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WELSH STATUTORY  
INSTRUMENTS

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**2016 Rhif 53 (Cy. 23)**

**2016 No. 53 (W. 23)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Rheoliadau Datblygiadau o  
Arwyddocâd Cenedlaethol (Meini  
Prawf Penodedig a Chydsyniadau  
Eilaidd Rhagnodedig) (Cymru)  
2016

The Developments of National  
Significance (Specified Criteria and  
Prescribed Secondary Consents)  
(Wales) Regulations 2016

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn pennu'r meini prawf ar gyfer datblygiad sydd o arwyddocâd cenedlaethol at ddibenion adran 62D o Ddeddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990")(1).

Mae rheoliad 3 yn pennu'r mathau o ddatblygiad a allai fod o arwyddocâd cenedlaethol: gorsafoedd cynhyrchu; cyfleusterau storio nwy tanddaearol; cyfleusterau ar gyfer nwy naturiol hylifedig; cyfleusterau derbyn nwy; meysydd awyr; rheilffyrdd; cyfnewidfydd nwyddau rheilffordd; argaeau a chronfeydd dŵr; trosglwyddo adnoddau dŵr; gweithfeydd trin dŵr gwastraff a chyfleusterau gwastraff peryglus.

Mae rheoliadau 4-14 yn nodi'r meini prawf sy'n gymwys mewn perthynas â phob un o'r mathau o ddatblygiad.

Mae'r Rheoliadau hyn hefyd yn rhagnodi cydsyniadau at ddibenion Deddf 1990 ac yn gwneud diwygiadau canlyniadol. Y cydsyniadau a ragnodir yw "cydsyniadau eilaidd" at ddibenion adrannau 62E i 62G o'r Ddeddf honno (rheoliad 15 a'r Atodlen).

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations specify the criteria for development which is of national significance for the purposes of section 62D of the Town and Country Planning Act 1990 ("the 1990 Act")(1).

Regulation 3 specifies the types of development which could be of national significance: generating stations; underground gas storage facilities; facilities for liquid natural gas; gas reception facilities; airports; railways; rail freight interchanges; dams and reservoirs; transfer of water resources; waste water treatment plants and hazardous waste facilities.

Regulations 4-14 set out the applicable criteria in relation to each type of development.

These Regulations also prescribe consents for the purposes of the 1990 Act and make consequential amendments. The prescribed consents are "secondary consents" for the purposes of sections 62E to 62G of that Act (regulation 15 and the Schedule).

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(1) Mae datblygiad yng Nghymru yn ddatblygiad o arwyddocâd cenedlaethol hefyd os yw wedi ei bennu fel y cyfryw yn y Fframwaith Datblygu Cenedlaethol, gweler adran 62D(4) o Ddeddf 1990.

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(1) Development in Wales is also of national significance if it is specified as such in the National Development Framework, see section 62D(4) of the 1990 Act.

Effaith rhagnodi cydsyniad gan y Rheoliadau hyn yw gall Gweinidogion Cymru ystyried y cydsyniad hwnnw ochr yn ochr â chais a wneir iddynt am ganiatâd cynllunio ar gyfer datblygiad o arwyddocâd cenedlaethol.

Mae asesiad effaith wedi ei baratoi mewn perthynas â'r Rheoliadau hyn. Mae copïau ohono ar gael gan Is-adran Gynllunio Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn [www.cymru.gov.uk](http://www.cymru.gov.uk).

The effect of being prescribed by these Regulations is that the consent can be considered by the Welsh Ministers alongside an application made to them for planning permission for development of national significance.

An impact assessment has been prepared in relation to these Regulations. Copies are available from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government's website at [www.wales.gov.uk](http://www.wales.gov.uk).

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The Developments of National  
Significance (Specified Criteria and  
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(Wales) Regulations 2016

*Gwnaed* 27 Ionawr 2016

*Made* 27 January 2016

*Yn dod i rym* 1 Mawrth 2016

*Coming into force* 1 March 2016

**CYNNWYS**

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## YR ATODLEN

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 62D and 62H o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac a roddwyd i'r Ysgrifennydd Gwladol gan adran 333 o'r Ddeddf honno(2) ac sydd bellach yn arferadwy gan Weinidogion Cymru(3), ac a roddwyd iddynt gan adran 57 o Ddeddf Cynllunio (Cymru) 2015 yn gwneud y Rheoliadau a ganlyn:

## RHAN 1

### Cyffredinol

#### Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016 a deuant i rym ar 1 Mawrth 2016.

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

#### Dehongli

##### 2. Yn y Rheoliadau hyn—

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990;

## PART 3

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## SCHEDULE

The Welsh Ministers, in exercise of the powers conferred on them by sections 62D and 62H of the Town and Country Planning Act 1990(1), and conferred on the Secretary of State by section 333 of that Act(2) now exercisable by them(3), and conferred on them by section 57 of the Planning (Wales) Act 2015, make the following Regulations:

## PART 1

### General

#### Title, commencement and application

1.—(1) The title of these Regulations is the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 and they come into force on 1 March 2016.

(2) These Regulations apply to all land in Wales.

#### Interpretation

##### 2. In these Regulations—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990;

(1) 1990 p. 8. Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015 (decc. 4), a mewnosodwyd adran 62H gan adran 20, o'r Ddeddf honno.

(2) Diwygiwyd adran 333 o Ddeddf Cynllunio Gwlad a Thref 1990 gan adran 55 o Ddeddf Cynllunio (Cymru) 2015 a pharagraff 3 o Atodlen 7 i'r Ddeddf honno. Gwnaed diwygiadau eraill i adran 333 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.

(1) 1990 c. 8. Section 62D was inserted by section 19, and section 62H was inserted by section 20, of the Planning (Wales) Act 2015 (anaw 4).

(2) Section 333 of the Town and Country Planning Act 1990 was amended by section 55 of, and paragraph 3 of Schedule 7 to, the Planning (Wales) Act 2015. There are other amendments to section 333 not relevant to these Regulations.

(3) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the entry in Schedule 1 for the Town and Country Planning Act 1990. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

ystyr “Gorchymyn 1995” (“*the 1995 Order*”) yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1); ac mae “nwy” (“*gas*”) yn cynnwys nwy naturiol.

“the 1995 Order” (“*Gorchymyn 1995*”) means the Town and Country Planning (General Permitted Development) Order 1995(1); and “gas” (“*nwy*”) includes natural gas.

## RHAN 2

### Datblygiadau o arwyddocâd cenedlaethol: meini prawf penodedig

#### Datblygiadau o arwyddocâd cenedlaethol: cyffredinol

3.—(1) Mae datblygiad yn ddatblygiad o arwyddocâd cenedlaethol at ddibenion adran 62D(3) o Ddeddf 1990 os yw’n un o’r canlynol—

- (a) adeiladu, estyn neu addasu gorsaf gynhyrchu sy’n cynhyrchu trydan;
- (b) datblygiad sy’n ymwneud â chyfleusterau storio nwy tanddaearol;
- (c) adeiladu neu addasu cyfleuster nwy naturiol hylifedig (LNG);
- (d) adeiladu neu addasu cyfleuster derbyn nwy;
- (e) datblygiad mewn perthynas â maes awyr;
- (f) adeiladu neu addasu rheilffordd;
- (g) adeiladu neu addasu cyfnewidfa nwyddau rheilffordd;
- (h) adeiladu neu addasu argae neu gronfa ddŵr;
- (i) datblygiad sy’n ymwneud â throsglwyddo adnoddau dŵr;
- (j) adeiladu neu addasu gwaith trin dŵr gwastraff neu seilwaith ar gyfer trosglwyddo neu storio dŵr gwastraff;
- (k) adeiladu neu addasu cyfleuster gwastraff peryglus.

