



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 604(Cy.27)

2001 No.604(W.27)

**ADEILADU AC ADEILADAU,
CYMRU**

**BUILDING AND BUILDINGS,
WALES**

**Rheoliadau Taliadau Sŵn
Priffyrdd (Cartrefi Symudol)
(Cymru) 2001**

**The Highways Noise Payments
(Movable Homes) (Wales)
Regulations 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn rhoi pŵer i awdurdodau priffyrdd wneud taliadau o hyd at £1,650 i feddianwyr cartrefi symudol megis carafanau a chychod preswyl pan fydd sŵn sy'n cael ei achosi wrth adeiladu neu ddefnyddio ffyrdd newydd neu rai sydd wedi'u newid yn effeithio arnynt, neu pan fydd yn debyg o effeithio arnynt, i raddau sylweddol. Mae'r pŵer i wneud Rheoliadau sy'n awdurdodi taliadau o'r fath i'w gael o dan Adran 20A o Ddeddf Iawndal Tir 1973, sydd wedi'i mewnosod gan baragraff 5(1) o Atodlen 15 i Ddeddf Cynllunio ac Iawndal 1991. Mae'r pŵer i wneud taliadau o dan y Rheoliadau hyn yn gyfochrog â'r ddyletswydd i ddarparu inswleiddiad rhag sŵn mewn adeiladau neu i wneud taliadau grant yn lle hynny o dan Reoliadau Inswleiddio rhag Sŵn 1975 (O.S. 1975/1763 fel y'i diwygiwyd gan O.S. 1988/2000). Am resymau ymarferol ni ellir cymhwyso'r darpariaethau hynny at gartrefi symudol.

Gellir cael y memorandwm sy'n dwyn y teitl "Calculation of Traffic Noise" a gyhoeddwyd gan Wasg Ei Mawrhydi (1988) o Siop Lyfrau Oriol, 18-19 Heol Fawr, Caerdydd CF10 2BZ.

Gellir cael Safon Brydeinig 4197:1967 o unrhyw fan werthu sy'n cael ei gweithredu gan y Sefydliad Safonau Prydeinig (BSI) neu drwy'r post o'r BSI yn 389 Chiswick High Road, Llundain W4 4AL.

These Regulations give highway authorities the power to make payments of up to £1,650 to the occupiers of movable homes such as caravans and house-boats where they are affected or are likely to be affected, to a significant degree, by noise caused by the construction or use of new or altered roads. The power to make Regulations authorising such payments is under Section 20A of the Land Compensation Act 1973, inserted by paragraph 5(1) of Schedule 15 to the Planning and Compensation Act 1991. The power to make payments under these Regulations is parallel to the duty to provide noise insulation in buildings or to make grant payments instead, under the Noise Insulation Regulations 1975 (S.I. 1975/1763 as amended by S.I. 1988/2000). For practical reasons those provisions cannot be applied to movable homes.

The memorandum entitled "Calculation of Traffic Noise" published by Her Majesty's Stationery Office (1988) may be obtained from Oriol Bookshop, 18-19 High Street, Cardiff CF10 2BZ.

British Standard 4197:1967 may be obtained from any outlet operated by the British Standards Institution (BSI) or by post from BSI at 389 Chiswick High Road, London W4 4AL.

2001 Rhif 604(Cy.27)

2001 No.604(W.27)

**ADEILADU AC ADEILADAU,
CYMRU**

**BUILDING AND BULDINGS,
WALES**

**Rheoliadau Taliadau Sŵn
Priffyrdd (Cartrefi Symudol)
(Cymru) 2001**

**The Highways Noise Payments
(Movable Homes) (Wales)
Regulations 2001**

Wedi'u gwneud *27 Chwefror 2001*
Yn dod i rym *1 Ebrill 2001*

Made *27th February 2001*
Coming into force *1st April 2001*

TREFN Y RHEOLIADAU

1. Enwi, cychwyn a chymhwyso.
2. Dehongli
3. Y pŵer i wneud taliadau sŵn.
4. Sut i asesu lefelau sŵn.
5. Swm y taliadau sŵn.
6. Adegau pan na chaniateir gwneud taliadau sŵn.
7. Cartrefi cymwys.
8. Y cyfnod cymhwyso.
9. Y personau y gellir gwneud taliadau sŵn iddynt.
10. Y weithdrefn ar gyfer gwneud cais am daliadau sŵn.

