



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 3709 (Cy.305)

2001 No. 3709 (W.305)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Cynllun Grantiau Gwastraff Fferm
(Parthau Perygl Nitradau) (Cymru)
2001**

**The Farm Waste Grant (Nitrate
Vulnerable Zones) (Wales) Scheme
2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Scheme)

Mae'r Cynllun hwn yn cydymffurfio â Rheoliad y Cyngor (EC) Rhif 1257/99 dyddiedig 17 Mai 1999 ynghylch cymorth ar gyfer datblygu gwledig o Gronfa Cyfarwyddo a Gwarantu Amaethyddiaeth Ewrop ac yn benodol Erthyglau 4 i 7 sy'n ymdrin â buddsoddi mewn daliadau amaethyddol.

This Scheme complies with Council Regulation (EC) No. 1257/99 of 17th May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund and in particular Articles 4 to 7 which deal with investment in agricultural holdings.

Mae'r Cynllun hwn yn gymwys i Gymru yn unig.

This Scheme applies to Wales only.

Mae'n gwneud darpariaeth ar gyfer rhoi grantiau mewn perthynas â busnesau amaethyddol sydd wedi'u lleoli yn rhannol o leiaf mewn parthau perygl nitradau, fel y'u diffinnir gan reoliad 2(1) o Reoliadau Diogelu Dŵr rhag Llygredd Nitradau Amaethyddol (Cymru a Lloegr) 1996.

It makes provision for the making of grants in respect of agricultural businesses which are at least partly situated in nitrate vulnerable zones, as defined by regulation 2(1) of the Protection of Water against Agricultural Nitrate Pollution (England and Wales) Regulations 1996.

Mae'r cymorth grant ar gael (yn ôl cyfradd o 40%) tuag at wariant (hyd at uchafswm o £85,000) a dynnir gan y busnes amaethyddol rhwng y dyddiad y daeth rhan sylweddol y Cynllun i rym (7 Rhagfyr 2001) a 17 Ebrill 2003 mewn perthynas â chyfleusterau ar gyfer trafod, storio a gwaredu gwastraffoedd fferm penodol a gwahanu dwr glân a dwr brwnt (paragraff 3).

The grant aid is available (at the rate of 40%) towards expenditure (up to a maximum of £85,000) incurred by the agricultural business between the date of coming into force of the substantive part of the Scheme (7th December 2001) and 17th April 2003 in relation to facilities for the handling, storage and disposal of certain farm wastes and the separation of clean and dirty water (paragraph 3).

Mae nifer o gyfyngiadau ar roi grantiau o dan y Cynllun yn cael eu gosod (paragraff 4).

A number of restrictions are imposed on the making of grants under the Scheme (paragraph 4).

Mae'r Cynllun yn dangos sut mae'r grantiau i gael eu hawlio (paragraff 5) ac yn caniatáu i arian grant gael ei ddal yn ôl o dan amgylchiadau penodol (paragraff 6).

The Scheme indicates how grants are to be claimed (paragraph 5) and enables grant monies to be withheld in certain circumstances (paragraph 6).

Mae Cynllun Grantiau Gwastraff Fferm (Parthau Perygl Nitradau) (Cymru a Lloegr) 1996 yn cael ei ddiidymu.

The Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996 is revoked.

Nid oes Arfarniad Rheoliadol wedi'i baratoi mewn perthynas â'r Cynllun hwn.

No Regulatory Appraisal has been prepared in respect of this Scheme.

2001 Rhif 3709 (Cy.305)**2001 No. 3709 (W.305)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****Cynllun Grantiau Gwastraff Fferm
(Parthau Perygl Nitradau) (Cymru)
2001****The Farm Waste Grant (Nitrate
Vulnerable Zones) (Wales) Scheme
2001***Wedi'i wneud* 15 Tachwedd 2001*Made* 15th November 2001*Yn dod i rym* 7 Rhagfyr 2001*Coming into force* 7th December 2001

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") mewn perthynas â Chymru, drwy arfer y pwerau a roddwyd iddo gan adran 29 o Ddeddf Amaethyddiaeth 1970(a) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Cynllun hwn.

The National Assembly for Wales ("the National Assembly") in relation to Wales, in exercise of the powers conferred upon it by section 29 of the Agriculture Act 1970(a) and of all other powers enabling it in that behalf hereby makes the following Scheme.

Teitl, cychwyn a chymhwyso**Title, commencement and application**

1.-(1) Teitl y Cynllun hwn yw Cynllun Grantiau Gwastraff Fferm (Parthau Perygl Nitradau) (Cymru) 2001 a daw i rym ar 7 Rhagfyr 2001

1.-(1) This Scheme may be cited as the Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2001 and shall come into force on 7th December 2001

(2) Bydd y Cynllun hwn yn gymwys i Gymru yn unig.

