



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

Cynigion Taliadau ar gyfer 2018-19

- Crynodeb o'r ymgynghoriad ac ymateb Cyfoeth Naturiol Cymru.

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1. Cyflwyniad

Er mwyn datblygu cynllun taliadau Cyfoeth Naturiol Cymru ar gyfer 2018-19, rydym yn ymgynghori â'n rhanddeiliaid ac yn ystyried yr ymatebion cyn terfynu ein cynigion.

Cynhaliom ymgynghoriad 12 wythnos a ddaeth i ben ar 16 Ionawr 2018. Cyn yr ymgynghoriad, gwnaethom gwrdd â'r Grŵp Ymgynghorwyr Talwyr Taliadau¹ i drafod y cynigion a'u mireinio ar sail adborth gan ein prif rhanddeiliaid a'n grwpiau cynrychioladol. Buom hefyd yn gweithio gyda rhanddeiliaid sefydledig a gwnaethom anfon negeseuon e-bost yn uniongyrchol at ein cwsmeriaid a phartïon eraill â budd er mwyn codi ymwybyddiaeth o'r cynigion. Yn ystod y cyfnod ymgynghori cyhoeddus, gwnaethom roi'r Dogfennau Ymgynghori ar ein gwefan.

Gwnaethom dderbyn cyfanswm o 11 o ymatebion a defnyddiwyd y rhain, ynghyd ag adborth gan grwpiau rhanddeiliaid, i ddatblygu ein cynllun. Rydym yn gwerthfawrogi'r mewnbwn gan rhanddeiliaid ac rydym wedi ystyried eu safbwyntiau. Rydym wedi crynhoi'r elfennau allweddol a'n hymateb yn y papur hwn er mwyn helpu i esbonio ein cynigion.

2. Ein cynigion

Mae'r cynigion manwl fel yr amlinellwyd yn yr ymgynghoriad i'w gweld yn Atodiad 1. Ceir crynodeb isod o'r newidiadau hynny:

1. Cyfarwyddeb Gwaith Hylosgi Canolig (MCPD)

Rydym yn bwriadu adennill cost trwyeddu unrhyw weithfeydd newydd o fewn cwrpas y Gyfarwyddeb Gwaith Hylosgi Canolig a ddaeth i rym ar 15 Rhagfyr 2015 a bydd yn berthnasol i weithfeydd newydd o 20 Rhagfyr 2018 ac unrhyw weithfeydd sydd eisoes yn bodoli o 2024 a 2029 ymlaen yn dibynnu ar eu maint, math o danwydd, oedran ac oriau gweithredu.

2. Ynni dŵr - Cyflwyno Band Uwch

Rydym yn cyflwyno band uwch ar gyfer cynlluniau ynni dŵr mawr dros 250kW er mwyn sicrhau bod costau'n cael eu hadennill yn llawn. Mae'r cynlluniau mwy yn tueddu i fod yn fwy cymhleth ac ar raddfa sy'n gofyn am fwy o fewnbwn technegol gan Cyfoeth Naturiol Cymru.

Rydym yn bwriadu gosod taliad sylfaenol o £1500 ac amser adennill costau a deunyddiau lle yr eir y tu hwnt i hyn.

¹Mae'r Grŵp Ymgynghorwyr Talwyr Taliadau yn cynnwys aelodau o sefydliadau masnach a chynrychioladol amrywiol ein rhanddeiliaid.

Capasiti'r Cynllun (kW)	Ffi Ymgeisio Arfaethedig (£)
25kW neu lai	375
>25 hyd 50kW	750
>50 hyd 100kW	1,125
>100 hyd 250kW	1,500
>250 kW	1,500 yn ogystal â thaliad yn seiliedig ar amser

3. Gofynion cyfalaf newydd - Tâl Uned Safonol (SUC).

Rydym yn bwriadu cynnal y Tâl Uned Safonol ar y gyfradd bresennol ar gyfer 2018/19. Er hynny, byddwn yn parhau i adolygu'r costau buddsoddi a'r opsiynau codi tâl gyda Dŵr Cymru ar gyfer blynyddoedd y dyfodol.

Gwnaethom ddweud ein bod yn adolygu sut yr ydym yn ariannu gwelliannau isadeiledd cronfeydd dŵr sydd eu hangen er mwyn sicrhau bod asedau yn cael eu cynnal a'u cadw'n briodol. Mae'r gost hon yn cael ei hadennill drwy'r Tâl Uned Safonol felly bydd gwelliannau cyfalaf dros yr ychydig o flynyddoedd nesaf yn rhoi pwysau ar y tâl hwn.

4. Adennill Costau Digwyddiadau Llygredd (PICR)

Rydym yn cynnig cynyddu ein taliadau adennill costau digwyddiadau llygredd i £125 am bob awr yn unol â'n taliad safonol am bob awr. Y gyfradd am bob awr ar hyn o bryd yr ydym yn seilio ein costau adennill arni yw £84 ac mae wedi parhau ar y lefel hon ers blynyddoedd lawer tra bod ein costau cyffredinol wedi cynyddu.

5. Rheoleiddio Niwclear yng Nghymru

Gwnaethom gyfathrebu â rhanddeiliaid allweddol yng Nghymru sy'n gweithredu safleoedd Niwclear yng Nghymru sy'n cael eu rheoleiddio gan Asiantaeth yr Amgylchedd ar ein rhan ni. Mae Asiantaeth yr Amgylchedd wedi ymgynghori ar wahân am eu ffioedd a thaliadau, ac maent wedi cyhoeddi eu cynllun taliadau ar eu [gwefan](#)

3. Crynodeb o'r ymgynghoriad ac ymateb Cyfoeth Naturiol Cymru

Gwnaethom dderbyn cyfanswm o 11 o ymatebion i'r ymgynghoriad. Gellir gweld yr ymatebion llawn yn Atodiad 2.

Cyfarwyddeb Gwaith Hylosgi Canolig

Yn gyffredinol, derbyniwyd yr egwyddor o adennill costau ar gyfer rheoliadau'r Gyfarwyddeb Gwaith Hylosgi Canolig er yr heriwyd y gyfradd am bob awr. Daeth y prif ymatebion o'r sector amaethyddol, ac roeddent yn ymwneud â diffyg eglurder o ran graddfa'r effaith ar ffermwyr ac anghysondebau yn y taliadau arfaethedig gan Asiantaeth yr Amgylchedd. Dadleuwyd y dylai'r sector Amaethyddiaeth gael ei esemptio o'r rheoliadau oherwydd y baich ychwanegol. P'un a yw hyn yn wir ai peidio cafodd cais ei wneud i'r gwaith o weithredu gael ei gefnogi gan reoleiddiwr sy'n meddu ar yr adnoddau i hyrwyddo, cyfathrebu a gweithredu'r cynllun.

