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WELSH STATUTORY INSTRUMENTS

2024 Rhif 1256 (Cy. 210)

2024 No. 1256 (W. 210)

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

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

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

NODYN ESBONIADOL

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

Mae paragraff 1 o Atodlen 4D i Ddeddf Cynllunio Gwlad a Thref 1990 yn galluogi 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").

Mae rheoliad 11 o Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016 yn rhagnodi swyddogaethau penodedig i'w cyflawni gan berson penodedig.

Mae rheoliad 11A o'r un Rheoliadau yn rhagnodi swyddogaethau penodedig ychwanegol i'w cyflawni gan berson penodedig mewn cysylltiad â phenderfynu ceisiadau ar gyfer gosod llinellau trydan uwchben.

Mae'r Rheoliadau hyn yn diwygio rheoliad 11A fel bod y swyddogaethau ychwanegol a ragnodir yn y rheoliad hwnnw hefyd yn cael eu harfer mewn perthynas â phenderfynu ceisiadau ar gyfer adeiladu, addasu neu estyn gorsafoedd cynhyrchu trydan, pan ddisgwylir i'r gallu cynhyrchu gosodedig, neu'r cynnydd yn y gallu cynhyrchu gosodedig, fod yn is na 50 megawat.

Mae'r Rheoliadau hyn hefyd yn gwneud diwygiadau canlyniadol ac yn cynnwys darpariaeth drosiannol.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraph 1 of Schedule 4D to the Town and Country Planning Act 1990 enables specified functions of the Welsh Ministers in respect of an application (or proposed application) for planning permission for development of national significance to be undertaken by a person appointed to do so on their behalf ("an appointed person").

Regulation 11 of the Developments of National Significance (Wales) Regulations 2016 prescribes specified functions to be undertaken by an appointed person.

Regulation 11A of the same Regulations prescribes additional specified functions to be undertaken by an appointed person in respect of the determination of applications for the installation of overhead electric lines.

These Regulations amend regulation 11A so that the additional functions prescribed in that regulation are also exercised in relation to the determination of applications for the construction, alteration or extension of electricity generating stations, where the installed generating capacity, or the increase in installed generating capacity, is expected to be below 50 megawatts.

These Regulations also make consequential amendments and include transitional provision.

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.

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.

2024 Rhif 1256 (Cy. 210)

CYNLLUNIO GWLAD A THREF, CYMRU

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

Gwnaed	*28 Tachwedd 2024*
Gosodwyd gerbron Senedd Cymru	*2 Rhagfyr 2024*
Yn dod i rym	*6 Ionawr 2025*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan baragraff 1 o Atodlen 4D i Ddeddf Cynllunio Gwlad a Thref 1990(**1**), ac adran 333(2A) a (2B) o'r Ddeddf honno, yn gwneud y Rheoliadau a ganlyn.

Enwi a dod i rym

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

Diwygiadau i Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016

2.—(1) Mae Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 11A—

(a) daw'r ddarpariaeth bresennol yn baragraff (1);

(**1**) 1990 p. 8. Mewnosodwyd adran 333(2A) gan baragraff 14(2) o Atodlen 6 i Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) a mewnosodwyd adran 333(2B) gan adran 130(1)(a) o Ddeddf Ffyniant Bro ac Adfywio 2023 ("Deddf 2023"). Mewnosodwyd Atodlen 4D gan baragraff 1 o Atodlen 3 i Ddeddf Cynllunio (Cymru) 2015 (dccc 4) a diwygiwyd paragraff 1 o Atodlen 4D gan adran 130(3)(i) o Ddeddf 2023.

(**2**) O.S. 2016/56 (Cy. 26), a ddiwygiwyd gan O.S. 2019/288 (Cy. 67). Gwnaed diwygiadau eraill, ond nid ydynt yn berthnasol.

2024 No. 1256 (W. 210)

TOWN AND COUNTRY PLANNING, WALES

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

Made	*28 November 2024*
Laid before Senedd Cymru	*2 December 2024*
Coming into force	*6 January 2025*

The Welsh Ministers, in exercise of the powers conferred on them by paragraph 1 of Schedule 4D to, and section 333(2A) and (2B) of, the Town and Country Planning Act 1990(**1**), make the following Regulations.

Title and coming into force

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

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

2.—(1) The Developments of National Significance (Wales) Regulations 2016(**2**) are amended as follows.

(2) In regulation 11A—

(a) the existing provision becomes paragraph (1);

(**1**) 1990 c. 8. Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5) and section 333(2B) was inserted by section 130(1)(a) of the Levelling-up and Regeneration Act 2023 ("the 2023 Act"). Schedule 4D was inserted by paragraph 1 of Schedule 3 to the Planning (Wales) Act 2015 (anaw 4) and paragraph 1 of Schedule 4D was amended by section 130(3)(i) of the 2023 Act.

(**2**) S.I. 2016/56 (W. 26), amended by S.I. 2019/288 (W. 67). There are other amendments, but they are not relevant.

(b) yn y paragraff hwnnw, yn lle'r geiriau o "rheoliad (3)(1)(ab)" hyd at "2016" rhodder "paragraff (2)—";

(c) ar ôl y paragraff hwnnw mewnosoder—

"(2) Mae datblygiad o fewn y paragraff hwn os yw—

(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.

(3) 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;

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

(d) yn y pennawd, yn lle "llinellau trydan" rhodder "penderfyniad gan berson penodedig".

(3) Ym mhennawd rheoliad 18A, yn lle "llinellau trydan" rhodder "penderfyniad gan berson penodedig".

(4) Yn rheoliad 40(1)(b), yn lle "rheoliad 11A(a)" rhodder "rheoliad 11A(1)(a)".

(5) Ym mharagraff 1(3A) o Atodlen 8, yn lle "llinellau trydan" rhodder "penderfyniad gan berson penodedig".

(b) in that paragraph, for the words from "regulation (3)(1)(ab)" to "2016" substitute "paragraph (2)—";

(c) after that paragraph insert—

"(2) 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.

(3) In this regulation—

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

(d) in the heading, for "electric lines" substitute "determination by an appointed person".

(3) In the heading of regulation 18A, for "electric lines" substitute "determination by an appointed person".

(4) In regulation 40(1)(b), for "regulation 11A(a)" substitute "regulation 11A(1)(a)".

(5) In paragraph 1(3A) of Schedule 8, for "electric lines" substitute "determination by an appointed person".

Darpariaeth drosiannol

3. Nid yw'r diwygiadau a wneir gan y Rheoliadau hyn yn gymwys mewn perthynas â cheisiadau pan fo Gweinidogion Cymru wedi cael adroddiad o dan reoliad 18 neu 28 o Reoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016, gan gynnwys o dan reoliad 28 fel y'i cymhwysir gan reoliad 30(3) o'r Rheoliadau hynny, cyn i'r Rheoliadau hyn ddod i rym.

Transitional provision

3. The amendments made by these Regulations do not apply in relation to applications where the Welsh Ministers have received a report under regulation 18 or 28 of the Developments of National Significance (Wales) Regulations 2016, including under regulation 28 as applied by regulation 30(3) of those Regulations, before these Regulations come into force.

Rebecca Evans

Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio, un o Weinidogion Cymru
28 Tachwedd 2024

Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers
28 November 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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