

ENVIRONMENT (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of the Minister for Natural Resources on 21 October 2015. Further amendments for consideration at Stage 2 will be tabled by the Minister for Natural Resources in due course.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1	Section 4, page 2, line 6, leave out 'and reviewing' and insert ', reviewing and, where appropriate, changing'.	Adran 4, tudalen 2, hepgorer llinell 7 a mewnosoder ', adolygu a, phan fo hynny'n briodol, newid'.	<p>The purpose of this amendment is to amend the first principle in section 4 (Principles of sustainable management of natural resources)</p> <p>The effect of this amendment is to reflect that the principle of adaptive management includes taking appropriate actions as a response to the outcome of reviews.</p>
2	Section 4, page 2, after line 8, insert— (d) make appropriate arrangements for public participation in decision-making;'	Adran 4, tudalen 2, ar ôl llinell 9, mewnosoder— (d) gwneud trefniadau priodol i'r cyhoedd gymryd rhan yn y broses o wneud penderfyniadau;'	<p>The purpose of the amendment is to add a new principle in section 4 in relation to public participation in decision-making.</p> <p>The effect of the amendment is to ensure that the principles of sustainable management of natural resources include the need to make appropriate actions for public participation in decision-making .</p>
3	Section 7, page 5, line 5, leave out 'such steps as appear to them to be reasonably practicable' and insert 'all reasonable steps'.	Adran 7, tudalen 5, llinell 5, hepgorer 'y camau hynny y mae'n ymddangos iddynt eu bod yn rhesymol ymarferol' a mewnosoder 'pob cam rhesymol'.	<p>The purpose of the amendment is to ensure consistency with the approach taken in the Well-being of Future Generations (Wales) Act 2015.</p> <p>The effect of the amendment is to ensure that an objective approach is applied instead of a more subjective one.</p>

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4	Section 9, page 6, line 2, leave out 'such steps as appear to them to be reasonably practicable' and insert 'all reasonable steps'.	Adran 9, tudalen 6, llinell 2, hepgorer 'y camau hynny y mae'n ymddangos iddynt eu bod yn rhesymol ymarferol' a mewnosoder 'pob cam rhesymol'.	The purpose of the amendment is to ensure consistency with the approach taken in the Well-being of Future Generations (Wales) Act 2015. The effect of the amendment is to ensure that an objective approach is applied instead of a more subjective one.
5	Section 10, page 6, line 31, leave out 'such steps as appear to it to be reasonably practicable' and insert 'all reasonable steps'.	Adran 10, tudalen 6, llinell 33, hepgorer 'y camau hynny y mae'n ymddangos i CNC eu bod yn rhesymol ymarferol' a mewnosoder 'pob cam rhesymol'.	The purpose of the amendment is to ensure consistency with the approach taken in the Well-being of Future Generations (Wales) Act 2015. The effect of the amendment is to ensure that an objective approach is applied instead of a more subjective one.
6	Section 33, page 17, after line 23, insert— () The regulations must contain provision for ensuring that carbon units that are credited to the net Welsh emissions account for a period cease to be available to offset other greenhouse gas emissions.'.	Adran 33, tudalen 17, ar ôl llinell 25, mewnosoder— () Rhaid i'r rheoliadau gynnwys darpariaeth ar gyfer sicrhau bod unedau carbon sy'n cael eu credydu i gyfrif allyriadau net Cymru am gyfnod yn peidio a bod ar gael i'w gosod yn erbyn allyriadau eraill o nwy tŷ gwydr.'.	The purpose of the amendment is to require that regulations introduced by the Welsh Ministers under section 33(2) must include provisions preventing double accounting of credited carbon units. The effect of the amendment is to cancel a carbon unit used to reduce the Net Welsh Emission Account and would therefore no longer be available for offsetting other greenhouse gas emissions.
7	Section 33, page 17, line 24, leave out 'may' and insert 'must'.	Adran 33, tudalen 17, llinell 26, hepgorer 'Caiff Gweinidogion' a mewnosoder 'Rhaid i Weinidogion'.	The purpose of the amendment is to require the Welsh Ministers to make regulations under section 33(3). The effect of the amendment is to require the Welsh Ministers to set a limit on the net amount