Ymateb Cyfoeth Naturiol Cymru

Rydym yn gweithio gyda Rheoleiddwyr eraill y DU i ddatblygu canllawiau technegol yr ydym yn gobeithio eu cyhoeddi erbyn gwanwyn 2018. Mae'r rheoliadau yn berthnasol i'r holl weithfeydd hylosgi sydd â mewnbwn thermol ar gyfradd rhwng 1-50MW. Gall hyn fod yn berthnasol i weithgareddau amaethyddol megis sychu ŷd, cynhesu cartrefi da byw, garddwriaeth neu unedau llaethdy mawr ar gyfer cynhesu dŵr, ond mae sawl esemptiad wedi'u cynnwys yn y diwygiadau i'r Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016, sy'n adlewyrchu'r darpariaethau a ddisgrifir yn Erthygl 2(3) o'r Gyfarwyddeb Gwaith Hylosgi Canolig a allai fod yn berthnasol o dan rai amgylchiadau. Nid yw'r rheoliadau diwygio sy'n gweithredu'r Gyfarwyddeb Gwaith Hylosgi yn pennu eithriad ar gyfer sector penodol a chan fod yr offeryn statudol bellach wedi'i osod a'i gymeradwyo gan Gynulliad Cenedlaethol Cymru, nid oes lle ar hyn o bryd i esemptiad o'r fath sy'n ymwneud yn benodol ag amaethyddiaeth heblaw'r eithriadau a amlinellir yn y ddeddfwriaeth.

Mae trefniadau trosiannol ar waith er mwyn gweithredu'r rheoliadau ar gyfer gweithfeydd sydd eisoes yn bodoli.

Gwnaethom seilio ein cynigion ar y wybodaeth a oedd ar gael bryd hynny ac rydym yn bwriadu adolygu'r rhain yn flynyddol yn yr un modd â ffioedd a thaliadau eraill er mwyn sicrhau bod costau'n cael eu hadennill. Rydym yn gweithio gyda rheoleiddwyr eraill y DU i fod mor gyson â phosibl mewn perthynas â'r Gyfarwyddeb Gwaith Hylosgi ar draws ffiniau.

Rydym yn cysylltu'n rheolaidd â rheoleiddwyr eraill y DU o ran gweithredu'r diwygiadau i Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016.

Ynni Dŵr - Band Uwch

Cawsom ymateb cymysg i'r cynnig o ran band uwch. Derbynnir yn gyffredinol y dylai'r ffioedd fod yn gymesur â'r cymhlethdod a'r amser a gymerir i asesu cynlluniau. Cawsom wrthwynebiad cryf, yn bennaf gan Gymdeithas Ynni Dŵr Prydain. Maent o'r farn bod y ffioedd dim ond wedi cynyddu'n ddiweddar ar gyfer yr haen uwch felly nid yw codiadau pellach yn briodol. Maent yn gweld risg ychwanegol o sgysiau hirfaith ar draul yr ymgeisydd, sy'n anghymhelliad. Mae rhywfaint o anfonlonrwydd yn y sector am lefel y gwasanaeth, a gall y penderfyniadau a wneir a'r costau penagored ei gwneud hi'n anodd amcangyfrif costau'r cynllun ar gyfer ymgeiswyr. Awgrymir y gellir gwneud arbedion drwy ymgysylltu â materion anodd.

Gofynnodd NFU Cymru i Cyfoeth Naturiol Cymru a Llywodraeth Cymru wneud mwy i ymdrin â rhwystrau i weithrediadau adnewyddadwy ar raddfa fferm gan mai ynni adnewyddadwy yw un o brif flaenoriaethau Polisi Adnoddau Naturiol Llywodraeth Cymru.

Ymateb Cyfoeth Naturiol Cymru

Cynigiwyd y band uwch er mwyn sicrhau bod y rhai sy'n cyflwyno cais am gynlluniau mwy cymhleth yn talu swm sy'n fwy priodol ar gyfer y cynllun maent yn ei gynnig a bod cynlluniau symlach llai yn talu llai. Mae Cyfoeth Naturiol Cymru wedi darparu canllawiau i helpu cwsmeriaid i ddeall lle mae cynlluniau yn debygol o fynd yn fwy cymhleth.

Roedd y cyfraddau hanesyddol yn talu am faint dibwys o'n costau ar gyfer penderfynu ar drwydded Adnoddau Dŵr. Cafodd y costau penderfynu ar geisiadau am drwyddedau ynni dŵr eu talu bron yn gyfan gwbl drwy draws-gymhorthdal gan Dalwyr Taliadau Trwydded lle mae ynni dŵr sy'n llai na 5MW wedi'i esemptio ar hyn o bryd o'r ffi gynhaliath flynyddol. Cyflwynwyd system haenog o daliadau ar gyfer ceisiadau ynni dŵr a oedd yn symud tuag at adennill costau o'r ymgeisydd a thraws-gymhorthdal gostyngol tair blynedd yn ôl. Nid oedd y ffi o £1500 am gynlluniau Pŵer Trydan Dŵr gyda chapasiti o >100 kW wedi'i gosod ar lefel adennill costau llawn ond ar ben isaf y costau penderfynu rhagweledig. Roedd y costau hyn yn seiliedig hefyd ar gyfradd am bob awr a oedd yn llai na'r £125 presennol am bob awr.

Rydym yn cydnabod pwysigrwydd prosesau effeithlon wrth benderfynu ar drwyddedau, ac rydym yn darparu gwasanaeth cwsmeriaid o ansawdd uchel. Mae hyn yn rhan o broses o wella'n barhaus a byddwn yn gwneud mwy yn y maes hwn.

Nid ydym yn cynnig unrhyw newidiadau i'r ffioedd ymgeisio ar gyfer haenau presennol h.y. 100 kW a llai sef y rhan fwyaf o geisiadau ac amrywiaethau ac a fydd yn parhau i gael eu cefnogi gan incwm Tâl Uned Safonol Adnoddau Dŵr. Bwriad yr haen uwch yw adennill ein costau'r gwaith ychwanegol sy'n gysylltiedig â chynlluniau ynni dŵr mawr. Mae'r gyfradd sylfaenol o £1500 ar gyfer yr haen newydd yn cynnwys y costau penderfynu ar drwyddedau sylfaenol nad ydynt yn bodloni'r costau adennill yn llawn hyd yma ac sy'n parhau i gael eu cefnogi gan incwm ehangach y Tâl Uned Safonol Adnoddau Dŵr.

Rydym yn cydnabod y gall ffi heb ei chapio beri ansicrwydd a risg i ymgeisydd ac felly bydd angen cynllunio a rheoli'r broses i roi eglurder i'r ymgeisydd am y costau tebygol. Gellid cyflawni hyn drwy ddatblygu amcangyfrifon ar sail cynllun gwaith sy'n benodol i'r materion sy'n gysylltiedig â'r cynnig. Gall y ffi amcangyfrifedig gael ei chytuno rhwng partion cyn i'r gwaith ddechrau.

O ran cynlluniau mwy sy'n fwy cymhleth, bydd yr amser a dreulir yn rhoi ystyriaeth fanwl i'r cais ac wrth gynllunio'r gwaith mae ei angen i gwblhau'r broses benderfynu yn helpu i sicrhau bod y materion yn cael eu deall yn llawn gyda strategaeth glir o ran sut i ymdrin yn effeithlon â nhw. Bydd cytuno ar ffi amcangyfrifedig ar gyfer gwaith ychwanegol yn cynnwys darparu cynllun clir mewn perthynas â sut y bydd materion rheoleiddiol sy'n gysylltiedig â'r cynigion yn derbyn sylw, gan alluogi proses benderfynu fwy effeithlon a rhoi eglurder i'r ymgeisydd.

