

OFFERYNNAU STATUDOL CYMRU

2023 Rhif 1079 (Cy. 185)

COEDWIGAETH, CYMRU

Rheoliadau Coedwigaeth (Cwmpo Coed) (Diwygio) (Cymru) 2023

<i>Gwnaed</i>	- - - -	10 Hydref 2023
<i>Gosodwyd gerbron Senedd Cymru</i>	- - - -	12 Hydref 2023
<i>Yn dod i rym</i>	- -	1 Ebrill 2024

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 10A(3), 24F(4), 26C(1), 26C(2), 26G(2) a 32(1) a (2) o Ddeddf Coedwigaeth 1967(1), yn gwneud y rheoliadau canlynol.

Enwi, dod i rym, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Coedwigaeth (Cwmpo Coed) (Diwygio) (Cymru) 2023.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2024.

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

(4) Yn y Rheoliadau hyn, ystyr "y Ddeddf" yw Deddf Coedwigaeth 1967.

Diwygiadau i Reoliadau Coedwigaeth (Cwmpo Coed) 1979

2. Mae Rheoliadau Coedwigaeth (Cwmpo Coed) 1979(2) wedi eu diwygio fel a ganlyn.

Diwygiadau mewn cysylltiad â thrwyddedau cwmpo coed neu hysbysiadau ynghylch coed y mae Gorchymyn Diogelu Coed ar eu cyfer.

3. Ar ôl rheoliad 4 mewnosoder—

- (1) 1967 p. 10. Diwygiwyd adran 32(1) gan baragraff 70(2) o Atodlen 2(1) i Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755 (Cy. 90)) a pharagraff 1 o Atodlen 1(1) i Orchymyn Cyrff Cyhoeddus (Diddymu'r Pwyllgor Cynghori ar Bren Cartref) (O.S. 2015/475); Mae diwygiadau eraill i adran 32 ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.
- (2) O.S. 1979/791, fel y'i diwygiwyd gan O.S. 1987/632.

“Prescribed period for objection to agreement of amendments to a felling licence

4A.—(1) For the purposes of section 10A(3) of the Act, the prescribed period in which the authority by whom the Tree Preservation Order was made may object is one month from the date of receipt of the notice.

(2) The prescribed period in regulation 4A(1) does not apply if the NRBW consider the amendment is necessary to respond to an imminent and serious risk of harm to—

(i) natural beauty, or

(ii) flora, fauna, geological or physiographical features, or natural habitats.”.

4. Ar ôl rheoliad 13 mewnosoder—

“Prescribed period for objection to notice given under section 24C(3) or 24E(2).

13A.—(1) For the purposes of section 24F(4) of the Act, the prescribed period in which the authority by whom the Tree Preservation Order was made may object to the notice is one month from the date of receipt of the notice.

(2) The prescribed period in regulation 13A(1) does not apply if the NRBW consider that the emergency criteria in section 24F(2) of the Act apply.”.

Diwygiadau sy'n ymwneud ag apelau yn erbyn hysbysiadau a gyflwynir gan Gorff Adnoddau Naturiol Cymru o dan Adrannau 24C, 24D a 24E.

5. Ar ôl rheoliad 14 mewnosoder—

“Appeals under section 26A and 26B of the Act against section 24C, 24D and 24E notices.

14A.—(1) An appeal under section 26A against a notice served under sections 24C(3) and 24D(2) must be in Form 9A and must be served on the Welsh Ministers within three months beginning on the day after receipt of the notice by a person with the right to bring an appeal as set out in Section 26A(1).

(2) An appeal under section 26B against a notice served under section 24E(2) (appeal against a notice where no breach of condition or licence), must be in Form 9A and shall be served on the Welsh Ministers within 3 months beginning on the day after receipt of the notice by a person with the right to bring an appeal as set out in section 26B(1) of the Act.

(3) Where an appeal is made under the grounds in sections 26A(2)(e) or 26B(2)(d), that a suspension should have been brought to an end by a notice, the appeal to the Welsh Ministers may be made at any time during the suspension of the licence even if this falls after the three month period specified in regulations 14A(1) and 14A(2).”.