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			of carbon units that may be used to reduce the net Welsh emissions account.
8	<p>Section 44, page 22, line 14, after 'regulations', insert—</p> <p>(a) establish a body corporate to exercise the functions of the advisory body under this Part, or</p>	<p>Adran 44, tudalen 22, llinell 14, hepgorer 'ddynodi' a mewnosoder—</p> <p>(a) sefydlu corff corfforaethol i arfer swyddogaethau'r corff cynghori o dan y rhan hon, neu</p> <p>(b) dynodi'.</p>	<p>The purpose of the amendment is to allow the Welsh Ministers to create a new body to act as the Advisory Body in Part 2.</p> <p>The effect of the amendment is to enable the establishment of a Wales specific advisory body, if so required.</p>
9	<p>Section 44, page 22, line 18, leave out 'person has been designated' and insert 'regulations under subsection (1) are in force'.</p>	<p>Adran 44, tudalen 22, llinell 18, hepgorer 'unrhyw berson wedi ei ddynodi' a mewnosoder 'rheoliadau o dan is-adran (1) mewn grym'.</p>	<p>This amendment is consequential to amendment 8.</p> <p>The effect of the amendment is that if no existing person has been designated or no new body has been created under section 44(1), then the Committee on Climate Change is the advisory body.</p>
10	<p>Section 44, page 22, after line 19, insert—</p> <p>(4) Regulations under subsection (1)(a) may, in particular, include provision about—</p> <p>(a) the status and membership of the body established by the regulations;</p> <p>(b) the employment of staff by the body;</p>	<p>Adran 44, tudalen 22, ar ôl llinell 19, mewnosoder—</p> <p>(4) Caiff rheoliadau o dan is-adran (1)(a), yn benodol, gynnwys darpariaeth ynghylch—</p> <p>(a) statws ac aelodaeth y corff a sefydlir gan y rheoliadau;</p> <p>(b) cyflogi staff gan y corff;</p> <p>(c) tâl, lwfansau a</p>	<p>The purpose of the amendment is to provide a power to include in subordinate legislation specific requirements in relation to the establishment of an advisory body.</p> <p>The effect of the amendment is to enable the Welsh Ministers to specify the governance arrangements of the body, including making any necessary incidental, consequential, transitional or savings provisions to ensure there are no conflicting provisions in other legislation.</p>

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	<p>(c) remuneration, allowances and pensions for members and staff;</p> <p>(d) the organisation and procedure of the body;</p> <p>(e) reports and accounts (including audit).</p> <p>(5) Regulations under subsection (1)(a) may enable the Welsh Ministers to give directions to the body in relation to the matters mentioned in subsection (4).</p> <p>(6) Regulations under subsection (1) may make incidental, supplementary, consequential, transitional or saving provision, which may include provision amending, repealing or revoking an enactment.’.</p>	<p>phensiynau ar gyfer aelodau a staff;</p> <p>(d) trefniadaeth a gweithdrefn y corff;</p> <p>(e) adroddiadau a chyfrifon (gan gynnwys archwilio).</p> <p>(5) Caiff rheoliadau o dan is-adran (1)(a) alluogi Gweinidogion Cymru i roi cyfarwyddydau i'r corff mewn perthynas â'r materion a grybwyllir yn is-adran (4).</p> <p>(6) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth gysylltiedig, atodol, ganlyniadol, drosiannol neu arbed, a all gynnwys darpariaeth sy'n diwygio, yn diddymu neu'n dirymu deddfiad.’.</p>	
11	<p>Section 48, page 23, line 18, leave out ‘containing only regulations under section 44 or 52 is subject to annulment in pursuance of a resolution of the National Assembly for Wales’ and insert—</p> <p>‘is subject to annulment in pursuance of a resolution of the National Assembly for Wales if it contains only—</p> <p>(a) regulations under section</p>	<p>Adran 48, tudalen 23, llinell 20, hepgorer ‘sy’n cynnwys rheoliadau o dan adran 44 neu 52 yn unig yn ddarostyngedig i’w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru’ a mewnosoder—</p> <p>‘yn ddarostyngedig i’w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru os yw’n cynnwys y canlynol yn unig—</p>	<p>The purpose of the amendment is to retain the application of the negative procedure only to subordinate legislation which designates an existing body as the advisory body.</p> <p>The effect of the amendment is to limit the application of the negative procedure and to require regulations that create a new advisory</p>

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	<p>44(1)(b) which do not make provision amending, repealing or revoking an enactment contained in an Act of Parliament or a Measure or Act of the National Assembly for Wales;</p> <p>(b) regulations under section 52’.</p>	<p>(a) rheoliadau o dan adran 44(1)(b) nad ydynt yn gwneud darpariaeth sy’n diwygio, yn diddymu neu’n dirymu deddfiad sydd wedi ei gynnwys mewn Deddf Seneddol neu mewn Mesur neu Ddeddf Cynulliad Cenedlaethol Cymru;</p> <p>(b) rheoliadau o dan adran 52’.</p>	body to be subject to the affirmative procedure.
12	<p>Section 49, page 24, after line 3, insert—</p> <p>‘(7) This section does not apply to regulations under section 44.’.</p>	<p>Adran 49, tudalen 24, ar ôl llinell 4, mewnosoder—</p> <p>‘(7) Nid yw’r adran hon yn gymwys i reoliadau o dan adran 44.’.</p>	<p>The purpose of the amendment is to provide an exception to the need to seek advice from the advisory body in relation to regulations either designating or creating an advisory body.</p> <p>The effect of the amendment is that the Welsh Ministers do not need to seek the advice of an advisory body where they may wish to either designate an existing person or establish a new body as the advisory body.</p>
13	<p>Schedule 2, page 61, after line 27, insert—</p> <p><i>‘Planning and Compulsory Purchase Act 2004 (c. 5)</i></p> <p>[] (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.</p> <p>(2) In section 60(5), as substituted by section 3 of the 2015 Act, before paragraph (a) insert—</p> <p>“(za) the national natural resources</p>	<p>Atodlen 2, tudalen 61, ar ôl llinell 27, mewnosoder—</p> <p><i>‘Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)</i></p> <p>[] (1) Mae Deddf Cynllunio a Phrynu Gorfodol 2004 wedi ei diwygio fel a ganlyn.</p> <p>(2) Yn adran 60(5), fel y’i hamnewidiwyd gan adran 3 o Ddeddf 2015, cyn paragraff (a) mewnosoder—</p> <p>“(za) the national natural resouces</p>	<p>The purpose of the amendment is to amend the Planning and Compulsory Purchase Act 2004 to make a link between the Environment Bill and Planning (Wales) Act 2015.</p> <p>The effect of the amendment is to enable area statements to form part of the evidence base for Local Development Plans and that the National Development Framework must take account of the National Natural Resource Policy.</p>

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	<p>policy published under section of the Environment (Wales) Act 2016,”.</p> <p>(3) In section 62(5), after paragraph (ba), as inserted by paragraph 25 of Schedule 2 to the 2015 Act, insert—</p> <p>“(bb) any area statement published under section 10 of the Environment (Wales) Act 2016 for an area that includes all or part of the area of the authority;”.</p> <p>(4) In this paragraph, “the 2015 Act” means the Planning (Wales) Act 2015 (anaw 4).’.</p>	<p>policy published under section 9 of the Environment (Wales) Act 2016,”.</p> <p>(3) Yn adran 62(5), ar ôl paragraff (ba), fel y'i mewnosodwyd gan baragraff 25 o Atodlen 2 i Ddeddf 2015, mewnosoder—</p> <p>“(bb) any area statement published under section 10 of the Environment (Wales) Act 2016 for an area that includes all or part of the area of the authority;”.</p> <p>(4) Yn y paragraff hwn, ystyr “Deddf 2015” yw Deddf Cynllunio (Cymru) 2015 (dccc 4).’.</p>	