

# HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 4 Hydref 2023  
Tabled on 4 October 2023

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

Mae'r gwelliannau â \* ar eu pwys yn rhai newydd  
Amendments marked \* are new

Huw Irranca-Davies

63

Page 13, after line 34, insert a new section –

### 'PART [] ACTIVE TRAVEL

#### [] **Duty to promote active travel**

- (1) Section 10 (duty to exercise functions to promote active travel) of the Active Travel (Wales) Act 2013 is amended in accordance with this section.
- (2) In subsection (1), for “under this Act” substitute “, insofar as they relate to active travel,”.
- (3) After subsection (1) insert –

“(1A) The Welsh Ministers must issue guidance to local authorities in relation to their duty under subsection (1) within 12 months of the day on which this provision comes into force.

(1B) In performing the duty imposed by subsection (1), a local authority must have regard to guidance issued by the Welsh Ministers under subsection (1A).”.

Tudalen 13, ar ôl llinell 35, mewnosoder adran newydd –

### 'RHAN [] TEITHIO LLESOL

#### [] **Dyletswydd i hyrwyddo teithio llesol**

- (1) Mae adran 10 (dyletswydd i arfer swyddogaethau i hyrwyddo teithio llesol) o Ddeddf Teithio Llesol (Cymru) 2013 wedi ei diwygio yn unol â'r adran hon.
- (2) Yn is-adran (1), hepgorer "o dan y Ddeddf hon" a rhodder ", i'r graddau y maent yn ymwneud â theithio llesol," yn ei le.
- (3) Ar ôl is-adran (1) mewnosoder –
  - “(1A) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol mewn perthynas â'u dyletswydd o dan is-adran (1) o fewn 12 mis i'r diwrnod y daw'r ddarpariaeth hon i rym.
  - (1B) Wrth gyflawni'r ddyletswydd a osodir gan is-adran (1), rhaid i awdurdod lleol roi sylw i ganllawiau a ddyroddir gan Weinidogion Cymru o dan is-adran (1A).”.

**Huw Irranca-Davies**

64

Page 13, after line 34, insert a new section –

**'PART [ ]  
ACTIVE TRAVEL**

**[ ] Duty to promote active travel**

- (1) Section 10 (duty to exercise functions to promote active travel) of the Active Travel (Wales) Act 2013 is amended as follows.
- (2) After subsection (2) insert –
  - “(3) The Welsh Ministers and local authorities must, in performing the duty imposed on them by subsection (1), have regard to guidance issued by the Welsh Ministers.”.

Tudalen 13, ar ôl llinell 35, mewnosoder adran newydd –

**'RHAN [ ]  
TEITHIO LLESOL**

**[ ] Dyletswydd i hyrwyddo teithio llesol**

- (1) Mae adran 10 (dyletswydd i arfer swyddogaethau i hyrwyddo teithio llesol) o Ddeddf Teithio Llesol (Cymru) 2013 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (2) mewnosoder –
  - “(3) Rhaid i Weinidogion Cymru ac awdurdodau lleol, wrth gyflawni'r ddyletswydd a osodir arnynt gan is-adran (1), roi sylw i ganllawiau a ddyroddir gan Weinidogion Cymru.”.

**Huw Irranca-Davies**

65

Section 27, page 15, after line 11, insert –

'( ) section [section to be inserted by amendment 63].'

Adran 27, tudalen 15, ar ôl llinell 11, mewnosoder –

'( ) adran [adran i'w mewnosod gan welliant 63].'

**\*Delyth Jewell** 66

Section 1, page 1, line 10, leave out 'long-term'.

Adran 1, tudalen 1, llinell 10, hepgorer 'hirdymor'.

**\*Delyth Jewell** 67

Section 1, page 1, after line 11, insert –

'() A target under this section may be a long-term target but need not be so.'

Adran 1, tudalen 1, ar ôl llinell 11, mewnosoder –

'() Caiff targed o dan yr adran hon fod yn darged hirdymor ond nid oes angen iddo fod felly.'

**\*Delyth Jewell** 68

Section 3, page 2, after line 5, insert –

'() consult –

- (i) the Natural Resources Body for Wales,
- (ii) every local authority in Wales,
- (iii) the Public Health Wales National Health Service Trust,
- (iv) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006, and
- (v) the public;'

Adran 3, tudalen 2, ar ôl llinell 7, mewnosoder –

'() ymgynghori â –

- (i) Corff Adnoddau Naturiol Cymru,
- (ii) pob awdurdod lleol yng Nghymru,
- (iii) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru,
- (iv) pob Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006, a
- (v) y cyhoedd;'

**\*Delyth Jewell** 69

Section 3, page 2, line 8, leave out 'scientific knowledge on air pollution' and insert –

'relevant internationally recognised guidelines and targets.

- () For the purposes of subsection (1)(b), "relevant internationally recognised guidelines and targets" includes, but is not limited to, the most recent World Health Organisation air quality targets'.

Adran 3, tudalen 2, llinell 10, hepgorer 'wybodaeth wyddonol ynghylch llygredd aer' a mewnosoder –

'ganllawiau a thargedau perthnasol a gydnabyddir yn rhyngwladol.

- ( ) At ddibenion is-adran (1)(b), mae "canllawiau a thargedau perthnasol a gydnabyddir yn rhyngwladol" yn cynnwys targedau ansawdd aer diweddaraf Sefydliad Iechyd y Byd, ond nid yw'n gyfyngedig i hynny'.

**\*Delyth Jewell** 70

Section 6, page 4, line 1, leave out '5 years' and insert '12 months'.

Adran 6, tudalen 4, llinell 1, hepgorer '5 mlynedd' a mewnosoder '12 mis'.

**\*Delyth Jewell** 71

Section 6, page 4, line 3, leave out '5 years' and insert '12 months'.

Adran 6, tudalen 4, llinell 3, hepgorer '5 mlynedd' a mewnosoder '12 mis'.

**\*Delyth Jewell** 72

Section 8, page 4, after line 18, insert –

'(c) how reducing instances of stationary idling can help tackle air pollution.'

Adran 8, tudalen 4, ar ôl llinell 18, mewnosoder –

'(c) sut y gall lleihau achosion o segura llonydd helpu i fynd i'r afael â llygredd aer.'

**\*Delyth Jewell** 73

Section 8, page 4, after line 18, insert –

'(c) active travel, insofar as it relates to tackling air pollution.'

Adran 8, tudalen 4, ar ôl llinell 18, mewnosoder –

'(c) teithio llesol, i'r graddau y mae'n ymwneud â mynd i'r afael â llygredd aer.'

**\*Delyth Jewell** 74

Section 10, page 5, after line 4, insert –

'( ) Transport for Wales;'

Adran 10, tudalen 5, ar ôl llinell 4, mewnosoder –

'( ) Transport for Wales;'

**\*Delyth Jewell** 75

Page 5, after line 5, insert a new section –

**[ ] Duty to report on strategy**

- (1) After section 80A of the Environment Act 1995 (c. 25) insert –

**“80B Duty to report on national air quality strategy in Wales**

As soon as reasonably practicable after the end of each financial year, beginning with the financial year in which this section comes into force, the Welsh Ministers must lay a statement before Senedd Cymru that sets out an assessment of the progress made towards delivering the national air quality strategy.”.

Tudalen 5, ar ôl llinell 5, mewnosoder adran newydd –

**[ ] Dyletswydd i adrodd ar y strategaeth**

(1) Ar ôl adran 80A o Ddeddf yr Amgylchedd 1995 (p. 25) mewnosoder –

**“80B Duty to report on national air quality strategy in Wales**

As soon as reasonably practicable after the end of each financial year, beginning with the financial year in which this section comes into force, the Welsh Ministers must lay a statement before Senedd Cymru that sets out an assessment of the progress made towards delivering the national air quality strategy.”.

**\*Delyth Jewell**

76

Section 13, page 6, after line 36, insert –

- ‘(1B) Where a local authority conducts a review under subsection (1A), it shall also prepare and publish an air quality strategy containing –
- (a) policies with respect to the assessment and management of the quality of air; and
  - (b) steps that the authority intends to take to improve air quality within the authority’s area.
- (1C) An air quality strategy must be published as soon as reasonably practicable after a review is carried out under subsection (1A).”.

Adran 13, tudalen 6, ar ôl llinell 37, mewnosoder –

- ‘(1B) Where a local authority conducts a review under subsection (1A), it shall also prepare and publish an air quality strategy containing –
- (a) policies with respect to the assessment and management of the quality of air; and
  - (b) steps that the authority intends to take to improve air quality within the authority’s area.
- (1C) An air quality strategy must be published as soon as reasonably practicable after a review is carried out under subsection (1A).”.

**\*Delyth Jewell**

77

Page 8, after line 19, insert a new section –

**[ ] Creation of smoke control areas**

- (1) The Clean Air Act 1993 (c. 11) is amended as follows.
- (2) After section 19 (power of Secretary of State to require creation of smoke control areas) insert –

**“19ZA Power of Welsh Ministers to declare smoke control areas**

- (1) If, after consultation with the relevant local authorities in Wales, the Welsh Ministers are satisfied –
  - (a) that it is expedient to abate the pollution of the air by smoke in an area which comprises all or any part of Wales; and
  - (b) that it would not be possible for a local authority to abate the pollution using the powers under section 18,they may by order declare the whole or any part of Wales to be a smoke control area.
- (2) Subsections (2) to (4) of section 18 apply to a smoke control order made under this section.
- (3) For the purposes of subsection (1), a local authority is a “relevant local authority” if all or any part of its area comprises part of the area that is to be declared a smoke control area under this section.”.

Tudalen 8, ar ôl llinell 19, mewnosoder adran newydd –

**[ ] Creu ardaloedd rheoli mwg**

- (1) Mae Deddf Aer Glân 1993 (p. 11) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 19 (pŵer yr Ysgrifennydd Gwladol i’w gwneud yn ofynnol creu ardaloedd rheoli mwg) mewnosoder –

**“19ZA Power of Welsh Ministers to declare smoke control areas**

- (1) If, after consultation with the relevant local authorities in Wales, the Welsh Ministers are satisfied –
  - (a) that it is expedient to abate the pollution of the air by smoke in an area which comprises all or any part of Wales; and
  - (b) that it would not be possible for a local authority to abate the pollution using the powers under section 18,they may be order declare the whole or any part of Wales to be a smoke control area.
- (2) Subsections (2) to (4) of section 18 apply to a smoke control order made under this section.
- (3) For the purposes of subsection (1), a local authority is a “relevant local authority” if all or any part of its area comprises part of the area that is to be declared a smoke control area under this section.”.

\*Delyth Jewell

78

Section 17, page 10, line 26, leave out –

‘A local authority in Wales must have regard to any guidance published by the Welsh Ministers about the exercise of the authority’s functions under this Part.’’

and insert –

- (1) The Welsh Ministers must issue guidance to local authorities in Wales in relation to how an authority must exercise its functions under this Part.
- (2) Guidance published under this section must set out circumstances in which a local authority should declare the whole or any part of the authority to be a smoke control area.
- (3) In exercising its functions under this Part, a local authority in Wales must have regard to guidance published under this section.’’.

Adran 17, tudalen 10, llinell 26, hepgorer –

‘A local authority in Wales must have regard to any guidance published by the Welsh Ministers about the exercise of the authority’s functions under this Part.’’

a mewnosoder –

- (1) The Welsh Ministers must issue guidance to local authorities in Wales in relation to how an authority must exercise its functions under this Part.
- (2) Guidance published under this section must set out circumstances in which a local authority should declare the whole or any part of the authority to be a smoke control area.
- (3) In exercising its functions under this Part, a local authority in Wales must have regard to guidance published under this section.’’.

**\*Delyth Jewell**

79

Section 19, page 11, line 16, after ‘inquiries’, insert ‘ –

- (a) in subsection (3), for “may at any time” substitute “must”;

Adran 19, tudalen 11, llinell 15, ar ôl ‘ymchwiliadau’, mewnosoder ‘ –

- (a) yn is-adran (3), yn lle “may at any time” rhodder “must”;

**\*Delyth Jewell**

80

Page 12, after line 10, insert a new section –

**[ ] Stationary idling offence: guidance**

- (1) The Welsh Ministers must issue guidance to local authorities on factors that should be taken into account when enforcement action is being taken in respect of a stationary idling offence.
- (2) When taking enforcement action in respect of a stationary idling offence, a local authority must have regard to any guidance issued under subsection (1).

- (3) In this section, “stationary idling offence” means an offence under section 42 of the Road Traffic Act 1998 that consists of a contravention of, or failure to comply with, so much of regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986 (Stopping of engine when stationary) as relates to the prevention of exhaust emissions.’.

Tudalen 12, ar ôl llinell 10, mewnosoder adran newydd –

**[ ] Trosedd segura llonydd: canllawiau**

- (1) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol ar ffactorau y dylid eu hystyried wrth gymryd camau gorfodi mewn cysylltiad â throedd segura llonydd.
- (2) Wrth gymryd camau gorfodi mewn cysylltiad â throedd segura llonydd, rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a ddyroddir o dan is-adran (1).
- (3) Yn yr adran hon, ystyr “trosedd segura llonydd” yw trosedd o dan adran 42 o Ddeddf Traffig Ffyrdd 1998 sy’n torri neu’n methu â chydymffurfio â chymaint o reoliad 98 o Reoliadau Cerbydau Ffyrdd (Eu Hadeiladwaith a’u Defnydd) 1986 (diffodd peiriant pan fo cerbyd yn llonydd) ag sy’n ymwneud ag atal allyriadau nwyon llosg.’.

**\*Delyth Jewell**

81

Section 27, page 15, after line 9, insert –

‘( ) section [section to be inserted by amendment 80];’.

Adran 27, tudalen 15, ar ôl llinell 9, mewnosoder –

‘( ) adran [adran i’w mewnosod gan welliant 80];’.

**\*Delyth Jewell**

82

Schedule 2, page 19, after line 34, insert –

‘15 (1) In the case of a trunk road charging scheme –

- (a) which is made by virtue of subsection (3) of section 167, and
- (b) which is made (either wholly or partly) for the purpose of reducing or limiting air pollution,

the Welsh Ministers’ share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to the improvement of air quality, including active travel.’.

Atodlen 2, tudalen 19, ar ôl llinell 35, mewnosoder –

‘15 (1) In the case of a trunk road charging scheme –

- (a) which is made by virtue of subsection (3) of section 167, and
- (b) by which is made (either wholly or partly) for the purpose of reducing or limiting air pollution,

the Welsh Ministers’ share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to the improvement of air quality, including active travel.’.



**\*Delyth Jewell**

83

Schedule 2, page 20, line 7, leave out '(1) applies' and insert '[sub-paragraph to be inserted by amendment 82] and (1) apply'.

Atodlen 2, tudalen 20, llinell 7, hepgorer '(1) applies' a mewnosoder '[is-baragraff i'w fewnosod gan welliant 82] and (1) apply'.

**\*Delyth Jewell**

84

Schedule 2, page 20, line 18, leave out '(1) no longer applies' and insert '[sub-paragraph to be inserted by amendment 82] or (1) no longer apply'.

Atodlen 2, tudalen 20, llinell 18, hepgorer '(1) no longer applies' a mewnosoder '[is-baragraff i'w fewnosod gan welliant 82] or (1) no longer apply'.

**\*Jenny Rathbone**

85

Section 3, page 2, after line 8, insert –

- '( ) Before making regulations under section 1 or 2 which set or amend a target in respect of a particular pollutant, the Welsh Ministers must have regard to any guidelines for that pollutant published by the World Health Organisation in its most recent global air quality guidelines.'

Adran 3, tudalen 2, ar ôl llinell 10, mewnosoder –

- '( ) Cyn gwneud rheoliadau o dan adran 1 neu 2 sy'n gosod neu'n diwygio targed mewn cysylltiad â llygrydd penodol, rhaid i Weinidogion Cymru roi sylw i unrhyw ganllawiau ar gyfer y llygrydd hwnnw a gyhoeddwyd gan Sefydliad Iechyd y Byd yn ei ganllawiau ansawdd aer byd-eang diweddaraf.'

**\*Jenny Rathbone**

86

Section 6, page 3, after line 34, insert –

- '( ) If a target under section 1 or 2 is in respect of a pollutant for which guidelines have been published by the World Health Organisation in its most recent global air quality guidelines, the Welsh Ministers must, in carrying out a review of the target, have regard to the guidelines in respect of that pollutant.'

Adran 6, tudalen 3, ar ôl llinell 34, mewnosoder –

- '( ) Os yw targed o dan adran 1 neu 2 mewn cysylltiad â llygrydd y mae canllawiau wedi eu cyhoeddi ar ei gyfer gan Sefydliad Iechyd y Byd yn ei ganllawiau ansawdd aer byd-eang diweddaraf, rhaid i Weinidogion Cymru, wrth gynnal adolygiad o'r targed, roi sylw i'r canllawiau mewn cysylltiad â'r llygrydd hwnnw.'

**\*Jenny Rathbone**

3A

As an amendment to amendment 3, after line 24, insert –

- ‘() have regard to any guidelines in respect of the pollutant to which the standard applies published by the World Health Organisation in its most recent global air quality guidelines,’.

Fel gwelliant i welliant 3, ar ôl llinell 25, mewnosoder –

- ‘() rhoi sylw i unrhyw ganllawiau mewn cysylltiad â’r llygrydd y mae’r safon yn gymwys iddo a gyhoeddwyd gan Sefydliad Iechyd y Byd yn ei ganllawiau ansawdd aer byd-eang diweddaraf,’.

