

Agenda – Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Fideo Gynadledda drwy Zoom Marc Wyn Jones
Dyddiad: Dydd Iau, 5 Tachwedd 2020 Clerc y Pwyllgor
Amser: 13.30 0300 200 6565
SeneddNHAMG@senedd.cymru

Rhag-gyfarfod preifat (13.30–13.45)

Yn unol â Rheol Sefydlog 34.19, mae'r Cadeirydd wedi penderfynu gwahardd y cyhoedd o gyfarfod y Pwyllgor at ddibenion diogelu iechyd y cyhoedd. Bydd y cyfarfod hwn yn cael ei ddarlledu'n fyw ar www.senedd.tv.

Cyfarfod cyhoeddus (13.45–16.45)

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau
(13.45)

2 Fframwaith Datblygu Cenedlaethol Drafft Cymru – sesiwn
dystiolaeth: Cynllunio

(13.45–14.45)

(Tudalennau 1 – 45)

Dr Roisin Willmott OBE, Cyfarwyddydd Cymru a Gogledd Iwerddon – Sefydliad
Cynllunio Trefol Brenhinol Cymru

Dr Neil Harris, Uwch-Ddarlithydd, Yr Ysgol Daearyddiaeth a Chynllunio –
Prifysgol Caerdydd

Dogfennau atodol:



Briff Ymchwil (Atodiad yn unig yn Gymraeg)

Papur – Sefydliad Cynllunio Trefol Brenhinol Cymru (Saesneg yn unig)

Egwyl (14.45–14.55)

3 Fframwaith Datblygu Cenedlaethol Drafft Cymru – sesiwn dystiolaeth: y Grid Cenedlaethol

(14.55–15.25)

(Tudalennau 46 – 47)

Hêdd Roberts, Pennaeth Datrysiadau Cwsmeriaid, Trawsyradau Trydan – y Grid Cenedlaethol

Dogfennau atodol:

Papur – Y Grid Cenedlaethol (Saesneg yn unig)

Egwyl (15.25–15.30)

4 Fframwaith Datblygu Cenedlaethol Drafft Cymru – sesiwn dystiolaeth: Y Sector Ynni Adnewyddadwy

(15.30–16.30)

(Tudalennau 48 – 60)

Eleri Davies, Pennaeth Consents UK, Ynni Gwynt ar y Tir – RWE Renewables
Rhys Wyn Jones, Cyfarwyddwr – Renewable UK Cymru

Dogfennau atodol:

Papur – RWE Renewables (Saesneg yn unig)

Papur – Renewable UK Cymru

5 Papurau i'w nodi

5.1 Gohebiaeth at Weinidog yr Amgylchedd, Ynni a Materion Gwledig – dilyniant i sesiwn graffu 17 Medi 2020

(Tudalennau 61 – 65)

Dogfennau atodol:

Llythyr

5.2 Gohebiaeth rhwng y Gweinidog Tai a Llywodraeth Leol a'r Cadeirydd: Fframweithiau Cyffredin – Sylweddau Peryglus (Cynllunio)

(Tudalennau 66 – 84)

Dogfennau atodol:

Llythyr gan y Gweinidog Tai a Llywodraeth Leol (atodiad Saesneg yn unig)

Llythyr gan y Cadeirydd at y Gweinidog Tai a Llywodraeth Leol

5.3 Gohebiaeth at Weinidog yr Amgylchedd, Ynni a Materion Gwledig – Cynllun Masnachu Allyriadau y DU

(Tudalennau 85 – 86)

Dogfennau atodol:

Llythyr

5.4 Gohebiaeth rhwng y Cadeirydd a Chadeirydd y Pwyllgor dros Amaethyddiaeth, yr Amgylchedd a Materion Gwledig, Cynulliad Gogledd Iwerddon: Fframweithiau Cyffredin – Cynllun Masnachu Allyriadau y DU

(Tudalennau 87 – 90)

Dogfennau atodol:

Llythyr gan y Cadeirydd, Cynulliad Gogledd Iwerddon (Saesneg yn unig)

Llythyr – ymateb y Cadeirydd (Saesneg yn unig)

5.5 Gohebiaeth gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig: Fframweithiau Cyffredin – Ailddosbarthu

(Tudalennau 91 – 94)

Dogfennau atodol:

Llythyr

5.6 Gohebiaeth gan y Cadeirydd at Weinidog yr Amgylchedd, Ynni a Materion Gwledig ar Gyllideb Ddrafft Llywodraeth Cymru ar gyfer 2021–22

(Tudalennau 95 – 98)

Dogfennau atodol:

Llythyr

5.7 Gohebiaeth gan Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad at y Llywydd a Chadeirydd y Pwyllgor Busnes – Craffu ar reoliadau Covid-19

(Tudalennau 99 – 101)

Dogfennau atodol:

Llythyr

5.8 Gohebiaeth at Weinidog yr Amgylchedd, Ynni a Materion Gwledig – Rheoliadau Amaethyddiaeth (Cymalau Enghreifftiol ar gyfer Cyfarpar Sefydlog) (Cymru) 2019 yn dilyn gohebiaeth gan Gymdeithas y Ffermwyr Tenant (TFA)

(Tudalennau 102 – 103)

Dogfennau atodol:

Llythyr

5.9 Gohebiaeth gan Gadeirydd Y Pwyllgor Deisebau – Ansawdd aer

(Tudalennau 104 – 108)

Dogfennau atodol:

Llythyr – Atodiad: Gohebiaeth gan y deisebwyr (Saesneg yn unig)

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

Cyfarfod preifat (16.30–16.45)

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

Graeme Purves, Cynghorydd Arbenigol i'r Pwyllgor

Mae cyfyngiadau ar y ddogfen hon

Senedd Cymru
Y Pwyllgor Newid Hinsawdd, Amgylchedd a
Materion Gwledig
Craffu ar Fframwaith Datblygu Cenedlaethol
Cymru
CCERA(5) NDF(v2) 05
Ymateb gan Sefydliad Cynllunio Trefol Brenhinol
Cymru

Welsh Parliament
Climate Change, Environment and Rural Affairs
Committee
National Development Framework for Wales
CCERA(5) NDF(v2) 05
Evidence from Royal Town Planning Institute
Cymru



The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 25,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of planning, working for the long-term common good and well-being of current and future generations. The RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

This response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum, which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

Thank you for the opportunity to respond to the above call for evidence from the Committee.

RTPI Cymru welcomes the progress made on the National Development Framework / Future Wales (NDF). In particular we recognise the impact COVID19 has had on Government resources and the bringing forward of projects and plans. We congratulate Welsh Government on progressing this important Plan that can help to shape the future of Wales in these difficult times.

As part of our [Plan the World We Need campaign](#), RTPI Cymru called for the NDF to come forward as a priority, to provide the framework to strategically guide development in Wales. We believe it will have an important role to play in identifying infrastructure projects and other development at a time where there is uncertainty around the future of planned projects, infrastructure finance and as the UK leaves the European Union.

It is important to recognise the spatial distinctiveness of places in developing policy. At the national level, it will be the NDF which can facilitate an integrated approach, linking decisions

on economic development with those on housing, climate change, energy generation, transport, and other infrastructure, providing a spatial framework for investment.

RTPI Cymru welcomes the working draft of the Plan and the progress that has been made. In particular, we welcome inclusion of a new paragraph (pg4) setting out the challenges of the climate emergency, the ecological emergency and the global health pandemic and the role of the NDF as a lever in delivering change in the face of these challenges.

We note the improved links with other investment areas, in particular we support the promotion of public transport and active travel within the Plan. It will be important for programmes of investment at the national level to fit within the spatial framework provided by the NDF and at the regional level to be aligned with Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

We also welcome the strengthening of links with other plans, creating a more joined-up policy framework in Wales, for example we support the efforts to link the Marine Plan and NDF – timescales for the production of the Marine Plan and NDF have overlapped, enabling the production of both plans to be joined up. We are pleased this joint working includes “identifying opportunities to share evidence and expertise” and that this will continue as both plans are implemented and reviewed. We recognise the difficulties in aligning plans and timescales, but where possible the opportunity to create these links will provide a stronger framework. We recognise this is the first version of the NDF and future versions will help the Plan mature and forge further links over time. The second revision for example will allow alignment with SDPs, which will develop over the next few years. We have seen this positive evolution take place in Scotland.

For the NDF to be successful, it is essential that its role in delivering Welsh Government objectives across all policies is understood and embraced. It is a powerful tool providing a comprehensive national spatial strategy which links investment decisions across Government, public authorities and private investment.

While there are many improvements, there are also areas that we believe could go further in the final Plan.

We recognise the challenge of achieving a sustainable pattern of development for the longer term, while taking into account climate change and other agendas that require us to look beyond the 20-year horizon and develop policies to achieve a longer-term objective for an uncertain future. We feel the NDF poses an opportunity to push boundaries in the longer term planning for Wales. For example, we were pleased to see this version of the Plan recognise flood risk and climate change resilience, and feel the plan could go further to address the issue of coastal adaption in the future. While we acknowledge that this currently might be beyond the term of the Plan, the NDF could be starting to set the agenda.

The working document sets out 11 outcomes, but does not appear to follow these through the document. The outcomes do not appear to have directly linked actions or outcomes. It needs to be clear 'where we want to be in 20 years' in relation to the outcomes.

Long-term sustainability goals, including climate change must remain priorities and at the forefront of planning for the future in Wales. We urge Welsh Government to be bolder in its approach to integrating responses to climate change into its policy frameworks.

The links between the maps and the policies in some cases could be strengthened, for example:

- The map on pg 75 sets out “flood warning areas”, including for example large areas of Newport and Cardiff. Further explanation would help the interpretation of these areas to provide clarity and improve understanding.
- The diagram and proposals on pg 163 for South East Wales indicate the whole of the Vale of Glamorgan as a national growth area, despite being a major agricultural area and important open countryside close to Cardiff. Whilst we appreciate the nature of the diagram, they could be mis-interpreted given the development plan status of the NDF. In the absence of the detailed justification, the proposed area for development needs to be more narrowly defined in the text and diagram to protect the best farmland and to preserve areas of countryside.
- While we support the promotion of public transport links and active travel in the Plan, the continuing role of road transport, where there are no alternatives, should be recognised by the Plan. We note the map at pg 88 - the only North South link in the east is mainly in England. While that reflects the continuing reality of rail links the existence of North-South road links in Wales should also be recognised on the diagram. In relation to this we welcome the support for the “necessary investment in charging infrastructure” required to embrace the adoption of electric vehicles, as well as the link to “an increase in generation of renewable energy to support the increased demand for electricity”. The commitment to work with network operators and supporting innovation in hydrogen is also welcomed. (pg86)
- We appreciate the analysis set out in the regional maps, but we would suggest a separation / differentiation of baseline information (existing features) and proposed policy features.

In terms of the policies set out in the Plan, further explanation and clarification would be helpful in some areas, for example:

- Policy 25 (Regional Growth Areas) refers to “Brecon and the Border” but there is no explanation of what is considered to be “the Border”. (pg130)
- Further guidance on the relationship with the City Deal initiatives would be useful clarification. (see The Regions chapter)
- In relation to Policy 15 (National Forest) unfortunately there is insufficient detail to properly comment on this policy and it is unclear how the policy will work in practice (pg92), although we appreciate this is a new developing policy area.
- In relation to policies 17 and 18 (Renewable and Low Carbon Energy Development), the NDF should include a clear statement that it is the highest tier of development plan for Developments of National Significance proposals. We note that the supporting text to Policies 17 and 18 states “The Welsh Government will use regional energy planning to identify opportunities for all types of renewable projects”(pg99). Clarification of the relationship between the NDF and SDPs is needed, to avoid conflict and confusion in the decision making process.

- We note that Policy 19 (Strategic Policies for Regional Planning) (pg102) of the Plan sets out that SDPs should “provide a framework for minerals extraction, the circular economy, including waste treatment and disposal”. We would argue that longer term planning and guidance is required in relation to minerals and waste and should be more prominent in the NDF.

We note the addition of a number of maps in Chapter 2 which are set out to provide an overview of the current situation of various spatial indicators. They are useful as an overview but it would be useful if a link could be provided to a source for them to be viewed in more detail. The overview chapter is useful in highlighting the strengths and weaknesses which the NDF can address.

We note the proposals for the preparation of SDPs, required in all four regions of Wales. We are also aware of the current Welsh Government consultation on the draft regulations which will create four regional Corporate Joint Committees to exercise functions relating to strategic development planning, regional transport planning and economic well-being of their areas. Bringing forward SDPs at a regional level will enable us to address the more complex regional spatial issues that cross boundaries and may require different responses across Wales. While some SDPs might need to focus on housing, employment, and transport, others might require a focus on the natural environment etc.

Adequate resourcing of the planning function to support each level is vital. Resources for planning are important in achieving effective integration and ensuring alignment with spatial plans. This needs to include the emerging SDPs at the regional level, the well-established Local Development Plans (LDPs) within local authorities, and Place Plans for those communities which have them. Local planning authorities have lost significant capacity in recent years. A well resourced, plan-led, positive planning service can deliver corporate objectives, which, if properly encouraged and effectively organised can bring together objectives across services and help achieve local and national sustainable development and climate action goals. Corporate management teams provide leadership, vision and priority setting for areas, by shaping the strategic operational direction and investment decisions of local authorities. The implications of these corporate decisions on new investment, infrastructure, development activity, local services and policy delivery are significant, particularly at this time. The RTPi believes that making the role of the Chief Planning Officers a more prominent and strategic position within local authorities would positively influence outcomes and support good growth and a balanced recovery.

If you require further assistance, please contact RTPi Cymru on 020 7929 8197 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk

Eitem 3

Senedd Cymru
Y Pwyllgor Newid Hinsawdd, Amgylchedd a
Materion Gwledig
Craffu ar Fframwaith Datblygu Cenedlaethol
Cymru
CCERA(5) NDF(v2) 27
Ymateb gan Y Grid Cenedlaethol

Welsh Parliament
Climate Change, Environment and Rural
Affairs Committee
National Development Framework for Wales
CCERA(5) NDF(v2) 27

Evidence from National Grid

National Grid briefing - Climate Change, Environment and Rural Affairs Committee

National Grid sits at the heart of Britain's energy system, connecting millions of people and businesses to the energy they use every day. We understand our responsibilities to the environment and future generations, and are working to develop solutions to make the transition to a clean economy, in which nobody is left behind. Furthermore, as we look ahead toward recovering from the COVID-19 pandemic, it is important that we seize the opportunity to be world leading in decarbonising our economy as a driver of economic growth.

We are committed to enabling the transition to net zero in the most efficient way and for the benefit of consumers in Wales and the rest of the UK.

Understanding National Grid

This briefing note represents the views of National Grid Electricity Transmission (NGET). NGET owns the high voltage electricity transmission network in England and Wales. The network covers some 7,212km of overhead line and 2,820km of underground cable. We connect sources of electricity generation to the network and transport it onwards to the distribution system, so electricity can reach homes and businesses. NGET is committed to running a safe and reliable network at the best cost to consumers whilst enabling the Britain to meet its net zero carbon emissions target by 2050.

Following the legal separation of the Electricity System Operator (ESO) from NGET, its views are not represented in this submission and representatives from NGET cannot answer questions on the ESO's behalf. The lower voltage distribution networks in Wales are owned and operated by Western Power Distribution (WPD) and Scottish Power Energy Networks (SPEN). We would advise inviting the ESO, WPD and SPEN to the evidence session as no single entity can answer questions on the entirety of the network and for the for expertise across all electricity infrastructure businesses operating in Wales to be represented.

Enabling net zero

As the backbone of the UK's energy system, we are uniquely placed to help deliver Welsh Government's ambitions to achieve net zero and safeguard the wellbeing of future generations. However, we need a fundamental shift in the way we think, plan and deliver for the future in order to deliver net zero, grow the economy and ensure no one is left behind.

The electricity transmission 'super grid' was developed in the 1960s to carry the electricity generated at fossil fuel power stations, to the cities and towns that needed it. The power stations were usually located close to large populations or coal mining areas with the transmission grid carrying the energy around the country providing safe and reliable electricity to all. The recent increase of renewable energy generation, such as on-shore wind which is often sited in rural areas, means that electricity networks are adapting to connect this new generation and transmitting it to where it is needed. The energy is flowing from different parts of the country and the electricity network needs to adapt to accommodate this change

How we use electricity is also changing and becoming more important to our everyday lives and the future prosperity of our communities. We are increasingly using electricity to heat our homes and power our vehicles. Energy intensive industries, such as data centres, are growing and are wanting to be powered by green energy. Having a robust electricity network, that carries renewable energy, will become more important to the way we want to live our lives. For example,

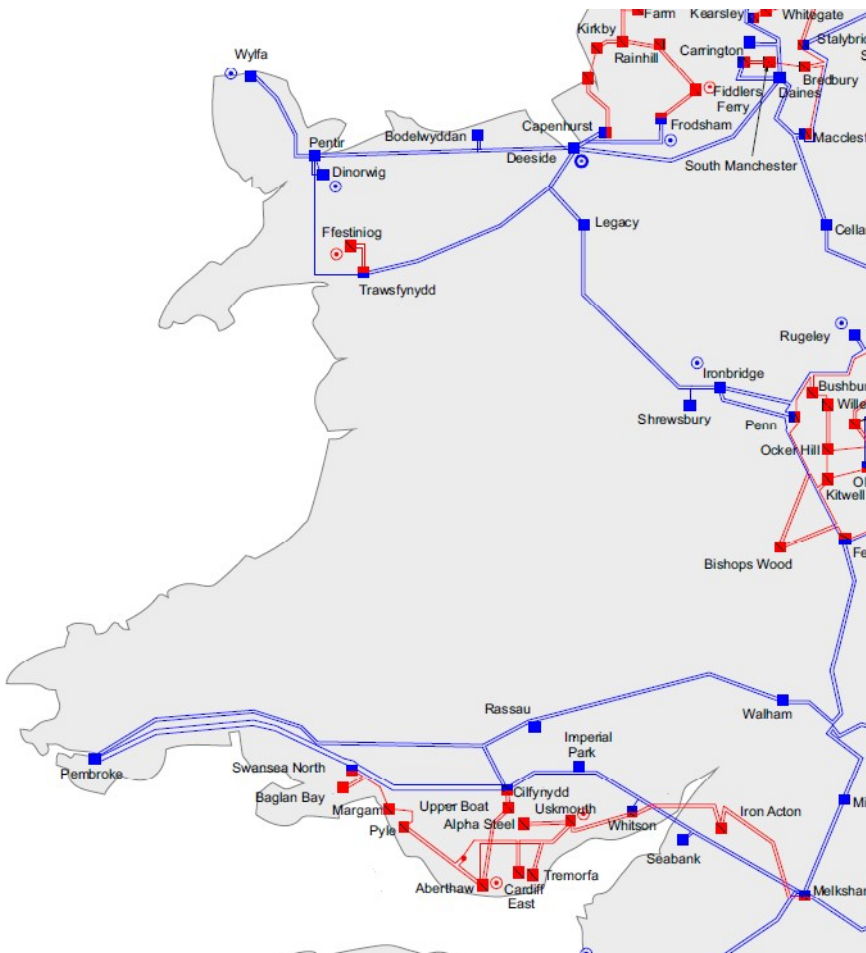
distribution and transmission electricity networks will play an essential role in supporting the charging infrastructure required to enable the rollout of electric vehicles (EVs) at scale. EVs will be charged in many different locations: at home, at work or at ultra-rapid EV charge points along the strategic road network, all of which rely on a fit-for-purpose electricity infrastructure.

