



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 1075 (Cy. 225)

2018 No. 1075 (W. 225)

Y DIWYDIANT DŴR, CYMRU

WATER INDUSTRY, WALES

**Rheoliadau Draenio Cynaliadwy
(Cais am Ffioedd Cymeradwyo)
(Cymru) 2018**

**The Sustainable Drainage
(Application for Approval Fees)
(Wales) Regulations 2018**

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 gwneud darpariaeth i gorff cymeradwyo godi ffioedd mewn perthynas â cheisiadau i gymeradwyo systemau draenio cynaliadwy yn unol ag Atodlen 3 i Ddeddf Rheoli Llifogydd a Dŵr 2010 (p. 29).

These Regulations make provision for an approving body to charge fees in relation to applications for approval of sustainable drainage systems pursuant to Schedule 3 to the Flood and Water Management Act 2010 (c. 29).

Mae rheoliad 3 yn darparu y caiff corff cymeradwyo godi ffi ("ffi am gais") mewn perthynas â chais i gymeradwyo system ddraenio, a bod rhaid i ffioedd o'r fath gael eu pennu yn unol â'r Rheoliadau hyn.

Regulation 3 provides that an approving body may charge a fee (an "application fee") in relation to an application for approval of a drainage system, and that such fees must be determined in accordance with these Regulations.

Mae rheoliad 4 yn darparu'r dull o bennu'r ffioedd am gais, yn ddarostyngedig i reoliadau 5 i 9.

Regulation 4 provides for the method of determination of application fees, subject to regulations 5 to 9.

Mae rheoliad 5 yn darparu ar gyfer ffioedd gostyngol am gais mewn achosion lle gwneir cais gan gyngor cymuned.

Regulation 5 provides for discounted application fees in cases where an application is made by a community council.

Mae rheoliad 6 yn darparu pan fo achosion lle caiff cais ei addasu drwy gytundeb rhwng y corff cymeradwyo a'r ceisydd cyn ei benderfynu, ni fydd unrhyw ffi ychwanegol yn daladwy mewn cysylltiad â'r addasiad y cytunwyd arno.

Regulation 6 provides that in cases where, before it is determined, an application is modified by agreement between the approving body and the applicant, no additional fee is payable with respect to the agreed modification.

Mae rheoliad 7 yn darparu ar gyfer ffioedd gostyngol mewn perthynas â cheisiadau sy'n cynnwys mwy nag un cynnig arall ar gyfer system ddraenio.

Regulation 7 provides for discounted fees in relation to applications involving two or more alternative proposals for a drainage system.

Mae rheoliad 8 yn darparu i ffioedd fod yn daladwy am arolygiadau, pan fo corff cymeradwyo yn rhoi cymeradwyaeth yn ddarostyngedig i amod bod un neu ragor o arolygiadau yn cael ei gynnal neu eu cynnal.

Mae rheoliad 9 yn darparu ar gyfer ffi ostyngol am gais pan fo datblygwr yn gwneud cais dilynol am gymeradwyaeth sy'n ymwneud yn gyfan gwbl neu'n bennaf â system ddraenio y cytunwyd arni yn flaenorol o fewn y cyfnod o 12 mis cyn y cais dilynol.

Mae rheoliad 10 yn darparu i'r ffioedd am gais gael eu had-dalu mewn amgylchiadau penodol.

Lluniwyd asesiad effaith rheoleiddiol, o ran Cymru, o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

Regulation 8 provides for fees to be payable for inspections, where an approving body grants approval subject to a condition that one or more inspections take place.

Regulation 9 provides for a discounted application fee where a developer makes a subsequent application for approval relating wholly or mainly to a drainage system that has been previously approved within the period of 12 months preceding the subsequent application.

Regulation 10 provides for refund of application fees in certain circumstances.

