



**Cynulliad Cenedlaethol Cymru
(Y Cofnod Swyddogol)**

**The National Assembly for Wales
(The Official Record)**

Dydd Mawrth, 5 Hydref 2004

Tuesday, 5 October 2004

Cynnwys
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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y Siambr.
Yn y golofn dde, cynhwyswyd cyfieithiad o'r areithiau hynny.

In the left-hand column, the proceedings are recorded in the language in which they were
spoken in the Chamber. In the right-hand column, a translation of those speeches has been
included.

*Cyfarfu'r Cynulliad am 2 p.m. gyda'r Llywydd yn y Gadair.
The Assembly met at 2 p.m. with the Presiding Officer in the Chair.*

Atal Rheolau Sefydlog Suspension of Standing Orders

The Business Minister (Karen Sinclair): I propose that

the National Assembly for Wales, acting under Standing Order No. 37.5, agrees to suspend Standing Order No. 6.13, to allow the no named day motion (NNDM2114) tabled and e-mailed to Members on Tuesday 5 October 2004, to be taken in Plenary on Tuesday 5 October 2004. (NDM2115)

Cynulliad Cenedlaethol Cymru, gan weithredu o dan Reol Sefydlog Rhif 37.5, yn cytuno i atal Rheol Sefydlog Rhif 6.13 er mwyn caniatáu i'r cynnig heb ddyddiad trafod (NNDM2114) a gyflwynwyd ac a e-bostiwyd at Aelodau ddydd Mawrth 5 Hydref 2004, gael ei roi gerbron y Cyfarfod Llawn ddydd Mawrth 5 Hydref 2004.(NDM2115)

Y Llywydd: Mae'n rhaid cael mwyafrif o ddwy ran o dair o blaid i dderbyn y cynnig hwn.

The Presiding Officer: A two-thirds majority vote in favour is needed to carry this motion.

*Cynnig (NDM2115): O blaid 36, Ymatal 0, Yn erbyn 0.
Motion (NDM2115): For 36, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Butler, Rosemary
Chapman, Christine
Cuthbert, Jeff
Francis, Lisa
German, Michael
Graham, William
Gregory, Janice
Griffiths, John
Idris Jones, Denise
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Helen Mary
Jones, Laura Anne
Law, Peter
Lloyd, David
Lloyd, Val
Melding, David
Mewies, Sandy
Morgan, Rhodri
Neagle, Lynne
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Gwenda

Thomas, Rhodri Glyn
Williams, Brynle
Williams, Kirsty
Wood, Leanne

*Derbyniwyd y cynnig.
Motion carried.*

Ethol i'r Pwyllgor Safonau Ymddygiad Election to the Committee on Standards of Conduct

The Business Minister (Karen Sinclair): I **Y Trefnydd (Karen Sinclair):** Cynigiau fod
propose that

the National Assembly for Wales, acting under Standing Orders Nos. 8.4 and 16.2: *Cynulliad Cenedlaethol Cymru, gan weithredu o dan Reolau Sefydlog Rhifau 8.4 ac 16.2:*

- | | |
|---|---|
| <i>1. elects Kirsty Williams (Liberal Democrat) to its Committee on Standards of Conduct in place of Mick Bates (Liberal Democrat); and</i> | <i>1. yn ethol Kirsty Williams (Democratiaid Rhyddfrydol) i'w Bwyllgor ar Safonau Ymddygiad yn lle Mick Bates (Democratiaid Rhyddfrydol); a</i> |
| <i>2. elects Kirsty Williams to chair the committee. (NNDM2114)</i> | <i>2. yn ethol Kirsty Williams i gadeirio'r pwyllgor. (NNDM2114)</i> |

*Cynnig (NNDM2114): O blaid 36, Ymatal 0, Yn erbyn 0.
Motion (NNDM2114): For 36, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Butler, Rosemary
Chapman, Christine
Cuthbert, Jeff
Francis, Lisa
German, Michael
Graham, William
Gregory, Janice
Griffiths, John
Idris Jones, Denise
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Helen Mary
Jones, Laura Anne
Law, Peter
Lloyd, David
Lloyd, Val
Melding, David
Mewies, Sandy
Morgan, Rhodri
Neagle, Lynne
Randerson, Jenny
Ryder, Janet
Sargeant, Carl

Sinclair, Karen
 Thomas, Catherine
 Thomas, Gwenda
 Thomas, Rhodri Glyn
 Williams, Brynle
 Williams, Kirsty
 Wood, Leanne

*Derbyniwyd y cynnig.
 Motion carried.*

Cwestiynau i'r Prif Weinidog Questions to the First Minister

Darpariaeth Deintyddol y GIG yn y Gogledd NHS Dental Provision in North Wales

Q1 Brynle Williams: Will the First Minister make a statement on NHS dental provision in north Wales? (OAQ37963)

The First Minister (Rhodri Morgan): The Welsh dental initiative has provided 23,000 extra NHS patient places in Wales in the past 12 months. Over the past two years, 10 new NHS practices have opened, of which four are in north Wales: in Barmouth, Wrexham, Llangollen and Llanrwst. A further 25 practices have expanded under the Welsh dental initiative, eight of which are in north Wales.

Brynle Williams: When a constituent's wife telephoned NHS Direct for information about dental patient places in Wrexham, she was told that none were available in the NHS or privately. In the light of your Government's promise in 1999 that everyone would have access to NHS dental care within two years, would you agree that the service is going backwards?

The First Minister: No. The fact that there are 23,000 additional NHS dental patient places knocks that firmly on the head. You mentioned Wrexham; perhaps you need to go back to the person who telephoned you because, as I mentioned, in the past two years a new NHS practice has opened in Wrexham. Also, of the 25 practices that have expanded, eight of which are in north Wales, I think that two are in Wrexham. That means that that there are three either new or expanded practices providing additional

C1 Brynle Williams: A wnaiff y Prif Weinidog ddatganiad ar ddarpariaeth deintyddol y GIG yng ngogledd Cymru? (OAQ37963)

Y Prif Weinidog (Rhodri Morgan): Mae menter ddeintyddol Cymru wedi darparu 23,000 o leoedd ychwanegol ar gyfer cleifion y GIG yn y 12 mis diwethaf. Dros y ddwy flynedd diwethaf, mae 10 practis GIG newydd wedi agor, y mae pedwar ohonynt yn y Gogledd: yn Abermaw, Wrecsam, Llangollen a Llanrwst. Mae 25 o bractisiau pellach wedi ehangu o dan fenter ddeintyddol Cymru, y mae wyth ohonynt yn y Gogledd.

Brynle Williams: Pan ffoniodd gwraig un etholwr Galw Iechyd Cymru i gael gwybodaeth am leoedd deintyddol i gleifion yn Wrecsam, dywedwyd wrthi nad oedd yr un ar gael yn y GIG nac yn breifat. Yng ngolwg addewid eich Llywodraeth yn 1999 y byddai gofal deintyddol o dan y GIG ar gael i bawb o fewn dwy flynedd, a ydych yn cytuno bod y gwasanaeth yn dirywio?

Y Prif Weinidog: Nac ydwyf. Mae'r ffaith bod 23,000 o leoedd deintyddol ychwanegol i gleifion y GIG yn gwrthbrofi hynny'n llwyr. Cyfeiriasoch at Wrecsam; efallai y dylech fynd yn ôl at y sawl a'ch ffoniodd oherwydd, fel y dywedais, yn y ddwy flynedd diwethaf mae practis GIG newydd wedi agor yn Wrecsam. Hefyd, o blith y 25 o bractisiau sydd wedi ehangu, y mae wyth ohonynt yn y Gogledd, credaf fod dau yn Wrecsam. Mae hynny'n golygu bod tri phractis sydd un ai'n newydd neu wedi

NHS dental patient places in the Wrexham area.

Janet Ryder: On 16 October, the Victoria Terrace practice in Holyhead will close, leaving its patients without NHS cover. Your long-term strategy is, quite rightly, to recruit more people into dentistry. However, what is your immediate strategy to provide relief for those people in Holyhead who no longer have NHS cover?

The First Minister: Holyhead is also on the list of areas where practices have expanded in the past two years, using money from the Welsh dental initiative. The initiative is one of the best schemes in the UK. I freely admit that it began under the Conservative Government. It is an extremely good initiative, upon which Labour has expanded considerably. As I mentioned, over the past two years 25 practices have expanded, eight of which are in north Wales, including Holyhead, and there are 10 new practices, of which four are in north Wales.

ehangu sy'n darparu lleoedd deintyddol ychwanegol i gleifion y GIG yn ardal Wrecsam.

Janet Ryder: Ar 16 Hydref, bydd y practis yn Victoria Terrace yng Nghaerdybi yn cau, gan adael ei gleifion heb ofal y GIG. Eich strategaeth dymor hir, yn gwbl briodol, yw recriwtio rhagor o ddeintyddion. Fodd bynnag, beth yw eich strategaeth uniongyrchol i gynorthwyo'r bobl yng Nghaerdybi nad oes gofal ar gael iddynt bellach o dan y GIG?

Y Prif Weinidog: Mae Caerdybi hefyd yn un o'r ardaloedd lle y mae practisiau wedi ehangu yn y ddwy flynedd diwethaf, gan ddefnyddio arian oddi wrth fenter ddeintyddol Cymru. Y fenter hon yw un o'r cynlluniau gorau yn y DU. Cyfaddefaf yn blwmp ac yn blaen mai o dan y Llywodraeth Geidwadol y dechreuodd. Mae'n fenter ragorol, y mae Llafur wedi'i eangu'n sylweddol. Fel y dywedais, dros y ddwy flynedd diwethaf mae 25 o bractisiau wedi ehangu, y mae wyth ohonynt yn y Gogledd, gan gynnwys Caerdybi, ac mae 10 practis newydd, y mae pedwar ohonynt yn y Gogledd.

Hybu'r Iaith Gymraeg Promoting the Welsh Language

C2 Alun Ffred Jones: A wnaiff y Prif Weinidog ddatganiad ar bolisi'r Llywodraeth i hyrwyddo a hybu'r iaith Gymraeg? (OAQ37983)

Y Prif Weinidog: 'Iaith Pawb' yw cynllun gweithredu Llywodraeth y Cynulliad i hybu'r iaith Gymraeg. Cefnogir y cynllun gan £28 miliwn rhwng 2003 a 2006. Yr wythnos diwethaf, rhyddhaodd Bwrdd yr Iaith Gymraeg grant o £40,000 i Eisteddfod Genedlaethol Cymru.

Alun Ffred Jones: Dywedodd yr Athro Colin Williams, un o brif arbenigwyr Cymru, mewn darlith ddiweddar y bydd y Llywodraeth yn methu â chyrraedd ei tharged i gynyddu nifer y siaradwyr Cymraeg gan nad oes digon o fanylder yn 'Iaith Pawb'. Mae ugeiniau o bwyntiau gweithredu yn 'Iaith Pawb'. Beth yw'r prif flaenoriaeth er mwyn i chi gyrraedd y

Q2 Alun Ffred Jones: Will the First Minister make a statement on the Government's policy to promote the Welsh language? (OAQ37983)

The First Minister: 'Iaith Pawb' is the Assembly Government's action plan to promote the Welsh language. The plan is backed up by £28 million between 2003 and 2006. Last week, the Welsh Language Board released a grant of £40,000 to the National Eisteddfod of Wales.

Alun Ffred Jones: Professor Colin Williams, one of Wales's foremost experts, said in a recent lecture that the Government will not be able to reach its target of increasing the number of Welsh speakers, because of the lack of detail in 'Iaith Pawb'. There are dozens of action points in 'Iaith Pawb'. What is the main priority in order for you to reach the target?

targed?

Y Prif Weinidog: Os ydych yn edrych ymlaen at y cyfrifiad yn 2011, credaf inni osod targed o gynyddu'r ganran sy'n siarad Cymraeg o 21 y cant i 26 y cant. Efallai y gofynnaf i Alun Pugh—nid ydych wedi enwi ffigur—i restru'r pum prif flaenoriaeth i ddechrau, ac wedyn y pum nesaf.

John Griffiths: A ydych yn cytuno bod yn rhaid inni sicrhau bod yr ardaloedd lle nad yw'r iaith yn gryf, fel Dwyrain Casnewydd, yn derbyn help arbennig, os ydym am gryfhau'r iaith ledled Cymru?

Y Prif Weinidog: Dyna'r paradocs y mae pawb yn ei dderbyn ynghylch sefyllfa'r iaith Gymraeg, ei bod yn cryfhau lle y bu'n wan yn draddodiadol, sef yn y corneli de-ddwyreiniol neu ogledd-ddwyreiniol, tra'n dal i gael ei gwasgu lle y bu'n gryf yn draddodiadol. Rhaid inni gywiro'r gwendidau ar ddwy ochr y paradocs.

Lisa Francis: Why are the Welsh Language Board's welcome packs for incomers, as referred to in 'Iaith Pawb', still not ready for distribution, and why is that website not operational?

The First Minister: I cannot answer either of those questions but I will ensure that Alun Pugh writes to you after communicating with the Welsh Language Board. I was not aware that the welcome packs had not gone out, because the idea was well received.

Jenny Randerson: The 5 per cent increase in the number of Welsh speakers, to which you referred, can only be achieved through the education system. The percentage of vocational and further education courses taught through the medium of Welsh is particularly low, which is why increasing the provision was one of the key pledges in 'Iaith Pawb'. Education and Learning Wales appears to make no real progress on this. Can you tell us what additional resources will be devoted to this important aspect of Welsh-medium education once ELWa is abolished?

The First Minister: I do not have the specifics on that but I agree that it is one of

The First Minister: If you look forward to the 2011 census, I believe that we set a target increasing the percentage of Welsh speakers from 21 per cent to 26 per cent. Perhaps I will ask Alun Pugh—you did not mention a figure—to list the top five priorities to begin with, and then the next five.

John Griffiths: Do you agree that we must ensure that those areas where the language is not strong, such as Newport East, receive special assistance, if we are to strengthen the language throughout Wales?

The First Minister: That is the commonly accepted paradox in the situation of the language, that it is gaining ground where it has traditionally been weak, namely in the south-eastern and north-eastern corners, while it remains under pressure where it has traditionally been strong. We must address the imbalances on both sides of the paradox.

Lisa Francis: Pam nad yw pecynnau croeso Bwrdd yr Iaith Gymraeg i fewnfudwyr, y cyfeirir atynt yn 'Iaith Pawb', yn barod byth, a pham nad yw'r wefan honno'n gweithredu?

Y Prif Weinidog: Ni allaf ateb yr un o'r cwestiynau hynny ond sicrhaf y bydd Alun Pugh yn ysgrifennu atoch wedi iddo gysylltu â Bwrdd yr Iaith Gymraeg. Ni wyddwn nad oedd y pecynnau croeso wedi'u dosbarthu, oherwydd bu croeso i'r syniad.

Jenny Randerson: Dim ond drwy'r system addysg y gellir sicrhau'r cynnydd o 5 y cant yn nifer y siaradwyr Cymraeg, y cyfeiriasoch ato. Mae canran y cyrsiau galwedigaethol ac addysg bellach a ddysgir drwy gyfrwng y Gymraeg yn arbennig o isel, a dyna pam mai un o'r prif addewidion yn 'Iaith Pawb' oedd y byddid yn cynyddu'r ddarpariaeth. Ymddengys nad yw Dysgu ac Addysgu Cymru wedi gwneud unrhyw gynnydd gwirioneddol ar hyn. A allwch ddweud wrthym pa adnoddau ychwanegol a roddir tuag at yr agwedd bwysig hon ar addysg cyfrwng Cymraeg ar ôl diddymu ELWa?

Y Prif Weinidog: Nid oes gennyf fanylion am hynny ond cytunaf mai hwnnw yw un o'r

the areas of Welsh-medium educational provision that has been neglected. It is part of our philosophy that we should give parity of esteem to the academic and vocational streams in education. It is difficult to find ways of teaching engineering, bricklaying and a whole range of vocational subjects through the medium of Welsh because the amount of material available to teach those courses has lagged well behind arts, humanities, mathematics and pure sciences. We must catch up on that. It is a difficult task but it must be done.

meysydd yn y ddarpariaeth addysgol cyfrwng Cymraeg sydd wedi'i esgeuluso. Rhan o'n hathroniaeth yw y dylid rhoi'r un parch i'r ffrydiau academiaidd a galwedigaethol mewn addysg. Mae'n anodd canfod modd i ddysgu peirianeg, gosod brics ac amryw o bynciau galwedigaethol drwy gyfrwng y Gymraeg gan fod llawer llai o ddeunydd ar gael i ddysgu'r cyrsiau hynny na'r hyn sydd ar gael ar gyfer y celfyddydau, y dyniaethau, mathemateg a'r gwyddorau pur. Rhaid inni gau'r bwlch hwnnw. Mae'n waith anodd ond rhaid ei wneud.

Addysg mewn Ardaloedd Gwledig Education in Rural Areas

Q3 Kirsty Williams: Will the First Minister make a statement on access to education in rural areas? (OAQ37965)

C3 Kirsty Williams: A wnaiff y Prif Weinidog ddatganiad ar y gallu i fanteisio ar addysg mewn ardaloedd gwledig? (OAQ37965)

The First Minister: The Assembly Government believes that all pupils should have access to high quality education in buildings fit for purpose, whether they live in urban or rural areas. There has not been a large number of rural school closures in Wales; on average there have been about three closures a year for the last 10 years, nearly half of which were unopposed. Local education authorities have a duty to provide transport to pupils who require assistance to attend school.

Y Prif Weinidog: Mae Llywodraeth y Cynulliad yn credu y dylai pob disgybl allu cael addysg dda mewn adeiladau sy'n addas i'w diben, pa un a yw'n byw mewn ardal drefol neu ardal wledig. Ni chaewyd llawer o ysgolion gwledig yng Nghymru; ar gyfartaledd, mae tua thair wedi cau bob blwyddyn dros y 10 mlynedd diwethaf, ac ni fu gwrthwynebiad i gau bron hanner ohonynt. Mae dyletswydd ar awdurdodau addysg lleol i ddarparu cludiant ar gyfer disgyblion y mae arnynt angen cymorth i fynd i'r ysgol.

Kirsty Williams: The pupils of Libanus Primary School and Trecastle Community Primary School are in the category that you describe. The decision to close the schools has been taken by Powys County Council and is currently being looked at by the Minister for Education and Lifelong Learning. In my constituency we hope that the Minister will oppose the closure of those schools. The decision was expected by now and is causing anxiety to parents, who need to pursue other opportunities for their children, should the schools close in the near future. When will the Minister make a statement on access to education for the pupils of Libanus and Trecastle?

Kirsty Williams: Mae'r disgyblion yn Ysgol Gynradd Libanus ac Ysgol Gynradd Gymunedol Trecastell yn y categori a ddisgrifiwch. Mae Cyngor Sir Powys wedi penderfynu cau'r ysgolion hynny ac mae hynny'n cael ei ystyried ar hyn o bryd gan y Gweinidog dros Addysg a Dysgu Gydol Oes. Yn fy etholaeth i, gobeithiwn y bydd y Gweinidog yn gwrthwynebu cau'r ysgolion hynny. Disgwylid y penderfyniad erbyn hyn ac mae hyn yn peri pryder i rieni, a fydd yn gorfod chwilio am gyfleoedd newydd i'w plant, os bydd yr ysgolion hyn yn cau yn y dyfodol agos. Pa bryd y gwnaiff y Gweinidog ddatganiad ar yr addysg a fydd ar gael i ddisgyblion Libanus a Threcastell?

The First Minister: I do not share your view that the decision was expected by now. One

Y Prif Weinidog: Nid wyf yn cyd-weld â chi y disgwylid y penderfyniad erbyn hyn.

of the problems in Powys is that it had given guidance that the decision was not expected until the end of the school year. It is expected by the end of the current school term and Jane Davidson is considering that decision but she, or the division, has had to write back to Powys County Council for more information. There is some expectation that the decision will be made around the half-term period, so there is not long to wait now.

2.10 p.m.

Mark Isherwood: Moving on to a general, but related, point, when will your Government stop blaming local government for school cuts and threatened closures, and take responsibility for the consequences of your Ministers' actions and policies?

The First Minister: We are talking about two entirely different subjects here. The Minister has a function in considering appeals by objectors to proposals by local authorities to close rural schools. As I mentioned, on average, about three schools are closed in rural Wales each year. Half of those closures are not opposed. If they are opposed, the Minister has a quasi judicial role. It is up to the local authority to decide how to deliver the national curriculum, and we give guidance on that, but we must also protect the quasi judicial function of the Minister in considering school closures, such as those that Kirsty was talking about, where there are objections, as there are in Powys.

Arweinydd yr Wrthblaid (Ieuan Wyn Jones): Yr ydych yn gwybod bod ELWa yn dod â fformiwla newydd i ariannu addysg ôl-16 i rym y flwyddyn nesaf, a bod ffigurau damcaniaethol wedi'u cyhoeddi fel pe bai'r fformiwla yn dod i rym eleni. Yr ydych yn gwybod hefyd, yn dilyn cyhoeddi'r ffigurau hynny, y bydd ysgolion Cymru, drwy'r awdurdodau addysg, yn cael £2 filiwn yn llai ac y bydd colegau yn cael £2.3 miliwn yn fwy. A ydych yn derbyn y bydd y cwtogi posibl hwnnw mewn cyllid i awdurdodau addysg lleol yn rhoi mwy o bwysau ar gynnal cyfleusterau chweched dosbarth, yn

Un o'r problemau ym Mhowys yw ei fod wedi rhoi gwybod na ddisgwylid y penderfyniad tan ddiwedd y flwyddyn ysgol. Disgwylir ei gael erbyn diwedd y tymor ysgol hwn ac mae Jane Davidson yn ystyried y penderfyniad hwnnw ond mae hi, neu'r is-adran, wedi gorfod anfon llythyr eto i Gyngor Sir Powys i gael mwy o wybodaeth. Mae rhyw ddisgwyl y gwneir y penderfyniad tuag adeg hanner tymor, felly ni fydd yn rhaid disgwyl yn hir eto.

Mark Isherwood: Gan symud ymlaen at bwynt sy'n gyffredinol, ond yn gysylltiedig â hyn, pa bryd y bydd eich Llywodraeth yn rhoi'r gorau i feio llywodraeth leol am doriadau mewn ysgolion a bygythiadau i'w cau, ac yn derbyn cyfrifoldeb am ganlyniadau gweithredoedd a pholisïau'ch Gweinidogion?

Y Prif Weinidog: Yr ydym yn sôn am ddau bwnc cwbl wahanol yma. Mae swyddogaeth i'r Gweinidog o ran ystyried apelau gan rai sy'n gwrthwynebu cynigion gan awdurdodau lleol i gau ysgolion gwledig. Fel y dywedais, ar gyfartaledd, tua thair ysgol a gaiff eu cau yng Nghymru wledig bob blwyddyn. Nid oes gwrthwynebiad i gau hanner yr ysgolion hynny. Os oes gwrthwynebiad, mae rôl led-farnwrol gan y Gweinidog. Lle'r awdurdod lleol yw penderfynu sut i gyflwyno'r cwricwlwm cenedlaethol, a rhoddwn ganllawiau ar hynny, ond rhaid inni ddiogelu swyddogaeth led-fwrnwrol y Gweinidog hefyd wrth iddi ystyried cau ysgolion, fel y rhai y cyfeiriodd Kirsty atynt, lle y mae gwrthwynebiadau, fel y ceir ym Mhowys.

The Leader of the Opposition (Ieuan Wyn Jones): You know that ELWa is to introduce a new funding formula for post-16 education next year, and that indicative figures have been published as if the formula were to be introduced this year. You also know, following the publication of those figures, that Welsh schools, through the education authorities, will receive £2 million less and that colleges will receive £2.3 million more. Do you accept that these possible cuts in funding for local education authorities will place more pressure on sixth-form provision, especially in rural areas where pupil numbers

arbennig mewn ardaloedd gwledig lle mae nifer y disgyblion yn isel, a lle mae athrawon yn gorfod dysgu ar hyd yr ysgol, nid yn y chweched dosbarth yn unig? Os yw arian yn cael ei dorri'n ôl, bydd athrawon profiadol yn gorfod gadael yr ysgolion hynny. Nid yw ELWa wedi ystyried yn llawn y goblygiadau o ran addysg cyfrwng Cymraeg a chostau teithio. A ydych yn gobeithio, fel fi, y bydd ELWa yn ailedrych ar y fformiwla i roi ystyriaeth i'r materion hyn?

Y Prif Weinidog: Pan oedd Cynog Dafis yn Gadeirydd y cyn-Bwyllgor Addysg a Hyfforddiant ar ôl 16 oed, yn gweithio'n agos ar sefydlu ELWa gyda Tom Middlehurst, y Gweinidog perthnasol ar y pryd, yr oedd y ddau ohonynt a'r pwyllgor—gyda chefnogaeth gref, os nad unfrydol, y Cynulliad—yn cytuno bod angen mesur teg o ran sut i gymharu addysg mewn coleg addysg bellach, efallai gyda mwy o deithio i fyfyrwyr 16, 17 ac 18 oed, â'r sefyllfa pan fo'r holl ffactorau eraill yn cael eu hystyried. Y mae'n ddefnyddiol gweld y ffigurau hyn flwyddyn ymlaen llaw, fel bod pawb yn gallu gwneud eu pwyntiau, fel yr ydych chi wedi'i wneud yn awr, ac er mwyn gweld beth sy'n wirioneddol deg yn y darlun cyflawn. Mae hynny'n cynnwys y gallu i deithio, effaith toriadau mewn addysg ôl-16 ar addysg cyn-16 oed, a'r holl gwestiynau eraill. Gwneir hynny flwyddyn cyn i'r system newydd ddod i rym.

Ieuan Wyn Jones: Un mater yw cael cytundeb mewn egwyddor ar y ffordd o ariannu; mater arall yw bod prifathrawon nifer o ysgolion uwchradd yn teimlo nad yw ELWa wedi rhoi digon o ystyriaeth i effaith y fformiwla newydd ar gyfleusterau chweched dosbarth mewn ardaloedd gwledig, am y rhesymau yr wyf wedi'u rhoi. Yr wyf am i chi ystyried hefyd, er bod y sector addysg bellach ar y cyfan yn elwa o £2 filiwn, y bydd rhai colegau o fewn y sector hwnnw yn wynebu colledion enfawr pan ddaw'r fformiwla newydd i rym. Un o'r ffactorau amlwg yw bod colegau sy'n darparu addysg mewn ardaloedd gwledig, ac yn hybu'r economi wledig—fel Coleg Llysfasi a Choleg Garddwriaeth Cymru yn Llanceurgain—yn wynebu toriadau sylweddol. Yr ydych chi a minnau yn gwybod faint o broblemau sydd o ran hybu'r

are small, and where teachers have to teach across the whole school, not only sixth form pupils? If funding is cut, experienced teachers will have to leave these schools. ELWa has not given full consideration to the implications in terms of Welsh-medium education and travelling costs. Do you, like me, hope that ELWa will revisit the formula in order to take account of these matters?

The First Minister: When Cynog Dafis was Chair of the former Post 16 Education and Training Committee, working closely on the establishment of ELWa with Tom Middlehurst, the relevant Minister at the time, both of them and the committee—with the strong, if not unanimous, support of the Assembly—agreed that a fair measure was needed in terms of how to compare education in a further education college, with more travelling perhaps for 16, 17 and 18-year-old students, with the situation when all other factors were taken into account. It is useful to see those figures a year in advance, so that everyone can make their points, as you have just done, and in order to see what is genuinely fair in the picture as a whole. This includes the ability to travel, the effect of cuts in post-16 education on pre-16 education, and all other questions. That is being done a year before the new system is introduced.

Ieuan Wyn Jones: Agreement in principle on a funding system is one issue; the fact that the headteachers of many secondary schools feel that ELWa has not given adequate consideration to the effect that the new formula will have on sixth forms in rural areas, for the reasons that I have given, is entirely another. I also want you to consider that, even though the further education sector as a whole will receive an additional £2 million, some colleges within that sector will face significant cuts when the new formula is introduced. One of the obvious factors is that colleges that provide education in rural areas, and promote the rural economy—such as Llysfasi College and the Welsh College of Horticulture at Northop—face significant cuts. You and I both know of the problems that exist in promoting the rural economy, so are you happy that these colleges face losing

economi wledig, felly a ydych yn hapus y bydd colegau yn colli cymaint o arian ? so much money?

Y Prif Weinidog: Y pwynt pwysig yw bod darpariaeth addysg alwedigaethol ac academaidd i bobl ôl-16 yn gynaliadwy. Nid wyf yn meddwl y byddai unrhyw un o blaid symud i system lle byddai ysgolion yn sefydlu cyrsiau chweched dosbarth, neu golegau addysg bellach yn sefydlu cyrsiau galwedigaethol, gydag un neu ddau fyfyrwr yn gwneud hyn a hyn o bynciau gwahanol. Rhaid i faint y garfan o bobl sydd yn gwneud y pynciau fod yn gynaliadwy er mwyn sicrhau darpariaeth resymol a rhoi dewis i oedolion ifanc 16 ac 17 oed.

Ieuan Wyn Jones: It is clear from your response that you do not mind that schools will be losing £2 million, and that you are not concerned that colleges such as those in Llysfasi and Northop will be losing money. You say that, under the new system, that is tough. People will protest angrily about this, because the new formula means that colleges and schools in rural areas, in particular, will face a massive squeeze on their budgets. You say that that is tough, but there will be howls of anguish and anger from many local authorities, colleges and schools.

The new formula will be based on the previous year's unit costs rather than on looking forward to the future. How can schools and colleges plan if they have to look at a previous year's intake? They might want to develop courses in the future, but how can they plan for the future when the system is retrospective?

The First Minister: Cynog Dafis and Tom Middlehurst devised this system, with a remarkable degree of cross-party agreement—I do not think that the Conservatives supported it, but the other three parties did—to bring to an end the absurd competition between sixth forms and further education colleges for bums on seats, to ensure viable classes and that 16-year-olds were given the opportunity to choose, with suitable parental and careers advice, where they went to do their further education or sixth-form type courses, whether vocational,

The First Minister: The important point is that post-16 vocational and academic education provision is sustainable. I do not believe that anyone would be in favour of moving to a system where schools introduced sixth-form courses, or further education colleges introduced vocational courses, with one or two pupils doing a handful of different subjects. The size of the cohort of people doing those subjects must be sustainable in order to ensure reasonable provision and to give the young adults of 16 and 17 years of age a choice.

Ieuan Wyn Jones: Mae'n amlwg oddi wrth eich ymateb nad yw o bwys gennych y bydd ysgolion yn colli £2 filiwn, ac nad ydych yn pryderu y bydd colegau fel y rhai yn Llysfasi a Llaneurgain yn colli arian. Dywedwch mai felly y bydd yn rhaid iddi fod o dan y system newydd. Bydd pobl yn protestio'n gryf yn erbyn hyn, gan fod y fformiwla newydd yn golygu y bydd cyllidebau colegau ac ysgolion mewn ardaloedd gwledig, yn benodol, yn cael eu gwasgu'n dynn ofnadwy. Dywedwch y bydd yn rhaid dygymod â hyn, ond ceir bloeddiau o ofid a dicter gan sawl awdurdod lleol, coleg ac ysgol.

Bydd y fformiwla newydd yn seiliedig ar gostau uned y flwyddyn cynt yn hytrach na'r rhagolygon ar gyfer y dyfodol. Sut y gall ysgolion a cholegau gynllunio os oes rhaid iddynt ystyried y rhai a dderbyniwyd mewn blwyddyn flaenorol? Efallai y byddant am ddatblygu cyrsiau yn y dyfodol, ond sut y gallant gynllunio ar gyfer y dyfodol a'r system yn un ôl-weithredol?

Y Prif Weinidog: Cynog Dafis a Tom Middlehurst a ddyfeisiodd y system hon, gyda chytundeb trawsbleidiol hynod o eang—ni chredaf fod y Ceidwadwyr wedi'i chefnogi, ond gwnaeth y tair plaid arall—i roi terfyn ar y cystadlu hurt am fyfyrwyr rhwng cyfleusterau chweched dosbarth a cholegau addysg bellach, i sicrhau bod y dosbarthiadau'n ddichonadwy a bod pobl ifanc 16 mlwydd oed yn cael dewis, gyda chynghor addas ar yrfaedd a chan eu rhieni, y man y dymument ddilyn eu cyrsiau addysg bellach neu rai o'r math a gynigir mewn

academic, or a mixture of both. We had to bring that absurd competition, involving duplication and wastage of money, to an end. Either you believe in that principle or you do not. You did believe it; now you are trying to backtrack on it, having seen these figures. However, we have to have good value for money, plenty of choice for the 16-year-old learner, and fair funding comparisons between the different providers.

Brian Gibbons: Do you agree that primary schools in upper-Valley communities, which are faced with declining populations, are equally under threat? The opposition has not mentioned them. The two local authorities that seem to be suffering the most with regard to post-16 funding are Neath Port Talbot County Borough Council and Merthyr Tydfil County Borough Council, neither of which is in a rural part of Wales.

The First Minister: They also have different provision, as I understand it, for post-16 education in that Neath Port Talbot is entirely based on a tertiary college, and Merthyr is currently struggling with that issue. I was at Darland High School in Wrexham a week last Friday for the seventieth anniversary of the Gresford mining disaster. That is a school for 11 to 16-year-olds, and everybody goes on to Yale College, a tertiary college, with the exception of Welsh-medium pupils, who attend Ysgol Morgan Llwyd, because there is no Welsh-medium post-16 provision at the college. You will get a diverse pattern throughout Wales. The fundamental issue is that which the vast majority of people signed up to here: we must bring an end to the absurd, bad-value-for-money competition for bums on seats between the headteachers of sixth forms, some of which might be viable and some of which might not, and the further education colleges. Whichever is the better provider should do the providing, and that gives the learner much better, and more sustainable, choice and provision.

cyfleusterau chweched dosbarth, boed hwy'n rhai galwedigaethol, academiaidd, neu'n gymysgedd o'r ddau. Yr oedd yn rhaid inni ddod â'r cystadlu hurt hwnnw i ben, gan ei fod yn golygu dyblygu a gwastraffu arian. Naill ai yr ydych yn credu yn yr egwyddor honno neu nid ydych. Yr oeddech yn credu ynddi; bellach yr ydych yn ceisio cefnu arni, ar ôl gweld y ffigurau hyn. Fodd bynnag, rhaid cael gwerth da am arian, digon o ddewis i ddysgwyr 16 mlwydd oed, a chymariaethau ariannu teg rhwng y gwahanol ddarparwyr.

Brian Gibbons: A ydych yn cytuno bod ysgolion cynradd yng nghymunedau blaenau'r Cymoedd, sy'n wynebu gostyngiad yn eu poblogaeth, o dan fygythiad i'r un graddau? Nid yw'r gwrthbleidiau wedi sôn amdanynt. Dau awdurdod lleol yr ymddengys eu bod yn dioddef waethaf o ran cyllido ôl-16 yw Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot a Chyngor Bwrdeistref Sirol Merthyr Tudful, ac nid yw'r naill na'r llall mewn rhan wledig o Gymru.

Y Prif Weinidog: Mae ganddynt ddarpariaeth wahanol hefyd, fel yr wyf fi'n ei ddeall, ar gyfer addysg ôl-16 i'r graddau ei bod wedi'i seilio'n gyfan gwbl ar goleg trydyddol yng Nghastell-nedd Port Talbot, a bod Merthyr Tudful yn dal i ymgodymu â'r mater hwnnw ar hyn o bryd. Bûm yn Ysgol Uwchradd Darland yn Wrecsam wythnos i ddydd Gwener diwethaf ar gyfer dengmlwyddiant a thrigain y drychineb yng nglofa Gresffordd. Ysgol i rai 11 i 16 mlwydd oed yw honno, ac aiff pawb ymlaen i Goleg Iâl, sy'n goleg trydyddol, heblaw disgyblion cyfrwng Cymraeg, sy'n mynd i Ysgol Morgan Llwyd, am nad oes darpariaeth ôl-16 cyfrwng Cymraeg yn y coleg. Ceir gwahanol batrymau ledled Cymru. Y mater sylfaenol yw'r hyn y cytunodd y mwyafrif llethol arno yma: rhaid inni roi terfyn ar y cystadlu hurt am fyfyrwyr, sy'n rhoi gwerth gwael am arian, rhwng penaethiaid cyfleusterau chweched dosbarth, y gallai rhai ohonynt fod yn ddichonadwy ac eraill ddim, a cholegau addysg bellach. Y darparwr gorau a ddylai ddarparu, ac mae hynny'n cynnig dewis a darpariaeth lawer gwell, a mwy cynaliadwy, i'r dysgwyr.

