, ac
 - (c) os disgwylir i'r seilwaith fod â chapasiti i storio mwy na 350,000 o fetrau ciwbig o ddŵr gwastraff.
- (3) Mae addasu gwaith trin dŵr gwastraff yn brosiect seilwaith arwyddocaol –
 - (a) os yw'r gwaith yng Nghymru neu yn ardal forol Cymru, a
 - (b) os effaith ddisgwylidig yr addasiad yw cynyddu capasiti'r gwaith fwy na chyfwerth poblogaeth o 500,000.
- (4) Mae addasu seilwaith i drosglwyddo neu storio dŵr gwastraff yn brosiect seilwaith arwyddocaol –
 - (a) os yw'r seilwaith yng Nghymru neu yn ardal forol Cymru,
 - (b) os prif ddiben y seilwaith yw –

- (c) the volume of water to be transferred as a result of the development is expected to exceed 100 million cubic metres per year,
 - (d) the development enables the transfer of water resources –
 - (i) between river basins in Wales,
 - (ii) between water undertakers' areas in Wales, or
 - (iii) between a river basin in Wales and a water undertaker's area in Wales, and
 - (e) the development does not relate to the transfer of drinking water.
- (2) In this section –
- “river basin” (*“basn afon”*) means an area of land drained by a river and its tributaries;
- “water undertaker” (*“ymgymerwr dŵr”*) means a company appointed as a water undertaker under section 6 of the Water Industry Act 1991 (c. 56) (appointment of relevant undertakers);
- “water undertaker's area” (*“ardal ymgymerwr dŵr”*) means the area for which a water undertaker is appointed under that Act.

Waste water

14 Waste water treatment plants

- (1) The construction of a waste water treatment plant is a significant infrastructure project if –
 - (a) the treatment plant is in Wales or the Welsh marine area, and
 - (b) the treatment plant (when constructed) is expected to have a capacity exceeding a population equivalent of 500,000.
- (2) The construction of infrastructure for the transfer or storage of waste water is a significant infrastructure project if –
 - (a) the infrastructure is in Wales or the Welsh marine area,
 - (b) the main purpose of the infrastructure is –
 - (i) the transfer of waste water for treatment, or
 - (ii) the storage of waste water prior to treatment,
 or both, and
 - (c) the infrastructure is expected to have a capacity for the storage of waste water exceeding 350,000 cubic metres.
- (3) The alteration of a waste water treatment plant is a significant infrastructure project if –
 - (a) the plant is in Wales or the Welsh marine area, and
 - (b) the effect of the alteration is expected to be to increase by more than a population equivalent of 500,000 the capacity of the plant.
- (4) The alteration of infrastructure for the transfer or storage of waste water is a significant infrastructure project if –
 - (a) the infrastructure is in Wales or the Welsh marine area,
 - (b) the main purpose of the infrastructure is –

- (i) trosglwyddo dŵr gwastraff i'w drin, neu
 - (ii) storio dŵr gwastraff cyn ei drin,
neu'r ddau, ac
 - (c) os effaith ddisgwyliedig yr addasiad yw cynyddu capasiti'r seilwaith i storio dŵr gwastraff fwy na 350,000 o fetrau ciwbig.
- (5) Yn yr adran hon, mae "dŵr gwastraff" yn cynnwys dŵr gwastraff domestig, dŵr gwastraff diwydiannol a dŵr gwastraff trefol.
- (6) Mae i "cyfwerth poblogaeth", "dŵr gwastraff domestig", "dŵr gwastraff diwydiannol" a "dŵr gwastraff trefol" yr un ystyron ag a roddir i "population equivalent", "domestic waste water", "industrial waste water" ac "urban waste water" gan reoliad 2(1) o Reoliadau Trin Dŵr Gwastraff Trefol (Cymru a Lloegr) 1994 (O.S. 1994/2841) (fel y'u diwygir o bryd i'w gilydd).

Gwastraff

15 Cyfleusterau gwastraff peryglus

- (1) Mae adeiladu cyfleuster gwastraff peryglus yn brosiect seilwaith arwyddocaol –
- (a) os yw'r cyfleuster yng Nghymru neu yn ardal forol Cymru,
 - (b) os prif ddiben y cyfleuster yw gwaredu gwastraff peryglus yn derfynol neu ei adfer, ac
 - (c) os disgwylir i'r cyfleuster fod â'r capasiti a bennir yn is-adran (2).
- (2) Y capasiti yw –
- (a) yn achos gwaredu gwastraff peryglus drwy dirlenwi neu mewn cyfleuster storio dwfn, mwy na 100,000 o dunelli y flwyddyn;
 - (b) mewn unrhyw achos arall, mwy na 30,000 o dunelli y flwyddyn.
- (3) Mae addasu cyfleuster gwastraff peryglus yn brosiect seilwaith arwyddocaol –
- (a) os yw'r cyfleuster yng Nghymru neu yn ardal forol Cymru,
 - (b) os prif ddiben y cyfleuster yw gwaredu gwastraff peryglus yn derfynol neu ei adfer, ac
 - (c) os disgwylir i'r addasiad gynyddu capasiti'r cyfleuster –
 - (i) yn achos gwaredu gwastraff peryglus drwy dirlenwi neu mewn cyfleuster storio dwfn, fwy na 100,000 o dunelli y flwyddyn;
 - (ii) mewn unrhyw achos arall, fwy na 30,000 o dunelli y flwyddyn.
- (4) Yn yr adran hon, ystyr "cyfleuster storio dwfn" yw cyfleuster ar gyfer storio gwastraff o dan y ddaear mewn ceudod daearegol dwfn.

- (i) the transfer of waste water for treatment, or
 - (ii) the storage of waste water prior to treatment,
- or both, and
- (c) the effect of the alteration is expected to be to increase the capacity of the infrastructure for the storage of waste water by more than 350,000 cubic metres.
- (5) In this section, “waste water” includes domestic waste water, industrial waste water and urban waste water.
- (6) The following terms used in this section have the meanings given by regulation 2(1) of the Urban Waste Water Treatment (England and Wales) Regulations 1994 (S.I. 1994/2841) (as amended from time to time) –
- “domestic waste water” (“*dŵr gwastraff domestig*”);
 - “industrial waste water” (“*dŵr gwastraff diwydiannol*”);
 - “population equivalent” (“*cyfwerth poblogaeth*”);
 - “urban waste water” (“*dŵr gwastraff trefol*”).

Waste

15 Hazardous waste facilities

- (1) The construction of a hazardous waste facility is a significant infrastructure project if –
- (a) the facility is in Wales or the Welsh marine area,
 - (b) the main purpose of the facility is the final disposal or recovery of hazardous waste, and
 - (c) the facility is expected to have the capacity specified in subsection (2).
- (2) The capacity is –
- (a) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, more than 100,000 tonnes per year;
 - (b) in any other case, more than 30,000 tonnes per year.
- (3) The alteration of a hazardous waste facility is significant infrastructure project if –
- (a) the facility is in Wales or the Welsh marine area,
 - (b) the main purpose of the facility is the final disposal or recovery of hazardous waste, and
 - (c) the alteration is expected to increase the capacity of the facility –
 - (i) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, by more than 100,000 tonnes per year;
 - (ii) in any other case, by more than 30,000 tonnes per year.
- (4) In this section, “deep storage facility” means a facility for the storage of waste underground in a deep geological cavity.

- (5) Mae i “adfer”, “gwaredu” a “gwastraff peryglus” yr un ystyron ag a roddir i “recovery”, “disposal” a “hazardous waste” yn Rheoliadau Gwastraff Peryglus (Cymru a Lloegr) 2005 (O.S. 2005/894) (fel y’u diwygir o bryd i’w gilydd).

16 Cyfleusterau gwaredu daearegol gwastraff ymbelydrol

- (1) Mae datblygiad sy’n gysylltiedig â chyfleuster gwaredu daearegol gwastraff ymbelydrol o fewn is-adran (4) neu (6) yn brosiect seilwaith arwyddocaol.
- (2) Ystyr cyfleuster gwaredu daearegol gwastraff ymbelydrol yw cyfleuster sy’n bodloni’r amodau yn is-adran (3).
- (3) Yr amodau yw –
- y disgwylir mai prif ddiben y cyfleuster fydd gwaredu gwastraff ymbelydrol yn derfynol,
 - y disgwylir y bydd y rhan o’r cyfleuster lle y mae’r gwastraff ymbelydrol i’w waredu yn cael ei hadeiladu o leiaf 200 o fetrau o ddyfnder o dan arwyneb y ddaear neu wely’r môr, ac
 - y disgwylir y bydd yr amgylchedd naturiol sy’n amgylchynu’r cyfleuster yn gweithredu, ar y cyd ag unrhyw fesurau a beiriannwyd, i atal radioniwclidau rhag symud o’r rhan o’r cyfleuster lle y mae’r gwastraff ymbelydrol i’w waredu i’r arwyneb.
- (4) Mae datblygiad o fewn yr is-adran hon –
- os adeiladu un twll turio neu ragor, a chynnal unrhyw waith cloddio, adeiladu neu saernio cysylltiedig ydyw,
 - os caiff y twll turio neu’r tyllau turio ei adeiladu neu eu hadeiladu, ac y cynhelir unrhyw waith cloddio, adeiladu neu saernio cysylltiedig, yng Nghymru neu yn ardal forol Cymru, ac
 - os bodlonir yr amodau yn is-adran (5) mewn perthynas â phob twll turio.
- (5) Yr amodau yw –
- y disgwylir i’r twll turio gael ei adeiladu o leiaf 150 o fetrau o ddyfnder o dan arwyneb y ddaear neu wely’r môr, a
 - mai prif ddiben adeiladu’r twll turio yw cael gwybodaeth, data neu samplau er mwyn penderfynu a yw safle yn addas ar gyfer adeiladu neu ddefnyddio cyfleuster gwaredu daearegol gwastraff ymbelydrol.
- (6) Mae datblygiad o fewn yr is-adran hon –
- os adeiladu cyfleuster gwaredu daearegol gwastraff ymbelydrol ydyw, a
 - os bydd y cyfleuster (ar ôl ei adeiladu) yng Nghymru neu yn ardal forol Cymru.
- (7) Yn yr adran hon –

- (5) The following terms used in this section have the same meanings as in the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894) (as amended from time to time) –

“disposal” (“*gwaredu*”);
“hazardous waste” (“*gwastraff peryglus*”);
“recovery” (“*adfer*”).

16 Radioactive waste geological disposal facilities

- (1) Development relating to a radioactive waste geological disposal facility within subsection (4) or (6) is a significant infrastructure project.
- (2) A radioactive waste geological disposal facility means a facility which meets the conditions in subsection (3).
- (3) The conditions are that –
- the main purpose of the facility is expected to be the final disposal of radioactive waste,
 - the part of the facility where radioactive waste is to be disposed of is expected to be constructed at a depth of at least 200 metres beneath the surface of the ground or seabed, and
 - the natural environment which surrounds the facility is expected to act, in combination with any engineered measures, to inhibit the transit of radionuclides from the part of the facility where radioactive waste is to be disposed of to the surface.
- (4) Development is within this subsection if –
- it is the construction of one or more boreholes, and the carrying out of any associated excavation, construction or building work,
 - the borehole or boreholes will be constructed, and any associated excavation, construction or building work will be carried out, in Wales or the Welsh marine area, and
 - the conditions in subsection (5) are met in relation to each borehole.
- (5) The conditions are that –
- the borehole is expected to be constructed to a depth of at least 150 metres beneath the surface of the ground or seabed, and
 - the main purpose of constructing the borehole is to obtain information, data or samples to determine the suitability of a site for the construction or use of a radioactive waste geological disposal facility.
- (6) Development is within this subsection if –
- it is the construction of a radioactive waste geological disposal facility, and
 - the facility (when constructed) will be in Wales or the Welsh marine area.
- (7) In this section –

ystyr “gwaredu (“disposal”) mewn perthynas â gwastraff ymbelydrol yw ei ddodi mewn cyfleuster priodol heb fwriadu ei gael yn ôl;

mae i “gwastraff ymbelydrol” yr un ystyr ag a roddir i “radioactive waste” yn Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016 (O.S. 2016/1154) (fel y’u diwygir o bryd i’w gilydd) (gweler paragraff 3(1) o Ran 2 o Atodlen 23 i’r rheoliadau hynny).

Pŵer i ddiwygio

17 Pŵer i ychwanegu, amrywio neu ddileu prosiectau

- (1) Caiff rheoliadau –
 - (a) diwygio’r Rhan hon er mwyn ychwanegu math newydd o brosiect seilwaith arwyddocaol neu amrywio neu ddileu prosiect seilwaith arwyddocaol presennol;
 - (b) gwneud darpariaeth bellach, neu ddiwygio neu ddiddymu darpariaeth bresennol, ynghylch y math o brosiect sy’n brosiect seilwaith arwyddocaol, ac nad yw’n brosiect seilwaith arwyddocaol.
- (2) Caiff rheoliadau o dan is-adran (1)(b) ddiwygio’r Ddeddf hon.
- (3) Ni chaiff rheoliadau o dan is-adran (1) ond ychwanegu math newydd o brosiect neu amrywio math presennol o brosiect –
 - (a) os yw’r prosiect, neu unrhyw amrywiad i brosiect presennol, ar gyfer cynnal gwaith yn un neu ragor o’r meysydd a bennir yn is-adran (4), a
 - (b) os yw’r gwaith i’w gynnal yng Nghymru neu yn ardal forol Cymru neu yn y naill a’r llall.
- (4) Y meysydd yw –
 - (a) ynni;
 - (b) atal llifogydd;
 - (c) mwynau;
 - (d) cludiant;
 - (e) dŵr;
 - (f) dŵr gwastraff;
 - (g) gwastraff.

Dehongli

18 Prosiectau trawsffiniol

- (1) Yn y Rhan hon, mae cyfeiriadau at ddatblygiad sydd yng Nghymru yn cynnwys datblygiad sydd yn rhannol yng Nghymru, oni chyfeirir at ddatblygiad sydd yn gyfan gwbl yng Nghymru.
- (2) Yn y Rhan hon, mae cyfeiriadau at ddatblygiad sydd yn ardal forol Cymru yn cynnwys datblygiad sydd yn rhannol yn ardal forol Cymru.

“disposal” (“*gwaredu*”) in relation to radioactive waste means emplacement in an appropriate facility without the intention to retrieve;

“radioactive waste” (“*gwastraff ymbelydrol*”) has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) (as amended from time to time) (see paragraph 3(1) of Part 2 of Schedule 23 to those regulations).

Power to amend

17 Power to add, vary or remove projects

- (1) Regulations may –
 - (a) amend this Part to add a new type of significant infrastructure project or vary or remove an existing significant infrastructure project;
 - (b) make further provision, or amend or repeal existing provision, about the type of project that is, or is not, a significant infrastructure project.
- (2) Regulations under subsection (1)(b) may amend this Act.
- (3) Regulations under subsection (1) may only add a new type of project or vary an existing type of project if –
 - (a) the project, or any variation of an existing project, is for the carrying out of works in one or more of the fields specified in subsection (4), and
 - (b) the works are to be carried out in Wales or the Welsh marine area or both.
- (4) The fields are –
 - (a) energy;
 - (b) flood prevention;
 - (c) minerals;
 - (d) transport;
 - (e) water;
 - (f) waste water;
 - (g) waste.

Interpretation

18 Cross-border projects

- (1) In this Part, references to development being in Wales include development partly in Wales, unless reference is made to a development being wholly in Wales.
- (2) In this Part, references to development being in the Welsh marine area include development partly in the Welsh marine area.

- (3) Os yw cydsyniad seilwaith yn ofynnol ar gyfer datblygiad sy'n rhannol yng Nghymru neu yn rhannol yn ardal forol Cymru, mae cydsyniad seilwaith yn ofynnol i'r graddau y bo yng Nghymru neu yn ardal forol Cymru (yn ôl y digwydd).

RHAN 2

GOFYNIAD AM GYDSYNIAD SEILWAITH

Y gofyniad

19 Gofyniad am gydsyniad seilwaith

Mae cydsyniad Gweinidogion Cymru ("cydsyniad seilwaith") yn ofynnol ar gyfer datblygiad i'r graddau y bo'r datblygiad yn brosiect seilwaith arwyddocaol neu'n ffurfio rhan o brosiect seilwaith arwyddocaol.

20 Effaith gofyniad am gydsyniad seilwaith

- (1) I'r graddau y bo cydsyniad seilwaith yn ofynnol ar gyfer datblygiad, nid yw'r un o'r canlynol yn ofynnol ar gyfer y datblygiad –
- caniatâd cynllunio;
 - cydsyniad o dan adran 36 neu 37 o Ddeddf Trydan 1989 (p. 29) (adeiladu etc. orsafoedd cynhyrchu a gosod llinellau uwchben);
 - awdurdodiad o dan y Rhannau a ganlyn o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023 (dsc 3) –
 - Rhan 2 (gwaith sy'n effeithio ar henebion cofrestredig: awdurdodi dosbarthau ac awdurdodi drwy gydsyniad heneb gofrestredig);
 - Rhan 3 (gwaith sy'n effeithio ar adeiladau rhestredig: awdurdodi drwy gydsyniad adeilad rhestredig);
 - Rhan 4 (dymchwel adeiladau mewn ardaloedd cadwraeth: awdurdodi drwy gydsyniad ardal gadwraeth).
- (2) I'r graddau y bo cydsyniad seilwaith yn ofynnol ar gyfer datblygiad, ni chaniateir awdurdodi'r datblygiad gan unrhyw un neu ragor o'r canlynol –
- gorchymyn o dan adran 14 neu 16 o Ddeddf Harbyrau 1964 (p. 40) (gorchymynion mewn perthynas â harbyrau, dociau a cheiau);
 - gorchymyn o dan adran 1 neu 3 o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42) (gorchymynion o ran rheilffyrdd, tramffyrdd, dyfrffyrdd mewndirol etc.).
- (3) Os yw cydsyniad seilwaith yn ofynnol i adeiladu, gwella neu addasu priffordd, ni chaniateir i unrhyw un neu ragor o'r canlynol gael ei wneud neu eu gwneud na'i gadarnhau neu eu cadarnhau mewn perthynas â'r briffordd neu mewn cysylltiad ag adeiladu, gwella neu addasu'r briffordd –
- gorchymyn o dan adran 10 o Ddeddf Priffyrdd 1980 (p. 66) (darpariaethau cyffredinol o ran cefnffyrdd) sy'n cyfarwyddo y dylai'r briffordd ddod yn gefnffordd;
 - gorchymyn o dan adran 14 o'r Ddeddf honno (gorchymynion atodol sy'n ymwneud â chefnffyrdd a ffyrdd dosbarthiadol);

- (3) If infrastructure consent is required for development that is partly in Wales or partly in Welsh marine area, infrastructure consent is required to the extent it is in Wales or the Welsh marine area (as the case may be).

PART 2

REQUIREMENT FOR INFRASTRUCTURE CONSENT

The requirement

19 Requirement for infrastructure consent

The consent of the Welsh Ministers (“infrastructure consent”) is required for development to the extent that the development is or forms part of a significant infrastructure project.

20 Effect of requirement for infrastructure consent

- (1) To the extent that infrastructure consent is required for development, none of the following is required for the development –
- (a) planning permission;
 - (b) consent under section 36 or 37 of the Electricity Act 1989 (c. 29) (construction etc. of generating stations and installation of overhead lines);
 - (c) authorisation under the following Parts of the Historic Environment (Wales) Act 2023 (asc 3) –
 - (i) Part 2 (works affecting scheduled monuments: class authorisations and authorisation by scheduled monument consent);
 - (ii) Part 3 (works affecting listed buildings: authorisation by listed building consent);
 - (iii) Part 4 (demolition of buildings in conservation areas: authorisation by conservation area consent).
- (2) To the extent that infrastructure consent is required for development, the development may not be authorised by any of the following –
- (a) an order under section 14 or 16 of the Harbours Act 1964 (c. 40) (orders in relation to harbours, docks and wharves);
 - (b) an order under section 1 or 3 of the Transport and Works Act 1992 (c. 42) (orders as to railways, tramways, inland waterways etc.).
- (3) If infrastructure consent is required for the construction, improvement or alteration of a highway, none of the following may be made or confirmed in relation to the highway or in connection with the construction, improvement or alteration of the highway –
- (a) an order under section 10 of the Highways Act 1980 (c. 66) (general provisions as to trunk roads) directing that the highway should become a trunk road;
 - (b) an order under section 14 of that Act (supplementary orders relating to trunk roads and classified roads);

- (c) cynllun o dan adran 16 o'r Ddeddf honno (cynlluniau sy'n awdurdodi darparu ffyrdd arbennig);
 - (d) gorchymyn o dan adran 18 o'r Ddeddf honno (gorchymynion atodol sy'n ymwneud â ffyrdd arbennig);
 - (e) gorchymyn neu gynllun o dan adran 106 o'r Ddeddf honno (gorchymynion a chynlluniau sy'n darparu ar gyfer adeiladu pontydd dros ddyfroedd mordwyol neu dwnelau odanynt);
 - (f) gorchymyn o dan adran 108 o'r Ddeddf honno (gorchymynion sy'n awdurdodi dargyfeirio cyrsiau dŵr mordwyol);
 - (g) gorchymyn o dan adran 6 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (p. 22) (gorchymynion tollau).
- (4) Os yw cydsyniad seilwaith yn ofynnol i adeiladu, gwella neu addasu priffordd, nid yw adran 110 o Ddeddf Priffyrdd 1980 (p. 66) (pŵer i awdurdodi dargyfeirio dyfroedd anfordwyol) yn gymwys mewn perthynas â'r briffordd nac mewn cysylltiad ag adeiladu, gwella neu addasu'r briffordd.

Pwerau i newid y gofyniad neu ei effaith

21 Pŵer i ychwanegu neu ddileu mathau o gydsyniad

- (1) Caiff Gweinidogion Cymru wneud y canlynol drwy reoliadau –
- (a) diwygio adran 20(1) neu (2) –
 - (i) er mwyn ychwanegu neu ddileu math o gydsyniad, neu
 - (ii) er mwyn amrywio'r achosion y mae math o gydsyniad o fewn yr is-adrannau hynny mewn perthynas â hwy;
 - (b) gwneud darpariaeth bellach ynghylch –
 - (i) y mathau o gydsyniad sydd o fewn, ac nad ydynt o fewn, adran 20(1) neu (2), neu
 - (ii) yr achosion y mae math o gydsyniad, neu nad yw math o gydsyniad, o fewn y naill neu'r llall o'r is-adrannau hynny mewn perthynas â hwy.
- (2) Caiff rheoliadau a wneir o dan is-adran (1)(b) ddiwygio, addasu, ddiddymu neu ddirymu deddfiad (gan gynnwys deddfiad a gynhwysir yn y Ddeddf hon).
- (3) Yn yr adran hon, ystyr "cydsyniad" yw –
- (a) cydsyniad, awdurdodiad neu ganiatâd y mae'n ofynnol, o dan ddeddfiad, ei gael ar gyfer datblygiad,
 - (b) cydsyniad, awdurdodiad neu ganiatâd –
 - (i) a gaiff awdurdodi datblygiad, a
 - (ii) a roddir o dan ddeddfiad, neu
 - (c) hysbysiad y mae'n ofynnol gan ddeddfiad ei roi mewn perthynas â datblygiad.

- (c) a scheme under section 16 of that Act (schemes authorising the provision of special roads);
 - (d) an order under section 18 of that Act (supplementary orders relating to special roads);
 - (e) an order or scheme under section 106 of that Act (orders and schemes providing for construction of bridges over or tunnels under navigable waters);
 - (f) an order under section 108 of that Act (orders authorising the diversion of navigable watercourses);
 - (g) an order under section 6 of the New Roads and Street Works Act 1991 (c. 22) (toll orders).
- (4) If infrastructure consent is required for the construction, improvement or alteration of a highway, section 110 of the Highways Act 1980 (c. 66) (power to authorise diversion of non-navigable waters) does not apply in relation to the highway or in connection with the construction, improvement or alteration of the highway.

Powers to change the requirement or its effect

21 Power to add or remove types of consent

- (1) The Welsh Ministers may by regulations –
- (a) amend section 20(1) or (2) –
 - (i) to add or remove a type of consent, or
 - (ii) to vary the cases in relation to which a type of consent is within those subsections;
 - (b) make further provision about –
 - (i) the types of consent that are, and are not, within section 20(1) or (2), or
 - (ii) the cases in relation to which a type of consent is, or is not, within either of those subsections.
- (2) Regulations made under subsection (1)(b) may amend, modify, repeal or revoke an enactment (including an enactment contained in this Act).
- (3) In this section, “consent” means –
- (a) consent, authorisation or permission required, under an enactment, to be obtained for development,
 - (b) consent, authorisation or permission, that –
 - (i) may authorise development, and
 - (ii) is given under an enactment, or
 - (c) notice that is required by an enactment to be given in relation to development.

22 Cyfarwyddydau sy'n pennu bod datblygiad yn brosiect seilwaith arwyddocaol

- (1) Caiff Gweinidogion Cymru roi cyfarwyddyd sy'n pennu bod datblygiad yn brosiect seilwaith arwyddocaol.
- (2) Ni chaiff Gweinidogion Cymru ond rhoi cyfarwyddyd o dan is-adran (1) –
 - (a) os bydd y datblygiad (ar ôl ei gwblhau) yn gyfan gwbl neu'n rhannol yng Nghymru neu yn gyfan gwbl neu'n rhannol yn ardal forol Cymru,
 - (b) os yw'r datblygiad yn brosiect (neu'n brosiect arfaethedig) neu'n ffurfio rhan o brosiect (neu brosiect arfaethedig) y mae Gweinidogion Cymru yn ystyried ei fod o arwyddocâd cenedlaethol i Gymru, naill ai ar ei ben ei hun neu pan y'i hystyrir ar y cyd ag un neu ragor o brosiectau eraill, ac
 - (c) os yw'r datblygiad yn brosiect (neu'n brosiect arfaethedig) neu'n ffurfio rhan o brosiect (neu brosiect arfaethedig) o fath a bennir mewn rheoliadau.
- (3) Mae cyfarwyddyd o dan is-adran (1) yn gymwys i ddatblygiad sy'n rhannol yng Nghymru neu yn rhannol yn ardal forol Cymru dim ond i'r graddau y bo'r datblygiad yng Nghymru neu yn ardal forol Cymru.
- (4) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i awdurdod o fewn is-adran (5) ddarparu unrhyw wybodaeth sy'n ofynnol gan Weinidogion Cymru at ddiben eu galluogi i benderfynu –
 - (a) pa un ai i roi cyfarwyddyd o dan is-adran (1) ai peidio, a
 - (b) ym mha dermau y dylid rhoi cyfarwyddyd o'r fath.
- (5) Mae awdurdod o fewn yr is-adran hon os yw cais am gydsyniad adran 20 mewn perthynas â'r datblygiad wedi ei wneud iddo, neu y gallai gael ei wneud iddo.

23 Cyfarwyddydau bod ceisiadau i'w trin fel ceisiadau am gydsyniad seilwaith

- (1) Os yw Gweinidogion Cymru yn rhoi cyfarwyddyd o dan adran 22 mewn perthynas â datblygiad, caiff Gweinidogion Cymru –
 - (a) os oes cais am gydsyniad adran 20 wedi ei wneud mewn perthynas â'r datblygiad, gyfarwyddo'r cais i gael ei drin fel cais am gydsyniad seilwaith;
 - (b) os yw person yn cynnig gwneud cais am gydsyniad o'r fath mewn perthynas â'r datblygiad, gyfarwyddo'r cais arfaethedig i gael ei drin fel cais arfaethedig am gydsyniad seilwaith.
- (2) Caiff cyfarwyddyd o dan yr adran hon ddarparu bod darpariaethau penodedig mewn unrhyw ddeddfiad (gan gynnwys deddfiad a gynhwysir yn y Ddeddf hon) –
 - (a) i gael effaith mewn perthynas â'r cais, neu'r cais arfaethedig, gydag unrhyw addasiadau penodedig, neu
 - (b) i'w trin fel pe cydymffurfiwyd â hwy mewn perthynas â'r cais neu'r cais arfaethedig.
- (3) Os yw Gweinidogion Cymru yn rhoi cyfarwyddyd o dan yr adran hon, rhaid i'r awdurdod perthnasol atgyfeirio'r cais, neu'r cais arfaethedig, at Weinidogion Cymru yn lle ymdrin ag ef ei hun.

22 Directions specifying development as a significant infrastructure project

- (1) The Welsh Ministers may give a direction specifying development as a significant infrastructure project.
- (2) The Welsh Ministers may only give a direction under subsection (1) if—
 - (a) the development will (when completed) be wholly or partly in Wales or the Welsh marine area,
 - (b) the development is or forms part of a project (or proposed project) that the Welsh Ministers consider to be of national significance to Wales, either by itself or when considered with one or more other projects, and
 - (c) the development is or forms part of a project (or proposed project) of a kind specified in regulations.
- (3) A direction under subsection (1) applies to a development partly in Wales or the Welsh marine area only to the extent that the development is in Wales or the Welsh marine area.
- (4) The Welsh Ministers may require an authority within subsection (5) to provide any information required by the Welsh Ministers for the purpose of enabling them to decide—
 - (a) whether to give a direction under subsection (1), and
 - (b) the terms in which such a direction should be given.
- (5) An authority is within this subsection if an application for a section 20 consent in relation to the development has been, or may be, made to it.

23 Directions for applications to be treated as applications for infrastructure consent

- (1) If the Welsh Ministers give a direction under section 22 in relation to development, the Welsh Ministers may—
 - (a) if an application for a section 20 consent has been made in relation to the development, direct the application to be treated as an application for infrastructure consent;
 - (b) if a person proposes to make an application for such a consent in relation to the development, direct the proposed application to be treated as a proposed application for infrastructure consent.
- (2) A direction under this section may provide for specified provisions of any enactment (including an enactment contained in this Act)—
 - (a) to have effect in relation to the application, or proposed application, with any specified modifications, or
 - (b) to be treated as having been complied with in relation to the application or proposed application.
- (3) If the Welsh Ministers give a direction under this section, the relevant authority must refer the application, or proposed application, to the Welsh Ministers instead of dealing with it themselves.

- (4) Os yw Gweinidogion Cymru yn ystyried pa un a ydynt am roi cyfarwyddyd o dan yr adran hon ai peidio, caiff Gweinidogion Cymru gyfarwyddo'r awdurdod perthnasol i beidio â chymryd unrhyw gamau pellach mewn perthynas â'r cais, neu'r cais arfaethedig, hyd nes y bo Gweinidogion Cymru wedi penderfynu pa un a ydynt am roi'r cyfarwyddyd ai peidio.
- (5) Yn yr adran hon, ystyr "awdurdod perthnasol" yw –
 - (a) mewn perthynas â chais am gydsyniad adran 20 sydd wedi ei wneud, yr awdurdod y gwnaed y cais iddo, a
 - (b) mewn perthynas â chais o'r fath y mae person yn cynnig ei wneud, yr awdurdod y mae'r person yn cynnig gwneud y cais iddo.

24 Cyfarwyddydau sy'n pennu nad yw datblygiad yn brosiect seilwaith arwyddocaol

- (1) Caiff Gweinidogion Cymru roi cyfarwyddyd sy'n pennu nad yw datblygiad a fyddai'n brosiect seilwaith arwyddocaol fel arall yn brosiect seilwaith arwyddocaol.
- (2) Nid yw datblygiad a bennir o dan yr adran hon i'w drin fel prosiect seilwaith arwyddocaol at ddibenion y Ddeddf hon.
- (3) Ni chaiff Gweinidogion Cymru ond rhoi cyfarwyddyd o dan is-adran (1) os bydd y datblygiad (ar ôl ei gwblhau) yn rhannol yng Nghymru neu'n rhannol yn ardal forol Cymru.
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl rhoi cyfarwyddyd o dan is-adran (1), rhaid i Weinidogion Cymru –
 - (a) cyhoeddi'r cyfarwyddyd, a
 - (b) gosod datganiad ynghylch y cyfarwyddyd gerbron Senedd Cymru yn egluro ei effaith a pham y'i gwnaed.

25 Cyfarwyddydau o dan adrannau 22 i 24: darpariaeth gyffredinol

- (1) Mae'r adran hon yn gymwys i gyfarwyddydau o dan adrannau 22, 23 a 24.
- (2) Caniateir rhoi cyfarwyddyd yn ddarostyngedig i amodau.
- (3) Caiff cyfarwyddyd bennu o fewn pa gyfnod y mae'n cael effaith.
- (4) Caiff Gweinidogion Cymru roi cyfarwyddyd yn dilyn archiad cymhwysol oddi wrth ddatblygwr neu pan na cheir archiad cymhwysol oddi wrth ddatblygwr.
- (5) Nid yw'n ofynnol i Weinidogion Cymru ystyried archiad am gyfarwyddyd oni bai ei fod yn archiad cymhwysol oddi wrth ddatblygwr.
- (6) Os yw Gweinidogion Cymru yn cael archiad cymhwysol, rhaid iddynt roi rhesymau dros eu penderfyniad i roi neu i beidio â rhoi'r cyfarwyddyd y gwnaed archiad amdano i'r person a wnaeth yr archiad.
- (7) Yn yr adran hon –

- (4) If the Welsh Ministers are considering whether to give a direction under this section, the Welsh Ministers may direct the relevant authority to take no further action in relation to the application, or proposed application, until the Welsh Ministers have decided whether to give the direction.
- (5) In this section, “relevant authority” –
 - (a) in relation to an application for a section 20 consent that has been made, means the authority to which the application was made, and
 - (b) in relation to such an application that a person proposes to make, means the authority to which the person proposes to make the application.

24 Directions specifying that development is not a significant infrastructure project

- (1) The Welsh Ministers may give a direction specifying development that would otherwise be a significant infrastructure project as not being a significant infrastructure project.
- (2) Development specified under this section is not to be treated as a significant infrastructure project for the purposes of this Act.
- (3) The Welsh Ministers may only give a direction under subsection (1) if the development will (when completed) be partly in Wales or the Welsh marine area.
- (4) As soon as reasonably practicable after giving a direction under subsection (1), the Welsh Ministers must –
 - (a) publish the direction, and
 - (b) lay a statement about the direction before Senedd Cymru explaining its effect and why it was made.

25 Directions under section 22 to 24: general provision

- (1) This sections applies to directions under sections 22, 23 and 24.
- (2) A direction may be given subject to conditions.
- (3) A direction may specify the period for which it has effect.
- (4) The Welsh Ministers may give a direction following a qualifying request from a developer or where there is not a qualifying request from a developer.
- (5) The Welsh Ministers are not required to consider a request for a direction unless it is a qualifying request from a developer.
- (6) If the Welsh Ministers receive a qualifying request, they must give reasons for their decision to give or not to give the requested direction to the person who made the request.
- (7) In this section –

ystyr “archiad cymhwysol” (“*qualifying request*”) yw archiad ysgrifenedig am gyfarwyddyd o dan yr adran hon sy’n pennu’r datblygiad y mae’n ymwneud ag ef; ystyr “datblygwr” (“*developer*”) yw –

- (a) person sy’n bwriadu cynnal unrhyw ran neu’r cyfan o’r datblygiad y mae’r archiad yn ymwneud ag ef;
- (b) person sydd wedi gwneud cais, neu sy’n bwriadu gwneud cais, am gydsyniad adran 20 mewn perthynas ag unrhyw ran neu’r cyfan o’r datblygiad;
- (c) person sydd, os rhoddir cyfarwyddyd o dan adran 22(1) mewn perthynas â’r datblygiad hwnnw, yn bwriadu gwneud cais am gydsyniad seilwaith ar gyfer unrhyw ran neu’r cyfan o’r datblygiad hwnnw.

26 Cyfarwyddydau o dan adran 22: rheoliadau ynghylch y weithdrefn

Caiff rheoliadau wneud darpariaeth ynghylch y materion gweithdrefnol a ganlyn mewn cysylltiad â chyfarwyddydau o dan adran 22, 23 neu 24 –

- (a) terfynau amser ar gyfer gwneud penderfyniadau yn dilyn ceisiadau am gyfarwyddydau;
- (b) ffurf archiadau am gyfarwyddydau;
- (c) yr wybodaeth sydd i’w darparu mewn cysylltiad ag archiadau am gyfarwyddydau;
- (d) y personau neu’r personau o ddisgrifiad sydd i’w hysbysu mewn cysylltiad ag archiadau am gyfarwyddydau.

RHAN 3

GWNEUD CAIS AM GYDSYNIAD SEILWAITH

Cymorth i geisyddion

27 Darparu gwasanaethau cyn gwneud cais

- (1) Caiff rheoliadau wneud darpariaeth ar gyfer darparu gwasanaethau cyn gwneud cais gan awdurdod cynllunio, Cyfoeth Naturiol Cymru neu Weinidogion Cymru, ac mewn cysylltiad â hynny, gan gynnwys darpariaeth ynghylch –
 - (a) yr amgylchiadau pan fo’n ofynnol darparu gwasanaethau cyn gwneud cais (gan gynnwys darpariaeth ynghylch ffurf a chynnwys archiadau am wasanaethau cyn gwneud cais, a’r wybodaeth sydd i fynd gydag archiad);
 - (b) natur y gwasanaethau y bydd yn ofynnol eu darparu, a phryd a sut y maent i’w darparu;
 - (c) cyhoeddi datganiad sy’n rhoi gwybodaeth ynghylch yr ystod o wasanaethau cyn gwneud cais a ddarperir gan awdurdod cynllunio, Cyfoeth Naturiol Cymru neu Weinidogion Cymru;
 - (d) camau eraill y mae’n ofynnol i unrhyw berson eu cymryd mewn cysylltiad â darparu gwasanaethau, neu at ddibenion darparu gwasanaethau, o dan y rheoliadau.

“developer” (*“datblygwr”*) means—

- (a) a person who proposes to carry out any of the development to which the request relates;
- (b) a person who has applied, or proposes to apply, for a section 20 consent in relation to any of that development;
- (c) a person who, if a direction under section 22(1) is given in relation to that development, proposes to apply for infrastructure consent for any of that development;

“qualifying request” (*“archiad cymhwysol”*) means a written request for a direction that specifies the development to which it relates.

26 Directions under section 22: regulations about procedure

Regulations may make provision about the following procedural matters in connection with directions under section 22, 23 or 24—

- (a) time limits for making decisions following requests for directions;
- (b) the form of requests for directions;
- (c) information to be provided in connection with requests for directions;
- (d) the persons or persons of a description to be notified in connection with requests for directions.

PART 3

APPLYING FOR INFRASTRUCTURE CONSENT

Assistance for applicants

27 Provision of pre-application services

- (1) Regulations may make provision for or in connection with the provision of pre-application services by a planning authority, Natural Resources Wales or the Welsh Ministers, including provision about—
 - (a) the circumstances in which pre-application services are required to be provided (including provision about the form and content of requests for pre-application services, and information that is to accompany a request);
 - (b) the nature of the services required to be provided, and when and how they are to be provided;
 - (c) the publication of a statement giving information about the range of pre-application services provided by a planning authority, Natural Resources Wales or the Welsh Ministers;
 - (d) other steps required to be taken by any person in connection with, or for the purposes of, the provision of services under the regulations.

- (2) Mae cyfeiriadau yn y Ddeddf hon at wasanaethau cyn gwneud cais yn gyfeiriadau at wasanaethau a ddarperir i berson at ddiben cynorthwyo'r person i wneud cais am orchymyn cydsyniad seilwaith.

28 Cael gwybodaeth ynghylch buddiannau mewn tir

- (1) Pan fo person yn gwneud cais, neu'n cynnig gwneud cais, am orchymyn cydsyniad seilwaith mae is-adrannau (2) a (3) yn gymwys at ddiben galluogi'r person ("y ceisydd") i gydymffurfio â darpariaethau adran 29, adran 30 neu adrannau 64 i 72, neu ddarpariaethau a wneir odanynt.
- (2) Caiff Gweinidogion Cymru awdurdodi'r ceisydd i gyflwyno hysbysiad i berson a bennir yn is-adran (4) sy'n ei gwneud yn ofynnol i'r person ("y derbynnnydd") roi i'r ceisydd yn ysgrifenedig enw a chyfeiriad unrhyw berson y mae'r derbynnnydd yn credu ei fod yn un neu ragor o'r canlynol –
- (a) perchennog, lesddeiliad, tenant (beth bynnag y bo cyfnod y denantiaeth) neu feddiannwr y tir;
 - (b) person a chanddo fuddiant yn y tir;
 - (c) person sydd â phŵer –
 - (i) i werthu a thrawsgludo'r tir, neu
 - (ii) i ryddhau'r tir.
- (3) Caiff Gweinidogion Cymru awdurdodi'r ceisydd i gyflwyno hysbysiad i berson a bennir yn is-adran (4) sy'n ei gwneud yn ofynnol i'r person ("y derbynnnydd") roi i'r ceisydd yn ysgrifenedig enw a chyfeiriad unrhyw berson y mae'r derbynnnydd yn credu ei fod yn berson, pe bai'r gorchymyn a geisir gan y cais neu'r cais arfaethedig yn cael ei wneud a'i weithredu'n llawn, a fyddai â hawlogaeth neu a allai fod â hawlogaeth i wneud hawliad perthnasol –
- (a) o ganlyniad i weithredu'r gorchymyn,
 - (b) o ganlyniad i'r ffaith bod y gorchymyn wedi ei weithredu, neu
 - (c) o ganlyniad i'r defnydd o'r tir ar ôl i'r gorchymyn gael ei weithredu.
- (4) Y personau yw –
- (a) person sy'n meddiannu'r tir;
 - (b) person a chanddo fuddiant yn y tir fel rhydd-ddeiliad, morgaisai neu lesddeiliad;
 - (c) person sy'n cael rhent yn uniongyrchol neu'n anuniongyrchol am y tir;
 - (d) person sydd, yn unol â chytundeb rhwng y person hwnnw a pherson a chanddo fuddiant yn y tir, wedi ei awdurdodi i reoli'r tir neu i drefnu i'w osod.
- (5) Caiff rheoliadau wneud darpariaeth ynghylch hysbysiad o dan is-adran (2) neu (3), gan gynnwys darpariaeth ynghylch –
- (a) ffurf a chynnwys hysbysiad;
 - (b) sut y mae hysbysiad i'w roi;
 - (c) yr amserlen ar gyfer ymateb i hysbysiad.
- (6) Mae person yn cyflawni trosedd os yw'r person, heb esgus rhesymol, yn methu â chydymffurfio â hysbysiad o dan is-adran (2) neu (3) a gyflwynir i'r person.

- (2) References in this Act to pre-application services are to services provided to a person for the purpose of assisting the person in applying for an infrastructure consent order.

28 Obtaining information about interests in land

- (1) Where a person is applying, or proposes to apply, for an infrastructure consent order subsections (2) and (3) apply for the purpose of enabling the person (“the applicant”) to comply with provisions of, or made under, section 29, section 30 and sections 64 to 72.
- (2) The Welsh Ministers may authorise the applicant to serve a notice on a person specified in subsection (4) requiring the person (“the recipient”) to give to the applicant in writing the name and address of any person the recipient believes is one or more of the following –
- (a) an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
 - (b) a person interested in the land;
 - (c) a person having power –
 - (i) to sell and convey the land, or
 - (ii) to release the land.
- (3) The Welsh Ministers may authorise the applicant to serve a notice on a person specified in subsection (4) requiring the person (“the recipient”) to give to the applicant in writing the name and address of any person the recipient believes is a person who, if the order sought by the application or proposed application were to be made and fully implemented, would or might be entitled to make a relevant claim –
- (a) as a result of the implementing of the order,
 - (b) as a result of the order having been implemented, or
 - (c) as a result of the use of the land once the order has been implemented.
- (4) The persons are –
- (a) an occupier of the land;
 - (b) a person who has an interest in the land as freeholder, mortgagee or lessee;
 - (c) a person who directly or indirectly receives rent for the land;
 - (d) a person who, in pursuance of an agreement between that person and a person interested in the land, is authorised to manage the land or to arrange for the letting of it.
- (5) Regulations may make provision about a notice under subsection (2) or (3), including provision about –
- (a) the form and content of a notice;
 - (b) how a notice is to be given;
 - (c) the timescale for responding to a notice.
- (6) A person commits an offence if the person fails without reasonable excuse to comply with a notice under subsection (2) or (3) served on the person.

- (7) Mae person yn cyflawni trosedd os yw, mewn ymateb i hysbysiad o dan is-adran (2) neu (3) a gyflwynir i'r person—
- yn rhoi gwybodaeth sy'n anwir o ran manylyn perthnasol, a
 - pan fo'r person yn gwneud hynny, yn gwybod neu y dylai yn rhesymol fod yn gwybod bod yr wybodaeth yn anwir.
- (8) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy.
- (9) Yn is-adrannau (2) i (4) ystyr "y tir" yw—
- y tir y mae'r cais, neu'r cais arfaethedig, yn ymwneud ag ef, neu
 - unrhyw ran o'r tir hwnnw.
- (10) Mae i unrhyw ymadrodd arall sy'n ymddangos yn y naill neu'r llall o baragraffau (b) ac (c) o is-adran (2) a hefyd yn adran 5(1) o Ddeddf Prynu Gorfodol 1965 (p. 56), yn y paragraffau hynny, yr ystyr a roddir i'r ymadroddion Saesneg cyfatebol yn adran 5(1) o'r Ddeddf honno.
- (11) Yn is-adran (4) fel y mae'n gymwys at ddibenion is-adran (3) mae "y tir" hefyd yn cynnwys unrhyw dir perthnasol yr effeithir arno (gweler is-adran (12)).
- (12) Pan fo'r ceisydd yn credu, pe bai'r gorchymyn a geisir gan y cais neu'r cais arfaethedig yn cael ei wneud a'i weithredu'n llawn, y byddai personau â hawlogaeth neu a allai fod â hawlogaeth—
- o ganlyniad i weithredu'r gorchymyn,
 - o ganlyniad i'r ffaith bod y gorchymyn wedi ei weithredu, neu
 - o ganlyniad i'r defnydd o'r tir ar ôl i'r gorchymyn gael ei weithredu,
- i wneud hawliad perthnasol mewn cysylltiad ag unrhyw dir neu mewn cysylltiad â buddiant mewn unrhyw dir, mae'r tir hwnnw yn "tir perthnasol yr effeithir arno" at ddibenion is-adran (11).
- (13) Yn yr adran hon, ystyr "hawliad perthnasol" yw—
- hawliad o dan adran 10 o Ddeddf Prynu Gorfodol 1965 (digollediad pan na wneir iawn am brynu tir yn orfodol neu pan na wneir iawn am effaith niweidiol sy'n deillio o brynu gorfodol);
 - hawliad o dan Ran 1 o Ddeddf Digollediad Tir 1973 (p. 26) (digollediad am ddibrisiant yng ngwerth tir gan ffactorau ffisegol a achosir gan ddefnydd o waith cyhoeddus);
 - hawliad o dan adran 101(3).

Y weithdrefn cyn gwneud cais

29 Hysbysu am gais arfaethedig

- (1) Rhaid i berson sy'n cynnig gwneud cais am gydsyniad seilwaith hysbysu'r canlynol am y cais arfaethedig—
- Gweinidogion Cymru;

- (7) A person commits an offence if, in response to a notice under subsection (2) or (3) served on the person –
- (a) the person gives information which is false in a material particular, and
 - (b) when the person does so, the person knows or ought reasonably to know that the information is false.
- (8) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (9) In subsections (2) to (4) “the land” means –
- (a) the land to which the application, or proposed application, relates, or
 - (b) any part of that land.
- (10) Any other expression that appears in either of paragraphs (b) and (c) of subsection (2) and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in those paragraphs the meaning that it has in section 5(1) of that Act.
- (11) In subsection (4) as it applies for the purposes of subsection (3) “the land” also includes any relevant affected land (see subsection (12)).
- (12) Where the applicant believes that, if the order sought by the application or proposed application were to be made and fully implemented, there would or might be persons entitled –
- (a) as a result of the implementing of the order,
 - (b) as a result of the order having been implemented, or
 - (c) as a result of the use of the land once the order has been implemented,
- to make a relevant claim in respect of any land or in respect of an interest in any land, that land is “relevant affected land” for the purposes of subsection (11).
- (13) In this section, “relevant claim” means –
- (a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for compulsory purchase of land or not made for injurious affection resulting from compulsory purchase);
 - (b) a claim under Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works);
 - (c) a claim under section 101(3).

Pre-application procedure

29 Notice of proposed application

- (1) A person who proposes to make an application for infrastructure consent must notify the following of the proposed application –
- (a) the Welsh Ministers;

- (b) os yw'r datblygiad arfaethedig yng Nghymru, pob awdurdod cynllunio ar gyfer yr ardal y lleolir y datblygiad arfaethedig ynddi;
 - (c) os yw'r datblygiad arfaethedig wedi ei leoli mewn ardal y ceir cyngor cymuned ar ei chyfer, y cyngor cymuned;
 - (d) pob Aelod o'r Senedd sy'n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;
 - (e) pob Aelod o Dŷ'r Cyffredin sy'n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;
 - (f) os yw'r datblygiad arfaethedig yn ardal forol Cymru, Cyfoeth Naturiol Cymru a phob awdurdod cynllunio a phob cyngor cymuned y mae'r person yn ystyried ei fod yn briodol;
 - (g) pob Aelod o'r Senedd a phob Aelod o Dŷ'r Cyffredin y mae'r person yn ystyried ei fod yn briodol;
 - (h) unrhyw berson arall neu berson arall o ddisgrifiad a bennir mewn rheoliadau.
- (2) Rhaid i'r hysbysiad gydymffurfio â gofynion a bennir mewn rheoliadau.
- (3) Caiff rheoliadau o dan is-adran (2) (ymhlith gofynion eraill) gynnwys gofynion yn ymwneud ag—
- (a) ffurf a chynnwys hysbysiad;
 - (b) gwybodaeth, dogfennau neu ddeunydd arall sydd i fynd gyda hysbysiad;
 - (c) sut a phryd y mae hysbysiad i'w roi.
- (4) Os yw Gweinidogion Cymru yn cael hysbysiad sy'n cydymffurfio â'r gofynion a bennir mewn rheoliadau o dan is-adran (2), rhaid iddynt roi hysbysiad i'r person fod yr hysbysiad wedi ei dderbyn.
- (5) Caiff rheoliadau wneud darpariaeth ynghylch rhoi hysbysiad gan Weinidogion Cymru o dan is-adran (4), gan gynnwys (ymhlith pethau eraill) ddarpariaeth ynghylch—
- (a) ffurf a chynnwys yr hysbysiad;
 - (b) sut y mae i'w roi;
 - (c) o fewn pa gyfnod y mae i'w roi (gan gynnwys darpariaeth ynghylch yr amgylchiadau pan gaiff Gweinidogion Cymru estyn y cyfnod hwnnw mewn achos penodol).
- (6) Nid yw'r adran hon yn gymwys os yw'r cais arfaethedig yn ymwneud â chydysniad seilwaith sy'n ofynnol yn rhinwedd cyfarwyddyd a wneir o dan adran 22(1) yn dilyn archiad cymhwysol oddi wrth ddatblygwr.

30 Ymgynghoriad a chyhoeddusrwydd cyn gwneud cais

- (1) Rhaid i berson sy'n cynnig gwneud cais am gydsyniad seilwaith ("y ceisydd") gynnal ymgynghoriad ar y cais arfaethedig.
- (2) Caiff rheoliadau wneud darpariaeth ar gyfer yr ymgynghoriad, neu mewn cysylltiad â'r ymgynghoriad, sy'n ofynnol o dan yr adran hon, gan gynnwys (ymhlith pethau eraill) ddarpariaeth—

- (b) if the proposed development is in Wales, each planning authority for the area in which the proposed development is located;
 - (c) if the proposed development is located in an area for which there is a community council, the community council;
 - (d) each Member of the Senedd representing an area in which the proposed development is located;
 - (e) each Member of the House of Commons representing an area in which the proposed development is located;
 - (f) if the proposed development is in the Welsh marine area, Natural Resources Wales and each planning authority and community council the person considers appropriate;
 - (g) each Member of the Senedd and Member of the House of Commons the person considers appropriate;
 - (h) any other person or person of a description specified in regulations.
- (2) The notice must comply with requirements specified in regulations.
- (3) Regulations under subsection (2) may (among other requirements) include requirements relating to—
- (a) the form and content of a notice;
 - (b) information, documents or other material that is to accompany a notice;
 - (c) how and when a notice is to be given.
- (4) If the Welsh Ministers receive a notice that complies with the requirements specified in regulations under subsection (2), they must give notice to the person that the notification has been accepted.
- (5) Regulations may make provision about the giving of notice by the Welsh Ministers under subsection (4), including (among other things) provision about—
- (a) the form and content of the notice;
 - (b) how it is to be given;
 - (c) the period within which it is to be given (including provision about circumstances in which the Welsh Ministers may extend that period in a particular case).
- (6) This section does not apply if the proposed application relates to infrastructure consent required by virtue of a direction made under section 22(1) following a qualifying request from a developer.

30 Pre-application consultation and publicity

- (1) A person who proposes to make an application for infrastructure consent (“the applicant”) must carry out consultation on the proposed application.
- (2) Regulations may make provision for, or in connection with, the consultation required under this section, including (among other things) provision—

- (a) ynghylch y personau neu'r personau o ddisgrifiad y mae'n ofynnol ymgynghori â hwy;
 - (b) ynghylch sut y mae'r ymgynghoriad i'w gynnal (gan gynnwys ffurf a chynnwys dogfennau, gwybodaeth a deunyddiau eraill sydd i'w darparu i berson at ddibenion yr ymgynghoriad neu mewn cysylltiad â'r ymgynghoriad);
 - (c) ynghylch y materion i ymgynghori arnynt, gan gynnwys (ymhlith pethau eraill) fanteision y datblygiad arfaethedig i bobl sy'n byw yn ardal y datblygiad arfaethedig;
 - (d) ynghylch ymateb i'r ymgynghoriad (gan gynnwys darpariaeth sy'n ei gwneud yn ofynnol i berson neu ddisgrifiad o berson yr ymgynghorir ag ef ymateb i'r ymgynghoriad neu ymateb i'r ymgynghoriad mewn modd penodol, neu ymateb o fewn adeg benodol);
 - (e) ynghylch yr amserlen mewn cysylltiad â chynnal yr ymgynghoriad;
 - (f) yn ei gwneud yn ofynnol i berson yr ymgynghorir ag ef yn rhinwedd paragraff (a) lunio a chyhoeddi adroddiad ynghylch cydymffurfedd y person ag unrhyw ofyniad a osodir yn rhinwedd paragraff (d) neu (e) (gan gynnwys ffurf a chynnwys yr adroddiad ac ar ba adeg y mae i'w wneud).
- (3) Rhaid i'r ceisydd roi cyhoedduswydd i'r cais arfaethedig yn y modd a bennir mewn rheoliadau.
- (4) Os yw adran 29 yn gymwys i gais arfaethedig, nid yw cam a gymerir mewn cysylltiad â'r cais arfaethedig cyn y dyddiad y rhoddir yr hysbysiad gan Weinidogion Cymru o dan adran 29(4) i'w drin fel ymgynghoriad neu gyhoedduswydd o dan yr adran hon.

31 Newid yn y person sy'n cynnig gwneud cais am gydsyniad seilwaith

- (1) Nid yw'r dyletswyddau yn adran 29(1) a 30(1) yn gymwys i berson sy'n cynnig gwneud cais am gydsyniad seilwaith ("person A") –
- (a) os oes hysbysiad wedi ei roi o dan adran 29(1) gan berson arall ("person B") mewn cysylltiad â'r un datblygiad arfaethedig neu'r un datblygiad arfaethedig i raddau helaeth, a
 - (b) os yw amod 1 neu amod 2 yn gymwys.
- (2) Amod 1 yw bod yr hysbysiad a roddir gan berson B yn pennu y bydd y cais am gydsyniad seilwaith mewn cysylltiad â'r datblygiad arfaethedig yn cael ei wneud gan berson A.
- (3) Amod 2 yw bod trefniadau i berson A i wneud y cais am gydsyniad seilwaith yn cael eu gwneud yn ystod neu o ganlyniad i ymgynghoriad ar y cais arfaethedig o dan adran 30 a gynhelir gan berson B.

