

Agenda – Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Committee room 4 Tŷ Hywel and video Marc Wyn Jones
Conference via Zoom Clerc y Pwyllgor
Dyddiad: Dydd Iau, 17 Gorffennaf 2025 0300 200 6565
Amser: 09.30 SeneddHinsawdd@senedd.cymru

Hybrid

Rhag-gyfarfod preifat (09.15–09.30)

Cyfarfod cyhoeddus (09.30–13.40)

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

2 Craffu Cyfnod 1 ar Fil yr Amgylchedd (Egwyddorion,
Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) – Sesiwn
dystiolaeth gyda sefydliadau amgylcheddol

(09.30–10.45)

(Tudalennau 1 – 85)

Ruth Chambers, Uwch Gymrawd – y Gynghrair Werdd

Annie Smith, Pennaeth Polisi Natur a Gwaith Achos – y Gymdeithas Frenhinol
er Gwarchod Adar (RSPB) Cymru

Alexander Phillips, Rheolwr Polisi ac Eiriolaeth – WWF Cymru

[Bil yr Amgylchedd \(Egwyddorion, Llywodraethiant a Thargedau
Bioamrywiaeth\) \(Cymru\): ymatebion i'r ymgynghoriad](#)

Dogfennau atodol:

Briff Ymchwil – Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a
Thargedau Bioamrywiaeth) (Cymru)

Nodyn cyfreithiol – Cyngor i Aelodau ar y gofyniad i “roi sylw” i ffactorau



penodol (Saesneg yn unig)

Papur – y Gynghair Werdd (Saesneg yn unig)

Papur – RSPB Cymru (Saesneg yn unig)

Papur – WWF Cymru (Saesneg yn unig)

Egwyl (10.45–10.55)

3 Craffu Cyfnod 1 ar Fil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) – Sesiwn dystiolaeth gyda chyrrff cyhoeddus

(10.55–11.55)

(Tudalennau 86 – 99)

Mary Lewis, Pennaeth Polisi Rheoli Adnoddau Naturiol – Cyfoeth Naturiol Cymru

Neil Parker, Arweinydd Tîm, Polisi a Strategaeth Bioamrywiaeth – Cyfoeth Naturiol Cymru

Beth Stoker, Cyfarwyddwr Tystiolaeth a Chyngor Rhyngwladol – Cyd-bwyllgor Cadwraeth Natur

Dogfennau atodol:

Papur – Cyfoeth Naturiol Cymru

Papur – Cyd-bwyllgor Cadwraeth Natur (Saesneg yn unig)

Egwyl i ginio (11.55–12.40)

4 Craffu Cyfnod 1 ar Fil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) – Sesiwn dystiolaeth gyda Chomisiynydd Cenedlaethau'r Dyfodol Cymru

(12.40–13.40)

(Tudalennau 100 – 104)

Derek Walker – Comisiynydd Cenedlaethau'r Dyfodol Cymru

Rhiannon Hardiman, Arweinydd Polisi Hinsawdd, Natur, Economi a Bwyd –
Comisiynydd Cenedlaethau'r Dyfodol Cymru

Dogfennau atodol:

Papur – Comisiynydd Cenedlaethau'r Dyfodol Cymru

5 Papurau i'w nodi (13.40)

5.1 Gwrandawriad cyn penodi: Cadeirydd Cyfoeth Naturiol Cymru

(Tudalen 105)

Dogfennau atodol:

Ymateb gan y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig i'r Cadeirydd mewn perthynas ag adroddiad y Pwyllgor: Gwrandawriad cyn penodi: Cadeirydd Cyfoeth Naturiol Cymru

5.2 Grŵp Rhyngweinidogol ar yr Amgylchedd, Bwyd a Materion Gwledig

(Tudalen 106)

Dogfennau atodol:

Llythyr gan y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad mewn cysylltiad â'r Grŵp Rhyngweinidogol ar yr Amgylchedd, Bwyd a Materion Gwledig

5.3 Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru)

(Tudalennau 107 – 113)

Dogfennau atodol:

Llythyr gan y Cadeirydd at y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig mewn perthynas â Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru)

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

(13.40)

Cyfarfod preifat (13.40–14.30)

7 Ystyried tystiolaeth a gafwyd o dan eitemau 2, 3 a 4

8 Bil Gwasanaethau Bysiau (Cymru) – Trafod Adroddiad Cyfnod 1 drafft y Pwyllgor

(Tudalennau 114 – 200)

Dogfennau atodol:

Adroddiad Cyfnod 1 drafft – Bil Gwasanaethau Bysiau (Cymru) (Saesneg yn unig)

9 Trafod adroddiad drafft ar yr adolygiad o weithrediad y Cytundeb Masnach a Chydweithredu rhwng y DU a'r UE

(Tudalennau 201 – 308)

Dogfennau atodol:

Adroddiad drafft ar yr adolygiad o weithrediad y Cytundeb Masnach a Chydweithredu rhwng y DU a'r UE (Saesneg yn unig)

10 Trafod blaenraglen waith y Pwyllgor – Hydref 2025

(Tudalennau 309 – 314)

Dogfennau atodol:

Blaenraglen waith – Hydref 2025 (Saesneg yn unig)

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Evidence from: Ruth Chambers, Senior Fellow, Green Alliance

Senedd Cymru | Welsh Parliament

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

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

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

We strongly support the general principles of the bill: to enshrine environmental principles in Welsh law and place duties on Welsh Ministers and public authorities to take account of them in policy making; to establish a new governance body to hold Welsh Ministers and public authorities to account on compliance with environmental law; to create a framework to set legally binding biodiversity targets, with a duty to bring forward targets in priority areas and a duty on Welsh Ministers to deliver the targets.

While the principles of the bill are welcome, there are ways in which some of its provisions could be clarified or strengthened, as we set out below.

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

▪ **Part 1 - Environmental objective and principles (sections 1 to 7)**

The bill will embed four important and longstanding international environmental principles into Welsh law, along with duties on Welsh Ministers and Natural Resources Wales to have "special regard" to these principles and to integrate environmental protection into their policy making (sections 2 to 4).

The four environmental principles are:

- the precautionary principle so far as relating to the environment
- the principle that preventative action should be taken to avoid environmental damage
- the principle that environmental damage should as a priority be rectified at source
- the polluter pays principle

The bill also places duties on certain public authorities to have regard to environmental principles and integrate environmental protections when carrying out their functions in connection with the assessment of plans and programmes, known as Strategic Environmental Assessment (section 5).

The provisions on environmental principles will underpin the new environmental governance system in Wales, ensuring that environmental considerations inform ministerial and public authority policy making.

The Welsh Government has clarified that policy making includes proposals for legislation and developing, adopting or revising policies but that individual regulatory, planning or licensing decisions made by the Welsh Ministers are out of scope of the duty (section 4).

Welsh Ministers will be required to consult on and publish an environmental principles and integration statement, to clarify and explain how the environmental principles are to be interpreted and applied (section 6).

The bill introduces an environmental objective to guide the application and implementation of the duties on environmental principles and integration.

Comparison with the existing legislative frameworks in England, Northern Ireland and Scotland highlights that the Welsh Government has sought to build on the approaches taken by the other governments.

It has introduced a stronger standard for the duties on Welsh Ministers and Natural Resources Wales (“special regard” vs the “due regard” standard used in the other countries), which means that they must attach considerable importance and weight to the principles when making policy. It has opted to apply the duty directly to the principles rather than the more indirect – and less helpful – approach taken by the UK government of attaching the duty to a policy statement.

However, there are some areas where the bill needs clarifying or strengthening, as we highlight below.

Scope of the duty in section 3

The environmental principles duties in other legislation in the UK cover all policy making, with some exceptions for fiscal and defence policy. The Welsh Government has instead opted for what appears to be a narrower approach in which only policy “that has, or could have, any effect on the environment” will be covered by the duty. This allows future Welsh Ministers to exclude policy from the duty if they determine it would not have any effect on the environment.

While we note the Cabinet Secretary’s insistence that all relevant policy will be caught by the proposed scope of the section 3 duty, we are concerned that considerable discretion will be placed in the hands of future Welsh Ministers to decide whether policy has, or could have, any effect on the environment. There is no requirement for them to seek advice on this, nor to publish the criteria that they will use to decide whether policy is in scope of section 3.

Impact on the integration of environmental protection into policy making

The integration principle derives from international law and seeks to ensure that environmental protections are embedded across all fields of policy, not just those obviously related to the environment. While we welcome the Welsh Government’s decision to elevate the integration principle to a legal duty binding on Welsh Ministers and some public authorities, the scope of the section 3 duty frames, and potentially undermines, the way in which the duty to integrate environmental protection into policy making will be carried out.

The use of “such” in section 3(1)(b) clearly limits the application of the integration duty to policy which has, or could have, any effect on the environment, instead of its accepted and longstanding application to all policy. While we believe this is not the Welsh Government’s intention, it is the result of the way in which this subsection has been drafted. This should be corrected.

Recommendations

The Welsh Government should reconsider the scope of the environmental principles duty and, for the sake of legal clarity, apply it to all policy making not just that which has or could have an effect on the environment.

Section 3(1)(b) should be amended to clarify that the duty to integrate environmental protections must apply to all policy.

Welsh Government officials explained to the Legislation, Justice and Constitution Committee in the oral evidence session on 30 June that public authorities will only be required to have regard (and not special regard) to environmental principles, because the strategic environmental assessment regulations already focus on environmental impact. Further clarity on this would be welcome.

Wording of the environmental objective

We welcome the introduction of an environmental objective in relation to the environmental principles and integration duties, although have reservations in relation to its application to the Office of Environmental Governance in Wales, as we explain in our response to question 3.

The inclusion of a reference in Section 1(1)(a) to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 would, however, dilute the environmental objective's focus away from its primary aim of the attainment of a high level of environmental protection and environmental improvement, due to the goals' very broad focus.

Timetable for publishing and reviewing the environmental principles statement

The bill requires Welsh Ministers to consult before publishing the statement and enables them to review it "from time to time" (section 6(5)). The explanatory memorandum suggests that the Welsh Government wants to progress the statement ahead of commencement of the bill's provisions, which would be welcome (para 3.1444).

The duties on Welsh Ministers, NRW and public authorities on environmental principles and integration will come into force six months after Royal Assent, which would be in October 2026.

It would be helpful if Welsh Ministers could be asked to confirm the timetable for consulting on and publishing the first statement, so that consultation can be undertaken with sufficient time for meaningful engagement, bearing in mind the forthcoming pre- and post-election periods.

We suggest that it would be beneficial for the statement to be reviewed on a regular basis, rather than "from time to time", for example once during each Senedd term, to ensure that it keeps pace with developments in international environmental protection legislation and provides up to date guidance to ministers and public authorities.

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

- **Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)**

We welcome Part 2 of the bill, which establishes a new statutory environmental oversight body, the Office of Environmental Governance Wales (OEGW).

This is long overdue, as since Brexit, Wales has been without a statutory body to monitor and enforce breaches of environmental law by Welsh Ministers and public authorities and is the last UK nation to introduce legislation to fill this gap. The Office for Environmental Protection (OEP) and Environmental Standards Scotland (ESS) perform a similar role in England, Northern Ireland and Scotland.

While an interim arrangement, the Interim Environmental Protection Assessor for Wales, has been put in place, it lacks resourcing and has no statutory powers. Given the delays, a clear timetable and process for the establishment of the OEGW is needed, as we set out in our response to question 5.

Independence of the OEGW

The Welsh Government recognises that the independence of the OEGW “is of paramount importance to its effective operation” (para 3.165, Explanatory Memorandum).

However, there are no legal safeguards in the bill to protect the body's independence. While welcome, words of positive intent from the current administration do not amount to long term legal certainty.

We note that the Cabinet Secretary argued in his oral evidence to the Committee on 26 June that the independence of the OEGW would be assured because of measures that had not been included in the bill. For example, the Welsh Government has not sought a power to issue guidance to the OEGW akin to that of the Secretary of State in relation to the OEP in [section 25](#) of the UK Environment Act 2021 and has empowered the OEGW to decline to provide advice to Welsh Ministers if requested.

While we welcome the decision not to seek such a guidance power, the absence of any explicit legal safeguards on OEGW independence leaves the body vulnerable to the political whims of future ministers, who may be less well

disposed to the OEGW, especially once it has started to ask difficult questions about any potential lack of compliance with environmental laws.

The Welsh Government should amend the bill to introduce a duty on Welsh Ministers to respect the OEGW's independence, like that in [Schedule 1](#) of the Environment Act 2021, which has been very helpful in relation to safeguarding the independence of the OEP. This duty is far from a mere declaratory statement; it would act as a potential backstop should future ministers be less favourably disposed to the OEGW, but its greater significance lies in how it would inform decisions about funding and appointments. It would also provide a frame for the sponsorship relationship, helping to ensure that the OEGW is "differently independent" to other public authorities, as we believe is the Welsh Government's policy intention.

The bill could also be amended to clarify that Welsh Ministers have no power of direction in relation to the OEGW, like [Schedule 1](#) of the Scottish legislation.

Review of compliance notices

The bill currently enables public authorities to ask the OEGW to undertake an internal review of a compliance notice and to require the OEGW to pass the decision on notices over to a 'review committee', which will include people appointed from a list maintained by Welsh Ministers. That review committee would be able to confirm, withdraw or vary the compliance notice. This would weaken the OEGW's governance and enforcement authority. It would also create a perceived lack of independence, especially in relation to compliance notices relating to Welsh Ministers.

Para 10 of Schedule 1 of the bill specifies that the composition of the committee must include at least 2 people co-opted from a list maintained by Welsh Ministers. Placing the fate of compliance notices, which are designed to be the OEGW's principal vehicle to bring about compliance with environmental law, in the hands of a potential majority of external persons, would weaken its governance and enforcement authority.

Experience from the other jurisdictions in the UK highlights that public authorities do not always agree with the findings of the relevant environmental oversight body, so the review process is likely to be used on a regular basis. These provisions should be rethought so that the OEGW retains control over its enforcement decisions. It would be possible, for example, to build independence and objectivity into the review process without requiring the OEGW to cede its enforcement authority.

Resourcing of the OEGW

The bill provides no safeguards on the process for deciding the resourcing of the OEGW, which is set out in Paragraph 16 of Schedule 1. The UK government took a different approach and [recognised](#) the importance of providing the Westminster Parliament with the means to scrutinise the adequacy of resources provided to the OEP and the need for financial independence.

It committed to provide the OEP with a ring-fenced five-year indicative budget and empowered the OEP to highlight any under-resourcing to the Westminster Parliament by publishing a Sufficiency Statement (Paragraph 14(3), [Schedule 1](#) of the UK Environment Act 2021). In his oral evidence to the Committee on 26 June, the Cabinet Secretary appeared unconvinced by the merits and mechanics of such a statement. We suggest the Committee could ask the Office for Environmental Protection for its views on the Sufficiency Statement.

Board appointments

A greater oversight role for the Senedd should be considered in the appointment of the OEGW's board members.

Schedule 2 requirements for OEGW strategy

Schedule 2 sets out a long list of requirements which the Welsh Government is proposing must be included in the OEGW's strategy. While some of these are helpful – for example, providing clarity on how the OEGW plans to work with bodies such as the Auditor General for Wales – the list is overly prescriptive.

In his oral evidence to the Legislation, Justice and Constitution Committee on 30 June, the Cabinet Secretary said that the Welsh Government had taken “a hands off” approach to the OEGW's strategy, with no constraints. Analysis of Schedule 2 does not wholly chime with this. The list of requirements should be reduced, to avoid giving the impression in law that the OEGW's strategic direction and priorities are being set by Welsh Ministers.

Clarity of purpose for the OEGW

We welcome the introduction of an environmental objective in section 1 in relation to the environmental principles and integration duties but have serious reservations about its application to the general purpose of the OEGW (section 9).

The OEGW will replace the role played by the European Commission and Courts in monitoring and overseeing compliance with environmental law. It will be a

strategic oversight body with specific legal functions and responsibilities, all of which relate to environmental law.

There are many examples of public authorities under-delivering because of a lack of clarity in their strategic purpose and founding legislation.

We recommend therefore that the general purpose of the OEGW is rethought and simplified to focus on what the public expects its role to be: environmental protection and the improvement of the natural environment.

Ensuring that the OEGW has sufficiently robust enforcement powers

We agree that the OEGW should adopt an escalatory approach to enforcement, working collaboratively with public authorities to resolve compliance concerns before resorting to formal action. This mirrors the approach taken in other countries in the UK. However, for this approach to be effective, the system must include a sufficiently robust deterrent. We have questions in this regard about the proposed High Court review (section 19) and the absence of an explicit power for the OEGW to intervene in proceedings brought by other parties.

The Cabinet Secretary appeared to suggest that the OEGW could make use of its broad ancillary power to apply to intervene in such proceedings. We are concerned that the absence of an explicit power in the bill could potentially weaken the OEGW's standing before the court, which may understandably ask why the other UK governance bodies have an explicit power to intervene, but the OEGW does not.

Ensuring access to environmental justice

It is of serious concern that there is no provision in the bill for people to make formal representations to the OEGW if they feel an environmental law has been broken, nor on how the OEGW would handle such representations. This is a major oversight and would represent a regression from the position that existed when the UK was a member of the EU.

We note that Schedule 2 will require the OEGW's strategy to set out how it intends to enable persons to make representations to it about matters relating to environmental law, but this is not the same as including a legal right for people to make representations on the face of the bill.

While we agree that the OEGW should be allowed to develop its own systems and approaches, the ability for people to make representations to it on breaches of

environmental law should be clearly enshrined in legislation given its public importance.

The bill should therefore be amended to include the ability for people to make a representation to the OEGW if they believe that a public authority has failed to comply with environmental law. The bill should also set out the broad process that will be followed, for example to mirror the approach taken by the UK Government in [section 32](#) and [section 34](#) of the UK Environment Act 2021.