Er nad ydym wedi gweld llawer o geisiadau cymhleth, gall y broses o benderfynu ar un cynllun cymhleth mawr olygu y bydd angen i Cyfoeth Naturiol Cymru gyflawni cryn dipyn o waith, yn enwedig os yw'r cynnig wedi'i leoli o fewn safle dynodedig. Mae angen i ni ddarparu ar gyfer hyn yn y dyfodol er mwyn lleihau'r risg o gostau penderfynu uchel, heb eu hariannu.

Mae ein hardaloedd cadwraeth natur mwyaf gwerthfawr yn cael eu hamddiffyn o ganlyniad i statws safle dynodedig. Mae penderfynu ar gynigion ynni dŵr ar safleoedd dynodedig yn llawer mwy cymhleth gan fod y gofynion rheoleiddiol yn llawer uwch o'u cymharu â safleoedd eraill heb eu dynodi.

Er ein bod yn ceisio sicrhau bod ein prosesau mor effeithlon â phosib ac i wella ein canllawiau ynni dŵr sy'n cefnogi ynni adnewyddadwy, mae dyletswyddau statudol yn parhau arnom i amddiffyn yr amgylchedd a bydd rhai costau rheoleiddiol yn parhau. Mae'n ofynnol i ni geisio adennill costau ac felly bydd costau penderfynu ar drwyddedau yn cael eu trosglwyddo i'r ymgeisydd.

Gofynion cyfalaf newydd - Tâl Uned Safonol (SUC)

Gwnaethom rannu ein bwriad i gadw'r Tâl Uned Safonol presennol ac ni chafwyd unrhyw sylwadau arwyddocaol am hyn. Gwnaethom godi'r mater o fuddsoddi yn y dyfodol a sut y gellid cyflawni hyn. Cadarnhaodd Dŵr Cymru ei ymrwymiad i weithio gyda Cyfoeth Naturiol Cymru i gyflawni hyn dros y blynyddoedd i ddod (Cynllun Rheoli Asedau [Cyfnod 7] 2020-2027).

Cyfradd Cyfoeth Naturiol Cymru am bob awr

Roedd nifer o'r ymatebion yn herio'r ffaith bod y gyfradd am bob awr a godir gan Cyfoeth Naturiol Cymru (neu Asiantaeth yr Amgylchedd yn achos Rheoleiddio Niwclear) yn sylweddol uwch nag arbenigwyr sector cyffelyb.

Ymateb Cyfoeth Naturiol Cymru

Rydym wedi sefydlu ein cyfradd reoleiddio ar £125 am bob awr, yn seiliedig ar egwyddorion adennill costau'n llawn (sy'n adennill costau uniongyrchol, gwasanaethau galluogi, gorbennion a'r tâl ariannu). Wrth wneud hynny, ein nod yw safoni cyfraddau am bob awr ar draws drefniadau rheoleiddio a meysydd gwaith.

Mae'n bwysig cydnabod y gallai'r costau hyn amrywio rhwng rheoleiddwyr wrth i'n cylch gwaith, polisïau, a'n blaenoriaethau newid.

Er mwyn cymharu cyfradd am bob awr Cyfoeth Naturiol Cymru â rheoleiddwyr eraill yn gywir, mae'n bwysig ystyried yr holl ffioedd a thaliadau y gallent eu codi.

Adennill Costau Digwyddiadau Llygredd (PICR)

Mynegwyd pryderon gan amrywiaeth o sectorau ynghylch y cynnig i gynyddu'r gyfradd Adennill Costau Digwyddiadau Llygredd am bob awr. Y pwyntiau allweddol a godwyd yw:

1. Effaith ataliol - gwneud pobl yn llai awyddus i hunan-adrodd yn gynnar;
2. Diffyg eglurder am ddisgresiwn Cyfoeth Naturiol Cymru wrth gymhwyso'r broses Adennill Costau Digwyddiadau Llygredd;
3. Cysondeb rhwng cyfraddau am bob awr Asiantaeth Diogelu Amgylchedd yr Alban, Asiantaeth yr Amgylchedd, a Cyfoeth Naturiol Cymru;
4. Eglurder am ddefnydd cyngor arbenigol gan Cyfoeth Naturiol Cymru wrth ymateb i ddigwyddiadau;
5. Bydd costau uwch yn golygu bod llai o adnoddau ar gael i fferm fuddsoddi er mwyn osgoi llygredd;
6. Canfyddiad mai cynhyrchu incwm yw'r taliad hwn;

Ymateb Cyfoeth Naturiol Cymru

Mae ein cyfradd am bob awr wedi aros yn gyson ar £84/yr awr ers mis Ebrill 2010 ac mae o dan gostau adfer. Mae'r cynnydd yn adlewyrchu cost adennill llawn ein staff sy'n mynychu, archwilio neu'n rheoli digwyddiad llygredd er mwyn atal niwed neu leihau effeithiau'r llygredd. Mae'n rhesymol ac yn gyson â Rheoli Arian Cyhoeddus Cymru, mai'r llygrydd sy'n talu'r gost am hyn, ac nad yw'n dod o bwrs y cyhoedd. Mae Asiantaeth Diogelu Amgylchedd yr Alban ac Asiantaeth yr Amgylchedd wedi cadw eu cyfradd Adennill Costau Digwyddiadau Llygredd ar yr un lefel ers peth amser ac mae eu cyfradd yn dibynnu ar sut maent yn cyfrif eu gorbenion a'u costau penodol.

Mae Cyfoeth Naturiol Cymru yn cadw'r hawl i wneud penderfyniadau ynghylch faint o amser y byddwn yn codi tâl amdano wrth ystyried amgylchiadau penodol y digwyddiad. Mae er budd pawb i atal llygredd cyn iddo ddigwydd drwy fuddsoddi mewn isadeiledd, cynllunio a lliniaru. Lle mae camau wedi cael eu cymryd i atal llygredd neu pan fo hunan-adrodd yn gynnar yn digwydd mae'n fwy tebygol y bydd costau'n is gan fod yr ymyrraeth gynnar yn atal digwyddiadau rhag cael eu hestyn gan arwain at gostau clirio sylweddol. Mae hefyd yn llai tebygol y bydd camau gorfodi yn cael eu gweithredu pan fydd gweithrediadau cadarnhaol yn arwain at lai o effaith ar yr amgylchedd.

Pan fydd Cyfoeth Naturiol Cymru yn codi tâl am ddigwyddiadau bydd anfoneb archwiliadwy glir yn nodi amser y swyddog, y deunyddiau, yr offer neu wasanaethau arbenigol eraill a ddefnyddiwyd. Fel arfer, yn ystod digwyddiad, rhoddir dewis i'r gweithredwr neu'r tiffeddiannwr gyflogi contractwyr yn uniongyrchol, ond lle nad yw

hynny'n hygyrch neu mae'n annigonol, bydd Cyfoeth Naturiol Cymru yn ymyrryd ac yn adennill ein costau am wneud hynny.

