OFFERYNNAU STATUDOL CYMRU

2026 Rhif 25

Rheoliadau Cydsyniad Seilwaith (Cywiro Gwallau a Cheisiadau i Newid neu Ddirymu Gorchmynion Cydsyniad Seilwaith) (Gweithdrefn) (Cymru) 2026

Gwnaed	*2 Chwefror 2026*
Yn dod i rym	*16 Mawrth 2026*

WELSH STATUTORY INSTRUMENTS

2026 No. 25

The Infrastructure Consent (Correcting Errors and Applications to Change or Revoke Infrastructure Consent Orders) (Procedure) (Wales) Regulations 2026

Made	*2 February 2026*
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O F F E R Y N N A U S T A T U D O L C Y M R U

2026 Rhif 25

CYNLLUNIO SEILWAITH, CYMRU

Rheoliadau Cydsyniad Seilwaith (Cywiro Gwallau a Cheisiadau i Newid neu Ddirymu Gorchmynion Cydsyniad Seilwaith) (Gweithdrefn) (Cymru) 2026

NODYN ESBONIADOL

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

Mae Deddf Seilwaith (Cymru) 2024 ("Deddf 2024") yn sefydlu proses ymgeisio a chydsynio unedig i alluogi gwneud ac ystyried ceisiadau am gydsyniad seilwaith. Mae'r broses yn gymwys i'r prosiectau seilwaith arwyddocaol a bennir yn Rhan 1 o Ddeddf 2024. Yn fras, prosiectau ynni, trafnidiaeth, gwastraff a dŵr yw'r rhain.

Mae Rhan 6 o Ddeddf 2024 yn gwneud darpariaeth ynghylch gorchmynion cydsyniad seilwaith (gorchmynion sy'n rhoi cydsyniad seilwaith) gan gynnwys darpariaeth sy'n rhoi i Weinidogion Cymru—

(a) pŵer i gywiro gwallau mewn dogfen penderfyniad, sydd wedi ei diffinio yn adran 86 o Ddeddf 2024 fel gorchymyn cydsyniad seilwaith neu hysbysiad sy'n hysbysu ceisydd bod ei gais am gydsyniad seilwaith wedi ei wrthod (adran 87 o Ddeddf 2024), a

(b) pŵer, drwy orchymyn, i newid neu ddirymu gorchymyn cydsyniad seilwaith (adran 90 o Ddeddf 2024).

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y weithdrefn ar gyfer cywiro gwall mewn dogfen penderfyniad ac ynghylch y weithdrefn mewn perthynas â cheisiadau i newid neu ddirymu gorchymyn cydsyniad seilwaith.

Mae **Rhan 1** o'r Rheoliadau hyn yn gwneud darpariaeth gyffredinol.

Mae **Rhan 2** o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch ymgynghori pan gynigir y dylid cywiro gwall mewn dogfen penderfyniad, rhoi hysbysiad o benderfyniad pa un ai i gywiro gwall ac effaith penderfyniad o'r fath.

Mae **Rhan 3** o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y weithdrefn mewn perthynas â gwneud ceisiadau i newid neu ddirymu gorchymyn cydsyniad seilwaith, gan gynnwys y weithdrefn cyn gwneud cais.

Mae **Rhan 4** o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y weithdrefn ar gyfer archwilio cais i newid neu ddirymu gorchymyn cydsyniad seilwaith pan fo awdurdod archwilio wedi ei benodi o dan adran 40(2) o Ddeddf 2024.

Mae **Rhan 5** o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch y weithdrefn sydd i'w dilyn pan na fo awdurdod archwilio wedi ei benodi i archwilio cais.

Mae **Rhan 6** o'r Rheoliadau hyn yn gwneud darpariaeth ynghylch gwneud penderfyniadau ar geisiadau i newid neu ddirymu gorchymyn cydsyniad seilwaith ac effaith penderfyniadau o'r fath. Mae hefyd yn gwneud darpariaeth ynghylch y "diwrnod perthnasol" at ddibenion adran 96(7)(b) o Ddeddf 2024 (heriau cyfreithiol) a'r weithdrefn ar ôl dileu penderfyniad.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

2026 Rhif 25

CYNLLUNIO SEILWAITH, CYMRU

Rheoliadau Cydsyniad Seilwaith (Cywiro Gwallau a Cheisiadau i Newid neu Ddirymu Gorchmynion Cydsyniad Seilwaith) (Gweithdrefn) (Cymru) 2026

Gwnaed	*2 Chwefror 2026*
Yn dod i rym	*16 Mawrth 2026*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 40(5) a (6)(a) i (c), 42(4) a (6), 44(1), (2) a (4), 65(4), 88, 91(1), (3) a (5), 96(7)(b), 140(1) a (2)(**1**) a 141(2) o Ddeddf Seilwaith (Cymru) 2024(**2**), yn gwneud y Rheoliadau a ganlyn.

RHAN 1

Rhagarweiniol

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Cydsyniad Seilwaith (Cywiro Gwallau a Cheisiadau i Newid neu Ddirymu Gorchmynion Cydsyniad Seilwaith) (Gweithdrefn) (Cymru) 2026 a deuant i rym ar 16 Mawrth 2026.

Dehongli cyffredinol, hysbysiadau, planiau etc.

2.—(1) Yn y Rheoliadau hyn—

ystyr "archiad caffael gorfodol" ("*compulsory acquisition request*") yw archiad i awdurdodi caffael yn orfodol dir, neu fuddiant mewn tir neu hawl dros dir;

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(**3**);

ystyr "awdurdod archwilio" ("*examining authority*") yw person neu banel o bersonau a benodir o dan adran 40(2) o Ddeddf 2024 mewn cysylltiad â chais penodol;

(**1**) Am ystyr "Gweinidog priodol" gweler adran 140(4) o Ddeddf Seilwaith (Cymru) 2024 (dsc 3); gweler adran 140(3) fel arall.
(**2**) 2024 dsc 3.
(**3**) O.S. 1999/672.

ystyr “awdurdod cynllunio” (“*planning authority*”) yw’r awdurdod cynllunio lleol o fewn yr ystyr a roddir i “planning authority” gan Ran 1 o Ddeddf Cynllunio Gwlad a Thref 1990(**4**) (ond gweler rheoliad 25(2));

ystyr “cais” (“*application*”) yw cais o dan adran 90 o Ddeddf 2024 (ceisiadau i newid neu ddirymu gorchymyn cydsyniad seilwaith);

mae i “cais am ddirymiad” (“*application for revocation*”) yr ystyr a roddir yn rheoliad 9(1)(b)(ii);

mae i “cais am newid ansylweddol” (“*application for a non-material change*”) yr ystyr a roddir yn rheoliad 15(1)(b);

mae i “cais am newid sylweddol” (“*application for a material change*”) yr ystyr a roddir yn rheoliad 9(1)(b)(i);

ystyr “ceisydd” (“*applicant*”) yw person sy’n cynnig gwneud cais, neu sydd wedi gwneud cais (yn ôl y digwydd);

ystyr “ceisydd gwreiddiol” (“*original applicant*”) yw, mewn perthynas â gorchymyn cydsyniad seilwaith, y person a wnaeth gais am y gorchymyn;

ystyr “cydsyniad seilwaith” (“*infrastructure consent*”) yw’r cydsyniad sy’n ofynnol gan adran 19 o Ddeddf 2024;

mae i “cyfeirlyfr” (“*book of reference*”) yr ystyr a roddir yn rheoliad 13 o Reoliadau Caffael Gorfodol 2025;

ystyr “cyfnod ar gyfer sylwadau ar ôl gwneud cais” (“*post-application representation period*”) yw’r cyfnod sy’n dod i ben â’r dyddiad cau a bennir mewn hysbysiad o gais a roddir o dan reoliad 20 neu 21 (yn ôl y digwydd) fel sy’n ofynnol gan reoliad 22(1)(e) mewn cysylltiad â chais penodol;

ystyr “cyfnod ar gyfer sylwadau cyn gwneud cais” (“*pre-application representation period*”) yw’r cyfnod sy’n dod i ben â’r dyddiad cau a bennir mewn hysbysiad o gais arfaethedig a roddir o dan reoliad 9, 10 neu 12 (yn ôl y digwydd) fel sy’n ofynnol gan reoliad 11(1)(k) mewn cysylltiad â chais penodol;

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)(**5**));

mae i “datblygiad” (“*development*”) yr ystyr a roddir yn adran 133 o Ddeddf 2024;

ystyr “datblygiad AEA” (“*EIA development*”) yw gweithgarwch—

(a) sy’n “datblygiad AEA” fel y’i diffinnir yn rheoliad 2(1) o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2017(**6**), neu

(b) sy’n gwneud asesiad effaith amgylcheddol yn ofynnol yn unol â rheoliad 2A neu Ran 2 o Reoliadau Gwaith Morol (Asesu Effeithiau Amgylcheddol) 2007(**7**);

ystyr “Deddf 2024” (“*the 2024 Act*”) yw Deddf Seilwaith (Cymru) 2024;

(**4**) 1990 p. 8.
(**5**) 1972 p. 70. Diwygiwyd Rhan 1 gan adran 1(2) o Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19) a pharagraff 1 o Atodlen 1 iddi a diwygiwyd Rhan 2 gan adran 1(2) o’r Ddeddf honno a pharagraff 2 o Atodlen 1 iddi.
(**6**) O.S. 2017/567 (Cy. 136) a ddiwygiwyd gan O.S. 2025/1192 (Cy. 193). Mae diwygiadau eraill, ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.
(**7**) O.S. 2007/1518; yr offerynnau diwygio yw O.S. 2011/735, O.S. 2015/446, O.S. 2017/588, O.S. 2019/25 ac O.S. 2025/1192 (Cy. 193).

ystyr “dogfen groesgyfeirio” (“*cross-referencing document*”) yw dogfen ar y ffurf a gyhoeddir gan Weinidogion Cymru, neu ar ffurf sydd ag effaith sylweddol debyg, sy’n croesgyfeirio sylwadau oddi wrth bersonau a chanddynt fuddiant, sy’n dod i law yn ystod y cyfnod ar gyfer sylwadau cyn gwneud cais neu’r cyfnod ar gyfer sylwadau ar ôl gwneud cais, â’r cyfeirlyfr;

ystyr “gorchymyn cydsyniad seilwaith” (“*infrastructure consent order*”) yw gorchymyn a wneir o dan Ddeddf 2024 sy’n rhoi cydsyniad seilwaith;

ystyr “y gorchymyn cydsyniad seilwaith perthnasol” (“*the relevant infrastructure consent order*”) yw’r gorchymyn cydsyniad seilwaith y mae’r cais arfaethedig neu’r cais yn ymwneud ag ef;

ystyr “hawliad perthnasol” (“*relevant claim*”) yw—

(a) hawliad o dan adran 10 o Ddeddf Prynu Gorfodol 1965(**8**) (digolledia pan na wneir iawn am brynu tir yn orfodol neu pan na wneir iawn am effaith niweidiol sy’n deillio o brynu gorfodol);

(b) hawliad o dan Ran 1 o Ddeddf Digolledia Tir 1973(**9**) (digolledia am ddibrisiant yng ngwerth tir gan ffactorau ffisegol a achosir gan ddefnydd o waith cyhoeddus);

(c) hawliad o dan adran 101(3) o Ddeddf 2024;

ystyr “hysbysiad derbyn” (“*notice of acceptance*”) yw hysbysiad a roddir o dan reoliad 7(3);

ystyr “hysbysiad o gais arfaethedig” (“*notice of proposed application*”) yw hysbysiad a roddir yn unol â rheoliad 6;

ystyr “newid ansylweddol” (“*non-material change*”) yw newid i orchymyn cydsyniad seilwaith y mae Gweinidogion Cymru wedi eu bodloni nad yw’n sylweddol;

ystyr “newid sylweddol” (“*material change*”) yw newid i orchymyn cydsyniad seilwaith y mae Gweinidogion Cymru wedi eu bodloni ei fod yn sylweddol;

ystyr “person a chanddo fuddiant” (“*interested person*”) yw, yn achos cais arfaethedig neu gais, person y mae’r ceisydd, ar ôl ymholi’n ddyfal, yn gwybod ei fod yn berson sydd â buddiant yn y tir y mae archiad caffael gorfodol yn ymwneud ag ef neu unrhyw ran o’r tir hwnnw;

ystyr “person ychwanegol a chanddo fuddiant” (“*additional interested person*”) yw—

(a) person a chanddo fuddiant na roddwyd hysbysiad o gais arfaethedig iddo yn unol â rheoliad 9(2)(a)(x);

(b) person a chanddo fuddiant na roddwyd hysbysiad o gais iddo yn unol â rheoliad 20;

ystyr “Rheoliadau Caffael Gorfodol 2025” (“*the 2025 Compulsory Acquisition Regulations*”) yw Rheoliadau Cydsyniad Seilwaith (Caffael Gorfodol) (Cymru) 2025(**10**);

ystyr “Rheoliadau Ceisiadau 2025” (“*the 2025 Applications Regulations*”) yw Rheoliadau Cydsyniad Seilwaith (Y Weithdrefn Cyn Gwneud Cais a’r Weithdrefn Gwneud Cais a Darpariaethau Trosiannol) (Cymru) 2025(**11**);

(**8**) 1965 p. 56.
(**9**) 1973 p. 26.
(**10**) O.S. 2025/691 (Cy. 115) a ddiwygiwyd gan O.S. 2025/1091 (Cy. 181).
(**11**) O.S. 2025/690 (Cy. 114) y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

mae “sylw” (“*representation*”) yn cynnwys tystiolaeth;

mae “tir” (“*land*”) yn cynnwys adeiladau, henebion a thir sydd wedi ei orchuddio â dyfroedd (gan gynnwys gwely’r môr);

ystyr “y tir perthnasol” (“*the relevant land*”) yw—

(a) yn achos cais arfaethedig neu gais i newid gorchymyn cydsyniad seilwaith sy’n rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru, y tir y mae’r cais arfaethedig neu’r cais yn ymwneud ag ef, neu unrhyw ran o’r tir hwnnw;

(b) yn achos cais arfaethedig neu gais i ddirymu gorchymyn cydsyniad seilwaith sy’n rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru, y tir y mae’r gorchymyn cydsyniad seilwaith perthnasol yn ymwneud ag ef, neu unrhyw ran o’r tir hwnnw;

ystyr “ymgynghorai arbenigol” (“*specialist consultee*”) yw, pan fo’r cais arfaethedig neu’r cais yn cynnwys archiad i awdurdodi datblygiad o fath a nodir yn ail golofn y tabl yn yr Atodlen, y person a grybwyllir ym mhedwaredd golofn y tabl hwnnw mewn perthynas â’r math hwnnw o ddatblygiad;

ystyr “ymgynghorai arbenigol gwreiddiol” (“*original specialist consultee*”) yw unrhyw berson y rhoddir hysbysiad iddo o dan reoliad 23(1)(b) o Reoliadau Ceisiadau 2025(**12**) am y cais am gydsyniad seilwaith o dan adran 32 o Ddeddf 2024 y mae’r gorchymyn cydsyniad seilwaith yn ymwneud ag ef;

ystyr “ymgynghorai statudol” (“*statutory consultee*”) yw, pan fo’r cais arfaethedig neu’r cais yn cynnwys archiad i awdurdodi datblygiad o fath a nodir yn ail golofn y tabl yn yr Atodlen, y person a grybwyllir yn nhrydedd golofn y tabl hwnnw mewn perthynas â’r math hwnnw o ddatblygiad;

ystyr “ymgynghorai statudol gwreiddiol” (“*original statutory consultee*”) yw unrhyw berson y rhoddir hysbysiad iddo o dan reoliad 23(1)(a) o Reoliadau Ceisiadau 2025(**13**) am y cais am gydsyniad seilwaith o dan adran 32 o Ddeddf 2024 y mae’r gorchymyn cydsyniad seilwaith yn ymwneud ag ef.

(2) Gweler adran 136 o Ddeddf 2024 mewn perthynas â darpariaeth yn y Rheoliadau hyn sy’n ei gwneud yn ofynnol i berson neu sy’n awdurdodi person i—

(a) hysbysu person arall am rywbeth, neu

(b) rhoi dogfen i berson arall (pa un a yw’r ddarpariaeth yn defnyddio’r gair “cyflwyno”, “rhoi” neu derm arall).

(3) Rhaid i unrhyw blaniau neu luniadau sy’n ofynnol o dan y Rheoliadau hyn fod wedi eu lluniadu ar raddfa a nodir ac yn achos planiau—

(a) pan fo’r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru, rhaid iddynt ddangos cyfeiriad y gogledd, a

(b) pan fo’r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru, rhaid iddynt gynnwys cyfesurynnau sy’n dangos y lleoliad y mae’r cais arfaethedig, neu’r cais, yn ymwneud ag ef.

(4) Ym mharagraff (3), ystyr “cyfesurynnau” yw—

(**12**) O.S. 2025/690 (Cy. 114) y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.
(**13**) O.S. 2025/690 (Cy. 114) y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(a) cyfesurynnau lledred a hydred gan ddefnyddio System Geodetig y Byd 1984(**14**), neu

(b) cyfesurynnau ar y Grid Cenedlaethol a ddefnyddir gan yr Arolwg Ordnans.

(5) Mae Rhan 3 o'r Rheoliadau hyn yn rhagnodi'r weithdrefn at ddibenion adran 65(4) o Ddeddf 2024 (tir y gall awdurdodiad i gaffael yn orfodol ymwneud ag ef) i'r graddau y mae'n gwneud darpariaeth mewn cysylltiad â chais arfaethedig neu gais sy'n cynnwys archiad caffael gorfodol.

RHAN 2

Cywiro gwallau

Cywiro gwallau: ymgynghoriad

3.—(1) Cyn i Weinidogion Cymru arfer y pŵer yn adran 87(2) o Ddeddf 2024 (pŵer i gywiro gwallau mewn dogfennau penderfyniad), rhaid iddynt ymgynghori â'r canlynol—

(a) y ceisydd gwreiddiol,

(b) pan fo'r ddogfen penderfyniad yn ymwneud â rhoi neu wrthod cydsyniad seilwaith ar gyfer datblygiad yng Nghymru, pob awdurdod cynllunio ar gyfer yr ardal y mae'r datblygiad y rhoddwyd cydsyniad seilwaith ar ei gyfer neu y gofynnwyd am gydsyniad seilwaith ar ei gyfer wedi ei leoli ynddi,

(c) pan fo'r ddogfen penderfyniad yn ymwneud â rhoi neu wrthod cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru, Cyfoeth Naturiol Cymru,

(d) pan fo cais ysgrifenedig i gywiro gwall wedi dod i law Gweinidogion Cymru, y person a wnaeth y cais, os na roddwyd hysbysiad i'r person hwnnw o dan is-baragraffau (a) i (c), ac

(e) unrhyw berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.

(2) Wrth gynnal ymgynghoriad o dan baragraff (1), rhaid i Weinidogion Cymru roi hysbysiad i'r personau yr ymgynghorir â hwy sy'n cynnwys yr wybodaeth a ganlyn—

(a) datganiad bod Gweinidogion Cymru yn ystyried gwneud cywiriad, gan roi rhesymau pam eu bod yn ystyried gwneud y cywiriad, a

(b) manylion y cywiriad arfaethedig.

(3) Pan fo Gweinidogion Cymru yn rhoi hysbysiad o dan baragraff (2), ni chânt arfer y pŵer yn adran 87(2) o Ddeddf 2024 cyn diwedd 21 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl y dyddiad y mae Gweinidogion Cymru yn rhoi hysbysiad o dan y paragraff hwnnw.

(4) Yn y Rhan hon, mae i "dogfen penderfyniad" a "gwall" yr un ystyr ag yn adran 86 o Ddeddf 2024.

(**14**) Mae System Geodetig y Byd 1984 yn diffinio ffrâm gyfeirio ar gyfer y ddaear, i'w defnyddio ar gyfer geodeseg a llywio. Fe'i datblygwyd gan National Geospacial-Intelligence Agency yr Unol Daleithiau, sy'n gyfrifol am ei chynnal a'i chadw. Mae System Geodetig y Byd 1984 wedi ei diffinio ym mharagraff 2.1 o National Imagery and Mapping Agency Technical Report TR8350.2 yr Unol Daleithiau, trydydd argraffiad, diwygiad 1 dyddiedig 3 Ionawr 2000 o'r enw "Department of Defense World Geodetic System 1984" https://gis-lab.info/docs/nima-tr 8350.2-wgs84fin.pdf.

Cywiro gwallau: hysbysiad penderfyniad

4.—(1) Yn dilyn ymgynghoriad o dan reoliad 3, rhaid i Weinidogion Cymru roi hysbysiad o'u penderfyniad ("hysbysiad penderfyniad cywiro gwallau") i'r personau yr ymgynghorwyd â hwy o dan y rheoliad hwnnw.

(2) Rhaid i hysbysiad penderfyniad cywiro gwallau—

(a) pennu'r cywiriad i'r gwall, neu

(b) rhoi hysbysiad o'r penderfyniad i beidio â chywiro'r gwall, ac

(c) rhoi rhesymau dros benderfyniad Gweinidogion Cymru.

(3) Rhaid i Weinidogion Cymru gyhoeddi hysbysiad penderfyniad cywiro gwallau mewn unrhyw fodd y maent yn ystyried ei fod yn briodol.

(4) Yn y rheoliad hwn a rheoliad 5, mae i "hysbysiad penderfyniad cywiro gwallau" yr ystyr a roddir ym mharagraff (1).

Cywiro gwallau: effaith penderfyniad

5.—(1) Os yw Gweinidogion Cymru yn cywiro gwall mewn dogfen penderfyniad o dan adran 87(2) o Ddeddf 2024—

(a) mae'r penderfyniad gwreiddiol a'r ddogfen penderfyniad sy'n ei gynnwys yn parhau i fod mewn grym,

(b) pan fo'r ddogfen penderfyniad yn hysbysiad o wrthod cydsyniad seilwaith, caiff ei thrin fel pe bai wedi ei chywiro fel y'i pennir yn yr hysbysiad penderfyniad cywiro gwallau gydag effaith o'r dyddiad y rhoddir yr hysbysiad hwnnw, ac

(c) pan fo'r ddogfen penderfyniad yn orchymyn cydsyniad seilwaith, mae'r cywiriad yn cymryd effaith ar y dyddiad a bennir yn y gorchymyn a wneir gan Weinidogion Cymru o dan adran 87(4) o Ddeddf 2024.

(2) Os na wneir cywiriad mae'r penderfyniad gwreiddiol a'r ddogfen penderfyniad sy'n ei gynnwys yn parhau i gael effaith.

RHAN 3

Ceisiadau i newid neu ddirymu gorchymyn cydsyniad seilwaith

Pennod 1

Y weithdrefn cyn gwneud cais

Hysbysiad o gais arfaethedig

6.—(1) Rhaid i geisydd hysbysu Gweinidogion Cymru am gais arfaethedig ("hysbysiad o gais arfaethedig").

(2) Rhaid i hysbysiad o gais arfaethedig gynnwys yr wybodaeth a ganlyn—

(a) rhif cyfeirnod y gorchymyn cydsyniad seilwaith perthnasol,

(b) datganiad yn cadarnhau pa un a yw'r cais arfaethedig yn gais i newid gorchymyn cydsyniad seilwaith neu'n gais i ddirymu gorchymyn o'r fath,

(c) pan fo'r cais arfaethedig yn gais i newid gorchymyn cydsyniad seilwaith—

(i) disgrifiad o'r newid, a

(ii) pan fo'r cais arfaethedig yn cynnwys archiad caffael gorfodol, ddatganiad i'r perwyl hwnnw,

(d) pan fo'r cais arfaethedig yn gais i ddirymu gorchymyn cydsyniad seilwaith—

(i) pan fo'r ceisydd yn awdurdod cynllunio, ddatganiad yn egluro sut y mae'r awdurdod yn ystyried bod yr amodau yn adran 90(4) o Ddeddf 2024 wedi eu bodloni;

(ii) mewn unrhyw achos arall, ddatganiad yn rhoi rhesymau dros y cais arfaethedig, ac

(e) pan fo'r cais arfaethedig yn ymwneud â datblygiad AEA, ddatganiad i'r perwyl hwnnw.

(3) Rhaid i'r canlynol fynd gyda hysbysiad o gais arfaethedig—

(a) unrhyw ddogfennau, planiau neu wybodaeth arall sy'n berthnasol i'r cais arfaethedig, a

(b) unrhyw ffi y mae'n ofynnol ei thalu mewn perthynas â rhoi'r hysbysiad.

Penderfynu ar dderbyn hysbysiad o gais arfaethedig a hysbysu'r ceisydd

7.—(1) Pan ddaw hysbysiad o gais arfaethedig i law Gweinidogion Cymru, rhaid iddynt benderfynu pa un ai i dderbyn yr hysbysiad.

(2) Rhaid i Weinidogion Cymru dderbyn hysbysiad o gais arfaethedig os yw'n cydymffurfio â'r gofynion a osodir gan reoliad 6.

(3) Os yw Gweinidogion Cymru yn derbyn yr hysbysiad o gais arfaethedig, rhaid iddynt roi hysbysiad o'u penderfyniad i'r ceisydd ("hysbysiad derbyn") o fewn 28 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl i'r hysbysiad o gais arfaethedig ddod i law.