Co-operation with other environmental governance bodies

No provision is made in the bill for the OEGW to co-operate with other environmental governance bodies across the UK, despite those bodies having a requirement to cooperate with the OEGW. For example, [section 27\(4\)](#) of the UK Environment Act 2021 requires the OEP to consult other environmental governance bodies where relevant, and [section 23\(3\)](#) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 places the same requirement on Environmental Standards Scotland. This should be added.

Accountability gap for some public authorities

Section defines a public authority as a person which is a devolved Welsh authority (as per [157A](#) of the Government of Wales Act 2006) or listed in paragraph 9(2) or (6) of [Schedule 7B](#) of that Act.

The OEGW will therefore have oversight of public authorities whose functions are exercisable only in relation to Wales and are wholly or mainly functions that do not relate to reserved matters.

In addition to Welsh public authorities such as Natural Resources Wales, this includes the following bodies: Electoral Commission; the Food Standards Agency; the Water Services Regulation Authority; the Joint Committee on Vaccination and Immunisation; the Human Tissue Authority; the NHS Business Services Authority; NHS Blood and Transplant; the Open University; the Controller of Plant Variety Rights; a water or sewerage undertaker; the Consumer Council for Water; and the Chief Inspector of Drinking Water for Wales.

This potentially leaves an accountability gap as public authorities exercising reserved functions in Wales will not be within the OEGW's oversight. The Welsh Government should clarify which public authorities fall within this accountability gap, and how it plans to address it.

We think it would include bodies which have a potentially significant interaction with Welsh environmental law and would welcome clarification on whether the following bodies would be within the oversight remit of the OEGW:

- Crown Estate
- Marine Management Organisation
- National Grid
- Network Rail
- Ministry of Defence

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

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

Section 6B(1) provides Welsh Ministers with a welcome power to set targets through regulations in respect of any matter relating to biodiversity in Wales.

The explanatory memorandum notes that the legislation makes provision that “aims to respond effectively and with urgency to these fundamental [nature and climate] crises”. We welcome this intent but question whether the absence of timescales in the new target setting framework is commensurate with the Welsh Government’s aim of tackling the nature crisis with urgency.

Just as the Global Biodiversity Framework describes both 2030 targets and longer-term 2050 goals, the bill should ensure that Welsh Ministers are accountable for delivering legally binding interim and long-term targets, with at least one long-term and one short-term target required for each priority area.

The bill is silent on the duration of targets and our current reading is that it would be possible to bring forward only short-term targets, for example.

Furthermore, the timescale set by section 6C(5) for Welsh Ministers to exercise the power in section 6B to set a target in respect of at least one matter within four specified priority areas does not reflect either the urgency needed to address the alarming declines in Welsh nature nor the calls from [Senedd Cymru](#) and [Audit Wales](#) for action to be at a pace that reflects the scale of the nature crisis. This timeframe means that targets will not be required until 2029.

Wales’ first suite of biodiversity targets should be required within 12 months of the bill receiving Royal Assent. This timeframe was applied in the UK Environment Act

2021 and targets under that Act were published within 13 months. We consider that the Welsh Government should adopt a more ambitious statutory timeframe for publishing and adopting targets, particularly because work towards developing the targets is already underway.

We agree that biodiversity targets should be set via regulations, rather than on the face of the bill, provided those regulations are passed via the affirmative procedure, which we believe will be the case under [section 25\(3\)](#) of the Environment (Wales) Act 2016.

However, we consider there would be value in including an additional requirement in the bill for Welsh Ministers to set a target to reverse the decline in species abundance by 2035. This would follow the precedent set by the UK Environment Act 2021, which required the Secretary of State to set a target, through regulations, to halt the loss of species abundance by 2030. This would act as a 'North Star', capturing and embedding the ambition and commitment of the current Welsh Ministers and Senedd to respond to the nature emergency and galvanising action from the outset. Its value is heightened by the fact that implementation of the duties included in the bill will be in the next Senedd term.

The absence of a requirement for a review of targets to be undertaken regularly differs from the approaches taken for England and Scotland. The bill enables ministers to review a target "from time to time", or in specific circumstances when it appears that a target would not be met. We suggest that a regular review of targets would be useful to ensure that the right targets are in place to significantly contribute to halting and reversing biodiversity loss.

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

▪ Part 4 - General (sections 39 to 45 and Schedule 4)

Schedule 4 - consequential amendments

We note that Paragraph 3 of Schedule 4 brings the OEGW within scope of the Well-being of Future Generations (Wales) Act 2015 by adding it to the list of public bodies specified in section 6 of the Act and requiring it to comply with the well-being duty in section 2 of the Act.

The Act is a long standing and important feature of the Welsh policy landscape. The OEGW and the Future Generations Commissioner will need to work together given their different but complementary roles. However, we question whether it is appropriate to require the OEGW to comply with the well-being duty in the way the bill proposes.

The purpose of the OEGW is to monitor and enforce compliance with environmental law. Its job will be demanding as it will be assuming its functions after a lengthy absence of statutory oversight, and at a challenging time for public finances and a perilous moment for the Welsh environment, much of which is declining or in a very poor condition. It will therefore need to focus on delivering its statutory functions to ensure that environmental law in Wales is effectively monitored and enforced.

We therefore suggest that Paragraph 3 of Schedule 3 is removed and that the OEGW and Future Generations Commissioner should instead agree how they will work together once the OEGW has been set up. This could be articulated in the OEGW's strategy, which Schedule 2 of the bill requires should set out how the OEGW intends to avoid overlap with the Future Generations Commissioner in the exercise of their respective functions.

Section 44 - coming into force

The long delay in establishing the OEGW is regrettable as it has left Wales without a statutory system of environmental oversight and compliance for several years. While we note that some provisions relating to the OEGW will come into force two months after the day the Act receives Royal Assent, the majority will not, and it will therefore fall to the next government to commence most of the provisions relating to the OEGW.

The explanatory memorandum states that Royal Assent will be in April 2026, which means that Sections 8, 9, most of Schedule 1, Section 28 and Schedule 3 will come into force in June 2026, after the Senedd elections. This will establish the OEGW as a legal entity, and enable detailed work on its establishment, including possible staff transfer and the appointment of interim board members.

But the provisions that give the OEGW its powers will come into force at some unknown future date. The Cabinet Secretary told the Committee on 26 June that he expected the OEGW to be fully operational within 18 to 24 months but provided no detail on the phasing of this.

The lengthy delays experienced to date suggest that it would be prudent for a more detailed timetable to be published so that the next Senedd and civil society can hold future Welsh Ministers to account on the establishment of the OEGW.

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

A lack of clarity in the legislative framework, reflecting the Welsh Government's apparent preference for implicit rather than explicit legislation, could lead to delayed or ineffective implementation and legal uncertainty for those affected by the bill.

This submission discusses the importance of providing constitutional independence for the OEGW through explicit provisions in the bill. However, there are other aspects of independence, including those that will arise through decisions on the design and operation of the OEGW. Some of these will be very significant in terms of ensuring sufficient operational independence for the OEGW, for example the location of its office (which should be in a location that will facilitate the recruitment of suitably expert staff), the importance of independent communications, human resources and procurement functions and the need to avoid any 'back office' sharing that would compromise its independence.

In his oral evidence to the committee on 26 June, the Cabinet Secretary suggested that the OEGW could share 'back office' functions with the Disused Tips Authority for Wales. We understand why this may at first appear an attractive option, given the two bodies are being set up in similar timescales.

However, it would not be appropriate for the OEGW, charged as it will be with ensuring compliance of public authorities with environmental law, to share systems or services with a public authority which will be responsible for monitoring and potentially taking action to address tip safety to protect human health and avoid environmental damage. Any 'back office' sharing should be strictly limited to organisations which are not likely to fall within the oversight of the OEGW nor have any significant interaction with Welsh environmental law. More transparency and engagement on the Welsh Government's plans for establishing the OEGW would be welcome.

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

Section 29(4) - meaning of environmental law

This section relates to the meaning of environmental law and gives Welsh Ministers the power to amend this by regulation, which the statement of intent and explanatory memorandum explain is “to ensure the definition of environmental law can be future proofed and updated with the latest developments in respect of international and domestic policy”.

We note that the UK Environment Act 2021 provides the Secretary of State with a similar power in section 46(5). However, [section 46\(6\)](#) of the UK Act also requires the Secretary of State to undertake consultation before making regulations, including with the Office for Environmental Protection, which is important given the meaning of environmental law shapes its oversight remit.

The meaning of environmental law in section 29(4) of the bill will perform a similar role for the OEGW (the statement of intent notes that it “effectively sets the scope of the OEGW’s functions” while the explanatory memorandum notes that it “has a substantial bearing on the scope of the Office of Environmental Governance’s oversight powers”). It is concerning, therefore, that no consultation requirement has been included in section 29 in relation to the OEGW. This should be added.

8. Are any unintended consequences likely to arise from the Bill?

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

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

EPGBTWB 12 - Evidence from: RSPB Cymru

Senedd Cymru | Welsh Parliament

[Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee](#)

[Bil yr Amgylchedd \(Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth\) \(Cymru\) | Environment \(Principles, Governance and Biodiversity Targets\) \(Wales\) Bill](#)

You do not need to answer every question, only those on which you wish to share information or have a view.

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

This legislation is vitally needed.

Primary legislation is needed to reinstate the influence of the core environmental principles on Welsh policy, and to establish a new body to provide independent oversight of our environmental laws – thus delivering on long-standing Welsh Government commitment that environmental standards will be upheld – if not strengthened, following the UK’s exit from the EU.

However, as the Explanatory Memorandum (EM) makes clear, the evidence – including the 2023 State of Nature Wales [report](#) – shows us that simply maintaining existing standards is not enough. We need action at scale and pace to deliver nature’s restoration and recovery, and as argued in our 2021 report [Putting Wales on a Path to Nature Recovery](#), the existing legislative framework is not adequate to secure this. An ambitious framework of legally binding targets must ensure that action for biodiversity is mainstreamed for the long term, to enable Wales to deliver on global commitments and see nature restored and thriving by 2050.

We therefore warmly welcome the tabling of the Bill. As set out in our evidence, however, we believe that it should be clarified and strengthened in parts to ensure it provides the ambition, accountability and enforcement to secure a healthier environment and restore nature in Wales.

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

Part 1 - Environmental objective and principles (sections 1 to 7)

We welcome the introduction of an overarching environmental objective and the embedding of core environmental principles together with a duty to integrate environmental protection. However, we are concerned that aspects of the drafting could undermine the application and impact of the principles, and we recommend some changes, as set out below.

Environmental Objective

We welcome a headline overarching objective, aimed at achieving a high level of environmental protection and improvement of the environment, providing a core statutory purpose for the application of the environmental principles.

However, we are deeply concerned by reference (in clause 1(1)(a)) to contributing to achieving the well-being goals as part of the objective itself. The goals are not limited to the environment but also address economic, social and cultural aspects of sustainable development. We are concerned this will undermine and weaken the application of the environmental principles.

We also consider this particularly problematic given that the environmental objective provides the general purpose for the new Office for Environmental Governance Wales (OEGW). We fear this has the potential to compromise the OEGW's ability to uphold environmental law.

We therefore recommend that clause 1(1)(a) should be deleted.

Environmental Principles

We welcome the approach taken in the Bill on the role and application of environmental principles to replace their function under the Treaty on the Functioning of the European Union (TFEU). However, there are some areas where the bill needs clarifying or strengthening, as we highlight below.

The Duty

The duty on Ministers (clause 3) and NRW (clause 4) to have "special regard" to the principles and to integrate environmental protection is a welcomed strengthening compared to the equivalent requirements in other countries. It should mean that environmental principles should underpin the new environmental governance system in Wales, ensuring that environmental considerations inform ministerial and NRW policy making (which includes

proposals for legislation and developing, adopting or revising policies¹) from the outset.

We also welcome the decision to apply the duties directly to the principles rather than the more indirect – and less helpful – approach taken by the UK Government of attaching the duty to a Principles Policy Statement. The Welsh Government should also be commended for avoiding the carve-outs for fiscal and defence policy, which the other governments included in their legislation.

Scope

However, we are extremely concerned that the duty to have special regard to the four principles is limited by only applying to policy that “*has, or could have any effect on the environment*” as set out in clause 3(1)(a), with the use of the word “such” in clause 3(1)(b) meaning the same qualification applies to the integration duty. This clearly limits the application of both the integration duty and the environmental principles. Their application is not limited in this way in England, Northern Ireland or Scotland.

We note that, in his evidence session with the Committee on 26 June, the Deputy First Minister emphasised that the principles would have to be applied in relation to all policy making; this point is also stressed by the EM. However, we consider the current drafting would allow future Welsh Ministers to exclude policy from application of the duty if they determine it would not have any effect on the environment.

The integration principle derives from international law, particularly the Rome Treaty, and seeks to ensure that environmental principles are embedded across *all* fields of policy, not only those obviously related to the environment. To ensure it fulfils its vital role, it would be preferable to have the integration duty requirements first in clause 3(1)(a), with the environmental principles consideration applied for all policies thus “scoped in”, second both in time and within the Bill.

Public Authorities’ Duties (clause 5)

The Bill places a requirement on certain public authorities to integrate environmental protections and “have regard” to the environmental principles when carrying out their assessment of plans and programmes (known as Strategic Environmental Assessment (SEAs)) functions (clause 5). It is not clear why this requirement is limited to only their SEA functions, or is a lesser duty than that placed on Ministers and NRW. We further note that SEA already substantially includes consideration of the environmental principles’ aims and objectives and we are keen to understand how this new duty (and the associated guidance) will secure additional benefit. We would encourage the Committee to seek further clarity on these matters.

Environmental Principles and Integrating Environmental Protection Statement

¹ As clarified in clause 3

We support publication of this statement to support the application of the principles and integration of environmental protection duties. Clause 6(5) allows the Welsh Ministers to review the statement from time to time. We suggest the Bill should require the Statement to be reviewed regularly, e.g. once per Senedd term, to ensure that it keeps pace with developments in environmental protection legislation and provides up to date guidance to ministers and public authorities.

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

Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)

We welcome the creation of the Office for Environmental Governance Wales (OEGW). This new body will have an unique and critical role in ensuring effectiveness and implementation of environmental law in Wales.

Whilst we are broadly supportive of the remit and functions set out for the OEGW there are several matters of concern which we consider must be remedied to provide effective environmental governance.

1. Ensuring Independence

The OEGW will only be effective in carrying out its purpose if truly independent from government. We welcome the Deputy First Minister's recognition that the independence of the OEGW is crucial to its operations²; this is also reflected in the Explanatory Memorandum (e.g. para 3.165). However, we consider it vital that the independence of this new body is clearly stated on the face of the Bill. The Welsh Government should amend the bill to introduce a duty on Welsh Ministers to not only respect the OEGW's independence but also to be clear there is no ability to influence the Body. There are examples of this approach in existing legislation:

The Environment Act 2021, Schedule 1, para 17 duty is very powerful and frames the relationship between the OEP and Defra: "*In exercising functions in respect of the OEP, the Secretary of State must have regard to the need to protect its independence*". The application of this requirement covers any decisions including appointments and funding.

The independence of Environmental Standards Scotland is also protected through the Continuity (Scotland) Act, Schedule 1, para 1 "*In performing its*

² <https://www.senedd.tv/Meeting/Live/3e9ce200-e633-4f72-b46e-159ebf905b2a>, several examples including at 43:53

functions, [ESS] is not subject to the direction or control of any member of the Scottish Government”.

We recommend that explicit wording protecting the independence of OEGW be added to the Bill.

Sufficiency of resources and funding

The Bill currently says very little about the funding of the OEGW, with paragraph 16 of Schedule 1 simply giving Ministers the power to make payments to the body. Adequate resourcing will be essential in providing the security and independence needed for the OEGW to fulfil its functions and purpose, and we consider safeguards on this must be included within the Bill. This could follow the example of the Environment Act 2021 which requires (Schedule 1, para 14) that:

“(3) A statement of accounts must include an assessment by the OEP of whether, in the financial year to which the statement relates, the Secretary of State and the Northern Ireland Department provided it with sufficient sums to carry out its functions.”

We also strongly recommend the Body should receive a 5-year indicative budget.

The OEGW’s Strategy

It is essential to the OEGW’s independence that the new Body has complete discretion in the development and publication of its Strategy. Although it is beneficial to include some elements on the face of the Bill, for example the requirement for an enforcement policy, the overly prescriptive nature of Schedule 2 is of concern.

Despite such full coverage, we note there are some omissions for example reference to the important need to consider the existing work of the Climate Change Committee and ensuring not only collaboration but also no overlap with the functions of this important body.

2. Functions and powers

General purpose.

The OEGW’s general purpose (as set out in clause 9) is to contribute to the environmental objective in clause 1. As discussed above, we welcome the first part of the environmental objective: *the attainment of a high level of environmental protection and an improvement of the environment*, we are concerned by the link to the well-being goals in clause (1)(1)(a). We strongly believe this would weaken the body’s vital environmental focus.

We therefore strongly recommend the OEGW’s purpose be re-stated to focus solely on environmental protection and improvement of the natural environment.

As noted in our response to Part 4, we do not agree that the OEGW should be subject to the Well-being duty in s3 of the Well-being of Future Generations Act, and as such this should not be referenced in Schedule 2.

Main Functions

The effectiveness of the OEGW's provision of environmental governance depends on the following definitions:

Meaning of "environmental law" (clause 29)

We strongly recommend it is made clear that the OEGW is able to review and scrutinise all legal and policy areas (including interpretative guidance) which may impact the environment, including for example economic, transport, social and health policies as well as consideration of international law particularly those conventions, protocols and agreements which lead to our domestic environmental protection legislation.

