

Agenda – Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 4 Tŷ Hywel a **Marc Wyn Jones**
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Dyddiad: Dydd Mercher, 13 Medi 2023 0300 200 6565
Amser: 09.45 SeneddHinsawdd@senedd.cymru

Rhag-gyfarfod preifat (09.15–09.45)

Briffio gan Gyngorydd Arbenigol

Cyfarfod cyhoeddus (09.45–11.55)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

(09.45)

2 Bil Seilwaith (Cymru) – sesiwn dystiolaeth gydag academyddion

(09.45–10.45)

(Tudalennau 1 – 61)

Hannah Hickman – Athro Cyswllt Ymarfer Cynllunio, Prifysgol Gorllewin

Lloegr, Bryste

Kelvin MacDonald – Uwch Gydymaith Addysgu, Prifysgol Caergrawnt

Dogfennau atodol:

Y Bil Seilwaith – crynodeb o'r Bil (Saesneg yn unig)

Bil Seilwaith (Cymru) – crynodeb o'r dystiolaeth ysgrifenedig

Bil Seilwaith (Cymru) – cwestiynau posibl

Papur – Hannah Hickman (Saesneg yn unig)

Papur – Kelvin MacDonald (Saesneg yn unig)

Egwyl (10.45–10.55)



3 Bil Seilwaith (Cymru) – sesiwn dystiolaeth gydag awdurdodau cynllunio lleol

(10.55–11.55)

(Tudalennau 62 – 70)

Sara Morris – Cyfarwyddwr Creu Lleoedd, Awdurdod Parc Cenedlaethol Arfordir Penfro

Steve Ball – Pennaeth Cynllunio, Cyngor Caerdydd

Peter Morris – Arweinydd Proffesiynol, Cynllunio, Cyngor Sir Powys

Dogfennau atodol:

Papur – Awdurdod Parc Cenedlaethol Arfordir Penfro (Saesneg yn unig)

Papur – Gymdeithas Llywodraeth Leol Cymru (Saesneg yn unig)

4 Papurau i'w nodi (11.55)

4.1 Bil Seilwaith (Cymru) – Datganiad o Fwriad Polisi

(Tudalennau 71 – 165)

Dogfennau atodol:

Bil Seilwaith (Cymru) – Datganiad o Fwriad Polisi (Saesneg yn unig)

4.2 Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) – ymateb

Llywodraeth Cymru i adroddiad drafft Cyfnod 1 y Pwyllgor

(Tudalennau 166 – 185)

Dogfennau atodol:

Ymateb Llywodraeth Cymru i adroddiad Cyfnod 1 y Pwyllgor ar Fil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru)

4.3 Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) – dadl ar yr egwyddorion cyffredinol

(Tudalen 186)

Dogfennau atodol:

Gohebiaeth gan y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, mewn perthynas â'r ddadl ar egwyddorion cyffredinol Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru)

4.4 Israddio Dŵr Cymru

(Tudalennau 187 – 200)

Dogfennau atodol:

Llythyr gan y Cadeirydd at Dŵr Cymru mewn perthynas ag israddio Dŵr Cymru

Llythyr gan Jane Dodds AS at y Cadeirydd mewn perthynas ag israddio Dŵr Cymru (Saesneg yn unig)

Ymateb gan Dŵr Cymru mewn perthynas â'r llythyr gan y Cadeirydd

4.5 Memorandwm Cydsyniad Deddfwriaethol y Bil Ynni

(Tudalennau 201 – 210)

Dogfennau atodol:

Llythyr gan y Gweinidog Newid Hinsawdd ynghylch Memorandwm Cydsyniad Deddfwriaethol Bil Ynni Llywodraeth y DU

Ymateb gan y Gweinidog Newid Hinsawdd i'r Cadeirydd mewn perthynas â Memorandwm Cydsyniad Deddfwriaethol y Bil Ynni

Llythyr gan y Cadeirydd at y Gweinidog Newid Hinsawdd mewn perthynas â Memorandwm Cydsyniad Deddfwriaethol y Bil Ynni

Llythyr gan Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad at sylw Mr Andrew Bowie AS, yr Is-ysgrifennydd Gwladol Seneddol Diogelwch Ynni a Sero Net mewn perthynas â Memorandwm Cydsyniad Deddfwriaethol y Bil Ynni (Saesneg yn unig)

4.6 Datgarboneiddio tai: datgarboneiddio'r sector tai preifat

(Tudalennau 211 – 220)

Dogfennau atodol:

Llythyr gan y Cadeirydd at y Gweinidog Newid Hinsawdd mewn perthynas â datgarboneiddio tai: datgarboneiddio'r sector tai preifat

Ymateb gan y Gweinidog Newid Hinsawdd at y Cadeirydd mewn perthynas â datgarboneiddio tai: datgarboneiddio'r sector tai preifat

4.7 Cymru Sero Net Cyllideb Garbon 2 – ymgynghoriad ar y Strategaeth Gwres i Gymru gan Lywodraeth Cymru

(Tudalen 221)

Dogfennau atodol:

Llythyr gan y Gweinidog Newid Hinsawdd at y Cadeirydd mewn perthynas ag ymgynghoriad y Strategaeth Gwres i Gymru gan Lywodraeth Cymru.

4.8 Gwefru cerbydau trydan

(Tudalen 222)

Dogfennau atodol:

Gohebiaeth gan y Dirprwy Weinidog Newid Hinsawdd at y Cadeirydd mewn perthynas â seilwaith gwefru cerbydau trydan

5 Cynnig o dan Reol Sefydlog 17.42 (vi) a (ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod heddiw

(11.55)

Cyfarfod preifat (11.55–12.30)

6 Bil Seilwaith (Cymru) – Ystyried y dystiolaeth a ddaeth i law o dan eitemau 2 a 3

7 Mesurau Llywodraethu Amgylcheddol Interim yng Nghymru – trafod adroddiad drafft y Pwyllgor

(Tudalennau 223 – 236)

Dogfennau atodol:

Adroddiad drafft – Adroddiad ar weithrediad mesurau diogelu'r amgylchedd interim 2022–23 (Saesneg yn unig)

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Infrastructure 35, Hannah Hickman (MA, MSc, MPhil, MRTPI), Associate Professor of Planning Practice, University of the West of England

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Hannah Hickman | Evidence from Hannah Hickman

Infrastructure (Wales) Bill

Invitation to submit written evidence

Thank you for the opportunity to provide written evidence, ahead of the meeting of the Climate Change, Environment and Infrastructure Committee on the Infrastructure (Wales) Bill on the 13th September 2023.

As requested, I am providing this in the form of brief headline points, which may provide the basis for further discussion with the committee. These points focus on the relationship between consent and delivery, and draw on recent research carried out by the University of the West of England and the University of Sheffield for the National Infrastructure Planning Association, on the operation of the Planning Act 2008 in England from which there is a considerable opportunity to learn from in relation to legislative and policy intent and practice, particularly when it comes to expediting delivery. This report – published in July 2023 - is available here:

<https://www.nipa-uk.org/news/nipa-insights-iii-report>

My comments are sub-divided into four short sections: (1) the intent of the legislation; (2) the bill’s explanatory memorandum; (3) specific comments on the bill; and (4) wider observations.

Intent of the legislation

The intent of the legislation, as set out in section 3.5 of the draft bill’s explanatory memorandum (EM), is clear, and reflects considerable evidence on the benefits of streamlining and consolidating existing consenting systems. The comments below are focused on ensuring the intent of the legislation supports future practice. Noting several references in the EM to regulations, some of these observations will be of particular relevance to the content of subsequent regulations, as well as secondary legislation and practitioner guidance.

The Explanatory Memorandum

Section 1.1 / 3.17 / 3.18 / 3.25 refer in various ways to the laudable intent for infrastructure consents to “*contain the full range of authorisation to enable development to be implemented*”, in support of the ‘one-stop-shop’ approach.

Care should be taken to learn here from practice in England, where our research has shown that a considerable number of secondary consents and licenses are still required post-consent to enable development to proceed in construction. In England, we have called for the UK Government to undertake a review of the potential to further streamline the consent regime and minimise the delays and costs associated with post-consent requirements. The Welsh Government should undertake due diligence here, by ensuring – ahead of enactment - thorough sector by sector understanding of the extent of consents and licenses needed both for construction and operation, and the opportunities for these to be assimilated as far as practical within infrastructure consents to support delivery.

Section 3.5 of the EM refers to the overall objective and purpose of the bill, highlighting ‘certainty’ as the second basis. Significant debate and focus of research on existing practice in England has centred on achieving the right balance between certainty and flexibility.

Our research has provided evidence of increased experience and willingness in using available mechanisms for achieving flexibility within consents (e.g. envelope assessments, using options, limits of deviation etc.), and these tools being used with good effect. But despite that experience built up over 15 years of operation, there is still concern about the consistency of approach and level of support for the use of flexibility mechanisms in consents. The challenge for promoters is in the anticipation of where flexibility might be needed and the value of anticipating risk and uncertainty related to construction methodology, logistics and temporary works into the DCO process. In particular, it is felt that there is still scope for greater clarity and a more coordinated approach at examination, with the role of examination being key in exploring the balance between certainty of decision, and any necessary flexibility needed at delivery. Lack of operational guidance on this in England has created considerable delivery challenges (especially in the context of post-consent change management) and the Welsh Government would be advised to prioritise the production of focused guidance, to the benefit of promoters, communities and the examiner community.

Section 3.14 refers to the chances of success and **section 8.82** to the role of clear policy frameworks and ‘more certain policy’ in underpinning the consenting process going forwards. The Bill itself indicates that a decision must be made in

accordance with the National Development Framework for Wales, any marine plan and any 'infrastructure policy statement' for that type of development issued by Welsh ministers. The development of these policy documents will be a critical piece of this new regime. 'More certain policy' is clearly not the same as certain policy, and the Welsh Government should provide further clarity as to what exactly constitutes the decision-making framework and what policy statements are planned, to ensure efficient decision making. A key question is whether the existing policy frameworks are sufficient (and consistent) for the certainty required for the effective operation of the regime? Having clear mechanisms and timescale for regular review will also be an important element of effective operation in practice.

Impact Assessment – the EM is thorough, but there was a surprising lack of reference to The Well-being of Future Generations (Wales) Act 2015. The connectivity between these two important pieces of legislation needs to be considered.

Section 4.14 draws attention to stakeholder support for fast-track of certain types of development to ensure a proportionate approach. Significant further detail and information is needed on what this will mean in practice. Our research in England supports the need for a fast-track approach for certain schemes, in particular the potential value of a fast track approach for some linear schemes.

Section 4.19 draws attention to stakeholder views on the importance of detail regarding 'minor' variations and fast-tracking non-contentious variations. The EM also refers to one of the challenges of the existing DNS process as being limited flexibility for changes (para 3.25). Here, it is critical that post-consent change management is considered very carefully in the detailed review of the bill and in subsequent regulations. Critically, consideration of change management needs to span both consent and post-consent. The post-consent change management process has been a significant challenge in the operation of the NSIP system in England. Our research has shown that there are still significant disincentives in applying for changes because of the delay, resources, time and uncertainty involved. This is particularly an issue for changes that are not fundamentally necessary for project completion, but would achieve additional social, economic, and environmental benefits or allow for technological innovation. Our research showed nearly 50% of practitioners

highlighting potentially beneficial post-consent changes which were not pursued because of the time, complexity, expense and delay in seeking post-consent changes. Promoters were concerned about the lack of a prescribed timescale for decisions on post consent changes (whether material or non-material) and wanted scope for a more pragmatic approach to change where changes can demonstrate compliance with agreed outcomes. A key part of this is about ensuring proportion in relation to environmental assessment and change management.

Section 10.2 refers to the benefits of an evaluation project within 5 years of the implementation. This proposal should be a firm commitment, with details prescribed as to how and who will undertake this review.

Specific comments on the bill

Defining significance. Nowhere in either the legislation or the EM is a definition of 'significant' provided. For the purposes of understanding the thresholds applied and communicating these, this would be of merit. For example, it is noted that some thresholds relate to scale of operation, some to capacity, and some to measures of length etc. Are there any thresholds that might relate to, for example, third party impact, or significance in relation to impact for the service it is delivering?

This issue of significance perhaps relates to the connectivity between this draft legislation and the Final Report of the Expert Review Panel (of the Cross Party Group on the Active Travel Act Review of the Active Travel (Wales) Act 2013) which calls for much greater ambition in the arena of Active Travel. One issue that hold backs active travel schemes is an ambivalence to using compulsory purchase powers to buy land that will be needed to make the space for such schemes. Bringing planning for active travel to a central level, particularly if being directed in some ways by Transport for Wales, could have the advantage of helping create more ambition and expedite decision making in the ways the Infrastructure Bill envisions. This may appear tangential to some of the existing prescribed reasons for centralising decision making on major infrastructure but this legislation could provide an effective means of 'unlocking' more active travel schemes than may otherwise be the case, if appropriate thresholds and criteria are applied. For example, the legal definition of a highway includes cycle tracks and footpaths. With the potential scale of infrastructure (and safety

improvements) being smaller, the lower bound limit of 1km (7 (2) (c)) will, in effect, keep planning decisions for active travel local rather than at the national level.

Part 1 - energy storage schemes do not appear to be defined (with the exception of liquid gas storage). Energy storage is going to become more important, so this may be an omission.

Section 124 - see comment above on clarity and certainty of policy framework.

60 (1) states that “*An infrastructure consent order may impose requirements relating to the development for which consent is granted*”. Ensuring the effective operation of the post-consent requirements process is a very important area of operational practice. Here, the sufficient resourcing of local authorities and statutory bodies potentially responsible for discharging requirements is paramount. Whilst our research has seen significant effort by both local authorities and statutory bodies (SBs) to support the timely discharge of requirements in England (and some recent organizational restructuring of SBs to support that), significant delay has been caused at delivery by insufficiency of resource, and SBs in particular have been challenged by some of the unrealistic timescales for discharge set in consents (see also section 4 below). Planning Performance Agreements and cost recovery mechanisms are increasingly being used to support local authority and statutory body input with agreed outcomes, but further support is often needed and practice is very variable in the use of these mechanisms.

Section 81 - removing consent requirements and deeming consent - see section above on post-consent licenses and consents.

Sections 87 / 88 - power to change and procedure for change - see section above on the post-consent change management.

Wider observations

Our research has shown that there is a careful balance to be struck between the quest for speed of consent and its potential consequences for future delivery. There is considerable evidence in England from both promoters and SBs that time both during the consenting process and at delivery is necessary to support innovation. Key here is that the quest for faster and simpler

examination – one of the objectives of this legislation – must not inadvertently cause delays at the delivery stage by leaving key elements for later resolution (in requirements or the need for further consents), or problems in relation to the constructability of key elements of the DCO, resulting in requirements for change. **Post-consent due diligence must be applied in the consideration of this draft legislation.**

Our research in England has shown that key to effective delivery of infrastructure is the people involved, their knowledge and understanding of the infrastructure consenting process and delivery challenges and cultures of working. In particular, early contractor involvement and effective project management pre-through to post- consent, are paramount. Here, the Welsh Government should consider carefully the professional skills required for effective delivery of the new system, and work closely with professional and other relevant bodies. This means action to build capacity and understanding which extends beyond the planning profession and focuses on bringing professions together, particularly drawing together construction, engineering, project management, lawyers, planners, designers, environmental disciplines and programme managers

This written evidence has been provided by:

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Infrastructure 46, Kelvin MacDonald

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General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

Overall, the Bill serves a number of potentially very worthwhile purposes. The Explanatory Memorandum lists these as including; establishing a unified (and simplified and efficient) consenting process, providing a clear strategic and policy framework on which decisions are made and providing a more consistent and inclusive process. All these are laudable aims and I would not query the rationales underlying any of them.

There is also clearly the need for primary legislation to be introduced in order to effect the changes necessary to bring about necessary change. My only caveat on this is that the Bill does rely heavily on secondary legislation both to implement its intentions and, on occasion, to show how parts of an aim will be achieved.

Some of the points made below do suggest parts at which the Bill may need to be more explicit. More generally, the Committee may wish to consider whether the balance between material on the face of the Bill and material to be set out at a later date in Regulation or Guidance is correct.

My evidence focuses mainly on whether the Bill does serve to achieve these four aims and I deal with aspects of each of these in the following sections of this response:

- establishing a unified (and simplified and efficient) consenting process (Parts 2 and 5 of the Bill);
- providing a clear strategic and policy framework on which decisions are made (Part 5);
- providing a more consistent process (Parts 1 and 2); and

- providing a more inclusive process (Parts 3 and 4).

In this evidence, I do not address the – albeit important – issues of compulsory acquisition (Part 6), enforcement (Part 7) nor that item of the Committee’s terms of reference that deals with the financial implications of the Bill.

What are your views on the Bill’s provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?

Part 1 - Significant infrastructure projects

providing a more consistent process

I equate the desire with consistency with a desire to achieve greater certainty for all those involved – not purely about possible outcomes but about the process that is required to be followed.

In this context, I am not querying the list of SIPs set out in this Part.

However, I note that in a number of cases (such as airports) the operating limits set are, very understandably, lower than those set in the 2008 Planning Act.

As shown below, there are aspects of the regime proposed in the Bill, such as the ability to summons and to require a public authority to give a substantive response within specified timescales (c126) that are different from the 2008 Act regime and it could be that an applicant will be faced with slightly different requirements and procedures for the same class of scheme in Wales as opposed to in England.

I would draw the Committee’s attention to those parts where the wording of the Bill can give rise to a degree of uncertainty.

For example, clause 7(3) states that:

'Alteration or improvement of a highway is within this subsection only if ... (c) the alteration or improvement is likely to have a significant effect on the environment.'

This leaves open the question as to who decides whether the scheme is likely to have a significant effect on the environment and at what stage this is done. If this is to be done at the screening stage of a habitats regulation assessment, does this require that all highway alterations or improvements are screened and treated as

SIPs until found otherwise?

Similarly, clause 16(3)(c) dealing with radioactive waste geological disposal facilities states as one criteria that:

'... the natural environment which surrounds the facility is expected to act, in combination with any engineered measures, to inhibit the transit of radionuclides from the part of the facility where radioactive waste is to be disposed of to the surface.'

If there is not this expectation, then is a scheme not a SIP and, is not the only way to test whether there is such a valid expectation through the examination process, thus requiring it to be a SIP anyway?

A related uncertainty is potentially provided by the provision in Clause 22 that Welsh Ministers may give directions specifying development as a significant infrastructure project even though the development will be 'partly in Wales' (22(2)(a)).

This appears to conflict with the statutory tests for SIPs set out in Clauses 7 to 16 in which, in every case, the scheme must be '... in Wales ...', '... wholly in Wales ...' or, in the case of railways, '... will ... start, end and remain in Wales.'

The existence of these statutory test could render clause 18 on Cross-border projects redundant. However, the existence of Clause 22 does introduce the possibility of cross-border projects into the IC regime and could be seen to go against the geographic specificity expressed in Clauses 7 to 16..

Part 2 - Requirement for infrastructure consent

establishing a unified consenting process

Clause 20 lists those consents which would no longer require separate approval under the infrastructure consent regime. I do not wish to comment on this list.

Two significant areas of consent that are not included are environmental (<https://naturalresources.wales/permits-and-permissions/environmental-permits/?lang=en>) and protected species (<https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/?lang=en#:~:text=You%20must%20apply%20for%20a%20licence%20from%20Natural,restoring%20a%20pond%20or%20building%20a%20housing%20development>) permitting.

This omission is similarly found in the Planning Act 2008 regime and it may be that a true 'one-stop shop' cannot be achieved in these respects. However, it may be worth examining whether these permitting regimes can be brought within the Welsh IC regime, thus achieving even greater coherence, transparency, certainty and efficiency.

This reflection is drawn in part from my own experience of dealing with applications in which delays by Natural England or the Environment Agency in issuing such permits can lead to uncertainty as to whether the Examining Authorities recommendation is robust.

Part 3 - Applying for infrastructure consent

establishing a simplified and efficient consenting process

Clause 32 deals with decisions on the validity of an application. It does so in two fairly short sub-clauses (32(1) and 32(2)) – although it is noted that clause 31 does deal with the possibility of secondary legislation adding to the criteria to be fulfilled for acceptance.

However, I note that the relevant provisions in the 2008 Planning Act (s55 - <https://www.legislation.gov.uk/ukpga/2008/29/section/55>) set a higher bar for acceptance of an application and include, potentially importantly, a test 'that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory' (s55(3)(f)). This test allows an Examining Inspector to make a judgement as to whether the material submitted is of a standard and comprehensive enough to allow a meaningful examination of it to take place and a sound recommendation to be made to, in that case, the relevant Secretary of State.

In my previous experience as an Examining Inspector, I have used this provision to reject two applications as requiring more detail to be provided before they can be certified as being valid. The Bill does not contain this provision and this could lead to an unsatisfactory or even aborted examination (and to an increased chance of judicial review) if an unsatisfactory application is accepted.

The existence of s55 in the 2008 Act has led to the publication of a 's55 checklist' (<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010129/EN010129-000162-Slough%20-%20s55%20checklist%20INTERNAL.pdf>) by the Planning Inspectorate which can

serve to provide more certainty to an applicant as to what the Inspectorate is looking for.

Part 4 - Examining applications

providing a more inclusive process

Clause 41 provides the examining authority with the ability to choose one, or a combination, of a local inquiry, a hearing and/or on the basis of representations in writing.

First, it is noted that these terms are not defined in clause 140 (General interpretation). Second, it is noted that the Bill gives the power to make Regulations as to the conduct at local inquiries and at hearings and requires Welsh Ministers to publish criteria against which a choice of hearing will be determined.

The Explanatory Memorandum does not appear to justify this clause. The Memorandum does state, with reference to the consultation that: 'There was overall support to remove inquiries from determining ICs and for hearings only to be held in their place, for reasons of providing fair and inclusive participation, as well as the belief among some respondents that inquiries can be long and protracted, impact project programmes and are costly. However, there was a preference amongst some respondents for cross-examination to be retained.'

However, I feel that one of the defining attributes of Nationally Significant Infrastructure Projects system of examination is that it is inquisitorial rather than adversarial. This is shown most directly by the fact that in this system, it is the examining authority that does questioning and cross-examination (except in one specified circumstance) rather than the legal representatives of the parties present.

In my experience, this leads to a more focussed and more inclusive system and helps to achieve the stated objective of providing a more inclusive process with the Minister telling your Committee that, "... one of the things I very much like about this new system is it gives communities more involvement and more opportunity to be heard."

However, I also note that clause 44 gives the Examining Authority the power both to summons witnesses to attend an inquiry and to take evidence on oath. This is a

provision that is missing from the 2008 Act and may, on very rare occasions, have been useful in the hearings that I held. I do recognise that, in such cases, despite what I have stated above, an inquiry may become more inquisitorial.

I also note that the Bill contains the power to direct further examination (clause 50). This power too is missing from the 2008 Act and may, on occasion, have been beneficial in a number of key complex cases. The absence of this power in current legislation has led to the situation where the relevant Secretary of State has themselves called for further evidence and for comments on that evidence after the examination period has closed in a way that may be seen as being less accessible and transparent than the process of examination by an Examining Authority. Clause 50 may serve to rectify this anomaly and to make any post report period more open.

Finally, I note that the Bill does not contain a provision that I have found to be useful in my working experience. S87(1) of the 2008 Planning Act states that, 'It is for the Examining authority to decide how to examine the application'. This provision is useful if, as has happened in my experience, a party queries an action by the Examining Authority, for example, during a hearing.

Part 5 - Deciding applications for infrastructure consent

providing a clear strategic and policy framework on which decisions are made.

Clause 53 places a duty on decision makers to decide applications in accordance with statutory policies.

I feel that this is one of the most important parts of the Bill but one which risks leading to confusion and challenge in practice.

The Clause specifies relevant infrastructure policy statements, the National Development Framework for Wales and marine plans with relevant policy statements taking policy precedence in cases of policy incompatibility.

This gives rise to a number of interrelated points. First, there are clearly and understandably no examples of infrastructure policy statements as yet but, importantly, whilst the Bill allows for Regulations in this respect, there is no indication on the face of the Bill as to what they should contain with Clause 124 setting a low bar as to what may constitute an infrastructure policy statement.

One of, if not the, key features of national policy statements (NPS) produced under

the 2008 Act is that they are designed to establish the need for a particular type of development, thus avoiding very lengthy examination of need during the examination period. Where a 2008 Act NPS does not establish need, as is the case with the Airports NPS beyond Heathrow Third Runway, an examination and post-examination processes can get bogged down around this issue – as I know from experience.

The issue of establishing need was one of the drivers for introducing a new regime for dealing with major infrastructure projects through the 2008 Act as too many inquiries under the previous system were taking many months arguing whether there was the need for a project or not.

It is worth considering, therefore, whether the Bill should specify that an infrastructure policy statement should, at a minimum, cover the issue of need.

Secondly, the Bill does not specify the process through which infrastructure policy statements are adopted and, specifically, does not require that these are considered by the Senedd as part of their adoption process. Given the importance of these documents, the Committee may wish to consider whether such a requirement should be on the face of the Bill.

Third, an initial and non-rigorous search of ‘Future Wales – The National Plan 2040 (<https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>), which states that it is the national development framework for Wales, shows that a number of categories of SIPs, such as ports and radioactive waste geological disposal are not covered in policy terms. Therefore, unless a comprehensive set of infrastructure policy statements are produced, there will be a policy void.

There could also be a policy void if Welsh Ministers exercised their powers under clauses 22 or 23 to bring other schemes into the regime of a type for which no infrastructure policy statement existed.

There also remains the question of the status of other published national policy guidance, notably Planning Policy Wales (https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf) but also including Technical Advice Notes (<https://www.gov.wales/technical-advice-notes>) and Circulars (<https://www.gov.wales/planning-circulars>) (whilst noting in passing that the collection of extant Circulars includes one that is 55 years old

(<https://www.gov.wales/sites/default/files/publications/2022-07/planning-inquiry-commissions-circular-5968-v2.pdf>) advising on the setting up of a new system for dealing with major infrastructure projects ...).

Finally in this Part, the timetable set out in s56(1)(a) may seem to be ambitious. Whilst current moves are being made to streamline some examinations, the English system has normally allowed six months for the inquiry, three months for the EA's report and three months for SoS decision – equalling a year. However, this does not include a period between validation and the start of the examination (the period for the receipt of representations etc.) and this should be included in any timescale.'

Part 6 - Infrastructure consent orders

My evidence does not directly cover this Part of the Bill.

Part 7 - Enforcement

My evidence does not directly cover this Part of the Bill.

Part 8 - Supplementary functions

My evidence does not directly cover this Part of the Bill.

Part 9 - General provisions

My evidence does not directly cover this Part of the Bill.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

Some of these are covered within the evidence given above under Parts 1 to 5.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

My evidence does not directly cover this question.

Are any unintended consequences likely to arise from the Bill?

Some of these are covered within the evidence given above under Parts 1 to 5.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

My evidence does not directly cover this question.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

No.

Infrastructure 14, Pembrokeshire Coast National Park Authority

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Awdurdod Parc Cenedlaethol Arfordir Penfro | Evidence from Pembrokeshire Coast National Park Authority

General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

The Authority is supportive of the general principle of a simplified new consenting regime and recognises the efficiencies that this approach offers. PCNPA would like to stress however the importance of ensuring that within this streamlined process, environmental protections and processes are not diminished or reduced. This is particularly critical in relation to applications which may have an impact on areas such as National Parks which are recognised as nationally important landscapes. It is also however critical for areas designated as Sites of Special Scientific Interest or Special Areas of Conservation. PCNPA requests that the Committee consider carefully the need to ensure that existing protections remain robust, with no dilution of standards of environmental protection – particularly key given both the climate and nature emergencies currently facing Wales.

What are your views on the Bill's provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?

Part 1 - Significant infrastructure projects

No response.

Part 2 - Requirement for infrastructure consent

No response.

Part 3 - Applying for infrastructure consent

No response.

Part 4 - Examining applications

No response.

Part 5 - Deciding applications for infrastructure consent

No response.

Part 6 - Infrastructure consent orders

No response.

Part 7 - Enforcement

No response.

Part 8 - Supplementary functions

No response.

Part 9 - General provisions

No response.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

No response.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

No response.

Are any unintended consequences likely to arise from the Bill?

No response.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

PCNPA would also like to take this opportunity to highlight the impact that the planning fee arrangements through the current system for Developments of National Significance (DNS's) have had on Local Planning Authorities. Under the current system Local Planning Authorities only receive 20% of fee income from DNS applications, despite a significant workload associated with these. This has represented a significant loss of income to many LPAs across Wales. PCNPA also has experience of needing to input into a neighbouring LPAs DNS Local Impact

Report but receiving no fee payment for this under the present system. It is hoped that the development of new regulations to accompany the Infrastructure (Wales) Bill allow this key issue to be considered. We would also ask that the Committee give careful thought about how proposals in neighbouring Authorities may generate workloads for neighbouring Authorities and how this might be addressed through a revised fee structure for the new system. Providing Local Authorities with sufficient resource to support their work in feeding back on Infrastructure Consents is essential if local issues and impacts are to be properly considered.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

PCNPA understand that WG officers have informally advised that the Infrastructure (Wales) Bill is likely to be implemented by mid 2025. Transition arrangements will depend on what stage existing applications are in within the system. It would be very helpful if WG could ensure clarity for the transitional arrangements that will be applied to existing applications already lodged under separate existing regimes.

August 2023



**Awdurdod
Parc Cenedlaethol
Arfordir Penfro**
Parc Llanion, Doc Penfro
Sir Benfro SA72 6DY

**Pembrokeshire Coast
National Park
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To: Welsh Government Climate Change, Environment and Infrastructure Committee by email

Dear Sir/Madam,

RE: Infrastructure (Wales) Bill Consultation

I am writing to you on behalf of the Pembrokeshire Coast National Park Authority with regard to the current consultation you are running on the Infrastructure (Wales) Bill. The general principles of the Bill were considered by Authority Members in its meeting of July 2023. The Authority is grateful for the opportunity to comment on the proposals which represent a significant change to the way in which large infrastructure developments will be processed in Wales.

The Authority is supportive of the general principle of a simplified new consenting regime and recognises the efficiencies that this approach offers. PCNPA would like to stress however the importance of ensuring that within this streamlined process, environmental protections and processes are not diminished or reduced. This is particularly critical in relation to applications which may have an impact on areas such as National Parks which are recognised as nationally important landscapes. It is also however critical for areas designated as Sites of Special Scientific Interest or Special Areas of Conservation. PCNPA requests that the Committee consider carefully the need to ensure that existing protections remain robust, with no dilution of standards of environmental protection – particularly key given both the climate and nature emergencies currently facing Wales.

PCNPA would also like to take this opportunity to highlight the impact that the planning fee arrangements through the current system for Developments of National Significance (DNS's) have had on Local Planning Authorities. Under the current system Local Planning Authorities only receive 20% of fee income from DNS applications, despite a significant workload associated with these. This has represented a significant loss of income to many LPAs across Wales. PCNPA also has experience of needing to input into a neighbouring LPAs DNS Local Impact Report but receiving no fee

Tudalen y pecyn 66



Rydym yn croesawu cael gohebiaeth yn Gymraeg, a byddwn yn ateb gohebiaeth yn Gymraeg. Na fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh, and will respond to any correspondence in Welsh. Corresponding in Welsh will not lead to delay.

payment for this under the present system. It is hoped that the development of new regulations to accompany the Infrastructure (Wales) Bill allow this key issue to be considered. We would also ask that the Committee give careful thought about how proposals in neighbouring Authorities may generate workloads for neighbouring Authorities and how this might be addressed through a revised fee structure for the new system. Providing Local Authorities with sufficient resource to support their work in feeding back on Infrastructure Consents is essential if local issues and impacts are to be properly considered.

Finally PCNPA understand that WG officers have informally advised that the Infrastructure (Wales) Bill is likely to be implemented by mid 2025. Transition arrangements will depend on what stage existing applications are in within the system. It would be very helpful if WG could ensure clarity for the transitional arrangements that will be applied to existing applications already lodged under separate existing regimes.

I hope that the above is helpful in informing the Committees consideration of this hugely important legislation for Wales.

Yours sincerely,

Cllr Di Clements

Chair of the Pembrokeshire Coast National Park Authority

Infrastructure 48, Welsh Local Government Association

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Mae Cymdeithas Llywodraeth Leol Cymru | Evidence from Welsh Local Government Association

General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

1. The principles of the Bill are supported in that it is considered that a single Infrastructure Consent regime will consolidate and simplify a myriad of consenting regimes.
2. Local Authorities are correctly and rightly seen to have an important, central role in the proposed consenting process from pre-application stages through to the discharge of conditions, etc.
3. Local Authorities are well placed to provide their local and specialist knowledge on issues and potential impacts of proposed Significant Infrastructure Projects but crucially they must be sufficiently resourced to support the proposed single infrastructure consenting regime.
4. As the proposed regime is a single consenting regime which will consolidate and replace a number of separate consenting regimes, the process will draw in a wide range of Local Authority services and their supporting specialist consultants e.g. local highway authority, land drainage, sustainable drainage approval body, common land, rights of way, environmental health, planning, biodiversity / ecology, solicitor costs for preparing agreements and obligations, etc. As such, the proposed fee regulations must reflect this wider input and involvement and the cost to be borne by Local Authorities and should not duplicate the DNS fee regulations because the DNS system is much narrower in its scope.

5. Local Authorities are supportive of assisting the examination process and attending the examination if required, but they must be recompensed for doing so.
6. As another example, experiences drawn from the existing DNS regime have shown that the discharge of planning conditions can require Local Authorities to procure specialist consultancy support not available internally within an Authority. This additional cost should be reflected in the proposed fee regulations.
7. It is expected that the proposed approach will result in prospective applicants wishing to front-load the preparation of Significant Infrastructure Project applications in order to ensure that applications are sound at the time of their submission. Prospective applicants can be expected to want to engage early with Local Authorities in order to ensure issues are addressed by the time of submission and that Local Impact Reports are positive and favourable. As such Local Authorities can be expected under the proposed regime to be placed under further and increased demands to engage and support the early development and evolution of Significant Infrastructure Projects. This has resource and capacity implications for Local Authorities.
8. Whilst Planning Performance Agreements have been successfully used by Local Authorities, capacity, resource and procurement challenges are already experienced by Local Authorities and are a significant challenge. These are current practical issues and potential barriers that will need to be addressed if the regime is to meet its objectives as intended.
9. The WLGA would welcome further discussion with Welsh Government on the detailed implementation of the Bill and in particular how efficiencies can best be achieved to enable the Bill's objectives to be met. Moreover, some Local Authorities, as well as PEDW, are already being put under significant pressure by Development of National Significance projects as applicants look to escalate projects and there is the real prospect that the number of DNS applications combined with SIP applications cannot be adequately supported by Local Authorities. Consideration should be given to validation requirements and potentially to a prioritisation system for potential SIP applications in order to ensure limited resources are used and managed in the most effective way.

10. The proposed 5 week period for Local Authorities to prepare and approve a Local Impact Report is challenging. It is considered that this should be extended to 8 weeks.

Specific Comments:

11. Clarity is required on the amendment process and procedures (material or non-material amendments) post IC approval e.g. will sustainable drainage amendments be possible? Which Authority is responsible for determining the amendment?

12. Welcome the opportunity for further consultation and input in relation to:

- The supporting regulations to be prepared e.g. Local Impact Reports and Fees;
- The proposed Relevant Policy Statements. Clarity is required over the process and timescale for preparing these as these will be critical to determination. The timing and materiality of these for DNS applications and the transition period will need to be made clear.

13. Clarity over the enforcement responsibilities of different authorities is required.

14. The National Development Framework is referenced, but Strategic Development Plans and Local Development Plans / LDP-lites should also be material considerations.

What are your views on the Bill's provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?

Part 1 - Significant infrastructure projects

No response.

Part 2 - Requirement for infrastructure consent

No response.

Part 3 - Applying for infrastructure consent

No response.

Part 4 - Examining applications

No response.

Part 5 - Deciding applications for infrastructure consent

No response.

Part 6 - Infrastructure consent orders

No response.

Part 7 - Enforcement

No response.

Part 8 - Supplementary functions

No response.

Part 9 - General provisions

No response.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

No response.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

No response.

Are any unintended consequences likely to arise from the Bill?

No response.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

No response.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

No response.



Ein cyf/Our ref: MA/JJ/0994/23

Llŷr Gruffydd AS
Cadeirydd
Pwyllgor Newid Hinsawdd yr Amgylchedd a Seilwaith
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

1 Medi 2023

Annwyl Llŷr,

Yn dilyn cyflwyno Bil Seilwaith (Cymru) i'r Senedd ar 12 Mehefin 2023, amgaeaf gopi o'r Datganiad o Fwriad Polisi mewn perthynas â'r pwerau i wneud is-ddeddfwriaeth o dan y Bil. Darperir y ddogfen hon er mwyn cynorthwyo'r Senedd i graffu ar y Bil.

Edrychaf ymlaen at gyflwyno rhagor o dystiolaeth i'r Pwyllgor maes o law.

Byddaf yn angon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Yn gywir,

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 72
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

Infrastructure (Wales) Bill

Statement of Policy Intent for Subordinate
Legislation to be made under this Bill

September 2023

Infrastructure (Wales) Bill

Statement of Policy Intent for Subordinate Legislation

Introduction

This document provides an indication of the current policy intention for the subordinate legislation that the Welsh Ministers would be empowered or required to make under the provisions of the Infrastructure (Wales) Bill (“the Bill”).

The Statement has been prepared in order to assist the Senedd during the scrutiny of the Bill. It should be read in conjunction with the Bill and the Explanatory Memorandum and Explanatory Notes which accompany it.

In accordance with our usual practice when developing subordinate legislation, the Welsh Government will work closely with stakeholders. The detailed proposals will be subject to public consultation in order to inform the final provisions to ensure they are relevant, valid and proportionate.

A suite of guidance documents will also be produced to support the implementation of the Bill.

PART 1 – SIGNIFICANT INFRASTRUCTURE PROJECTS

Power(s): Part 1, section 17

Description:

These powers enable the Welsh Ministers to:

- amend Part 1 of the Bill to add a new type of significant infrastructure project or vary or remove an existing significant infrastructure project, and
- make further provision, or amend or repeal existing provision, about the type of project that is, or is not, a significant infrastructure project.

Policy intention:

Criteria and thresholds of qualifying significant infrastructure projects are set out in Part 1. It is essential for the qualifying criteria to remain agile in the face of changing circumstances.

Technology relating to infrastructure, particularly renewable energy, is developing at a fast rate. A process is required which is agile and is able to capture the relevant projects at the right time.

To future-proof the process, this power provides the Welsh Ministers with the ability to alter the thresholds and criteria set out in primary legislation through subordinate legislation.

