

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**
fideogynadledd drwy Zoom Clerc y Pwyllgor
Dyddiad: Dydd Mercher, 24 Ebrill 2024 0300 200 6565
Amser: 09.30 SeneddHinsawdd@senedd.cymru

Hybrid

Rhag-gyfarfod preifat (09.15–09.30)

Cyfarfod cyhoeddus (09.30–11.50)

1 Cyflwyniadau, ymddiheuriadau, dirprwyon a datgan buddiannau
(09.30)

2 Adfer safleoedd glo brig – sesiwn dystiolaeth 1
(09.30–10.10) (Tudalennau 1 – 22)

Carl Banton, Cyfarwyddwr Gweithrediadau – Yr Awdurdod Glo

Dogfennau atodol:

Briff ymchwil – Adfer safleoedd glo brig

Papur – Cyngor Bwrdeistref Sirol Merthyr Tudful (Saesneg yn unig)

Papur – Awdurdod Glo (Saesneg yn unig)

Egwyl (10.10–10.15)



3 Adfer safleoedd glo brig – sesiwn dystiolaeth 2

(10.15–11.00)

(Tudalennau 23 – 27)

Daniel Therkelsen, ymgyrchydd – Yr Rhwydwaith Gweithredu Glo

Haf Elgar, Cyfarwyddwr – Cyfeillion y Ddaear Cymru

Dogfennau atodol:

Papur – Yr Rhwydwaith Gweithredu Glo (Saesneg yn unig)

Egwyl (11.00–11.05)

4 Adfer safleoedd glo brig – sesiwn dystiolaeth 3

(11.05–11.50)

(Tudalennau 28 – 36)

Marcus Bailie, ymgyrchydd – Gwrthryfel Difodiant Cymru

David Kilner, Cydlynnydd Ymgyrch – Climate Cymru

Dogfennau atodol:

Papur – Gwrthryfel Difodiant Cymru (Saesneg yn unig)

Papur – Climate Cymru (Saesneg yn unig)

5 Papurau i'w nodi (11.50)

5.1 Rheoliadau'r Amgylchedd a Materion Gwledig (Dirymu a Darpariaeth Ganlyniadol) 2024

(Tudalennau 37 – 38)

Dogfennau atodol:

Llythyr gan y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd at y Cadeirydd mewn perthynas â Rheoliadau'r Amgylchedd a Materion Gwledig (Dirymu a Darpariaeth Ganlyniadol) 2024

5.2 Craffu ar Gyllideb Ddrafft 2024–25 Llywodraeth Cymru

(Tudalennau 39 – 41)

Dogfennau atodol:

Llythyr gan Gadeirydd y Pwyllgor Cyllid at y Cadeirydd mewn perthynas â chraffu ar Gyllideb Ddrafft 2024–25 Llywodraeth Cymru

5.3 Prosiect fferm wynt ym Mynydd Maen

(Tudalennau 42 – 44)

Dogfennau atodol:

Llythyr gan Matt Davies at y Cadeirydd mewn perthynas â phrosiect fferm wynt Mynydd Maen (Saesneg yn unig)

Ymateb gan y Cadeirydd at Matt Davies mewn perthynas â phrosiect fferm wynt Mynydd Maen (Saesneg yn unig)

5.4 Cynllun Cyflawni Cyllideb Garbon

(Tudalennau 45 – 47)

Dogfennau atodol:

Llythyr gan yr Ysgrifennydd Gwladol dros Ddiogeledd Ynni a Sero Net at y Gwir Anrhydeddus Philip Dunne AS, Clerc y Pwyllgor Archwilio Amgylcheddol mewn perthynas â'r Cynllun Cyflawni Cyllideb Carbon (Saesneg yn unig)

5.5 Datgarboneiddio tai

(Tudalennau 48 – 49)

Dogfennau atodol:

Llythyr gan Gadeirydd Pwyllgor Craffu ar Berfformiad Corfforaethol ac Adnoddau Cyngor Bro Morgannwg at y Cadeirydd mewn perthynas â newidiadau i'r dyddiad targed i gartrefi'r sector cyhoeddus gyrraedd sero net (Saesneg yn unig)

5.6 Perfformiad Dŵr Cymru Welsh Water

(Tudalennau 50 – 63)

Dogfennau atodol:

Ymateb – Welsh Government

Ymateb – Ofwat (Saesneg yn unig)

Ymateb – Natural Resources Wales

Ymateb – Dŵr Cymru Welsh Water

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

(11.50)

Cyfarfod preifat (11.50–12.20)

7 Trafod y dystiolaeth a ddaeth i law dan eitemau 2, 3 a 4

8 Trafod yr adroddiad drafft ar Cyfoeth Naturiol Cymru – 2023–24

(Tudalennau 64 – 83)

Dogfennau atodol:

Adroddiad drafft ar Cyfoeth Naturiol Cymru – Craffu blynyddol 2023–24

(Saesneg yn unig)

9 Ystyried blaenraglen waith y Pwyllgor – Haf 2024

(Tudalennau 84 – 89)

Dogfennau atodol:

Blaenraglen waith y Pwyllgor – Haf 2024 (Saesneg yn unig)

Mae cyfyngiadau ar y ddogfen hon

Climate Change, Environment and Infrastructure Committee – Evidence Session Ffos y Fran

The Merthyr Tydfil County Borough Council (MTCBC) officers that dealt with the original Planning applications, legal and financial agreements for the Ffos y Fran scheme have long left the authority, and as such the background knowledge, context and intricacies of the development is limited to the fairly recently gathered information gleaned by those officers currently negotiating matters on behalf of the authority. For this reason, our ability to contribute evidence is limited.

You will appreciate that minerals planning can be a complex matter requiring specialist experience and knowledge. In common with most other LPA's in Wales we do not have specialist Minerals Planning Officers and instead rely on an SLA with Carmarthenshire County Council to deliver minerals work including planning applications. As advised in correspondence, you may wish to invite evidence from them given their breadth of knowledge and experience on the matters raised.

The current negotiations in relation to restoration of the Ffos y Fran site have been led by the Council's solicitor and Development Control Group Leader, who offer the following comments in response to your invitation to submit evidence in response to the 3 points raised:-

- The financial and practical arrangements in place for the restoration of the Ffos y Fran opencast site;

A restoration strategy formed part of the Planning permission for the Ffos y Fran development that was granted by the National Assembly for Wales. In terms of practical arrangements, MTCBC have for some time been in discussion with the site operators in relation to restoration of part of the site in accordance with the originally approved strategy as well as developing a revised strategy for the remainder of the site. Restoration of the land is a condition of the Planning Permission.

In terms of financial arrangements, £15,000,000 to be used for restoration of the site currently sits in an escrow account.

- How restoration of opencast sites can be secured, and contingency planning in the event of insufficient funds being available to restore sites; and

MTCBC is aware of the best practise guide on 'restoration Liability Assessments' for surface coal mines prepared in 2016. Overall, the principles set out in the document, which seek to reduce the opportunity for the site operator to abandon the site without carrying out the final restoration in accordance with the approved plans is supported. It clearly necessitates the need for appropriate expertise and where appropriate independent expert assessors. It also requires co-operation from the site operator who would bear the costs of any agreement to be secured.

Unfortunately, this advice was not available when the planning application for Ffos Y Fran was considered in 2005, Planning permission was granted by the National Assembly for Wales and these principles do not appear to have been secured.

- Discussion of the findings and recommendations from the Welsh Government report on *Research into the failure to restore opencast coal sites in south Wales (April 2014)* and whether these are still applicable.

MTCBC is aware of the research paper on the 'failure to restore opencast coal sites in south Wales'. Of particular interest is Section 5.3 of the report, which sets out the options for unrestored sites or sites at risk. It also highlights some of the challenges that local authorities may face to resolve such matters, which certainly reflects the experiences of MTCBC in dealing with the closure of Ffos Y Fran opencast mine.

Section 5.3.1 acknowledges that sites may remain abandoned or un-restored as a result of the site operator delaying or refusing to meet the restoration conditions. Where the bond is insufficient to secured the full restoration, the LPA may have legal redress under the planning permission and any Section 106 agreement, but that process in itself can incur significant costs. This can arise from the legal counsel, the technical input needed to meet the restoration of the site in accordance with the planning permission, as well as the on-going monitor of the site.

If it is anticipated that the site operator might fail to restore the site, with an inadequate bond and limited success of enforcement, the report notes that there are few remedies to enable the planning conditions to be met. There are however some mitigation measures that can be examined, which may include:

- The submission of a revised planning application to extend the life of the mine, where additional contributions towards the restoration fund can be made. This was explored as part of a planning application to extend the life of Ffos y Fran for an additional 3 years. However, the application was refused as it ran contrary to national planning policy.
- A new application for a revised after-use of the site to generate enhanced residual land values. In the case of Ffos Y Fran, the majority of the site is to return to common land. To date no alternative scheme has been presented to the local planning authority for consideration.
- Major reconfiguration of the form of restoration for the site. A dominant cost component for the restoration works relates to the bulk earthmoving needed to replace the excavated overburden back into the void. Such costs could be reduced by partially infilling the void, reshaping the overburdens and could include part of the void being retained as a water feature. This is currently being explored at the Ffos Y Fran site, where the site operator is currently preparing the submission of a future planning application to vary the restoration strategy, which would likely involve the retention of some of the overburdens and a water body in the void.



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Lukas Santos
Deputy Clerk
Climate Change, Environment and Infrastructure Committee
Welsh Parliament

Sent by email: SeneddClimate@senedd.wales

12 April 2024

Dear Lukas

Thank you for the invitation to the Evidence session about Ffos-y-Fran opencast coalmine scheduled for 24 April. I can confirm that Carl Banton, Operations Director will attend, give evidence and engage with the committee. It may be helpful if I outline the Coal Authority's recent involvement with Ffos-y-Fran ahead of the meeting.

Local authorities are the primary authority for the regulation of surface mines, through planning permission and enforcement. Surface mine operators must also have a coal mining licence from the Coal Authority and other relevant approvals from bodies such as Natural Resources Wales and the Health and Safety Executive. Ffos-y-Fran surface mine currently has a coal mining licence until February 2097.

We carried out an inspection of the Ffos-y-Fran site on Friday 19 May 2023 which highlighted that the operator was coaling outside of their licence boundary. We contacted the operator and took action to end coaling in this wider area in line with our legislative powers. As part of this process, on Wednesday 27 September we issued a final enforcement order to Merthyr (South Wales) Ltd. We carried out a further inspection of the Ffos-y-Fran site on Wednesday 22 November which confirmed that coal mining had stopped.

The *Welsh Government report on Research into the failure to restore opencast coal sites in south Wales (April 2014)* states that LPAs and the Coal Authority have very clear and legally defined roles in relation to the licencing and planning / operational compliance for opencast coal sites. Within this framework there is clear benefit from close dialogue and the exchange of information between parties. Whilst managing the restoration and associated public safety of an open cast mine following closure is a matter for the landowner and local authority, we have and will continue to provide advice to Merthyr Tydfil County Borough Council, Welsh Government and other partners as needed.

We also note that we collaboratively produced a best practice guide covering surface mining restoration liabilities entitled 'Best Practice Guide on Restoration Liability Assessments for Surface Coal Mines', published by Welsh Government in February 2016.

For the Committee's information, we have provided a chronology showing actions, by category, we have carried out regarding the Ffos-y-Fran site which you can see at Appendix A.

I hope this is helpful. Please do let me know if we can assist further. We look forward to attending the inquiry on 24 April.

