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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2018 Rhif 1077 (Cy. 226)**

**2018 No. 1077 (W. 226)**

**Y DIWYDIANT DŴR, CYMRU**

**WATER INDUSTRY, WALES**

**Rheoliadau Draenio Cynaliadwy  
(Gweithdrefn Cymeradwyo a  
Mabwysiadu) (Cymru) 2018**

**The Sustainable Drainage  
(Approval and Adoption Procedure)  
(Wales) Regulations 2018**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer y weithdrefn mewn perthynas â phenderfyniad cyrff cymeradwyo am geisiadau i gymeradwyo systemau draenio cynaliadwy ac i fabwysiadu systemau draenio o'r fath, yn unol ag Atodlen 3 i Ddeddf Rheoli Llifogydd a Dŵr 2010 (p. 29) ("y Ddeddf").

Mae rheoliad 3 yn darparu y caiff corff cymeradwyo wrthod penderfynu ar gais am gymeradwyaeth nad yw'n unol â pharagraff 9 neu 10 o Atodlen 3 i'r Ddeddf.

Mae rheoliad 4 yn darparu gweithdrefn i'r corff cymeradwyo ei dilyn mewn perthynas â cheisio ymatebion gan yr ymgynghorion statudol a bennir ym mharagraff 11(3) o Atodlen 3 i'r Ddeddf.

Mae rheoliad 5(1)(a) yn darparu ar gyfer y terfyn amser y mae rhaid penderfynu ar gais am gymeradwyaeth sy'n ymwneud â datblygiad sy'n destun Asesiad o'r Effaith Amgylcheddol o fewn iddo. Mae rheoliad 5(1)(b) yn darparu ar gyfer y terfyn amser ar gyfer penderfynu ar unrhyw fath arall o gais am gymeradwyaeth. Mae rheoliad 5(2) yn darparu y caiff y ceisydd a'r corff cymeradwyo, yn y naill achos neu'r llall, gytuno ar gyfnod amser hwy ar gyfer penderfynu ar y cais.

Mae rheoliad 5(3) yn darparu yr ystyrir bod corff cymeradwyo sy'n methu â phenderfynu ar gais o fewn y terfyn amser perthnasol yn gwrthod y cais.

**EXPLANATORY NOTE**

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

These Regulations make provision for procedure in relation to the determination by approving bodies, of applications for approval of sustainable drainage systems and for adoption of such drainage systems, in accordance with Schedule 3 to the Flood and Water Management Act 2010 (c. 29) ("the Act").

Regulation 3 provides that an approving body may refuse to determine an application for approval not made in accordance with paragraph 9 or 10 of Schedule 3 to the Act.

Regulation 4 provides for procedure to be followed by the approving body in relation to seeking responses from the statutory consultees specified in paragraph 11(3) of Schedule 3 to the Act.

Regulation 5(1)(a) provides for the time limit within which an application for approval that relates to a development that is the subject of an Environmental Impact Assessment, must be determined. Regulation 5(1)(b) provides for the time limit for determination of any other type of application for approval. Regulation 5(2) provides that in either case, the applicant and approving body may agree a longer time for determination of the application.

Regulation 5(3) provides that an approving body which fails to determine an application within the relevant time limit is deemed to have refused the application.

Mae rheoliad 6 yn darparu ar gyfer yr wybodaeth i'w chynnwys mewn hysbysiad i ddatblygwr am benderfyniad mewn perthynas â mabwysiadu, pan fo datblygwr yn gofyn i gorff cymeradwyo fabwysiadu system ddraenio, neu pan fo'r corff cymeradwyo yn mabwysiadu system ddraenio ar ei gymhelliad ei hun.

Mae rheoliad 7(1) yn darparu ar gyfer y cyfnod amser i ryddhau bond methu â chyflawni gan gorff cymeradwyo yn dilyn hysbysiad o benderfyniad mewn perthynas â mabwysiadu system ddraenio, ac eithrio pan fo'r corff cymeradwyo wedi ardstio nad yw'r system ddraenio wedi ei hadeiladu yn unol â'r cynigion a gymeradwywyd neu nad yw'n debygol y bydd yn cael ei chwblhau, a bod y corff cymeradwyo wedi gwneud gwaith i sicrhau bod y system ddraenio wedi ei chwblhau yn y fath fodd fel ei bod yn debygol o gydymffurfio â'r safonau cenedlaethol.

O dan yr amgylchiadau hynny, mae rheoliad 7(3) yn darparu i'r corff cymeradwyo roi cyfrif i'r datblygwr am symiau a ddefnyddiwyd i ddiwallu cost y gwaith, bod y balans yn cael ei ddychwelyd a bod y bond methu â chyflawni yn cael ei ryddhau.

Mae rheoliad 8 yn darparu bod rhaid i'r corff cymeradwyo, o fewn 4 wythnos i roi gwybod i ddatblygwr am benderfyniad i fabwysiadu system ddraenio (boed hynny ar gais neu ar ei gymhelliad ei hun), drefnu i'r system ddraenio gael ei nodi ar y gofrestr a gedwir o dan adran 21 o'r Ddeddf, trefnu i awdurdod dynodi wneud dynodiad dros dro o dan baragraff 7 o Atodlen 1 i'r Ddeddf, a rhoi hysbysiad o fwriad i ddynodi unrhyw ran o'r system ddraenio sy'n stryd, o fewn ystyr adran 48 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991.

Mae rheoliad 9 yn darparu diffiniad o systemau draenio "eiddo unigol" at ddibenion esemptiad rhag y ddyletswydd i fabwysiadu, yn unol â pharagraff 18 o Atodlen 3.

Mae rheoliad 10(1) yn darparu ar gyfer y cyfnod amser i gorff cymeradwyo ryddhau bond methu â chyflawni pan fo system ddraenio wedi ei chwblhau yn unol â'r cynigion a gymeradwywyd. Mae rheoliad 10(2) yn darparu ar gyfer yr achos pan fo corff cymeradwyo wedi gwneud gwaith i sicrhau bod system ddraenio yn cael ei chwblhau yn y fath fodd fel ei bod yn debygol o gydymffurfio â'r safonau cenedlaethol. Yn yr amgylchiadau hynny, mae rheoliad 10(3) yn darparu ar gyfer yr amser i gorff cymeradwyo roi cyfrif i'r datblygwr am arian a ddefnyddiwyd i gyflawni'r gwaith, dychwelyd unrhyw swm dros ben a rhyddhau'r bond methu â chyflawni.