ARRANGEMENT OF REGULATIONS

1. Citation, commencement and application.
2. Interpretation.
3. Power to make noise payments.
4. How to assess noise levels.
5. Amount of noise payments.
6. When noise payments may not be made.
7. Eligible homes.
8. Qualifying period.
9. Persons to whom noise payments may be made.
10. Procedure for applying for noise payments.

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddir gan adran 20A o Ddeddf Iawndal Tir 1973(a), drwy hyn yn gwneud y Rheoliadau canlynol:-

The National Assembly for Wales, in exercise of the powers conferred by section 20A of the Land Compensation Act 1973(a), hereby makes the following Regulations:-

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Sŵn Priffyrdd (Cartrefi Symudol) (Cymru) 2001 a deuant i rym ar 1 Ebrill 2001.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

Citation, commencement and application

1.-(1) These Regulations may be cited as the Highways Noise Payments (Movable Homes) (Wales) Regulations 2001 and shall come into force on the 1st April 2001.

(2) These Regulations apply to Wales.

(a) 1973 p.26; mewnosodwyd adran 20A gan Ddeddf Cynllunio ac Iawndal 1991 (p.34), adran 70 ac Atodlen 15, paragraff 5(1). Mae'r pŵer i wneud rheoliadau o adran 20A o Ddeddf Iawndal Tir 1973 wedi'i ddatganoli i Gynulliad Cenedlaethol Cymru o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, erthygl 2 ac Atodlen 1 (O.S. 1999/672).

(a) 1973 c.26; section 20A was inserted by the Planning and Compensation Act 1991 (c.34), section 70 and Schedule 15, paragraph 5(1). The power to make regulations under section 20A of the Land Compensation Act 1973 has been devolved to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999, article 2 and Schedule 1 (S.I. 1999/672).

Dehongli

2. Yn y Rheoliadau hyn-

ystyr “yr awdurdod” (“*the authority*”) mewn perthynas â phriffordd yw’r awdurdod priffyrdd a adeiladodd neu a newidiodd neu sy’n bwriadu adeiladu neu newid y briffordd honno;

ystyr “buddiant anghymhwys” (“*disqualifying interest*”) yw buddiant sy’n gymwys ar gyfer iawndal o dan Ran 1 o Ddeddf Iawndal Tir 1973(a);

mae i “cartref cymwys” (“*eligible home*”) yr ystyr a nodir yn rheoliad 7;

ystyr “cartref symudol” (“*moveable home*”) yw -

(a) carafán o fewn ystyr “caravan” fel y’i diffinir yn Rhan 1 o Ddeddf Safleoedd Carafanau a Rheoli Datblygu 1960(b) ac adran 13 o Ddeddf Safleoedd Carafanau 1968 (gan anwybyddu darpariaethau is-adran (2) o adran 13)(c), neu

(b) cwch preswyl;

ystyr “Cod 1988” (“*the 1988 Code*”) yw’r cyngor a’r cyfarwyddyd sydd wedi’u cynnwys yn y memorandwm technegol sy’n dwyn y teitl “Calculations of Road Traffic Noise” a gyhoeddwyd gan Wasg Ei Mawrhydi (1988);

ystyr “cwch preswyl” (“*houseboat*”) yw cwch neu strwythur tebyg sydd wedi’i ddylunio neu wedi’i addasu i’w ddefnyddio fel cartref;

mae i “cyfnod cymhwyso” (“*qualifying period*”) yr ystyr a nodir yn rheoliad 8;

mesuriad yw “dB(A)” o lefel y pwysedd sŵn (pwysoliad “A”) mewn desibelau sy’n cael ei dangos gan offer mesur sy’n cydymffurfio â Manyleb y Safon Brydeinig ar gyfer mesurydd lefel swn manwl-gywir a gyhoeddwyd ar 14 Medi 1967 o dan rif B.S. 4197:1967;

ystyr “dyddiad cychwyn” (“*commencement date*”) yw’r dyddiad y daw’r Rheoliadau hyn i rym;

ystyr “dyddiad perthnasol” (“*relevant date*”) yw’r dyddiad yr oedd priffordd ar agor i draffig cyhoeddus am y tro cyntaf neu, yn achos priffordd sydd wedi’i newid, y dyddiad yr oedd ar agor i draffig cyhoeddus am y tro cyntaf ar ôl adeiladu’r newid;

ystyr “gwaith perthnasol” (“*relevant works*”) yw’r gwaith ar gyfer adeiladu neu newid priffordd sy’n achosi’r sŵn sy’n arwain at bŵer i wneud taliad sŵn neu y disgwylir iddo ei achosi;

lefel y swn mewn dB(A) yr eir y tu hwnt iddi am ddegfed ran o gyfnod o un awr yw “L10”;

(a) 1973 p.26.

(b) 1960 p.62.

(c) 1968 p. 52.

Interpretation

2. In these Regulations -

“alteration” (“*newid*”) in relation to a highway means a change in the location, width or level of a carriageway which is part of that highway (otherwise than by resurfacing) or the construction of an additional carriageway beside above or below an existing carriageway and “alter” (“*newid*”) and “altered” (“*wedi’i newid*”) are to be interpreted in the same way;

“the authority” (“*yr awdurdod*”) in relation to a highway means the highway authority who constructed or altered or propose to construct or alter that highway;

“commencement date” (“*dyddiad cychwyn*”) means the date on which these Regulations come into force;

“dB(A)” is a measure of sound pressure level (“A” weighting) in decibels indicated by measuring equipment which complies with the British Standard Specification for a precision sound level meter published on 14th September 1967 under number B.S.4197:1967;

“disqualifying interest” (“*buddiant anghymhwys*”) means an interest which qualifies for compensation under Part 1 of the Land Compensation Act 1973(a);

“eligible home” (“*cartref cymwys*”) has the meaning set out in regulation 7;

“highway” (“*priffordd*”) includes any part of a highway and means a highway or part of a highway which is maintainable at the public expense as defined in section 329(1) of the Highways Act 1980(b);

“houseboat” (“*cwch preswyl*”) means a boat or similar structure designed or adapted for use as a home;

“L10” is the sound level in dB(A) which is exceeded for one-tenth of a period of one hour;

(“L10 18-hour”); is the arithmetic mean of all the levels of L10 during a period from 0600 to 2400 hours on a normal working day;

“movable home” (“*cartref symudol*”) means -

- (a) a caravan within the meaning (as defined in Part 1) of the Caravan Sites and Control of Development Act 1960(c) and section 13 of the Caravan Sites Act 1968 (disregarding the provisions of subsection (2) of section 13)(d), or

(a) 1973 c.26.

(b) 1980 c.66.

(c) 1960 c.62.

(d) 1968 c.52.

cymedr rhifyddol pob lefel L10 yn ystod cyfnod o 0600 hyd at 2400 o'r gloch ar ddiwrnod gweithio arferol yw "L10 (18-awr)" ("L10(18-hour)");

ystyr "lefel benodedig" ("specified level") yw lefel swm L10 (18-awr) o 68dB(A);

ystyr "lefel swm gyffredinol" ("prevailing noise level") yw lefel y swm, wedi'i mynegi fel lefel L10 (18-awr), un metr o flaen yr un mwyaf di-amddiffyn o unrhyw ffenestr neu ddrws ar wyneb mwyaf diamddiffyn unrhyw gartref symudol sy'n cael ei achosi gan draffig sy'n defnyddio unrhyw briffordd yn union cyn i waith adeiladu neu newid y briffordd ddechrau;

ystyr "lefel swm berthnasol" ("relevant noise level") yw lefel y swm, wedi'i mynegi fel lefel L10 (18-awr), un metr o flaen yr un mwyaf diamddiffyn o unrhyw ffenestr neu ddrws ar wyneb mwyaf diamddiffyn cartref symudol sy'n cael ei achosi gan draffig sy'n defnyddio priffordd berthnasol neu y disgwylir y bydd yn cael ei achosi ganddo;

ystyr "newid" ("alteration") mewn perthynas â phriffordd yw newid yn lleoliad, lled neu lefel lôn gerbydau sy'n rhan o'r briffordd honno (heblaw drwy osod wyneb newydd arni) neu adeiladu lôn gerbydau ychwanegol wrth ochr lôn gerbydau sy'n bodoli eisoes neu uwch ei phen neu islaw iddi ac mae "newid" ("alter") ac "wedi'i newid" ("altered") i'w dehongli yn yr un modd;

mae "priffordd" ("highway") yn cynnwys unrhyw ran o briffordd a'i ystyr yw priffordd neu ran o briffordd y gellir ei chynnal ar gost y cyhoedd fel y'i diffinnir yn adran 329(1) o Ddeddf Priffyrdd 1980(a);

ystyr "priffordd berthnasol" ("relevant highway") yw priffordd y digwyddodd y dyddiad perthnasol ar ei chyfer ar ôl 25 Medi 1990;

mae i "taliad swm" ("noise payment") yr ystyr a nodir yn rheoliad 3(5).

Y pŵer i wneud taliadau swm

3.-(1) Yn ddarostyngedig i ddarpariaethau'r Rheoliadau hyn ac yn unol â hwy, os yw defnyddio priffordd berthnasol yn achosi swm, mewn perthynas â chartref cymwys, ar lefel heb fod yn llai na'r lefel benodedig neu y disgwylir iddo achosi swm o'r fath, caiff yr awdurdod wneud taliad o dan y paragraff hwn o'r rheoliad hwn.

(2) At ddibenion paragraff (1) o'r rheoliad hwn mae defnyddio priffordd berthnasol yn achosi swm ar lefel heb fod yn llai na'r lefel benodedig neu disgwylir iddo achosi swm o'r fath -

- (a) os yw lefel swm berthnasol o leiaf 1 dB(A) yn fwy na'r lefel swm gyffredinol, a
- (b) os yw swm sydd wedi'i achosi neu y disgwylir iddo gael ei achosi gan draffig sy'n

(b) a houseboat:

"noise payment" ("taliad swm") has the meaning set out in regulation 3(5);

"prevailing noise level" ("lefel swm gyffredinol") means the level of noise, expressed as a level of L10 (18-hour), one metre in front of the most exposed of any window or door in the most exposed face of a movable home caused by traffic using any highway immediately before works for the construction or alteration of the highway were begun;

"qualifying period" ("cyfnod cymhwys") has the meaning set out in regulation 8;

"relevant date" ("dyddiad perthnasol") means the date on which a highway was first open to public traffic or in the case of a highway which has been altered, the date on which it was first open to public traffic after construction of the alteration;

"relevant highway" ("priffordd berthnasol") means a highway in respect of which the relevant date was after 25th September 1990;

"relevant noise level" ("lefel swm berthnasol") means the level of noise, expressed as a level of L10 (18-hour), one metre in front of the most exposed of any window or door in the most exposed face of a movable home caused or expected to be caused by traffic using a relevant highway;

"relevant works" ("gwaith perthnasol") means the works for the construction or alteration of a highway which cause or are expected to cause the noise which gives rise to a power to make a noise payment;

"specified level" ("lefel benodedig") means a noise level of L10 (18-hour) of 68dB(A);

"the 1988 Code" ("Cod 1988") means the advice and instruction contained in the technical memorandum entitled "Calculations of Road Traffic Noise" published by Her Majesty's Stationery Office (1988).

Power to make noise payments

3.-(1) Subject to an in accordance with the provisions of these Regulations, where, in relation to an eligible home, the use of a relevant highway causes or is expected to cause noise at a level not less than the specified level the authority may make a payment under this paragraph of this regulation.

(2) For the purpose of paragraph (1) of this regulation the use of a relevant highway causes or is expected to cause noise at a level not less than the specified level if -

- (a) the relevant noise level is greater by at least 1 dB(A) than the prevailing noise level, and
- (b) noise caused or expected to be caused by traffic using or expected to use that highway

(a) 1980 p.66.

defnyddio'r briffordd honno neu y disgwylir iddo ei defnyddio yn gwneud cyfraniad effeithiol at y lefel sŵn berthnasol o 1 dB(A) o leiaf.

(3) Yn ddarostyngedig i'r Rheoliadau hyn ac yn unol â hwy, os yw gwaith ar gyfer adeiladu neu newid priffordd ar unrhyw bryd ar ôl y dyddiad cychwyn, yn achosi sŵn ar lefel sydd, ym marn yr awdurdod, wedi cael effaith andwyol ddifrifol ar fwynhad cartref cymwys dros gyfnod di-dor o nid llai na chwe mis, caiff yr awdurdod wneud taliad o dan y paragraff hwn o'r rheoliad hwn.

(4) Pan ddaw priffordd yn briffordd y gellir ei chynnal ar gost y cyhoedd o fewn ystyr adran 329(1) o Ddeddf Priffyrdd 1980(a) o fewn tair blynedd ar ôl y dyddiad perthnasol, caiff yr awdurdod priffyrdd ar gyfer y briffordd wneud taliad o dan baragraffau (1) neu (3) o'r rheoliad hwn mewn perthynas â chartref cymwys os byddai pŵer i wneud hynny wedi codi petai'r briffordd wedi bod yn briffordd y gellid ei chynnal ar gost y cyhoedd ar y dyddiad perthnasol a phetai gwaith adeiladu neu newid y briffordd wedi'i gyflawni gan yr awdurdod priffyrdd hwnnw.

(5) Cyfeirir at daliad o dan y rheoliad hwn fel "taliad sŵn" yn y Rheoliadau hyn.

Sut i asesu lefelau sŵn

4. At ddibenion rheoliad 3(2) rhaid i'r lefel sŵn gyffredinol, y lefel sŵn berthnasol a'r cyfraniad effeithiol at y lefel sŵn berthnasol sy'n cael ei achosi neu y disgwylir iddo gael ei achosi gan draffig sy'n defnyddio priffordd neu y disgwylir iddo ei defnyddio gael eu hasesu yn unol â Chod 1988.

Swm y taliadau sŵn

5 Swm taliad sŵn yw'r swm y mae'r awdurdod yn penderfynu arno yn ôl ei ddisgresiwn ond ni chaiff fod yn fwy na £1,650.

Adegau pan na chaniateir gwneud taliadau sŵn

6. Os oes taliad sŵn wedi'i wneud mewn perthynas â chartref cymwys sy'n deillio o waith adeiladu, newid neu ddefnyddio priffordd, p'un ai o dan reoliad 3(1), neu o dan reoliad 3(3), ni chaniateir gwneud unrhyw daliad sŵn pellach mewn perthynas â'r cartref cymwys hwnnw sy'n codi o waith adeiladu, newid neu ddefnyddio'r briffordd honno oni bai bod y briffordd honno yn cael ei newid ar ôl hynny a bod pŵer i wneud taliad sŵn mewn perthynas â'r cartref cymwys hwnnw yn codi yn sgil y newid hwnnw i'r briffordd neu ei defnyddio fel y'i newidiwyd felly.

makes an effective contribution to the relevant noise level of at least 1 dB(A).

(3) Subject to an in accordance with these Regulations, where at any time after the commencement date, works for the construction or alteration of a highway cause noise at a level which, in the opinion of the authority, has, over a continuous period of not less than 6 months, had a seriously adverse effect on the enjoyment of an eligible home, the authority may make a payment under this paragraph of this regulation.

(4) Where a highway becomes a highway maintainable at the public expense within the meaning of section 329(1) of the Highways Act 1980(a) within three years after the relevant date, the highway authority for the highway may make a payment under paragraphs (1) or (3) of this regulation in relation to an eligible home if a power to do so would have arisen had the highway been a highway maintainable at the public expense on the relevant date and had the construction or alteration of the highway been carried out by that highway authority.

(5) A payment under this regulation is referred to in these Regulations as a "noise payment".

How to assess noise levels

4. For the purposes of regulation 3(2) the prevailing noise level, the relevant noise level and the effective contribution to the relevant noise level caused or expected to be caused by traffic using or expected to use a highway must be assessed in accordance with the 1988 Code.

Amount of noise payments

5. The amount of a noise payment is the sum which the authority in its discretion determines but may not exceed £1,650.

When noise payments may not be made

6. If a noise payment has been made in relation to an eligible home arising out of the construction alteration or use of a highway, whether under regulation 3(1) or under regulation 3(3), no further noise payment may be made in respect of that eligible home arising out of the construction alteration or use of that highway unless that highway is subsequently altered and a power to make a noise payment in respect of that eligible home arises as a result of that alteration or the use of the highway as so altered.

(a) 1980 p.66.

(a) 1980 c.66.

Cartrefi cymwys

7.-(1) Yn ddarostyngedig i baragraffau (2) a (3) o'r rheoliad hwn, mae cartref cymwys yn gartref symudol sydd, drwy gydol y cyfnod cymhwys -

- (a) yn achos carafán, wedi'i lleoli'n gyfreithlon ar safle gwarchoddedig o fewn ystyr adran 1(2) o Ddeddf Safleoedd Carafanau 1968(a);
- (b) yn achos cwch preswyl, wedi'i fwrio'n gyfreithlon neu wedi'i glynu'n sownd fel arall wrtho gydag unrhyw gydsyniad sy'n angenrheidiol ar gyfer y lleoliad o dan sylw oddi wrth unrhyw awdurdod mordwyo, ymgymeriad harbyrau neu ymgymeriad camlesi sy'n gyfrifol am y dŵr y mae wedi'i leoli ynddo a chyda chydsyniad y person sy'n meddiannu unrhyw dir y mae wedi'i fwrio neu wedi'i glynu'n sownd wrtho;
- (c) sydd wedi'i leoli yn y fath fan neu fannau fel bod rhyw ran ohono, ar ôl adeiladu neu newid y briffordd berthnasol, heb fod yn fwy na 300 metr o'r pwynt agosaf ar lon gerbydau'r briffordd honno.

(2) Nid yw cartref symudol yn gartref cymwys os oedd yn gerbyd modur o fewn ystyr adran 185(1) o Ddeddf Traffig Ffyrdd 1988(b) neu os oedd yn adeilad neu'n rhan o adeilad ar unrhyw adeg yn ystod y cyfnod cymhwys.

(3) At ddibenion taliad sŵn sy'n codi o waith perthnasol nid yw cartref symudol yn gartref cymwys -

- (a) os cafodd ei feddiannu gyntaf ar ôl y dyddiad perthnasol mewn perthynas â'r gwaith hwnnw;
- (b) os yw wedi'i leoli adeg gwneud cais am daliad sŵn, mewn man sy'n cyfateb, yn gyfan gwbl neu'n rhannol, i'r fan lle'r oedd unrhyw gartref cymwys arall, y mae taliad sŵn eisoes wedi'i wneud ar ei gyfer, yn ystod unrhyw ran o'r cyfnod cymhwys mewn perthynas â'r taliad sŵn hwnnw, ac os yw'r taliad sŵn hwnnw yn deillio o'r un gwaith perthnasol.

Y cyfnod cymhwys

8.-(1) Os oes taliad sŵn o dan reoliad 3(1) yn cael ei wneud o ganlyniad i waith perthnasol y mae'r dyddiad perthnasol ar ei gyfer yn digwydd cyn y dyddiad cychwyn, y cyfnod o dair blynedd sy'n dod i ben ar y dyddiad cychwyn yw'r cyfnod cymhwys.

(2) Os oes taliad sŵn o dan reoliad 3(1) yn cael ei wneud o ganlyniad i waith perthnasol y mae'r dyddiad perthnasol ar ei gyfer yn digwydd un flwyddyn ar ôl, y dyddiad cychwyn neu o fewn un flwyddyn ar ei ôl, y cyfnod sy'n dechrau ar y dyddiad cychwyn ac sy'n dod i ben ddwy flynedd ar ôl y dyddiad perthnasol yw'r cyfnod cymhwys.

(a) 1968 p.62.

(b) 1988 p.52.

Eligible homes

7.-(1) Subject to paragraphs (2) and (3) of this regulation, an eligible home is a movable home which, throughout the qualifying period -

- (a) in the case of a caravan, has been lawfully stationed on a protected site within the meaning of section 1(2) of the Caravan Sites Act 1968(a);
- (b) in the case of a houseboat, has been lawfully moored or otherwise secured with such consent as may be necessary for the location in question from any navigation authority, harbour undertaking or canal undertaking responsible for the water in which it is located and with the consent of the person in possession of any land to which it is moored or secured;
- (c) has been located in such a position or positions that, after the construction or alteration of the relevant highway, some part of it is not more than 300 metres from the nearest point on the carriageway of that highway.

(2) A movable home is not an eligible home if at any time during the qualifying period it was a motor vehicle within the meaning of section 185(1) of the Road Traffic Act 1988(b) or it was a building or part of a building.

(3) For the purpose of a noise payment arising out of relevant works a movable home is not an eligible home -

- (a) if it was first occupied after the relevant date in respect of those works;
- (b) if, at the date when an application for a noise payment is made, it is located in a position which coincides, in whole or in part, with the position which any other eligible home, in respect of which a noise payment has already been made, occupied during any part of the qualifying period in respect of that noise payment, and if that noise payment arises out of the same relevant works.

Qualifying period

8.-(1) Where a noise payment under regulation 3(1) is made as a result of relevant works in respect of which the relevant date falls before the commencement date the qualifying period is the period of three years which ends on the commencement date.

(2) Where a noise payment under regulation 3(1) is made as a result of relevant works in respect of which the relevant date falls on or within one year after the commencement date the qualifying period is the period which begins on the commencement date and ends two years after the relevant date.

(a) 1968 c.62.

(b) 1988 c.52.

(3) Os oes taliad sŵn o dan reoliad 3(1) yn cael ei wneud o ganlyniad i waith perthnasol y mae'r dyddiad perthnasol ar ei gyfer yn digwydd fwy na blwyddyn ar ôl y dyddiad cychwyn, y cyfnod sy'n dechrau un flwyddyn cyn y dyddiad perthnasol ac sy'n dod i ben ddwy flynedd ar ôl y dyddiad perthnasol yw'r cyfnod cymhwys.

(4) Os oes taliad sŵn yn cael ei wneud o dan reoliad 3(3) y cyfnod sy'n dechrau un flwyddyn cyn dechrau'r gwaith perthnasol ac sy'n dod i ben pan fydd y sŵn sy'n cael ei achosi gan y gwaith hwnnw wedi cael effaith andwyol ddiffrifol ar fwynhad y cartref cymwys dros gyfnod di-dor o chwe mis yw'r cyfnod cymhwys.

Y personau y gellir gwneud taliadau sŵn iddynt

9.-(1) Dim ond i'r personau canlynol y gellir gwneud taliad sŵn -

- (a) person sydd wedi gwneud cais am daliad sŵn yn unol â Rheoliad 10;
- (b) person na fu ganddo fuddiant anghymhwys yn y tir yr oedd y cartref cymwys wedi'i leoli arno neu, yn achos cwch preswyl, yr oedd wedi'i fwrio neu wedi'i glynu'n sown fel arall wrtho ar unrhyw adeg yn ystod y cyfnod sy'n dechrau ar y dyddiad perthnasol ac sy'n dod i ben ar y dyddiad y gwnaed y cais ;
- (c) person a fu'n meddiannu'r cartref cymwys y mae'r taliad wedi'i wneud mewn perthynas ag ef fel unig neu brif breswylfa drwy gydol y cyfnod cymhwys ac sydd wedi parhau i wneud hynny hyd at a chan gynnwys y diwrnod y gwnaed y cais.

(2) Os yw'n ymddangos i'r awdurdod, mewn perthynas â chartref cymwys, fod yna fwy nag un person y byddai paragraff (1) o'r rheoliad hwn yn awdurdodi gwneud taliad swn iddynt, caiff yr awdurdod, yn ôl ei ddisgresiwn, ddyrannu unrhyw daliad sŵn y mae'n penderfynu ei wneud rhwng y personau hynny ac, os yw'n gwneud hynny, ymddrinir â thaliadau y mae'n eu gwneud i bersonau gwahanol o dan yr is-baragraff hwn at ddibenion rheoliad 5 fel un taliad o gyfanswm y taliadau hynny.

Y weithdrefn ar gyfer gwneud cais am daliadau sŵn

10.-(1) Gall yr awdurdod ystyried cais am daliad sŵn os yw'n cael ei wneud yn ystod y cyfnod o chwe blynedd sy'n dechrau ar y diwrnod ar ôl diwedd y cyfnod cymhwys.

(2) Rhaid i gais am daliad sŵn gael ei gyflwyno yn ysgrifenedig a rhaid iddo gynnwys yr wybodaeth ganlynol-

- (a) enw a chyfeiriad llawn y ceisydd ac unrhyw berson a awdurdodir i weithredu ar ran y ceisydd;

(3) Where a noise payment under regulation 3(1) is made as a result of relevant works in respect of which the relevant date falls more than one year after the commencement date the qualifying period is the period which begins one year before the relevant date and ends two years after the relevant date.

(4) Where a noise payment is made under regulation 3(3) the qualifying period is the period which begins one year before the start of the relevant works and ends when the noise caused by those works has had a seriously adverse effect on the enjoyment of the eligible home over a continuous period of six months.

Persons to whom noise payments may be made

9.-(1) A noise payment may only be made to a person who -

- (a) has made an application for a noise payment in accordance with Regulation 10;
- (b) at no time during the period which begins on the relevant date and ends on the date on which the application was made has had a disqualifying interest in the land on which the eligible home was stationed or, in the case of a houseboat, to which it was moored or otherwise secured;
- (c) occupied the eligible home in respect of which the payment is made as a sole or main residence throughout the whole of the qualifying period and continued to do so up to and including the day on which the application was made.

(2) Where, in relation to an eligible home, it appears to the authority that there is more than one person to whom paragraph (1) of this regulation would authorise a noise payment to be made the authority may, in its discretion apportion any noise payment which it decides to make between those persons and if it does so any payments which it makes to different persons under this sub-paragraph shall be treated for the purposes of regulation 5 as a single payment of the total of these payments.

Procedure for applying for noise payments

10.-(1) The authority may consider an application for a noise payment if it is made during the period of six years which begins on the day after the end of the qualifying period.

(2) An application for a noise payment must be in writing and must contain the following information -

- (a) the full name and address of the applicant and of any person authorised to act on the applicant's behalf;

- (b) cyfeiriad y cartref cymwys y mae'r cais yn cael ei wneud mewn perthynas ag ef;
- (c) manylion maint a natur adeiladwaith y cartref cymwys;
- (ch) a yw'r ceisydd yn meddiannu'r cartref cymwys fel prif neu unig breswylfa adeg gwneud y cais ac os felly y dyddiad y dechreuodd y feddiannaeth honno;
- (d) natur buddiant y ceisydd yn y cartref cymwys a'r dyddiad y cafwyd y buddiant hwnnw a thrwy ba fodd y'i cafwyd;
- (dd) a yw'r cartref cymwys wedi'i leoli yn ystod y cyfnod pan oedd wedi'i feddiannu gan y ceisydd, mewn unrhyw fan heblaw'r un y mae wedi'i leoli ynddi ar y dyddiad y mae'r cais yn cael ei wneud ac os felly manylion y fan honno neu'r manau hynny a'r dyddiadau yr oedd wedi'i leoli felly ynddynt;
- (e) a oes gan y ceisydd, ar ddyddiad y cais, unrhyw fuddiant yn y tir y mae'r cartref cymwys wedi'i leoli arno neu, yn achos cwch preswyl y mae wedi'i fwrio neu wedi'i glynu'n sownd fel arall wrtho neu a fu ganddo fuddiant o'r fath ar unrhyw adeg yn ystod meddiannaeth y ceisydd ar y cartref cymwys fel unig neu brif breswylfa ac os felly manylion y buddiant hwnnw a dyddiad ei gaffael ac, os yw'n briodol, dyddiad ei waredu;
- (f) manylion y gwaith perthnasol;
- (ff) y dyddiad perthnasol;
- (g) a yw'r cais yn gais am daliad swm o dan reoliad 3(1) neu o dan reoliad 3(3);

(3) Rhaid i gais o dan y rheoliad hwn gael ei lofnodi gan y ceisydd a rhaid iddo ymgorffori datganiad gan y ceisydd fod yr wybodaeth y mae'n ei chynnwys yn gywir hyd eithaf gwybodaeth a chred y ceisydd.

(4) Ni fernir bod cais o dan y rheoliad hwn wedi'i wneud oni bai ei fod yn cynnwys yr holl wybodaeth a ragnodir gan y rheoliad hwn a'i fod yn ymgorffori'r datganiad sy'n ofynnol gan baragraff (3) o'r rheoliad hwn ac ni fernir ei fod wedi'i wneud nes i'r awdurdod y bwriedir ei gyflwyno iddo ei gael mewn gwirionedd.

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

- (b) the address of the eligible home in respect of which application is made;
- (c) particulars of the size and nature of construction of the eligible home;
- (d) whether at the date of the application the applicant is in occupation of the eligible home as a sole or main residence and if so the date when such occupation began;
- (e) the nature of the applicant's interest in the eligible home and the date on which and the manner in which that interest was acquired;
- (f) whether, during the period when the eligible home has been occupied by the applicant, it has been located in any position other than that in which it is located on the date on which the application is made and if so particulars of such position or positions and the dates between which it was so located;
- (g) whether the applicant has on the date of the application any interest in the land on which the eligible home is stationed or, in the case of a houseboat to which it is moored or otherwise secured or has had such interest at any time during the applicant's occupation of the eligible home as a sole or main residence and if so particulars of such interest and the date when it was acquired and, if appropriate, disposed of;
- (h) particulars of the relevant works;
- (i) the relevant date;
- (j) whether the application is for a noise payment under regulation 3(1) or under regulation 3(3):

(3) An application under this regulation must be signed by the applicant and must incorporate a declaration by the applicant that the information which it contains is correct to the best of the applicant's knowledge and belief.

(4) An application under this regulation shall not be regarded as having been made unless it contains all the information prescribed by this regulation and incorporates the declaration required by paragraph (3) of this regulation and it shall not be regarded as having been made until it is actually received by the authority to whom it is intended to be made.

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

27 Chwefror 2001

27th February 2001

D. Elis Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 604(Cy.27)

**ADEILADU AC ADEILADAU,
CYMRU**

Rheoliadau Taliadau Sŵn
Priffyrdd (Cartrefi Symudol)
(Cymru) 2001

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No.604 (W.27)

**BUILDING AND BUILDINGS,
WALES**

The Highways Noise Payments
(Movable Homes) (Wales)
Regulations 2001

© Hawlfraint y Goron 2001

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

£2.50

W/195/04/01

ON

© Crown copyright 2001

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090179-7



9 780110 901794