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WELSH STATUTORY
INSTRUMENTS

2020 Rhif 517 (Cy. 122)

2020 No. 517 (W. 122)

Y DIWYDIANT DŴR, CYMRU

WATER INDUSTRY, WALES

**Gorchymyn Draenio Cynaliadwy
(Cymeradwyo a Mabwysiadu)
(Cymru) (Diwygio) 2020**

**The Sustainable Drainage
(Approval and Adoption) (Wales)
(Amendment) Order 2020**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Draenio Cynaliadwy (Cymeradwyo a Mabwysiadu) (Cymru) 2018 ("Gorchymyn 2018"). Mae Gorchymyn 2018 yn gwneud darpariaeth mewn perthynas â'r gofyniad i gael cymeradwyaeth ar gyfer systemau draenio cynaliadwy, ac archiadau i'w mabwysiadu, o dan Atodlen 3 i Ddeddf Rheoli Llifogydd a Dŵr 2010 ("Deddf 2010").

This Order amends the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018 ("the 2018 Order"). The 2018 Order makes provision in relation to the requirement for approval of, and requests for adoption of, sustainable drainage systems under Schedule 3 to the Flood and Water Management Act 2010 ("the 2010 Act").

Mae erthygl 3 o'r Gorchymyn hwn yn mewnosod darpariaeth ddehongli yn erthygl 2 o Orchymyn 2018 (dehongli) sy'n ei gwneud yn glir nad yw datblygu a ganiateir, sef datblygiadau y rhoddir caniatâd cynllunio iddynt yn rhinwedd gorchymynion datblygu a gorchymynion datblygu lleol yn unol ag adran 58(1)(a) o Ddeddf Cynllunio Gwlad a Thref 1990, i'w ystyried fel gwaith sydd wedi cael caniatâd cynllunio at ddibenion yr eithriadau yn erthyglau 3 i 6 o Orchymyn 2018.

Article 3 of this Order inserts an interpretation provision into article 2 of the 2018 Order (interpretation) which makes clear that permitted developments, which are developments that are granted planning permission by virtue of development orders and local development orders in accordance with section 58(1)(a) of the Town and Country Planning Act 1990, are not to be considered as works which have been granted planning permission for the purposes of the exceptions in articles 3 to 6 of the 2018 Order.

Effaith hyn yw y bydd yn ofynnol i waith adeiladu sydd â goblygiadau o ran draenio, sydd hefyd yn ddatblygu a ganiateir ac sydd ar ddarn o dir sy'n mesur 100 metr sgwâr neu fwy, gael cymeradwyaeth gan y corff cymeradwyo, yn unol â darpariaethau Gorchymyn 2018.

The effect of this is that construction works which have drainage implications, which are also permitted developments and cover an area of land of 100 square metres or more, will require approval by the approving body, in accordance with the provisions of the 2018 Order.

Mae erthygl 4 o'r Gorchymyn hwn yn diwygio erthygl 4 o Orchymyn 2018 (eithriadau i'r gofyniad i gael cymeradwyaeth: caniatâd cynllunio heb fod yn ofynnol). Mae'n mewnosod paragraff (3) newydd sy'n darparu nad yw'n ofynnol i ddatblygiadau brys a ganiateir o dan Ran 3A, Rhan 12A a Rhan 37 o Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995, gael cymeradwyaeth o dan baragraff 7(1) o Atodlen 3 i Ddeddf 2010.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Article 4 of this Order amends article 4 of the 2018 Order (exceptions to requirement for approval: planning permission not required). It inserts a new paragraph (3) which provides that emergency permitted developments under Part 3A, Part 12A and Part 37 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, do not require approval under paragraph 7(1) of Schedule 3 to the 2010 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2020 Rhif 517 (Cy. 122)

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Y DIWYDIANT DŴR, CYMRU

WATER INDUSTRY, WALES

**Gorchymyn Draenio Cynaliadwy
(Cymeradwyo a Mabwysiadu)
(Cymru) (Diwygio) 2020**

**The Sustainable Drainage
(Approval and Adoption) (Wales)
(Amendment) Order 2020**

Gwnaed 18 Mai 2020
Gosodwyd gerbron Senedd Cymru 19 Mai 2020
Yn dod i rym 9 Mehefin 2020

Made 18 May 2020
Laid before Senedd Cymru 19 May 2020
Coming into force 9 June 2020

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 32 a 48(2) o Ddeddf Rheoli Llifogydd a Dŵr 2010(1) a pharagraff 7(4)(c) o Atodlen 3 iddi, yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 32 and 48(2) of, and paragraph 7(4)(c) of Schedule 3 to, the Flood and Water Management Act 2010(1), make the following Order.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw'r Gorchymyn Draenio Cynaliadwy (Cymeradwyo a Mabwysiadu) (Cymru) (Diwygio) 2020 a daw i rym ar 9 Mehefin 2020.

Title and commencement

1. The title of this Order is the Sustainable Drainage (Approval and Adoption) (Wales) (Amendment) Order 2020 and it comes into force on 9 June 2020.

**Diwygio Gorchymyn Draenio Cynaliadwy
(Cymeradwyo a Mabwysiadu) (Cymru) 2018**

2. Mae Gorchymyn Draenio Cynaliadwy (Cymeradwyo a Mabwysiadu) (Cymru) 2018(2) wedi ei ddiwygio fel a ganlyn.

Amendment of the Sustainable Drainage (Approval and Adoption) (Wales) Order 2018

2. The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018(2) is amended as follows.

Diwygio erthygl 2 (dehongli)

3. Yn erthygl 2, ar ôl paragraff (2) mewnosoder—

“(3) At ddibenion y Gorchymyn hwn, ystyr “caniatâd cynllunio” yw caniatâd cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990(3) ond nid yw'n cynnwys y datblygiadau hynny a ganiateir y rhoddir caniatâd cynllunio iddynt

Amendment of article 2 (interpretation)

3. In article 2, after paragraph (2) insert—

“(3) For the purposes of this Order, “planning permission” means planning permission under the Town and Country Planning Act 1990(3) but does not include those permitted developments which are granted planning

(1) 2010 p. 29. Mae diwygiadau i Atodlen 3 ond nid oes yr un ohonynt yn berthnasol.
(2) Gorchymyn Draenio Cynaliadwy (Cymeradwyo a Mabwysiadu) (Cymru) 2018 (O.S. 2018/1074 (Cy. 224)).
(3) Deddf Cynllunio Gwlad a Thref 1990 p. 8.

(1) 2010 c. 29. There are amendments to Schedule 3 but none is relevant.
(2) The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018 (S.I. 2018/1074 (W. 224)).
(3) The Town and Country Planning Act 1990 c. 8.

naill ai yn rhinwedd gorchymyn datblygu neu orchymyn datblygu lleol yn unol ag adran 58(1)(a) o'r Ddeddf honno.”

permission either by virtue of a development order or a local development order in accordance with section 58(1)(a) of that Act.”

Diwygio erthygl 4 (eithriadau i'r gofyniad i gael cymeradwyaeth: caniatâd cynllunio heb fod yn ofynnol)

Amendment of article 4 (exceptions to requirement for approval: planning permission not required)

4. Yn lle erthygl 4 rhodder—

4. For article 4 substitute—

“(1) Yn ddarostyngedig i baragraff (2), nid yw'r gofyniad i gael cymeradwyaeth o dan baragraff 7(1) o Atodlen 3 yn gymwys i waith adeiladu pan na fo'n ofynnol cael caniatâd cynllunio ar gyfer y gwaith adeiladu.

“(1) Subject to paragraph (2), the requirement for approval under paragraph 7(1) of Schedule 3 does not apply to construction work where the construction work does not require planning permission.

(2) Nid yw'r eithriad ym mharagraff (1) yn gymwys pan fo'r gwaith adeiladu yn cynnwys adeiladu adeilad neu strwythur arall ar ddarn o dir sy'n mesur 100 metr sgwâr neu fwy.

(2) The exception in paragraph (1) does not apply where the construction work involves the construction of a building or other structure covering an area of land of 100 square metres or more.

(3) Nid yw'r gofyniad i gael cymeradwyaeth o dan baragraff 7(1) o Atodlen 3 yn gymwys i'r datblygiadau o dan y Rhannau a ganlyn o Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1)—

(3) The requirement for approval under paragraph 7(1) of Schedule 3 does not apply to the developments under the following Parts of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(1)—

- (a) Rhan 3A (Adeiladu Dros Dro a Newid Defnydd at Ddibenion Argyfwng Iechyd y Cyhoedd)(2);
- (b) Rhan 12A (Datblygu Brys gan Awdurdodau Lleol)(3); a
- (c) Rhan 37 (Datblygu Brys gan y Goron)(4).”

- (a) Part 3A (Temporary Building and Changes of Use for Public Health Emergency Purposes)(2);
- (b) Part 12A (Emergency Development by Local Authorities)(3); and
- (c) Part 37 (Emergency Development by the Crown)(4).”

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
18 Mai 2020

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
18 May 2020

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- (1) Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 (O.S. 1995/418).
- (2) Mewnosodwyd Rhan 3A gan erthygl 2(2) o Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Rhif 2) (Cymru) 2020 (O.S. 2020/420 (Cy. 90)).
- (3) Mewnosodwyd Rhan 12A gan erthygl 2(2) o Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2020 (O.S. 2020/367 (Cy. 82)).
- (4) Diwygiwyd Rhan 37 gan O.S. 2006/1282 ac O.S. 2006/1386 (Cy. 136).

- (1) The Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
- (2) Part 3A was inserted by article 2(2) of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2020 (S.I. 2020/420 (W. 90)).
- (3) Part 12A was inserted by article 2(2) of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020 (S.I. 2020/367 (W. 82)).
- (4) Part 37 was amended by S.I. 2006/1282 and S.I. 2006/1386 (W. 136).

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