(4) Rhaid i Weinidogion Cymru gynnwys yn yr hysbysiad derbyn—

(a) dyddiad yr hysbysiad, a

(b) os yw'r cais arfaethedig yn gais i newid gorchymyn cydsyniad seilwaith, ddatganiad ynghylch pa un a yw'r newid yn newid sylweddol neu'n newid ansylweddol.

(5) Pan fo'r cais arfaethedig yn gais i wneud newid ansylweddol, caiff Gweinidogion Cymru gynnwys darpariaeth yn yr hysbysiad derbyn—

(a) bod yr hysbysiad o gais arfaethedig i'w drin fel cais, a

(b) nad yw'n ofynnol i'r ceisydd gydymffurfio â rheoliad 15.

(6) Os nad yw Gweinidogion Cymru yn derbyn yr hysbysiad o gais arfaethedig, rhaid iddynt roi hysbysiad o'u penderfyniad i'r ceisydd, gan roi rhesymau dros y penderfyniad, o fewn 28 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl y diwrnod y daw'r hysbysiad o gais arfaethedig i law.

Gwefan

8.—(1) Pan fo hysbysiad derbyn wedi ei roi, rhaid i'r ceisydd gyhoeddi'r wybodaeth a ganlyn ar wefan—

(a) copi o'r hysbysiad o gais arfaethedig, gan gynnwys unrhyw ddogfennau, planiau neu wybodaeth arall a aeth gyda'r hysbysiad o gais arfaethedig, a

(b) copi o'r hysbysiad derbyn.

(2) Rhaid cyhoeddi'r wybodaeth y cyfeirir ati ym mharagraff (1) cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r hysbysiad derbyn ddod i law.

Hysbysiadau a chyhoeddusrwydd cais arfaethedig am newid sylweddol neu ddirymiad: datblygiad yng Nghymru

9.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) hysbysiad derbyn wedi ei roi,

(b) y cais arfaethedig naill ai

(i) yn gais pan fo'r hysbysiad derbyn yn cadarnhau bod y cais arfaethedig yn ymwneud â newid sylweddol ("cais am newid sylweddol"), neu

(ii) yn gais i ddirymu gorchymyn cydsyniad seilwaith ("cais am ddirymiad"), ac

(c) y gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru.

(2) Rhaid i'r ceisydd—

(a) rhoi hysbysiad ysgrifenedig i—

(i) unrhyw berson sydd â hawlogaeth i wneud cais o dan adran 90(3) o Ddeddf 2024, os nad y ceisydd yw'r person hwnnw,

(ii) unrhyw berson a fyddai â hawlogaeth neu a allai fod â hawlogaeth i wneud hawliad perthnasol, pe bai'r gorchymyn cydsyniad seilwaith perthnasol i gael ei newid fel y gofynnwyd amdano yn y cais arfaethedig a'i weithredu'n llawn,

(iii) unrhyw un sy'n berchen ar dir neu sy'n feddiannydd ar dir sy'n ffinio â'r tir perthnasol,

(iv) pob awdurdod cynllunio ar gyfer ardal o'r tir perthnasol, os nad y ceisydd yw'r awdurdod cynllunio hwnnw,

(v) os yw'r tir perthnasol wedi ei leoli mewn ardal â chyngor cymuned, y cyngor cymuned,

(vi) pob Aelod o'r Senedd sy'n cynrychioli ardal o'r tir perthnasol,

(vii) pob Aelod o Dŷ'r Cyffredin sy'n cynrychioli ardal o'r tir perthnasol,

(viii) unrhyw ymgyngoreion statudol ac arbenigol,

(ix) yn achos cais arfaethedig am ddirymiad, yr holl ymgyngoreion statudol ac arbenigol gwreiddiol,

(x) pan fo'r cais arfaethedig yn cynnwys archiad caffael gorfodol, unrhyw berson a chanddo fuddiant,

(xi) yn achos cais arfaethedig am ddirymiad pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn cynnwys darpariaeth sy'n awdurdodi caffael tir yn orfodol, unrhyw berson a hysbysir o dan reoliad 5(2), 7(2) neu 15(2) o Reoliadau Caffael Gorfodol 2025, a

(xii) unrhyw berson arall y mae'r ceisydd yn ystyried ei fod yn briodol,

(b) arddangos hysbysiad mewn man amlwg ar neu ger y tir perthnasol am o leiaf 4 wythnos ("hysbysiad safle"), ac

(c) cyhoeddi hysbysiad mewn un neu ragor o bapurau newydd sy'n cylchredeg yn ardal leol y tir perthnasol am o leiaf 7 niwrnod.

(3) Rhaid arddangos hysbysiad safle bob 5 km o leiaf oni bai ei bod yn anymarferol gwneud hynny pan fo—

(a) y cais arfaethedig yn ymwneud â chynllun llinellol sy'n fwy na 5 km o hyd,

(b) yn achos cais arfaethedig am ddirymiad, y gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad sy'n ymwneud â chynllun llinellol sy'n fwy na 5 km o hyd.

(4) Pan fo hysbysiad safle, heb fod bai ar y ceisydd, yn cael ei symud ymaith, ei guddio neu ei ddifwyno cyn diwedd y cyfnod o 4 wythnos, caiff y ceisydd ei drin fel pe bai wedi cydymffurfio â gofynion paragraffau (2)(b) a (3) os yw wedi cymryd camau rhesymol i ddiogelu'r hysbysiad safle ac, os oes angen, wedi ei amnewid.

(5) Rhaid i hysbysiad a roddir, a arddangosir neu a gyhoeddir o dan y rheoliad hwn gynnwys yr wybodaeth a bennir yn rheoliad 11.

Hysbysiadau a chyhoeddusrwydd cais arfaethedig am newid sylweddol neu ddirymiad: datblygiad yn ardal forol Cymru

10.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) hysbysiad derbyn wedi ei roi,

(b) y cais arfaethedig yn gais am newid sylweddol neu'n gais am ddirymiad, ac

(c) y gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru.

(2) Rhaid i'r ceisydd—

(a) rhoi hysbysiad ysgrifenedig i –

(i) unrhyw berson sydd â hawlogaeth i wneud cais o dan adran 90(3) o Ddeddf 2024, os nad y ceisydd yw'r person hwnnw,

(ii) Cyfoeth Naturiol Cymru,

(iii) unrhyw awdurdod cynllunio y mae'r ceisydd yn ystyried ei fod yn briodol,

(iv) unrhyw gyngor cymuned y mae'r ceisydd yn ystyried ei fod yn briodol,

(v) unrhyw Aelod o'r Senedd y mae'r ceisydd yn ystyried ei fod yn briodol,

(vi) unrhyw Aelod o Dŷ'r Cyffredin y mae'r ceisydd yn ystyried ei fod yn briodol,

(vii) unrhyw ymgyngoreion statudol ac arbenigol,

(viii) yn achos cais arfaethedig am ddirymiad, yr holl ymgyngoreion statudol ac arbenigol gwreiddiol, a

(ix) unrhyw berson arall y mae'r ceisydd yn ystyried ei fod yn briodol, a

(b) cyhoeddi hysbysiad am o leiaf 7 niwrnod—

(i) mewn un neu ragor o bapurau newydd lleol sy'n debygol o ddod i sylw'r rheini y mae'r gorchymyn a geisir yn y cais arfaethedig yn debygol o effeithio arnynt,

(ii) mewn o leiaf un cyfnodolyn pysgota priodol os oes un mewn cylchrediad, a

(iii) yn Lloyd's List.

(3) Rhaid i hysbysiad a roddir neu a gyhoeddir o dan y rheoliad hwn gynnwys yr wybodaeth a bennir yn rheoliad 11.

Yr wybodaeth sydd i'w chynnwys mewn hysbysiadau o dan reoliadau 9, 10 a 12

11.—(1) Rhaid i hysbysiadau a roddir, a arddangosir neu a gyhoeddir o dan reoliadau 9, 10 a 12 gynnwys yr wybodaeth a ganlyn—

(a) manylion cyswllt y ceisydd, gan gynnwys cyfeiriad post ac e-bost a rhif ffôn,

(b) rhif cyfeirnod y gorchymyn cydsyniad seilwaith perthnasol,

(c) datganiad bod y ceisydd yn bwriadu gwneud cais am newid sylweddol neu gais am ddirymiad (yn ôl y digwydd),

(d) os yw'r cais arfaethedig yn gais am newid sylweddol, ddisgrifiad o'r newid,

(e) os yw'r cais arfaethedig yn gais am ddirymiad—

(i) pan fo'r ceisydd yn awdurdod cynllunio, ddatganiad yn egluro sut y mae'r awdurdod yn ystyried bod yr amodau yn adran 90(4) o Ddeddf 2024 wedi eu bodloni;

(ii) ym mhob achos arall, ddatganiad yn rhoi rhesymau dros y cais arfaethedig,

(f) pan fo'r cais arfaethedig yn ymwneud â datblygiad AEA, ddatganiad i'r perwyl hwnnw,

(g) os yw'r cais arfaethedig yn cynnwys archiad caffael gorfodol—

(i) datganiad i'r perwyl hwnnw, a

(ii) manylion y tir sydd wedi ei gynnwys yn yr archiad caffael gorfodol,

(h) manylion y wefan o dan reoliad 8 a chyfeiriad lle y gellir gweld dogfennau a gyhoeddir ar y wefan honno,

(i) y dyddiad diweddaraf y bydd copïau o ddogfennau a phlaniau ar gael i'w gweld —

(i) ar y wefan o dan reoliad 8, a

(ii) yn y cyfeiriad y cyfeirir ato yn is-baragraff (h),

(j) manylion ynghylch sut y mae sylwadau ar y cais arfaethedig i'w cyflwyno, a

(k) y dyddiad diweddaraf erbyn pryd y mae rhaid i sylwadau ar y cais arfaethedig ddod i law.

(2) Rhaid i'r dyddiad diweddaraf y cyfeirir ato ym mharagraff (1)(i) a (k) fod o leiaf 28 o ddiwrnodau ar ôl pa un bynnag yw'r diweddaraf o'r dyddiadau a ganlyn—

(a) y dyddiad y rhoddwyd yr hysbysiad,

(b) y dyddiad yr arddangoswyd yr hysbysiad am y tro cyntaf, neu

(c) y dyddiad y cyhoeddwyd yr hysbysiad am y tro cyntaf.

Hysbysiad o gais arfaethedig: personau ychwanegol a chanddynt fuddiant

12.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) cais arfaethedig am newid sylweddol yn cynnwys archiad caffael gorfodol, a

(b) y ceisydd yn nodi person ychwanegol a chanddo fuddiant.

(2) Rhaid i'r ceisydd roi hysbysiad ysgrifenedig o'r cais arfaethedig i unrhyw berson ychwanegol a chanddo fuddiant o fewn 14 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl y dyddiad y nodir y person.

(3) Rhaid i hysbysiad o dan baragraff (1) gynnwys yr wybodaeth a bennir yn rheoliad 11.

Dyletswydd i ystyried ymatebion i hysbysiadau a chyhoeddusrwydd

13.—(1) Mae'r rheoliad hwn yn gymwys pan fo cais arfaethedig naill ai—

(a) yn gais am ddirymiad, neu

(b) yn gais am newid sylweddol.

(2) Wrth benderfynu pa un ai i wneud cais ar yr un telerau â'r cais arfaethedig, rhaid i'r ceisydd ystyried unrhyw sylwadau sy'n dod i law yn ystod y cyfnod ar gyfer sylwadau cyn gwneud cais.

Pennod 2

Y weithdrefn gwneud cais

Y cyfnod y mae rhaid gwneud ceisiadau o'i fewn

14.—(1) Yn ddarostyngedig i baragraff (2), rhaid gwneud cais i Weinidogion Cymru o fewn 6 mis sy'n dechrau â'r diwrnod ar ôl y dyddiad a nodir yn yr hysbysiad derbyn sy'n ymwneud â chais arfaethedig.

(2) Estynnir y cyfnod y mae rhaid gwneud cais o'i fewn o dan baragraff (1) 28 o ddiwrnodau os—

(a) rhoddir hysbysiad o'r cais arfaethedig i berson ychwanegol a chanddo fuddiant o dan reoliad 12, a

(b) rhoddir yr hysbysiad hwnnw o fewn y cyfnod o 28 o ddiwrnodau sy'n dod i ben â'r dyddiad ar gyfer gwneud cais o dan baragraff (1).

Ceisiadau am newid ansylweddol

15.—(1) Mae'r rheoliad hwn a rheoliad 16 yn gymwys pan—

(a) bo hysbysiad derbyn wedi ei roi,

(b) bo'r hysbysiad derbyn mewn perthynas â'r cais arfaethedig penodol yn cadarnhau bod y cais arfaethedig yn ymwneud â newid ansylweddol ("cais am newid ansylweddol"), ac

(c) na fo'r hysbysiad derbyn mewn perthynas â'r cais arfaethedig penodol yn cynnwys darpariaeth o dan reoliad 7(5) bod hysbysiad o gais arfaethedig y ceisydd i'w drin fel cais.

(2) Rhaid i gais am newid ansylweddol—

(a) bod ar y ffurflen a gyhoeddir gan Weinidogion Cymru neu ffurflen sydd ag effaith sylweddol debyg,

(b) bod yr un fath neu'n sylweddol yr un fath â'r cais arfaethedig, ac

(c) cynnwys—

(i) y materion a bennir yn y ffurflen,

(ii) unrhyw ddogfennau, lluniadau a phlaniau sy'n berthnasol i'r cais,

(iii) datganiad yn cadarnhau, mewn perthynas â'r ceisydd—

(aa) ai'r ceisydd gwreiddiol ydyw neu olynydd yn nheitl y person hwnnw,

(bb) a yw'n berson a chanddo fuddiant yn y tir y mae'r gorchymyn cydsyniad seilwaith perthnasol yn ymwneud ag ef, neu

(cc) a yw'n unrhyw berson arall y mae'r gorchymyn cydsyniad seilwaith perthnasol yn cael effaith er ei fudd, a

(iv) unrhyw ffi sy'n daladwy i Weinidogion Cymru am wneud y cais.

(3) Pan wneir cais yn electronig caiff Gweinidogion Cymru ofyn i'r ceisydd adneuo un copi caled o'r cais gyda hwy.

(4) Rhaid i Weinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl i gais ddod i law—

(a) rhoi hysbysiad i'r ceisydd bod y cais wedi dod i law;

(b) cyhoeddi'r cais ar wefan gan gynnwys unrhyw ddogfennau, lluniadau a phlaniau.

Ceisiadau am newid ansylweddol: hysbysiadau a chyhoeddusrwydd

16.—(1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i hysbysiad o dan reoliad 15(4)(a) ddod i law, rhaid i'r ceisydd—

(a) rhoi hysbysiad o'r cais i—

(i) unrhyw berson sydd â hawlogaeth i wneud cais o dan adran 90(3) o Ddeddf 2024, os nad y ceisydd yw'r person hwnnw, a

(ii) unrhyw berson arall y gall y newid a gynigir yn y cais effeithio'n uniongyrchol arno;

(b) cyhoeddi hysbysiad o'r cais am o leiaf 7 niwrnod mewn un neu ragor o bapurau newydd lleol sy'n debygol o ddod i sylw'r rheini y mae'r newid a gynigir yn y cais yn debygol o effeithio arnynt.

(2) Rhaid i hysbysiadau a roddir neu a gyhoeddir o dan baragraff (1) gynnwys yr wybodaeth a ganlyn—

(a) manylion cyswllt y ceisydd, gan gynnwys cyfeiriad post ac e-bost a rhif ffôn,

(b) datganiad bod y ceisydd wedi gwneud cais am newid ansylweddol,

(c) disgrifiad o'r newid ansylweddol arfaethedig, a

(d) manylion gwefan (os oes un) a chyfeiriad lle y gellir gweld y cais, gan gynnwys unrhyw ddogfennau, lluniadau a phlaniau.

(3) Rhaid i'r ceisydd, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cymryd y camau ym mharagraff (1), roi i Weinidogion Cymru—

(a) datganiad yn nodi'r camau y mae'r ceisydd wedi eu cymryd i gydymffurfio â pharagraff (1), a

(b) copi o'r hysbysiad y cyfeirir ato ym mharagraff (1).

(4) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r datganiad a'r hysbysiad y cyfeirir atynt ym mharagraff (3) ddod i law, roi hysbysiad i'r ceisydd eu bod wedi dod i law.

(5) Nid oes angen i Weinidogion Cymru ystyried y cais hyd nes bod y datganiad a'r hysbysiad y cyfeirir atynt ym mharagraff (3) wedi dod i law.

Ceisiadau am newid sylweddol neu ddirymiad

17.—(1) Mae'r rheoliad hwn yn gymwys i gais am newid sylweddol neu gais am ddirymiad.

(2) Rhaid i gais—

(a) cael ei wneud ar y ffurflen a gyhoeddir gan Weinidogion Cymru neu ffurflen sydd ag effaith sylweddol debyg, a

(b) cynnwys—

(i) y materion a bennir yn y ffurflen,

(ii) adroddiad cyhoeddusrwydd cyn gwneud cais,

(iii) plan yn nodi'r lleoliad y mae'r cais yn ymwneud ag ef,

(iv) pan fo'n gymwys, ddatganiad amgylcheddol,

(v) pan fo cais yn cynnwys archiad caffael gorfodol—

(aa) cyfeirlyfr,

(bb) datganiad o'r rhesymau yn cyfiawnhau'r archiad caffael gorfodol,

(cc) datganiad cyllid yn egluro sut y mae'r caffaeliad gorfodol i'w ariannu,

(dd) plan yn nodi unrhyw dir y mae'r archiad caffael gorfodol yn ymwneud ag ef, gan gynnwys y tir hwnnw a fyddai'n cael ei ddiogelu rhag cael ei ddatblygu, unrhyw dir y byddai hawliau preifat drosto yn cael eu diddymu ac unrhyw dir amnewid neu dir categori arbennig, ac

(ee) dogfen groesgyfeirio, a

(vi) unrhyw ddogfennau, lluniadau a phlaniau eraill yr ystyrir eu bod yn angenrheidiol i ategu'r cais.

(3) Yn y rheoliad hwn—

(a) mae i "datganiad amgylcheddol" yr ystyr a roddir—

(i) i "environmental statement" yn rheoliad 2(1) o Reoliadau Gwaith Morol (Asesu Effeithiau Amgylcheddol) 2007, mewn achos pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru;

(ii) yn rheoliad 2(1) o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2017, mewn achos pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru;

(b) ystyr "adroddiad cyhoeddusrwydd cyn gwneud cais" yw adroddiad sy'n rhoi manylion ynghylch—

(i) y sylwadau a ddaeth i law—

(aa) yn ystod y cyfnod ar gyfer sylwadau cyn gwneud cais, a

(bb) ar ôl rhoi hysbysiad i unrhyw berson ychwanegol a chanddo fuddiant o dan reoliad 12, a

(ii) yr ystyriaeth a roddwyd i'r sylwadau hynny;

(c) mae i "tir amnewid" yr ystyr a roddir yn adran 70 (tiroedd comin, mannau agored etc.: caffael tir yn orfodol) neu 71 (tiroedd comin, mannau agored etc.: caffael hawliau dros dir yn orfodol) o Ddeddf 2024 (yn ôl y digwydd);

(d) ystyr "tir categori arbennig" yw tir y nodir ei fod yn ffurfio rhan o dir comin, man agored, tir yr Ymddiriedolaeth Genedlaethol, neu randir tanwydd neu ardd gae.

Penderfynu ar ddilysrwydd cais am newid sylweddol neu ddirymiad a hysbysu'r ceisydd

18.—(1) Pan ddaw cais am newid sylweddol neu gais am ddirymiad i law Gweinidogion Cymru, rhaid iddynt benderfynu pa un ai i dderbyn 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 yn rheoliad 14;

(b) os yw'n cydymffurfio â gofynion rheoliad 17.

(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 eu penderfyniad.

(5) Rhaid i Weinidogion Cymru roi hysbysiad o dan baragraff (3) neu (yn ôl y digwydd) (4) o fewn 28 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl y diwrnod y daw'r cais i law Gweinidogion Cymru.

Estyn yr amserlen ar gyfer dilysu cais am newid sylweddol neu ddirymiad

19.—(1) Caiff Gweinidogion Cymru wneud cyfarwyddyd sy'n estyn yr amserlen ar gyfer dilysu cais am newid sylweddol neu gais am ddirymiad.

(2) Pan fo Gweinidogion Cymru yn gwneud cyfarwyddyd o dan baragraff (1), rhaid iddynt ddarparu hysbysiad ysgrifenedig i'r ceisydd yn pennu'r dyddiad erbyn pryd y gwneir penderfyniad ar ddilysrwydd y cais.

Ceisiadau am newid sylweddol neu ddirymiad: hysbysiadau a chyhoeddusrwydd

20.—(1) Mae'r rheoliad hwn yn gymwys pan fo Gweinidogion Cymru yn derbyn cais am newid sylweddol neu gais am ddirymiad fel cais dilys.

(2) Rhaid i'r ceisydd, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i hysbysiad o dan reoliad 18(3) ddod i law—

(a) cyhoeddi'r cais ar wefan, gan gynnwys unrhyw ddogfennau, planiau neu wybodaeth arall, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r hysbysiad o dan reoliad 18(3) ddod i law, a

(b) pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru, roi, arddangos a chyhoeddi hysbysiad o'r cais yn unol â pharagraff (3), neu

(c) pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru, roi a chyhoeddi hysbysiad o'r cais yn unol â pharagraff (4).

(3) Rhaid i'r ceisydd roi, arddangos a chyhoeddi hysbysiad o'r cais yn yr un modd ag y mae'n ofynnol rhoi, arddangos a chyhoeddi hysbysiad o gais arfaethedig o dan reoliad 9(2) i (4), ond fel pe bai pob cyfeiriad at "cais arfaethedig" yn y rheoliad hwnnw yn darllen "cais".

(4) Rhaid i'r ceisydd roi a chyhoeddi hysbysiad o'r cais yn yr un modd ag y mae'n ofynnol rhoi a chyhoeddi hysbysiad o gais arfaethedig o dan reoliad 10(2), ond fel pe bai pob cyfeiriad at "cais arfaethedig" yn y rheoliad hwnnw yn darllen "cais".

(5) Rhaid i hysbysiad a roddir, a arddangosir neu a gyhoeddir o dan y rheoliad hwn gynnwys yr wybodaeth a bennir yn rheoliad 22.

Hysbysiad o gais: personau ychwanegol a chanddynt fuddiant

21.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) y cais yn cynnwys archiad caffael gorfodol, a

(b) y ceisydd yn nodi person ychwanegol a chanddo fuddiant.

(2) Rhaid i'r ceisydd roi hysbysiad o'r cais i unrhyw berson ychwanegol a chanddo fuddiant o fewn 14 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl y dyddiad y nodir y person.

(3) Rhaid i hysbysiad a roddir o dan y rheoliad hwn gynnwys yr wybodaeth a bennir yn rheoliad 22.

Yr wybodaeth sydd i'w chynnwys mewn hysbysiadau o dan reoliadau 20 ac 21 a hysbysu Gweinidogion Cymru am sylwadau

22.—(1) Rhaid i hysbysiadau a roddir, a arddangosir neu a gyhoeddir o dan reoliadau 20 ac 21 gynnwys yr wybodaeth a ganlyn—

(a) yr wybodaeth a bennir yn rheoliad 11(a), (b), (d) i (g), a (j) ond fel pe bai pob cyfeiriad at "cais arfaethedig" yn y rheoliad hwnnw yn darllen "cais",

(b) datganiad bod y ceisydd wedi gwneud cais am newid sylweddol neu gais am ddirymiad (yn ôl y digwydd),

(c) manylion y wefan o dan reoliad 20(2)(a) a chyfeiriad lle y gellir gweld dogfennau a gyhoeddir ar y wefan honno,

(d) y dyddiad diweddaraf y bydd copïau o ddogfennau a phlaniau ar gael i'w gweld —

(i) ar y wefan o dan reoliad 20(2)(a), a

(ii) yn y cyfeiriad y cyfeirir ato yn is-baragraff (c), ac

(e) y dyddiad diweddaraf erbyn pryd y mae rhaid i sylwadau ar y cais ddod i law.

(2) Rhaid i'r dyddiad diweddaraf y cyfeirir ato ym mharagraff (1)(d) ac (e) fod o leiaf 28 o ddiwrnodau ar ôl pa un bynnag yw'r diweddaraf o'r dyddiadau a ganlyn—

(a) y dyddiad y rhoddwyd yr hysbysiad,

(b) y dyddiad yr arddangoswyd yr hysbysiad am y tro cyntaf, neu

(c) y dyddiad y cyhoeddwyd yr hysbysiad am y tro cyntaf.

(3) Rhaid i'r ceisydd roi i Weinidogion Cymru—

(a) copïau o unrhyw sylwadau ar y cais a ddaeth i law yn ystod y cyfnod ar gyfer sylwadau ar ôl gwneud cais cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod hwnnw;

(b) copïau o unrhyw sylwadau a ddaeth i law ar y cais oddi wrth bersonau ychwanegol a chanddynt fuddiant y rhoddwyd hysbysiad iddynt o dan reoliad 21, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i bob un o'r sylwadau ddod i law.