Rheoleiddio Niwclear yng Nghymru

Cydnabuwyd bod Asiantaeth yr Amgylchedd yn cynnal rhywfaint o waith goruchwyllo ar safleoedd Niwclear ar ran Cyfoeth Naturiol Cymru, ac mewn achosion fel hyn, mae gan Cyfoeth Naturiol Cymru lai o ddylanwad dros unrhyw newidiadau. Fodd bynnag, gofynnwyd i Cyfoeth Naturiol Cymru sicrhau craffu ar ran y diwydiant yng Nghymru.

Ymateb Cyfoeth Naturiol Cymru

Rydym yn gweithio'n agos gydag Asiantaeth yr Amgylchedd i sicrhau bod diwydiant yn cael ei reoleiddio'n deg ac yn gymesur yng Nghymru.

4. Newidiadau i'r Cynllun Terfynol

Yn dilyn y broses ymgynghori a'r adborth a gawsom ni wnaethom unrhyw newidiadau i'r cynigion y gwnaethom ymgynghori yn eu cylch. Rydym yn parhau i groesawu a gwerthfawrogi'r mewnbwn gan randdeiliaid ac rydym wedi ystyried y materion a godwyd yn llawn, ac wedi nodi ein hymatebion yn y ddogfen hon i esbonio pam yr ydym wedi gwneud y penderfyniad hwn.

Mae'r cynigion wedi cael eu hadolygu gan Fwrdd Cyfoeth Naturiol Cymru a'u cyflwyno i'r Gweinidog i'w cymeradwyo, ac erbyn hyn cytunwyd arnynt.

Atodiad 1 Cynigion yr Ymgynghoriad Taliadau

Cyfarwyddeb Gwaith Hylosgi Canolig

Daeth y Gyfarwyddeb Gwaith Hylosgi Canolig (MCPD) i rym ar 15 Rhagfyr 2015 ac mae angen ei throsi i gyfraith y DU erbyn 19 Rhagfyr 2017. Mae'r Gyfarwyddeb yn ceisio gwella ansawdd aer drwy gyflwyno cyfyngiadau allyriadau ar lygryddion allweddol a thrwy ddod â'r holl weithfeydd hylosgi yn yr ystod mewnbwn 1-50MW o dan reolaeth reoleiddiol. Mae gwerthoedd y terfyn allyriadau yn gymwys o 20 Rhagfyr 2018 ar gyfer gweithfeydd newydd ac erbyn 2024 a 2029 ar gyfer gweithfeydd sydd eisoes yn bodoli, yn dibynnu ar eu maint, y math o danwydd, eu hoedran a'u horiau gweithredu. Ar hyn o bryd rydym yn rheoleiddio gweithfeydd hylosgi ar osodiadau sydd â mewnbwn thermol ar gyfradd gyfraneddol dros 50MWth a'r rheiny sy'n is na 50MWth, sy'n rhan o osodiadau Rhan A1 y Rheoliadau Trwyddedu Amgylcheddol fel Gweithrediadau Uniongyrchol Cysylltiedig. Awdurdodau Lleol sy'n rheoleiddio'r gweithfeydd 20-50MWth fel gosodiadau Rhan B y Rheoliadau Trwyddedu Amgylcheddol.

Mae Llywodraeth Cymru yn bwriadu trosi gofynion y Gyfarwyddeb Gwaith Hylosgi drwy Reoliad (EPR2016) Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016. Yn ogystal, yng Nghymru a Lloegr, bydd darpariaethau pellach yn cael eu cynnwys ar gyfer "generaduron penodedig" y bydd angen trwyddedau arnynt hefyd o dan EPR2016. Mae'r generaduron penodol hyn yn weithfeydd hylosgi a ddefnyddir i gynhyrchu yn y Farchnad Gapasiti ac efallai y byddant yn gweithredu am gyfnod byr, ond yn creu llawer o lygredd (e.e. peiriannau diesel heb osteg). Cyflwynwyd y Farchnad Gapasiti gan y Llywodraeth a'i nod yw sicrhau bod digonedd o ffynonellau dibynadwy o drydan ar gael drwy gynnig taliadau i annog buddsoddi mewn capasiti newydd neu er mwyn cadw capasiti presennol ar agor. Rheolir contractau'r Farchnad Gapasiti hyn gan yr Adran Busnes, Ynni a'r Strategaeth Ddiwydiannol (BEIS) ac nid ydynt wedi'u datganoli.

Nid yw Llywodraeth Cymru wedi cadarnhau hyd yma ei dull mwy ffafriol o ran y rheoleiddiwr [Cadarnhawyd Cyfoeth Naturiol Cymru fel yr unig reoleiddiwr gan Lywodraeth Cymru]. Fodd bynnag, un o'r opsiynau a oedd wedi'u cynnwys yn yr ymgynghoriad ynghylch gweithfeydd hylosgi canolig a'r generaduron penodol oedd i Cyfoeth Naturiol Cymru fod yr unig reoleiddiwr yng Nghymru ar gyfer y gweithgareddau hyn. Cyn y digwyddiad hwnnw, a chan y bydd angen trwydded ar gyfer gweithfeydd hylosgi cyfrwng newydd a generaduron penodol o 20 Rhagfyr 2018, mae angen i ni gael trefniant codi tâl ar waith ar yr adeg honno petai Cyfoeth Naturiol Cymru yn cael ei gadarnhau fel y rheoleiddiwr, felly mae angen cynnwys hyn yn yr ymgynghoriad ynghylch cynllun 2018/19.

Bydd darparwyr y DU yn cynnig arweiniad technegol manwl a diffiniadau i helpu gweithredwyr i ddeall maint a gofynion y rheoliadau. Rydym wedi cyflwyno'r tabl costau isod fel arwydd o'r mathau o drwyddedau i helpu i egluro ehangder posibl y gweithgareddau sy'n destun y rheoliadau hyn.

Nid yw'r gweithgaredd hwn yn dod o dan Adran 41 Deddf yr Amgylchedd 1995 ac felly ni fydd angen i'r Gweinidog ei gymeradwyo. Yn ogystal, roedd ymgynghoriad Llywodraeth Cymru / Defra ynghylch trosi'r Gyfarwyddeb Gwaith Hylosgi a'r generaduron penodol yn cynnwys y bwriad i adfer costau yn yr ymgynghoriad.

Rydym yn bwriadu adennill costau trwyddedu unrhyw weithfeydd o fewn cwmpas drwy ffi gychwynol i dalu cost o drwyddedu a thaliad cynhaliaeth flynyddol i dalu costau gwirio cydymffurfiaeth. Rydym yn adolygu ein ffioedd a thaliadau yn flynyddol, yn ogystal â'n prosesau i sicrhau bod costau yn cael eu lleihau i'r eithaf.

Mae ein costau trwyddedu yn seiliedig ar amcangyfrif o nifer yr oriau y byddai'n cymryd i benderfynu ar gais a phrofiad o drefnau tebyg.

Math o gontract	Nifer yr oriau	Ffi ymgeisio
Generaduron 'Penodedig' Newydd	78 (gyda'r Tîm Modelu ac Asesu Risg Ansawdd Aer)	£4056
	37 (heb y Tîm Modelu ac Asesu Risg Ansawdd Aer)	£1924
Gwaith Hylosgi pwrpasol	23	£1196
Gwaith Hylosgi risg isel	13	£676
Gwaith hylosgi ategol	3	£156
Gwaith hylosgi wrth gefn	2	£104

Sylwch: Efallai y bydd angen modelu risg ansawdd aer generaduron 'penodedig' pwrpasol (y Tîm Modelu ac Asesu Risg Ansawdd Aer) o ganlyniad i risg sy'n denu ffi uwch er mwyn adlewyrchu'r asesiad ychwanegol hwn.

Cydymffurfio

Rydym wedi seilio ein costau cydymffurfio ar yr atodlen gydymffurfio o fewn Asesiad Effaith Defra / Llywodraeth Cymru ac amcangyfrif o nifer yr oriau i gyflawni'r gwaith. Rydym yn ystyried yr opsiynau talu o ran y ffioedd cynhaliaeth a'r atodlen gydymffurfio gysylltiedig (fel yr amlinellir yn y tabl isod) ar gyfer trwyddedau risg isel, ategol, ac wrth gefn.

Math o drwydded	Atodlen gydymffurfio	Nifer yr oriau	Costau adnoddau	Cynhaliaeth flynyddol (wedi'i thaenu dros nifer o flynyddoedd yn yr atodlen gydymffurfio)

Generaduron 'Penodedig' newydd	1 archwiliad bob blwyddyn	7.4	£385	£385
Gwaith Hylosgi risg isel	1 gwiriad o bell* bob 2 flynedd	4	£208	£104
Gwaith hylosgi ategol	1 gwiriad o bell* bob 3 flynedd	2	£104	£34.67
Gwaith hylosgi wrth gefn	1 gwiriad o bell* bob 6 flynedd	2	£104	£17.33

* diffinnir gwiriad o bell fel ymarfer cydymffurfio wrth y ddesg i wirio data a dogfennaeth a gyflwynir gan y gweithredwr sy'n cwmpasu profi, gweithredu offer lleihau ac adrodd oriau gweithredu.

Taliadau ychwanegol ar gyfer cyngor ac arweiniad - Gwaith Hylosgi Canolig

Cynlluniwyd y dull trwyddedu ar gyfer Gweithfeydd Hylosgi Canolig i fod mor syml â phosibl, ac felly disgwylir i gyngor cyn gwneud cais fod yn isel iawn. Nid ydym yn cynnig cynnwys unrhyw amser cyn gwneud cais o fewn y ffioedd a thaliadau ar gyfer ceisiadau, a fydd yn helpu i gadw ffioedd ymgeisio mor isel â phosibl. Felly, bydd angen i unrhyw drafodaethau cyn gwneud cais gael eu hadfer ar wahân drwy ein cynllun cyngor dewisol.

Taliadau Cynlluniau Ynni Dŵr

Rydym wedi dweud y byddem yn adolygu ein taliadau ar gyfer ynni dŵr. Mae nifer y ceisiadau am gynlluniau ynni dŵr newydd wedi lleihau yn dilyn y gostyngiad mewn Tariffau Cyflenwi Trydan. Rydym wedi penderfynu cynnal y strwythur ffioedd presennol ar gyfer cynlluniau hyd 250 kW yn 2018-19.

Rydym wedi nodi adennill rhy ychydig o bosibl wrth benderfynu ar drwyddedau cynlluniau mawr o ganlyniad i maint a natur y cynigion, sy'n aml yn gymhleth. Rydym felly yn bwriadu cyflwyno band uwch ar gyfer cynlluniau ynni dŵr mawr dros 250kW i sicrhau bod costau'n cael eu hadennill yn llawn.

Rydym yn bwriadu gosod tâl sylfaenol o £1500 ac amser adennill costau a deunyddiau lle yr eir y tu hwnt i hyn. Mae'r gost flaenorol yn seiliedig ar ein profiad o gynlluniau trwyddedu ac rydym yn hyderus y bydd hyn yn berthnasol i'r rhan fwyaf o geisiadau sydd o ansawdd uchel, yn rhoi gwybodaeth, ac yn trafod risgiau'n llawn fel yr amlinellir yn ein canllawiau. Mae hyn yn cynnwys ymgynghoriad mewnol ag arbenigwyr technegol a fydd yn cael ei gynnal gan ein gwasanaeth trwyddedu. Rydym yn parhau i weithio i sicrhau bod ein proses mor effeithlon â phosibl.

Byddai'r taliadau ychwanegol yn yr haen uwch hon yn fwy na thebyg yn berthnasol i gynlluniau cymhleth a lleoliadau sensitif. Gyda'r rhain yn aml bydd arnom angen ceisio rhagor o fewnbwn gan ein harbenigwyr technegol neu pan fo'r cais o ansawdd technegol cyfyngedig ac nad yw'n rhoi digon o dystiolaeth i alluogi penderfyniad syml.

Rydym yn bwriadu adennill ein costau gan ddefnyddio ein cyfradd safonol am bob awr o £125.

Mae'r tabl ffioedd haenog cyfredol wedi cael ei ddiwygio isod i gynnwys yr haen uwch ychwanegol.

Capasiti'r Cynllun (kW)	Ffi Ymgeisio Arfaethedig (£)
25kW neu lai	375
>25 hyd 50kW	750
>50 hyd 100kW	1,125
>100 hyd 250kW	1,500
>250 kW	1,500 yn ogystal â thaliad ar sail amser

Taliadau Tynnu Dŵr

Gofynion Cyfalaf Newydd

Rydym yn adolygu sut rydym yn ariannu gwelliannau seilwaith cronfeydd dŵr sydd eu hangen i sicrhau bod asedau'n cael eu cynnal yn briodol. Rhagwelir y bydd gwelliannau cyfalaf dros yr ychydig flynyddoedd nesaf yn cynyddu'n sylweddol. Mae Cytundebau Gweithredu Cronfeydd Dŵr Adran 20 yn bodoli i ariannu gwaith cyfalaf gan Dŵr Cymru Welsh Water (DCWW) ar gronfeydd.

Rydym yn adennill costau isadeiledd drwy'r Tâl Uned Safonol a godir ar gyfer tynnu dŵr. Rydym wedi bod yn gweithio gyda Dŵr Cymru Welsh Water i edrych ar ffyrdd o ledaenu cost gwaith cyfalaf dros gyfnod hwy, gan leihau felly effaith y cylchredau o gynnydd a thoriadau dilynol, a fydd yn rhoi sicrwydd tymor hwy i dalwyr taliadau.

Rydym yn cynnig cadw'r Tâl Uned Safonol ar y gyfradd bresennol ar gyfer 2018/19. Er hynny, byddwn yn parhau i adolygu costau buddsoddi a'r opsiynau codi tâl gyda Dŵr Cymru Welsh Water ar gyfer blynyddoedd y dyfodol.

