



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 971 (Cy. 240)

2016 No. 971 (W. 240)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Cymru) (Diwygio)
2016**

**The Town and Country Planning
(Environmental Impact
Assessment) (Wales) (Amendment)
Regulations 2016**

NODYN ESBONIADOL

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

O dan adran 78 o Ddeddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990"), caiff person sy'n gwneud cais am ganiatâd cynllunio, neu am unrhyw gydsyniad, cytundeb neu gymeradwyaeth sy'n ofynnol gan amod neu gyfyngiad a atodir i ganiatâd cynllunio, apelio i Weinidogion Cymru os nad yw'r awdurdod cynllunio lleol perthnasol yn penderfynu ar y cais o fewn y cyfnod rhagnodedig.

Mae'r cyfnod wedi ei ragnodi yn erthygl 22(2) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012. Wyth wythnos yw'r cyfnod oni bai y caiff cais ei ddiwygio cyn i'r awdurdod wneud penderfyniad. Os caiff cais ei ddiwygio cyn i'r awdurdod wneud penderfyniad, y cyfnod fydd un ai pedair wythnos o'r dyddiad y daw y diwygiad i law'r awdurdod neu ddeuddeng wythnos o'r dyddiad y cafwyd y cais gwreiddiol, pa un bynnag yw'r hiraf.

Mae rheoliad 57(2) o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016 ("Rheoliadau 2016") yn cynyddu'r cyfnod o wyth wythnos yn erthygl 22(2)(a) i un wythnos ar bymtheg pan fo'r cais yn ymwneud â datblygiad lle mae asesu effeithiau amgylcheddol ("AEA") yn ofynnol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 78 of the Town and Country Planning Act 1990 ("the 1990 Act"), a person applying for planning permission, or for any consent, agreement or approval required by a condition or limitation attached to a planning permission, may appeal to the Welsh Ministers if the relevant local planning authority do not determine the application within the prescribed period.

The period is prescribed in article 22(2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The period is eight weeks unless an application is amended before the authority make a determination. If an application is amended before the authority make a determination, the period is either four weeks from the date the amendment is received by the authority or twelve weeks from the date the original application was received, whichever is the longer.

Regulation 57(2) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 ("the 2016 Regulations") increases the period of eight weeks in article 22(2)(a) to sixteen weeks where an application relates to development which requires an environmental impact assessment ("EIA").

Mae rheoliad 2 o'r Rheoliadau hyn yn rhoi rheoliad 57(2) newydd yn lle'r un presennol yn Rheoliadau 2016. Gall ceisydd apelio ar ôl y cyfnod a ragnodir yn erthygl 22(2) os caiff cais lle mae AEA yn ofynnol ei ddiwygio ond os na chaiff penderfyniad ei wneud yn ei gylch, a daw'r cyfnod hwnnw yn bedair wythnos o'r dyddiad y caiff yr awdurdod y diwygiad neu'n ugain wythnos o'r dyddiad y cafwyd y cais gwreiddiol lle mae AEA yn ofynnol, pa un bynnag yw'r hiraf.

Mae rheoliad 3 yn cynnwys darpariaeth drosiannol.

Ni ragwelir unrhyw effaith ar y sectorau cyhoeddus, preifat na gwirfoddol, neu y rhagwelir ychydig iawn o effaith ar y sectorau hynny. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol.

Regulation 2 of these Regulations substitutes regulation 57(2) of the 2016 Regulations. The period prescribed in article 22(2) after which an applicant can appeal if an application which requires an EIA is amended but not determined, becomes four weeks from the date the amendment is received by the authority or twenty weeks from the date the original application which requires an EIA was received, whichever is the longer.

Regulation 3 contains a transitional provision.

No impact, or minimal impact, on the public, private, or voluntary sectors is foreseen. As a result, it was not considered necessary to carry out a regulatory impact assessment.

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Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
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2016

The Town and Country Planning
(Environmental Impact
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Gwnaed 29 Medi 2016
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 7 Hydref 2016
Yn dod i rym 7 Tachwedd 2016

Made 29 September 2016
*Laid before the National Assembly
for Wales* 7 October 2016
Coming into force 7 November 2016

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) mewn perthynas â'r gofyniad am asesiad o'r effaith ar yr amgylchedd a gaiff prosiectau sy'n debyg o effeithio'n sylweddol ar yr amgylchedd, i'r graddau y mae'n ymwneud â chynllunio gwlad a thref(2) a thrwy arfer y pwerau a roddir gan yr adran honno ac adran 71A o Ddeddf Cynllunio Gwlad a Thref 1990(3) yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers being designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, insofar as it concerns town and country planning(2) and in exercise of the powers conferred by that section and section 71A of the Town and Country Planning Act 1990(3) make the following Regulations.

(1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi.
(2) O.S. 2007/1679. Gweler erthygl 4.
(3) 1990 p. 8. Mewnosodwyd adran 71A gan adran 15 o Ddeddf Cynllunio a Digolledu 1991 (p. 34). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan y Ddeddf honno, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau hynny wedyn i Weiniogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, ac yr oedd y swyddogaethau hynny yn swyddogaethau perthnasol y Cynulliad fel y diffinnir "the relevant Assembly functions" ym mharagraff 30(2).

(1) 1972 c. 68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
(2) S.I. 2007/1679. See article 4.
(3) 1990 c. 8. Section 71A was inserted by section 15 of the Planning and Compensation Act 1991 (c. 34). The functions of the Secretary of State under that Act were, so far as exercisable in relation to Wales, 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). Those functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) (Diwygio) 2016.

(2) Daw'r Rheoliadau hyn i rym ar 7 Tachwedd 2016.

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

Diwygio Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016

2. Yn lle rheoliad 57(2) o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016(1) rhodder—

“(2) Pan fo awdurdod yn gyfrifol am benderfynu ar gais AEA, mae erthyglau 22 (cyfnodau amser ar gyfer penderfyniadau) a 23 (ceisiadau a wneir o dan amod cynllunio) o Orchymyn 2012(2) yn cael effaith fel pe bai—

(a) pob un o'r cyfeiriadau yn erthygl 22(2)(a) a 23 at gyfnod o 8 wythnos yn gyfeiriad at gyfnod o 16 wythnos; a

(b) y cyfeiriad yn erthygl 22(2)(aa)(3) at y cyfnod o 12 wythnos yn gyfeiriad at y cyfnod o 20 wythnos.”

Darpariaeth drosiannol

3. Nid yw'r Rheoliadau hyn yn gymwys i'r ceisiadau y ceir diwygiadau yn eu cylch gan yr awdurdod ar neu cyn y dyddiad y daw'r Rheoliadau hyn i rym.

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2016.

(2) These Regulations come into force on 7 November 2016.

(3) These Regulations apply in relation to Wales.

Amendment to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016

2. For regulation 57(2) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016(1) substitute—

“(2) Where it falls to an authority to determine an EIA application, articles 22 (time periods for decisions) and 23 (applications made under planning condition) of the 2012 Order(2) have effect as if—

(a) each of the references in articles 22(2)(a) and 23 to a period of 8 weeks is a reference to a period of 16 weeks; and

(b) the reference in article 22(2)(aa)(3) to the period of 12 weeks is a reference to the period of 20 weeks.”

Transitional provision

3. These Regulations do not apply to applications in relation to which amendments are received by the authority on or before the date these Regulations come into force.

Lesley Griffiths

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru
29 Medi 2016

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers
29 September 2016

(1) O.S. 2016/58 (Cy. 28).

(2) Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 (O.S. 2012/801 (Cy. 110))

(3) Mewnosodwyd is-baragraff (aa) o erthygl 22(2) gan erthygl 11(b) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2016 (O.S. 2016/59 (Cy. 29)).

(1) S.I. 2016/58 (W. 28).

(2) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W. 110)).

(3) Sub-paragraph (aa) of article 22(2) was inserted by article 11(b) of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 (S.I. 2016/59 (W. 29)).