Cyfeirlyfr a dogfen groesgyfeirio: diweddaru

23.—(1) Rhaid i'r manylion a gynhwysir ym mhob rhan o'r cyfeirlyfr a ddarperir o dan reoliad 17 gael eu diweddaru gan y ceisydd hyd at y dyddiad y cyhoeddir penderfyniad ar y cais o dan reoliad 61(4).

(2) Pan fo'r ceisydd yn diweddaru'r manylion yn y cyfeirlyfr, rhaid iddo roi hysbysiad o'r newid i Weinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol.

(3) Pan ddaw sylwadau ar gais oddi wrth berson a chanddo fuddiant neu berson ychwanegol a chanddo fuddiant i law ceisydd, rhaid iddo ddiweddaru'r ddogfen groesgyfeirio a ddarperir o dan reoliad 17 hyd at y dyddiad y cyhoeddir penderfyniad ar y cais o dan reoliad 61(4).

(4) Pan fo ceisydd yn diweddaru'r ddogfen groesgyfeirio, rhaid iddo ddarparu'r ddogfen wedi ei diweddaru i Weinidogion Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad y daeth y sylw i law.

RHAN 4

Y weithdrefn archwilio

Pennod 1

Cyffredinol

Cymhwyso'r Rhan

24. Mae'r Rhan hon yn gymwys pan fo Gweinidogion Cymru yn penodi person neu banel o bersonau i archwilio cais o dan adran 40(2) o Ddeddf 2024.

Dehongli Rhan 4 ac ymchwiliad a gaiff ei ailagor

25.—(1) Yn y Rhan hon—

ystyr "amserlen" ("*timetable*") yw amserlen mewn perthynas â'r cais a lunnir yn unol â rheoliad 33;

ystyr "cyfnod ar gyfer sylwadau" ("*representation period*") yw'r cyfnod ar gyfer sylwadau ar ôl gwneud cais mewn cysylltiad â chais penodol;

ystyr "dyfarniad o'r weithdrefn" ("*determination of procedure*") yw dyfarniad o dan adran 42(1) o Ddeddf 2024 neu reoliad 31(2);

ystyr "o bell" ("*remotely*") yw drwy gyfrwng—

(a) cyswllt ffôn byw,

(b) cyswllt fideo byw, neu

(c) unrhyw gyfarpar arall neu gyfleuster arall sy'n galluogi personau nad ydynt yn yr un lle i gyflwyno sylwadau yn y gwrandawiad neu'r ymchwiliad lleol;

ystyr "panel" ("*panel*") yw panel o bersonau a benodir i archwilio cais o dan adran 40(2) o Ddeddf 2024;

ystyr "sylwadau ysgrifenedig" ("*written representations*") yw sylwadau ysgrifenedig cychwynnol ac unrhyw sylwadau ysgrifenedig pellach;

ystyr "sylwadau ysgrifenedig cychwynnol" ("*initial written representations*") yw sylwadau a wnaed ar y cais yn ystod y cyfnod ar gyfer sylwadau;

ystyr "sylwadau ysgrifenedig pellach" ("*further written representations*") yw sylwadau ar y cais a wneir yn unol â rheoliad 40.

(2) Yn y Rhan hon mae cyfeiriadau at "yr awdurdod cynllunio"(**15**)—

(a) pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru, yn gyfeiriadau at yr awdurdod cynllunio ar gyfer ardal o'r tir perthnasol;

(b) pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru, yn gyfeiriadau at yr awdurdod cynllunio sydd agosaf at yr ardal y mae'r cais yn ymwneud â hi.

(3) Yn y Rhan hon ac yn rheoliad 67—

ystyr "parti a chanddo fuddiant" ("*interested party*") yw—

(**15**) Gweler rheoliad 2(1) am ystyr "awdurdod cynllunio".

(a) y ceisydd;

(b) unrhyw berson a gyflwynodd sylwadau ysgrifenedig cychwynnol mewn cysylltiad â chais penodol;

(c) pan fo archwiliad yn ymwneud â chais sy'n cynnwys archiad caffael gorfodol, unrhyw berson a nodir yn y cyfeirlyfr;

ystyr "sylwadau pellach" ("*further representations*") yw sylwadau llafar neu ysgrifenedig yn ychwanegol at sylwadau ysgrifenedig cychwynnol.

(4) Pan fo gwrandawiad neu ymchwiliad lleol yn cael ei ailagor o dan y Rheoliadau hyn neu o dan Ddeddf 2024, mae darpariaethau'r Rheoliadau hyn yn gymwys fel pe na bai'r gwrandawiad neu'r ymchwiliad wedi ei gau.

Pennod 2

Yr awdurdod archwilio etc.

Penodi panel yn awdurdod archwilio

26.—(1) Os yw Gweinidogion Cymru yn penodi panel o bersonau fel yr awdurdod archwilio, rhaid iddo benodi un o'i aelodau i gadeirio'r panel.

(2) Nid yw newid i aelodaeth neu gadeiryddiaeth panel, na sedd wag mewn cysylltiad ag aelodaeth neu gadeiryddiaeth panel, yn effeithio ar—

(a) y materion a wnaed gan y panel, neu mewn perthynas â'r panel, cyn y newid hwnnw;

(b) hunaniaeth barhaus y panel.

Amnewid panel neu berson fel awdurdod archwilio

27.—(1) Caiff Gweinidogion Cymru ar unrhyw adeg—

(a) rhoi person yn lle panel;

(b) rhoi panel newydd yn lle panel;

(c) rhoi panel yn lle person;

(d) rhoi person newydd yn lle person.

(2) Caiff yr awdurdod archwilio newydd drin pethau a wnaed gan yr awdurdod archwilio blaenorol, neu mewn perthynas ag ef, fel pe baent wedi eu gwneud, yn gyfan gwbl neu'n rhannol, gan y panel newydd hwnnw neu mewn perthynas ag ef.

Hysbysiad o awdurdod archwilio

28.—(1) Rhaid i Weinidogion Cymru sicrhau bod y ceisydd a'r awdurdod cynllunio yn cael eu hysbysu am enw a manylion cyswllt yr awdurdod archwilio a benodir—

(a) yn achos y penodiad cyntaf, o fewn 7 niwrnod sy'n dechrau â'r dyddiad y gwneir y penodiad;

(b) yn achos unrhyw benodiad dilynol, cyn gynted ag y bo'n rhesymol ymarferol.

(2) Rhaid i Weinidogion Cymru hysbysu'r ceisydd a'r awdurdod cynllunio cyn gynted ag y bo'n rhesymol ymarferol am unrhyw newid mewn perthynas â'r awdurdod archwilio.

(3) Rhaid i'r person sy'n cyflawni rôl yr awdurdod archwilio neu gadeirydd y panel sy'n cyflawni rôl yr awdurdod archwilio gyhoeddi ei benodiad, ei enw a'r dull o gysylltu ag ef ar ddechrau gwrandawiad neu ymchwiliad lleol.

Dyrannu swyddogaethau gan banel

29.—(1) Mae'r rheoliad hwn yn gymwys pan fo panel yn cael ei benodi i archwilio cais.

(2) Caiff y panel ddyrannu unrhyw ran o'r archwiliad i unrhyw un neu ragor o'i aelodau.

(3) Pan fo'r panel yn gwneud dyraniad o dan baragraff (2)—

(a) caiff unrhyw beth a wneir gan y panel, neu iddo, mewn cysylltiad â'r rhan o'r archwiliad a ddyrannwyd, gael ei wneud gan yr aelod o dan sylw neu iddo neu gan y panel, a

(b) caiff canfyddiadau a chasgliadau'r aelod o dan sylw eu trin fel canfyddiadau a chasgliadau'r panel.

(4) Mae paragraff (3)(b) yn ddarostyngedig i unrhyw benderfyniad gan y panel a wnaed ar adeg y dyraniad neu cyn y dyraniad, o ran statws unrhyw ganfyddiadau neu gasgliadau o'r fath.

Gwneud penderfyniadau gan banel

30.—(1) Rhaid i banel wneud penderfyniadau drwy gytundeb y mwyafrif o'i aelodau.

(2) Os nad yw aelodau panel yn gallu dod i benderfyniad drwy gytundeb y mwyafrif o'i aelodau pan fo nifer yr aelodau'n eilrif, mae gan gadeirydd y panel bleidlais fwrw.

Pennod 3

Paratoi ar gyfer archwiliad a'i reoli

Dyfarniad o'r weithdrefn

31.—(1) Rhaid i'r awdurdod archwilio arfer ei swyddogaeth o dan adran 42(1) o Ddeddf 2024 (dyfarniad o'r weithdrefn) cyn—

(a) pan fo'r cais yn cynnwys archiad caffael gorfodol a bod yr awdurdod archwilio'n cynnig y dylid archwilio'r cais heblaw mewn gwrandawiad neu ymchwiliad lleol, ddiwedd 28 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl diwrnod olaf y cyfnod ar gyfer sylwadau, neu

(b) mewn unrhyw achos arall, ddiwedd 14 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl diwrnod olaf y cyfnod ar gyfer sylwadau.

(2) Caiff awdurdod archwilio amrywio dyfarniad o'r weithdrefn ar unrhyw adeg cyn penderfynu ar y cais sy'n cael ei archwilio o dan reoliad 61.

Cyfarfod ynghylch y weithdrefn archwilio: caffael gorfodol

32.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) y cais sydd i'w archwilio yn cynnwys archiad caffael gorfodol, a

(b) yr awdurdod archwilio yn cynnig dyfarnu y dylid archwilio'r archiad caffael gorfodol heblaw mewn gwrandawiad neu ymchwiliad lleol.

(2) Rhaid i'r awdurdod archwilio gynnal cyfarfod cyn dyfarnu'r weithdrefn ar gyfer archwilio'r cais.

(3) Rhaid i'r awdurdod archwilio wahodd y canlynol i'r cyfarfod—

(a) y ceisydd;

(b) pob person a nodir yn y cyfeirlyfr mewn cysylltiad â'r cais penodol;

(c) unrhyw berson arall y mae'r awdurdod archwilio yn ystyried y dylid rhoi gwybod yn rhesymol iddo am y cyfarfod.

(4) Rhaid i'r gwahoddiad—

(a) datgan pa un a yw'r cyfarfod i gael ei gynnal yn rhannol neu'n gyfan gwbl o bell a darparu manylion ynghylch sut y gellir bod yn bresennol yn y cyfarfod;

(b) pennu dyddiad ac amser y cyfarfod, y mae rhaid iddo fod o leiaf 14 o ddiwrnodau ar ôl y diwrnod y rhoddir y gwahoddiad;

(c) gofyn i bob person a nodir yn y cyfeirlyfr mewn cysylltiad â'r cais penodol gyflwyno sylwadau am y weithdrefn ar gyfer archwilio'r archiad caffael gorfodol.

(5) Caiff unrhyw berson sy'n cael ei wahodd i'r cyfarfod gyflwyno sylwadau, ynghylch y weithdrefn ar gyfer archwilio'r archiad caffael gorfodol, yn ysgrifenedig cyn i'r cyfarfod gael ei gynnal neu yn y cyfarfod.

(6) Caiff yr awdurdod archwilio gynnal y cyfarfod yn absenoldeb unrhyw berson y rhoddwyd gwahoddiad iddo os yw'n ystyried bod hynny'n briodol.

(7) Rhaid i'r awdurdod archwilio lunio nodyn o'r cyfarfod a sicrhau ei fod ar gael cyn gynted ag y bo'n rhesymol ymarferol i unrhyw berson a fu'n bresennol yn y cyfarfod neu y rhoddwyd gwahoddiad i'r cyfarfod iddo.

Yr amserlen ar gyfer archwiliad

33.—(1) Yn achos archwilio cais am newid sylweddol neu gais am ddirymiad, pan fydd yr awdurdod archwilio wedi gwneud dyfarniad o'r weithdrefn, rhaid iddo lunio amserlen ar gyfer archwilio'r cais.

(2) Rhaid i'r amserlen a gaiff ei llunio o dan baragraff (1) nodi—

(a) y dyddiad erbyn pryd y caiff y ceisydd gyflwyno sylwadaeth ar unrhyw sylwadau ysgrifenedig cychwynnol sy'n berthnasol i archwilio'r cais,

(b) y pynciau y mae angen unrhyw sylwadau pellach arnynt,

(c) y personau (os oes rhai) sy'n cael eu gwahodd i gyflwyno sylwadau pellach ar unrhyw fater,

(d) pa rai o unrhyw sylwadau pellach sydd i'w gwneud yn ysgrifenedig, mewn gwrandawiad neu mewn ymchwiliad lleol,

(e) y dyddiad erbyn pryd y mae rhaid cyflwyno unrhyw sylwadau ysgrifenedig pellach,

(f) y dyddiad erbyn pryd y caiff y ceisydd gyflwyno sylwadaeth ysgrifenedig ar unrhyw sylwadau ysgrifenedig pellach sy'n berthnasol i archwilio'r cais,

(g) y dyddiad erbyn pryd y mae'r awdurdod archwilio yn bwriadu adrodd o dan adran 52 o Ddeddf 2024 (adroddiad i Weinidogion Cymru) neu reoliad 51(2) (adroddiad penderfynu), ac

(h) unrhyw ddyddiad arall y mae'r awdurdod archwilio yn ystyried ei fod yn briodol er mwyn rheoli'r archwiliad yn effeithlon.

(3) Caiff yr awdurdod archwilio lunio amserlen ar gyfer archwilio cais am newid ansylweddol.

(4) Caiff yr awdurdod archwilio, os yw'n ystyried bod hynny'n angenrheidiol neu'n briodol, amrywio amserlen a luniwyd o dan y rheoliad hwn ar unrhyw adeg cyn y penderfynir ar y cais o dan Bennod 2 o Ran 6 o'r Rheoliadau hyn.

Hysbysiad o ddewis o weithdrefn a'r amserlen

34.—(1) Rhaid i'r awdurdod archwilio hysbysu'r canlynol am unrhyw ddyfarniad o'r weithdrefn, yr amserlen gychwynnol neu amrywiad i amserlen—

(a) y ceisydd,

(b) yr awdurdod cynllunio, ac

(c) unrhyw berson arall sy'n cael ei wahodd i gyflwyno sylwadau pellach.

(2) Caiff yr awdurdod archwilio hysbysu unrhyw berson arall y mae'n ystyried ei fod yn briodol am unrhyw ddyfarniad o'r weithdrefn, amserlen neu amrywiad i amserlen.

(3) Rhaid i'r awdurdod archwilio roi unrhyw hysbysiad sy'n ofynnol gan y rheoliad hwn o fewn y cyfnod o 5 niwrnod gwaith, sy'n dechrau—

(a) yn achos unrhyw ddyfarniad o'r weithdrefn, â'r diwrnod ar ôl y dyfarniad o'r weithdrefn;

(b) yn achos amserlen gychwynnol, â'r diwrnod ar ôl y dyfarniad o'r weithdrefn o dan adran 42(1) o Ddeddf 2024;

(c) yn achos amrywiad i amserlen, â'r diwrnod ar ôl yr amrywiad i'r amserlen.

Amseru a lleoliad gwrandawiad neu ymchwiliad lleol a chyfranogi ynddo

35.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod archwilio yn dyfarnu bod cais i'w archwilio, yn gyfan gwbl neu'n rhannol, mewn gwrandawiad neu ymchwiliad lleol.

(2) Yr awdurdod archwilio sydd i benderfynu pwy sydd i'w wahodd i gyflwyno sylwadau pellach mewn gwrandawiad neu ymchwiliad lleol ond rhaid iddo wahodd y ceisydd i wneud hynny.

(3) Yr awdurdod archwilio sydd i benderfynu—

(a) lle a phryd i gynnal y gwrandawiad neu'r ymchwiliad lleol;

(b) ai i'w gynnal (neu gynnal unrhyw ran ohono) o bell.

(4) I'r graddau y cynhelir gwrandawiad neu ymchwiliad lleol heb fod yn gyfan gwbl neu'n rhannol o bell, rhaid i'r awdurdod archwilio roi sylw i ddymunoldeb ei gynnal mor agos â phosibl at y lleoliad y mae'r cais yn ymwneud ag ef.

(5) Rhaid i'r awdurdod archwilio ddechrau gwrandawiad neu ymchwiliad lleol heb fod yn hwyrach na 10 wythnos sy'n dechrau â'r diwrnod ar ôl diwedd y cyfnod ar gyfer sylwadau, oni bai—

(a) bod y ceisydd yn cytuno fel arall, neu

(b) bod paragraff (6) yn gymwys.

(6) Mae'r paragraff hwn yn gymwys pan fo unrhyw un neu ragor o'r canlynol wedi digwydd—

(a) mae'r awdurdod archwilio—

(i) wedi gwneud dyfarniad bod y cais i'w archwilio ar sail y cais ac unrhyw sylwadau ysgrifenedig, a

(ii) yn gwneud dyfarniad pellach o dan reoliad 31(2),

(b) mae'r awdurdod archwilio wedi penderfynu na fydd y gwrandawiad neu'r ymchwiliad lleol yn digwydd yn gyfan gwbl o bell ac na ellir sicrhau lleoliad addas ar ddyddiad i gydymffurfio â pharagraff (5), neu

(c) mae'r awdurdod archwilio wedi penderfynu bod angen sylwadau ysgrifenedig pellach o dan reoliad 40 cyn y gall y gwrandawiad neu'r ymchwiliad lleol ddechrau, ac ni ellir yn rhesymol eu darparu mewn pryd i gydymffurfio â pharagraff (5).

(7) Pan fo paragraff (6) yn gymwys, rhaid i'r awdurdod archwilio ddechrau'r gwrandawiad neu'r ymchwiliad lleol cyn gynted ag y bo'n rhesymol ymarferol ar ôl y cyfnod y cyfeirir ato ym mharagraff (5).

(8) Rhaid i'r awdurdod archwilio roi o leiaf 6 wythnos o rybudd ysgrifenedig i'r canlynol o ddyddiad, amser dechrau a lleoliad y gwrandawiad neu'r ymchwiliad lleol—

(a) y ceisydd,

(b) yr awdurdod cynllunio,

(c) unrhyw berson sy'n cael ei wahodd i gyflwyno sylwadau mewn gwrandawiad neu ymchwiliad lleol, a

(d) unrhyw berson arall y mae'r awdurdod archwilio yn ystyried ei fod yn briodol.

Cyhoeddusrwydd ar gyfer gwrandawiad neu ymchwiliad lleol

36.—(1) Pan fo'r awdurdod archwilio yn dyfarnu bod cais i'w archwilio drwy wrandawiad neu ymchwiliad lleol, rhaid i'r ceisydd gyhoeddi ac arddangos hysbysiad o'r gwrandawiad neu'r ymchwiliad lleol yn unol â'r rheoliad hwn.

(2) Rhaid cyhoeddi hysbysiad sy'n cynnwys yr wybodaeth a ganlyn mewn un neu ragor o bapurau newydd sy'n cylchredeg yn ardal leol y tir perthnasol heb fod yn hwyrach na 4 wythnos cyn diwrnod cyntaf y gwrandawiad neu'r ymchwiliad lleol—

(a) disgrifiad o'r cais,

(b) disgrifiad o leoliad y tir perthnasol,

(c) dyddiad ac amser y gwrandawiad neu'r ymchwiliad lleol,

(d) lleoliad y gwrandawiad neu'r ymchwiliad lleol,

(e) manylion unrhyw drefniadau ar gyfer darlledu'r gwrandawiad neu'r ymchwiliad lleol,

(f) y pynciau sydd i'w harchwilio yn y gwrandawiad neu'r ymchwiliad lleol,

(g) manylion lle yn yr ardal leol lle y gellir edrych ar y cais a'r sylwadau ysgrifenedig cychwynnol ar bob adeg resymol, ac

(h) cyfeiriad y wefan lle y gellir dod o hyd i'r cais a'r sylwadau ysgrifenedig cychwynnol.

(3) Rhaid arddangos hysbysiad sy'n cynnwys yr wybodaeth a bennir ym mharagraff (2) ("hysbysiad safle") mewn man amlwg ar neu ger y tir perthnasol, am o leiaf 4 wythnos cyn diwrnod cyntaf y gwrandawiad neu'r ymchwiliad lleol.

(4) Rhaid arddangos hysbysiad safle bob 5 km o leiaf oni bai ei bod yn anymarferol gwneud hynny pan fo—

(a) y cais yn ymwneud â chynllun llinellol sy'n fwy na 5 km o hyd;

(b) yn achos cais am ddirymiad, y gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad sy'n ymwneud â chynllun llinellol sy'n fwy na 5 km o hyd.

(5) Pan fo hysbysiad safle, heb fod bai ar y ceisydd, yn cael ei symud ymaith, ei guddio neu ei ddifwyno cyn diwedd y cyfnod o 4 wythnos, caiff y ceisydd ei drin fel pe bai wedi cydymffurfio â pharagraffau (3) a (4) os yw wedi cymryd camau rhesymol i ddiogelu'r hysbysiad, ac, os oes angen, wedi ei amnewid.

(6) Rhaid i'r ceisydd, cyn gynted ag y bo'n rhesymol ymarferol—

(a) anfon copi o'r hysbysiad a gyhoeddwyd o dan baragraff (2) i'r awdurdod archwilio, a

(b) cadarnhau i'r awdurdod archwilio fod yr hysbysiad sy'n ofynnol gan baragraffau (3) a (4) wedi ei arddangos a darparu ffotograff o'r hysbysiad hwnnw wedi ei osod yn ei le.

(7) Os yw'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru, mae cyfeiriadau at "y tir perthnasol" i'w darllen fel cyfeiriadau at dir yng Nghymru sydd agosaf at yr ardal y mae'r cais yn ymwneud â hi.

Datganiadau ysgrifenedig o dystiolaeth

37.—(1) Mae'r rheoliad hwn yn gymwys os yw unrhyw berson sy'n cael ei wahodd i gyflwyno sylwadau pellach mewn ymchwiliad lleol yn cynnig rhoi tystiolaeth yn yr ymchwiliad, neu'n cynnig galw ar berson arall i roi tystiolaeth yn yr ymchwiliad.

(2) Gall yr awdurdod archwilio ei gwneud yn ofynnol i'r person lunio datganiad ysgrifenedig o'r dystiolaeth honno.

(3) Rhaid i'r person sy'n llunio'r datganiad ysgrifenedig ddarparu crynodeb o'r datganiad ysgrifenedig os yw'n fwy na 1,500 o eiriau.

(4) Ni chaiff y crynodeb y cyfeirir ato ym mharagraff (3) fod yn fwy na 1,500 o eiriau.

(5) Rhaid i'r person sy'n llunio'r datganiad ysgrifenedig anfon copi o'r datganiad ysgrifenedig ac unrhyw grynodeb i'r awdurdod archwilio erbyn y dyddiad a bennir yn yr amserlen.

(6) Rhaid i'r awdurdod archwilio, cyn gynted â phosibl ar ôl i'r datganiad ysgrifenedig ac unrhyw grynodeb ddod i'w law—

(a) anfon copi o'r dogfennau hynny at bob person sy'n cael ei wahodd i gyflwyno sylwadau pellach yn yr ymchwiliad, a

(b) sicrhau bod copi o'r dogfennau hynny ar gael ar y wefan y cyfeirir ati yn rheoliad 38.

(7) Yn y rheoliad hwn, ystyr "datganiad ysgrifenedig" yw datganiad a lunnir yn unol â pharagraff (2).

Darparu gwefan

38. Rhaid i Weinidogion Cymru ddarparu gwefan lle y gellir dod o hyd i gopïau o'r cais a dogfennau eraill sy'n berthnasol i'r archwiliad.

Pennod 4

Archwiliad

Sylwadau ysgrifenedig cychwynnol

39.—(1) Mae archwiliad yr awdurdod archwilio o'r cais i gynnwys ystyriaeth o unrhyw sylwadau ysgrifenedig cychwynnol.

(2) Rhaid i'r awdurdod archwilio sicrhau bod y ceisydd yn cael y cyfle i gyflwyno sylwadaeth ar unrhyw sylw ysgrifenedig cychwynnol sy'n berthnasol i'r archwiliad.

Ceisio sylwadau ysgrifenedig pellach

40.—(1) Caiff yr awdurdod archwilio ofyn am sylwadau pellach yn ysgrifenedig ar unrhyw adeg gan unrhyw barti a chanddo fuddiant.

(2) Rhaid i unrhyw berson sy'n darparu sylwadau pellach yn ysgrifenedig o dan baragraff (1) eu darparu o fewn 14 o ddiwrnodau sy'n dechrau â'r dyddiad y mae'r awdurdod archwilio yn gofyn amdanynt.

(3) Caiff yr awdurdod archwilio estyn y terfyn amser ym mharagraff (2) mewn achos penodol.

(4) Ni chaiff unrhyw sylwadau ysgrifenedig pellach fod yn fwy na 3,000 o eiriau.

(5) Rhaid i'r awdurdod archwilio roi cyfle i'r ceisydd i gyflwyno sylwadaeth ar unrhyw sylwadau ysgrifenedig pellach sy'n berthnasol i archwilio'r cais.

(6) Rhaid i'r awdurdod archwilio sicrhau bod copi o unrhyw sylwadau ysgrifenedig pellach ar gael ar y wefan y cyfeirir ati yn rheoliad 38.

