



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1157 (Cy.74)

2005 No. 1157 (W.74)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**Rheoliadau Gwerthoedd Terfyn
Ansawdd Aer (Cymru) (Diwygio)
2005**

**The Air Quality Limit Values
(Wales) (Amendment) Regulations
2005**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwerthoedd Terfyn Ansawdd Aer (Cymru) 2002 (O.S. 2002/3183 (Cy.299)) ("Rheoliadau 2002"), sy'n gweithredu, o ran Cymru, Gyfarwyddeb y Cyngor 96/62/EC ar asesu a rheoli ansawdd aer amgylchynol(1), Cyfarwyddeb y Cyngor 99/30/EC ynghylch gwerthoedd terfyn ar gyfer sylffwr deuocsid, nitrogen deuocsid ac ocsidau nitrogen, mater gronynnol a phlwm(2) a Chyfarwyddeb y Cyngor 2000/69/EC ynghylch gwerthoedd terfyn ar gyfer bensen a charbon monocsid mewn aer amgylchynol(3).

These Regulations amend the Air Quality Limit Values (Wales) Regulations 2002 (S.I. 2002/3183 (W.299)) ("the 2002 Regulations"), which implement, in relation to Wales, Council Directive 96/62/EC on ambient air quality assessment and management(1), Council Directive 99/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead(2) and Council Directive 2000/69/EC relating to limit values for benzene and carbon monoxide in ambient air(3).

Mae rheoliad 3 yn diwygio Rheoliadau 2002 at ddibenion gweithredu Erthygl 2 o Gyfarwyddeb 2003/35/EC Senedd Ewrop a'r Cyngor ar gyfranogiad y cyhoedd o ran llunio cynlluniau a rhaglenni penodol sy'n ymwneud â'r amgylchedd(4).

Regulation 3 amends the 2002 Regulations for the purpose of implementing Article 2 of Directive 2003/35/EC of the European Parliament and of the Council on public participation in respect of the drawing up of certain plans and programmes relating to the environment(4).

Mae rheoliad 4 yn ychwanegu dull amgen ar gyfer samplu a mesur PM10 er mwyn iddo gydymffurfio â'r dulliau y darparwyd ar eu cyfer yng Nghyfarwyddeb y Cyngor 99/30/EC.

Regulation 4 adds an alternative method for the sampling and measurement of PM10 to bring it into line with the methods provided for in Council Directive 99/30/EC.

(1) OJ L296, 21.11.1996, t.55, fel y'i diwygiwyd gan Reoliad (EC) 1882/2003 Senedd Ewrop a'r Cyngor, OJ L284, 31.10.2003, t.1.

(2) OJ L163, 29.6.1999, t.41, a ddiwygiwyd gan Benderfyniad y Comisiwn 2001/774/EC, OJ L 278, 23.10.2001, t.35.

(3) OJ L313, 13.12.2000, t.12.

(4) OJ Rhif L156, 25.6.2003, t.17.

(1) OJ L296, 21.11.1996, p.55, amended by Regulation (EC) 1882/2003 of the European Parliament and Council, OJ L284, 31.10.2003, p.1.

(2) OJ L163, 29.6.1999, p.41, amended by Commission Decision 2001/774/EC, OJ L 278, 23.10.2001, p.35.

(3) OJ L313, 13.12.2000, p.12.

(4) OJ No. L156, 25.6.2003, p.17.

2005 Rhif 1157 (Cy.74)**2005 No. 1157 (W.74)****DIOGELU'R AMGYLCHEDD,
CYMRU****ENVIRONMENTAL
PROTECTION, WALES****Rheoliadau Gwerthoedd Terfyn
Ansawdd Aer (Cymru) (Diwygio)
2005****The Air Quality Limit Values
(Wales) (Amendment) Regulations
2005***Wedi'u gwneud**12 Ebrill 2005**Made**12 April 2005**Yn dod i rym**30 Ebrill 2005**Coming into force**30 April 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 29 o Ddeddf Llywodraeth Cymru 1998(1) ac is-adran (2) o adran 2 o Ddeddf y Cymunedau Ewropeaidd 1972(2), ac yntau wedi'i ddynodi(3) at ddibenion yr is-adran honno o ran mesurau sy'n ymwneud ag asesu a rheoli ansawdd aer amgylchynol a chydymffurfio â gwerthoedd terfyn, gwerthoedd targed ac amcanion ansawdd aer, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by section 29 of the Government of Wales Act 1998(1) and subsection (2) of section 2 of the European Communities Act 1972(2), and having been designated(3) for the purpose of that subsection in relation to measures relating to the assessment and management of ambient air quality and compliance with air quality limit values, target values and objectives, hereby makes the following Regulations:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwerthoedd Terfyn Ansawdd Aer (Cymru) (Diwygio) 2005 a deuant i rym ar 30 Ebrill 2005.

Citation, commencement and application

1.-(1) These Regulations may be cited as the Air Quality Limit Values (Wales) (Amendment) Regulations 2005 and come into force on 30 April 2005.

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

(2) These Regulations apply in relation to Wales.

Diffiniad

2. Yn y Rheoliadau hyn, ystyr "Rheoliadau 2002" ("*the 2002 Regulations*") yw Rheoliadau Gwerthoedd Terfyn Ansawdd Aer (Cymru) 2002(4).

Definition

2. In these Regulations, "the 2002 Regulations" ("*Rheoliadau 2002*") means the Air Quality Limit Values (Wales) Regulations 2002(4).

(1) 1998 p.38.

(2) 1972 p.68.

(3) *Gweler* Erthygl 2 o Orchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) 2000, O.S. 2000/2812.

(4) O.S. 2002/3183 (Cy.299).

(1) 1998 c.38.

(2) 1972 c.68.

(3) *See* Article 2 of the European Communities (Designation) (No.3) Order 2000, S.I. 2000/2812.

(4) S.I. 2002/3183 (W.299).

Diwygiadau i Reoliadau 2002: cyfranogiad y cyhoedd

3.-(1) Yn rheoliad 2 o Reoliadau 2002, mewnosoder y diffiniad canlynol yn y lle priodol:

"ystyr "y cyhoedd" yw person neu bersonau naturiol neu gyfreithiol, gan gynnwys cyrff gofalu iechyd a chyrff sydd â buddiant yn ansawdd yr aer amgylchynol ac sy'n cynrychioli buddiannau poblogaethau sensitif, defnyddwyr a'r amgylchedd ond heb eu cyfyngu i'r cyrff hynny;"

(2) Yn rheoliad 10 o Reoliadau 2002, mewnosoder ar ôl paragraff (11)-

"(12) Rhaid i'r Cynulliad Cenedlaethol sicrhau bod cyfleoedd cynnar ac effeithiol yn cael eu rhoi i'r cyhoedd i gymryd rhan wrth baratoi ac addasu neu adolygu unrhyw gynllun neu raglen y mae'n ofynnol eu llunio o dan baragraff (3), yn unol â pharagraffau (13) a (14).

(13) Rhaid i'r Cynulliad Cenedlaethol-

- (a) sicrhau bod y cyhoedd yn cael ei hysbysu, p'un ai drwy hysbysiadau cyhoeddus neu ddulliau priodol eraill megis cyfrwng electronig, ynghylch unrhyw gynigion ar gyfer paratoi cynlluniau neu raglenni o'r fath, neu ar gyfer eu haddasu neu eu diwygio;
- (b) sicrhau bod unrhyw wybodaeth am y cynigion y cyfeirir atynt ym mharagraff (a) y mae'r Cynulliad Cenedlaethol yn ystyried ei bod yn berthnasol ar gael i'r cyhoedd, gan gynnwys gwybodaeth am yr hawl i gymryd rhan yn y broses o wneud penderfyniadau ac i gyflwyno sylwadau i'r Cynulliad Cenedlaethol;
- (c) sicrhau bod cyfle gan y cyhoedd i gyflwyno sylwadau cyn i benderfyniadau ar y cynllun neu'r rhaglen gael eu gwneud;
- (ch) cymryd sylw dyladwy o unrhyw sylwadau o'r fath wrth benderfynu; a
- (d) ar ôl astudio'r sylwadau a gyflwynwyd gan y cyhoedd, gwneud ymdrechion rhesymol i hysbysu'r cyhoedd am y penderfyniadau a wnaed a'r ystyriaethau y seiliwyd y penderfyniadau hynny arnynt, gan gynnwys gwybodaeth am y broses o gyfranogiad y cyhoedd.

(14) Rhaid i'r Cynulliad Cenedlaethol gyhoeddi unrhyw wybodaeth y mae'n ofynnol iddo ei rhoi o dan baragraffau (12) a (13) yn y dull y mae'n ystyried sy'n briodol at ddibenion ei dwyn i sylw'r cyhoedd a rhaid iddo-

- (a) peri bod copïau o'r wybodaeth honno ar gael i'r cyhoedd yn ddi-dâl drwy wefan Cynulliad Cenedlaethol Cymru; a

Amendments to the 2002 Regulations: public participation

3.-(1) In regulation 2 of the 2002 Regulations, insert in the appropriate place the following definition:

"public" means one or more natural or legal persons, including, but not limited to, health care bodies and organisations having an interest in ambient air quality and representing the interests of sensitive populations, consumers and the environment;"

(2) In regulation 10 of the 2002 Regulations, insert after paragraph (11)-

"(12) The National Assembly must ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of any plan or programme which is required to be drawn up under paragraph (3), in accordance with paragraphs (13) and (14).

(13) The National Assembly must-

- (a) ensure that the public is informed, whether by public notices or other appropriate means such as electronic media, about any proposals for the preparation of such plans or programmes, or for their modification or review;
- (b) ensure that any information about the proposals referred to in paragraph (a) which the National Assembly considers to be relevant is made available to the public, including information about the right to participate in decision-making and to submit comments to the National Assembly;
- (c) ensure that the public is given an opportunity to submit comments before decisions on the plan or programme are made;
- (d) take due account of any such comments in making those decisions; and
- (e) having examined the comments submitted by the public, make reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which those decisions were based, including information about the public participation process.

(14) The National Assembly must publish any information which it is required to give under paragraphs (12) and (13) in such manner as it considers appropriate for the purpose of bringing it to the attention of the public and must-

- (a) make copies of such information accessible to the public free of charge through the website of the National Assembly for Wales; and

- (b) pennu mewn hysbysiad ar y wefan honno y trefniadau manwl a wnaed i'r cyhoedd gymryd rhan wrth baratoi, addasu ac adolygu cynlluniau neu raglenni, gan gynnwys
- (i) y cyfeiriad lle mae'n rhaid cyflwyno sylwadau, a
 - (ii) yr amserlenni erbyn pryd y ceir cyflwyno sylwadau, gan ganiatáu digon o amser ar gyfer pob un o'r gwahanol gyfnodau i'r cyhoedd gymryd rhan fel sy'n ofynnol gan baragraffau (12) a (13)."

(3) Yn rheoliad 12 o Reoliadau 2002, hepgorer paragraff (9).

Diwygio Rheoliadau 2002: dull asesu

4. Yn rheoliad 8(6) o Reoliadau 2002, ar ôl "canlyniadau cyfwerth" mewnosoder "neu, o ran samplu a mesur PM10, y mae'r Cynulliad Cenedlaethol yn credu bod modd dangos eu bod yn arddangos perthynas gyson â'r dull cyfeirio".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998.

12 Ebrill 2005

Llywydd y Cynulliad Cenedlaethol

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- (b) specify in a notice on that website the detailed arrangements which it has made for public participation in the preparation, modification and review of plans or programmes, including
- (i) the address to which comments must be submitted and
 - (ii) the timescales within which comments may be submitted, allowing sufficient time for each of the different stages of public participation required by paragraphs (12) and (13)."

(3) In regulation 12 of the 2002 Regulations, omit paragraph (9).

Amendment to the 2002 Regulations: assessment method

4. In regulation 8(6) of the 2002 Regulations, after "equivalent results" insert "or, in relation to the sampling and measurement of PM10, which the National Assembly considers can be demonstrated to display a consistent relationship to the reference method".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

12 April 2005

The Presiding Officer of the National Assembly

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