



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 1606 (Cy.165)

2004 No. 1606 (W.165)

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

**Cynllun Grantiau Gwastraff Fferm
(Parthau Perygl Nitradau) (Cymru)
2004**

**The Farm Waste Grant (Nitrate
Vulnerable Zones) (Wales) Scheme
2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Scheme)

Mae'r Cynllun hwn, sy'n gymwys i Gymru yn unig, yn cydymffurfio â Rheoliad y Cyngor (EC) Rhif 1257/1999 ynghylch cymorth ar gyfer datblygu gwledig o Gronfa Cyfarwyddo a Gwarantu Amaethyddiaeth Ewrop ac yn benodol Erthyglau 4 i 7 sy'n ymdrin â buddsoddi mewn daliadau amaethyddol.

This Scheme, which applies to Wales only, complies with Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund and, in particular, Articles 4 to 7 which deal with investment in agricultural holdings.

Mae'n gwneud darpariaeth ar gyfer rhoi grantiau mewn perthynas â busnesau amaethyddol sydd wedi'u lleoli mewn parthau perygl nitradau, fel y'u diffinnir gan baragraff 4 o'r Atodlen i Reoliadau Diogelu Dŵr rhag Llygredd Nitradau Amaethyddol (Diwygio) (Cymru) 2002. Mae'r darpariaethau yn y Rheoliad hwn yn debyg i'r rhai a gynhwyswyd yn y Cynllun Grantiau Gwastraff Fferm (Parthau Perygl Nitradau) (Lloegr a Chymru) 1996, ac eithrio bod y meini prawf ar gyfer cymhwyster busnesau amaethyddol wedi newid fel mai'r unig fusnesau amaethyddol sydd bellach yn gymwys ar gyfer grant yw'r rhai a leolir yn y Parthau Perygl Nitradau a ddynodir gan Reoliadau Diogelu Dŵr rhag Llygredd Nitradau Amaethyddol (Diwygio) (Cymru) 2002.

It makes provision for the making of grants in respect of agricultural businesses which are situated in nitrate vulnerable zones, as defined by paragraph 4 of the Schedule to the Protection of Water against Agricultural Nitrate Pollution (Amendment) (Wales) Regulations 2002. The provisions in this Regulation are similar to those contained in the Farm Waste Grant (Nitrate Vulnerable Zones) (England and Wales) Scheme 1996, save that the criteria for the eligibility of agricultural businesses has changed so that the only agricultural businesses now eligible for a grant are those situated within the Nitrate Vulnerable Zones designated by the Protection of Water against Nitrate Pollution (Amendment) (Wales) Regulations 2002.

Mae'r grant ar gael yn ôl cyfradd o 40% tuag at wariant (hyd at uchafswm o £85,000) a dynnir gan y busnes amaethyddol rhwng y dyddiad y daw'r Cynllun i rym ar 30 Mehefin 2004 a 31 Hydref 2005 mewn perthynas â chyfleusterau ar gyfer trafod, storio a gwaredu gwastraffoedd fferm penodol a gwahanu dŵr glân a dŵr brwnt (paragraff 3).

The grant is available at the rate of 40% towards expenditure (up to a maximum of £85,000) incurred by the agricultural business between the date of coming into force of the Scheme on 30 June 2004 and 31 October 2005 in relation to facilities for the handling, storage and disposal of certain farm wastes and the separation of clean and dirty water (paragraph 3).

Gwneir darpariaeth gan baragraff 4 o'r Cynllun ar gyfer ystyried ceisiadau yn ystod cyfnod sydd i'w hatal

Provision is made by paragraph 4 of the Scheme for the consideration of applications during a period to be

neu eu gwrthod os nad oes adnoddau ariannol digonol ar gyfer talu grantiau o dan y Cynllun.

Gosodir nifer o gyfyngiadau ar dalu grantiau o dan y Cynllun (paragraff 5).

Penderfynir ar y weithdrefn ar gyfer gwneud cais am grant gan Gynulliad Cenedlaethol Cymru (paragraff 6).