Yours sincerely



Lisa Pinney MBE
Chief Executive

Appendix A – Examples of recent support provided by the Coal Authority

1. 2023 – Coal Authority meeting with Merthyr Tydfil County Borough Council (MTCBC)

13 June 2023 - Meeting with MTCBC to discuss planning and licencing related breaches of operator

2. 2023 - Meetings hosted by MTCBC and follow on technical meetings attended by Coal Authority

31 July 2023 and 4 September 2023 - Follow-on meetings with MTCBC to discuss continuing planning and licencing related breaches of operator

12 October 2023 – MTCBC Technical workshop meeting #1 – *operator not present*

9 November 2023 – MTCBC Technical workshop meeting #2 – *at site and included on-site visit*

14 December 2023 - MTCBC Technical workshop meeting #3 – *at site*

06 February 2024 - MTCBC Technical workshop meeting #4 – *operator not present*

3. 2023 – Coal Authority engagement with Health and Safety Executive (HSE)

24 May 2023 – Notified the HSE that the licensee was working outside of licence area

19 July 2023 – Notified the HSE that Coal Authority intended to serve a final enforcement notice on the licensee

09 August 2023 – Shared the restoration design review report from the site’s geotechnical specialist

29 September 2023 – Notified the HSE that Coal Authority had served a final enforcement order

20 October 2023 – Shared independent consultants stability report with the HSE

2 November 2023 – Engagement ahead of HSE attendance at Technical Workshop Group meeting #2

4. 2023/24 – Coal Authority meetings and correspondence with Welsh Government officials

23 August 2023 – Meeting with Carl Banton (CB) Coal Authority Operations Director, Lisa Pinney (LP) Coal Authority Chief Executive and John Howells (JH) Director, Welsh Government

20 September 2023 – Coal Authority shared the stability report with Welsh Government

31 August 2023 – 26 March 2024 - regular update meetings between CB and JH

5. 2023 - Coal Authority hydrogeology report

08 September 2023 – Coal Authority shared its water information with various stakeholders including Welsh Government

6. 2023/24 - Coal Authority site visits with Operator

19 May 2023 – licencing inspection visit

30 August 2023 – stability focussed inspection including attendance of consultants

22 November 2023 – site visit – confirmation that coaling ceased

11 January 2024 – site visit - confirmation of buttressing to the exposed coal seam in cuts no. 27 and 28



05th April 2024

Submission of written evidence to the CCEIC to aid its short inquiry on the Ffos-y-fran opencast coalmine and related issues.

Background:

CAN has produced a [timeline of key events](#) in the Ffos-y-fran coal mine, leading up to the 23rd October 2023. On the 12th September 2022, just 6 days after planning permission ended for coal mining at Ffos-y-fran, local residents sent the first reports to Merthyr Tydfil County Borough Council (MTCBC) that Merthyr (South Wales) Ltd was breaching planning control and continuing to mine illegally. MTCBC proceeded to ignore many subsequent reports and photos of mining activities and coal transports over the following months, and rejected many calls for planning officers to visit the coal mine to see it for themselves. Finally, MTCBC admitted that illegal mining was indeed occurring only after Coal Action Network on 30th January 2023 sent Coal Authority statistics to MTCBC showing normal coal production was continuing—and even then, this was admitted only 2 months later on 31st March 2023 and after CAN followed up.

Nevertheless, MTCBC took no action to enforce planning control at Ffos-y-fran until some weeks after the unanimous vote refusing permission for the coal mine in April 2023, when it eventually issued an [enforcement notice](#). We asked MTCBC to issue a stop notice that would end the ongoing coal mining whilst the coal company appealed the enforcement notice, as this can take many months to resolve. MTCBC refused, and in July 2023, the Julie James wrote to MTCBC “I am aware that coal extraction continues at the site, which could constitute a breach of planning control, depending on the outcome of the appeal proceedings. Such coal extraction can continue in the absence of a stop notice accompanying the enforcement notice. I would be grateful if you could outline why your authority did not consider it expedient to serve a stop notice under section 183 of the Town and Country Planning Act 1990 (“the 1990 Act”) in this case.”. Yet neither the Welsh Government nor MTCBC at any point in the 16 months of illegal coal mining at a volume averaging 1,000 tonnes/day issued a stop notice.

This effectively gave Merthyr (South Wales) Ltd a de facto extension that was 7 months longer than the original 9 months that the company applied for. The reason that the Council refused to issue a stop notice, according to [Ministerial advice](#) (29/07/2023, obtained under FOI) was:

“attempting to progress the restoration through the company has been one reason why they did not serve a stop notice.

1. The plant at the site is all leased and once removed from the site would be costly to bring back.
2. Other reasons include wanting to avoid an immediate loss of 150 jobs.
3. The other reasons are the cost of securing the site to prevent trespass into unsafe surface workings,
4. the maintenance of the two water pumps which prevent the void from filling and



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5. the cost of a hydrogeological study to understand the safety consequences of the void filling.

After Coal Action Network initiated a judicial review challenge to the MTCBC's and the Welsh Government's continuing refusal to issue a stop notice, Merthyr (South Wales) Ltd suddenly claimed in August that it needed to continue mining coal until November 2023 to excavate old mine working that would make the void safer. Our legal team found those claims to be without substantiated evidence and the Coal Authority did not ratify the case made by the company to our knowledge, but MTCBC again acquiesced to the company's demands and accepted that it could continue its breach of planning control until the end of November, which coincided with the end of the company's contract with its primary customer, TATA Steel. That undermined our judicial appeal, as the judge accepted that despite the company's track-record, it would indeed stop at the end of November 2023, so we were forced to withdraw our judicial review. At the end of November, Merthyr (South Wales) Ltd withdrew its appeal to MTCBC's enforcement notice and claimed to finish coal mining, but this wasn't verified by MTCBC to our knowledge, despite the company's track record. MTCBC gave Merthyr (South Wales) Ltd until the end of December (when the enforcement notice came into force) to move coal out of the mine that it claimed to have mined before the November-end deadline. However, MTCBC—in breach of its own enforcement notice—allowed the Merthyr (South Wales) Ltd to carry on transporting large quantities of coal off the site until a new deadline on 08th January (because it was purported that it was a wet winter), and after that date discarded that deadline or any future deadline, moving to a 'rolling weekly review' instead.

The almost unmitigated acquiescence of MTCBC and the Welsh Government to Merthyr (South Wales) Ltd, to keep the company on-site has failed to deliver the benefits hoped for, and instead facilitated 16 months of illegal coal mining at Ffos-y-fran, with no accountability and the following consequences:

- A larger void and overburden mounds, increasing restoration costs
- Mining [outside the permitted licence area](#) triggering a separate enforcement notice from the Coal Authority.
- A [rapidly flooding void](#) with pumps removed.
- No agreement to fund restoration works
- Over [500,000 tonnes of illegal coal](#), much of it transported to customers along rail tracks owned by Transport for Wales – the Welsh Government.
- Over 1.6 million tonnes of CO₂
- [362 additional deaths](#) from climate change related causes
- Dust & noise for locals

MTCBC and the Welsh Government were warned - in detail - of these consequences during its months of inaction by local residents, Coal Action Network (and its partner, Good Law Project, and legal team, Richard Buxton Solicitors), and Friends of the Earth Cymru. XR Cymru blockaded illegal coal being transported off the site for 24 hour in July 2023—preventing the illegal activities for longer than either MTCBC and the Welsh Government managed at any point.

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The financial and practical arrangements in place for the restoration of the Ffos y Fran opencast site;

Merthyr (South Wales) Ltd would have been aware of the end of planning permission (06 September 2022) when it took over operations at the Ffos-y-fran coal mine at the end of 2015, and its obligation to restore the site after that. Indeed in the company's [most recently published accounts](#) (to year ending 2021—the company was very late publishing these accounts under threat of being stricken off—and should have published more recent accounts but has not), it is stated: **“Full account has been taken for funding the restoration obligation in the future costs and cash flows”** and **“On completion of coaling, the site will be restored in accordance with the agreed terms of the reclamation project”**. However, in 2023, it became clear from MTCBC, and the majority-redacted [advice to Government Ministers](#) (28/07/2023, that “officials consider the company is likely to seek administration after this time [coaling], although alternatively they may seek to continue to restore the site as long as they can draw down money from the escrow account to fund the work.”.

A £15 million guarantee bond is in place in a joint escrow account to be drawn down to make the site safe (not intended to fund its restoration) in the event that the coal operator abandons the site/becomes insolvent. Accordingly, the mining company is hopeful that these terms can be changed so, even though it is not insolvent, it can claw back the £15 million that's currently beyond its reach with an alternative proposal to the [original 2007 restoration](#) it agreed to carry out, so that it continues to extract profit from the site even after the dereliction of its contractual duties.

A [Good Law Project investigation](#) found that since 2017, Merthyr (South Wales) Ltd funnelled cash out of the company to pay out £49.89m in dividends and royalties, while the restoration fund faces a shortfall of at least £60m (according to Merthyr Tydfil County

In a meeting between CAN, Good Law Project, Richard Buxton Solicitors, and Matrix Chambers of London, it was advised that Merthyr (South Wales) Ltd may have acted fraudulently in reporting that it intended to finance restoration and was in a position to do so, if it could be proven that the Director and company had no genuine intent to do so. However, no public body has indicated an interest in pursuing a prosecution on that, or any other, basis—despite the sums of money and material impact at stake.

Indeed, during the period that Merthyr (South Wales) Ltd should have started restoring the site by returning the overburden mounds into the void, it was instead enlarging the void by continuing to mine and move coal out of the void for at least 16 months, and profiteering further by [hosting national motocross events](#) atop one of those overburden mounds. When we raised this with MTCBC, and MTCBC subsequently queried the company about it, the Director accidentally emailed MTCBC on 25/05/2023 advising an employee to wash their hands of it by telling MTCBC that the land under that overburden mound had been



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transferred to a separate company and thus Merthyr (South Wales) Ltd had no access to it, in a move very similar to fellow mining company, Celtic Energy's (detailed below).

How restoration of opencast sites can be secured, and contingency planning in the event of insufficient funds being available to restore sites; and

On 20th October 2023, Lisa Pinney (CE of the Coal Authority) and Carl Banton (Operations Director of the Coal Authority) wrote a [highly critical letter](#) to MTCBC, outlining its multiple failures that has acted to reduce the options available to restore the site – such as: *“Managing the restoration and associated public safety of an open cast mine following closure is a matter for the landowner and local authority. The meeting last week demonstrated there wasn't a robust plan for the site's closure, which could happen at any time. For example, there was no understanding of how rising water levels would be managed nor whether they could use the restoration bond that is held in escrow to manage site security if the operator went into liquidation. These are fundamental questions that should be understood at this stage.”*

The Welsh Government must step in and take responsibility for Ffos-y-fran site, which has escalated to the [currently filling void](#) as a result of its refusal to take action earlier, despite the clear evidence of MTCBC's ongoing failure to control the situation. The Welsh Government also has a historic responsibility as the body that approved the coal mine on appeal in 2005. Once in control of the site, the Welsh Government must deliver on the 2007 restoration scheme promised to the residents of Merthyr Tydfil – anything less would amount to a betrayal after 16 years of suffering air and noise pollution from the mine.

Discussion of the findings and recommendations from the Welsh Government report on *Research into the failure to restore opencast coal sites in south Wales (April 2014)* and whether these are still applicable.

The report warned that Ffos-y-fran was in danger of insufficient funds, yet this wasn't acted upon. This is particularly surprising given that warnings about other sites in the 2014 report have since proved well-founded. Setting Ffos-y-fran in the context of a historical pattern leading up to some 6 years ago is important as it highlights that, in addition to the findings of the 2014 report, this should have been foreseen by Merthyr Tydfil County Borough Council and the Welsh Government.

The 2014 report found that East Pit and Margam Parc Slip opencast coal mines, operated by Celtic Energy Ltd, had insufficient funds held in an escrow account by Neath Port Talbot County Council to secure the agreed restoration schemes. Accordingly, Celtic Energy Ltd

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evaded its obligation to restore these sites, transferring ownership for £1 to a shell company in the Virgin Islands with no assets. What restoration has occurred at East Pit and Margam Parc Slip was largely limited to what the Councils had secured in escrow accounts, intended as a guarantee bond in case the company walks out, not to deliver the agreed restoration scheme. This amounted to £22.4 million (20% of the agreed scheme's cost estimated at £100 million) for East Pit, and £5.7 million (10% of the agreed scheme's cost estimated at £58 million) for Margam Parc Slip. The results have been described as a 'moonscape' by local residents over half a decade on. In March 2024, we spoke with residents living around East Pit and Margam Parc Slip and found out that these sub-standard restoration deals still impact them deeply, and prevent them moving on as the rest of the country moves on from the era of coal mining. You can watch our videos on [East Pit](#) and [Margam Parc Slip](#), or read our brief on [Margam Parc Slip](#).

CAN produced [an update report](#) to the 2014 Welsh Government report at the end of 2022, assessing the state of seven sites across South Wales that were flagged in the 2014 report. With exclusive photographic documentation within these sites, the report exposes the incomplete, hazardous, and poor state at sites where Councils claim restoration to be complete, as well as flagging renewed concerns for sites years behind their restoration deadline, and with restoration schemes looming ahead. Although webinars on this report were well attended by staff and Councillors of Councils invited in South Wales, NRW, the Coal Authority, and several Senedd members and Members of Parliament, a notable exception included Merthyr Tydfil County Borough Council, despite having had restoration concerns raised by local residents about Ffos-y-fran.