(2) Mae paragraff (1) yn ddarostyngedig i baragraffau (3) a (4).

(3) Nid yw datblygiad yn ddatblygiad o arwyddocâd cenedlaethol at ddibenion adran 62D(3) o Ddeddf 1990 os yw’n ddatblygiad a ganiateir yn rhinwedd erthygl 3 o Orchymyn 1995 ac Atodlen 2 i’r Gorchymyn hwnnw (2).

## PART 2

### Developments of national significance: specified criteria

#### Developments of national significance: general

3.—(1) Development is of national significance for the purposes of section 62D(3) of the 1990 Act if it consists of any of the following—

- (a) the construction, extension or alteration of a generating station that generates electricity;
- (b) development relating to underground gas storage facilities;
- (c) the construction or alteration of an LNG facility;
- (d) the construction or alteration of a gas reception facility;
- (e) airport-related development;
- (f) the construction or alteration of a railway;
- (g) the construction or alteration of a rail freight interchange;
- (h) the construction or alteration of a dam or reservoir;
- (i) development relating to the transfer of water resources;
- (j) the construction or alteration of a waste water treatment plant or of infrastructure for the transfer or storage of waste water;
- (k) the construction or alteration of a hazardous waste facility.

(2) Paragraph (1) is subject to paragraphs (3) and (4).

(3) Development is not of national significance for the purposes of section 62D(3) of the 1990 Act if it is permitted by virtue of article 3 of, and Schedule 2 to, the 1995 Order(2).

(1) O.S. 1995/418.

(2) Diwygiwyd erthygl 3 gan: rheoliadau 34(1) a 35(3) a (4) o Reoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999 (O.S. 1999/293); rheoliad 15(3) o Reoliadau Asesu Effaith Amgylcheddol (Gwaith Gwella Draeniad Tir) 1999 (O.S. 1999/1793) ac adran 76 o Ddeddf Cyfleustodau 2000 (p. 27). Gwnaed diwygiadau i Atodlen 2 nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 1995/418.

(2) Article 3 was amended by: regulations 34(1) and 35(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999/293); regulation 15(3) of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (S.I. 1999/1793) and section 76 of the Utilities Act 2000 (c. 27). There are amendments to Schedule 2 not relevant to these Regulations.

(4) Mae paragraff (1) yn ddarostyngedig i baragraffau 4 i 14.

### Gorsafodd cynhyrchu

4.—(1) Nid yw adeiladu gorsaf gynhyrchu o fewn rheoliad 3(1)(a) ac eithrio pan ddisgwylir iddi (ar ôl ei hadeiladu) fod â gallu cynhyrchu gosodedig sydd rhwng 10 a 50 megawat.

(2) Nid yw estyn neu addasu gorsaf gynhyrchu o fewn rheoliad 3(1)(a) ac eithrio pan ddisgwylir i effaith estyn neu addasiad gynyddu'r gallu cynhyrchu gosodedig o 10 megawat o leiaf, ond heb achosi i'r gallu cynhyrchu gosodedig fod yn fwy na 50 megawat.

(3) Yn y rheoliad hwn—

ystyr “gallu cynhyrchu gosodedig” (“*installed generating capacity*”) yw'r gallu cynhyrchu trydan uchaf (mewn megawatau) y gellir gweithredu'r orsaf gynhyrchu yn unol â hi am gyfnod estynedig heb beri difrod i'r orsaf (gan ragdybio bod y ffynhonnell ynni a ddefnyddir i gynhyrchu trydan ar gael yn ddi-dor);

ystyr “gorsaf gynhyrchu” (“*generating station*”) yw gorsaf, gwaith neu adeiladau sy'n cynhyrchu trydan.

### Cyfleusterau storio nwy tanddaearol

5.—(1) Nid yw datblygiad sy'n ymwneud â chyfleusterau storio nwy tanddaearol o fewn rheoliad 3(1)(b) ac eithrio pan fo'r datblygiad o fewn paragraffau (2), (3), (4) neu (6) o'r rheoliad hwn.

(2) Mae datblygiad o fewn y paragraff hwn os y datblygiad yw cyflawni gweithrediadau at y diben o greu cyfleusterau tanddaearol ar gyfer storio nwy mewn ceudodau neu mewn strata mân-dyllog naturiol, ac os bodlonir un o'r amodau ym mharagraff (5).

(3) Mae datblygiad o fewn y paragraff hwn os—

- (a) y datblygiad yw dechrau defnyddio cyfleusterau tanddaearol ar gyfer storio nwy ac eithrio mewn strata mân-dyllog naturiol;
- (b) trawsgludwr nwy yw'r datblygwr arfaethedig; ac
- (c) bodlonir un o'r amodau ym mharagraff (5).

(4) Mae datblygiad o fewn y paragraff hwn os —

- (a) y datblygiad yw dechrau defnyddio cyfleusterau tanddaearol ar gyfer storio nwy mewn ceudodau neu mewn strata mân-dyllog naturiol;
- (b) nad trawsgludwr nwy yw'r datblygwr arfaethedig; ac
- (c) bodlonir un o'r amodau ym mharagraff (5).

(4) Paragraph (1) is subject to regulations 4 to 14.

### Generating stations

4.—(1) The construction of a generating station is within regulation 3(1)(a) only if the generating station is expected to have (when constructed ) an installed generating capacity of between 10 and 50 megawatts.

(2) The extension or alteration of a generating station is within regulation 3(1)(a) only if the effect of the extension or alteration is expected to increase the installed generating capacity by at least 10 megawatts, but not so that the installed generating capacity exceeds 50 megawatts.

(3) In this regulation—

“generating station” (“*gorsaf gynhyrchu*”) means a station, plant or buildings that generate electricity;

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

### Underground gas storage facilities

5.—(1) Development relating to underground gas storage facilities is within regulation 3(1)(b) only if the development is within paragraphs (2), (3), (4) or (6) of this regulation.

(2) Development is within this paragraph if it is the carrying out of operations for the purpose of creating underground facilities for the storage of gas in cavities or in natural porous strata and one of the conditions in paragraph (5) is met.

(3) Development is within this paragraph if—

- (a) it is starting to use underground facilities for the storage of gas other than in natural porous strata;
- (b) the proposed developer is a gas transporter; and
- (c) one of the conditions in paragraph (5) is met.

(4) Development is within this paragraph if—

- (a) it is starting to use underground facilities for the storage of gas in cavities or in natural porous strata;
- (b) the proposed developer is not a gas transporter; and
- (c) one of the conditions in paragraph (5) is met.

(5) Yr amodau yw—

- (a) bod cynhwysedd gweithredol disgwylidig y cyfleusterau yn 43 miliwn metr ciwbig safonol, o leiaf;
- (b) bod cyfradd llif uchaf ddisgwylidig y cyfleusterau yn 4.5 miliwn metr ciwbig safonol y diwrnod, o leiaf.

