

# Agenda – Climate Change, Environment, and Infrastructure Committee

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Meeting Venue:

Hybrid: Committee room 4 Tŷ Hywel  
and video Conference via Zoom

Meeting date: 9 February 2023

Meeting time: 09.30

For further information contact:

Marc Wyn Jones

Committee Clerk

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**Private pre-meeting (09.15–09.30)**

**Public meeting (09.30–11.40)**

**1 Introductions, apologies, substitutions and declarations of interest**

(09.30)

**2 Carbon Budget 1 and Net Zero Wales**

(09.30–10.30)

(Pages 1 – 14)

Lord Deben, Chair – Climate Change Committee

Marili Boufounou, Devolved Administrations Analyst – Climate Change Committee

James Tarlton, Senior Analyst, Carbon Budgets – Climate Change Committee

Attached Documents:

Research brief – Carbon Budget 1 and Net Zero Wales Progress

**Break (10.30–10.40)**



### **3 Bus and coach net zero – briefing by the Confederation of Passenger Transport (CPT)**

(10.40–11.40)

(Pages 15 – 18)

Graham Vidler, Chief Executive – Confederation of Passenger Transport

Report: [Bus and Coach: the route to net zero in Wales](#)

Attached Documents:

Technical brief – Bus and coach net zero

### **4 Papers to note**

(11.40)

#### **4.1 Retained EU Law (Revocation and Reform) Bill**

(Pages 19 – 31)

Attached Documents:

Letter from the Chair, Legislation, Justice and Constitution Committee to the Llywydd in relation to the Retained EU Law (Revocation and Reform) Bill

Letter from the Counsel General and Minister for the Constitution to the Chair, Legislation, Justice and Constitution Committee in relation to the Retained EU Law (Revocation and Reform) Bill

#### **4.2 The Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023**

(Page 32)

Attached Documents:

Letter from the Minister for Climate Change to the Chair in relation to the Packaging Waste (Data Collection and Reporting) (Wales)

#### **4.3 Public Appointments**

(Pages 33 – 34)

Attached Documents:

Letter from the Chair to the Chair of the Public Accounts And Public

Administration Committee in relation to their inquiry into Public Appointments

**5 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from items 6,7,8,9,10 and 12 of today's meeting**

(11.40)

**Private meeting (11.40–12.40)**

**6 Consideration of evidence received under items 2 and 3**

**7 Areas of Research Interest – technical briefing**

(Pages 35 – 41)

Attached Documents:

Research brief – Areas of Research Interest

**8 Provisional Common Framework: Resources and waste – technical briefing**

(Pages 42 – 50)

Attached Documents:

Research brief – Provisional Common Framework: Resources and waste

**9 Consideration of the Committee's draft report on the National Infrastructure Commission for Wales (NICW)**

(Pages 51 – 59)

Attached Documents:

Draft report: Annual report on the National Infrastructure Commission for Wales – 2022–23

## **10 Consideration of the Committee's draft report on the Legislative Consent Memoranda for the Levelling-up and Regeneration Bill**

(Pages 60 – 63)

Attached Documents:

Draft report on the Legislative Consent Memoranda for the Levelling-up and Regeneration Bill

**Lunch break (12.40–13.20)**

**Private pre-meeting (13.20–13.30)**

**Public meeting (13.30–15.00)**

## **11 Annual scrutiny of Natural Resources Wales**

(13.30–15.00)

(Pages 64 – 92)

Clare Pillman, Chief Executive – Natural Resources Wales

Ceri Davies, Executive Director for Evidence, Policy & Permitting – Natural Resources Wales

Rachael Cunningham, Executive Director for Finance and Corporate Service – Natural Resources Wales

[Natural Resources Wales Annual Report and Accounts 2021–2022](#)

Attached Documents:

Research brief – Annual scrutiny of Natural Resources Wales

Paper – Natural Resources Wales

**Private meeting (15.00–15.15)**

**12 Annual scrutiny of Natural Resources Wales – consideration of evidence received under item 11**

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Rt Hon Elin Jones MS  
Llywydd  
Chair, Business Committee

27 January 2023

Annwyl Lywydd

### Retained EU Law (Revocation and Reform) Bill

Further to my [letter](#) of 21 December 2022 in relation to the Retained EU Law (Revocation and Reform) Bill, at our meeting on [23 January 2022](#) we considered a [letter](#) from the Counsel General (dated 19 January) which responds to a series of questions we [asked](#) following the Counsel General's attendance at our meeting on [5 December](#). On 23 January, we also considered your [letter of 19 January](#), in which you asked if we could continue to draw relevant matters to the attention of Business Committee, in particular those aspects with potential implications for Senedd Business.

The Counsel General's letter of 19 January provides an update on the Welsh Government's approach to the Bill, as well as information on how it is reviewing retained EU law, matters related to capacity and resource, and the impact on and role of the Senedd.

We agreed that we would draw the correspondence to your attention, and to the attention of relevant Senedd Committees.

Yours sincerely,



Huw Irranca-Davies  
Chair



Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution



Llywodraeth Cymru  
Welsh Government

Huw Irranca-Davies AS  
Cadeirydd  
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad  
Senedd Cymru  
[SeneddDCC@senedd.cymru](mailto:SeneddDCC@senedd.cymru)

19 Ionawr 2023

Annwyl Huw,

Diolch am eich llythyr dyddiedig 14 Rhagfyr yn gofyn am ymateb i gwestiynau yn dilyn fy ymddangosiad ar 5 Rhagfyr mewn perthynas â Bil Cyfraith yr UE a Ddargedwir (Dirymu a Diwygio). Rydym yn ddiolchgar i'r Pwyllgor am ei waith cydwybodol i ystyried goblygiadau'r Bil hwn.

Mae'r ymatebion i'ch cwestiynau ar gael mewn Atodiad i'r llythyr hwn. Fodd bynnag, i roi'r rhain yn eu cyd-destun priodol, hoffwn wneud dau sylw pwysig a hanfodol efallai y bydd y Pwyllgor am eu hystyried wrth weithio ar y Bil.

Yn gyntaf, mae Llywodraeth Cymru yn gryf yn erbyn holl fwriad y Bil. Yn gyffredinol, ein safbwynt ni yw bod cyfraith yr UE a ddargedwir, fel cyfraith yr UE cyn hynny, yn gweithio'n dda. Felly, ac eithrio diwygio'r gyfraith yn raddol fel sy'n briodol drwy gasglu tystiolaeth, ymgynghori â'r cyhoedd, a chwblhau trefniadau craffu deddfwriaethol yn y ffordd arferol, dros amser fel sy'n wir gydag unrhyw gorff o gyfreithiau, nid oeddem yn bwriadu diddymu, dirymu na diwygio cyfraith yr UE a ddargedwir erbyn terfyn amser mympwyol am resymau ideolegol. Fodd bynnag, mae cynnig deddfwriaeth fel hon a fyddai, yn anochel, yn diddymu mesurau diogelu economaidd, cymdeithasol ac amgylcheddol hanfodol yn annerbyniol ac yn anghyfrifol. Mae hyn yn arbennig o wir o ystyried y defnydd o amser gwerthfawr gan lywodraethau a deddfwrfeydd pan mai

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

canlyniad rhan helaeth o'r gwaith hwn yn syml fydd cadw yn y gyfraith y darpariaethau hanfodol hynny y byddai'r Bil yn eu dileu'n awtomatig fel arall. Ni fydd y gwaith ofer hwn o unrhyw fudd i neb, ac mae'n ddefnydd anffodus o adnoddau cyfyngedig yn Llywodraeth Cymru a Llywodraeth y DU, o ganlyniad i'r penderfyniadau a wnaed gan Weinidogion Llywodraeth y DU.

Yn ail, Bil galluogi yw'r Bil yn y bôn, a bydd ei holl oblygiadau yn dibynnu ar ddewisiadau polisi gan Weinidogion Llywodraeth y DU ynghylch pa ddarnau o ddeddfwriaeth y dylid eu cadw, eu diwygio neu eu gadael i fachludo. Oni bai ein bod yn cael yr wybodaeth fanwl honno, a than ei bod wedi dod i law, mae pob un ohonom yn gweithio mewn sefyllfa ansicr iawn, gyda'r anawsterau amlwg y mae'n eu hachosi i Lywodraeth Cymru, ac i'ch Pwyllgor yn eich rôl craffu. Gobeithio y bydd modd inni barhau i gydweithio wrth ymdrin â'r Bil hwn o dan yr amgylchiadau anffodus hyn, gan gydnabod ein gwahanol rolau sefydliadol, ond hefyd ein buddiannau cyffredin o ran uniondeb y setliad datganoli.

Yn gywir,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution

## ATODIAD

### Cyfraith yr UE a ddargedwir a wnaed yng Nghymru

- 1. Gwnaethoch ddweud wrthym fod yn rhaid i ffocws Llywodraeth Cymru fod, yn gyntaf, ar sicrhau bod cyfraith ein hunain yr UE a ddargedwir yn cael ei dadansoddi a'i dargadw ac mai'r gyfraith sydd wedi'i gwneud yng Nghymru sy'n cael ffocws (Cofnod y Trafodion, 242). A yw'r dadansoddiad hwnnw wedi'i gwblhau? Os nad yw, beth yw eich dyddiad targed i'w gwblhau?**

Rydym yn gweithio tuag at gael rhestr derfynol o gyfraith yr UE a ddargedwir cyn gynted ag y bo modd. Mae hon yn dasg gymhleth, a byddwn yn fwy na pharod i rannu'r newyddion diweddaraf am gynnydd â'ch Pwyllgor.