(2) This Scheme shall apply to Wales only.

Dehongli**Interpretation**

2.-(1) Yn y Cynllun hwn, oni bai bod y cyd-destun yn mynnu fel arall -

2.-(1) In this Scheme, unless the context otherwise requires -

ystyr "busnes amaethyddol" ("*agricultural business*"), at ddibenion y Cynllun hwn, yw busnes amaethyddol sy'n cael ei redeg yn rhannol o leiaf ar dir sydd wedi'i leoli mewn parth perygl nitradau;

"agricultural business" ("*busnes amaethyddol*") means, for the purposes of this Scheme, an agricultural business which is at least partly carried out on land situated in a nitrate vulnerable zone;

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

"slurry" ("*slyri*") has the same meaning as in regulation 2 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991(b);

mae i "parth perygl nitradau" yr un ystyr ag sydd i "nitrate vulnerable zone" yn rheoliad 3 o Reoliadau Diogelu Dŵr rhag Llygredd Nitradau Amaethyddol (Cymru a Lloegr) 1996(b);

"nitrate vulnerable zone" ("*parth perygl nitradau*") has the same meaning as in regulation 3 of the Protection of Water against Agricultural Nitrate Pollution (England and Wales) Regulations 1996(c).

(a) 1970 p.40; gweler adran 28 i gael diffiniad o "the appropriate authority". O dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672), erthygl 2(a) ac Atodlen 1, cafodd swyddogaethau Ysgrifennydd Gwladol Cymru o dan adran 29 o Ddeddf Amaethyddiaeth 1970, i'r graddau y maent yn arferadwy yng Nghymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru.

(a) 1970 c.40; see section 28 for a definition of "the appropriate authority". Under the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672), article 2(a) and Schedule 1, the functions of the Secretary of State for Wales under section 29 of the Agriculture Act 1970, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

(b) OS 1996/888 addiwygiwyd gan OS 1997/2971 a 1998/1202.

(b) SI 1991/324 amended by SI 1997/547.

(c) SI 1996/888 amended by SI 1997/2971 and 1998/1202.

mae i "slyri" yr un ystyr ag sydd i "slurry" yn rheoliad 2 o Reoliadau Rheoli Llygredd (Silwair, Slyri ac Olew Tanwydd Amaethyddol) 1991(a).

- (2) Yn y Cynllun hwn, mae unrhyw gyfeiriad -
- (a) at baragraff â rhif yn gyfeiriad at y paragraff yn y Cynllun hwn sy'n dwyn y rhif hwnnw;
 - (b) at is-baragraff â rhif (heb gyfeiriad cyfatebol at baragraff penodol) yn gyfeiriad at yr is-baragraff sy'n dwyn y rhif hwnnw yn y paragraff y gwelir y cyfeiriad ynddo.

Talu'r grantiau a symiau'r grantiau

3. -(1) Yn ddarostyngedig i ddarpariaethau canlynol y Cynllun hwn, caiff y Cynulliad Cenedlaethol roi i unrhyw berson un neu fwy o grantiau i gynrychioli 40 y cant o'r gwariant a dynnir gan y person hwnnw at ddibenion rhedeg busnes amaethyddol neu mewn cysylltiad â'i redeg, sef gwariant sydd wedi'i dynnu ar ôl 7 Rhagfyr 2001 ond cyn 17 Ebrill 2003 ac -

- (a) sy'n wariant mewn perthynas â'r canlynol -
 - (i) darparu, amnewid neu wella -
 - (aa) cyfleusterau (gan gynnwys ffensys diogelwch) ar gyfer trafod a storio tail, slyri ac elifiant silwair,
 - (bb) cyfleusterau gwaredu sefydlog ar gyfer slyri ac elifiant silwair, neu
 - (cc) cyfleusterau (heblaw toeon) ar gyfer gwahanu dŵr glân a dŵr brwnt, os yw'r cyfleusterau hynny'n lleihau'r angen i storio slyri; neu
 - (ii) unrhyw waith, cyfleuster neu drafodyn (gan gynnwys gwaith cadwraeth neu waith hwyluso) o ganlyniad i unrhyw fater y gall grant gael ei roi mewn perthynas ag ef o dan ddarpariaethau blaenorol y paragraff hwn;
- (b) y mae'n ymddangos i'r Cynulliad Cenedlaethol ei fod o natur gyfalaf neu ei fod wedi'i dynnu mewn cysylltiad â gwariant o natur gyfalaf;
- (c) sydd wedi'i gymeradwyo gan y Cynulliad Cenedlaethol at ddibenion grant o dan y Cynllun hwn; ac
- (ch) nad yw'n fwy na chyfanswm o £85,000.

(2) Os yw'n ymddangos i'r Cynulliad Cenedlaethol bod gwariant yr hawlir grant mewn perthynas ag ef o dan is-baragraff (1) wedi'i dynnu yn rhannol at ddibenion rhedeg busnes amaethyddol neu mewn cysylltiad â'i redeg ac yn rhannol at ddibenion eraill, caiff y Cynulliad Cenedlaethol drin cymaint o'r gwariant hwnnw ag y mae'n ymddangos i'r Cynulliad Cenedlaethol y gellir ei gyfeirio at redeg y busnes amaethyddol hwnnw fel pe bai wedi'i dynnu at

“ the National Assembly (“y Cynulliad Cenedlaethol”) mean the National Assembly for Wales.

- (2) In this Scheme, any reference to -
- (a) a numbered paragraph is a reference to the paragraph in this Scheme so numbered;
 - (b) a numbered sub-paragraph (with no corresponding reference to a specific paragraph) is a reference to the sub-paragraph so numbered in the paragraph in which the reference appears.

Payment and amount of grants

3.-(1) Subject to the following provisions of this Scheme, the National Assembly may make to any person one or more grants representing 40 per cent of the expenditure incurred by that person for the purposes of or in connection with the carrying on of an agricultural business, being expenditure which has been incurred after 7 December 2001 but before 17 April 2003 and -

- (a) is in respect of -
 - (i) the provision, replacement or improvement of -
 - (aa) facilities (including safety fencing) for the handling and storage of manure, slurry and silage effluent,
 - (bb) fixed disposal facilities for slurry and silage effluent, or
 - (cc) facilities (other than roofing) for the separation of clean and dirty water, where those facilities reduce the need to store slurry; or
 - (ii) any work, facility or transaction (including conservation or amenity works) incidental to any matter in respect of which a grant may be made under the foregoing provisions of this paragraph;
- (b) appears to the National Assembly to be of a capital nature or incurred in connection with expenditure of a capital nature;
- (c) is approved by the National Assembly for the purposes of a grant under this Scheme; and
- (d) does not in aggregate exceed £85,000.

(2) Where it appears to the National Assembly that expenditure in respect of which a grant is claimed under sub-paragraph (1) has been incurred partly for the purposes of or in connection with the carrying on of an agricultural business and partly for other purposes the National Assembly may treat as having been incurred for the purposes of or in connection with the carrying on of an agricultural business so much of that expenditure as appears to the National Assembly to be

(a) OS 1991/324 a ddiwygiwyd gan OS 1997/547.

ddibenion rhedeg y busnes amaethyddol neu mewn cysylltiad â'i redeg.

Cyfyngiadau ar roi grantiau

4.-(1) Rhaid i'r Cynulliad Cenedlaethol beidio â rhoi grant o dan is-baragraff (1) o baragraff 3 -

- (a) mewn perthynas ag unrhyw fusnes amaethyddol nad yw'n cael ei redeg yn rhannol o leiaf ar dir sydd wedi'i leoli mewn parth perygl nitradau; na
- (b) tuag at unrhyw wariant a dynnir mewn perthynas â busnes amaethyddol sy'n golygu cynyddu ei allu i gynhyrchu.

(2) Rhaid i'r Cynulliad Cenedlaethol beidio â rhoi grant o dan is-baragraff (1) o baragraff 3 oni bai ei fod wedi'i fodloni y bydd y gwariant y rhoddir y grant tuag ato yn arwain at rywfaint o leiaf o fantais amgylcheddol i'r parth perygl nitradau o dan sylw.

Hawliadau Grant

5.-(1) Rhaid i unrhyw hawl am grant o dan y Cynllun hwn gael ei wneud ar y ffurf, yn y modd ac erbyn y dyddiad y gall y Cynulliad Cenedlaethol eu pennu, a rhaid i'r hawliwr o dan sylw roi'r holl fanylion a'r holl wybodaeth ynghylch yr hawliad y gall y Cynulliad Cenedlaethol ofyn yn rhesymol amdanynt, gan gynnwys, pan bennir hynny, yr holl ddogfennau a chofnodion perthnasol.

(2) Yn is-baragraff (1), mae'r cyfeiriad at ddogfennau a chofnodion perthnasol yn cynnwys cyfeiriad at gopiâu ardystiedig ohonynt.

(3) Rhaid i'r Cynulliad Cenedlaethol roi gwybod yn ysgrifenedig i hawliwr a yw'r cais yn gymwys neu beidio, ac os nad yw'n gymwys, rhaid iddo roi'r rhesymau.

Dal grantiau yn ôl

6. -(1) Caiff y Cynulliad Cenedlaethol ddal y cyfan neu unrhyw ran o grant sydd fel arall yn daladwy o dan y Cynllun hwn yn ôl neu eu hadennill os yw o'r farn -

- (a) bod cymorth mewn perthynas â'r gwariant yr hawliwr y grant tuag ato wedi'i gael neu ei fod ar gael oddi wrth ffynhonnell arall;
- (b) y byddai'r gwaith yr hawliwr y grant mewn perthynas ag ef yn rhwystro dibenion cymorth a roddwyd yn flaenorol o arian a ddarparwyd gan y Cynulliad Cenedlaethol, y Senedd neu'r Gymuned Ewropeaidd;
- (c) bod y gwariant yr hawliwr y grant tuag ato yn ormodol, o roi sylw i holl amgylchiadau'r achos; neu
- (ch) bod gwneud y gwaith y rhoddir y grant mewn perthynas ag ef eisoes wedi dinistrio neu wedi

referable to the carrying on of that agricultural business.

Restrictions on the making of grants

4.-(1) The National Assembly shall not make a grant under sub-paragraph (1) of paragraph 3 -

- (a) in respect of any agricultural business which is not at least partly carried out on land situated in a nitrate vulnerable zone; or
- (b) towards any expenditure incurred in respect of an agricultural business which entails an increase in its production capacity.

(2) The National Assembly shall not make a grant under sub-paragraph (1) of paragraph 3 unless it is satisfied that the expenditure towards which the grant is to be made will result in at least some environmental benefit accruing to the nitrate vulnerable zone concerned.

Claims for Grant

5.-(1) Any claim for a grant under this Scheme shall be made in such form and manner and by such date as the National Assembly may determine, and the claimant in question shall provide all such particulars and information relating to the claim as the National Assembly may reasonably require, including, where so specified, all relevant documentation and records.

(2) In sub-paragraph (1), the reference to relevant documentation and records includes a reference to certified copies thereof.

(3) The National Assembly shall inform a claimant in writing whether the claim is eligible or not and if it is not eligible shall give the reasons.

Withholding of grants

6.-(1) The National Assembly may withhold or recover the whole or any part of a grant otherwise payable under this Scheme where it considers that -

- (a) assistance in respect of expenditure towards which the grant is claimed has been obtained or is obtainable from another source;
- (b) the work in respect of which the grant is claimed would frustrate the purposes served by assistance previously given out of money provided by the National Assembly, Parliament or the European Community;
- (c) the expenditure towards which the grant is being claimed is excessive, having regard to all the circumstances of the case; or
- (d) the carrying out of the work in respect of which the grant is to be made has already destroyed or damaged or as the case may be is

difrodi harddwch naturiol ac amwynder cefn gwlad i raddau na ellir eu cyfiawnhau ar sail unrhyw fantais amaethyddol a geir yn ei sgil.

(2) Cyn gweithredu o dan is-baragraff (1) rhaid i'r Cynulliad Cenedlaethol -

- (a) rhoi hysbysiad ysgrifenedig o'r rhesymau am ddal y grant yn ôl, ei leihau neu ei adennill i'r person y bydd ei benderfyniad yn effeithio arno ("y person yr effeithir arno") a'r dyddiad y cymerir y camau hynny;
- (b) rhoi cyfle i'r person yr effeithir arno ymddangos gerbron person a benodir at y diben gan y Cynulliad Cenedlaethol a chael ei wrando ganddo;
- (c) ystyried adroddiad person a benodir felly a rhoi copi ohono i'r person yr effeithir arno.

Diddymu a darpariaethau trosiannol

7. Mae Cynllun Grantiau Gwastraff Fferm (Parthau Perygl Nitradau) (Cymru a Lloegr) 1996(a) drwy hyn wedi'i ddiddymu i'r graddau y mae'n gymwys i Gymru.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(b)

15 Tachwedd 2001

Dirprwy Lywydd y Cynulliad Cenedlaethol

likely to destroy or damage the natural beauty and amenity of the countryside to an extent which cannot be justified by any resulting agricultural benefit.

(2) Before acting under sub-paragraph (1) the National Assembly, shall -

- (a) give to the person to be affected by its decision ("the affected person") written notification of the reasons for withholding reducing or recovering the grant and the date on which such action will be taken;
- (b) give the affected person the opportunity of appearing before and being heard by a person appointed for the purpose by the National Assembly
- (c) consider the report of a person so appointed and give a copy of it to the affected person.

Revocation and transitional provisions

7. The Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996(a) is hereby revoked in so far as it applies to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b)

15th November 2001

John Marek

The Deputy Presiding Officer of the National Assembly

(a) SI 1996/908.

(b) 1998 p.38.

(a) SI 1996/908.

(b) 1998 c.38.

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£2.00

W/392/12/01

ON

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ISBN 0-11-090389-7



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