Topic Area	Description
<p>Section 17</p> <p>Power to add, vary or remove projects and amend qualifying thresholds</p>	<p>Background</p> <p>Technology relating to infrastructure, particularly renewable energy, is developing at a fast rate. The Bill includes a process which is flexible and proportionate to capture relevant projects that should be subject to the new consenting regime.</p> <p>We envisage three scenarios that might require future amendments to the qualifying criteria and thresholds. These are:</p> <ul style="list-style-type: none"> • changes in technological efficiencies which reduce the area of land required to achieve a higher generating capacity. For example, the Development of National Significance (DNS) threshold for a generating station (rather than onshore wind) is a generating capacity up to 10MW. Technological advances which have occurred since 2015 demonstrate that this threshold can now be achieved more efficiently with a smaller footprint. This is reflected in the Infrastructure Consenting regime threshold being set higher at 50MW rather than 10MW. It is likely that such adjustment will be required again in future to ensure the proportionality of the consenting process. • future policy or legislative changes by the UK Government may require adjustments in the Welsh legislation. For example, the Wales Act 2017 devolved further legislative competence for energy consenting and the Welsh Ministers were able to adjust the DNS regime quickly as the thresholds were prescribed in secondary legislation. • a new or emerging type of energy generation could become commercially available and may need to be captured, such as nuclear fusion. The Welsh Ministers will be able to designate these projects as Significant Infrastructure Projects (SIP).

Subordinate legislation

For the three reasons described above, the Bill allows subordinate legislation to remove or add a type of project from the qualifying criteria contained in Part 1 of the Bill or vary the qualifying thresholds. Regulations may only add a new type of project or vary an existing type of project if the works are to be carried out in Wales, the Welsh marine area, or both, and they fall within the fields specified in section 17(4).

As these Regulations may amend, vary or remove enactments of this Act and other Acts of Senedd Cymru, this is a Henry VIII power. Therefore, the subordinate legislation will require scrutiny through the draft affirmative procedure.

PART 2 – REQUIREMENT FOR INFRASTRUCTURE CONSENT

Power(s): Part 2, sections 21, 22 and 26

Description:

These powers enable the Welsh Ministers to:

- add or remove a type of consent/authorisation to the list of consents specified in section 20 which cannot be obtained or given for development that are to be captured by the new consenting process;
- vary the existing cases in relation to which a type of consent is specified in section 20;
- make further provisions in relations to the type of consents and the cases specified in section 20;
- make regulations specifying kinds of projects which could be directed to be a Significant Infrastructure Project; and
- make provisions about procedural matters in connection with the direction making powers specified in section 22, 23 or 24.

Policy intention:

Add or remove a type of consent/authorisation

The Bill prevents developers from being able to obtain consents or authorisations, such as planning permission or consent under section 37 of the Electricity Act 1989, when a project qualifies as a Significant Infrastructure Project (SIP). Section 20 lists the type of consent that can no longer be obtained or given to the extent that an Infrastructure Consent (IC) is required for development.

However, the Bill also allows the Welsh Ministers to be able to modify the qualifying criteria and thresholds of a SIP (as per section 17), to allow flexibility in the consenting regime to respond to future demands and changing circumstances (see Statement of Policy Intent relating to section 17 for more detail).

Where the flexibility provided by section 17 is sought, it is possible that additional consents/authorisations that are no longer required will need to be specified in the Bill. Therefore, regulations provide the ability to modify this list of consents/authorisations or the circumstances by which these consents are or are no longer required through subordinate legislation.

Power to direct a project is a SIP

Where a project falls below the compulsory thresholds set out in Part 1 of the Bill but is considered to be of national significance, for example by generating significant effects, or includes new technology or novel circumstances, the Bill provides the Welsh Ministers with a power to direct such a project is a SIP for determination under the new consenting process.

The Bill sets limitations to this direction making power by requiring subordinate legislation to describe a type of development that may be directed to be considered a Significant Infrastructure Project. These regulations may include thresholds, but they do not have to.

Minor procedural matters concerning how a request for direction should be submitted to the Welsh Ministers and the time scale for the Ministers to decide whether a project or an application is a SIP will also be set in regulations.

Tudalen y pecyn 79

Topic Area	Description
<p>Section 21</p> <p>Add or remove a type of consent/authorisation from the list of consents which are no longer required for development as specified in section 20</p> <p>Vary the cases in relation to which a type of consent is specified in section 20</p>	<p>Background</p> <p>This regulation making power is required as direct result of section 17 in Part 1.</p> <p>An Infrastructure Consent (IC) is required to be obtained for any development which is or forms part of a Significant Infrastructure Project (SIP), as specified in Part 1.</p> <p>To stop the twin-tracking of consents or to prevent a developer taking a different route of consent, the Bill prevents other consents for the development or works which qualifies as a SIP from being granted.</p> <p>To the extent that an IC is required, consents and authorisations specified in section 20 of the Bill cannot be given in relation to the SIP where the development forms part of the SIP.</p>

	<p>Power to amend the list of consent/authorisations</p> <p>Section 17 of the Bill allows the Welsh Ministers to modify the criteria and thresholds of qualifying projects. It is possible that additional consents/authorisations no longer required will need to be specified in the Bill to avoid twin-tracking or alternative consenting routes taken by developers. Therefore, regulations provide the ability to modify this list of consents/authorisations or the circumstances by which these consents are or are no longer required through subordinate legislation.</p> <p>Subordinate legislation</p> <p>Based on the above, the Bill allows subordinate legislation to amend section 20 of the Bill. This is considered appropriate to future proof the legislation and to respond efficiently to changes in UK legislation. Evidence may also emerge, from industry needs and future policies and government objectives, that further types of consent should be included in this consenting process or to vary the existing cases in relation to which a type of consent is within this process.</p> <p>Responses to emerging evidence may need adjusting more often than it would be possible for the Senedd to legislate.</p> <p>As these Regulations may amend, vary or remove enactments of this Act and other Acts of Senedd Cymru, they will be subject to the Senedd's draft affirmative scrutiny procedure.</p>
<p>Section 22</p> <p>Make regulations specifying kinds of projects which could be directed to be a Significant Infrastructure Project</p>	<p>Background</p> <p>The Bill sets out the criteria and thresholds of SIPs which are currently captured by the new consenting regime.</p> <p>For certain types of projects (largely those with a medium energy output), or a project including new technology or novel circumstances, a simple compulsory quantitative threshold may not be</p>

sufficient to determine whether a project is of such significance and complexity that it merits consenting through a unified consenting process.

Therefore, where a development is of national significance to Wales the Welsh Ministers may give a direction to specify that a proposed development is a SIP.

Example 1 – when the project falls under compulsory criteria

Where a project falls just under the compulsory criteria of the Bill but it is likely to raise significant concerns due to its location or complexity, the Welsh Ministers can direct that the project is to be classed as a SIP and thus require an IC.

For example, a proposed solar farm with a generating capacity of 30MW but located in the proximity of an ecological sensitive receptor may be directed by the Welsh Ministers to be classed as a SIP due to its potential significant impacts.

Example 2 – when the project contains new technology or novel circumstances

In addition to the power to direct when a project is below the compulsory thresholds, the Bill provides the Welsh Ministers with a degree of flexibility in considering whether new technology or novel circumstances should fall under the consenting regime.

For example, development relating to hydrogen production is not currently included in the Bill because it is relatively novel technology and the cases that have come forward so far have a small capacity and are not complex.

However, should a new project come forward which involve a higher complexity and potential significant impacts, these projects may benefit from inclusion in the new unified consenting regime, due to their novel circumstances.

	<p>Subordinate legislation</p> <p>However, the Bill has been designed to be transparent and fair and thus the Bill sets limitations to these powers of direction, where subordinate legislation will set out the scope of projects that may be directed to be considered as a SIP for determination under the new consenting process.</p> <p>The Bill provides that the developer can make a request to the Welsh Ministers to determine whether a project is a SIP or the Welsh Ministers can do so unilaterally. Third parties cannot submit a request to the Welsh Ministers.</p> <p>The Welsh Ministers have a duty to respond to a request from a developer. Subordinate legislation will detail the timescale for a response (see section 26).</p> <p>Monitoring of the directions made on developments will also inform any changes to these regulations. If necessary, it may also provide an evidence base to consider changing the mandatory thresholds on the face of the Bill.</p>
<p>Section 26</p> <p>Make provisions about procedural matters in connection with the direction making powers</p>	<p>Background</p> <p>Part 2 of the Bill provides several direction making powers to the Welsh Ministers. These are:</p> <ul style="list-style-type: none"> • a power to direct that a project or an application is a SIP, and • a power to direct that a project is not a SIP. <p>Subordinate legislation</p> <p>Regulations may specify procedural matters in connection with the power of direction conferred on the Welsh Ministers. For example, regulations may specify the time limits for the Welsh Ministers to make a decision on whether a project is a SIP following a request for a direction. Regulations may also specify the form of a request for a direction and the information required to submit with a request to help the Welsh Ministers in the decision-making process.</p>

Minimum standards will be set in regulations which may include a requirement to submit a location plan as part of a request for a direction along with a description of the proposed development, whether a concurrent or previous application has been submitted in connection with the proposed development and reasons why the developer believes the project is a SIP.

These procedural matters are considered suitable for regulations as they will accommodate minor technical details. Flexibility is also required to respond to any procedural changes if considered necessary or appropriate to benefit the consenting process.

PART 3 – APPLYING FOR INFRASTRUCTURE CONSENT

Power(s): Part 3, sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38

Description:

These powers enable the Welsh Ministers to:

- set out how and when pre-application services must be provided, where a request is made;
- specify the form and content of a pre-application notification, how it is to be given and the period within which it is to be given;
- specify pre-application consultation requirements;
- set out the procedure for submitting an application for infrastructure consent, including what information and materials must be provided with an application and the process for validation;
- specify publicity and notification requirements following acceptance of a valid application;
- specify the form and content of Local Impact Reports and Marine Impact Reports; and
- set out requirements relating to the compulsory acquisition of land.

Policy intention:

Pre-application services, notification and consultation

Frontloading the application process for infrastructure consent applications is an important aspect of the overall consenting process, as early engagement with the Welsh Ministers and/or the relevant Local Planning Authority (“LPA”), as well stakeholders and local communities, can help overcome any potential issues with a development proposal at an early stage.

Our policy intention is to introduce a number of pre-application provisions, which are similar to those already specified as part of the ‘Developments of National Significance’ process. This will include the ability for prospective applicants to request pre-application advice from the Welsh Ministers and/or the relevant LPA, a requirement to notify the Welsh Ministers of an intention to submit an application for infrastructure consent and a requirement for pre-application consultation and engagement to be undertaken before an application may be submitted. This will ensure the Welsh Ministers, LPAs, stakeholders and local communities are all made aware of a proposed development and have the ability to comment and make representations at the earliest opportunity.

Making an application for infrastructure consent

In order to examine an application for infrastructure consent efficiently and to ensure the person(s) examining an application have all the necessary information and evidence before them to make an informed decision, the intention is to specify the form and content of an application, how applications are to be submitted and what information, documents or other materials must be included in an application, as a minimum requirement.

Publicity and notification requirements

To ensure an open and transparent process, as well as affording the opportunity for as many people as possible to view and make representations on an application where one has been validated by the Welsh Ministers, the Bill makes provision for certain publicity and notification requirements to be undertaken.

The policy intention is to utilise as many suitable methods as possible to publicise an application and notify relevant parties. We therefore intend to prescribe what methods these will be, both in terms of developments onshore and offshore, which persons and parties should be targeted during this process and where written notifications and site notices are utilised, what information should be included within these notices.

Local impact reports and marine impact reports

When an application is being examined, it is important the person(s) undertaking the examination are aware of any likely impacts a proposed development would have on a local area or the marine environment. Therefore, the Bill sets out the circumstances in which LPAs (and any community councils) must or may submit a local impact report (“LIR”), or in the case of offshore development, where the relevant marine authority are required to submit a marine impact report (“MIR”). To ensure LIRs and MIRs provide meaningful information, our intention is to specify what these reports must contain, as a minimum.

Compulsory acquisition of land

The primary policy intention for the compulsory acquisition of land is to ensure where an applicant submits their proposal for a significant infrastructure project, and it is necessary to acquire land or rights over land to enable that project, the compulsory

acquisition can be considered and if acceptable approved as part of the resulting infrastructure consent. This will ensure land acquisition matters for infrastructure development are incorporated into the new consenting process, resulting in more certainty.

The specific provisions under Part 3 for compulsory acquisition are intended to ensure where people have an interest in land as part of a proposed infrastructure consent, they are fully consulted and notified on the proposal and the land acquisition element in particular.

Subject to consultation with stakeholders, the current policy intention about the detail to be prescribed in subordinate legislation is summarised below.

Topic Area	Description
<p>Section 27</p> <p>Provision of pre-application services</p>	<p>Summary</p> <p>This section provides the Welsh Ministers with a power to make regulations regarding the provision of pre-application services by the Welsh Ministers or local planning authorities.</p> <p>Background</p> <p>The provision of pre-application services provides an opportunity for prospective applicants to discuss, among others, any technical aspects relating to the form and content of an application, seek advice on any relevant policies and gain an understanding of any local matters relating to a proposed development site, including potential mitigation. Pre-application services may be sought from the Welsh Ministers, the relevant LPAs, or both.</p> <p>Subordinate legislation</p> <p><u>Form and content of a pre-application service request</u></p>

	<p>Subordinate legislation will specify the form and content of a pre-application service request to be made by a developer, including what information must accompany a request, such as a site location plan and any other plans or drawings specified.</p> <p>Pre-application service requests will also be subject to a validation process, with the procedure and requirements prescribed in subordinate legislation. This will include a request for pre-application services being considered valid or not within 28 days and an acknowledgement of this decision being issued to the person who requested the pre-application services in writing.</p> <p><u>Provision of a pre-application service</u></p> <p>Subordinate legislation will also prescribe what information the Welsh Ministers and LPAs must provide (as a minimum), as part of their pre-application services to help ensure prospective applicants receive an adequate service which provides them with the means to develop their proposal to the benefit of both the local and wider community. This will differ slightly depending on whether an applicant seeks pre-application advice from the Welsh Ministers or Local Planning Authority, however, they have the ability to seek advice from both if considered necessary.</p> <p>We envisage the Welsh Ministers may provide advice on matters such as (but not limited to):</p> <ul style="list-style-type: none">• the form and content of the application for infrastructure consent;• any relevant policies and guidance;• the process for obtaining infrastructure consent, including secondary consents. <p>Similarly, we envisage LPAs may provide advice on matters such as (but not limited to):</p> <ul style="list-style-type: none">• the relevant planning history of the development site;• any relevant policies (such as those specified in the Local Development Plan);• an indication of any local issues relating to the development site, including potential mitigation; and• any individuals, groups or societies who it may be appropriate to consult.
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	<p>There will also be a time limit prescribed in subordinate legislation in which pre-application advice must be provided to a prospective applicant. We envisage this will be 28 days from the date the Welsh Ministers or LPA confirms a pre-application service request as valid, unless an extension of time is agreed in writing, in the case of LPAs, or the Welsh Ministers direct further time is required.</p> <p><u>Publication of pre application services</u></p> <p>In addition, subordinate legislation will require both the Welsh Ministers and LPAs to publish details regarding the pre-application services they offer and a schedule of fees, on a website owned or maintained by them. This will help ensure prospective applicants are provided with as much information as possible in relation to the services on offer and how they may interact with these services.</p> <p>To ensure a comprehensive pre-application service, subordinate legislation will allow prospective applicants to request a pre-application meeting with the Welsh Ministers and/or the Local Planning Authority. However, the Welsh Ministers and/or the LPA may decline a meeting, where they consider it unnecessary.</p>
<p>Section 28</p> <p>Obtaining information about interests in land</p>	<p>Summary</p> <p>The section enables the Welsh Ministers to specify in regulations the notice which is given where a proposed application or application for infrastructure consent includes a compulsory acquisition request.</p> <p>Background</p> <p>An application for an infrastructure consent which includes a compulsory acquisition request will be required to be accompanied by a 'book of reference'. The book of reference must contain the names, addresses and contact details of relevant persons with interests in land</p>

subject to the compulsory acquisition request having been identified by the applicant through diligent inquiry. It is suggested diligent inquiry in this sense means reasonable diligence in investigating land interests.

To allow applicants to obtain the names and addresses of people who have an interest in the land to which the application relates, applicants will be allowed to serve a 'land interests notice' to request such information, where the Welsh Ministers authorise them to do so. This engagement by the applicant will establish a relationship with the landowners/interests in land and give them an overview of the project and planning process.

Subordinate legislation

Form and content of notice

Subordinate legislation will set out detailed provisions for the applicant to give a land interests notice in order to obtain information on people who have an interest in land relating to the application and who might be entitled to make a claim on the land in question. This should include prescribing the form and content of a notice and the timescales for responding to it.

On the form of a notice, we currently anticipate prescribing that applicants must serve a notice in the following manner (but not limited to): serving it in writing; confirming they have the authority to serve it under the infrastructure consent legislation; specifying or describing the land to which the proposal relates; specifying the deadline by which the recipient must give the required information to the applicant; and drawing attention to provisions regarding failure to comply with a notice or giving false information.

On the timescales for responding to a notice, we currently anticipate setting a deadline for responding to a notice to be not earlier than the end of the 14 days beginning with the day after the day on which the notice is served on the recipient of the notice. This provision will ensure applicants give sufficient time for those with an interest in land to respond, given those with a land interest could be penalised for failing to do so. Applicants can give a longer deadline to respond than the minimum to be prescribed if they consider it appropriate.

<p>Section 29</p> <p>Notice of proposed development</p>	<p>Summary</p> <p>This section requires a person seeking infrastructure consent to provide notification of their intention to submit an application for infrastructure consent.</p> <p>Background</p> <p>As part of the pre-application process, prospective applicants will be required to notify prescribed parties of their intention to submit an application for infrastructure consent. Certain parties will need to be notified in all cases, such as the Welsh Ministers and relevant LPAs and therefore, are specified on the face of the Bill.</p> <p>Subordinate legislation</p> <p><u>Notification of other parties</u></p> <p>Subordinate legislation will specify any other parties who must be notified, in addition to those set out on the face of the Bill, although they will vary depending on the category or type of development, as well as how and when notification is to be given. These may include bodies and organisations such as the Marine Management Organisation, any relevant community councils and the Civil Aviation Authority.</p> <p><u>Form and content of a notification of proposed development</u></p> <p>To ensure a notification of proposed development contains relevant information, subordinate legislation will specify the form and content of a notification, in addition to any information, documents or other materials to accompany a notification, such as (but not limited to) a non-technical description of the proposed development, an indicative timetable for pre-application consultation and a site location plan.</p>
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	<p><u>Acceptance of a notification</u></p> <p>Upon receiving a notification from a prospective applicant which meets all requirements specified in legislation, the Welsh Ministers will be required to give notice to the prospective applicant that their notification has been accepted. Subordinate legislation will specify the form and content of the notice, how it is to be given and the period within which it is to be given. It is currently envisaged the Welsh Ministers will send written notification of receipt and acceptance of the notification within 10 working days of it being accepted by them, or 30 working days where a direction is sought from the Welsh Ministers to include a proposed development as a significant infrastructure project.</p>
<p>Section 30</p> <p>Pre-application consultation and publicity</p>	<p>Summary</p> <p>This section requires a person who proposes to make an application for infrastructure consent to carry out pre-application consultation. It also provides the Welsh Ministers with the power to specify matters relating to such consultations in regulations, such as who must be consulted and how a consultation is to be carried out.</p> <p>Background</p> <p>It is essential local communities and relevant stakeholders are made aware of proposed developments which affect them at the earliest opportunity. This provides for more effective involvement and engagement to help influence schemes. This provision makes it a statutory requirement for prospective applicants to undertake pre-application consultation prior to the submission of a formal application.</p>

Subordinate legislationPre-application consultation requirements

Subordinate legislation will specify how pre-application must be undertaken and the minimum requirements expected from developers. However, anecdotal evidence from pre-application consultation undertaken as part of the DNS process suggests developers of infrastructure go beyond the statutory minimum pre-application consultation requirements in most cases. We would expect developers seeking infrastructure consent to adopt the same approach.

We envisage pre-application consultation to include four requirements (as a minimum):

1. For onshore developments, prospective applicants will be required to display a site notice at, or as close as reasonably possible to, the site of a proposed development in a place which is accessible and clearly visible to the public for the entire representation period (for linear schemes exceeding 5km in length, a site notice must be displayed at intervals of no more than 5km from the start to end of the proposed route, unless it is impractical to do so). Site notices will be required to be displayed for a specified period, which we envisage will be 42 days. There would be no requirement to display site notices for developments in the inshore region.
2. For both developments onshore and in the inshore region, prospective applicants will be required to send written notification to specified parties. We envisage these will be (but not limited to) owners and occupiers of land adjoining the land to which an application relates, statutory consultees, community consultees and any other persons specified.
3. For development on land prospective applicants will be required to publish notice of a proposed development in a minimum of one newspaper circulating in the locality to which a proposed application relates.

	<p>For developments in the Welsh marine area, prospective applicants will be required to publish notice of a proposed application in a minimum of one newspaper and which is likely to come to the attention of those likely to be affected by the proposed development, in Lloyds List and a minimum of one fishing journal (if one is in circulation).</p> <p>4. Prospective applicants will be required to open and maintain a website dedicated to a proposed development and we will also seek to prescribe what information must be included on a website as a minimum. Websites will need to be opened within 3 months of prospective applicants receiving confirmation from the Welsh Ministers their pre-application notification has been accepted and they must be maintained for not less than 42 days.</p> <p>We envisage websites will need to include information such as (but not limited to) a draft copy of an infrastructure consent order, a plan which identifies the land to which a proposed development relates, an environmental statement (if applicable) and any other plans, drawings and information necessary to describe a proposed development.</p> <p><u>Providing a substantive response</u></p> <p>Because various stakeholders will have knowledge and expertise in certain areas, their input and opinions on a proposed development are essential. Therefore, subordinate legislation will specify that where certain persons are consulted at the pre-application stage, they will be required to provide a substantive response, which is currently anticipated to either:</p> <ul style="list-style-type: none">• state the statutory consultee has no comment to make;• state the statutory consultee has no objections;• state the statutory consultee has concerns regarding the proposed development and how they can be addressed; or• state the statutory consultee has concerns regarding the proposed development and would be minded to object if an application similar to what is being consulted on is submitted.
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	<p>Substantive responses will need to be received by the Welsh Ministers within a period of 42 days, beginning on the day in which written notices is given to those consultees. However, subordinate legislation will provide an extension of time, if there is written agreement between the prospective applicant and the relevant consultee.</p> <p>Based on the requirement to provide a substantive response, subordinate legislation will also introduce performance monitoring, whereby statutory consultees will be required to submit a report to the Welsh Ministers annually, confirming their compliance with any consultation requirements.</p> <p>Subordinate legislation will specify what information is required to be contained in these performance monitoring reports (as a minimum). We anticipate this to include:</p> <ul style="list-style-type: none">• the number of occasions in which the statutory consultee was consulted during the year;• the number of occasions a substantive response was submitted; and• the number of occasions a response (either substantive or not) was provided outside the specified period for response, including reasons why the specified period was not adhered to. <p>Subordinate legislation in the context of pre-application requirements will also specify requirements to consult with relevant land interests, where a proposed infrastructure consent includes the compulsory acquisition of land. Land interests must be given the same amount of time as all other consultees, with the time period for publicising and consulting on the proposed application to be completed by the applicant in a 12 month period.</p> <p>It is further recognised at the pre-application stage, additional land interests may be identified that have not been subject to the full statutory pre-application consultation period. In such circumstances, it is considered appropriate to undertake a further land interests consultation with those parties, to ensure fairness in how all land interests are consulted. Subordinate legislation will set out the requirements for a further land interests consultation, which will</p>
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	<p>include providing the original statutory pre-application consultation documentation and updated scheme information. It is proposed this further land interests consultation would take place within a time period of not less than 28 days following the date when the last confirmed identified additional party with an interest in land is notified of the consultation.</p>
<p>Section 31</p> <p>Applying for infrastructure consent</p>	<p>Summary</p> <p>This section specifies an application for infrastructure consent must be made to the Welsh Ministers and what must be included with an application as a minimum. This includes specifying the development to which an application relates, a copy of the draft infrastructure consent order and a copy of the pre-application consultation report.</p> <p>It also provides the power for the Welsh Ministers to make regulations in relation to (but not limited to) the form and content of an application, what information, documents or other materials must be included, in addition to those specified on the face of the Bill, and how applications are validated.</p> <p>Background</p> <p>To maximise consistency in the consenting process and to ensure the Welsh Ministers (or the examining authority as the case may be) can make a reasoned determination of an application in a timely manner, it is important they have all the necessary information before them at the earliest opportunity.</p> <p>Subordinate legislation</p> <p><u>Form and content of an application</u></p> <p>Subordinate legislation will prescribe the form and content of an application, how applications are to be submitted and what information, documents or other materials must be included in an application, as a minimum.</p>

In addition to an application form, we envisage the following may also need to be submitted:

- a report which documents progress made in relation to discussions with the LPA(s) in which the proposal is located (or nearest LPAs in relation to offshore proposals) and other consultees in relation to developer contributions;
- a plan identifying the land to which a proposed development relates;
- any other relevant plans or drawings and information necessary to describe a proposed development, such as a visual assessment of the development;
- an environmental statement (where one is required); and
- the relevant fee.

Timeframe for validating an application

The Welsh Ministers are required to provide a notice to the applicant confirming that an application is accepted or not (see section 32), it is intended to set a time limit for doing so in subordinate legislation. We envisage this to be 42 days from the date an application is received where it is required to be submitted with an Environmental Statement, or 28 days where an Environmental Statement is not required.

Varying an application once it has been submitted

The Bill also makes provision for the varying of applications following submission and after stakeholders, local communities etc. have had an opportunity to make representations at the publicity and notification stage of the process. For example, if a minor change to a proposed scheme would resolve objections raised during the publicity and notification stage.

Subordinate legislation will specify applicants will be granted one opportunity to propose a variation to their application and must provide written notice to the Welsh Ministers within 10 working days of the expiry of the representation period of their intention to vary their application.

	<p>Any variation must be minor or non-material in nature. What the Welsh Ministers consider to be minor and non-material will be addressed in guidance, although we are unable to provide specific examples as what may be considered minor or non-material for one development, may not be for another. Where a proposed variation is considered by the Welsh Ministers to be a substantial change, they must not agree the variation.</p> <p>The Welsh Ministers must notify an applicant of their decision to either grant or refuse a proposed variation to an application within 5 working days of receipt of notification of the intention to vary the application. The Welsh Ministers' decision will be final and there will be no opportunity to appeal the decision, although challenges may be brought by judicial review.</p> <p>Where a proposed variation is agreed, the Welsh Ministers may issue a timescale within which the variation may be submitted and may consult on the variation and give notice in any manner and with any person(s) they consider to be appropriate.</p> <p>Should any variation to an application affect the compulsory acquisition of land and land interests affected, further consultation with those land interests may be required at the post application stage, as prescribed under section 38. See section 38 for information on subordinate legislation to be enacted to this effect. It is envisaged that whilst there would be only the one opportunity to change the substance of an application by variation, there may be more than one opportunity for persons with a land interest to get involved, particularly if additional land interests are identified during the application process.</p>
<p>Section 32</p> <p>Deciding on the validity of an application and notifying the applicant</p>	<p>Summary</p> <p>This section requires the Welsh Ministers to decide on the validity of an application where one is submitted to them. It specifies the circumstances in which an application must be considered valid, in addition to notification requirements. It also provides the Welsh Ministers the power to specify in regulations the timeframe within which an application must be submitted for it to be considered valid.</p>

	<p>Background</p> <p>As part of the validation requirements when an application is submitted, an application can only be accepted if it is received in a timeframe specified in subordinate legislation.</p> <p>Subordinate legislation</p> <p><u>Timeframe for submitting an application</u></p> <p>To ensure pre-application consultation is undertaken in a thorough manner and not rushed, we envisage specifying a time period of 12 months for an application to be submitted, beginning with the date of publication of a prospective applicant's draft application as part of the pre-application process.</p> <p>Were the applicant to publish a draft application in accordance with the pre-application procedure more than once, then within 12 months of the latest publication of the applicant's draft application.</p> <p>Any application received after the 12-month period will not be accepted and applicants will be required to undertake pre-application consultation again unless the Welsh Ministers have agreed in writing to an extension to the 12-month period.</p>
<p>Section 33</p> <p>Notice of accepted applications and publicity</p>	<p>Summary</p> <p>This section specifies the requirements for publicising an application once it has been accepted as valid by the Welsh Ministers, as well as how stakeholders and local communities are notified. This will provide an opportunity for these parties to submit representations relating to an application if they so wish. It also provides the power to the Welsh Ministers to specify in regulations how such publicity and notification requirements must be undertaken.</p>

	<p>Background</p> <p>Where an application has been validated and accepted by the Welsh Ministers, there will be a requirement to undertake certain publicity and notification requirements to ensure all stakeholders and those with an interest in an application are aware an application has been accepted.</p> <p>Subordinate legislation</p> <p><u>Publicity and notification requirements</u></p> <p>In the first instance, subordinate legislation will specify such requirements will take the form of written notification to various stakeholders. Although those who would be notified in all cases are specified on the face of the Bill, such as relevant LPAs and community councils, subordinate legislation will prescribe other stakeholders who will need to be notified, although they will vary depending on the type of development proposed. One such example may be owners and/or occupiers of land adjoining the proposed development site. Subordinate legislation will also specify the form and content of these notifications.</p> <p>Subordinate legislation will also specify the requirements and procedure for additional publicity functions to maximise the extent to which interested parties and potential interested parties are made aware of a proposed development and offered the opportunity to make representations.</p> <p>For developments onshore, we envisage these requirements to be (but not limited to):</p> <ul style="list-style-type: none">• publishing notice of the application in a minimum of one newspaper circulating in the locality to which an application relates for a minimum period to be specified; and• displaying a site notice at, or as close as reasonably possible to, the site of a proposed development in a place which is accessible and clearly visible to the public for the entire representation period (for linear schemes exceeding 5km in length, a site notice must be displayed at intervals of no more than 5km from the start to end of the proposed route, unless it is impractical to do so).
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	<p>For developments offshore, we envisage these requirements to be (but not limited to):</p> <ul style="list-style-type: none"> • publishing notice of the application in a minimum of one newspaper and which is likely to come to the attention of those likely to be affected by the proposed development. Where the proposal is both on and offshore, this may be the same publication as the onshore requirement; • publishing notice of the application in Lloyd's List; and • publishing notice of the application in a minimum of 1 appropriate fishing journal, if one is in circulation.
<p>Section 34</p> <p>Regulations about notices and publicity</p>	<p>Summary</p> <p>This section provides the Welsh Ministers the power to make regulations relating to the specific procedural and detailed elements of how publicity and notification of an application for infrastructure consent must be undertaken, including the form and content of notices and representations, how notices and representations are to be given and associated timescales.</p> <p>Background</p> <p>The Bill provides a regulation-making power in relation to notices given under section 32 or 33, as well as representations on an application given under section 33.</p> <p>Subordinate legislation</p> <p><u>Specific publicity and notification requirements</u></p> <p>Subordinate legislation will specify the form and content of notices given or displayed as part of the publicity and notification requirements of an application following its acceptance by the Welsh Ministers. We envisage such notices to specify information such as (but not limited to):</p>

	<ul style="list-style-type: none"> • the name and address of an applicant; • a statement indicating that an application has been made to, and accepted by the Welsh Ministers; • a reference number allocated to an application by the Welsh Ministers; • a summary of the main proposals including whether the application includes a request to authorise the compulsory acquisition of land; • a statement specifying whether the application is EIA development; • specify where a copy of the application and any accompanying documentation may be viewed; • details of a website which hosts information relating to a proposed development, where the applicant is still maintaining one at this stage; • details of how representations can be made; and • the deadline by which representations must be made (no less than 30 days where an application is accompanied by an environmental statement and no less than 21 days in any other case). <p>Similar to pre-application consultation, where a statutory consultee is consulted at this stage, they will be required to provide a substantive response. The same requirements will apply.</p>
<p>Section 35</p> <p>Local Impact Reports</p>	<p>Summary</p> <p>This section specifies the circumstances in which a local impact report must or may be given to the Welsh Ministers by LPAs or community councils. It also provides the Welsh Ministers the power to make regulations to specify the form and content of a local impact report in regulations.</p> <p>Background</p> <p>Where notice of an application is given to LPAs and community councils under section 33(2)(a) and (2)(b)(ii), the notice will either require, or offer the opportunity to, submit a local impact report (“LIR”) to the Welsh Ministers.</p>

Subordinate legislationSubmission of local impact reports

For development onshore, an LPA must submit a LIR if a proposed development falls within their authority boundary and any community council may submit an LIR, although there will be no requirement to do so. For development offshore, any LPA or community council given notice of an application may submit an LIR, although there will be no requirement to do so.

The purpose of a LIR is to set out what likely impact a proposed development would have on a local area. This information can then be used as evidence during the examination of an application and the Welsh Ministers, or the examining authority as the case may be, must have regard to it in forming their decision.

The Bill requires all LIRs, whether mandatory or voluntary, must give details of the likely impact of a proposed development, with other matters specified in subordinate legislation.

For LPAs where there is a mandatory requirement to submit an LIR, we envisage subordinate legislation will specify the matters to be included in an LIR as a minimum, which are (but not limited to):

- the relevant planning history of the land to which an application relates;
- any local designations relevant to the land to which the application relates;
- the likely impact of any application in relation to a secondary consent;
- any locally applicable planning policies, guidance and other documents relevant to an application, such as those specified in the Local Development Plan or Strategic Development Plan;
- draft conditions or obligations which the LPA considers an application should be subject to, if it were granted; and
- confirmation the LPA has undertaken any publicity and notification requirements required by them, if applicable.

	<p>Where an LPA or community council wish to submit an LIR voluntarily, we would not expect the same mandatory requirements to apply. Therefore, in these circumstances we envisage subordinate legislation will specify certain minimum requirements, which are (but not limited to):</p> <ul style="list-style-type: none"> • the likely impact of any application in relation to a secondary consent; • any locally applicable planning policies, guidance and other documents relevant to an application, such as those specified in the Local Development Plan or Strategic Development Plan; and • draft conditions or obligations which the LPA or community council considers an application should be subject to, if it were granted.
<p>Section 36 Marine Impact Reports</p>	<p>Summary</p> <p>This section specifies the circumstances in which a marine impact report must be submitted to the Welsh Ministers by Natural Resources Wales (“NRW”). It also provides the Welsh Ministers the power to make regulations to specify the form and content of a marine impact report (“MIR”) in regulations.</p> <p>Background</p> <p>Where notice of an application is given to NRW under section 33(2)(b)(i), if the draft order submitted with an application for infrastructure consent contains provision for a deemed marine licence, the notice will either require, or offer the opportunity to, submit an MIR to the Welsh Ministers. Natural Resources Wales may submit an MIR in respect of an application for infrastructure consent otherwise than in response to a notice given under section 33(2)(b) or a direction given under subsection (2) before the deadline specified in publicity under section 33(3).</p>

	<p>Subordinate legislation</p> <p><u>Submission of marine impact reports</u></p> <p>The purpose of a MIR is to set out what likely impact a proposed development would have on the marine environment. This information can then be used as evidence during the examination of an application and the Welsh Ministers, or the examining authority, must have regard to it in forming their decision.</p> <p>The Bill requires all MIRs, whether mandatory or voluntary, must give details of the likely impact of a proposed development, with other matters specified in subordinate legislation.</p> <p>Subordinate legislation will specify the form and content of a MIR and we envisage these to be (as a minimum):</p> <ul style="list-style-type: none"> • a description of designations relevant to the area to which an application relates; • the relevant consent history of the area to which an application relates; • any relevant applicable policies and guidance and other documents relevant to an application, such as those set out in the Welsh National Marine Plan; • comments on any draft conditions or obligations included in a deemed marine licence; • any additional conditions which NRW considers an application should be subject to if it were granted.
<p>Section 37</p> <p>Notice of persons interested in land to which compulsory acquisition request relates</p>	<p>Summary</p> <p>The section enables the Welsh Ministers to specify in regulations how an applicant is to provide information on land interests to the Welsh Ministers where an application for infrastructure consent includes a compulsory acquisition request.</p>

	<p>Background</p> <p>An application for an infrastructure consent which includes a compulsory acquisition request will be required to be accompanied by a ‘book of reference’. The book of reference must contain the names, addresses and contact details of relevant persons with interests in land subject to the compulsory acquisition request having been identified by the applicant through diligent inquiry. It is suggested diligent inquiry in this sense means reasonable diligence in investigating land interests.</p> <p>Subordinate legislation</p> <p>To allow applicants to obtain the names and addresses of people who have an interest in the land to which the application relates, applicants will be allowed to serve a ‘land interests notice’ to request such information, where the Welsh Ministers authorise them to do so. Section 28 sets out the subordinate legislation requirements that will be prescribed for the giving of such a notice.</p> <p>Subordinate legislation will set out detailed provisions for the definition of a ‘book of reference’. This document will require the applicant to give to the Welsh Ministers details on people who have an interest in part of or all the land to which the compulsory acquisition forming part of the infrastructure consent application relates. The book of reference will include the names, addresses and contact details of those individuals. Subordinate legislation will require a book of reference to be kept up to date by the applicant and to notify the Welsh Ministers of any amendments to it as soon as reasonably practicable and no later than up until the deadline for the setting out of the timetable for the examination of the accompanying application.</p>
<p>Section 38</p> <p>Consultation post-application in relation to compulsory acquisition</p>	<p>Summary</p> <p>The section enables the Welsh Ministers to specify in regulations how additional consultation on a submitted application for infrastructure consent is to be undertaken and in what</p>

circumstances. This additional consultation would only apply where the application includes a compulsory acquisition request.

Background

It is recognised that, where there is a proposed compulsory acquisition of land forming part of an application for infrastructure consent, additional parties may be identified that were not included in the pre-application consultation process. For example, the applicant may propose to include new ('additional') land as part of the proposed infrastructure consent that was not initially included as part of the application submission and there may be a need to consult with those new land interests.

Therefore, where a submitted application for infrastructure consent includes a request for the compulsory acquisition of land, the applicant may be required to undertake additional consultation in prescribed circumstances. This is to provide extra safeguards to ensure that those people who may be affected are able to be consulted appropriately and are not disadvantaged because they were not initially identified.

Subordinate legislation

Subordinate legislation will set out detailed provisions for additional consultation on an application for infrastructure consent that includes the compulsory acquisition of land, to take place after the application has been submitted. This should include details of the people that are to be consulted, the consultation timetable and documentation required to be provided by the applicant during the consultation. For example, in the case of where additional land is requested to be included by the applicant post-submission, it is likely to include a requirement to serve notice on all relevant land interests to the proposed infrastructure consent. Also, a requirement to provide details of where the application, including the additional land request, and accompanying documentation may be viewed.

PART 4 – EXAMINATION

Power(s): Part 4, sections 39, 41, 42, 43 and 45

Description:

These powers enable the Welsh Ministers to:

- specify how examining authorities may be appointed, allocating functions and specifying any condition of an appointment;
- specify when a determination of procedure must be made and who must be notified on the decision;
- set out the procedure to be followed in connection with an examination of an application;
- set out the procedure for entering land as part of an examination; and
- specify the procedure to be followed in connection with access to evidence at an inquiry.

Policy intention:

Examining authorities

Due to the different types and scales of development the Bill captures as part of the infrastructure consenting process, it is important the principles of flexibility and proportionality are adopted throughout an examination. This begins with who is best placed to undertake an examination.