### Adolygu cyfraith yr UE a ddargedwir

- 2. Gwnaethoch chi a'ch swyddogion ddweud bod timau polisi Llywodraeth Cymru yn gweithio'n agos gyda'u timau cyfatebol yn Whitehall i ddadansoddi taenlenni o ddata a luniwyd gan yr adrannau yn Whitehall i weld a ydych yn cytuno â'r dadansoddiad hwnnw (Cofnod y Trafodion, 242 i 254). Beth yw'r dyddiad targed i gwblhau'r gwaith hwnnw?**

Er ein bod wedi cael rhywfaint o wybodaeth gan Lywodraeth y DU nid yw'n gynhwysfawr. Rydym yn parhau i gael gwybodaeth fesul tipyn, ond rydym yn ystyried unrhyw wybodaeth ac yn mynd i'r afael â hi wrth iddi ddod i law. Gobeithio y bydd darlun mwy llawn gennym yn y dyfodol agos fel y bydd modd inni gynnal asesiad priodol ohoni.

### Dull Llywodraeth Cymru

- 3. A yw Llywodraeth Cymru wedi cael sicrwydd gan Lywodraeth y DU na fydd yn newid nac yn dileu cyfraith yr UE a ddargedwir ddatganoledig heb gydsyniad Llywodraeth Cymru? Os felly, a yw Llywodraeth y DU yn bwriadu diwygio'r Bil i adlewyrchu'r ymrwymiad hwn?**

Rydym yn parhau i drafod â Llywodraeth y DU am y mater hwn, ond yn dal i aros am y sicrwydd angenrheidiol.

- 4. Gwnaethoch ddweud wrthym os na chymerir mesurau i allu nodi a deall yr hyn y dymunir ei ddargadw, y bydd popeth arall yn mynd (Cofnod y Trafodion, 295). At hynny, gwnaethoch ddweud nad ydych wedi penderfynu eto ar eich dull o ddargadw cyfraith yr UE a ddargedwir ond eich bod am sicrhau bod Llywodraeth Cymru yn canolbwyntio ar y meysydd pwysicaf.**
  - a. Felly, a allwch gadarnhau nad ydych yn bwriadu arbed holl gyfreithiau'r UE a ddargedwir mewn meysydd datganoledig?**
  - b. Ar ba sail y byddwch yn penderfynu pa feysydd sydd bwysicaf i Lywodraeth Cymru?**

- c. **A allwch ddweud wrthym pa feysydd yw'r rhain neu, os na allwch, pryd y byddwch yn gallu dweud wrthym?**
- d. **Beth yw'r risgiau i'r meysydd y bernir nad ydynt yn bwysig neu eu bod yn llai pwysig a sut y penderfynwyd arnynt?**
- e. **Sut y byddwch yn lliniaru ac yn rheoli'r risgiau sy'n gysylltiedig â hyn, yn enwedig os nad ydych yn cynnal eich asesiad effaith eich hunan (Cofnod y Trafodion, 256)?**

Nid ydym yn bwriadu gadael i gyfraith yr UE a ddargedwir mewn meysydd datganoledig ddod i ben, oni bai bod rhesymau da iawn dros wneud hyn. Fodd bynnag, fel mater o lywodraethu da, bydd angen sicrhau bod ein safbwynt terfynol ar offerynnau penodol yn ystyried unrhyw benderfyniadau a wneir gan Lywodraeth y DU mewn perthynas â chyfraith bresennol yr UE a ddargedwir ar gyfer Lloegr; neu, mewn perthynas â chyfraith bresennol yr UE a ddargedwir ar faterion a gedwir yn ôl sy'n effeithio ar faterion datganoledig yng Nghymru. Pan fo Llywodraeth y DU am adolygu unrhyw ddarn o gyfraith yr UE a ddargedwir sy'n effeithio ar fater datganoledig, byddwn yn disgwyl i Lywodraeth y DU fynd ati i gydweithio â ni ar hyn.

At hynny, rydym yn awyddus i gadw holl gyfreithiau'r UE a ddargedwir sy'n ymwneud â Chymru, yn ddarostyngedig i'r cafeat uchod.

- 5. **Gwnaethoch ddweud wrthym y gallech fabwysiadu dull brysbennu, lle rydych yn ceisio nodi'r meysydd y mae'n amlwg eu bod yn ymwneud â materion datganoledig fel y materion pwysicaf, yn hytrach na materion technegol, er mwyn sicrhau y canolbwyntir ar y meysydd pwysicaf (Cofnod y Trafodion, 277). Beth yw ystyr materion technegol yn y cyd-destun hwn?**

Rydym yn aros i gael rhestr gyfoes a chynhwysfawr o gyfreithiau'r UE a ddargedwir, a datganiadau o fwriad y polisi o ran offerynnau'r cyfreithiau hyn gan Lywodraeth y DU. O ystyried pa mor gymhleth yw'r cydberthnasau rhwng ac o fewn cyfreithiau'r UE a ddargedwir yn y DU, bydd gwybodaeth am fanylion bwriadau'r DU yn ein helpu i ddadansoddi'r darnau o gyfraith yr UE a ddargedwir y gellid eu cadw heb arwain at gymhlethdodau (ac felly byddai angen darn o waith technegol er mwyn eu cadw, ond dim mwy na hynny). Bydd hefyd o gymorth inni ddadansoddi'r cyfreithiau hynny y mae angen eu hystyried yn ddyfnach o ran pa un a ddylwn eu cadw ai peidio a sut, er enghraifft, am fod Llywodraeth y DU yn cynnig eu diddymu neu eu diwygio o ran Lloegr neu mewn perthynas â materion a gedwir yn ôl sy'n effeithio ar faterion datganoledig yng Nghymru.

- 6. **Gwnaethoch ddweud wrthym eich bod yn credu bod y Bil wedi creu cryn ansicrwydd i Lywodraeth Cymru. Fodd bynnag, mae rhanddeiliaid wedi eich cyhuddo o fegino/waethygu hyn drwy beidio â nodi eich dull yn glir. I ba raddau y gallai Llywodraeth Cymru leihau'r ansicrwydd hwn?**
- 7. **Beth y bydd Llywodraeth Cymru yn ei wneud i roi sicrwydd i randdeiliaid o'i strategaeth gyffredinol mewn perthynas â chyfraith yr UE a ddargedwir ac am y camau y mae'n eu cymryd i ymdrin â'u pryderon?**

O ran Cwestiynau 6 a 7, fel y nodwyd yn y llythyr eglurhaol, menter Llywodraeth y DU yw'r Bil, ac nid ydym yn cytuno ag ef. Ymrwymiad Llywodraeth y DU i'r Bil, heb eglurder

ynghylch beth fydd yn digwydd i bob darn o ddeddfwriaeth, sy'n creu'r ansicrwydd. Prin iawn fydd ein gallu i liniaru hynny i randdeiliaid yng Nghymru tan ein bod wedi cael yr eglurder hwnnw gan Lywodraeth y DU. Rydym yn bwriadu ymgysylltu â'r Senedd ac â rhanddeiliaid ar y gwaith hwn.

**8. Gwnaethoch ddweud wrthym y bydd Llywodraeth Cymru am ddargadw cyfraith ac na fydd am i safonau ostwng. Felly, bydd am sicrhau ei bod yn dargadw safonau. (Cofnod y Trafodion, 277). Sut y byddwch yn cynnal neu'n gwella safonau os ydynt yn cael eu gwanhau neu eu lleihau o dan y Bil, naill ai drwy hepgoriad neu drwy gamau a gymerir gan Lywodraeth y DU?**

Mae safbwynt Llywodraeth Cymru yn glir fel y nodwyd uchod yng Nghwestiwn 4: Nid oes gennym awydd na bwriad i ddi-ddymu unrhyw gyfraith yr UE a ddargedwir sy'n gymwys i Gymru ac sydd o fewn maes lle mae cymhwysedd wedi ei ddatganoli, nac i adael i unrhyw gyfraith o'r fath ddod i ben o ganlyniad i'r Bil, oni bai bod rhesymau da iawn dros wneud hyn. Fodd bynnag, fel y nodwyd uchod, o ganlyniad i ymwahanu trawsffiniol, bydd angen inni ystyried safbwynt a bwriadau Llywodraeth y DU wrth wneud ein penderfyniadau, o ran y goblygiadau i Gymru o arfer dulliau penodol mewn meysydd polisi penodol.

Arbed cyfraith yr UE a ddargedwir

**9. Gwnaethoch ddweud y daw'r cymhlethdod o wybod maint yr hyn y mae Llywodraeth Cymru yn mynd i'w wneud. Er enghraifft, mewn maes enfawr â 3,800 neu fwy o ddarnau o ddeddfwriaeth, os yw Llywodraeth y DU yn penderfynu y dylai ddargadw nifer fawr ohonynt, mae hynny'n datrys rhan o'r broblem. Mae'n datrys rhan o'r broblem ac yn ei gwneud yn llawer haws rheoli'r meysydd sydd heb eu dargadw.**

- a. Mae hyn yn awgrymu i ni y bydd Llywodraeth Cymru yn gohirio penderfyniadau a chamau i Lywodraeth y DU wneud rheoliadau. A yw hyn yn gywir? Oes gennych bryderon am yr hyn y mae'r dull hwn yn ei olygu ar gyfer Cymru, gan gynnwys y Senedd?**

Byddai'n well gennym gadw holl gyfreithiau'r UE a ddargedwir sy'n gymwys i Gymru, oni bai bod rhesymau da iawn dros beidio â gwneud hynny. Yn gyffredinol, os bydd Llywodraeth y DU yn cadw darn o gyfraith yr UE a ddargedwir ar gyfer Lloegr, wedyn mwy na thebyg byddwn yn gwneud yr un peth mewn cysylltiad â materion datganoledig yng Nghymru. Byddai angen ystyried hefyd sut yn ymarferol y byddai modd cyflawni hyn.