A regulatory impact assessment in relation to Wales has been prepared on the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

2018 Rhif 1075 (Cy. 225)

2018 No. 1075 (W. 225)

Y DIWYDIANT DŴR, CYMRU

WATER INDUSTRY, WALES

**Rheoliadau Draenio Cynaliadwy
(Cais am Ffioedd Cymeradwyo)
(Cymru) 2018**

**The Sustainable Drainage
(Application for Approval Fees)
(Wales) Regulations 2018**

Gwnaed 10 Hydref 2018

Made 10 October 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 15 Hydref 2018

Laid before the National Assembly for Wales
15 October 2018

Yn dod i rym 7 Ionawr 2019

Coming into force 7 January 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 32 a 48(2) o Ddeddf Rheoli Llifogydd a Dŵr 2010(1), a pharagraffau 4(a) a 13 o Atodlen 3 iddi, yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 32 and 48(2) of, and paragraphs 4(a) and 13 of Schedule 3 to, the Flood and Water Management Act 2010(1) make the following Regulations.

Yn unol â pharagraff 13(3) o Atodlen 3 i'r Ddeddf honno, mewn perthynas â ffioedd am geisiadau am gymeradwyaeth, mae Gweinidogion Cymru wedi rhoi sylw i ba mor ddymunol fyddai sicrhau nad yw incwm y ffi yn sylweddol uwch na'r costau (uniongyrchol ac anuniongyrchol) y mae'r cyrff sy'n cymeradwyo(2) yn mynd iddynt mewn cysylltiad â chymeradwyo.

In accordance with paragraph 13(3) of Schedule 3 to that Act, in relation to fees for applications for approval, the Welsh Ministers have had regard to the desirability of ensuring that fee income does not significantly exceed the costs (direct and indirect) that approving bodies(2) incur in connection with approval.

Enwi a chychwyn

Title and commencement

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Draenio Cynaliadwy (Cais am Ffioedd Cymeradwyo) (Cymru) 2018.

1.—(1) The title of these Regulations is the Sustainable Drainage (Application for Approval Fees) (Wales) Regulations 2018.

(2) Daw'r Rheoliadau hyn i rym ar 7 Ionawr 2019.

(2) These Regulations come into force on 7 January 2019.

(1) 2010 p. 29. Diwygiwyd Atodlen 3 gan adrannau 21(3), 88(a) ac 88(b) o Ddeddf Dŵr 2014 (p. 21) ac O.S. 2012/1659 a 2013/755 (Cy. 90).

(2) Diffinnir "approving body" ym mharagraff 6 o Atodlen 3.

(1) 2010 c. 29. Schedule 3 was amended by sections 21(3), 88(a) and 88(b) of the Water Act 2014 (c. 21) and S.I. 2012/1659 and 2013/755 (W. 90).

(2) "Approving body" is defined in paragraph 6 of Schedule 3.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “Atodlen 3” (“*Schedule 3*”) yw Atodlen 3 i Ddeddf Rheoli Llifogydd a Dŵr 2010;

ystyr “cais” (“*application*”) yw cais am gymeradwyaeth a wneir i gorff cymeradwyo yn unol â pharagraff 9(2) neu 10(2) o Atodlen 3 ac mae cyfeiriadau at “ceisydd” (“*applicant*”) i’w dehongli yn unol â hynny;

ystyr “cymeradwyaeth” (“*approval*”) yw cymeradwyaeth yn unol â pharagraff 7(1) o Atodlen 3;

ystyr “ffi am gais” (“*application fee*”) yw ffi sydd i’w chodi mewn perthynas â chais.

(2) Yn y Rheoliadau hyn, mae cyfeiriad at “gwaith adeiladu”(1) i’w dehongli fel cyfeiriad at waith adeiladu y mae iddo oblygiadau o ran draenio(2).

Ffioedd ceisiadau

3.—(1) Caiff corff cymeradwyo godi ffi am gais ar geisydd.

(2) Rhaid pennu ffi am gais yn unol â’r Rheoliadau hyn.

