

Agenda – Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 3 – y Senedd **Marc Wyn Jones**
Dyddiad: Dydd Mercher, 8 Mai 2019 Clerc y Pwyllgor
Amser: 09.30 0300 200 6363
SeneddNHAMG@cynulliad.cymru

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

2 Rhandiroedd: sesiwn dystiolaeth gyda gweinyddwyr rhandiroedd (09.30–10.30) (Tudalennau 1 – 26)

Paul Egan, Dirprwy Brif Weithredwr a Rheolwr Adnoddau – Un Llais Cymru

Peter Newton, Swyddog Polisi, Datblygu ac Arloesi – Cyngor Tref Penarth

Lee Davies, Rheolwr Amwynderau – Cyngor Tref y Drenewydd a

Llanllwchaearn

Neville Rookes, Swyddog Polisi – yr Amgylchedd, Cymdeithas Llywodraeth

Leol Cymru

Dogfennau atodol:

Briff Ymchwil

Papur – Un Llais Cymru (Saesneg yn unig)

Papur – Cyngor Tref Penarth (Saesneg yn unig)

Papur – Cyngor Tref y Drenewydd a Llanllwchaearn (Saesneg yn unig)

Papur – Cymdeithas Llywodraeth Leol Cymru (Saesneg yn unig)

Egwyl (10.30–10.40)



3 Rhandiroedd: sesiwn dystiolaeth gyda Chymdeithas Genedlaethol Rhandiroedd

(10.40–11.30)

Judith Hill, Cynrychiolydd Rhanbarthol Cymru – Cymdeithas Genedlaethol Rhandiroedd

4 Papur(au) i'w nodi

(11.30–11.35)

4.1 Gohebiaeth gan Cyfoeth Naturiol Cymru at y Cadeirydd yn dilyn y sesiwn graffu flynyddol ar 13 Chwefror

(Tudalennau 27 – 38)

Dogfennau atodol:

Papur i'w nodi – Gohebiaeth gan Cyfoeth Naturiol Cymru – 1 Ebrill 2019
(Saesneg yn unig)

4.2 Gohebiaeth rhwng y Cadeirydd a Gweinidog yr Amgylchedd, Ynni a Materion Gwledig ynglŷn â'r Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Pysgodfeydd

(Tudalennau 39 – 54)

Dogfennau atodol:

Papur i'w nodi – Gohebiaeth rhwng y Cadeirydd a Gweinidog yr Amgylchedd, Ynni a Materion Gwledig – 5 Ebrill 2019 a 17 Ebrill 2019

4.3 Gohebiaeth rhwng y Cadeirydd a Gweinidog yr Amgylchedd, Ynni a Materion Gwledig ynglŷn ag ymchwiliad dilynol y Pwyllgor i reoli Ardaloedd Gwarchoddedig Morol yng Nghymru

(Tudalennau 55 – 76)

Dogfennau atodol:

Papur i'w nodi – Gohebiaeth rhwng y Cadeirydd a Gweinidog yr Amgylchedd, Ynni a Materion Gwledig – 12 Mawrth 2019 a 17 Ebrill 2019

4.4 Gohebiaeth gan NFU Cymru ar y Memorandwm Cydsyniad Deddfwriaethol Atodol ar gyfer y Bil Amaethyddiaeth

(Tudalennau 77 – 80)

Dogfennau atodol:

Papur i'w nodi – NFU Cymru (Saesneg yn unig)

4.5 Gohebiaeth gan Hybu Cig Cymru ar y Memorandwm Cydsyniad Deddfwriaethol Atodol ar gyfer y Bil Amaethyddiaeth

(Tudalennau 81 – 83)

Dogfennau atodol:

Papur i'w nodi – Hybu Cig Cymru (Saesneg yn unig)

4.6 Gohebiaeth gan Dr Ludivine Petetin a Dr Mary Dobbs ar y Memorandwm Cydsyniad Deddfwriaethol Atodol ar gyfer y Bil Amaethyddiaeth

(Tudalennau 84 – 86)

Dogfennau atodol:

Papur i'w nodi – Gohebiaeth gan Dr Ludivine Petetin a Dr Mary Dobbs (Saesneg yn unig)

4.7 Gohebiaeth gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig at Gadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol mewn perthynas â'r Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Awdurdodau Afonydd a Draenio Tir

(Tudalennau 87 – 88)

Dogfennau atodol:

Papur i'w nodi – Gohebiaeth gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig at Gadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol –
18 Ebrill 2019

4.8 Gohebiaeth gan Gadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau at Gomisiynydd Cenedlaethau'r Dyfodol Cymru yn dilyn y sesiwn graffu flynyddol ar 27 Mawrth

(Tudalennau 89 – 91)

Dogfennau atodol:

Papur i'w nodi – Gohebiaeth gan Gadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau – 23 Ebrill 2019

5 Cynnig o dan Reol Sefydlog 17.42(vi) i benderfynu gwahardd y cyhoedd o'r cyfarfod heddiw ar gyfer eitemau 6, 7 ac 8

(11.35 – 12.00)

6 Lleihau gwastraff plastig: trafod adroddiad drafft y Pwyllgor

(Tudalennau 92 – 115)

Dogfennau atodol:

Adroddiad drafft – Lleihau gwastraff plastig

7 Trafod ymateb Llywodraeth Cymru i adroddiad y Pwyllgor ar y Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Pysgodfeydd

(Tudalennau 116 – 134)

Dogfennau atodol:

Papur Preifat

8 Trafod y Memorandwm Cydsyniad Deddfwriaethol Atodol ar gyfer y Bil Amaethyddiaeth

(Tudalennau 135 – 149)

Dogfennau atodol:

Papur Preifat

Mae cyfyngiadau ar y ddogfen hon

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change, Environment and Rural Affairs Committee

Ymchwiliad Rhandiroedd | Allotments Inquiry

Ymateb gan : Un Llais Cymru

Evidence from : One Voice Wales

One Voice Wales is recognised by the Welsh Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over 80% of the 735 community and town councils are already in membership, with numbers growing year on year. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors, which continues to be delivered effectively. We believe strongly that community and town councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, sustainability, environmental issues and strategic planning. Our sector will always support and wish to encourage the development of local food production and we provide ongoing guidance and support to Councils who already provide allotments and community gardens for the benefit of their communities. Demand for allotments is increasing reflecting the approach of local residents to becoming more active and living healthier lifestyles. Allotments also provide an ideal opportunity for local communities to develop bio-diversity approaches on land that is used for local food production. This is very much in line with the bio-diversity duty contained in the Environment (Wales) Act 2016. We will shortly be distributing guidance to our member councils as to how they can address this new duty and in particular how allotment sites can play a major part in developing such approaches.

In a survey undertaken by the Welsh Government in January 2018 'Management and Delivery of Services and Assets in Community and Town Councils: Research with the Sector' it was found that of the 254 Councils who responded to the survey some 35 of them were responsible for the provision of allotments. In some Councils it is possible that more than one allotment site is provided. With the growing trend of place based services being considered for transfer from principal councils to community and town councils it is likely that this number will increase.

One Voice Wales did work in partnership with the Federation of City Farms and Gardens some years ago and free training was provided by the organisation on our behalf which was quite well supported. It is considered that practical guidance and encouragement to community and town councils should be developed and an ongoing training programme be put in place to achieve the aim of increasing opportunities for local food production in Wales. This could be achieved through Welsh Government funding to support the development of a training module that could be delivered by One Voice Wales trainers who operate throughout Wales. One of the difficulties facing community and town councils in establishing new allotment sites is the capital cost involved in preparing land and associated amenities. The running costs of allotments once properly established should not act as a barrier as

plot rentals mostly cover such costs. It is suggested that the Welsh Government might consider introducing a funding incentive to generate greater interest in the development of new allotment sites where demand exists.

Practical guidance on the provision and management of allotment sites by community and town councils would be a useful resource and One Voice Wales can arrange circulation to all of its member councils. Furthermore, we are well placed to highlight the importance of allotments by featuring this subject at our Area Committees and at Conferences that we arrange on an annual basis.

One Voice Wales works closely with the WLGA on a range of subject areas and the addition of increasing opportunities for local food production could feature on our ongoing agenda.

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change, Environment and Rural Affairs Committee

Ymchwiliad Rhandiroedd | Allotments Inquiry

Ymateb gan : Cyngor Tref Penarth

Evidence from : Penarth Town Council

Under increasing financial pressures, Town and Community Councils have had to face losing community growing space, or look at other ways that they can be made sustainable for both current and future generations. As a Town Council with 3 allotment sites and a Community Garden to oversee and manage, we are pleased that the Welsh Government is looking into ways to ensure that these growing spaces meet the challenges of the future.

With regards to waiting lists for allotment spaces, we believe that the issue has less to do with poor administrative practices, or knowledge surrounding the management of allotments, and more to do with the consistent high levels of demand for the space seen year on year. Our own waiting list is at well over 100 people, with only 60 plots on site, all of which are currently tenanted.

This is for a number of reasons; local factors such as an older demographic are likely to play their part, as well as a generally increasing lifespan meaning that people hold onto plots for longer.

The idea of an agreed period of tenure for a plot should be explored. In areas where the waiting list is long in comparison to the plots available, there should also be a minimum wait time before previous holders can be put onto the waiting list again. This would ensure that more members of the community get a chance to use and cultivate a plot.

It should also be noted that allotments and community growing spaces, whilst often considered the purview of the older generations, elevate the lifestyles of all members of the community, no matter what their age. As such, they should not only be made aware of these opportunities, but also be able to access them, regardless of their background or circumstances.

To increase the number of available community growing opportunities, more work should be done to determine a recommended plot size for people in 2019. Having a minimum recommended plot size that reflects the space needed to grow fruit and vegetables for a modern sized household would ensure that allotments would still be of benefit to the cultivators in question. Not having a maximum size would also allow those responsible to split plots as they prefer, taking into account this new minimum. This means area where plots have a different size or shape due to factors such as an unusual shape of the land could continue.

Whilst Penarth Town Council commends the idea of providing information and guidance to Town and Community Councils, a more pressing requirement is ongoing financial support for those responsible for allotment sites. Much of the costs incurred by Penarth Town

Council are related to ongoing maintenance of our sites, and payment of the staff that do this on a regular basis.

The Community Infrastructure Levy could be one source of the monies for this support, as well as contributing towards initial set up costs.

Additionally, Penarth Town Council believes that any new developments made of over 100 houses should have land set aside on an equitable formula basis specifically for allotments and community growing spaces.

Similarly, providing a recognised standard with regards to information contained within waiting lists would be somewhat useful for smaller organisations and community groups. However, this shouldn't be done through locking Town and Community Councils and community groups into using specific bespoke software to achieve this, like some other aspects of Town Council services, as this is both expensive and restrictive.

As the landscape of the community has changed significantly since the inception of allotments, Penarth Town Council believes that providing spaces for community growing spaces could be more inclusive and conducive to community activities than increasing the provision of allotments. Reducing current, disused allotment space and using it for a community gardening space could be one way to address demand.

Giving communities the proper support to be able to set up community growing spaces, and ensuring that they are set up to be a long term and sustainable success is vital to enabling Welsh people from all walks of life to have a healthier lifestyle.

By supporting existing allotment structures and their management hierarchy, helping communities to create and maintain community growing space, and fostering these spaces with the appropriate aftercare will ensure that community growing remains at the heart of the community and contributes to an overall healthier and more robust Wales.

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate
Change, Environment and Rural Affairs Committee
Ymchwiliad Rhandiroedd | Allotments Inquiry
Ymateb gan : Cyngor Tref y Drenewydd a Llanllwchaearn
Evidence from : Newtown and Llanllwchaiarn Town Council

28th February 2019

National Assembly For Wales Sustainability Committee Allotment Provision in Wales: Review of consultation July 2010

Response from Newtown & Llanllwchaiarn Town Council

About Newtown

Nestling on the banks of the River Severn in the heart of Mid Wales, Newtown lies in the old county of Montgomeryshire, which is now part of Powys. With a population of about 13,000, it is a pretty market town with a rich industrial heritage, surrounded by beautiful countryside.

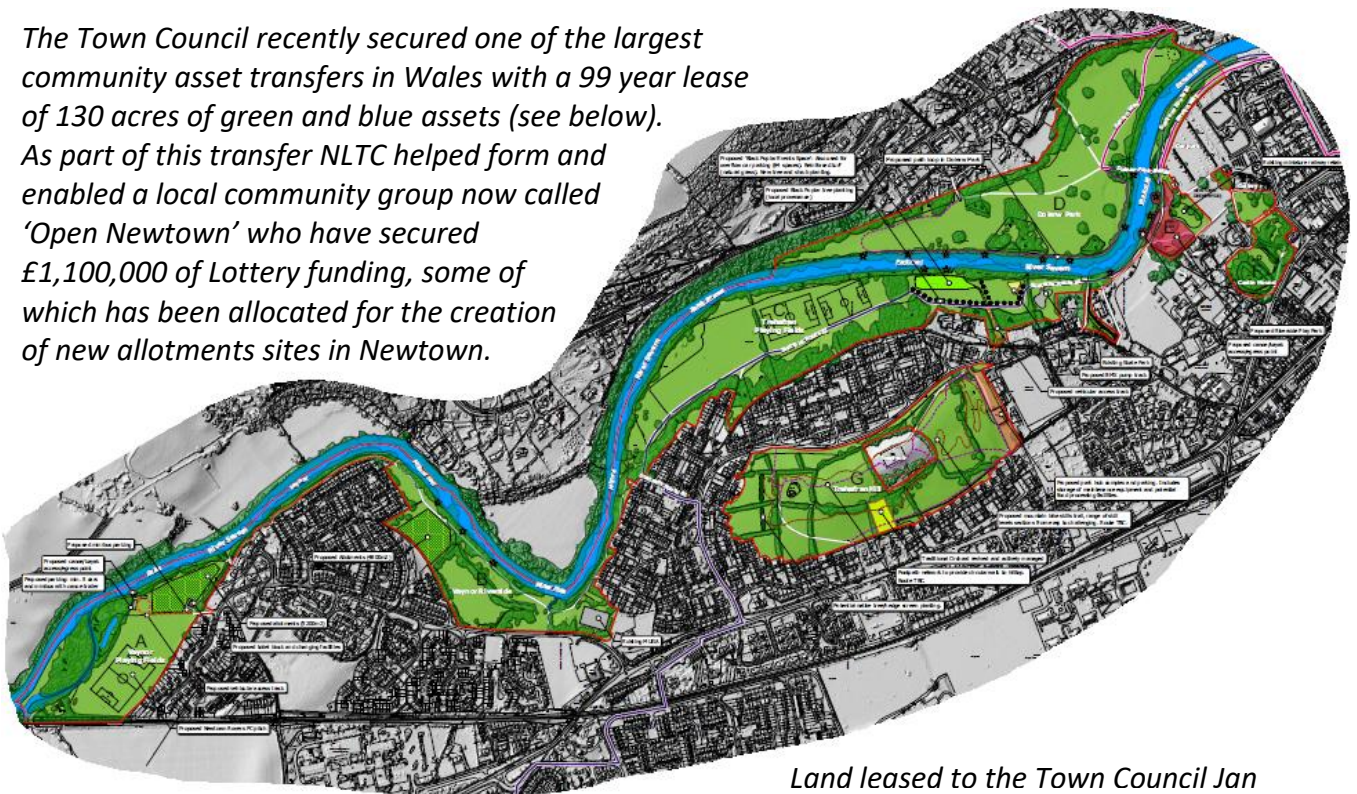
- *Founded as a market town at the end of the 13th century (1279), with a market in operation since Medieval times. Today's location for Newtown replaced its original, latterly suppressed, fledgling town on the ridge west of Dolforwyn Castle following the Mortimer siege (1277).*
- *Newtown grew strongly with the expansion of the woollen industry in the early 19th century.*
- *It was an international hub for the flannel industry. The old Flannel Exchange survives to this day as an entertainment venue.*
- *Social reformer and industrial pioneer Robert Owen was born in Newtown in 1771 and left to seek his fortune ten years later. He returned to the town shortly before his death on November 17th 1858. Owen's ideas have had worldwide influence and became the cornerstone of the international co-operative movement. There is a museum dedicated to Owen's memory in the town centre.*
- *Newtown is also famous for the birth of the mail order retail business which local entrepreneur Pryce Jones started in the mid nineteenth century by dispatching goods*

to Britain and Europe from Newtown. His Royal Welsh Warehouse still dominates the townscape. Amongst his customers were Queen Victoria and Florence Nightingale. It is believed that the parcel post in Britain was started as a result of a suggestion made by Pryce Jones to the Postmaster General.

- The town's connection with the textile industry was revived in the 20th century when businesswoman Laura Ashley established her home furnishing and clothing company in the area. Newtown is now home to the Textile Museum, the Oriel Davies Gallery, entertainment venue Hafren, local sports facilities and an attractive town centre set against the backdrop of the beautiful Severn Valley.
- In addition to its many attractions, as the largest town in central Wales, Newtown provides the ideal base to explore the surrounding countryside. There are nature reserves, canal paths, the Severn Way and nearby Gregynog Hall and Gardens.

Newtown & Llanllwchaiarn Town Council (NLTC) are currently negotiating with Powys County Council (PCC) the transfer of the allotments service for the town and discussions are already taking place with a local community group called 'Open Newtown' to extend and enhance the allotment provision further.

The Town Council recently secured one of the largest community asset transfers in Wales with a 99 year lease of 130 acres of green and blue assets (see below). As part of this transfer NLTC helped form and enabled a local community group now called 'Open Newtown' who have secured £1,100,000 of Lottery funding, some of which has been allocated for the creation of new allotments sites in Newtown.



Land leased to the Town Council Jan

We believe that the current allotment provision in the town is managed by a local allotment association, on behalf of the county council on land owned by PCC. However, as identified in the review document of 2010, it is proving extremely difficult to obtain any firm figures or details of how many allotments there currently are, how many are occupied or how many are on a waiting list, or even if there is a list at all.

Town Council Response

The Welsh Governments' strategic approach

Having read through the National Assembly for Wales Sustainability Committee Allotment Provision in Wales document dated July 2010, the general consensus is that all the recommendations made by the committee seem to be very fair and comprehensive. The fundamental problem appears to be that, in our experience at least; none of these recommendations have been implemented or, if they have been implemented, are actually working in practice.

We have been told that sufficient consultation and guidance documents have been produced in the last 9 years to support Welsh Government in identifying the actions and the steps necessary to support allotments and community growing in Wales.

Allotment Law is a minefield of extremely outdated terms and vocabulary rather like Planning Law. A review of Planning Law was undertaken in 2018 by Law Commission to consolidate and modernise, could something similar could be done for Allotment Law in Wales?

The approach taken by local authorities across Wales

As regards the allotment duty, where a town and/or community council exists alongside a principal authority, we need clarity on which body is to be seen as the allotment authority to meet the 'allotment duty' and who is the allotment provider to work with the allotment authority to ensure delivery.

In Powys if you are wish to apply for an allotment the local authorities website directs you one of the 10 existing sites under their control, all of which have no plots available (as of the 28th Feb 2019) or if your chosen allotment isn't shown it will direct you to the contact details of all the town and/or community councils of Powys. There is neither mapping of allotment provision nor any indication of how many are on a waiting list. No joined up advice or guidance for those with allotments or those wishing to get an allotment other than a link to Natural England's "Specific guide for allotments holders".

We are lead to believe that there is good practice found in some local authorities across Wales but if the Welsh Assembly wishes to really make a difference then funding should be made available (for either local authorities or town/community councils) to allow some continuity of service across Wales. This would also help with confusion over the size of allotments; the definitions of what an allotment is i.e. terms like allotment, garden allotment, field allotments are all common and allotment rent, law requires that not more than 25% of rent can be demanded in advance, is this still desirable in 2019?

How we can maximise the health, community and environmental benefits of allotments and community growing.

Newtown and Llanllwchaiarn Town Council believe that allotments are very much needed, not just for growing one's own food but for the wider benefits of health and wellbeing. Allotments should be made available of a similar standard with similar rents and similar provisions across the whole of Wales.

Allotments and the green spaces they secure, particularly close to urban centres can offer huge benefits to the public in Health & Wellbeing, Education and Recreation.

We are fundamentally asking **the wrong question** of the people of Wales, it should not be;

Would like to add your name onto the waiting list?

We should be asking;

If an allotment was made available to you, would you want one?

Only with the answer to this question can Newtown, Powys and indeed Wales truly understand the extent to which the public can help improve, maintain and benefit from the green spaces in Wales and help create a more circular economy around growing our own food to help reduce the dependence on imports. All this while creating greater community cohesion, reduction of social isolation, reduction of antisocial behaviour, food security and sustainability and improving green infrastructure and biodiversity.

End of response

Author – Lee Davies (Amenities Manager - Newtown and Llanllwchaiarn Town Council)

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,
Environment and Rural Affairs Committee
Ymchwiliad Rhandiroedd | Allotments Inquiry
Ymateb gan : Cymdeithas Llywodraeth Leol Cymru
Evidence from : Welsh Local Government Association

Introduction

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. We welcome the opportunity to contribute to the Climate Change, Environment and Rural Affairs Committee Inquiry into Allotments.

General comments

4. The report of the predecessor committee's inquiry into allotments highlighted sixteen recommendations the majority (11) of which were directly requiring action by Welsh Government the remainder were directed towards Local Authorities (2) the Minister, WLGA and National Trust
5. The Guidance Document for Traditional Allotments and Community Led Gardening Projects published in March 2016 is a useful guide which clearly sets out the roles and responsibilities of all the stakeholders involved in the provision of allotments, the legislative basis for the establishment of allotments and is an essential reference source.
6. There is an acknowledgement that the overall responsibility for the provision of allotments lies with the Local Authorities.

QUESTION 1: The Welsh Government's strategic approach

7. The recommendation in the predecessor report for Welsh Government to actively promote the benefits of allotments and community growing as part of the wider health and well-being agenda is to be welcomed. There is a need however to 'have all the ducks in a row', the recommendations relating to availability and planning approvals need to be in place, appropriate management arrangement established to enable a response to requests. It cannot be expected that additional requirements and administrative burdens be placed upon Local Authorities without the necessary infrastructure of resources to support
8. The Welsh Government in working with key stakeholders in developing a suite of guidance and tools for community groups and individuals in starting and maintaining allotments and community growing spaces must give appropriate consideration as to who the stakeholders are. The need to have representation from Local Authorities is vital – considering that under present legislation they have the statutory obligation and responsibility for the provision of allotments.
9. The Welsh Government is charged with bringing forward new legislation for allotments to include a time limit for Local Authorities to consider written requests for new sites. Time is not the only resource that needs to be addressed, the need for resource capacity of funding, staff and available land must be considered together.