Addressing local concerns

Our recent experience in Wales of connecting renewable energy to the transmission network, showed that grid infrastructure is often viewed by the public as highly contentious in planning and environmental terms. The visual impact of wind turbines and pylons have been opposed by communities and their representatives. Therefore, in our response to the draft NDF, we encouraged Welsh Government to plan positively for grid infrastructure in the same way as they have for wind turbines and include policies that help to co-ordinate strategic action. It should also identify the decisions that need to be made, providing a platform for a shared understanding across industry, Government and the public of why significant investment in energy infrastructure is required, and the benefits and balance needed to gain a safe, secure, affordable and sustainable energy future.

Now is the right time for a strategic approach to be developed including relevant stakeholders. NGET is keen to support this but feel it is best lead by Welsh Government. These conversations should seek to agree in on the best strategic solutions moving forwards to deliver on Welsh Government's ambitions for renewable generation development, including new grid infrastructure where appropriate, whilst ensuring solutions are coordinate, fair, disruption is minimised and that local communities see benefits for housing the infrastructure.

Figure 1 – NGET network map for Wales



As you can see from Figure 1 There is not currently any National Grid transmission infrastructure within Mid Wales. Any new generation in this area would need to be used locally, stored or transmitted. Best solutions for this would depend on the scale of new generation developed.

Eitem 4

Senedd Cymru
Y Pwyllgor Newid Hinsawdd, Amgylchedd a
Materion Gwledig
Craffu ar Fframwaith Datblygu Cenedlaethol
Cymru
CCERA(5) NDF(v2) 17
Ymateb gan RWE Renewables UK Ltd

Welsh Parliament
Climate Change, Environment and Rural Affairs
Committee
National Development Framework for Wales
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Evidence from RWE Renewables UK Ltd



Response to the Climate Change, Environment and Rural Affairs (CCERA) Committee on the Welsh Government's latest iteration of the National Development Framework / Future Wales: The National Plan 2040

On 1 July 2020, RWE concluded its major asset swap with E.ON, which involved the integration of innogy Renewables in the UK. This established RWE as one of the UK's, and the world's, leading producers of renewable energy. We now stand as the world's second largest offshore wind developer and third largest provider of renewable electricity across Europe.

In the UK, this reinforces our existing position as a major energy player. We now employ over 2,600 people and generate over 10% of the UK's electricity needs - enough power for over 10 million homes, with a diverse portfolio of onshore and offshore wind, hydro, biomass and gas across the UK, including over 2.6GW across 11 sites in Wales (see attached RWE UK Infographic). RWE has made ambitious commitments to increase the generation of clean, reliable and affordable electricity. Alongside the ambition to be carbon neutral by 2040, we continue to invest heavily in wind power and other emerging technologies, such as hydrogen and floating offshore wind. RWE's planned gross growth capex spend 2020-2022 will be €8-9bn globally, of which around 30-35% will be in the UK, mostly on offshore wind.

We have set our sights high, envisaging RWE will play a key role in developing the energy world of tomorrow and driving progress towards the UK's net-zero ambitions.

Context

RWE Renewables UK Limited: Registered in England and Wales no. 03758404
Greenwood House, Westwood Way, Westwood Business Park, Coventry, United Kingdom CV4 8PB. **RWE
Renewables Management UK Limited:** Registered in England and Wales no. 12087808 Registered Office:
Windmill Hill Business Park · Whitehill Way · Swindon · Wiltshire · SN5 6PB.
RWE Renewables UK Swindon Limited : Registered in England and Wales no. 02550622 Registered
Office: Windmill Hill Business Park · Whitehill Way · Swindon · Wiltshire · SN5 6PB.

I previously submitted evidence on the draft NDF (August 2019 version) to the CCERA Committee as a representative of innogy Renewables UK Ltd (as noted above, now integrated into RWE).

RWE welcomes the Welsh Government's continued positive approach to renewable energy and the efforts made to reflect this in the narrative and policies of the National Development Framework (September 2020), also referred to as Future Wales: The National Plan 2040 (hereinafter referred to as 'Future Wales'). RWE also supports the Welsh Government's recognition that renewable energy is a key part of the commitment to decarbonisation and tackling the causes of climate change. However, it is critical that Wales continues to have secure and reliable supplies of electricity throughout the transition to a low carbon economy, whilst also replacing existing power plants due for closure. To manage the risks to achieving security of supply, sufficient electricity capacity (including a greater proportion of low carbon generation) is required to meet demand, and this requires a diverse mix of technologies and fuels.

The UK Committee on Climate Change (UKCCC) states that *“Renewable generation could be four times today's levels, requiring a sustained and increased build out between now and 2050, complemented by firm low-carbon power options such as nuclear power and carbon capture and storage (applied to biomass or gas-fired plants)”*¹. Encouraging renewable and low carbon energy is only a small part of the wider decarbonisation agenda and it is therefore disappointing that other forms of energy generation (for example, gas and biomass) are not mentioned in Future Wales. Although many such schemes will not be devolved to Wales (i.e. those >350MW), it may have been appropriate to deal with them in the same way as nuclear and offshore wind (i.e. in principle support) which are also not, on the whole, within the remit of Future Wales.

Response

The views below are expressed against the chapters and headings as set out in the latest iteration of Future Wales. For ease of reference, it would be useful if the final adopted version could include paragraph numbers.

Chapter 1: Introduction

RWE welcomes the inclusion of a new paragraph setting out the challenges, including the climate emergency, and the role of Future Wales as a lever in delivering change in the face of these challenges.

¹ UK Committee on Climate Change (May 2019) Net Zero: The UK's contribution to stopping global warming

Although there is recognition of Future Wales as “*the highest tier of development plan*”, it is disappointing that its status as the primary development plan against which developments of national significance (DNS) (especially renewable energy projects) will be determined is not explicitly stated. Whilst it may be appropriate for Future Wales to be “*built on*” by Strategic Development Plans (SDPs) at a regional level and Local Development Plans (LDPs) at local authority level for some types of developments, this approach is not appropriate for onshore wind proposals for which Future Wales sets out clear and detailed policies (17 and 18). Despite a requirement to be “*in conformity*” with Future Wales, ‘passing the buck’ to regional and local levels to “*identify the location of new infrastructure and development*” runs the risk that the ambitions in Future Wales for renewable energy, and onshore wind in particular, will be significantly diluted, and potentially undermined, by lower tier plans.

The introduction should include a clear and unequivocal statement that Future Wales is the highest tier of development plan for DNS proposals, and where there is a conflict with SDPs and/ or LDPs, Future Wales takes precedence and is afforded greater weight in the decision-making process.

Chapter 1: Integrated Sustainability Plan

The discussion on Habitats Regulations Assessment is not in accordance with legislation or the more detailed advice on Natura 2000 sites set in Technical Advice Note 5: Nature Conservation and Planning (September 2009) (TAN5). European designated sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), and proposed or candidate SPAs / SACs) and Ramsar sites are collectively known as ‘Natura 2000 sites’. Future Wales states that “*development at the lower-tier plan or project stage will need to demonstrate there are no adverse effects on the features for which a Natura 2000 site has been designated, and Future Wales does not support lower-tier plans or projects where this is not concluded*” [emphasis added].

Contrary to the commentary in Future Wales, there are provisions in legislation to allow the adoption of lower-tier plans and/ or grant of permission for projects which have an adverse effect on the integrity of Natura 2000 sites, where there are “*imperative reasons of overriding public interest*” (IROPI). ‘Assessment of IROPI’ is the final of four stages in a rigorous Habitats Regulations Assessment (HRA) process following Stage 1 ‘Screening’, Stage 2 ‘Appropriate Assessment’, and Stage 3 ‘Assessment of Alternatives’. It is extremely rare for a plan or project which has an adverse effect on the integrity of a Natura 2000 site to be adopted or granted permission, however legislation does make provision for this “*in exceptional circumstances*” and this should be reflected in the wording Future Wales.

For the avoidance of doubt, the commentary on Habitats Regulations Assessment (HRA) should be amended to align with current legislation and TAN5. I make this

point to highlight the lack of consistency between Future Wales and the legislation currently in force, and to ask that the Welsh Government seek legal advice on this position prior to finalising the wording in Future Wales.

Chapter 1: Future Wales and...National Natural Resources Policy

In the context of addressing the climate emergency, RWE welcomes the inclusion of a specific reference to policy that will *“facilitate the decarbonisation of the economy, including energy...”*.

Chapter 1: Future Wales and...Welsh National Marine Plan

RWE welcomes the inclusion of a paragraph on co-ordination between marine and terrestrial planning and a specific reference to *“energy generation”* in that context. Also welcomed is the confirmation, in the Renewable Energy section, of the Welsh Government’s support for the onshore development aspects of offshore schemes .

Chapter 1: The structure of the Welsh planning system

RWE welcomes recognition that the three tiers of the development plan (Future Wales, SDPs, LDPs) *“should be aligned and complement each other”* and that SDPs and LDPs are required to be *“in conformity”* with Future Wales. There is however concern around the statement that planning decisions *“at every level of the planning system in Wales must be taken in accordance with the development plan as a whole”* . As Future Wales is heavily tilted towards influencing lower-tier strategic and local level plans, the point on Future Wales being the primary development plan against which DNS applications are assessed is largely overlooked.

Although it is appropriate that Future Wales *“does not seek to take decisions that are most appropriately taken at the regional or local level”* , there should be an explicit reference to the national level being the ‘appropriate’ level for taking decisions on DNS proposals where Future Wales **does** set the strategic direction, as well as the detailed policies, for certain DNS proposals (notably, renewable energy).

Chapter 2 Wales: An Overview: Climate Change

RWE welcomes the increased emphasis on climate change and the challenges facing the nation, particularly delivering a decarbonised and resilient Wales.

Chapter 2 Wales: An Overview: Low Carbon Economy and Renewable Energy

RWE welcomes recognition of the contribution that the low carbon economy makes to Wales’ economic prosperity as well as the continued *“support for both large and*

community scaled projects” and the commitment to “ensuring the planning system provides a strong lead for renewable energy development” .

Chapter 3 Setting and Achieving Our Ambitions: The Future Wales Outcomes

RWE welcomes the retention of “A Wales where people live in places which are decarbonised and climate-resilient” as a Future Wales Outcome and the opportunities that brings for the economy, transport, public health and jobs.

Chapter 3 Setting and Achieving Our Ambitions: The First Review: How will we know if Future Wales has been successful?

RWE agrees that Future Wales needs to have a review process whereby its performance is determined against a range of indicators however the ‘questions’ which will determine performance are vague. What indicators will be used to answer the questions and what targets are the Welsh Government working towards and measuring progress against? Theoretically, it would be possible to answer ‘Yes’ to all seven questions even if, in reality, very little actual progress has been made at the end of the 5 year review period.

On decarbonisation and Wales’ aspiration to be ‘net zero’ by 2050, there should be interim targets against which progress against a plan adopted in 2021 can actually be measured in 2026, 2031, etc. Rather than simply ‘supporting the delivery of renewable energy’, a more meaningful goal would be to assess progress against the Welsh Government’s current targets for renewable energy, i.e. 70% of electricity consumption to be generated from renewable energy by 2030, 1GW of renewable energy capacity to be locally owned by 2030, and for renewable energy projects to have at least an element of local ownership from 2020; or the more challenging future targets required to achieve ‘net zero’ aspirations.

Chapter 4 Strategic and Spatial Choices: Future Wales’ spatial strategy: Policy 4: Supporting Rural Communities & Policy 5: Supporting the Rural Economy (supporting text)

RWE welcomes the recognition that rural areas play a crucial role in helping decarbonise Wales by providing suitable environments for different forms of renewable energy.

Chapter 4 Strategic and Spatial Choices: Future Wales’ spatial strategy: Policy 9: Resilient Ecological Networks and Green Infrastructure

RWE welcomes recognition that safeguarding does not prohibit development. Developments, including renewable energy schemes, already deliver net benefits for

biodiversity on operational schemes, including RWE's existing portfolio of operations sites as well as very significant potential future benefits associated with its pipeline of development projects (especially in the context of the Welsh Government's biodiversity 'net benefits' requirements).

Chapter 4 Strategic and Spatial Choices: Future Wales' spatial strategy: Travelling in Wales: Transition to low emission vehicles

RWE welcomes additional text on the Welsh Government's support for the *"necessary investment in charging infrastructure"* required to embrace the adoption of electric vehicles, as well as the link to *"an increase in generation of renewable energy to support the increased demand for electricity"*. The commitment to work with network operators and supporting innovation in hydrogen is also welcomed.

Chapter 4 Strategic and Spatial Choices: Future Wales' spatial strategy: Policy 15: National Forest

There is insufficient detail to properly comment on policy 15 and it is not clear how the safeguarding of locations for the national forest will work in practice and interact with development proposals. Experience shows that renewable energy developments, including onshore wind, are perfectly compatible with forestry, as is demonstrated by RWE's wind farms at Brechfa Forest West and Clocaenog Forest, as well as those operated by other companies across Wales. Where developments can assist in delivering the Welsh Government's ambitions for a national forest, these projects should be supported with commitments to afforestation secured via conditions and/or legal agreements.

Chapter 4 Strategic and Spatial Choices: Future Wales' spatial strategy: Policies 17 and 18 Renewable and Low Carbon Energy and Associated Infrastructure / Developments of National Significance

For the most part, re-drafted policies 17 & 18 offer greater clarity and confidence in relation to large scale onshore wind projects. RWE welcomes the abandonment of the 'traffic light' approach to large scale renewable energy projects as promoted in the consultation draft of the NDF. The approach of setting out 'in principle' support for renewable and low carbon energy and associated infrastructure in Policy 17 followed by a more detailed criteria-based approach outlined in the new Policy 18 is welcomed.

Whilst a spatial approach for solar has been abandoned, it is disappointing that the spatial approach for onshore wind has been retained, especially considering the weight of evidence presented to the Welsh Government by industry on this matter in response to the consultation draft of the NDF. To reiterate this point, RenewableUK Cymru's analysis concluded that only ~5% of the total area is suitable for onshore wind

and theoretically deliverable once suitable constraints are applied and operational wind farms have been excluded – and the actual potential is far lower than this. Furthermore, in some cases, the areas are only likely to be suitable for <10MW (i.e. non-DNS) projects and won't therefore be assessed against the NDF.

RWE remains of the view that spatial limits are inappropriate constraints on the ability of industry to bring forward projects, especially in the context of the established need for renewable energy projects and the need to accelerate decarbonisation in the context of the climate emergency. Despite changing energy priority areas to 'pre-assessed areas' as well as excluding some areas and modifying boundaries on others, it is still highly likely that most large scale (>10MW) onshore wind projects will come forward outside the 'pre-assessed areas'.

RWE would also like to raise the following detailed points on the wording of Policy 18 in Future Wales:

- Policy 18 (criterion 2) refers to “*minimising*” the visual impact on nearby communities and individual dwellings and introduces “*acceptability*” only in the context of *cumulative* impact. All residential dwellings are undoubtedly sensitive receptors which need to be considered carefully through environmental impact assessment and design evolution, and then rigorously tested by the decision-maker. **RWE is seeking clarification regarding the Welsh Government's interpretation of the concept of a “minimal” impact as opposed to a “no unacceptable adverse” impact. A criterion which stipulates “no unacceptable adverse landscape and visual impacts” would be consistent with established planning practice to allow a balancing exercise between the benefits of a proposal and any adverse impacts on identified receptors.**
- Policy 18 (criterion 2) is the only criterion that addresses 'cumulative' considerations and this only in the context of 'visual' impact, but 'cumulative' is equally a consideration for all other topics (landscape, nature conservation, cultural heritage, transport etc). **For the avoidance of doubt, RWE are of the view that this issue should be addressed in the final wording of Future Wales, preferably via a separate criterion, to ensure cumulative impacts are considered for all relevant topics.**
- Policy 18 (criterion 3) – whilst other criteria in Policy 18 are addressed in terms of “*no unacceptable adverse impacts*”, criterion 3 (nature conservation) sets a higher threshold (i.e. “*no adverse impacts*”). The absence of the word “*unacceptable*” in criterion 3 means that the decision-maker is potentially limited in its ability to exercise judgement in the assessment of impact on nature conservation interests. Noting the point made above under 'Chapter 1: Integrated Sustainability Plan' that a higher bar is set than that which currently

exists in legislation and existing Welsh policy for 'Natura 2000 sites', RWE is seeking clarification on whether the approach in Policy 18 (criterion 3) which includes national (as well as European) nature conservation interests, is intentional. If so, this is a wholly inappropriate approach which fails to recognise that impacts may be 'adverse' but it does not necessarily follow that these would be 'unacceptable' when taken in the round and balanced against other considerations. **RWE requests that “no unacceptable adverse impact”**

be adopted for criterion 3 for it to be consistent with established planning practice to allow a balancing exercise between the benefits of a proposal and any adverse impacts on identified receptors.

- The statement that “ *The Welsh Government will use regional energy planning to identify opportunities for all types of renewable projects* ” (included in large font on page 99) requires clarification as it suggests that areas will be allocated for renewable energy development within Strategic Development Plans and/ or Local Development Plans. This approach is not appropriate for onshore wind proposals for which Future Wales sets out clear and detailed policies (17 and 18), including a spatial approach. Despite a requirement to be “*in conformity*” with Future Wales, ‘passing the buck’ to regional and local authority levels to “*identify the location of new infrastructure and development*” runs the risk that the ambitions in Future Wales for renewable energy, and onshore wind in particular, will be significantly diluted and potentially undermined by lower tier plans. **This sentence should be modified so that regional planning excludes >10MW onshore wind proposals which are already covered by Policies 17 and 18.**

I thank the CCERA Committee for the opportunity to comment on the latest iteration of Future Wales and trust the above points will be taken into consideration. Please do not hesitate to contact me should you require any clarification on the points raised in this response.



Mae Renewable UK Cymru (RUKC) yn rhan o Renewable UK ac mae'n gyfrifol am hwyluso amgylchedd polisi ynni adnewyddadwy lle gall ein haelodau weithredu, gan eu helpu i dyfu eu busnesau a darparu cyfleoedd dylanwadu a rhwydweithio.

Mae aelodau RUKC yn adeiladu ac yn gweithredu ein system ynni yn y dyfodol, wedi'i bweru gan drydan glân. Rydyn ni'n dod â nhw at ei gilydd i gyflawni'r dyfodol hwnnw yn gyflymach, dyfodol sy'n well i ddiwydiant, trethdalwyr a'r amgylchedd. Mae ein haelodau yn arweinwyr busnes, arloeswyr technoleg, a meddylwyr arbenigol o bob rhan o Gymru.

Mae RUKC wedi paratoi'r cyflwyniad tystiolaeth a ganlyn mewn ymateb i ddrafft gwaith 'Future Wales - The National Plan' a osodwyd gerbron y Senedd ar Fedi 21ain.

Cyd-destun

Mae argyfwng iechyd cyhoeddus Covid-19 wedi cael effaith enfawr ar y ffordd y mae pobl yn byw eu bywydau; yn benodol, sut maen nhw'n gweithio, sut maen nhw'n cymdeithasu a sut maen nhw'n symud o fewn eu cymunedau a thu hwnt.

Mae'r effeithiau hyn yn destun dadansoddiad parhaus. Mae RUKC yn croesawu cynnull tasglu Llywodraeth Cymru, dan oruchwyliaeth y Cwnsler Cyffredinol, i ystyried adferiad economaidd gwyrdd Cymru 'o'r pandemig.

Profodd y system Ynni ei hun effeithiau sylweddol yn ystod y broses gloi a amlygodd her rheoli systemau ynni yn y dyfodol mewn amgylchedd 'ynni adnewyddadwy wedi'i ddominyddu'. Fel y nodwyd gan Fatih Birol, Cyfarwyddwr Gweithredol yr Asiantaeth Ynni Rhyngwladol, "Rhwydweithiau trydan yw asgwrn cefn systemau pŵer heddiw ac maent yn dod yn bwysicach fyth wrth drosglwyddo ynni glân."

Trosolwg

Er bod cydnabyddiaeth o Future Wales fel “yr haen uchaf o gynllun datblygu”, ei statws fel y cynllun datblygu sylfaenol y byddai datblygiadau o arwyddocâd cenedlaethol (DNS) (yn enwedig prosiectau ynni adnewyddadwy) yn elwa o gael ei ddatgan yn benodol.

Pwyntiau allweddol i'w nodi mewn perthynas â Pholisïau 17-18 sy'n ymwneud ag ynni adnewyddadwy

Mae sylwadau RUKC yn cyfeirio'n benodol at Bolisïau 17-18 sy'n delio â datblygu prosiectau ynni adnewyddadwy.

Yn fras, mae polisïau 17 a 18 wedi'u hail-ddrafftio yn cynnig mwy o eglurder a hyder i ddatblygwyr mewn perthynas â phrosiectau gwynt ar y tir ar raddfa fawr.

Mae RUKC yn croesawu rhoi'r gorau i'r dull 'goleuadau traffig' a lywiodd y dull cynllunio ar gyfer prosiectau ynni adnewyddadwy ar raddfa fawr yn nrafft cyntaf yr NDF. Barn ein haelodau oedd y gallai'r dull hwn dueddu tuag at ragdybiaeth yn erbyn datblygu (er bod RUKC yn cydnabod nad dyna oedd y bwriad efallai).

Mae dull sy'n seiliedig ar feini prawf fel yr amlinellir ym Mholisi 18 newydd yn cyflwyno dehongliad mwy cydymdeimladol o'r cyfle, ac yn teimlo'n fwy cydnaws â'r uchelgais a nodwyd gan Lywodraeth Cymru:

“Wrth benderfynu ar geisiadau cynllunio ar gyfer datblygu ynni adnewyddadwy a charbon isel, rhaid i'r rhai sy'n gwneud penderfyniadau roi pwys sylweddol ar yr angen i gyflawni ymrwymïadau rhyngwladol Cymru a'n targed i gynhyrchu 70% o'r trydan a ddefnyddir trwy ddulliau adnewyddadwy erbyn 2030 er mwyn brwydro yn erbyn yr argyfwng hinsawdd. .”

Mae RUKC hefyd yn cytuno â gwahanu technolegau gwynt a solar wrth gyflwyno'r ardaloedd a aseswyd ymlaen llaw. Yn fras, mae olion traed prosiectau ar gyfer y technolegau hyn ynghyd â phrosesau cydsynio a heriau ar gyfer cysylltedd grid yn sylweddol wahanol.

Nid oedd RUKC yn cytuno â chadw'r ardaloedd a aseswyd ymlaen llaw ar gyfer prosiectau ynni adnewyddadwy ar raddfa fawr.

Mae ein haelodau yn parhau i fod o'r farn y dylid bod wedi cydnabod a / neu dderbyn egwyddor newid tirwedd unrhyw le y tu allan i ardaloedd â dynodiadau cenedlaethol, yn amodol ar fodloni'r meini prawf y manylir arnynt yn y Polisi 18 newydd.

Ategir y farn hon gan y dadansoddiad a gyflwynodd RUKC yn ei ymateb i'r drafft NDF cychwynnol.

Mae hyn yn dangos:

- **nid yw dros hanner yr ardaloedd a aseswyd ymlaen llaw yn cynnwys unrhyw gyfle i brosiectau lefel DNS unwaith y cymhwysir cyfyngiadau safle-benodol.**
- **Dim ond tua 5% o gyfanswm yr ardaloedd a aseswyd ymlaen llaw ar gyfer gwynt ar y tir yr ystyriwyd eu bod yn ddatblygadwy yn ddamcaniaethol ar ôl cymhwyso cyfyngiadau safonol (Mae'n debygol bod y ffigur hwn hyd yn oed yn optimistaidd oherwydd ei fod yn cynnwys ardaloedd na fyddai'n ddigon mawr i gefnogi prosiectau DNS - hy 10MWs ac uwch)**

Barn RUKC yw y dylai'r Cynllun Cenedlaethol hefyd gynnwys polisiâu sy'n ymwneud â phob math o DNS, nid prosiectau cynhyrchu ynni adnewyddadwy yn unig.

Er y byddai hyn wedi bod yn ychwanegiad defnyddiol, mae RUKC yn croesawu'r eglurhad "y bydd iteriadau Dyfodol Cymru yn y dyfodol yn cynnwys polisiâu ychwanegol ar gyfer mathau eraill o Ddatblygu Arwyddocâd Cenedlaethol lle bo angen."

Pwyntiau pellach i bwylgor CCERA eu hystyried mewn perthynas â Pholisïau 16-18

- Polisi 18 - Mae pob un o'r meini prawf a nodwyd yn mynd i'r afael â'r rhain yn nhermau "dim effeithiau andwyol **annerbyniol**" tra bod maen prawf 3 (cadwraeth natur) yn gosod trothwy uwch (h.y. "dim effeithiau andwyol").

- Mae absenoldeb y gair "annerbyniol" ym maen prawf 3 yn golygu bod y sawl sy'n gwneud penderfyniadau o bosibl yn gyfyngedig yn ei allu i arfer barn wrth asesu effaith ar fuddiannau cadwraeth natur.

- **A yw'r bwriad i gadwraeth natur gael trothwy gwahanol i'r holl feini prawf eraill?** *Byddem yn gofyn i "ddim effaith andwyol annerbyniol" gael ei fabwysiadu ar gyfer maen prawf 3 iddo fod yn gyson â meini prawf eraill.*

Mae polisi 18 prawf 2 yn cyfeirio at "leihau" yr effaith weledol ar gymunedau cyfagos ac anheddau unigol ac yn cyflwyno "derbynioldeb" yn unig yng nghyd-destun effaith gronns. Er na chyfeirir ato mewn polisi, mae'r cyfeiriad yn ymddangos yn y testun ategol (tudalen 97) - ynghylch "leihau" effaith tirwedd a gweledol (L&V), "yn enwedig" y rhai ger "derbynyddion twristiaeth".

- **Felly, rydym yn ceisio eglurhad ynghylch dehongliad Llywodraeth Cymru o'r cysyniad o effaith 'fach iawn' yn hytrach na 'dim effaith annerbyniol'.**

- Byddem hefyd yn dadlau nad yw'n dilyn ar unwaith bod derbynnydd yn cael ei effeithio. Mae angen gwahaniaethu rhwng derbynnyddion fel y cyfryw (e.e. "twristiaeth") a derbynnyddion a allai fod yn sensitif i effaith. Byddai maen prawf sy'n nodi "dim effaith andwyol annerbyniol" yn cynrychioli dull mwy cyson.

- Byddai RUKC hefyd yn nodi mai dim ond yng nghyd-destun L&V y sonnir am effaith gronns ond ei fod yr un mor ystyriaeth ar gyfer pob pwnc arall (cadwraeth natur, treftadaeth ddiwylliannol, trafndiaeth ac ati). **Beth yw sylfaen y gwahaniaeth hwnnw?**

- Mae angen egluro'r datganiad "Bydd Llywodraeth Cymru yn defnyddio cynllunio ynni rhanbarthol i nodi cyfleoedd ar gyfer pob math o brosiectau adnewyddadwy" gan ei fod yn awgrymu y bydd ardaloedd yn cael eu dyrannu ar gyfer datblygu ynni adnewyddadwy o fewn Cynlluniau Datblygu Strategol. Mae hwn yn ddull a allai arwain at nodi cyfleoedd cyfyngedig iawn ar gyfer datblygu ynni adnewyddadwy a fyddai'n peryglu cyflawni amcanion rhwymedigaethau sero net Dyfodol Cymru a Chymru yn ddifrifol.

Pwyntiau pellach i bwylgor CCERA eu hystyried mewn perthynas â 'Future Wales - The National Plan' yng nghyd-destun cyfyngiadau ar rwydweithiau trosglwyddo a dosbarthu

Mae RUKC yn ymwybodol bod 'Dyfodol Cymru - Y Cynllun Cenedlaethol' yn gosod y sylfaen lefel uchel y mae Cymru'n ystyried materion cynllunio ar gyfer seilwaith gan ddefnyddio dull gofodol. Mae'n deall yn iawn nad yw hon yn ddogfen polisi ynni, gan fod y cymhwysedd hwn yn rhan o'r portffolio perthnasol.

Fodd bynnag, mae aelodau RUKC yn parhau i fod yn hynod bryderus ynghylch cyfyngiadau ar y grid ar gyfer cysylltu prosiectau ynni adnewyddadwy ar raddfa fawr newydd ac ar y môr a sut mae'r rhain yn cael eu hystyried.

Mae Cymru yn parhau i fod yn ymrwymedig trwy ddeddfwriaeth i gyflawni ei rhwymedigaeth netzero. Mae hyn yn debygol o ofyn am gryfhau ac addasu'r rwydweithiau ynni presennol. Fel y nododd Gweinidog yr Amgylchedd, Ynni a Materion Gwledig yn ystod cwestiynau diweddar yn y Cyfarfod Llawn:

"Mae rwydweithiau yng Nghymru yn hynod o wydn. Er 2010, mae 2.4 GW o gapasiti adnewyddadwy newydd wedi'i gysylltu â'r grid presennol. Fodd bynnag, bydd angen seilwaith newydd arnom i gyflawni ein targedau datgarboneiddio uchelgeisiol. Mae Llywodraeth y DU yn pennu'r gallu i adeiladu seilwaith grid newydd trwy reolaethau prisiau, sy'n cael ei adolygu ar hyn o bryd gan Ofgem. "

Fel y nodwyd hefyd gan y Gweinidog Tai a Llywodraeth Leol yn ystod craffu pwyllgor CCERA ar Hydref 15fed:

"Fe fyddwch chi'n gwybod pa mor wael yw'r Grid yng Nghanol Cymru. Nid yw'n wych y Gogledd a'r De chwaith "

Mae hyn yn peri pryder i RUKC am sawl rheswm:

1 - Nid yw rwydweithiau yng Nghymru yn wydn. Ni all prosiectau gysylltu nawr, maent yn destun cost waharddol am gydsynio â gwregysau, neu'n destun cynigion cysylltu a fydd flynyddoedd lawer yn y dyfodol.

2 - Yn ei iteriad cyfredol, mae'r Cynllun Cenedlaethol yn cynnwys sawl cyfeiriad at gydlynw gweithredu i fynd i'r afael â materion capasiti'r grid. Nid yw (fel y mae RUKC yn deall), yn ystyried rhagdybiaeth gysylltiedig o blaid datblygu seilwaith cysylltiedig (hyd at 132KV).

3 - Nid oes gan RUK hyder y bydd iteriad cyfredol Ofgem o'i gynllun RIIO2 yn sicrhau'r lefelau buddsoddiad seilwaith gwyrdd sy'n ofynnol i gyflawni netzero.

4 - Mae Llywodraeth Cymru yn ceisio cynhesu a phweru pob cartref newydd o ffynonellau ynni glân erbyn 2025. Bydd hyn yn golygu bod angen "diddymu'r defnydd o danwydd ffosil carbon uchel yn raddol a symud i ffyrdd glanach i gynhesu ein cartrefi trwy gyflwyno gwres carbon isel) a chynhyrchu ynni, megis ffynonellau ynni adnewyddadwy (paneli ffotofoltäig), pypiau gwres neu rwydweithiau gwres ardal. " **Mae hyn yn rhoi pwys ychwanegol ar ddatblygu gwytnwch a chynhwysedd grid.**

5 - Mae Llywodraeth Cymru hefyd wedi cydnabod effaith debygol trydaneiddio trafndiaeth ar y Grid: "Bydd y defnydd arfaethedig o gerbydau trydan ar raddfa fawr yn rhoi pwysau ar y grid trydan yng Nghymru; byddwn yn gweithio gyda'r sector ynni i gynllunio ar gyfer hyn. Byddwn hefyd yn cefnogi

camau arloesol i brofi a hyrwyddo codi tâl craff, ynni adnewyddadwy, storio ynni a rhwydwaith ynni lleol sy'n gysylltiedig i gerbydau trydan. ” **Mae'n hanfodol felly bod Llywodraeth Cymru yn nodi ei chynlluniau ar gyfer y materion hyn ac yn disgrifio sut y bydd angen addasu rhwydweithiau pŵer i gefnogi'r trawsnewid hwn.**

Ategir y pryderon hyn gan adroddiadau diweddar eraill a gyhoeddwyd yn y cyfamser rhwng drafftiau cyntaf ac ail ddrafft yr NDF:

Mae rhagolygon Senarios Ynni Dyfodol 2020 y Grid Cenedlaethol ESO yn nodi bod 2050, o ran buddsoddiad ynni, “rownd y gornel.” Mae hefyd yn rhagweld y bydd y galw am drydan yn cael ei ddyblu erbyn 2050.

Cyhoeddodd Scottish Power Energy Networks hefyd ei adroddiad ar sail senario ar gyfer ei ragolygon yn 2050 ym mis Ebrill 2020. Mae'n nodi, yn absennol o fudd posibl codi tâl craff a cherbyd i grid (V2G), y gallai codi tâl EV yn unig gyfrif am 727MW ychwanegol i'w anterth. galw cyfrolau Fel y nodwyd hefyd gan bwyllgor Economi, Sgiliau a Seilwaith Senedd Cymru ym mis Gorffennaf 2020:

“Dylai Llywodraeth Cymru amlinellu i'r Pwyllgor pa ystyriaeth y mae'n ei rhoi i faterion capasiti ynni a grid ar gyfer rhedeg fflydoedd cerbydau cwbl drydan yng Nghymru a sut y mae'n ymgorffori hynny yn system gynllunio Cymru, a rhoi sicrwydd ynghylch ei chynlluniau cynaliadwyedd ar gyfer rheoli. caffael ac ailgylchu cylchol batris trydan. ”

Cyhoeddodd CSC y DU ei adroddiad blynyddol i'r Senedd ym mis Mehefin 2020. Ymhlith ei chwe argymhelliad allweddol oedd “Rhaid cryfhau rhwydweithiau ynni ar gyfer y trawsnewid ynni net-sero i gefnogi trydaneiddio trafndiaeth a gwres. Mae gan y Llywodraeth yr offer rheoleiddio i ddod â buddsoddiad yn y sector preifat yn ei flaen. ”

Cwestiynau mewn perthynas â chynhwysedd grid yng nghyd-destun 'Dyfodol Cymru - Y Cynllun Cenedlaethol'

- **Beth yw ystyr 'trosglwyddo tuag at rwydwaith grid aml-fector' a sut mae Llywodraeth Cymru yn rhagweld y bydd hyn yn digwydd?**

- **Beth yw ystyr cyfeirio at 'leihau'r rhwystrau i weithredu seilwaith grid newydd'?**

- Mae'r Cynllun Cenedlaethol drafft yn nodi 'Bydd Llywodraeth Cymru yn defnyddio ei ysgogiadau polisi i gynorthwyo i gyflawni prosiectau ynni adnewyddadwy yn yr ardaloedd hyn trwy gydlynu gweithredu strategol i adeiladu'r achos dros seilwaith grid newydd neu wedi'i atgyfnerthu lle bo angen'.

- **A yw hyn yn ymwneud â Chymru yn gyffredinol, neu dim ond â'r Ardaloedd Cyn-Asesedig lle nad oes fawr o gyfle?**

- **Hefyd, a yw Llywodraeth Cymru yn ystyried bod angen iddi 'arwain' gweithredu strategol yn hytrach na dim ond ei 'gydlynu'?**

- Mae RUKC yn nodi cefnogaeth ar gyfer 'Cynllunio ynni rhanbarthol' “i nodi cyfleoedd ar gyfer pob math o brosiectau adnewyddadwy.” **A all Llywodraeth Cymru egluro sut mae'n bwriadu sgwario'r gofyniad am fuddsoddiadau strategol cenedlaethol gydag amgylchedd cynllunio sy'n blaenoriaethu cefnogaeth ar gyfer cynllunio ynni rhanbarthol?**

Lesley Griffiths AS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

6 Hydref 2020

Annywl Lesley,

Diolch am ddod i gyfarfod y Pwyllgor ar 17 Medi. Mae'r Pwyllgor wedi cytuno y dylwn ysgrifennu atoch i drafod sawl mater ymhellach. Mae'r llythyr hwn hefyd yn rhoi sylw i nifer o faterion a godwyd gyda'r Pwyllgor gan randdeiliaid mewn ymateb i alwad am dystiolaeth ysgrifenedig mewn perthynas â COVID-19. **Byddwn yn ddiolchgar pe byddech yn ymateb erbyn 6 Tachwedd**, fel y gall eich ymateb lywio'r sesiwn graffu nesaf yr ydych wedi cytuno i'w mynychu.

Lles Anifeiliaid

Gwerthu cŵn bach gan drydydd parti

1. Yn eich Datganiad Ysgrifenedig ar 5 Hydref, gwnaethoch gyhoeddi "y bydd gwaharddiad ar werthiant masnachol gan drydydd parti yn cael ei gyflwyno erbyn diwedd y Senedd hon." A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor ynghylch pryd y byddwch yn cyflwyno'r is-ddeddfwriaeth? A wnewch chi gytuno i ddarparu'r is-ddeddfwriaeth ar ffurf ddrafft i'r Pwyllgor ymlaen llaw er mwyn galluogi'r Pwyllgor i ystyried a rhoi adborth arnynt?

Cartrefi Cŵn a Chathod

2. Mae'r Pwyllgor wedi cael gwybodaeth gan y Gymdeithas Cartrefi Cŵn a Chathod (ADCH) mewn perthynas â'r sector achub anifeiliaid yng Nghymru. Mewn ymateb i arolwg a gynhaliwyd ynghylch effaith COVID-19, dim ond dau ymatebydd o Gymru oedd yn sicr y byddent yn parhau i fod yn solfent ar ôl diwedd eleni. Rhagwelodd y rhai o Gymru a ymatebodd i'r un arolwg ostyngiad mewn incwm ar gyfartaledd o 80 y cant o ganlyniad i COVID-19. O gofio y bydd yr effaith ar y sector yn debygol o barhau am beth amser, pa gymorth fydd ar gael i sicrhau y gall sefydliadau yng Nghymru barhau i weithredu?

Practisau milfeddygol

3. Dywedwyd wrth y Pwyllgor fod COVID-19 wedi effeithio'n ddifrifol ar bractisiau milfeddygol ac nad ydynt wedi gallu cael mynediad at rywfaifant o'r cymorth ariannol a ddarperir i fusnesau oherwydd



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natur unigryw eu gwaith. A allwch roi manylion i'r Pwyllgor ynghylch unrhyw drafodaethau yr ydych wedi'u cael gyda Chymdeithas Milfeddygon Prydain am effaith COVID-19 ar y sector? A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor am y grantiau a'r cymorth ariannol sydd ar gael i'r sector?

Pysgodfeydd

4. Rydych wedi dweud wrth y Pwyllgor y bydd Llywodraeth Cymru yn darparu cymorth ariannol i fusnesau dyframaethu cymwys drwy'r cynllun Cymorth i Fusnesau Dyframaethu, a ddaeth i ben ar 21 Medi. A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor ynghylch y niferoedd sy'n manteisio ar y cynllun?
5. Tynnodd WFA-CPC (Welsh Fishermen's Association - Cymdeithas Pysgotwyr Cymru) sylw'r Pwyllgor at y "swm canlyniadol o dan fformiwla Barnett" y bydd Llywodraeth Cymru yn ei gael drwy ddyraniadau i gronfa ymateb pysgodfeydd Llywodraeth y DU. A allwch gadarnhau faint o gyllid y mae Llywodraeth Cymru wedi'i gael a faint o'r cyllid hwn a ddefnyddiwyd i gefnogi pysgodfeydd yng Nghymru?
6. A oes gennych gynlluniau i ymestyn Grant Pysgodfeydd Cymru? Pa gymorth ariannol pellach fydd ar gael i bysgotwyr Cymru i ymdrin ag effeithiau'r pandemig?
7. Soniodd WFA-CPC wrth y Pwyllgor am yr effaith ddifrifol ar y sector o ganlyniad i gau marchnadoedd allforio, megis Asia. Yn ôl y tebygolrwydd na fydd y sefyllfa hon yn cael ei datrys yn fuan, pa gamau yr ydych yn bwriadu eu cymryd neu a gymerwyd gennych eisoes i gynyddu faint o fwyd y môr sy'n cael ei fwyta'n ddomestig?
8. Mae Llywodraeth y DU wedi trefnu bod cyllid ar gael i fusnesau sy'n canolbwyntio ar brosesu a gwerthiannau uniongyrchol. A yw hyn yn rhywbeth yr ydych wedi'i ystyried ar gyfer Cymru?
9. Mae COVID-19 a chau marchnadoedd allforio wedi cael effaith ddifrifol ar y sector ac mae'n wynebu cryn ansicrwydd gyda Brexit "dim cytundeb" posibl ond fisoedd i ffwrdd. A allwch roi manylion i'r Pwyllgor am eich cynlluniau i gefnogi pysgodfeydd a busnesau dyframaethu pe bai Brexit "dim cytundeb"?

Bwyd a diod

10. A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor am drafodaethau yr ydych wedi'u cael neu yr ydych yn bwriadu eu cael gyda chymheiriaid yn Llywodraeth y DU ynghylch y cynigion i wneud newidiadau i'r cynllun Rhyddhad i Fragwyr Bach?
11. Dywedodd Athrofa Ymchwil Lleoedd Cynaliadwy Prifysgol Caerdydd, yn ystod pandemig COVID-19, "Businesses have experienced rapid increases in consumer demand for Welsh grown produce". Dywedodd y Rhwydwaith Bwyd Agored (OFN) wrthym ers argyfwng COVID-19 y bu cynnydd o 850 y cant mewn trosiant drwy siopau'r OFN ar draws Cymru. Pa gamau yr ydych yn eu cymryd i sicrhau y gellir trosi cynnydd o'r fath i newidiadau hirdymor mewn ymddygiadau o ran defnydd?

Ansawdd aer

12. Gwnaethoch ddweud wrth y Pwyllgor "the first two months of lockdown really showed significant decreases in some pollutant levels, but other pollutant levels apparently increased at the same time." A allwch roi rhagor o wybodaeth i'r Pwyllgor am y mater hwn, yn enwedig yr ardaloedd hynny lle cynyddodd llygryddion? Ydych chi'n credu y gellir dysgu unrhyw wersi o'r amrywiant hwn?
13. A allwch roi'r wybodaeth ddiweddaraf am y canlynol:
 - unrhyw drafodaethau yr ydych wedi'u cael â Llywodraeth y DU mewn perthynas â chyfyngu ar werthu a defnyddio tân gwyllt, a



- chanlyniad y gwaith a wnaed gan swyddogion o fewn adrannau i ganfod ble orau y gall Llywodraeth Cymru ganolbwyntio ei hymdrechion i leihau effaith negyddol tân gwyllt ar bobl ac anifeiliaid?

Adferiad gwyrdd/glas a newid hinsawdd

14. A wnewch chi ymrwmo i sicrhau y bydd materion morol yn rhan ganolog o unrhyw waith adferiad "gwyrdd"? A allwch roi enghreifftiau o sut y bydd hyn yn cael ei gyflawni?
15. Rydych wedi dweud wrth y Pwyllgor eich bod yn aros am adroddiad sy'n deillio o'r gwaith y mae Syr David Henshaw wedi bod yn ei arwain ar yr adferiad gwyrdd/glas. A wnewch chi roi'r wybodaeth ddiweddaraf i'r Pwyllgor am ganlyniadau'r gwaith hwnnw cyn gynted ag y gallwch?

Amaethyddiaeth a diogelwch bwyd

16. Gwnaethoch ddweud wrth y Pwyllgor fod grŵp rhanddeiliaid cadwyn gyflenwi bwyd-amaeth yr UE wedi cyfarfod yn ddiweddar am y tro cyntaf. A allwch roi rhagor o fanylion am ddiben ac aelodaeth y grŵp?
17. Dywedodd Athrofa Ymchwil Lleoedd Cynaliadwy Prifysgol Caerdydd wrth y Pwyllgor fod Cymru ar hyn o bryd yn dibynnu ar fewnforion ar gyfer 95 y cant o'i ffrwythau a'i llysiau ffres. Pa waith paratoi a wnaed i sicrhau, pe bai Brexit "dim cytundeb", y gall cynhyrchwyr bwyd domestig gamu i mewn i lenwi unrhyw fylchau yn y gadwyn cyflenwi bwyd? A wnewch chi ymrwmo i gyflwyno cynllun i gynyddu'r defnydd o fwyd a gynhyrchir yn ddomestig os yw'n dod yn anoddach i fewnforio bwyd?
18. Sut mae COVID-19 wedi effeithio ar eich dull o ran polisi bwyd yng Nghymru? Rhowch enghreifftiau, os gwelwch yn dda.
19. A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor am bolisiau Llywodraeth Cymru mewn perthynas â rhandiroedd?
20. Gwnaethoch ddweud wrth y Pwyllgor "COVID-19 has shown me how many more discussions I should be having with supermarkets". A allwch roi'r wybodaeth ddiweddaraf am y cyfarfodydd gyda chynrychiolwyr archfarchnadoedd yr ydych wedi'u trefnu hyd at Nadolig 2020?

Sbwriel a gwastraff plastig

21. Dywedodd y Gymdeithas Cadwraeth Forol wrthym ei bod yn rhagweld y byddai lefelau llygredd ar draethau Cymru yn codi dros fisoedd yr haf "given that there are now limited opportunities for organisations such as ourselves to be able to undertake beach cleans using dedicated volunteers, coupled with a likely overall increase in domestic coastal holidays". Pa asesiad yr ydych wedi'i wneud o unrhyw gynnydd mewn llygredd morol o ganlyniad i hyn?

Materion eraill

22. Mae nifer o randdeiliaid y Pwyllgor wedi elwa ar Gronfa Ymateb Covid-19 y Trydydd Sector Llywodraeth Cymru. Pa drafodaethau yr ydych wedi'u cael gyda'r sector ynghylch unrhyw gymorth ariannol pellach y bydd ei angen ar ôl i'r trefniadau ffyrlo ddod i ben?
23. Dywedodd Cyswllt Amgylchedd Cymru (WEL) wrth y Pwyllgor "Many elements of the Welsh Government's Environmental Growth agenda will depend on the work of charities, and many conservation and community projects are partnerships between Government agencies and civil society." Aeth ymlaen i ddweud "On-going financial losses will hamper the ability of



charities to deliver essential conservation and infrastructure improvement work.” Pa ystyriaeth yr ydych wedi'i rhoi i effaith hyn ar gyflawni polisiâu amgylcheddol a newid hinsawdd Llywodraeth Cymru?

Fframweithiau Cyffredin

24. A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor am ddatblygu Fframweithiau Cyffredin sy'n dod o fewn cylch gwaith y Pwyllgor, gan gynnwys eich dealltwriaeth ddiweddaraf o ran pryd y bydd fframweithiau dros dro ar gael i'r Senedd graffu arnynt?
25. Ydych chi'n fodlon â'r broses ar gyfer datblygu a chwblhau'r Fframweithiau Cyffredin? A oes gennych unrhyw bryderon penodol ynghylch unrhyw un o'r fframweithiau sy'n dod o fewn eich cylch gwaith?

Llywodraethu ac egwyddorion amgylcheddol

26. A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor am drafodaethau gyda Llywodraeth y DU i sicrhau diwygiad i Fil Amgylchedd y DU i wneud darpariaeth ar gyfer cydweithio rhwng Swyddfa Diogelu'r Amgylchedd ac unrhyw gorff llywodraethu amgylcheddol cyfatebol?
27. A allwch gadarnhau y bydd mesurau llywodraethu amgylcheddol dros dro ar waith erbyn diwedd y Cyfnod Gweithredu?
28. Pa drefniadau fydd yn cael eu rhoi ar waith i godi ymwybyddiaeth y cyhoedd o'r weithdrefn gwyno dros dro?
29. Rydych wedi dweud wrth y Pwyllgor o'r blaen eich bod yn bwriadu rhoi trefniadau ar waith i bob cwyn gael ei hasesu'n annibynnol. Pwy ddylai fod yn gyfrifol am gyflawni'r asesiadau hyn?
30. A allwch egluro a ydych, a phryd, yn bwriadu cyhoeddi cynigion ar gyfer trefniadau llywodraethu amgylcheddol tymor hwy?

Yn gywir,



Mike Hedges AS

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.





Eitem 5.2

Julie James AS/MS
Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/JJ/2231/20

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15 Hydref 2020

Annwyl Mike

Mae'n bleser gennyf rannu drafft o'r Fframwaith Cyffredin ar gyfer Sylweddau Peryglus (Cynllunio) â chi.

Mae fy swyddogion, ynghyd â'u cymheiriaid yn Llywodraeth y DU, Llywodraeth yr Alban a Gweithrediaeth Gogledd Iwerddon wedi bod yn gweithio ar y cyd i ddatblygu'r fframwaith hwn. Rwy'n rhannu'r fframwaith hwn fel y gall eich pwyllgor ei adolygu.

Prif ffocws y fframwaith penodol hwn yw cynnal egwyddorion ac amcanion deddfwriaeth yr UE a ddargedwir ar draws y gyfundrefn ganiatâd ar gyfer sylweddau peryglus. Mae'r fframwaith arfaethedig yn amlinellu ffyrdd o gydweithredu wrth ddatblygu polisiau, wrth barchu gallu gweinyddiaethau i ddilyn agendâu polisi gwahanol. Mae'r trefniadau'n adlewyrchu'r ffordd mae swyddogion wedi bod yn cydweithredu dros y ddau ddegawd diwethaf, gan drosi'r amryw Gyfarwyddebau Seveso. Mae'r nodau cyffredin a amlinellir yn y cyfarwyddebau wedi cael eu gweithredu gan ddefnyddio'r gwahanol fecanweithiau cynllunio a rheoli sylweddau peryglus ym mhob gweinyddiaeth, gyda swyddogion yn cydweithredu, yn rhannu gwybodaeth ac yn darparu cymorth cyffredinol.

Bydd y fframwaith amlinellol yn cael ei osod gerbron Senedd y DU, Senedd yr Alban a Chynulliad Gogledd Iwerddon yn ystod yr wythnosau nesaf.

Yn gywir,

Julie James AS/MS
Y Gweinidog Tai a Llywodraeth Leol
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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 66
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.

COMMON FRAMEWORKS: OUTLINE FRAMEWORK

This outline framework for Hazardous Substances should be read as an example of how common frameworks are being developed. The outline framework template has been designed to allow for a variety of approaches to suit the needs of particular policy areas. This example is therefore without prejudice to how other frameworks may be developed in the future.

Purpose

This document provides a suggested outline for an initial UK-wide, or GB, framework agreement in a particular policy area. It is intended to facilitate multilateral policy development and set out proposed high level commitments for the four UK Administrations; it should be viewed as a tool that helps policy development, rather than a rigid template to be followed. The document may be developed iteratively and amended and added to by policy teams as discussions progress. It should be read alongside the accompanying guidance (UK Government and Devolved Administrations Guidance Note for Phase 2 Engagement).

Population of the agreement skeleton should be based on the existing work undertaken and should remain consistent with the underlying Framework Principles agreed by the UK, Scottish and Welsh Governments. The content should inform the drafting of any legislative and non-legislative mechanisms required to implement UK-wide frameworks.

Until it is formally agreed this document should not be considered as Government policy for any of the participating administrations and should be treated as confidential. The process for developing and finalising this document will be mutually agreed by all administrations.

The document is made up of four sections:

Outline

- 1. Section 1:** What We Are Talking About. This section will set out the area of European Union (EU) law under consideration, current arrangements, and any elements from the policy that will not be considered. It will also include any relevant legal or technical definitions.
- 2. Section 2:** Proposed Breakdown of Policy Area and Framework. This section will break the policy area down into its component parts, explaining where common rules will and will not be required and the rationale for this approach. It will also set out any areas of disagreement.

Operational Detail

3. **Section 3:** Proposed Operational Elements of Framework. This section will explain how the framework will operate in practice by setting out: how decisions will be made; the planned roles and responsibilities for each administration, or a third party; how implementation of the framework will be monitored and, if appropriate enforced; arrangements for reviewing and amending the framework; and proposed arrangements for resolution of a dispute.
4. **Section 4:** Practical Next Steps and Related Issues. This section will set out the next steps that would be required to implement the framework (subject to Ministerial agreement) and key timings.

Draft Framework Agreement

OUTLINE

SECTION 1: WHAT WE ARE TALKING ABOUT

1. Policy area

Hazardous Substances Planning. Encompasses the elements of the Seveso III Directive (2012/18/EU) which relate to land-use planning, including: planning controls on the presence of hazardous substances and handling development proposals both for hazardous establishments and in the vicinity of such establishments.

The Seveso III Directive ('the Directive') has the objective of preventing on-shore major accidents involving hazardous substances, as well as limiting the consequences to people and/or the environment of any accidents that do take place. 'Hazardous substances' in the legislation include individual substances (such as ammonium nitrate), or whole categories of substances (such as flammable gases). The Ministry of Housing, Communities and Local Government (MHCLG) and devolved administrations (DAs) are responsible for the land-use planning (LUP) requirements of the Directive. In accordance with the retained Seveso III Directive, the UK is obliged to ensure that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in land-use policies. This requires controls on the siting of new establishments and modifications to establishments which fall within scope of the Directive, and on new developments and public areas in the vicinity of such establishments. It also requires these considerations to form the development of relevant policy and has requirements on public involvement in decision making, including relevant plans and programmes.

OFFICIAL SENSITIVE

When implementing the original EU Directive in this regard, a distinction was made between those elements relating to on-site controls for establishments to minimise the risk of a major accident (those now covered by the Control of Major Accident Hazards (COMAH) Regulations 2015 (GB) and their Northern Ireland equivalent) and the residual off-site risk. The latter is primarily the risk of a major accident arising due to the proximity of hazardous substances to other development or sensitive environments (i.e. if there were an accident due to on-site failures, what the risks would be where certain developments or habitats are or would be close by). This latter issue was considered to be a spatial planning matter to be addressed through planning controls. Subsequently, LUP matters generally in the UK were devolved to the new administrations. To summarise; the significant majority of the Directive relates to COMAH which focuses on ensuring businesses take all necessary measures to prevent and mitigate accidents within their establishments. What is referred to here as the hazardous substances regime focuses solely on *where* these establishments are sited, and what is sited around them (a much smaller aspect of the Directive).

Very broadly the hazardous substances regime;

- a) sets limits on the amount of dangerous substances that can be stored/used in an establishment before that establishment must apply for consent to do so from their local planning authority (usually the local authority);
- b) requires the preparation of planning policies to take into account the aims and objectives of the Directive; and
- c) requires local planning authorities to comply with various consultation requirements and consider any major accident hazard issues before they can grant planning permission in relation to establishments, to certain types of development near such establishments, and hazardous substances consent.

To note the hazardous substances regime does NOT ban any substance, or any development around establishments containing hazardous substances. All decisions rest with local planning authorities, or in some cases, called-in applications or appeals, the Minister(s) in England, Wales, Northern Ireland or Scotland.

It should also be noted that LUP controls on hazardous substances existed in Great Britain for around a decade before becoming an EU requirement. This is an issue on which the UK has led the way.

2. Scope

- The scope of this Common Framework is any legislation which applies the LUP elements of the retained Seveso III Directive in the United Kingdom. At the time of writing the following regulations constitute the main body of legislation that applies these elements of the Directive, future regulations applying regulations in this area are also expected to be in scope once established:

In England

OFFICIAL SENSITIVE

- The Planning (Hazardous Substances) Act 1990
- The Planning (Hazardous Substances) Regulations 2015
- The Town and Country Planning (Development Management Procedure) (England) Order 2015

In Scotland

- Planning (Hazardous Substances) (Scotland) Act 1997
- The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015
- The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

In Wales

- The Planning (Hazardous Substances) Act 1990
- The Planning (Hazardous Substances) (Wales) Regulations 2015
- The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

In Northern Ireland

- The Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015
- The Directive's minimum requirements are common across England, Scotland, Wales and Northern Ireland. Whilst the different administrations are currently free to use their devolved planning powers to increase controls beyond the minimum requirements of the Directive, this has not happened in any substantive way.

Now the UK has left the EU this set of common minimum requirements may cease to be in effect and the different administrations will have wider scope to use their planning powers to make changes. This is subject to the terms of the Future Relationship with the EU and any other relevant future agreements, including the upcoming inter-governmental relations (IGR) review.

There is an existing MOU between DAs and the various bodies that make up the COMAH Competent Authority (see box 10), which applies to the COMAH aspects of the Seveso III Directive. In place of a full framework this MOU is being updated to reflect the situation post-Exit. Despite the policy links between COMAH and hazardous substances, it is not felt that there is any significant overlap between this framework and the updated COMAH MOU, which explicitly states that land use planning requirements are separately implemented. This is also the case with the hazardous substances regime and the rest of the planning system. The hazardous substances consent process sits outside of the development consent process, and the current requirement for planning authorities to consult HSE if their development is in a consultation zone does not overlap with other requirements (i.e. if this were altered in any way there would be no significant knock-on effects further along the planning system).

- The primary focus of this agreement is to maintain the principles and objectives of retained EU legislation across the hazardous substances regime, that is, primarily, to prevent on-shore major accidents involving hazardous substances and limit the consequences to people and/or the environment of any accidents that do take place. It also seeks to, wherever possible, facilitate the sharing of information on a multilateral basis.

OFFICIAL SENSITIVE

- Post Exit, the UK will still be party to the following relevant international agreements;
 - The Convention on the Transboundary Effects of Industrial Accidents is a UNECE convention designed to protect people and the environment from the consequences of industrial accidents. Parties are required to, amongst other things, take appropriate measures and cooperate within the framework of this Convention, to protect human beings and the environment against industrial accidents...shall ensure that the operator is obliged to take all measures necessary for the safe performance of the hazardous activity and for the prevention of industrial accidents...take measures, as appropriate, to identify hazardous activities within its jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity. The Convention also sets out detailed requirements when it comes to siting of/around hazardous establishments as well as setting out the types and quantities of substances that should be considered hazardous.
 - The UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Aarhus Convention') establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the provisions necessary so that public authorities (at national, regional or local level) will contribute to these rights to become effective.

3. Definitions

All technical definitions used in this agreement will reflect those set out in legislation implementing the retained Seveso III Directive.

In this framework the following definitions are also used:

- *JMC(EN)*. The JMC (EN) Joint Ministerial Committee (Europe Negotiations) is a subcommittee of the JMC that was established in 2016 to facilitate discussion between Westminster and the devolved governments over the UK's EU Exit strategy. The JMC comprises Ministers from the UK and devolved governments, providing central co-ordination of the overall relationship between the UK and the devolved nations.
- *HSE & HSE NI*. The Health and Safety Executive and Health and Safety Executive Northern Ireland are government agencies responsible for the encouragement, regulation and enforcement of health and safety.
- *MoU – Memorandum of Understanding*. This is a multilateral agreement which indicates a common line of action. It is often used where a legal commitment would not be required or appropriate.

SECTION 2: PROPOSED BREAKDOWN OF POLICY AREA AND FRAMEWORK

4. Summary of proposed approach

OFFICIAL SENSITIVE

It is important to first note the context in which the proposed approach has been developed. Divergence is already entirely possible across the devolved administrations, however there are currently a number of restrictions on what the United Kingdom Government (UKG) and DAs can amend based on what has been set at EU level. The key restrictions are that the UKG and DAs;

- i) are unable to change the definition of what an establishment is (in short, a location where dangerous substances are present in significant quantities);
- ii) must not lower standards on what constitutes a dangerous substance (i.e. by removing categories of substances or individual substances from the list, or raising the threshold at which the quantity becomes significant and the establishment falls into scope of the regime);
- iii) must ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are taken into account in their land-use policies, through controls on the siting of new establishments and new developments close to establishments;
- iv) must set up appropriate consultation procedures to ensure that operators provide sufficient information on the risks arising from the establishment and that technical advice on those risks is available when decisions are taken; and
- v) facilitate public involvement at various stages of decision-making on relevant applications for consent or plans and programmes.

In simplified terms, what may become possible post-Exit that is not possible now is that the UKG and devolved administrations will have the powers within a domestic context to relax requirements on the level of substances that can be held before triggering the regime and relax the process around what is required once the regime is triggered.

It is considered that whilst a framework is appropriate for the hazardous substances regime, it should be non-legislative. This will be in the form of a Concordat, setting out the principles of engagement between the UK government, DAs and HSE where changes to legislation are concerned (see box 6 for more details). This view is guided by the overarching principle established by JMC(EN); that any framework should secure the proper functioning of the regime whilst at the same time respecting the devolution rights of the devolved administrations. It is also guided with reference to the priorities that JMC(EN) list as key, that any framework should be established where they are necessary to:

- *enable the functioning of the UK internal market, while acknowledging policy divergence*

Hazardous substances planning is not significantly different from devolved planning controls generally – it is about consenting the locations of substances with major accident hazard potential and development around those locations. As stated in box 1, establishments which store certain amounts of certain substances or developers looking to build near such establishments will be required to seek consent from a local authority. The regime is not focused on banning activities or making a substance illegal in a general sense. As a result, (and in a scenario in which the non-regression principle did not apply) the biggest potential discrepancy would be where, for example in one administration, controls were removed for a certain substance completely, where across the border, operators would need to go through the hazardous substances consenting process with their local authority to hold the

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substances at a site in the same quantities. Whilst any such scenario could result in a potentially damaging 'race to the bottom', due to the nature of the regime this would bring very limited economic benefits – relaxed hazardous substances standards would not bring a significant enough benefit to operators to influence which administration they set up business in to the point where this would distort the internal market. Obtaining hazardous substances consent is a relatively quick and inexpensive process for operators/developers; the fee in England for making an application is £200-250, in Wales it is £200-400, in Scotland it is £500-1000, and in Northern Ireland it is free of charge. In addition, a hazardous substances authority must inform an applicant of a decision within 8 weeks in England, Wales and Northern Ireland. In Scotland it is 2 months. This period can be extended by an agreement in writing between the applicant and the planning authority. In communication with industry stakeholders there have been consistent messages that the current processes play an important role in enshrining vital safeguards against major accidents.

As such reducing standards in this way is not something that industry has been pushing for or is likely to pursue and the proposed approach is considered appropriate. However, as with all workstreams further arrangements will need to be considered at a higher level to manage any such impacts on the internal market within this – or related – policy areas.

- *ensure compliance with international obligations*

The UK is a signatory to two international agreements relevant to the hazardous substances regime (as mentioned in box 2), the Aarhus Convention and the Convention on the Transboundary Effects of Industrial Accidents. The latter in particular cements many of the requirements of the current regime in international law, therefore any significant stripping back of the hazardous substances regime could result in a breach of international obligations. This presents limits on what the UKG can do as the party to the treaties, but also constrains the administrations. In very extreme cases the Secretary of State has step-in powers already built into Devolution settlements where there is a potential breach of international law, although we do not envisage these forming any part of the framework. A non-legislative framework would provide the appropriate forum for any policy changes to be addressed, where anything of concern can be flagged and any necessary dispute resolution measures (see box 13) can be put into place.

In the event that either of the two relevant international agreements are amended UKG will decide whether the amendments should be ratified. Before ratifying any international agreement, the DAs must be consulted. If the legislation of one or more administrations needs to be brought into line with the requirements of any new amendments then this must be finalised before any amendment can be ratified. Where necessary any disagreements should be resolved through the dispute resolution mechanism as set out in this framework.

This framework does not impact on the Belfast Agreement.

- *ensure the UK can negotiate, enter into and implement new trade agreements and international treaties*

Not applicable. Through discussions we have not identified any differences between administrations on hazardous substances that would have an impact on the UK's ability to negotiate (etc.) trade agreements and treaties. Negotiation of any new trade agreements or treaties would in any event need to take account of where devolved competence means there are or could be divergence across the UK in matters pertinent to that particular treaty or agreement. The terms on which the UK leaves the European Union, and any future UK arrangements with the EU, may incorporate certain commitments which could cover the hazardous substances regime (e.g. on environmental standards). In this scenario the

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ability of administrations to diverge will be reduced, although it is considered that the best practice ways of working as set out in this framework will still prove a positive basis for sharing of information etc. and as such the framework will remain unchanged.

- *enable the management of common resources*

HSE/HSE NI – as indicated, they operate across the different planning jurisdictions (HSE NI covering Northern Ireland), and so any divergence could affect them, and so any framework encouraging and providing a forum for discussion would be beneficial.

However, potential changes to the regime with significant impacts on HSE are already a potential feature of the existing regime *within the EU framework* and are not triggered by EU exit. There is not a new significant issue being created on this point that would need to be addressed by legislative means.

- *administer and provide access to justice in cases with a cross-border element*

Not applicable. Any differences between administrations on hazardous substances will not have an impact on the UK's ability to administer or provide access to justice.

- *safeguard the security of the UK*

Differing hazardous substances planning controls in parts of the UK are already a possibility, i.e. not affected by EU Exit, and these differences do not pose a threat to UK security.

Reducing protections below current levels could become possible after Exit, which could increase the risk to safety *within an area (acknowledging the limited risk of cross-border impacts)* e.g. by allowing hazardous substances near a sensitive development (to note, safety measures within establishments would still be regulated through non-planning requirements under the Control of Major Accidents Hazards Regulations 2015 or their equivalent). As stated previously, hazardous substances powers are broadly analogous to other devolved planning powers in this regard and as such should be seen as a matter for individual administrations – divergence in and of itself does not pose a risk to the security of the UK as a whole.

According to the JMC(EN) principles a legislative framework should be considered only where absolutely necessary. As set out above a potential legislative framework for hazardous substances would not meet these criteria. According to the principles set out by JMC(EN) and the objective of securing the proper functioning of the hazardous substances regime whilst at the same time respecting the devolution rights of the devolved administrations, this Common Framework will not be a legislative vehicle but rather a reflection of the discussions that have taken place and agreements reached on ways of working going forward, post the UK's departure from the European Union.

Other considerations

- the devolved regimes predate the current version of the Directive, and in certain cases go further than its minimum requirements; this demonstrates the lack of appetite to legislate below its minimum standards.
- the HSE have a cross-cutting role which provides a common evidence base which all DAs look to; with policy development across all administrations in Great Britain informed by HSE advice, differing approaches would be unlikely.
Current potential for divergence – decision making is devolved, so as long as the aims of the Directive are taken into account, it should be emphasised that despite the scope for such divergence, very little of it has occurred. It should also be noted

that planning authorities and Ministers in the various home nations are free to make decisions on applications as they see fit, provided the major accident hazard potential forms part of the consideration.

5. Detailed overview of proposed framework: legislation (primary or secondary)

Whilst no legislation is considered to be necessary to put this framework in place, the following 'operability' regulations have been laid to ensure that the regime continues to function as it does currently following Exit:

- The Planning (Hazardous Substances and Miscellaneous Amendments) (EU Exit) Regulations 2018. *For England*
- The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018
- The Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
- The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019

These regulations are fully independent of this framework.

6. Detailed overview of proposed framework: non-legislative arrangements

The UKG and the DAs have agreed a set of nine principles for future ways of working that would make up the agreement:

- i. In the absence of EU requirements applying to the UK, the nations of the UK will consider appropriate evidence and expert advice (for example that of the Control of Major Accidents Hazards (COMAH) competent authority and industry bodies), as appropriate, as regards the substances and quantities to which hazardous substances consent should apply.
- ii. Administrations will respect the ability of other administrations to make decisions (i.e. allowing for policy divergence).
- iii. Administrations will consider the impact of decisions on other administrations, including any impacts on cross-cutting issues such as the UK Internal Market.
- iv. Wherever it is considered reasonably possible, administrations agree to seek to inform other administrations of prospective changes in policy one month, or as close to one month as is practical, before making them public.
- v. Administrations will ensure an appropriate level of public transparency in decision making that leads to policy changes.
- vi. Parties will create the right conditions for collaboration, by for example ensuring policy leads attend future meetings.
- vii. Future collaborative meetings will be conducted at official level and on a without prejudice basis.
- viii. In order to broaden the debate at future collaborative meetings, parties will ensure that different perspectives are present.
- ix. Those attending future collaborative meetings recognise the importance of how collaboration is approached.

7. Detailed overview of areas where no further action is thought to be needed

N/A

OPERATIONAL DETAIL

SECTION 3: PROPOSED OPERATIONAL ELEMENTS OF FRAMEWORK

8. Decision making

Following exit day all decision making under the relevant devolved competences (within the scope of the framework) will fall to the UKG and the DAs within their respective territories, following usual procedures but taking into account the principles set out in box 6. An exception will be where there is a desire for any proposed policy changes to be applied across more than one territory. In such a scenario administrations will work together to determine the best way to coordinate these changes. The procedure will be similar to that taken forward in previous coordinated work on transposing regulations following updated Directives, or the preparing of operability regulations in advance of EU Exit. Any scenario will require a slightly different approach and timeframe, so this framework does not seek to be prescriptive in how work should be carried out; current arrangements for coordinating work on the implementation of the Seveso III Directive are also ad hoc.

Usually, HSE acts as the coordinator for implementing new requirements from revision of, or amendments to the Directive and engages with planning representatives from the various administrations to coordinate implementation. They may play a similar role in future but will have no explicit responsibility to do so. As other issues arise, contact is made, again on an ad hoc basis, to seek to resolve these. Ministers responsible for planning individually sign off implementing legislation or changes to procedures. The framework will also link into any future arrangements for the functioning of the UK Internal Market.

To facilitate the sharing of information where appropriate, and as a forum to discuss wider policy issues, it is envisaged that a working group of the policy leads in each administration will hold a six-monthly telephone conference to discuss any issues and share learning. This would not rule out issues being raised for consideration by the working group between meetings if necessary. The initial meeting will be arranged and chaired by UKG, with arrangements for further meetings discussed as an agenda item. Whilst not expected to be required at the initial 6 month mark, subsequent meetings will discuss any post-Exit policies that have been implemented at either the UK or devolved level, how successful they have been for example, and whether there had been any unexpected impacts. It is expected that the results of these reviews will be fed into the more formal post-implementation review that is required by the Planning (Hazardous Substances) Regulations 2015 at five-year intervals.

9. Roles and responsibilities of each party to the framework

See key principles (box 6).

10. Roles and responsibilities of existing or new bodies

In Great Britain the COMAH competent authority (CA) is made up of the relevant safety body (HSE – or the Office for Nuclear Regulation (ONR) at nuclear establishments), acting jointly with the appropriate environment agency for the locality; i.e. the Environment Agency in England, the Scottish Environment Protection Agency in Scotland and Natural Resources Wales in Wales. In Northern Ireland the CA is HSE NI and the Environment and Heritage Service of the Department of the Environment, acting jointly. The CA determines the nature and severity of the risks to the environment and people in the surrounding area from the hazardous substances in the application and advises the Hazardous Substances Authority on whether they should grant consent. They also have responsibility for advising on any changes to the lists of controlled substances and other policy updates that may impact the hazardous substances regime. In relation to Planning Applications, HSENI is a statutory consultee and provides advice to Planning Authorities in Northern Ireland.

HSE have the lead on the Seveso III Directive in Great Britain, and post-Exit will be taking up several of the functions that currently sit with the European Commission in relation to COMAH, this will include the responsibility for advising on any changes to the lists of controlled substances or other policy updates that may impact the hazardous substances regime. Changes in their policy, e.g. on risk or the way they engage in the planning system ultimately rest with the UK Secretary of State for Work and Pensions. Beyond this proximity to the regime, and as a potential source of advice, neither HSE/HSE NI or the CA have any official role within the structure of this framework.

They will continue in their current role and with their current responsibilities after Exit and have been kept informed throughout the process of developing this framework.

11. Monitoring and enforcement

As no legislative arrangements are considered necessary then enforcement measures are not appropriate. In place of formal monitoring measures there will be regular meetings to review the framework (see boxes 8 and 12.) Policy officials acknowledge that there are likely to be ongoing reporting requirements associated with being part of the frameworks work programme and will cooperate with all relevant requests and commissions that come from the centre.

12. Review and amendment

We propose having a review meeting between UKG and DAs, arranged by UKG, two years after the day the framework comes into effect. This will be to consider the ongoing application of transposing domestic legislation across the different administrations. The meeting would focus in particular on any issues encountered and allow parties to provide a forward look of any changes that they are considering. The involvement of other

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stakeholders would be considered at the time. This would not rule out an earlier review if required.

If any party to this framework feels an early review is necessary, then a request can be made at official level. It is expected that such requests also be resolved at official level, and that such requests be accommodated unless there is a valid reason for refusal. Timeframes can be discussed on a case-by-case basis, but unnecessary delay should be avoided. If an agreement cannot be reached, then the dispute resolution procedure set out in box 13 will apply.

After an initial review a more permanent arrangement for recurring meetings on this framework will be decided based around a timeframe that is considered appropriate.

13. Dispute resolution

The intention under this framework is that there will be a regular group at working level to discuss and work through any issues at an early stage.

It should be noted that there have not previously been disagreements in this area that have warranted engagement between senior officials or portfolio Ministers of the different administrations. There is no particular reason to suppose that EU Exit will make the need for that level of engagement any more likely, however it is appropriate to have a procedure in place in the event it is needed.

The intention is for this process to remain flexible and adaptable to individual situations, and this precludes us from affixing timescales to each stage. However, resolving issues as quickly as possible will be a key priority and escalation will always be seen as a last resort.

This process would be as follows:

Policy leads. Where officials become aware of potential issues or areas of disagreement via any means the first step will be to seek to resolve this amongst policy leads without escalation. This will usually be resolved via discussion with equivalents in other administrations to determine the source of the disagreement, to establish whether it is a material concern and to work through possible solutions to the satisfaction of all parties. It is expected that most disagreements would be resolved at this point.

Director level/Chiefs of planning. Where disagreements cannot be resolved amongst policy leads the next stage will usually be to escalate the issue to director level. At this stage directors can decide whether it would be appropriate to arrange a meeting with counterparts across administrations. Alternatively, or after such a meeting, directors may determine that the issue cannot be resolved at this stage at which point the involvement of Ministers will be required.

Portfolio Ministers. This is expected to be a last resort for only the most serious issues and where all alternatives have been exhausted. In very extreme cases the Secretary of State has step-in powers, already built into Devolution settlements, although we do not envisage these forming any part of the framework.

HSE/HSE NI. They may be included at multiple stages of the process, potentially flagging issues, or providing advice on possible solutions.

Agree to disagree. It does not always follow that where disagreements emerge these will need to be escalated or a 'solution' need to be established. This framework will not prejudice the right of administrations to 'agree to disagree' in certain circumstances.

SECTION 4: PRACTICAL NEXT STEPS AND RELATED ISSUES

14. Implementation

This framework will take effect once agreed by all parties and approved by Ministers. It is intended that the Concordat be in effect when the transition period ends.

On 3 July 2019 Cabinet Office published a draft of this framework to serve as a pilot alongside a wider update on the progress of the frameworks workstream in general.

Julie James AS

Y Gweinidog Tai a Llywodraeth Leol

26 Hydref 2020

Annwyl Julie,

Diolch am eich llythyr, dyddiedig 15 Hydref 2020, yn ymwneud â'r Cytundeb Amlinellol Fframwaith drafft ar gyfer Cynllunio o ran Sylweddau Peryglus.

Ar hyn o bryd, o ran fframweithiau cyffredin y disgwylir iddynt gael eu cyhoeddi cyn diwedd 2020, gallu cyfyngedig sydd gan y Pwyllgor i graffu ar y rhai sy'n dod o fewn ei gylch gwaith. Nid ydym yn rhagweld gwneud gwaith sylweddol ar y darpar Gytundeb Amlinellol Fframwaith ar gyfer Cynllunio o ran Sylweddau Peryglus, ond byddai'n dda cael ymateb gennych ar yr isod:

Datblygu'r fframwaith cyffredin

1. A allwch chi egluro pam, yn eich barn chi, y mae angen fframwaith yn y maes polisi hwn?

2. A allwch ehangu ar pam y dewisodd gweinyddiaethau'r DU ddilyn fframwaith anneddfwriaethol?

3. A allwch chi amlinellu sut rydych chi wedi ymgysylltu â rhanddeiliaid Cymru, gan gynnwys diwydiant, awdurdodau cynllunio lleol a Chyfoeth Naturiol Cymru, wrth ddatblygu'r fframwaith?

4. A allwch chi amlinellu'r materion allweddol a godwyd gan randdeiliaid Cymru a sut mae'r rhain wedi cael eu hadlewyrchu yn y fframwaith?

Rhyngweithio â chyfraith ddomestig, cyfraith ryngwladol a chytundebau rhyngwladol

5. A allwch egluro a yw'r fframwaith yn rhyngweithio â deddfwriaeth ddomestig bresennol, ar wahân i'r hyn sydd eisoes wedi'i restru yn Adran 1 o'r Cytundeb Amlinellol Fframwaith drafft?



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6. Mae'r DU yn llofnodwr i ddau gytundeb rhyngwladol sy'n berthnasol i'r gyfundrefn ar gyfer sylweddau peryglus: Confensiwn Aarhus a Chonfensiwn Effeithiau Trawsffiniol Damweiniau Diwydiannol. **A allwch chi ehangu ar sut y bydd y fframwaith yn sicrhau y cydymffurfir â'r Confensiynau hyn?**

7. A allwch egluro a fydd canlyniad y trafodaethau parhaus rhwng yr UE a'r DU ar y Berthynas yn y Dyfodol yn effeithio ar y fframwaith, ac os felly, sut?

8. A allwch egluro a fydd Bil Marchnad Fewnol Llywodraeth y DU yn effeithio ar y fframwaith, ac os felly, sut?

Proses graffu ac amserlenni

9. A allwch gadarnhau y bydd y fframwaith yn cynnwys y Cytundeb Amlinellol Fframwaith dros dro, y Concordat a'r Memorandwm Cyd-ddealltwriaeth wedi'i ddiweddarau y cyfeirir atynt yn y Cytundeb Amlinellol Fframwaith drafft?

10. A allwch egluro a fydd y Concordat a'r Memorandwm Cyd-ddealltwriaeth wedi'i ddiweddarau ar gael i'r Senedd graffu arnynt?

11. A allwch egluro'r amserlen ar gyfer gwaith craffu'r Senedd ar y Cytundeb Amlinellol Fframwaith dros dro a'r dogfennau cysylltiedig?

Trefniadau monitro ac adolygu ar gyfer y fframwaith

Yn ôl y Cytundeb Amlinellol Fframwaith drafft, nid oes unrhyw fesurau monitro ffurfiol yn gysylltiedig â'r fframwaith. Yn lle hynny, bydd arweinwyr polisi ym mhob gweinyddiaeth yn cynnal cynadleddau ffôn bob chwe mis "to discuss any issues and share learning". Yn ogystal, fe gynhelir cyfarfod adolygu rhwng gweinyddiaethau'r DU ddwy flynedd ar ôl i'r fframwaith ddod i rym.

12. A allwch chi egluro pam mae gweinyddiaethau'r DU wedi dewis peidio â sefydlu system fwy ffurfiol ar gyfer monitro'r gwaith o weithredu'r fframwaith?

13. A allwch egluro a fydd adroddiad o'r cyfarfod adolygu cyd-rhwng gweinyddiaethau'r DU ar gael i'r cyhoedd?

Mae'r Cytundeb Amlinellol Fframwaith drafft yn nodi y byddai cyfranogiad rhanddeiliaid yn y broses adolygu a diwygio ar gyfer y fframwaith yn cael ei ystyried ar y pryd.

14. A allwch chi egluro o dan ba amgylchiadau y byddai'n amhriodol cynnwys rhanddeiliaid yn y broses adolygu ar gyfer y fframwaith?

15. A allwch chi gadarnhau a fydd y Senedd yn gallu cyfrannu i'r gwaith o adolygu a diwygio'r fframwaith, ac os felly, sut?



Cefndir y fframwaith cyffredin

16. A allwch chi amlinellu 'gofynion sylfaenol' Cyfarwyddeb Seveso III mewn perthynas â chynllunio o ran sylweddau peryglus, sy'n gyffredin ledled y DU?

Yn ôl y Cytundeb Amlinellol Fframwaith drafft, mae cryn le ar gyfer gwahaniaeth yn barod o dan y gyfundrefn gynllunio gyfredol o ran sylweddau peryglus. Fodd bynnag, mae nifer o gyfyngiadau ar yr hyn y gall gweinyddiaethau'r DU ei ddiwygio, yn seiliedig ar yr hyn a osodwyd ar lefel yr UE. Mae'r cyfyngiadau allweddol yn cynnwys newid y diffiniad o sefydliad a gostwng safonau ynghylch beth yw sylwedd peryglus.

17. A allwch chi ddarparu mwy o fanylion am faint o gyfle sydd ar gyfer gwahaniaeth o dan y gyfundrefn gynllunio gyfredol o ran sylweddau peryglus?

Y gyfundrefn gynllunio ar gyfer sylweddau peryglus wedi Ymadael â'r UE

18. A allwch egluro a fydd unrhyw un neu rai o'r 'cyfyngiadau allweddol' cyfredol yn cael eu cynnal ledled y DU yn y cyfnod wedi ymadael â'r UE? Sut y bydd hyn yn cael ei adlewyrchu yn y fframwaith?

O dan y gyfundrefn gynllunio gyfredol ar gyfer sylweddau peryglus, mae gofynion sylfaenol cyffredin ledled y DU. Efallai nad felly y bydd hi o reidrwydd o dan y gyfundrefn wedi ymadael â'r UE, gan y bydd gan weinyddiaethau'r DU gwmpas ehangach i ddefnyddio'u pwerau i wneud newidiadau. Gallai'r newidiadau hyn gynnwys llacio gofynion ynghylch lefel y sylweddau y gellir eu dal cyn cychwyn y broses gydsynio, ac o bosibl (mewn senario lle na fyddai'r egwyddor dim atchwelyd yn berthnasol) gael gwared ar reolaethau ar gyfer rhai sylweddau yn llwyr.

19. Pa ystyriaeth a roddwyd i gynnal gofynion sylfaenol cyffredin, gan gynnwys, er enghraifft, safonau gofynnol ar gyfer beth yw sylwedd peryglus?

20. Beth yw'r risgiau a'r cyfleoedd posibl yn gysylltiedig â pheidio â chynnal gofynion sylfaenol cyffredin ac ehangu'r cyfle ar gyfer gwiriadau?

21. I ba raddau yr ydych chi'n fodlon na fydd y dull a ddewiswyd ar gyfer y maes polisi hwn, h.y. fframwaith anneddfwriaethol, yn arwain at safonau is a gostyngiad yn lefelau'r amddiffyniad ar gyfer iechyd pobl a'r amgylchedd?

22. I ba raddau mae'r fframwaith yn cyd-fynd ag ymrwymiad Llywodraeth Cymru i ddim atchwelyd o ran safonau amgylcheddol?

Cynigion ar gyfer newidiadau i'r gyfundrefn gynllunio ar gyfer sylweddau peryglus yn y dyfodol

Wrth ymateb i'r [Ymgynghoriad ar drosi gofynion cynllunio defnydd tir Cyfarwyddeb Seveso III ar reoli peryglon damweiniau mawr](#) (Awst 2015), nododd Llywodraeth Cymru y byddai'n ystyried diwygio'r gyfundrefn yn ddiweddarach.

23. A allwch egluro a yw Llywodraeth Cymru wedi gwneud unrhyw waith ar gynigion i ddiwygio'r gyfundrefn gynllunio ar gyfer sylweddau peryglus ers yr ymgynghoriad uchod?



24. A allwch egluro a oes gan Lywodraeth Cymru unrhyw gynlluniau nawr neu yn y dyfodol i adolygu'r gyfundrefn gynllunio ar gyfer sylweddau peryglus?

25. O dan ba amgylchiadau y byddai Llywodraeth Cymru yn ystyried cynigion i ostwng rheolaethau yn is na'r gofynion sylfaenol cyfredol, er enghraifft, ynghylch lefel y sylweddau y gellir eu dal, neu mewn perthynas â'r broses gydsynio?

26. A allwch egluro a fyddai newidiadau i'r gofynion sylfaenol cyfredol yn destun ymgynghoriad cyhoeddus ac yn amodol ar gymeradwyaeth y Senedd?

27. I ba raddau yr ydych chi'n fodlon bod digon o arbenigedd technegol ar lefel Cymru neu'r DU i gymryd lle'r hyn sydd ar gael ar lefel UE ar hyn o bryd yn y maes polisi hwn?

28. Yn absenoldeb gofynion newydd neu ddiwygiedig yr UE mewn perthynas â chynllunio o ran sylweddau peryglus sy'n gymwys i'r DU, pa drefniadau a roddir ar waith i adolygu gofynion domestig, gan ystyried datblygiadau mewn mannau eraill?

Byddwn yn ddiolchgar pe gallech ymateb i'r cwestiynau uchod cyn gynted â phosibl, ac erbyn 13 Tachwedd 2020 fan bellaf.

Rwy'n anfon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad, a Chadeirydd Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol.

Yn gywir,



Mike Hedges AS

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Lesley Griffiths AS

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig

13 Hydref 2020

Annwyl Lesley,

Fframwaith Cyffredin Cynllun Masnachu Allyriadau'r DU

Diolch am ddod i'n cyfarfod ar 8 Hydref i roi tystiolaeth mewn cysylltiad â Chynllun Masnachu Allyriadau'r DU. Yn dilyn y cyfarfod, cytunodd yr Aelodau y dylwn ysgrifennu atoch i ofyn am esboniad pellach a / neu eglurhad ar y canlynol:

Treth Allyriadau carbon

1. Yn ystod eich sesiwn dystiolaeth, fe wnaethoch egluro bod trafodaethau ar gynigion Llywodraeth y DU ar gyfer Treth Allyriadau Carbon yn digwydd ar lefel swyddogol. O ystyried arwyddocâd penderfyniad unochrog gan Lywodraeth y DU i gyflwyno Treth Allyriadau Carbon, pa drafodaethau sydd wedi digwydd ar lefel Weinidogol ar y mater hwn, a beth fu'r canlyniad?
2. A allwch chi egluro a yw Llywodraeth y DU wedi dweud wrthyich o dan ba amgylchiadau y byddai'n cyflwyno Treth Allyriadau Carbon yn hytrach na mynd ar drywydd System Masnachu Allyriadau annibynnol y DU, ar y cyd â'r gweinyddiaethau datganoledig?
3. Pa asesiad ydych chi wedi'i wneud o effaith y Dreth Allyriadau Carbon arfaethedig ar osodiadau Cymru ac ar gynnydd Cymru o ran cyrraedd sero net erbyn 2050? Sut mae'r asesiad hwn yn cymharu â'r asesiad ar gyfer System Masnachu Allyriadau (ETS) annibynnol y DU?
4. Beth allwch chi ei wneud i sicrhau bod gan Lywodraeth Cymru rôl ffurfiol wrth lunio Treth Allyriadau Carbon? Sut y byddwch yn ceisio sicrhau bod buddiannau Cymru yn cael eu hystyried yn llawn, a bod Cymru yn cael ei chyfran deg o refeniw trethi?



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5. Wrth roi tystiolaeth i'r Pwyllgor, fe wnaethoch ddweud bod penderfyniad gan Lywodraeth y DU i gyflwyno Treth Allyriadau Carbon yn mynd yn llwyr... yn erbyn egwyddorion y fframweithiau cyffredin yr ydym wedi cytuno arnynt yn ôl yn 2017. Beth yw goblygiadau Fframwaith Cyffredin ETS y DU a fethodd, o ran cyflwyno'r Rhaglen Fframweithiau Cyffredin ehangach?

Refeniw ocsiwn

6. A allwch chi amlinellu'r trefniadau sydd ar waith ar hyn o bryd i sicrhau bod Cymru yn cael ei chyfran deg o refeniw a gynhyrchir o gyfranogiad y DU yn ETS yr UE?

7. A allwch chi gadarnhau mai creu Cronfa Datgarboneiddio Diwydiannol y DU yw'r dull a ffefrir gennych o hyd i ailgylchu refeniw a gynhyrchir gan ETS y DU? Os na, beth sydd wedi achosi ichi newid eich safbwynt, a beth yw'r dull newydd a ffefrir gennych?


8. Pa drafodaethau, os o gwbl, a gawsoch gyda Llywodraeth y DU ynghylch cyfran Cymru o refeniw ocsiwn sy'n cael ei ddychwelyd yn uniongyrchol i Lywodraeth Cymru i ariannu ei blaenoriaethau gwariant?

Lliniaru gollyngiadau carbon

9. Mae'r Comisiwn Ewropeaidd yn ystyried cyflwyno dull o addasu ffiniau carbon fel dewis arall yn lle dyrannu lwfansau di-dâl i fynd i'r afael â'r risg o ollwng carbon. Beth yw eich barn am hyn? Pa ystyriaeth, os o gwbl, a roddwyd i sut y gallai dull o'r fath weithio yng nghyd-destun ETS annibynnol neu gysylltiedig y DU?

Byddwn yn ddiolchgar pe gallech ymateb cyn gynted â phosibl, ac erbyn **30 Hydref 2020, fan bellaf.**

Yn gywir,



Mike Hedges AS

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig.

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.





Northern Ireland
Assembly

Declan McAleer MLA
**Chairperson, Committee for Agriculture, Environment
and Rural Affairs**

Mike Hedges MS
Chair, Climate Change, Environment and Rural Affairs Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

12th October 2020

Dear Mr Hedges

Common Framework on a UK Emissions Trading Scheme.

As Chairperson of the NI Assembly Committee for Agriculture, Environment and Rural Affairs I am contacting you in connection with the Common Framework on a UK Emissions Trading Scheme. I am aware that this Common Framework is also being considered by sister Committees in the other legislatures. I therefore, thought it would be useful to share what consideration the AERA Committee has undertaken on this matter to date.

To date we have taken receipt of

- Draft Statutory Instrument & associated documents - The Greenhouse Gas Emissions Trading Scheme Order 2020; and
- UK ETS Common Frameworks summary note ([here](#)); and
- A Research Briefing on Emission Trading Schemes ([here](#))

The Committee took oral evidence from Department of Agriculture, Environment and Rural Affairs (DAERA) on 17th September 2020 and felt that it may be useful to share the Hansard of that session with you. ([here](#))

In its consideration of the proposed UK ETS, the AERA Committee noted that the power generators located in this jurisdiction and which account for

some 80% of the Greenhouse Gases regulated under the current EU ETS, will under the terms of the Ireland / Northern Ireland Protocol, remain in the EU ETS. The implications of the Internal Market Bill upon this arrangement and indeed upon the proposed UK ETS remains an area that therefore requires some clarity.

The AERA Committee has indicated that it would welcome any update that you wish to provide it with, on your approach and work on the proposed UK ETS, as well as issues that may be of concern.

Yours Sincerely



Declan McAleer

Chairperson, Committee for Agriculture, Environment and Rural Affairs

Declan McAleer

Chairperson, Committee for Agriculture, Environment and Rural Affairs

16 October 2020

Dear Mr McAleer,

Thank you for your letter, dated 12 October, outlining your Committee's consideration of the UK Emissions Trading Scheme Common Framework (the Common Framework).

The Senedd's Climate Change, Environment and Rural Affairs Committee is also considering the Common Framework. We have recently held evidence sessions with the UK Committee on Climate Change, the Zero Carbon Commission, and the Minister for Environment, Energy and Rural Affairs (the Minister) to inform our work.

To date, the sessions have focused on:

- the process of the development of the Common Framework and the Welsh Government's role;
- the implications of a linked EU-UK ETS and standalone UK ETS for Welsh installations;
- the design of the UK ETS, and the extent to which it aligns with the Welsh Government's ambition to achieve net zero by 2050; and
- how funding generated from the UK ETS will be used to support Welsh industries to decarbonise, and to mitigate climate change.

Once the provisional Framework Outline Agreement (FOA) becomes available for scrutiny, we intend to take further evidence from the Minister. We anticipate that our report on the Common Framework will be published in early December, depending on the timeline for scrutiny, which has yet to be agreed.

I would like to thank you for drawing our attention to the exclusion of electricity generators in Northern Ireland from the UK ETS under the Northern Ireland/Ireland protocol. This is not something our Committee has considered, to date.

While I would not wish to pre-empt the conclusions of our report, I can say that the Committee is concerned there is a lack of clarity about the circumstances in which the UK Government would seek to introduce a Carbon Emissions Tax as an alternative to a standalone UK ETS. A final decision may be



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dependent on the outcome of ongoing EU-UK negotiations, it is nevertheless incumbent on the UK Government to make clear its intentions at the earliest available opportunity.

I very much welcome the opportunity to exchange our Committees' views on the Common Framework and, indeed, on any other matters of mutual interest.

Should you require any further information, please do not hesitate to contact me.

Regards,



Mike Hedges

Chair of Climate Change, Environment and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/LG/2635/20

Mike Hedges AS
Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig,
Senedd Cymru,
Bae Caerdydd,
Caerdydd,
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13 Hydref 2020

Annwyl Mike

Hoffwn roi'r newyddion diweddaraf i'r Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig ar nifer o newidiadau i'r fframweithiau cyffredin – y mae pob un ohonynt yn fy mhortffolio i.

Cyhoeddodd Llywodraeth y DU y fersiwn ddiweddaraf o'i Dadansoddiad o'r Fframweithiau ar 24 Medi 2020. Cafodd y dadansoddiad ei gyhoeddi gyntaf yn 2018 a'i ddiweddarau yn 2019. Mae'r fersiwn ddiweddaraf ar gael yn:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919729/Frameworks-Analysis-2020.pdf

I lywio'r cyhoeddiad hwn, yn ddiweddar cynhaliodd pedair llywodraeth y DU ymarfer aiddosbarthu i benderfynu:

- a ddylid cyfuno dau neu fwy o fframweithiau yn un fframwaith sengl;
- a ddylid rhannu un fframwaith yn ddau fframwaith ar wahân;
- lle nad oes angen fframwaith;
- a oes gan fframwaith y potensial i fod yn ddeddfwriaethol neu'n anneddfwriaethol.

Mae allbynnau'r ymarfer aiddosbarthu mewn perthynas â'r fframweithiau sydd yn fy mhortffolio'n cael eu hamlinellu isod.

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

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

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

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

Fframweithiau sydd wedi cael eu cyfuno

Cafodd nifer o fframweithiau eu rhestru fel meysydd ar wahân yn nadansoddiad gwreiddiol 2018, ond mae trafodaethau dilynol am bolisiau wedi nodi y dylent gael eu datblygu gyda'i gilydd, gan eu bod yn rhannu thema gyffredin. Maent fel a ganlyn:

Dosbarthiad blaenorol y fframwaith	Y dosbarthiad newydd ar ôl cyfuno'r fframweithiau
Iechyd a'r gallu i olrhain anifeiliaid	Iechyd a lles anifeiliaid
Lles anifeiliaid	
Cemegion	Cemegion a phlaladdwyr
Rheoleiddio Cemegion (gan gynnwys plaladdwyr)	
Plaladdwyr	

Fframweithiau sydd wedi cael eu rhannu

Ar gyfer y categori hwn, ystyrir bod datblygu fframweithiau ar wahân yn fwy effeithlon a chyfleus o safbwynt gweinyddol, ac nid oes unrhyw oblygiadau arwyddocaol ar gyfer polisiau na'r gwaith o'u gweithredu. Bydd y meysydd polisi ar wahân yn parhau i fod o fewn cwmpas y Rhaglen Fframweithiau Cyffredin. Fodd bynnag, oherwydd eu bod yn cynnwys materion gwahanol, a'u bod yn strwythurau sy'n wahanol neu'n wahanol i raddau helaeth, gellir ymdrin â nhw mewn modd mwy effeithlon fel meysydd ar wahân. Maent fel a ganlyn.

Dosbarthiad blaenorol y fframwaith	Y dosbarthiad newydd ar ôl rhannu'r fframwaith
Iechyd planhigion, hadau a deunyddiau lluosogi	Iechyd planhigion
	Amrywiaethau o blanhigion a hadau
Ansawdd aer	Ansawdd aer
	Y technolegau gorau sydd ar gael

Nid oes angen fframwaith

Fel rhan o'r trafodaethau ynghylch polisiau yn ystod y gwaith o ddatblygu'r fframweithiau unigol, penderfynwyd bod rhai meysydd lle nad oes angen fframwaith y cytunwyd arno. Roedd hyn naill ai lle yr ystyrir bod y trefniadau rhwng y pedair llywodraeth yn ddigonol, neu lle nad oes angen fframwaith. Maent fel a ganlyn:

Maes fframwaith	Adran Llywodraeth y DU
Yr Amgylchedd Naturiol – Bioamrywiaeth	DEFRA
Bioamrywiaeth – Manteision Rhannu Adnoddau Generig a Mynediad atynt	DEFRA
Data Gofodol – Safonau Seilwaith	DEFRA
Yr Amgylchedd Morol	DEFRA
Effeithlonrwydd Ynni	BEIS
Asesiadau Amgylcheddol Strategol	MHCLG

Roedd un maes arall, sef amaethyddiaeth – organeddau a addaswyd yn enetig, lle y cytunwyd hefyd nad oes angen fframwaith, ond ni chafodd ei gynnwys yn nadansoddiad diwygiedig Llywodraeth y DU.

Fframweithiau deddfwriaethol neu anneddfwriaethol

Roedd y dadansoddiad yn rhestru fframweithiau posibl, yn ôl y rhai y disgwylir iddynt gael eu seilio ar ddeddfwriaeth, a'r rhai y disgwylir iddynt gael eu sefydlu drwy ddulliau anneddfwriaethol.

Mae Llywodraeth Cymru a staff cyfatebol yn DEFRA, Llywodraeth yr Alban a Gweinyddiaeth Gogledd Iwerddon yn parhau i ystyried goblygiadau deddfwriaethol ymarferol Protocol Gogledd Iwerddon a'r cysylltiad â masnach, yn ogystal ag effaith bosibl Marchnad Fewnl Llywodraeth y DU. Mae hyn yn cynnwys yr effaith ar ddsbarthiad deddfwriaethol/anneddfwriaethol y fframweithiau. Fodd bynnag, at ddibenion y dadansoddiad diwygiedig, cytunwyd na ddylid gwneud unrhyw newidiadau i'r categorïau sy'n gysylltiedig â'r Amgylchedd, Bwyd a Materion Gwledig ar yr adeg hon. Fodd bynnag, maent yn cael eu hadolygu'n barhaus.

Y camau nesaf/edrych tuag at y dyfodol

Yn dilyn yr ymarfer aiddosbarthu, y 14 fframwaith canlynol yw'r fframweithiau yn fy mhortffolio i a fydd yn cael eu defnyddio yn y dyfodol:

- Iechyd a lles anifeiliaid
- Cemegion a phlaladdwyr
- Rheoli a chefnogi pysgodfeydd
- Iechyd planhigion
- Amrywiaethau o blanhigion a hadau
- Cymorth amaethyddol
- Rheoliadau gwrteithiau
- Ffermio organig
- Sootechnoleg
- Sylweddau sy'n darwagio'r haenen osôn a nwyon-F
- Ansawdd aer
- Y Technegau gorau sydd ar gael
- Y Cynllun Masnachu Allyriadau
- Sylweddau ymbelydrol

Mae un fframwaith cysylltiedig arall ar reoli gwastraff. Hannah Blythyn AS, y Dirprwy Weinidog Tai a Llywodraeth Leol sy'n gyfrifol am y fframwaith hwn, ond mae'n cael ei arwain gan swyddogion yn Adran yr Amgylchedd a Materion Gwledig. Mae hefyd yn cael ei ystyried gan y Grŵp Rhyngweinidogol ar yr Amgylchedd, Bwyd a Materion Gwledig lle rwy'n cynrychioli Llywodraeth Cymru.

Parheir i ddatblygu'r fframweithiau uchod yn unol â'r cynllun cyflawni diwygiedig. Ysgrifennodd Jeremy Miles AS, y Cwnsler Cyffredinol a'r Gweinidog Pontio Ewrop, at Gadeirydd y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol ar 2 Gorffennaf 2020 i roi rhagor o fanylion ynglŷn â'r rhaglen fframweithiau. Roedd y llythyr yn amlinellu'r nod o sicrhau bod o leiaf Cytundeb Fframwaith Amlinellol ar gyfer pob fframwaith erbyn diwedd 2020, sydd wedi derbyn cadarnhad cychwynnol gan Weinidogion ac sydd ar ffurf ddrafft y gellir ei defnyddio.

Byddai'r cytundeb hwn yn cynnwys, man leiaf: amserlen ar gyfer cwblhau'r fframwaith, trefniadau llywodraethu clir ar draws y llywodraethau perthnasol (gan gynnwys sut y gellir rheoli dargyfeiredd), mecanwaith ar gyfer osgoi a datrys anghydfodau a Datganiad o Ddiben i gadarnhau ein cydymrwymiad i gytuno ar y fframwaith terfynol yn fuan. Bydd hyn yn sicrhau lefel isaf o weithredu, wrth gydnabod y bydd rhaid o hyd i fframweithiau fynd drwy'r cam craffu llawn gan ddeddfwrfeydd.

Gobeithiaf fod y diweddariad hwn yn ddefnyddiol i'r Pwyllgor.

Dymuniadau gorau

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

Lesley Griffiths AS/MS

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

Lesley Griffiths AS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Llywodraeth Cymru

12 Hydref 2020

Annwyl Lesley,

Craffu ar y Gyllideb Ddrafft ar gyfer 2021-22

Mae'r Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion Gwledig wedi cychwyn ei baratodau ar gyfer craffu ar Gyllideb ddrafft Llywodraeth Cymru ar gyfer 2021-22.

Rydym yn sylweddoli nad yw'r amserlen ar gyfer y gyllideb ddrafft wedi'i chwblhau eto. Fodd bynnag, roeddem yn meddwl y byddai'n ddefnyddiol eich hysbysu y byddwn yn eich gwahodd maes o law i sesiwn graffu ar y gyllideb ddrafft. Rwy'n gobeithio y gallwn gytuno ar ddyddiad pan fydd yr amserlen wedi'i chwblhau.

Er mwyn cynorthwyo'r Pwyllgor â'n paratodau, byddwn yn ddiolchgar pe gallech ddarparu gwybodaeth ynghylch y materion a nodir yn y llythyr hwn. Wrth gwrs, ni ddylech deimlo bod ein cais yn eich cyfyngu, ac mae croeso i chi drafod unrhyw faterion eraill a fydd, yn eich barn chi, yn cynorthwyo'r Pwyllgor yn ei waith.

Cyn y sesiwn graffu hon, byddwn yn ddiolchgar pe gallech ddarparu'r wybodaeth a ganlyn. Rwyf wedi gofyn i'r tîm Clercio gysylltu â'ch swyddogion i drafod pryd yn union y bydd angen y wybodaeth arnom.



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Y Rhaglen Lywodraethu / Ffyniant i Bawb

- Esboniad o sut mae dyraniadau'r gyllideb o fewn eich portffolio yn gydnaws â blaenoriaethau ac ymrwymadau'r Rhaglen Lywodraethu a Ffyniant i Bawb.
- Esboniad o sut mae'r targed statudol uwch ar gyfer lleihau allyriadau, y disgwylir iddo gael ei gyflwyno ddechrau 2021, wedi dylanwadu ar ddyraniadau'r gyllideb.
- Enghreifftiau o ddyraniadau yn y gyllideb a fydd yn cyfrannu at ddatgarboneiddio.
- Y wybodaeth ddiweddaraf am y gwaith sy'n mynd rhagddo i sicrhau bod y gyllideb gyllidol yn gydnaws â'r gyllideb garbon.
- Esboniad o sut y mae Llywodraeth Cymru yn ymateb i'w datganiad am yr 'Argyfwng Hinsawdd' a sut y mae hynny wedi dylanwadu ar ddyraniadau'r gyllideb.
- Esboniad o sut y mae cynnwys bioamrywiaeth fel yr wythfed blaenoriaeth yn y strategaeth Ffyniant i Bawb wedi dylanwadu ar y broses o bennu'r gyllideb eleni.
- Enghreifftiau o ddyraniadau'r gyllideb a fydd yn cyfrannu at y broses o wyr-droi'r gostyngiad mewn bioamrywiaeth.

Gwariant ataliol

- Manylion y gyfran o gyllideb y portffolio a ddyrannwyd ar gyfer camau gwariant ataliol a sut y mae'r gyfran wedi cynyddu o'i chymharu â chyllideb y llynedd.
- Manylion am ba bolisiau neu raglenni penodol yn y portffolio sydd wedi'u bwriadu i fod yn ataliol.

Llunio polisiau sy'n seiliedig ar dystiolaeth

- Esboniad o sut rydych wedi defnyddio tystiolaeth wrth flaenoriaethu dyraniadau eich cyllideb ddrafft a sut y byddwch yn monitro ac yn arfarnu rhaglenni i sicrhau eu bod yn darparu gwerth am arian ac yn llywio prosesau gosod cyllidebau yn y dyfodol.
- Manylion am sut y gwnaeth yr ymgynghoriad â rhanddeiliaid lywio a dylanwadu ar y gwaith o ddatblygu'r gyllideb ddrafft.

Deddf Llesiant Cenedlaethau'r Dyfodol

- Enghreifftiau o sut y mae'r Ddeddf wedi llywio penderfyniadau ynghylch dyraniadau penodol yn y gyllideb.
- Manylion am sut y mae'r broses asesu effaith wedi dylanwadu ar y gwaith o ddatblygu'r gyllideb ddrafft, gan gynnwys enghreifftiau o ble cafodd penderfyniad ei asesu yn erbyn amcanion llesiant Llywodraeth Cymru.



Asesiadau cydraddoldeb, y Gymraeg a hawliau plant

- Manylion am sut rydych chi wedi ystyried effaith y gyllideb ddrafft ar grwpiau sydd â nodweddion gwarchoddedig a'r Gymraeg, gan gynnwys manylion am unrhyw asesiadau effaith perthnasol.
- Manylion am sut y mae hawliau plant wedi cael eu hystyried ym mhenderfyniadau'r gyllideb ar gyfer y portffolio.

Ail-greu ar ôl Covid-19: Heriau a Blaenoriaethau

Esboniad o'r modd y mae dyraniadau'r gyllideb yn eich portffolio yn gydnaws â'r prif flaenoriaethau ar gyfer ail-greu ar ôl pandemig Covid-19.

Ymadael â'r Undeb Ewropeaidd

Byddwn yn ddiolchgar pe gallech ddarparu gwybodaeth am ddyraniadau'r gyllideb yn y meysydd polisi a ganlyn, ac at ba ddiben y cawsant eu dyrannu:

- Datblygu'r rhaglen rheoli tir newydd ar gyfer Cymru;
- Polisi pysgodfeydd yn y dyfodol;
- Corff llywodraethu amgylcheddol newydd posibl a threfniadau pontio cysylltiedig;
- Adnoddau digonol o ran staff ar gyfer datblygu polisiau a deddfwriaeth sy'n gysylltiedig â Brexit; ac
- Unrhyw fater arall o arwyddocâd o ran Brexit.

A fyddech cystal â rhoi'r wybodaeth ddiweddaraf inni am eich trafodaethau â Llywodraeth y DU mewn perthynas â'r cyllid a fydd yn disodli cyllid yr UE gan gynnwys cyllid i gynorthwyo'r sector amaethyddol.

Deddfwriaeth

Byddwn yn ddiolchgar pe gallech ddarparu gwybodaeth am ddyraniadau'r gyllideb ar gyfer gweithredu deddfwriaeth sylfaenol bresennol ac arfaethedig; gweithredu is-ddeddfwriaeth bresennol ac arfaethedig; a gweithredu deddfwriaeth y DU fel y Bil Amaethyddiaeth, y Bil Pysgodfeydd a Bil yr Amgylchedd.

Cyfoeth Naturiol Cymru

Manylion dyraniadau'r gyllideb ar gyfer Cyfoeth Naturiol Cymru, gan gynnwys esboniadau am unrhyw newidiadau.



Meysydd ychwanegol sydd o ddiddordeb i'r Pwyllgor

Byddai'r Pwyllgor hefyd yn ddiolchgar pe gallech roi manylion am sut y bydd dyraniadau yn y gyllideb ddrafft yn mynd i'r afael â'r materion a ganlyn:

- Ansawdd aer, gan gynnwys manteisio ar y gronfa Ansawdd Aer a gweithredu'r cynllun Aer Glân;
- Cyflawni blaenoriaethau gweithredu 2021-2023 Llywodraeth Cymru. Mae'r rhain wedi'u cynnwys yn ei chynllun Trechu Tlodi Tanwydd 2020-2035: Cynllun i gynorthwyo pobl sy'n cael trafferth i dalu eu costau ynni
- Gweithredu argymhellion yr adroddiad "Cartrefi Gwell, Cymru Well, Byd Gwell";
- Gweithredu Cynllun Strategol arfaethedig Llywodraeth Cymru: Cynllun ar gyfer y Diwydiant Bwyd a Diod yng Nghymru;
- Rhaglen i Ddileu TB (gan gynnwys Cynllun Cyflawni, profi ac iawndal)
- Gweithredu'r Strategaeth Coetiroedd i Gymru;
- Rheoli Parthau Perygl Nitradau;
- Gweithredu'r Strategaeth Genedlaethol i Reoli Perygl Llifogydd ac Erydu Arfordirol, gan gynnwys y Rhaglen Rheoli Perygl Erydu Arfordirol.
- Gweithredu'r Cynllun Twf Amgylcheddol;
- Y drefn drwyddedu arfaethedig mewn perthynas ag arddangos anifeiliaid; a
- Gwahardd trydydd partion rhag gwerthu cŵn bach a chathod bach;
- Mentrau i leihau llygredd plastig, gan gynnwys cynllun dychwelyd ernes, a datblygu cynllun cyfrifoldeb estynedig cynhyrchwyr.

Yn gywir,



Mike Hedges AS

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Elin Jones AS
Y Llywydd a Chadeirydd y Pwyllgor Busnes

22 Hydref 2020

Annwyl Elin

Craffu ar reoliadau Covid-19

Diolch am eich llythyr dyddiedig 8 Hydref 2020, a drafodwyd gennym yn ein cyfarfodydd ar 12 Hydref a 19 Hydref 2020.

Roedd eich llythyr yn ceisio canfod a fyddai'n briodol bod Llywodraeth Cymru yn tynnu sylw at Reoliadau newydd lle'r oedd yr egwyddor sylfaenol eisoes wedi bod yn destun craffu, er mwyn galluogi'r Pwyllgor Busnes i wneud penderfyniad ynghylch lefel y gwaith craffu pellach a allai fod yn ofynnol cyn y ddadl. O ganlyniad, gwnaethoch ofyn am ein barn ynghylch a oedd posibilrwydd o alluogi rhai Rheoliadau sy'n gysylltiedig â Covid-19 i gael eu blaenoriaethu i'w trafod mewn amgylchiadau o'r fath.

Nid ydym yn credu bod yr opsiwn a awgrymwyd gan y Pwyllgor Busnes yn briodol am sawl rheswm. Yn ein barn ni, ni ddylai cymeradwyaeth ar gyfer unrhyw fath o ddeddfwriaeth fod ar sail 'mewn egwyddor'. Felly nid ydym yn gweld y bydd gennym rôl wrth gymeradwyo (neu wrthod) unrhyw asesiad gan Lywodraeth Cymru bod cyfres benodol o reoliadau, mewn egwyddor, yr un fath â chyfres flaenorol. At hynny, byddai gwerth asesiad o'r fath yn amheus yn ein barn ni, o gofio er y gallai cyfres newydd o reoliadau ddilyn amcan polisi tebyg, y gallent fod yn destun pwyntiau i adrodd yn eu cylch o dan Reol Sefydlog 21.2 neu 21.3 o hyd.

Credwn fod ein gwaith craffu ar yr holl reoliadau Covid-19 wedi bod yn effeithlon ac amserol. Rydym wedi adrodd ar y mwyafrif o reoliadau sy'n ddarostyngedig i'r weithdrefn gwneud cadarnhaol cyn pen 14 diwrnod ar ôl gosod yr offeryn. Yn y mwyafrif o achosion, mae hyn wedi galluogi'r Senedd i bleidleisio ar a ddylai'r rheoliadau aros mewn grym ymhell cyn yr 28 diwrnod a ganiateir yn ôl *Deddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984* a'r 40 diwrnod a ganiateir yn ôl *Deddf y Coronafeirws 2020* (y cydsyniodd y Senedd iddi ym mis Mawrth eleni). Byddem hefyd yn dymuno tynnu sylw at y ffaith bod mwyafrif y rheoliadau gwneud cadarnhaol wedi'u gosod ar ddydd



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Gwener; mae hyn, ynghyd â'n slot cyfarfod ar fore Llun yn golygu y bu, yn anochel, bwlch o wythnos rhwng y gosod a chraffu ar y rheoliadau gan y Pwyllgor, waeth beth fu'r gwaith a oedd yn angenrheidiol i baratoi adroddiadau i'w hystyried gan y Pwyllgor. Rydym hefyd yn tynnu sylw at sylwadau Vaughan Gething AS, y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, yn y Cyfarfod Llawn ar [6 Hydref 2020](#), yr ydym yn eu croesawu:

“Rwyf i hefyd yn croesawu'r ffaith bod y pwyllgor, o bryd i'w gilydd, wedi ein helpu ni o ran cysondeb mewn darpariaethau deddfwriaethol. Mae hynny'n rhan o bwynt y craffu. Rydym ni'n gwneud y rheoliadau hyn mewn modd cyflym oherwydd y darlun sy'n newid yn gyflym o ran y coronafeirws, ac rwy'n credu bod gwerth i'r pwyllgor ymgymryd â'i swyddogaeth graffu cyn i'r ddeddfwrfa wedyn allu arfer ei swyddogaeth wrth benderfynu pa un a all y rheoliadau hyn barhau ai peidio.”

Rydym, serch hynny, wedi ystyried amrywiaeth o opsiynau i hwyluso proses graffu gyflymach fyth. Gwnaethom drafod a fyddai cyfarfod yn amlach nag unwaith yr wythnos yn hwyluso'r gwaith craffu ar reoliadau a osodir gan Lywodraeth Cymru ar wahanol adegau yn ystod yr wythnos waith flaenorol. O ystyried arfer Llywodraeth Cymru o osod mwyafrif y rheoliadau gwneud cadarnhaol ar ddydd Gwener, gwnaethom hefyd ystyried a fyddai'n ymarferol symud slot cyfarfod rheolaidd ein Pwyllgor i fore Mercher, er mwyn ystyried rheoliadau a wnaed y dydd Gwener blaenorol ac i osod adroddiad mewn pryd ar gyfer dadl y prynhawn hwnnw. Gwnaethom hefyd drafod a allem roi ymrwymiad ffurfiol i adrodd ar reoliadau gwneud cadarnhaol o fewn terfyn amser o 14 diwrnod.

Daethom i'r casgliad, fodd bynnag, bod dulliau o'r fath yn debygol iawn o arwain at broblemau sylweddol o ran amserlennu ar gyfer Llywodraeth Cymru ac Aelodau o'r Senedd. At hynny, o ystyried cymhlethdod y ddeddfwriaeth hon, mae unrhyw ffurfioli o ran ein trefniadau presennol ar gyfer craffu ar ddeddfwriaeth sy'n gysylltiedig â Covid-19 angen ei ystyried ochr yn ochr â nifer cynyddol o ddeddfwriaeth sy'n ymdrin ag ymadawriad y DU â'r UE, yn anad dim oherwydd y gallai ffurfioli o'r fath ei gwneud yn ofynnol i gael adnoddau ychwanegol neu batrymau gwaith gwahanol. Mae'r pwynt olaf hwn yn arbennig o berthnasol o ystyried bod ein cylch gwaith yn golygu bod ein rhaglen waith wedi'i chyfyngu'n fawr ar hyn o bryd gan y gwaith craffu angenrheidiol a phwysig ar is-ddeddfwriaeth sy'n ymwneud ag ymadael â'r UE a memoranda cydsyniad deddfwriaethol ar gyfer Biliau sy'n ymwneud ag ymadawriad y DU â'r UE, gan gynnwys Bil Marchnad Fewnol y DU sy'n arwyddocaol o ran y cyfansoddiad.

Rydym yn cydnabod bod materion sy'n ymwneud â'r pandemig wedi'u blaenoriaethu yn amser y Llywodraeth yn ystod sesiynau'r Cyfarfod Llawn. Gwnaethom hefyd ystyried a allai Llywodraeth Cymru ystyried defnyddio'r weithdrefn gadarnhaol ddrafft os yn bosibl o gwbl wrth lunio deddfwriaeth sy'n gysylltiedig â Covid-19 o dan adran 45C o Ddeddf 1984. Er ein bod yn gwerthfawrogi efallai na fydd hyn yn ymarferol, byddem yn annog Llywodraeth Cymru i ystyried a oes cyfleoedd o gwbl i'w defnyddio.



Byddwn yn parhau i wneud popeth o fewn ein gallu i sicrhau bod gwaith craffu ar reoliadau sy'n gysylltiedig â Covid-19 yn cael ei gynnal mewn modd amserol. Fodd bynnag, nid ydym yn credu y dylid peryglu ein swyddogaeth graffu o dan unrhyw amgylchiadau.

Anfonaf gopi o'r llythyr hwn at Gadeiryddion pob pwyllgor.

Yn gywir



Mick Antoniw AS

Cadeirydd

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



Lesley Griffiths AS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Llywodraeth Cymru

12 Hydref 2020

Annwyl Lesley

Rheoliadau Amaethyddiaeth (Cymalau Enghreifftiol ar gyfer Cyfarpar Sefydlog) (Cymru) 2019

Yng nghyfarfod y Pwyllgor ar 1 Hydref 2020, bu'r Aelodau yn trafod gohebiaeth rhwng Cymdeithas y Ffermwyr Tenant (TFA) a chi fel Gweinidog mewn perthynas â Rheoliadau Amaethyddiaeth (Cymalau Enghreifftiol ar gyfer Cyfarpar Sefydlog) (Cymru) 2019, a chytunwyd y dylwn ysgrifennu atoch i gael rhagor o eglurhad ar y mater hwn.

Rydym yn pryderu fod Cymdeithas y Ffermwyr Tenant, yn ystod cyfnewidiadau, wedi cael gwybodaeth anghyson ynghylch eich bwriad i gynnwys atgyweirio ac ailosod gwaith draenio caeau a chefnennau llifogydd wrth ddiwygio'r 'cymalau enghreifftiol'. Byddwn yn ddiolchgar pe gallech egluro'r pwyntiau a ganlyn:

1. Ar ôl cael canlyniad eich ymgynghoriad ar Denantiaethau Amaethyddol yng Nghymru, ai eich bwriad oedd ychwanegu atgyweirio ac ailosod gwaith draenio caeau a chefnennau llifogydd fel rhwymedigaethau newydd wrth ddiwygio'r rheoliadau? Os felly, sut y cawsant eu hepgor, a pham?
2. Os nad oedd yn fwriad gennych eu hychwanegu, a allwch egluro a oedd hwn yn newid o ran sefyllfa'r polisi, neu am ryw reswm arall, a pham y rhoddwyd gwybod i Gymdeithas y Ffermwyr Tenant i ddechrau bod cynlluniau ar waith i wneud y diwygiadau angenrheidiol i'r rheoliadau?
3. O ystyried pryderon parhaus Cymdeithas y Ffermwyr Tenant am y mater, a oes gennych unrhyw gynlluniau i ailedrych ar y mater hwn?



Byddwn yn croesawu ymateb erbyn 9 Tachwedd 2020.

Rwy'n anfon copi o'r llythyr hwn at George Dunn, Prif Weithredwr, Cymdeithas y Ffermwyr Tenant.

Yn gywir



Mike Hedges AS

Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Mike Hedges AS
Cadeirydd y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Senedd Cymru
Tŷ Hywel
Bae Caerdydd
CF99 1SN

28 Hydref 2020

Annwyl Mike

Deiseb P-05-825 Diogelu ysgyfaint plant rhag llygredd niweidiol tra maent yn yr ysgol

Trafododd y Pwyllgor Deisebau y ddeiseb uchod yn fwyaf diweddar yn ein cyfarfod ar 13 Hydref, ar y cyd â sylwadau pellach gan y deisebydd.

Yn y cyfarfod hwnnw, cytunodd y Pwyllgor i gau'r ddeiseb ac, wrth wneud hynny, i ysgrifennu atoch i rannu sylwadau manwl y deisebwyr er mwyn llywio eich ymchwiliad i ansawdd aer.

Mae rhagor o wybodaeth am y ddeiseb, gan gynnwys gohebiaeth gysylltiedig, ar gael ar ein gwefan:

<https://busnes.senedd.cymru/mglIssueHistoryHome.aspx?Ild=22262>.

Os oes gennych unrhyw ymholiadau, cysylltwch â thîm clericio'r Pwyllgor drwy ddefnyddio'r cyfeiriad e-bost uchod, neu ffoniwch 0300 200 6454.

Yn gywir



Janet Finch-Saunders AS
Cadeirydd

Amg: Gohebiaeth gan y deisebwyr dyddiedig 06.10.2020



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Deputy Clerk
Petitions Committee
Senedd Cymru
Cardiff
CF99 1NA

06 October 2020

Dear Sirs,

1. We write in reply to the request submitted by the committee for further comments and thoughts on the Clean Air Plan for Wales concerning the petition 'Protecting Children's Lungs from Harmful Pollution whilst at School'.
2. First, we would like to thank the committee for further opportunity to elaborate on our concerns that we initially raised on 21 January 2020. In our response, we will refer to matters raised in our previous correspondence to the committee, dated 15.01.20.ⁱ
3. Secondly, having been involved in the development of this plan, we are incredibly proud of what it has become. This ambitious proposal offers the opportunity to transform our country and create a greener, healthier Wales.
4. The proposed plan commits to several asks raised by the British Lung Foundation (Now Asthma UK and British Lung Foundation (AUK-BLF)) through the Healthy Air Cymru Group and seeks to enshrine them in a new Clean Air Act, we welcome:
 - a. Enshrining in law new WHO air quality guidelines,
 - b. Reviewing and updating legislative instruments to review air quality strategies every five years,
 - c. Increasing local monitoring by providing statutory duty on local authorities to assess air pollution
 - d. Introducing a White Paper on a new Clean Air Act for Wales.
5. Thirdly, it is quite clear that COVID-19 has had an impact on everyone, as the only lung charity looking after the nation's lungs we note the impact to our beneficiaries, families and communities across the country. Therefore, we cannot respond without taking into account the effect that COVID-19 has had on our environment, air quality and health.
6. The cost of such changes is deadly, and when submitting evidence, we do so with remorse at the human toll to record such a reduction.
7. However, pollution levels collated by the University of Swansea have noted the significant drop in NO₂ concentrations across Wales.ⁱⁱ The reduction is significantly lower, where roadside emissions are the main contributory factor. The effects of which have been felt by our beneficiaries with lung conditions and will benefit everyone's lung health, especially children's developing lungs.

Funding at a Local Authority Level

8. In our previous correspondence, we welcomed the reforms to powers at local authority (LA) level such as the proposed reform to smoke control zones and domestic burning, legislation which is long overdue for reform. However, we had concerns about the financial implications for councils to implement such new frameworks to tackle air pollution.
9. Although there is no direct mentioning of funding to be made available in the Clean Air Plan, there are increased references in the plan to increase resources for local authorities. However, there are still some concerns about a lack of direct promises for further funding for future clean air improvements. Recent actions by the Welsh Government has gone some way to alleviate those concerns many are referenced in the Clean Air Plan:
 - a. £1m of capital funding which has been made available to accelerate the deployment of Ultra Low Emission (ULE) refuse collection vehicles in the Welsh public sector.ⁱⁱⁱ
 - b. £69 million to develop walking and cycling routes, facilities and improvements to existing infrastructure.^{iv}
 - c. Recent £15.4 million to LAs to introduce measures to improve the safety and conditions for sustainable active travel modes in response to the COVID-19 crisis.^v
 - d. Promise to work across Government and external partners to develop and align behaviour change programmes to promote active travel.^{vi}

- e. Increased budget by 50% for the Active Journeys programme, which promotes walking, cycling and scooting to school to reduce air pollution at the school gates.^{vii}
 - f. £25 million for Cardiff and Caerphilly councils to comply with Legal compliance NO2 limits.^{viii}
10. We stress that there needs to be continued investment in our local communities to improve air pollution and reduce the health impacts on our future generations. Further, in authorities where the £15.4 Million of funding was granted, we call for a detailed analysis of the monitoring measures undertaken of areas of known air quality issues. Such an analysis is vital to highlight the positive health, economic and environmental impacts of such interventions so that future local authorities can suggest such means to be implemented when they update their air quality management plans.
 11. Further, we note the impact that working from home has had on the reduction of air pollution. As mentioned earlier concentrations of NO₂ in Wales has fallen during the pandemic.
 12. This is directly linked to the reduction of human activity as we were all asked to stay home and then to stay local.
 13. One of the significant impacts is the increase in people working from home. Research conducted towards the end of the first wave of the pandemic noted that close to half of all working adults (41%) had travelled to work between the 11th - 14th, June 2020.^{ix} This is compared to the recent release (October 1st 2020) of 59% (a fall from 64% from the previous week).^x The same release highlights that a third of the working force is currently working from home.
 14. Common sense alone can make the link that if we continue to improve resources and access to support for our workforce to work from home, then the commute to work will continue to remain low and could fall further. Such a reduction in the commute to work will, in turn, reduce traffic during hours when children are either walking, cycling, scooting or been driven to school. Meaning that in the short term, whilst combustion vehicles are still driven and active travel provisions are being improved, if we continue to work from home more, school children will be exposed to less air pollution.

Exclusion Zones

15. As highlighted above, we welcome the increased funding and promotion of walking and cycling to school through the Active Journeys Programme, which is in collaboration with over 400 schools across Wales. However, there is still no direct comments in the plan around School Exclusion Zones.
16. The plan does highlight welcomed planned changes to strengthen car idling laws which pollute our streets unnecessarily as the car remains idle. Such idling concerns the charity and members of HAC, as such idling is seen at the school gates, increasing the levels of air pollution that children breathe. However, there is no direct mention of school exclusion zones.
17. To remind members of the committee, a school exclusion zone is a zone around a school where parents are encouraged not to drive their car to school and promote active travel instead. Such a measure could be applied alongside a 'park and stride' model (Living Streets toolkit here^{xi}) where parents are recommended to park at another location and walk with their children or a group of children in the supervision of an adult instead of driving to the school gates.
18. We further highlighted in our previous response that children growing up around severe air pollution are five times more likely to have poor lung development. High levels of air pollution from vehicles has been linked to worsening of symptoms of conditions such as asthma, which is common in children.
19. Sustrans, in partnership with 'playing out', is working with local authorities and schools in implementing exclusion zones around schools in Wales. The plan could incorporate such a method to reduce air pollution around schools and legislate to strengthen such initiatives.
20. We would like to see school exclusion zones to be a tool available to local authorities across Wales. There are areas where it is harder to implement due to a school's proximity to the main road; however, if the plan seeks to strengthen anti-idling laws, then school exclusion zones should be part of that reform and sought to implemented where practical.

WHO Guidelines

21. In our previous correspondence to the committee, we highlighted our concern that there is no direct commitment in the draft clean air plan to legislate WHO (World Health Organisation) air quality guidance.
22. In the current plan, it states that the Welsh Government plan is to improve air quality by: 'New evidence-based, health-focused targets for fine particulate matter (which take account of stringent WHO guidelines values) and improving national air pollution monitoring and modelling capabilities.'^{xii}
23. Although we are concerned that there isn't a direct promise of the new Clean Air Act to legislate for WHO limits, there are, however, optimistic promises for '... concentrations across Wales to below the WHO guideline for PM2.5 where it is possible, and lower still where there is sufficient potential, and there is high public exposure or risk to sensitive receptor groups.'^{xiii}

Tudalen y pecyn 106

24. The plan highlights that the future targets for PM2.5 are underpinned by the right evidence and metrics to achieve the most significant improvement to air quality. This target is based on the current lack of understanding and analysis of measures to

achieve WHO guidance everywhere in Wales. The plan highlights that a Clean Air Advisory Panel has been established to provide independent, evidence-based advice and air quality matters in Wales.

25. We welcome the plan's commitment to reduce levels of air pollution to the lowest levels possible, as there are no 'healthy' levels of air pollution. However, we believe that the new Clean Air Act for Wales should at least set an ambition for WHO guidelines to become Wales' legal air quality limits. We understand that further research and advice may need to be taken; however, the Welsh Government should ask of the panel of when Wales could achieve such a target and legislate a timetable for implementation.

The Clean Air White Paper

26. In our previous response, we expressed concerns about the lack of detail in the draft Clean Air Plan of the detail of the White Paper for a new Clean Air Act for Wales.
27. We further stressed that a Bill should be debated in this Senedd term. However, our call was made before the start of the COVID-19 pandemic, and we understand that the Senedd's time has been allocated to focus on the crisis.
28. We, therefore, welcome the plan's commitment for a White Paper to be introduced at the end of this Senedd term.
29. In our previous response, the draft Clean Air Plan didn't grant much detail as to the contents of the White Paper for a Clean Air Act for Wales. Some of our concerns have been alleviated as the plan sets out:
- a. Consultation on LAQM legislative intent in a White Paper by the end of this Senedd term.^{xiv}
 - b. The Welsh Government will publish and seek to consult on a White Paper on a Clean Air Act for Wales before the end of this Senedd Term.^{xv}
 - c. The plan highlights further examination of the evidence base for strengthening anti-idling measures and will set out proposals during 2020, in the Clean Air Act White Paper.^{xvi}
 - d. The Welsh Government will publish and consult on a White Paper on a Clean Air Act for Wales before the end of this Senedd Term.^{xvii}
30. However, concerning there is no further detail as to the contents of the Clean Air White Paper. Because of the nature of the proposed instrument used to introduce the new Act, there will also be no clear funding plans to accompany the aims and ambitions of this plan and no need to provide further detail than what is already stated in the Clean Air Plan.
31. We would call for the Clean Air Plan for Wales to be introduced by the Environment, Energy and Rural Affairs Minister in the Senedd to allow Members of the Senedd the proper chance to scrutiny the planned proposals and highlight their concerns for the plan. Such a statement and questions after that might unveil possible future content of the White Paper and place positive pressure on the Welsh Government to deliver this White Paper by the end of this Senedd term.

Warm Regards,



Joseph Carter
Head of Devolved Nations
Asthma UK & British Lung Foundation Wales.

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- ⁱ Correspondence 15.01.20 for item 3, meeting 21/01/20.
<https://business.senedd.wales/documents/s97590/15.01.20%20Correspondence%20-%20Petitioner%20to%20Committee.pdf> Accessed 5th of October 2020.
- ⁱⁱ Swansea University Trend Analysis of Air Pollution in Wales. Link to data can be found here:
https://chemri.shinyapps.io/Air_pollution_change_in_Wales_2020/
- ⁱⁱⁱ Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 54.
- ^{iv} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 61.
- ^v Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 62.
- ^{vi} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 62.
- ^{vii} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 62.
- ^{viii} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 66.
- ^{ix} Coronavirus and the latest indicators for the UK economy and society: 18 June 2020, ONS. Link to data can be found here:
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/bulletins/coronavirustheukconomyandsocietyfasterindicators/18june2020>.
- ^x Coronavirus and the latest indicators for the UK economy and society: 18 June 2020, ONS. Link to data can be found here:
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/bulletins/coronavirustheukconomyandsocietyfasterindicators/1october2020#social-impacts-of-the-coronavirus-on-great-britain>.
- ^{xi} Living Streets, Park and Stride Toolkit, <https://www.livingstreets.org.uk/media/2035/park-and-stride-print.pdf>.
- ^{xii} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 6.
- ^{xiii} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 27.
- ^{xiv} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 33.
- ^{xv} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 39.
- ^{xvi} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 65.
- ^{xvii} Clean Air Plan for Wales, <https://gov.wales/sites/default/files/publications/2020-08/clean-air-plan-for-wales-healthy-air-healthy-wales.pdf> Page 73.