- b. A fydd Llywodraeth Cymru yn aros i weld yr hyn y mae Llywodraeth y DU yn ei arbed ac yn penderfynu wedyn ar yr hyn y mae angen iddi hi ei hun ei arbed?**

Fel y nodwyd yn yr ateb i a. uchod, byddai'n well gennym gadw holl gyfreithiau'r UE a ddargedwir sy'n gymwys i Gymru, oni bai bod rhesymau da iawn dros beidio â gwneud hynny. Fodd bynnag, os bydd Llywodraeth y DU yn penderfynu newid cyfraith yr UE a ddargedwir ar ochr Lloegr o'r ffin, mae penderfyniadau cymhleth ynghylch polisiâu y mae angen eu gwneud. Byddai angen asesu'n briodol y goblygiadau economaidd,

cymdeithasol ac amgylcheddol a'r risgiau i Gymru ar gyfer pob un o'r meysydd hyn o newid i'r sefyllfa bresennol a fyddai'n cael eu cyflwyno gan Lywodraeth y DU. Bydd angen ystyried yn yr un ffordd y newidiadau a gynigir gan Lywodraeth y DU i ddeddfwriaeth a gedwir yn ôl sy'n effeithio ar faterion datganoledig yng Nghymru.

### Gwelliannau

**10. Yn ogystal â'r gwelliant unigol i'r Bil rydym yn gwybod eich bod wedi gofyn amdano (mewn perthynas â gallu Gweinidogion Cymru i estyn dyddiad machlud hyd at 23 Mehefin 2026), gwnaethoch ddweud y byddech yn annog newidiadau sy'n rhoi'r gwarantau a geisiwyd a gwnaethoch sôn yn benodol am bwerau cydredol yn y Bil a phwerau swyddogion y gyfraith mewn llywodraethau datganoledig (Cofnod y Trafodion, 285). Gwnaethoch ddweud hefyd y byddai Llywodraeth Cymru yn gwneud y pethau arferol o ran sesiynau briffio a thrafodaethau, o ran ymgysylltu â Llywodraeth y DU a phartion â buddiant, y byddant oll yn gwneud eu sylwadau eu hunain (Cofnod y Trafodion, 289).**

- a. Pa newidiadau penodol i'r Bil ydych yn eu ceisio?
- b. A allwch gadarnhau eich bod wedi gwneud ceisiadau ffurfiol i Lywodraeth y DU ac, os nad ydych wedi, pryd y byddwch yn gwneud hynny?
- c. Pam nad yw eich newidiadau arfaethedig wedi'u nodi yn eich Memorandwm Cydsyniad Deddfwriaethol, sy'n rhestru un gwelliant yn unig, i'w ystyried gan y Pwyllgor hwn a'r Senedd ehangach?
- d. Gwnaethoch ddweud y gallwn ddisgwyl i Lywodraeth Cymru gyflwyno mwy o welliannau a'ch bod wedi'u nodi. Pryd y bydd y Senedd yn cael cyfle i graffu arnynt?
- e. Rydych yn sôn mai opsiwn sydd ar gael i Lywodraeth Cymru yw dibynnu ar eraill i gyflwyno gwelliannau sy'n adlewyrchu eich safbwynt, yn hytrach na gweithredu ar y cyd. A allech roi mwy o wybodaeth am hyn a chadarnhau pwy yw "eraill" yn y cyd-destun hwn?

Rydym wedi bod yn cysylltu â Llywodraeth y DU dros nifer o fisoedd i drafod y pryderon sydd gennym am y Bil. Fel y nodwyd yn y Memorandwm Cydsyniad Deddfwriaethol, mae'r rhain yn ymwneud â phwy sy'n cael arfer y pŵer i estyn y terfyn amser ar gyfer machludo, ond maent hefyd yn ymwneud â mater cydsyniad ar gyfer arfer pwerau cydredol gan Weinidogion Llywodraeth y DU mewn meysydd datganoledig, y terfyn amser penodol ar gyfer machludo, y baich rheoleiddio a'r pwerau o ran ymyrryd a chyfeirio sy'n arferadwy gan Swyddogion y Gyfraith yn y DU. Rydym wedi gofyn am newidiadau i'r Bil mewn perthynas â phob un o'r materion hyn. Rydym wedi codi'r materion hyn mewn gohebiaeth â Gweinidogion arweiniol y DU ar gyfer y Bil, mewn cyfarfodydd â Gweinidogion ac yn fy ymateb ysgrifenedig ar y Bil i'r Pwyllgor Biliau Cyhoeddus, gyda'r nod o sicrhau gwelliannau i fynd i'r afael â nhw.

Er ein bod wedi gobeithio y byddai modd gwneud cynnydd, ac y byddai synnwyr cyffredin yn ennill y dydd, nid yw Gweinidogion Llywodraeth y DU wedi rhoi sicrwydd inni eto eu bod yn fodlon gwneud newidiadau i'r Bil i fynd i'r afael â'n pryderon.

Ar y cyd â cheisio sicrhau newidiadau i'r Bil gan Lywodraeth y DU, roedd y Bil ymhlith y pynciau hynny a drafodwyd ag aelodau Tŷ'r Arglwyddi yr wythnos diwethaf.

**11. O dan gymal 15 o'r Bil, bydd Gweinidogion yn cael eu hatal rhag cynyddu'r baich rheoleiddio wrth ddirymu neu amnewid cyfraith yr UE a ddargedwir. Gwnaethoch sôn bod hyn yn gyfyngiad sy'n gwbl annerbyniol (Cofnod y Trafodion, 269). Felly, pam nad ydych wedi gofyn am welliant i ddileu'r cyfyngiad hwn o'r Bil?**

Gweler yr ateb i gwestiwn 10 uchod.

**12. Rydych wedi gwneud sylwadau o'r blaen am y pwerau enfawr a fydd yn cael eu rhoi i Weinidogion drwy'r Bil hwn. Gwnaethoch ddweud wrthym fod y rhain yn bwerau na fyddai'n ddymunol, dan amgylchiadau arferol, eu rhoi i lywodraethau. At hynny, gwnaethoch ddweud nad yw'n gwestiwn a yw Llywodraeth Cymru am eu cael. Mae'n debyg na fydd dewis – bydd yn rhaid arfer y pwerau er mwyn dargadw deddfwriaeth sy'n cynnal safonau, pethau rydym yn gytûn arnynt mewn meysydd datganoledig (Cofnod y Trafodion, 291). A ydych wedi gofyn i'r Bil gael ei ddiwygio er mwyn codi'r gweithdrefnau craffu sy'n gysylltiedig â'r pwerau os yw Gweinidogion Cymru yn eu harfer, a phryd y cânt eu harfer?**

Fel y nodwyd uchod, rydym wedi datgan yn gryf ein pryderon ynghylch y Bil i Lywodraeth y DU. Fodd bynnag, os caiff ei basio fel y'i drafftwyd, bydd rhaid inni arfer y pwerau a roddwyd i Weinidogion Cymru er mwyn gwneud penderfyniadau ynghylch cyfraith yr UE a ddargedwir mewn meysydd datganoledig, lle y bo'n bosibl, fel rhan o'n gwaith i amddiffyn y setliad datganoli. Fodd bynnag, mae'r Memorandwm Cydsyniad Deddfwriaethol yn nodi ein pryderon y bydd y ddarpariaeth fachlud yn golygu na fydd rôl gan Senedd y DU na'r deddfwrfeydd datganoledig o ran craffu na goruchwyllo mewn achosion pan fo cyfraith yr UE a ddargedwir yn cael ei adael i fachludo'n awtomatig. Ni fydd hyn yn caniatáu digon o amser i ymgynghori'n effeithiol ar newidiadau arfaethedig i gyfraith yr UE a ddargedwir, a allai arwain at broblemau nad ydynt yn hysbys ar hyn o bryd ac effeithiau negyddol posibl, er enghraifft effeithiau ar grwpiau gwarchoddedig.

Ymwahanu ac anghydfodau

**13. A ydych wedi nodi meysydd lle y mae gennych fwriadau polisi sy'n ymwahanu â rhai llywodraethau eraill y DU?**

Gan fod bwriadau polisi manwl a chynhwysfawr Llywodraeth y DU mewn unrhyw faes penodol naill ai ddim yn glir eto neu ond yn dechrau dod i'r amlwg, nid yw'n bosibl rhoi ateb pendant i'r cwestiwn hwn ar y cam hwn.

**14. Pan wnaethom ofyn i chi sut y gellid datrys anghydfodau, gwnaethoch ddweud wrthym ei bod yn annhebygol y bydd y broses rynglywodraethol newydd sydd wedi'i sefydlu yn arbennig o ddelfrydol ac efallai y gellir creu rhywbeth yn benodol i geisio datrys yr anghytundebau (Cofnod y Trafodion, 279).**

- a. A allwch egluro pam na fyddai'r strwythurau a grëwyd yn ddiweddar ar gyfer datrys anghydfod rhynglywodraethol y strwythurau priodol i'w defnyddio i ddatrys anghydfodau yn y maes hwn?
- b. A allwch chi gadarnhau, lle y bo'n berthnasol, y byddai anghydfodau'n mynd drwy broses berthnasol y fframweithiau cyffredin yn y lle cyntaf?
- c. O gofio'r angen am gamau amserol oherwydd y dyddiad machlud 31 Rhagfyr 2023, pa mor realistig ydyw y gellid creu proses datrys anghydfod newydd?

Byddwn bob amser yn cadw'r hawl i uwchgyfeirio materion o fewn y weithdrefn Osgoi a Datrys Anghydfodau y cytunwyd arni yn dilyn yr Adolygiad o Gysylltiadau Rhynglywodraethol a luniwyd ar y cyd, pan fo'n briodol gwneud hynny. Dylid gweld y broses ddatrys sy'n rhan o'r Adolygiad o Gysylltiadau Rhynglywodraethol fel rhan o system ehangach o gysylltiadau rhynglywodraethol, ac fel proses i'w defnyddio pan fetho popeth arall. Mae hyn yn rhan annatod o'r mecanwaith a osodir ganddo – cytunir y dylai'r mecanwaith hwnnw roi anogaeth i osgoi anghydfodau drwy sicrhau bod strwythurau cyfathrebu a llywodraethu effeithiol ar waith ar bob lefel, o swyddogion hyd at weinidogion. Fel y gwyddoch, nid yw'r trefniadau Osgoi Anghydfodau yn lleihau effaith y darpariaethau cyfreithiol yn y setliadau datganoli sy'n llywodraethu materion sy'n gysylltiedig â chymhwysedd deddfwriaethol. Byddai angen inni ystyried bob amser y fforwm priodol lle y gellir cyflwyno ein pryderon, yn benodol pan fo anghydfod ynghylch cymhwysedd pwy y mae unrhyw ddarn o ddeddfwriaeth ynddo.

Bydd Fframweithiau Cyffredin yn chwarae rhan mewn elfennau o'r broses datrys anghydfodau sy'n gysylltiedig â chyfraith yr UE a ddargedwir, er y bydd yr amser sydd ar gael i ymgymryd â'r gwaith hwn yn cael effaith anferth ar y gallu i gymryd rhan lawn yn y broses hon. Rhaid cofio hefyd nad yw pob maes cyfraith yr UE a ddargedwir yn dod o dan Fframwaith Cyffredin.

Mae'r terfyn amser presennol ar gyfer machludo yn golygu nad yw'n realistig credu y gellid creu proses addas ar gyfer datrys anghydfodau mewn pryd i wasanaethu'r broses yn briodol. Cyfrifoldeb Llywodraeth y DU yw hyn, nid Llywodraeth Cymru.

#### Capasiti ac adnoddau

15. Dywedodd y Prif Weinidog wrth y Pwyllgor Craffu ar Waith y Prif Weinidog ar 9 Rhagfyr, gan nad oes gan Lywodraeth Cymru gapasiti dros ben, y bydd angen capasiti dargyfeiriedig o'i rhaglen ddeddfwriaethol i weithio ar y Bil. O gofio sylwadau'r Prif Weinidog, pryd y bydd penderfyniadau'n cael eu gwneud ynghylch pryd a ble y bydd adnoddau'n cael eu dargyfeirio, ac a fyddwch yn ymrwmo i ddiweddarau'r Senedd cyn gynted ag y mae penderfyniadau'n cael eu gwneud?
16. Gwnaethoch ddweud wrthym fod Llywodraeth Cymru am gyflawni ei rhaglen ddeddfwriaethol ond bod ansicrwydd ynghylch y galw y bydd y Bil yn ei roi ar adnoddau. A ydych yn cydgysylltu trafodaethau'r Cabinet ynghylch eich pryderon am gyflawni'r rhaglen ddeddfwriaethol?



O ran Cwestiynau 15 a 16, am y rhesymau a nodwyd uchod, nid yw'n bosibl asesu maint yr effaith ar y rhaglen ddeddfwriaethol yn llawn tan ein bod yn gwybod manylion cynlluniau Llywodraeth y DU ar gyfer cyfraith yr UE a ddargedwir fel y mae'n gymwys yn Lloegr, yn benodol i ba raddau y mae'n bwriadu diwygio'r corff hwn o gyfreithiau.

Bydd trafodaethau ar y mater hwn yn parhau rhwng Gweinidogion wrth i'r sefyllfa ddatblygu, a byddwn yn parhau i ymgysylltu â'r Senedd ar y rhaglen ddeddfwriaethol.

### Effaith a rôl y Senedd

**17. Gwnaethoch ddweud hefyd eich bod yn credu bod un peth yn glir: mae'n gwneud y math o waith craffu manwl a'r amserlen ar gyfer hynny'n hynod anodd a bod yn rhaid edrych ar sut y bydd hynny'n gweithio. Gwnaethoch ddweud wrthym y bydd angen cydweithio'n agos iawn rhwng y Llywodraeth a'r Senedd o ran dealltwriaeth o'r hyn yn union sy'n ofynnol, yr hyn sy'n digwydd a'r ffordd orau o reoli hynny. Nid yw'n fater i Lywodraeth Cymru yn unig; yn amlwg, mae'n fater i'r Senedd ei hun, o ran sut y mae'n craffu ac yn asesu'r camau hefyd (Cofnod y Trafodion, 307).**

- a. **Sut y bydd Llywodraeth Cymru yn manteisio i'r eithaf ar y cyfleoedd craffu a roddir i'r Senedd?**
- b. **Sut y bydd Llywodraeth Cymru yn cynnwys y Senedd wrth benderfynu ar yr hyn sy'n ofynnol o ganlyniad i'r Bil?**

Yn gyffredinol, mae'n rhy gynnar i ateb y cwestiwn hwn yn fanwl gywir am ein bod, unwaith eto, yn gofyn am wybodaeth gynhwysfawr gan Lywodraeth y DU am ei phenderfyniadau.

Byddwn yn disgwyl y bydd y Senedd yn cael y cyfle, yn y ffordd arferol, i graffu ar unrhyw gynigion sy'n ymwneud â chyfraith yr UE a ddargedwir. Byddwn yn ymgysylltu â'r Senedd ar hyn.

Mae'n anodd mesur hyd a lled y dasg o benderfynu'r hyn sy'n ofynnol, neu roi bys arni'n bendant. Byddwn yn disgwyl i Weinidogion roi'r wybodaeth ddiweddaraf i'r Senedd drwy Ddatganiadau gan Weinidogion pan fydd y dasg yn gliriach.

**18. Ni wnaethoch gadarnhau i ni eich bod yn cysylltu â'r Llywydd a'r Pwyllgor Busnes ynghylch yr effaith bosibl ar amserlen y Senedd. A allech gadarnhau bod trafodaethau'n cael eu cynnal? Os nad ydynt, a yw Llywodraeth Cymru yn aros am eglurder gan Lywodraeth y DU cyn gwneud hynny?**

Byddwn yn cysylltu â'r Llywydd a'r Pwyllgor Busnes o ran amserlen y Senedd pan fyddwn wedi cael digon o wybodaeth gan Lywodraeth y DU i allu cynnal trafodaethau ystyrlon ynghylch y goblygiadau posibl.

### Tirwedd reoleiddiol

**19. A fyddai'r Bil yn cyflwyno terfyn rheoleiddiol?**

Mae'r pŵer yng nghymal 15 o'r Bil i ddirymu neu ddisodli yn cynnwys gofyniad sy'n pennu na chaiff unrhyw newidiadau i ddarn o gyfraith yr UE a ddargedwir, nac unrhyw gyfraith sy'n disodli darn o gyfraith yr UE a ddargedwir, gynyddu'r baich rheoleiddio. Fodd bynnag, nid yw ystyr penodol hyn yng nghyd-destun y Bil yn glir, ond ymddengys bod y Bil wedi cael ei ddrafftio i olygu bod modd ystyried beth yw baich rheoleiddio mewn modd eang iawn. At hynny, nid yw Llywodraeth y DU wedi gwneud datganiad polisi penodol ar ystyr y ddarpariaeth hon.

Fodd bynnag, gellir dadlau bod natur y Bil, a newidiadau posibl gan Lywodraeth y DU i gyfraith yr UE a ddargedwir, yn cynyddu'r baich rheoleiddio i rai busnesau, o leiaf yn y tymor byr, wrth iddynt addasu i safonau newydd, hyd yn oed os yw'r safonau'n is.

## **20. Sut y gallai'r Bil effeithio ar bolisiau Llywodraeth Cymru a'i gallu i wella safonau, lle y bo'n bosibl, ar ôl Brexit?**

Nid yw'r Bil yn ei hanfod yn gwerthfawrogi'r ffordd y mae angen rhoi egwyddorion datganoli ar waith ym maes polisi rheoleiddio yn y DU, ers iddi ymadael â'r UE. Mae yna hefyd bryderon y bydd Deddf Marchnad Fewnol y DU yn cael rhagor o effeithiau pe bai ymwahanu rheoleiddio (er enghraifft, os bydd Llywodraeth y DU yn diwygio neu'n diddymu cyfraith yr UE a ddargedwir ar gyfer Lloegr). Gallai hyn arwain at oblygiadau sylweddol o ran y gallu i gynnal a gwella safonau, yn ymarferol, yng nghyfraith yr UE a ddargedwir yng Nghymru.

## **21. Mae Llywodraeth y DU wedi nodi na fydd mesurau diogelu amgylcheddol yn cael eu gwanhau ac y gall y gwledydd datganoledig gadw deddfwriaeth o fewn eu cymhwysedd. Pa fesurau diogelu amgylcheddol y bydd Llywodraeth Cymru yn eu cadw?**

Nid yw Llywodraeth Cymru yn bwriadu gwanhau mesurau diogelu amgylcheddol presennol, y mae'r rhan fwyaf ohonynt yn deillio o gyfraith yr UE a ddargedwir. Rydym yn bwriadu ystyried pob opsiwn ac, ar y lleiaf, byddwn yn gweithio i geisio sicrhau bod cyfraith yr UE a ddargedwir ar fesurau diogelu amgylcheddol yn cael ei chymhathu erbyn y terfyn amser ar gyfer machludo.

### Rhanddeiliaid

## **22. Gwnaethoch ddweud wrthym y bydd yn rhaid ymgysylltu â rhanddeiliaid oherwydd y bydd yn rhaid cael dealltwriaeth o rai o'r camau sydd wedi'u cymryd. Gwnaethoch ddweud mai'r broblem yw nad yw'n gwbl glir â phwy y bydd Llywodraeth Cymru yn ymgysylltu, i ba raddau, ac ym mha fframwaith (Cofnod y Trafodion, 350).**

- a. A allech egluro a yw Llywodraeth Cymru yn ymgysylltu â rhanddeiliaid ar y Bil ar hyn o bryd, neu pryd y mae'n bwriadu gwneud os nad yw'n gwneud hynny eto?
- b. Gwnaethoch nodi amaethyddiaeth a'r amgylchedd fel meysydd lle y bydd ffocws mawr yr ydych yn rhagweld y byddant yn ddwys iawn (Cofnod y Trafodion, 323). A yw Llywodraeth Cymru yn blaenoriaethu ymgysylltu â rhanddeiliaid yn y meysydd hyn?

**c. Sut y byddwch yn ymgysylltu â rhanddeiliaid er mwyn penderfynu pa faterion sy'n bwysig iddynt?**

Rydym eisoes wedi datgan yn glir ein pryderon cyffredinol ynghylch y Bil a'n gwrthwynebiad iddo. Ymgysylltu â rhanddeiliaid ar sail sectorau sydd ei angen, a hynny yng ngolau penderfyniadau Llywodraeth y DU ynghylch y newidiadau i gyfraith yr UE a ddargedwir y mae'n bwriadu eu gwneud.

Mae'r meysydd rydych yn cyfeirio atynt yn berthnasol i gyfran sylweddol o gyfraith yr UE a ddargedwir sydd o fewn maes lle mae cymhwysedd wedi ei ddatganoli. Felly, byddwn yn disgwyl ymgysylltu cymaint â phosibl â rhanddeiliaid yn y meysydd hynny pan fydd dull gweithredu Llywodraeth y DU yn glir.

Y Bil Amaethyddiaeth

**Gwnaethoch ddweud wrthym fod y Bil Amaethyddiaeth yn cynnwys elfennau o gyfraith yr UE a ddargedwir, a gall fod materion a fydd yn codi yn ystod y broses hon y mae angen mynd i'r afael â nhw; ond nid yw'n glir beth allai'r materion hynny fod ar hyn o bryd (Cofnod y Trafodion, 335).**

**23. Pam oedd yn briodol defnyddio'r Bil Amaethyddiaeth fel cyfrwng i ddarparu pwerau eang i Weinidogion Cymru ddiwygio cyfraith yr UE a ddargedwir pan nad yw Llywodraeth Cymru wedi cynnal dadansoddiad o oblygiadau Bil Cyfraith yr UE a Ddargedwir yn y maes polisi hwn?**

Fel y nodwyd uchod, rydym wrthi'n ystyried ein hymateb i'r sefyllfa sydd, i bob pwrpas, wedi ei chreu o ganlyniad i'r ffaith bod Llywodraeth y DU yn adolygu cyfraith yr UE a ddargedwir. Yn gyffredinol ein safbwynt yw bod cyfraith yr UE a ddargedwir, fel cyfraith yr UE cyn hynny, yn gweithio'n dda ac felly, ac eithrio diwygio'r gyfraith yn raddol fel sy'n briodol dros amser fel sy'n wir gydag unrhyw gorff o gyfreithiau, nid oeddem yn bwriadu diddymu, dirymu na diwygio cyfraith yr UE a ddargedwir erbyn terfyn amser mympwyol am resymau ideolegol.

Ar ben hynny, nid yw'n sicr eto sut beth fydd fersiwn derfynol Bil Cyfraith yr UE a Ddargedwir, pa un a fydd yn symud ymlaen mewn gwirionedd i gael y Cydsyniad Brenhinol ai peidio, ac nid yw'n sicr chwaith beth fydd yn digwydd i bob darn o gyfraith yr UE a ddargedwir. O ganlyniad, mae Bil Amaethyddiaeth (Cymru) yn symud ymlaen ar sail yr hyn sy'n hysbys eisoes.

**24. Ai bwriad Llywodraeth Cymru yw arbed cyfraith yr UE a ddargedwir y mae'r Bil Amaethyddiaeth yn dibynnu arni o dan Fil Cyfraith yr UE a Ddargedwir? Beth sy'n digwydd os yw cyfraith yr UE a ddargedwir y mae'r Bil yn dibynnu arni'n cael ei dirymu gan Lywodraeth y DU? A yw Llywodraeth y DU yn ymwybodol o angen Llywodraeth Cymru i gyfraith yr UE a ddargedwir barhau i fod ar waith er mwyn gweithredu'r Bil Amaethyddiaeth?**

Fel y mae wedi'i ddrafftio ar hyn o bryd, mae pwerau gan Bil Cyfraith yr UE a Ddargedwir y gallai Llywodraeth Cymru eu harfer er mwyn cadw cyfraith yr UE a ddargedwir mewn meysydd lle mae cymhwysedd wedi ei ddatganoli. Mae Llywodraeth Cymru yn ystyried sut y bydd yn ymateb i'r Bil hwn ac yn gweithio gyda Llywodraeth y

DU i nodi holl gyfraith yr UE a ddargedwir sydd wedi ei datganoli, gan gynnwys yr offerynnau hynny a wnaed gan Lywodraeth a Senedd y DU.

**25. Pryd ydych yn disgwyl bod mewn sefyllfa i ddeall ehangder a manylion materion y mae angen mynd i'r afael â hwy yn ystod taith Bil Cyfraith yr UE a Ddargedwir/y Bil Amaethyddiaeth?**

Byddwn yn parhau i ymgysylltu ac, ar y cyd â hyn, rydym yn ystyried sut i ymateb yn ystod y misoedd i ddod wrth i safbwynt Llywodraeth newydd y DU ar Fil Cyfraith yr UE a Ddargedwir ddod i'r amlwg.

**26. Ai eich bwriad chi yw gwneud gwelliannau i'r Bil Amaethyddiaeth i fynd i'r afael â materion o'r fath?**

Fel y nodwyd uchod, byddwn yn parhau i ymgysylltu ac rydym yn ystyried sut i ymateb wrth i safbwynt Llywodraeth newydd y DU ar Fil Cyfraith yr UE a Ddargedwir ddod i'r amlwg.

**27. A yw Llywodraeth Cymru yn bwriadu mabwysiadu'r dull hwn o gymryd pwerau gweithredol eang i fynd i'r afael ag ansicrwydd cyfraith yr UE a ddargedwir, yn hytrach na chyflwyno deddfwriaeth sylfaenol pan fydd y darlun yn gliriach?**

Fel y nodwyd uchod, byddwn yn parhau i ymgysylltu â Llywodraeth y DU ac rydym yn ystyried sut i ymateb wrth i'w safbwynt ddod i'r amlwg. Yn y cyfamser, nid oes unrhyw gynlluniau i newid y pwerau gweithredol yn y Bil Amaethyddiaeth (Cymru).

# Agenda Item 4.2

Julie James AS/MS

Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/JJ/2983/22

Llyr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

23 January 2023

Dear Llyr,

I am writing to inform you that The Packaging Waste (Data Collection and Reporting) (Wales) Regulations 2023 will shortly be laid before the Senedd.

The regulations will support the implementation of the Extended Producer Responsibility (EPR) for Packaging scheme. The EPR for packaging scheme will require producers to take responsibility for the environmental impact of the packaging they place on the market by obligating them to pay for the collection and disposal costs of this packaging when it becomes waste. This will provide a key incentive for producers to both reduce the amount of packaging and to improve the recyclability of packaging.

These regulations will require producers of packaging to collect and, in some cases, report data on the amount and type of packaging they place on the market. This data is required in order to calculate the fees producers will need to pay under the EPR for packaging scheme.

The data collected under these regulations during 2023 will be used to calculate producer fees and payments to local authorities in financial year 2024/25. These requirements are intended to be in place for a short interim period, after which they will be revoked and replaced by the regulations which will implement the EPR scheme for packaging, including data reporting provisions.

Yours sincerely,

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

**Pwyllgor Newid Hinsawdd,  
yr Amgylchedd a Seilwaith**

**Climate Change, Environment,  
and Infrastructure Committee**

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Mark Isherwood MS  
Chair, Public Accounts and Public Administration Committee

24 January 2023

## Public Accounts and Public Administration Committee Inquiry into Public Appointments

Dear Mark,

Thank you for your invitation to contribute to the Public Accounts and Public Administration Committee's inquiry into public appointments. The Climate Change, Environment and Infrastructure Committee has held one pre-appointment hearing during this Senedd term. I thought it would be helpful to share our experience with your Committee.

On 30 September 2021, the Committee held a pre-appointment hearing with Dr David Clubb, the Welsh Government's preferred candidate for the position of Chair of the National Infrastructure Commission of Wales (NICW). The Committee concluded that the preferred candidate was a fit and proper person to be appointed as Chair of the Commission.

The Welsh Government provided the Committee with a note that stated, "A previous recruitment campaign to appoint a substantive chair, run in autumn 2019, identified a number of appointable candidates". However, the Deputy Minister for Climate Change informed the Committee that there had not been an open application process for the role on this occasion. The Deputy Minister's rationale for this was that the Commission had "lost some momentum over the last year" and a lengthy recruitment campaign could "exacerbate uncertainty" over the Commission's purpose.

Roles like this should be subject to open recruitment unless there are exceptional reasons not to do so. An open recruitment process will ensure that the pool of applicants includes the best candidates from a diversity of backgrounds. If more than one suitable candidate was identified through the recruitment exercise in 2019, it is uncertain why they were not given the opportunity to apply for the

position on this occasion. Furthermore, several other appointable candidates may have emerged in the two years that had elapsed since the initial recruitment exercise.

During the pre-appointment hearing, Dr Clubb informed the Committee that he had already commenced his duties as Chair. While we understood the urgency to appoint the Chair of the NCIW, the fact that the appointment was made before the pre-appointment hearing raises concerns about the integrity of the process.

I would be happy for my officials supporting the Climate Change, Environment and Infrastructure Committee to provide you with further details, should that be necessary.

Yours sincerely,



Llyr Gruffydd MS,  
Chair, Climate Change, Environment and Infrastructure Committee

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

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# Agenda Item 8

By virtue of paragraph(s) vi of Standing Order 17.42

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# Agenda Item 10

By virtue of paragraph(s) vi of Standing Order 17.42

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# Agenda Item 11

By virtue of paragraph(s) vi of Standing Order 17.42

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**Cyfoeth  
Naturiol  
Cymru**  
**Natural  
Resources  
Wales**

# Evidence Briefing

**Climate Change, Environment & Infrastructure Committee**

**Annual Scrutiny of Natural Resources Wales – February 2023**

## Update on key issues and progress made since January 2022.

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### Introduction

To supplement the detail of our annual report for 2021/2022, we have outlined below some areas of work in order to update committee members on more recent activity.

### Corporate Plan 2023- 2027

The international context sets the scale of the challenge and the need for urgent action to meet the targets for nature and climate by 2030 and 2050. Over the last 12 months we have been working across all levels of our organisation, and with key partners, to build a collective understanding of what our new corporate plan should focus on, and how we should work to deliver our well-being objectives and steps to take. This engagement has included a drop-in session with Senedd Members in December 2022.

Underpinned by a deep commitment to social justice, the Plan has three well-being objectives, focussing on:

- The Nature emergency
- The Climate emergency
- Pollution and waste

These well-being objectives reflect the feedback from the first phase of the national conversation – Nature and Us, and the UN report “[Making Peace with Nature](#)”. Underneath these well-being objectives, our proposed actions align with the strategic priorities set out in the term of Government Remit letter, which we received from the Minister on 23 December 2022. This letter can be found in Annex 1.

We recognise that the nature and climate emergencies are a collective challenge but one where people are looking to us to lead the way. Our love and passion for nature, our knowledge and expertise, as well as the pride we take in supporting communities across Wales, means others are expecting us to step up. We accept this challenge and will expect others to play their part with us as part of Team Wales.

This Corporate Plan builds on our successes over the last 5 years. We've clearly set our sights on where we can, and are best placed to, make a difference using our tools, powers and resources to drive action to meet the 2030 targets, while at the same time working with others to harness their power to effect change. Beyond 2030, society will be faced by a harder set of choices to meet the 2050 commitment. We will start work now to identify, test and make the case for change to collectively set us on the right pathway.

In February, final edits to the content and supporting products will be made following feedback from the January 2023 Board meeting. The Plan will be approved at our March Board meeting before being sent to the Minister, and will be formally launched at an event in the Senedd in June.

### **Baseline Exercise**

Recognising both the Government's ambitions as well as ongoing budgetary pressures, NRW has committed to documenting the services we provide, the outcomes supported, and the resources for delivery. Working together with Welsh Government, our purpose in undertaking a comprehensive baseline review of our activities was to establish a common understanding of the current position which will ensure that:

- resources are aligned to defined priorities and outcomes
- resources are used in the most effective and efficient way, driving value for money.

Working closely with the Minister and her officials, we have used the baseline to develop Service Level Agreements (SLAs) for key areas including:

- Flood Risk Management
- NRW Estate (including the woodland estate)
- Pollution Incident Management
- Enforcement
- Water Quality
- Enabling tree planting
- Freshwater Monitoring
- Marine Monitoring
- Terrestrial Monitoring
- The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

Other SLAs will also be considered in due course. These service level documents are not static, and we will review them at agreed timescales with Welsh Government officials. This will ensure that our services reflect the benefits of new digital services and ICT capabilities as well as broader innovation in working practices.

The Term of Government Letter sets out the Minister's priorities and this, along with the SLAs, will form the basis of our annual business plan and budget processes as we move towards a clear understanding of what we do and the services we provide to meet the

challenges and opportunities ahead. This has been a long but important process in giving Welsh Government and NRW a shared and thorough understanding of what we face in tackling the climate and nature emergencies and delivering key government commitments.

### **Adfywio/ Renewal Programme**

After the pandemic, our Adfywio programme was established to help drive forward new ways of working to ensure that we are an agile, resilient, and more efficient organisation that leads Wales in addressing the Climate and Nature emergencies. By working with partners and communities to champion the environment, and supporting a green and just recovery for the people of Wales.

The key drivers of the programme are decarbonisation, staff well-being and financial savings.

This work has considered how we can best support colleagues to work in a more agile way. Focussed on ensuring flexibility - such as through updating our people policies so that they reflect, support and enable new ways of hybrid working, we have taken advantage of technological advances so that staff can access services safely across many devices, including personal ones.

We have also implemented a desk booking system across our offices, which is working well, and delivered a portable solution for the NRW Board, which can be used across the business for large meetings of between 6-30 people - providing clear voice and video options across teams for anyone wishing not to travel.

Central to this work is a drive to decarbonise our activities as much as we can. An accommodation strategy with prioritised business cases is being developed, looking across all our facilities to ensure that we adapt our buildings to meet our future business needs. This will involve the consolidation of some of our office space and facilities to reflect demand in a hybrid working environment. We are also looking at where we can make reductions in carbon across our fleet, putting in Hydrotreated Vegetable Oil (HVO) supply contracts in place to replace red diesel in our operational vehicles and implementing new travel policies to assist in fewer miles, greener miles.

### **Winter Preparedness**

The Winter months bring heightened chance of severe wet weather, but bad weather and incidents can happen any time and we work hard to be as prepared as possible, year-round. We are not complacent. We know that significant events will stretch us and all organisations, and climate change is making extreme weather more frequent and severe; it is a very challenging landscape.

NRW prioritises its Civil Contingencies Act Category 1 incident response role, and we have a strong incident management culture and depth of experience, working collaboratively with partners through the Civil Contingency and Resilience Forum frameworks, and also on a bilateral basis.



We have made further improvements to our incident response practices and procedures, particularly after the 2020 storms, in order to be as prepared as we can. We continuously learn from incident response and regularly test ourselves, taking part in exercises with other responders. Overall, having implemented the lessons learned from previous events, we are in a better position than when we faced Storms Ciara, Dennis and Jorge in 2020, but inevitably, like all Flood Risk Management Authorities, we would find ourselves stretched if such severe events were to happen again.

### **Water Quality**

Water is one of our most precious resources, and over the last 18 months, water quality has been brought into sharp public focus. While NRW will be giving evidence to the Climate Change, Environment and Infrastructure Committee, our Chair, Sir David Henshaw, will be attending the First Minister's second Water Pollution Summit alongside representatives from local government, farming unions, the building industry, water companies, regulators and environmental agencies, together with food producers. This summit follows the initial meeting at the Royal Welsh Agricultural Show in the summer of 2022, and seeks to find collective solutions to improving and protecting our rivers and seas.

Addressing water quality issues is a significant priority for us, and as part of our wider response, we have set up a programme to address the problem of phosphates in Special Areas of Conservation (SAC) rivers, with detailed plans to bring failing catchments back to favourable condition.

Natural Resources Wales, Welsh Government, Ofwat, Dŵr Cymru and Hafren Dyfrdwy have also established a Better River Quality Taskforce to evaluate the current approach to the management and regulation of overflows in Wales and to set out detailed plans to drive rapid change and improvement. Afonydd Cymru and Consumer Council for Water are providing independent advice to the taskforce, offering insight and challenge from a stakeholder and customer perspective.

As you will be aware from our update to the Committee in December 2022, the Taskforce published a storm overflows roadmap for Wales this summer. This roadmap comprises of five detailed action plans setting out clear objectives and measurable outcomes for delivering improvements to overflow management in the short and long term. The roadmap is an important step on the journey to coordinated and focused action in other areas that will ensure improvements in the sustainable management of the water environment in Wales, achieving long term and sustainable improvements to river quality.

### **Drought**

The sustainable management of water resources also faces challenges as a result of climate change, from more intensive rainfall and longer drier periods, and from increased demand due to population growth and behaviour change. We need to ensure that our plans and water company plans are sufficient to deal with the increased frequency and intensity of

droughts projected by climate change. We are working with WG, Water Companies and other stakeholder to learn lessons from the Drought we saw across Wales during 2022.

#### Price Review 2024 (PR24)

We continue to work with Welsh Government, Ofwat, water companies and the Consumer Council for Water to set out the requirements of the environmental obligations on water companies operating in Wales for inclusion in their Price Review 2024 (PR24) business plan submission to Ofwat in October 2023.

PR24 will establish the funding for water company investment in Asset Management Programme 8 (AMP8 2025-30). The scale of investment required is significant and will be critical to addressing the Nature Emergency. It is needed to address current impacts on the environment, to prevent further impacts, and to ensure management of water company assets and resources for current and future customers are sustainable.

Planning for the future and climate impacts is key to decision making. NRW invited the Water companies to present to the NRW Board in Nov 2022. They must invest at scale and pace to address and prevent the harm from their operations, and to ensure that these operations are more resilient to climate change. As such, we have asked the Companies to return to our Spring 2023 session ahead of their formal submission of their draft plans to Ofwat in October 2023.

A 'Team Wales' approach is required to deliver at scale and pace to address the climate and nature emergencies. We know that other sectors, such as agriculture, need to act alongside water companies to achieve the ambitious outcomes we want to see.

#### **Board Recruitment**

We are pleased that Welsh Government has successfully recruited six board members to fill the vacancies that have arisen in our board over recent months due to several terms coming to an end. The positions include key roles such as the Chairs of the Finance, Flood and Audit Committees. Welsh Government is likely to make the formal announcement shortly, and we hope that the new members will attend our Board meeting in March.

January 2023

#### **Annex 1. NRW Term of Government Remit Letter 2022**

Please see email attachment.

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: JJ-3379-22

Sir David Henshaw  
Chair  
Natural Resources Wales  
Ty Cambria House  
29 Newport Road  
CARDIFF  
CF24 0TP

VIA E-MAIL [chair.office@naturalresourceswales.gov.uk](mailto:chair.office@naturalresourceswales.gov.uk)

23 December 2022

Dear David,

### **Term of Government remit letter for Natural Resources Wales**

I am writing to set out the strategic objectives for Natural Resources Wales (NRW) during the 2022-26 term of government. This letter should be taken together with the governance framework document; your annual funding letter; and your annual flood and coastal erosion risk management remit letter.

These objectives will remain for this term of government unless revoked, altered or amended at the direction of Welsh Ministers. This letter, in addition to any directions provided by us, shall remain in effect until the succeeding government provides a new remit letter.

#### **1.0 Government Objectives**

The overarching purpose of NRW, as set out in the *Environment (Wales) Act*, is the sustainable management of natural resources in relation to Wales. As such, NRW's delivery of its crucial role as Wales' regulator and as a Civil Contingencies Act Category 1 responder, ensures that the environment and natural resources of Wales are sustainably maintained, enhanced and used for the benefit of the people, environment and economy of Wales today and in the future.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

In keeping with your overarching purpose, NRW shall seek opportunities to integrate its work and activities with the overarching well-being objectives identified in our Programme for Government (PfG), in particular our aim to:

- 'Build a stronger, fairer greener economy as we make maximum progress towards decarbonisation';
- 'Embed our response to the climate and nature emergency in everything we do';
- 'Build an economy based on the principles of fair work, sustainability and the industries and services of the future';
- 'Celebrate diversity and move to eliminate inequality in all of its forms';
- 'Push forward towards a million Welsh speakers, and enable our tourism, sports and arts industries to thrive'; and
- 'Make our cities, towns and villages even better places in which to live and work'.

In doing so, I expect you and colleagues from Welsh Government to work collaboratively, and through established legislative, regulatory and cabinet processes, to deliver on the following priorities:

#### *Circular Economy and Clean Air*

- Work collaboratively with the Welsh Government to deliver extended producer responsibility reforms to incentivise waste reduction by businesses, alongside improvements in business and public sector recycling and waste tracking as a key part of NRW's role as the regulator of the circular economy in Wales.
- Support the delivery of the PfG commitment to 80 re-use and repair hubs in town centres community recycling facilities in town centres and promote repair and re-use facilities, encourage zero-waste shopping and wider cultural change in businesses and communities to move further up the waste hierarchy.
- Support the extension of air quality monitoring, assessment and reporting. Providing expert advice to support the implementation of provisions in the Clean Air (Wales) Bill, collaborative actions to encourage positive behaviour change for the continuous reduction of exposure to air pollution across Wales.
- Support the development of infrastructure using circular economy principles to reduce landfill gas emissions consistent with Net Zero Wales commitments.
- Work with Welsh Government to modernise the industrial environmental permitting regime, including explicitly aligning regulators' functions under the *Environmental Permitting (England and Wales) Regulations 2016* with the Welsh Government policy presumptions against the consenting of all large incineration facilities and new fossil fuel-fired power stations, and developing and implementing future Best Available Techniques for industry in support of PfG commitments.
- During the planning phase of projects, work to strengthen the promotion of walking and cycling as we make Wales an active travel nation.
- Reduce the need to travel to work with adoption of hybrid work practices, where employees can work at home, locally or in the office, supporting action to tackle air pollution and climate change.

#### *Energy*

- Support delivery of our commitment to avoid extraction of fossil fuels in Wales, including the provision of data and information necessary to support devolved fossil fuels licensing functions.

- Apply regulatory processes, resources and supporting evidence to remove unnecessary barriers and support sustainable and renewable energy developments, including innovative energy solutions. In particular, support the delivery of the recommendations from the Deep Dive on renewable energy to increase the speed of delivery of renewable projects and associated infrastructure, including our ambitions for marine energy.
- Work in partnership with the Renewable Energy Developer Programme and support the Welsh Government, public bodies and community groups on the expansion of renewable energy generation projects on the Welsh Government Woodland Estate (WGWE).
- Work with the Welsh Government to provide evidence, advice and support to help shape an effective, successful and innovative Tidal Lagoon Challenge that can succeed, including supporting and advising applicant(s) who are seeking relevant consent for projects and participating in the Welsh Government Marine Energy Programme (MEP) Programme Board.

*Flood and Coastal Erosion Risk Management, Sustainable Drainage and Climate Adaptation*

- Support prioritisation and delivery of additional flood protection for more than 45,000 homes.
- Develop and deliver a nature-based flood management programme for all major catchments in Wales for integrated delivery of multiple benefits including wetland, woodland, sustainable drainage and biodiversity in addition to potential decarbonisation benefits.
- Support wider action to improve climate change adaptation and resilience planning, including in relation to landfills sites and improving our approach to drainage and surface water management.
- Help to minimise the risk of tip landslides by continuing to contribute to the First Minister's Coal Tip Safety Task Force, supporting the development and introduction of new legislation, operational and resilience work, working to ensure regulatory alignment including, as a priority, finalising of the Collaborative Working Protocol, and monitoring and maintaining disused tips on the NRW estate.
- Work with Sustainable Drainage Systems (SuDS) Approval Bodies and applicants to provide quality timely advice in its role as a statutory consultee; to work with delivery partners, particularly local planning and highways authorities, developers and water companies, to optimise implementation of the existing SuDS regulations and delivery of the Welsh Government's review on implementation to date. This should include dedicated resource for performing your statutory consultee responsibilities in relation to applications to SuDS Approval Bodies, and for supporting the Welsh Government's SuDS policy programme, in particular helping to identify and develop options for Ministers to consider to meet the Programme for Government commitment to legislate to strengthen the requirements for the use of Sustainable Drainage Systems that provide wildlife habitat.
- Actively engage with the forthcoming trial and longer-term roll-out of the UK Emergency Alerts system in support of the Welsh Government's participation in the programme, ensuring alignment as appropriate with NRW's new Flood Warning Service which is currently under development.

*Forestry, Nature, Designated Landscapes and Countryside Access*

- Support the delivery of the National Forest for Wales by managing the existing WGWE National Forest woodlands to deliver the outcomes and investments that best result in achieving our national forest objectives.
- Support communities to create 30 new woodlands and connecting habitat areas (i.e., that connect areas of woodland) – recruiting National Forest officers to work with landowners to achieve this.
- Support the development of a timber industrial strategy, working to supply timber in ways that maximise social and environmental value.
- Contribute to deliver the recommendations of the tree and biodiversity deep dives, and any additional specific NRW actions resulting from the deep dives.
- Take forward a programme to consider our commitment to designate a new national park to cover the Clwydian Range and Dee Valley.
- Implement the National Peatland Action Programme to restore at least 3,000 hectares of peatland by 2025 and support/prioritise accelerated delivery where opportunities arise.
- Respond to outbreaks of tree diseases on woodland while also supporting the wider work of Welsh Government, Animal and Plant Health Agency (APHA) and Forestry Commission and others in delivering the GB plant biosecurity strategy and the GB Invasive non-native species strategy.
- Support Welsh Government and local authorities with the provision of evidence and advice as they develop a new major routes fund to improve the attractiveness and biodiversity of areas alongside major transport routes into Wales.
- Support Designated Landscapes to tackle the climate and nature emergencies, as well as to provide opportunities for the public to engage with nature.
- Promote access to the countryside including through the management and development of the Wales Coast Path (including celebrating its 10<sup>th</sup> anniversary) and your own sites, and in doing this, promote the Countryside Code. Contribute to the development of access management efficiencies and reforms.
- Further develop and deliver the Nature Networks Programme including the overall strategic approach, refining priorities and delivery mechanisms, and partnering on the Nature Networks Fund grant scheme with Heritage Lottery Fund.
- Support the implementation and delivery of the recommendations arising from the biodiversity deep dive including the development of nature recovery exemplar areas.
- Provide evidence and advice to inform and support the development and implementation of the Sustainable Farming Scheme, including exploring the opportunity to support sustainable land management through your powers to provide Land Management Agreements to support the transition to nature's recovery.
- Support the delivery of the Litter and Fly-tipping Prevention Plan and the PfG commitment to abolish the use of unnecessary or commonly littered single use plastic products. This includes providing advice on environmental monitoring against this objective.
- Support the Welsh Governments agendas on single use plastic, the climate and nature emergencies by promoting sustainable alternatives, including wider use of sustainable timber.
- Exemplify and encourage behaviour change away from single use products towards more sustainable alternatives among employees and visitor centre users across the NRW estate.

### *Marine and Fisheries*

- Support development of Marine Planning for the recovery and sustainable use of marine ecosystems, providing advice and leading on action to reverse the decline of the marine and coastal environment of Wales, completing and managing our Marine Protected Areas network; ending destructive forms of fishing; protecting sensitive marine features and targeted practical recovery interventions e.g., reinstating seagrass habitats.
- Work with the Welsh Government and stakeholders to address recommendations from the end-to-end review of marine licensing.
- Support the development and implementation of a coastal restoration scheme including taking forward projects to be directly delivered by NRW.

### *Water Quality*

- Support strategic work to begin to designate Wales' inland water for recreation and work with the Welsh Government and wider stakeholders to maximise the opportunities for suitable potential sites.
- Work collaboratively with the Welsh Government to provide applied evidence, environmental planning, programme development, internal/external statutory advice, and guidance in relation to introduction, implementation and enforcement of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.
- The Chair of NRW to continue to lead and convene groups to drive forward action to improve water quality, ensuring action owners continue to focus on their commitments from the summit at the Royal Welsh.
- Work with the Welsh Government to provide evidence, advice and support to improve water quality across Wales and to strengthen water quality monitoring, compliance and enforcement; in particular to support the work of the SAC Rivers Oversight Group (development and implementation of interventions); Better River Quality Taskforce and water company business planning.

In response to this remit, I expect you to produce an updated Corporate Plan by 1 April 2023. As well as discharging your own responsibilities to have Well-being Objectives under the *Well-being of Future Generations Act 2015*, your corporate planning should be clear as to how those objectives align with the Welsh Government's overarching Well-being objectives and particularly those set out above. Your progress against the Act will also be independently monitored by the Welsh Commissioner for Future Generations.

As part of developing your Corporate Plan and your Annual Business Plans, I would also like to see realistic project and milestone delivery plans, setting out how, and when, you will achieve the objectives therein. NRW's priorities should also be set out to scale and account for potential variations in year over year funding, which I know our joint work on the development of Service Level Agreements will help with. These documents will be some of several mechanisms to help support my officials and I in discharging our oversight of NRW.

## **2.0 Core Responsibilities**

As a Welsh Government Sponsored Body, you are required to prioritise the delivery of your statutory obligations and regulatory functions in the pursuit of your overarching purpose. These include, but are not limited to, those assigned to you in the

*Environment (Wales) Act 2015; the Natural Resources Body for Wales (Establishment) Order 2012; and, the Natural Resources Body for Wales (Functions) Order 2013; and, any lawful direction from Welsh Ministers.*

Activities that are not statutory or identified as a priority in this letter are discretionary and should be identified for potential efficiency savings to meet your overall objectives. I am grateful for the work that you conducted on the Baseline Review Exercise which I know will help in this regard. Going forward, your activities are to be properly mapped in milestone format and reported to me through officials on a quarterly basis with relevant risks, issues, mitigations and delivery confidence highlighted. I expect you to immediately flag delivery challenges with proposed mitigations for my consideration as required.

As an organisation of the Welsh Government, you are required to ensure NRW meets the highest standards of professionalism and is a safe, respectful, rewarding and welcoming place for your staff to work. Your actions should be guided by an evidenced-based approach, and the organisation agile and forward thinking to respond to the ever-changing needs of society. The people of Wales are counting on you to ensure today's policies, programmes and services meet their needs, now and into the future, and are delivered with due regard to the public purse.

NRW has a key role to play in the team Wales approach and collaborative development of reforms in partnership with the Welsh Government, Local Government, wider public sector, in particular to deliver against the climate and biodiversity crisis. This will also require strong partnerships across sectors with stakeholders to deliver effectively. I expect you to seek the advice and hear the perspectives of a wide range of citizens, in both official languages, while developing meaningful relationships with local authorities, other regulators, civil society and stakeholders across Wales, and further afield, to make life better for our citizens.

### **3.0 Funding and Financial Management**

Since your previous remit letter, Wales has been confronted by the Covid-19 pandemic – a crisis which has devastated many lives and livelihoods nation-wide – and now a serious cost of living crisis being fuelled by soaring inflation and economic instability as a result of global factors. Unprecedented expenditure to combat Covid-19 and maintain our economy requires us to ensure the highest standards in the handling and control of public funds going forward. In light of these realities, as with other areas of government, you will be asked to do more with your existing budget allocation.

NRW will continue to receive annual funding letters, setting out the Grant in Aid (GiA) settlement for each financial year. You are accountable for the effective and efficient use of public resources and must ensure NRW is accountable for the prudent stewardship of public funds and the safeguard of public assets.

#### **3.1 Grant in Aid Settlement 2022/23**

For the fiscal year **2022-23**, I have approved Welsh Government financial support for NRW as £112,022,000, with the eligible GiA settlement being £92,664,000. This is the level of cash GiA which may be claimed from Welsh Government in the financial year and has been adjusted for non-cash expenditure (i.e., depreciation), cash retained at the year end, non-eligible funding and any working capital requirements.



Your GiA settlement is as follows:

<u>Revenue</u>	<i>2022-2023 in £'s</i>
<b>2022-23 Revenue Draft Budget baseline (including depreciation, core non-flood)</b>	<b>69,717,000</b>
Invest to Save reinstatement	447,000
<b>2022-23 Revenue Final Budget (GiA Non Flood Core)</b>	<b>70,164,000</b>
2022-23 Flood GiA Revenue Budget	22,500,000
<b>2022-23 Total Revenue First Supplementary Budget GiA</b>	<b>92,664,000</b>
<u>Capital</u>	<i>2022-2023 in £'s</i>
<b>2022-23 Capital Draft Budget baseline (Core Non Flood)</b>	<b>2,400,000</b>
Less Invest to save repayment	-42,000
<b>2022-23 Capital Final Budget (GiA Non Flood Core)</b>	<b>2,358,000</b>
2022-23 Flood GiA Capital Budget	21,800,000
<b>2022-23 Total Capital First Supplementary Budget GiA</b>	<b>24,158,000</b>
<b>2022-23 Total GiA at Final Budget &amp; 1st Supplementary</b>	<b>116,822,000</b>
<u>GiA Adjustments</u>	
Non-cash (depreciation)	-10,000,000
<b>2022-23 Total GiA - First Supplementary Budget (Cash)</b>	<b>106,822,000</b>
Core GiA	62,522,000
<i>Flood and Coastal Erosion Risk Management</i>	44,300,000

The allocation of funding for Flood and Coastal Erosion Risk Management and the priorities for the current financial year (2022-23) have been communicated to you. The allocation is included above for completeness. The income which may be retained for revenue resource purposes should be in line with the Governance Framework.

In addition to the sums specified above, and further to NRW's official request of 15 February 2022, I can confirm that an additional £7,300,000 GiA may be available for NRW to draw down in 2022-23 upon evidence of need to deliver your overarching purpose and/or PfG commitments. This is the third year that an exceptional allowance has been granted to NRW after Welsh Ministers have directed NRW to bring forward proposals to balance your overall spending within your assigned budget. While the completion of your baseline review has helped in this regard, it will be paramount for NRW to make appropriate management decisions this fiscal year that allows it to

successfully operate within its operating budget from 2024 onwards. There will be no further guarantees of additional or extraordinary funding from this fiscal year.

Over the term of this government, net new statutory or programme functions may be assigned to NRW. Where such proposals are made by Welsh Government, it is imperative for NRW to provide my officials an evidenced-based assessment of the impact of our proposals and what, if any, additional financial support you may require implementing them. Such assessments should form part of the Ministerial Advice from Welsh Government officials seeking approval of such proposals. I have also communicated this expectation to my officials.

### 3.2 Additional Income and Grants

In addition to GiA funding, from time to time, NRW will receive grants and other non-settlement funding to deliver specific projects and/or outcomes from a variety of different sources. To maintain effective oversight of all NRW income and ensure the delivery of its overall objectives, NRW is required to report to the Sponsorship Team without delay any additional funding received; the particulars of the funding; and a business, project or milestone delivery plan for the project or outcome to be delivered as a result of the funding.

As a matter of course, NRW's financial planning should be aligned to the timing of the Welsh Government's budget cycle. From April 2021, NRW's accounts have been consolidated within the Welsh Government. Therefore, NRW is expected to comply with all relevant financial and budget accounting, regulations, policies and practices of the Welsh Government. This should be undertaken alongside regular reporting and dialogue with my officials.

### **4.0 Oversight and Accountability**

As your Minister, I am accountable to the Senedd for your actions. At regular intervals, I will require strategic assurance on NRW's ability to deliver its responsibilities and remit. Your ability to provide my officials and I with real-time management information will be critical.

Your Sponsorship Team is headed by Dr Gian Marco Currado, and the normal point of contact within the team is Ryan Doyle. I direct you to provide any and all information which may be requested from time to time by the team, or their delegates, acting on my behalf or in the administration of public services. It is important NRW continues to meet regularly and engage openly and transparently with its Sponsorship Team to discuss oversight, reporting arrangements and to ensure the effective use of public money.

I have asked my officials to work with you to ensure there is regular reporting for assurance purposes on the following key areas:

- Strategic governance, funding and financial management, including regular review of financial performance;
- Performance monitoring, including business, project and milestone delivery plans aligned to your key performance indicators; and
- Risk management and assurance, including effective processes to escalate risks to Welsh Government.

Lastly, I expect you to ensure your board members and employees are aware of, and fully compliant with, all relevant governance policies and guidelines, including codes of

conduct and conflict of interest. I expect members and employees of NRW to uphold the highest ethical standards, consistent with the Nolan Principles, in all of their actions. These are obligations which are not fully discharged by simply acting within the law.

I know I can count on you to fulfil the important responsibilities entrusted in you. It is incumbent on you to turn to me and my officials early and often to support you in delivering your key priorities. I look forward to working with you and your team.

Yours sincerely



**Julie James AS/MS**

Y Gweinidog Newid Hinsawdd  
Minister for Climate Change