Dyfodol Middleton—Gardd Fotaneg Genedlaethol Cymru
The Future of Middleton—the National Botanic Garden of Wales

Q4 Eleanor Burnham: Will the First Minister make a statement on the future of the national botanic garden of Wales? (OAQ37977)

The First Minister: The national botanic garden of Wales is open for business and continues to attract visitors from throughout Wales and the UK, as well as from overseas. You will have been interested to see the advertisement for new trustees appearing in newspapers over the past few weeks.

Eleanor Burnham: I am sure that we are reassured by that, but one of the big issues was that some people may feel that the trustees should have been required to move on. When was the PricewaterhouseCoopers report received, and why is it only now, as I see from what I believe is a reputable source, that officers are perusing it? Do you not agree that we must ensure—and I am sure that the Welsh Assembly Government is trying to do this—that this should not just be a visitor centre but that it should be a global education centre, perhaps eventually on the same standing as Kew gardens?

2.20 p.m.

The First Minister: You mentioned that trustees should have been asked to move on. That is why an advertisement for new trustees has appeared in the last few weeks—I believe that you agree with me on this. You are right that the PricewaterhouseCoopers report shows that there is still an inherent risk relating to the national botanic garden of Wales, and, yet again, you made the comparison with Kew gardens. However, the national botanic garden of Wales was never set up on the basis that Kew gardens or the other national, publicly funded botanic gardens were—it could not have got Millennium Commission funding if it had been. The Millennium Commission could not fund Government projects—it could only fund projects with independent trustees, which, subject to their getting the capital

C4 Eleanor Burnham: A wnaiff y Prif Weinidog ddatganiad ar ddyfodol gardd fotaneg genedlaethol Cymru? (OAQ37977)

Y Prif Weinidog: Mae gardd fotaneg genedlaethol Cymru'n agored ar gyfer busnes ac mae'n parhau i ddenu ymwelwyr o bob rhan o Gymru a'r DU, ac o wledydd tramor. Bydd wedi bod o ddiddordeb ichi weld yr hysbyseb ar gyfer ymddiriedolwyr newydd a ymddangosodd yn y papurau newydd dros yr wythnosau diwethaf.

Eleanor Burnham: Yr wyf yn siŵr ein bod yn teimlo'n dawelach ein meddwl oherwydd hynny, ond un o'r pynciau trafod mawr oedd bod rhai'n teimlo y dylesid mynnu bod yr ymddiriedolwyr yn symud ymlaen. Pa bryd y daeth adroddiad PricewaterhouseCoopers i law, a pham mai newydd ddechrau ei astudio y mae swyddogion, yn ôl a welaf o'r hyn a ystyriaf yn ffynhonnell ddibynadwy? Oni chytunwch fod rhaid inni sicrhau—ac yr wyf yn siŵr bod Llywodraeth Cynulliad Cymru yn ceisio gwneud hyn—nad canolfan i ymwelwyr yn unig fydd hon ac y bydd yn ganolfan addysg ryngwladol, ac iddi'r un statws â gerddi Kew yn y pen draw o bosibl?

Y Prif Weinidog: Dywedasoeh y dylid bod wedi gofyn i ymddiriedolwyr symud ymlaen. Dyna pam y mae hysbyseb am ymddiriedolwyr newydd wedi ymddangos yn yr wythnosau diwethaf—credaf eich bod yn cytuno â mi ar hyn. Yr ydych yn iawn wrth ddweud bod adroddiad PricewaterhouseCoopers yn dangos bod risg ynglŷn â gardd fotaneg genedlaethol Cymru o hyd, ac, unwaith eto, gwnaethoch gymhariaeth â gerddi Kew. Fodd bynnag, ni sefydlwyd gardd fotaneg genedlaethol Cymru ar yr un sail â gerddi Kew neu'r gerddi botaneg cenedlaethol eraill a ariennir gan y cyhoedd—ni chawsai gyllid gan Gomisiwn y Mileniwm pe buasai. Nid oedd Comisiwn y Mileniwm yn cael ariannu prosiectau'r Llywodraeth—ni châi ond ariannu prosiectau a chanddynt

funding and other promises regarding revenue funding, would in the end be able to wash their own face financially. It was never intended to be the Welsh Kew in the structural sense, although I can see why you may be attracted to the idea that it should be the Welsh Kew, or the equivalent of the Royal Botanic Garden, Edinburgh, in what it does. However, it could never have got off the ground had it been a Government project, because there would have not have been Millennium Commission funding in that case.

Rhodri Glyn Thomas: O ddychwelyd at yr ymddiriedolwyr, a fydddech yn cytuno bod yr ymddiriedolwyr presennol wedi gwneud gwaith pwysig yn sefydlu'r ardd, bod yr ardd wedi manteisio ar eu harbenigedd ym myd busnes a gwyddoniaeth, a bod dyled fawr gan Gymru gyfan i Alan Hayward am y ffordd y mae wedi cadeirio'r prosiect hwnnw a bod ei hygredd wedi bod yn allweddol yn y trafodaethau adeg yr argyfwng ariannol?

Y Prif Weinidog: Nid ydym wedi cytuno gydag Alan Hayward bob tro—nid oes diben gwadu hynny. Fodd bynnag, yr wyf yn ddiolchgar am y gwaith caled y mae ef a'r ymddiriedolwyr eraill wedi ei wneud ar gyfer yr ardd, sydd yn waith di-dâl fel ymddiriedolwr. Fodd bynnag, weithiau mae'r gamp yn newid ei natur, ac nid yw'r bobl a oedd yn iawn ar gyfer y blynyddoedd cynnar yn iawn ar gyfer y gamp dra gwahanol o gario'r ardd ymlaen i gyfnod newydd, mwy llewyrchus, gobeithio.

The Leader of the Welsh Conservatives (Nick Bourne): I was at the botanic garden last week, and it is clear that it is becoming more established and successful. The director of Kew gardens was also there, and he was full of praise for what is happening at the garden. However, on the trustees, and in support of what Rhodri Glyn Thomas has just said, there needs to be some continuity. Changing all the trustees would not be wise. Alan Hayward has provided strong leadership at the garden, and there is a strong case for keeping him on. I encourage you, and through you, the Minister, to consider that seriously.

ymddiriedolwyr annibynnol, a fyddai, os caent gyllid cyfalaf ac addewidion eraill mewn cysylltiad â chyllid refeniw, yn gallu ymgynnal yn ariannol yn y pen draw. Nid oedd erioed yn fwriad iddi gyfateb i erddi Kew o ran ei threfniadaeth, er y gallaf weld pam y gallech gael eich denu gan y syniad y dylai wneud yr un gwaith yng Nghymru ag a wnaiff Kew, neu'r Ardd Fotaneg Frenhinol yng Nghaeredin. Fodd bynnag, ni allasai gychwyn erioed pe buasai'n brosiect o eiddo'r Llywodraeth, gan na cheid cyllid gan Gomisiwn y Mileniwm os byddai felly.

Rhodri Glyn Thomas: To return to the trustees, would you agree that the current trustees have carried out important work in establishing the garden, that the garden has benefited from their expertise in business and science, and that the whole of Wales is indebted to Alan Hayward for the way in which he has chaired that project and that his credibility was crucial to the negotiations at the time of the financial crisis?

The First Minister: We have not always agreed with Alan Hayward—there is no point in denying that. However, I am grateful for the hard work that he and the other trustees have put into the garden, which, as a trustee, is unpaid work. However, sometimes the nature of the challenge changes and the people who were the right people in the early years are not right for the significantly different challenge of carrying the garden forward into a new, and, hopefully, more prosperous, era.

Arweinydd Ceidwadwyr Cymru (Nick Bourne): Bûm yn yr ardd fotaneg yr wythnos diwethaf, ac mae'n amlwg ei bod yn dod yn fwy llwyddiannus a sefydlog. Yr oedd cyfarwyddwr gerddi Kew yno hefyd, ac yr oedd yn llawn canmoliaeth ynglŷn â'r hyn sy'n digwydd yn yr ardd. Fodd bynnag, ynghylch yr ymddiriedolwyr, ac er mwyn ategu'r hyn y mae Rhodri Glyn Thomas newydd ei ddweud, rhaid wrth rywfaint o ddilyniant. Annoeth fyddai newid yr holl ymddiriedolwyr. Mae Alan Hayward wedi rhoi arweiniad cadarn yn yr ardd, ac mae dadl gref dros ei gadw. Yr wyf yn eich annog chi, a thrwyddoch chi, y Gweinidog, i ystyried hynny o ddifrif.

The First Minister: We are in the middle of a transition year in terms of appointing the chief executive—Rhodri Griffiths is a temporary chief executive, and I believe that he was previously the chief scientific officer. The same is true for Alan Hayward and the other trustees, and in terms of taking back on staff who had had to be sacked—many of them were taken back on as gardeners after a six-month gap, which meant a lot of restoration horticulture to get the garden back in shape. I am pleased that you have seen that much extra work has gone into getting the garden back into shape. With the completion of the walled garden I hope that, despite the bad weather this year, the national botanic garden of Wales's figures will look good and will continue to grow after a difficult few years.

Nick Bourne: It is interesting to hear about the walled garden, although I did not ask about that. I asked about Alan Hayward, who is crucial to the project's success. I encourage you to consider this to ensure that we have continuity and that he is still there. I accept that some of the trustees must change, but it is not a good idea that they all do. Will you consider that?

The First Minister: It is up to the trust to appoint the trustees. I did not realise that you intended to attribute to me the function of choosing the chair of the trustees, which I do not have.

Y Prif Weinidog: Yr ydym ar ganol blwyddyn o drawsnewid o ran penodi'r prif weithredwr—prif weithredwr dros dro yw Rhodri Griffiths, a chredaf mai ef oedd y prif swyddog gwyddonol cyn hynny. Mae'r un peth yn wir am Alan Hayward a'r ymddiriedolwyr eraill, a chyda golwg ar staff y bu'n rhaid eu diswyddo—ailgyflogwyd llawer ohonynt yn arddwyr ar ôl bwlch o chwe mis, felly bu'n rhaid gwneud llawer o waith garddio i adfer yr ardd. Yr wyf yn falch eich bod wedi gweld bod llawer o waith ychwanegol wedi'i wneud i roi'r ardd mewn trefn eto. Ar ôl cwblhau'r ardd furiedig, yr wyf yn gobeithio, er gwaethaf y tywydd gwael a gafwyd eleni, y bydd ffigurau gardd fotaneg genedlaethol Cymru'n dda ac y byddant yn dal i godi ar ôl ychydig o flynyddoedd anodd.

Nick Bourne: Diddorol yw clywed am yr ardd furiedig, er na holais am hynny. Holais am Alan Hayward, gan ei fod yn hollbwysig i lwyddiant y prosiect. Yr wyf yn eich annog i ystyried hyn er mwyn sicrhau y cawn ddilyniant ac y bydd yn parhau yno. Yr wyf yn derbyn bod rhaid newid rhai o'r ymddiriedolwyr, ond nid yw'n syniad da eu newid i gyd. A wnewch ystyried hynny?

Y Prif Weinidog: Mater i'r ymddiriedolaeth yw penodi'r ymddiriedolwyr. Ni sylweddolais eich bod yn bwriadu priodoli imi'r swyddogaeth o ddewis cadeirydd yr ymddiriedolwyr, gan nad yw honno'n eiddo i mi.

Polisïau Trafnidiaeth Gwyrdd Green Transport Policies

Q5 Mick Bates: Will the First Minister make a statement on what the Assembly Government is doing to promote green transport policies? (OAQ37968)

The First Minister: We are promoting more sustainable travel choices to increase health benefits and reduce pollution and congestion through initiatives such as regional travel plan co-ordinators, Safe Routes to School, the walking and cycling strategy and the Clean-Up Wales programme. I believe that we all agree that the greenest form of transport is walking or cycling and, in this

C5 Mick Bates: A wnaiff y Prif Weinidog ddatganiad ar yr hyn y mae Llywodraeth y Cynulliad yn ei wneud i hyrwyddo polisïau trafndiaeth gwyrdd? (OAQ37968)

Y Prif Weinidog: Yr ydym yn hyrwyddo dewisiadau teithio mwy cynaliadwy er mwyn sicrhau mwy o fuddion i iechyd a lleihau llygredd a thagfeydd drwy fentrau fel cydlynwyr cynlluniau teithio rhanbarthol, Llwybrau Diogel i'r Ysgol, y strategaeth cerdded a seiclo a rhaglen Glanhau Cymru. Credaf ein bod oll yn gytûn mai cerdded neu seiclo yw'r math gwyrddaf o drafnidiaeth ac,

financial year, the Assembly Government is investing £9.7 million through transport grants and other funds to provide walking and cycling facilities.

Mick Bates: Thank you for that comprehensive list of actions that you are undertaking. However, we should look closer to home, particularly at the Assembly's shuttle bus and ministerial cars. Will you make a commitment to ensuring that the bus and cars run on clean fuel? The levels of carbon emissions in Wales are currently increasing. Let us have some courage and ensure that those Assembly vehicles run on clean fuel.

The First Minister: I am not sure about the shuttle bus, but the ministerial car that we have recently ordered—there may be more than one, I am not sure—is the cleanest available in terms of low carbon dioxide emissions. I read a comment from you that implied that liquefied petroleum gas bi-fuel would have been a better choice. However, the advice that we were given was that an S80 diesel has lower carbon dioxide emissions than any LPG bi-fuel car currently available.

Christine Chapman: Cycling is an excellent example of green transport and is an activity that has positive health benefits. However, because of poor maintenance and lack of investment, some parts of the cycle trail in the Cynon valley are now unusable. Will you speak to your officials to see how this situation can be changed so that my constituents can participate far more than they currently do?

The First Minister: I had to ride a bike over potholes in my youth, which I always felt was in the spirit on which the British empire was built. People these days are probably not quite as tough as we were. Wales will never be like Holland in its cycle use, because of the nature of its landscape. As Holland is mainly flat, 50 per cent of the population can be encouraged to cycle. However, we have some attractive cycle routes. Cycling along the floor of the Cynon valley—I am not sure

yn y flwyddyn ariannol hon, mae Llywodraeth y Cynulliad yn buddsoddi £9.7 miliwn drwy grantiau trafndiaeth a chronfeydd eraill er mwyn darparu cyfleusterau cerdded a seiclo.

Mick Bates: Diolch i chi am y rhestr gynhwysfawr honno o'r camau yr ydych yn eu cymryd. Fodd bynnag, dylem ddechrau wrth ein traed, gan ystyried bws gwennol y Cynulliad a cheir gweinidogol yn benodol. A wnewch ymrwymo i sicrhau y bydd y bws a'r ceir yn rhedeg ar danwydd glân? Mae lefelau'r gollyngiadau carbon yng Nghymru yn codi ar hyn o bryd. Gadewch inni weld ychydig o ddewrder a sicrhau bod y cerbydau hynny o eiddo'r Cynulliad yn rhedeg ar danwydd glân.

Y Prif Weinidog: Nid wyf yn sicr am y bws gwennol, ond y car gweinidogol yr ydym wedi'i archebu'n ddiweddar—efallai fod mwy nag un, nid wyf yn sicr—yw'r un glanaf sydd ar gael o ran gollyngiadau carbon deuocsid isel. Darllenais sylw o'ch eiddo a oedd yn awgrymu y buasai tanwydd biolegol ar ffurf nwy petrolewm hylifol yn well dewis. Er hynny, y cyngor a roddwyd i ni oedd bod car S80 diesel yn gollwng llai o garbon deuocsid nag unrhyw gar sy'n rhedeg ar danwydd biolegol ar ffurf nwy petrolewm hylifol sydd ar gael ar hyn o bryd.

Christine Chapman: Mae seiclo'n enghraifft wych o drafndiaeth wyrdd ac mae'n weithgarwch â ddaw â buddion i iechyd. Fodd bynnag, oherwydd gwaith cynnal gwael a diffyg buddsoddi, mae rhai rhannau o'r llwybr seiclo yng nghwm Cynon na ellir eu defnyddio'n awr. A wnewch siarad â'ch swyddogion i ganfod modd i newid y sefyllfa hon fel y gall fy etholwyr gymryd mwy o ran nag y maent yn awr?

Y Prif Weinidog: Bu'n rhaid imi seiclo dros dyllau yn y ffordd pan oeddwn yn ifanc, ac yr oeddwn yn wastad yn teimlo mai oherwydd ysbryd o'r fath y codwyd yr ymerodraeth Brydeinig. Mae'n debyg nad yw pobl mor wydn y dyddiau hyn ag yr oeddem ni. Ni fydd Cymru byth yn debyg i Holand o ran y defnydd o feiciau, oherwydd natur ei thirwedd. Gan fod y rhan fwyaf o Holand yn wastad, gellir annog hanner ei boblogaeth i seiclo. Fodd bynnag, mae

that cycling over from the Rhondda valley to the Cynon valley would be such a good idea for many people—must be a great pleasure. I am sorry to hear that there are problems. They must be dealt with so that people are encouraged to cycle on the Cynon valley cycle route.

David Melding: When I attended Mynachlog Nedd primary school 35 years ago, I used to go to school in what would now be called a walking bus. A local teacher who lived in the neighbourhood used to corral us wee little darlings and take us safely to school. Is this not the type of measure that we should be taking now, assuming that we can get people to drive at sensible speeds?

The First Minister: That is the problem. The intensity of traffic these days makes walking or cycling unattractive to some parents. That is why you cannot simply rely on individual initiative to return to the good old days of having children cycling and walking to school; you must do it in an organised way through the Safe Routes to School scheme. That can lead to remarkable achievements in terms of the benefits to children in building up their cardiovascular functions, which means that they are far more alive and ready for lessons than they are if they jump in the car and are driven to school still half asleep. They are not then as awake when they start their first lesson.

gennym rai llwybrau seiclo deniadol. Mae seiclo ar hyd llawr cwm Cynon—nid wyf yn siŵr y byddai seiclo o gwm Rhondda drosodd i gwm Cynon yn syniad da i lawer o bobl—yn sicr o fod yn bleser mawr. Mae'n ddrwg gennyf glywed bod problemau. Rhaid delio â hwy fel y caiff pobl eu cymell i seiclo ar lwybr beicio cwm Cynon.

David Melding: Pan awn i ysgol gynradd Mynachlog Nedd 35 mlynedd yn ôl, arferwn fynd i'r ysgol yn yr hyn a elwid yn awr yn fws cerdded. Byddai athro lleol a oedd yn byw yn y gymdogaeth yn ein corlannu ni'r plantos bach ac yn mynd â ni'n ddiogel i'r ysgol. Oni ddylem roi mesur o'r fath ar waith yn awr, gan gymryd y gallwn beri i bobl yrru ar gyflymder synhwyrol?

Y Prif Weinidog: Dyna'r broblem. Mae maint y traffig y dyddiau hyn yn peri bod cerdded neu seiclo yn anatyniadol yng ngolwg rhai rhieni. Dyna pam na ellir dibynnu ar fenter yr unigolyn yn unig i fynd yn ôl at yr hen ddyddiau dedwydd pan fyddai plant yn seiclo ac yn cerdded i'r ysgol; rhaid gwneud hynny'n drefnus drwy fenter Llwybrau Diogel i'r Ysgol. Gall hynny arwain at gyflawniadau rhyfeddol o ran y buddion a gaiff plant o gryfhau eu gweithrediadau cardiofasgwlaidd, sy'n golygu eu bod yn llawer mwy effro a pharod i ddysgu nag y maent os ydynt yn neidio i'r car ac yn cael eu gyrru i'r ysgol a hwythau'n dal i fod yn hanner cysgu. Wedyn nid ydynt mor effro pan ddechreuant eu gwrs gyntaf.

Llywodraeth Leol Agored ac Atebol Openness and Accountability in Local Government

Q6 The Leader of the Welsh Liberal Democrat Group (Michael German): Will the First Minister make a statement on the openness and accountability of local government management structures? (OAQ37962)

The First Minister: The Assembly Government supports open and accountable government. The political structures introduced under the Local Government Act 2000—the split between the legislative and executive sides of local government—have fundamentally reformed local government in

C6 Arweinydd Grŵp Democratiaid Rhyddfrydol Cymru (Michael German): A wnaiff y Prif Weinidog ddatganiad ar ba mor agored ac atebol yw strwythurau rheoli llywodraeth leol? (OAQ37962)

Y Prif Weinidog: Mae Llywodraeth y Cynulliad o blaid llywodraeth agored ac atebol. Mae'r strwythurau gwleidyddol a gyflwynwyd o dan Ddeddf Llywodraeth Leol 2000—gwahanu ochrau deddfwriaethol a gweithredol llywodraeth leol—wedi diwygio llywodraeth leol yng Nghymru yn sylfaenol,

Wales, bringing about increased efficiency, openness and transparency. I commend the Local Government and Public Services Committee's review of and report on the operation of the new political structures.

Michael German: As a result of the local elections this year, several local authorities in Wales have asked if they can change their management structures, and the Finance Minister brought forward some draft regulations. The old regulations state that a copy of an authority's proposals must be sent to the National Assembly and that the authority cannot implement them without the Assembly's consent in writing. The new regulations state that a local authority must not implement its proposals without the Assembly's approval in writing. I thought that we were in favour of local government making its own decisions. Are you prepared to consider this decision to see whether or not local authorities can make their own decisions in this regard? Can we not trust them?

The First Minister: I will consider that. I was not aware of the difference in the regulations. I listened carefully to the two statements that you made and I found it difficult to differentiate between them. Therefore, if you will write to me and explain in detail what the problem is, either I or Sue Essex will respond.

2.30 p.m.

Leighton Andrews: Do you agree that one of the ways in which the Assembly can contribute to openness and accountability in local government is by spreading best practice throughout Wales? Will you, therefore, welcome the actions of the Labour-controlled Rhondda Cynon Taf County Borough Council in opening up its cabinet meetings to members of the public and in holding these meetings in various locations within the borough, not just in the council's offices?

The First Minister: These actions are thoroughly commendable, but I have no idea whether they will earn a suitable political reward in four years' time. Opening up the process and including the public, with the

gan ei gwneud yn fwy effeithlon, agored a thryloyw. Cymeradwyaf adolygiad Pwyllgor Llywodraeth Leol a Gwasanaethau Cyhoeddus o weithrediad y strwythurau gwleidyddol newydd a'i adroddiad ar hynny.

Michael German: O ganlyniad i'r etholiadau lleol eleni, mae sawl awdurdod lleol yng Nghymru wedi gofyn a gaiff newid ei strwythurau rheoli, ac mae'r Gweinidog Cyllid wedi dwyn rhai rheoliadau drafft gerbron. Dywed yr hen reoliadau fod rhaid anfon copi o gynigion yr awdurdod i'r Cynulliad Cenedlaethol ac na chaiff yr awdurdod eu rhoi ar waith heb gael caniatâd ysgrifenedig gan y Cynulliad. Dywed y rheoliadau newydd na chaiff awdurdod lleol roi ei gynigion ar waith heb gael caniatâd ysgrifenedig gan y Cynulliad. Tybiais ein bod o blaid gweld llywodraeth leol yn penderfynu drosti'i hun. A ydych yn barod i ystyried y penderfyniad hwn i weld a gaiff awdurdodau lleol benderfynu drostyt eu hunain yn hyn o beth? Oni allwn ymddiried ynddynt?

Y Prif Weinidog: Ystyriaf hynny. Ni wyddwn am y gwahaniaeth yn y rheoliadau. Gwrandewais yn astud ar y ddau osodiad a wnaethoch ac fe'i cefais yn anodd gwahaniaethu rhyngddynt. Gan hynny, os ysgrifennwch ataf ac egluro'n fanwl beth yw'r broblem, byddaf fi neu Sue Essex yn ymateb.

Leighton Andrews: A ydych yn cytuno mai un modd y gall y Cynulliad gyfrannu at weithredu agored ac atebol mewn llywodraeth leol yw drwy ledaenu'r arferion gorau ledled Cymru? Gan hynny, a wnewch groesawu'r camau a gymerodd Cyngor Bwrdeistref Sirol Rhondda Cynon Taf, sy'n cael ei reoli gan Lafur, wrth agor ei gyfarfodydd cabinet i aelodau'r cyhoedd a chynnal y cyfarfodydd hyn mewn gwahanol fannau yn y fwrdeistref, ac nid yn swyddfa'r cyngor yn unig?

Y Prif Weinidog: Mae'r camau hyn yn gwbl ganmoladwy, ond nid oes gennyf unrhyw syniad a fyddant yn ennill gwobr wleidyddol addas ymhen pedair blynedd. Mae agor y broses a chynnwys y cyhoedd, heblaw mewn

exception of meetings to discuss land sales or other commercially confidential matters, seems commendable. Rhondda Cynon Taf does not have a natural political metropolitan centre, therefore this is a way of bringing in the public in Rhondda, Cynon and Taf.

Leanne Wood: You may be aware of claims made by the new Labour leadership in Rhondda Cynon Taf that the previous Plaid Cymru leadership left a £15 million budget deficit. This claim was challenged by the former leader, Pauline Jarman, because it was not true, and her defence has been backed by the district auditor. She tried to clarify the situation by asking for a section 151 officer's report. The motion requesting the report was voted down, yet no mention was made of the motion in subsequent minutes. Can you tell us—

The Presiding Officer: Order. I think that you were about to come to your question, but I should say that reference to the internal affairs or organisation of a local authority is not in order. If your question relates to the action of the First Minister or another Minister with regard to the local authority, it will be in order.

Leanne Wood: It does, Presiding Officer, and thank you for your guidance.

Can you tell us, First Minister, what powers you have to promote the integrity of local government to ensure that council minutes are not sanitised and that matters of public interest are placed on public record?

The First Minister: Leanne, never try to fight the last election again. One party wins and another loses, there is no point in trying to go back over the result. If you have detailed points, as you are a council tax payer in the area, they should probably be dealt with initially through the redress mechanism and by the local authority's compliance officer. If this fails, please write to me or to Sue Essex.

cyfarfodydd a gynhelir i drafod gwerthu tir neu faterion masnachol gyfrinachol eraill, yn ymddangos yn ganmoladwy. Nid oes i Rhondda Cynon Taf ganolfan fetropolitan wleidyddol naturiol, felly dyma un modd i gynnwys y cyhoedd yn Rhondda, Cynon a Thaf.

Leanne Wood: Efallai y gwyddoch am honiadau a wnaed gan yr arweinwyr Llafur newydd yn Rhondda Cynon Taf fod arweinwyr blaenorol Plaid Cymru wedi gadael diffyg o £15 miliwn yn y gyllideb ar eu hôl. Heriwyd yr honiad hwn gan y cynarweinydd, Pauline Jarman, gan nad oedd yn wir, ac ategwyd ei hamddiffyniad gan yr archwilydd dosbarth. Ceisiodd egluro'r sefyllfa drwy ofyn am adroddiad gan swyddog o dan adran 151. Gwrthodwyd y cynnig i ofyn am yr adroddiad, ac eto nid oedd unrhyw sôn am y cynnig yn y cofnodion a gafwyd wedyn. A allwch ddweud wrthym—

Y Llywydd: Trefn. Credaf eich bod ar fin gofyn eich cwestiwn, ond dylwn ddweud nad yw cyfeirio at faterion mewnol neu drefniadaeth awdurdod lleol mewn trefn. Os yw'ch cwestiwn yn ymwneud â gweithredoedd y Prif Weinidog neu Weinidog arall mewn cysylltiad â'r awdurdod lleol, bydd mewn trefn.

Leanne Wood: Mae'n ymwneud â hynny, Lywydd, a diolch i chi am eich arweiniad.

Brif Weinidog, a allwch ddweud wrthym ba bwerau sydd gennych i hyrwyddo uniondeb mewn llywodraeth leol i sicrhau na chaiff cofnodion cyngor eu glanweithio ac y cofnodir materion sydd o ddiddordeb i'r cyhoedd?

Y Prif Weinidog: Leanne, ni ddylech byth geisio ailymladd etholiad sydd wedi bod. Mae un blaid yn ennill a'r llall yn colli, ac nid oes diben ceisio aildrafod y canlyniad. Os oes gennych bwyntiau manwl i'w codi, gan eich bod yn talu'r dreth gyngor yn yr ardal, mae'n debyg y dylid ymdrin â hwy'n gyntaf drwy'r dull o gywiro camarfer a hynny gan swyddog cydymffurfio'r awdurdod lleol. Os bydd hynny'n methu, ysgrifennwch ataf fi neu at Sue Essex, os gwelwch yn dda.

William Graham: Without wishing to second guess Mike German, I suspect that what he was trying to ask you was would you facilitate the use of option 4 now that the political structure has so changed in Wales?

The First Minister: I do not think that we have a problem with option 4. If it were not an option it would not be there. Mike German may have been referring to the specific terms on which you have to demonstrate the level of support for the option. I am sorry, but I did not spot the difference between the versions he read aloud—the before version, of which he approved, and the after version, of which he disapproved. That is why I asked him to provide me with a written copy of the paragraphs to which he objects.

Ymgorffori Cwngos (Meini Prawf) Merging Quangos (Criteria)

Q7 Owen John Thomas: What criteria does the First Minister use to decide whether a national quango is to be merged into the Assembly? (OAQ37981)

The First Minister: If an Assembly sponsored public body's functions are fundamentally of a governmental character, they should be merged with the Assembly administration. If the functions are of a regulatory character, especially where they regulate Assembly functions, there is a case for keeping the body at arm's length from the Assembly. I mentioned the question of invidious or professional judgments that have to be made, and these can be healthier when kept at arm's length from a Minister.

Owen John Thomas: There is general support for getting rid of the quangos. However, there are concerns that civil servants rather than people with business experience and a flair for enterprise will be running the Welsh Development Agency, and that the Arts Council of Wales will no longer remain at arm's length from politicians. Many people are asking how could changing the administration of the National Museum and Galleries of Wales or

William Graham: Heb ddymuno sgil-feirniadu Mike German, yr wyf yn amau mai'r hyn yr oedd yn ceisio'i ofyn i chi oedd a wnewch hwyluso'r defnydd o ddewis 4 gan fod y drefn wleidyddol wedi newid cymaint yng Nghymru?

Y Prif Weinidog: Ni chredaf fod gennym wrthwynebiad i ddewis 4. Os nad oedd yn ddewis, ni fyddai ar gael. Efallai fod Mike German yn cyfeirio at y telerau penodol ar ddangos maint y gefnogaeth a geir i'r dewis hwnnw. Mae'n ddrwg gennyf, ond ni sylwais ar y gwahaniaeth rhwng y fersiynau a ddarllenodd—y fersiwn cynt, yr oedd yn ei gymeradwyo, a'r fersiwn wedyn, yr oedd yn ei anghymeradwyo. Dyna pam y gofynnais iddo roi copi ysgrifenedig i mi o'r paragraffau y mae'n eu gwrthwynebu.

C7 Owen John Thomas: Pa feini prawf fydd y Prif Weinidog yn eu defnyddio i benderfynu a ddylid uno cwango cenedlaethol â'r Cynulliad? (OAQ37981)

Y Prif Weinidog: Os yw swyddogaethau corff cyhoeddus a noddir gan y Cynulliad o natur sy'n hanfodol lywodraethol, dylid eu hymgorffori yng ngweinyddiaeth y Cynulliad. Os yw'r swyddogaethau o natur reoliadol, yn enwedig os ydynt yn rheoleiddio swyddogaethau'r Cynulliad, mae dadl dros gadw'r corff hwnnw o hyd braich oddi wrth y Cynulliad. Soniais am fater y dyfarniadau anodd neu broffesiynol y mae'n rhaid eu gwneud, a gall y rhain fod yn iachach o'u cadw o hyd braich oddi wrth Weinidog.

Owen John Thomas: Mae cefnogaeth gyffredinol i gael gwared â'r cwangos. Er hynny, mae pryderon mai gweision sifil yn hytrach na rhai sydd â phrofiad o fusnes a dawn mentro fydd yn rhedeg Awdurdod Datblygu Cymru, ac na fydd Cyngor Celfyddydau Cymru yn dal i fod o hyd braich oddi wrth wleidyddion. Mae llawer yn gofyn pa les a geid o newid y dull o weinyddu Amgueddfeydd ac Oriolau Cenedlaethol Cymru neu Lyfrgell

the National Library of Wales be of benefit. Will your criteria give consideration to these seemingly reasonable concerns?

The First Minister: Your general support for abolishing the quangos seems to have lost its flavour on the bedpost overnight, if I may quote an old song that you will probably remember. It is important to bear in mind that we have told the quangos that if they believe that they should remain outside the net, they should make the case for that. We are studying the response of each quango, and we will make an announcement to the Assembly when we are ready, which will be within 4 to 6 weeks.

2.40 p.m.

Christine Gwyther: Do you share my astonishment at the apparent flip-flopping of the Plaid Cymru group on the issue of quangos, not only undermining Assembly resolutions, but undermining its own leader who has spoken out strongly in the past about abolishing the quango state? Will you accept my reassurance, as a Labour backbencher, that neither your party nor the rest of Wales will undermine you on this issue?

The First Minister: There was widespread support on 14 July for the announcement that three quangos were to be abolished, as well as for the general principle that we propose to follow. That support has not weakened among the general public. Some parties seem to find it difficult, when it comes to a specific decision. They like the principle, but do not like it when it is applied in practice. It is always a problem for opposition parties to decide. We have just heard Owen John Thomas whinging in advance about decisions not yet taken and about those that have been taken. Perhaps it is best for political parties to stick to their principles. They should try to adhere to what they said on 14 July.

Nick Bourne: The pyromania in which you indulge is in danger of going too far. Do you not agree that politicisation of the arts is something that is best left to totalitarian government? You do not need a totalitarian

Genedlaethol Cymru. A fydd eich meini prawf yn ystyried pryderon ymddangosiadol resymol o'r fath?

Y Prif Weinidog: Ymddengys fod eich cefnogaeth gyffredinol i ddiddymu'r cwangos wedi colli ei blas dros nos. Mae'n bwysig cofio ein bod wedi dweud wrth y cwangos y dylent ddadlau dros barhau y tu allan i'r rhwyd os credant mai hynny sy'n iawn. Yr ydym yn astudio ymateb pob cwango, a byddwn yn rhoi datganiad i'r Cynulliad pan fyddwn yn barod, sef ymhen pedair i chwe wythnos.

Christine Gwyther: A ydych yn rhannu fy syndod at anwladu ymddangosiadol grŵp Plaid Cymru ar fater cwangos, nid yn unig wrth danseilio penderfyniadau'r Cynulliad, ond hefyd wrth danseilio ei arweinydd ei hun sydd wedi codi llais yn y gorffennol dros ddiddymu'r wladwriaeth gwangos? A wnewch dderbyn sicrwydd gennyf fi, fel meinciwr cefn Llafur, na fydd eich plaid na gweddi Cymru'n eich tanseilio ar y mater hwn?

Y Prif Weinidog: Yr oedd cefnogaeth gyffredinol ar 14 Gorffennaf i'r cyhoeddiad bod tri chwango i gael eu diddymu, a hefyd i'r egwyddor gyffredinol y bwriadem ei dilyn. Nid yw'r gefnogaeth honno wedi gwanhau ymysg y cyhoedd. Ymddengys fod rhai pleidiau'n ei chael yn anodd, pan ddaw'n fater o wneud penderfyniad penodol. Maent yn hoffi'r egwyddor, ond nid ydynt yn ei hoffi pan roddir hi ar waith. Mae'n wastad yn anodd i wrthbleidiau benderfynu. Yr ydym newydd glywed Owen John Thomas yn cwyno ymlaen llaw am benderfyniadau sydd heb eu gwneud ac am y rhai a wnaed. Efallai mai'r peth gorau yw i bleidiau gwleidyddol lynu wrth eu hegwyddorion. Dylent geisio ddal at yr hyn a ddywedasant ar 14 Gorffennaf.