Regulation 6 provides for the information to be included in a notification to a developer of a decision in relation to adoption, where a developer requests that an approving body adopt a drainage system, or where the approving body adopts a drainage system on its own initiative.

Regulation 7(1) provides for the time period for release of a non-performance bond by an approving body following notice of a decision in relation to adoption of a drainage system, except where the approving body has certified that the drainage system has not been constructed in accordance with approved proposals or is unlikely to be completed, and the approving body has carried out work to ensure the drainage system was completed in such a manner as to make it likely to operate in compliance with national standards.

In those circumstances, regulation 7(3) provides for the approving body to account to the developer for sums applied to the cost of the work, the return of the balance and the release of the non-performance bond.

Regulation 8 provides that within 4 weeks of notifying a developer of a decision to adopt a drainage system (whether on request or on its own initiative), the approving body must arrange for registration of the drainage system in the register maintained under section 21 of the Act, for a designating authority to make a provisional designation under paragraph 7 of Schedule 1 to the Act, and give notice of intention to designate any part of the drainage system that is a street, within the meaning of section 48 of the New Roads and Street Works Act 1991.

Regulation 9 provides for the definition of "single property" drainage systems for the purposes of exemption from the duty to adopt, pursuant to paragraph 18 of Schedule 3.

Regulation 10(1) provides for the time period for an approving body to release a non-performance bond where a drainage system has been completed in accordance with approved proposals. Regulation 10(2) provides for the case where an approving body has carried out work to ensure that a drainage system is completed so that the system is likely to comply with national standards. In those circumstances, regulation 10(3) provides for the time for an approving body to account to the developer for monies applied to the work, return any excess and release the non-performance bond.

Mae rheoliad 11 yn darparu bod rhaid i gorff cymeradwyo roi gwybod i'r personau ym mharagraff 24(2) o Atodlen 3 cyn gynted ag y bo'n ymarferol ar ôl arfer ei bŵer i fabwysiadu system ddraenio nad yw'r ddyletswydd i fabwysiadu yn gymwys iddi ac mae rheoliad 13(2) yn pennu cynnwys yr hysbysiad.

Mae rheoliad 12 yn darparu ar gyfer y cyfnod amser i'r awdurdod llyfogydd lleol arweiniol gofrestru system ddraenio, ac i awdurdod dynodi ddynodi dros dro system ddraenio o dan baragraff 7 o Atodlen 1 i'r Ddeddf, yn dilyn mabwysiadu gwirfoddol.

Mae rheoliad 13 yn darparu diffiniad o "statutory undertaker".

Mae rheoliad 14 yn darparu diffiniad o "statutory works".

Mae rheoliadau 15(1) i (3) yn darparu i ymgymerwr statudol hysbysu'r corff cymeradwyo am y bwriad i ddechrau ar waith statudol ar dir cyhoeddus, gan gynnwys mewn argyfwng, pan fo'r cyfryw waith yn effeithio ar system ddraenio gynaliadwy, neu pan allai wneud hynny. Mae rheoliadau 15(4) i (6) yn gwneud darpariaeth ar gyfer cymeradwyo a hysbysu am waith ailadeiladu mewn perthynas â systemau draenio cynaliadwy yn dilyn gwaith statudol.

Mae rheoliad 16(1) yn darparu pŵer i'r corff cymeradwyo ei gwneud yn ofynnol i ymgymerwr statudol wneud gwaith adferol. Pan na chydymffurfir â chais o'r fath, mae rheoliad 16(2) yn darparu pŵer pellach i gorff cymeradwyo wneud gwaith adferol ac adennill costau'r gwaith gan yr ymgymerwr statudol.

Mae rheoliad 17(1) yn ei gwneud yn ofynnol i gorff cymeradwyo benderfynu, o fewn 12 mis i gwblhau'r gwaith statudol, a yw'n fodlon bod y gofynion yn rheoliad 17(2) wedi eu bodloni. Y gofynion yw bod system ddraenio newydd neu un a ailadeiladwyd yn gweithredu yn unol â'r cynnig a gymeradwywyd; bod system newydd, os nad yw wedi ei hadeiladu yn unol â'r cynnig a gymeradwywyd, yn cydymffurfio â'r safonau cenedlaethol, neu os yw'n system ddraenio gynaliadwy a ailadeiladwyd, os nad yw wedi ei hadeiladu yn unol â'r cynnig cymeradwy, wedi ei hailadeiladu i'r cyflwr yr oedd ynddo cyn i'r gwaith statudol ddechrau.

Mae rheoliad 17(3) yn darparu pŵer, pan na fo corff cymeradwyo yn fodlon mewn perthynas â rheoliad 17(2), i'r corff cymeradwyo ei gwneud yn ofynnol i ymgymerwr statudol wneud gwaith ailadeiladu neu waith adferol o fewn cyfnod amser penodedig. Os na chydymffurfir â chais o'r fath, mae rheoliad 17(4) yn darparu pŵer i'r corff cymeradwyo wneud y gwaith, ac adennill y costau gan yr ymgymerwr statudol.

Regulation 11 provides that an approving body must notify the persons in paragraph 24(2) of Schedule 3 as soon as practicable after exercising its power to adopt a drainage system to which the duty to adopt does not apply and regulation 13(2) specifies the content of the notice.

Regulation 12 provides for the time period for registration of a drainage system by the lead local flood authority, and provisional designation of a drainage system by a designating authority under paragraph 7 of Schedule 1 to the Act, following voluntary adoption.

Regulation 13 provides for the definition of "statutory undertaker".

Regulation 14 provides for the definition of "statutory works".

Regulations 15(1) to (3) provide for a statutory undertaker to give notice to an approving body of intention to commence statutory works on public land, including in an emergency, where such works will or may affect a sustainable drainage system. Regulations 15(4) to (6) make provision for approval and notification of reconstruction works in relation to sustainable drainage systems following statutory works.

Regulation 16(1) provides a power for the approving body to require a statutory undertaker to carry out remedial works. Where such a request is not complied with, regulation 16(2) provides a further power to an approving body, to undertake remedial works and recover the cost of the works from the statutory undertaker.

