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WELSH STATUTORY INSTRUMENTS

2024 Rhif 1325 (Cy. 224)

2024 No. 1325 (W. 224)

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) (Diwygio) 2024

The Developments of National Significance (Fees) (Wales) (Amendment) Regulations 2024

NODYN ESBONIADOL

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

O dan baragraff 1 o Atodlen 4D i Ddeddf Cynllunio Gwlad a Thref 1990 ("DCGTh 1990"), caniateir i swyddogaethau penodedig Gweinidogion Cymru mewn cysylltiad â chais (neu gais arfaethedig) am ganiatâd cynllunio ar gyfer datblygiad o arwyddocâd cenedlaethol gael eu cyflawni gan berson a benodir i wneud hynny ar eu rhan ("person penodedig"). O dan baragraff 9 o'r Atodlen honno, caiff Gweinidogion Cymru gyfarwyddo bod swyddogaethau a bennir yn y cyfarwyddyd i'w harfer ganddynt hwy yn hytrach na chan berson penodedig mewn perthynas â chais.

Mae'r Rheoliadau hyn yn diwygio rheoliad 12 o Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016 fel bod ffi o dan y rheoliad hwnnw ar gyfer penderfynu cais am ganiatâd cynllunio ar gyfer prosiectau cynhyrchu trydan o dan 50 megawat yn daladwy dim ond pan wneir y penderfyniad hwnnw gan Weinidogion Cymru, yn hytrach na chan berson penodedig, o ganlyniad i gyfarwyddyd o dan baragraff 9 o Atodlen 4D i DCGTh 1990.

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 ac mae wedi ei gyhoeddi ar www.llyw.cymru.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under paragraph 1 of Schedule 4D to the Town and Country Planning Act 1990 ("TCPA 1990"), specified functions of the Welsh Ministers in respect of an application (or proposed application) for planning permission for development of national significance may be undertaken by a person appointed to do so on their behalf ("an appointed person"). Under paragraph 9 of that Schedule, the Welsh Ministers may direct that functions specified in the direction are to be exercised by them instead of by an appointed person in relation to an application.

These Regulations amend regulation 12 of the Developments of National Significance (Fees) (Wales) Regulations 2016 so that a fee under that regulation for the determination of an application for planning permission for electricity generating projects below 50 megawatts is only payable where that determination is made by the Welsh Ministers, instead of by an appointed person, as a result of a direction under paragraph 9 of Schedule 4D to the TCPA 1990.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

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CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) (Diwygio) 2024

Gwnaed *11 Rhagfyr 2024*

Yn dod i rym *6 Ionawr 2025*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 303(1B)(a) a (5) a 333(2A) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 333(3E) o Ddeddf Cynllunio Gwlad a Thref 1990(**2**), gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

Enwi a dod i rym

1. Enw'r Rheoliadau hyn yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) (Diwygio) 2024 a deuant i rym ar 6 Ionawr 2025.

(**1**) 1990 p. 8. Amnewidiwyd adran 303 gan adran 199 o Ddeddf Cynllunio 2008 (p. 29), mewnosodwyd is-adran (1B) gan baragraff 18 o Atodlen 4 i Ddeddf Cynllunio (Cymru) 2015 (dccc 4) ("Deddf 2015"). Mewnosodwyd adran 333(2A) gan baragraff 14(2) o Atodlen 6 i Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5).

(**2**) Mewnosodwyd adran 333(3E) gan baragraff 3 o Atodlen 7 i Ddeddf 2015.

2024 No. 1325 (W. 224)

TOWN AND COUNTRY PLANNING, WALES

The Developments of National Significance (Fees) (Wales) (Amendment) Regulations 2024

Made *11 December 2024*

Coming into force *6 January 2025*

The Welsh Ministers, in exercise of the powers conferred on them by sections 303(1B)(a) and (5) and 333(2A) of the Town and Country Planning Act 1990(**1**), make the following Regulations.

In accordance with section 333(3E) of the Town and Country Planning Act 1990(**2**), a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru.

Title and coming into force

1. The title of these Regulations is the Developments of National Significance (Fees) (Wales) (Amendment) Regulations 2024 and they come into force on 6 January 2025.

(**1**) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29), subsection (1B) was inserted by paragraph 18 of Schedule 4 to the Planning (Wales) Act 2015 (anaw 4) ("the 2015 Act"). Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5).