QUESTION 2: The approach taken by local authorities across Wales;

10. The majority of Local Authorities have details of allotment sites and management arrangements and appropriate contact details and application arrangements on their website
11. A minority of Local Authorities in Wales have retained the management of allotments.
12. The management of the allotment provision in many Local Authorities is now self-governed, management having been transferred over to allotment associations which have their own management committees to coordinate applications made.

13. Other authorities have a mixed provision of Council-run (including Local Authority run and Town & Community Council Run sites), self managed sites and privately owned sites.
14. There are signed agreements between the local authority and some of the allotment associations as to how the site should be run, with some private sites being owned and managed.

QUESTION 3: How we can maximise the health, community and environmental benefits of allotments and community growing.

15. The provision of allotments and community growing areas can have a significant benefit to health. There is a drive towards 'social prescribing' whereby patients can be provided with a prescription for activity in the open air or in green space. The presence of green infrastructure has been shown to have a positive impact upon mental health, depression, loneliness, physical fitness and community engagement. The office of the Future Generations Commissioner is researching into how this can be more widely used.
16. The community spirit and engagement and cultural well-being and diversity can be seen in the 'Vetch Veg' project, utilising the Vetch Field (the old home of Swansea City Football Club).
17. The causes of Climate change can be impacted upon through the provision of community growing, allotments and city farms, carbon sequestration, locally grown fruit and vegetables reducing transport costs and fuel usage.

For further information, please contact:

Tim Peppin, Director of Regeneration and Sustainable Development

Welsh Local Government Association

Local Government House

Ty Cambria / Cambria House
29 Heol Casnewydd / 29 Newport Road
Caerdydd / Cardiff
CF24 0TP / CF24 0TP

Mike Hedges, AM
Chair of Climate Change, Environment & Rural
Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff, CF99 1NA

01 April 2019

Dear Mike

Annual scrutiny of Natural Resources Wales: follow up from 13 February meeting

Thank you for the opportunity to talk to you and the committee about our performance for the period from November 2017, and the opportunity to provide further evidence following that session last Month. We have set out the additional areas of questioning in bold italics, as they appear in your letter dated 6 March, followed by our response. I hope this is all clear.

1. Performance measures

‘We would therefore welcome further clarification on this issue. We would like you to provide details of NRW’s long-term and medium-term measures, in particular what they measure, how they interact, and when and where they will be published’

We have consistently and regularly measured our performance since the production of our first Corporate Plan in 2014, as part of our performance framework.

In 2014 we developed an annual dashboard, aligned to our Business Plan, which provided a detailed report on the progress of some 20 measures and 15 indicators to our Board three times per year. Reports detailing the measures and indicators were published on our website following Board scrutiny.

Our second Corporate Plan, published in 2018, followed on from the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. As we work within this new legislation, we have revisited our performance framework: we now report on our dashboard linked to the Business Plan four times a year rather than three. To afford greater scrutiny of in-year performance we increased the number of annual measures reported and re-evaluated how to best scrutinise indicators following publication of our first

State of Natural Resources Report. The dashboard is published separately and is part of our Annual Report.

Our medium-term measures have not been published as a separate set. We describe our progress in delivering our Corporate Plan in a more qualitative, narrative way in our Annual Reports, building on and complementing dashboard and long-term indicators.

Long-term indicators are being developed to sit alongside, and in some cases be included in, the Welsh Government's set of 46 National Indicators. Suggestions for these long-term indicators are given at the end of each Well-being Objective in our Corporate Plan to 2022. Further long-term indicators will be published as part of our second State of Natural Resources Report due to be published in December 2020, with an interim report prepared for December 2019.

2. Organisational redesign

“We would like details of any financial savings arising from the organisational redesign, as well as your longer-term plans to make up the estimated savings of £10 million per annum.”

The organisation design programme had two main objectives. The primary objective being to design a structure for the organisation that would facilitate delivery of NRW's new purpose, ambitions and our organisational design principles. The other objective is to ensure that the organisation is sustainable from a financial perspective into the future.

When we began to review our business in 2015-16 we had a target of realising revenue savings and achieving additional income of £15m per annum by 2019-20. That target was based on certain assumptions at the time about future income growth and Grant in Aid levels.

We realised £5m of savings through the implementation of the Senior Management Review and other measures before the beginning of 2017-18. We now have far more clarity on what our funding is going to be in 2019-20. The situation has improved – there has been no cash reductions in our revenue Flood Grant in Aid and our commercial income has improved significantly. Nevertheless, our revenue Non-Flood Grant in Aid has reduced by 5% per annum in 2018-19 and we expect another 5% reduction in 2019-20 (total reduction of £6m p.a.). These changes in our financial situation have allowed us to develop a structure that is 1,760 FTEs rather than the 1,600 FTEs originally planned.

We have designed the management and team leader structure to be resilient to future changes in funding. This means we have larger teams that can flex depending on the amount of funding available meaning future funding changes can be managed without recourse to significant structural re-design.

It is recognised, however, that the resource allocations and funding streams have different impacts on the different functions of the organisation. Whilst the overall numbers within the

organisation have not reduced there is an impact on those activities funded through the Grant in Aid (see below).

“We would like further details of how and when this monitoring work will be taken forward”

Monitoring how the new organisation is working, will require a range of measures to show achievement of the organisation’s structural principles and targets. We will need to show how the ways of working are improving not only external deliverables, but also the effective and efficient resource use, risk management and cultural improvements.

We will do this through our performance framework and delivery of business plan and corporate plan outcomes. There will be measures of internal effectiveness for budget and risk management, customer feedback, partner feedback and internal staff feedback.

Our new Director of Corporate Strategy and Development will undertake the work to identify the measures to be tracked from 2020-21 when the Organisation Design Programme has completed, and ways of working have had time to be embedded. The outcomes of this will be reported at the end of the 2022 Corporate plan cycle.

“We would like details of the findings of this work, as well as the steps taken to address pay differentials if any were found”

Our Job Evaluation Scheme, which was implemented from 1 January 2018, enabled us to apply a fair methodology to assess the relative ranking of all roles in NRW and provided the opportunity to develop a new salary scale for all grades using a pay modelling process.

In developing our pay model, we agreed some principles with the Trade Unions, these being:

- a) it had to meet all legal obligations
- b) to have grades for similar roles considered to be broadly of the same ‘value’ and
- c) to deliver a sustainable and affordable model.

We worked with external professionals who provided their independent expertise throughout the pay modelling process to consider and provide:

- a) current equal pay scenarios and how they could be incorporated into the design of the pay model
- b) Equal Pay audits of the current and future position
- c) a full Equality Impact Assessment to ensure that the gender pay gap was acceptable within the guidance issued by the Equalities and Human Rights Commission.

The model agreed through collective bargaining successfully eliminated any pay differentials and this was endorsed by a full Equality Impact Assessment that concluded:

- The proposed pay structure improves the gender pay gap on a grade by grade basis. As employees progress through the structure with annual increments the gap will narrow even further on a grade by grade basis.

- The application of the Job Evaluation process and design of the grading structure is acceptable and demonstrates a consistent approach to the development and implementation of the new structure.
- The positioning of grade lines although varied in grade width does not appear to have adversely affected the gender pay gap. The model has been developed with understanding of the organisational hierarchies and the line of best fit through the Job Evaluation outcomes.
- The number of scale points or years of progression within the grades are within acceptable criteria.
- The proposed changes bring a consistent and simplified approach to pay this should lead to a more fair and equitable system.

3. Annual Report and Accounts

“We would like you to expand on your assertion and to explain how you will satisfy yourself that you have obtained sufficient and appropriate assurance before signing off next year’s Annual Governance Statement and accounts, including the Governance Statement”

When I gave evidence to the committee relating to the potential that NRW’s accounts may be qualified for 2018-19 due to historical issues I was referring to the fact that we may have received income during 2018-19 from a type of contract (standing sales plus) that had been agreed in previous years, which the Grant Thornton Review identified as potentially irregular. As part of our on-going action plan in relation to this we have stopped letting any new standing sales plus contracts and are looking to close down ongoing contracts in negotiation with our customers.

I am, as the Accounting Officer, personally responsible for the Governance Statement, which outlines how I have discharged my responsibility to manage and control the organisation’s resources during the course of the year. A key component of the Governance Statement is to demonstrate corporate governance and risk management. The statement is informed by work undertaken throughout the accounting period to gain assurance about performance and risk management.

In its preparation I will be informed by:

- the views of NRW’s Audit and Risk Assurance Committee on the assurance arrangements;
- the opinion of NRW’s Head of Internal Audit and WAO external audits on the quality of the systems of governance, management and risk control;
- assurances from senior staff using a Certificate of Assurance that is supported by an Internal Control Checklist that each of my Executive Team is required to complete
- feedback from within the organisation about our work, the use of resources, our approach to risk management responses to risks, and the extent to which in-year budgets and other targets have been met.

4. Area Statements

“We would welcome clarification on when you anticipate Area Statements to be published and how this differs from your original timeframe. We would also like you to expand on the reasons for this delay”

Work to develop Area Statements could not formally start until the Natural Resources Policy (NRP) was published by Welsh Government. The NRP was published at the end of August 2017. This was five months later than originally anticipated. In our Corporate Plan to 2022 and Business Plan 2018/19 we have been clear that we are working to a timeline of publishing Area Statements by the spring of 2020, i.e. by the end of financial year 2019/20.

Our Well-being Objectives and Statement were published on 31 March 2017. This document included a statement that we would “Develop Area Statements covering the whole of Wales co-productively by March 2019”. Our Well-being Objectives and Statement were produced ahead of the Welsh Government NRP, with limited insight into when it would be published. The NRP defines the priorities and opportunities that Welsh Government Ministers expect to see reflected in the Area Statements. Hence formal work could not start on Area Statements until the NRP was published. Following publication of the NRP, we and our partners needed to spend some time reflecting on the information in the NRP to understand the priorities and opportunities. Inclusion of the date of March 2019 in the Well-being statement in hindsight was a mistake.

We are confident we are on track to publish Area Statements by the end of March 2020. We have clear governance and milestones in place to ensure that we are managing the risks appropriately. It’s important to remember that we are applying new ways of working in the preparation of Area Statements, which themselves are new “products” introduced in the Environment (Wales) Act 2016.

5. Funding

“We seek further clarification on existing and potential sources of income generation, including how much of this income can be retained by NRW and how much is returned to the Welsh Government.”

We are currently focussed on growing our commercial income streams in line with our Enterprise Plan and are recruiting a new Head of Commercial to lead this work.

We are working with Welsh Government to reduce any barriers to commercial development. An example of this is where we are taking joint legal advice on how we can increase our powers to trade so that we can develop new hydropower schemes on our land.

NRW retain all income that we manage apart from income from energy development in respect to windfarms on the Welsh Government Woodland Estate. The level of income surrendered to Welsh Government is expected to be in excess of £6m next financial year.

We believe that this income should be retained to be invested for the benefit of natural resources in Wales and specifically the Woodland Estate. This would help mitigate the large real-term funding cuts that impacted on our services since we were created.

“We would like you to provide specific examples where services and/or activities within these areas, and any other areas, have been affected by budgetary cuts, and the implications of this.”

The reduction in Grant in Aid has meant we have had to reduce work across a range of services including changes to bathing water monitoring frequency, reduction of monitoring of terrestrial and marine biodiversity, reduction in Management Agreement funding, focusing on high risk Flood Risk Asset inspections, focusing on the attendance at higher impact environmental incidents, reduce reporting on Water Framework Directive progress, and reduction of Climate change policy resources.

Where possible we have changed our delivery or used evidence to help our decisions, so that we are mitigating the impact of reducing these services but we are aware that even so there will be a lower level impact that will become more visible in the longer term.

In paragraph 54 of our written evidence we indicate that additional money has been released to support the new ways of working in our operational teams. In particular additional resource is targeting the work of teams leading engagement with PSBs, implementing the Sustainable Management of Natural Resources and biodiversity enhancement. In addition, our Board has committed an additional £800,000 over the next financial year to support biodiversity outcomes plus £2 million through our grants programme.

“... we would like you to provide details on the total cost associated with NRW’s programme of work for reservoirs, including timescales you are working towards.”

There are two elements to the cost requirements. The first is for capital works to do significant structural improvements to reservoirs when this is required by the independent engineers who are required by law to assess our reservoirs. Our planned capital works in 2019/20 are £5.7m, for which we have budget from Welsh Government. The future requirements are estimated at £7.7m - £10.7m for 2020/21 and £4.1m - £6.1m for 2021/22. There is a range quoted for these figures because it depends on the detailed work specifications which are currently under preparation. We have to bid for capital funds year-on-year at present.

The second element is for ongoing maintenance work funded through revenue budgets which is crucial to prevent deterioration and to maintain good operational performance of the reservoirs. Our requirements for this are more steady state at £900k per year. We have £300k of this baselined into our budgets (provided budgets are maintained and account for inflation). The other £600k has to be bid for year-on-year at present. There will be variations in the revenue requirements if for example we have short term staff requirements for a particular need.

Please note that we make a distinction internally between our reservoirs that are there for a Flood Risk Management (FRM) purpose (e.g. to hold waters to prevent flooding to properties) and those that are there for other purposes (e.g. water supply, nature reserves, recreational purposes etc.). Part of the reason for that is that the funding for the two types of reservoirs comes from different Welsh Government budgets – the first from Flood Risk Management Grant in Aid and the second from general Grant In Aid. The figures quoted above are for all reservoirs.

We have a hump of capital work for the next three years, partly because we have a batch of reservoirs that are falling under regulation for the first time, which in part is due to changes in legislation. Bidding for capital budget year-on-year is not ideal for capital jobs that may span several years.

“We would also like any assessment of the additional costs associated with regulating newly designed reservoirs that are not in your ownership, and how you intend to meet these.”

The change in legislation introduced in Wales increased the number of reservoirs that required legislation from 227 to 365, an increase of 60%. In order to regulate these effectively, we need to increase our staff resource by 2 FTE, at a total additional cost (with on-costs) of approx. £90k. We have received budget from WG for this up to end of 2020/21, but this is a continuous requirement and cost that we would wish to see baselined. If we cannot, we may need to cut our activities elsewhere, or lower our level of regulatory service, with subsequent risks. There are charges (to the owner) for reservoir regulation but these are not sufficient to cover our costs despite being set within the last five years at higher levels than previously. Increasing the charges again would be deeply sensitive, and of course unpopular.

6. Implications for NRW of the UK’s exit from the EU

“... actions NRW is taking to respond to the potential stockpiling of products and waste at ports in the event of a no-deal Brexit.”

NRW and Welsh Local Government Association are contributing to development of, and delivery of actions identified in Welsh Government’s Waste Risk and Mitigation plan. This plan has considered potential issues related to disruption in logistics, including ports and the potential for increased waste arisings. We are also involved in Defra/devolved administration and associated regulatory agencies waste contingency planning.

We are coordinating our efforts across our organisation on an approach to potential stockpiling. We have reviewed operator waste returns and other available data on waste movement to inform an assessment of potential disruption and capacity available in landfill, energy from waste and biowaste treatment sites in Wales. This work has indicated that most of waste generated in Wales is initially dealt with in Wales. There are limited exports of waste from Welsh ports. Of the amount that is exported to the EU, a significant % of this is metal (ferrous metals) which presents a low risk as the material is in a stable form

which can be safely stored at existing authorised facilities. There is a significant flow of waste that goes to England for processing into waste derived fuel and separate recyclates that gets exported to Europe. Disruptions at English ports may therefore restrict flow of these materials and result in “bottle necks” back along the chain to producers/generators. We have participated in UK and Wales wide stakeholder meetings to highlight to waste exporters the measures in place to help reduce border disruption in a no deal scenario. For example, we, along with other UK regulators, have contacted all EU competent authorities and secured agreement that all UK consents for shipments of notifiable waste that go beyond 29 March 2019 will be rolled over. We are encouraging operators to assess the impact that delays to waste exports may have on their operations and consider storage and alternative waste management options in case of disruption at ports. The key message given to operators of permitted sites is that the permit still applies and they are expected to continue to meet its conditions. We will be prioritising our compliance assessment activities on a risk basis.

We have also met with UK wide industry trade associations and encouraged operators to have contingency plans in place for the storage of raw materials, by-products, products and waste materials in the event that established transport routes are affected by EU exit. Feedback from industry indicates that arrangements have been put in place and no major disruption is expected in Wales. We will continue to engage with industry and the other UK regulators to ensure we are aware of any issues that arise.

“... discussions NRW has had with ports and how you have fed into the Welsh Government’s contingency plan for port traffic...”

NRW is working closely with Welsh Government and other agencies throughout Wales on potential issues at ports (including the ports of Holyhead, Pembroke, Fishguard, Barry, Cardiff and Newport).

NRW attends the Holyhead Port Multi Agency Plan Task & Finish Group, chaired by the North Wales Police Chief Inspector. NRW has been involved in a multi-agency desktop exercise at Holyhead and is due to attend a second exercise later in March. Contingency plans for port traffic developed by Welsh Government has involved close coordination with the Holyhead Port Multi Agency Plan Task & Finish Group and the relevant Local Resilience Forums.

As a member of the local resilience groups NRW has fed into the development of port contingency plans. NRW is supportive of the approaches set-out in the contingency plans as they seek to minimise wider disruption and help to ensure any potential accidents and incidents, such as pollution events, are contained and in areas with known drainage infrastructure and good access for emergency services.

“... what the £3.7 million requested by NRW from the Welsh Government to support Brexit-related work would be spent on, and the implications if you are unable to secure this funding.”

Our Initial bid for Brexit funding was made in February 2018 and was based on Brexit with a deal. The scope and scale of the work required was conservative and focused on providing specialist advice and guidance to Welsh Government and working with sectors in Wales and across the UK to review and inform the development of new environmental standards, policy and delivery mechanisms post Brexit. It was anticipated that this work would include:

- development of the post Brexit agricultural support scheme;
- development of the post Brexit marine fisheries scheme;
- strengthening and/or building new relationships with UK institutions picking up responsibilities previously undertaken by the Commission;
- building our International links with Environmental Protection Bodies in the EU and beyond, to ensure we draw on the best evidence and insight into new and innovative approaches to natural resource management.

There is significant uncertainty about the precise issues we will face in a no deal Brexit, but we are anticipating issues in for example:

- the waste sector – as mentioned above;
- the water sector;
- increases in pollution incidents potentially because of poor chemical or waste storage;
- additional applications for permits and licences in short timescales.

We are committed to working in a flexible and agile way to deal with the range of issues Wales will face in a no deal scenario and supporting our partners in the Local Resilience Forums as appropriate. This will inevitably mean that in the short term we will stop and/or slow down some of our core work areas to meet the new demands upon us.

Our submission to Welsh Government has not resulted in any additional funding for 2019-20 so we have agreed with officials to absorb the additional cost in 2019-20 using our underspend. We have the agreement of officials to submit a revised bid for additional funding for 2020-21 and 2021-22 to Welsh Government for consideration. By this stage we would expect to have greater clarity on the terms of the agreement that the UK has secured from Europe. If we are unsuccessful in securing funding in future years we will have to reprioritise our business plan which will have implications for our ability to contribute to Welsh and UK discussions on future environmental standards, regulation and advice responsibilities. It could also impact our core work programme and our ability to respond to environmental incidents.

7. Environmental Permitting

“We would like further clarification on this issue, including the timeframe you will be working towards for completion of the matrix.”

The statutory guidance on Part 1 of Environment (Wales) Act 2016, provides clarity on the application of our statutory purpose in our functional roles and duties. The guidance also provides clarity on how the requirements of the Environment (Wales) Act and Well-being of

Future Generations (Wales) Act work together. Our interpretation of the Guidance is that in applying our purpose – the objective and principles of Sustainable Management of Natural Resources (SMNR) - we also meet the requirements of the WFG Act in relation to the Sustainable Development principle. As we state in paragraph 69 of our written evidence Welsh Government Officials met with the FGC Office. We have not had any feedback from Welsh Government since that meeting that our interpretation of the statutory guidance needs to change.

We do not intend to do any further work on the matrix. As we state in paragraphs 65 and 66 of our written evidence and as we said during the committee session we intend instead to focus on how the purpose of SMNR and the principles apply to Environmental Permitting Regulations. We are following the process set out in Annex 1 of the statutory guidance. Work has started on this function first, because of the concerns raised by the FGC Commissioner. We intend to work on this approach with the FGC officers and Welsh Government officials. This “root and branch” exercise will be running throughout spring and summer of 2019. We will be using our 2019-20 Annual Report to set out our findings.

8. Community Engagement

“We would welcome further details on these projects, including the outcomes anticipated and how they will be measured.”

Greener Grangetown - Greener Grangetown is an innovative £2 million partnership project between Cardiff Council, Dŵr Cymru Welsh Water and Natural Resources Wales, supported by the Landfill Communities Fund. The project uses the latest drainage techniques to catch, clean and divert rainwater directly into the River Taff instead of collecting and pumping it eight miles to a treatment works in the Vale of Glamorgan and then discharging it out to sea. The project also aims to use the introduction of Sustainable Drainage Systems (SuDS) to deliver multiple benefits for the community and the environment, making Grangetown a cleaner, greener place to live for generations to come, with less commuter parking, safer walking and cycling facilities, and increased biodiversity and green infrastructure.

The scheme has seen the creation of 108 rain gardens and kerbside planting areas. These areas not only help to improve local drainage, but also enhance local biodiversity and wildlife, and deliver important improvements to water quality in the River Taff. The scheme has 135 new semi-mature trees and 1,600m² of new green space, which is already providing new homes for wildlife and has opened up new opportunities for people to enjoy walking, cycling and other recreation close to where they live and work. There is overwhelming research that being closer to green space also improves people’s physical and mental well-being. At the same time, more greenery and tree planting will mean noise and pollutants should be better absorbed, and air will be cleaner too. Through Greener Grangetown, NRW always wanted to create a legacy to show how green infrastructure projects can create healthy and resilient local environments, and support economic and social prosperity for generations to come. We believe this scheme, in addition to the positive changes that last January’s SuDS legislation are already bringing, will enable us all to tackle local challenges a lot better across many towns and cities in Wales, including

Cardiff. The scheme was officially opened in October 2018 and has also attracted interest from around the world. It also won a 2018 Water Industry Award for UK Engineering Project of the Year.