Section 39 of the Bill requires the Welsh Ministers to appoint an examining authority to examine an application. This may be one person, or a panel of persons, depending on what is considered most appropriate on a case-by-case basis. Our policy intention is to specify in subordinate legislation the procedure for appointing an examining authority, including how appointments are made or revoked, what functions they will be required to undertake as part of an examination and replacing a person with a panel or persons, or vice versa.

Determination of procedure

As discussed above, in the interests of flexibility and proportionality, section 41 of the Bill provides that an examination may take the form of written representations, a hearing, an inquiry, or any combination of those procedures. For example, it may be appropriate

for an application to be examined via the written representations procedure, however, there may be one or two matters raised where it would be more appropriate for them to be examined via a hearing or inquiry.

To ensure a decision on how an application is to be examined is made in a timely manner, our intention is to specify in subordinate legislation the period within which such a decision is to be made and who must be notified of the decision.

Procedure at examination

How different examination procedures are conducted in practice are highly detailed and encompass a wide range of duties and requirements, from how evidence is heard to whether pre-examination meetings are permitted.

Our policy intention is to specify the procedural matters relating to written representations, hearings and inquiries in subordinate legislation, in addition to matters such as how further representations may be sought if required, the circumstances in which an examination is not necessary and how and when hearings and inquiries may be conducted electronically.

Power to enter land

The ability to enter land to which an application for infrastructure consent relates is an important part of the examination process and may provide the examining authority with important information as part of their assessment.

Our policy intention is to specify in subordinate legislation the ability for the examining authority and/or the Welsh Ministers to enter land, with the purpose of inspecting that land as part of an examination. It will also specify any procedural requirements which are considered necessary, such as any notification requirements and who must be notified.

Access to evidence at an inquiry

Where an application for infrastructure consent is being examined by an inquiry, either fully or partially, certain evidence may be presented which could result in the disclosure of information about national security or measures taken (or to be taken) to ensure the security of any land or property. The public disclosure of such information would be against the national interest.

To ensure this does not occur, the Welsh Ministers have the power to issue a direction, allowing only those persons specified in the direction to hear the relevant evidence.

However, should such a direction be issued, the Counsel General may appoint a person to represent the interests of those persons not permitted to hear or inspect the evidence. Our policy intention is to specify in subordinate legislation the procedure to be followed by the Welsh Ministers before a direction is made, in the interests of both fairness and transparency.

Topic Area	Description
<p>Section 39</p> <p>Appointing an examining authority</p>	<p>Summary</p> <p>This section provides the Welsh Ministers with a power to specify requirements relating to the appointment of an examining authority, such as how members are appointed, their functions and their conditions of appointment.</p> <p>Background</p> <p>The ability for an examining authority to be one person or a panel of persons on a case-by-case basis provides the necessary flexibility and proportionality for applications to be examined. However, circumstances may arise where the initial appointment of an examining authority needs to be changed. For example, replacing one person with another person or a panel of persons (or vice versa) or reducing the size of a panel.</p> <p>Subordinate legislation</p> <p><u>Changing the format of an examining authority</u></p> <p>To ensure changes can be made to the make-up of an examining authority, subordinate legislation will specify the procedure for replacing a panel with a person or a new panel or replacing a person with a panel or new person. This will include certain formalities such as (but not limited to):</p>

	<ul style="list-style-type: none"> • how persons are notified of an appointment or revocation of an appointment; and • where a panel has been established, how a lead member of the panel is appointed. <p><u>Functions of an examining authority</u></p> <p>Where it is determined a panel of persons would be most appropriate for examining an application, subordinate legislation will specify how members are appointed to a panel and what functions persons on a panel may have. For example, we anticipate where there is a panel of persons, one of those will be appointed as the lead appointed person who will have certain responsibilities which differ from other members of the panel, such as the duty to submit an examination report to the Welsh Ministers.</p>
<p>Section 41</p> <p>Choice of inquiry, hearing or written procedure</p>	<p>Summary</p> <p>This section provides the Welsh Ministers with the power to specify when a determination of examination procedure must be made by and who must be notified of the decision.</p> <p>Background</p> <p>The ability for an examining authority to decide whether an application for infrastructure consent should be examined by way of written representations, a hearing, an inquiry, or any combination of these procedures, provides a proportionate and flexible process, effectively tailoring an examination on a case-by-case basis.</p> <p>To account for the need to further examine information in more detail a determination may be varied by a further determination at any time before the application being examined is decided under section 57.</p>

	<p>Subordinate legislation</p> <p><u>Timeframe for making a determination of examination procedure</u></p> <p>A determination of procedure should be made in a reasonable timeframe and subordinate legislation will seek to specify a period of 10 working days, beginning at the end of the representation period, for a determination to be made.</p> <p><u>Notification requirements</u></p> <p>Where a determination of examination procedure has been made, there is a requirement for the examining authority to notify certain persons of this. Subordinate legislation will specify those persons, who we anticipate being:</p> <ul style="list-style-type: none"> • the applicant; • the LPA(s) within which a proposed development is located, or the nearest LPA(s) if the application relates to development offshore; • Natural Resources Wales, if the application relates to development offshore; • statutory consultees; • any persons who submitted representations; and • any other persons considered appropriate.
<p>Section 42</p> <p>Examination procedure</p>	<p>Summary</p> <p>This section provides the Welsh Ministers with the power to make regulations about the procedure to be followed in connection with an examination of an application. This includes written representations, hearings and inquiries.</p>

Background

The procedure for examining applications extends beyond the manner in which the proceedings are conducted (i.e. written representations, hearings and inquiries) and also encompasses a wide range of other, related matters. These include matters such as when an examination may not be necessary, how further representations may be requested and how proceedings may be undertaken in person or virtually.

Subordinate legislation will set out much of the detail in relation to how examinations are conducted, the more significant aspects of which are outlined below.

Subordinate legislationDetermination of examination procedure

As the Bill provides a flexible and proportionate approach to examining applications, it is important those who are to be involved in the examination are made aware of what matters, if any, are to be considered at a hearing or inquiry. Therefore, subordinate legislation will require that when a notice of a determination of procedure is made under section 41 of this Bill, the notice must identify what matters are to be considered at a hearing or inquiry and who will be invited to participate. The notice will also specify whether any further representations are required and whether they are to be given in writing or at a hearing or inquiry.

Further representations

Circumstances may arise where particular matters set out in representations require further details to ensure the examining authority has all the information before them to make an informed recommendation or decision as to whether an application should be granted infrastructure consent or not. To ensure this is possible, subordinate legislation will provide for further representations to be made, where they are requested. It will specify who is able to make these representations, word limits (for example 3000 words) to ensure such representations are focused and concise and how they must be made.

	<p><u>Proceeding straight to a decision</u></p> <p>There is a possibility, although rare, that following the period of publicity and notification, no representations are received. Should this occur, the requirement for an examination is not needed and subordinate legislation will state the examining authority may proceed straight to a decision based on the application and any supporting information and documentation submitted with it.</p> <p><u>Written representations procedure</u></p> <p>Where an application is examined via the written representations procedure (either fully or partially), an application is considered based on any representations received during the publicity and notification stage.</p> <p>Where the examining authority examines an application, but it is to be decided by the Welsh Ministers, the examining authority will be required to produce a report, setting out their findings and conclusions from the representations received and make a recommendation to the Welsh Ministers on whether infrastructure consent should be granted or refused. However, this requirement is already set out on the face of the Bill at section 49.</p> <p>It may also be the case that the examining authority is also the determining authority, rather than the Welsh Ministers. In such circumstances, the examining authority will also be required to produce a report. However, there will be no requirement to submit this to the Welsh Ministers as they are not the determining authority in these cases. Therefore, there is no requirement to legislate for this, either on the face of the Bill or in subordinate legislation.</p> <p><u>Hearing and Inquiry procedure</u></p> <p>The procedure for hearings and inquiries will be largely the same, although with minor differences. Subordinate legislation will specify the procedure to be followed where an</p>
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application is examined by a hearing or inquiry (either fully or partially) and will include matters such as:

- when a hearing or inquiry must take place. We envisage this will be no later than 10 weeks following the close of the representation period for hearings and 13 weeks for inquiries (as they are more complex cases) and at least 1 week after the end of a period allowed for further representations to be made;
- setting out the ability to hold pre-inquiry inquiry meetings and how such meetings would be conducted, such as (but not limited to) when and how notice of a meeting is to be given and the functions of the examining authority at the meeting;
- where a hearing or inquiry is to be held and what publicity and notification will need to take place to advertise a hearing, such as site notices, publications in local newspapers / journals and written notices. The requirements will vary depending on whether a proposed development is on land or in the inshore region;
- who may participate in a hearing, such as applicants, LPAs, NRW and other persons specified by the Welsh Ministers;
- specific procedural matters during a hearing or inquiry, such as how they are conducted, specifying what matters are to be discussed, who is entitled to call evidence and when cross-examination is permitted; and
- the procedure to be followed once a hearing or inquiry is closed, including the requirements to produce reports in the same manner as identified under the written representations procedure.

Changing procedure during an examination

To account for the possible need to consider information in more detail the examination procedure may be varied during the period of examination, if considered necessary. This will apply to the written representations, hearings and inquiries methods of examination.

	<p><u>Power to direct matters to be dealt with by the examining authority or the Welsh Ministers</u></p> <p>Where an examining authority has the function of examining an application, matters may arise which are, for example, particularly controversial and it would be more appropriate for the Welsh Ministers to take over and undertake the proceedings. Similarly, the Welsh Ministers may be examining an application (although unlikely) and may come to view the proceedings would be more appropriately dealt with by the examining authority. The Bill provides the Welsh Ministers the power to issue a direction, transferring the undertaking of proceedings from the examining authority to themselves, or vice versa.</p> <p>In either scenario, subordinate legislation will specify the procedure to be followed in these circumstances. This will include matters such as (but not limited to) who is to be notified of a direction and the timeframe within which such notification must occur.</p> <p><u>Virtual / hybrid hearings and inquiries</u></p> <p>The Covid-19 pandemic highlighted a limitation with the existing hearings and inquiries procedures, as legislation specified they must be held in person. This resulted in examinations being postponed because gatherings and interactions were substantially restricted.</p> <p>To ensure we have sufficient flexibility to allow for hearings and inquiries to be held virtually, where considered appropriate, subordinate legislation will prescribe the principles and parameters of virtual meetings.</p> <p>This may include matters such as who will have the power to determine whether proceedings should be undertaken virtually, how virtual proceedings are publicised (such as via e-mails) and how hybrid proceedings would operate in practice.</p>
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<p>Section 43</p> <p>Power to enter land as part of examination</p>	<p>Summary</p> <p>This section provides the Welsh Ministers the power to make regulations relating to authorising entry onto land as part of the examination of an application.</p> <p>Background</p> <p>During an examination, the examining authority (or the Welsh Ministers as the case may be) may consider it necessary or beneficial to physically visit and inspect the site of a proposed development as part of their assessment of an application.</p> <p>Subordinate legislation</p> <p><u>Procedure for entering land</u></p> <p>Subordinate legislation will provide the examining authority and the Welsh Ministers (whoever is undertaking the examination) the necessary power to enter and inspect land for the purposes of an examination, although this can only be land relating to the application which is being examined.</p> <p>Best practice would dictate the examining authority, or the Welsh Ministers would notify the applicant and other persons considered necessary of their intention to enter land as part of an examination. Therefore, subordinate legislation will provide that the examining authority or the Welsh Ministers may send written notification to applicants and any other persons considered necessary, which would also include the proposed date and time of the inspection.</p> <p>However, to ensure the timetable for examination is not delayed, we currently anticipate subordinate legislation will specify the examining authority or the Welsh Ministers are not required to defer an inspection where any person (including the applicant) is not present at the time of an inspection.</p>
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<p>Section 45</p> <p>Access to evidence at inquiry</p>	<p>Summary</p> <p>This section provides the Welsh Ministers the power to make regulations relating to the procedure to be followed before a direction is given which would prevent certain parties from hearing a particular piece of evidence at an inquiry, where specified criteria are met.</p> <p>Background</p> <p>During an inquiry where evidence is heard in public, there is the possibility for evidence to be produced which may result in the disclosure of information about national security or measures taken, or to be taken, to ensure the security of any land or other property.</p> <p>Where this occurs, the Welsh Ministers may direct the examining authority that such evidence may only be heard or available for inspection by persons specified in the direction.</p> <p>Subordinate legislation</p> <p><u>Procedure before a direction is given</u></p> <p>Subordinate legislation will specify the procedure for when the Welsh Ministers are minded to make a direction under this section of the Bill. This will include matters such as (but not limited to):</p> <ul style="list-style-type: none">• the functions of an appointed representative, who will represent the interests of persons prevented from hearing or viewing certain evidence;• the requirement for the Welsh Ministers to publicise a request for a direction to be made and what this will entail, such as displaying site notices and serving notice on prescribed persons;• the ability to hold a hearing where matters relating to a request for a direction would be resolved by a hearing, as well as specifying the hearing procedure; and• how persons are notified of a decision whether a direction is made or not.
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PART 5 – DECIDING APPLICATIONS FOR INFRASTRUCTURE CONSENT

Power(s): Part 5, sections 52, 53, 54, 55, 56, 57 and 59

Description:

These powers enable the Welsh Ministers to:

- specify which types of applications and categories of development are to be determined by an examining authority and which are determined by the Welsh Ministers;
- specify further conditions which the Welsh Ministers must be satisfied are met in deciding an application otherwise in accordance with the statutory policies;
- specify any further matters which a determination must have regard to and which matters may be disregarded;
- amend the timetable for when a determination must be made by;
- set out the procedure where the Welsh Ministers propose to make an infrastructure consent order which is materially different to what was proposed in an application; and
- specify who must be provided with a copy of a statement of reasons, following the grant or refusal of infrastructure consent.

Policy intention:

Who decides an application?

With the Bill capturing a wide range of infrastructure and energy projects, with varying scales and impacts, it may not always be appropriate for the Welsh Ministers to determine every application.

To provide an element of proportionality, certainty and transparency, our policy intention is to specify in subordinate legislation those application and development types which the examining authority will determine. Any application or development not specified will fall to the Welsh Ministers to make the determination.

However, it should be noted the Bill provides a power for the Welsh Ministers to direct an application which would usually be determined by the examining authority to instead be determined by themselves and vice-versa. This would be used on a case-by-case basis.

Duty to decide applications in accordance with statutory policies and have regard to other matters

The Bill requires the determining authority to make their decision in accordance with statutory policies, which are specified on the face of the Bill. However, there are certain circumstances where it would not be appropriate to do so, such as where it would lead to the Welsh Ministers being in breach of any duty imposed on them by, or under, any enactment. These are also specified on the face of the Bill. There may also be other circumstances which we are unable to anticipate at this point in time. Therefore, the policy intention is to provide the necessary flexibility to specify such circumstances in subordinate legislation, should the need arise.

The determining authority is also required to have regard to certain matters when considering an application. Although a number of these are specified on the face of the Bill, subordinate legislation may specify other matters which the determining authority must have regard to.

Matters which may be disregarded

An application for infrastructure consent may be subject to a large volume of evidence and representations from various stakeholders and interested parties. To ensure the determination of an application can proceed in a timely manner, our policy intention is to specify in subordinate legislation matters which the determining authority may disregard if received. For example, this may include representations considered vexatious or frivolous and representations which relate to, or dispute, policy set out in Future Wales, the Marine Plan or an infrastructure policy statement.

Timetable for deciding applications

The Bill specifies a 52-week period in which an application must be determined, beginning when the application is accepted as valid. Although this is considered appropriate at this time, the implementation of the consenting process may give rise to certain application types requiring shorter or longer periods.

Granting or refusing infrastructure consent

The examining authority or the Welsh Ministers will be required to either grant or refuse an application for infrastructure consent. Where consent is to be granted (following a decision by either the examining authority or the Welsh Ministers) the Welsh Ministers must make the order. However, the Bill provides the ability for the Welsh Ministers to make an infrastructure consent order on terms

which are materially different from those proposed in the application. In such circumstances the necessary procedure will be set out in subordinate legislation.

Reasons for a decision to grant or refuse infrastructure consent

Regardless of whether an application for infrastructure consent is granted or refused, the examining authority or the Welsh Ministers (whoever made the decision) will be required to prepare a statement of their reasons as to why an application was granted or refused. In the interests of transparency, these statements are required to be published and sent to persons specified in subordinate legislation.

Subject to consultation with stakeholders, the current policy intention about the detail to be prescribed in subordinate legislation is summarised below.

Topic Area	Description
<p>Section 52</p> <p>Functions of deciding applications</p>	<p>Summary</p> <p>This section provides the power to specify what applications the examining authority has responsibility for deciding. Any application not specified will fall to the Welsh Ministers to decide. This section also provides the Welsh Ministers with the power to direct an application which would usually be determined by the examining authority to be determined instead by themselves and vice-versa.</p> <p>Background</p> <p>The function of deciding an application may rest with either the Welsh Ministers or the examining authority, depending on the type or category of development being applied for.</p>

	<p>Subordinate legislation</p> <p><u>Specifying application types for determination</u></p> <p>To ensure consistency and clarity in the consenting process, subordinate legislation will specify those applications which are to be determined by the examining authority following the close of an examination. Any applications not included in subordinate legislation, by virtue of the type or category of development specified in the subordinate legislation, will be decided by the Welsh Ministers.</p> <p>We are not anticipating specifying any particular development types in subordinate legislation at this time. However, it is possible certain developments will be specified in the future, where they are straightforward and do not warrant a decision by the Welsh Ministers. Examples could be the alteration of a railway captured within the Bill, or an application which does not receive any representations or objections at the publicity and notification stage can be determined by the examining authority.</p>
<p>Section 53</p> <p>Duty to decide applications in accordance with statutory policies</p>	<p>Summary</p> <p>This section specifies the statutory policies in which applications must be decided in accordance with and the circumstances in which this would not apply.</p> <p>Background</p> <p>The Welsh Ministers or the examining authority (as the case may be) must decide an application for infrastructure consent in accordance with statutory policy specified in the Bill, unless doing so would either:</p> <ul style="list-style-type: none"> • lead to the United Kingdom being in breach of any of its international obligations; • lead to the Welsh Ministers being in breach of any duty imposed on them by or under any enactment;

	<ul style="list-style-type: none"> • be unlawful by virtue of any enactment; or • lead to development having an adverse impact that would outweigh its benefits. <p>Subordinate legislation</p> <p><u>Specifying other matters</u></p> <p>Where relevant, subordinate legislation may specify any further conditions of which the Welsh Ministers or the examining authority (as the case may be) must be satisfied for deciding an application otherwise than in accordance with statutory policy specified in the Bill.</p> <p>This power is intended to be very narrowly used as a safeguard in exceptional occurrences.</p> <p>This would provide a safeguard in the case statutory policies give rise to unintended consequences. Such circumstances could arise where we may need to respond to case law, for example the R. (on the application of Save Stonehenge World Heritage Site Ltd) v Secretary of State for Transport [2021] EWHC 2161 (Admin).</p>
<p>Section 54</p> <p>Duty to have regard to specific matters when making decisions on applications</p>	<p>Summary</p> <p>This section specifies the matters in which the examining authority or the Welsh Ministers must have regard to when deciding an application for infrastructure consent.</p> <p>Background</p> <p>In deciding an application for infrastructure consent, the Welsh Ministers or the examining authority (as the case may be) must have regard to certain matters specified on the face of the Bill, such as any local or marine impact reports and other material considerations.</p>

	<p>Subordinate legislation</p> <p><u>Matters to be specified</u></p> <p>Due to the wide array of development types captured by the infrastructure consenting process, subordinate legislation will specify any other matters which the determining authority must also have regard to when deciding an application, which will be specific to particular kinds of development.</p> <p>For example, this could potentially include cross-boundary developments where it may be considered appropriate to have regard to representations received on the part of a development located in England.</p>
<p>Section 55</p> <p>Matters that may be disregarded when making decisions on applications</p>	<p>Summary</p> <p>This section provides a regulation-making power to specify matters which may be disregarded when making a decision on an application for infrastructure consent.</p> <p>Background</p> <p>Following the examination of an application for infrastructure consent, the Welsh Ministers or the examining authority (as the case may be) will likely have to consider a significant volume of evidence and information to reach an informed decision.</p> <p>Subordinate legislation</p> <p><u>Matters which may be disregarded</u></p> <p>To allow for an efficient decision-making process for applications for infrastructure consent, subordinate legislation will specify the matters which the Welsh Ministers or the examining authority (as the case may be) may disregard when deciding an application for infrastructure</p>

	<p>consent. We envisage such matters to include (but not limited to) representations considered vexatious or frivolous and representations which dispute policy set out in an infrastructure policy statement, the National Development Framework for Wales or any Marine Plan prepared and adopted by the Welsh Ministers.</p>
<p>Section 56</p> <p>Timetable for deciding application for infrastructure consent</p>	<p>Summary</p> <p>This section specifies the period within which the examining authority or the Welsh Ministers must decide an application for infrastructure consent, in addition to the ability to extend the timeframe and notification requirements.</p> <p>Background</p> <p>The infrastructure consenting process is built on the premise of certainty for developers and communities and provides a statutory timeframe within which applications must be determined.</p> <p>The timeframe for a decision should start on the day in which the application for an IC has been accepted and considered valid by the Welsh Ministers. The Bill enables the Welsh Ministers to suspend the timeframe in which an application must be determined.</p> <p>There are occasions, which not by fault of the Welsh Ministers, the application process may require a suspension. Examples of where a suspension would be considered reasonable in the context of an infrastructure consent order may be:</p> <ul style="list-style-type: none"> • where legal undertakings between local planning authorities, third parties and the applicants require resolution; • where there is a significant change or review of policy; • where an applicant requests to make an amendment to a scheme; • where essential parties fail to attend a hearing;

	<ul style="list-style-type: none"> • there is a change emerging during the examination requiring the draft IC to be amended, for example it may be necessary for the IC to become a statutory instrument or <i>vice versa</i>. <p>The Welsh Ministers may, by direction, extend the timescale. They must notify the applicant and any other person specified in regulations of the direction.</p> <p>Subordinate legislation</p> <p><u>Power to amend the timetable</u></p> <p>The Bill imposes a duty to the Welsh Ministers to notify the applicant that a direction to extend the timetable has been issued (see section 56(4)). Regulations may specify other persons that the Welsh Ministers must notify. At this stage, it is not envisaged that others must be specifically notified by the Welsh Ministers, considering that the Bill also poses a duty to keep a public record of the applications' examinations. However, evidence may emerge through operation of the process that more specified persons should be notified.</p> <p>The Bill enables the Welsh Ministers to amend the statutory time period through secondary legislation. At this time it is not envisaged the time period will be amended. However evidence may emerge through operation of the process that indicates a shorter or longer timescale may be more appropriate.</p>
<p>Section 57</p> <p>Grant or refusal of infrastructure consent</p>	<p>Summary</p> <p>This section requires an application for infrastructure consent to be either granted or refused where a decision has been made. It also specifies notification requirements of a decision and provides a power to prescribe the procedure where a decision has been made on an application which is materially different from which was originally submitted.</p>

Background

Following the submission and acceptance of an application for infrastructure consent and prior to the examination of the application, applicants can request to vary their application by submitting written notice to the Welsh Ministers. This may occur where representations are received during the publicity and notification stage of the process which suggest variations to a proposed development to ease its passage through examination. Although such variations would be limited to minor and non-material amendments (determined at the discretion of the Welsh Ministers on the case-by-case basis), it would represent a change to what was originally being applied for.

In addition, circumstances may arise where the Welsh Ministers or the examining authority (as the case may be) initiate a change to a proposed development during examination, which would resolve issues raised by stakeholders which are considered to be more than minor material.

Subordinate legislationMaking an order on terms materially different from what was applied for

The Bill provides the Welsh Ministers with a regulation-making power for the procedure to be followed if they propose to make an infrastructure consent order on terms which are materially different from those proposed in the application.

We envisage subordinate legislation will specify that the Welsh Ministers must not make an order which is more than minor materially different than what was originally applied for in an application for infrastructure consent. This will ensure parity between what types of amendments and variations are considered to be acceptable where they are requested via a separate application to vary or amend an existing infrastructure consent. For example, they can only be non-material or minor material.

<p>Section 59</p> <p>Reasons for decision to grant or refuse infrastructure consent</p>	<p>Summary</p> <p>This section requires the examining authority or the Welsh Ministers (whoever made the decision) to prepare a statement of reasons, regardless of whether an application for infrastructure consent is granted or refused.</p> <p>Background</p> <p>Where the Welsh Ministers or the examining authority (as the case may be) have decided an application, they will be required to prepare a statement of reasons for deciding to either make an order granting infrastructure consent or to refuse infrastructure consent to ensure applicants are aware of the reasons why such a determination was reached. However, there will also be parties in addition to applicants with an interest into the reasons why a determination to either make an order granting infrastructure consent or to refuse infrastructure consent was reached, such as the local community.</p> <p>Subordinate legislation</p> <p><u>Who a statement of reasons will be sent to?</u></p> <p>Subordinate legislation will specify those persons, in addition to applicants, who must be provided with a copy of a statement of reasons, although these persons will vary depending on the type or category of development to which an application relates. We anticipate such persons to include relevant LPAs and community councils, statutory consultees who were consulted as part of the application process, any person who made representations on an application and any other persons considered appropriate by the examining authority or the Welsh Ministers.</p>
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Publishing statements of reasons

Although not set in legislation, guidance will also set out the requirements for publishing statements of reasons by the Welsh Ministers, which we envisage to be a combination of written notices, notices in relevant publications (such as newspapers or fishing journals) and publication on a website owned and maintained by the Welsh Ministers.

PART 6 – INFRASTRUCTURE CONSENT ORDERS

Power(s): Part 6, sections 60, 62, 69, 81, 85, 88, 91, 92 and 93

Description: These powers enable the Welsh Ministers to:

- modify Part 1 of Schedule 1, which sets out matters in which infrastructure consent orders may make ancillary provision relating to development;
- set out requirements relating to the compulsory acquisition of land;
- make provision about when a requirement for a specified consent may be removed or deem a consent to have been granted;
- make provisions for the details of the procedure to follow for correcting an error in a decision document;
- make provisions for the details of the procedure to follow for changing and revoking an Infrastructure Consent (IC);
- set out the default duration of an IC;
- make provision about steps that must be taken in relation to a power to compulsorily acquire land;
- make exceptions to the definition of “material operation”; and
- set details of when a legal challenge may be made in certain circumstances.

Policy intention:

Powers to modify Part 1 of Schedule 1

Part 1 of Schedule 1 lists matters relating to, or to matters ancillary to, the development for which consent is granted. These include, for example, the acquisition of land by agreement or compulsorily. It is intended to allow the Welsh Ministers to modify this list to future proof the Bill.

Compulsory acquisition of land

Where an applicant submits their proposal for a significant infrastructure project (SIP), and it is necessary to acquire land or rights over land to enable that project, the compulsory acquisition can be considered, and if acceptable, approved as part of the resulting infrastructure consent. This will ensure land acquisition issues for infrastructure development are incorporated into the new consenting process, resulting in more certainty.

The specific provisions under Part 6 for compulsory acquisition are intended to ensure detailed matters on the process for compulsorily acquiring land as part of an infrastructure consent can be set out appropriately.

Extinguished and deemed consents

The Bill enables the Welsh Ministers, when determining or making an IC, to effectively disapply the need for certain orders, consents, licences, grants, permissions or authorisations which are within the legislative competence of the Senedd to be obtained in relation to the works which are approved by the IC. These consents are to be specified in subordinate legislation. It also enables the IC to deem any consents specified in subordinate legislation.

This is intended to streamline the consenting process, avoiding delays post-consent when implementing an infrastructure project.

Correcting an error in a decision document

The intention for the procedure for correcting an error (including an omission) in a decision document is that there may be occasions where a decision document is published containing an obvious and correctable error. It is important that there is a procedure in place to ensure the speedy correction of a decision notice.

Changing and revoking an IC

The intention for the procedure for changing and revoking IC is to enable occasions following the granting of consent, where amendments may be proposed to an existing infrastructure consent or a requirement for an infrastructure consent order to be revoked.

Duration of infrastructure consent order and when development begins

The rationale for limiting the duration of a consent is to ensure developers have a fixed period within which to act on the consent in order to aid certainty for the local community and other stakeholders. It would not be appropriate for a developer to hold a consent for a significant project with no end date, particularly when over time the policy considerations, for example environmental standards, can change.

Time period for making a legal challenge to an application for change or revocation of an infrastructure consent order

The Bill provides the ability for certain decisions to be challenged by means of judicial review and, in each case, the claim form must be filed before the end of a 6-week period. The beginning of the time period in relation to an application for change or revocation of an infrastructure consent order is specified in regulations.

These are procedural matters and it is considered appropriate they should be set in subordinate legislation.

Topic Area	Description
Section 60(5) What may be included in an infrastructure consent order	<p>Background</p> <p>When an IC is granted, it may be subject to conditions specified in the consent. These conditions or provisions may relate to matters relating to, or to matters ancillary to, the development for which consent is granted.</p> <p>For example, it may relate to the acquisition of land, either by agreement or compulsorily or the extinguishment of rights over land and water.</p> <p>The list of matters relating to development is contained in Part 1 of Schedule 1 to the Bill.</p> <p>Subordinate legislation</p> <p><i>Power to modify the list</i></p> <p>To future proof the Bill, it enables the Welsh Ministers to modify the list included in Part 1 of Schedule 1 by subordinate legislation.</p>

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	<p>The list has been compiled comprehensively and is likely to be exhaustive at this point in time. However, for example, should further devolution be granted to the Welsh Government, it is likely that additional matters relating to development may be beneficial to be part of an IC.</p> <p>As regulations under section 60(5) may add, vary or remove a matter listed in Part 1 of Schedule 1 they will be subject to the Senedd's draft affirmative scrutiny procedure.</p>
<p>Section 62</p> <p>Land to which authorisation of compulsory acquisition can relate</p>	<p>Background</p> <p>For an infrastructure consent order to authorise the compulsory acquisition of land, relevant procedures prescribed elsewhere in the Bill, for example consultation under section 30, will need to be followed.</p> <p>Subordinate legislation</p> <p>Subsection (4) would allow the Welsh Ministers to specify that these procedures must have been followed before a compulsory acquisition as part of an infrastructure consent can be authorised.</p>
<p>Section 69</p> <p>Notice of authorisation of compulsory acquisition</p>	<p>Background</p> <p>Where an infrastructure consent which includes a compulsory acquisition request is granted by the Welsh Ministers, the prospective purchaser will be required to notify each qualifying person of this decision via the service of notice ("a notice of compulsory acquisition"). The serving of a notice of compulsory acquisition will be an important procedure as once an infrastructure consent which includes a compulsory acquisition request is granted, the power to compulsory acquire land associated with a significant infrastructure project will become operative on the date on which the notice of compulsory acquisition is first served.</p>

	<p>Subordinate legislation</p> <p>Subordinate legislation will set out detail on the process for the serving of a notice and what it should contain.</p> <p>In terms of the displaying a notice, this is likely to require the notice to be affixed to a conspicuous object or objects on or near the land related to the consent and be kept in place by the prospective purchaser until the end of the period of 6 weeks beginning with the date on which the consent is granted, so far as practicable. In terms of giving the notice, this is likely to be served to all of those with affected land interests (owners, lessees and occupiers).</p> <p>In terms of in the content of the notice, this is likely to include stating the title of the relevant consent; describing where the notice is to be affixed; stating the title of the relevant Welsh Minister who granted the infrastructure consent and date on which it was published; describing the right in a case where the infrastructure consent authorises the compulsory acquisition of a right over land by the creation of a new right; and stating that the infrastructure consent includes provision authorising the compulsory acquisition of a right over the land by the creation of a right over it or (as the case may be) the compulsory acquisition of the land.</p> <p>This will allow the Welsh Ministers flexibility in the serving and publishing of this notice.</p>
<p>Section 81</p> <p>Removing consent requirements and deeming consents</p>	<p>Background</p> <p>In order to implement and develop a SIP, consent would normally be required for a number of ancillary matters.</p> <p>To provide a 'one stop shop' approach, it is proposed to give the option to applicants to rationalise the different secondary consents required for ancillary matters into the main consent.</p>

Subordinate legislationRemoving consent requirements or deeming consents

To implement a true unified consenting process, the IC issued by the Welsh Ministers may also have the effect of giving permission, authorising, approving, consenting, licensing or granting ancillary matters.

Where a consent is either deemed or extinguished, in practice it will be for the developer to specify whether they would like to seek the deeming or extinguishment of the consent (i.e. that the consent is not required any longer). However, ultimately, the power will lie with the Welsh Ministers to deem or extinguish the consent.

The Bill adopts a qualified approach, which deems that a relevant consenting authority has given authorisation for the use of its consent/licence/authorisation within the IC. However, the relevant consenting authority will be given the opportunity to decline for that ancillary consent/licence/authorisation to be included within the IC. This is specified on the face of the Bill at sections 81(2) and (3).

However, the Welsh Ministers have the power to deem any consents which are specified in regulations. See section 81(4).

Regulations for deemed and extinguished consents

The Bill allows the Welsh Ministers to specify in subordinate legislation exceptions to sections 81(2) and (3), effectively allowing the Welsh Ministers to remove the requirement for, or deem specified consents without the consent (explicit or silent) of the relevant authority.

These regulations specify exceptions to the need to get the consent of the relevant authority. The decision maker will be able to impose conditions on these consents. For example, the regulations may:

	<ul style="list-style-type: none"> • deem a consent to establish a safety zone around renewable energy installations under section 95 of the Energy Act 2004; • extinguish any requirement under the Hedgerows Regulations 1997.
<p>Section 85</p> <p>Correcting errors: regulations</p>	<p>Background</p> <p>To maintain the integrity of a decision document (notice of refusal or infrastructure consent order), the Welsh Ministers will have powers to correct a decision. This will only occur if the error doesn't materially change an IC.</p> <p>As any minor correction to a decision will not prejudice any party, it is not considered necessary for the wording of the decision to be consulted upon in all instances, particularly where its meaning will not change. However, where a significant error occurs, it is considered more extensive consultation will be required.</p> <p>The error may be identified by the applicant upon review of their consent, by the Welsh Ministers, the appointed person, or by other parties with an interest in the decision. The power to correct errors in decision documents may be exercised on receipt of a request in writing or without a request. If the error being corrected is in relation to a notice of refusal, the applicant must be given notice.</p> <p>Subordinate legislation</p> <p>The Bill makes provision for or in connection with the procedure for correcting an error in a decision document, and in relation to the effect of making a correction, or not making a correction. We anticipate subordinate legislation will specify:</p> <ul style="list-style-type: none"> • Details of the consultation which must take place as a result of making a decision to correct a decision document, if it is considered necessary. This will include interested parties and stakeholders.

	<ul style="list-style-type: none"> • The Welsh Ministers must provide a minimum of 14 days for those parties to respond to the proposed correction. The Welsh Ministers may provide further representation periods should they consider necessary. • When a decision on whether to make a correction or not make a correction is made, Welsh Ministers will provide reasoning for the decision. • The correction will come into effect on the date of the decision by the Welsh Ministers. • Any correction does not the affect time period during which development must commence, i.e. to be from the date the order of the original consent, not from the date of the correction. • Where a correction is not made the original decision continues to have force and no steps undertaken pursuant to the proposed error correction affects the original decision.
<p>Section 88</p> <p>Procedure: changing and revoking infrastructure consent orders</p>	<p>Background</p> <p>Where an infrastructure consent order is granted, the nature of large-scale infrastructure projects mean it would not be uncommon for changes to be required to a development, either before or during construction.</p> <p>This section makes provision for a formal process for applicants to apply for a change to the infrastructure consent order.</p> <p>The Bill introduces a single process for making amendments to an infrastructure consent order which cover both non-material and material amendments. Any amendments which, in the Welsh Ministers' opinion, are substantial amendments will require the submission of a new application for infrastructure consent.</p>

	<p>Non-material and material amendments are not defined in legislation because there are several factors which must be considered and will vary on a case-by-case basis. These include the context of the overall scheme, the change(s) being sought to the existing infrastructure consent order and the specific circumstances of the site and surrounding area.</p> <p>Generally, but not in all cases, amendments which are likely to be material will be those which:</p> <ul style="list-style-type: none">• alter land rights (i.e. compulsory acquisition of land);• require changes to an EIA;• invoke the need for an additional HRA; or• require an additional licence for European Protected Species. <p>Subordinate legislation</p> <p>The Bill makes provision for or in connection with the procedure for changing and revoking infrastructure consent orders. It is anticipated subordinate legislation will include:</p> <ul style="list-style-type: none">• Details of the procedure to be followed before an application under section 87 is made. This shall include a requirement to submit written notification to the Welsh Ministers and LPA(s) within which the site is located or adjacent to where the site is offshore, when proposing amendments to an existing infrastructure consent order. We anticipate regulations will detail what information should accompany the notification, including, but not limited to:<ul style="list-style-type: none">- a description of the proposed change(s);- a statement confirming whether the change is, in the view of the applicant, non-material or more than non-material; and- details of any consultation carried out. This will follow the procedure for publicity and notification requirements as set out in section 33 of these Statements of Policy Intent.
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	<ul style="list-style-type: none"> • Details of what should be submitted with an application for changing or revoking a consent and how it should be made. We anticipate subordinate legislation will include, but not be limited to: <ul style="list-style-type: none"> - details of the applicant; - details of the change being applied for and a statement confirming whether the change is, in the view of the applicant, non-material or more than non-material; and - any documents and plans considered necessary to support the application. • Details for the procedure for the validation of an application for changing or revoking consent. <p>Once an application, together with supporting documentation, is submitted to the Welsh Ministers, they will be required to determine whether it is valid or not within a specified timescale.</p> <p>Where an application is received and not considered valid (i.e. information or documentation is missing), the Welsh Ministers must notify the applicant as soon as reasonably practicable with the reasons why their application is not considered valid.</p> <p>Where an applicant has applied on the basis of the application being non-material, but the Welsh Ministers later determine the application is more than non-material, this determination will not prejudice the validity of the application unless supplemental information is required.</p> • Details of the determination whether amendments are non-material or material. This shall include, but not be limited to: <ul style="list-style-type: none"> - the Welsh Ministers making a judgement on whether they consider a proposed change(s) to be non-material or material, based on the information provided by an applicant and policy-based criteria.
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	<ul style="list-style-type: none"> - if a change(s) is considered non-material, the Welsh Ministers or the appointed person must proceed to a decision. - the power to reserve the ability to consider a proposed change(s) judged to be more than non-material where other material considerations dictate the change(s) is material. <ul style="list-style-type: none"> • Details of the procedure for changing and revoking an infrastructure consent. We anticipate subordinate legislation to include, but not be limited to: <ul style="list-style-type: none"> - the procedure to be followed before an application for changing or revoking a consent (under section 87) is made. - the making of such application. - the decision-making process in relation to whether to grant or refuse an application for changing or revoking a consent, including the duty to consult, the timeframe for consultation, details of publicising the application, details of appointed persons, examination procedure, details of policies and documents to be taken into account in the consideration of an application to change or revoke an infrastructure consent order.
<p>Sections 91 and 92</p> <p>Duration of infrastructure consent order and when development begins</p>	<p>Background</p> <p>The Bill requires at section 91 that the development to which the IC is granted must begin before the end of a period prescribed in regulations. If the development is not begun before the end of the prescribed period, the IC ceases to have effect at the end of that period.</p> <p>Development is taken to begin on the earliest date on which any lawful material operation has been undertaken. (See section 92).</p>

Subordinate legislationPrescribed period

It is envisaged that a maximum period of 5 years will be prescribed in regulations in line with the Development of National Significance regime. In the interests of ensuring timely delivery of infrastructure discussions will be held to encourage development to be begun at the earliest opportunity, with the infrastructure consent able to set a shorter period of implementation should this be desirable and practical for the individual development.