SUBMITTED EVIDENCE TO CCEIC RE RECLAMATION OF COAL MINES BY EXTINCTION REBELLION (XR) CYMRU/WALES

CONTEXT:

- **Why XR Cymru have staged Actions at Ffos y Fran mine; how we worked with residents; XR activities; XR concerns about the irregularities of the original application by Merthyr (South Wales) Ltd to extending their coal extraction activities;**

Extinction Rebellion have been focussing on the closure of all fossil fuel extraction sites in Wales since 2020. We now also target insurers, who facilitate the operation of these sites. We are emphasising the deadly impact of coal extraction and the quality of life for local residents. Thus we took action alongside other campaign groups with a slow march in 2023. Prior to that we had carried out smaller actions on our own to keep the mines in the forefront of people's minds, through activities geared to generate media attention.

We had support from Coal Action Network (CAN), so we suggest referring to their submission on the history of the site and its activities.

- **What charges have been brought? What were the outcomes?**

Four people from XR Cymru were arrested and charged with aggravated trespass. This is an offence that relates to the prevention of lawful work.

Our defence was that the work being undertaken at Ffos y Fran was **not** lawful, thus we could not be considered to be committing aggravated trespass. Our assertion was on two grounds.

- Firstly, that Merthyr (South Wales) Ltd (MSWL) were in breach of planning legislation, given their application for an extension of their planning permission had been rejected.
- Secondly, we had identified contradictions between the financial claims made by MSWL in their planning application of August 2022, and those made to Companies House, which they are legally obliged to submit annually. MSWL declined to release to our solicitors the financial documentation that was requested, hence the Crown Prosecution Service dropped the charges against us.

Companies House Registration shows that MSWL (company number 04261274) last submitted their accounts on 31 December 2021. Their next accounts were due on 31 December 2022. They remained overdue as on 04 April 2024.

- **XR concerns about the on-going lack of reclamation work, particularly with reference to the dangerous nature of the site.**

Residents of Merthyr Tydfil, (in particular Chris and Alyson Austin), have put together a valuable brief on the current dangerous situation at the abandoned mine.

IMPACT OF THE UNRECLAIMED SITE

- **A local ecological disaster**

As well as the climate emergency, Extinction Rebellion focuses on the decline of biodiversity in Wales. There is significant research to suggest the degradation of local biodiversity and long-term threats to habitats. .

- **On the wellbeing of local people**

The residents are best placed to comment on well-being issues. However, we believe this site has long been a blight on the Merthyr landscape and continues to be so. Reclamation is not just about making it safe, beyond mere fencing off, but also remaking a place that enhances the locale of Merthyr Tydfil, where people enjoy recreational activities that support healthy lifestyles.

- **On the safety of its residents**

The residents have recently compiled a dossier on this aspect.

JUST TRANSITION

Ffos y Fran stopped extracting coal as a result of the Welsh Government's commendable commitment to phase out coal extraction in Wales. The Welsh Government's proposals for a Just Transition Framework to NetZero, published for consultation in December 2023 seem to be particularly relevant here. Wording from the Introduction to those proposals states "*After unjust transitions experienced by Wales in the previous century, we are proud in making Wales a world leader in the fair transition to Net Zero.*" Ffos y Fran would appear to present the Welsh Government with a perfect opportunity to demonstrate HOW they have achieved that, and how a Just Transition can be applied in practice.

There are at least two aspects of the Ffos y Fran closure relevant to Just Transition:

- The retraining of the workforce. This was supposed to be a responsibility of the owner and employer, Merthyr (South Wales) Ltd – MSWL, but is now merely another part of the undertakings which MSWL has reneged on.
- Ensuring that the reclamation work is carried out to achieve a safe and environmentally sound space. See more details from the BBC and residents as noted above

RECOMMENDATION

We would like to see Welsh Government/National Assembly funding of an independent Community Assembly in Merthyr to find the best way forward for people concerned about the short and longer term future of the site and its workers.

This should include the public bodies involved, as well as the owners and elected officials. Community Assemblies are a tried and tested way of bringing people together to hear from experts and from each other, share ideas and decide what to do locally on an important topic.

They are starting to happen around Wales, and some have been supported by Welsh Government grants as part of Wales Climate Week or Democratic Engagement. Assemblies are run using tried and tested guidelines from Trust the People. They typically need a team of 10 volunteers to plan, organise and facilitate the Assembly. A well publicised event can attract 40 - 50 people, and feedback shows that they help people to feel better informed, empowered and involved.

We would expect the findings to be reported back to this Committee to be included in the Committee recommendations to the Welsh Government on this topic.

We would also be happy to put forward a more detailed submission on the resources and processes required to make this happen in Merthyr or in other relevant locations.



Climate Cymru submission to the Climate Change, Environment and Infrastructure Committee (the Committee) has agreed to undertake a short inquiry on the Ffos-y-fran opencast coal mine and related issues, April 2024.

Climate Cymru is a movement of over 360 organisations from all sectors of society, and 15,000 individuals, calling for urgent, fair action to address the climate and nature emergencies, and mitigating key climate related risks.

We welcome the committee's interest in this subject, an issue which has dominated the lives of campaigners living near Ffos-y-fran opencast coal mine for too many years. We pay tribute to the tireless work carried out by activists such as Chris and Alyson Austin. Without their persistent campaigning, this site may not have even reached the point of closure. They now wish to rest, and to enjoy the land once blighted by open cast mining. For that to happen, we must see a safe and ethical restoration of the land, and for the views and voices of the community to be at the core of any restoration process.

Coal Action Network, Friends of the Earth Cymru, XR Cymru are all key partners of ours, and thus we wholeheartedly support the submissions to this committee.

As a network, we have campaigned on Ffos-y-Fran alongside partners, though we must stress that this, sadly, is not a one off. Other such former opencast sites across South Wales have not been fully restored, leaving residents with dangerous sites on their doorsteps, with pitiful compensation for the damage it has caused to their homes in many instances, and a lack of accountability engrained in the system to hold mining companies to account effectively.

With regards to coaling policy in general terms, Climate Cymru, through our [Warm this Winter campaign](#), has worked alongside communities and elected representatives in the Senedd to call for a Wales free from fossil fuels. Cross party MS's attended our drop in at the Senedd in 2022 to support such a call, and Hefin David MS led a [debate](#) in the Senedd in July 2023 on Warm this Winter principles, which included our coaling demands. The debate was unanimously agreed in the Senedd.

We created a UK manifesto document for all UK parties in the lead up to a UK General election, including the following on fossil fuels, which would be of interest to committee members in relation to this current inquiry-

- Funding support from the UK Government to aid in the restoration of opencast mining sites or legislation to enforce payment from mining companies, especially for opencast sites for which the UK Government gave permission.
- Remove the statutory duty of the Coal Authority "*to maintain and develop an economically viable coal industry*" and move to implement a clear ban on all

new coal mines across the UK, in accordance with climate science and the IEA's *Roadmap to Net-Zero emissions by 2050*. This will allow the Coal Authority and the industry to focus on areas that will benefit people and businesses, such as the proper restoration of coal mining sites and extraction of renewable/ geothermal heat from existing/ disused mines.

We sent a pledge document earlier this year to the Labour Leadership candidates in Wales, which included our call for a clear ban on coal mining in Wales and to fully restore all former opencast mining sites in Wales.

Scotland announced a de facto ban on coal mining in October 2022, distancing it from the UK Government's back-sliding on its coal and environmental commitments, most recently in Rish Sunak's regressive speech. Wales should now take its place beside Scotland on the international stage as environmental leaders within the UK. Many sites have been left poorly restored or unrestored for many years, with the mining companies walking away from their restoration responsibilities. Nearby communities are left to pick up the pieces or are left to live by dangerous former coaling sites. We called on a future First Minister to find ways to ensure the land is restored, to the high standard these communities were promised.

We have recently drafted a letter to the new Cabinet Secretary for Climate Change, welcoming him to the role, and re-emphasising the points above in a bid to ensure that this matter is at the top of the political agenda.

We concur with the content of the Coal Action Network submission (CAN) when they say that the *'Welsh Government must step in and take responsibility for Ffos-y-fran site, which has escalated to the currently filling void as a result of its refusal to take action earlier, despite the clear evidence of MTCBC's ongoing failure to control the situation.'*

We believe much of this situation could have been avoided had the findings and recommendations from the Welsh Government report on research into the failure to restore opencast coal sites in south Wales (April 2014) been implemented. This research was carried out by the Welsh Government following years of sustained campaigning by Wales against opencast mining, chaired by the former MS, and former Climate Cymru Warm this Winter campaign coordinator, Bethan Sayed.

A summit of campaigners, residents, Government Ministers and Officials took place in 2015, following campaigns by residents and elected members, amid promises that land would be restored and communities compensated. The outcomes of the summit were as follows-

- Improving the resilience of the minerals planning service in Wales by pooling skills and expertise;
- Engaging local authorities, industry and communities in the joint Welsh Government/ Coal Authority work to prepare best practice guidance on the calculation, accumulation and management of bonds which would seek to establish a consistent basis for negotiations across Wales;

- a focused review of MTAN2, the scope of which would include consideration of the exceptions to the buffer zone policy;
- starting a dialogue with the UK Government, particularly their stake on legacy sites (especially the portfolio sites on which there was immunity from bonding) and to feed back to a follow up event at a later date.

We would welcome any work the committee could undertake, therefore, in examining relevant outstanding outcomes from this summit, in conjunction with the research carried out in 2014.

Nonetheless, companies continued to operate, and were not sufficiently held to account. Insufficient funds were placed in escrow accounts, so that Local Authorities who were contacted on the matter continued to emphasise that they could only do so much by means of restoration. Celtic Energy Ltd evaded scrutiny by transferring ownership to a shell company in the Virgin Islands, thus deeming it almost impossible to hold those responsible to account.

Climate Cymru trusts that committee members are aware of the history of the site in Merthyr, and thus will not go into the matter in detail here. Suffice to say, the history is one whereby the mining company, Welsh Government and the Local Authority have continuously ignored concerns of residents living near the site, in terms of the detrimental health impact, the effect on infrastructure, and key environmental concerns.

Climate Cymru has supported and attended recent campaign activities organised by both CAN and Friends of the Earth Cymru in relation to Ffos-y-Fran opencast mining, in terms of calling for an end to the illegal coaling that was taking place at the site, as well as attending the protest outside Merthyr Council in lobbying Councillors to deliver on a stop notice to ensure that the illegal coaling would not continue. It is utterly astonishing that it had to take a public campaign to encourage elected members to stop the illegal coaling, even though the permission to mine coal ran out on 6 September 2022, and even after councillors at Merthyr Tydfil Council planning committee unanimously rejected the application for an extension in April 2023.

As we said at the outset, the issues in Merthyr are not exclusive to Ffos-y-Fran, sadly. We are acutely aware of examples from other parts of Wales, where communities are still suffering the consequences of failed restoration of sites.

For example, in relation to the site at Kenfig, (Margam opencast coal mine) resident and long-standing campaigner Gaynor Ball informed us in April 2024 that the *'restoration of the opencast here was effectively hardly a restoration at all. We were told the site needed £40m for the planned, agreed and proper restoration of the site, but only £5.7m materialised- not nearly enough. The promises that were made to us were broken.*

The company planted a few trees and allowed the 'lake' (the void) to fill with water- far too deep and dangerous, but a magnet for kids in the summer. The site is still very barren in places, not helped by scramblers ripping up the ground. The rough roads they put in place are already breaking up. We were promised proper roads that link across the valley. Again, Celtic Energy said they had no money to do this. We feel let

down, and our site was a catalogue of broken promises by a company who had made millions and then were allowed to walk away.'

We believe that any committee report on outcomes for Ffos-y-Fran must consider other sites in Wales. To fail to do so would be to undermine the situation in other parts of Wales, such as in Kenfig, where restoration is still required.