(6) Mae datblygiad o fewn y paragraff hwn os —

- (a) y datblygiad yw cyflawni gweithrediadau at y diben o addasu cyfleusterau tanddaearol at y diben o storio nwy mewn ceudodau neu mewn strata mân-dyllog naturiol, a
- (b) effaith ddisgwylidig yr addasu yw—
  - (i) cynyddu cynhwysedd gweithredol y cyfleusterau o 43 miliwn metr ciwbig safonol, o leiaf, neu
  - (ii) cynyddu cyfradd llif uchaf y cyfleusterau o 4.5 miliwn metr ciwbig safonol y diwrnod, o leiaf.

(7) Yn y rheoliad hwn—

ystyr “cyfradd llif uchaf” (“*maximum flow rate*”) yw’r gyfradd uchaf y gall nwy lifo allan o’r cyfleusterau yn unol â hi, gan ragdybio—

- (a) bod y cyfleusterau wedi eu llenwi hyd at eu cynhwysedd mwyaf, a
- (b) y mesurir y gyfradd ar ôl unrhyw brosesu sy’n ofynnol ar y nwy wrth ei adfer o’r storfa;

ystyr “cynhwysedd gweithredol” (“*working capacity*”) yw cynhwysedd y cyfleusterau ar gyfer storio nwy yn danddaearol, gan ddiystyru unrhyw gynhwysedd sydd ar gyfer storio nwy clustogi; ac

ystyr “nwy clustogi” (“*cushion gas*”) yw nwy a gedwir mewn cyfleusterau tanddaearol at y diben o alluogi adfer o’r storfa nwy arall a storiwyd ynddi.

### Cyfleusterau ar gyfer nwy naturiol hylifedig (LNG)

6.—(1) Nid yw adeiladu cyfleuster LNG o fewn rheoliad 3(1)(c) ac eithrio (ar ôl adeiladu’r cyfleuster) pan fo—

- (a) cynhwysedd storio disgwylidig y cyfleuster yn 43 miliwn metr ciwbig safonol, o leiaf, neu
- (b) cyfradd llif uchaf ddisgwylidig y cyfleuster yn 4.5 miliwn metr ciwbig safonol y diwrnod, o leiaf.

(2) Nid yw addasu cyfleuster LNG o fewn rheoliad 3(1)(c) ac eithrio pan fo effaith ddisgwylidig yr addasiad yn cynyddu—

(5) The conditions are—

- (a) the working capacity of the facilities is expected to be at least 43 million standard cubic metres;
- (b) the maximum flow rate of the facilities is expected to be at least 4.5 million standard cubic metres per day.

(6) Development is within this paragraph if—

- (a) it is the carrying out of operations for the purpose of altering underground facilities for the storage of gas in cavities or in natural porous strata, and
- (b) the expected effect of the alteration is to increase—
  - (i) the working capacity of the facilities by at least 43 million standard cubic metres, or
  - (ii) the maximum flow rate of the facilities by at least 4.5 million standard cubic metres per day.

(7) In this regulation—

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

- (a) the facilities are filled to maximum capacity, and
- (b) the rate is measured after any processing of gas required on its recovery from storage;

“working capacity” (“*cynhwysedd gweithredol*”) means the capacity of the facilities for storage of gas underground, ignoring any capacity for storage of cushion gas; and

“cushion gas” (“*nwy clustogi*”) means gas which is kept in underground facilities for the purpose of enabling other gas stored there to be recovered from storage.

### Facilities for liquid natural gas (LNG)

6.—(1) The construction of an LNG facility is within regulation 3(1)(c) only if (when constructed)—

- (a) the storage capacity of the facility is expected to be at least 43 million standard cubic metres, or
- (b) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.

(2) The alteration of an LNG facility is within regulation 3(1)(c) only if the expected effect of the alteration is to increase —

- (a) y cynhwysedd storio yn y cyfleuster o 43 miliwn metr ciwbig safonol, o leiaf, neu
- (b) cyfradd llif uchaf y cyfleuster o 4.5 miliwn metr ciwbig safonol y diwrnod, o leiaf.

(3) Yn y rheoliad hwn—

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

- (a) bod y cyfleuster wedi ei lenwi hyd at ei gynhwysedd mwyaf, a
- (b) y mesurir y gyfradd ar ôl ail-nwyeiddio’r nwy hylifedig naturiol ac unrhyw brosesu arall sy’n ofynnol wrth adfer y nwy o’r storfa;

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

- (a) derbyn nwy hylifedig naturiol o’r tu allan i Gymru,
- (b) storio’r nwy hwnnw, ac
- (c) ail-nwyeiddio’r nwy hwnnw;

ystyr “cynhwysedd storio” (“*storage capacity*”) yw cynhwysedd y cyfleuster ar gyfer storio’r nwy naturiol hylifedig, a fesurir fel pe bai’r nwy wedi ei storio yn ei ffurf ail-nwyeiddiedig.

### Cyfleusterau derbyn nwy

7.—(1) Nid yw adeiladu cyfleuster derbyn nwy o fewn rheoliad 3(1)(d) ac eithrio (ar ôl adeiladu’r cyfleuster) pan fo—

- (a) y cyfleuster o fewn paragraff (3), a
- (b) cyfradd llif uchaf ddisgwyliedig y cyfleuster yn 4.5 miliwn metr ciwbig safonol y diwrnod, o leiaf.

(2) Nid yw addasu cyfleuster derbyn nwy o fewn rheoliad 3(1)(d) ac eithrio pan fo—

- (a) y cyfleuster o fewn paragraff (3), a
- (b) effaith ddisgwyliedig yr addasiad yn cynyddu cyfradd llif uchaf y cyfleuster o 4.5 miliwn metr ciwbig safonol y diwrnod, o leiaf.

(3) Mae cyfleuster derbyn nwy o fewn y paragraff hwn os—

- (a) nad yw’r nwy a drinnir yn y cyfleuster yn tarddu o Gymru, Lloegr neu’r Alban,
- (b) nad yw’r nwy yn cyrraedd y cyfleuster o Loegr neu’r Alban, ac
- (c) nad yw’r nwy wedi ei drin eisoes mewn cyfleuster arall ar ôl cyrraedd Cymru.

- (a) the storage capacity of the facility by at least 43 million standard cubic metres, or
- (b) the maximum flow rate of the facility by at least 4.5 million standard cubic metres per day.

(3) In this regulation—

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

- (a) the facility is filled to maximum capacity, and
- (b) the rate is measured after regasification of the liquid natural gas and any other processing required on the recovery of the gas from storage;

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

- (a) the reception of liquid natural gas from outside Wales,
- (b) the storage of that gas, and
- (c) the regasification of that gas;

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

### Gas reception facilities

7.—(1) The construction of a gas reception facility is within regulation 3(1)(d) only if (when constructed)—

- (a) the facility is within paragraph (3), and
- (b) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.

(2) The alteration of a gas reception facility is within regulation 3(1)(d) only if—

- (a) the facility is within paragraph (3), and
- (b) the expected effect of the alteration is to increase the maximum flow rate of the facility by at least 4.5 million standard cubic metres per day.

(3) A gas reception facility is within this paragraph if—

- (a) the gas handled by the facility does not originate in Wales, England, or Scotland,
- (b) the gas does not arrive at the facility from England or Scotland, and
- (c) the gas has not already been handled at another facility after its arrival in Wales.