Graddfa ffioedd

4.—(1) Yn ddarostyngedig i reoliadau 5 i 9, pennir ffi am gais fel a ganlyn—

- (a) £350 am bob cais, a
- (b) swm ychwanegol hyd at uchafswm o £7,500 a gyfrifir drwy gyfeirio at faint yr ardal adeiladu fel a ganlyn—
 - (i) £70 am bob 0.1 hectar neu ffracsiwn o 0.1 hectar, am y 0.5 hectar cyntaf;
 - (ii) £50 am bob 0.1 hectar neu ffracsiwn o 0.1 hectar, o 0.5 hectar hyd at a chan gynnwys 1.0 hectar;
 - (iii) £20 am bob 0.1 hectar neu ffracsiwn o 0.1 hectar, o 1.0 hectar a hyd at a chan gynnwys 5.0 hectar;
 - (iv) £10 am bob 0.1 hectar ychwanegol neu ffracsiwn o 0.1 hectar sy’n fwy na 5.0 hectar.

Interpretation

2.—(1) In these Regulations—

“application” (“*cais*”) means an application for approval made to an approving body in accordance with paragraph 9(2) or 10(2) of Schedule 3 and references to an “applicant” (“*ceisydd*”) are to be construed accordingly;

“application fee” (“*ffi am gais*”) means a fee chargeable in relation to an application;

“approval” (“*cymeradwyaeth*”) means an approval pursuant to paragraph 7(1) of Schedule 3;

“Schedule 3” (“*Atodlen 3*”) means Schedule 3 to the Flood and Water Management Act 2010.

(2) In these Regulations a reference to “construction work”(1) is to be construed as a reference to construction work having drainage implications(2).

Application fees

3.—(1) An approving body may charge an applicant an application fee.

(2) An application fee must be determined in accordance with these Regulations.

Scale of fees

4.—(1) Subject to regulations 5 to 9 an application fee is to be determined as follows—

- (a) £350 for each application, and
- (b) an additional amount up to a maximum of £7,500 calculated by reference to the size of the construction area as follows—
 - (i) £70 for each 0.1 hectare or fraction of 0.1 of a hectare, for the first 0.5 hectare;
 - (ii) £50 for each 0.1 hectare or fraction of 0.1 of a hectare, from 0.5 hectare up to and including 1.0 hectare;
 - (iii) £20 for each 0.1 hectare or fraction of 0.1 of a hectare, from 1.0 hectare up to and including 5.0 hectares;
 - (iv) £10 for each additional 0.1 hectare or fraction of 0.1 of a hectare in excess of 5.0 hectares.

(1) Diffinnir “construction work” ym mharagraff 7(2)(a) o Atodlen 3.

(2) Diffinnir “drainage implications” ym mharagraff 7(2)(b) o Atodlen 3.

(1) “Construction work” is defined in paragraph 7(2)(a) of Schedule 3.

(2) “Drainage implications” is defined in paragraph 7(2)(b) of Schedule 3.

- (2) Yn y rheoliad hwn, ystyr “ardal adeiladu” yw—
- (a) yr ardal o dir a nodwyd ar blun sy’n mynd gyda’r cais am ganiatâd cynllunio⁽¹⁾, neu
 - (b) os nad oes cais am ganiatâd cynllunio wedi ei wneud, yr ardal o dir y mae’r gwaith adeiladu wedi cychwyn arno, neu y bwriedir cychwyn gwaith adeiladu arno.

Ffi sy’n daladwy gan gyngor cymuned am gais

5.—(1) Os mai cyngor cymuned yw’r ceisydd, mae’r ffi am gais hanner y swm a fyddai i’w godi, oni bai am y rheoliad hwn, yn unol â rheoliad 4.

(2) Yn y rheoliad hwn, ystyr “cyngor cymuned” yw cyngor cymuned neu dref yn unol â Rhan 2 o Ddeddf Llywodraeth Leol 1972⁽²⁾.

Cais a addaswyd drwy gytundeb cyn dod i benderfyniad

6. Os caiff cais am gymeradwyaeth ei addasu drwy gytundeb rhwng y corff cymeradwyo a’r ceisydd cyn i’r corff cymeradwyo ddod i benderfyniad yn ei gylch, ni chaniateir i’r corff hwnnw godi ffi mewn perthynas â’r addasiad y cytunwyd arno.

Ffioedd am geisiadau sy’n cynnwys cynigion eraill

7.—(1) Rhaid pennu ffi am gais yn unol â pharagraff (2) pan fo’r ceisydd—

- (a) yn gwneud mwy nag un cais i gymeradwyo system ddraenio⁽³⁾ ar gyfer gwaith adeiladu, a phob un yn amlinellu cynnig arall i adeiladu system ddraenio ar gyfer y gwaith adeiladu hwnnw, neu
- (b) yn gwneud un cais i gymeradwyo system ddraenio ar gyfer gwaith adeiladu sy’n amlinellu mwy nag un o gynigion eraill i adeiladu system ddraenio ar gyfer y gwaith adeiladu hwnnw.

(2) Swm y ffi am gais yw—

- (a) y ffi sydd i’w chodi am y cais neu (yn achos paragraff (1)(b)) y cynnig, a fyddai’n denu’r ffi uchaf yn unol â rheoliad 4, a
- (b) hanner y swm o’r ffioedd a fyddai i’w codi oni bai am y rheoliad hwn, yn unol â rheoliad 4 mewn cysylltiad â phob un o’r ceisiadau neu’r cynigion sy’n weddill.

(2) In this regulation “construction area” means—

- (a) the area of land identified on a plan accompanying an application for planning permission⁽¹⁾, or
- (b) if an application for planning permission has not been made, the area of land on which construction work has commenced or is proposed to be commenced.

Fee chargeable for application by community council

5.—(1) If the applicant is a community council the application fee is half the amount that would, but for this regulation, be chargeable in accordance with regulation 4.

(2) In this regulation “community council” means a community or town council in accordance with Part 2 of the Local Government Act 1972⁽²⁾.

Application modified by agreement before determination

6. Where before determination by the approving body, an application for approval is modified by agreement between the approving body and the applicant, the approving body may not charge a fee in relation to the agreed modification.

Fees for applications involving alternative proposals

7.—(1) An application fee must be determined in accordance with paragraph (2) where an applicant—

- (a) makes two or more applications for approval of a drainage system⁽³⁾ for construction work, each setting out an alternative proposal for construction of a drainage system for that construction work, or
- (b) makes a single application for approval of a drainage system for construction work setting out two or more alternative proposals for construction of a drainage system for that construction work.

(2) The application fee is the sum of—

- (a) the fee chargeable for the application or (in the case of paragraph (1)(b)) proposal, which would attract the highest fee in accordance with regulation 4, and
- (b) half the sum of the fees chargeable but for this regulation, in accordance with regulation 4 with respect to each of the remaining applications or proposals.

⁽¹⁾ Diffinnir “planning permission” ym mharagraff 8(4) o Atodlen 3.

⁽²⁾ 1972 p. 70.

⁽³⁾ Diffinnir “drainage system” ym mharagraff 1 o Atodlen 3.

⁽¹⁾ “Planning permission” is defined in paragraph 8(4) of Schedule 3.

⁽²⁾ 1972 c. 70.

⁽³⁾ “Drainage system” is defined in paragraph 1 of Schedule 3.

(3) At ddibenion rheoliadau 3(2) a 4 yn achos cais sydd o fewn paragraff (1)(b), mae pob cynnig i gael ei drin fel petai'n gais ar wahân.

Ffioedd am arolygiad fel amod o gymeradwyaeth

8. Pan fo corff cymeradwyo yn rhoi cymeradwyaeth yn ddarostyngedig i amod (ni waeth pa un a yw'r gymeradwyaeth yn ddarostyngedig i unrhyw amodau eraill) bod un arolygiad neu ragor yn cael ei gynnal neu eu cynnal, caiff godi ffi o £168 am bob arolygiad.

Ffi sydd i'w chodi am gais yn ymwneud â chais blaenorol

9.—(1) Mae'r rheoliad hwn yn gymwys pan fo corff cymeradwyo wedi cymeradwyo cais yn flaenorol ("y cais blaenorol") mewn perthynas â system ddraenio.

(2) Yn ddarostyngedig i baragraff (3), mae'r ffi am gais hanner y swm a fyddai i'w godi, oni bai am y rheoliad hwn, yn unol â rheoliad 4, os gwneir cais dilynol—

- (a) o fewn 12 mis o ddyddiad cymeradwyo'r cais blaenorol, a
- (b) sy'n ymwneud yn gyfan gwbl neu'n bennaf â'r system ddraenio a oedd yn destun y cais blaenorol, gan gynnwys cynigion adeiladu ac amodau cymeradwyo'r cais blaenorol.

(3) Ni chaiff corff cymeradwyo godi ffi pan fo cais o dan baragraff (2) yn ymwneud ag amod yn unig, ac eithrio amod o dan baragraff 11(2)(a) o Atodlen 3, o gymeradwyo'r cais blaenorol.

Ad-dalu ffioedd am gais

10. Pan fo ffi am gais neu ran ohoni yn cael ei chodi mewn camgymeriad, rhaid i gorff cymeradwyo ad-dalu'r ffi honno neu ran ohoni cyn gynted ag y bo'n ymarferol ar ôl darganfod y camgymeriad hwnnw.

(3) For the purposes of regulations 3(2) and 4 in the case of an application falling within paragraph (1)(b) each proposal is to be treated as if it were a separate application.

Fees for inspection as a condition of approval

8. Where an approving body grants approval subject to a condition (irrespective of whether or not the approval is subject to any other conditions) that one or more inspections take place, it may charge a fee of £168 for each inspection.

Fee chargeable for application relating to previous application

9.—(1) This regulation applies where an approving body has previously approved an application ("the previous application") in relation to a drainage system.

(2) Subject to paragraph (3) the application fee is half the amount chargeable but for this regulation in accordance with regulation 4, if a subsequent application is made—

- (a) within 12 months of the date of approval of the previous application, and
- (b) which relates wholly or mainly to the drainage system which was the subject of the previous application, including construction proposals and conditions of approval of the previous application.

(3) An approving body may not charge a fee where an application under paragraph (2) relates only to a condition, other than a condition under paragraph 11(2)(a) of Schedule 3, of approval of the previous application.

Refund of application fees

10. Where any application fee or part of an application fee is charged in error an approving body must as soon as practicable after discovering the error, refund that fee or part of that fee.

Hannah Blythyn

Gweinidog yr Amgylchedd, o dan awdurdod
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a
Materion Gwledig, un o Weinidogion Cymru
10 Hydref 2018

Minister for Environment under authority of the
Cabinet Secretary for Energy, Planning and Rural
Affairs, one of the Welsh Ministers
10 October 2018

©©Hawlfraint y Goron 2018

© Crown copyright 2018

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 1075 (Cy. 225)

2018 No. 1075 (W. 225)

Y DIWYDIANT DŴR, CYMRU

WATER INDUSTRY, WALES

Rheoliadau Draenio Cynaliadwy
(Cais am Ffioedd Cymeradwyo)
(Cymru) 2018

The Sustainable Drainage
(Application for Approval Fees)
(Wales) Regulations 2018

£6.90

W201810111004 10/2018

<http://www.legislation.gov.uk/id/wsi/2018/1075>

ISBN 978-0-348-20281-6



9 780348 202816