Y dull o gynnal gwrandawiad

41.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod archwilio yn dyfarnu bod cais i'w archwilio, yn gyfan gwbl neu'n rhannol, mewn gwrandawiad.

(2) Yr awdurdod archwilio sydd i lywyddu yn y gwrandawiad ac sydd i benderfynu—

(a) sut i'w reoli;

(b) y pynciau sydd i'w trafod;

(c) yr amser a ddyrennir i'r pynciau hynny.

(3) Mae gwrandawiad i gymryd ffurf trafodaeth a arweinir gan yr awdurdod archwilio.

(4) Ar ddechrau'r gwrandawiad, rhaid i'r awdurdod archwilio—

(a) crynhoi'r pynciau y bydd y gwrandawiad yn eu harchwilio, a

(b) nodi unrhyw bynciau pellach y bydd y gwrandawiad yn eu harchwilio na chawsant eu nodi mewn unrhyw amserlen ar gyfer yr archwiliad.

(5) Caiff yr awdurdod archwilio holi person sy'n bresennol yn y gwrandawiad, ond ni chaiff person sy'n bresennol yn y gwrandawiad holi person arall sy'n bresennol mewn gwrandawiad ac eithrio pan fo paragraff (6) yn gymwys.

(6) Caiff yr awdurdod archwilio ganiatáu i berson sy'n cyflwyno sylwadau yn y gwrandawiad ("P") holi person arall sy'n cyflwyno sylwadau yn y gwrandawiad os yw'r awdurdod archwilio yn ystyried bod hynny'n angenrheidiol er mwyn sicrhau—

(a) bod unrhyw sylw yn cael ei brofi'n ddigonol, neu

(b) bod gan P gyfle teg i wneud ei achos.

(7) Wrth gynnal y gwrandawiad, caiff yr awdurdod archwilio yn benodol—

(a) bwrw ymlaen â'r gwrandawiad yn absenoldeb person a gafodd ei wahodd i fod yn bresennol;

(b) gwrthod caniatáu sylwadau y mae'n ystyried eu bod yn amherthnasol neu'n ailadroddus;

(c) gwahardd person sy'n aflonyddu;

(d) gwrthod caniatáu i berson sydd wedi ei wahardd am aflonyddu i ddychwelyd;

(e) caniatáu i berson sydd wedi ei wahardd am aflonyddu i ddychwelyd, yn ddarostyngedig i amodau penodedig;

(f) gohirio'r gwrandawiad;

(g) gwahodd unrhyw berson sy'n cyflwyno sylwadau yn y gwrandawiad i gyflwyno cyflwyniadau cloi yn ysgrifenedig.

(8) Rhaid i berson sy'n cyflwyno cyflwyniadau cloi o dan baragraff (7)(g) eu rhoi i'r awdurdod archwilio o fewn 7 niwrnod sy'n dechrau â'r diwrnod ar ôl diwrnod olaf y gwrandawiad.

(9) Os yw'r awdurdod archwilio yn gohirio gwrandawiad, rhaid iddo roi rhybudd rhesymol o ddyddiad, amser a lleoliad ailddechrau'r gwrandawiad gohiriedig, oni bai bod paragraff (10) yn gymwys.

(10) Os yw'r awdurdod archwilio yn gohirio gwrandawiad ac yn cyhoeddi yn y gwrandawiad ddyddiad, amser a lleoliad ailddechrau'r gwrandawiad gohiriedig, nid oes angen unrhyw rybudd pellach.

(11) Yn y rheoliad hwn a rheoliad 42, ystyr "cyflwyniadau cloi" yw crynodeb o'r prif bwyntiau ffeithiol a'r prif ddadleuon a wneir gan y person sy'n eu cyflwyno, mewn perthynas â chais.

Y dull o gynnal ymchwiliad lleol

42.—(1) Mae'r rheoliad hwn yn gymwys pan fo'r awdurdod archwilio yn dyfarnu bod cais i'w archwilio, yn gyfan gwbl neu'n rhannol, mewn ymchwiliad lleol.

(2) Yr awdurdod archwilio sydd i lywyddu mewn ymchwiliad lleol ac sydd i benderfynu—

(a) sut i'w reoli;

(b) y pynciau sydd i'w harchwilio drwy ymchwiliad lleol;

(c) yr amser a ddyrennir i'r pynciau hynny.

(3) Ar ddechrau'r ymchwiliad lleol, rhaid i'r awdurdod archwilio—

(a) crynhoi'r pynciau y bydd yr ymchwiliad yn eu harchwilio, a

(b) nodi unrhyw bynciau pellach y bydd yr ymchwiliad yn eu harchwilio na chawsant eu nodi mewn unrhyw amserlen ar gyfer yr archwiliad.

(4) Yr awdurdod archwilio sydd i benderfynu ar y drefn y gelwir ar bersonau i roi tystiolaeth mewn ymchwiliad lleol.

(5) Caiff unrhyw berson sy'n cael ei wahodd i roi tystiolaeth mewn ymchwiliad lleol ofyn i'r awdurdod archwilio alw ar berson arall i roi tystiolaeth.

(6) Mae gan berson sy'n cymryd rhan mewn ymchwiliad lleol hawlogaeth i groesholi person arall sy'n rhoi tystiolaeth lafar i'r ymchwiliad.

(7) Rhaid i'r awdurdod archwilio ganiatáu i berson sy'n cael ei groesholi mewn ymchwiliad lleol gael ei ailholi.

(8) Wrth gynnal yr ymchwiliad lleol, caiff yr awdurdod archwilio yn benodol—

(a) bwrw ymlaen â'r ymchwiliad yn absenoldeb person a gafodd ei wahodd i fod yn bresennol;

(b) gwrthod caniatáu tystiolaeth y mae'n ystyried ei bod yn amherthnasol neu'n ailadroddus;

(c) gwahardd person sy'n aflonyddu;

(d) gwrthod caniatáu i berson sydd wedi ei wahardd am aflonyddu i ddychwelyd;

(e) caniatáu i berson sydd wedi ei wahardd am aflonyddu i ddychwelyd, yn ddarostyngedig i amodau penodedig;

(f) gohirio'r ymchwiliad;

(g) ei gwneud yn ofynnol cyflwyno cyflwyniadau cloi yn ysgrifenedig o fewn 7 niwrnod sy'n dechrau â'r diwrnod ar ôl diwrnod olaf yr ymchwiliad.

(9) Caiff unrhyw berson y mae'n ofynnol iddo adael ymchwiliad lleol gyflwyno sylwadau yn ysgrifenedig i'r awdurdod archwilio cyn i'r ymchwiliad ddod i ben.

(10) Os yw'r awdurdod archwilio yn gohirio ymchwiliad lleol, rhaid iddo roi rhybudd rhesymol o ddyddiad, amser a lleoliad ailddechrau'r ymchwiliad lleol gohiriedig, oni bai bod paragraff (11) yn gymwys.

(11) Os yw'r awdurdod archwilio yn gohirio ymchwiliad lleol ac yn cyhoeddi yn yr ymchwiliad lleol hwnnw ddyddiad, amser a lleoliad ailddechrau'r ymchwiliad lleol gohiriedig, nid oes angen unrhyw rybudd pellach.

Cyfarfodydd, gwrandawiadau ac ymchwiliadau lleol rhithiol

43. Rhaid i'r awdurdod archwilio hysbysu personau sy'n cael eu gwahodd i gymryd rhan mewn cyfarfod, neu i gyflwyno sylwadau mewn gwrandawiad neu ymchwiliad lleol, sy'n digwydd o bell, am y trefniadau i'w galluogi i wneud hynny, cyn gynted ag y bo hynny'n rhesymol ymarferol.

Darlledu gwrandawiadau ac ymchwiliadau lleol

44.—(1) Caiff yr awdurdod archwilio drefnu i ddelweddau neu synau o wrandawiad neu ymchwiliad lleol gael eu darlledu er mwyn galluogi personau nad ydynt yn cyflwyno sylwadau mewn gwrandawiad neu ymchwiliad lleol, neu unrhyw ran ohono, i wylio'r trafodion neu wrando arnynt.

(2) Caiff y trefniadau a wneir o dan baragraff (1) gynnwys trefniadau ar gyfer darlledu na roddir mynediad atynt i unigolion onid ydynt wedi rhoi gwybod pwy ydynt i'r awdurdod archwilio yn gyntaf.

(3) Cyn gwneud penderfyniad o dan baragraff (1), rhaid i'r awdurdod archwilio ystyried—

(a) yr angen i drafodion fod yn agored ac yn dryloyw, cyn belled ag y bo modd,

(b) unrhyw archiadau i ddarlledu'r trafodion, ac

(c) i ba raddau y mae'r adnoddau technegol a dynol a'r adnoddau eraill sy'n angenrheidiol i hwyluso arsylwi yn effeithiol drwy ddarlledu ar gael neu y gallant fod ar gael.

(4) Rhaid i'r awdurdod archwilio hysbysu'r canlynol, cyn gynted ag y bo'n rhesymol ymarferol, am unrhyw drefniadau i ddarlledu gwrandawiad neu ymchwiliad lleol—

(a) pob parti a chanddo fuddiant, a

(b) unrhyw berson arall y mae'n ystyried ei fod yn briodol.

(5) Mae'r rheoliad hwn yn ddarostyngedig i unrhyw gyfarwyddyd o dan adran 48 o Ddeddf 2024.

Recordio gwrandawiadau ac ymchwiliadau lleol

45.—(1) Caiff yr awdurdod archwilio drefnu i ddelweddau neu synau o wrandawiad neu ymchwiliad lleol gael eu recordio er mwyn galluogi personau i wylio'r trafodion neu wrando arnynt yn ddiweddarach.

(2) Caiff unrhyw berson ofyn am fynediad gan yr awdurdod archwilio at unrhyw recordiad a wneir o dan baragraff (1) ar unrhyw adeg cyn diwedd 6 mis sy'n dechrau—

(a) yn achos gorchymyn sy'n gwneud newid i orchymyn cydsyniad seilwaith, neu'n dirymu gorchymyn cydsyniad seilwaith, â'r dyddiad y gwneir y gorchymyn, neu

(b) yn achos gwrthod cais i newid neu ddirymu gorchymyn cydsyniad seilwaith, y dyddiad y rhoddir hysbysiad o wrthodiad i'r ceisydd o dan reoliad 62 neu 63 (yn ôl y digwydd).

(3) Rhaid i awdurdod archwilio ddarparu mynediad at unrhyw recordiad ar delerau rhesymol ac o fewn amser rhesymol i unrhyw archiad o dan baragraff (2).

(4) Mae'r rheoliad hwn yn ddarostyngedig i unrhyw gyfarwyddyd o dan adran 48 o Ddeddf 2024.

Hysbysiad o benodiadau i gynorthwyo awdurdod archwilio

46.—(1) Rhaid i'r awdurdod archwilio, cyn gynted ag y bo'n rhesymol ymarferol, hysbysu pob person sy'n cael ei wahodd i gyflwyno sylwadau pellach am enw—

(a) unrhyw asesydd a benodir i'w gynorthwyo o dan adran 50 o Ddeddf 2024, a

(b) unrhyw fargyfreithiwr neu gyfreithiwr a benodir i'w gynorthwyo o dan adran 51 o Ddeddf 2024.

(2) Rhaid i'r awdurdod archwilio, cyn gynted ag y bo'n rhesymol ymarferol, hysbysu pob person sy'n cael ei wahodd i gyflwyno sylwadau pellach am y materion y mae unrhyw asesydd wedi ei benodi i gynorthwyo mewn perthynas â hwy.

Cyfyngu ar fynediad at dystiolaeth mewn ymchwiliad lleol

47. Mewn perthynas â thystiolaeth a bennir mewn cyfarwyddyd o dan adran 48(2) o Ddeddf 2024, mae cyfeiriadau yn y Rheoliadau hyn at y person a gynrychiolir, pa un ai fel y "ceisydd" neu fel "parti a chanddo fuddiant", i'w darllen fel rhai sy'n cynnwys cyfeiriadau at gynrychiolydd a benodir o dan adran 48(4) neu (5) o Ddeddf 2024.

Cyfarfodydd rheoli archwiliad

48.—(1) Caiff yr awdurdod archwilio gynnal cyfarfod ar unrhyw adeg cyn y penderfynir ar gais, os yw'n ystyried bod hynny'n briodol.

(2) Diben cyfarfod rheoli archwiliad yw galluogi'r awdurdod archwilio i benderfynu—

(a) beth y gellir ei wneud i sicrhau bod yr archwiliad a materion paratoadol neu ddilynol sy'n ymwneud ag ef yn cael eu rheoli'n effeithlon ac yn hwylus, a

(b) pa drefniadau ymarferol i'w gwneud mewn perthynas â'r archwiliad a materion paratoadol neu ddilynol sy'n ymwneud ag ef.

(3) Yr awdurdod archwilio sydd i lywyddu mewn cyfarfod rheoli archwiliad ac sydd i benderfynu—

(a) lle a phryd i gynnal y cyfarfod,

(b) pa un ai i gynnal y cyfarfod yn gyfan gwbl neu'n rhannol o bell,

(c) sut i reoli'r cyfarfod,

(d) y materion sydd i'w trafod, ac

(e) yr amser a ddyrennir i'r materion hynny.

(4) Yr awdurdod archwilio sydd i benderfynu pwy i'w wahodd i unrhyw gyfarfod rheoli archwiliad, ond rhaid iddo wahodd y ceisydd.

(5) Rhaid i'r awdurdod archwilio roi rhybudd rhesymol o ddyddiad, amser a lleoliad y cyfarfod rheoli archwiliad i bob person sy'n cael ei wahodd i fod yn bresennol.

(6) Rhaid i'r hysbysiad o'r cyfarfod rheoli archwiliad bennu dibenion y cyfarfod ac unrhyw fater y mae'r awdurdod archwilio yn dymuno ei drafod.

(7) Os yw person sy'n cael ei wahodd i'r cyfarfod rheoli archwiliad, neu ei gynrychiolydd, yn methu â bod yn bresennol neu'n amharod i fod yn bresennol, neu nad yw'n bresennol fel arall, caiff y cyfarfod fynd yn ei flaen.

(8) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl y cyfarfod rheoli archwiliad, rhaid i'r awdurdod archwilio lunio nodyn o'r cyfarfod a'i roi i'r bobl a gafodd eu gwahodd i fod yn bresennol.

(9) Yn y rheoliad hwn, ystyr "cyfarfod rheoli archwiliad" yw cyfarfod a gynhelir o dan baragraff (1).

Pennod 5

Y weithdrefn ar ôl sylwadau ysgrifenedig, gwrandawiad ac ymchwiliad lleol

Adroddiad yr asesydd

49. Pan fo asesydd wedi ei benodi o dan adran 50 o Ddeddf 2024, rhaid i'r asesydd gyflwyno adroddiad ysgrifenedig i'r awdurdod archwilio ar y materion y cafodd ei benodi mewn cysylltiad â hwy i gynorthwyo'r awdurdod archwilio.

Symud ymlaen i adroddiad neu benderfyniad

50.—(1) Caiff yr awdurdod archwilio gyflwyno adroddiad o dan adran 52(2) o Ddeddf 2024 gan ddiystyru unrhyw sylwadau ysgrifenedig pellach a dogfennau ategol a gyflwynwyd ar ôl y terfyn amser o dan reoliad 40.

(2) Caiff yr awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) symud ymlaen i benderfyniad gan ddiystyru unrhyw sylwadau ysgrifenedig pellach a dogfennau ategol a gyflwynwyd ar ôl y terfyn amser o dan reoliad 40.

(3) Caiff yr awdurdod archwilio, ar ôl rhoi hysbysiad i'r ceisydd a'r awdurdod cynllunio o'i fwriad i wneud hynny, gyflwyno adroddiad o dan adran 52(2) o Ddeddf 2024, er na chyflwynwyd unrhyw sylwadau ysgrifenedig pellach o fewn y terfyn amser o dan reoliad 40, os yw'n ymddangos iddo fod ganddo ddigon o ddeunydd ger ei fron i wneud argymhelliad o ran y penderfyniad ar y cais.

(4) Caiff yr awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd), ar ôl rhoi hysbysiad i'r ceisydd a'r awdurdod cynllunio o'i fwriad neu eu bwriad i wneud hynny, symud ymlaen i benderfyniad er na chyflwynwyd unrhyw sylwadau ysgrifenedig pellach o fewn y terfyn amser o dan reoliad 40, os yw'n ymddangos iddo neu iddynt fod ganddo neu ganddynt ddigon o ddeunydd ger ei fron neu ger eu bron i wneud penderfyniad ar y cais.

Cais i'w benderfynu gan yr awdurdod archwilio

51.—(1) Mae'r rheoliad hwn yn gymwys ar ôl i archwiliad gael ei gwblhau, pan fo'r awdurdod archwilio i benderfynu ar gais.

(2) Rhaid i'r awdurdod archwilio ysgrifennu adroddiad.

(3) Rhaid i'r adroddiad—

(a) pan fo asesydd wedi ei benodi o dan adran 50 o Ddeddf 2024, ddatgan a yw'r awdurdod archwilio yn anghytuno ag unrhyw agwedd ar adroddiad yr asesydd a'r rheswm dros unrhyw anghytundeb,

(b) cynnwys canfyddiadau a chasgliadau'r awdurdod archwilio mewn cysylltiad â'r cais, ac

(c) cynnwys penderfyniad yr awdurdod archwilio mewn cysylltiad â'r cais.

(4) Os yw'r awdurdod archwilio yn cynnig ystyried unrhyw dystiolaeth newydd neu ffaith newydd cyn gwneud penderfyniad ar y cais, rhaid i'r awdurdod archwilio roi hysbysiad i'r holl bartïon a chanddynt fuddiant o'r cynnig a'r rhesymau drosto.

(5) Pan fo'r archwiliad wedi digwydd yn gyfan gwbl drwy sylwadau ysgrifenedig, rhaid i'r awdurdod archwilio roi cyfle i bob parti a chanddo fuddiant i gyflwyno sylwadau yn ysgrifenedig ar y dystiolaeth newydd honno neu'r ffaith newydd honno erbyn dyddiad penodedig.

(6) Pan fo unrhyw ran o'r archwiliad wedi digwydd drwy wrandawiad neu ymchwiliad lleol, rhaid i'r awdurdod archwilio hysbysu'r partïon a chanddynt fuddiant—

(a) y gallant ei gwneud yn ofynnol i'r gwrandawiad neu'r ymchwiliad lleol gael ei ailagor i archwilio'r dystiolaeth newydd neu'r ffaith newydd, a

(b) o'r dyddiad erbyn pryd y mae rhaid i'r partïon a chanddynt fuddiant hysbysu'r awdurdod archwilio am unrhyw archiad i ailagor yr archwiliad i archwilio'r dystiolaeth newydd neu'r ffaith newydd.

(7) Rhaid i'r dyddiad a bennir o dan baragraff (5) neu (6)(b) fod o leiaf—

(a) 28 o ddiwrnodau o'r dyddiad y rhoddir hysbysiad o dan baragraff (4), os yw'r cais yn ymwneud â datblygiad AEA;

(b) 21 o ddiwrnodau o'r dyddiad y rhoddir hysbysiad o dan baragraff (4), mewn unrhyw achos arall.

(8) Mewn perthynas â'r awdurdod archwilio—

(a) rhaid iddo ailagor gwrandawiad neu ymchwiliad lleol i archwilio'r dystiolaeth newydd neu'r ffaith newydd os yw parti a chanddo fuddiant yn gofyn iddo wneud hynny o dan baragraff (6), neu

(b) fel arall caiff, os yw'n ystyried bod hynny'n briodol, ailagor gwrandawiad neu ymchwiliad lleol i archwilio'r dystiolaeth newydd neu'r ffaith newydd.

(9) Pan fo'r awdurdod archwilio yn ailagor gwrandawiad neu ymchwiliad lleol, rhaid iddo anfon at y partïon a chanddynt fuddiant, cyn gynted ag y bo'n rhesymol ymarferol, ddatganiad ysgrifenedig o'r materion y gwahoddir tystiolaeth bellach mewn cysylltiad â hwy.

(10) Rhaid i'r awdurdod archwilio ddarparu'r datganiad ysgrifenedig ym mharagraff (9) o leiaf—

(a) 28 o ddiwrnodau cyn diwrnod cyntaf unrhyw wrandawiad neu ymchwiliad lleol a gaiff ei ailagor, os yw'r cais yn ymwneud â datblygiad AEA;

(b) 21 o ddiwrnodau cyn diwrnod cyntaf unrhyw wrandawiad neu ymchwiliad lleol a gaiff ei ailagor, mewn unrhyw achos arall.

Cais i'w benderfynu gan Weinidogion Cymru

52.—(1) Mae'r rheoliad hwn yn gymwys ar ôl i archwiliad o gais gael ei gwblhau, pan fo Gweinidogion Cymru i benderfynu ar gais.

(2) Pan fo asesydd wedi ei benodi o dan adran 50 o Ddeddf 2024 yn ychwanegol at y gofynion yn adran 52(2) o Ddeddf 2024, rhaid i adroddiad yr awdurdod archwilio i Weinidogion Cymru ddatgan a yw'r awdurdod archwilio yn anghytuno ag unrhyw agwedd ar adroddiad yr asesydd a'r rheswm dros unrhyw anghytundeb.

(3) Mae paragraff (4) yn gymwys os yw Gweinidogion Cymru—

(a) yn anghytuno â'r awdurdod archwilio ar unrhyw fater o ffaith a grybwyllwyd mewn casgliad gan yr awdurdod archwilio, neu yr ymddengys i Weinidogion Cymru ei fod yn berthnasol i gasgliad o'r fath, neu

(b) yn cynnig ystyried unrhyw dystiolaeth newydd neu fater o ffaith newydd.

(4) Ni chaiff Gweinidogion Cymru ddod i benderfyniad sy'n groes i argymhelliad yr awdurdod archwilio, heb gymryd y camau a nodir ym mharagraffau (5) i (7) yn gyntaf.

(5) Rhaid i Weinidogion Cymru hysbysu pob parti a chanddo fuddiant—

(a) am y gwahaniaeth yn eu barn hwy a'u rhesymau drosto, neu

(b) am y dystiolaeth newydd neu'r ffaith newydd.

(6) Pan fo'r archwiliad wedi digwydd yn gyfan gwbl drwy sylwadau ysgrifenedig, rhaid i'r awdurdod archwilio roi cyfle i bob parti a chanddo fuddiant i gyflwyno sylwadau yn ysgrifenedig ar y gwahaniaeth barn hwnnw, y dystiolaeth newydd honno neu'r ffaith newydd honno erbyn dyddiad penodedig.

(7) Pan fo unrhyw ran o'r archwiliad wedi digwydd drwy wrandawiad neu ymchwiliad lleol, rhaid i'r awdurdod archwilio hysbysu'r partïon a chanddynt fuddiant—

(a) y cânt ei gwneud yn ofynnol i'r gwrandawiad neu'r ymchwiliad lleol gael ei ailagor i archwilio'r gwahaniaeth barn, y dystiolaeth newydd neu'r ffaith newydd, a

(b) o'r dyddiad erbyn pryd y mae rhaid i'r partïon a chanddynt fuddiant hysbysu'r awdurdod archwilio am unrhyw archiad i ailagor yr archwiliad i archwilio'r gwahaniaeth barn, y dystiolaeth newydd neu'r ffaith newydd.

(8) Rhaid i'r dyddiad a bennir o dan baragraff (6) neu (7)(b) fod o leiaf—

(a) 28 o ddiwrnodau o'r dyddiad y rhoddir hysbysiad o dan baragraff (5), os yw'r cais yn ymwneud â datblygiad AEA;

(b) 21 o ddiwrnodau o'r dyddiad y rhoddir hysbysiad o dan baragraff (5), mewn unrhyw achos arall.

(9) Mewn perthynas â'r awdurdod archwilio—

(a) rhaid iddo ailagor gwrandawiad neu ymchwiliad lleol i archwilio'r gwahaniaeth barn, y dystiolaeth newydd neu'r ffaith newydd os yw parti a chanddo fuddiant yn gofyn iddo wneud hynny o dan baragraff (7), neu

(b) fel arall caiff, os yw'n ystyried bod hynny'n briodol, ailagor gwrandawiad neu ymchwiliad lleol i archwilio'r gwahaniaeth barn, y dystiolaeth newydd neu'r ffaith newydd.

(10) Pan fo'r awdurdod archwilio yn ailagor gwrandawiad neu ymchwiliad lleol, rhaid iddo anfon at y partïon a chanddynt fuddiant, cyn gynted ag y bo'n rhesymol ymarferol, ddatganiad ysgrifenedig o'r materion y gwahoddir sylwadau pellach mewn cysylltiad â hwy.

(11) Rhaid i'r awdurdod archwilio ddarparu'r datganiad ysgrifenedig ym mharagraff (10) o leiaf—

(a) 28 o ddiwrnodau cyn diwrnod cyntaf unrhyw wrandawiad neu ymchwiliad lleol a gaiff ei ailagor, os yw'r cais yn ymwneud â datblygiad AEA;

(b) 21 o ddiwrnodau cyn diwrnod cyntaf unrhyw wrandawiad neu ymchwiliad lleol a gaiff ei ailagor, mewn unrhyw achos arall.