(4) Yn y rheoliad hwn—

ystyr “cyfleuster derbyn nwy” (“*gas reception facility*”) yw gyfleuster ar gyfer—

- (a) derbyn nwy naturiol yn ei ffurf nwyol o’r tu allan i Gymru, a
- (b) trin nwy naturiol (rywfodd ac eithrio drwy ei storio);

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

### Meysydd awyr

8.—(1) Nid yw datblygiad mewn perthynas â maes awyr o fewn o fewn rheoliad 3(1)(e) ac eithrio pan y datblygiad yw—

- (a) adeiladu maes awyr o fewn paragraff (2),
- (b) addasu maes awyr o fewn paragraff (3), neu
- (c) gwneud cynnydd, sydd o fewn paragraff (4), yn y defnydd a ganiateir o faes awyr.

(2) Nid yw adeiladu maes awyr o fewn y paragraff hwn ac eithrio pan ddisgwylir y gall y maes awyr (ar ôl ei adeiladu) ddarparu—

- (a) gwasanaethau cludiant teithwyr awyr ar gyfer o leiaf un filiwn o deithwyr bob blwyddyn, neu
- (b) gwasanaethau cludiant nwyddau awyr ar gyfer o leiaf 5,000 o symudiadau cludiant awyr gan awyrennau nwyddau bob blwyddyn.

(3) Nid yw addasu maes awyr o fewn y paragraff hwn ac eithrio pan ddisgwylir i’r addasiad gynyddu—

- (a) nifer y teithwyr y gall y maes awyr ddarparu gwasanaethau cludiant teithwyr awyr iddynt, o un filiwn y flwyddyn, o leiaf, neu
- (b) nifer y symudiadau cludiant awyr gan awyrennau nwyddau y gall y maes awyr ddarparu gwasanaethau cludiant nwyddau awyr ar eu cyfer, o 5,000 y flwyddyn, o leiaf.

(4) Nid yw cynnydd yn y defnydd a ganiateir o faes awyr o fewn y paragraff hwn ac eithrio pan fo’n gynnydd o—

- (a) un filiwn y flwyddyn, o leiaf, yn nifer y teithwyr y caniateir i’r maes awyr ddarparu gwasanaethau cludiant teithwyr awyr iddynt, neu

(4) In this regulation—

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

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

- (a) the reception of natural gas in gaseous form from outside Wales, and
- (b) the handling of natural gas (other than its storage).

### Airports

8.—(1) Airport-related development is within regulation 3(1)(e) only if the development is—

- (a) the construction of an airport within paragraph (2),
- (b) the alteration of an airport within paragraph (3), or
- (c) an increase in the permitted use of an airport within paragraph (4).

(2) The construction of an airport is within this paragraph only if the airport is expected (when constructed) to be capable of providing—

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

(3) The alteration of an airport is within this paragraph only if the alteration is expected to increase—

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

(4) An increase in the permitted use of an airport is within this paragraph only if it is at least—

- (a) one million per year in the number of passengers for whom the airport is permitted to provide air passenger transport services, or

(b) 5,000 y flwyddyn, o leiaf, yn nifer y symudiadau cludiant awyr gan awyrennau nwyddau y caniateir i'r maes awyr ddarparu gwasanaethau cludiant nwyddau awyr iddynt.

(5) Yn y rheoliad hwn—

mae “addasu”/“addasiad” (“*alteration*”) yn cynnwys adeiladu, estyn neu addasu—

- (a) rhedfa yn y maes awyr,
- (b) adeilad yn y maes awyr, ac
- (c) mast radar neu radio, antena neu gyfarpar arall yn y maes awyr;

ystyr “awyren nwyddau” (“*cargo aircraft*”) yw awyren sydd—

- (a) wedi ei chynllunio i gludo nwyddau ond nid teithwyr, a
- (b) sy'n ymgymryd â chludo nwyddau ar delerau masnachol;

ystyr “gwasanaethau cludiant nwyddau awyr” (“*air cargo transport services*”) yw gwasanaethau ar gyfer cludo nwyddau drwy'r awyr;

ystyr “gwasanaethau cludiant teithwyr awyr” (“*air passenger transport services*”) yw gwasanaethau ar gyfer cludo teithwyr drwy'r awyr;

mae “nwyddau” (“*cargo*”) yn cynnwys post;

ystyr “symudiad cludiant awyr” (“*air transport movement*”) yw glaniad neu esgyniad awyren.

## Rheilffyrdd

9.—(1) Nid yw adeiladu rheilffordd o fewn rheoliad 3(1)(f) ac eithrio pan fo'r rheilffordd (ar ôl ei hadeiladu)—

- (a) yn gyfan gwbl neu'n rhannol yng Nghymru (yn ddarostyngedig i baragraff (2)),
- (b) yn rhan o rwydwaith a weithredir gan weithredwr cymeradwy, ac
- (c) yn cynnwys darn o drac di-dor sydd â'i hyd yn fwy na dau gilometr,

yn ddarostyngedig i baragraff (5).

(2) Yn achos rheilffordd sydd (ar ôl ei hadeiladu) yn rhannol yng Nghymru, ni fydd adeiladu'r rheilffordd o fewn rheoliad 3(1)(f) ac eithrio i'r graddau y mae darn o drac di-dor sy'n fwy na dau gilometr o hyd yng Nghymru.

(3) Nid yw addasu rheilffordd o fewn rheoliad 3(1)(f) ac eithrio pan fo—

- (a) y rhan o'r rheilffordd sydd i'w haddasu yn gyfan gwbl neu'n rhannol yng Nghymru (yn ddarostyngedig i baragraff (4)),

(b) 5,000 per year in the number of air transport movements of cargo aircraft for which the airport is permitted to provide air cargo transport services.

(5) In this regulation—

“air cargo transport services” (“*gwasanaethau cludiant nwyddau awyr*”) means services for the carriage of cargo by air;

“air passenger transport services” (“*gwasanaethau cludiant teithwyr awyr*”) means services for the carriage of passengers by air;

“air transport movement” (“*symudiad cludiant awyr*”) means the landing or take-off of an aircraft;

“alteration” (“*addasu*”/“*addasiad*”) includes the construction, extension or alteration of—

- (a) a runway at the airport,
- (b) a building at the airport, and
- (c) a radar or radio mast, antenna or other apparatus at the airport;

“cargo” (“*nwyddau*”) includes mail;

“cargo aircraft” (“*awyren nwyddau*”) means an aircraft which is—

- (a) designed to transport cargo but not passengers, and
- (b) engaged in the transport of cargo on commercial terms.

## Railways

9.—(1) The construction of a railway is within regulation 3(1)(f) only if the railway (when constructed)—

- (a) is wholly or partly in Wales (subject to paragraph (2)),
- (b) is part of a network operated by an approved operator, and
- (c) includes a stretch of track that is a continuous length of more than two kilometres;

subject to paragraph (5).

(2) In the case of a railway that (when constructed) is partly in Wales, the construction of the railway is within regulation 3(1)(f) only to the extent that a continuous length of more than two kilometres of track is in Wales.

(3) The alteration of a railway is within regulation 3(1)(f) only if —

- (a) the part of the railway to be altered is wholly or partly in Wales (subject to paragraph (4)),

- (b) y rheilffordd yn rhan o rwydwaith a weithredir gan weithredwr cymeradwy, ac
- (c) yr addasiad i'r rheilffordd yn cynnwys gosod darn o drac di-dor sydd â'i hyd yn fwy na dau gilometr,

yn ddarostyngedig i baragraff (5).

(4) Yn achos rheilffordd sydd (ar ôl ei haddasu) yn rhannol yng Nghymru nid yw'r addasiad i'r rheilffordd o fewn rheoliad 3(1)(f) ac eithrio i'r graddau y mae'r darn o drac addasedig yng Nghymru yn ddarn di-dor o fwy na dau gilometr.

(5) Nid yw adeiladu neu addasu rheilffordd o fewn rheoliad 3(1)(f) i'r graddau y mae'r rheilffordd yn ffurfio rhan (neu y bydd yn ffurfio rhan ar ôl ei hadeiladu) o gyfnewidfa nwyddau rheilffordd.

(6) Yn y rheoliad hwn—

ystyr “gweithredwr cymeradwy” (“*approved operator*”) yw person—

- (a) a awdurdodwyd i fod yn weithredwr rhwydwaith gan drwydded a roddwyd o dan adran 8 o Ddeddf Rheilffyrdd 1993(1) (trwyddedau ar gyfer gweithredu asedau rheilffordd), neu
- (b) sydd yn is-gwmni ym mherchnogaeth lwyr cwmni sydd yn berson o'r fath.

mae i “is-gwmni ym mherchnogaeth lwyr” yr ystyr a roddir i “wholly-owned subsidiary” yn Neddf Cwmnïau 2006(2);

ystyr “rheilffordd” yw—

- (a) rheilffordd;
- (b) tramffordd; neu
- (c) system drafnidiaeth sy'n defnyddio dull arall o drafnidiaeth gyfeiriedig, nad yw'n system o gerbydau troli.

mae i “rhwydwaith” yr ystyr a roddir i “network” gan adran 83(1) o Ddeddf Rheilffyrdd 1993(3);

mae “trac addasedig” (“*altered track*”) yn cynnwys trac ychwanegol, amnewidiol neu wyredig.

- (b) the railway is part of a network operated by an approved operator, and
- (c) the alteration of the railway includes laying a stretch of track that is of a continuous length of more than two kilometres;

subject to paragraph (5).

(4) In the case of a railway that (when altered) is partly in Wales the alteration of the railway is within regulation 3(1)(f) only to the extent that the length of the altered track in Wales is of a continuous length of more than two kilometres.

(5) Construction or alteration of a railway is not within regulation 3(1)(f) to the extent that the railway forms part (or will when constructed form part) of a rail freight interchange.

(6) In this regulation—

“altered track” (“*trac addasedig*”) includes additional, replacement or deviated track;

“approved operator” (“*gweithredwr cymeradwy*”) means a person who—

- (a) is authorised to be the operator of a network by a licence granted under section 8 of the Railways Act 1993(1) (licences for operation of railway assets), or
- (b) is a wholly-owned subsidiary of a company which is such a person.

“network” (“*rhwydwaith*”) has the meaning given by section 83(1) of the Railways Act 1993(2);

“railway” means—

- (a) a railway;
- (b) a tramway; or
- (c) a transport system which uses another mode of guided transport but which is not a trolley vehicle system;

“wholly-owned subsidiary” (“*is-gwmni ym mherchnogaeth lwyr*”) has the meaning given by the Companies Act 2006(3).

(1) 1993 p. 43. Diwygiwyd adran 8 gan: adran 216 o Ddeddf Trafnidiaeth 2000 (p. 38) a pharagraffau 1 a 4 o Atodlen 17 i'r Ddeddf honno; adran 16 o Ddeddf Diogelwch y Rheilffyrdd a Thrafnidiaeth 2003 (p. 20), a pharagraffau 1 a 3 o Atodlen 2 i'r Ddeddf honno; a chan adrannau 1 a 59 o Ddeddf Rheilffyrdd 2005 (p. 14) a pharagraff 3 o Ran 1 o Atodlen 1, a Rhan 1 Atodlen 13 i'r Ddeddf honno.

(2) 2006 p. 46. Gweler adran 1159.

(3) Gwnaed diwygiadau i adran 83(1) nad ydynt yn berthnasol i'r rheoliad hwn.

(1) 1993 c. 43. Section 8 was amended by: section 216 of, and paragraphs 1 and 4 of Schedule 17 to, the Transport Act 2000 (c. 38); section 16 of, and paragraphs 1 and 3 of Schedule 2 to, the Railways and Transport Safety Act 2003 (c. 20); and by sections 1 and 59 of, and paragraph 3 of Part 1 of Schedule 1, and Part 1 of Schedule 13 to, the Railways Act 2005 (c. 14).

(2) There are amendments to section 83(1) not relevant to this regulation.

(3) 2006 c. 46. See section 1159.

## Cyfnewidfeydd nwyddau rheilffordd

**10.**—(1) Nid yw adeiladu cyfnewidfa nwyddau rheilffordd o fewn rheoliad 3(1)(g) ac eithrio pan ddisgwylir (ar ôl ei hadeiladu) y bodlonir mewn perthynas â hi bob un o'r amodau ym mharagraffau (3) i (5).

(2) Nid yw addasu cyfnewidfa nwyddau rheilffordd o fewn rheoliad 3(1)(g) ac eithrio pan ddisgwylir (ar ôl yr addasu) y bodlonir mewn perthynas â hi bob un o'r amodau ym mharagraffau (3) i (5).

(3) Yr amod cyntaf yw bod y gyfnewidfa nwyddau rheilffordd yn gallu trin—

- (a) llwythi o nwyddau oddi wrth fwy nag un traddodwr ac i fwy nag un derbynnnydd, a
- (b) o leiaf ddau drên nwyddau bob dydd.

(4) Yr ail amod yw bod y gyfnewidfa nwyddau rheilffordd yn cynnwys warysau y gellir anfon nwyddau iddynt o'r rhwydwaith rheilffyrdd, naill ai'n uniongyrchol neu drwy gyfrwng math arall o drafndiaeth.

(5) Y trydydd amod yw nad yw'r gyfnewidfa nwyddau rheilffordd yn rhan o sefydliad milwrol.

(6) Yn y rheoliad hwn—

mae i "rhwydwaith", "stoc rholio" a "trên", yn eu trefn, yr ystyron a roddir i "network", "rolling stock" a "train" gan adran 83(1) o Ddeddf Rheilffyrdd 1993;

ystyr "sefydliad milwrol" ("*military establishment*") yw sefydliad a fwriedir ar ddibenion y llynges, y fyddin neu'r llu awyr, neu at ddibenion Adran yr Ysgrifennydd Gwladol sy'n gyfrifol am amddiffyn; ac

.ystyr "trên nwyddau" ("*goods train*") (os diystyriwr unrhyw locomotif) yw trên a gyfansoddir o eitemau o stoc rholio a gynlluniwyd ar gyfer cludo nwyddau.

## Argaeau a chronfeydd dŵr

**11.**—(1) Nid yw adeiladu argae neu gronfa ddŵr o fewn rheoliad 3(1)(h) ac eithrio pan fo cyfaint disgwylidig y dŵr a gedwir yn ôl gan yr argae neu sydd wedi ei storio yn y gronfa yn fwy na 10 miliwn metr ciwbig.

(2) Nid yw addasu argae neu gronfa ddŵr o fewn rheoliad 3(1)(h) ac eithrio pan fo cyfaint ychwanegol disgwylidig y dŵr a gedwir yn ôl gan yr argae neu a fydd wedi ei storio yn y gronfa, o ganlyniad i'r addasiad, yn fwy na 10 miliwn metr ciwbig.

## Rail freight interchanges

**10.**—(1) The construction of a rail freight interchange is within regulation 3(1)(g) only if (when constructed) each of the conditions in paragraphs (3) to (5) is expected to be met in relation to it.

