OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2017 Rhif 476 (Cy. 99)

2017 No. 476 (W. 99)

TRIBIWNLYSOEDD AC YMCHWILIADAU, CYMRU

TRIBUNALS AND INQUIRIES, WALES

CYNLLUNIO GWLAD A THREF, CYMRU

TOWN AND COUNTRY PLANNING, WALES

Rheoliadau Ymchwiliadau Lleol a Gweithdrefnau Cymwys (Swm Dyddiol Safonol) (Cymru) 2017

The Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gymwys pan fo Gweinidogion Cymru wedi eu hawdurdodi i adennill costau a ysgwyddwyd ganddynt mewn cysylltiad ag—

(a) ymchwiliadau y mae gan Weinidogion Cymru hawl i adennill eu costau mewn perthynas â hwy o dan neu yn rhinwedd adran 250(4) o Ddeddf Llywodraeth Leol 1972 (gan gynnwys ymchwiliadau gorchymyn prynu gorfodol y cymhwysir yr adran honno iddynt gan adran 5 o Ddeddf Caffael Tir 1981) neu adran 69(5) o Ddeddf Draenio Tir 1991 ("ymchwiliadau lleol"); a

(b) gweithdrefnau cymwys fel y'u diffinnir gan adran 303A(1A) o Ddeddf Cynllunio Gwlad a Thref 1990 (archwiliadau annibynnol a gynhelir mewn perthynas â chynlluniau datblygu lleol ac ymchwiliadau mewn perthynas ag ystyried gwrthwynebiadau i gynlluniau parth cynllunio syml) ("gweithdrefnau cymwys").

Mae'r Rheoliadau hyn yn rhagnodi'r swm dyddiol safonol y caiff Gweinidogion Cymru ei adennill am bob diwrnod, neu ran o ddiwrnod—

(a) y bydd ymchwiliad lleol yn eistedd neu y bydd y person a benodir i gynnal yr ymchwiliad lleol fel arall yn gwneud gwaith sy'n gysylltiedig â'r ymchwiliad hwnnw; neu

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply where the Welsh Ministers are authorised to recover costs borne by them in connection with—

(a) inquiries in relation to which the Welsh Ministers are entitled to recover their costs under or by virtue of section 250(4) of the Local Government Act 1972 (including compulsory purchase order inquiries to which that section is applied by section 5 of the Acquisition of Land Act 1981) or section 69(5) of the Land Drainage Act 1991 ("local inquiries"); and

(b) qualifying procedures as defined by section 303A(1A) of the Town and Country Planning Act 1990 (independent examinations held in relation to local development plans and inquiries in relation to consideration of objections to simplified planning zone schemes) ("qualifying procedures").

These Regulations prescribe the standard daily amount which may be recovered by the Welsh Ministers for each day, or part of a day, on which—

(a) a local inquiry sits or the person appointed to hold the local inquiry is otherwise engaged in work connected with it; or

(b) y bydd y person a benodir i gynnal gweithdrefn gymwys wrthi'n cynnal y weithdrefn gymwys, neu fel arall yn gwneud gwaith sy'n gysylltiedig â'r weithdrefn honno.

Y swm dyddiol safonol yw £508 ar gyfer ymchwiliadau lleol a gweithdrefnau cymwys sy'n agor ar y dyddiad y daw'r Rheoliadau hyn i rym neu ar ôl hynny a chyn 1 Ebrill 2018. Y swm yw £513 ar gyfer ymchwiliadau lleol a gweithdrefnau cymwys sy'n agor ar 1 Ebrill 2018 neu ar ôl hynny a chyn 1 Ebrill 2019, a £518 ar gyfer ymchwiliadau lleol a gweithdrefnau cymwys sy'n agor ar 1 Ebrill 2019 neu ar ôl hynny. Mae'r symiau hyn yn disodli'r swm o £742 mewn perthynas ag ymchwiliadau lleol a'r swm o £679 mewn perthynas â gweithdrefnau cymwys a ragnodwyd yn Rheoliadau Ymchwiliadau Lleol, Ymchwiliadau Cymwys a Gweithdrefnau Cymwys (Swm Dyddiol Safonol) (Cymru) 2011 ("Rheoliadau 2011"). Darperir manylion pellach ynghylch sut y cyfrifwyd y symiau dyddiol safonol hyn a sut y mae Gweinidogion Cymru i adennill costau yn y Memorandwm Esboniadol.

Mae'r Rheoliadau hyn yn dirymu'r offerynnau a nodir yn yr Atodlen, gan gynnwys Rheoliadau 2011.

Ceir darpariaethau trosiannol a darpariaethau arbed.

Mae'r Memorandwm Esboniadol a'r Asesiad Effaith Rheoleiddiol sy'n gymwys i'r Rheoliadau hyn ar gael gan Lywodraeth Cymru yn: Parc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru ar www.llyw.cymru.

(b) the person appointed to hold a qualifying procedure is engaged in the holding of, or otherwise engaged on work connected with, the qualifying procedure.

The standard daily amount is £508 for local inquiries and qualifying procedures opening on or after the date on which these Regulations come into force and before 1 April 2018. The amount is £513 for local inquiries and qualifying procedures opening on or after 1 April 2018 and before 1 April 2019 and £518 for local inquiries and qualifying procedures opening on or after 1 April 2019. These replace the amounts of £742 in relation local inquiries and of £679 in relation to qualifying procedures which were prescribed in the Local Inquiries, Qualifying Inquiries and Qualifying Proceedings (Standard Daily Amount) (Wales) Regulations 2011 ("the 2011 Regulations"). Further details regarding how these standard daily amounts have been calculated and how costs are to be recovered by the Welsh Ministers are provided in the Explanatory Memorandum.

These Regulations revoke the instruments set out in the Schedule including the 2011 Regulations.

There are transitional and saving provisions.

The Explanatory Memorandum and Regulatory Impact Assessment applicable to these Regulations are obtainable from the Welsh Government at: Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at www.gov.wales.

2017 Rhif 476 (Cy. 99)

TRIBIWNLYSOEDD AC YMCHWILIADAU, CYMRU

CYNLLUNIO GWLAD A THREF, CYMRU

Rheoliadau Ymchwiliadau Lleol a Gweithdrefnau Cymwys (Swm Dyddiol Safonol) (Cymru) 2017

Gwnaed *24 Mawrth 2017*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *31 Mawrth 2017*

Yn dod i rym *5 Mai 2017*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 42(4) o Ddeddf Tai a Chynllunio 1986(**1**) i unrhyw Weinidog a awdurdodir, o dan neu yn rhinwedd y darpariaethau statudol a grybwyllir yn adran 42(1)(**2**) o'r Ddeddf honno neu y cymhwysir yr

(**1**) 1986 p. 63.

(**2**) Diddymwyd adran 42(1)(b) gan adran 3(1) o Ddeddf Crynhoi Dŵr (Darpariaethau Canlyniadol) 1991 (p. 60) a Rhan 1 o Atodlen 3 iddi. Diddymwyd adran 42(1)(d) gan adran 194(4) o Ddeddf Llywodraeth Leol a Thai 1989 (p. 42) a Rhan 2 o Atodlen 12 iddi. Diddymwyd adran 129(1)(d) o Ddeddf Rheoleiddio Traffig Ffyrdd 1984 (p. 27), y cyfeirir ati yn adran 42(1)(c), gan adran 49(2) o Ddeddf Ymchwiliadau 2005 (p. 12) ac Atodlen 3 iddi.

2017 No. 476 (W. 99)

TRIBUNALS AND INQUIRIES, WALES

TOWN AND COUNTRY PLANNING, WALES

The Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017

Made *24 March 2017*

Laid before the National Assembly for Wales *31 March 2017*

Coming into force *5 May 2017*

The Welsh Ministers in exercise of the powers conferred by section 42(4) of the Housing and Planning Act 1986(**1**) on any Minister authorised, under or by virtue of statutory provisions mentioned in section 42(1)(**2**) of that Act or to which that section is

(**1**) 1986 c. 63.

(**2**) Section 42(1)(b) was repealed by section 3(1) of, and Part 1 of Schedule 3 to, the Water Consolidation (Consequential Provisions) Act 1991 (c. 60). Section 42(1)(d) was repealed by section 194(4) of, and Part 2 of Schedule 12 to, the Local Government and Housing Act 1989 (c. 42). Section 129(1)(d) of the Road Traffic Regulation Act 1984 (c. 27) referred to in section 42(1)(c) was repealed by section 49(2) of, and Schedule 3 to, the Inquiries Act 2005 (c. 12).

adran honno iddynt(**1**), i adennill costau yr aed iddynt gan y Gweinidog mewn perthynas ag ymchwiliad, sef pwerau sy'n arferadwy bellach ganddynt hwy(**2**); ac a roddir i Gynulliad Cenedlaethol Cymru fel yr awdurdod cymwys gan adran 303A(5) o Ddeddf Cynllunio Gwlad a Thref 1990(**3**), sef pwerau sydd bellach yn arferadwy ganddynt hwy(**4**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ymchwiliadau Lleol a Gweithdrefnau Cymwys (Swm Dyddiol Safonol) (Cymru) 2017 a deuant i rym ar 5 Mai 2017.

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

(3) Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag—

(a) ymchwiliad lleol; a

(b) unrhyw berson a benodir gan Weinidogion Cymru i gynnal gweithdrefn gymwys.

applied(**1**), to recover costs incurred by the Minister in relation to an inquiry, which powers are now exercisable by them(**2**); and conferred upon the National Assembly for Wales as the appropriate authority by section 303A(5) of the Town and Country Planning Act 1990(**3**) which powers are now exercisable by them(**4**), make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017 and they come into force on 5 May 2017.

(2) These Regulations apply in relation to Wales.

(3) These Regulations apply in relation to—

(a) a local inquiry; and

(b) any person appointed by the Welsh Ministers to hold a qualifying procedure.

(**1**) Mae adran 69(7) o Ddeddf Draenio Tir 1991 (p. 59) ("Deddf 1991") yn darparu bod adran 42 o Ddeddf Tai a Chynllunio 1986 ("Deddf 1986") yn gymwys pan fo'r naill neu'r llall o "the Ministers" wedi ei awdurdodi gan adran 69(5) o Ddeddf 1991 i adennill costau yr aed iddynt gan y Gweinidog hwnnw mewn perthynas ag ymchwiliad fel y mae'n gymwys pan fo Gweinidog wedi ei awdurdodi yn rhinwedd unrhyw ddeddfiad a bennir yn adran 42(1) o Ddeddf 1986. *Gweler* adran 72(1) o Ddeddf 1991 a Gorchymyn y Weinyddiaeth Amaethyddiaeth, Pysgodfeydd a Bwyd (Diddymu) 2002 (O.S. 2002/794) am ddiffiniad o "the Ministers" h.y. yr Ysgrifennydd Gwladol neu'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ("Gorchymyn Trosglwyddo Swyddogaethau 1999") ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.

(**2**) Mae erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) (Cy. 5) ac Atodlen 1 iddo, yn darparu i'r swyddogaethau o dan adran 42 o Ddeddf 1986 fod yn arferadwy gan Gynulliad Cenedlaethol Cymru yn gydredol ag unrhyw Weinidog y Goron y maent yn arferadwy ganddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.

(**3**) 1990 p. 8. Mewnosodwyd adran 303A yn Neddf Cynllunio Gwlad a Thref 1990 ("Deddf 1990") gan adran 1(1) o Ddeddf Cynllunio Gwlad a Thref (Costau Ymchwiliadau etc.) 1995 (p. 49) a diddymwyd y Ddeddf honno gan Ddeddf Cyfraith Statud (Diddymiadau) 2008 (p. 12). Diwygiwyd adran 303A(5) gan adran 118(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5) ("Deddf 2004") a pharagraff 11 o Atodlen 6 iddi. *Gweler* adran 336 o Ddeddf 1990 i gael ystyr "prescribed".

(**4**) Trosglwyddwyd y swyddogaethau o dan adran 303A(5) o Ddeddf 1990 i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.

(**1**) Section 69(7) of the Land Drainage Act 1991 (c. 59) ("the 1991 Act") provides that section 42 of the Housing and Planning Act 1986 ("the 1986 Act") applies where either of "the Ministers" is authorised by section 69(5) of the 1991 Act to recover costs incurred by that Minister in relation to an inquiry as it applies where a Minister is authorised by virtue of any enactment specified in section 42(1) of the 1986 Act. *See* section 72(1) of the 1991 Act and the Ministry of Agriculture, Fisheries and Food (Dissolution) Order (S.I. 2002/794) for the definition of "the Ministers" i.e. the Secretary of State or the Minister of Agriculture, Fisheries and Food. The functions of the Secretary of State were 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) ("the 1999 TFO"). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32) ("GOWA").

(**2**) Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W. 5) provides for the functions under section 42 of the 1986 Act to be exercisable by the National Assembly for Wales concurrently with any Minister of the Crown by whom they are exercisable. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, GOWA.

(**3**) 1990 c. 8. Section 303A was inserted into the Town and Country Planning Act 1990 ("the 1990 Act") by section 1(1) of the Town and Country Planning (Costs of Inquiries etc.) Act 1995 (c. 49) which was itself repealed by the Statute Law (Repeals) Act 2008 (c. 12). Section 303A(5) was amended by section 118(1) of, and paragraph 11 of Schedule 6 to, the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act"). *See* section 336 of the 1990 Act for the meaning of "prescribed".

(**4**) The functions under section 303A(5) of the 1990 Act were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, GOWA.

(4) Yn y Rheoliadau hyn—

ystyr "gweithdrefn gymwys" yw gweithdrefn gymwys o fewn yr ystyr sydd i'r term "*qualifying procedure*" yn adran 303A(1A) o Ddeddf Cynllunio Gwlad a Thref 1990(**1**); ac

ystyr "ymchwiliad lleol" ("*local inquiry*") yw ymchwiliad y mae gan Weinidogion Cymru yr hawl i adennill eu costau mewn perthynas ag ef o dan neu yn rhinwedd adran 250(4) o Ddeddf Llywodraeth Leol 1972 (darpariaeth gyffredinol o ran costau ymchwiliadau)(**2**) neu adran 69(5) o Ddeddf Draenio Tir 1991 (costau ymchwiliad o dan y Ddeddf honno).

Y swm dyddiol safonol ar gyfer ymchwiliadau lleol a gweithdrefnau cymwys

2. Y swm dyddiol safonol a ragnodir yn unol ag adran 42(4) o Ddeddf Tai a Chynllunio 1986 ar gyfer ymchwiliad lleol ac adran 303A(5) o Ddeddf Cynllunio Gwlad a Thref 1990 ar gyfer gweithdrefn gymwys—

(a) sy'n agor ar y dyddiad y daw'r Rheoliadau hyn i rym neu ar ôl hynny a chyn 1 Ebrill 2018 yw £508;

(b) sy'n agor ar 1 Ebrill 2018 neu ar ôl hynny a chyn 1 Ebrill 2019 yw £513; ac

(c) sy'n agor ar 1 Ebrill 2019 neu ar ôl hynny yw £518.

Darpariaethau dirymu ac arbed

3.—(1) Yn ddarostyngedig i baragraff (2), mae'r Rheoliadau a bennir yn y tabl yn yr Atodlen wedi eu dirymu i'r graddau y maent yn gymwys o ran Cymru.

(2) Mae Rheoliadau Ymchwiliadau Lleol, Ymchwiliadau Cymwys a Gweithdrefnau Cymwys (Swm Dyddiol Safonol) (Cymru) 2011(**3**) yn parhau i gael effaith mewn perthynas ag ymchwiliad lleol neu weithdrefn gymwys yr oedd y Rheoliadau hynny yn gymwys iddo neu iddi ac a agorodd cyn y dyddiad y daw'r Rheoliadau hyn i rym, ac sy'n parhau ar ôl y dyddiad hwnnw.

