OFFERYNNAU STATUDOL
CYMRU

2014 Rhif 110 (Cy. 10)

ADEILADU AC ADEILADAU, CYMRU

Rheoliadau Adeiladu (Diwygio) (Cymru) 2014

NODYN ESBONIADOL

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

Mae Rhan 2 o'r Rheoliadau hyn yn diwygio Rheoliadau Adeiladu 2010 (“y Rheoliadau Adeiladu”) er mwyn mewnosod darpariaethau newydd ac ymestyn rhai presennol sy'n ymwneud ag effeithlonrwydd ynni adeiladau.

Mae rheoliad 4 yn ychwanegu at reoliad 21(4) o Reoliadau 2010 i ymestyn y gofynion effeithlonrwydd ynni yn Rheoliadau 2010 i gynnwys heulfan neu borth lle mae dyfais wresogi osodedig wedi cael ei ddarparu i wresogi'r heulfan neu'r porth. Mae rheoliad 5 yn galluogi Gweinidogion Cymru i gymeradwyo cyfraddau targed ar gyfer defnyddio ynni sylfaenol mewn adeiladau newydd (ac eithrio anheddau newydd) a gwerthoedd targed ar gyfer perfformiad ffabrig mewn anheddau newydd. Mae rheoliad 6 yn mewnosod rheoliadau 26A a 26B i Reoliadau 2010 i'w gwneud yn ofynnol na chaniateir i adeiladau newydd (ar eithrio anheddau newydd) ddefnyddio mwy o ynni sylfaenol na'r cyfraddau targed a na chaniateir i werthoedd perfformiad ffabrig anheddau newydd fod yn fwy na’r gwerthoedd targed. Mae rheoliad 7 yn mewnosod rheoliadau 27A a 27B i Reoliadau 2010 sy'n nodi’r weithdrefn i'w dilyn er mwyn cyflwyno i awdurdodau lleol dystiolaeth sy'n ymwneud â’r cyfraddau targed ar gyfer defnyddio ynni sylfaenol a gwerthoedd targed ar gyfer perfformiad ffabrig. Rhoddir rheoliad 8 yn lle rheoliad 28 o Reoliadau 2010 er mwyn ategu gofynion penodol a'u hymestyn i gynnwys adeiladau sydd â chyfanswm arwynebedd llawr defnyddiol o dan 1000m^2.

Mae Rhan 3 o'r Rheoliadau hyn yn diwygio Rheoliadau Adeiladu (Arolygwyr Cymeradwy etc.) 2010. Mae'r diwygiadau a wneir yn ganlyniadol i'r diwygiadau i Reoliadau 2010.

Mae asesiad effaith rheoleiddiol wedi ei baratoi mewn perthynas â'r Rheoliadau hyn. Mae copïau ar gael gan Lywodraeth Cymru ym Mharc Cathays, Caerdydd, CF10 3NQ ac ar wefan Llywodraeth Cymru yn www.cymru.gov.uk.

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2014 Rhif 110 (Cy. 10)

ADEILADU AC ADEILADAU, CYMRU

Rheoliadau Adeiladu (Diwygio) (Cymru) 2014

Gwnaed	*21 Ionawr 2014*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*23 Ionawr 2014*
Yn dod i rym	*31 Gorffennaf 2014*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1 a 34 o Ddeddf Adeiladu 1984(**1**), a pharagraffau 1, 4, 7 a 10 o Atodlen 1 iddi, sydd bellach yn arferadwy ganddynt hwy(**2**), ar ôl ymgynghori â Phwyllgor Cynghori Cymru ar Reoliadau Adeiladu a'r cyrff eraill hynny yr ymddengys i Weinidogion Cymru eu bod yn cynrychioli'r buddiannau dan sylw, yn unol ag adran 14(7) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

RHAN 1

Cyffredinol

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adeiladu (Diwygio) (Cymru) 2014.

(**1**) 1984 p.55. Diwygiwyd adran 1 gan adran 1 o Ddeddf Adeiladau Cynaliadwy a Diogel 2004 (p.22); diwygiwyd paragraff 7 o Atodlen 1 gan adran 3 o'r Ddeddf honno a chan adran 11 o Ddeddf Newid yn yr Hinsawdd ac Ynni Cynaliadwy 2006 (p.19).

(**2**) Trosglwyddwyd y swyddogaethau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 1 a 34 o Ddeddf Adeiladu 1984 a pharagraffau 1, 4, 7 a 10 o Atodlen 1 iddi, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Weinidogion Cymru gan Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) (Rhif 2) 2009 (O.S. 2009/3019).

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ond nid ydynt yn gymwys o ran adeiladau ynni a eithrir yng Nghymru.

(3) Daw'r Rheoliadau hyn i rym ar 31 Gorffennaf 2014.

(4) Yn y rheoliad hwn, mae i "adeilad ynni a eithrir" yr ystyr a roddir i "excepted energy building" yn yr Atodlen i Orchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) (Rhif 2) 2009(**1**).

RHAN 2

Diwygio Rheoliadau Adeiladu 2010

Diwygio Rheoliadau Adeiladu 2010

2. Mae Rheoliadau Adeiladu 2010(**2**) wedi eu diwygio fel a nodir yn Rheoliadau 3 i 9.

Dehongli

3. Yn rheoliad 2(1), yn y diffiniad o "energy efficiency requirements", ar ôl "26," mewnosoder "26A, 26B,".

Cymhwyso gofynion effeithlonrwydd ynni

4. Yn rheoliad 21—

(a) ar ddiwedd paragraff 4(a) dileer "or";

(b) ar ôl "extended" ym mharagraff (4)(b) mewnosoder—

"to heat the conservatory or porch; or

(c) in which a fixed heating appliance has been provided to heat the conservatory or porch."

Adeiladau newydd: y gofynion sylfaenol ar gyfer perfformiad ynni

5. Ar ôl rheoliad 25B mewnosoder—

"**New buildings: minimum energy performance requirements**

(**1**) O.S. 2009/3019. Trosglwyddodd Gorchymyn Gweinidogion Cymru (Trosglwyddo Swyddogaethau) (Rhif 2) 2009 swyddogaethau penodol a roddwyd i'r Ysgrifennydd Gwladol gan Ddeddf Adeiladu 1984, neu oddi tani, i Weinidogion Cymru, i'r graddau yr oeddent yn arferadwy o ran Cymru. Darparodd erthygl 3(a) o'r Gorchymyn nad oedd swyddogaethau wedi eu trosglwyddo i'r graddau yr oeddent yn arferadwy mewn perthynas ag adeilad ynni a eithrir fel y'i diffinnir yn yr Atodlen i'r Gorchymyn.

(**2**) O.S. 2010/2214; yr offerynnau diwygio perthnasol yw O.S. 2012/3119, O.S. 2013/181, O.S. 2013/747 (Cy.89) ac O.S. 2013/1959.

25C. Minimum energy performance requirements may be approved by the Welsh Ministers, in accordance with the methodology approved pursuant to regulation 24, for—

(a) new buildings (other than new dwellings), in the form of target primary energy consumption rates; and

(b) new dwellings, in the form of target fabric performance values.

Cyfraddau defnyddio ynni sylfaenol a gwerthoedd perfformiad ffabrig

6. Ar ôl rheoliad 26, mewnosoder—

Primary energy consumption rates for new buildings

26A. Where a building (other than a dwelling) is erected, it must not exceed the target primary energy consumption rate for the building which has been approved pursuant to regulation 25C(a).

Fabric performance values for new dwellings

26B. Where a dwelling is erected, it must not exceed the target fabric performance values for the dwelling which have been approved pursuant to regulation 25C(b).

Cyfrifo cyfradd defnyddio ynni sylfaenol a gwerthoedd perfformiad ffabrig

7. Ar ôl rheoliad 27 mewnosoder—

“Primary energy consumption rate calculations

27A.—(1) This regulation applies where a building (other than a dwelling) is erected and regulation 26A applies.

(2) Not later than the day before the work starts, the person carrying out the work must give the local authority a notice which specifies—

(a) the target primary energy consumption rate for the building;

(b) the calculated primary energy consumption rate for the building as designed; and

(c) a list of specifications to which the building is to be constructed.

(3) Not later than five days after the work has been completed, the person carrying out the work must give the local authority—

(a) a notice which specifies—

(i) the target primary energy consumption rate for the building;

(ii) the calculated primary energy consumption rate for the building as constructed; and

(iii) whether the building has been constructed in accordance with the list of specifications referred to in paragraph 2(c), and if not a list of any changes to those specifications; or

(b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).

(4) A local authority is authorised to accept, as evidence that the requirements of regulation 26A have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.

(5) In this regulation, “specifications” means specifications used for the calculation of the primary energy consumption rate.

Fabric performance values calculations

27B.—(1) This regulation applies where a dwelling is erected and regulation 26B applies.

(2) Not later than the day before the work starts, the person carrying out the work must give the local authority a notice which specifies—

(a) the target fabric performance values for the dwelling;

(b) the calculated fabric performance values for the dwelling as designed; and

(c) a list of specifications to which the dwelling is to be constructed.

(3) Not later than five days after the work has been completed, the person carrying out the work must give the local authority—

(a) a notice which specifies—

(i) the target fabric performance values for the dwelling;

(ii) the calculated fabric performance values for the dwelling as constructed; and

(iii) whether the dwelling has been constructed in accordance with the list of specifications referred to in paragraph 2(c), and if not a list of any changes to those specifications; or

(b) a certificate of the sort referred to in paragraph (4) accompanied by the information referred to in sub-paragraph (a).

(4) A local authority is authorised to accept, as evidence that the requirements of regulation 26B have been satisfied, a certificate to that effect by an energy assessor who is accredited to produce such certificates for that category of building.

(5) In this regulation, "specifications" means specifications used for the calculation of the fabric performance values.

Gwelliannau canlyniadol i berfformiad ynni

8. Yn lle rheoliad 28 (a'r pennawd o'i flaen) rhodder—

Consequential improvements to energy performance

28.—(1) Paragraph (3) applies to an existing building with a total useful floor area over $1000m^2$ where the proposed building work consists of or includes—

(a) the initial provision of any fixed building services; or

(b) an increase to the installed capacity of any fixed building services.

(2) Paragraph (3) applies to an existing building where the proposed building work consists of or includes—

(a) an extension; or

(b) the extension of the building's heating system or the provision of a fixed heating appliance, to heat a previously unheated space.

(3) Subject to paragraph (4), where this paragraph applies, such work, if any, shall be carried out as is necessary to ensure that the building complies with the requirements of Part L of Schedule 1.

(4) Nothing in paragraph (3) requires work to be carried out if it is not technically, functionally and economically feasible.

Torri rheoliadau penodol yn peidio â bod yn drosedd

9. Yn rheoliad 47 ar ôl “27,” mewnosoder “27A, 27B,”.

Darpariaethau trosiannol

10.—(1) Nid yw'r diwygiadau a wneir gan reoliad 4 (o ran y rheoliad 21(4)(c) newydd y mae'n ei gyflwyno i Reoliadau Adeiladu 2010), rheoliad 6 a rheoliad 8 (o ran y rheoliad 28(2) newydd y mae'n ei gyflwyno i Reoliadau Adeiladu 2010) yn gymwys mewn unrhyw achos pan fo'r canlynol yn gymwys ar y dyddiad y daw'r Rheoliadau hyn i rym—

(a) bod gwaith adeiladu wedi dechrau yn unol ag unrhyw ddarpariaeth hysbysu berthnasol; neu

(b) y cydymffuriwyd â darpariaeth hysbysu berthnasol mewn perthynas â gwaith adeiladu arfaethedig a bod gwaith adeiladu yn dechrau o fewn y cyfnod o ddeuddeg mis yn dechrau ar y dyddiad y daw’r Rheoliadau hyn i rym.

(2) Yn y rheoliad hwn, ystyr “darpariaeth hysbysu berthnasol” (“*relevant notification provision*”) yw rheoliad 12(2) o Reoliadau Adeiladu 2010 ac adrannau 47(1), 50, 51A(2) a 54 o Ddeddf Adeiladu 1984.

RHAN 3

Diwygio Rheoliadau Adeiladu (Arolygwyr Cymeradwy etc.) 2010

Diwygio Rheoliadau Adeiladu (Arolygwyr Cymeradwy etc.) 2010

11. Mae Rheoliadau Adeiladu (Arolygwyr Cymeradwy etc.) 2010(**1**) wedi eu diwygio fel a nodir yn rheoliadau 12 i 13.

Swyddogaethau arolygwyr cymeradwy

12. Yn rheoliad 8(1)—

(a) yn is-baragraff (a), ar ôl “26 (CO_2 emission rates for new buildings),” mewnosoder “26A (primary energy consumption rates for new buildings), 26B (fabric performance values for new dwellings),”; a

(**1**) O.S. 2010/2215 fel y’i diwygir gan O.S. 2012/3119, O.S. 2013/747 (Cy.89), O.S. 2013/1959 ac O.S 2013/2730 (Cy.264).

(b) yn is-baragraff (b), ar ôl “27,” mewnosoder “27A, 27B,”.

Cymhwyso rheoliadau 20, 25A, 27, 29, 37, 41, 42, 43 a 44 o'r Rheoliadau Adeiladu

13. Yn rheoliad 20—

(a) Yn y pennawd, ar ôl “27,” mewnosoder “27A, 27B,”;

(b) ym mharagraff (1), ar ôl “27 (CO^2 emission rate calcualtions),” mewnosoder “27A (primary energy consumption rate calculations), 27B (fabric performance values calculations),”; ac

(c) ar ôl paragraff (2) mewnosoder—

“(2A) Regulation 27A(3) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed,” there were inserted “or, if earlier, the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 the initial notice ceases to be in force”.

(2B) Regulation 27B(3) of the Principal Regulations applies in relation to building work which is the subject of an initial notice as if after “work has been completed,” there were inserted “or, if earlier, the date on which in accordance with regulation 17 of the Building (Approved Inspectors etc.) Regulations 2010 the initial notice ceases to be in force”.”

Carl Sargeant

Y Gweinidog Tai ac Adfywio, un o Weinidogion Cymru

21 Ionawr 2014