Denbighshire Green Prescribing project – The Denbighshire Green Prescribing project ‘Nature for Health (NFH)’ received funding via our last SMNR Open Call grant scheme. Nature for Health is a collaborative 18 month environmental social prescribing project, jointly delivered by Denbighshire Housing and Countryside Service, funded through Natural Resources Wales, and supported by the health board and Bangor University. The project provides weekly on the doorstep opportunities to help people live healthier and more fulfilled lives through improved access to the natural environment. The scheme is operating in 4 pilot areas – Rhyl, Prestatyn, Corwen and Llangollen. The pilot areas were selected based on Denbighshire’s Housing Dept assets and associated community involvement.

The project further works with a range of working partners to actively promote the natural environment as an asset to improved health and well-being through encouraging and supporting individuals to get outside in their own community. The project works in partnership to deliver:

- Environmental health and well-being sessions with schools
- Develop training, walking and volunteering sessions
- Improve access to green spaces
- Attend and lead on wider community engagement activities

Currently there are 60+ people engaged in led walks and weekly volunteering sessions; regular meetings between NFH staff, Health Centres and referral agencies; 20+ weekly/monthly volunteer led walks across the county; a number of green spaces improved including access paths, wildflower area and creation of growing areas.

The outcomes of the project include:

- Created a partnership working approach to tackling health issues through the use of the natural environment.
- Created working relationship for future projects
- Established a monitoring and evaluation tool kit to be used / support on future environmental social prescribing projects
- Stronger strategic working partnership
- Participants feeling improved physical and mental wellbeing
- Participants taking part in self-motivated environmental social prescribing opportunities within their own communities
- Communities and Individuals are more aware of the benefits of environmental social prescribing
- Communities / individuals are more confident to take part in local environmental social prescribing activities
- Young members of the community have taken part on environmental / environmental social prescribing awareness sessions
- Community members trained up to deliver and support environmental social prescribing session.

The partnership has decided to use the Warwick Edinburgh Mental Well-being Scale (WEMWBS) as the evaluation toolkit to evaluate the benefits of regular participation in environmental activities. The health board will be providing the Elemental software to support evaluation as this will record the progress of social prescribing across North Wales. Case studies will also be used to share outcomes and promote the project.

As mentioned at the evidence session last month we would be pleased to offer the committee opportunities to see our work taking place across Wales and we would welcome the opportunity to facilitate some site visits for committee members.

Yours sincerely,

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

5 Ebrill 2019

Lesley Griffiths AC
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

Annwyl Lesley

Diolch am eich llythyr dyddiedig 27 Mawrth a'ch ymateb i adroddiad y Pwyllgor ar y Memoranda Cydsyniad Deddfwriaethol ar gyfer y Bil Pysgodfeydd.

Trafododd y Pwyllgor eich ymateb yn ei gyfarfod ar 3 Ebrill, gan gytuno y dylwn ysgrifennu atoch ynghylch nifer o faterion.

Yr angen am ddeddfwriaeth a'r dull gweithredu a fabwysiadwyd (Casgliadau 1 i 6)

Casgliad 1: Dylai Llywodraeth Cymru esbonio pam ei bod wedi methu â chyflawni ymrwymadau a roddwyd ganddi i'r Pwyllgor hwn yn flaenorol mewn perthynas â datblygu fframweithiau cyffredin y DU. Yn benodol, dylai esbonio pam na ddatblygwyd Bil y DU mewn cydweithrediad a pham na chafodd rhanddeiliaid eu cynnwys yn ddigon cynnar yn ei ddatblygiad.

Er ei bod yn glir yn eich ymateb eich bod yn fodlon eich bod wedi cyflawni'r ymrwymadau a roesoch yn flaenorol mewn perthynas â datblygu fframweithiau'r DU, nid yw'n mynd i'r afael â'r mater penodol ynghylch y diffyg cysylltiad â rhanddeiliaid wrth ddatblygu Bil y DU.

1. Hoffem i chi fynd i'r afael â'r mater hwn yn eich ymateb i'r llythyr hwn. A allwch chi roi enghreifftiau o sut y cafodd rhanddeiliaid eu cynnwys wrth ddatblygu Bil y DU? Nodwch pwy oedd y rhanddeiliaid hynny a sut y cawsant eu cynnwys.

Casgliad 3: Nid yw Llywodraeth Cymru wedi egluro diben ac effaith y darpariaethau ychwanegol hyn. Fel y cyfryw, nid ydym wedi ein hargyhoeddi hyd yma bod Llywodraeth



Cymru wedi darparu cyfiawnhad digonol ar gyfer y pwerau ychwanegol y mae'n eu ceisio trwy Fil y DU.

Casgliad 4: Dylai Llywodraeth Cymru egluro pwrpas ac effaith arfaethedig y pwerau gweithredol i Weinidogion Cymru yn Atodlenni 4, 6 a 7. Dylai nodi pa rai o'r pwerau hyn sydd o natur frys, ac a fyddai'n rhesymol gohirio unrhyw rai o'r pwerau hyd nes bod cymhwysedd y Cynulliad wedi'i ymestyn i ganiatáu cyflwyno Bil pysgodfeydd i Gymru yn y dyfodol.

Er eich bod wedi derbyn Casgliadau 3 a 4, nid yw eich ymateb mor gynhwysfawr ag y byddem wedi ei ddisgwyl. Mae'n ailadrodd llawer o'r wybodaeth sydd eisoes wedi'i nodi yn y Memorandwm Cydsyniad Deddfwriaethol ac yn eich tystiolaeth i ni, heb ehangu ar y manylion.

2. A allwch chi roi eglurhad manylach o bwrpas ac effaith arfaethedig y pwerau gweithredol y tu hwnt i'r hyn sydd eisoes wedi'i gynnwys yn y Memorandwm Cydsyniad Deddfwriaethol ac yn eich tystiolaeth i'r Pwyllgor? Dylai hyn wahaniaethu rhwng pwerau newydd a phwerau cyfredol.

Wrth ymateb i'n cais am eglurhad ynghylch pa rai o'r pwerau sy'n ddibynnol ar amser, rydych chi'n nodi:

“Efallai y bydd angen arfer y pwerau a ddarperir gan Fil Pysgodfeydd y DU ar y diwrnod cyntaf ar ôl ymadael â'r UE neu'n fuan iawn wedi hynny...[ac] nid ydym mewn sefyllfa i aros am Fil pysgodfeydd ar gyfer Cymru... Y dewis arall fyddai dibynnu ar yr Ysgrifennydd Gwladol i ddeddfu ar gyfer Cymru a pharth Cymru yn y cyfamser.”

Nodwn, fodd bynnag, fod Llywodraeth Cymru wedi gwneud is-ddeddfwriaeth yn ddiweddar mewn perthynas â physgodfeydd ar y sail na fydd Bil Pysgodfeydd y DU wedi cwblhau ei daith drwy'r Senedd cyn i'r DU ymadael â'r UE. Mae hyn yn cynnwys deddfwriaeth i wahardd cychod pysgota tramor rhag pysgota yn nyfroedd Cymru heb drwydded.

3. A allwch chi egluro pa rai o'r pwerau penodol a ddarparwyd y gallai fod eu hangen yn y cyfnod yn syth ar ôl Brexit?



Casgliad 5: Dylai Llywodraeth Cymru ymrwymo y bydd amser yn cael ei neilltuo yn y rhaglen ddeddfwriaethol i gyflwyno Bil pysgodfeydd i Gymru a'i gyflwyno cyn diwedd tymor y Pumed Cynulliad.

Rydych wedi dweud wrth y Pwyllgor hwn eich bod yn llwyr fwriadu y caiff Bil Pysgodfeydd i Gymru ei basio cyn diwedd y Cynulliad hwn. Fodd bynnag, rydych wedi gwrthod Casgliad 5 ar y sail ei bod yn anodd ymrwymo i amserlen nes bod Bil Pysgodfeydd y DU wedi cwblhau ei daith drwy'r Senedd. Cyn bo hir byddwch yn gofyn i'r Cynulliad ildio ei bwerau deddfwriaethol, fel y gall Senedd y DU ddeddfu yn y maes hwn. Dywedoch wrthym fod hyn at ddibenion trosiannol. Credwn ei bod yn ddyletswydd arnoch i esbonio i'r Cynulliad pryd y bydd y Bil hwn yn disodli'r trefniadau trosiannol hynny. O ystyried ein bod yn nesáu at bedwaredd flwyddyn y Pumed Cynulliad, rydym yn parhau i bryderu na fydd digon o amser yn weddill yn y Cynulliad hwn i ddeddfu ar gyfer polisi pysgodfeydd yng Nghymru yn y dyfodol.

4. A allwch chi egluro pryd y byddwch mewn sefyllfa i roi gwybod i ni beth yw eich bwriad o ran cyflwyno Bil ar gyfer Cymru?

Mynediad i bysgodfeydd Prydain (Casgliadau 12 i 15)

Casgliad 13: Dylai Llywodraeth Cymru roi rhagor o fanylion ar y cynnig i'r Sefydliad Rheoli Morol gyhoeddi trwydded unigol i longau pysgota tramor. Dylai Llywodraeth Cymru egluro sut y byddai hyn yn effeithio ar ei phŵer i roi trwyddedau, yn arbennig, gallu Gweinidogion Cymru i osod amodau trwydded penodol ar gychod pysgota tramor mewn perthynas â pharth Cymru. Er enghraifft, mynnu bod monitro CCTV ar fwrdd llongau.

Yn eich ymateb, rydych yn egluro y bydd Awdurdod Dyroddi Sengl, sef y Sefydliad Rheoli Morol, yn cyflwyno trwyddedau yn ymarferol, ond mai “mater i Weinidogion Cymru fydd gosod amodau trwydded priodol a chymesur mewn perthynas â Chymru a pharth Cymru”. Rydym yn croesawu'r eglurhad hwn. Fodd bynnag, nid yw eich ymateb yn cynnwys manylion am sut a phryd y bydd Gweinidogion Cymru yn gosod amodau trwyddedu ar gyfer llongau tramor.

Wrth baratoi ar gyfer y posibilrwydd o ymadael â'r UE cyn i Fil y DU gael Cydsyniad Brenhinol, nodwn eich bod wedi gwneud is-ddeddfwriaeth yn ddiweddar at ddibenion rheoli llongau tramor yn nyfroedd Cymru ar ôl Brexit. Mae'r Memorandwm Esboniadol sy'n cyd-fynd â'r ddeddfwriaeth honno yn dweud:



“It is intended that foreign vessels will comply with the same standards applied to the domestic fleet, along with additional requirements such as catch and position reporting.”

5. A allwch chi ddarparu manylion pellach, y tu hwnt i'r rhai a nodir uchod, am sut a phryd y bydd y gofynion ychwanegol hyn yn cael eu pennu?

Cyfleoedd pysgota a chyfran o'r cwota (Casgliadau 16 i 20)

Roedd casgliadau 16 i 20 yn galw am y canlynol:

- camau pellach i fynd i'r afael â'r annhegwch sylfaenol yn nyraniad cwota'r DU, yn benodol newidiadau ychwanegol i Erthygl 17 o reoliadau'r Polisi Pysgodfeydd Cyffredin ac adolygiad o'r Concordat Pysgodfeydd (Casgliadau 16 a 17);
- dylid dyrannu cwota newydd yn unol â meini prawf amgylcheddol, cymdeithasol ac economaidd, gyda'r bwriad o fynd i'r afael â'r anghydbwysedd yng nghyfran Cymru o'r cwota (Casgliad 18);
- diwygiad i Fil y DU i fynd i'r afael â phryderon ynghylch hyd a lled pwerau'r Ysgrifennydd Gwladol mewn perthynas â phenderfynu ar gyfleoedd pysgota (Casgliad 19);
a
- thystiolaeth glir o'r camau y mae'r Gweinidog yn eu cymryd i sicrhau gwelliannau yng nghyfran Cymru o'r cwota (Casgliad 20).

Er eich bod wedi derbyn y rhain (neu yn achos Casgliad 17, eu derbyn mewn egwyddor), nid yw'r naratif yn adlewyrchu hyn.

Rydych yn nodi, “nid oes angen diwygio Erthygl 17 er mwyn ei gwneud yn ofynnol i'r DU roi'r gorau i ddefnyddio daliadau hanesyddol fel y prif ffactor ar gyfer penderfynu ar ddyraniad. Mae Erthygl 17 yn darparu ystod o ystyriaethau.”

Er ein bod yn cydnabod hyn, clywsom mewn tystiolaeth bod cymhwyso Erthygl 17 yn broblematig ac mae'r ffaith nad oes gofyniad i ddefnyddio meini prawf amgylcheddol, cymdeithasol ac economaidd wrth ddyrannu cwota yn golygu bod gorddibyniaeth ar feini prawf ynghylch daliadau hanesyddol ar gyfer dyrannu cwota. O ganlyniad, gwnaethom alw am newidiadau i Erthygl 17 i fynd i'r afael â hyn, ond nid ydych wedi eu derbyn. Yn lle hynny, rydych chi'n dweud, “rhaid i unrhyw ddull newydd [o ran dyrannu cwota] fod yn deg ac yn gynaliadwy yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015”. Nid yw'n glir beth fydd hyn yn ei olygu yn ymarferol.



6. A allwch chi roi manylion i'r Pwyllgor am unrhyw ymgynghoriad yr ydych wedi'i gynnal â rhanddeiliaid ar y darpariaethau hyn?

Yn eich llythyr eglurhaol, rydych yn cyfeirio at ohebiaeth â Gweinidogion y DU lle yr ydych chi'n mynegi barn ar yr angen am "setliad gwell" ar gyfer cyfleoedd pysgota yng Nghymru.

7. Hoffem i chi rannu'r ohebiaeth honno, ac unrhyw ymatebion a gafwyd, â'r Pwyllgor i'n galluogi i ddeall yn well beth y byddech ch'n ei ystyried yn "setliad gwell" ar gyfer pysgodfeydd Cymru.

8. Hoffem i chi esbonio beth fydd sicrhau bod y dull o ran dyrannu cwota yn gyson â Deddf Cenedlaethau'r Dyfodol (Cymru) 2015 yn ei olygu'n ymarferol.

Nodwn eich bod eisoes yn trafod â Llywodraeth y DU a'r gweinyddiaethau datganoledig eraill ynghylch "nifer o faterion [o ran dyrannu cwota] lle y [byddwch] yn chwilio am newid". Fodd bynnag, ni roddir unrhyw fanylion pellach. Hoffem i chi ddarparu manylion pellach am y materion hyn.

9. Hoffem i chi rannu â ni unrhyw ohebiaeth ddiweddar â Llywodraeth y DU mewn perthynas â chyfran Cymru o'r cwota, ac unrhyw ymatebion a gafwyd.

10. Hoffem gadarnhau eich bod yn mynd ati'n weithredol gyda Llywodraeth y DU a'r gweinyddiaethau datganoledig eraill i roi'r gorau i ddefnyddio daliadau hanesyddol fel y prif ffactor wrth benderfynu ynghylch dyrannu cwota.

Pwerau o ran cymorth ariannol a chyllid yn y dyfodol (Casgliadau 21 i 24)

Casgliad 23: Dylai Llywodraeth Cymru geisio ymrwymiad gan Lywodraeth y DU y bydd trefniadau cyllido'r sector pysgodfeydd yn y dyfodol yn cael eu datblygu mewn partneriaeth â'r gweinyddiaethau datganoledig ac y bydd partneriaid yn cael eu trin â pharch cydradd. Dylai hefyd ofyn am ymrwymiad y dylai lefel y cyllid ystyried unrhyw gostau ychwanegol sy'n deillio o Fil y DU.

Casgliad 24: Mae diffyg gwybodaeth o'r fath yn golygu bod risg o gamarwain y Cynulliad ynghylch y goblygiadau ariannol posibl sy'n deillio o'r ddeddfwriaeth. Rhaid i Lywodraeth Cymru fynd i'r afael â'r mater hwn. Os na fydd yn gwneud hynny, byddwn yn gofyn i'r Pwyllgor Cyllid ystyried hyn ac, os oes angen, cyflwyno diwygiadau priodol i'r Rheolau Sefydlog.



Wrth ymateb i'r casgliadau uchod, rydych yn nodi:

“Rydym yn gweithio gyda Llywodraeth y DU a'r Gweinyddiaethau Datganoledig eraill i nodi cyfleoedd i gynyddu twf economaidd sectorau morol y DU i'r eithaf. Bydd y gwaith hwn yn llywio polisi o ran y ffordd orau o gefnogi twf cynaliadwy'r gwahanol sectorau diwydiant mewn ffordd strategol a symlach”.

11. Gofynnwn i chi roi sicrwydd pellach na fydd sector pysgodfeydd Cymru yn wynebu unrhyw ostyngiad mewn cyllid o ganlyniad i Brexit.

Nodwn eich bod wedi gwrthod Casgliad 24 ar y sail bod Llywodraeth Cymru wedi cydymffurfio â'r gofynion sy'n ymwneud â'r weithdrefn Memorandwm Cydsyniad Deddfwriaethol. Rydych yn nodi y gallai'r Pwyllgor fod wedi gofyn am ragor o wybodaeth ariannol yn ystod y broses graffu.

12. A allwch chi roi manylion am unrhyw waith yr ydych wedi'i wneud i asesu costau gweithredu darpariaethau Bil y DU?

13. A allwch chi roi manylion am eich asesiad diweddaraf o'r goblygiadau ariannol sy'n deillio o Fil y DU?

Rydym yn falch eich bod wedi derbyn y rhan fwyaf o awgrymiadau'r Pwyllgor ar gyfer diwygio Bil y DU.

14. Gofynnwn i chi roi'r wybodaeth ddiweddaraf i ni am unrhyw gynnydd a wnaed wrth sicrhau cytundeb Llywodraeth y DU i ddiwygiadau mewn perthynas â'r gofynion a ganlyn:

- y gofyniad i adolygu'r amcanion pysgodfeydd (Casgliad 8);
- y gofyniad i'r awdurdodau polisi pysgodfeydd adrodd i'r ddeddfwrfa berthnasol ar y cynnydd a wnaed o ran gweithredu polisïau ac o ran cyflawni'r amcanion pysgodfeydd (Casgliad 10); ac
- y gofyniad i Weinidogion Cymru ymgynghori ar gynigion ar gyfer unrhyw gynllun cymorth ariannol a sefydlir yn y dyfodol o dan Atodlen 4 (Casgliad 21).

Deallwn nad yw'r ddadl yn y Cyfarfod Llawn ar y Cynigion Cydsyniad Deddfwriaethol wedi'i threfnu eto. Yn dibynnu ar eich ymateb i'r materion uchod a faint o amser fydd ar gael, efallai y byddwn am gyhoeddi adroddiad atodol i helpu i lywio'r drafodaeth ymhellach.



Byddwn yn ddiolchgar pe gallech ymateb cyn gynted â phosibl, ac erbyn **24 Ebrill** fan bellaf.

Yn gywir,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style.

Mike Hedges AC

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig





Ein cyf/Our ref: LG/0374/19

Mike Hedges AC
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig
Cynulliad Cenedlaethol Cymru
Tŷ Hywel
Bae Caerdydd
Caerdydd
CF99 1NA

Mike.Hedges@cynulliad.cymru

17 Ebrill 2019

Annwl Mike,

**Adroddiad y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig ar y
Memorandwm Cydsyniad Deddfwriaethol ar gyfer y Bil Pysgodfeydd – llythyr dilynol**

Diolch am eich llythyr dyddiedig 5 Ebrill, yn dilyn ystyriaeth y Pwyllgor o ymateb Llywodraeth Cymru i'ch adroddiad ar y Memorandwm Cydsyniad Deddfwriaethol ar gyfer Bil Pysgodfeydd y DU. Rwyf wedi nodi ymatebion i'ch cwestiynau isod.

Yr angen am ddeddfwriaeth a'r dull a fabwysiadwyd

1. Hoffem i chi fynd i'r afael â'r mater hwn yn eich ymateb i'r llythyr hwn. A allwch chi roi enghreifftiau o sut y cafodd rhanddeiliaid eu cynnwys wrth ddatblygu Bil y DU? Nodwch pwy oedd y rhanddeiliaid hynny a sut y cawsant eu cynnwys.

Bil gan Lywodraeth y DU yw hwn a chyhoeddodd Defra ei ymgynghoriad papur gwyn o dan y teitl *Sustainable fisheries for future generations* ar 4 Gorffennaf 2018, cyn cyflwyno'r Bil ym mis Hydref 2018. Mae'r crynodeb o'r ymatebion yn nodi bod 34,667 o ymatebion wedi dod i law.

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

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

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

Tudalen y pecyn 46
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.

Roedd y rhain yn cynnwys:

- 34,440 o ymatebion gan ymgyrchoedd (yn cynnwys ymgyrchoedd gan Greenpeace, y Gymdeithas Cadwraeth Forol, Cymdeithas Cadwraeth Morfilod a Dolffiniaid a'r Ymddiriedolaeth Genweirio)
- 227 o ymatebion unigol

Ar lefel rhyng-lywodraeth, rydym yn parhau i ddatblygu'r fframwaith, sy'n pennu'r fframwaith lefel uchel a'r trefniadau ymgysylltu a gweithio rhwng llywodraethau.

Y Cyd-ddatganiad Pysgodfeydd, yn arbennig, yw'r cyfrwng allweddol i randdeiliaid ar gyfer llywio a siapio ein polisïau ar gyfer cyflawni amcanion y pysgodfeydd. Rydym yn gweithio ar ddull manwl a chynhwysol o ymgysylltu â rhanddeiliaid ar ddatblygu'r Cyd-ddatganiad Pysgodfeydd ar hyn o bryd a byddwn yn darparu gwybodaeth am hyn cyn gynted â phosibl.

2. A allwch chi roi eglurhad manylach o bwrpas ac effaith arfaethedig y pwerau gweithredol y tu hwnt i'r hyn sydd eisoes wedi'i gynnwys yn y Memorandwm Cydsyniad Deddfwriaethol ac yn eich tystiolaeth i'r Pwyllgor? Dylai hyn wahaniaethu rhwng pwerau newydd a phwerau cyfredol.

Fel y gwyddoch, mae'r dyddiad pan fydd y DU yn ymadael â'r UE wedi'i ohirio tan fis Hydref 2019, oni cheir cytundeb cyn hynny. Yn ôl Llywodraeth y DU, nid yw'r Bil yn debygol o gael gwrandawriad yn y Senedd hyd nes y byddant wedi dod i gytundeb gydag Ewrop. Gallai hyn newid wrth gwrs. Mae'r Bil yn parhau i esblygu ac rwy'n ymrwymo i ddarparu rhagor o wybodaeth, ar yr adeg briodol am ddatblygiad y Bil drwy'r Senedd, gan sicrhau bod y Pwyllgor a'r Cynulliad yn derbyn y wybodaeth angenrheidiol i wneud eu penderfyniad ar gydsyniad.

Rwy'n disgwyl y bydd yna welliannau pellach i'r Bil, yn ymwneud â Chymru. Yn dilyn hyn, bydd Memorandwm Cydsyniad Deddfwriaethol Atodol yn cael ei gyflwyno gerbron y Cynulliad i graffu arno.

Yn ogystal â'r Memorandwm Cydsyniad Deddfwriaethol Atodol, byddaf yn darparu papur fydd yn cwmpasu holl ddarpariaethau'r Bil a fydd yn egluro pwrpas ac effaith fwriedig y pwerau gweithredol yn y Bil yn fanylach.

3. A allwch chi egluro pa rai o'r pwerau penodol a ddarparwyd y gallai fod eu hangen yn y cyfnod yn syth ar ôl Brexit?

Rwy'n ailadrodd bod gennym gyfnod ansicr o'n blaenau. Byddai'n ddoeth sicrhau'r pwerau galluogi hyn yn awr er mwyn bod yn yr un sefyllfa â Gweinyddiaethau Pysgodfeydd eraill ac er mwyn i ni allu ymateb i'r sefyllfa sy'n datblygu, waeth a ydym angen y pwerau yn syth ar ôl gadael yr UE neu yn yr hirdymor. Pwerau trosiannol fydd y rhain. Bydd Bil Pysgodfeydd Cymru (unwaith y bydd Cynulliad Cenedlaethol Cymru wedi sicrhau'r estyniad i Gymhwysedd Deddfwriaethol y Cynulliad drwy Fil Pysgodfeydd y DU) yn gyfle i fireinio pwerau i gyd-fynd â'r heriau rheoli pysgodfeydd yn well, a ddaw yn gliriach ar ôl i ni adael yr UE. Mewn perthynas â'r angen i ddefnyddio'r pwerau yn atodlenni 4, 6 a 7 yn syth ar ôl Brexit yn arbennig.

Atodlen 4 - Efallai y bydd hi'n bosibl cyflwyno cynllun ar ôl i ni adael yr UE, yn dibynnu ar amserlenni ac amgylchiadau. Mae fy swyddogion yn parhau i weithio'n agos gyda Defra a'r Gweinyddiaethau Datganoledig eraill i ystyried cynlluniau a mecanweithiau cyllido ar gyfer y diwydiant pysgota wrth symud ymlaen i'r dyfodol.

Atodlen 6 – Mae'r pŵer llunio Offerynnau Statudol hwn yn angenrheidiol o ystyried yr ansicrwydd y byddwn ni'n ei wynebu wrth i ni adael yr Undeb Ewropeaidd. Efallai y bydd
Tudalen y pecyn 47

angen cyflwyno is-ddeddfwriaeth, dan amgylchiadau na ellir eu rhagweld. Byddai'n annoeth cyfyngu ein hunain (a rhoi ein hunain o dan anfantais o gymharu â gweinyddiaethau pysgodfeydd eraill y DU) drwy beidio â chynnwys hyn ym Mil y DU a'i ddarparu cyn gynted â phosibl.

Atodlen 7 – Bydd y pwerau hyn yn rhan o'n pecyn cymorth ar gyfer rheoli pysgodfeydd a gellid ei ddefnyddio'n syth neu'n fuan wedyn yn dibynnu ar y pwysau sy'n codi. Bydd y pwerau hyn yn sicrhau bod y sefyllfa'n parhau i weithio'n gyfochrog yng ngwahanol Weinyddiaethau Pysgodfeydd y DU hefyd. Fel arall, gellid cael sefyllfa lle mae Lloegr, yr Alban a Gogledd Iwerddon yn gallu cymryd camau gweithredu i warchod ardal yn y môr (er enghraifft) ond nad oes gan Weinidogion Cymru y pŵer galluogi angenrheidiol hyd nes y cyflwynir Bil Pysgodfeydd i Gymru. Rwy'n credu ei bod hi'n annoeth mentro fel hyn pan mae Bil Pysgodfeydd y DU yn gyfrwng deddfwriaethol priodol i ddarparu'r pwerau angenrheidiol. Rwyf nawr yn ceisio cael gwelliant fel y gall Gweinidogion Cymru ddefnyddio'r pwerau yn adran newydd 134A a B o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (a fewnosodwyd gan Atodlen 7 i Ddeddf Pysgodfeydd y DU) mewn sefyllfaoedd o argyfwng (gan ddileu'r gofyniad i ymgynghori, oni bai bod gwir angen). Mae'r pwerau hyn yn bwysig er mwyn gallu gweithredu'n gyflym i reoli pysgodfeydd Cymru a Pharth Cymru'n gynaliadwy.

4. A allwch chi egluro pryd y byddwch mewn sefyllfa i roi gwybod i ni beth yw eich bwriad o ran cyflwyno Bil ar gyfer Cymru?

Bydd y Prif Weinidog yn cyflwyno ei ddatganiad blynyddol ar y rhaglen ddeddfwriaethol cyn toriad yr haf. Fel y dywedodd yn ei lythyr atoch ar 22 Mawrth, mae'n amlwg y bydd angen i ni osod darpariaethau ar lyfr statud Cymru a'r bwriad yw i Fil Pysgodfeydd y DU fod yn drosiannol hyd nes i ni ddeall yn well pa bwerau fydd eu hangen ar ôl gadael yr UE ac, ar y pwynt hwn, gellir cyflwyno unrhyw bwerau ychwanegol drwy Fil Pysgodfeydd Cymru (unwaith i ni gael yr estyniad i Gymhwysedd Deddfwriaethol y Cynulliad drwy Fil Pysgodfeydd y DU). Ni fydd y Cynlluniad yn gorfod ildio unrhyw bwerau yn sgil Bil Pysgodfeydd y DU. Yn wir, bydd Bil Pysgodfeydd y DU yn arwain at ymestyn Cymhwysedd Deddfwriaethol y Cynulliad mewn perthynas â'r pwnc hwn. Yna, bydd cylch gwaith unrhyw Fil Pysgodfeydd Cymru yn y dyfodol yn cynnwys y gallu i addasu unrhyw o'r pwerau sydd wedi'u cynnwys ym Mil Pysgodfeydd y DU a darparu pwerau newydd o'r fath fel bo angen. Ar hyn o bryd, yn sgil yr amseriad a'r cyfyngiadau cyfredol ar Gymhwysedd Deddfwriaethol y Cynulliad yn y maes hwn, rydym yn ddibynnol ar nifer o ddarpariaethau Bil Pysgodfeydd y DU (ymestyn cymhwysedd deddfwriaethol y Cynulliad yn arbennig). Fodd bynnag, mae'n anodd ymrwymo i amserlen ar gyfer Bil Pysgodfeydd i Gymru hyd nes y bydd y Bil wedi pasio drwy'r Senedd ac i'r sefyllfa sy'n datblygu ynghylch beth fydd yn digwydd ar ôl i'r DU adael yr UE ddod yn fwy clir.

Mynediad i bysgodfeydd Prydain

5. A allwch chi ddarparu manylion pellach, y tu hwnt i'r rhai a nodir uchod, am sut a phryd y bydd y gofynion ychwanegol hyn yn cael eu pennu?

Ar ôl gadael yr EU ni fyddwn wedi'n rhwymo gan y Polisi Pysgodfeydd Cyffredin, a bydd y system drwyddedu newydd ar gyfer llongau tramor yn cael ei lansio. Y bwriad ar hyn o bryd yw i'r Awdurdod Dyroddi Sengl weithredu ar ran Gweinidogion Cymru i drwyddedu llongau pysgota tramor ac i gael caniatâd i unrhyw long o Gymru sydd am bysgota yn nyfroedd Ewrop. Bydd y drwydded yn cyfeirio at amodau trwyddedu y pedair weinyddiaeth pysgodfeydd. Bydd yr amodau trwyddedu ar gyfer dyfroedd Cymru, sy'n pennu'r rheolau ar gyfer sut y bydd llongau sy'n pysgota yn ein moroedd yn gweithredu, yn cael eu pennu a'u rheoli gan Weinidogion Cymru. Bydd Gweinidogion Cymru'n gyfrifol am bob penderfyniad trwyddedu a wneir mewn perthynas â llongau perthnasol. Mae swyddogion Llywodraeth

Cymru wrthi'n gweithio gyda swyddogion o Weinyddiaethau Pysgodfeydd Datganoledig eraill a'r Sefydliad Rheoli Morol (y bwriedir iddo fod y sefydliad sy'n cynnal yr Awdurdod Dyroddi Sengl) er mwyn datblygu unrhyw ofynion ychwanegol a allai fod yn angenrheidiol. Y bwriad yw darparu'r amodau trwyddedu angenrheidiol ar wefan Llywodraeth Cymru, a bydd y rhain yn cael eu diweddarau'n rheolaidd.

Cyfleoedd pysgota a chyfran o'r cwota

6. A allwch chi roi manylion i'r Pwyllgor am unrhyw ymgynghoriad yr ydych wedi'i gynnal â rhanddeiliaid ar y darpariaethau hyn?

Bil gan Lywodraeth y DU yw hwn ac fe gynhaliwyd ymgynghoriad â rhanddeiliaid cyn cyflwyno darpariaethau'r Bil hwn.

Barn Llywodraeth Cymru ar y gyfran o'r cwota yw bod ein pysgodfeydd bach a bach eu heffaith wedi bod o dan anfantais am lawer rhy hir. Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn glir; mae angen i ni sicrhau bod cymunedau arfordirol yn gweld gwerth yn y pysgod oddi ar eu glannau nawr ac ar gyfer cenedlaethau'r dyfodol.

Yn ei thrafodaethau â'r UE yn y dyfodol, mae cyfle gan y DU i ennill cyfran fwy o bysgod y gellid ei defnyddio i adfer y cydbwysedd o safbwynt cyfleoedd pysgota fel y gall fflydoedd arfordirol bach fod yn fwy cynaliadwy a buddsoddiadwy.

Mae Llywodraeth Cymru wedi bod yn galw am gyfran decach o'r cyfleoedd pysgota gan Lywodraeth y DU gydol y prosesau hyn. Rydym wedi datgan yn glir ein bod ni'n ystyried bod yna anghydbwysedd sylfaenol yng nghwota'r DU a byddwn yn parhau i alw ar Lywodraeth y DU i fynd i'r afael â'r mater hwn.

7. Hoffem i chi rannu'r ohebiaeth honno, ac unrhyw ymatebion a gafwyd, â'r Pwyllgor i'n galluogi i ddeall yn well beth y byddech chi'n ei ystyried yn "setliad gwell" ar gyfer pysgodfeydd Cymru.

8. Hoffem i chi esbonio beth fydd sicrhau bod y dull o ran dyrannu cwota yn gyson â Deddf Cenedlaethau'r Dyfodol (Cymru) 2015 yn ei olygu'n ymarferol.

9. Hoffem i chi rannu â ni unrhyw ohebiaeth ddiweddar â Llywodraeth y DU mewn perthynas â chyfran Cymru o'r cwota, ac unrhyw ymatebion a gafwyd.

10. Hoffem gadarnhau eich bod yn mynd ati'n weithredol gyda Llywodraeth y DU a'r gweinyddiaethau datganoledig eraill i roi'r gorau i ddefnyddio daliadau hanesyddol fel y prif ffactor wrth benderfynu ynghylch dyrannau'r cwota.

Rwy'n llwyr dderbyn yr angen i unioni'r annhegwch sylfaenol yn nyraniad y cwota a byddaf yn parhau i alw am hyn. Mae trafodaethau wedi dechrau gyda gweinyddiaethau pysgodfeydd eraill y DU a gallaf gadarnhau fy mod i'n ymrwymedig i ystyried pob opsiwn gyda Llywodraeth y DU a byddaf yn ystyried yn ofalus pa opsiwn sydd fwyaf addas i gefnogi'r diwydiant pysgota yng Nghymru gan gefnogi cynaliadwyedd ein stociau yr un pryd.

Mae cysoni â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn ymwneud â deall y darlun cyfan – cael y wyddoniaeth a'r dystiolaeth i wybod pa adnoddau a stociau sydd ar gael i ni, pa rai sydd mewn perygl, pa rai sydd wedi'u hadfer a pha rai y gellir eu defnyddio ymhellach. Mae hefyd yn ymwneud â deall yr elfen ddynol, pa effaith mae gwahanol bolisiau'n ei chael ar gymunedau pysgota a chymunedau arfordirol yn gyffredinol. Mae'n ymwneud â defnyddio'r holl wybodaeth hon i lywio polisiau a phenderfyniadau'n well.

Rwyf wedi amgáu gohebiaeth rhyngof fi a Michael Gove AS. Ni allaf rannu'r holl ohebiaeth ynghylch y mater hwn oherwydd y marciau sensitifrwydd. Fodd bynnag, o dan gwestiwn 6 rwyf wedi nodi beth yw setliad gwell a chyfran annheg o gwota yn fy marn i.

Rydym yn gweithio gyda Cyfoeth Naturiol Cymru i ddatblygu Strategaeth Tystiolaeth Forol ar gyfer Cymru a fydd yn:

- darparu fframwaith i gefnogi'r gwaith o gasglu tystiolaeth forol ar gyfer datblygu, gweithredu, llywio a gwerthuso polisïau a rhaglenni morol
- cefnogi ymgysylltu a dealltwriaeth ehangach am risgiau a chyfleoedd moroedd Cymru
- diffinio blaenoriaethau tystiolaeth forol strategol lefel uchel ar gyfer Cymru a llywio'r gwaith o weithredu, monitro ac adolygu camau gweithredu i gyflawni'r blaenoriaethau hynny
- cydweithio a chydweithredu'n well ynghylch gwybodaeth, adnoddau a gohebiaeth wyddonol
- helpu i gysoni a datblygu capasiti tystiolaeth forol Cymru a hyrwyddo arloesedd

Pwerau o ran cymorth ariannol a chyllid yn y dyfodol

11. Gofynnwn i chi roi sicrwydd pellach na fydd sector pysgodfeydd Cymru yn wynebu unrhyw ostyngiad mewn cyllid o ganlyniad i Brexit.

Rwy'n disgwyl i Lywodraeth y DU anrhydeddu ei hymrwymiad i sicrhau bod holl raglenni ariannu cyfredol yr UE yn cael eu cwblhau'n llawn ar ôl i ni adael yr UE. O ran yr holl drefniadau ariannu ar ôl i ni adael yr UE, mae Llywodraeth Cymru wedi datgan yn glir na ddylai Cymru dderbyn yr un geiniog yn llai o ganlyniad i adael yr UE.

12. A allwch chi roi manylion am unrhyw waith yr ydych wedi'i wneud i asesu costau gweithredu darpariaethau Bil y DU?

13. A allwch chi roi manylion am eich asesiad diweddaraf a'r goblygiadau ariannol sy'n deillio o Fil y DU?

Mae gwaith ar droed i asesu costau llawn y Bil. Nid yw'r sefyllfa derfynol yn hysbys eto o ystyried natur esblygol y Bil ac effaith oedi pellach gyda gadael yr UE. Fodd bynnag, rwy'n disgwyl i'r Bil fod ag ychydig o oblygiadau ariannol uniongyrchol yn unig ond mae'n debygol y bydd yna gostau ychwanegol o ran darparu swyddogaethau newydd yn yr hirdymor. Byddaf yn ysgrifennu at y Pwyllgor cyn y ddadl i nodi goblygiadau ariannol y Bil.

14. Gofynnwn i chi roi'r wybodaeth ddiweddaraf i ni am unrhyw gynnydd a wnaed i sicrhau cytundeb Llywodraeth y DU i ddiwygiadau mewn perthynas â'r gofynion a ganlyn:

– y gofyniad i adolygu'r amcanion pysgodfeydd (Casgliad 8);

– y gofyniad i'r awdurdodau polisi pysgodfeydd adrodd i'r ddeddfwrfa berthnasol ar y cynnydd a wnaed o ran gweithredu polisïau ac o ran cyflawni'r amcanion pysgodfeydd (Casgliad 10);

– y gofyniad i Weinidogion Cymru ymgynghori ar gyfer unrhyw gynllun cymorth ariannol a sefydlir yn y dyfodol o dan Atodlen 4 (Casgliad 21).

Casgliad 8 – Mae swyddogion Llywodraeth Cymru'n parhau i drafod hyn gyda Defra a Gweinyddiaethau Pysgodfeydd Datganoledig eraill, ac mae hyn yn cael ei ddatblygu o fewn cylch gwaith Gweithgor y Cyd-ddatganiad Pysgodfeydd.

Cofion,

A handwritten signature in cursive script that reads "Lesley".

Lesley Griffiths AC/AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Department
for Environment
Food & Rural Affairs

The Rt Hon Michael Gove MP
From the Secretary of State for Environment, Food
and Rural Affairs

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Lesley Griffiths AM
Cabinet Secretary for Energy, Planning
and Rural Affairs
Welsh Government
Cardiff
CF99 1NA

9 December 2018

Dear Lesley,

I am writing to let you know that tomorrow the Government will announce that it is tabling an amendment to the Fisheries Bill and committing to extra funding for the fishing industry.

On Monday the Government will table an amendment which will enshrine its commitment to secure a fairer share of fishing opportunities for UK fishermen. The amendment would place a legal obligation on the government, when negotiating a fisheries agreement with the EU, to pursue a fairer share of fishing opportunities than the UK currently receives under the Common Fisheries Policy (CFP). This will give legal weight to our commitment to take back control of our waters and to secure a fairer share of fishing opportunities for the whole of the UK fishing industry.

I will also announce that the Government has committed £37.2 million of extra funding to boost the UK fishing industry during the Implementation Period. This will equate to around £2.4 million for Wales. It is in addition to the existing European Maritime and Fisheries Fund, which at €243m over seven years is, as you know, broadly equivalent to £32m a year. The funding will be delivered through the existing EMFF framework, so it will be provided to the sector using the current EMFF delivery mechanisms. The new funding will boost the industry as we become an independent coastal state, preparing the UK to receive a greater share of future fishing opportunities.

In addition to this I will announce that the Government will put in place new, domestic, long-term arrangements to support the UK's fishing industry from 2021, through the creation of four new schemes comparable to EMFF to deliver funding for each nation of the UK. The Welsh Government will lead on the scheme for Wales and details will be agreed at the 2019 Spending Review.

With every good wish,

Michael Gove

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LG/02464/18

Rt Hon Michael Gove MP
Secretary of State
Department for Environment, Food & Rural Affairs
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8

January 2019

Dear Michael

Thank you for your letter of 9 December regarding an amendment to the UK Fisheries Bill and commitments for further funding for the industry.

Given the close working between our officials on finance in relation to our exit from the EU, I was very disappointed this was the first I have heard of the successor to the European Maritime and Fisheries Fund.

Any successor scheme must reflect the needs of the distinct fishing industry in Wales. You also recognise Wales will need to develop its own scheme to meet the unique demands of our industry. As a result, I expect to be fully involved in the Spending Review to enable us to put forward a robust case for a fair budget for Wales.

Whilst I welcome the further £2.4million funding, I fear this money will do little to aid the fishing industry in Wales, which, as a primarily small scale shellfish based industry, is dependent on continued unfettered access to EU markets. Securing continued access to the European market must be a priority in the exit negotiations. I am also concerned this funding is to be delivered through EMFF, a scheme which may not best align to our needs as we exit the EU.

In relation to the proposed amendment to the Fisheries Bill, as we set out in 'Securing Wales' Future', we want to see the Welsh fishing industry receive its fair share of fishing

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

Tudalen y pecyn 53

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.

opportunities in the future. Therefore, any increase in the UKs share must be used to address these historic imbalances.

Regards
Lesley

Lesley Griffiths AC/AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Lesley Griffiths AC
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

12 Mawrth 2019

Annwyl Lesley

Rheoli Ardaloedd Morol Gwarchoddedig yng Nghymru

Fel y gwyddoch, ym mis Awst 2017, cyhoeddodd y Pwyllgor ei adroddiad, *Y Llanw'n troi? Adroddiad ar yr ymchwiliad i ddull Llywodraeth Cymru o reoli Ardaloedd Morol Gwarchoddedig.*

Ers cyhoeddi ein hadroddiad, cafwyd nifer o ddatblygiadau yn y maes polisi hwn, gan gynnwys cyhoeddiadau Llywodraeth Cymru, Fframwaith Rheoli Rhwydwaith Ardaloedd Morol Gwarchoddedig Cymru 2018-2023 a Chynllun Gweithredu Cymru 2018-19. Yn fwy diweddar, rydych chi wedi adrodd i'r Cynulliad ar Ardaloedd Morol Gwarchoddedig yn unol â gofynion Deddf y Môr a Mynediad i'r Arfordir 2009.

Mae'r Pwyllgor wedi cytuno y byddai nawr yn amser priodol i gynnal gwaith dilynol ar reoli Ardaloedd Morol Gwarchoddedig. Er mwyn llywio'r gwaith hwn, hoffem gael y wybodaeth ddiweddaraf gennych am y cynnydd sydd wedi ei wneud o ran gweithredu'r argymhellion yn ein hadroddiad yn 2017. Fel rhan o'ch ymateb, hoffem i chi fynd i'r afael â'r cwestiynau penodol sydd i'w gweld yn **Atodiad 1** i'r llythyr hwn.

Hoffem hefyd gael diweddariad gennych ar y cynnydd o ran cyflawni pob un o'r 21 cam gweithredu yng Nghynllun Gweithredu Rheoli Rhwydwaith



Ardaloedd Morol Gwarchoddedig 2018-19. Os na chadwyd at yr amserlenni ar gyfer cyflawni'r camau gweithredu, dylech gynnwys esboniad ynghyd ag unrhyw ddiwygiadau dilynol i'r amserlenni hyn.

Yn olaf, byddai'n ddefnyddiol pe gallech gadarnhau a fydd Llywodraeth Cymru mewn sefyllfa i fabwysiadu'n ffurfiol Gynllun Morol Cenedlaethol Cymru ('y Cynllun') yn ddiweddarach yn y gwanwyn, gyda golwg ar gwblhau a gweithredu'r Cynllun yn gynnar yn yr haf, yn unol â'r llinell amser y gwnaethoch ei chyhoeddi.

Byddwn yn ddiolchgar pe gallech ymateb erbyn **12 Ebrill** fan bellaf.

Yn gywir,



Mike Hedges AC

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig



1. A allwch chi roi'r wybodaeth ddiweddaraf am yr hyn sydd wedi deillio o waith Llywodraeth Cymru i ddatblygu dull cyson sy'n seiliedig ar dystiolaeth o fonitro a goruchwyllo safleoedd (yr oedd disgwyl iddo ddod i ben yn haf 2018)? Sut y mae deilliannau'r gwaith hwn wedi llywio dull Llywodraeth Cymru o fonitro safleoedd?
2. Ers cyhoeddi adroddiad y Pwyllgor ym mis Awst 2017, pa gynnydd sydd wedi ei wneud i ganfod unrhyw fylchau o ran creu rhwydwaith ecolegol cydlynol o Ardaloedd Morol Gwarchoddedig yn nyfroedd Cymru, a mynd i'r afael â'r bylchau hynny? A oes unrhyw Ardaloedd Morol Gwarchoddedig newydd wedi cael eu pennu neu eu dynodi i fynd i'r afael â'r bylchau a nodwyd yn yr asesiad yn 2014 a gynhaliwyd gan y Cydbwyllgor Cadwraeth Natur a Cyfoeth Naturiol Cymru? Pa amserlenni ydych chi gweithio tuag atynt i gwblhau'r gwaith hwn?
3. Mae Cyfoeth Naturiol Cymru wedi datblygu nifer o adroddiadau cyflwr dangosol nodweddion ar safleoedd, gyda chyfran fawr o nodweddion safleoedd yn ymddangos i fod mewn cyflwr anffafriol neu anhysbys. Pa gamau y mae Llywodraeth Cymru yn eu cymryd o ganlyniad i'r asesiad hwn? Pa gynnydd sydd wedi ei wneud i ddatblygu proses barhaol a chynaliadwy ar gyfer adrodd ar gyflwr nodweddion safleoedd y gellir ei hailadrodd yn rheolaidd?
4. A allwch chi roi manylion unrhyw waith y mae Llywodraeth Cymru wrthi'n ei wneud i asesu'r angen i ddynodi Ardaloedd Morol Gwarchoddedig ar gyfer rhywogaethau symudol iawn?
5. Pa waith yr ydych chi wedi'i wneud, ers cyhoeddi adroddiad y Pwyllgor, i asesu effaith Brexit ar Ardaloedd Morol Gwarchoddedig Cymru? Gofynnir ichi gynnwys manylion unrhyw waith paratoi i liniaru unrhyw risgiau yr ydych chi wedi'u canfod.
6. Pa gamau penodol yr ydych chi wedi'u cymryd i sicrhau bod trefniadau priodol ar waith i gynnal mesurau gwarchod amgylcheddol morol ar ôl Brexit?



7. Pa gynnydd sydd wedi'i wneud rhwng Llywodraeth y DU a'r Gweinyddiaethau Datganoledig o ran cytuno ar fecanwaith i barhau i reoli ardaloedd morol trawsffiniol, ar ôl Brexit?
8. Pa drefniadau fydd ar waith ar ôl Brexit i asesu ac yna adrodd ar gyflwr a statws safleoedd Ardaloedd Morol Gwarchodedig Cymru, y tu hwnt i'r gofyniad adrodd chwe blynedd yn Neddf y Môr a Mynediad i'r Arfordir 2009?
9. Pa drafodaethau ydych chi wedi'u cael â Llywodraeth y DU ynghylch trefniadau ariannu ar gyfer gweithgareddau rheoli morol ar ôl Brexit? Beth oedd canlyniad y trafodaethau hynny?
10. A allwch chi ddarparu manylion ynghylch unrhyw waith ar Ardaloedd Morol Gwarchodedig sy'n cael ei ariannu ar hyn o bryd gan gronfeydd yr UE, megis Cronfa'r Môr a Physgodfeydd Ewrop a LIFE-Nature, a fyddai'n wynebu risg pe na bai cyllid tebyg ar gael ar ôl Brexit?
11. A allwch chi gadarnhau a oes arian ychwanegol ar gael ar gyfer gwaith ar Ardaloedd Morol Gwarchodedig yn dilyn ymestyn swyddogaethau gweithredol Gweinidogion Cymru ar gyfer cadwraeth forol i ranbarth môr mawr Cymru ym mis Ebrill 2018? Os felly, faint o arian? Os na, beth yw'r rhesymau dros hyn?





Ein cyf: MA-P-LG-1135-19 Doc 1

Mike Hedges AC
Cadeirydd
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

17 Ebrill 2019

Annwyl Mike

Diolch am eich llythyr dyddiedig 12 Mawrth, ynghylch rheoli Ardaloedd Morol Gwarchoddedig yng Nghymru.

Yn eich llythyr rydych yn gofyn am ddiweddariad ar gynnydd Llywodraeth Cymru o ran gweithredu'r 12 argymhellid yn adroddiad y Pwyllgor "Y Llanw'n troi? Adroddiad ar yr ymchwiliad i ddull Llywodraeth Cymru o reoli Ardaloedd Morol Gwarchoddedig". Rydych yn gofyn 11 cwestiwn arall ar faterion sy'n ymwneud â rheoli ardaloedd morol gwarchoddedig, rhai ohonynt yn adeiladu ar argymhellion y Pwyllgor.

Rydych yn gofyn hefyd am ddiweddariad ar gyflawni pob un o'r 21 o gamau gweithredu yn y Cynllun Gweithredu ar gyfer Rheoli'r Rhwydwaith o Ardaloedd Morol Gwarchoddedig yng Nghymru 2018-2019. Mae fy adran wrthi'n gweithio gyda Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig a buddiannau morol eraill, yn cynnwys Grŵp Cynghori a Gweithredu Cymru ar Faterion Morol, i baratoi Adroddiad Blynyddol Rheoli Rhwydwaith Ardaloedd Morol Gwarchoddedig ar gyfer 2018-2019. Bydd yr Adroddiad Blynyddol yn darparu cynnydd ar gyflawni pob un o'r 21 o gamau gweithredu, a gwybodaeth am gamau gweithredu rheoli MPA eraill sy'n cael eu cyflawni ledled Cymru. Bydd yr Adroddiad Blynyddol yn cael ei gyhoeddi yn haf 2019, a byddaf yn sicrhau bod y Pwyllgor yn derbyn copi pan fydd ar gael. Yn y cyfamser, rwyf wedi darparu diweddariad interim ar bob un o'r 21 o gamau gweithredu yng Nghynllun Gweithredu 2018-2019.

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

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

O ran mabwysiadu Cynllun Morol Cenedlaethol Cymru, rwy'n ymrwymedig i ddatblygu cynllunio morol ar gyfer Cymru, a bydd mabwysiadu'r Cynllun hwn yn gam pwysig ymlaen. Ar 13 Mehefin 2018 ysgrifennais at y Pwyllgor yn nodi ymateb Llywodraeth i argymhellion y Pwyllgor yn dilyn eich ystyriaeth o'r Cynllun drafft. Ers hynny, mae fy adran wedi gweithio'n agos ag ystod eang o randdeiliaid yn ogystal â swyddogion polisi morol Cymru a'r DU i greu testun terfynol y cynllun a datblygu'n dull o gefnogi'r gwaith o'i weithredu. Mae'r gwaith hwn wedi cynnwys:

- Llawer o gyfarfodydd a gweithdai yn ystyried polisi'r cynllun mewn perthynas â thwf glas, Ardaloedd Adnoddau Strategol, polisi cefnogi'r sector morol, Rheoli Adnoddau Naturiol Morol yn Gynaliadwy a llesiant cenedlaethau'r dyfodol, gwneud penderfyniadau economaidd-gymdeithasol, ailwampio Cynllun Morol Cenedlaethol Cymru i gefnogi hygyrchedd i ddefnyddwyr ac ystyriaethau trawsffiniol;
- Sefydlu grŵp gorchwyl a gorffen i ystyried opsiynau polisi môr-lynnoedd a chwblhau Arfarniad Cynaliadwyedd ac Asesiad Rheoliad Cynefinoedd Cynllun Morol Cenedlaethol Cymru;
- Sefydlu grŵp awdurdodau cyhoeddus i ystyried cynigion gweithredu a chynghori ar benderfyniadau i gefnogi'r gwaith o weithredu'r cynllun;
- Datblygu astudiaethau achos i helpu i rannu arferion da wrth weithredu'r cynllun;
- Ymgysylltu â'r Sefydliad Rheoli Morol a rhanddeiliaid ehangach ar ystyriaethau trawsffiniol;
- Datblygu cynigion ar gyfer fframwaith monitro ac adrodd.

Er bod cynnydd sylweddol wedi'i wneud, mae gwaith Brexit wedi cael blaenoriaeth ar draws fy mhortffolio a bydd hyn yn arwain yn anochel at rai newidiadau i gerrig milltir gwaith arall yn cynnwys cynllunio morol. Ymhellach, gan fod y cynllun yn cynnwys cyfeiriad at swyddogaethau a ddargedwir, mae angen cymeradwyaeth gan Ysgrifennydd Gwladol y DU dros Amgylchedd, Bwyd a Materion Gwledig cyn mabwysiadu. Nid yw'n amlwg sut y gallai Brexit effeithio ar yr amserlen hon ar hyn o bryd.

Mae diweddariad ar gynnydd pob un o'r argymhellion yn Atodiad 1 y llythyr hwn. Mae fy ymateb i'r 11 cwestiwn ychwanegol yn Atodiad 2. Yn olaf, mae diweddariad interim ar gynnydd ar gyfer 21 cam gweithredu Cynllun Gweithredu 2018-2019 yn Atodiad 3 y llythyr.

Cofion,



Lesley Griffiths AC/AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

DIWEDDARIAD AR GYNNYDD GWEITHREDU'R ARGYMHELLION

Argymhelliad 1

Er mwyn i Gymru wireddu manteision ei MPAs, rhaid rheoli'r safleoedd yn effeithiol. Rhaid i Lywodraeth Cymru gynnig arweiniad yn hyn o beth drwy ddatblygu, yn ddi-oed, strategaeth MPAs, a sicrhau bod pob awdurdod rheoli, gan gynnwys Llywodraeth Cymru, yn ymwneud yn frwd â rheoli MPAs ac yn cyflawni ei ddyletswyddau a'i gyfrifoldebau.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn.

Ym mis Medi 2018 cyhoeddodd Llywodraeth Cymru Fframwaith Rheoli Rhwydwaith Ardaloedd Morol Gwarchoddedig Cymru 2018-2023 a'r Cynllun Gweithredu ar gyfer Rheoli'r Rhwydwaith o Ardaloedd Morol Gwarchoddedig yng Nghymru 2018-2019. Paratowyd y ddwy ddogfen gan Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig sy'n cynnwys y prif awdurdodau rheoli sy'n gweithredu yng Nghymru.

Mae Fframwaith Rheoli Rhwydwaith Ardaloedd Morol Gwarchoddedig Cymru 2018-2023 yn cyflwyno strwythur, am y tro cyntaf mewn un lle, ar gyfer gwella rheolaeth a chyflwr y rhwydwaith o Ardaloedd Morol Gwarchoddedig yng Nghymru am y 5 mlynedd nesaf. Mae'r Fframwaith yn cydnabod bod rheoli Ardaloedd Morol Gwarchoddedig yn effeithiol yn sicrhau'r cyfraniad gorau posibl gan rwydwaith yr Ardaloedd Morol Gwarchoddedig at gyflwr a chydnerthedd ecosystemau morol a diwydiannau morol cynaliadwy. Mae'n rhoi ffocws i bob Awdurdod Rheoli hefyd i gynnal a gwella trefniadau rheoli'r rhwydwaith.

Mae'r Cynllun Gweithredu ar gyfer Rheoli'r Rhwydwaith Ardaloedd Morol Gwarchoddedig yng Nghymru 2018-2019 yn cyd-fynd â'r Fframwaith ac yn rhoi manylion am y camau gweithredu a nodwyd gan Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig fel blaenoriaeth i wella rheolaeth, ac felly cyflwr, y rhwydwaith o Ardaloedd Morol Gwarchoddedig yng Nghymru. Mae Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig yn adolygu cynnydd o ran cyflawni'r camau gweithredu. Mae wedi cytuno i gyhoeddi Adroddiad Blynyddol hefyd a fydd yn rhoi manylion ar y cynnydd a wnaed gyda phob cam gweithredu dros y 12 mis blaenorol.

Argymhelliad 2

Ni ellir rheoli MPAs yn effeithiol heb y lefel briodol o adnoddau, gan gynnwys cyllid a staffio. Rhaid i Lywodraeth Cymru:

- **sicrhau bod ganddi ddigon o staff i gyflawni ei chyfrifoldebau ym maes cadwraeth y môr;**
- **cyflwyno cynigion ar gyfer cyllido dull gweithredu sy'n seiliedig ar ardaloedd, a sicrhau bod gan bob ardal reoli ei swyddog dynodedig ei hun; a**
- **sicrhau bod gan Cyfoeth Naturiol Cymru ddigon o adnoddau i gyflawni ei gyfrifoldebau o ran rheoli MPAs a gwella Rhwydwaith Natura 2000 Cymru.**

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn mewn egwyddor.

Mae staff Is-adran y Môr a Physgodfeydd Llywodraeth Cymru yn parhau i fod yn rhan o waith rheoli morol cynaliadwy, fel yr amlinellwyd yn fy ymateb gwreiddiol. Fodd bynnag, mae'n rhaid cydnabod bod yr angen i flaenoriaethu gwaith i adael yr UE a chynllunio ar gyfer gadael heb gytundeb yn arbennig wedi effeithio ar adnoddau staffio ar draws fy mhortffolio ac nid yw'r maes hwn yn eithriad.

Nid yw barn Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig wedi newid o ran dulliau rheoli seiliedig ar ardaloedd. Mae llawer o awdurdodau rheoli eisoes yn cydweithio drwy Grwpiau Awdurdod Perthnasol i gyflawni eu cyfrifoldebau statudol a rhannu arferion gorau. Rydym wedi darparu £130,000 i gefnogi'r gwaith o gyflawni'r Cynllun Gweithredu ar gyfer Rheoli'r Rhwydwaith Ardaloedd Morol Gwarchoddedig yng Nghymru 2018-2019. Mae'r Cynllun Gweithredu ar gyfer 2019-2020 yn cael ei ddatblygu ar hyn o bryd, a byddwn yn edrych am gyfleoedd i ddarparu cymorth ariannol i gyflawni ei gamau gweithredu, lle bo angen.

Rwy'n parhau i gael cyfarfodydd rheolaidd â Chadeirydd a Phrif Weithredwr Cyfoeth Naturiol Cymru i drafod unrhyw feysydd sy'n destun pryder.

Argymhelliad 3

Rhaid i Lywodraeth Cymru ymgysylltu'n well â rhanddeiliaid a'r cyhoedd a gweithredu mewn ffordd fwy tryloyw ac effeithlon, gan gynnwys cyhoeddi gwybodaeth am weithgareddau'r grwpiau arbenigol y mae'n eu harwain. Dylai rhanddeiliaid gael ymwneud yn llawn â datblygu'r strategaeth MPAs. Rhaid i Lywodraeth Cymru gryfhau ymwybyddiaeth o MPAs ymhlith y cyhoedd.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn.

Ers i'r Pwyllgor gyhoeddi ei adroddiad ym mis Awst 2017 rydym wedi cynyddu ein gwaith ymgysylltu â'n rhanddeiliaid yn sylweddol.

Fel rhan o'n hymgyrch barhaus i wella tryloywder rydym yn cyhoeddi cofnodion cyfarfodydd y grwpiau canlynol yn rheolaidd ar ein gwefan:

- Grŵp Cynghori a Gweithredu Cymru ar Faterion Morol;
- Grŵp Cynghori ar Bysgodfeydd Môr Cymru;
- Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig;
- Grŵp Cyfeirio Rhanddeiliaid Cynllunio Morol.

Rydym yn cyhoeddi cylchlythyr Cynllunio Morol hefyd, sydd â 980 o danysgrifwyr ar hyn o bryd.

Gwahoddwyd sylwadau gan Grŵp Cynghori a Gweithredu Cymru ar Faterion Morol wrth ddatblygu Fframwaith Rheoli Rhwydwaith Ardaloedd Morol Gwarchoddedig Cymru 2018-2023 a'r Cynllun Gweithredu ar gyfer Rheoli'r Rhwydwaith Ardaloedd Morol Gwarchoddedig yng Nghymru 2018-2019. Fodd bynnag, rydym yn cydnabod bod hon yn broses sy'n datblygu ac felly rydym yn barod i dderbyn awgrymiadau bob amser ar sut y gallwn wella'n gwaith ymgysylltu a sicrhau mwy o fewnbwn gan

fuddiannau morol. Byddwn yn trafod y ffordd orau o gyflawni hyn yng nghyfarfod nesaf y Grŵp Cynghori a Gweithredu ym mis Mai.

Ar ôl cyhoeddi'r Fframwaith a'r Cynllun Gweithredu ysgrifennais at yr Awdurdodau Rheoli eto, i dynnu sylw at y ddwy ddogfen a'u hatgoffa am eu cyfrifoldebau statudol ar gyfer rheoli Ardaloedd Morol Gwarchoddedig.

Fel rhan o'n gwaith o baratoi ar gyfer gadael yr UE rydym yn darparu cylchlythyr rheolaidd i randdeiliaid ar Bysgodfeydd a Brexit. Mae hyn yn sicrhau bod rhanddeiliaid yn y diwydiant pysgota'n cael y wybodaeth ddiweddaraf am ddatblygiadau, ac unrhyw brosesau newydd sydd ar waith ac yn cael eu cyfeirio at ffynonellau cymorth ychwanegol. Rydym wedi cyhoeddi wyth cylchlythyr hyd yn hyn. Mae'r rhain wedi cael croeso cynnes, ac mae gennym dros 600 o danysgrifwyr hyd yma.

Yn ogystal â'r grwpiau rydym ni'n eu trefnu, mae fy swyddogion yn mynychu llawer o gyfarfodydd a grwpiau rhanddeiliaid i sicrhau ein bod ni'n ymgysylltu'n uniongyrchol â'n rhanddeiliaid.

Argymhelliad 4

Dylai Llywodraeth Cymru ddatblygu strategaeth orfodi sy'n seiliedig ar risgiau ac sy'n mynd i'r afael â'r holl bwysau sydd ar MPAs, gan gynnwys ansawdd dŵr, sbwriel, pwysau yn sgil gweithgareddau hamdden; pysgodfeydd a chasglu adnoddau morol sydd heb eu rheoleiddio; a dylai symud yn gyflym i roi camau rheoli ar waith yn yr MPAs y gwyddys eu bod dan fygythiad.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn mewn egwyddor.

Ers i'r Pwyllgor gyhoeddi'r adroddiad hwn rydym wedi cwblhau 36 o achosion gorfodi. Cyflwynwyd yr achosion hyn am nifer o resymau yn amrywio o bysgota mewn ardaloedd caeedig, cam-adrodd am ddalfeydd a methiant i gyflwyno nodiadau gwerthiant. O'r achosion hyn, erlynwyd 29 yn llwyddiannus yn y llys gyda'r gweddill yn derbyn llythyrau cynghori neu rybuddion swyddogol. Adeg ysgrifennu hyn rydym yn ymchwilio i 14 trosedd honedig arall.

Yn ddiweddar, rydym wedi cael tri Chwch Patrolio Pysgodfeydd pwrpasol newydd i gryfhau'n gallu gorfodi, a fydd yn ein galluogi i batrolio'r 32,000km² o ddŵr ym Mharth Cymru yn well. I gefnogi'r cynnydd hwn mewn capasiti rydym wedi recriwtio saith aelod criw newydd i ddarparu mwy o ddyddiau ar y môr. Adlewyrchir hyn gan y ffaith fod y cychod wedi patrolio 33 o weithiau yn barod yn ystod tri mis cyntaf 2019, o gymharu â 10 gwaith yn ystod 2018 i gyd. Mae ein criw newydd yn cael hyfforddiant hanfodol ar y funud, ac ar ben ffordd i fod yn Swyddogion Gorfodi Morol â gwarant.

Mae'r Cynllun Gweithredu ar gyfer Rheoli'r Rhwydwaith Ardaloedd Morol Gwarchoddedig yng Nghymru 2018-2019 yn cynnwys camau gweithredu sy'n mynd i'r afael â'r pwysau a nodir yn yr argymhelliad hwn.

Argymhelliad 5

Mae sicrhau bod data, tystiolaeth ac ymchwil ar gael yn elfen ganolog o ddatblygu a rheoli polisi MPAs. Dylai Llywodraeth Cymru sefydlu partneriaeth gwyddor môr yng Nghymru i ddwyn diwydiant, academia a rhanddeiliaid ynghyd. Rhaid i Lywodraeth Cymru hefyd sicrhau bod ganddi ddata ac ymchwil effeithiol ar waith i reoli MPAs, gan gynnwys gwaith monitro a gwyliadwriaeth.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn mewn egwyddor.

Bydd ein Strategaeth Tystiolaeth Forol, sy'n cael ei datblygu ar y cyd â Cyfoeth Naturiol Cymru, yn cael ei chyhoeddi yn Haf 2019. Bydd yn:

- darparu fframwaith i gefnogi casglu tystiolaeth forol ar gyfer datblygu, gweithredu a gwerthuso polisiâu a rhaglenni morol;
- cefnogi ymgysylltu a dealltwriaeth ehangach am risgiau a chyfleoedd ym moroedd Cymru;
- diffinio blaenoriaethau tystiolaeth morol strategol lefel uchel ar gyfer Cymru - rhai Llywodraeth Cymru a Cyfoeth Naturiol Cymru i ddechrau - ac arwain y gwaith o weithredu, monitro ac adolygu'r camau gweithredu i gyflawni'r blaenoriaethau hynny;
- gwella cydweithio a chydgyssylltu mewn perthynas â gwybodaeth, adnoddau a chyfathrebu gwyddonol; a
- helpu i gysoni a datblygu capasiti tystiolaeth morol Cymru a hyrwyddo arloesedd.

Rydym yn datblygu Cynllun Tystiolaeth Pysgodfeydd gyda chydweithwyr yn Cefas hefyd, a fydd yn darparu llinell sylfaen o dystiolaeth gyfredol a blaenoriaethau amlinellol ar gyfer 2019-2020 ymlaen.

Argymhelliad 6

Wrth ddynodi MPAs yn y dyfodol, dylai Llywodraeth Cymru nodi'r adnoddau angenrheidiol ar gyfer y gwaith rheoli, monitro, goruchwyllo a gorfodi y bydd gofyn ei wneud ar safle(oedd) a sut y darperir adnoddau o'r fath.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn. Bydd Llywodraeth Cymru'n parhau i ddefnyddio'r dull hwn wrth nodi a dynodi unrhyw Ardaloedd Morol Gwarchoddedig newydd.

Argymhelliad 7

Dylai Llywodraeth Cymru ddiffinio'r hyn y mae Rhwydwaith Ecolegol Gydlynol o MPAs yn nyfroedd Cymru yn ei olygu a dylai gydweithio â rhanddeiliaid i fynd i'r afael â bylchau yn y rhwydwaith.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn.

Mae ein dealltwriaeth o rwydwaith ecolegol gydlynol o Ardaloedd Morol Gwarchoddedig i'w weld yn yr Adroddiad ar Ardaloedd Morol Gwarchoddedig yng

Nghymru a gyhoeddwyd yn ddiweddar (2013-2018). Mae diweddariad ar y cynnydd o ran cyflawni'r rhwydwaith Ardaloedd Morol Gwarchoddedig i'w weld yn yr ymateb i Gwestiwn 4.

Argymhelliad 8

Un o gonglfeini rheoli MPAs yw sicrhau atebolrwydd a llwybr at gyfiawnder. Rhaid i Lywodraeth Cymru sicrhau bod trefniadau yn y dyfodol yn unol â Chonfensiwn Aarhus ac nad ydynt yn rhy ddrud i ymgeiswyr.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn.

Ar 18 Mawrth lanswyd ein hymgyngoriad ar Egwyddorion a Llywodraethu Amgylcheddol ar ôl Gadael yr UE. Bydd yn para tan 9 Mehefin. Mae'r ymgynghoriad yn gofyn am sylwadau ar beth fyddai fframwaith llywodraethu cydlynol ac effeithiol i Gymru yn ei gynnwys, sy'n:

- adlewyrchu ein setliad datganoli;
- cyd-fynd â'n fframwaith deddfwriaethol cyfredol; ac
- yn ategu mecanweithiau llywodraethu cyfredol.

Gan fod hwn yn fater cymhleth sy'n gofyn am ystyriaeth ofalus, mae'r ymgynghoriad yn gofyn nifer o gwestiynau er mwyn cael sgwrs â rhanddeiliaid ar yr elfennau a'r swyddogaethau allweddol sy'n angenrheidiol i ddarparu fframwaith llywodraethu cydlynol ac effeithiol. Bydd angen ystyried hyn o ran ein setliad datganoli cyfredol hefyd.

Bydd tair colofn Confensiwn Aarhus (Mynediad i Wybodaeth, Cyfranogiad y Cyhoedd a Mynediad i Gyfiawnder) yn rhan o'n trafodaethau â rhanddeiliaid. Rydym eisoes wedi sicrhau cyfranogiad y cyhoedd gyda Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) a Deddf yr Amgylchedd (Cymru).

Argymhelliad 9

Rhaid i Lywodraeth Cymru asesu effaith debygol gadael yr Undeb Ewropeaidd ar MPAs Cymru, gan gynnwys a oes modd cysoni'r drefn ddynodi a rheoli, gan ymrwymo i sicrhau na chollir dim gwarchodaeth o dan drefniadau'r dyfodol. Rhaid iddi hefyd geisio cytundeb â Llywodraeth y DU ynglŷn â sut y caiff trefniadau i warchod yr amgylchedd morol eu rheoli'n gydlynol mewn ardaloedd morol sy'n croesi ffiniau.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn. Mae rhagor o wybodaeth yn yr ymatebion i Gwestiynau 6 a 7.

Argymhelliad 10

Dylai Llywodraeth Cymru sicrhau bod adroddiadau am gyflwr a statws safleoedd MPAs Cymru sy'n ofynnol ar hyn o bryd o dan ddeddfwriaeth Ewrop yn cael eu paratoi'n rheolaidd ar ôl i'r DU adael yr Undeb Ewropeaidd, gan gyhoeddi a darparu adroddiadau i awdurdodau rheoli'n brydlon.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn mewn egwyddor. Mae rhagor o wybodaeth ar gael yn yr ymateb i Gwestiwn 8.

Argymhelliad 11

Dylai Llywodraeth Cymru gydweithio â Llywodraeth y DU i sicrhau bod adnoddau pysgodfeydd Cymru a buddiannau fflyd Cymru yn cael eu gwarchod yn llawn yn y trafodaethau i adael yr Undeb Ewropeaidd. Dylai trefniadau rheoli pysgodfeydd Cymru yn y dyfodol ystyried Cynllun Morol Cenedlaethol Cymru a strategaeth MPAs Cymru.

Derbyniodd Llywodraeth Cymru yr argymhelliad hwn.

Rydym wrthi'n cynnal trafodaethau manwl ynglŷn â rheoli pysgodfeydd, rhannu cwtâu a hawliau mynediad i ddyfroedd y DU a'r UE gyda Llywodraeth y DU, Llywodraeth yr Alban a gweinyddiaeth Gogledd Iwerddon, i baratoi ar gyfer trafodaethau gwladwriaethau arfordirol manylach pan fyddwn yn gadael yr UE.

Argymhelliad 12

Rhaid i Lywodraeth Cymru egluro sut y mae'n bwriadu mynd i'r afael â'r diffyg cyllid a all fod ar gael ar gyfer gwaith MPAs gan fod y cyllid hwnnw ar hyn o bryd yn dod o gronfeydd yr UE, megis Cronfa'r Môr a Physgodfeydd Ewrop a LIFE-Nature.

Gwrthododd Llywodraeth Cymru yr argymhelliad hwn, ac mae'n safbwynt yn parhau i fod yr un fath ag a nodais yn fy ymateb gwreiddiol. Llywodraeth y DU ddylai esbonio sut mae'n mynd i wneud iawn am unrhyw ddiffygion cyllid ar ôl i ni adael yr UE.

CWESTIYNAU YCHWANEGOL

1. A allwch chi roi'r wybodaeth ddiweddaraf am yr hyn sydd wedi deillio o waith Llywodraeth Cymru i ddatblygu dull cyson sy'n seiliedig ar dystiolaeth o fonitro a goruchwylio safleoedd (yr oedd disgwyl iddo ddod i ben yn haf 2018)? Sut y mae deilliannau'r gwaith hwn wedi llywio dull Llywodraeth Cymru o fonitro safleoedd?

Rydym yn parhau i weithio'n agos â Cyfoeth Naturiol Cymru, y Cyd-bwyllgor Cadwraeth Natur ac arbenigwyr gwyddoniaeth a pholisi eraill i ddatblygu rhaglen monitro bioamrywiaeth gost-effeithiol. Ar ôl ei sefydlu bydd yn darparu tystiolaeth i asesu a chanfod tueddiadau yng nghyflwr ac amrywiaeth biolegol ein moroedd ac yn sail i reoli ein hadnoddau naturiol yn gynaliadwy. Bydd y monitro hwn yn cwmpasu'r sbectwm llawn o'n hecosystemau morol, yn ein Hardaloedd Morol Gwarchoddedig

Mae hwn yn faes cymhleth iawn ac mae gwaith i gwblhau'r rhaglen yn parhau ledled y DU. Yn y cyfamser, mae Cyfoeth Naturiol Cymru a'r Cyd-bwyllgor Cadwraeth Natur yn parhau i fonitro ar ran Llywodraeth Cymru.

2. Ers cyhoeddi adroddiad y Pwyllgor ym mis Awst 2017, pa gynnydd sydd wedi ei wneud i ganfod unrhyw fylchau o ran creu rhwydwaith ecolegol cydlynol o Ardaloedd Morol Gwarchoddedig yn nyfroedd Cymru, a mynd i'r afael â'r bylchau hynny? A oes unrhyw Ardaloedd Morol Gwarchoddedig newydd wedi cael eu pennu neu eu dynodi i fynd i'r afael â'r bylchau a nodwyd yn yr asesiad yn 2014 a gynhaliwyd gan y Cydbwyllgor Cadwraeth Natur a Cyfoeth Naturiol Cymru? Pa amserlenni ydych chi'n gweithio tuag atynt i gwblhau'r gwaith hwn?

Rwy'n parhau'n ymrwymedig i sicrhau bod Cymru'n cwblhau ei chyfraniad tuag at rwydwaith ecolegol cydlynol o Ardaloedd Morol Gwarchoddedig yn nyfroedd y DU, sy'n cefnogi rhwydwaith ehangach yng ngogledd-ddwyrain yr Iwerydd.

Daeth asesiad rhwydwaith 2016 i'r casgliad bod Ardaloedd Morol Gwarchoddedig yng Nghymru eisoes yn gwneud cyfraniad sylweddol tuag at gydlyniant ecolegol. Roedd hefyd yn nodi nifer o fylchau yng nghyfraniad Cymru yr wyf yn bwriadu mynd i'r afael â nhw wrth nodi Parthau Cadwraeth Morol, gan ddefnyddio pwerau o dan Ddeddf y Môr a Mynediad i'r Arfordir (2009).

Yn gynharach yn y mis cafodd fy swyddogion gyfarfod â rhanddeiliaid drwy'r Grŵp Gorchwyl a Gorffen newydd i drafod datblygu dull cytûn o nodi Parthau Cadwraeth Morol yn nyfroedd Cymru. Ar ôl datblygu a chytuno ar ddull bydd fy swyddogion yn gweithio gyda'r Grŵp Gorchwyl a Gorffen i nodi Parthau Cadwraeth Morol posibl sy'n cael eu hystyried fel rhai addas i fynd i'r afael â'r bylchau.

3. Mae Cyfoeth Naturiol Cymru wedi datblygu nifer o adroddiadau cyflwr dangosol nodweddiol ar safleoedd, gyda chyfran fawr o nodweddiol safleoedd yn ymddangos i fod mewn cyflwr anffafriol neu anhysbys. Pa gamau y mae Llywodraeth Cymru yn eu cymryd o ganlyniad i'r asesiad hwn? Pa gynnydd sydd wedi ei wneud i ddatblygu proses barhaol a chynaliadwy ar

gyfer adrodd ar gyflwr nodweddion safleoedd y gellir eu hailadrodd yn rheolaidd?

Canfu adroddiadau cyflwr dangosol nodweddion ar lefel safleoedd Cyfoeth Naturiol Cymru bod 45% o'r holl nodweddion morol mewn cyflwr ffafriol, 45% mewn cyflwr anffafriol a bod angen rhagor o dystiolaeth cyn rhoi barn ar y nodweddion eraill. Y pwysau allweddol a nodir gan yr adroddiadau yw ansawdd dŵr, llygredd, gweithgareddau heb eu rheoleiddio a rhywogaethau estron goresgynnol. Mae fy swyddogion wedi gweithio gyda Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig i nodi nifer o gamau gweithredu yng Nghynllun Gweithredu 2018-2019 sy'n canolbwyntio ar y materion hyn. Mae rhai camau gweithredu o natur ymchwiliol, sydd â'r nod o wella'n dealltwriaeth o'r problemau a dangos ble mae angen cyflwyno mesurau rheoli i wella cyflwr nodweddion. Mae hyn yn bwysig gan fod yr amgylchedd morol yn ddeinamig ac yn anodd i'w ragweld yn aml ac yn ymateb yn araf, felly mae angen i ni sicrhau ein bod ni'n targedu adnoddau ar gyfer y camau gweithredu mwyaf perthnasol.

Bydd y camau gweithredu i ddatblygu dull cyson seiliedig ar dystiolaeth o fonitro a goruchwylio safleoedd, fel yr amlinellir yn yr ymateb i Gwestiwn 1, yn darparu sylfaen dystiolaeth well i ni ac yn ein galluogi i ddeall cyflwr safleoedd yn well.

Mae'r prosiect i ddatblygu proses adrodd gynaliadwy a pharhaol ar gyflwr nodweddion ar lefel safleoedd ar y trywydd iawn i gyflawni argymhellion yn gynnar yn 2022. Bydd diweddariad manylach ar gynnydd yn cael ei ddarparu yn Adroddiad Blynyddol 2018-2019.

4. A allwch chi roi manylion unrhyw waith y mae Llywodraeth Cymru wrthi'n ei wneud i asesu'r angen i ddynodi Ardaloedd Morol Gwarchoddedig ar gyfer rhywogaethau symudol iawn?

Mae ein Hardaloedd Morol Gwarchoddedig cyfredol yn cynnwys nifer o ardaloedd a warchodir er mwyn gwarchod rhywogaethau symudol iawn yn cynnwys adar, y dolffin trwynog, y morlo llwyd a'r Ardal Gwarchodaeth Arbennig ar gyfer y llamhidydd a ddynodwyd yn ddiweddar.

Mae'r gwaith sydd ar droed i nodi Parthau Cadwraeth Morol yn canolbwyntio, yn y lle cyntaf, ar gyflawni canlyniadau asesiad rhwydwaith 2016, a oedd yn ystyried rôl cynefinoedd a rhywogaethau nad ydynt yn gallu symud llawer yn y rhwydwaith. Cam nesaf gwaith Parthau Cadwraeth Morol fydd ystyried a oes angen rhagor o warchodaeth ofodol ar gyfer rhywogaethau symudol iawn, fel adar môr a theulu'r morfil. Mae'r Grŵp Gorchwyl a Gorffen, y cyfeirir ato yn yr ateb i Gwestiwn 2, wrthi'n trafod hyn.

Gwyddom fod gwarchodaeth ofodol o fudd i rywogaethau symudol iawn ar gyfer camau allweddol mewn bywyd lle gellir nodi meysydd pwysigrwydd clir a pharhaus. Gall ecoleg rhywogaethau symudol iawn olygu ei bod hi'n well defnyddio mesurau rheoli ar lefel y môr cyfan ar gyfer eu gwarchod.

5. Pa waith yr ydych chi wedi'i wneud, ers cyhoeddi adroddiad y Pwyllgor, i asesu effaith Brexit ar Ardaloedd Morol Gwarchoddedig Cymru? Gofynnir ichi

gynnwys manylion unrhyw waith paratoi i liniaru unrhyw risgiau yr ydych wedi'u canfod.

Fel Llywodraeth rydym wedi cyflwyno neges glir a chyson na fyddai'n safonau amgylcheddol yn gostwng ar ôl gadael yr UE.

Mae Cyfarwyddebau Adar a Chynefinoedd yr UE o gymorth mawr i ni gyflawni'n rhwymedigaethau bioamrywiaeth rhyngwladol a darparu mesurau diogelwch ar gyfer ein cynefinoedd pwysicaf, ein rhywogaethau prinnaf ac adar mudol. Byddwn yn cadw Ardaloedd Cadwraeth Arbennig ac Ardaloedd Gwarchodaeth Arbennig, a byddant yn parhau i gael eu nodi, eu dynodi a'u rheoli yn unol â meini prawf a gofynion y Cyfarwyddebau Adar a Chynefinoedd.

Er mwyn sicrhau na fydd yna fwlch mewn perthynas â safonau amgylcheddol yr UE sydd ar waith ar hyn o bryd, rydym wedi cyflwyno'r rhaglen fwyaf helaeth o ddeddfwriaeth erioed gan Lywodraeth Cymru dros y chwe mis diwethaf i sicrhau bod y dynodiadau gwarchod cyfredol yn parhau. Pe byddem yn gadael heb gytundeb byddai'r safonau amgylcheddol yn parhau i fod ar waith o'r diwrnod y byddwn yn gadael yr UE. Mae fy swyddogion wedi bod yn gweithio â gweinyddiaethau eraill y DU i nodi a darparu'r newidiadau deddfwriaethol angenrheidiol i sicrhau y bydd hi'n bosibl parhau i weithredu deddfwriaeth y DU ar ôl gadael yr UE. Mae'r gwaith deddfwriaethol yn sicrhau nad oes newid i drefniadau gwarchod cynefinoedd naturiol, rhywogaethau ac adar, yn cynnwys ein Safleoedd Morol Ewropeaidd, ar ôl gadael yr UE.

Ar ôl gadael yr UE ni fydd ein Hardaloedd Cadwraeth Arbennig a'n Hardaloedd Gwarchodaeth Arbennig yn cyfrannu at rwydwaith Natura 2000 yr UE. Fodd bynnag, mae'n bwysig sicrhau ein bod ni'n parhau i reoli ac addasu'r rhwydwaith hwn o safleoedd Ewropeaidd ledled y DU. Bydd hyn yn cael ei wneud drwy'r rhwydwaith o safleoedd cenedlaethol a fydd yn cynnwys safleoedd cyfredol yn y DU ac unrhyw Ardaloedd Cadwraeth Arbennig ac Ardaloedd Gwarchodaeth Arbennig a ddynodir ar ôl gadael yr UE.

Bydd ein rhwydwaith o Ardaloedd Morol Gwarchodedig yn parhau i fod yn rhan o gyfraniad y DU at Rwydwaith Emerald Confensiwn Bern. Ysgrifennodd y DU at ysgrifenyddiaeth Confensiwn Bern ym mis Tachwedd 2018 i gadarnhau hyn.

Mae'r rhwydwaith yn cyfrannu hefyd at rwydwaith ecolegol cydlynol o Ardaloedd Morol Gwarchodedig yng ngogledd-ddwyrain yr Iwerydd. Mae'r holl Ardaloedd Morol Gwarchodedig, boed yn safleoedd morol Ewropeaidd a ddynodwyd gan y DU neu'n safleoedd cenedlaethol a ddynodwyd o dan Ddeddf y Môr a Mynediad i'r Arfordir (2009), yn cynnwys cyfraniad y DU at rwydwaith OSPAR o Ardaloedd Morol Gwarchodedig.

6. Pa gamau penodol yr ydych wedi'u cymryd i sicrhau bod trefniadau priodol ar waith i gynnal mesurau gwarchod amgylcheddol morol ar ôl Brexit?

Bydd y Ddeddf Ymadael, o'i gweithredu, yn trosglwyddo'r Acquis Ewropeaidd i gyfraith y DU. Fel y nodir yn yr ymateb i Gwestiwn 5, cynhaliwyd rhaglen ddeddfwriaethol ar raddfa fawr ledled y DU i sicrhau bod modd gweithredu'r ddeddfwriaeth UE hon a gedwir ar ôl gadael yr UE. Rydym wedi bod yn cyflwyno

Offerynnau Statudol hefyd i sicrhau y bydd modd gweithredu'n deddfwriaeth drosi ddomestig hefyd. Bydd hyn yn sicrhau na fydd ein safonau amgylcheddol yn gwanhau o gwbl wrth i ni adael yr UE.

7. Pa gynnydd sydd wedi'i wneud rhwng Llywodraeth y DU a'r Gweinyddiaethau Datganoledig o ran cytuno ar fecanwaith i barhau i reoli ardaloedd morol trawsffiniol, ar ôl Brexit?

Bydd trefniadau rheoli cyfredol yn parhau i fod yn berthnasol ar gyfer rheoli ardaloedd morol trawsffiniol ar ôl gadael yr UE.

8. Pa drefniadau fydd ar waith ar ôl Brexit i asesu ac yna adrodd ar gyflwr a statws safleoedd Ardaloedd Morol Gwarchoddedig Cymru, y tu hwnt i'r gofyniad adrodd chwe blynedd yn Neddf y Môr a Mynediad i'r Arfordir 2009?

Ar ôl gadael yr UE, bydd Llywodraeth Cymru'n adrodd ar weithredu mesurau i gyflawni amcanion Cyfarwyddebau Adar a Chynefinoedd yn unol â'r gofynion cyfredol. Nod y gofynion adrodd yw sicrhau eu bod o leiaf yn adlewyrchu'r rhai sydd yn Erthygl 17 o'r Gyfarwyddeb Cynefinoedd ac Erthygl 12 o'r Gyfarwyddeb Adar. Bydd yr adroddiadau'n cael eu cyhoeddi i sicrhau tryloywder ein perfformiad amgylcheddol a'i fod yn destun trefniadau craffu.

Trwy ofynion adrodd yr UE yn y Cyfarwyddebau Cynefinoedd ac Adar mae'r DU yn cyflawni rhwymedigaethau adrodd fel parti sy'n rhan o Gonfensiwn Bern ar hyn o bryd. Ar ôl gadael yr UE byddwn yn adrodd bob chwe blynedd ar statws cadwraeth rhywogaethau a chynefinoedd a restrir o dan Gonfensiwn Bern. I raddau helaeth, yr un rhywogaethau a chynefinoedd yw'r rhain ag a restrir yn y Cyfarwyddebau Cynefinoedd ac Adar.

Byddwn yn parhau hefyd i fod â gofynion adrodd fel partïon contract Comisiwn OSPAR Commission, ac ASCOBANS.

9. Pa drafodaethau ydych chi wedi'u cael â Llywodraeth y DU ynghylch trefniadau ariannu ar gyfer gweithgareddau rheoli morol ar ôl Brexit? Beth oedd canlyniad y trafodaethau hynny?

10. A allwch chi ddarparu manylion ynghylch unrhyw waith ar Ardaloedd Morol Gwarchoddedig sy'n cael ei ariannu ar hyn o bryd gan gronfeydd yr UE, megis Cronfa'r Môr a Physgodfeydd Ewrop a LIFE-Nature, a fyddai'n wynebu risg pe na bai cyllid tebyg ar gael ar ôl Brexit?

Rwy'n cyfarfod yn rheolaidd â'm swyddogion cyfatebol ledled y DU i drafod trafodaethau'r UE a pha mor barod ydym fel gwledydd yng nghyfarfodydd pedair ochrog y gwledydd datganoledig.

Rwy'n disgwyl i Lywodraeth y DU anrhydeddu ei hymrwymiad i warantu holl raglenni ariannu'r UE yn llawn ar ôl i ni adael yr UE. Mae hyn yn cynnwys talu costau gweinyddu'r rhaglenni a defnyddio cyfradd gyfnewid briodol. O ran yr holl drefniadau

ariannu ar ôl i ni adael yr UE, rwy'n glir na ddylai Cymru dderbyn ceiniog yn llai o ganlyniad i adael yr UE.

Mewn sefyllfa gadael heb gytundeb mae Llywodraeth y DU wedi gwarantu y bydd prosiectau LIFE sy'n cael eu hariannu gan arian yr UE ar hyn o bryd yn parhau i gael eu hariannu gan Drysorlys EM am oes y prosiectau. O ddod i gytundeb, byddant yn parhau i gael eu hariannu gan yr UE am oes y prosiectau. Mae Trysorlys EM yn ystyried opsiynau i ddisodli arian LIFE yn y tymor hir ar ôl i ni adael yr UE. Mae fy swyddogion yn pwysu ar Drysorlys EM i ddarparu'r arian hwn i Lywodraeth Cymru.

Mae fy swyddogion yn parhau i gymryd rhan lawn yn nhrefodaethau Uwch Grŵp Llywio Cronfa'r Môr a Physgodfeydd Ewrop y DU. Yn ddiweddar, bu'r Grŵp yn trafod natur fregus gadael heb gytundeb, a chynigion ar gyfer gweinyddu'r arian ychwanegol ar gyfer y diwydiant pysgota a gyhoeddwyd gan yr Ysgrifennydd Gwladol dros yr Amgylchedd, Bwyd a Materion Gwledig fis Rhagfyr diwethaf.

11. A allwch chi gadarnhau a oes arian ychwanegol ar gael ar gyfer gwaith ar Ardaloedd Morol Gwarchoddedig yn dilyn ymestyn swyddogaethau gweithredol Gweinidogion Cymru ar gyfer cadwraeth forol i ranbarth môr mawr Cymru ym mis Ebrill 2018? Os felly, faint o arian? Os na, beth yw'r rhesymau dros hyn?

Rwyf wedi cynyddu'r gyllideb Môr a Physgodfeydd i gefnogi'n swyddogaethau estynedig yn yr ardal forol ar y môr. Mae yna ddyraniad ychwanegol o £600,000 ar gyfer blwyddyn ariannol 2019-2020. Bydd elfennau o'r arian ychwanegol hwn yn cefnogi'r gwaith o nodi a dynodi ardaloedd gwarchoddedig newydd yn y ranbarth morol dyfnach ar y môr, fel bo angen, i gwblhau'n cyfraniad tuag at rwydwaith ecolegol cydlynol o Ardaloedd Morol Gwarchoddedig wedi'i reoli'n dda.

DIWEDDARIAD CYNNYDD INTERIM AR GYFLAWNI'R CYNLLUN GWEITHREDU AR GYFER RHEOLI'R RHWYDWAITH O ARDALOEDD MOROL GWARCHODEDIG 2018-2019

CAM GWEITHREDU	MANYLION	AWDURDODAU RHEOLI ARWEINIOL	DIWEDDARIAD
1	Datblygu dull o gyflawni asesiadau cyflwr Ardaloedd Morol Gwarchodedig gwell a chyfnodol.	Cyfoeth Naturiol Cymru	Mae'r cam gweithredu hwn yn barhaus ac ar y trywydd iawn i'w gwblhau. Dechreuodd gwaith i ddatblygu'r dull yn Hydref 2018 ar ôl derbyn grant EMFF.
2	Rheoli Ardaloedd Morol Gwarchodedig drwy brosesau cydsynio rheoliadol.	Pob awdurdod rheoli	Mae'r cam gweithredu hwn yn barhaus o ystyried natur statudol y prosesau sy'n sail i'r cam gweithredu hwn.
Tudalen y pecyn 72 3	Gwella hygyrchedd data monitro morol.	Cyfoeth Naturiol Cymru	<p>Mae'r cam gweithredu hwn yn barhaus. Mae data monitro o 2015, 2016 a 2017 ar gyfer nodweddion gwaddodion ACA ledled dyfroedd Cymru wedi'i sicrhau o ran ansawdd. Mae'r data hwn ar gael bellach i'w ddefnyddio mewn dadansoddiadau ac adroddiadau ar newid amgylcheddol. Y cynefinoedd sy'n cael eu cwmpasu yw:</p> <ul style="list-style-type: none"> • 2015: 5 morlyn arfordirol, 3 aber, 1 bae • 2016: 5 morlyn arfordirol, 6 banc tywod, 8 bae, 1 ymchwiliad bae • 2017: 5 morlyn arfordirol, 8 bae, 1 banc tywod <p>Bydd arian a ddarparwyd gan Lywodraeth Cymru ar gyfer cyflawni'r cam gweithredu hwn yn cael ei ddwyn ymlaen i flwyddyn ariannol 2019-2020 er mwyn gallu cwblhau'r cam gweithredu. Bydd hyn yn cwmpasu data gwaddodion a riff islanw'r Gyfarwyddeb Fframwaith Dŵr.</p>
4	Datblygu rhaglen fonitro seiliedig ar risg ymhellach a'i gweithredu ledled	Cyfoeth Naturiol Cymru, Cyd-	Mae'r cam gweithredu hwn yn barhaus gydag amserlen ddangosol ar gyfer cwblhau erbyn blwyddyn ariannol 2020-

	rhwydwaith yr Ardaloedd Morol Gwarchoddedig	bwyllgor Cadwraeth Natur a Llywodraeth Cymru	2021.	
Tudalen y pecyn 73	5	Datblygu dull ar gyfer mireinio amcanion cadwraeth ar gyfer yr holl Ardaloedd Morol Gwarchoddedig yng Nghymru gan barhau i gyhoeddi canllawiau ar gyfer safleoedd newydd fel bo angen.	Cyfoeth Naturiol Cymru a'r Cyd-bwyllgor Cadwraeth Natur	Mae'r cam gweithredu hwn yn barhaus ac ar y trywydd iawn i'w gwblhau. Cyhoeddwyd amcanion cadwraeth ar gyfer AGA Gogledd Bae Ceredigion a thair ACA llamhidydd drawsffiniol yng Nghymru. Cwblhawyd adolygiad a chymhariaeth o amcanion cadwraeth Cyfoeth Naturiol Cymru, a phrofwyd senarios gwahanol ddulliau ar gyfer amcanion cadwraeth ym mhroses yr Asesiad Rheoliadau Cynefinoedd.
	6	Datblygu Strategaeth Gwarchod Dolffiniaid a Llamhidyddion y DU.	Cyd-bwyllgor Cadwraeth Natur, Cyfoeth Naturiol Cymru a Llywodraeth Cymru	Mae'r cam gweithredu hwn yn barhaus. Mae'r gwaith datblygu ar y Strategaeth yn cymryd mwy o amser na'r disgwyl. Rydym yn rhagweld y bydd ymgynghoriad ar y Strategaeth yn cael ei gynnal yn ddiweddarach eleni.
	7	Cynnal dadansoddiad o samplau data monitro sydd heb eu cwblhau i lywio asesiadau o gyflwr safleoedd.	Cyfoeth Naturiol Cymru	Mae'r cam gweithredu hwn yn barhaus. Mae 12 mlynedd o ddata monitro ar gyfer ardal yn ACA Pen Llŷn a'r Sarnau wedi'i baratoi, ei ddadansoddi a'i adrodd. Bydd rhagor o waith yn cael ei gynnal yn ystod 2019-2020 i baratoi, dadansoddi ac adrodd ar ddata monitro ar gyfer cynefinoedd morol mawr a chymhleth eraill.
	8	Asesu effaith gweithgareddau pysgota masnachol ar Ardaloedd Morol Gwarchoddedig a'u rheoli lle bo angen.	Llywodraeth Cymru a Cyfoeth Naturiol Cymru	Mae'r cam gweithredu hwn yn barhaus ac ar y trywydd iawn i'w gwblhau. Mae cynigion rheoli'n cael eu datblygu ar gyfer y gweithgareddau a aseswyd fel y rhai â'r potensial mwyaf i effeithio ar nodweddion safleoedd. Mae gweddill asesiadau Cyfoeth Naturiol Cymru'n cael eu gwneud mewn sypiau gyda blaenoriaeth, nodweddion a mathau offer tebyg. Fel rhan o'r prosiect parhaus, bydd 56 asesiad o famaliaid yn

			cael eu cyhoeddi ar wefannau Llywodraeth Cymru a Cyfoeth Naturiol Cymru yn yr hydref eleni. Bydd yr holl asesiadau eraill yn cael eu cynnal dros y ddwy flynedd nesaf.	
	9	Gweithredu dull seiliedig ar risg o orfodi pysgodfeydd.	Llywodraeth Cymru	Mae'r cam gweithredu hwn yn barhaus. Mae'n model gorfodi wedi arwain at nifer o erlyniadau llwyddiannus yn 2018-2019. Bydd rhagor o fanylion ar gael yn yr Adroddiad Blynyddol.
Tudalen y pecyn 74	10	Prosiect Gwella Cyflwr Rhwydwaith Ardaloedd Morol Gwarchoddedig	Cyfoeth Naturiol Cymru	Mae'r cam gweithredu hwn yn barhaus. Mae cam cyntaf y prosiect, i goladu'r holl ddata sy'n gysylltiedig â'r SoDdGA yn y rhwydwaith Ardaloedd Morol Gwarchoddedig, wedi'i gwblhau. Mae pwysau a bygythiadau sydd yn (neu a allai) effeithio'n sylweddol ar gyflwr y nodweddion wedi'u nodi. Mae angen rhagor o waith i ddadansoddi bylchau.
	11	Gwella mapiau o faint a dosbarthiad cynefinoedd morol Atodiad 1.	Cyfoeth Naturiol Cymru	Mae'r cam gweithredu hwn yn barhaus. Mae'r mapiau'n cael eu diwygio a'u diweddarau wrth i ddata newydd fod ar gael.
	12	Cyflawni cam 2 o'r prosiect gweithgareddau heb eu rheoleiddio, yn canolbwyntio ar y gweithgareddau blaenoriaeth.	Cyfoeth Naturiol Cymru	Mae Cam 2 y prosiect wedi'i gwblhau. Bydd canlyniadau'r cam hwn yn llywio'r gwaith o ddarparu Cam 3. Mae'r cam gweithredu hwn yn barhaus felly.
	13	Cyflawni'r camau gweithredu blaenoriaeth yng Nghynllun Gweithredu Sbwriel Môr lle maent yn sicrhau budd i rwydwaith Ardaloedd Morol Gwarchoddedig yng Nghymru.	Partneriaeth Moroedd Glân: Llywodraeth Cymru, Cyfoeth Naturiol Cymru, Dŵr Cymru, Porthladd Aberdaugleddau, Awdurdodau Lleol a swyddogion	Mae'r cam gweithredu hwn yn barhaus. Rydym yn disgwyl am ddiweddariadau gan yr holl arweinwyr gweithredu; bydd rhagor o wybodaeth ar gael yn yr Adroddiad Blynyddol.

		Grwpiau Awdurdodau Perthnasol		
14	Coladu a dadansoddi tystiolaeth i lywio gofynion adrodd sy'n cyflawni rhwymedigaethau cenedlaethol a rhyngwladol, yn cynnwys o dan Adran 124 o Ddeddf y Môr a Mynediad i'r Arfordir (2009) ac i OSPAR ar reoli Ardaloedd Morol Gwarchoddedig yn effeithiol.	Llywodraeth Cymru, Cyfoeth Naturiol Cymru a'r Cyd-bwyllgor Cadwraeth Natur	Mae'r cam gweithredu hwn wedi'i gwblhau. Cafodd adroddiad y DU ar asesu a rheoli effeithiolrwydd ei gydlynu gan y Cyd-bwyllgor Cadwraeth Natur a'i gyflwyno i gomisiwn OSPAR ar 28 Medi 2018. Cyflwynwyd yr adroddiad o dan Adran 124 o Ddeddf y Môr a Mynediad i'r Arfordir (2009) gerbron Cynulliad Cenedlaethol Cymru ar 21 Ionawr 2019.	
Tudalen y pecyn 75	15	Ystyried sut y gellir defnyddio canlyniadau prosiectau llygredd gwasgaredig ac atmosfferig yn ACAau Pen Llŷn a'r Sarnau, Môr Sir Benfro ac Aber Afon Hafren ledled y rhwydwaith.	Cyfoeth Naturiol Cymru a Grwpiau Awdurdodau Perthnasol	Mae'r cam gweithredu hwn yn barhaus ac ar y trywydd iawn i'w gwblhau. Bydd Grŵp Llywio Rheoli Ardaloedd Morol Gwarchoddedig yn adolygu canlyniadau interim y prosiectau hyn ar lefel safleoedd ym mis Ionawr 2020.
	16	Rheoli Prosiect Adnoddau Naturiol Morol yn Gynaliadwy.	Llywodraeth Cymru a Cyfoeth Naturiol Cymru	Mae'r cam gweithredu hwn yn barhaus ac ar y trywydd iawn i'w gwblhau.
	17	Datblygu cynllun bioddiogelwch ar gyfer rhywogaethau estron goresgynnol morol, gan ddysgu o brosiectau cyfredol.	Cyfoeth Naturiol Cymru a swyddog Grwpiau Awdurdodau Perthnasol Pen Llŷn a'r Sarnau	Mae'r cam gweithredu hwn yn barhaus. Cwblhawyd y gwaith paratoi, y derbyniwyd arian gan Lywodraeth Cymru ar ei gyfer, ym mis Mawrth 2019. Bydd dau gam nesaf y gwaith yn cael eu cefnogi gan EMFF, ac mae disgwyl iddynt gael eu cwblhau ym mis Mawrth 2022.
18	Datblygu canllawiau cyson a chymesur i wella canllawiau ar waith achosion a chefnogi'r gwaith o weithredu Cynllun Morol Cenedlaethol Cymru.	Cyfoeth Naturiol Cymru a'r Cyd-bwyllgor Cadwraeth Natur	Mae'r cam gweithredu hwn yn barhaus. Datblygwyd canllawiau i helpu ymgeiswyr i baratoi'r wybodaeth sydd ei hangen ar gyfer asesiadau amgylcheddol, ar weithredu'r rheoliadau newydd sy'n llywodraethu Asesiadau Effaith Amgylcheddol a chanllawiau	

			<p>sy'n rhoi esboniad pellach ar y broses o ymgeisio am drwydded forol.</p> <p>Mae prosiect a ariannwyd gan yr EMFF yn cael ei gynnal i hwyluso mynediad gwell at wybodaeth am Ardaloedd Morol Gwarchodedig yng nghyd-destun Ardaloedd Adnoddau Strategol ar gyfer dyfarmaeth a datblygiadau tonnau a ffrwd lanw.</p>
Tudalen y pecyn 76	19	Mynd i'r afael ag effeithiau gwasgfa arfordirol ar Ardaloedd Morol Gwarchodedig.	<p>Cyfoeth Naturiol Cymru a Llywodraeth Cymru</p> <p>Mae'r cam gweithredu hwn yn barhaus. Bydd adolygiad i ddeall natur a maint gwasgfa arfordirol ar nodweddion cynefinoedd arfordirol Ardaloedd Morol Gwarchodedig yn cael ei gwblhau'n fuan. Mae gwaith i greu cynefinoedd wedi'i wneud yn ACA Bae ac Aberoedd Caerfyrddin.</p>
	20	Cynnal cysylltiadau rhwng Cynllun Gweithredu'r Rhwydwaith a chamau gweithredu y cytunwyd arnynt yn lleol, pan maent ar gael, a chefnogi ystyriaeth o gyfleoedd ariannu.	<p>Grwpiau Awdurdodau Perthnasol</p> <p>Mae'r cam gweithredu hwn yn barhaus. Bydd rhagor o wybodaeth am brosiectau ar lefel safleoedd ar gael yn yr Adroddiad Blynnyddol.</p>
	21	Ymgorffori rheoli'r rhwydwaith Ardaloedd Morol Gwarchodedig yn gynaliadwy gyda'r broses Datganiadau Ardal.	<p>Cyfoeth Naturiol Cymru, awdurdodau rheoli a'r holl randdeiliaid perthnasol eraill</p> <p>Mae'r cam gweithredu hwn yn barhaus ac ar y trywydd iawn i'w gwblhau. Bydd Datganiadau Ardal yn cael eu cyhoeddi ym mis Mawrth 2020.</p>

To: National Assembly for Wales'
Climate Change, Environment
and Rural Affairs Committee

Welsh Government's Supplementary Legislative Consent Memorandum (LCM) – Agriculture Bill

NFU Cymru very much welcomes the opportunity to provide the National Assembly for Wales' Climate Change, Environment and Rural Affairs Committee with a submission on the Welsh Government's Supplementary Legislative Consent Memorandum on the Agriculture Bill.

The Union considers the Agriculture Bill to be an important piece of primary legislation which will equip Welsh Ministers with significant delegated powers to legislate in areas of particular relevance to our members, including in areas which would previously have been occupied by EU law, and which by dint of being occupied by EU law, had lain outside devolved competence.

As a Union we have previously made the point that whilst it might be expedient to invite the UK Government to legislate with respect to Wales via The Agriculture Bill, it does however mean that the usual oversight and scrutiny of powers conferred on Welsh Ministers, via primary legislation, takes place not as might be expected at the Senedd, but at the Houses of Parliament. The LCM process represents a process which is therefore sub-optimal with regard to scrutiny, when compared to the process of originating and passing our own primary legislation.

Setting to one side our concerns about the scrutiny process, and turning to consider the amendments at Public Bill Committee stage, NFU Cymru does welcome the provisions in relation to the red meat levy, and the power to provide for the continuation of the basic payment, however we are concerned about the power to reduce direct payment ceilings, and we also have concerns around the World Trade Organisation provisions and their on-going operation.

The Red Meat Levy (new clause 29)

The fact that a significant proportion of Welsh livestock ends up being slaughtered outside of Wales means that there is a loss to Wales' red meat promotion body, Hybu Cig Cymru of some £1m per annum¹. A provision to address this issue in the Bill now has the potential to bring to an end the flawed basis for levy collection, which is currently based solely on the location of the abattoir, something which lies completely outside the control of the primary producer.

NFU Cymru has been calling for provision to be made around the repatriation of the Red Meat levy for many years. We welcome the fact that The Agriculture Bill now proposes a mechanism for addressing this issue.

¹ <http://record.assembly.wales/Committee/5086>

We are now anxious to ensure that good use is made of these new powers and that they are not simply left sitting on the shelf or allowed to fall into abeyance. We realise that this means collaborative working between governments to deliver the reform of the red-meat levy that we all want to see, and we urge Welsh Ministers to work with counterparts in the other home nations to ensure that a mutually agreed, fit for purpose scheme is up and running as soon as possible.

Power to provide for the continuation of the basic payment scheme beyond 2020 (Schedule 3, part 2, new paragraph 8)

NFU Cymru welcomes the fact that Welsh Government is seeking powers to continue with the basic payment scheme beyond 2020, during the agricultural transition period for Wales. The UK Government's difficulties over Brexit mean that no picture of the sort of future trading relationship that the UK is set to have with the EU27 after Brexit has emerged, and may well not emerge for some time.

We are firmly of the view that the sector needs stability and continuity during the next few years, particularly if we are to leave the EU, and the regulation making power at Paragraph 8, to continue with the basic payment beyond 2020 is welcome.

We note that the Welsh Government's Brexit and Our Land Consultation speaks of transition being completed by 2025, and not beginning before 2020. Powers conferred upon Welsh Ministers in the Agriculture Bill refer to a transition period of seven years starting with 2021. NFU Cymru has consistently argued for a transition period that is as long as possible in order to allow the industry to adjust to conditions outside of the Common Agricultural Policy as well as whatever the type and extent of access we will have to our export markets and the type and extent of access our competitors will have to our market.

Whilst NFU Cymru welcomes the additional stability offered by the proposal to continue to the basic payment scheme beyond 2020, we would not want to see any extension to the basic payment scheme leading to a truncation of the transition period that is available. The corollary of any extension to BPS (which we would welcome), must be a use by Welsh Ministers of the powers already conferred in The Agriculture Bill at Schedule 3, Part 2, Paragraph 5, Sub-Paragraph 2 to extend the transition period.

NFU Cymru very much views a transition period of a decent length as vital to allow the industry to make the adjustments it needs to the prevailing conditions in terms of support and market access. We also consider the transition period to be vital in terms of giving the Welsh Government the space to develop, test and finesse future schemes for farmers that it develops following stakeholder consultation. As we have said on many occasions, such schemes must be properly and robustly tested ahead of any wider roll-out. Detailed assessment of economic, environmental, social and cultural impacts is vital prior to any changes being implemented.

In conjunction with the conferral of this power to continue with the Basic Payment Scheme beyond 2020, we would therefore welcome a commitment from Welsh Government to extend the transition period by at least a year for each additional year that the BPS is maintained. There must be recognition that a decent length of transition from one policy to another will be needed to avoid a policy cliff edge and the safeguard family businesses.

Power to reduce the direct payments ceilings for Wales in 2020 by up to 15% (Schedule 3, Part 2, new paragraph 7)

NFU Cymru cannot support the proposal to reduce the direct payment ceilings in Wales by 15%. We have consistently opposed the transfer of money between Pillar 1 and Pillar 2 of the CAP, and we remain opposed to the concept of diverting money away from direct payments.

When Welsh Ministers opted to go for the maximum possible rate of Pillar 1 to Pillar 2 transfer permitted under EU rules, Wales became the only region of the EU to make use of the provision to transfer a full 15% between pillars. Whilst the acclaimed benefit of doing so was to build up a significant war chest of funds in order to deliver a RDP for Wales which would drive transformational change, this has not been borne out by reality.

The Welsh Government has suggested that constraints and rigidity around Rural Development Regulations are to blame for the Welsh Government's performance on RDP delivery. NFU Cymru would however take issue with this and suggest that the lack of ambition for the RDP and its slow rate of implementation, the design of measures such as Farming Connect or the Sustainable Management Scheme, the reluctance to innovate, the lack of strategic oversight and lack of opportunity for stakeholders to engage with the RDP as well as the bureaucracy of the application process, the sporadic nature of applications windows and the funding allocation to those windows are all to blame for a disappointing Wales RDP and are all factors within Welsh Government's control.

As a result of the maximum pillar transfer decision taken by Welsh Government, the RDP is more important to farmers in Wales than elsewhere where the rate of pillar transfer is lower. With the Welsh Government struggling to roll-out the RDP and with benefits to farmers not being realised at scale or in line with Welsh Government's original ambition we see no reason for the National Assembly to consent to the granting of powers to Welsh Ministers to accrue further funds into the RDP fund.

