



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 1692 (Cy.218)

2012 No. 1692 (W.218)

**DIOGELU'R ARFORDIR,
CYMRU**

**COAST PROTECTION,
WALES**

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**RHEOLI PERYGL
LLIFOGYDD, CYMRU**

**FLOOD RISK MANAGEMENT,
WALES**

Rheoliadau Dynodi Nodweddion
(Hysbysiadau) (Cymru) 2012

The Designation of Features
(Notices) (Wales) Regulations
2012

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

O dan adran 30 o Ddeddf Rheoli Llifogydd a Dŵr 2010 (p.29) ("y Ddeddf") ac Atodlen 1 iddi, caiff Asiantaeth yr Amgylchedd, awdurdod llifogydd lleol arweiniol neu fwrdd draenio mewnol ddynodi adeileddau neu nodweddion amgylcheddol sy'n effeithio ar y risg o lifogydd neu erydu arfordirol, hyd yn oed os nad yw'r adeileddau neu nodweddion wedi eu cynllunio neu eu hadeiladu ar gyfer y diben hwnnw.

Under Section 30 of, and Schedule 1 to, the Flood and Water Management Act 2010 (c.29) ("the Act"), the Environment Agency, lead local flood authority or an internal drainage board may designate structures or environmental features that affect a flood or coastal erosion risk, though they may not necessarily have been designed or constructed for that purpose.

Unwaith y bydd wedi ei dynodi, ni chaiff perchennog y nodwedd ddynodedig ei haddasu, ei thynnu ymaith na'i hamnewid heb ganiatâd yr awdurdod perthnasol, sef yw hynny naill ai yr awdurdod a ddynododd y nodwedd neu'r awdurdod sydd ers hynny wedi cymryd cyfrifoldeb dros y dynodiad yn unol ag Atodlen 1 i'r Ddeddf (yr "Awdurdod Cyfrifol"). Mae paragraff 6(3)(b) o Atodlen 1 i'r Ddeddf yn rhoi pŵer i'r Awdurdod Cyfrifol i ddyroddi caniatâd i addasu, tynnu ymaith neu amnewid nodwedd ddynodedig neu adeiledd dynodedig (neu amrywio caniatâd o'r fath neu ei dynnu yn ôl) ar wahân i wrth ymateb i gais gan berchennog ("hysbysiad paragraff 6(3)(b)"). Mae paragraff 16 o Atodlen 1 i'r Ddeddf yn rhoi pŵer i Weinidogion Cymru i wneud darpariaeth ynghylch ffurf, cynnwys a dull cyflwyno hysbysiad o dan Atodlen 1 i'r Ddeddf.

Once designated, the owner of the designated feature cannot alter, remove or replace it without consent from the relevant authority, being either the authority which designated the feature or the authority who has since taken responsibility for the designation in accordance with Schedule 1 to the Act (the "Responsible Authority"). Paragraph 6(3)(b) of Schedule 1 to the Act gives power to the Responsible Authority to issue a consent to alter, remove or replace a designated structure or feature (or a variation or withdrawal of such a consent) other than in response to an application by an owner (a "paragraph 6(3)(b) notice"). Paragraph 16 of Schedule 1 to the Act gives the Welsh Ministers the power to make provision about the form, content and method of service of a notice under Schedule 1 to the Act.

Mae'r Rheoliadau hyn yn darparu gofyniad i bob hysbysiad paragraff 6(3)(b) bennu cyfnod hysbysu gofynnol cyn iddo gael effaith, ynghyd ag eithriad i'r gofyniad hwn. Hyd y cyfnod hysbysu penodedig yw 28 o ddiwrnodau ar ôl dyddiad dyroddi'r hysbysiad er y caiff Awdurdod Cyfrifol bennu cyfnod hysbysu byrrach os yw'n ystyried bod hynny'n angenrheidiol mewn argyfwng.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o gostau a buddiannau tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

These Regulations provide a requirement for all paragraph 6(3)(b) notices to specify a minimum notice period before they have effect and an exception to this requirement. The specified notice period is 28 days after the date on which the notice is issued although a Responsible Authority may specify a shorter notice period if it considers it necessary in an emergency.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Designation of Features
(Notices) (Wales) Regulations
2012**

Gwnaed 28 Mehefin 2012

Made 28 June 2012

*Wedi'u gosod gerbron Cynulliad
Cenedlaethol Cymru* 29 Mehefin 2012

*Laid before the National
Assembly for Wales* 29 June 2012

Yn dod i rym 20 Gorffennaf 2012

Coming into force 20 July 2012

Mae Gweinidogion Cymru, mewn perthynas â dynodi adeileddau neu nodweddion yng Nghymru, wrth arfer y pwerau a roddwyd gan adrannau 30 ac 48(2) o Ddeddf Rheoli Llifogydd a Dŵr 2010 (1), a pharagraff 16 o Atodlen 1 i'r Ddeddf honno yn gwneud y Rheoliadau canlynol.

The Welsh Ministers, in relation to designations of structures or features in Wales, in exercise of the powers conferred by sections 30 and 48(2) of, and paragraph 16 of Schedule 1 to, the Flood and Water Management Act 2010(1), make the following Regulations.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dynodi Nodweddion (Hysbysiadau) (Cymru) 2012 a deuant i rym ar 20 Gorffennaf 2012.

(2) Mae'r Rheoliadau hyn yn gymwys o ran dynodi adeileddau neu nodweddion yng Nghymru.

Hysbysiadau sy'n ymwneud â chaniatâd i addasu, tynnu ymaith neu amnewid adeileddau neu nodweddion dynodedig

2.—(1) Mae'n rhaid i hysbysiad a ddyroddir o dan baragraff 6(3)(b) o Atodlen 1 i Ddeddf Rheoli Llifogydd a Dŵr 2010 (hysbysiadau a roddir mewn

Title, commencement and application

1.—(1) The Title of these Regulations is the Designation of Features (Notices) (Wales) Regulations 2012 and they come into force on 20 July 2012.

(2) These Regulations apply in relation to designations of structures or features in Wales.

Notices relating to consent to alter, remove or replace designated structures or features

2.—(1) A notice issued under paragraph 6(3)(b) (notices given otherwise than on application by owner) of Schedule 1 to the Flood and Water Management Act 2010 must specify the date on which it is proposed the

(1) 2010 p.29. Mae paragraff 16 o Atodlen 1 i Ddeddf Rheoli Llifogydd a Dŵr 2010 yn rhoi pwerau i "the Minister" ac mae paragraff 17 o Atodlen 1 i'r Ddeddf honno yn diffinio "the Minister" at ddibenion yr Atodlen honno.

(1) 2010 c.29. Paragraph 16 of Schedule 1 to the Flood and Water Management Act 2010 confers powers on "the Minister" and paragraph 17 of Schedule 1 to that Act defines "the Minister" for the purposes of that Schedule.

modd ar wahân i gais gan y perchennog) nodi'r dyddiad y bwriedir y bydd yr hysbysiad yn cael effaith. Yn ddarostyngedig i baragraff (2), rhaid i hwn fod yn ddyddiad 28 o ddiwrnodau fan leiaf wedi dyddiad dyroddi'r hysbysiad.

(2) Caiff y dyddiad y mae'n ofynnol ei bennu dan baragraff (1) fod yn gynt na 28 o ddiwrnodau os yw'r awdurdod cyfrifol yn ystyried bod hynny'n angenrheidiol mewn argyfwng.

notice shall have effect, which, subject to paragraph (2), must be a date not less than 28 days after the date on which the notice is issued.

(2) The date required to be specified under paragraph (1) may be less than 28 days if the responsible authority considers it necessary in an emergency.

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

28 Mehefin 2012

28 June 2012

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