In relation to East Pit, resident and community Councillor Sue Jordan has provided us with information on the situation affecting her and other local residents. The failure to restore all these sites has been described by Sue Jordan as '*part of a systemic failure to safeguard valleys communities.*' She informed us that '*the situation at East Pit is dangerous. The Welsh Government has acknowledged the risks posed by coal tips across South Wales, but the equally dangerous problem of 30-40 million cubic metres of water in an un stabilised void ~150m above the valley floor is not mentioned.*'

Sue Jordan's home was seriously damaged to the extent of being an insurance write-off due to subsidence 2017-19, and compensation was paid by the mine owners' and her insurers. Sue Jordan's engineers believe that the damage was caused by works at the open cast site (blasting operations on the site etc), as predicted in the Groundsure report of 2012. They want this matter to be taken as seriously as the coal tips, as they do not wish for this to happen to any other house in an area close to a former opencast site.

There is also a water void at East Pit, as in Merthyr and Kenfig, and residents are concerned as to the dangers to anyone falling into the void. They informed us that the rate of rise of the lake - c40mm/day - is rather more than the average rainfall, and it is almost inevitable that water is entering the void from elsewhere. This highlights their call for analysis by independent, qualified, indemnified engineers.

Specific requests in relation to East Pit include the following, as communicated to us from residents-

1. full disclosure of the geotechnical reports plus full reports of the hydrology of the area
2. Detailed computer modelling of the new hydrology of this area, to identify risks so that actions can be taken to prevent them becoming reality. Programs such as Fluent may be appropriate.
3. A report was issued by James Associates in 2015. Residents wish to know which recommendations of this report have been delivered, and which remain outstanding.
4. A report on the East Pit void by a member of the Reservoirs panel of the ICE.

Neath Port Talbot (NPT) Local Planning Authority should be monitoring the rising levels of water in the abandoned void, and keeping everyone informed. Residents have seen no information to date.

We would be more than happy to share contacts of residents in both Margam and East Pit with Committee members should you wish to engage with them directly, and hear first-hand their experiences in this regard. Again, any recommendations made by the committee must, in our mind, reflect the needs and concerns of people affected by the lack of restoration in their respective areas.

In relation to outcomes, we list our main asks below for the committee. A representative from Climate Cymru will be part of the panel giving oral evidence on the 24th of April to your committee, but should you require more information, please do not hesitate to contact us.

We would also wish to inform you that as a network we have regular partner meetings where we discuss our cross-cutting work, joint initiatives and campaigns. Should any MS wish to attend and speak with the network or visit one of our partner organisations, we would be more than willing to facilitate this.

Main asks of the Committee-

1. Lobby the UK Government to fund support to aid in the restoration of opencast mining sites or legislation to enforce payment from mining companies, especially for opencast sites for which the UK Government gave permission.
2. Lobby the UK Government to remove the statutory duty of the Coal Authority *“to maintain and develop an economically viable coal industry”* and move to implement a clear ban on all new coal mines across the UK, in accordance with climate science and the IEA’s *Roadmap to Net-Zero emissions by 2050*. This will allow the Coal Authority and the industry to focus on areas that will benefit people and businesses, such as the proper restoration of coal mining sites and extraction of renewable/ geothermal heat from existing/ disused mines.
3. For the committee to examine any relevant outstanding outcomes from the findings and recommendations from the Welsh Government report on Research into the failure to restore opencast coal sites in south Wales (April 2014) and the Welsh Government Opencast coal summit 2015.
4. For the committee to call on the Welsh Government to step in and take responsibility for the Ffos-y-fran site, and explore ways in which to restore East Pit and Kenfig Hill and any other former sites in Wales.
5. For the committee to write to the Welsh Government calling on the new Climate Change Cabinet Secretary to include the restoration of former open cast coal mines as part of the new coal tip safety legislation. For the committee to seek its own legal advice on the viability of including the restoration of former open cast mine sites should the Welsh Government refuse this addition to the legislation, and explore possible amendments to said legislation.
6. Calls on the Committee to draft a separate piece of legislation on the restoration of former opencast coal mining sites should the Welsh Government reject attempts to include it in the new Coal Tip Safety legislation.
7. For the committee to ask the Welsh Government to set up a Citizens Assembly of residents and campaigners of former opencast coaling sites to engage them on next steps in relation to ideas for the funding of restoration. It is important to include the voices of those most affected by the matter in any solution.

Again, we welcome your interest and work in this area, and look forward to engaging with the committee in the future.



Llyr Gruffydd AS
Cadeirydd
Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
Senedd Cymru
Bae Caerdydd
Caerdydd
CF99 1SN
SeneddHinsawdd@senedd.cymru

15 Mawrth 2024

Annwyl Llyr,

Rwy'n cyfeirio at fy llythyr atoch dyddiedig 29 Chwefror 2024. Rwy'n ysgrifennu i hysbysu'r Pwyllgor fy mod wedi rhoi fy nghydsyniad i'r Gweinidog Bioddiogelwch, Iechyd Anifeiliaid a Lles osod Rheoliadau'r Amgylchedd a Materion Gwledig (Dirymu a Darpariaeth Ganlyniadol) 2024 ("y Rheoliadau") mewn perthynas â Chymru. Rwyf wedi gosod Datganiad Ysgrifenedig sydd i'w weld yma: [Datganiad Ysgrifenedig: Rheoliadau'r Amgylchedd a Materion Gwledig \(Dirymu a Darpariaeth Ganlyniadol\) 2024 \(15 Ionawr 2024\) | LLYW.CYMRU](#)

Mae'r Rheoliadau yn gorgyffwrdd â pholisïau datganoledig a byddant yn gymwys i Gymru. Mae'r Rheoliadau yn cwmpasu Cymru, Lloegr, yr Alban a Gogledd Iwerddon. Roedd yr Offeryn Statudol yn ddarostyngedig i'r weithdrefn negyddol a chafodd ei osod gerbron Senedd y Deyrnas Unedig ar 13 Mawrth 2024.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
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 Gymraeg 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.

Rwyf wedi ysgrifennu'n debyg at Huw Irranca-Davies MS, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad a Paul Davies AS, Cadeirydd Pwyllgor yr Economi, Masnach a Materion Gwledig.

Yn gywir,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

Lesley Griffiths AS/MS

**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd**

Cadeirydd y Pwyllgor Plant, Pobl Ifanc ac Addysg
Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
Cadeirydd y Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a
Chysylltiadau Rhyngwladol
Cadeirydd Pwyllgor yr Economi, Masnach a Materion Gwledig
Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol
Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol
Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
Cadeirydd y Pwyllgor Llywodraeth Leol a Thai

22 Mawrth 2024

Annwyl Gadeiryddion Pwyllgorau,

Craffu ar y gyllideb ddrafft

Byddwch yn cofio fy mod wedi ysgrifennu y llynedd yn gwahodd Pwyllgorau i fynegi barn ar welliannau y gallai Llywodraeth Cymru eu gwneud i'r dogfennau mae'n eu cynhyrchu ochr yn ochr â'i Chyllideb Ddrafft ac mewn tystiolaeth ysgrifenedig gan y Gweinidog a ddarparwyd i'r pwyllgorau.

Cafodd eich ymatebion eu hystyried gan y Pwyllgor ar 21 Mehefin 2023 ac wedi hynny ysgrifennais at y Gweinidog Cyllid a Llywodraeth Leol (y Gweinidog) ar 23 Mehefin 2023 yn gofyn am ystyried y pryderon a godwyd cyn rownd cyllideb 2024-25. Roedd rhain yn ymwneud â'r hyn a ganlyn:

- cyhoeddi'r gyllideb ddrafft yn hwyr, gan arwain at broses graffu wedi'i chwtoegi;
- diffyg tryloywder ynghylch effaith y gyllideb ddrafft ar feysydd polisi o fewn cylch gwaith pob Pwyllgor;
- ansawdd isel y dystiolaeth ysgrifenedig a ddarparwyd gan Lywodraeth Cymru;
- ni wnaeth Llywodraeth Cymru ddarparu ymatebion i rai argymhellion gan bwyllgorau cyn y ddadl ar y Gyllideb Derfynol.

Codwyd y materion hyn eto yn ystod y gwaith o drafod Cyllideb Ddrafft Llywodraeth Cymru 2024-25 yn gynharach eleni. Yn ein adroddiad gwnaed yr argymhellion a'r casgliadau a ganlyn gan adeiladu ar y safbwyntiau a fynegwyd yn flaenorol:

***Casgliad 2.** Bydd y Pwyllgor yn ymgynghori â phwyllgorau'r Senedd sy'n ymwneud â chraffu ar y gyllideb cyn cylch cyllideb 2025-26 i gael gwell dealltwriaeth o'r dystiolaeth a ddarparwyd gan Lywodraeth Cymru i gefnogi'r Gyllideb Ddrafft ac i archwilio ffyrdd o wneud y mwyaf o waith craffu cyllidebol drwy gydol y flwyddyn*

***Argymhelliad 1.** Mae'r Pwyllgor yn argymhell bod y Gweinidog yn cyhoeddi papurau tystiolaeth gweinidogion ar yr un pryd â'r Gyllideb Ddrafft er mwyn rhoi eglurder ar y meini prawf a'r blaenoriaethau sy'n sail i benderfyniadau gweinidogion, gyda'r nod o alluogi rhanddeiliaid i gymryd rhan yn y broses graffu yn fwy effeithiol ac yn gynharach yn y broses.*

***Argymhelliad 2.** Mae'r Pwyllgor yn argymhell, os caiff y Gyllideb Ddrafft ei gohirio eto yn y dyfodol:*

- *bod y Gweinidog a'r swyddogion yn parhau i fynd i sesiwn cyn craffu ar y gyllideb gyda'r Pwyllgor Cyllid; a*
- *bod y Gweinidog yn gweithio gyda'r Pwyllgor Cyllid i nodi dulliau gweithredu a all wella cyfleoedd craffu, gan gynnwys darparu dogfennaeth sy'n ymwneud â'r Gyllideb Ddrafft yn gynharach.*

Derbyniwyd yr argymhellion hyn mewn egwyddor, gyda'r Gweinidog yn amlygu'r anawsterau ymarferol wrth ymateb i faint o wybodaeth y gofynnir amdani gan bwyllgorau unigol, ar yr un pryd â chyhoeddi'r Gyllideb Ddrafft.

Gofynnwn felly i chi ystyried y materion canlynol, ac i ddarparu ymateb erbyn dydd Gwener 24 Mai 2024.

- Pa welliannau, os o gwbl, ydych chi wedi'u gweld yn y ddogfennaeth a ddarperir gan Lywodraeth Cymru ochr yn ochr â Chyllideb Ddrafft 2024-25?
- Ydych chi wedi nodi unrhyw welliannau pellach y gellid eu gwneud i'r wybodaeth a ddarperir ochr yn ochr â'r Gyllideb Ddrafft?
- O ystyried yr amser byr sydd ar gael i graffu, pa ystyriaeth, os o gwbl, ydych chi wedi'i rhoi i graffu ar faterion cyllidebol o fewn eich cylch gwaith yn gynharach, er enghraifft ystyried cynllunio strategol tymor hwy, cymryd camau dilynol o ran argymhellion craffu blaenorol neu brosesau penderfynu cyn i'r Gyllideb Ddrafft gael ei chyhoeddi?



- Mae'r Pwyllgor hefyd yn gweithio ar hyn o bryd gyda'r Gweinidog a rhanddeiliaid eraill i adolygu Protocol Proses y Gyllideb i sicrhau bod prosesau cyllidebol y Senedd yn adlewyrchu arferion a ddatblygwyd yn y Chweched Senedd hyd yma. A oes gennych unrhyw farn am weithdrefnau cyllidebol y Senedd yn ehangach?

Rydym yn ddiolchgar i chi am eich ymgysylltiad parhaus â ni ar y materion hyn ac yn croesawu unrhyw ohebiaeth bellach sy'n ymateb i'r pwyntiau uchod.

Ein nod yw codi'r materion hyn ar ran y Pwyllgorau gyda'r Gweinidog cyn y ddadl yn y Cyfarfod Llawn ar flaenoriaethau cyllidebol ar gyfer 2025-26 a fydd yn digwydd cyn toriad yr haf.

Yn gywir,



Peredur Owen Griffiths AS
Cadeirydd y Pwyllgor Cyllid

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Eitem 5.3

Planning, Selection Process and the loss of Welsh Countryside

Llyr Gruffydd MS

Matt Davies

Ref DNS/3276725

Dear Llyr,

I am writing to you as an individual on the climate change committee (not constituent) to raise some concerns about the proposed Wind farm project at Mynydd-Maen Mountain, the 2016 DNS planning process and to hear your own individual views?

First of all I would like to say that the location choice is totally unsuitable for a huge heavy industrialized site of this size.

I would like to ask how this area has even been considered when there are so many other locations away from peoples homes and areas of natural beauty that could have been chosen?