Dirymir Cynllun Grantiau Gwastraff Fferm (Parthau Perygl Nitradau) (Cymru) 2001.

Mae Arfarniad Rheoliadol wedi'i baratoi ar gyfer y Gorchymyn hwn ac wedi'i roi yn llyfrgell Cynulliad Cenedlaethol Cymru. Mae copïau ar gael oddi wrth yr Is-adran Datblygu Bwyd a Ffermio, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

suspended or rejected if there are insufficient financial resources for the payment of grants under the Scheme.

A number of restrictions are imposed on the making of grants under the Scheme (paragraph 5).

The procedure for claiming a grant is determined by the National Assembly for Wales (paragraph 6).

The Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2001 is revoked.

A Regulatory Appraisal has been prepared for this Order and placed in the library of the National Assembly for Wales. Copies can be obtained from the Food and Farming Development Division, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

2004 Rhif 1606 (Cy.165)**2004 No. 1606 (W.165)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****Cynllun Grantiau Gwastraff Fferm
(Parthau Perygl Nitradau) (Cymru)
2004****The Farm Waste Grant (Nitrate
Vulnerable Zones) (Wales) Scheme
2004**

Wedi'i wneud 23 Mehefin 2004
Yn dod i rym 30 Mehefin 2004

Made 23 June 2004
Coming into force 30 June 2004

Mae Cynulliad Cenedlaethol Cymru, wrth weithredu mewn perthynas â Chymru, drwy arfer y pwerau a roddwyd iddo gan adran 29 o Ddeddf Amaethyddiaeth 1970(a), yn gwneud y Cynllun canlynol -

The National Assembly for Wales, acting in relation to Wales, in exercise of the powers conferred by section 29 of the Agriculture Act 1970(a), makes the following Scheme -

Enwi, cymhwyso a chychwyn**Title, application and commencement**

1. Enw'r Cynllun hwn yw Cynllun Grantiau Gwastraff Fferm (Parthau Perygl Nitradau) (Cymru) 2004, bydd yn gymwys yng Nghymru a daw i rym ar 30 Mehefin 2004.

1. This Scheme may be cited as the Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2004, shall apply in Wales and shall come into force on the 30 June 2004.

Dehongli**Interpretation**

2. Yn y Cynllun hwn -

2. In this Scheme -

ystyr "busnes amaethyddol" ("*agricultural business*") yw busnes amaethyddol sy'n cael ei redeg yn rhannol o leiaf ar dir sydd wedi'i leoli mewn parth perygl nitradau;

"agricultural business" ("*busnes amaethyddol*") means an agricultural business which is at least partly carried out on land situated in a nitrate vulnerable zone;

mae i "slyri" yr un ystyr ag sydd i "*slurry*" yn rheoliad 2 o Reoliadau Rheoli Llygredd (Silwair, Slyri ac Olew Tanwydd Amaethyddol) 1991(b);

"slurry" ("*slyri*") has the same meaning as in Regulation 2 of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991(b);

ystyr "parth perygl nitradau" ("*nitrate vulnerable zone*") yw unrhyw ardal a ddynodwyd yn barth perygl nitradau gan baragraff 3B o Reoliadau Diogelu Rhag Llygredd Nitradau (Lloegr a Chymru) 1996(c).

"nitrate vulnerable zone" ("*parth perygl nitradau*") means any area designated as a nitrate vulnerable zone by paragraph 3B of the Protection of Nitrate Pollution (England and Wales) Regulations 1996(c).

(a) 1970 p.40. *Gweler* adran 28 ar gyfer y diffiniad o "the appropriate authority". O dan Orchymyn Trosglwyddo Swyddogaethau Cynulliad Cenedlaethol Cymru (Cymru) 1999, O.S. 1999/672, erthygl 2(a) ac Atodlen 1, trosglwyddwyd swyddogaethau o Ysgrifennydd Gwladol Cymru o dan adran 29 o'r Ddeddf Amaethyddol, i Gynulliad Cenedlaethol Cymru.

