

Agenda – Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

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| Lleoliad: | I gael rhagor o wybodaeth cysylltwch a: |
| Ystafell Bwyllgora 2 – y Senedd | Gareth Williams |
| Dyddiad: Dydd Llun, 5 Hydref 2015 | Clerc y Pwyllgor |
| Amser: 15.00 | 0300 200 6565 |
| | SeneddMCD@Cynulliad.Cymru |

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

Dogfennau atodol:

2 Offerynnau nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 neu 21.3

(Tudalennau 1 – 2)

CLA(4)–24–15 – Papur 1 – Offerynnau Statudol sydd ag Adroddiadau Clir

Dogfennau atodol:

Offerynnau'r Penderfyniad Negyddol

CLA585 – Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Cymru) 2015

Y weithdrefn negyddol; Fe'i gwnaed ar: 24 Medi 2015; Fe'i gosodwyd ar: 20 Medi 2015; Yn dod i rym ar: 20 Hydref 2015

Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol

CLA583 – Gorchymyn Cynllunio Gwlad a Thref (Pwerau i Ddiystyru Hawddfrentiau a Cheisiadau gan Ymgymerywyr Statudol) (Cymru) 2015



Y weithdrefn gadarnhaol; Fe'i gwnaed ar: Dyddiad heb ei nodi; Fe'i gosodwyd ar: 22 Medi 2015; Yn dod i rym ar: Dyddiad heb ei nodi

CLA584 – Rheoliadau Microsglodynnu Cŵn (Cymru) 2015

Y weithdrefn gadarnhaol; Fe'i gwnaed ar: Dyddiad heb ei nodi; Fe'i gosodwyd ar: 29 Medi 2015; Yn dod i rym yn unol â Rheoliad 1(2)

CLA585 –The Plant Health (Forestry) (Amendment) (Wales) Order 2015

Negative procedure; Date made: 24 September 2015; Date laid: 29 September 2015; Coming into force date: 20 October 2015

3 Papurau i'w nodi

(Tudalennau 3 – 16)

CLA(4)–24–15 – Papur 2 – Llythyr gan y Gweinidog Cyfoeth Naturiol mewn perthynas â Chynnig ar gyfer Rheoliadau Ewropeaidd ar Organebau a Addaswyd yn Enetig (GMOs)

CLA(4)–24–15 – Papur 3 – Llythyr gan y Dirprwy Weinidog Iechyd mewn perthynas â Chynnig ar gyfer Rheoliadau Ewropeaidd ar Organebau a Addaswyd yn Enetig (GMOs)

CLA(4)–24–15 – Papur 4 – Llythyr gan y Gweinidog Cyfoeth Naturiol at Gadeirydd Pwyllgor yr Amgylchedd a Chynaliadwyedd mewn perthynas â Bil yr Amgylchedd (Cymru)

CLA(4)–24–15 – Papur 4 Atodiad 1 – Ymatebion i gwestiynau pellach gan Bwyllgor yr Amgylchedd a Chynaliadwyedd

CLA(4)–24–15 – Papur 4 Atodiad 2 – Llythyr gan Ysgrifennydd Gwladol Cymru at y Prif Weinidog mewn perthynas â Bil yr Amgylchedd (Cymru)

CLA(4)-24-15 – Papur 5 – Datganiad Ysgrifenedig gan y Dirprwy Weinidog Ffermio a Bwyd: Microsglodynnu Cŵn yng Nghymru

4 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes canlynol:

(ix) lle mae unrhyw fater sy'n ymwneud â busnes mewnol y pwyllgor, neu fusnes mewnol y Cynulliad, i gael ei drafod.

Dogfennau atodol:

Y wybodaeth ddiweddaraf: Bil Drafft Cymru

(Tudalennau 17 – 23)

CLA(4)-24-15 – Papur 6 – Nodiadau o weithdy cyn y broses ddeddfu

CLA(4)-24-15 – Papur 7 – Nodiadau o weithdy cyn y broses ddeddfu

CLA(4)-24-15 – Papur 8 – Nodiadau o weithdy cyn y broses ddeddfu

Etifeddiaeth

(Tudalennau 24 – 175)

CLA(4)-24-15 – Papur 7 – Adolygiad o Waith y Pwyllgor, Chwefror 2014

CLA(4)-24-15 – Papur 8 – Adolygiad Canol Tymor

CLA(4)-24-15 – Papur 9 – Is-ddeddfwriaeth a wnaed gan Weinidogion Cymru o dan Ddeddfau'r Cynulliad

CLA583 - Gorchymyn Cynllunio Gwlad a Thref (Pwerau i Ddiystyru Hawddfreintiau a Cheisiadau gan Ymgymwrwr Statudol) (Cymru) 2015

Gweithdrefn: Cadarnhaol

Mae'r Gorchymyn hwn yn rhoi pwerau i awdurdodau lleol a chyrrff eraill i ddiystyru hawddfreintiau a hawliau eraill sydd fel arall yn cyfyngu ar eu defnydd o dir sydd wedi ei gaffael neu ei neilltuo at ddibenion cynllunio. Gellir gwneud hyn dim ond os yw'r defnydd yn unol â chaniatâd cynllunio.

Mae'r Gorchymyn hwn hefyd yn datgymhwyso'r gofyniad i Weinidogion Cymru a'r Gweinidog priodol i benderfynu ar geisiadau cynllunio ac apeliadau penodol ar y cyd pan fo'r cais wedi ei wneud gan yr ymgymwrwr statudol.

CLA584 - Rheoliadau Microsglodynnu Cŵn (Cymru) 2015

Gweithdrefn: Cadarnhaol

Mae'r Rheoliadau drafft yn darparu ar gyfer gorfodi gosod microsglodion ar gŵn a chofnodi manylion pob ci a manylion cyswllt ei berchennog ar gronfa ddata.

Mae'r Memorandwm Esboniadol yn nodi fel a ganlyn:

“These draft Regulations address the comments made by the Constitutional and Legislative Affairs Committee in respect of the draft Regulations laid on 24 June and subsequently withdrawn in July 2014. The withdrawal allowed for officials to carry out further work to develop the current policy. This included the detailed consideration of the Committee’s comments in relation to introducing standards for microchipping and database operators and the duties placed on owners and explore all options available to Welsh Government to best secure its policy aim.



CLA585 - Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Cymru) 2015

Gweithdrefn: Negyddol

Mae Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005 yn darparu ar gyfer atal y cyflwyniad a'r ymlediad o bla a chlefydon coed niweidiol (gan weithredu cyfraith UE).

Mae'r Gorchymyn hwn yn cymhwyso o ran Cymru ddarpariaethau penodol sydd wedi eu gwneud i ddiwygio Gorchymyn 2005 o ran Lloegr a'r Alban. Felly, mae'r Gorchymyn hwn yn darparu bod darpariaethau penodol yng Ngorchymyn 2005, sy'n gymwys o ran Lloegr a'r Alban yn unig ar hyn o bryd, yn gymwys hefyd o ran Cymru.

Mae'r Gorchymyn hwn hefyd yn gwneud diwygiadau canlyniadol i Orchymyn 2005.



Carl Sargeant AC
Y Gweinidog Cyfoeth Naturiol
Llywodraeth Cymru

8 Gorffennaf 2015

Annwyl Carl

Cynnig am Reoliad Ewropeaidd ar Organebau a Addaswyd yn Enetig

Yn ein cyfarfod ar 22 Mehefin 2015, gwnaethom ystyried cynigion y Comisiwn Ewropeaidd ar gyfer Rheoliad newydd ynghylch defnyddio bwyd a bwyd anifeiliaid a addaswyd yn enetig.

Nodwyd nad oes unrhyw awgrym ym Memorandwm Esboniadol Llywodraeth y DU y bydd y gweinyddiaethau datganoledig yn gallu gwneud eu penderfyniadau eu hunain ynghylch y Rheoliad arfaethedig. Gan fod materion sy'n gysylltiedig ag amaeth wedi'u datganoli, a allwch gadarnhau mai Llywodraeth Cymru a'r Cynulliad Cenedlaethol fydd yn penderfynu ar y mater hwn? Byddai'n ddefnyddiol hefyd pe gallech ddarparu manylion am unrhyw drafodaethau yr ydych wedi'u cael â Llywodraeth y DU ynglŷn â hyn.

Rydym yn ymwybodol bod nifer o seneddau a chynulladau rhanbarthol wedi mynegi pryderon am y cynigion, gan gynnwys seneddau Thüringen (yr Almaen), Rwmania ac Iwerddon. Dyma grynodedb o bryderon Senedd Talaith Thüringen:

“Bearing in mind the very strict legal requirements set out by the Commission in its proposal, it is highly questionable whether it is actually possible for a Member State to adopt opt-out measures in compliance with EU-law, especially with regards to the international obligations of the Union. Questionable is also to what extent the involvement of all 28 EU states in the mandatory notification and control procedure contributes to fulfil the intended objectives.”



Byddai gennym ddiddordeb clywed i ba raddau, os o gwbl, yr ydych chi'n cytuno â'r pryderon hyn.

Yn gywir

A handwritten signature in black ink that reads "David Melding". The signature is written in a cursive style with a long, sweeping tail on the final letter.

David Melding AC

Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

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





Ein cyf/Our ref LF/VG/0807/15

David Melding AC
Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Caerdydd
CF11 1NA

23 Medi 2015

Annwyl David,

Diolch am eich llythyr dyddiedig 8 Gorffennaf at Carl Sargeant AC, y Gweinidog Cyfoeth Naturiol, ynghylch cynigion y Comisiwn Ewropeaidd am fwyd a bwyd anifeiliaid a addaswyd yn enetig (GM). Rwy'n ymateb gan fod y mater hwn yn dod o fewn fy mhortffolio i.

Yr Asiantaeth Safonau Bwyd (ASB) yw'r awdurdod cymwys ar gyfer bwyd a bwyd anifeiliaid a addaswyd yn enetig (GM), ac fel Adran Anweinidogol y Llywodraeth, mae'r ASB yn cynghori Cynulliad Cenedlaethol Cymru a Gweinidogion Cymru drwof i fel y Dirprwy Weinidog Iechyd. Mae gan y Dirprwy Weinidog Ffermio a Bwyd ddi-ddordeb yn y mater hwn hefyd gan mai Gweinidogion Cymru yw'r awdurdod cymwys yng Nghymru at ddibenion rhyddhau organebau wedi'u haddasu'n enetig yn fwriadol i'r amgylchedd.

Fe ofynnoch yn benodol am allu gweinyddiaethau datganoledig i wneud eu penderfyniadau eu hunain mewn perthynas â'r ddeddfwriaeth arfaethedig hon. Mae'r ASB yn cynghori bod cynigion y Comisiwn Ewropeaidd i ddiwygio'r broses awdurdodi ar gyfer bwyd a bwyd anifeiliaid GM, a hynny drwy ddiwygio Rheoliad 1829/2003, yn dal i fod yn y camau cynnar ac nid oes digon o sicrwydd yn bresennol o ran sut y byddai'r cynigion yn gweithio yn weithredol.

Mae gan Weinidogion Cymru bwerau cyfredol mewn perthynas â bwyd a bwyd anifeiliaid yng nghydestun yr Undeb Ewropeaidd (UE). Mae Gorchymyn Cymunedau Ewropeaidd (Dynodi) (Rhif 2) 2005 yn dynodi Gweinidog Cymru at ddibenion Adran 2(2) o Ddeddf Cymunedau Ewropeaidd 1972 mewn perthynas â bwyd a bwyd anifeiliaid. At hynny, mae gan Weinidogion Cymru bwerau mewn perthynas â (yn yr iaith wreiddiol) "*measures relating to the control and regulation of the deliberate release, placing on the market and trans-boundary movement of genetically modified organisms*" o dan Orchymyn Cymunedau Ewropeaidd (Dynodi) (Rhif 4) 2003 Rhif 2901.

Byddai unrhyw asesiad i bennu p'un a yw'r bwerau a roddir drwy'r gorchymynion dynodi hyn yn ddigonol i ganiatáu i Weinidogion Cymru "wneud eu penderfyniadau eu hunain" yn golygu ystyried rheoliadau'r UE yn fanwl.

Roeddech chi hefyd yn holi am drafodaethau Llywodraeth Cymru â Llywodraeth y Deyrnas Unedig (DU). Mae'r ASB, fel yr awdurdod cymwys, yn sgwrsio'n rheolaidd â Llywodraeth y DU a'r Comisiwn Ewropeaidd mewn perthynas â'r cynnig hwn. Ysgrifennodd y Gwir Anrhydeddus Elizabeth Truss, Ysgrifennydd Gwladol dros yr Amgylchedd, Bwyd a Materion Gwledig, ataf yn ddiweddar i geisio fy marn ar y cynnig cyn cyfarfod Cyngor Amaeth a Physgodfeydd yr Undeb Ewropeaidd ym mis Gorffennaf.

Mae Llywodraeth Cymru yn cefnogi safbwynt Llywodraeth y DU, sef i beidio â chefnogi'r cynnig i ddiwygio Rheoliad 1829/2003, gan fod dadansoddiadau wedi codi nifer o bryderon:

- mae'n tansellio egwyddor marchnad sengl yr Undeb Ewropeaidd, egwyddor yr ydym ni'n ei chefnogi. Gallai effeithio ar ffrydiau masnach presennol mewn cynhyrchion GM i mewn ac o fewn yr UE;
- mae gwaharddiadau cenedlaethol am resymau nad ydynt yn ymwneud â diogelwch yn tansellio egwyddorion rheoliadau sy'n seiliedig ar wyddoniaeth, ac egwyddor caniatáu mynediad teg i'r farchnad ar gyfer cynhyrchion diogel;
- hyd yn hyn, nid ydym wedi gallu nodi rhesymau nad ydynt yn ymwneud â diogelwch a allai gydymffurfio â WTO neu a ellir eu hamddiffyn o dan gyfraith yr UE;
- mae sector da byw y DU yn dibynnu'n helaeth ar fwyd anifeiliaid GM a fewnforir, gan ddefnyddio mwy na 3 miliwn o dunelli y flwyddyn (70% o gyfanswm bwyd protein anifeiliaid y DU). Pe gwaherddir nifer o Aelod-wladwriaethau rhag defnyddio bwyd a bwyd anifeiliaid GM, gallai marchnad yr UE ddod yn llawer llai deniadol i'r prif wledydd allforio (Brasil, yr Ariannin ac Unol Daleithiau America (UDA)) ac nid ydym yn gwybod yr effaith ar gyflenwadau a chostau'r DU;
- yr effaith negyddol ar fasnach ryngwladol ehangach;
- mae eisoes wedi cael effaith andwyol ar drafodaethau ar gyfer Partneriaeth Buddsoddi mewn Masnach Drawsatlantig yr UE ac UDA.

Rwy'n nodi pryderon y Cynullidau eraill a amlinellir yn eich llythyr. Mae ein pryderon ynghylch y cynigion, a nodir uchod, yn awgrymu peth tebygrwydd, yn arbennig o ran cydymffurfiaeth y cynigion â chyfraith yr UE ac egwyddor y farchnad sengl.

Rwy'n anfon copi o'r llythyr hwn at Gadeirydd y Pwyllgor Amgylchedd a Chynaliadwyedd.



Vaughan Gething AC / AM
Y Dirprwy Weinidog Iechyd
Deputy Minister for Health

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref LF CS 0887 15

Alun Ffred Jones AM
Chair of the Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

29 September 2015

Dear Alun

ENVIRONMENT (WALES) BILL

I am writing following my appearance before the Environment and Sustainability Committee on 16 September. During this session, I committed to provide further information in response to some of the queries raised by the Committee to inform your consideration of the Bill.

Annex 1 to this letter contains the additional information requested during the Committee session.

One of the topics discussed related to the three 'area trials' that have been led by Natural Resources Wales (NRW). The area trials were designed to help to take forward NRW's approach to integrated natural resource management in line with the Welsh Government's commitments to achieve the sustainable management of natural resources, in addition to helping to inform the associated practical processes looking ahead to implementation of the Environment (Wales) Bill – particularly in relation to area statements – as well as the Well-being of Future Generations (Wales) Act requirements.

I have asked NRW to provide further information on the results of these trials to date, and more specifically, detail on what can be learned and developed in relation to the implementation of the area statements.

Annex 2 contains the letter issued by the Secretary of State to the First Minister on 11 September setting out his position in relation to the relevant consents for the Bill.

I hope that the attached information helps to inform further your forthcoming Committee report.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff

Tudalen y pecyn 7
Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence: Carl.Sargeant@wales.gsi.gov.uk
Printed on 100% recycled paper

I would like to take this opportunity to thank you for your detailed consideration of the Bill during Stage 1.

Yours sincerely

A handwritten signature in cursive script, reading "Carl Sargeant". The signature is written in black ink on a white background.

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources

Annex 1: Responses to further questions from Committee

This Annex sets out responses to the questions and clarifications raised in the Environment and Sustainability Committee session held on 16 September.

Part 1: Section 6 – Biodiversity and Ecosystems Resilience Duty

- 1) Provide information on how much of the land in Wales would be affected if Minister of the Crown consents is not provided in relation to section 6 of the Bill.**

On the basis of our initial assessment, the estimated total coverage of Crown land in Wales is 151,605 ha (or 374,624 acres). This equates to around 5% of the land mass of Wales.

If the Secretary of State for Wales does not give consent then any land in Wales which is Crown land may be exempt from the requirement to comply with the duty in section 6.

In Wales, Crown land includes a diverse property portfolio, including substantial areas of common land, agricultural holdings and a range of mineral interests. It also includes 65 per cent of the foreshore and the seabed out to 12 nautical-miles.

Land that is managed by the MoD is a substantial part of the Crown land, with an estate equal to over 1% of the UK land mass. The MoD holds 228,000 hectares of land and foreshore (either freehold or leasehold), with access to a further 204,900 hectares from various rights and grants, much of this forms the training estate. In total this is about 1.8% of the UK land mass.

There are also other UK Government departments and agencies holding land in Wales to which section 6 of the Bill would apply, if consent was given. This includes property managed by Her Majesty's Prisons Service, police forces, courts, Home Office, Driver and Vehicle Licensing Authority, Department for Work and Pensions. This would be additional to the estimate above. However, our initial assessment indicates that this is unlikely to add more than 1% to this figure.

2) Provide information on the current law in relation to existing controls to prohibit and rectify serious pollution on Crown land.

The current legislative framework for pollution control that governs how pollution is regulated and monitored in Wales will continue to apply and will not be affected by the new biodiversity duty under section 6 of the Bill. Such legislation covers air, land and water pollution and includes the Environmental Permitting (England and Wales) Regulations 2010, the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009, the Water Resources Act 1991 and the Pollution Prevention and Control Act 1999, to name but a few. Government departments managing Crown land in Wales will continue to be under a duty to comply with this legislation which, if consent is given, will apply alongside the biodiversity duty.

3) Provide information on the impact of the biodiversity duty on public authorities.

What would be different under the Bill is the strengthening of the existing biodiversity duty under section 40 of the Natural Environment and Rural Communities Act 2006. The current duty requires public authorities to 'have regard' to the purpose of conserving biodiversity and therefore it merely requires a public authority to consider biodiversity rather than require action to be taken. The new duty under section 6 of the Bill will require public authorities to be more proactive in relation to biodiversity, by obliging them to 'seek to maintain and enhance' biodiversity.

It is intended that the new duty will also illustrate to public authorities the vital role of biodiversity in ecosystem resilience and enable them to apply a more holistic approach to maintaining and improving biodiversity.

Not extending the duty would increase the risk of Wales not meeting its commitment to halt the loss of biodiversity. Declining biodiversity in turn increases the risk of declining ecosystems and consequently declining quality of ecosystem services and therefore a loss of economic, social and environmental benefits.

Examples of what public authorities could do to seek to maintain and enhance biodiversity are below.

- Letting grass grow longer at certain times of year and in certain places, before cutting it, to provide a more varied structure, encourage wild flowers, and enhance wildlife habitats (something we believe that certain UK Government Departments are doing);

- Consideration of biodiversity as part of a site's Environmental Management System (something we believe that certain UK Government Departments are doing).
- Allowing some weedy areas to provide food for birds and animals;
- Use of native tree and plant species.

Many of these examples can already fall under how a public authority at present may contribute to the section 40 duty so I do not believe that the enhanced duty will present a significant increase to their current responsibilities.

Specifically, while the new duty will include a reporting requirement, this is not expected to be a detailed or lengthy report. Public authorities could, for example, comply with it by including a couple of pages about biodiversity within any of their existing reports. The aim of this reporting duty is that public authorities should report every three years in a specific document or another suitable report on what steps they have taken to comply with their statutory obligations. There is a similar reporting requirement in Scotland.

4) Provide information on how the Bill will demonstrate how it measures progress made to halt the decline in biodiversity.

An integral component of the new duty on public authorities is to report on how they are delivering on the biodiversity duty in section 6(5) of the Bill. They will therefore be under a requirement to report on what actions they have taken. Public authorities should report every three years and can elect to report in either a specific document or another suitable report on what steps they have taken to comply with their statutory obligations - the first report would need to be published by the end of the 2019.

By linking biodiversity to the resilience of ecosystems, it will assist public authorities to have an increased understanding of the multiple benefits that biodiversity and ecosystems provide, for example, tackling climate change, improving health and well-being and providing opportunities for green growth.

Measuring progress is a key component of the Bill and is integral to the delivery framework for the sustainable management of natural resources. The State of Natural Resources Report, the National Natural Resources Policy and area statements, each contribute to measuring of such progress.

The State of Natural Resources Report will include an assessment of the state of natural resources (including the biological) in Wales and how their sustainable management is being achieved; this will include an assessment of the resilience of ecosystems and therefore the biological diversity.

The National Natural Resources Policy and area statements will consider all of the natural resources as defined in the Bill and will provide the overall natural resource management context both nationally and for specific areas, within which biodiversity action can be delivered.

In meeting the “resilience goal” in the Well-being of Future Generations Act (Wales) 2015 public authorities will also be required to consider biodiversity. Public bodies will have to demonstrate how they are working towards all of the goals. The new duty under section 6 of the Bill will need to be considered within this framework, in particular the well-being goals and the indicators and milestones introduced by that Act.

Part 4 – Collection and Disposal of Waste

5) Provide an explanation on the decision to exclude enzyme bio-digesters from the assessment undertaken to inform the Regulatory Impact Assessment (RIA).

We did not consider food waste bio-digester systems within the IRIA. The two following scenarios were modelled:

- Firstly, a baseline reflecting the existing situation, whereby 21,000 tonnes of food waste is disposed of to sewer via macerator by businesses and the public sector. Bio-digesters, which are a method of treating food waste prior to disposal to sewer, have little market penetration within Wales, and were therefore not included within the baseline modelling.
- Secondly, a situation whereby food waste disposal to sewer was banned, in support of our policy of maximising the amount of food waste available for energy production and high quality fertiliser. As enzymic bio-digesters result in the disposal of food waste to sewer, they were not relevant to the option and therefore were not included within the modelling.

We are aware that the Mechline Waste₂O bio-digester has received certification from WRc regarding the safety of its discharge of effluent to sewer. However, the purpose of the proposed ban to sewer is to maximise the amount of food waste available for energy production and high quality fertiliser. The safety of disposal of treated waste to sewer, though an important consideration to the water authorities, is not an issue.

Part 6 – Marine Licensing

6) **Confirm that NRW will be able to retain the fees raised from marine licensing charges for reinvestment in that service?**

As I outlined in the Committee session on 16 September, marine licensing fees are currently retained for the benefit of the marine licensing authority. It is intended that this arrangement will continue for both existing fees and the extended charging powers set out in Part 6 of the Bill. However, any proposal to retain marine licensing fees, rather than paying these fees to the consolidated fund, will continue to be subject to approval pursuant to the financial provisions of Part 5, Finance - of the Government of Wales Act 2006.

Alongside the introduction of the Bill, and working in partnership with Natural Resources Wales, officials are undertaking a review of applicable fees. The review will consult on the level of fees and the use and level of the new charging powers. The overall aim of the fees review is to provide a fit for purpose, robust, proportionate, fair and transparent regime for charging for costs associated with marine licensing.

With adequate cost recovery, it is anticipated that the marine licensing authority will be able to respond to requests from applicants more readily, giving applicants more certainty that timescales will be met and that the service provides value for money.



Wales Office
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Rt Hon Stephen Crabb MP
Secretary of State for Wales

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Rt Hon Carwyn Jones AM
First Minister
Welsh Government
Cardiff Bay
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CF99 1NA

Ref: 397SUB 15

11th September 2015


Environment (Wales) Bill

You wrote to me on 7 August 2015 seeking formal Secretary of State consent for the functions of Ministers of the Crown to be modified by sections 6, 11(3)(b), 21 and 22(2) of the Bill as introduced. I am content to provide consent for sections 11(3)(b), 21 and 22(2). I am, however, withholding consent for section 6 at this time.

As well as a duty to seek to maintain and enhance biodiversity in the exercise of their functions, section 6 includes a new duty on those public bodies (including Ministers of the Crown) to report every three years on what has been done to comply with the biodiversity duty.

Since the Bill's introduction, my officials have discussed these provisions with a number of departments. Concerns have been raised about the duties imposed by section 6 and the additional burdens this may place, not just on Ministers of the Crown, but also on bodies carrying out wholly or mainly non-devolved functions in Wales.

We have sought to gain further clarity on these duties from your officials and suggested minor amendments to address shared concerns. However, it remains our view that the duties imposed in this section will be more onerous than the duty on which they are based, in section 40 of the Natural Environment and Rural Communities Act 2006.

I know our respective officials, and those across Whitehall, have worked hard to resolve issues with the Bill and I am encouraged by the joint working that has taken place. Through further negotiation I am confident that our officials can reach a resolution to the remaining issues in the Bill which will allow you to meet your policy objectives.

Rt Hon Stephen Crabb MP
Secretary of State for Wales


Tudalen y pecyn 15



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL Gosod Microsglodion ar Gŵn yng Nghymru

DYDDIAD 29 Medi 2015

GAN Rebecca Evans AC, y Dirprwy Weinidog Ffermio a Bwyd

Rydw i'n falch i gyhoeddi bod y Rheoliadau drafft a fydd yn ei gwneud hi'n orfodol i osod microsglodyn ar bob ci yng Nghymru wedi eu gosod gerbron Cynulliad Cenedlaethol Cymru i'w hystyried. Cynhelir trafodaeth ar hyn yn y Cyfarfod Llawn ar 27 Hydref.

Wrth fynd â nhw yn eu blaen, gwnaethom gyflwyno ein Rheoliadau drafft, ynghyd â'r Aseiad Effaith Rheoleiddiol, i'r Aelod-wladwriaethau drwy'r Comisiwn Ewropeaidd. Cafwyd cyfnod o aros o 3 mis ac ni chafwyd unrhyw wrthwynebiadau gan yr Aelod-wladwriaethau na'r Comisiwn Ewropeaidd.

Rydym bellach yn mynd ati i gyflwyno'r drefn orfodol o osod microsglodyn ar bob ci yng Nghymru ym mis Ebrill 2016; mae hyn yn unol â'r dyddiad a gyhoeddwyd ar gyfer cyflwyno'r drefn orfodol o osod microsglodyn ar gŵn yn yr Alban ac yn Lloegr.

Mae fy swyddogion wedi bod yn gweithio'n agos gyda swyddogion cyfatebol yn Lloegr ar faterion trawsffiniol gan fod cŵn yn cael eu symud dros y ffin rhwng Cymru a Lloegr yn rheolaidd. Rydw i'n gallu gweld y manteision a ddaw o gydweithio'n agos. Hefyd, o gofio bod y rhai sy'n cynnig gwasanaethau microsglodynnu yn gweithio ledled Cymru a Lloegr, mae gofyn cysoni safonau a chyd-drefnu'n gwaith yng Nghymru a Lloegr.

Mae lles anifeiliaid yn un o flaenoriaethau Llywodraeth Cymru a hynny'n unol â'r Fframwaith Iechyd a Lles Anifeiliaid. Credir yn gryf y bydd gosod microsglodion yn cael effaith bositif ar y drefn o gysylltu cŵn â'u perchnogion, ac yn y pendraw, yn cysylltu'r cŵn yn ôl at y bridwyr. Bydd hynny'n annog perchnogion i fod yn fwy cyfrifol.

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

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Eitem 4.2

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

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