There is no requirement for the prescribed period to be stated in the infrastructure consent order. Where a prescribed period is set out in the IC and it differs from the period set out in regulations, the period set out in the IC shall apply.

Compulsory purchase

Where the IC authorises the compulsory purchase of land, steps of a prescribed description must be taken in relation to it before the end of the prescribed period, or such different period set out in the IC.

Subordinate legislation will further set out that where an IC authorises the compulsory acquisition of land, and a notice (essentially a notice enabling the acquiring authority to start the process to acquire or take possession of the land) is served under section 5 of the Compulsory Purchase Act 1965, that notice must be served before the end of a period of 5 years beginning on the date on which the IC is granted.

The prescribed period and prescribed steps in case of compulsory acquisition of land is set in subordinate legislation because these are procedural matters. Should evidence emerge in future that different procedures pertaining the commencement of an IC should be in place, the Welsh Ministers will have the power to amend these arrangements promptly.

	<p><u>Material operations</u></p> <p>Section 92 states that development is taken to begin on the earliest day that any material operation is undertaken. Subsection (2) enables regulations to set out the kinds of operations that are not a “material operation” for the purposes of establishing when development has begun.</p> <p>The need to exclude certain operations from the definition of material operation enables clarity to be provided about when development has begun.</p> <p>It is anticipated the regulations will specify that any steps taken in regard to compulsory acquisition (for example the serving of a notice) will not constitute a material operation on its own.</p>
<p>Section 93</p> <p>Legal challenges</p>	<p>Summary</p> <p>This section specifies the circumstances and time limits for where matters relating to an infrastructure consent order (including amendments or revocations) may be challenged.</p> <p>Background</p> <p>As decisions relating to infrastructure consent orders (including amendments and revocations) can only be made by the Welsh Ministers, there is no statutory right of appeal. However, challenges may be brought by judicial review.</p> <p>In general, the timescales for bringing a judicial review are specified on the face of the Bill. However, there is one regulation making power in relation to timings in section 93(7)(b) which relates to a claim brought under section 93(6). Section 93(6) provides for a legal challenge to be made for anything else done or omitted to be done by an examining authority or the Welsh Ministers in relation to an application for infrastructure consent or an application to change or</p>

	<p>revoke an infrastructure consent order. However, such a claim must be made within a period of 6 weeks beginning with the day after the relevant day.</p> <p>Subordinate legislation</p> <p>Subordinate legislation will specify the relevant day where an infrastructure consent order is amended or revoked.</p> <p><u>Specifying the meaning of “the relevant day”</u></p> <p>Regarding the meaning of “the relevant day” in relation to proceedings for questioning anything else done, or omitted to be done, by an examining authority or the Welsh Ministers in relation to an application to change or revoke an infrastructure consent order, we anticipate subordinate legislation will specify this means the day on which:</p> <ul style="list-style-type: none">• the application is withdrawn;• the infrastructure consent order is published or (if later) the statement of reasons for making the order is published (only applicable to amendments to an infrastructure consent order);• notice of a decision to grant an application for amending or revoking an infrastructure consent order is issued or (if later) the statement of reasons is published; or• notice of a decision to refuse an application for amending or revoking an infrastructure consent order is issued or (if later) the statement of reasons for refusal is published. <p>However, this will need to be progressed in line with the procedural requirements specified in subordinate legislation for how infrastructure consent orders may be amended or revoked and could be subject to change.</p>
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PART 7 – ENFORCEMENT

Power(s): Part 7, sections 110 and 115

Description:

These powers enable the Welsh Ministers to:

- specify matters to be included in notices of unauthorised development which are not set out on the face of the Bill; and
- specify the circumstances or activities which a temporary stop notice may not prohibit.

Policy intention:

Notices of unauthorised development

The Bill specifies two scenarios in which a person may commit an offence. These are development without an infrastructure consent order (if one is required) and a breach of, or failure to comply with, the terms set out in an infrastructure consent order.

Where a person is found guilty of such an offence, the relevant enforcing authority (either the local planning authority (“LPA”) or the Welsh Ministers) can issue a notice of unauthorised development.

Such notices will be required to contain certain pieces of information in all cases and these are specified on the face of the Bill. For example, setting out the timeframe in which any steps specified in the notice to remedy a breach must be taken. However, there may be additional information to be included, but not in all cases. Our policy intention would be to specify such information in regulations and the circumstances it would be required.

Temporary stop notices

The Bill introduces the ability for LPAs to issue a temporary stop notice, with the purpose of providing LPAs time to consider whether further enforcement action should be taken against development being carried out without the necessary consent or a breach of, or failure to comply with, the terms of a consent, where they consider it to be a matter of urgency.

The effect of a temporary stop notice can require an activity which relates to development being carried out without the necessary consent or a breach of, or failure to comply with, the terms of a consent, to cease immediately from the time a notice takes effect for a prescribed period.

However, there are certain restrictions on when a temporary stop notice can be served, if, for example, it would infringe on certain human rights. Our policy intention is to specify in regulations any other circumstances in which a temporary stop notice may not be served.

Topic Area	Description
<p>Section 110</p> <p>Notice of unauthorised development</p>	<p>Summary</p> <p>This section provides the Welsh Ministers and local planning authorities the power to serve a notice of unauthorised development, where a person has been found guilty of an offence relating to either development without infrastructure consent (where such a consent is required) or a breach of, or failure to comply with, the terms of an infrastructure consent order.</p> <p>Background</p> <p>The Bill specifies certain matters which must be included in a notice of unauthorised development in all cases, such as the period within which any steps specified in a notice must be taken. However, it also provides a regulation-making power for additional matters which must also be specified and may vary on a case-by-case basis.</p> <p>Subordinate legislation</p> <p><u>Additional matters specified in a notice of unauthorised development</u></p> <p>Because a person on whom a notice of unauthorised development is served will have already been found guilty of an offence, such notices will only usually be required to state what steps</p>

	<p>must be taken to remedy the breach and the timeframe in which such steps must be undertaken. These are specified on the face of the Bill.</p> <p>However, it may appear necessary to the relevant enforcing authority (usually the LPA in the first instance but may be the Welsh Ministers) for additional information to be included in a notice of unauthorised development in particular circumstances, or for certain application/development types. The regulation-making power in this section provides the necessary flexibility to introduce such additional information. For example, it may be determined the precise boundaries of the land to which the notice relates should be included.</p>
<p>Section 115</p> <p>Restrictions on power to issue temporary stop notice</p>	<p>Summary</p> <p>This section specifies the circumstances in which a temporary stop notice may not be issued and what it may not prohibit.</p> <p>Background</p> <p>Temporary stop notices are a useful enforcement tool to allow time to consider whether further enforcement action should be taken against development being carried out without the necessary consent or a breach of, or failure to comply with, the terms of a consent when considered a matter of urgency. They can require an activity which relates to development being carried out without the necessary consent or a breach of, or failure to comply with, the terms of a consent, to cease immediately from the time a notice takes effect.</p> <p>Because of the immediate and restrictive impacts of a temporary stop notice, the Bill specifies such a notice may not prohibit the use of a building as a dwellinghouse or an activity, or in circumstances specified in subordinate legislation.</p>

	<p>Subordinate legislation</p> <p><u>Further matters and circumstances which a temporary stop notice may not prohibit</u></p> <p>The main purpose of restricting the use of a temporary stop notices is to ensure certain rights an individual may have are not affected, or where the issuing of such a notice would have implications on health and safety, or national security.</p> <p>Furthermore, it should be noted this power mirrors section 171F(1)(b) of the Town and Country Planning Act 1990 and certain restrictions may be introduced in the wider planning system which would also be relevant to applications for infrastructure consent. Therefore, this provides the necessary flexibility to align with the wider planning system, where appropriate.</p>
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PART 8 – SUPPLEMENTARY FUNCTIONS

Power(s): Part 8, sections 121, 125, 126, 127, 128 and 129

Description:

These powers enable the Welsh Ministers to:

- make provisions for or in connection with the charging of fees;
- make provisions on the requirements for or in connection with the creation and maintenance of an applications register;
- make provisions on the power to consult and the duty to respond to consultations;
- make provisions for recovery of costs incurred by public authorities for things done in pursuance of a direction;
- make provisions limiting the power of the Welsh Ministers to disapply requirements, and
- make regulations about Crown Applications.

Policy intention:

Charging of Fees

The Bill ensures costs incurred as part of the application process for an infrastructure consent order can be recovered. Fees will be based on the full cost of providing services.

Subordinate legislation will provide further detail regarding such fees, which will be charged at various stages of the application process and the post-decision stage. It is our intention that the fee regime is simple and transparent and so to achieve this, the fees prescribed in subordinate legislation will contain fixed and daily rates, and some fees will be scaled depending on the complexity of a case.

There is the potential for other fees to be included in regulations, such as the charging of fees by a specified public authority for providing services or functions in relation to an application for infrastructure consent.

Creation and maintenance of an applications register

The Bill requires that a register of applications or prospective applications must be maintained and publicised by the Welsh Government, which is considered the most appropriate authority to maintain the register. The Local Planning Authority (LPA) will also make information available more locally such as in the area of the application site.

It is policy intention for the Welsh Ministers and the LPA to maintain a register of pre-application services provided to prospective applicants. The purpose of this is to provide transparency by affording any person who wishes to do so, an opportunity to exercise their rights to information in a timely fashion. Furthermore, it will benefit both the LPA and the Welsh Ministers, should they require access to historical records in the future.

The details of what information should be included within the register and how it should be published and made available will be prescribed in subordinate legislation.

Statutory consultees

Consultations conducted during the examination of an application with statutory consultees is a principle already in place in the Developments of National Significance (DNS) consenting regime. Similar provisions are included in the Bill to ensure the effective engagement and involvement of specified public bodies.

It is intended that consultations will be undertaken when a valid application is received by the Welsh Ministers. The Bill includes a duty to respond to consultations and subordinate legislation will specify the form and content of a substantive response and the time period for providing it.

It is intended to specify the statutory consultees lists and the circumstances in which they will be engaged in subordinate legislation following a consultation exercise, to ensure that all relevant bodies are engaged in the process.

Recovering fees in respect of directions

The Bill allows the Welsh Ministers to give a direction to a planning authority, Natural Resources Wales or a devolved Welsh authority specified in regulations, to do things in respect of an application. Regulations may make provision for or in connection with the recovery of costs incurred by public authorities when carrying out a direction.

Provisions limiting the power of the Welsh Ministers to disapply requirements

The Bill contains a provision which enables the Welsh Ministers, where they are satisfied there would be no detriment to procedural fairness, to dispense with some procedural requirements they consider unnecessary, by direction. As the consenting process defined in the Bill is prescriptive, there are limited circumstances in which certain procedural requirements may add no value to the process and be considered unnecessary. In order to continue to expedite the consenting process, the Welsh Ministers have the power to dispense with certain requirements where they believe there would be no detriment to procedural fairness.

The power to give directions includes the power to vary or revoke the direction.

This power is limited through subordinate legislation which will specify the requirements that may be disapplied by direction and must require directions to be published and contain the Welsh Ministers reasoning.

Crown applications

Crown applications where proposed developments may contain sensitive information may require special procedures in the pre-application and examination stage.

Topic Area	Description
<p>Sections 121 and 127</p> <p>Make provisions for or in connection with the charging of fees</p>	<p>Summary</p> <p>Section 121 ensures that any costs incurred as part of the application process for an infrastructure consent order can be recovered.</p> <p>Background</p> <p>It is our intention to provide a mechanism through subordinate legislation for fees to be charged at various stages of the application process. This will also be extended to the post-</p>

decision stage, where future applications may be submitted to either revoke or amend an infrastructure consent order.

Any relevant fees will be based on the full cost of providing services. The process for applying for infrastructure consent will require significant input from the Welsh Ministers, LPAs and other specialist consultees. It is our intention that these parties will be able to recover their costs for any input required.

It is our intention that the fee regime is simple and transparent and so to achieve this, the fees will contain fixed and daily rates. The intention is that these rates are published by the Welsh Ministers. Costs can vary depending on size, scale and location of a proposed development and other factors such as inflation can impact on costs. The existence of a variable rate within the process allows for such flexibility.

It is also our intention that some fees will be scaled, depending on the complexity of a case, for example if the application requires a Statutory Instrument (SI) or not. If an application is more complex, and will likely be an SI case, a higher fee will be charged compared to a less complex case that will not require an SI.

Subordinate legislation

Fees for Pre-application Services

The subordinate legislation will prescribe fees for pre-application services from both Welsh Ministers and LPAs. It will also prescribe for refunds, in certain circumstances, and make provision to charge for pre-application meetings.

Fees for pre-application consultation

Prior to applying for infrastructure consent, applicants will be required to inform the Welsh Ministers and other relevant stakeholders of their intention to commence pre-application consultation. This will be in the form of a pre-application notification, which will require certain

administrative functions to process and respond to. To offset this cost, it is our intention to charge a fixed fee.

Application fees

Application fees will consist of both fixed and variable fees, as certain elements of the process will be of a standard nature and others will depend on the size and scale of a proposed development. The examination of an application will be charged on a variable rate, and this will help to reduce examination costs, and ensure applicants are only being charged for the time spent examining and determining their application.

Fees for Local or Marine Impact Report

It is our intention that LPAs and NRW will receive a fee for submitting a Local or Marine Impact Report (MIR/LIR), during the application process. This will be a fixed fee, as the LIR or MIR will likely contain standard information.

Fees for Determination and Post-Decision

It is our intention for Welsh Ministers to charge a fixed fee for the determination of an infrastructure consent order. There will also be fees for applying to amend or revoke an infrastructure consent order.

Other fees

There is the potential for other fees to be included in regulations, such as the charging of fees by a specified public authority.

The power within the Bill in relation to fees is wide, and regulations may make provision including:

- when a fee may, and may not, be charged;

	<ul style="list-style-type: none"> • the amount that may be charged; • what may, and may not, be taken into account in calculating the amount charged; • who is liable to pay a fee charged; • to whom fees are to be paid; • when a fee charged is payable; • the recovery of fees charged; • waiver, reduction or repayment of fees; • the effect of paying or failing to pay fees charged; • the transfer of fees payable to one person to another person; • the supply or publication of information for any purpose of the regulations. <p><u>Section 127</u></p> <p>This section provides the ability for those public authorities to recover their costs for things carried out under direction from the Welsh Ministers. Where certain functions are carried out (e.g posting of site notice) it is our intention a fixed fee is paid for this function.</p>
<p>Section 125</p> <p>Make provisions on the requirements for or in connection with the creation and maintenance of an applications register</p>	<p>Background</p> <p>To ensure the public are aware of potential projects in their area, the Bill requires that a register of applications or prospective applications must be maintained and publicised by the Welsh Ministers.</p> <p>The Welsh Ministers' register of IC applications and prospective applications will include pre-application services given to a prospective applicant. Prospective applications mean those who have notified the Welsh Ministers (section 29) or where the Welsh Ministers have determined that they are a SIP by direction (section 22).</p> <p>The form of the register is to be set in subordinate legislation.</p>

Subordinate legislationForm of the register

Regulations will enable the Welsh Ministers to set out the form and content of the register and the stages which must be documented in the register. For example, the register may be in the form of a website.

Regulations may also enable the Welsh Ministers to require the LPA to maintain a register of IC applications and any valid pre-application services provided by the LPA to a prospective applicant.

The register of projects must be maintained for public inspection.

It is envisaged that the register of applications and prospective applications maintained by the Welsh Ministers must contain a copy of:

- any notification made to the Welsh Ministers;
- any notification of receipt of an application to the Welsh Ministers;
- any notice of acceptance given by the Welsh Ministers in relation to the application, including in relation to withdrawal of the application;
- any notification the application has not been accepted;
- any written representations received by the Welsh Ministers in response to any invitation for representations set by the Welsh Ministers and within the timescale set by the Welsh Ministers.
- any written notice of decision relating to the application; and
- any revised notice of decision, such as an amendment or correction of error.

In respect of pre-application services:

- a copy of a pre-application service request form (including all plans and drawings submitted with a form);

- details of the pre-application services provided by them; and
- a document identifying the land to which a proposed development relates (i.e. site address or a red line boundary map).

Each request must be placed on the register as soon as practicable, unless the applicant requests in writing for the information to be placed on the register at a later date. This date must not be later than the day the applicant formally notifies the Welsh Ministers of a prospective IC application.

The written request submitted by the applicant must contain reasons and justifications to publish the request on the register at a later date (i.e. if the information is commercially sensitive) and it shall be for the Welsh Ministers to determine whether the reasons and justifications for non-disclosure outweigh the public interest. However, the Welsh Ministers must apply a presumption in favour of disclosure.

Where the public authority does not consider the reasons and justifications for non-disclosure outweigh the public interest, the request must be published on the register as soon as practicable.

We currently propose subordinate legislation will require the LPA to maintain a register of IC applications and valid pre-application services given within its area. It is anticipated the register will include details of:

In respect of IC applications:

- any notice of acceptance given by the Welsh Ministers in relation to the application;
- any written notice of decision relating to the application, including in relation to withdrawal; and
- any revised notice of decision, such as an amendment or correction of error.

In respect of pre-application services by the LPA:

	<ul style="list-style-type: none"> • a copy of a pre-application service request form (including all plans and drawings submitted with a form); • details of the pre-application services provided by the LPA; and • a document identifying the land to which a proposed development relates (i.e. site address or a red line boundary map).
<p>Section 126</p> <p>Make provisions on the power to consult and the duty to respond to consultations</p>	<p>Background</p> <p>This section provides the Welsh Ministers or examining authority the power to consult public bodies specified in regulations. The section also confers a duty to respond on those statutory consultees.</p> <p>Subordinate legislation</p> <p><u>Duty to consult and to provide a response</u></p> <p>This provision provides the statutory basis for the Welsh Ministers or examining authority to consult a public body specified in subordinate legislation as part of the examination process, with the result that the authority has a duty to give a substantive response to that consultation within a specified timeframe.</p> <p>Statutory consultees have knowledge and expertise in certain areas, and so their input during examination is considered vital. This provides the opportunity for specialist expertise to inform the examining authority during examination. It also ensures that a development which received consent will be implemented in accordance with the consenting order, minimising the risk of post consenting changes due to unforeseen factors.</p> <p>The Bill places a duty on the Welsh Ministers or the examining authority to consult a specified public authority. Regulations will determine a list of statutory consultees and the circumstances upon which they will be consulted.</p>

For example, Natural Resource Wales will be consulted in all instances.

Another example is that the Ministry of Defence will be consulted when a development that falls within statutory safeguarding zones as issued under the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, or when wind developments where any turbine would have a maximum blade tip height of, or exceeding, 11m above ground level and/or has a rotor diameter of, or exceeding, 2.0m.

Subordinate legislation will prescribe the criteria for the form, content and requirements of consultation responses. This will ensure that an appropriate input is provided during the examination process.

For example, a substantive response may include:

- whether the consultee has no comment to make or no objection;
- advise the Welsh Ministers or examining authority of any concerns identified in relation to the proposed development and how those concerns can be addressed by the applicant;
- advise that the consultee objects to the proposed development and sets out the reasons for the objection.

Subordinate legislation will also specify the timeframe a response must be received in. This will include a specified time period, as well as the option for an agreed time period made in writing between the statutory consultee and the Welsh Ministers.

Specialist Consultee Reporting

Based on the requirement to provide a substantive response, it is appropriate for subordinate legislation to introduce performance monitoring to ensure compliance with any consultation requirements. Subordinate legislation will require an authority consulted under this section of

	<p>the Bill to provide a report to the Welsh Ministers about the authority's compliance with the consultation requirements.</p> <p>Reports will relate to a 12 month period, and subordinate legislation will specify what information is required to be contained in these reports (as a minimum). We anticipate this to include:</p> <ul style="list-style-type: none"> • the number of occasions in which the statutory consultee was consulted during the year; • the number of occasions a substantive response was submitted; and • the number of occasions a response (either substantive or not) was provided outside the specified period for response, including reasons why the specified period was not adhered to. <p>Reports will need to be submitted in a form published by the Welsh Ministers.</p>
<p>Section 128</p> <p>Make provisions limiting the power of the Welsh Ministers to disapply requirements</p>	<p>Background</p> <p>The consenting process introduced by the Bill is intended to be a one stop shop for the consenting of infrastructure in Wales. It provides for one process specified by a suite of regulations to be used for consenting a wide range of infrastructure developments and in a wide range of different circumstances.</p> <p>The process is intended to be relatively prescriptive, similar to the DNS process. For example, subordinate legislation will prescribe in detail how consultations must be conducted to inform an application and during examination or how the examining authority will notify interested parties upon receiving a valid application.</p> <p>In being prescriptive, it is recognised that legislation may oblige parties to fulfil requirements which may in limited circumstances be disproportionate to the application or its likely impacts. The Bill aims to ensure a transparent and fair examination process but also to be efficient and</p>

timely. In order to continue to expedite the consenting process, the Welsh Ministers have the power to dispense with certain procedural requirements but only where they believe there would be no detriment to procedural fairness.

Subordinate legislation

Circumstances for dispensing requirements

Examples

Example 1: Publicity

Subordinate legislation will set out publicity requirements. In the instances of a linear route, such as a railway or a new road, this may include multiple notices. However, where additional publicity occurs for a relatively minor amendment to the scheme, the Welsh Ministers may see no reason to publicise this amendment in the same way.

Example 2: Engagement

Subordinate legislation will set requirements that an applicant will have to fulfil during the pre-application consultation. If the regulation requires public events to consult on a proposed development, there might be instances where this will not be physically possible, for example during a pandemic.

Example 3: Consultation

Subordinate legislation will set consultation requirements associated with the correction of errors in a decision. Depending on the nature of the correction, it may be appropriate to dispense with some of the consultation requirements.

In such instances, it would be helpful and proportionate for the Welsh Ministers to exercise a power which enables them to dispense with a procedural requirement or requirements set out in the Bill or regulations. In the interests of transparency, where requirements are dispensed with, it would be important for the reasons for those requirements to be dispensed with to be published.

	<p><u>Regulations to limit this power</u></p> <p>Due to the nature of this power, it is intended to limit its scope through subordinate legislation which must specify the requirements that may be disapplied by direction.</p> <p>At this time it is proposed to limit this power to pre-application procedures (sections 29 and 30) and to some application procedures (sections 31, 32, 33 and 35) as well as the procedure for correcting errors in a consent (sections 84 and 85) or changing or revoking an infrastructure consent (section 137).</p> <p>Under no circumstances is it intended the subordinate legislation will enable a direction to be issued to disapply requirements which protect rights or ensure no offences are committed, such as procedures relating to compulsory purchase.</p> <p>Regulations will also place a duty on the Welsh Ministers to publish any direction which dispenses with a requirement and to specify the reason behind the dispensation.</p> <p>The subordinate legislation will require scrutiny through the affirmative procedure.</p>
<p>Section 129</p> <p>Make regulations about Crown Applications</p>	<p>Background</p> <p>When making an application for an IC, there are certain circumstances which may require the application to be considered in a different way or for procedural aspects to be dispensed with. This may be in the case of Crown Development, and where such development may contain sensitive information where disclosure may not be in the public interest.</p> <p>Furthermore, in cases where national security directions apply the Crown may choose not to disclose some of the details of a proposed development on the grounds that national security (or the security of premises or other property) might otherwise be compromised.</p>

	<p>Subordinate legislation</p> <p>The Bill enables the Welsh Ministers to modify or exclude any statutory provision relating to pre-application procedure, the making of an application, examination and decision-making relating to an IC, where the application is made by or on behalf of the Crown.</p> <p>For example, regulations may detail how examinations may be conducted where the Crown is withholding sensitive information or matters pertaining to national security may not be disclosed to the public. Additionally, special procedures may be set in subordinate legislation to allow for some Crown developments to be determined as a matter of urgency.</p>
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PART 9 – GENERAL PROVISIONS

Power(s): Part 9, sections 133 and 141

Description:

These powers enable the Welsh Ministers to:

- specify any other way to give notices and other documents to a person, and
- make supplementary, incidental, transitional or consequential provisions.

Policy intention:

Specify any other way to give notices

The Bill is designed to encourage electronic working as the basis for the infrastructure consenting process enabling any notice, correspondence or document required to be submitted or issued electronically and to give electronic communications the same status as paper communications. While this is the case, there will remain the option of giving any document in paper format to enable participation from parties whose preference is not to use electronic communications.

Make supplementary, incidental, transitional or consequential provisions

This section sets out a regulation making power which may be used by the Welsh Ministers to make supplementary, incidental, transitional or consequential provisions. These regulations may amend, modify, repeal or revoke any enactment (including an enactment contained in this Bill).

Topic Area	Description
<p>Sections 133</p> <p>Specify any other way to give notices and other documents to a person</p>	<p>Background</p> <p>The majority of applications for major infrastructure are submitted electronically. This is largely due to the number of plans and supporting documents which accompanies such projects. There are also benefits to electronic submission in that information can easily be transferred online and any notification which requires a copy of the application to be sent to a consultee can be undertaken electronically.</p> <p>In respect of any notice, statement, other document or copies of other documents referred to in the Bill which are required to be served, given, or supplied, they may be served, given or supplied by:</p> <ul style="list-style-type: none"> • delivering it to the person on whom it is to be given; • leaving it at the usual or last known place of abode of that person; • sending it by post in a prepaid registered letter; • sending it by electronic communications. <p>Subordinate legislation</p> <p>Regulations will specify any other way to give notices and documents.</p> <p>The list included in section 133 is exhaustive but communication methods evolve very quickly and there might be a new way of communicating in future which may be added to the list included in section 133. This regulation making power allows the Welsh Ministers to add ways of giving notices to the list.</p>

Section 141	<p>Background</p> <p>This section sets out a regulation making power which may be used by the Welsh Ministers to make supplementary, incidental, and consequential provision and transitional or saving provisions. These regulations may amend, modify, repeal or revoke any enactment (including an enactment contained in this Bill).</p> <p>Subordinate legislation</p> <p>To ensure smooth transition between the old processes and the new regime, transitional arrangements are likely to be needed. It is not possible to say at this point what legislation may need to be adjusted, but an example of a transitional provision generally is the ‘saving’ of existing legislation so that it continues to apply where a project is being considered under an old regime.</p>
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SCHEDULE 2 – COMPENSATION FOR CHANGING OR REVOKING INFRASTRUCTURE CONSENT ORDERS

Power(s): Paragraphs 1(3) and 2(1)

Description:

These powers enable the Welsh Ministers to:

- make provisions about the way in which a claim for compensation for changing or revoking Infrastructure Consent Orders (“ICO”) is made.
- make provisions about the minimum amount of compensation for depreciation in relation to an application for changing or revoking ICOs.

Policy intention:

Where an infrastructure consent order is changed or revoked by the Welsh Ministers without an application being made, the Bill provides the ability for those who have an interest in the land to claim compensation for any financial losses occurred as a result of the change or revocation. These paragraphs make provisions for Welsh Ministers to set out the details of the procedure for making a claim for compensation and setting the minimum amount of compensation for depreciation.

Topic Area	Description
Paragraph 1(3) Changing or revoking an infrastructure consent order: compensation procedure	Background Where an ICO has been granted, powers in section 87 of the Bill enable the Welsh Ministers to change or revoke an ICO, either upon application or unilaterally. Where the Welsh Ministers make a change to an ICO unilaterally which would have a material impact on the consent given, or revoke an ICO, there may be financial implications on those

who have an interest in the land to which the consent relates. For example, the modification or revocation of an ICO could possibly cause partial or complete loss in income for those with an interest in the land to which it relates. In such circumstances, there would be a reasonable expectation for them to be compensated for their loss. Accordingly, provision is made to enable those with an interest in the land to put forward a claim for compensation to the Welsh Ministers.

As the Welsh Ministers are the determining authority for an ICO and will also have the power to amend or revoke an ICO, it is considered appropriate for any claim relating to compensation to be made to Welsh Ministers. Furthermore, as the determining authority, it is also considered appropriate that any successful claim for compensation is paid by the Welsh Ministers, given it will ultimately be their decision on whether to amend or revoke an ICO.

Subordinate legislation

The Bill makes provision for the way in which, and the period within which, a claim for compensation under this paragraph must be made. It is anticipated subordinate legislation will include:

- what a claim for compensation should contain, including (but not limited to):
 - details of the applicant/agent (inc name and address);
 - a statement as to whether the claimant has an interest in the land to which the relevant order relates or is a person for whose benefit the development consent order has effect;
 - the original ICO reference for the relevant order;
 - details of the expenditure, loss or damage which is the subject of the claim;
 - documents and evidence to support the claim and any other supporting documents;
- set a timeframe of 6 months in which to submit a claim for compensation.

<p>Paragraph 2(1)</p> <p>Compensation for depreciation: minimum amount</p>	<p>Background</p> <p>There may be instances where the land associated with an ICO can cover large areas and potentially cross over multiple local authority boundaries. As a result, different areas of the land may be affected more than others for the purposes of an ICO in terms of land depreciation and the amount of compensation payable. This will depend on how each of those parts is affected by the amendment to, or revocation of, the ICO.</p> <p>Paragraph 2(1) enables regulations to set a value at which point the compensation in relation to depreciation of land value is apportioned.</p> <p>Subordinate legislation</p> <p>We are aware the Town and Country Planning system has set compensation for depreciation in land value may be apportioned where the level of compensation exceeds £20. We will consider if this level should apply to this regime.</p>
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Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/JJ/2233/23

Llyr Gruffydd AS
Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

5 Medi 2023

Annwyl Llŷr,

Diolch am anfon Adroddiad y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith a gyhoeddwyd ar 14 Gorffennaf 2023 mewn perthynas â Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) ("y Bil").

Mae fy ymateb i'r argymhellion yn yr adroddiad yn Atodiad 1 isod. Rwyf hefyd wedi ysgrifennu heddiw at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad a Chadeirydd y Pwyllgor Cyllid i amlinellu fy ymateb i'w hargymhellion nhw.

Nodwch yn yr achos hwn fy mod wedi llwyddo i roi ymateb i'r rhan fwyaf o'r argymhellion yn yr adroddiad cyn y Drafodaeth am Egwyddorion Cyffredinol. Fodd bynnag, fel arfer mae Gweinidogion yn rhoi esboniad o ymateb y Llywodraeth i'r argymhellion ym mhob adroddiad gan y Pwyllgor, gan gynnwys yn ystod y drafodaeth Cyfnod 1, ac yn y rhan fwyaf o achosion, ond nid bob tro, maent yn rhoi rhagor o fanylion drwy lythyr ffurfiol. Nid yw'r ymateb yn arwydd y byddwn yn peidio â gwneud hynny yn y dyfodol.

Rwy'n edrych ymlaen at barhau i weithio gydag Aelodau wrth i'r Bil fynd ar ei daith drwy broses y Senedd.

Yn gywir

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Tudalen y pecyn 167

Atodiad 1

Ymateb i'r Argymhellion yn Adroddiad y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith a gyhoeddwyd ar 14 Gorffennaf 2023 mewn perthynas â Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) ("y Bil").

Argymhelliad 1.

Mae'r Pwyllgor yn argymhell bod y Senedd yn cefnogi egwyddorion cyffredinol y Bil

Rwy'n cefnogi'r argymhelliad hwn.

Argymhelliad 2.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i gynnwys mesurau sydd â'r nod o leihau llygredd aer o allyriadau amaethyddol a gwella ansawdd aer.

Rwy'n cytuno â'r Pwyllgor y dylai Gweinidogion Cymru ddarparu gwybodaeth am y camau sydd eu hangen i leihau llygredd o allyriadau amaethyddol a gwella ansawdd aer. Fodd bynnag, er fy mod yn cytuno ag ysbryd yr argymhelliad hwn, nid wyf yn credu bod angen gwelliant i'r Bil, am y bydd y Strategaeth Ansawdd Aer Genedlaethol yn amlinellu'r bolisiau a'r mesurau trawslywodraethol a thraws-sector ar gyfer gyflawni ein hamcanion ar gyfer aer glanach yng Nghymru. Bydd hyn yn cynnwys camau i sicrhau bod unrhyw dargedau newydd ar gyfer ansawdd aer yn cael eu cyflawni.

Ochr yn ochr â hyn, rydym eisoes yn cynnal amrediad eang o waith i leihau llygredd amaethyddol a'i effaith ar ein hamgylchedd. Mae rhagor o fanylion ynglŷn â'r camau rydym yn eu cymryd ar gael yn Atodiad 2.

Argymhelliad 3.

Dylai'r Gweinidog ddefnyddio'r Bil i annog teithio llesol. Ar y lleiaf, rydym yn disgwyl i'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i sicrhau bod y Bil yn darparu ar gyfer hyrwyddo teithio llesol fel ffordd o leihau llygredd aer o allyriadau cerbydau a gwella ansawdd aer.

Mae'r "Ddyletswydd i Hyrwyddo Ymwybyddiaeth o Lygredd Aer" yn Adran 8 yn ddyletswydd eang sy'n ein galluogi i gymryd camau wedi'u targedu mewn perthynas ag amrediad o lygryddion a ffynonellau, gan gynnwys teithio llesol. Mae trafodaethau'n mynd rhagddynt ynghylch opsiynau posibl ar gyfer rhoi grym i'r argymhelliad hwn, mewn ffordd sy'n gweithio o fewn bwriad polisi a chwmpas y Bil.

Argymhelliad 4.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i fynd i'r afael â'r ffaith bod y cyfeiriadau at 'Ysgrifennydd Gwladol' yn adran 80 o Ddeddf 1995 wedi arwain at ddryswch i ddefnyddwyr terfynol y ddeddfwriaeth oherwydd, mewn perthynas â Chymru, dyletswydd Gweinidogion Cymru yw paratoi a chyhoeddi strategaeth ansawdd aer genedlaethol, ac adolygu'r strategaeth honno.

Er fy mod yn cytuno bod angen eglurder ynghylch y pwynt hwn, mae llawer o gyfeiriadau at yr "Ysgrifennydd Gwladol" yn y llyfr statud mewn perthynas â deddfwriaeth hyn y mae angen eu darllen ar y cyd â'r Gorchmynion Trosglwyddo Swyddogaethau perthnasol a'r darpariaethau perthnasol yn Neddf Llywodraeth Cymru 2006. Byddai newid y cyfeiriadau at yr Ysgrifennydd Gwladol yn adran 80 yn peri anghysondeb a dryswch. Fodd bynnag, gallaf ymrwymo i egluro'r pwynt hwn yn y Memorandwm Esboniadol a/neu'r Nodiadau Esboniadol.

Argymhelliad 5.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i osod dyletswydd ar Weinidogion Cymru i wneud rheoliadau sy'n pennu targedau ansawdd aer ar gyfer yr holl lygryddion a gwmpesir gan Ganllawiau Ansawdd Aer Sefydliad Iechyd y Byd, ac ar gyfer amonia. Dylai hyn ategu, yn hytrach na disodli, y pŵer dewisol i osod targedau ar gyfer unrhyw fater yn ymwneud ag ansawdd aer yng Nghymru. Rhaid gwneud rheoliadau heb fod yn hwyrach na thair blynedd ar ôl y diwrnod y bydd y Ddeddf yn cael Cydsyniad Brenhinol. Os yw'r Gweinidog o blaid derbyn yr argymhelliad hwn, byddem yn fodlon i Weinidogion Cymru gael pŵer i wneud rheoliadau i ddiwygio'r rhestr o lygryddion a nodir ar wyneb y Bil.

Nid wyf yn gallu ymateb i'r argymhelliad hwn ar hyn o bryd am fod hwn yn newid sylweddol o'r dyletswyddau mewn perthynas â thargedau ansawdd aer yn y Bil, gydag effeithiau trawslywodraethol a thraws-sector helaeth. Yn ogystal, mae angen asesu ffactorau sy'n cynnwys effeithiau ariannol, amgylcheddol, economaidd ac economaidd-gymdeithasol posibl, ac effeithiau posibl ar iechyd. Gallaf roi sicrwydd ichi ein bod wrthi'n ystyried yr argymhelliad yn llawn. Byddaf yn ysgrifennu atoch ar wahân mewn perthynas â'r mater hwn maes o law.

Argymhelliad 6.

Os nad yw'r Gweinidog yn fodlon derbyn Argymhelliad 5, dylai:

- **gyflwyno gwelliannau yng Nghyfnod 2 i osod dyletswydd ar Weinidogion Cymru i wneud rheoliadau i osod targedau ansawdd aer ar gyfer nitrogen deuocsid ac amonia. Rhaid gwneud rheoliadau heb fod yn hwyrach na thair blynedd ar ôl y diwrnod mae'r Ddeddf yn cael Cydsyniad Brenhinol;**

Nid wyf yn gallu ymateb i'r argymhelliad hwn ar hyn o bryd am fod hwn yn newid sylweddol o'r dyletswyddau mewn perthynas â thargedau ansawdd aer yn y Bil, gydag effeithiau trawslywodraethol a thraws-sector helaeth. Yn ogystal, mae angen asesu ffactorau sy'n cynnwys effeithiau ariannol, amgylcheddol, economaidd ac economaidd-gymdeithasol posibl, ac effeithiau posibl ar iechyd. Gallaf roi sicrwydd ichi ein bod wrthi'n ystyried yr argymhelliad yn llawn. Byddaf yn ysgrifennu atoch ar wahân mewn perthynas â'r mater hwn maes o law.

- **ac ymrwymo i fynd i'r afael ag unrhyw fwlch data/tystiolaeth a allai fod yn rhwystr i osod targedau ar gyfer yr holl lygryddion sy'n weddill a gwmpesir gan Ganllawiau Ansawdd Aer Sefydliad Iechyd y Byd. Dylai hefyd ymrwymo i adrodd yn ôl i'r Senedd ar gynnydd tuag at ddatblygu targedau bob blwyddyn ar ôl i'r Ddeddf gael Cydsyniad Brenhinol.**

Rwy'n derbyn y rhan hon o'r argymhelliad. Fel yr wyf wedi dweud wrth y Pwyllgor, rydym eisoes wedi rhoi prosiect tystiolaeth helaeth ar waith i ystyried yr achos dros osod targedau y cyfeiriwyd atynt yng nghanllawiau Sefydliad Iechyd y Byd ar ansawdd aer. Mae'r argymhelliad hwn yn tynnu sylw at yr angen am ddull o ddatblygu targedau newydd sy'n seiliedig ar dystiolaeth.

Argymhelliad 7.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i ddarparu bod yn rhaid i reoliadau gosod targed $PM_{2.5}$ gael eu gwneud heb fod yn hwyrach na dwy flynedd ar ôl y diwrnod y caiff y Ddeddf Gydsyniad Brenhinol.

Rwy'n gwrthod yr argymhelliad hwn am nad yw'n bosibl gosod rheoliadau o fewn dwy flynedd i dderbyn Cydsyniad Brenhinol. Gwnaeth fy swyddogion roi briff llafar a darparu briff technegol ysgrifenedig i'r pwyllgor ym mis Mehefin, sy'n egluro pam mae angen amserlen tair blynedd. Bydd y prosiect yn cael effeithiau trawslywodraethol a thraws-sector helaeth. Yn ogystal, mae angen asesu ffactorau sy'n cynnwys effeithiau ariannol, amgylcheddol, economaidd ac economaidd-gymdeithasol posibl, ac effeithiau posibl ar iechyd. Hefyd mae angen inni sicrhau ein bod yn gadael digon o amser ar gyfer ymgysylltu, ymgynghori a chraffu gan y Senedd, a drafftio'r rheoliadau.

Argymhelliad 8.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i ddarparu y gall targedau ansawdd aer a osodir o dan y Bil fod yn dargedau hirdymor, ond nad oes angen iddynt fod. Diben hyn yw galluogi Gweinidogion Cymru i osod targedau interim ar lwybr tuag at darged hirdymor, a gosod targedau tymor byr ar gyfer llygryddion newydd.

Rwy'n cytuno ei bod yn bwysig i Weinidogion Cymru fod â phwerau i osod targedau dros dro, ac mae eisoes gennym bwerau i wneud hyn, yn yr un modd ag ar gyfer unrhyw darged ansawdd aer tymor byr. Felly, nid oes angen newid y Bil er mwyn darparu ar gyfer hyn. Gall y targedau dros dro hyn fod yn statudol neu anstatudol, i ddangos cynnydd tuag at gydymffurfio â thargedau tymor hwy.

Yn ogystal, wrth osod ac adolygu targedau o dan y fframwaith, mae'r Bil yn ei gwneud yn ofynnol i Weinidogion Cymru geisio cyngor gan yr arbenigwyr perthnasol ac i ystyried gwybodaeth wyddonol. Mae amrediad o wahanol fathau o darged ansawdd aer ar hyn o bryd, sy'n dibynnu ar natur y llygrydd. Byddai disgwyl i'r angen am unrhyw darged dros dro, y math o darged ddylai fe fod a phryd y byddai'n berthnasol, fod yn rhan o'r cyngor cychwynnol a pharhaus hwn.

Argymhelliad 9.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i ddarparu bod yn rhaid i Weinidogion Cymru roi sylw i Ganllawiau Ansawdd Aer diweddaraf Sefydliad Iechyd y Byd wrth osod targedau ansawdd aer.

Bydd canllawiau Sefydliad Iechyd y Byd ar ansawdd aer yn cael eu hystyried fel rhan o ddyletswydd Gweinidogion Cymru o dan y Bil i roi sylw i wybodaeth wyddonol wrth osod targedau. O bryd i'w gilydd mae Sefydliad Iechyd y Byd, fel rhan o'i gylch gwaith, yn cyhoeddi argymhellion sy'n gysylltiedig ag iechyd i helpu llywodraethau a chymdeithas sifil i leihau cysylltiad pobl â llygredd aer a'i effeithiau niweidiol. Nid yw'r canllawiau hyn ar ansawdd aer yn rhwymo mewn cyfraith; fodd bynnag, maent yn darparu offeryn inni a gwledydd eraill sy'n seiliedig ar wybodaeth y gallant ei defnyddio i lywio deddfwriaeth a polisi. Y bwriad yw y dylai llywodraethau ystyried eu hamgylchiadau lleol unigryw wrth ddefnyddio'r canllawiau, yn ogystal ag ymarferoldeb cyflawni'r targedau, a'r costau nad ydynt yn gysylltiedig ag iechyd. Bydd y Pwyllgor yn ymwybodol o'r dyletswyddau y mae'n rhaid i Lywodraeth Cymru i gydymffurfio â nhw wrth ddatblygu canllawiau. Er enghraifft ein dyletswyddau ynghylch llesiant cenedlaethau'r dyfodol. Mae'r gofyniad i "roi sylw" i wybodaeth wyddonol am lygredd aer wrth wneud rheoliadau ar gyfer targedau yn golygu y bydd canllawiau Sefydliad Iechyd y Byd yn cael eu defnyddio yn union yn y ffordd y mae'r sefydliad hwnnw'n bwriadu iddynt gael eu defnyddio.

Mae dogfennau ategol y Bil, gan gynnwys y Nodiadau Esboniadol, yn ei gwneud yn glir y bydd canllawiau Sefydliad Iechyd y Byd yn cael eu hystyried pan fydd y targedau'n cael eu datblygu. Am y rhesymau hyn nid wyf yn credu bod angen gwelliant.

Argymhelliad 10.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i gynnwys gofyniad ar Weinidogion Cymru i ymgynghori â rhanddeiliaid perthnasol cyn gwneud rheoliadau i osod targedau ansawdd aer. Dylai ymgynghoreion statudol gynnwys (ymysg eraill) y rhai a restrir yn adran 87(7B) newydd Deddf yr Amgylchedd 1995 (i'w mewnosod gan adran 12 o'r Bil).

Er fy mod yn cefnogi ysbryd yr argymhelliad hwn, nid wyf yn credu bod angen gwelliant. Mae Llywodraeth Cymru eisoes wedi ymrwmo i ymgynghori cyn gwneud rheoliadau o'r fath, ac rwy'n ailadrodd yr ymrwymiad hwnnw yma. Bydd ymgynghoriad cyhoeddus llawn cyn gwneud rheoliadau sy'n gosod targedau tymor hir. Mae'r rheoliadau hyn hefyd yn ddarostyngedig i'r weithdrefn gadarnhaol, felly mae angen cymeradwyaeth y Senedd cyn iddynt gael eu gwneud.

Argymhelliad 11.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i sicrhau bod y Bil yn darparu ar gyfer adrodd yn rheolaidd i'r Senedd ar gynnydd tuag at gyflawni targedau ansawdd aer. Gellid cyflawni hyn drwy gynnwys dyletswydd ar Weinidogion Cymru i adrodd yn flynyddol i'r Senedd ar gynnydd. Dylai hyn ategu yn hytrach na disodli'r darpariaethau adrodd ac adolygu a nodir yn adrannau 5 a 6

Gofynnir i'r Pwyllgor nodi, yn ogystal â'r gofynion yn adrannau 5 a 6 o'r Bil, fod adran 7 yn rhoi dyletswydd benodol ar Weinidogion Cymru i wneud trefniadau i gasglu data am ansawdd aer yng Nghymru, i'w galluogi i fonitro'r cynnydd tuag at gyflawni'r targedau a osodir, a sicrhau bod y data'n cael ei gyhoeddi. Mae hyn yn enghraifft arall o'r ffordd y byddwn yn dryloyw wrth ddangos cynnydd tuag at fodloni targedau newydd a osodir o dan y Bil.

Hefyd, mae'r Strategaeth Ansawdd Aer Genedlaethol eisoes yn amlinellu'r polisiau a'r mesurau er mwyn cyflawni ein hamcanion tymor hir ar gyfer aer glân.

Wrth ddweud hyn, rwy'n cydnabod dymuniad y Pwyllgor i weld adrodd rheolaidd. Os yw'r targed wedi cael ei gyflawni, rwyf hefyd yn cydnabod bod y Bil yn dawel o ran unrhyw ofynion adrodd pellach. O ran polisi, nid wyf yn credu y byddai'n briodol i'r broses o adrodd am gydymffurfedd a darparu data ddod i ben pan fydd targed wedi cael ei gyflawni. Felly, rwy'n cynnig gwneud gwelliant a fydd yn sicrhau bod dyletswydd ar Weinidogion Cymru i gynnal unrhyw safon a gyflawnir yn rhinwedd unrhyw darged a osodir o dan y Bil. Yn ogystal, rwy'n cynnig bod dyletswydd ar Weinidogion Cymru i sicrhau bod gofynion adrodd ar waith mewn perthynas â'u dyletswydd i gynnal safonau. Rwyf hefyd wedi ymrwymo i gyflwyno adroddiad blynyddol ar y Strategaeth Ansawdd Aer Genedlaethol.

Rwy'n credu bod y cyfuniad o'r dyletswyddau hyn yn rhoi'r cydbwysedd cywir ar gyfer adrodd cyn, yn ystod ac ar ôl y dyddiad olaf ar gyfer cyflawni'r targedau.

Argymhelliad 12.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i sicrhau bod yn rhaid i Weinidogion Cymru roi sylw i Ganllawiau Ansawdd Aer diweddaraf Sefydliad lechyd y Byd wrth adolygu targedau yn unol ag adran 6.

Fel y nodwyd yn fy ymateb i Argymhelliad 9, bydd canllawiau Sefydliad lechyd y Byd ar ansawdd aer yn cael eu hystyried fel rhan o ddyletswydd Gweinidogion Cymru i roi sylw i wybodaeth wyddonol wrth osod targedau. Fodd bynnag, mae'n bwysig nodi nad yw canllawiau'r Sefydliad hwinnw ar ansawdd aer yn safonau nac yn feini prawf sy'n rhwymo mewn cyfraith. Dylai llywodraethau ystyried eu hamgylchiadau lleol unigryw pan fyddant yn defnyddio'r canllawiau.

Mae'r Bil fel y'i drafftwyd yn ei gwneud yn ofynnol i Weinidogion Cymru roi sylw i wybodaeth wyddonol, a byddai hon yn cynnwys canllawiau Sefydliad lechyd y Byd ar ansawdd aer. Mae dogfennau ategol y Bil, gan gynnwys y Nodiadau Esboniadol, yn ei gwneud yn glir y bydd canllawiau Sefydliad lechyd y Byd ar ansawdd aer yn cael eu hystyried pan fydd targedau'n cael eu datblygu. Felly, nid wyf yn credu bod angen y gwelliant a argymhellwyd.

Argymhelliad 13.

Dylai'r Gweinidog:

- egluro'r amserlen y mae'n gweithio tuag ati ar gyfer estyn a gwella galluoedd monitro ansawdd aer presennol;
- darparu rhagor o fanylion am sut caiff y broses casglu data ei gwella at ddiben pennu a monitro cynnydd tuag at dargedau ansawdd aer;
a
- rhoi'r wybodaeth ddiweddaraf am y cynnydd tuag at ddatblygu gwasanaeth monitro ac asesu llygredd aer cenedlaethol i Gymru, gan gynnwys amserlen ddiwygiedig ar gyfer gweithredu'r gwasanaeth.

Rwy'n derbyn yr argymhelliad hwn. Mae'r fframwaith Targedau Cenedlaethol yn ei gwneud yn ofynnol i Weinidogion Cymru roi trefniadau ar gyfer casglu data ar waith er mwyn asesu'r cynnydd tuag at dargedau ar ôl iddynt gael eu gosod, ac i sicrhau bod data'n cael ei gyhoeddi. Mae gan y Cynllun Aer Glân i Gymru gysylltiadau agos â'r ddyletsydd i gasglu a chyhoeddi data, ac mae'n cynnwys ymrwymiad i ddatblygu a rhoi ar waith Gwasanaeth Monitro ac Asesu Ansawdd Aer ar gyfer Cymru.

Mae tudalennau 84–91 o'r Memorandwm Esboniadol a'r Asesiad Effaith Rheoleiddiol yn disgrifio'r costau disgwylidig a'r amserlenni mewn perthynas â'r galluoedd monitro, modelu ac adrodd sydd eu hangen i fesur, asesu ac adrodd ar gydymffurfedd â thargedau penodol. Bydd penderfyniadau ynghylch technolegau monitro a'u lleoliad yn seiliedig ar dystiolaeth, ac yn cael eu harwain gan gyngor arbenigwyr i sicrhau bod y data yn dangos y ffordd orau bosibl o gyflawni'r targedau a osodir. Pan fydd modd, hoffem i'r rhwydweithiau estynedig arwain cyfundrefnau lleol a chenedlaethol presennol wrth gefnogi camau cydlynol a gymerir oherwydd y mesurau.

Mae'r Gwasanaeth yn cael ei ystyried a'i ddatblygu ochr yn ochr â'r gofynion ar gyfer monitro ansawdd aer. Rydym yn gweithio'n agos â Cyfoeth Naturiol Cymru, Iechyd Cyhoeddus Cymru, awdurdodau lleol, y Panel Cyngori ar Aer Glân a phartneriaid eraill wrth ystyried a datblygu'r Gwasanaeth a monitro aer gwell yng Nghymru.

Argymhelliad 14.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i roi dyletswydd ar Weinidogion Cymru i gyflwyno adroddiad blynyddol i'r Senedd ar y camau a gymerwyd i hybu ymwybyddiaeth o lygredd aer a chynnydd tuag at gamau gweithredu a nodir yn y cynllun cyflawni. Byddem yn fodlon i'r adroddiad hwn fod yn rhan o'r adroddiad blynyddol ehangach ar gynnydd tuag at gyflawni'r Strategaeth Ansawdd Aer Genedlaethol (gweler Argymhelliad 15).

Rydym eisoes wedi ymrwymo i lunio adroddiad blynyddol ar y Strategaeth Ansawdd Aer Genedlaethol, ac rydym yn disgwyl i'r cynllun cyflawni fod yn rhan o'r gwaith hwn. Fodd bynnag, oherwydd amseriad yr adroddiad hwn, bydd angen adrodd ar y cynllun cyflawni ar wahân y tro cyntaf i fodloni'r gofyniad i adrodd yn flynyddol. Rwy'n fodlon ymrwymo i wneud hyn yn y Memorandwm Esboniadol, ond nid wyf yn cytuno bod angen gwelliant i'r Bil at y diben hwn.

Argymhelliad 15.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i gynnwys dyletswydd ar Weinidogion Cymru i adrodd yn flynyddol i'r Senedd ar gynnydd tuag at gyflawni'r Strategaeth Ansawdd Aer Genedlaethol.

Rwy'n gwerthfawrogi ac yn cytuno â lefel y pwysigrwydd mae'r Pwyllgor yn ei rhoi ar adrodd a thryloywder. Fodd bynnag, mae Llywodraeth Cymru eisoes wedi ymrwmo i gyflwyno adroddiadau blynyddol ar y Strategaeth Ansawdd Aer Genedlaethol: Rwy'n hapus i ailadrodd yr ymrwymiad hwnnw ym Memorandwm Esboniadol y Bil.

Argymhelliad 16.

Dylai'r Gweinidog roi rhagor o fanylion am sut bydd Llywodraeth Cymru yn monitro ac yn adrodd ar gydymffurfedd â'r ddyletswydd ar awdurdodau lleol ac awdurdodau cyhoeddus perthnasol yng Nghymru i roi sylw i'r Strategaeth Ansawdd Aer Genedlaethol

Rwy'n derbyn yr argymhelliad hwn. Byddwn yn monitro ac yn adrodd ar gydymffurfedd â'r ddyletswydd sydd ar awdurdodau lleol ac awdurdodau cyhoeddus perthnasol Cymru i roi sylw i'r Strategaeth Ansawdd Aer Genedlaethol drwy fecanweithiau presennol. Byddwn yn gweithio'n agos gydag awdurdodau lleol wrth ddatblygu'r Strategaeth Ansawdd Aer Genedlaethol a'r polisiau ynddi. Mae'r gyfundrefn Rheoli Ansawdd Aer yn Lleol yn ei gwneud yn ofynnol i awdurdodau lleol gyflwyno adroddiadau cynnydd blynyddol. Bydd Llywodraeth Cymru yn adrodd ar y Strategaeth Ansawdd Aer Genedlaethol bob blwyddyn, ac rydym hefyd yn cyhoeddi Adroddiad Ansawdd Aer Cymru.

Argymhelliad 17.

Dylai'r Gweinidog ymrwmo i sicrhau bod unrhyw gost ychwanegol i awdurdodau lleol ac awdurdodau cyhoeddus perthnasol yng Nghymru sy'n deillio o'r ddyletswydd i roi sylw i'r Strategaeth Ansawdd Aer Genedlaethol yn cael ei diwallu drwy lefel briodol o gyllid.

Rydym wedi gweithio'n agos gydag awdurdodau lleol wrth inni ddatblygu ein Cynllun Aer Glân i Gymru a'r Bil hwn, a byddwn yn parhau â'r gwaith agos hwn pan fyddwn yn datblygu'r Strategaeth Ansawdd Aer Genedlaethol. Mae hyn yn cynnwys opsiynau ar gyfer darparu cyllid priodol.

Argymhelliad 18.

Dylai'r Gweinidog ystyried cyflwyno gwelliannau yng Nghyfnod 2 i sicrhau bod sefydliadau eraill y GIG, Swyddfa Comisiynydd Cenedlaethau'r Dyfodol a Byrddau Gwasanaethau Cyhoeddus yn cael eu rhestru fel ymgynghoreion statudol wrth adolygu'r Strategaeth Ansawdd Aer Genedlaethol.

Rwy'n derbyn yr argymhelliad hwn a byddwn yn cyflwyno gwelliant i adlewyrchu'r argymhelliad hwn.

Argymhelliad 19.

Dylai'r Gweinidog ymrwymo i barhau i adolygu'r dyraniad cyllidebol ar gyfer y Gronfa Gymorth Rheoli Ansawdd Aer Lleol sydd newydd ei sefydlu.

Rwy'n derbyn yr argymhelliad hwn a byddaf yn ymrwymo i barhau i adolygu'r dyraniad cyllidebol ar gyfer y Gronfa Gymorth Rheoli Ansawdd Aer Lleol sydd newydd ei sefydlu.

Argymhelliad 20.

Dylai'r Gweinidog ddiwygio'r Bil:

- **i osod dyletswydd ar awdurdodau lleol i baratoi a chyhoeddi strategaeth ansawdd aer yn nodi'r camau y byddant yn eu cymryd i wella ansawdd aer ar draws eu hardal; ac**
- **i alluogi dau neu ragor o awdurdodau cyfagos i baratoi strategaeth ar y cyd i gwrdd â'r ddyletswydd a amlinellir uchod.**

Mae ein canllawiau statudol eisoes yn amlinellu opsiwn i awdurdodau lleol unigol neu grwpiau o awdurdodau lleol ddatblygu strategaethau ansawdd aer. Pe baem yn gwneud hon yn ddyletswydd statudol byddem yn ychwanegu ymhellach at y baich sydd ar adnoddau awdurdodau lleol.

Yn lle hynny rwy'n ymrwymo i ddiweddarau'r canllawiau statudol a gwella'r broses ar gyfer adroddiadau blynyddol, i ysgogi gweithredu ac annog cydgysylltu ar draws strategaethau awdurdodau lleol perthnasol. Mae Cyd-bwyllgorau Corfforedig hefyd yn darparu mecanwaith i sicrhau bod ansawdd aer yn cael ei ystyried mewn perthynas â thrafnidiaeth a chynllunio defnydd tir ar lefel ranbarthol.

Argymhelliad 21.

Os nad yw'r Gweinidog yn fodlon derbyn Argymhelliad 20, dylai ymrwymo i gryfhau canllawiau Llywodraeth Cymru ar reoli ansawdd aer lleol i osod disgwyliad cryf i awdurdodau lleol ddatblygu strategaethau ansawdd aer lleol/rhanbarthol.

Rwy'n derbyn yr argymhelliad hwn. Rwy'n ymrwymo, yn ein canllawiau diwygiedig, i annog awdurdodau lleol yn gryf i ddatblygu strategaethau ansawdd aer lleol neu ranbarthol.

Argymhelliad 22.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i sicrhau bod adran 18 o Ddeddf Aer Glân 1993 yn amlinellu'r amgylchiadau pan ddylai awdurdod lleol ddatgan Ardal Rheoli Mwg. Os nad yw'r Gweinidog yn fodlon gwneud hyn, dylai ymrwymo i roi sylw i'r mater hwn mewn canllawiau statudol (gweler Argymhelliad 23).

Rwy'n gwrthod yr argymhelliad hwn. Rwyf wedi ymrwymo i gyhoeddi canllawiau ar reoli mwg, a byddaf yn gweithio gydag awdurdodau lleol i ddeall yr wybodaeth sydd ei hangen arnynt er mwyn sefydlu ardaloedd rheoli mwg fel rhan o'r broses hon. Gall datgan ardal rheoli mwg arwain at oblygiadau sylweddol ar gyfer aelwydydd unigol, felly mae'n bwysig

ein bod yn gallu diwygio'r canllawiau gydag amser. Ni fyddai'r gwelliant a amlinellir yn yr argymhelliad yn caniatáu hyn.

Argymhelliad 23.

Dylai'r Gweinidog gyflwyno gwelliannau yng Nghyfnod 2 i osod dyletswydd ar Weinidogion Cymru i gyhoeddi canllawiau i awdurdodau lleol ar arfer eu swyddogaethau o dan Ran III o Ddeddf Aer Glân 1993. Dylai'r canllawiau amlinellu'r amgylchiadau lle byddai disgwyl i awdurdod lleol ddatgan Ardaloedd Rheoli Mwg, ymhlith pethau eraill.

Rwy'n gwerthfawrogi bod angen pwerau i alluogi Gweinidogion Cymru i gyhoeddi canllawiau mewn perthynas ag arfer swyddogaethau awdurdodau lleol o dan Ran III o Ddeddf Aer Glân.

Mae'r Bil eisoes yn cynnwys darpariaeth sy'n ei gwneud yn ofynnol i awdurdodau lleol ystyried canllawiau a gyhoeddir gan Weinidogion Cymru. Rwyf hefyd wedi ymrwmo yn y Memorandwm Esboniadol i gyhoeddi canllawiau statudol. Felly, nid wyf yn credu bod angen creu dyletswydd statudol i gyhoeddi canllawiau.

Argymhelliad 24.

Dylai'r Gweinidog nodi'r meini prawf a ddefnyddir i benderfynu a ddylai awdurdod lleol gael cyfarwyddyd gan Weinidogion Cymru i ddatgan Ardal Rheoli Mwg. Dylai'r canllawiau a roddir i awdurdodau (gweler Argymhelliad 22) egluro'r meini prawf hyn.

Rwy'n derbyn yr argymhelliad hwn mewn egwyddor. Er nad ydwyf yn gallu cadarnhau'r meini prawf hyn ar hyn o bryd, gallaf ymrwmo i wneud hynny pan fydd y canllawiau ar Ardaloedd Rheoli Mwg yn cael eu cyhoeddi. Rydym wedi ymrwmo i wneud hynny erbyn mis Mawrth 2025.

Argymhelliad 25.

Dylai'r Gweinidog ystyried a ellid a sut gellid ehangu'r ddarpariaeth rheoli mwg ledled Cymru heb effeithio'n andwyol ar aelwydydd sy'n dibynnu ar danwydd solet i goginio a gwresogi.

Rwy'n derbyn yr argymhelliad hwn. Gallaf gadarnhau bod hon yn ystyriaeth barhaus a fydd yn rhan o'r camau nesaf yn dilyn deddfu.

Argymhelliad 26.

Dylai'r Gweinidog egluro pa fesurau a nodir yn yr ymgynghoriad ar leihau allyriadau o losgi tanwydd solet domestig y gellid eu cyflwyno gan ddefnyddio pwerau gwneud rheoliadau presennol a pha rai y byddai angen deddfwriaeth sylfaenol bellach arnynt.

Rwy'n derbyn yr argymhelliad hwn. Pan fyddaf yn cyhoeddi canlyniadau'r ymgynghoriad a'r camau nesaf y byddwn yn eu cymryd i leihau allyriadau o losgi tanwydd solet domestig, byddaf yn ysgrifennu at y Pwyllgor i roi'r wybodaeth hon iddynt.

Argymhelliad 27.

Cyn y ddadl Cyfnod 1, dylai'r Gweinidog gyhoeddi ymateb Llywodraeth Cymru i'w hymgyngoriad ar leihau allyriadau o losgi tanwydd solet domestig, gan gynnwys y camau nesaf. Dylai'r ymateb gynnwys amserlen ddiwygiedig ar gyfer gwneud rheoliadau sy'n addas o uchelgeisiol.

Er nad wyf yn gallu ymrwymo i gyhoeddi crynodeb o'r ymatebion cyn y ddadl Cyfnod 1, byddaf yn cyhoeddi'r rhain cyn gynted ag y bo modd. Byddaf yn gynnwys y wybodaeth hon gyda'r wybodaeth a anfonaf at y Pwyllgor o dan argymhelliad 26.

Argymhelliad 28.

Dylai'r Gweinidog gyflwyno gwelliant/gwelliannau yng Nghyfnod 2 i gynnwys dyletswydd ar Weiniogion Cymru i ymgynghori cyn gwneud cynllun codi tâl ar ddefnyddwyr cefnffyrdd at ddiben lleihau neu gyfyngu ar lygredd aer. Rhaid i ymgynghoreion gynnwys y rhai y mae'r cynllun codi tâl arfaethedig yn debygol o effeithio arnynt, gan gynnwys y cyhoedd a busnesau.

Rwy'n deall yn llawn ac yn cytuno â'r pwysigrwydd mae'r Pwyllgor yn ei roi ar ymgynghori â'r cyhoedd. Fodd bynnag, yn yr achos hwn ni fyddai dyletswydd i ymgynghori'n ychwanegu gwerth, o ystyried y pwyslais presennol ar wneud hynny. Rwy'n ailadrodd fy ymrwymiad i ymgynghori cyn cyflwyno cynllun codi tâl ar ddefnyddwyr ffyrdd at ddiben lleihau neu gyfyngu ar lygredd aer.

Hefyd, mae Canllawiau Arfarnu Trafnidiaeth Cymru (WelTAG) yn amlinellu'n glir bwysigrwydd cynnwys rhanddeiliaid ac ymgysylltu â'r cyhoedd wrth gasglu tystiolaeth o'r angen i ymyrryd. Mae WelTAG yn broses gydweithredol, sy'n ei gwneud yn ofynnol cynnwys pobl y mae'n bosibl y bydd penderfyniadau'n effeithio arnynt, wrth gasglu tystiolaeth am effeithiau'r opsiynau a gynigir a chanlyniadau gwneud dim.

Argymhelliad 29.

Dylai'r Gweinidog gyflwyno gwelliant/gwelliannau yng Nghyfnod 2 i sicrhau bod yr enillion net o gynlluniau codi tâl ar ddefnyddwyr cefnffyrdd a wneir at ddiben lleihau neu gyfyngu ar lygredd aer yn cael eu defnyddio at ddiben hwyluso'r broses o gyflawni polisiau sy'n ymwneud ag ansawdd aer yn uniongyrchol neu'n anuniongyrchol, gan gynnwys teithio llesol.

Rwy'n gwrthod yr argymhelliad hwn. Er fy mod yn cytuno ag egwyddor defnyddio cyllid at ddibenion trafniadaeth gynaliadwy ac ansawdd aer, byddai neilltuo cyllid yn lleihau'r hyblygrwydd a'r cyfleoedd i sicrhau bod gwerth am arian yn cael ei ystyried. Rwy'n credu y bydd y broses amlinelli yn Atodlen 2 o'r Bil eisoes yn ein galluogi i gyflawni bwriad y Pwyllgor. Bydd hyn yn caniatáu lefel briodol o hyblygrwydd ynghylch sut i ddefnyddio cyllid i gael y canlyniadau gorau, heb gael ein rhwystro'n ddiangen gan ddeddfwriaeth.

I sicrhau ffocws ar ansawdd aer wrth wneud penderfyniadau ynghylch cyllidebau, mae'r broses a roddir yn Atodlen 2 yn ei gwneud yn ofynnol asesu effeithiau disgwylidig cynigion mewn perthynas ag ansawdd aer. Disgwylid i gynlluniau teithio llesol fod o fewn y diffiniad hwn, o ystyried eu capasiti i wrthbwysu llygredd o allyriadau drwy leihau nifer y siwrneiau mewn cerbydau.

Argymhelliad 30.

Dylai Llywodraeth Cymru nodi amserlen ar gyfer cyflwyno'r rheoliadau i roi lefelau newydd o ddirwyon ar waith, gan gynnwys pryd mae ymgynghoriad i fod i gael ei gynnal.

Rwy'n derbyn yr argymhelliad hwn. Bydd y Memorandwm Esboniadol yn cael ei ddiwygio i gynnwys amserlen

Argymhelliad 31.

Dylai Llywodraeth Cymru weithio gydag awdurdodau lleol i ddatblygu a gweithredu ymgyrch ymwybyddiaeth y cyhoedd gynhwysfawr i addysgu'r cyhoedd am effeithiau niweidiol segura.

Rwy'n derbyn yr argymhelliad hwn. Yn ein Cynllun Aer Glân rydym yn cydnabod bod cyfathrebu effeithiol ynghylch ansawdd aer, i sicrhau newid ymddygiad, yn allweddol i ddiogelu'r amgylchedd ac iechyd cenedlaethau'r presennol a'r dyfodol. O ystyried pwysigrwydd codi ymwybyddiaeth fel rhan o'r gweithredu ehangach i fynd i'r afael â gadael i injans cerbydau seguro yn ddiangen, mae'n dilyn y dylid cefnogi ymgyrch gynhwysfawr. Mae'r Memorandwm Esboniadol eisoes yn rhoi cyfleoedd i gynnal ymgyrchoedd gwrthsegura mewn partneriaeth ag awdurdodau lleol. Gellir cynnwys hyn yn ein cynllun cyflawni i godi ymwybyddiaeth.

Argymhelliad 32.

Dylai Llywodraeth Cymru gynnwys diffiniad o seinweddau ar wyneb y Bil neu, fel arall, yn y Memorandwm Esboniadol.

Rwy'n derbyn yr ail awgrymiad a wneir yn yr argymhelliad hwn. Rwy'n cytuno bod angen eglurder ynghylch ystyr seinweddau, ond byddai diffiniad ar wyneb y Bil yn lleihau hyblygrwydd ac ni fyddai'n ein galluogi i ymateb i newid. Rwy'n ymrwymo i ddiffiniad o seinweddau gael ei fewnosod i'r Memorandwm Esboniadol a'r strategaeth seinweddau genedlaethol ei hun. Dyma'r dull a ffeirir ac mae'n gyson â'r cyngor llafar a roddwyd i'r Pwyllgor gan y Sefydliad Acwsteg ar 11 Mai.

Argymhelliad 33.

Dylai Llywodraeth Cymru greu panel cyngori arbenigol sy'n cynnwys rhwydweithiau gwyddonol, elusennau, a cholegau brenhinol sy'n gweithio ym maes seinweddau.

Rwy'n cytuno y dylai Gweinidogion Cymru dderbyn cyngor arbenigol ar y pwnc hwn, ond mae angen cwestiynu a fyddai gwerth ychwanegol sefydlu panel ffurfiol (yn ogystal â'r cyngor comisiynu ad hoc) yn gwrthbwysu'r costau gweinyddol, ac a fyddai'n darparu'r hyblygrwydd sydd ei angen. Byddwn yn ystyried rhinweddau'r cynnig yng ngoleuni'r ymatebion a gyflwynir i'r ymgynghoriad agored ar Gynllun Sŵn a Seinwedd 2023–2028, sy'n cau ar 2 Hydref ac yn gofyn cwestiwn penodol am y pwnc hwn. Byddwn hefyd yn craffu yn fanwl ar ymateb Llywodraeth y DU i argymhelliad diweddar Pwyllgor Gwyddoniaeth a Thechnoleg Tŷ'r Arglwyddi i sefydlu panel cyngori rhyngddisgyblaethol annibynnol ar gyfer sŵn, gan ei bod yn bosibl y bydd cyfle ar gyfer cydweithio ledled y DU yn y maes hwn. Rwy'n ymrwymo i roi'r wybodaeth ddiweddaraf i'r Pwyllgor am unrhyw benderfyniadau a wneir yn hyn o beth.

Argymhelliad 34.

Dylai Llywodraeth Cymru nodi pa adnoddau ychwanegol y bydd yn eu darparu i awdurdodau lleol a chyrff cyhoeddus i fynd i'r afael â'r bylchau presennol mewn gwybodaeth a gwella eu gallu i roi polisïau seinweddau ar waith yn effeithiol.

Ni fyddwn yn gallu rhoi ymateb llawn i'r argymhelliad hwn nes ein bod wedi ystyried yn llawn yr ymatebion a gyflwynir i'r ymgynghoriad agored ar Gynllun Sŵn a Seinwedd 2023–2028, sy'n cau ar 2 Hydref, wedi cynnal rhagor o drafodaethau â sefydliadau partner, ac wedi gwneud penderfyniadau mewn perthynas â'r TAN 11 newydd. Gallaf ymrwymo i roi'r wybodaeth ddiweddaraf i'r Pwyllgor yn y flwyddyn newydd pan fydd rhagor o wybodaeth ar gael.

Argymhelliad 35.

Dylai Llywodraeth Cymru gynnwys rhanddeiliaid allweddol yn y gwaith o baratoi ac adolygu'r Strategaeth Seinweddau Genedlaethol. Dylai'r Gweinidog egluro i ba raddau roedd rhanddeiliaid allweddol yn ymwneud â'r Strategaeth ddrafft, a gyhoeddwyd ar gyfer ymgynghoriad ar 26 Mehefin 2023.

Rwy'n derbyn yr argymhelliad hwn, ac yn cadarnhau y gall Llywodraeth Cymru ymrwymo i fynd ati'n weithredol i gynnwys rhanddeiliaid allweddol yn y gwaith o baratoi ac adolygu'r Strategaeth Seinweddau Genedlaethol.

Nid y cynllun cyntaf o'i fath yw'r fersiwn drafft o Gynllun Sŵn a Seinwedd Cymru 2023–2028, ac nid yw'r polisiau sydd ynddo yn newydd i'r rhai sydd eisoes ar waith yn y maes hwn. Y cynllun drafft rydym yn cynnal ymgynghoriad 14 wythnos yn ei gylch ar hyn o bryd yw'r synthesis/diweddariad diweddaraf o holl bolisiau Llywodraeth Cymru yn y maes hwn. Maent ar gael i'r cyhoedd i raddau helaeth, ac maent wedi bod yn destun llawer o drafodaethau â rhanddeiliaid perthnasol dros y blynyddoedd diwethaf. Dylai'r rhan fwyaf o'i gynnwys fod yn gyfarwydd i'r rhai sydd eisoes yn gyfarwydd â Chynllun Gweithredu ar Sŵn a Seinwedd 2018–2023 a'r fersiwn drafft o'r TAN 11 newydd y gwnaethom gynnal ymgynghoriad yn ei gylch y llynedd. Cafodd y ddwy ddogfen eu datblygu ar y cyd â phartneriaid allanol. I raddau helaeth mae'r Cynllun diwygiedig hwn yn cynnwys polisiau Llywodraeth Cymru sydd eisoes wedi'u sefydlu, ac ni fu angen yr un lefel o gydgyhyrchu â rhanddeiliaid arno ag a fyddai ei hangen wrth ddechrau o'r cychwyn un ar strategaeth gyntaf mewn maes polisi newydd, neu ar strategaeth ddiwygiedig sy'n cynnig newid sylfaenol i gyfeiriad polisi.

Dylai'r Pwyllgor werthfawrogi na fyddai modd rhannu'r ddogfen ei hun â holl aelodau sefydliadau mawr fel y Sefydliad Acwsteg a'r Sefydliad Siartredig Iechyd yr Amgylchedd, nes imi ei chymeradwyo i fod yn destun ymgynghoriad cyhoeddus. Fodd bynnag, cafodd drafft a oedd yn agos at y fersiwn derfynol ei rannu ag unigolion yn y Sefydliad Acwsteg, Cymdeithas yr Ymgynghorwyr Sŵn, y Gymdeithas Lleihau Sŵn, Sefydliad Siartredig Iechyd yr Amgylchedd a Rhwydwaith Acwsteg y DU, gan gynnwys rhai sydd wedi bod o dan gontract gyda Llywodraeth Cymru i'n cefnogi mewn perthynas â mapio sŵn, sŵn pypiau gwres a dylunio seinweddau, ac eraill nad ydynt wedi'u rhwymo i Lywodraeth Cymru drwy gontract, ar sail ymddiriedaeth cyn yr ymgynghoriad cyhoeddus, i wirio am unrhyw hepgoriadau difrifol neu unrhyw beth a fyddai'n rhoi stop ar y cynlluniau. Gwnaed gwelliannau o ganlyniad i'r awgrymiadau a dderbyniwyd.

Mae Llywodraeth Cymru yn mynd ati'n weithredol i ymgysylltu â rhanddeiliaid yn ystod yr ymgynghoriad cyhoeddus 14 wythnos, gan gynnwys cwrdd â rheoleiddwyr sŵn (Cyfoeth Naturiol Cymru ac awdurdodau lleol), Grŵp Tirwedd Cymru, Cangen Cymru o'r Sefydliad Acwsteg, a Chynhadledd Rheol Sŵn Sefydliad Siartredig Iechyd yr Amgylchedd.

Bydd y strategaeth seinweddau genedlaethol gyntaf ar ôl i'r Bil ddod yn ddeddf yn cael ei datblygu erbyn 2028, a bydd yn cael ei chynhyrchu gan Lywodraeth nesaf Cymru. Nid yn unig mae ein hymgynghoriad presennol yn ceisio barn ar y fersiwn drafft o'r Cynllun Sŵn a Seinwedd a gyhoeddwyd eleni, ond mae hefyd yn awgrymu, os yw sgiliau a phrofiad sy'n gysylltiedig â seinweddau'n cynyddu yn ystod y pum mlynedd nesaf, gallai fersiwn ddiwygiedig o'r strategaeth seinweddau genedlaethol yn 2028 fod yn fwy uchelgeisiol o ran yr hyn a ddisgwylir gan ymarferwyr na'r strategaeth rydym yn ymgynghori yn ei chylch eleni. Bydd y farn sy'n cael ei chasglu oddi wrth rhanddeiliaid allweddol yn llywio'r gwaith o

ddatblygu polisiâu ar sŵn a seinwedd gan yr weinyddiaeth hon a'r un nesaf, a bydd yn helpu i lunio'r strategaeth a gynhrychir o dan y Ddeddf hon yn 2028.

Atodiad 2

Mynd i'r Afael â Llygredd Amaethyddol yng Nghymru

Mae'r canlynol yn wybodaeth am amrediad o fesurau sydd gennym i fynd i'r afael â llygredd amaethyddol yng Nghymru a'i effaith ar ein hamgylchedd:

Rheoliadau Rheoli Llygredd Amaethyddol

Mae Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021 ("Rheoliadau CoAP") a ddaeth i rym ar 1 Ebrill 2021, yn seiliedig ar argymhellion arfer da hirsefydlog wedi'u cynllunio i atal llygredd amaethyddol.

Er mai prif nod Rheoliadau CoAP yw lleihau llygredd dŵr, mae'r mesurau wedi'u cynllunio i osgoi cyfnewid llygredd ac atal lefelau uwch o faethynnau, gan gynnwys amonia, rhag cael eu colli i'r amgylchedd, neu leihau hynny. Drwy ddefnyddio'r dull hwn, mae Rheoliadau CoAP yn cyflawni yn erbyn amrediad eang o gyfrifoldebau rhyngwladol a domestig Cymru, ac yn darparu ymateb cyfannol i'r heriau amgylcheddol sy'n gysylltiedig ag allyriadau amonia.

Mae Rheoliadau CoAP yn cynnwys y mesurau canlynol:

- Cynllunio Rheoli Maethynnau;
- Defnyddio gwrtaith mewn modd cynaliadwy un unol ag anghenion y cnwd;
- Diogelu dŵr rhag llygredd sy'n gysylltiedig â lle, pryd a sut mae gwrteithiau'n cael eu gwasgaru; a
- Safonau storio tail;

Rhaid i Reoliadau CoAP gael eu hadolygu bob pedair blynedd o leiaf. Bydd pob adolygiad o'r rheoliadau'n parhau i ystyried maethynnau'n cael eu colli i'r amgylchedd, gan gynnwys amonia. Mae Llywodraeth Cymru wedi ymrwymo i ystyried ymhellach gynigion a dderbyniwyd ynghylch mesurau amgen, wedi'u cyflwyno o dan Reoliad 45, fel rhan o'r adolygiad 4-blynedd nesaf. Mae'r cynigion yn cynnwys mesurau a all fod yn fuddiol er mwyn lleihau allyriadau amonia o weithgareddau amaethyddol.

Asesiad Rheoliadau Cynefinoedd, deddfwriaeth Trwyddedu Amgylcheddol a Chynllunio Gwlad a Thref

Mae proses yr Asesiad Rheoliadau Cynefinoedd, o dan Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2017, yn asesu a allai cais am drwydded amgylcheddol neu gais am ganiatâd cynllunio gael effaith negyddol ar safleoedd dynodedig a warchodir gan gyfraith Ewrop, gan gynnwys gan allyriadau amonia. Gallai effaith y drwydded neu'r caniatâd fod ar neu ar bwys y safle Ewropeaidd dynodedig. Gall hefyd gael ei defnyddio mewn ardaloedd bwyta a ddefnyddir gan rywogaeth o safle Ewropeaidd dynodedig.

Os penderfynir y gallai trwydded neu ganiatâd gael effaith negyddol ar y safleoedd hyn, rhaid gwrthod y cais am drwydded neu ganiatâd, oni bai bod ffyrdd o osgoi neu liniaru ar unrhyw effaith bosibl.

Mae angen trwydded amgylcheddol o dan Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016 os oes gan fferm fwy na 40,000 o leoedd ar gyfer dofednod, mwy na 2,000 o leoedd ar gyfer moch cynhyrchu (dros 30kg) neu dros 750 o leoedd ar gyfer hychod.

Mae datblygiadau amaethyddol sy'n rhyddhau amonia'n cynnwys y canlynol:

- Ffermio dofednod: gan gynnwys cyw ieir, tyrcïod, ieir gini, hwyaid, gwyddau, soffieir, colomennod, fasantod a phetris sy'n cael eu magu neu eu cadw'n gaeth at ddibenion bridio, cynhyrchu cig neu wyau i'w bwyta, neu er mwyn ailstocio'r cyflenwad o adar hela.
- Ffermio moch: pob math.
- Ffermio gwartheg godro: pob math.
- Ffermio cig eidion: pob math.
- Treulio anaerobig a'r gweithgareddau cysylltiedig: deunydd bwydo a gweddillion treulio anaerobig.
- Storfeydd slyri: pob math.
- Defnyddio wrea i leihau nitrogen ocsid.
- Gwasgaru ar dir: os yw'n ofynnol i fferm gynnal Aseiad Rheoliadau Cynefinoedd, Aseiad Effaith Amgylcheddol, neu os yw'n agos at safle sensitif, yno rhaid cynnwys gwasgaru ar dir yn yr aseidiadau o'r effeithiau.

Pan fydd slyri neu dail yn cael eu gwasgaru ar dir heb unrhyw fanteision y gellir eu dangos i'r pridd neu dwf cnydau, neu os ydynt yn fwy nag anghenion maethynnau'r cnwd, maent yn cael eu hystyried yn wastraff. Hefyd mae tail a slyri a ddefnyddir mewn proses drin, neu sy'n cael eu storio cyn proses drin, er enghraifft compostio neu dreulio anaerobig, yn cael eu hystyried yn wastraff. Mae'r gweithrediadau hyn yn ddarostyngedig i Reoliadau Trwyddedu Amgylcheddol (Cymru y Lloegr) 2016 ac mae angen trwydded amgylcheddol neu esemptiad arnynt. Os yw unrhyw niwed yn cael ei beri i'r amgylchedd neu iechyd pobl ar unrhyw adeg drwy gasglu, storio neu ddefnyddio tail neu slyri, maent yn cael eu hystyried yn wastraff.

O dan Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016, mae achosi neu ganiatáu i sylwedd gwenwynig, darniweidiol neu sylwedd sy'n llygru, neu wastraff solet ollwng i ddyfroedd a reolir, gan gynnwys dŵr daear a dŵr wyneb yn drosedd, oni bai bod y gweithriad wedi'i ganiatáu gan Cyfoeth Naturiol Cymru.

Mae Rhan 2 o'r Cod Ymarfer Amaethyddol Da (CoGAP) yn God Statudol o dan Adran 97 o Ddeddf Adnoddau Dŵr 1991. Er nad oes rhaid i fferm ddilyn y cyngor a roddir yn Rhan 2, mae'n bosibl y bydd Cyfoeth Naturiol Cymru yn ystyried a yw wedi gwneud hyn wrth benderfynu ar gamau gorfodi yn dilyn unrhyw achos o lygru dŵr. Er nad yw hyn yn berthnasol i unrhyw gyngor a roddir dim ond i leihau'r risg o lygredd aer, mae llawer o'r cyngor sy'n gysylltiedig â lleihau llygredd dŵr hefyd yn fanteisiol wrth leihau allyriadau amonia. Yn 2019, cafodd y Cod Ymarfer Amaethyddol Da ei ategu gan ganllawiau ar leihau gollyngiadau amonia o amaethyddiaeth yng Nghymru. Mae canllawiau 2019 yn adlewyrchu fframwaith Cod UNECE ar Ymarfer Amaethyddol Da ar gyfer lleihau allyriadau amonia.

Rhaglen Genedlaethol Rheoli Llygredd Aer

Ym mis Chwefror 2023, cafodd Rhaglen Genedlaethol Rheoli Llygredd Aer (NAPCP) ei chyhoeddi yn unol â gofynion Rheoliadau Terfynau Uchaf Allyriadau Cenedlaethol 2018. Mae'r NAPCP yn amlinellu mesurau a dadansoddiadau ynghylch sut y gellir bodloni'r ymrwymïadau a sefydlwyd gan y Rheoliadau, gan gynnwys ar gyfer amonia, ledled y DU.

Mae'r NAPCP yn amlinellu'r opsiynau polisi a ddewiswyd i'w hystyried ymhellach i gydymffurfio â'r ymrwymadau i leihau allyriadau yng Nghymru, mewn perthynas ag amaethyddiaeth:

- Defnyddio gwrrtaith / tail allyriadau isel ar dir cnwd a glaswelltir
- Rheoli da byw yn well a gosodiadau magu gwell
- Systemau gwell ar gyfer rheoli tail / gwastraff anifeiliaid

Mae Llywodraeth Cymru yn mynd ati'n weithredol i ystyried a oes angen mesurau ychwanegol i sicrhau gostyngiadau pellach mewn allyriadau amonia, gan gynnwys y niferoedd sy'n defnyddio mesurau perthnasol y Cynllun Ffermio Cynaliadwy a Rheoliadau Rheoli Llygredd Amaethyddol.

Trosglwyddo Gwybodaeth

Ym mis Ebrill 2021, lansiodd offeryn ar-lein i helpu ffermwyr i leihau allyriadau amonia. Mae'r offeryn yn cynnwys canllawiau'r CoGAP ar leihau allyriadau amonia i gyflwyno camau ymarferol y gall ffermwyr eu cymryd i leihau allyriadau.

Cynlluniau Gwledig

Mae Llywodraeth Cymru yn gweithredu amrediad o gynlluniau gwledig sy'n galluogi ffermydd i gynnal gweithgareddau sydd â'r potensial i leihau allyriadau amonia, gan gynnwys grantiau ar gyfer gorchuddio iardiau, creu coetir ac arallgyfeirio amaethyddol.

Y Cynllun Ffermio Cynaliadwy

Ar hyn o bryd mae Llywodraeth Cymru yn datblygu cymorth ar gyfer amaethyddiaeth yn y dyfodol yn dilyn ein hymadawiad â'r Undeb Ewropeaidd, yn lle'r Polisi Amaethyddol Cyffredin. Roedd yr Ymgynghoriad Ffermio Cynaliadwy a'n Tir a'r Papur Gwyn Amaethyddiaeth (Cymru) yn amlinellu'r ffordd mai Rheoli Tir yn Gynaliadwy fydd yr egwyddor gyffredinol ar gyfer polisi a chymorth amaethyddol yn y dyfodol. Bydd y Cynllun Ffermio Cynaliadwy arfaethedig yn disodli Cynllun y Taliad Sylfaenol presennol.

Y brif newid yw y bydd lefel y taliad wedi'i chysylltu â'r camau y mae ffermwyr yn eu cymryd i sicrhau canlyniadau Rheoli Tir yn Gynaliadwy, gydag "aer glân" yn un ohonynt".

Bydd y Cynllun Ffermio Cynaliadwy yn gwneud hyn drwy:

- Rhoi cyngor cyfredol i ffermwyr ynghylch sut i leihau allyriadau amonia drwy'r Rhaglen Rhannu Gwybodaeth ac Arloesi (Cyswllt Ffermio).
- Gwobrwyo ffermwyr am arferion ffermio sy'n lleihau allyriadau amonia.
- Cefnogi dulliau cydweithredol i ffermwyr gymryd camau i leihau amonia, wedi'u targedu er mwyn rhoi'r manteision gorau posibl i ecosystemau.

Mae Llywodraeth Cymru wedi gosod targed i blannu 43,000 hectar o goetir newydd erbyn 2030, a 180,000 hectar erbyn 2050 i fodloni'r "llwybr cytbwys" a amlinellir gan Gomisiwn y DU ar Newid Hinsawdd. Mae gwaith wedi dechrau ar ddatblygu Coedwig Genedlaethol i Gymru. Bydd y Goedwig Genedlaethol yn creu ardaloedd o goetiroedd newydd ac yn helpu i adfer a chynnal rhai o goetiroedd hynafol unigryw Cymru. Ymhen amser, bydd yn creu rhwydwaith cysylltiedig drwy Gymru, gan ddod â buddiannau cymdeithasol, economaidd ac amgylcheddol. Y llynedd arweiniodd y Dirprwy Weinidog Newid Hinsawdd archwiliad manwl i weld sut rydym yn gallu gael gwared ar y rhwystrau i blannu coed yng Nghymru. Nododd yr archwiliad hwn gyfres o gamau, gan gynnwys ffyrdd o gefnogi unigolion a chymunedau i

blannu coed, cynllun ariannu newydd ar gyfer creu coetiroedd a strategaeth ddiwydiannol i gydgyssylltu'r gadwyn cyflenwi pren a'r sectorau adeiladu.

Bydd ffermwyr yn chwarae rôl fawr wrth helpu i gyflawni'r targedau ar gyfer plannu coed, a hynny mewn ffordd sy'n cyflawni yn erbyn nifer o ganlyniadau o ran rheoli tir yn gynaliadwy – fel aer glân ac ecosystemau cydnerth. Dangoswyd bod plannu coed mewn modd strategol ar bwys ffynonellau amonia fel lagwnau slyri neu adeiladau stoc da byw, neu sefydlu clustogfeydd rhwng coetiroedd hynafol a ffynonellau amonia, yn atal neu'n leihau lledaeniad amonia. Bydd yr opsiynau hyn yn cael eu cefnogi drwy'r Cynllun Ffermio Cynaliadwy. Mae'r Map Cyfleoedd Coetir, offeryn GIS sy'n nodi lle y byddai creu coetir newydd yn creu'r manteision mwyaf posibl i'r ecosystem, wedi cael ei ddiweddarau ac mae bellach yn cynnwys haen ddata'n dangos ardaloedd lle y byddai plannu coetir yn atal lledaeniad amonia, rhywbeth y dangoswyd eu bod yn cael effaith niweidiol ar gynefinoedd. Bydd cynigion ar gyfer plannu coetir mewn ardaloedd lle mae allyriadau amonia'n uwch yn derbyn sgôr uwch, a bydd hyn yn eu gwneud yn fwy tebygol o dderbyn grant ar gyfer plannu coed.



Aelodau'r Pwyllgor Busnes

13 Gorffennaf 2023

Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru)

Annwyl Gydweithiwr,

Oherwydd amryfusedd gweinyddol, ni chafodd y ddadl Egwyddorion Cyffredinol ar Fil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) ei chynnwys yn y Datganiad Busnes i'w drafod ar 12 Medi 2023.

Mae'r Pwyllgor Busnes wedi cytuno dylai'r Pwyllgor Newid Hinsawdd, Amgylchedd a Seilwaith gwblhau trafodion Cyfnod 2 cyn 20 Hydref 2023, ar yr amod bod y Senedd yn cytuno ar Egwyddorion Cyffredinol y Bil, ac mae'r Pwyllgor wedi trefnu trafodion Cyfnod 2 yn amodol yn unol â hynny. Byddai oedi i'r ddadl yn cael effaith sylweddol ar flaengynllun gwaith y Pwyllgor ac felly bydd y Llywodraeth yn cyflwyno cynnig i atal y Rheolau Sefydlog er mwyn galluogi'r ddadl gael ei chynnal yn unol â'r bwriad, ac rydw i'n gofyn i'r Rheolwyr Busnes gefnogi'r cynnig.

Bydd y ddadl ar y cynnig penderfyniad ariannol yn cael ei chynnal ar 19 Medi. Er na ellir cynnal unrhyw drafodion ynglŷn â'r Bil ar ôl Cyfnod 1 oni bai bod y Senedd wedi cytuno ar benderfyniad ariannol; os bydd y Senedd yn cytuno ar Egwyddorion Cyffredinol y Bil, bydd y ffenestr ar gyfer cyflwyno gwelliannau Cyfnod 2 yn agor, a fyddai'n caniatáu i'r Bil ddilyn yr amserlen bresennol.

Rwy'n gobeithio bydd dod â hyn i'ch sylw nawr yn rhoi digon o amser i chi drafod gyda chydweithwyr cyn inni gyfarfod nesaf ac ymddiheuraf am yr oruchwyliaeth weinyddol

Rwy'n copïo'r llythyr hwn at Gadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Seilwaith, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad a Chadeirydd y Pwyllgor Cyllid.

Cofion,

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Bae Caerdydd • Cardiff Bay
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CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Peter Perry,
Prif Swyddog Gweithredol, Dŵr Cymru

25 Gorffennaf 2023

Israddio Dŵr Cymru

Nodaf gyda phryder yr adroddiadau diweddar bod Cyfoeth Naturiol Cymru (CNC) wedi israddio Dŵr Cymru i sgôr dwy seren, gan nodi bod angen gwella. Daw hyn yn dilyn dirywiad mewn perfformiad amgylcheddol, fel yr amlinellwyd yn adolygiad blynyddol CNC. Mae'r adroddiad yn datgelu bod digwyddiadau llygredd wedi codi 7 y cant yn 2022, gyda digwyddiadau effaith fawr neu sylweddol yn cynyddu o dri i bump.

Y flwyddyn flaenorol, cafodd Dŵr Cymru ei israddio o sgôr pedair seren i sgôr tair seren yn dilyn adroddiad perfformiad amgylcheddol CNC ar gyfer 2021. Daeth hyn ar ôl canfod bod Dŵr Cymru wedi achosi 83 o achosion o lygredd yn ymwneud â charthion, o gymharu â 77 y flwyddyn flaenorol.

- Pa gamau penodol y mae Dŵr Cymru yn eu cymryd i fynd i'r afael â'r materion a arweiniodd at ei israddio am yr ail flwyddyn yn olynol?
- A allwch chi egluro pam y bu cynnydd yn nifer y digwyddiadau sy'n cael eu cyfrif fel rhai "effaith fawr neu sylweddol" o dri i bump yn 2022? Sut mae Dŵr Cymru yn bwriadu lleihau nifer yr achosion o lygredd carthion, yn enwedig y rhai sy'n cael effaith fawr neu sylweddol?
- Pa wersi y mae'r cwmni wedi'u dysgu o'i berfformiad yn 2021, a sut mae'r rhain yn cael eu cymhwyso i wella'i berfformiad?

Effaith amgylcheddol

Rhyddhaodd Dŵr Cymru garthion i afonydd, llynnoedd, a'r môr o amgylch Cymru am bron 600,000 o oriau y llynedd, mwy na 25 y cant o'r holl oriau arllwys i ddyfrffyrdd ledled Cymru a Lloegr. Mae hyn yn ddealladwy wedi arwain at bryder sylweddol ymhlith y cyhoedd.

- Sut mae Dŵr Cymru yn mynd i'r afael â'r pryderon amgylcheddol sylweddol a godwyd yn sgil ei weithrediadau, yn enwedig rhyddhau carthion i afonydd, llynnoedd, a'r môr?



- Pa fesurau sy'n cael eu rhoi ar waith i leihau nifer yr oriau y mae carthion yn cael eu rhyddhau i afonydd, llynnoedd, a'r môr?

Hunan-adrodd am ddigwyddiadau

Mae disgwyl i gwmnïau dŵr hunan-adrodd digwyddiadau i CNC cyn i eraill wneud hynny, oherwydd gall ymateb cyflym liniaru effaith llygredd. Methodd Dŵr Cymru hefyd â gwella nifer y digwyddiadau yr hunan-adroddwyd amdanynt i CNC, gyda'r gyfradd yn disgyn i 65 y cant, sef gostyngiad o 7 y cant ers 2021.

- Sut mae Dŵr Cymru yn bwriadu gwella'r ffordd y mae'n hunan-adrodd digwyddiadau i Cyfoeth Naturiol Cymru, a ddisgynnodd i 65 y cant yn 2022?
- Sut mae Dŵr Cymru yn cymharu ei berfformiad a'i strategaethau rheoli llygredd â chwmnïau dŵr eraill, fel Hafren Dyfrdwy, lle na chafwyd unrhyw ddigwyddiadau llygredd difrifol yn 2022?
- Pa wersi y gall Dŵr Cymru eu dysgu o berfformiad cwmnïau dŵr eraill, yn enwedig o ran hunan-adrodd digwyddiadau?

Cynydd mewn prisiau a chynlluniau ar gyfer y dyfodol

Ym mis Ebrill, cynyddodd Dŵr Cymru ei brisiau i fil cyfartalog o £499 y flwyddyn, sef yr ail uchaf yng Nghymru a Lloegr. Mae Dŵr Cymru wedi datgan ei fod yn gweithio i gyflawni'r gwelliannau sydd eu hangen mewn amgylchiadau heriol, yn enwedig wrth iddo brofi mwy o dywydd garw ac amrywiadau eithafol yn yr hinsawdd. Deallaf fod Dŵr Cymru yn bwriadu buddsoddi £100m yn ychwanegol i wella ansawdd afonydd erbyn 2025 fel rhan o gynllun gwella gwerth £840m.

- A allwch chi roi rhagor o wybodaeth am y cynllun buddsoddi £100m i wella ansawdd afonydd erbyn 2025? Sut y bydd hyn yn mynd i'r afael yn benodol â'r materion llygredd?
- Sut mae buddsoddiad Dŵr Cymru mewn seilwaith a diogelu'r amgylchedd yn cymharu â buddsoddiad cwmnïau dŵr preifat yn y DU?
- Dywedir bod cwmnïau dŵr preifat yn y DU wedi talu difidendau sylweddol i gyfranddalwyr dros nifer o flynyddoedd. Fel cwmni nid-er-elw, sut mae rheolaeth ariannol ac ail-fuddsoddiad Dŵr Cymru yn y cwmni a'i wasanaethau yn cymharu?

Edrychaf ymlaen at eich ymateb ac esboniad manwl o sut mae Dŵr Cymru yn bwriadu mynd i'r afael â'r pryderon hyn a gwella'i berfformiad. Efallai y bydd y Pwyllgor am ddychwelyd at y mater hwn a rhai cysylltiedig eraill yn nhymor yr hydref.

Yn gywir,



Llyr Gruffydd AS,
Cadeirydd Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Jane Dodds

Aelod o'r Senedd dros
Canolbarth a Gorllewin Cymru


Member of the Senedd for
Mid and West Wales

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Dyddiad | Date: 03.08.2023

Pwnc | Subject: Dŵr Cymru - inquiry

Annwyl Llŷr,

I know that you and the Climate Change, Infrastructure and Environment Committee will share my disappointment and frustration at the recent reports from Cyfoeth Naturiol Cymru to downgrade Dŵr Cymru yet again this year.

Following questions from myself to both the First Minister and the Minister for Climate Change, I am writing to ask if you would consider conducting a committee inquiry into Dŵr Cymru during the forthcoming term?

It is my view that it would be beneficial to consider the extent to which the regulatory and governance arrangements of Dŵr Cymru are delivering for citizens, in addition to considering the implications of the findings of Cyfoeth Naturiol Cymru and the progress made by Dŵr Cymru against those findings. That could include the number of serious polluting incidents, self-reporting of pollution incidents, breaches of waste permit conditions and the lack of significant improvement from 2021 in compliance with discharge permits.

I would also encourage you to consider what steps Dŵr Cymru are taking in phosphate pollution and water treatment works in the context of the delivery of new housing.

I would welcome any comments you and the committee would have on this suggestion.

Yn gywir,



Jane Dodds MS/AS

Member of the Senedd for Mid and West Wales
Aelod o'r Senedd dros Canolbarth a Gorllewin Cymru



Llys Gruffydd AS
Cadeirydd
Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

4 Awst 2023

Annwyl Llyr,

Diolch am eich llythyr dyddiedig 25 Gorffennaf mewn cysylltiad â'n perfformiad amgylcheddol. Rwyf wedi ymateb i'r pwyntiau penodol rydych chi wedi'u codi yn eu tro isod.

Israddio ein Hasesiad Perfformiad Amgylcheddol

Er gwaethaf y siom o weld sgôr yr Asesiad Perfformiad Amgylcheddol (EPA) yn gostwng i 2* yn 2022, rwyf am eich sicrhau y byddwn yn gwneud popeth o fewn ein gallu i adfer hyn ac roeddwn i'n meddwl y byddai'n ddefnyddiol pe bawn i'n nodi'r duedd ddiweddar o'i chymharu â'r metrigau amgylcheddol allweddol hyn sy'n cyfrannu at yr EPA.

Blwyddyn	WWTW (Gwaith Trin Dŵr Gwastraff – cyfanswm o 597)	WWTW Cydymffurfio â Thrwyddedau Gollwng	Llygredd Difrifol	Cyfanswm y llygredd	Hunan-adrodd am llygredd	Sgôr EPA
2019	5	98.3%	2	95	73%	3*
2020	3	99.7%	3	77	80%	4*
2021	5	98.3%	3	83	76%	3*
2022	6	98.7%	5	89 ¹	69%	2*

(¹ y cyfanswm o 89 o ddigwyddiadau oedd y nifer isaf ond un o ddigwyddiadau a gofnodwyd gan Gwmnïau Dŵr a Charthffosiaeth yng Nghymru a Lloegr yn 2022).

Yn unol â'n hymrwymiad i'r Prif Weinidog, mae ein Bwrdd yn rhoi'r flaenoriaeth uchaf i gyflawni'r safonau gorau posibl o ran perfformiad amgylcheddol. Rydym yn ymfalchïo yn fawr yn y ffaith fod gan Gymru hanes o berfformiad ecolegol cyrff dŵr sy'n sylweddol well na Lloegr, ac o ran nifer y traethau ymdrochi baner las yng Nghymru. Nid ar lefel Bwrdd yn unig y mae'r balchder hwnnw - mae'n cael ei rannu gan ein pobl ledled y cwmni, yn enwedig ar ochr dŵr gwastraff ein busnes, y mae ei ganlyniadau arolwg ymgysylltu diweddar yn dangos eu bod wedi ymrwymo'n gryf i'r hyn y maent yn ei wneud dros yr amgylchedd ac i Gymru. Dyna pam

roedd symud o EPA 3* i 2* o ganlyniad i'r asesiad a roddwyd ar y ddau ddigwyddiad llygredd difrifol mor bwysig i ni.

Nid fel esgus, ond fel ffactor pwysig o ran perfformiad cyffredinol ein llygredd, y dylid ystyried y sychder a'r tymheredd uchel a brofwyd yn 2022 wrth asesu ein perfformiad llygredd. Yn ystod y sychder gwelsom rai o'r lefelau afonydd isaf erioed yng Nghymru lle cafodd unrhyw rwystr a arweiniodd at ollyngiad carthion effaith uwch. Yn yr un modd, gwelodd y llif is mewn carthffosydd gynnydd o 7% yn ein cyfradd rwystrau, gan arwain at fwy o berygl o lygredd.

Mae'r prif reswm dros y gostyngiad i sgôr EPA 2* yn ymwneud â chynnydd bach (2) mewn digwyddiadau llygredd difrifol.

Y digwyddiadau oedd:

- **Crundale, Sir Benfro** – fe wnaeth gollyngiad trydydd parti gan fasnachwr lleol achosi rhwystr yn ein gorsaf bwmpio ac o'r herwydd ysgogwyd gorlif brys. Yn anffodus, ni wnaeth ein larwm telemetreg pell gychwyn ar y pryd. Mae hyn wedi cael ei gywiro erbyn hyn ac mae gosodiadau tebyg yn cael eu harchwilio ledled Cymru.
- **Tregatwg, Y Barri** – gwnaeth datblygwr gysylltiad â charthffos segur yn ddjarwybod i ni. Byddwn yn parhau i gysylltu'n agos â datblygwyr - ond mae'n anodd rhagweld y math yma o ddigwyddiad.
- **Gorsaf pwmpio carthion Cilgeti, Sir Benfro** – roedd rhwystr yn y siambr olaf cyn y pypiau cafodd a achoswyd gan malurion weips gwlyb. Byddwn felly yn cynyddu archwiliadau ar y safle yn y dyfodol.
- **Pen-y-bont ar Ogwr** - achoswyd y digwyddiad gan rwystr yn y garthffos. Rydym wedi cynyddu gwaith arolygu a monitro er mwyn atal hyn rhag digwydd eto.
- **Gwaith trin dŵr gwastraff Trebanos, Abertawe** - roedd gollwng dŵr storm y tro hwn yn cydymffurfio â thrwydded y gwaith trin, ond cafodd ei ddynodi gan Cyfoeth Naturiol Cymru fel digwyddiad llygredd serch hynny. Rydym yn buddsoddi dros £20m i wella'r gwaith yn ein cyfnod rheoleiddio nesaf 2025 – 2030.

Fel modd o gymharu â pherfformiad ar draws y sector, mae'r tabl isod yn dangos bod dau gwmni wedi bod â mwy na 10 achos o lygredd difrifol a dim ond dau ddigwyddiad o'r fath nad adroddwyd amdanynt.

Perfformiad Cymharol Llygredd Difrifol 2022 Cwmnïau Dŵr yng Nghymru a Lloegr

Nifer y digwyddiadau difrifol 2022	0	1	2	4	5	> 10	> 15
Nifer y Cwmnïau Dŵr	2	1	1	1	2	1	1*

* 19 Digwyddiad difrifol gwirioneddol

O ran cyfanswm yr achosion o lygredd nad oeddent yn ddifrifol, roedd y digwyddiadau fel a ganlyn;

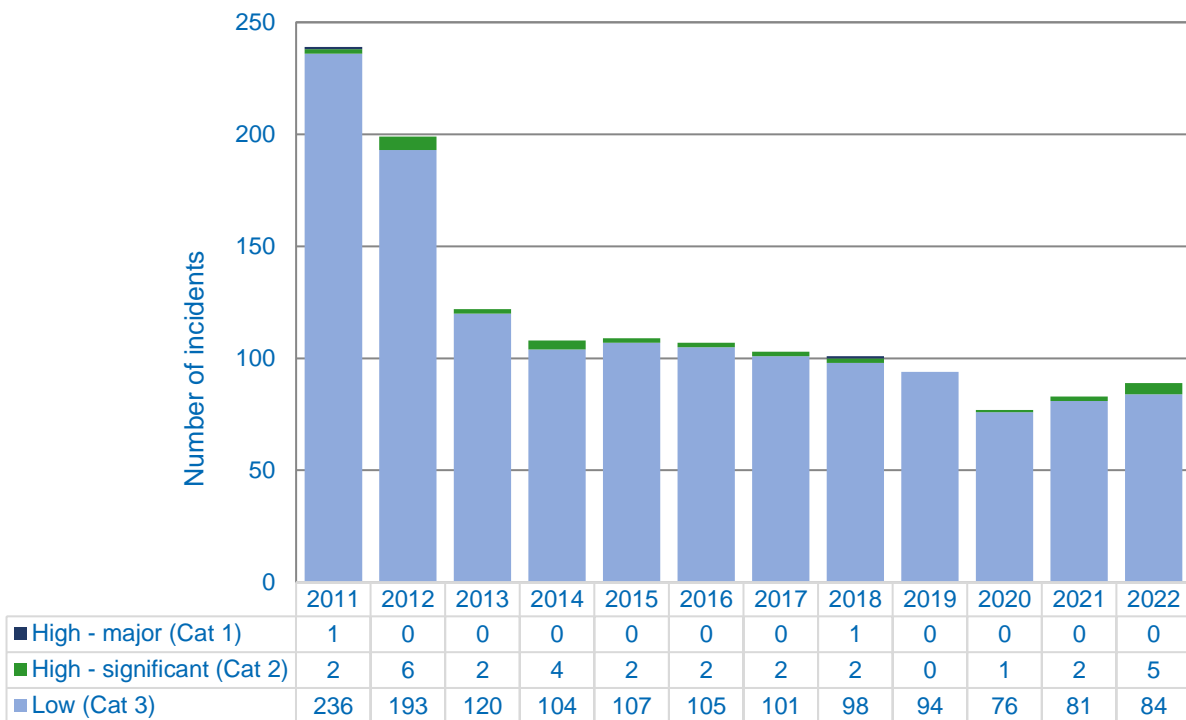
Blwyddyn	Carthffosydd Budr	Gorlif Storm Gyfun	Carthffos wedi'i phwmpio	Gorsaf bwmpio	Gwaith Trin
2021	37	15	12	12	8
2022	47*	9	4	18**	11***

* Cynnydd oherwydd llif isel mewn carthffosydd adeg sychder 2022

** Cynnydd oherwydd rhwystrau a lefelau isel o achosion o fethiant offer

*** Cynnydd yn gysylltiedig â lefelau isel mewn afonydd y cafodd elifion eu gollwng iddynt ac oherwydd sychder a gafodd fwy o effaith / a oedd yn fwy gweladwy

Mae'r tabl isod yn dangos cyfanswm yr achosion o lygredd bob blwyddyn ers 2011.



Defnyddir y data uchod a gwybodaeth fwy hanesyddol i ddatblygu a gweithredu ein cynlluniau gwella a arweinir gan dystiolaeth.

Mae gennym strategaeth lleihau llygredd gynhwysfawr sy'n cyfuno amrywiaeth o weithgareddau gwella penodol yr wyf wedi'u crynhoi isod:

- **AMP7 (2020 – 2025) Buddsoddiad Cyfalaf** - mae £52m wedi'i ddyrannu i leihau'r perygl o lygredd. Hefyd, bwriedir cynnal a chadw carthffosydd, gorlifiadau stormydd, gorsafoedd pwmpio carthion a gwaith trin dŵr gwastraff a gwmpesir yn ein rhaglen fuddsoddi dŵr gwastraff gyffredinol gwerth £830m yn AMP7.
- **Monitro Carthffosydd o Bell** – larymau rhybuddio rhagfynegol cynnar i alluogi'r ymyrraeth gynharaf, sy'n ffurfio rhan o'n rhaglen ehangach 'Rhwydwaith Clyfar'. Mae hyn yn cyfuno data amser real gyda dull dadansodol o ran gwyddor data i fodelu ein rhwydwaith a thargeddu

ymyriadau ataliol. Archwilio prif bibellau pwmpio carthffosydd yn amlach, yn enwedig y rhai y gwyddys eu bod yn asedau â risg o ddigwyddiadau difrifol. Mae'r gwaith monitro hwn wedi ein helpu i leihau llifogydd carthffosydd (gellid dadlau mai hwn yw'r math gwaethaf o fethiant gwasanaeth o ran ein cwsmeriaid) a lle mae gennym hanes o berfformiadau gorau'r diwydiant er gwaethaf y glaw trwm yng Nghymru.

- Ar gyfer asedau uwchben y ddaear fel gorsafoedd pwmpio carthion / gwaith trin, rydym yn gosod offer monitro o bell newydd i gadarnhau capasiti pwmpio a mesur llif.
- **Cynlluniau Argyfwng Asedau Risg Uchel** – cynlluniau penodol gyda'r nod o atal digwyddiadau effaith uchel posibl. Gan gynnwys asesiadau a chynlluniau i ymdrin â ffactorau fel colli pŵer y prif gyflenwad.
- **Ymgyrch 'Stopio'r Bloc'** - gyda dros 90% o achosion o lygru am y tro cyntaf i'w priodoli i rwystrau carthffosydd a achosir gan weips gwlyb plastig, dyma ein hymdrech i godi ymwybyddiaeth y cyhoedd yn gyffredinol er mwyn atal 'cam-drin carthffosydd' ac i dargedu cymunedau sydd â hanes rhwystr sy'n dod i'r amlwg neu sy'n hysbys. Mae hyn hefyd yn cynnwys gweithio gyda masnachwyr i leihau achosion o waredu braster ac olew i garthffosydd, gyda'r pŵer i erlyn troseddwy'r parhaus.
- **Gallu ac ymgysylltiad ein pobl** – rydym yn buddsoddi er mwyn darparu'r offer cynnal a chadw diweddaraf i'n pobl a'r hyfforddiant i fynd gydag ef. Mae gennym rig efelychu jetio carthffos yn ein canolfan hyfforddi yn Abercynon. Mae'r ymwybyddiaeth o atal llygredd a diogelu'r amgylchedd yn fwy cyffredinol yn destun cyfarfodydd tîm/sesiynau briffio ac fe'i cefnogir gan y Tîm Gweithredol trwy gyfathrebu megis fy ngalwad byw i'r holl gydweithwyr bob mis. Rydym hefyd wedi buddsoddi mewn Rheolwyr Cyswllt Ansawdd Afonydd a mwy o Dechnegwyr Atal Llygredd sy'n cwmpasu Cymru, sy'n rhyngweithio'n ddyddiol â chymunedau lleol a grwpiau â buddiant yn nalgylchoedd afonydd. Mae ein timau dŵr gwastraff, yn cael gwybodaeth am berfformiad o'i gymharu â'r targed ac yn cael eu hannog i gyfrannu at ein cynlluniau gwella.

Yn gyffredinol mae ein trefniadau gwella yn destun goruchwyliaeth reolaidd a herio adeiladol gan ein tîm Gweithredol a'n Bwrdd. Mae Pwyllgor Ansawdd a Diogelwch ein Bwrdd (QSC), yn unigryw yn y sector, ac mae'n gyfrifol am waith craffu manwl ar ein perfformiad sy'n sail iddo ddwyn ein rheolaeth i gyfrif. Mae hefyd yn ymwneud yn agos â datblygu strategaethau gwella amgylcheddol. Mae'n cynnwys ymgynghorydd arbenigol annibynnol (cyn Gyfarwyddwr strategaeth cwmni dŵr blaenllaw ac ymgynghorydd amgylcheddol uchel ei barch ar hyn o bryd) i gynorthwyo'r gwaith craffu a herio o ran y modd yr ydym yn defnyddio cynlluniau gwella effeithiol a defnyddio technolegau cyfoes ac ati.

O ran y gwersi a ddysgwyd o 2022 fe fyddwn i'n crynhoi fel a ganlyn:

- Mae gennym lefel gynyddol o offer technoleg monitro o bell wedi eu gosod yn ein hasedau. Mae sicrhau lefel gyson o oruchwyliaeth rheoli o weithrediad a chynnal a chadw'r dechnoleg hon yn hanfodol bwysig. Mae hyn yn gysylltiedig â digwyddiad Crundale y cyfeirir ato uchod.
- Yn gysylltiedig â'r uchod, byddwn hefyd yn parhau i gyflwyno offer monitro o bell i gadarnhau gweithrediad pypiau a bod offer ar-lein ac yn perfformio i statws safonol disgwyliedig.

- Rydym yn sicrhau ein bod yn targedu buddsoddiad yn y dyfodol i liniaru asedau a allai fod â risg uchel – mae hyn yn cynnwys £170m i newid prif bibellau pwmpio carthffosydd strategol yng ngogledd a de Cymru. Byddwn hefyd yn cynyddu lefelau cyfalaf cynnal a chadw gyda chynnig i ddyblu gwaith cynnal a chadw carthffosydd gyda £50m yn AMP 8 (2025 – 2030).
- Parhau i ddatblygu ein gallu Rhwydwaith Clyfar, gyda lefel barhaus o ganolbwyntio ar dechnoleg newydd bosibl a ffyrdd o weithio i atal perygl o lygredd. (Gweler yr adran *Cymharu Perfformiad â Chwmmnïau Eraill* isod).
- Parhau i ymgysylltu â'r cyhoedd i leihau nifer yr achosion o rwystrau carthffosydd a pharhau i lobio dros wahardd weips gwlyb plastig yng Nghymru.

Mae ein hasesiad o berygl difrifol o lygredd yn dangos mai'r bygythiad mwyaf o ran digwyddiadau yn y dyfodol yw methiant nifer o brif bibellau pwmpio carthion strategol. Fel Prif Bibell Arfordir De-ddwyrain Cymru, Prif Bibell Cinmel yng ngogledd Cymru a Phrif Bibell Bynea yn ne-orllewin Cymru. Rydym wedi cynnwys y rhain yn ein cynlluniau buddsoddi AMP 8. Yn amlwg, bydd angen cymeradwyaeth reoleiddiol i helpu i liniaru'r peryglon sylweddol hyn.

Effaith Amgylcheddol

Er mwyn osgoi amheuaeth, mae'n ddrwg gennym bob amser am unrhyw effaith amgylcheddol niweidiol yr ydym yn ei hachosi ac rydym wedi ymrwymo'n llwyr i wneud yn well.

Rydym yn derbyn yn llawn bod gennym lefel uchel o ollyngiadau gorlif dŵr storm cyfun (CSO) o'i gymharu â chwmmnïau dŵr eraill ac mae ffactorau sylweddol y dylid eu hystyried mewn cysylltiad â hyn:

- **System Garthffosiaeth Gyfun** – mae gennym un o'r canrannau uchaf (tua 65%) o rwydwaith carthffosydd cyfun yn y DU. Lle mae ein carthffosydd yn cludo carthion a dŵr wyneb, mae hyn yn rhannol oherwydd oedran y stoc dai yng Nghymru.
- **Glawiad** – gan ein bod ar ochr orllewinol y DU cawn lefelau glawiadau sydd ymysg yr uchaf ac yn gynyddol gwelwn y cyfnodau mwyaf o 'ddigwyddiadau' glawiadau dwys sy'n gysylltiedig â newid hinsawdd. Glawiadau sy'n ysgogi CSOs yn uniongyrchol i atal llifogydd. Pe baem â glawiad East Anglia, byddai ein CSOs yn gweithredu 60% yn llai nag y maent ar hyn o bryd.
- **Nifer y Gorlifoedd Storm Cyfun (CSOs)** – mae nifer ein dalgylchoedd dŵr gwastraff (rhai ohonynt yn fach iawn), teneurwydd poblogaeth, daearyddiaeth a thopograffeg, yn golygu bod gennym fwy o seilwaith carthffosiaeth i wasanaethu ein cwsmeriaid o'i gymharu â chwmmnïau eraill. Mae hyn yn cynnwys mwy o CSOs, tua 2,300 o'u cymharu â Thames neu Southern Water sydd â thua 300 yr un.

Hefyd, mae gan lawer o'n dalgylchoedd afonydd raddiannau hydrolog serth a disgrifir yr afonydd yn rhai 'fflachiog' oherwydd y cynnydd cyflym mewn llif sy'n gysylltiedig â glawiad a gostyngiad dilynol pan fydd glawiad yn gostegu. Mae ystyried yr holl ffactorau hyn yn golygu, er bod gennym lefel uchel o weithrediad CSO, nid yw hyn o reidrwydd yn gysylltiedig â lefelau uchel o lygredd neu effaith amgylcheddol.

Mae prif achos llygredd afonydd yng Nghymru yn gysylltiedig â llygredd maethynnau (ffosfforws). Rydym yn llwyr gefnogi polisi Llywodraeth Cymru o wneud y gwaith o leihau ffosfforws yn flaenoriaeth er mwyn gwella ansawdd afonydd.

Mae'r Prif Weinidog drwy ei raglen o 'Uwchgynadleddau Ffosffad' wedi ei gwneud yn glir mai dyma ei flaenoriaeth ac rydym wedi alinio ein strategaeth lleihau llygredd â'r dull hwn, gan y bydd yn cyflawni mwy o welliant na phe baem yn canolbwyntio ar leihau gollyngiadau o CSOs.

Rydym yn cael ein cyfarwyddo gan y strategaeth a amlygir uchod gan flaenoriaethu ein buddsoddiad lleihau ffosfforws ar y chwe afon Ardal Cadwraeth Arbennig (ACA) sy'n methu yn y cyfnod buddsoddi presennol ac yn AMP 8. Mae hyn yn golygu y byddwn erbyn 2030 wedi lleihau ein llwyth ffosfforws ar yr afonydd hyn 90% ac erbyn 2033 100%. Rydym wedi modelu llwytho llygredd llwyr ar afonydd ACA ac mae effaith gyfartalog CSO yn llai na 5%, tra bod llwytho ffosfforws tua 23%. Mae'r gweddill yn dod o sectorau eraill - mae'r modelu wedi cael ei wirio'n annibynnol gan CNC.

Er ein bod yn canolbwyntio ein buddsoddiad lleihau llygredd ar leihau ffosfforws nid yw hyn yn golygu nad ydym hefyd yn mynd i'r afael â CSO. Yn y cyfnod presennol rydym yn buddsoddi dros £140m ac yn AMP8 byddwn yn buddsoddi £300m yn rhagor. Yn unol â pholisi Llywodraeth Cymru, rydym yn anelu buddsoddiad at y CSOs hynny sy'n achosi'r niwed amgylcheddol mwyaf sylweddol ac rydym yn cytuno i flaenoriaethu'r buddsoddiad hwn gyda CNC, drwy'r 'Fframwaith Asesu Gorf Storm' (SOAF). Mae'r asesiad hefyd yn ystyried effaith ecolegol neu amwynder ac mae hyn hefyd yn cael ei ystyried yn y broses flaenoriaethu. Bydd y dull hwn sy'n canolbwyntio ar leihau effaith amgylcheddol ac amwynder yn sicrhau gwelliant cynaliadwy sy'n well na'r hyn y gellir ei gyflawni trwy ganolbwyntio ar leihau nifer y gollyngiadau CSO yn unig.

Yn sail i resymeg y strategaeth mae cyflwr ansawdd afonydd a dŵr arfordirol yng Nghymru. Yng Nghymru, mae 44% o afonydd yn bodloni statws 'da' o dan Gyfarwyddeb Fframwaith Dŵr yr UE, o'i gymharu â 14% yn Lloegr (ac 8% yn yr Almaen a'r Iseldiroedd). Hefyd mae prif achosion llygredd hefyd yn wahanol iawn o ran cymharu â Lloegr. Yma yng Nghymru mae llygredd carthion yn cyfrif am oddeutu 23% o gyfanswm llygredd ond yn Lloegr mae'n 44%. Bydd ein cynllun AMP8 arfaethedig yn gwella dros 750km o afonydd yng Nghymru.

Hunan-adrodd am ddigwyddiadau

Roeddem yn siomedig o weld lefel ein hunan-adrodd yn gostwng i 65% yn 2022, y prif reswm dros hyn, yw, gyda'r sychder a lefelau isel yr afonydd, roedd mwy o ddigwyddiadau'n amlwg ac yn cael eu hadrodd yn uniongyrchol i CNC er enghraifft gan y cyhoedd.

Fodd bynnag, mewn ymgais i gynyddu ein gallu i hunan-adrodd rydym yn gwneud y canlynol;

- Parhau i frifio ein cydweithwyr am bwysigrwydd hunan-adrodd a rhannu data perfformiad priodol â nhw'n rheolaidd. Yn cynnwys ein tîm canolfan reoli 24 awr i sicrhau bod larymau o bell y tu allan i oriau yn cael eu huwchraddio er mwyn ymateb yn gyflym.
- Parhau i weithio gyda grwpiau defnyddwyr afonydd ledled Cymru i feithrin perthnasoedd gwaith effeithiol a'u hannog i adrodd am unrhyw faterion gyda'n hasedau.
- Parhau i ddefnyddio monitro larymau o bell ar draws ein seilwaith dŵr gwastraff – yn arbennig y rhai sy'n gysylltiedig â'n rhaglen Rhwydwaith Carthffosydd Clyfar.
- Defnyddio technoleg newydd fel CCTV mewn asedau anghysbell neu mewn gweithfeydd trin lle nad oes modd defnyddio offer telemetreg safonol yn effeithiol.

Cymharu perfformiad â Chwmnïau Dŵr Eraill

Fel Pwyllgor Gweithredol a thrwy Bwyllgor Ansawdd a Diogelwch y Bwrdd, rydym yn disgwyl i bob un o'r strategaethau gwella amgylcheddol sylfaenol yr ydym yn eu hadolygu ddangos sut rydym yn meincnodi ein

perfformiad a chyflwyno arloesedd i'n cynlluniau gwella. Er mwyn dod â hyn yn fyw mae ein cynlluniau meincnodi a gwella yn gysylltiedig â'r canlynol:

- **Water UK National Pollution Group** – adolygiad misol o arferion gorau, perfformiad ac arloesedd a rennir gan yr holl gwmnïau / awdurdodau dŵr a charthffosiaeth yn y DU. (Mae Hafren Dyfrdwy hefyd yn rhan o'r broses hon. Mae hunan-adrodd hefyd yn cael ei adolygu yma ac mae ein harferion yn cyd-fynd yn llwyr ag arferion da yn y sector yn y maes hwn).
- **Meincnodi Rhyngwladol** - Cysylltiadau agos â Hofor, y darparwr gwasanaethau dŵr gwastraff yn Copenhagen. Meincnodi blynyddol gyda Sydney Water yn Awstralia.
- **Smart Water Networks International Association (SWAN)** – aelod sefydlol a gweithredol o'r fforwm rhyngwladol hwn ar gyfer arferion gorau wrth ddatblygu'r gwaith o gymhwyso AI a dadansoddeg rhagfynegol.
- **Ymchwil Diwydiant Dŵr y DU (UKWIR)** – Mae Tony Harrington ein Cyfarwyddwr Amgylchedd yn Aelod o Fwrdd UKWIR ac yn arwain ystod o raglenni arloesi ac ymchwil sy'n gysylltiedig â dŵr gwastraff.
- **Cronfa Arloesi Ofwat** – Unwaith eto Tony Harrington yw un o gyfarwyddwyr sefydlol SPRING y cerbyd a ddefnyddir i gydlynu ceisiadau am y gronfa AMP7 gwerth £200m ac rydym yn arwain nifer o brosiectau amgylcheddol sy'n gysylltiedig ag elfennau allweddol o'n cynlluniau gwella dŵr gwastraff yn y dyfodol.

Mae gennym hefyd ein rhaglen arloesi fewnol helaeth ein hunain, lle mae ein timau arloesi dŵr a dŵr gwastraff yn gweithio gyda 79 o sefydliadau a phrifysgolion blaenllaw (gan gynnwys y rhan fwyaf o'r Prifysgolion yng Nghymru) ar brosiectau arloesi ac ymchwil a datblygu. Mae'r rhain yn gysylltiedig, yn achos dŵr gwastraff, yn uniongyrchol â'n cynllun gwella tymor byr a risgiau / uchelgeisiau tymor hwy. Yn AMP7 rydym yn amcangyfrif y byddwn yn cyflawni trosolledd gwerth arloesi sy'n werth £80m trwy'r broses hon. Adroddwyd yn annibynnol yn ddiweddar hefyd mai ynghyd ag United Utilities (cwmni tair gwaith ein maint ni), y mae'r ddau gwmni sydd wedi gwneud cais am y nifer fwyaf o brosiectau o Gronfa Arloesi AMP 7 gwerth £200m Ofwat a'u sicrhau – i ni mae hyn wedi golygu 54 cais gyda 27 prosiect wedi'u sicrhau.

Perfformiad Cymharol Dŵr Cymru a Hafren Dyfrdwy

Diolch am gyfeirio at Hafren Dyfrdwy a'u hanes o ddim digwyddiadau llygredd difrifol yn 2022. Mae gennym berthynas waith gadarnhaol â nhw ac rydym yn cydweithio trwy'r gwahanol fforymau diwydiant fel y crybwyllwyd uchod ac yn ddwyochrog fel cwmnïau cyfagos yng Nghymru. Byddwn yn sicrhau ein bod yn parhau i rannu arferion gorau a'r hyn a ddysgwyd gan eraill ar bob cyfle.

Cwmni	Digwyddiadau Llygredd Difrifol	Llygredd fesul carthffos 10km	Cydymffurfiaeth Gweithfeydd Trin %	Llifogydd Carthffosydd Mewnol fesul cysylltiadau 10k	Cwmp Carthffosydd fesul carthffos 1km
Hafren Dyfrdwy	0	39.84	97.87%	2.34	22.36
Dŵr Cymru	5	22.90	98.32%	1.36	6.71

Cynnydd mewn prisiau a chynlluniau ar gyfer y dyfodol

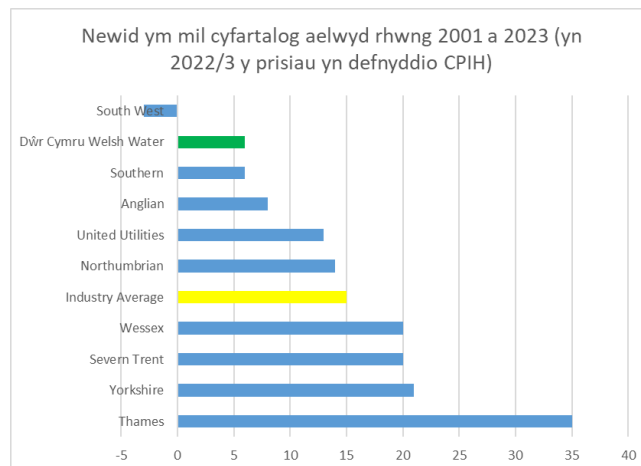
Yn gyntaf oll, a gaf i ymateb i'ch sylw pan ddywedoch chi mai ni sydd â'r taliadau uchaf ond un yng Nghymru a Lloegr? Pe baech yn gwahanu ein bil yn gostau dŵr a charthffosiaeth, mewn gwirionedd, ni sydd â'r bil isaf ond dau ar gyfer gwasanaethau dŵr, sef £193 (£213 ar gyfartaledd) o'r cwmnïau yng Nghymru a Lloegr. Ein bil dŵr gwastraff yw'r uchaf ond un, sef £306 (£241 ar gyfartaledd) ac mae hyn yn gysylltiedig â'r ffaith bod cwmnïau sydd â'r arfordiroedd hiraf (h.y. South West Water a Dŵr Cymru) wedi gorfod darparu adnoddau trin carthion am y tro cyntaf i'w cymunedau arfordirol ar ôl preifateiddio. Yn achos Cymru hyd at ddiwedd y 1990au cafodd bron i 50% o'r carthion yn y wlad eu gollwng heb lawer o driniaeth os o gwbl i ddyfroedd arfordirol. Mae ein bil dŵr gwastraff ers preifateiddio wedi gorfod ariannu'r gwaith o adeiladu'r seilwaith dŵr gwastraff hwn. I ni, roedd hyn er mwyn darparu triniaeth lawn i bob cymuned uwchben 15k o boblogaeth o amgylch arfordir Cymru, gan gynnwys trefi a dinasoedd arfordirol de Cymru rhwng Cas-gwent a Chaerfyrddin. Doedd dim rhaid i gwmnïau 'mewndirol' eraill fel Severn Trent, sydd heb arfordir, ariannu'r math yma o wariant wrth i'w seilwaith gael ei drosglwyddo iddyn nhw ar adeg preifateiddio.

Mae'r tablau isod yn dangos lefel gymharol y bil cyfan yn ogystal â'i ddadansoddi i gynnwys yr elfennau dŵr a gwastraff ar wahân.

	Total		Water		Waste
South West*	526	Wessex	261	South West	310
Wessex	504	Thames	258	DCWW	306
DCWW	499	Anglian	222	Anglian	270
Anglian	492	South West	216	Southern	253
Thames	456	Severn Trent	213	Yorkshire	248
Yorkshire	446	United Utilities	210	Wessex	243
United Utilities	443	Yorkshire	198	United Utilities	233
Southern	439	Hafren Dyfrdwy	195	Severn Trent	206
Severn Trent	419	DCWW	193	Northumbrian	203
Northumbrian	391	Northumbrian	188	Thames	198
Hafren Dyfrdwy	372	Southern	186	Hafren Dyfrdwy	177
Average	<u>453</u>		<u>213</u>		<u>241</u>

* adding back the £50 rebate from the UK Government

Mae'r siart isod yn dangos y newid ym bil cartref cyfartalog ers 2001 (pan ddaeth Dŵr Cymru yn gwmni nid-elw).



Mae'r buddsoddiad ychwanegol o £100m a gyhoeddwyd gennym yn gynharach eleni i wella ansawdd afonydd erbyn 2025 yn cael ei ariannu o'n gwaged ariannol o'n strwythur nid-er-cyfranddalwyr. Bydd hwn yn cael ei ddefnyddio i fuddsoddi £40m arall i wella CSOs a bydd £60m yn cael ei ddefnyddio i leihau ffosforws ar wahanol gynlluniau ar draws afonydd ACA sy'n methu a grybwyllwyd uchod. Mae hyn i bob pwrpas yn cyflymu gofynion buddsoddi'r dyfodol er mwyn cyflawni'r gwelliannau'n gyflymach.

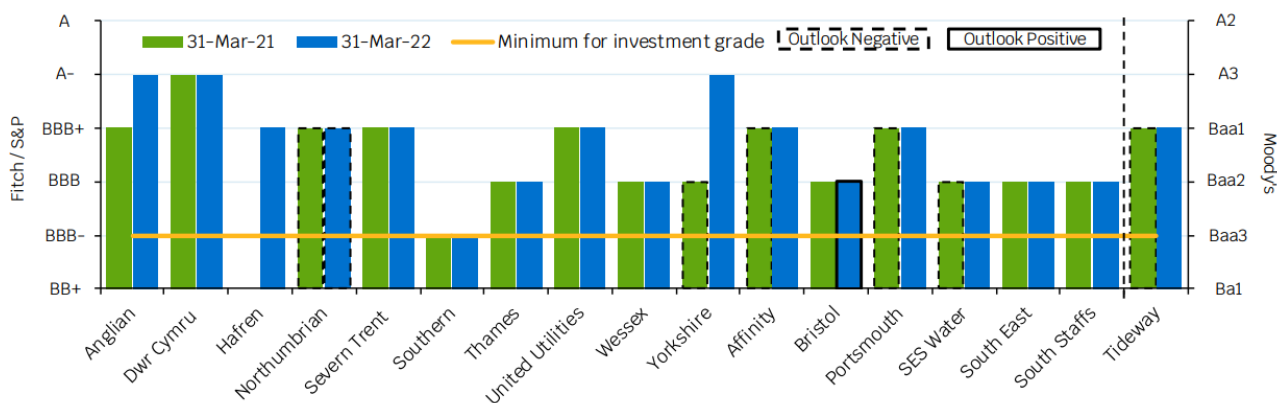
Mae rhagor o wybodaeth ar gael yn ein Maniffesto Dŵr Afonydd a gyhoeddwyd gennym ym mis Mawrth 2023 ac sydd ar gael ar ein [gwefan](#).

Buddsoddiad Dŵr Cymru mewn seilwaith o'i gymharu â chwmnïau dŵr sy'n eiddo preifat yn Lloegr

Mae'n anodd gwneud cymhariaeth syml gan y bydd buddsoddiad pob cwmni yn cael ei gytuno'n unigol gyda rheoleiddwyr a bydd yn seiliedig ar eu gofynion cwmni penodol. Ers i Glas Cymru sefydlu'r model nid-er-elw presennol yn 2001, rydym bob amser wedi cyflawni ein rhaglenni cyfalaf rheoleiddiol y cytunwyd arnynt yn llawn. Mewn gwirionedd, yn ystod y cylchoedd AMP olaf rydym wedi defnyddio ein 'elw' i ymgymryd â mwy o fuddsoddiad cyfalaf yn ychwanegol at ein rhaglenni rheoleiddio.

Ers 2001 mae'r holl arian dros ben wedi cael ei ddefnyddio er budd cwsmeriaid, sef cyfanswm o £3.5 biliwn. Mae tua £2.9 biliwn wedi'i gadw i wneud y busnes yn fwy cydnerth yn ariannol - yn 2001 roedd ein lefel gerio ar 93%. Dros y 22 mlynedd diwethaf rydym wedi gostwng hyn i 58% ymhell o fewn y lefel ganllaw a gynigiwyd gan Ofwat. Mae'r cyhoeddusurwydd diweddar ynghylch Thames Water wedi amlygu'r ffaith bod eu gerio ar 83%. Mae ein lefel isel o gerio a'n dull gweithredu ariannol darbodus wedi ein rhoi mewn sefyllfa ariannol sefydlog. Ynghyd â'n model nid-er-cyfranddalwyr, mae hyn wedi rhoi statws credyd sy'n arwain y sector i ni sy'n caniatáu i ni fenthyg arian am gost is, sy'n rhoi gwell gwerth i'n cwsmeriaid.

Mae'r siart isod yn dangos ein graddfeydd credyd o gymharu â gweddill y sector fel yr adroddwyd yn adroddiad gwydnwch ariannol diweddaraf Ofwat.



Hefyd, mae tua £580m wedi'i ddychwelyd i gwsmeriaid ers 2001 o ganlyniad i'n model "nid-er-cyfranddalwyr." Mae hyn yn cyfateb i ddiffidend blynyddol o 2% y gellir ei gymharu â pherfformiad ariannol y cwmnïau eraill. Defnyddiwyd rhan helaeth yr arian hwn i gyflawni'r canlynol:

- **Helpu'r rhai sy'n ei chael hi'n anodd talu** - yn y cyfnod presennol mae £60m yn cael ei ddefnyddio i ariannu ein tariffau cymdeithasol, lle yn gyfrannol mae gennym y cynllun mwyaf o'r math hwn yn y sector sy'n cynorthwyo dros 130 o filoedd o bobl mewn amgylchiadau agored i niwed. Yn ddiweddar, rydym hefyd wedi lansio Cymuned, y cynllun cyntaf o'i fath gan unrhyw gyfleuster yn y DU i helpu'r

rhai nad ydynt ar fudd-daliadau'r wladwriaeth ond wedi'u dosbarthu â chyllidebau negyddol neu'r tlawd sy'n gweithio.

- **Lliniaru risgiau busnes allweddol megis effaith newid hinsawdd ar ein seilwaith** – pryd rydym ni, fel enghraifft, wedi cyflymu buddsoddiad i wella diogelwch argaeau cronfeydd dŵr, lleihau'r perygl o lifogydd yng nghanol dinasoedd Caerdydd a Chaer, gwella cydnerthedd y cyflenwad dŵr yn Swydd Henffordd.

I grynhoi, ein nod yw adfer ein sefyllfa flaenorol EPA 4* ac rydym yn gwneud pob ymdrech i wneud hyn dros y blynyddoedd nesaf. Cefnogir yr uchelgais hon gan ein cynlluniau i gyflawni ein rhaglen fuddsoddi cyfalaf fwyaf erioed yn AMP8, o dros £3.2bn gyda dros hanner hwn ar ein seilwaith dŵr gwastraff. Efallai y bydd adennill ein safle 4* yn cymryd blwyddyn neu ddwy, ond rydym wedi ymrwymo i wneud hynny ac rydym yn ffyddiog y gallwn wneud hynny.

Peidiwch ag oedi cyn cysylltu â mi os oes angen unrhyw wybodaeth ychwanegol arnoch.

Yn gywir



Peter Perry
Prif Weithredwr



Ein cyf/Our ref: MA/JJ/2328/23

Elin Jones AS
Llywydd

Huw Irranca-Davies AS
Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Llŷr Gruffydd AS
Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

1 Medi 2023

Annwyl Elin, Huw a Llŷr,

Rwy'n ysgrifennu atoch mewn perthynas â'r Bil Ynni (y Bil) a gyflwynwyd gerbron Tŷ'r Arglwyddi, Senedd y DU ar 6 Gorffennaf 2022. Fel y gwyddoch, gosodais Memorandwm Cydsyniad Deddfwriaethol ar y Bil fel y'i cyflwynwyd ar 29 Mehefin 2023.

Ar 25 Gorffennaf, rhoddais Femorandwm Cydsyniad Deddfwriaethol atodol (sLCM) gerbron ar gymalau Pecyn Gwella Amgylcheddol Gwynt Alltraeth (OWEIP) y Bil. Cyflwynwyd y cymalau hynny fel gwelliannau i'r Bil yn Nhŷ'r Arglwyddi ar 9 Ionawr 2023, gyda gwelliannau pellach yn cael eu cyflwyno i'r Bil gan Lywodraeth y DU ar 7 Mehefin 2023.

Memoranda cydsyniad deddfwriaethol atodol eraill

Rwyf bellach yn ysgrifennu atoch wrth osod ail sLCM i ymdrin â'r gwelliannau eraill a wnaed i'r Bil ers ei gyflwyno. Mae'n ymdrin â'r Bil fel ar ddiwedd Cyfnod Pwyllgor Tŷ'r Cyffredin ac fel y'i cyhoeddwyd ar 11 Gorffennaf 2023. Mae'r gwelliannau sy'n ymwneud â materion sydd o fewn cymhwysedd Gweinidogion Cymru a Senedd Cymru yn ymwneud â Rhannau 1, 2, ac 11.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 202
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Mae Llywodraeth Cymru yn croesawu nifer o'r gwelliannau i'r Bil gan eu bod yn rhoi esboniadau defnyddiol a manylion ychwanegol ar sut y bydd y mesurau cyntaf a gyflwynwyd yn y Bil yn gweithredu. Fodd bynnag, fel gyda'r Bil fel y'i cyflwynwyd, mewn nifer o feysydd, nid yw'r gwelliannau a wnaed i'r Bil yn parchu cymhwysedd Senedd Cymru'n ddigonol. Yn benodol, mae Llywodraeth Cymru yn argymhell bod Senedd Cymru'n gwrthod rhoi ei chydysniad i gymalau 9, 73, 106-126, 127 a 259. Yma rydym am ei wneud yn ofyn bod yr Ysgrifennydd Gwladol yn gofyn i Weinidogion Cymru am eu cydysniad cyn y gall rheoliadau newydd ddod i rym yn hytrach na phroses ymgynghori fel sydd yn nrafft cyfredol y Bil.

Mae Llywodraeth Cymru yn dal i drafod y Bil gyda Llywodraeth y DU, ond hyd yma nid wyf wedi cael cynnig gwelliannau derbyniol i fynd i'r afael â'r pwyntiau a godwyd yn y Memorandwm Cydysniad Deddfwriaethol neu'r sLCM sydd wedi'u gosod hyd yma. Rwy'n ategu barn Llywodraeth Cymru ein bod yn cefnogi bwriad y polisi a nodir yn y Bil ac rwyf hefyd yn cytuno bod angen i lawer o'r rheoliadau a gynigir weithredu'n effeithiol ar lefel y DU gyfan. Rwyf dal o'r farn nad oes rheswm pam na all Llywodraeth y DU weithio gyda ni i reoleiddio ar draws ffiniau mewn ffordd sy'n osgoi gwahaniaethu o ran rheoleiddio trwy broses sy'n gofyn am gydsyniad Gweinidogion Cymru mewn meysydd cymhwysedd datganoledig.

Fel gyda'r LCMs eraill, rwy'n gwerthfawrogi ein bod y tu allan i'r terfyn amser arferol o ddwy wythnos ar gyfer gosod yr LCM atodol hwn. Bu hynny'n rhannol oherwydd y ffordd y mae Llywodraeth y DU wedi ymdrin â'r Bil, ond hefyd oherwydd cymhlethdod y materion sy'n cael eu hystyried.

Dadl ar y cynnig cydysniad deddfwriaethol

Ar hyn o bryd mae Cyfnod Adrodd Tŷ'r Cyffredin a Thrydydd Darlleniad y Bil wedi'i drefnu ar gyfer 5 Medi. Disgwylir i Dŷ'r Arglwyddi ddechrau ystyried y gwelliannau ar 12 Medi.

Rwy'n anhygoel o bryderus na fydd yr amserlen ar gyfer y Bil hwn yn rhoi digon o amser i ddatrys pryderon ar lefel rynglywodraethol, ac na fydd cyfle ystyrlon gan Senedd Cymru i ystyried ei barn am gydsynio. Rwyf wedi gofyn i Weinidogion y DU gymryd camau ar unwaith i ohirio Cyfnodau terfynol Tŷ'r Cyffredin er mwyn cael mwy o amser i drafod, ac er mwyn i Senedd Cymru gael ystyried y Bil hwn ar adeg ystyrlon.

Yn ôl yr amserlen bresennol, rwyf yn y sefyllfa anffodus o orfod gofyn i Senedd Cymru drafod Cynnig Cydysniad Deddfwriaethol y Bil hwn pan ddaw'r cyfle cyntaf, sef 12 Medi 2023. Rwy'n gwerthfawrogi y bydd hyn yn golygu na chaiff Pwyllgorau perthnasol Senedd Cymru yr amser i graffu ar yr sLCMs gafodd eu gosod yn ystod y toriad, ac mae'n debygol na fyddant wedi cael amser chwaith i adrodd ar y Memorandwm Cydysniad Deddfwriaethol a osodwyd ar 29 Mehefin 2023. Ond bydd cynnal y ddadl ar y dyddiad hwn yn gyfle i Senedd Cymru gyfleu ei barn yn glir wrth Lywodraeth y DU a Senedd y DU yn fuan.

O bryder mwy fyth yw'r posibilrwydd y bydd y Bil hwn yn cael ei wthio drwy Senedd y DU er na fydd wedi cael cydysniad Senedd Cymru. Y confensiwn cyfansoddiadol yw na fydd Senedd y DU fel arfer yn deddfu ar faterion datganoledig heb gydsyniad Senedd Cymru. Nid oes rheswm rhesymol o gwbl i awgrymu nad yw'r ddeddfwriaeth hon yn 'normal'. Felly, rwyf wedi gofyn am sicrwydd diamwys, os na fydd Senedd Cymru'n rhoi ei chydysniad i'r Bil hwn, y bydd Llywodraeth y DU yn ymrwmo i barchu Confensiwn Sewel fel y dywedodd y byddai, a pheidio â deddfu mewn perthynas â Chymru.

Rheol Sefydlog 29 a goblygiadau o ran adrodd

Rwy'n ymwybodol bod y Pwyllgor Busnes eisoes wedi pennu 15 Medi fel y dyddiad cau ar gyfer adrodd ar yr LCM gwreiddiol. Os bydd naill ai'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad neu'r Pwyllgor Newid Hinsawdd, Amgylchedd a Seilwaith mewn sefyllfa i gyhoeddi adroddiad cyn y ddadl ar 12 Medi, byddaf yn ymateb yn unol â hynny yn naddl Senedd Cymru ac yn ysgrifenedig yn ôl y gofyn.

Rwy'n cydnabod, fodd bynnag, yr anhawster sylweddol y mae hyn yn debygol o'i achosi a'r realiti y gallai hyn fod yn anymarferol. Felly, byddaf hefyd yn cymryd camau i gyflwyno cynnig i atal Rheol Sefydlog 29.8 er mwyn gallu cynnal y ddadl ar 12 Medi, a chan atal hefyd Reolau Sefydlog 11.16 a 12.20(i).

Rwy'n parchu ac yn gwerthfawrogi rôl Pwyllgorau Senedd Cymru o fewn y broses cydsyniad deddfwriaethol, ac yn gresynu'r sefyllfa hon yn fawr. Fodd bynnag, fel y nodwyd eisoes, credaf oherwydd trywydd y Bil hwn, ei bod yn hanfodol bod Senedd Cymru'n cael mynegi ei barn ar fyrder.

Rwy'n anfon copi o'r llythyr hwn at y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad, Mick Antoniw AS a'r Gweinidog Materion Gwledig a'r Gogledd, a'r Trefnydd, Lesley Griffiths AS.

Yn gywir,



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Ein cyf/Our ref: JJ/PO/294/2023

Llŷr Gruffydd AS
Cadeirydd
Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

30 Awst 2023

Annwyl Llŷr,

Diolch am eich llythyr dyddiedig 8 Gorffennaf ynglŷn â'r Memorandwm Cydsyniad Deddfwriaethol (LCM) ar gyfer Bil Ynni'r DU, lle y gwnaethoch ofyn am wybodaeth am y ffordd y bydd darpariaethau'r Bil mewn perthynas â Chymru yn effeithio ar allu Llywodraeth Cymru i ddatblygu polisi ar ynni / newid hinsawdd yn y dyfodol sy'n diwallu anghenion Cymru.

Fel y nodais yn yr LCM, mae'r Bil yn seiliedig ar dri philer: Sicrhau buddsoddi mewn technolegau gwyrdd; diwygio system ynni'r DU a diogelu cwsmeriaid; a chynnal diogelwch, sicrwydd a chadernid systemau ynni ledled y DU. Mae gan y Bil fel y'i cyflwynwyd 13 rhan ac 19 atodlen, ond mae bellach wedi cael ei ddiwygio i gynnwys 15 rhan a 22 atodlen. Yn yr ymateb hwn byddaf yn trafod y bil fel y'i cyflwynwyd a'r rhan newydd a gyflwynwyd sy'n ymdrin â darpariaethau ynni gwynt ar y môr. Mae hyn wedyn yn ymdrin â'r LCM a osodwyd ar 29 Mehefin 2023 a'r LCM atodol a osodwyd ar 25 Gorffennaf 2023.

Mae Llywodraeth Cymru yn cefnogi bwriad polisi cyffredinol y Bil Ynni. Mae'r Bil yn darparu'r sail reoleiddiol sydd ei hangen ar gyfer nifer o dechnolegau allweddol sy'n bwysig ar gyfer sicrhau ein cyflenwad ynni ac ar gyfer sicrhau sero net. Yn y rhannau o'r Bil sy'n ymdrin â materion datganoledig, ar y cyfan mae'r Bil yn cyd-fynd â'n safbwynt ar bolisiau strategol. Fodd bynnag, mae rhai gwahaniaethau allweddol rhwng y ffordd mae'r llywodraethau'n gweithredu na ellid eu harfer pe bai'r Bil yn parhau fel y'i drafftwyd ar hyn o bryd.

Mae Rhan 1 o'r bil yn sefydlu cyfundrefn rheoleiddio economaidd a thrwyddedu ar gyfer cludo a storio CO₂, ac yn nodi mae Ofgem (y Swyddfa Marchnadoedd Nwy a Thrydan) yw'r rheoleidiwr economaidd. Mae Rhan 2 yn galluogi'r Llywodraeth i weithredu a gweinyddu modelau busnes ar gyfer dal a storio carbon. Rwy'n cytuno ei bod yn debygol y bydd Dal, Defnyddio a Storio Carbon (CCUS) yn chwarae rôl sylweddol, yn benodol wrth

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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ddatgarboneiddio diwydiant. Mae hyn yn unol â chasgliadau astudiaethau rhyngwladol a gynhaliwyd gan sefydliadau gan gynnwys y Pwyllgor Newid Hinsawdd (CCC), y Panel Rhynglywodraethol ar y Newid yn yr Hinsawdd (IPCC) a'r Asiantaeth Ynni Ryngwladol (IEA).

Fodd bynnag, mae'r Bil fel y'i drafftwyd yn rhoi pwerau helaeth i'r Ysgrifennydd Gwladol i wneud rheoliadau, gyda'r angen dim ond i ymgynghori â Gweinidogion Cymru os bydd y rheoliadau'n cynnwys darpariaethau a fyddai o fewn cymhwysedd deddfwriaethol y Senedd. Gan fod hwn yn gymhwysedd datganoledig, dylai'r gofyniad i ymgynghori gael ei newid i ofyniad i geisio cydsyniad Gweinidogion Cymru. Er bod y ddwy lywodraeth yn gytuno ar yr angen am sail reoleiddio ar gyfer CCUS, barn Llywodraeth Cymru yw bod rhaid i allyriadau gael eu lleihau yn y tarddle gyntaf, gyda CCUS yn cael ei ddefnyddio pan nad yw opsiynau eraill ar gyfer datgarboneiddio'n bosibl. Rwy'n awyddus i sicrhau bod lefel y CCUS yng Nghymru mor isel ag y bo modd, ac nad yw CCUS yn cael ei hystyried yn gyfle diwydiannol newydd a allai beri'r risg o rwymo'r DU i barhau i ddefnyddio tanwyddau ffosil pan fydd modd osgoi hynny.

Yn ogystal, wrth i'r rheoliadau manwl yn cael eu datblygu, bydd angen i'r dull ar gyfer CCUS reoli'r cyd-bwysedd rhwng diogelu cynefinoedd morol a datblygu prosiectau CCUS. Gan nad yw'r Bil fel y'i drafftwyd yn ei gwneud yn ofynnol i Weinidogion y DU geisio ein cytundeb, nid yw'n rhoi i Weinidogion Cymru na'r Senedd y gallu i lunio polisïau a gweithredu'r gwiriadau a'r mesurau sicrwydd yr hoffem eu gweithredu.

Mae gennyf bryderon tebyg mewn perthynas â'r darpariaethau newydd a gyflwynwyd ar gyfer cynhyrchu trydan gwynt ar y môr. Ymdrinnir â'm safbwynt cyffredinol ar y cymalau hyn yn yr LCM atodol a osodir ar 25 Gorffennaf 2023. O safbwynt polisi, rwy'n cytuno bod angen inni symleiddio a chyflymu'r broses o roi cydsyniad ar gyfer datblygiadau ynni gwynt ar y môr, ac rwyf hefyd wedi ymrwmo i weithio mewn partneriaeth i sicrhau tegwch ledled y DU. Rwyf hefyd yn cytuno bod y pwerau newydd sy'n galluogi mesurau digollediad strategol yn ddoeth. Rydym o blaid yr ymdrech i alluogi rhagor o ddatblygiadau ynni gwynt ar y môr, i ymateb i'r angen i newid i system ynni sero net, ac mae ein gwaith ar dargedau ar gyfer ynni adnewyddadwy yn dangos y rôl y disgwylir i ynni ar y môr ei chwarae yng Nghymru.

Fodd bynnag, rydym wedi amlinellu ein safbwynt bod gan y Senedd gymhwysedd deddfwriaethol i wneud Bil Seneddol ar gyfer cronfa ar gyfer unrhyw brosiectau seilwaith o dan 350MW yn ardal glannau Cymru. Ni fydd hyn yn bosibl ar gyfer ynni gwynt ar y môr os yw'r Bil Ynni yn dod i rym fel y'i drafftwyd ar hyn o bryd. Yn ogystal, er y bydd gennym y pŵer i ddiwygio'r rheoliadau asesu amgylcheddol lle mae gennym gymhwysedd deddfwriaethol, mae Llywodraeth y DU yn bwriadu i'w rheoliadau estyn ar draws y ddwy gyfundrefn gydsynio (lle mae penderfyniadau Gweinidogion Cymru yn cael eu cyfyngu i ddatblygiadau 350MW ac is) yn ogystal â Thrwyddedu Morol (lle nad yw penderfyniadau Gweinidogion Cymru yn cael eu cyfyngu i 350MW ac is pan fydd datblygiadau'n hollol o fewn ardaloedd y glannau). Er ein bod yn derbyn bod sail resymegol i gefnogi polisi o'r fath i sicrhau nad ydym yn creu prosesau asesu gwahanol ar gyfer yr un datblygiad, byddai hyn yn cyflwyno trothwy o 350MW wrth gynnal asesiadau ar gyfer trwyddedau morol nad oedd yn bodoli'n flaenorol. Rydym wedi dweud ein bod am alinio prosesau cyn belled ag y bo modd, ond hefyd am weld y setliad datganoli yn gael ei barchu cyn belled â bod sicrhau bod yr asesiadau'n hynny'n cyd-fynd o fewn ein cymhwysedd gweithredol.

Er fy mod yn cefnogi'r bwriad polisi a amlinellir yn y Bil Ynni, mae gan bob gwlad yn y DU ei set ei hun o bolisïau amgylcheddol a'i chynlluniau ar gyfer lleihau allyriadau, sy'n cyflawni yn erbyn y set benodol o heriau a blaenoriaethau sy'n berthnasol inni. Mae gallu Gweinidogion Cymru i ddefnyddio'r holl bwerau priodol o fewn ein cymhwysedd ar yr adeg gywir i lunio llwybr ar gyfer cyrraedd sero net yn cael ei gyfyngu gan y Bil fel y mae wedi'i ddrafftio ar hyn o bryd.

Yn olaf, roeddwn am roi'r wybodaeth ddiweddaraf i'r Pwyllgor am statws presennol y Bil Ynni. Rwy'n bwriadu gosod LCM atodol cyn gynted ag y bo modd i fynd i'r afael â'r newidiadau a wnaed i'r Bil ers iddo gael ei gyhoeddi hyd at ddiwedd Cyfnod Pwyllgor y Bil yn Nhŷ'r Cyffredin ar ddiwedd Mehefin 2023.

Mae Llywodraeth Cymru yn parhau i drafod y gwelliannau i'r Bil sydd eu hangen yn unol â'r safbwyntiau rwyf eisoes wedi'u hamlinellu yn yr LCMau a osodais yn y Senedd. Rwyf wedi'i gwneud yn glir i Lywodraeth y DU nad oes rheswm pam nad ydym yn gallu gweithio gyda'n gilydd i sicrhau rheoleiddio trawsffiniol mewn ffordd sy'n osgoi prosesau rheoleiddio gwahanol, drwy broses lle mae angen cydsyniad Gweinidogion Cymru ar gyfer meysydd lle mae cymhwysedd wedi'i ddatganoli.

