

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 18 Medi 2023
Tabled on 18 September 2023

Bil yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) Environment (Air Quality and Soundscapes) (Wales) Bill

Lee Waters

1

Section 2, page 1, line 29, leave out subsection (4) and insert –

‘() The Welsh Ministers must ensure that “ambient air” is defined for the purposes of each PM_{2.5} air quality target (and regulations under this section may make different provision for different targets for the purposes of this subsection).’.

Adran 2, tudalen 1, llinell 29, hepgorer is-adran (4) a mewnosoder –

‘() Rhaid i Weinidogion Cymru sicrhau bod “aer amgylchynol” wedi ei ddiffinio at ddibenion pob targed ansawdd aer PM_{2.5} (a chaiff rheoliadau o dan yr adran hon wneud darpariaeth wahanol ar gyfer targedau gwahanol at ddibenion yr is-adran hon).’.

Lee Waters

2

Section 4, page 3, line 1, leave out ‘affects’ and insert ‘, other than section [section to be inserted by amendment 3], limits’.

Adran 4, tudalen 3, llinell 1, hepgorer ‘sy’n effeithio’ a mewnosoder ‘, heblaw am adran [adran i’w mewnosod gan welliant 3], yn cyfyngu’.

Lee Waters

3

Page 4, after line 11, insert a new section –

[] Maintaining air quality standards

- (1) This section applies in relation to a specified standard for a target set under section 1 or 2 where –
 - (a) the specified date for the target has been reached, and

- (b) the specified standard for the target has been achieved (whether by the specified date or by a later date).
- (2) The Welsh Ministers, in the exercise of their powers under section 87(1) of the Environment Act 1995 (c. 25) must ensure that –
 - (a) the Welsh Ministers are under a duty to maintain that standard, and
 - (b) reporting requirements are in place in relation to the performance of that duty.
- (3) The Welsh Ministers may exercise their powers under section 87(1) of the Environment Act 1995 to replace the standard mentioned in subsection (2)(a) with a lower standard, or to revoke the standard, but only if satisfied that –
 - (a) meeting the standard would have no significant benefit compared with not meeting it or with meeting a lower standard, or
 - (b) because of changes in circumstances since the specified standard was set or last lowered, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (4) Before making regulations under section 87(1) of the Environment Act 1995 for any purpose mentioned in subsection (3), the Welsh Ministers must (in addition to complying with section 87(7B) of that Act) –
 - (a) seek advice from persons they consider to be independent and to have relevant expertise,
 - (b) have regard to scientific knowledge on air pollution, and
 - (c) lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (3).’.

Tudalen 4, ar ôl llinell 11, mewnosoder adran newydd –

[] Cynnwl safonau ansawdd aer

- (1) Mae’r adran hon yn gymwys mewn perthynas â safon benodedig ar gyfer targed a bennir o dan adran 1 neu 2 pan fo –
 - (a) y dyddiad penodedig ar gyfer y targed wedi ei gyrraedd, a
 - (b) y safon benodedig ar gyfer y targed wedi ei chyflawni (boed erbyn y dyddiad penodedig neu erbyn dyddiad diweddarach).
- (2) Rhaid i Weinidogion Cymru, wrth arfer eu pwerau o dan adran 87(1) o Ddeddf yr Amgylchedd 1995 (p. 25), sicrhau –
 - (a) bod Gweinidogion Cymru o dan ddyletswydd i gynnal y safon honno, a
 - (b) bod gofynion adrodd ar waith mewn perthynas â chyflawni’r ddyletswydd honno.
- (3) Caiff Gweinidogion Cymru arfer eu pwerau o dan adran 87(1) o Ddeddf yr Amgylchedd 1995 i ddisodli’r safon a grybwyllir yn is-adran (2)(a) â safon is, neu i ddirymu’r safon, ond dim ond os ydynt wedi eu bodloni –
 - (a) na fyddai cyrraedd y safon o unrhyw fudd sylweddol o gymharu â pheidio â chyrraedd y safon neu gyrraedd safon is, neu
 - (b) yn sgil newidiadau mewn amgylchiadau ers i’r safon benodedig gael ei gosod neu ers iddi gael ei gostwng ddiwethaf, y byddai costau amgylcheddol, costau cymdeithasol, costau economaidd neu gostau eraill ei chyrraedd yn anghymesur â’r buddion.



- (4) Cyn gwneud rheoliadau o dan adran 87(1) o Ddeddf yr Amgylchedd 1995 at unrhyw ddiben a grybwyllir yn is-adran (3), rhaid i Weinidogion Cymru (yn ogystal â chydymffurfio ag adran 87(7B) o'r Ddeddf honno) –
- (a) ceisio cyngor oddi wrth bersonau y maent yn ystyried eu bod yn annibynnol ac yn meddu ar arbenigedd perthnasol,
 - (b) rhoi sylw i wybodaeth wyddonol ynghylch llygredd aer, ac
 - (c) gosod gerbron Senedd Cymru, a chyhoeddi, ddatganiad sy'n esbonio pam y mae Gweinidogion Cymru wedi eu bodloni fel y'i crybwyllir yn is-adran (3).'

Lee Waters

4

Page 4, after line 11, insert a new section –

[] Reporting in relation to section 1

- (1) The Welsh Ministers must, as soon as practicable after the end of each reporting period, lay before Senedd Cymru and publish a report on the consideration they have given during that period to setting long-term targets under section 1.
- (2) The report must, in particular, address the consideration given during the reporting period to setting targets in relation to the following pollutants –
 - (a) ammonia;
 - (b) PM₁₀;
 - (c) ground level ozone;
 - (d) nitrogen dioxide;
 - (e) carbon monoxide;
 - (f) sulphur dioxide.
- (3) But if regulations have been made under section 1 setting a target in relation to a pollutant mentioned in subsection (2), the requirement in that subsection no longer applies in relation to that pollutant.
- (4) In this section –
 - “PM₁₀” (“PM₁₀”) means particulate matter with an aerodynamic diameter not exceeding 10 micrometres;
 - “reporting period” (“*cyfnod adrodd*”) means –
 - (a) the period of 2 years beginning with the day on which section 1 comes into force, and
 - (b) each subsequent period of 12 months.'

Tudalen 4, ar ôl llinell 11, mewnosoder adran newydd –

[] Adrodd mewn perthynas ag adran 1

- (1) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n ymarferol ar ôl diwedd pob cyfnod adrodd, osod gerbron Senedd Cymru a chyhoeddi adroddiad ar yr ystyriaeth y maent wedi ei rhoi yn ystod y cyfnod hwnnw i osod targedau hirdymor o dan adran 1.
- (2) Rhaid i'r adroddiad, yn benodol, ymdrin â'r ystyriaeth a roddwyd yn ystod y cyfnod adrodd i osod targedau mewn perthynas â'r llygryddion a ganlyn –

- (a) amonia;
 - (b) PM₁₀;
 - (c) osôn ar lefel y ddaear;
 - (d) nitrogen deuocsid;
 - (e) carbon monocsid;
 - (f) sylffwr deuocsid.
- (3) Ond os yw rheoliadau wedi eu gwneud o dan adran 1 sy'n gosod targed mewn perthynas â llygrydd a grybwyllir yn is-adran (2), nid yw'r gofyniad yn yr is-adran honno bellach yn gymwys mewn perthynas â'r llygrydd hwnnw.
- (4) Yn yr adran hon –
- ystyr “cyfnod adrodd” (“*reporting period*”) yw –
 - (a) y cyfnod o 2 flynedd sy'n dechrau â'r diwrnod y mae adran 1 yn dod i rym,
a
 - (b) pob cyfnod dilynol o 12 mis;
 - ystyr “PM₁₀” (“*PM₁₀*”) yw deunydd gronynnol sydd â diamedr aerodynamig nad yw'n fwy na 10 o ficrometrau.’.

Lee Waters

5

Section 10, page 5, line 2, leave out –

- ‘(c) the Public Health Wales National Health Service Trust;
- (d) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006’

and insert –

- ‘() every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- () every National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
- () every public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015);
- () the Future Generations Commissioner for Wales’.

Adran 10, tudalen 5, llinell 2, hepgorer –

- ‘(c) the Public Health Wales National Health Service Trust;
- (d) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006’

a mewnosoder –

- ‘() every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- () every National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;

- () every public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015;
- () the Future Generations Commissioner for Wales’.

Lee Waters

6

Section 16, page 9, line 10, leave out ‘subject to an exemption under section 19G’ and insert ‘an exempt fireplace’.

Adran 16, tudalen 9, llinell 10, hepgorer ‘subject to an exemption under section 19G’ a mewnosoder ‘an exempt fireplace’.

Lee Waters

7

Section 16, page 9, line 21, leave out ‘subject to an exemption under section 19G’ and insert ‘an exempt fireplace’.

Adran 16, tudalen 9, llinell 21, hepgorer ‘subject to an exemption under section 19G’ a mewnosoder ‘an exempt fireplace’.

Lee Waters

8

Section 16, page 9, leave out lines 27 to 33.

Adran 16, tudalen 9, hepgorer llinellau 27 hyd at 33.

Lee Waters

9

Section 16, page 9, line 34, leave out –

‘19G Exemptions relating to particular fireplaces in Wales

- (1) For the purposes of the application of this Part to Wales, the Welsh Ministers may exempt any class of fireplace from the provisions of Schedule 1A if they are satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (2) An exemption under subsection (1) may be made subject to such conditions as the Welsh Ministers consider appropriate.
- (3) The Welsh Ministers must –
 - (a) publish a list of those classes of fireplace that are exempt under subsection (1) including any details of any conditions to which an exemption is subject;
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes of fireplace that are so exempt or to the conditions to which an exemption is subject.’

and insert –

‘19G Section 19F: interpretation

- (1) In section 19F, “exempt fireplace” means a fireplace of a type specified in a list published by the Welsh Ministers.
- (2) The Welsh Ministers may only specify a type of fireplace in the list if satisfied that such a fireplace can, if used in compliance with any conditions specified in the list, be used for burning solid fuels other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (3) In section 19F and this section, “authorised fuel” means a solid fuel included in a list of authorised fuels published by the Welsh Ministers.’.

Adran 16, tudalen 9, llinell 34, hepgorer –

‘19G Exemptions relating to particular fireplaces in Wales

- (1) For the purposes of the application of this Part to Wales, the Welsh Ministers may exempt any class of fireplace from the provisions of Schedule 1A if they are satisfied that such fireplaces can be used for burning fuel other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (2) An exemption under subsection (1) may be made subject to such conditions as the Welsh Ministers consider appropriate.
- (3) The Welsh Ministers must –
 - (a) publish a list of those classes of fireplace that are exempt under subsection (1) including any details of any conditions to which an exemption is subject;
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to the classes of fireplace that are so exempt or to the conditions to which an exemption is subject.’

a mewnosoder –

‘19G Section 19F: interpretation

- (1) In section 19F, “exempt fireplace” means a fireplace of a type specified in a list published by the Welsh Ministers.
- (2) The Welsh Ministers may only specify a type of fireplace in the list if satisfied that such a fireplace can, if used in compliance with any conditions specified in the list, be used for burning solid fuels other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (3) In section 19F and this section, “authorised fuel” means a solid fuel included in a list of authorised fuels published by the Welsh Ministers.’.

Lee Waters

10

Section 22, page 12, line 32, leave out –

- (iii) the Public Health Wales National Health Service Trust,
- (iv) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42)'

and insert –

- () every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42),
- () every National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006,
- () every public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015),
- () the Future Generations Commissioner for Wales'.

Adran 22, tudalen 12, llinell 33, hepgorer –

- (iii) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru,
- (iv) pob Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42)'

a mewnosoder –

- () pob Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42),
- () pob ymddiriedolaeth Gwasanaeth Iechyd Gwladol a sefydlwyd o dan adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006,
- () pob bwrdd gwasanaethau cyhoeddus (o fewn ystyr Rhan 4 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)),
- () Comisiynydd Cenedlaethau'r Dyfodol Cymru'.

Lee Waters

11

Section 26, page 14, leave out line 34.

Adran 26, tudalen 14, hepgorer llinell 35.

Lee Waters

12

Section 27, page 15, after line 5, insert –

- () section [section to be inserted by amendment 3];'

Adran 27, tudalen 15, ar ôl llinell 5, mewnosoder –

- () adran [adran i'w mewnosod gan welliant 3];'

Lee Waters

13

Section 27, page 15, after line 5, insert –

‘() section [section to be inserted by amendment 4];’.

Adran 27, tudalen 15, ar ôl llinell 5, mewnosoder –

‘() adran [adran i’w mewnosod gan welliant 4];’.

Lee Waters

14

Schedule 1, page 16, after line 37, insert –

‘PART []

EXPENDITURE ON OLD PRIVATE DWELLINGS

1 The Clean Air Act 1993 (c. 11) is amended as follows.

2 In Schedule 2 (smoke control orders: expenditure on old private dwellings) –

(a) omit paragraphs 1, 2 and 3;

(b) in paragraph 4(1), omit paragraphs (a) and (b);

(c) in paragraph 4(2), omit paragraphs (a) and (b).’.

Atodlen 1, tudalen 16, ar ôl llinell 37, mewnosoder –

‘RHAN []

GWARIANT AR HEN ANHEDDAU PREIFAT

1 Mae Deddf Aer Glân 1993 (p. 11) wedi ei diwygio fel a ganlyn.

2 Yn Atodlen 2 (gorchmynion rheoli mwg: gwariant ar hen anheddau preifat) –

(a) hepgorer paragraffau 1, 2 a 3;

(b) ym mharagraff 4(1), hepgorer paragraffau (a) a (b);

(c) ym mharagraff 4(2), hepgorer paragraffau (a) a (b).’.

Lee Waters

15

Schedule 1, page 17, leave out line 28 and insert –

‘() omit the definition of “authorised fuel”.’.

Atodlen 1, tudalen 17, hepgorer llinell 28 a mewnosoder –

‘() hepgorer y diffiniad o “authorised fuel”.’.

Lee Waters

16

Schedule 1, page 17, after line 37, insert –

‘[] In section 61 (joint exercise of local authority functions), in subsection (3)(b) for “, Schedule 1 and paragraph 1 of Schedule 2” substitute “and Schedule 1”.’.

Atodlen 1, tudalen 17, ar ôl llinell 37, mewnosoder –

[] Yn adran 61 (arfer swyddogaethau awdurdodau lleol ar y cyd), yn is-adran (3)(b) yn lle “, Schedule 1 and paragraph 1 of Schedule 2” rhodder “and Schedule 1”.

Lee Waters

17

Schedule 1, page 18, line 20, leave out paragraph 19.

Atodlen 1, tudalen 18, llinell 20, hepgorer paragraff 19.