Nick Bourne: Mae perygl i'r pyromania yr ydych yn ymroi iddo fynd yn rhy bell. Oni chytunwch mai rhywbeth y dylid ei adael i lywodraeth unbenaethol yw gwleidyddoli'r celfyddydau? Nid oes arnoch angen

government. I pay tribute to the Labour chair of the Culture, Welsh Language and Sport Committee who has quite rightly spoken out against this. It is an issue of principle. Will you now rule it out? There is a great danger in politicising arts, as you will agree, I am sure.

The First Minister: I will not be ruling anything in or out until we are ready to make a decision. How can anyone believe that there have been no ministerial negotiations involving individual arts projects over the past 10 or 20 years, whether it was Conservative Ministers such as David Hunt offering last-minute funding for the Welsh National Opera or Labour Ministers before devolution. The decisions that we make on the funding of the Wales Millennium Centre and allied matters, are ministerial decisions on the arts. I understand what you mean when you say that it can be difficult or invidious to decide between giving a grant to two budding artists or poets. I understand your point about not wanting to make invidious choices. However, it remains the principle. We will return to the issue of how to deal with the points that you raised, despite the nonsense and the ignorance that you display about the past, when we are ready to make a decision.

Rosemary Butler: As public knowledge, I made a statement saying that I thought that the Arts Council of Wales should not be brought into the Assembly. I thank the Minister for spending considerable time with me discussing my views. Are you saying that it is not the case of one size fits all, and that you will listen to consultations and observations on the issue of bringing Assembly sponsored public bodies into the Assembly? Will you give us an idea of the timescale of when this might happen?

The First Minister: Certainly before the end of November. Consultation is in progress and we are studying how individual quangos fit in with the criteria that I mentioned earlier in my answer to Owen John Thomas and my announcement on 14 July. Those are the key criteria. The issue is, how governmental is

llywodraeth unbenaethol. Talaf deyrnged i gadeirydd Llafur y Pwyllgor Diwylliant, y Gymraeg a Chwaraeon sydd wedi codi llais yn erbyn hyn, a hynny'n gwbl briodol. Mater o egwyddor ydyw. A wnewch ddiystyru hynny'n awr? Mae perygl mawr wrth wleidyddoli'r celfyddydau, fel y cytunwch, yr wyf yn siŵr.

Y Prif Weinidog: Ni fyddaf yn diystyru unrhyw beth hyd nes y byddwn yn barod i benderfynu. Sut y gall unrhyw un gredu na fu negodiadau gweinidogol ynghylch prosiectau celfyddydol penodol dros y 10 neu 20 mlynedd diwethaf, boed hynny gan Weinidogion Ceidwadol fel David Hunt a gynigiodd gyllid ar y funud olaf i Opera Cenedlaethol Cymru neu gan Weinidogion Llafur cyn datganoli. Mae'r penderfyniadau a wnawn ar gyllido Canolfan Mileniwm Cymru a materion cysylltiedig, yn benderfyniadau gweinidogol ar y celfyddydau. Deallaf yr hyn a olygwch wrth ddweud y gall fod yn anodd neu'n dramgwyddus penderfynu rhwng dau egin arlunydd neu ddau egin fardd wrth roi grant. Yr wyf yn deall y pwynt a wnaethoch am beidio â dymuno gwneud dewisiadau tramgwyddus. Fodd bynnag, dyna'r egwyddor o hyd. Deuwn yn ôl at fater y modd i ymdrin â'r pwyntiau yr ydych wedi'u codi, er gwaethaf y nonsens a'r anwybodaeth a amlygwch ynghylch y gorffennol, pan fyddwn yn barod i benderfynu.

Rosemary Butler: Er mwyn i bawb gael gwybod, gwneuthum ddatganiad gan ddweud fy mod yn credu na ddylid cynnwys Cyngor Celfyddydau Cymru yn y Cynulliad. Diolchaf i'r Gweinidog am dreulio cryn amser gyda mi'n trafod fy marn. Ai dweud yr ydych na thrinnir pob un yn yr un modd, ac y gwrandewch ar ymgynghoriadau a sylwadau ar fater cynnwys cyrff cyhoeddus a noddir gan y Cynulliad yn y Cynulliad? A wnewch roi rhyw amcan i ni o'r adeg y gallai hynny ddigwydd?

Y Prif Weinidog: Cyn diwedd Tachwedd, yn sicr. Mae'r ymgynghori'n mynd rhagddo ac yr ydym yn edrych ar y modd y mae cwangos penodol yn bodloni'r meini prawf a grybwyllais yn gynharach yn fy ateb i Owen John Thomas ac yn fy natganiad ar 14 Gorffennaf. Dyna'r prif feini prawf. Y mater

the function, is it regulatory, and if so, does it regulate functions of the Assembly or its government department? There is also the issue of arms-length decisions on what might otherwise be invidious decisions.

Michael German: I am grateful for your last comment, First Minister. When you made your announcement in July, you did not have to prepare the ground for this discussion by informing us of your policy on this matter in terms of the criteria for bringing quangos in house. There is a feeling, which is expressed by many of the present quango employees, that it was a back-of-the-envelope job. The policy must be considered. Rosemary Butler raised an appropriate point about the need for policy on this. While you may want to wait until the end of November to make a decision, when you tell us which quangos you intend and do not intend to move, it is important that the Assembly should hear from you directly regarding what you mean by those three criteria, and whether they are absolute or fit a range of circumstances. This matter needs to be dealt with sensitively. In view of the staff's concerns, you have raised more questions than answers. There are many public employees in Wales who are afraid for their jobs.

The First Minister: That is an absurd proposition. It is not the employees who are concerned for their jobs. Their jobs, with some exceptions where corporate services or back offices may be shared—to use the crude shorthand—will continue, because they are needed. This is not an issue about employees. There is no change in the need for that function, except in cases where you can economise among civil servants or present ASPB employees, where a computer system, e-government system or some other system can be shared. The fundamental function of the ASPB will continue, therefore the staff will continue, whether they merge or not. Trying to stir up fear is reprehensible.

You say you would like more details about how these three criteria will work in practice. Basically, they are common sense. They

dan sylw yw pa mor llywodraethol y mae'r swyddogaeth, a yw'n un reoliadol, ac os ydyw, a yw'n rheoleiddio swyddogaethau'r Cynulliad neu ei adran lywodraeth? Rhaid hefyd ystyried penderfyniadau hyd braich a allai beri tramgwydd fel arall.

Michael German: Yr wyf yn ddiolchgar am eich sylw diwethaf, Brif Weinidog. Pan wnaethoch eich datganiad ym mis Gorffennaf, nid oedd yn rhaid ichi fraenaru'r tir ar gyfer y drafodaeth hon drwy roi gwybod inni beth yw'ch polisi ar y mater hwn o ran y meini prawf ar gyfer ymgorffori cwangos. Mae teimlad, a fynegir gan lawer o weithwyr y cwangos presennol, mai gwaith byrffyr oedd hwn. Rhaid ystyried y polisi. Gwnaeth Rosemary Butler godi pwynt priodol am yr angen i gael polisi ar hyn. Er eich bod efallai'n dymuno aros tan ddiwedd Tachwedd i wneud penderfyniad, pan ddywedwch wrthym ba gwangos y bwriadwch eu symud a pha rai nad ydych yn bwriadu eu symud, mae'n bwysig i'r Cynulliad gael gwybod gennych ar unwaith am yr hyn a olygwch wrth y tri maen prawf hynny, ac a ydynt yn ddiamod neu'n ffitio i amryw o amgylchiadau. Rhaid ymdrin yn sensitif â'r mater hwn. Yng ngolwg pryderon y staff, yr ydych wedi codi mwy o gwestiynau nag o atebion. Mae llawer o weithwyr cyhoeddus yng Nghymru'n poeni am eu swyddi.

Y Prif Weinidog: Mae hwnnw'n osodiad hurt. Nid y gweithwyr sy'n poeni am eu swyddi. Bydd eu swyddi'n parhau, heblaw am rai lle y gellir rhannu gwasanaethau corfforaethol neu swyddfeydd cefn—a defnyddio'r disgrifiad bras ohonynt—gan fod angen amdanynt. Nid yw'r mater hwn yn ymwneud â gweithwyr. Yr un yw'r angen am y swyddogaeth honno, heblaw pan fo modd gwneud arbedion ymysg gweision sifil neu weithwyr y CCNC presennol, lle y gellir rhannu system gyfrifiadurol, system e-lywodraeth neu ryw system arall. Bydd swyddogaeth sylfaenol y CCNC yn parhau, felly bydd y staff yn parhau, pa un a ymgorfforir hwy ai peidio. Peth gresynus yw ceisio codi ofn.

Dywedwch y carech gael mwy o fanylion am y modd y bydd y meini prawf hyn yn gweithio'n ymarferol. Yn y bôn, maent yn

amount to a ministerial judgement to be made by the Cabinet on whether they do or do not fit into those three overall criteria, which I mentioned on 14 July. Please do not cry crocodile tears for employees.

Michael German: We ought to be concerned about those people who are employed in public services in Wales, especially the many thousands of Department for Work and Pensions employees who are concerned for their jobs in Wales. You could equally apply your three criteria to health trusts and, if so, are you prepared to say that we ought to have more ministerial control over their decisions? Last week, the Minister for Health and Social Services was prepared to hide behind the health trusts and not take responsibility on the issue of GP out-of-hours contracts, and she has done the same this week, on the issue of more agency nurses. Do you think one of the criteria should be how easy it is to scapegoat a quango?

The First Minister: I shall return to the issue of employees. You are crying crocodile tears and trying to stir up fears. That is reprehensible. A status change, whether you work in an ASPB or the civil service, makes no difference to the requirement for your job, with the exception, as I mentioned, of where you can share or otherwise duplicate corporate services. The question on health trusts is interesting. Health trusts are not classed as quangos—they have a different legal personality. That is a matter for the future—it is not in the net to be considered at present.

Y Llywydd: Mae cwestiwn 8 (OAQ37985) wedi ei dynnu'n ôl.

fater o synnwyr cyffredin. Maent yn gyfystyr â phenderfyniad gweinidogol a wneir gan y Cabinet ynghylch a ydynt yn bodloni'r tri maen prawf cyffredinol hynny, a grybwyllais ar 14 Gorffennaf. Peidiwch ag wylo dagrau gwneud dros weithwyr, os gwelwch yn dda.

Michael German: Dylem ymboeni ynghylch y rhai a gyflogir mewn gwasanaethau cyhoeddus yng Nghymru, yn enwedig y miloedd lawer o weithwyr yr Adran Gwaith a Phensiynau sy'n poeni am eu swyddi yng Nghymru. Gallech gymhwyso'ch tri maen prawf at ymddiriedolaethau iechyd yn yr un modd ac, os gwnewch, a ydych yn barod i ddweud y dylem gael mwy o reolaeth weinidogol dros eu penderfyniadau? Yr wythnos diwethaf, yr oedd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn barod i guddio y tu ôl i'r ymddiriedolaethau iechyd a pheidio â derbyn cyfrifoldeb ar fater contractau meddygon teulu ar waith y tu allan i oriau, a gwnaeth yr un peth yr wythnos hon ar fater y cynnydd yn nifer y nyrsys asiantaeth. A ydych yn credu mai un o'r meini prawf y dylid eu cael yw pa mor rhwydd y gellir troi cwango'n fwch dihangol?

Y Prif Weinidog: Deuaf yn ôl at fater gweithwyr. Yr ydych yn wylo dagrau gwneud ac yn ceisio codi ofn. Mae hynny'n beth gresynus. Nid yw newid i statws, pa un a ydych yn gweithio mewn CCNC neu yn y gwasanaeth sifil, yn gwneud unrhyw wahaniaeth i'r angen am eich swydd, heblaw pan fo modd rhannu gwasanaethau corfforaethol neu eu dyblygu mewn modd arall, fel y dywedais. Mae'r cwestiwn am ymddiriedolaethau iechyd yn un diddorol. Nid yw ymddiriedolaethau iechyd wedi'u dynodi'n gwangos—mae iddynt natur gyfreithiol wahanol. Mae hynny'n fater i'w drafod yn y dyfodol—nid yw dan sylw ar hyn o bryd.

The Presiding Officer: Question 8 (OAQ37985) has been withdrawn.

Mesur Archwilio Cyhoeddus (Cymru) The Public Audit (Wales) Bill

Q9 Mark Isherwood: Will the First Minister make a statement on the Public

C9 Mark Isherwood: A wnaiff y Prif Weinidog ddatganiad ar Fesur Archwilio

Audit (Wales) Bill? (WAQ37974)

The First Minister: The Public Audit (Wales) Act received Royal Assent on 16 September. It will enable a single public audit body for Wales to become functional from 1 April 2005. The new body will rationalise audit services in Wales, increase joint working and work planning between audit and regulatory bodies, and help the development of best audit practices.

Mark Isherwood: Thank you for that clarification. All parties in the Assembly called for clause 54 of the Public Audit (Wales) Act to be scrapped, so that bad councils in Wales could not ride roughshod over public accountability in order to silence ethical staff. Will you therefore join me in expressing my concern that both Labour and Liberal Democrat MPs failed to support the call by Conservative MPs during the second reading of this Bill in Westminster for clause 54 to be scrapped?

The First Minister: As far as I am aware, tighter standards of audit are being applied to the body which is being audited, so that it cannot defer, delay or prevent publication. These standards, which are always applied to the work of the National Audit Office, the National Assembly for Wales and the Audit Commission in Wales—in terms of its work on the health service—now also apply to local government.

Peter Black: When all opposition parties, including the Conservatives, withdrew their amendments to clause 54 in the House of Lords, the Government gave an undertaking that it would bring back legislation at a future stage to reform clause 54 on an England and Wales basis, so that local government no longer had the right to hold up the publication of an audit report. Have you liaised with the Westminster Government to ensure that this is done as soon as possible?

The First Minister: The problem was that you had to amend another Act—the Audit Commission Act 1998—and work is progressing to do so. Once the parallel

Cyhoeddus (Cymru)? (WAQ37974)

Y Prif Weinidog: Rhoddwyd Cydsyniad Brenhinol i Ddeddf Archwilio Cyhoeddus (Cymru) ar 16 Medi. Bydd yn galluogi corff archwilio cyhoeddus sengl i Gymru i ddechrau gweithredu o 1 Ebrill 2005. Bydd y corff newydd yn rhesymoli gwasanaethau archwilio yng Nghymru, yn sicrhau mwy o weithio ar y cyd a chynllunio gwaith rhwng cyrff archwilio a rheoliadol, ac yn helpu i ddatblygu'r arferion gorau mewn archwilio.

Mark Isherwood: Diolch i chi am yr eglurhad hwnnw. Galwodd yr holl bleidiau yn y Cynulliad am gael gwared ar gymal 54 Deddf Archwilio Cyhoeddus (Cymru), fel na allai cynghorau gwael yng Nghymru sathru atebolrwydd cyhoeddus dan draed er mwyn rhoi taw ar staff egwyddorol. Gan hynny, a wnewch ymuno â mi i fynegi pryder bod ASau Llafur ac ASau'r Democratiaid Rhyddfrydol wedi methu â chefnogi'r alwad gan ASau Ceidwadol yn ystod ail ddarlleniad y Mesur hwn yn San Steffan am gael gwared ar gymal 54?

Y Prif Weinidog: Hyd y gwn i, cymhwysir safonau archwilio llymach at y corff a archwilir, fel na all ohirio, rhwystro neu atal cyhoeddi. Mae'r safonau hyn, a gymhwysir bob amser at waith y Swyddfa Archwilio Genedlaethol, Cynulliad Cenedlaethol Cymru a'r Comisiwn Archwilio yng Nghymru—yng nghyd-destun ei waith ar y gwasanaeth iechyd—yn cael eu cymhwyso'n awr at lywodraeth leol.

Peter Black: Pan wnaeth yr holl wrthbleidiau, gan gynnwys y Ceidwadwyr, dynnu'n ôl eu gwelliannau i gymal 54 yn Nhŷ'r Arglwyddi, addawodd y Llywodraeth gyflwyno deddfwriaeth yn y dyfodol i ddiwygio cymal 54 ar gyfer Cymru a Lloegr, fel na châi llywodraeth leol hawl wedyn i atal cyhoeddi adroddiad archwilio. A ydych wedi cysylltu â Llywodraeth San Steffan i sicrhau y gwneir hynny cyn gynted ag y bo modd?

Y Prif Weinidog: Y broblem oedd bod rhaid diwygio Deddf arall—Deddf y Comisiwn Archwilio 1998—ac mae'r gwaith ar hynny'n mynd rhangddo. Ar ôl diwygio'r

provision in section 49 of the Audit Commission Act 1998 has been amended, section 54 of the Public Audit (Wales) Bill can be amended by an Order made by the Secretary of State for Wales. New primary legislation is not required.

The UK Government has also announced that it will solve the other problem related to abolishing section 54, namely the sanction of imprisonment in the legislation. A fine will then apply to the limited remaining categories of unlawful disclosure. Therefore, no-one, whether Mark Isherwood or anyone else, should question the good faith of the Government in wanting equality and an upgrade of local government—not a downgrade of standards that previously applied in local government—to the previous, tighter standards that apply to the audit of central government functions, Assembly department functions and the NHS. That is how it will be.

ddarpariaeth gyfatebol yn adran 49 Deddf y Comisiwn Archwilio 1998, gellir diwygio adran 54 Mesur Archwilio Cyhoeddus (Cymru) drwy Orchymyn a wneir gan Ysgrifennydd Gwladol Cymru. Nid oes angen deddfwriaeth sylfaenol newydd.

Mae Llywodraeth y DU wedi cyhoeddi hefyd y bydd yn datrys problem arall sy'n gysylltiedig â diddymu adran 54, sef y gosb o garchar sydd yn y ddeddfwriaeth. Dirwy fydd yn berthnasol wedyn i'r ychydig gategoriâu o ddadlennu anghyfreithlon sy'n weddill. Felly, ni ddylai neb, boed yn Mark Isherwood neu'n rhywun arall, amau didwylledd y Llywodraeth o ran ei dymuniad am gydraddoldeb ac am godi'r safonau a gymhwysir at lywodraeth leol—yn hytrach na'u gostwng i'r safonau a oedd gynt yn berthnasol i lywodraeth leol—i'r un lefel â'r safonau llymach blaenorol sy'n berthnasol i archwilio swyddogaethau llywodraeth ganolog, swyddogaethau adrannau'r Cynulliad a'r GIG. Felly y bydd.

Y Sector Ynni Adnewyddadwy Di-wynt The Non-wind Renewable Energy Sectors

Q10 Brian Gibbons: What discussions has the Government had with the UK Government to promote the non-wind renewable energy sectors? (OAQ37950)

The First Minister: Whereas onshore wind technology is regarded as the only commercially viable technology at present, it is widely recognised that offshore wind energy, tidal, biomass, solar and other non-wind-based renewable technologies will become more viable over time, but not without the same kind of public sector support that onshore wind energy received originally to make it as viable as it is today.

Brian Gibbons: I agree that wind is probably the only mature technology that we have to achieve our short-term renewable energy objectives, but it will never achieve the qualitative change that will allow us to move to a low carbon, no carbon energy future. Therefore, do you agree that there is a need for greater urgency across the board today to establish demonstration and

C10 Brian Gibbons: Pa drafodaethau y mae'r Llywodraeth wedi'u cael â Llywodraeth y DU i hyrwyddo'r sector ynni adnewyddadwy di-wynt? (OAQ37950)

Y Prif Weinidog: Er y bernir mai technoleg ynni gwynt ar y tir yw'r unig dechnoleg sy'n fasnachol ddichonol ar hyn o bryd, derbynnir yn gyffredinol y bydd ynni gwynt ar y môr, ynni'r llanw, ynni o fionás, ynni'r haul a thechnolegau adnewyddadwy eraill heblaw gwynt yn mynd yn fwy dichonadwy dros amser, ond nid heb iddynt gael yr un math o gymorth gan y sector cyhoeddus ag a roddwyd ar gyfer ynni gwynt ar y dechrau i'w wneud mor ddichonadwy ag y mae heddiw.

Brian Gibbons: Cytunaf mai technoleg gwynt yw'r unig un sydd ar gael yn barod i ni i gyrraedd ein hamcanion tymor byr ar gyfer ynni adnewyddadwy, ond ni fydd byth yn ddigon i sicrhau'r newid ansawdd a fydd yn fodd inni symud at ddyfodol sy'n isel o ran carbon, heb ynni carbon. Felly, a ydych yn cytuno bod angen mwy o frys yn gyffredinol heddiw i sefydlu prosiectau

prototype projects in Wales and across the UK?

The First Minister: Indeed. We are talking about offshore marine and photovoltaic technology. Not much hydroelectric power is capable of being exploited in Wales today because all the good hydro opportunities have probably gone. The same is true of biomass and offshore wind. There are other technologies, but they require the same degree of funding and support, promotion and subsidy in the initial stages that put onshore wind energy where it is today. Those technologies are in the same position as onshore wind energy was in around 10 or 15 years ago.

Alun Ffred Jones: A gytunwch â'ch Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad a ddywedodd yn ddiweddar mai ffermydd gwynt yn y môr ac ar y tir yw'r unig ffynhonnell o ynni adnewyddadwy sydd wedi'i datblygu yn ddigonol i gyflawni targedau eich Llywodraeth erbyn 2010?

Y Prif Weinidog: Mae'r ffigurau sydd gennyf yn cefnogi'r targed hwnnw, os ydych yn cyfeirio at y targed a osodwyd ac a dderbyniwyd gan y Cynulliad, sef 4 awr terawat erbyn 2010. Dyna'r unig ffordd ymarferol o gyrraedd y targed. Mae'n golygu cynhyrchu tua 800 megawat o ynni gwynt ar y tir a 200 megawat o ynni adnewyddadwy o ffermydd gwynt yn y môr yn ogystal â'r technolegau eraill a restrais mewn ymateb i gwestiwn cynt Brian Gibbons.

Laura Anne Jones: I was interested to learn that although Wales has 5 per cent of the UK's population, it already has over 33 per cent of the UK's wind turbines. Is it true that Wales already produces twice the amount of electricity that it needs and exports half?

The First Minister: That would be right, but I am not sure what lessons we learn from that. It is certainly true that we have an integrated electricity-generating system, which is called the national grid. That means that power stations in north Wales and those in north-west England are linked together by

arddangos a phrototeip yng Nghymru a ledled y DU?

Y Prif Weinidog: Yn wir. Technoleg ar y môr a thechnoleg ffotofoltäig yw'r hyn sydd dan sylw. Ni ellir gwneud llawer o ddefnydd o ynni trydan dŵr yng Nghymru heddiw gan fod yr holl gyfleoedd da i wneud hynny wedi mynd, mae'n debyg. Mae'r un peth yn wir am fïomäs a gwynt ar y môr. Mae technolegau eraill, ond maent yn gofyn yr un math o gyllid a chymorth, hyrwyddo a chymhorthdal ar y dechrau ag a gododd ynni gwynt ar y tir i'r fan y mae heddiw. Mae'r technolegau hynny yn yr un sefyllfa ag yr oedd ynni gwynt ar y tir tua 10 neu 15 mlynedd yn ôl.

Alun Ffred Jones: Do you agree with your Minister for Environment, Planning and Countryside who recently said that off and onshore windfarms are the only source of sustainable energy adequately developed to reach your Government's targets by 2010?

The First Minister: The figures that I have here support that target, if you are referring to the target that was set and accepted by the Assembly, namely 4 terawatt hours by 2010. That is the only practical way of attaining that target. It means producing around 800 megawatts of onshore wind power and around 200 megawatts of renewable energy from offshore wind farms as well as from the other renewable technologies that I listed in response to Brian Gibbon's earlier question.

Laura Anne Jones: Yr oedd o ddiddordeb imi glywed bod mwy na 33 y cant o dyrbinau gwynt y DU yng Nghymru eisoes, er mai 5 y cant o boblogaeth y DU sydd yma. A yw'n wir bod Cymru eisoes yn cynhyrchu dwywaith y trydan y mae arni ei angen a'i bod yn allforio hanner ohono?

Y Prif Weinidog: Mae hynny'n gywir, ond nid wyf yn sicr pa wersi a ddsygn oddi wrth hynny. Mae'n sicr yn wir bod gennym system cynhyrchu trydan integredig, a elwir yn grid cenedlaethol. Mae hynny'n golygu bod gorsafoddy trydan yn y Gogledd a'r rhai yng ngogledd-orllewin Lloegr wedi'u

east-west super grid lines—400 kVA and 275 kVA. Similarly, the other integrated national grid links Pembroke, Cardiff, the heads of the Valleys and south-west and south-east England. There is not much contact between the north and south Wales grids. That is the nature of integrated electricity—you put your power stations in the best place to generate electricity. The relevance of your question still defeats me.

cysylltu gan linellau grid mawr o'r dwyrain i'r gorllewin—rhaid 400 cilofolt-amper a 275 cilofolt-amper. Yn yr un modd, mae'r grid cenedlaethol integredig arall yn cysylltu Penfro, Caerdydd, blaenau'r Cymoedd a de-orllewin a de-ddwyrain Lloegr. Nid oes llawer o gysylltiad rhwng gridiau'r De a'r Gogledd. Peth felly yw trydan integredig—rhoddir y gorsafoedd trydan yn y mannau mwyaf addas i gynhyrchu trydan. Yr wyf yn dal i fethu â gweld sut y mae'ch cwestiwn yn berthnasol i hyn.

2.50 p.m.

Gŵyl Geltaidd Gwin, Diod a Bwyd y Bont-faen The Cowbridge Celtic Wine, Drink and Food Festival

Q11 David Melding: Will the First Minister make a statement on the inaugural Cowbridge celtic wine, drink and food festival to be held on 6 and 7 November 2004? (OAQ37971)

C11 David Melding: A wnaiff y Prif Weinidog ddatganiad ar ŵyl Geltaidd gwin, diod a bwyd y Bont-faen sydd i'w chynnal am y tro cyntaf ar 6 a 7 Tachwedd 2004? (OAQ37971)

The First Minister: For true proletarians like you, there is no other place to be than Cowbridge on 6 and 7 November. It will be supported by farmers, growers, traders, shopkeepers, hoteliers, restaurants and others, namely workers from the local community. The Welsh Development Agency's agri-food programme is proud to have provided a grant towards this excellent festival.

Y Prif Weinidog: I wir werinwyr fel chi, y Bont-faen fydd yr unig le i fod ar 6 a 7 Tachwedd. Fe'i cefnogir gan ffermwyr, tyfwyr, masnachwyr, siopwyr, gwestywyr, bwytai ac eraill, sef gweithwyr yn y gymuned leol. Mae rhaglen bwyd-amaeth Awdurdod Datblygu Cymru yn falch o fod wedi rhoi grant tuag at gynnal yr ŵyl ragorol hon.

David Melding: I am sure that you want to take this opportunity to commend this festival as a wonderful example of class co-operation to promote the whole of Wales, particularly its food and drink. If we want to market Wales at its best, we must encourage the production of high-class products and their copious consumption.

David Melding: Yr wyf yn siŵr y dymunwch achub ar y cyfle hwn i ganmol yr ŵyl hon fel enghraifft wych o'r cydweithredu rhagorol a geir i hyrwyddo Cymru gyfan, a'i bwyd a'i diod yn enwedig. Os ydym am farchnata Cymru ar ei gorau, rhaid inni hybu'r gwaith o gynhyrchu nwyddau o safon uchel a'r defnydd helaeth ohonynt.

The First Minister: It had better be copious consumption in moderation, David, as the Minister for Health and Social Services is listening. However, there is something to celebrate here. Cowbridge is an old market town and is celebrating the seven hundred and fiftieth anniversary of its charter. It has every right to celebrate that significant anniversary and I am pleased that the Assembly Government, through the WDA,

Y Prif Weinidog: Gwell iddo fod yn ddefnydd helaeth cymedrol, David, gan fod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn gwranddo. Fodd bynnag, mae hyn yn destun dathlu. Mae'r Bont-faen yn dref farchnad hynafol ac mae'n dathlu saithcanmlwyddiant a hanner ei siarter. Mae ganddi bob hawl i dathlu'r pen blwydd pwysig hwnnw ac yr wyf yn falch bod Llywodraeth y Cynulliad, drwy'r WDA,

has been able to provide a small grant towards the celebrations.

wedi gallu rhoi grant bach tuag at y dathliadau.

Datganiad Busnes Business Statement

The Business Minister (Karen Sinclair): There are no changes to report to this week's business. Business for the next three weeks is as set out on the draft statement, which can be found on the Chamberweb under supporting documents. Further to this morning's deliberations in the Business Committee, the Deputy Presiding Officer determined under Standing Order No. 24.6 that the following items of subordinate legislation need not be referred to a Subject Committee for extended consideration: the Care Council for Wales (Specification of Social Care Workers) Registration (Order) 2004, the Local Authorities (Goods and Services) (Public Bodies) (Wales) Order 2004, the Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2004, and the National Assistance (Assessment of Resources) (Amendment No.2) (Wales) Regulations 2004.

Y Llywydd: A oes gwrthwynebiad i'r datganiad busnes? Gwelaf fod mwy na 10 Aelod yn gwrthwynebu. Gofynnaf i'r Trefnydd gynnig y datganiad busnes yn ffurfiol, felly.

The Business Minister (Karen Sinclair): I propose that

the National Assembly for Wales adopts the business statement.

Ieuan Wyn Jones: You will recall last week, Minister, that I raised the issue of orthopaedic waiting times in Wales with the First Minister, particularly those in Gobowen and other hospitals in north Wales. Since then, I have received numerous representations, both directly and through the press, which state that many patients in north Wales were angry that they had to wait for treatment. In Gobowen, patients are waiting up to 18 months for a consultant appointment, and a subsequent 18 months for treatment, which amounts to a three-year

Y Trefnydd (Karen Sinclair): Nid oes unrhyw newidiadau i'w hadrodd i fusnes yr wythnos hon. Mae busnes ar gyfer y tair wythnos nesaf fel y mae wedi'i nodi yn y datganiad drafft, y gellir ei weld ar we'r Siambr o dan ddogfennau ategol. Ymhellach i'r trafodion y bore yma yn y Pwyllgor Busnes, mae'r Dirprwy Lywydd wedi penderfynu o dan Reol Sefydlog Rhif 24.6 nad oes angen cyfeirio'r eitemau is-ddeddfwriaeth a ganlyn i Bwyllgor Pwnc i'w hystyried yn helaethach: Gorchymyn Cyngor Gofal Cymru (Pennu Gweithwyr Gofal Cymdeithasol) (Cofrestru) 2004, Gorchymyn Awdurdodau Lleol (Nwyddau a Gwasanaethau) (Cyrff Cyhoeddus) (Cymru) 2004, Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Diwygio) (Cymru) 2004, a Rheoliadau Cymorth Gwladol (Asesu Adnoddau) (Diwygio Rhif 2) (Cymru) 2004.

The Presiding Officer: Are there any objections to the business statement? I see that more than 10 Members object. I therefore ask the Business Minister to formally propose the business statement.

Y Trefnydd (Karen Sinclair): Cynigiau fod

Cynulliad Cenedlaethol Cymru yn derbyn y datganiad busnes.

Ieuan Wyn Jones: Byddwch yn cofio, Drefnydd, imi godi mater amseroedd aros orthopedig yng Nghymru yr wythnos diwethaf gyda'r Prif Weinidog, yn enwedig y rhai yn ysbyty Gobowen ac ysbytai eraill yn y Gogledd. Ers hynny, mae nifer o sylwadau wedi'u cyflwyno i mi, yn uniongyrchol a thrwy'r wasg, sy'n datgan bod llawer o gleifion yn y Gogledd yn ddig am eu bod yn gorfod disgwyl am driniaeth. Yn ysbyty Gobowen, mae cleifion yn disgwyl hyd at 18 mis i gael gweld ymgynghorydd, a 18 mis ar ôl hynny i gael triniaeth, ac mae hynny'n

wait. That is also true in a number of other hospitals. Will you ask the Minister for Health and Social Services to make a statement to justify that policy, which is so discriminatory against patients in Wales?

David Melding: You will know that I raised this issue this morning when I stood in for my colleague, Jonathan Morgan. Cross-border working in the NHS is now a pressing issue. Many people are comparing the services in Wales with those in England, particularly along the border. The health economies of both nations are not completely distinct, and we need effective planning and services, and access to services, on an equal basis, flowing both ways. How our health service compares to England is also a pressing issue when considering the difference in waiting times and other standards. The Minister should make a statement on this, or you should make time for a debate on this issue.

Kirsty Williams: You will be aware that the Welsh Liberal Democrats asked this morning whether you would discuss with the Minister for Health and Social Services the possibility of bringing forward a statement or a debate on the rising costs of agency nursing, which, over the last five years, have risen from £6.9 million to £21.4 million, combined with a 14 per cent cut in nurse training places at Welsh universities this year. Therefore, we urgently request a debate or statement on the robustness of your Government's workforce planning and how it does or, in this case, does not, reflect the change in the dependency levels of Welsh patients and the level of nursing needed in our Welsh hospital wards and the community.

golygu arhosiad o dair blynedd. Mae hynny'n wir hefyd am sawl ysbyty arall. A wnewch ofyn i'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol wneud datganiad i gyfiawnhau'r polisi hwnnw, sy'n gwahaniaethu cymaint yn erbyn cleifion yng Nghymru?

David Melding: Gwyddoch fy mod wedi codi'r mater hwn y bore yma pan oeddwn yn dirprwyo dros fy nghyd-Aelod, Jonathan Morgan. Mae gweithio trawsffiniol yn y GIG yn fater sy'n gofyn sylw brys bellach. Mae llawer yn cymharu'r gwasanaethau yng Nghymru â'r rhai yn Lloegr, yn enwedig ar hyd y ffin. Nid yw economïau iechyd y ddwy wlad yn gwbl annhebyg, ac mae arnom angen cynllunio a gwasanaethau effeithiol, a mynediad i wasanaethau, sy'n gydradd, yn y ddau gyfeiriad. Mae'r gymhariaeth rhwng ein gwasanaeth iechyd ni a'r un yn Lloegr yn fater pwysig hefyd wrth ystyried y gwahaniaeth rhwng amseroedd aros a safonau eraill. Dylai'r Gweinidog wneud datganiad ar hyn, neu dylech neilltuo amser ar gyfer dadl ar y mater hwn.

Kirsty Williams: Gwyddoch fod Democratiaid Rhyddfrydol Cymru wedi gofyn y bore yma a wnaech drafod gyda'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol y posibilrwydd o ddwyn datganiad neu ddadl gerbron ar gostau cynyddol nyrsys asiantaeth, sydd, dros y pum mlynedd diwethaf, wedi codi o £6.9 miliwn i £21.4 miliwn, ynghyd â'r toriad o 14 y cant yn nifer y lleoedd hyfforddi ar gyfer nyrsys ym mhrifysgolion Cymru eleni. Gan hynny, gofynnwn yn daer am ddadl neu ddatganiad ar gadernid y gwaith o gynllunio ar gyfer y gweithlu gan eich Llywodraeth a'r graddau y mae'n adlewyrchu, neu'n methu ag adlewyrchu yn yr achos hwn, y newid yn y lefelau dibyniaeth ymysg cleifion Cymru a lefel y nyrsio y mae ei hangen yn wardiau ysbytai Cymru ac yn y gymuned.

Carl Sargeant: Business Minister, will you consider allowing some time to look at the policy that gives recognition to Welsh athletes? I raise that in respect of Tanni Grey-Thompson, the gold-medal-winning Paralympian who had fabulous results for Wales. You probably agree that she was a first-past-the-post member, not a list member.