Currently clause 29 defines environmental law "As any devolved provision to the extent that it - wholly or mainly relates to environmental protection....". We are concerned this may have unintended limitation on the OEGW's scope to only legislation wholly or mainly concerned with the environment. Simply adding the word "legislative" before "provision" would make it clear that even a single section or regulation would be enough to pass this definition.

Meaning of "public authority" (clause 30)

Clause 30 refers to an existing list of authorities as well as to a definition in the Government of Wales Act 2006. We are concerned this approach omits some reserved bodies that undertake devolved public functions in Wales - for example, The Crown Estate. It is not clear that the devolved functions of these bodies fall under the auspices of the OEP either - leaving an accountability gap. The Welsh Government should clarify which public authorities fall within this accountability gap, and how it plans to address it.

We would prefer an approach which would ensure public functions undertaken by private entities are included in the scope of OEGW's governance. For example, section 31(3) of the Environment Act 2021 includes a definition that covers both public authorities and public functions:

(3) In this Part "public authority" means a person carrying out any function of a public nature...

Subject to the above issues, overall we welcome the functions set out in clauses 11 to 22, but there is one key exception - Review of Compliance Notices - and a major gap - the ability for people to make representations to the OEGW.

Review of Compliance Notices (clause 18)

This allows any public body that has received a OEGW Compliance Notice, including an Urgent Compliance Notice, to request that it be reviewed. Such a request appears to be able to include process and well as substantive issue points,

and following the review the Notice can be varied or withdrawn. The review is to be undertaken by the OEGW's Review Committee.

Schedule 1, para 10 makes clear the Review Committee must include at least two "external" persons, selected from a list maintained by the Welsh Ministers. We are deeply concerned that such an influential role could be passed to "externals" ultimately weakening the OEGW's authority.

In addition there appears to be a significant undermining of the reasons for and therefore purpose of an Urgent Compliance Notice, by also enabling internal review of them with no specified timeframe attached.

We urge the Committee to seek clarity on these matters including serious consideration being given to an alternative process without possible "external" interference and without the ability to request a review of urgent compliance notices.

Representations

The ability for citizens to make representations to the OEGW regarding implementation of, compliance with and effectiveness of environmental law is critical to reinstating the rights we enjoyed prior to the UK's departure from the EU. This ability is provided, in relation to the OEP, by s32 of the Environment Act 2021.

It is equally important that there is a requirement for the Body to keep those who submit representation informed. The Environment Act 2021, section 34, includes this important duty:

"(1) Where a person makes a complaint to the OEP alleging that a public authority has failed to comply with environmental law, the OEP must keep the complainant informed about its handling of the complaint."

S34(2) sets out specific requirements for the various stages if the complaint leads to an investigation.

It is important that these fundamental provisions are included within Part 2 of the Bill, not left to be determined within the OEGW strategy.

Further requirements and abilities

We are disappointed that the OEGW does not have a duty to work with its counterparts in the other UK nations, and would like to see this added to the Bill – the OEP (under s27(4) Environment Act 2021) and Environmental Standards Scotland (under the s23(3) Continuity (Scotland) Act 2021) are subject to a duty to consult other environmental governance bodies where relevant. In addition, the Continuity (Scotland) Act 2021 sets out a list of powers for ESS, in exercising its functions (e.g. research, obtaining independent expert advice) which would be valuable for the OEGW.

We are also concerned that the Bill does not provide a power for the OEGW to intervene in proceedings brought by other parties (such as engagements with the

High Court). This is a power that is explicitly provided for the OEP and ESS in their respective founding legislation.

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

▪ Part 3 - Biodiversity targets, etc (sections 33 to 38)

We welcome the target-setting framework introduced by Part 3. It contains many positive elements, but we suggest it needs to be strengthened to avoid leaving the door open for a minimalist approach to implementation. In our evidence we address the need for:

1. Greater clarity on the ambition to halt and reverse biodiversity loss and to restore biodiversity, including a 'north star' target to reverse the decline in species abundance within ten years, to embed urgency and ambition within the Bill.
2. A requirement for both long term, and short term/interim targets relating to key biodiversity measures, to ensure a focus on long-term outcomes drives action for many years to come.
3. A process for reviewing targets regularly to ensure their 'significant contribution' to reversing biodiversity loss holds.
4. Clarity on the requirements on public bodies and government departments, to support mainstreaming of biodiversity actions.
5. Enhanced scrutiny through a role for the OEGW in relation to the evaluation of targets and delivery plans

These points are addressed in more detail below.

1. Greater clarity on ambition

A North-Star target requirement

It is disappointing that the White Paper proposal for a headline target has been dropped, but we recognise the complexity of setting and measuring against such a target. However, we suggest the alternative approach of including a requirement in the Bill for a target to reverse the decline in species abundance by 2035, so that, by that date, abundance is at least at the same level as it is today, and is showing an upward trend. This short-term target, addressing a key biodiversity measure, would act as a 'north star' - giving an indication of the scale and pace of change required to set biodiversity on a path to recovery, and embedding the ambition and commitment of the current Welsh Government

and Senedd as they prepare to hand the delivery of this vital legislation onto the next.

This proposal follows the precedent of the Environment Act 2021 (section 3), which, alongside duties to establish long term environmental targets, includes a specific requirement for a target to halt the decline in species abundance by 2030. Our suggested later deadline here accounts for the extra time it has taken for the Welsh Government to introduce this legislation. The trajectory required to meet this target would mean species decline being halted by 2030, aligning with the UK Government target and Global Biodiversity Framework (GBF).

Condition for targets to meet

6B(2) sets out the condition that targets must meet: the Ministers can only set a target if they are satisfied that meeting it would contribute to halting and reversing biodiversity loss, in particular through one or more of: increasing the abundance of native species; enhancing the resilience of ecosystems, and increasing genetic diversity. These three elements correspond with Goal A of the [Global Biodiversity Framework](#) (GBF), and so this is a positive framing for biodiversity targets.

However, we are concerned that to ‘contribute to halting and reversing biodiversity decline’ is a weak test, and suggest this should be strengthened. As in the GBF, the aim to restore biodiversity as well as halting and reversing decline should be clear, and Ministers should be satisfied that each target will ‘significantly contribute’ to this ambition. We also suggest that Ministers must set out how meeting each target will contribute to 6B(2) in the regulations in 6B(4), to increase robustness and transparency.

As a point of detail we note that 6B(2)(c) refers to increasing genetic diversity whereas Goal A refers only to maintaining genetic diversity. We would be interested to hear the reasoning behind this change.

Targets duration

As expected, 6B(4)(b) requires that each target set must have a date specified by which the standard is to be achieved. However, in contrast to other legislation - e.g. the Environment Act 2021 and the Environment (Air Quality and Soundscapes) (Wales) Act 2023, which both stipulate and define ‘long term’ targets - there is no general requirement as to minimum duration. We are concerned that it would be possible, particularly with the weak ‘contribute’ test, for all of the targets brought forward to be short in duration, whereas in reality, restoring biodiversity is a long-term goal and action will need to be driven through

numerous Welsh Government terms. Legally binding shorter term, or interim, targets are also important to ensure that action cannot be delayed and that successive Governments are held to account.

Target setting process (new section 6D(1))

We welcome the requirement in the new 6D(1) for the Welsh Ministers to seek advice from persons they consider to be independent and to have relevant expertise, and the accompanying requirement in 6D(2) for Ministers to publish a summary of such advice. It is important that this independent advice is also applied to the consideration Ministers must make as to whether a target would contribute to halting and reversing biodiversity loss (which, as outlined above, we suggest should also be addressed in the Regulations under 6B).

6D(4) requires that the Welsh Ministers must be satisfied, before making or amending a target, that the target or amended target can be met; we would expect this to be considered in the independent advice sought under sub-clause (1). The transparency and accountability provided for by this section would be improved if the requirement to publish advice addressed this matter also.

Whilst the requirement to publish a summary of the advice will provide some transparency as to whether that advice has been followed, we note there is no requirement in 6D(1) for Ministers to take account of the advice received - this should be added (for comparison, the Natural Environment (Scotland) **Bill** (clause 1(3) 2E in the Bill as tabled) requires Ministers to seek, *and have regard to*, scientific advice when setting or amending targets).

The duty in new section 6E, for Ministers to ensure the targets are met, is very welcome, and a vital part of this framework.

Review of targets (new section 6G)

There is no requirement to review targets regularly - only a power to do so from time to time, unless specified circumstances apply (i.e.: Ministers must review a target if it appears to them that it may not be met, or that it may no longer be appropriate; and must review the full suite of targets if one target has not been met).

The EM (3.354) suggests that a target may no longer be appropriate, and should trigger a review, if it has been set too low/ is not ambitious enough. We think the Bill should make this clearer, and could do so by explicitly linking 6G(2)(b) to the s6B requirement for Ministers to be satisfied that a target will contribute to halting and reversing biodiversity loss.

Regularity of review and 'significant improvement test'

The absence of a requirement for a review of targets to be undertaken regularly differs from the approaches taken for England and Scotland.

The Natural Environment (Scotland) Bill (as tabled) requires a review of the targets set, and the topics for targets that are set out in the Bill, to be undertaken once every ten years.

The Environment Act 2021 requires targets to be reviewed to consider whether the 'significant improvement test' is met. This is to consider whether the full set of targets set under that Act, together with relevant targets set under other legislation, would significantly improve the natural environment in England. The first of these reviews was required by a deadline of 31 January 2023, and the Act requires subsequent reviews to be undertaken every 5 years. We would emphasise though, that the provisions for the Significant Improvement Test are not ideal and we would not want to repeat them wholesale – the main problem being that the test is a subjective one undertaken by the Secretary of State.

It is not clear why the Welsh Bill does not include a requirement for a regular review of the targets, nor a test as to whether, as a set, the targets in force at the time of a review are sufficient to make a significant contribution to halting and reversing biodiversity loss (as per 6B(2)). A regular review requirement, with a requirement for independent advice to be transparently applied, would enable the Welsh Government to ensure a sufficiently ambitious suite of biodiversity targets is established and maintained in the long term. This would provide a further safeguard against a minimal approach being taken under this Part.

Power to revoke or lower a target (6H)

As noted above, 6H limits the Welsh Ministers' power to revoke or lower a target to prescribed circumstances. We question the reference to 'disproportionate costs compared to benefits' of meeting a target, as set out in 1(c) and referenced in 6H(2)(a); how will this be assessed, in particular ensuring the benefits of meeting a target are properly taken into account?

We note there is no requirement, if a target is revoked, that it should be replaced with an alternative target – this is in contrast to the Natural Environment (Scotland) Bill which requires that if a target is revoked through a Regulation, a new target should be set via the same Regulation (section 2C(1) of the Bill as tabled). This provision appears to provide a safeguard against biodiversity targets simply being dropped.

Statement about targets (6I)

The process set out in 6I is broadly as we would expect but we are concerned that under 6I(3), in the event that a target has not been met, Ministers are given 12 months to publish a report explaining why not, and setting out the steps to be taken. 12 months seems an unduly long time for this stage, particularly given that, if a target has not been met, there is likely to be an urgent need for remedial actions to be taken. We recommend this timeframe should be reduced to 6 months.

2. Requirement for long term and interim targets covering key measures to be introduced as soon as possible

As noted above, we propose that there is a requirement for at least one *long-term* target to be set in each priority area, in addition to a requirement for legally binding shorter term or interim targets.

Priority Areas

6C requires Ministers to set a target (using the 6B power) in respect of at least one matter under each of four priority areas. We welcome the inclusion of priority areas on species – the building blocks of biodiversity; ecosystems; and pollution – one of the main drivers of biodiversity loss; but please see further comments on priority areas (a) and (b) below.

While we agree that the subject of priority area 6C(2)(d) - quality of and access to evidence - is important, we feel we need more information to understand the role that targets will play in this area, as opposed to a specific duty for Welsh Ministers – e.g. s16 of the Environment Act 2021 places a specific monitoring duty on the Secretary of State.

The RSPB views four matters as priorities for target setting because of their importance as measures of biodiversity - species abundance, species extinction risk, habitat extent, and habitat condition.

Priority area (a) – reducing the risk of the extinction of native species – could be read as focusing only on extinction risk, rather than wider species measures. It is vital that this framework seeks to drive the recovery not only of threatened species, but also species that are widespread but declining, as well as keeping common species common (this is in keeping with Target 4 and Goal A of the GBF). In spite of the connection to ‘increasing abundance’ in 6B(2), we think the current framing could be limiting. We would prefer to see this priority area drafted more broadly – e.g. ‘improving the status of native species’.

Priority area (b) – effective management of ecosystems – makes a welcome connection to both the ecosystem restoration target (target 2) and the 30 by 30 target (target 3) of the GBF. We recognise that the priority areas must be read in conjunction with the components in 6B(2)(a-c), which includes enhancing the resilience of ecosystems. However, we would emphasise the importance of targets addressing both extent and condition of ecosystems – rather than only considering management as an action-based proxy for these. We also consider targets specifically related to protected areas (terrestrial/freshwater and marine) are vital, given their vital role in biodiversity protection and recovery.

As indicated, we consider that a single target in these priority areas would be insufficient – the requirement to set *at least one* target in each priority area is therefore important, but we would welcome clarification that thinking will not be limited to seeking one target only. As well as targets needing to address multiple parameters of biodiversity, it will be necessary to have specific targets for marine, terrestrial and freshwater environments.

The EM states that the framework allows for both outcome-based and action-based targets. We see a role for action-based targets, particularly as short-term or interim targets, but would like to emphasise that we consider long-term biodiversity outcome targets as essential for securing ministerial accountability for the state of nature, which we see in turn as critical for ensuring a commensurate response. For example, interim targets of securing effective management (management plans in place and actions on track) of terrestrial/freshwater and marine protected areas would provide a valuable milestone towards achieving longer-term condition-based targets.

Statutory deadline for bringing forward priority targets

Currently, Welsh Ministers are required by 6C(5) to bring forward the first set of targets within three years of Royal Assent. This is an unacceptably long timeframe for the setting of targets, given the nature emergency that Wales currently faces. As work has already started on developing targets and identifying suitable indicators, we suggest that the first set of targets should be set within 12 months of Royal Assent.

3. Clarity on the requirements on public bodies and government departments, to support mainstreaming of biodiversity actions.

Designation of public authorities (new section 6F)

New section 6F empowers the Welsh Ministers to designate a public authority in relation to a target set under 6B. A public authority so designated is required,

under s6(2A) to take action to contribute to the target in relation to which it has been designated. We welcome this approach, as it should both push and support public bodies to prioritise biodiversity delivery, and better mainstream it into wider functions. As the recent Wales Audit Office [report](#) on the section 6 found, the nature emergency is not currently given high enough priority.

However, we are concerned that 6F refers to ‘a public authority’ in the singular, and would welcome clarification that Ministers may designate multiple public bodies in relation to any individual target. Since the targets will be strategic in nature, we think it is very likely that multiple public bodies will have a role to play in relation to any one of them – e.g. all Local Authorities and National Park Authorities.

Biodiversity planning and reporting requirements (clause 35 inserting new s6(6A))
Welsh Ministers’ plans for meeting the biodiversity targets are integrated into the existing planning requirements under the s6 Biodiversity and Resilience of Ecosystems Duty. It is welcome that new sub-clause 6(6A) requires the plan prepared by the Welsh Ministers to set out the action they propose to take to meet targets, and when they propose to take it.

It is disappointing that the Bill does not stipulate that the Welsh Ministers’ plan for meeting the biodiversity targets must address the areas of responsibility of all of the Welsh Ministers. Wording for this could be based on s39 of the Environment (Wales) Act, which states that the Welsh Ministers’ report for each carbon budget period ‘*must set out proposals and policies covering the areas of responsibility of each of the Welsh Ministers*’.

This is particularly important given the key finding of the [Wales Audit Office report](#) on implementation of the s6 duty: There is evidence of some integration of the strategic approach to biodiversity with wider Welsh Government policy but there has been far less national focus on biodiversity than on decarbonisation. Snapshot analysis of the Welsh Government’s budget presented in the Future Generations [Report](#) backs this up, with the finding that only 8.7% of the budget is likely to positively impact the ‘Resilient Wales’ Goal, and a shocking 50.4% could be harmful to it.

4. Enhanced scrutiny through a role for the OEGW in relation to the evaluation of targets and delivery plans

Evaluation report (clause 37/new section 6A)

This new report must set out the Ministers’ assessment of the impact and

effectiveness of the proposals set out in their biodiversity plan. This is welcome, but we do not consider that placing this responsibility on Ministers alone is adequate.

We note that the Environment Act 2021 (s28) places a specific duty on the OEP to monitor and report on environmental improvement plans and targets, and to publish an annual report, to which the Secretary of State must respond. The OEP's reports under this duty have been very robust in challenging the UK Government and pushing for greater clarity as to how its environmental targets will be met. This has contributed to the UK Government's decision to undertake a review of its Environmental Improvement Plan (this is still ongoing).

Given the challenges biodiversity is facing and the inadequacy of actions to date to address the nature emergency, we suggest a similar role should be set out for the OEGW in evaluating the effectiveness of Ministers' plans and actions for biodiversity.

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

Part 4 - General (sections 39 to 45 and Schedule 4)

Paragraph 3 of Schedule 4 brings the OEGW within scope of the Well-being of Future Generations (Wales) Act 2015 by adding it to the list of public bodies specified in section 6 of the Act and requiring it to comply with the well-being duty in section 3 of the Act. We do not agree that this is appropriate, given the specific environmental oversight role and functions of the OEGW.

We suggest that Paragraph 3 of Schedule 3 is removed and that, instead of being subject to the requirements of the Act the OEGW, once set up, works with the Future Generations Commissioner to agree how they will work together. This should inform the preparation of the OEGW's strategy (Schedule 2 requires the strategy should set out how the OEGW intends to avoid overlap with the Future Generations Commissioner in the exercise of their respective functions).

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

The Bill leaves 'unfinished business' in terms of the public bodies that are covered by various duties and by the oversight of the OEGW. The current limitation to devolved public authorities not only has a limiting effect on the impact of the duty to have regard to the environmental principles and the ability for Ministers to designate public authorities in relation to biodiversity targets, but leaves gaps in coverage of environmental oversight in relation to Wales, since neither OEGW nor the OEP will have the remit to consider the delivery of devolved environmental law by reserved bodies.

Linked to this are limitations – we believe – in the Bill's application to the marine environment. Part 1 (s3(3)(c)) applies the environmental principles duty to policy affecting the offshore area for policies relating to fishing, fisheries and fish health. In Part 2 (s12(6)) states that the OEGW's power to advise Ministers on environmental law applies in the same way. We do not believe there is any reference to the marine environment in Part 3 and we assume therefore that as per Part 1 of the Environment (Wales) Act 2016 this Part extends only to inshore waters.

Perhaps the greatest challenge in terms of implementation of the Bill is that, to a very significant degree, it will not be delivered by the current Welsh Government and Senedd, but by their successors. There is no guarantee that the shared commitment to robust governance and high ambition and accountability for biodiversity, as set out in the declaration of a nature emergency by the Senedd in 2021, will be maintained.

This uncertainty has sharpened our focus on seeking to ensure the Bill does not leave room for doubt as to the scale and pace of change required to restore the health of Wales' environment and biodiversity.

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

.

8. Are any unintended consequences likely to arise from the Bill?

In our evidence we have made recommendations for increased clarity within the Bill. Our position differs from that of the Welsh Government in some instances in relation to the importance and value of stating matters on the face of the Bill, rather than depending on their inferral from what is absent.

One key example of this is the current absence of a specific provision protecting the independence of the OEGW.

Another is the absence of a power for any person to make a representation to the OEGW, and a requirement on the body to set out key elements of the process for receiving, handling and acting in relation to such representations.

The absence of a specified 'long term' duration for biodiversity targets – with the risk that this could lead to only short term targets being brought forward – is another.

As a final example, the Bill requires important reviews – of the Principles and Integration of Environmental Protection Statement, and the biodiversity targets – 'from time to time'. This presents a risk that weak or inadequate products remain in place in the long term.

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

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

Evidence from: WWF Cymru

Senedd Cymru | Welsh Parliament

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

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

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

- WWF remains strongly supportive of this legislation and what it is seeking to achieve. We have been pressuring Welsh Government to bring forward this legislation since the EU Referendum given the central and essential role environmental principles, and EU regulatory bodies have played in protecting and seeking to improve the Welsh environment over several decades.
- Given this it remains regrettable that it has taken longer to get to this point than other parts of the UK. We hope that delay can be turned into an advantage by Welsh Government seeking to learn from and improve upon more developed approaches elsewhere. To this end, we have made several references in this evidence to where approaches by Scottish and HMG appear stronger than the Bill as currently drafted.
- We would have welcomed more ambition from Welsh Government to update and improve upon Wales' existing biodiversity framework in the form of the Environment (Wales) Act 2016. As we have made clear in previous Committee submissions, this legislation, and particularly the concept of the Sustainable Management of Natural Resources (SMNR) have thus far shown themselves to be poorly articulated (in both legislation and policy); deficient to global progress (such as the distinction between 'maintain and enhance' and 'restore'); poorly understood by Government itself and wider public authorities; and have not resulted in sufficiently strong implementation or measurable results over the past decade.

- It remains regrettable that rather than seeking to improve this substantially, Welsh Government's view is that the problem is not with the framework legislation itself, but rather with all those trying to implement it. After this amount of time, and failure to produce the desired results, we would suggest that further reflection and improvements are worthy of consideration.

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

▪ Part 1 - Environmental objective and principles (sections 1 to 7)

- WWF is concerned about the scope of the environmental principles duty to apply only to policy that has an effect on the environment. This is different to the approach taken by the UK and Scottish Governments which instead applies the principles to all policy making.
- That said, HMG does then take the step to carve out some policy areas (notably defence). In effect these differing approaches could amount to the same result, yet it is something which should clarify as the Bill develops.
- WWF's view is that the best approach would be to apply the principles to all policy making without any carveouts. This would avoid the situation where impacts on the environment are missed, because the relationship between policy making and the environment is not immediately apparent.
- Furthermore, it would remove the 'freehand' the current wording gives future ministers to decide what is and is not related to the environment. This is a risk in the long-term.
- It is unclear whether budget setting for policy implementation is captured by the Welsh Government's approach. This risks the creation of strong and compliant policy that is then undermined by poor budgetary decisions.
- Equally it risks the opposite, where policies are well funded that don't appear to have a significant environmental impact, but then through that budgetary focus, end up having a detriment impact through a failure to appreciate the wider impact, or the lack of remaining funds for other policies.

- The Bill attempts to deal with this through the application of integration, yet full integration is undermined by the initial clause that limits the principles to policy that has an effect on the environment.
- This is not true integration, which was intended (as set out in the Rome Treaty) to ensure that principles are embedded across all aspects of policy, rather than just those with an obvious link to the environment.
- WWF welcomes the application of ‘special regard’ to Welsh Ministers and NRW. This is the highest iteration of regard and shall hopefully ensure that the principles are properly exercised. Doing so does however highlight that other public authorities need only to have ‘regard’ to them.
- It can be argued that it is appropriate that NRW and Welsh Ministers have a higher regard due to the scope of their work, yet we would recommend stronger, more proactive wording is found for other public authorities – such as the requirement to ‘enact’ the principles in decision making.
- Furthermore, the environmental principles duty only applies to them when carrying out functions connected to Strategic Environmental Assessments (SEA), yet it is unclear what is meant here practically. This is something which needs to be explored as the Bill develops.
- A wider point to be made is the attempt to integrate the principles with the Well-being of Future Generations (Wales) Act 2015. The approach taken in Section 4 of the Bill is problematic as it attempts to place the principles within the scope of the FG Act, despite the reality that the FG Act itself was developed within the context of the principles as they applied in EU law.
- Removing (due to Brexit) and then inserting the FG Act in this way risks confusing and diluting the strength of the principles as their focus on environmental protection and improvement is lessened as they would now also have to account for wider FG Act ambitions. We suggest this reference is removed.
- Finally, the review process for the principles and integration statement is weak with a requirement to only review it ‘from time to time’. This leaves it open for a weak statement to be unchanged for political convenience. We suggest a provision is added to require the statement to be reviewed within 24 to 36 months of a Senedd election.

- Further to this we suggest that as well as being laid before the Senedd, the statement is also subject to an affirmative vote by the Senedd to add democratic legitimacy.

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

▪ Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)

- WWF strongly welcomes the establishment of the Office of Environmental Governance Wales (OEGW). It has taken the Welsh Government far too long to get to this point.
- The independence of the OEGW is of critical importance, as the body will likely focus most of its monitoring and compliance activity on Welsh Ministers.
- While the Explanatory Memorandum recognises that independence is of 'paramount importance' to effective operation, the Bill itself does not provide sufficient safeguards to define and protect that independence.
- For example, the Bill is silent on the independence of the body and does not include any of the comparable safeguards that the Scottish and UK Governments built into their legislation. Specifically, the Bill should be amended to set out that Welsh Ministers have no powers of direction over the body.
- At present, there is no provision in the Bill to safeguard the body's financial security [resourcing]. This cannot be left to chance, as the goodwill of current ministers does not guarantee independence in the long term. HMG committed to provide the Office of Environmental Protection (OEP) with a ring-fenced five-year indicative budget and also included a power in the Environment Act 2021 to enable the OEP to highlight any under-resourcing to the Westminster Parliament. Similar safeguards should be considered for the Bill.
- The arrangements for appointing the body's Chair and other board members place the power in the hands of Welsh Ministers, with little input from the Senedd. This balance must be reconsidered due to the unique role

the OEGW will play on monitoring and enforcing breaches of environmental law, including by Welsh Ministers.

- WWF would encourage Committee Members to reflect on the level of engagement they would consider appropriate, such as an active and majority role in recruitment panels, rather than a role in the scrutiny of preferred Government candidates.
- The requirements in Schedule 2 on what the OEGW should include in its strategy are overly prescriptive and should be reduced to avoid further undermining the body's independence.
- The Bill does not establish a legal requirement for the body to accept complaints or representations from the public. This is a major gap in what has hitherto been considered a central purpose of a new body. Excluding a specific clause to this effect risks weakening the rights Welsh people had when the UK was a member of the EU.
- Linked to this is the need for OEGW to have the explicit power to intervene in proceedings brought by other parties (such as engagements with the High Court). This is an invaluable tool enjoyed by equivalent bodies in the rest of the UK.
- A further matter of significant concern is that the Bill requires OEGW to cede power on its enforcement decisions to a 'review committee' which will include people appointed by Welsh Ministers. This would undermine the body's governance and should be removed.
- Finally, little information has yet been provided on the timetable for setting up the new body or the transition from the non-statutory Interim Environmental Protection Assessor for Wales. While we wouldn't expect this to be in the text of the Bill, the timetable is critical and the Welsh Government should begin setting up the OEGW now, so that it can be legally established as quickly as possible, avoiding further delay.

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

▪ Part 3 - Biodiversity targets, etc (sections 33 to 38)

- WWF remains disappointed about the lack of a headline, timebound target to reverse the decline in species abundance in line with the international community. This is a key part of biodiversity recovery and should be included in the Bill to give a clear signal of the urgency of action needed.
- Given the excessive time it has taken Welsh Government to bring forward this legislation the prospect of achieving 2030 ambitions is now unobtainable. In response Welsh Government, rather than abandoning a timebound target, should instead commit to a target of 2035. Similar targets have been set elsewhere in the UK, and we are concerned that the current Welsh Government approach fails to learn the lessons of the Environment (Wales) Act 2016, which has thus far failed to deliver the scale and pace of change intended.
- Further to this, the Bill should also set out the timeframe for wider targets, to be set in secondary legislation and make a distinction between short- and long-term targets. The equivalent HMG legislation requires long-term targets, and defines long-term as being at least 15 years. The Bill should adopt such an approach and require interim targets to be set for each Senedd until their attainment.
- Secondary legislation defining the actual targets should be brought forward within 12 months of the Bill's royal assent to ensure the next government does not delay action. If this cannot be achieved for all target areas then it should be limited to the priority areas identified in the Bill. This should be achievable given that work to define priority targets is already underway.
- One priority area defined in the Bill is the reduction of pollution. Welsh Government have ruled out acting on air pollution in this area due to existing legislation. WWF continue to urge Welsh Government to set a clear target to halve excess nutrient loss by 2030 as part of this priority area. This would reflect the COP15 agreement and drive government and public authority action to addressing freshwater pollution which remains rife across Wales.

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

▪ **Part 4 - General (sections 39 to 45 and Schedule 4)**

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

- The principal barrier remains the political unknowns facing Wales beyond May 2026. If this area is not a priority for the new Welsh Government, then the current working of the Bill will be sufficient for that government to produce a weak principles statement; not provide the OEGW with sufficient funding and independence; delay its commencement; and delay/weaken any biodiversity targets proposed.
 - It is for this reason that we make the recommendations contained in the above sections.

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

8. Are any unintended consequences likely to arise from the Bill?

- The gap over the lack of specific obligation to accept representations from the public, and for OEGW to intervene in cases brought by others could result in OEGW failing to fulfil its primary purposes. We do not believe that this is the intent of Welsh Government, nonetheless it could occur as the Bill is currently drafted.

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

- The costings contained in the EM appear realistic.

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

Defnyddiwch y templed hwn i lunio'ch ymatebion i'w cyflwyno drwy'r ffurflen ymgynghori ar-lein.

Tystiolaeth gan: Cyfoeth Naturiol Cymru

Senedd Cymru | Welsh Parliament

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

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

Nid oes angen i chi ateb pob cwestiwn, dim ond y rhai yr hoffech rannu gwybodaeth neu gyflwyno barn arnynt.

1. Beth yw eich barn am egwyddorion cyffredinol y Bil, ac a oes angen deddfwriaeth i gyflawni'r bwriad polisi a nodwyd?

Mae'r Bil yn darparu'r fframwaith cyfreithiol angenrheidiol i ymgorffori egwyddorion amgylcheddol yn gyson ac yn dryloyw ar draws polisi cyhoeddus Cymru. Mae hyn yn hanfodol i fynd i'r afael â bylchau mewn llywodraethiant amgylcheddol yn dilyn ymadawiad y DU o'r Undeb Ewropeaidd (UE) ac i ymateb i'r argyfyngau hinsawdd a natur.

Er bod egwyddorion amgylcheddol sy'n deillio o'r UE (yr egwyddor ragofalus, yr egwyddor ataliol, yr egwyddor cywiro yn y ffynhonnell, a'r egwyddor mai'r llygrwr sy'n talu) yn sail i lawer o'n fframwaith deddfwriaethol presennol, gan gynnwys drwy'r ddyletswydd rheoli adnoddau naturiol yn gynaliadwy o dan Ddeddf yr Amgylchedd (Cymru) 2016, mae'r Bil yn ofyniad angenrheidiol i sicrhau bod eu cymhwysiad yn eglur ac yn atebol ac mae'n darparu gofyniad statudol ar draws y gwaith o wneud penderfyniadau.

Dylai'r datganiad, os yw wedi'i gynllunio'n dda, gryfhau'r aliniad rhwng egwyddorion amgylcheddol a dyletswyddau statudol eraill, gan gynnwys Deddf Llesiant Cenedlaethau'r Dyfodol a Deddf yr Amgylchedd (Cymru) 2016.

Mae deddfwriaeth yn rhoi statws cyfreithiol ac eglurder wrth gymhwyso egwyddorion amgylcheddol, gan sicrhau cysondeb ac atgyfnerthu integreiddio diogelu'r amgylchedd mewn prosesau gwneud penderfyniadau ehangach.

I'r corff llywodraethiant, mae diben y polisi wedi'i fynegi'n glir yn ystod datblygiad y ddeddfwriaeth ddrafft ac o fewn y meysydd a nodwyd yn y Datganiad o Fwriad y Polisi. Ers gadael yr UE, Cymru yw'r unig ran o'r DU heb gorff statudol ar gyfer goruchwyllo'r gyfraith amgylcheddol sy'n gweithredu. Er na fydd Cymru yn gallu efelychu'r drefniant o dan yr UE yn llawn, mae creu corff llywodraethu newydd yn darparu lefel briodol o graffu domestig ar gyfraith amgylcheddol. Mae sicrhau bod Swyddfa Llywodraethiant Amgylcheddol Cymru (SLIAC) a'i swyddogaethau wedi'u diffinio mewn statud yn darparu gweithrediad cadarn a phriodol o amcanion y polisi.

Mae darpariaethau'r Bil yn adlewyrchu ac yn cyd-fynd ag ymrwymadau rhyngwladol megis nodau datblygu cynaliadwy'r Cenhedloedd Unedig, Cytundeb Paris, Ramsar, Confensiwn Bern, Deddf Newid Hinsawdd y DU a'r Fframwaith Bioamrywiaeth Fydeang. Maent hefyd yn unol â dyletswydd datblygu cynaliadwy Llywodraeth Cymru, a ymgorfforir yn Neddf Llesiant Cenedlaethau'r Dyfodol, dull rheoli ar lefel yr ecosystem y Cenhedloedd Unedig, a'r amcanion hinsawdd a ymgorfforir yn Neddf yr Amgylchedd (Cymru) 2016. 2. Beth yw eich barn ar ddarpariaethau'r Bil (a nodir yn ôl eu rhannau isod)? Yn benodol, a ydynt yn ymarferol ac a fyddant yn cyflawni'r bwriad polisi a nodwyd?

- **Rhan 1 – Amcan ac egwyddorion amgylcheddol (adrannau 1 i 7)**

Rydym yn cefnogi'r ddarpariaeth a nodir yn Rhan 1 o'r Bil ac yn ei gweld yn angenrheidiol i sicrhau bod ystyriaethau amgylcheddol yn cael eu hymgorffori mewn penderfyniadau cyhoeddus yng Nghymru.

Adran 1 Amcan amgylcheddol

Rydym yn cefnogi cynnwys amcan amgylcheddol lefel uchel. Mae hyn yn nodi'r disgwyliad bod rhaid i bob dyletswydd a swyddogaeth ddilynol o dan y Bil, megis cymhwyso'r egwyddorion amgylcheddol, y fframwaith llywodraethiant a thargedau bioamrywiaeth, gyfrannu at welliant amgylcheddol ac nid dim ond osgoi niwed.

Adran 2-5 Dyletswydd egwyddorion amgylcheddol. Rydym yn croesawu estyniad y ddyletswydd i Cyfoeth Naturiol Cymru gan ei fod yn cyd-fynd â'n dyletswyddau a'n cyfrifoldebau presennol. Rydym yn cynghori y dylai Llywodraeth Cymru ystyried ymestyn y ddyletswydd "ystyriaeth arbennig" yn ehangach i awdurdodau cyhoeddus allweddol eraill, yn enwedig i'r rhai sydd ag

effeithiau sylweddol ar ddefnydd tir, seilwaith, cynllunio a datblygu economaidd. Byddai cymhwyso'r egwyddorion mewn ffordd gymesur ar draws pob awdurdod cyhoeddus yn gwella'r ddarpariaeth drwy'r gallu i gyflawni canlyniadau polisi mwy integredig. Bydd yn galluogi atebolrwydd ar y cyd a chymhwyso cyson ar draws cyrff cyhoeddus Cymru.

Croesewir y ddyletswydd i roi 'ystyriaeth arbennig' i egwyddorion amgylcheddol sy'n deillio o'r UE. Mae cynsail cyfreithiol presennol i "roi ystyriaeth arbennig" wedi'i sefydlu gan y Llys Apêl mewn sawl achos, megis Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014), fel un sy'n ei gwneud yn ofynnol i wneuthurwyr penderfyniadau roi "pwysigrwydd a phwysau sylweddol". Mae hyn yn nodi bod rhaid rhoi pwysau sylweddol, a blaenoriaeth, i'r egwyddorion amgylcheddol.

Er mwyn cyflawni diben bwriadedig y ddyletswydd, rhaid ei chyfleu'n dda i sicrhau bod deiliaid y ddyletswydd yn deall y pwysau cyfreithiol ac yn cymhwyso'r ddyletswydd yn gywir ac yn gyson. Heb eglurder, mae risg bod y ddyletswydd yn cael ei chamddehongli neu ei chymhwyso'n arwynebol, gan felly danseilio ei heffaith fwriadedig.

Rydym yn argymhell y canlynol i helpu i gynorthwyo gweithrediad effeithiol:

- Bod ystyr bwriadedig y term 'ystyriaeth arbennig' wedi'i gyfleu'n glir yn adran 42 gan fod risg y caiff ei gamddehongli fel 'ystyriaeth ddyledus' yn unig, a fyddai'n gwanhau ei effaith gyfreithiol ac ymarferol.
- Dylid ystyried pob egwyddor yn fwriadol gyda gofyniad i ddangos tystiolaeth o sut mae pob un wedi dylanwadu ar y broses o wneud penderfyniadau (e.e. lliniaru, dewisiadau amgen, monitro, cydbwysu a gwella).
- Argymhellir y dylid darparu canllawiau clir i fynd i'r afael â fframio goddrychol a thermau fel 'ymagwedd meddwl agored' sydd mewn perygl o gael eu cymhwyso'n anghyson a chael eu camddehongli fel dyletswydd feddal neu symbolaidd. Dylai canllawiau clir ac enghreifftiau darluniadol egluro termau amwys.
- Mae angen cyfleu'r negeseuon ynghylch termau a phwysau mewn modd effeithiol i bawb.

Rydym yn cefnogi'n gryf gynnwys yr egwyddor integreiddio gan ei bod yn gwella cydlyniant ac yn alinio dyletswyddau ar draws polisi a fframweithiau cyfreithiol. Mae'n annog cyrff cyhoeddus i ystyried sut mae diogelu'r amgylchedd yn cefnogi amcanion ehangach (megis iechyd) sy'n adlewyrchu dull Cymru o ddatblygu cynaliadwy.

Adran 6 Datganiad egwyddorion amgylcheddol ac integreiddio

Mae cyhoeddi datganiad egwyddorion amgylcheddol statudol a datganiad integreiddio yn hanfodol er mwyn darparu ffordd ymarferol o gynnal parhad wrth gymhwyso'r egwyddorion i sicrhau dehongliad a gweithrediad cyson ar draws cyrff cyhoeddus.

Mae'r egwyddorion wedi'u hategu gan ddegawdau o wneud penderfyniadau amgylcheddol ar raddfa'r UE ac yn rhyngwladol. Byddai trosolwg o'u cyd-destun cefndir o ran eu tarddiad cyfreithiol, eu datblygiad a'u cymhwysiad yn helpu i gefnogi parhad safonau a lleihau'r risg o wahaniaeth a chymhwyso gwan er mwyn cynnal lefelau uchel o warchodaeth amgylcheddol.

Dylid llunio'r ddyletswydd integreiddio mewn modd rhagweithiol, gan ei gwneud yn ofynnol i atal niwed a nodi a mynd ar drywydd cyfleoedd i adfer a gwella ecosystemau a'r manteision y maent yn eu darparu, a'u diogelu at y dyfodol. Dylai hyn helpu i newid ein dull diwylliannol o osgoi risg i annog ystyriaeth weithredol o gyfleoedd ar gyfer budd amgylcheddol ac nid dim ond lleihau niwed.

O ystyried maint a brys yr argyfyngau hinsawdd a natur, rydym yn cefnogi bwriad yr amcan ac egwyddorion amgylcheddol. Mae'n adlewyrchu ethos rhagweithiol Deddf Llesiant a Chenedlaethau'r Dyfodol, gan gynnwys cyflawni gwelliannau i fioamrywiaeth. Mae'r ddyletswydd yn cyd-fynd ymhellach â Deddf yr Amgylchedd a'r Ddeddf Amaethyddiaeth i wella gwydnwch ecosystemau a buddion i bobl, hyrwyddo meddwl hirdymor, ac annog defnyddio dulliau ataliol ac addasol.

Adran 7 Dyletswydd i awdurdodau cyhoeddus gynnal Aseidiadau Amgylcheddol Strategol

Mae'r gofyniad i bob awdurdod cyhoeddus ystyried yr egwyddorion amgylcheddol wrth gynnal Aseidiadau Amgylcheddol Strategol yn gymesur. Rydym yn argymhell ymestyn y ddyletswydd i ystyried yr egwyddorion i bob awdurdod cyhoeddus er mwyn galluogi cymhwyso'r egwyddorion yn ehangach ar lefel leol a rhanbarthol.

3. Beth yw eich barn ar ddarpariaethau'r Bil (a nodir yn ôl eu rhannau isod)? Yn benodol, a ydynt yn ymarferol ac a fyddant yn cyflawni'r bwriad polisi a nodwyd?

- **Rhan 2 – Swyddfa Llywodraethiant Amgylcheddol Cymru (adrannau 8 i 32 ac atodlenni 1, 2 a 3)**

Ar y cyfan, mae sefydlu a swyddogaethau Swyddfa Llywodraethiant Amgylcheddol Cymru (SLIAC) yn ymddangos yn synhwyrol ac yn gymesur i gyflawni'r bwriadau polisi ar gyfer goruchwylio cyfraith amgylcheddol yng Nghymru. Rydym yn croesawu sefydlu SLIAC fel sefydliad ar wahân ac annibynnol, a gellir crynhoi ein barn fel a ganlyn:

- Mae'r gofynion *diben cyffredinol* yn adran 9 yn rhoi cyfeiriad strategol ac egwyddorion digonol i arwain gweithredoedd SLIAC, er y gallai ychwanegu 'a chydag uniondeb' at adran 9(b) bwysleisio'r safonau gofynnol ac adlewyrchu eu pwysigrwydd o fewn y dirwedd ddeddfwriaethol.
- Croesewir y dull cynyddol arfaethedig y dylai SLIAC ei fabwysiadu. Bydd mabwysiadu dull sy'n seiliedig ar ganlyniadau, a gweithredu yn unol â Chod y Rheoleiddwyr, yn sicrhau bod camau priodol yn cael eu cymryd i gyflawni'r canlyniad gorau mewn modd effeithlon ac amserol.
- Mae gallu SLIAC i weithredu'n hyblyg a chyda disgrisiwn o bwys allweddol. Byddem yn annog peidio â chyflwyno mecanweithiau i gyfyngu ar weithredoedd y sefydliad (megis ar gyfer y disgrisiwn sydd ganddo o ran pynciau ymchwilio neu o ran ei rinwedd cynghori).
- Mae'r ddarpariaeth yn Atodlen 2 y Bil, sy'n ei gwneud yn ofynnol i SLIAC nodi yn ei strategaeth sut y bydd yn ceisio osgoi gorgyffwrdd ag CNC wrth arfer ei swyddogaethau, yn ddigonol i leihau gorgyffwrdd posibl yn ein dyletswyddau rheoleiddiol. Cefnogir hyn gan y memorandwm esboniadol.
- Yn Atodiad 2 **ei chyflwyniad** i Adolygiad y Panel o Lywodraethiant Amgylcheddol yng Ngogledd Iwerddon, mae'r Swyddfa Diogelu'r Amgylchedd yn tynnu sylw at rinweddau rheoleiddio amgylcheddol effeithiol, y mae llawer ohonynt yn cael eu trafod gan y Bil. Mae'r gofynion ar gyfer eglurder rôl, mynediad at yr offer cywir, a strategaeth wedi'u nodi'n glir, er bod nodweddion fel diwylliant y sefydliad yn anneddfwriaethol.
- Rydym yn cytuno â'r dyletswyddau cydweithredu cyffredinol yn adran 23. Fel rheoleiddiwr amgylcheddol Cymru, efallai y byddwn yn derbyn ceisiadau i ddarparu symiau sylweddol o wybodaeth a/neu arbenigedd i lywio ymchwiliadau SLIAC i awdurdodau cyhoeddus eraill. Dylai fod gan SLIAC fynediad priodol at arbenigedd i leihau pwysau posibl heb eu hariannu ar CNC a chynyddu annibyniaeth y corff.
- Mae'r darpariaethau o fewn adrannau 20–22 yn ychwanegiad croesawgar i fynd i'r afael â materion systematig a nodwyd sy'n cynnwys nifer o awdurdodau cyhoeddus. Er hynny, lle bo hyn yn wir, efallai y byddai'n werth cynnwys y gallu i SLIAC gyhoeddi hysbysiadau gwybodaeth cysylltiedig i awdurdodau o dan adran 14 i lywio'r ymchwiliadau hyn.
- Mae gennym bryder parhaus ynghylch y diffiniad o awdurdod cyhoeddus yn adran 30. Er ei bod yn ddealladwy o ystyried y trefniant cyfansoddiadol, ni fydd gan SLIAC gylch gwaith dros awdurdodau cyhoeddus *heb eu datganoli* pan fyddant yn ymgymryd â swyddogaeth *ddatganoledig* o fewn Cymru (oni bai fod Deddf Llywodraeth Cymru yn nodi yn wahanol). Mae cylch gwaith Swyddfa Diogelu'r Amgylchedd yng Nghymru wedi'i gyfyngu i swyddogaethau *a gedwir yn ôl* yn unig. Felly, dylai SLIAC nodi yn ei strategaeth sut y mae'n bwriadu bwrw ymlaen ag ymchwiliadau lle mae amheuaeth o ddiffyg cydymffurfio gan awdurdod cyhoeddus *heb ei ddatganoli sy'n cyflawni swyddogaeth ddatganoledig*.

- Nodwn fod rhanddeiliaid eraill wedi codi pryderon ynghylch annibyniaeth SLIAC ar Weinidogion. Er nad ydym yn mynegi barn ynghylch sut mae'r corff wedi'i gyfansoddi na sut mae aelodau'n cael eu penodi, nodwyd yn ein hymateb i'r Papur Gwyn yr angen i SLIAC ddangos annibyniaeth ar y llywodraeth ac awdurdodau cyhoeddus. Mae ymddiriedaeth y cyhoedd yn y corff newydd yn gysylltiedig â chyfreithlondeb y sefydliad ac felly hyder yn y camau y mae'n eu cymryd – dylai'r gofynion tryloywder sydd wedi'u cynnwys drwy gydol y Bil helpu gyda hyn.

4. Beth yw eich barn ar ddarpariaethau'r Bil (a nodir yn ôl eu rhannau isod)? Yn benodol, a ydynt yn ymarferol ac a fyddant yn cyflawni'r bwriad polisi a nodwyd?

- **Rhan 3 – Targedau bioamrywiaeth ac ati (adrannau 33 i 38)**

Rydym yn cefnogi dull Llywodraeth Cymru gyda'r Bil arfaethedig yn llwyr, a hefyd ei gwaith datblygu targedau bioamrywiaeth cyfatebol trwy ei Phanel Cyngori ar Dargedau Bioamrywiaeth annibynnol.

Rydym yn gweld y bydd y Bil a thargedau bioamrywiaeth statudol yn canolbwyntio sylw mewn ffordd gadarnhaol ar adfer natur a champau gweithredu allweddol a hefyd yn ennyn diddordeb a chymorth ehangach ar gyfer camau adfer natur ar draws buddiannau polisi a sectorau eraill.

Bydd targedau statudol yn egluro sut mae Cymru'n bwriadu cefnogi ymrwymadau rhyngwladol ac yn enwedig y rhai o dan y Fframwaith Bioamrywiaeth Fyd-eang. Bydd hefyd yn helpu i roi Cymru mewn gwell aliniad â Lloegr a'r Alban, sydd hefyd yn mabwysiadu dull deddfwriaethol, a, thrwy gymharu, yn galluogi dysgu cydfuddiannol gyda nhw yn ogystal â gwledydd eraill.

Nodwn fod targedau newid hinsawdd wedi darparu sylfaen gref iawn ar gyfer ffocws gwleidyddol a chyhoeddus ar gyfer gweithredu dros yr agenda honno, a oedd gynt yn fwy anghyson o ran sut i ddelio â hi, ac felly rydym yn cefnogi targedau bioamrywiaeth statudol i helpu i ddarparu'r ffocws angenrheidiol a chyflymu camau gweithredu hanfodol yn yr un modd. Bydd angen gosod y targedau hyn yn ofalus yn hyn o beth, a rhoi ystyriaeth hefyd i osgoi'r posibilrwydd o dynnu sylw oddi wrth gamau gweithredu eraill (anstatudol) i wella bioamrywiaeth.

Mae'r pedwar maes blaenoriaeth targed yn ymddangos yn briodol ac yn ymarferol ar gyfer cyflawni'r bwriad polisi datganedig ac mae angen i dargedau daro'r cydbwysedd rhwng bod yn ystyrlon ond yn gyraeddadwy. Rydym yn gweld y pedwar maes blaenoriaeth yn sylfaen gref ar gyfer gweithredu nawr, a hefyd ar gyfer iteriadau dilynol i sicrhau gweithredu synergyddol a chadarnhaol ynghylch anghenion y dyfodol wrth iddynt ddod i'r amlwg. O ran rheoli ecosystemau, rydym yn nodi mai dyma'r targed blaenoriaeth mwyaf defnyddiol mewn cyd-destun morol, yn enwedig o ran gwydnwch ar gyfer rhwydwaith yr Ardaloedd Morol Gwarchoddedig.

Fodd bynnag, hoffem weld trafodaeth barhaus ynghylch sut y bydd targedau eraill y Fframwaith Bioamrywiaeth Fyd-eang yn cael eu hystyried a'u trin yn y dyfodol. Mae hyn yn arbennig o bwysig o ran galluogi a phrif ffrydio'r gyfran o dargedau'r Fframwaith Bioamrywiaeth Fyd-eang o Darged 14 ymlaen, gan gynnwys sut y gall busnesau gymryd rhan yn fwy rhagweithiol, cynhyrchu'r cyllid a chapasiti ychwanegol y mae eu hangen ar gyfer adfer natur, ac, yn hollbwysig, mynd i'r afael â chymhellion negyddol ac annog cymhellion cadarnhaol. Mae'r targedau 'galluogi' hyn yn hanfodol ar gyfer cyflymu'r newidiadau trawsnewidiol y mae eu hangen i fynd i'r afael â sbardunwyr anuniongyrchol ac uniongyrchol bioamrywiaeth, fel y manylir yn amrywiol adroddiadau'r Platform Polisi Gwyddoniaeth Rhynglywodraethol ar Wasanaethau Bioamrywiaeth ac Ecosystemau, megis yr Asesiad Byd-eang, yr Asesiad Nexus a'r Asesiad Newid Trawsnewidiol. Mae'r targedau 'galluogi' hefyd yn hanfodol ar gyfer cefnogi camau gweithredu ar gyfer targedau eraill y Fframwaith Bioamrywiaeth Fyd-eang nad ydynt o fewn cwmpas y Bil ar hyn o bryd, megis Targed 6, sy'n ymwneud â rheoli rhywogaethau estron goresgynnol er enghraifft.

Rydym yn cefnogi cynnwys cynllun gweithredu i nodi sut yr eir ati i gyflawni targedau a sut y darperir adnoddau ar gyfer hyn. Bydd yn hanfodol sicrhau cytundeb trawsadrannol cryf gyda meysydd polisi eraill i wneud y mwyaf o synergeddau ac osgoi gwrthdaro neu ganlyniadau negyddol anfwriadol sy'n codi trwy fecanweithiau cyflawni polisi eraill. Credwn y bydd yn annog gwell cydbwysedd ar draws blaenoriaethau polisi i ymgorffori gofynion gwella natur a chanlyniadau sy'n fuddiol i'r ddwy ochr mewn modd mwy priodol. Weithiau gellir gweld bod blaenoriaethau eraill yn diystyru canlyniadau bioamrywiaeth posibl ac yn methu â gwireddu'r manteision ehangach cysylltiedig sy'n deillio o fanteisio ar gyfleoedd i adfer natur.

Er mwyn cefnogi cyflawniad effeithiol y targed llygredd, rydym yn argymhell ymagwedd ataliol i gefnogi ymyriadau rhagofalus yn unol ag egwyddor rheoli adnoddau naturiol yn gynaliadwy a'r egwyddor amgylcheddol. Rhaid i unrhyw dargedau newydd adeiladu ar rwymedigaethau deddfwriaethol presennol a helpu i hwyluso a chanolbwyntio ar reoli ffynonellau a fyddai'n elwa o reoleiddio gwell yn hytrach na dyblygu targedau presennol. Fel enghraifft, yn achos cemegau, cyflwyno gwaharddiad ar gynhyrchion defnyddwyr sy'n cynnwys sylweddau per- a pholyffloroalcyll (PFASau), a elwir yn 'gemegau am byth', i'w hatal rhag mynd i mewn i'r gadwyn gyflenwi yn y lle cyntaf. Fodd bynnag, mae sicrhau bod gennym y gallu i fonitro a rheoli rhyddhau PFASau i'r amgylchedd dŵr drwy gyflwyno safonau ansawdd amgylcheddol hefyd yn rhan bwysig o adeiladu ein tystiolaeth a'n gwybodaeth i fynd i'r afael â llygredd.

Rhaid i'r targedau hefyd hyrwyddo meddwl cydgysylltiedig ar draws cyfundrefnau polisi a defnyddio'r dystiolaeth sydd ar gael yn asesiadau adnoddau naturiol statudol yr (**Adroddiad ar Sefyllfa Adnoddau Naturiol**) er mwyn helpu i bennu blaenoriaethau.. Rhaid rhoi sylw dyledus hefyd i amcan llesiant CNC yn ein cynllun corfforaethol ar leihau llygredd a sicrhau bod adnoddau priodol ar gael i weithredu a rheoli targedau llygredd.

5. Beth yw eich barn ar ddarpariaethau'r Bil (a nodir yn ôl eu rhannau isod)? Yn benodol, a ydynt yn ymarferol ac a fyddant yn cyflawni'r bwriad polisi a nodwyd?

▪ Rhan 4 – Cyffredinol (adrannau 39 i 45 ac Atodlen 4)

Disgwylir sefydlu SLIAC (adran 8) ddau fis ar ôl i'r Bil dderbyn Cydsyniad Brenhinol (adran 44). Dylid gwneud trefniadau addas ar gyfer trosglwyddo gwybodaeth a dderbyniwyd gan Asesydd Interim Diogelu'r Amgylchedd Cymru yn ystod ei gyfnod yn y swydd, gan gynnwys unrhyw ymchwiliadau agored.

6. Beth yw'r rhwystrau posibl i roi darpariaethau'r Bil ar waith a sut y mae'r Bil yn eu hystyried?

Rhaid cefnogi gweithredu effeithiol drwy integreiddio cryf ar draws diwygiadau parhaus mewn cynllunio, amaethyddiaeth, dŵr, gwastraff a dyfodol rheoli tir er mwyn meithrin cymorth drwy ganlyniadau ar y cyd ac atal gweithredu mewn seilos a chanlyniadau anfwriadol. Mae hyn yn cynnwys yr angen am gysondeb ar draws strategaethau a phrosiectau ehangach fel y Cynllun Gweithredu Adfer Natur pan gaiff hwn ei ddiwygio a Chynllun Sero Net Cymru a'r Strategaeth Addasu i'r Hinsawdd ar gyfer Cymru.

Bydd effeithiolrwydd targedau bioamrywiaeth statudol hefyd yn dibynnu'n fawr ar fuddsoddiad priodol mewn systemau monitro, dehongli data a galluoedd adrodd i gefnogi mecanweithiau gwneud penderfyniadau a chyflawni ynghylch rheoli ac adfer cynefinoedd neu gamau adfer natur eraill.

Er bod manylion ar gyfer targedau arfaethedig yn dal i gael eu datblygu, mae fframweithiau monitro a thystiolaeth effeithiol a fforddiadwy yn hanfodol i olrhain cynnydd. Mae monitro a thystiolaeth effeithiol yn sail i wneud penderfyniadau da ac yn galluogi dull rheoli addasol i ymateb yn gadarnhaol i bwysau fel newid hinsawdd a materion eraill a all ddod yn fwy amlwg dros amser. Mae angen i'r fframweithiau hyn gael eu llywio gan waith gwerthuso anghenion data, adeiladu ar arfer da a setiau data presennol, a nodi anghenion yn y dyfodol. Mae hyn yn cynnwys creu cyfleoedd cydweithio gwell, mwy o rolau gwyddoniaeth dinasyddion, a gwneud defnydd gwell o ddatblygiadau technolegol. Rydym wedi bod yn gweithio gyda Llywodraeth Cymru drwy Grŵp Arbenigol Monitro a Thystiolaeth 30 erbyn 30 ar sut i fynd i'r afael â'r heriau hyn. Agwedd allweddol yw canfod a gwerthuso'r camau blaenoriaeth i'w cymryd a datrys rhwystrau ochr yn ochr â blaenoriaethu adnoddau presennol. Gall y broses hon nodi bylchau eraill a allai rwystro cynnydd a allai fod ag anghenion adnoddau ychwanegol.

Mae ystyriaeth ac eglurder o fewn portffolios polisi eraill y Llywodraeth ac ar draws sbectrwm yr awdurdodau cyhoeddus ynghylch cyfrifoldebau priodol a disgwyliadau cysylltiedig yn hanfodol. Mae hyn yn arbennig o berthnasol i sut y bydd targedau newydd yn integreiddio â mecanweithiau statudol eraill sy'n ei gwneud yn ofynnol i ddangosyddion a thargedau cenedlaethol gael eu gosod a'u cyflawni. Mae enghreifftiau allweddol yn cynnwys adran 10(1) o Ddeddf Llesiant Cenedlaethau'r Dyfodol 2015 ynghylch dangosyddion llesiant cenedlaethol, yn ogystal ag adran 4 (1) o Ddeddf Amaethyddiaeth (Cymru) 2023, mewn perthynas â gosod amcanion a thargedau ar gyfer rheoli tir yn gynaliadwy.

7. Pa mor briodol yw'r pwerau yn y Bil i Weinidogion Cymru wneud is-ddeddfwriaeth (fel y nodir ym Mhennod 5 o Ran 1 o'r Memorandwm Esboniadol)?

Drwy gydol datblygiad y Bil, rydym wedi cael trafodaethau parhaus gyda Llywodraeth Cymru ar yr angen i sicrhau digon o hyblygrwydd a'i gydbwysu â'r angen i leihau amwysedd er mwyn sicrhau bod y ddeddfwriaeth yn briodol ac yn 'barod i'r dyfodol'. Mae'r Bil yn cynnwys defnyddio datganiadau a dyletswyddau statudol, gofynion adolygu ac adrodd cyfnodol, disgwyliadau arweiniol, a dyletswydd i ymgynghori sy'n hyrwyddo tryloywder ac atebolrwydd.

8. A oes unrhyw ganlyniadau anfwriadol yn debygol o ddeillio o'r Bil?

Camddehongli neu wanhau'r ddyletswydd "ystyriaeth arbennig".

O dan 6F(2), wrth ymgynghori â chyrrff cyhoeddus sy'n cael eu dynodi'n gyfrifol o dan y targedau, byddai'n arbennig o werthfawr gwneud hyn mewn modd amserol i gyd-fynd â chylchredau cynllunio corfforaethol priodol er mwyn sicrhau bod camau gweithredu ac adnoddau cysylltiedig yn cael eu hystyried ac y darperir ar eu cyfer yn briodol.

9. Beth yw eich barn ar asesiad Llywodraeth Cymru o oblygiadau ariannol y Bil fel y nodir yn Rhan 2 o'r Memorandwm Esboniadol?

Mae'r Asesiad Effaith Rheoleiddiol yn cydnabod goblygiadau cost posibl a fyddai'n daladwy gan Cyfoeth Naturiol Cymru. Ni ellir mesur yn llawn eto'r goblygiadau llawn o ran adnoddau, yn enwedig ar gyfer targedau bioamrywiaeth, sydd eto i'w datblygu, ac ymgysylltu â'r corff llywodraethu newydd. Er nad ydym wedi nodi anghenion adnoddau newydd penodol o fewn Cyfoeth Naturiol Cymru eto, rydym yn parhau i adolygu hyn gyda Llywodraeth Cymru.

Bydd gweithredu'r egwyddorion yn briodol yn gofyn am ymrwymiad gwirioneddol i fuddsoddiad deddfwriaethol a sefydliadol pellach os ydynt am lywio newid ystyrion – a dylid cydnabod hyn yn glir ar hyn o bryd. Er enghraifft, gellid ystyried mecanweithiau deddfwriaethol pellach yng Nghymru i lywio marchnadoedd amgylcheddol yn seiliedig ar gydymffurfedd rheoleiddiol. Yn yr un modd, gellid llywio gweithrediad marchnadoedd o'r fath gan ddeddfwriaeth i sicrhau bod yr egwyddor ragofalus yn cael ei dilyn yn briodol wrth fynd i'r afael â risgiau yn y farchnad. Wrth wneud hynny, gallai'r egwyddorion lywio marchnadoedd cydymffurfedd ag uniondeb uchel yng Nghymru, gan ddenu buddsoddiad effaith gadarnhaol a chefnogi canlyniadau nodau llesiant. Yn sefydliadol, bydd angen adnoddau ar y rheoleiddiwr priodol i ddatblygu a goruchwyllo marchnadoedd cydymffurfedd o'r fath. Heb ymrwymiad o'r fath i fuddsoddi yn y meysydd hyn, gallai gallu'r egwyddorion i lywio newid go iawn gael ei rwystro.

10. A oes unrhyw faterion eraill yr hoffech eu codi am y Bil a'r Memorandwm Esboniadol sy'n cyd-fynd ag ef neu unrhyw faterion cysylltiedig?

Mae goblygiadau adnoddau posibl yn gysylltiedig â sicrhau aliniad â'r dangosyddion rheoli tir yn gynaliadwy a rôl y Cynllun Ffermio Cynaliadwy wrth ei gyflawni.

Mae'r Bil yn nodi bod *"Cymru" yn cynnwys, i'r graddau y mae polisi yn ymwneud â physgota, pysgodfeydd neu iechyd pysgod, yr ardal o barth Cymru sydd y tu hwnt i derfyn atfor y môr tiriogaethol.* Mae'n bwysig nodi mai dim ond hyd at 12 milltir forol y mae Deddf yr Amgylchedd (Cymru) a'r rhestr rhywogaethau adran 7 yn berthnasol, a allai arwain at gymhlethdodau os gosodir targedau sy'n ymwneud â rhywogaethau pysgod adran 7.

EPGBTWB 09 - Evidence from: Joint Nature Conservation Committee

Senedd Cymru | Welsh Parliament

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

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

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

JNCC supports the intention of the Bill, including the stated environmental objective and principles, the provisions to address the environmental governance gap that has emerged following the UK's exit from the EU, and the framework for establishing statutory biodiversity targets.

From the perspective of JNCC's international remit, putting nature targets on a statutory footing has the potential to help Wales match the urgency and challenge of implementing the Kunming-Montreal Global Biodiversity Framework (GBF) and other multilateral environmental agreements.

Embedding environmental principles into legislation is crucial for ensuring Wales responds to the nature emergency with the seriousness and urgency it demands. By placing the application of the environmental principles duty across all policy-making areas, it will help to ensure environmental protection is integrated across all sectors which is essential if we are to meet both international and domestic commitments and address the nature and climate emergencies. By placing these principles on a statutory footing, they become a stronger lever for guiding consistent, accountable and forward-looking decision-making across all sectors.

The proposed legislation signals Wales' clear commitment to addressing the nature and climate emergencies, ensuring that environmental considerations are not sidelined and are instead integrated into policy and practice, delivering a coherent, cross-government response.

JNCC's response focuses on Part 3 of the Bill, which sets out the framework for establishing statutory biodiversity targets.

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

- **Part 1 - Environmental objective and principles (sections 1 to 7)**

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

- **Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)**

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

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

JNCC welcomes the introduction of statutory targets for Biodiversity in Wales. We support the four target areas and their alignment with the wider Global Biodiversity Framework (GBF). We are encouraged to see that the Bill outlines that the GBF targets will guide how Welsh Ministers develop biodiversity targets. Careful consideration should be given to the GBF targets and the commitments set out in the UK’s National Biodiversity Strategy and Action Plan (NBSAP) when setting Wales’ statutory targets. JNCC supports the notion of aligning the monitoring and reporting introduced through this Bill with the monitoring framework of the GBF, allowing for streamlined reporting at both national and international levels.

Statutory targets will, however, succeed or fail on the efficacy of the policies that underpin them. In our cross-UK positioning, JNCC aims to act as a “policy lab” that tracks emerging biodiversity policy and legislation across the four nations, enabled by devolution, and provides the comparative analysis and predictive modelling capabilities to evaluate which approaches produce effective outcomes for

biodiversity. This objective is articulated in our 2030 strategy – ‘Together for Nature’. The emergence of statutory nature targets across Wales, Scotland, and England puts each nation in a position to capitalise on JNCC’s birds-eye view and expertise to learn which frameworks and implementation approaches from across the UK are effective and adapt accordingly.

In support of this, JNCC are working to evolve the UK-level biodiversity indicator suite to enable disaggregation of the data for each nation, where possible, and to be sufficiently sensitive to allow for comparison of the policy outcomes between them. Additionally, JNCC has been an active member of the Biodiversity Targets Advisory Panel, providing evidence to support decision-making around target priority areas. We are working closely with Welsh Government to undertake a gap analysis of biodiversity indicators, to support the production of a monitoring framework for reporting on Wales’ statutory targets. Alongside this, JNCC is undertaking predictive modelling to provide evidence to inform Welsh Government in defining ambitious but feasible statutory targets.

In summary, JNCC welcomes the Bill’s provisions regarding biodiversity targets in Wales, and supports the setting of evidence-based, ambitious targets to drive change and address the nature and climate emergencies.

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

- **Part 4 - General (sections 39 to 45 and Schedule 4)**

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

Monitoring and evaluating progress against environmental targets presents significant challenges, particularly given the complexity and interconnectedness of environmental systems. Traditional status-based indicators, while essential, can lack the responsiveness needed to inform timely adaptive policy interventions. To address this, there is a pressing need for a more comprehensive suite of indicators that includes not only environmental status but also pressures-based and actions-based measures. These can help track the drivers of change and the effectiveness of interventions. Furthermore, effective delivery requires robust local monitoring

and evaluation mechanisms that can capture spatial variation, inform place-based decision-making, and support adaptive management. Strengthening these elements is critical to ensuring that setting biodiversity targets leads to tangible outcomes on the ground.

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

8. Are any unintended consequences likely to arise from the Bill?

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

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

Eitem 4

EPGBTWB: Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth)
(Cymru)

EPGBTWB 16 - Tystiolaeth gan: Comisiynydd Cenedlaethau'r Dyfodol Cymru

Senedd Cymru | Welsh Parliament

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

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau
Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and
Biodiversity Targets) (Wales) Bill



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

1^{af} Gorffennaf 2025

Annwyl Llyr

Diolch am y cyfle hwn i ymateb i ymholiad y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith ar Fil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru).

Mae'r dystiolaeth ysgrifenedig hon yn amlinellid o fy ystyriaethau cychwynnol ar y Bil drafft a sut mae'n ymateb i'm cyngor a'm hargymhellion ar y Papur Gwyn. Tra bod fy ngwaith yn y maes hwn yn parhau, dyma fy mhrif ystyriaethau:

Yn gyffredinol: Rwy'n cefnogi bwriad y Bil a hoffwn ei weld yn symud ymlaen i gydsyniad brenhinol yn nhymor y Senedd hwn heb oedi gormodol.

Ar y dyletswyddau: Rwy'n croesawu fy rôl fel ymgynghorai statudol ar ddatganiad arfaethedig Llywodraeth Cymru ar y ddyletswydd. Mae'n bwysig bod y datganiad yn glir ynglŷn â chyflawni'r ddyletswydd, yn dileu'r risg o ddryswch rhyngddo â dulliau Deddf Llesiant Cenedlaethau'r Dyfodol o weithio, ac yn glir bod y ddyletswydd yn berthnasol i bob maes llunio polisi.

Ar y Swyddfa Llywodraethiant Amgylcheddol Cymru (SLIAC) newydd: Mae eu hannibyniaeth, a chael eu gweld yn annibynnol, yn hanfodol a dylid nodi hyn ar wyneb y Bil. Fodd bynnag, dylid archwilio unrhyw gyfle i symleiddio costau trwy rannu swyddogaethau cefn-swyddfa gyda chorff priodol arall, o ystyried y pwysau ar y sector cyhoeddus dros y blynyddoedd diwethaf.

O ran y targedau: Mae angen targed hirdymor sydd wedi'i gyfyngu o ran amser ac sy'n addas ar gyfer y dyfodol gyda thargedau interim. Hoffwn weld hyn ar wyneb y Bil, ond yn absenoldeb hynny dylai'r Bil o leiaf osod amserlen yn nodi erbyn pryd y byddai angen cyflawni targed neu dargedau o'r fath.

Rhan 1: Yr Egwyddorion Amgylcheddol

Yr Amcan Amgylcheddol

Yn dilyn cyhoeddi'r Papur Gwyn, ysgrifennais at Lywodraeth Cymru gyda fy nisgwyliadau o'r Bil ac rwy'n falch bod rhywfaint o'm cyngor wedi'i ystyried.

Mae hyn yn cynnwys, er enghraifft, diffinio datblygu cynaliadwy ar frig y Bil yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol ac alinio ymhellach â geiriad y nod Cymru Gydnerth, prif ymrwymiad Cymru i natur. Dyma sy'n diffinio Amcan Amgylcheddol y ddeddfwriaeth ddrafft ac sy'n ymateb i fy nghyngor na ddylai'r egwyddorion amgylcheddol fod uwchlaw'r egwyddor datblygu cynaliadwy.

Rwy'n croesawu'r ffaith bod yr Amcan Amgylcheddol yn ymestyn i gyfrannu at bob un o'r

Nodau Llesiant yn Neddf Llesiant Cenedlaethau'r Dyfodol gan fod hyn yn pwysleisio'r angen i feddwl drwy systemau yn ein hymagwedd tuag at ddiogelu ac adfer natur. Mae'r Nodau Llesiant yn set ategol ac integredig o uchelgeisiau a rennir, na fedrant ac na ddylent weithio ar eu pen eu hunain. Yng Nghymru, mae pob un o'r pedwar dimensiwn llesiant yn derbyn pwysau cyfartal drwy gydol y Nodau Llesiant (amgylcheddol, economaidd, cymdeithasol a diwylliannol). Mae'n bwysig bod ein gwaith i sicrhau cydnerthedd ecosystemau yng Nghymru yn cydweddu â chyflawni'r holl Nodau Llesiant. Tra nad oes angen iddo dynnu sylw'r amcan amgylcheddol oddi wrth ei ddiben craidd, mae yn siarad o blaid integreiddio a chydweithio ar draws holl bolisi datganoledig wrth gyflawni'r diben hwn.

Dyletswyddau i gydfynd â Deddf Llesiant Cenedlaethau'r Dyfodol

Euthum i chwilio am sicrwydd ar alinio'r ddyletswydd i weithredu'r egwyddorion amgylcheddol mewn modd a oedd yn cydweddu â'r ddyletswydd i weithredu pum dull o weithio Deddf Llesiant Cenedlaethau'r Dyfodol, er mwyn sicrhau eu bod yn cydfynd yn dda â chyd-destun cyfreithiol Cymru. Mae enghreifftiau penodol o ddryswch posibl yn ymwneud ag atal ac integreiddio. Felly, rwy'n croesawu'r gofyniad statudol i Lywodraeth Cymru gyhoeddi datganiad yn nodi sut y dylai cyrff cyhoeddus ystyried yr egwyddorion amgylcheddol a gweithredu'r ddyletswydd i wneud diogelu'r amgylchedd yn rhan o lunio polisi. Rwy'n croesawu'n arbennig fod y Bil yn cynnwys rôl i mi fel ymgynghorai statudol ar y datganiad hwn, ochr yn ochr â Cyfoeth Naturiol Cymru a'r corff llywodraethiant amgylcheddol newydd arfaethedig,

Gweithredu'r dyletswyddau

Yn ei ffurf bresennol, mae'r dyletswyddau a nodir yn y Bil yn berthnasol i lunio polisiau a *allai* gael effaith ar yr amgylchedd. Gellir dadlau bod hyn yn creu cyfle i ddehongli mewn gwahanol ffyrdd yr hyn a fyddai neu na fyddai'n cael ei gynnwys. Hoffwn weld yr amwysedd hwn yn cael ei ddileu, naill ai ar y Bil neu o leiaf hoffwn weld eglurhad yn natganiad Llywodraeth Cymru ei fod yn wir berthnasol i bob maes polisi fel y mae'n berthnasol i awdurdodau cyhoeddus yng Nghymru; dyna'r bwriad yn ôl yr hyn a ddeallaf.

Hefyd, roeddwn wedi galw ar i'r dyletswyddau sy'n ddarostyngedig i'r Bil fod yn berthnasol i unrhyw sefydliad sy'n gwneud polisiau ar ran Llywodraeth Cymru ac rwy'n croesawu'r cynhwysiad hwn.

Rhan 2: Y Corff Llywodraethiant Arfaethedig

Cyd-fynd â Deddf Llesiant Cenedlaethau'r Dyfodol

Rwy'n croesawu cynhwysiad fy argymhelliad bod y Swyddfa Llywodraethiant Amgylcheddol Cymru newydd yn ddarostyngedig i ddyletswyddau Deddf Llesiant Cenedlaethau'r Dyfodol. Edrychaf ymlaen at gefnogi'r Corff newydd i ymgymryd â'r dyletswyddau hynny.

Hoffwn weld SLIAC a'm swyddfa innau yn cydweithio'n effeithiol wrth gyflawni ein rolau neilltuol. Fy argymhelliad oedd sefydlu Memorandwm Cyd-ddealltwriaeth rhwng ein dau sefydliad ac, er nad yw hyn yn y testun drafft, credaf yr eir i'r afael â hynny'n rhannol gan y gofyniad i strategaeth SLIAC nodi sut y bydd yn osgoi gorgyffwrdd â gwaith cyrff eraill, sy'n enwi fy swyddfa i (fel y'i rhestrir yn Atodlen 2 i'r Bil). Os digwydd i'r cymal hwn gael ei ddileu am unrhyw reswm yna hoffwn weld gofyniad amgen i'r perwyl hwn. Mae hefyd yn galonogol gweld bod y teitl 'Comisiynwyr' wedi'i ollwng ar gyfer Aelodau'r Corff newydd i helpu i wahaniaethu rhwng ein dau sefydliad.

Annibyniaeth

Fy marn i yw bod yn rhaid i'r corff fwynhau annibyniaeth, yn awr ac o dan lywodraethau'r dyfodol. Er mwyn diogelu hyn ar gyfer y dyfodol, byddai'r ddeddfwriaeth yn elwa o ddatganiad sy'n gwneud yn glir bod y corff yn annibynnol ar Weinidogion Cymru yn ôl priodoldeb.

Costau

Pryder rydw i wedi'i godi o'r blaen yw y gallai darparu adnoddau i gorff newydd fod yn broblem o ystyried bod cyllid cyhoeddus eisoes dan bwysau. Tra bod ei annibyniaeth yn hanfodol, rwy'n argymhell bod yn rhaid ystyried cyfleoedd i symleiddio costau. Mae hefyd yn hanfodol bod eglurder llwyr mewn cyfathrebu yn yr arena gyhoeddus ynghylch pam mae'r corff newydd yn angenrheidiol a sut mae'n wahanol i unrhyw beth sy'n bodoli ar hyn o bryd, a pham na all cyrff eraill gyflawni'r dyletswyddau fel y'u nodir.

Rhan 3: Y Targedau

Prif darged

Yn fy Adroddiad Cenedlaethau'r Dyfodol, a gyhoeddwyd ar Ebrill 29^{ain}, galwais am brif darged ar wyneb y Bil. Mae sawl rheswm am gofyniad hwn:

- Cael targed ar gyfer adferiad natur a fydd yn cael effaith ar unwaith - yn hytrach nag aros i ddeddfwriaeth eilaidd gael ei phasio.
- Anfon neges glir am yr hyn y mae'r Bil hwn yma i'w wneud, a'r modd y mae'n bwriadu gwneud hyn ar frys,
- Sicrhau bod unrhyw lywodraeth yn y dyfodol wedi'i chyfyngu o ran amser i sicrhau adferiad natur,
- Gyrru gweithredu cydweithredol ac integredig tuag at adferiad natur yn yr un modd ag yr ydym wedi gweld y targed Sero Net erbyn 2050 yn gyrru datgarboneiddio, lle mae gan bawb, pob sefydliad a phob busnes ran i'w chwarae.

Rwy'n siomedig bod y Garreg Filltir Dangosydd Cenedlaethol i atal dirywiad bioamrywiaeth erbyn 2030 a'i gweld yn adfer erbyn 2050, a gynigiwyd fel prif darged cyffredinol, wedi'i dileu o'r testun drafft yn gyfan gwbl. Yn wir, nid oes targed statudol yn y ddeddfwriaeth i nodi uchelgais y Bil yn glir mewn dull sydd wedi ei chyfyngu o ran amser.

Rwy'n cydnabod yr heriau sy'n gysylltiedig â diffinio un targed sy'n cwmpasu'r ystod lawn o flaenoriaethau y mae'r ddeddfwriaeth yn anelu at fynd i'r afael â nhw. Fodd bynnag, efallai na fydd angen i brif darged wneud hyn. Yr hyn sydd angen iddo ei wneud yw adrodd stori glir sy'n diffinio'r ddeddf a dod â phobl at ei gilydd ar y daith honno. Un dangosydd clir o iechyd bioamrywiaeth yw rhywogaethau niferus, rhywbeth yr ydym yn gwybod sydd yn dirywio ar hyn o bryd ar raddau argyfyngus ar draws nifer o rywogaethau brodorol allweddol.

I'r perwyl hwn, rwy'n cefnogi'r dull o fynd ati a gyflwynwyd gan Cyswllt Amgylchedd Cymru yn eu cyfres o [bapurau briffio](#) yn nodi y dylid defnyddio niferoedd rhywogaethau fel prif ddull allweddol o fesur sut mae bioamrywiaeth yn ffynnu. Mae cynsail eisoes ar gyfer y mesur hwn mewn manau eraill yn y DG, gydag angen am ddyddiadau targed interim a thymor hwy.

Mae hepgor targed ar y Bil yn golygu gadael y dasg o osod yr holl dargedau i dymor nesaf y Senedd. Bydd pedair blynedd arall cyn i ni gael y targedau hynny - gyda'r disgwyliad y byddai'n digwydd dair blynedd ar ôl cydsyniad brenhinol - yn mynd â ni i 2029 cyn i ni gael un targed. O ganlyniad rydym mewn perygl o fethu â chyflawni ein hymrwymiaadau i 30x30.

Yn ychwanegol at yr oedi hyn, mae bregusrwydd pellach yn deillio o'r amhendrantrwydd ynglŷn â blaenoriaethau unrhyw lywodraeth newydd yng Nghymru.

Cyfres ehangach o dargedau

Mae'n siomedig na ellir cyflymu'r broses o ddatblygu'r gyfres ehangach o dargedau o ystyried bod ymgyfraniad da eisoes yn y darn hwn o waith. Fy marn i o hyd yw y buasem yn hoffi gweld y targedau'n cael eu gosod o fewn 12 mis i gydsyniad brenhinol, hyd yn oed os ydyw hyn yn golygu y byddai angen ailedrych arnynt yn gynt nag fel arall.

Fodd bynnag, rwy'n croesawu'r ddyletswydd a roddir ar Weinidogion Cymru i osod targedau mewn deddfwriaeth eilaidd mewn perthynas â phedwar maes blaenoriaeth:

- (a) lleihau'r risg o ddifodiant rhywogaethau brodorol;
- (b) rheoli ecosystemau'n effeithiol;
- (c) lleihau llygredd;
- (d) ansawdd y dystiolaeth i drwytho penderfyniadau sy'n ymwneud â bioamrywiaeth, mynediad i'r dystiolaeth honno, a'r defnydd ohoni a'i gweithrediad.

Yn fy ymateb i'r Papur Gwyn, galwais ar i'r gyfres lawn o dargedau sydd wedi'u cynnwys yn y Fframwaith Bioamrywiaeth Byd-eang (GBF) gael eu hystyried wrth osod targedau Cymru. Maent wedi'u rhannu i'r rhai sydd:

- Yn lleihau bygythiadau i fioamrywiaeth (8 targed GBF)
- Yn diwallu anghenion pobl drwy ddefnydd cynaliadwy a rhannu manteision (5 targed GBF)
- Offer a datrysiadau ar gyfer gweithredu a phrif ffrydio (9 targed GBF)

Rwy'n falch bod y ddeddfwriaeth i ryw raddau yn siarad o blaid pob rhan o'r GBF gan gynnwys drwy brif ffrydio bioamrywiaeth i bob polisi (T14 y GBF) a'i bod yn caniatáu gosodiad set llawer ehangach o dargedau a allai gwmpasu mwy o dargedau tebyg i'r GBF.

Rhaid i'r gyfres ehangach hon o dargedau, pan fydd mewn grym, helpu i yrru'r defnydd o'r pum dull o weithio wrth gyflawni dros natur drwy sicrhau bod yr offer, yr ysgogiadau a'r prosesau cywir yn cael blaenoriaeth. Gellir gweld y defnydd o'r pum dull o weithio yn y Bil; er enghraifft, y gofyniad i gynnwys ymgyfraniad arbenigwyr wrth osod targedau; yr egwyddorion sy'n argymhell atal a rhagofalu a'r gofyniad i wneud diogelu'r amgylchedd yn rhan o bob polisi.

Yr hyn y gallai'r gyfres ehangach o dargedau GBF gynorthwyo i'w cyflawni yw gyrru ymgyfraniad ehangach, cydweithio a meddwl hirdymor wrth i ni gyflawni dros natur yng Nghymru, gan adeiladu ar y dyletswyddau presennol ar y sector cyhoeddus o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol.

Dyletswyddau perthnasol i'r targedau

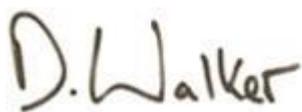
Mae'r Bil drafft yn nodi rhai cyfrifoldebau clir i Weinidogion Cymru mewn perthynas â thargedau. Rwy'n croesawu'r gofyniad newydd i Weinidogion Cymru gymryd camau i hyrwyddo ymwybyddiaeth o bwysigrwydd bioamrywiaeth, a'r bygythiadau iddi. Mae angen i'r ddeddfwriaeth hon gyrraedd cymdeithas ehangach, i ennyn ymgyfraniad pobl a rhoi llais i natur sy'n cyfateb i'r hyn a gyflawnwyd ar gyfer newid hinsawdd - lle mae'r prif darged o gyrraedd sero net erbyn 2050 wedi gwneud llawer o'r gwaith trwm.

I Weinidogion Cymru, mae dyletswydd bellach i wella eu dyletswyddau adrodd o dan Adran 6 i gynnwys cynllun o'r camau y maent yn bwriadu eu cymryd i gyflawni'r targedau bioamrywiaeth, yn ogystal â monitro ac adrodd ar gynnydd, a dyletswydd i baratoi adroddiad gwerthuso ar ba mor effeithiol y mae hyn wedi bod.

Fodd bynnag, yn ei ffurf bresennol, mae'n parhau i fod yn aneglur sut y disgwylir i gyrrff cyhoeddus y tu allan i Lywodraeth Cymru gyfrannu at gyflawni'r targedau bioamrywiaeth, neu adrodd ar eu cyfraniad. Mae'r Bil yn cynnig pŵer i Weinidogion Cymru ddynodi a mynnu bod cyrff cyhoeddus penodol yn cyfrannu at dargedau penodol, felly ni fyddwn yn gwybod beth yw'r goblygiadau hyn nes bod y ddeddfwriaeth eilaidd wedi dod i rym. Mae hyn hefyd yn debygol o olygu na fydd gofyniad ar y sector cyhoeddus ehangach i gyfrannu at dargedau natur cyn y dyddiad cau 30x30, sy'n gyfle a gollwyd.

Mae fy ngwaith i ddeall ymarferoldeb y Bil yn y sector cyhoeddus ehangach yn parhau. Bydd fy nhîm yn archwilio hyn ymhellach gyda chydweithwyr yn y sector cyhoeddus mewn gweminar ar 9^{fed} Gorffennaf. Y digwyddiad yw fy nghyfraniad i Wythnos Natur Cymru eleni lle byddwn yn cyd-gynnal trafodaeth gydag aelodau Cyswllt Amgylchedd Cymru sydd wedi ymgyfrannu yn natblygiad y Bil hwn. Byddwn yn falch i adrodd yn ôl i'r Pwyllgor ar hyn yn fy sesiwn tystiolaeth lafar a drefnwyd ar gyfer 17^{eg} Gorffennaf.

Yr eiddoch yn gywir



Derek Walker
Comisiynydd Cenedlaethau'r Dyfodol Cymru

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/1575/25

Llŷr Gruffydd AS
Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith
SeneddClimate@senedd.wales

7 Gorffennaf 2025

Annwyl Llŷr

Diolch am eich gohebiaeth dyddiedig 13 Mehefin yn amgáu Adroddiad y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith '*Gwrandawriad cyn penodi: 'Cadeirydd Cyfoeth Naturiol Cymru'*'.

Rwy'n ddiolchgar i'r Pwyllgor am ei waith craffu cyn penodi ar yr ymgeisydd a ffefir, Mr Nilesh Sachdev ac am gyhoeddi ei adroddiad yn brydlon. Rwy'n falch o weld y Pwyllgor yn cymeradwyo penodi Mr Sachdev i rôl Cadeirydd Cyfoeth Naturiol Cymru.

O ran y pryderon a godwyd yn adroddiad y Pwyllgor, rwyf wedi ceisio sicrwydd ychwanegol o ymrwymiad amser Mr Sachdev, felly rwy'n fodlon ei fod yn gallu bodloni gofynion y rôl.

Bydd fy swyddogion a Cyfoeth Naturiol Cymru yn cefnogi Mr Sachdev gyda rhaglen gynefino a hyfforddi wedi'i theilwra i'w helpu i ddatblygu dealltwriaeth fwy a dyfnach o Cyfoeth Naturiol Cymru, yn ogystal â gweithredu yng nghyd-destun Cymru. Bydd y rhaglen hon yn cael ei chychwyn, pan gaiff ei benodi'n ffurfiol h.y. cyn iddo gyrraedd yn ffurfiol, a bydd yn parhau ar ôl iddo gyrraedd fel Cadeirydd ym mis Tachwedd.

Rwyf felly wedi gwneud y penderfyniad i benodi Mr Sachdev yn Gadeirydd Cyfoeth Naturiol Cymru. Hoffwn ddiolch i chi a'r Pwyllgor eto am eich amser wrth gynnal y gwrandawriad cyn penodi. Byddwn yn ddiolchgar pe gallai'r Pwyllgor gadw hyn yn gyfrinachol nes i mi ei gyhoeddi.

Yn gywir,

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.huw.irranca-davies@llyw.cymru
correspondence.huw.irranca-davies@gov.wales

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

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

Tudalen y pecyn 105

Eitem 5.2

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cif: PO HID 331 25

Mike Hedges AS
Cadeirydd
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

SeneddDCC@senedd.cymru

7 Gorffennaf 2025

Annwyl Mike

Yn unol â'r cytundeb cysylltiadau rhyngsefydliadol, roeddwn am roi gwybod ichi y cynhaliwyd cyfarfod arall o'r Grŵp Rhyngweinidogol ar yr Amgylchedd, Bwyd a Materion Gwledig ar 23 Mehefin 2025.

Cadeiriwyd y cyfarfod gan Jim Fairlie MSP, Gweinidog Amaethyddiaeth a Chysylltedd Llywodraeth yr Alban, a oedd yng nghwmni Mairi Gougeon MSP, Ysgrifennydd y Cabinet dros Faterion Gwledig, Diwygio Tir ac Ynysoedd a Gillian Martin MSP, Ysgrifennydd y Cabinet dros Weithredu yn yr Hinsawdd ac Ynni hefyd ar gyfer Llywodraeth yr Alban. Roedd

Andrew Muir MLA, Gweinidog Amaethyddiaeth, yr Amgylchedd a Materion Gwledig a Caoimhe Archibald MLA, Gweinidog yr Economi yn bresennol ar gyfer Gweithrediaeth Gogledd Iwerddon. Cynrychiolwyd Llywodraeth y DU gan Steve Reed AS, Ysgrifennydd Gwladol dros yr Amgylchedd, Bwyd a Materion Gwledig, Mary Creagh AS, Is-Ysgrifennydd Gwladol Seneddol dros Natur, y Farwnes Sue Hayman, Is-ysgrifennydd Gwladol Seneddol yn Adran yr Amgylchedd, Bwyd a Materion Gwledig, a Daniel Zeichner AS, y Gweinidog Gwladol dros Ddiogelwch Bwyd a Materion Gwledig.