Cyfarwyddyd i ailagor yr archwiliad

53. Pan fo'r awdurdod archwilio yn ailagor gwrandawiad neu ymchwiliad lleol yn unol â chyfarwyddyd gan Weinidogion Cymru o dan adran 53(1) o Ddeddf 2024, rhaid iddo

anfon at y partïon a chanddynt fuddiant, cyn gynted ag y bo'n rhesymol ymarferol, ddatganiad ysgrifenedig o'r materion y gwahoddir tystiolaeth bellach mewn cysylltiad â hwy.

Cynnig i wneud gorchymyn sy'n sylweddol wahanol

54.—(1) Mae'r rheoliad hwn yn gymwys pan fo Gweinidogion Cymru yn cynnig gwneud gorchymyn o dan adran 90(1) o Ddeddf 2024—

(a) ar delerau sydd yn eu barn hwy yn sylweddol wahanol i'r rhai a gynigir yn y cais, a

(b) pa un ai o ganlyniad i hysbysiad o dan reoliad 61(2) ai peidio.

(2) Rhaid i Weinidogion Cymru—

(a) hysbysu unrhyw berson y mae'n ymddangos iddynt y mae'r gorchymyn yn debygol o effeithio arno,

(b) rhoi cyfle i'r person hwnnw i gyflwyno sylwadau iddynt am y gwahaniaethau o fewn amser a bennir yn yr hysbysiad hwnnw, ac

(c) ystyried y sylwadau a wneir yn ystod yr amser a bennir yn yr hysbysiad hwnnw, cyn gwneud gorchymyn o dan adran 90(1) o Ddeddf 2024.

RHAN 5

Y weithdrefn pan nad oes archwiliad

Y weithdrefn pan nad oes archwiliad

55.—(1) Mae'r rheoliad hwn yn gymwys pan na fo awdurdod archwilio wedi ei benodi o dan adran 40(2) o Ddeddf 2024 i archwilio cais penodol.

(2) Rhaid i Weinidogion Cymru roi hysbysiad i'r personau a bennir ym mharagraff (4) nad yw'r cais i'w archwilio gan awdurdod archwilio.

(3) Rhaid i Weinidogion Cymru roi hysbysiad o dan baragraff (2)—

(a) yn achos cais am newid ansylweddol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r hysbysiad a'r datganiad y cyfeirir atynt yn rheoliad 16(3) ddod i law;

(b) yn achos cais am newid sylweddol neu gais am ddirymiad, cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod ar gyfer sylwadau ar ôl gwneud cais mewn cysylltiad â'r cais penodol.

(4) Y personau sydd i'w hysbysu o dan baragraff (2) yw—

(a) y ceisydd,

(b) unrhyw bersonau a gyflwynodd sylwadau ar y cais yn ystod y cyfnod ar gyfer sylwadau ar ôl gwneud cais, ac

(c) unrhyw berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.

(5) Rhaid i'r hysbysiad o dan baragraff (2) gynnwys yr wybodaeth a ganlyn—

(a) datganiad nad yw'r cais i'w archwilio gan awdurdod archwilio,

(b) y rhesymau pam y mae Gweinidogion Cymru yn ystyried nad oes angen i'r cais gael ei archwilio gan awdurdod archwilio,

(c) manylion ynghylch sut y gellir cyflwyno sylwadau pellach ar y cais, a

(d) y dyddiad erbyn pryd y mae rhaid i sylwadau pellach ar y cais ddod i law, y mae rhaid iddo fod o leiaf 28 o ddiwrnodau ar ôl i'r hysbysiad gael ei roi.

(6) Rhaid i Weinidogion Cymru gyhoeddi'r hysbysiad o dan baragraff (2) ar wefan.

RHAN 6

Penderfyniadau a her gyfreithiol etc.

Pennod 1

Ceisiadau: penderfynwr, polisïau statudol a materion perthnasol eraill, ac amserlen

Swyddogaeth penderfynu ar gais

56.—(1) Pan fo awdurdod archwilio wedi ei benodi o dan adran 40(2) o Ddeddf 2024 i archwilio cais penodol, yr awdurdod archwilio sydd â'r swyddogaeth o benderfynu ar y cais hwnnw.

(2) Mae paragraff (1) yn ddarostyngedig i unrhyw gyfarwyddyd a wneir o dan baragraff (3).

(3) Mewn perthynas ag unrhyw gais, caiff Gweinidogion Cymru gyfarwyddo mai hwy sydd â'r swyddogaeth o benderfynu ar y cais yn lle awdurdod archwilio.

Penderfynu ar geisiadau i newid gorchymyn cydsyniad seilwaith: ystyriaethau cyffredinol

57.—(1) Wrth benderfynu ar gais i newid gorchymyn cydsyniad seilwaith sy'n cynnwys archiad i awdurdodi datblygiad, rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd)—

(a) rhoi sylw i—

(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(**16**) 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(**17**)) 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 ei benderfyniad neu eu penderfyniad (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.

(3) Yn y rheoliad hwn a rheoliad 59, mae i "datganiad polisi seilwaith" yr ystyr a roddir gan adran 127(2) o Ddeddf 2024.

(**16**) Gweler adran 60 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5).
(**17**) 2009 p. 23.

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

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

(a) unrhyw archwiliad a gynhelir o dan Ran 4 o'r Rheoliadau hyn;

(b) dymunoldeb lliniaru newid hinsawdd ac ymaddasu iddo;

(c) unrhyw ystyriaeth berthnasol arall.

Materion y caniateir eu diystyru wrth wneud penderfyniadau ar geisiadau

59. Wrth benderfynu ar gais, 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) sydd wedi ei lunio a'i fabwysiadu gan Weinidogion Cymru, neu

(c) yn ymwneud â digolledu am gaffael yn orfodol dir neu fuddiant mewn tir neu hawl dros dir.

Yr amserlen ar gyfer penderfynu ar gais

60.—(1) Pan na fo awdurdod archwilio yn archwilio cais, rhaid i Weinidogion Cymru benderfynu ar gais cyn diwedd 8 wythnos sy'n dechrau â'r diwrnod ar ôl y diwrnod y rhoddir yr hysbysiad o dan reoliad 55(2).

(2) Pan fo awdurdod archwilio â'r swyddogaeth o benderfynu ar gais, rhaid iddo benderfynu ar y cais cyn diwedd 12 wythnos sy'n dechrau â'r diwrnod ar ôl—

(a) pan na fo cais yn cael ei archwilio ond ar sail y cais ac unrhyw sylwadau ysgrifenedig, y diwrnod y mae'r awdurdod archwilio yn gorffen archwilio'r cais ac unrhyw sylwadau ysgrifenedig;

(b) pan na fo cais yn cael ei archwilio, yn gyfan gwbl neu'n rhannol, ond mewn gwrandawiad neu ymchwiliad lleol, y diwrnod y daw'r gwrandawiad neu'r ymchwiliad lleol i ben.

(3) Pan fo cais yn cael ei archwilio a bod Gweinidogion Cymru â'r swyddogaeth o benderfynu ar y cais hwnnw, rhaid iddynt benderfynu ar y cais cyn diwedd 8 wythnos sy'n dechrau â'r diwrnod ar ôl i adroddiad o dan adran 52 o Ddeddf 2024 mewn cysylltiad â'r cais hwnnw ddod i law.

(4) Caiff Gweinidogion Cymru, drwy gyfarwyddyd, estyn y cyfnodau a grybwyllir ym mharagraffau (1) i (3).

(5) Caniateir rhoi cyfarwyddyd—

(a) mwy nag unwaith mewn perthynas â'r un cais;

(b) ar ôl diwedd y cyfnodau a grybwyllir ym mharagraffau (1) i (3).

(6) 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 y maent yn ystyried ei fod yn briodol am y cyfarwyddyd, a

(b) cyhoeddi'r cyfarwyddyd ar wefan.

Pennod 2

Penderfyniadau ar geisiadau

Caniatáu neu wrthod cais

61.—(1) Pan fydd Gweinidogion Cymru wedi penderfynu ar gais, rhaid iddynt naill ai—

(a) gwneud gorchymyn o dan adran 90(1) o Ddeddf 2024 sy'n newid neu'n dirymu (yn ôl y digwydd) y gorchymyn cydsyniad seilwaith perthnasol, neu

(b) gwrthod y cais.

(2) Pan fydd yr awdurdod archwilio wedi penderfynu ar gais, rhaid iddo naill ai—

(a) hysbysu Gweinidogion Cymru am ei benderfyniad bod gorchymyn sy'n newid neu'n dirymu (yn ôl y digwydd) orchymyn cydsyniad seilwaith i'w wneud, neu

(b) gwrthod y cais.

(3) Pan ddaw hysbysiad o dan baragraff (2)(a) i law Gweinidogion Cymru, rhaid iddynt wneud gorchymyn mewn cysylltiad â'r cais y mae'r hysbysiad yn ymwneud ag ef.

(4) Rhaid i Weinidogion Cymru neu'r awdurdod archwilio (yn ôl y digwydd) gyhoeddi eu penderfyniad neu ei benderfyniad ar wefan cyn gynted ag y bo'n rhesymol ymarferol.

Hysbysiad o ganiatáu neu wrthod ceisiadau pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru

62.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) yr awdurdod archwilio neu Weinidogion Cymru wedi penderfynu ar gais, a

(b) y gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yng Nghymru.

(2) Rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) hysbysu'r canlynol am y penderfyniad o dan reoliad 61—

(a) y ceisydd,

(b) unrhyw un sydd â hawlogaeth i wneud cais o dan adran 90(3) o Ddeddf 2024, os nad y ceisydd yw'r person hwnnw,

(c) unrhyw berson a fyddai â hawlogaeth neu a allai fod â hawlogaeth i wneud hawliad perthnasol, pe bai'r gorchymyn cydsyniad seilwaith perthnasol i gael ei newid fel y gofynnwyd amdano yn y cais a'i weithredu'n llawn,

(d) unrhyw un sy'n berchen ar dir neu sy'n feddiannydd ar dir sy'n ffinio â'r tir perthnasol,

(e) pob awdurdod cynllunio ar gyfer ardal o'r tir perthnasol, os nad y ceisydd yw'r awdurdod cynllunio hwnnw,

(f) os yw'r tir perthnasol wedi ei leoli mewn ardal â chyngor cymuned, y cyngor cymuned,

(g) pob Aelod o'r Senedd sy'n cynrychioli ardal o'r tir perthnasol,

(h) pob Aelod o Dŷ'r Cyffredin sy'n cynrychioli ardal o'r tir perthnasol,

(i) unrhyw ymgyngoreion statudol ac arbenigol,

(j) yn achos cais am ddirymiad, yr holl ymgyngoreion statudol ac arbenigol gwreiddiol,

(k) pan oedd y cais yn cynnwys archiad caffael gorfodol, unrhyw berson a restrir yn y cyfeirlyfr mewn cysylltiad â'r cais penodol,

(l) yn achos cais am ddirymiad, pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn cynnwys darpariaeth sy'n awdurdodi caffael tir yn orfodol, unrhyw berson a hysbysir o dan reoliad 5(2), 7(2) neu 15(2) o Reoliadau Caffael Gorfodol 2025, ac

(m) unrhyw berson arall y mae'r awdurdod archwilio neu Weinidogion Cymru yn ystyried (yn ôl y digwydd) ei fod yn briodol.

Hysbysiad o ganiatáu neu wrthod ceisiadau pan fo'r gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru

63.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) yr awdurdod archwilio neu Weinidogion Cymru wedi penderfynu ar gais, a

(b) y gorchymyn cydsyniad seilwaith perthnasol yn rhoi cydsyniad seilwaith ar gyfer datblygiad yn ardal forol Cymru.

(2) Rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) hysbysu'r canlynol am y penderfyniad o dan reoliad 61—

(a) y ceisydd,

(b) unrhyw berson sydd â hawlogaeth i wneud cais o dan adran 90(3) o Ddeddf 2024, os nad y ceisydd yw'r person hwnnw,

(c) Cyfoeth Naturiol Cymru,

(d) unrhyw awdurdod cynllunio y mae'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) yn ystyried ei fod yn briodol,

(e) unrhyw gyngor cymuned y mae'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) yn ystyried ei fod yn briodol,

(f) unrhyw Aelod o'r Senedd y mae'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) yn ystyried ei fod yn briodol,

(g) unrhyw Aelod o Dŷ'r Cyffredin y mae'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) yn ystyried ei fod yn briodol,

(h) unrhyw ymgyngoreion statudol ac arbenigol,

(i) yn achos cais am ddirymiad, yr holl ymgyngoreion statudol ac arbenigol gwreiddiol, a

(j) unrhyw berson arall y mae'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) yn ystyried ei fod yn briodol.

Y rhesymau dros benderfynu caniatáu neu wrthod cais

64.—(1) Pan fydd Gweinidogion Cymru wedi penderfynu ar gais, rhaid iddynt lunio datganiad o'u rhesymau dros benderfynu—

(a) gwneud gorchymyn sy'n newid neu'n dirymu'r gorchymyn cydsyniad seilwaith perthnasol, neu

(b) gwrthod y cais.

(2) Pan fydd yr awdurdod archwilio wedi penderfynu ar gais, rhaid iddo lunio datganiad o'i resymau dros benderfynu—

(a) bod gorchymyn sy'n newid neu'n dirymu (yn ôl y digwydd) y gorchymyn cydsyniad seilwaith perthnasol i'w wneud, neu

(b) gwrthod y cais.

(3) Rhaid i'r awdurdod archwilio neu Weinidogion Cymru (yn ôl y digwydd) ddarparu copi o'r datganiad o'r rhesymau i'r personau sydd i'w hysbysu am benderfyniad ar gais o dan reoliad 62 neu 63 (yn ôl y digwydd).

(4) Rhaid i Weinidogion Cymru neu'r awdurdod archwilio (yn ôl y digwydd) gyhoeddi'r datganiad o'r rhesymau ar wefan.

Pennod 3

Effaith penderfyniadau

Effaith penderfyniad i wneud gorchymyn sy'n gwneud newid i orchymyn cydsyniad seilwaith neu'n dirymu gorchymyn cydsyniad seilwaith

65.—(1) Mae'r rheoliad hwn yn gymwys pan fo Gweinidogion Cymru wedi arfer eu pŵer o dan adran 90(1) o Ddeddf 2024 ar gais o dan adran 90(3) neu (4) o'r Ddeddf honno.

(2) Pan wneir gorchymyn sy'n gwneud newid i orchymyn cydsyniad seilwaith —

(a) mae'r gorchymyn cydsyniad seilwaith perthnasol yn parhau i fod mewn grym, a

(b) mae'r newid i'r gorchymyn cydsyniad seilwaith perthnasol yn cymryd effaith—

(i) o'r dyddiad y rhoddir hysbysiad o'r penderfyniad ar y cais o dan reoliad 62 neu 63 (yn ôl y digwydd), neu

(ii) os yw'n ofynnol gwneud y newid i'r gorchymyn cydsyniad seilwaith perthnasol drwy orchymyn a gynhwysir mewn offeryn statudol, y dyddiad a bennir yn y gorchymyn sy'n gwneud y newid.

(3) Pan wneir gorchymyn sy'n dirymu gorchymyn cydsyniad seilwaith, mae'r dirymiad yn cymryd effaith—

(a) o'r dyddiad a bennir yn y gorchymyn sy'n gwneud y dirymiad, neu

(b) pan na fo dyddiad wedi ei bennu, y dyddiad y gwneir y gorchymyn sy'n dirymu'r gorchymyn cydsyniad seilwaith.

Pennod 4

Her gyfreithiol a'r weithdrefn ar ôl dileu penderfyniad

Heriau cyfreithiol: diwrnod perthnasol

66. Y diwrnod perthnasol at ddibenion adran 96(7)(b) o Ddeddf 2024 yw'r diwrnod—

(a) y tynnir y cais yn ôl,

(b) y cyhoeddir y gorchymyn a wneir o dan adran 90(1) o Ddeddf 2024 neu (os yw'n hwyrach) y cyhoeddir y datganiad o'r rhesymau dros wneud y gorchymyn, neu

(c) y cyhoeddir y datganiad o'r rhesymau dros wrthod cais o dan reoliad 64(4).

Y weithdrefn ar ôl dileu penderfyniad

67.—(1) Mae'r rheoliad hwn yn gymwys pan fo—

(a) awdurdod archwilio wedi ei benodi o dan adran 40(2) o Ddeddf 2024, a

(b) penderfyniad gan yr awdurdod archwilio neu Weinidogion Cymru mewn cysylltiad â chais yn cael ei ddileu gan unrhyw lys.

(2) Rhaid i'r awdurdod archwilio—

(a) anfon datganiad ysgrifenedig at yr holl bartïon a chanddynt fuddiant o'r materion y gwahoddir sylwadau pellach mewn cysylltiad â hwy at ddibenion ei ailystyriaeth o'r penderfyniad, a

(b) rhoi cyfle i'r partïon a chanddynt fuddiant i gyflwyno sylwadau i'r awdurdod archwilio mewn cysylltiad â'r materion hynny.

(3) Rhaid i unrhyw bartïon a chanddynt fuddiant sy'n cael eu gwahodd i gyflwyno sylwadau o dan y rheoliad hwn eu cyflwyno cyn diwedd y cyfnod o—

(a) os yw'r cais yn ymwneud â datblygiad AEA, 28 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl i'r datganiad ysgrifenedig gael ei roi i'r parti a chanddo fuddiant;

(b) mewn unrhyw achos arall, 21 o ddiwrnodau sy'n dechrau â'r diwrnod ar ôl i'r datganiad ysgrifenedig gael ei roi i'r parti a chanddo fuddiant.

(4) Caiff yr awdurdod archwilio estyn y cyfnod a bennir ym mharagraff (3) mewn achos penodol.

(5) Caiff yr awdurdod archwilio, os yw'n ystyried ei bod yn briodol—

(a) ailagor y gwrandawiad neu'r ymchwiliad lleol,

(b) agor gwrandawiad newydd neu ymchwiliad lleol newydd, neu

(c) archwilio'r mater ar sail sylwadau ysgrifenedig.

(6) Gweler rheoliad 25(3) am y diffiniadau o "parti a chanddo fuddiant" a "sylwadau pellach".

Rebecca Evans
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio, un o Weinidogion Cymru
2 Chwefror 2026

YR ATODLEN

Rheoliad 2(1)

Hysbysiadau i ymgyngoreion statudol ac arbenigol

Colofn 1	Colofn 2	Colofn 3	Colofn 4
Paragraff	Disgrifiad o'r Datblygiad	Yr Ymgynghorai Statudol Perthnasol	Yr Ymgynghorai Arbenigol Perthnasol
(a)	Pob cais	Cyfoeth Naturiol Cymru Yr ymgymerwr dŵr a charthffosiaeth perthnasol Gwasanaethau Traffig Awyr Cenedlaethol Y Weinyddiaeth Amddiffyn Iechyd Cyhoeddus Cymru Trafnidiaeth Cymru	Glandŵr Cymru Gweithredwyr Rhwydwaith Dosbarthu
(b)	Datblygiad sy'n debygol o achosi cynnydd sylweddol ym maint y traffig neu newid sylweddol yng nghymeriad y traffig— (i) sy'n ymuno â chefnffordd neu'n ymadael â chefnffordd; (ii) sy'n defnyddio croesfan reilffordd dros reilffordd	Gweinidogion Cymru Gweithredwr y rhwydwaith sy'n cynnwys y rheilffordd o dan sylw neu ar ffurf y rheilffordd honno	
(c)	Datblygiad sy'n cynnwys darparu adeilad neu biblinell mewn ardal gwaith glo a hysbyswyd gan yr Awdurdod Glo i Weinidogion Cymru	Yr Awdurdod Glo	
(d)	(i) Datblygiad sy'n cael effaith ffisegol ar heneb gofrestredig; (ii) Datblygiad sy'n debygol o fod yn weladwy o heneb gofrestredig ac sy'n bodloni un o'r meini prawf a ganlyn— (aa) ei fod o fewn pellter o 0.5 km o unrhyw bwynt o berimedr heneb gofrestredig, (bb) ei fod o fewn pellter o 1 km o berimedr heneb gofrestredig a bod ei uchder yn 15 metr neu ragor, neu fod ei arwynebedd yn 0.2 hectar neu ragor, (cc) ei fod o fewn pellter o 2 km o berimedr heneb gofrestredig a bod ei uchder yn 50 metr neu	Gweinidogion Cymru	

Colofn 1	Colofn 2	Colofn 3	Colofn 4
	ragor, neu fod ei arwynebedd yn 0.5 hectar neu ragor, (dd) ei fod o fewn pellter o 3 km o berimedr heneb gofrestredig a bod ei uchder yn 75 o fetrau neu ragor, neu fod ei arwynebedd yn 1 hectar neu ragor, neu (ee) ei fod o fewn pellter o 5 km o berimedr heneb gofrestredig a bod ei uchder yn 100 metr neu ragor, neu fod ei arwynebedd yn 1 hectar neu ragor, (iii) Datblygiad sy'n debygol o effeithio ar safle neu osodiad parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig; (iv) Datblygiad o fewn tirwedd hanesyddol gofrestredig y mae angen Asesiad o'r Effaith Amgylcheddol ar ei gyfer; (v) Datblygiad sy'n debygol o gael effaith ar werth byd-eang eithriadol Safle Treftadaeth y Byd		
(e)	Datblygiad sy'n cynnwys unrhyw dir y mae theatr arno		Yr Ymddiriedolaeth Theatrau
(f)	Datblygiad sy'n golygu — (i) colli dim llai nag 20 hectar o dir amaethyddol graddau 1, 2 neu 3a a ddefnyddir am y tro (neu a ddefnyddiwyd ddiwethaf) at ddibenion amaethyddol, neu (ii) colli llai nag 20 hectar o dir amaethyddol graddau 1, 2 neu 3a a ddefnyddir am y tro (neu a ddefnyddiwyd ddiwethaf) at ddibenion amaethyddol, mewn amgylchiadau pan fo'r datblygiad yn debygol o arwain at golli rhagor o dir amaethyddol sy'n dod i gyfanswm o 20 hectar neu ragor	Gweinidogion Cymru	
(g)	Datblygiad— (i) sy'n debygol o amharu ar y defnydd o dir, neu arwain at golli'r defnydd o dir, a ddefnyddir fel maes chwarae, neu (ii) sydd ar dir: (aa) a ddefnyddiwyd fel maes chwarae ar unrhyw adeg yn ystod y blynyddoedd cyn gwneud y cais perthnasol ac sy'n parhau heb ei ddatblygu,	Cyngor Chwaraeon Cymru	

Colofn 1	Colofn 2	Colofn 3	Colofn 4
	(bb) a ddyrannwyd i'w ddefnyddio fel maes chwarae mewn cynllun datblygu neu mewn cynigion ar gyfer cynllun o'r fath neu ar gyfer ei addasu neu ei amnewid, neu (iii) sy'n golygu gosod arwyneb artiffisial, arwyneb o waith dyn neu arwyneb cyfansawdd yn lle arwyneb glaswellt llain chwarae ar faes chwarae.		
(h)	Datblygiad— (i) sy'n golygu datblygiad gwastraff; (ii) sy'n golygu darparu adeilad lle y mae'r arwynebedd llawr sydd i'w greu gan y datblygiad yn 1,000 metr sgwâr neu ragor, (iii) a gyflawnir ar safle sydd ag arwynebedd o 1 hectar neu ragor	Yr Awdurdod Tân ac Achub o dan sylw	
(i)	Datblygiad sy'n cynnwys gofyniad am drwydded forol dybiedig	Ystad y Goron Y Cyd-bwyllgor Cadwraeth Natur Asiantaeth y Môr a Gwylwyr y Glannau Trinity House Porthladdoedd Ymddiriedolaeth a Gedwir yn Ôl Yr awdurdod harbwr lleol Porthladdoedd lleol Gweinidogion Cymru Comisiwn Brenhinol Henebion Cymru Awdurdodau Pysgodfeydd a Chadwraeth y Glannau	Y Gymdeithas Hwylio Frenhinol Yr ymddiriedolaeth archaeolegol yng Nghymru o dan sylw Siambr Morgludiant y DU Ffederasiwn Cenedlaethol Cymdeithasau Pysgotwyr Cymdeithas Pysgotwyr Cymru
(j)	Datblygiadau sy'n debygol o effeithio ar yr amgylchedd morwrol neu arfordirol, neu'r diwydiant morgludiant	Asiantaeth y Môr a Gwylwyr y Glannau	
(k)	Datblygiad a all effeithio ar yr amgylchedd morol	Y Cyd-bwyllgor Cadwraeth Natur	
(l)	Datblygiad a all effeithio ar yr amgylchedd morol o fewn dyfroedd tiriogaethol Lloegr	Y Sefydliad Rheoli Morol	
(m)	Datblygiadau sy'n debygol o effeithio ar fordwyo mewn dyfroedd llanw	Trinity House	
(n)	Datblygiad sy'n ymwneud â meysydd awyr neu sy'n debygol o effeithio ar	Yr Awdurdod Hedfan Sifil	

Colofn 1	Colofn 2	Colofn 3	Colofn 4
	faes awyr neu ei weithrediad presennol neu yn y dyfodol		
(o)	Datblygiad sy'n debygol o effeithio ar Ystad y Goron neu sydd wedi ei leoli ar Dir y Goron	Ystad y Goron	
(p)	Datblygiad sy'n debygol o effeithio ar ardal sydd o dan reolaeth awdurdod harbwr	Yr Awdurdod Harbwr o dan sylw Yr Awdurdod Mordwyo o dan sylw Cymdeithas Porthladdoedd Prydain	
(q)	Datblygiad sy'n cynnwys rheilffordd neu sy'n debygol o effeithio ar reilffordd	Gweithredwyr rhwydwaith	
(r)	Datblygiad sy'n cynnwys darparu seilwaith trydan		Gweithredwyr Rhwydwaith Dosbarthu

Dehongli'r Tabl

Yn y Tabl uchod—

(a) ym mharagraff (b)—

mae i "cefnffordd" *("trunk road")* yr un ystyr ag yn adran 143 o Ddeddf 2024;

mae i "gweithredwr" a "rhwydwaith" yr un ystyr ag a roddir i "operator" a "network" yn y drefn honno yn adran 83(1) o Ddeddf Rheilffyrdd 1993(**18**) (darparu gwasanaethau rheilffordd);

(b) ym mharagraff (d)—

mae i "heneb gofrestredig" *("scheduled monument")* yr un ystyr ag yn adran 3(7) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023(**19**) (dyletswydd i gynnal a chyhoeddi cofrestr o henebion);

Mae cyfeiriad at uchder datblygiad i'w ddehongli fel cyfeiriad at ei uchder wedi ei fesur o lefel y ddaear; ac at ddibenion y paragraff hwn ystyr "lefel y ddaear" yw lefel arwyneb y ddaear yn union gerllaw'r datblygiad o dan sylw neu, pan na fo lefel arwyneb y ddaear y lleolir y datblygiad arno yn wastad, lefel rhan uchaf yr arwyneb yn union gerllaw'r datblygiad;

ystyr "parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig" *("registered historic park or garden")* a "tirwedd hanesyddol gofrestredig" ("registered historic landscape") yw'r parc, yr ardd neu'r dirwedd a gynhwysir yn y Gofrestr o Dirweddau, Parciau a Gerddi o Ddiddordeb Hanesyddol Arbennig yng Nghymru a gynhelir gan Weinidogion Cymru;

ystyr "Safle Treftadaeth y Byd" *("World Heritage Site")* yw tir sy'n ymddangos ar Restr Treftadaeth y Byd a gedwir o dan erthygl 11(2) o Gonfensiwn UNESCO ar Amddiffyn Treftadaeth Ddiwylliannol a Naturiol y Byd a fabwysiadwyd ym Mharis ar 16 Tachwedd 1972;

(c) ym mharagraff (e), mae i "theatr" yr un ystyr ag a roddir i "theatre" yn adran 5 o Ddeddf yr Ymddiriedolaeth Theatrau 1976(**20**) (dehongli);

(d) ym mharagraff (g)—

ystyr "llain chwarae" *("playing pitch")* yw man wedi ei amlinellu y mae, ynghyd ag unrhyw redegfa iddo, yn 0.2 hectar neu ragor, ac a ddefnyddir ar gyfer pêl-droed,

(**18**) 1993 p. 43.
(**19**) 2023 dsc 3.
(**20**) 1976 p. 27.

pêl-droed Americanaidd, rygbi, criced, hoci, lacrós, rownderi, pêl fas, pêl feddal, pêl-droed Awstralaidd, pêl-droed Gwyddelig, bando, hyrli, polo neu polo beiciau; ystyr "maes chwarae" *("playing field")* yw'r cyfan o safle sy'n cwmpasu o leiaf un llain chwarae;

(e) ym mharagraffau (i) a (p) mae i "awdurdod harbwr" yr ystyr a roddir yn adran 143 o Ddeddf 2024;

(f) ym mharagraff (n) mae i "maes awyr" yr ystyr a roddir yn adran 143 o Ddeddf 2024;

(g) ym mharagraff (r) ystyr "Gweithredwyr Rhwydwaith Dosbarthu" yw cwmnïau sydd wedi eu trwyddedu i weithredu'r rhwydweithiau sy'n dosbarthu trydan o'r grid trosglwyddo cenedlaethol i'r defnyddwyr terfynol.

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd y Brenin ar gyfer Cymru.

WELSH STATUTORY INSTRUMENTS

2026 No. 25

INFRASTRUCTURE PLANNING, WALES

The Infrastructure Consent (Correcting Errors and Applications to Change or Revoke Infrastructure Consent Orders) (Procedure) (Wales) Regulations 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Infrastructure (Wales) Act 2024 ("the 2024 Act") establishes a unified application and consenting process to enable making and consideration of applications for infrastructure consent. The process applies to the significant infrastructure projects that are specified in Part 1 of the 2024 Act. Broadly, they are energy, transport, waste and water projects.

Part 6 of the 2024 Act makes provision about infrastructure consent orders (orders granting infrastructure consent) including provision giving the Welsh Ministers—

(a) power to correct errors in a decision document, which is defined in section 86 of the 2024 Act as an infrastructure consent order or a notice notifying an applicant their application for infrastructure consent has been refused (section 87 of the 2024 Act), and

(b) power, by order, to change or revoke an infrastructure consent order (section 90 of the 2024 Act).

These Regulations make provision about the procedure for correcting an error in a decision document and about the procedure in relation to applications to change or revoke an infrastructure consent order.

Part 1 of these Regulations makes general provision.

Part 2 of these Regulations makes provision about consultation where it is proposed that an error in a decision document be corrected, giving notice of a decision whether or not to correct an error and the effect of such a decision.

Part 3 of these Regulations makes provision about the procedure in relation to making applications to change or revoke an infrastructure consent order, including the pre-application procedure.

Part 4 of these Regulations makes provision about the procedure for examining an application to change or revoke an infrastructure consent order where an examining authority is appointed under section 40(2) of the 2024 Act.

Part 5 of these Regulations makes provision about the procedure to be followed where an examining authority is not appointed to examine an application.

Part 6 of these Regulations makes provision about the making of decisions on applications to change or revoke an infrastructure consent order and the effect of such decisions. It also makes provision about the "relevant day" for the purposes of section 96(7)(b) of the 2024 Act (legal challenges) and the procedure following the quashing of a decision.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at www.gov.wales.

2026 No. 25

INFRASTRUCTURE PLANNING, WALES

The Infrastructure Consent (Correcting Errors and Applications to Change or Revoke Infrastructure Consent Orders) (Procedure) (Wales) Regulations 2026

Made	*2 February 2026*
Coming into force	*16 March 2026*

The Welsh Ministers, in exercise of the powers conferred on them by sections 40(5) and (6)(a) to (c), 42(4) and (6), 44(1), (2) and (4), 65(4), 88, 91(1), (3) and (5), 96(7)(b), 140(1) and (2)(**1**) and 141(2) of the Infrastructure (Wales) Act 2024(**2**), make the following Regulations.

PART 1
Preliminary

Title and coming into force

1. The title of these Regulations is the Infrastructure Consent (Correcting Errors and Applications to Change or Revoke Infrastructure Consent Orders) (Procedure) (Wales) Regulations 2026 and they come into force on 16 March 2026.

General interpretation, notices, plans etc.

2.—(1) In these Regulations—

"the 2024 Act" ("*Deddf 2024*") means the Infrastructure (Wales) Act 2024;

"the 2025 Applications Regulations" ("*Rheoliadau Ceisiadau 2025*") means the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025(**3**);

"the 2025 Compulsory Acquisition Regulations" ("*Rheoliadau Caffael Gorfodol 2025*") means the Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025(**4**);

(**1**) For the meaning of "appropriate Minister" *see* section 140(4) of the Infrastructure (Wales) Act 2024 (asc 3); *see* section 140(3) otherwise.
(**2**) 2024 asc 3.
(**3**) S.I. 2025/690 (W. 114) to which there are amendments which are not relevant to these Regulations.
(**4**) S.I. 2025/691 (W. 115) which were amended by S.I. 2025/1091 (W. 181).

"additional interested person" ("*person ychwanegol a chanddo fuddiant*") means—

(a) an interested person who has not been given notice of a proposed application in accordance with regulation 9(2)(a)(x);

(b) an interested person who has not been given notice of an application in accordance with regulation 20(3);

"applicant" ("*ceisydd*") means a person who proposes to make, or has made an application (as the case may be);

"application" ("*cais*") means an application under section 90 of the 2024 Act (applications to change or revoke an infrastructure consent order);

"application for a material change" ("*cais am newid sylweddol*") has the meaning given in regulation 9(1)(b)(i);

"application for a non-material change" ("*cais am newid ansylweddol*") has the meaning given in regulation 15(1)(b);

"application for revocation" ("*cais am ddirymiad*") has the meaning given in regulation 9(1)(b)(ii);

"book of reference" ("*cyfeirlyfr*") has the meaning given in regulation 13 of the 2025 Compulsory Acquisition Regulations;

"compulsory acquisition request" ("*archiad caffael gorfodol*") means a request to authorise compulsory acquisition of land, or an interest in or right over land;

"cross-referencing document" ("*dogfen groesgyfeirio*") means a document in the form published by the Welsh Ministers, or in a form substantially to the same effect, that cross-references representations from interested persons received during the pre-application representation period or the post-application representation period with the book of reference;

"development" ("*datblygiad*") has the meaning given in section 133 of the 2024 Act;

"EIA development" ("*datblygiad AEA*") means activity that—

(a) is "EIA development" as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(**5**), or

(b) requires an environmental impact assessment in accordance with regulation 2A or Part 2 of the Marine Works (Environmental Impact Assessment) Regulations 2007(**6**);

"examining authority" ("*awdurdod archwilio*") means a person or panel of persons appointed under section 40(2) of the 2024 Act in respect of a particular application;

"infrastructure consent" ("*cydsyniad seilwaith*") means the consent required by section 19 of the 2024 Act;

"infrastructure consent order" ("*gorchymyn cydsyniad seilwaith*") means an order made under the 2024 Act granting infrastructure consent;

"interested person" ("*person a chanddo fuddiant*") means in the case of a proposed application or application, a person who the applicant, after making diligent inquiry,

(**5**) S.I. 2017/567 (W. 136) which were amended by S.I. 2025/1192 (W. 193). There are other amendments, but none are relevant to these Regulations.

(**6**) S.I. 2007/1518, amending instruments are S.I. 2011/735, S.I. 2015/446, S.I. 2017/588, S.I. 2019/25 and S.I. 2025/1192 (W. 193).

knows to be a person interested in the land to which a compulsory acquisition request relates or any part of that land;

"land" ("*tir*") includes buildings, monuments and land covered with waters (including the sea bed);

"material change" ("*newid sylweddol*") means a change to an infrastructure consent order which the Welsh Ministers are satisfied is material;

"non-material change" ("*newid ansylweddol*") means a change to an infrastructure consent order which the Welsh Ministers are satisfied is not material;

"notice of acceptance" ("*hysbysiad derbyn*") means a notice given under regulation 7(3);

"notice of proposed application" ("*hysbysiad o gais arfaethedig*") means a notice given in accordance with regulation 6;

"original applicant" ("*ceisydd gwreiddiol*") means, in relation to an infrastructure consent order, the person who applied for the order;

"original specialist consultee" ("*ymgynghorai arbenigol gwreiddiol*") means any person given notice under regulation 23(1)(b) of the 2025 Applications Regulations of the application for infrastructure consent under section 32 of the 2024 Act to which the relevant infrastructure consent order relates;

"original statutory consultee" ("*ymgynghorai statudol gwreiddiol*") means any person given notice under regulation 23(1)(a) of the 2025 Applications Regulations of the application for infrastructure consent under section 32 of the 2024 Act to which the relevant infrastructure consent order relates;

"planning authority" ("*awdurdod cynllunio*") means the local planning authority within the meaning given by Part 1 of the Town and Country Planning Act 1990(**7**) (but see regulation 25(2));

"post-application representation period" ("*cyfnod ar gyfer sylwadau ar ôl gwneud cais*") means the period ending with the deadline specified in a notice of application given under regulation 20 or 21 (as the case may be) as required by regulation 22(1)(e) in respect of a particular application;

"pre-application representation period" ("*cyfnod ar gyfer sylwadau cyn gwneud cais*") means the period ending with the deadline specified in a notice of proposed application given under regulation 9, 10 or 12 (as the case may be) as required by regulation 11(1)(k) in respect of a particular application;

"relevant claim" ("*hawliad perthnasol*") means—

(a) a claim under section 10 of the Compulsory Purchase Act 1965(**8**) (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(**9**) (compensation for depreciation of land value by physical factors caused by use of public works);

(c) a claim under section 101(3) of the 2024 Act;

"representation" ("*sylw*") includes evidence;

(**7**) 1990 c. 8.
(**8**) 1965 c. 56.
(**9**) 1973 c. 26.

"specialist consultee" ("*ymgynghorai arbenigol*") means where the proposed application or application includes a request to authorise development of a kind set out in the second column of the table in the Schedule, the person mentioned in the fourth column of that table in relation to that kind of development;

"statutory consultee" ("*ymgynghorai statudol*") means where the proposed application or application includes a request to authorise development of a kind set out in the second column of the table in the Schedule, the person mentioned in the third column of that table in relation to that kind of development;

"the relevant infrastructure consent order" ("*y gorchymyn cydsyniad seilwaith perthnasol*") means the infrastructure consent order to which the proposed application or application relates;

"the relevant land" ("*y tir perthnasol*") means—

(a) in the case of a proposed application or an application to change an infrastructure consent order which grants infrastructure consent for development in Wales, the land to which the proposed application or application relates, or any part of that land;

(b) in the case of a proposed application or application to revoke an infrastructure consent order which grants infrastructure consent for development in Wales, the land to which the relevant infrastructure consent order relates, or any part of that land;

"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(**10**));

"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(**11**).

(2) See section 136 of the 2024 Act in relation to provision in these Regulations which requires or authorises a person to—

(a) notify another person of something, or

(b) give a document to another person (whether the provision uses the word "serve", "give" or other term).

(3) Any plans or drawings required under these Regulations must be drawn to an identified scale and in the case of plans—

(a) where the relevant infrastructure consent order grants infrastructure consent for development in Wales, show the direction of north, and

(b) where the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area, contain co-ordinates showing the location to which the proposed application, or the application, relates.

(4) In paragraph (3), "co-ordinates" means—

(a) co-ordinates of latitude and longitude using the world Geodetic System 1984(**12**), or

(**10**) 1972 c. 70. Part 1 was amended by the Local Government (Wales) Act 1994 (c. 19), section 1(2) and Schedule 1, paragraph 1 and Part 2 was amended by section 1(2) and Schedule 1, paragraph 2 of that Act.
(**11**) S.I. 1999/672.
(**12**) The World Geodetic System 1984 ("WGS 84") defines a reference frame for the earth, for use in geodesy and navigation. It was developed by the United States' National Geospatial-Intelligence Agency and is maintained by it. WGS 84 is defined at paragraph 2.1 of the United States' National Imagery and Mapping Agency

(b) co-ordinates on the National Grid used by Ordnance Survey.

(5) Part 3 of these Regulations prescribes the procedure for the purposes of section 65(4) of the 2024 Act (land to which authorisation of compulsory acquisition can relate) so far as it makes provision in respect of a proposed application or application which includes a compulsory acquisition request.

PART 2

Correction of errors

Correcting errors: consultation

3.—(1) Before the Welsh Ministers exercise the power in section 87(2) of the 2024 Act (power to correct errors in decision documents), they must consult the following—

(a) the original applicant,

(b) where the decision document relates to the grant or refusal of infrastructure consent for development in Wales, each planning authority for the area in which the development for which infrastructure consent was granted or requested is located,

(c) where the decision document relates to the grant or refusal of infrastructure consent for development in the Welsh marine area, Natural Resources Wales,

(d) where the Welsh Ministers have received a request in writing to correct an error, the person who made the request, if that person has not been given notice under sub-paragraphs (a) to (c), and

(e) any other person the Welsh Ministers consider appropriate.

(2) In carrying out consultation under paragraph (1), the Welsh Ministers must give the persons consulted a notice containing the following information—

(a) a statement that the Welsh Ministers are considering making a correction, giving reasons as to why they are considering making the correction, and

(b) details of the proposed correction.

(3) Where the Welsh Ministers give notice under paragraph (2), they must not exercise the power in section 87(2) of the 2024 Act before the end of 21 days beginning with the day after the date the Welsh Ministers give notice under that paragraph.

(4) In this Part "decision document" and "error" have the same meaning as in section 86 of the 2024 Act.

Correcting errors: decision notice

4.—(1) Following consultation under regulation 3, the Welsh Ministers must give notice of their decision ("correction of errors decision notice") to the persons consulted under that regulation.

(2) A correction of errors decision notice must—

(a) specify the correction of the error, or

(b) give notice of the decision not to correct the error, and

(c) give reasons for the Welsh Ministers' decision.

Technical Report TR8350.2, third edition, amendment 1 of 3 January 2000 entitled "Department of Defense World Geodetic System 1984 https://gis-lab.info/docs/nima-tr8350.2-wgs84fin.pdf

(3) The Welsh Ministers must publish a correction of errors decision notice in such manner as they consider appropriate.

(4) In this regulation and regulation 5, "correction of errors decision notice" has the meaning given in paragraph (1).

Correcting errors: effect of a decision

5.—(1) If the Welsh Ministers correct an error in a decision document under section 87(2) of the 2024 Act—

(a) the original decision and the decision document containing it continue in force,

(b) where the decision document is a notice of refusal of infrastructure consent, it is treated as corrected as specified in the correction of errors decision notice with effect from the date that notice is given, and

(c) where the decision document is an infrastructure consent order, the correction takes effect on the date specified in the order made by the Welsh Ministers under section 87(4) of the 2024 Act.

(2) If a correction is not made the original decision and decision document containing it continue to have effect.

PART 3

Applications to change or revoke an infrastructure consent order

Chapter 1

Pre-application procedure

Notice of proposed application

6.—(1) An applicant must notify the Welsh Ministers of a proposed application ("notice of proposed application").

(2) A notice of proposed application must contain the following information—

(a) the reference number of the relevant infrastructure consent order,

(b) a statement confirming whether the proposed application is to change or revoke an infrastructure consent order,

(c) where the proposed application is to change an infrastructure consent order—

(i) a description of the change, and

(ii) where the proposed application includes a compulsory acquisition request, a statement to that effect,

(d) where the proposed application is to revoke an infrastructure consent order—

(i) where the applicant is a planning authority, a statement explaining how the authority considers the conditions in section 90(4) of the 2024 Act are met;

(ii) in any other case, a statement giving reasons for the proposed application, and

(e) where the proposed application relates to EIA development, a statement to that effect.

(3) A notice of proposed application must be accompanied by—

(a) any documents, plans or other information that are relevant to the proposed application, and

(b) any fee required to be paid in relation to the giving of the notice.

Deciding on acceptance of a notice of proposed application and notifying the applicant

7.—(1) Where the Welsh Ministers receive a notice of proposed application, they must decide whether to accept the notice.

(2) The Welsh Ministers must accept a notice of proposed application if it complies with the requirements imposed by regulation 6.

(3) If the Welsh Ministers accept the notice of proposed application, they must give notice of their decision to the applicant ("notice of acceptance") within 28 days beginning with the day after the receipt of the notice of proposed application.

(4) The Welsh Ministers must include in the notice of acceptance—

(a) the date of the notice, and

(b) if the proposed application is to change an infrastructure consent order, a statement as to whether the change is a material change or a non-material change.

(5) Where the proposed application is to make a non-material change, the Welsh Ministers may include provision in the notice of acceptance that—

(a) the notice of proposed application is to be treated as an application, and

(b) the applicant is not required to comply with regulation 15.

(6) If the Welsh Ministers do not accept the notice of proposed application, they must give notice of their decision to the applicant, giving reasons for the decision, within 28 days beginning with the day after the receipt of the notice of proposed application.

Website

8.—(1) Where a notice of acceptance has been given, the applicant must publish the following information on a website —

(a) a copy of the notice of proposed application, including any documents, plans or other information which accompanied the notice of proposed application, and

(b) a copy of the notice of acceptance.

(2) The information referred to in paragraph (1) must be published as soon as reasonably practicable after receipt of the notice of acceptance.

Notices and publicity of a proposed application for a material change or for revocation: development in Wales

9.—(1) This regulation applies where—

(a) a notice of acceptance has been given,

(b) the proposed application is either—

(i) an application where the notice of acceptance confirms the proposed application relates to a material change ("application for a material change"), or

(ii) an application for revocation of an infrastructure consent order ("application for revocation"), and

(c) the relevant infrastructure consent order grants infrastructure consent for development in Wales.

(2) The applicant must—

(a) give written notice to—

(i) any person entitled to make an application under section 90(3) of the 2024 Act, if that person is not the applicant,

(ii) any person who, if the relevant infrastructure consent order were to be changed as requested in the proposed application and fully implemented, would or might be entitled to make a relevant claim,

(iii) any owner or occupier of land adjoining the relevant land,

(iv) each planning authority for an area of the relevant land, if that planning authority is not the applicant,

(v) if the relevant land is located in an area for which there is a community council, the community council,

(vi) each member of the Senedd representing an area of the relevant land,

(vii) each member of the House of Commons representing an area of the relevant land,

(viii) any statutory and specialist consultees,

(ix) in the case of a proposed application for revocation, all original statutory and specialist consultees,

(x) where the proposed application includes a compulsory acquisition request, any interested person,

(xi) in the case of a proposed application for revocation where the relevant infrastructure consent order includes provision authorising the compulsory acquisition of land, any person notified under regulation 5(2), 7(2) or 15(2) of the 2025 Compulsory Acquisition Regulations, and

(xii) any other person the applicant considers appropriate,

(b) display a notice in a conspicuous place on or near the relevant land for at least 4 weeks ("site notice"), and

(c) publish a notice in one or more newspapers circulating in the locality of the relevant land for at least 7 days.

(3) A site notice must be displayed at intervals of not more than 5 km, unless it is impracticable to do so, where—

(a) the proposed application relates to a linear scheme that is more than 5 km in length;

(b) in the case of a proposed application for revocation, the relevant infrastructure consent order grants infrastructure consent for development that relates to a linear scheme that is more than 5 km in length.

(4) Where a site notice is, without the fault of the applicant, removed, obscured or defaced before the end of the 4 weeks, the applicant is treated as having complied with the requirements of paragraphs (2)(b) and (3) if it has taken reasonable steps for the protection of the site notice and, if necessary, replaced it.

(5) A notice given, displayed or published under this regulation must contain the information specified in regulation 11.

Notices and publicity of a proposed application for a material change or revocation: development in the Welsh marine area

10.—(1) This regulation applies where—

(a) a notice of acceptance has been given,

(b) the proposed application is an application for a material change or an application for revocation, and

(c) the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area.

(2) The applicant must—

(a) give written notice to –

(i) any person entitled to make an application under section 90(3) of the 2024 Act, if that person is not the applicant,

(ii) Natural Resources Wales,

(iii) any planning authority considered appropriate by the applicant,

(iv) any community council considered appropriate by the applicant,

(v) any Member of the Senedd considered appropriate by the applicant,

(vi) any Member of the House of Commons considered appropriate by the applicant,

(vii) any statutory and specialist consultees,

(viii) in the case of a proposed application for revocation, all original statutory and specialist consultees, and

(ix) any other person the applicant considers appropriate, and

(b) publish a notice for at least 7 days in—

(i) one or more local newspapers which are likely to come to the attention of those likely to be affected by the order sought in the proposed application,

(ii) at least one appropriate fishing journal if one is in circulation, and

(iii) Lloyd's list.

(3) A notice given or published under this regulation must contain the information specified in regulation 11.

Information to be contained in notices under regulations 9, 10 and 12

11.—(1) Notices given, displayed or published under regulations 9, 10 and 12 must contain the following information—

(a) contact details for the applicant, including a postal and email address and telephone number,

(b) the reference number of the relevant infrastructure consent order,

(c) a statement that the applicant intends to make an application for a material change or an application for revocation (as the case may be),

(d) if the proposed application is an application for a material change, a description of the change,

(e) if the proposed application is for revocation—

(i) where the applicant is a planning authority, a statement explaining how the authority considers the conditions in section 90(4) of the 2024 Act are met;

(ii) in all other cases, a statement giving reasons for the proposed application,

(f) where the proposed application relates to EIA development, a statement to that effect,

(g) if the proposed application includes a compulsory acquisition request—

(i) a statement to that effect, and

(ii) details of the land included in the compulsory acquisition request,

(h) details of the website under regulation 8 and an address at which documents published on that website can be viewed,

(i) the latest date on which copies of documents and plans will be available for viewing —

(i) on the website under regulation 8, and

(ii) at the address referred to in sub-paragraph (h),

(j) details of how representations on the proposed application are to be made, and

(k) the latest date by which representations on the proposed application must be received.

(2) The latest date referred to in paragraph (1)(i) and (k) must be at least 28 days after whichever is the latest of the following dates—

(a) the date the notice was given,

(b) the date the notice was first displayed, or

(c) the date the notice was first published.

Notice of proposed application: additional interested persons

12.—(1) This regulation applies where—

(a) a proposed application for a material change includes a compulsory acquisition request, and

(b) the applicant identifies an additional interested person.

(2) The applicant must give notice in writing of the proposed application to any additional interested person within 14 days starting with the day after the date on which the person is identified.