The process for granting planning approval to the developer is currently biased towards the developer as hardly anyone knows about this project in the surrounding areas of the mountain and I only found out myself from a leaflet raid through my door in December 2023 from some people opposing the project.

This meant I missed the public exhibitions along with huge amounts of other local residents. Totally unfair. Do you think this is expectable?

I have tried to alert as many people as I can. I have been all around the mountain and out of well over 300 people I spoke to, only one woman said she had heard about this project but was unsure of the exact details?

I started a petition a few weeks ago which has already got several hundred people objecting to this project in this small space of time. Change.org search:- Stop Mynydd-Maen wind farm

I have spoken to PEDW and they have said that DNS application is not their area and is the Welsh ministers decisions.

The pre-selection process seems to be specifically targeting densely populated areas in Wales? Basic Common sense tells anyone to avoid such areas as this. The mountain itself provides a place of recreation for the people to get away from it all as there are housing estates and towns built all around it. To destroy it means there's nothing left.

The whole 2016 planning process seems to of been created for a means of creating wealth for individuals in these energy companies, most of which don't even live here.

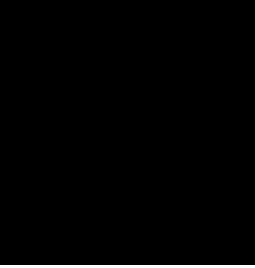
What is it that is holding the Welsh Government back from choosing suitable locations and consulting local people about these projects? Areas such as the mountain should not have even been considered to begin with!.

If you are sure that you have to hit "net zero" to save the planet, can you please tell me why the current process the Welsh Government is taking part in is the most destructive the country has ever seen since the bombings in the second world war?

sincerely
Matt Davies

Tudalen 42

Matt Davies



27 March 2024

Dear Mr Davies

Thank you for your letter and for sharing your concerns regarding the proposed wind farm project at Mynydd-Maen.

I appreciate the time you have taken to express your views and understand the importance of the issues you have raised. However, I must clarify that the Climate Change, Environment and Infrastructure Committee's remit does not extend to considering specific projects.

The Committee's work is focused on scrutinising policy at a strategic level. We have recently considered the Infrastructure (Wales) Bill and called for more and better communication and engagement with the communities that are affected by developments, particularly for renewable energy projects such as the proposed one at Mynydd-Maen. We hope to see improvements in this policy area as a result.

For specific enquiries related to planning processes or individual projects, I would encourage you to contact the relevant local planning authority or the Welsh Government, who are better positioned to address these concerns directly. You may also wish to contact your local Senedd member or councillor.

I'm sorry I can't be of further assistance on this occasion. Thank you again for your correspondence.

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment, and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



The Rt. Hon. Philip Dunne MP,
C/O the Clerk of the
Environmental Audit
Committee
House of Commons
London
SW1A 0AA

26 March 2024

Dear Philip,

Thank you for your letter of 6 February 2024 on the proposals the Environmental Audit Committee (EAC) have made for ensuring parliamentary scrutiny of the Carbon Budget 7 (CB7) target and associated Carbon Budget Delivery Plan (CBDP).

Firstly, can I reiterate the Government's unwavering commitment to meeting our ambitious emissions targets, including the legislated carbon budgets and the net zero by 2050 target. We will take a pragmatic, proportionate, and realistic approach to doing so, easing burdens on working people. The news last month that we have significantly over-delivered on Carbon Budget 3 (CB3) was yet further evidence of how we are delivering. And, as you know, we are also committing to delivering on these targets in a way that brings people with us and ensures democratic debate about the way we get there.

Official statistics published last month showed that the UK has halved its emissions since 1990. This makes us the first major economy in the world to do so and puts us in essence halfway to net zero. This is an enormous achievement by itself but also because we have done this in a pragmatic way - growing our economy by around 80% at the same time.

Your letter notes that the Climate Change Committee (CCC) has commenced the preparations for its advice to government and Parliament on the level of the Seventh Carbon Budget. And within government planning for CB7 is underway, albeit in its early stages. There is a huge amount of work to be done between now and the statutory deadline of 30 June 2026 to get CB7 right. It will be one of the most important periods for delivering on net zero as we seek to tackle the remaining emissions, which are likely to be amongst the most challenging to achieve.

As you note, the Prime Minister has criticised the relative lack of Parliamentary scrutiny of the last carbon budget. Seventeen minutes of time in a House of Commons Committee was given to debating the level of the budget, with very little discussion of the choices, costs, and trade-offs that would be involved in achieving it. A failure to properly scrutinise both the level of our targets and the means by which we plan to achieve them is not in the public interest, not what any environmentalist would wish for, and ultimately not in the interests of maintaining the vital public consensus on this most important issue.

I very much welcome therefore your committee's proposals on an approach to provide better scrutiny of the setting of CB7. In response, I set out the key elements of our approach below:

- The Climate Change Committee plays a key role in this process as the statutory advisers to government on the level of the budget. Their advice has been accepted on all previous budgets, though this has sometimes been the subject of robust debate within government. I would therefore very much support your committee (and other parliamentary committees) taking evidence on the CCC's proposals in the early part of 2025, and where appropriate, publishing their own recommendations.
- In addition to the advice of the CCC, the Secretary of State is required by the Act to "take into account any representations made by the other national authorities". I would therefore suggest that your sister committees in the parliaments and assemblies of Scotland Wales and Northern Ireland should similarly take evidence and engage Ministers in the Devolved Administrations (DAs) so that their views can be properly understood and taken into account.
- As you know, the Secretary of State for DESNZ has an ongoing duty under s.13 of the Act to prepare policies and proposals to meet carbon budgets. Separately, the Secretary of State for DESNZ must lay in Parliament a s.14 report as soon as reasonably practicable after setting CB7, which sets out the policies and proposals to meet carbon budgets.
- I support your proposal that the Government's publication of the proposed level of CB7 be accompanied by a draft plan for delivery of emissions reductions in the CB7 period. This should not be unduly burdensome. It should set out the policies required to deliver the proposed target - recognising that in some areas these may not be fully developed. Fiscal policies will of course continue to be scrutinised via established parliamentary processes. We expect the world to change between now and the end of CB7, so we expect that the package of proposals and policies would evolve to adapt to changing circumstances, new evidence, to utilise technological developments and address emerging challenges.
- Advanced publication of the draft plan will enable its consideration by the EAC and other parliamentary committees as they scrutinise the setting of CB7. In addition to your proposal for the SoS to appear before the EAC, it may be appropriate for other Ministers to give evidence in areas such as transport or agriculture.
- Your proposal to ensure the draft Carbon Budget Order setting the level of CB7 is debated on the floor of the House is also welcome. And I thank you for the thought you have clearly given to how to operate the proper parliamentary processes to make sure this is achieved.
- Your final proposal relates to the publication of an s.14 report. As you will know, that is a requirement of the Act which must be fulfilled "as soon as is reasonably practicable" after the making of the Order. The process of scrutiny described above, and in your letter, should make it quicker and more straightforward for that obligation to be discharged.

Can I once again welcome your committee's engagement with this process and support for the Prime Minister's proposals for greater democratic accountability. I am heartened to understand that we both share the view that proper democratic consideration of this vital carbon budget is critical to maintaining public support for the approach the UK is taking in leading the world on emissions reductions. I very

much look forward to working closely with the EAC throughout CB7 planning to ensure that the Government delivers on its stated commitments.

I am copying this letter to the Net Zero, Energy and Transport Committee in Scottish Parliament, the Climate Change, Environment and Infrastructure Committee in Welsh Parliament, and the Agriculture, Environment and Rural Affairs committee in NI Assembly as well as the Chairs of the Procedure, Liaison and Energy Security and Net Zero Committees in the Commons; the Chairs of the Procedure, Liaison and Environment and Climate Change Committees in the Lords; and the Acting Chair and the Chief Executive of the Climate Change Committee.

Yours ever,

A handwritten signature in black ink, appearing to read 'Claire Coutinho', with a long horizontal stroke extending to the right.

RT HON CLAIRE COUTINHO MP
Secretary of State for Energy Security & Net Zero

Eitem 5.5
Date/Dyddiad 8th March 2024
Ask for/Cofreithwch am Mark Thomas
Telephone/Rhif ffôn 01446 709279
Fax/Ffacs
Your Ref/Eich Cyf
My Ref/Cyf MT/JP
e-mail/e-bost methomas@valeofglamorgan.gov.uk

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Llyr Gruffydd MS
Chair of the Climate Change, Environment, and Infrastructure Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Dear Mr Gruffydd,

Changes to the target date from 2030 to 2034 for public sector homes to reach net zero.

I write to you as Chair and on behalf of the Vale of Glamorgan Council's Corporate Performance and Resources Scrutiny Committee.

At its meeting in January, the Scrutiny Committee received a report and update regarding Project Zero. The update and subsequent discussion covered the Vale of Glamorgan Council's efforts, in conjunction with Welsh Government and other Welsh Local Authorities, in tackling the climate emergency.

Subsequently, it was formally requested that the Committee's concerns be raised with the Senedd Committee on Climate Change, Environment, and Infrastructure concerning the change in the target date from 2030 to 2034 for public sector homes to reach net zero. This was due to the pushing back of the latest Welsh Housing Quality Standard (WHQS) four years from 2030 to 2034 to reach the latest Energy Efficiency EPC level for all public sector homes.

However, it was also noted at the meeting that Local Authorities were still required to reach Net Zero by 2030, despite the changes to the WHQS deadline in this regard.

For more details on the discussion on this matter at January's committee meeting, please see the YouTube recording of the [Corporate Performance and Resources Scrutiny Committee - 17 January 2024 at 6pm](#) (the relevant parts are covered between 2:05:25 and 2:09:27 of the recording), the relevant agenda [here](#) and minutes [here \(Min No. 707 refers\)](#).

The Scrutiny Committee would be interested to have the response from Welsh Government on the concerns raised and the reasons behind the changes outlined above.

I look forward to hearing from you.

Yours sincerely,

Councillor Joanna Protheroe

Chair of the Vale of Glamorgan Council's Corporate Performance and Resources Scrutiny Committee

CC Julie James MS

Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref JJ/PO/101/24

Llyr Gruffydd AS,
Cadeirydd, Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
Senedd Cymru
Bae Caerdydd,
Caerdydd
CF99 1SN
SeneddHinsawdd@senedd.cymru

14 Mawrth 2024

Annwyl Llyr Gruffydd AS,

Diolch am eich llythyr ar 5 Chwefror ar ran y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith, gan amgáu *Adroddiad y Pwyllgor ar berfformiad Dŵr Cymru*. Mae ein sector dŵr yn wynebu her uniongyrchol a digynsail; rhaid iddo ddatgarboneiddio, gwrthsefyll y newid yn yr hinsawdd a gwrthdroi'r golled mewn bioamrywiaeth, i gyd yn erbyn cefndir yr argyfwng costau byw presennol. Fodd bynnag, rwyf wedi dweud droeon o'r blaen, yn y Senedd a'r tu allan iddi, fod Llywodraeth Cymru yn disgwyl i'r ddau gwmni dŵr yng Nghymru weithio'n llawer caletach i ddarparu gwasanaethau rhagorol i gwsmeriaid ar draws pob maes gweithredu.

O'r 12 argymhelliad a amlinellwyd yn yr adroddiad, nodaf fod wyth wedi eu cyfeirio at Dŵr Cymru ac Ofwat. Byddant yn ymateb ar wahân a byddaf yn darllen eu hymateb gyda diddordeb gan ddisgwyl gweld uchelgais, dull o weithio mewn partneriaeth ac ymdrech i wella. Fe welwch ymateb i bob un o'r pedwar argymhelliad sy'n weddill a gyfeiriwyd at Llywodraeth Cymru, fel a ganlyn:

Argymhelliad 4. *Dylai Llywodraeth Cymru geisio cyflwyno gwaharddiad ar weips gwlyb sy'n cynnwys plastig cyn gynted â phosibl. Dylai adrodd yn ôl i'r Pwyllgor ar ganlyniad yr ymgynghoriad ar y cyd ar waharddiad arfaethedig ac ar yr amserlen y mae'n gweithio tuag ati ar gyfer cyflwyno gwaharddiad yng Nghymru.*

Derbyn mewn egwyddor: Yn dilyn yr ymgynghoriad diweddar ledled y DU, rydym yn dadansoddi'r ymatebion, ac mae rhai ohonynt wedi bod yn fanwl ac yn wyddonol eu natur. Byddwn yn cyhoeddi Crynodeb o'r Ymatebion yn fuan. Bydd hyn yn amlinellu ein camau nesaf ac yn darparu amserlen ddangosol ar gyfer unrhyw gamau gweithredu yn y dyfodol. Byddaf yn ysgrifennu at y Pwyllgor a'r Senedd fel rhan o'r broses gyhoeddi.

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth Gymraeg sy'n dod i law yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Tudalen y pecyn 50
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.

Argymhelliad 8. *Dylai Llywodraeth Cymru a'i phartneriaid allweddol, gan gynnwys Dŵr Cymru, nodi ffyrdd o gyfathrebu'n effeithiol ddull Cymru o fynd i'r afael â gollyngiadau charthion o orlifoedd storm er mwyn gwella dealltwriaeth y cyhoedd o'r dull.*

Derbyn: Mae Llywodraeth Cymru wedi gwneud ein dull o fynd i'r afael â gorlifoedd stormydd yn gyhoeddus drwy Ddatganiadau Ysgrifenedig a Llafar y Senedd, gan gynnwys y Datganiad Llafar ar Ansawdd Dŵr a ddarparwyd gennyf yn fwyaf diweddar ar 12 Rhagfyr. Fel y bydd y Pwyllgor yn ymwybodol, rwyf hefyd wedi rhoi tystiolaeth ar ein dull o ymdrin â gorlifoedd stormydd yn eich sesiynau tystiolaeth. Yn ogystal, rwyf wedi darparu tystiolaeth ysgrifenedig i Ymchwiliad Pwyllgor Materion Cymreig Senedd y DU i Ansawdd Dŵr (gweler [Ansawdd Dŵr yng Nghymru - Pwyllgorau - Senedd y DU](#)). Byddwn yn parhau i gyfleu ein dull drwy'r llwybrau ffurfiol hyn, yn ogystal ag yn fwy anffurfiol drwy sianeli cyfryngau cymdeithasol Llywodraeth Cymru, er mwyn sicrhau bod cynifer o'r cyhoedd â phosib yn deall ein dull gweithredu. Ar ben hynny, rwyf i a'm swyddogion yn cyfarfod yn rheolaidd â Dŵr Cymru i drafod pob maes gweithredu a byddwn yn parhau â'r trafodaethau hyn, gan gynnwys ar gyfathrebu ar orlifoedd storm.

Argymhelliad 10. *Dylai Llywodraeth Cymru ystyried ymestyn pwerau gorfodi CNC er mwyn galluogi'r rheoleiddiwr i dderbyn ymrwmiadau amgylcheddol am dorri amodau trwyddedau o dan Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016. Dylai adrodd yn ôl i'r Pwyllgor ar ganlyniad ei ystyriaeth.*

Derbyn mewn egwyddor: Gall sancsiynau sifil fel Ymgymeriadau Amgylcheddol (UE) fod yn offeryn gorfodi defnyddiol yn ogystal â phwerau gorfodi eraill. Nodaf fod gan Cyfoeth Naturiol Cymru eisoes bwerau i ddefnyddio'r UE mewn rhai achosion er nad yw hyn wedi'i ymestyn i'r Rheoliadau Trwyddedu Amgylcheddol ar hyn o bryd. Byddwn yn ystyried yr argymhelliad hwn ymhellach ac yn adrodd yn ôl i'r Pwyllgor maes o law.

Argymhelliad 12. *Dylai'r Gweinidog roi'r wybodaeth ddiweddaraf am y camau a gymerwyd i leddfu'r pwysau ar y system garthffosiaeth ers cyhoeddi Adroddiad y Pwyllgor ar orlifoedd stormydd yng Nghymru (Mawrth 2022). Dylai hyn gynnwys cynnydd tuag at weithredu'r argymhellion sy'n codi o'r adolygiad o Systemau Draenio Cynaliadwy.*

Derbyn: Ym mis Gorffennaf 2022, sefydlwyd y Tasglu Gwella Ansawdd Afonydd ar draws y llywodraeth a diwydiant i werthuso'r dull presennol o reoli a rheoleiddio gorlifoedd yng Nghymru ac i nodi cynlluniau manwl i sbarduno newid a gwelliant cyflym. Mae wedi cyhoeddi map ffordd gorlifoedd stormydd ar gyfer Cymru, sydd i'w weld ar-lein yn y [Tasglu Gwella Ansawdd Afonydd | GOV. CYMRU](#). Mae'r cynlluniau hyn yn nodi amcanion clir a chanlyniadau mesuradwy ar gyfer cyflawni gwelliannau i reoli gorlifoedd nawr ac yn y tymor hir.

O ran Systemau Draenio Cynaliadwy (SDCau), bydd y Pwyllgor yn ymwybodol bod yr adolygiad a wnaed gan Arup wedi'i [gyhoeddi](#) ym mis Gorffennaf 2023 a gwnaeth fwy na 70 o argymhellion yn ymwneud â deddfwriaeth, canllawiau a gweithredu. Ers hynny, mae fy swyddogion wedi cynnal rhaglen adolygu ac ymgysylltu â rhanddeiliaid i ddatblygu strategaeth weithredu ar gyfer yr argymhellion. Rydym wedi gwneud cynnydd da hyd yn hyn. Mae hyn yn cynnwys sefydlu grŵp Cymuned Ymarfer (COP), a gyfarfu gyntaf ym mis Rhagfyr; cwmpasu Cyfrifiannell Symiau Gohiriedig Cymru Gyfan; a datblygu Cynllun Gweithredu SDCau, y byddaf yn ei gyhoeddi maes o law.

A gaf i achub ar y cyfle hwn i ddiolch i'r Pwyllgor am ei waith parhaus i graffu ar y camau sy'n cael eu cymryd i wella ansawdd ein dŵr yng Nghymru. Mae llawer i'w wneud o hyd,

ond rwy'n hyderus ein bod ar y trywydd iawn i barhau i gyflawni gwelliannau ystyrlon i'n hamgylchedd dŵr.

Yn gywir

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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

Centre City Tower, 7 Hill Street, Birmingham B5 4UA
11 Westferry Circus, Canary Wharf, London E14 4HD

By email

Llyr Gruffyd MS
Chair, Climate Change, Environment and Infrastructure Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

20 March 2024

Dear Mr Gruffydd

Ofwat response to 'Report on performance of Dŵr Cymru'

I would like to thank you and the committee for inviting me to provide evidence to your inquiry on the performance of Dŵr Cymru in November. We welcome the committee's report and its recommendations, such as requiring Dŵr Cymru to set more stretching targets on reducing pollution incidents and to demonstrate how they are holding executives to account.

As I set out in the evidence session, Dŵr Cymru was identified as a lagging company, along with a number of other companies in England, in Ofwat's latest water company performance report. We are engaging closely with Dŵr Cymru to ensure they address these performance issues and hold them to account. A key element of that is our price control and we have adopted a collaborative approach with Welsh government and Dŵr Cymru for the PR24 period.

PR24 will present all water companies with a sizeable challenge to not only improve performance for customers and the environment but also deliver the significant step-up in infrastructure investment that is required over the next five years. As this investment partly comes from customer bills, Ofwat is ensuring we have all the tools at our disposal to hold companies to account both in terms of delivering that much needed infrastructure and improving performance across the board.

Ofwat will continue to hold Dŵr Cymru to account when their performance does not meet their obligations. As you and the committee are aware, Ofwat announced on 13th March 2024 the outcome of our enforcement investigation into the company. We found it had breached two licence conditions on failures in governance and misreporting data to Ofwat on its leakage and per capita consumption (PCC) performance. As a result, Ofwat required Dŵr Cymru to pay £39.4m of redress for customers to compensate them for these failures as well as commit to an additional investment of £59m into leakage and PCC management in the

current 2020–25 price review period. Dŵr Cymru is now the water company furthest away from its end-of-period leakage target which we will be closely monitoring going forward.

Recommendation 6 of the committee's report called on Ofwat to "*clarify whether and how its performance-related pay recovery mechanism applies to Dŵr Cymru, given its 'not-for-profit' status*". The performance-related executive pay (PRP) recovery mechanism is a price control tool which enables Ofwat to adjust revenue allowances if a company does not meet the expectations we have set out. As such, the mechanism applies to all large regulated water and sewerage and water only companies we carry out price control determinations for, regardless of the company's ownership status and this therefore includes Dŵr Cymru.

We consider that all companies should be meeting our expectations and that customers should not pay for awards when they do not. In Dŵr Cymru's case, if Ofwat decided that an adjustment was needed we would, as for all companies and as outlined in the guidance for the mechanism, reduce the revenue which Dŵr Cymru is able to recover from customers to ensure that they do not pay for any PRP awards that are based on decisions which do not meet our expectations.

Ofwat has been very clear that companies' PRP needs to be linked to performance for customers and the environment. In this regard, we welcome the committee's Recommendation 7 for Dŵr Cymru to commit to an ambition to achieve 100% alignment of its PRP to overall performance to customers and the environment.

As you might be aware, Ofwat is intending to consult later this year on whether to modify licences to enable Ofwat to prohibit executive PRP awards if a company has committed serious criminal breaches. This would look to enhance the current PRP recovery mechanism and add further weight to Ofwat's expectation that bonuses should align and reflect the company's performance for customers and the environment.

More detail on this consultation (which we propose will apply both to companies in England and Wales) will be provided in the coming months and I would be happy to continue to keep the committee updated on this work.

Yours sincerely



David Black
Chief Executive

By Email: SeneddClimate@senedd.wales

20 Mawrth 2024

Annwyl Llŷr,

Yn dilyn eich llythyr dyddiedig 4 Chwefror ynglŷn ag adroddiad y Pwyllgor Newid Hinsawdd, Amgylchedd a Seilwaith ar berfformiad Dŵr Cymru, mae ein hymateb i'r argymhellion hynny sy'n berthnasol i CNC i'w weld isod:

Argymhelliad 8. Dylai Llywodraeth Cymru a'i phartneriaid allweddol, gan gynnwys Dŵr Cymru, nodi ffyrdd effeithiol o gyfleu dull Cymru o fynd i'r afael â gollyngiadau carthion o orlifoedd storm fel bo gan y cyhoedd well dealltwriaeth o'r dull gweithredu.

Gallaf gadarnhau bod CNC, ynghyd â phartneriaid y Tasglu Gwella Ansawdd Dŵr, yn canolbwyntio ar ddiweddarau a rhoi gwybod am y cynllun gweithredu "Dealltwriaeth ac ymgysylltiad cyhoeddus" dros yr ychydig fisoedd nesaf. Gwnaethom gyhoeddi ein canllawiau i gwmnïau dŵr ar ddsbarthu gorlifoedd storm a gorlifoedd nas caniateir ym mis Hydref 2023 a chan bod y penderfyniad terfynol ar Gynlluniau Busnes Cwmnïau Dŵr yn cael ei gyhoeddi yn ddiweddarach eleni, mae angen datblygu cynllun cyfathrebu gan aelodau'r tasglu i hysbysu dealltwriaeth ehangach y cyhoedd, ac mae cyfle i wneud hynny nawr.

Argymhelliad 9. Dylai Dŵr Cymru gyhoeddi manylion ei raglen waith i fynd i'r afael â gollyngiadau carthion sy'n deillio o orlif storm yn y tymor byr, canolig a hir. Dylai hyn gynnwys targedau uchelgeisiol ar gyfer cwblhau asesiadau ecolegol a rhoi diwedd ar y niwed amgylcheddol sy'n deillio o orlifoedd storm a ganiateir a rhai nas caniateir. Dylai Dŵr Cymru ymrwymo i gyhoeddi adroddiadau ar gynnydd tuag at gyflawni yn rheolaidd.

Rydym yn gweithio gyda Dŵr Cymru a Hafren Dyfrdwy ar gymhwyso ein canllawiau GN066 sy'n nodi sut i asesu gorlif. Disgwyliwn i'r cwmnïau gwblhau'r gwaith hwn erbyn 2030 a chynnig rhaglen o waith gwella. Mae gwaith eisoes wedi dechrau ar yr asesiadau hyn, gyda chynigion yn cael eu hymgorffori yng nghynlluniau busnes PR24. Disgwyliwn i gwmnïau flaenoriaethu'r asedau hynny sy'n achosi niwed i fuddsoddiad yn gyntaf. Rydym yn aros am benderfyniad terfynol gan Ofwat ynglŷn â chynlluniau busnes a fydd yn helpu i lywio maint a chyflymder y buddsoddiad.

Argymhelliad 10. Dylai Llywodraeth Cymru ystyried ymestyn pwerau gorfodi CNC i alluogi'r rheoleiddiwr i dderbyn ymgymeriadau amgylcheddol am dorri amodau trwyddedau o dan Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016. Dylai adrodd yn ôl i'r Pwyllgor ar ganlyniad ei ystyriaeth.

Rydym yn croesawu cefnogaeth y Senedd i'r argymhelliad hwn. Wrth fynd ar drywydd rheoleiddio cynyddol a chyflymach, rydym wedi bod yn ceisio pwerau ychwanegol i ystyried sancsiynau sifil ar gyfer ystod ehangach o droseddau amgylcheddol, fel offeryn ychwanegol yn ein pecyn cymorth gorfodi.

Argymhelliad 11. Dylai CNC adolygu ei ymateb rheoleiddiol ac amgylcheddol i'r materion yng ngwaith Trin Dŵr Gwastraff Aberteifi gyda'r nod o ddysgu gwersi. Dylai adrodd yn ôl i'r Pwyllgor ar ganfyddiadau'r adolygiad.

Mae camau rheoleiddio yn parhau yn y gwaith yn Aberteifi. Rydym yn parhau i ymchwilio i achosion o dorri amodau trwydded ar y safle ac mae'r ymchwiliad hwn yn parhau. Ymdrinnir ag unrhyw achosion o dorri amodau'r drwydded yn unol â'n Polisi Gorfodi a Sancsiynau. Gall ymateb gorfodi gymryd sawl blwyddyn i ddod i ben ar ôl y drosedd amgylcheddol wreiddiol.

Rydym wedi sefydlu adolygiad o'n hymatebion ar y safle i nodi pwyntiau dysgu neu welliannau y gellir eu gwneud i'r broses, yn ogystal â nodi arfer da cyfredol. Rydym yn disgwyl gallu cyflwyno adroddiad o'r canfyddiadau i'r pwyllgor erbyn diwedd mis Mai.

Yn y cyfamser, os oes gennych unrhyw ymholiadau pellach, rhowch wybod i mi.

Cofion gorau

Clare



Clare Pillman
Prif Weithredwr, Cyfoeth Naturiol Cymru
Chief Executive, Natural Resources Wales

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Our Ref: CX24-057

By Email: SeneddClimate@senedd.wales

20 March 2023

Dear Llyr,

Further to your letter of 4 February on the Climate Change, Environment, and Infrastructure Committee's report on performance of Dŵr Cymru, please find below our response to those recommendations relevant to NRW:

Recommendation 8. The Welsh Government and its key partners, including Dŵr Cymru, should identify ways to effectively communicate Wales' approach to tackling sewage discharges from storm overflows to improve public understanding of the approach.

I can confirm that NRW, along with partners of the Better Water Quality Taskforce, are focussing on updating and communicating the action plan "Public understanding and engagement" over the next few months. We issued our guidance to Water companies on classification of storm overflows and unpermitted overflows in October 2023 and with final determination of Water Company Business Plans due later this year, there is a need, and opportunity to develop a communications plan from members of the taskforce to inform the wider public understanding.

Recommendation 9. Dŵr Cymru should publish details of its programme of work to tackle sewage discharges from storm overflow covering the short, medium and long-term. This should include ambitious targets for completing ecological assessments and eliminating environmental harm from permitted and unpermitted storm overflows. Dŵr Cymru should commit to publishing reports on progress towards delivery periodically.

We are working with Dŵr Cymru and Hafren Dyfrdwy on applying our guidance GN066 which sets out how to assess an overflow. We expect the companies to complete this work by 2030 and propose a programme of improvement works. Work has already begun on these assessments, with proposals being incorporated into PR24 business plans. We expect Companies to prioritise those assets causing harm for investment first. We await final determination of business plans from Ofwat which will help inform the scale and pace of investment.

Recommendation 10. The Welsh Government should consider extending NRW's enforcement powers to enable the regulator to accept environmental undertakings for permit breaches under the Environmental Permitting Regulations (England and Wales) 2016. It should report back to the Committee on the outcome of its consideration.

We welcome the Senedd's support in this recommendation. In our pursuit of progressive and faster regulation, we have been actively seeking additional powers to consider civil sanctions for a broader range of environmental offences, as an additional tool in our enforcement toolkit.

Recommendation 11. NRW should review its regulatory and environment response to the issues at Cardigan Wastewater Treatment works with the aim of learning lessons. It should report back to the Committee on the findings of the review.

Regulatory action is continuing at the works in Cardigan. We continue to investigate the permit breaches at the site and this investigation is ongoing. Any breaches will be dealt with in line with our Enforcement and Sanctions Policy. An enforcement response can take several years to conclude after the initial environmental offence.

We have established a review of our responses at the site to identify learning points or process improvements that can be made, as well as capturing current good practice. We expect to provide the committee with a report of the findings by the end of May.

In the meantime, if you have any further queries, please let me know.

Best Wishes

Clare



Clare Pillman
Prif Weithredwr, Cyfoeth Naturiol Cymru
Chief Executive, Natural Resources Wales

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Llŷr Gruffydd AS
Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
Senedd Cymru
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28 Mawrth 2024

Annwyl Gadeirydd,

Ymateb i Adroddiad Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith y Senedd ar Berfformiad Dŵr Cymru (Chwefror 2024)

Cyhoeddodd Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith y Senedd ei adroddiad ar berfformiad Dŵr Cymru ar 9 Chwefror 2024. Sylw yn y cyfryngau i'r problemau yng ngweithfeydd trin dŵr gwastraff Aberteifi, a phenderfyniadau Ofwat a Chyfoeth Naturiol Cymru (CNC) i israddio graddfa perfformiad y cwmni sbardunodd ymchwiliad y Pwyllgor.

Mae'r adroddiad yn cyflwyno 12 o argymhellion i'r cwmni, Llywodraeth Cymru a CNC. Ni wnaed cais ffurfiol am unrhyw ymateb gan Ddŵr Cymru, ond mae yna rhai eitemau sy'n gofyn am weithredu. Rydyn ni'n cyflwyno'r ymateb hwn i'r Pwyllgor ar sail anffurfiol felly.

Y bwriad yw pwysleisio ein hymrwymiad i weithredu'r argymhellion sy'n ymwneud â'r cwmni, a darparu unrhyw eglurhad sydd ei angen i gynorthwyo'r Pwyllgor gyda'i waith yn hyn o beth.

Ymateb i'r argymhellion sy'n ymwneud â Dŵr Cymru

Argymhelliad 1. *Cyn pen chwe mis ar ôl cyhoeddi'r adroddiad hwn, dylai Dŵr Cymru adrodd nôl i'r Pwyllgor â diweddariad ar gynnydd tuag at gyflawni'r cynllun ymrwymiad i wasanaeth ar gyfer Ofwat.*

Byddwn ni'n adrodd nôl yn ôl y gofyn. Mae'r Cynllun Ymrwymiad i Wasanaeth (SCP) y gofynnodd Ofwat amdano ar gael ar ein gwefan yn y fan [yma](#). Rydyn ni'n darparu diweddariadau chwarterol manwl ar gynnydd o ran y camau angenrheidiol ar gyfer Ofwat. Byddwn ni'n cyhoeddi crynodeb o gynnydd o ran yr SCP ddiwedd Mawrth erbyn diwedd Mai. Bydd y ffigurau blynyddol ar berfformiad ar gael ym mis Gorffennaf pan fyddwn ni'n cyhoeddi ein Hadroddiad Blynyddol ar Berfformiad.

Argymhelliad 2. *Dylai Dŵr Cymru esbonio sut y mae'n cynllunio ar gyfer pwysau'r hinsawdd yn y dyfodol er mwyn lliniaru'r risg o ddigwyddiadau llygru difrifol fel y rhai a welwyd yn ystod y cyfnod o sychder a thymheredd uchel yn 2022.*

Rydyn ni'n targedu dim digwyddiadau llygru difrifol wrth edrych tua'r dyfodol, ac yn arbennig unrhyw lygredd sy'n cael ei achosi gan fethiant ein hasedau. Mae unrhyw ddigwyddiadau llygru o'r fath yn gallu cael effaith fwy difrifol yn ystod cyfnodau o sychder pan fo lefelau'r afonydd yn is, fel y mae'r argymhelliad hwn yn awgrymu. Dyna pam ein bod ni wedi cynnwys gwariant ychwanegol yn ein cynllun ar gyfer AMP8 (2025-30) i adnewyddu neu ddisodli'r asedau dŵr

gwastraff, sef prif bibellau carthffosiaeth codi yn bennaf, lle mae'r risg uchaf o ddiffygion a allai achosi llygredd mewn ardaloedd amgylcheddol sensitif. Yn amodol ar graffu a chydysniad Ofwat, byddwn ni'n buddsoddi £2.5 biliwn i wella'r amgylchedd rhwng 2025 a 2030.

Argymhelliad 3. *Dylai Dŵr Cymru ymrwymo i bennu targed mwy ymestynnol ar gyfer lleihau digwyddiadau llygru erbyn 2030, yn hytrach na'r targed cyfredol o 24%. Dylai ymrwymo hefyd i uchelgais o ddim digwyddiadau llygru yn y cyfnod byrraf posibl, gyda thargedau'r dyfodol yn adlewyrchu unrhyw waharddiad ar weips sy'n cynnwys plastig.*

Er bod y targed o ostyngiad o 24% mewn digwyddiadau llygru i'w weld yn gymharol fach, y gwir amdani yw ei bod hi'n darged ymestynnol yng ngoleuni perfformiad cadarn y diwydiant ar y mesur hwn (ni a gofnododd y lefel isaf ond un o ran cyfanswm nifer y digwyddiadau llygru o blith holl gwmnïau dŵr Cymru a Lloegr yn 2022). Er eglurder, mae'r mesur yma o berfformiad yn cynnwys digwyddiadau llygru Categori 1, 2 a 3, ac ystyrir bod y mwyafrif llethol o'r digwyddiadau – mwy na 93% o'r digwyddiadau yn 2023 – yn rhai Categori 3 neu "lefel isel". Er ein bod ni'n derbyn yr uchelgais o ddim digwyddiadau llygru o ran egwyddor, dylai'r Pwyllgor fod yn ymwybodol, gyda rhwydwaith o 36,000km o garthffosydd a channoedd o orsafoedd pwmpio a gweithfeydd trin, nid yw'n realistiaidd disgwyl cyflawni hyn yn ymarferol. Y peth iawn i'w wneud yw ceisio sicrhau gwelliannau parhaus o ran perfformiad, lleihau effaith digwyddiadau o'r fath pan fyddant yn codi, sicrhau adrodd rhagweithiol a chywir, a sicrhau bod ein sylfaen o asedau'n addas ar gyfer yr hirdymor.

Un o'r pethau rydyn ni'n ei wneud yw gosod 20,000 o declynnau monitro yn y carthffosydd dros y pum mlynedd nesaf, a ddylai helpu i leihau digwyddiadau. Bydd angen cymorth a chefnogaeth awdurdodau lleol arnom i ddargyfeirio dŵr neu 'lif' sy'n draenio oddi ar dir a phrifyrdd o'n rhwydwaith o garthffosydd, am taw prif achos y cynnydd mewn digwyddiadau llygru yn 2023 oedd gorlwytho hydrologig ar ein rhwydwaith oherwydd llifogydd dŵr wyneb.

Argymhelliad 4. *Dylai Llywodraeth Cymru geisio cyflwyno gwaharddiad ar weips sy'n cynnwys plastig cyn gynted â phosibl. Dylai adrodd nôl i'r Pwyllgor ar ddeilliannau'r ymgynghoriad ar y cyd ar waharddiad arfaethedig, ac ar yr amserlen y mae'n gweithio tuag ati i gyflwyno gwaharddiad yng Nghymru.*

Rydyn ni'n llwyr gefnogi'r argymhelliad hwn a'r mesurau i ddefnyddio a gwaredu llai o ficroblastigion. Cyhoeddodd ein Cyfarwyddwr Amgylcheddol erthygl ar Wales Online ac yn y Western Mail yn ddiweddar yn cyflwyno'r dadl o blaid hyn. (Mae'r erthygl ar gael [yma](#)). Rydyn ni'n clirio 2,000 o garthffosydd sydd wedi blocio bob blwyddyn ar gyfartaledd, a hynny ar gost o dros £7m, a weips sydd i gyfrif am bron i chwarter o'r tagfeydd hyn.