6. Ar ôl Ffurflen 9 (sy'n ymddangos yn Atodlen 1 i Reoliadau Coedwigaeth (Cwmpo Coed) 1979 (3)) mewnosoder Ffurflen 9A (apêl yn erbyn hysbysiadau a gyflwynir o dan adrannau 24C, 24D a 24E) fel y'i nodir yn Atodlen 2 i'r Rheoliadau hyn.

Diwygiadau sy'n ymwneud â hawliadau am ddigollediad sy'n deillio o hysbysiadau a ddyroddir o dan adrannau 24C, 24D a 24E.

7. Ar ôl rheoliad 15 mewnosoder—

“Claims for compensation under sections 26D, 26E and 26F

15A.—(1) A claim for compensation made under sections 26D, and 26F of the Act by the relevant person, or, in the case of a claim made under section 26E, the person to whom the notice was given, must be made to the NRBW on Form 1A.

(2) Where the claim for compensation arises from a successful appeal of a notice given under sections 24C(3), 24D(2) or 24E(2) after which the notice is subsequently cancelled in accordance with 26C(6)(b) of the Act, the prescribed period for claiming expenses reasonably incurred by the relevant person or the person to whom the notice was given, will be eighteen months beginning on the day after the day on which the Welsh Ministers send notification of a successful appeal outcome and cancellation of the notice.

(3) Where a claim for compensation arises from a successful appeal against a suspension of a felling licence given under section 24C(3) or 24E(2), and the NRBW are subsequently directed by the Welsh Ministers to lift the suspension in accordance with 26C(6)(a)(i) of the Act, the prescribed period for claiming expenses reasonably incurred, by the relevant person, will be eighteen months after the date on which the suspension is lifted.

(4) Where a claim for compensation arises for depreciation in the value of the trees, attributable to deterioration in the quality of the timber, as a result of a successful appeal against a notice issued under section 24C(3), which is subsequently cancelled (in accordance with 26C(6)(b), or the suspension of which is lifted in accordance with 26C(6)(a)(i)), the prescribed period for the relevant person to make a claim is set out in 26G(3)(a) of the Act, unless the timber has not been felled, in which case the prescribed period is eighteen months.

(5) Where the relevant person makes a claim solely for compensation for depreciation in the value of the trees, attributable to deterioration in the quality of the timber, arising from a notice given under section 24E(2) of the Act, in accordance with 26F(2), the prescribed periods for claims are those set out in Section 26G(3) to the Act.

(6) For a claim made under section 26D, relevant person has the meaning given by section 26D(4) of the Act.

(7) For a claim made under section 26F, relevant person has the meaning given by section 26F(5) of the Act.”.

8. Ar ôl Ffurflen 1 (sy'n ymddangos yn Atodlen 1 i Reoliadau Coedwigaeth (Cwmpo Coed) 1979) mewnosoder Ffurflen 1A (digollediad sy'n deillio o hysbysiadau a gyflwynir o dan adrannau 24C, 24D a 24E) fel y'i nodir yn Atodlen 1 i'r rheoliadau hyn.

10 Hydref 2023

Julie James
Y Gweinidog Newid Hinsawdd, un o
Weinidogion Cymru

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

YR ATODLENNI

ATODLEN 1

Rheoliad 8

Ffurflen 1A

FORM 1A Forestry Act 1967

Claim for Compensation arising from notices given under section 24C, 24D and 24E

1. I.....[full name]
of[address] submit this claim for compensation from the NRBW in respect of expenses reasonably incurred in connection with the giving to me of a notice under Section 24C/Section 24D/Section 24E (please delete as appropriate) which has subsequently been successfully appealed and/or which has resulted in deterioration in the value of the trees attributable to depreciation in value of the trees attributable to the deterioration in the quality of timber.

2. The notice was issued on[enter date of issue] and received by me on..... [enter date of receipt]

3. I appealed the notice on[enter date appeal notified if applicable]

4. The successful appeal was communicated to me on [date notified of successful appeal if applicable].

5a. I am, therefore, making this claim within eighteen months of the date from the day after the day on which the appeal decision was communicated to me.

5b. Where the claim is for deterioration in the value of the trees attributable to the depreciation in the quality of the timber, I am making this claim in accordance with the timescales set out in section 26G(3) of the Act or in accordance with regulation 15A(4) if the timber has not been felled [Delete 5a or 5b if not appropriate to the claim].

6. No previous claim for compensation has been made in relation to this notice.

7. A previous claim has been made in respect of this notice on.....[date]

8. The amount of my claim is.....

9. I have calculated my claim as follows (please attach additional sheets where necessary to evidence costs and calculations):

.....
.....
.....

10. signed..... 4

11. Dated.....

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

ATODLEN 2

Rheoliad 6

Ffurflen 9A

FORM 9A

Forestry Act 1967

Appeal against notices served under section 24C, 24D and 24E of the Act

1. I,[name] of
.....[address]
received a notice from the NRW on[enter date here] under Section
.....[enter section here] of the Forestry Act 1967.

Appeal against section 24C(3) Notice

2. Pursuant to Section 26A(4) I wish to appeal the notice on the following ground(s) **[please refer to appeal grounds in section 26A(2) of the Act and add additional sheets as necessary]**;

.....
.....
.....

Appeal against section 24D(2) Notice

2. Pursuant to section 26A(4) I wish to appeal the notice on the grounds that I consider the following step specified in the notice to be unreasonable or disproportionate [please delete as appropriate and add additional sheets if necessary].

.....
.....

Appeal against section 24E(2) Notice

3. Pursuant to section 26B(3) I wish to appeal the notice on the following grounds **[please refer to appeal grounds in section 26B(2) of the Act and add additional sheets if necessary]**;

.....
.....
.....

4. By this notice I hereby appeal the notice referred to above and request the matter of the notice issued under sections 24C(3), 24D(2) or 24E(2) of the Forestry Act 1967[delete as appropriate] be referred to the committee appointed under section 27 of that Act.

5. I confirm I have the right to bring this appeal as the person described in section 26A(1) or 26B(1) of the Act.

6. Signed.....

7. Dated.....

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, a wneir gan Weinidogion Cymru, yn diwygio Rheoliadau Coedwigaeth (Cwmpo Coed) 1979 mewn perthynas â materion gweithdrefnol (dull rhagnodedig a chyfnod rhagnodedig) sy'n deillio o Ran 4 o Ddeddf Amaethyddiaeth (Cymru) 2023. Mae'r diwygiadau hyn yn—

- (1) rhagnodi cyfnod o un mis ar gyfer y gwrthwynebiad i gytundeb i ddiwygio trwydded cwmpo coed sy'n ddarostyngedig i Orchymyn Diogelu Coed gan yr awdurdod y gwnaed y Gorchymyn Diogelu Coed ganddo (rheoliad 3);
- (2) rhagnodi cyfnod o un mis ar gyfer y gwrthwynebiad i hysbysiad a roddir o dan adran 24C a 24E o Ddeddf Coedwigaeth 1967 mewn perthynas â chwmpo coed sy'n ddarostyngedig i Orchymyn Diogelu Coed gan yr awdurdod y gwnaed y Gorchymyn Diogelu Coed ganddo (rheoliad 4);
- (3) rhagnodi cyfnod o dri mis ar gyfer apelau a wneir o dan adran 26 o Ddeddf Coedwigaeth 1967 yn erbyn hysbysiadau a roddir o dan adrannau 24C, 24D a 24E o'r Ddeddf honno (rheoliad 5). Gwneir darpariaeth wahanol ar gyfer apelau yn erbyn hysbysiadau sy'n atal dros dro drwydded cwmpo coed (rheoliad 5(3));
- (4) rhagnodi bod rhaid i apelau yn erbyn hysbysiadau o dan adrannau 24C, 24D a 24E o Ddeddf Coedwigaeth 1967 gael eu gwneud ar Ffurflen 9A (Atodlen 2);
- (5) rhagnodi cyfnod o ddeunaw mis i hawlio treuliau yr aethpwyd iddynt yn rhesymol yn dilyn apêl lwyddiannus yn erbyn hysbysiad o dan adrannau 26D, 26E a 26F (rheoliad 7) o Ddeddf Coedwigaeth 1967 ac yn rhagnodi bod rhaid hawlio digollediad ar Ffurflen 1A (Atodlen 1).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.