(3) A notice under paragraph (1) must include the information specified in regulation 11.

Duty to take into account responses to notices and publicity

13.—(1) This regulation applies where a proposed application is either—

(a) an application for revocation, or

(b) an application for a material change.

(2) When deciding whether to make an application on the same terms as the proposed application, the applicant must take into account any representations received during the pre-application representation period.

Chapter 2

Application procedure

Period within which applications must be made

14.—(1) Subject to paragraph (2), an application must be made to the Welsh Ministers within 6 months beginning with the day after the date stated in the notice of acceptance relating to a proposed application.

(2) The period in which an application must be made under paragraph (1) is extended by 28 days if—

(a) an additional interested person is given notice of the proposed application under regulation 12, and

(b) that notice is given within the period of 28 days ending with the date for making an application under paragraph (1).

Applications for a non-material change

15.—(1) This regulation and regulation 16 apply where—

(a) a notice of acceptance has been given,

(b) the notice of acceptance in relation to the particular proposed application confirms the proposed application relates to a non-material change ("application for a non-material change"), and

(c) the notice of acceptance in relation to the particular proposed application does not include provision under regulation 7(5) that the applicant's notice of proposed application is to be treated as an application.

(2) An application for a non-material change must—

(a) be on the form published by the Welsh Ministers or a form substantially to the same effect,

(b) be the same or substantially the same as the proposed application, and

(c) include—

(i) the matters specified in the form,

(ii) any documents, drawings and plans that are relevant to the application,

(iii) a statement confirming whether the applicant is—

(aa) the original applicant or a successor in title of that person,

(bb) a person with an interest in the land to which the relevant infrastructure consent order relates, or

(cc) any other person for whose benefit the relevant infrastructure consent order has effect, and

(iv) any fee payable to the Welsh Ministers for making the application.

(3) Where an application is made electronically the Welsh Ministers may request that the applicant deposits one hard copy of the application with them.

(4) The Welsh Ministers must as soon as reasonably practicable after receiving an application—

(a) give notice of its receipt to the applicant;

(b) publish on a website the application including any documents, drawings and plans.

Applications for a non-material change: notices and publicity

16.—(1) As soon as reasonably practicable after receiving a notice under regulation 15(4)(a), the applicant must—

(a) give notice of the application to—

(i) any person entitled to make an application under section 90(3) of the 2024 Act, if that person is not the applicant, and

(ii) any other person who may be directly affected by the change proposed in the application,

(b) publish notice of the application for at least 7 days in one or more local newspapers which are likely to come to the attention of those likely to be affected by the change proposed in the application.

(2) Notices given or published under paragraph (1) must contain the following information—

(a) contact details for the applicant, including a postal and email address and telephone number,

(b) a statement that the applicant has made an application for a non-material change,

(c) a description of the proposed non-material change, and

(d) details of a website (if any) and an address where the application, including any documents, drawings and plans, can be viewed.

(3) The applicant must as soon as reasonably practicable after taking the steps in paragraph (1), give the Welsh Ministers—

(a) a statement setting out the steps the applicant has taken to comply with paragraph (1), and

(b) a copy of the notice referred to in paragraph (1).

(4) The Welsh Ministers must, as soon as reasonably practicable after receiving the statement and notice referred to in paragraph (3), give notice of receipt to the applicant.

(5) The Welsh Ministers need not consider the application until they have received the statement and notice referred to in paragraph (3).

Applications for a material change or for revocation

17.—(1) This regulation applies to an application for a material change or an application for revocation.

(2) An application must—

(a) be made on the form published by the Welsh Ministers or a form substantially to the same effect, and

(b) include—

(i) the matters specified in the form,

(ii) a pre-application publicity report,

(iii) a plan identifying the location to which the application relates,

(iv) where applicable, an environmental statement,

(v) where an application includes a compulsory acquisition request—

(aa) a book of reference,

(bb) a statement of reasons justifying the compulsory acquisition request,

(cc) a statement of funding explaining how the compulsory acquisition is to be funded,

(dd) a plan identifying any land to which the compulsory acquisition request relates, including that land which would be protected from development, any land on which private rights would be extinguished and any replacement or special category land, and

(ee) a cross-referencing document, and

(vi) any other documents, drawings and plans considered necessary to support the application.

(3) In this regulation—

(a) "environmental statement" has the meaning given in—

(i) regulation 2(1) of the Marine Works (Environmental Impact Assessment) Regulations 2007, in a case where the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area;

(ii) regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, in a case where the relevant infrastructure consent order grants infrastructure consent for development in Wales;

(b) "pre-application publicity report" means a report giving details of—

(i) the representations received—

(aa) during the pre-application representation period, and

(bb) following notice given to any additional interested person under regulation 12, and

(ii) the account taken of those representations;

(c) "replacement land" has the meaning given in section 70 (commons, open spaces etc: compulsory acquisition of land) or 71 (commons, open spaces etc: compulsory acquisition of rights over land) of the 2024 Act (as the case may be);

(d) "special category land" means land identified as forming part of a common, open space, National Trust land, or fuel or field garden allotment.

Deciding on the validity of an application for a material change or for revocation and notifying the applicant

18.—(1) Where the Welsh Ministers receive an application for a material change or an application for revocation, 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 regulation 14;

(b) it complies with the requirements of regulation 17.

(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 their decision.

(5) The Welsh Ministers must give notice under paragraph (3) or (as the case may be) (4) within 28 days beginning with the day after the day the Welsh Ministers receive the application.

Extending the timescale for validating an application for a material change or for revocation

19.—(1) The Welsh Ministers may make a direction extending the timescale for validating an application for a material change or an application for revocation.

(2) Where the Welsh Ministers make a direction under paragraph (1), they must provide written notice to the applicant specifying the date by which a decision on the validity of the application will be made.

Applications for a material change or for revocation: notices and publicity

20.—(1) This regulation applies where the Welsh Ministers accept an application for a material change or an application for revocation as a valid application.

(2) The applicant must, as soon as reasonably practicable after receiving a notice under regulation 18(3)—

(a) publish on a website the application including any documents, plans or other information as soon as reasonably practicable after receipt of the notice under regulation 18(3), and

(b) where the relevant infrastructure consent order grants infrastructure consent for development in Wales, give, display and publish notice of the application in accordance with paragraph (3), or

(c) where the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area, give and publish notice of the application in accordance with paragraph (4).

(3) The applicant must give, display and publish notice of the application in the same manner as a notice of proposed application is required to be given, displayed and published under regulation 9(2) to (4), but as if each reference to “proposed application” in that regulation read “application”.

(4) The applicant must give and publish notice of the application in the same manner as a notice of proposed application is required to be given and published under regulation 10(2) but as if each reference to “proposed application” in that regulation read “application”.

(5) A notice given, displayed or published under this regulation must contain the information specified in regulation 22.

Notice of application: additional interested persons

21.—(1) This regulation applies where—

(a) the application includes a compulsory acquisition request, and

(b) the applicant identifies an additional interested person.

(2) The applicant must give notice of the application to any additional interested person within 14 days starting with the day after the date on which the person is identified.

(3) A notice given under this regulation must contain the information specified in regulation 22.

Information to be contained in notices under regulations 20 and 21 and notifying the Welsh Ministers of representations

22.—(1) Notices given, displayed or published under regulations 20 and 21 must contain the following information—

(a) the information specified in regulation 11(a), (b), (d) to (g), and (j) but as if each reference to "proposed application" in that regulation read "application",

(b) a statement that the applicant has made an application for a material change or an application for revocation (as the case may be),

(c) details of the website under regulation 20(2)(a) and an address at which documents published on that website can be viewed,

(d) the latest date on which copies of documents and plans will be available for viewing —

(i) on the website under regulation 20(2)(a), and

(ii) at the address referred to in sub-paragraph (c), and

(e) the latest date by which representations on the application must be received.

(2) The latest date referred to in paragraph (1)(d) and (e) must be at least 28 days after whichever is the latest of the following dates—

(a) the date the notice was given,

(b) the date the notice was first displayed, or

(c) the date the notice was first published.

(3) The applicant must give the Welsh Ministers—

(a) copies of any representations on the application received during the post-application representation period as soon as reasonably practicable after the end of that period;

(b) copies of any representations received on the application from additional interested persons given notice under regulation 21, as soon as reasonably practicable after receipt of each representation.

Book of reference and cross-referencing document: updating

23.—(1) The details contained in each part of the book of reference provided under regulation 17 must be kept up to date by the applicant until the date a decision on the application is published under regulation 61(4).

(2) Where the applicant updates the details in the book of reference, they must give notice of the change to the Welsh Ministers as soon as reasonably practicable.

(3) Where an applicant receives representations on an application from an interested person or an additional interested person, they must update the cross-referencing document provided under regulation 17 until the date a decision on the application is published under regulation 61(4).

(4) Where an applicant updates the cross-referencing document, they must provide the updated document to the Welsh Ministers as soon as reasonably practicable after the date the representation was received.

PART 4

Examination procedure

Chapter 1

General

Application of Part

24. This Part applies where the Welsh Ministers appoint a person or a panel of persons to examine an application under section 40(2) of the 2024 Act.

Interpretation of Part 4 and reopened inquiry

25.—(1) In this Part—

"determination of procedure" ("*dyfarniad o'r weithdrefn*") means a determination under section 42(1) of the 2024 Act or regulation 31(2);

"further written representations" ("*sylwadau ysgrifenedig pellach")* means representations on the application that are made in accordance with regulation 40;

"initial written representations" ("*sylwadau ysgrifenedig cychwynnol*") means representations that were made on the application during the representation period;

"panel" ("*panel*") means a panel of persons appointed to examine an application under section 40(2) of the 2024 Act;

"remotely" ("*o bell*") means by means of—

(a) a live telephone link,

(b) a live video link, or

(c) any other equipment or facility that enables persons who are not in the same place to make representations at the hearing or local inquiry;

"representation period" ("*cyfnod ar gyfer sylwadau*") means the post-application representation period in respect of a particular application;

"timetable" ("*amserlen*") means a timetable in relation to the application prepared in accordance with regulation 33;

"written representations" ("*sylwadau ysgrifenedig*") means initial written representations and any further written representations.

(2) In this Part references to "the planning authority"(**13**) are—

(a) where the relevant infrastructure consent order grants infrastructure consent for development in Wales, to the planning authority for an area of the relevant land;

(b) where the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area, to the planning authority nearest to the area to which the application relates.

(3) In this Part and regulation 67—

"further representations" ("*sylwadau pellach*") means oral or written representations further to initial written representations;

(**13**) See regulation 2(1) for the meaning of "planning authority".

"interested party" ("*parti a chanddo fuddiant*") means—

(a) the applicant;

(b) any person who made initial written representations in respect of a particular application;

(c) where an examination relates to an application that includes a compulsory acquisition request, any person identified in the book of reference.

(4) Where a hearing or local inquiry is re-opened under these Regulations or under the 2024 Act, the provisions of these Regulations apply as if the hearing or inquiry had not been closed.

Chapter 2

The examining authority etc.

Appointing a panel as an examining authority

26.—(1) If the Welsh Ministers appoint a panel of persons as the examining authority, it must appoint one of its members to chair the panel.

(2) A change of, or vacancy in, the membership or chair of a panel does not affect—

(a) the matters done by, or in relation to, the panel before that change;

(b) the continuing identity of the panel.

Replacing a panel or person as examining authority

27.—(1) The Welsh Ministers may at any time—

(a) replace a panel with a person;

(b) replace a panel with a new panel;

(c) replace a person with a panel;

(d) replace a person with a new person.

(2) The replacement examining authority may treat things done by or in relation to the previous examining authority as done, in whole or in part, by or in relation to that new panel.

Notification of examining authority

28.—(1) The Welsh Ministers must ensure that the applicant and the planning authority are notified of the name and contact details of the examining authority appointed—

(a) in the case of the first appointment, within 7 days beginning with the date that the appointment is made;

(b) in the case of any subsequent appointment, as soon as reasonably practicable.

(2) The Welsh Ministers must notify the applicant and the planning authority as soon as reasonably practicable of any change of or to the examining authority.

(3) The person who is the examining authority or the chair of the panel who is the examining authority must announce their appointment, name and the means of contacting them at the start of a hearing or local inquiry.

Allocation of functions by a panel

29.—(1) This regulation applies when a panel is appointed to examine an application.

(2) The panel may allocate any part of the examination to any of its members.

(3) Where the panel makes an allocation under paragraph (2)—

(a) anything that is done by, or to, the panel in connection with the allocated part of the examination, may be done by or to the member in question or by the panel, and

(b) findings and conclusions of the member in question are treated as findings and conclusions of the panel.

(4) Paragraph (3)(b) is subject to any decision of the panel made on or before the allocation, as to the status of any such findings or conclusions.

Decision-making by a panel

30.—(1) A panel must make decisions by agreement of the majority of its members.

(2) If the members of a panel with an even number of members are unable to reach a decision by agreement of the majority of its members, the chair of the panel has a casting vote.

Chapter 3

Preparation for, and managing, examination

Determination of procedure

31.—(1) The examining authority must exercise its function under section 42(1) of the 2024 Act (determination of procedure) before—

(a) where the application includes a compulsory acquisition request and the examining authority is proposing that the request be examined other than at a hearing or a local inquiry, the end of 28 days beginning with the day after the last day of the representation period, or

(b) in any other case, the end of 14 days beginning with the day after the last day of the representation period.

(2) An examining authority may vary a determination of procedure at any time before the application being examined is decided under regulation 61.

Meeting about examination procedure: compulsory acquisition

32.—(1) This regulation applies where—

(a) the application to be examined includes a compulsory acquisition request, and

(b) the examining authority is proposing to determine that the compulsory acquisition request be examined other than at a hearing or a local inquiry.

(2) The examining authority must hold a meeting before determining the procedure for examining the application.

(3) The examining authority must invite the following to the meeting—

(a) the applicant;

(b) all persons identified in the book of reference in respect of the particular application;

(c) any other person who the examining authority considers should be reasonably informed of the meeting.

(4) The invitation must—

(a) state if the meeting is to be held partly or fully remotely and provide details of how the meeting may be attended;

(b) specify the date and time of the meeting which must be at least 14 days after the day on which the invitation is given;

(c) ask all persons identified in the book of reference in respect of the particular application to make representations about the procedure for examining the compulsory acquisition request.

(5) Any person invited to the meeting may make representations, about the procedure for examining the compulsory acquisition request, in writing before the meeting takes place or at the meeting.

(6) The examining authority may hold the meeting in the absence of any person given an invitation if it considers it appropriate.

(7) The examining authority must prepare a note of the meeting and make it available as soon as reasonably practicable to any person who attended or was given an invitation to the meeting.

Timetable for examination

33.—(1) In the case of the examination of an application for a material change or an application for revocation, when the examining authority has made a determination of procedure, it must prepare a timetable for the examination of the application.

(2) The timetable prepared under paragraph (1) must set out—

(a) the date by which the applicant may comment on any initial written representations that are relevant to the examination of the application,

(b) the topics on which any further representations are required,

(c) the persons (if any) who are invited to make further representations on any matter,

(d) which of any further representations are to be made in writing, at a hearing or at a local inquiry,

(e) the date by which any further written representations must be made,

(f) the date by which the applicant may comment in writing on any further written representations that are relevant to the examination of the application,

(g) the date by which the examining authority intends to report under section 52 of the 2024 Act (report to the Welsh Ministers) or regulation 51(2) (decision report), and

(h) any other date that the examining authority considers appropriate in order to manage the examination efficiently.

(3) The examining authority may prepare a timetable for the examination of an application for a non-material change.

(4) The examining authority may, if it considers it necessary or appropriate, vary a timetable prepared under this regulation at any time before the application is decided under Chapter 2 of Part 6 of these Regulations.

Notification of choice of procedure and timetable

34.—(1) The examining authority must notify the following of any determination of procedure, the initial timetable or a variation of a timetable—

(a) the applicant,

(b) the planning authority, and

(c) any other person who is invited to make further representations.

(2) The examining authority may notify any other person it considers appropriate of any determination of procedure, timetable or variation of a timetable.

(3) The examining authority must give any notification required by this regulation within the period of 5 working days, beginning—

(a) in the case of any determination of procedure, with the day after the determination;

(b) in the case of an initial timetable, with the day after the determination of procedure under section 42(1) of the 2024 Act;

(c) in the case of a variation of a timetable, with the day after the variation of the timetable.

Timing and place of, and participation in, hearing or local inquiry

35.—(1) This regulation applies where the examining authority determines that an application is to be examined, in whole or in part, at a hearing or local inquiry.

(2) The examining authority is to decide who to invite to make further representations at a hearing or local inquiry but must invite the applicant to do so.

(3) The examining authority is to decide—

(a) where and when to hold the hearing or local inquiry;

(b) whether to hold it (or any part of it) remotely.

(4) To the extent that a hearing or local inquiry is held other than wholly or partly remotely, the examining authority must have regard to the desirability of holding it as close as possible to the location to which the application relates.

(5) The examining authority must begin a hearing or local inquiry no later than 10 weeks beginning with the day after the end of the representation period unless—

(a) the applicant agrees otherwise, or

(b) paragraph (6) applies.

(6) This paragraph applies where any of the following has occurred—

(a) the examining authority—

(i) has made a determination that the application is to be examined on the basis of the application and any written representations, and

(ii) makes a further determination under regulation 31(2),

(b) the examining authority has decided that the hearing or local inquiry will not take place wholly remotely and a suitable venue cannot be secured at a date to comply with paragraph (5), or

(c) the examining authority has decided that further written representations under regulation 40 are necessary before the hearing or local inquiry can begin, and they cannot reasonably be provided in time to comply with paragraph (5).

(7) Where paragraph (6) applies, the examining authority must begin the hearing or local inquiry as soon as reasonably practicable after the period referred to in paragraph (5).

(8) The examining authority must give the following at least 6 weeks' notice in writing of the date, start time and the place of the hearing or local inquiry—

(a) the applicant,

(b) the planning authority,

(c) any person invited to make representations at a hearing or local inquiry, and

(d) any other person that the examining authority considers appropriate.

Publicity for hearing or local inquiry

36.—(1) Where the examining authority determines that an application is to be examined by way of hearing or local inquiry, the applicant must publish and display notice of the hearing or local inquiry in accordance with this regulation.

(2) A notice containing the following information must be published in one or more newspapers circulating in the locality of the relevant land no later than 4 weeks before the first day of the hearing or local inquiry—

(a) a description of the application,

(b) a description of the location of the relevant land,

(c) the date and time of the hearing or local inquiry,

(d) the place of the hearing or local inquiry,

(e) details of any arrangements for broadcasting the hearing or local inquiry,

(f) the topics to be examined at the hearing or local inquiry,

(g) details of a place in the locality where the application and initial written representations can be inspected at all reasonable hours, and

(h) the address of the website where the application and initial written representations can be found.

(3) A notice containing the information specified in paragraph (2) ("site notice") must be displayed in a conspicuous place on or near the relevant land, for at least 4 weeks before the first day of the hearing or local inquiry.

(4) A site notice must be displayed at intervals of not more than 5 km, unless it is impracticable to do so, where—

(a) the application relates to a linear scheme that is more than 5 km in length;

(b) in the case of an application for revocation the relevant infrastructure consent order grants infrastructure consent for development that relates to a linear scheme that is more than 5 km in length.

(5) Where a site notice is, without the fault of the applicant removed, obscured or defaced before the end of the 4 weeks, the applicant is treated as having complied with paragraphs (3) and (4) if it has taken reasonable steps for the protection of the notice, and, if necessary, replaced it.

(6) The applicant must as soon as reasonably practicable—

(a) send a copy of the notice published under paragraph (2) to the examining authority, and

(b) confirm to the examining authority that the notice required by paragraphs (3) and (4) has been displayed and provide a photograph of that notice in place.

(7) If the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area, references to "the relevant land" are to be read (except in paragraph (2)(b)) as references to land in Wales nearest the area to which the application relates.

Written statements of evidence

37.—(1) This regulation applies if any person invited to make further representations at a local inquiry proposes to give, or to call another person to give, evidence at the inquiry.

(2) The examining authority may require the person to prepare a written statement of that evidence.

(3) The person preparing the written statement must provide a summary of the written statement if it is more than 1,500 words.

(4) The summary referred to in paragraph (3) must not be more than 1,500 words.

(5) The person preparing the written statement must send a copy of the written statement and any summary to the examining authority by the date specified in the timetable.

(6) The examining authority must, as soon as possible after it receives the written statement and any summary—

(a) send a copy of those documents to each person who is invited to make further representations at the inquiry, and

(b) ensure that a copy of those documents is available on the website referred to in regulation 38.

(7) In this regulation, "written statement" means a statement prepared pursuant to paragraph (2).

Provision of website

38. The Welsh Ministers must provide a website where copies of the application and other documents which are relevant to the examination can be found.

Chapter 4

Examination

Initial written representations

39.—(1) The examining authority's examination of the application is to include consideration of any initial written representations.

(2) The examining authority must ensure that the applicant has the opportunity to comment on any initial written representation relevant to the examination.

Seeking further written representations

40.—(1) The examining authority may request further representations in writing at any time from any interested party.

(2) Any person providing further representations in writing under paragraph (1) must provide them within 14 days beginning with the date that the examining authority makes the request.

(3) The examining authority may extend the time limit in paragraph (2) in a particular case.

(4) Any further written representations must not exceed 3,000 words.

(5) The examining authority must provide the applicant with the opportunity to comment on any further written representations which are relevant to the examination of the application.

(6) The examining authority must ensure that a copy of any further written representations is available on the website referred to in regulation 38.

Conduct of a hearing

41.—(1) This regulation applies where the examining authority determines that an application is to be examined, in whole or in part, at a hearing.

(2) The examining authority is to preside at the hearing and is to decide—

(a) how to manage it;

(b) the topics to be discussed;

(c) the time allocated to those topics.

(3) A hearing is to take the form of a discussion led by the examining authority.

(4) At the opening of the hearing, the examining authority must—

(a) summarise the topics that the hearing will examine, and

(b) identify any further topics that the hearing will examine that were not identified in any timetable for the examination.

(5) The examining authority may question a person who attends the hearing, but a person attending the hearing may not question another person who attends a hearing except where paragraph (6) applies.

(6) The examining authority may allow a person who makes representations at the hearing ("P") to question another person who makes representations at the hearing if the examining authority considers that it is necessary in order to ensure—

(a) adequate testing of any representation, or

(b) that P has a fair chance to make their case.

(7) In the conduct of the hearing, the examining authority may in particular—

(a) proceed with the hearing in the absence of a person invited to attend;

(b) refuse to permit representations that it considers irrelevant or repetitious;

(c) exclude a person who is disruptive;

(d) refuse to permit a person who has been excluded for being disruptive to return;

(e) permit a person who has been excluded for being disruptive to return, subject to specified conditions;

(f) adjourn the hearing;

(g) invite any person who makes representations at the hearing to submit closing submissions in writing.

(8) A person making closing submissions under paragraph (7)(g) must give them to the examining authority within 7 days beginning with the day after the last day of the hearing.

(9) If the examining authority adjourns a hearing, it must give reasonable notice of the date, time and place of the resumption of the adjourned hearing, unless paragraph (10) applies.

(10) If the examining authority adjourns a hearing and announces at the hearing the date, time and place of the resumption of the adjourned hearing, no further notice is required.

(11) In this regulation and regulation 42, "closing submissions" means a summary of the main factual points and the main arguments made by the person submitting them, in relation to an application.

Conduct of a local inquiry

42.—(1) This regulation applies where the examining authority determines that an application is to be examined, in whole or in part, at a local inquiry.

(2) The examining authority is to preside at a local inquiry and is to decide—

(a) how to manage it;

(b) the topics to be examined by way of local inquiry;

(c) the time allocated to those topics.

(3) At the opening of the local inquiry, the examining authority must—

(a) summarise the topics that the inquiry will examine, and

(b) identify any further topics that the inquiry will examine that were not identified in any timetable for the examination.

(4) The examining authority is to decide the order in which persons are called to give evidence at a local inquiry.

(5) Any person who is invited to give evidence at a local inquiry may make a request to the examining authority to call another person to give evidence.

(6) A person who takes part in a local inquiry is entitled to cross-examine another person who gives oral evidence to the inquiry.

(7) The examining authority must permit a person who is cross-examined at a local inquiry to be re-examined.

(8) In the conduct of the local inquiry, the examining authority may in particular—

(a) proceed with the inquiry in the absence of a person invited to attend it;

(b) refuse to permit evidence that it considers irrelevant or repetitious;

(c) exclude a person who is disruptive;

(d) refuse to permit a person who has been excluded for being disruptive to return;

(e) permit a person who has been excluded for being disruptive to return, subject to specified conditions;

(f) adjourn the inquiry;

(g) require closing submissions in writing within 7 days beginning with the day after the last day of the inquiry.

(9) Any person who is required to leave a local inquiry may submit representations in writing to the examining authority before the close of the inquiry.

(10) If the examining authority adjourns a local inquiry, it must give reasonable notice of the date, time and place of the resumption of the adjourned local inquiry, unless paragraph (11) applies.

(11) If the examining authority adjourns a local inquiry and announces at that local inquiry the date, time and place of the adjourned local inquiry, no further notice is required.

Virtual meetings, hearings and local inquiries

43. The examining authority must notify persons who are invited to take part in a meeting, or make representations at a hearing or local inquiry, that takes place remotely, of the arrangements to enable them to do so, as soon as reasonably practicable.

