OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1448 (Cy. 312)

AMAETHYDDIAETH, CYMRU

Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) (Diwygio) 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2017 ("Rheoliadau 2017") sy'n gweithredu'n bennaf Gyfarwyddeb 2011/92/EU Senedd Ewrop a'r Cyngor dyddiedig 13 Rhagfyr 2011 (OJ Rhif L 26, 28.1.2012, t. 1) ar asesu effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd ("y Gyfarwyddeb AEA") mewn perthynas â dau fath o brosiect ym mharagraff 1 o Atodiad II i'r Gyfarwyddeb honno: prosiectau i ailstrwythuro daliadau tir gwledig a phrosiectau i ddefnyddio tir heb ei drin neu ardaloedd lled-naturiol at ddibenion amaethyddol dwys. Mae Rheoliadau 2017 yn gwneud darpariaeth ar gyfer y diwygiadau i'r Gyfarwyddeb AEA y rhoddwyd effaith iddynt gan Gyfarwyddeb 2014/52/EU Senedd Ewrop a'r Cyngor dyddiedig 16 Ebrill 2014 (OJ Rhif L 124, 25.4.2014, t. 1).

Mae rheoliad 2 yn diwygio rheoliad 3 o Reoliadau 2017, sy'n nodi'r mathau o brosiectau a eithrir o gwmpas y Rheoliadau hynny. Mae'r diwygiad yn dileu'r esemptiad ar gyfer gwaith cyfyngedig ar dir comin yn rheoliad 3(2)(f) o Reoliadau 2017.

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.

WELSH STATUTORY INSTRUMENTS

2020 No. 1448 (W. 312)

AGRICULTURE, WALES

The Environmental Impact Assessment (Agriculture) (Wales) (Amendment) Regulations 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 ("the 2017 Regulations") which primarily implement Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 (OJ No L 26, 28.1.2012, p. 1) on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") in relation to two types of project in paragraph 1 of Annex II to that Directive: projects for the restructuring of rural land holdings and projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes. The 2017 Regulations make provision for the amendments to the EIA Directive effected by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 (OJ No L 124, 25.4.2014, p. 1).

Regulation 2 amends regulation 3 of the 2017 Regulations, which sets out the types of projects that are excluded from the scope of those Regulations. The amendment removes the exemption for restricted works on common land in regulation 3(2)(f) of the 2017 Regulations.

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 cost and benefit of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1448 (Cy. 312)

AMAETHYDDIAETH, CYMRU

Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) (Diwygio) 2020

Gwnaed	*4 Rhagfyr 2020*
Gosodwyd gerbron Senedd Cymru	*8 Rhagfyr 2020*
Yn dod i rym	*31 Rhagfyr 2020*

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**1**) mewn perthynas â mesurau sy'n ymwneud â'r gofyniad am asesiad o'r effaith ar yr amgylchedd yn sgil prosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd(**2**).

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 2(2) o'r Ddeddf honno.

(**1**) 1972 p. 68. Diddymwyd Deddf y Cymunedau Ewropeaidd 1972 ("Deddf 1972") gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) ("Deddf 2018") gan gael effaith o'r diwrnod ymadael. Mae "exit day" wedi ei ddiffinio yn adran 20 o Ddeddf 2018 fel 31 Ionawr 2020 am 11pm. Er gwaethaf y diddymiad hwnnw mae Deddf 1972 yn parhau i gael effaith gydag addasiadau hyd ddiwrnod cwblhau'r cyfnod gweithredu, yn rhinwedd adran 1A o Ddeddf 2018. Mewnosodwyd adran 1A gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) ("Deddf 2020"). Mae "IP completion day" wedi ei ddiffinio yn adran 1A fel 31 Rhagfyr 2020 am 11pm (yr ystyr a roddir yn adran 39 o Ddeddf 2020). Diwygiwyd adran 2(2) o Ddeddf 1972 yn flaenorol gan adran 27(1) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi.

(**2**) O.S. 2001/2555 mewn perthynas â'r gofyniad am asesiad o'r effaith ar yr amgylchedd yn sgil prosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd, sydd wedi ei ddirymu'n rhagolygol gan O.S. 2018/1011 o ddiwrnod cwblhau'r cyfnod gweithredu.

WELSH STATUTORY INSTRUMENTS

2020 No. 1448 (W. 312)

AGRICULTURE, WALES

The Environmental Impact Assessment (Agriculture) (Wales) (Amendment) Regulations 2020

Made	*4 December 2020*
Laid before Senedd Cymru	*8 December 2020*
Coming into force	*31 December 2020*

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment(**2**).

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of that Act.

(**1**) 1972 c. 68. The European Communities Act 1972 ("the 1972 Act") was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) ("the 2018 Act") with effect from exit day. "Exit day" is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act"). "IP completion day" is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(**2**) S.I. 2001/2555 in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, which is prospectively revoked by S.I 2018/1011 from IP completion day.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) (Diwygio) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 31 Rhagfyr 2020.

Diwygio Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2017

2. Yn Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2017(**1**), hepgorer rheoliad 3(2)(f).

Title and commencement

1.—(1) The title of these Regulations is the Environmental Impact Assessment (Agriculture) (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 31 December 2020.

Amendment of the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017

2. In the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017(**1**), omit regulation 3(2)(f).

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
4 Rhagfyr 2020

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
4 December 2020

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(**1**) O.S. 2017/565 (Cy. 134), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 2017/565 (W. 134), to which there are amendments not relevant to these Regulations.

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