Awdurdodiadau Newydd

Mae posibilrwydd y bydd hawliadau iawndal yn y dyfodol os bydd angen cwtdgi tyniadau dŵr presennol sydd wedi'u hesemptio pan fyddant yn dod o dan reolaeth trwyddedu. Ni fydd hyn yn effeithio ar Dâl Uned Gwella Amgylcheddol 2018/19, ond fe all wneud hynny mewn blynyddoedd dilynol.

Adennill Costau Ymateb i Ddigwyddiadau Llygredd

Wrth gyflawni ein dyletswyddau, mae Cyfoeth Naturiol Cymru yn ymateb i ddigwyddiadau llygredd. Mae'r gwaith hwn yn gosod baich ariannol ar ein hadnoddau, gan leihau ein gallu i gyflawni gwaith arall sy'n darparu ein nod o gyflawni rheoli adnoddau naturiol yn gynaliadwy. Yn unol ag egwyddor "y llygrwr sy'n talu",² mae'r ddeddfwriaeth yn caniatáu i ni adennill ein costau lle bynnag bo'n bosibl gan y llygrwr, sy'n lleihau'r baich ar y trethdalwr. Mae'n bwysig ein bod yn adennill ein costau'n llawn yn unol â "Rheoli Arian Cyhoeddus Cymru". Y gyfradd am bob awr ar hyn o bryd yr ydym yn seilio ein costau adennill arni yw £84 ac mae wedi parhau ar y lefel hon ers blynyddoedd lawer (cyn 2010) tra bod ein costau cyffredinol wedi cynyddu. O ganlyniad i hyn, rydym yn cynnig cynyddu ein taliadau adennill costau digwyddiadau llygredd i £125 am bob awr yn unol â'n taliad safonol am bob awr.

Mae costau y gellir eu hadennill yn cynnwys gwaith, gweithrediadau neu ymchwiliadau i nodi'r unigolyn cyfrifol, ffynhonnell, natur ac effaith y llygredd. Mae hefyd yn cynnwys costau adennill a geir gan Cyfoeth Naturiol Cymru lle mae gofyn i ni symud neu waredu deunydd llygredig, unioni neu liniaru effaith llygredd, neu adfer dyfroedd i'w cyflwr yn syth cyn i'r llygredd ddigwydd. Mae hefyd yn cynnwys costau ychwanegol eraill fel cyngor arbenigol.

Rydym yn adennill ein costau o'r adeg y mae swyddog Cyfoeth Naturiol Cymru yn asesu'r digwyddiad i ddechrau hyd at yr adeg y mae'r ffynhonnell yn cael ei chadarnhau ac mae'r swyddog wedi dychwelyd i'w ganolfan/cartref.

Rydym yn annog y sawl sy'n llygru i adrodd digwyddiadau'n gynnar, gan fod hyn yn helpu i leihau effaith amgylcheddol a maint unrhyw lygredd trwy ddarparu cyngor a mesurau cyfyngu yn gynnar yn ogystal â lleihau amser ymchwilio. Gall hunan-adrodd yn gynnar helpu i leihau tebygolrwydd erlyn yn dilyn digwyddiad llygredd trwy leihau'r effaith amgylcheddol a thrwy ddangos agwedd gadarnhaol tuag at leihau'r effaith.

²Mae Adran 161ZC o Ddeddf Adnoddau Dŵr 1991 yn amlinellu'r darpariaethau y mae gan Cyfoeth Naturiol Cymru'r hawl i adennill ei gostau a gafwyd yn rhesymol wrth wneud gwaith, gweithrediadau neu ymchwiliadau o dan adran 161 o'r Ddeddf honno. Mae modd adennill y costau hyn oddi wrth yr unigolyn sy'n gyfrifol am lygredd dŵr neu lle bo'n debygol y bydd llygredd, er mwyn atal y llygredd hwnnw rhag digwydd.

Rydym yn cadw'r hawl i hepgor rhan neu'r cyfan o unrhyw gostau ymchwilio i lygredd ar gyfer y rheini sy'n hunan-adrodd digwyddiadau yn brydlon ac yn effeithiol i ni.

Cyn adennill unrhyw gostau, mae rheolwyr yn asesu nifer o ffactorau er mwyn sicrhau bod y costau y gellir eu hadennill yn adlewyrchu'n deg y camau gweithredu angenrheidiol. Er enghraifft, os bydd dau gyflogai allan ar waith arferol ac yn dargyfeirio i fynychu digwyddiad llygredd, yna byddem fel arfer yn codi costau adennill ar gyfer un aelod o staff oni bai bod natur y digwyddiad yn gofyn bod dau yn bresennol.

Atodiad 2 Crynodeb o'r Sylwadau a Dderbyniwyd

Daeth ein hymgyngoriad ar Ffioedd a Thaliadau i ben ar 16 Ionawr 2018. Roedd yr ymgynghoriad yn fyw ar ein gwefan am fwy na 12 wythnos. Cyn ymgynghori'n gyhoeddus, cysylltodd Cyfoeth Naturiol Cymru â rhanddeiliaid drwy'r Grŵp Ymgynghorwyr Talwyr Taliadau.

Summary of Responders

The tables below give a summary of the responses received. Full text from the consultees is in the final table.

Organisation	Response Contact	Sector	Summary of response
Asked to remain Anonymous	Anon	Hydropower	Strongly opposed to the Hydropower upper tier.
Hafod Boeth Reservoir	Giles Keating	Reservoir	Welcomes the intention to keeping charges constant. Agrees Charges should reflect size and complexity of Hydropower schemes.
British Hydropower Association	Simon Hamlyn	Hydropower	Strongly opposed to the Hydropower upper tier.
CLA – Country Land and Business Association	Charles de Winton	Agriculture	Most members are in the lower tiers. Need transparency and auditability of time taken by NRW for the upper tier hourly charge.
Innogy Renewables UK Ltd	Louise Shaw	Renewable energy - Hydropower	Need consistency of application of guidance and NRW responses – customers must not carry cost of internal NRW disagreements. Agrees with principle of charging similar to client and consultant.
Stephen Rees	NRW	Financial	Concerns about NRW chasing outstanding income.
Dwr Cymru	Tony Harrington	Water and Wastewater	Welcomes commitment to keep general fees unchanged. Challenged the high and apparently inconsistent standard hourly rate of £125. Welcomed the function of Charge Payers Consultative Group.
Farmers Union Wales	Bernard Griffiths	Agriculture	Members accepted why NRW would cost recover for MCPD. Their members welcomed the lower tier remaining unchanged and accepted the need to cost recover for the upper tier but at a time when this renewable energy sector is struggling they had concerns this may not be helpful in promoting renewables. Strongly challenged the increase in PICR and see this as a barrier to early self-reporting.
National Farmers Union Cymru	Rachel Lewis-Davies	Agriculture	Stressed the important role Agriculture has in Wales contributing to Well-being goals