Y weithdrefn gwneud cais

32 Gwneud cais am gydsyniad seilwaith

- (1) Ni chaniateir rhoi cydsyniad seilwaith oni wneir cais amdano.
- (2) Rhaid i gais am gydsyniad seilwaith gael ei wneud i Weinidogion Cymru.
- (3) Rhaid i gais am gydsyniad seilwaith –
 - (a) pennu'r datblygiad y mae'n ymwneud ag ef;

- (a) about the persons or persons of a description required to be consulted;
 - (b) about how the consultation is to be carried out (including the form and content of documents, information and other materials that are to be provided to a person for the purposes of, or in connection with, the consultation);
 - (c) about the matters to be consulted on, including (among other things) the benefits of the proposed development for people living in the area of the proposed development;
 - (d) about responding to the consultation (including provision requiring a person or description of person consulted to respond to the consultation or to respond to the consultation in a particular way, or to respond within a particular time);
 - (e) about the timetable in connection with carrying out the consultation;
 - (f) requiring a person consulted by virtue of paragraph (a) to prepare and publish a report about the person's compliance with any requirement imposed by virtue of paragraph (d) or (e) (including the form and content of the report and the time at which it is to be made).
- (3) The applicant must publicise the proposed application in the way specified in regulations.
 - (4) If section 29 applies to a proposed application, a step taken in respect of the proposed application before the date on which notice is given by the Welsh Ministers under section 29(4) is not to be treated as consultation or publicity under this section.

31 Change in the person who proposes to apply for infrastructure consent

- (1) The duties in section 29(1) and 30(1) do not apply to a person proposing to make an application for infrastructure consent ("person A") if—
 - (a) notice has been given under section 29(1) by another person ("person B") in respect of the same or substantially the same proposed development, and
 - (b) condition 1 or condition 2 applies.
- (2) Condition 1 is that the notice given by person B specifies that the application for infrastructure consent in respect of the proposed development will be made by person A.
- (3) Condition 2 is that arrangements for person A to make the application for infrastructure consent are made during or as a result of consultation on the proposed application under section 30 carried out by person B.

Application procedure

32 Applying for infrastructure consent

- (1) Infrastructure consent may be given only if an application is made for it.
- (2) An application for infrastructure consent must be made to the Welsh Ministers.
- (3) An application for infrastructure consent must—
 - (a) specify the development to which it relates;

- (b) cynnwys gorchymyn cydsyniad seilwaith drafft;
 - (c) cynnwys adroddiad ymgynghoriad cyn gwneud cais.
- (4) Caiff rheoliadau wneud darpariaeth ynghylch ceisiadau am gydsyniad seilwaith, gan gynnwys (ymhlith pethau eraill) ddarpariaeth ynghylch –
- (a) ffurf a chynnwys cais (gan gynnwys y gorchymyn cydsyniad seilwaith drafft sy'n ofynnol);
 - (b) sut y gwneir cais;
 - (c) gwybodaeth, dogfennau neu ddeunyddiau eraill y mae rhaid eu cynnwys mewn cais;
 - (d) prosesu cais;
 - (e) amrywio cais neu ei dynnu yn ôl;
 - (f) hysbysiadau yn ymwneud â cheisiadau;
 - (g) y cyfnod y mae rhaid gwneud cais o'i fewn ac estyn y cyfnod hwnnw.
- (5) Caiff rheoliadau o dan is-adran (4) roi swyddogaeth, gan gynnwys swyddogaeth sy'n ymwneud ag arfer disgresiwn, i unrhyw berson.
- (6) Yn is-adran (3)(c), ystyr "adroddiad ymgynghoriad cyn gwneud cais" yw adroddiad sy'n rhoi manylion ynghylch –
- (a) sut y cydymffurfiodd y ceisydd ag adran 30;
 - (b) yr ymatebion a gafwyd oddi wrth bersonau yn rhinwedd adran 30 a'r ystyriaeth a roddwyd i'r ymatebion.

33 Penderfynu ar ddilysrwydd cais a hysbysu'r ceisydd

- (1) Pan fo Gweinidogion Cymru yn cael cais am gydsyniad seilwaith rhaid iddynt benderfynu a ydynt yn derbyn y cais fel cais dilys ai peidio.
- (2) Mae cais yn gais dilys –
- (a) os yw'n dod i law Gweinidogion Cymru o fewn y cyfnod a bennir mewn rheoliadau o dan adran 32(4)(g);
 - (b) os yw'n cydymffurfio â'r gofynion a osodir gan adran 32 neu odani.
- (3) Os yw Gweinidogion Cymru yn derbyn y cais rhaid i Weinidogion Cymru roi hysbysiad o'r penderfyniad i'r ceisydd.
- (4) Os yw Gweinidogion Cymru yn penderfynu na ellir derbyn y cais rhaid i Weinidogion Cymru roi hysbysiad o'u penderfyniad i'r ceisydd gan roi rhesymau dros y penderfyniad.
- (5) At ddibenion y Ddeddf hon mae cais yn cael ei dderbyn fel cais dilys ar y diwrnod y mae Gweinidogion Cymru yn rhoi hysbysiad am y penderfyniad i'r ceisydd o dan is-adran (1).

34 Hysbysiad am geisiadau a dderbynnir a chyhoeddusrwydd

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru yn derbyn cais am gydsyniad seilwaith fel cais dilys.
- (2) Rhaid i Weinidogion Cymru roi hysbysiad am y cais –
- (a) yn achos cais am ddatblygiad yng Nghymru –

- (b) include a draft infrastructure consent order;
 - (c) include a pre-application consultation report.
- (4) Regulations may make provision about applications for infrastructure consent, including (among other things) provision about –
- (a) the form and content of an application (including the required draft infrastructure consent order);
 - (b) how an application is to be made;
 - (c) information, documents or other materials that must be included in an application;
 - (d) processing an application;
 - (e) varying or withdrawing an application;
 - (f) notices relating to applications;
 - (g) the period within which an application must be made and extension of that period.
- (5) Regulations under subsection (4) may confer a function, including a function involving the exercise of a discretion, on any person.
- (6) In subsection (3)(c), “pre-application consultation report” means a report giving details of –
- (a) how the applicant complied with section 30;
 - (b) the responses received from persons by virtue of section 30 and the account taken of the responses.

33 Deciding on the validity of an application and notifying the applicant

- (1) Where the Welsh Ministers receive an application for infrastructure consent, they must decide whether or not to accept the application as a valid application.
- (2) An application is a valid application if –
- (a) it is received by the Welsh Ministers within the period specified in regulations under section 32(4)(g);
 - (b) it complies with the requirements imposed by or under section 32.
- (3) If the Welsh Ministers accept the application the Welsh Ministers must give notice of the decision to the applicant.
- (4) If the Welsh Ministers decide that the application cannot be accepted the Welsh Ministers must give notice of their decision to the applicant giving reasons for the decision.
- (5) For the purposes of this Act an application is accepted as a valid application on the day on which the Welsh Ministers give the applicant a notice of the decision under subsection (1).

34 Notice of accepted applications and publicity

- (1) This section applies where the Welsh Ministers accept an application for infrastructure consent as a valid application.
- (2) The Welsh Ministers must give notice of the application –
- (a) in the case of an application for development in Wales –

- (i) i bob awdurdod cynllunio ar gyfer ardal y lleolir y datblygiad arfaethedig ynddi;
 - (ii) os yw'r datblygiad arfaethedig wedi ei leoli mewn ardal y ceir cyngor cymuned ar ei chyfer, i'r cyngor cymuned;
 - (iii) i bob Aelod o'r Senedd sy'n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;
 - (iv) i bob Aelod o Dŷ'r Cyffredin sy'n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;
- (b) yn achos cais am ddatblygiad yn ardal forol Cymru –
- (i) i Gyfoeth Naturiol Cymru;
 - (ii) i bob awdurdod cynllunio a phob cyngor cymuned y maent yn ystyried ei fod yn briodol;
 - (iii) i bob Aelod o'r Senedd a phob Aelod o Dŷ'r Cyffredin y maent yn ystyried ei fod yn briodol;
- (c) i unrhyw berson neu berson o ddisgrifiad a bennir mewn rheoliadau.
- (3) Rhaid i Weinidogion Cymru roi cyhoeddusrwydd i'r cais yn y modd a bennir mewn rheoliadau.
- (4) Rhaid i Weinidogion Cymru –
- (a) pennu mewn unrhyw hysbysiad neu gyhoeddusrwydd o dan yr adran hon, a
 - (b) mewn unrhyw gyfarwyddyd o dan is-adran (10), ei gwneud yn ofynnol i'r ceisydd bennu mewn unrhyw hysbysiad neu gyhoeddusrwydd sy'n ofynnol gan y cyfarwyddyd,
- ddyddiad cau erbyn pryd y mae rhaid i Weinidogion Cymru gael sylwadau ar y cais.
- (5) Rhaid i'r dyddiad cau fod ar ôl diwedd y cyfnod byrraf ar gyfer sylwadau a bennir mewn rheoliadau.
- (6) Rhaid i Weinidogion Cymru sicrhau bod unrhyw sylwadau y maent yn eu cael erbyn y dyddiad cau a bennir yn y cyhoeddusrwydd ar gael i'r awdurdod archwilio.
- (7) Caiff Gweinidogion Cymru –
- (a) estyn y dyddiad cau cyn iddo ddod i ben;
 - (b) estyn y dyddiad cau fwy nag unwaith.
- (8) Pan fo Gweinidogion Cymru yn estyn y dyddiad cau mewn cysylltiad â'r cais, rhaid iddynt –
- (a) rhoi hysbysiad pellach o dan is-adran (2) i'r un personau,
 - (b) ymgymryd â chyhoeddusrwydd pellach o dan is-adran (3), ac
 - (c) os rhoddwyd cyfarwyddyd o dan is-adran (10), roi cyfarwyddyd pellach o dan is-adran (10) sy'n ei gwneud yn ofynnol i'r ceisydd –
 - (i) rhoi hysbysiad pellach i'r un personau, a
 - (ii) ymgymryd â chyhoeddusrwydd pellach yn yr un ffordd.
- (9) Rhaid i Weinidogion Cymru –

- (i) to each planning authority for an area in which the proposed development is located;
 - (ii) if the proposed development is located in an area for which there is a community council, to the community council;
 - (iii) to each Member of the Senedd representing an area in which the proposed development is situated;
 - (iv) to each Member of the House of Commons representing an area in which the proposed development is situated;
 - (b) in the case of an application for development in the Welsh marine area –
 - (i) to Natural Resources Wales;
 - (ii) to each planning authority and community council they consider appropriate;
 - (iii) to each Member of the Senedd and Member of the House of Commons they consider appropriate;
 - (c) to any person or person of a description specified in regulations.
- (3) The Welsh Ministers must publicise the application in the way specified in regulations.
- (4) The Welsh Ministers must –
- (a) specify in any notice or publicity under this section, and
 - (b) in any direction under subsection (10), require the applicant to specify in any notice or publicity required by the direction,
- a deadline by which the Welsh Ministers must receive representations on the application.
- (5) The deadline must be after the end of the minimum representation period specified in regulations.
- (6) The Welsh Ministers must make available to the examining authority any representations they receive within the deadline specified in the publicity.
- (7) The Welsh Ministers may –
- (a) extend the deadline before it expires;
 - (b) extend the deadline more than once.
- (8) Where the Welsh Ministers extend the deadline in respect of the application, they must –
- (a) give a further notice under subsection 34(2) to the same persons,
 - (b) undertake further publicity under subsection (3), and
 - (c) if a direction was given under subsection (10), give a further direction under subsection (10) requiring the applicant to –
 - (i) give a further notice to the same persons, and
 - (ii) undertake further publicity in the same way.
- (9) The Welsh Ministers must –

- (a) pennu mewn unrhyw hysbysiad pellach neu gyhoeddusrwydd pellach, a
 - (b) mewn unrhyw gyfarwyddyd pellach, ei gwneud yn ofynnol i'r ceisydd bennu, mewn unrhyw hysbysiad pellach neu gyhoeddusrwydd pellach, y rhesymau dros estyn y dyddiad cau.
- (10) Caiff Gweinidogion Cymru gyfarwyddo'r ceisydd i—
- (a) hysbysu person neu berson o ddisgrifiad a bennir yn y cyfarwyddyd am y cais;
 - (b) rhoi cyhoeddusrwydd i'r cais yn y modd a bennir yn y cyfarwyddyd.
- (11) Nid yw'r dyletswyddau yn is-adrannau (2) a (3) yn ei gwneud yn ofynnol i Weinidogion Cymru wneud unrhyw beth y mae'n ofynnol i geisydd ei wneud gan gyfarwyddyd o dan is-adran (10).

35 Rheoliadau ynghylch hysbysiadau a chyhoeddusrwydd

- (1) Caiff rheoliadau —
- (a) mewn perthynas â hysbysiad a roddir o dan adran 33 neu 34, neu sylwadau ar gais a roddir o dan adran 34, wneud darpariaeth ynghylch—
 - (i) ffurf a chynnwys yr hysbysiad neu'r sylwadau;
 - (ii) sut y rhoddir yr hysbysiad neu'r sylwadau;
 - (iii) yr amserlenni ar gyfer rhoi'r hysbysiad a'r sylwadau;
 - (b) gosod gofynion ar berson neu berson o ddisgrifiad a bennir yn y rheoliadau i ymateb i hysbysiad o dan adran 34(2);
 - (c) gwneud darpariaeth ynghylch sut y gall person ymateb i gyhoeddusrwydd o dan adran 34 a'r amserlenni ar gyfer ymateb;
 - (d) gwneud darpariaeth ynghylch cyhoeddi sylwadau a geir mewn ymateb i hysbysiad a chyhoeddusrwydd o dan adran 34.
- (2) Caiff rheoliadau o dan is-adran (1) roi swyddogaeth, gan gynnwys swyddogaeth sy'n ymwneud ag arfer disgresiwn, i unrhyw berson.

36 Adroddiadau ar yr effaith leol

- (1) Rhaid i awdurdod cynllunio ymateb i hysbysiad a roddir o dan adran 34(2)(a), a chaiff ymateb i hysbysiad a roddir o dan adran 34(2)(b), drwy gyflwyno adroddiad ar yr effaith leol mewn cysylltiad â'r cais i Weinidogion Cymru cyn y dyddiad cau a bennir yn yr hysbysiad.
- (2) Caiff cyngor cymuned ymateb i hysbysiad a roddir o dan adran 34(2)(a) neu (b) drwy gyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru cyn y dyddiad cau a bennir yn yr hysbysiad.
- (3) Caiff awdurdod cynllunio neu gyngor cymuned gyflwyno adroddiad ar yr effaith leol ac eithrio mewn ymateb i hysbysiad a roddir o dan adran 34(2) cyn y dyddiad cau a bennir mewn cyhoeddusrwydd o dan adran 34(3).
- (4) Yn y Ddeddf hon, mae adroddiad ar yr effaith leol mewn cysylltiad â chais yn adroddiad ysgrifenedig—

- (a) specify in any further notice or further publicity, and
 - (b) in any further direction, require the applicant to specify in any further notice or further publicity,
- the reasons for extending the deadline.
- (10) The Welsh Ministers may direct the applicant to—
- (a) notify a person or person of a description specified in the direction of the application;
 - (b) publicise the application in the way specified in the direction.
- (11) The duties in subsections (2) and (3) do not require the Welsh Ministers to do anything an applicant is required to do by a direction under subsection (10).

35 Regulations about notices and publicity

- (1) Regulations may—
- (a) in relation to a notice given under section 33 or 34, or representations on an application given under section 34, make provision about—
 - (i) the form and content of the notice or the representations;
 - (ii) how the notice or the representations are given;
 - (iii) the timescales for giving the notice and representations;
 - (b) impose requirements on a person or person of a description specified in the regulations to respond to a notice under section 34(2);
 - (c) make provision about how a person may respond to publicity under section 34 and the timescales for responding;
 - (d) make provision about the publication of representations received in response to notice and publicity under section 34.
- (2) Regulations under subsection (1) may confer a function, including a function involving the exercise of a discretion, on any person.

36 Local impact reports

- (1) A planning authority must respond to a notice given under section 34(2)(a), and may respond to a notice given under section 34(2)(b), by submitting a local impact report in respect of the application to the Welsh Ministers before the deadline specified in the notice.
- (2) A community council may respond to a notice given under section 34(2)(a) or (b) by submitting a local impact report to the Welsh Ministers before the deadline specified in the notice.
- (3) A planning authority or community council may submit a local impact report otherwise than in response to a notice given under section 34(2) before the deadline specified in publicity under section 34(3).
- (4) In this Act, a local impact report in respect of an application is a report in writing that—

- (a) sy'n rhoi manylion ynghylch effaith debygol y datblygiad arfaethedig ar ardal (neu ran o ardal) yr awdurdod cynllunio lleol neu'r cyngor cymuned sy'n cyflwyno'r adroddiad, a
- (b) sy'n cydymffurfio â gofynion a bennir mewn rheoliadau ynghylch ffurf a chynnwys adroddiad ar yr effaith leol.

37 Adroddiadau effaith ar y môr

- (1) Os yw'r gorchymyn drafft a gyflwynir gyda chais am gydsyniad seilwaith yn cynnwys darpariaeth ar gyfer trwydded forol dybiedig rhaid i Gyfoeth Naturiol Cymru ymateb i hysbysiad a roddir o dan adran 34(2)(b) drwy gyflwyno adroddiad effaith ar y môr mewn cysylltiad â'r cais i Weinidogion Cymru cyn y dyddiad cau a bennir yn yr hysbysiad.
- (2) Caiff Gweinidogion Cymru gyfarwyddo Cyfoeth Naturiol Cymru i gyflwyno adroddiad effaith ar y môr mewn cysylltiad â chais am gydsyniad seilwaith a rhaid i Gyfoeth Naturiol Cymru gyflwyno'r adroddiad erbyn y dyddiad cau a bennir yn y cyfarwyddyd.
- (3) Caiff Cyfoeth Naturiol Cymru gyflwyno adroddiad effaith ar y môr mewn cysylltiad â chais am gydsyniad seilwaith ac eithrio mewn ymateb i hysbysiad a roddir o dan adran 34(2)(b) neu gyfarwyddyd a roddir o dan is-adran (2) cyn y dyddiad cau a bennir mewn cyhoeddusrwydd o dan adran 34(3).
- (4) Yn y Ddeddf hon, ystyr adroddiad effaith ar y môr mewn cysylltiad â chais yw adroddiad ysgrifenedig –
 - (a) sy'n rhoi manylion am effaith debygol y datblygiad arfaethedig ar yr amgylchedd morol, a
 - (b) sy'n cydymffurfio â gofynion a bennir mewn rheoliadau ynghylch ffurf a chynnwys adroddiad effaith ar y môr.
- (5) Yn yr adran hon, mae "yr amgylchedd morol" yn cynnwys –
 - (a) harddwch naturiol neu amwynder ardaloedd morol neu arfordirol (gan gynnwys eu nodweddion daearegol neu ffisiograffigol);
 - (b) fflora a ffawna sy'n ddibynnol ar amgylchedd morol neu arfordirol, neu sy'n gysylltiedig ag amgylchedd o'r fath.

38 Hysbysiad am bersonau a chanddynt fuddiant mewn tir y mae archiad caffael gorfodol yn ymwneud ag ef

- (1) Mae'r adran hon yn gymwys pan fo –
 - (a) Gweinidogion Cymru wedi derbyn cais am gydsyniad seilwaith fel cais dilys, a
 - (b) y cais yn cynnwys archiad i awdurdodi caffael yn orfodol dir neu fuddiant mewn tir neu hawl dros dir ("archiad caffael gorfodol").
- (2) Rhaid i'r ceisydd roi hysbysiad i Weinidogion Cymru sy'n pennu enwau pob person yr effeithir arno, ac unrhyw wybodaeth arall a bennir mewn rheoliadau amdano.
- (3) Rhaid i hysbysiad o dan is-adran (2) gael ei roi ar y ffurf ac yn y modd a bennir mewn rheoliadau.

- (a) gives details of the likely impact of the proposed development on the area (or a part of the area) of the local planning authority or community council submitting the report, and
- (b) complies with requirements specified in regulations about the form and content of a local impact report.

37 Marine impact reports

- (1) If the draft order submitted with an application for infrastructure consent contains provision for a deemed marine licence Natural Resources Wales must respond to a notice given under section 34(2)(b) by submitting a marine impact report in respect of the application to the Welsh Ministers before the deadline specified in the notice.
- (2) The Welsh Ministers may direct Natural Resources Wales to submit a marine impact report in respect of an application for infrastructure consent and Natural Resources Wales must submit the report within the deadline specified in the direction.
- (3) Natural Resources Wales may submit a marine impact report in respect of an application for infrastructure consent otherwise than in response to a notice given under section 34(2)(b) or a direction given under subsection (2) before the deadline specified in publicity under section 34(3).
- (4) In this Act, a marine impact report in respect of an application is a report in writing that –
 - (a) gives details of the likely impact of the proposed development on the marine environment, and
 - (b) complies with requirements specified in regulations about the form and content of a marine impact report.
- (5) In this section, “the marine environment” includes –
 - (a) the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features);
 - (b) flora and fauna which are dependent on, or associated with, a marine or coastal environment.

38 Notice of persons interested in land to which compulsory acquisition request relates

- (1) This section applies where –
 - (a) the Welsh Ministers have accepted an application for infrastructure consent as valid, and
 - (b) the application includes a request to authorise compulsory acquisition of land or of an interest in or right over land (a “compulsory acquisition request”).
- (2) The applicant must give to the Welsh Ministers a notice specifying the names, and such other information as may be specified in regulations, of each affected person.
- (3) Notice under subsection (2) must be given in the form and manner specified in regulations.

- (4) Mae person yn “person yr effeithir arno” at ddibenion yr adran hon os yw’r ceisydd, ar ôl ymholi’n ddyfal, yn gwybod bod gan y person fuddiant yn y tir y mae’r archiad caffael gorfodol yn ymwneud ag ef neu unrhyw ran o’r tir hwnnw.

39 Ymgynghoriad ar ôl cais mewn perthynas â chaffael gorfodol

- (1) Caiff rheoliadau wneud darpariaeth i geisydd am gydsyniad seilwaith ymgynghori ar gais am gydsyniad seilwaith sy’n cynnwys archiad i awdurdodi caffael yn orfodol dir neu fuddiant mewn tir neu hawl dros dir, ac mewn cysylltiad â hynny.
- (2) Caiff rheoliadau o dan is-adran (1) gynnwys (ymhlith pethau eraill) ddarpariaeth –
- sy’n ei gwneud yn ofynnol ymgynghori â phersonau penodedig;
 - ynghylch yr amgylchiadau pan fo ymgynghoriad yn ofynnol;
 - ynghylch sut y cynhelir yr ymgynghoriad (gan gynnwys ffurf a chynnwys dogfennau, gwybodaeth a deunyddiau eraill sydd i’w darparu i berson at ddibenion yr ymgynghoriad neu mewn cysylltiad ag ef);
 - ynghylch yr amserlen mewn cysylltiad â chynnal yr ymgynghoriad.

RHAN 4

ARCHWILIO CEISIADAU

Penodi awdurdod archwilio

40 Penodi awdurdod archwilio

- (1) Rhaid i Weinidogion Cymru benodi person neu banel o bersonau i archwilio pob cais dilys am gydsyniad seilwaith.
- (2) Caiff Gweinidogion Cymru benodi person neu banel o bersonau i archwilio cais i ddirymu neu newid gorchymyn cydsyniad seilwaith.
- (3) Rhaid i Weinidogion Cymru gyhoeddi dogfen sy’n nodi’r meini prawf sydd i’w cymhwyso wrth benderfynu pa un a ddylid penodi person neu banel o bersonau o dan is-adran (2) ai peidio.
- (4) Caiff Gweinidogion Cymru wneud y canlynol ar unrhyw adeg mewn perthynas â chais –
- dirymu penodiad person neu berson ar banel o dan yr adran hon, neu
 - penodi person neu benodi person i banel o dan yr adran hon.
- (5) Caiff rheoliadau wneud darpariaeth bellach ar gyfer penodi awdurdod archwilio o dan is-adran (1) neu (2) neu mewn cysylltiad â hynny.
- (6) Caiff y rheoliadau gynnwys (ymhlith pethau eraill) ddarpariaeth ar gyfer y canlynol neu mewn cysylltiad â’r canlynol –
- penodi aelodau i banel (gan gynnwys darpariaeth ynghylch newid aelodaeth panel a chanlyniadau unrhyw newidiadau o’r fath);
 - dyrannu swyddogaethau i bersonau ar banel a gwneud penderfyniadau gan banel;
 - rhoi person neu banel newydd yn lle panel neu roi panel neu berson newydd yn lle person (a chanlyniadau newidiadau o’r fath);
 - amodau penodiad.

- (4) A person is an “affected person” for the purposes of this section if the applicant, after making diligent inquiry, knows that the person is interested in the land to which the compulsory acquisition request relates or any part of that land.

39 Consultation post-application in relation to compulsory acquisition

- (1) Regulations may make provision for and in connection with consultation by an applicant for infrastructure consent on an application for infrastructure consent that includes a request to authorise compulsory acquisition of land or of an interest in or right over land.
- (2) Regulations under subsection (1) may include (among other things) provision –
- (a) requiring specified persons to be consulted;
 - (b) about the circumstances in which consultation is required;
 - (c) about how the consultation is to be carried out (including the form and content of documents, information and other materials that are to be provided to a person for the purposes of, or in connection with, the consultation);
 - (d) about the timetable in connection with carrying out the consultation.

PART 4

EXAMINING APPLICATIONS

Appointing an examining authority

40 Appointing an examining authority

- (1) The Welsh Ministers must appoint a person or a panel of persons to examine each valid application for infrastructure consent.
- (2) The Welsh Ministers may appoint a person or a panel of persons to examine an application to revoke or change an infrastructure consent order.
- (3) The Welsh Ministers must publish a document setting out the criteria to be applied in deciding whether to appoint a person or panel of persons under subsection (2).
- (4) The Welsh Ministers may at any time in relation to an application –
- (a) revoke an appointment of a person or a person on a panel under this section, or
 - (b) make an appointment of a person or person to a panel under this section.
- (5) Regulations may make further provision for or in connection with the appointment of an examining authority under subsection (1) or (2).
- (6) The regulations may include (among other things) provision for or in connection with –
- (a) appointing members to a panel (including provision about changing membership of a panel and the consequences of any such changes);
 - (b) allocating functions to persons on a panel and decision-making by a panel;
 - (c) replacing a panel with a person or a new panel or replacing a person with a panel or a new person (and the consequences of such changes);
 - (d) conditions of appointment.

- (7) Yn y Ddeddf hon, ystyr “awdurdod archwilio” yw person neu banel o bersonau a benodir o dan yr adran hon.

Archwilio ceisiadau

41 Awdurdod archwilio i archwilio ceisiadau

Mae gan awdurdod archwilio y swyddogaeth o archwilio cais y’i penodir mewn cysylltiad ag ef.

42 Dewis o ymchwiliad, gwrandawriad neu weithdrefn ysgrifenedig

- (1) Rhaid i’r awdurdod archwilio ddyfarnu’r weithdrefn ar gyfer archwilio pob cais y’i penodir mewn cysylltiad ag ef.
- (2) Rhaid i ddyfarniad ddarparu y bydd y cais yn cael ei archwilio drwy un neu ragor o’r dulliau a ganlyn –
 - (a) mewn ymchwiliad lleol;
 - (b) mewn gwrandawriad;
 - (c) ar sail y cais ac unrhyw sylwadau ysgrifenedig (os oes rhai) ynghylch y cais.
- (3) A rhaid i ddyfarniad ddarparu y bydd archwiliad o’r cais yn cynnwys gwrandawriad, oni bai bod –
 - (a) y dyfarniad yn darparu y bydd ymchwiliad lleol yn cael ei gynnal, neu
 - (b) yr awdurdod archwilio yn ystyried na fyddai gwrandawriad yn cynorthwyo’r archwiliad.
- (4) Rhaid i’r awdurdod archwilio wneud dyfarniad cyn diwedd y cyfnod a bennir mewn rheoliadau.
- (5) Caniateir i ddyfarniad gael ei amrywio gan ddyfarniad pellach ar unrhyw adeg cyn y penderfynir ar y cais sy’n cael ei archwilio o dan adran 60.
- (6) Rhaid i’r awdurdod archwilio hysbysu unrhyw berson neu berson o ddisgrifiad a bennir mewn rheoliadau am ddyfarniad o dan yr adran hon.
- (7) Rhaid i Weinidogion Cymru gyhoeddi’r meini prawf sydd i’w cymhwyso gan yr awdurdod archwilio wrth wneud dyfarniadau o dan yr adran hon.
- (8) Mae swyddogaethau awdurdod archwilio o dan yr adran hon yn ddarostyngedig i unrhyw ddarpariaeth a wneir drwy reoliadau o dan adran 43 neu 44.

43 Gwrandawriadau llawr agored

- (1) Caiff rheoliadau ei gwneud yn ofynnol i awdurdod archwilio beri bod gwrandawriad llawr agored yn cael ei gynnal o dan yr amgylchiadau a bennir yn y rheoliadau.
- (2) Caiff y rheoliadau wneud unrhyw ofyniad i beri bod gwrandawriad llawr agored yn cael ei gynnal yn ddarostyngedig i amodau (gan gynnwys arfer disgrisiwn gan yr awdurdod archwilio).
- (3) Yn yr adran hon, “gwrandawriad llawr agored” yw gwrandawriad lle y mae gan bob parti a chanddo fuddiant hawlogaeth (yn ddarostyngedig i bwerau’r awdurdod archwilio i reoli’r dull o gynnal y gwrandawriad) i wneud sylwadau llafar ynghylch y cais.

- (7) In this Act, “examining authority” means a person or panel of persons appointed under this section.

Examining applications

41 Examining authority to examine applications

An examining authority has the function of examining an application in respect of which it is appointed.

42 Choice of inquiry, hearing or written procedure

- (1) The examining authority must determine the procedure for examining each application in respect of which it is appointed.
- (2) A determination must provide for the application to be examined in one or more of the following ways—
 - (a) at a local inquiry;
 - (b) at a hearing;
 - (c) on the basis of the application and any representations in writing (if any) about the application.
- (3) And a determination must provide for examination of the application to include a hearing, unless—
 - (a) the determination provides for a local inquiry to be conducted, or
 - (b) the examining authority considers that a hearing would not assist the examination.
- (4) The examining authority must make a determination before the end of the period specified in regulations.
- (5) A determination may be varied by a further determination at any time before the application being examined is decided under section 60.
- (6) The examining authority must notify any person or person of a description specified in regulations of a determination under this section.
- (7) The Welsh Ministers must publish the criteria to be applied by the examining authority in making determinations under this section.
- (8) The functions of an examining authority under this section are subject to any provision made by regulations under section 43 or 44.

43 Open-floor hearings

- (1) Regulations may require an examining authority to cause an open-floor hearing to be held in the circumstances specified in the regulations.
- (2) The regulations may make any requirement to cause an open-floor hearing to be held subject to conditions (including the exercise of discretion by the examining authority).
- (3) In this section, an “open-floor hearing” is a hearing at which each interested party is entitled (subject to the examining authority’s powers of control over the conduct of the hearing) to make oral representations about the application.

44 Y weithdrefn archwilio

- (1) Caiff rheoliadau wneud darpariaeth ynghylch y weithdrefn sydd i'w dilyn mewn cysylltiad ag archwilio cais o dan y Rhan hon (pa un a yw'n cael ei archwilio mewn ymchwiliad lleol, mewn gwrandawriad neu ar sail y cais ac unrhyw sylwadau ysgrifenedig (os oes rhai) ynghylch y cais).
- (2) Caiff y rheoliadau gynnwys darpariaeth ynghylch –
 - (a) y weithdrefn sydd i'w dilyn mewn cysylltiad â phenderfyniad o dan adran 42;
 - (b) y weithdrefn sydd i'w dilyn mewn cysylltiad â gofyniad o dan adran 43;
 - (c) y weithdrefn sydd i'w dilyn mewn cysylltiad â materion paratoadol neu faterion yn dilyn ymchwiliad neu wrandawriad neu gyflwyno sylwadau ysgrifenedig;
 - (d) cynnal yr archwiliad.
- (3) Caiff y rheoliadau gynnwys darpariaeth ynghylch y weithdrefn sydd i'w dilyn –
 - (a) pan fo camau wedi eu cymryd gyda'r bwriad o gynnal ymchwiliad neu wrandawriad nad yw'n digwydd,
 - (b) pan fo camau wedi eu cymryd gyda'r bwriad mai awdurdod archwilio a fyddai'n penderfynu ar unrhyw fater a bod yr achos yn ddarostyngedig i gyfarwyddyd bod rhaid i Weinidogion Cymru benderfynu ar y mater yn lle hynny,
 - (c) pan fo camau wedi eu cymryd gyda'r bwriad mai Gweinidogion Cymru a fyddai'n penderfynu ar unrhyw fater a bod yr achos yn ddarostyngedig i gyfarwyddyd bod rhaid i'r awdurdod archwilio benderfynu ar y mater yn lle hynny, neu
 - (d) pan fo camau wedi eu cymryd yn unol â chyfarwyddyd a grybwyllir ym mharagraff (b) neu (c) a bod cyfarwyddyd pellach yn cael ei wneud sy'n dirymu'r cyfarwyddyd hwnnw,

a chânt ddarparu bod y camau hynny i'w trin fel cydymffurfedd, yn gyfan gwbl neu'n rhannol, â gofynion y rheoliadau.

- (4) Caiff y rheoliadau –
 - (a) pennu terfyn amser y mae rhaid i unrhyw barti i achos gyflwyno sylwadau ysgrifenedig ac unrhyw ddogfennau ategol o'i fewn;
 - (b) galluogi'r awdurdod archwilio i estyn y terfyn amser mewn achos penodol;
 - (c) galluogi'r awdurdod archwilio i lunio adroddiad o dan adran 52 gan ystyried y sylwadau ysgrifenedig a'r dogfennau ategol a gyflwynwyd o fewn y terfyn amser yn unig;
 - (d) galluogi'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) i fwrw ymlaen i wneud penderfyniad gan ystyried y sylwadau ysgrifenedig a'r dogfennau ategol a gyflwynwyd o fewn y terfyn amser yn unig;
 - (e) galluogi'r awdurdod archwilio, ar ôl rhoi hysbysiad ysgrifenedig i'r partïon o'i fwrriad i wneud hynny, i lunio adroddiad o dan adran 52 er na chyflwynwyd unrhyw sylwadau ysgrifenedig o fewn y terfyn amser, os yw'n ymddangos iddo fod ganddo ddeunyddiau digonol ger ei fron i wneud argymhelliad ar rinweddau'r cais;

44 Examination procedure

- (1) Regulations may make provision about the procedure to be followed in connection with the examination of an application under this Part (whether it is examined at a local inquiry, at a hearing or on the basis of the application and any representations in writing (if any) about the application).
- (2) The regulations may include provision about –
 - (a) the procedure to be followed in connection with a decision under section 42;
 - (b) the procedure to be followed in connection with a requirement under section 43;
 - (c) the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;
 - (d) the conduct of the examination.
- (3) The regulations may include provision about the procedure to be followed –
 - (a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,
 - (b) where steps have been taken with a view to deciding any matter by an examining authority and the proceedings are the subject of a direction that the matter must instead be decided by the Welsh Ministers,
 - (c) where steps have been taken with a view to deciding any matter by the Welsh Ministers and the proceedings are the subject of a direction that the matter must instead be decided by the examining authority, or
 - (d) where steps have been taken in pursuance of a direction mentioned in paragraph (b) or (c) and a further direction is made revoking that direction,

and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.

- (4) The regulations may –
 - (a) specify a time limit within which any party to proceedings must submit representations in writing and any supporting documents;
 - (b) enable the examining authority to extend the time limit in a particular case;
 - (c) enable the examining authority to make a report under section 52 taking into account only the representations in writing and supporting documents as were submitted within the time limit;
 - (d) enable the examining authority or the Welsh Ministers (as the case may be) to proceed to a decision taking into account only the representations in writing and supporting documents as were submitted within the time limit;
 - (e) enable the examining authority after giving the parties notice in writing of their intention to do so, to make a report under section 52 even though no representations in writing were submitted within the time limit, if it appears to it that it has sufficient material before it to make a recommendation on the merits of the application;

- (f) galluogi'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd), ar ôl rhoi hysbysiad ysgrifenedig i'r partiön o'i fwriad neu o'u bwriad i wneud hynny, i fwrw ymlaen i wneud penderfyniad er na chyflwynwyd unrhyw sylwadau ysgrifenedig o fewn y terfyn amser, os yr ymddengys iddo neu iddynt fod ganddo neu fod ganddynt ddeunydd digonol ger ei fron neu ger eu bron i benderfynu ar rinweddau'r cais;
- (g) gwneud darpariaeth ynghylch lleoliad achos mewn gwrandawriad neu ymchwiliad lleol;
- (h) gwneud darpariaeth ynghylch y dull o gynnal achos mewn gwrandawriad neu ymchwiliad lleol yn gyfan gwbl neu'n rhannol drwy gyfrwng cyfarpar neu gyfleuster arall sy'n galluogi personau nad ydynt yn yr un lle i fod yn bresennol yn y gwrandawriad neu'r ymchwiliad lleol a chymryd rhan ynddo;
- (i) gwneud darpariaeth ynghylch darlledu neu recordio'r achos mewn gwrandawriad neu ymchwiliad lleol.

45 Pŵer i fynd ar dir mewn cysylltiad ag archwiliad

- (1) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru fynd ar dir yng Nghymru ar adeg resymol at ddiben edrych ar y tir mewn cysylltiad ag archwilio ceisiadau o dan y Rhan hon.
- (2) Mewn perthynas â pherson sydd wedi ei awdurdodi i fynd ar dir o dan is-adran (1) –
 - (a) rhaid iddo, os yw'n ofynnol iddo wneud hynny, ddangos tystiolaeth o awdurdodiad y person, a datgan diben mynd ar y tir, cyn mynd arno,
 - (b) ni chaiff fynnu cael mynediad fel hawl i unrhyw dir sydd wedi ei feddiannu oni roddwyd 14 o ddiwrnodau o rybudd o'r mynediad bwriadedig i'r meddiannydd,
 - (c) caiff fynd ag unrhyw bersonau eraill sy'n angenrheidiol ar y tir,
 - (d) rhaid iddo, os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno, ac
 - (e) rhaid iddo gydymffurfio ag unrhyw amodau eraill y rhoddir awdurdodiad Gweinidogion Cymru yn ddarostyngedig iddynt.
- (3) Mae person yn cyflawni trosedd os yw'r person yn rhwystro'n fwriadol berson sy'n gweithredu wrth arfer pŵer o dan is-adran (1).
- (4) Mae person sy'n euog o drosedd o dan is-adran (3) yn agored ar euogfarn ddiannod i ddirwy.

46 Pŵer i fynd ar dir y Goron mewn cysylltiad ag archwiliad

- (1) Mae adran 45 yn gymwys i dir y Goron yn ddarostyngedig i is-adrannau (2) a (3).
- (2) Ni chaiff person fynd ar dir y Goron oni fo'r person ("P") wedi cael caniatâd –
 - (a) person yr ymddengys i P fod ganddo hawl i'w roi, neu
 - (b) awdurdod priodol y Goron.
- (3) Nid yw is-adrannau (2)(b), (3) a (4) o adran 45 yn gymwys mewn perthynas ag unrhyw beth a wneir yn rhinwedd yr adran hon.

- (f) enable the examining authority or the Welsh Ministers (as the case may be), after giving the parties written notice of its or their intention to do so, to proceed to a decision even though no representations in writing were submitted within the time limit, if it appears to it or them that it has or they have sufficient material before it or them to reach a decision on the merits of the application;
- (g) make provision about the location of proceedings at a hearing or local inquiry;
- (h) make provision about the conduct of proceedings at a hearing or local inquiry wholly or partly by means of equipment or other facility that enables persons who are not in the same place to attend the hearing or local inquiry and participate in it;
- (i) make provision about broadcasting or recording the proceedings at a hearing or local inquiry.

45 Power to enter land in connection with examination

- (1) A person authorised in writing by the Welsh Ministers may at a reasonable time enter land in Wales for the purpose of inspecting the land in connection with the examination of applications under this Part.
- (2) A person authorised under subsection (1) to enter land –
 - (a) must, if required, produce evidence of the person’s authority, and state the purpose of the person’s entry, before entering,
 - (b) may not demand admission as of right to any land which is occupied unless 14 days’ notice of the intended entry has been given to the occupier,
 - (c) may take on to the land any other persons that are necessary,
 - (d) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it, and
 - (e) must comply with any other conditions subject to which the Welsh Ministers’ authorisation is given.
- (3) A person commits an offence if the person intentionally obstructs a person acting in the exercise of power under subsection (1).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine.

46 Power to enter Crown land in connection with examination

- (1) Section 45 applies to Crown land subject to subsections (2) and (3).
- (2) A person must not enter Crown land unless the person (“P”) has the permission of –
 - (a) a person appearing to P to be entitled to give it, or
 - (b) the appropriate Crown authority.
- (3) Subsections (2)(b), (3) and (4) of section 45 do not apply in relation to anything done by virtue of this section.

47 Pŵer awdurdod archwilio i gynnal ymchwiliad lleol

- (1) Caiff awdurdod archwilio gynnal ymchwiliad lleol at ddibenion archwilio cais.
- (2) Caiff awdurdod archwilio sy'n cynnal ymchwiliad lleol ei gwneud yn ofynnol drwy wŷs i unrhyw berson—
 - (a) bod yn bresennol yn yr ymchwiliad yn unol â'r gofynion a bennir yn y wŷs o dan is-adran (4) a rhoi tystiolaeth;
 - (b) dangos unrhyw ddogfennau sydd ym meddiant y person neu o dan reolaeth y person sy'n ymwneud ag unrhyw fater o dan sylw yn yr ymchwiliad.
- (3) Caiff yr awdurdod archwilio sy'n cynnal yr ymchwiliad gymryd tystiolaeth ar lw, ac at y diben hwnnw caiff weinyddu llwon.
- (4) Rhaid i wŷs bennu—
 - (a) ar ba adeg y mae'n ofynnol bod yn bresennol, a
 - (b) ym mha le y mae'n ofynnol bod yn bresennol neu, os gellir bod yn bresennol drwy ddull arall, gyfarwyddiadau ynghylch sut i fod yn bresennol drwy'r dull hwnnw.
- (5) Nid yw gwŷs o dan yr adran hon yn ei gwneud yn ofynnol i berson fod yn bresennol yn yr ymchwiliad (pa un a yw'n ofynnol bod yn bresennol mewn lle neu y gellir bod yn bresennol drwy ddull arall) oni fo treuliau angenrheidiol y person i fod yn bresennol yn cael eu talu neu eu cynnig i'r person.
- (6) Ni chaniateir ei gwneud yn ofynnol i berson o dan yr adran hon ddangos teitl (nac unrhyw offeryn sy'n ymwneud â theitl) unrhyw dir nad yw'n perthyn i awdurdod lleol.
- (7) Mae'n drosedd i berson—
 - (a) gwrthod cydymffurfio â gofyniad mewn gwŷs a ddyroddir o dan yr adran hon neu fethu â chydymffurfio â gofyniad o'r fath yn fwriadol, neu
 - (b) newid yn fwriadol, atal yn fwriadol, cuddio'n fwriadol neu ddinistrio'n fwriadol ddogfen y mae'n ofynnol i'r person ei dangos, neu y mae'r person yn agored i orfod ei dangos, o dan yr adran hon.
- (8) Mae person sy'n euog o drosedd o dan is-adran (7) yn agored ar euogfarn ddiannod neu ar euogfarn ar ddiad i ddirwy.
- (9) Yn yr adran hon, ystyr "awdurdod lleol" yw'r cyngor ar gyfer sir, bwrdeistref sirol neu gymuned yng Nghymru.

48 Mynediad at dystiolaeth mewn ymchwiliad

- (1) Mewn ymchwiliad lleol a gynhelir o dan adran 47—
 - (a) rhaid clywed tystiolaeth lafar yn gyhoeddus, a
 - (b) rhaid i dystiolaeth ddogfennol fod ar gael i'r cyhoedd edrych arni.
- (2) Ond os yw awdurdod gweinidogol yn fodlon bod y ddau amod yn is-adran (3) wedi eu bodloni mewn perthynas ag ymchwiliad o'r fath, caiff gyfarwyddo'r awdurdod archwilio sy'n cynnal yr ymchwiliad nad yw tystiolaeth o fath a bennir yn y cyfarwyddyd i'w chlywed nac ar gael i edrych arni yn yr ymchwiliad hwnnw ond gan bersonau a bennir yn y cyfarwyddyd neu gan bersonau o fath a bennir ynddo.
- (3) Yr amodau yw—

47 Power of examining authority to hold local inquiry

- (1) An examining authority may hold a local inquiry for the purposes of examining an application.
- (2) An examining authority holding a local inquiry may by summons require any person –
 - (a) to attend the inquiry in accordance with the requirements specified in the summons under subsection (4) and to give evidence;
 - (b) to produce any documents in the person’s possessions or under the person’s control which relate to any matter in question at the inquiry.
- (3) The examining authority holding the inquiry may take evidence on oath, and for that purpose may administer oaths.
- (4) A summons must specify –
 - (a) the time at which attendance is required, and
 - (b) the place at which attendance is required or, if attendance is to be facilitated by other means, instructions on how to attend by those means.
- (5) A summons under this section does not require a person to attend the inquiry (whether attendance is required at a place or facilitated by other means) unless the person’s necessary expenses of attending are paid or offered to the person.
- (6) A person may not be required under this section to produce the title (or any instrument relating to the title) of any land which does not belong to a local authority.
- (7) It is an offence for a person to –
 - (a) refuse or deliberately fail to comply with a requirement of a summons issued under this section, or
 - (b) deliberately alter, suppress, conceal or destroy a document the person is required, or is liable to be required, to produce under this section.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction or conviction on indictment to a fine.
- (9) In this section, “local authority” means the council of a county, county borough or community in Wales.

48 Access to evidence at inquiry

- (1) At a local inquiry held under section 47 –
 - (a) oral evidence must be heard in public, and
 - (b) documentary evidence must be available to the public for inspection.
- (2) But if a ministerial authority is satisfied that both of the conditions in subsection (3) are met in relation to such an inquiry, it may direct the examining authority conducting the inquiry that evidence of a kind specified in the direction is to be heard or available for inspection at that inquiry only by persons who are specified in the direction or of a kind specified in it.
- (3) The conditions are –

- (a) y byddai rhoi tystiolaeth o ddisgrifiad penodol yn gyhoeddus neu sicrhau ei bod ar gael i'r cyhoedd edrych arni yn debygol o arwain at ddatgelu gwybodaeth—
 - (i) am ddiogelwch cenedlaethol, neu
 - (ii) am y mesurau a gymerwyd neu sydd i'w cymryd i sicrhau diogelwch unrhyw dir neu unrhyw eiddo arall, a
- (b) y byddai datgelu'r wybodaeth i'r cyhoedd yn erbyn y buddiant cenedlaethol.
- (4) Os yw awdurdod gweinidogol yn ystyried rhoi cyfarwyddyd o dan yr adran hon, caiff y Cwnsler Cyffredinol benodi person ("cynrychiolydd penodedig") i gynrychioli buddiannau unrhyw berson a fydd yn cael ei atal rhag clywed unrhyw dystiolaeth neu edrych ar unrhyw dystiolaeth mewn ymchwiliad lleol os rhoddir y cyfarwyddyd.
- (5) Os nad oes cynrychiolydd penodedig pan fydd awdurdod gweinidogol yn rhoi cyfarwyddyd o dan yr adran hon, caiff y Cwnsler Cyffredinol benodi person yn gynrychiolydd penodedig ar unrhyw adeg at ddibenion yr ymchwiliad.
- (6) Caiff rheoliadau wneud darpariaeth ynghylch—
 - (a) y weithdrefn sydd i'w dilyn gan awdurdod gweinidogol cyn iddo roi cyfarwyddyd o dan yr adran hon mewn achos pan geir cynrychiolydd penodedig;
 - (b) swyddogaethau cynrychiolydd penodedig.
- (7) Yn yr adran hon ac yn adran 49, ystyr "awdurdod gweinidogol" yw Gweinidogion Cymru neu'r Ysgrifennydd Gwladol.

49 Talu cynrychiolydd penodedig pan fo mynediad at dystiolaeth wedi ei gyfyngu

- (1) Mae'r adran hon yn gymwys os yw person yn cael ei benodi o dan adran 48 yn gynrychiolydd penodedig at ddibenion ymchwiliad lleol, pa un a yw'r ymchwiliad yn digwydd ai peidio.
- (2) Caiff awdurdod gweinidogol gyfarwyddo person ("y person cyfrifol") i dalu ffioedd a threuliau'r cynrychiolydd a benodir.
- (3) Rhaid i'r person cyfrifol fod yn berson y mae'r awdurdod gweinidogol yn ystyried ei fod, neu y byddai wedi bod, â diddordeb yn yr ymchwiliad mewn perthynas ag—
 - (a) diogelwch cenedlaethol, neu
 - (b) y mesurau a gymerwyd neu sydd i'w cymryd i sicrhau diogelwch unrhyw dir neu unrhyw eiddo arall.
- (4) Os nad yw'r cynrychiolydd a benodir a'r person cyfrifol yn gallu cytuno ar swm y ffioedd a'r treuliau, rhaid i'r swm gael ei benderfynu gan yr awdurdod gweinidogol a roddodd y cyfarwyddyd.
- (5) Rhaid i'r awdurdod gweinidogol beri i'r swm y cytunir arno rhwng y cynrychiolydd a benodir a'r person cyfrifol, neu a benderfynir gan yr awdurdod gweinidogol, gael ei ardystio.
- (6) Gellir adennill y swm ardystiedig oddi wrth y person cyfrifol fel dyled.

50 Aseswyr

- (1) Caiff yr awdurdod archwilio neu Weinidogion Cymru benodi person i weithredu fel asesydd er mwyn cynorthwyo'r awdurdod archwilio i archwilio cais o dan y Rhan hon.

- (a) that giving evidence of a particular description in public or making it available for public inspection would be likely to result in the disclosure of information about—
 - (i) national security, or
 - (ii) measures taken or to be taken to ensure the security of any land or other property, and
 - (b) that the public disclosure of the information would be against the national interest.
- (4) If a ministerial authority is considering giving a direction under this section, the Counsel General may appoint a person (“an appointed representative”) to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.
- (5) If there is no appointed representative when a ministerial authority gives a direction under this section, the Counsel General may at any time appoint a person as an appointed representative for the purposes of the inquiry.
- (6) Regulations may make provision about—
- (a) the procedure to be followed by a ministerial authority before it gives a direction under this section in a case where there is an appointed representative;
 - (b) the functions of an appointed representative.
- (7) In this section and section 49, “ministerial authority” means the Welsh Ministers or the Secretary of State.

49 Payment of appointed representative where access to evidence restricted

- (1) This section applies if a person is appointed under section 48 as an appointed representative for the purposes of a local inquiry, whether or not the inquiry takes place.
- (2) A ministerial authority may direct a person (“the responsible person”) to pay the fees and expenses of the appointed representative.
- (3) The responsible person must be a person the ministerial authority considers is, or would have been, interested in the inquiry in relation to—
 - (a) national security, or
 - (b) the measures taken or to be taken to ensure the security of any land or other property.
- (4) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be decided by the ministerial authority that gave the direction.
- (5) The ministerial authority must cause the amount agreed between the appointed representative and the responsible person, or decided by the ministerial authority, to be certified.
- (6) The certified amount is recoverable from the responsible person as a debt.

50 Assessors

- (1) The examining authority or the Welsh Ministers may appoint a person to act as an assessor to assist the examining authority in the examination of an application under this Part.

- (2) Ni chaniateir penodi person yn asesydd onid yw'n ymddangos i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) fod y person yn meddu ar arbenigedd sy'n gwneud y person yn addas i gynorthwyo'r awdurdod archwilio.

51 Cymorth cyfreithiol

- (1) Caiff yr awdurdod archwilio neu Weinidogion Cymru benodi bargyfreithiwr neu gyfreithiwr i ddarparu cyngor a chymorth cyfreithiol i'r awdurdod archwilio mewn cysylltiad â'i archwiliad o gais o dan y Rhan hon.
- (2) Mae'r cymorth y caiff person a benodir o dan is-adran (1) ei roi yn cynnwys mynd ati ar ran yr awdurdod archwilio i gwestiynu ar lafar berson sy'n cyflwyno sylwadau mewn gwrandawriad neu ymchwiliad.

52 Adroddiadau gan awdurdod archwilio

- (1) Mae'r adran hon yn gymwys i—
- awdurdod archwilio a benodir o dan adran 40(1) os Gweinidogion Cymru sydd â'r swyddogaeth o benderfynu ar y cais;
 - awdurdod archwilio a benodir o dan adran 40(2) os Gweinidogion Cymru sydd â'r swyddogaeth o benderfynu ar y cais o dan reoliadau a wneir o dan adran 91.
- (2) Rhaid i'r awdurdod archwilio gyflwyno adroddiad i Weinidogion Cymru ar y cais y mae'n ei archwilio sy'n nodi—
- canfyddiadau a chasgliadau'r awdurdod archwilio mewn cysylltiad â'r cais, a
 - argymhellion yr awdurdod archwilio ynghylch y penderfyniad sydd i'w wneud ar y cais.

53 Pŵer i gyfarwyddo archwiliad pellach

- (1) Ar ôl cael adroddiad o dan adran 52, caiff Gweinidogion Cymru gyfarwyddo'r awdurdod archwilio i ailagor ei archwiliad o'r cais yn unol ag unrhyw ofynion a bennir yn y cyfarwyddyd.
- (2) Mae'r ddyletswydd sydd ar awdurdod archwilio yn adran 52 yn gymwys i unrhyw archwiliad pellach sy'n ofynnol yn rhinwedd yr adran hon.
- (3) Rhaid i gyfarwyddyd o dan is-adran (1)—
- cynnwys datganiad sy'n egluro pam y'i rhoddir;
 - cael ei gyhoeddi cyn gynted ag y bo'n rhesymol ymarferol ar ôl iddo gael ei roi.

54 Gorchmynion yn ymwneud â chostau partïon mewn achos archwilio

- (1) Mae'r adran hon yn gymwys i achos mewn cysylltiad ag archwilio cais o dan y Rhan hon (pa un a yw'n cael ei ystyried mewn ymchwiliad lleol, mewn gwrandawriad neu ar sail sylwadau ysgrifenedig).
- (2) Caiff Gweinidogion Cymru wneud gorchmynion ynghylch—

- (2) A person may be appointed as an assessor only if it appears to the examining authority or the Welsh Ministers (as the case may be) that the person has expertise that makes the person suitable to assist the examining authority.

51 Legal assistance

- (1) The examining authority or the Welsh Ministers may appoint a barrister or solicitor to provide legal advice and assistance to the examining authority in connection with its examination of an application under this Part.
- (2) The assistance that may be given by a person appointed under subsection (1) includes carrying out on behalf of the examining authority any oral questioning of a person making representations at a hearing or inquiry.

52 Reports by examining authority

- (1) This section applies to –
 - (a) an examining authority appointed under section 40(1) if the Welsh Ministers have the function of deciding the application;
 - (b) an examining authority appointed under 40(2), if the Welsh Ministers have the function of deciding the application under regulations made under section 91.
- (2) The examining authority must make a report to the Welsh Ministers on the application it examines setting out –
 - (a) the examining authority’s findings and conclusions in respect of the application, and
 - (b) the examining authority’s recommendations as to the decision to be made on the application.

53 Power to direct further examination

- (1) Following receipt of a report under section 52, the Welsh Ministers may direct the examining authority to re-open its examination of the application in accordance with any requirements specified in the direction.
- (2) The duty of an examining authority in section 52 applies to any further examination required by virtue of this section.
- (3) A direction under subsection (1) must –
 - (a) include a statement explaining why it is given;
 - (b) be published as soon as reasonably practicable after it is given.

54 Orders relating to costs of parties on examination proceedings

- (1) This section applies to proceedings in connection with the examination of an application under this Part (whether it is considered at a local inquiry, at a hearing or on the basis of representations in writing).
- (2) The Welsh Ministers may make orders about –

- (a) costau'r ceisydd, Gweinidogion Cymru, awdurdod cynllunio neu barti arall i'r achos (a gaiff gynnwys costau mewn cysylltiad ag ymchwiliad neu wrandawriad nad yw'n digwydd), a
 - (b) y person neu'r personau y mae rhaid iddynt dalu'r costau.
- (3) Ond ni chaiff Gweinidogion Cymru orchymyn i berson dalu costau parti arall onid ydynt wedi eu bodloni –
- (a) bod y person wedi ymddwyn yn afresymol mewn perthynas â'r achos, a
 - (b) bod ymddygiad afresymol y person wedi peri bod y parti arall wedi mynd i wariant diangen neu wastraffus.
- (4) Caniateir adennill costau sy'n daladwy yn rhinwedd is-adran (2) fel pe baent yn daladwy o dan orchymyn gan yr Uchel Lys, os yw'r Uchel Lys yn gorchymyn hynny ar gais y person y mae'r costau'n ddyledus iddo.
- (5) Rhaid i'r pŵer i wneud gorchymynion o dan yr adran hon gael ei arfer hefyd yn unol ag unrhyw ddarpariaeth a wneir o dan adran 44 (y weithdrefn archwilio).

RHAN 5

PENDERFYNU AR GEISIADAU AM GYDSYNIAD SEILWAITH

Penderfynwr

55 Swyddogaeth penderfynu ar geisiadau

- (1) Yr awdurdod archwilio sydd â'r swyddogaeth o benderfynu ar gais am gydsyniad seilwaith ar gyfer datblygiad o fath a bennir mewn rheoliadau.
- (2) Gweinidogion Cymru sydd â'r swyddogaeth o benderfynu ar unrhyw gais arall am gydsyniad seilwaith.
- (3) Mae is-adrannau (1) a (2) yn ddarostyngedig i unrhyw gyfarwyddyd a wneir o dan is-adran (4).
- (4) Mewn perthynas â chais am gydsyniad seilwaith, caiff Gweinidogion Cymru gyfarwyddo –
 - (a) mai awdurdod archwilio sydd â'r swyddogaeth o benderfynu ar y cais yn lle Gweinidogion Cymru;
 - (b) mai Gweinidogion Cymru sydd â'r swyddogaeth o benderfynu ar y cais yn lle awdurdod archwilio.

Polisiau statudol a materion perthnasol eraill

56 Penderfynu ar geisiadau: ystyriaethau cyffredinol

- (1) Wrth benderfynu ar gais am gydsyniad seilwaith, rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) –
 - (a) rhoi sylw i –

- (a) the costs of the applicant, the Welsh Ministers, a planning authority or other party to proceedings (which may include costs in respect of an inquiry or hearing that does not take place), and
 - (b) the person or persons who must pay the costs.
- (3) But the Welsh Ministers may not order a person to pay the costs of another party unless they are satisfied that –
- (a) the person has behaved unreasonably in relation to the proceedings, and
 - (b) the person’s unreasonable behaviour has caused the other party to incur unnecessary or wasted expenditure.
- (4) Costs payable by virtue of subsection (2) may be recovered as if they were payable under an order of the High Court, if the High Court so orders on the application of the person to whom the costs are due.
- (5) The power to make orders under this section must also be exercised in accordance with any provision made under section 44 (examination procedure).

PART 5

DECIDING APPLICATIONS FOR INFRASTRUCTURE CONSENT

Decision maker

55 **Function of deciding applications**

- (1) The examining authority has the function of deciding an application for infrastructure consent for a development of a kind specified in regulations.
- (2) The Welsh Ministers have the function of deciding any other application for infrastructure consent.
- (3) Subsections (1) and (2) are subject to any direction made under subsection (4).
- (4) In relation to an application for infrastructure consent, the Welsh Ministers may direct that –
 - (a) an examining authority has the function of deciding the application instead of the Welsh Ministers;
 - (b) the Welsh Ministers have the function of deciding the application instead of an examining authority.

Statutory policies and other relevant matters

56 **Deciding applications: general considerations**

- (1) In deciding an application for infrastructure consent, the examining authority or the Welsh Ministers (as the case may be) must –
 - (a) have regard to –

- (i) unrhyw ddatganiad polisi seilwaith sy'n cael effaith mewn perthynas â'r math o ddatblygiad y mae'r cais yn ymwneud ag ef ("datganiad polisi perthnasol"),
 - (ii) Fframwaith Datblygu Cenedlaethol Cymru i'r graddau y bo'n berthnasol i'r math o ddatblygiad y mae'r cais yn ymwneud ag ef,
 - (iii) unrhyw gynllun morol (o fewn yr ystyr a roddir i "marine plan" yn adran 51(3) o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23)) sydd wedi ei lunio a'i fabwysiadu gan Weinidogion Cymru i'r graddau y bo'n berthnasol i'r math o ddatblygiad y mae'r cais yn ymwneud ag ef, a
- (b) gwneud eu penderfyniad neu ei benderfyniad (yn ôl y digwydd) yn unol â'r datganiad polisi perthnasol, y fframwaith neu'r cynllun, oni fo ystyriaethau perthnasol yn dangos fel arall.
- (2) Nid yw'r ffaith bod unrhyw ddatganiad polisi perthnasol, fframwaith neu gynllun yn nodi bod lleoliad yn addas (neu y gallai fod yn addas) ar gyfer math penodol o ddatblygiad yn rhwystro Gweinidogion Cymru neu'r awdurdod archwilio (yn ôl y digwydd) rhag penderfynu ar gais ac eithrio yn unol â'r datganiad polisi perthnasol, y fframwaith neu'r cynllun os yw ystyriaethau perthnasol yn dangos fel arall.

57 **Dyletswydd i roi sylw i faterion penodol wrth wneud penderfyniadau ar geisiadau**

Wrth benderfynu ar gais am gydsyniad seilwaith, rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) roi sylw i—

- (a) unrhyw adroddiad ar yr effaith leol a gyflwynir i Weinidogion Cymru cyn y dyddiad cau a bennir o dan adran 36;
- (b) unrhyw adroddiad ar yr effaith forol a gyflwynir i Weinidogion Cymru cyn y dyddiad cau a bennir o dan adran 37;
- (c) unrhyw archwiliad a gynhelir o dan Ran 4;
- (d) unrhyw faterion a bennir mewn rheoliadau mewn perthynas â datblygiad o'r math y mae'r cais yn ymwneud ag ef;
- (e) dymunoldeb lliniaru newid hinsawdd ac ymaddasu iddo;
- (f) unrhyw ystyriaeth berthnasol arall.

58 **Materion y caniateir eu diystyru wrth wneud penderfyniadau ar geisiadau**

- (1) Wrth benderfynu ar gais am gydsyniad seilwaith, caiff Gweinidogion Cymru neu'r awdurdod archwilio ddiystyru sylwadau os yw Gweinidogion Cymru yn ystyried, neu os yw'r awdurdod archwilio yn ystyried (yn ôl y digwydd), fod y sylwadau—
- (a) yn flinderus neu'n wacsaw,
 - (b) yn ymwneud â rhinweddau polisi a nodir—
 - (i) mewn datganiad polisi seilwaith,
 - (ii) yn Fframwaith Datblygu Cenedlaethol Cymru, neu
 - (iii) mewn unrhyw gynllun morol (o fewn yr ystyr a roddir i "marine plan" yn adran 51(3) o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23)) sydd wedi ei lunio a'i fabwysiadu gan Weinidogion Cymru, neu

- (i) any infrastructure policy statement that has effect in relation to the kind of development to which the application relates (a “relevant policy statement”),
 - (ii) the National Development Framework for Wales so far as relevant to the kind of development to which the application relates,
 - (iii) any marine plan (within the meaning of section 51(3) of the Marine and Coastal Access Act 2009 (c. 23)) prepared and adopted by the Welsh Ministers so far as relevant to the kind of development to which the application relates, and
- (b) make their decision or its decision (as the case may be) in accordance with the relevant policy statement, framework or plan unless relevant considerations indicate otherwise.
- (2) The fact that any relevant policy statement, framework or plan identifies a location as suitable (or potentially suitable) for a particular kind of development does not prevent the Welsh Ministers or examining authority (as the case may be) from deciding an application otherwise than in accordance with the relevant policy statement, framework or plan if relevant considerations indicate otherwise.

57 Duty to have regard to specific matters when making decisions on applications

In deciding an application for infrastructure consent, the examining authority or the Welsh Ministers (as the case may be) must have regard to –

- (a) any local impact report submitted to the Welsh Ministers before the deadline specified under section 36;
- (b) any marine impact report submitted to the Welsh Ministers before the deadline specified under section 37;
- (c) any examination carried out under Part 4;
- (d) any matters specified in regulations in relation to development of the kind to which the application relates;
- (e) the desirability of mitigating, and adapting to, climate change;
- (f) any other relevant consideration.

58 Matters that may be disregarded when making decisions on applications

- (1) In deciding an application for infrastructure consent, the Welsh Ministers or the examining authority may disregard representations if the Welsh Ministers consider, or the examining authority considers (as the case may be), that the representations –
- (a) are vexatious or frivolous,
 - (b) relate to the merits of policy set out in –
 - (i) an infrastructure policy statement,
 - (ii) the National Development Framework for Wales, or
 - (iii) any marine plan (within the meaning of section 51(3) of the Marine and Coastal Access Act 2009 (c. 23)) prepared and adopted by the Welsh Ministers, or

- (c) yn ymwneud â digolledu am gaffael yn orfodol dir neu fuddiant mewn tir neu hawl dros dir.
- (2) Yn is-adran (1), mae “sylwadau” yn cynnwys tystiolaeth.
- (3) Caiff rheoliadau ddiwygio is-adran (1) –
 - (a) i bennu materion pellach y caniateir eu diystyru;
 - (b) i newid neu ddileu materion a bennir o dan baragraff (a).

Yr amserlen

59 Yr amserlen ar gyfer penderfynu ar geisiadau am gydsyniad seilwaith

- (1) Rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) benderfynu ar gais am gydsyniad seilwaith cyn diwedd –
 - (a) 52 o wythnosau sy'n dechrau â'r diwrnod y caiff y cais ei dderbyn yn gais dilys, neu
 - (b) unrhyw gyfnod arall y mae'r ceisydd a Gweinidogion Cymru yn cytuno arno.
- (2) Caiff Gweinidogion Cymru, drwy gyfarwyddyd, estyn y cyfnodau a grybwyllir yn is-adran (1).
- (3) Caniateir rhoi cyfarwyddyd –
 - (a) mwy nag unwaith mewn perthynas â'r un cais;
 - (b) ar ôl diwedd y cyfnodau a grybwyllir yn is-adran (1).
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl rhoi'r cyfarwyddyd, rhaid i Weinidogion Cymru –
 - (a) hysbysu'r ceisydd ac unrhyw berson arall a bennir mewn rheoliadau am y cyfarwyddyd,
 - (b) cyhoeddi'r cyfarwyddyd, ac
 - (c) gosod datganiad ynghylch y cyfarwyddyd gerbron Senedd Cymru yn egluro ei effaith a pham y'i rhoddwyd.
- (5) Rhaid i Weinidogion Cymru osod gerbron Senedd Cymru adroddiadau blynyddol ynghylch –
 - (a) eu cydymffurfedd â'r ddyletswydd a osodir gan is-adran (1), a
 - (b) sut y maent yn arfer y swyddogaethau a roddir gan is-adran (2).
- (6) Caiff rheoliadau ddiwygio is-adran (1)(a).

Y penderfyniad

60 Rhoi neu wrthod cydsyniad seilwaith

- (1) Pan fydd Gweinidogion Cymru wedi penderfynu ar gais am gydsyniad seilwaith, rhaid i Weinidogion Cymru naill ai –
 - (a) gwneud gorchymyn sy'n rhoi cydsyniad seilwaith (“gorchymyn cydsyniad seilwaith”), neu
 - (b) gwrthod cydsyniad seilwaith.

- (c) relate to compensation for compulsory acquisition of land or of an interest in or right over land.
- (2) In subsection (1), “representations” includes evidence.
- (3) Regulations may amend subsection (1) –
 - (a) to specify further matters that may be disregarded;
 - (b) to change or remove matters specified under paragraph (a).

Timetable

59 Timetable for deciding application for infrastructure consent

- (1) The examining authority or the Welsh Ministers (as the case may be) must decide an application for infrastructure consent before the end of –
 - (a) 52 weeks beginning with the day on which the application is accepted as a valid application, or
 - (b) such other period as the applicant and the Welsh Ministers may agree.
- (2) The Welsh Ministers may, by direction, extend the periods mentioned in subsection (1).
- (3) A direction may be given –
 - (a) more than once in relation to the same application;
 - (b) after the end of the periods mentioned in subsection (1).
- (4) As soon as reasonably practicable after giving the direction, the Welsh Ministers must –
 - (a) notify the applicant and any other person specified in regulations of the direction,
 - (b) publish the direction, and
 - (c) lay a statement about the direction before Senedd Cymru explaining its effect and why it was given.
- (5) The Welsh Ministers must lay before Senedd Cymru annual reports on –
 - (a) their compliance with the duty imposed by subsection (1), and
 - (b) their exercise of the functions conferred by subsection (2).
- (6) Regulations may amend subsection (1)(a).

The decision

60 Grant or refusal of infrastructure consent

- (1) When the Welsh Ministers have decided an application for infrastructure consent, the Welsh Ministers must either –
 - (a) make an order granting infrastructure consent (“an infrastructure consent order”), or
 - (b) refuse infrastructure consent.

- (2) Rhaid i Weinidogion Cymru hysbysu'r canlynol am eu penderfyniad i naill ai gwneud gorchymyn cydsyniad seilwaith neu wrthod cydsyniad seilwaith –
 - (a) y ceisydd;
 - (b) unrhyw awdurdod cynllunio neu gyngor cymuned sydd wedi cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru mewn cysylltiad â'r cais;
 - (c) Cyfoeth Naturiol Cymru os yw wedi cyflwyno adroddiad effaith ar y môr i Weinidogion Cymru mewn cysylltiad â'r cais;
 - (d) unrhyw berson arall neu berson arall o ddisgrifiad a bennir mewn rheoliadau.
- (3) Pan fydd yr awdurdod archwilio wedi penderfynu ar gais am gydsyniad seilwaith, rhaid iddo naill ai –
 - (a) hysbysu Gweinidogion Cymru ei fod wedi penderfynu bod gorchymyn cydsyniad seilwaith i'w wneud, neu
 - (b) gwrthod cydsyniad seilwaith.
- (4) Rhaid i'r awdurdod archwilio hysbysu'r canlynol am ei benderfyniad naill ai bod gorchymyn cydsyniad seilwaith i'w wneud neu i wrthod cydsyniad seilwaith –
 - (a) y ceisydd;
 - (b) unrhyw awdurdod cynllunio neu gyngor cymuned sydd wedi cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru mewn cysylltiad â'r cais;
 - (c) Cyfoeth Naturiol Cymru os yw wedi cyflwyno adroddiad effaith ar y môr i Weinidogion Cymru mewn cysylltiad â'r cais;
 - (d) unrhyw berson arall neu berson arall o ddisgrifiad a bennir mewn rheoliadau.
- (5) Pan fydd Gweinidogion Cymru yn cael hysbysiad o dan is-adran (3)(a), rhaid iddynt wneud gorchymyn cydsyniad seilwaith mewn cysylltiad â'r cais y mae'r hysbysiad yn ymwneud ag ef.
- (6) Caiff rheoliadau wneud darpariaeth sy'n rheoleiddio'r weithdrefn i'w dilyn os yw –
 - (a) Gweinidogion Cymru yn cynnig gwneud gorchymyn cydsyniad seilwaith ar delerau sy'n sylweddol wahanol i'r rhai a gynigir yn y cais;
 - (b) Gweinidogion Cymru yn cynnig gwneud gorchymyn cydsyniad seilwaith ar delerau sy'n sylweddol wahanol i'r rhai a gynigir yn y cais o ganlyniad i hysbysiad o dan is-adran (3)(a).

61 Datblygiad y caniateir rhoi cydsyniad seilwaith ar ei gyfer

- (1) Caniateir rhoi cydsyniad seilwaith ar gyfer datblygiad sy'n –
 - (a) datblygiad y mae cydsyniad seilwaith yn ofynnol ar ei gyfer;
 - (b) datblygiad cysylltiedig.
- (2) Ystyr "datblygiad cysylltiedig" yw datblygiad –
 - (a) sy'n gysylltiedig â'r datblygiad o fewn is-adran (1)(a) (neu unrhyw ran ohono), a
 - (b) sydd i'w gynnal yn gyfan gwbl yn un o'r ardaloedd neu'r ddwy ardal a ganlyn –
 - (i) Cymru;

- (2) The Welsh Ministers must notify the following of their decision to either make an infrastructure consent order or refuse infrastructure consent –
 - (a) the applicant;
 - (b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;
 - (c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;
 - (d) any other person or persons of a description specified in regulations.
- (3) When the examining authority has decided an application for infrastructure consent, they must either –
 - (a) notify the Welsh Ministers of their decision that an infrastructure consent order is to be made, or
 - (b) refuse infrastructure consent.
- (4) The examining authority must notify the following of its decision either that an infrastructure consent order is to be made or to refuse infrastructure consent –
 - (a) the applicant;
 - (b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;
 - (c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;
 - (d) any other person or persons of a description specified in regulations.
- (5) When the Welsh Ministers receive a notice under subsection (3)(a), they must make an infrastructure consent order in respect of the application to which the notice relates.
- (6) Regulations may make provision regulating the procedure to be followed if –
 - (a) the Welsh Ministers propose to make an infrastructure consent order on terms which are materially different from those proposed in the application;
 - (b) the Welsh Ministers propose to make an infrastructure consent order on terms which are materially different from those proposed in the application as a result of a notice under subsection (3)(a).

61 Development for which infrastructure consent may be granted

- (1) Infrastructure consent may be granted for development which is –
 - (a) development for which infrastructure consent is required;
 - (b) associated development.
- (2) “Associated development” means development which –
 - (a) is associated with the development within subsection (1)(a) (or any part of it), and
 - (b) is to be carried out wholly in one or both of the following areas –
 - (i) Wales;

(ii) ardal forol Cymru.

- (3) I'r graddau y bo cydsyniad seilwaith yn cael ei roi ar gyfer datblygiad cysylltiedig, mae adran 20 yn gymwys i'r datblygiad fel y mae'n gymwys i ddatblygiad y mae cydsyniad seilwaith yn ofynnol ar ei gyfer.

62 Rhesymau dros benderfynu rhoi neu wrthod cydsyniad seilwaith

- (1) Pan fydd Gweinidogion Cymru wedi penderfynu ar gais am gydsyniad seilwaith, rhaid iddynt lunio datganiad o'u rhesymau dros benderfynu –
- gwneud gorchymyn cydsyniad seilwaith, neu
 - gwrthod cydsyniad seilwaith.
- (2) Pan fydd yr awdurdod archwilio wedi penderfynu ar gais am gydsyniad seilwaith, rhaid iddo lunio datganiad o'i resymau dros benderfynu –
- bod gorchymyn cydsyniad seilwaith i'w wneud, neu
 - gwrthod cydsyniad seilwaith.
- (3) Rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) ddarparu copi o'r datganiad i –
- y ceisydd;
 - unrhyw awdurdod cynllunio neu gyngor cymuned sydd wedi cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru mewn cysylltiad â'r cais;
 - Cyfoeth Naturiol Cymru os yw wedi cyflwyno adroddiad effaith ar y môr i Weinidogion Cymru mewn cysylltiad â'r cais;
 - unrhyw berson neu berson o ddisgrifiad a bennir mewn rheoliadau.
- (4) Rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) gyhoeddi'r datganiad yn y modd y maent, neu y mae, yn ystyried ei fod yn briodol.

RHAN 6

GORCHMYNION CYDSYNIAD SEILWAITH

Darpariaeth mewn gorchmynion: cyffredinol

63 Yr hyn y caniateir ei gynnwys mewn gorchymyn cydsyniad seilwaith

- (1) Caiff gorchymyn cydsyniad seilwaith osod gofynion mewn perthynas â'r datblygiad y rhoddir cydsyniad ar ei gyfer.
- (2) Caiff y gofynion gynnwys, ymhlith pethau eraill –
- gofynion sy'n cyfateb i amodau y gellid bod wedi eu gosod wrth roi unrhyw ganiatâd, cydsyniad neu awdurdodiad, neu roi unrhyw hysbysiad a fyddai oni bai am adran 20(1) neu ddarpariaeth a wneir o dan adran 84(1) wedi bod yn ofynnol ar gyfer y datblygiad;
 - gofynion i gael cymeradwyaeth Gweinidogion Cymru neu unrhyw berson arall, i'r graddau nad yw hynny o fewn paragraff (a).

- (ii) the Welsh marine area.
- (3) To the extent that infrastructure consent is granted for associated development, section 20 applies to the development as it applies to development for which infrastructure consent is required.

62 Reasons for decision to grant or refuse infrastructure consent

- (1) When the Welsh Ministers have decided an application for infrastructure consent, they must prepare a statement of their reasons for deciding –
 - (a) make an infrastructure consent order, or
 - (b) refuse infrastructure consent.
- (2) When the examining authority have decided an application for infrastructure consent, it must prepare a statement of its reasons for deciding –
 - (a) that an infrastructure consent order is to be made, or
 - (b) to refuse infrastructure consent.
- (3) The examining authority or the Welsh Ministers (as the case may be) must provide a copy of the statement to –
 - (a) the applicant;
 - (b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;
 - (c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;
 - (d) any person or person of a description specified in regulations.
- (4) The examining authority or the Welsh Ministers (as the case may be) must publish the statement in such manner as they think, or it thinks, appropriate.

PART 6

INFRASTRUCTURE CONSENT ORDERS

Provision in orders: general

63 What may be included in an infrastructure consent order

- (1) An infrastructure consent order may impose requirements relating to the development for which consent is granted.
- (2) The requirements may, among other things, include –
 - (a) requirements corresponding to conditions which could have been imposed on the grant of any permission, consent or authorisation, or the giving of any notice which but for section 20(1) or provision made under section 84(1) would have been required for the development;
 - (b) requirements to obtain the approval of the Welsh Ministers or any other person, so far as not within paragraph (a).

- (3) Caiff gorchymyn cydsyniad seilwaith wneud darpariaeth yn ymwneud â'r datblygiad y rhoddir cydsyniad ar ei gyfer, neu yn ymwneud â materion sy'n atodol iddo.
- (4) Mae'r ddarpariaeth y caniateir ei gwneud o dan is-adran (3) yn cynnwys, ymhlith pethau eraill, ddarpariaeth yn ymwneud ag unrhyw un neu ragor o'r materion a restrir yn Rhan 1 o Atodlen 1.
- (5) Caiff rheoliadau –
 - (a) ychwanegu mater at Ran 1 o Atodlen 1;
 - (b) dileu neu amrywio mater a restrir yn Rhan 1 o Atodlen 1.
- (6) Caiff gorchymyn cydsyniad seilwaith –
 - (a) cymhwyso, addasu neu eithrio deddfiad sy'n ymwneud ag unrhyw fater y caniateir gwneud darpariaeth ar ei gyfer yn y gorchymyn;
 - (b) diwygio, diddymu neu ddirymu deddfiadau sy'n gymwys yn lleol y mae'n ymddangos i Weinidogion Cymru bod hynny'n briodol o ganlyniad i ddarpariaeth yn y gorchymyn neu mewn cysylltiad â'r gorchymyn;
 - (c) cynnwys unrhyw ddarpariaeth y mae'n ymddangos i Weinidogion Cymru ei bod yn briodol er mwyn rhoi effaith lawn i unrhyw ddarpariaeth arall yn y gorchymyn;
 - (d) cynnwys darpariaeth ddeilliadol, darpariaeth ganlyniadol, darpariaeth atodol, darpariaeth drosiannol neu ddarpariaeth arbed.
- (7) Ac eithrio darpariaeth a wneir o dan is-adran (3) sy'n ymwneud ag unrhyw un neu ragor o'r materion a restrir ym mharagraff 29 o Atodlen 1, ni chaiff gorchymyn cydsyniad seilwaith gynnwys –
 - (a) darpariaeth sy'n creu troseddau,
 - (b) darpariaeth sy'n rhoi pŵer i greu troseddau, nac
 - (c) darpariaeth sy'n newid pŵer presennol i greu troseddau.
- (8) I'r graddau y caniateir cynnwys darpariaeth ar gyfer mater neu sy'n ymwneud â mater mewn gorchymyn cydsyniad seilwaith, ni chaniateir i unrhyw un neu ragor o'r canlynol gynnwys darpariaeth o'r un math –
 - (a) gorchymyn o dan adran 14 neu 16 o Ddeddf Harbyrau 1964 (p. 40) (gorchymynion mewn perthynas â harbyrau, dociau a cheiau);
 - (b) gorchymyn o dan adran 1 neu 3 o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42) (gorchymynion o ran rheilffyrdd, tramffyrdd, dyfrffyrdd mewndirol etc.).

Darpariaeth mewn gorchymynion sy'n awdurdodi caffael yn orfodol

64 Diben caniatáu awdurdodi caffael yn orfodol

- (1) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n awdurdodi caffael tir yn orfodol onid yw Gweinidogion Cymru yn fodlon bod yr amodau yn is-adrannau (2) a (3) wedi eu bodloni.
- (2) Yr amod yw –
 - (a) bod y tir yn ofynnol ar gyfer y datblygiad y mae'r cydsyniad seilwaith yn ymwneud ag ef,

- (3) An infrastructure consent order may make provision relating to, or to matters ancillary to, the development for which consent is granted.
- (4) The provision that may be made under subsection (3) includes, among other things, provision relating to any of the matters listed in Part 1 of Schedule 1.
- (5) Regulations may –
 - (a) add a matter to Part 1 of Schedule 1;
 - (b) remove or vary a matter listed in Part 1 of Schedule 1.
- (6) An infrastructure consent order may –
 - (a) apply, modify or exclude an enactment which relates to any matter for which provision may be made in the order;
 - (b) make amendments, repeals or revocations of enactments of local application that appear to the Welsh Ministers to be appropriate in consequence of a provision of the order or in connection with the order;
 - (c) include any provision that appears to the Welsh Ministers to be appropriate for giving full effect to any other provision of the order;
 - (d) include incidental, consequential, supplementary, transitional or saving provision.
- (7) With the exception of provision made under subsection (3) relating to any of the matters listed in paragraph 29 of Schedule 1, an infrastructure consent order may not include –
 - (a) provision creating offences,
 - (b) provision conferring power to create offences, or
 - (c) provision changing an existing power to create offences.
- (8) To the extent that provision for or relating to a matter may be included in an infrastructure consent order, none of the following may include provision of the same kind –
 - (a) an order under section 14 or 16 of the Harbours Act 1964 (c. 40) (orders in relation to harbours, docks and wharves);
 - (b) an order under section 1 or 3 of the Transport and Works Act 1992 (c. 42) (orders as to railways, tramways, inland waterways etc.).

Provision in orders authorising compulsory acquisition

64 Purpose for which compulsory acquisition may be authorised

- (1) An infrastructure consent order may include provision authorising the compulsory acquisition of land only if the Welsh Ministers are satisfied that the conditions in subsections (2) and (3) are met.
- (2) The condition is that the land –
 - (a) is required for the development to which the development consent relates,

- (b) bod y tir yn ofynnol er mwyn hwyluso'r datblygiad hwnnw neu fod y tir yn ddeilliadol i'r datblygiad hwnnw, neu
 - (c) bod y tir yn dir amnewid sydd i'w roi yn gyfnewid am dir y gorchymyn o dan adran 70 neu 71.
- (3) Yr amod yw bod achos cymhellol er budd y cyhoedd i'r tir gael ei gaffael yn orfodol.

65 Tir y gall awdurdodiad i gaffael yn orfodol ymwneud ag ef

- (1) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n awdurdodi caffael tir yn orfodol onid yw –
- (a) y tir yng Nghymru neu yn ardal forol Cymru, a
 - (b) Gweinidogion Cymru yn fodlon bod un o'r amodau yn is-adrannau (2) i (4) wedi ei fodloni.
- (2) Yr amod yw bod y cais am gydsyniad seilwaith wedi cynnwys archiad i awdurdodi caffael y tir yn orfodol.
- (3) Yr amod yw bod yr holl bersonau a chanddynt fuddiant yn y tir yn cydsynio i'r ddarpariaeth gael ei chynnwys.
- (4) Yr amod yw bod y weithdrefn a bennir mewn rheoliadau at ddiben yr adran hon wedi ei dilyn mewn perthynas â'r tir.

66 Cais am ddarpariaethau caffael yn orfodol

- (1) Mae'r adran hon yn gymwys mewn perthynas â gorchymyn cydsyniad seilwaith sy'n cynnwys darpariaeth sy'n awdurdodi caffael tir yn orfodol.
- (2) Mae Rhan 1 o Ddeddf Prynu Gorfodol 1965 (p. 56) (y weithdrefn prynu gorfodol) yn gymwys i gaffael tir yn orfodol o dan y gorchymyn –
- (a) fel y mae'n gymwys i bryniant gorfodol y mae Rhan 2 o Ddeddf Caffael Tir 1981 (p. 67) yn gymwys iddo, a
 - (b) fel pe bai'r gorchymyn yn orchymyn prynu gorfodol o dan y Ddeddf honno.
- (3) Mae Rhan 1 o Ddeddf Prynu Gorfodol 1965, fel y'i cymhwysir gan is-adran (2), yn cael effaith gan hepgor y darpariaethau a ganlyn –
- (a) adran 4 (terfyn amser i arfer pwerau prynu gorfodol);
 - (b) adran 10 (digolledu am effaith niweidiol).
- (4) Mae is-adrannau (2) a (3) yn ddarostyngedig i unrhyw ddarpariaeth i'r gwrthwyneb a wneir gan y gorchymyn cydsyniad seilwaith.

67 Digolledu am gaffael tir yn orfodol

- (1) Mae'r adran hon yn gymwys mewn perthynas â gorchymyn cydsyniad seilwaith sy'n cynnwys darpariaeth sy'n awdurdodi caffael tir yn orfodol.
- (2) Ni chaiff y gorchymyn gynnwys darpariaeth sy'n cael yr effaith o addasu cymhwysiad darpariaeth ddigolledu, ac eithrio i'r graddau sy'n angenrheidiol er mwyn cymhwyso'r ddarpariaeth i'r caffaeliad tir gorfodol a awdurdodir gan y gorchymyn.

- (b) is required to facilitate or is incidental to that development, or
 - (c) is replacement land which is to be given in exchange for the order land under section 70 or 71.
- (3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.

65 Land to which authorisation of compulsory acquisition can relate

- (1) An infrastructure consent order may include provision authorising the compulsory acquisition of land only if –
- (a) the land is in Wales or the Welsh marine area, and
 - (b) the Welsh Ministers are satisfied that one of the conditions in subsections (2) to (4) is met.
- (2) The condition is that the application for infrastructure consent included a request for compulsory acquisition of the land to be authorised.
- (3) The condition is that all persons with an interest in the land consent to the inclusion of the provision.
- (4) The condition is that the procedure specified in regulations for the purpose of this section has been followed in relation to the land.

66 Application of compulsory acquisition provisions

- (1) This section applies in relation to an infrastructure consent order that includes provision authorising the compulsory acquisition of land.
- (2) Part 1 of the Compulsory Purchase Act 1965 (c. 56) (procedure for compulsory purchase) applies to the compulsory acquisition of land under the order –
- (a) as it applies to a compulsory purchase to which Part 2 of the Acquisition of Land Act 1981 (c. 67) applies, and
 - (b) as if the order were a compulsory purchase order under that Act.
- (3) Part 1 of the Compulsory Purchase Act 1965, as applied by subsection (2), has effect with the omission of the following provisions –
- (a) section 4 (time limit for exercise of compulsory purchase powers);
 - (b) section 10 (compensation for injurious affection).
- (4) Subsections (2) and (3) are subject to any contrary provision made by the infrastructure consent order.

67 Compensation for compulsory acquisition

- (1) This section applies in relation to an infrastructure consent order that includes provision authorising the compulsory acquisition of land.
- (2) The order may not include provision the effect of which is to modify the application of a compensation provision, except to the extent necessary to apply the provision to the compulsory acquisition of land authorised by the order.

- (3) Ni chaiff y gorchymyn gynnwys darpariaeth sy'n cael yr effaith o eithrio cymhwysiad darpariaeth ddigolledu.
- (4) "Darpariaeth ddigolledu" yw deddfiad sy'n ymwneud â digolledu am gaffael tir yn orfodol.

68 Tir ymgwymerwyr statudol

- (1) Mae'r adran hon yn gymwys mewn perthynas â thir ("tir ymgwymerwyr statudol") –
 - (a) os yw'r tir wedi ei gaffael gan ymgwymerwyr statudol at ddibenion eu hymgymeriad,
 - (b) os oes sylw wedi ei wneud ynghylch cais am gydsyniad seilwaith cyn i'r archwiliad o'r cais gael ei gwblhau, ac nad yw'r sylw wedi ei dynnu yn ôl, ac
 - (c) os yw Gweinidogion Cymru, o ganlyniad i'r sylw, wedi eu bodloni –
 - (i) y defnyddir y tir at ddibenion cyflawni ymgwymeriad yr ymgwymerwyr statudol, neu
 - (ii) y delir buddiant yn y tir at y dibenion hynny.
- (2) Ni chaiff gorchymyn cydsyniad seilwaith ond cynnwys darpariaeth sy'n awdurdodi caffael yn orfodol dir ymgwymerwyr statudol i'r graddau y bo Gweinidogion Cymru wedi eu bodloni ynghylch y materion a nodir yn is-adran (3).
- (3) Y materion yw bod natur a lleoliad y tir yn golygu –
 - (a) y gellir ei brynu a pheidio â'i amnewid heb niwed difrifol i gyflawni'r ymgwymeriad, neu
 - (b) os caiff ei brynu y gellir ei amnewid am dir arall y mae'r ymgwymerwyr yn berchen arno, neu sydd ar gael iddynt i'w gaffael, heb niwed difrifol i gyflawni'r ymgwymeriad.
- (4) Nid yw is-adrannau (2) a (3) yn gymwys mewn achos sydd o fewn is-adran (5).
- (5) Ni chaiff gorchymyn cydsyniad seilwaith ond cynnwys darpariaeth sy'n awdurdodi caffael yn orfodol hawl dros dir ymgwymerwyr statudol drwy greu hawl newydd dros dir i'r graddau y bo Gweinidogion Cymru wedi eu bodloni ynghylch y materion a nodir yn is-adran (6).
- (6) Y materion yw bod natur a lleoliad y tir yn golygu –
 - (a) y gellir prynu'r hawl heb niwed difrifol i gyflawni'r ymgwymeriad, neu
 - (b) y gall yr ymgwymerwyr unioni unrhyw niwed i gyflawni'r ymgwymeriad, o ganlyniad i gaffael yr hawl, drwy ddefnyddio tir arall y maent yn berchen arno neu sydd ar gael iddynt i'w gaffael.
- (7) Yn yr adran hon, mae i "ymgwymerwyr statudol" yr ystyr a roddir i "statutory undertakers" gan adran 8 o Ddeddf Caffael Tir 1981 (p. 67) ac mae hefyd yn cynnwys yr ymgwymerwyr –
 - (a) y tybir eu bod yn ymgwymerwyr statudol at ddibenion y Ddeddf honno, yn rhinwedd deddfiad arall;

- (3) The order may not include provision the effect of which is to exclude the application of a compensation provision.
- (4) A “compensation provision” is an enactment that relates to compensation for the compulsory acquisition of land.

68 Statutory undertakers’ land

- (1) This section applies in relation to land (“statutory undertakers’ land”) if—
 - (a) the land has been acquired by statutory undertakers for the purposes of their undertaking,
 - (b) a representation has been made about an application for infrastructure consent before the completion of the examination of the application, and the representation has not been withdrawn, and
 - (c) as a result of the representation the Welsh Ministers are satisfied that—
 - (i) the land is used for the purposes of carrying on the statutory undertakers’ undertaking, or
 - (ii) an interest in the land is held for those purposes.
- (2) An infrastructure consent order may include provision authorising the compulsory acquisition of statutory undertakers’ land only to the extent that the Welsh Ministers are satisfied of the matters set out in subsection (3).
- (3) The matters are that the nature and situation of the land are such that—
 - (a) it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or
 - (b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.
- (4) Subsections (2) and (3) do not apply in a case within subsection (5).
- (5) An infrastructure consent order may include provision authorising the compulsory acquisition of a right over statutory undertakers’ land by the creation of a new right over land only to the extent that the Welsh Ministers are satisfied of the matters set out in subsection (6).
- (6) The matters are that the nature and situation of the land are such that—
 - (a) the right can be purchased without serious detriment to the carrying on of the undertaking, or
 - (b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.
- (7) In this section, “statutory undertakers” has the meaning given by section 8 of the Acquisition of Land Act 1981 (c. 67) and also includes the undertakers—
 - (a) that are deemed to be statutory undertakers for the purposes of that Act, by virtue of another enactment;

- (b) sy'n ymgymerwyr statudol at ddibenion adran 16(1) a (2) o'r Ddeddf honno (gweler adran 16(3) o'r Ddeddf honno).
- (8) Wrth gymhwyso'r adran hon i ymgymerwr statudol sy'n gorff gwasanaeth iechyd (fel y diffinnir "health service body" yn adran 60(7) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p. 19)), mae cyfeiriadau at dir a gaffaelir gan yr ymgymerwyr statudol neu sydd ar gael iddynt i'w gaffael i'w dehongli fel cyfeiriadau at dir a gaffaelir gan Weinidogion Cymru neu sydd ar gael iddynt i'w gaffael at ddibenion ei ddefnyddio neu ei feddiannu gan y corff.

69 Tir yr Ymddiriedolaeth Genedlaethol

- (1) Mae'r adran hon yn gymwys i dir y mae'r Ymddiriedolaeth Genedlaethol yn berchen arno a ddelir gan yr Ymddiriedolaeth yn anhrosglwyddadwy.
- (2) Mae gorchymyn cydsyniad seilwaith yn ddarostyngedig i weithdrefn arbennig y Senedd, i'r graddau y bo'r gorchymyn yn awdurdodi caffael yn orfodol dir y mae'r adran hon yn gymwys iddo, os bodlonir yr amod yn is-adran (3).
- (3) Yr amod yw –
 - (a) bod yr Ymddiriedolaeth Genedlaethol wedi gwneud sylw ynghylch y cais am y gorchymyn cydsyniad seilwaith cyn i'r archwiliad o'r cais gael ei gwblhau,
 - (b) bod y sylw yn cynnwys gwrthwynebiad i gaffael y tir yn orfodol, ac
 - (c) nad yw'r gwrthwynebiad wedi ei dynnu yn ôl.
- (4) Mewn achos y mae'r adran hon yn gymwys iddo ac y mae adran 70 neu 71 hefyd yn gymwys iddo, caiff gweithdrefn arbennig y Senedd –
 - (a) bod yn ofynnol gan is-adran (2) pa un a yw hefyd yn ofynnol gan adran 70(3) neu 71(2) ai peidio, a
 - (b) bod yn ofynnol gan adran 70(3) neu 71(2) pa un a yw hefyd yn ofynnol gan is-adran (2) ai peidio.
- (5) Yn yr adran hon, ystyr "a ddelir yn anhrosglwyddadwy", mewn perthynas â thir y mae'r Ymddiriedolaeth Genedlaethol yn berchen arno, yw bod y tir yn anhrosglwyddadwy o dan adran 21 o Ddeddf yr Ymddiriedolaeth Genedlaethol 1907 (p. cxxxvi) neu adran 8 o Ddeddf yr Ymddiriedolaeth Genedlaethol 1939 (p. lxxxvi).

70 Tiroedd comin, manau agored etc.: caffael tir yn orfodol

- (1) Mae'r adran hon yn gymwys i unrhyw dir sy'n ffurfio rhan o dir comin, man agored neu randir tanwydd neu ardd gae.
- (2) Nid yw'r adran hon yn gymwys mewn achos y mae adran 71 yn gymwys iddo.
- (3) Mae gorchymyn cydsyniad seilwaith yn ddarostyngedig i weithdrefn arbennig y Senedd i'r graddau y bo'r gorchymyn yn awdurdodi caffael yn orfodol dir y mae'r adran hon yn gymwys iddo, oni fo –
 - (a) Gweinidogion Cymru wedi eu bodloni bod un o is-adrannau (4) i (7) yn gymwys, a
 - (b) y ffaith honno, a'r is-adran o dan sylw, wedi eu cofnodi yn y gorchymyn neu fel arall yn yr offeryn neu'r ddogfen arall sy'n cynnwys y gorchymyn.

(b) that are statutory undertakers for the purposes of section 16(1) and (2) of that Act (see section 16(3) of that Act).

(8) In the application of this section to a statutory undertaker which is a health service body (as defined in section 60(7) of the National Health Service and Community Care Act 1990 (c. 19)), references to land acquired or available for acquisition by the statutory undertakers are to be construed as references to land acquired or available for acquisition by the Welsh Ministers for use or occupation by the body.

69 National Trust land

(1) This section applies to land belonging to the National Trust which is held by the Trust inalienably.

(2) An infrastructure consent order is subject to special Senedd procedure, to the extent that the order authorises the compulsory acquisition of land to which this section applies, if the condition in subsection (3) is met.

(3) The condition is that—

(a) a representation has been made by the National Trust about the application for the infrastructure consent order before the completion of the examination of the application,

(b) the representation contains an objection to the compulsory acquisition of the land, and

(c) the objection has not been withdrawn.

(4) In a case to which this section applies and to which section 70 or 71 also applies, special Senedd procedure—

(a) may be required by subsection (2) whether or not also required by section 70(3) or 71(2), and

(b) may be required by section 70(3) or 71(2) whether or not also required by subsection (2).

(5) In this section, “held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 (c. cxxxvi) or section 8 of the National Trust Act 1939 (c. lxxxvi).

70 Commons, open spaces etc: compulsory acquisition of land

(1) This section applies to any land forming part of a common, open space or fuel or field garden allotment.

(2) This section does not apply in a case to which section 71 applies.

(3) An infrastructure consent order is subject to special Senedd procedure to the extent that the order authorises the compulsory acquisition of land to which this section applies, unless—

(a) the Welsh Ministers are satisfied that one of subsections (4) to (7) applies, and

(b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.

- (4) Mae'r is-adran hon yn gymwys –
- (a) os yw tir amnewid wedi ei roi neu os bydd yn cael ei roi yn gyfnewid am dir y gorchymyn, a
 - (b) os yw'r tir amnewid wedi ei freinio neu y bydd yn cael ei freinio yn y darpar werthwr ac yn ddarostyngedig i'r un hawliau, ymddiriedolaethau a nodweddion ag sydd ynghlwm wrth dir y gorchymyn.
- (5) Mae'r is-adran hon yn gymwys –
- (a) os yw tir y gorchymyn yn fan agored, neu'n ffurfio rhan o fan agored,
 - (b) os nad yw unrhyw ran o dir y gorchymyn o unrhyw un neu ragor o'r disgrifiadau eraill yn is-adran (1),
 - (c) os naill ai –
 - (i) nad oes unrhyw dir addas ar gael i'w roi yn gyfnewid am dir y gorchymyn, neu
 - (ii) nad yw unrhyw dir addas sydd ar gael i'w roi yn gyfnewid ond ar gael am bris gormodol, a
 - (d) os yw yn gryf er budd y cyhoedd iddi fod yn bosibl dechrau'r datblygiad y mae'r gorchymyn yn rhoi cydsyniad ar ei gyfer yn gynharach nag sy'n debygol o fod yn bosibl pe bai'r gorchymyn yn ddarostyngedig (i unrhyw raddau) i weithdrefn arbennig y Senedd.
- (6) Mae'r is-adran hon yn gymwys –
- (a) os yw tir y gorchymyn yn fan agored, neu'n ffurfio rhan o fan agored,
 - (b) os nad yw unrhyw ran o dir y gorchymyn o unrhyw un neu ragor o'r disgrifiadau eraill yn is-adran (1), ac
 - (c) os yw tir y gorchymyn yn cael ei gaffael at ddiben dros dro (ond un hirhoedlog o bosibl).
- (7) Mae'r is-adran hon yn gymwys –
- (a) os nad yw tir y gorchymyn yn fwy na 200 metr sgwâr o faint neu os yw'n angenrheidiol er mwyn lledu neu ddraenio priffordd bresennol neu yn rhannol er mwyn lledu ac yn rhannol er mwyn draenio priffordd o'r fath, a
 - (b) os yw rhoi tir arall yn gyfnewid yn ddiangen, naill ai er budd y personau, os oes rhai, sydd â hawlogaeth i hawliau comin neu hawliau eraill neu er budd y cyhoedd.
- (8) Os yw gorchymyn cydsyniad seilwaith yn awdurdodi caffael yn orfodol dir y mae'r adran hon yn gymwys iddo, caiff gynnwys darpariaeth –
- (a) i freinio tir amnewid a roddir yn gyfnewid fel y'i crybwyllir yn is-adran (4)(a) yn y darpar werthwr ac yn ddarostyngedig i'r hawliau, yr ymddiriedolaethau a'r nodweddion a grybwyllir yn is-adran (4)(b), a
 - (b) i ryddhau tir y gorchymyn rhag unrhyw hawliau, ymddiriedolaethau a nodweddion y mae'n ddarostyngedig iddynt.
- (9) Yn yr adran hon –
- ystyr "y darpar werthwr" (*"the prospective seller"*) yw'r person neu'r personau y breinir tir y gorchymyn ynddo neu ynddynt;

- (4) This subsection applies if—
 - (a) replacement land has been or will be given in exchange for the order land, and
 - (b) the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.
- (5) This subsection applies if—
 - (a) the order land is, or forms part of, an open space,
 - (b) none of the order land is of any of the other descriptions in subsection (1),
 - (c) either—
 - (i) there is no suitable land available to be given in exchange for the order land, or
 - (ii) any suitable land available to be given in exchange is available only at prohibitive cost, and
 - (d) it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special Senedd procedure.
- (6) This subsection applies if—
 - (a) the order land is, or forms part of, an open space,
 - (b) none of the order land is of any of the other descriptions in subsection (1), and
 - (c) the order land is being acquired for a temporary (although possibly long-lived) purpose.
- (7) This subsection applies if—
 - (a) the order land does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and
 - (b) the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.
- (8) If an infrastructure consent order authorises the compulsory acquisition of land to which this section applies, it may include provision—
 - (a) for vesting replacement land given in exchange as mentioned in subsection (4)(a) in the prospective seller and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and
 - (b) for discharging the order land from all rights, trusts and incidents to which it is subject.
- (9) In this section—

“common” (*“tir comin”*), “fuel or field garden allotment” (*“rhandir tanwydd neu ardd gae”*) and “open space” (*“man agored”*) have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);

ystyr “tir amnewid” (“*replacement land*”) yw tir nad yw’n ddim llai o ran arwynebedd na thir y gorchymyn ac nad yw’n ddim llai manteisiol i’r personau, os oes rhai, sydd â hawlogaeth i hawliau comin neu hawliau eraill, nac i’r cyhoedd;

mae i “tir comin”, “rhandir tanwydd neu ardd gae” a “man agored” yr un ystyr on ag a roddir i “common”, “fuel or field garden allotment” ac “open space” yn adran 19 o Ddeddf Caffael Tir 1981 (p. 67);

ystyr “tir y gorchymyn” (“*order land*”) yw’r tir yr awdurdodir ei gaffael yn orfodol.

71 Tiroedd comin, manau agored etc.: caffael hawliau dros dir yn orfodol

- (1) Mae’r adran hon yn gymwys i unrhyw dir sy’n ffurfio rhan o dir comin, man agored neu rhandir tanwydd neu ardd gae.
- (2) Mae gorchymyn cydsyniad seilwaith yn ddarostyngedig i weithdrefn arbennig y Senedd i’r graddau y bo’r gorchymyn yn awdurdodi caffael yn orfodol hawl dros dir y mae’r adran hon yn gymwys iddo drwy greu hawl newydd dros dir, oni fo –
 - (a) Gweinidogion Cymru wedi eu bodloni bod un o is-adrannau (3) i (7) yn gymwys, a
 - (b) y ffaith honno, a’r is-adran o dan sylw, wedi eu cofnodi yn y gorchymyn neu fel arall yn yr offeryn neu’r ddogfen arall sy’n cynnwys y gorchymyn.
- (3) Mae’r is-adran hon yn gymwys os na fydd tir y gorchymyn, pan fydd hawl y gorchymyn yn weithredol drosto, yn llai manteisiol nag yr oedd ynghynt i’r personau a ganlyn –
 - (a) y personau y’i breinir ynddynt,
 - (b) personau eraill, os oes rhai, sydd â hawlogaeth i hawliau comin neu hawliau eraill, ac
 - (c) y cyhoedd.
- (4) Mae’r is-adran hon yn gymwys –
 - (a) os yw tir amnewid wedi ei roi neu os bydd yn cael ei roi yn gyfnewid am hawl y gorchymyn, a
 - (b) os yw’r tir amnewid wedi ei freinio neu y bydd yn cael ei freinio yn y personau y breinir tir y gorchymyn ynddynt ac yn ddarostyngedig i’r un hawliau, ymddiriedolaethau a nodweddion ag sydd ynghlwm wrth dir y gorchymyn (gan anwybyddu’r gorchymyn cydsyniad seilwaith).
- (5) Mae’r is-adran hon yn gymwys –
 - (a) os yw tir y gorchymyn yn fan agored, neu’n ffurfio rhan o fan agored,
 - (b) os nad yw unrhyw ran o dir y gorchymyn o unrhyw un neu ragor o’r disgrifiadau eraill yn is-adran (1),
 - (c) os naill ai –
 - (i) nad oes unrhyw dir addas ar gael i’w roi yn gyfnewid am hawl y gorchymyn, neu
 - (ii) nad yw unrhyw dir addas sydd ar gael i’w roi yn gyfnewid ond ar gael am bris gormodol, a

“the order land” (“*tir y gorchymyn*”) means the land authorised to be compulsorily acquired;

“the prospective seller” (“*y darpar werthwr*”) means the person or persons in whom the order land is vested;

“replacement land” (“*tir amnewid*”) means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.

71 Commons, open spaces etc: compulsory acquisition of rights over land

- (1) This section applies to any land forming part of a common, open space or fuel or field garden allotment.
- (2) An infrastructure consent order is subject to special Senedd procedure to the extent that the order authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, unless –
 - (a) the Welsh Ministers are satisfied that one of subsections (3) to (7) applies, and
 - (b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.
- (3) This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons –
 - (a) the persons in whom it is vested,
 - (b) other persons, if any, entitled to rights of common or other rights, and
 - (c) the public.
- (4) This subsection applies if –
 - (a) replacement land has been or will be given in exchange for the order right, and
 - (b) the replacement land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the infrastructure consent order).
- (5) This subsection applies if –
 - (a) the order land is, or forms part of, an open space,
 - (b) none of the order land is of any of the other descriptions in subsection (1),
 - (c) either –
 - (i) there is no suitable land available to be given in exchange for the order right, or
 - (ii) any suitable land available to be given in exchange is available only at prohibitive cost, and

- (d) os yw yn gryf er budd y cyhoedd iddi fod yn bosibl dechrau'r datblygiad y mae'r gorchymyn yn rhoi cydsyniad ar ei gyfer yn gynharach nag sy'n debygol o fod yn bosibl pe bai'r gorchymyn yn ddarostyngedig (i unrhyw raddau) i weithdrefn arbennig y Senedd.
- (6) Mae'r is-adran hon yn gymwys –
- os yw tir y gorchymyn yn fan agored, neu'n ffurfio rhan o fan agored,
 - os nad yw unrhyw ran o dir y gorchymyn o unrhyw un neu ragor o'r disgrifiadau eraill yn is-adran (1), ac
 - os yw hawl y gorchymyn yn cael ei gaffael at ddiben dros dro (ond un hirhoedlog o bosibl).
- (7) Mae'r is-adran hon yn gymwys –
- os nad yw tir y gorchymyn yn fwy na 200 metr sgwâr o faint neu os yw hawl y gorchymyn yn angenrheidiol mewn cysylltiad â lledu neu ddraenio priffordd bresennol neu mewn cysylltiad yn rhannol â lledu ac yn rhannol â draenio priffordd o'r fath, a
 - os yw rhoi tir arall yn gyfnewid am hawl y gorchymyn yn ddiangen, naill ai er budd y personau, os oes rhai, sydd â hawlogaeth i hawliau comin neu hawliau eraill neu er budd y cyhoedd.
- (8) Os yw gorchymyn cydsyniad seilwaith yn awdurdodi caffael yn orfodol hawl dros dir y mae'r adran hon yn gymwys iddo, caiff gynnwys darpariaeth –
- i freinio tir amnewid a roddir yn gyfnewid fel y'i crybwyllir yn is-adran (4)(a) yn y personau y breinir tir y gorchymyn ynddynt ac yn ddarostyngedig i'r hawliau, yr ymddiriedolaethau a'r nodweddion a grybwyllir yn is-adran (4)(b), a
 - i ryddhau tir y gorchymyn rhag unrhyw hawliau, ymddiriedolaethau a nodweddion y mae wedi bod yn ddarostyngedig iddynt yn flaenorol i'r graddau y byddai eu parhad yn anghyson ag arfer hawl y gorchymyn.
- (9) Yn yr adran hon –
- ystyr "hawl y gorchymyn" (*"the order right"*) yw'r hawl yr awdurdodir ei chaffael yn orfodol;
- ystyr "tir amnewid" (*"replacement land"*) yw tir a fydd yn ddigonol i ddigolledu'r personau a ganlyn am yr anfanteision sy'n deillio o gaffael hawl y gorchymyn yn orfodol –
- y personau y breinir tir y gorchymyn ynddynt,
 - y personau, os oes rhai, sydd â hawlogaeth i hawliau comin neu hawliau eraill dros dir y gorchymyn, ac
 - y cyhoedd;
- mae i "tir comin", "rhandir tanwydd neu ardd gae" a "man agored" yr un ystyron ag a roddir i "common", "fuel or field garden allotment" ac "open space" yn adran 19 o Ddeddf Caffael Tir 1981 (p. 67);
- ystyr "tir y gorchymyn" (*"the order land"*) yw'r tir y mae'r adran hon yn gymwys iddo y mae hawl y gorchymyn i fod yn arferadwy drosto.

- (d) it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special Senedd procedure.
- (6) This subsection applies if –
- (a) the order land is, or forms part of, an open space,
 - (b) none of the order land is of any of the other descriptions in subsection (1), and
 - (c) the order right is being acquired for a temporary (although possibly long-lived) purpose.
- (7) This subsection applies if –
- (a) the order land does not exceed 200 square metres in extent or the order right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway, and
 - (b) the giving of other land in exchange for the order right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.
- (8) If an infrastructure consent order authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, it may include provision –
- (a) for vesting replacement land given in exchange as mentioned in subsection (4)(a) in the persons in whom the order land is vested and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and
 - (b) for discharging the order land from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of the order right.
- (9) In this section –
- “common” (*“tir comin”*), “fuel or field garden allotment” (*“rhandir tanwydd neu ardd gae”*) and “open space” (*“man agored”*) have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);
- “the order land” (*“tir y gorchymyn”*) means the land to which this section applies over which the order right is to be exercisable;
- “the order right” (*“hawl y gorchymyn”*) means the right authorised to be compulsorily acquired;
- “replacement land” (*“tir amnewid”*) means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right –
- (a) the persons in whom the order land is vested,
 - (b) the persons, if any, entitled to rights of common or other rights over the order land, and
 - (c) the public.

72 Hysbysiad o awdurdodiad i gaffael yn orfodol

- (1) Rhaid i reoliadau wneud darpariaeth sy'n gosod gofynion ar ddarpar brynwr –
- (a) i roi, i gyhoeddi ac i arddangos hysbysiad caffael gorfodol;
 - (b) i alluogi'r cyhoedd i weld copi o'r gorchymyn cydsyniad seilwaith y mae'r hysbysiad yn ymwneud ag ef.
- (2) Ystyr hysbysiad caffael gorfodol yw hysbysiad ar y ffurf a bennir mewn rheoliadau –
- (a) sy'n disgrifio tir y gorchymyn,
 - (b) mewn achos pan fo'r gorchymyn cydsyniad seilwaith yn awdurdodi caffael hawl dros dir yn orfodol drwy greu hawl newydd, sy'n disgrifio'r hawl,
 - (c) sy'n datgan bod y gorchymyn cydsyniad seilwaith yn cynnwys darpariaeth sy'n awdurdodi caffael hawl dros y tir yn orfodol drwy greu hawl drosto neu (yn ôl y digwydd) gaffael y tir yn orfodol,
 - (d) mewn achos pan fo'r gorchymyn yn cymhwyso Rhannau 2 a 3 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 (p. 66) –
 - (i) sy'n cynnwys datganiad a bennir mewn rheoliadau ynghylch effaith y Rhannau hynny, a
 - (ii) sy'n gwahodd unrhyw berson a fyddai â hawlogoeth i hawlio digollediad pe bai datganiad yn cael ei gwblhau o dan adran 4 o'r Ddeddf honno i roi gwybodaeth i'r darpar brynwr ynghylch enw a chyfeiriad y person a'i fuddiant yn y tir gan ddefnyddio ffurf a bennir mewn rheoliadau,
 - (e) sy'n datgan ymhle a phryd y mae copi o'r gorchymyn ar gael i edrych arno yn unol â rheoliadau o dan is-adran (1)(b), ac
 - (f) sy'n datgan na chaiff person a dramgwyddir gan y gorchymyn ond herio'r gorchymyn yn unol ag adran 96.
- (3) Yn yr adran hon –
- ystyr "y darpar brynwr" (*"the prospective purchaser"*) yw –
- (a) mewn achos pan fo'r gorchymyn cydsyniad seilwaith yn awdurdodi caffael hawl dros dir yn orfodol drwy greu hawl newydd, y person y mae'r gorchymyn yn awdurdodi creu'r hawl er ei fudd;
 - (b) mewn unrhyw achos arall pan fo'r gorchymyn cydsyniad seilwaith yn awdurdodi caffael tir yn orfodol, y person a awdurdodir gan y gorchymyn i gaffael y tir yn orfodol;
- ystyr "tir y gorchymyn" (*"the order land"*) yw –
- (a) mewn achos pan fo'r gorchymyn cydsyniad seilwaith yn awdurdodi caffael hawl dros dir yn orfodol drwy greu hawl newydd, y tir y mae'r hawl i fod yn arferadwy drosto neu (yn achos cyfamod cyfyngol) y mae'n gymwys iddo;
 - (b) mewn unrhyw achos arall pan fo'r gorchymyn cydsyniad seilwaith yn awdurdodi caffael tir yn orfodol, y tir yr awdurdodir ei gaffael yn orfodol.

72 Notice of authorisation of compulsory acquisition

- (1) Regulations must make provision imposing requirements on a prospective purchaser –
 - (a) to give, publish or display a compulsory acquisition notice;
 - (b) to provide the public with access to a copy of the infrastructure consent order to which the notice relates.
- (2) A compulsory acquisition notice is a notice in the form specified in regulations –
 - (a) describing the order land,
 - (b) in a case where the infrastructure consent order authorises the compulsory acquisition of a right over land by the creation of a new right, describing the right,
 - (c) stating that the infrastructure consent order includes provision authorising the compulsory acquisition of a right over the land by the creation of a right over it or (as the case may be) the compulsory acquisition of the land,
 - (d) in a case where the order applies Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) –
 - (i) containing a statement specified in regulations about the effect of those Parts, and
 - (ii) inviting any person who would be entitled to claim compensation if a declaration were executed under section 4 of that Act to give the prospective purchaser information about the person’s name, address and interest in land, using a form specified in regulations,
 - (e) stating where and when a copy of the order is available for inspection in accordance with regulations under subsection (1)(b), and
 - (f) stating that a person aggrieved by the order may challenge the order only in accordance with section 96.
- (3) In this section –

“the order land” (*“tir y gorchymyn”*) means –

 - (a) in a case where the infrastructure consent order authorises the compulsory acquisition of a right over land by the creation of a new right, the land over which the right is to be exercisable or (in the case of a restrictive covenant) to which it applies;
 - (b) in any other case where the infrastructure consent order authorises the compulsory acquisition of land, the land authorised to be compulsorily acquired;

“the prospective purchaser” (*“y darpar brynwr”*) means –

 - (a) in a case where the infrastructure consent order authorises the compulsory acquisition of a right over land by the creation of a new right, the person for whose benefit the order authorises the creation of the right;
 - (b) in any other case where the infrastructure consent order authorises the compulsory acquisition of land, the person authorised by the order to compulsorily acquire the land.

- (4) Rhaid i'r darpar brynwr anfon hysbysiad caffael gorfodol at y Prif Gofrestrydd Tir ac mae i fod yn bridiant tir lleol mewn cysylltiad â'r tir y mae'n ymwneud ag ef.

Darpariaeth mewn gorchmynion: cyfyngiadau a phwerau penodol

73 Hawliau tramwy cyhoeddus

- (1) Ni chaiff gorchymyn cydsyniad seilwaith ond diddymu hawl tramwy cyhoeddus dros dir os yw Gweinidogion Cymru wedi eu bodloni –
- bod hawl tramwy arall wedi ei darparu neu y bydd yn cael ei darparu, neu
 - nad yw'n ofynnol darparu hawl tramwy arall.
- (2) Mae'r darpariaethau a ganlyn o'r adran hon yn gymwys –
- os yw gorchymyn cydsyniad seilwaith yn gwneud darpariaeth ar gyfer caffael tir, yn orfodol neu drwy gytundeb,
 - os yw'r gorchymyn yn diddymu hawl tramwy cyhoeddus dros y tir, ac
 - os nad yw'r hawl tramwy yn hawl y caiff traffig cerbydol ei mwynhau.
- (3) Ni chaiff y gorchymyn ddarparu bod yr hawl tramwy i'w diddymu o ddyddiad sy'n gynharach na'r dyddiad y cyhoeddir y gorchymyn.
- (4) Mae is-adran (5) yn gymwys os yw –
- y gorchymyn yn diddymu'r hawl tramwy o ddyddiad ("y dyddiad diddymu") sy'n gynharach na'r dyddiad y cwblheir caffael y tir, a
 - ar unrhyw adeg ar ôl y dyddiad diddymu yn ymddangos i Weinidogion Cymru y rhoddwyd y gorau i'r cynnig i gaffael y tir.
- (5) Rhaid i Weinidogion Cymru gyfarwyddo drwy orchymyn fod yr hawl i'w hadfer.
- (6) Nid oes unrhyw beth yn is-adran (5) yn atal gwneud gorchymyn pellach sy'n diddymu'r hawl tramwy.

74 Pŵer i drechu hawddfreintiau a hawliau eraill

Yn adran 205(1) o Ddeddf Tai a Chynllunio 2016 (p. 22) (dehongli adrannau 203 a 204), yn y diffiniad o "planning consent" –

- ym mharagraff (a), hepgorer "or";
- ar y diwedd mewnosoder ", or
- infrastructure consent under the Infrastructure (Wales) Act 2024".

75 Diddymu hawliau, a symud ymaith gyfarpar, ymgwymerwyr statudol etc.

- (1) Mae'r adran hon yn gymwys os yw gorchymyn cydsyniad seilwaith yn awdurdodi caffael tir (yn orfodol neu drwy gytundeb) ac –
- bod hawl berthnasol yn bodoli dros y tir,
 - bod cyfamod cyfyngol perthnasol yn gymwys i'r tir, neu
 - bod cyfarpar perthnasol ar y tir, odano neu drosto.

- (4) The prospective purchaser must send a compulsory acquisition notice to the Chief Land Registrar and it is to be a local land charge in respect of the land to which it relates.

Provision in orders: specific limitations and powers

73 Public rights of way

- (1) An infrastructure consent order may extinguish a public right of way over land only if the Welsh Ministers are satisfied that –
 - (a) an alternative right of way has been or will be provided, or
 - (b) the provision of an alternative right of way is not required.
- (2) The following provisions of this section apply if –
 - (a) an infrastructure consent order makes provision for the acquisition of land, compulsorily or by agreement,
 - (b) the order extinguishes a public right of way over the land, and
 - (c) the right of way is not a right enjoyable by vehicular traffic.
- (3) The order may not provide for the right of way to be extinguished from a date which is earlier than the date on which the order is published.
- (4) Subsection (5) applies if –
 - (a) the order extinguishes the right of way from a date (“the extinguishment date”) which is earlier than the date on which the acquisition of the land is completed, and
 - (b) at any time after the extinguishment date it appears to the Welsh Ministers that the proposal to acquire the land has been abandoned.
- (5) The Welsh Ministers must by order direct that the right is to revive.
- (6) Nothing in subsection (5) prevents the making of a further order extinguishing the right of way.

74 Power to override easements and other rights

In section 205(1) of the Housing and Planning Act 2016 (c. 22) (interpretation of sections 203 and 204), in the definition of “planning consent” –

- (a) in paragraph (a), omit “or”;
- (b) at the end insert “, or
- (c) infrastructure consent under the Infrastructure (Wales) Act 2024”.

75 Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.

- (1) This section applies if an infrastructure consent order authorises the acquisition of land (compulsorily or by agreement) and –
 - (a) there subsists over the land a relevant right,
 - (b) a relevant restrictive covenant applies to the land, or
 - (c) there is on, under or over the land relevant apparatus.

- (2) Ystyr “hawl berthnasol” yw hawl tramwy, neu hawl i osod cyfarpar, codi cyfarpar, parhau â chyfarpar neu gynnal a chadw cyfarpar ar y tir, odano neu drosto –
 - (a) a freinir yn yr ymgwymerwyr statudol neu sy’n perthyn iddynt at ddiben cyflawni eu hymgymeriad, neu
 - (b) a roddir gan y cod cyfathrebu electronig neu’n unol â’r cod hwnnw i weithredwr rhwydwaith cod cyfathrebu electronig.
- (3) Ystyr “cyfamod cyfyngol perthnasol” yw cyfamod cyfyngol sydd o fudd i ymgwymerwyr statudol wrth gyflawni eu hymgymeriad.
- (4) Ystyr “cyfarpar perthnasol” yw –
 - (a) cyfarpar a freinir yn yr ymgwymerwyr statudol neu sy’n perthyn iddynt at ddiben cyflawni eu hymgymeriad, neu
 - (b) cyfarpar cyfathrebu electronig a gedwir wedi ei osod at ddibenion rhwydwaith cod cyfathrebu electronig.
- (5) Ni chaiff y gorchymyn gynnwys darpariaeth i ddiddymu’r hawl berthnasol na’r cyfamod cyfyngol perthnasol, na symud ymaith y cyfarpar perthnasol, onid yw Gweinidogion Cymru wedi eu bodloni bod y diddymu neu’r symud ymaith yn angenrheidiol at ddiben cynnal y datblygiad y mae’r gorchymyn yn ymwneud ag ef.
- (6) Yn yr adran hon, ystyr “ymgwymerwyr statudol” yw personau sy’n ymgwymerwyr statudol, neu y tybir eu bod yn ymgwymerwyr statudol, at ddiben unrhyw ddarpariaeth yn Rhan 11 o DCGTh 1990.
- (7) Yn yr adran hon –

ystyr “cod cyfathrebu electronig” (“*electronic communications code*”) yw’r cod a nodir yn Atodlen 3A i Ddeddf Cyfathrebiadau 2003 (p. 21);

mae i “cyfarpar cyfathrebu electronig” yr ystyr a roddir i “*electronic communications apparatus*” ym mharagraff 5 o’r cod cyfathrebu electronig;

mae i “gweithredwr rhwydwaith cod cyfathrebu electronig” yr ystyr a roddir i “*operator of an electronic communications code network*” ym mharagraff 1(1) o Atodlen 17 i Ddeddf Cyfathrebiadau 2003.

76 Tir y Goron

- (1) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy’n awdurdodi caffael buddiant yn nhir y Goron yn orfodol oni fo –
 - (a) yn fuddiant sydd am y tro yn cael ei ddal ac eithrio gan y Goron neu ar ran y Goron, a
 - (b) awdurdod priodol y Goron yn cydsynio i’r caffaeliad.
- (2) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys unrhyw ddarpariaeth arall sy’n gymwys mewn perthynas â thir y Goron, neu hawliau y mae’r Goron yn cael budd ohonynt, oni fo awdurdod priodol y Goron yn cydsynio i’r ddarpariaeth gael ei chynnwys.
- (3) Nid yw’r cyfeiriad yn is-adran (2) at hawliau y mae’r Goron yn cael budd ohonynt yn cynnwys hawliau sydd o fudd i’r cyhoedd yn gyffredinol.
- (4) Yn yr adran hon, mae “y Goron” yn cynnwys Dugiaeth Caerhirfryn a Dugiaeth Cernyw.

- (2) “Relevant right” means a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which –
- (a) is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or
 - (b) is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network.
- (3) “Relevant restrictive covenant” means a restrictive covenant that benefits statutory undertakers in carrying on their undertaking.
- (4) “Relevant apparatus” means –
- (a) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or
 - (b) electronic communications apparatus kept installed for the purposes of an electronic communications code network.
- (5) The order may include provision for the extinguishment of the relevant right or relevant restrictive covenant, or the removal of the relevant apparatus, only if the Welsh Ministers are satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates
- (6) In this section, “statutory undertakers” means persons who are, or are deemed to be, statutory undertakers for the purpose of any provision of Part 11 of TCPA 1990.
- (7) In this section –
- “electronic communications apparatus” (“*cyfarfpar cyfarthrebu electronig*”) has the meaning given in paragraph 5 of the electronic communications code;
- “electronic communications code” (“*cod cyfarthrebu electronig*”) means the code set out in Schedule 3A to the Communications Act 2003 (c. 21);
- “operator of an electronic communications code network” (“*gweithredwr rhwydwaith cod cyfarthrebu electronig*”) has the meaning given in paragraph 1(1) of Schedule 17 to the Communications Act 2003.

76 Crown land

- (1) An infrastructure consent order may not include provision authorising the compulsory acquisition of an interest in Crown land unless –
- (a) it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
 - (b) the appropriate Crown authority consents to the acquisition.
- (2) An infrastructure consent order may not include any other provision applying in relation to Crown land, or rights benefiting the Crown, unless the appropriate Crown authority consents to the inclusion of the provision.
- (3) The reference in subsection (2) to rights benefiting the Crown does not include rights which benefit the general public.
- (4) In this section, “the Crown” includes the Duchy of Lancaster and the Duchy of Cornwall.

77 Gweithredu gorsafodded cynhyrchu

Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n awdurdodi gweithredu gorsaf gynhyrchu onid adeiladu neu estyn yr orsaf gynhyrchu yw'r datblygiad y mae'r gorchymyn yn ymwneud ag ef, neu ei fod yn cynnwys hynny.

78 Cadw llinellau trydan yn osodedig uwchben y ddaear

Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n awdurdodi cadw llinell drydan yn osodedig uwchben y ddaear onid gosod y llinell uwchben y ddaear yw'r datblygiad y mae'r gorchymyn yn ymwneud ag ef, neu ei fod yn cynnwys hynny.

79 Dargyfeirio cyrsiau dŵr

- (1) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n awdurdodi dargyfeirio unrhyw ran o gwrs dŵr mordwyol onid yw'r amod yn is-adran (2) wedi ei fodloni.
- (2) Rhaid iddi fod yn bosibl i lestrau o fath sy'n gyfarwydd â defnyddio'r rhan o'r cwrs dŵr sydd i'w dargyfeirio fordwyo'r darn newydd o gwrs dŵr mewn modd rhesymol gyfleus.
- (3) Wrth benderfynu a yw'r amod yn is-adran (2) wedi ei fodloni, rhaid anwybyddu effaith unrhyw bont neu dwnnel os yw adeiladu'r bont neu'r twnnel yn rhan o'r datblygiad y mae'r gorchymyn cydsyniad seilwaith yn rhoi cydsyniad ar ei gyfer.
- (4) Os yw gorchymyn cydsyniad seilwaith yn cynnwys darpariaeth sy'n awdurdodi dargyfeirio unrhyw ran o gwrs dŵr mordwyol, cymerir hefyd fod y gorchymyn yn awdurdodi dargyfeirio unrhyw lwybr halio neu dramwyfa arall sy'n gyfagos i'r rhan honno.

80 Priffyrdd

- (1) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n awdurdodi codi tollau mewn perthynas â phriffordd onid oes cais i'r perwyl hwnnw wedi ei gynnwys yn y cais am y gorchymyn.
- (2) Os yw gorchymyn cydsyniad seilwaith yn cynnwys darpariaeth sy'n awdurdodi codi tollau mewn perthynas â phriffordd, caiff y gorchymyn ei drin fel gorchymyn tollau at ddibenion adrannau 7 i 18 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (p. 22).

81 Harbyrau

- (1) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth i greu awdurdod harbwr onid –
 - (a) adeiladu neu addasu cyfleusterau harbwr yw'r datblygiad y mae'r gorchymyn yn ymwneud ag ef, neu ei fod yn cynnwys hynny, a
 - (b) yw greu awdurdod harbwr yn angenrheidiol neu'n hwylus at ddibenion y datblygiad.
- (2) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n newid pwerau neu ddyletswyddau awdurdod harbwr onid –

77 Operation of generating stations

An infrastructure consent order may include provision authorising the operation of a generating station only if the development to which the order relates is or includes the construction or extension of the generating station.

78 Keeping electric lines installed above ground

An infrastructure consent order may include provision authorising an electric line to be kept installed above ground only if the development to which the order relates is or includes the installation of the line above ground.

79 Diversion of watercourses

- (1) An infrastructure consent order may include provision authorising the diversion of any part of a navigable watercourse only if the condition in subsection (2) is met.
- (2) The new length of watercourse must be navigable in a reasonably convenient manner by vessels of a kind that are accustomed to using the part of the watercourse which is to be diverted.
- (3) In deciding whether the condition in subsection (2) is met, the effect of any bridge or tunnel must be ignored if the construction of the bridge or tunnel is part of the development for which consent is granted by the infrastructure consent order.
- (4) If an infrastructure consent order includes provision authorising the diversion of any part of a navigable watercourse, the order is also to be taken to authorise the diversion of any tow path or other way adjacent to that part.

80 Highways

- (1) An infrastructure consent order may include provision authorising the charging of tolls in relation to a highway only if a request to that effect has been included in the application for the order.
- (2) If an infrastructure consent order includes provision authorising the charging of tolls in relation to a highway, the order is treated as a toll order for the purposes of sections 7 to 18 of the New Roads and Street Works Act 1991 (c. 22).

81 Harbours

- (1) An infrastructure consent order may include provision for the creation of a harbour authority only if—
 - (a) the development to which the order relates is or includes the construction or alteration of harbour facilities, and
 - (b) the creation of a harbour authority is necessary or expedient for the purposes of the development.
- (2) An infrastructure consent order may include provision changing the powers or duties of a harbour authority only if—

- (a) adeiladu neu addasu cyfleusterau harbwr yw'r datblygiad y mae'r gorchymyn yn ymwneud ag ef, neu ei fod yn cynnwys hynny, a
 - (b) yw'r awdurdod wedi gofyn am i'r ddarpariaeth gael ei chynnwys neu wedi cydsynio yn ysgrifenedig iddi gael ei chynnwys.
- (3) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n awdurdodi trosglwyddo eiddo, hawliau neu atebolrwyddau o un awdurdod harbwr i un arall onid –
- (a) adeiladu neu addasu cyfleusterau harbwr yw'r datblygiad y mae'r gorchymyn yn ymwneud ag ef, neu ei fod yn cynnwys hynny, a
 - (b) yw'r gorchymyn yn gwneud darpariaeth ar gyfer talu swm digolledu –
 - (i) a bennir yn unol â'r gorchymyn, neu
 - (ii) y cytunir arno rhwng y partïon i'r trosglwyddiad.
- (4) Yn ddarostyngedig i is-adran (6), caiff gorchymyn cydsyniad seilwaith sy'n cynnwys darpariaeth ar gyfer creu awdurdod harbwr, neu newid pwerau neu ddyletswyddau awdurdod harbwr, hefyd wneud darpariaeth arall mewn perthynas â'r awdurdod.
- (5) Yn ddarostyngedig i is-adran (6), mae'r ddarpariaeth y caniateir ei chynnwys mewn perthynas ag awdurdod harbwr yn cynnwys yn benodol –
- (a) unrhyw ddarpariaeth mewn perthynas ag awdurdod harbwr y gellid ei chynnwys mewn gorchymyn diwygio harbwr o dan adran 14 o Ddeddf Harbyrau 1964 (p. 40) yn rhinwedd unrhyw ddarpariaeth yn Atodlen 2 i'r Ddeddf honno;
 - (b) darpariaeth sy'n rhoi pŵer i'r awdurdod i newid darpariaeth a wnaed mewn perthynas ag ef (gan y gorchymyn neu yn rhinwedd y paragraff hwn), pan fo'r ddarpariaeth ynghylch –
 - (i) gweithdrefnau (gan gynnwys gweithdrefnau ariannol) yr awdurdod;
 - (ii) pŵer yr awdurdod i osod ffioedd;
 - (iii) pŵer yr awdurdod i ddirprwyo unrhyw un neu ragor o'i swyddogaethau;
 - (iv) lles swyddogion a chyflogeion yr awdurdod a darpariaeth ariannol a darpariaeth arall a wneir ar eu cyfer.
- (6) Ni chaiff y gorchymyn gynnwys darpariaethau –
- (a) na chaniateir iddynt, yn rhinwedd unrhyw ddarpariaeth arall yn y Ddeddf hon, gael eu cynnwys mewn gorchymyn cydsyniad seilwaith;
 - (b) sy'n rhoi pŵer i awdurdod harbwr i ddirprwyo, neu wneud newidiadau i'w bwerau er mwyn caniatáu dirprwyo, unrhyw un neu ragor o'r swyddogaethau a grybwyllir ym mharagraffau (a) i (f) o baragraff 9B o Atodlen 2 i Ddeddf Harbyrau 1964.

82 Gollwng dŵr

- (1) Mae'r adran hon yn gymwys –
- (a) os yw gorchymyn cydsyniad seilwaith yn cynnwys darpariaeth sy'n awdurdodi gollwng dŵr i ddyfroedd mewndirol neu strata tanddaearol, a

- (a) the development to which the order relates is or includes the construction or alteration of harbour facilities, and
 - (b) the authority has requested the inclusion of the provision or has consented in writing to its inclusion.
- (3) An infrastructure consent order may include provision authorising the transfer of property, rights or liabilities from one harbour authority to another only if—
 - (a) the development to which the order relates is or includes the construction or alteration of harbour facilities, and
 - (b) the order makes provision for the payment of compensation of an amount—
 - (i) determined in accordance with the order, or
 - (ii) agreed between the parties to the transfer.
- (4) Subject to subsection (6), an infrastructure consent order which includes provision for the creation of a harbour authority, or changing the powers or duties of a harbour authority, may also make other provision in relation to the authority.
- (5) Subject to subsection (6), the provision which may be included in relation to a harbour authority includes in particular—
 - (a) any provision in relation to a harbour authority which could be included in a harbour revision order under section 14 of the Harbours Act 1964 (c. 40) by virtue of any provision of Schedule 2 to that Act;
 - (b) provision conferring power on the authority to change provision made in relation to it (by the order or by virtue of this paragraph), where the provision is about—
 - (i) the procedures (including financial procedures) of the authority;
 - (ii) the power of the authority to impose charges;
 - (iii) the power of the authority to delegate any of its functions;
 - (iv) the welfare of officers and employees of the authority and financial and other provision made for them.
- (6) The order may not include provisions—
 - (a) which, by virtue of any other provision of this Act, are not permitted to be included in an infrastructure consent order;
 - (b) conferring power on a harbour authority to delegate, or make changes to its powers so as to permit the delegation of, any of the functions mentioned in paragraphs (a) to (f) of paragraph 9B of Schedule 2 to the Harbours Act 1964.

82 Discharge of water

- (1) This section applies if—
 - (a) an infrastructure consent order includes provision authorising the discharge of water into inland waters or underground strata, and

- (b) oni bai am y gorchymyn, na fyddai gan y person y rhoddir cydsyniad seilwaith iddo bŵer i gymryd dŵr, na'i gwneud yn ofynnol i ddŵr gael ei ollwng, o'r dyfroedd mewndirol nac o darddle arall y bwriedir i'r gollyngiadau a awdurdodir gan y gorchymyn gael eu gwneud ohono.

- (2) Nid yw'r gorchymyn yn cael yr effaith o roi unrhyw bŵer o'r fath i'r person hwnnw.

83 Cydsyniad tybiedig o dan drwydded forol

- (1) Caiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n tybio y dyroddwyd trwydded forol o dan Ran 4 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23) ar gyfer unrhyw weithgaredd lle Gweinidogion Cymru yw'r awdurdod trwyddedu priodol ar ei gyfer.
- (2) Mae is-adrannau (3) a (4) yn gymwys os yw gorchymyn cydsyniad seilwaith yn cynnwys darpariaeth—
 - (a) sy'n tybio bod trwydded forol wedi ei rhoi o dan Ran 4 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 yn ddarostyngedig i amodau a bennir yn y gorchymyn, a
 - (b) sy'n tybio bod Gweinidogion Cymru wedi rhoi'r amodau hynny ynghlwm wrth y drwydded o dan y Rhan honno.
- (3) Nid yw person sy'n methu â chydymffurfio ag amod o'r math a grybwyllir yn is-adran (2) yn cyflawni trosedd o dan adran 104 o'r Ddeddf hon.
- (4) Nid yw adrannau 68 (hysbysu ynghylch ceisiadau) na 69(3) a (5) (sylwadau) o Ddeddf y Môr a Mynediad i'r Arfordir 2009 yn gymwys mewn perthynas â'r drwydded forol dybiedig.
- (5) Nid yw unrhyw ddarpariaeth yn y Ddeddf hon neu a wneir odani neu yn ei rhinwedd yn rhwystro trwydded forol dybiedig rhag cael ei hamrywio, ei hatal dros dro, ei dirymu neu ei throsglwyddo yn unol ag adran 72 o Ddeddf y Môr a Mynediad i'r Arfordir 2009.
- (6) Yn yr adran hon, mae i "yr awdurdod trwyddedu priodol" yr ystyr a roddir i "the appropriate licensing authority" gan adran 113 o Ddeddf y Môr a Mynediad i'r Arfordir 2009.

84 Dileu gofynion cydsynio a thybio cydsyniadau

- (1) Os bodlonir amod yn is-adran (2) neu (3), caiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sydd—
 - (a) yn dileu gofyniad bod cydsyniad penodedig awdurdod perthnasol i'w roi;
 - (b) yn tybio bod cydsyniad penodedig awdurdod perthnasol wedi ei roi.
- (2) Yr amod yw bod yr awdurdod perthnasol wedi rhoi cydsyniad i gynnwys y ddarpariaeth cyn diwedd y cyfnod penodedig.
- (3) Yr amod yw nad yw'r awdurdod perthnasol wedi gwrthod cydsyniad i'r ddarpariaeth gael ei chynnwys cyn diwedd y cyfnod penodedig.
- (4) Caiff rheoliadau ddarparu eithriadau i'r gofyniad i fodloni'r amodau yn is-adrannau (2) a (3).
- (5) Yn yr adran hon—

(b) but for the order, the person to whom infrastructure consent is granted would have had no power to take water, or to require discharges to be made, from the inland waters or other source from which the discharges authorised by the order are intended to be made.

(2) The order does not have the effect of conferring any such power on that person.

83 Deemed consent under a marine licence

(1) An infrastructure consent order may include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009 (c. 23) for any activity for which the Welsh Ministers are the appropriate licensing authority.

(2) Subsections (3) and (4) apply if an infrastructure consent order includes provision—

(a) deeming a marine licence to have been granted under Part 4 of the Marine and Coastal Access Act 2009 subject to conditions specified in the order, and

(b) deeming those conditions to have been attached to the marine licence by the Welsh Ministers under that Part.

(3) A person who fails to comply with a condition of the kind mentioned in subsection (2) does not commit an offence under section 104 of this Act.

(4) Sections 68 (notice of applications) and 69(3) and (5) (representations) of the Marine and Coastal Access Act 2009 do not apply in relation to the deemed marine licence.

(5) No provision in or made under or by virtue of this Act prevents a deemed marine licence from being varied, suspended, revoked or transferred in accordance with section 72 of the Marine and Coastal Access Act 2009.

(6) In this section, “the appropriate licensing authority” has the meaning given by section 113 of the Marine and Coastal Access Act 2009.

84 Removing consent requirements and deeming consents

(1) If a condition in subsection (2) or (3) is met, an infrastructure consent order may include provision that—

(a) removes a requirement for a specified consent of a relevant authority to be granted;

(b) deems a specified consent of a relevant authority to have been granted.

(2) The condition is that the relevant authority has consented to the inclusion of the provision before the end of the specified period.

(3) The condition is that the relevant authority has not refused to give consent for the provision to be included before the end of the specified period.

(4) Regulations may provide exceptions to the requirement to meet the conditions in subsections (2) and (3).

(5) In this section—

ystyr “awdurdod perthnasol” (“*relevant authority*”) yw’r awdurdod y byddai ganddo fel arall y swyddogaeth o benderfynu a ddylid rhoi’r cydsyniad penodedig ai peidio;

ystyr “cydsyniad” (“*consent*”) yw –

- (a) cydsyniad neu awdurdodiad y mae’n ofynnol, o dan ddeddfiad, ei gael ar gyfer datblygiad,
- (b) cydsyniad neu awdurdodiad –
 - (i) a gaiff awdurdodi datblygiad, a
 - (ii) a roddir o dan ddeddfiad, neu
- (c) hysbysiad y mae’n ofynnol gan ddeddfiad ei roi mewn perthynas â datblygiad;

ystyr “penodedig” (“*specified*”) yw wedi ei bennu mewn rheoliadau.

Y weithdrefn ar gyfer gorchmynion cydsyniad seilwaith

85 Gorchmynion cydsyniad seilwaith: eu cyhoeddi a’r weithdrefn

- (1) Mae’r adran hon yn gymwys mewn perthynas â gorchmyn cydsyniad seilwaith.
- (2) Rhaid i Weinidogion Cymru gyhoeddi’r gorchmyn yn y modd y mae Gweinidogion Cymru yn ystyried ei fod yn briodol, ac eithrio mewn achos sydd o fewn is-adran (3).
- (3) Os yw’r gorchmyn yn cynnwys darpariaeth –
 - (a) a wneir o dan adran 63(3) sy’n ymwneud ag unrhyw un neu ragor o’r materion a restrir ym mharagraffau 28 a 29 o Atodlen 1, neu
 - (b) a wneir wrth arfer unrhyw un neu ragor o’r pwerau a roddir gan adran 63(6)(a) neu 63(6)(b),

rhaid i’r gorchmyn gael ei gynnwys mewn offeryn statudol.

- (4) Cyn gynted ag y bo’n ymarferol ar ôl i’r offeryn sy’n cynnwys y gorchmyn gael ei wneud, rhaid i Weinidogion Cymru osod gerbron Senedd Cymru gopi o –
 - (a) yr offeryn,
 - (b) y fersiwn ddiweddaraf o unrhyw blan a gyflenwyd gan y ceisydd mewn cysylltiad â’r cais am y gorchmyn a gynhwysir yn yr offeryn, ac
 - (c) datganiad o’r rhesymau a luniwyd o dan adran 62.

Newid a dirymu gorchmynion cydsyniad seilwaith etc.

86 Ystyr “dogfennau penderfyniad” a “gwall”

- (1) Mae’r adran hon yn gymwys at ddibenion adrannau 87 a 88.
- (2) Ystyr “dogfen penderfyniad” yw –
 - (a) yn achos rhoi cydsyniad seilwaith, y gorchmyn cydsyniad seilwaith;
 - (b) yn achos gwrthod cydsyniad seilwaith, yr hysbysiad o wrthodiad a roddir i’r ceisydd.
- (3) Mae “gwall” yn cynnwys hepgoriad.

“consent” (“*cydsyniad*”) means—

- (a) a consent or authorisation that is required, under an enactment, to be obtained for development,
- (b) a consent or authorisation, that—
 - (i) may authorise development, and
 - (ii) is given under an enactment, or
- (c) a notice that is required by an enactment to be given in relation to development;

“relevant authority” (“*awdurdod perthnasol*”) means the authority that would otherwise have the function of deciding whether to grant the specified consent;

“specified” (“*penodedig*”) means specified in regulations.

Procedure for infrastructure consent orders

85 Infrastructure consent orders: publication and procedure

- (1) This section applies in relation to an infrastructure consent order.
- (2) The Welsh Ministers must publish the order in such manner as the Welsh Ministers think appropriate, except in a case within subsection (3).
- (3) If the order includes provision—
 - (a) made under section 63(3) relating to any of the matters listed in paragraphs 28 and 29 of Schedule 1, or
 - (b) made in the exercise of any of the powers conferred by section 63(6)(a) or 63(6)(b), the order must be contained in a statutory instrument.
- (4) As soon as practicable after the instrument containing the order is made, the Welsh Ministers must lay before Senedd Cymru a copy of—
 - (a) the instrument,
 - (b) the latest version of any plan supplied by the applicant in connection with the application for the order contained in the instrument, and
 - (c) statement of reasons prepared under section 62.

Changing and revoking infrastructure consent orders etc.

86 Meaning of “decision documents” and “error”

- (1) This section applies for the purposes of sections 87 and 88.
- (2) “Decision document” means—
 - (a) in the case of a grant of infrastructure consent, the infrastructure consent order;
 - (b) in the case of a refusal of infrastructure consent, the notice of refusal given to the applicant.
- (3) “Error” includes omission.

87 Pŵer i gywiro gwallau mewn dogfennau penderfyniad

- (1) Mae'r adran hon yn gymwys pan ddyroddir dogfen penderfyniad sy'n cynnwys gwall.
- (2) Caiff Gweinidogion Cymru gywiro'r gwall yn y ddogfen penderfyniad.
- (3) Caniateir i'r pŵer a roddir gan is-adran (2) gael ei arfer –
 - (a) os ceir cais ysgrifenedig i gywiro'r gwall oddi wrth unrhyw berson, neu
 - (b) heb i gais o'r fath gael ei wneud.
- (4) Os yw'r ddogfen penderfyniad yn orchymyn cydsyniad seilwaith –
 - (a) rhaid i'r pŵer a roddir gan is-adran (2) gael ei arfer drwy orchymyn, a
 - (b) os cynhwysir y gorchymyn sydd i'w gywiro mewn offeryn statudol, mae'r pŵer a roddir gan is-adran (2) i'w arfer drwy offeryn statudol.
- (5) Os yw'r ddogfen penderfyniad yn hysbysiad o wrthodiad a roddir i'r ceisydd, rhaid i'r pŵer a roddir gan is-adran (2) gael ei arfer drwy roi hysbysiad i'r ceisydd.

88 Cywiro gwallau: rheoliadau

- (1) Caiff rheoliadau wneud darpariaeth ar gyfer y weithdrefn i gywiro gwall mewn dogfen penderfyniad, ac mewn cysylltiad â hynny, a chaiff (ymhlith pethau eraill) wneud darpariaeth ynghylch –
 - (a) unrhyw ymgynghoriad y mae rhaid iddo ddigwydd;
 - (b) yr amgylchiadau pan fo rhaid i Weinidogion Cymru gyhoeddi datganiad yn egluro'r rhesymau dros gywiro'r gwall.
- (2) Caiff rheoliadau wneud darpariaeth ynghylch –
 - (a) effaith gwneud cywiriad o dan adran 87(2) a pheidio â gwneud cywiriad;
 - (b) pryd y mae cywiriad a wneir o dan adran 87(2) yn cymryd effaith.

Gwneud newidiadau i orchymynion cydsyniad seilwaith a'u dirymu

89 Diffiniadau

- (1) Mae'r adran hon yn gymwys at ddibenion adrannau 90 ac 91.
- (2) Ystyr "y ceisydd", mewn perthynas â gorchymyn cydsyniad seilwaith, yw'r person a wnaeth gais am y gorchymyn.
- (3) Ystyr "olynydd yn nheitol y ceisydd" yw person –
 - (a) y mae ei deitl i'r tir yn deillio o'r ceisydd (boed hynny'n uniongyrchol neu'n anuniongyrchol), a
 - (b) a chanddo fuddiant yn y tir.
- (4) Ystyr "y tir", mewn perthynas â gorchymyn cydsyniad seilwaith, yw'r tir y mae'r gorchymyn yn ymwneud ag ef neu unrhyw ran o'r tir hwnnw.

87 Power to correct errors in decision documents

- (1) This section applies where a decision document is issued which contains an error.
- (2) The Welsh Ministers may correct the error in the decision document.
- (3) The power conferred by subsection (2) may be exercised –
 - (a) on receipt of a request in writing to correct the error from any person, or
 - (b) without such request being made.
- (4) If the decision document is an infrastructure consent order –
 - (a) the power conferred by subsection (2) must be exercised by order, and
 - (b) if the order to be corrected is contained in a statutory instrument, the power conferred by subsection (2) is to be exercised by statutory instrument.
- (5) If the decision document is a notice of refusal given to the applicant, the power conferred by subsection (2) must be exercised by giving the applicant a notice.

88 Correcting errors: regulations

- (1) Regulations may make provision for or in connection with the procedure for correcting an error in a decision document and may (among other things) make provision about –
 - (a) any consultation that must take place;
 - (b) the circumstances in which the Welsh Ministers must publish a statement explaining the reason for correcting the error.
- (2) Regulations may make provision about –
 - (a) the effect of making a correction under section 87(2) and not making a correction;
 - (b) when a correction made under section 87(2) takes effect.

Making changes to, and revoking, infrastructure consent orders

89 Definitions

- (1) This section applies for the purposes of sections 90 and 91.
- (2) “The applicant”, in relation to an infrastructure consent order, means the person who applied for the order.
- (3) “A successor in title of the applicant” means a person who –
 - (a) derives title to the land from the applicant (whether directly or indirectly), and
 - (b) has an interest in the land.
- (4) “The land”, in relation to an infrastructure consent order, means the land to which the order relates or any part of that land.

90 Pŵer i newid neu ddirymu gorchymynion cydsyniad seilwaith

- (1) Caiff Gweinidogion Cymru, drwy orchymyn, newid neu ddirymu gorchymyn cydsyniad seilwaith.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud drwy newid gorchymyn cydsyniad seilwaith yn cynnwys darpariaeth y caniateir ei gwneud o dan adran 63, yn ddarostyngedig i'r adran hon.
- (3) Caniateir arfer y pŵer a roddir gan is-adran (1) ar gais a wneir gan y canlynol –
 - (a) y ceisydd neu olynnydd yn nheithl y ceisydd;
 - (b) person a chanddo fuddiant yn y tir;
 - (c) unrhyw berson arall y mae'r gorchymyn cydsyniad seilwaith yn cael effaith er ei fudd.
- (4) Caniateir arfer y pŵer i ddirymu gorchymyn cydsyniad seilwaith a roddir gan is-adran (1) yn sgil cais a wneir gan awdurdod cynllunio os yw Gweinidogion Cymru wedi eu bodloni –
 - (a) bod y gorchymyn cydsyniad seilwaith yn rhoi cydsyniad seilwaith ar gyfer datblygiad ar dir y mae'r cyfan ohono neu ran ohono yn ardal yr awdurdod cynllunio,
 - (b) bod y datblygiad wedi ei ddechrau ond wedi ei adael, ac
 - (c) bod cyflwr y tir yn cael effaith andwyol ar amwynder tir arall yn ardal yr awdurdod cynllunio neu mewn ardal gydffiniol.
- (5) Caiff Gweinidogion Cymru wrthod arfer y pŵer ar gais a wneir o dan is-adran (3) neu (4) os yw Gweinidogion Cymru yn ystyried, yn benodol, y dylai'r datblygiad a fyddai'n cael ei awdurdodi o ganlyniad i'r newid fod, yn briodol, yn destun cais o dan adran 32 am gydsyniad seilwaith.
- (6) Caniateir i'r pŵer a roddir gan is-adran (1) gael ei arfer gan Weinidogion Cymru heb i gais gael ei wneud o dan is-adran (3) neu (4).
- (7) Mae'r pŵer a roddir gan is-adran (1) yn cynnwys pŵer i –
 - (a) ei gwneud yn ofynnol i symud ymaith neu addasu gwaith adeiladu;
 - (b) ei gwneud yn ofynnol i roi'r gorau i ddefnydd o dir;
 - (c) gosod gofynion penodedig mewn cysylltiad â pharhau â defnydd o dir;
 - (d) gosod gofynion newydd mewn cysylltiad â'r datblygiad y mae'r gorchymyn cydsyniad seilwaith yn rhoi cydsyniad ar ei gyfer;
 - (e) dileu neu amrywio gofynion presennol;
 - (f) gwneud darpariaeth newydd yn ymwneud â'r datblygiad y rhoddir cydsyniad ar ei gyfer, neu faterion sy'n atodol i hynny;
 - (g) dileu neu amrywio darpariaeth bresennol o'r math hwnnw.
- (8) Yn ddarostyngedig i is-adran (7)(a), nid yw arfer y pŵer yn effeithio ar unrhyw waith adeiladu na gweithrediadau eraill a gynhaliwyd yn unol â'r gorchymyn cydsyniad seilwaith cyn i'r pŵer gael ei arfer.

90 Power to change or revoke infrastructure consent orders

- (1) The Welsh Ministers may by order make a change to, or revoke, an infrastructure consent order.
- (2) The provision that may be made by way of a change to an infrastructure consent order includes provision that may be made under section 63, subject to this section.
- (3) The power conferred by subsection (1) may be exercised on an application made by –
 - (a) the applicant or a successor in title of the applicant;
 - (b) a person with an interest in the land;
 - (c) any other person for whose benefit the infrastructure consent order has effect.
- (4) The power to revoke an infrastructure consent order conferred by subsection (1) may be exercised on an application made by a planning authority if the Welsh Ministers are satisfied that –
 - (a) the infrastructure consent order grants infrastructure consent for development on land all or part of which is in the planning authority's area,
 - (b) the development has begun but has been abandoned, and
 - (c) the amenity of other land in the planning authority's area or an adjoining area is adversely affected by the condition of the land.
- (5) The Welsh Ministers may refuse to exercise the power on an application made under subsection (3) or (4) if, in particular, the Welsh Ministers consider that the development that would be authorised as a result of the change should properly be the subject of an application under section 32 for infrastructure consent.
- (6) The power conferred by subsection (1) may be exercised by the Welsh Ministers without an application being made under subsection (3) or (4).
- (7) The power conferred by subsection (1) includes power to –
 - (a) require the removal or alteration of building works;
 - (b) require the discontinuance of a use of land;
 - (c) impose specified requirements in connection with the continuance of a use of land;
 - (d) impose new requirements in connection with the development for which consent is granted by the infrastructure consent order;
 - (e) remove or vary existing requirements;
 - (f) make new provision relating to, or to matters ancillary to, the development for which consent is granted;
 - (g) remove or vary existing provision of that kind.
- (8) Subject to subsection (7)(a), the exercise of the power does not affect any building or other operations carried out in pursuance of the infrastructure consent order before the power is exercised.

- (9) Ni chaniateir i'r pŵer a roddir gan is-adran (1) gael ei arfer mewn perthynas â darpariaeth a gynhwysir mewn gorchymyn cydsyniad seilwaith yn rhinwedd paragraff 24 neu 25 o Atodlen 1 (trwydded forol dybiedig o dan Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23)).

91 Y weithdrefn: newid a dirymu gorchymynion cydsyniad seilwaith

- (1) Mewn perthynas â chais o dan adran 90—
- rhaid iddo gael ei wneud ar y ffurf a bennir gan reoliadau;
 - rhaid iddo gael ei wneud yn y modd a bennir mewn rheoliadau;
 - rhaid i wybodaeth o ddisgrifiad a bennir mewn rheoliadau fynd gyda'r cais.
- (2) Pan fo gan berson fuddiant ym mheth, ond nid y cyfan, o'r tir y mae gorchymyn cydsyniad seilwaith yn ymwneud ag ef, caiff y person wneud cais o dan adran 90 mewn cysylltiad â hynny o'r gorchymyn cydsyniad ag sy'n effeithio ar y tir y mae gan y person fuddiant ynddo yn unig.
- (3) Caiff rheoliadau wneud darpariaeth ynghylch y weithdrefn ar gyfer newid neu ddirymu gorchymyn cydsyniad seilwaith a chaiff (ymhlith pethau eraill) wneud darpariaeth ynghylch—
- y weithdrefn sydd i'w dilyn cyn i gais o dan adran 90 gael ei wneud;
 - gwneud cais o'r fath;
 - y broses o wneud penderfyniad mewn perthynas ag arfer y pŵer a roddir gan adran 90(1);
 - gwneud y penderfyniad ynghylch a ddylid arfer y pŵer a roddir gan adran 90(1) ai peidio;
 - effaith penderfyniad i arfer y pŵer yn adran 90(1).
- (4) Mae paragraffau (c) i (e) o is-adran (3) yn gymwys mewn perthynas ag arfer y pŵer a roddir gan adran 90(1)—
- ar gais o dan adran 90, neu
 - heb i gais gael ei wneud (gweler adran 90(6)).
- (5) Caiff rheoliadau o dan is-adran (3) roi swyddogaeth, gan gynnwys swyddogaeth sy'n ymwneud ag arfer disgresiwn, i unrhyw berson.
- (6) Os yw gorchymyn cydsyniad seilwaith yn cael ei newid neu ei ddirymu wrth arfer y pŵer a roddir gan adran 90(1), rhaid i Weinidogion Cymru roi hysbysiad o'r newid neu'r dirymiad i—
- y ceisydd neu olynnydd yn nheitl y ceisydd,
 - y person a wnaeth y cais o dan adran 90 (os yw'n wahanol i'r person a grybwyllir ym mharagraff (a)), ac
 - unrhyw berson neu berson o ddisgrifiad a bennir mewn rheoliadau.
- (7) Os oedd yn ofynnol i orchymyn cydsyniad seilwaith gael ei gynnwys mewn offeryn statudol, rhaid i orchymyn sy'n newid neu'n dirymu'r gorchymyn cydsyniad seilwaith a wneir wrth arfer y pŵer a roddir gan adran 90(1) hefyd gael ei gynnwys mewn offeryn statudol.

- (9) The power conferred by subsection (1) may not be exercised in relation to provision included in an infrastructure consent order by virtue of paragraph 24 or 25 of Schedule 1 (deemed marine licence under Marine and Coastal Access Act 2009 (c. 23)).

91 Procedure: changing and revoking infrastructure consent orders

- (1) An application under section 90 must –
- (a) be made in the form specified by regulations;
 - (b) be made in the way specified in the regulations;
 - (c) be accompanied by information of a kind specified by regulations.
- (2) Where a person has an interest in some, but not all, of the land to which an infrastructure consent order relates, the person may make an application under section 90 only in respect of as much of the consent as order as affects the land in which the person has an interest.
- (3) Regulations may make provision about the procedure for changing or revoking an infrastructure consent order and may (among other things) make provision about –
- (a) the procedure to be followed before an application under section 90 is made;
 - (b) the making of such application;
 - (c) the decision-making process in relation to the exercise of the power conferred by section 90(1);
 - (d) the making of the decision as to whether to exercise the power conferred by section 90(1);
 - (e) the effect of a decision to exercise the power in section 90(1).
- (4) Paragraphs (c) to (e) of subsection (3) apply in relation to the exercise of the power conferred by section 90(1) –
- (a) on an application under section 90, or
 - (b) without an application being made (see section 90(6)).
- (5) Regulations under subsection (3) may confer a function, including a function involving the exercise of a discretion, on any person.
- (6) If an infrastructure consent order is changed or revoked in the exercise of the power conferred by section 90(1), the Welsh Ministers must give notice of the change or revocation to –
- (a) the applicant or a successor in title of the applicant,
 - (b) the person who made the application under section 90 (if different to the person mentioned in paragraph (a)), and
 - (c) any person or person of a description specified in regulations.
- (7) If an infrastructure consent order was required to be contained in a statutory instrument, an order changing or revoking the infrastructure consent order made in the exercise of the power conferred by section 90(1) must also be contained in a statutory instrument.

92 Newid a dirymu gorchymynion cydsyniad seilwaith: trefniadau ffurfiol

- (1) Mae'r adran hon yn gymwys i—
 - (a) gorchymyn a wneir o dan adran 87;
 - (b) hysbysiad a ddyroddir o dan adran 87;
 - (c) gorchymyn a wneir o dan adran 90.
- (2) Rhaid i Weinidogion Cymru gyhoeddi'r gorchymyn neu'r hysbysiad (yn ôl y digwydd) yn y modd y maent yn ystyried ei fod yn briodol.
- (3) Ond os yw'n ofynnol i'r gorchymyn gael ei gynnwys mewn offeryn statudol (yn rhinwedd adran 87(4) neu adran 91(7)), cyn gynted ag y bo'n ymarferol ar ôl i'r offeryn sy'n cynnwys y gorchymyn gael ei wneud, rhaid i Weinidogion Cymru osod copi o'r offeryn gerbron Senedd Cymru.

93 Newid neu ddirymu gorchymyn cydsyniad seilwaith: digolledu

Mae Atodlen 2 yn gwneud darpariaeth ynghylch digolledu am newid neu ddirymu gorchymyn cydsyniad seilwaith.

Effaith gorchymynion cydsyniad seilwaith

94 Hyd gorchymyn cydsyniad seilwaith

- (1) Rhaid i ddatblygiad y rhoddir cydsyniad seilwaith ar ei gyfer gael ei ddechrau cyn diwedd—
 - (a) y cyfnod penodedig, neu
 - (b) unrhyw gyfnod arall (boed hwnnw'n gyfnod hirach neu fyrrach na'r cyfnod penodedig) a bennir yn y gorchymyn sy'n rhoi'r cydsyniad.
- (2) Os nad yw'r datblygiad wedi ei ddechrau cyn diwedd y cyfnod sy'n gymwys o dan is-adran (1), mae'r gorchymyn cydsyniad seilwaith yn peidio â chael effaith ar ddiwedd y cyfnod hwnnw.
- (3) Pan fo gorchymyn cydsyniad seilwaith yn awdurdodi caffael tir yn orfodol, rhaid i gamau o fath a bennir mewn rheoliadau gael eu cymryd mewn perthynas â'r caffaeliad gorfodol cyn diwedd—
 - (a) y cyfnod penodedig, neu
 - (b) unrhyw gyfnod arall (boed hwnnw'n gyfnod hirach neu fyrrach na'r cyfnod penodedig) a bennir yn y gorchymyn.
- (4) Os na chymerir camau o'r disgrifiad a bennir mewn rheoliadau cyn diwedd y cyfnod sy'n gymwys o dan is-adran (3), mae'r awdurdodiad i gaffael y tir yn orfodol o dan y gorchymyn yn peidio â chael effaith.
- (5) Yn yr adran hon, ystyr "cyfnod penodedig" yw cyfnod a bennir mewn rheoliadau.

95 Pryd y mae datblygiad yn dechrau

- (1) At ddibenion adrannau 90 a 94, cymerir bod datblygiad yn dechrau ar y dyddiad cynharaf y mae unrhyw weithrediad perthnasol sy'n ffurfio'r datblygiad, neu a gynhelir at ddibenion y datblygiad, yn dechrau cael ei gynnal.

92 Changing and revoking infrastructure consent orders: formalities

- (1) This section applies to –
 - (a) an order made under section 87;
 - (b) a notice issued under section 87;
 - (c) an order made under section 90.
- (2) The Welsh Ministers must publish the order or the notice (as the case may be) in such manner as they think appropriate.
- (3) But if the order is required to be contained in a statutory instrument (by virtue of section 87(4) or section 91(7)), as soon as practicable after the instrument containing the order is made, the Welsh Ministers must lay before Senedd Cymru a copy of the instrument.

93 Changing or revoking an infrastructure consent order: compensation

Schedule 2 makes provision about compensation for changing or revoking an infrastructure consent order.

*Effect of infrastructure consent orders***94 Duration of infrastructure consent order**

- (1) Development for which infrastructure consent is granted must be begun before the end of –
 - (a) the specified period, or
 - (b) such other period (whether longer or shorter than the specified period) as is specified in the order granting the consent.
- (2) If the development is not begun before the end of the period applicable under subsection (1), the infrastructure consent order ceases to have effect at the end of that period.
- (3) Where an infrastructure consent order authorises the compulsory acquisition of land, steps of a kind specified in regulations must be taken in relation to the compulsory acquisition before the end of –
 - (a) the specified period, or
 - (b) such other period (whether longer or shorter than the specified period) as is specified in the order.
- (4) If steps of the description specified in regulations are not taken before the end of the period applicable under subsection (3), the authority to compulsorily acquire the land under the order ceases to have effect.
- (5) In this section, “specified period” means a period specified in regulations.

95 When development begins

- (1) For the purposes of sections 90 and 94 development is taken to begin on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out.

- (2) Ystyr “gweithrediad perthnasol” yw unrhyw weithrediad ac eithrio gweithrediad o fath a bennir mewn rheoliadau.

96 Heriau cyfreithiol

- (1) Ni chaiff llys ystyried achos i gwestiynu gorchymyn cydsyniad seilwaith oni fo—
- (a) yr achos yn cael ei ddwyn drwy gais am adolygiad barnwrol, a
 - (b) y ffurflen gais wedi ei ffeilio cyn diwedd y cyfnod o 6 wythnos sy’n dechrau drannoeth y diwrnod—
 - (i) y cyhoeddir y gorchymyn, neu
 - (ii) os yw’n hwyrach, y diwrnod y cyhoeddir y datganiad o’r rhesymau dros wneud y gorchymyn.
- (2) Ni chaiff llys ystyried achos i gwestiynu gwrthod cydsyniad seilwaith oni fo—
- (a) yr achos yn cael ei ddwyn drwy gais am adolygiad barnwrol, a
 - (b) y ffurflen gais wedi ei ffeilio cyn diwedd y cyfnod o 6 wythnos sy’n dechrau drannoeth y diwrnod y cyhoeddir y datganiad o’r rhesymau dros y gwrthodiad.
- (3) Ni chaiff llys ystyried achos i gwestiynu penderfyniad o dan adran 33 i beidio â derbyn cais yn gais dilys am gydsyniad seilwaith oni fo—
- (a) yr achos yn cael ei ddwyn drwy gais am adolygiad barnwrol, a
 - (b) y ffurflen gais wedi ei ffeilio cyn diwedd y cyfnod o 6 wythnos sy’n dechrau drannoeth y diwrnod yr hysbysir y ceisydd fel sy’n ofynnol gan is-adran (4) o’r adran honno.
- (4) Ni chaiff llys ystyried achos i gwestiynu penderfyniad o dan adran 87 mewn perthynas â gwall mewn dogfen penderfyniad oni fo—
- (a) yr achos yn cael ei ddwyn drwy gais am adolygiad barnwrol, a
 - (b) y ffurflen gais wedi ei ffeilio cyn diwedd y cyfnod o 6 wythnos sy’n dechrau drannoeth y diwrnod y rhoddir hysbysiad i’r ceisydd o dan adran 87(5) neu, os yw’n ofynnol i’r cywiriad gael ei wneud drwy orchymyn a gynhwysir mewn offeryn statudol, drannoeth y diwrnod y cyhoeddir y gorchymyn.
- (5) Ni chaiff llys ystyried achos i gwestiynu penderfyniad o dan adran 90(1) i newid neu ddirymu gorchymyn cydsyniad seilwaith oni fo—
- (a) yr achos yn cael ei ddwyn drwy gais am adolygiad barnwrol, a
 - (b) y ffurflen gais wedi ei ffeilio cyn diwedd y cyfnod o 6 wythnos sy’n dechrau drannoeth y diwrnod y rhoddir hysbysiad o’r newid o dan adran 91(6) neu, os yw’n ofynnol i’r newid neu’r dirymiad gael ei wneud drwy orchymyn a gynhwysir mewn offeryn statudol, drannoeth y diwrnod y cyhoeddir y gorchymyn sy’n gwneud y newid neu’r dirymiad.
- (6) Ni chaiff llys ystyried achos i gwestiynu unrhyw beth arall a wneir, neu nas gwneir, gan awdurdod archwilio neu Weinidogion Cymru mewn perthynas â chais am gydsyniad seilwaith neu gais i newid neu ddirymu gorchymyn cydsyniad seilwaith oni fo—

- (2) “Material operation” means any operation except an operation of a kind specified in regulations.

96 Legal challenges

- (1) A court may entertain proceedings for questioning an infrastructure consent order only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day—
 - (i) on which the order is published, or
 - (ii) if later, the day on which the statement of reasons for making the order is published.
- (2) A court may entertain proceedings for questioning a refusal of infrastructure consent only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which the statement of reasons for the refusal is published.
- (3) A court may entertain proceedings for questioning a decision under section 33 not to accept an application as a valid application for infrastructure consent only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which the applicant is notified as required by subsection (4) of that section.
- (4) A court may entertain proceedings for questioning a decision under section 87 in relation to an error in a decision document only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which a notice is given to the applicant under section 87(5) or, if the correction is required to be made by order contained in a statutory instrument, the day after the day on which the order is published.
- (5) A court may entertain proceedings for questioning a decision under section 90(1) to make a change to or revoke an infrastructure consent order only if—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which notice of the change is given under section 91(6) or, if the change or revocation is required to be made by order contained in a statutory instrument, the day after the day on which the order making the change or revocation is published.
- (6) A court may entertain proceedings for questioning anything else done, or omitted to be done, by an examining authority or the Welsh Ministers in relation to an application for infrastructure consent or an application to change or revoke an infrastructure consent order only if—

- (a) yr achos yn cael ei ddwyn drwy gais am adolygiad barnwrol, a
 - (b) y ffurflen gais wedi ei ffeilio cyn diwedd y cyfnod o 6 wythnos sy'n dechrau drannoeth y diwrnod perthnasol.
- (7) Ystyr "y diwrnod perthnasol" yw –
- (a) mewn perthynas â chais am gydsyniad seilwaith, y diwrnod –
 - (i) y tynnir y cais yn ôl,
 - (ii) y cyhoeddir y gorchymyn cydsyniad seilwaith neu (os yw'n hwyrach) y cyhoeddir y datganiad o'r rhesymau dros wneud y gorchymyn, neu
 - (iii) y cyhoeddir y datganiad o'r rhesymau dros wrthod cydsyniad seilwaith;
 - (b) mewn perthynas â chais i newid neu ddirymu gorchymyn cydsyniad seilwaith, diwrnod a bennir mewn rheoliadau.
- (8) Nid yw is-adrannau (6) a (7) yn gymwys mewn perthynas ag –
- (a) methiant i benderfynu ar gais am gydsyniad seilwaith neu gais i newid neu ddirymu gorchymyn cydsyniad seilwaith, neu
 - (b) unrhyw beth sy'n gohirio (neu'n debygol o ohirio) y penderfyniad ar y cais hwnnw.

97 Budd gorchymyn cydsyniad seilwaith

- (1) Os gwneir gorchymyn cydsyniad seilwaith mewn cysylltiad ag unrhyw dir, mae'r gorchymyn yn cael effaith er budd y tir a'r holl bersonau sydd am y tro â buddiant yn y tir.
- (2) Mae is-adran (1) yn ddarostyngedig i unrhyw ddarpariaeth i'r gwrthwyneb a wneir yn y gorchymyn.

98 Rhwymedigaethau cynllunio

- (1) Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 106 (rhwymedigaethau cynllunio) –
 - (a) ar ôl is-adran (1A) mewnosoder –
 - “(1B) In the case of an infrastructure consent obligation, the reference to development in subsection (1)(a) includes anything that constitutes development for the purposes of the Infrastructure (Wales) Act 2024.”;
 - (b) yn is-adran (9) ar ôl paragraff (aa) mewnosoder –
 - “(ab) if the obligation is an infrastructure consent obligation, contains a statement to that effect;”;
 - (c) ar ôl is-adran (14) mewnosoder –
 - “(15) In this section and section 106A “infrastructure consent obligation” means a planning obligation entered into in connection with an application (or a proposed application) for an infrastructure consent order.”

- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the relevant day.
- (7) “The relevant day” means –
- (a) in relation to an application for infrastructure consent, the day on which –
 - (i) the application is withdrawn,
 - (ii) the infrastructure consent order is published or (if later) the statement of reasons for making the order is published, or
 - (iii) the statement of reasons for the refusal of infrastructure consent is published;
 - (b) in relation to an application for change or revocation of an infrastructure consent order, a day specified in regulations.
- (8) Subsections (6) and (7) do not apply in relation to –
- (a) a failure to decide an application for infrastructure consent or an application to change or revoke an infrastructure consent order, or
 - (b) anything which delays (or is likely to delay) the decision on such an application.

97 **Benefit of infrastructure consent order**

- (1) If an infrastructure consent order is made in respect of any land, the order has effect for the benefit of the land and all persons for the time being interested in the land.
- (2) Subsection (1) is subject to any contrary provision made in the order.

98 **Planning obligations**

- (1) The TCPA 1990 is amended as follows.
- (2) In section 106 (planning obligations) –
 - (a) after subsection (1A) insert –
 - “(1B) In the case of an infrastructure consent obligation, the reference to development in subsection (1)(a) includes anything that constitutes development for the purposes of the Infrastructure (Wales) Act 2024.”;
 - (b) in subsection (9) after paragraph (aa) insert –
 - “(ab) if the obligation is an infrastructure consent obligation, contains a statement to that effect;”;
 - (c) after subsection (14) insert –
 - “(15) In this section and section 106A “infrastructure consent obligation” means a planning obligation entered into in connection with an application (or a proposed application) for an infrastructure consent order.”

- (3) Yn adran 106A(11) (addasu a gollwng rhwymedigaethau cynllunio: ystyr “the appropriate authority”) ar ôl paragraff (a) mewnosoder –
- “(zaa) the Welsh Ministers, in the case of any infrastructure consent obligation;”.
- (4) Yn adran 106B(1) (apelau) ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- (5) Ar ôl adran 106C mewnosoder –

“106D Legal challenges relating to infrastructure consent obligations

- (1) This section applies where an application has been made to the Welsh Ministers under section 106A.
- (2) A court may entertain proceedings for questioning a failure by the Welsh Ministers to give notice as mentioned in section 106A(7) only if –
- (a) the proceedings are brought by a claim for judicial review, and
- (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which the period prescribed under section 106A(7) ends.
- (3) A court may entertain proceedings for questioning a determination by the Welsh Ministers that a planning obligation is to continue to have effect without modification only if –
- (a) the proceedings are brought by a claim for judicial review, and
- (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which notice of the determination is given under section 106A(7).”

99 Tir o dan falltod

- (1) Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 13 (tir o dan falltod) –
- (a) ar ôl paragraff 24 mewnosoder –
- “24ZA Land falls within this paragraph if –
- (a) the compulsory acquisition of the land is authorised by an infrastructure consent order, or
- (b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by an infrastructure consent order are exercisable, or
- (c) an application for an infrastructure consent order seeks authority to compulsorily acquire the land.”;
- (b) ar ôl paragraff 25 mewnosoder –

“Land identified in infrastructure policy statements

- 26 (1) Land falls within this paragraph if the land is in a location identified in an infrastructure policy statement as suitable (or potentially suitable)

- (3) In section 106A(11) (modification and discharge of planning obligations: meaning of “the appropriate authority”) after paragraph (a) insert –
- “(zaa) the Welsh Ministers, in the case of any infrastructure consent obligation;”.
- (4) In section 106B(1) (appeals) after “Secretary of State” insert “or the Welsh Ministers”.
- (5) After section 106C insert –

“106D Legal challenges relating to infrastructure consent obligations

- (1) This section applies where an application has been made to the Welsh Ministers under section 106A.
- (2) A court may entertain proceedings for questioning a failure by the Welsh Ministers to give notice as mentioned in section 106A(7) only if –
- (a) the proceedings are brought by a claim for judicial review, and
- (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which the period prescribed under section 106A(7) ends.
- (3) A court may entertain proceedings for questioning a determination by the Welsh Ministers that a planning obligation is to continue to have effect without modification only if –
- (a) the proceedings are brought by a claim for judicial review, and
- (b) the claim form is filed before the end of the period of 6 weeks beginning with the day after the day on which notice of the determination is given under section 106A(7).”

99 Blighted land

- (1) TCPA 1990 is amended as follows.
- (2) In Schedule 13 (blighted land) –
- (a) after paragraph 24 insert –
- “24ZA Land falls within this paragraph if –
- (a) the compulsory acquisition of the land is authorised by an infrastructure consent order, or
- (b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by an infrastructure consent order are exercisable, or
- (c) an application for infrastructure consent seeks authority to compulsorily acquire the land.”;
- (b) after paragraph 25 insert –

“Land identified in infrastructure policy statements

- 26 (1) Land falls within this paragraph if the land is in a location identified in an infrastructure policy statement as suitable (or potentially suitable)

for a specified kind of development.

- (2) Land ceases to fall within this paragraph when the infrastructure policy statement –
- (a) ceases to have effect, or
 - (b) ceases to identify the land as suitable or potentially suitable for that kind of development.”
- (3) Yn adran 150(1)(b) (hysbysiadau sy'n ei gwneud yn ofynnol i brynu tir o dan falltod) –
- (a) yn lle “or paragraph 24 ” rhodder “, paragraph 24 or paragraph 24ZA”;
 - (b) ar ôl “within paragraph 24(c)” mewnosoder “or 24ZA(c)”.
- (4) Yn adran 151 (gwrth-hysbysiadau sy'n gwrthwynebu hysbysiadau malltod) ar ôl is-adran (7A) mewnosoder –
- “(7B) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of paragraph 26 of Schedule 13 do not include those mentioned in subsection (4)(b).”
- (5) Ar ôl adran 165A (pŵer yr Ysgrifennydd Gwladol i gaffael tir a bennir mewn datganiadau polisi cenedlaethol pan gyflwynir hysbysiad malltod) mewnosoder –

“165B Power of Welsh Ministers to acquire land identified in infrastructure policy statements where blight notice served

Where a blight notice has been served in respect of land falling within paragraph 26 of Schedule 13, the Welsh Ministers have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.”

- (6) Yn adran 169 (ystyr “the appropriate authority” at ddibenion Pennod 2 o Ran 6) –
- (a) ar ôl is-adran (7) mewnosoder –
- “(7A) In relation to land falling within paragraph 26 of Schedule 13, “the appropriate authority” is –
- (a) if the infrastructure policy statement identifies a statutory undertaker as an appropriate person to carry out the specified description of development in the location, the statutory undertaker;
 - (b) in any other case, the Welsh Ministers.
- (7B) If any question arises by virtue of subsection (7A) –
- (a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Welsh Ministers or a statutory undertaker; or
 - (b) which of two or more statutory undertakers is the appropriate authority in relation to any land for those purposes, that question must be referred to the Welsh Ministers, whose decision is final.”;

for a specified kind of development.

- (2) Land ceases to fall within this paragraph when the infrastructure policy statement –
- (a) ceases to have effect, or
 - (b) ceases to identify the land as suitable or potentially suitable for that kind of development.”
- (3) In section 150(1)(b) (notices requiring purchase of blighted land) –
- (a) for “or paragraph 24 ” substitute “, paragraph 24 or paragraph 24ZA”;
 - (b) after “within paragraph 24(c)” insert “or 24ZA(c)”.
- (4) In section 151 (counter-notices objecting to blight notices) after subsection (7A) insert –
- “(7B) The grounds on which objection may be made in a counter-notice to a blight notice served by virtue of paragraph 26 of Schedule 13 do not include those mentioned in subsection (4)(b).”
- (5) After section 165A (power of Secretary of State to acquire land identified in national policy statements where blight notice served) insert –

“165B Power of Welsh Ministers to acquire land identified in infrastructure policy statements where blight notice served

Where a blight notice has been served in respect of land falling within paragraph 26 of Schedule 13, the Welsh Ministers have power to acquire compulsorily any interest in the land in pursuance of the blight notice served by virtue of that paragraph.”

- (6) In section 169 (meaning of “the appropriate authority” for purposes of Chapter 2 of Part 6) –
- (a) after subsection (7) insert –
- “(7A) In relation to land falling within paragraph 26 of Schedule 13, “the appropriate authority” is –
- (a) if the infrastructure policy statement identifies a statutory undertaker as an appropriate person to carry out the specified description of development in the location, the statutory undertaker;
 - (b) in any other case, the Welsh Ministers.
- (7B) If any question arises by virtue of subsection (7A) –
- (a) whether the appropriate authority in relation to any land for the purposes of this Chapter is the Welsh Ministers or a statutory undertaker; or
 - (b) which of two or more statutory undertakers is the appropriate authority in relation to any land for those purposes, that question must be referred to the Welsh Ministers, whose decision is final.”;

(b) yn is-adran (8), yn lle “and (7)” rhodder “, (7), (7A) and (7B)”.

(7) Yn adran 170 (“appropriate enactment” at ddibenion Pennod 2) ar ôl is-adran (8C) mewnosoder –

“(8D) In relation to land falling within paragraph 24ZA(a) or (b) of that Schedule, “the appropriate enactment” is the infrastructure consent order.

(8E) In relation to land falling within paragraph 24ZA(c) of that Schedule, “the appropriate enactment” is an infrastructure consent order in the terms of the order applied for.

(8F) In relation to land falling within paragraph 26 of that Schedule, “the appropriate enactment” is section 165B.”

(8) Yn adran 171(1) (dehongliad cyffredinol o Bennod 2 o Ran 6) yn y lle priodol mewnosoder –

““infrastructure policy statement” has the meaning given by section 124(2) of the Infrastructure (Wales) Act 2024;”.

100 Niwsans: awdurdodiad statudol

(1) Mae’r is-adran hon yn rhoi awdurdodiad statudol i –

(a) cynnal datblygiad y rhoddir cydsyniad seilwaith ar ei gyfer;

(b) gwneud unrhyw beth arall a awdurdodir drwy orchymyn cydsyniad seilwaith.

(2) Ni roddir awdurdodiad statudol o dan is-adran (1) ond at y diben o ddarparu amddiffyniad mewn achos sifil neu droseddol am niwsans.

(3) Mae is-adrannau (1) a (2) yn ddarostyngedig i unrhyw ddarpariaeth i’r gwrthwyneb a wneir mewn gorchymyn cydsyniad seilwaith.

101 Digolledu mewn achos pan fo amddiffyniad o awdurdodiad statudol yn gymwys

(1) Mae’r adran hon yn gymwys os ceir, yn rhinwedd adran 100, neu orchymyn cydsyniad seilwaith, amddiffyniad o awdurdodiad statudol mewn achos sifil neu droseddol am niwsans mewn cysylltiad ag unrhyw waith awdurdodedig.

(2) Ystyr “gwaith awdurdodedig” yw –

(a) datblygiad y rhoddir cydsyniad seilwaith ar ei gyfer;

(b) unrhyw beth arall a awdurdodir drwy orchymyn cydsyniad seilwaith.

(3) Rhaid i berson sy’n cynnal unrhyw waith awdurdodedig, neu y cynhelir unrhyw waith awdurdodedig ar ei ran, ddigolledu unrhyw berson y mae cynnal y gwaith yn cael effaith niweidiol ar ei dir.

(4) Rhaid atgyfeirio anghydfod ynghylch a yw digollediad yn daladwy o dan is-adran (3), neu ynghylch swm y digollediad, i’r Uwch Dribiwnlys.

(5) Mae is-adran (2) o adran 10 o Ddeddf Prynu Gorfodol 1965 (p. 56) (“Deddf 1965”) (cyfyngu ar ddigolledu) yn gymwys i is-adran (3) o’r adran hon fel y mae’n gymwys i’r adran honno.

(b) in subsection (8), for “and (7)” substitute “, (7), (7A) and (7B)”.

(7) In section 170 (“appropriate enactment” for purposes of Chapter 2) after subsection (8C) insert—

“(8D) In relation to land falling within paragraph 24ZA(a) or (b) of that Schedule, “the appropriate enactment” is the infrastructure consent order.

(8E) In relation to land falling within paragraph 24ZA(c) of that Schedule, “the appropriate enactment” is an infrastructure consent order in the terms of the order applied for.

(8F) In relation to land falling within paragraph 26 of that Schedule, “the appropriate enactment” is section 165B.”

(8) In section 171(1) (general interpretation of Chapter 2 of Part 6) at the appropriate place insert—

““infrastructure policy statement” has the meaning given by section 127(2) of the Infrastructure (Wales) Act 2024;”.

100 Nuisance: statutory authority

(1) This subsection confers statutory authority for—

(a) carrying out development for which infrastructure consent is granted;

(b) doing anything else authorised by an infrastructure consent order.

(2) Statutory authority under subsection (1) is conferred only for the purpose of providing a defence in civil or criminal proceedings for nuisance.

(3) Subsections (1) and (2) are subject to any contrary provision made in an infrastructure consent order.

101 Compensation in case where defence of statutory authority applies

(1) This section applies if, by virtue of section 100, or an infrastructure consent order, there is a defence of statutory authority in civil or criminal proceedings for nuisance in respect of any authorised works.

(2) “Authorised works” are—

(a) development for which infrastructure consent is granted;

(b) anything else authorised by an infrastructure consent order.

(3) A person by whom or on whose behalf any authorised works are carried out must pay compensation to any person whose land is injuriously affected by the carrying out of the works.

(4) A dispute as to whether compensation under subsection (3) is payable, or as to the amount of the compensation, must be referred to the Upper Tribunal.

(5) Subsection (2) of section 10 of the Compulsory Purchase Act 1965 (c. 56) (“the 1965 Act”) (limitation on compensation) applies to subsection (3) of this section as it applies to that section.

- (6) Rhaid i unrhyw real neu egwyddor a gymhwysir i'r dehongliad o adran 10 o Ddeddf 1965 gael ei chymhwyso i'r dehongliad o is-adran (3) o'r adran hon (gydag unrhyw addasiadau angenrheidiol).
- (7) Mae Rhan 1 o Ddeddf Digollediad Tir 1973 (p. 26) (digollediad am ddibrisiant yng ngwerth tir gan ffactorau ffisegol a achosir gan ddefnydd o waith cyhoeddus) yn gymwys mewn perthynas â gwaith awdurdodedig fel pe bai—
 - (a) cyfeiriadau yn y Rhan honno at unrhyw “public works” yn gyfeiriadau at waith awdurdodedig;
 - (b) cyfeiriadau yn y Rhan honno at “the responsible authority” yn gyfeiriadau at y person y mae'r gorchymyn seilwaith yn cael effaith er ei fudd am y tro;
 - (c) adrannau 1(6) a 17 wedi eu hepgor.
- (8) Ni chaiff gorchymyn cydsyniad seilwaith gynnwys darpariaeth sy'n cael yr effaith o ddileu neu addasu cymhwysiad unrhyw un neu ragor o is-adrannau (1) i (7).

*Dehongli***102 Ystyr “tir”**

Yn y Rhan hon, mae “tir” yn cynnwys buddiant mewn tir neu hawl drosto.

RHAN 7**GORFODI***Troseddau***103 Datblygu heb gydsyniad seilwaith**

- (1) Mae person yn cyflawni trosedd os yw'r person yn cynnal, neu'n peri cynnal, datblygiad y mae cydsyniad seilwaith yn ofynnol ar ei gyfer ar adeg pan na fo cydsyniad seilwaith mewn grym mewn cysylltiad â'r datblygiad.
- (2) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar dditiad, i ddirwy.

104 Torri telerau gorchymyn cydsyniad seilwaith

- (1) Mae person yn cyflawni trosedd os yw'r person, heb esgus rhesymol—
 - (a) yn cynnal, neu'n peri cynnal, datblygiad gan dorri telerau gorchymyn cydsyniad seilwaith, neu
 - (b) yn methu fel arall â chydymffurfio â thelerau gorchymyn cydsyniad seilwaith.
- (2) Mae is-adran (1) yn ddarostyngedig i adran 83(3).
- (3) Mewn achos yn erbyn person am drosedd o dan yr adran hon mae'n amddiffyniad i'r person brofi—
 - (a) y digwyddodd y toriad neu'r methiant i gydymffurfio oherwydd gwall yn y gorchymyn yn unig, a
 - (b) bod y gwall wedi ei gywiro o dan adran 87.

- (6) Any rule or principle applied to the construction of section 10 of the 1965 Act must be applied to the construction of subsection (3) of this section (with any necessary modifications).
- (7) Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works) applies in relation to authorised works as if –
 - (a) references in that Part to any public works were to authorised works;
 - (b) references in that Part to the responsible authority were to the person for whose benefit the infrastructure order has effect for the time being;
 - (c) sections 1(6) and 17 were omitted.
- (8) An infrastructure consent order may not include provision the effect of which is to remove or modify the application of any of subsections (1) to (7).

Interpretation

102 Meaning of “land”

In this Part, “land” includes any interest in or right over land.

PART 7
ENFORCEMENT

Offences

103 Development without infrastructure consent

- (1) A person commits an offence if the person carries out, or causes to be carried out, development for which infrastructure consent is required at a time when no infrastructure consent is in force in respect of the development.
- (2) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

104 Breach of terms of infrastructure consent order

- (1) A person commits an offence if, without reasonable excuse, the person –
 - (a) carries out, or causes to be carried out, development in breach of the terms of an infrastructure consent order, or
 - (b) otherwise fails to comply with the terms of an infrastructure consent order.
- (2) Subsection (1) is subject to section 83(3).
- (3) In proceedings against a person for an offence under this section it is a defence for the person to prove that –
 - (a) the breach or failure to comply occurred only because of an error in the order, and
 - (b) the error has been corrected under section 87.

- (4) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar dditiad, i ddirwy.

105 Terfynau amser

- (1) Ni chaniateir i berson gael ei gyhuddo o drosedd o dan adran 103 na 104 ar ôl diwedd –
- y cyfnod o 4 blynedd perthnasol, neu
 - os yw is-adran (3) yn gymwys, y cyfnod estynedig.
- (2) Ystyr "y cyfnod o 4 blynedd perthnasol" yw –
- yn achos trosedd o dan adran 103, y cyfnod o 4 blynedd sy'n dechrau â'r diwrnod y cwblhawyd y datblygiad i raddau helaeth;
 - yn achos trosedd o dan adran 104, y cyfnod o 4 blynedd sy'n dechrau â'r diweddaraf o'r canlynol –
 - y diwrnod y cwblhawyd y datblygiad i raddau helaeth, a
 - y dyddiad y digwyddodd y toriad neu'r methiant i gydymffurfio.
- (3) Mae'r is-adran hon yn gymwys os yw, yn ystod y cyfnod o 4 blynedd perthnasol –
- hysbysiad gwybodaeth wedi ei roi o dan adran 111, neu
 - cais am waharddeb wedi ei wneud o dan adran 122.
- (4) Ystyr "y cyfnod estynedig" yw'r cyfnod o 4 blynedd sy'n dechrau ag –
- y dyddiad y rhoddwyd yr hysbysiad gwybodaeth, os yw is-adran (3)(a) yn gymwys;
 - dyddiad y cais am y waharddeb, os yw is-adran (3)(b) yn gymwys;
 - y diweddarach (neu'r diweddaraf) o'r dyddiadau hynny, os yw paragraffau (a) a (b) o is-adran (3) yn gymwys.

106 Pwerau i fynd ar dir at ddibenion gorfodi

- (1) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan awdurdod cynllunio fynd ar dir yn ardal yr awdurdod i asesu a yw trosedd o dan adran 103 neu 104 yn cael ei chyflawni, neu wedi ei chyflawni, ar y tir neu mewn cysylltiad â'r tir.
- (2) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru fynd ar dir yng Nghymru i asesu a yw trosedd o dan adran 103 neu 104 yn cael ei chyflawni, neu wedi ei chyflawni, ar y tir neu mewn cysylltiad â'r tir.
- (3) Caniateir i bŵer i fynd ar dir o dan yr adran hon gael ei arfer –
- ar unrhyw adeg resymol, a
 - dim ond os oes sail resymol dros fynd ar y tir at y diben o dan sylw.
- (4) Ni chaiff person sydd wedi ei awdurdodi i fynd ar dir o dan yr adran hon fynnu mynediad fel hawl i adeilad a ddefnyddir fel annedd oni roddwyd 24 o oriau o rybudd o'r mynediad bwriadedig i holl feddianwyr yr adeilad.
- (5) Os yw person wedi ei awdurdodi i fynd ar dir o dan yr adran hon –

- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

105 Time limits

- (1) A person may not be charged with an offence under section 103 or 104 after the end of –
- (a) the relevant 4-year period, or
 - (b) if subsection (3) applies, the extended period.
- (2) The “relevant 4-year period” means –
- (a) in the case of an offence under section 103, the period of 4 years beginning with the day on which the development was substantially completed;
 - (b) in the case of an offence under section 104, the period of 4 years beginning with the later of –
 - (i) the day on which the development was substantially completed, and
 - (ii) the day on which the breach or failure to comply occurred.
- (3) This subsection applies if during the relevant 4-year period –
- (a) an information notice has been given under section 111, or
 - (b) an injunction has been applied for under section 122.
- (4) The “extended period” means the period of 4 years beginning with –
- (a) the date on which the information notice was given, if subsection (3)(a) applies;
 - (b) the date of the application for the injunction, if subsection (3)(b) applies;
 - (c) the later (or latest) of those dates, if both paragraphs (a) and (b) of subsection (3) apply.

106 Powers to enter land for enforcement purposes

- (1) A person authorised in writing by a planning authority may enter land in the authority’s area to assess whether an offence under section 103 or 104 is being, or has been, committed on or in respect of the land.
- (2) A person authorised in writing by the Welsh Ministers may enter land in Wales to assess whether an offence under section 103 or 104 is being, or has been, committed on or in respect of the land.
- (3) A power to enter land under this section may be exercised –
- (a) at any reasonable time, and
 - (b) only if there are reasonable grounds for entering the land for the purpose in question.
- (4) A person authorised to enter land under this section may not demand entry as of right to a building used as a dwelling unless 24 hours’ notice of the intended entry has been given to every occupier of the building.
- (5) A person authorised to enter land under this section –

- (a) rhaid iddo, os yw'n ofynnol iddo wneud hynny gan neu ar ran unrhyw un sy'n berchen ar y tir neu'n ei feddiannu, ddangos tystiolaeth o awdurdodiad y person a datgan diben mynd ar y tir cyn mynd arno,
- (b) caiff fynd ag unrhyw bersonau eraill sy'n angenrheidiol ar y tir, ac
- (c) rhaid iddo, os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno.

107 Gwarant i fynd ar dir

- (1) Mae'r adran hon yn gymwys os yw ynad heddwch wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –
 - (a) bod sail resymol dros fynd ar dir i asesu a yw trosedd o dan adran 103 neu 104 yn cael ei chyflawni, neu wedi ei chyflawni, ar y tir neu mewn cysylltiad â'r tir, a
 - (b) bod –
 - (i) mynediad i'r tir wedi ei wrthod neu fod gwrthodiad yn cael ei ddisgwyl yn rhesymol, neu
 - (ii) yr achos yn un brys.
- (2) Caiff yr ynad heddwch ddyroddi gwarant sy'n rhoi pŵer i fynd ar y tir i unrhyw berson sydd wedi ei awdurdodi'n ysgrifenedig gan berson a gaiff awdurdodi mynediad o dan adran 106 at y diben o dan sylw.
- (3) At ddibenion is-adran (1)(b) mae mynediad i dir i'w drin fel pe bai wedi ei wrthod os na cheir ateb i gais am fynediad o fewn cyfnod rhesymol.
- (4) Mae gwarant o dan yr adran hon yn rhoi pŵer i fynd ar dir –
 - (a) ar un achlysur yn unig, a
 - (b) ar adeg resymol yn unig, oni fo'r achos yn un brys.
- (5) Os yw person wedi ei awdurdodi i fynd ar dir o dan yr adran hon –
 - (a) rhaid iddo, os yw'n ofynnol iddo wneud hynny gan neu ar ran unrhyw berchennog neu unrhyw feddiannydd ar y tir, ddangos tystiolaeth o awdurdodiad y person a datgan diben mynd ar y tir cyn mynd arno,
 - (b) caiff fynd ag unrhyw bersonau eraill sy'n angenrheidiol ar y tir, ac
 - (c) rhaid iddo, os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno.
- (6) Mae gwarant o dan yr adran hon yn peidio â chael effaith ar ddiwedd 1 mis sy'n dechrau â'r diwrnod y'i dyroddir.

108 Hawliau mynediad: darpariaethau atodol

- (1) Mae'r adran hon yn gymwys pan fo gan berson bŵer i fynd ar dir a roddir gan adran 106 neu drwy warant o dan adran 107.
- (2) Mae person sy'n rhwystro'n fwriadol berson sy'n arfer y pŵer mynediad yn cyflawni trosedd.

- (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person's authorisation and state the purpose of the entry before entering the land,
- (b) may take on to the land any other persons that are necessary, and
- (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.

107 Warrant to enter land

- (1) This section applies if a justice of the peace is satisfied on sworn information in writing –
 - (a) that there are reasonable grounds for entering land to assess whether an offence under section 103 or 104 is being, or has been, committed on or in respect of the land, and
 - (b) that –
 - (i) admission to the land has been refused or a refusal is reasonably expected, or
 - (ii) the case is one of urgency.
- (2) The justice of the peace may issue a warrant conferring a power to enter the land on any person authorised in writing by a person who may authorise entry under section 106 for the purpose in question.
- (3) For the purposes of subsection (1)(b), admission to land is to be treated as having been refused if no reply is received to a request for admission within a reasonable period.
- (4) A warrant under this section confers a power to enter land –
 - (a) on one occasion only, and
 - (b) only at a reasonable time, unless the case is one of urgency.
- (5) A person authorised to enter land under this section –
 - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person's authorisation and state the purpose of the entry before entering the land,
 - (b) may take on to the land any other persons that are necessary, and
 - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (6) A warrant under this section ceases to have effect at the end of 1 month beginning with the day it is issued.

108 Rights of entry: supplementary provisions

- (1) This section applies where a person has a power to enter land conferred by section 106 or by a warrant under section 107.
- (2) A person who intentionally obstructs a person exercising the power of entry commits an offence.

- (3) Mae person sy'n euog o drosedd o dan is-adran (2) yn agored ar euogfarn ddiannod i ddirwy.
- (4) Os difrodir tir neu eiddo arall wrth arfer y pŵer mynediad, caiff person sy'n dioddef y difrod adennill digollediad oddi wrth yr awdurdod cynllunio a awdurdododd y mynediad neu (yn ôl y digwydd) Weinidogion Cymru os hwy a awdurdododd y mynediad.
- (5) Rhaid gwneud hawliad am ddigollediad o dan is-adran (4) yn ysgrifenedig o fewn 12 mis sy'n dechrau â'r diwrnod yr achoswyd y difrod (neu os achoswyd y difrod dros fwy nag un diwrnod, y diwrnod olaf y'i hachoswyd).
- (6) Mae unrhyw gwestiwn o ran anghydfod ynghylch digollediad o dan is-adran (4) i'w atgyfeirio i'r Uwch Dribiwnlys ac i'w benderfynu ganddo.
- (7) Mae adran 4 o Ddeddf Digollediad Tir 1961 (p. 33) (costau) yn gymwys i benderfynu cwestiwn a atgyfeirir o dan is-adran (6) fel y mae'n gymwys i benderfynu cwestiwn o dan adran 1 o'r Ddeddf honno, ond fel pe bai cyfeiriadau at yr awdurdod caffael yn gyfeiriadau at y person y gwneir hawliad am ddigollediad oddi wrtho.

109 Hawliau mynediad: tir y Goron

Nid yw adrannau 106 na 107 yn gymwys i dir y Goron.

110 Pwerau gorfodi morol

Ar ôl adran 243 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23) mewnosoder –

“243A Infrastructure planning: enforcement in the Welsh inshore region

- (1) The Welsh Ministers may appoint persons for the purposes of enforcing the Infrastructure (Wales) Act 2024.
- (2) For the purposes referred to in subsection (1), a person appointed under this section has –
 - (a) the common enforcement powers conferred by this Act;
 - (b) the power conferred by section 263.
- (3) The powers that a person appointed under this section has for the purposes referred to in subsection (1) may be exercised –
 - (a) in the Welsh inshore region (and in relation to any vessel, aircraft or marine structure in that region);
 - (b) in Wales.
- (4) But the powers which a person appointed under this section has for the purposes referred to in subsection (1) may not be exercised in relation to any British warship.”

Hysbysiadau gwybodaeth

111 Pŵer i wneud gwybodaeth yn ofynnol

- (1) Mae'r adran hon yn gymwys pan fo –

- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine.
- (4) If damage is caused to land or other property in the exercise of the power of entry, a person suffering the damage may recover compensation from the planning authority that authorised the entry or (as the case may be) from the Welsh Ministers if they authorised the entry.
- (5) A claim for compensation under subsection (4) must be made in writing within 12 months beginning with the day the damage was caused (or if the damage was caused over more than one day, the last day it was caused).
- (6) Any question of disputed compensation under subsection (4) is to be referred to and determined by the Upper Tribunal.
- (7) Section 4 of the Land Compensation Act 1961 (c. 33) (costs) applies to the determination of a question referred under subsection (6) as it applies to the determination of a question under section 1 of that Act, but as if references to the acquiring authority were references to the person from whom compensation is claimed.

109 Rights of entry: Crown land

Sections 106 and 107 do not apply to Crown land.

110 Marine enforcement powers

After section 243 of the Marine and Coastal Access Act 2009 (c. 23) insert –

“243A Infrastructure planning: enforcement in the Welsh inshore region

- (1) The Welsh Ministers may appoint persons for the purposes of enforcing the Infrastructure (Wales) Act 2024.
- (2) For the purposes referred to in subsection (1), a person appointed under this section has –
 - (a) the common enforcement powers conferred by this Act;
 - (b) the power conferred by section 263.
- (3) The powers that a person appointed under this section has for the purposes referred to in subsection (1) may be exercised –
 - (a) in the Welsh inshore region (and in relation to any vessel, aircraft or marine structure in that region);
 - (b) in Wales.
- (4) But the powers which a person appointed under this section has for the purposes referred to in subsection (1) may not be exercised in relation to any British warship.”

Information notices

111 Power to require information

- (1) This section applies where –

- (a) yr awdurdod cynllunio perthnasol yn ystyried y gallai trosedd o dan adran 103 neu 104 fod wedi ei chyflawni ar y tir neu mewn cysylltiad â'r tir yn ei ardal;
 - (b) Gweinidogion Cymru yn ystyried y gallai trosedd o dan adran 103 neu 104 fod wedi ei chyflawni ar dir yng Nghymru neu mewn cysylltiad â thir yng Nghymru;
 - (c) Gweinidogion Cymru yn ystyried y gallai trosedd o dan adran 103 neu 104 fod wedi ei chyflawni yn ardal forol Cymru neu mewn cysylltiad ag ardal forol Cymru.
- (2) Caiff yr awdurdod cynllunio perthnasol gyflwyno hysbysiad gwybodaeth i unrhyw berson—
- (a) sy'n berchen ar y tir neu'n ei feddiannu neu sydd ag unrhyw fuddiant arall ynddo, neu
 - (b) sy'n cynnal gweithrediadau ar y tir neu sy'n ei ddefnyddio at unrhyw ddiben.
- (3) Caiff Gweinidogion Cymru gyflwyno hysbysiad gwybodaeth i unrhyw berson—
- (a) sy'n berchen ar y tir neu'n ei feddiannu neu sydd ag unrhyw fuddiant arall ynddo,
 - (b) sy'n cynnal gweithrediadau ar y tir neu sy'n ei ddefnyddio at unrhyw ddiben, neu
 - (c) sy'n cynnal gweithrediadau yn ardal forol Cymru.
- (4) Rhaid i'r hysbysiad gwybodaeth—
- (a) pennu'r materion y mae'r awdurdod cynllunio, neu Weinidogion Cymru, yn ystyried y gallent fod yn drosedd, a
 - (b) ei gwneud yn ofynnol i'r person y'i cyflwynir iddo ("y derbynydd") roi'r wybodaeth a bennir yn yr hysbysiad, i'r graddau y bo'r derbynydd yn gallu gwneud hynny.
- (5) Yr wybodaeth y caniateir ei phennu yn yr hysbysiad yw gwybodaeth ynghylch—
- (a) unrhyw weithrediadau sy'n cael eu cynnal,
 - (b) unrhyw ddefnydd o dir,
 - (c) unrhyw weithgareddau eraill sy'n cael eu cynnal, a
 - (d) unrhyw fater sy'n ymwneud â darpariaethau gorchymyn cydsyniad seilwaith.
- (6) Rhaid i hysbysiad gwybodaeth hysbysu'r person y'i cyflwynir iddo am ganlyniadau tebygol methu ag ymateb i'r hysbysiad ac, yn benodol, y gellir cymryd camau gorfodi.
- (7) Rhaid i dderbynydd hysbysiad gwybodaeth gydymffurfio â gofynion yr hysbysiad drwy roi'r wybodaeth ofynnol yn ysgrifenedig i'r awdurdod cynllunio perthnasol, neu os rhoddwyd yr hysbysiad gan Weinidogion Cymru, i Weinidogion Cymru.

112 Troseddau o fethu â chydymffurfio â hysbysadau gwybodaeth

- (1) Mae person y mae hysbysiad gwybodaeth wedi ei gyflwyno iddo yn cyflawni trosedd os nad yw, ar unrhyw adeg ar ôl diwedd y 21 o ddiwrnodau sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad, wedi cydymffurfio â gofyniad yn yr hysbysiad.
- (2) Mewn achos yn erbyn person am drosedd o dan is-adran (1), mae'n amddiffyniad i'r person brofi bod gan y person esgus rhesymol dros fethu â chydymffurfio â'r gofyniad.

- (a) the relevant planning authority consider that an offence under section 103 or 104 may have been committed on or in respect of the land in its area;
 - (b) the Welsh Ministers consider that an offence under section 103 or 104 may have been committed on or in respect of land in Wales;
 - (c) the Welsh Ministers consider that an offence under section 103 or 104 may have been committed in or in respect of the Welsh marine area.
- (2) The relevant planning authority may serve an information notice on any person –
- (a) who is the owner or occupier of the land or has any other interest in it, or
 - (b) carrying out operations on the land or is using it for any purpose.
- (3) The Welsh Ministers may serve an information notice on any person who –
- (a) is the owner or occupier of the land or has any other interest in it,
 - (b) is carrying out operations on the land or is using it for any purpose, or
 - (c) is carrying out operations in the Welsh marine area.
- (4) The information notice must –
- (a) specify the matters that the planning authority, or Welsh Ministers, consider may constitute an offence, and
 - (b) require the person on whom it is served (“the recipient”) to give the information specified in the notice, so far as the recipient is able to do so.
- (5) The information that may be specified in the notice is information about –
- (a) any operations being carried out,
 - (b) any use of land,
 - (c) any other activities being carried out, and
 - (d) any matter relating to the provisions of an infrastructure consent order.
- (6) An information notice must inform the person on whom it is served of the likely consequences of a failure to respond to the notice and, in particular, that enforcement action may be taken.
- (7) The recipient of an information notice must comply with the requirements of the notice by giving the required information in writing to the relevant planning authority, or if the notice was given by the Welsh Ministers, to the Welsh Ministers.

112 Offences of failing to comply with information notices

- (1) A person on whom an information notice has been served commits an offence if, at any time after the end of 21 days beginning with the day on which the notice is served, the person has not complied with a requirement of the notice.
- (2) In proceedings against a person for an offence under subsection (1), it is a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.

- (3) Caniateir i berson gael ei gyhuddo o drosedd o dan yr adran hon drwy gyfeirio at ddiwrnod neu gyfnod hwy, a chaniateir iddo gael ei euogfarnu o fwy nag un drosedd mewn perthynas â'r un hysbysiad gwybodaeth drwy gyfeirio at gyfnodau gwahanol.
- (4) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.
- (5) Mae person yn cyflawni trosedd os yw'r person, gan honni ei fod yn cydymffurfio â gofyniad mewn hysbysiad gwybodaeth –
 - (a) yn darparu gwybodaeth y mae'r person yn gwybod ei bod yn anwir neu'n gamarweiniol mewn modd perthnasol, neu
 - (b) yn ddi-hid, yn darparu gwybodaeth sy'n anwir neu'n gamarweiniol mewn modd perthnasol.
- (6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored ar euogfarn ddiannod neu ar euogfarn ar ddiad i ddirwy.

Hysbysiadau datblygiad anawdurdodedig

113 Hysbysiad datblygiad anawdurdodedig

- (1) Mae is-adran (2) yn gymwys os dyfernir person yn euog o drosedd o dan adran 103 a gyflawnwyd ar unrhyw dir yng Nghymru neu mewn cysylltiad ag unrhyw dir yng Nghymru.
- (2) Caiff yr awdurdod cynllunio perthnasol neu Weinidogion Cymru roi hysbysiad datblygiad anawdurdodedig i'r person sy'n pennu'r camau y mae'n ofynnol eu cymryd –
 - (a) i gael gwared ar y datblygiad, a
 - (b) i adfer y tir y mae'r datblygiad wedi ei gynnal arno i'w gyflwr cyn i'r datblygiad gael ei gynnal.
- (3) Mae is-adran (4) yn gymwys os dyfernir person yn euog o drosedd o dan adran 104 a gyflawnwyd ar unrhyw dir neu mewn cysylltiad ag unrhyw dir yng Nghymru.
- (4) Caiff yr awdurdod cynllunio perthnasol neu Weinidogion Cymru roi hysbysiad datblygiad anawdurdodedig i'r person sy'n ei gwneud yn ofynnol i'r person unioni'r toriad neu'r methiant i gydymffurfio.
- (5) Rhaid i hysbysiad datblygiad anawdurdodedig bennu'r cyfnod y mae rhaid cymryd unrhyw gamau a bennir yn yr hysbysiad o'i fewn.
- (6) Caiff hysbysiad datblygiad anawdurdodedig bennu cyfnodau gwahanol ar gyfer cymryd camau gwahanol.
- (7) Pan fo cyfnodau gwahanol yn gymwys i gamau gwahanol, mae cyfeiriadau yn y Rhan hon at y cyfnod ar gyfer cydymffurfio â hysbysiad datblygiad anawdurdodedig, mewn perthynas ag unrhyw gam, yn gyfeiriadau at y cyfnod y mae'n ofynnol cymryd y cam o'i fewn.
- (8) Caiff rheoliadau bennu materion ychwanegol y mae rhaid eu pennu mewn hysbysiad datblygiad anawdurdodedig.

- (3) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same information notice by reference to different periods.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.
- (5) A person commits an offence if, in purported compliance with a requirement of an information notice the person—
 - (a) provides information which the person knows to be false or misleading in a material respect, or
 - (b) recklessly provides information which is false or misleading in a material respect.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction or on conviction on indictment to a fine.

Notices of unauthorised development

113 Notice of unauthorised development

- (1) Subsection (2) applies if a person is found guilty of an offence under section 103 committed on or in respect of any land in Wales.
- (2) The relevant planning authority or the Welsh Ministers may give a notice of unauthorised development to the person specifying the steps required to be taken—
 - (a) to remove the development, and
 - (b) to restore the land on which the development has been carried out to its condition before the development was carried out.
- (3) Subsection (4) applies if a person is found guilty of an offence under section 104 committed on or in respect of any land in Wales.
- (4) The relevant planning authority or the Welsh Ministers may give a notice of unauthorised development to the person requiring the person to remedy the breach or failure to comply.
- (5) A notice of unauthorised development must specify the period within which any steps specified in the notice must be taken.
- (6) A notice of unauthorised development may specify different periods for taking different steps.
- (7) Where different periods apply to different steps, references in this Part to the period for compliance with a notice of unauthorised development, in relation to any step, are to the period within which the step is required to be taken.
- (8) Regulations may specify additional matters that must be specified in a notice of unauthorised development.

Cydymffurfio â hysbysiadau datblygiad anawdurdodedig

- 114 Gorchymyn i ganiatáu camau sy'n ofynnol gan hysbysiad datblygiad anawdurdodedig**
- (1) Caiff perchennog tir wneud cais drwy gŵyn i lys ynadon am orchymyn sy'n ei gwneud yn ofynnol i berson arall a chanddo fuddiant yn y tir ganiatáu i'r perchennog gymryd camau sy'n ofynnol gan hysbysiad datblygiad anawdurdodedig.
 - (2) Caiff y llys wneud gorchymyn o'r fath os yw wedi ei fodloni bod y person arall yn atal y perchennog rhag cymryd camau sy'n ofynnol gan yr hysbysiad.
- 115 Pŵer i fynd ar dir a chymryd camau sy'n ofynnol gan hysbysiad datblygiad anawdurdodedig**
- (1) Os yw'r cyfnod y mae hysbysiad datblygiad anawdurdodedig yn ei gwneud yn ofynnol i unrhyw gam gael ei gymryd o'i fewn wedi dod i ben ac nad yw'r cam wedi ei gymryd, caiff yr awdurdod cynllunio a ddyroddodd yr hysbysiad, neu Weinidogion Cymru, os mai hwy a ddyroddodd yr hysbysiad, ar unrhyw adeg resymol, fynd ar y tir y mae'r hysbysiad yn ymwneud ag ef a chymryd y cam.
 - (2) Mae person sy'n rhwystro'n fwriadol berson sy'n arfer pŵer o dan is-adran (1) yn cyflawni trosedd.
 - (3) Mae person sy'n euog o drosedd o dan is-adran (2) yn agored ar euogfarn ddiannod i ddirwy.
- 116 Adennill costau cydymffurfio â hysbysiad datblygiad anawdurdodedig**
- (1) Pan fo awdurdod cynllunio perthnasol neu Weinidogion Cymru yn arfer y pŵer o dan adran 115(1) i fynd ar dir a chymryd cam sy'n ofynnol gan hysbysiad datblygiad anawdurdodedig, caiff yr awdurdod cynllunio neu Weinidogion Cymru (yn ôl y digwydd) adennill oddi wrth berson sydd ar y pryd yn berchennog ar y tir y costau y mae'n mynd iddynt yn rhesymol wrth wneud hynny.
 - (2) Os yw awdurdod cynllunio perthnasol neu Weinidogion Cymru yn ceisio adennill costau o dan is-adran (1) oddi wrth berchennog ar dir—
 - (a) y mae ganddo hawlogaeth i gael crogent y tir dim ond fel asiant neu ymddiriedolwr ar gyfer person arall (y "penadur"), a
 - (b) nad oes ganddo, ac nad oedd ganddo ar unrhyw adeg ers y diwrnod pan fynnwyd bod y costau yn cael eu talu, ddigon o arian ar ran y penadur i dalu'r costau yn llawn,
 mae atebolrwydd yr asiant neu'r ymddiriedolwr wedi ei gyfyngu i gyfanswm yr arian y mae'r asiant neu'r ymddiriedolwr wedi ei gael ar ran y penadur ers y diwrnod hwnnw.
 - (3) Os yw is-adran (2) yn atal awdurdod cynllunio perthnasol neu Weinidogion Cymru rhag adennill y cyfan o'i gostau neu eu costau oddi wrth asiant neu ymddiriedolwr, caiff yr awdurdod cynllunio perthnasol neu Weinidogion Cymru adennill y costau oddi wrth y penadur, neu'n rhannol oddi wrth y penadur ac yn rhannol oddi wrth yr asiant neu'r ymddiriedolwr.
 - (4) Pan fo hysbysiad datblygiad anawdurdodedig wedi ei gyflwyno mewn cysylltiad â datblygiad, mae—

*Compliance with notices of unauthorised development***114 Order to permit steps required by notice of unauthorised development**

- (1) An owner of land may apply by way of complaint to a magistrates' court for an order requiring another person who has an interest in the land to permit the owner to take steps required by a notice of unauthorised development.
- (2) The court may make such an order if it is satisfied that the other person is preventing the owner from taking steps required by the notice.

115 Power to enter land and take steps required by notice of unauthorised development

- (1) If the period within which a notice of unauthorised development requires any step to be taken has ended and the step has not been taken, the planning authority that issued the notice, or the Welsh Ministers, if they issued the notice, may at any reasonable time enter the land to which the notice relates and take the step.
- (2) A person who intentionally obstructs a person exercising a power under subsection (1) commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine.

116 Recovery of costs of compliance with notice of unauthorised development

- (1) Where a relevant planning authority or the Welsh Ministers exercise the power under section 115(1) to enter land and take a step required by a notice of unauthorised development, the planning authority or the Welsh Ministers (as the case may be) may recover from a person who is then an owner of the land the costs reasonably incurred in doing so.
- (2) If a relevant planning authority or the Welsh Ministers seek to recover costs under subsection (1) from an owner of land who—
 - (a) is entitled to receive the rack rent of the land merely as agent or trustee for another person (the "principal"), and
 - (b) does not have, and has not had at any time since the day payment of the costs was demanded, enough money on behalf of the principal to pay the costs in full,the liability of the agent or trustee is limited to the total amount of money that the agent or trustee has had on behalf of the principal since that day.
- (3) If subsection (2) prevents a relevant planning authority or the Welsh Ministers recovering the whole of its or their costs from an agent or trustee, the relevant planning authority, or the Welsh Ministers may recover the costs from the principal, or partly from the principal and partly from the agent or trustee.
- (4) Where a notice of unauthorised development has been served in respect of development—

- (a) costau y mae perchennog neu feddiannydd y tir yn mynd iddynt at ddiben cydymffurfio â'r hysbysiad, a
 - (b) symiau y mae perchennog y tir yn eu talu o dan is-adran (1) mewn cysylltiad â chostau y mae'r awdurdod cynllunio perthnasol, neu Weinidogion Cymru, yn mynd iddynt wrth gymryd camau sy'n ofynnol ganddynt,
- i'w trin fel pe aed iddynt neu pe baent wedi eu talu at ddefnydd ac ar gais y person a ddyfarnwyd yn euog o'r drosedd o dan adran 103 neu 104.
- (5) Mae'r costau y gellir eu hadennill gan awdurdod cynllunio perthnasol neu Weinidogion Cymru o dan is-adran (1), hyd nes iddynt gael eu hadennill, yn bridiant ar y tir y mae'r hysbysiad datblygiad anawdurdodedig yn ymwneud ag ef.
 - (6) Mae'r pridiant yn cymryd effaith fel pridiant tir lleol ar ddechrau'r diwrnod ar ôl y diwrnod y mae'r awdurdod cynllunio neu Weinidogion Cymru yn cwblhau'r cam y mae'r costau'n ymwneud ag ef.
 - (7) Mae is-adran (8) yn gymwys –
 - (a) pan fo awdurdod cynllunio perthnasol neu Weinidogion Cymru yn symud ymaith ddeunyddiau o dir wrth gymryd camau sy'n ofynnol gan hysbysiad datblygiad anawdurdodedig, a
 - (b) pan na fo perchennog y deunyddiau, o fewn 3 diwrnod ar ôl y diwrnod y cânt eu symud ymaith, yn hawlio'r deunyddiau ac yn mynd â hwy i ffwrdd.
 - (8) Mewn perthynas â'r awdurdod cynllunio perthnasol neu Weinidogion Cymru –
 - (a) caiff werthu neu cânt werthu'r deunyddiau, a
 - (b) os gwneir hynny, rhaid iddo neu iddynt dalu'r enillion i'r person a oedd yn berchen ar y deunyddiau, ar ôl didynnu unrhyw gostau y gall yr awdurdod neu Weinidogion Cymru eu hadennill oddi wrth y person.
 - (9) Ni chaniateir adennill costau o dan yr adran hon oddi wrth y Goron.

Hysbysiadau stop dros dro

117 Pŵer i ddyroddi hysbysiad stop dros dro

- (1) Caiff awdurdod cynllunio perthnasol ddyroddi hysbysiad stop dros dro os yw'n ystyried –
 - (a) bod gweithgarwch wedi cael ei gynnal neu yn cael ei gynnal mewn perthynas â thir yn ei ardal sy'n drosedd o dan adran 103 neu 104, a
 - (b) y dylai'r gweithgarwch (neu unrhyw ran o'r gweithgarwch hwnnw) gael ei stopio ar unwaith.
- (2) Rhaid i hysbysiad stop dros dro –
 - (a) pennu'r gweithgarwch y mae'r awdurdod cynllunio yn ystyried ei fod yn drosedd,
 - (b) gwahardd cynnal y gweithgarwch (neu ba ran bynnag o'r gweithgarwch a bennir yn yr hysbysiad),
 - (c) nodi rhesymau'r awdurdod dros ddyroddi'r hysbysiad, a
 - (d) datgan effaith adran 120 (y drosedd o dorri hysbysiad stop dros dro).

- (a) costs incurred by the owner or occupier of the land for the purpose of complying with the notice, and
- (b) amounts paid by the owner of the land under subsection (1) in respect of costs incurred by the relevant planning authority, or the Welsh Ministers, in taking steps required by it or them,

are to be deemed to be incurred or paid for the use and at the request of the person found guilty of the offence under section 103 or 104.

- (5) The costs recoverable by a relevant planning authority or the Welsh Ministers under subsection (1) are, until recovered, a charge on the land to which the notice of unauthorised development relates.
- (6) The charge takes effect as a local land charge at the beginning of the day after the day the planning authority or the Welsh Ministers complete the step to which the costs relate.
- (7) Subsection (8) applies where –
 - (a) a relevant planning authority or the Welsh Ministers remove materials from land in the course of taking steps required by a notice of unauthorised development, and
 - (b) the owner of the materials does not, within 3 days after the day they are removed, claim the materials and take them away.
- (8) The relevant planning authority or the Welsh Ministers –
 - (a) may sell the materials, and
 - (b) if it or they do so, must pay the proceeds to the person who owned the materials, after deducting any costs recoverable by them from the person.
- (9) Costs may not be recovered under this section from the Crown.

Temporary stop notices

117 Power to issue temporary stop notice

- (1) A relevant planning authority may issue a temporary stop notice if it considers that –
 - (a) an activity has been or is being carried out in relation to land in its area that constitutes an offence under section 103 or 104, and
 - (b) the activity (or any part of that activity) ought to be stopped immediately.
- (2) A temporary stop notice must –
 - (a) specify the activity that the planning authority considers to constitute an offence,
 - (b) prohibit the carrying out of the activity (or of so much of the activity as is specified in the notice),
 - (c) set out the authority's reasons for issuing the notice, and
 - (d) state the effect of section 120 (offence of breaching temporary stop notice).

- (3) Rhaid i'r awdurdod cynllunio arddangos copi o'r hysbysiad stop dros dro ar y tir y mae'n ymwneud ag ef; a rhaid i'r copi bennu'r dyddiad y caiff ei arddangos am y tro cyntaf.
- (4) Ond os nad yw'n rhesymol ymarferol arddangos copi o'r hysbysiad ar y tir, caiff yr awdurdod cynllunio, yn lle hynny, arddangos copi mewn man amlwg mor agos i'r tir ag y bo'n rhesymol ymarferol.
- (5) Caiff yr awdurdod cynllunio gyflwyno copi o hysbysiad stop dros dro i unrhyw berson y mae'r awdurdod yn ystyried –
 - (a) ei fod yn cynnal y gweithgarwch y mae'r hysbysiad yn ei wahardd,
 - (b) ei fod yn feddiannydd ar y tir y mae'r hysbysiad yn ymwneud ag ef,
 - (c) bod ganddo fuddiant yn y tir, neu
 - (d) ei fod yn berson sy'n cael budd o orchymyn cydsyniad seilwaith y mae'r hysbysiad yn ymwneud ag ef.

118 Cyfyngiadau ar bŵer i ddyroddi hysbysiad stop dros dro

- (1) Ni chaiff hysbysiad stop dros dro wahardd –
 - (a) defnyddio adeilad fel annedd, na
 - (b) cynnal gweithgarwch o fath, neu o dan amgylchiadau, a bennir mewn rheoliadau.
- (2) Ni chaiff hysbysiad stop dros dro wahardd cynnal gweithgarwch sydd wedi ei gynnal (boed hynny'n ddi-dor ai peidio) am o leiaf 4 blynedd cyn y diwrnod yr arddangosir copi o'r hysbysiad yn unol ag adran 117 am y tro cyntaf.
- (3) Nid yw is-adran (2) yn atal hysbysiad stop dros dro rhag gwahardd –
 - (a) gweithgarwch sy'n weithrediadau adeiladu, peiriannu neu fwyngloddio neu'n weithrediadau eraill, neu sy'n ddeilliadol i hynny, na
 - (b) gwaredu gwastraff.

119 Hyd etc. hysbysiad stop dros dro

- (1) Mae hysbysiad stop dros dro yn cymryd effaith pan arddangosir copi ohono yn unol ag is-adran 117 am y tro cyntaf.
- (2) Mae hysbysiad stop dros dro yn peidio â chael effaith –
 - (a) ar ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r diwrnod pan arddangosir y copi ohono yn unol ag adran 117 am y tro cyntaf,
 - (b) os yw'n pennu cyfnod byrrach sy'n dechrau â'r diwrnod hwnnw, ar ddiwedd y cyfnod hwnnw, neu
 - (c) ar y dyddiad y mae'r llys yn caniatáu gwaharddeb o dan adran 122.
- (3) Ond os yw'r awdurdod cynllunio yn tynnu'r hysbysiad yn ôl cyn diwedd y cyfnod y byddai fel arall yn cael effaith ar ei gyfer, mae'r hysbysiad yn peidio â chael effaith pan gaiff ei dynnu'n ôl.
- (4) Ni chaiff awdurdod cynllunio ddyroddi ail hysbysiad stop dros dro na hysbysiad stop dros dro dilynol mewn perthynas â'r un gweithgarwch oni fo'r awdurdod, ers dyroddi'r hysbysiad blaenorol, wedi cymryd camau gorfodi eraill mewn perthynas â'r gweithgarwch y cyfeirir ato yn adran 117(1).

- (3) The planning authority must display a copy of the temporary stop notice on the land to which it relates; and the copy must specify the date on which it is first displayed.
- (4) But if it is not reasonably practicable to display a copy of the notice on the land, the planning authority may instead display a copy in a prominent place as near to the land as is reasonably practicable.
- (5) The planning authority may serve a copy of a temporary stop notice on any person the authority considers—
 - (a) to be carrying out the activity that the notice prohibits,
 - (b) to be an occupier of the land to which the notice relates,
 - (c) to have an interest in the land, or
 - (d) to be a person who has the benefit of an infrastructure consent order to which the notice relates.

118 Restrictions on power to issue temporary stop notice

- (1) A temporary stop notice may not prohibit—
 - (a) the use of a building as a dwelling, or
 - (b) the carrying out of an activity of a kind, or in circumstances, specified in regulations.
- (2) A temporary stop notice may not prohibit the carrying out of an activity that has been carried out (whether or not continuously) for at least 4 years before the day on which a copy of the notice is first displayed in accordance with section 117.
- (3) Subsection (2) does not prevent a temporary stop notice prohibiting—
 - (a) activity consisting of or incidental to building, engineering, mining, or other operations, or
 - (b) the deposit of waste.

119 Duration etc. of temporary stop notice

- (1) A temporary stop notice takes effect when a copy of it is first displayed in accordance with section 117.
- (2) A temporary stop notice ceases to have effect—
 - (a) at the end of the period of 28 days beginning with the day the copy of it is first displayed in accordance with section 117,
 - (b) if it specifies a shorter period beginning with that day, at the end of that period, or
 - (c) on the date on which the court grants an injunction under section 122.
- (3) But if the planning authority withdraws the notice before the end of the period for which it would otherwise have effect, the notice ceases to have effect when it is withdrawn.
- (4) A planning authority may not issue a second or subsequent temporary stop notice in relation to the same activity unless the authority has, since issuing the previous notice, taken other enforcement action in relation to the activity referred to in section 117(1).

- (5) Yn is-adran (4) mae'r cyfeiriad at gymryd camau gorfodi eraill yn gyfeiriad at—
- (a) dyroddi hysbysiad datblygiad anawdurdodedig o dan adran 113;
 - (b) cael gwaharddeb o dan adran 122.

120 Y drosedd o dorri hysbysiad stop dros dro

- (1) Mae person yn cyflawni trosedd os yw'r person, ar unrhyw adeg pan fydd hysbysiad stop dros dro yn cael effaith, yn cynnal gweithgarwch sydd wedi ei wahardd gan yr hysbysiad neu'n peri neu'n caniatáu i weithgarwch o'r fath gael ei gynnal.
- (2) Caniateir i berson gael ei gyhuddo o drosedd o dan yr adran hon drwy gyfeirio at ddiwrnod neu gyfnod hwy, a chaniateir iddo gael ei euogfarnu o fwy nag un drosedd mewn perthynas â'r un hysbysiad stop dros dro drwy gyfeirio at gyfnodau gwahanol.
- (3) Mewn achos yn erbyn person am drosedd o dan yr adran hon, mae'n amddiffyniad i'r person brofi—
 - (a) na chyflwynwyd copi o'r hysbysiad stop dros dro i'r person, a
 - (b) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn resymol iddo wybod, am fodolaeth yr hysbysiad.
- (4) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar ddiad, i ddirwy.

121 Digollediad am golled o ganlyniad i hysbysiad

- (1) Mae'r adran hon yn gymwys pan fo—
 - (a) gweithgarwch a bennir mewn hysbysiad stop dros dro, ar yr adeg y mae'r hysbysiad yn cymryd effaith, wedi ei awdurdodi drwy orchymyn cydsyniad seilwaith a roddwyd cyn y dyddiad y mae'r hysbysiad yn cymryd effaith, neu
 - (b) awdurdod cynllunio perthnasol yn tynnu'n ôl hysbysiad stop dros dro ar ôl iddo gymryd effaith.
- (2) Nid yw'r adran hon yn gymwys yn rhinwedd is-adran (1)(b) pan fo—
 - (a) gweithgarwch a bennir yn yr hysbysiad stop dros dro wedi ei awdurdodi drwy orchymyn cydsyniad seilwaith a roddir ar y diwrnod y mae'r hysbysiad yn cymryd effaith neu ar ôl hynny, neu
 - (b) yr awdurdod cynllunio yn tynnu'r hysbysiad yn ôl ar ôl i'r cydsyniad hwnnw gael ei roi.
- (3) Mae gan unrhyw berson a chanddo fuddiant yn y tir y mae'r hysbysiad yn ymwneud ag ef ar y diwrnod y mae'r hysbysiad yn cymryd effaith hawlogaeth, wrth wneud hawliad i'r awdurdod cynllunio perthnasol, i gael ei ddigolledu gan yr awdurdod am unrhyw golled neu ddifrod a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i effaith yr hysbysiad.
- (4) Mae'r golled neu'r difrod y mae digollediad yn daladwy amdani neu amdano yn cynnwys unrhyw swm sy'n daladwy gan yr hawlydd mewn cysylltiad â thor contract a achosir drwy gymryd camau sy'n angenrheidiol i gydymffurfio â'r hysbysiad.

- (5) In subsection (4) the reference to taking other enforcement action is a reference to—
- (a) issuing a notice of unauthorised development under section 113;
 - (b) obtaining an injunction under section 122.

120 Offence of breaching temporary stop notice

- (1) A person commits an offence if, at any time when a temporary stop notice has effect, the person carries out an activity prohibited by the notice or causes or permits such an activity to be carried out.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same temporary stop notice by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for a person to prove that—
- (a) a copy of the temporary stop notice was not served on the person, and
 - (b) the person did not know, and could not reasonably have been expected to know, of the existence of the notice.
- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

121 Compensation for loss due to notice

- (1) This section applies where—
- (a) an activity specified in a temporary stop notice is, at the time the notice takes effect, authorised by an infrastructure consent order granted before the day the notice takes effect, or
 - (b) a relevant planning authority withdraws a temporary stop notice after it has taken effect.
- (2) This section does not apply by virtue of subsection (1)(b) where—
- (a) an activity specified in the temporary stop notice is authorised by an infrastructure consent order granted on or after the day the notice takes effect, or
 - (b) the planning authority withdraws the notice after the grant of that consent.
- (3) Any person who has an interest in the land to which the notice relates on the day the notice takes effect is entitled, on making a claim to the relevant planning authority, to be paid compensation by the authority for any loss or damage suffered by the person that is directly attributable to the effect of the notice.
- (4) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by taking action necessary to comply with the notice.

- (5) Nid oes digollediad yn daladwy o dan yr adran hon mewn cysylltiad â gwahardd gweithgarwch sydd, ar unrhyw adeg y mae'r hysbysiad stop dros dro yn cael effaith, yn drosedd neu'n cyfrannu at drosedd o adan 103 neu 104.
- (6) Nid oes digollediad yn daladwy o dan yr adran hon am golled neu ddifrod y gallai'r hawlydd fod wedi ei hosgoi neu ei osgoi drwy –
 - (a) darparu gwybodaeth yr oedd hysbysiad a gyflwynwyd gan yr awdurdod cynllunio o dan adran 111 o'r Ddeddf hon neu adran 16 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (p. 57) yn ei gwneud yn ofynnol i'r hawlydd ei darparu, neu
 - (b) cydweithredu â'r awdurdod cynllunio mewn unrhyw ffordd arall wrth ymateb i'r hysbysiad.
- (7) Rhaid i hawliad am ddi-gollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 12 mis sy'n dechrau –
 - (a) mewn achos sy'n dod o fewn is-adran (1)(a) ond nid o fewn is-adran (1)(b), â'r diwrnod y mae'r hysbysiad stop dros dro yn cymryd effaith;
 - (b) mewn achos sy'n dod o fewn is-adran (1)(b), â'r diwrnod y mae'r hysbysiad wedi ei dynnu'n ôl.

122 Gwaharddeb i atal gweithgarwch gwaharddedig

- (1) Caiff awdurdod cynllunio wneud cais i'r Uchel Lys neu'r llys sirol am waharddeb sy'n atal gweithgarwch gwirioneddol neu ddisgwyliedig sy'n drosedd o dan adran 103 neu 104 mewn perthynas â thir yn ardal yr awdurdod cynllunio.
- (2) Caiff Gweinidogion Cymru wneud cais i'r Uchel Lys neu'r llys sirol am waharddeb sy'n atal gweithgarwch gwirioneddol neu ddisgwyliedig sy'n drosedd o dan adran 103 neu 104 mewn perthynas â thir yng Nghymru.
- (3) Ar gais o dan yr adran hon caiff y llys roi gwaharddeb ar unrhyw delerau y mae'n ystyried eu bod yn briodol at ddiben atal y gweithgarwch.
- (4) Ni chaniateir dyroddi gwaharddeb o dan yr adran hon yn erbyn y Goron.

Cyffredinol

123 Ystyr "awdurdod cynllunio perthnasol"

Yn y Rhan hon, yr awdurdod cynllunio perthnasol mewn perthynas ag unrhyw dir yw'r awdurdod cynllunio ar gyfer yr ardal y lleolir y tir ynddi.

RHAN 8

SWYDDOGAETHAU ATODOL

Ffioedd

124 Ffioedd am gyflawni swyddogaethau a darparu gwasanaethau cydsyniad seilwaith

- (1) Caiff rheoliadau wneud darpariaeth ar gyfer codi ffioedd ac mewn cysylltiad â chodi ffioedd gan –
 - (a) awdurdod cyhoeddus penodedig am gyflawni swyddogaeth cydsyniad seilwaith;

- (5) No compensation is payable under this section in respect of the prohibition of an activity which, at any time when the temporary stop notice has effect, constitutes or contributes to an offence under section 103 or 104.
- (6) No compensation is payable under this section for loss or damage that the claimant could have avoided by –
 - (a) providing information that the claimant was required to provide by a notice served by the planning authority under section 111 of this Act or section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57), or
 - (b) co-operating with the planning authority in any other way when responding to the notice.
- (7) A claim for compensation under this section must be made in writing within 12 months beginning –
 - (a) in a case falling within subsection (1)(a) but not within subsection (1)(b), with the day the temporary stop notice takes effect;
 - (b) in a case falling within subsection (1)(b), with the day the notice is withdrawn.

122 Injunction to restrain prohibited activity

- (1) A planning authority may apply to the High Court or the county court for an injunction restraining an actual or expected activity that constitutes an offence under section 103 or 104 in relation to land in the area of the planning authority.
- (2) The Welsh Ministers may apply to the High Court or the county court for an injunction restraining an actual or expected activity that constitutes an offence under section 103 or 104 in relation to land in Wales.
- (3) On an application under this section the court may grant an injunction on any terms it considers appropriate for the purpose of restraining the activity.
- (4) An injunction may not be issued under this section against the Crown.

General

123 Meaning of “relevant planning authority”

In this Part, the relevant planning authority in relation to any land is the planning authority for the area in which the land is situated.

PART 8

SUPPLEMENTARY FUNCTIONS

Fees

124 Fees for performance of infrastructure consent functions and services

- (1) Regulations may make provision for or in connection with the charging of fees by –
 - (a) a specified public authority for performing an infrastructure consent function;

- (b) awdurdod cyhoeddus penodedig am ddarparu gwasanaeth cydsyniad seilwaith.
- (2) Ystyr “swyddogaeth cydsyniad seilwaith” yw swyddogaeth a roddir gan y Ddeddf hon, odani neu yn ei rhinwedd.
- (3) Ystyr “gwasanaeth cydsyniad seilwaith” yw unrhyw gyngor, gwybodaeth neu gymorth arall (gan gynnwys ymateb i ymgynghoriad neu gymryd rhan mewn archwiliad o gais drwy lunio cyflwyniad ysgrifenedig, bod yn bresennol neu roi tystiolaeth mewn gwrandawriad neu fod yn bresennol neu roi tystiolaeth mewn ymchwiliad lleol) a ddarperir mewn cysylltiad ag –
- (a) cais neu gais arfaethedig –
- (i) am gydsyniad seilwaith, neu
- (ii) i newid neu ddirymu gorchymyn cydsyniad seilwaith, neu
- (b) unrhyw fater penodedig arall sy’n ymwneud â phrosiectau seilwaith arwyddocaol.
- (4) Caiff rheoliadau o dan is-adran (1), ymhlith pethau eraill, wneud darpariaeth ynghylch –
- (a) pryd y caniateir, a phryd na chaniateir, codi ffi (gan gynnwys ffi atodol);
- (b) y swm y caniateir ei godi (gan gynnwys darpariaeth sy’n pennu’r swm neu ddarpariaeth sy’n rhoi pŵer i bennu’r swm);
- (c) yr hyn y caniateir, a’r hyn na chaniateir, ei ystyried wrth gyfrifo’r swm a godir;
- (d) pwy sy’n agored i dalu ffi a godir;
- (e) i bwy y telir ffioedd;
- (f) pryd y mae ffi a godir yn daladwy;
- (g) adennill ffioedd a godir;
- (h) ildio, lleihau neu ad-dalu ffioedd;
- (i) effaith talu neu fethu â thalu ffioedd a godir (gan gynnwys darpariaeth sy’n caniatáu i awdurdod cyhoeddus a bennir o dan is-adran (1) beidio â gwneud rhywbeth y byddai’n ofynnol i’r awdurdod ei wneud fel arall o dan ddeddfiad hyd nes y telir unrhyw ffioedd sydd heb eu talu am ei wneud);
- (j) trosglwyddo ffioedd sy’n daladwy i un person i berson arall;
- (k) cyflenwi neu gyhoeddi gwybodaeth at unrhyw un neu ragor o ddibenion y rheoliadau.
- (5) Caiff rheoliadau o dan is-adran (1) roi swyddogaeth, gan gynnwys swyddogaeth sy’n ymwneud ag arfer disgresiwn, i unrhyw berson.
- (6) Caiff rheoliadau o dan is-adran (1)(a) ddarparu bod symiau ffioedd i’w cyfrifo drwy gyfeirio at y costau yr eir iddynt –
- (a) wrth gyflawni unrhyw swyddogaeth cydsyniad seilwaith, a
- (b) wrth wneud unrhyw beth y bwriedir iddo hwyluso cyflawni unrhyw swyddogaeth cydsyniad seilwaith, neu sy’n ffafriol neu’n ddeilliadol i’w chyflawni.
- (7) Yn yr adran hon, ystyr “penodedig” yw wedi ei bennu mewn rheoliadau.

- (b) a specified public authority for the provision of an infrastructure consent service.
- (2) “Infrastructure consent function” means a function conferred by, under or by virtue of this Act.
- (3) “Infrastructure consent service” means any advice, information or other assistance (including a response to a consultation or participating in the examination of an application by making a written submission, attending or giving evidence at a hearing or attending or giving evidence to a local inquiry) provided in connection with—
 - (a) an application or proposed application—
 - (i) for an infrastructure consent, or
 - (ii) to make a change to, or revoke, an infrastructure consent order, or
 - (b) any other specified matter relating to significant infrastructure projects.
- (4) Regulations under subsection (1) may, among other things, make provision about—
 - (a) when a fee (including a supplementary fee) may, and may not, be charged;
 - (b) the amount that may be charged (including provision specifying the amount or provision conferring a power to specify the amount);
 - (c) what may, and may not, be taken into account in calculating the amount charged;
 - (d) who is liable to pay a fee charged;
 - (e) to whom fees are to be paid;
 - (f) when a fee charged is payable;
 - (g) the recovery of fees charged;
 - (h) waiver, reduction or repayment of fees;
 - (i) the effect of paying or failing to pay fees charged (including provision permitting a public authority specified under subsection (1) to not do something the authority would otherwise be required to do under an enactment until any outstanding fees for doing it are paid);
 - (j) the transfer of fees payable to one person to another person;
 - (k) the supply or publication of information for any purpose of the regulations.
- (5) Regulations under subsection (1) may confer a function, including a function involving the exercise of a discretion, on any person.
- (6) Regulations under subsection (1)(a) may provide for the amounts of fees to be calculated by reference to costs incurred—
 - (a) in the performance of any infrastructure consent function, and
 - (b) in doing anything that is calculated to facilitate, or is conducive or incidental to, the performance of any infrastructure consent function.
- (7) In this section, “specified” means specified in regulations.

*Hawl mynediad***125 Pwerau mynediad i gynnal arolwg o dir**

- (1) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru fynd ar dir ar unrhyw adeg resymol at ddiben cynnal arolwg o dir a chymryd lefelau o dir, mewn cysylltiad ag—
 - (a) cais dilys am gydsyniad seilwaith,
 - (b) cais arfaethedig am gydsyniad seilwaith, neu
 - (c) gorchymyn cydsyniad seilwaith sy'n cynnwys darpariaeth sy'n awdurdodi caffael yn orfodol y tir hwynnw neu fuddiant ynddo neu hawl drosto.
- (2) Ni chaniateir i Weinidogion Cymru roi awdurdodiad o dan is-adran (1)(b) mewn perthynas â thir oni fo'n ymddangos i Weinidogion Cymru bod y ceisydd arfaethedig yn ystyried prosiect o sylwedd gwirioneddol y mae gwir angen mynd ar y tir ar ei gyfer.
- (3) Mewn perthynas â pherson a awdurdodir i fynd ar dir o dan is-adran (1)—
 - (a) rhaid iddo, os yw'n ofynnol iddo wneud hynny, ddangos tystiolaeth o awdurdodiad y person, a datgan diben mynd ar y tir, cyn mynd arno,
 - (b) ni chaiff fynnu cael mynediad fel hawl i unrhyw dir sydd wedi ei feddiannu oni roddwyd 14 o ddiwrnodau o rybudd o'r mynediad bwriadedig i'r meddiannydd,
 - (c) caiff fynd ag unrhyw bersonau eraill sy'n angenrheidiol ar y tir,
 - (d) rhaid iddo, os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno, ac
 - (e) rhaid iddo gydymffurfio ag unrhyw amodau eraill y rhoddir awdurdodiad Gweinidogion Cymru yn ddarostyngedig iddynt.
- (4) Mae pŵer a roddir gan is-adran (1) i gynnal arolwg o dir yn cynnwys pŵer i chwilio a thurio i ganfod natur yr isbridd neu i ganfod a oes mwynau neu sylweddau eraill ynddo, yn ddarostyngedig i is-adrannau (5) a (6).
- (5) Ni chaiff person o dan is-adran (1) wneud unrhyw waith a awdurdodir yn rhinwedd is-adran (4) oni chynhwyswyd hysbysiad o fwriad y person i wneud hynny yn yr hysbysiad sy'n ofynnol gan is-adran (3)(b).
- (6) Mae awdurdodiad y Gweinidog priodol yn ofynnol er mwyn o dan is-adran (1) wneud gwaith a awdurdodir yn rhinwedd is-adran (4)—
 - (a) os yw'r tir o dan sylw yn cael ei ddal gan ymgwymerwyr statudol, a
 - (b) os ydynt yn gwrthwynebu'r gwaith arfaethedig ar y sail y byddai cyflawni'r gwaith yn ddifrifol niweidiol i gynnal eu hymgymeriad.
- (7) Yn is-adran (6)—

ystyr "y Gweinidog priodol" (*"the appropriate Minister"*) yw—

 - (a) yn achos tir yng Nghymru a ddelir gan ymgwymerwyr dŵr neu garthffosiaeth, Gweinidogion Cymru, a
 - (b) mewn unrhyw achos arall, yr Ysgrifennydd Gwladol;

*Right of entry***125 Powers of entry to survey land**

- (1) A person authorised in writing by the Welsh Ministers may at any reasonable time enter land in Wales for the purpose of surveying and taking levels of land, in connection with—
 - (a) a valid application for infrastructure consent,
 - (b) a proposed application for infrastructure consent, or
 - (c) an infrastructure consent order that includes provision authorising the compulsory acquisition of that land or of an interest in it or right over it.
- (2) Authorisation may be given by the Welsh Ministers under subsection (1)(b) in relation to land only if it appears to the Welsh Ministers that the proposed applicant is considering a project of real substance genuinely requiring entry onto the land.
- (3) A person authorised under subsection (1) to enter land—
 - (a) must, if required, produce evidence of the person’s authority, and state the purpose of the person’s entry, before entering,
 - (b) may not demand admission as of right to any land which is occupied unless 14 days’ notice of the intended entry has been given to the occupier,
 - (c) may take on to the land any other persons that are necessary,
 - (d) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it, and
 - (e) must comply with any other conditions subject to which the Welsh Ministers’ authorisation is given.
- (4) Power conferred by subsection (1) to survey land includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals or other matter in it, subject to subsections (5) and (6).
- (5) No person may carry out under subsection (1) any works authorised by virtue of subsection (4) unless notice of the person’s intention to do so was included in the notice required by subsection (3)(b).
- (6) Authorisation by the appropriate Minister is required for the carrying out under subsection (1) of works authorised by virtue of subsection (4) if—
 - (a) the land in question is held by statutory undertakers, and
 - (b) they object to the proposed works on the ground that execution of the works would be seriously detrimental to the carrying-on of their undertaking.
- (7) In subsection (6)—

“the appropriate Minister” (“*y Gweinidog priodol*”) means—

 - (a) in the case of land in Wales held by water or sewerage undertakers, the Welsh Ministers, and
 - (b) in any other case the Secretary of State;

ystyr “ymgymerwyr statudol” (“*statutory undertakers*”) yw personau sydd, neu y tybir eu bod, yn ymgwymerwyr statudol at ddibenion unrhyw ddarpariaeth yn Rhan 11 o DCGTh 1990.

- (8) Mae person yn cyflawni trosedd os yw'r person yn rhwystro'n fwriadol berson sy'n gweithredu wrth arfer pŵer o dan is-adran (1).
- (9) Mae person sy'n euog o drosedd o dan is-adran (8) yn agored ar euogfarn ddiannod i ddirwy.
- (10) Os perir unrhyw ddifrod i dir neu eiddo arall—
 - (a) wrth arfer pŵer mynediad a roddir o dan is-adran (1), neu
 - (b) wrth gynnal arolwg y rhoddwyd unrhyw bŵer mynediad o'r fath at ei ddiben, caiff person sy'n dioddef y difrod adennill digollediad oddi wrth y person sy'n arfer y pŵer mynediad.
- (11) Rhaid i unrhyw gwestiwn ynghylch digollediad y ceir anghydfod yn ei gylch o dan is-adran (10) gael ei atgyfeirio i'r Uwch Dribiwnlys a'i benderfynu ganddo.

126 Pwerau mynediad i gynnal arolwg o dir: tir y Goron

- (1) Mae adran 125(1) yn gymwys i dir y Goron yn ddarostyngedig i is-adrannau (2) a (3).
- (2) Ni chaiff person fynd ar dir y Goron oni fo'r person (“P”) wedi cael caniatâd—
 - (a) person yr ymddengys i P fod ganddo hawl i'w roi, neu
 - (b) awdurdod priodol y Goron.
- (3) Yn adran 125(4) (pŵer mynediad i gynnal arolwg o dir yn cynnwys pŵer i chwilio a thurio), nid yw'r geiriau “yn ddarostyngedig i is-adrannau (5) a (6)” yn gymwys.
- (4) Nid yw is-adrannau (3)(b), (5), (6), (8) a (9) o adran 125 yn gymwys mewn perthynas ag unrhyw beth a wneir yn rhinwedd yr adran hon.

Datganiadau polisi seilwaith

127 Datganiadau polisi seilwaith

- (1) Caiff Gweinidogion Cymru, drwy hysbysiad, ddynodi dogfen yn ddatganiad polisi seilwaith at ddibenion y Ddeddf hon, os yw'r ddogfen—
 - (a) yn cael ei dyroddi gan Weinidogion Cymru, a
 - (b) yn nodi polisi i lywio'r broses o wneud penderfyniadau o dan y Ddeddf hon mewn perthynas ag un math o brosiect seilwaith arwyddocaol neu ragor.
- (2) Yn y Ddeddf hon, ystyr “datganiad polisi seilwaith” yw dogfen a ddynodir o dan is-adran (1).
- (3) Caiff Gweinidogion Cymru dynnu yn ôl ddynodiad dogfen yn ddatganiad polisi seilwaith drwy hysbysiad ysgrifenedig.
- (4) Rhaid i Weinidogion Cymru gyhoeddi a gosod gerbron Senedd Cymru—
 - (a) pob hysbysiad sy'n dynodi dogfen yn ddatganiad polisi seilwaith;

“statutory undertakers” (“*ymgymerwyr stadudol*”) means persons who are, or who are deemed to be, statutory undertakers for the purposes of any provision of Part 11 of the TCPA 1990.

- (8) A person commits an offence if the person intentionally obstructs a person acting in the exercise of power under subsection (1).
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine.
- (10) If any damage is caused to land or other property –
 - (a) in the exercise of a power of entry conferred under subsection (1), or
 - (b) in the making of a survey for the purpose of which any such power of entry has been conferred,
 a person suffering the damage may recover compensation from the person exercising the power of entry.
- (11) Any question of disputed compensation under subsection (10) must be referred to and determined by the Upper Tribunal.

126 Powers of entry to survey land: Crown land

- (1) Section 125(1) applies to Crown land subject to subsections (2) and (3).
- (2) A person must not enter Crown land unless the person (“P”) has the permission of –
 - (a) a person appearing to P to be entitled to give it, or
 - (b) the appropriate Crown authority.
- (3) In section 125(4) (power of entry to survey land includes power to search and bore), the words “subject to subsections (5) and (6)” do not apply.
- (4) Subsections (3)(b), (5), (6), (8), and (9) of section 125 do not apply in relation to anything done by virtue of this section.

Infrastructure policy statements

127 Infrastructure policy statements

- (1) The Welsh Ministers may by notice designate a document as an infrastructure policy statement for the purposes of this Act, if the document –
 - (a) is issued by the Welsh Ministers, and
 - (b) sets out a policy to guide decision making under this Act in relation to one or more kinds of significant infrastructure project.
- (2) In this Act, “infrastructure policy statement” means a document designated under subsection (1).
- (3) The Welsh Ministers may withdraw the designation of a document as an infrastructure policy statement by notice in writing.
- (4) The Welsh Ministers must publish and lay before Senedd Cymru –
 - (a) each notice designating a document as an infrastructure policy statement;

- (b) pob hysbysiad bod dynodiad dogfen yn ddatganiad polisi seilwaith yn cael ei dynnu yn ôl.
- (5) Os nad yw dogfen a ddynodir yn ddatganiad polisi seilwaith wedi ei chyhoeddi yn flaenorol, rhaid i Weinidogion Cymru ei chyhoeddi.
- (6) Os nad yw dogfen a ddynodir yn ddatganiad polisi seilwaith wedi ei gosod gerbron Senedd Cymru yn flaenorol, rhaid i Weinidogion Cymru ei gosod gerbron y Senedd.

Cofrestr o geisiadau a gwasanaethau cyn gwneud cais

128 Cofrestr o geisiadau a gwasanaethau cyn gwneud cais

- (1) Rhaid i Weinidogion Cymru gynnal cofrestr o—
- (a) ceisiadau am gydsyniad seilwaith y maent wedi eu cael;
 - (b) ceisiadau am wasanaethau cyn gwneud cais y maent wedi eu cael;
 - (c) gwasanaethau cyn gwneud cais y maent wedi eu darparu.
- (2) Os yw Gweinidogion Cymru yn cael cais dilys am gydsyniad seilwaith, rhaid iddynt beri bod manylion y cais yn cael eu cofnodi ar y gofrestr.
- (3) Os yw Gweinidogion Cymru yn cael cais am wasanaethau cyn gwneud cais, rhaid iddynt beri bod manylion y cais yn cael eu cofnodi ar y gofrestr.
- (4) Os yw Gweinidogion Cymru yn darparu gwasanaethau cyn gwneud cais, rhaid iddynt beri bod manylion y gwasanaethau a ddarparwyd yn cael eu cofnodi ar y gofrestr.
- (5) Rhaid i Weinidogion Cymru gyhoeddi'r gofrestr.
- (6) Caiff rheoliadau wneud darpariaeth ar gyfer ei gwneud yn ofynnol, neu mewn cysylltiad â'i gwneud yn ofynnol, i bob awdurdod cynllunio gynnal cofrestr o—
- (a) ceisiadau am gydsyniad seilwaith y mae Gweinidogion Cymru wedi eu cael ar gyfer datblygiad sy'n gyfan gwbl neu'n rhannol yn ardal yr awdurdod cynllunio;
 - (b) ceisiadau am wasanaethau cyn gwneud cais y mae'r awdurdod cynllunio wedi eu cael;
 - (c) gwasanaethau cyn gwneud cais a ddarparwyd gan yr awdurdod cynllunio.
- (7) Caiff rheoliadau wneud darpariaeth ar gyfer ei gwneud yn ofynnol, neu mewn cysylltiad â'i gwneud yn ofynnol, i Gyfoeth Naturiol Cymru gynnal cofrestr o—
- (a) ceisiadau am wasanaethau cyn gwneud cais y mae Cyfoeth Naturiol Cymru wedi eu cael;
 - (b) gwasanaethau cyn gwneud cais a ddarparwyd gan Gyfoeth Naturiol Cymru.
- (8) Caiff rheoliadau, mewn perthynas â chofrestr y mae'n ofynnol ei chynnal gan yr adran hon neu odani, wneud darpariaeth ynghylch—
- (a) ffurf a chynnwys cofrestr;
 - (b) galluogi'r cyhoedd i weld dogfennau sy'n ymwneud â chofnodion ar y gofrestr, gan gynnwys darpariaeth sy'n ei gwneud yn ofynnol i'r dogfennau gael eu hadneuo, eu storio a bod ar gael i edrych arnynt fel cyfleuster o'r gofrestr;
 - (c) amseriad ychwanegu cofnodion at y gofrestr.

- (b) each notice of the withdrawal of the designation of a document as an infrastructure policy statement.
- (5) If a document designated as an infrastructure policy statement has not previously been published, the Welsh Ministers must publish it.
- (6) If a document designated as an infrastructure policy statement has not previously been laid before Senedd Cymru, the Welsh Ministers must lay it before the Senedd.

Register of applications and pre-application services

128 Register of applications and pre-application services

- (1) The Welsh Ministers must maintain a register of—
 - (a) applications received by them for infrastructure consent;
 - (b) applications received by them for pre-application services;
 - (c) pre-application services provided by them.
- (2) If the Welsh Ministers receive a valid application for infrastructure consent, they must cause details of the application to be entered in the register.
- (3) If the Welsh Ministers receive an application for pre-application services, they must cause details of the application to be entered in the register.
- (4) If the Welsh Ministers provide pre-application services, they must cause details of the services provided to be entered into the register.
- (5) The Welsh Ministers must publish the register.
- (6) Regulations may make provision for or in connection with requiring each planning authority to maintain a register of—
 - (a) applications received by the Welsh Ministers for infrastructure consent for development wholly or partly in the area of the planning authority;
 - (b) applications received by the planning authority for pre-application services;
 - (c) pre-application services provided by the planning authority.
- (7) Regulations may make provision for or in connection with requiring Natural Resources Wales to maintain a register of—
 - (a) applications received by Natural Resources Wales for pre-application services;
 - (b) pre-application services provided by Natural Resources Wales.
- (8) Regulations may, in relation to a register required to be maintained by or under this section, make provision about—
 - (a) the form and content of a register;
 - (b) public access to documents relating to entries in the register, including provision requiring the documents to be deposited, stored and made accessible as a facility of the register;
 - (c) the timing of entries to a register.

*Ymgynghoreion statudol***129 Pŵer i ymgynghori a dyletswydd i ymateb i ymgynghoriad**

- (1) Caiff Gweinidogion Cymru neu awdurdod archwilio ymgynghori ag awdurdod cyhoeddus a bennir mewn rheoliadau ynghylch cais dilys am gydsyniad seilwaith.
- (2) Rhaid i'r awdurdod cyhoeddus yr ymgynghorir ag ef roi ymateb o sylwedd.
- (3) Rhaid rhoi'r ymateb hwnnw cyn diwedd –
 - (a) cyfnod a bennir mewn rheoliadau, neu
 - (b) os yw'r awdurdod a Gweinidogion Cymru neu'r awdurdod archwilio (yn ôl y digwydd) yn cytuno fel arall yn ysgrifenedig, pa gyfnod bynnag a bennir yn eu cytundeb.
- (4) Caiff rheoliadau wneud darpariaeth –
 - (a) ynghylch gwybodaeth sydd i'w darparu gan Weinidogion Cymru neu awdurdod archwilio i awdurdod at ddibenion ymgynghoriad o dan is-adran (1);
 - (b) ynghylch gofynion ymateb o sylwedd;
 - (c) yn ei gwneud yn ofynnol i awdurdod yr ymgynghorir ag ef o dan is-adran (1) roi adroddiad i Weinidogion Cymru ynghylch cydymffurfedd yr awdurdod ag is-adran (2) (gan gynnwys darpariaeth ynghylch ffurf a chynnwys yr adroddiad, a phryd y mae i'w wneud).

*Cyfarwyddydau Gweinidogion Cymru***130 Cyfarwyddydau i awdurdodau cyhoeddus**

- (1) Caiff Gweinidogion Cymru roi cyfarwyddyd sy'n ei gwneud yn ofynnol i awdurdod cyhoeddus y mae'r adran hon yn gymwys iddo wneud pethau mewn perthynas â chais a wneir i Weinidogion Cymru.
- (2) Mae'r adran hon yn gymwys i'r awdurdodau cyhoeddus a ganlyn –
 - (a) awdurdod cynllunio;
 - (b) Cyfoeth Naturiol Cymru;
 - (c) awdurdod Cymreig datganoledig a bennir mewn rheoliadau.
- (3) Caiff cyfarwyddyd a roddir o dan yr adran hon –
 - (a) ymwneud â chais penodol neu ddisgrifiad o gais, neu geisiadau yn gyffredinol;
 - (b) cael ei roi i awdurdod cyhoeddus penodol neu ddisgrifiad o awdurdod cyhoeddus neu i awdurdodau cyhoeddus yn gyffredinol.
- (4) Caiff rheoliadau wneud darpariaeth ar gyfer adennill costau, ac mewn cysylltiad ag adennill costau, y mae awdurdodau cyhoeddus wedi mynd iddynt am bethau a wneir yn unol â chyfarwyddydau o dan yr adran hon.

131 Pŵer i ddatgymhwyso gofynion

- (1) Caiff rheoliadau ddarparu pŵer i Weinidogion Cymru gyfarwyddo nad yw gofynion a osodir gan y Ddeddf hon, odani neu yn ei rhinwedd yn gymwys mewn achos a bennir yn y cyfarwyddyd.

*Statutory consultees***129 Power to consult and duty to respond to consultation**

- (1) The Welsh Ministers or an examining authority may consult a public authority specified in regulations about a valid application for infrastructure consent.
- (2) The public authority consulted must give a substantive response.
- (3) That response must be given before the end of –
 - (a) a period specified in regulations, or
 - (b) if the authority and the Welsh Ministers or examining authority (as the case may be) agree otherwise in writing, whatever period is specified in their agreement.
- (4) Regulations may make provision –
 - (a) about information that is to be provided by the Welsh Ministers or an examining authority to an authority for the purposes of consultation under subsection (1);
 - (b) about the requirements of a substantive response;
 - (c) requiring an authority consulted under subsection (1) to give a report to the Welsh Ministers about the authority's compliance with subsection (2) (including provision as to the form and content of the report, and the time at which it is to be made).

*Welsh Ministers' directions***130 Directions to public authorities**

- (1) The Welsh Ministers may give a direction requiring a public authority to which this section applies to do things in relation to an application made to the Welsh Ministers.
- (2) This section applies to the following public authorities –
 - (a) a planning authority;
 - (b) Natural Resources Wales;
 - (c) a devolved Welsh authority specified in regulations.
- (3) Directions given under this section –
 - (a) may relate to a particular application or description of application, or to applications generally;
 - (b) may be given to a particular public authority or description of public authority or to public authorities generally.
- (4) Regulations may make provision for or in connection with the recovery of costs incurred by public authorities for things done in pursuance of directions under this section.

131 Power to disapply requirements

- (1) Regulations may provide for a power for the Welsh Ministers to direct that requirements imposed by, under or by virtue of this Act do not apply in a case specified in the direction.

- (2) Mewn perthynas â'r rheoliadau –
- (a) rhaid iddynt bennu'r gofynion y caniateir eu datgymhwysu gan gyfarwyddyd;
 - (b) rhaid iddynt ei gwneud yn ofynnol i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl gwneud cyfarwyddyd –
 - (i) cyhoeddi'r cyfarwyddyd, a
 - (ii) gosod datganiad ynghylch y cyfarwyddyd gerbron Senedd Cymru yn egluro ei effaith a pham y'i gwnaed;
 - (c) cânt awdurdodi cyfarwyddydau i fod yn gymwys mewn achos penodol neu i achosion yn gyffredinol.

Rheoliadau ar geisiadau'r Goron

132 Ceisiadau gan y Goron

- (1) Mae'r adran hon yn gymwys i gais a wneir gan y Goron neu ar ei rhan am gydsyniad seilwaith neu i newid neu ddirymu gorchymyn cydsyniad seilwaith ("cais gan y Goron").
- (2) Caiff Gweinidogion Cymru drwy reoliadau addasu neu eithrio unrhyw ddeddfiad (gan gynnwys deddfiad a gynhwysir yn y Ddeddf hon) sy'n ymwneud ag –
 - (a) y weithdrefn sydd i'w dilyn cyn i gais gan y Goron gael ei wneud;
 - (b) gwneud cais gan y Goron;
 - (c) y broses o wneud penderfyniad ar gyfer cais o'r fath.

RHAN 9

DARPARIAETHAU CYFFREDINOL

Datblygiad

133 Ystyr "datblygiad"

- (1) Yn y Ddeddf hon, mae i "datblygiad" yr un ystyr â "development" yn DCGTh 1990, yn ddarostyngedig i is-adrannau (2), (3) a (4).
- (2) At ddibenion y Ddeddf hon –
 - (a) mae trosi gorsaf gynhyrchu gyda'r bwriad y bydd petroliwm hylifol crai, cynnyrch petroliwm neu nwy naturiol yn dod yn danwydd ar ei chyfer yn cael ei drin fel newid sylweddol yn y defnydd o'r orsaf gynhyrchu;
 - (b) mae cynyddu'r defnydd a ganiateir o faes awyr yn cael ei drin fel newid sylweddol yn y defnydd o'r maes awyr.
- (3) At ddibenion y Ddeddf hon, cymerir bod y gwaith a ganlyn yn ddatblygiad (i'r graddau na fyddai'n ddatblygiad fel arall) –
 - (a) gwaith i ddymchwel adeilad rhestredig neu ei addasu neu ei estyn mewn modd a fyddai'n effeithio ar ei gymeriad fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig;
 - (b) gwaith i ddymchwel adeilad mewn ardal gadwraeth;

- (2) The regulations—
- (a) must specify the requirements that may be dis-applied by direction;
 - (b) must require the Welsh Ministers to, as soon as reasonably practicable after making a direction—
 - (i) publish the direction, and
 - (ii) lay a statement about the direction before Senedd Cymru explaining its effect and why it was made;
 - (c) may authorise directions to apply in a particular case or cases generally.

Regulations about Crown applications

132 Applications by the Crown

- (1) This section applies to an application made by or on behalf of the Crown for infrastructure consent or change to or revocation of an infrastructure consent order (“a Crown application”).
- (2) The Welsh Ministers may by regulations modify or exclude any enactment (including an enactment contained in this Act) relating to—
- (a) the procedure to be followed before a Crown application is made;
 - (b) the making of a Crown application;
 - (c) the decision-making process for such an application.

PART 9

GENERAL PROVISIONS

Development

133 Meaning of “development”

- (1) In this Act, “development” has the same meaning as it has in TCPA 1990, subject to subsections (2), (3) and (4).
- (2) For the purposes of this Act—
- (a) the conversion of a generating station with a view to its being fuelled by crude liquid petroleum, a petroleum product or natural gas is treated as a material change in the use of the generating station;
 - (b) an increase in the permitted use of an airport is treated as a material change in the use of the airport.
- (3) For the purposes of this Act, the following works are taken to be development (to the extent that they would not be otherwise)—
- (a) works for the demolition of a listed building or its alteration or extension in a way that would affect its character as a building of special architectural or historic interest;
 - (b) works for the demolition of a building in a conservation area;

- (c) gwaith sy'n arwain at ddymchwel neu ddinistrio heneb gofrestredig, neu at unrhyw ddifrod i heneb gofrestredig;
 - (d) gwaith at ddiben symud ymaith neu atgyweirio heneb gofrestredig neu unrhyw ran ohoni neu wneud unrhyw addasiadau i heneb gofrestredig neu unrhyw ychwanegiadau ati, neu unrhyw ran ohoni;
 - (e) gweithrediadau i foddi tir, neu weithrediadau tipio ar dir, y mae heneb gofrestredig ynddo, arno neu odano.
- (4) At ddibenion y Ddeddf hon, mae "datblygiad" yn cynnwys gweithrediadau a newidiadau defnydd yn y môr ac mewn ardaloedd eraill sydd wedi eu gorchuddio â dyfroedd.
- (5) Yn yr adran hon –
- ystyr "a ganiateir" (*"permitted"*) yw wedi ei ganiatáu gan ganiatâd cynllunio neu gydsyniad seilwaith;
 - mae i "adeilad rhestredig" (*"listed building"*) yr ystyr a roddir gan adran 76 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023 (dsc 3);
 - ystyr "ardal gadwraeth" (*"conservation area"*) yw ardal sydd wedi ei dynodi o dan adran 158 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023;
 - mae i "cynhyrchion petroliwm" yr ystyr a roddir i "petroleum products" gan adran 21 o Ddeddf Ynni 1976 (p. 76);
 - mae i "gweithrediadau i foddi tir" (*"flooding operations"*) yr ystyr a roddir gan adran 75(1) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023;
 - mae i "gweithrediadau tipio" (*"tipping operations"*) yr ystyr a roddir gan adran 75(1) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023;
 - mae i "heneb gofrestredig" (*"scheduled monument"*) yr ystyr a roddir gan adran 3(7) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023.

Tir y Goron

134 **Tir y Goron ac "awdurdod priodol y Goron"**

- (1) Mae'r adran hon yn gymwys at ddibenion y Ddeddf hon.
- (2) Ystyr "tir y Goron" yw tir y ceir buddiant y Goron neu fuddiant y Ddugiaeth ynddo.
- (3) Ystyr "buddiant y Goron" yw buddiant –
 - (a) sy'n perthyn i'w Fawrhydi yn hawl y Goron neu yn hawl Ei ystadau preifat, neu
 - (b) sy'n perthyn i adran o'r llywodraeth neu sy'n cael ei ddal mewn ymddiriedolaeth ar gyfer Ei Fawrhydi at ddibenion adran o'r llywodraeth.
- (4) Ystyr "buddiant y Ddugiaeth" yw –
 - (a) buddiant sy'n perthyn i'w Fawrhydi yn hawl Dugiaeth Caerhirfryn, neu
 - (b) buddiant sy'n perthyn i Ddugiaeth Cernyw.
- (5) Ystyr "awdurdod priodol y Goron", mewn perthynas â thir y Goron, yw –
 - (a) yn achos tir sy'n perthyn i'w Fawrhydi yn hawl y Goron ac sy'n ffurfio rhan o Ystad y Goron, Comisiynwyr Ystad y Goron;

- (c) works resulting in the demolition or destruction of or any damage to a scheduled monument;
 - (d) works for the purpose of removing or repairing a scheduled monument or any part of it or making any alterations or additions to the monument or any part of it;
 - (e) flooding or tipping operations on land in, on or under which a scheduled monument is situated.
- (4) For the purposes of this Act, “development” includes operations and changes of use in the sea and other areas covered with waters.
- (5) In this section –
- “conservation area” (*“ardal gadwraeth”*) means an area designated under section 158 of the Historic Environment (Wales) Act 2023 (asc 3);
 - “flooding operations” (*“gweithdrediadau i foddi tir”*) has the meaning given by section 75(1) of the Historic Environment (Wales) Act 2023;
 - “listed building” (*“adeilad rhestredig”*) has the meaning given by section 76 of the Historic Environment (Wales) Act 2023;
 - “permitted” (*“a ganiateir”*) means permitted by planning permission or infrastructure consent;
 - “petroleum products” (*“cynhyrchion petroliwm”*) has the meaning given by section 21 of the Energy Act 1976 (c. 76);
 - “scheduled monument” (*“heneb gofrestredig”*) has the meaning given by section 3(7) of the Historic Environment (Wales) Act 2023;
 - “tipping operations” (*“gweithdrediadau tipio”*) has the meaning given by section 75(1) of the Historic Environment (Wales) Act 2023.

Crown land

134 Crown land and “the appropriate Crown authority”

- (1) This section applies for the purposes of this Act.
- (2) “Crown land” means land in which there is a Crown interest or a Duchy interest.
- (3) “Crown interest” means an interest which –
 - (a) belongs to His Majesty in right of the Crown or in right of His private estates, or
 - (b) belongs to a government department or is held in trust for His Majesty for the purposes of a government department.
- (4) “Duchy interest” means –
 - (a) an interest belonging to His Majesty in right of the Duchy of Lancaster, or
 - (b) an interest belonging to the Duchy of Cornwall.
- (5) “Appropriate Crown authority”, in relation to Crown land, means –
 - (a) in the case of land belonging to His Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;

- (b) mewn perthynas ag unrhyw dir arall sy'n perthyn i'w Fawrhydi yn hawl y Goron, yr adran o'r llywodraeth sy'n rheoli'r tir;
 - (c) mewn perthynas â thir sy'n perthyn i'w Fawrhydi yn hawl Ei ystadau preifat, person a benodir gan Ei Fawrhydi yn ysgrifenedig o dan y Llofnod Brenhinol neu, os na wneir unrhyw benodiad o'r fath, Gweinidogion Cymru;
 - (d) mewn perthynas â thir sy'n perthyn i'w Fawrhydi yn hawl Dugiaeth Caerhirfryn, Canghellor y Ddugiaeth;
 - (e) mewn perthynas â thir sy'n perthyn i Ddugiaeth Cernyw, person a benodir gan Ddug Cernyw neu gan berson sy'n meddu ar y Ddugiaeth am y tro;
 - (f) yn achos tir sy'n perthyn i adran o'r llywodraeth neu sy'n cael ei ddal mewn ymddiriedolaeth ar gyfer Ei Fawrhydi at ddibenion adran o'r llywodraeth, yr adran.
- (6) Mae "y Goron" i'w drin fel pe bai'n cynnwys Comisiwn y Senedd.
- (7) Rhaid atgyfeirio unrhyw gwestiwn sy'n codi ynghylch pwy yw awdurdod priodol y Goron mewn perthynas ag unrhyw dir i'r Trysorlys, y mae ei benderfyniad yn derfynol.
- (8) Yn yr adran hon –
- (a) mae cyfeiriadau at ystadau preifat Ei Fawrhydi i'w darllen yn unol ag adran 1 o Ddeddf Ystadau Preifat y Goron 1862 (p. 37);
 - (b) mae cyfeiriadau at adran o'r llywodraeth yn cynnwys Gweinidog y Goron a Chomisiwn y Senedd (a gweler adran 85 o Ddeddf Llywodraeth Cymru 2006 (p. 32), sy'n darparu bod cyfeiriadau at adran o'r llywodraeth yn cynnwys Gweinidogion Cymru, y Prif Weinidog a'r Cwnsler Cyffredinol).

Troseddau

135 **Troseddau gan gyrff corfforedig**

- (1) Mae'r adran hon yn gymwys i drosedd o dan adrannau 28, 103, 104, 112 a 120.
- (2) Pan gyflawnir y drosedd gan gorff corfforedig a phan brofir ei bod wedi ei chyflawni gyda chydysyniad neu ymoddefiad y canlynol, neu y gellir ei phriodoli i esgeulustod ar ran y canlynol –
- (a) uwch-swyddog i'r corff, neu
 - (b) person a oedd yn honni ei fod yn uwch-swyddog i'r corff,
- mae'r uwch-swyddog neu'r person (yn ogystal â'r corff corfforedig) yn euog o'r drosedd, ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.
- (3) Yn yr adran hon, ystyr "uwch-swyddog" yw cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff corfforedig.
- (4) Ond yn achos corff corfforedig y mae ei faterion yn cael eu rheoli gan ei aelodau, ystyr "cyfarwyddwr" yw aelod o'r corff.

Rhoi hysbysiadau a dogfennau eraill

136 **Rhoi hysbysiadau a dogfennau eraill**

- (1) Mae'r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon neu ddarpariaeth a wneir odani yn ei gwneud yn ofynnol i berson neu'n awdurdodi person i –

- (b) in relation to any other land belonging to His Majesty in right of the Crown, the government department having the management of the land;
 - (c) in relation to land belonging to His Majesty in right of His private estates, a person appointed by His Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Welsh Ministers;
 - (d) in relation to land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (e) in relation to land belonging to the Duchy of Cornwall, a person appointed by the Duke of Cornwall or by the possessor for the time being of the Duchy;
 - (f) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, the department.
- (6) “The Crown” is to be treated as including the Senedd Commission.
- (7) Any question that arises about who is the appropriate Crown authority in relation to any land must be referred to the Treasury, whose decision is final.
- (8) In this section –
- (a) references to His Majesty’s private estates are to be read in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37);
 - (b) references to a government department include a Minister of the Crown and the Senedd Commission (and see section 85 of the Government of Wales Act 2006 (c. 32), which provides for references to a government department to include the Welsh Ministers, the First Minister and the Counsel General).

Offences

135 Offences by bodies corporate

- (1) This section applies to an offence under sections 28, 103, 104, 112 and 120.
- (2) Where the offence is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –
 - (a) a senior officer of the body, or
 - (b) a person who was purporting to be a senior officer of the body,
 the senior officer or 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 section, “senior officer” means a director, manager, secretary or other similar officer of the body corporate.
- (4) But in the case of a body corporate whose affairs are managed by its members, “director” means a member of the body.

Giving notices and other documents

136 Giving notices and other documents

- (1) This section applies where a provision in or made under this Act requires or authorises a person to –

- (a) hysbysu person arall am rywbeth, neu
 - (b) rhoi dogfen i berson arall (pa un a yw'r ddarpariaeth yn defnyddio'r gair "cyflwyno" neu "rhoi" neu derm arall).
- (2) Caniateir rhoi'r hysbysiad neu'r ddogfen arall i'r person o dan sylw –
- (a) drwy ei draddodi neu ei thraddodi i'r person, neu, yn achos person sy'n gorff corfforedig, ei draddodi neu ei thraddodi i ysgrifennydd neu glerc y corff yn ei swyddfa gofrestredig neu ei brif swyddfa;
 - (b) drwy ei adael neu ei gadael ym man preswyllo arferol neu fan preswyllo hysbys diwethaf y person neu, os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno, yn y cyfeiriad hwnnw,
 - (c) drwy ei anfon neu ei hanfon drwy'r post mewn llythyr rhagdaledig –
 - (i) wedi ei gyfeirio at y person ym man preswyllo arferol neu fan preswyllo hysbys diwethaf y person, neu, yn achos person sy'n gorff corfforedig, wedi ei gyfeirio at ysgrifennydd neu glerc y corff yn ei swyddfa gofrestredig neu ei brif swyddfa;
 - (ii) os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno, wedi ei gyfeirio at y person yn y cyfeiriad hwnnw;
 - (d) os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno gan ddefnyddio cyfathrebiadau electronig, drwy ei anfon neu ei hanfon at y person yn y cyfeiriad hwnnw gan ddefnyddio cyfathrebiad electronig sy'n cydymffurfio â'r amodau yn is-adran (3);
 - (e) drwy unrhyw ddull arall a bennir mewn rheoliadau.
- (3) Yr amodau yw –
- (a) bod modd i'r person yr anfonir y ddogfen ato gael gafael ar y ddogfen,
 - (b) bod y ddogfen yn ddarllenadwy ym mhob modd perthnasol, ac
 - (c) bod modd defnyddio'r ddogfen i gyfeirio ati yn nes ymlaen.
- (4) Cydymffurfir â gofyniad i roi mwy nag un copi o ddogfen i berson drwy anfon un copi yn unig o'r ddogfen at y person ar ffurf electronig, oni fo'r ddarpariaeth yn ei gwneud yn ofynnol i'r copïau gael eu rhoi ar ffurf copi caled.
- (5) At ddibenion yr adran hon prif swyddfa cwmni sy'n gofrestredig y tu allan i'r Deyrnas Unedig yw ei brif swyddfa o fewn y Deyrnas Unedig.
- (6) Mae hysbysiad neu ddogfen arall a roddir i berson drwy ei adael neu ei gadael yng nghyfeiriad y person o dan is-adran (2)(b) i'w drin neu i'w thrin at ddibenion y Ddeddf hon fel pe bai wedi ei roi neu ei rhoi ar yr adeg y'i gadawyd yn y cyfeiriad hwnnw.
- (7) Mae hysbysiad neu ddogfen arall a roddir i berson drwy ei anfon neu ei hanfon ar ffurf electronig yn unol â'r adran hon i'w drin neu i'w thrin at ddibenion y Ddeddf hon fel pe bai wedi ei roi neu ei rhoi, oni phrofir i'r gwrthwyneb, ar y diwrnod yr anfonwyd y cyfathrebiad electronig.
- (8) Nid yw is-adran (2)(c) a (d) yn gymwys i roi –
- (a) hysbysiad o dan adran 106(4) (hysbysiad o fwriad i fynd ar dir heb warant);
 - (b) hysbysiad o dan adran 111 (hysbysiadau gwybodaeth);

- (a) notify another person of something, or
 - (b) give a document to another person (whether the provision uses the word “serve” or “give” or other term).
- (2) The notification or other document may be given to the person in question –
- (a) by handing it to the person, or, in the case of a person who is a body corporate, handing it to the secretary or clerk of the body at its registered or principal office;
 - (b) by leaving it at the person’s usual or last known place of residence or, if the person has given an address for service, at that address,
 - (c) by sending it by post in a pre-paid letter –
 - (i) addressed to the person at the person’s usual or last known place of residence, or, in the case of a person who is a body corporate, addressed to the secretary or clerk of the body at its registered or principal office;
 - (ii) if the person has given an address for service, addressed to the person at that address;
 - (d) if the person has given an address for service using electronic communications, by sending it to the person at that address using an electronic communication which complies with the conditions in subsection (3);
 - (e) by any other way specified in regulations.
- (3) The conditions are that the document is –
- (a) capable of being accessed by the person to whom it is sent,
 - (b) legible in all material respects, and
 - (c) capable of being used for subsequent reference.
- (4) A requirement to give more than one copy of a document to a person is complied with by sending only one copy of the document to the person electronically, unless the provision requires the copies to be given in hard copy.
- (5) For the purposes of this section the principal office of a company registered outside the United Kingdom is their principal office within the United Kingdom.
- (6) A notification or other document given to a person by leaving it at the person’s address under subsection (2)(b) is to be treated for the purposes of this Act as having been given at the time at which it was left at that address.
- (7) A notification or other document given to a person by sending it electronically in accordance with this section is to be treated for the purposes of this Act as having been given, unless the contrary is proved, on the day on which the electronic communication was sent.
- (8) Subsection (2)(c) and (d) do not apply to the giving of –
- (a) notice under section 106(4) (notice to enter land without warrant);
 - (b) notice under section 111 (information notices);

(c) hysbysiad o dan adran 113 (hysbysiad datblygiad anawdurdodedig).

- (9) Gweler adran 233 o Ddeddf Llywodraeth Leol 1972 (p. 70) am ddarpariaeth ychwanegol ynghylch y dulliau y caiff awdurdodau lleol eu defnyddio i gyflwyno dogfennau.

137 Rhoi hysbysiad etc. i bersonau sy'n meddiannu tir neu sydd â buddiant mewn tir

- (1) Mae'r adran hon (yn ogystal ag adran 136) yn gymwys pan fo darpariaeth a gynhwysir yn y Ddeddf hon neu a wneir odani yn ei gwneud yn ofynnol neu'n awdurdodi i hysbysiad neu ddogfen gael ei roi neu ei rhoi –
- (a) i berson a chanddo fuddiant mewn tir, neu
 - (b) i berson fel meddiannydd tir.
- (2) Pan fo'r hysbysiad neu'r ddogfen arall i'w roi neu i'w rhoi i berson a chanddo fuddiant mewn tir, ac na ellir darganfod enw'r person ar ôl gwneud ymholiadau rhesymol, caniateir cyfeirio'r hysbysiad neu'r ddogfen at y person fel "perchennog" y tir, gan ddisgrifio'r tir.
- (3) Pan fo'r hysbysiad neu'r ddogfen arall i'w roi neu i'w rhoi i berson fel meddiannydd tir caniateir ei gyfeirio neu ei chyfeirio at y person wrth ei enw neu fel "meddiannydd" y tir, gan ddisgrifio'r tir.
- (4) Mae is-adran (5) yn gymwys –
- (a) pan –
 - (i) bo hysbysiad neu ddogfen arall i'w roi neu i'w rhoi i berson a chanddo fuddiant mewn tir,
 - (ii) na ellir darganfod man preswyllo arferol na man preswyllo hysbys diwethaf y person ar ôl gwneud ymholiadau rhesymol, a
 - (iii) nad yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno'r ddogfen, neu
 - (b) pan fo dogfen i'w rhoi i berson fel meddiannydd tir.
- (5) Rhoddir yr hysbysiad neu'r ddogfen arall at ddiben y Ddeddf hon os yw wedi ei gyfeirio neu ei chyfeirio at y person, wedi ei farcio neu ei marcio'n glir fel cyfathrebiad pwysig sy'n effeithio ar eiddo'r person, a'i fod neu ei bod –
- (a) wedi ei anfon neu ei hanfon i'r tir drwy'r post ac nad yw wedi ei ddychwelyd neu ei dychwelyd fel hysbysiad neu ddogfen nas danfonwyd,
 - (b) wedi ei draddodi neu ei thraddodi i berson sy'n preswyllo neu'n cael ei gyflogi, neu yr ymddengys ei fod yn preswyllo neu'n cael ei gyflogi, yn y tir neu ar y tir, neu
 - (c) wedi ei osod neu ei gosod yn sownd mewn lle amlwg i'r tir neu i wrthrych ar y tir neu gerllaw iddo.

138 Cyflwyno dogfennau i'r Goron

- (1) Mae'r adran hon yn gymwys pan fo darpariaeth a gynhwysir yn y Ddeddf hon neu a wneir odani yn ei gwneud yn ofynnol i hysbysiad neu ddogfen arall gael ei roi neu ei rhoi i'r Goron.
- (2) Rhaid rhoi'r hysbysiad neu'r ddogfen arall i awdurdod priodol y Goron.
- (3) Nid yw adrannau 136 na 137 (darpariaethau cyffredinol ynghylch dulliau cyflwyno) yn gymwys.

- (c) notice under section 113 (notice of unauthorised development).
- (9) See section 233 of the Local Government Act 1972 (c. 70) for additional provision about the methods by which local authorities may serve documents.

137 Giving notices etc. to persons occupying or with an interest in land

- (1) This section (in addition to section 136) applies where a provision contained in or made under this Act requires or authorises notification or a document to be given –
 - (a) to a person as having an interest in land, or
 - (b) to a person as an occupier of land.
- (2) Where the notification or other document is to be given to a person as having an interest in land, and the name of the person cannot be discovered after making reasonable inquiries, the notification or document may be addressed to the person as “the owner” of the land, describing the land.
- (3) Where the notification or other document is to be given to a person as an occupier of land it may be addressed to the person by name or as “the occupier” of the land, describing the land.
- (4) Subsection (5) applies –
 - (a) where –
 - (i) a notification or other document is to be given to a person as having an interest in land,
 - (ii) the person’s usual or last known place of residence cannot be discovered after making reasonable inquiries, and
 - (iii) the person has not given an address for the service of the document, or
 - (b) where a document is to be given to a person as an occupier of land.
- (5) The notification or other document is given for the purpose of this Act if it is addressed to the person, clearly marked as an important communication affecting the person’s property, and is –
 - (a) sent to the land by post and not returned as undelivered,
 - (b) handed to a person who is, or appears to be, resident or employed in or on the land, or
 - (c) attached conspicuously to the land or to an object on or near the land.

138 Giving documents to the Crown

- (1) This section applies where a provision contained in or made under this Act requires a notification or other document to be given to the Crown.
- (2) The notification or other document must be given to the appropriate Crown authority.
- (3) Sections 136 and 137 (general provisions about methods of service) do not apply.

- (4) Yn yr adran hon, mae “y Goron” yn cynnwys –
- (a) Dugiaeth Caerhirfryn;
 - (b) Dugiaeth Cernyw.

Cyffredinol

139 Dyletswyddau i gyhoeddi

- (1) Pan fo’r Ddeddf hon yn gosod dyletswydd i gyhoeddi rhywbeth, rhaid iddo gael ei gyhoeddi ar ffurf electronig.
- (2) Pan fo gan y person wefan, mae’r ddyletswydd i gyhoeddi ar ffurf electronig yn ddyletswydd i gyhoeddi ar y wefan honno.
- (3) Nid oes unrhyw beth yn yr adran hon yn rhwystro’r person sy’n ddarostyngedig i’r ddyletswydd rhag cyhoeddi mewn modd arall yn ogystal â chyhoeddi ar ffurf electronig.

140 Rheoliadau a gorchmynion: cyfyngiadau

- (1) Mae is-adran (2) yn gymwys i –
 - (a) rheoliadau o dan adran 30, adran 34, adran 35, adran 48(6), adran 63(5), adran 91(3), adran 124 ac adran 129;
 - (b) gorchmynion cydsyniad seilwaith a gorchmynion o dan adran 90.
- (2) Caiff rheoliadau a gorchmynion –
 - (a) cynnwys darpariaeth y byddai cydsyniad y Gweinidog priodol yn ofynnol ar ei chyfer o dan baragraff 8(1)(a) neu (c), 10 neu 11 o Atodlen 7B i Ddeddf Llywodraeth Cymru 2006 (p. 32) pe bai’r ddarpariaeth wedi ei chynnwys mewn Deddf gan Senedd Cymru;
 - (b) cynnwys darpariaeth y byddai’n ofynnol ymgynghori â’r Gweinidog priodol yn ei chylch o dan baragraff 11(2) o Atodlen 7B i’r Ddeddf honno pe bai’r ddarpariaeth wedi ei chynnwys mewn Deddf gan Senedd Cymru.
- (3) Ni chaiff rheoliadau a gorchmynion o dan y Ddeddf hon, ac eithrio rheoliadau a gorchmynion y mae is-adran (2) yn gymwys iddynt i’r graddau y maent yn gwneud darpariaeth a awdurdodir gan is-adran (2) –
 - (a) cynnwys darpariaeth y byddai cydsyniad y Gweinidog priodol yn ofynnol ar ei chyfer o dan baragraff 8, 10 neu 11 o Atodlen 7B i Ddeddf Llywodraeth Cymru 2006 pe bai’r ddarpariaeth wedi ei chynnwys mewn Deddf gan Senedd Cymru;
 - (b) cynnwys darpariaeth y byddai’n ofynnol ymgynghori â’r Gweinidog priodol yn ei chylch o dan baragraff 11(2) neu (2A) o Atodlen 7B i’r Ddeddf honno pe bai’r ddarpariaeth wedi ei chynnwys mewn Deddf gan Senedd Cymru.
- (4) Yn yr adran hon, mae i “Gweinidog priodol” yr ystyr a roddir i “appropriate Minister” gan baragraff 8(5) o Atodlen 7B i Ddeddf Llywodraeth Cymru 2006.

141 Rheoliadau: y weithdrefn

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon i’w arfer drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer i wneud –

- (4) In this section, “the Crown” includes –
- (a) the Duchy of Lancaster;
 - (b) the Duchy of Cornwall.

General

139 Duties to publish

- (1) Where this Act imposes a duty to publish something, it must be published electronically.
- (2) The duty to publish electronically is, where the person has a website, a duty to publish on that website.
- (3) Nothing in this section prevents the person subject to the duty from publishing in another way as well as publishing electronically.

140 Regulations and orders: restrictions

- (1) Subsection (2) applies to –
 - (a) regulations under section 30, section 34, section 35, section 48(6), section 63(5), section 91(3), section 124 and section 129;
 - (b) infrastructure consent orders and orders under section 90.
- (2) Regulations and orders –
 - (a) may include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;
 - (b) may include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.
- (3) Regulations and orders under this Act, except regulations and orders to which subsection (2) applies in so far as they make provision authorised by subsection (2) –
 - (a) may not include provision that would require the consent of the appropriate Minister under paragraph 8, 10 or 11 of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru;
 - (b) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) or (2A) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.
- (4) In this section, “appropriate Minister” has the meaning given by paragraph 8(5) of Schedule 7B to the Government of Wales Act 2006.

141 Regulations: procedure

- (1) A power to make regulations under this Act is to be exercised by statutory instrument.
- (2) A power to make regulations under this Act includes power to make –

- (a) darpariaeth wahanol at ddibenion gwahanol neu ar gyfer ardaloedd gwahanol;
 - (b) darpariaeth ddeilliadol, darpariaeth atodol, darpariaeth ganlyniadol, darpariaeth drosiannol neu ddarpariaeth arbed.
- (3) Ni chaniateir gwneud offeryn statudol y mae'r is-adran hon yn gymwys iddo oni fo drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (4) Mae is-adran (3) yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan unrhyw un neu ragor o'r darpariaethau a ganlyn –
- (a) adran 17;
 - (b) adran 21;
 - (c) adran 22(2)(c);
 - (d) adran 55(1);
 - (e) adran 58(3);
 - (f) adran 59(6);
 - (g) adran 63(5);
 - (h) adran 124;
 - (i) adran 130;
 - (j) adran 131;
 - (k) adran 132;
 - (l) adran 144, ond dim ond pan fo'r rheoliadau yn diwygio, yn diddymu neu'n addasu fel arall ddarpariaeth mewn Deddf gan Senedd y Deyrnas Unedig neu Ddeddf neu Fesur gan Senedd Cymru;
 - (m) paragraff 2(1) o Atodlen 2.
- (5) Mae offeryn statudol sy'n cynnwys rheoliadau a wneir gan Weinidogion Cymru o dan y Ddeddf hon nad yw is-adran (4) yn gymwys iddo yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.

142 Cyfarwyddydau: cyffredinol

Rhaid i gyfarwyddyd a roddir o dan y Ddeddf hon neu yn ei rhinwedd fod yn ysgrifenedig.

143 Dehongli cyffredinol

- (1) Yn y Ddeddf hon –

mae i "adeilad" yr ystyr a roddir i "building" gan adran 336(1) o DCGTh 1990;

mae i "adeiladu", mewn perthynas â hynny o orsaf gynhyrchu sy'n weithfeydd ynni adnewyddadwy, neu sydd i fod yn weithfeydd ynni adnewyddadwy, yr un ystyr ag a roddir i "construction" ym Mhennod 2 o Ran 2 o Ddeddf Ynni 2004 (p. 20) (gweler adran 104 o'r Ddeddf honno) (a rhaid darllen ymadroddion perthynol yn unol â hynny); ac yn y diffiniad hwn mae i "gweithfa ynni adnewyddadwy" yr un ystyr ag a roddir i "renewable energy installation" ym Mhennod 2 o Ran 2 o Ddeddf Ynni 2004 (p. 20) (gweler adran 104 o'r Ddeddf honno);

- (a) different provision for different purposes or different areas;
 - (b) incidental, supplementary, consequential, transitional or saving provision.
- (3) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (4) Subsection (3) applies to a statutory instrument containing regulations under any of the following provisions –
- (a) section 17;
 - (b) section 21;
 - (c) section 22(2)(c);
 - (d) section 55(1)
 - (e) section 58(3);
 - (f) section 59(6);
 - (g) section 63(5);
 - (h) section 124;
 - (i) section 130;
 - (j) section 131;
 - (k) section 132;
 - (l) section 144, but only where the regulations amend, repeal or otherwise modify a provision of an Act of Parliament or an Act or Measure of Senedd Cymru;
 - (m) paragraph 2(1) of Schedule 2.
- (5) A statutory instrument containing regulations made by the Welsh Ministers under this Act to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

142 Directions: general

A direction given under or by virtue of this Act must be in writing.

143 General interpretation

- (1) In this Act –

“airport” (“*maes awyrt*”) has the meaning given by section 82(1) of the Airports Act 1986 (c. 31);

“alteration” (“*addasu*”), in relation to an airport, must be read in accordance with section 11(4);

mae i “adroddiad ar yr effaith leol” (“*local impact report*”) yr ystyr a roddir gan adran 36(4);

mae i “adroddiad effaith ar y môr” (“*marine impact report*”) yr ystyr a roddir gan adran 37(4);

rhaid i “addasu” (“*alteration*”), mewn perthynas â maes awyr, gael ei ddarllen yn unol ag adran 11(4);

mae “addasu” (“*alteration*”), mewn perthynas â phriffordd, yn cynnwys cau’r briffordd neu ei dargyfeirio, ei gwella, ei chodi neu ei gostwng;

ystyr “ardal forol Cymru” (“*Welsh marine area*”) yw’r môr sy’n gyfagos i Gymru hyd at derfyn atfor y môr tiriogaethol; ac mae’r cwestiwn ynghylch pa rannau o’r môr sy’n gyfagos i Gymru i’w benderfynu yn unol ag erthygl 6 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672);

mae i “awdurdod archwilio” (“*examining authority*”) yr ystyr a roddir gan adran 40(7);

ystyr “awdurdod cyhoeddus” (“*public authority*”) yw unrhyw berson sydd ag unrhyw swyddogaeth o natur gyhoeddus;

mae i “awdurdod Cymreig datganoledig” yr ystyr a roddir i “devolved Welsh authority” gan adran 157A o Ddeddf Llywodraeth Cymru 2006;

ystyr “awdurdod cynllunio” (“*planning authority*”) yw awdurdod cynllunio lleol o fewn yr ystyr a roddir i “local planning authority” gan Ran 1 o DCGTh 1990 ar gyfer ardal yng Nghymru;

mae i “awdurdod priffyrdd” yr un ystyr ag a roddir i “highway authority” yn Neddf Priffyrdd 1980 (p. 66) (gweler adrannau 1 i 3 o’r Ddeddf honno);

ystyr “caniatâd cynllunio” (“*planning permission*”) yw caniatâd o dan Ran 3 o DCGTh 1990;

ystyr “cefnffordd” (“*trunk road*”) yw priffordd sy’n gefnffordd yn rhinwedd –

- (a) adran 10(1) neu 19 o Ddeddf Priffyrdd 1980,
- (b) gorchymyn neu gyfarwyddyd o dan adran 10 o’r Ddeddf honno, neu
- (c) gorchymyn cydsyniad seilwaith,

neu o dan unrhyw ddeddfiad arall;

ystyr “cydsyniad adran 20” (“*section 20 consent*”) yw caniatâd, awdurdodiad, cydsyniad, gorchymyn neu gynllun a grybwyllir yn adran 20 (effaith gofyniad am gydsyniad seilwaith ar gyfundrefnau cydsynio eraill);

ystyr “cydsyniad seilwaith” (“*infrastructure consent*”) yw’r cydsyniad sy’n ofynnol gan adran 19;

rhaid darllen “cyfleuster LNG” (“*LNG facility*”) yn unol ag adran 3;

ystyr “cyfnewidfa nwyddau rheilffordd” (“*rail freight interchange*”) yw cyfleuster i drosglwyddo nwyddau rhwng rheilffordd a ffordd, neu rhwng rheilffordd a math arall o drafnidiaeth;

“alteration” (*“addasu”*), in relation to a highway, includes stopping up the highway or diverting, improving, raising or lowering it;

“building” (*“adeilad”*) has the meaning given by section 336(1) of TCPA 1990;

“construction” (*“adeiladu”*), in relation to so much of a generating station as comprises or is to comprise renewable energy installations, has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (c. 20) (see section 104 of that Act) (and related expressions must be read accordingly); and in this definition “renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act);

“Crown land” (*“tir y Goron”*) has the meaning given by section 134;

“development” (*“datblygiad”*) has the meaning given by section 133;

“devolved Welsh authority” (*“awdurdod Cymreig datganoledig”*) has the meaning given by section 157A of the Government of Wales Act 2006 (c. 32);

“electric line” (*“llinell drydan”*) has the same meaning as in Part 1 of the Electricity Act 1989 (c. 29) (see section 64(1) of that Act);

“enactment” (*“deddfiad”*) includes any enactment whenever passed or made;

“examining authority” (*“awdurdod archwilio”*) has the meaning given by section 40(7);

“extension” (*“estyniad”*), in relation to a generating station, has the meaning given by section 36(9) of the Electricity Act 1989 (and “extend” must be read accordingly);

“gas” (*“nwy”*) includes natural gas;

“generating station” (*“gorsaf gynhyrchu”*) has the same meaning as in Part 1 of the Electricity Act 1989 (see section 64(1) of that Act);

“goods” (*“nwyddau”*) has the meaning given by section 83(1) of the Railways Act 1993 (c. 43);

“harbour” (*“harbwr”*) and “harbour authority” (*“awdurdod harbwr”*) have the meanings given by section 57(1) of the Harbours Act 1964 (c. 40);

“highway” (*“priffordd”*) has the meaning given by section 328 of the Highways Act 1980;

“highway authority” (*“awdurdod priffyrdd”*) has the same meaning as in the Highways Act 1980 (c. 66) (see sections 1 to 3 of that Act);

ystyr "Cymru" ("Wales") yw ardal gyfunol y siroedd a'r bwrdeistrefi sirol yng Nghymru (gweler Rhannau 1 a 2 o Atodlen 4 i Ddeddf Llywodraeth Leol 1972 (p. 70));

mae i "datblygiad" ("development") yr ystyr a roddir gan adran 133;

mae i "datganiad polisi seilwaith" ("infrastructure policy statement") yr ystyr a roddir gan adran 127(2);

ystyr "DCGTh 1990" ("TCPA 1990") yw Deddf Cynllunio Gwlad a Thref 1990 (p. 8);

mae "deddfiad" ("enactment") yn cynnwys unrhyw ddeddfiad pryd bynnag y caiff ei basio neu y'i gwneir;

mae i "defnyddio" yr ystyr a roddir i "use" gan adran 336(1) o DCGTh 1990;

mae i "estyniad", mewn perthynas â gorsaf gynhyrchu, yr ystyr a roddir i "extension" gan adran 36(9) o Ddeddf Trydan 1989 (a rhaid darllen "estyn" yn unol â hynny);

ystyr "ffordd arbennig" ("special road") yw priffordd sy'n ffordd arbennig yn unol ag adran 16 o Ddeddf Priffyrdd 1980 neu yn rhinwedd gorchymyn cydsyniad seilwaith;

ystyr "gorchymyn cydsyniad seilwaith" ("infrastructure consent order") yw gorchymyn a wneir o dan y Ddeddf hon sy'n rhoi cydsyniad seilwaith;

mae i "gorsaf gynhyrchu" yr un ystyr ag a roddir i "generating station" yn Rhan 1 o Ddeddf Trydan 1989 (gweler adran 64(1) o'r Ddeddf honno);

mae "gwasanaethau cyn gwneud cais" ("pre-application services") i'w ddehongli yn unol ag adran 27(2);

ystyr "gweithdrefn arbennig y Senedd" ("special Senedd procedure") yw'r weithdrefn a bennir yn rheolau sefydlog Senedd Cymru ar gyfer is-ddeddfwriaeth sy'n ddarostyngedig i weithdrefn arbennig y Senedd;

mae i "gwella", mewn perthynas â phriffordd, yr ystyr a roddir i "improvement" gan adran 329(1) o Ddeddf Priffyrdd 1980;

mae i "harbwr" ac "awdurdod harbwr" yr ystyron a roddir i "harbour" a "harbour authority" gan adran 57(1) o Ddeddf Harbyrau 1964 (p. 40);

mae i "heneb" ("monument") yr un ystyr ag yn Neddf yr Amgylchedd Hanesyddol (Cymru) 2023 (dsc 3) (gweler adran 2 o'r Ddeddf honno);

mae i "linell drydan" yr un ystyr ag a roddir i "electric line" yn Rhan 1 o Ddeddf Trydan 1989 (p. 29) (gweler adran 64(1) o'r Ddeddf honno);

mae i "maes awyr" yr ystyr a roddir i "airport" gan adran 82(1) o Ddeddf Meysydd Awyr 1986 (p. 31);

mae "mwynau" ("minerals") yn cynnwys yr holl sylweddau sy'n cael eu gweithio i'w symud ymaith fel arfer (gan gynnwys yn y môr);

“improvement” (*“gwella”*), in relation to a highway, has the meaning given by section 329(1) of the Highways Act 1980;

“infrastructure consent” (*“cydsyniad seilwaith”*) means the consent required by section 19;

“infrastructure consent order” (*“gorchymyn cydsyniad seilwaith”*) means an order made under this Act granting infrastructure consent;

“infrastructure policy statement” (*“datganiad polisi seilwaith”*) has the meaning given by section 127(2);

“land” (*“tir”*) includes buildings, monuments and land covered with waters (including the sea bed); and in relation to Part 6 (infrastructure consent orders) must be read in accordance with section 102;

“LNG facility” (*“cyfleuster LNG”*) must be read in accordance with section 3;

“local impact report” (*“adroddiad ar yr effaith leol”*) has the meaning given by section 36(4);

“marine impact report” (*“adroddiad effaith ar y môr”*) has the meaning given by section 37(4);

“minerals” (*“mwynau”*) includes all substances ordinarily worked for removal (including in the sea);

“monument” (*“heneb”*) has the same meaning as in the Historic Environment (Wales) Act 2023 (asc. 3) (see section 2 of that Act);

“natural gas” (*“nwy naturiol”*) means any gas derived from natural strata (including gas originating outside the United Kingdom);

“planning authority” (*“awdurdod cynllunio”*) means a local planning authority within the meaning given by Part 1 of the TCPA 1990 for an area in Wales;

“planning permission” (*“caniatâd cynllunio”*) means permission under Part 3 of TCPA 1990;

“pre-application services” (*“gwasanaethau cyn gwneud cais”*) is to be interpreted in accordance with section 27(2);

“public authority” (*“awdurdod cyhoeddus”*) means any person who has any function of a public nature;

“rail freight interchange” (*“cyfnewidfa nwyddau rheilffordd”*) means a facility for the transfer of goods between railway and road, or between railway and another form of transport;

“railway” (*“rheilffordd”*) has the meaning given by section 67(1) of the Transport and Works Act 1992 (c. 42);

“regulations” (*“rheolidau”*) means regulations made by the Welsh Ministers;

mae "nwy" ("gas") yn cynnwys nwy naturiol;

ystyr "nwy naturiol" ("natural gas") yw unrhyw nwy sy'n deillio o strata naturiol (gan gynnwys nwy sy'n dod o'r tu allan i'r Deyrnas Unedig);

mae i "nwyddau" yr ystyr a roddir i "goods" gan adran 83(1) o Ddeddf Rheilffyrdd 1993 (p. 43);

mae i "priffordd" yr ystyr a roddir i "highway" gan adran 328 o Ddeddf Priffyrdd 1980 (p. 66);

mae i "prosiect seilwaith arwyddocaol" ("significant infrastructure project") yr ystyr a roddir gan Ran 1;

mae i "rheilffordd" yr ystyr a roddir i "railway" gan adran 67(1) o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42);

ystyr "rheoliadau" ("regulations") yw rheoliadau a wneir gan Weinidogion Cymru; ystyr "safonol" ("standard"), mewn perthynas â chyfaint nwy, yw cyfaint nwy ar bwyseidd o 101.325 cilopascal a thymheredd o 273 Kelvin;

mae "tir" ("land") yn cynnwys adeiladau, henebion a thir sydd wedi ei orchuddio â dyfroedd (gan gynnwys gwely'r môr); ac mewn perthynas â Rhan 6 (gorchmynion cydsyniad seilwaith) rhaid ei ddarllen yn unol ag adran 102;

mae i "tir y Goron" ("Crown land") yr ystyr a roddir gan adran 134.

- (2) Mae cyfeiriad yn y Ddeddf hon at hawl dros dir yn cynnwys –
 - (a) cyfeiriad at yr hawl i wneud, neu i osod a chynnal a chadw, unrhyw beth yn y tir, arno neu odano, neu yn y gofod awyr uwchben ei arwyneb;
 - (b) cyfeiriad at gyfamod cyfyngol.
- (3) Mae cyfeiriad yn y Ddeddf hon at gaffael tir, fel y mae'n gymwys i hawl dros dir, a chyfeiriad at gaffael hawl dros dir yn cynnwys –
 - (a) caffael yr hawl drwy greu hawl newydd yn ogystal â thrwy gaffael un bresennol;
 - (b) gosod cyfamod cyfyngol.
- (4) Mae cyfeiriad yn y Ddeddf hon at y môr yn cynnwys gwely ac isbridd y môr.

“section 20 consent” (“*cydsyniad adran 20*”) means a permission, authorisation, consent, order, or scheme mentioned in section 20 (effect of requirement for infrastructure consent on other consenting regimes);

“significant infrastructure project” (“*prosiect seilwaith arwyddocaol*”) has the meaning given by Part 1;

“special road” (“*ffordd arbennig*”) means a highway which is a special road in accordance with section 16 of the Highways Act 1980 (c. 66) or by virtue of an infrastructure consent order;

“special Senedd procedure” (“*gweithdrefn arbennig y Senedd*”) means the procedure specified in the standing orders of Senedd Cymru for subordinate legislation that is subject to special Senedd procedure;

“standard” (“*safonol*”), in relation to a volume of gas, means the volume of gas at a pressure of 101.325 kiloPascals and a temperature of 273 Kelvin;

“TCPA 1990” (“*DCGTh 1990*”) means the Town and Country Planning Act 1990 (c. 8);

“trunk road” (“*cefnffordd*”) means a highway which is a trunk road by virtue of –

- (a) section 10(1) or 19 of the Highways Act 1980,
- (b) an order or direction under section 10 of that Act, or
- (c) an infrastructure consent order,

or under any other enactment;

“use” (“*defnyddio*”) has the meaning given by section 336(1) of TCPA 1990;

“Wales” (“*Cymru*”) means the combined area of the counties and county boroughs in Wales (see Parts 1 and 2 of Schedule 4 to the Local Government Act 1972 (c. 70));

“Welsh marine area” (“*ardal forol Cymru*”) means the sea adjacent to Wales out as far as the seaward boundary of the territorial sea; and the question of which parts of the sea are adjacent to Wales is to be determined in accordance with article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

- (2) A reference in this Act to a right over land includes –
 - (a) a reference to a right to do, or to place and maintain, anything in, on or under land or in the space above its surface;
 - (b) a reference to a restrictive covenant.
- (3) A reference in this Act to the acquisition of land, as it applies to a right over land, and a reference to the acquisition of a right over land includes –
 - (a) acquiring the right by the creation of a new right as well as by the acquisition of an existing one;
 - (b) the imposition of a restrictive covenant.
- (4) A reference in this Act to the sea includes the bed and subsoil of the sea.

144 Pŵer i wneud darpariaeth ganlyniadol a throsiannol etc.

- (1) Os yw Gweinidogion Cymru yn ystyried bod hynny'n briodol at ddibenion y Ddeddf hon, o ganlyniad iddi, neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth sydd ynddi, cânt, drwy reoliadau, wneud –
 - (a) darpariaeth atodol, ddeilliadol neu ganlyniadol;
 - (b) darpariaeth drosiannol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan is-adran (1) ddiwygio, addasu, ddiddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys deddfiad a geir yn y Ddeddf hon).

145 Diwygiadau canlyniadol a diddymiadau

Mae Atodlen 3 yn gwneud darpariaeth o ganlyniad i'r Ddeddf hon.

146 Darpariaeth drosiannol a darpariaeth arbed

- (1) Nid yw adrannau 19 ac 20 yn cael unrhyw effaith mewn perthynas â datblygiad os yw'r amodau yn is-adrannau (2) a (3) yn gymwys.
- (2) Yr amod cyntaf yw –
 - (a) y gwnaed cais am gydsyniad adran 20 mewn perthynas â'r datblygiad cyn i adrannau 19 ac 20 ddod i rym ac nad yw'r cais wedi ei dynnu yn ôl,
 - (b) y gwnaed hysbysiad o dan adran 62E(1) o DCGTh 1990 am gais arfaethedig mewn perthynas â'r datblygiad cyn i adrannau 19 ac 20 ddod i rym ac nad yw'r hysbysiad wedi ei dynnu yn ôl, neu
 - (c) pan ddaw adrannau 19 ac 20 i rym, fod gwneud neu gadarnhau gorchymyn neu gynllun a grybwyllir yn is-adran (2) neu (3) o adran 20 mewn perthynas â'r datblygiad o dan ystyriaeth gan Weinidogion Cymru, ac eithrio mewn ymateb i gais.
- (3) Yr ail amod yw –
 - (a) bod y cwestiwn o ba un ai i roi neu i wneud y cydsyniad adran 20 ai peidio o dan ystyriaeth, pan na fo'r cyfnod trosiannol wedi dod i ben,
 - (b) pan fo is-adran (2)(b) yn gymwys ac na fo'r cyfnod trosiannol wedi dod i ben –
 - (i) nad yw 12 mis cyntaf y cyfnod trosiannol wedi dod i ben heb i gais am ganiatâd cynllunio gael ei wneud mewn perthynas â'r datblygiad, neu
 - (ii) y gwneir cais o fewn 12 mis cyntaf y cyfnod trosiannol a bod y cwestiwn o ba un ai i roi caniatâd cynllunio ai peidio o dan ystyriaeth;
 - (c) y rhoddir neu y gwneir y cydsyniad adran 20 cyn diwedd y cyfnod trosiannol.
- (4) Yn is-adran (3), ystyr y "cyfnod trosiannol" yw'r cyfnod o 24 o fisoedd sy'n dechrau â'r diwrnod y mae adrannau 19 ac 20 yn dod i rym.
- (5) Caiff Gweinidogion Cymru, mewn perthynas â datblygiad, gyfarwyddo –

144 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may, by regulations, make—
 - (a) supplementary, incidental or consequential provision;
 - (b) transitional or saving provision.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).

145 Consequential amendments and repeals

Schedule 3 makes provision in consequence of this Act.

146 Transitional and saving provision

- (1) Sections 19 and 20 have no effect in relation to a development if the conditions in subsections (2) and (3) apply.
- (2) The first condition is that—
 - (a) an application for a section 20 consent in relation to the development was made before the coming into force of sections 19 and 20 and the application has not been withdrawn,
 - (b) a notification under section 62E(1) of the TCPA 1990 of a proposed application in relation to the development was made before the coming into force of sections 19 and 20 and the notification has not been withdrawn, or
 - (c) on the coming into force of sections 19 and 20, the making or confirmation of an order or scheme mentioned in subsection (2) or (3) of section 20 in relation to the development is under consideration by the Welsh Ministers, other than in response to an application.
- (3) The second condition is that—
 - (a) the question of whether to grant or make the section 20 consent is under consideration, where the transition period has not ended,
 - (b) where subsection (2)(b) applies and the transition period has not ended—
 - (i) the first 12 months of the transition period has not ended without an application for planning permission being made in relation to the development, or
 - (ii) an application is made during the first 12 months of the transition period and the question of whether to grant planning permission is under consideration;
 - (c) the section 20 consent is granted or made before the end of the transition period.
- (4) In subsection (3), the “transition period” means the period of 24 months beginning with the day sections 19 and 20 come into force.
- (5) The Welsh Ministers may, in relation to a development, direct that—

- (a) bod cyfnod trosiannol gwahanol yn gymwys at ddibenion is-adran (3)(a), (b) neu (c), neu
 - (b) bod cyfnod ac eithrio 12 mis yn gymwys at ddibenion paragraff (b) o'r is-adran honno.
- (6) Caiff rheoliadau wneud darpariaeth at ddibenion is-adran (2) neu (3) ynghylch –
- (a) pan fydd cais neu hysbysiad i'w drin fel pe bai wedi ei wneud;
 - (b) beth y mae o dan ystyriaeth yn ei olygu.
- (7) Os yw cydsyniad adran 20 ("y cydsyniad gwreiddiol") yn cael effaith (boed hynny yn rhinwedd is-adran (1) neu fel arall), nid oes unrhyw beth yn adran 20 yn atal y cydsyniad gwreiddiol, neu gydsyniad adran 20 sy'n ei ddisodli, rhag cael ei amrywio neu ei ddisodli.
- (8) Os yw'r cydsyniad gwreiddiol, neu gydsyniad adran 20 sy'n ei ddisodli, yn cael ei amrywio neu ei ddisodli, nid yw adran 19 yn gymwys i'r datblygiad y mae'r cydsyniad fel y'i hamrywiwyd, neu'r cydsyniad sy'n disodli'r cydsyniad gwreiddiol, yn ymwneud ag ef (ac felly nid yw cydsyniad seilwaith yn ofynnol ar gyfer y datblygiad hwnnw).
- (9) Mae cydsyniad adran 20 yn disodli cydsyniad adran 20 cynharach at ddibenion yr adran hon os (ond dim ond os) –
- (a) y'i rhoddir neu y'i gwneir ar gais am gydsyniad ar gyfer datblygiad heb gydymffurfio ag amodau y rhoddwyd neu y gwnaed y cydsyniad adran 20 cynharach yn ddarostyngedig iddynt, a
 - (b) y'i rhoddir yn ddarostyngedig i amodau gwahanol, neu y'i gwneir ar amodau gwahanol, neu'n ddiamod.
- (10) Mae darpariaethau DCGTh 1990 yn cael effaith fel pe na bai'r diwygiadau a wneir i'r Ddeddf honno gan baragraff 4 o Atodlen 3 wedi eu gwneud i'r graddau y bo darpariaethau DCGTh 1990 yn ymwneud â datblygiad nad yw adrannau 19 ac 20 yn gymwys iddo yn rhinwedd yr adran hon.

147 **Dod i rym**

- (1) Daw'r darpariaethau a ganlyn o'r Ddeddf hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol –
- (a) Rhan 1;
 - (b) y darpariaethau yn Rhannau 2 i 8 sydd –
 - (i) yn rhoi pŵer i wneud rheoliadau, neu
 - (ii) yn gwneud darpariaeth ynghylch yr hyn y caniateir (a'r hyn na chaniateir) ei wneud wrth arfer pŵer i wneud rheoliadau;
 - (c) y Rhan hon, ac eithrio adran 145.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2) –
- (a) pennu diwrnodau gwahanol at ddibenion gwahanol;

- (a) a different transition period applies for the purposes of subsection (3)(a), (b) or (c), or
 - (b) a period other than 12 months applies for the purposes of paragraph (b) of that subsection.
- (6) Regulations may make provision for the purposes of subsection (2) or (3) about –
 - (a) when an application or notification is to be treated as made;
 - (b) what under consideration means.
- (7) If a section 20 consent (“the original consent”) has effect (whether by virtue of subsection (1) or otherwise), nothing in section 20 prevents the original consent, or a section 20 consent that replaces it, from being varied or replaced.
- (8) If the original consent, or a section 20 consent that replaces it, is varied or replaced, section 19 does not apply to the development to which the consent as varied, or the replacement consent, relates (and so infrastructure consent is not required for that development).
- (9) A section 20 consent replaces an earlier section 20 consent for the purposes of this section if (but only if) –
 - (a) it is granted or made on an application for consent for development without complying with conditions subject to which the earlier section 20 consent was granted or made, and
 - (b) it is granted subject to, or made on, different conditions or unconditionally.
- (10) The provisions of the TCPA 1990 have effect as if the amendments made to that Act by paragraph 4 of Schedule 3 had not been made in so far as the provisions of the TCPA 1990 relate to a development to which sections 19 and 20 do not apply by virtue of this section.

147 Coming into force

- (1) The following provisions of this Act come into force on the day after the day on which this Act receives Royal Assent –
 - (a) Part 1;
 - (b) the provisions of Parts 2 to 8 that –
 - (i) confer power to make regulations, or
 - (ii) make provision about what is (or is not) permitted to be done in the exercise of a power to make regulations;
 - (c) this Part, except section 145.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may –
 - (a) appoint different days for different purposes;

- (b) gwneud darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed mewn cysylltiad â dod â darpariaeth i rym a ddygir i rym drwy'r gorchymyn.

148 Enw byr

Enw byr y Ddeddf hon yw Deddf Seilwaith (Cymru) 2024.

- (b) make transitory, transitional or saving provision in connection with the coming into force of a provision brought into force by the order.

148 Short title

The short title of this Act is the Infrastructure (Wales) Act 2024.

ATODLEN 1
(a gyflwynir gan adran 63)

DARPARIAETH SY'N YMWNEUD Â DATBLYGIAD NEU FATERION SY'N ATODOL
IDDO

RHAN 1

Y MATERION

- 1 Caffael tir, yn orfodol neu drwy gytundeb.
- 2 Creu, atal dros dro neu ddiddymu, neu ymyrryd â, buddiannau mewn tir neu hawliau dros dir (gan gynnwys mordwyo dros ddŵr), yn orfodol neu drwy gytundeb.
- 3 Dileu neu addasu cytundebau sy'n ymwneud â thir.
- 4 Cynnal gweithrediadau cloddio, mwyngloddio, chwarela neu durio penodedig mewn ardal benodedig.
- 5 Gweithredu gorsaf gynhyrchu.
- 6 Cadw llinellau trydan yn osodedig uwchben y ddaear.
- 7 Diogelu eiddo neu fuddiannau unrhyw berson.
- 8 Gosod neu eithrio rhwymedigaethau neu atebolrwydd mewn cysylltiad â gweithredoedd neu anweithredoedd.
- 9 Cynnal arolygon neu gymryd samplau o bridd.
- 10 Torri i lawr, diwreiddio, tocio neu frigidorri coed neu lwyni neu dorri eu gwreiddiau yn ôl.
- 11 Symud ymaith, gwaredu neu ail-leoli cyfarpar.
- 12 Gwneud gwaith peirianeg sifil neu waith arall.
- 13 Dargyfeirio cyrsiau dŵr mordwyol ac anfordwyol.
- 14 Cau neu ddargyfeirio priffyrdd.
- 15 Codi tollau, prisiau siwrneiau (gan gynnwys prisiau siwrneiau cosb) a thaliadau eraill.
- 16 Dynodi priffordd yn gefnffordd neu'n ffordd arbennig.
- 17 Pennu'r dosbarthau o draffig a awdurdodir i ddefnyddio priffordd.
- 18 Neilltuo priffordd y mae'r person sy'n cynnig adeiladu neu wella priffordd yn awdurdod priffyrdd ar ei chyfer.
- 19 Trosglwyddo i'r person sy'n cynnig adeiladu neu wella priffordd briffordd nad yw'r person hwnnw yn awdurdod priffyrdd ar ei chyfer.
- 20 Pennu'r awdurdod priffyrdd ar gyfer priffordd.
- 21 Gweithredu a chynnal a chadw system drafnidiaeth.
- 22 Ymrwymo i gytundeb ar gyfer darparu gwasanaethau heddlu.
- 23 Gollwng dŵr i ddyfroedd mewndirol neu strata tanddaearol.
- 24 Tybio bod trwydded forol o dan Ran 4 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23) wedi ei rhoi gan Weinidogion Cymru ar gyfer gweithgareddau a bennir yn y gorchymyn ac yn ddarostyngedig i unrhyw amodau a bennir yn y gorchymyn.

SCHEDULE 1
(introduced by section 63)

PROVISION RELATING TO, OR TO MATTERS ANCILLARY TO, DEVELOPMENT

PART 1

THE MATTERS

- 1 The acquisition of land, compulsorily or by agreement.
- 2 The creation, suspension or extinguishment of, or interference with, interests in or rights over land (including navigation over water), compulsorily or by agreement.
- 3 The abrogation or modification of agreements relating to land.
- 4 Carrying out specified excavation, mining, quarrying or boring operations in a specified area.
- 5 The operation of a generating station.
- 6 Keeping electric lines installed above ground.
- 7 The protection of the property or interests of any person.
- 8 The imposition or exclusion of obligations or liability in respect of acts or omissions.
- 9 Carrying out surveys or taking soil samples.
- 10 Cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots.
- 11 The removal, disposal or re-siting of apparatus.
- 12 Carrying out civil engineering or other works.
- 13 The diversion of navigable or non-navigable watercourses.
- 14 The stopping up or diversion of highways.
- 15 Charging tolls, fares (including penalty fares) and other charges.
- 16 The designation of a highway as a trunk road or special road.
- 17 The specification of the classes of traffic authorised to use a highway.
- 18 The appropriation of a highway for which the person proposing to construct or improve a highway is the highway authority.
- 19 The transfer to the person proposing to construct or improve a highway of a highway for which that person is not the highway authority.
- 20 The specification of the highway authority for a highway.
- 21 The operation and maintenance of a transport system.
- 22 Entering into an agreement for the provision of police services.
- 23 The discharge of water into inland waters or underground strata.
- 24 Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 (c. 23) to have been given by the Welsh Ministers for activities specified in the order and subject to such conditions as may be specified in the order.

- 25 Tybio bod Gweinidogion Cymru wedi gosod amodau o'r fath ynghlwm wrth y drwydded forol o dan y Rhan honno.
- 26 Creu awdurdod harbwr.
- 27 Newid pwerau a dyletswyddau awdurdod harbwr.
- 28 Gwneud is-ddeddfau gan unrhyw berson a'u gorfodi.
- 29 (1) Creu troseddau o fewn is-baragraff (2) mewn cysylltiad ag—
- peidio â thalu tollau, prisiau siwrneiau neu daliadau eraill,
 - methiant person i roi enw neu gyfeiriad y person yn unol â darpariaeth sy'n ymwneud a phrisiau siwrneiau cosb,
 - gorfodi is-ddeddfau, neu
 - adeiladu, gwella, cynnal a chadw neu reoli harbwr.
- (2) Mae trosedd o fewn yr is-baragraff hwn—
- os na ellir ond ei rhoi ar brawf yn ddiannod,
 - os nad yw person sy'n euog o'r drosedd yn agored i'w garcharu, ac
 - os na all unrhyw ddirwy y gall person sy'n euog o'r drosedd fod yn agored iddi fod yn uwch na lefel 3 ar y raddfa safonol.
- 30 Trosglwyddo eiddo, hawliau, atebolrwyddau neu swyddogaethau.
- 31 Trosglwyddo, lesio ac atal dros dro ymgymeriadau, peidio â pharhau â hwy a'u hadfer.
- 32 Talu cyfraniadau.
- 33 Talu swm digolledu.
- 34 Cyflwyno anghydfodau i gymrodeddu arnynt.
- 35 Addasu terfynau benthycu.

RHAN 2

DEHONGLI

- 36 (1) Mae'r paragraff hwn yn gymwys at ddibenion yr Atodlen hon.
- (2) Ystyr "system drafnidiaeth" yw unrhyw un neu ragor o'r canlynol—
- rheilffordd;
 - tramffordd;
 - system cerbydau troli;
 - system sy'n defnyddio dull trafndiaeth gyfeiriedig a ragnodir gan orchymyn o dan adran 2 o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42).
- (3) Mae "cynnal a chadw", mewn perthynas â system drafnidiaeth, yn cynnwys edrych ar y system, ei thrwsio, ei haddasu, ei newid, ei symud ymaith, ei hailadeiladu neu ei disodli.

- 25 Deeming any such conditions to have been attached to the marine licence by the Welsh Ministers under that Part.
- 26 The creation of a harbour authority.
- 27 Changing the powers and duties of a harbour authority.
- 28 The making of byelaws by any person and their enforcement.
- 29 (1) The creation of offences within sub-paragraph (2) in connection with –
- (a) non-payment of tolls, fares or other charges,
 - (b) a person's failure to give the person's name or address in accordance with provision relating to penalty fares,
 - (c) enforcement of byelaws, or
 - (d) construction, improvement, maintenance or management of a harbour.
- (2) An offence is within this sub-paragraph if –
- (a) it is triable only summarily,
 - (b) a person guilty of the offence is not liable to imprisonment, and
 - (c) any fine to which a person guilty of the offence may be liable cannot be higher than level 3 on the standard scale.
- 30 The transfer of property, rights, liabilities or functions.
- 31 The transfer, leasing, suspension, discontinuance and revival of undertakings.
- 32 The payment of contributions.
- 33 The payment of compensation.
- 34 The submission of disputes to arbitration.
- 35 The alteration of borrowing limits.

PART 2

INTERPRETATION

- 36 (1) This paragraph applies for the purposes of this Schedule.
- (2) "Transport system" means any of the following –
- (a) a railway;
 - (b) a tramway;
 - (c) a trolley vehicle system;
 - (d) a system using a mode of guided transport prescribed by order under section 2 of the Transport and Works Act 1992 (c. 42).
- (3) "Maintenance", in relation to a transport system, includes the inspection, repair, adjustment, alteration, removal, reconstruction or replacement of the system.

- (4) Mae i “system cerbydau troli”, “trafnidiaeth gyfeiriedig” a “tramffordd” yr un ystyron ag a roddir i “trolley vehicle system”, “guided transport” a “tramway” gan adran 67(1) (dehongli) o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42).

- (4) The following terms have the meanings given by section 67(1) (interpretation) of the Transport and Works Act 1992 (c. 42) –

“guided transport” (*“trafnidiaeth gyfeiriedig”*);

“tramway” (*“tramffordd”*);

“trolley vehicle system” (*“system cerbydau trolï”*).

ATODLEN 2
(a gyflwynir gan adran 93)

DIGOLLEDU AM NEWID NEU DDIRYMU GORCHMYNION CYDSYNIAD SEILWAITH

Newid neu ddirymu gorchymyn cydsyniad seilwaith: digolledu

- 1 (1) Mae'r paragraff hwn yn gymwys pan fo –
 - (a) gorchymyn cydsyniad seilwaith yn cael ei newid neu ei ddirymu drwy orchymyn o dan adran 90, a
 - (b) yr achos y mae'r pŵer yn cael ei arfer ynddo yn un sy'n dod o fewn adran 90(6).
- (2) Mae gan unrhyw berson a chanddo fuddiant yn y tir y mae'r gorchymyn cydsyniad seilwaith yn ymwneud ag ef neu a chanddo fuddiant mewn mwynau ar y tir hwnnw, neu y mae'r gorchymyn cydsyniad seilwaith yn cael effaith er ei fudd, hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu gan Weinidogion Cymru am –
 - (a) unrhyw wariant y mae'r person yn mynd iddo wrth gynnal gwaith a ddaw yn ofer o ganlyniad i newid neu ddirymu'r gorchymyn cydsyniad seilwaith;
 - (b) unrhyw golled arall neu ddifrod arall a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r newid neu'r dirymu.
- (3) Caiff rheoliadau wneud darpariaeth ynghylch y modd y mae rhaid gwneud hawliad am ddigollediad o dan y paragraff hwn, a'r cyfnod y mae rhaid gwneud hawliad am ddigollediad o'i fewn.
- (4) At ddiben y paragraff hwn, mae gwariant yr eir iddo wrth lunio planiau at ddibenion unrhyw waith, neu ar faterion tebyg eraill sy'n baratoadol i unrhyw waith, i'w drin fel gwariant yr eir iddo wrth gynnal y gwaith.
- (5) Yn ddarostyngedig i hynny, nid oes digollediad yn daladwy o dan y paragraff hwn mewn cysylltiad ag –
 - (a) gwaith a gynhaliwyd cyn i'r gorchymyn cydsyniad seilwaith sy'n cael ei newid neu ei ddirymu gael ei wneud, neu
 - (b) colled arall neu ddifrod arall (ac eithrio colled neu ddifrod sy'n cynnwys dibrisiant yng ngwerth buddiant mewn tir) sy'n deillio o unrhyw beth a wnaed neu nas gwnaed cyn i'r gorchymyn cydsyniad seilwaith gael ei wneud.

Digolledu am ddibrisiant: cyflwyniad a themau allweddol

- 2 (1) Mae paragraffau 3 i 9 yn gymwys pan fo digollediad yn dod yn daladwy gan Weinidogion Cymru o dan baragraff 1 sy'n cynnwys digollediad am ddibrisiant o fwy na'r isafswm a bennir mewn rheoliadau.
- (2) Yn y paragraff hwn ac ym mharagraffau 3 i 10 –
 - (a) ystyr "awdurdod caffael", mewn perthynas â chaffaeliad neu gaffaeliad arfaethedig buddiant mewn tir (boed hynny'n orfodol neu drwy gytundeb), yw'r awdurdod cyhoeddus neu berson arall sy'n caffael neu'n cynnig caffael y buddiant;
 - (b) nid yw "caffaeliad gorfodol" yn cynnwys trosglwyddo eiddo o un person i berson arall drwy ddeddfiad;

SCHEDULE 2
(Introduced by section 93)

COMPENSATION FOR CHANGING OR REVOKING INFRASTRUCTURE CONSENT
ORDERS

Changing or revoking an infrastructure consent order: compensation

- 1 (1) This paragraph applies where –
- (a) an infrastructure consent order is changed or revoked by an order under section 90, and
 - (b) the case in which the power is exercised is one falling within section 90(6).
- (2) Any person interested in the land to which the infrastructure consent order relates or interested in minerals on such land, or for whose benefit the infrastructure consent order has effect, is entitled, on making a claim to the Welsh Ministers, to be paid compensation by the Welsh Ministers for –
- (a) any expenditure incurred by the person in carrying out work that becomes abortive because of the change or revocation of the infrastructure consent order;
 - (b) any other loss or damage suffered by the person that is directly attributable to the change or revocation.
- (3) Regulations may make provision about the way in which, and the period within which, a claim for compensation under this paragraph must be made.
- (4) For the purpose of this paragraph, expenditure incurred in the preparation of plans for the purposes of any work, or on other similar matters preparatory to any work, is to be treated as expenditure incurred in carrying out the work.
- (5) Subject to that, no compensation is payable under this paragraph in respect of –
- (a) work carried out before the making of the infrastructure consent order that is changed or revoked, or
 - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the infrastructure consent order was made.

Compensation for depreciation: introduction and key terms

- 2 (1) Paragraphs 3 to 9 apply where compensation becomes payable by the Welsh Ministers under paragraph 1 which includes compensation for depreciation of more than the minimum amount specified in regulations.
- (2) In this paragraph and paragraphs 3 to 10 –
- (a) “acquiring authority”, in relation to the acquisition or proposed acquisition of an interest in land (whether compulsorily or by agreement), means the public authority or other person by whom the interest is acquired or is proposed to be acquired;
 - (b) “compulsory acquisition” does not include the transfer of property from one person to another by an enactment;

- (c) ystyr “digollediad am ddibrisiant” yw digollediad sy’n daladwy mewn cysylltiad â cholled neu ddifrod sy’n ddibrisiant yng ngwerth buddiant mewn tir;
- (d) ystyr “buddiant mewn tir” yw’r ffi syml neu denantiaeth o’r tir (ac nid yw’n cynnwys unrhyw fuddiant arall ynddo);
- (e) mae i “hysbysiad digolledu” yr ystyr a roddir ym mharagraff 4(1);
- (f) ystyr “cofrestredig”, mewn perthynas â hysbysiad digolledu, yw wedi ei gofrestru yn y gofrestr pridiannau tir lleol a gedwir o dan adran 3 o Ddeddf Pridiannau Tir Lleol 1975 (p. 76).

Dosrannu digollediad am ddibrisiant a phenderfynu ar anghydfodau

3 (1) Rhaid i Weinidogion Cymru –

- (a) dosrannu’r digollediad am ddibrisiant rhwng gwahanol rannau o’r tir y mae’r hawliad am ddigollediad yn ymwneud ag ef os ydynt yn ystyried ei bod yn ymarferol gwneud hynny, a
 - (b) os ydynt yn dosrannu’r digollediad, roi manylion y dosraniad i’r hawlydd ac i unrhyw berson arall a chanddo fuddiant mewn tir y mae Gweinidogion Cymru yn ystyried bod y dosraniad yn cael effaith sylweddol arno.
- (2) Wrth wneud dosraniad, rhaid i Weinidogion Cymru rannu’r tir yn rhannau a dosbarthu’r digollediad am ddibrisiant rhwng y rhannau hynny yn ôl sut y maent yn ystyried y bo’r gorchymyn y mae digollediad yn daladwy o ganlyniad iddo yn cael effaith wahanol ar rannau gwahanol o’r tir.
- (3) Os yw unrhyw un neu ragor o’r personau a ganlyn yn herio dosraniad digollediad, cânt atgyfeirio’r dosraniad i’r Uwch Dribiwnlys –
- (a) yr hawlydd;
 - (b) unrhyw berson arall y rhoddwyd manylion y dosraniad iddo;
 - (c) unrhyw berson arall sy’n dangos bod ganddo fuddiant mewn tir y mae’r dosraniad yn cael effaith sylweddol arno.
- (4) Mae gan yr hawlydd a phob person arall y mae manylion y dosraniad wedi eu rhoi iddo hawolgaeth i gael eu clywed gan yr Uwch Dribiwnlys pan wneir yr atgyfeiriad.
- (5) Pan gaiff dosraniad ei atgyfeirio, rhaid i’r Uwch Dribiwnlys –
- (a) naill ai cadarnhau ynteu amrywio’r dosraniad, a
 - (b) hysbysu’r partïon am ei benderfyniad.
- (6) Pan ddangosir mewn atgyfeiriad i’r Uwch Dribiwnlys fod dosraniad –
- (a) yn ymwneud yn gyfan gwbl neu’n rhannol â’r un materion â dosraniad blaenorol, a
 - (b) yn gyson â’r dosraniad blaenorol i’r graddau y mae’n ymwneud â’r materion hynny,
- ni chaiff y Tribiwnlys amrywio’r dosraniad mewn modd sy’n anghyson â’r dosraniad blaenorol i’r graddau y mae’n ymwneud â’r materion hynny.
- (7) Mae is-baragraffau (1) a (2) yn gymwys i ddosraniad gan yr Uwch Dribiwnlys fel pe bai cyfeiriadau at Weinidogion Cymru yn gyfeiriadau at y Tribiwnlys.

- (c) “compensation for depreciation” means compensation payable in respect of loss or damage consisting of depreciation of the value of an interest in land;
- (d) “interest in land” means the fee simple or a tenancy of the land (and does not include any other interest in it);
- (e) “compensation notice” has the meaning given in paragraph 4(1);
- (f) “registered”, in relation to a compensation notice, means registered in the local land charges register kept under section 3 of the Local Land Charges Act 1975 (c. 76).

Apportionment of compensation for depreciation and determination of disputes

3 (1) The Welsh Ministers –

- (a) if they consider that it is practicable to do so, must apportion the compensation for depreciation between different parts of the land to which the claim for compensation relates, and
 - (b) if they apportion the compensation, must give details of the apportionment to the claimant and to any other person with an interest in land which the Welsh Ministers consider is substantially affected by the apportionment.
- (2) In carrying out an apportionment, the Welsh Ministers must divide the land into parts and distribute the compensation for depreciation between those parts according to how they consider different parts of the land are differently affected by the order in consequence of which the compensation is payable.
- (3) If any of the following persons dispute an apportionment of compensation, they may refer the apportionment to the Upper Tribunal –
- (a) the claimant;
 - (b) any other person to whom details of the apportionment have been given;
 - (c) any other person who establishes that they have an interest in land which is substantially affected by the apportionment.
- (4) The claimant and every other person to whom details of an apportionment have been given are entitled to be heard by the Upper Tribunal on the reference.
- (5) On a reference of an apportionment, the Upper Tribunal must –
- (a) either confirm or vary the apportionment, and
 - (b) notify the parties of its decision.
- (6) Where on a reference to the Upper Tribunal it is shown that an apportionment –
- (a) relates wholly or partly to the same matters as a previous apportionment, and
 - (b) is consistent with the previous apportionment so far as it relates to those matters,
- the Tribunal must not vary the apportionment in a way that is inconsistent with the previous apportionment so far as it relates to those matters.
- (7) Sub-paragraphs (1) and (2) apply to an apportionment by the Upper Tribunal as if references to the Welsh Ministers were references to the Tribunal.

Hysbysiad o ddigollediad am ddibrisiant

- 4 (1) Pan fo digollediad yn dod yn daladwy sy'n cynnwys digollediad am ddibrisiant o fwy na'r isafswm a bennir mewn rheoliadau o dan baragraff 2 rhaid i Weinidogion Cymru beri bod hysbysiad o'r ffaith honno ("hysbysiad digolledu") yn cael ei gyflwyno –
- (a) i'r cyngor ar gyfer y sir neu'r fwrdeistref sirol dros yr ardal lle y lleolir y tir neu unrhyw ran o'r tir y mae'r hysbysiad yn ymwneud ag ef, a
 - (b) os nad y cyngor hwnnw yw'r awdurdod cynllunio dros yr ardal lle y lleolir y tir neu unrhyw ran o'r tir, i'r awdurdod cynllunio dros yr ardal.
- (2) Rhaid i hysbysiad digolledu bennu –
- (a) y gorchymyn y mae digollediad yn daladwy o ganlyniad iddo a'r tir y mae'r hawliad am ddigollediad yn ymwneud ag ef, a
 - (b) swm y digollediad ac unrhyw ddsoraniad ohono o dan baragraff 3.
- (3) Mae hysbysiad digolledu yn bridiant tir lleol, ac at ddibenion Deddf Pridiannau Tir Lleol 1975 (p. 76) y cyngor sir neu'r cyngor bwrdeistref sirol y cyflwynir yr hysbysiad iddo yw'r awdurdod gwreiddiol o ran y pridiant.

Peidio â chynnal datblygiad hyd nes y bo digollediad yn cael ei dalu neu ei sicrhau

- 5 (1) Ni chaiff person gynnal datblygiad y mae'r paragraff hwn yn gymwys iddo ar dir y mae hysbysiad digolledu wedi ei gofrestru yn ei gylch hyd nes y bo unrhyw swm sy'n adenilladwy mewn cysylltiad â'r digollediad a bennir yn yr hysbysiad yn rhinwedd paragraff 6 wedi ei dalu neu ei sicrhau er boddhad Gweinidogion Cymru yn unol â pharagraff 7.
- (2) Mae'r paragraff hwn yn gymwys i –
- (a) datblygiad –
 - (i) sydd o natur breswyl, fasnachol neu ddiwydiannol, a
 - (ii) sydd yn gyfan gwbl neu'n bennaf yn adeiladu tai, fflatiau, siopau neu swyddfeydd neu adeiladau diwydiannol (gan gynnwys warysau), neu unrhyw gyfuniad ohonynt;
 - (b) datblygiad sy'n weithrediadau mwyngloddio;
 - (c) datblygiad y mae Gweinidogion Cymru, gan roi sylw i werth tebygol y datblygiad, yn ystyried ei bod yn rhesymol i'r paragraff hwn fod yn gymwys iddo.
- (3) Nid yw'r paragraff hwn yn gymwys i ddatblygiad yn rhinwedd is-baragraff (2)(c) os yw Gweinidogion Cymru, ar gais a wneir iddynt, wedi ardystio nad ydynt, gan roi sylw i werth tebygol y datblygiad, yn ystyried ei bod yn rhesymol i'r paragraff hwn fod yn gymwys iddo.
- (4) Pan fo'r digollediad a bennir yn yr hysbysiad digolledu yn dod yn daladwy o ganlyniad i orchymyn sy'n newid gorchymyn cydsyniad seilwaith, nid yw'r paragraff hwn yn gymwys i ddatblygiad yn unol â'r gorchymyn cydsyniad seilwaith a newidiwyd.

Notice of compensation for depreciation

- 4 (1) Where compensation becomes payable which includes compensation for depreciation of more than the minimum amount specified in regulations under paragraph 2 the Welsh Ministers must cause notice of that fact (a “compensation notice”) to be served –
- (a) on the council of the county or county borough for the area in which the land or any part of the land to which the notice relates is situated, and
 - (b) if that council is not the planning authority for the area in which the land or any part of the land is situated, on the planning authority for the area.
- (2) A compensation notice must specify –
- (a) the order in consequence of which the compensation is payable and the land to which the claim for compensation relates, and
 - (b) the amount of the compensation and any apportionment of it under paragraph 3.
- (3) A compensation notice is a local land charge, and for the purposes of the Local Land Charges Act 1975 (c. 76) the county or county borough council on which the notice is served is the originating authority as respects the charge.

Development not to be carried out until compensation paid or secured

- 5 (1) A person must not carry out development to which this paragraph applies on land in respect of which a compensation notice has been registered until any amount that is recoverable in respect of the compensation specified in the notice by virtue of paragraph 6 has been paid or secured to the satisfaction of the Welsh Ministers in accordance with paragraph 7.
- (2) This paragraph applies to –
- (a) development that –
 - (i) is of a residential, commercial or industrial character, and
 - (ii) consists wholly or mainly of the construction of houses, flats, shop or office premises or industrial buildings (including warehouses), or any combination of them;
 - (b) development that consists of mining operations;
 - (c) development to which, having regard to the probable value of the development, the Welsh Ministers consider it reasonable that this paragraph should apply.
- (3) This paragraph does not apply to development by virtue of subparagraph (2)(c) if, on an application made to them, the Welsh Ministers have certified that, having regard to the probable value of the development, they do not consider it reasonable that this paragraph should apply.
- (4) Where the compensation specified in the compensation notice became payable in consequence of an order changing an infrastructure consent order, this paragraph does not apply to development in accordance with the changed infrastructure consent order.

Y swm sy'n adenilladwy gan Weinidogion Cymru mewn cysylltiad â digolledu

- 6 (1) Y swm sy'n adenilladwy mewn cysylltiad â'r digollediad a bennir mewn hysbysiad digolledu cofrestredig yw –
- (a) os yw'r tir y mae'r datblygiad i'w gynnal arno yn cynnwys yr holl dir y mae'r hysbysiad yn ymwneud ag ef (boed ar ei ben ei hun neu gyda thir arall), swm y digollediad a bennir yn yr hysbysiad;
 - (b) os yw'r tir y mae'r datblygiad i'w gynnal arno yn cynnwys rhan yn unig o'r tir y mae'r hysbysiad yn ymwneud ag ef (boed ar ei phen ei hun neu gyda thir nad yw'r hysbysiad yn ymwneud ag ef), swm y digollediad a bennir yn yr hysbysiad sydd i'w briodoli i'r rhan honno.
- (2) Ond caiff Gweinidogion Cymru ohirio adennill y swm cyfan neu ran o'r swm a fyddai'n adenilladwy fel arall mewn cysylltiad â datblygiad tir penodol os ydynt yn ystyried, gan roi sylw i werth tebygol unrhyw ddatblygiad priodol o'r tir hwnnw, nad yw datblygiad priodol ohono yn debygol o gael ei gynnal onid ydynt yn arfer eu pwerau o dan yr is-baragraff hwn.
- (3) Os yw Gweinidogion Cymru yn gohirio adennill rhan yn unig o'r swm a fyddai'n adenilladwy fel arall mewn cysylltiad ag unrhyw dir, rhaid iddynt beri bod yr hysbysiad digolledu cofrestredig o dan sylw yn cael ei ddiwygio fel mai swm y digollediad a nodir ynddo, i'r graddau y bo i'w briodoli i'r tir hwnnw, yw'r swm y maent wedi ei ohirio.
- (4) Pan fo swm wedi dod yn adenilladwy o ran digollediad mewn cysylltiad â datblygu tir, nid oes unrhyw swm yn adenilladwy o ran y digollediad sydd i'w briodoli i'r tir hwnnw mewn cysylltiad ag unrhyw ddatblygiad diweddarach ohono.
- (5) Nid yw is-baragraff (4) yn gymwys i swm i'r graddau y gohiriwyd adennill y swm mewn cysylltiad â'r datblygiad cynharach.
- (6) Nid oes unrhyw swm yn adenilladwy yn rhinwedd y paragraff hwn mewn cysylltiad ag unrhyw ddigollediad y mae swm wedi dod yn adenilladwy gan awdurdod caffael o dan baragraff 8 (adennill drwy gaffaeliad neu werthiant gorfodol) drwy gyfeirio ato.
- (7) At ddibenion yr Atodlen hon, mae swm y digollediad a bennir mewn hysbysiad digolledu sydd i'w briodoli i ran o'r tir y mae'r hysbysiad yn ymwneud ag ef i'w gyfrifo –
- (a) os yw'r hysbysiad yn cynnwys dosraniad o'r digollediad rhwng rhannau gwahanol o'r tir o dan baragraff 3, ar y sail –
 - (i) bod y digollediad i'w ddosbarthu rhwng y rhannau hynny yn unol â'r dosraniad, a
 - (ii) bod y digollediad sydd i'w briodoli i bob rhan yn cael ei ddosbarthu'n gyfartal yn ôl arwynebedd dros y rhan honno;
 - (b) os nad yw'r hysbysiad yn cynnwys dosraniad, ar y sail bod y digollediad yn cael ei ddosbarthu'n gyfartal yn ôl arwynebedd dros y tir y mae'r hysbysiad yn ymwneud ag ef.

Talu etc. swm sy'n adenilladwy

- 7 (1) Mae swm sy'n adenilladwy yn rhinwedd paragraff 6 mewn cysylltiad â'r datblygiad tir yn daladwy i Weinidogion Cymru –

Amount recoverable by Welsh Ministers in respect of compensation

- 6 (1) The amount recoverable in respect of the compensation specified in a registered compensation notice is—
- (a) if the land on which development is to be carried out includes all of the land to which the notice relates (whether alone or with other land), the amount of compensation specified in the notice;
 - (b) if the land on which development is to be carried out includes only part of the land to which the notice relates (whether alone or with land to which the notice does not relate), the amount of the compensation specified in the notice that is attributable to that part.
- (2) But the Welsh Ministers may defer recovery of all or part of the amount that would otherwise be recoverable in connection with a particular development of land if they consider, having regard to the probable value of any proper development of that land, that no proper development of it is likely to be carried out unless they exercise their powers under this sub-paragraph.
- (3) If the Welsh Ministers defer recovery of only part of the amount that would otherwise be recoverable in respect of any land, they must cause the registered compensation notice in question to be amended so that the amount of compensation stated in it, so far as attributable to that land, is the amount they have deferred.
- (4) Where an amount has become recoverable in respect of compensation in connection with the development of land, no amount is recoverable in respect of the compensation attributable to that land in connection with any later development of it.
- (5) Sub-paragraph (4) does not apply to an amount to the extent that recovery of the amount was deferred in connection with the earlier development.
- (6) No amount is recoverable by virtue of this paragraph in respect of any compensation by reference to which an amount has become recoverable from an acquiring authority under paragraph 8 (recovery on compulsory acquisition or sale).
- (7) For the purposes of this Schedule, the amount of the compensation specified in a compensation notice that is attributable to a part of the land to which the notice relates is to be calculated—
- (a) if the notice includes an apportionment of the compensation between different parts of the land under paragraph 3, on the basis that—
 - (i) the compensation is distributed between those parts in accordance with the apportionment, and
 - (ii) the compensation attributed to each part is distributed evenly by area over that part;
 - (b) if the notice does not include an apportionment, on the basis that the compensation is distributed evenly by area over the land to which the notice relates.

Payment etc. of amount recoverable

- 7 (1) An amount recoverable by virtue of paragraph 6 in connection with the development of land is payable to the Welsh Ministers—

- (a) fel un taliad cyfalaf,
 - (b) fel cyfres o randaliadau cyfalaf a llog wedi eu cyfuno, neu
 - (c) fel cyfres o daliadau blynyddol neu gyfnodol eraill, o'r symiau, ac sy'n daladwy ar yr adegau, a gyfarwyddir gan Weinidogion Cymru.
- (2) Cyn rhoi cyfarwyddyd o dan is-baragraff (1)(c), rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a wnaed gan y person a fydd yn cynnal y datblygiad.
- (3) Os nad yw'r swm sy'n daladwy o dan is-baragraff (1) yn cael ei dalu fel un taliad cyfalaf, rhaid iddo gael ei sicrhau gan y person a fydd yn cynnal y datblygiad yn y modd (boed hynny drwy forgais, drwy gyfamod neu fel arall) y mae Gweinidogion Cymru yn ei gyfarwyddo.
- (4) Os yw person yn dechrau datblygiad y mae paragraff 5 yn gymwys iddo gan dorri'r paragraff hwnnw, caiff Gweinidogion Cymru gyflwyno hysbysiad i'r person hwnnw –
- (a) sy'n pennu'r swm y maent yn ystyried ei fod yn adenilladwy o dan baragraff 6 mewn cysylltiad â'r digollediad o dan sylw, a
 - (b) sy'n ei gwneud yn ofynnol i'r person dalu'r swm hwnnw i Weinidogion Cymru o fewn cyfnod a bennir yn yr hysbysiad.
- (5) Rhaid i'r cyfnod a bennir yn yr hysbysiad fod yn 3 mis o leiaf gan ddechrau drannoeth y diwrnod y cyflwynir yr hysbysiad.

Adennill digollediad oddi wrth awdurdod caffael wrth gaffael yn orfodol neu werthu

- 8 (1) Mae'r paragraff hwn yn gymwys pan fo –
- (a) buddiant mewn tir yn cael ei gaffael yn orfodol neu'n cael ei werthu i awdurdod sy'n meddu ar bwerau prynu gorfodol,
 - (b) hysbysiad digolledu yn cael ei gofrestru mewn cysylltiad ag unrhyw ran o'r tir, boed hynny cyn neu ar ôl cwblhau'r caffaeliad neu'r gwerthiant, ac
 - (c) y digollediad a bennir yn yr hysbysiad yn daladwy o ganlyniad i newid neu ddirymu gorchymyn cydsyniad seilwaith a wnaed cyn cyflwyno'r hysbysiad i drafod telerau, neu lunio'r contract, y mae'r caffaeliad neu'r gwerthiant yn cael effaith yn unol ag ef.
- (2) Mae gan Weinidogion Cymru hawlogoeth i adennill oddi wrth yr awdurdod caffael swm sy'n gyfwerth â swm y digollediad a bennir yn yr hysbysiad digolledu sydd i'w briodoli i'r tir a gaffaelwyd neu a werthwyd.
(Gweler paragraff 6(7) am ddarpariaeth ynghylch cyfrifo swm y digollediad sydd i'w briodoli i ran o'r tir y mae hysbysiad digolledu yn ymwneud â hi.)
- (3) Yn union ar ôl cwblhau'r caffaeliad neu'r gwerthiant, os yw person ac eithrio'r awdurdod caffael yn parhau i fod â buddiant yn y tir a gaffaelwyd neu a werthwyd, nid yw'r swm sy'n adenilladwy o dan y paragraff hwn yn dod yn daladwy hyd nes y bo'r buddiant naill ai'n peidio â bodoli neu'n cael ei freinio yn yr awdurdod caffael.
- (4) Nid oes unrhyw swm yn adenilladwy o dan y paragraff hwn mewn cysylltiad â'r caffaeliad neu'r gwerthiant os yw Gweinidogion Cymru wedi eu bodloni bod y buddiant o dan sylw yn cael ei gaffael at ddibenion defnyddio'r tir fel man agored.

- (a) as a single capital payment,
 - (b) as a series of instalments of capital and interest combined, or
 - (c) as a series of other annual or periodical payments, of the amounts, and payable at the times, that the Welsh Ministers direct.
- (2) Before giving a direction under sub-paragraph (1)(c), the Welsh Ministers must take into account any representations made by the person by whom the development is to be carried out.
- (3) If the amount payable under sub-paragraph (1) is not paid as a single capital payment, it must be secured by the person by whom the development is to be carried out in the way (whether by mortgage, covenant or otherwise) that the Welsh Ministers direct.
- (4) If a person begins development to which paragraph 5 applies in breach of that paragraph, the Welsh Ministers may serve a notice on the person –
 - (a) specifying the amount they consider to be recoverable under paragraph 6 in respect of the compensation in question, and
 - (b) requiring the person to pay that amount to the Welsh Ministers within a period specified in the notice.
- (5) The period specified in the notice must be at least 3 months beginning with the day after the day on which the notice is served.

Recovery of compensation from acquiring authority on compulsory acquisition or sale

- 8 (1) This paragraph applies where –
- (a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers,
 - (b) a compensation notice is registered in respect of any of the land, whether before or after the completion of the acquisition or sale, and
 - (c) the compensation specified in the notice is payable in consequence of a change or revocation of an infrastructure consent order that was made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.
- (2) The Welsh Ministers are entitled to recover from the acquiring authority an amount equal to the amount of the compensation specified in the compensation notice that is attributable to the land acquired or sold.
(See paragraph 6(7) for provision about calculating the amount of compensation that is attributable to a part of the land to which a compensation notice relates.)
- (3) If, immediately after the completion of the acquisition or sale, a person other than the acquiring authority continues to have an interest in the land acquired or sold, the amount that is recoverable under this paragraph does not become payable until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No amount is recoverable under this paragraph in connection with the acquisition or sale if the Welsh Ministers are satisfied that the interest in question is being acquired for the purposes of the use of the land as an open space.

- (5) Mae pŵer o dan unrhyw ddeddfiad i dalu grant mewn cysylltiad â gwariant yr aeth yr awdurdod caffael iddo mewn cysylltiad â'r caffaeliad neu'r gwerthiant yn cynnwys y pŵer i dalu grant mewn cysylltiad ag unrhyw swm sy'n adenilladwy oddi wrth yr awdurdod o dan y paragraff hwn.
- (6) Yn is-baragraff (1)(a), ystyr "awdurdod sy'n meddu ar bwerau prynu gorfodol" yw –
 - (a) person y gallai fod wedi ei awdurdodi neu sydd wedi ei awdurdodi i gaffael y buddiant o dan sylw yn orfodol at y diben y gwerthir y buddiant ar ei gyfer, neu
 - (b) cyngor cymuned y gallai cyngor sir neu gyngor bwrdeistref sirol fod wedi ei awdurdodi ar ei ran neu sydd wedi ei awdurdodi ar ei ran i gaffael y buddiant at y diben hwnnw (gweler adran 125 o Ddeddf Llywodraeth Leol 1972 (p. 70)).
- (7) Mewn achos pan dybir bod hysbysiad i drafod telerau wedi ei gyflwyno yn rhinwedd deddfiad, mae'r cyfeiriad yn is-baragraff (1)(c) at gyflwyno'r hysbysiad i drafod telerau i'w ddarllen fel cyfeiriad at y dyddiad y tybir bod yr hysbysiad i drafod telerau wedi ei gyflwyno.
- (8) At ddiben asesu digollediad am gaffael yn orfodol fuddiant mewn tir pan fo hysbysiad digolledu sy'n ymwneud â'r tir wedi ei gofrestru o dan yr Atodlen hon, mae adran 12 o Ddeddf Digollediad Tir 1961 (p. 33) yn gymwys yn ddarostyngedig i unrhyw addasiadau angenrheidiol.

Darpariaethau cyffredinol ynghylch digolledu am ddibrisiant

- 9 (1) Mae'r rheolau yn adran 5 o Ddeddf Digollediad Tir 1961 (p. 33) yn cael effaith at ddiben asesu unrhyw ddigollediad am ddibrisiant sy'n daladwy o dan yr Atodlen hon, i'r graddau y bônt yn berthnasol a chydag unrhyw addasiadau angenrheidiol, fel y maent yn cael effaith at ddiben asesu digollediad am gaffael buddiant mewn tir yn orfodol.
- (2) Pan fo buddiant mewn tir yn ddarostyngedig i forgais –
 - (a) rhaid i unrhyw ddigollediad am ddibrisiant sy'n daladwy o dan yr Atodlen hon mewn cysylltiad â'r buddiant gael ei asesu fel pe na bai'r buddiant yn ddarostyngedig i'r morgais;
 - (b) caniateir i hawliad am ddigollediad gael ei wneud gan unrhyw forgeisai i'r buddiant, ond nid yw hynny'n effeithio ar hawl y person y mae ei fuddiant yn ddarostyngedig i'r morgais i wneud hawliad;
 - (c) nid oes digollediad am ddibrisiant yn daladwy mewn perthynas â buddiant y morgeisai (sy'n wahanol i'r buddiant sy'n ddarostyngedig i'r morgais);
 - (d) rhaid i unrhyw ddigollediad am ddibrisiant sy'n daladwy mewn cysylltiad â'r buddiant sy'n ddarostyngedig i'r morgais gael ei dalu i'r morgeisai neu, os oes mwy nag un morgeisai, i'r morgeisai cyntaf; a rhaid iddo gael ei gymhwyso gan y morgeisai y telir digollediad iddo fel pe bai'n enillion gwerthu.

Penderfynu ar geisiadau am ddigollediad

- 10 (1) Mae unrhyw gwestiwn ynghylch digollediad y ceir anghydfod yn ei gylch i gael ei atgyfeirio i'r Uwch Dribiwnlys a'i benderfynu ganddo.

- (5) A power under any enactment to pay a grant in respect of expenditure incurred by the acquiring authority in connection with the acquisition or sale includes the power to pay a grant in respect of any amount recoverable from the authority under this paragraph.
- (6) In sub-paragraph (1)(a), “authority possessing compulsory purchase powers” means –
 - (a) a person who could be or has been authorised to acquire the interest in question compulsorily for the purpose for which the interest is sold, or
 - (b) a community council on whose behalf a county council or county borough council could be or has been authorised to acquire the interest for that purpose (see section 125 of the Local Government Act 1972 (c. 70)).
- (7) In a case where a notice to treat is deemed to be served by virtue of an enactment, the reference in sub-paragraph (1)(c) to the service of the notice to treat is to be read as a reference to the date on which the notice is deemed to be served.
- (8) For the purpose of assessment of compensation for the compulsory acquisition of an interest in land where a compensation notice relating to the land is registered under this Schedule, section 12 of the Land Compensation Act 1961 (c. 33) applies subject to any necessary modifications.

General provisions about compensation for depreciation

- 9 (1) The rules in section 5 of the Land Compensation Act 1961 (c. 33) have effect for the purpose of assessing any compensation for depreciation that is payable under this Schedule, so far as relevant and with any necessary modifications, as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) Where an interest in land is subject to a mortgage –
 - (a) any compensation for depreciation that is payable under this Schedule in respect of the interest must be assessed as if the interest were not subject to the mortgage;
 - (b) a claim for compensation for depreciation may be made by any mortgagee of the interest, but that does not affect the right of the person whose interest is subject to the mortgage to make a claim;
 - (c) no compensation for depreciation is payable in respect of the interest of the mortgagee (as distinct from the interest that is subject to the mortgage);
 - (d) any compensation for depreciation that is payable in respect of the interest subject to the mortgage must be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee; and it must be applied by the mortgagee to whom it is paid as if it were proceeds of sale.

Determination of claims for compensation

- 10 (1) Any question of disputed compensation under this Schedule is to be referred to and determined by the Upper Tribunal.

- (2) Mae adran 4 o Ddeddf Digollediad Tir 1961 (p. 33) yn gymwys i benderfynu ar gwestiwn a atgyfeirir o dan y paragraff hwn fel y mae'n gymwys i benderfynu ar gwestiwn a atgyfeirir o dan adran 1 o'r Ddeddf honno, ond fel pe bai cyfeiriadau at yr "acquiring authority" yn gyfeiriadau at Weinidogion Cymru.

- (2) Section 4 of the Land Compensation Act 1961 (c. 33) applies to the determination of a question referred under this paragraph as it applies to the determination of a question referred under section 1 of that Act, but as if references to the acquiring authority were references to the Welsh Ministers.

ATODLEN 3
(a gyflwynir gan adran 145)

DIWYGIADAU CANLYNIADOL A DIDDYMIADAU

Deddf Harbyrau 1964 (p. 40)

- 1 (1) Mae Deddf Harbyrau 1964 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 14(1A), ar ôl paragraff (b) mewnosoder –
- “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development to the extent that infrastructure consent is required);
- (d) section 63(8) of that Act (exclusion of power to include ancillary provision in orders).”
- (3) Yn adran 16(3A), ar ôl paragraff (b) mewnosoder –
- “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development to the extent that infrastructure is required);
- (d) section 63(8) of that Act (exclusion of power to include ancillary provision in orders).”

Deddf Priffyrdd 1980 (p. 66)

- 2 (1) Mae Deddf Priffyrdd 1980 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 10(2A), ar ôl “required” mewnosoder “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (3) Yn adran 14(1A), ar ôl “required” mewnosoder “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (4) Yn adran 16(3A), ar ôl “required” mewnosoder “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (5) Yn adran 18(1A), ar ôl “required” mewnosoder “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (6) Yn adran 106(4A), ar ôl “required” mewnosoder “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders or schemes in relation to highways for which infrastructure consent required)”.
- (7) Yn adran 108(1A), ar ôl “required” mewnosoder “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.

SCHEDULE 3
(Introduced by section 145)

CONSEQUENTIAL AMENDMENTS AND REPEALS

Harbours Act 1964 (c. 40)

- 1 (1) The Harbours Act 1964 is amended as follows.
- (2) In section 14(1A), after paragraph (b) insert –
 - “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development to the extent that infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of power to include ancillary provision in orders).”
- (3) In section 16(3A), after paragraph (b) insert –
 - “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development to the extent that infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of power to include ancillary provision in orders).”

Highways Act 1980 (c. 66)

- 2 (1) The Highways Act 1980 is amended as follows.
- (2) In section 10(2A), after “required)” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (3) In section 14(1A), after “required)” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (4) In section 16(3A), after “required)” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (5) In section 18(1A), after “required)” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (6) In section 106(4A), after “required)” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders or schemes in relation to highways for which infrastructure consent required)”.
- (7) In section 108(1A), after “required)” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.

- (8) Yn adran 110(1A), ar ôl “required)” mewnosoder “and section 20(4) of the Infrastructure (Wales) Act 2024 (exclusion of power to authorise diversion of non-navigable waters in relation to highways for which infrastructure consent required)”.
- (9) Yn adran 329(1) –
- (a) yn y diffiniad o “special road” ar ôl “2008” mewnosoder “or an infrastructure consent order under the Infrastructure (Wales) Act 2024”;
 - (b) yn y diffiniad o “trunk road” ar ôl “2008,” mewnosoder “or an infrastructure consent order under the Infrastructure (Wales) Act 2024,”.
- (10) Yn adran 337 –
- (a) hepgorer “or” ar ddiwedd paragraff (a);
 - (b) ar ôl paragraff (b) mewnosoder –
 - “(c) the carrying out of any development for which infrastructure consent is required under the Infrastructure (Wales) Act 2024 and for which infrastructure consent has not been given under that Act.”

Deddf Trydan 1989 (p. 29)

- 3 (1) Mae Deddf Trydan 1989 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 36 –
- (a) yn is-adran (1A), ar ôl “required)” mewnosoder “and section 20(1) of the Infrastructure (Wales) Act 2024 (exclusion of requirement for other consents for development for which infrastructure consent is required).”;
 - (b) yn is-adran (1B), ar ôl “2008” mewnosoder “and subsection (1) does not apply if the operation is authorised by an infrastructure consent order under the Infrastructure (Wales) Act 2024.”
- (3) Yn adran 37(2A)(b), ar ôl “planning permission” mewnosoder “, infrastructure consent order,”.

Deddf Cynllunio Gwlad a Thref 1990 (p. 8)

- 4 (1) Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 57(1A), ar ôl “required)” mewnosoder “and section 20(1) of the Infrastructure (Wales) Act 2024 (exclusion of requirement for planning permission etc. for development for which infrastructure consent is required)”.
- (3) Hefgorer adrannau 62D i 62L.
- (4) Yn adran 62M(4)(a) hepgorer “, provided that the development to which it relates is not a development of national significance for the purpose of section 62D”.
- (5) Yn adran 62P –
- (a) yn is-adran (1), hepgorer “62D,”;
 - (b) yn is-adran (2), hepgorer “62D or”.
- (6) Yn adran 62Q –

- (8) In section 110(1A), after “required)” insert “and section 20(4) of the Infrastructure (Wales) Act 2024 (exclusion of power to authorise diversion of non-navigable waters in relation to highways for which infrastructure consent required)”.
- (9) In section 329(1) –
- (a) in the definition of “special road” after “2008” insert “or an infrastructure consent order under the Infrastructure (Wales) Act 2024”;
 - (b) in the definition of “trunk road” after “2008,” insert “or an infrastructure consent order under the Infrastructure (Wales) Act 2024,”.
- (10) In section 337 –
- (a) omit “or” at the end of paragraph (a);
 - (b) after paragraph (b) insert –
 - “(c) the carrying out of any development for which infrastructure consent is required under the Infrastructure (Wales) Act 2024 and for which infrastructure consent has not been given under that Act.”

Electricity Act 1989 (c. 29)

- 3 (1) The Electricity Act 1989 is amended as follows.
- (2) In section 36 –
- (a) in subsection (1A), after “required)” insert “and section 20(1) of the Infrastructure (Wales) Act 2024 (exclusion of requirement for other consents for development for which infrastructure consent is required).”;
 - (b) in subsection (1B), after “2008” insert “and subsection (1) does not apply if the operation is authorised by an infrastructure consent order under the Infrastructure (Wales) Act 2024.”
- (3) In section 37(2A)(b), after “planning permission” insert “, infrastructure consent order,”.

Town and Country Planning Act 1990 (c. 8)

- 4 (1) The TCPA 1990 is amended as follows.
- (2) In section 57(1A), after “required)” insert “and section 20(1) of the Infrastructure (Wales) Act 2024 (exclusion of requirement for planning permission etc. for development for which infrastructure consent is required)”.
- (3) Omit sections 62D to 62L.
- (4) In section 62M(4)(a) omit “, provided that the development to which it relates is not a development of national significance for the purpose of section 62D”.
- (5) In section 62P –
- (a) in subsection (1), omit “62D,”;
 - (b) in subsection (2), omit “62D or”.
- (6) In section 62Q –

- (a) yn is-adran (1)(a), hepgorer "62D, 62F,";
- (b) yn is-adran (4)(a) –
 - (i) hepgorer "section 62D or";
 - (ii) yn lle "the section in question" rhodder "that section";
- (c) yn is-adran (4)(b) –
 - (i) hepgorer "62F or";
 - (ii) yn lle "the section in question" rhodder "that section".
- (7) Yn adran 62R(1) –
 - (a) hepgorer "62D,";
 - (b) hepgorer "62F," yn y ddau le y mae'n digwydd.
- (8) Yn adran 62S –
 - (a) hepgorer "developments of national significance and";
 - (b) ar ôl "Welsh Ministers" mewnosoder "under section 62M or 62O".
- (9) Yn adran 70(1)(a), hepgorer "section 62D(5),".
- (10) Yn adran 70A(1)(a), fel y mae'n gymwys o ran Cymru, hepgorer "62D, 62F,".
- (11) Yn adran 75A –
 - (a) yn is-adran (1)(a), hepgorer "62D,";
 - (b) yn is-adran (2), hepgorer "62D,";
 - (c) yn is-adran (3), hepgorer "62D,".
- (12) Yn adran 87, hepgorer is-adran (5).
- (13) Yn adran 88, hepgorer is-adran (11).
- (14) Yn adran 211 (cadw coed mewn ardaloedd cadwraeth) –
 - (a) yn is-adran (1A) ar ôl "consent" mewnosoder "or by infrastructure consent order";
 - (b) yn is-adran (5A) ar ôl "consent" mewnosoder "or by infrastructure consent order".
- (15) Yn adran 252 –
 - (a) hepgorer is-adrannau (3A), (6B), (6C) a (6D);
 - (b) yn is-adran (12), hepgorer y diffiniad o "development of national significance".
- (16) Yn adran 253(2)(aa), hepgorer "62D, 62F,".
- (17) Yn adran 257(4)(c), hepgorer "62D, 62F,".
- (18) Yn adran 284(3), hepgorer paragraffau (aa) ac (ab).
- (19) Yn adran 303 –
 - (a) yn is-adran (1B)(a), hepgorer "section 62D (developments of national significance),";
 - (b) yn is-adran (1C) –
 - (i) hepgorer paragraff (a);
 - (ii) ym mharagraff (b), hepgorer "62D, 62F,".

- (a) in subsection (1)(a), omit “62D, 62F,”;
 - (b) in subsection (4)(a) –
 - (i) omit “section 62D or”;
 - (ii) for “the section in question” substitute “that section”;
 - (c) in subsection (4)(b) –
 - (i) omit “62F or”;
 - (ii) for “the section in question” substitute “that section”.
- (7) In section 62R(1) –
- (a) omit “62D,”;
 - (b) omit “62F,” in both places it occurs.
- (8) In section 62S –
- (a) omit “developments of national significance and”;
 - (b) after “Welsh Ministers” insert “under section 62M or 62O”.
- (9) In section 70(1)(a), omit “section 62D(5),”.
- (10) In section 70A(1)(a), as it applies in relation to Wales, omit “62D, 62F,”.
- (11) In section 75A –
- (a) in subsection (1)(a), omit “62D,”;
 - (b) in subsection (2), omit “62D,”;
 - (c) in subsection (3), omit “62D,”.
- (12) In section 87, omit subsection (5).
- (13) In section 88, omit subsection (11).
- (14) In section 211 (preservation of trees in conservation areas) –
- (a) in subsection (1A) after “consent” insert “or by infrastructure consent order”;
 - (b) in subsection (5A) after “consent” insert “or by infrastructure consent order”.
- (15) In section 252 –
- (a) omit subsections (3A), (6B), (6C) and (6D);
 - (b) in subsection (12), omit the definition of “development of national significance”.
- (16) In section 253(2)(aa), omit “62D, 62F,”.
- (17) In section 257(4)(c), omit “62D, 62F,”.
- (18) In section 284(3), omit paragraphs (aa) and (ab).
- (19) In section 303 –
- (a) in subsection (1B)(a), omit “section 62D (developments of national significance),”;
 - (b) in subsection (1C) –
 - (i) omit paragraph (a);
 - (ii) in paragraph (b), omit “62D, 62F,”.

- (20) Yn adran 319B—
- (a) yn is-adran (5A), hepgorer “62D,”;
 - (b) yn is-adran (7), hepgorer paragraff (za);
 - (c) yn is-adran (8A), hepgorer “62D,”.
- (21) Yn adran 324(1), hepgorer paragraff (bb).
- (22) Yn adran 333—
- (a) yn is-adran (3F), hepgorer paragraffau (b) ac (c);
 - (b) yn is-adran (5C), hepgorer “62L(9),”.
- (23) Yn adran 336(1) (dehongli), yn y lle priodol, mewnosoder—
- ““infrastructure consent order” has the meaning given in section 143 of the Infrastructure (Wales) Act 2024;”.
- (24) Yn Atodlen 1A, ym mharagraff 8(2A), hepgorer “62D, 62F,”.
- (25) Yn Atodlen 4D—
- (a) yn nheithl yr Atodlen, hepgorer “DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND”;
 - (b) hepgorer paragraff 1;
 - (c) ym mharagraff 3—
 - (i) hepgorer “1 or” yn y ddau le y mae’n digwydd;
 - (ii) hepgorer “or consent” yn y ddau le y mae’n digwydd;
 - (iii) hepgorer “(as the case may be)”;
 - (d) ym mharagraff 4—
 - (i) hepgorer “1 or” yn y ddau le y mae’n digwydd;
 - (ii) hepgorer “or consent” yn y ddau le y mae’n digwydd;
 - (e) ym mharagraff 7, hepgorer “or consent”;
 - (f) hepgorer paragraff 8(2);
 - (g) ym mharagraff 9—
 - (i) hepgorer “or consent”;
 - (ii) hepgorer “paragraph 1 or”;
 - (h) ym mharagraff 10—
 - (i) hepgorer “or consent” yn y ddau le y mae’n digwydd;
 - (ii) hepgorer “1 or”;
 - (i) ym mharagraff 11(1)—
 - (i) hepgorer “or consent”;
 - (ii) hepgorer “1 or”;
 - (j) ym mharagraff 11(2), hepgorer “1 or”;
 - (k) ym mharagraff 12—

- (20) In section 319B—
- (a) in subsection (5A), omit “62D,”;
 - (b) in subsection (7), omit paragraph (za);
 - (c) in subsection (8A), omit “62D,”.
- (21) In section 324(1), omit paragraph (bb).
- (22) In section 333—
- (a) in subsection (3F), omit paragraphs (b) and (c);
 - (b) in subsection (5C), omit “62L(9),”.
- (23) In section 336(1) (interpretation), at the appropriate place, insert—
- ““infrastructure consent order” has the meaning given in section 143 of the Infrastructure (Wales) Act 2024;”.
- (24) In Schedule 1A, in paragraph 8(2A), omit “62D, 62F,”.
- (25) In Schedule 4D—
- (a) in the Schedule title, omit “DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND”;
 - (b) omit paragraph 1;
 - (c) in paragraph 3—
 - (i) omit “1 or” in both places it occurs;
 - (ii) omit “or consent” in both places it occurs;
 - (iii) omit “(as the case may be)”;
 - (d) in paragraph 4—
 - (i) omit “1 or” in both places it occurs;
 - (ii) omit “or consent” in both places it occurs;
 - (e) in paragraph 7, omit “or consent”;
 - (f) omit paragraph 8(2);
 - (g) in paragraph 9—
 - (i) omit “or consent”;
 - (ii) omit “paragraph 1 or”;
 - (h) in paragraph 10—
 - (i) omit “or consent” in both places it occurs;
 - (ii) omit “1 or”;
 - (i) in paragraph 11(1)—
 - (i) omit “or consent”;
 - (ii) omit “1 or”;
 - (j) in paragraph 11(2), omit “1 or”;
 - (k) in paragraph 12—

- (i) hepgorer “or consent”;
 - (ii) hepgorer “1 or”;
 - (l) ym mharagraff 13—
 - (i) hepgorer “or consent” ym mhob lle y mae’n digwydd;
 - (ii) hepgorer “1 or” ym mhob lle y mae’n digwydd;
 - (iii) hepgorer “, as the case may be,”;
 - (m) ym mharagraff 14, hepgorer “or consent”.
- (26) Yn Atodlen 16, yn Rhan 1, yn lle “62D” rhodder “62M”.

Deddf Cynllunio (Sylweddau Peryglus) 1990 (p. 10)

- 5 (1) Mae Deddf Cynllunio (Sylweddau Peryglus) 1990 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 9(2)(c), ar ôl “permission in principle” mewnosoder “, infrastructure consent”.
- (3) Yn adran 10(1), ar ôl “specified planning permission” mewnosoder “, infrastructure consent”.
- (4) Yn adran 12, ar ôl is-adran (2B) mewnosoder —
- “(2C) On making an order granting infrastructure consent in respect of development that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the person making the order may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”
- (5) Yn adran 14(2)(b), ar ôl “planning permission”, ym mhob lle y mae’n ymddangos, mewnosoder “, infrastructure consent”.
- (6) Yn adran 39, yn y lle priodol, mewnosoder —
- ““infrastructure consent” has the meaning given in section 143 of the Infrastructure (Wales) Act 2024;”.

Deddf Ffyrdd Newydd a Gwaith Stryd 1991 (p. 22)

- 6 (1) Mae Deddf Ffyrdd Newydd a Gwaith Stryd 1991 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 6(1A), ar ôl “required)” mewnosoder “and section 20(3) (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent is required)”.

Deddf Trafnidiaeth a Gweithfeydd 1992 (p. 42)

- 7 (1) Mae Deddf Trafnidiaeth a Gweithfeydd 1992 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1(1A) (eithriadau yn ymwneud â gorchmynion ynghylch rheilffyrdd, tramffyrdd etc.) ar ôl paragraff (b) mewnosoder —
- “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development for which infrastructure consent is required);

- (i) omit “or consent”;
 - (ii) omit “1 or”;
 - (l) in paragraph 13 –
 - (i) omit “or consent” in each place it occurs;
 - (ii) omit “1 or” in each place it occurs;
 - (iii) omit “, as the case may be,”;
 - (m) in paragraph 14, omit “or consent”.
- (26) In Schedule 16, in Part 1, for “62D” substitute “62M”.

Planning (Hazardous Substances) Act 1990 (c. 10)

- 5 (1) The Planning (Hazardous Substances) Act 1990 is amended as follows.
- (2) In section 9(2)(c), after “permission in principle” insert “, infrastructure consent”.
 - (3) In section 10(1), after “specified planning permission” insert “, infrastructure consent”.
 - (4) In section 12, after subsection (2B) insert –
 - “(2C) On making an order granting infrastructure consent in respect of development that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the person making the order may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”
 - (5) In section 14(2)(b), after “planning permission”, in each place it appears, insert “, infrastructure consent”.
 - (6) In section 39, in the appropriate place, insert –
 - ““infrastructure consent” has the meaning given in section 143 of the Infrastructure (Wales) Act 2024;”.

New Roads and Street Works Act 1991 (c. 22)

- 6 (1) The New Roads and Street and Works Act 1991 is amended as follows.
- (2) In section 6(1A), after “required)” insert “and section 20(3) (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent is required)”.

Transport and Works Act 1992 (c. 42)

- 7 (1) The Transport and Works Act 1992 is amended as follows.
- (2) In section 1(1A) (exclusions relating to orders as to railways, tramways etc.) after paragraph (b) insert –
 - “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development for which infrastructure consent is required);

- (d) section 63(8) of that Act (exclusion of powers to include ancillary provision in orders)."
- (3) Yn adran 3(1A) (eithriadau yn ymwneud â gorchmynion ynghylch dyfrffyrdd mewndirol etc.) ar ôl paragraff (b) mewnosoder –
 - “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development for which infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of powers to include ancillary provision in orders).”

Deddf y Diwydiant Glo 1994 (p. 21)

- 8 (1) Mae Deddf y Diwydiant Glo 1994 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 53 –
- (a) yn is-adran (1), ar ôl “planning permission” mewnosoder “or infrastructure consent”;
 - (b) yn is-adran (2), ar ôl “such an application” mewnosoder “for planning permission, or where an examining authority or the Welsh Ministers consider any coal-mining proposals included in such an application for infrastructure consent,”;
 - (c) yn is-adran (4) –
 - (i) ym mharagraff (a), ar ôl “Town and Country Planning Act 1990” mewnosoder “, but “development” has the meaning given by section 133 of the Infrastructure (Wales) Act 2024 so far as it relates to coal-mining proposals included in an application for infrastructure consent”;
 - (ii) ar ôl y diffiniad o ““development” and “planning permission””, mewnosoder –
 - ““examining authority” has the meaning given by section 40(7) of the Infrastructure (Wales) Act 2024;
 - “infrastructure consent” has the meaning given by section 143 of the Infrastructure (Wales) Act 2024;”.

Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)

- 9 (1) Mae Deddf Cynllunio a Phrynu Gorfodol 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 60(3), yn lle “development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers)” rhodder “a significant infrastructure project for the purposes of the Infrastructure (Wales) Act 2024”.

Deddf y Môr a Mynediad i'r Arfordir 2009 (p. 23)

- 10 (1) Mae Deddf y Môr a Mynediad i'r Arfordir 2009 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 58, ar ôl is-adran (5) mewnosoder –

- (d) section 63(8) of that Act (exclusion of powers to include ancillary provision in orders)."
- (3) In section 3(1A) (exclusions relating to orders as to inland waterways etc.) after paragraph (b) insert –
 - “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development for which infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of powers to include ancillary provision in orders).”

Coal Industry Act 1994 (c. 21)

- 8 (1) The Coal Industry Act 1994 is amended as follows.
- (2) In section 53 –
- (a) in subsection (1), after “planning permission” insert “or infrastructure consent”;
 - (b) in subsection (2), after “such an application” insert “for planning permission, or where an examining authority or the Welsh Ministers consider any coal-mining proposals included in such an application for infrastructure consent,”;
 - (c) in subsection (4) –
 - (i) in paragraph (a), after “Town and Country Planning Act 1990” insert “, but “development” has the meaning given by section 133 of the Infrastructure (Wales) Act 2024 so far as it relates to coal-mining proposals included in an application for infrastructure consent”;
 - (ii) after the definition of ““development” and “planning permission””, insert –
 - ““examining authority” has the meaning given by section 40(7) of the Infrastructure (Wales) Act 2024;
 - “infrastructure consent” has the meaning given by section 143 of the Infrastructure (Wales) Act 2024;”.

Planning and Compulsory Purchase Act 2004 (c. 5)

- 9 (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) In section 60(3), for “development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers)” substitute “a significant infrastructure project for the purposes of the Infrastructure (Wales) Act 2024”.

Marine and Coastal Access Act 2009 (c. 23)

- 10 (1) The Marine and Coastal Access Act 2009 is amended as follows.
- (2) In section 58, after subsection (5) insert –

“(5A) This section does not apply to a decision on an application for infrastructure consent under the Infrastructure (Wales) Act 2024.”

Deddf Rheoli Llifogydd a Dŵr 2010 (p. 29)

- 11 (1) Mae Deddf Rheoli Llifogydd a Dŵr 2010 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 3, ym mharagraff 7(3) ar ôl “(nationally significant infrastructure projects)” mewnosoder “or work requiring infrastructure consent under section 19 of the Infrastructure (Wales) Act 2024.”.

Deddf Cynllunio (Cymru) 2015 (dccc 4)

- 12 (1) Mae Deddf Cynllunio (Cymru) 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1(6), yn lle “i Weinidogion Cymru. Mae’n gwneud darpariaeth” hyd at y diwedd rhodder “naill ai i Weinidogion Cymru neu i awdurdod cynllunio lleol”.
- (3) Hepgorer adrannau 19 i 22.
- (4) Yn Atodlen 4 –
- (a) ym mharagraff 5, hepgorer “section 62D(5)”;
 - (b) ym mharagraff 6, hepgorer “62D, 62F,”;
 - (c) ym mharagraff 7, yn adran 75A o DCGTh 1990 a fewnosodir –
 - (i) yn is-adran (1)(a), hepgorer “62D,”;
 - (ii) yn is-adran (2), hepgorer “62D,”;
 - (iii) yn is-adran (3), hepgorer “62D,”;
 - (d) hepgorer paragraffau 8 a 9;
 - (e) ym mharagraff 13, hepgorer “62D, 62F,”;
 - (f) ym mharagraff 14(b), hepgorer “62D, 62F,”;
 - (g) ym mharagraff 15(3)(c), hepgorer paragraffau (aa) ac (ab) a fewnosodir yn adran 284(3) o DCGTh 1990;
 - (h) ym mharagraff 18, yn adran 303 o DCGTh 1990 a fewnosodir –
 - (i) yn is-adran (1B)(a), hepgorer “section 62D (developments of national significance),”;
 - (ii) yn is-adran (1C), hepgorer paragraff (a) ac ym mharagraff (b) hepgorer “62D, 62F,”;
 - (i) ym mharagraff 20 –
 - (i) yn is-baragraff (2), hepgorer “62D,”;
 - (ii) yn is-baragraff (3), hepgorer paragraff (za) a fewnosodir yn adran 319B(7) o DCGTh 1990;
 - (iii) yn is-baragraff (4), yn is-adran (8A) a fewnosodir yn adran 319B o DCGTh 1990, hepgorer “62D,”;
 - (j) ym mharagraff 21, hepgorer paragraff (bb) a fewnosodir yn adran 324(1) o DCGTh 1990;

“(5A) This section does not apply to a decision on an application for infrastructure consent under the Infrastructure (Wales) Act 2024.”

Flood and Water Management Act 2010 (c. 29)

- 11 (1) The Flood and Water Management Act 2010 is amended as follows.
- (2) In Schedule 3, in paragraph 7(3) after “(nationally significant infrastructure projects)” insert “or work requiring infrastructure consent under section 19 of the Infrastructure (Wales) Act 2024.”.

Planning (Wales) Act 2015 (anaw 4)

- 12 (1) The Planning (Wales) Act 2015 is amended as follows.
- (2) In section 1(6), for “to the Welsh Ministers. It makes provision” to the end substitute “either to the Welsh Ministers or a local planning authority”.
- (3) Omit sections 19 to 22.
- (4) In Schedule 4 –
- (a) in paragraph 5, omit “section 62D(5)”;
 - (b) in paragraph 6, omit “62D, 62F,”;
 - (c) in paragraph 7, in the inserted section 75A of the TCPA 1990 –
 - (i) in subsection (1)(a), omit “62D,”;
 - (ii) in subsection (2), omit “62D,”;
 - (iii) in subsection (3), omit “62D,”;
 - (d) omit paragraphs 8 and 9;
 - (e) in paragraph 13, omit “62D, 62F,”;
 - (f) in paragraph 14(b), omit “62D, 62F,”;
 - (g) in paragraph 15(3)(c), omit paragraphs (aa) and (ab) inserted into section 284(3) of the TCPA 1990;
 - (h) in paragraph 18, in the inserted section 303 of the TCPA 1990 –
 - (i) in subsection (1B)(a), omit “section 62D (developments of national significance),”;
 - (ii) in subsection (1C), omit paragraph (a) and in paragraph (b), omit “62D, 62F,”;
 - (i) in paragraph 20 –
 - (i) in sub-paragraph (2), omit “62D,”;
 - (ii) in sub-paragraph (3), omit paragraph (za) inserted into section 319B(7) of the TCPA 1990;
 - (iii) in sub-paragraph (4), in subsection (8A) inserted into section 319B of the TCPA 1990, omit “62D,”;
 - (j) in paragraph 21, omit paragraph (bb) inserted into section 324(1) of the TCPA 1990;

- (k) ym mharagraff 22, yn is-baragraff (2A) a fewnosodir ym mharagraff 8 o Atodlen 1A i DCGTh 1990, hepgorer “62D, 62F,”;
- (l) ym mharagraff 23(2), yn lle “62D” rhodder “62M”.

Deddf Seilwaith 2015 (p. 7)

- 13 (1) Mae Deddf Seilwaith 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 6, ym mharagraff 11(6), ar ôl paragraff (a) mewnosoder –
- “(aa) infrastructure consent under the Infrastructure (Wales) Act 2024;”.

Deddf Tai a Chynllunio 2016 (p. 22)

- 14 (1) Mae Deddf Tai a Chynllunio 2016 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 205(1), yn y diffiniad o “planning consent” –
- (a) ym mharagraff (a), ar ôl “Act,” hepgorer “or”;
 - (b) ym mharagraff (b), ar ôl “2008” mewnosoder – “, or
 - (c) infrastructure consent under the Infrastructure (Wales) Act 2024”.

Deddf yr Amgylchedd Hanesyddol (Cymru) 2023 (dsc 3)

- 15 (1) Mae Deddf yr Amgylchedd Hanesyddol (Cymru) 2023 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 11 (gofyniad i waith gael ei awdurdodi drwy gydsyniad heneb gofrestredig), ar ôl is-adran (2) mewnosoder –
- “(3) Mae’r adran hon yn ddarostyngedig i adran 20(1)(c)(i) o Ddeddf Seilwaith (Cymru) 2024 (awdurdodi dosbarth ac awdurdodi drwy gydsyniad heneb gofrestredig nad yw’n ofynnol ar gyfer datblygiad i’r graddau y mae cydsyniad seilwaith yn ofynnol ar ei gyfer).”
- (3) Yn adran 58(4) (eithriad i’r drosedd o ddifrodi henebion penodol o ddiddordeb hanesyddol arbennig), ar ôl paragraff (b) mewnosoder –
- “(c) gwaith y mae cydsyniad seilwaith wedi ei roi ar ei gyfer o dan Ddeddf Seilwaith (Cymru) 2024.”
- (4) Yn adran 88 (gofyniad i waith gael ei awdurdodi drwy gydsyniad adeilad rhestredig: eithriadau), ar ôl is-adran (3) mewnosoder –
- “(4) Mae’r adran hon yn ddarostyngedig i adran 20(1)(c)(ii) o Ddeddf Seilwaith (Cymru) 2024 (awdurdodi drwy gydsyniad heneb gofrestredig nad yw’n ofynnol ar gyfer datblygiad i’r graddau y mae cydsyniad seilwaith yn ofynnol ar ei gyfer).”
- (5) Yn adran 118(2) (eithriad i’r drosedd o ddifrodi adeilad rhestredig yn fwriadol), ar ôl paragraff (e) mewnosoder –
- “(f) i unrhyw beth y rhoddwyd cydsyniad seilwaith ar ei gyfer o dan Ddeddf Seilwaith (Cymru) 2024.”

- (k) in paragraph 22, in sub-paragraph (2A) inserted into paragraph 8 of Schedule 1A to the TCPA 1990, omit “62D, 62F,”;
- (l) in paragraph 23(2), for “62D” substitute “62M”.

Infrastructure Act 2015 (c. 7)

- 13 (1) The Infrastructure Act 2015 is amended as follows.
- (2) In Schedule 6, in paragraph 11(6), after paragraph (a) insert –
- “(aa) infrastructure consent under the Infrastructure (Wales) Act 2024;”.

Housing and Planning Act 2016 (c. 22)

- 14 (1) The Housing and Planning Act 2016 is amended as follows.
- (2) In section 205(1), in the definition of “planning consent” –
- (a) in paragraph (a), after “Act,” omit “or”;
 - (b) in paragraph (b), after “2008” insert – “, or
 - (c) infrastructure consent under the Infrastructure (Wales) Act 2024”.

Historic Environment (Wales) Act 2023 (asc 3)

- 15 (1) The Historic Environment (Wales) Act 2023 is amended as follows.
- (2) In section 11 (requirement for works to be authorised by scheduled monument consent), after subsection (2) insert –
- “(3) This section is subject to section 20(1)(c)(i) of the Infrastructure (Wales) Act 2024 (class authorisations and authorisation by scheduled monument consent not required for development to the extent that infrastructure consent required).”
- (3) In section 58(4) (exception to offence of damaging certain monuments of special historical interest), after paragraph (b) insert –
- “(c) works for which infrastructure consent has been given under the Infrastructure (Wales) Act 2024.”
- (4) In section 88 (requirement for works to be authorised by listed building consent: exceptions), after subsection (3) insert –
- “(4) This section is subject to section 20(1)(c)(ii) of the Infrastructure (Wales) Act 2024 (authorisation by listed building consent not required for development to the extent that infrastructure consent is required).”
- (5) In section 118(2) (exception to offence of intentionally damaging listed building), after paragraph (e) insert –
- “(f) anything for which infrastructure consent has been given under the Infrastructure (Wales) Act 2024.”

(6) Yn adran 161 (gofyniad i ddymchweliad gael ei awdurdodi drwy gydsyniad ardal gadwraeth), ar ôl is-adran (5) mewnosoder—

“(6) Mae’r adran hon yn ddarostyngedig i adran 20(1)(c)(iii) o Ddeddf Seilwaith (Cymru) 2024 (awdurdodi drwy gydsyniad ardal gadwraeth nad yw’n ofynnol ar gyfer datblygiad i’r graddau y mae cydsyniad seilwaith yn ofynnol ar ei gyfer).”

- (6) In section 161 (requirement for demolition to be authorised by conservation area consent), after subsection (5) insert—

“(6) This section is subject to section 20(1)(c)(iii) of the Infrastructure (Wales) Act 2024 (authorisation by conservation area consent not required for development to the extent that infrastructure consent required).”