I hope that you can find time to discuss progress in relation to the older people's minister. I mention this in reference to a disgraceful comment that was made by someone who is a south Wales regional Member and a Tory Westminster candidate, and reported in *The Western Mail* this week. He wrote off people who are over 65, and people who are over 60, which is disgraceful.

I was wondering whether we could consider the matter of attendance, regarding the lack of Members on the Tory benches. Perhaps that is due to the onerous 25-hour working week that they did during the summer break, and the recuperation period in Bournemouth—

The Presiding Officer: Order. I believe that we are discussing the business statement.

Carl Sargeant: Finally, there has been a lot of criticism this week from the Tories about the Scarweather motion that is to come before Plenary today. Is it not true that you tried to rearrange that motion following their request?

The Business Minister (Karen Sinclair): I will take Ieuan's question first. There are no plans to make a statement on orthopaedic waiting times—they have reduced over the last year to a point where no-one should now wait over 18 months for treatment. The Welsh Assembly Government launched its strategy, 'An Orthopaedic Plan for Wales: Getting Wales Moving', in July, and the Minister for Health and Social Services will report on progress periodically to the Health and Social Services Committee, and to Plenary when it is appropriate for her to do so.

Carl Sargeant: Drefnydd, a wnewch ystyried caniatáu rhywfaint o amser i ystyried y polisi sy'n cydnabod athletwyr o Gymru? Codaf hynny mewn cysylltiad â Tanni Grey-Thompson, y Baralympiad a enillodd fedal aur gan ddod â chanlyniadau gwych i Gymru. Mae'n debyg y cytunech mai aelod a oedd yn gyntaf i'r felin oedd hi, nid aelod rhestr.

Gobeithiaf y bydd modd ichi neilltuo amser i drafod y cynnydd o ran y gweinidog ar gyfer pobl hŷn. Soniaf am hyn mewn cysylltiad â sylw gwarthus gan un sy'n Aelod rhanbarthol dros y De ac yn ymgeisydd dros y Torïaid ar gyfer San Steffan, ac a adroddwyd yn *The Western Mail* yr wythnos hon. Yr oedd yn ddiystyriol o rai sydd dros 65 oed, a rhai sydd dros 60 oed, sy'n warthus.

Yr oeddwn yn meddwl tybed a allem ystyried mater presenoldeb, mewn cysylltiad â phrinder Aelodau ar feinciau'r Torïaid. Efallai fod hynny'n ganlyniad i'r wythnos waith 25 awr feichus a gawsant yn ystod toriad yr haf, a'r cyfnod ymadfer yn Bournemouth—

Y Llywydd: Trefn. Credaf ein bod yn trafod y datganiad busnes.

Carl Sargeant: Yn olaf, cafwyd llawer o feirniadu yr wythnos hon gan y Torïaid am y cynnig ar gefnenni tywod Scarweather sydd i ddod gerbron y Cyfarfod Llawn heddiw. Onid yw'n wir eich bod wedi ceisio ad-drefnu'r cynnig hwnnw yn unol â chais ganddynt hwy?

Y Trefnydd (Karen Sinclair): Ymdriniaf â chwestiwn Ieuan yn gyntaf. Nid oes unrhyw fwrriad i wneud datganiad ar amseroedd aros orthopedig—maent wedi gostwng dros y flwyddyn a aeth heibio i'r fath raddau fel nad yw'n debyg y bydd neb yn disgwyl yn hwy na 18 mis am driniaeth. Gwnaeth Llywodraeth Cynulliad Cymru lansio ei strategaeth, 'Cynllun Orthopedig ar gyfer Cymru: Cael Cymru i Symud', ym mis Gorffennaf, a bydd y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol yn adrodd ar y cynnydd o bryd i'w gilydd i'r Pwyllgor Iechyd a Gwasanaethau Cymdeithasol, ac i'r Cyfarfod Llawn pan fydd yn briodol iddi

wneud hynny.

David, you raised cross-border working. A statement is not needed on this matter because the position is already clear. Welsh target waiting times are maximum waiting times. The 18-month maximum waiting time for Welsh residents applies whether they are waiting for treatment in Welsh or English trusts. They are maximum waiting times and Welsh commissioners must meet or beat the maximum time laid down whether treatment takes place in England or in Wales. The Minister has now announced that, by the end of March 2005, no-one will wait more than 12 months without receiving an offer of treatment.

David, gwnaethoch godi mater gweithio trawsffiniol. Nid oes angen datganiad ar y mater hwn gan fod y sefyllfa'n glir eisoes. Y targedau ar gyfer amseroedd aros yng Nghymru yw'r hwyaf y mae'n rhaid aros. Mae'r amser aros hwyaf o 18 mis ar gyfer trigolion Cymru yn berthnasol pa un a ydynt yn aros am driniaeth mewn ymddiriedolaeth yng Nghymru neu yn Lloegr. Yr amseroedd aros hwyaf yw'r rhain a rhaid i gomisiynwyr Cymru gyrraedd neu ragori ar yr amser hwyaf a osodir pa un a wneir y driniaeth yng Nghymru neu yn Lloegr. Mae'r Gweinidog wedi cyhoeddi bellach na fydd neb, erbyn diwedd Mawrth 2005, yn aros yn hwy na 12 mis heb gael cynnig triniaeth.

On agency nurses, Kirsty, nurse recruitment and retention has been fully discussed in the Health and Social Services Committee on numerous occasions. The Government has put in place a series of initiatives that will help to support trusts in an effort to reduce nursing agency costs. We have already seen a reduction in nurse vacancies and an increase in the output of students qualifying from training. The Assembly Government is also examining issues that may influence agency use that are not necessarily related to vacancies, such as staff rosters and sickness and absence issues. The findings will be reported to the committee in due course.

Ynghylch nyrsys asiantaeth, Kirsty, mae'r gwaith o recriwtio a chadw nyrsys wedi'i drafod yn llawn yn y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol ar sawl achlysur. Mae'r Llywodraeth wedi cychwyn cyfres o fentrau a fydd yn helpu ymddiriedolaethau i geisio lleihau costau asiantaethau nyrsio. Yr ydym eisoes wedi gweld gostyngiad yn nifer y swyddi nyrsys gwag a chynnydd yn nifer y myfyrwyr sy'n ymgymhwyso ar ôl eu hyfforddi. Mae Llywodraeth y Cynulliad hefyd yn ystyried materion a allai ddylanwadu ar y defnydd o asiantaethau nad ydynt o reidrwydd yn ymwneud â swyddi gwag, fel cylchrestrau a materion sy'n ymwneud â salwch ac absenoldeb. Rhoddir gwybod am y darganfyddiadau i'r pwyllgor gyda hyn.

Carl, I am pleased that you raised the issue of Welsh athletes. Our athletes did us proud and I am sure that the Minister will have heard your request today. I am glad that you asked me about Scarweather, because it allows me to set the record straight. Sue Essex notified Assembly Members of her intention to make the legislation on 5 October unless 10 or more Members expressed dissatisfaction with the intention. I notified business managers on 24 September, in the draft business statement, of my intention to make time available for the motion today. It was scheduled for today to enable discussion to take place as soon as possible and to give Members and the public at least seven days notice of the date of the motion, which is

Carl, yr wyf yn falch eich bod wedi codi mater athletwyr o Gymru. Bu ein hathletwyr yn glod mawr i ni ac yr wyf yn sicr y bydd y Gweinidog wedi clywed eich cais heddiw. Mae'n dda gennyf eich bod wedi fy holi am Scarweather, gan fod hynny'n cynnig modd imi egluro'r sefyllfa. Gwnaeth Sue Essex hysbysu Aelodau'r Cynulliad am ei bwriad i wneud y ddeddfwriaeth ar 5 Hydref oni bai fod 10 neu ragor o Aelodau'n mynegi anfodlonrwydd ar y bwriad hwnnw. Hysbysais y rheolwyr busnes ar 24 Medi, yn y datganiad busnes drafft, am fy mwriad i neilltuo amser ar gyfer y cynnig heddiw. Fe'i hamserlennwyd ar gyfer heddiw fel y gellid cael trafodaeth cyn gynted ag y byddai modd ac i roi i Aelodau a'r cyhoedd o leiaf saith

important. I was asked to rearrange the debate by the leader of the Welsh Conservatives, as he well knows, and by Alun Cairns.

niwrnod o rybudd o ddyddiad y cynnig, gan fod hynny'n bwysig. Gofynnwyd imi ad-drefnu'r ddadl gan arweinydd Ceidwadwyr Cymru, fel y gŵyr yn iawn, a chan Alun Cairns.

3.00 p.m.

We agreed that I would try to substitute the debate for an item of business proposed by another Conservative Member, pending his agreement. Unfortunately, he was unable to comply with this proposal. I am concerned that this matter has been reported somewhat disingenuously.

Cytunasom y byddwn yn ceisio rhoi'r ddadl yn lle eitem busnes a gynigiwyd gan Aelod Ceidwadol arall, ar yr amod y cytunai. Gwaetha'r modd, ni allai dderbyn y cynnig hwn. Pryderaf fod y mater hwn wedi'i adrodd mewn modd sydd braidd yn annidwyll.

*Cynnig: O blaid 30, Ymatal 0, Yn erbyn 21.
Motion: For 30, Abstain 0, Against 21.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Barrett, Lorraine
Butler, Rosemary
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Gibbons, Brian
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
James, Irene
Jones, Ann
Jones, Carwyn
Law, Peter
Lewis, Huw
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Gwenda

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Francis, Lisa
German, Michael
Graham, William
Jones, Alun Ffred
Jones, Helen Mary
Jones, Ieuan Wyn
Jones, Laura Anne
Isherwood, Mark
Lloyd, David
Melding, David
Randerson, Jenny
Ryder, Janet
Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Brynle
Williams, Kirsty
Wood, Leanne

*Derbyniwyd y cynnig.
Motion carried.*

Pwynt o Drefn Point of Order

David Melding: Point of order. I think that some Members have inadvertently misled the

David Melding: Pwynt o drefn. Credaf fod rhai Aelodau wedi camarwain y Cynulliad

Assembly in their description of attempts to schedule this afternoon's debate on the Scarweather Sands project. I am the Member who was unable to agree to a rescheduling of my backbench ballot debate under Standing Order No. 31, which is down for discussion next Tuesday. I agreed in principle to swap that around with today's debate if the Minister for Health and Social Services would be able to make a response to me on the Executive's likely attitude to my proposed measure. I have had productive meetings with the Minister, for which I am grateful. Quite reasonably, the Minister said that she was not in a position to reply to me in substance and, therefore, I could not agree to reschedule my debate until those discussions concluded—and, indeed, they are ongoing. I deeply deprecate the inference that some have drawn that the subject of my backbench ballot debate is in any way partisan. It has attracted support from all sides of the Chamber, and I do not think that what has happened this afternoon is fruitful or edifying. I cannot speak for any other discussions that took place, but if it is just a matter of the discussions that were held with me, then we need to put the record straight.

Nick Bourne: Further to this point of order, I have been asked about this matter by the press, and I wish to confirm that the Business Minister made attempts to change this debate to allow it to take place today. We came up against that problem, and I have certainly not suggested that she did not make any efforts, as she made great efforts, which I confirmed to the press today when asked about this at our press briefing.

The Presiding Officer: These are Business Committee matters or matters pursued through—the phrase that comes to my ageing parliamentary mind is 'the usual channels', but we have no usual channels here: we have the Business Committee and discussions out of Business Committee. As our Business Committee is confidential in its internal workings and discussions, and as these discussions are not normally referred to, I would prefer it if other discussions that are conducted on Business Committee terms

drwy amryfusedd yn eu disgrifiad o ymdrechion i amserlennu'r ddadl y prynhawn yma ar brosiect Cefnenni Tywod Scarweather. Myfi yw'r Aelod na allai gytuno i ailamserlennu'r ddadl o dan Reol Sefydlog Rhif 31 ar ôl i mi fod yn llwyddiannus yn y bleidlais ymysg y meincwyr cefn, sydd wedi'i rhestru i'w thrafod ddydd Mawrth nesaf. Cytunais mewn egwyddor i ffeirio honno â'r ddadl heddiw os gallai'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol ymateb i mi ar ymagwedd debygol y Weithrediaeth at fy mesur arfaethedig. Cefais gyfarfodydd buddiol â'r Gweinidog, yr wyf yn ddiolchgar amdanynt. Yn gwbl resymol, dywedodd y Gweinidog nad oedd mewn lle i roi ateb i mi ar y mater ac, felly, ni allwn gytuno i ailamserlennu fy nadl hyd nes y deuai'r trafodaethau hynny i ben—ac, yn wir, maent yn parhau. Gresynaf yn fawr fod rhai wedi casglu o hynny fod pwnc fy nadl o dan Reol Sefydlog Rhif 31 yn un pleidgar mewn unrhyw fodd. Denodd gefnogaeth o bob ochr yn y Siambr, ac ni chredaf fod yr hyn a ddigwyddodd y prynhawn yma'n fuddiol nac yn llesol. Ni allaf sôn am unrhyw drafodaethau eraill a gafwyd, ond os nad yw ond yn fater o'r trafodaethau a gynhaliwyd gyda mi, rhaid inni egluro'r sefyllfa.

Nick Bourne: Ymhellach i'r pwynt o drefn hwn, fe'm holwyd ynghylch y mater hwn gan y wasg, a dymunaf gadarnhau bod y Trefnydd wedi ceisio newid y ddadl hon fel y gallai ddigwydd heddiw. Daethom at y maen tramgwydd hwnnw ac, yn sicr, nid wyf wedi awgrymu na wnaeth unrhyw ymdrech, gan iddi wneud ymdrech fawr, a rhoddais gadarnhad o hynny i'r wasg heddiw pan holwyd fi am hyn yn ein cyfarfod briffio i'r wasg.

Y Llywydd: Materion i'r Pwyllgor Busnes yw'r rhain neu rai a ddilynir drwy—yr ymadrodd a ddaw i'm meddwl seneddol sy'n heneiddio i yw 'y sianelau arferol', ond nid oes gennym unrhyw sianelau arferol yma: mae'r Pwyllgor Busnes gennym a thrafodaethau y tu allan i'r Pwyllgor Busnes. Gan fod ein Pwyllgor Busnes yn gyfrinachol o ran ei weithrediadau mewnol a'i drafodaethau, a chan na chyfeirir at y trafodaethau hyn fel arfer, byddai'n well gennyf pe na fyddai cyfeiriad yn y cyfryngau

were not referred to in the media.

at drafodaethau eraill a gynhelir ar delerau'r Pwyllgor Busnes.

Cymeradwyo Rheoliadau Cynnyrch Garddwriaethol (Rheolau Graddio Cymunedol) (Cymru a Lloegr) (Dirymu) 2004
Approval of the Horticultural Produce (Community Grading Rules) (England and Wales) (Revocation) Regulations 2004

The Presiding Officer: Under Standing Order Nos. 24.25, 25.13 and 25.14, this motion is not subject to debate.

Y Llywydd: O dan Reolau Sefydlog Rhif 24.25, 25.13 a 24.14, ni chynhelir dadl ar y cynnig hwn.

The Business Minister (Karen Sinclair): I propose that

Y Trefnydd (Karen Sinclair): Cynigiaf fod

the National Assembly for Wales, acting under Standing Order Nos. 24.25, 25.13 and 25.14:

Cynulliad Cenedlaethol Cymru, gan weithredu o dan Reol Sefydlog Rhifau 24.25, 25.13 a 25.14:

1. approves the draft the Horticultural Produce (Community Grading Rules) (England and Wales) (Revocation) Regulations 2004, a copy of which was laid in the Table Office and e-mailed to Assembly Members on 28 September 2004; and

1. yn cymeradwyo'r drafft o'r Rheoliadau Cynnyrch Garddwriaethol (Rheolau Graddio Cymunedol) (Cymru a Lloegr) (Dirymu) 2004 y gosodwyd copi ohonynt yn y Swyddfa Gyflwyno ac a anfonwyd drwy'r e-bost at Aelodau'r Cynulliad ar 28 Medi 2004; a

2. notes the explanatory memorandum for this Order laid in the Table Office and e-mailed to Assembly Members on 28 September 2004. (NDM2111)

2. yn nodi'r memorandwm esboniadol ar gyfer y Gorchymyn hwn a osodwyd yn y Swyddfa Gyflwyno ac a anfonwyd drwy'r e-bost at Aelodau'r Cynulliad ar 28 Medi 2004. (NDM2111)

Cynnig (NDM2111): O blaid 51, Ymatal 0, Yn erbyn 0.

Motion (NDM2111): For 51, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina

Hutt, Jane
 Idris Jones, Denise
 Isherwood, Mark
 James, Irene
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Helen Mary
 Jones, Ieuan Wyn
 Jones, Laura Anne
 Law, Peter
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Melding, David
 Mewies, Sandy
 Morgan, Rhodri
 Neagle, Lynne
 Pugh, Alun
 Randerson, Jenny
 Ryder, Janet
 Sargeant, Carl
 Sinclair, Karen
 Thomas, Catherine
 Thomas, Gwenda
 Thomas, Owen John
 Thomas, Rhodri Glyn
 Williams, Brynle
 Williams, Kirsty
 Wood, Leanne

*Derbyniwyd y cynnig.
 Motion carried.*

**Cymeradwyo Rheoliadau'r Polisi Amaethyddol Cyffredin (Gwin) (Cymru)
 (Diwygio) 2004
 Approval of the Common Agricultural Policy (Wine) (Wales) (Amendment)
 Regulations 2004**

The Presiding Officer: Under Standing Order No. 24.25, this motion is not subject to debate. **Y Llywydd:** O dan Reol Sefydlog Rhif 24.25, ni chynhelir dadl ar y cynnig hwn.

The Business Minister (Karen Sinclair): I propose that **Y Trefnydd (Karen Sinclair):** Cynigiau fod

the National Assembly for Wales, acting under Standing Order No. 24.25:

Cynulliad Cenedlaethol Cymru, gan weithredu o dan Reol Sefydlog Rhif 24.25:

1a) considers the report of the Legislation Committee laid in the Table Office on 21 September 2004 on the draft regulations, the Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2004; and

1.a) yn ystyried adroddiad y Pwyllgor Deddfau a osodwyd yn y Swyddfa Gyflwyno, ar 21 Medi 2004, ar y rheoliadau drafft Rheoliadau'r Polisi Amaethyddol Cyffredin (Gwin) (Cymru) (Diwygio) 2004; a

b) approves the Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2004 is made in accordance with:

b) yn cymeradwyo bod Rheoliadau'r Polisi Amaethyddol Cyffredin (Gwin) (Cymru) (Diwygio) 2004 yn cael eu gwneud yn unol ag:

- i) *the draft regulations laid in the Table Office on 22 July 2004; and* i) *y rheoliadau drafft a osodwyd yn y Swyddfa Gyflwyno ar 22 Gorffennaf 2004; a*
- ii) *regulatory appraisal laid in the Table Office on 22 July 2004. (NDM2110)* ii) *yr arfarniad rheoliadol a osodwyd yn y Swyddfa Gyflwyno ar 22 Gorffennaf 2004. (NDM2110)*

*Cynnig (NDM2110): O blaid 50, Ymatal 0, Yn erbyn 0.
Motion (NDM2110): For 50, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Barrett, Lorraine
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Butler, Rosemary
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Dunwoody-Kneafsey, Tamsin
Essex, Sue
Francis, Lisa
German, Michael
Gibbons, Brian
Graham, William
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
Idris Jones, Denise
Isherwood, Mark
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Carwyn
Jones, Helen Mary
Jones, Ieuan Wyn
Jones, Laura Anne
Law, Peter
Lewis, Huw
Lloyd, David
Melding, David
Mewies, Sandy
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Randerson, Jenny
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Gwenda
Thomas, Owen John
Thomas, Rhodri Glyn
Williams, Brynle
Williams, Kirsty
Wood, Leanne

*Derbyniwyd y cynnig.
Motion carried.*

**Adroddiad Pwyllgor yr Amgylchedd, Cynllunio a Chefn Gwlad ynghylch TB
mewn Gwartheg
The Environment, Planning and Countryside Committee's Report on Bovine TB**

Alun Ffred Jones: Cynigiaf fod

Cynulliad Cenedlaethol Cymru, gan weithredu o dan Reolau Sefydlog Rhifau 6.6 a 9.9, yn nodi ail adroddiad Pwyllgor yr Amgylchedd, Cynllunio a Chefn Gwlad o dan y teitl 'Ymchwiliad i iwbercwlosis mewn Gwartheg', a osodwyd yn y Swyddfa Gyflwyno ar 27 Medi 2004. (NDM2109)

Y mae'n bleser imi gyflwyno ail adroddiad Pwyllgor yr Amgylchedd, Cynllunio a Chefn Gwlad. Mae twbercwlosis mewn gwartheg yn glefyd difrifol yng Nghymru. Mae'n achosi problemau lles anifeiliaid, yn tansilio'r economi wledig, yn rhoi straen ar deuluoedd amaethyddol, ac mae'r taliadau iawndal yn straen ariannol ar adnoddau'r Cynulliad. Ein nod oedd asesu sut y gellir cadw TB mewn gwartheg rhag lledu, ac, yn edrych i'r tymor hir, adolygu'r ffordd y mae'n bosibl rheoli a dileu'r clefyd. Yr oeddem hefyd yn canolbwyntio ar arferion gorau ym maes iechyd a lles anifeiliaid, mesurau rheoli a'r drefn brofi.

Yr wyf yn cyfaddef imi fod yn besimistaidd wrth ddechrau ar yr ymchwiliad. Mae datblygu mesurau i reoli TB yn gymhleth a dweud y lleiaf. Mae diffyg dealltwriaeth wyddonol am y clefyd, sut y mae'n lledu, rôl bywyd gwyllt, a dulliau profi a rheoli. Mae safbwyntiau'r gymuned amaethyddol ar un llaw, a safbwyntiau grwpiau bywyd gwyllt— a'r cyhoedd weithiau—ar y llaw arall, yn aml yn wahanol i'w gilydd. Fodd bynnag, yr wyf yn ffyddiog bod ein hadroddiad yn cynnig ymatebion ymarferol i'r broblem, a rhai y gellir eu gweithredu ar unwaith.

Amlinellaf yn fras argymhellion y pwyllgor. Mae'n siŵr y bydd aelodau'r pwyllgor yn awyddus i ychwanegu at hyn yn y man.

Yr argymhelliad cyntaf yw gweithredu strategaeth Gymreig i fynd i'r afael â TB.

Alun Ffred Jones: I propose that

that the National Assembly for Wales, acting under Standing Orders Nos. 6.6 and No. 9.9, notes the second report of the Environment, Planning and Countryside Committee, titled 'Inquiry into Bovine Tuberculosis', which was laid in the Table Office on 27 September 2004. (NDM2109)

It is my pleasure to present the Environment, Planning and Countryside Committee's second report. Bovine tuberculosis is a serious disease in Wales. It causes animal welfare problems, undermines the rural economy, places a strain on farming families, and the compensation payments are a financial strain on the Assembly's resources. Our aim was to assess how the spread of bovine TB could be stopped and, looking to the long term, to review how the disease could be controlled and eradicated. We also focused on best practice in animal health and welfare, control measures and the testing procedures.

I admit that I was pessimistic at the outset of the review. Developing measures to control TB is complex to say the least. There is a lack of scientific understanding of the disease, how it is spreads, the role of wildlife, and of testing and control measures. The opinions of the agricultural community on the one hand, and of wildlife groups—and sometimes the public—on the other, are often different. However, I am confident that our report proposes practical solutions to the problem that can be implemented immediately.

I will briefly outline the committee's recommendations. I am sure that committee members will be eager to expand on this in due course.

The first recommendation is that a Welsh strategy to tackle TB be implemented. The

Mae'r dull yr ydym yn ei argymhell yn gyfannol, yn ymarferol, ac yn mynd i'r afael â phob agwedd ar ymlediad y clefyd. Dyma rai o'r camau y gall Llywodraeth Cynulliad Cymru eu gweithredu ar unwaith. Yn gyntaf, gall gyflwyno system ledled Cymru o brofi anifeiliaid cyn eu symud, gan beri bod tystysgrif brofi ddilys yn ofynnol cyn gwerthu gwartheg. Mae'n siŵr na fyddai hynny yn derbyn cefnogaeth y diwydiant amaethyddol yn llwyr, ond credaf ei fod yn gam hynod o bwysig. Yn ail, gall y Llywodraeth brofi gwartheg mewn ardaloedd glân bob dwy flynedd, yn hytrach na phob pedair blynedd. Wedyn, gall gynyddu'r defnydd o brofion gamma interferon ar bob buches sydd wedi'i heintio er mwyn dod o hyd i'r gwartheg sy'n dioddef o'r clefyd a'u symud o'r fuches cyn gynted â phosibl. Gallai'r Llywodraeth sicrhau bod ffurflenni TB99 yn cael eu llenwi ar gyfer pob buches sydd wedi'i heintio a bod argymhellion y panel hwsmonaeth annibynnol yn cael eu rhoi ar waith ar ffermydd. Cam pwysig fyddai casglu a phrofi anifeiliaid gwyllt sydd wedi'u lladd ar y ffyrdd mewn ardaloedd a ystyrir yn lân, er mwyn mesur pa mor bell y mae'r clwyf yn lledu. Yn olaf, gallai gyflwyno llinell gymorth neu becynnau gwybodaeth TB er mwyn darparu cymorth a chanllawiau i ffermwyr.

method that we propose is holistic and practical and tackles every aspect of the spread of the disease. These are some of the steps that the Welsh Assembly Government can take immediately. First, it can introduce a pre-movement testing system across Wales, with cattle sales dependent on a valid pre-movement test certificate. I doubt whether that would be universally supported by the agricultural sector, but I believe that it is an extremely important step. Secondly, the Government can increase the frequency of cattle testing in clean areas from every four years to every two years. Next, it could introduce gamma interferon testing for every infected herd in order to identify the cattle that are carrying the disease so that they are removed from the herd as soon as possible. The Government could ensure that TB99 forms are completed for all infected herds and that the independent husbandry panel's recommendations are implemented on farms. The collection and testing of wildlife killed on roads in areas that are considered clean would be an important step in order to measure how far the disease is spreading. Finally, it could introduce a TB helpline or TB information packs to provide farmers with help and guidance.

*Daeth y Dirprwy Lywydd i'r Gadair am 3.09. p.m.
The Deputy Presiding Officer took the Chair at 3.09 p.m.*

Mae ein hail argymhelliad yn ymwneud â sefydlu ardaloedd triniaeth ddwys lle mae TB yn broblem fawr neu wedi bod yn broblem fawr. Os bydd hyn yn llwyddiant, gellid ystyried cyflwyno dull tebyg yn raddol ledled y wlad. Dylai Llywodraeth Cynulliad Cymru ariannu'r ardal driniaeth ddwys i ddechrau, ond dylai'r diwydiant rannu'r gost os caiff y rhaglen ei chyflwyno ledled Cymru.

Our second recommendation involves establishing intensive treatment areas where TB has been, or is, a major problem. If this is successful, the introduction of a similar system across the country could be considered. The Welsh Assembly Government should fund the intensive treatment area initially, but the industry should share the costs if the programme is introduced across Wales.

3.10 p.m.

Gellid gwneud y canlynol o fewn ardal driniaeth ddwys: ymchwilio i holl symudiadau gwartheg i fferm ac o fferm lle mae achosion newydd o TB, cynnal profion gama interfferon er mwyn dod o hyd i'r gwartheg sydd wedi'u heintio, a phrofi'r gwartheg ar bob fferm gyfagos. Wedyn, ac

The following could be carried out within an intensive treatment area: an investigation of all cattle movements on and off farms associated with new cases of TB, conducting gamma interferon tests to identify diseased cattle, and testing cattle on all neighbouring farms. Then, and this is a contentious issue, if

mae hyn yn fater dadleuol, os nad yw'r TB wedi'i drosglwyddo rhwng gwartheg, rhaid ymchwilio i fywyd gwyllt sy'n cario TB, a dylid cael gwared ar yr anifeiliaid gwyllt sy'n cario ac yn trosglwyddo TB ac sy'n dangos arwyddion o'r clefyd. Wedyn, dylai'r holl ardaloedd y mae'n bosibl eu bod wedi'u heintio gael eu glanhau. Fodd bynnag, yn ogystal a mynd i'r afael â bywyd gwyllt, rhaid gwella bioddiogelwch ar ffermydd.

Ein hargymhelliad olaf yw sefydlu grŵp gweithredu ar TB yng Nghymru. Byddai'r grŵp yn cyflwyno mesurau tymor byr ac yn ymchwilio i fesurau hirdymor. Byddai'n atebol i'r Gweinidog, a byddai ganddo gyloch gwaith penodol. Dylai'r grŵp gynnwys cynrychiolaeth o'r rhanddeiliaid—y bobl sydd â gwir ddiddordeb yn y maes hwn—ond dylai fod yn ddigon bach i allu gweithredu penderfyniadau. Nid siop siarad i drafod yr holl fater eto ddylai hwn fod ond grŵp gweithredu. Fel cylch gwaith, gallai'r grŵp ystyried posibilïadau sefydlu cyfleusterau labordy, profi ac ymchwil yng Nghymru, ystyried rhoi cymorth i ffermwyr, ymgynghori ar gyflwyno ardoll ar gyfer y diwydiant er mwyn talu am brofion ac iawndal mewn perthynas â TB, ac ymchwilio i faterion mwy hirdymor. Dylai'r grŵp hefyd gadw llygaid ar yr hyn sy'n digwydd mewn gwledydd eraill cyfagos a chymhwyso'r wybodaeth honno i Gymru.

Yr wyf yn ffyddiog ein bod wedi cynnig ffordd realistig o fynd i'r afael â'r clefyd yng Nghymru. Fodd bynnag, nid problem Gymreig yn unig yw TB. Mae angen yr ymchwiliadau mwy hirdymor hynny sy'n defnyddio mwy o adnoddau ar lefel y Deyrnas Unedig, sydd yn digwydd.

Dyna, yn fras, argymhellion y pwyllgor. Cafwyd cefnogaeth drawsbleidiol, a mawr obeithiaf y ceir cefnogaeth yn y ddadl heddiw. Diolchaf yn arbennig i'r rhai a gyfrannodd i'r ymchwiliad, a thalaf deyrnged i Tamsin Dunwoody-Kneafsey am lywio'r cylch gorchwyl ac am ei harbenigedd a'i brwdfrydedd dibendraw. Cyfrannodd eraill a oedd â gwybodaeth benodol o'r maes amaethyddol i'r drafodaeth yn helaeth hefyd. Bu cyfraniad y tystion yn help i sicrhau ein bod yn dechrau deall cymhlethdodau'r broblem, ac, er eu gwahanol safbwyntiau, yr

the TB is not the result of cattle to cattle transfer, wildlife carrying TB should be investigated, and those carrying and transmitting TB, which are found to show signs of the disease, should be removed. Then, all the areas that may have been infected should be cleaned. However, in addition to tackling the issue of wildlife, we must also improve biosecurity on farms.

Our final recommendation is the establishment of a Wales TB action group. The group would implement short-term solutions and investigate solutions for the long term. It would be accountable to the Minister, and would have a specific remit. The group should include stakeholder representatives—the people who have a real interest in this matter—but it should be small enough to implement decisions effectively. It should not be a talking shop that revisits the whole issue but an action group. The group could concentrate on the possibilities of establishing laboratory, testing and research facilities in Wales, consider support for farmers, consult on introducing an industry levy to pay for testing and compensation in relation to TB, and investigate longer term issues. The group should also monitor developments in other nearby countries and should apply that knowledge to Wales.

I am confident that we have proposed a realistic means of tackling the problem in Wales. However, TB is not just a Welsh problem. We need those longer term investigations that use greater resources at a UK level, which is ongoing.

Those, in brief, are the committee's recommendations. We achieved cross-party support, and I very much hope that we will be supported in today's debate. I thank in particular those who contributed to the investigation, and I pay tribute to Tamsin Dunwoody-Kneafsey for steering the remit and for her expertise and boundless enthusiasm. Others who had specific knowledge of the agricultural sector also contributed a great deal to the discussion. The witnesses' contributions were useful in ensuring that we could begin to understand

oedd pawb yn croesawu ein casgliadau. Galwodd Ffederasiwn Cenedlaethol Grwpiau Moch Daear ein hadroddiad yn fuddugoliaeth i synnwyr cyffredin, sydd yn ardderchog, ac yr oedd croeso gan yr undebau ffermio i'r dull pragmatig a chyfannol a awgrymwyd. Yr oedd yr ymateb yn y wasg hefyd yn gadarnhaol, ac, i'r graddau hyn, talaf deyrnged i Wasanaeth Ymchwil yr Aelodau, nid yn unig am ei waith yn ystod yr ymchwiliad, ond hefyd am baratoi'r pecynnau trafod a oedd yn darparu cefndir defnyddiol i'r wasg ac i ni fel Aelodau.

Gyda hynny, tawelaf a gadael i weddill aelodau'r pwyllgor gyfrannu yn ôl eu dymuniad.

The Deputy Presiding Officer: Only if I call them.

Christine Gwyther: I congratulate the committee on this thorough and intensive piece of work on what is an incredibly sensitive issue. Any Assembly Member living in a rural area, or even with acquaintances in a rural area, knows that a TB breakdown in a herd is traumatic for the families involved. It is important that we remember that as we move forward on this.

On a practical note, the Welsh Assembly Government spends far too much each year on compensation. It is far better to spend that money on preventative testing, and on widening the test area and increasing the frequency of testing where appropriate. The Chair of the committee talked about increasing the frequency of testing from four to two years, which is very commendable.

The report also mentions enhanced cleaning and more proactive husbandry, which I think that we can all support. It proposes taking action with regard to hotspots, which it calls intensive treatment areas. One such action could be to conduct a badger cull. There are two distinct opinions on that and there must be some way of bringing them together—the committee's review has gone some way towards doing that. For instance, studies have shown that badgers and cattle usually avoid each other. This evidence is peer reviewed, scientific and accepted. Set against that is

the complexities of the problem, and, despite their differing views, everyone welcomed our conclusions. The National Federation of Badger Groups called our report a triumph of common sense, which is excellent news, and the farmers unions welcomed the pragmatic and holistic method suggested. The response in the media was also positive, and, in that regard, I pay tribute to the Members' Research Service, not only for its work during the investigation, but also for preparing the debate packs that provided a useful background for the press and for us as Members.

I will leave it at that, and allow other committee members to contribute as they see fit.

Y Dirprwy Lywydd: Dim ond os galwaf hwy.

Christine Gwyther: Llongyfarchaf y pwyllgor ar y gwaith trwyadl a manwl hwn ar yr hyn sy'n fater anhygoel o sensitif. Mae unrhyw Aelod o'r Cynulliad sy'n byw mewn ardal wledig, neu hyd yn oed â chydabod mewn ardal wledig, yn gwybod bod aflwydd mewn buches oherwydd TB yn peri gofid i'r teuluoedd sy'n gysylltiedig. Mae'n bwysig inni gofio hynny wrth symud ymlaen ar hyn.

Ar nodyn ymarferol, mae Llywodraeth Cynulliad Cymru yn gwario gormod o lawer bob blwyddyn ar iawndal. Gwell o lawer yw gwario'r arian hwnnw ar brofi ataliol, ac ar ehangu'r ardal brofi a phrofi'n amlach os yw hynny'n briodol. Soniodd Cadeirydd y pwyllgor am gynyddu amllder y profi o bedair blynedd i ddwy, ac mae hynny'n dra chanmoladwy.

Mae'r adroddiad yn sôn hefyd am well glanhau a hwsmonaeth fwy rhagweithiol, a chredaf y gallwn i gyd gefnogi hynny. Mae'n argymhell cymryd camau mewn cysylltiad â'r manau y ceir nifer mawr o achosion, y mae'n eu galw'n ardaloedd triniaeth ddwys. Un cam posibl o'r fath yw difa moch daear. Mae dwy farn wahanol am hynny a rhaid cael rhyw fodd i ddod â hwy at ei gilydd—mae adolygiad y pwyllgor wedi cyfrannu at hynny i ryw raddau. Er enghraifft, mae astudiaethau wedi dangos bod moch daear a gwartheg yn osgoi ei gilydd fel arfer. Mae'r

interim evidence from the Republic of Ireland of reduced levels of bovine TB following badger culls. If a badger cull were to be conducted—and it is fairly low down on the report's list of priorities, as a sort of means of last resort—would it be a proactive or a reactive cull, and would it be a full or a partial cull? I would like information from the Minister on that. How do you test a live badger? Is the Minister also considering the culling of smaller mammals that also carry TB?

The committee Chair referred to establishing a stakeholder group, which I believe must include badger and other wildlife experts. If we are to carry out culls on badgers or any other wildlife as a last resort, that must be explained carefully to the public. The stakeholder group must have the support of the Welsh public.

William Graham: In welcoming the report, I have some questions that I hope that the committee Chair or the Minister can answer. The main thrust of the report, namely that the disease must be eradicated in cattle and in badgers, has to be good and welcomed by all shades of opinion. Monmouthshire in my constituency has, unfortunately, become a hotspot for bovine tuberculosis. The number of incidents has risen almost 150 per cent since 1997, which is when the Krebs trials began. There has been a most dramatic increase, and something must be done. The disease affects people dramatically in that once TB is confirmed in a herd of cattle, business cannot continue and the compensation may well come at a much later date. As has been mentioned, there has been success in Ireland, where it seems to have been shown that strict culling procedures are an effective method of reducing the incidents of TB. Irish farmers noted that eliminating diseased badgers was vital to the success of the trials. However, there are certain anomalies: bovine TB has been detected on Anglesey where there are no badgers, although that is likely to be the result of cattle being infected by other cattle.

dystiolaeth hon wedi'i hadolygu gan gymheiriaid, mae'n wyddonol ac wedi'i derbyn. Ar y llaw arall, ceir dystiolaeth dros dro o Weriniaeth Iwerddon sy'n dangos lefelau is o TB mewn gwartheg ar ôl difa moch daear. Os byddid yn difa moch daear—ac mae hynny'n eithaf isel ar restr flaenoriaethau'r adroddiad, fel rhywbeth a wneir pan fetho popeth arall—a wneid hynny'n rhagweithiol neu'n adweitheddol, ac a fyddid yn eu difa'n llwyr neu'n rhannol? Carwn gael gwybodaeth gan y Gweinidog am hynny. Sut y mae rhoi prawf ar fochyn daear byw? A yw'r Gweinidog hefyd yn ystyried difa mamaliaid llai sydd hefyd yn cario TB?

Cyfeiriodd Cadeirydd y pwyllgor at sefydlu grŵp i randdeiliaid, a chredaf y bydd yn rhaid i hwnnw gynnwys arbenigwyr ar foch daear a bywyd gwyllt arall. Os ydym i ddifa moch daear neu unrhyw fywyd gwyllt arall wedi i bopeth arall fethu, rhaid egluro hynny'n ofalus i'r cyhoedd. Rhaid i'r grŵp rhanddeiliaid gael cefnogaeth y cyhoedd yng Nghymru.

William Graham: Wrth groesawu'r adroddiad, mae gennyf rai cwestiynau yr wyf yn gobeithio y bydd Cadeirydd y pwyllgor neu'r Gweinidog yn gallu eu hateb. Mae prif bwyslais yr adroddiad, sef bod rhaid dileu'r clefyd mewn gwartheg ac mewn moch daear, yn sicr o fod yn dda ac yn dderbyniol i bawb o bob barn. Gwaetha'r modd, cafwyd llawer o achosion o dwbercwlosis mewn gwartheg yn sir Fynwy, sydd yn fy etholaeth i. Mae nifer yr achosion wedi codi bron 150 y cant er 1997, pan ddechreuodd profion Krebs. Bu cynnydd trawiadol, a rhaid gwneud rhywbeth. Mae'r clefyd yn cael effaith drawiadol ar bobl oherwydd, ar ôl cadarnhau achos o TB mewn buches, ni all y busnes barhau ac mae'n ddigon posibl y daw'r iawndal yn hwyrach o lawer. Fel y dywedwyd, cafwyd llwyddiant yn Iwerddon, lle y dangoswyd i bob golwg fod gweithdrefnau difa llym yn ddull effeithiol o leihau nifer yr achosion o TB. Nododd ffermwyr o Iwerddon fod difa moch daear afiach yn hollbwysig i lwyddiant y profion. Er hynny, mae rhai anghysonderau: darganfuwyd TB mewn gwartheg yn Ynys Môn lle nad oes moch daear, er bod hynny'n debygol o fod yn ganlyniad i heintio

gwartheg gan wartheg eraill.

The report is welcome, as the reaction of those of all shades of opinion will suggest. However, I ask the Minister to give an assurance that he will not simply accept the report but press further for an effective vaccine to be developed and for the gamma interferon test, which is not currently recognised under EU regulations, to be used.

Mae'r adroddiad hwn wedi'i groesawu, fel y mae ymateb y rhai o bob barn yn awgrymu. Fodd bynnag, gofynnaf i'r Gweinidog roi sicrwydd nad derbyn yr adroddiad yn unig a wnaiff ac y bydd yn pwyso ymhellach am ddatblygu brechlyn effeithiol a thros ddefnyddio'r prawf gama interfferon, nas cydnabyddir ar hyn o bryd o dan reoliadau'r UE.

Lorraine Barrett: I have read the report in great detail, and I thank the committee Chair, Alun Ffred Jones, for a balanced presentation on the report; it is obvious that a great deal of thought has gone into its conclusions. However, I am concerned that although Alun Ffred said that the farmers' union was pleased with the report, he did not mention the animal welfare groups—but, of course, I would say that. I am sure that that was not intentional. The report is, in the main, a piece of common sense, with cattle-based measures recognised as being the most immediate and effective way of controlling TB. I especially welcome the fact that the committee has recognised that a range of effective measures, such as pre-movement testing, increased testing frequencies and improved cattle husbandry, can be implemented immediately. However, I feel deep unease regarding the committee's recommendation that intensive treatment areas should be established. Parliament has just won a major battle for animal welfare, and I am fearful that one recommendation could lead to serious concerns regarding that issue. I am concerned about the reference to removal of wildlife. What does 'removal' mean? I can guess what it means, and I fear that this signals a move towards the needless destruction of wildlife and, if this is case, I cannot understand how it could even be considered. Is the committee seriously recommending that all wildlife known to carry TB in an intensive treatment area be destroyed? By whom will wildlife be destroyed? Will such a move be open to consultation and scrutiny? Who will police the removal of wildlife? I hope that I can be reassured on these points, in the interests of animal welfare.

Lorraine Barrett: Yr wyf wedi darllen yr adroddiad yn fanwl iawn, a diolchaf i Gadeirydd y pwyllgor, Alun Ffred Jones, am ei gyflwyniad cytbwys o'r adroddiad; mae'n amlwg bod ei gasgliadau'n ganlyniad ystyriaeth fanwl. Er hynny, yr wyf yn bryderus, er bod Alun Ffred wedi dweud bod undeb y ffermwyr yn fodlon ar yr adroddiad, na soniodd am y grwpiau lles anifeiliaid—ond, wrth gwrs, byddwn yn sicr o ddweud hynny. Yr wyf yn siŵr nad oedd hynny'n fwrriadol. Mae'r adroddiad, at ei gilydd, yn batrwm o synnwyr cyffredin sy'n cydnabod mai defnyddio mesurau sy'n ymwneud â gwartheg yw'r ffordd fwyaf effeithiol a disyfyd o reoli TB. Croesawaf yn arbennig y ffaith bod y pwyllgor wedi cydnabod bod amryw o fesurau effeithiol, fel profi cyn symud, profi'n amlach a gwell hwsmonaeth, y gellir eu rhoi ar waith yn syth. Er hynny, teimlaf yn anesmwyth iawn ynghylch argymhelliad y pwyllgor y dylid sefydlu ardaloedd triniaeth ddwys. Mae'r Senedd newydd ennill brwydr bwysig o blaid lles anifeiliaid, ac yr wyf yn ofni y gallai un argymhelliad beri pryderon mawr ynghylch y mater hwnnw. Yr wyf yn bryderus ynghylch y cyfeiriad at gael gwared ar fywyd gwyllt. Beth y mae 'cael gwared ar' yn ei olygu? Gallaf ddyfalu'r hyn y mae'n ei olygu, ac ofnaf fod hyn yn arwydd o gymryd camau tuag at ddifa bywyd gwyllt yn ddiangen ac, os felly y mae, ni allaf ddeall sut y gellid ystyried hynny hyd yn oed. A yw'r pwyllgor yn argymhell o ddiffrif y dylid difa'r holl fywyd gwyllt y gwyddys ei fod yn cario TB mewn ardal driniaeth ddwys? Gan bwy y caiff bywyd gwyllt ei ddifa? A fydd cam gweithredu o'r fath yn agored i ymgyngori a chraffu? Pwy fydd yn goruchwylio'r gwaith o gael gwared ar fywyd gwyllt? Gobeithiaf y gellir tawelu fy meddwl ar y pwyntiau hynny, er lles anifeiliaid.

3.20 p.m.

The report also mentions a stakeholder action group, and Christine Gwyther referred to Badger Watch groups. Michael Sharratt is a sensible, well-informed expert on badgers. I know that we are talking about wildlife in general, not only badgers, but I know that as far as bovine TB is concerned, many people make a connection with badgers. However, we should not jump to conclusions and assume that an increase in bovine TB is the poor badger's fault. Cattle were responsible for introducing the disease to New Zealand. As Christine mentioned, without killing wildlife, how can we find out whether it is carrying the disease? Millions of pounds have been spent on trying to find a way of testing live wildlife, but these efforts failed. Therefore, wildlife has to be killed in order to discover whether it is diseased. I do not want us to go down this road in Wales.

I close by reiterating my concerns about intensive treatment areas, the removal of major species of wildlife—which is a big worry for many people—and how animals can be deemed to be carrying the disease without first being killed.

Kirsty Williams: I welcome the attention paid by the committee to what is an important issue in rural constituencies. I also welcome the report, which balances both sides of the argument. These strongly held views can be difficult to reconcile. The incidence of bovine TB in my constituency has become increasingly alarming, and the disease affects many farming businesses. In the main, the measures outlined by the report are a response. It is obvious that no one measure will solve the problem, and we need to look to collaboration between the industry, farmers, science and the Government in order to crack the problem. While Lorraine Barrett was right to remind us about animal welfare issues, there are welfare issues surrounding the large number of cattle slaughtered because of this disease.

Mae'r adroddiad yn sôn hefyd am grŵp gweithredu o randdeiliaid, a chyfeiriodd Christine Gwyther at grwpiau Gwylio Moch Daear. Mae Michael Sharratt yn arbenigwr synhwyrol a gwybodus ar foch daear. Gwn ein bod yn sôn am fywyd gwyllt yn gyffredinol, ac nid am foch daear yn unig, ond gwn fod llawer o bobl yn cysylltu TB mewn gwartheg â moch daear. Er hynny, ni ddylem ddod i gasgliadau byrbwyll a beio'r mochyn daear druan am y cynnydd mewn TB mewn gwartheg. Gwartheg a fu'n gyfrifol am gyflwyno'r clefyd yn Seland Newydd. Fel y dywedodd Christine, os na leddir creaduriaid, sut y gallwn ddarganfod a ydynt yn cario'r clefyd? Gwariwyd miliynau o bunnoedd ar geisio darganfod modd i roi prawf ar fywyd gwyllt byw, ond methodd yr ymdrechion hynny. Gan hynny, rhaid lladd creaduriaid gwyllt er mwyn darganfod a ydynt yn afiach. Nid wyf am ein gweld yn dilyn y llwybr hwnnw yng Nghymru.

Terfynaf drwy ailddatgan fy mhryderon ynghylch ardaloedd triniaeth ddwys, cael gwared ar rywogaethau bywyd gwyllt pwysig—gan fod hynny'n destun gofid mawr i lawer o bobl—a'r modd y gellir darganfod a yw anifeiliaid yn cario'r clefyd heb eu lladd yntaf.

Kirsty Williams: Croesawaf y sylw a roddodd y pwyllgor i'r hyn sy'n bwnc pwysig mewn etholaethau gwledig. Yr wyf hefyd yn croesawu'r adroddiad, sy'n pwysu a mesur dwy ochr y ddadl. Gall fod yn anodd cysoni'r safbwyntiau cryf hynny. Mae nifer yr achosion o TB mewn gwartheg yn fy etholaeth wedi cynyddu'n frawychus, ac mae'r clefyd yn effeithio ar lawer o fusnesau ffermio. Yn fras, mae'r mesurau a ddisgrifir yn yr adroddiad yn fesurau ymateb. Mae'n amlwg nad un mesur ar ei ben ei hun wnaiff ddatrys y broblem, a rhaid inni annog y diwydiant, ffermwyr, gwyddonwyr a'r Llywodraeth i gydweithio i ddatrys y broblem. Er ei bod yn briodol i Lorraine Barrett ein hatgoffa am faterion sy'n ymwneud â lles anifeiliaid, rhaid ystyried lles yng nghyswllt y nifer mawr o wartheg a leddir oherwydd y clefyd hwn.

I welcome the proposals for intensive treatment areas, which will reassure farmers that the Assembly is taking the problem seriously and is looking to introduce new measures. However, I have concerns about the reference to the capacity for increased testing. There are concerns within the industry about the timeliness of testing and existing capacity. If we are to increase the amount of testing undertaken, we need to increase capacity. A problem highlighted by the foot and mouth disease crisis is that successive governments have not been good at investing in the State Veterinary Service and in research and development. This concerns me.

I also have concerns about pre-movement testing. This could cause problems to farmers whose cattle are not disease-ridden but find themselves in a hot spot. This should be discussed more fully with farmers' unions in order to work out how it could be introduced practically and without being too burdensome upon the industry.

The Minister has been fond of expecting the farming industry to do what it can for itself as regards insurance and such matters. The report does not discuss the increasing difficulty faced by farmers in trying to obtain insurance against bovine TB. We have always carried insurance against bovine TB on my farm, the premiums of which have become so expensive, it is now almost prohibitive for farmers to insure against bovine TB, if you are able to obtain it in a particularly bad area. If the Minister wants farmers in the industry to respond positively to this agenda, the principle of reciprocity is needed. We need the Government to take its side of the bargain seriously by putting in place the investment that is needed to carry out some of these measures if we expect the farming industry to take its side of this debate.

I welcome this report and the opportunity as someone who is not a member of the committee to discuss it. I look forward to hearing what the Minister has to say in taking forward the recommendations of the committee. The Minister stating what will be taken forward is always the crux and the crucial part of committee debates. This

Croesawaf y cynigion ar gyfer ardaloedd triniaeth ddwys, gan y byddant yn rhoi sicrwydd i ffermwyr fod y Cynulliad yn cymryd y broblem o ddifrif a'i fod yn ystyried cyflwyno mesurau newydd. Er hynny, pryderaf ynghylch y cyfeiriad at y gallu i gynnal mwy o brofion. Mae pryderon yn y diwydiant am amseroldeb y profion a'r gallu i'w cynnal ar hyn o bryd. Os ydym i gynnal mwy o brofion, rhaid inni gynyddu'r capasiti. Un broblem a amlygwyd drwy argyfwng clwy'r traed a'r genau yw bod y naill lywodraeth ar ôl y llall heb fuddsoddi'n ddigonol yn y Gwasanaeth Milfeddygol Gwladol ac mewn ymchwil a datblygu. Mae hyn yn peri pryder i mi.

Mae gennyf bryderon hefyd ynghylch profi cyn symud. Gallai hynny beri problemau i ffermwyr nad yw eu gwartheg yn afiach ond sy'n ffermio mewn ardal lle mae llawer o achosion. Dylid trafod hyn yn fanylach gydag undebau'r ffermwyr er mwyn canfod sut y gellid ei gyflwyno'n ymarferol a heb roi gormod o faich ar y diwydiant.

Bu'r Gweinidog yn hoff o ddisgwyl i'r diwydiant ffermio wneud yr hyn a all drosto'i hun o ran yswiriant a materion o'r fath. Nid yw'r adroddiad yn trafod yr anhawster cynyddol a ddaw i ran ffermwyr wrth geisio cael yswiriant rhag TB mewn gwartheg. Bu gennym yswiriant rhag TB mewn gwartheg ar fy fferm i erioed, ac mae'r premiymau wedi codi cymaint fel ei bod bron yn amhosibl bellach i ffermwyr godi yswiriant rhag TB mewn gwartheg, os gellir ei godi o gwbl mewn ardal lle y mae llawer o drafferthion. Os yw'r Gweinidog yn disgwyl i ffermwyr yn y diwydiant ymateb yn gadarnhaol i'r agenda hon, rhaid dilyn egwyddor cytbwysedd. Os ydym yn disgwyl i'r diwydiant ffermio gynnig ei gefnogaeth, rhaid i'r Llywodraeth gymryd ei rhan hi o'r fargen o ddifrif drwy ddarparu'r cyllid y mae ei angen i weithredu rhai o'r mesurau hyn.

Croesawaf yr adroddiad hwn a'r cyfle i'w drafod, gan nad wyf yn aelod o'r pwyllgor. Edrychaf ymlaen at glywed yr hyn sydd gan y Gweinidog i'w ddweud mewn cysylltiad â hyrwyddo argymhellion y pwyllgor. Datganiad y Gweinidog ar yr hyn a hyrwyddir yw craidd y mater a'r rhan hanfodol o ddadleuon pwyllgorau. Mae'r

problem affects my constituency, and I am grateful that the committee has taken it seriously and has brought forward this report.

Helen Mary Jones: Yn fyr, yr wyf yn cefnogi'r hyn y mae Alun Ffred Jones ac Aelodau eraill eisoes wedi'i ddweud. Yr wyf yn awyddus i ganiatáu amser i Aelodau nad ydynt wedi bod yn rhan o drafodaethau'r pwyllgor, i gymryd rhan yn y ddadl hon. Gobeithiaf y bydd fy nghyd-Aelodau yn mynd ymhellach na'r hyn a ofynnir gennym heddiw, sef nodi'r adroddiad, gan fod yn barod i gymeradwyo'r argymhellion synhwyrol yr ydym yn eu rhoi ger eich bron fel pwyllgor.

Yr ydym eisoes wedi clywed am yr effaith ariannol a dynol ar ffermydd, teuluoedd a chymunedau sy'n byw gyda'r clefyd. Mae'r effeithiau'n ddifrifol ac mae llawer o deuluoedd wedi bod yn byw gyda'r sefyllfa hon am flynyddoedd. Mae'n anodd inni ddeall maint y gost a wynebant, nid yn unig yn ariannol ond yn ddynol. Mae angen inni weithredu'n fuan. Yr ydym eisoes wedi clywed am y gost ariannol i Lywodraeth y Cynulliad, sydd bellach yn fwy na'r £8 miliwn a wariwyd yn 2002-03. Mae'n siŵr gennyf y gallaf i ac Aelodau eraill feddwl am lawer o bethau gwell y gellid defnyddio'r arian hwn ar eu cyfer yn hytrach na'i wario ar iawndaliadau, felly mae'n rhaid inni weithredu'n fuan.

Mae'r broses yn y pwyllgor wedi bod yn un hir. Pe bai gennym atebion syml, byddem wedi gweithredu arnynt eisoes. Mae llawer o fuddiannau i'w pwysu a'u mesur. Gobeithiaf y bydd Aelodau eraill y Cynulliad yn derbyn bod y pwyllgor wedi pwysu a mesur rhai o'r pryderon y soniwyd amdanynt heddiw. Credaf ein bod wedi llunio argymhellion cymhedrol sy'n seiliedig ar dystiolaeth. Gwn y bydd y Gweinidog yn ymateb yn fanwl ac yn ffurfiol i'r pwyllgor a'r Cynulliad cyfan yn nes ymlaen, ond galwaf arno ef a'r Llywodraeth i dderbyn yr argymhellion yn eu cyfanrwydd. Ni fyddant yn effeithiol drwy ddewis a dethol gan weithredu ar un a pheidio â gweithredu ar y llall. Ni fyddwn yn symud ymlaen drwy wneud hynny. Gwn fod goblygiadau o ran cost y bydd angen i'r Gweinidog eu hystyried, ond gofynnaf iddo

problem hon yn effeithio ar fy etholaeth, ac yr wyf yn ddiolchgar bod y pwyllgor wedi'i chymryd o ddifrif ac wedi cynhyrchu'r adroddiad hwn.

Helen Mary Jones: Briefly, I support what Alun Ffred Jones and other Members have already said. I am keen to ensure that other Members who have not been party to discussions in the committee take part in this debate. I hope that my fellow Members will go further than what is asked of them today, namely to note the report, and that they approve the recommendations that we, as a committee, have brought before you.

We heard of the financial and personal impact on farms, families and communities that live with this disease. The effects are serious, and many families have been living with the disease for years. It is difficult to understand the financial and personal impact. We need to act immediately on this. We have already heard of the cost to the Assembly Government, which is now higher than the £8 million paid in 2002-03. I am sure that I and other Members can think of better ways of spending this money rather than on compensation, therefore we need to act without delay.

The process in committee was lengthy. Had there been simple solutions, we would have already acted on them. Various interests need to be considered. I hope that other Assembly Members accept that the committee has considered a number of the concerns raised today. I believe that we have drafted measured recommendations based on evidence. I know that the Minister will respond formally to the committee and to the whole Assembly in due course, but I call on him and on the Government to accept all of the recommendations. They will not work if you take a pick-and-mix attitude in deciding to implement some and not others. That will prevent us from moving on. I understand that there are cost implications that the Minister needs to consider. However, I hope that he acknowledges the cost to rural communities

ddeall y gost i'r cymunedau gwledig sy'n gorfod byw gyda'r clefyd, a mawr obeithiaf y bydd yn barod i gymryd yr argymhellion yn eu cyfanrwydd. Mae ein cymunedau gwledig yn disgwyl dim llai na hynny ganddo.

Brynle Williams: The Environment, Planning and Countryside Committee made a sensible decision to undertake an inquiry into bovine TB, and the report's recommendations were published in July 2004. We spent three sessions hearing evidence from Members, including myself, and visiting farms in west Wales affected by bovine TB. This allowed Members who are regrettably non-farming people an opportunity to see the devastation at first hand, what happens on farms, and how they are affected. Bovine TB is a serious disease.

living with the disease, and I very much hope that he takes on board all of the recommendations. Our rural communities expect nothing less.

Brynle Williams: Gwnaeth Pwyllgor yr Amgylchedd, Cynllunio a Chefn Gwlad benderfyniad synhwyrol i ymgymryd ag ymchwiliad i TB mewn gwartheg, a chyhoeddwyd argymhellion yr adroddiad ym mis Gorffennaf 2004. Treuliodd dri sesiwn yn gwrandio tystiolaeth gan Aelodau, a minnau yn eu plith, ac yn ymweld â ffermydd yn y Gorllewin a effeithiwyd gan TB mewn gwartheg. Rhoddodd hyn gyfle i Aelodau, nad ydynt yn ffermwyr, gwaetha'r modd, weld y dinistr â'u llygaid eu hunain, ac i weld yr hyn sy'n digwydd ar ffermydd a'r effaith a gaiff y clefyd arnynt. Mae TB mewn gwartheg yn glefyd difrifol.

3.30 p.m.

It has a greater effect on the farming community than the foot and mouth disease outbreak had—it is that serious. The incidence of bovine TB, as we heard earlier, has increased almost threefold since 1996. Urgent action is needed to prevent this from escalating and causing further devastation. As my colleagues who spoke about pre-movement testing pointed out, I am concerned about whether we have the staff to undertake the testing. Should we be training lay testers to do this?

Caiff fwy o effaith ar y gymuned ffermio nag a gafodd yr achosion o glwy'r traed a'r genau—mae mor ddifrifol â hynny. Mae nifer yr achosion o TB mewn gwartheg, fel y clywsom yn gynharach, bron deirgwaith yn fwy na'r hyn ydoedd yn 1996. Rhaid cymryd camau brys i atal cynnydd a dinistr pellach. Fel y nododd fy nghyd-Aelodau a siaradodd am brofi cyn symud, yr wyf yn bryderus ynghylch a oes gennym ddigon o staff i gynnal y profion hyn. A ddylem hyfforddi profwyr lleig i wneud hyn?

The committee was fortunate to hear evidence from scientists, farmers, veterinary officers, wildlife groups and officials from the Welsh Assembly Government. I would like to thank them most sincerely for the information they provided. It assisted the committee in understanding the detailed complexities of the problem. As a practising farmer, regrettably I learnt a lot about how complex this disease is, and about the difficulties in formulating an appropriate strategy for tackling bovine TB in Wales.

Yr oedd y pwyllgor yn ffodus o gael gwrandio tystiolaeth gan wyddonwyr, ffermwyr, swyddogion milfeddygol, grwpiau bywyd gwyllt a swyddogion o Lywodraeth Cynulliad Cymru. Carwn ddiolch iddynt yn ddiwyll iawn am y wybodaeth a ddarparasant. Bu o gymorth i'r pwyllgor allu deall cymhlethdodau'r broblem hon. Fel un sy'n ffermio, dysgais lawer, gwaetha'r modd, am natur gymhleth y clefyd hwn, ac am yr anawsterau a geir wrth greu strategaeth addas i fynd i'r afael â TB mewn gwartheg yng Nghymru.

The report sets out in simple terms the way forward. We need to take into consideration a pragmatic, holistic approach to tackling bovine TB by introducing urgent Wales-

Mae'r adroddiad yn nodi'r ffordd ymlaen yn syml. Rhaid inni ystyried dull ymarferol a chyfannol o ymdrin â TB mewn gwartheg drwy gyflwyno mesurau brys i Gymru'n

specific measures which would establish an intensive treatment area within a TB hotspot in Wales. Lorraine, I sincerely share your concerns. I hope that not all farmers want to kill everything and remove them from the face of the earth. I have several badger setts on my farm. If we find that we have them in TB hotspots, the badgers must be dealt with humanely and properly. I hope the Minister will comment on this, and give his full support.

I endorse the Government's foundation for intervening in the control of TB, as it needs to ensure that human health is protected, the interests of the wider economy and society are safeguarded, opportunities for trade are secured and that the protection and promotion of animal welfare is paramount. A TB action group should be formed which would meet and make recommendations for the delivery of essential short-term measures which would tackle TB in cattle and investigate longer-term measures as appropriate.

Due to the complexity of this investigation, the committee strongly felt that longer-term scientific solutions should be taken forward at a UK level. One of the main strands overlooked in the past is the provision of ongoing support for farmers. Many farmers become physically and mentally ill as a result of the torment of having their farms locked up for two or three years at a time. Everything possible must be done to support them.

Biosecurity is important—I am not sure if some people could even spell the word. This is perhaps the most important point in this whole sorry issue. There must be an increased role for veterinary officers to support farmers and the community. Without this basic concept, we might as well all go home, if we do not start listening to the scientists. It is imperative that wildlife killed in road traffic accidents is collected and tested. We must fight to get laboratories in Wales, which would speed up the testing process and reduce the costs. Potentially infected areas must be cleaned as thoroughly

benodol a sefydlai ardal driniaeth ddwys mewn man lle ceir llawer o achosion o TB yng Nghymru. Lorraine, yr wyf yn rhannu'ch pryderon yn ddiffuant. Gobeithiaf nad yw pob ffermwr yn dymuno lladd popeth a'i waredu o wyneb y ddaear. Mae gennyf sawl set moch daear ar fy fferm. Os darganfyddwn eu bod mewn mannau lle ceir llawer o achosion o TB, rhaid delio â'r moch daear yn drugarog ac yn briodol. Gobeithiaf y gwnaiff y Gweinidog sylw am hyn, a'i gefnogi'n llwyr.

Cymeradwyaf y sail a ddefnyddir gan y Llywodraeth ar gyfer ymyrryd i reoli TB, gan fod rhaid iddi sicrhau bod iechyd dynol wedi'i ddiogelu, bod buddiannau'r economi ehangach a chymdeithas wedi'u diogelu, bod y cyfleoedd i fasnachu wedi'u gwarantu a bod yr angen i warchod a hybu lles anifeiliaid yn flaenoriaeth bennaf. Dylid ffurfio grŵp gweithredu ar TB a fyddai'n cwrdd ac yn gwneud argymhellion ar gyfer mesurau tymor byr hanfodol i ddelio â TB mewn gwartheg yn y tymor byr ac yn ymchwilio i fesurau tymor hwy fel y bo'n briodol.

Oherwydd natur gymhleth yr ymchwiliad hwn, teimlai'r pwyllgor yn gryf y dylid hyrwyddo atebion gwyddonol tymor hwy ar lefel y DU. Un o'r prif elfennau a esgeuluswyd yn y gorffennol yw'r angen i gynnig cymorth parhaus i ffermwyr. Mae llawer o ffermwyr yn dioddef salwch corfforol a meddyliol o ganlyniad i'r boen o weld eu ffermydd yn cael eu rhoi dan glo am ddwy neu dair blynedd ar y tro. Rhaid gwneud popeth a ellir i'w cefnogi.

Mae diogeledd biolegol yn bwysig—mae'n air anghyfarwydd i rai. Hwn yw'r pwynt pwysicaf, o bosibl, yn yr holl fater trist hwn. Rhaid i swyddogion milfeddygol chwarae mwy o ran wrth gynorthwyo ffermwyr a'r gymuned. Os na dderbynnir y syniad sylfaenol hwn, byddai cystal inni fynd adref, os na ddechreuwn wrando ar y gwyddonwyr. Mae'n hollbwysig casglu anifeiliaid gwyllt a leddir mewn damweiniau traffig ar y ffyrdd a chynnal profion arnynt. Rhaid inni ymladd i gael labordai yng Nghymru, a fyddai'n cyflymu'r broses profi ac yn lleihau'r costau. Rhaid glanhau mannau a allai fod wedi'u

as possible to minimise the risk of transmitting TB. All strands of the report are relevant.

The Deputy Presiding Officer: Order. You need to wind up, Brynle.

Brynle Williams: The report is balanced and I sincerely hope that everyone in the Chamber will support the recommendations.

Mick Bates: I agree with the general comments about this report. It involves three qualities—consensus, capacity and courage. The consensus throughout this process in the committee was excellent. I give full credit to the Chair, the staff who supported the committee and, in particular, to Tamsin, whose work in terms of bringing the issue forward from the Government side was exemplary. The committee worked excellently and perhaps, Minister, it would be worth us having more committees rather than reducing their number, as you always seem intent on doing.

The problem with TB is that the consensus that it deserves has not always been achieved. Other speakers have mentioned the lack of investment in research and development and capacity issues in terms of not having enough people to undertake testing. When the Minister responds in the debate, the issue of capacity will be the key point to raise. The report outlines many recommendations that require the Minister to act.

We are aware of RTAs and testing in this regard, which has been undertaken in the past and needs to be done again. There is also emphasis on gamma interferon tests. There is no gamma interferon testing facility in Wales. This test needs to be done within 24 hours of taking blood samples, therefore, there are practical issues in this action plan that need to be addressed, and that can only be done through being courageous instead of ducking the issue like previous Westminster Ministers. You must draft a new, forward-looking TB policy for the Welsh Assembly Government.

heintio mor drwyadl ag y bo modd i leihau'r perygl o drosglwyddo TB. Mae pob elfen yn yr adroddiad yn berthnasol.

Y Dirprwy Lywydd: Trefn. Rhaid ichi derfynu, Brynle.

Brynle Williams: Mae'r adroddiad yn un cytbwys a mawr obeithiaf y bydd pawb yn y Siambr yn cefnogi'r argymhellion.

Mick Bates: Cytunaf â'r sylwadau cyffredinol am yr adroddiad hwn. Mae iddo dair rhinwedd—consensws, capasiti a dewrder. Bu'r consensws drwy gydol y broses hon yn y pwyllgor yn rhagorol. Rhoddaf bob clod i'r Cadeirydd, y staff a gynorthwyodd y pwyllgor ac, yn benodol, i Tamsin, a wnaeth waith rhagorol wrth gyflwyno'r mater hwn o du'r Llywodraeth. Gweithiodd y pwyllgor yn ardderchog: efallai y byddai'n werth inni gael rhagor o gyfarfodydd pwyllgor, Weinidog, yn hytrach na gostwng eu nifer, fel yr ydych yn benderfynol o wneud, mae'n debyg.

Y broblem yn achos TB yw na chafwyd y consensws priodol yn ei gylch bob amser. Mae siaradwyr eraill wedi sôn am y diffyg buddsoddi mewn ymchwil a datblygu a materion sy'n ymwneud â chapasiti o ran prinder swyddogion i gynnal y profion. Pan fydd y Gweinidog yn ymateb i'r ddatl hon, y mater allweddol i'w drafod yw capasiti. Mae'r adroddiad yn nodi llawer o argymhellion sy'n gofyn i'r Gweinidog weithredu.

Gwyddom am ddamweiniau traffig ar y ffyrdd a'r profion a gynhelir yn eu sgîl. Gwnaed hynny yn y gorffennol ac mae angen ei wneud eto. Mae pwyslais hefyd ar broffion gama interfferon. Nid oes unrhyw gyfleuster lle gellir cynnal profion gama interfferon yng Nghymru. Rhaid cynnal y prawf hwn o fewn 24 awr ar ôl cymryd samplau gwaed, felly mae materion ymarferol yn y cynllun gweithredu sy'n gofyn sylw, ac ni ellir ond gwneud hynny drwy fod yn ddewr yn hytrach na thrwy osgoi'r mater fel y gwnaeth Gweinidogion blaenorol yn San Steffan. Rhaid ichi ddrafftio polisi TB blaengar, newydd ar gyfer Llywodraeth Cynulliad Cymru.

The challenge is great because bovine TB is the European issue that could affect the ability of European member states to export milk and milk products. Only recently, the Russian Federation stated that it would not accept pasteurisation as a mechanism to ensure that imported milk and milk products did not contain bovine TB. Therefore, it is important at a European level, but putting our own house in order is the aim of the committee's report.

One of the most important points relating to my initial theme of consensus was that evidence provided even gave rise to Dr Elaine King, the chair of the National Federation of Badger Groups, stating that it was a good report, which is full of common sense and contains issues that have brought people together. This report is a watershed in terms of reducing the conflict that existed between animal welfare groups and the industry.

Again, to ensure that we carry forward the consensus in this report, we must ensure that the Government provides sufficient financial support to enact the report's sensible recommendations. I do not have to remind Members that there will be an economic impact to allowing the situation to continue. Other speakers have referred to the emotional impact of TB, which is horrendous. The recommendation to establish a helpline for people who have TB-related breakdowns is first-class. I remind you, at this stage, that the good work undertaken around Wales to establish rural stress helplines is currently threatened by the cessation of the rural recovery plan funding, which supported them. I hope that, at some stage, you will explain how you intend to maintain the capacity built up to fund those stress helplines.

TB also has an economic impact and it is worth pointing out to Members that in 1999-2000 total expenditure on bovine TB was £1.3 million. Last year, it was £9 million. Acting now could prevent not only a great deal of mental stress and welfare issues, but would save your Government a great deal of

Mae'r her yn un fawr gan mai TB mewn gwartheg yw'r mater Ewropeaidd a allai effeithio ar allu aelod wladwriaethau Ewrop i allforio llaeth a chynhyrchion llaeth. Yn ddiweddar iawn, dywedodd y Ffederasiwn Rwsiaidd na dderbyniai basteureiddio fel modd i sicrhau nad oedd llaeth a chynhyrchion llaeth a fewnforid yn cynnwys TB buchol. Gan hynny, mae'n bwysig ar lefel Ewropeaidd, ond amcan adroddiad y pwyllgor yw cael trefn ar ein trefniadau ein hunain.

Un o'r pwyntiau pwysicaf sy'n gysylltiedig â'r thema o gonsensws a godais ar y dechrau oedd bod tystiolaeth a roddwyd wedi peri i hyd yn oed Dr Elaine King, cadeirydd Ffederasiwn Cenedlaethol Grwpiau Moch Daear, ddweud ei fod yn adroddiad da, sy'n llawn synnwyr cyffredin ac yn cynnwys materion sydd wedi dwyn pobl at ei gilydd. Mae'r adroddiad hwn yn drobwynt o ran lleihau'r gwrthdaro a arferai ddigwydd rhwng grwpiau lles anifeiliaid a'r diwydiant.