(2) The alteration of a rail freight interchange is within regulation 3(1)(g) only if (following the alteration) each of the conditions in paragraphs (3) to (5) is expected to be met in relation to it.

(3) The first condition is that the rail freight interchange is capable of handling—

- (a) consignments of goods from more than one consignor and to more than one consignee, and
- (b) at least two goods trains per day.

(4) The second condition is that the rail freight interchange includes warehouses to which goods can be delivered from the railway network either directly or by means of another form of transport.

(5) The third condition is that the rail freight interchange is not part of a military establishment.

(6) In this regulation—

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

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

and the following terms have the meanings given by section 83(1) of the Railways Act 1993—

"network" ("*rhwydwaith*");

"rolling stock" ("*stoc rholio*");

"train" ("*trên*").

## Dams and reservoirs

**11.**—(1) The construction of a dam or reservoir is within regulation 3(1)(h) only if the volume of water to be held back by the dam or stored in the reservoir is expected to exceed 10 million cubic metres.

(2) The alteration of a dam or reservoir is within regulation 3(1)(h) only if the additional volume of water to be held back by the dam or stored in the reservoir as a result of the alteration is expected to exceed 10 million cubic metres.

## Trosglwyddo adnoddau dŵr

**12.**—(1) Nid yw datblygiad sy'n ymwneud â throsglwyddo adnoddau dŵr o fewn rheoliad 3(1)(i) ac eithrio pan—

- (a) cyflawnir y datblygiad gan un neu ragor o ymgwymerwyr dŵr,
- (b) disgwylir y bydd cyfaint y dŵr sydd i'w drosglwyddo o ganlyniad i'r datblygiad yn fwy na 100 miliwn metr ciwbig y flwyddyn,
- (c) bydd y datblygiad yn galluogi trosglwyddo adnoddau dŵr—
  - (i) rhwng basnau afonydd yng Nghymru,
  - (ii) rhwng ardaloedd ymgwymerwyr dŵr yng Nghymru, neu
  - (iii) rhwng basn afon yng Nghymru ac ardal ymgwymerwr dŵr yng Nghymru, a
- (d) nad yw'r datblygiad yn ymwneud â throsglwyddo dŵr yfed.

(2) Yn y rheoliad hwn—

ystyr “basn afon” (“*river basin*”) yw arwynebedd o dir a ddraenir gan afon a'i his-afonydd;

ystyr “ymgwymerwr dŵr” (“*water undertaker*”) yw cwmni a benodwyd yn ymgwymerwr dŵr o dan adran 6 o Ddeddf y Diwydiant Dŵr 1991 (penodi ymgwymerwyr perthnasol)(1);

ystyr “ardal ymgwymerwr dŵr” (“*water undertaker's area*”) yw'r ardal y penodwyd ymgwymerwr dŵr ar ei chyfer o dan y Ddeddf honno.

## Gweithfeydd trin dŵr gwastraff

**13.**—(1) Nid yw adeiladu gwaith trin dŵr gwastraff o fewn rheoliad 3(1)(j) ac eithrio pan fô capasiti disgwylidig y gwaith trin (ar ôl ei adeiladu) yn fwy na chyfwerth poblogaeth o 500,000.

(2) Nid yw adeiladu seilwaith ar gyfer trosglwyddo neu storio dŵr gwastraff o fewn rheoliad 3(1)(j) ac eithrio pan—

- (a) prif ddiben y seilwaith yw—
  - (i) trosglwyddo'r dŵr gwastraff ar gyfer ei drin, neu
  - (ii) storio dŵr gwastraff cyn ei drin,

neu'r ddau, a

## Transfer of water resources

**12.**—(1) Development relating to the transfer of water resources is within regulation 3(1)(i) only if—

- (a) the development is carried out by one or more water undertakers,
- (b) the volume of water to be transferred as a result of the development is expected to exceed 100 million cubic metres per year,
- (c) the development enables the transfer of water resources—
  - (i) between river basins in Wales,
  - (ii) between water undertakers' areas in Wales, or
  - (iii) between a river basin in Wales and a water undertaker's area in Wales, and
- (d) the development does not relate to the transfer of drinking water.

(2) In this regulation—

“river basin” (“*basn afon*”) means an area of land drained by a river and its tributaries;

“water undertaker” (“*ymgwymerwr dŵr*”) means a company appointed as a water undertaker under section 6 of the Water Industry Act 1991 (appointment of relevant undertakers)(1).

“water undertaker's area” (“*ardal ymgwymerwr dŵr*”) means the area for which a water undertaker is appointed under that Act.

## Waste water treatment plants

**13.**—(1) The construction of a waste water treatment plant is within regulation 3(1)(j) only if the treatment plant (when constructed) is expected to have a capacity exceeding a population equivalent of 500,000.

(2) The construction of infrastructure for the transfer or storage of waste water is within regulation 3(1)(j) only if—

- (a) the main purpose of the infrastructure is—
  - (i) the transfer of waste water for treatment, or
  - (ii) the storage of waste water prior to treatment,

or both, and

(1) 1991 p. 56. Diwygiwyd adran 6 gan adran 36 o Ddeddf Dŵr 2003 (p. 37). Gwnaed diwygiadau eraill i adran 6 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 1991 c. 56. Section 6 was amended by section 36 of the Water Act 2003 (c. 37). There are other amendments to section 6 not relevant to these Regulations.

(b) disgwylir i'r seilwaith fod â'r gallu i storio mwy na 350,000 metr ciwbig o ddŵr gwastraff.

(3) Nid yw addasu gwaith trin dŵr gwastraff o fewn rheoliad 3(1)(j) ac eithrio pan effaith ddisgwyliedig yr addasiad yw cynnydd yng nghapasiti'r gwaith trin o fwy na chyfwerth poblogaeth o 500,000.

(4) Nid yw addasu seilwaith ar gyfer trosglwyddo neu storio dŵr gwastraff o fewn rheoliad 3(1)(j) ac eithrio pan—

- (a) prif ddiben y seilwaith yw—
  - (i) trosglwyddo'r dŵr gwastraff ar gyfer ei drin, neu
  - (ii) storio dŵr gwastraff cyn ei drin,

neu'r ddau, a

(b) effaith ddisgwyliedig yr addasiad yw cynnydd yng nghapasiti'r seilwaith ar gyfer storio dŵr gwastraff o fwy na 350,000 metr ciwbig.

(5) Yn y rheoliad hwn—

mae "dŵr gwastraff" ("*waste water*") yn cynnwys dŵr gwastraff domestig, dŵr gwastraff diwydiannol a dŵr gwastraff trefol; ac

mae i'r termau "dŵr gwastraff domestig", "dŵr gwastraff diwydiannol", "cyfwerth poblogaeth" a "dŵr gwastraff trefol", yn eu trefn, yr ystyron a roddir i "domestic waste water", "industrial waste water", "population equivalent" ac "urban waste water" gan reoliad 2(1) o Reoliadau Trin Dŵr Gwastraff Trefol (Cymru a Lloegr) 1994(1).

### Cyfleusterau gwastraff peryglus

14.—(1) Nid yw adeiladu cyfleuster gwastraff peryglus o fewn rheoliad 3(1)(k) ac eithrio pan—

- (a) prif ddiben y cyfleuster yw gwaredu gwastraff peryglus yn derfynol neu ei adfer, a
- (b) disgwylir i'r cyfleuster fod â'r capasiti a bennir ym mharagraff (2).