			<p>and the risk of imposing unfair costs and regulations putting farmers at a competitive disadvantage. Agreed with the principle of transparent charges and that these are kept as low as possible through efficiency whilst providing a high-quality service.</p> <p>Concerned about the lack of clarity around MCPD and how this may impact on farmers such as poultry units. Raised concern regarding inconsistency with EA charges. Unsure how the Hydropower upper tier will impact but insisted WG and NRW must do more to address barriers to enable renewables as this is a WG Natural Resources Policy priority.</p> <p>Challenged the PICR standard hourly rate increase. See this as a barrier to self-reporting, loss of money for farm investment, seek clarification on how these are proportionate and reassurance that this is not seen as an income generator.</p>
Horizon Nuclear Power Wylfa Ltd	Barrie Cran	Energy	<p>Recognised the need to cost recover from those NRW regulate. Accept that the EA carry out this regulation on behalf of NRW and set the charge but raised concern about the hourly rate being high compared to Office of Nuclear Regulation. Urged NRW to engage EA to ensure value for money for the sector operating in Wales.</p>
Amenity Pool Owner	Ifan Owen	Business Owner	<p>Thinks NRW are making charges on his amenity pool which does not provide water for public use.</p>

Summary of Responses

<p>Question 1. What are your views on the proposed charges for medium combustion plant directive regulation?</p>	<p>NFU Cymru and FUW responded stating their members did not have sufficient knowledge provided by the consultation to understand the impact for farmers. NFU Cymru seek clarity how the directive will apply to specific farm scenarios such as grain drying, standby generators and heating poultry sheds. They challenged the proportionality of the regulations and exemptions should apply for all Agricultural situations.</p> <p>NFU Cymru raised differences in proposed charges between EA, SEPA and NRW despite the consultation stating that they are comparable. The NRW hourly rate was challenged.</p> <p>FUW could understand why NRW would need to recover costs and NFU Cymru acknowledge that should the Directive be regulated by NRW it is vital they have the resources to promote, communicate and implement the scheme.</p>
<p>Question 2. What are your views on the proposal to introduce a higher band for hydropower schemes over 250kW?</p>	<p>There was a mixed response with some welcoming of the equality brought through charges which reflect scale and complexity and a higher tier charged in a similar way to client and consultant. It is reiterated that this can only work if cost recovery does not include internal discussion or disagreement between legacy parts of NRW. There is a need for consistency in application of guidance and responses from NRW. Where charges are made on an hourly rate these must be transparent and auditable – NRW staff need to be able to demonstrate time spent on applications such as using time-sheets. There is a concern that the increased fees could further deter investment in an already challenging sector. FUW commented that the consultation document did not explain or evidence why the upper tier was more complex or sensitive and how that translated into extra cost.</p> <p>British Hydropower Association and Derwent Hydro both submitted the same wording strongly objecting to the upper tier and hourly charge. In their view the fees have only recently gone up for the upper tier so further rises are inappropriate. They see an added risk of protracted dialogue at the applicant's expense which is a disincentive and open to abuse by NRW using the hourly rate in an obstructive way. There is some sector dissatisfaction with the level of service, decision making and trust making fee increases inappropriate in their view and difficult to implement. The open-ended costs would make it hard to estimate scheme costs for applicants. The need to record time and invoice is seen as inefficient. It is suggested there are savings to be made through engagement with difficult issues.</p> <p>NFU Cymru urged NRW and WG to do more to address barriers to renewables at the farm scale as renewable energy is one of the top priorities for WG Natural Resources Policy.</p>
<p>Question 3. What are your views on the</p>	<p>No specific views expressed. Some responses relating to PICR standard hourly rate increase which are summarised under 'other</p>

<p>proposed level of the Standard Unit Charge (SUC) and funding investments?</p>	<p>matters above' as this was primarily included in the consultation for information.</p> <p>One response by email from Ifan Owen who owns an amenity pool. Unsure as to whether this is an opinion or his inclusion in a scheme should be reviewed.</p>
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Full Responses

Note – responses are provided in the language as submitted by the responder.

Question 1. What are your views on the proposed charges for medium combustion plant directive regulation?

Responder	Full Response
Anon	No views on this matter.
Giles Keating	Email did not address this question.
BHA	The BHA has no views on this matter.
CLA	No comment as our members are not involved in this activity.
Innogy	No views
Dwr Cymru	No comment
FUW	Overall the responses indicated that members did not have sufficient knowledge and expertise in this area to express or comment in depth, but they could understand the reason why Natural Resources Wales would wish to cover their costs in respect of ensuring compliance with these proposals.
NFU Cymru	<p>We note the Medium Combustion Plant Directive (MCPD) was required to be transposed into UK Law by 19th December 2017 and seeks to improve air quality by introducing emission limits for key pollutants and by bringing within regulatory control all combustion plant in the 1-50MW input range. Emission limit values apply from 20 December 2018 for new plants and by 2024 and 2029 for existing plants depending on size, fuel type, age and operating hours.</p> <p>It is understood that Welsh Government intend to transpose the requirements of the MCPD through Environmental Permitting (England & Wales) Regulations 2016. We note that Welsh Government have yet to confirm their preferred approach with regard to the regulator. However, one of the options on medium combustion plant and specified generators was for NRW to be the</p>

sole regulator in Wales. We note, that in that eventuality, permits for new medium combustion plant and specified generators will be required from 20 December 2018 and a charging arrangement needs to be in place.

We note that UK regulators will provide detailed technical guidance and definitions to help operators to understand the extent and requirements of regulations. This information has not been provided during the consultation period and, as a result, the extent to which proposals impact on our members is difficult to assess. The lack of clarity within the consultation document with respect to the scope of the Directive has hindered our ability to engage and seek views from our members.

For example, we seek clarity from NRW as to whether the new Directive will apply to pig and poultry units with boilers for heating livestock buildings; cereal growers using boilers for grain drying; horticulture members using boilers for glasshouse heating; larger dairy units heating large volumes of water; or indeed agricultural businesses who use generators due to their rural location.

It is our view that all agricultural generators should be exempt from the Directive regardless of size or hours used due to the requirements being disproportionate to their impact. We would highlight that most on-farm generators are infrequently used and are often required for emergency situations only. Others are used more regularly, however, there is a need to recognise that farm businesses are in the main, SMEs and the regime and costs associated at arguably disproportionate to the environmental impact.

That said, should Welsh Government opt to bring this Directive into EPR managed by NRW, then it is vital that the regulator have sufficient resources and staff with adequate expertise to promote, communicate and implement the scheme. The lack of detailed information provided within the consultation document being a case in point.

In terms of the costs proposed we note that proposed NRW permitting costs as said to be comparable to those proposed by the Environment Agency and the Scottish Environmental Protection Agency. A rudimentary comparison of information on the Environment Agency proposals does not suggest this to be the case and it does not appear to be possible to easily draw a direct comparison. Further the hourly rate figure charged by NRW does appear considerably higher than elsewhere and we would be grateful if you could confirm if this is indeed the case. We remind NRW that cost efficiencies and savings were identified as one of the

	principle reasons for establishing NRW and we would encourage NRW to consider how services can be improved/made more efficient to reduce costs to those you regulate.
Horizon	Did not comment.
Ifan Owen	Email did not address this question.

