



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 299 (Cy. 76)

2019 No. 299 (W. 76)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Cymru) (Diwygio)
2019

The Town and Country Planning
(Environmental Impact
Assessment) (Wales) (Amendment)
Regulations 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn amnewid y darpariaethau arbed a throsiannol ym mharagraffau (2) i (6) o reoliad 65 o Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2017 ("Rheoliadau 2017").

Mae'r Rheoliadau hyn hefyd yn diwygio Atodlen 2 i Reoliadau 2017 i ychwanegu gosod llinellau trydan uwchben penodol. Effaith y diwygiad hwn yw y gallai fod angen cynnal asesiad o'r effaith amgylcheddol mewn cysylltiad â datblygiad o'r fath cyn rhoi caniatâd cynllunio.

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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations substitute the saving and transitional provisions in paragraphs (2) to (6) of regulation 65 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("the 2017 Regulations").

These Regulations also amend Schedule 2 to the 2017 Regulations to add the installation of certain overhead electric lines. The effect of this amendment is that an environmental impact assessment may need to be undertaken in respect of such development before planning permission is granted.

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.

2019 Rhif 299 (Cy. 76)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Cymru) (Diwygio)
2019

Gwnaed 18 Chwefror 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 20 Chwefror 2019

Yn dod i rym 1 Ebrill 2019

2019 No. 299 (W. 76)

**TOWN AND COUNTRY
PLANNING, WALES**

The Town and Country Planning
(Environmental Impact
Assessment) (Wales) (Amendment)
Regulations 2019

Made 18 February 2019

Laid before the National Assembly for Wales
20 February 2019

Coming into force 1 April 2019

Mae Gweinidogion Cymru, sydd 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 gan brosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd, i'r graddau y mae'n ymwneud â chynllunio gwlad a thref(2), drwy arfer y pwerau a roddir gan yr adran honno a chan 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), in exercise of the powers conferred by that section and by 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 Ddeddf Cynllunio Gwlad a Thref 1990, 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: *gweler* y cofnod yn Atodlen 1 ar gyfer y Ddeddf honno. Trosglwyddwyd y swyddogaethau hynny i Weinidogion 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'u diffinnir 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 the Town and Country Planning Act 1990 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): *see* the entry in Schedule 1 for that Act. 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 dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) (Diwygio) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2019.

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau 2017" yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2017(1).

Diwygio Rheoliadau 2017

2.—(1) Mae Rheoliadau 2017 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 65—

(a) ym mharagraff (1), yn lle "(2) i (8)" rhodder "(2), (7) ac (8)";

(b) yn lle paragraffau (2) i (6) rhodder—

"(2) Mae Rheoliadau 2016 yn parhau i gael effaith pan fo, cyn 16 Mai 2017—

(a) y ceisydd neu'r apelydd wedi cyflwyno datganiad amgylcheddol neu wedi gofyn am farn gwmpasu mewn cysylltiad â'r datblygiad; neu

(b) mewn cysylltiad â—

(i) gorchmynion datblygu lleol;

(ii) gorchmynion adran 97;

(iii) gorchmynion adran 102; neu

(iv) cam gweithredu o dan adran 141 o Ddeddf 1990,

yr awdurdod cynllunio lleol, y corff cychwyn neu'r ceisydd wedi llunio datganiad amgylcheddol neu farn gwmpasu neu wedi gofyn am gyfarwyddyd cwmpasu mewn cysylltiad â'r gorchymyn neu'r cam gweithredu hwnnw.";

(c) ym mharagraff (9), yn lle "(2) i (8)" rhodder "(2), (7) ac (8)".

(3) Ym mharagraff 1 o Atodlen 2, yn y lle priodol mewnosoder—

"mae i "llynell drydan" yr ystyr a roddir i "electric line" yn adran 64(1) o Ddeddf Trydan 1989(2)."

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2019.

(2) These Regulations come into force on 1 April 2019.

(3) In these Regulations "the 2017 Regulations" means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(1).

Amendment of the 2017 Regulations

2.—(1) The 2017 Regulations are amended as follows.

(2) In regulation 65—

(a) in paragraph (1), for "(2) to (8)" substitute "(2), (7) and (8)";

(b) for paragraphs (2) to (6) substitute—

"(2) The 2016 Regulations continue to have effect where before 16 May 2017—

(a) the applicant or appellant submitted an environmental statement or requested a scoping opinion in respect of the development; or

(b) in respect of—

(i) local development orders;

(ii) section 97 orders;

(iii) section 102 orders; or

(iv) action under section 141 of the 1990 Act,

the local planning authority, the initiating body or the applicant prepared an environmental statement or a scoping opinion or requested a scoping direction in connection with that order or action.";

(c) in paragraph (9), for "(2) to (8)" substitute "(2), (7) and (8)".

(3) In paragraph 1 of Schedule 2, in the appropriate place insert—

"“electric line” (“*llynell drydan*”) has the meaning given in section 64(1) of the Electricity Act 1989(2)."

(1) O.S. 2017/567 (Cy. 136), a ddiwygiwyd gan O.S. 2017/1012 ac O.S. 2018/1216 (Cy. 249).

(2) 1989 p. 29.

(1) S.I. 2017/567 (W. 136), amended by S.I. 2017/1012 and S.I. 2018/1216 (W. 249).

(2) 1989 c. 29.

(4) Yn y tabl ym mharagraff 2 o Atodlen 2, ar ddiwedd pwnc 3 (Diwydiant ynni) mewnosoder—

(4) In the table in paragraph 2 of Schedule 2, at the end of subject 3 (Energy industry) insert—

“(k) Trosglwyddo ynni trydanol drwy geblau uwchben.	Datblygiad i ddarparu llinell drydan a osodir uwchben y ddaear sydd â foltedd enwol o 132 o gilofoltiau.”	“(k) Transmission of electrical energy by overhead cables.	Development to provide an electric line installed above ground with a nominal voltage of 132 kilovolts.”
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Julie James

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
18 Chwefror 2019

Minister for Housing and Local Government, one of the Welsh Ministers
18 February 2019

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