Argymhelliad 5. *Dylai Dŵr Cymru ddarparu manylion ei drefniadau llywodraethu mewnol a dangos sut maen nhw'n cael eu defnyddio i ddal gweithredwyr y cwmni i gyfrif a llywio gwelliannau mewn perfformiad. Yn benodol, dylai Dŵr Cymru esbonio rôl aelodau Glas Cymru o fewn ei strwythur llywodraethu, ymateb yr aelodau i berfformiad diweddar Dŵr Cymru, a'r camau y mae'r aelodau yn eu cymryd i sicrhau gwelliannau.*

Rhoddir disgrifiad llawn o'n Fframwaith Llywodraethu Corfforaethol yn Adroddiad Blynyddol a Chyfrifon Glas Cymru (gweler y cyhoeddiad diweddaraf [yma](#)). Rydyn ni'n cydymffurfio'n llwyr â Chod Llywodraethu Corfforaethol y DU (2018). Mae ein Haelodau'n chwarae rôl bwysig yn absenoldeb cyfranddalwyr wrth ddal y Bwrdd i gyfrif a herio'r cwmni ar ei berfformiad. Mae ein Haelodau'n cael eu recriwtio o'r cymunedau a wasanaethwn, a'n nod yw sicrhau cynrychiolaeth effeithiol o ran profiad, arbenigedd a galluedd o fewn ein Haelodaeth. Yn ogystal â disgwyl iddynt fod â diddordeb yn ein gweithgareddau, rydyn ni am iddynt ein herio ni'n adeiladol a dal y Bwrdd i gyfrif. Rydyn ni'n recriwtio Aelodau trwy broses sy'n cael ei hysbysebu'n agored, a Syr Paul Silk yw cadeirydd annibynnol cyfredol ein Panel Dethol Aelodau. Mae gennym 68 o Aelodau sy'n cynnwys pobl o'r llu o ardaloedd daearyddol a wasanaethwn, ac o amrywiaeth eang o gefndiroedd, sy'n cwmpasu profiad masnachol, llywodraethu corfforaethol, amgylcheddol, llywodraeth leol a'r trydydd sector, ymhlith eraill.

Cynhelir dau gyfarfod llawn y flwyddyn, y mae un ohonynt yn digwydd yng Nghyfarfod Cyffredinol Blynyddol Glas Cymru, a chynhelir cyfarfodydd rhanbarthol pellach. Mae perfformiad yn eitem flaenllaw ar agenda'r holl gyfarfodydd hyn. Mae gan nifer o'n Cyfarwyddwyr Anweithredol brofiad o gwmnïau FTSE ac maent wedi dweud bod gwaith craffu'r Aelodau'n debyg neu hyd yn oed yn fwy manwl na'r hyn a welir mewn rhai cwmnïau rhestredig.

Mae'r aelodau'n pleidleisio ar adnewyddu penodiadau Cyfarwyddwyr unigol i'r Bwrdd yn flynyddol, ac ar faterion llywodraethu eraill, fel penodi ein harchwilwyr allanol a'n polisi ar gydnabyddiaeth ariannol o weithredwyr, yn gyfnodol.

Mae ein Haelodau wedi bod yn agored iawn wrth leisio eu pryderon am yr adroddiadau diweddar ar berfformiad y cwmni. Er taw cyfrifoldeb y cwmni yn hytrach na'r Aelodau yw sicrhau gwelliannau, maen nhw'n disgwyl i'r cwmni gyflawni gwelliannau'n gyflym ac adrodd yn fanwl ar gynnydd ym mhob cyfarfod o'r Aelodau. Mae gennym hanes hir o fod yn hollol agored a thryloyw gyda'n Haelodau ar yr holl faterion o bwys sy'n effeithio ar y busnes. Yn ogystal â pherfformiad, mae hyn yn cynnwys materion sy'n gysylltiedig â llywodraethu a'n strategaeth hirdymor. Rydyn ni'n cymryd safbwyntiau'r Aelodau i ystyriaeth hefyd yn nhermau ein cylch cynllunio rheoliadol, ac mae eu safbwyntiau a'u mewnbwn yn cyfrannu at ein proses ffurfiol o adolygu prisiau, a'r diweddaraf o'r rhain oedd ein cais 'PR24'. Mae'r Aelodau'n cael eu briffio rhwng cyfarfodydd hefyd ar y materion allweddol sy'n codi sy'n effeithio ar y cwmni neu'r diwydiant ar led.

Argymhelliad 7. *Dylai Dŵr Cymru ymrwymo i welliannau blwyddyn ar ôl blwyddyn ar alinio'r 80% cyfredol o dâl sy'n gysylltiedig â pherfformiad a ddyfernir i weithredwyr y cwmni â'r perfformiad cyffredinol a ddarperir ar gyfer cwsmeriaid a'r amgylchedd. Dylai ymrwymo hefyd i uchelgais i gyflawni aliniad o 100% o fewn y cyfnod byrraf posibl.*

Mae'n debyg bod yna gamddealltwriaeth yn y fan yma o ran natur y mesur sy'n ymwneud ag 'aliniad tâl yn seiliedig ar berfformiad â'r perfformiad cyffredinol a ddarperir ar gyfer cwsmeriaid a'r amgylchedd'. Nid yw adroddiad Ofwat ar dâl sy'n gysylltiedig â pherfformiad ar gyfer gweithredwyr (sydd ar gael [yma](#)) yn argymhell 100% o 'aliniad' o ran y mesurau sy'n pennu tâl yn gysylltiedig â pherfformiad â pherfformiad go iawn. Mae hynny am fod yna amcanion pwysig a

hollol gyfiawn eraill sy'n haeddu cael eu cynnwys yn yr hyn sy'n llywio tâl yn seiliedig ar berfformiad. Yn ein hachos ni, mae'r rhain yn cynnwys statws credyd y cwmni (sy'n helpu i gadw biliau i lawr yn y pen draw), a lefel yr amrywiaeth sydd yna ar Fwrdd y cwmni.

Mae Ofwat yn dweud y "clustnodwyd 60% o aliniad â chyflawniad ar gyfer cwsmeriaid a'r amgylchedd fel arfer dda ymysg y cwmnïau rydym yn eu rheoleiddio yn PR19". Roedd lefel aliniad Dŵr Cymru dros 80%.

Am y rhesymau a bennwyd uchod, nid ydym yn ymrwymo i uchelgais i gyflawni 100% o aliniad am y byddai hynny'n gofyn am gael gwared ar fesurau rydym ni'n eu gweld yn bwysig o blith y rhai a ddefnyddir i lywio tâl yn seiliedig ar berfformiad.

Argymhelliad 8. *Dylai Llywodraeth Cymru a'i phartneriaid allweddol, gan gynnwys Dŵr Cymru, glustnodi ffyrdd o gyfleu dull Cymru o fynd i'r afael â rhyddhau carthion trwy orlifoedd storm yn effeithiol er mwyn gwella dealltwriaeth y cyhoedd am y dull yma o weithredu.*

Rydyn ni'n llwyr gefnogi hyn. Fe fydd hi'n hanfodol dod â'r cyhoedd gyda ni yn ein hymdrechion i leihau effeithiau ecolegol gorlifoedd storm, yn ogystal â thaclo holl achosion iechyd gwael yr afonydd. Bydd taclo'r gorlifoedd storm sy'n achosi difrod ecolegol yn gyntaf, yn hytrach na chanolbwyntio ar nifer y digwyddiadau rhyddhau fel sy'n digwydd yn Lloegr, yn ein galluogi ni i gyd i fynd ymhellach i wella ansawdd dŵr afonol ac arfordirol, a hynny'n gynt. Mae hi'n broblem gymhleth lle gall dulliau gor-sympl ond llawn bwriadau da wneud mwy o niwed na lles. Bydd angen i randdeiliaid gydweithio i roi strategaethau effeithiol ar waith a chyfleu ein dull o weithredu i'r cyhoedd ar led. Mae hyn yn cynnwys parhau i weithio gyda *Thasglu Gwella Ansawdd Afonydd* Cymru sy'n tynnu rheoleiddwyr, y llywodraeth a'r cwmnïau dŵr ynghyd er mwyn gwella ansawdd dŵr afonol.

Argymhelliad 9. *Dylai Dŵr Cymru gyhoeddi manylion ei raglen waith i daclo rhyddhau carthion o orlifoedd storm yn y tymor byr, canolig a hir. Dylai hyn gynnwys targedau uchelgeisiol i gyflawni asesiadau ecolegol a dileu difrod amgylcheddol o orlifoedd storm a ganiateir ac na chaniateir. Dylai Dŵr Cymru ymrwymo i gyhoeddi adroddiadau ar gynnydd tuag at gyflawni hyn yn gyfnodol.*

Cyhoeddwyd ein cynlluniau manwl iawn i daclo rhyddhau carthion trwy orlifoedd storm yn ein Cynllun Busnes PR24 a gyflwynwyd i Ofwat yn Hydref 2023, ac mae'r rhain ar gael ar lein [yma](#). Roedd hyn yn cynnwys ein [Strategaeth](#) Gorlifoedd Storm.

Mae'r cynllun yn cynnwys targedau uchelgeisiol i gyflawni asesiadau ecolegol, gan ganolbwyntio ar y gorlifoedd hynny a allai fod yn achosi'r difrod amgylcheddol mwyaf. Fel y mae'r cwmni'n ymwybodol, mae ein strategaeth yn dilyn polisi Llywodraeth Cymru a CNC i leihau difrod ecolegol yn hytrach na chyflawni'r gostyngiad mwyaf posibl yn nifer y gollyngiadau yn unig.

Rydyn ni wedi ymrwymo o hyd i uwchraddio pob Gorlif Storm sy'n achosi difrod amgylcheddol erbyn 2040, gyda'r 100 cyntaf â'r flaenoriaeth uchaf yn cael eu cyflawni erbyn 2030, yn amodol ar gydsyniad Ofwat i'n cynllun. Mae 2,300 o Orlifoedd Storm yng Nghymru, a gyda sylfaen cymharol fach o gwsmeriaid, fforddiadwyedd biliau fydd yn llywio cyflymdra'r gweithrediad i bob pwrpas. Fodd bynnag, rydyn ni'n hyderus y byddwn ni'n cyflawni gwelliannau go iawn ac arwyddocaol i ansawdd dŵr afonol a fydd yn beth buddiol i amgylchedd dyfrol Cymru.

Byddwn ni'n adrodd ar gynnydd yn ein Hadroddiad Blynyddol ar Berfformiad ac yn Adroddiad Blynyddol a Chyfrifon Glas Cymru.

Yn olaf, hwyrach eich bod wedi gweld bod Ofwat wedi cyhoeddi canfyddiadau ei adroddiad ar ôl i ni eu hysbysu fis Mai diwethaf am ein bwriad i ailddatgan data ar berfformiad 2020-2022 ar ollyngiadau a defnydd fesul pen (h.y. faint o ddŵr a ddefnyddiwyd fesul cwsmer) yn ddiweddar. Roedd hyn ar ôl i'n proses sicrwydd diwedd blwyddyn glustnodi nad oedd elfennau o'r cyfrifiadau a gyflwynwyd yn cydymffurfio â'r gofynion rheoliadol. Ar ôl cynnig pecyn o £30m i wneud iawn i gwsmeriaid, a oedd yn cynnwys ad-daliad o £10 i bob cwsmer (a wnaed yn 2023), fe gynigion ni gwerth £59 miliwn o wariant i wella perfformiad o ran gollyngiadau a defnydd fesul pen hefyd. Mae Ofwat wedi derbyn y cynigion hyn ac wedi codi dirwy enwol o £1 arnom. Rydyn ni'n gwybod y bydd cyflawni'r gostyngiad cynlluniedig mewn gollyngiadau'n her, ond gallaf sicrhau Aelodau'r Pwyllgor ein bod wedi ymrwymo i gynnydd sylweddol mewn buddsoddiad yn y maes yma a'n bod wedi cryfhau'r timau gweithredol perthnasol i'n helpu ni i gyflawni ein targedau.

Gobeithio ein bod ni wedi ateb yr argymhellion perthnasol a wnaed yn adroddiad y Pwyllgor, a chroeso i chi gysylltu â mi os oes angen rhagor o fanylion arnoch.

Yn gywir,



Prif Weithredwr
Dŵr Cymru Welsh Water

Eitem 8

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 9

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon