

Andrew Bowie AS

Is-ygrifennydd Gwladol Seneddol dros Ddiogelwch

Ynni a Sero Net

12 Gorffennaf 2023

Annwyl Andrew,

**Y Bil Ynni**

Byddwch yn ymwybodol bod Llywodraeth Cymru bellach wedi cychwyn ar broses cydsyniad deddfwriaethol yn y Senedd mewn perthynas â darpariaethau perthnasol yn y Bil Ynni ("y Bil"). Ar 29 Mehefin 2023, gosododd Julie James AS, y Gweinidog Newid Hinsawdd ("y Gweinidog"), Femorandwm Cydsyniad Deddfwriaethol ("y Memorandwm") gerbron y Senedd mewn perthynas â'r Bil. Mae'n debyg y byddwch yn ymwybodol bod Llywodraeth Cymru yn argymhell y dylai'r Senedd atal cydsyniad i'r darpariaethau perthnasol yn y Bil ar hyn o bryd.

Yn y Memorandwm a osodwyd gerbron y Senedd, mae'r Gweinidog Newid Hinsawdd yn datgan nad oedd Llywodraeth Cymru yn rhan o'r gwaith o ddatblygu'r Bil cyn iddo gael ei gyflwyno, ac "nid oedd... testun cyfreithiol llawn [y Bil] ar gael i'w adolygu tan ychydig o oriau cyn i'r Bil gael ei gyflwyno yn Nhŷ'r Arglwyddi". Dywed y Gweinidog Newid Hinsawdd hefyd fod Gweinidogion Cymru wedi ysgrifennu at Lywodraeth y DU i godi pryderon nad yw'r Bil fel y mae wedi'i ddrafftio yn parchu cymhwysedd deddfwriaethol y Senedd na chyfrifoldebau datganoledig Gweinidogion Cymru.

Gwahoddwyd y Gweinidog Newid Hinsawdd i gyfarfod fy Mhwyllgor ar 10 Gorffennaf, lle y cawsom drafod â hi'r camau yr oedd Llywodraeth Cymru wedi'u cymryd o ran y Bil hyd hynny. Yn benodol, gwnaethom drafod yr amgylchiadau a oedd wedi cyfrannu at y ffaith bod y Memorandwm wedi cael ei osod gerbron y Senedd bron i flwyddyn ar ôl i'r Bil gael ei gyflwyno yn Senedd y DU. Byddem fel arfer yn disgwyl i Femorandwm Cydsyniad Deddfwriaethol gael ei osod gerbron y Senedd o fewn pythefnos i Fil â darpariaethau perthnasol gael ei gyflwyno yn Senedd y DU. Ymhellach i'r datganiadau a wnaed yn y Memorandwm, nododd y Gweinidog yn glir bod yr oedi yn rhannol oherwydd y diffyg deialog a chydweithredu rhwng y ddwy Lywodraeth. Dyweddodd wrthym:



- "We would have very much wanted for the Welsh Government to have been involved in the development of the Bill months before the Bill was published. We would have had detailed discussions with UK Government Ministers on matters within our competence and so on. Not a single scrap of that happened at all. Nothing, absolutely not." [Cofnod y Trafodion, paragraff 6]
- "I'm quite annoyed by the situation the UK Government has put us in where we're struggling to keep up with the changes in a Bill that are rapid and don't involve us at the right level at all." [Cofnod y Trafodion, paragraff 7]
- "...there's just nothing good to say about the way the UK Government has treated the devolution settlement. The Bill has been drafted without any nod to devolution whatsoever. (...) from a political point of view, I would say that it's news to the energy team [in the UK Government] that there is such a thing as a devolution settlement. It's been a hard-fought battle to get them to even understand what we're trying to say." [Cofnod y Trafodion, paragraff 14]
- "I have, a number of times, not just in this instance, been summoned to speak to a Minister of the UK Government at 17:30 with no idea of what they want to talk to me about, only to be told that tomorrow morning, they're going to publish X, so that they can say they've consulted us. Well, I'm sorry, I don't think that's sufficient consultation at all." [Cofnod y Trafodion, paragraff 19]
- "I've made a number of representations to the Secretary of State for BEIS, as it was then, and the Secretary of State and Ministers within the new Department for Energy Security and Net Zero. In March this year, following the UK Government amendments, with the offshore wind environment improvement package, I set out my concerns to the new Secretary of State on the clauses and on the initial considerations of the Bill. I've requested a meeting to discuss the concerns, but no offer to meet has been forthcoming. The first and only meeting on this Bill I have had with a UK Government Minister was with Minister Bowie in May 2023, and I have to say, in that meeting, Minister Bowie showed no appreciation that any kind of devolution settlement existed. There's no getting away from that. It was a very short meeting, and their view was that it just doesn't engage the devolution—. Well, they just didn't have any appreciation of it at all." [Cofnod y Trafodion, paragraff 29. Gweler hefyd baragraff 20]
- "We do normally have much better engagement. (...) but I think that what we're looking at here is somebody who just did not realise that there was any devolution issue in it until the last minute." [Cofnod y Trafodion, paragraff 21]



Mae'r datganiadau a'r sylwadau a wnaed gan y Gweinidog Newid Hinsawdd yn peri pryer. Byddem yn croesawu ac yn gwerthfawrogi cael eich ymateb i'r hyn glywsom gan y Gweinidog Newid Hinsawdd, yn enwedig manylion yr ymgysylltu – ar lefel Gweinidogion a swyddogion – rhwng eich adrannau perthnasol, a sut yr ydych wedi ceisio mynd i'r afael â phryderon Llywodraeth Cymru. .

Byddwn yn croesawu cael ymateb erbyn 1 Medi 2023, fel y gall fy Mhwyllgor drafod y dystiolaeth yn llawn cyn cyflwyno adroddiad i'r Senedd cyn y ddadl a gynhelir ar gynnig cydsyniad ar gyfer y Bil.

Anfonir copi o'r llythyr hwn at y Gwir Anrhydeddus Grant Shapps AS, yr Ysgrifennydd Gwladol dros Ddiogelwch Ynni a Sero Net; y Gwir Anrhydeddus Michael Gove AS, yr Ysgrifennydd Gwladol dros Ffyniant Bro, Tai a Chymunedau a'r Gweinidog Cysylltiadau Rhynglywodraethol; a'r Gwir Anrhydeddus David TC Davies AS, Ysgrifennydd Gwladol Cymru.

Anfonir copi o'r llythyr hwn hefyd at Bwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith yn y Senedd.

Yn gywir,

Huw Irranca-Davies

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Cadeirydd