(b) O.S. 1991/324, fel y'i diwygiwyd gan O.S. 1991/324.

(c) O.S. 1996/888.

(a) 1970 c.40. *See* section 28 for a definition of "the appropriate authority". Under the National Assembly for Wales Transfer of Functions (Wales) Order 1999, S.I. 1999/672, article 2 (a) and Schedule 1, the functions of the Secretary of State for Wales under section 29 of the Agriculture Act, were transferred to the National Assembly for Wales.

(b) S.I. 1991/324, as amended by S.I 1991/324.

(c) S.I. 1996/888.

Talu'r grantiau a swm y grantiau

3.-(1) Yn ddarostyngedig i ddarpariaethau canlynol y Cynllun hwn, caiff y Cynulliad Cenedlaethol roi i unrhyw berson un neu fwy o grantiau i gynrychioli 40 y cant o'r gwariant a dynnir gan y person hwnnw at ddibenion rhedeg busnes amaethyddol neu mewn cysylltiad â'i redeg, sef gwariant sydd wedi'i dynnu ar ôl 29 Mehefin 2004 ond cyn 31 Hydref 2005 ac -

- (a) sy'n wariant mewn perthynas â'r canlynol -
 - (i) darparu, amnewid neu wella -
 - (aa) cyfleusterau (gan gynnwys ffensys diogelwch) ar gyfer trafod a storio tail, slyri ac elifiant silwair;
 - (bb) cyfleusterau gwaredu sefydlog ar gyfer slyri ac elifiant silwair, neu
 - (cc) cyfleusterau (heblaw toeon) ar gyfer gwahanu dŵr glân a dŵr brwnt, os yw'r cyfleusterau hynny'n lleihau'r angen i storio slyri; neu
 - (ii) unrhyw waith, cyfleuster neu drafodyn (gan gynnwys gwaith cadwraeth neu waith hwyluso) o ganlyniad i unrhyw fater y gall grant gael ei dalu mewn perthynas ag ef o dan ddarpariaethau blaenorol y paragraff hwn;
- (b) y mae'n ymddangos i'r Cynulliad Cenedlaethol ei fod o natur cyfalaf neu ei fod wedi'i dynnu mewn cysylltiad â gwariant o natur cyfalaf;
- (c) sydd wedi'i gymeradwyo gan y Cynulliad Cenedlaethol at ddibenion grant o dan y Cynllun hwn; ac
- (d) nad yw'n fwy na chyfanswm o £85,000.

(2) Os yw'n ymddangos i Gynulliad Cenedlaethol Cymru bod gwariant y gwneir cais am grant mewn perthynas ag ef o dan is-baragraff (1) i'w dynnu yn rhannol at ddibenion rhedeg busnes amaethyddol neu mewn cysylltiad â'i redeg ac yn rhannol at ddibenion eraill, caiff y Cynulliad Cenedlaethol drin cymaint o'r gwariant hwnnw ag y mae'n ymddangos i'r Cynulliad Cenedlaethol y gellir ei gyfeirio at redeg y busnes amaethyddol hwnnw fel pe bai wedi'i dynnu at ddibenion rhedeg y busnes amaethyddol neu mewn cysylltiad â'i redeg.

Terfynau ariannol

4.-(1) Os bydd Cynulliad Cenedlaethol Cymru, gan ystyried cyfanswm nifer y ceisiadau am grantiau a gymeradwywyd neu a dderbyniwyd eisoes, ar unrhyw adeg o'r farn nad yw'r adnoddau ariannol sydd ar gael i dalu grantiau o dan y Cynllun hwn yn ystod unrhyw gyfnod yn ddigonol i fodloni unrhyw daliad yn ystod y cyfnod a fyddai'n ganlyniad cymeradwyo unrhyw gais pellach, caiff, mewn perthynas ag unrhyw gais a ddaeth i law ar ddyddiad ei benderfyniad ond na

Payment and amount of grants

3.-(1) Subject to the following provisions of this Scheme, the National Assembly for Wales may make to any person one or more grants representing 40 per cent of the expenditure to be incurred by him for the purposes of or in connection with the carrying on of an agricultural business, being expenditure incurred after 29 June 2004 but before 31 October 2005 and which -

- (a) is incurred in respect of -
 - (i) the provision, replacement or improvement of -
 - (aa) facilities (including safety fencing) for the handling and storage of manure, slurry and silage effluent;
 - (bb) fixed disposal activities for slurry and silage effluent, or
 - (cc) facilities (other than roofing) for the separation of clean and dirty water, where those facilities reduce the need to store slurry; or
 - (ii) any work, facility or transaction (including conservation or amenity works) incidental to any matter in respect of which a grant may be made under the foregoing provisions of this paragraph;
- (b) appears to the National Assembly for Wales be of a capital nature or incurred in connection with expenditure of a capital nature;
- (c) is approved by the National Assembly for Wales for the purposes of a grant under this Scheme; and
- (d) does not in aggregate exceed £85,000.

(2) Where it appears to the National Assembly for Wales that expenditure, in respect of which an application is made for a grant under sub-paragraph (1), is to be incurred partly for the purposes of or in connection with the carrying on of an agricultural business and partly for other purposes it may treat as being incurred for the purposes of or in connection with the carrying on of an agricultural business so much of that expenditure as appears to it to be referable to the carrying on of that agricultural business.

Financial Limits

4.-(1) If, in view of the total number of applications for grant already approved or received, the National Assembly for Wales is at any time of the opinion that the financial resources which are available for payment of grant under this Scheme during any period are insufficient to satisfy any payment during the period which would result from the approval of any further application, it may, in respect of any application received at the date of its decision but not yet accepted,

chafodd ei dderbyn hyn yn hyn, neu unrhyw gais a all ddod i law yn ystod y cyfnod perthnasol -

- (a) atal ystyriaeth bellach ar unrhyw gais o'r fath tan yr amser y caiff bennu wedyn; neu
- (b) gwrthod unrhyw gais o'r fath heb ystyriaeth bellach.

(2) Rhaid cyhoeddi hysbysiad -

- (a) o benderfyniad -
 - (i) i atal ystyriaeth o unrhyw gais o dan is-baragraff (1)(a), neu
 - (ii) i wrthod unrhyw gais heb ystyriaeth bellach o dan is-baragraff (1)(b); neu
- (b) o derfynu'r cyfnod perthnasol, yn y London Gazette.

(3) Yn is-baragraffau (1) a (2), ystyr "y cyfnod perthnasol" yw'r cyfnod sy'n dechrau drannoeth ar ôl y dyddiad penderfyniad Cynulliad Cenedlaethol Cymru y cyfeirir ato yn is-baragraff (1), neu unrhyw ddyddiad wedyn a bennir ganddo mewn hysbysiad o dan is-baragraff (2)(a), ac sy'n diweddu ar y dyddiad y caiff bennu mewn hysbysiad o dan is-baragraff (2)(b).

Cyfyngiadau ar dalu grantiau

5. Rhaid i Gynulliad Cenedlaethol Cymru beidio â thalu grant o dan is-baragraff (1) o baragraff 3 -

- (a) mewn perthynas ag unrhyw fusnes amaethyddol sy'n cael ei redeg yn rhannol o leiaf ar dir sydd wedi'i leoli mewn parth perygl nitradau;
- (b) onid yw wedi'i fodloni y bydd y gwariant y mae'r grant i'w thalu tuag ato yn golygu lles amgylcheddol a fydd yn cronni i'r parth perygl nitradau o dan sylw;
- (c) onid yw gofynion Erthygl 5 o Reoliad y Cyngor (EC) Rhif 1257/1999(a) wedi'u bodloni;
- (d) os yw amcan y gwariant, y gwneir y cais am grant mewn perthynas ag ef, yn gynnydd mewn cynhyrchiant na ellir dod o hyd i allfeydd marchnata cyffredin ar ei gyfer; neu
- (e) pe byddai'r cyfan neu ran o grant o'r fath yn dyblygu cymorth a ddarperir neu sydd i'w ddarparu o arian gan-
 - (i) y Gymuned Ewropeaidd;
 - (ii) y Senedd; neu
 - (iii) corff sy'n arfer swyddogaethau cyhoeddus yn y Deyrnas Unedig.

or any application it may receive during the relevant period -

- (a) suspend further consideration of any such application until such time as may subsequently be specified by it; or
- (b) reject any such application without further consideration.

(2) Notice of -

- (a) a decision -
 - (i) to suspend consideration of any application under sub-paragraph (1)(a), or
 - (ii) to reject any application without further consideration under sub-paragraph (1)(b); or
- (b) of the termination of the relevant period, shall be published in The London Gazette.

(3) In sub-paragraphs (1) and (2), "the relevant period" means the period beginning with the day after the date of the decision of the National Assembly for Wales referred to in sub-paragraph (1), or any subsequent date specified by it in a notice under sub-paragraph (2)(a), and ending with such date as may be specified by it in a notice under sub-paragraph (2)(b).

Restrictions on the making of grants

5. The National Assembly for Wales shall not make a grant under sub-paragraph (1) of paragraph 3 -

- (a) in respect of any agricultural business which is not at least partly carried out on land situated in a nitrate vulnerable zone;
- (b) unless it is satisfied that the expenditure towards which the grant is to be made will result in some environmental benefit accruing to the nitrate vulnerable zone concerned;
- (c) unless the requirements of Article 5 of Council Regulation (EC) No. 1257/1999(a) are satisfied;
- (d) if the objective of the expenditure, in respect of which an application for grant is made, is an increase in production for which no normal market outlets can be found; or
- (e) where the whole or part of such grant would duplicate assistance provided or to be provided out of monies by-
 - (i) the European Community;
 - (ii) Parliament; or
 - (iii) a body exercising public functions within the United Kingdom.

(a) OJ Rhif L160, 26.6.1999, t.80.

(a) OJ No. L160, 26.6.1999, p.80.

Cais am grant

6.-(1) Rhaid i unrhyw gais am grant o dan y Cynllun hwn gael ei wneud ar y ffurf, yn y modd ac erbyn y dyddiad y gall Cynulliad Cenedlaethol Cymru eu pennu, a rhaid i'r ceisydd o dan sylw roi'r holl fanylion a'r holl wybodaeth ynghylch y cais y gall y Cynulliad Cenedlaethol ofyn yn rhesymol amdanynt, gan gynnwys, pan bennir hynny, y dogfennau a'r cofnodion perthnasol.

(2) Rhaid i Gynulliad Cenedlaethol Cymru roi gwybod yn ysgrifenedig i geisydd a yw'r cais yn gymwys neu beidio, ac os nad yw'n gymwys, rhaid iddo roi'r rhesymau.

Dirymu a darpariaethau trosiannol

7.-(1) Dirymir Cynllun Grantiau Gwastraff Fferm (Parthau Perygl Nitradau) (Cymru) 2001(a) (a ddisodlir gan yr offeryn hwn).

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

23 Mehefin 2004

Llywydd y Cynulliad Cenedlaethol

(a) O.S. 2001/3709.

(b) 1998 p.38.

Application for grant

6.-(1) Any application for a grant under this Scheme shall be made in such form and manner and by such date as the National Assembly for Wales shall determine, and an applicant shall provide all such particulars and information relating to the application as the National Assembly for Wales may reasonably require, including, where specified by it, relevant documents and records.

(2) The National Assembly for Wales shall inform an applicant in writing whether the application is approved or not and, if it is not approved, shall give the reasons.

Revocation and transitional provisions

7.-(1) The Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2001(a) (which is superseded by this instrument) is revoked.

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

23 June 2004

The Presiding Officer of the National Assembly

(a) S.I. 2001/3709.

(b) 1998 c.38.

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