Unwaith eto, er mwyn sicrhau ein bod yn hyrwyddo'r consensws yn yr adroddiad hwn, rhaid inni sicrhau bod y Llywodraeth yn rhoi digon o gymorth ariannol i roi argymhellion synhwyrol yr adroddiad ar waith. Nid oes raid imi atgoffa Aelodau am yr effaith economaidd a ddaw wrth ganiatáu i'r sefyllfa hon barhau. Mae siaradwyr eraill wedi cyfeirio at effaith emosiynol TB, sy'n beth ofnadwy. Mae'r argymhelliad i sefydlu llinell gymorth ar gyfer rhai sy'n profi gwaeledd mewn cysylltiad â TB yn un rhagorol. Yr wyf yn eich atgoffa'n awr fod y gwaith da a wneir drwy Gymru i sefydlu llinellau cymorth straen yng nghefn gwlad o dan fygythiad ar hyn o bryd gan fod cyllid y cynllun adfer cefn gwlad, a oedd yn eu cynnal, wedi dod i ben. Gobeithiaf y byddwch yn egluro rywbryd sut y bwriadwch gynnal y capasiti a grëwyd er mwyn ariannu'r llinellau cymorth hynny.

Mae TB yn cael effaith economaidd ac mae'n werth tynnu sylw Aelodau at y ffaith mai cyfanswm y gwariant ar TB mewn gwartheg yn 1999-2000 oedd £1.3 miliwn. Y llynedd, yr oedd yn £9 miliwn. Drwy gymryd camau'n awr, gellid atal llawer iawn o ofid meddwl a phroblemau'n ymwneud â lles, gan

money in the long term. I commend the committee's report and look forward to witnessing the Minister's courage in taking forward these excellent recommendations.

Tamsin Dunwoody-Kneafsey: I, too, commend this report to the Minister, but I would first like to thank the witnesses who gave evidence and the Members' Research Service, which provided a detailed support network in dealing with this complex area.

3.40 p.m.

Bovine TB is complicated; there are 32 different varieties in cattle. As Alun Ffred and other committee members have explained, we attempted to create a pragmatic, holistic approach—an approach towards tackling a disease. I will correct William Graham: this approach will not eradicate the disease, because none of us believes that we can do so at this stage. Our approach aims to contain and reduce the incidence of the disease, but to do that, one must look at all aspects of it. The committee clearly recognised that there are concerns within wildlife groups and among people like Lorraine. However, if we are to tackle the disease and prevent it from spreading from cattle to cattle, on land or as a result of husbandry methods, we must also recognise that the spread could potentially have come from the wildlife reservoir. A wildlife reservoir exists, but not just in badgers. That wildlife reservoir is present in nine or 10 different animals, but with differing degrees of prevalence and ability to be spread. That is why that list must be agreed as part of the working group, and it is not for us to decide upon. On Lorraine's point about the intensive treatment areas, the idea of allocating an intensive treatment area is twofold. First, there has been no Krebs trial in Wales, and we must recognise that, because Wales has a particular TB problem.

The idea of an intensive treatment area is that an area, which used to be known as a hotspot area, can be accessed every time there is a

arbed llawer iawn o arian i'ch Llywodraeth yn y tymor hir. Cymeradwyaf adroddiad y pwyllgor ac edrychaf ymlaen at fod yn dyst i ddewrder y Gweinidog wrth iddo hyrwyddo'r argymhellion rhagorol hyn.

Tamsin Dunwoody-Kneafsey: Yr wyf finnau hefyd yn cymeradwyo'r adroddiad hwn i'r Gweinidog, ond carwn ddiolch yn gyntaf i'r tystion a roddodd dystiolaeth ac i Wasanaeth Ymchwil yr Aelodau, a ddarparodd rwydwaith cymorth trwyadl wrth ymdrin â'r maes astrus hwn.

Mae TB mewn gwartheg yn beth cymhleth; mae 32 amrywiad mewn gwartheg. Fel y mae Alun Ffred ac aelodau eraill o'r pwyllgor wedi egluro, ceisiasom greu dull gweithredu ymarferol a chyfannol—dull o ddelio â chlefyd. Cywiraf William Graham: ni fydd y dull gweithredu hwn yn dileu'r clefyd, gan nad oes yr un ohonom yn credu y gallwn wneud hynny ar hyn o bryd. Amcan ein dull gweithredu yw atal y clefyd a lleihau nifer yr achosion ohono, ond er mwyn gwneud hynny, rhaid ystyried pob agwedd arno. Yr oedd y pwyllgor yn llwyr gydnabod bod pryderon ymysg grwpiau bywyd gwyllt a phobl fel Lorraine. Er hynny, os ydym i fynd i'r afael â'r clefyd a'i atal rhag ymledu o'r naill fuches i'r llall, ar dir neu o ganlyniad i ddulliau hwsmonaeth, rhaid inni gydnabod hefyd ei bod yn bosibl ei fod wedi ymledu o gronfeydd bywyd gwyllt. Mae bywyd gwyllt yn gweithredu fel cronfeydd, ond nid yw hyn yn golygu moch daear yn unig. Mae'r gronfa honno'n bresennol mewn naw neu 10 o wahanol anifeiliaid, ond mae'n bresennol i wahanol raddau ac yn amrywio o ran ei gallu ei ymledu. Dyna pam y mae'n rhaid i'r gweithgor gytuno ar y rhestr honno, ac nid ein lle ni yw penderfynu arni. Ynghylch y pwynt a wnaeth Lorraine am ardaloedd triniaeth ddwys, mae bwriad deublyg i'r syniad o ddynodi ardal driniaeth ddwys. Yn gyntaf, ni fu unrhyw brawf Krebs yng Nghymru, a rhaid inni gydnabod hynny, gan fod TB yn peri problem benodol yng Nghymru.

Y syniad, wrth bennu ardal driniaeth ddwys, yw y gellir mynd i ardal, yr arferid ei galw'n fan poeth, bob tro y ceir aflwydd newydd, ac

new breakdown, and the exact cause of the spread can be intensively investigated. If the spread is faecal-borne, or if it has spread on land, from animal to animal, or from bringing in new cattle, the wildlife reservoir will not be considered. The farms around it will then also be looked at to determine whether they are infected and they will be dealt with by bringing in bio-security, animal husbandry, and help for the farming community. It is only if all those routes have been eliminated as possible sources that the wildlife reservoir would be considered as a possibility. These are complex and difficult issues, and no-one has an absolute answer. Investigation and research must continue, but we must recognise that that cannot be at a Wales level—it must be at a UK, and in some cases, a European Union, level. The route that we must ultimately aim for is eradication—although we cannot do that at present—and we must also consider a vaccine, whether bovine or wildlife. TB is a terrible disease for the cattle and its consequences for farmers are also terrible. No-one wants sick wildlife. I commend this report and I thank all Members who have supported me in this process.

Alun Ffred Jones: Briefly, all the concerns raised today are legitimate but, if you excuse the pun, if we do not take the bull by the horns in this matter, we could end up doing nothing, and that is not an option. On Lorraine Barrett's comments about animal welfare groups, some have welcomed the report quite pointedly, and that bodes well. The committee listened carefully to the evidence before it, and produced what we regard to be a balanced report. It may be balanced, but it cannot be painless. It will not be painless to the industry, wildlife or animal rights groups, but unless we take action, the situation will obviously deteriorate. I agree with Tamsin's point that we always refer to badgers, but foxes, deer, polecats and so on are probably carriers and part of the pattern of this disease. From what I could garner from the evidence, wildlife is probably an important factor in re-infecting farms, but the spread of the disease may have more to do with cattle movement, and that is why we have made these recommendations.

ymchwilio'n fanwl i union achos yr ymlediad. Os yw'n ymledu drwy ysgarthion, neu os yw wedi ymledu ar dir, o'r naill anifail i'r llall, neu drwy ddod â gwartheg newydd i mewn, nid ystyrir y gronfa bywyd gwyllt. Archwilir y ffermydd o'i gwmpas wedyn i ganfod a ydynt wedi'u heintio a delir â hwy drwy gyflwyno diogeledd biolegol, hwsmonaeth, a chymorth i'r gymuned ffermio. Dim ond ar ôl gallu diystyru'r holl lwybrau hynny fel ffynonellau posibl yr ystyrir y gronfa bywyd gwyllt fel ffynhonnell bosibl. Materion anodd ac astrus yw'r rhain, ac nid oes gan neb ateb pendant. Rhaid i'r ymchwil a'r ymchwilio barhau, ond rhaid inni gydnabod na all hynny ddigwydd ar lefel Cymru—rhaid iddo fod ar lefel y DU ac, mewn rhai achosion, ar lefel yr UE. Rhaid inni geisio ei ddileu yn y pen draw—er na allwn wneud hynny ar hyn o bryd—a rhaid inni hefyd ystyried cael brechlyn, boed hwnnw ar gyfer gwartheg neu fywyd gwyllt. Mae TB yn glefyd ofnadwy i'r gwartheg ac mae ei ganlyniadau i ffermwyr yn ofnadwy hefyd. Nid oes neb am weld anifeiliaid gwyllt sâl. Cymeradwyaf yr adroddiad hwn a diolchaf i'r holl Aelodau a'm cynorthwyodd yn y broses hon.

Alun Ffred Jones: Yn fyr, mae'r holl bryderon a fynegwyd heddiw'n rhai dilys ond, os na chydiwn yn y danadl yn y mater hwn, gallem gyflawni dim yn y pen draw ac ni allwn fentro hynny. Ynghylch sylwadau Lorraine Barrett am grwpiau lles anifeiliaid, mae rhai ohonynt wedi croesawu'r adroddiad yn eithaf pendant, ac mae hynny'n argoeli'n dda. Gwrandawodd y pwyllgor yn astud ar y dystiolaeth ger ei fron, a chynhyrchodd yr hyn a ystyriwn yn adroddiad cytbwys. Efallai ei fod yn gytbwys, ond ni all fod yn ddi-boen. Ni fydd yn ddi-boen i'r diwydiant, i fywyd gwyllt neu i grwpiau hawliau anifeiliaid, ond os na chymerwn gamau, mae'n amlwg y bydd y sefyllfa'n gwaethygu. Cytunaf â phwynt Tamsin i'r perwyl ein bod wastad yn cyfeirio at foch daear, ond mae llwynogod, ceirw, ffwlbartiaid ac yn y blaen yn cario'r clefyd hwn yn ôl pob tebyg ac maent yn rhan o batrwm y clefyd hwn. O'r hyn y gallwn ei gasglu o'r dystiolaeth, mae'n debyg bod bywyd gwyllt yn ffactor pwysig o ran ailheintio ffermydd, ond mae'n bosibl bod ymlediad y clefyd yn ymwneud yn fwy â symud gwartheg, a dyna pam y gwnaethom

yr argymhellion hyn.

Cyfeiriaf at y Gweinidog cyn cloi. Yr her i'r Gweinidog, fel mewn meysydd eraill, yw y bydd rhai o'r mesurau hyn yn gostus. Dylai buddsoddi yn y tymor byr olygu manteision ac arbedion yn y tymor hir, ond mae'n haws dweud na gwneud hynny. Ar y llaw arall, os na wnawn unrhyw beth, bydd y clefyd hwn yn ymledu a bydd y canlyniadau'n ddifrifol i'r diwydiant, i gyllideb yr adran ac i'r anifeiliaid, boed yn wartheg neu'n fywyd gwyllt. Edrychaf ymlaen yn fawr at glywed ymateb y Gweinidog.

I refer to the Minister before closing. The challenge facing the Minister, as in other areas, is that some of these measures will be expensive. Investment in the short term should lead to benefits and savings in the long term, but that is easier said than done. On the other hand, if we do nothing, this disease will spread and the consequences will be serious for the industry, for the departmental budget, and for the animals, be they cattle or wildlife. I look forward to the Minister's response.

Cynnig (NDM2109): O blaid 46, Ymatal 0, Yn erbyn 0.
Motion (NDM2109): For 46, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
 The following Members voted for:

Barrett, Lorraine
 Bates, Mick
 Black, Peter
 Bourne, Nick
 Butler, Rosemary
 Cairns, Alun
 Chapman, Christine
 Cuthbert, Jeff
 Davidson, Jane
 Dunwoody-Kneafsey, Tamsin
 Essex, Sue
 Francis, Lisa
 German, Michael
 Gibbons, Brian
 Graham, William
 Gregory, Janice
 Griffiths, John
 Gwyther, Christine
 Hutt, Jane
 Idris Jones, Denise
 Isherwood, Mark
 James, Irene
 Jones, Alun Ffred
 Jones, Ann
 Jones, Carwyn
 Jones, Helen Mary
 Jones, Laura Anne
 Law, Peter
 Lewis, Huw
 Lloyd, David
 Lloyd, Val
 Melding, David
 Mewies, Sandy
 Neagle, Lynne
 Pugh, Alun
 Randerson, Jenny
 Ryder, Janet
 Sargeant, Carl
 Sinclair, Karen
 Thomas, Catherine
 Thomas, Gwenda
 Thomas, Owen John

Thomas, Rhodri Glyn
Williams, Brynle
Williams, Kirsty
Wood, Leanne

*Derbyniwyd y cynnig.
Motion carried.*

**Hysbysiad o Anfodlonrwydd â Bwriad y Gweinidog Cyllid i Wneud Gorchymyn
Fferm Wynt ar y Môr Cefnenni Tywod Scarweather 2004
Notice of Dissatisfaction with the Finance Minister's Intention to Make the
Scarweather Sands Offshore Wind Farm Order 2004**

The Deputy Presiding Officer: Before I call Alun Cairns to propose the motion, I will make a statement.

Y Dirprwy Lywydd: Cyn imi alw Alun Cairns i gynnig y cynnig, gwnaf ddatganiad.

It may be for the convenience of Members that I outline in advance how I will interpret the rule of relevancy under Standing Order No. 7.7 (iii) in today's debate on the motion of dissatisfaction with the proposal that the Minister should make the Scarweather Sands Offshore Wind Farm Order 2004.

Gallai fod yn hwylus i Aelodau pe nodwn ymlaen llaw y modd y dehonglaf y rheol sy'n ymwneud â pherthnasedd o dan Reol Sefydlog Rhif 7.7 (iii) yn y ddadl heddiw ar y cynnig o anfodlonrwydd ar y bwriad i'r Gweinidog wneud Gorchymyn Fferm Wynt ar y Môr Cefnenni Tywod Scarweather 2004.

The motion is essentially an opportunity to decide a procedural question: that is, whether the Minister should make the Order, or whether the Order should be subject to our normal legislative procedures under Standing Order Nos. 24.6 to 24.25. The debate is not about the merits of the Order, but the procedure that should apply to its making. I will therefore expect Members to speak only on the procedure that the Order should follow. They should not address the question of whether the Order should or should not be made.

Yn y bôn, mae'r cynnig yn gyfle i benderfynu ar gwestiwn trefniadol: hynny yw, a ddylai'r Gweinidog wneud y Gorchymyn, neu a ddylid trafod y Gorchymyn yn unol â'n gweithdrefnau deddfwriaethol arferol o dan Reolau Sefydlog Rhifau 24.6 i 24.25. Nid yw'r ddadl yn ymwneud â rhinweddau'r Gorchymyn, ond â'r weithdrefn y dylid ei dilyn wrth ei wneud. Gan hynny, byddaf yn disgwyl i Aelodau siarad ar destun y weithdrefn y dylai'r Gorchymyn ei dilyn yn unig. Ni ddylent drafod a ddylid gwneud y Gorchymyn ai peidio.

Although the Order is made under the Transport and Works Act 1992, there are elements of planning involved also. Members will be aware of the strict rules that govern the making of planning decisions. Members are, of course, responsible for their own words in the Chamber, but they may also wish to consider whether they might prejudice their ability to participate in any future proceedings, should these arise, if they attempt to speak to the merits of the proposal.

Er bod y Gorchymyn yn cael ei wneud o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992, mae elfennau cynllunio'n gysylltiedig â hyn hefyd. Bydd Aelodau'n ymwybodol o'r rheolau caeth sy'n llywodraethu'r dull o wneud penderfyniadau ar gynllunio. Wrth gwrs, mae Aelodau'n gyfrifol am eu geiriau eu hunain yn y Siambr, ond gallent ddymuno ystyried hefyd a allent amharu ar eu gallu i gymryd rhan mewn unrhyw drafodion yn y dyfodol, os ceir rhai, os ceisiant siarad ar destun rhinweddau'r cynnig.

Alun Cairns: I propose the following motion in my name and the names of David Melding, Jonathan Morgan, William Graham, Mark Isherwood, Nick Bourne, Glyn Davies, Lisa Francis, Laura Anne Jones and Peter Black.

I propose that

the National Assembly for Wales, acting under Standing Order No. 28.3:

1. expresses its dissatisfaction with the Finance Minister's proposal, e-mailed to Assembly Members on 21 September 2004, to make 'The Scarweather Sands Offshore Wind Farm Order 2004'; and

2. resolves that Standing Orders Nos. 24.6 to 24.25 shall apply to the making of this Order. (NDM2108)

I understand that this is the first time that such a motion has been proposed in the Assembly. Therefore, as you stated, Dirprwy Lywydd, we are in uncharted waters. I am grateful for the guidance that you issued to all Assembly Members, which states that you will treat the debate as a technical motion on the Order, rather than a wider debate on the merits of the windfarm, wind energy in general, or even the Welsh Assembly Government's renewable energy target. That highlights what I ask Members to support. Whatever their views on windfarms, wind energy or any other aspect of renewable energy—whether they are broadly in favour, against, or even without a strong view either way—I ask Members for the right to debate this issue in the Chamber. I understand that, because this is the first time that this has happened, some Ministers have mentioned that the loophole may well be closed in the future, but this process is available to us now, and this is the process that opponents of the windfarm have worked to. The fact that this is the first time that such a motion has been used, or that it is unexpected, are not strong enough reasons to reject the motion—we cannot change the rules of the game halfway through the match.

The background is controversial. After considering all the evidence in favour and

Alun Cairns: Cynigiau y cynnig canlynol yn fy enw i ac enwau David Melding, Jonathan Morgan, William Graham, Mark Isherwood, Nick Bourne, Glyn Davies, Lisa Francis, Laura Anne Jones a Peter Black

Cynigiau fod

Cynulliad Cenedlaethol Cymru, gan weithredu o dan Reol Sefydlog Rhif 28.3:

1. yn mynegi ei anfodlonrwydd â chynnig y Gweinidog Cyllid, a anfonwyd drwy'r e-bost at Aelodau'r Cynulliad ar 21 Medi 2004, i wneud 'Gorchymyn Fferm Wynt ar y Môr Cefnenni Tywod Scarweather 2004', ac

2. yn penderfynu bod Rheolau Sefydlog Rhifau 24.6 i 24.25 yn berthnasol wrth wneud y Gorchymyn hwn. (NDM2108)

Deallaf mai hwn yw'r tro cyntaf y cynigiwyd cynnig o'r fath yn y Cynulliad. Felly, fel y dywedasoch, Ddirprwy Lywydd, yr ydym ar dir anghyfarwydd. Yr wyf yn ddiolchgar am y cyfarwyddyd a roesoch i holl Aelodau'r Cynulliad, sy'n datgan y byddwch yn trin y ddadl fel cynnig technegol ar y Gorchymyn, yn hytrach na dadl fwy cyffredinol ar rinweddau'r fferm wynt, ynni gwynt yn gyffredinol, neu hyd yn oed targed Llywodraeth Cynulliad Cymru ar gyfer ynni adnewyddadwy. Mae hynny'n tynnu sylw at yr hyn y gofynnaf i Aelodau ei gefnogi. Beth bynnag fo'u barn am ffermydd gwynt, ynni gwynt neu unrhyw agwedd arall ar ynni adnewyddadwy—pa un a ydynt o'i blaid yn gyffredinol, yn ei erbyn, neu heb farn bendant y naill ffordd neu'r llall, hyd yn oed—gofynnaf i Aelodau am yr hawl i drafod y mater hwn yn y Siambr. Yr wyf yn deall, gan mai hwn yw'r tro cyntaf i hyn ddigwydd, fod rhai Gweinidogion wedi dweud ei bod yn ddigon posibl y caeir y bwll hwn yn y dyfodol, ond mae'r broses hon ar gael inni'n awr, a hon yw'r broses y mae gwrthwynebwyr y fferm wynt wedi'i dilyn. Nid yw'r ffaith mai hwn yw'r tro cyntaf y defnyddiwyd cynnig o'r fath, neu ei fod yn annisgwyl, yn rhesymau digon cryf dros wrthod y cynnig—ni allwn newid rheolau'r gêm hanner ffordd drwyddi.

Mae'r cefndir yn ddadleuol. Ar ôl ystyried yr holl dystiolaeth o blaid ac yn erbyn, a pholisi

against, and the Assembly Government's policy and stretching renewable energy targets, the independent planning inspector recommended that the Scarweather Sands windfarm application be rejected. Despite the inspector's professional judgment, the planning decision committee overturned the recommendation for the reasons that we will no doubt hear. However, that is the point. I want to hear the reasons why they overturned the independent planning inspector's professional judgment.

3.50 p.m.

Rhodri Glyn Thomas: You seem to be talking yourself out of a job. Are you arguing that politicians should not take decisions, but should merely accept the decisions of any inspector or any advice received from officials?

Alun Cairns: Absolutely not. I am, however, advocating that all politicians take the decision rather than just four in a closed committee.

The Assembly is often criticised for not having the power to make changes, and its debates are often criticised as being anodyne and even, sometimes, academic. Those criticisms would not apply to this.

Helen Mary Jones: I seek clarification on your point that these decisions should be made by all politicians, and not four in a closed room. Are you suggesting that all contested planning decisions come before the full Assembly? If you are, you, as a Conservative, should consider the issues of commercial confidentiality that might be involved.

Alun Cairns: That is clearly not the suggestion that I made. This application has been made under the Transport and Works Act 1992 which, within its confines and context, gives a right to all Assembly Members to express their views and to debate

Llywodraeth y Cynulliad a thargedau ymestynnol ar gyfer ynni adnewyddadwy, argymhellodd yr arolygydd cynllunio annibynnol y dylid gwrthod y cais ar gyfer fferm wynt Cefnenni Tywod Scarweather. Er gwaethaf barn broffesiynol yr arolygydd, gwrthodwyd yr argymhelliad gan y pwyllgor penderfyniadau cynllunio am resymau y byddwn yn sicr o glywed amdanynt. Fodd bynnag, dyna'r ddadl sydd gennyf. Yr wyf am glywed eu rhesymau dros wrthod barn broffesiynol yr arolygydd cynllunio annibynnol.

Rhodri Glyn Thomas: Ymddengys eich bod yn dadlau bod eich swydd yn ddiangen. A ydych yn dadlau na ddylai gwleidyddion wneud penderfyniadau, ac mai'r cwbl y dylent ei wneud yw derbyn pob penderfyniad gan arolygydd a phob cyngor a gânt gan swyddogion?

Alun Cairns: Dim o gwbl. Yr wyf yn dadlau, fodd bynnag, y dylai'r holl wleidyddion wneud y penderfyniad yn hytrach na dim ond pedwar mewn pwyllgor caeedig.

Beirniadir y Cynulliad yn aml am nad oes ganddo ddigon o bŵer i beri newidiadau, a cheir beirniadu ar ei ddadleuon a'u galw'n rhai diddrwg-ddidda, a hyd yn oed yn rhai academiaidd weithiau. Ni fyddai'r beirniadaethau hynny'n wir am hyn.

Helen Mary Jones: Ceisiaf eglurhad ar y pwynt a wnaethoch i'r perwyl y dylai'r penderfyniadau hyn gael eu gwneud gan yr holl wleidyddion, ac nid gan bedwar mewn ystafell gaeedig. A ydych yn awgrymu y dylai pob penderfyniad ar gynllunio y ceir dadlau yn ei gylch ddod gerbron y Cynulliad llawn? Os ydych, dylech chi, fel Ceidwadwr, ystyried y materion sy'n ymwneud â chyfrinachedd masnachol a allai godi yn sgîl hynny.

Alun Cairns: Mae'n amlwg nad oeddwn yn awgrymu hynny. Gwnaed y cais hwn o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992 sydd, yn ei chwmpas a'i chyd-destun, yn rhoi hawl i holl Aelodau'r Cynulliad fynegi eu barn ac i drafod y mater dan sylw. Dyna'r

the issue. That is what I am seeking support for. I clearly stated earlier that the First Minister highlighted an intention—which may well be a debate for us in future—to close this loophole that allows us, under the existing rules and regulations, and under the Transport and Works Act, the right to a debate.

If this Order is allowed to pass, it will change the character of the areas affected. No doubt others will disagree with that, but the least that we can do is to hold the debate. I have been advised of the legal ramifications because the process has not been tested before, and you alluded to that earlier, Dirprwy Lywydd. However, that is not a reason to shy away from this debate because, surely, people have the right to hear the debate and to see the way in which Assembly Members vote.

I have many questions about the claims made by United Utilities, and, no doubt, others will have many questions about claims made by the anti-windfarm group. There were many such groups and organisations, from surfers, walkers, golfers, tourists, residents, swimmers and others opposed to the proposed windfarm. However, the key local group—an umbrella organisation—is SOS Porthcawl. It is made up of ordinary people who care about their town and the tourism economy on which Porthcawl is based. This is a non-political group. Its members have had to fight the multi-million pound resources of United Utilities—I am advised that United Utilities has spent several million pounds on this project so far. In spite of appearances, and in spite of the odds seemingly stacked against SOS Porthcawl, and the other group still won the support of the independent planning inspector. If devolution is to mean anything to these individuals, surely it must at least mean that they have the right to a debate.

At this stage, I am not asking Assembly Members to reject the application; I am asking for the right to make the case for why you should reject it. In doing so, it would give the right for advocates of the windfarm

hyn y ceisiaf gefnogaeth iddo. Dywedais yn glir yn gynharach fod y Prif Weinidog wedi tynnu sylw at fwriad—a allai fod yn destun dadl inni yn y dyfodol—i gau'r bwlch hwn sy'n rhoi i ni, o dan y rheolau a'r rheoliadau presennol, ac o dan Ddeddf Trafnidiaeth a Gweithfeydd, yr hawl i gael dadl.

Os derbynnir y Gorchymyn hwn, bydd yn newid cymeriad yr ardaloedd dan sylw. Mae'n siŵr y bydd eraill yn anghytuno â hynny, ond y peth lleiaf y gallwn ei wneud yw cynnal y ddadl. Fe'm hysbyswyd am y goblygiadau cyfreithiol gan na roddwyd prawf ar y broses hon o'r blaen, a chyfeiriasoch chi at hynny'n gynharach, Ddirprwy Lywydd. Fodd bynnag, nid yw hynny'n rheswm dros beidio â chynnal y ddadl hon gan fod hawl gan bobl, yn sicr, i glywed y ddadl a gweld sut y bydd Aelodau'r Cynulliad yn pleidleisio.

Mae gennyf lawer o gwestiynau am yr honiadau a wnaed gan United Utilities, ac, yn sicr, bydd gan eraill lawer o gwestiynau am honiadau a wnaed gan y grŵp sy'n gwrthwynebu'r fferm wynt. Yr oedd sawl grŵp a chorff o'r fath, gan gynnwys beistonwyr, cerddwyr, golffwyr, ymwelwyr, trigolion, nofwyr ac eraill, a oedd yn gwrthwynebu'r fferm wynt arfaethedig. Fodd bynnag, y prif grŵp lleol—corff ymbarél—yw SOS Porthcawl. Mae'n cynnwys pobl gyffredin sy'n poeni am eu tref ac am economi Porthcawl, sy'n seiliedig ar dwristiaeth. Grŵp anwleidyddol ydyw. Mae ei aelodau wedi gorfod ymladd yn erbyn yr adnoddau o filiynau lawer o bunnoedd sydd gan United Utilities—fe'm hysbyswyd bod United Utilities wedi gwario sawl miliwn o bunnoedd ar y prosiect hwn hyd yma. Er gwaethaf pob ymddangosiad, ac er bod SOS Porthcawl o dan anfantais i bob golwg, llwyddodd y grŵp i ennill cefnogaeth yr arolygydd cynllunio annibynnol. Os yw datganoli i olygu rhywbeth i'r unigolion hyn, rhaid iddo olygu bod hawl iddynt gael dadl o leiaf.

Ar hyn o bryd, nid wyf yn gofyn i Aelodau'r Cynulliad wrthod y cais; gofyn yr wyf am yr hawl i gyflwyno'r ddadl dros ei wrthod. Wrth wneud hynny, rhoddid hawl i'r rhai sydd o blaid y fferm wynt gael cyflwyno eu dadl. Os

to make their case in favour. For this windfarm application to go forward, United Utilities only has to win one vote. For me, SOS Porthcawl and other parties and individuals involved, to block the application, we must win two votes. I ask for your support today to make devolution relevant to people by holding the debate.

Alun Ffred Jones: The Minister should be allowed to make the Scarweather Sands Offshore Wind Farm Order 2004, since the Assembly's planning procedures have been followed. The reasons for that decision have been made public. I find it odd that Members declare that this procedure, such as it is, for better or worse, is undemocratic or deficient. I am unaware of anyone having challenged this procedure before, though the committee has, in the past, gone against an inspector's report.

Alun Cairns: You mentioned that the decision has been made democratically, but do you not accept that this is part of the decision process in order to sanction or reject the application or the Order ultimately?

Alun Ffred Jones: I am sorry, but I did not understand that point. The point is that we have followed Assembly procedures and you have been perfectly happy with those procedures in the past.

You talk about decisions being made behind closed doors. Previously, under the Welsh Office, a single Minister or Secretary of State would have made that decision behind a closed door, usually in a rush, yet the Tories never challenged that. At least this committee is politically balanced, and it is one committee where you dare not enter without reading the report beforehand—that may not apply to all committees.

This motion has nothing to do with planning procedures and everything to do with a Member's desire to garner votes to go to another place. Such self-serving gesture politics should be rejected.

yw'r cais hwn am fferm wynt i gael ei dderbyn, nid oes ond rhaid i United Utilities ennill un bleidlais. Os ydwyf fi, SOS Porthcawl a'r partion a'r unigolion eraill sy'n gysylltiedig i atal y cais, rhaid inni ennill dwy bleidlais. Gofynnaf am eich cefnogaeth heddiw er mwyn peri i ddatganoli fod yn berthnasol i bobl drwy gynnal y ddatg.

Alun Ffred Jones: Dylid gadael i'r Gweinidog wneud Gorchymyn Fferm Wynt ar y Môr Cefnenni Tywod Scarweather 2004, gan fod gweithdrefnau cynllunio'r Cynulliad wedi'u dilyn. Mae'r rhesymau dros y penderfyniad hwnnw wedi'u cyhoeddi. Fe'i caf yn rhyfedd bod Aelodau'n datgan bod y weithdrefn hon, fel y mae, er gwell neu er gwaeth, yn un annemocrataidd neu ddiffygiol. Ni wn am neb sydd wedi herio'r weithdrefn hon o'r blaen, er bod y pwyllgor, yn y gorffennol, wedi mynd yn groes i adroddiad gan arolygydd.

Alun Cairns: Dywedasoeh fod y penderfyniad wedi'i wneud yn ddemocrataidd, ond oni dderbyniwch fod hyn yn rhan o'r broses penderfynu ar gyfer derbyn neu wrthod y cais neu'r Gorchymyn yn y pen draw?

Alun Ffred Jones: Mae'n ddrwg gennyf, ond ni ddeallais y pwynt hwnnw. Y pwynt yw ein bod wedi dilyn gweithdrefnau'r Cynulliad ac y buoch yn gwbl fodlon ar y gweithdrefnau hynny yn y gorffennol.

Soniwch am wneud penderfyniadau y tu ôl i ddrysau caeedig. O'r blaen, o dan y Swyddfa Gymreig, byddai un Gweinidog neu Ysgrifennydd Gwladol wedi gwneud y penderfyniad hwnnw y tu ôl i ddrws caeedig, a hynny ar frys fel arfer, ac eto ni wnaeth y Torïaid erioed herio hynny. O leiaf y mae'r pwyllgor hwn yn wleidyddol gytbwys, a dyma un pwyllgor na feiddiech fynd iddo heb ddarllen yr adroddiad ymlaen llaw—efallai nad yw hynny'n berthnasol i bob pwyllgor.

Nid oes a wnelo'r cynnig hwn ddim â gweithdrefnau cynllunio, eithr mae'n ymwneud yn gyfan gwbl ag awydd Aelod i ennill pleidleisiau i fynd i le arall. Dylid ymwrthod â gwleidyddiaeth symbolaidd hunangeisiol o'r fath.

Leighton Andrews: I speak in support of the motion of dissatisfaction, and I will vote in favour of it.

Some general issues must be considered in relation to this matter. It is relatively unusual, but not unique, for Assembly Members to vote against a planning inspector's decision. The planning decision committee members need an opportunity to outline the reasons for their decision. Sadly, I did not hear anything in the speech of Alun Ffred, who I understand chaired that committee, as to why he did that—

Alun Ffred Jones: I am not allowed to say.

Leighton Andrews: That is the point that I am making. If we were to go through a proper process, the committee members would have an opportunity to explain the position that they took.

I understand that this is a particular kind of procedure; it exists under transport legislation rather than under planning legislation. Therefore, it is unusual that the Assembly has a vote on the planning decision committee's decision. As I understand it, that would not happen, in general terms, under planning legislation. However, I suspect that the distinction between the two types of legislation is not widely understood outside this building. As an Assembly, we have to make it clear to people why these little procedures exist, because they will have an impact on future decisions with regard to wind energy and on the attitude taken by groups towards the Assembly in terms of the conduct of future discussions on these issues.

In voting for the motion of dissatisfaction, I am not committing myself to vote one way or the other on the issue of the Scarweather Sands windfarm, because I have not made my mind up on the proposal. Even if I had a view, I could not talk about it today. I want a process whereby these issues are aired more widely and a discussion on the Scarweather issue in the context of wider wind-energy policy, and I hope that this process will allow us to do that.

Leighton Andrews: Siaradaf o blaid y cynnig o anffodlonrwydd, a phleidleisiaf o'i blaid.

Rhaid ystyried rhai pynciau cyffredinol sy'n ymwneud â'r mater hwn. Mae'n eithaf anarferol, ond nid yn unigryw, i Aelodau Cynulliad bleidleisio yn erbyn penderfyniad gan arolygydd cynllunio. Rhaid i aelodau'r pwyllgor penderfyniadau cynllunio gael cyfle i nodi'r rhesymau dros eu penderfyniad. Gwaetha'r modd, ni chlywais ddim yn araith Alun Ffred, a gadeiriodd y pwyllgor hwnnw, yr wyf yn deall, ynghylch y rheswm y gwnaeth hynny—

Alun Ffred Jones: Ni chaf ddweud.

Leighton Andrews: Dyna'r pwynt yr wyf yn ei wneud. Pe byddem yn dilyn proses briodol, câi aelodau'r pwyllgor gyfle i egluro eu safbwynt.

Deallaf mai gweithdrefn o fath neilltuol yw hon; mae'n bod o dan ddeddfwriaeth trafniadaeth yn hytrach na deddfwriaeth cynllunio. Felly, mae'n beth anarferol i'r Cynulliad gael pleidlais ar benderfyniad y pwyllgor penderfyniadau cynllunio. Fel yr wyf fi'n ei ddeall, ni ddigwyddai hynny, fel arfer, o dan ddeddfwriaeth cynllunio. Er hynny, yr wyf yn amau nad oes llawer y tu allan i'r adeilad hwn sy'n deall y gwahaniaeth rhwng y ddau fath o ddeddfwriaeth. Fel Cynulliad, rhaid inni egluro i bobl pam y ceir y gweithdrefnau bach hyn, gan y cânt effaith ar benderfyniadau yn y dyfodol mewn cysylltiad ag ynni gwynt ac ar ymagwedd grwpiau at y Cynulliad o ran y dull o gynnal trafodaethau ar y materion hyn yn y dyfodol.