(**2**) Section 333(3E) was inserted by paragraph 3 of Schedule 7 to the 2015 Act.

Diwygiadau i Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016

2. Mae rheoliad 12 o Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Ffioedd) (Cymru) 2016(**1**) wedi ei ddiwygio fel a ganlyn—

(a) ym mharagraff (1A), yn lle'r geiriau o "rheoliad 3(1)(ab)" i "2016" rhodder "paragraff (1B)";

(b) ar ôl paragraff (1A) mewnosoder—

"(1B) Mae datblygiad o fewn y paragraff hwn os ydyw—

(a) o fewn rheoliad 3(1)(a) neu (aa) o Reoliadau 2016 ac—

(i) yn achos adeiladu naill ai gorsaf gynhyrchu neu orsaf cynhyrchu trydan o ynni'r gwynt ar y tir, disgwylir i'r orsaf gynhyrchu neu'r orsaf cynhyrchu trydan o ynni'r gwynt ar y tir, pan gaiff ei hadeiladu, fod â gallu cynhyrchu gosodedig o lai na 50 megawat; neu

(ii) yn achos estyn neu addasu naill ai gorsaf gynhyrchu neu orsaf cynhyrchu trydan o ynni'r gwynt ar y tir, disgwylir i'r estyniad neu'r addasiad gynyddu'r gallu cynhyrchu gosodedig o lai na 50 megawat; neu

(b) o fewn rheoliad 3(1)(ab) (gosod llinell drydan uwchben y ddaear) o Reoliadau 2016.";

(c) yn lle paragraff 10 rhodder—

"(10) Yn y rheoliad hwn—

mae i "gorsaf gynhyrchu" ("*generating station*"), "gallu cynhyrchu gosodedig" ("*installed generating capacity*") a "gorsaf cynhyrchu trydan o ynni'r gwynt ar y tir" ("*onshore wind generating station*") yr ystyron a roddir yn rheoliad 4(3) o Reoliadau 2016;

mae "penderfynu cais" ("*determining an application*") yn cynnwys penderfynu unrhyw gydsyniadau eilaidd sy'n gysylltiedig â'r cais pan fo'r penderfyniad ar y cydsyniadau hynny i'w wneud gan Weinidogion Cymru;

(**1**) 2016/57 (Cy. 27). Diwygiwyd rheoliad 12 gan O.S. 2019/283 (Cy. 65).

Amendments to the Developments of National Significance (Fees) (Wales) Regulations 2016

2. Regulation 12 of the Developments of National Significance (Fees) (Wales) Regulations 2016(**1**) is amended as follows—

(a) in paragraph (1A), for the words from "regulation 3(1)(ab)" to "2016" substitute "paragraph (1B)";

(b) after paragraph (1A) insert—

"(1B) Development is within this paragraph if it is—

(a) within regulation 3(1)(a) or (aa) of the 2016 Regulations and—

(i) in the case of the construction of either a generating station or an onshore wind generating station, the generating station or the onshore wind generating station is expected to have, when constructed, an installed generating capacity of less than 50 megawatts; or

(ii) in the case of the extension or alteration of either a generating station or an onshore wind generating station, the extension or alteration is expected to increase the installed generating capacity by less than 50 megawatts; or

(b) within regulation 3(1)(ab) (installation of an electric line above ground) of the 2016 Regulations.";

(c) for paragraph 10 substitute—

"(10) In this regulation—

"the 2016 Regulations" ("*Rheoliadau 2016*") means the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016;

"determining an application" ("*penderfynu cais*") includes determination of any secondary consents connected with the application where the decision on those consents is to be made by the Welsh Ministers;

(**1**) 2016/57 (W. 27). Regulation 12 was amended by S.I. 2019/283 (W. 65).

ystyr "Rheoliadau 2016" ("*the 2016 Regulations*") yw Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016."

"generating station" ("*gorsaf gynhyrchu*"), "installed generating capacity" ("*gallu cynhyrchu gosodedig*") and "onshore wind generating station" ("*gorsaf cynhyrchu trydan o ynni'r gwynt ar y tir*") have the meanings given in regulation 4(3) of the 2016 Regulations."

Rebecca Evans

Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio, un o Weinidogion Cymru
11 Rhagfyr 2024

Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers
11 December 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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