Rwyf hefyd wedi ailadrodd fy mhryderon difrifol y bydd y Bil hwn yn cael ei wthio drwy Senedd y DU er ei bod yn bosibl y bydd y Senedd yn gwrthod rhoi cydsyniad. Gan fod cyfnod adrodd wedi'i gynllunio ar gyfer 5 Medi 2023, mae gennyf bryderon mawr iawn na fydd amserlen y bil yn gadael digon o amser i ddatrys problemau ar lefel rhynglywodraethol, ac ni fydd unrhyw gyfle ystyrlon i'r Senedd ystyried ei safbwynt ynghylch cyd-syniad. Y confensiwn cyfansoddiadol yw na fydd Senedd y DU fel ar gyfer yn deddfu mewn perthynas â materion datganoledig heb gydsyniad Senedd Cymru. Nid oes unrhyw dystiolaeth o gwbl y gellir ei chyflwyno bod y ddeddfwriaeth hon yn "anarferol". Rwyf wedi nodi y byddai deddfu heb gydsyniad mewn amgylchiadau o'r fath yn anghyfansoddiadol, ac yn bwydo dadleuon y rhai sydd am danseilio ein Teyrnas Unedig.

Yn gywir,



Julie James AS/MS

Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Julie James AS

Y Gweinidog Newid Hinsawdd

18 Gorffennaf 2023

Annwyl Julie

Memorandwm Cydsyniad Deddfwriaethol ar y Bil Ynni

Fel y gwyddoch, mae Memorandwm Cydsyniad Deddfwriaethol y Bil Ynni ('y Memorandwm') wedi'i gyfeirio at y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith ('y Pwyllgor') i'w drafod. Y dyddiad cau ar gyfer cyflwyno adroddiad yw 15 Medi 2023.

Yn eich llythyr at y Llywydd, dyddiedig 29 Mehefin 2023, yn nodi'r rhesymau dros yr oedi wrth osod y Memorandwm Cydsyniad Deddfwriaethol, rydych yn nodi bod "hyd a chymhlethdod y Bil wedi arwain at yr angen am ddadansoddiadau hir a manwl o'r polisi a'r safbwynt cyfansoddiadol". Er mwyn cynorthwyo'r Pwyllgor i drafod y Memorandwm, byddai'n ddefnyddiol pe gallech rannu unrhyw ddadansoddiad â ni ynghylch a fydd darpariaethau'r Bil mewn perthynas â Chymru yn effeithio ar allu Llywodraeth Cymru i ddatblygu polisi ynni/newid hinsawdd yn y dyfodol sy'n diwallu anghenion Cymru.

Byddwn yn ddiolchgar pe gallech ymateb cyn gynted â phosibl, ac erbyn **30 Awst 2023** fan bellaf.

Yn gywir,



Llyr Gruffydd AS,

Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.

Andrew Bowie MP
Parliamentary Under-Secretary of State for Energy
Security and Net Zero

12 July 2023

Dear Andrew

Energy Bill

You will be aware that the Welsh Government has now begun the legislative consent process in the Senedd in relation to relevant provisions in the Energy Bill (the Bill). On 29 June 2023, the Minister for Climate Change, Julie James MS, laid before the Senedd a Legislative Consent Memorandum (the Memorandum) on the Bill. You will likely be aware that the Welsh Government is currently recommending to the Senedd that it should withhold consent to the relevant provisions in the Bill at this time.

In the Memorandum laid before the Senedd, the Minister for Climate Change states that the Welsh Government was not involved in the development of the Bill before its introduction, and "the full legal text [of the Bill] was not available for review until hours before its introduction to the House of Lords". The Minister for Climate Change also states that the Welsh Ministers have written to the UK Government to raise concerns that the Bill as drafted does not respect the legislative competence of the Senedd nor the devolved responsibilities of the Welsh Ministers.

The Minister for Climate Change was invited to attend my Committee's meeting on 10 July, when we were able to discuss with her the Welsh Government's actions to date as regards the Bill. In particular, we discussed the circumstances which had contributed to the fact that the Memorandum has been laid before the Senedd almost one year after the Bill was introduced to the UK Parliament. We would normally expect a legislative consent memorandum to be laid before the Senedd within two weeks of a Bill with relevant provisions being introduced to the UK Parliament. Further to the statements made in the Memorandum, the Minister made it clear that the delay was partly due to the lack of dialogue and cooperation between both Governments. She told us:

- “We would have very much wanted for the Welsh Government to have been involved in the development of the Bill months before the Bill was published. We would have had detailed discussions with UK Government Ministers on matters within our competence and so on. Not a single scrap of that happened at all. Nothing, absolutely not.” [Record of Proceedings, paragraph 6]
- “I’m quite annoyed by the situation the UK Government has put in where we’re struggling to keep up with the changes in a Bill that are rapid and don’t involve us at the right level at all.” [RoP, paragraph 7]
- “...there’s just nothing good to say about the way the UK Government has treated the devolution settlement. The Bill has been drafted without any nod to devolution whatsoever. (...) from a political point of view, I would say that it’s news to the energy team [in the UK Government] that there is such a thing as a devolution settlement. It’s been a hard-fought battle to get them to even understand what we’re trying to say.” [RoP, paragraph 14]
- “I have, a number of times, not just in this instance, been summoned to speak to a Minister of the UK Government at 17:30 with no idea of what they want to talk to me about, only to be told that tomorrow morning, they’re going to publish X, so that they can say they’ve consulted us. Well, I’m sorry, I don’t think that’s sufficient consultation at all.” [RoP, paragraph 19]
- “I’ve made a number of representations to the Secretary of State for BEIS, as it was then, and the Secretary of State and Ministers within the new Department for Energy Security and Net Zero. In March this year, following the UK Government amendments, with the offshore wind environment improvement package, I set out my concerns to the new Secretary of State on the clauses and on the initial considerations of the Bill. I’ve requested a meeting to discuss the concerns, but no offer to meet has been forthcoming. The first and only meeting on this Bill I have had with a UK Government Minister was with Minister Bowie in May 2023, and I have to say, in that meeting, Minister Bowie showed no appreciation that any kind of devolution settlement existed. There’s no getting away from that. It was a very short meeting, and their view was that it just doesn’t engage the devolution—. Well, they just didn’t have any appreciation of it at all.” [RoP, paragraph 29. See also paragraph 20]
- “We do normally have much better engagement. (...) but I think that what we’re looking at here is somebody who just did not realise that there was any devolution issue in it until the last minute.” [RoP, paragraph 21]



The statements and comments made by the Minister for Climate Change are concerning. We would welcome and value your response to what we have heard from the Minister for Climate Change, in particular details of the engagement – at Ministerial and official level – between your respective departments, and how you have sought to address the concerns of the Welsh Government.

I would welcome a response by 1 September 2023, so that my Committee can fully consider the evidence before reporting to the Senedd ahead of the debate which will take place on a consent motion for the Bill.

I am copying this letter to the Rt Hon Grant Shapps MP, Secretary of State for Energy Security and Net Zero; the Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations; and the Rt Hon David TC Davies MP, Secretary of State for Wales.

I am also copying the letter to the Senedd's Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies
Chair

Item 4.6

Y Pwyllgor Newid Hinsawdd,
yr Amgylchedd a Seilwaith

Climate Change, Environment,
and Infrastructure Committee

Senedd Cymru

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Julie James AS

Y Gweinidog Newid Hinsawdd

26 Gorffennaf 2023

Annwyl Julie,

Datgarboneiddio'r sector tai preifat – diweddariad ar y cynnydd

Wrth ymateb i adroddiad y Pwyllgor, sef [Datgarboneiddio'r sector tai preifat](#), gwnaethoch ymrwymo i roi diweddariadau i ni bob chwe mis ar y cynnydd o ran bwrw ymlaen â nifer o'n hargymhellion.

Wrth edrych ymlaen at y diweddariad cyntaf, a ddisgwylir ar 27 Awst 2023, cytunodd y Pwyllgor y dylwn ysgrifennu i ofyn i chi hefyd ateb y cwestiynau penodol a nodir yn y llythyr hwn.

Map ffordd datgarboneiddio tai preswyl

Mae **argymhellion 3 a 4** yn ein hadroddiad yn ymwneud â datblygu'r 'map ffordd ar gyfer datgarboneiddio tai preswyl Cymru'.

Wrth ymateb i'r argymhellion hyn, gwnaethoch ddweud y canlynol wrth y Pwyllgor:

"Mae swyddogion Llywodraeth Cymru yn gweithio gyda'r Grŵp Gweithredu ar gyfer Datgarboneiddio i lunio a gweithredu trywydd er mwyn datgarboneiddio tai preswyl yng Nghymru. Mae'r Grŵp Gweithredu ar gyfer Datgarboneiddio ar y cam cyntaf o nodi'r themâu a'r camau gweithredu perthnasol ar lefel strategol. Yna, bydd grwpiau gorchwyl a gorffen yn helpu i ddatblygu trywydd a fydd yn rhoi cyfeiriad ac yn ysgogi cynnydd tuag at ddatgarboneiddio cartrefi presennol Cymru.

Bydd y trywydd yn pennu'r cyfeiriad y mae angen anelu ato er mwyn datgarboneiddio cartrefi preswyl yn y tymor byr, y tymor canolig a'r tymor hir."

Rydym yn deall nad yw'r Grŵp Gweithredu Datgarboneiddio wedi gallu symud ymlaen â'r gwaith ar y map ffordd mor gyflym ag y byddai wedi hoffi. Ymhellach, rydym yn deall bod Llywodraeth Cymru, ar



y lefel uchaf, wedi methu ymgysylltu'n effeithiol â gwaith y Grŵp Gweithredu Datgarboneiddio, er enghraifft, drwy beidio ag ymateb i ohebiaeth. Mae hyn yn peri pryder mawr.

1. Byddem yn croesawu esboniad o'r uchod ac yn gofyn am sicrwydd y byddwch chi ac uwchswyddogion yn eich Adran yn ymrwymo i wella ymgysylltiad â'r Grŵp Gweithredu Datgarboneiddio i hwyluso ei waith.
2. Fel y cytunwyd eisoes, hoffem i chi wneud y canlynol:
 - darparu diweddariad ar y cynnydd tuag at ddatblygu'r map ffordd;
 - egluro'r amserlenni rydych yn gweithio tuag atynt, gan gynnwys a gytunwyd ar y rhain â'r Grŵp Gweithredu Datgarboneiddio.

Rydym yn deall, yn wahanol i grwpiau eraill a sefydlwyd gan Lywodraeth Cymru i fwrw ymlaen â'r gwaith ar ddatgarboneiddio, er enghraifft, y Grŵp Strategaeth Gwres, nad yw'r Grŵp Gweithredu Datgarboneiddio yn cael ei gyllido.

3. A allwch amlinellu'r sail resymegol dros y dulliau gwahanol o gyllido grwpiau o'r fath?

Rydym yn gofyn am sicrwydd y bydd digon o gyllid ar gael i'r Grŵp Gweithredu Datgarboneiddio i sicrhau y gall gyflawni ei rôl yn effeithlon ac yn effeithiol.

Rhaglen Cartrefi Clyd newydd

Gwyddom, ym mis Mehefin 2023, y gwnaerthoch gyhoeddi [datganiad polisi ar y Rhaglen Cartrefi Clyd newydd](#). Yn ôl y datganiad, bwriad Llywodraeth Cymru yw "parhau i roi'r 'Adeiladwaith yn Gyntaf', gan gyflwyno mesurau i wneud yr aelwydydd sydd â'r incwm isaf ac sydd leiaf effeithlon o ran gwres yn fwy ynni effeithlon". Mae'r datganiad yn dweud y rhennir y gwaith hwnnw yn ddwy ran:

Mae Rhan 1 yn cynnwys bwrw ymlaen yn gynt â'r broses i gaffael gwasanaeth newydd sy'n seiliedig ar y galw.

Mae Rhan 2 yn cynnwys datblygu ffordd integredig ar draws pob math o ddeiliadaeth a lefel incwm i sbarduno datgarboneiddio.

4. Rydych wedi dweud y bydd y gwasanaeth newydd sy'n seiliedig ar y galw ar waith erbyn y gaeaf. A allech roi amseriadau manylach?

Mae'r datganiad yn esbonio, ar gyfer y gwasanaeth newydd sy'n seiliedig ar y galw, "er mwyn bod yn gymwys am gymorth...gyda mesurau arbed ynni...y bydd yn rhaid...bodloni trothwy incwm isel, yn hytrach na budd-daliadau sy'n dibynnu ar brawf modd".

5. Pryd a sut y byddwch yn penderfynu ar y 'trothwy incwm isel'?

Roedd y Rhaglen wreiddiol yn cynnwys cynllun sy'n seiliedig ar y galw (Nyth) a chynllun sy'n seiliedig ar ardal (Arbed).

6. A allwch egluro a fydd y Rhaglen newydd yn darparu ar gyfer dull sy'n seiliedig ar ardal o wella effeithlonrwydd ynni cartref a sut y bydd yn gwneud hynny? Os na fydd, pam lai?

Mae'r datganiad yn canolbwyntio ar Ran 1 a'r gwasanaeth newydd sy'n seiliedig ar y galw, gan ddarparu gwybodaeth gyfyngedig am Ran 2.

7. Pryd fyddwch mewn sefyllfa i ddarparu esboniad manylach o Ran 2 o ddull Llywodraeth Cymru o wella effeithlonrwydd ynni cartref?

Model stoc adeiladau Cymru gyfan

Mae **argymhelliad 12** yn ein hadroddiad yn ymwneud â defnyddio model stoc adeiladau Cymru gyfan Sefydliad Ynni UCL fel ffordd o nodi aelwydydd sy'n gymwys i gael cyllid ECO ac ar gyfer unrhyw gyllid grant yn y dyfodol i gefnogi ôl-osod effeithlonrwydd ynni.

Wrth ymateb i'r argymhelliad hwn, gwnaethoch ddweud y canlynol wrth y Pwyllgor:

"Mae Llywodraeth Cymru yn cynnal trafodaethau â TrustMark ynghylch model stoc Cymru gyfan a fydd yn golygu y gellir canfod aelwydydd a all ddefnyddio sianeli ariannu eraill fel arian ECO neu drefniadau ariannu yn y dyfodol sy'n targedu cymorth tuag at waith ôl-osod effeithlonrwydd ynni."

8. A allwch roi diweddariad ar eich trafodaethau â TrustMark, gan gynnwys unrhyw ganlyniad? A allwch egluro pryd a sut y bydd model stoc Cymru gyfan yn cael ei ddefnyddio i nodi aelwydydd?

Hwb Perfformiad Tai Carbon Sero Net

Mae **argymhelliad 24** yn ymwneud â Hwb Perfformiad Tai Carbon Sero Net ('yr Hwb'), sydd wedi'i lansio ers hynny. Gwnaethoch ddweud wrth y Pwyllgor o'r blaen, "wedi'r flwyddyn gyntaf, rhagwelir y bydd y gwasanaethau sy'n cael eu cynnig gan yr Hyb yn cael eu hehangu i helpu landlordiaid preifat a pherchnogion tai". Fodd bynnag, mewn ymateb i'n hargymhelliad, gwnaethoch ddweud y canlynol wrthym:

"Cytunwyd ar ddyraniad cyllidebol ar gyfer tair blynedd gyntaf yr Hwb Perfformiad Carbon Sero Net ac, felly, os caiff gofynion ychwanegol eu cyflwyno ar gyfer yr Hwb, bydd angen arian ychwanegol i dalu am gost y gofynion hynny. Bydd fy swyddogion yn gweithio gyda grŵp llywio'r Hwb Perfformiad Carbon Sero Net a'r partner cyflawni i sicrhau bod yr Hwb a'i wefan gysylltiedig ar gael a'u bod yn



darparu gwybodaeth a chyngor i bob deiliadaeth cyn gynted ag y bo'n ymarferol bosibl."

9. A allwch egluro pryd y bydd y gwasanaethau a gynigir gan yr Hwb yn cael eu hehangu i gefnogi landlordiaid preifat a pherchnogion tai a'r cyllid ychwanegol sydd ei angen i dalu cost hyn?

Datrysiadau ariannol ar gyfer y rhai sy'n 'gallu talu'

Mae **argymhelliad 28** yn ymwneud a datrysiadau ariannol ar gyfer y rhai sy'n 'gallu talu', gan gynnwys Cyllid Cysylltiedig ag Eiddo a benthyciadau dim llog/llog isel.

10. A allwch roi diweddariad ar y cynnydd tuag at ddatblygu datrysiadau ariannol ar gyfer y rhai sy'n 'gallu talu', gan gynnwys Cyllid Cysylltiedig ag Eiddo, ers eich ymateb i'n hadroddiad ym mis Ebrill 2023.

Strategaeth Gwres Cymru

Yn olaf, ar fater ar wahân, ond cysylltiedig, mae Cymru Sero Net Cyllideb Garbon 2 (2021-25) yn cynnwys ymrwymiad i "[g]yhoeddi strategaeth gwres i Gymru yn 2023".

11. A allwch roi diweddariad ar y cynnydd a wnaed tuag at ddatblygu strategaeth gwres? A allwch gadarnhau y bydd Llywodraeth Cymru yn cyhoeddi'r strategaeth cyn diwedd 2023?

Edrychaf ymlaen at gael ymateb gennych cyn gynted â phosibl ac erbyn **27 Awst** fan bellaf.

Yn gywir,



Llyr Gruffydd AS,
Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Croesewir gohebiaeth yn Gymraeg neu yn Saesneg. We welcome correspondence in Welsh or English.

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: JJ/PO/292/2023

Llŷr Gruffydd MS
Cadeirydd
Y Pwyllgor Newid Hinsawdd yr Amgylchedd a'r Seilwaith
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN

31 Awst 2023

Annwyl Llŷr,

Diolch am eich llythyr dyddiedig 26 Gorffennaf yn gofyn am y diweddariad chwe mis cyntaf ar y cynnydd tuag at fwrw ymlaen â nifer o'r argymhellion a wnaed yn adroddiad y Pwyllgor Newid Hinsawdd, yr Amgylchedd a'r Seilwaith ar Ddatgarboneiddio'r Sector Tai Preifat. Mae fy swyddogion yn gwneud cynnydd o ran bwrw ymlaen â nifer o'r argymhellion a wnaed yn yr adroddiad.

Mae diweddariad manwl ar y cwestiynau penodol sydd wedi'u cynnwys yn eich llythyr wedi'i atodi.

Yn gywir,

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

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Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 216
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Atodiad 1

Map llwybr i ddatgarboneiddio tai preswyl

1. Byddem yn croesawu esboniad o'r uchod ac yn gofyn am sicrwydd y byddwch chi ac uwchswyddogion yn eich Adran yn ymrwmo i wella ymgysylltiad â'r Grŵp Gweithredu Datgarboneiddio i hwyluso ei waith.

Mae'r Grŵp Gweithredu Datgarboneiddio (DIG) yn cael ei gefnogi a'i hwyluso gan fy swyddogion ac mae'n cyfarfod bob mis i fwrw ymlaen ag ystod o feysydd. Trwy'r cyfarfodydd hyn mae'r grŵp wedi pennu rhestr o feysydd ffocws sy'n flaenoriaeth ar gyfer y map llwybr y credant fod angen ei drafod a'i gytuno'n ehangach gyda rhanddeiliaid.

Rwyf wedi derbyn gohebiaeth gan Gadeirydd DIG yn amlinellu ei bryder ynghylch cyflymder y cynnydd ac rwyf i fod i gwrdd ag ef yn fuan i drafod hyn a ffyrdd o weithio i'r DIG yn y dyfodol.

Cynhaliwyd cyfarfodydd hefyd yn ddiweddar (14eg Awst) gyda chadeirydd DIG ac uwch swyddogion i drafod cynnydd. Rydym wedi ymrwmo i sicrhau bod gwaith DIG yn cael ei ddatblygu a'i gefnogi. Fodd bynnag, rwy'n ymwybodol nad yw cylch gwaith y DIG wedi ei adolygu na'i adnewyddu'n ffurfiol ers ei sefydlu yn dilyn cyhoeddi'r adroddiad "Cartrefi Gwell" yn 2019.

Yng nghyfarfodydd diweddar y DIG, mae'r aelodau wedi mynd ati i ystyried ffocws cylch gwaith a phwrpas y grŵp a pha newidiadau sydd eu hangen nawr i sicrhau y gall y grŵp ddod o hyd i'r ffordd orau o gyflawni. Rwy'n edrych ymlaen at drafod hyn gyda'r cadeirydd a chlywed barn y grŵp cyn ystyried a mireinio cylch gwaith y grŵp.

2. Fel y cytunwyd eisoes, hoffem i chi wneud y canlynol:

- darparu diweddariad ar y cynnydd tuag at ddatblygu'r map ffordd;
- egluro'r amserlenni rydych yn gweithio tuag atynt, gan gynnwys a gytunwyd ar y rhain â'r Grŵp Gweithredu Datgarboneiddio?

Mae'r DIG wedi ystyried datblygu'r map llwybr ac yn ystod sawl cyfarfod misol ers mis Ionawr 2023 maent wedi penderfynu ar y meysydd y credant sydd angen eu hystyried a'u datblygu gyda rhanddeiliaid ehangach. Mae'r rhain yn cynnwys canolbwyntio ar y pynciau canlynol:

- Cyllid;
- Sgiliau;
- Data;
- Llwybrau;
- Cyfathrebu a Phrofiad y Defnyddiwr.

Maent hefyd wedi bod yn gweithio i nodi'r amrywiaeth o randdeiliaid y mae angen eu cydosod i drafod a datblygu'r pynciau hyn ymhellach.

Mae swyddogion wedi tynnu sylw'r DIG at yr angen i gydgyssylltu gwaith y map llwybr datgarboneiddio preswyl â datblygiadau strategol allweddol eraill. O bwysigrwydd arbennig yw'r cyhoeddiad a'r ymgynghoriad ar y Strategaeth Gwres. Bydd cyfres o gynlluniau gweithredu yn cael eu datblygu fel rhan o'r gwaith hwn a phwysleisiwyd y gorgyffwrdd

rhwng y cynllun gweithredu ar gyfer elfen ddomestig y Strategaeth Gwres a'r gwaith o lunio'r map llwybr.

Oherwydd hyn, ac i roi cymorth pellach i waith DIG, mae swyddogion wedi cynnig gwaith alinio ar gynllun gweithredu'r elfen ddomestig a'r map llwybr. Bydd hyn yn sicrhau nad oes unrhyw ddyblygu na diffyg alinio rhwng y ffrydiau gwaith hyn, tra hefyd yn dod â chefnogaeth i'r broses gan ymgynghorwyr y cysylltwyd â hwy eisoes i gefnogi cynhyrchu'r cynllun gweithredu.

Mae cynllunio'n digwydd, cyn sesiwn gychwynnol gyda rhanddeiliaid (y bwriedir ei gynnal ar ddechrau mis Hydref). Cyn hyn bwriedir gwneud gwaith pellach i gael dealltwriaeth gyffredin o'r meysydd i ganolbwyntio arnynt ar gyfer y cynllun gweithredu, a'r meysydd y mae angen eu datblygu ymhellach fel elfennau ar wahân o fewn y map llwybr.

O ran ariannu'r DIG, sefydlwyd y grŵp hwn yn dilyn cyhoeddi'r adroddiad cartrefi gwell yn ôl yn 2019. Ar y pryd fe'i sefydlwyd fel grŵp cynghori gwirfoddol gan ystyried gweithredu argymhellion a gynhwysir yn yr adroddiad hwnnw. Mae'r cylch gwaith bellach yn datblygu ac yn esblygu gydag amser a meysydd gwaith newydd yn ymddangos – megis datblygu'r map llwybr.

Mae p'un ai yw bwrdd neu grŵp cynghori yn cael ei ariannu ai peidio yn cael ei ddylanwadu gan ei bwrpas, ei gyfansoddiad a'i sail. Er enghraifft, mae rhan fwyaf y byrddau lle telir aelodau yn cael eu recriwtio drwy broses benodi gyhoeddus.

Nid yw rhai o'r enghreifftiau yr edrychodd DIG arnynt wrth gymharu eu gwaith yn fyrddau. Datblygwyd y Strategaeth Gwres, er enghraifft, gyda mewnbwn gan ystod o randdeiliaid na chawsant eu talu am eu hamser. Cynhaliodd swyddogion ymarfer caffael agored i gomisiynu ymgynghorwyr i gynhyrchu pecynnau gwaith, cefnogi cyfranogiad ein rhanddeiliaid a drafftio'r strategaeth wres gyffredinol er mwyn eu hadolygu a'u cymeradwyo. Mae'r dull hwn lle mae adnoddau ac arbenigedd yn cael eu caffael i helpu i ddatblygu strategaethau a dulliau polisi yn gymharol gyffredin ond nid yw'n cynnwys bwrdd.

Wrth ystyried datblygu'r map llwybr, roeddwn o'r farn y byddai DIG, fel grŵp cynghori sefydledig sydd eisoes yn cefnogi datgarboneiddio tai, mewn sefyllfa dda i ddatblygu'r gwaith hwn.

3. A allwch amlinellu'r sail resymegol dros y dulliau gwahanol o gyllido grwpiau o'r fath?

Rydym yn gofyn am sicrwydd y bydd digon o gyllid ar gael i'r Grŵp Gweithredu Datgarboneiddio i sicrhau y gall gyflawni ei rôl yn effeithlon ac yn effeithiol.

Rwyf wedi amlinellu uchod fod dulliau gwahanol o ariannu grwpiau a gwahaniaeth rhwng defnyddio grŵp i gefnogi gwaith datblygu, yn hytrach na chomisiynu sefydliad allanol i ddarparu cymorth.

Bydd DIG nawr yn gweithio gyda'r sefydliad sy'n cefnogi datblygiad cynllun gweithredu'r Strategaeth Wres. Bydd yr adnodd hwn nawr yn cael ei alinio i gefnogi elfen gynhenid o'r gwaith map llwybr. Bydd unrhyw ystyriaeth bellach o adnoddau yn cael ei wneud yn ôl yr angen wrth symud ymlaen.

Rhaglen Cartrefi Cynnes Newydd

4. Rydych wedi dweud y bydd y gwasanaeth newydd sy'n seiliedig ar y galw ar waith erbyn y gaeaf. A allech roi amseriadau manylach?

Y prif gerrig milltir rydym yn gweithio iddynt yw:

- | | |
|--|------------------|
| • Cyhoeddi Gwahoddiad i Dendro | Awst; |
| • Dewis y cynigydd a ffefrir | Canol Hydref; |
| • Porth Sicrwydd | w / c 23 Hydref; |
| • Llythyrau Bwriad i Ddyfarnu (cyfnod segur o 2 wythnos) | Canol Tachwedd; |
| • Dyfarnu contract | Diwedd Tachwedd; |
| • Dechrau Gweithredu | Diwedd Tachwedd. |

Bydd cymhlethdod y trawsnewid rhwng y contractau hen a newydd, i raddau helaeth, yn dibynnu ar a oes cyflenwyr newydd ai peidio. Mae fy swyddogion mewn trafodaethau gyda'r cyflenwyr Nyth presennol i ddechrau trefniadau ar gyfer dod â Nyth i ben. Bydd yr estyniad i'r contract Nyth presennol hyd at ddiwedd mis Mawrth 2024 yn sicrhau na fydd bwlch yn y ddarpariaeth rhwng y rhaglenni newydd a'r rhaglenni presennol.

5. Pryd a sut y byddwch yn penderfynu ar y 'trothwy incwm isel'?

Bydd y trothwy incwm isel yn cael ei osod yn unol â 60% o'r Aelwydydd Islaw Incwm Cyfartalog, ystadegau HAAA. Bydd gwerthoedd trothwy, a fydd yn cael eu cyfwerthu ar draws gwahanol fathau o aelwydydd, yn cael eu cyfrifo'n flynyddol a'u cyhoeddi ar wefan y cynllun.

6. A allwch egluro a fydd y Rhaglen newydd yn darparu ar gyfer dull sy'n seiliedig ar ardal o wella effeithlonrwydd ynni cartref a sut y bydd yn gwneud hynny? Os na fydd, pam lai?

Byddwn yn gweithio gyda'r cynigwyr llwyddiannus yn ystod y flwyddyn gyntaf i ddatblygu'r cynllun ymhellach i ddarparu ar gyfer cynlluniau cymunedol ac ar raddfa fach, megis trin teras o dai neu floc o fflatiau lle mai dyna'r ymyrraeth fwyaf priodol.

7. Pryd fyddwch mewn sefyllfa i ddarparu esboniad manylach o Ran 2 o ddull Llywodraeth Cymru o wella effeithlonrwydd ynni cartref?

Rydym wedi cadarnhau, gyda Rhan 2, y byddwn yn datblygu dull integredig ar draws pob deiliadaeth a lefel incwm i yrru datgarboneiddio. Yn ddiweddar rydym wedi lansio ymgynghoriad ar Strategaeth Wres i Gymru sy'n cynnwys ein hasesiad o lawer o'r meysydd blaenoriaeth ar gyfer gweithredu ar ddatgarboneiddio cartrefi a llinell amser ddangosol ar gyfer eu gweithredu. Bydd cynllun gweithredu manylach yn cael ei ddatblygu yn ddiweddarach eleni. Bydd y Grŵp Gweithredu Datgarboneiddio a rhanddeiliaid ar baneli cynghori'r Strategaeth Wres yn cyfrannu at ei ddatblygiad.

Model stoc adeiladau Cymru gyfan

8. A allwch roi diweddariad ar eich trafodaethau â TrustMark, gan gynnwys unrhyw ganlyniad? A allwch egluro pryd a sut y bydd model stoc Cymru gyfan yn cael ei ddefnyddio i nodi aelwydydd?

Rydym yn parhau i drafod gydag TrustMark y llwybr gorau ymlaen o ran sicrhau Model Stoc Cymru Gyfan. Nid ydym wedi cwblhau'r trafodaethau hyn eto.

Mae TrustMark yn gweithio gyda ni ar nifer o brosiectau gan gynnwys fel partneriaid dibynadwy sy'n casglu a rheoli data o amgylch rhaglenni ORP ac IHP, ac fel y corff sy'n gyfrifol am PAS 2035.

Mae'r gwaith ar y model stoc arfaethedig yn cynnwys casglu data newydd sy'n ymwneud â pherfformiad ynni cartrefi Cymru yn y byd go iawn mewn modd systematig a graddadwy. Byddai'r prosiect yn defnyddio'r System Sganio Amgylchedd Adeiledig (BESS). Bydd y data cyflwr hwn yn y byd go iawn, fel y'i hadeiladwyd, yn ffurfio data newydd sy'n uniongyrchol gysylltiedig â gweithredu polisi parhaus. Gellir defnyddio'r mewnwelediadau sy'n deillio o hynny i wneud penderfyniadau sy'n cael eu gyrru gan ddata ynghylch mesurau datgarboneiddio a datblygiadau polisi.

Hwb Perfformiad Carbon Sero Net Tai

9. A allwch egluro pryd y bydd y gwasanaethau a gynigir gan yr Hwb yn cael eu hehangu i gefnogi landlordiaid preifat a pherchnogion tai a'r cyllid ychwanegol sydd ei angen i dalu cost hyn?

Bydd gan yr Hwb feysydd mynediad am ddim a fydd yn helpu i lywio sut y gall landlordiaid preifat a pherchnogion tai ddatgarboneiddio eu cartrefi gan ddefnyddio astudiaethau achos a dysgu o ddatgarboneiddio tai cymdeithasol. Bydd hyn ar gael heb unrhyw gost ychwanegol a bydd yn datblygu ochr yn ochr â'r meysydd a ddatblygwyd ar gyfer y sector tai cymdeithasol (a fydd y tu ôl i ddull o fewngofnodi i aelodau). Bydd y llinell amser ddisgwyliedig ar gyfer y wefan gychwynnol yn dechrau gweld cynnwys o fis Ionawr 2024, gyda'r cyngor a'r arweiniad ar fynediad agored ar gael o fis Gorffennaf 2024. Bydd yr Hwb hefyd yn cysylltu â ffynonellau eraill o wybodaeth ac yn tynnu sylw atynt (megis Gweithredu ar Hinsawdd Cymru) ac mae ganddo gysylltiadau â chanolfannau eraill y DU.

Atebion ariannol ar gyfer y 'gallu talu'

10. A allwch roi diweddariad ar y cynnydd tuag at ddatblygu datrysiadau ariannol ar gyfer y rhai sy'n 'gallu talu', gan gynnwys Cyllid Cysylltiedig ag Eiddo, ers eich ymateb i'n hadroddiad ym mis Ebrill 2023.

Ar hyn o bryd rydym yn gweithio gyda Banc Datblygu Cymru ar brosiect peilot ar gyfer y sector sy'n eiddo i berchenogion sy'n edrych ar fenthyciadau ar gyfer y 'gallu i dalu'. Ar hyn o bryd rydym yn aros am benderfyniad cyllido ynghylch arian FTC i gefnogi'r peilot. Rydym hefyd mewn cysylltiad â'r Sefydliad Cyllid Gwyrdd ac yn trafod gydag opsiynau rhanddeiliaid o ran ariannu datgarboneiddio.

Strategaeth Wres i Gymru

11. A allwch roi diweddariad ar y cynnydd a wnaed tuag at ddatblygu strategaeth wres? A allwch gadarnhau y bydd Llywodraeth Cymru yn cyhoeddi'r strategaeth cyn diwedd 2023?

Cyhoeddwyd Strategaeth Wres i Gymru | LLYW.CYMRU ar 16 Awst, ochr yn ochr ag adolygiad o'r dystiolaeth sydd ar gael i'r cyhoedd. Bydd yr ymgynghoriad yn cau ar 8 Tachwedd a'n nod yw cyhoeddi'r dadansoddiad o'r ymateb yn gynnar yn 2024. Roedd ei baratodau'n cynnwys amrywiol bartïon â diddordeb, gan gynnwys y rhai sy'n cynrychioli defnyddwyr. Mae'r llenyddiaeth ddiuedd yn cadarnhau mai trydaneiddio gwres yw'r ateb mwyaf priodol ar gyfer y rhan fwyaf o gartrefi, a gellir ei weithredu gyda symiau cymedrol o waith paratoi.

Mae'r strategaeth wres hon yn cefnogi ein dyhead am sector cyhoeddus sero net erbyn 2030 ac mae'n cefnogi datgarboneiddio ein cartrefi, ein diwydiant a'n busnesau yn unol â'n cyfrifoldebau statudol erbyn 2050. Mae'n strategaeth hirdymor, sy'n adlewyrchu maint yr heriau a'r ystod o ymyriadau sydd eu hangen i ysgogi newid.

Bydd ein strategaeth yn amlinellu sut rydym yn ceisio chwalu'r rhwystrau i wresogi carbon isel yng Nghymru, a rôl Llywodraeth y DU drwy, er enghraifft, ryddhau arian ar gyfer inswleiddio ac ailgydbwysu costau trydan.

Wrth inni fyfyrto ar gam cyntaf datblygiad y Strategaeth, mae'r ffocws nawr yn symud i ddatblygu y Cynllun Gweithredu. I lansio'r cam hwn, trefnir gweithdai Cynllunio Gweithredu a sesiynau cynghori thematig.



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref IM/JJ/ Strategaeth Wres

Llŷr Gruffydd AS
Cadeirydd, y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

16 Awst 2023

Annwyl Llŷr

Roedd *Cymru Sero Net - Cyllideb Garbon 2* yn cynnwys ymrwymiad i archwilio'r heriau a'r cyfleoedd sy'n ymwneud â gwres carbon isel ac i gyhoeddi strategaeth wres i Gymru yn 2023. Rwy'n cadarnhau ein bod wedi cyhoeddi ein hymgyngoriad **Strategaeth Gwres i Gymru** ar 16 Awst 2023. <https://www.llyw.cymru/strategaeth-wres-i-gymru>

Mae'r argyfwng hinsawdd yn ei gwneud yn ofynnol inni newid ein dull o ymdrin ag ynni – gan leihau ein galw, cynyddu effeithlonrwydd ynni a defnyddio ffynonellau ynni carbon isel. Mae hyn yn wir am ein dull o wresogi ac oeri gofod yn ein cartrefi, busnesau ac adeiladau cyhoeddus, gan gynnwys gwres ar gyfer coginio a gwres a ddefnyddir gan ddiwydiannau. Pwrpas y strategaeth yw datblygu system wres ddatgarbonedig sy'n cyflawni ein huchelgeisiau sero net a'n helpu i gynllunio ar gyfer dyfodol gwell, tecach a gwyrddach i bob un ohonom.

Daw'r ymgynghoriad i ben ar 8 Tachwedd 2023, a'n nod yw cyhoeddi dadansoddiad o'r ymatebion yn gynnar yn 2024. Byddwn yn rhannu'r wybodaeth ddiweddaraf â chi.

Yn gywir

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 222
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Lee Waters AS/MS
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Llyr Gruffydd MS
Cadeirydd
Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

15 Awst 2023

Annwyl Llyr,

Diolch am eich llythyr dyddiedig 25 Gorffennaf ynghylch seilwaith gwefru cerbydau trydan.

Helpodd buddsoddiad o £26 miliwn gan Lywodraeth Cymru i ddarparu nifer fawr o ddyfeisiau gwefru sydd ar gael i'r cyhoedd yng Nghymru. Ni ariannodd y cyllid hwn bob un o'r 1,639 o bwyntiau gwefru a osodwyd hyd at mis Ebrill 2023.

Mae Llywodraeth Cymru wedi cywiro ei hymateb i adroddiad y Pwyllgor [mae copi o'r ymateb wedi'i gywiro ynghlwm]. Mae'r cyflwyniad nawr yn darllen "Ers i Lywodraeth Cymru gyhoeddi ein Strategaeth Gwefru Cerbydau Trydan yn 2021, rydym wedi buddsoddi dros £26 miliwn mewn seilwaith gwefru ledled Cymru, a gyfrannodd at gynyddu nifer y dyfeisiau cyhoeddus o 120%. Roedd cyfanswm o 1,465 pwynt gwefru ar 1 Ionawr 2023".

Mae'r datganiad i'r wasg wedi bod yn y parth cyhoeddus ers dros fis. Byddwn yn sicrhau y bydd unrhyw ohebiaeth yn y dyfodol yn disgrifio'n gliriach gyfanswm y pwyntiau gwefru a ariennir gan Lywodraeth Cymru.

Bydd Llywodraeth Cymru yn dadansoddi'r holl bwyntiau gwefru a ariennir gan Lywodraeth Cymru hyd at fis Ebrill 2023 cyn gynted ag y bydd y wybodaeth hon ar gael. Bydd y dadansoddiad yn cynnwys cyfanswm nifer y pwyntiau gwefru, eu lleoliadau priodol, y cyflymderau gwefru y maent yn eu cynnig, ac yn ôl awdurdod lleol.

Yn gywir,

Lee Waters AS/MS
Y Dirprwy Weinidog Newid Hinsawdd
Deputy Minister for Climate Change

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Tudalen y pecyn 223

Eitem 7

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon