

## Agenda – Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

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Lleoliad: I gael rhagor o wybodaeth cysylltwch a:  
Fideo Gynadledda drwy Zoom **Marc Wyn Jones**  
Dyddiad: Dydd Iau, 26 Tachwedd 2020 Clerc y Pwyllgor  
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### 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](http://www.senedd.tv).

### Cyfarfod cyhoeddus (13.45–16.40)

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

2 **Covid-19 a threfniadau pontio'r Undeb Ewropeaidd: Sesiwn dystiolaeth 1 – Y sector pysgodfeydd**  
(13.45–14.30) (Tudalennau 1 – 25)

Jim Evans, Cadeirydd – Cymdeithas Pysgotwyr Cymru

Dogfennau atodol:

Briff Ymchwil

Papur – Cymdeithas Pysgotwyr Cymru (Saesneg yn unig)

### Egwyl (14.30–14.35)



### **3 Covid-19 a threfniadau pontio'r Undeb Ewropeaidd: sesiwn dystiolaeth 2 – Y sector amaethyddol**

(14.35–15.35)

(Tudalennau 26 – 46)

Dr Nick Fenwick, Pennaeth Polisi – Undeb Amaethwyr Cymru

Huw Thomas, Cyngorwr Gwleidyddol – Undeb Cenedlaethol Amaethwyr Cymru

Dogfennau atodol:

Papur – Undeb Amaethwyr Cymru (Saesneg yn unig)

Papur – Undeb Cenedlaethol Amaethwyr Cymru (Saesneg yn unig)

### **Egwyl (15.35–15.40)**

### **4 Covid-19 a threfniadau pontio'r Undeb Ewropeaidd: sesiwn dystiolaeth 3 – Y sector amgylcheddol**

(15.40–16.40)

(Tudalennau 47 – 54)

Jemma Beere, Rheolwr Polisi ac Ymchwil – Cadwch Gymru'n Daclus

Michele Hunt, Pennaeth Datblygu Cyllid – Y Gymdeithas Frenhinol er

Gwarchod Adar (RSPB) Cymru

Anne Meikle, Pennaeth – Cronfa Natur Fyd-eang (WWF) Cymru

Dogfennau atodol:

Papur – Cyswllt Amgylchedd Cymru (Saesneg yn unig)

### **5 Papurau i'w nodi**

(16.40)

#### **5.1 Gohebiaeth gan Weinidog yr Amgylchedd, Ynni a Materion Gwledig mewn perthynas â Bil Pysgodfeydd y DU**

(Tudalennau 55 – 57)

Dogfennau atodol:

Llythyr

**5.2 Ymateb gan y Gweinidog Tai a Llywodraeth Leol i'r Llythyr gan y Cadeirydd mewn perthynas â'r Fframwaith Sylweddau Peryglus Drafft.**

(Tudalennau 58 – 64)

Dogfennau atodol:

Llythyr

**5.3 Gohebiaeth gan Gadeirydd y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu at y Gweinidog Tai a Llywodraeth Leol mewn perthynas â'r Fframwaith Datblygu Cenedlaethol**

(Tudalennau 65 – 70)

Dogfennau atodol:

Llythyr

**5.4 Gohebiaeth gan y Llywydd at y Cadeirydd ynghylch llywodraethu ac egwyddorion amgylcheddol**

(Tudalennau 71 – 73)

Dogfennau atodol:

Llythyr

**5.5 Llythyr gan Gadeirydd Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad mewn perthynas â Rheoliadau Cynhyrchion Amaethyddol, Bwyd a Diod (Diwygio etc.) (Ymadael â'r UE) 2020**

(Tudalennau 74 – 76)

Dogfennau atodol:

Llythyr

**6 Cynnig o dan Reol Sefydlog 17.42 (vi) a (ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod (16.40)**

**Cyfarfod preifat (16.40–17.00)**

- 7 Covid-19 a threfniadau pontio'r Undeb Ewropeaidd – Trafod y dystiolaeth a daeth i law o dan eitemau 2, 3 a 4**
  
- 8 Trafod adroddiad drafft y Pwyllgor ar ymateb Llywodraeth Cymru i lifogydd Chwefror 2020 yng Nghymru**

(Tudalennau 77 – 87)

Dogfennau atodol:

Adroddiad drafft (Saesneg yn unig)

Mae cyfyngiadau ar y ddogfen hon

Senedd Cymru  
Y Pwyllgor Newid Hinsawdd, Amgylchedd a  
Materion Gwledig  
Effaith argyfwng Covid-19 a threfniadau pontio'r  
UE  
CCERA(5) CP&EU 03  
Ymateb gan Cymdeithas Pysgotwyr Cymru

Welsh Parliament  
Climate Change, Environment and Rural Affairs  
Committee  
Impact of the Covid-19 pandemic and EU  
transition arrangements  
CCERA(5) CP&EU 03  
Evidence from Welsh Fisherman's Association

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Welsh Fisherman's Association Ltd  
Cymdeithas Pysgotwyr Cymru Cyf

## Covid-19 & ERU Transition

The Welsh Fisherman's Association-Cymdeithas Pysgotwyr Cymru Cyf (WFA-CPC) thank the Climate Change, Environment & Rural Affairs Committee (CCERA) for their interest and kind invitation to provide evidence with respect to the ongoing impacts of the Covid-19 pandemic on fishing and seafood businesses, together with Wales' preparedness for the end of Transition.

i) **The ongoing problems faced by the sector as a result of the pandemic and the effect of the WG's response to it:**

Further to our evidence submission last September, sadly the predicted winter hardships are likely to be accelerated due to international, national and localised Covid-19 restrictions. We have already been made aware of orders placed for half term being cancelled due to media reports of potential restrictions and the introduction of a 'firebreak' in Wales. We were informed that some buyers of seafood products were unable to settle accounts due to the inevitable financial downturn in the hospitality sector, which given the further implications to hospitality and other food services resulting from an English lock-down until the 2<sup>nd</sup> December increases concerns of potential bad debt particularly as some businesses may not be in a position to withstand or indeed continue beyond a second or possibly a third tranche of nationwide restrictions

The stark reality is, without an ongoing assessment of impacts across the seafood supply chain and interventions where necessary we fear that businesses integral to a flourishing coastal economy, tourism, food services and hospitality, aquaculture, processing, retail ancillary services and supplies will be lost and difficult if not impossible to replace in the short to medium term resulting in further social / societal challenges for already fragile coastal communities as noted in our previous evidence submission. The Fisheries Consequentials received by the Welsh Government to date may provide the critical financial resource to ensure the livelihoods of fishing, aquaculture and seafood businesses survive the exceptionally difficult and uncertain times ahead:

ii) **Preparations in Wales for Leaving the EU the implications this has on your sector and any concerns you may have:**

The WFA-CPC is a third sector, not for profit, organisation, we are not a marketing body or active within the seafood market place, however, our members and the wider Welsh fishing industry are almost entirely reliant on exports 90% of landings in Wales are shellfish of which 90% is exported to the Asian and EU markets

In terms of the preparedness of the Welsh fishing fleet to meet the exporting requirements for live, fresh chilled and frozen Seafoods at the end of transition, I can only comment from the perspective of the catching sector, that said, notwithstanding any additional pressures or concerns relating to potential Covid-19 impacts/implications, as far as I am aware, at the time of writing, the only preparation that individual fishing businesses need is to ensure that their vessel is registered as a 'food business' with their respective local authority environmental health office as the Registration Number will be required for the issuing authority to provide an Export Health Certificate.

To the best of my knowledge the majority, if not all, of the Welsh fishing fleet are not required to make any other preparations unless they land fish or shellfish directly into an EU port or they export directly to EU markets or a receiving agent.

To this end, the majority of preparation and guidance should, in our view, be actively targeted at the relatively small number of Welsh seafood exporting businesses to ensure readiness for the conditions that would be applied in the event of no Free Trade Agreement (FTA) between the UK and EU. By doing so and preparing exporters for the worst case scenario Welsh Government would ensure that all other possible outcomes are met. Unlike the no-deal preparations undertaken in 2019, the WFA-CPC have not been involved in, or sighted on, any Welsh Government work streams to prepare exporters of Welsh seafood products for the end of transition. For this reason we remain concerned there may be an assumption that information links to 'end of transition' preparedness for businesses are an adequate means by which to inform exporters/businesses as to how they should prepare. In our opinion, direct engagement is necessary to ensure that all exporters of live shellfish are fully conversant with potential no FTA requirements before consignments are dispatched at the risk and cost of compliance technicalities and/or rejection.

I hope that our concerns are unfounded and that such work is already underway however, given the critical nature of exporters within the seafood supply chain for primary producers we must continue to clearly flag this issue as a key concern until confirmed otherwise.

For all the reasons eluded to, communications at this time of the Covid emergency and the end of transition are critical to ensure clear, concise guidance and advice are provided to stakeholders, to date the majority of this type of information has been provided by; Seafish UK, Defra, MMO, HMRC, FSA and Gov.UK.

To a certain extent we understand that it would be wasteful to replicate guidance, however, information links, contact details for lead officials and the Welsh language provisions should also be available to those in need of assistance in Wales. At present there is no EU exit advice listed on the Gov.Wales Marine & Fisheries Website and no obvious clear route to direct advice or guidance for seafood exporters via the EU Transition Portal. Communications are clearly an area where the Marine & Fisheries Division has to improve if we are to ensure that the seafood supply chain and particularly exporters are fully prepared to meet the trading requirements at the end of transition

It is also true that whether the UK exits transition with or without an agreement the costs of getting seafood products to EU markets will increase. EHC's Inspections, delays and

unoptimised routes to customers in the EU due to the necessity for fish and shellfish to pass through Border Control Posts increasing the risks of exporting highly perishable consignments of live shellfish.

There is also a significant body of work required to build on the written statement by Lesley Griffiths MS, Minister for EE&RA dated 15th September 2020 *'A response to the Brexit and our Seas Consultation and the next steps towards a Future Fisheries Policy in Wales'* and the commitment to delivering increased fishing opportunities for Welsh fishermen, maximising the social and economic benefits to coastal communities.

The WFA-CPC looks forward to working with the Minister and Marine & Fisheries Officials to develop a Future Fisheries Policy that delivers social, environmental and economic sustainability for current and future generations.

**Covid-19 and Post Transition:**

As we remain within the grip of the Covid pandemic we must also consider and prepare for the possible implications of Covid restrictions and the added level of pressures and uncertainties that could be applied to the processes, checks and inspections at each point of dispatch and border control posts.

Whilst the UK may be able to assess and manage such risks there are significant concerns regarding the potential for Covid measures and the availability of skilled staff to ensure trade routes remain fluid and compliant whilst maintaining the appropriate public health guidance and regulation

**WFA-CPC  
November 2020**



# Eitem 3

Senedd Cymru  
Y Pwyllgor Newid Hinsawdd, Amgylchedd a  
Materion Gwledig  
Effaith argyfwng Covid-19 a threfniadau pontio'r  
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Evidence from Farmers' Union Wales (FUW)

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## About the Farmers' Union of Wales

1. The Farmers' Union of Wales (FUW) was established in 1955 to exclusively represent the interests of farmers in Wales, and since 1978 has been formally recognised by the UK Government, and subsequently by the Welsh Government, as independently representing those interests.
2. The FUW's Vision is *thriving, sustainable, family farms in Wales*, while the Mission of the Union is *To advance and protect Wales' family farms, both nationally and individually, in order to fulfil the Union's vision.*
3. In addition to its Head Office, which has thirty full-time members of staff, the FUW Group has around 80 members of staff based in twelve regional offices around Wales providing a broad range of services for members.
4. The FUW is a democratic organisation, with policies being formulated following consultation with its twelve County Executive Committees and eleven Standing Committees.

## The impact of the Covid-19 pandemic on the agricultural sector in Wales

5. The measures put in place in EU Member States and the UK's four nations from February 2020 onwards to prevent the transmission of coronavirus led to drastic changes and disruption to food supply chains.
6. In particular, the effective rapid closure of the food service sector, both in the UK and key export markets (primarily in the EU), caused a seismic shift in how supply chains function, with the majority of service sector outlets (pubs, restaurants etc.) being lost overnight and consumer buying patterns altering rapidly in an unprecedented manor.
7. Such changes coincided with a time when seasonal agricultural production was increasing rapidly as days lengthened and temperatures rose, meaning additional severe disruption to supply and demand dynamics and leading to large quantities of Welsh farm produce being either dumped (milk), put into storage or remaining on farm.
8. With similar impacts in play across the European Union, the European Commission announced an array of emergency measures, the majority of which were effective in

the UK under the terms of the Withdrawal Agreement.

9. These included the launch on 2<sup>nd</sup> April 2020 of the Coronavirus Response Investment Initiative Plus (CRII+) which introducing exceptional flexibility and simplification in the use of the European structural investment funds (ESIF) and European agricultural fund for rural development (EAFRD) funds and a one month extension of the deadline for CAP payment applications. Whilst Welsh Government agreed to a one month extension for CAP payment applications they have not taken advantage of the flexibility available under the ESIF and EAFRD to provide financial support to help Welsh farming businesses cope with the exceptional conditions caused as a result of COVID 19.
10. On the 22<sup>nd</sup> April 2020, in recognition of the fall in prices and oversupply of produce, the EU took further action by opening emergency Private Storage Aid for certain dairy and red meat products.
11. The effective closure of some export markets, including important markets for by-products such as skins and wool, also had a significant impact.
12. Both the UK and Welsh Government announced a range of financial support measures to support businesses cope with the impact of Coronavirus. Whilst farming businesses have been able to access the business interruption loan scheme, they have not been able to access grant funding of up to £10,000 made available through the Welsh Government Economic Resilience Fund.

### **Dairy**

13. By June 2020, the collapse in markets caused by the coronavirus pandemic had resulted in a fall in average UK farmgate prices of 1.9 pence per litre compared with the average price for the 2019-20 financial year – equating to a 6% fall in the average farmgate price.
14. More detailed analysis by AHDB has led them to estimate that almost half of dairy businesses in Wales have been “highly” impacted as a result of the pandemic, with the average financial loss per affected Welsh dairy farm higher than in either Scotland or England, at £6,100 for the months of April and May.
15. By comparison, the average cost per English dairy farm was almost a third lower than that of Wales, at £4,100.
16. Validated applications for the Welsh Government’s Dairy Support Scheme show that around 11% of all Welsh dairy farmers suffered losses in April and May 2020 equating to reductions in income of more than 25%, with losses in some cases exceeding £100,000 as a result of the overnight closure of the service sector.

17. Whilst around 50% of dairy businesses in Wales have been “highly” impacted by the impact of the pandemic only around 10% of dairy farming businesses in Wales were eligible for Welsh Government’s Dairy Support scheme.
18. Farmgate milk prices have on average recovered and are currently close to the five year average.
19. However, the reintroduction of ‘lockdown’ restrictions in England (which represents the most significant market for Welsh producers) again raises major concerns for those who are reliant on the service sector, with commentators already highlighting cancelled or reduced orders, potential delays in receiving payments for deliveries already made, and increased demand from retail and wholesale businesses.

### **Beef**

20. It is estimated that, overall, around 20% of beef (by volume) sold in the UK is sold in the service sector (restaurants, pubs etc.)<sup>1</sup>, while further analysis by Hybu Cig Cymru estimates the Welsh Lamb/Beef split between retail and food service at 47% to 53%<sup>2</sup>.
21. While the lockdown necessitated a switch by consumers to buying beef products in shops - primarily supermarkets – a combination of consumer and supermarket perceptions led to a large increase in mince sales, to the extent that large volumes of higher value cuts of beef were significantly devalued by being turned into mince.
22. Such impacts led to a rapid fall in cattle deadweight prices, such that by 25<sup>th</sup> April they were around 25p/kg below what they had been at the same time in 2019, and around 40p/kg below what they had been at the same time in 2018.
23. Concerted efforts by the GB levy boards, farming unions, supermarkets and others, and significant investments to promote beef and in particular higher quality cuts have since had a positive impact on prices, with deadweight prices around 20p/kg above the five year average in October.

### **Lamb**

24. As already highlighted, HCC estimates the Welsh Lamb/Beef split between retail and food service at 47% to 53%, meaning that, as was the case with beef, the closure of service sector outlets has had a major impact on the lamb sector.
25. Notwithstanding this, it must be noted that monthly slaughterhouse throughputs of lamb would generally be at a minimum in the late winter/early spring and at a peak in the late summer and autumn (see below graphs) – with slaughterhouse throughputs normally rising from the spring onwards to peaks in the autumn of between 50% and 80% of minimum (winter/spring) levels.

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<sup>1</sup> AHDB Consumer Insights (November 2019)

<sup>2</sup> HCC Briefing paper - Impact of COVID-19. Red meat in the foodservice sector: when can we expect normality? (July 2020)

26. As such, the beginning of the pandemic and lockdown occurred at a time when sheep slaughterhouses throughputs were at minimum levels.
27. However, the Easter (12<sup>th</sup> April 2020) and Ramadan (23<sup>rd</sup> April 2020) religious festivals are normally particularly important for the lamb sector, and the inability of families to gather together at these times saw sales of roasting legs down by up to 81% in weeks running up to the festivals.
28. During the two weeks up until 21st April, lamb sales were down by 27% in volume and 20% in value, while sales of leg roasting joints were down by 37% in volume while sales of shoulders were down 15%.
29. Similar trends continued, with prime lamb slaughterings down by 23.6% in May 2020 compared with May 2019.
30. Given such reduced throughputs and the ongoing absences of important markets, not least the service sector, significant work has been undertaken by Hybu Cig Cymru and others in order to shore up the lamb market including investments and promotions similar to those described above in relation to beef.
31. These have had a significant positive impact on a market which had seen a major fall in prices early in the lockdown, with average prime lamb prices around 40p/kg above the five year average at the end of October.

## **Wool**

32. Whilst wool is now, for the vast majority of Welsh sheep farmers at least, effectively a by-product of the industry, it nevertheless provides an important source of revenue for farms, not least given that sheep must be shorn annually, irrespective of what market exists for their wool, in order to ensure their welfare and minimise the risk of acute health problems such as fly strike.
33. The busiest selling period for Welsh wool is between February and May each year, and the effective closure of the international market from February onwards – including China, where a large proportion of Welsh wool is exported to - has had a particularly acute impact on wool prices.
34. The closure of normal wool markets as a result of the pandemic left British Wool (formerly the British Wool Marketing Board) with around one third of their wool stock unsold, leading to a severe cut in advance and balance payments for farmers.
35. As such, average payments for the 2019/20 season stand at 17p/kg - some 70% less than the payment received last year when the loss of the advance is taken into account.
36. This is in addition to the fact that the full payment for 2020 wool will be delayed until the 2021 season.

## Non market issues

37. Aside from the physical, psychological and social impacts which are affecting the farming community just as they are most sections of society (which the Committee is well aware of) the agricultural industry continues to face a number of specific non-market related challenges as a result of the current pandemic.
38. These include specific challenges relating to accessing veterinary services, including in relation to meeting statutory obligations such as bovine TB testing while observing social distancing etc.; meeting statutory requirements as regards, for example, accommodating farm and livestock inspections; providing information and documents to Welsh Government and responding to Welsh Government queries and marketing produce.
39. In order to help mitigate such challenges FUW staff continue to followed a number of protocols to ensure members are assisted whilst ensuring their health and welfare is protected and human contact avoided, whilst veterinary practices<sup>3</sup>, livestock markets and the Welsh Government<sup>4</sup> continue to implement a number of welcome protocols and changes to ensure businesses can continue to operate while risks are minimised.
40. Examples include changes to TB testing rules<sup>5</sup>, the strict implementation of rules in livestock markets preventing vendors from attending ringside sales<sup>6</sup>, the extension of the submission deadlines for a range of documents and the acceptance of electronic copies of documents by Rural Payments Wales which would normally have to be provided as hard copies.
41. Notwithstanding this, the restrictions placed on civil servants and resultant reduced capacity continues to cause a number of problems for farm businesses for which receiving responses to urgent queries, licences that have been applied for or site visits are time critical.
42. The FUW has arranged frequent online meetings for members in order to ensure such concerns can be raised and followed up on, and to keep the industry abreast of important developments as regards the pandemic and other issues.
43. A major obstacle for many farmers wishing to take advantage of concessions, keep up to date with developments and information of direct relevance to their businesses and communicate with others under the circumstances has been the poor provision of broadband in large areas of Wales.
44. We would also take this opportunity to highlight to the Committee the problems caused by significant increases in the numbers accessing the countryside during periods of the lockdown, especially in certain areas.

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<sup>3</sup> <https://www.bva.co.uk/coronavirus>

<sup>4</sup> <https://gov.wales/rural-payments-wales-rpw-coronavirus-covid-19>

<sup>5</sup> <https://tbhub.co.uk/statutory-tb-testing-of-cattle-in-gb-during-the-covid-19-pandemic/>

<sup>6</sup> <https://www.laa.co.uk/news/3989/coronavirus-covid-19-guidance-to-members-and-farmers/>

45. As has been well publicised at the time, during the weekend of the 21st and 22nd March, tens of thousands of visitors from within and outside Wales descended on popular destinations such as Pen-y-Fan and Snowdon with little regard for social distancing and the risk of passing the coronavirus on to other visitors or local populations.
46. For example, the Snowdonia National Park Authority stated that the area had been overwhelmed with visitors and that the significant crowding on mountain summits and trails made it impossible for effective social distancing to be maintained - scenes which were over the summer repeated and again well publicised.
47. The Welsh Government made the welcome move of introducing the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, which placed a duty on Local Authorities, National Park Authorities, National Resources Wales and the National Trust to close certain rights of way or access land considered likely to attract large numbers of people and hence prevent effective social distancing.
48. Since March 2020, the combination of the coronavirus lockdown, sunny weather and restrictions on travelling to foreign destinations resulted in unprecedented numbers using public rights of way and accessing CRoW land, bringing to light a number of issues that are of direct relevance to Welsh Government plans which would increase rights of access and use.
49. Amongst these was the fact that increased use of access on footpaths and bridleways with gates on them led to an increase in gates being left open and livestock escaping onto neighbouring land, including onto highways and into urban areas
50. It is also notable that certain rights of way saw a many-fold increase in use leading to a range of problems, while others saw little change, thereby highlighting the degree to which existing rights of way are often underused even when close to urban areas, and the need to focus on encouraging use of existing access rather than increasing rights of access.
51. Also of relevance was the increase in litter on rights of way, antisocial or confrontational behaviour, livestock attacks by dogs and orphaned/dead lambs caused by general disturbance by walkers or cyclists - all issues which highlight the need to better educate people and ensure considerate and appropriate behaviour, and carefully consider the impacts and true costs of even minor changes to rights of use and access, as proposed by Welsh Government.
52. We would also take this opportunity to reiterate the points raised in the FUW's recent submission to the Committee on Biodiversity and Rewilding in relation to the impact of lockdown measures on biodiversity.

53. The *Wildlife in Lockdown*<sup>7</sup> report, which considered the impact of an absence of visitors, due to the closure of certain rights of way under the aforementioned Order, on wildlife on Snowdon, Cader Idris and the Carneddau, and in Cwm Idwal, Coed y Brenin, Ceunant Llennyrch and Niwbwrch/Llanddwyn, found that that wildlife flourished in those areas due to fewer disturbances and less litter, with birds such as meadow pipit and wheatear in far greater abundance around paths and common sandpiper and ring ouzel nesting close to what are usually busy areas they choose to avoid.
54. The study also suggests that less litter and picnic leftovers led to fewer predator species such as herring gulls and foxes being attracted to potential nesting areas, giving breeding birds an additional helping hand during their most important time of year.

### **Preparedness in Wales for the end of the EU transition period**

55. The Farmers' Union of Wales has been engaged in Welsh Government planning for post-Brexit scenarios since shortly after the EU Referendum held on 23rd June 2016, and in particular ahead of what were possible Brexit dates of 29 March 2019, 22 May 2019, 31 October 2019 and 31st January 2020.
56. Given that these marked potential dates for the UK's departure from the EU without a trade deal with the EU, the focus of various Welsh Government stakeholder groups and meetings was:
  - a. The assessment of immediate and longer term impacts of such a worst case scenario for different agricultural sectors, based on expert knowledge and analyses produced by bodies such as the Agricultural and Horticultural Levy Board (AHDB) and Hybu Cig Cymru (HCC)<sup>8</sup>, and the Agri-Food and Biosciences Institute (AFBI)<sup>9</sup> and
  - b. Planning for how the acute immediate impacts of such a worst case scenario might be reduced
57. It must be noted that the UK Government's preparations for such a no-deal scenario fell well short of what was needed to minimise adverse impacts, as highlighted, for example, by the National Audit Office, who concluded in September 2018 that Defra not yet understood the scale of work it would have to complete ahead of Brexit and had failed to complete a large number of tasks necessary to prepare for Brexit<sup>10</sup>.

<sup>7</sup> <https://www.benporterwildlife.co.uk/Wildlife-in-lockdown>

<sup>8</sup>

<https://ahdb.org.uk/knowledge-library/exploring-the-implications-of-brexit-for-agriculture-and-horticulture-in-wales-28-june-2018>

<sup>9</sup> <https://www.afbini.gov.uk/news/afbi-releases-report-post-brexit-trade-agreements-uk-agriculture>

<sup>10</sup>

<https://www.nao.org.uk/report/department-for-environment-food-and-rural-affairs-progress-in-implementing-eu-exit/>

58. As such, the scope for thorough preparation by either Welsh Government or businesses was severely limited.
59. Such analyses and planning through Welsh Government stakeholder groups has effectively continued in relation to the far more certain 'full' departure date of 31st December 2020, while emerging information regarding trade negotiations has further allowed different scenarios to be analysed. However, UK Government preparations in particular continue to leave much to be desired.
60. From an agricultural perspective, amongst the most important work undertaken in this area is that of the Welsh Government's Environment and Agriculture Roundtable Evidence and Scenarios sub group, which has continued to collate data and evidence in order to assess the possible impacts of different combinations of trade deals on issues such as agricultural prices and land use.
61. Notwithstanding this, the FUW has consistently expressed concern at the minimal amount of investment and work commissioned by the Welsh Government to look at economic impacts of different scenarios, such as on rural employment, compared with the substantial investment in modelling work focussing on possible environmental and land use changes.
62. While the FUW fully supports the latter, it maintains that economic and social impacts for Welsh families should have attracted equal attention and investment in terms of modelling different scenarios, and that such work should be carried out posthaste and attract significant investment.
63. Whilst the work carried out by the Evidence and Scenarios sub group has been essential in identifying potential impacts that, once published, should help inform businesses and others of likely effects, other Welsh Government stakeholder groups have focussed on other aspects of the post-withdrawal period, most notably the practical preparations needed to minimise adverse impacts of different UK-EU Trading Scenarios. Such groups include the Welsh Government's EU Transition Agri-food Supply Chain Stakeholder Group, the Farmed Animal Health and Welfare Agricultural Resilience Group and the Sheep stakeholder focus group.
64. The work of such groups continues to be severely hampered by uncertainty regarding post-withdrawal trading arrangements with the EU, and a lack of progress in terms of preparation, primarily by the UK Government, for different scenarios.
65. For example:
  - a. The Veterinary Public Health Association (VPHA) and British Veterinary Association (BVA)'s document *Export Certification and the challenges facing the meat and livestock sector post-transition* concludes that
    - i. If the EU discontinues recognition of the UK's health status, sub clauses may apply for meat exports requiring a 40 day standstill on the last holding before slaughter, a negative TB test within 3 months of



slaughter, systematic trichinella testing of pigs and the segregation of EU and non-EU destined products.

- ii. Existing Harmonised European Health Certificate (EHC) conditions will impose a severe limitation on and in some cases prohibit the export of certain categories of products such as fresh mince and meat preparations, 5th quarter products and certain categories of offal and by-products.
- iii. Shortages of Veterinarians may be a major problem, since meeting export requirements does not only require vets to sign EHCs at the point of departure, but also to verify and certify information and processes throughout the supply chain, including on farm, in slaughterhouses, co-located and standalone cutting plants and retail packing sites, cold stores and at borders. While the UK's Animal and Plant Health Agency (APHA) has estimated the number of additional vets needed for EHC certification work to be around 200, businesses involved in export certification work have put the number at at least 350.
- iv. While a great deal of progress has been made to automate the system to apply for EHCs, the expected 500% increase in the requirement for these will be coupled with a different and in essence new form of export trade; the bulk of current Products of Animal Origin exports to non-EU countries is of frozen product with long lead times, whereas current trade with the EU is largely of fresh product often with very short lead times and tight delivery windows. As such, any delays will adversely affect shelf life and be commercially damaging, and concern therefore exists regarding the speed at which EHCs will be processable.
- v. Operators dealing with movements of agricultural goods between Northern Ireland and Britain do not yet know how this trade will be managed, what Sanitary and Phytosanitary (SPS) rules will apply and what the legal requirements will be for the placing of British products on the Northern Irish market, and the placing of Northern Irish product on the British and EU markets after the withdrawal period.
- vi. There is no clarity regarding imported Products of Animal Origin materials which are further processed in the UK for re-export to the EU market.
- vii. The uncertainty and lack of information on these key issues is undermining confidence among operators and making it difficult for these businesses to organise and plan their post withdrawal period trade with the EU, and unless they are resolved exports to EU markets will either be impractical or impossible.

- b. Academics in the Republic of Ireland and Wales working under the *Ireland Wales Cooperation Programme* have noted the failure of the UK to prepare Welsh ports for post-withdrawal arrangements<sup>11</sup>, highlighting:
- i. The Internal Market Bill could significantly affect UK ports like Liverpool, Holyhead, Fishguard, Pembroke Dock and Milford Haven, and the Irish ports of Dublin and Rosslare.
  - ii. Welsh and Irish ports are facing profound and unprecedented challenges as the transition period draws to an end, and efforts to address these have been more far-reaching and sustained in the Republic of Ireland than in Wales.
  - iii. The Republic of Ireland has made considerable investments in new customs infrastructure - for instance, an investment €30 million and re-purposing of 10 hectares of land, including building new customs posts and associated facilities at Dublin Port - while there are to date no comparable developments in Welsh ports - despite Holyhead being the second busiest port in the UK (Border Inspection Posts are not expected to be in place in Welsh ports until July 2021).
  - iv. With around 40% of total Irish trade facilitated through Holyhead, equating to some 150,000 lorries crossing to the European mainland via UK ports, the lack of infrastructure in Welsh ports threatens to increase the current 20 hour duration of such journeys in such a way as to make such crossings far less practical, leading ports at Dublin and Rosslare to develop new direct ferry routes to continental Europe.
  - v. The UK must address practical challenges in its Irish-facing ports if Brexit is to work economically and politically
- c. The British Meat Processors Association (BMPA) maintains a log of issues and progress<sup>12</sup> in relation to key matters that need to be resolved in order to facilitate exports and minimise friction and costs.

As at 30th October 2020, of the ten key issues identified in their log, five were 'in progress' while five were 'unresolved'. Issues unresolved include:

- i. The fact that the UK has yet to be given Third Country approval, which must take place before meat processing plants that currently export can be officially listed by the EU as eligible to continue doing this. Third Country approval must be voted on by the EU Standing Committee on Plant, Food and Feed and it is understood that this may not take place before December 2020, introducing a high degree of

<sup>11</sup> <https://theconversation.com/uk-is-not-doing-enough-to-get-irish-facing-ports-ready-for-brexit-148063>

<sup>12</sup>

[https://bmpa-my.sharepoint.com/:x/g/person/anna\\_proffitt\\_britishmeatindustry\\_org/EbY59FPP-Z9Ni-FHilbL2T8BqtEqdTkLxQuhDR4pceZYQ?rttime=np0fANJ82Eg](https://bmpa-my.sharepoint.com/:x/g/person/anna_proffitt_britishmeatindustry_org/EbY59FPP-Z9Ni-FHilbL2T8BqtEqdTkLxQuhDR4pceZYQ?rttime=np0fANJ82Eg)

uncertainty for UK exporters and EU importers in terms of the ability of the UK to continue trade with the EU.

- ii. With guidance on what health marks need to be applied to Products of Animal Origin after December 2020 having finally been issued on 15th October 2020, the Chief Veterinary Officer of the UK must now write to non-EU countries to advise them of the changes such that buyers in importing markets understand the new health marks and that they guarantee the same standards as the previous EU health marks.
  - iii. That the system developed by Defra for the export certification of grouped consignments (the Groupage Export Facilitation Scheme) specifically excludes fresh and frozen meat, and only covers products packaged for sale to the final consumer, meaning there is no provision for grouped consignments of fresh meat in any format. If the system is not developed to accommodate such consignments, this type of trade with the EU will have to cease.
  - iv. The Draft Harmonised Export Health Certificates (already referred to under 15a, above) have been circulated which suggest significant differences between current and future requirements, including Trichinella testing (which the UK is currently exempt from), TB testing requirements, and a 40 day residency requirement on the last holding before slaughter. Such requirements would mark a significant change compared to current practices and place major restrictions on farmers and exporters which would start to take effect in the coming weeks.
  - v. Defra has to date only provided a broad outline of the processes involved in relation to certification requirements for movements of products between Britain and Northern Ireland, and while there is some detail on health and identification marks there is still significant ambiguity in terms of the practical implementations for companies.
66. Committee will note that while farming businesses are not generally involved directly in exporting, most, if not all of the above examples relate to issues which are of direct relevance to farm businesses, including some which seem likely to start to have an impact in the coming weeks.
67. Concerns such as those listed have been discussed in regular meetings of the Welsh Government's EU Transition Agri-food Supply Chain Stakeholder Group and other groups, which provide invaluable forums for the dissemination of information in relation to all aspects of Wales' agri-food supply chain, including in relation to work undertaken to change or implement new Welsh legislation necessary for the post-withdrawal period.
68. Whilst many of the issues of concern for farmers and food producers are beyond the control of the Welsh Government, and some are beyond the control of the UK Government (and rely on EU decisions which are tied to the current political

negotiations), there is concern that Welsh Government may have been slow to prepare with regard to certain areas which *do* fall within its powers, or exert influence in other ways, for example in relation to decisions relevant to infrastructure near ports.

69. For example, the Border Operating Model document<sup>13</sup> published by the UK Government on 8th October 2020 states that “*HMG are working with Welsh and Scottish government to confirm the infrastructure requirements for Wales and Scotland*”, while it is notable that Border Inspection Posts at Welsh Ports are not expected to be operational until July 2021.
70. The 8th October 2020 Border Operating Model document lists the roles of the UK and Devolved Administrations, Government agencies and others in relation to UK ports, stating that the Welsh Government is responsible in Welsh ports, partly or fully, for:
- a. Imports and exports of live animals and animal products
  - b. Imports and exports of fruit and vegetables, plants and wood
  - c. Protecting the environment
  - d. Control of imports and exports of chemicals and nuclear materials (in association with the HSE)
71. However, given that exports to mainland Europe via English ports and the Channel Tunnel is the prime concern for Welsh agriculture, the FUW had had little involvement in discussions with Welsh Government relating to Welsh ports until recent months.

### **Preparedness of Welsh farm businesses**

72. Welsh farm businesses are reliant to varying degrees on exports to the EU (as well as imports in some contexts), with reliance in the sheep and hill sheep sector particularly acute, given that around a third of Welsh lamb is exported to mainland Europe. Moreover, agriculture is amongst those industries most at risk from the impacts of tariff and non-tariff barriers under most of the likely post-withdrawal scenarios, given the UK Government’s position on membership of the Single Market.
73. Whilst some farmers are involved directly in the importation and exportation of live animals for breeding, the majority are not - although it should be noted such trade is important for the industry as a whole in terms of indirect benefits, such as improved genetics, and that the trade in semen, ova and embryos is also important for many individual businesses and the industry as a whole.

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<sup>13</sup> <https://www.gov.uk/government/publications/the-border-operating-model>

74. As such, there has been relatively little that the vast majority of farmers have been able to do directly to prepare for the post-withdrawal period, other than taking limited actions such as stockpiling medicines and other items in anticipation of shortages - not least given that there is still no certainty as to what the future trading relationship with the EU, or Third Countries and other trading blocs, will look like.
75. Moreover, farmers are well aware that a specific change in their business model made in anticipation of one post-withdrawal agreement would be wholly inappropriate in other post-withdrawal scenarios.
76. As such, since 2016 the FUW has advised farmers to better understand where their main financial strengths and weaknesses are such that changes to a business can be made rapidly to suit different Brexit scenarios once they are agreed and understood.
77. As the 31st December 2020 approaches it seems likely that more specific advice as to how farm businesses should prepare may become appropriate, and be given by Governments, trade bodies or buyers with specific needs in terms of meeting export requirements (for example, the 40 day residency rule, if made a requirement for Export Health Certification - something that would have an immediate and likely retrospective impact on farm businesses).

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### **Covid-19 and EU Transition**

NFU Cymru is the voice of Welsh farming, championing, and representing farmers throughout Wales and across all agricultural sectors. Our vision is for a productive, profitable, and progressive Welsh agricultural industry, capitalising on global opportunities, contributing to the national economy, and supporting thriving rural communities.

Brexit represents one of the most significant challenges our sector and country has ever faced, and as we deal with and prepare for the implications which flow from it, we have also been called upon to respond and adapt to the very significant shock caused by the coronavirus pandemic

Committee has asked NFU Cymru for its views on the on-going problems faced by the sector as a result of the pandemic, and the effectiveness of the Welsh Government's response to it, as well as our views on preparedness in Wales for leaving the EU, the implications this has for our sector and any associated concerns. We are pleased to provide the following commentary

#### ***The on-going impacts of the coronavirus pandemic and the effectiveness of the Welsh Government's response to it***

1. Like everyone else, NFU Cymru is incredibly grateful to those working so hard as part of the national effort to deal with the coronavirus situation, and the Union would like to record its gratitude to those working on the front line of the coronavirus pandemic.
2. Wales' farmers are proud of their role as food producers and stand ready to do whatever is needed to keep our food processing sector supplied with the primary produce that it needs to keep the nation fed. However, the long production cycles involved in agriculture mean that farmers are to a greater or

lesser extent locked into their commitments to keep producing at certain level, and will always find it challenging to respond to market signals.

3. Food supply chains are also highly complex and vulnerable to disruption, and primary producers experienced some significant upheaval and volatility in the spring as lockdown led to completely altered consumer demand, with the near complete loss of foodservice outlets and increased demand in the retail sector.
4. The empty shelves driven as we saw in the Spring arose as UK consumers transferred £1.5bn of food into the home in less than one month. Things got back to normal once supply chains had replenished stocks and consumer buying began to return to more usual buying patterns.
5. As well as being concerned with food production, many farms have diversified into enterprises such as hospitality and retail. The coronavirus pandemic meant that for many farm businesses these alternative income streams were chocked off during the lockdown period, something which has had a significant impact on many farm incomes
6. Although things have now normalised with supply chains back in equilibrium and prices having stabilised, the situation which unfolded back in the spring has reminded us of how farmers are exposed to a disproportionate share of risks in the supply chain and are not especially well placed to be able to respond rapidly to changing demand. We believe that greater account of these facts needs to be taken by Governments in the mitigation measures they chose to introduce, and the policy choices they make.
7. The UK and Welsh Governments have put in place a range of measures to mitigate the effects of the pandemic including the UK Government's Coronavirus Job Retention Scheme, Coronavirus Business Interruption Loan Scheme (CBILS), the Bounce Back loan scheme and the Welsh Government's Economic Resilience Fund.
8. These schemes were not always readily applicable to agricultural systems and businesses: production on farms cannot be furloughed when animals need to be looked after and crops need to be tended, and we feel that to an extent the agricultural sector has fallen between the cracks when it comes to the support made available to aid the economy.
9. NFU Cymru was grateful to Welsh Government's deployment of a dairy hardship support scheme to assist those milk producers who had been hardest hit by the effects of the Covid-19 outbreak. Around 160 farmers have been benefitted from the scheme which has offered assistance of up to £10,000 to cover around 70% of lost income, which has partially made up for the significant losses suffered by them.
10. The deployment of assistance to dairy farmers in Wales did however see a significant number of individuals miss out on the threshold for eligibility by the narrowest of margins, as a result of the decision to base the eligibility criteria

on milk price alone rather than income loss on the farm. Many of these farms have faced income loss that runs into the tens of thousands of pounds. We continue to press the Minister to reconsider the eligibility criteria for this hardship scheme.

11. There can be no doubt that some of these farms were amongst the hardest hit, financially, by the loss of markets caused as a direct result of COVID and is suggestive of the need for the Welsh Government to consider a more flexible approach if confronted with a similar situation in future
12. In relation to the Welsh Government's Economic Resilience Fund, at the outset it became apparent that primary production would be excluded from the scope of the scheme, and we made immediate and multiple representations to the First Minister, Welsh Government Ministers, Members of the Senedd and Members of Parliament as to the need to modify scheme eligibility so that farm businesses concerned with primary production would be able to access support. Unfortunately, we were unable to persuade Welsh Government of the need to modify the scheme, and Welsh agriculture has not been recognised in the Welsh Government's Economic Resilience Fund.<sup>1</sup>
13. Welsh agriculture and the food processing sector in particular are reliant on migrant labour, this is very often for specialised tasks, such as animal husbandry and butchery, which cannot be automated. The pool of available labour was already under pressure before the Covid-19 pandemic, but the lockdown measures and transport disruption have put further pressure on labour recruitment from abroad.
14. In NFU Cymru's view the coronavirus pandemic has underscored the value of having an indigenous primary production base, particularly when supply chains are so complex, operate on a 'just in time' basis and are as easily disrupted as they are now. Insulating them from shocks, particularly when we do not know what form that shock might take, and where it might impact, presents a real challenge
15. Coronavirus has prompted a number of countries around the world (e.g. Russia, Ukraine and India) to take steps to limit the export of strategically important foodstuffs such as wheat and soy meal. If export controls are to become increasingly common and frequent, then this will have a knock-on impact on global food supplies and will bring into question the wisdom of many countries in relying on others to assure their food security.
16. Getting Wales' economy back on its feet after recent events represents a very significant challenge, and whatever the 'new normal' will be, it will be vastly different to the pre-Covid situation. It will be many months, if not years before we see the food service sector operating as it did prior to the pandemic.

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<sup>1</sup> <https://www.nfu-cymru.org.uk/news/latest-news/nfu-cymru-calls-for-urgent-review-of-economic-resilience-fund-to-support-welsh-farm-businesse/>



17. Although lockdown measures were eased during the summer, and we saw more people eating out of the home, the fact is that we are seeing lockdown measures re-introduced on a nation-wide or localised basis and this is going to impact on demand in the food-service sector.

***Preparedness in Wales for the end of the EU transition period, the implications for agriculture and our concerns***

18. January 31<sup>st</sup> 2020 saw the UK's departure from the EU in legal and political terms, whilst December 31<sup>st</sup> 2020 will essentially see our departure from the EU in economic terms, as we leave the single market and customs union.

19. The EU27 remains our nearest and most valuable export market. Preserving as much as we can of this market, on the best possible terms is vital for Welsh agriculture. If we fail to agree a trade deal with the EU, then this will mean the loss of an export market which is home to around £200m worth of red meat exports annually. Losing this market could result in the failure of many businesses operating across the Welsh red meat supply chain.

20. NFU Cymru very much wants to see a deal between the UK and EU which is based on zero tariffs and zero quotas. It is of course very well known that tariffs on agri-food products are incredibly high (48% on lamb, 84% on beef, cheddar 57%) and if these tariffs are not eliminated through a comprehensive free-trade agreement, they will effectively price us out of key export markets.

21. Whilst the impact of tariff barriers on our competitive position are readily understood, we must not overlook the corrosive effects that non-tariff barriers such as Export Health Certification, customs checks, and sanitary and phytosanitary controls can have. The fact is that any such trade facilitation cost is almost certain to make our product less competitive in our export markets and can also constrain our ability to respond rapidly to market signals.

22. Even if our access to this market is lost briefly, it will mean that our customers in the EU27 will look for alternative suppliers which will in turn make it very difficult for us to reclaim these markets at a later date

23. At such a late stage in the Brexit process, we still have no idea what sort of future trading relationship we will have with the EU27, and this is deeply frustrating and highly regrettable. This also severely limits the practical steps and actions which can be taken in Wales to prepare for the end of the transition period.

24. Without knowing what sort of future trading relationship we will have with the EU, any steps taken by business and Welsh Government at this stage could mean the unnecessary and wasteful diversion of resources in preparation for an outcome which may not be realised.

25. Although we now have the certainty that we will completely exit the EU's structures at the end of year, and trade with the EU27 on an entirely different basis, it has to be remembered that our departure from the EU, with or without a deal has been in prospect on two previous occasions. The possibility of Brexit in March 2019 and then again in October 2019 undoubtedly led to the nugatory deployment of money and resources. These false starts, coupled with Brexit negotiations which have so far proved unsuccessful in terms of reaching a deal, means that a strong feeling of Brexit fatigue appears to have set in amongst both business and the public
26. Overlaid with Brexit fatigue is the fact that since March, so much business and government resource has been re-directed into dealing with the fallout of the coronavirus pandemic. The co-incidence of the unprecedented upheaval of Brexit and a once in a generation pandemic has created 'the perfect storm' where business are at the third time of asking reluctant and/or unable to divert significant resource into preparing for the unknown, when so many are already battling for survival in light of the coronavirus situation.
27. The long and complex production cycles involved in livestock and crop agriculture mean that our sector will always face a challenge in terms of responding quickly to market signals. This is no less true of Brexit and trying to anticipate the changing demand for our product which may arise under different scenarios. Most of the lambs which are to be born in 2021 have already been conceived and cropping plans for next year are well advanced. For dairy and beef cattle, production cycles can span a number of years, and as living organisms, their output and productivity cannot be stopped or slowed down easily.
28. The practical steps that farmers can take to prepare for Brexit are limited. In 2019, farmers were urged to take steps such as ensuring that they had adequate amounts of commonly used veterinary medicines and vaccines as these products overwhelmingly originate in the EU. The shelf-life of these products is often quite short, and in addition they are often expensive and so would mean tying up working capital.
29. With the ending for free movement from the EU now imminent, there are some real questions about the likely availability of the labour force which is needed in the agricultural and allied industries after Brexit. This includes not only labour on farm, but also labour the food processing and horticulture sectors. In particular, we are incredibly reliant on EU nationals working as official veterinarians in abattoirs.
30. We wish to draw committee's attention to Wales' organic sector, and the considerable uncertainty it faces. At present the UK is seeking "equivalence" for UK organic certification bodies so they are able to continue to market organic product in EU markets, and to continue using the EU organic logo on packaging. The situation around organic produce is still unresolved, and if a way forward is not found then our organic producers will face the prospect of having to sell their product into the conventional market and will receive a much lower return for it.

31. Ultimately, how Welsh agriculture fares when we leave the EU's single market and customs union will depend on others in the agri-food supply chain. Whilst we have emphasised the importance of being able to access export markets, there are few if any farmers who are themselves involved with supplying directly into export markets. Typically what farmers produce is aggregated by a processor or intermediary and sent for export, if these other actors in the supply chain are unprepared for the new way in which we will have to deal with the EU27 after 1<sup>st</sup> January, then this will be felt very keenly by primary producers.
32. NFU Cymru broadly welcomed the publication of the UK Global Tariff schedule published back in May 2020, with the UK Government looking to largely maintain tariffs on imports of agri-food products, not covered by an existing trade agreement. We believe that it attains a reasonable accommodation between helping safeguard primary production and consumer interests.
33. The kind of tariff regime operated by the UK after 1<sup>st</sup> January will have a significant bearing on the prospects for Welsh agriculture, and we have pressed UK Government ministers on a number of occasions as to whether the tariff regime published in May will still pertain in the event of a no-deal Brexit. On each occasion, we have been assured by the UK Government that the May 2020 tariff schedule would be adhered to, however we cannot be certain that in the event of a no-deal with the EU, the UK Government would not simply deploy an alternative tariff schedule which would see tariff barriers relating to agri-food products fully or partially dismantled.
34. We continue to press the UK Government on the publication of the statutory instrument relating to tariffs, which would provide some assurance as to the government's intention in this area.
35. The worst of all worlds scenario as far as tariffs is concerned is that the UK Government fully or partly dismantles tariffs on inbound agri-food products, whilst the EU maintains its common external tariff on UK exports (as it is bound to do under WTO rules). This would mean products from all over the world would enter the UK at low or zero tariffs, whilst we would be priced out of EU export markets.
36. In relation to Welsh Agriculture, NFU Cymru is concerned at the way in which Welsh Government appears to be intent on pressing ahead with the development of future agricultural support policy for Wales. Since the Brexit referendum we have had two consultations on future policy, and a third is expected before the end of 2020.
37. Outside of the Common Agricultural Policy, Welsh Government has the ability to devise and operate its own arrangements for agricultural support, however this does not mean that we have to rush towards devising a Welsh policy, particularly when there are so many unknowns which could have a very profound impact on Welsh agriculture.

38. At the present time, we do not know whether we will be trading with the EU, or nearest and most valuable export market on a WTO basis, or whether a trade deal will be agreed. Similarly, we do not know what trade deals the UK Government may reach with economies with significant offensive agri-food interests, and what impact this could have on Wales' farmers.
39. With so much of the agricultural sector's prosperity bound up in the sort of future trading relationships we have with the EU and third countries, we are urging Welsh Government not to press ahead with policy development until a much clearer picture has emerged of the trading environment which will pertain in future.
40. In light of Covid and Brexit we need to properly reflect on the resilience of the nation's food supply systems and our food security, and place domestic food production at the heart of government policy for agricultural support.
41. In the event of a no-deal Brexit, we would ask that the Welsh Government be prepared to lobby and work with the UK Treasury to secure the deployment of support packages which are tailored to the sectors of the Welsh farming industry adversely impacted by market disruption.
42. NFU Cymru fully accepts that upon our departure from the European Union's single market, and the regulatory convergence it imposes, there is genuine potential for new barriers to intra-UK trade to arise as a result of diverging regulation in each of the UK's home nations, as areas previously occupied by Community law revert to the competence of London, Cardiff, Edinburgh and Belfast. One of the natural corollaries of being outside the EU's single market therefore is the need to take steps to preserve the integrity of the UK's internal market
43. We would for example point to the fact that around 60 per cent of Welsh red meat is sold on the UK market, with only 5% of Welsh red meat sold within Wales. When it comes to dairy, in 2018-19 Wales was estimated to have produced 1,971 million litres of milk but has a current processing capacity estimated at 956m litres per year. As a small country which produces far more milk than it consumes, we are very dependent on being able to send this to other parts of the UK for processing and consumption.
44. We must ensure that from 1<sup>st</sup> January 2021 we do not see new barriers to intra-UK trade being erected, but we have always argued that this should be achieved by mutual agreement between the UK and the Devolved Governments and not by imposition from the centre, this remains our position, and we do have some concerns about a number of proposals contained in the UK Government's Internal Market Bill.
45. NFU Cymru considers the prospect of mutual recognition and non-discrimination principles, not properly anchored to a UK wide baseline of product standards (provided for via common frameworks) to be deeply concerning, and something which could risk triggering an intra-UK race to the

bottom in terms of standards. Outside of the discipline imposed by a trade agreement with the EU we would consider this risk to be significantly amplified. We are keen to see common frameworks progressed and operationalised from 1<sup>st</sup> January 2021.

46. NFU Cymru thanks the committee for the opportunity to comment on the impacts of the Covid-19 pandemic and preparedness in Wales for the end of the Brexit transition period.

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## Introduction

In this paper, we've summarised members' views on Covid-19's impact and the potential and need for a truly green recovery. We have highlighted our concerns on the ending of the EU Transition period, when we no longer have any statutory environmental governance or principles in Welsh law.

These are significant and very time-sensitive issues which we're pleased to see the CCERA Committee exploring. We'd be happy to return and for members to give further and updated views as time goes on regarding either of these topic areas.

## Covid-19 and a green recovery

### Effect of Covid-19 on the eNGO sector

Environmental NGOs are still struggling with the impacts of Covid-19 and have been participating in the review conducted by Natural Resources Wales into the stabilisation of the sector. WEL members have found it difficult to access emergency funding throughout the crisis and we are concerned about the impact of furlough ending, and the current uncertainty around the furlough scheme, with possible repeated lockdowns becoming necessary to control the virus.

Members are clear that they need longer-term funding to enable them to plan the projects that are necessary to deliver a green recovery and tackle the climate and nature emergency. In particular, the Welsh Government has a role in providing core funding that enables eNGOs to lever in other sources of funding whilst supporting future planning and project development, which also enables NGOs to deliver on Welsh Government priorities. Grant delivery mechanisms should be reviewed and amended in order to make them fit for purpose. WEL has submitted a review of the SMS scheme, as this is currently being evaluated.

Whilst this crisis has upturned the way we do things in just about every sector, WEL has been working on the potential for a post-Covid-19 'green recovery' and warmly welcomes the Welsh Government's direction of travel as well.

## A green and blue recovery with the jobs to drive it

WEL set out several months ago the 'Principles & Tests for a Green & Just Recovery'<sup>1</sup>. It should:

1. *address the nature and climate emergency, prioritising nature restoration as well as decarbonisation measures within the fiscal stimulus package;*
2. *be based on sound evidence, with collaboration to design solutions and support prioritisation;*
3. *move Wales towards a Well-being Economy<sup>2</sup> – an economic model that includes the value of, and invests in, nature and also includes circular economy principles;*

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<sup>1</sup> Wales Environment Link, 2020. Briefing: [Principles & Tests for a Green and Just Recovery](#).

<sup>2</sup> Wellbeing Economy Alliance, 2020. Press release: [Ten principles for building back better to create wellbeing economies post-Covid](#).

4. *ensure that social justice and equality is embedded in recovery to ensure discrimination is not built into the structural changes made, there is equality of opportunities for those currently disadvantaged, and the most vulnerable are protected; and*
5. *address intergenerational justice by putting young people's employment at the forefront of plans, as they are likely to suffer significant impacts throughout their life from early unemployment and also carry the cost of the Covid-19 recovery.*

To set out the practical examples of 'green and blue jobs' that will be needed to fully tackle the dual nature and climate crises, we've also put together a briefing<sup>3</sup> on this and highlighted it online<sup>4</sup>, generating discussion across sectors which we think is equally important, so we all understand the importance of these kinds of jobs, and not just add 'greenwash' to existing jobs.

Ramblers Cymru added a very helpful annex<sup>5</sup> setting out case studies on jobs which increase access to the outdoors. The expertise exists already in our network and the wider eNGO sector and we've been fulsomely inputting as much as we can to Welsh Government and Natural Resources' Wales working groups in these areas, even whilst we've been under capacity as our members' have been hit hard both in terms of income and staffing, with many furloughed for large amounts of time.

## **Nature targets**

All of this was the background to the UN's announcement on 15<sup>th</sup> September that the international community has failed to in its 10 year mission – through the Convention on Biological Diversity – to halt the decline and loss of nature. We already knew this was the case in Wales, with the State of Nature reports and NRW's own State of Natural Resources Report, but this emphasised the global failure to take action on this escalating issue. In short – decades of international targets under the CBD have not had sufficient impact to halt nature's collapse.

We have called for new statutory biodiversity targets for Wales (in the same way that we have climate targets) and wrote to the First Minister & Environment Minister<sup>6</sup> asking for them to do this in domestic Welsh law. Whilst Wales has the frameworks – via the Environment Act and Wellbeing of Future Generations Act – to prioritise biodiversity, this hasn't translated to results in actually halting its loss yet; partly because they are not clear on ambition and accountability. Statutory long term targets, back up by statutory interim targets (5 yearly milestones) would enable the evidence, policy, action framework established in the Environment (Wales) Act to be more effectively scrutinised. Failure to deliver on interim targets would lead to a requirement on Government to review policy, legislation and funding for delivery.

We were disappointed by the response<sup>7</sup>, sent the following month, pointing to the Nature Recovery Action Plan (NRAP)<sup>8</sup> as sufficient in this regard. Although we do warmly welcome the Welsh Government signing up to the Edinburgh Declaration of sub national governments calling for a post-2020 global diversity framework, it seemed to be a rejection of domestic targets (in the way we have climate targets) and the NRAP highlighted

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<sup>3</sup> Wales Environment Link, 2020. Briefing: [Jobs for a Green and Just Recovery](#).

<sup>4</sup> Twitter, 2020. @WalesLink: [Tweet highlighting different kinds of green & blue jobs](#).

<sup>5</sup> Ramblers Cymru, 2020. Case Study: [Green jobs for access provision](#).

<sup>6</sup> Wales Environment Link, 2020. Letter: [Global Biodiversity Outlook and calling for nature targets](#).

<sup>7</sup> Wales Environment Link, 2020. Letter: [Response from Environment Minister on nature targets](#).

<sup>8</sup> Welsh Government, 2020. [Nature Recovery Action Plan](#).

as all we need in Welsh law. Despite many years of input to the contrary, the NRAP is less of an Action Plan and more a list of structures and initiatives that the Welsh Government **hopes** to revive biodiversity but ultimately are not given the priority, funding or impetus behind it to achieve much. Furthermore, the NRAP is not an all-encompassing list of nature conservation requirements in Wales, as it does not fully address marine conservation requirements, which are covered in separate Plans, created by separate Welsh Government Divisions. The NRAP does not contain any targets, and moreover it does not in itself have statutory weight. The actions listed within the NRAP does also not lead to the kind of work that reverses and halts the damaging activities already harming biodiversity in Wales, such as Intensive Poultry Units or deteriorating water quality in our rivers. No actions will be as effective as they should be without proper monitoring and enforcement.

This is about halting the collapse of our natural systems that sustain all life on our planet; and it's still far too often seen as a footnote to Welsh Government policy. **We maintain that we desperately need legally binding nature targets in Wales** and we hope this can be part of the future Environmental Governance & Principles legislation (more on this below) which we will need to urgently pass in 2020, as the gap will open up from 1<sup>st</sup> January onwards.

### **Increasing air quality and reducing congestion**

The pandemic has been devastating for many, both personally and professionally, but a silver lining has been an increase in air quality and, what was only recently an unthinkable downward trend in traffic congestion. This will be difficult to sustain as only key workers are encouraged to use public transport but something which we warmly welcome the Welsh Government's direction towards a holistic modal shift and focus on this in creating sustainable transport policy.

Welsh Ministers have encouraged the continuation of working from home<sup>9</sup>, where possible, and recognised the need for adapting in all settings: *"If we make these new work patterns a part of our future, it will give us the ability to re-think the design and the layout of many of our town centres and high streets. We can move from a retail-dominated model to a more diverse range of activity and opportunities, providing us with the platform to revitalise our town centres<sup>10</sup>."* Deputy Minister for Economy & Transport, Lee Waters, has outlined that they're exploring a network of community-based remote working hubs within walking or cycling distance of people's homes, foreseeing around 30% of the workforce working remotely on a regular basis.

This aligns well with work that was already underway in 2019 in the South East Wales Transport Commission, which was tasked with tackling congestion in a holistic fashion in this region, after the First Minister rightly ruled out the M4 relief road which would have demolished the biodiverse Gwent Levels. Their Emerging Conclusions Report was published in July 2020<sup>11</sup>, with a key focus being the need for a 'Network of Alternatives' in terms of other kinds of transport, rather than falling back on the car as the easiest mode. This will be more difficult with the move away from public transport, but if the Welsh Government is successful in promoting working from home and common hubs, genuinely restructuring and reprioritising how Wales works, there will be parts that are easier than envisioned too.

### **Importance of access to green space**

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<sup>9</sup> Welsh Government, 2020. Press release: [Aim for 30% of the Welsh workforce to work remotely.](#)

<sup>10</sup> Welsh Government, 2020. Written statement: [Embedding remote working.](#)

<sup>11</sup> Welsh Government, 2020. Press release: [South East Wales Transport Commission publishes emerging conclusions report.](#)



The pandemic has also highlighted the importance of accessible green space for all aspects of our well-being, including the mitigation of air pollution and heat stress. We welcome the Welsh Government's aspirations for the expansion of green infrastructure, for example in Planning Policy Wales and the National Development Framework 'Future Wales 2040', to ensure that habitat and green space is available.

It's important to note that not all greenspace is created equal, as greenspace with high biodiversity is substantially better for human health than greenspace with little or no wildlife<sup>12</sup>. Therefore, it is essential to promote biodiversity in the design and management of greenspaces that enhance multiple ecosystem services.

A green recovery is an opportunity to accelerate this expansion of biodiverse greenspace, employing people to deliver high quality accessible green space in every town village and city in Wales, including providing traffic calming measures and attractive green travel routes. We suggest mandatory green space and tree cover targets for new development and infrastructure projects.

### **A renewed approach to agriculture and food in the green recovery**

The Covid-19 pandemic is a stark reminder of our dysfunctional relationship with nature, with studies linking the disease outbreak to the collapse of ecosystems and destruction of wildlife. Nature, the ecosystems it creates and the resources and services these provide, are the foundation of our social and economic wellbeing. Given that over 80% of Wales is farmed, our food and farming is key to addressing nature loss and climate change, as well as tackling wider social and economic issues. However, it's evident from the Welsh Government's 'Coronavirus reconstruction: challenges and priorities' plan<sup>13</sup> that the role of food and farming has been overlooked.

**It's vital that we develop progressive agricultural and sustainable land management policies in Wales that help tackle climate change and drive nature's recovery.** A future *public money for public goods* policy should facilitate nature-friendly, agro-ecological and regenerative farming approaches which rewards farmers for the public goods these systems provide e.g. carbon sequestration, wildlife habitats and species, pollinators, air and water quality. This will not only help to address both the climate and ecological crises, but can also help build social and economic resilience in our rural communities. It creates a new, stable income stream that isn't affected by external shocks such as market prices, consumer demand or disruption to supply chains. Furthermore, there is much evidence that shows that nature friendly farming improves the financial performance of farm businesses<sup>14</sup>. Agro-ecological farming practices can create more job opportunities<sup>15</sup>.

Covid-19 and the associated restrictions on public movement has also highlighted both the importance of the food system to our everyday lives, and the fragility in which it is currently constructed. For example, at one end of the supply chain farmers were throwing milk down the drain, whilst at the other end there was a shortage of milk in the supermarkets. We need an approach that better integrates production and consumption in

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<sup>12</sup> Sandifer, Sutton-Greir and Ward, 2015. Ecosystem Services Journal: [Exploring connections among nature, biodiversity, ecosystem services, and human health and well-being: opportunities to enhance health and biodiversity conservation.](#)

<sup>13</sup> Welsh Government, 2020. Policy: [Coronavirus reconstruction: challenges and priorities.](#)

<sup>14</sup> RSPB, Wildlife Trust Wales & the National Trust, 2019. Report: [Less is more: improving profitability and the natural environment in hill and other marginal farming systems.](#)

<sup>15</sup> All Party Parliamentary Group for Agroecology, 2011. [Briefing: Key Policies for Agroecology in the UK.](#)

Wales, putting more focus on the foundational and circular economies, reconnecting people with locally produced food and enabling community-developed responses that can ultimately shape a sustainable food system. This is an approach which agroecology advocates. Many 'green' jobs can form part of the Foundational Economy, particularly in food. Rebuilding food infrastructures i.e. food markets, community retailers, food processors, food cooperatives and a network of food hubs that aggregate and distribute local food, will help in providing more jobs to diversify and strengthen local economies. Wales can show the world how to secure rural livelihoods, enhance biodiversity and cut emissions rapidly.

## EU Transition

### The governance gap from 1<sup>st</sup> January 2021 onwards

With around 80% of our environmental laws and policies emanating from the EU – and the architecture of EU environmental governance that provides oversight and accountability mechanisms to be lost – the implications of Brexit are significant for environmental protection. From the outset, Welsh Government has recognised the need to close the environmental governance gap that will emerge as a result of Brexit, stating support for non-regression of environmental standards<sup>16</sup> with a commitment to bring legislation forward as soon as practically possible. As Leader of the House in 2018, Julie James said<sup>17</sup>: “[We] will take the first proper legislative opportunity to enshrine the environmental principles into law and close the governance gap”. The Welsh Government’s Task Group Report on environmental governance and principles published in Spring this year was clear that measures would need to be in place by the end of the transition period.

It now transpires that the legislation required to establish statutory environmental principles and governance arrangements in Wales, has been deferred until after the 2021 Senedd election. This is **deeply regrettable** as it leaves Wales facing the prospect next year of having the weakest environmental governance arrangements of any western European country.

The Scottish Government’s UK Withdrawal from the European Union (Continuity) (Scotland) Bill<sup>18</sup> will enable Scottish Ministers to make provision to allow Scottish law to ‘keep pace’ with EU law in devolved areas; to enshrine guiding environmental principles in statute, and to establish an environmental governance body, Environmental Standards Scotland to continue the role and functions of the European institutions in ensuring the complete and effective implementation of environmental law. The UK Government’s Environment Bill<sup>19</sup> includes environmental principles and provisions establish the Office for Environmental Protection. The Bill also provides a legal base for new governance arrangements in Northern Ireland which the Assembly can then commence and take forward.<sup>20</sup>

As things stand, from 1<sup>st</sup> January, it’s likely that citizens in Wales will have more limited access to environmental justice than citizens elsewhere in the UK. Without independent scrutiny, advice and enforcement of environmental law, the system of accountability will lack independence, durability, resources and teeth. The interim measures in Wales, due to the delay in decision-making and implementation, are expected to last longer than the other UK countries before a fully functional system is up and running. The

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<sup>16</sup> Welsh Government, 2029. Written statement: [Environmental Principles and Governance Post-EU Exit Consultation](#).

<sup>17</sup> National Assembly for Wales, 2018. Plenary transcript for 21<sup>st</sup> March 2018: [Debate: Stage 3 of the Law Derived from the European Union \(Wales\) Bill](#).

<sup>18</sup> Scottish Government, 2020. Overview: [UK Withdrawal from the EU \(Continuity\) \(Scotland\) Bill](#).

<sup>19</sup> UK Parliament, 2020. Bill documents: [Environment Bill 2019-2021](#).

<sup>20</sup> DEFRA, 2020. Policy Paper: [30 January 2020 – Environment Bill 2020 Policy Statement](#).

Welsh Government's commitment to ensure that Wales' environmental standards are maintained and enhanced, rather than weakened, as a result of our leaving the EU will not be met.

### **Lack of clarity on Welsh plans to fill the gap**

In lieu of the necessary legislative action, the Welsh Government intends to apply environmental principles and establish interim governance arrangements on a non-statutory basis only, with the recruitment of an Environmental Protection Assessor for Wales in progress<sup>21</sup>. The detail of the interim arrangements and guidance on the application of principles are yet to be finalised. **There also remains lack of clarity on the future role of the Senedd in relation to both interim and longer term governance arrangements, which requires consideration.**

The delay in bringing forward primary legislation means that the interim arrangements, which were initially intended to last for only a few months in a worst case scenario, now risk being in place for several years, and could even become permanent should inaction continue and especially if a Bill isn't passed quickly by any new Welsh Government from May 2021 onwards. This Interim Assessor (as currently proposed) will have no powers to investigate complaints and, except from the most serious and urgent complaints, will hold the complaints for future investigation by the statutory environmental governance body when established. This could mean that serious environmental damage – be that a persistent pollution incident from a power station, to a systemic failure to protect key species or habitats – is permitted to continue without an effective investigation or potential remedy, shy of the prohibitively expensive route of judicial review by civil society organisations, which itself lacks the corrective remedies currently available through the CJEU.

In addition, citizens' complaints will be effectively stockpiled and remain un-investigated so that any public failures to uphold and enforce laws may remain unchallenged, leaving Wales' environment especially vulnerable and citizens unable to effectively discharge their rights under our existing international commitments. It is also possible this is a breach of the Aarhus Convention which establishes a number of rights of the public (individuals and their associations) with regard to the environment such as access to justice.

While coronavirus has impacted the legislative schedules in Westminster, Stormont and Holyrood, legislation has nevertheless been published and will be passed either before or shortly after the end of the transition period. Difficulties in managing so much Brexit-related legislation should not be an excuse for not prioritising urgent environmental governance protections in this Senedd term's legislative schedule.

### **The role of the Senedd in interim and longer term environmental governance arrangements**

The future role and functions of the Senedd within any new interim and longer term environmental governance arrangements remain unclear. This includes, for example, the Senedd's role in dealing with complaints of breaches of environmental law by Welsh Ministers. The proposals developed by the Welsh Government Task Group are yet to be decided upon by Ministers and have not been the subject of discussion in the Senedd. Our concerns have been communicated in writing to the Counsel General and Minister for European Transition Jeremy Miles MS<sup>22</sup> and Presiding Officer Elin Jones MS<sup>23</sup>.

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<sup>21</sup> Welsh Government, Public Appointments, 2020. Vacancy: [Interim Environmental Protection Assessor for Wales](#).

<sup>22</sup> Wales Environment Link, 2020. Letter: [To the Counsel General on the environmental governance gap](#).

<sup>23</sup> Wales Environment Link, 2020. Letter: [To the Presiding Officer on impacts to the Senedd on governance gap](#).

In relation to the Senedd's role in particular we are seeking clarity as to:

- Any dialogue between Welsh Government Ministers and or officials and the Presiding Officer on this matter.
- Any work undertaken to identify and develop the Senedd's role within the proposed arrangements, including the scoping of powers to support the Assessor in their duties, and to censure Welsh Government Ministers who have been found to have breached environmental law.
- Given the potential quasi-judicial functions this approach may create, how will it be ensured that the political balance of the Senedd does not give the appearance of influencing proceedings

The Senedd and the Climate Change, Environment and Rural Affairs Committee also have a crucial role in scrutinising the Welsh Government's proposals and progress in implementation in the run up to the end of the transition period and beyond. Discussion of the detailed proposals and timescale for implementation has been limited to date.

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales. WEL is a respected intermediary body connecting the government and the environmental NGO sector in Wales. Our vision is a thriving Welsh environment for future generations.





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

Llywodraeth Cymru  
Welsh Government

Ein cyf: LG/3711/20

Mike Hedges AS  
Cadeirydd y Pwyllgor Newid yn yr Hinsawdd, yr Amgylchedd a Materion Gwledig  
Senedd Cymru

[SeneddNHAMG@senedd.cymru](mailto:SeneddNHAMG@senedd.cymru)

17 Tachwedd 2020

Annwyl Mike

Yn dilyn cwblhau'r Cyfnod Adrodd a'r Trydydd Darlleniad a gynhaliwyd ar 13 Hydref yn Nhŷ'r Cyffredin, hoffwn roi'r wybodaeth ddiweddaraf ichi ar y canlyniad ac i gadarnhau'r gwelliannau a wnaed i Fil Pysgodfeydd y DU.

Ar 6 Hydref, cytunodd y Senedd y dylai darpariaethau'r Bil Pysgodfeydd, i'r graddau y maent yn dod o fewn cymhwysedd deddfwriaethol y Senedd, gael eu hystyried gan Senedd y DU.

Ysgrifennais atoch cyn y ddadl gan nodi'r diwygiadau a gyflwynwyd gan Lywodraeth Cymru a oedd i'w trafod yn ystod y Cyfnod Adrodd. Ymdriniais hefyd â rhai ohonynt yn fy sylwadau agoriadol yn ystod y ddadl. Gwnaed y gwelliannau canlynol gan y Llywodraeth yn ystod y Cyfnod Adrodd yn Nhŷ'r Cyffredin ac maent yn gwneud darpariaeth mewn perthynas â Chymru at ddiben o fewn cymhwysedd deddfwriaethol y Senedd. Mae rhifau'r cymalau a rhifau'r gwelliannau a ddefnyddir isod yn cyfateb i'r rhifau a ddefnyddiwyd yn y ddogfen "Ystyried y Bil (Cyfnod Adrodd)" – adroddiad dyddiol Tŷ'r Cyffredin, dyddiedig 13 Hydref, sydd i'w gweld yma:

[https://publications.parliament.uk/pa/bills/cbill/5801/0181/amend/fisheries\\_daily\\_rep\\_1012.pdf](https://publications.parliament.uk/pa/bills/cbill/5801/0181/amend/fisheries_daily_rep_1012.pdf)

**Cymal 8 newydd** – mae'r cymal newydd hwn yn rhoi pwerau i'r awdurdodau trwyddedu pysgod môr drefnu i awdurdod arall o'r fath arfer unrhyw un o'u swyddogaethau pysgodfeydd neu swyddogaethau symud cynnyrch. Gwnaed gwelliannau canlyniadol hefyd i gymal 37 (gwelliant 6), cymal 47 (gwelliant 8), cymal 49 (gwelliannau 9, 10 ac 11), cymal 51 (gwelliant 12), atodlen 3 (gwelliant 25 a 26), atodlen 8 (gwelliant 32).

O dan adran 83 o Ddeddf Llywodraeth Cymru 2006 caiff Gweinidogion Cymru ymrwmo i drefniant gydag awdurdod perthnasol ar gyfer y swyddogaethau i un ohonynt gael eu harfer gan y llall. Mae awdurdod perthnasol yn cynnwys un o Weinidogion y Goron ac unrhyw awdurdod cyhoeddus yng Nghymru neu Loegr.

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0300 0604400

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[Correspondence.Lesley.Griffiths@gov.wales](mailto: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.

Felly, nid yw adran 83 yn caniatáu i Weinidogion Cymru ymrwymo i drefniant gyda Gweinidogion yr Alban nac adran Gogledd Iwerddon. Y gobaith yw y gallai'r math hwn o drefniant fod yn effeithlon ac arbed costau. Mae'r diwygiadau a wnaed yn ystod y Cyfnod Adrodd yn galluogi Gweinidogion Cymru i ymrwymo i drefniadau gweinyddol gyda Gweinidogion yr Alban, adran Gogledd Iwerddon a'r Sefydliad Rheoli Morol (MMO) ar gyfer arfer swyddogaethau pysgodfeydd a swyddogaethau symud cynnyrch pysgodfeydd.

Gallwn ragweld sefyllfaoedd yn y dyfodol lle gallem ddymuno i Weinyddiaethau Datganoledig eraill gyflawni swyddogaethau ar ein rhan, er enghraifft, at ddibenion rheoli a gorfodi, ar gyfer teithiau gwyddoniaeth neu lle mae daearyddiaeth yn gwneud trefniant o'r fath yn fwy synhwyrol.

Cymal 10 newydd - Mae'r cymal newydd hwn yn diwygio deddfwriaeth sy'n ymdrin â dehongli deddfwriaeth Cymru, o ganlyniad i ehangu cymhwysedd deddfwriaethol yng nghymal 43. Gwnaed gwelliannau canlyniadol hefyd i gymal 51 (gwelliant 13).

Bwrriedir i Ddeddf Deddfwriaeth (Cymru) 2019 (yn gyffredinol) fod yn gymwys i'r holl ddeddfwriaeth a wneir gan y sefydliadau datganoledig yng Nghymru. Heb ei diwygio, ni fyddai'r Ddeddf yn gymwys i Offerynnau Statudol (OSau) Gweinidogion Cymru a wneir o dan y Bil. Mae'r diwygiadau hyn yn diwygio Deddf Deddfwriaeth (Cymru) 2019 i ddarparu y bydd yn gymwys i OSau Gweinidogion Cymru a wneir o dan y Bil Pysgodfeydd. Bydd ehangu cymhwysedd deddfwriaethol y Senedd i ymdrin â materion pysgodfeydd ym mharth Cymru gyfan yn ymestyn yn awtomatig y defnydd o Rannau 1 a 2 o Ddeddf 2019 i gynnwys Deddfau'r Senedd a wneir o dan y cymhwysedd ehangach hwnnw (gan eu bod yn berthnasol i holl ddeddfwriaeth sylfaenol Cymru).

Atodlen 8 - Diben paragraff 9(5) o'r Atodlen hon yw atal y pwerau gwneud rheoliadau ym mharagraffau 6 ac 8 rhag cael eu defnyddio i addasu'r swyddogaethau trwyddedu a roddir gan y Bil. Mae'r gwelliant hwn yn sicrhau bod paragraff 9(5) yn diogelu swyddogaethau'r holl awdurdodau trwyddedu pysgod môr (gwelliant 33).

Atodlen 10 – Gwnaed gwelliant (gwelliant 46) sy'n ei gwneud yn drosedd torri gorchymyn o dan adran 134B newydd o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (MCAA) (manteisio ar adnoddau pysgodfeydd môr: rhanbarth môr mawr Cymru). Fel y nodais yn fy llythyr dyddiedig 1 Hydref, roedd angen y gwelliant i gywiro hepgoriad drafftio anfwriadol cynharach.

Atodlen 10 - Diwygiwyd adran 189 o'r MCAA i ddileu cyfyngiad diangen ar ddefnydd Gweinidogion Cymru o'r pŵer hwnnw i wneud Gorchymyn (gwelliant 49). Fel y nodais yn fy llythyr dyddiedig 1 Hydref, o dan adran 189 caiff Gweinidogion Cymru, drwy orchymyn, wneud darpariaeth mewn perthynas â Chymru, i reoli'r defnydd o bysgodfeydd môr. Ar hyn o bryd, mae isadran (2) yn cyfyngu ar argaeledd y pŵer hwnnw, fel na chaiff Gweinidogion Cymru ond ei ddefnyddio os na ellir nodi pŵer cyfreithiol arall. Mae'r cyfyngiad hwn yn ddiangen ac felly ceisiais ei ddileu.

Atodlen 11 – Mae'r gwelliant hwn (gwelliant 54) yn egluro bod Atodlen 11 yn cynnwys darpariaethau canlyniadol.

Atodlen 11 - Gwnaed gwelliant sy'n diddymu darpariaethau cyfraith yr UE a ddargedwir yn ymwneud â dal penfras ym Môr y Gogledd. Bydd hyn yn caniatáu i'r Deyrnas Unedig fabwysiadu ei mesurau ei hun mewn perthynas â phenfras ym Môr y Gogledd (gwelliant 55).

Mae Llywodraeth Cymru yn cefnogi'r holl welliannau hyn oherwydd ein bod o'r farn eu bod yn gwella'r Bil. Felly, erys ein hargymhelliad i'r Senedd gydsynio i'r Bil.



Fel arfer, byddai angen Memorandwm Cydsyniad Deddfwriaethol Atodol pellach ar welliannau sy'n ymwneud â Threfniadau Asiantaethau (y cymal 8 newydd), adran 189 (2) o MCAA (Atodlen 10) ac i Atodlen 11 (gwelliant 55) oherwydd eu bod yn gwneud darpariaeth berthnasol o dan Reol Sefydlog 29 am y tro cyntaf. Mae'r gwelliannau eraill a wneir yn ystod y Cyfnod Adrodd yn ymwneud â darpariaethau a nodwyd yn flaenorol yn y memoranda sydd eisoes yn bodoli ac nid ydynt yn gwneud darpariaeth berthnasol am y tro cyntaf.

Ysgrifennais at y Pwyllgorau a'r Aelodau i esbonio ein bod yn ceisio'r gwelliannau hyn cyn y ddadl ar y Memorandwm Cydsyniad Deddfwriaethol, ac fe'u hamlinellwyd ar lafar i'r Siambrau yn ystod y ddadl i sicrhau bod yr Aelodau yn cael gymaint o wybodaeth â phosibl.

Cafodd y gwelliannau a wneir i'r Bil gan Dŷ'r Cyffredin (ar draws pob cyfnod) eu hystyried gan Dŷ'r Arglwyddi ar 12 Tachwedd ac ni chafodd unrhyw gwelliannau eraill eu gwneud. Bydd y Bil yn symud ymlaen at Gydsyniad Brenhinol yn awr.

Er gwybodaeth, mae Senedd y DU wedi cyhoeddi dogfen sy'n cynnwys yr holl welliannau a wnaed i'r Bil yn ystod pob cyfnod yn Nhŷ'r Cyffredin ac rwyf wedi darparu dolen i'r ddogfen yma: <https://publications.parliament.uk/pa/bills/lbill/58-01/143/5801143.pdf>

O ystyried cyfnod y Bil nid oes digon o amser i baratoi a gosod Memorandwm a galluogi craffu, a dywedais wrth y Pwyllgorau a'r Aelodau y byddwn yn ysgrifennu i gadarnhau canlyniad y cyfnod hwn. Felly, rwy'n anfon copi o'r llythyr hwn at holl Aelodau'r Senedd.

Cofion



**Lesley Griffiths AS/MS**

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

Copi at holl Aelodau'r Senedd



# Eitem 5.2

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



Llywodraeth Cymru  
Welsh Government

Mike Hedges AS  
Cadeirydd  
Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion  
Gwledig Senedd Cymru  
Bae Caerdydd  
Caerdydd  
CF99 1SN

17 Tachwedd 2020

Annwyl Mike

Diolch am eich llythyr dyddiedig 26 Hydref yn gofyn am ragor o wybodaeth am nifer o bwyntiau mewn perthynas â'r Fframwaith Sylweddau Peryglus Drafft. Mae'r wybodaeth ganlynol yn ymateb i'r cwestiynau a gyflwynwyd yn eich llythyr:

## Datblygu'r fframwaith cyffredin

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

Prif ffocws y Cytundeb Fframwaith penodol hwn yw sicrhau bod y broses o ystyried pa sylweddau a symiau a fydd yn rhan o'r caniatâd sylweddau peryglus a'r cyfundrefnau cynllunio defnydd tir cysylltiedig ledled y DU yn seiliedig ar dystiolaeth a chyngor arbenigol priodol. Mae'r fframwaith arfaethedig yn nodi ffyrdd o gydweithio wrth ddatblygu polisi, gan barchu gallu gweinyddiaethau i ddilyn agendâu polisi gwahanol.

Mae posibilrwydd damcaniaethol o 'ras i'r gwaelod' niweidiol yn achos safonau ar gyfer rheolaethau sylweddau peryglus. Fel yr esboniwyd yn y fframwaith amlinellol, mae'r risg y bydd hyn yn digwydd yn fach, ond bydd bodolaeth fframwaith cydweithio ar bolisi yn helpu i osgoi senario o'r fath neu, o leiaf, leihau effeithiau newid. Mae gan y diwydiant lawer o fusnesau sy'n gweithredu ledled y DU ac, felly, mantais wirioneddol fframwaith yn y maes polisi hwn yw y bydd yn helpu prosesau datblygu polisi i ddysgu o'r pwysau gwahanol sydd ar fusnesau ym mhob un o'r gweinyddiaethau a darparu ar gyfer y pwysau hynny. Er bod gan yr agweddau amgylcheddol ar y maes polisi gyrff cyngori ar wahân, mae'r cyngor ar arbenigedd ym maes iechyd a diogelwch yn dibynnu ar ffynhonnell gyffredin ar gyfer Cymru, Lloegr a'r Alban, sef yr Awdurdod Gweithredol Iechyd a Diogelwch (HSE). Mae cydweithredu i ddatblygu polisi yn ei gwneud yn bosibl i gost casglu a defnyddio tystiolaeth gyffredin gael ei lleihau ar gyfer pob gweinyddiaeth ac yn hyrwyddo defnydd cydgysylltiedig o adnoddau HSE, sydd o fudd i'w heffeithlonrwydd gweithredol.

Nod trefniadau'r fframwaith yw sicrhau bod y cydweithrediad sydd wedi bodoli rhwng swyddogion dros y ddau ddegawd diwethaf yn parhau wrth iddynt fwrw ymlaen â'r gwaith o

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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 58**  
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.

drosi gwahanol Gyfarwyddebau Seveso. Mae'r nodau cyffredin a nodir yn y Cyfarwyddebau wedi'u rhoi ar waith gan ddefnyddio'r gwahanol reolaethau cynllunio a rheolaethau sylweddau peryglus ym mhob gweinyddiaeth, gyda'r swyddogion cysylltiedig yn cydweithredu â'i gilydd, yn rhannu gwybodaeth ac yn cynnig cymorth cyffredinol.

**2. A allwch ymhelaethu ar y rheswm pam y dewisodd gweinyddiaethau'r DU fwrw ymlaen â fframwaith anneddfwriaethol?**

Gall y maes hwn ddarparu ar gyfer gwahanol ddulliau gweithredu gan y gweinyddiaethau ac mae'n gwneud hynny. Byddai mabwysiadu dull deddfwriaethol yn ddiangen ac yn anhyblyg. Mae fframwaith anneddfwriaethol yn rhoi hyblygrwydd i ddarparu ar gyfer gwahanol ddulliau gweithredu ond mae'n darparu'r sail ar gyfer rheoli a chynnal cydweithrediad ym maes datblygu polisi a allai gael ei golli fel arall am fod y maes yn amrywio wrth i weinyddiaethau newid eu blaenoriaethau polisi.

**3. A allwch amlinellu sut rydych wedi cynnwys rhanddeiliaid yng Nghymru, gan gynnwys diwydiant, Awdurdodau Cynllunio Lleol a Cyfoeth Naturiol Cymru yn y gwaith o ddatblygu'r fframwaith?**

O gofio mai prin fydd canlyniadau'r cynigion ar gyfer y fframwaith, yn yr un modd prin fu'r ymgysylltu â rhanddeiliaid. Cynhwyswyd rhanddeiliaid allweddol mewn digwyddiad bord gron ar 19 Mawrth 2019, a gynhaliwyd ar y cyd â gweinyddiaethau eraill. Defnyddiwyd y digwyddiad hwn i gadarnhau a oedd dull deddfwriaethol yn briodol. Ymhlith y rhanddeiliaid sy'n berthnasol i Gymru roedd yr Awdurdod Gweithredol Iechyd a Diogelwch, Cymdeithas y Diwydiannau Cemegol, Cymdeithas Tanciau Storio, Cymdeithas Diwydiant Petrolewm y DU a Chymdeithas y Busnesau Cemegol.

Gwnaethom anfon dogfen y fframwaith amlinellol i rhanddeiliaid yng Nghymru ddechrau mis Hydref, gan gynnwys pob awdurdod sylweddau peryglus ac awdurdod tân ac achub. Anogwyd rhanddeiliaid i gysylltu â'm swyddogion os oedd ganddynt bryderon ynghylch y fframwaith. Ni chafwyd unrhyw sylwadau hyd yma.

**4. A allwch amlinellu'r materion allweddol a godwyd gan rhanddeiliaid yng Nghymru a'r ffordd y mae'r materion hyn wedi cael eu hadlewyrchu yn y fframwaith?**

Ar y cyfan, roedd y diwydiant am weld cysondeb yn y gyfundrefn reoleiddiol (a oedd yn cael ei gwerthfawrogi ynddi'i hun) ac, felly, ni hoffai weld y gweinyddiaethau yn mabwysiadu polisiâu gwahanol. Fodd bynnag, mae parhau i gynnig cyfle i fabwysiadu polisiâu gwahanol yn rhoi mwy o lais i bobl yng Nghymru o ran y ffordd y caiff polisi ar gynllunio defnydd tir ar gyfer peryglon damweiniau mawr ei ddatblygu yn y dyfodol ac yn rhoi hyblygrwydd i brosesau cynllunio ar gyfer sylweddau peryglus addasu i newidiadau ehangach yng nghyfundrefnau cynllunio a diogelu'r amgylchedd Cymru.

**Rhyngweithio â chyfraith ddomestig a rhyngwladol a chytundebau rhyngwladol**

**5. A allwch egluro a yw'r fframwaith yn rhyngweithio â deddfwriaeth ddomestig bresennol, ac eithrio'r ddeddfwriaeth sydd eisoes wedi'i rhestru yn Adran 1 o'r Cytundeb Amlinellol Fframwaith drafft ac, os felly, sut?**

Mae'r ddeddfwriaeth a nodir yn y Cytundeb Amlinellol Fframwaith yn darparu'r fframwaith ar gyfer y system o ganiatâd sylweddau peryglus sydd ei hangen i storio cemegion sy'n beryglon damweiniau mawr, a weinyddir gan awdurdodau sylweddau peryglus, yn amodol ar gyngor a roddir yn bennaf gan yr Awdurdod Gweithredol Iechyd a Diogelwch a Cyfoeth Naturiol Cymru. Mae'r ddeddfwriaeth a restrir yma hefyd yn sail i ymgynghoriad gorfodol yr

Awdurdod Gweithredol Iechyd a Diogelwch mewn perthynas â chynigion datblygu sy'n ymwneud ag adeiladau sy'n storio sylweddau peryglus.

Mae a wnelo cynllunio ar gyfer sylweddau peryglus â lleihau effaith damwain fawr drwy gadw datblygiadau sensitif i ffwrdd oddi wrth adeiladau sy'n storio sylweddau peryglus. Y ddeddfwriaeth sy'n ceisio atal y damweiniau yn y lle cyntaf yw Rheoliadau Rheoli Peryglon Damweiniau Mawr 2015 ("Rheoliadau COMAH"). Yr awdurdod cymwys at ddibenion y rheoliadau hyn yng Nghymru yw'r Awdurdod Gweithredol Iechyd a Diogelwch a Cyfoeth Naturiol Cymru gan weithredu ar y cyd. Nid yw'n ddarostyngedig i gytundeb fframwaith.

Ymhlith y ddeddfwriaeth nas rhestrwyd mae Rheoliadau Cynllunio Gwlad a Thref (Cynllun Datblygu Lleol) 2005 sy'n ei gwneud yn ofynnol i'r broses o baratoi cynlluniau datblygu lleol ystyried y nodau o atal damweiniau mawr a chyfyngu ar ganlyniadau damweiniau o'r fath o ran iechyd pobl a'r amgylchedd.

**6. Mae'r DU wedi llofnodi dau gytundeb rhyngwladol sy'n berthnasol i'r gyfundrefn sylweddau peryglus, sef: Confensiwn Aarhus a Chonfensiwn Effeithiau Trawsffiniol Damweiniau Diwydiannol. A allwch ymhelaethu ar y ffordd y bydd y fframwaith yn sicrhau cydymffurfiaeth â'r Confensiynau hyn?**

Mae cynllunio ar gyfer sylweddau peryglus yn bwnc arbenigol iawn y mae nifer cyfyngedig o staff yn gysylltiedig ag ef. Felly, bydd y fframwaith yn hwyluso rhannu arferion gorau rhwng y gweinyddiaethau ac yn cynnig cyfleoedd i gymheiriaid adolygu'r ffordd y mae'r confensiynau rhyngwladol yn cael eu rhoi ar waith ynddynt.

**7. A allwch egluro a fydd y negodiadau parhaus rhwng yr UE a'r DU ynghylch y Gydberthynas Rhyngddynt yn y Dyfodol yn effeithio ar y fframwaith ac, os felly, sut y bydd yn effeithio arno?**

Drwy drafodaethau, nid ydym wedi nodi unrhyw wahaniaethau rhwng y gweinyddiaethau o ran sylweddau peryglus a fyddai'n effeithio ar allu'r DU i negodi (ac ati) gytundebau a chytuniadau masnach. Sut bynnag, byddai angen i'r broses o negodi unrhyw gytundebau neu gytuniadau masnach newydd ystyried ble mae cymhwysedd datganoledig yn golygu bod gwahaniaethau rhwng gwahanol wledydd y DU, neu y gallai fod gwahaniaethau rhyngddynt, o ran materion sy'n berthnasol i'r cytuniad neu'r cytundeb penodol hwnnw. Gallai'r telerau y bydd y DU yn ymadael â'r Undeb Ewropeaidd oddi tanynt, ac unrhyw drefniadau rhwng y DU a'r UE yn y dyfodol, gynnwys ymrwymadau penodol y gallai fod iddynt oblygiadau i'r gyfundrefn sylweddau peryglus (e.e. o ran safonau amgylcheddol). Yn y senario hwn, bydd y gweinyddiaethau yn llai abl i fabwysiadu polisiau gwahanol, er yr ystyrir y bydd y ffyrdd arfer gorau o weithio fel y'u nodir yn y fframwaith hwn yn dal i ddarparu sail gadarnhaol ar gyfer rhannu gwybodaeth ac ati ac, felly, ni fydd y fframwaith yn newid.

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

Gweler yr ateb i 7 uchod.

**Y broses 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 ac y cyfeirir atynt yn y Cytundeb Amlinellol Fframwaith drafft?**

Mae a wnelo'r Memorandwm Cyd-ddealltwriaeth y cyfeirir ato yn y Cytundeb Amlinellol Fframwaith dros dro â Rheoliadau COMAH nad ydynt yn rhan o'r fframwaith hwn. Rydym wrthi'n trafod â'r gweinyddiaethau eraill pa ddogfennau yn union y bydd y fframwaith llawn yn eu cynnwys. Rydym yn fwy na pharod i roi'r wybodaeth ddiweddaraf am hyn i'r pwyllgor ar ôl iddo gael ei gadarnhau.

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

Rydym yn trafod hyn â'r gweinyddiaethau eraill er mwyn sicrhau bod gennym ddull cyson o ymdrin â gwaith craffu pellach gan y Senedd. Rydym yn fwy na pharod i roi'r wybodaeth ddiweddaraf am hyn i'r pwyllgor ar ôl iddo gael ei gadarnhau.

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

Rydym yn trafod hyn â'r gweinyddiaethau eraill er mwyn sicrhau bod gennym ddull cyson o ymdrin â gwaith craffu pellach gan y Senedd. Rydym yn fwy na pharod i roi'r wybodaeth ddiweddaraf am hyn i'r pwyllgor ar ôl iddo gael ei gadarnhau.

**Monitro ac adolygu'r trefniadau ar gyfer y fframwaith**

**12. A allwch esbonio pam mae gweinyddiaethau'r DU wedi dewis peidio â sefydlu system fwy ffurfiol ar gyfer monitro'r ffordd y caiff y fframwaith hwn ei roi ar waith?**

Ar ôl adolygiad cychwynnol, penderfynir ar drefniant mwy parhaol ar gyfer cyfarfodydd mynych i drafod y fframwaith hwn yn seiliedig ar amserlen a ystyrir yn briodol. Gwnaed y penderfyniad i beidio â gosod rhaglen fonitro fwy ffurfiol ar yr adeg hon drwy gytundeb rhwng y pedair gweinyddiaeth ac mae'n seiliedig ar bwysigrwydd cymharol y maes ac awydd i beidio â gorlwytho'r trefniadau gweithio syml a fu'n llwyddiannus hyd yma. Y safbwynt yw bod angen i unrhyw broses fonitro ac adolygu fod yn gymesur â'r maes polisi.

**13. A allwch egluro a gaiff adroddiad ar y cyfarfod adolygu rhwng gweinyddiaethau'r DU ei gyhoeddi?**

Rydym wrthi'n penderfynu'n derfynol ar fanylion proses y cyfarfodydd adolygu â'r gweinyddiaethau eraill a byddwn yn fwy na pharod i roi'r wybodaeth ddiweddaraf i'r pwyllgor unwaith y deuir i gytundeb.

**14. A allwch esbonio o dan ba amgylchiadau na fyddai'n briodol cynnwys rhanddeiliaid yn y broses adolygu ar gyfer y fframwaith?**

Rydym wrthi'n penderfynu'n derfynol ar fanylion proses y cyfarfodydd adolygu â'r gweinyddiaethau eraill a byddwn yn fwy na pharod i roi'r wybodaeth ddiweddaraf i'r pwyllgor unwaith y deuir i gytundeb.

**15. A allwch gadarnhau a all y Senedd gyfrannu at y broses adolygu ar gyfer y fframwaith ac, os felly, sut y bydd yn cyfrannu ati?**

Rydym wrthi'n penderfynu'n derfynol ar fanylion proses y cyfarfodydd adolygu â'r gweinyddiaethau eraill a byddwn yn fwy na pharod i roi'r wybodaeth ddiweddaraf i'r pwyllgor unwaith y deuir i gytundeb.

## Cefndir y fframwaith cyffredin

### **16. A allwch amlinellu 'gofynion sylfaenol' Cyfarwyddeb Seveso III mewn perthynas â chynllunio ar gyfer sylweddau peryglus, sy'n gyffredin ledled y DU?**

Yn fras iawn, mae gofynion sylfaenol Cyfarwyddeb Seveso III sy'n ymwneud â chynllunio defnydd tir, fel a ganlyn:

- a) dylai caniatâd gael ei roi gan awdurdod cymwys cyn i sylweddau, dros y swm a nodir yn y Gyfarwyddeb, allu cael eu storio mewn adeilad;
- b) dylai'r broses o lunio polisiau cynllunio ystyried nodau ac amcanion y Gyfarwyddeb i atal damweiniau mawr a chyfyngu ar ganlyniadau damweiniau o'r fath o ran iechyd pobl a'r amgylchedd drwy gynnal pellteroedd diogelwch priodol;
- c) dylai'r awdurdod cymwys ystyried unrhyw faterion sy'n ymwneud â pheryglon damweiniau mawr cyn iddo roi caniatâd cynllunio ar gyfer datblygiadau gerllaw adeiladau, ar gyfer mathau penodol o ddatblygiad gerllaw adeiladau o'r fath a chaniatâd sylweddau peryglus.
- d) dylai awdurdodau sylweddau peryglus ac awdurdodau cynllunio lleol ddarparu gwybodaeth ac ymgynghori â'r cyhoedd ynghylch y gweithgareddau uchod.

### **17. A allwch roi manylion pellach am y potensial i fabwysiadu polisiau gwahanol o dan y gyfundrefn cynllunio sylweddau peryglus bresennol?**

Mae lle i fabwysiadu polisiau gwahanol o ran y sylweddau a'u symiau sy'n cael eu rheoli gan y gyfundrefn Mae lle hefyd i fabwysiadu gweithdrefnau ac amserlenni gwahanol mewn perthynas â rhoi caniatâd sylweddau peryglus a pholisiau gwahanol o ran y ffordd y mae'r gwahanol systemau cynllunio yn rhyngweithio â'r nod o gynnal pellteroedd diogelwch oddi wrth adeiladau.

## Y gyfundrefn cynllunio sylweddau peryglus ar ôl i'r DU ymadael â'r UE

### **18. A allwch egluro a gedwir unrhyw rai o'r 'cyfyngiadau allweddol' presennol ar lefel y DU gyfan ar ôl i'r DU ymadael â'r UE? Sut y caiff hyn ei adlewyrchu yn y fframwaith?**

Nid oes unrhyw gytundeb gwleidyddol ffurfiol i gadw'r un diffiniadau ledled y DU ond cydnabyddir, am fod gweithgarwch cynllunio ar gyfer sylweddau peryglus yn mynd rhagddo yn y DU cyn i Gyfarwyddeb Seveso gael ei chyflwyno am resymau da yn ymwneud â diogelwch a'r amgylchedd, nad oes fawr ddim awydd i newid y sefyllfa bresennol. Mae'r system bresennol yn seiliedig ar dystiolaeth sylweddol a dibynadwy gan yr Awdurdod Gweithredol Iechyd a Diogelwch sy'n golygu bod rheolaethau presennol y DU ar gyfer rhai sylweddau yn fwy trylwyr na'r rhai yn y gyfarwyddeb ac nid oes fawr ddim pwysau o du rhanddeiliaid i ddiwygio'r system. Mae'r Fframwaith yn ymdrin â'r ffaith nad oes cytundeb ffurfiol drwy ei gwneud yn ofynnol i weinyddiaethau dynnu sylw awdurdodaethau eraill at unrhyw gynlluniau y maent yn bwriadu eu gwneud fel y gellir cynllunio ar gyfer unrhyw oblygiadau ar draws gweinyddiaethau ymlaen llaw.

### **19. Pa ystyriaeth sydd wedi'i rhoi i gadw gofynion sylfaenol cyffredin, gan gynnwys, er enghraifft, safonau gofynnol o ran yr hyn sy'n gyfystyr â sylwedd peryglus?**

Mae'r trafodaethau hyd yma wedi parchu'r ffaith bod y materion yn rhai datganoledig ac y gellir pennu sylweddau a symiau gwahanol. Fodd bynnag, mae'r trafodaethau hefyd wedi

cydnabod bod gwahaniaethau yn annhebygol o godi am fod y safonau gofynnol yn bodoli am resymau diogelwch yn seiliedig ar sail dystiolaeth gyffredin a arweinir gan yr Awdurdod Gweithredol Iechyd a Diogelwch a rheoleiddwyr diogelwch eraill.

**20. Beth yw'r risgiau a'r cyfleoedd posibl sy'n gysylltiedig â pheidio â chadw gofynion sylfaenol cyffredin ac ehangu'r cyfle i fabwysiadu polisïau gwahanol?**

Y prif risgiau fyddai dryswch cyffredinol ym mhob rhan o'r diwydiant ynghylch pa ganiatâd sydd ei angen a'r posibilrwydd y byddai poblogaeth y DU yn cael ei hamlygu i fwy o risg o ddamweiniau mawr. Fodd bynnag, mae'n rhaid cofio bod y system bresennol wedi'i llunio er mwyn galluogi ardaloedd gwahanol i benderfynu drostynt eu hunain, drwy eu hawdurdod sylweddau peryglus, pa lefel o risg y maent yn barod i'w derbyn wrth gynllunio ar gyfer adeiladau newydd ac ar gyfer datblygu o'u hamgylch.

**21. I ba raddau rydych yn fodlon na fydd y dull gweithredu a ddewiswyd yn y maes polisi hwn, h.y. fframwaith anneddfwriaethol, yn gostwng safonau na'r lefelau o ddiogelwch a roddir i iechyd pobl a'r amgylchedd?**

Roedd gan y DU ddiwylliant iechyd a diogelwch cryf eisoes, hyd yn oed cyn i reolaethau gael eu safoni gan yr UE drwy Gyfarwyddeb Seveso. Credaf fod awydd gwleidyddol a phroffesiynol gwirioneddol i gynnal safonau uchel.

**22. I ba raddau y mae'r fframwaith yn cyd-fynd ag ymrwymiad Llywodraeth Cymru i sicrhau na fydd safonau amgylcheddol yn gostwng?**

Mae'r fframwaith yn cyd-fynd â'r ymrwymiad i sicrhau na fydd safonau amgylcheddol yn gostwng. Nid oes unrhyw awydd i newid nac, yn ddiau, ostwng safonau, yn y maes oherwydd y diwylliant diogelwch yn y sector. Datblygwyd saernïaeth y Fframwaith i fod yn gymesur â'r maes polisi ac, yn ddiau, nid yw'n tanseilio'r ymrwymiad i sicrhau na fydd safonau amgylcheddol yn gostwng.

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

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

Prin yw'r sylweddau peryglus a wneir yng Nghymru, felly nid oes gan swyddogion mewn awdurdodau sylweddau peryglus fawr ddim profiad o ymdrin â cheisiadau. Ysgogodd hyn gwestiwn gan ymatebydd i'n hymgynghoriad diwethaf ynghylch newidiadau i reoliadau a ofynnodd ai awdurdodau oedd yn y sefyllfa orau i gyflawni'r swyddogaeth. Er ein bod yn cydnabod bod prinder staff â sgiliau a phrofiad, nid yw adolygiad cynhwysfawr o'r ffordd y mae'r system yn gweithio yn rhywbeth y mae diwydiant na rheoleiddwyr yn gofyn amdano yn eang ar hyn o bryd. Felly, nid ydym wedi bwrw ymlaen â gwaith ar adolygiad ers i'r rheoliadau gael eu disodli yn 2015.

**24. A allwch egluro a oes gan Lywodraeth Cymru unrhyw gynlluniau ar hyn o bryd neu ar gyfer y dyfodol i adolygu'r gyfundrefn cynllunio sylweddau peryglus?**

Ar hyn o bryd, nid oes unrhyw gynlluniau i adolygu'r gyfundrefn cynllunio sylweddau peryglus ond am y rhesymau a nodwyd yn yr ateb i gwestiwn 23, mae'n fater a gaiff ei ystyried yn y dyfodol.

**25. O dan ba amgylchiadau y byddai Llywodraeth Cymru yn ystyried cynigion i leihau rheolaethau islaw'r gofynion sylfaenol presennol, er enghraifft, ynghylch lefel y sylweddau y gellir eu dal, neu mewn perthynas â'r broses o roi caniatâd ?**

Yr unig amgylchiadau lle y byddai Llywodraeth Cymru yn lleihau rheolaethau islaw'r gofynion sylfaenol fyddai petai'r Awdurdod Gweithredol Iechyd a Diogelwch neu Cyfoeth Naturiol Cymru yn ein hysbysu bod y rheolaethau presennol yn ormodol a phe gallai hyn gael ei ategu gan dystiolaeth wyddonol.

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

Byddent, byddai unrhyw newidiadau arfaethedig i'r gofynion sylfaenol yn gofyn am newid y ddeddfwriaeth ac, felly, byddai angen yr ymrwymiad i ymgynghori â'r cyhoedd a sicrhau bod y Senedd yn craffu ar y ddeddfwriaeth.

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

Mae'r arbenigedd a ddefnyddir i lywio'r gwaith o ddatblygu polisi yn genedlaethol ac ar lefel Ewropeaidd bob amser wedi bodoli o fewn aelod-wladwriaethau ac, felly, mae cyngor parhaus yr Awdurdod Gweithredol Iechyd a Diogelwch a Cyfoeth Naturiol Cymru yn ddigonol ac i'w groesawu yn y dyfodol.

**28. Os na fydd gofynion newydd na diwygiedig gan yr UE mewn perthynas â chynllunio ar gyfer sylweddau peryglus yn gymwys i'r DU, pa drefniadau a roddir ar waith i adolygu gofynion domestig, gan ystyried datblygiadau mewn gwledydd eraill?**

Ni chynigir unrhyw system adolygu ffurfiol y tu hwnt i'r hyn a nodir yn y Fframwaith. Bydd bodolaeth y Fframwaith yn hwyluso adolygiadau o arferion gorau a gwersi a ddysgwyd o ddatblygiadau yng ngwledydd gweinyddiaethau eraill, y gellir eu defnyddio i nodi pryd y dylid cynnal adolygiad o'r proses sylweddau peryglus yng Nghymru.

Gobeithio y bydd yr ymatebion uchod yn rhoi gwybodaeth ychwanegol i chi er mwyn helpu i graffu ar y Fframwaith Drafft. Gallaf eich sicrhau, pan fyddwn wedi dod i benderfyniad ar y cyd â'r gweinyddiaethau eraill ynghylch y broses o adolygu'r fframwaith a fformat terfynol y Fframwaith, y rhoddir y wybodaeth ddiweddaraf i'r Pwyllgor.

Yn gywir



**Julie James AS/MS**

Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Julie James AS

Y Gweinidog Tai a Llywodraeth Leol

18 Tachwedd 2020

Annwyl Weinidog,

### Y Fframwaith Datblygu Cenedlaethol a'r Gymraeg

Trafododd y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu iteriad diweddaraf y Fframwaith Datblygu Cenedlaethol ('y Fframwaith') yn ei gyfarfod ar 5 Tachwedd.

Clywodd y Pwyllgor gan Dyfan Sion, o Swyddfa Comisiynydd y Gymraeg, Wyn Thomas, Dyfodol i'r Iaith, Robot Idris, Cymdeithas yr Iaith, a Dylan Foster Evans o Gymdeithas Enwau Lleoedd Cymru.

Nodaf y gofynion yn adran 60B(4)(b) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (fel y'u mewnosodwyd gan adran 3 o Ddeddf Cynllunio (Cymru) 2015) i Weinidogion Cymru roi sylw i unrhyw argymhelliaid a wneir gan un o bwyllgorau'r Senedd. Byddwn yn ddiolchgar, felly, pe gallech ystyried ein hargymhellion fel y'u nodir yn y llythyr hwn, sydd â'r nod o fynd i'r afael â materion a godwyd wrth i ni drafod ac ystyried y Fframwaith.

At hynny, nodaf y gofyniad yn adran 60B(6) i Weinidogion Cymru osod datganiad gerbron y Senedd yn egluro sut y maent wedi ystyried unrhyw argymhellion o'r fath gan y Pwyllgor. Edrychaf ymlaen at ddarllen y datganiad hwn i weld sut y cafodd argymhellion y Pwyllgor eu hystyried.

### Prif ffrydio'r Gymraeg

Yn y dystiolaeth a gafwyd lleisiwyd pryderon am y ffordd y mae'r Fframwaith yn ymdrin â'r Gymraeg. Clywodd y Pwyllgor am yr angen i brif ffrydio'r Gymraeg drwy'r Fframwaith i gyd a sicrhau bod cysylltiadau cryfach â strategaethau perthnasol eraill.

Dywedodd y rhai a siaradodd â'r Pwyllgor fod y Fframwaith ar y lefel strategol genedlaethol yn cyfeirio sawl gwaith at y Gymraeg, ond bod y sylwadau'n tueddu i fod yn rhai mwy cyffredinol ar y lefel ofodol ranbarthol.

Roedd tystion yn poeni nad oedd digon o atebolrwydd am gyflawni'r canlyniadau ar gyfer y Gymraeg ar lefel ranbarthol. Er enghraifft, dywedodd Dyfan Sion o Swyddfa Comisiynydd y Gymraeg:



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'Y fframwaith cenedlaethol sydd ar y top, ond yn bwydo i mewn i hwn hefyd mae gennych chi'r cynlluniau datblygu lleol ac... mae yna ddisgwyliad ar bob un o'r cynlluniau yna i fod yn cynnwys strategaeth ofodol ar gyfer y Gymraeg. Felly, ia, mae cyfraniad y cysylltiad yna ar lefel genedlaethol, ond fel rydych chi'n mynd yn is lawr wedyn i'r lefel ranbarthol, mae yna le i gryfhau hynny, dwi'n meddwl.<sup>1</sup>

Soniodd tystion am yr angen i fesur a monitro cyfraniad y Fframwaith at strategaeth Cymraeg 2050. Dywedodd Dyfan Sion:

'un o'r pethau pwysicaf dŷn ni'n credu ydy'r elfen adrodd a monitro a sicrhau bod y fframwaith yn arwain at gynnydd a chyfraniad tuag at strategaeth Cymraeg 2050. Felly, fel dwi'n ddweud, mae yna elfennau o brif-ffrydio o fewn y fframwaith, ac mae yna gwestiynau pellach wedyn ynghlŷn â sut fydd o'n cael ei weithredu a'i fonitro.<sup>2</sup>

O ran monitro cyfraniad y fframwaith at strategaeth Cymraeg 2050, dywedodd Dyfan Sion 'mae yna gyfraniad hefyd i awdurdodau lleol i'w wneud fel rhan o hynny.'<sup>3</sup>

Nododd fod angen i'r Fframwaith gysylltu â Chynlluniau Cymraeg mewn Addysg.<sup>4</sup> Pwysleisiodd Dyfan Sion yr angen i'r Fframwaith fod yn ddigon hyblyg i ganiatáu cyfleoedd i ffurfio partneriaethau y tu allan i'r strwythurau rhanbarthol arfaethedig. Rhoddodd enghraifft o gynllun Arfor ar gyfer y Gymraeg, sy'n bartneriaeth rhwng pedair sir yng ngorllewin Cymru.<sup>5</sup>

Mae'r Pwyllgor yn argymhell y dylai'r lefel ranbarthol o gynllunio gofodol yn y Fframwaith fod yn ddigon hyblyg i ganiatáu ar gyfer twf partneriaethau sy'n mynd i'r afael â materion penodol, megis cefnogi a hyrwyddo'r Gymraeg.

Dylai'r Fframwaith nodi sut y bydd y cyfraniad at ganlyniadau Cymraeg 2050 yn cael ei fesur a'i fonitro.

## **Atebolrwydd ar lefel ranbarthol**

Roedd pryderon ynghylch atebolrwydd y strwythurau rhanbarthol a gynigiwyd yn y Fframwaith. Er enghraifft, dywedodd Dyfan Sion:

'Mae yna ddiffyg atebolrwydd i strwythurau rhanbarthol yn gyffredinol. Fel corff sy'n rheoleiddio dyletswyddau statudol, mae hynny'n broblem, achos mae'r dyletswyddau statudol sydd gennym ni, safonau'r Gymraeg a nifer o ddyletswyddau statudol mewn meysydd eraill, yn cael eu gosod fel arfer ar gyrrff

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<sup>1</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p37

<sup>2</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p15

<sup>3</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p37

<sup>4</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p36

<sup>5</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p116



unigol, endidau cyfreithiol. Felly, pan mae yna gymaint o benderfyniadau a gwaith wedyn yn digwydd drwy bartneriaeth ar lefel rhanbarthol, mae yna fwch atebolrwydd, o bosib'.<sup>6</sup>

Ysgrifennodd Wyn Thomas, o Dyfodol i'r Iaith:

'Mae gofid bod grym yn symud at gyrff anetholedig. Mae pobl yn deall rôl y cynghorau sir yn llunio Cynlluniau Datblygu Lleol ac mae pobl wedi ymgysgu â dylanwad Llywodraeth Cymru. Mae mwy o bryder am y Cynlluniau Datblygu Strategol. Nid yw'n amlwg pa rym sydd gan y gyrff yma na pha mor atebol ydynt.'<sup>7</sup>

Roedd llywodraethiant y byrddau rhanbarthol hefyd yn destun pryder i Robat Idris, Cymdeithas yr Iaith, a ddywedodd 'bydd yna bobl sydd heb eu hethol yn eistedd ar y byrddau hynny, sydd ddim yn beth iach iawn, dwi ddim yn meddwl. Rydych chi fel arfer yn gofyn pam maen nhw yna.'<sup>8</sup>

Dywedodd hefyd y byddai'r dull rhanbarthol a'r pwyslais ar greu cysylltiadau cryfach ag ardaloedd trefol yn Lloegr yn niweidiol i'r Gymraeg oherwydd 'mae'n tynnu'r ffocws economaidd hyd yn oed yn fwy tua'r dwyrain pan rydyn ni yn ardaloedd y gorllewin yn cael trafferthion enfawr fel y mae hi'.<sup>9</sup> Dywedodd:

'beth rydyn ni'n gweld ydy, yn hytrach na gweld Cymru fel uned, rydyn ni'n gweld tri rhanbarth sydd yn cael eu cyplysu yn economaidd, a'r deisyfiad yna yn cael ei ailadrodd dro ar ôl tro ar ôl tro, efo gogledd Lloegr, canolbarth Lloegr, de-orllewin Lloegr. Fel Cymdeithas yr Iaith, rydyn ni'n gweld—o'r gorau, fedrwch chi ddadlau bod yna fanteision economaidd i hynny, ond y duedd fydd, buaswn i'n ei ddweud, i wanhau'r Gymraeg yn y gymuned'.<sup>10</sup>

Mae'r Pwyllgor yn nodi'r pryderon ynghylch llywodraethu ac atebolrwydd strwythurau rhanbarthol ac yn argymhell bod Llywodraeth Cymru yn amlinellu sut y mae'n bwriadu sicrhau mwy o dryloywder o ran gwaith y byrddau rhanbarthol.

## Yr angen i gydbwyso'r ffocws rhwng canolfannau gwledig a threfol

Roedd pryder bod y Fframwaith Datblygu Cenedlaethol yn rhoi gormod o bwyslais ar dwf mewn canolfannau trefol ar draul cymunedau mewn ardaloedd gwledig. Dywedwyd wrth y Pwyllgor y dylid rhoi llawer mwy o bwyslais a ffocws ar gymunedau lleol o fewn y fframwaith, yn enwedig gan fod y cyd-destun cymdeithasol ac economaidd wedi newid mor ddramatig o ganlyniad i'r pandemig.

Er enghraifft, dadleuodd Robat Idris fod y Fframwaith, yn ôl pob golwg, yn seiliedig ar gynlluniau economaidd a phrosiectau seilwaith ar raddfa fawr fel Wylfa. Dywedodd fod

<sup>6</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p115

<sup>7</sup> Tystiolaeth ysgrifenedig Dyfodol i'r Iaith

<sup>8</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p119

<sup>9</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p119

<sup>10</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p25



enghreiffiau lle nad oedd prosiectau o'r fath wedi digwydd yn y pen draw, ond bod y prosiectau seilwaith mawr hyn wedi 'gyrru cynllun datblygu lleol', a bod hyn yn ei dro:

'yn llywio'r gofyn am dai a lle roedden nhw yn mynd i gael eu lleoli. Rŵan, mae gofyn inni, dwi'n meddwl, adeiladu o'r cymunedau i fyny, yn hytrach nag o'r top i lawr.'<sup>11</sup>

Aeth yn ei flaen i ofyn faint o drafodaeth a gafwyd o ran datblygu fframwaith sy'n 'berthnasol i gymunedau lleol', gan nodi:

'mae'n ymddangos, i raddau, fod yr ardaloedd gwledig yn cael eu gweld, bron iawn, fel rhyw ysgyfaint i'r ardaloedd trefol gael eu mwynhau, os leiciwch chi, a bod y boblogaeth sydd yn byw yna yn dueddol o fod yna i'w gwasanaethu nhw.'<sup>12</sup>

Roedd Dyfan Sion hefyd yn credu bod angen mwy o gydbwysedd rhwng twf canolfannau gwledig a threfol. Dywedodd wrth y Pwyllgor:

'y prif beth buaswn i'n ei ddweud ydy dwi'n meddwl bod angen i'r fframwaith ymateb yn well i'r newidiadau cymdeithasol sydd wedi digwydd yn sgil COVID. Dwi'n meddwl petai'r fframwaith yn cael ei drafftio heddiw, efallai y byddai yna lai o ganolbwyntio ar ganolfannau twf trefol yn y fframwaith. A beth rŷn ni i gyd wedi ei ddysgu, dwi'n meddwl, o'r argyfwng COVID ydy ei bod hi'n bosib i ni fyw a gweithio mewn unrhyw leoliad yng Nghymru; mae'n bosib i ni weithio o bell a gweithio'n hyblyg. A dwi'n meddwl bod y Llywodraeth ei hun hefyd, trwy bolisïau gweithio o bell, yn canolbwyntio'n fwy ar ganolfannau lleol erbyn hyn, yn hytrach na chanolfannau dinesig a threfol, felly mae hynny'n rhywbeth o fewn y fframwaith byddwn i'n dymuno i'r Llywodraeth edrych eto arno fo.'<sup>13</sup>

Clywodd y Pwyllgor hefyd fod angen seilwaith trafniadaeth addas, fel trafniadaeth gyhoeddus, a chysylltiadau band eang cyflym, er mwyn i gymunedau gwledig a lleol allu manteisio ar gyfleoedd gwaith.

Hoffai'r Pwyllgor weld mwy o wybodaeth am syniadau Llywodraeth Cymru ar gyfer 'canolfannau lleol'. Mae'r Pwyllgor yn argymhell bod y Fframwaith yn cael ei ddiweddarau i ystyried:

- dull mwy cytbwys o ddatblygu canolfannau trefol a gwledig sy'n ffynnu yn hytrach nag un sy'n canolbwyntio ar ganolfannau trefol wedi'u hamgylchynu gan 'gefnwlad' wledig.
- patrymau gweithio newydd, o ganlyniad i bandemig COVID-19 yn ddiweddar, sydd wedi cynyddu'r angen am fand eang cyflym, dibynadwy a hygyrch ym mhob rhan o Gymru;

<sup>11</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p27

<sup>12</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p26

<sup>13</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020, p58



## Tai fforddiadwy

Galwyd am i'r Fframwaith fynd i'r afael â'r broblem o ran tai fforddiadwy yn fwy cadarn. Mae cysylltiad rhwng gallu pobl o ardaloedd Cymraeg i fyw a gweithio yn eu cymunedau a phrisiau tai yn yr ardaloedd hyn. Dywedodd Robot Idris wrth y Pwyllgor:

'oherwydd bod gymaint o eiddo yn mynd allan o gyrraedd pobl leol, mae hynny'n gwanhau'r cymdeithasau cynhenid. Felly, dwi'n meddwl bod yna le mawr i'r system gynllunio edrych ar yr holl gwestiwn o dai.'<sup>14</sup>

Mewn ymateb i gwestiwn ynghylch a ddylai'r Fframwaith ganolbwyntio mwy ar 'gartrefi cymdeithasol' yn hytrach na 'tai fforddiadwy', gan y byddai hyn yn rhoi mwy o gyfrifoldeb ar awdurdodau lleol i ddiwallu anghenion tai lleol, dywedodd Dyfan Sion:

'Oherwydd prisiau tai uchel a'r canran uchel o ail gartrefi mewn rhai cymunedau, mae o'n anodd iawn i rai pobl allu aros yn eu cymunedau os ydyn nhw'n dymuno gwneud ar hyn o bryd. Yn amlwg, mae hynny'n fater o gyfiawnder cymdeithasol hefyd. Felly, o safbwynt tai fforddiadwy a chartrefi cymdeithasol, y risg ydy bod tai fforddiadwy yn fwy agored i'r farchnad a bod yna lai o reolaeth a llai o allu i gynllunio a darparu. Felly, os ydy canolbwyntio'n fwy ar gartrefi cymdeithasol yn gwella'r broblem sy'n wynebu lot o gymunedau Cymraeg, a bod hynny'n gallu digwydd ynghynt, yna dwi'n cytuno efo'r sylw yn y cwestiwn.'<sup>15</sup>

Galwyd hefyd am i'r Fframwaith fynd i'r afael â'r pwysau a roddir ar ardaloedd Cymraeg o ganlyniad i ail gartrefi, a'r ffaith na all pobl leol gystadlu yn y farchnad. Dywedwyd bod y pwysau wedi cynyddu o ganlyniad i bandemig COVID-19 a bod pryderon mewn cymunedau lleol ynghylch perchnogion ail gartrefi yn teithio yn ystod cyfnod y cyfyngiadau symud.

Dywedodd Robot Idris wrth y Pwyllgor fod 40 y cant o gartrefi yng Ngwynedd wedi cael eu gwerthu fel ail gartrefi yn ddiweddar.<sup>16</sup> Awgrymodd y dylai fod uchafswm o ran nifer y cartrefi sydd ar gael mewn ardaloedd twristiaeth. Dywedodd:

'mae eisiau i ni edrych ar ddeddfwriaeth ynglŷn ag a ydy o'n foisol gywir bod pobl efo ail gartref, neu ail dŷ, lle nad ydy pobl eraill ddim efo nhw. Mae yna le i edrych ar ardaloedd penodol lle mae twristiaeth wedi mynd yn ordwristiaeth, lle dylid pennu uchafswm, os liciwch chi, o dai sydd yn gwasanaethu, neu farchnad ail gartrefi, neu fasnach dwristiaeth mewn rhyw ffordd, ac mae hynny'n cynnwys Airbnb. Mae yna enghreifftiau mewn llefydd eraill lle rydych chi'n tynnu'r pwysau i raddau a phethau felly.'<sup>17</sup>

Ysgrifennodd Wyn Thomas:

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<sup>14</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p27

<sup>15</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p81

<sup>16</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p83

<sup>17</sup> Y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu, 5 Tachwedd 2020 p84



'Byddai'n gam sylweddol i ddiogelu'r cymunedau Cymraeg pe byddem yn dilyn trywydd Jersey a Guernsey. Yno, clustnodir canran sylweddol o dai ar gyfer trigolion sydd wedi byw ar yr ynysoedd trwy eu hoes neu sydd â chysylltiad hir ac amlwg â'r lle. Byddai gweddill y stoc tai ar werth ar y farchnad agored.'<sup>18</sup>

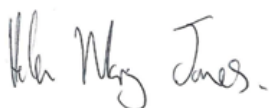
Clywodd y Pwyllgor fod y cydbwysedd rhwng perchnogaeth ail gartrefi, cartrefi gwyliau, a pherchnogaeth cartrefi fforddiadwy yn cael effaith ar allu pobl o ardaloedd Cymraeg i fyw a gweithio yn eu cymunedau. Mae effaith prisiau tai a pherchnogaeth ail gartrefi a chartrefi gwyliau ar y Gymraeg yn elfen bwysig y mae angen ei hystyried mewn strategaeth gynllunio sy'n ceisio cyflawni'r nod a ganlyn:

'Os mai'r Gymraeg yw iaith bob dydd y gymuned, caiff gwaith datblygu ei reoli er mwyn sicrhau bod swyddi a chartrefi ar gael fel y gall yr iaith barhau'n ganolog i hunaniaeth y cymunedau hynny'.<sup>19</sup>

Mae'r Pwyllgor yn argymhell y dylai'r cysylltiad rhwng cartrefi cymdeithasol a thai fforddiadwy mewn ardaloedd Cymraeg a'r effaith ar y Gymraeg gael eu harchwilio'n fwy trylwyr yn y Fframwaith.

Rwyf wedi anfon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig fel rhan o'u gwaith yn ystyried y Fframwaith.

Yn gywir,



Helen Mary Jones

**Cadeirydd y Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu**

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<sup>18</sup> Dyfodol i'r Iaith

<sup>19</sup> Fframwaith Datblygu Cenedlaethol, pp54



Mike Hedges AS  
Cadeirydd y Pwyllgor Newid Hinsawdd, Amgylchedd, a Materion Gwledig  
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19 Tachwedd 2020

Annwyl Mike,

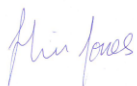
## Llywodraethu ac egwyddorion amgylcheddol ar ôl y cyfnod pontio

Cefais ohebiaeth (wedi'i chynnwys fel Atodiad i'r llythyr hwn) gan gynrychiolwyr Cyswllt Amgylchedd Cymru mewn perthynas â'r trefniadau dros dro ar gyfer llywodraethu amgylcheddol yng Nghymru ar ddiwedd cyfnod pontio'r UE.

Yn y llythyr, mae Cyswllt Amgylchedd Cymru yn codi nifer o faterion yn ymwneud â phenodi Aseswr Diogelu'r Amgylchedd dros dro yng Nghymru, ei swyddogaethau a'i gylch gorchwyl, ynghyd â rôl y Senedd yn y trefniadau newydd hyn.

Rwy'n ymwybodol bod y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig wedi cynnal gwaith craffu manwl mewn perthynas â'r trefniadau llywodraethu amgylcheddol yn y dyfodol a'i fod yn cynnal sesiynau craffu cysylltiedig â Brexit gyda Gweinidog yr Amgylchedd, Ynni a Materion Gwledig. O ystyried hyn, rwy'n credu y byddai'n ddefnyddiol cael eich barn chi am y materion dan sylw fel man cychwyn.

Yn gywir,



**Elin Jones AS**

Llywydd

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



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**CC: Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd, Jeremy Miles AS, Yr Anrhydeddus Brif Weinidog Mark Drakeford AS a'r Gweinidog ar gyfer yr Amgylchedd, Ynni a Materion Gwledig, Lesley Griffiths AS**

12fed o Hydref 2020

Annwyl Llywydd

## **Parthed: Llywodraethu Amgylcheddol ac Egwyddorion yn dilyn y cyfnod pontio**

Ysgrifennwn atoch mewn perthynas â threfniadau llywodraethu amgylcheddol yng Nghymru yn dilyn y Cyfnod Pontio - Ionawr 2021 ymlaen. Yn benodol, rydym yn pryderu am y goblygiadau uniongyrchol a thymor hir i fusnes a swyddogaethau'r Senedd.

Fel y gwyddoch, gohiriwyd nifer o ddeddfwriaeth yn ymwneud â Brexit tan ar ôl etholiad Senedd 2021. Mae hyn yn cynnwys deddfwriaeth sy'n ofynnol i sefydlu egwyddorion amgylcheddol statudol a threfniadau llywodraethu, y cadarnhaodd y Prif Weinidog yn ei ddatganiad ar y Rhaglen Ddeddfwriaethol, y byddai'n cael ei dwyn ymlaen ar ôl yr etholiad pe bai Llywodraeth Cymru "mewn sefyllfa i wneud hynny". Mae'n destun gofid mawr gan ei fod yn gadael Cymru yn wynebu'r sefyllfa y flwyddyn nesaf o gael y trefniadau llywodraethu amgylcheddol gwannaf yn unrhyw wlad yng ngorllewin Ewrop.

Yn lle'r camau deddfwriaethol angenrheidiol, mae Llywodraeth Cymru yn bwriadu cymhwyso egwyddorion amgylcheddol a sefydlu trefniadau llywodraethu dros dro ar sail anstatudol yn unig, gyda'r broses o recriwtio Asesydd Diogelu'r Amgylchedd ar gyfer Cymru ar y gweill<sup>1</sup>. Nid yw manylion y trefniadau dros dro na'r canllawiau ar gymhwyso egwyddorion wedi'u cwblhau eto. Mae diffyg eglurder hefyd ar rôl y Senedd yn unrhyw drefniadau llywodraethu dros dro a thymor hir, sydd angen eu hystyried ar fyrder.

Ni fydd gan yr Asesydd Dros Dro hwn (fel y cynigir ar hyn o bryd) unrhyw bwerau i ymchwilio i gwynion ac fe fydd, ac eithrio'r cwynion mwyaf difrifol a brys, yn dal y cwynion i'w hymchwilio yn y dyfodol pan fydd y mesurau statudol wedi'u sefydlu. Gallai hyn olygu bod difrod amgylcheddol difrifol, boed digwyddiad llygredd parhaus o orsaf bŵer, i fethiant systemig i amddiffyn rhywogaethau neu gynefinoedd allweddol yn parhau, heb ymchwiliad effeithiol nac ystyriaeth o'r rhwymedïau posibl – arwahan i'r trywydd gwarddol ddrud ar gyfer sefydliadau cymdeithas sifil o adolygiad barnwrol, sydd ddim yn cynnwys rhwymedïau cywirol sydd ar gael ar hyn o bryd trwy'r CJEU.

Ar ben hyn, bydd cwynion dinasyddion yn cael eu pentyrru ac yn parhau i fod heb eu hymchwilio, gan olygu na fydd unrhyw fethiannau cyhoeddus i gynnal a gweithredu'r gyfraith yn cael eu herio, gan adael amgylchedd

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<sup>1</sup> Vacancy –Interim Environmental Protection Assessor for Wales <https://cymru-wales.tal.net/vx/lang-en-GB/mobile-0/appcentre-3/brand-2/xf-4ae214241f4a/candidate/so/pm/1/pl/8/opp/6860-Interim-Environmental-Protection-Assessor-Wales/en-GB?fbclid=IwAR0DKS4afDXDK2rVFnBJuK6F3zFQQCKiwwmhBfqpps4EnwCYegLiEBIsW4k>



Cymru yn agored i niwed, a dinasyddion yn methu â gwireddu eu hawliau yn effeithiol o dan ein hymrwymiaidau rhyngwladol presennol.

Er gwaetha'r ffaith fod coronafirws wedi effeithio ar yr amserlenni deddfwriaethol yn San Steffan, Stormont a Holyrood, mae deddfwriaeth wedi'i chyhoeddi, a bydd yn cael ei phasio naill ai cyn neu yn fuan ar ôl diwedd y cyfnod pontio.

Mae hyn yn creu ansicrwydd sylweddol, gan gynnwys ynghylch rôl y Senedd o ran craffu ac atebolrwydd, er enghraifft wrth ddelio â chwynion am achosion yn ymwneud â Gweinidogion Llywodraeth Cymru, ac mae angen eu hystyried ar fyrder.

O ystyried hyn, rydym yn ysgrifennu i godi'r canlynol:

- I ba raddau y mae'r Senedd yn ymwybodol o, ac yn ymwneud â datblygu'r trefniadau dros dro hyn, a pha drafodaethau a gafwyd gyda Gweinidogion Llywodraeth Cymru ar y mater?
- Pa waith sydd ar y gweill ar hyn o bryd i nodi a datblygu rôl y Senedd pe byddent yn cael eu gwireddu
- Pa bwerau sydd gan y Senedd ar hyn o bryd a fyddai'n caniatáu cefnogaeth dyletswyddau ac ehangu gallu yr Asesydd i weithredu
- Pa bwerau sydd gan y Senedd i geryddu Gweinidogion Llywodraeth Cymru os y canfyddir eu bod wedi torri cyfraith amgylcheddol?
- O ystyried y swyddogaethau lled-farnwrol posibl y gall y prosesau hyn eu creu, sut gellir sicrhau didueddrwydd yn ystyriaeth y Senedd o achosion?

Byddem yn eich annog i ystyried y materion hyn fel elfen allweddol o'ch cynllunio trosglwyddo ar gyfer y Senedd, a gyda swyddogion Llywodraeth Cymru. Rydym hefyd wedi ysgrifennu at y Cwnsler Cyffredinol a'r Gweinidog Trosglwyddo Ewropeaidd Jeremy Miles MS yn amlinellu ein pryderon.

Yn gywir

Alex Phillips  
Cyd Gadeirydd Grwp Gwaith Llywodraethu Cyswllt  
Amgylchedd Cymru  
**WWF Cymru**

Steve Lucas  
Cyd Gadeirydd Grwp Gwaith Llywodraethu Cyswllt  
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Joint Directors / Cyf-Gyfarwyddwyr: Susan Evans & Karen Whitfield  
Tudalen y pecyn 73



Mike Hedges AS

Cadeirydd

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

17 Tachwedd 2020

Annwyl Mike

### **Datganiadau ysgrifenedig o dan Reol Sefydlog 30C: Rheoliadau Cynhyrchion Amaethyddol, Bwyd a Diod (Diwygio etc.) (Ymadael â'r UE) 2020**

Gwnaethom ystyried datganiad ysgrifenedig Llywodraeth Cymru, a osodwyd o dan Reol Sefydlog 30C, mewn perthynas â **Rheoliadau Cynhyrchion Amaethyddol, Bwyd a Diod (Diwygio etc.) (Ymadael â'r UE) 2020** yn ein cyfarfod ar **9 Tachwedd 2020**.

Mae'r Rheoliadau sy'n destun y datganiad ysgrifenedig yn gwneud nifer o newidiadau i ddeddfwriaeth ddomestig a deddfwriaeth sy'n deillio o'r UE, a'u pwmpas yw darparu ar gyfer gweinyddu a gorfodi Dynodiadau Daearyddol (GI) yn ddomestig ar gyfer Prydain Fawr.

Rydym yn ymwybodol o'r **gwaith** a gyflawnodd eich Pwyllgor y llynedd ar enwau bwyd gwarchodedig ac, oherwydd diddordeb a chyfrifoldebau cyffredinol eich Pwyllgor yn y maes hwn, rydym am dynnu eich sylw at y Rheoliadau a'r datganiad ysgrifenedig am y rhesymau a nodir isod.

Cytunodd y DU a'r UE, yn y Protocol Ymadael Iwerddon-Gogledd Iwerddon y bydd dynodiadau daearyddol Gogledd Iwerddon yn parhau i gael eu gwarchod gan drefn Dynodiadau Daearyddol yr UE ar ôl diwedd y cyfnod pontio. Efallai y gwyddoch fod dyfodol Dynodiadau Daearyddol o ran y DU a'r UE yn cael ei drafod ar hyn o bryd fel rhan o'r trafodaethau ar y berthynas rhyngddynt yn y dyfodol. Pe bai dim cytundeb, byddai angen i gynhyrchion Prydain Fawr gydymffurfio â gweithdrefn ymgeisio trydydd gwledydd yr UE i gael cofrestrriad yr UE.

Bydd y diwygiadau a wneir gan y Rheoliadau hyn felly'n creu cynlluniau Dynodiadau Daearyddol Prydain sy'n gweithio, a rheoliadau'r DU y gellir eu gorfodi yn ddomestig ar gyfer y sectorau gwin a diodydd gwirodol, gyda'r nod deul o sicrhau gwarchodaeth barhaus i 86 o enwau presennol cynnyrch y DU sydd wedi'u cofrestru fel Dynodiadau



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Daearyddol o dan gynlluniau'r UE a sicrhau bod y DU yn parhau i gyflawni ei chyfrifoldebau o ran Sefydliad Masnach y Byd.

Mae'r Rheoliadau hefyd yn darparu ar gyfer defnyddio logo Dynodiadau Daearyddol newydd ar gynhyrchion gwarchoddedig fel rhan o'r cynllun, h.y. bydd cig oen Cymreig fel bwyd gwarchoddedig yn dod gyda logo 'gwarchoddedig gan y DU' yn y dyfodol.

Mae anghytundeb rhwng Llywodraeth Cymru a Llywodraeth y DU ynghylch a yw cynlluniau Dynodiadau Daearyddol wedi'u datganoli. Yn ei datganiad ysgrifenedig, mae Llywodraeth Cymru yn dweud ei barn ar y pwynt hwn:

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“Mae swyddogion Llywodraeth Cymru o'r farn bod Rheoliadau 2020 yn cynnwys darpariaethau sy'n rhoi swyddogaethau i'r Ysgrifennydd Gwladol mewn meysydd sydd o fewn cwmpas cymhwysedd deddfwriaethol y Senedd.

(...)

Mewn perthynas â chynlluniau GI, mae gennym ddi-ddordeb mawr mewn sicrhau bod GIs Cymru yn cael eu diogelu ledled y DU (ac yn ddelfrydol, drwy'r trafodaethau ar bartneriaeth yr UE yn y dyfodol). \* Mae offerynnau blaenorol sy'n cael eu cydgrynhoi yn Rheoliadau 2020 wedi bod yn destun gohebiaeth barhaus rhwng Defra a Llywodraeth Cymru, gyda swyddogion Llywodraeth Cymru yn anghytuno â safbwynt Defra bod GIs yn ymwneud â materion a ddargedwir.”

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Mae Gweinidogion Cymru, fodd bynnag, wedi cytuno y bydd ganddynt rôl ystyrlon yn y trefniadau llywodraethu ar gyfer y cynllun Dynodiadau Daearyddol. Sicrhawyd y rôl hon drwy gytundeb rhynglywodraethol; fel y bydd eich Pwyllgor yn gwybod, nid yw cytundebau o'r fath yn rhwymo'r naill llywodraeth na'r llall. At hynny, nid yw'r ateb hwn i'r anghydfod, wrth gwrs, yn datrys y mater a yw cynlluniau Dynodiad Daearyddol wedi'u datganoli. Ni chyhoeddwyd dim cytundeb rhynglywodraethol fe ymddengys.

Efallai yr hoffech wybod hefyd fod y Rheoliadau yn creu swyddogaethau cydredol y gall Gweinidogion Cymru a Gweinidogion y DU eu harfer. Os yw'r Senedd yn dymuno dileu elfen Gweinidog y DU o swyddogaeth gydredol, yna byddai'n rhaid i Lywodraeth y DU gydsynio i'w dileu. I'r graddau hynny, mae'r Rheoliadau'n effeithio ar gymhwysedd deddfwriaethol y Senedd. Mae Llywodraeth Cymru yn cynnal trafodaethau gyda Llywodraeth y DU ynghylch Gorchymyn yn y Cyfrin Gyngor a wnaed o dan adran 109 o *Ddeddf Llywodraeth Cymru 2006*. Byddai Gorchymyn o'r fath yn negyddu'r effaith ar gymhwysedd deddfwriaethol y Senedd drwy ddileu'r angen am gydsyniad Llywodraeth y DU mewn perthynas â swyddogaethau cydredol, ond nid yw'r amserlen ar gyfer y Gorchymyn hwn ar gael hyd yma.

Byddwch yn gwybod fod Dynodiadau Daearyddol Bwyd (Enwau Bwyd Gwarchoddedig) yn parhau yn un o'r meysydd polisi fframweithiau cyffredin sy'n destun dadl. Mae dadansoddiad Llywodraeth y DU o fframweithiau cyffredin ym mis Medi 2020 yn nodi bod y mater hwn yn destun trafodaethau parhaus rhwng y llywodraethau. Nid yw'n eglur i ni pam mae Llywodraeth y DU wedi bwrw ymlaen â'r Rheoliadau hyn pan nad yw trafodaethau o'r fath wedi'u cwblhau. Felly, er bod y Rheoliadau hyn yn ceisio cynnal cyfundrefn bresennol yr UE ar ôl y cyfnod pontio, pe bai unrhyw lywodraeth yn y DU yn



ceisio gwro oddi wrth y cynllun a gyflwynir gan y Rheoliadau hyn, nid oes proses y cytunwyd arni ar gyfer rheoli sefyllfa o'r fath.

Rydym hefyd yn ymwybodol bod eich gwaith blaenorol ar y mater hwn wedi nodi pryderon ynghylch effaith unrhyw gytundebau masnach yn y dyfodol ar gynllun Dynodiadau Daearyddol.

Rwy'n ysgrifennu at Lywodraeth Cymru i fynegi ein pryderon am lunio'r Rheoliadau, yn enwedig gan eu bod yn codi materion o bwysigrwydd cyfansoddiadol, pwysigrwydd gwleidyddol a phwysigrwydd cyfreithiol. Rwyf hefyd yn bwriadu tynnu sylw at gymhlethdod cynyddol y setliad datganoli yng Nghymru, fel y dangoswyd yn sgîl yr anghydfod ynghylch y Rheoliadau.

Yn gywir



**Mick Antoniw AS**  
**Cadeirydd**

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We welcome correspondence in Welsh or English



Mae cyfyngiadau ar y ddogfen hon