Rwyf wedi cyhoeddi Datganiad Gweinidogol Ysgrifenedig sy'n crynhoi'r trafodaethau.

Mae'r cyfarfod nesaf wedi'i drefnu ar hyn o bryd ar gyfer 8 Medi.

Rwy'n anfon copi o'r llythyr hwn hefyd at y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith a Phwyllgor yr Economi, Masnach a Materion Gwledig.

Yn gywir,

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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

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

Tudalen y pecyn 106

Huw Irranca-Davies AS,
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig

8 Gorffennaf 2025

Annwyl Huw,

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru)

Diolch am ddod i gyfarfod y Pwyllgor ar 26 Mehefin i roi tystiolaeth ar Fil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) (y Bil). Er mwyn cefnogi ein gwaith craffu ar y Bil ymhellach, byddem yn ddiolchgar pe gallech ymateb i'r cwestiynau isod.

Rhan 1: Amcan amgylcheddol ac egwyddorion amgylcheddol

Dyletswydd i gymhwyso'r egwyddorion amgylcheddol

Mae adrannau 3 a 4 yn gosod dyletswydd ar Weinidogion Cymru a Cyfoeth Naturiol Cymru i roi 'sylw arbennig' i'r egwyddorion amgylcheddol wrth lunio polisi o ran Cymru. At ddiben adrannau 3 a 4, mae "polisi" yn cynnwys cynigion ar gyfer deddfwriaeth, ond nid yw'n cynnwys penderfyniad gweinyddol mewn perthynas â pherson penodol neu achos penodol.

At hynny, mae'r Memorandwm Esboniadol yn nodi:

"gall rhai awdurdodau cyhoeddus ddatblygu cynigion polisi ar gyfer Gweinidogion Cymru mewn cysylltiad â meysydd penodol. Bydd y materion hyn yn cael eu hystyried fesul achos o ran a fyddent yn dod o fewn cwmpas proses llunio polisi Gweinidogion Cymru, fel y'i diffinnir gan y Bil."

1. Allwch chi egluro a yw 'llunio polisi' i fod i gwmpasu allbynnau gan Lywodraeth Cymru nad ydynt yn ddeddfwriaeth i bob pwrpas (megis canllawiau, datganiadau, cyfarwyddydau a chodau ymddygiad anstatudol).

2. Pa feini prawf fydd yn cael eu defnyddio i benderfynu a yw cynigion polisi sy'n cael eu datblygu gan awdurdodau cyhoeddus yn dod o fewn cwmpas proses llunio polisi Gweinidogion Cymru?

Mae adran 5 yn gosod dyletswydd ar awdurdodau cyhoeddus (a ddiffinnir yn is-adran (4)) i roi sylw i'r egwyddorion amgylcheddol wrth gyflawni swyddogaethau mewn cysylltiad ag Asesiadau Amgylcheddol Strategol, ac i integreiddio trefniadau diogelu'r amgylchedd i gyflawni'r swyddogaethau hynny.

3. Yn ymarferol, pa gyfran o awdurdodau cyhoeddus a ddiffinnir yn adran 5(4) sy'n 'awdurdodau cyfrifol' o dan Reoliadau Asesiadau Amgylcheddol o Gynlluniau a Rhaglenni (Cymru) 2004, ac felly y mae'n ofynnol iddynt ymgymryd ag Asesiadau Amgylcheddol Strategol?

4. Pa drefniadau fydd yn cael eu rhoi ar waith i sicrhau bod awdurdodau cyhoeddus sy'n ddarostyngedig i'r ddyletswydd yn cydymffurfio â hi? Sut mae'r Bil yn darparu ar gyfer hyn?

Datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd

Mae adran 7 yn nodi'r gofynion gweithdrefnol ar gyfer y 'datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd' (y 'datganiad'). Mae adran 7(1) yn darparu bod rhaid i Weinidogion Cymru, cyn cyhoeddi'r datganiad, ymgynghori â phersonau penodedig. Mae adran 7(2) yn darparu bod rhaid i Weinidogion Cymru osod copi o'r datganiad gerbron Senedd Cymru.

Nid yw'r Bil yn gwneud darpariaeth i'r Senedd graffu ar y datganiad. Mewn cyferbyniad, mae deddfwriaeth y DU a'r Alban yn rhoi cyfle i'r Seneddau priodol graffu ar ddogfennau tebyg (h.y. datganiad polisi Llywodraeth y DU ar egwyddorion amgylcheddol a chanllawiau Llywodraeth yr Alban ar egwyddorion amgylcheddol a dyletswyddau cysylltiedig).

5. Pam ydych chi wedi dewis peidio â gwneud darpariaeth i'r Senedd graffu ar y datganiad, o ystyried ei arwyddocâd?

Rhan 2: Swyddfa Llywodraethiant Amgylcheddol Cymru (SLIAC)

Sefydlu SLIAC

7. Wrth ymddangos gerbron y Pwyllgor ar 26 Mehefin, gwnaethoch amcangyfrif y byddai SLIAC yn gwbl weithredol rhwng 18 a 24 mis ar ôl i'r Ddeddf gael y Cydsyniad Brenhinol. Allwch chi roi rhagor o fanylion am yr amserlen waith arfaethedig, gan gynnwys cerrig milltir allweddol?



8. Sut y byddwch yn sicrhau trosglwyddiad llyfn o fesurau interim diogelu'r amgylchedd, dan arweiniad Asesydd Interim Diogelu'r Amgylchedd Cymru, i SLIAC sy'n gwbl weithredol?

Ymchwiliadau a hysbysiadau cydymffurfio

Mae adran 15 o'r Bil yn darparu y caiff SLIAC ymchwilio i benderfynu a yw awdurdod cyhoeddus *yn methu, neu wedi methu ar unrhyw adeg*, â chydymffurfio â chyfraith amgylcheddol. Fodd bynnag, dim ond os yw'n ystyried bod yr awdurdod cyhoeddus *yn methu* â chydymffurfio â chyfraith amgylcheddol y caiff SLIAC gyflwyno hysbysiad cydymffurfio (o dan adran 16).

9. Allwch chi egluro pam mae angen y pŵer i SLIAC ymchwilio i achosion hanesyddol o ddiffyg cydymffurfio os nad yw SLIAC yn gallu cymryd camau gorfodi wedi hynny?

Ystyr "cyfraith amgylcheddol"

Mae adran 29 yn darparu ystyr "cyfraith amgylcheddol". Mae adran 29(4) yn galluogi Gweinidogion Cymru, drwy reoliadau, i ddarparu bod darpariaeth ddatganoledig a bennir yn y rheoliadau o fewn, neu nad yw o fewn, y diffiniad o "cyfraith amgylcheddol" (ac felly o fewn cwmpas SLIAC). Yn ôl y Memorandwm Esboniadol, mae hyn "er mwyn sicrhau bod modd diogelu'r diffiniad o gyfraith amgylcheddol at y dyfodol a'i ddiweddarau gyda'r datblygiadau diweddaraf mewn perthynas â pholisi rhyngwladol a domestig".

Mae adran 46 o Ddeddf yr Amgylchedd 2021 yn darparu pŵer tebyg i'r Ysgrifennydd Gwladol mewn perthynas â'r diffiniad o "cyfraith amgylcheddol" o dan y Ddeddf honno. Cyn gwneud rheoliadau, rhaid i'r Ysgrifennydd Gwladol ymgynghori â Swyddfa Diogelu'r Amgylchedd (sy'n cyfateb i SLIAC) ac unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

10. Allwch chi ymhelaethu ar pam yr ydych yn ystyried bod angen y pŵer yn adran 29(4) o'r Bil?

11. Pa feini prawf fydd yn cael eu defnyddio i benderfynu a yw darpariaeth ddatganoledig o fewn, neu nad yw o fewn, y diffiniad o 'gyfraith amgylcheddol' wrth arfer y pŵer o dan adran 29(4)?

12. Pa ystyriaeth a roesoch i gynnwys gofyniad ar Weinidogion Cymru i ymgynghori cyn gwneud rheoliadau o dan adran 29(4)?

Swyddogaethau sy'n gorgyffwrdd

Yn ystod eich ymddangosiad ger ein bron ar 26 Mehefin 2025, gwnaethom eich holi am orgyffwrdd posibl rhwng swyddogaethau SLIAC a Phwyllgor Newid Hinsawdd y DU (UKCCC). Dywedoch:

"we're confident...that there's going to be limited overlap between the OEGW and the UK Climate Change Committee. They're established under different legislative frameworks, and they have fundamentally different purposes."

Fodd bynnag, mae'r Papur Gwyn yn tynnu sylw at risg y gallai swyddogaethau monitro targedau SLIAC ddyblygu swyddogaethau cyrff eraill, fel yr UKCCC.

13. Allwch chi egluro a yw'r Bil yn galluogi SLIAC i fonitro'r targedau newid hinsawdd a osodir o dan Ddeddf yr Amgylchedd (Cymru) 2016, cyflwyno adroddiadau arnynt a rhoi cyngor arnynt?

14. O ystyried nad yw'r UKCCC wedi'i restru ym mharagraff 1(1)(e) o Atodlen 2, sut mae'r Bil yn sicrhau y bydd y 'gorgyffwrdd cyfyngedig' mewn swyddogaethau rhwng SLIAC a'r UKCCC yn cael ei reoli'n effeithiol?

15. Mae Deddf yr Amgylchedd 2021 yn ei gwneud yn ofynnol i Swyddfa Diogelu'r Amgylchedd a'r UKCCC lunio memorandwm cyd-ddealltwriaeth ar sut maent yn bwriadu cydweithredu. Pa ystyriaeth wnaethoch chi ei rhoi i gynnwys darpariaeth debyg yn y Bil?

Perthynas â chyrrff llywodraethiant amgylcheddol eraill

16. Ydych chi'n rhagweld y bydd SLIAC yn gweithio mewn cydweithrediad â Swyddfa Diogelu'r Amgylchedd, er enghraifft, os yw mater yr ymchwiler iddo o dan adran 15 hefyd yn cyffwrdd â chyfraith amgylcheddol 'a gedwir yn ôl'?

17. Mae'n ofynnol i Swyddfa Diogelu'r Amgylchedd a Safonau Amgylcheddol yr Alban ymgynghori â swyddogion cyfatebol yng ngwledydd eraill y DU os ydynt yn ystyried y gall arfer eu swyddogaethau mewn ffordd benodol fod yn berthnasol i arfer swyddogaethau eu swyddogion cyfatebol. Pam ydych chi wedi dewis peidio â gosod gofyniad cyfatebol ar SLIAC?

Hysbysiadau cydymffurfio

Mae adran 16 yn galluogi SLIAC i gyflwyno hysbysiad cydymffurfio i awdurdod cyhoeddus os yw'n ystyried bod yr awdurdod yn methu â chydymffurfio â chyfraith amgylcheddol. Rhaid i'r hysbysiad cydymffurfio bennu un neu ragor o gamau y mae rhaid i'r awdurdod eu cymryd er mwyn mynd i'r afael â'r methiant a'r cyfnod y mae rhaid cymryd pob cam ynddo. Rhaid i'r cyfnod a bennir fod o leiaf 30 o ddiwrnodau o'r diwrnod y cyflwynwyd yr hysbysiad.

Mae adran 17 yn galluogi SLIAC i gyflwyno hysbysiad cydymffurfio 'brys' pan fo'n ystyried bod angen i bob cam gweithredu "gael ei gymryd ar frys er mwyn atal neu liniaru risg bod niwed difrifol ar fin digwydd i'r amgylchedd neu i iechyd pobl". Caiff yr hysbysiad bennu camau gweithredu sydd i'w cymryd o fewn cyfnod o 7 i 30 o ddiwrnodau.

Mae adran 18 yn gwneud darpariaeth i SLIAC adolygu hysbysiadau cydymffurfio, gan gynnwys hysbysiadau cydymffurfio 'brys'. Mae'n ofynnol i SLIAC adolygu unrhyw hysbysiad o'r fath os gofynnir iddi wneud hynny gan yr awdurdod cyhoeddus y cyflwynwyd yr hysbysiad iddo. Er nad yw'r Bil yn pennu'r rhesymau dros ofyn am adolygiad, mae'r Memorandwm Esboniadol yn nodi bod rhaid i'r rhesymau "fod yn sylweddol ac nid yn wacsaw".



18. Pam ydych chi'n ystyried ei bod yn angenrheidiol galluogi SLIAC i gyflwyno hysbysiadau cydymffurfio 'brys'?
19. O dan ba amgylchiadau ydych chi'n rhagweld y bydd hysbysiad cydymffurfio 'brys' yn cael ei ddyroddi? Allwch chi ddarparu enghraifft/enghreifftiau?
20. Pam ydych chi'n ystyried ei bod yn angenrheidiol galluogi awdurdod cyhoeddus i ofyn am adolygiad o hysbysiad cydymffurfio?
21. Pam ydych chi wedi dewis peidio â phennu yn y Bil y rhesymau dros ofyn am adolygiad?
22. Oes perygl y gallai cais am adolygiad o hysbysiad cydymffurfio 'brys' oedi camau gweithredu y mae angen eu cymryd "ar frys er mwyn atal neu liniaru risg bod niwed difrifol ar fin digwydd i'r amgylchedd neu i iechyd pobl"? Sut mae'r Bil yn diogelu rhag hyn?

Rhan 3: Targedau bioamrywiaeth

Gosod targedau

Mae'r Bil yn darparu bod rhaid i Weinidogion Cymru, cyn gosod neu ddiwygio targedau bioamrywiaeth, fod wedi'u bodloni y gellir cyflawni'r targedau hynny (adran newydd 6D o Ddeddf yr Amgylchedd (Cymru) 2016 (Deddf 2016) i'w mewnosod gan adran 33).

23. Oes perygl y bydd hyn yn arwain at dargedau llai uchelgeisiol?
24. Yn ymarferol, sut y bydd Gweinidogion Cymru yn bodloni eu hunain y gellir cyflawni targedau arfaethedig?
25. Mae'r Bil yn galluogi Gweinidogion Cymru i ddirymu neu ostwng targedau. Pam ydych chi'n ystyried bod angen y pŵer hwn?

Mae'r Bil yn nodi'r amgylchiadau y gellir dirymu neu ostwng targed odanynt (adran newydd 6H o Ddeddf 2016 i'w mewnosod gan adran 33), gan gynnwys:

"oherwydd newidiadau mewn amgylchiadau ers i'r targed presennol gael ei osod, y byddai costau amgylcheddol, costau cymdeithasol, costau economaidd neu gostau eraill cyrraedd y targed yn anghymesur â'r buddion".

26. Yn ymarferol, sut y bydd Gweinidogion Cymru yn penderfynu a fyddai costau amgylcheddol, costau cymdeithasol, costau economaidd neu gostau eraill cyrraedd targed yn anghymesur â'r buddion?

Dynodi awdurdodau cyhoeddus

Mae'r Bil yn galluogi Gweinidogion Cymru i ddynodi mewn rheoliadau awdurdodau cyhoeddus y mae rhaid iddynt gymryd camau i gyfrannu at gyflawni'r targed(au) (adran newydd 6F o Ddeddf 2016 i'w mewnosod gan adran 33).

27. Pa feini prawf y bydd Gweinidogion Cymru yn eu defnyddio i benderfynu a ddylid dynodi awdurdod cyhoeddus mewn perthynas â tharged?

28. Oes bwriad i osod rheoliadau ar yr un pryd sy'n gosod targedau o dan adran newydd 6B ac sy'n dynodi awdurdodau cyhoeddus perthnasol o dan adran newydd 6F?

Y cynlluniau adran 6 newydd (o dan Ddeddf 2016)

Roedd cynnig y Papur Gwyn ar gyfer "Strategaeth Adfer Natur hirdymor statudol i Gymru yn amlinellu'r dull o gyflawni'r targedau statudol yn ogystal ag ymateb Llywodraeth Cymru i'r Fframwaith Bioamrywiaeth Byd-eang". Nid oes darpariaeth yn y Bil ar gyfer strategaeth o'r fath, ond yn hytrach gofyniad ar Weinidogion Cymru i nodi yn eu cynllun adran 6 (o dan Ddeddf 2016) y camau y maent yn bwriadu eu cymryd i sicrhau bod y targedau bioamrywiaeth yn cael eu bodloni a phryd maent yn bwriadu cymryd y camau hynny. Wrth ymddangos gerbron y Pwyllgor, gwnaethoch esbonio bod y dull wedi newid fel hyn er mwyn osgoi dyblygu, gan ychwanegu:

"The section 6 plan will serve as the Welsh biodiversity strategy...This provides that clear, strategic pathway for us, for public bodies, for stakeholders and wider society to seek that reversal of biodiversity decline. It's very transparent, it's very effective in terms of monitoring and evaluation, and we can track progress through it."

29. Pa gyfle fydd i randdeiliaid ddylanwadu ar y gwaith o ddatblygu'r cynllun adran 6 newydd? Sut mae'r Bil yn darparu ar gyfer hyn?

30. Allwch chi egluro a fwriedir i'r cynllun adran 6 gymryd lle'r Cynllun Gweithredu Adfer Natur?

- Os felly, a fwriedir i'r cynllun adran 6 gynnwys camau gweithredu ehangach mewn ymateb i'r Fframwaith Bioamrywiaeth Byd-eang?
- Os nad dyma'r bwriad, allwch chi esbonio sut y bydd y cynllun adran 6 a'r Fframwaith Bioamrywiaeth Byd-eang yn ymwneud â'i gilydd?

Byddai'n ddefnyddiol cael ymateb cyn gynted â phosibl, ac erbyn 5 Awst fan bellaf.

Rwy'n anfon copi o'r llythyr hwn at Mike Hedges AS, Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Cofion,





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

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

Eitem 8

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon