



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 375 (Cy. 43)

2014 No. 375 (W. 43)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**Rheoliadau Cynllunio (Sylweddau
Peryglus) (Diwygio) (Cymru) 2014**

**The Planning (Hazardous
Substances) (Amendment) (Wales)
Regulations 2014**

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 cyfrannu at weithredu, o ran Cymru, Erthygl 30 o Gyfarwyddeb 2012/18/EU Senedd Ewrop a'r Cyngor ar reoli peryglon damweiniau mawr sy'n ymwneud â sylweddau peryglus (OJ Rhif L 197, 24.7.2012, tt.1-37 ("Cyfarwyddeb Seveso III").

These Regulations contribute towards the implementation, in relation to Wales, of Article 30 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances (OJ No L 197, 24.7.2012, pp.1-37) (the "Seveso III Directive").

Mae Erthygl 30 o Gyfarwyddeb Seveso III yn ymdrin ag ansicrwydd mewn perthynas â dosbarthiad olewon tanwydd trwm drwy ychwanegu olewon tanwydd trwm at y tabl yn Rhan 2 o Atodiad 1 i Gyfarwyddeb y Cyngor 96/82 (OJ Rhif L 10, 14.1.1997, t. 13) fel y'i diwygiwyd gan Gyfarwyddeb 2003/105 Senedd Ewrop a'r Cyngor (OJ Rhif L 345, 31.12.2003, t. 97) ("Cyfarwyddeb Seveso II") o dan y pennawd "Cynhyrchion Petrolewm" sydd â maintioli cymwys o 2,500 o dunelli ar gyfer colofn 2 a 25,000 o dunelli ar gyfer colofn 3.

Article 30 of the Seveso III Directive deals with uncertainty in relation to the classification of heavy fuel oils, by adding heavy fuel oils to the table in Part 2 of Annex 1 to Council Directive 96/82 (OJ No L 10, 14.1.1997, p.13) as amended by Directive 2003/105 of the European Parliament and of the Council (OJ No L 345, 31.12.2003, p.97) (the "Seveso II Directive") under the heading Petroleum Products with qualifying quantities of 2,500 tonnes for column 2 and 25,000 tonnes for column 3.

Mae Rheoliadau Cynllunio (Sylweddau Peryglus) 1992 ("Rheoliadau 1992") yn gweithredu Cyfarwyddeb Seveso II mewn perthynas â chynllunio defnydd tir.

The Planning (Hazardous Substances) Regulations 1992 (the "1992 Regulations") implement the Seveso II Directive in relation to land use planning.

Mae Rheoliad 2 o'r Rheoliadau hyn yn diwygio Rheoliadau 1992 drwy ychwanegu olewon tanwydd trwm at y rhestr o sylweddau a enwir yn Rhan A o Atodlen 1 i Reoliadau 1992. Effaith hyn yw bod sefydliad lle y mae olewon tanwydd trwm yn bresennol mewn maintioli sydd yn cyfateb i'r maintioli sydd yn cael ei reoli (2,500 o dunelli), neu sy'n fwy na hynny, yn dod yn ddarostyngedig i Reoliadau 1992.

Regulation 2 of these Regulations amends the 1992 Regulations by adding heavy fuel oils to the list of named substances in Part A of Schedule 1 to the 1992 Regulations. The effect of this is that an establishment where heavy fuel oils are present in a quantity equal to, or exceeding the controlled quantity (2,500 tonnes) becomes subject to the 1992 Regulations.

Mae Rheoliad 3 yn gwneud darpariaeth drosiannol er mwyn sicrhau nad effeithir ar gydsyniadau presennol ynglŷn â sylweddau peryglus a materion penodedig eraill gan y diwygio.

Regulation 3 makes transitional provision to ensure that existing hazardous substances consents and other specified matters are not affected by the amendment.

Gweithredir gweddill Erthygl 30 o Gyfarwyddeb Seveso III o ran Cymru gan Reoliadau Olew Tanwydd Trwm (Diwygio) 2014 (O.S. 2014/162) sy'n diwygio Rheoliadau Rheoli Peryglon Damweiniau Mawr 1999 (O.S. 1999/743) (“Rheoliadau 1999”) drwy ychwanegu olewon tanwydd trwm at y rhestr o sylweddau a enwir yn Rhan 2 o Atodlen 1 i Reoliadau 1999.

Mae asesiad effaith wedi ei lunio mewn perthynas â'r Rheoliadau hyn. Mae copïau ar gael oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.cymru.gov.uk

The remainder of Article 30 of the Seveso III Directive is implemented in relation to Wales by the Heavy Fuel Oil (Amendment) (Regulations) 2014 (S.I. 2014/162) which amends the Control of Major Accident Hazards Regulations 1999 (S.I. 1999/743) (the “1999 Regulations”) by adding heavy fuel oils to the list of named substances in Part 2 of Schedule 1 to the 1999 Regulations.

An impact assessment has been prepared in relation to these Regulations. Copies are available from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government’s website at www.wales.gov.uk

2014 Rhif 375 (Cy. 43)

2014 No. 375 (W. 43)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**Rheoliadau Cynllunio (Sylweddau
Peryglus) (Diwygio) (Cymru) 2014**

**The Planning (Hazardous
Substances) (Amendment) (Wales)
Regulations 2014**

Gwnaed 20 Chwefror 2014
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 21 Chwefror 2014
Yn dod i rym 14 Mawrth 2014

Made 20 February 2014
Laid before the National Assembly for Wales
21 February 2014
Coming into force 14 March 2014

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 5 a 40 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(1).

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 5 and 40 of the Planning (Hazardous Substances) Act 1990(1).

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio (Sylweddau Peryglus) (Diwygio) (Cymru) 2014 a deuant i rym ar 14 Mawrth 2014.

1.—(1) The title of these Regulations is the Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2014 and they come into force on 14 March 2014.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn—

(3) In these Regulations—

(a) ystyr “Rheoliadau 1992” (“*the 1992 Regulations*”) yw Rheoliadau Cynllunio (Sylweddau Peryglus) 1992(2); a

(a) “the 1992 Regulations” (“*Rheoliadau 1992*”) means the Planning (Hazardous Substances) Regulations 1992(2); and

(1) 1990 p.10; diwygiwyd adran 21 gan adran 197 a pharagraff 6 o Atodlen 11 i Ddeddf Cynllunio 2008 ac adran 162, Atodlen 16, Rhan VII o Ddeddf Diogelu'r Amgylchedd 1990; diwygiwyd adran 23 gan adran 25 a pharagraff 10(a) a (b) o Atodlen 3 i Ddeddf Cynllunio a Digolledu 1991. Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Mae'r pwerau o dan adrannau 5 a 40 bellach wedi eu breinio yng Ngweinidogion Cymru i'r graddau y maent yn arferadwy o ran Cymru. Fe'u trosglwyddwyd i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddi, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p.32) yn rhinwedd y ffaith eu bod yn “swyddogaethau perthnasol y Cynulliad” fel y'u diffinnir ym mharagraff 30(2).

(1) 1990 c.10; section 21 was amended by section 197, Schedule 11, paragraph 6 of the Planning Act 2008 and section 162, Schedule 16, Part VII of the Environmental Protection Act 1990; section 23 was amended by the Planning and Compensation Act 1991, section 25, Schedule 3, paragraph 10 (a) and (b). There are other amendments not relevant to these Regulations. The powers under sections 5 and 40 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32) by virtue of being “relevant Assembly functions” as defined in paragraph 30(2).

(2) O.S. 1992/656. Gwnaed diwygiadau perthnasol gan O.S. 1999/981 ac O.S. 2010/450 (Cy.48).

(2) S.I. 1992/656. Relevant amendments were made by S.I. 1999/981 and S.I. 2010/450 (W.48).

(b) ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio (Sylweddau Peryglus) 1990.

Diwygio Rheoliadau 1992

2. Yn Rhan A o Atodlen 1 i Reoliadau 1992, yng ngholofn 1 y tabl o dan gofnod 36 mewn perthynas â chynhyrchion petrolewm, ar ôl “(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)”, mewnosoder —

“(d) heavy fuel oils”.

Darpariaeth drosiannol

3.—(1) Mae Rheoliadau 1992 yn parhau i gael effaith fel yr oeddent yn union cyn y dyddiad perthnasol mewn perthynas ag—

- (a) unrhyw gydsyniad sylweddau peryglus a roddwyd neu y bernir iddo gael ei roi cyn y diwrnod perthnasol;
- (b) unrhyw gais am gydsyniad sylweddau peryglus a wnaed cyn y dyddiad perthnasol;
- (c) unrhyw gydsyniad sylweddau peryglus a roddwyd o ran cais o'r math a grybwyllir yn is-baragraff (3)(b);
- (d) unrhyw apêl o dan adran 21 o Ddeddf 1990 y mae cais o'r math a grybwyllir yn is-baragraff (3)(b) yn berthnasol iddi;
- (e) unrhyw achos mewn cysylltiad â throsedd o dan adran 23 o Ddeddf 1990 a gyflawnwyd cyn y dyddiad perthnasol;
- (f) unrhyw hysbysiad am dorri'r gyfraith ynghylch sylweddau peryglus a ddyroddwyd gan awdurdod sylweddau peryglus cyn y dyddiad perthnasol;
- (g) unrhyw achos a gychwynwyd neu unrhyw beth a wnaed yng nghyswllt unrhyw fater a grybwyllir yn is-baragraffau 3(a) i 3(f) cyn y dyddiad perthnasol.

(2) Ym mharagraff (1), ystyr “y dyddiad perthnasol” yw'r dyddiad y daw'r rheoliad hwn i rym.

(b) “the 1990 Act” (“*Deddf 1990*”) means the Planning (Hazardous Substances) Act 1990.

Amendment of the 1992 Regulations

2. In Part A of Schedule 1 to the 1992 Regulations, in column 1 of the table under entry 36 relating to petroleum products, after “(c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)”, insert —

“(d) heavy fuel oils”.

Transitional provision

3.—(1) The 1992 Regulations continue to have effect as they did immediately before the relevant date in relation to —

- (a) any hazardous substances consent granted or deemed to have been granted before the relevant date;
- (b) any application for hazardous substances consent made before the relevant date;
- (c) any hazardous substances consent granted in respect of an application of the type mentioned in sub-paragraph (3)(b);
- (d) any appeal under section 21 of the 1990 Act to which an application of the type mentioned in sub-paragraph (3)(b) relates;
- (e) any proceedings in relation to an offence under section 23 of the 1990 Act committed before the relevant date;
- (f) any hazardous substances contravention notice issued by a hazardous substances authority before the relevant date;
- (g) any action started or anything done in relation to any matter mentioned in sub-paragraphs 3(a) to 3(f) before the relevant date.

(2) In paragraph (1), “the relevant date” means the day on which this regulation comes into force.

Carl Sargeant

Y Gweinidog Tai ac Adfywio, un o Weinidogion Cymru

20 Chwefror 2014

© Hawlfraint y Goron 2014

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.

Minister, for Housing and Regeneration, one of the Welsh Ministers

20 February 2014

© Crown copyright 2014

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 978-0-348-10895-8



9 780348 108958