Broadcasting hearings and local inquiries

44.—(1) The examining authority may arrange for images or sounds of a hearing or local inquiry to be broadcast for the purpose of enabling persons who are not making representations at a hearing or local inquiry, or any part of it, to watch or listen to the proceedings.

(2) The arrangements made under paragraph (1) may include arrangements for broadcasting to which individuals are given access only having first identified themselves to the examining authority.

(3) Before making a decision under paragraph (1), the examining authority must consider—

(a) the need for proceedings to be open and transparent, as far as possible,

(b) any requests for proceedings to be broadcast, and

(c) the extent to which the technical, human and other resources necessary to facilitate effective observation by broadcasting are or can be made available.

(4) The examining authority must notify the following, as soon as reasonably practicable, of any arrangements to broadcast a hearing or local inquiry—

(a) every interested party, and

(b) any other person that it considers appropriate.

(5) This regulation is subject to any direction under section 48 of the 2024 Act.

Recording hearings and local inquiries

45.—(1) The examining authority may arrange for images or sounds of a hearing or local inquiry to be recorded for the purpose of enabling persons to watch or listen to the proceedings at a later date.

(2) Any person may request access to any recording made under paragraph (1) from the examining authority at any time before the end of 6 months beginning with the date that—

(a) in the case of an order making a change to, or revoking an infrastructure consent order, the date the order is made, or

(b) in the case of a refusal of an application to change or revoke an infrastructure consent order, the date notice of refusal is given to the applicant under regulation 62 or 63 (as the case may be).

(3) An examining authority must provide access to any recording on reasonable terms and within a reasonable time of any request under paragraph (2).

(4) This regulation is subject to any direction under section 48 of the 2024 Act

Notification of appointments to assist examining authority

46.—(1) The examining authority must as soon as reasonably practicable notify all persons who are invited to make further representations of the name—

(a) of any assessor appointed to assist them under section 50 of the 2024 Act, and

(b) of any barrister or solicitor appointed to assist them under section 51 of the 2024 Act.

(2) The examining authority must as soon as reasonably practicable notify all persons who are invited to make further representations of the matters in relation to which any assessor has been appointed to assist.

Restricting access to evidence at a local inquiry

47. In relation to evidence specified in a direction under section 48(2) of the 2024 Act, references in these Regulations to the represented person, whether as the "applicant" or as an "interested party" are to be read as including references to a representative appointed under section 48(4) or (5) of the 2024 Act.

Examination management meetings

48.—(1) The examining authority may hold a meeting at any time before an application is decided, if it considers it appropriate.

(2) The purpose of an examination management meeting is to enable the examining authority to decide—

(a) what may be done to ensure that the examination and matters preparatory or subsequent to it, are managed efficiently and expeditiously, and

(b) what practical arrangements to make in relation to the examination and matters preparatory or subsequent to it.

(3) The examining authority is to preside at an examination management meeting and to decide—

(a) where and when to hold the meeting,

(b) whether to hold the meeting wholly or partly remotely,

(c) how to manage the meeting,

(d) the matters to be discussed, and

(e) the time allocated to those matters.

(4) The examining authority is to decide who to invite to any examination management meeting, but it must invite the applicant.

(5) The examining authority must give reasonable notice of the date, time and place of the examination management meeting to each person invited to attend it.

(6) The notice of the examination management meeting must specify the purposes of the meeting and any matter which the examining authority wishes to discuss.

(7) If a person invited to the examination management meeting or their representative is unwilling, unable or otherwise does not attend, the meeting may proceed.

(8) As soon as reasonably practicable after the examination management meeting, the examining authority must prepare a note of the meeting and give it to the people invited to attend it.

(9) In this regulation, "examination management meeting" means a meeting held under paragraph (1).

Chapter 5

Procedure after written representations, hearing and local inquiry

Assessor's report

49. Where an assessor has been appointed under section 50 of the 2024 Act the assessor must make a written report to the examining authority on the matters in respect of which they were appointed to assist the examining authority.

Proceeding to a report or decision

50.—(1) The examining authority may make a report under section 52(2) of the 2024 Act disregarding any further written representations and supporting documents as were submitted after the time limit under regulation 40.

(2) The examining authority or the Welsh Ministers (as the case may be) may proceed to a decision disregarding any further written representations and supporting documents as were submitted after the time limit under regulation 40

(3) The examining authority may, after giving the applicant and the planning authority notice of their intention to do so, make a report under section 52(2) of the 2024 Act even though no further written representations were submitted within the time limit under regulation 40, if it appears to it that it has sufficient material before it to make a recommendation as to the decision on the application.

(4) The examining authority or the Welsh Ministers (as the case may be) may, after giving the applicant and the planning authority notice of their intention to do so, proceed to a decision even though no further written representations were submitted within the time limit under regulation 40, if it appears to them that they have sufficient material before them to make a decision on the application.

Application to be decided by the examining authority

51.—(1) This regulation applies after the completion of an examination, where an application is to be decided by the examining authority.

(2) The examining authority must write a report.

(3) The report must—

(a) where an assessor is appointed under section 50 of the 2024 Act, state if the examining authority disagrees with any aspect of the assessor's report and the reason for any disagreement,

(b) include the examining authority's findings and conclusions in respect of the application, and

(c) include the examining authority's decision in respect of the application.

(4) If the examining authority proposes to take into consideration any new evidence or new fact before making a decision on the application, the examining authority must give all interested parties notice of the proposal and the reasons for it.

(5) Where the examination has been wholly by way of written representations, the examining authority must give all interested parties the opportunity to make representations in writing on that new evidence or new fact by a specified date.

(6) Where any part of the examination has been by way of hearing or local inquiry, the examining authority must notify the interested parties—

(a) that they may require the hearing or local inquiry to be re-opened to examine the new evidence or new fact, and

(b) of the date by which the interested parties must notify the examining authority of any request to re-open the examination to examine the new evidence or new fact.

(7) The date specified under paragraph (5) or (6)(b) must be at least—

(a) 28 days from the date notice is given under paragraph (4), if the application relates to EIA development;

(b) 21 days from the date notice is given under paragraph (4), in any other case.

(8) The examining authority—

(a) must re-open a hearing or a local inquiry to examine the new evidence or fact if an interested party so requests under paragraph (6), or

(b) may otherwise, if it considers it appropriate, re-open a hearing or a local inquiry to examine the new evidence or fact.

(9) Where the examining authority re-opens a hearing or a local inquiry, it must send to the interested parties as soon as reasonably practicable, a written statement of the matters in respect of which further evidence is invited.

(10) The examining authority must provide the written statement in paragraph (9) at least—

(a) 28 days before the first day of any re-opened hearing or local inquiry, if the application relates to EIA development;

(b) 21 days before the first day of any re-opened hearing or local inquiry, in any other case.

Application to be decided by the Welsh Ministers

52.—(1) This regulation applies after the completion of an examination of an application, where an application is to be decided by the Welsh Ministers.

(2) Where an assessor is appointed under section 50 of the 2024 Act in addition to the requirements in section 52(2) of the 2024 Act, the examining authority's report to the Welsh Ministers must state if the examining authority disagrees with any aspect of the assessor's report and the reason for any disagreement.

(3) Paragraph (4) applies if the Welsh Ministers—

(a) differ from the examining authority on any matter of fact mentioned in, or appearing to the Welsh Ministers to be material to, a conclusion of the examining authority, or

(b) propose to take into consideration any new evidence or new matter of fact.

(4) The Welsh Ministers must not come to a decision which is at variance with the recommendation of the examining authority, without first taking the steps set out in paragraphs (5) to (7).

(5) The Welsh Ministers must give all interested parties notice—

(a) of the difference in their view and their reasons for it, or

(b) of the new evidence or new fact.

(6) Where the examination has been wholly by way of written representations, the examining authority must give all interested parties the opportunity to make representations in writing on that difference, new evidence or new fact by a specified date.

(7) Where any part of the examination has been by way of hearing or local inquiry, the examining authority must notify the interested parties—

(a) that they may require the hearing or local inquiry to be re-opened to examine the difference, new evidence or new fact, and

(b) of the date by which the interested parties must notify the examining authority of any request to re-open the examination to examine the difference, new evidence or new fact.

(8) The date specified under paragraph (6) or (7)(b) must be at least—

(a) 28 days from the date notice is given under paragraph (5), if the application relates to EIA development;

(b) 21 days from the date notice is given under paragraph (5), in any other case.

(9) The examining authority—

(a) must re-open a hearing or a local inquiry to examine the difference, new evidence or fact if an interested party so requests under paragraph (7), or

(b) may otherwise, if it considers it appropriate, re-open a hearing or a local inquiry to examine the difference, new evidence or fact.

(10) Where the examining authority re-opens a hearing or a local inquiry, it must send to the interested parties as soon as reasonably practicable, a written statement of the matters in respect of which further representations are invited.

(11) The examining authority must provide the written statement in paragraph (10) at least—

(a) 28 days before the first day of any re-opened hearing or local inquiry, if the application relates to EIA development;

(b) 21 days before the first day of any re-opened hearing or local inquiry, in any other case.

Direction to re-open the examination

53. Where the examining authority re-opens a hearing or a local inquiry pursuant to a direction by the Welsh Ministers under section 53(1) of the 2024 Act, it must send to the interested parties as soon as reasonably practicable a written statement of the matters in respect of which further evidence is invited.

Proposal to make materially different order

54.—(1) This regulation applies where the Welsh Ministers propose to make an order under section 90(1) of the 2024 Act—

(a) on terms which are in their opinion materially different from those proposed in the application, and

(b) whether as a result of a notice under regulation 61(2) or not.

(2) The Welsh Ministers must—

(a) notify any person who seems to them to be likely to be affected,

(b) give that person an opportunity of making representations to them about the differences within a time specified in that notice, and

(c) consider the representations made during the time specified in that notice, before making an order under section 90(1) of the 2024 Act.

PART 5

Procedure where no examination

Procedure where no examination

55.—(1) This regulation applies where an examining authority is not appointed under section 40(2) of the 2024 Act to examine a particular application.

(2) The Welsh Ministers must give notice to the persons specified in paragraph (4) that the application is not to be examined by an examining authority.

(3) The Welsh Ministers must give notice under paragraph (2)—

(a) in the case of an application for a non-material change, as soon as reasonably practicable after they receive the notice and statement referred to in regulation 16(3);

(b) in the case of an application for a material change or an application for revocation, as soon as reasonably practicable after the end of the post-application representation period in respect of the particular application.

(4) The persons to be notified under paragraph (2) are—

(a) the applicant,

(b) any persons who made representations on the application during the post-application representation period, and

(c) any other person the Welsh Ministers consider appropriate.

(5) The notice under paragraph (2) must contain the following information—

(a) a statement that the application is not to be examined by an examining authority,

(b) the reasons why the Welsh Ministers consider it unnecessary for the application to be examined by an examining authority,

(c) details of how further representations on the application can be made, and

(d) the date by which further representations on the application must be received which must be at least 28 days after the notice is given.

(6) The Welsh Ministers must publish the notice under paragraph (2) on a website.

PART 6

Decisions and legal challenge etc.

Chapter 1

Applications: decision maker, statutory policies and other relevant matters, and timetable

Function of deciding application

56.—(1) Where an examining authority is appointed under section 40(2) of the 2024 Act to examine a particular application, the examining authority has the function of deciding that application.

(2) Paragraph (1) is subject to any direction made under paragraph (3).

(3) In relation to any application, the Welsh Ministers may direct that they have the function of deciding the application instead of an examining authority.

Deciding applications to change an infrastructure consent order: general considerations

57.—(1) In deciding an application to change an infrastructure consent order which includes a request to authorise development, the examining authority or the Welsh Ministers (as the case may be) must—

(a) have regard to—

(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(**14**) 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(**15**)) 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.

(3) In this regulation and regulation 59, "infrastructure policy statement" has the meaning given by section 127(2) of the 2024 Act.

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

58. In deciding an application, the examining authority or the Welsh Ministers (as the case may be) must have regard to—

(a) any examination carried out under Part 4 of these Regulations;

(b) the desirability of mitigating, and adapting to, climate change;

(c) any other relevant consideration.

Matters that may be disregarded when making decisions on applications

59. In deciding an application, 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) prepared and adopted by the Welsh Ministers, or

(**14**) See section 60 of the Planning and Compulsory Purchase Act 2004 (c. 5).
(**15**) 2009 c. 23.

(c) relate to compensation for compulsory acquisition of land or of an interest in or right over land.

Timetable for deciding application

60.—(1) Where an application is not examined by an examining authority, the Welsh Ministers must decide an application before the end of 8 weeks beginning with the day after the day the notice under regulation 55(2) is given.

(2) Where an examining authority has the function of deciding an application, it must decide the application before the end of 12 weeks beginning with the day after—

(a) where an application is examined solely on the basis of the application and any written representations, the day the examining authority finishes examining the application and any written representations;

(b) where an application is examined, solely or in part, at a hearing or a local inquiry, the day the hearing or the local inquiry closes.

(3) Where an application is examined and the Welsh Ministers have the function of deciding that application, they must decide the application before the end of 8 weeks beginning with the day after they receive a report under section 52 of the 2024 Act in respect of that application.

(4) The Welsh Ministers may, by direction, extend the periods mentioned in paragraphs (1) to (3).

(5) A direction may be given—

(a) more than once in relation to the same application;

(b) after the end of the periods mentioned in paragraphs (1) to (3).

(6) As soon as reasonably practicable after giving the direction, the Welsh Ministers must—

(a) notify the applicant and any other person they consider appropriate of the direction, and

(b) publish the direction on a website.

Chapter 2

Decisions on applications

Grant or refusal of application

61.—(1) When the Welsh Ministers have decided an application, they must either—

(a) make an order under section 90(1) of the 2024 Act changing or revoking (as the case may be) the relevant infrastructure consent order, or

(b) refuse the application.

(2) When the examining authority has decided an application, it must either—

(a) notify the Welsh Ministers of its decision that an order changing or revoking (as the case may be) the relevant infrastructure consent order is to be made, or

(b) refuse the application.

(3) Where the Welsh Ministers receive a notice under paragraph (2)(a) they must make an order in respect of the application to which the notice relates.

(4) The Welsh Ministers or the examining authority (as the case may be) must publish their decision on a website as soon as reasonably practicable.

Notice of grant or refusal of applications where the relevant infrastructure consent order grants infrastructure consent for development in Wales

62.—(1) This regulation applies where—

(a) the examining authority or the Welsh Ministers have decided an application, and

(b) the relevant infrastructure consent order grants infrastructure consent for development in Wales.

(2) The examining authority or the Welsh Ministers (as the case may be) must notify the following of the decision under regulation 61—

(a) the applicant,

(b) anyone entitled to make an application under section 90(3) of the 2024 Act, if that person is not the applicant,

(c) any person who, if the relevant infrastructure consent order were to be changed as requested in the application and fully implemented, would or might be entitled to make a relevant claim,

(d) any owner or occupier of land adjoining the relevant land,

(e) each planning authority for an area of the relevant land, if that planning authority is not the applicant,

(f) if the relevant land is located in an area for which there is a community council, the community council,

(g) each member of the Senedd representing an area of the relevant land,

(h) each member of the House of Commons representing an area of the relevant land,

(i) any statutory and specialist consultees,

(j) in the case of an application for revocation, all original statutory and specialist consultees,

(k) where the application included a compulsory acquisition request, any person listed in the book of reference in respect of the particular application,

(l) in the case of an application for revocation, where the relevant infrastructure consent order includes provision authorising the compulsory acquisition of land, any person notified under regulation 5(2), 7(2) or 15(2) of the 2025 Compulsory Acquisition Regulations, and

(m) any other person the examining authority considers or the Welsh Ministers consider (as the case may be) appropriate.

Notice of grant or refusal of applications where the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area

63.—(1) This regulation applies where—

(a) the examining authority or the Welsh Ministers have decided an application, and

(b) the relevant infrastructure consent order grants infrastructure consent for development in the Welsh marine area.

(2) The examining authority or the Welsh Ministers (as the case may be) must notify the following of the decision under regulation 61—

(a) the applicant,

(b) any person entitled to make an application under section 90(3) of the 2024 Act, if that person is not the applicant,

(c) Natural Resources Wales,

(d) any planning authority considered appropriate by the examining authority or the Welsh Ministers (as the case may be),

(e) any community council considered appropriate by the examining authority or the Welsh Ministers (as the case may be),

(f) any Member of the Senedd considered appropriate by the examining authority or the Welsh Ministers (as the case may be),

(g) any Member of the House of Commons considered appropriate by the examining authority or the Welsh Ministers (as the case may be),

(h) any statutory and specialist consultees,

(i) in the case of an application for revocation, all original statutory and specialist consultees, and

(j) any other person the examining authority considers or the Welsh Ministers consider (as the case may be) appropriate.

Reasons for decision to grant or refuse application

64.—(1) When the Welsh Ministers have decided an application, they must prepare a statement of their reasons for deciding to—

(a) make an order changing or revoking the relevant infrastructure consent order, or

(b) refuse the application.

(2) When the examining authority has decided an application, it must prepare a statement of its reasons for deciding—

(a) that an order changing or revoking (as the case may be) the relevant infrastructure consent order is to be made, or

(b) to refuse the application.

(3) The examining authority or the Welsh Ministers (as the case may be) must provide a copy of the statement of reasons to the persons to be notified of a decision on an application under regulation 62 or 63 (as the case may be).

(4) The Welsh Ministers or the examining authority (as the case may be) must publish the statement of reasons on a website.

Chapter 3

Effect of decisions

Effect of a decision to make an order making a change to, or revoking, an infrastructure consent order

65.—(1) This regulation applies where the Welsh Ministers have exercised their power under section 90(1) of the 2024 Act on an application under section 90(3) or (4) of that Act.

(2) Where an order making a change to an infrastructure consent order is made —

(a) the relevant infrastructure consent order continues in force, and

(b) the change to the relevant infrastructure consent order takes effect—

(i) from the date notice of the decision on the application is given under regulation 62 or 63 (as the case may be), or

(ii) if the change to the relevant infrastructure consent order is required to be made by order contained in a statutory instrument, the date specified in the order making the change.

(3) Where an order revoking an infrastructure consent order is made, the revocation takes effect—

(a) from the date specified in the order making the revocation, or

(b) where there is no date specified, the date on which the order revoking the infrastructure consent order is made.

Chapter 4

Legal challenge and procedure following quashing of decision

Legal challenges: relevant day

66. The relevant day for the purposes of section 96(7)(b) of the 2024 Act is the day on which—

(a) the application is withdrawn,

(b) the order made under section 90(1) of the 2024 Act is published or (if later) the statement of reasons for making the order is published, or

(c) the statement of reasons for the refusal of an application is published under regulation 64(4).

Procedure following quashing a decision

67.—(1) This regulation applies where—

(a) an examining authority is appointed under section 40(2) of the 2024 Act, and

(b) a decision of the examining authority or the Welsh Ministers in respect of an application is quashed by any court.

(2) The examining authority must—

(a) send to all interested parties a written statement of the matters with respect to which further representations are invited for the purposes of its reconsideration of the decision, and

(b) give the interested parties the opportunity to make representations to the examining authority in respect of those matters.

(3) Any interested parties invited to submit representations under this regulation must submit them before the end of the period of—

(a) if the application relates to EIA development, 28 days beginning with the day after the written statement is given to the interested party;

(b) in any other case, 21 days beginning with the day after the written statement is given to the interested party.

(4) The examining authority may extend the period specified in paragraph (3) in a particular case.

(5) The examining authority may, as it considers it appropriate—

(a) re-open the hearing or local inquiry,

(b) open a new hearing or local inquiry, or

(c) examine the matter on the basis of written representations.

(6) See regulation 25(3) for the definitions of “further representations” and “interested party”.

Rebecca Evans
Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers
2 February 2026

SCHEDULE

Regulation 2(1)

Notices to statutory and specialist consultees

Column 1	Column 2	Column 3	Column 4
Paragraph	Description of Development	Relevant Statutory Consultee	Relevant Specialist Consultee
(a)	All applications	Natural Resources Wales The relevant water and sewerage undertaker National Air Traffic Services Ministry of Defence Public Health Wales Transport for Wales	Canal and River Trust Distribution Network Operators
(b)	Development likely to result in a material increase in the volume or material change in the character of traffic— (i) entering of leaving a trunk road; (ii) using a level crossing over a railway	The Welsh Ministers The operator of the network which includes or consists of the railway in question	
(c)	Development which involves the provision of a building or pipeline in an area of coal working notified by the Coal Authority to the Welsh Ministers	The Coal Authority	
(d)	(i) Development which has a physical impact on a scheduled monument, (ii) Development likely to be visible from a scheduled monument and which meets one of the following criteria— (aa) it is within a distance of 0.5 km from any point of the perimeter of a scheduled monument, (bb) it is within a distance of 1 km from the perimeter of a scheduled monument and is 15 metres or more in height, or has an area of 0.2 hectares or more, (cc) it is within a distance of 2 km from the perimeter of a scheduled monument and is 50	The Welsh Ministers	

Column 1	Column 2	Column 3	Column 4
	metres or more in height, or has an area of 0.5 hectares or more, (dd) it is within a distance of 3 km from the perimeter of a scheduled monument and is 75 metres or more in height, or has an area of 1 hectare or more, or (ee) it is within a distance of 5 km from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more, (iii) Development likely to affect the site of a registered historic park or garden or its setting, (iv) Development within a registered historic landscape that requires an Environmental Impact Assessment, (v) Development likely to have an impact on the outstanding universal value of a World Heritage Site		
(e)	Development involving any land on which there is a theatre		The Theatres Trust
(f)	Development which involves — (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	The Welsh Ministers	
(g)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field, or (ii) is on land which has been: (aa) used as a playing field at any time in the years before the making of the relevant application and which remains undeveloped, (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement, or	The Sports Council for Wales	

Column 1	Column 2	Column 3	Column 4
	(iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.		
(h)	Development— (i) involving waste development, (ii) involving the provision of a building where the floor space to be created by the development is 1,000 square metres or more, (iii) carried out on a site having an area of 1 hectare or more	The Fire and Rescue Authority concerned	
(i)	Development that includes a requirement for a deemed marine licence	The Crown Estate The Joint Nature Conservation Committee The Maritime and Coastguard Agency Trinity House Reserved Trust Ports Local harbour authority Local ports Welsh Ministers Royal Commission on Ancient and Historic Monuments of Wales Inshore Fisheries and Conservation Authorities	The Royal Yachting Association Concerned Welsh archaeological trust UK Chamber of Shipping National Federation of Fishermen's Organisations Welsh Fishermen's Association
(j)	Developments likely to affect the maritime or coastal environment, or the shipping industry	The Maritime and Coastguard Agency	
(k)	Development which may impact the marine environment	Joint Nature Conservation Committee	
(l)	Development which may affect the marine environment within English territorial waters	The Marine Management Organisation	
(m)	Developments likely to affect navigation in tidal waters	Trinity House	
(n)	Development relating to airports or which are likely to affect an airport or its current or future operation	The Civil Aviation Authority	
(o)	Development likely to affect the Crown Estate or is located on Crown Land	The Crown Estate	

Column 1	Column 2	Column 3	Column 4
(p)	Development likely to affect an area under control of a harbour authority	Harbour Authority concerned Navigation Authority concerned Associated British Ports	
(q)	Development which includes railway or is likely to affect railway	Network operators	
(r)	Development which includes the provision of electricity infrastructure		Distribution Network Operators

Interpretation of Table

In the above Table—

(a) in paragraph (b)—

"network" *("rhwydwaith")* and "operator" *("gweithredwr")* have the same meaning as in section 83(1) of the Railways Act 1993(**16**) (the provision of railway services);

"trunk road" *("cefnffordd")* has the same meaning as in section 143 of the 2024 Act;

(b) in paragraph (d)—

"scheduled monument" *("heneb gofrestredig")* has the same meaning as in section 3(7) of the Historic Environment (Wales) Act 2023(**17**) (duty to maintain and publish schedule of monuments);

Reference to the height of development is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the development in question, or where the level of the surface of the ground on which it is situated is not uniform, the level of the highest part of the surface immediately adjacent to it;

"registered historic park or garden" *("parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig")* and "registered historic landscape" *("tirwedd hanesyddol gofrestredig")* means the park, garden or landscape included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales maintained by the Welsh Ministers;

"World Heritage Site" *("Safle Treftadaeth y Byd")* means land appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972;

(c) in paragraph (e), "theatre" has the same meaning as in section 5 of the Theatres Trust Act 1976(**18**) (interpretation);

(d) in paragraph (g)—

"playing field" *("maes chwarae")* means the whole of a site which encompasses at least one playing pitch;

"playing pitch" *("llain chwarae")* means a delineated area which, together with run-off area, is of 0.2 hectares or more and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;

(e) in paragraphs (i) and (p) "harbour authority" has the meaning given in section 143 of the 2024 Act;

(f) in paragraph (n) "airport" has the meaning given in section 143 of the 2024 Act;

(**16**) 1993 c. 43.
(**17**) 2023 asc 3.
(**18**) 1976 c. 27.

(g) in paragraph (r) “Distribution Network Operators” means companies licensed to operate the networks that distribute electricity from the national transmission grid to end users.

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