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WELSH STATUTORY
INSTRUMENTS

2018 Rhif 1208 (Cy. 245)

2018 No. 1208 (W. 245)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**Rheoliadau Sŵn Amgylcheddol
(Cymru) (Diwygio) 2018**

**The Environmental Noise (Wales)
(Amendment) Regulations 2018**

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 diwygio Rheoliadau Sŵn Amgylcheddol (Cymru) 2006 (O.S. 2006/2629 (Cy. 225)) ("Rheoliadau 2006") er mwyn gweithredu Cyfarwyddeb y Comisiwn (EU) 2015/996 dyddiedig 19 Mai 2015 sy'n sefydlu dulliau cyffredin o asesu sŵn yn unol â Chyfarwyddeb 2002/49/EC Senedd Ewrop a'r Cyngor (OJ Rhif L 168, 1.7.2015, t. 1).

These Regulations amend the Environmental Noise (Wales) Regulations 2006 (S.I. 2006/2629 (W. 225)) ("the 2006 Regulations") in order to implement Commission Directive (EU) 2015/996 of 19 May 2015 establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council (OJ No L 168, 1.7.2015, p. 1).

Mae'r Rheoliadau hyn yn darparu ar gyfer dulliau cyffredin newydd o asesu sŵn fel y nodir yn Atodiad II i Gyfarwyddeb 2002/49/EC Senedd Ewrop a'r Cyngor dyddiedig 25 Mehefin 2002 sy'n ymwneud ag asesu a rheoli sŵn amgylcheddol (OJ Rhif L 189, 18.7.2002, t. 12) ("y Gyfarwyddeb"), fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn (EU) 2015/996.

These Regulations provide for new common noise assessment methods as set out in Annex II to Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ No L 189, 18.7.2002, p. 12) ("the Directive"), as amended by Commission Directive (EU) 2015/996.

Mae rheoliad 2(2) yn diwygio'r diffiniad o "Cyfarwyddeb" yn rheoliad 2(2) o Reoliadau 2006.

Regulation 2(2) amends the definition of "Directive" in regulation 2(2) of the 2006 Regulations.

Mae rheoliad 2(3)(a) yn diwygio paragraff (3) o reoliad 4 o Reoliadau 2006 er mwyn ei gwneud yn ofynnol canfod gwerthoedd Lden, Lnight a dangosyddion sŵn atodol yn y safle asesu ac yn unol â'r fethodoleg yn Atodiad II i'r Gyfarwyddeb.

Regulation 2(3)(a) amends paragraph (3) of regulation 4 of the 2006 Regulations to require determination of the values of Lden, Lnight and supplementary noise indicators at the assessment position and in accordance with the methodology in Annex II to the Directive.

Mae rheoliad 2(3)(b) yn mewnosod paragraff (3A) newydd yn rheoliad 4 o Reoliadau 2006, sy'n diffinio'r term "safle asesu" at ddibenion paragraff (3).

Regulation 2(3)(b) inserts a new paragraph (3A) into regulation 4 of the 2006 Regulations, which defines the term "assessment position" for the purposes of paragraph (3).

Mae paragraffau (4) a (5) o reoliad 4 o Reoliadau 2006, ac Atodlen 2 iddynt, wedi eu hepgor.

Mae rheoliad 2(5) yn hepgor y dangosydd sŵn atodol “LA10, 18h” yn Atodlen 3 i Reoliadau 2006.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal asesiadau effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Paragraphs (4) and (5) of regulation 4 of, and Schedule 2 to, the 2006 Regulations are omitted.

Regulation 2(5) omits the supplementary noise indicator “LA10, 18h” in Schedule 3 of the 2006 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2018 Rhif 1208 (Cy. 245)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**Rheoliadau Sŵn Amgylcheddol
(Cymru) (Diwygio) 2018**

Gwnaed 20 Tachwedd 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 23 Tachwedd 2018

Yn dod i rym 31 Rhagfyr 2018

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn o dan y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1). Mae Gweinidogion Cymru wedi eu dynodi(2) at ddibenion y Ddeddf honno mewn perthynas â'r mesurau sy'n ymwneud ag asesu, rheoli a rheolaeth sŵn amgylcheddol.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Sŵn Amgylcheddol (Cymru) (Diwygio) 2018.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 31 Rhagfyr 2018.

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

Diwygio Rheoliadau Sŵn Amgylcheddol (Cymru) 2006

2.—(1) Mae Rheoliadau Sŵn Amgylcheddol (Cymru) 2006(3) wedi eu diwygio fel a ganlyn.

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- (1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3 o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi.
- (2) O.S. 2004/706. Yn rhinwedd paragraffau 28(1) a 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32), mae O.S. 2004/706 yn cael effaith fel pe bai wedi ei wneud o dan adran 59(1) o'r Ddeddf honno.
- (3) O.S. 2006/2629 (Cy. 225), a ddiwygiwyd gan O.S. 2009/47 (Cy. 15).

2018 No. 1208 (W. 245)

**ENVIRONMENTAL
PROTECTION, WALES**

**The Environmental Noise (Wales)
(Amendment) Regulations 2018**

Made 20 November 2018

Laid before the National Assembly for Wales 23 November 2018

Coming into force 31 December 2018

The Welsh Ministers make these Regulations under the powers conferred by section 2(2) of the European Communities Act 1972(1). The Welsh Ministers are designated(2) for the purposes of that Act in relation to measures relating to the assessment, management and control of environmental noise.

Title, commencement and application

1.—(1) The title of these Regulations is the Environmental Noise (Wales) (Amendment) Regulations 2018.

(2) These Regulations come into force on 31 December 2018.

(3) These Regulations apply in relation to Wales.

Amendment of the Environmental Noise (Wales) Regulations 2006

2.—(1) The Environmental Noise (Wales) Regulations 2006(3) are amended as follows.

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- (1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (2) S.I. 2004/706. By virtue of paragraphs 28(1) and 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), S.I. 2004/706 has effect as if made under section 59(1) of that Act.
- (3) S.I. 2006/2629 (W. 225), amended by S.I. 2009/47 (W. 15).

(2) Yn rheoliad 2(2) yn y diffiniad o “Cyfarwyddeb”, yn lle “fel y’i diwygir o bryd i’w gilydd” rhodder “fel y’i diwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn (EU) 2015/996”.

(3) Yn rheoliad 4—

(a) ym mharagraff (3), yn lle’r geiriau o “gyfrwng” hyd at y diwedd rhodder “gyfrifo (yn y safle asesu) a thrwy gyfrwng y dulliau asesu a nodir yn Atodiad II i’r Gyfarwyddeb.”;

(b) ar ôl paragraff (3) mewnosoder—

“(3A) Ym mharagraff (3), ystyr “safle asesu” yw’r uchder asesu ym mharagraff 7 o Atodiad IV i’r Gyfarwyddeb.”;

(c) hepgorer paragraffau (4) a (5).

(4) Hefgorer Atodlen 2.

(5) Yn Atodlen 3—

(a) ym mharagraff 1, hepgorer y diffiniad o “LA10, 18h”;

(b) hepgorer paragraff 2(a).

(2) In regulation 2(2) in the definition of “Directive”, for “as amended from time to time” substitute “as last amended by Commission Directive (EU) 2015/996”.

(3) In regulation 4—

(a) in paragraph (3), for the words from “means of” to the end substitute “computation (at the assessment position) and by means of the assessment methods set out in Annex II to the Directive.”;

(b) after paragraph (3) insert—

“(3A) In paragraph (3), “assessment position” means the assessment height in paragraph 7 of Annex IV to the Directive.”;

(c) omit paragraphs (4) and (5).

(4) Omit Schedule 2.

(5) In Schedule 3—

(a) in paragraph 1, omit the definition of “LA10, 18h”;

(b) omit paragraph 2(a).

Hannah Blythyn

Gweinidog yr Amgylchedd, o dan awdurdod
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a
Materion Gwledig, un o Weinidogion Cymru
20 Tachwedd 2018

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Minister for Environment under authority of the
Cabinet Secretary for Energy, Planning and Rural
Affairs, one of the Welsh Ministers
20 November 2018

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