(4) In these Regulations—

"local inquiry" ("*ymchwiliad lleol*") means an inquiry in relation to which the Welsh Ministers are entitled to recover their costs under or by virtue of section 250(4) of the Local Government Act 1972 (general provision as to costs of inquiries)(**1**) or section 69(5) of the Land Drainage Act 1991 (costs of an inquiry under that Act); and

"qualifying procedure" ("*gweithdrefn gymwys*") means a qualifying procedure within the meaning of that term in section 303A(1A) of the Town and Country Planning Act 1990(**2**).

Standard daily amount for local inquiries and qualifying procedures

2. The standard daily amount prescribed pursuant to section 42(4) of the Housing and Planning Act 1986 for a local inquiry and section 303A(5) of the Town and Country Planning Act 1990 for a qualifying procedure—

(a) opening on or after the date on which these Regulations come into force and before 1 April 2018 is £508;

(b) opening on or after 1 April 2018 and before 1 April 2019 is £513; and

(c) opening on or after 1 April 2019 is £518.

Revocation and saving provisions

3.—(1) Subject to paragraph (2), the Regulations specified in the table in the Schedule are revoked in so far as they apply in relation to Wales.

(2) The Local Inquiries, Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2011(**3**) continue to have effect in relation to a local inquiry or qualifying procedure to which those Regulations applied and which opened before, and remains ongoing after the date on which these Regulations come into force.

(**1**) Mewnosodwyd adran 303(1A) yn Neddf 1990 gan adran 118 o Ddeddf 2004 a pharagraff 11 o Atodlen 6 iddi.

(**2**) 1972 p. 70. Trosglwyddwyd y swyddogaethau o dan adran 250(4) o Ddeddf Llywodraeth Leol 1972 i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Trosglwyddo Swyddogaethau 1999 ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.

(**3**) O.S. 2011/2415 (Cy. 261).

(**1**) 1972 c. 70. The functions under section 250(4) of the Local Government Act 1972 were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the 1999 TFO. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, GOWA.

(**2**) Section 303(1A) was inserted into the 1990 Act by section 118 of, and paragraph 11 of Schedule 6 to, the 2004 Act.

(**3**) S.I. 2011/2415 (W. 261).

Lesley Griffiths

Ysgrifennydd Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru
24 Mawrth 2017

Cabinet Secretary for Environment and Rural Affairs, one of the Welsh Ministers
24 March 2017

YR ATODLEN Rheoliad 3

Yr Offerynnau Statudol a ddirymir i'r graddau y maent yn gymwys o ran Cymru

Y Rheoliadau a ddirymir	*Cyfeirnod*
Rheoliadau Ffioedd Ymchwiliadau (Swm Dyddiol Safonol) 1994	1994/642
Rheoliadau Cynllunio Gwlad a Thref (Costau Ymchwiliadau etc.) (Swm Dyddiol Safonol) 1996	1996/24
Rheoliadau Ffioedd Ymchwiliadau (Swm Dyddiol Safonol) 1998	1998/2864
Rheoliadau Cynllunio Gwlad a Thref (Costau Ymchwiliadau etc.) (Swm Dyddiol Safonol) 1999	1999/327
Rheoliadau Ymchwiliadau Lleol, Ymchwiliadau Cymwys a Gweithdrefnau Cymwys (Swm Dyddiol Safonol) (Cymru) 2011	2011/2415 (Cy. 261)

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SCHEDULE Regulation 3

Statutory Instruments revoked so far as they apply in relation to Wales

Regulations revoked	*Reference*
The Fees for Inquiries (Standard Daily Amount) Regulations 1994	1994/642
The Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) Regulations 1996	1996/24
The Fees for Inquiries (Standard Daily Amount) Regulations 1998	1998/2864
The Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) Regulations 1999	1999/327
The Local Inquiries, Qualifying Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2011	2011/2415 (W. 261)

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The Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017

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