



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2019 Rhif 292 (Cy. 70)**

**2019 No. 292 (W. 70)**

**TRYDAN, CYMRU**

**ELECTRICITY, WALES**

Rheoliadau Gweithfeydd Trydan  
(Asesiad o'r Effaith Amgylcheddol)  
(Cymru a Lloegr) (Diwygio)  
(Cymru) 2019

The Electricity Works  
(Environmental Impact  
Assessment) (England and Wales)  
(Amendment) (Wales) Regulations  
2019

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gweithfeydd Trydan (Asesiad o'r Effaith Amgylcheddol) (Cymru a Lloegr) 2017 ("Rheoliadau 2017").

Mae ceisiadau a wneir ar neu ar ôl 1 Ebrill 2019 o dan adrannau 36 a 36C o Ddeddf Trydan 1989 ("Deddf 1989") sy'n ymwneud â gorsafoedd cynhyrchu (neu orsafoedd cynhyrchu arfaethedig) yn nyfroedd Cymru sydd â chapasiti nad yw'n fwy na 350 megawat, neu a fydd â chapasiti nad yw'n fwy na hynny, i'w gwneud i Weinidogion Cymru. Ystyr "dyfroedd Cymru" yw hynny o ddyfroedd mewnol a moroedd tiriogaethol y Deyrnas Unedig sy'n gyfagos â Chymru a pharth Cymru. Mae i "parth Cymru" yr ystyr a roddir i "Welsh zone" yn adran 158 o Ddeddf Llywodraeth Cymru 2006.

Mae'r Rheoliadau hyn yn diwygio—

- y diffiniad o "relevant authority" i ddarparu mai Gweinidogion Cymru yw'r awdurdod perthnasol pan wneir cais o dan adran 36 neu 36C (neu pan fo cais o'r fath i'w wneud) i Weinidogion Cymru;
- ystyr "consultation body"; a
- rheoliadau 22 a 28 o Reoliadau 2017 i fewnosod cyfeiriad at Reoliadau Trydan (Gorsafoedd Cynhyrchu Alltraeth) (Amrywio Cydsyniadau) (Cymru) 2019.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 ("the 2017 Regulations").

Applications made on or after 1 April 2019 under sections 36 and 36C of the Electricity Act 1989 ("the 1989 Act") relating to generating stations (or proposed generating stations) in Welsh waters which have or will have a capacity not exceeding 350 megawatts, are to be made to the Welsh Ministers. "Welsh waters" means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales and the Welsh zone. "Welsh zone" has the meaning given in section 158 of the Government of Wales Act 2006.

These Regulations amend—

- the definition of "relevant authority" to provide that the Welsh Ministers are the relevant authority where an application under section 36 or 36C is made (or to be made) to the Welsh Ministers;
- the meaning of consultation body; and
- regulations 22 and 28 of the 2017 Regulations to insert reference to the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019.

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.

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.

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(Asesiad o'r Effaith Amgylcheddol)  
(Cymru a Lloegr) (Diwygio)  
(Cymru) 2019

The Electricity Works  
(Environmental Impact  
Assessment) (England and Wales)  
(Amendment) (Wales) Regulations  
2019

*Gwnaed* 18 Chwefror 2019

*Made* 18 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 20 Chwefror 2019

*Laid before the National Assembly for Wales*  
20 February 2019

*Yn dod i rym* 1 Ebrill 2019

*Coming into force* 1 April 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 36(8A), 36C(2) a (6) a 60 o Ddeddf Trydan 1989(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by sections 36(8A), 36C(2) and (6) and 60 of the Electricity Act 1989(1), make the following Regulations:

**Enwi a chychwyn**

**Title and commencement**

1. Enw'r Rheoliadau hyn yw Rheoliadau Gweithfeydd Trydan (Asesiad o'r Effaith Amgylcheddol) (Cymru a Lloegr) (Diwygio) (Cymru) 2019 a deuant i rym ar 1 Ebrill 2019.

1. The title of these Regulations is the Electricity Works (Environmental Impact Assessment) (England and Wales) (Amendment) (Wales) Regulations 2019 and they come into force on 1 April 2019.

**Diwygio Rheoliadau Gweithfeydd Trydan (Asesiad o'r Effaith Amgylcheddol) (Cymru a Lloegr) 2017**

**Amendment of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017**

2.—(1) Mae Rheoliadau Gweithfeydd Trydan (Asesiad o'r Effaith Amgylcheddol) (Cymru a Lloegr) 2017(2) wedi eu diwygiu fel a ganlyn.

2.—(1) The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017(2) are amended as follows.

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(1) 1989 p. 29. Mewnosodwyd adran 36(8A) gan baragraff 47 o Atodlen 6 i Ddeddf Cymru 2017 (p. 4) ("Deddf 2017"). Mewnosodwyd adran 36C gan adran 20(1) a (2) o Ddeddf Twf a Seilwaith 2013 (p. 27) ac fe'i diwygiwyd gan adran 39(12) o Ddeddf 2017, a pharagraff 48 o Atodlen 6 iddi. Mae diwygiadau eraill i adran 36C a diwygiadau i adran 60 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) O.S. 2017/580, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

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(1) 1989 c. 29. Section 36(8A) was inserted by paragraph 47 of Schedule 6 to the Wales Act 2017 (c. 4) ("the 2017 Act"). Section 36C was inserted by section 20(1) and (2) of the Growth and Infrastructure Act 2013 (c. 27) and was amended by section 39(12) of, and paragraph 48 of Schedule 6 to, the 2017 Act. There are other amendments to section 36C and amendments to section 60 which are not relevant to these Regulations.

(2) S.I. 2017/580, to which there are amendments not relevant to these Regulations.

(2) Yn rheoliad 3 (dehongli), yn y diffiniad o “relevant authority”, ar ôl paragraff (b) mewnosoder—

“or

- (c) in relation to an application for a section 36 consent or for a section 36 variation made (or to be made) to the Welsh Ministers, the Welsh Ministers;”

(3) Yn rheoliad 4(1)(c)(i), ar y dechrau, mewnosoder “save where the Welsh Ministers are the relevant authority,”.

(4) Yn rheoliad 22(3), ar ôl “under regulation 4(6) of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013” mewnosoder “, or in a case where the Welsh Ministers are the relevant authority, under regulation 4(6) of the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019,”.

(5) Yn rheoliad 28 (gwefan geisiadau)—

- (a) ym mharagraff (3), ar ôl “under regulation 5(2A) of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013” mewnosoder “, or in a case where the Welsh Ministers are the relevant authority, under regulation 5(3) of the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019,”;
- (b) ym mharagraff (4), ar y diwedd, mewnosoder “, or in a case where the Welsh Ministers are the relevant authority, under regulation 5(2) of the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019”.

(2) In regulation 3 (interpretation), in the definition of “relevant authority”, after paragraph (b) insert—

“or

- (c) in relation to an application for a section 36 consent or for a section 36 variation made (or to be made) to the Welsh Ministers, the Welsh Ministers;”

(3) In regulation 4(1)(c)(i), at the beginning, insert “save where the Welsh Ministers are the relevant authority,”.

(4) In regulation 22(3), after “under regulation 4(6) of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013” insert “, or in a case where the Welsh Ministers are the relevant authority, under regulation 4(6) of the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019,”.

(5) In regulation 28 (application website)—

- (a) in paragraph (3), after “under regulation 5(2A) of the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013” insert “, or in a case where the Welsh Ministers are the relevant authority, under regulation 5(3) of the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019,”;
- (b) in paragraph (4), at the end, insert “, or in a case where the Welsh Ministers are the relevant authority, under regulation 5(2) of the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019”.

*Julie James*

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

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

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