Regulation 17(1) requires an approving body to determine, within 12 months of completion of statutory works, whether it is satisfied that the requirements in regulation 17(2) are met. The requirements are that a reconstructed or new drainage system functions in accordance with the approved proposal; whether a new system, if not constructed in accordance with the approved proposal, complies with national standards, or a reconstructed sustainable drainage system, if not constructed in accordance with the approved proposal, is reconstructed to the state it was in before the statutory works were commenced.

Regulation 17(3) provides a power, where an approving body is not satisfied in relation to regulation 17(2), for the approving body to require a statutory undertaker to carry out reconstruction or remedial works within a specified timescale. If such a request is not complied with, regulation 17(4) provides a power of the approving body to carry out the works, and recover the cost from the statutory undertaker.

Lluniwyd asesiad effaith rheoleiddiol, o ran Cymru, o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

A regulatory impact assessment in relation to Wales has been prepared on the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

**2018 Rhif 1077 (Cy. 226)**

**2018 No. 1077 (W. 226)**

**Y DIWYDIANT DŴR, CYMRU**

**WATER INDUSTRY, WALES**

**Rheoliadau Draenio Cynaliadwy  
(Gweithdrefn Cymeradwyo a  
Mabwysiadu) (Cymru) 2018**

**The Sustainable Drainage  
(Approval and Adoption Procedure)  
(Wales) Regulations 2018**

*Gwnaed* 10 Hydref 2018

*Made* 10 October 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 15 Hydref 2018

*Laid before the National Assembly for Wales*  
15 October 2018

*Yn dod i rym* 7 Ionawr 2019

*Coming into force* 7 January 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 32 a 48(2) o Ddeddf Rheoli Llifogydd a Dŵr 2010(1), a pharagraffau 4(a), 11(5), 17(5), 18(3), 23(7), 24(5) a 28 o Atodlen 3 iddi, yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 32 and 48(2) of, and paragraphs 4(a), 11(5), 17(5), 18(3), 23(7), 24(5) and 28 of Schedule 3 to, the Flood and Water Management Act 2010(1), make the following Regulations.

**RHAN 1**

**PART 1**

**Cyflwyniad**

**Introduction**

**Enwi a chychwyn**

**Title and commencement**

**1.**—(1) Enw'r Rheoliadau hyn yw Rheoliadau Draenio Cynaliadwy (Gweithdrefn Cymeradwyo a Mabwysiadu) (Cymru) 2018.

**1.**—(1) The title of these Regulations is the Sustainable Drainage (Approval and Adoption Procedure) (Wales) Regulations 2018.

(2) Daw'r Rheoliadau hyn i rym ar 7 Ionawr 2019.

(2) These Regulations come into force on 7 January 2019.

**Dehongli**

**Interpretation**

**2.**—(1) Yn y Rheoliadau hyn—

**2.**—(1) In these Regulations—

ystyr “Atodlen 3” (“*Schedule 3*”) yw Atodlen 3 i'r Ddeddf;

“the Act” (“*y Ddeddf*”) means the Flood and Water Management Act 2010;

ystyr “cais am gymeradwyaeth” (“*application for approval*”) yw—

“applicant” (“*ceisydd*”) means a person who makes an application for approval;

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(1) 2010 p. 29. Diwygiwyd Atodlen 3 gan adrannau 21(3), 88(a) ac 88(b) o Ddeddf Dŵr 2014 (p. 21) ac O.S. 2012/1659 a 2013/755 (Cy. 90).

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(1) 2010 c. 29. Schedule 3 was amended by sections 21(3), 88(a) and 88(b) of the Water Act 2014 (c. 21) and S.I. 2012/1659 and 2013/755 (W. 90).

- (a) cais am gymeradwyaeth a wneir yn unol â pharagraff 9 o Atodlen 3, neu
- (b) y rhan honno o gais cyfun a wneir yn unol â pharagraff 10 o Atodlen 3 y gwneir cais am gymeradwyaeth mewn perthynas â hi—

ac mae cyfeiriad at “cais dilys” (“*valid application*”) i’w ddehongli yn unol â hynny;

ystyr “ceisydd” (“*applicant*”) yw person sy’n gwneud cais am gymeradwyaeth;

ystyr “cymeradwyaeth” (“*approval*”) yw’r gymeradwyaeth sy’n ofynnol o dan baragraff 7(1) o Atodlen 3 am system ddraenio(1) i waith adeiladu(2);

ystyr “cynnig a gadarnhawyd” (“*confirmed proposal*”) yw cynnig i wneud gwaith ailadeiladu a gadarnhawyd o dan reoliad 15;

mae i “datblygiad” yr ystyr a roddir i “development” yn adran 55 o Ddeddf Cynllunio Gwlad a Thref 1990(3);

mae i “datblygwr” yr ystyr a roddir i “developer” ym mharagraff 23(2)(b) o Atodlen 3;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Rheoli Llifogydd a Dŵr 2010;

ystyr “diwrnod gwaith” (“*working day*”) yw diwrnod nad yw’n ddydd Sadwrn, yn ddydd Sul nac yn ŵyl banc o fewn ystyr adran 1 o Ddeddf Bancio a Thrafodion Ariannol 1971(4), nac yn ŵyl gyhoeddus arall yng Nghymru;

ystyr “gwaith ailadeiladu” (“*reconstruction work*”) yw gwaith a wneir—

(a) i ailadeiladu system ddraenio gynaliadwy i’r cyflwr yr oedd ynddo cyn i’r gwaith statudol ddechrau, neu

(b) i adeiladu system ddraenio gynaliadwy newydd yn unol â’r safonau cenedlaethol i weithredu yn lle’r system ddraenio gynaliadwy yr effeithiwyd arni gan y gwaith statudol;

ystyr “gwaith adferol” (“*remedial work*”) yw gwaith a wneir ar system ddraenio gynaliadwy—

(a) i unioni difrod a achoswyd gan waith statudol, a

(b) i sicrhau bod y system ddraenio gynaliadwy yn cydymffurfio â’r safonau cenedlaethol;

mae i “gwaith statudol” (“*statutory works*”) yr ystyr a roddir iddo yn rheoliad 14;

“application for approval” (“*cais am gymeradwyaeth*”) means—

(a) an application for approval made in accordance with paragraph 9 of Schedule 3, or

(b) that part of a combined application that seeks approval made in accordance with paragraph 10 of Schedule 3—

and a reference to a “valid application” (“*cais dilys*”) is to be construed accordingly;

