

## 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, 25 Mehefin 2020 Clerc y Pwyllgor  
Amser: 09.00 0300 200 6565  
[SeneddNHAMG@senedd.cymru](mailto:SeneddNHAMG@senedd.cymru)

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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). Rhag-gyfarfod anffurfiol (09:00 – 09:30) – PREIFAT

### CYHOEDDUS (09:30 – 11.15)

#### 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau (09:30)

Dogfennau atodol:

#### 2 COVID-19: Sesiwn dystiolaeth gyda'r sector amgylcheddol

(09:30 – 10.15)

(Tudalennau 1 – 28)

Gill Bell, Pennaeth Cadwraeth Cymru – Y Gymdeithas Cadwraeth Forol

Tegryn Jones, Prif Weithredwr – Awdurdod Parc Cenedlaethol Arfordir Sir

Benfro – yn cynrychioli'r tri Awdurdod Parciau Cenedlaethol Cymru

Jerry Langford, Arweinydd Polisi Cymru – Coed Cadw

Katie-Jo Luxton, Cyfarwyddwr – Y Gymdeithas Frenhinol er Gwarchod Adar  
(RSPB) Cymru

Rachel Sharp, Prif Weithredwr – Ymddiriedolaethau Natur Cymru

Jess McQuade – Cronfa Bywyd Gwyllt y Byd (WWF) Cymru

Rebecca Williams, Cyfarwyddwr Cynorthwyol (Cadwraeth) – Yr



Ymddiriedolaeth Genedlaethol Cymru

**Dogfennau atodol:**

Briff Ymchwil

Papur – Cyswllt Amgylchedd Cymru (Saesneg yn unig)

Papur – Coed Cadw (Saesneg yn unig)

Papur – Y Gymdeithas Cadwraeth Forol (Saesneg yn unig)

**EGWYL (10.15 – 10.30)**

**3 COVID-19: Parhau gyda sesiwn dystiolaeth y sector amgylcheddol**

(10.30 – 11:15)

Gill Bell, Pennaeth Cadwraeth Cymru – Y Gymdeithas Cadwraeth Forol

Tegryn Jones, Prif Weithredwr – Awdurdod Parc Cenedlaethol Arfordir Sir

Benfro – yn cynrychioli'r tri Awdurdod Parciau Cenedlaethol Cymru

Jerry Langford, Arweinydd Polisi Cymru – Coed Cadw

Katie-Jo Luxton, Cyfarwyddwr – Y Gymdeithas Frenhinol er Gwarchod Adar (RSPB) Cymru

Rachel Sharp, Prif Weithredwr – Ymddiriedolaethau Natur Cymru

Jess McQuade – Cronfa Bywyd Gwyllt y Byd (WWF) Cymru

Rebecca Williams, Cyfarwyddwr Cynorthwyol (Cadwraeth) – Yr Ymddiriedolaeth Genedlaethol Cymru

**Dogfennau atodol:**

**4 Papurau i'w nodi**

**Dogfennau atodol:**

**4.1 Ymateb Llywodraeth Cymru at adroddiad y Pwyllgor ar Dlodi Tanwydd yng Nghymru**

(Tudalennau 29 – 37)

**Dogfennau atodol:**

Ymateb

**4.2 Gohebiaeth gan y Cadeirydd at Y Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd**

(Tudalen 38)

**Dogfennau atodol:**

Llythyr

**4.3 Gohebiaeth at Weinidog yr Amgylchedd, Ynni a Materion Gwledig gan Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad: Gorchymyn Cyflogau Amaethyddol (Cymru) 2020**

(Tudalennau 39 – 41)

**Dogfennau atodol:**

Llythyr (Saesneg yn unig)

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

**Dogfennau atodol:**

**PREIFAT (11:15 – 12:00)**

**6 COVID-19: Trafod y dystiolaeth a daeth i law**

**Dogfennau atodol:**

**7 Trafod y Memorandwm Cydsyniad Deddfwriaethol Ategol ar gyfer Bil Amaethyddiaeth y DU**

(Tudalennau 42 – 58)

**Dogfennau atodol:**

Papur preifat – Nodyn cyfreithiol (Saesneg yn unig)

Memorandwm Ategol

**8 Trafod adroddiad drafft y Pwyllgor ar y Memorandwm Cydsyniad Deddfwriaethol mewn perthynas â Bil Amgylchedd y DU**

**Dogfennau atodol:**

Adroddiad drafft (Saesneg yn unig)

**9 Trafodaeth ar flaenraglen waith y Pwyllgor**

**Dogfennau atodol:**

Papur (Saesneg yn unig)

Mae cyfyngiadau ar y ddogfen hon



## Immediate financial impact on eNGOs

On 20<sup>th</sup> March a UK-wide survey was launched via Environment Links UK to quickly gauge the immediate impact of Covid-19 on the eNGO sector. The survey was only live for approx. 2 working days but 55 organisations across the UK responded, including organisations from Wales. The survey concluded a clear threat to:

- Frontline functions, including conservation and land management, access, visitor centres, cafés, shops and other tourist attractions, project, community and volunteer work;
- Scientific and policy work;
- The short and long-term viability of the sector, with 98% of respondents immediately affected and 27% at high risk within the next three or four months (by June/July).

The picture is extremely serious, with three quarters of respondents expecting to hit funding restrictions in the next three months and half already experiencing funding difficulties. For organisations that manage land or do outdoor project work (which make up a majority of WEL members) the Covid-19 crisis comes hot on the heels of severe flooding impacts and many are also dealing with the consequences of ash dieback. As the Environment Minister has acknowledged in recent meetings, the impacts of climate change, biodiversity declines and biosecurity issues are not going to go away.

eNGOs immediately identified that the main ways they needed support, both from environmental funders and government, are:

1. Flexibility with existing grant agreements, including an extension of deadlines for project work
2. Emergency funding support, including funding into the longer term to help charities recover as well as funding to cover the immediate crisis period

From government, eNGOs also need reassurance that they will receive the same level of protection and support as businesses, farming and fisheries, though this will need to be tailored to take into account the different ways that charities are constituted, their rules of operation and the complexity of their income streams.

## Accessibility of current support mechanisms

The main Covid-19 emergency funds for eNGOs in Wales are:

Tudalen y pecyn 8

### **Welsh Government Third Sector Covid-19 Response Fund**

This WCVA administered fund is a mixture of 75% grant and 25% interest free loan (though repayments accrue 2% interest after 12 months interest-free). NGOs can apply for up to £75,000. Bridging loans of £25,000 are also an option to tide over organisations whilst waiting for furlough reimbursements. This funding is very helpful, but the requirement for 25% of the amount awarded to be repaid as a loan could be a significant barrier to some charities. Smaller charities that have no unrestricted revenue from visitor centres, cafes or shops may struggle to repay a loan as they are unable to use restricted grant funding to do this. Income from membership recruitment will be reduced for the foreseeable future, as the general public look to limit their own expenditure and much membership sign-up is face to face. Charity Trustees may see a loan as too high a risk. Some members have also found the application process very complex, particularly the requirement to prove that this application is the last resort. Although we appreciate that due diligence is required, all the risk and work has been given to a struggling sector.

### **Covid-19 Economic Resilience Fund**

This £600m fund is another welcome additional line of support, which larger charities may be able to access, particularly those that have trade income. Due to the requirement for applicants to be VAT registered, however, this fund is also inaccessible to smaller charities. Not all charities meet the income threshold or provide services that are classed as business services that would require them to be VAT registered. Whilst the fund says that charities are eligible to apply, it is not clear whether UK-wide charities with operations in Wales are eligible to apply. This needs to be clarified, and we believe UK-wide charities should be eligible to apply for support with their Wales operations, as there is no UK-wide support scheme currently available. Members have been asked if they have accessed bank loans and other schemes and, again, told that this has to be the last resort: a status that it can take some time to prove.

### **Other funds and support mechanisms**

Whilst there are also some emerging non-government funds that can assist certain parts of the third sector, or can assist with specific requirements, such as upgrading IT for remote working, many smaller charities will fall through the cracks in terms of the support available. We understand that the government cannot save every single business or charity and the demands for assistance are unprecedented. However, we do feel that the design of some of these schemes could be tweaked to remove barriers that affect charities disproportionately.

The Job Retention Scheme has so far been the most useful form of support for most of our members and over 50% of our 30 member organisations are using this scheme, to a greater or lesser degree. However, there are some significant issues with the principle of furloughing for environmental charitable organisations:

1. **By paying people not to work, the furlough system sacrifices the public benefits produced by environmental charitable activities.** Unlike many private sector organisations, many charities have furloughed staff due to the complex impacts of Covid restrictions on their operations, not

simply because of a lack of work. This is contrary to the ethos of charitable giving – where people expect their generosity to produce charitable benefits. Frontline conservation and public access work in large outdoor spaces can be managed to ensure the health and safety of the workforce so that social distancing is respected.

2. **Many charitable activities include essential functions that cannot simply be mothballed.** Certain types of conservation action and functions, particularly maintenance necessary for public safety, mean that a significant proportion of staff cannot be furloughed. This means that the costs of conservation activity continue, even though significant proportions of income have been lost. Other types of activity, such as species monitoring and scientific work, and interventions to protect vulnerable species, have not been designated by government as essential, but their lack will have far reaching repercussions and impacts into the future. Surveys which would have been regularly carried out, such as collecting data on litter, fly tipping and other local environmental issues have not been able to proceed, leading to a significant data gap. Similarly, local authorities rely heavily on volunteers (supported by eNGOs) to provide services such as beach clean ups, and cleansing activity has decreased significantly as a result. The support given by eNGOs to volunteers and to the public sector, including Welsh Government officials, should not be underestimated.
3. **Many financial losses incurred by charities will continue long after furlough has ended.** The long-term challenges of climate change and ecological recovery remain, and the Coronavirus crisis has demonstrated the centrality of nature and outdoor access in our lives. On-going financial losses will hamper the ability of charities to deliver essential conservation and infrastructure improvement work. Many elements of the Welsh Government's Environmental Growth agenda will depend on the work of charities, and many conservation and community projects are partnerships between Government agencies and civil society. These contributions are at risk without on-going financial support.

### **Existing Welsh Government Grant Schemes: ENRaW, SMS and EMFF**

There have been long-running issues with the two main environmental grant schemes, the Enabling Natural Resources and Well-being (ENRaW) grant scheme and the Sustainable Management Scheme (SMS), which we have previously raised with the Environment Minister. There are similar problems with the administration of the European Maritime Fisheries Fund. Our members are experiencing delays with grant payments, caused by administrative difficulties with claims systems and compounded by the difficulty of being able to access officials that can help solve these administrative problems. Those who were already experiencing financial difficulties due to delayed payments are now pushed to the edge of financial viability because they are still waiting for funding that is owed to them for work already completed. The necessary reallocation of Welsh Government officials into other roles to deal with the Covid crisis means that claims that are still in the system, or were just about to be submitted, may be delayed further. It is essential that payment of these outstanding funds is expedited and systemic faults with the claim system are addressed.



## Natural Resources Wales Funding Schemes

At the time the Covid crisis hit, the new NRW funding schemes were not all fully operational and many of our members were already concerned that their existing NRW funding was coming to an end. NRW has now released some funds and has been working with some of the larger eNGOs, and is considering ways to extend this communication to all partners. An early start to their competitive grant scheme, which is anticipated for autumn, would be helpful to our members that are not eligible for strategic allocated grant funding. However, we are concerned about the large cut to NRW's budget due to Covid-19 and the impact this will have on their work and their ability support the work of the eNGO sector.

## Future business continuity support: delivering environmental growth

We entreat the Welsh Government to remove some of the additional barriers to environmental charities accessing support that we have identified in this paper, and we have offered our expertise in charity constitution and financing to help design future packages of support that really complement the ways that charities operate, both in the short and long-term. Here are some initial thoughts.

### Short-term

We recommend the following actions, which we feel would benefit both our members and other third sector organisations in Wales:

1. **Clear communication that existing grant agreements will be extended** so that work can be carried out when the lockdown ends, with organisations able to consult with a case manager to agree the new terms. Much environmental conservation and access improvement work is season and weather dependent and project timelines have already suffered due to the flooding this winter. If we come out of lockdown in the autumn this may mean work that should have been carried out this spring or summer might have to be delayed until next year.
2. **Expedite payments of grants already in arrears** with agreements signed to allow the Welsh Government to claw back funds if assessments subsequently reveal that grant conditions have not been met.
3. **Redesign existing emergency funds to remove barriers** that disproportionately exclude small charities from applying, such as exempting charities from the requirement for VAT registration, providing guidance on how non-trading charities can prove lost income, or income they are about to lose, and confirm access by the Welsh operations of UK-wide charities.
4. **Remove the requirement for 25% of the Third Sector Covid-19 Response Fund to be taken as a loan** as our members have told us that this is a serious barrier, because environmental charity trustees will not be willing to take on the risk of a loan at this time.

### Medium and long-term

When the Covid crisis ends, the climate and nature crises will still be upon us. We wholeheartedly support the Welsh Government's Environmental Growth agenda and WEL members are important

partners in delivering these ambitions for Government. The sector has very specific needs in terms of recovery from this crisis, so that we are still here to deliver for the environment and, therefore, the people of Wales in the future.

Now, more than ever, the economic recovery in Wales needs to be green, and the positive direction of travel indicated in the most recent budget must not be traded when needing to address quick fix emergency measures for other sectors. Wales should seek to be a world leader and would have the support of the Secretary-General of the UN, António Guterres, who used Earth Day (22 April 2020) to call for countries across the world to pursue a Green Recovery in response to Coronavirus. We therefore welcome the new Covid Response work being led by the Counsel General following his commitments during the daily Covid press briefing (29<sup>th</sup> April) that the group would not be looking at a return to normal, but recovery aligned to Welsh Government's commitments on environmental, social and economic justice. We also welcome the inclusion of expertise in climate change and the inclusion of a representative from WWF, who will be able to bring biodiversity expertise to the table.

For many charities, whilst staff are furloughed the charity is surviving in stasis. However, this crisis comes at the most important time of the year for revenue for many of our members: a time when they would usually be gaining income from visitors to their sites, recruiting new members, and benefitting from community fundraising activities. They would also be getting the bulk of their fieldwork, conservation and infrastructure project work done and engaging, educating and inspiring new supporters and others, including decision-makers, to better understand and champion both the value of nature and its protection, and the importance of access to the outdoors. Additionally, there is a threat to membership retention in member organisations, with reports that a (presently small, but nevertheless significant and unusual) number of subscriptions are being cancelled.

The furlough scheme, whilst incredibly helpful to retain staff during the lockdown period, is less helpful to charities than to businesses, as charities undertake activities that, if not carried out, will impact on their charitable objects both now and in the future. Activities such as species monitoring, habitat management, maintenance of infrastructure, and interventions to benefit the recovery and protection of vulnerable species must continue or irreversible damage or loss could occur. These are also the sorts of outdoor activities than can, with careful management, be undertaken whilst practising social distancing and ensuring the health and safety of staff.

The proposed changes to the furlough scheme from August, allowing staff to be furloughed part-time and to work part-time, will be helpful to our sector in resuming their operations gradually. We are pleased that this will continue until at least October, and would value a continued tapering of support throughout the winter months.

In the longer-term, civil society organisations are essential partners in delivery of the Government's Environmental Growth and sustainability priorities. The long-term economic losses associated with coronavirus are expected to be in the order of hundreds of millions of pounds over the coming years. This represents a major delivery risk to the Welsh Government's environmental programmes.

For example, WEL members manage over 105,000 hectares of habitat, represent over 420,000 subscribing members and supporters and work with over 39,000 volunteers. They are important employers across Wales, with a combined annual turnover of over £47 million. Their work sequesters millions of tonnes of carbon, critical to net zero aspirations, and their species monitoring and conservation programmes are essential for the state of nature. They work hand-in-hand with Natural Resources Wales, as delivery partners in projects ranging from public access, to conservation programmes, to natural flood mitigation and climate change resilience.

The environment sector can be part of an “economic reset” or a Green Recovery that embeds new ways of working, new greener economic patterns, and more equitable access to a high quality environment as part of a broader economic and social recovery. We hope that the Welsh Government will recognise our sector as important delivery partners in tackling the climate and nature crises and carrying out activities that will restore nature and provide ecosystem resilience across Wales.

Until March 2019, the Welsh Government had a core funding offer, which was extremely beneficial for the sustainability of eNGOs. Core funding is increasingly difficult to find, with only a handful of large funders offering this type of funding. As we have seen with the Covid-19 crisis, and the recent flooding impacts, organisations that are mainly dependent on project funding are much more vulnerable to shocks and delays to their work as a result of external factors beyond their control. Project work will take longer to get back on track in the coming months as the Coronavirus crisis has hit at what would normally be the most productive time of the year for environmental and land management-based projects. Providing a **Welsh Government core funding** pot would be immensely helpful to allow organisations to recover provide enough flexibility to continue their operations into the future, to adapt and develop. In March 2019, the Esmee Fairbairn Foundation published an [excellent report](#) on the benefits of providing core funding, concluding that it allowed organisations to lever in more funds and focus on evolution of the organisation, which they see as being key to impact.

### **A green and sustainable recovery**

WEL members are very keen to engage in discussions about a sustainable and socially just exit from the Covid crisis in order to develop some of the positive activities and community spirit that has developed over the last few months, from using digital technology to reduce people’s need to travel, to building on many people’s newfound interest in nature and the outdoors. We are pleased to see the launch of the [ourfuturewales@gov.wales](mailto:ourfuturewales@gov.wales) inbox and have set up a Green Recovery Task & Finish Group to contribute ideas and recommendations on this aspect of Wales’ recovery from the Covid crisis.

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.





## 1. Immediate impacts on our organisation

### Funding

- 1.1. We are forecasting a **30% drop in income** for 2020 and beyond, which means we have to reduce our expenditure accordingly, from £1.5 million to £600k Wales for 2020.
- 1.2. We've had to postpone all of our face to face membership recruitment activity during this period. Recruiting support depends on establishing relationships, 65% of our new memberships are recruited face to face.
- 1.3. Event based engagement activities have all had to be cancelled over the summer. We hope to restart with a much reduced autumn and winter events. These will be more expensive and challenging with winter weather, meaning lower attendance and less opportunity to engage people in supporting our work.
- 1.4. In the first 5 weeks of lock down we saw a 50% increase in direct debit membership cancellations compared to the same period in 2019.
- 1.5. If membership recruitment were to halve in 2020, we estimate this would result in a net loss in our UK membership subscription income alone, of £4m (2020-25).
- 1.6. For our work, it is very important that the Glastir woodland creation grant continues to work quickly and effectively.
- 1.7. This is happening at a time when we were planning **to ramp up** activity to address nature & climate crises, and making the case for meeting the financial needs to do that.
- 1.8. The general impact on the economy will continue to reduce future charitable donations beyond 2020 through 2021. We are also seeing a diversion of funds from other funding sources (grants and trusts, corporate sponsorship and donations) to Covid19.

### Staffing

- 1.9. The furlough scheme has been a significant help. More than half of Woodland Trust staff in Wales has been on furlough in April and May, but most staff are now returning in June. Furloughing has particularly applied to staff unable to undertake roles which depend on face to face contact. This has included membership recruitment, event management and advising and supporting landowners.
- 1.10. The loss of direct contacts with landowners may reduce the amount of new woodland creation coming forward and reduce the area of ancient woodland coming into active restoration.
- 1.11. Communications and engagement activity has focused on on-line and social media, with a short term reduction in public affairs and output on traditional media.

- 1.12. Our priority is to try and retain capacity and recover activity and the Trust is not currently planning any staff redundancies, however investment in development new activity is heavily constrained.

### **Site Management**

- 1.13. The Trust's woodland estate has remained open to local visitors throughout the pandemic, but some car parks have been closed. Many have recently been re-opened subject to local assessment. We have had some really positive feedback (verbal, letters, on social media) about our woods and people have been grateful for the places we have provided for them to enjoy from home.
- 1.14. Whilst it is difficult to gather accurate visitor numbers, physical, observed and reported evidence suggests that most of our sites in Wales have been busier than ever during lockdown, given their position as local green spaces. Visitor counter data from one Trust site in England suggests that visitor numbers doubled in April/ May, with visitors ranging more widely across the site. This reflects what staff in Wales are seeing.
- 1.15. Site maintenance and management has been constrained by lockdown measures. Short term impacts include overgrown paths and postponement of woodland restoration and conservation operations, including control of invasive species. Delayed maintenance could result in cost increases, and reduced maintenance budgets will mean less path cutting.
- 1.16. We have experienced a significant increase in fly tipping and other forms of antisocial behavior, such as littering, unauthorised bike trail building and fire-setting. In one incident last week 1 ½ tonnes of waste was dumped in Wentwood Forest. The Trust, like other private landowners, has to bear the cost of dealing with this.
- 1.17. Longer term impacts will be influenced by the funding situation and impact the pandemic has had on the availability of contractors and site activity by volunteers. Ultimately the conservation status of sites may be adversely affected if difficulties continue for a lengthy period.
- 1.18. Most of our regular contractors furloughed staff and many are facing difficult decisions about whether they look to resume normal operations or downsize their businesses in the medium term.
- 1.19. We are planning to reactivate some lone-working volunteer roles next week, but there are significant barriers to safe management of volunteer woodland working groups, We do not anticipate group work resuming until at least July.
- 1.20. Planned new woodland creation, including at Brynau Wood in Neath, where the Minister launched the Wales National Forest just before lockdown, continues on track subject to Glastir grant administration and work schedules.
- 1.21. We have noticed an increase in illegal felling, including a case that impacted on the boundary of one of our ancient woods. Harvesting on land neighbouring our woods has continued during bird breeding season, raising concerns of ecological impacts. Some areas

have seen hedgerows grubbed out in springtime. It may be that some took the opportunity to undertake unauthorised activities or poor practice under the 'cover' of lockdown

### **Working with others**

- 1.22. The reduction in capacity across the sector is constraining ability to plan ahead for or deliver new partnerships and activity. However, there has been a willingness to discuss partnership working, aided perhaps by people's increased availability and the time saved by not travelling and going to meetings. Some certainty around funding for recovery programmes for this **and next year** will be important to catch up and address new circumstances.
- 1.23. We are engaged, with others in the sector, in an NRW led group addressing site management issues and needs. This could be a good foundation for longer term coordination once this crisis over and it would be good to see this cross-sector communication continue.
- 1.24. We are working with other NGOs to run a virtual festival on a Green Recovery 20-23<sup>rd</sup> July. The First Minister has agreed to launch this.
- 1.25. We continue to be engaged in various discussion and working groups and suggest that there is an important opportunity to have a greater impact by working together, for example on building back a Wales-wide Wildlife Conservation Programme and comprehensive green recovery.

## **2. Priorities for long term recovery**

- 2.1. We note that pandemic has greatly heightened appreciation of community and connection with the natural world.
- 2.2. Our strong view is that the urgent priority is to seize the green growth opportunities now emerging to address the climate and biodiversity emergencies, creating healthier, fairer, stronger and more resilient communities.
- 2.3. This requires a redirection of major investment funding from activities that contribute to climate damage and biodiversity loss (e.g roadbuilding and traffic generation), firstly towards substantially greener infrastructure, and secondly to making farming and forestry sustainable.
- 2.4. The first requires changing funding allocations to drive a significant greening in the nature of infrastructure for travel, energy generation, building construction and flood management.
- 2.5. The second requires acceleration of the direction of travel proposed for the new sustainable farming scheme for Wales to address pollution reduction and biodiversity recovery. For forestry, it requires diversification to genuinely achieve multi-purpose and climate smart objectives.
- 2.6. These measures all provide opportunities to create economic activity and jobs, especially at local community level.

- 2.7. We have set out in more detail our suggestions for achieving these goals in our document on the Roots and Branches of a Green Recovery. A summary is provided here.

### 3. Green our streets, towns and cities

- 3.1. **Tree and woodland strategies for every local authority:** Make every town in Wales a Tree Town<sup>1</sup> - delivering a minimum of 20% tree cover in all urban areas<sup>3</sup> and 30% in new developments. Increase the capacity of tree and woodland teams at all levels of national and local government, and community capacity and influence on planning decisions.<sup>4</sup>
- 3.2. **Look after the trees we have:** I-tree reports for every urban area, fully assessing the benefits of existing trees, especially mature trees.<sup>5,6</sup> Strengthen planning regulatory oversight, and update tree protection legislation to stop the removal of healthy mature trees, and protect green space and irreplaceable habitat such as ancient woodland and veteran trees.<sup>8</sup>
- 3.3. **Provide a universal green health service:** More tree covered green space, walking and cycling routes; readily accessible to everyone and improving air quality<sup>9</sup> everywhere. Invest in a Green Health Service that prescribes outdoor activities for health and mental wellbeing.<sup>10</sup> Support community tree nurseries and forest schools across Wales as outdoor classrooms, collecting and growing local tree seed and reconnecting people with trees, woods and nature.

### 4. Support Farmers to be Sustainable and Nature Friendly

- 4.1. **Invest in agroforestry to increase tree cover on farms and support climate smart sustainable farming:** Build support packages that allow landowners to apply cost effective and wildlife-friendly nature based solutions for flood management<sup>11</sup>, carbon storage and tree regeneration. This should include introducing “Hedges and Edges” payments, investing in the habitat and farming benefits of field boundaries, and designing farm support payments to ensure they provide reliable income from areas of high quality habitat.
- 4.2. **Strengthen advice and partnerships:** Invest in skilled advisory networks, and community based project officer led area partnerships empowered to meet the diverse needs and opportunities including collaboration to increase tree cover, restore habitats and apply nature based solutions to reduce flooding.<sup>13</sup>
- 4.3. **Improve air and water quality:** Reduce pollution from farms and forests, especially nitrogen, ammonia and phosphate emissions, pesticide residues and sedimentation. A key measure is to strengthen regulatory controls and mitigation requirements on the cumulative impact of pollution from intensive poultry and livestock units – trees can help.<sup>14</sup>
- 4.4. **Zero tolerance on litter and fly-tipping in the Welsh countryside.** Continue to reduce waste at source, including the use of plastics in farming and forestry. Invest more in tackling fly tipping with increased surveillance and enforcement action, reduced waste disposal fees and greatly increased fines.



## 5. Using trees to build networks across Wales to create a people and nature friendly economy

- 5.1. **A Wales National Forest that is people and wildlife friendly and climate smart.** Ensure the National Forest programme illustrates the range and breadth of sustainable woodland creation and management across all parts of Wales and embeds communities and stakeholders in decision making.
- 5.2. **Fix and store carbon.** Build up the rate of new woodland creation year by year, diversifying approaches including more natural regeneration in order to accelerate past 5000 hectares by 2025.<sup>15</sup>
- 5.3. We have a detailed proposal on how this can be achieved.<sup>16</sup> Ensuring that forestry is Climate Smart requires a package of measures including reducing the net emissions, and promoting carbon storage in forest ecosystems, in addition to the benefit of carbon sequestration by growing trees.<sup>17</sup>
- 5.4. **Restore wildlife.** The catastrophic decline in biodiversity and woodland wildlife, is apparent in the condition of Welsh woodland described in recent official statistics.<sup>19</sup> A priority is the restoration of Wales' internationally important woodland habitats and ancient woods and trees.<sup>18</sup>

## 6. Create economic activity and jobs

- 6.1. All the measures above create economic opportunities which can be developed by greening the focus of investment decisions. Other investment and procurement actions for farming and forestry include:-
- 6.2. Develop a range of funding options, allowing the mix and match of public and private sources, including public grants, farm support schemes, planning gain, carbon funding, corporate social responsibility funds.
- 6.3. Invest in local landscape partnerships that develop skills and capacity to create and utilise woodland, including sourcing timber for local house building.
- 6.4. Using the procurement opportunities arising from public funding apply robust sustainable sourcing policies and support markets under-writing and improving the predictability of demand, for example for nursery stock supply and fencing.
- 6.5. Plan nursery stock demand to ensure it is all disease free UK Sourced and Grown (UKSG), and includes locally collected seed for native species.
- 6.6. Use farm plans to plan fencing demand and ensure the supply of UKWAS certified fencing.<sup>20</sup>
- 6.7. The challenge of finding alternatives to the use of plastics in tree protection is a substantial new commercial opportunity.

## References and Further Information

- 1 **Annexe 1: Tree Towns in Wales.** Coed Cadw's brief 2 page summary of the case for Government and Local Authorities to work with the third sector to on a substantial Wales wide initiative to realise the substantial benefits of increasing tree cover in all urban areas in Wales. Unpublished, available from the Woodland Trust.
- 2 Wrexham CBC have an excellent Tree and Woodland Strategy which could be an exemplar for other authorities. **Wrexham CBC (2016) Wrexham Tree & Woodland Strategy 2016–2026** [http://old.wrexham.gov.uk/assets/pdfs/env\\_services/trees/tree\\_and\\_woodland\\_strategy.pdf](http://old.wrexham.gov.uk/assets/pdfs/env_services/trees/tree_and_woodland_strategy.pdf)
- 3 NRW has undertaken urban tree cover surveys producing comprehensive data on tree cover for every urban area in Wales. **Natural Resources Wales. Urban tree cover in Wales.** Available at: <https://naturalresources.wales/about-us/what-we-do/green-spaces/urban-trees/?lang=en>
- 4 This study aims to establish the extent to which British local authorities actively manage their urban forests for regulating ecosystem services, and identify which resources local authorities most need in order to enhance provision of ecosystem services by Britain's urban forest.  
**Davies et al (2017 ) Challenges for tree officers to enhance the provision of regulating ecosystem services from urban forests.** Environmental Research Volume 156, July 2017, Pages 97-107.  
<https://www.sciencedirect.com/science/article/pii/S0013935117304942> Accessed 5 June 2020
- 5 **I-tree reports** are available for Wrexham, Bridgend, Tawe Valley and Cardiff <https://www.forestresearch.gov.uk/research/i-tree-eco/i-tree-eco-projects-completed/>
- 6 **How to do an i-Tree survey:** A great video (13 mins) explaining how to take part in this UK-wide survey of urban canopy cover. [Watch it here.](#)
- 7 A joint response to the Law Commission review of Welsh planning law from the **Woodland Trust and Ancient Tree Forum on legal and regulatory measures to improve tree protection.** Law Commission Consultation Paper No 228: Planning Law in Wales Scoping Paper. 2018 . Unpublished; available from Woodland Trust
- 8 **Annexe 2: Development Threats to Ancient Trees and Woods in Wales 2019.** Coed Cadw's report on cases of ancient woods threatened by planning applications in Wales in 2019, and particularly reviewing the impact of road schemes, of ammonia pollution from intensive poultry units and the on-going loss of urban tree cover. Unpublished. Available from the Woodland Trust
- 9 A conceptual framework explaining how and where GI can improve air quality, and offer six specific policy interventions, underpinned by research, that will always allow GI to improve air quality.  
**Hewitt, C.N., Ashworth, K. & MacKenzie, A.R. Using green infrastructure to improve urban air quality (GI4AQ).** *Ambio* 49, 62–73 (2020). <https://doi.org/10.1007/s13280-019-01164->
- 10 **Green Health and Access West Wales** is a new project in Pembrokeshire exploring innovative opportunities for green health, supporting existing initiatives and looking at ways to improve woodland spaces for access to people of all abilities.  
<https://www.coedlleol.org.uk/green-health-and-access-west-wales-ghaww/>
- 11 Brief Summary of evidence on how agroforestry interventions can help mitigate flooding, distributed to constituency AMs in February 2020. **Woodland Trust (2020) Agroforestry and flooding briefing note.**
- 12 **Annexe 3: Hedges and Edges Scheme Proposal.** This is a print out of a 25 page presentation of Coed Cadw proposals for a new universal Hedges and Edges farm support scheme. It summarises the evidence for the farming and biodiversity benefits and suggests how it can be delivered through farm plans. This presentation is intended for farmers, land managers and their advisers and those working on farm policy.
- 13 Government has published the very comprehensive official guidance and evidence base on working with natural processes to reduce flood risk. <https://www.gov.uk/government/publications/working-with-natural-processes-to-reduce-flood-risk>
- 14 This technical note summarises the impacts of ammonia pollution and the regulatory and mitigation

- measures needed. **Woodland Trust (2019). Assessing air pollution impacts on ancient woodland – ammonia. Woodland Trust Technical Advice Note 1.** February 2019 6pp .  
<https://www.woodlandtrust.org.uk/media/1687/ammonia-impacts-on-ancient-woodland.pdf>
- 15 The Woodland Trust’s **Emergency Tree Plan** describes how to increase tree cover and address the nature and climate emergency. Available at:  
<https://www.woodlandtrust.org.uk/publications/2020/01/emergency-tree-plan/>
  - 16 **Annexe 4: Plan to Increase Tree Cover in Wales.** This 16 page document presents Coed Cadw’s detailed strategy and recommendations on achieving the necessary increase in tree cover in Wales by 2050. We show how the ambitious targets are achievable through pursuing a broad range of approaches in ways that will engender public support and meet the needs of all of society. Unpublished. Available from the Woodland Trust.
  - 17 Reviews the priorities and practices forestry needs to adopt in order to be climate smart  
**Kauppi, P et al (2018) Climate Smart Forestry in Europe. European Forest Institute.**  
[https://www.efi.int/sites/default/files/files/publicationbank/2018/Climate\\_Smart\\_Forestry\\_in\\_Europe.pdf](https://www.efi.int/sites/default/files/files/publicationbank/2018/Climate_Smart_Forestry_in_Europe.pdf)
  - 18 There is slow progress with the restoration of the third of all ancient woodland in Wales that has been coniferised. WT State of PAWS. **Woodland Trust (2018) The Current State of Ancient Woodland Restoration.** Woodland Trust Research Report, January 2018. 32pp\_  
<https://www.woodlandtrust.org.uk/publications/2018/07/current-state-of-ancient-woodland-restoration/>
  - 19 The recent assessment of woodland condition across the UK undertaken by Forest Research describes in detail why majority of woodland in Wales and UK is failing to achieve “favourable” ecological condition . Forestry Commission (2020) NFI woodland ecological condition in Wales: classification results. National Forest Inventory. 36 pp\_  
[file://wtfs01/folderredirection/JRL/Downloads/FR\\_NFI\\_Condition\\_Scoring\\_Results\\_Wales\\_cxZEeL5%20\(6\).pdf](file://wtfs01/folderredirection/JRL/Downloads/FR_NFI_Condition_Scoring_Results_Wales_cxZEeL5%20(6).pdf)
  - 20 The UK Woodland Assurance Standard (UKWAS) provides an independent certification standard for verifying sustainable woodland management. This is used by the Forest Stewardship Council® (FSC®) and the Programme for the Endorsement of Forest Certification (PEFC) in their independent audits of participating forest managers. All timber procured using public funds should specify this standard.  
<http://ukwas.org.uk/>



## RE: CONSULTATION ON IMPACTS OF COVID-19

Thank you for giving the Marine Conservation Society (MCS) the opportunity to respond to your consultation on the effects of COVID-19 on the Environment and Rural Affairs in Wales.

MCS is the leading UK's leading marine charity. We work to ensure our seas are healthy, pollution free and protected. Our vision is for seas full of life where nature flourishes and people thrive. We have actively been working in Wales to improve the health of Welsh seas for the past 13 years.

### *The Committee would welcome your views on the following:*

- *the scale and impact of the pandemic on your work and/or sector*

### **Environment sector, specifically marine:**

Whilst we appreciate the unprecedented nature of the crisis, we have concerns about the redistribution of civil service work force from Marine and Fisheries Division to work on COVID-19 and the longer term impacts this will have on the Division's work programme, given many projects are already significantly delayed due to Brexit, internal staffing issues and budget restrictions. For example, the identification and designation of Marine Conservation Zones and the development of new fisheries bylaws within European Marine Sites are already lagging several years behind similar work programmes in England and Scotland. A redistribution of staff has delayed this work further and the timeframes for staff returning are unknown.

£1.8 million of the Marine and Fisheries Division budget was recently repurposed in the Welsh Government's May 2020 supplementary budget<sup>1</sup>. This Division of the Environment MEG only originally had £4.9 million allocated for all work areas, which includes planning, licensing, fisheries protection, conservation, and non-cash investments previously made (such as new enforcement vessels). Again, we are concerned that the impact that both Brexit and COVID-19 has had on the ability for the Division to carry out their work programme will be compounded further by a now much reduced budget.

We remain concerned about the continued financial prioritisation of fisheries management within the Division, which is only one work stream within marine management, yet receives a disproportionate amount of its funding which, for many years now, has resulted in a 'squeeze' on funding on all other marine conservation duties. It is well documented that well managed seas with fully functioning ecosystems bring

about economic, environmental and societal benefits.

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<sup>1</sup>Welsh Government supplementary budget explanatory note, May 2020:

<https://gov.wales/sites/default/files/publications/2020-05/1st-supplementary-budget-2020-2021-note.pdf>

**President: HRH The Prince of Wales KG, KT, GCB**

Registered charity no:1004005 (England & Wales); SC037480 (Scotland).

Company limited by guarantee no: 2550966. Registered in England VAT no: 301414000

Registered office: Overross House, Ross Park, Ross-on-Wye, HR9 7US.

Tudalen y pecyn 23





**Head Office**  
Overross House  
Ross Park, Ross-on-Wye  
Herefordshire HR9 7US  
T 01989 566 017  
E info@mcsuk.org

**Scotland**  
Suite 7, CBC House  
24 Canning Street  
Edinburgh EH3 8EG  
T 0131 633 4000  
E scotland@mcsuk.org

**London**  
Unit 120, Metal Box Factory  
30 Great Guildford Street  
Borough, London SE1 0HS  
[www.mcsuk.org](http://www.mcsuk.org)

Given the significant impact that Brexit is likely to have on marine and fisheries legislation in Wales, additional funding is needed to re-establish domestic work programmes within the Division, and undertake new work on Brexit bills, given the urgency in which both the Fisheries Bill and Environment Bill are being advanced through Westminster at the current time of writing this.

### **Pollution in Wales:**

We are aware that there is likely to be a significant delay to the introduction of measures to tackle pollution in Wales, e.g. potential delays to the introduction of a Deposit Return System for drinks containers, Extended Producer Responsibility, and charges for single-use plastic items. Without staying on track with much needed introduction of these essential schemes to reduce the amount of single use material and packaging that Wales consumes, we will miss our opportunity to become the “Zero Waste” Nation that Wales aspires to become, especially given that public opinion currently favours the introduction of these schemes.

Further compounding the problem of plastic waste, we anticipate that the level of pollution on Welsh beaches is set to rise over the summer months given that there are now limited opportunities for organisations such as ourselves to be able to undertake beach cleans using dedicated volunteers, coupled with a likely overall increase in domestic coastal holidays.

There is likely to be a lack of survey data from our beach cleans to inform the Welsh Government of the types of materials that are having an impact on our rivers, coasts and seas in 2020. This data for several years now has been used to inform Welsh Government policy on waste.

Waste is a very visible and urgent issue to resolve post COVID-19. As demonstrated by those visiting beaches during lockdown, there was an increase in litter on beaches. The media has also highlighted an increase of fly tipping and now fast food waste with lockdown restrictions being eased.

### **Agricultural pollution:**

At the most recent CCERA Committee scrutiny session with the Environment Minister (June 2020), the Minister announced that there will be no introduction of the Agricultural Pollution Regulations until the virus has passed.

We have serious concerns about the delay to statutory management of agricultural pollution, given that pollution incidents in rivers and on the coast continue to occur. For example, only a few weeks ago a pollution incident was reported to NRW whereby a slurry spill into the Afon Peris in mid Wales resulted in the death of fish and pollution of at least 4km of the river<sup>2</sup>. The estimates conducted by Natural Resources Wales, tell us that the population of sewin and brown trout in Welsh river systems is on the decline, in the case of some rivers significantly so.

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<sup>2</sup> Slurry pollutes 4km of a river in mid-Wales, NRW, May 2020: <https://naturalresources.wales/about-us/news-and-events/news/slurry-pollutes-4km-of-a-river-in-mid-wales/?lang=en>



**Head Office**  
Overross House  
Ross Park, Ross-on-Wye  
Herefordshire HR9 7US  
T 01989 566 017  
E info@mcsuk.org

**Scotland**  
Suite 7, CBC House  
24 Canning Street  
Edinburgh EH3 8EG  
T 0131 633 4000  
E scotland@mcsuk.org

**London**  
Unit 120, Metal Box Factory  
30 Great Guildford Street  
Borough, London SE1 0HS  
[www.mcsuk.org](http://www.mcsuk.org)

The Welsh Government need to take an ecosystem based approach to ensure that river systems are not overloading by the cumulative and combined effects of diffuse pollution - we need stricter requirements, better enforcement of good practice and a greater sense of urgency from Government on this matter.

### Impacts on the Marine Conservation Society (MCS) as a charity:

COVID-19, and the subsequent actions taken by the government, have impacted the programmes MCS is able to deliver, the ways that stakeholders can engage, our ability to raise funds and the ways we work together. Therefore, we have modified the programme of our activities and methodologies, for example by increasing our focus on, and capacity for, on-line activities.

We have reviewed our expected income projections for 2020/21. We are anticipating income reduction of between 31-45%. However, if the impacts of the crisis affect our ability to carry out mass engagement activities for longer than 6 months, and if there are rolling lock-downs, then we anticipate that our income could be further affected, resulting in a further reduction from our initially projected 2020/21 income.

To address the expected fall in income, without the need for redundancies, we have reduced our expenditure, as far as possible, by furloughing a third of our staff, freezing salaries, cancelling most recruitment plans and cutting training budgets, as well as savings as a result of reduced travel and event expenditure. We have paused plans for new projects, and will only invest in them if they are a key organisational priority and we receive restricted funding for them, which includes a significant contribution to our core expenditure on the programme related to the new project.

- *how Welsh Government action to date has helped to combat the impact of the pandemic*

As detailed in the bullet above, MCS has had to furlough staff due to COVID-19, for which we are grateful to the Government in helping to address budget shortfalls.

Recognising that COVID-19 impacted fishers in Wales and their potential ability to generate income, which could have jeopardised the industry's ability to bounce back from this national health crisis, we welcomed the April announcement from the Welsh Government to support the sector through a Welsh Fisheries Grant. We would have hoped however that similar COVID-19 relief packages would be made available to other coastal sectors that have been impacted by the virus, such as hospitality and tourism. A recent press article speculated that up to 100,000 jobs in tourism and hospitality in Wales could be lost as a result of the virus<sup>3</sup>, representing 10% of the workforce in Wales.

- *what further steps the Welsh Government should take*

Now is the time to rethink. We will be in a recession regardless of immediate policies.

<sup>3</sup> Tens of Thousands of Tourism Jobs Could Go in Wales, Shropshire Star, 21<sup>st</sup> March 2020:

<https://www.shropshirestar.com/news/local-hubs/mid-wales/2020/03/21/tens-of-thousands-of-tourism-jobs-could-go-in-wales/>





**Head Office**  
Overross House  
Ross Park, Ross-on-Wye  
Herefordshire HR9 7US  
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**Scotland**  
Suite 7, CBC House  
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Borough, London SE1 0HS  
[www.mcsuk.org](http://www.mcsuk.org)

Funding Green and Blue infrastructure can offer improved environment, jobs, sustainable business enterprises, social benefits, economic security and cost savings. Funding a clean, zero-carbon economy may require short term borrowing, but if coupled with an effective green funding package, this could be sufficient without the need for tax rises.

Furthermore, it has been demonstrated that the economic, technological, and health benefits of environmental regulation greatly outweigh the costs. The costs of environmental regulation do not significantly change overall productivity, or GDP<sup>4</sup>.

### Re-investment in our natural environment, coasts and seas:

Given the results of recent poll, which highlighted that majority of people want the environment to be prioritised as part of an economic recovery from Covid-19 (IPSOS-Mori April 2020), Welsh Government should take on board the current groundswell of support for radical changes and improve the natural environment in Wales, in order to maximise on the benefits seen by lockdown due to decreased human disturbance.

As a charity, we are re-budgeting and reprioritising. Welsh Government are undertaking the same process, and we are deeply concerned on the impact this will have on funding environmental management as a whole but, in particular, marine management, given this is already of low priority within Government and chronically under-funded. The Welsh sea area managed by the Welsh Government covers approximately 30,000km<sup>2</sup>, which is **a third bigger** than the land area that it manages (comparatively, around 21,000 km<sup>2</sup>) and has huge potential for social, economic and environmental recovery.

Over 60% of the population of Wales also live and work on the coast.<sup>5</sup> The marine environment provides a wealth of benefits supporting the well-being of coastal communities and wider society. These include, but are not limited to:

- a range 'ecosystem services' such as sequestering carbon, recycling nutrients and mitigating coastal erosion
- food from fish and shellfish, and renewable energy from wind, waves and tide. Fisheries in Wales are thought to contribute over £20.8 million to the Welsh economy annually<sup>6</sup>.

<sup>4</sup> A Green Plan to Beat Tomorrow's Downturn, New Economics Foundation, Jan 2020:

<https://neweconomics.org/2020/01/recession-ready>

<sup>5</sup> Wales Marine Evidence Report Summary document, 2015: <https://gov.wales/sites/default/files/publications/2018-05/wales-marine-evidence-report-wmer-summary.pdf>

<sup>6</sup> Welsh Government consultation: Brexit and our Seas, 2019: <https://gov.wales/sites/default/files/consultations/2019-05/marine-and-fisheries-policies-for-wales-after-brexit-consultation-document.pdf>





**Head Office**  
Overross House  
Ross Park, Ross-on-Wye  
Herefordshire HR9 7US  
T 01989 566 017  
E [info@mcsuk.org](mailto:info@mcsuk.org)

**Scotland**  
Suite 7, CBC House  
24 Canning Street  
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E [scotland@mcsuk.org](mailto:scotland@mcsuk.org)

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30 Great Guildford Street  
Borough, London SE1 0HS  
[www.mcsuk.org](http://www.mcsuk.org)

- jobs for local communities relating to, for example, fisheries, aquaculture, renewable energy, tourism and recreation<sup>7</sup>. In 2018 holiday visitors brought £6.3bn to the Welsh economy<sup>8</sup>.

The Welsh Government needs to widen their narrow focus from the push for 'blue growth' of marine renewable energy to look at the much wider benefits that healthy coasts and seas can bring to the Welsh economy and society, such as those highlighted above.

With regards to ecosystem services for example, coastal and marine environments play a significant role in carbon storage, which is often overlooked by policy makers. Blue carbon habitats have been ranked among the most intense carbon sinks in the world and have been found to be disproportionately important in sequestering CO<sub>2</sub> compared with terrestrial habitats.<sup>9</sup> Seagrass meadows and saltmarsh habitats store twice as much carbon as terrestrial habitats per unit area and, unlike terrestrial soils, their underlying sediments never become saturated with carbon, yet these habitats have significantly declined in Wales over the past hundred years<sup>10</sup>.

Post-COVID plans to tackle climate change and halt biodiversity loss must extend into the coastal and marine environment in order to maximise carbon capture opportunities at sea as is happening on land. Much greater consideration needs to be given by the Welsh Government to supporting marine 'public goods for public services' and rewarding/incentivisation of ethical and "carbon-friendly" seafood choices.

There is a growing body of evidence to suggest that access to the coast can benefit human wellbeing. Investment in green and blue spaces to enable better social prescribing post-COVID will reduce mental health and obesity, which have proven to be more effective than traditional measures. The overstretched health service will need significant investment, looking at improving learning from best practice and novel approaches.

Post-COVID funding for a 'green recovery' needs to ensure that nature based solutions include opportunities for sea and coastal restoration alongside terrestrial. Increased funding for marine management will help to deliver these commitments and restore confidence in the Welsh Government to be *the* Government for improving environmental standards.

With this in mind, a clear de-prioritisation of nature through the reduction of the NRW grant by £7.5 million in the May supplementary budget<sup>11</sup> is counterproductive to a green and blue recovery, given the value added by NGOs and their important role in administering nature based solution, management, recovery,

<sup>7</sup> Welsh Marine Evidence Strategy, 2019-2025: [https://gov.wales/sites/default/files/publications/2019-09/welsh-marine-evidence-strategy\\_0.pdf](https://gov.wales/sites/default/files/publications/2019-09/welsh-marine-evidence-strategy_0.pdf)

<sup>8</sup> Welsh Government, Priorities for the Visitor Economy, 2020-2025: <https://businesswales.gov.wales/tourism/welcome-wales-priorities-visitor-economy-2020-2025>

<sup>9</sup> National Assembly for Wales Senedd Research Blue Carbon Research Briefing, Dec 2019: <https://senedd.wales/Research%20Documents/19-080%20Blue%20Carbon/19-080-Eng-Web.pdf>

<sup>10</sup> Natural Resources Wales State of Natural Resources Report, 2016: <https://naturalresources.wales/evidence-and-data/research-and-reports/the-state-of-natural-resources-report-assessment-of-the-sustainable-management-of-natural-resources/?lang=en>

<sup>11</sup> Welsh Government supplementary budget explanatory note, May 2020: <https://gov.wales/sites/default/files/publications/2020-05/1st-supplementary-budget-2020-2021-note.pdf>



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education and well-being. Without this vital money, the Welsh natural environment will suffer further degradation.

### **Improvements to agricultural pollution, waste management and transport:**

As we leave the European Union, we need to ensure that the Welsh Government has in place sustainable farming schemes and support for communities to restore river habitats. We support the proposed 'public goods' scheme as we think this will embed better practices that will improve rivers and coastal water quality, alongside many other environmental benefits that farmers would be properly rewarded for.

Fresh concerns over inappropriate disposal of PPE<sup>12</sup> has re-raised the issue of waste, litter and single use plastics in Wales. The need to move to a circular economy is imperative, as is a reduction of food waste and improved infrastructure for repair and reduction of waste, and improved insulation and heating methods.

There must be a renewed focus on clean, green transport making it easier, cheaper, safer and convenient to walk, cycle or use public transport. This will reduce the risks of 'second spikes' and bring additional health benefits such as fitness and mental health, reducing the burden on health services for primary care.

- *any other areas within our remit you wish to draw to our attention*

We are looking at an obesity and mental health crisis both of which can be mitigated by active volunteering. MCS have thousands of volunteers who undertake outdoor citizen science as part of beach cleans, which in the current lockdown are unable to do unless locally. Once lockdown is eased, we hope to empower people to volunteer for us once again.

Thank you for the opportunity to feed into this consultation. We hope you find our feedback helpful. If you would like to discuss any of our points in further detail, please do not hesitate to get in touch.

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<sup>12</sup> PPE washes up off French coast raising concerns over impact pandemic is having on environment, The Independent, 28<sup>th</sup> May 2020: <https://www.independent.co.uk/news/world/europe/ppe-french-coast-coronavirus-pandemic-environment-a9537116.html>

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



Llywodraeth Cymru  
Welsh Government

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

8 Mehefin 2020

Annwyl Mike,

Diolch am eich llythyr dyddiedig 24 Ebrill yn amgáu copi o adroddiad y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion Gwledig ar dlodi tanwydd.

Yr wyf yn wirioneddol ddiolchgar am ymdrech ac amser y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion Gwledig, o dan eich arweiniad chi, wrth ystyried sut y gallwn symud ymlaen tuag at ein nodau cyffredin o ddileu niwed tlodi tanwydd o Gymru. Mae'r dystiolaeth lafar a roddwyd i'r Pwyllgor rhwng mis Ionawr a mis Mawrth, ynghyd â'r 34 cyflwyniad ysgrifenedig a wnaed mewn ymateb i'r cais am dystiolaeth a gyhoeddwyd ym mis Medi y llynedd, wedi creu darlun o dlodi tanwydd yng Nghymru, y gallwn oll ei adnabod.

Ar ran Llywodraeth Cymru, rwy'n croesawu ac yn derbyn, neu'n derbyn mewn egwyddor, yr 21 argymhelliad a wnaed gan y Pwyllgor. Roedd llawer o'r materion a amlygwyd gan dystion yn ystod y dystiolaeth lafar yn cyd-fynd â thystiolaeth a glywais yn uniongyrchol gan randdeiliaid yn ystod y drafodaeth bord gron a gynhaliais ym mis Mehefin y llynedd.

Yn sgîl dyfodiad pandemig COVID-19, roedd yn briodol i mi oedi'r ymgynghoriad cyhoeddus, yr oeddwn wedi gobeithio ei ddechrau'n fuan wedi imi roi tystiolaeth i'r Pwyllgor ym mis Chwefror. Mae'r oedi hwn yn gyfle defnyddiol i ail-ddilysu'r cynllun yng ngoleuni COVID-19 a sicrhau bod yr holl faterion a amlygir yn yr adroddiad wedi cael eu hystyried ac wedi cael sylw, lle bo hynny'n briodol, yn y cynllun newydd cyn i'r ymgynghoriad cyhoeddus ddechrau.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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

[Gohebiaeth.Lesley.Griffiths@llyw.Cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.Cymru)  
[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 ar 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.

Rwy'n ymwybodol hefyd y bydd y cyfyngiadau presennol ar gyfer cadw pellter cymdeithasol, a fu'n angenrheidiol er mwyn brwydro yn erbyn feirws COVID-19, wedi cael effaith ddinistriol ar incwm rhai aelwydydd, yn enwedig ar bobl yn ein cymdeithas sy'n llai gwydn i allu ymdopi â newid yn eu hamgylchiadau ariannol personol.

Rwy'n siŵr y byddwch chi a'r Pwyllgor yn rhannu fy mhenderfyniad i ddiogelu'r cynnydd rydym wedi'i wneud i leihau tlodi tanwydd yng Nghymru yn ystod y ddeng mlynedd ddiwethaf, gan barhau i gynnig ein cefnogaeth i'r bobl a fydd yn cael trafferth talu costau ynni ar gyfer eu cartref yn y dyfodol.

A handwritten signature in blue ink, consisting of the words 'Yn gywir' on the top line and 'Lesley' on the bottom line, written in a cursive style.

**Lesley Griffiths AS/MS**

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

**Ymateb Llywodraeth Cymru i'r argymhellion a wnaed gan y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion Gwledig yn dilyn ei ymchwiliad i Dlodi Tanwydd yng Nghymru**

Argymhelliad	Ymateb Llywodraeth Cymru
<p>1 Rhaid i strategaeth tlodi tanwydd newydd Llywodraeth Cymru fynd i'r afael â'r tri ffactor sy'n arwain at dlodi tanwydd - prisiau ynni, incwm cartrefi ac effeithlonrwydd ynni - a hynny mewn ffordd gynhwysfawr. (tud24)</p>	<p><b>Derbyn mewn egwyddor</b></p> <p>Bydd y cynllun drafft i fynd i'r afael â thlodi tanwydd a chefnogi'r atodiad technegol yn ystyried elfennau pwysicaf tlodi tanwydd a ffactorau ychwanegol, megis effaith y newid yn yr hinsawdd ac effaith agweddau ac ymddygiad o ran defnyddio ynni. Bydd Llywodraeth Cymru yn gweithredu ar y ffactorau hyn, gan ystyried sylwadau Swyddfa Archwilio Cymru am allu Llywodraeth Cymru i ddylanwadu ar ffactorau nad ydynt dan ei rheolaeth yn uniongyrchol.</p>
<p>2 Rhaid i dargedau tlodi tanwydd newydd Llywodraeth Cymru fod yn heriol ond yn realistig. I gyd-fynd â'r targedau cyffredinol, rhaid cael targedau dros dro a cherrig milltir clir y gellir mesur cynnydd yn eu herbyn.</p> <p>Wrth osod ei thargedau newydd, dylai Llywodraeth Cymru ystyried:</p> <ul style="list-style-type: none"> <li>• mabwysiadu dull tebyg i'r un a fabwysiadwyd gan Lywodraeth yr Alban;</li> <li>• y ffordd orau o sicrhau bod y targedau'n cyfateb â'r uchelgais ehangach i ddatgarboneiddio stoc dai Cymru erbyn 2050. (tud24)</li> </ul>	<p><b>Derbyn</b></p> <p>Mae Llywodraeth Cymru yn ymrwymedig i ddatblygu ac ymgynghori ar dargedau ymestynnol ac ystyrlon y mae modd eu cyflawni heftd. Bydd targedau arfaethedig yn destun ymgynghoriad cyhoeddus ac os cânt eu mabwysiadu, byddant yn destun monitro, adolygu ac adrodd parhaus. Bydd targedau a gynigir ar gyfer Cymru yn cyd-fynd â'n hymdrechion i ddatgarboneiddio tai yng Nghymru.</p> <p>Wrth ddatblygu'r targedau sy'n cael eu cynnig ar gyfer Cymru, rhoddwyd ystyriaeth i'r dull sy'n cael ei fabwysiadu gan Lywodraeth y DU a llywodraethau datganoledig eraill y DU. Yn yr Alban, eu targed yw, erbyn 2040, cyn belled ag y bo'n rhesymol bosibl nid oes yr un aelwyd yn yr Alban mewn tlodi tanwydd a, sut bynnag (a) nid oes mwy na 5% o aelwydydd yn yr Alban mewn tlodi tanwydd, (b) nid oes mwy nag 1% o aelwydydd yn yr Alban mewn tlodi tanwydd eithafol, (c) nid yw'r bwch tlodi tanwydd canolrifol mewn aelwydydd yn yr Alban yn fwy na £250 wedi'i addasu ar gyfer chwyddiant. Dyma'r targedau pellach sydd wedi'u cynnwys yn strategaeth drafft yr Alban erbyn 2030: mae'r gyfradd tlodi tanwydd gyffredinol yn llai na 15%; nid yw'r bwch tlodi tanwydd canolrifol yn fwy na £350 (prisiau 2015 cyn ychwanegu chwyddiant); a bod wedi gwneud cynnydd tuag at gael gwared ar effeithlonrwydd ynni gwael yn y cartref sy'n achosi tlodi tanwydd.</p>
<p>3 Dylai Llywodraeth Cymru ystyried cyflwyno targedau tlodi tanwydd statudol newydd. Dylai adrodd yn ôl i'r Pwyllgor ar ganlyniad ei hystyriaethau cyn cyhoeddi ei strategaeth tlodi tanwydd derfynol. Os bydd y Llywodraeth yn penderfynu peidio â chynnwys targedau statudol, rhaid iddi nodi ei rhesymau. (tud24)</p>	<p><b>Derbyn</b></p> <p>Mae Deddf Cartrefi Cynnes ac Arbed Ynni 2000, fel y'i diwygiwyd gan Ddeddf Ynni 2013, yn ei gwneud yn ofynnol i Weinidogion Cymru, mewn perthynas â Chymru, gyhoeddi a gweithredu strategaeth ar gyfer lleihau tlodi tanwydd; yn ei gwneud yn ofynnol i bennu targedau ar gyfer gweithredu'r strategaeth ac at ddibenion cysylltiedig. Nid ydym yn bwriadu cyflwyno Deddfwriaeth Gymreig i osod targedau er mwyn mynd i'r afael â thlodi tanwydd yng Nghymru ar hyn o bryd. Caiff y rhesymau eu nodi yn ein cynllun drafft i fynd i'r afael â thlodi tanwydd fel rhan o'r ymgynghoriad cyhoeddus. Os daw consensws i'r amlwg yn yr ymgynghoriad o blaid cyflwyno Deddfwriaeth Gymreig i sefydlu targedau, rhoddir ystyriaeth bellach i'r mater a byddaf yn egluro'r rhesymeg sy'n sail i'm penderfyniad i'r Pwyllgor cyn i'r cynllun terfynol i fynd i'r afael â thlodi tanwydd gael ei gyhoeddi.</p>

Argymhelliad	Ymateb Llywodraeth Cymru
<p>4 Rhaid i Lywodraeth Cymru sefydlu fframwaith monitro cadarn i oruchwylio'r cynnydd o ran cyflawni ei strategaeth tlodi tanwydd newydd. Dylai hyn gynnwys:</p> <ul style="list-style-type: none"> <li>cyhoeddi amcangyfrifon tlodi tanwydd blynyddol (sy'n cyd-fynd â'r diffiniad newydd o dlodi tanwydd), gan gynnwys amcangyfrifon o nifer yr aelwydydd anabl sy'n byw mewn tlodi tanwydd;</li> <li>Bwrdd Cyngori ar Dlodi Tanwydd, neu strwythur ffurfiol tebyg, sy'n cydnabod rôl allweddol rhanddeiliaid wrth fonitro ac adolygu cynnydd, ac wrth ddarparu gwaith craffu allanol;</li> <li>ymrwymiad i Lywodraeth Cymru adrodd yn rheolaidd ar y cynnydd tuag at ei thargedau tlodi tanwydd newydd. (tud25)</li> </ul>	<p><b>Derbyn mewn egwyddor</b></p> <p>Bydd y cynllun drafft newydd yn cynnwys cynigion i wella trefniadau monitro ac adrodd ar dlodi tanwydd, a fydd yn cynnwys adroddiad bob dwy flynedd ar dlodi tanwydd yn nodi amcangyfrifon o dlodi tanwydd ar gyfer Cymru a'r cynnydd a wneir yn erbyn targedau a gytunwyd. Bydd Llywodraeth Cymru yn ystyried adroddiadau blynyddol os yw canlyniad yr ymgynghoriad cyhoeddus yn awgrymu y byddai patrwm adrodd amlach yn fanteisiol.</p> <p>Roedd ymgysylltu â rhanddeiliaid a phartneriaid yn y Trydydd Sector yn broblem a ystyriwyd gan Swyddfa Archwilio Cymru<sup>1</sup>. Mae Llywodraeth Cymru wedi gwneud mwy o ymdrech i ymgysylltu â rhanddeiliaid allweddol ac mae rhai wedi croesawu'r cyfle i wneud sylwadau cynnar ar yr hyn y dylid ei gynnwys yn y cynllun newydd. Mae rhanddeiliaid wedi honni bod diffyg trefniadau parhaus ffurfiol yn golygu bod lefelau ymgysylltu ar eu huchaf mewn rhai prosiectau a mentrau polisi penodol, ac yna'n edwino pan fo gwaith wedi'i gyflawni sy'n rhoi llawer o'r cyfrifoldeb ar y Trydydd Sector i ddechrau ymgysylltu â Llywodraeth Cymru a chynnal y gwaith ymgysylltu hwnnw.</p> <p>Bydd Llywodraeth Cymru yn cydweithio â rhanddeiliaid allweddol i sefydlu trefniadau gweithio ar y cyd mwy ffurfiol er mwyn cyflawni'r cynllun newydd.</p>
<p>5 <b>Dylai Llywodraeth Cymru fabwysiadu diffiniad mwy priodol o dlodi tanwydd:</b> un sy'n adlewyrchu profiad byw cartrefi sy'n dlawd o ran tanwydd yng Nghymru yn fwy cywir. Fel man cychwyn, dylai ystyried y dull 'incwm gweddilliol', gan ddysgu gwersi o Loegr a'r Alban. Dylai'r gwaith hwn gael ei wneud ar y cyd â rhanddeiliaid perthnasol a'i gwblhau o fewn 12 mis i gyhoeddi'r adroddiad hwn. (tud25)</p>	<p><b>Derbyn</b></p> <p>Mae Llywodraeth Cymru yn cytuno y dylai'r diffiniad a'r mesurau a ddefnyddir i asesu tlodi tanwydd fod yn briodol i bobl Cymru. Mae angen i unrhyw fesur ystyried natur fyrhoedlog tlodi tanwydd.</p> <p>Mae Deddf Cartrefi Cynnes ac Arbed Ynni 2000 yn diffinio bod unigolyn i'w ystyried fel petai'n byw "mewn tlodi tanwydd" os yw aelod o aelwyd yn byw ar incwm is mewn cartref na ellir ei gadw'n gynnes am gost resymol. Mae'r diffiniad hwn yn parhau i fod yn berthnasol i Gymru a Lloegr. Yng Nghymru, rydym yn cynnig cynnal mesurau presennol ar gyfer tlodi tanwydd yn seiliedig ar incwm llawn, gan gyflwyno mesur newydd yr un pryd er mwyn helpu i nodi pobl sydd mewn perygl o dlodi tanwydd, neu sy'n byw mewn tlodi tanwydd parhaus.</p> <p>Bydd ystyriaeth bellach yn cael ei rhoi i'r diffiniad a'r mesurau o dlodi tanwydd a ddefnyddir yng Nghymru yn amodol ar ganlyniad yr ymgynghoriad cyhoeddus ar y cynllun newydd i fynd i'r afael â thlodi tanwydd.</p>
<p>6 Dylai Llywodraeth Cymru sicrhau bod amcangyfrifon tlodi tanwydd yn adlewyrchu'r diffiniad newydd. Dylai'r gwaith hwn gael ei gwblhau mewn pryd i lywio'r amcangyfrifon tlodi tanwydd ar gyfer 2020 (tud25)</p>	<p><b>Derbyn</b></p> <p>Bydd Llywodraeth Cymru yn cyflwyno adroddiad ar y diffiniad o dlodi tanwydd a ddefnyddir yng Nghymru a'r mesurau cysylltiedig.</p>
<p>7 Rhaid i Lywodraeth Cymru weithio gyda</p>	<p><b>Derbyn</b></p>

<sup>1</sup>Paragraff 2.11 Arolwg Swyddfa Archwilio Cymru o Gelf a'r Cynnydd a gyhoeddwyd ym mis Hydref 2019

Argymhelliad	Ymateb Llywodraeth Cymru
<p>Nyth ac Arbed am Byth i ddatblygu fframwaith monitro a gwerthuso cadarn, sy'n cynnwys mesur effaith y cynlluniau ar dlodi tanwydd. (tud36)</p>	<p>Mae adroddiadau blynyddol Nyth y Rhaglen Cartrefi Clyd wedi'u cyhoeddi ers lansio'r cynllun yn 2011. Mae'r gofynion adrodd bellach wedi'u cynnwys ar gyfer cynllun Arbed 3 y Rhaglen Cartrefi Clyd. Mae'r naill gynllun a'r llall yn destun gwerthusiad annibynnol cyfnodol a fydd yn cynnwys asesiad o'r effaith a gafodd y cynlluniau mewn perthynas ag ymdrechion i fynd i'r afael â thlodi tanwydd.</p>
<p>8 Rhaid i Lywodraeth Cymru weithio gydag Arbed am Byth, a'i phartneriaid, i roi dulliau mwy soffistigedig ar waith ar gyfer targedu cymorth o dan y cynllun tuag at yr aelwydydd sy'n byw mewn tlodi tanwydd. (tud36)</p>	<p><b>Derbyn</b></p> <p>Mae Llywodraeth Cymru yn cynnig paratoi a chyhoeddi <b>data ynni domestig Cymru</b> bob blwyddyn i'n helpu ni a'n partneriaid i ganolbwyntio ar y cymunedau sy'n wynebu'r perygl mwyaf o fyw mewn tlodi tanwydd.</p>
<p>9 Rhaid i Lywodraeth Cymru adrodd yn ôl i'r Pwyllgor ar:</p> <ul style="list-style-type: none"> <li>• nifer yr eiddo a gafodd eu gwella a chyfanswm y gwariant drwy Arbed 3 ar gyfer ail flwyddyn y rhaglen tair blynedd;</li> <li>• y camau y mae'n bwriadu eu cymryd pe bai ffigurau ar welliannau a gwariant yn awgrymu bod Arbed 3 yn parhau i danberfformio. (tud37)</li> </ul>	<p><b>Derbyn</b></p> <p>Mae'r trefniadau ar gyfer rheoli contractau a gyflwynwyd pan ddyfarnwyd y contract Arbed yn 2018 wedi galluogi Llywodraeth Cymru i gydweithio'n agos â chynrychiolwyr Arbed am Byth, er mwyn sicrhau bod lefelau gweithgarwch yn cael eu cyflawni yn ôl y rhagolygon y cytunwyd arnynt. Bydd y gweithgarwch a gyflawnir ym mlwyddyn dau y contract yn cael ei adrodd ym mis Gorffennaf 2020 fel rhan o adroddiad blynyddol Arbed a bydd yn cael ei rannu â'r Pwyllgor. Bydd y mesurau ynysu ffisegol a chymdeithasol sy'n angenrheidiol i fynd i'r afael â'r pandemig COVID-19 yn debygol o gael effaith ar y modd y bydd y cynllun yn cael ei gyflawni yn 2020/21. Bydd Llywodraeth Cymru yn cydweithio'n agos ag Arbed am Byth er mwyn asesu'r effaith lawn y mae'r pandemig wedi ei chael ar ein rhaglen gyflawni.</p>
<p>10 Rhaid i Lywodraeth Cymru adolygu'r meini prawf cymhwysedd ar gyfer pecynnau gwella effeithlonrwydd ynni am ddim o dan Nyth, gan ystyried y diffiniad newydd o dlodi tanwydd. Rhaid i'r adolygiad ystyried, yn benodol, ehangu'r meini prawf cymhwysedd i gynnwys aelwydydd incwm isel sy'n byw mewn tlodi tanwydd, neu sydd mewn perygl o ddioddef tlodi tanwydd. (tud37)</p>	<p><b>Derbyn</b></p> <p>Mae rhywfaint o dystiolaeth yn awgrymu bod y meini prawf cymhwysedd anhyblyg sy'n cael eu defnyddio wedi arwain at sefyllfa lle nad yw aelwydydd sy'n agored i niwed, gan gynnwys pobl anabl a theuluoedd, yn gallu cael mynediad at gymorth er eu bod mewn angen. Fel rhan o'r cynllun newydd, bydd Llywodraeth Cymru yn bwriadu adolygu'r Rheoliadau sy'n nodi'r meini prawf cymhwysedd ar gyfer cymorth drwy'r Rhaglen Cartrefi Clyd yn seiliedig ar yr hyn a ddysgwyd o Gynllun Peilot y Cynllun Nyth ar gyfer Gyflyrau Iechyd. Yn seiliedig ar ganlyniad yr ymgynghoriad arfaethedig, bydd diwygiadau i'r Rheoliadau Cynlluniau Effeithlonrwydd Ynni Cartref (Cymru) yn cael eu gwneud, er mwyn sicrhau bod pobl sy'n byw ar incwm isel yn gallu cael cymorth drwy'r Rhaglen Cartrefi Clyd hyd yn oed os nad ydynt yn derbyn budd-daliadau sy'n dibynnu ar brawf modd.</p>
<p>11 Rhaid i Lywodraeth Cymru sicrhau bod cyllid ar gael drwy'r Rhaglen Cartrefi Clyd i dalu cost gwaith galluogi i aelwydydd na fyddent fel arall yn gallu elwa o welliannau effeithlonrwydd ynni cartref o dan gynlluniau'r llywodraeth. (tud37)</p>	<p><b>Derbyn</b></p> <p>Mae Llywodraeth Cymru yn cytuno bod diffyg cymorth ariannol i gynnal gwaith galluogi ar gyfer rhoi mwy o gymorth i gartrefi sydd angen gwelliannau effeithlonrwydd ynni yn rhwystro rhai o'r bobl sydd â'r angen mwyaf rhag cael cymorth. Wrth roi tystiolaeth i'r Pwyllgor ar 12 Chwefror, cadarnhawyd y bydd mesurau i unioni'r sefyllfa hon yn cael eu cynnwys yn y cynllun drafft i fynd i'r afael â thlodi tanwydd.</p>

Argymhelliad	Ymateb Llywodraeth Cymru
12 Rhaid i Lywodraeth Cymru fyfyrion ar y dystiolaeth a gafwyd am yr angen i neilltuo digon o amser i gwblhau gwaith galluogi cyn gwella effeithlonrwydd ynni o dan gynlluniau. (tud37)	<p><b>Derbyn</b></p> <p>Os caiff ei gyflwyno, bydd amser digonol i gwblhau gwaith galluogi yn cael ei ymgorffori mewn dangosyddion perfformiad ar gyfer cyflawni.</p>
13 Dylai Llywodraeth Cymru greu cynllun peilot ar gyfer gwasanaeth cyngor a chymorth mewnol ar gyfer cartrefi sy'n agored i niwed sy'n byw mewn tloidi tanwydd, neu sydd mewn perygl o ddiodef tloidi tanwydd. Dylai'r gwasanaeth. <ul style="list-style-type: none"> <li>weithredu ar sail dull cyfannol, gan ddarparu cyngor a chymorth ar wella effeithlonrwydd ynni, cynyddu incwm i'r eithaf a lleihau costau ynni;</li> <li>darparu cymorth uniongyrchol i aelwydydd, er enghraifft, i fanteisio ar hawliau ariannol, gwirio tariffau ynni a newid cyflenwyr ynni. (tud37)</li> </ul>	<p><b>Derbyn</b></p> <p>Un o'r camau gweithredu oedd wedi'i gynnwys yn Strategaeth Tloidi Tanwydd 2010 oedd darparu gwasanaethau cyngor a chymorth cydgyssylltiedig o ansawdd uchel er mwyn helpu i leihau biliau tanwydd, gwneud y gorau o incwm a gwella effeithlonrwydd ynni cartref. Ers 2011, mae'r gwasanaeth hwn wedi cael ei ddarparu drwy Raglen Cartrefi Clyd y Cynllun Nyth sydd wedi bod o fudd i 129,000 a mwy o aelwydydd. Mae Llywodraeth Cymru yn cydweithio â rhanddeiliaid allweddol i ystyried sut gellir darparu gwasanaethau cyngor a chymorth rhagweithiol a chyfannol yn y dyfodol.</p>
14 Rhaid i Lywodraeth Cymru sefydlu dull cymorth addas i alluogi awdurdodau lleol i sicrhau'r cyllid mwyaf posibl ar gyfer gwelliannau effeithlonrwydd ynni drwy ECO Flex. (tud37)	<p><b>Derbyn</b></p> <p>Mae cynlluniau ein Rhaglen Cartrefi Clyd wedi parhau i ddarparu mesurau effeithlonrwydd ynni yn y cartref mewn cydweithrediad â chynlluniau Llywodraeth y DU, fel y cynllun Rhwymedigaeth Cwmnïau Ynni (ECO) a'r Cynllun Ymestyn Rhwydwaith Tloidi Tanwydd (FPNES) sydd â'r nod o ymestyn y prif grid nwy i gartrefi sydd mewn perygl o fyw mewn tloidi tanwydd. Dim ond tua hanner yr awdurdodau lleol yng Nghymru sydd wedi cyflwyno datganiadau ECO-Flex. Er bod y rhain yn faterion sydd o fewn disgrisiwn Awdurdodau Lleol, mae Llywodraeth Cymru yn cytuno y gellir gwneud mwy i helpu ein Hawdurdodau Lleol i ddenu cyllid gan Lywodraeth y DU i gefnogi ein hymdrechion i wella effeithlonrwydd ynni cartrefi Cymru. Bydd ein cynllun newydd i fynd i'r afael â thloidi tanwydd yn cyflwyno trefniadau newydd ar gyfer cefnogi Awdurdodau Lleol yng Nghymru.</p>
15 Dylai'r strategaeth tloidi tanwydd newydd anelu at gynyddu'r defnydd o fesuryddion deallus mewn cartrefi ledled Cymru, yn enwedig y rhai sy'n defnyddio mesuryddion rhagdal, a'r rhai sy'n byw mewn tloidi tanwydd, neu sydd mewn perygl o'i ddiodef. (tud41)	<p><b>Derbyn</b></p> <p>Cyhoeddodd Llywodraeth y DU y byddai'r rhaglen ar gyfer cyflwyno mesuryddion deallus, yn cael ei hymestyn, a bydd bellach yn para tan 2024<sup>2</sup>. Mae wedi ymgynghori ar y gofynion a fydd yn cael eu gosod ar gwmnïau ynni wrth iddynt gyflwyno mesuryddion deallus. Mae Llywodraeth Cymru yn awyddus i fabwysiadu rôl arweinyddiaeth yng Nghymru, gan annog pobl i arbed ynni ac arian drwy drosglwyddo i fesuryddion deallus.</p>
16 Dylai Llywodraeth Cymru: <ul style="list-style-type: none"> <li>ddarparu manylion y grŵp gorchwyl</li> </ul>	<p><b>Derbyn</b></p> <p>Ystyried sut i roi terfyn ar y cylch o dan-hawlio a helpu mwy o</p>



Argymhelliad	Ymateb Llywodraeth Cymru
<p>a gorffen ar hyrwyddo'r nifer sy'n derbyn Credyd Pensiwn, gan gynnwys ei gylch gorchwyl a'r amserlen ar gyfer ei waith,</p> <ul style="list-style-type: none"> <li>• adrodd yn ôl i'r Pwyllgor ar ganfyddiadau'r grŵp gorchwyl a gorffen, ac ar y camau y mae Llywodraeth Cymru yn bwriadu eu cymryd a'r amserlenni dan sylw. (tud41)</li> </ul>	<p>bobl hŷn i ddefnyddio eu hawl gyfreithiol i gael credyd pensiwn a budd-daliadau lles eraill. Yn ddiweddar, mae Llywodraeth Cymru wedi sefydlu Gweithgor Defnyddio Credyd Pensiwn. Mae aelodau'r Gweithgor yn cynnwys swyddogion o bob rhan o Lywodraeth Cymru, yr Adran Gwaith a Phensiynau a chynrychiolwyr o sefydliadau allweddol sy'n darparu gwasanaethau i bobl hŷn. Bydd swyddogion yn darparu cylch gorchwyl ac amserlenni arfaethedig y Gweithgor i'r Pwyllgor er gwybodaeth ac yn adrodd ar ganlyniad y grŵp pan fydd hwn ar gael.</p>
<p>17 Rhaid i Lywodraeth Cymru geisio sicrhau cynrychiolydd o Gymru ar Fwrdd Ofgem a chryfhau presenoldeb y rheolydd yng Nghymru. (tud42)</p>	<p><b>Derbyn</b></p> <p>Mae Llywodraeth Cymru wedi gweithio i gryfhau perthynas waith gyda'r rheoleiddiwr ynni, sydd eisoes yn gadarnhaol. Mae GEMA, Bwrdd Ofgem, yn cynnal un o'i bedwar cyfarfod blynyddol yng Nghymru er mwyn clywed gan randdeiliaid o Gymru. Mae sesiynau blaenorol wedi cynnwys ymweliadau â chanolfannau Cyngor ar Bopeth, datblygiadau ynni adnewyddadwy a phrosiectau ynni cymunedol er mwyn deall problemau sy'n effeithio ar ddinasyddion Cymru. Cynrychiolir Cymru gan uwch swyddog ar Grŵp Llywio Sero-Net Ofgem, sy'n addo darparu llwybr effeithiol i ddylanwadu ar gyfeiriad Ofgem.</p> <p>Byddai sicrhau cynrychiolaeth ar fwrdd Ofgem er mwyn adlewyrchu buddiannau aelwydydd Cymru, y sector ynni a diwydiant yn gyffredinol yn gam cadarnhaol. Dylid nodi, fodd bynnag, bod y bwrdd yn cael ei ddewis ar gyfer meysydd arbenigedd penodol yn hytrach na lleoliad daearyddol. Cafodd cyfeiriad Ofgem, a chynllun y cynlluniau y mae'n eu gweithredu, eu llunio gan BEIS. Mae Llywodraeth Cymru yn parhau i gydweithio â BEIS i lywio'r gwaith o ddatblygu mecanweithiau presennol.</p>
<p>18 Dylai'r strategaeth tloidi tanwydd newydd gynnwys darpariaethau sydd â'r nod o fynd i'r afael â'r heriau penodol a wynebier mewn ardaloedd gwledig. Dylai hyn gynnwys rhaglen bwrpasol gyda lefelau priodol o gyllid sy'n ystyried y mesurau mwy cymhleth a chostus sy'n ofynnol i fynd i'r afael â thloidi tanwydd gwledig. (tud45)</p>	<p><b>Derbyn</b></p> <p>Wrth asesu effeithiolrwydd strategaeth 2010, mae Llywodraeth Cymru wedi cydnabod yr effaith y mae tloidi tanwydd yn ei chael ar gymunedau gwledig. Amcangyfrifir nad yw 17% o gartrefi wedi'u cysylltu â'r prif grid nwy, ac mae'r mwyafrif llethol o'r rheiny mewn ardaloedd gwledig. Mae nifer anghymesur o gartrefi aneffeithlon o ran ynni i'w cael mewn ardaloedd gwledig, felly mae'n fwy tebygol y bydd pobl sy'n byw yn yr ardaloedd hyn yn byw mewn cartref oer. Mae'r cymorth ar gyfer cartrefi mewn ardaloedd gwledig yn cynnwys y budd o drothwyon uwch ar gyfer cyfanswm gwariant drwy'r Rhaglen Cartrefi Clyd bresennol. Bydd Llywodraeth Cymru yn ystyried sut y gellir ehangu'r cymorth ymhellach wrth ymgynghori ar y trefniadau newydd ar gyfer fersiwn nesaf y Rhaglen Cartrefi Clyd, a allai gynnwys asiant penodol ar gyfer mynd i'r afael â thloidi tanwydd mewn ardaloedd gwledig. Mae Llywodraeth Cymru yn addasu'r gwaith o ddarparu rhaglenni er mwyn diwallu anghenion cymunedau gwledig yn well, ond bydd yn ystyried sut y gellir ymdrin â'r anghenion parhaus hyn yn well yn y cynllun drafft newydd.</p>
<p>19 Rhaid i Lywodraeth Cymru weithio gyda phartneriaid perthnasol i ddatblygu mecanwaith cymorth ariannol i alluogi landlordiaid preifat i wella</p>	<p><b>Derbyn</b></p> <p>Mae tystiolaeth a gyflwynwyd fel rhan o Amcangyfrifon Tloidi Cymru a'r Bwrdd Cymru bod aelwydydd sy'n byw yn y</p>

Argymhelliad	Ymateb Llywodraeth Cymru
	<p>Sector Rhentu Preifat yn fwy tebygol o fod yn dlawd o ran tanwydd, gydag 20% o'r aelwydydd hyn yn byw mewn tloidi tanwydd. Mae Llywodraeth Cymru wedi cymryd camau i sicrhau bod cartrefi sy'n dioddef tloidi tanwydd yn parhau i gael eu cefnogi drwy'r cynllun Nyth a bydd yn parhau i gydweithio â'r sector rhentu preifat i archwilio pa gymorth pellach y gellir ei ddarparu.</p>
<p>20 Rhaid i Lywodraeth Cymru, ar y cyd ag awdurdodau lleol a Rhentu Doeth Cymru, wneud gwaith i nodi'r rhwystrau i orfodi'r Isafswm Safonau Effeithlonrwydd Ynni a mynd i'r afael â hynny. Rhaid i Lywodraeth Cymru adrodd yn ôl i'r Pwyllgor ar ganlyniad y gwaith hwn ar y cyfle cyntaf. (tud51)</p>	<p><b>Derbyn</b></p> <p>Cyflwynodd Llywodraeth y DU Reoliadau Effeithlonrwydd Ynni (Eiddo Rhent Preifat) (Cymru a Lloegr) 2015 a oedd yn berthnasol i Gymru a Lloegr. Bu newidiadau i'r Rheoliadau, sy'n golygu, ers 1 Ebrill 2018, na chaiff landlordiaid preifat osod eiddo domestig ar denantiaethau newydd i denantiaid newydd neu denantiaid sy'n bodoli eisoes os yw'r radd Tystysgrif Perfformiad Ynni yn F neu G (oni bai bod eithriad yn berthnasol). O 1 Ebrill 2020, roedd y gwaharddiad ar osod eiddo TPY F ac G yn ymestyn i bob eiddo perthnasol, hyd yn oed lle na fu unrhyw newid yn y denantiaeth. 1 Ebrill 2020 yw'r dyddiad olaf y mae'n rhaid i bob eiddo rhent domestig preifat, waeth beth yw statws y denantiaeth, gydymffurfio â'r safonau effeithlonrwydd ynni. Ni ellir cofrestru unrhyw eithriadau ar ôl Ebrill 2020, er y gall rhai fod yn eu lle o hyd, os cawsant eu cofrestru cyn 1 Ebrill 2020. Mae Rhentu Doeth Cymru wedi darparu'r wybodaeth ddiweddaraf yn rheolaidd drwy gylchlythyrau i landlordiaid yn ystod y cyfnod hwn ac mae wedi ysgrifennu at landlordiaid i'w hatgoffa o'u rhwymedigaethau cyfreithiol hefyd.</p> <p>Mae Llywodraeth Cymru wedi cyhoeddi canllawiau i Awdurdodau Lleol ar orfodi safonau mewn eiddo ar rent yn ystod y pandemig COVID-19. Dylai Awdurdodau Lleol sicrhau mai dim ond y camau gorfodi y maent yn penderfynu sydd yn angenrheidiol a gymerir ganddynt, gan sicrhau bod camau pragmatig, priodol ac sy'n seiliedig ar risg yn cael eu cymryd. Mae canllawiau i landlordiaid yn y Sector Rhentu Preifat wedi'u cyhoeddi, sy'n egluro y dylai unrhyw fesurau gorfodi ganolbwyntio ar ymateb i sefyllfaoedd brys ac nid yw gorfodi safonau effeithlonrwydd ynni yn cael ei ystyried yn argyfwng. Cynghorir landlordiaid nad ydynt yn gallu cael mynediad i eiddo oherwydd y cyfyngiadau sydd ar waith, neu nad ydynt yn gallu ymgysylltu â chontractwr i gyflawni'r gwaith angenrheidiol, i gofnodi eu hymdrechion i wneud hynny.</p> <p>Bydd adroddiad yn cael ei gyflwyno i'r Pwyllgor ynghylch yr hyn sy'n rhwystro pobl rhag gorfodi'r safonau effeithlonrwydd ynni gofynnol yn y Sector Rhentu Preifat, ac rydym yn disgwyl y gallwn ei ddarparu erbyn Rhagfyr 2020.</p>
<p>21 Rhaid i Lywodraeth Cymru sicrhau bod safonau effeithlonrwydd ynni newydd mewn cartrefi newydd mor uchelgeisiol â phosibl, a bwrw ymlaen â'r newidiadau i Reoliadau Adeiladu Rhan L heb ragor o oedi. (tud51)</p>	<p><b>Derbyn</b></p> <p>Daeth cyfnod 1 yr ymgynghoriad ar Ran L y Rheoliadau Adeiladu mewn perthynas ag anheddau newydd i ben ar 12 Mawrth. Mae sylwadau a wnaed yn ystod yr ymgynghoriad yn cael eu hasesu. Roedd yr ymgynghoriad yn cynnig dau opsiwn, sef gostyngiad o 37% neu 56% mewn allyriadau carbon o gymharu â safonau cyfredol. Roedd y ddogfen yn rhoi manylion hefyd o ran y ffordd ymlaen ar gyfer gofynion effeithlonrwydd ynni i'w cyflwyno yn 2025. Bydd Ymgynghoriad Gam Dau ar gartrefi sy'n bodoli eisoes yn cael</p>

Argymhelliad	Ymateb Llywodraeth Cymru
	ei gynnal yn ddiweddarach yn 2020.

**Jeremy Miles AS**

Y Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd

11 Mehefin 2020

Annwyl Jeremy,

**Gwahoddiad i gyfarfod y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig**

Byddwch yn ymwybodol bod y Pwyllgor wedi cytuno ar 20 Mai i'ch gwahodd i fod yn bresennol yn ei gyfarfod ar 25 Mehefin i drafod eich rôl mewn perthynas â pandemig Covid-19. Anfonwyd gwahoddiad anffurfiol drwy e-bost i'ch Swyddfa ar 21 Mai yn unol â'r drefn arferol. Nid oes ymateb wedi dod i law ar adeg ysgrifennu'r llythyr hwn.

Cyfarfu'r Pwyllgor ar 11 Mehefin a chytunwyd y dylwn estyn gwahoddiad ffurfiol i chi yn ysgrifenedig i ddod i gyfarfod y Pwyllgor ar 25 Mehefin. Byddwn yn ddiolchgar pe gallech ymateb i gadarnhau eich bod ar gael ar y cyfle cyntaf.

Yn gywir,



**Mike Hedges AC**

**Cadeirydd y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Materion Gwledig**

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



**Senedd Cymru**

Bae Caerdydd, Caerdydd, CF99 1SN

 SeneddNHAMG@senedd.cymru

 0300 200 6565

**Welsh Parliament**

Cardiff Bay, Cardiff, CF99 1SN

 SeneddCCERA@senedd.wales

 0300 200 6565

Lesley Griffiths MS  
Minister for Environment, Energy and Rural Affairs

11 June 2020

Dear Lesley

### **The Agriculture Wages (Wales) Order 2020**

The Legislation, Justice and Constitution Committee considered the Agriculture Wages (Wales) Order 2020 (the Order) on 4 May 2020 and laid its report the same day. A Welsh Government response was received on 15 May, and therefore after our report was laid. As such, the response was discussed at our meeting on 1 June.

At our meeting on 8 June, we considered the Welsh Government's response further and, in our view, there remain matters which warrant further clarification.

You will know that the Order allows an employer who provides an agricultural worker with a house for a whole week to deduct the sum of £1.50 from the agricultural worker's wage payable for that week. However, where an employer provides an agricultural worker with other accommodation, the employer may deduct £4.82 from the agricultural worker's wage for each day the accommodation is provided.



The second technical reporting point in our report said

"Further explanation is required in relation to why Article 15 of the Order sets significantly different wage deductions which are permitted to be made in respect of agricultural workers who receive the benefit of accommodation. (...)



It is surprising that an agricultural worker who is provided with a private self-contained house may only sustain a deduction of £1.50 per week for the benefit of living in that



**Senedd Cymru**  
Bae Caerdydd, Caerdydd, CF99 1SN

 [SeneddDCC@senedd.cymru](mailto:SeneddDCC@senedd.cymru)  
 0300 200 6565

**Welsh Parliament**  
Cardiff Bay, Cardiff, CF99 1SN

 [SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)  
 0300 200 6565

house. However, an agricultural worker who may only be provided with the lesser benefit of a bed in shared accommodation may sustain a deduction of £24.10 per week (based upon a five-day working week). A government response is required to explain the reasons for this discrepancy in deductions. We note that this point was also raised in our report on the Agricultural Wages (Wales) Order 2018 but the Government response on that occasion did not provide a full explanation for the discrepancy.”

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The reporting point was not accepted and the Welsh Government response said:

“Where an agricultural worker is required to live in a dwelling house or other self-contained accommodation by virtue of their contract of service for the proper or better performance of their duties, there is a mutual benefit to both parties. The agricultural worker is provided with the benefit of a house or other self-contained accommodation and the employer has the benefit of the agricultural worker living on site. Article 15(1) makes provision for a nominal deduction of £1.50 in recognition of this mutual benefit.

The provision in article 15(2) recognises that other accommodation is provided at an inconvenience and at additional cost to the employer while also ensuring the agricultural worker is not subjected to excessive daily accommodation charges. The agricultural worker is free to take up the option of other accommodation in accordance with article 15(2) and subject to the provision in article 15(3) and (4), or to find their own accommodation.”

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The Welsh Government’s response makes reference to accommodation provided “on site”. We have noted that “house” is defined in the Order as being a house that the agricultural worker is “required to live in for the proper or better performance of their duties”. However, the Order does not specify that the house must be ‘on site’. Further, Article 15 of the Order, which sets out the deductions permitted, makes no reference to a house being ‘on site’.

There therefore appears to be inconsistency between what the Order says and what the Welsh Government response says.

We would welcome clarity on this particular issue, and confirmation as to whether the Order and its Explanatory Memorandum need to be amended. This is important because, in light of the Welsh Government’s response, we are concerned that the people affected by the Order may be confused as to its scope and intent, and therefore how the law applies to them.

I am copying this letter to Jeremy Miles MS, the Counsel General, and Mike Hedges MS, Chair of the Climate Change, Environment and Rural Affairs Committee.



Yours sincerely,

A handwritten signature in black ink that reads "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

Mick Antoniw MS  
Chair of the Legislation, Justice and Constitution Committee

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



# Eitem 7

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon



**MEMORANDWM CYDSYNIAD DEDDFWRIAETHOL ATEGOL  
(MEMORANDWM RHIF 2)**

**Bil Amaethyddiaeth**

1. Gosodir y Memorandwm Cydsyniad Deddfwriaethol hwn o dan Reol Sefydlog ("RhS") 29.2. Mae RhS29 yn rhagnodi bod rhaid gosod Memorandwm Cydsyniad Deddfwriaethol, ac y gellir cyflwyno Cynnig Cydsyniad Deddfwriaethol, gerbron Senedd Cymru os yw Bil Seneddol y DU yn gwneud darpariaeth mewn perthynas â Chymru at unrhyw ddiben sydd o fewn cymhwysedd deddfwriaethol Senedd Cymru neu'n addasu'r cymhwysedd hwnnw.
2. Rhoddwyd y Bil Amaethyddiaeth (Y Bil) ger bron Tŷ'r Cyffredin ar 16 Ionawr 2020 ac y mae erbyn hyn wedi cwblhau cam y Pwyllgor Biliau Cyhoeddus. Mae'r Memorandwm hwn yn nodi'r newidiadau perthnasol a wnaed i'r Bil yng nghamau'r Pwyllgor Biliau Cyhoeddus ac Adrodd Tŷ'r Cyffredin gan ddiweddarau'r sefyllfa o ran y cymalau ar adnabod ac olrhain anifeiliaid (cymal 32) a chynnyrch organig (cymalau 36 a 37). Ceir fersiwn ddiweddaraf y Bil, fel y'i diwygiwyd yng ngham yr Adroddiad, yn:

<https://publications.parliament.uk/pa/bills/lbill/58-01/112/5801112.pdf>

3. Cwblhaodd y Bil ei daith trwy Dŷ'r Cyffredin ar 13 Mai ac aiff ger bron Tŷ'r Arglwyddi ar ddyddiad i'w gadarnhau.

**Amcan(ion) Polisi**

4. Amcanion polisi datganedig Llywodraeth y DU yw darparu, ar gyfer Lloegr, system newydd o dalu ffermwyr yn seiliedig ar yr egwyddor o "arian cyhoeddus am nwyddau cyhoeddus" ar gyfer y genhedlaeth nesaf o ffermwyr a rheolwyr tir.
5. Mae'r Bil hefyd yn cynnwys mesurau i alluogi parhad y cymorth amaethyddol presennol ac i sicrhau bod y sector amaethyddol yn gweithredu'n effeithiol ar ôl i'r DU adael yr Undeb Ewropeaidd (UE). Yn benodol, mae'r Bil yn cynnwys darpariaeth i alluogi taliadau i barhau i gael eu gwneud i ffermwyr gyda phwerau i newid Taliadau Uniongyrchol a Datblygu Gwledig, er enghraifft, ac i ymyrryd mewn marchnadoedd amaethyddol pan geir amodau eithriadol yn y farchnad.

**Crynodeb o'r Bil**

6. Noddir y Bil gan Adran yr Amgylchedd, Bwyd a Materion Gwledig.
7. Y Bil sy'n rhoi'r sail gyfreithiol, yn Lloegr, i symud oddi wrth y Polisi Amaethyddol Cyffredin (PAC) a sefydlu cynlluniau cymorth ariannol newydd yn seiliedig ar egwyddor arian cyhoeddus am nwyddau cyhoeddus.

8. Mae'r Bil yn rhoi pwerau hefyd, fel y nodir uchod, i alluogi parhad y cymorth amaethyddol presennol ac i ymyrryd mewn marchnadoedd amaethyddol pan geir amodau eithriadol yn y farchnad, a cheir darpariaethau ynddo hefyd ar gyfer casglu a rhannu data ac am safonau marchnata a chategoreiddio carcasau. Pan ofynnir amdanynt gan Lywodraeth Cymru, bydd y pwerau hyn ar gael i Weinidogion Cymru mewn perthynas â Chymru o dan ddarpariaethau Atodlen 5 y Bil. Mae cyfyngiad amser ar ddarpariaethau Atodlen 5 (a rhai darpariaethau perthynol). Byddant yn dod i ben ddiwedd 2024 yn unol â'r ddarpariaeth yng nghymal 44 (hyd y ddarpariaeth yng Nghymru). Esbonnir hyn ym mharagraffau 57 a 58 y Memorandwm Cydsyniad Deddfwriaethol a gyflwynwyd ar 12 Chwefror.
9. Ceir yn y Bil hefyd ddarpariaethau sy'n gymwys i Gymru ar gynnyrch organig; adnabod ac olrhain anifeiliaid; sefydliadau sy'n delio'n deg a sefydliadau cynhyrchwyr; materion yn ymwneud â ffermio a chefn gwlad, gan gynnwys ailddosbarthu'r ardoll cig coch a diwygio tenantiaethau amaethyddol; gofyniad i'r Ysgrifennydd Gwladol gyflwyno adroddiad i Senedd y DU ar ddiogelu'r cyflenwad bwyd; a phwerau gwneud rheoliadau i'r Ysgrifennydd Gwladol er mwyn sicrhau bod y DU yn cydymffurfio â chytundeb Sefydliad Masnach y Byd ar Amaethyddiaeth. Nid yw'r ddarpariaeth dod i ben (cymal 44) yn effeithio arnynt.
10. Cyflwynodd Llywodraeth Cymru Femorandwm Cydsyniad Deddfwriaethol ynghylch y Bil Amaethyddol (a gyflwynwyd ar 16 Ionawr 2020) ar 12 Chwefror. Nododd bryderon ynghylch y darpariaethau yn y Bil ar adnabod ac olrhain anifeiliaid (cymal 32) a rheoleiddio cynnyrch organig (cymalau 36 a 37). Sail y pryderon hyn yw diffyg darpariaeth addas o ran gofyn am gydsyniad Gweinidogion Cymru pan fydd yr Ysgrifennydd Gwladol, o dan rai amgylchiadau, yn arfer pwerau i wneud is-ddeddfwriaeth o dan y darpariaethau hyn. Mae gwaith da wedi'i wneud i leddfu'r pryderon hyn ac os gellir cytuno ar ddiwygiadau, caiff Memorandwm Cydsyniad Deddfwriaethol ategol ei ddwyn ger bron pan fydd yr amser yn briodol.
11. Nododd Llywodraeth Cymru ei phryder hefyd ynghylch Tenantiaethau Amaethyddol (Atodlen 3). Mae'r pryder hwn yn ymwneud ag atgyfeirio ceisiadau am ganiatâd landlordiaid sy'n destun anghydfod neu i newid amodau cymrodeddu neu ar gyfer eu hystyried gan drydydd parti. Mae ceisiadau y gellir eu hatgyfeirio yn cynnwys ceisiadau gan denantiaid i wneud cais am gymorth ariannol o dan Ran 1 y Bil Amaethyddol. Bydd Senedd Cymru'n ystyried a oes angen darpariaeth debyg mewn Bil yn y dyfodol mewn cysylltiad â chynlluniau cymorth ariannol yng Nghymru.

### **Darpariaethau ategol yn y Bil y mae angen cydsyniad ar eu cyfer**

12. Ers cyhoeddi'r Memorandwm cyntaf, cafodd y Bil ei ddiwygio pan fu'n destun craffu yn Nhŷ'r Cyffredin.
13. Mae'r Memorandwm Ategol yn nodi'r newidiadau hynny a wnaed i'r Bil yng ngham Pwyllgor ac Adrodd Tŷ'r Cyffredin y bydd angen cydsyniad Senedd Cymru arnynt. Rhaid ystyried y Memorandwm cyntaf ac ategol gyda'i gilydd

(ynghyd ag unrhyw Femorandwm Ategol arall a gyflwynir ger bron Senedd Cymru i ymdrin ag unrhyw ddiwygiadau yn y dyfodol) wrth benderfynu p'un ai i roi cydsyniad neu beidio.

14. Mae angen cydsyniad ar gyfer y diwygiadau canlynol i ddarpariaethau'r Bil gan eu bod yn ymdrin â materion datganoledig. Mae rhifau'r cymalau yn perthyn i fersiwn y Bil yr archebwyd ei argraffu ar 18 Mai 2020 (y fersiwn a ddiwygiwyd yng nghyfnod Adrodd Tŷ'r Cyffredin).

**Cymal 31: (Gwrteithiau), Cymal 37: (Cynnyrch Organig: ategol), Cymal 47: (Rheoliadau), Cymal 48 (Dehongli) Atodlen 3, Rhan 1: (Diwygiadau i Ddeddf Daliadau Amaethyddol 1986)) ac Atodlen 5, Rhan 2, paragraff 6: (Datganiad am amodau eithriadol yn y farchnad)**

15. Mae Rhan 2 o Ddeddf Senedd ac Etholiadau (Cymru) 2020 ("Deddf 2020") yn newid enw Cynulliad Cenedlaethol Cymru i 'Senedd Cymru' neu 'Welsh Parliament' o 6 Mai 2020. Mae'r Bil yn cyfeirio at Gynulliad Cenedlaethol Cymru ac at Fesurau a Deddfau Cynulliad Cenedlaethol Cymru. Gan na chaiff y Bil ei gydsyniad brenhinol tan ar ôl 6 Mai, mae'r cyfeiriadau hyn wedi'u newid i gyfeirio at Senedd Cymru neu'r Senedd, i adlewyrchu'r newidiadau a wnaed gan Ran 2 Deddf 2020. Mae diwygiadau priodol wedi'u gwneud i gymalau 31, 37, 47 a 48 ac Atodlenni 3 a 5.
16. Mae Llywodraeth Cymru o'r farn bod angen ei chydsyniad ar y diwygiadau hyn am eu bod yn ymwneud â mater datganoledig. Mae'r diwygiadau'n ymdrin â'r newid yn yr enw a wnaed yn Neddf 2020. Pwrpas hynny oedd gwella hygyrchedd a threfniadau gweithredol y ddeddfwrfa yng Nghymru, yn yr achos hwn trwy adlewyrchu'n well esblygiad statws cyfansoddiadol y ddeddfwrfa.

**Cymal 32 (adnabod ac olrhain anifeiliaid)**

17. Diwygir Cymal 32(2) fel bod y diwygiad y mae'n effeithio arno yn Neddf Iechyd Anifeiliaid 1981 ("Deddf 1981") yn gymwys i Gymru. O ganlyniad, yn adran 8(1)(a) Deddf 1981, dilëir y term "marcio anifeiliaid" a rhoddir "ffordd o adnabod anifeiliaid" yn ei le. Gall darpariaeth a wneir o dan is-adran (1)(a) gan Weinidogion Cymru rwyngu'r Goron. Bydd y diwygiad hwn yn caniatáu i is-ddeddfwriaeth a wneir o dan bwerau a geir yn Neddf 1981 adlewyrchu datblygiadau newydd ym maes technoleg a methodoleg adnabod anifeiliaid, er enghraifft, defnyddio tagiau electronig. Cyn hyn, roedd y diwygiad yn effeithio ar Loegr yn unig.
18. Diwygir Cymal 32(3) er mwyn datgymhwyso Teitl 1 o Reoliad 1760/2000 ("1760/2000") (EC) yng Nghymru. Mae'n ymwneud ag adnabod a chofrestru gwartheg. Diwygir Cymal 32(3) ymhellach i ddatgymhwyso darpariaethau perthynol yn Nheitl III (darpariaethau cyffredin) 1760/2000 mewn cysylltiad â Chymru neu Loegr. Darpariaethau cydymffurfio yw'r rhain. Diwygir Cymal 32(4) i ddatgymhwyso Rheoliad 21/2004 ("21/2004") yng Nghymru. Mae hwn yn ymwneud ag adnabod a chofrestru defaid a geifr. Mae diwygiadau canlyniadol wedi'u gwneud i gymal 53(3)(a)(i) (sy'n darparu y daw'r darpariaethau hyn i rym ar ba ddiwrnod bynnag y gwêl Gweinidogion Cymru

yn dda trwy reoliadau a wneir trwy offeryn statudol). Yn wreiddiol, roedd cymalau 32(3) a (4) yn darparu ar gyfer Lloegr yn unig.

19. Mae'r diwygiadau hyn yn rhoi'r pŵer i Weinidogion Cymru ddileu darpariaethau 1760/2000 a 21/2004 a rhoi gorchymyn yn eu lle o dan bwerau a geir yn Neddf 1981 heb fod angen deddfwriaeth sylfaenol arall. Bryd hynny, bydd Gweinidogion Cymru'n datgymhwyso 1760/2000 a 21/2004 trwy gychwyn is-adrannau (3) a (4). Cyn hynny, cyfyngwyd y pŵer i ddatgymhwyso darpariaethau 1760/2000 a 21/2004 i Loegr yn unig.
20. Mae Llywodraeth Cymru o'r farn bod angen ei chydsyniad ar gyfer y diwygiadau hyn gan eu bod yn gwneud darpariaeth mewn cysylltiad â materion datganoledig fel y byddant yn gymwys i Gymru, gan gynnwys amaethyddiaeth ac iechyd anifeiliaid.

### **Atodlen 5, Rhan 1: Cymorth Ariannol ar gyfer yr Undeb Ewropeaidd**

*Paragraff 2 (pŵer i addasu deddfwriaeth sy'n llywodraethu'r cynllun taliad sylfaenol)*

21. Mae Paragraff 2(10) o Atodlen 5 yn rhoi pwerau trwy reoliadau i Weinidogion Cymru addasu deddfwriaeth sy'n llywodraethu'r cynllun taliad sylfaenol fel y caiff ei weithredu yng Nghymru. Yn y gwreiddiol, roedd y pwerau ar gael i "symleiddio neu wella" y cynllun. Maent nawr wedi'u diwygio fel bod y ddarpariaeth yn nodi pum pwrpas y ceir addasu'r ddeddfwriaeth i'w cyflawni, sef:
  - (a) symleiddio'r ffordd y gweinyddir y cynllun neu i'w wneud yn fwy effeithiol neu effeithlon;
  - (b) dileu darpariaethau sydd wedi bwrw eu hamser neu nad ydynt bellach o unrhyw ddiben ymarferol;
  - (c) dileu neu leihau beichiau, neu'r baich cyffredinol, ar bobl sy'n gwneud cais am daliadau uniongyrchol neu'n eu hawlio o dan y cynllun, neu wella'r ffordd y mae'r cynllun yn cael ei weithredu mewn perthynas â nhw;
  - (d) sicrhau bod unrhyw sancsiwn neu gosb a roddir o dan y cynllun yn briodol ac yn gymesur;
  - (e) cyfyngu'r cynllun i dir yng Nghymru yn unig.
22. Mae paragraff 2(2) yn esbonio bod Gweinidogion Cymru'n cael dod â'r taliadau gwyrddu i ben gan ddefnyddio'r pwerau sydd ar gael iddynt o dan baragraff 2(1). Diwygir paragraff 2(2) er mwyn esbonio na cheir defnyddio'r ddarpariaeth i ddod â'r taliadau gwyrddu i ben os bydd y ddarpariaeth yn lleihau swm y taliad uniongyrchol y byddai person wedi bod â hawl iddo pe na bai'r ddarpariaeth wedi'i gwneud
23. Mewn osodir paragraff newydd 2(3) i ddiffinio "baich" (fel y'i defnyddir ym mharagraff 2(1)(c)) i gynnwys cost ariannol, anghyfleustra gweinyddol neu rwystr i effeithiolrwydd, cynhyrchiant neu broffidioldeb.

*Paragraff 4 (Cymorth ariannol arall: addasu darpariaeth gyffredinol sy'n gysylltiedig â thaliadau i ffermwyr a buddiolwyr eraill yng Nghymru)*

24. Mae paragraff 4(1) o Atodlen 5 yn rhoi pwerau i Weinidogion Cymru addasu, trwy reoliadau, ddeddfwriaeth uniongyrchol yr UE a ddargedwir sy'n ymwneud â chyllido, rheoli a monitro'r polisi amaethyddol cyffredin ac is-ddeddfwriaeth sy'n ymwneud â'r ddeddfwriaeth honno. Yn y gwreiddiol, roedd Gweinidogion Cymru yn cael gwneud rheoliadau at ddiben dod ag effaith unrhyw ddarpariaeth yn y ddeddfwriaeth honno i ben yng Nghymru, neu symleiddio neu wella gweithrediad y ddeddfwriaeth mewn perthynas â Chymru.
25. Diwygir paragraffau 4(1) a (2) er mwyn i Weinidogion Cymru allu gwneud rheoliadau i addasu'r ddeddfwriaeth honno, fel y bydd yn cael ei gweithredu mewn cysylltiad â Chymru, at un neu fwy o ddibenion penodol. Sef:
- (a) dod ag effaith unrhyw ddarpariaeth yn y ddeddfwriaeth i ben;
  - (b) symleiddio gweithrediad unrhyw ddarpariaeth yn y ddeddfwriaeth honno, neu ei gwneud yn fwy effeithiol neu effeithlon;
  - (c) dileu neu leihau beichiau, neu'r baich cyffredinol, a roddir gan y ddeddfwriaeth ar bobl sy'n gwneud cais neu sy'n derbyn taliadau a lywodraethir gan y ddeddfwriaeth, neu wella'r ffordd y mae'r ddeddfwriaeth yn cael ei gweithredu mewn perthynas â'r bobl hynny;
  - (d) sicrhau bod unrhyw sancsiwn neu gosb a roddir o dan y ddeddfwriaeth yn briodol ac yn gymesur.

Ceir yn is-baragraff (3) restr anghyflawn o "deddfwriaeth uniongyrchol yr UE a ddargedwir sy'n ymwneud â chyllido, rheoli a monitro'r polisi amaethyddol cyffredin". Diwygir y rhestr honno i gynnwys "rheoliadau etifeddol" a ddiffinnir yn is-baragraff (4). Diwygir is-baragraff (3) hefyd i ddiffinio "baich", a ddefnyddir ym mharagraff 4(2)(c), er mwyn iddo gynnwys cost ariannol, anghyfleustra gweinyddol neu rwystr i effeithiolrwydd, cynhyrchiant neu broffidioldeb.

*Paragraff 5 (Cefnogaeth i ddatblygu gwledig: addasu deddfwriaeth mewn cysylltiad â Chymru)*

26. Mae paragraff 5 yn rhoi pwerau i Weinidogion Cymru i addasu "deddfwriaeth uniongyrchol yr UE a ddargedwir sy'n ymwneud â chefnogaeth i ddatblygu gwledig" (fel y'i disgrifir ym mharagraff 5(2)) ac is-ddeddfwriaeth sy'n ymwneud â'r ddeddfwriaeth honno. Yn ôl y drafft gwreiddiol, defnyddid y pwerau hyn naill ai i ddod ag effaith ambell ddeddfwriaeth ar Gymru i ben neu i symleiddio neu wella gweithrediad y ddeddfwriaeth honno (wrth aros i'w heffaith ddod i ben). Diwygir y ddarpariaeth er mwyn estyn y pwerau gwneud rheoliadau hyn trwy ddiddymu'r cyfyngiadau hyn, fel y gellid addasu'r ddeddfwriaeth hon o ran ei heffaith ar Gymru. Diben defnyddio'r cymal hwn yw estyn cynlluniau a phrosiectau y tu hwnt i Raglen Datblygu Gwledig bresennol 2014-2020 neu gynnal cynllun Cymreig domestig cyfatebol. Bydd y pwerau gwneud rheoliadau yn cael eu diwygio i ddilyn y weithdrefn gadarnhaol yn hytrach na'r weithdrefn negyddol.

27. Daw'r pwerau ym mharagraffau 2, 4 a 5 o Atodlen 5 o dan y cymal machlud (cymal 44) o hyd gan ddod i ben ddiwedd 2024 (gyda gweddill Atodlen 5 a rhai darpariaethau eraill a esbonnir ym mharagraffau 57 a 58 y Memorandwm Cydsyniad Deddfwriaeth a osodwyd ar 12 Chwefror).
28. Mae Llywodraeth Cymru o'r farn bod angen ei chydsyniad ar gyfer y diwygiadau i baragraffau 2, 4 a 5 o Atodlen 5 gan eu bod yn darparu ar gyfer amaethyddiaeth, pwnc datganoledig.

### **Pwerau i greu is-ddeddfwriaeth**

29. Mae'r Atodiad yn disgrifio rhestr o'r pwerau gwneud is-ddeddfwriaeth a roddir i Weinidogion Cymru. Mae wedi'i diweddarau ychydig ers y Memorandwm a osodwyd ar 12 Chwefror er mwyn ystyried y diwygiadau a wnaed yng nghamau Pwyllgor ac Adrodd Tŷ'r Cyffredin ac a ddisgrifir yn y Memorandwm hwn. Diffinnir 'Gweithdrefn penderfyniad cadarnhaol' yng nghymal 47(6)(c) a 'gweithdrefn penderfyniad negyddol' yng nghymal 47(7)(c) y Bil fel y cymhwysir y termau hynny i is-ddeddfwriaeth a wnaed gan Weinidogion Cymru o dan y Bil.

### **Y rhesymau dros wneud y darpariaethau hyn ar gyfer Cymru yn y Bil Amaethyddiaeth**

30. Fel a ddisgrifir yn y Memorandwm cyntaf, bwriad Llywodraeth Cymru o hyd yw cyhoeddi Papur Gwyn ar Amaethyddiaeth cyn diwedd tymor y Senedd hon a fydd yn adeiladu ar y cynigion a amlinellir yn yr ymgynghoriad Ffermio Cynaliadwy a'n Tir ac yn gosod y sylfeini ar gyfer cyflwyno Bil Amaethyddiaeth (Cymru) yn nhymor y Senedd nesaf. Mae manylion y cynllun newydd yn dibynnu ar ganlyniad penderfyniadau polisi a gweithredol na ellir eu gwneud nes bod dadansoddiad o ganlyniadau'r ymgynghoriadau a'r Papur Gwyn wedi'i gwblhau a bod yr holl ffactorau perthnasol wedi'u hystyried.
31. Bydd gwneud y darpariaethau hyn ar gyfer Cymru ym Mil Amaethyddiaeth y DU yn golygu y bydd modd parhau i ddarparu'r cymorthdaliadau amaethyddol presennol ar ôl 2020, a sicrhau bod marchnadoedd amaethyddol yn gweithredu'n effeithiol ar ôl i'r DU ymadael â'r UE.

### **Safbwynt Llywodraeth Cymru ar y Bil fel y'i diwygiwyd**

32. Mae Llywodraeth Cymru'n fodlon â'r diwygiadau a gyflwynwyd gan Weinidogion Llywodraeth y DU yng nghamau Pwyllgor ac Adrodd Tŷ'r Cyffredin mewn cysylltiad â'r diwygiadau i gymal 32 (adnabod ac olrhain anifeiliaid) ac Atodlen 5 (darpariaeth sy'n ymwneud â Chymru). Ceir pryderon sydd heb eu datrys o hyd ynghylch pwerau'r Ysgrifennydd Gwladol i wneud is-ddeddfwriaeth o ran adnabod ac olrhain anifeiliaid (cymal 32) a rheoleiddio cynnyrch organig (cymalau 36 a 37) ac oherwydd y diffyg gofynion priodol i gael cydsyniad Gweinidogion Cymru o dan amgylchiadau penodol. Bydd gwaith i leddfu'r pryderon hyn yn mynd rhagddo yn ystod taith y Bil trwy Senedd y DU ac os gellir cytuno ar ddiwygiadau, caiff Memorandwm

Cydsyniad Deddfwriaethol ategol ei ddwyn ymlaen pan fydd yr amser yn briodol.

33. Mae Llywodraeth Cymru'n fodlon o hyd â'r darpariaethau ynghylch Cytundeb y WTO ar Amaethyddiaeth gyda golwg ar y cytundeb a wnaed gyda'r Ysgrifennydd Gwladol ar arfer y pwerau gwneud rheoliadau hynny. Ar gais Llywodraeth Cymru, gwnaeth yr Is-Ysgrifennydd Seneddol ymrwymiad ar lawr Tŷ'r Cyffredin i weithio gyda'r Gweinyddiaethau Datganoledig wrth arfer y pwerau hyn.
34. Caiff unrhyw newidiadau eraill i'r Bil ar ei daith trwy Dŷ'r Arglwyddi y bydd angen Memoranda arnynt, er enghraifft er mwyn ymateb i bwyntiau a godwyd gan Bwyllgor craffu yn Senedd Cymru, eu gosod ger bron Senedd Cymru yn ôl y gofyn. Caiff argymhelliad terfynol mewn cysylltiad â chydsyniad y Senedd ei roi ar ôl i'r holl ddiwygiadau i'r Bil gael eu gwneud.

### **Goblygiadau Ariannol**

35. Nid oes unrhyw oblygiadau ariannol uniongyrchol i Lywodraeth Cymru na Senedd Cymru o ganlyniad i gymryd y pwerau hyn yn y Bil hwn.

### **Casgliad**

36. Mae'r Memorandwm ategol hwn yn disgrifio'r newidiadau perthnasol a wnaed i'r Bil ers cyflwyno'r gofyn am gydsyniad Senedd Cymru. Mae Llywodraeth Cymru'n gefnogol ar y cyfan i'r Bil fel y mae wedi'i ddrafftio. Ond dylid nodi na ellir rhoi argymhelliad pendant i'r Senedd roi ei chydsyniad i'r Bil tan y bydd yn nes at ddiwedd ei daith trwy Dŷ'r Arglwyddi. Pe ceid diwygiadau yn y dyfodol o fewn cymhwysedd deddfwriaethol y Senedd, yna caiff rhagor o Femoranda Cydsyniad Deddfwriaethol Ategol eu cyflwyno ger bron y Senedd yn ôl y gofyn, gydag argymhelliad gan Lywodraeth Cymru ynghylch cydsyniad y Senedd ar yr adeg briodol.

**Lesley Griffiths AS**  
**Gweinidog yr Amgylchedd, Ynni a Materion Gwledig**  
**Mehefin 2020**

## Atodiad

### MEMORANDWM CYDSYNIAD DEDDFWRIAETHOL ATEGOL: BIL AMAETHYDDIAETH – RHESTR WEDI'I DIWEDDARU O'R DARPARIAETHAU SY'N CYNNWYS PWERAU I WEINIDOGION CYMRU WNEUD IS- DDEDDFWRIAETH FEL Y'U DIWYGIWYD YNG NGHAMAU PWYLLGOR AC ADRODD TY'R CYFFREDIN.

<u>Darpariaeth y Bil</u>	<u>Disgrifiad o'r pŵer</u>	<u>Gweithdrefn ddeddfwriaethol</u>
31 (gwrteithiau)	Mae cymal 31(4) yn diwygio adran 74A o Ddeddf Amaethyddiaeth 1970 ac yn caniatáu i reoliadau a wneir gan Weinidogion Cymru mewn perthynas â Chymru (a'r Ysgrifennydd Gwladol, Gweinidogion yr Alban ac Adran yng Ngogledd Iwerddon mewn perthynas â rhannau eraill o'r DU) i bennu trefn asesu, monitro a gorfodi ar gyfer sicrhau bod gwrteithiau'n cydymffurfio â gofynion cyfansoddiad, cynnwys a swyddogaeth ac ar gyfer lliniaru risgiau eraill i iechyd pobl, anifeiliaid neu blanhigion neu'r amgylchedd a gyflwynir gan wrteithiau.	Mae'r rheoliadau cyntaf a wneir gan Weinidogion Cymru o dan adran 74A(1A) i (1E) o Ddeddf Amaethyddiaeth 1970 yn ddarostyngedig i'r weithdrefn penderfyniad cadarnhaol. Mae rheoliadau dilynol a wneir gan Weinidogion Cymru, o dan adran 74A(1A)(b) (sy'n rhoi swyddogaethau i awdurdod cyhoeddus sy'n ymwneud â goruchwyllo a rheoleiddio'r farchnad) neu (1E)(a)(i) neu (ii) (diwygio a diddymu cyfraith yr UE a ddargedwir sy'n ymwneud â gwrteithiau) hefyd yn ddarostyngedig i'r weithdrefn penderfyniad cadarnhaol (cymal 31(5), sy'n diwygio adran 84 o Ddeddf Amaethyddiaeth 1970). Fel arall, mae'r weithdrefn penderfyniad negyddol yn gymwys (gweler adran 84(2), Deddf Amaethyddiaeth 1970).
33 (ardoll cig coch)	Pwerau i Weinidogion Cymru (gan weithredu ar y cyd â'r Ysgrifennydd Gwladol a/neu Weinidogion yr Alban) ffurfio cynllun i wneud darpariaeth i symiau o ardoll cig coch a gesglir gan y corff ardollau ar gyfer un wlad ym Mhrydain gael eu talu i'r corff ardollau ar gyfer gwlad arall o'r fath.	Dim gweithdrefn
36 a 37 (cynhyrchion organig)	Pwerau i Weinidogion Cymru mewn perthynas ag ardystio cynhyrchion organig a rheolaethau mewnforio ac allforio (os ac i'r graddau y byddai darpariaeth a wneir gan y rheoliadau o fewn cymhwysedd deddfwriaethol Cynulliad Cenedlaethol Cymru pe bai wedi ei chynnwys mewn Deddf gan y Cynulliad hwnnw (gan anwybyddu unrhyw ofyniad am gydsyniad unrhyw berson) (cymal 37(1)(c)).	Gweithdrefn penderfyniad cadarnhaol lle — (a) mae'r Rheoliadau'n cael eu gwneud o dan adran 36(1) ac yn cynnwys darpariaeth y cyfeirir ati yn adran 36(3), neu (b) mae'r rheoliadau'n cael eu gwneud o dan is-adran (1), (5) neu (7) o adran 36



		a dyma'r rheoliadau cyntaf i gael eu gwneud o dan yr is-adran honno gan yr awdurdod sy'n eu gwneud. Fel arall, mae rheoliadau o dan gymal 36 yn ddarostyngedig i'r weithdrefn penderfyniad negyddol (oni bai bod adran 47(5) yn gymwys, felly'r weithdrefn penderfyniad cadarnhaol).
44 (hyd y ddarpariaeth mewn perthynas â Chymru)	Pwerau i Weinidogion Cymru wneud darpariaeth drosiannol, ddarfodol neu arbed mewn perthynas â'r adran hon.	Mae rheoliadau o dan y cymal hwn sy'n cynnwys darpariaeth sy'n addasu deddfwriaeth sylfaenol (gyda neu heb ddarpariaeth arall) yn ddarostyngedig i'r weithdrefn penderfyniad cadarnhaol. Mae rheoliadau eraill o dan y cymal hwn yn ddarostyngedig i'r weithdrefn penderfyniad negyddol.
50(1) (darpariaeth ganlyniadol ac ati)	Caiff yr awdurdod priodol, drwy reoliadau, wneud darpariaeth atodol, gysylltiedig neu ganlyniadol yng nghyswllt unrhyw ddarpariaeth yn y Ddeddf hon. Gweinidogion Cymru yw'r awdurdod priodol, ar gyfer darpariaeth yng nghyswllt— (i) cymal 43 ac Atodlen 5, (ii) cymal 44, a (iii) cymal 49 ac Atodlen 7 i'r graddau y maent yn gymwys mewn perthynas â Chymru.	Mae rheoliadau o dan adran 50(1) sy'n cynnwys darpariaeth sy'n addasu deddfwriaeth sylfaenol (gyda neu heb ddarpariaeth arall) yn ddarostyngedig i'r weithdrefn penderfyniad cadarnhaol. Mae rheoliadau eraill o dan is-adran (1) yn ddarostyngedig i'r weithdrefn penderfyniad negyddol.
50(5) (darpariaeth ganlyniadol ac ati)	Caiff yr awdurdod priodol drwy reoliadau wneud darpariaeth drosiannol, ddarfodol neu arbed yng nghyswllt dod ag unrhyw ddarpariaeth yn y Ddeddf i rym. Gweinidogion Cymru yw'r awdurdod priodol, ar gyfer darpariaeth yng nghyswllt— (i) cymal 43 ac Atodlen 5, (ii) cymal 44, a (iii) cymal 49 ac Atodlen 7 i'r graddau y maent yn gymwys mewn perthynas â Chymru.	Dim gweithdrefn
53(3) (cychwyn)	Pwerau i Weinidogion Cymru drwy reoliadau a wneir gan offeryn statudol i benodi— (a) i'r graddau y mae'n ymwneud â Chymru— (i) paragraffau 10 i 18 o Atodlen 3, a (ii) adran 34 i'r graddau y mae'n ymwneud â'r paragraffau hynny, (b) Rhannau 2 a 4 o Atodlen 5, ac adran 43 i'r graddau y mae'n ymwneud â'r Rhannau hynny, a (c) Rhannau 2 a 4 o Atodlen 7, ac adran 49 i'r graddau y mae'n ymwneud â'r Rhannau hynny.	Dim gweithdrefn
Atodlen 3, para 6(7)	Pwerau i Weinidogion Cymru drwy reoliadau a wneir mewn offeryn statudol i ddiwygio adran 84 o Ddeddf Daliadau Amaethyddol 1986 er mwyn-	Gweithdrefn negyddol

	a) cynnwys person yn y diffiniad o "awdurdod proffesiynol" neu ddileu person ohono; b) adlewyrchu newidiadau yn enw neu drefniadaeth fewnol unrhyw gorff a grybwyllir yn y diffiniad hwnnw.	
Atodlen 3, para 7	Pwerau i Weinidogion Cymru drwy reoliadau wneud darpariaeth i denant daliad amaethyddol atgyfeirio ar gyfer cymrodeddu y ceisiadau a wneir gan y tenant am gydsyniad y landlord neu i amrywio telerau	Gweithdrefn negyddol
Atodlen 3, para 17	Mae paragraff 17 yn diwygio adran 39(8) o Ddeddf Daliadau Amaethyddol 1986 er mwyn rhoi pŵer i Weinidogion Cymru, mewn perthynas â Chymru, wneud rheoliadau sy'n pennu'r meini prawf y mae'n rhaid eu hystyried wrth benderfynu a yw person yn addas i fod yn denant daliad.	Gweithdrefn negyddol
Atodlen 5, para 2(1)	Pwerau i Weinidogion Cymru addasu deddfwriaeth sy'n llywodraethu'r cynllun taliad sylfaenol	Gweithdrefn penderfyniad negyddol (oni bai bod cymal 47(5) yn gymwys, ac os felly, y weithdrefn penderfyniad cadarnhaol)
Atodlen 5, para 3(1)	Pwerau i Weinidogion Cymru ddarparu ar gyfer parhau â'r cynllun taliad sylfaenol y tu hwnt i 2020, gan gynnwys y pŵer i Weinidogion Cymru bennu terfyn uchaf i daliadau uniongyrchol ar gyfer Cymru	Gweithdrefn penderfyniad cadarnhaol
Atodlen 5, para 4(1)	Pwerau i Weinidogion Cymru, drwy reoliadau, addasu deddfwriaeth uniongyrchol yr UE a ddargedwir sy'n ymwneud â chyllido, rheoli a monitro'r polisi amaethyddol cyffredin ac is-ddeddfwriaeth sy'n ymwneud â'r ddeddfwriaeth honno.	Gweithdrefn penderfyniad negyddol (oni bai bod cymal 47(5) yn gymwys, ac os felly, y weithdrefn penderfyniad cadarnhaol)
Atodlen 5, para 5(1)	Pwerau i Weinidogion Cymru, drwy reoliadau, addasu deddfwriaeth uniongyrchol yr UE a ddargedwir sy'n ymwneud â chymorth ar gyfer datblygu gwledig ac is-ddeddfwriaeth sy'n ymwneud â'r ddeddfwriaeth honno.	Gweithdrefn penderfyniad negyddol (oni bai bod cymal 47(5) yn gymwys, ac os felly, y weithdrefn penderfyniad cadarnhaol)
Atodlen 5, para 8(1)	Pwerau i Weinidogion Cymru, drwy reoliadau, i addasu deddfwriaeth uniongyrchol yr UE a ddargedwir sy'n ymwneud ag ymyrryd yn y farchnad gyhoeddus neu gymorth ar gyfer storio preifat at ddibenion newid y modd y mae darpariaethau deddfwriaeth o'r fath yn gweithredu, i'r graddau y maent yn cael effaith mewn perthynas â Chymru mewn cysylltiad ag amodau eithriadol yn y farchnad sy'n destun datganiad o dan baragraff 6 o Atodlen 5 (datganiad ynghylch amodau eithriadol yn y farchnad).	Gweithdrefn penderfyniad negyddol (oni bai bod cymal 47(5) yn gymwys, ac os felly, y weithdrefn penderfyniad cadarnhaol)
Atodlen 5, para 8(2)	Pwerau i Weinidogion Cymru, drwy reoliadau, addasu deddfwriaeth uniongyrchol yr UE a ddargedwir sy'n ymwneud ag ymyrryd yn y farchnad gyhoeddus neu gymorth ar gyfer storio preifat at ddibenion penodedig	Gweithdrefn penderfyniad negyddol (oni bai bod cymal 47(5) yn gymwys, ac os felly, y weithdrefn penderfyniad cadarnhaol)
Atodlen 5, para 9(2)	Pwerau i Weinidogion Cymru wneud rheoliadau sy'n ei gwneud yn ofynnol i bersonau sy'n rhan o gadwyn gyflenwi bwyd-amaeth neu sydd â chysylltiad agos â chadwyn o'r fath ddarparu gwybodaeth am faterion sy'n gysylltiedig ag	Gweithdrefn penderfyniad cadarnhaol

	unrhyw un o weithgareddau'r person sy'n gysylltiedig â'r gadwyn gyflenwi os yw'r gweithgareddau yng Nghymru.	
Atodlen 5, para 14(1)	Pwerau i Weinidogion Cymru wneud darpariaeth ar gyfer gorfodi gofyniad a osodir o dan baragraff 9(1) neu (2) o Atodlen 5 (cadwyni cyflenwi bwyd-amaeth: gofyniad i ddarparu gwybodaeth)	Gweithdrefn penderfyniad cadarnhaol
Atodlen 5, para 15(1)	Pwerau i Weinidogion Cymru drwy reoliadau, mewn perthynas â chynhyrchion sydd o fewn sector penodedig ac sy'n cael eu marchnata yng Nghymru, wneud darpariaethau ynghylch y safonau y mae'n rhaid i'r cynhyrchion hynny gydymffurfio â hwy	Gweithdrefn penderfyniad cadarnhaol
Atodlen 5, para 16(3)	Pwerau i Weinidogion Cymru ddiwygio paragraffau 15 ac 16 at y diben neu mewn perthynas â'r diben hwnnw— (a) ychwanegu neu dynnu cynnyrch amaethyddol o baragraff 16(1); (b) newid y disgrifiad o gynnyrch amaethyddol ym mharagraff 16(1).	Gweithdrefn penderfyniad cadarnhaol
Atodlen 5, para 17(1)	Pwerau i Weinidogion Cymru wneud darpariaeth ynghylch dosbarthu, adnabod a chyflwyno carcasau buchol, moch a defaid gan ladd-dai yng Nghymru	Gweithdrefn penderfyniad cadarnhaol