Wrth bleidleisio o blaid y cynnig o anffodlonrwydd, nid wyf yn ymrwmo i bleidleisio'r naill ffordd neu'r llall ar fater fferm wynt Cefnenni Tywod Scarweather, gan nad wyf wedi penderfynu eto ynghylch y cais. Hyd yn oed pe byddai gennyf farn, ni allwn sôn amdani heddiw. Yr wyf am weld proses lle y caiff y materion hyn eu gwyntyllu'n ehangach a thrafodaeth ar fater Scarweather yng nghyd-destun y polisi mwy cyffredinol ar ynni gwynt, a gobeithiaf y bydd y broses hon yn fodd inni wneud hynny.

I want us to consider the arguments for onshore and offshore wind development in that context. I am generally in favour of more offshore wind development, and I am not convinced, for example, by the arguments that Ministers have made to me in relation to technical advice note 8 as to why the offshore targets are so low compared with onshore wind energy targets. Nor am I convinced—and I hope that we can have this discussion in the context of a general consideration around Scarweather—that national parks should be excluded from windfarm developments when Valley communities are not. Pen-tych in my constituency is regarded as one of the six wonders of Wales, according to Post Office stamps, and it matches anything in the Brecon Beacons. The Brecon Beacons are excluded from windfarm developments, but Valleys communities, such as the Rhondda, are not. I hope that we can raise some of these general issues in the context of a discussion on Scarweather, so that we can confront the ins and outs and potential contradictions of the general policy that leads to these decisions. Therefore, I am arguing for a longer timescale so that we can discuss those wider issues more freely.

I will vote in favour of the motion of dissatisfaction, but not because I want to assist anybody's campaign to be a Member of another place. It is unfortunate for the residents of Bridgend, Porthcawl and other areas, regardless of which side of the argument they are on, that this issue has, to my mind, come to be used, opportunistically and politically to a degree. It would have been a more open process, and I would have regarded it as more genuine, had the balance of those proposing the motion of dissatisfaction not been so loaded from one political party and had they attempted to talk to members of other political parties who might have been sympathetic to this decision. I will therefore vote for the motion of dissatisfaction so that we can have a general debate on the issues of principle concerned.

Yr wyf am inni ystyried y dadleuon dros ddatblygu ffermydd gwynt ar y môr ac ar y tir yn y cyd-destun hwnnw. Yn gyffredinol, yr wyf o blaid cael rhagor o ddatblygu ar ffermydd gwynt ar y môr, ac nid wyf wedi fy argyhoeddi, er enghraifft, gan y dadleuon a gyflewyd i mi gan Weinidogion mewn cysylltiad â nodyn cyngor technegol 8 ynghylch y rheswm y mae'r targedau ar gyfer ffermydd gwynt ar y môr gyn ised o'u cymharu â thargedau ar gyfer ynni gwynt ar y tir. Nid wyf wedi fy argyhoeddi ychwaith—a gobeithiaf y bydd modd inni gael y drafodaeth hon yng nghyd-destun ystyriaeth gyffredinol i Scarweather—y dylid gwahardd datblygu ffermydd gwynt mewn parciau cenedlaethol pan na wneir hynny yn achos cymunedau'r Cymoedd. Mae Pen-tych yn fy etholaeth yn cael ei ystyried yn un o chwe rhyfeddod Cymru, yn ôl stampiau Swyddfa'r Post, ac mae cystal â dim a welir ym Mannau Brycheiniog. Gwaherddir datblygu ffermydd gwynt ym Mannau Brycheiniog, ond nid yng nghymunedau'r Cymoedd, fel y Rhondda. Gobeithiaf y bydd modd inni godi rhai o'r materion cyffredinol hyn yng nghyd-destun trafodaeth ar Scarweather, fel y gallwn ymdrin â'r manylion a'r anghysondeb posibl yn y polisi cyffredinol sy'n arwain at y penderfyniadau hyn. Felly, yr wyf yn dadlau dros gael mwy o amser fel y byddwn yn fwy rhydd i drafod y materion mwy cyffredinol hynny.

Pleidleisiaf o blaid y cynnig o anfonlonrwydd, ond nid am fy mod yn dymuno hybu ymgyrch rhywun i fod yn Aelod mewn lle arall. Mae'n beth anffodus i drigolion Pen-y-bont ar Ogwr, Porthcawl ac ardaloedd eraill, ni waeth ar ba ochr i'r ddadl y maent, fod y mater hwn yn cael ei ddefnyddio bellach, yn fy marn i, i ddibenion manteisgar a gwleidyddol i ryw raddau. Buasai'n broses fwy agored, ac fe'i hystyrir yn fwy dilys, pe na fuasai cynifer o'r rhai a roddodd y cynnig gerbron o un blaid wleidyddol a phe byddent wedi ceisio siarad ag Aelodau o bleidiau gwleidyddol eraill a allai gydymdeimlo â'r cynnig hwn. Felly, pleidleisiaf o blaid y cynnig o anfonlonrwydd fel y gallwn gael dadl gyffredinol ar y materion o egwyddor sydd dan sylw.

4.00 p.m.

Jeff Cuthbert: I am mindful that this debate is not about the merits or otherwise of windfarms, or indeed about any form of renewable energy; it is about the process of decision making. The process that we have followed so far is the right one: it involved a cross-party group of Assembly Members, trained for the purpose, sitting to discuss the issue objectively and calmly. This discussion took full account of the inspector's report, and we gave great weight to his findings and conclusions. As is now public knowledge, the whole planning committee came to a different conclusion on the one key issue of the potential visual impact. Incidentally, two appeals were before us that day and we upheld the inspector's report in terms of the other appeal.

Lisa Francis: As part of the process that you describe, did you visit Porthcawl to reach your conclusion?

Jeff Cuthbert: We followed the rules that were set before us and we conducted the inquiry in accordance with the rules and procedures that were set down at our meeting.

The process is a fair one. It is a good example of practical democracy in action. It took the issue out of a party political debate—decision making of this kind is not best served by full Plenary debates in which Assembly Members may well decide along party lines rather than on the basis of a considered appraisal of the specific issue. I acknowledge that this is a controversial matter. I have received many messages from Porthcawl residents objecting to my actions, and I understand the strength of feeling. I have also received messages supporting my actions. Several of the objecting messages have called into question the democracy of a four-member panel overturning the inspector's decision. As I have mentioned, in terms of the other appeal before us, we upheld the inspector's decision. I understand the passion, but I am equally sure that those same people would have lobbied me to overturn the inspector's decision had he decided in favour of the development.

Jeff Cuthbert: Yr wyf yn ymwybodol nad yw'r ddadl hon yn ymwneud â rhinweddau neu ddiffygion ffermydd gwynt, nac yn wir ag unrhyw fath o ynni adnewyddadwy; mae'n ymwneud â'r broses penderfynu. Y broses a ddilynasom hyd yma yw'r un iawn: yr oedd yn cynnwys grŵp trawsbleidiol o Aelodau'r Cynulliad, a hyfforddwyd i'r diben hwn, a eisteddodd i drafod y mater yn wrthrychol ac yn bwylllog. Cymerwyd pob sylw yn y drafodaeth hon o adroddiad yr arolygydd, a rhoesom bwys mawr ar ei ddarganfyddiadau a'i gasgliadau. Fel y bo'n hysbys erbyn hyn, daeth y pwyllgor cynllunio cyfan i wahanol gasgliad ar y mater allweddol o'r effaith weledol bosibl. Gyda llaw, yr oedd dwy apêl ger ein bron y diwrnod hwnnw a gwnaethom gefnogi adroddiad yr arolygydd mewn cysylltiad â'r apêl arall.

Lisa Francis: Fel rhan o'r broses a ddisgrifiwch, a aethoch i Borthcawl er mwyn dod i'ch casgliad?

Jeff Cuthbert: Dilynasom y rheolau a osodwyd i ni a chynaliasom yr ymchwiliad yn unol â'r rheolau a'r gweithdrefnau a osodwyd yn ein cyfarfod.

Mae'r broses yn un deg. Mae'n enghraifft dda o ddemocratiaeth ymarferol ar waith. Cododd y mater uwchlaw dadlau rhwng pleidiau gwleidyddol—nid mewn dadleuon yn y Cyfarfod Llawn y gwneir penderfyniadau o'r fath orau gan ei bod yn ddigon posibl y penderfynai Aelodau'r Cynulliad yn ôl safbwynt eu plaid yn hytrach nag ar sail gwerthusiad ystyriol o'r mater penodol dan sylw. Yr wyf yn cydnabod bod y mater hwn yn un dadleuol. Yr wyf wedi cael llawer o negeseuon oddi wrth drigolion Porthcawl yn gwrthwynebu'r camau a gymerais, a deallaf gryfder y teimlad. Yr wyf hefyd wedi cael negeseuon o blaid y camau a gymerais. Mae nifer o'r negeseuon gwrthwynebus wedi bwrw amheuaeth ar y graddau y mae penderfyniad gan banel o bedwar aelod i wrthod penderfyniad yr arolygydd yn un democrataidd. Fel y dywedais, cefnogasom benderfyniad yr arolygydd ynghylch yr apêl arall a oedd gerbron. Yr wyf yn deall y teimladau cryf,

ond yr wyf yr un mor sicr y byddai'r un bobl wedi fy lobïo i wrthod penderfyniad yr arolygydd pe byddai wedi dyfarnu o blaid y datblygiad.

We have dealt fairly and objectively with this issue so far. We had no local interest, so we were impartial. In politics we must strive to make the right decision—sometimes that is not the popular decision. For these reasons, I urge Assembly Members to vote against the motion.

Peter Law: We need to take a mature approach to this issue, and realise that this piece of legislation is available to us as political practitioners to use if we wish to try to achieve something that we feel is for the betterment of Wales and the community in general. Therefore, it is not politicised, and I regret that it has been politicised by some people. It is, frankly, an enabling piece of legislation for Assembly Members. I am glad that it exists, particularly if you, like me, want to get to something on the other side.

I therefore support this motion. That does not reflect on the Minister, who is an excellent Minister, and it has nothing to do with the planning decision committee's decision. I have listened carefully to the Deputy Presiding Officer's words of wisdom, which I respect. We must stick to this issue and not go over the boundaries and talk about why the decision was made. People are going over those boundaries, which will be detrimental.

We do not want to subvert democracy. We should welcome the opportunity to have a major debate in this Chamber about something that some of us feel that we want to know more about. Whenever I deal with issues regarding the environment, communities or people, that is important to me, as it is to everyone else. Therefore, what do we have to be afraid of here? Nothing. It is reasonable that we should go forward to a fuller debate. That is what this forum of debate is all about; this is a stage of debate for the whole of Wales, and this issue should be debated here. That is my approach—I do not criticise anyone, I just want my right as

Yr ydym wedi ymdrin yn deg ac yn wrthrychol â'r mater hwn hyd yma. Nid oedd gennym unrhyw fuddiant lleol, felly yr oeddem yn ddiuedd. Mewn gwleidyddiaeth, rhaid inni geisio gwneud y penderfyniad iawn—weithiau, nid yw hynny'n boblogaidd. Am y rhesymau hynny, anogaf Aelodau'r Cynulliad i bleidleisio yn erbyn y cynnig.

Peter Law: Rhaid inni ymdrin â'r mater hwn mewn modd aeddfed, a sylweddolaf fod y ddeddfwriaeth hon ar gael i ni wleidyddion i'w defnyddio os dymunwn geisio cyflawni rhywbeth y teimlwn ei fod er lles Cymru a'r gymuned yn gyffredinol. Gan hynny, nid yw wedi'i gwleidyddoli, a gofid i mi yw ei bod wedi'i gwleidyddoli gan rai. A siarad yn blwmp ac yn blaen, mae'n eitem ddeddfwriaeth sy'n galluogi Aelodau'r Cynulliad. Yr wyf yn falch ei bod ar gael, yn enwedig os ydych chi, fel minnau, am gyflawni rhywbeth yn y pen draw.

Yr wyf felly o blaid y cynnig hwn. Nid yw hynny'n adlewyrchu ar y Gweinidog, gan ei bod yn Weiniog rhagorol, ac nid oes a wnelo ef ddim â phenderfyniad y pwyllgor penderfyniadau cynllunio. Gwrandewais yn astud ar eiriau doeth y Dirprwy Lywydd, a barchaf. Rhaid inni ddal at y mater hwn a pheidio â mynd dros y terfyn a sôn am y rheswm dros wneud y penderfyniad. Mae pobl yn camu dros y terfyn hwnnw, a bydd hynny'n niweidiol.

Nid ydym yn dymuno tanseilio democratiaeth. Dylem groesawu'r cyfle i gael dadl fawr yn y Siambr ar rywbeth y mae rhai ohonom yn teimlo y carem wybod rhagor amdano. Pryd bynnag yr ymdriniaf â materion sy'n ymwneud â'r amgylchedd, cymunedau neu bobl, mae hynny'n bwysig i mi, fel y mae i bawb arall. Felly, pa beth sydd gennym i'w ofni yn hyn o beth? Dim. Mae'n rhesymol inni fynd ati i gael dadl lawnach. Dyna ddiben y ddadleufa hon; man dadlau ar gyfer Cymru gyfan yw hon, a dylid trafod y mater hwn yn y fan hon. Felly y gwelaf fi hyn—nid wyf yn beirniadu neb, nid wyf ond am gael fy hawl fel Aelod o'r Cynulliad i

an Assembly Member to be able to vote for a bigger debate about an important matter for Wales and the community in general. That is my reasoned approach.

When people say to me that if the Order came forward in that way it could take up a great deal of time in committee and a great deal of Ministers' time, I say that that is what we are paid for, that is why the Assembly was established and why it costs so many millions of pounds a year to run. If we cannot show the people of Wales that we are here to debate these important issues fully, sincerely and seriously, then we are failing in our duty. This does not reflect on anyone, but I want due process to allow me to ask questions on an issue that I am interested in and concerned about. That is why I will support this motion today.

Mick Bates: A few Members have not heeded the Deputy Presiding Officer's guidelines. We are debating procedure today. As someone who upholds the democratic process, I consider the particular process proposed by the motion of dissatisfaction to be important. It allows for a broad debate, and I will vote for the motion today to ensure that that debate can be held.

As someone who has long promoted the cause of renewable energy in response to the devastating effect of climate change, I will not stand down from the need for a full and open debate on those principles. It is difficult to balance the needs of democracy with the beliefs and principles of individuals. This case places us on the threshold of a major development under technical advice note 8. The debate is wider than Scarweather Sands. However, when we consider the legal implications of today's motion, there is lack of knowledge and general confusion among many Members as to the implications of any vote taken today. I have struggled to find out from lawyers what the full implications of taking this vote today would be. In the absence of clear legal guidelines on the conflict that is inherent in the motion that I will support, it is difficult to reconcile the fact that the motion will override a clear planning process with my wish to stand up for my belief in openness and transparency.

bleidleisio dros gael dadl ehangach ar fater sy'n bwysig i Gymru ac i'r gymuned yn gyffredinol. Dyna fy agwedd resymegol i.

Pan ddywed rhai wrthyf y gallai'r Gorchymyn gymryd llawer o amser y pwyllgor a'r Gweinidog os câi ei drafod felly, dywedaf mai am hynny yr ydym yn cael ein talu, mai hynny oedd diben sefydlu'r Cynulliad a'r rheswm y cymer filiynau lawer o bunnoedd y flwyddyn i'w redeg. Os na allwn ddangos i bobl Cymru ein bod yma i drafod y materion pwysig hyn yn llawn, yn ddiffuant ac o ddifrif, nid ydym yn cyflawni ein dyletswydd. Nid yw hyn yn adlewyrchu ar unrhyw un, ond yr wyf am i'r broses briodol ganiatáu imi ofyn cwestiynau ar fater yr wyf yn ymddiddori ynddo ac yn poeni yn ei gylch. Dyna pam y cefnogaf y cynnig hwn heddiw.

Mick Bates: Nid yw rhai Aelodau wedi cymryd sylw o ganllawiau'r Dirprwy Lywydd. Yr ydym yn trafod gweithdrefnau heddiw. Fel un sy'n cefnogi'r broses ddemocrataidd, barnaf fod y broses benodol a gynigir drwy'r cynnig o anfonlonrwydd yn un bwysig. Mae'n caniatáu dadl gyffredinol, a phleidleisiaf o blaid y cynnig heddiw i sicrhau y gellir cynnal dadl o'r fath.

Fel un a fu'n dadlau'n hir dros ynni adnewyddadwy mewn ymateb i effaith ddinistriol y newid yn yr hinsawdd, nid anwybyddaf yr angen am ddadl lawn ac agored ar yr egwyddorion hynny. Anodd yw dal y ddysgl yn wastad rhwng anghenion democratiaeth a chredoau ac egwyddorion unigolion. Mae'r achos hwn yn agos at yr hyn a ystyrid yn ddatblygiad mawr o dan nodyn cyngor technegol 8. Mae'r ddadl yn ymwneud â mwy na Chefnenni Tywod Scarweather. Fodd bynnag, o ystyried goblygiadau cyfreithiol y cynnig heddiw, gwelir bod diffyg gwybodaeth a dryswch cyffredinol ymysg llawer o Aelodau ynghylch goblygiadau unrhyw bleidlais a gymerir heddiw. Fe'i cefais yn anodd cael gwybod gan gyfreithwyr am yr holl oblygiadau i gymryd y bleidlais hon heddiw. Yn niffyg canllawiau cyfreithiol clir ar y gwrthdaro sy'n rhan annatod o'r cynnig a gefnogaf, anodd yw cysoni'r ffaith y bydd y cynnig yn anwybyddu proses cynllunio glir

However, in this case, we would be accused of being fearful and of lacking courage if we did not take the opportunity to hold a full debate on the Scarweather Sands Order.

Janet Ryder: On the issue of conflicting advice, does the legal advice that you have been given clearly state that, should the Assembly vote in favour of the Order today, we will have a debate not on simply whether the Order will go through, but a full debate on the merits of wind power, and become a planning committee whose decision would then affect the planning decision that has already been taken?

Mick Bates: You have said it all in one short intervention. That is a great challenge. As I have said, I do not possess the legal advice that would enable me to give you a clear answer on that, and neither, it appears, does any other Member in the Chamber today. I find the process challenging, because we are testing the system and there has been no clear legal advice on the decision that we face today. However, I could not face having protestors outside the building accusing us of failing to take an open and democratic course for debate on the Order. That is the key issue.

David Melding: Do you agree that any accusation that this process is somehow irregular is refuted by the fact that we clearly have the powers in terms of how the Order has been presented, and that, in any event, should the ramifications for any reason be particularly serious, it is for the Executive to make that clear in its response to this motion?

Mick Bates: Thank you for your sound advice. It grieves me that I must sometimes agree with a bunch of opportunists like my neighbours. [*Laughter.*] However, we will discuss that in a few weeks' time, I hope.

4.10 p.m.

I urge Members to vote in favour of an open, democratic process by supporting the motion,

â'm dymuniad i sefyll o blaid fy nghred mewn gweithredu agored a thryloyw. Er hynny, yn yr achos hwn, fe'n cyhuddid o fod yn ofnus ac o fod â diffyg dewrder pe na fanteisiem ar y cyfle i gynnal dadl lawn ar Orchymyn Cefnenni Tywod Scarweather.

Janet Ryder: Ynghylch mater y cyngor anghyson, a yw'r cyngor cyfreithiol a gawsoch yn dweud yn glir y bydd y Cynulliad, os pleidleisia o blaid y Gorchymyn heddiw, nid yn unig yn cael dadl ar dderbyn y Gorchymyn, ond y caiff ddadl lawn hefyd ar rinweddau ynni gwynt, ac y trown yn bwyllgor cynllunio y bydd ei benderfyniad yn effeithio wedyn ar y penderfyniad cynllunio a wnaed eisoes?

Mick Bates: Yr ydych wedi dweud y cwbl mewn un ymyriad byr. Mae hynny'n her fawr. Fel y dywedais, nid oes gennyf fi gyngor cyfreithiol a'm galluogai i roi ateb pendant i chi ar hynny, ac nid yw'n ymddangos bod hynny gan unrhyw Aelod arall yn y Siambr heddiw. Caf y broses yn un ymestynnol, ond yr ydym yn rhoi prawf ar y system ac ni chafwyd unrhyw gyngor cyfreithiol pendant ar y penderfyniad a wynebwn heddiw. Er hynny, ni allwn ddygymod â gweld gwrthdystwyr y tu allan i'r adeilad yn ein cyhuddo o fethu â dilyn llwybr agored a democrataidd i gael dadl ar y Gorchymyn. Dyna'r mater allweddol.

David Melding: A ydych yn cytuno bod unrhyw gyhuddiad i'r perwyl bod y broses yn afreolaidd mewn rhyw fodd yn cael ei wrthbrofi gan y ffaith ei bod yn amlwg bod gennym bwerau mewn cysylltiad â'r modd y cyflwynwyd y Gorchymyn a, beth bynnag, os bydd y goblygiadau'n arbennig o ddifrifol am unrhyw reswm, mater i'r Weithrediaeth yw egluro hynny yn ei hymateb i'r cynnig hwn?

Mick Bates: Diolch i chi am eich cyngor doeth. Mae'n ofid imi fod rhaid imi gytuno weithiau â chriw o oportuwyddion fel y rhai sydd nesaf ataf. [*Chwerthin.*] Fodd bynnag, byddwn yn trafod hynny ymhen ychydig wythnosau, yr wyf yn gobeithio.

Anogaf Aelodau i bleidleisio o blaid proses agored a democrataidd drwy gefnogi'r

and to take courage that that debate will be a moment in time when the Government and all Members support clause 121 of the Government of Wales Act 1998, which urges us all to act on our duty towards sustainable development. I urge Members to vote in favour of the motion.

Rhodri Glyn Thomas: Nid oeddwn wedi bwriadu cyfrannu at y ddadl hon ond, ar ôl clywed rhai o'r cyfraniadau a wnaed, rhaid imi ddweud ein bod mewn perygl o gwestiynu proses sydd wedi'i sefydlu ers pum mlynedd. Bu rhai ohonom yn rhan o'r broses o ystyried adroddiadau archwilwyr yn ystod y cyfnod hwnnw. Nid oes neb wedi cwestiynu'r broses hyd heddiw. Mae'r cwestiynu'n digwydd am nad yw rhai Aelodau yn arbennig o hapus gyda'r penderfyniad a wnaed gan y pwyllgor penderfyniadau cynllunio.

David Melding: I think that the Member has failed to apprehend one of the cardinal features of this debate, namely that this is the first time that the mechanism has been used. Therefore, to say that we could somehow have objected before now is fatuous.

Rhodri Glyn Thomas: This motion is based on the fact that the committee made a decision. The process has been in place for the last five years and has not been questioned. If we begin to change our processes just because people do not like a decision—

Peter Black: The point is that a normal planning application is not followed by an Order that can be challenged in this way. Given that this has been done under the Transport and Works Act 1992, it is a hybrid application and is followed automatically by an Order. Therefore, this is the first opportunity that we have had to do this.

Rhodri Glyn Thomas: I fully understand that point, Peter. However, what I am saying is that we have a process in place to deal with these issues. I take the points that you and David made about the way in which Alun raised the issue. I do not have a problem with that, because Alun is within his rights to raise the issue. I am trying to make the point that because some Members do not like the

cynnig, a hyderu mai'r ddadl honno fydd yr adeg y bydd y Llywodraeth a'r holl Aelodau'n cefnogi cymal 121 Deddf Llywodraeth Cymru 1998, sy'n ein hannog i gyd i gyflawni ein dyletswydd o ran datblygu cynaliadwy. Anogaf Aelodau i bleidleisio o blaid y cynnig.

Rhodri Glyn Thomas: I had not intended to contribute to this debate but, having heard some of the contributions, I must say that we are in danger of questioning a process that has been in place for five years. Some of us have been involved in the process of considering inspectors' reports during that period. No-one has questioned the process until now. It is being questioned simply because some Members are not particularly happy with the decision taken by the planning decision committee.

David Melding: Credaf fod yr Aelod wedi methu â deall un o'r agweddau pwysicaf ar y ddadl hon, sef mai hwn yw'r tro cyntaf y defnyddiwyd y dull gweithredu hwn. Felly, mae dweud y gallasem wrthwynebu cyn hyn mewn rhyw fodd yn beth hurt.

Rhodri Glyn Thomas: Mae'r cynnig hwn wedi'i seilio ar y ffaith bod y pwyllgor wedi gwneud penderfyniad. Bu'r broses ar waith dros y pum mlynedd diwethaf ac ni chodwyd unrhyw amheuan yn ei chylch. Os dechrewn newid ein prosesau dim ond am fod rhai nad dydynt yn hoffi penderfyniad—

Peter Black: Y pwynt yw nad yw cais cynllunio arferol yn cael ei ddilyn gan Orchymyn y gellir ei herio fel hyn. Gan fod hyn wedi'i wneud o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992, mae'n gais croesryw ac mae Gorchymyn yn ei ddilyn yn awtomatig. Felly, dyma'r cyfle cyntaf a gawsom i wneud hyn.

Rhodri Glyn Thomas: Yr wyf yn llwyr ddeall y pwynt hwnnw, Peter. Fodd bynnag, yr hyn yr wyf yn ei ddweud yw bod proses ar waith gennym i ddelio â'r materion hyn. Derbynaf y pwyntiau a wnaethoch chi a David am y modd y mae Alun wedi codi'r mater hwn. Nid oes gennyf wrthwynebiad i hynny, gan fod hawl gan Alun i godi'r mater. Y pwynt yr wyf yn ceisio'i wneud yw bod

decision, they are challenging a process that has been in place for five years. Regardless of how it is being challenged, I am saying that the process has never been challenged previously. I have not heard any Member say that our process for considering planning applications, which we have used for over five years, is wrong. I would be uncomfortable with trying to change a process just because Members do not like a decision taken by the committee. The committee considered the issue in detail and decided to overturn the inspector's decision, and it was perfectly within its rights to do so. We asked Members to make a decision when we elected them to that planning decision committee, as we have asked all Members who, like myself, have served on such committees over the years. If we put Members in that position, then we must respect their decision and give it our support.

William Graham: I am grateful to Members for their contributions. I wish to reiterate Peter Black's point that this is a hybrid application. Under normal planning law, there would be no opportunity for this to take place. It is taking place because the Order has to be made by the Minister in this case. That is why I want a full debate on the subject. Voting in favour of this motion will show the general public that we care about all matters, and that we do not simply let everything be subsumed into legislation. It will also show that we permit debate, which always has various shades of opinion. The point is that, in a debate, those opinions will be considered, which is why I urge Members to vote in favour of this motion.

Carwyn Jones: I speak as an Assembly Member today, not as the Minister for Environment, Planning and Countryside, and my contribution will reflect my personal view, not that of the Government.

I am not opposed to windfarms or to windfarms being located in my constituency, or off Porthcawl, necessarily. My view on this matter is well known, and I have been criticised for that view. I accept this criticism as part of the job I hold. If that is the price of holding a consistent view on a matter, so be

rhai Aelodau, am nad ydynt yn hoffi'r penderfyniad, yn herio proses a fu ar waith er pum mlynedd. Ni waeth ym mha fodd y caiff ei herio, yr wyf yn dweud nad yw'r broses wedi'i herio erioed o'r blaen. Nid wyf wedi clywed unrhyw Aelod yn dweud bod ein proses ar gyfer ystyried ceisiadau cynllunio, a ddefnyddiasom am fwy na phum mlynedd, yn anghywir. Teimlwn yn anesmwyth pe ceisid newid proses dim ond am nad yw Aelodau'n hoffi penderfyniad a wnaed gan y pwyllgor. Gwnaeth y pwyllgor ystyried y mater yn fanwl a phenderfynu gwrthod penderfyniad yr arolygydd, ac yr oedd ganddo bob hawl i wneud hynny. Gofynasom i Aelodau wneud penderfyniad pan etholasom hwy i'r pwyllgor penderfyniadau cynllunio hwnnw, fel y gwnaethom i'r holl Aelodau a wasanaethodd, fel y gwneuthum i, ar bwyllgorau o'r fath dros y blynyddoedd. Os rhown Aelodau yn y sefyllfa honno, rhaid inni barchu eu penderfyniad a'i gefnogi.

William Graham: Yr wyf yn ddiolchgar i Aelodau am eu cyfraniadau. Dymunaf ailddatgan y pwynt a wnaeth Peter Black, sef mai cais croesryw yw hwn. O dan y gyfraith gynllunio arferol, ni fyddai cyfle i hyn ddigwydd. Mae'n digwydd gan fod rhaid i'r Gweinidog wneud y Gorchymyn yn yr achos hwn. Dyna pam yr wyf am gael dadl lawn ar y pwnc. Drwy bleidleisio o blaid y cynnig hwn, dangosir i'r cyhoedd ein bod yn poeni am bob mater sy'n codi, ac nad ydym yn gadael i bopeth gael ei lyncu gan ddeddfwriaeth. Bydd hefyd yn dangos ein bod yn caniatáu dadlau, lle y ceir gwahanol safbwyntiau bob amser. Y pwynt yw y caiff y safbwyntiau eu hystyried drwy gynnal dadl, a dyna pam yr anogaf Aelodau i bleidleisio o blaid y cynnig hwn.

Carwyn Jones: Siaradaf fel Aelod o'r Cynulliad heddiw, nid fel y Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad, a bydd fy nghyfraniad yn adlewyrchu fy marn bersonol i, ac nid un y Llywodraeth.

Nid wyf yn erbyn ffermydd gwynt nac yn erbyn lleoli ffermydd gwynt yn fy etholaeth, neu ar y môr ger Porthcawl, o reidrwydd. Mae fy marn i ar y mater hwn yn dra hysbys, ac fe'm beirniadwyd am ddal y farn honno. Yr wyf yn derbyn y feirniadaeth hon fel rhan o'r swydd a ddaliaf. Os mai hynny yw'r pris

it.

As far as this matter is concerned, I cannot vote against the motion. Given my previous views on the matter, which I have held for several years, it would be inconsistent of me to do so. I recognise that some will say 'the application for the windfarm off Porthcawl is one thing, but what about TAN 8 and my part of the world, and is this not inconsistent?' I recognise that that is an argument that must be held over the next few months.

It is not quite as easy as saying that we will vote for or against this, and that that will be the end of it. I also speak as the usual Chair of the planning decision committee. I do not accept the criticisms that have been levelled against the committee members who sat on this matter, despite the fact that I was not one of them, and despite the fact that I do not necessarily agree with the committee's conclusion. We have a system in place whereby planning applications are dealt with by four Members and, normally, their decision is final. It so happens that on this occasion, that is not the case. That is why the debate is about more than whether or not their position should be ratified. However, I am disturbed when I hear suggestions that somehow the planning decision committee system is flawed and that the committee members are biased. To suggest that if the Assembly sat as a whole committee of 60 members that all Assembly Members would come to unbiased conclusions is naive. Having four Members who are trained, who are not whipped by any particular political party, who have no axe to grind and who are disinterested in the planning application, is the best system in terms of determining planning applications. We also need to bear in mind that, as a result of what is effectively a loophole in the legislation governing applications under the Transport and Works Act 1992, the matter has come before the Assembly. It is right that it is being debated by the Assembly today.

We must be careful what we say about the planning decision committee because it sits as a court of law. It tries to objectively

sydd i'w dalu am ddal barn gyson ar unrhyw fater, boed felly.

Gyda golwg ar y mater hwn, ni allaf bleidleisio yn erbyn y cynnig. Yng ngolwg fy marn flaenorol am y mater, yr wyf yn ei dal ers rhai blynyddoedd, anghyson fyddai imi wneud hynny. Derbynaf y bydd rhai'n dweud 'un peth yw'r cais ar gyfer y fferm wynt ar y môr ger Porthcawl, ond beth am nodyn cyngor technegol 8 a'r hyn sy'n digwydd yn fy ardal i, ac onid yw hyn yn anghyson?' Yr wyf yn derbyn bod rhaid cyflwyno'r ddadl honno dros y misoedd nesaf.

Nid yw mor hawdd â dweud y pleidleisiwn o blaid neu yn erbyn hyn, ac mai dyna fydd diwedd y mater. Yr wyf hefyd yn siarad fel Cadeirydd arferol y pwyllgor penderfyniadau cynllunio. Nid wyf yn derbyn y beirniadu a fu ar aelodau'r pwyllgor a drafododd y mater hwn, er nad oeddwn yn un ohonynt, ac er nad wyf o reidrwydd yn cytuno â chasgliad y pwyllgor. Mae gennym system ar waith lle mae pedwar Aelod yn trafod ceisiadau cynllunio ac, fel arfer, mae eu penderfyniad yn derfynol. Mae'n digwydd nad felly y mae yn yr achos hwn. Dyna pam y mae'r ddadl yn ymwneud â mwy na'r cwestiwn o ba un a ddylid cadarnhau eu penderfyniad ai peidio. Er hynny, teimlaf yn annifyr pan glywaf awgrymiadau bod system y pwyllgor penderfyniadau cynllunio'n ddiffygiol mewn rhyw fodd a bod aelodau'r pwyllgor yn rhagfarnllyd. Peth naif yw awgrymu, pe eisteddai'r Cynulliad fel pwyllgor cyfan o 60 Aelod, y byddai holl Aelodau'r Cynulliad yn dod i gasgliad diduedd. Y system orau i benderfynu ar geisiadau cynllunio yw cael pedwar Aelod sydd wedi'u hyfforddi, nad ydynt o dan chwip unrhyw blaid wleidyddol benodol, sydd heb gyllell i'w hogi ac sydd heb fuddiant yn y cais cynllunio. Rhaid inni gofio hefyd, o ganlyniad i'r hyn sydd i bob pwrpas yn fwllch yn y ddeddfwriaeth sy'n llywodraethu ceisiadau o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992, fod y mater hwn wedi dod gerbron y Cynulliad. Mae'n iawn i'r Cynulliad gael dadl arno heddiw.

Rhaid inni fod yn ofalus ynghylch yr hyn a ddywedwn am y pwyllgor penderfyniadau cynllunio gan ei fod yn eistedd fel llys barn.

determine on the applications before it. It considers evidence, it comes to conclusions with regard to that evidence and progresses from there. We have to be careful in terms of how the matter is taken forward if this debate is successful today. There are two reasons for that. First, the process that we will use will be akin to a court of law making a decision and then that decision being disseminated in Parliament. We must be careful of that and be wary of what we do. Secondly, in terms of visiting a site, courts of law do not visit sites when they come to decisions—they examine the evidence before them. We must be wary of that. We must also be careful not to undermine the planning decision committee process in anything that we do. Although I do not agree with the decision that was made, I do not criticise it and I fully accept that those Members are entitled to come to that decision. That is important and we should bear it in mind.

There are also other difficulties in terms of us considering whether it will be possible to have a full debate on this and whether those of us who have expressed opinions in the past will be able to vote. This has not yet been fully considered by lawyers, and we will need further guidance on this issue from the Presiding Office, should this motion be successful today. Therefore, there are difficulties that the Assembly needs to be aware of if it wishes to support this motion. As I have said, my view is clear. I wish to be consistent. I have said consistently over the past two years that this is not the right site for a windfarm. Alun Cairns has appealed to us today to take a cross-party view on this. You and I have discussed this matter before, Alun, and we have come to the view that this should be an all-party matter, so why on earth did you say what you said yesterday to the BBC? Why on earth go to the BBC and say that the Government has tried to stitch up this debate?

Alun Cairns: I am grateful for the opportunity to clear two issues. First, in relation to comments made by the Assembly Member for Rhondda, I had appealed to Members of all parties to sign this motion, so I did seek to make it on a cross-party basis.

Mae'n ceisio dyfarnu'n wrthrychol ar y ceisiadau sydd ger ei fron. Mae'n ystyried tystiolaeth, daw i gasgliadau gyda golwg ar y dystiolaeth honno ac mae'n symud ymlaen o'r fan honno. Rhaid inni fod yn ofalus wrth symud ymlaen ar y mater hwn os bydd y ddatl hon yn llwyddo heddiw. Mae dau reswm am hynny. Yn gyntaf, bydd y broses a ddefnyddiwn yn debyg i benderfyniad gan lys barn a gaiff ei gyhoeddi yn y Senedd wedi hynny. Rhaid inni wneud hynny'n ofalus a gweithredu'n bwyllog. Yn ail, o ran ymweld â safle, nid yw llysoedd barn yn ymweld â safleoedd wrth wneud penderfyniadau—archwiliant y dystiolaeth sydd ger eu bron. Rhaid inni ochel rhag hynny. Rhaid inni hefyd ofalu peidio â thanseilio proses y pwyllgor penderfyniadau cynllunio drwy unrhyw beth a wnawn. Er nad wyf yn cytuno â'r penderfyniad a wnaed, nid wyf yn ei feirniadu ac yr wyf yn derbyn yn llwyr fod hawl gan yr Aelodau hynny i wneud y penderfyniad hwnnw. Mae hynny'n bwysig a dylem ei gofio.

Mae anawsterau eraill hefyd o ran ein bod yn ystyried a fydd modd cael datl lawn ar hyn ac a fydd y rhai ohonom a fynegodd farn yn y gorffennol yn gallu pleidleisio. Nid yw cyfreithwyr wedi llawn ystyried hynny eto, a bydd arnom angen cyfarwyddyd pellach ar y mater hwn gan Swyddfa'r Llywydd, os derbynir y cynnig hwn heddiw. Felly, mae anawsterau y mae'n rhaid i'r Cynulliad fod yn ymwybodol ohonynt os yw'n dymuno cefnogi'r cynnig hwn. Fel y dywedais, mae gennyf farn bendant. Dymunaf fod yn gyson. Dywedais yn gyson dros y ddwy flynedd diwethaf nad yw'r safle hwn yn addas ar gyfer fferm wynt. Mae Alun Cairns wedi apelio atom heddiw am gymryd golwg trawsbleidiol ar hyn. Yr ydych chi a mi wedi trafod y mater hwn o'r blaen, Alun, a chytunasom y dylai fod yn fater i bob plaid, felly pam ar y ddaear y bu ichi ddweud yr hyn a ddywedasoch wrth y BBC ddoe? Pam ar y ddaear yr aethoch at y BBC a dweud bod y Llywodraeth wedi ceisio rigio'r ddatl hon?

Alun Cairns: Yr wyf yn ddiolchgar am y cyfle i egluro dau fater. Yn gyntaf, o ran y sylwadau a wnaed gan yr Aelod Cynulliad dros Rhondda, yr oeddwn wedi apelio at Aelodau o bob plaid i lofnodi'r cynnig hwn, felly ceisiais ei wneud mewn ffordd

Secondly, in respect of the timing of the motion, it has been the most inconvenient, ensuring that nine of the 10 signatories from my party could not be here. Furthermore, there is a gentlemen's agreement that during the conference weeks, controversial issues are not debated. There were no matters of controversy last week and no such matters the week before that. If that is the case—

The Deputy Presiding Officer: Order. That is enough of an intervention. It is not a speech.

4.20 p.m.

Carwyn Jones: I trust that the time will be added on, but I wished to give Alun Cairns the opportunity to speak, given the fact that I was referring to him.

We already have an acceptance by the leader of the Welsh Conservatives that the allegation made was incorrect. Why not apologise now and try to build bridges with the people whose support you seek, instead of standing by something you know to be wrong? The exact phrase you used was that there was an attempt by the Government to 'stitch up' the debate. I cannot imagine anything so stupid, in terms of political judgment; you are trying to get the support of Members of another party, but on the night before the debate, you criticise them, saying they were to trying stitch up the debate.

It would help immensely if you apologised for what you said, particularly to Karen Sinclair as Business Minister. You should explain why it was so important to get your name in the news last night, and undermine the cross-party support that you were seeking. I warned you not to turn this into a party-political battle. It was always an all-party issue, but I fear, unless Peter Black can save your bacon, that you have shot yourself in the foot with an almighty cannon.

The Finance Minister (Sue Essex): The intention to make the Order that we are debating today was issued by me on 21 September 2004 at the request of the planning decision committee. I understand that some Members will have a different

drawsbleidiol. Yn ail, gyda golwg ar amseriad y cynnig, bu'n dra anghyfleus, gan ei fod yn peri na all naw o'r 10 llofnodwr o'm plaid fod yn bresennol yma. At hynny, mae dealltwriaeth na cheir dadleuon ar faterion dadleuol yn ystod wythnosau'r cynadleddau. Nid oedd unrhyw faterion dadleuol yr wythnos diwethaf na'r wythnos cyn hynny ychwaith. Os felly y mae—

Y Dirprwy Lywydd: Trefn. Dyna ddigon o ymyriad. Nid araith ydyw.

Carwyn Jones: Hyderaf y bydd yr amser yn cael ei ychwanegu, ond yr oeddwn am roi cyfle i Alun Cairns siarad, gan fy mod yn cyfeirio ato.

Mae arweinydd Ceidwadwyr Cymru wedi derbyn eisoes fod y cyhuddiad a wnaed yn anghywir. Pam na ellir ymddiheuro'n awr a cheisio cymodi â'r rhai y ceisiwch gefnogaeth ganddynt, yn hytrach nag arddel rhywbeth y gwyddoch ei fod yn anghywir? Yr union ymadrodd a ddefnyddiasoch oedd bod y Llywodraeth wedi ceisio rigio'r ddadl. Ni allaf feddwl am ddim byd mor hurt, o ran crebwyll gwleidyddol; yr ydych yn ceisio cael cefnogaeth Aelodau plaid arall, ond y noson cyn y ddadl, yr ydych yn eu beirniadu, gan ddweud eu bod yn ceisio rigio'r ddadl.

Byddai o gymorth mawr pe ymddiheurech am yr hyn a ddywedasoch, yn enwedig i Karen Sinclair fel y Trefnydd. Dylech egluro pam yr oedd mor bwysig cael eich enw yn y newyddion neithiwr, gan danseilio'r gefnogaeth drawsbleidiol yr oeddech yn ei cheisio. Fe'ch rhybuddiais i beidio â throi hyn yn frwydr rhwng y pleidiau. Mater i bob plaid ydoedd erioed, ond mae arnaf ofn, oni bai fod modd i Peter Black achub eich croen, eich bod wedi'ch saethu'ch hun yn eich troed ag anferth o wn.

Y Gweinidog Cyllid (Sue Essex): Cyhoeddais y bwriad i wneud y Gorchymyn yr ydym yn ei drafod heddiw ar 21 Medi 2004 ar gais y pwyllgor penderfyniadau cynllunio. Yr wyf yn deall y bydd gan rai Aelodau farn wahanol i'r pwyllgor

view to the planning decision committee as to whether the Scarweather Sands Order should be made. However, I am not here to argue about the merits or otherwise of the proposals. I will instead concentrate on the decision-making process to date.

On 19 January 2000, the Assembly decided unanimously to establish a new way of determining larger and more complex planning and related cases. The planning decision committee system was introduced after a recommendation of the National Assembly Advisory Group to the effect that those planning decisions which were previously made by the Secretary of State for Wales or the First Secretary subsequent to the Government of Wales Act 1998, should be dealt with by a panel drawn from the relevant Subject Committee. This system is innovative, is unique to Wales and has extended the democratic accountability of the planning system. The alternative to the planning decision committee system is to revert to these decisions being taken by a Minister alone, as happens in other parts of the United Kingdom. I do not believe that Members want that.

The planning decision committee is drawn from a cross-party group of Members who have been trained specifically for participating in planning decisions. That is important—they have been trained to do the job. Assembly Members will have their own views on individual decisions taken by a planning decision committee. They may agree or disagree, but the validity of the planning decision committee has always been recognised by all Members. When coming to a view on a particular application, the planning decision committee does have before it all the material presented at a public inquiry, supplemented by a report from the inspector and information from officers.

Alun Ffred Jones: If this motion succeeds, can the debate that we will then have be on wind energy in general, or on the planning application that has been dealt with?

penderyniadau cynllunio ynghylch a ddylid gwneud Gorchymyn Cefnenni Tywod Scarweather. Fodd bynnag, nid wyf yma i ddadlau ynghylch rhinweddau neu ddiffygion y cynigion. Yn hytrach, canolbwytiaf ar y broses penderfynu hyd yma.

Ar 19 Ionawr 2000, penderfynodd y Cynulliad yn unfrydol i sefydlu dull newydd o benderfynu ar achosion cynllunio helaethach a mwy cymhleth ac achosion sy'n gysylltiedig â hwy. Cyflwynwyd system y pwyllgor penderfyniadau cynllunio yn sgîl argymhelliad gan Grŵp Ymgynghorol y Cynulliad Cenedlaethol i'r perwyl y dylai'r penderfyniadau cynllunio hyn a wneid gynt gan Ysgrifennydd Gwladol Cymru neu gan y Prif Ysgrifennydd ar ôl gwneud Deddf Llywodraeth Cymru 1998, gael eu trafod gan banel a dynnir o blith aelodau'r Pwyllgor Pwnc perthnasol. Mae'r system hon yn un arloesol, mae'n unigryw i Gymru ac mae wedi ymestyn atebolrwydd democrataidd y system gynllunio. Y dewis arall yn lle system y pwyllgor penderfyniadau cynllunio yw mynd yn ôl at gael Gweinidog yn gwneud y penderfyniadau hyn ar ei ben ei hun, fel sy'n digwydd mewn rhannau eraill o'r Deyrnas Unedig. Ni chredaf fod Aelodau'n dymuno hynny.

Tynnir aelodau'r pwyllgor penderfyniadau cynllunio o blith grŵp trawsbleidiol o Aelodau a hyfforddwyd yn benodol i gymryd rhan mewn penderfyniadau cynllunio. Mae hynny'n bwysig—fe'u hyfforddwyd i wneud y gwaith. Bydd gan Aelodau'r Cynulliad eu barn eu hunain ar benderfyniadau penodol gan bwyllgor penderfyniadau cynllunio. Gallent gytuno neu anghytuno, ond mae dilysrwydd y pwyllgor penderfyniadau cynllunio wedi'i gydnabod erioed gan yr holl Aelodau. Wrth i'r pwyllgor penderfyniadau cynllunio benderfynu ar gais penodol, mae ganddo o'i flaen yr holl ddeunydd a gyflwynwyd mewn ymchwiliad cyhoeddus, ynghyd ag adroddiad gan yr arolygydd a gwybodaeth gan swyddogion.

Alun Ffred Jones: Os llwydda'r cynnig hwn, a fydd y ddadl a gawn wedyn yn gallu ymdrin ag ynni gwynt yn gyffredinol, neu a fydd yn ymwneud â'r cais cynllunio sydd wedi'i drafod?

Sue Essex: I would be advised by the Presiding Officer, but we would have to consider the application that would be the subject of any Order—it would not be about the vices and wrongs, or otherwise, of wind energy. It is important that we remember that. This is an application that has been submitted.

Returning to the planning decision committee, it has before it, therefore, all the facts about the important issues raised by a particular application.

Leanne Wood: I am trying to clarify the answer to Alun Ffred's question, as I am a bit confused. Are you saying that if this motion is carried today, we will not have a debate on this matter?

Sue Essex: I would be guided by the Presiding Officer on this issue. I have announced—because Carwyn has a constituency interest in this matter—that I will make an Order, following the planning decision committee's decision to approve the application. Before us today is a notice of dissatisfaction submitted by a number of Members, and it is this issue which we are discussing. I will return to my comments about the planning decision committee system. Those of us who participated in the planning decision committee system know that these issues are discussed at length and in depth before a decision is reached. The system has served the Assembly well. It has never, to my knowledge, been criticised by the Assembly and it is a major democratisation of planning decisions, removing accusations of political bias.

Since it was introduced, the planning decision committees have considered 56 applications and appeals. That includes six separate windfarm cases: some approved, some not. Only one legal challenge to a PDC's decision went before the courts and that was unsuccessful. The system has been proven to work and to work well.

Most of the cases that came before the PDC—

Sue Essex: Cawn gyngor gan y Llywydd, ond byddai'n rhaid inni ystyried y cais a fyddai'n destun i unrhyw Orchymyn—ni fyddai'n ymwneud â diffygion neu rinweddau ynni gwynt. Mae'n bwysig inni gofio hynny. Mae hwn yn gais a gyflwynwyd.

Gan fynd yn ôl at y pwyllgor penderfyniadau cynllunio, mae ganddo o'i flaen, felly, yr holl ffeithiau ynghylch y materion pwysig a godwyd yn sgîl cais penodol.

Leanne Wood: Yr wyf yn ceisio eglurhad o'r ateb i gwestiwn Alun Ffred, gan fy mod mewn penbleth braidd. A ydych yn dweud, os derbynnir y cynnig hwn heddiw, na chawn ddadl ar y mater hwn?

Sue Essex: Cawn fy arwain gan y Llywydd ar y mater hwn. Yr wyf wedi cyhoeddi—gan fod gan Carwyn fuddiant etholaethol yn y mater hwn—y gwnaf Orchymyn, ar ôl penderfyniad y pwyllgor penderfyniadau cynllunio i gymeradwyo'r cais. Yr hyn sydd ger ein bron heddiw yw hysbysiad o anfonlonrwydd a gyflwynwyd gan nifer o Aelodau, a hwn yw'r mater yr ydym yn ei drafod. Af yn ôl at fy sylwadau am system y pwyllgor penderfyniadau cynllunio. Gŵyr y rhai ohonom sydd wedi cymryd rhan yn system y pwyllgor penderfyniadau cynllunio fod y materion hyn yn cael eu trafod yn helaeth ac yn fanwl cyn y gwneir penderfyniad. Mae'r system wedi gwasanaethu'r Cynulliad yn dda. Nid yw erioed, hyd y gwn i, wedi cael ei beirniadu gan y Cynulliad ac mae'n fodd pwysig i ddemocrateiddio penderfyniadau cynllunio, fel na cheir honiadau o ragfarn wleidyddol.

Ers ei chyflwyno, mae'r pwyllgorau penderfyniadau cynllunio wedi ystyried 56 o geisiadau ac apelau. Mae hynny'n cynnwys chwe achos ar wahân ynghylch ffermydd gwynt: cafodd rhai eu cymeradwyo, ac eraill eu gwrthod. Dim ond un her gyfreithiol a gafwyd i benderfyniad gan bwyllgor penderfyniadau cynllunio yn y llysoedd a bu honno'n aflwyddiannus. Profwyd bod y system yn gweithio'n dda.

Mae'r rhan fwyaf o'r achosion a ddaeth gerbron y pwyllgor penderfyniadau

cynllunio—

Jenny Randerson: I am still unclear. Are you saying that if this motion is carried today—and the legal point is important—we become an enlarged planning decision committee and therefore, we would have to be trained and subject to the constraints that apply to a local authority planning committee now, which are that if you make statements about a planning application before it is considered, you cannot vote for it, along with all those other legal restrictions that apply to local authorities?

Jenny Randerson: Nid yw hyn yn glir i mi eto. A ydych yn dweud, os derbynnir y cynnig hwn heddiw—ac mae'r pwynt cyfreithiol yn bwysig—y byddwn yn troi'n bwyllgor penderfyniadau cynllunio mwy ac, felly, y byddai'n rhaid ein hyfforddi a'n gosod dan y cyfyngiadau sydd bellach yn berthnasol i bwyllgor cynllunio awdurdod lleol sef, os gwnewch ddatganiad am gais cynllunio cyn ei ystyried, na allwch bleidleisio o'i blaid, ynghyd â'r holl gyfyngiadau cyfreithiol eraill sy'n berthnasol i awdurdodau lleol?

Sue Essex: I have views on that, but I believe that it would be better if the information that you require came from the Assembly Parliamentary Service because this has not happened before. It is complex. Therefore, rather than say something that is my understanding of the situation, I would prefer to rely on the Assembly Parliamentary Service and on Paul Silk to reach a view. Let us deal with the matter in hand. We must make a decision today, on which we should be guided by the Assembly Parliamentary Service.

Sue Essex: Mae gennyf farn am hynny, ond credaf mai gwell fyddai cael y wybodaeth a geiswch gan Wasanaeth Seneddol y Cynulliad gan nad yw hyn wedi digwydd o'r blaen. Mae'n gymhleth. Felly, yn hytrach na dweud sut yr wyf fi'n deall y sefyllfa, byddai'n well gennyf ddibynnu ar Wasanaeth Seneddol y Cynulliad ac ar Paul Silk er mwyn dod i gasgliad. Gadewch inni ddelio â'r mater sydd dan sylw. Rhaid inni wneud penderfyniad heddiw, a dylem gael ein harwain ar hynny gan Wasanaeth Seneddol y Cynulliad.

The Assembly decided that Orders under the Transport and Works Act 1992 with planning implications should also be considered by a PDC as the issues raised by such applications are similar to those raised by the larger planning applications and appeals. However, as Orders under the Transport and Works Act 1992 are classed as local statutory instruments—and that is the key difference—Standing Orders require Assembly Members to be notified of the PDC's conclusions, and of the intention to make an Order. I reassure Members that because it was an Order under the Transport and Works Act 1992, the committee would have taken the same approach with the planning application. It would have been considered in depth and, indeed, detailed consideration was made.

Penderfynodd y Cynulliad y dylai Gorchymynion o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992 ac iddynt oblygiadau cynllunio gael eu hystyried gan bwyllgor penderfyniadau cynllunio gan fod y materion a godir yn sgîl ceisiadau o'r fath yn debyg i'r rhai a godir yn sgîl y ceisiadau a'r apelau cynllunio mwy. Fodd bynnag, gan fod Gorchymynion o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992 wedi'u dynodi'n offerynnau statudol lleol—a dyna'r gwahaniaeth allweddol—mae Rheolau Sefydlog yn mynnu yr hysbysir Aelodau'r Cynulliad ynghylch casgliadau'r pwyllgor penderfyniadau cynllunio, ac am y bwriad i wneud Gorchymyn. Yr wyf yn sicrhau Aelodau, gan mai Gorchymyn o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992 ydoedd, y byddai'r pwyllgor wedi ymdrin ag ef yn yr un modd â'r cais cynllunio. Fe'i hystyrid yn fanwl ac, yn wir, dyna a wnaed.

Some have argued that it is wrong for a PDC to reach a different view from the inspector. As a general point, I believe that that is

Mae rhai wedi dadlau nad yw'n iawn i bwyllgor penderfyniadau cynllunio ddod i gasgliad sy'n wahanol i un yr arolygydd. Fel

flawed. The extension of that argument is that all decisions on called-in planning applications, the larger and more complex appeals and Orders under the Transport and Works Act 1992, should be taken by inspectors. I cannot accept that proposition and believe that there is a role for democratic accountability in such issues.

It has long been accepted that decisions on these important cases require a democratic input. In England, Scotland and Wales prior to 2000, these decisions were taken by Ministers. We have decided that a PDC should consider the cases in Wales. That must be the right approach. I know from my own experience, and from the decisions set out on the Assembly website, that there have been a number of cases where the PDC has disagreed with an inspector's conclusion. There is, therefore, nothing novel about this case.

To conclude, it is important that the integrity of the PDC process remains intact. On a personal note, I have been involved in planning decisions for more years than I care to recall. More often than not, there are conflicting views, and people often feel passionately for or against a proposal. Therefore, inevitably, some people will be happy with the final decision and others unhappy. That is no reason to turn the process on its head. For five years plus, we have put our trust in a cross-party representative group to make decisions on our behalf. This decision is no different from those of the other 56 decisions made by PDCs—they are all important.

4.30 p.m.

Peter Black: When I voted for establishing the Assembly in 1997, I did so because I believed that it would bring greater transparency and democracy to the process of government. To a large extent, that has been achieved. However, this debate and motion is a milestone and a test of how far we have

pwyt cyffredinol, credaf fod hynny'n ddiffygiol. O ymestyn y ddadl honno i'r pen, arolygwyr a ddylai wneud yr holl benderfyniadau ar geisiadau cynllunio a elwir i mewn, ar yr apelau helaethach a mwy cymhleth ac ar Orchymynion o dan Ddeddf Trafnidiaeth a Gweithfeydd 1992. Ni allaf dderbyn y gosodiad hwnnw a chredaf fod lle i atebolrwydd democrataidd mewn materion o'r fath.

Derbyniwyd ers amser maith fod angen mewnbwn democrataidd i benderfyniadau ar yr achosion pwysig hyn. Yn Lloegr, yr Alban a Chymru cyn 2000, gwnaed y penderfyniadau hynny gan Weinidogion. Yr ydym ni wedi penderfynu mai pwyllgor penderfyniadau cynllunio a ddylai ystyried yr achosion yng Nghymru. Mae hynny'n sicr o fod yn ddull gweithredu priodol. Gwn o'm profiad fy hun, ac o'r penderfyniadau a nodir ar wefan y Cynulliad, fod sawl achos wedi bod lle y mae'r pwyllgor penderfyniadau cynllunio wedi anghytuno â chasgliad yr arolygydd. Gan hynny, nid oes unrhyw beth newydd ynghylch yr achos hwn.

I orffen, mae'n bwysig nad amharir ar broses y pwyllgor penderfyniadau cynllunio. Ar nodyn personol, bûm yn ymwneud â phenderfyniadau cynllunio am fwy o flynyddoedd nag y dymunaf eu cofio. Yn amlach na pheidio, ceir barnau sy'n gwrthdaro, ac mae pobl yn aml yn teimlo'n angerddol o blaid neu yn erbyn cynnig. Gan hynny, mae'n anorfod y bydd rhai'n fodlon ar y penderfyniad terfynol ac eraill yn anfodlon. Nid yw hynny'n rheswm dros droi'r broses ar ei phen. Am bum mlynedd a rhagor, yr ydym wedi ymddiried mewn grŵp cynrychioladol trawsbleidiol i wneud penderfyniadau ar ein rhan. Nid yw'r penderfyniad hwn yn ddim gwahanol i'r 56 penderfyniad arall a wnaed gan bwyllgorau penderfyniadau cynllunio—maent i gyd yn bwysig.

Peter Black: Pan bleidleisiais o blaid sefydlu'r Cynulliad yn 1997, gwneuthum hynny gan fy mod yn credu y deuai â mwy o dryloywder a democratiaeth i broses llywodraeth. I raddau helaeth, cyflawnwyd hynny. Fodd bynnag, mae'r ddadl hon a'r cynnig hwn yn garreg filltir ac yn dangos y

advanced. We have already heard about the process that got us here—the public inquiry, the inspector’s recommendation and the planning committee’s decision. Most Members will have received a large number of e-mails, letters and phone calls urging them to vote one way or another on this matter. The point is that we have the opportunity to underline our openness by giving those who have strong views on this matter the chance to see the democratic process in action and to ensure that there is a full debate on this Order. My regret, like Carwyn, is that this process has been dragged into party-political mud slinging. I ask Members to put that to one side and consider the issues before us and the need for an open and democratic debate.

I have no problem with the planning process as it is laid down. Like Carwyn, I believe that a planning sub-committee is a good way of dealing with this issue because its members are trained and impartial. However, this application is different to most, as it leads to the making of an Order, whereas other applications do not. In that sense, it is exceptional and the adoption of an exceptional procedure can be justified in determining on it. The planning committee process is democratic, but in this instance, I ask you to vote for democracy plus.

Helen Mary Jones: Peter, you cannot have your cake and eat it. Either you feel that the planning decision committee process was not properly open and democratic, in which case, vote for the motion today, or you believe that it was open and democratic, in which case, oppose it. There is no such animal as democracy plus. Democracy is democracy.

Peter Black: The planning committee process is, by and large, democratic—[*Interruption*]. This process has taken place in a democratic manner, but in this particular instance, because there are further avenues to explore, there is an opportunity for a further debate. You do not have that opportunity with other planning applications and, in voting for this motion today, you would provide an opportunity for a further

cynnydd a wnaethom. Clywsom eisoes am yr broses a ddaeth â ni hyd yma—yr ymchwiliad cyhoeddus, argymhelliad yr arolygydd a phenderfyniad y pwyllgor cynllunio. Bydd y rhan fwyaf o Aelodau wedi cael nifer mawr o e-byst, llythyrau a galwadau ffôn yn pwyso arnynt i bleidleisio'r naill ffordd neu'r llall ar y mater hwn. Y pwynt yw bod gennym gyfle i amlygu ein dull gweithredu agored drwy roi cyfle i'r rhai sydd â barn gryf ar y mater hwn gael gweld y broses ddemocrataidd ar waith a sicrhau bod dadl lawn ar y Gorchymyn hwn. Yr hyn sy'n ofid i mi, fel Carwyn, yw bod y broses hon wedi'i thynnu i ganol pardduo gwleidyddol. Gofynnaf i Aelodau roi hynny o'r neilltu ac ystyried y materion sydd ger ein bron a'r angen am ddadl agored a democrataidd.

Nid oes gennyf unrhyw wrthwynebiad i'r broses gynllunio fel y mae wedi'i nodi. Yn yr un modd â Carwyn, credaf fod is-bwyllgor cynllunio'n ddull da o ddelio â'r mater hwn gan fod ei aelodau wedi'u hyfforddi a'u bod yn ddiduedd. Fodd bynnag, mae'r cais hwn yn wahanol i'r rhan fwyaf, gan ei fod yn arwain at wneud Gorchymyn, tra nad yw ceisiadau eraill. Yn yr ystyr honno, mae'n eithriad a gellir cyfiawnhau mabwysiadu gweithdrefn neilltuol i benderfynu arno. Mae proses y pwyllgor cynllunio'n ddemocrataidd ond, yn yr achos hwn, gofynnaf ichi bleidleisio dros ddemocratiaeth amgen.

Helen Mary Jones: Peter, ni allwch ei chael hi bob ffordd. Naill ai teimlwch nad oedd proses y pwyllgor penderfyniadau cynllunio yn agored ac yn ddemocrataidd fel y dylai fod, ac felly pleidleisiwch o blaid y cynnig heddiw, neu credwch ei bod yn agored ac yn ddemocrataidd, ac felly byddwch yn ei wrthwynebu. Nid oes y fath beth â democratiaeth amgen. Democratiaeth yw democratiaeth.

Peter Black: Mae proses y pwyllgor cynllunio'n un ddemocrataidd, at ei gilydd—[*Torri ar draws*]. Mae'r broses hon wedi digwydd mewn modd democrataidd ond, yn yr achos penodol hwn, gan fod llwybrau eraill y gellir eu dilyn, mae cyfle i gael dadl bellach. Ni cheir y cyfle hwnnw o ran ceisiadau cynllunio eraill a, drwy bleidleisio o blaid y cynnig hwn heddiw, byddech yn cynnig cyfle i gael dadl ddemocrataidd ac

democratic and open debate involving all Assembly Members.

David Melding: I am sure that the Member has noticed the contradiction from those Members who would deny that this motion advances. They say that the planning decision committee is both open and democratic and also impartial, using trained experts. It cannot be both. A system is either open and democratic, and therefore subject to political considerations, or it is objective. There is a profound contradiction here, and if those Members are saying that it is an objective process, then we must weigh the balance between the inspector's objective report and their objective judgment, because they are in conflict.

Peter Black: The problem with objective judgment is that one can have a number of judgments on any particular issue. People can draw different conclusions in considering different criteria and even from the same evidence in many instances. It would be advantageous for the Assembly to use the full process that is available to it in this particular case and have a full debate in the Chamber. The Assembly has nothing to worry about in debating this matter. Any legal problems—and they have been referred to—can be dealt with prior to a full debate. A debate will enhance the Assembly's reputation and show that we are taking the strong views expressed by both sides seriously and it will provide a forum whereby this debate can be concluded. It will enable a full and open discussion of the merits and demerits of this case, and a welcome clarification of the Assembly's approach to wind power applications.

Leighton Andrews was right when he said that we must have that kind of discussion. By voting for this motion, you are not passing judgment on Scarweather, you are promoting a debate. Please do not shy away from that decision—it is the right one, and it will underline the reason why we are here.

agored bellach a fyddai'n cynnwys holl Aelodau'r Cynulliad.

David Melding: Yr wyf yn siŵr bod yr Aelod wedi sylwi ar y croes-ddweud gan yr Aelodau hynny a wrthodai'r cynnig hwn. Dywedant fod y pwyllgor penderfyniadau cynllunio'n agored ac yn ddemocrataidd a'i fod hefyd yn ddiuedd, gan ei fod yn defnyddio arbenigwyr hyfforddedig. Ni all fod yn ddau beth. Naill ai mae system yn agored ac yn ddemocrataidd, ac felly'n ddarostyngedig i ystyriaethau gwleidyddol, neu mae'n wrthrychol. Mae croes-ddweud sylfaenol yn hyn o beth, ac os yw'r Aelodau hynny'n dweud mai proses wrthrychol ydyw, rhaid inni ddal y ddysgl yn wastad rhwng adroddiad gwrthrychol yr arolygydd a'u barn wrthrychol hwy, gan eu bod yn gwrthdaro.

Peter Black: Y broblem ynghylch barn wrthrychol yw y gellir cael sawl barn am unrhyw fater penodol. Gall pobl ddod i gasgliadau gwahanol wrth ystyried gwahanol feini prawf a hyd yn oed yr un dystiolaeth mewn sawl achos. Byddai'n fanteisiol i'r Cynulliad ddefnyddio'r broses lawn sydd ar gael iddo yn yr achos neilltuol hwn a chael dadl lawn yn y Siambr. Nid oes dim i'r Cynulliad boeni yn ei gylch wrth gael dadl ar y mater hwn. Gellir delio ag unrhyw broblemau cyfreithiol—a chyfeiriwyd atynt—cyn cynnal dadl lawn. Bydd dadl yn fodd i hyrwyddo enw da'r Cynulliad a dangos ein bod yn cymryd y farn gryf a fynegwyd gan y ddwy ochr o ddifrif a bydd yn fforwm i roi pen ar y ddadl hon. Bydd yn hwyluso trafodaeth lawn ac agored ar rinweddau a diffygion yr achos hwn, ac yn cynnig eglurhad derbyniol o ddull y Cynulliad o ymdrin â cheisiadau sy'n ymwneud ag ynni gwynt.

Yr oedd Leighton Andrews yn llygad ei le wrth ddweud bod rhaid inni gael trafodaeth o'r fath. Drwy bleidleisio o blaid y cynnig hwn, nid ydych yn penderfynu ar Scarweather, yr ydych yn hyrwyddo dadl. Peidiwch â gwingo rhag y penderfyniad hwnnw—dyna'r un iawn, a bydd yn amlygu'r rheswm pam ein bod yma.

*Cynnig (NDM2108): O blaid 16, Ymatal 2, Yn erbyn 34.
Motion (NDM2108): For 16, Abstain 2, Against 34.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Andrews, Leighton
Bates, Mick
Black, Peter
Bourne, Nick
Burnham, Eleanor
Cairns, Alun
Francis, Lisa
German, Michael
Graham, William
Isherwood, Mark
Jones, Laura Anne
Law, Peter
Melding, David
Randerson, Jenny
Thomas, Owen John
Williams, Kirsty

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Butler, Rosemary
Chapman, Christine
Cuthbert, Jeff
Davidson, Jane
Davies, Andrew
Dunwoody-Kneafsey, Tamsin
Elis-Thomas, Dafydd
Essex, Sue
Gibbons, Brian
Gregory, Janice
Griffiths, John
Gwyther, Christine
Hart, Edwina
Hutt, Jane
James, Irene
Jones, Alun Ffred
Jones, Ann
Jones, Helen Mary
Jones, Ieuan Wyn
Lewis, Huw
Lloyd, David
Lloyd, Val
Mewies, Sandy
Morgan, Rhodri
Neagle, Lynne
Pugh, Alun
Ryder, Janet
Sargeant, Carl
Sinclair, Karen
Thomas, Catherine
Thomas, Gwenda
Thomas, Rhodri Glyn
Wood, Leanne

Ymataliodd yr Aelodau canlynol:
The following Members abstained:

Idris Jones, Denise
Jones, Carwyn

*Gwrthodwyd y cynnig.
Motion defeated.*

The Deputy Presiding Officer: That brings today's proceedings to a close. **Y Dirprwy Lywydd:** Daw hynny â chyfarfod heddiw i ben.

*Daeth y cyfarfod i ben am 4.36 p.m.
The meeting ended at 4.36 p.m.*

**Aelodau a'u Pleidiau
Members and their Parties**

Andrews, Leighton (Llafur – Labour)
Barrett, Lorraine (Llafur – Labour)
Bates, Mick (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Black, Peter (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Bourne, Nick (Ceidwadwyr Cymru – Welsh Conservatives)
Burnham, Eleanor (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
Butler, Rosemary (Llafur – Labour)
Cairns, Alun (Ceidwadwyr Cymru – Welsh Conservatives)
Chapman, Christine (Llafur – Labour)

Cuthbert, Jeff (Llafur – Labour)
 Davidson, Jane (Llafur – Labour)
 Davies, Andrew (Llafur – Labour)
 Davies, David (Ceidwadwyr Cymru – Welsh Conservatives)
 Davies, Glyn (Ceidwadwyr Cymru – Welsh Conservatives)
 Davies, Janet (Plaid Cymru – The Party of Wales)
 Davies, Jocelyn (Plaid Cymru – The Party of Wales)
 Dunwoody-Kneafsey, Tamsin (Llafur - Labour)
 Elis-Thomas, Dafydd (Plaid Cymru – The Party of Wales)
 Essex, Sue (Llafur – Labour)
 Francis, Lisa (Ceidwadwyr Cymru – Welsh Conservatives)
 German, Michael (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Graham, William (Ceidwadwyr Cymru – Welsh Conservatives)
 Gregory, Janice (Llafur – Labour)
 Griffiths, John (Llafur – Labour)
 Gibbons, Brian (Llafur – Labour)
 Gwyther, Christine (Llafur – Labour)
 Hart, Edwina (Llafur – Labour)
 Hutt, Jane (Llafur – Labour)
 Idris Jones, Denise (Llafur – Labour)
 Isherwood, Mark (Ceidwadwyr Cymru – Welsh Conservatives)
 James, Irene (Llafur – Labour)
 Jones, Alun Ffred (Plaid Cymru – The Party of Wales)
 Jones, Ann (Llafur – Labour)
 Jones, Carwyn (Llafur – Labour)
 Jones, Elin (Plaid Cymru – The Party of Wales)
 Jones, Helen Mary (Plaid Cymru – The Party of Wales)
 Jones, Ieuan Wyn (Plaid Cymru – The Party of Wales)
 Jones, Laura Anne (Ceidwadwyr Cymru – Welsh Conservatives)
 Law, Peter (Llafur – Labour)
 Lewis, Huw (Llafur – Labour)
 Lloyd, David (Plaid Cymru – The Party of Wales)
 Lloyd, Val (Llafur – Labour)
 Marek, John (Annibynnol – Independent)
 Melding, David (Ceidwadwyr Cymru – Welsh Conservatives)
 Mewies, Sandy (Llafur – Labour)
 Morgan, Jonathan (Ceidwadwyr Cymru – Welsh Conservatives)
 Morgan, Rhodri (Llafur – Labour)
 Neagle, Lynne (Llafur – Labour)
 Pugh, Alun (Llafur – Labour)
 Randerson, Jenny (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Ryder, Janet (Plaid Cymru – The Party of Wales)
 Sargeant, Carl (Llafur – Labour)
 Sinclair, Karen (Llafur – Labour)
 Thomas, Catherine (Llafur – Labour)
 Thomas, Gwenda (Llafur – Labour)
 Thomas, Owen John (Plaid Cymru – The Party of Wales)
 Thomas, Rhodri Glyn (Plaid Cymru – The Party of Wales)
 Williams, Brynle (Ceidwadwyr Cymru – Welsh Conservatives)
 Williams, Kirsty (Democratiaid Rhyddfrydol Cymru – Welsh Liberal Democrats)
 Wood, Leanne (Plaid Cymru – The Party of Wales)