We have doubts based on the current track record of delivery that the measures and projects supported through the RDP can deliver meaningful change within the timescales of the programme and there is also the significant attendant risk that these funds will not be spent and could end up being returned to the European Commission. We would highlight with the ongoing uncertainty with respect to Brexit negotiations ambiguity remains around the n+3 rule and the so-called Treasury Guarantee and the dates by which funds need to be committed and spent.

Observations on the UK and Welsh Government Bilateral Agreement on the World Trade Organisation provisions.

NFU Cymru is pleased that the Welsh and UK Governments have reached a bi-lateral agreement on the operation of the WTO provisions within The Agriculture Bill. We believe that it is important that a protocol is put in place between the Governments of the home nations in order to ensure that the UK remains compliant with its WTO obligations and to ensure that distortions to the UK's internal single market are minimised.

On a more general point related to WTO Compliance and the design of future support schemes, NFU Cymru does have some concerns about the ability of the Welsh Government

to deliver on what they want to achieve beyond income foregone in terms of public good schemes.

Although the Welsh Government has spoken of ‘appropriate value’ to describe the level of payments that participants in the Public Goods scheme can expect for the delivery of these outcomes, we know nothing of the methodology on which public goods are valued within the proposed Public Goods scheme. This is particularly important within the context of WTO rules around income foregone and costs incurred.

The Welsh Government’s Brexit and Our Land Myth-buster² sent to all farmers in Wales on 6th September proposes a new Public Good Scheme, and confidently asserts that such a scheme will go “beyond income foregone and costs incurred and pay a meaningful income stream”. NFU Cymru cannot discern that basis on which the Welsh Government believes it can pay a meaningful income stream to farmers which goes beyond costs incurred and income foregone, and maintain compliance with WTO obligations which limit payments to costs incurred and income foregone.

NFU Cymru would welcome more information from Welsh Government as to the basis on which they think they can achieve a WTO compliant Public Goods Scheme which pays beyond income foregone and costs incurred.

² <https://gov.wales/sites/default/files/publications/2018-09/brexit-and-our-land-consultation-myth-busting-facts.pdf>

Climate Change, Environment, and Rural Affairs Committee

UK Government's Agriculture Bill – provisions in relation to the red meat levy

Submission of written evidence by Hybu Cig Cymru – Meat Promotion Wales

Hybu Cig Cymru - Meat Promotion Wales (HCC) is the statutory industry-led levy organisation responsible for the development, promotion and marketing of Welsh lamb, beef and pork. It undertakes promotional campaigns at home and abroad, is involved in research and development which benefits the efficiency and sustainability of the whole red meat supply chain, as well as collating and analysing market intelligence.

HCC is delegated by Welsh Ministers to raise the Welsh Red Meat Levy and undertake the promotion and development functions in respect of the Welsh red meat industry as outlined in the Red Meat (Wales) Measure 2010.

Background

Statutory levy has existed in the red meat sector for a number of years to fund activities to assist with the development of this sector, notably work that would not be carried out under normal market conditions. E.g. R&D, brand marketing, market research and export certification. This is a result of the fragmented nature of the industry and the fact that producers in these sectors, and in many cases processors too, are invariably too small to be able to resource such areas of work themselves.

Red meat levy (raised on all cattle, sheep and pigs slaughtered in GB) is collected at the point of slaughter (abattoirs) by the Red Meat Levy Board in that country. The levy is therefore based on the geographical location of abattoirs and not on the origin of the livestock. Levy collected at abattoirs in England, Scotland and Wales is currently used by the Red Meat Levy Board in that particular country regardless of where the animal originated.

The current methodology of red meat levy apportionment therefore fails to take into account the trading patterns that exist across GB borders. Levy paid by the producers who are breeding, rearing and finishing animals in one country may be used to fund the red meat promotional and developmental activities in another. Furthermore, the system is extremely vulnerable to changes and restructuring within the abattoir sector and the long-term trend has been towards fewer larger abattoirs located more closely to large centres of population.

Devolution of policy, strategy and delivery to the separate GB administrations means that each Red Meat Levy Board is accountable both to their respective Ministers and to their levy payers. As a result, the perceived lack of accountability and inequality within red meat levy apportionment, in regard to the benefit levy payers receive when their livestock are slaughtered in a different country, is a key consideration for the Red Meat Levy Boards in agreeing a change to the levy system.

Following a series of discussions on joint working, it has been agreed by the Red Meat Levy Boards across GB that red meat levy apportionment needs amending, so that levy is apportioned in a way which reflects the livestock production activity across England, Scotland and Wales.

HCC has been asked to comment on the following questions:

1. The level of detail provided in the Bill in relation to the process for the development of the scheme

- 1.1 Legislation is currently in place in England, Scotland and Wales to control how red meat levy can be used and as such legislative changes will be required to accommodate a new levy apportionment system.¹
- 1.2 The Bill makes provision to confer powers on Ministers, acting jointly, to establish a scheme that requires agricultural boards within GB to redistribute levy between themselves.
- 1.3 HCC welcomes this provision and is content with the detail.

2. The role of Hybu Cig Cymru (and its counterparts) in the development of the scheme, and whether this should be explicitly provided for in the Bill

- 2.1 The three GB Red Meat Levy Boards have been tasked by GB Ministers with determining a fair and equitable methodology for future levy redistribution. This work is underway and an agreed methodology will be presented to GB Ministers in due course.
- 2.2 HCC sees no need to have the role of Red Meat Levy Boards in this regard specifically referred to within the Bill, and we are therefore content with the detail as drafted.

3. The matters on which the scheme may make provision (subsection 29(2))

- 3.1 Subsection 29(2) states that the scheme may make provision about:
 - (a) the method by which the amount of a payment is to be calculated,
 - (b) who is to determine the amount of a payment,
 - (c) when a payment is to be made,
 - (d) how a payment is to be made, and
 - (e) the duration of the scheme.
- 3.2 HCC is content with this detail.

¹ England: Agriculture and Horticulture Development Board Order 2008.
Scotland: Quality Meat Scotland Order 2008.
Wales: Red Meat Industry (Wales) Measure 2010.

4. The extent to which the provisions, as currently drafted, will ensure a fair redistribution of the levy

4.1 The provisions of the Bill seek to provide the legal framework to allow levy to be transferred between Red Meat Levy Boards; whilst the provision to ensure a fair redistribution of levy will be sought through the Red Meat Levy Board discussions which have already agreed that redistribution must be fair and transparent.

4.2. HCC is content with the detail of the Bill.

Eitem 4.6

Written Evidence: Welsh Government's Supplementary Legislative Consent Memorandum Agriculture Bill

Climate Change, Environment and Rural Affairs Committee – National Assembly for Wales

Dr Ludivine Petetin – Cardiff University
Dr Mary Dobbs – Queen's University Belfast

This evidence is written by Dr Ludivine Petetin from Cardiff University and Dr Mary Dobbs from Queen's University Belfast. Ludivine and Mary are both Law Lecturers with expertise in agri-environmental issues and are currently writing a book on Brexit and Agriculture. Both engage with stakeholders across the UK on the impact of Brexit. They both are associates of the [Brexit & Environment network](#), which brings together academics analysing how Brexit is affecting the UK and EU environments.

A. Red meat levy: payments between levy bodies in Great Britain (new clause 29)

- (1) Clause 29 is a welcome addition to the Agriculture Bill to enable a fair redistribution of levies across Great Britain, based on the origin of the products as opposed to where the meat is slaughtered. This will reflect in a more accurate manner the interconnectedness of supply chains and lead to further investments in the areas where the meat originated. A more accurate reallocation of funds will result in innovation and market expansion.
- (2) It should be considered whether this clause should be extended to the entire four nations of the UK, rather than being limited to Great Britain. This would help strengthen the internal UK market through equivalent treatment across the four nations. However, a considerable difficulty for Northern Ireland is that much of the live exports go initially to the Republic of Ireland and therefore are beyond the remit of the UK's policies.

B. Power to reduce the direct payments ceilings for Wales in 2020 by up to 15% (Schedule 3, Part 2, new paragraph 7)

C. Power to provide for the continuation of the basic payment scheme beyond 2020 (Schedule 3, Part 2, new paragraph 8)

- (3) Together, new paragraphs 7 and 8 provide Wales with some greater flexibility than originally indicated under the Agricultural Bill and is to be welcomed. This recognises to a greater extent the more tenuous position of farmers in Wales, the nature of the landscape and the reliance upon basic payments – it supplements the approaches being introduced within the transitional period and provides for some greater security in particular for small and family farms where the public money for public goods approach or economic resilience approaches would be insufficient.

- (4) However, our earlier concerns¹ remain regarding the impact of the proposed approaches on those farms that are struggling currently. The Bill requires that direct payments are to cease entirely at the end of the transitional period. However, the proposed financing systems for Wales under the Agriculture Bill and the WG Brexit and Our Land consultation document will not suffice for many farms, potentially leading to considerable land abandonment and the loss of livelihood and employment across Wales with subsequent knock-on effects on the economy and society.

D. UK and Welsh Government Bilateral Agreement on the World Trade Organisation provisions

- (5) The UK and Welsh Government Bilateral Agreement on the World Trade Organization indicates a step in the right direction for Wales to keep the powers it currently has under the Common Agricultural Policy. It is also as noted a welcome sign of collaboration between the UK and Welsh Government.
- (6) Positively, Wales will now be able to put forward its own classification of schemes and these will then be reviewed by the Secretary of State. If a dispute arises in relation to such classification, a dispute resolution system will be created where an ‘expert panel’ will provide independent advice. Panels will be set up on an ad hoc basis. Such a forum would provide an opportunity for Welsh requests to be heard and controls are in place to attempt to avoid this being a simple formality or dominated by centralised voices.
- (7) However, a number of crucial points need to be noted in relation to the Agreement/Memorandum of Understanding:
- a) The UK and Welsh Government Bilateral Agreement on the World Trade Organization is not binding on the UK Government. It is only of soft-law nature. The dispute resolution system created by the Agreement is not enshrined in law. The terms of the Agreement could be modified by future governments.
 - b) The Agreement does not amend the actual Bill. When the Bill becomes law, only the eventual act will be binding – not the Agreement. Whilst an Act can be amended, incorporating the Agreement (or its content), nonetheless would strengthen it and provide it with extra layers of protection.
 - c) However, even if the Bill/Act were to be amended to encompass reference to the Agreement or simply incorporate the Agreement’s content, it is overall weakly phrased. The Secretary of State (SoS) ‘should have regard to the advice’ does not mean that they will have to follow the independent advice provided – ‘have regard to’ is generally a very weak formulation as recognised in the environmental context.²

¹ See our previous evidence for this inquiry, submitted in November 2019; and our evidence submitted along with Dr. Viviane Gravey of QUB to the ‘Brexit and our Land’ consultation in October 2018. Also, our oral evidence from 14th November 2018: <http://record.assembly.wales/Committee/5092>.

² See an earlier submission on the Environment (Principles and Governance) Bill <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environment-food->

- d) Furthermore, it is not clear whether the approach proposed will apply to the setting of ceilings – either for the Amber Box or the Green or Blue Boxes. It appears that the powers will rest with Westminster and that the dispute resolution mechanism would not automatically apply to this issue.
- (8) The long-term consequences of financial support being decided by Westminster should be carefully considered. Westminster already plays a significant role in relation to the block grant and the review of the basis for any funding in this field is an important factor, but the Bill now facilitates further controls by Westminster.
- (9) Despite central government trying to engage with the devolved administrations and the positive signs of collaboration, many of the concerns highlighted in past evidence submissions to this Committee remain:³
- “This includes the potential for the SoS to (i) **conclusively determine**, the classification of financial support across the UK; (ii) set limits of spending for the whole of the UK; (iii) set individual ceilings of support across the devolved administrations; and (iv) create different ceilings across the devolved administrations... – despite WTO law **not** imposing any limits on Green or Blue box spending”.
- (10) As the WTO Member, the UK is responsible for ensuring compliance. However, (i) Clause 28 still exceeds what is required; (ii) it effectively gives powers to the SoS that currently belong to the devolved administrations; and (iii) the Agreement does little to effectively ensure that Wales keeps the powers it currently has. To the contrary, Clause 28 indeed leads to a **recentralisation of powers as to the financial support for farmers and the design of support schemes across the UK**.
- (11) Overall, the agreement is too narrow in scope and ignores key concerns. It is a soft-law instrument by nature and could be modified (or even ignored) by future governments. A potential recentralisation cannot be overlooked. The challenge is less what this current UK government might do now, but what a future UK government might do in a new context.

Ludivine Petetin and Mary Dobbs
April 2019

[and-rural-affairs-committee/prelegislative-scrutiny-of-the-draft-environment-principles-and-governance-bill/written/95916.html](https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/803/803.pdf), referring to the following sources: Environmental Audit Committee, *The Government's 25 Year Plan for the Environment*, HC 803, 24 July 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/803/803.pdf>; Select Committee on the Natural Environment and Rural Communities Act 2006, *The countryside at a crossroads: Is the Natural Environment and Rural Communities Act 2006 still fit for purpose?*, HL 99, 22 March 2018, <https://publications.parliament.uk/pa/ld201719/ldselect/ldnerc/99/99.pdf>; and <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/environmental-principles-and-governance-consultation/oral/85180.html>.

³ See our previous evidence for this inquiry, submitted in November 2019; and our evidence submitted along with Dr. Viviane Gravey of QUB to the ‘Brexit and our Land’ consultation in October 2018. Also, our oral evidence from 14th November 2018: <http://record.assembly.wales/Committee/5092>.



Eich cyf/Your ref
Ein cyf/Our ref

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18 Ebrill 2019

Annwyl Mick,

Ar 15 Mawrth 2019, gosodais Femorandwm Cydsyniad Deddfwriaethol gerbron y Cynulliad ynghylch Bil yr Awdurdodau Afonydd a Draenio Tir (y Bil) sydd bellach yn destun tair wythnos o graffu gan y Pwyllgor. O failystyried y Bil, rwy'n ysgrifennu atoch i ddweud ei bod yn fwiad gennyf gyflwyno Memorandwm Cydsyniad Deddfwriaethol diwygiedig ar y mater hwn. Roedd y Memorandwm gwreiddiol yn gofyn am gydsyniad ar gyfer Cymal 2 a Chymal 4 y Bil, ond bydd y fersiwn ddiwygiedig yn gofyn am gydsyniad hefyd ar gyfer Cymal 3 a Chymal 5. Bydd y Memorandwm yn disgrifio pwrpas y darpariaethau hyn ac rwy'n esbonio pam mae angen diwygio'r Memorandwm isod.

Mae Llywodraeth y DU yn cyhoeddi canllawiau ar agweddau ar ddatganoli ar gyfer ei swyddogion ar ffurf Canllawiau ar Ddatganoli (DGN). Yn dilyn Deddf Cymru 2017, edrychodd Swyddfa Cymru o'r newydd ar y canllawiau hyn er mwyn ystyried y model cadw pwerau a'u diwygio yn unol â hynny. Er sicrhau cysondeb, mae swyddogion Llywodraeth Cymru hefyd wedi adolygu'r ffordd y maen nhw'n asesu pa ddarpariaethau mewn Bil gan y DU y bydd angen cydsyniad Cynulliad Cenedlaethol Cymru arnyn nhw. Mae'r angen i adolygu'r Memorandwm yn ganlyniad i'r newid hwn. Bydd y newid hwn yn cael ei gofnodi yn ein canllawiau ni. Byddwn yn eu rhannu â'r Pwyllgor cyn gynted ag y byddwn wedi creu fersiwn derfynol.

O dan y drefn flaenorol, wrth asesu pa ddarpariaethau mewn Bil gan y DU a fyddai'n dod o dan gymhwysedd deddfwriaethol y Cynulliad ac felly angen cydsyniad y Cynulliad arnyn nhw, byddem wedi diystyru darpariaethau y byddai angen cydsyniad Gweinidog y Goron arnyn nhw os mai'r bwriad oedd eu cynnwys ym Mil gan y Cynulliad. Fodd bynnag, mae'r

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

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

DGN newydd yn gofyn i swyddogion Llywodraeth y DU ofyn am gydsyniad ar gyfer darpariaethau o'r fath.

O ganlyniad i'r DGN newydd, rydyn ni o'r farn bod Cymalau 3 a 5 o fewn ein cymhwysedd deddfwriaethol ac y bydd felly angen cydsyniad y Cynulliad. Byddaf felly yn cyflwyno Memorandwm Cydsyniad Deddfwriaethol diwygiedig sy'n disgrifio'r darpariaethau y bydd gofyn i'r Cynulliad eu hystyried.

Rwyf wedi anfon copïau o'r llythyr hwn at y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion Gwledig a wnaeth ystyried y Memorandwm gwreiddiol.

Cofion,

Lesley Griffiths AC / AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Sophie Howe
Comisiynydd Cenedlaethau'r Dyfodol Cymru

23 Ebrill 2019

Annwyl Sophie,

Diolch am ddod i gyfarfod y Pwyllgor ar 27 Mawrth ar gyfer ein gwaith craffu blynyddol ar eich gwaith. Yn dilyn y cyfarfod, cytunodd yr Aelodau y dylwn ysgrifennu atoch i ofyn am ragor o wybodaeth mewn perthynas ag agweddau ar eich rôl.

Dangosyddion a Cherrig Milltir Cenedlaethol

Mewn perthynas â'r cerrig milltir cenedlaethol i gynorthwyo'r gwaith o fesur y cynnydd a wneir tuag at gyflawni'r nodau llesiant sydd yn Neddf Llesiant Cenedlaethau'r Dyfodol:

- Byddem yn ddiolchgar am gael eich barn ynghylch a yw dull Llywodraeth Cymru o ddatblygu cerrig milltir, sef drwy gymhwyso nifer fach o'r 46 o ddangosyddion i'r cerrig milltir hynny yn hytrach na phob un ohonynt, yn gydnaws â'i dyletswyddau o dan y Ddeddf;
- Yn eich barn chi, a oes angen gwneud diwygio'r 46 o ddangosyddion cenedlaethol presennol. Os felly, pa ddiwygiadau y dylid eu gwneud?

Adroddiad Cenedlaethau'r Dyfodol

Mae eich adroddiad Cenedlaethau'r Dyfodol cyntaf i fod i gael ei gyhoeddi erbyn mis Mai 2020, felly a wnewch chi amlinellu:

- A ydych wedi dechrau gweithio ar eich adroddiad ac, os felly, sut mae'r gwaith yn mynd rhagddo?
- Ym mha ffordd y byddwch chi'n cynnwys rhanddeiliaid wrth ddatblygu eich adroddiad?

Cyllideb ac Atal



Rydym yn ymwybodol ichi gyhoeddi cyngor i Lywodraeth Cymru, gan gynnwys 10 argymhelliad lle y credwch fod angen i'w chyllideb gymryd camau mwy uchelgeisiol a thrawsnewidiol o eleni ymlaen.

- A yw Llywodraeth Cymru wedi ymateb yn ffurfiol i'ch cyngor ar ystyried Deddf Llesiant Cenedlaethau'r Dyfodol ym mhroses y gyllideb?

Datgarboneiddio

Cyhoeddwyd y cyntaf o gynlluniau datgarboneiddio Llywodraeth Cymru ar 21 Mawrth, a allech chi amlinellu:

- Yn eich barn chi, a yw'r Cynllun Cyflawni Carbon Isel yn rhoi ystyriaeth ddigonol i'r nodau llesiant, y pum ffordd o weithio, ac amcanion llesiant Llywodraeth Cymru, ac a yw'r cynllun yn dangos hynny'n ddigonol?
- Pa newidiadau fydddech chi'n disgwyl eu gweld yn y ffordd y caiff y cynllun nesaf ei baratoi, ac o ran y polisiau a'r cynigion fydd ynddo?

Anomaleddau yn Neddf Llesiant Cenedlaethau'r Dyfodol

Yn y cyfarfod, cyfeiriasoch at anomaleddau yn y Ddeddf, sef er bod gennych ddyletswyddau i fonitro ac asesu cynnydd cyrff cyhoeddus tuag at gyflawni eu hamcanion llesiant, nid oes gennych rôl ymgynghorol ar gyfer pennu'r amcanion hynny. Soniasoch hefyd am y ffaith bod gennych ddyletswyddau i gynghori Byrddau Gwasanaethau Cyhoeddus ynghylch gosod a monitro eu cynlluniau llesiant, ond nid oes gennych ddyletswyddau ynghylch monitro ac asesu'r cynnydd a wneir. Byddai'n ddefnyddiol iawn pe gallech roi rhagor o fanylion ynghylch ble, yn eich barn chi, y mae bod anomaleddau yn y ddeddfwriaeth.

O ran sefydliadau a gwmpesir gan y Ddeddf, beth yw eich barn ynghylch ychwanegu Trafnidiaeth i Gymru at y rhestr o gyrff cyhoeddus yn y Ddeddf, o ystyried ei rôl o ran cyflawni polisi Llywodraeth Cymru?

Newid yn yr hinsawdd

Gwnaethom hefyd drafod â chi'r cyfleoedd sydd ar gael i gyrff anllywodraethol i ymgysylltu â'ch gwaith ers i Gomisiwn Cymru ar y Newid yn yr Hinsawdd gael ei ddiddymu. Byddem yn ddiolchgar pe gallech fanylu ar sut, yn eich penderfyniadau, yr ydych yn pwysu a mesur barn y cyrff anllywodraethol hynny sy'n gysylltiedig â maes newid hinsawdd. Hefyd, byddai'n dda cael eglurder ynghylch pa rai o swyddogaethau'r Comisiwn gynt i gynghori Llywodraeth Cymru a gymerwyd gan eich swyddfa a pha rai sydd wedi diflannu.

Sesiynau craffu yn y dyfodol

Yn olaf, deallaf eich bod wedi awgrymu symud ein sesiynau craffu blynyddol i'r hydref gan y byddai hynny'n cyd-fynd yn well â'ch cylch adrodd. Cytunodd yr



Aelodau fod gwneud hynny'n beth synhwyrol. Felly, byddwn yn eich gwahodd i un o gyfarfodydd y Pwyllgor yn hydref 2019 i drafod eich adroddiad blynyddol ar gyfer 2018-19.

Rwy'n anfon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig.

Edrychaf ymlaen at glywed gennych.

Yn gywir

John Griffiths AC

Cadeirydd

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.

We welcome correspondence in Welsh or English



Eitem 6

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 7

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon