

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 13 Chwefror 2024
Tabled on 13 February 2024

Bil Seilwaith (Cymru) Infrastructure (Wales) Bill

Julie James

156

Section 20, page 15, line 5, leave out ‘or 110 of that Act (orders authorising the diversion of navigable and non-navigable’ and insert ‘of that Act (orders authorising the diversion of navigable’.

Adran 20, tudalen 15, llinell 6, hepgorer ‘neu 110 o’r Ddeddf honno (gorchmynion sy’n awdurdodi dargyfeirio cyrsiau dŵr mordwyol ac anfordwyol’ a mewnosoder ‘o’r Ddeddf honno (gorchmynion sy’n awdurdodi dargyfeirio cyrsiau dŵr mordwyol’.

Julie James

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Section 20, page 15, after line 8, insert –

- ‘(4) If infrastructure consent is required for the construction, improvement or alteration of a highway, section 110 of the Highways Act 1980 (c. 66) (power to authorise diversion of non-navigable waters) does not apply in relation to the highway or in connection with the construction, improvement or alteration of the highway.’.

Adran 20, tudalen 15, ar ôl llinell 9, mewnosoder –

- ‘(4) Os yw cydsyniad seilwaith yn ofynnol i adeiladu, gwella neu addasu priffordd, nid yw adran 110 o Ddeddf Priffyrdd 1980 (p. 66) (pŵer i awdurdodi dargyfeirio dyfroedd anfordwyol) yn gymwys mewn perthynas â’r briffordd nac mewn cysylltiad ag adeiladu, gwella neu addasu’r briffordd.’.

Julie James

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Section 24, page 17, after line 9, insert –

- ‘(4) As soon as reasonably practicable after giving a direction under subsection (1), the Welsh Ministers must –
- (a) publish the direction, and
 - (b) lay a statement about the direction before Senedd Cymru explaining its effect and why it was made.’.



Adran 24, tudalen 17, ar ôl llinell 10, mewnosoder –

- ‘(4) Cyn gynted ag y bo’n rhesymol ymarferol ar ôl rhoi cyfarwyddyd o dan is-adran (1), rhaid i Weinidogion Cymru –
- (a) cyhoeddi’r cyfarwyddyd, a
 - (b) gosod datganiad ynghylch y cyfarwyddyd gerbron Senedd Cymru yn egluro ei effaith a pham y’i gwnaed.’.

Julie James

159

Section 29, page 20, after line 22, insert –

- ‘() if the proposed development is located in an area for which there is a community council, the community council;
- () each Member of the Senedd representing an area in which the proposed development is located;
- () each Member of the House of Commons representing an area in which the proposed development is located;’.

Adran 29, tudalen 20, ar ôl llinell 24, mewnosoder –

- ‘() os yw’r datblygiad arfaethedig wedi ei leoli mewn ardal y ceir cyngor cymuned ar ei chyfer, y cyngor cymuned;
- () pob Aelod o’r Senedd sy’n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;
- () pob Aelod o Dŷ’r Cyffredin sy’n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;’.

Julie James

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Section 29, page 20, line 23, after ‘authority’, insert ‘and community council’.

Adran 29, tudalen 20, llinell 25, ar ôl ‘cynllunio’, mewnosoder ‘a phob cyngor cymuned’.

Julie James

161

Section 29, page 20, after line 24, insert –

- ‘() each Member of the Senedd and Member of the House of Commons the person considers appropriate;’.

Adran 29, tudalen 20, ar ôl llinell 26, mewnosoder –

- ‘() pob Aelod o’r Senedd a phob Aelod o Dŷ’r Cyffredin y mae’r person yn ystyried ei fod yn briodol;’.

Julie James

162

Section 33, page 22, line 35, leave out ‘the planning authority for each’ and insert ‘each planning authority for an’.

Adran 33, tudalen 22, llinell 37, hepgorer ‘i’r awdurdod cynllunio ar gyfer pob’ a mewnosoder ‘i bob awdurdod cynllunio ar gyfer’.

Julie James

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Section 33, page 23, leave out line 1 and insert –

- () if the proposed development is located in an area for which there is a community council, to the community council;
- () to each Member of the Senedd representing an area in which the proposed development is situated;
- () to each Member of the House of Commons representing an area in which the proposed development is situated;’.

Adran 33, tudalen 23, hepgorer llinell 1 a mewnosoder –

- () os yw’r datblygiad arfaethedig wedi ei leoli mewn ardal y ceir cyngor cymuned ar ei chyfer, i’r cyngor cymuned;
- () i bob Aelod o’r Senedd sy’n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;
- () i bob Aelod o Dŷ’r Cyffredin sy’n cynrychioli ardal y lleolir y datblygiad arfaethedig ynddi;’.

Julie James

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Section 33, page 23, line 4, leave out –

‘the planning authority or community council they consider appropriate;’

and insert –

- ‘each planning authority and community council they consider appropriate;
- (iii) to each Member of the Senedd and Member of the House of Commons they consider appropriate;’.

Adran 33, tudalen 23, llinell 4, hepgorer –

‘i’r awdurdod cynllunio neu’r cyngor cymuned y maent yn ystyried ei fod yn briodol;’

a mewnosoder –

- ‘i bob awdurdod cynllunio a phob cyngor cymuned y maent yn ystyried ei fod yn briodol;
- (iii) i bob Aelod o’r Senedd a phob Aelod o Dŷ’r Cyffredin y maent yn ystyried ei fod yn briodol;’.

Julie James

165

Section 41, page 27, after line 6, insert –

- () And a determination must provide for examination of the application to include a hearing, unless –

- (a) the determination provides for a local inquiry to be conducted, or
- (b) the examining authority considers that a hearing would not assist the examination.’.

Adran 41, tudalen 27, ar ôl llinell 5, mewnosoder –

- ‘() A rhaid i ddyfarniad ddarparu y bydd archwiliad o’r cais yn cynnwys gwrandawriad, oni bai bod –
 - (a) y dyfarniad yn darparu y bydd ymchwiliad lleol yn cael ei gynnal, neu
 - (b) yr awdurdod archwilio yn ystyried na fyddai gwrandawriad yn cynorthwyo’r archwiliad.’.

Julie James

166

Page 28, line 23, leave out section 43 and insert –

‘43 Power to enter land in connection with examination

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

Tudalen 28, llinell 25, hepgorer adran 43 a mewnosoder –

‘43 Pŵer i fynd ar dir mewn cysylltiad ag archwiliad

- (1) Caiff person sydd wedi ei awdurdodi’n ysgrifenedig gan Weinidogion Cymru fynd ar dir yng Nghymru ar adeg resymol at ddiben edrych ar y tir mewn cysylltiad ag archwilio ceisiadau o dan y Rhan hon.
- (2) Mewn perthynas â pherson sydd wedi ei awdurdodi i fynd ar dir o dan is-adran (1) –
 - (a) rhaid iddo, os yw’n ofynnol iddo wneud hynny, ddangos tystiolaeth o awdurdodiad y person, a datgan diben mynd ar y tir, cyn mynd arno,
 - (b) ni chaiff fynnu cael mynediad fel hawl i unrhyw dir sydd wedi ei feddiannu oni roddwyd 14 o ddiwrnodau o rybudd o’r mynediad bwriadedig i’r meddiannydd,
 - (c) caiff fynd ag unrhyw bersonau eraill sy’n angenrheidiol ar y tir,

- (d) rhaid iddo, os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno, ac
 - (e) rhaid iddo gydymffurfio ag unrhyw amodau eraill y rhoddir awdurdodiad Gweinidogion Cymru yn ddarostyngedig iddynt.
- (3) Mae person yn cyflawni trosedd os yw'r person yn rhwystro'n fwriadol person sy'n gweithredu wrth arfer pŵer o dan is-adran (1).
- (4) Mae person sy'n euog o drosedd o dan is-adran (3) yn agored ar euogfarn ddiannod i ddirwy.'

Julie James

167

Page 28, after line 27, insert a new section –

'[] Power to enter Crown land in connection with examination

- (1) Section [section to be inserted by amendment 166] applies to Crown land subject to subsections (2) and (3).
- (2) A person must not enter Crown land unless the person ("P") has the permission of –
 - (a) a person appearing to P to be entitled to give it, or
 - (b) the appropriate Crown authority.
- (3) Subsections (2)(b), (3) and (4) of section [section to be inserted by amendment 166] do not apply in relation to anything done by virtue of this section.'

Tudalen 28, ar ôl llinell 29, mewnosoder adran newydd –

'[] Pŵer i fynd ar dir y Goron mewn cysylltiad ag archwiliad

- (1) Mae adran [adran sydd i'w mewnosod gan welliant 166] yn gymwys i dir y Goron yn ddarostyngedig i is-adrannau (2) a (3).
- (2) Ni chaiff person fynd ar dir y Goron oni fo'r person ("P") wedi cael caniatâd –
 - (a) person yr ymddengys i P fod ganddo hawl i'w roi, neu
 - (b) awdurdod priodol y Goron.
- (3) Nid yw is-adrannau (2)(b), (3) a (4) o adran [adran sydd i'w mewnosod gan welliant 166] yn gymwys mewn perthynas ag unrhyw beth a wneir yn rhinwedd yr adran hon.'

Julie James

168

Page 32, line 17, leave out section 53 and insert –

'53 Deciding applications: general considerations

- (1) In deciding an application for infrastructure consent, the examining authority or the Welsh Ministers (as the case may be) must –
 - (a) have regard to –
 - (i) any infrastructure policy statement that has effect in relation to the kind of development to which the application relates (a "relevant policy statement"),

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

Tudalen 32, llinell 18, hepgorer adran 53 a mewnosoder –

‘53 Penderfynu ar geisiadau: ystyriaethau cyffredinol

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

Julie James

169

Section 54, page 33, line 25, leave out ‘material’ and insert ‘relevant’.

Nid oes angen diwygio’r fersiwn Cymraeg. There is no need to amend the Welsh version.

Julie James

170

Page 33, line 27, leave out section 55 and insert –

‘55 Matters that may be disregarded when making decisions on applications

- (1) In deciding an application for infrastructure consent, the Welsh Ministers or the examining authority may disregard representations if the Welsh Ministers consider, or the examining authority considers (as the case may be), that the representations –
 - (a) are vexatious or frivolous,
 - (b) relate to the merits of policy set out in –
 - (i) an infrastructure policy statement,
 - (ii) the National Development Framework for Wales, or
 - (iii) any marine plan (within the meaning of section 51(3) of the Marine and Coastal Access Act 2009 (c. 23)) prepared and adopted by the Welsh Ministers, or
 - (c) relate to compensation for compulsory acquisition of land or of an interest in or right over land.
- (2) In subsection (1), “representations” includes evidence.
- (3) Regulations may amend subsection (1) –
 - (a) to specify further matters that may be disregarded;
 - (b) to change or remove matters specified under paragraph (a).’.

Tudalen 33, llinell 28, hepgorer adran 55 a mewnosoder –

‘55 Materion y caniateir eu diystyru wrth wneud penderfyniadau ar geisiadau

- (1) Wrth benderfynu ar gais am gydsyniad seilwaith, caiff Gweinidogion Cymru neu’r awdurdod archwilio ddiystyru sylwadau os yw Gweinidogion Cymru yn ystyried, neu os yw’r awdurdod archwilio yn ystyried (yn ôl y digwydd), fod y sylwadau –
 - (a) yn flinderus neu’n wacsaw,
 - (b) yn ymwneud â rhinweddau polisi a nodir –
 - (i) mewn datganiad polisi seilwaith,
 - (ii) yn Fframwaith Datblygu Cenedlaethol Cymru, neu
 - (iii) mewn unrhyw gynllun morol (o fewn yr ystyr a roddir i “marine plan” yn adran 51(3) o Ddeddf y Môr a Mynediad i’r Arfordir 2009 (p. 23)) sydd wedi ei lunio a’i fabwysiadu gan Weinidogion Cymru, neu
 - (c) yn ymwneud â digolledu am gaffael yn orfodol dir neu fuddiant mewn tir neu hawl dros dir.
- (2) Yn is-adran (1), mae “sylwadau” yn cynnwys tystiolaeth.
- (3) Caiff rheoliadau ddiwygio is-adran (1) –
 - (a) i bennu materion pellach y caniateir eu diystyru;
 - (b) i newid neu ddileu materion a bennir o dan baragraff (a).’.

Julie James

171

Section 87, page 51, line 16, leave out ‘or on behalf of’.

Adran 87, tudalen 51, llinell 18, hepgorer ‘neu ar ran y canlynol’.

Julie James

172

Section 88, page 53, line 6, after ‘to’, insert ‘ –

- (a) the applicant or a successor in title of the applicant,
- (b) the person who made the application under section 87 (if different to the person mentioned in paragraph (a)), and’.

Adran 88, tudalen 53, llinell 6, ar ôl ‘i’, mewnosoder ‘ –

- (a) y ceisydd neu olynnydd yn nheithl y ceisydd,
- (b) y person a wnaeth y cais o dan adran 87 (os yw’n wahanol i’r person a grybwyllir ym mharagraff (a)), ac’.

Julie James

173

Section 104, page 61, line 13, leave out ‘for a purpose mentioned in section 103’ and insert ‘to assess whether an offence under section 100 or 101 is being, or has been, committed on or in respect of the land’.

Adran 104, tudalen 61, llinell 15, hepgorer ‘at ddiben a grybwyllir yn adran 103’ a mewnosoder ‘i asesu a yw trosedd o dan adran 100 neu 101 yn cael ei chyflawni, neu wedi ei chyflawni, ar y tir neu mewn cysylltiad â’r tir’.

Julie James

174

Section 122, page 71, line 10, leave out –

‘it, in connection with –

- (a) a valid application for infrastructure consent, whether in relation to that or any other land,’

and insert –

‘land, in connection with –

- (a) a valid application for infrastructure consent,’.

Adran 122, tudalen 71, llinell 10, hepgorer –

‘ohono, mewn cysylltiad ag –

- (a) cais dilys am gydsyniad seilwaith, pa un a yw mewn perthynas â’r tir hwnnw neu unrhyw dir arall,’

a mewnosoder –

‘o dir, mewn cysylltiad ag –

- (a) cais dilys am gydsyniad seilwaith,’.

Julie James 175

Section 122, page 71, line 23, leave out ‘and’ and insert –

- ‘() may take on to the land any other persons that are necessary,
- () must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it, and’.

Adran 122, tudalen 71, llinell 25, hepgorer ‘ac’ a mewnosoder –

- ‘() caiff fynd ag unrhyw bersonau eraill sy’n angenrheidiol ar y tir,
- () rhaid iddo, os yw’n ymadael â’r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno, ac’.

Julie James 176

Section 123, page 72, line 28, leave out ‘(3)’ and insert ‘(3)(b)’.

Adran 123, tudalen 72, llinell 27, hepgorer ‘(3)’ a mewnosoder ‘(3)(b)’.

Julie James 177

Section 128, page 74, line 33, leave out –

‘directions to be published;’

and insert –

‘the Welsh Ministers to, as soon as reasonably practicable after making a direction –

- (i) publish the direction, and
- (ii) lay a statement about the direction before Senedd Cymru explaining its effect and why it was made;’.

Adran 128, tudalen 74, llinell 37, hepgorer –

‘i gyfarwyddydau gael eu cyhoeddi;’

a mewnosoder –

‘i Weinidogion Cymru, cyn gynted ag y bo’n rhesymol ymarferol ar ôl gwneud cyfarwyddyd –

- (i) cyhoeddi’r cyfarwyddyd, a
- (ii) gosod datganiad ynghylch y cyfarwyddyd gerbron Senedd Cymru yn egluro ei effaith a pham y’i gwnaed;’.

Julie James 178

Section 137, page 80, line 10, after ‘33,’ insert ‘section 34,’.

Adran 137, tudalen 80, llinell 11, ar ôl ‘33,’ mewnosoder ‘adran 34,’.

Julie James 179

Section 137, page 80, line 10, after ‘60(5),’, insert ‘section 88(3),’.
Adran 137, tudalen 80, llinell 11, ar ôl ‘60(5),’, mewnosoder ‘adran 88(3),’.

Julie James 180

Section 138, page 81, after line 7, insert –
 ‘() section 52(1);
 () section [section to be inserted by amendment 170](3);
 () section 56(6),’.

Adran 138, tudalen 81, ar ôl llinell 8, mewnosoder –
 ‘() adran 52(1);
 () adran [adran sydd i’w mewnosod gan welliant 170](3);
 () adran 56(6),’.

Julie James 181

Section 138, page 81, after line 9, insert –
 ‘() section 127;’.

Adran 138, tudalen 81, ar ôl llinell 10, mewnosoder –
 ‘() adran 127;’.

Julie James 182

Section 138, page 81, after line 10, insert –
 ‘() section 129;’.

Adran 138, tudalen 81, ar ôl llinell 11, mewnosoder –
 ‘() adran 129;’.

Julie James 183

Page 84, after line 31, insert a new section –

[] Transitional and saving provision

- (1) Sections 19 and 20 have no effect in relation to a development if the conditions in subsections (2) and (3) apply.
- (2) The first condition is that –
 - (a) an application for a section 20 consent in relation to the development was made before the coming into force of sections 19 and 20 and the application has not been withdrawn,

- (b) a notification under section 62E(1) of the TCPA 1990 of a proposed application in relation to the development was made before the coming into force of sections 19 and 20 and the notification has not been withdrawn, or
 - (c) on the coming into force of sections 19 and 20, the making or confirmation of an order or scheme mentioned in subsection (2) or (3) of section 20 in relation to the development is under consideration by the Welsh Ministers, other than in response to an application.
- (3) The second condition is that –
- (a) the question of whether to grant or make the section 20 consent is under consideration, where the transition period has not ended,
 - (b) where subsection (2)(b) applies and the transition period has not ended –
 - (i) the first 12 months of the transition period has not ended without an application for planning permission being made in relation to the development, or
 - (ii) an application is made during the first 12 months of the transition period and the question of whether to grant planning permission is under consideration;
 - (c) the section 20 consent is granted or made before the end of the transition period.
- (4) In subsection (3), the “transition period” means the period of 24 months beginning with the day sections 19 and 20 come into force.
- (5) The Welsh Ministers may, in relation to a development, direct that –
- (a) a different transition period applies for the purposes of subsection (3)(a), (b) or (c), or
 - (b) a period other than 12 months applies for the purposes of paragraph (b) of that subsection.
- (6) Regulations may make provision for the purposes of subsection (2) or (3) about –
- (a) when an application or notification is to be treated as made;
 - (b) what under consideration means.
- (7) If a section 20 consent (“the original consent”) has effect (whether by virtue of subsection (1) or otherwise), nothing in section 20 prevents the original consent, or a section 20 consent that replaces it, from being varied or replaced.
- (8) If the original consent, or a section 20 consent that replaces it, is varied or replaced, section 19 does not apply to the development to which the consent as varied, or the replacement consent, relates (and so infrastructure consent is not required for that development).
- (9) A section 20 consent replaces an earlier section 20 consent for the purposes of this section if (but only if) –
- (a) it is granted or made on an application for consent for development without complying with conditions subject to which the earlier section 20 consent was granted or made, and
 - (b) it is granted subject to, or made on, different conditions or unconditionally.
- (10) The provisions of the TCPA 1990 have effect as if the amendments made to that Act by paragraph 4 of Schedule 3 had not been made in so far as the provisions of the TCPA 1990 relate to a development to which sections 19 and 20 do not apply by virtue of this section.’.

Tudalen 84, ar ôl llinell 26, mewnosoder adran newydd –

[1] Darpariaeth drosiannol a darpariaeth arbed

- (1) Nid yw adrannau 19 ac 20 yn cael unrhyw effaith mewn perthynas â datblygiad os yw'r amodau yn is-adrannau (2) a (3) yn gymwys.
- (2) Yr amod cyntaf yw –
 - (a) y gwnaed cais am gydsyniad adran 20 mewn perthynas â'r datblygiad cyn i adrannau 19 ac 20 ddod i rym ac nad yw'r cais wedi ei dynnu yn ôl,
 - (b) y gwnaed hysbysiad o dan adran 62E(1) o DCGTh 1990 am gais arfaethedig mewn perthynas â'r datblygiad cyn i adrannau 19 ac 20 ddod i rym ac nad yw'r hysbysiad wedi ei dynnu yn ôl, neu
 - (c) pan ddaw adrannau 19 ac 20 i rym, fod gwneud neu gadarnhau gorchymyn neu gynllun a grybwyllir yn is-adran (2) neu (3) o adran 20 mewn perthynas â'r datblygiad o dan ystyriaeth gan Weinidogion Cymru, ac eithrio mewn ymateb i gais.
- (3) Yr ail amod yw –
 - (a) bod y cwestiwn o ba un ai i roi neu i wneud y cydsyniad adran 20 ai peidio o dan ystyriaeth, pan na fo'r cyfnod trosiannol wedi dod i ben,
 - (b) pan fo is-adran (2)(b) yn gymwys ac na fo'r cyfnod trosiannol wedi dod i ben –
 - (i) nad yw 12 mis cyntaf y cyfnod trosiannol wedi dod i ben heb i gais am ganiatâd cynllunio gael ei wneud mewn perthynas â'r datblygiad, neu
 - (ii) y gwneir cais o fewn 12 mis cyntaf y cyfnod trosiannol a bod y cwestiwn o ba un ai i roi caniatâd cynllunio ai peidio o dan ystyriaeth;
 - (c) y rhoddir neu y gwneir y cydsyniad adran 20 cyn diwedd y cyfnod trosiannol.
- (4) Yn is-adran (3), ystyr y "cyfnod trosiannol" yw'r cyfnod o 24 o fisoedd sy'n dechrau â'r diwrnod y mae adrannau 19 ac 20 yn dod i rym.
- (5) Caiff Gweinidogion Cymru, mewn perthynas â datblygiad, gyfarwyddo –
 - (a) bod cyfnod trosiannol gwahanol yn gymwys at ddibenion is-adran (3)(a), (b) neu (c), neu
 - (b) bod cyfnod ac eithrio 12 mis yn gymwys at ddibenion paragraff (b) o'r is-adran honno.
- (6) Caiff rheoliadau wneud darpariaeth at ddibenion is-adran (2) neu (3) ynghylch –
 - (a) pan fydd cais neu hysbysiad i'w drin fel pe bai wedi ei wneud;
 - (b) beth y mae o dan ystyriaeth yn ei olygu.
- (7) Os yw cydsyniad adran 20 ("y cydsyniad gwreiddiol") yn cael effaith (boed hynny yn rhinwedd is-adran (1) neu fel arall), nid oes unrhyw beth yn adran 20 yn atal y cydsyniad gwreiddiol, neu gydsyniad adran 20 sy'n ei ddisodli, rhag cael ei amrywio neu ei ddisodli.
- (8) Os yw'r cydsyniad gwreiddiol, neu gydsyniad adran 20 sy'n ei ddisodli, yn cael ei amrywio neu ei ddisodli, nid yw adran 19 yn gymwys i'r datblygiad y mae'r cydsyniad fel y'i hamrywiwyd, neu'r cydsyniad sy'n disodli'r cydsyniad gwreiddiol, yn ymwneud ag ef (ac felly nid yw cydsyniad seilwaith yn ofynnol ar gyfer y datblygiad hwnnw).
- (9) Mae cydsyniad adran 20 yn disodli cydsyniad adran 20 cynharach at ddibenion yr adran hon os (ond dim ond os) –

- (a) y'i rhoddir neu y'i gwneir ar gais am gydsyniad ar gyfer datblygiad heb gydymffurfio ag amodau y rhoddwyd neu y gwnaed y cydsyniad adran 20 cynharach yn ddarostyngedig iddynt, a
 - (b) y'i rhoddir yn ddarostyngedig i amodau gwahanol, neu y'i gwneir ar amodau gwahanol, neu'n ddiamod.
- (10) Mae darpariaethau DCGTh 1990 yn cael effaith fel pe na bai'r diwygiadau a wneir i'r Ddeddf honno gan baragraff 4 o Atodlen 3 wedi eu gwneud i'r graddau y bo darpariaethau DCGTh 1990 yn ymwneud â datblygiad nad yw adrannau 19 ac 20 yn gymwys iddo yn rhinwedd yr adran hon.'

Julie James

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Schedule 3, page 97, line 1, leave out '20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders' and insert '20[*subsection to be inserted by amendment 157*] of the Infrastructure (Wales) Act 2024 (exclusion of power to authorise diversion of non-navigable waters'.

Atodlen 3, tudalen 97, llinell 1, hepgorer '20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders' a mewnosoder '20[*is-adran sydd i'w mewnosod gan welliant 157*] of the Infrastructure (Wales) Act 2024 (exclusion of power to authorise diversion of non-navigable waters'.

Julie James

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Schedule 3, page 97, after line 33, insert –

- '() In section 62P –
 - (a) in subsection (1), omit "62D,";
 - (b) in subsection (2), omit "62D or".
- () In section 62Q –
 - (a) in subsection (1)(a), omit "62D, 62F,";
 - (b) in subsection (4)(a) –
 - (i) omit "section 62D or";
 - (ii) for "the section in question" substitute "that section";
 - (c) in subsection (4)(b) –
 - (i) omit "62F or";
 - (ii) for "the section in question" substitute "that section".
- () In section 62R(1) –
 - (a) omit "62D,";
 - (b) omit "62F," in both places it occurs.
- () In section 62S –
 - (a) omit "developments of national significance and";
 - (b) after "Welsh Ministers" insert "under section 62M or 62O".
- () In section 70(1)(a), omit "section 62D(5),".
- () In section 70A(1)(a), as it applies in relation to Wales, omit "62D, 62F,".

- () In section 75A –
 - (a) in subsection (1)(a), omit “62D,”;
 - (b) in subsection (2), omit “62D,”;
 - (c) in subsection (3), omit “62D,”.
- () In section 87, omit subsection (5).
- () In section 88, omit subsection (11).’.

Atodlen 3, tudalen 97, ar ôl llinell 34, mewnosoder –

- ‘() Yn adran 62P –
 - (a) yn is-adran (1), hepgorer “62D,”;
 - (b) yn is-adran (2), hepgorer “62D or”.
- () Yn adran 62Q –
 - (a) yn is-adran (1)(a), hepgorer “62D, 62F,”;
 - (b) yn is-adran (4)(a) –
 - (i) hepgorer “section 62D or”;
 - (ii) yn lle “the section in question” rhodder “that section”;
 - (c) yn is-adran (4)(b) –
 - (i) hepgorer “62F or”;
 - (ii) yn lle “the section in question” rhodder “that section”.
- () Yn adran 62R(1) –
 - (a) hepgorer “62D,”;
 - (b) hepgorer “62F,” yn y ddau le y mae’n digwydd.
- () Yn adran 62S –
 - (a) hepgorer “developments of national significance and”;
 - (b) ar ôl “Welsh Ministers” mewnosoder “under section 62M or 62O”.
- () Yn adran 70(1)(a), hepgorer “section 62D(5),”.
- () Yn adran 70A(1)(a), fel y mae’n gymwys o ran Cymru, hepgorer “62D, 62F,”.
- () Yn adran 75A –
 - (a) yn is-adran (1)(a), hepgorer “62D,”;
 - (b) yn is-adran (2), hepgorer “62D,”;
 - (c) yn is-adran (3), hepgorer “62D,”.
- () Yn adran 87, hepgorer is-adran (5).
- () Yn adran 88, hepgorer is-adran (11).’.

Julie James

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Schedule 3, page 97, after line 36, insert –

- ‘() In section 252 –
 - (a) omit subsections (3A), (6B), (6C) and (6D);

- (b) in subsection (12), omit the definition of “development of national significance”.
- () In section 253(2)(aa), omit “62D, 62F,”.
- () In section 257(4)(c), omit “62D, 62F,”.
- () In section 284(3), omit paragraphs (aa) and (ab).
- () In section 303 –
 - (a) in subsection (1B)(a), omit “section 62D (developments of national significance),”;
 - (b) in subsection (1C) –
 - (i) omit paragraph (a);
 - (ii) in paragraph (b), omit “62D, 62F,”.
- () In section 319B –
 - (a) in subsection (5A), omit “62D,”;
 - (b) in subsection (7), omit paragraph (za);
 - (c) in subsection (8A), omit “62D,”.
- () In section 324(1), omit paragraph (bb).
- () In section 333 –
 - (a) in subsection (3F), omit paragraphs (b) and (c);
 - (b) in subsection (5C), omit “62L(9),”.

Atodlen 3, tudalen 97, ar ôl llinell 37, mewnosoder –

- () Yn adran 252 –
 - (a) hepgorer is-adrannau (3A), (6B), (6C) a (6D);
 - (b) yn is-adran (12), hepgorer y diffiniad o “development of national significance”.
- () Yn adran 253(2)(aa), hepgorer “62D, 62F,”.
- () Yn adran 257(4)(c), hepgorer “62D, 62F,”.
- () Yn adran 284(3), hepgorer paragraffau (aa) ac (ab).
- () Yn adran 303 –
 - (a) yn is-adran (1B)(a), hepgorer “section 62D (developments of national significance),”;
 - (b) yn is-adran (1C) –
 - (i) hepgorer paragraff (a);
 - (ii) ym mharagraff (b), hepgorer “62D, 62F,”.
- () Yn adran 319B –
 - (a) yn is-adran (5A), hepgorer “62D,”;
 - (b) yn is-adran (7), hepgorer paragraff (za);
 - (c) yn is-adran (8A), hepgorer “62D,”.
- () Yn adran 324(1), hepgorer paragraff (bb).
- () Yn adran 333 –
 - (a) yn is-adran (3F), hepgorer paragraffau (b) ac (c);
 - (b) yn is-adran (5C), hepgorer “62L(9),”.

Julie James

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Schedule 3, page 98, after line 2, insert –

‘Planning (Hazardous Substances) Act 1990 (c. 10)

- [] (1) The Planning (Hazardous Substances) Act 1990 is amended as follows.
- (2) In section 9(2)(c), after “permission in principle” insert “, infrastructure consent”.
- (3) In section 10(1), after “specified planning permission” insert “, infrastructure consent”.
- (4) In section 12, after subsection (2B) insert –
- “(2C) On making an order granting infrastructure consent in respect of development that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the person making the order may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”
- (5) In section 14(2)(b), after “planning permission”, in each place it appears, insert “, infrastructure consent”.
- (6) In section 39, in the appropriate place, insert –
- ““infrastructure consent” has the meaning given in section 140 of the Infrastructure (Wales) Act 2024;”’.

Atodlen 3, tudalen 98, ar ôl llinell 2, mewnosoder –

‘Deddf Cynllunio (Sylweddau Peryglus) 1990 (p. 10)

- [] (1) Mae Deddf Cynllunio (Sylweddau Peryglus) 1990 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 9(2)(c), ar ôl “permission in principle” mewnosoder “, infrastructure consent”.
- (3) Yn adran 10(1), ar ôl “specified planning permission” mewnosoder “, infrastructure consent”.
- (4) Yn adran 12, ar ôl is-adran (2B) mewnosoder –
- “(2C) On making an order granting infrastructure consent in respect of development that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the person making the order may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”
- (5) Yn adran 14(2)(b), ar ôl “planning permission”, ym mhob lle y mae’n ymddangos, mewnosoder “, infrastructure consent”.
- (6) Yn adran 39, yn y lle priodol, mewnosoder –
- ““infrastructure consent” has the meaning given in section 140 of the Infrastructure (Wales) Act 2024;”’.

Julie James

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Schedule 3, page 98, after line 2, insert –

- ‘() In Schedule 1A, in paragraph 8(2A), omit “62D, 62F,”.
- () In Schedule 4D –
 - (a) in the Schedule title, omit “DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND”;
 - (b) omit paragraph 1;
 - (c) in paragraph 3 –
 - (i) omit “1 or” in both places it occurs;
 - (ii) omit “or consent” in both places it occurs;
 - (iii) omit “(as the case may be)”;
 - (d) in paragraph 4 –
 - (i) omit “1 or” in both places it occurs;
 - (ii) omit “or consent” in both places it occurs;
 - (e) in paragraph 7, omit “or consent”;
 - (f) omit paragraph 8(2);
 - (g) in paragraph 9 –
 - (i) omit “or consent”;
 - (ii) omit “paragraph 1 or”;
 - (h) in paragraph 10 –
 - (i) omit “or consent” in both places it occurs;
 - (ii) omit “1 or”;
 - (i) in paragraph 11(1) –
 - (i) omit “or consent”;
 - (ii) omit “1 or”;
 - (j) in paragraph 11(2), omit “1 or”;
 - (k) in paragraph 12 –
 - (i) omit “or consent”;
 - (ii) omit “1 or”;
 - (l) in paragraph 13 –
 - (i) omit “or consent” in each place it occurs;
 - (ii) omit “1 or” in each place it occurs;
 - (iii) omit “, as the case may be,”;
 - (m) in paragraph 14, omit “or consent”.
- () In Schedule 16, in Part 1, for “62D” substitute “62M”.’.

Atodlen 3, tudalen 98, ar ôl llinell 2, mewnosoder –

- ‘() Yn Atodlen 1A, ym mharagraff 8(2A), hepgorer “62D, 62F,”.

() Yn Atodlen 4D –

- (a) yn nheithl yr Atodlen, hepgorer “DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND”;
- (b) hepgorer paragraff 1;
- (c) ym mharagraff 3 –
 - (i) hepgorer “1 or” yn y ddau le y mae’n digwydd;
 - (ii) hepgorer “or consent” yn y ddau le y mae’n digwydd;
 - (iii) hepgorer “(as the case may be)”;
- (d) ym mharagraff 4 –
 - (i) hepgorer “1 or” yn y ddau le y mae’n digwydd;
 - (ii) hepgorer “or consent” yn y ddau le y mae’n digwydd;
- (e) ym mharagraff 7, hepgorer “or consent”;
- (f) hepgorer paragraff 8(2);
- (g) ym mharagraff 9 –
 - (i) hepgorer “or consent”;
 - (ii) hepgorer “paragraph 1 or”;
- (h) ym mharagraff 10 –
 - (i) hepgorer “or consent” yn y ddau le y mae’n digwydd;
 - (ii) hepgorer “1 or”;
 - (i) ym mharagraff 11(1) – (i) hepgorer “or consent”;
 - (ii) hepgorer “1 or”;
- (j) ym mharagraff 11(2), hepgorer “1 or”;
- (k) ym mharagraff 12 –
 - (i) hepgorer “or consent”;
 - (ii) hepgorer “1 or”;
- (l) ym mharagraff 13 –
 - (i) hepgorer “or consent” ym mhob lle y mae’n digwydd;
 - (ii) hepgorer “1 or” ym mhob lle y mae’n digwydd;
 - (iii) hepgorer “, as the case may be,”;
- (m) ym mharagraff 14, hepgorer “or consent”.

() Yn Atodlen 16, yn Rhan 1, yn lle “62D” rhodder “62M”’.

Julie James

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Schedule 3, page 98, after line 22, insert –

‘Coal Industry Act 1994 (c. 21)

[] (1) The Coal Industry Act 1994 is amended as follows.

(2) In section 53 –

- (a) in subsection (1), after “planning permission” insert “or infrastructure consent”;
- (b) in subsection (2), after “such an application” insert “for planning permission, or where an examining authority or the Welsh Ministers consider any coal-mining proposals included in such an application for infrastructure consent,”;
- (c) in subsection (4) –
 - (i) in paragraph (a), after “Town and Country Planning Act 1990” insert “, but “development” has the meaning given by section 130 of the Infrastructure (Wales) Act 2024 so far as it relates to coal-mining proposals included in an application for infrastructure consent”;
 - (ii) after the definition of ““development” and “planning permission””, insert –
 - ““examining authority” has the meaning given by section 39(7) of the Infrastructure (Wales) Act 2024;
 - “infrastructure consent” has the meaning given by section 140 of the Infrastructure (Wales) Act 2024;”’.

Atodlen 3, tudalen 98, ar ôl llinell 23, mewnosoder –

‘Deddf y Diwydiant Glo 1994 (p. 21)

- [] (1) Mae Deddf y Diwydiant Glo 1994 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 53 –
- (a) yn is-adran (1), ar ôl “planning permission” mewnosoder “or infrastructure consent”;
 - (b) yn is-adran (2), ar ôl “such an application” mewnosoder “for planning permission, or where an examining authority or the Welsh Ministers consider any coal-mining proposals included in such an application for infrastructure consent,”;
 - (c) yn is-adran (4) –
 - (i) ym mharagraff (a), ar ôl “Town and Country Planning Act 1990” mewnosoder “, but “development” has the meaning given by section 130 of the Infrastructure (Wales) Act 2024 so far as it relates to coal-mining proposals included in an application for infrastructure consent”;
 - (ii) ar ôl y diffiniad o ““development” and “planning permission””, mewnosoder –
 - ““examining authority” has the meaning given by section 39(7) of the Infrastructure (Wales) Act 2024;
 - “infrastructure consent” has the meaning given by section 140 of the Infrastructure (Wales) Act 2024;”’.

Julie James

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Schedule 3, page 98, after line 28, insert –

‘Marine and Coastal Access Act 2009 (c. 23)

- [] (1) The Marine and Coastal Access Act 2009 is amended as follows.
- (2) In section 58, after subsection (5) insert –

“(5A) This section does not apply to a decision on an application for infrastructure consent under the Infrastructure (Wales) Act 2024.”

Flood and Water Management Act 2010 (c. 29)

- [] (1) The Flood and Water Management Act 2010 is amended as follows.
- (2) In Schedule 3, in paragraph 7(3) after “(nationally significant infrastructure projects)” insert “or work requiring infrastructure consent under section 19 of the Infrastructure (Wales) Act 2024.”.

Planning (Wales) Act 2015 (anaw 4)