(2) Y capasiti yw—

- (a) yn achos gwaredu gwastraff peryglus drwy dirlenwi neu mewn cyfleuster storio dwfn, mwy na 100,000 tonnelli y flwyddyn;

(b) the infrastructure is expected to have a capacity for the storage of waste water exceeding 350,000 cubic metres.

(3) The alteration of a waste water treatment plant is within regulation 3(1)(j) only if the effect of the alteration is expected to be to increase by more than a population equivalent of 500,000 the capacity of the plant.

(4) The alteration of infrastructure for the transfer or storage of waste water is within regulation 3(1)(j) only if—

- (a) the main purpose of the infrastructure is—
  - (i) the transfer of waste water for treatment, or
  - (ii) the storage of waste water prior to treatment,

or both, and

(b) the effect of the alteration is expected to be to increase the capacity of the infrastructure for the storage of waste water by more than 350,000 cubic metres.

(5) In this regulation—

"waste water" ("*dŵr gwastraff*") includes domestic waste water, industrial waste water and urban waste water;

and the following terms have the meanings given by regulation 2(1) of the Urban Waste Water Treatment (England and Wales) Regulations 1994(1)—

"domestic waste water" ("*dŵr gwastraff domestig*");

"industrial waste water" ("*gwastraff diwydiannol*");

"population equivalent" ("*cyfwerth poblogaeth*");

"urban waste water" ("*dŵr gwastraff trefol*").

### Hazardous waste facilities

14.—(1) The construction of a hazardous waste facility is within regulation 3(1)(k) only if—

- (a) the main purpose of the facility is the final disposal or recovery of hazardous waste, and
- (b) the facility is expected to have the capacity specified in paragraph (2).

(2) The capacity is—

- (a) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, more than 100,000 tonnes per year;

(1) O.S. 1994/2841. Gwnaed diwygiadau i reoliad 2(1) nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 1994/2841. There are amendments to regulation 2(1) not relevant to these Regulations.

(b) mewn unrhyw achos arall, mwy na 30,000 tonnall y flwyddyn.

(3) Nid yw addasu cyfleuster gwastraff peryglus o fewn rheoliad 3(1)(k) ac eithrio pan—

(a) prif ddiben y cyfleuster yw gwaredu gwastraff peryglus yn derfynol neu ei adfer, a

(b) disgwylir i'r addasiad gynyddu capasiti'r cyfleuster—

(i) yn achos gwaredu gwastraff peryglus drwy dirlenwi neu mewn cyfleuster storio dwfn, o fwy na 100,000 tonnall y flwyddyn;

(ii) mewn unrhyw achos arall, o fwy na 30,000 tonnall y flwyddyn.

(4) Yn y rheoliad hwn—

ystyr “cyfleuster storio dwfn” (“*deep storage facility*”) yw cyfleuster ar gyfer storio gwastraff yn danddaearol mewn ceudod daearegol dwfn; ac

mae i'r termau “gwaredu”, “gwastraff peryglus” ac “adfer”, yn eu trefn, yr ystyron a roddir i “disposal”, “hazardous waste” a “recovery” yn Rheoliadau Gwastraff Peryglus (Cymru a Lloegr) 2005(1).

(b) in any other case, more than 30,000 tonnes per year.

(3) The alteration of a hazardous waste facility is within regulation 3(1)(k) only if—

(a) the main purpose of the facility is the final disposal or recovery of hazardous waste, and

(b) the alteration is expected to increase the capacity of the facility—

(i) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, by more than 100,000 tonnes per year;

(ii) in any other case, by more than 30,000 tonnes per year.

(4) In this regulation—

“deep storage facility” (“*cyfleuster storio dwfn*”) means a facility for the storage of waste underground in a deep geological cavity;

and the following terms have the same meanings as in the Hazardous Waste (England and Wales) Regulations 2005(1)—

“disposal” (“*gwaredu*”);

“hazardous waste” (“*gwastraff peryglus*”);

“recovery” (“*adfer*”).

## RHAN 3

### Cydsyniadau Eilaidd Rhagnodedig

#### Cydsyniadau Rhagnodedig

15. Mae'r cydsyniadau a restrir yn yr Atodlen wedi eu rhagnodi at ddibenion Deddf 1990.

#### Gorchmynion priffyrdd: diwygiadau canlyniadol

16.—(1) Diwygir adran 252 o Ddeddf 1990 fel a ganlyn.

(2) Ar ôl is-adran (3) mewnosoder—

“(3A) Where the Welsh Ministers are proposing to make an order under section 247, 248 or 251 in connection with development of national significance—

(a) subsection (1) has effect as if for “shall” there were substituted “may”;

(b) subsections (2) and (3) apply only if the Welsh Ministers publish a notice under subsection (1).”

## PART 3

### Prescribed Secondary Consents

#### Prescribed consents

15.—The consents listed in the Schedule are prescribed for the purposes of the 1990 Act.

#### Highways Orders: consequential amendments

16.—(1) Section 252 of the 1990 Act is amended as follows.

(2) After subsection (3) insert—

“(3A) Where the Welsh Ministers are proposing to make an order under section 247, 248 or 251 in connection with development of national significance—

(a) subsection (1) has effect as if for “shall” there were substituted “may”;

(b) subsections (2) and (3) apply only if the Welsh Ministers publish a notice under subsection (1).”

(1) O.S. 2005/894. Gweler rheoliad 5.

(1) S.I.2005/894. See regulation 5.

(3) Ar ôl is-adran (6A) mewnosoder—

“(6B) Where the Welsh Ministers are proposing to make an order under section 247, 248 or 251 in connection with development of national significance, subsections (6C) and (6D) apply in place of subsections (4) to (6).

(6C) The Welsh Ministers may cause a local inquiry to be held if—

- (a) they have published notice under subsection (1)(b),
- (b) before the end of the period of 28 days mentioned in subsection (1)(b) they receive an objection from a person mentioned in subsection (2)(a) to (b), or from any other person appearing to them to be affected by the order, and
- (c) the objection is not withdrawn.

(6D) Subsections (2) and (3) of section 250 of the Local Government Act 1972 and section 322C apply in relation to an inquiry caused to be held by the Welsh Ministers under subsection (6C).”

(4) Yn isadran (12), o flaen y diffiniad o “the relevant area” mewnosoder—

““development of national significance” is to be interpreted in accordance with section 62D;”.

(3) After subsection (6A) insert—

“(6B) Where the Welsh Ministers are proposing to make an order under section 247, 248 or 251 in connection with development of national significance, subsections (6C) and (6D) apply in place of subsections (4) to (6).

(6C) The Welsh Ministers may cause a local inquiry to be held if—

- (a) they have published a notice under subsection (1)(b),
- (b) before the end of the period of 28 days mentioned in subsection (1)(b) they receive an objection from a person mentioned in subsection (2)(a) to (b), or from any other person appearing to them to be affected by the order, and
- (c) the objection is not withdrawn.

(6D) Subsections (2) and (3) of section 250 of the Local Government Act 1972 and section 322C apply in relation to an inquiry caused to be held by the Welsh Ministers under subsection (6C).”

(4) In subsection (12), before the definition of “the relevant area” insert—

““development of national significance” is to be interpreted in accordance with section 62D;”.