“approval” (“*cymeradwyaeth*”) means the approval required under paragraph 7(1) of Schedule 3 for a drainage system(1) for construction work(2);

“confirmed proposal” (“*cynnig a gadarnhawyd*”) means a proposal to carry out reconstruction work confirmed under regulation 15;

“developer” (“*datblygwr*”) has the meaning given in paragraph 23(2)(b) of Schedule 3;

“development” (“*datblygiad*”) has the meaning given in section 55 of the Town and Country Planning Act 1990(3);

“national standards” (“*safonau cenedlaethol*”) means the national standards for sustainable drainage published under paragraph 5 of Schedule 3;

“reconstruction work” (“*gwaith ailadeiladu*”) means work carried out—

(a) to reconstruct a sustainable drainage system to the state it was in before statutory works commenced, or

(b) to construct a new sustainable drainage system in accordance with the national standards to operate in place of the sustainable drainage system affected by statutory works;

“remedial work” (“*gwaith adferol*”) means work carried out on a sustainable drainage system—

(a) to remedy damage caused by statutory works, and

(b) to ensure the sustainable drainage system complies with the national standards;

“Schedule 3” (“*Atodlen 3*”) means Schedule 3 to the Act;

“statutory undertaker” (“*ymgymerwr statudol*”) has the meaning given in regulation 13;

“statutory works” (“*gwaith statudol*”) has the meaning given in regulation 14;

(1) Diffinnir “drainage system” ym mharagraff 1 o Atodlen 3.

(2) Diffinnir “construction work” ym mharagraff 7(1)(a) o Atodlen 3.

(3) 1990 p. 8.

(4) 1971 p. 80.

(1) “Drainage system” is defined in paragraph 1 of Schedule 3.

(2) “Construction work” is defined in paragraph 7(1)(a) of Schedule 3.

(3) 1990 c. 8.



ystyr “safonau cenedlaethol” (“*national standards*”) yw’r safonau cenedlaethol ar gyfer draenio cynaliadwy a gyhoeddir o dan baragraff 5 o Atodlen 3;

ystyr “system ddraenio gynaliadwy” (“*sustainable drainage system*”) yw’r rhannau hynny o system ddraenio nad ydynt wedi eu breinio mewn ymgymerwr carthffosiaeth yn unol â chytundeb o dan adran 104 o Ddeddf y Diwydiant Dŵr 1991(1);

mae i “ymgymerwr statudol” (“*statutory undertaker*”) yr ystyr a roddir iddo yn rheoliad 13.

(2) Yn y Rheoliadau hyn mae cyfeiriad at “gwaith adeiladu” i’w ddehongli fel cyfeiriad at waith adeiladu sydd â goblygiadau draenio(2).

“sustainable drainage system” (“*system ddraenio gynaliadwy*”) means those parts of a drainage system that are not vested in a sewerage undertaker pursuant to an agreement under section 104 of the Water Industry Act 1991(1);

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971(2), or other public holiday in Wales.

(2) In these Regulations a reference to “construction work” is to be construed as a reference to construction work having drainage implications(3).

## RHAN 2

### Penderfynu ar geisiadau am gymeradwyaeth

#### Gwrthod penderfynu ar gais am gymeradwyaeth

3.—(1) Caiff corff cymeradwyo(3) wrthod penderfynu ar gais am gymeradwyaeth nad yw’n cael ei wneud yn unol â pharagraff 9(2) neu 10(2) (yn ôl y digwydd) o Atodlen 3.

(2) Pan fo corff cymeradwyo yn gwrthod penderfynu ar gais yn unol â pharagraff (1), rhaid iddo, cyn gynted ag y bo’n ymarferol—

- (a) rhoi gwybod i’r ceisydd bod y cais wedi ei wrthod a rhoi’r rhesymau dros hynny, a
- (b) dychwelyd unrhyw ffi am gais sy’n mynd gyda’r cais.

#### Dyletswydd i ymgynghori cyn penderfynu ar gais am gymeradwyaeth

4.—(1) Rhaid i gorff cymeradwyo, pan fydd yn gwneud cais am ymateb gan berson yr ymgynghorir ag ef o dan baragraff 11(3) o Atodlen 3 (“ymgynghorai”), bennu dyddiad ar gyfer ymateb sydd o fewn 3 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl iddo anfon y cais.

(2) Cyn diwedd y cyfnod a bennir o dan baragraff (1), caiff y corff cymeradwyo a’r ymgynghorai gytuno ar ddyddiad gwahanol ar gyfer ymateb.

## PART 2

### Determination of applications for approval

#### Refusal to determine application for approval

3.—(1) An approving body(4) may refuse to determine an application for approval which is not made in accordance with paragraph 9(2) or 10(2) (as the case may be) of Schedule 3.

(2) Where an approving body refuses to determine an application pursuant to paragraph (1), it must as soon as practicable—

- (a) inform the applicant of the refusal and the reasons for it, and
- (b) return any application fee accompanying the application.

#### Duty to consult before determining application for approval

4.—(1) An approving body, when requesting a response from a person consulted under paragraph 11(3) of Schedule 3 (a “consultee”), must specify a date for response which is within 3 weeks beginning on the first working day after sending the request.

(2) Before the end of the period specified under paragraph (1) the approving body and consultee may agree a different date for response.

(1) 1991 p. 56. Amnewidiwyd adran 104(1) gan adran 96(4)(a) o Ddeddf Dŵr 2003 (p. 37). Mae diwygiadau eraill nad ydynt yn berthnasol i’r Rheoliadau hyn.

(2) Diffinnir “drainage implications” ym mharagraff 7(2)(b) o Atodlen 3.

(3) Diffinnir “approving body” ym mharagraff 6 o Atodlen 3.

(1) 1991c. 56. Section 104(1) was substituted by section 96(4)(a) of the Water Act 2003 (c. 37). There are other amendments not relevant for the purposes of these Regulations.

(2) 1971 c. 80.

(3) “Drainage implications” is defined in paragraph 7(2)(b) of Schedule 3.

(4) “Approving body” is defined in paragraph 6 of Schedule 3.

(3) Caiff y corff cymeradwyo ddiystyru ymateb a geir gan ymgynghorai ar ôl y terfyn amser perthnasol.

(4) Yn y rheoliad hwn, ystyr “terfyn amser perthnasol” yw—

- (a) cyfnod a bennir o dan baragraff (1), neu
- (b) unrhyw gyfnod arall y cytunir arno o dan baragraff (2).

#### **Terfynau amser ar gyfer penderfynu ar geisiadau am gymeradwyaeth**

5.—(1) Rhaid i gorff cymeradwyo benderfynu ar—

- (a) cais am gymeradwyaeth sy'n ymwneud â datblygiad sy'n destun Asesiad o'r Effaith Amgylcheddol o dan Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2017(1) (“Rheoliadau 2017”) o fewn cyfnod o 12 wythnos sy'n dechrau ar y diwrnod gwaith cyntaf ar ôl iddo gael cais dilys, neu
- (b) unrhyw gais arall am gymeradwyaeth o fewn y cyfnod o 7 wythnos sy'n dechrau ar y diwrnod gwaith cyntaf ar ôl iddo gael cais dilys.

(2) Cyn diwedd y cyfnod a bennir yn is-baragraff (a) neu (b) (yn ôl y digwydd) o baragraff (1), caiff y corff cymeradwyo a'r ceisydd gytuno ar gyfnod hwy ar gyfer penderfynu ar gais.

(3) Ystyrir bod corff cymeradwyo sy'n methu â phenderfynu ar gais o fewn y terfyn amser perthnasol yn gwrthod y cais.

(4) Yn y rheoliad hwn—

mae i “Asesiad o'r Effaith Amgylcheddol” (“*Environmental Impact Assessment*”) yr ystyr a roddir yn rheoliad 2 o Reoliadau 2017;

mae i “datblygiad” yr ystyr a roddir i “development” yn adran 55(1) o Ddeddf Cynllunio Gwlad a Thref 1990(2);

ystyr “terfyn amser perthnasol” (“*relevant time limit*”) yw—

- (a) cyfnod a bennir ym mharagraff (1), neu
- (b) unrhyw gyfnod hwy y cytunir arno o dan baragraff (2).

(3) The approving body may disregard a response that is received from a consultee after the relevant time limit.

(4) In this regulation, “relevant time limit” means—

- (a) a period specified under paragraph (1), or
- (b) any other period agreed under paragraph (2).

#### **Time limits for determining applications for approval**

5.—(1) An approving body must determine—

- (a) an application for approval that relates to a development that is the subject of an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(1) (“the 2017 Regulations”) within the period of 12 weeks beginning on the first working day after it receives a valid application, or
- (b) any other application for approval within the period of 7 weeks beginning on the first working day after it receives a valid application.

(2) Before the end of the period specified in subparagraph (a) or (b) (as the case may be) of paragraph (1), the approving body and applicant may agree a longer time for determining an application.

(3) An approving body which fails to determine an application within the relevant time limit is deemed to have refused the application.

(4) In this regulation—

“development” (“*datblygiad*”) has the meaning given in section 55(1) of the Town and Country Planning Act 1990(2);

“Environmental Impact Assessment” (“*Asesiad o'r Effaith Amgylcheddol*”) has the meaning given in regulation 2 of the 2017 Regulations;

“relevant time limit” (“*terfyn amser perthnasol*”) means—

- (a) a period specified in paragraph (1), or
- (b) any longer period agreed under paragraph (2).

(1) O.S. 2017/567 (Cy. 136).

(2) 1990 p. 8.

(1) S.I. 2017/567 (W. 136).

(2) 1990 c. 8.



## RHAN 3

### Dyletswydd i fabwysiadu

#### Hysbysu am benderfyniad i fabwysiadu

6. Rhaid i hysbysiad o dan baragraff 23(4)(b) neu (5) o Atodlen 3 bennu—

- (a) y rhesymau dros y penderfyniad, a
- (b) dyddiad y penderfyniad.

#### Rhyddhau bond methu â chyflawni pan fo'r ddyletswydd i fabwysiadu yn gymwys

7.—(1) Ac eithrio pan fo paragraff (3) yn gymwys, rhaid i'r corff cymeradwyo ryddhau bond methu â chyflawni o fewn 4 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl rhoi hysbysiad o dan baragraff 23(4)(b) neu (5) o Atodlen 3.

(2) Mae paragraff (3) yn gymwys os gwnaeth y corff cymeradwyo—

- (a) dyroddi tystysgrif o dan baragraff 12(2) o Atodlen 3, a
- (b) gwneud gwaith i sicrhau bod y system ddraenio wedi ei chwblhau yn y fath fodd fel ei bod yn debygol o gydymffurfio â'r safonau cenedlaethol o ran ei gweithredoedd.

(3) Rhaid i'r corff cymeradwyo, o fewn 4 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl cwblhau'r gwaith—

- (a) anfon cyfrif llawn at y datblygwr o unrhyw symiau a gafwyd o dan y bond sydd wedi eu defnyddio i ddiwallu cost gwneud y gwaith,
- (b) talu unrhyw swm dros ben i'r datblygwr, ac
- (c) rhyddhau'r bond methu â chyflawni.

#### Cofrestru a dynodi pan fo'r ddyletswydd i fabwysiadu yn gymwys

8. O fewn 4 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl rhoi hysbysiad o dan baragraff 23(4)(b) neu (5) o Atodlen 3, rhaid i gorff cymeradwyo—

- (a) trefnu—
  - (i) i'r awdurdod llifogydd lleol arweiniol<sup>(1)</sup> gynnwys y system ddraenio yn y gofrestr a gedwir o dan adran 21 o'r Ddeddf,

## PART 3

### Duty to adopt

#### Notice of adoption decision

6. A notification under paragraph 23(4)(b) or (5) of Schedule 3 must specify—

- (a) the reasons for the decision, and
- (b) the date of the decision.

#### Release of non-performance bond where duty to adopt applies

7.—(1) Except where paragraph (3) applies, the approving body must release a non-performance bond within 4 weeks beginning on the first working day after giving notice under paragraph 23(4)(b) or (5) of Schedule 3.

(2) Paragraph (3) applies if the approving body—

- (a) issued a certificate under paragraph 12(2) of Schedule 3, and
- (b) carried out work to ensure the drainage system was completed in such a manner as to make it likely to operate in compliance with national standards.

(3) The approving body must, within 4 weeks beginning on the first working day after completing the work—

- (a) send to the developer a full account of any sums received under the bond that have been applied to the expense of carrying out the work,
- (b) pay the developer any excess, and
- (c) release the non-performance bond.

#### Registration and designation where duty to adopt applies

8. Within 4 weeks beginning on the first working day after giving notice under paragraph 23(4)(b) or (5) of Schedule 3, an approving body must—

- (a) arrange for—
  - (i) the lead local flood authority<sup>(1)</sup> to include the drainage system in the register maintained under section 21 of the Act,

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(1) Diffinnir “lead local flood authority” yn adran 6(9) o'r Ddeddf.

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(1) “Lead local flood authority” is defined in section 6(9) of the Act.

- (ii) i awdurdod dynodi(1) ddynodi dros dro o dan baragraff 7 o Atodlen 1 i'r Ddeddf unrhyw ran o'r system ddraenio (pa un a yw honno'n rhan a fabwysiadwyd ai peidio) sy'n gymwys i'w dynodi ac nad yw'r corff cymeradwyo yn berchen arni, a
- (b) yn unol â rheoliadau a wneir o dan adran 63 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991(2), rhoi hysbysiad o fwriad i ddynodi, o dan yr adran honno, unrhyw ran o'r system ddraenio a fabwysiadwyd sy'n stryd o fewn ystyr adran 48 o'r Ddeddf honno.

- (ii) a designating authority(1) to make a provisional designation under paragraph 7 of Schedule 1 to the Act of any part of the drainage system (whether an adopted part or not) which is eligible for designation and is not owned by the approving body, and
- (b) in accordance with regulations made under section 63 of the New Roads and Street Works Act 1991(2), give notice of intention to designate under that section any adopted part of the drainage system that is a street within the meaning of section 48 of that Act.

## RHAN 4

Pan na fo'r ddyletswydd i fabwysiadu yn gymwys

### Eithriad ar gyfer eiddo unigol

9. At ddibenion paragraff 18(1) neu (2) o Atodlen 3, mae system ddraenio neu unrhyw ran o system ddraenio i'w thrin fel pe bai wedi ei dylunio i ddarparu draeniad i eiddo unigol yn unig os yw wedi ei dylunio i ddarparu draeniad i unrhyw adeiladau neu strwythurau eraill y bydd y canlynol, ar ôl cwblhau'r gwaith adeiladu, yn berchen arnynt, yn eu rheoli neu â rheolaeth drostynt—

- (a) person unigol, neu
- (b) dau berson neu ragor gyda'i gilydd.

### Rhyddhau bond methu â chyflawni pan na fo'r ddyletswydd i fabwysiadu yn gymwys

10.—(1) Ac eithrio pan fo paragraff (3) yn gymwys, rhaid i gorff cymeradwyo ryddhau bond methu â chyflawni o fewn 4 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl cwblhau system ddraenio a adeiledir yn unol â chynigion a gymeradwywyd.

(2) Mae paragraff (3) yn gymwys os gwnaeth y corff cymeradwyo—

- (a) dyroddi tystysgrif o dan baragraff 12(2) o Atodlen 3, a
- (b) gwneud gwaith i sicrhau bod y system ddraenio wedi ei chwblhau yn y fath fodd fel ei bod yn debygol o gydymffurfio â'r safonau cenedlaethol o ran ei gweithredoedd.

## PART 4

Where duty to adopt does not apply

### Single property exception

9. For the purposes of paragraph 18(1) or (2) of Schedule 3 a drainage system or any part of a drainage system is to be treated as designed only to provide drainage for a single property if it is designed to provide drainage for any buildings or other structures that, following completion of the construction work, will be owned, managed or controlled by—

- (a) a single person, or
- (b) two or more persons together.

### Release of non-performance bond where duty to adopt does not apply

10.—(1) Except where paragraph (3) applies, an approving body must release a non-performance bond within 4 weeks beginning on the first working day after completion of a drainage system that is constructed in accordance with approved proposals.

(2) Paragraph (3) applies if the approving body—

- (a) issued a certificate under paragraph 12(2) of Schedule 3, and
- (b) carried out work to ensure the drainage system was completed in such a manner as to make it likely to operate in compliance with national standards.

(1) Diffinnir “designating authority” ym mharagraff 1 o Atodlen 1 i'r Ddeddf.

(2) 1991 p. 22. Mewnsoodwyd adran 63(5) gan baragraff 27 o Atodlen 3 i'r Ddeddf.

(1) “Designating authority” is defined in paragraph 1 of Schedule 1 to the Act.

(2) 1991 c. 22. Section 63(5) was inserted by paragraph 27 of Schedule 3 to the Act.

(3) Rhaid i'r corff cymeradwyo, o fewn 4 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl cwblhau'r gwaith—

- (a) anfon cyfrif llawn at y datblygwr o unrhyw symiau a gafwyd o dan y bond sydd wedi eu defnyddio i ddiwallu cost gwneud y gwaith,
- (b) talu unrhyw swm dros ben i'r datblygwr, ac
- (c) rhyddhau'r bond methu â chyflawni.

(4) Yn y rheoliad hwn—

ystyr “cynigion a gymeradwywyd” (“*approved proposals*”) yw cynigion a gymeradwywyd o dan baragraff 7(1) o Atodlen 3, gan gynnwys unrhyw amodau ynghylch y gymeradwyaeth;

mae “system ddraenio” (“*drainage system*”) i'w dehongli fel system ddraenio nad yw'r ddyletswydd i fabwysiadu yn gymwys iddi.

### Hysbysu am fabwysiadu gwirfoddol

11.—(1) Rhaid i gorff cymeradwyo roi unrhyw hysbysiad o dan baragraff 24(2) o Atodlen 3 cyn gynted ag y bo'n ymarferol ar ôl penderfynu mabwysiadu system ddraenio nad yw'r ddyletswydd i fabwysiadu yn gymwys iddi.

(2) Rhaid i'r hysbysiad bennu—

- (a) y rheswm dros fabwysiadu, a
- (b) y dyddiad mabwysiadu.

### Cofrestru a dynodi yn dilyn mabwysiadu gwirfoddol

12. O fewn 4 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl rhoi hysbysiad o dan baragraff 24(2) o Atodlen 3, rhaid i gorff cymeradwyo drefnu—

- (a) i'r awdurdod llifogydd lleol arweiniol gynnwys y system ddraenio yn y gofrestr a gedwir o dan adran 21 o'r Ddeddf, a
- (b) i awdurdod dynodi ddynodi dros dro o dan baragraff 7 o Atodlen 1 unrhyw ran o'r system ddraenio (pa un a yw honno'n rhan a fabwysiadwyd ai peidio) sy'n gymwys i'w dynodi ac nad yw'r corff cymeradwyo yn berchen arni.

(3) The approving body must, within 4 weeks beginning on the first working day after completing the work—

- (a) send to the developer a full account of any sums received under the bond that have been applied to the expense of carrying out the work,
- (b) pay the developer any excess, and
- (c) release the non-performance bond.

(4) In this regulation—

“approved proposals” (“*cynigion a gymeradwywyd*”) means proposals approved under paragraph 7(1) of Schedule 3, including any conditions of approval;

“drainage system” (“*system ddraenio*”) is to be construed as a drainage system to which the duty to adopt does not apply.

### Notification of voluntary adoption

11.—(1) An approving body must give any notification under paragraph 24(2) of Schedule 3 as soon as practicable after deciding to adopt a drainage system to which the duty to adopt does not apply.

(2) The notification must specify—

- (a) the reason for adoption, and
- (b) the date of adoption.

### Registration and designation following voluntary adoption

12. Within 4 weeks beginning on the first working day after giving a notification under paragraph 24(2) of Schedule 3, an approving body must arrange for—

- (a) the lead local flood authority to include the drainage system in the register maintained under section 21 of the Act, and
- (b) a designating authority to make a provisional designation under paragraph 7 of Schedule 1 of any part of the drainage system (whether an adopted part or not) which is eligible for designation and is not owned by the approving body.

## RHAN 5

### Gwaith ar dir cyhoeddus

#### Ystyr “statutory undertaker”

13. At ddiben paragraff 28(3)(a) o Atodlen 3, ystyr “statutory undertaker” yw person sydd â’r hawl o dan ddarpariaeth mewn deddfiad a restrir yn rheoliad 16 i wneud gwaith statudol ar dir cyhoeddus.

#### Ystyr “statutory works”

14. At ddiben paragraff 28(3)(b) o Atodlen 3, ystyr “statutory works” yw gwaith y caniateir ei wneud gan berson o dan unrhyw un neu ragor o’r darpariaethau a ganlyn—

- (a) adran 159 o Ddeddf y Diwydiant Dŵr 1991(1) (pŵer i osod, arolygu, cynnal a chadw etc. bibelli);
- (b) Atodlen 4 i Ddeddf Nwy 1986(2) (pŵer i dyllu strydoedd);
- (c) paragraff 10(4) o Atodlen 4 i Ddeddf Trydan 1989(3) (pŵer i wneud tyllau turio);
- (d) Atodlen 3A i Ddeddf Cyfathrebiadau 2003(4).

#### Hysbysu am waith statudol a chynigion ar gyfer gwaith ailadeiladu

15.—(1) Ac eithrio mewn argyfwng, ni chaiff ymgymerwr statudol ddechrau ar waith statudol a fydd yn effeithio ar weithrediad system ddraenio gynaliadwy neu a allai wneud hynny, ar unrhyw dir cyhoeddus, oni bai ei fod o leiaf 4 wythnos cyn i’r gwaith statudol ddechrau, yn hysbysu’r corff cymeradwyo ar gyfer y system ddraenio honno am—

- (a) y gwaith statudol arfaethedig, a
- (b) y cynnig i wneud gwaith ailadeiladu.

(2) Rhaid i’r hysbysiad a roddir o dan baragraff (1) ddod i ben ar y diwrnod gwaith cyn y diwrnod y mae’r gwaith statudol i ddechrau.

## PART 5

### Works on public land

#### Meaning of “statutory undertaker”

13. For the purpose of paragraph 28(3)(a) of Schedule 3, “statutory undertaker” means a person entitled under a provision of an enactment listed in regulation 16 to carry out statutory works on public land.

#### Meaning of “statutory works”

14. For the purpose of paragraph 28(3)(b) of Schedule 3, “statutory works” means works that may be carried out by a person under any of the following provisions—

- (a) section 159 of the Water Industry Act 1991(1) (power to lay, inspect, maintain etc. pipes);
- (b) Schedule 4 to the Gas Act 1986(2) (power to dig up streets);
- (c) paragraph 10(4) of Schedule 4 to the Electricity Act 1989(3) (power to make boreholes);
- (d) Schedule 3A to the Communications Act 2003(4).

#### Giving notice of statutory works and proposals for reconstruction work

15.—(1) Except in an emergency, a statutory undertaker must not commence statutory works that will or may affect the operation of a sustainable drainage system on any public land unless, at least 4 weeks before the statutory works are commenced, it gives notice to the approving body for that drainage system of—

- (a) the proposed statutory works, and
- (b) the proposal to carry out reconstruction work.

(2) Notice given under paragraph (1) must expire on the working day before the statutory works are to commence.

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(1) 1991 p. 56. Diwygiwyd adran 159 gan adran 97(1) a (5) o Ddeddf Dŵr 2003 (p. 37).

(2) 1986 p. 44. Diwygiwyd Atodlen 4 gan baragraffau 1 a 2(1) o Ran 1 o Atodlen 6 i Ddeddf Cyfleustodau 2000 (p. 27), a chan baragraff 119 o Atodlen 8 i Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 (p. 22). Mae diwygiadau eraill nad ydynt yn berthnasol i’r Rheoliadau hyn.

(3) 1989 p. 29.

(4) 2003 p. 21. Mewnodwyd Atodlen 3A gan Atodlen 1 i Ddeddf yr Economi Ddigidol 2017 (p. 30).

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(1) 1991c. 56. Section 159 was amended by section 97(1) and (5) of the Water Act 2003 (c. 37).

(2) 1986 c. 44. Schedule 4 was amended by Schedule 6, Part 1, paragraphs 1 and 2(1) to the Utilities Act 2000 (c. 27) and by Schedule 8, paragraph 119 to the New Roads and Street Works Act 1991 (c. 22). There are other amendments not relevant to these Regulations.

(3) 1989 c. 29.

(4) 2003 c. 21. Schedule 3A was inserted by Schedule 1 to the Digital Economy Act 2017 (c. 30).

(3) Os dechreuir y gwaith statudol mewn argyfwng, rhaid i'r ymgwymerwr statudol, cyn gynted ag y bo'n ymarferol ar ôl i'r gwaith statudol ddechrau, hysbysu'r corff cymeradwyo—

- (a) bod y gwaith statudol wedi dechrau, a
- (b) am y cynnig i wneud gwaith ailadeiladu.

(4) Ni chaniateir dechrau ar waith ailadeiladu oni bai bod y corff cymeradwyo wedi cadarnhau'r cynnig i wneud y gwaith ailadeiladu.

(5) Oni bai bod y corff cymeradwyo wedi hysbysu'r ymgwymerwr statudol fel arall, cymerir bod cynnig i wneud gwaith ailadeiladu wedi ei gadarnhau—

- (a) mewn perthynas â chynnig yr hysbysir amdano o dan baragraff (1)(b), 4 wythnos gan ddechrau ar y diwrnod gwaith cyntaf ar ôl i'r hysbysiad gael ei roi;
- (b) mewn perthynas â chynnig yr hysbysir amdano o dan baragraff (3)(b), 48 awr ar ôl i'r corff cymeradwyo gael yr hysbysiad.

(6) Rhaid i'r ymgwymerwr statudol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl gwneud y gwaith ailadeiladu, hysbysu'r corff cymeradwyo am y dyddiad y cwblhawyd y gwaith statudol.

### **Gofyniad i ymgymryd â gwaith adferol**

**16.**—(1) Os yw ymgwymerwr statudol yn methu â gwneud gwaith ailadeiladu yn unol â'r cynnig a gadarnhawyd, caiff y corff cymeradwyo ei gwneud yn ofynnol i'r ymgwymerwr wneud gwaith adferol o fewn amserlen benodedig.

(2) Os yw ymgwymerwr statudol yn methu â chydymffurfio â gofyniad o dan baragraff (1), caiff y corff cymeradwyo—

- (a) gwneud gwaith adferol, a
- (b) adennill unrhyw gostau yr aed iddynt wrth wneud y gwaith hwnnw fel dyled gan yr ymgwymerwr.

### **Gwaith statudol i gydymffurfio â'r safonau cenedlaethol**

**17.**—(1) O fewn 12 mis ar ôl i'r gwaith statudol gael ei gwblhau, rhaid i'r corff cymeradwyo benderfynu a yw wedi ei fodloni bod y gofynion ym mharagraff (2) wedi eu bodloni.

(2) Mae'r gofynion fel a ganlyn—

- (a) bod system ddraenio newydd neu un a ailadeiladwyd yn gweithredu yn unol â'r cynnig a gadarnhawyd,

(3) If the statutory works are commenced in an emergency, the statutory undertaker must as soon as is practicable after the statutory works are commenced give notice to the approving body of—

- (a) the commencement of the statutory works, and
- (b) the proposal to carry out reconstruction work.

(4) Reconstruction work may not be commenced unless the approving body has confirmed the proposal to carry out the reconstruction work.

(5) Unless the approving body has notified the statutory undertaker to the contrary, a proposal to carry out reconstruction work is taken to be confirmed—

- (a) for a proposal notified under paragraph (1)(b), 4 weeks beginning on the first working day after the notice is given;
- (b) for a proposal notified under paragraph (3)(b), 48 hours after the notice is received by the approving body.

(6) The statutory undertaker must as soon as reasonably practical after carrying out reconstruction work notify the approving body of the date the statutory works were completed.

### **Requirement to undertake remedial work**

**16.**—(1) If a statutory undertaker fails to carry out reconstruction work in accordance with the confirmed proposal, the approving body may require the undertaker to carry out remedial work within a specified timescale.

(2) If a statutory undertaker fails to comply with a requirement under paragraph (1), the approving body may—

- (a) carry out remedial work, and
- (b) recover as a debt from the undertaker any costs incurred in carrying out that work.

### **Statutory works to comply with the national standards**

**17.**—(1) Within 12 months after statutory works are completed, the approving body must decide if it is satisfied that the requirements in paragraph (2) are met.

(2) The requirements are that—

- (a) a reconstructed or new sustainable drainage system functions in accordance with the confirmed proposal,



- (b) bod system ddraenio gynaliadwy newydd, os nad yw wedi ei hailadeiladu yn unol â'r cynnig a gadarnhawyd, yn cydymffurfio â'r safonau cenedlaethol, neu
- (c) bod system ddraenio gynaliadwy a ailadeiladwyd, os nad yw wedi ei hadeiladu yn unol â'r cynnig a gadarnhawyd, wedi ei hailadeiladu i'r cyflwr yr oedd ynddo cyn i'r gwaith statudol ddechrau.

(3) Os nad yw corff cymeradwyo wedi ei fodloni bod y gofynion ym mharagraff (2) wedi eu bodloni, caiff ei gwneud yn ofynnol i'r ymgymerwr statudol wneud gwaith ailadeiladu neu waith adferol o fewn amserlen benodedig.

(4) Os yw ymgymerwr statudol yn methu â chydymffurfio â gofyniad o dan baragraff (3), caiff y corff cymeradwyo—

- (a) gwneud gwaith adferol, a
- (b) adennill unrhyw gostau yr aed iddynt wrth wneud y gwaith hwnnw fel dyled gan yr ymgymerwr.

- (b) a new sustainable drainage system, if not constructed in accordance with the confirmed proposal, complies with the national standards, or
- (c) a reconstructed sustainable drainage system, if not constructed in accordance with the confirmed proposal, is reconstructed to the state it was in before the statutory works were commenced.

(3) If an approving body is not satisfied that the requirements in paragraph (2) are met, it may require the statutory undertaker to carry out reconstruction work or remedial work within a specified timescale.

(4) If a statutory undertaker fails to comply with a requirement under paragraph (3), the approving body may—

- (a) carry out remedial work, and
- (b) recover as a debt from the undertaker any costs incurred in carrying out that work.

*Hannah Blythyn*

Gweinidog yr Amgylchedd, o dan awdurdod  
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a  
Materion Gwledig, un o Weinidogion Cymru  
10 October 2018

Minister for Environment under authority of the  
Cabinet Secretary for Energy, Planning and Rural  
Affairs, one of the Welsh Ministers  
10 October 2018

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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2018 Rhif 1077 (Cy. 226)**

**2018 No. 1077 (W. 226)**

**Y DIWYDIANT DŴR, CYMRU**

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