- [] (1) The Planning (Wales) Act 2015 is amended as follows.
- (2) In section 1(6), for “to the Welsh Ministers. It makes provision” to the end substitute “either to the Welsh Ministers or a local planning authority”.
- (3) Omit sections 19 to 22.
- (4) In Schedule 4 –
- (a) in paragraph 5, omit “section 62D(5)”;
 - (b) in paragraph 6, omit “62D, 62F,”;
 - (c) in paragraph 7, in the inserted section 75A of the TCPA 1990 –
 - (i) in subsection (1)(a), omit “62D,”;
 - (ii) in subsection (2), omit “62D,”;
 - (iii) in subsection (3), omit “62D,”;
 - (d) omit paragraphs 8 and 9;
 - (e) in paragraph 13, omit “62D, 62F,”;
 - (f) in paragraph 14(b), omit “62D, 62F,”;
 - (g) in paragraph 15(3)(c), omit paragraphs (aa) and (ab) inserted into section 284(3) of the TCPA 1990;
 - (h) in paragraph 18, in the inserted section 303 of the TCPA 1990 –
 - (i) in subsection (1B)(a), omit “section 62D (developments of national significance),”;
 - (ii) in subsection (1C), omit paragraph (a) and in paragraph (b), omit “62D, 62F,”;
 - (i) in paragraph 20 –
 - (i) in sub-paragraph (2), omit “62D,”;
 - (ii) in sub-paragraph (3), omit paragraph (za) inserted into section 319B(7) of the TCPA 1990;
 - (iii) in sub-paragraph (4), in subsection (8A) inserted into section 319B of the TCPA 1990, omit “62D,”;
 - (j) in paragraph 21, omit paragraph (bb) inserted into section 324(1) of the TCPA 1990;
 - (k) in paragraph 22, in sub-paragraph (2A) inserted into paragraph 8 of Schedule 1A to the TCPA 1990, omit “62D, 62F,”;
 - (l) in paragraph 23(2), for “62D” substitute “62M”.



- [] (1) The Infrastructure Act 2015 is amended as follows.
- (2) In Schedule 6, in paragraph 11(6), after paragraph (a) insert –
- “(aa) infrastructure consent under the Infrastructure (Wales) Act 2024;”.

Housing and Planning Act 2016 (c. 22)

- [] (1) The Housing and Planning Act 2016 is amended as follows.
- (2) In section 205(1), in the definition of “planning consent” –
- (a) in paragraph (a), after “Act,” omit “or”;
- (b) in paragraph (b), after “2008” insert – “, or
- (c) infrastructure consent under the Infrastructure (Wales) Act 2024”’.

Atodlen 3, tudalen 98, ar ôl llinell 29, mewnosoder –

Deddf y Môr a Mynediad i’r Arfordir 2009 (p. 23)

- [] (1) Mae Deddf y Môr a Mynediad i’r Arfordir 2009 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 58, ar ôl is-adran (5) mewnosoder –
- “(5A) This section does not apply to a decision on an application for infrastructure consent under the Infrastructure (Wales) Act 2024.”

Deddf Rheoli Llifogydd a Dŵr 2010 (p. 29)

- [] (1) Mae Deddf Rheoli Llifogydd a Dŵr 2010 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 3, ym mharagraff 7(3) ar ôl “(nationally significant infrastructure projects)” mewnosoder “or work requiring infrastructure consent under section 19 of the Infrastructure (Wales) Act 2024.”.

Deddf Cynllunio (Cymru) 2015 (dccc 4)

- [] (1) Mae Deddf Cynllunio (Cymru) 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 1(6), yn lle “i Weinidogion Cymru. Mae’n gwneud darpariaeth” hyd at y diwedd rhodder “naill ai i Weinidogion Cymru neu i awdurdod cynllunio lleol”.
- (3) Hepgorer adrannau 19 i 22.
- (4) Yn Atodlen 4 –
- (a) ym mharagraff 5, hepgorer “section 62D(5)”;
- (b) ym mharagraff 6, hepgorer “62D, 62F,”;
- (c) ym mharagraff 7, yn adran 75A o DCGTh 1990 a fewnosodir –
- (i) yn is-adran (1)(a), hepgorer “62D,”;
- (ii) yn is-adran (2), hepgorer “62D,”;
- (iii) yn is-adran (3), hepgorer “62D,”;
- (d) hepgorer paragraffau 8 a 9;

- (e) ym mharagraff 13, hepgorer “62D, 62F,”;
- (f) ym mharagraff 14(b), hepgorer “62D, 62F,”;
- (g) ym mharagraff 15(3)(c), hepgorer paragraffau (aa) ac (ab) a fewnosodir yn adran 284(3) o DCGTh 1990;
- (h) ym mharagraff 18, yn adran 303 o DCGTh 1990 a fewnosodir –
 - (i) yn is-adran (1B)(a), hepgorer “section 62D (developments of national significance),”;
 - (ii) yn is-adran (1C), hepgorer paragraff (a) ac ym mharagraff (b) hepgorer “62D, 62F,”;
- (i) ym mharagraff 20 –
 - (i) yn is-baragraff (2), hepgorer “62D,”;
 - (ii) yn is-baragraff (3), hepgorer paragraff (za) a fewnosodir yn adran 319B(7) o DCGTh 1990;
 - (iii) yn is-baragraff (4), yn is-adran (8A) a fewnosodir yn adran 319B o DCGTh 1990, hepgorer “62D,”;
- (j) ym mharagraff 21, hepgorer paragraff (bb) a fewnosodir yn adran 324(1) o DCGTh 1990;
- (k) ym mharagraff 22, yn is-baragraff (2A) a fewnosodir ym mharagraff 8 o Atodlen 1A i DCGTh 1990, hepgorer “62D, 62F,”;
- (l) ym mharagraff 23(2), yn lle “62D” rhodder “62M”.

Deddf Seilwaith 2015 (p. 7)

- [] (1) Mae Deddf Seilwaith 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 6, ym mharagraff 11(6), ar ôl paragraff (a) mewnosoder –
 - “(aa) infrastructure consent under the Infrastructure (Wales) Act 2024;”.

Deddf Tai a Chynllunio 2016 (p. 22)

- [] (1) Mae Deddf Tai a Chynllunio 2016 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 205(1), yn y diffiniad o “planning consent” –
 - (a) ym mharagraff (a), ar ôl “Act,” hepgorer “or”;
 - (b) ym mharagraff (b), ar ôl “2008” mewnosoder –“, or
 - (c) infrastructure consent under the Infrastructure (Wales) Act 2024”.