*Carl Sargeant*

Y Gweinidog Adnoddau Naturiol, un o Weinidogion  
Cymru

27 Ionawr 2016

Minister for Natural Resources, one of the Welsh  
Ministers

27 January 2016



## YR ATODLEN Rheoliad 15

1. Cydsyniad o dan adran 2(3) o Ddeddf Henebion a Mannau Archeolegol 1979(1) (rheoli gwaith sy'n effeithio ar henebion rhestredig).
2. Cydsyniad o dan adran 178(1) o Ddeddf Priffyrdd 1980(2) (cyfyngu ar osod rheiliau, trawstiau etc dros briffyrdd).
3. Cydsyniad o dan adran 8(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (3) (awdurdodi gwaith: cydsyniad adeilad rhestredig).
4. Cydsyniad o dan adran 74(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (4) (rheoli dymchwel mewn ardaloedd cadwraeth).
5. Cydsyniad o dan adran 4(1) o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(5) (gofyniad am gydsyniad sylweddau peryglus).
6. Cydsyniad o dan adran 13 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 (6) (cais am gydsyniad sylweddau peryglus heb amod a osodwyd ar gydsyniad blaenorol).

## SCHEDULE Regulation 15

1. Consent under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979(1) (control of works affecting scheduled monuments).
2. Consent under section 178(1) Highways Act 1980(2) (restriction on placing rails, beams etc over highways).
3. Consent under section 8(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(3) (authorisation of works: listed building consent).
4. Consent under section 74(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(4) (control of demolition in conservation areas).
5. Consent under section 4(1) of the Planning (Hazardous Substances) Act 1990(5) (requirement of hazardous substances consent).
6. Consent under section 13 of the Planning (Hazardous Substances) Act 1990(6) (application for hazardous substances consent without condition attached to previous consent).

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- (1) 1979 p. 46. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ("Gorchymyn 1999") ac Atodlen 1 i'r Gorchymyn hwnnw. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 ("Deddf 2006") a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno ("Atodlen 11").
  - (2) 1980 p. 66. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn 1999, ac Atodlen 1 i'r Gorchymyn hwnnw. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf 2006 a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.
  - (3) 1990 p. 9. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn 1999, ac Atodlen 1 i'r Gorchymyn hwnnw. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf 2006 a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.
  - (4) Diwygiwyd adran 74(1) gan adran 63 o Ddeddf Menter a Diwygio Rheoleiddio 2013 (p. 24) a pharagraffau 7, 12(1) and (2) o Atodlen 17 i'r Ddeddf honno.
  - (5) 1990 c.10. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn 1999, ac Atodlen 1 i'r Gorchymyn hwnnw. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf 2006 a pharagraffau 30 a 32 o Atodlen 11.
  - (6) Diddymwyd adran 13(7) gan adrannau 144 a 162 o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43), paragraff 6 o Ran I o Atodlen 13 a Rhan VII o Atodlen 16 i'r Ddeddf honno.

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- (1) 1979 c. 46. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) ("the 1999 Order"). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 ("Schedule 11") to, the Government of Wales Act 2006 ("the 2006 Act").
  - (2) 1980 c. 66. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the 1999 Order. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11.
  - (3) 1990 c. 9. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the 1999 Order. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11.
  - (4) Section 74(1) was amended by section 63 of, and paragraphs 7, 12(1) and (2) of Schedule 17 to, the Enterprise and Regulatory Reform Act 2013 (c. 24).
  - (5) 1990 c. 10. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the 1999 Order. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11.
  - (6) Section 13(7) was repealed by sections 144 and 162 of, paragraph 6 of Part I of Schedule 13 and Part VII of Schedule 16 to, the Environmental Protection Act 1990 (c. 43).

7. Cydsyniad o dan adran 17 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 (1) (dirymu cydsyniad sylweddau peryglus pan newidir rheolaeth tir).

8. Caniatâd cynllunio o dan adran 57(1) o Ddeddf Cynllunio Gwlad a Thref 1990 (caniatâd cynllunio yn ofynnol ar gyfer datblygiad) ac eithrio caniatâd cynllunio amlinellol(2).

9. Awdurdodiad o dan adran 247(1) o Ddeddf 1990(3) (gorchymyn yn awdurdodi cau neu ailgyfeirio priffordd).

10. Awdurdodiad o dan adran 248(2) o Ddeddf 1990(4) (gorchymyn yn awdurdodi cau neu ailgyfeirio priffordd sy'n croesi neu'n ymuno â llwybr priffordd newydd arfaethedig).

11. Gorchymyn o dan adran 251(1) o Ddeddf 1990(5) (gorchymyn yn diddymu hawliau tramwy cyhoeddus dros dir a ddelir at ddibenion cynllunio).

12. Cydsyniad y gofynnir amdano o dan adran 16(1) o Ddeddf Tiroedd Comin 2006(6) (dadgofrestru a chyfnewid: ceisiadau).

13. Cydsyniad sy'n ofynnol gan adran 38(1) o Ddeddf Tiroedd Comin 2006 (gwahardd gwneud gwaith heb gydsyniad).

7. Consent under section 17 of the Planning (Hazardous Substances) Act 1990(1) (revocation of hazardous substances consent on change of control of land).

8. Planning permission under section 57(1) of the Town and Country Planning 1990 Act (planning permission required for development) other than outline planning permission(2).

9. Authorisation under section 247(1) of the 1990 Act (3) (order authorising stopping up or diversion of highway).

10. Authorisation under section 248(2) of the 1990 Act (4) (order authorising the stopping up or diversion of highway crossing or entering route of proposed new highway).

11. An order under section 251(1) of the 1990 Act (5) (order extinguishing public rights of way over land held for planning purposes).

12. Consent requested under section 16(1) of the Commons Act 2006(6) (deregistration and exchange: applications).

13. Consent required by section 38(1) of the Commons Act 2006 (prohibition on works without consent).

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(1) Mewnosodwyd 17(3) gan adran 79(4) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) and pharagraff 20 o Atodlen 3 i'r Ddeddf honno.

(2) Gweler adran 92(1) o Ddeddf 1990 ar gyfer y diffiniad o "outline planning permission" ("*caniatâd cynllunio amlinellol*").

(3) Diwygiwyd adran 247(1) gan erthygl 5(b) o O.S. 2006/1281. Gwnaed diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn.

(4) Gwnaed diwygiadau i adran 248(2) nad ydynt yn berthnasol i'r Rheoliadau hyn.

(5) Mae adran 251(1) yn cael effaith fel pe bai Awdurdod Parc Cenedlaethol yn awdurdod lleol at ddibenion Deddf 1990, yn rhinwedd adran 65 o Ddeddf yr Amgylchedd 1995 (p. 25) a pharagraff 2(3) o Atodlen 8 i'r Ddeddf honno.

(6) 2006 p. 26. Gweler adran 61(1) ar gyfer y diffiniad o "appropriate national authority".

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(1) Section 17(3) was inserted by section 79(4) of, and paragraph 20 of Schedule 3 to, the Planning and Compulsory Purchase Act 2004 (c. 5).

(2) See section 92(1) of the 1990 Act for the definition of "outline planning permission".

(3) Section 247(1) was amended by article 5(b) of S.I. 2006/1281. There are other amendments not relevant to these Regulations.

(4) There are amendments to section 248(2) not relevant to these Regulations.

(5) Section 251(1) has effect as if a National Park Authority were a local authority for the purposes of the 1990 Act, by virtue of section 65 of, and paragraph 2(3) of Schedule 8 to, the Environment Act 1995 (c. 25).

(6) 2006 c. 26. See section 61(1) for the definition of "appropriate national authority".



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