Question 2. What are your views on the proposal to introduce a higher band for hydropower schemes over 250kW?

Responder	Response
Giles Keating	I do not have any generator facility although I have considered small scale hydropower and solar. I believe it is appropriate that smaller installations should pay charges that reflect the lower cost of approval, and that larger ones should pay appropriately, and the proposed higher tier with variable costs for extra hours seems an appropriate way to do this, and helps in allowing the charges for smaller installations to be kept constant.
Anon	<p>We are strongly opposed to this proposal for the following reasons:</p> <ol style="list-style-type: none"> 1. It is only very recently that the fee was increased from £135 to £1500, this incredible increase was unjustified at the time. It is totally inappropriate to even consider further increases for the foreseeable future. 2. Any fee increase should be a last resort after efficiency savings and even then, should only be considered when the standard of service has increased to a level where applicants feel they are receiving a service worth paying for. 3. An uncapped fee level is problematic in itself because it makes it very difficult for an applicant to estimate his risk in making an application. It would also rely on a high level of trust between applicant and NRW in determining the final fee, which may not be there. 4. Determining the fee in each case would be an extra item of work, so the proposal is inherently inefficient.

	<p>5. There is no need for this measure in practice. Our understanding is that NRW have only received 2 applications for new hydro schemes in 2017, and none in this size bracket so at best this initiative is ill-timed. It also seems to be a wasteful exercise in itself. Needlessly introducing a further disincentive to small hydro development in Wales is seriously at odds with the founding purposes of NRW.</p> <p>6. The new measure is stated to be expected to be applied to complex cases, probably involving sensitive sites. This is a strong reason for <u>rejecting</u> the proposal because it is just such sites that applicants find NRW to deal with slowly, inefficiently and even obstructively. If an applicant in this scenario was expected to pick up NRW's costs for such actions as well as his own that would seem very unfair and costly to a penal extent. There would be a clear incentive for resistant NRW officers to enter into a war of attrition, endlessly dragging out the determination period until the applicant's costs become so high as to produce a withdrawal. This effect of uncapped cost recovery would inevitably alter the regulator-applicant dynamic and critically damage the chances of constructive discourse in complex cases. It is therefore opposed to good, fair regulation and must be dropped. NRW would do better to engage proactively with difficult issues, examine relevant evidence and come expeditiously to defensible conclusions. This would reduce costs relative to current practices.</p>
<p>British Hydropower Association</p>	<p>The BHA is very strongly opposed to this proposal for a number of reasons which include the following:</p> <p>1. It is only very recently that the abstraction fee was increased from £135 to £1500. This was a totally disproportionate and unjustifiable increase. It is therefore totally inappropriate for Natural Resources Wales to even consider further increases, especially when the Welsh Government led Hydropower Task and Finish Group, of which NRW is a contributing member, is actively looking at ways to help and support the sector in the future.</p> <p>2. In the current circumstances and in light of the work of the Welsh Government Hydropower Task and Finish Group, any fee increase that is being considered must be a last resort after demonstrable efficiency savings have been made and even then, must only be considered when the standards of service from NRW have increased to a level where applicants consistently experience a service for which they believe it is worth paying such an increased amount.</p>

	<p>3. An uncapped fee level is very problematic and not a scenario that the BHA would support. It makes it very difficult for an applicant to estimate the financial risk in Page 2 of 2</p> <p>www.naturalresourceswales.gov.uk making an application. It would also rely on a very high level of trust between the applicant and NRW in determining the final fee, which in the current climate may not currently exist.</p> <p>4. Determining the fee in each case would create extra work and potential inefficiencies and therefore the proposal is inherently inefficient.</p> <p>5. There is no need to introduce a higher band for hydropower schemes over 250kW in practice. Our understanding is that NRW have only received 2 applications for new hydro schemes in 2017 and none in this higher band, so at best this initiative is ill-timed. It also seems to be a wasteful exercise in itself. Needlessly introducing a further disincentive to small hydro development in Wales is seriously at odds with the founding purposes of NRW and the work of the Welsh Government led Hydropower Task and Finish Group.</p> <p>6. The new measure is expected to be applied to complex cases, possibly involving sensitive sites. This is a strong reason for the BHA rejecting the proposal because it is just such sites as these that applicants find dealing with NRW to be slow, inefficient and even obstructive. If an applicant in this scenario was expected to pay NRW's costs as well as their own, it would be very unreasonable and costly to a penal extent.</p> <p>There would then be a clear incentive for any resistant NRW personnel to enter into a dialogue of attrition, endlessly dragging out a determination period until the applicant's costs become so high that they result in a withdrawal. The effect of uncapped cost recovery would inevitably alter the regulator-applicant dynamic and critically damage the chances of constructive discourse in complex cases. Uncapped cost recovery is the antithesis to good, fair regulation and must not be introduced. NRW would do better to engage proactively with difficult issues, examine relevant evidence and come expeditiously to defensible conclusions.</p>
<p>CLA</p>	<p>We note that in general the majority of charges relating to hydropower schemes will not change which is to be welcomed. Our members are generally in the lower capacity schemes where there will be no change. For installations above 250kW, the charges will be on an hourly basis. With this change NRW must be fully transparent in how they charge this additional fee. If there is a dispute, NRW must be able to produce associated time-sheets to support their additional</p>

	hourly based charges.
Innogy Renewables UK Ltd	The charges proposed to be hourly for the larger more complex hydro power schemes would work if there was consistency in application of guidance and responses from NRW. The hourly payment makes the transaction between the developer and NRW similar to client and consultant. If the EA Wales branch of NRW are in direct conflict with the CCW branch it would be unethical to charge the developer for the hours spent “discussing” the situation internally within NRW.
Dwr Cymru	The principle of charging on a case by case basis for large complex schemes is reasonable. The “standard hourly rate of £125” appears high in comparison to the ‘time and materials charge’ of £100 proposed by the Environment Agency in their current charges consultation.
FUW	<p>As the consultation document concedes the number of applications for new hydropower schemes has declined in line with the reduction of support through Feed in Tariffs. Figures from the Office of Gas and Electricity Markets (OFGEM) reveal that the tariff for all renewable hydropower capacities has fallen from 16.3 p/kWh in April 2010 to 6.2p/kWh in October 2017, which has affected the number of applications for both small and larger schemes.</p> <p>Notwithstanding the above, the FUW support maintaining application fees for schemes under 250kW at current levels as this is the range that will impact most on members considering investment into renewable hydro schemes. Nevertheless, some members commented that at a time of depressed market support (FITS) and investment returns, an increase in the proposed application fee for schemes above 250kWh was not helpful and will not promote and develop clean energy from renewable sources. Others accepted the proposal to increase to a higher band for the Hydropower scheme over 250kW.</p> <p>Members also noted that the consultation document was lacking in evidence of why the upper tier was necessarily more complex and are somehow located at more sensitive locations, and how much of this necessarily translated into additional costs derived from accessing specialist technical advice.</p>
NFU Cymru	<p>We note proposals to retain the current fee structure for schemes up to 250kW in 2018-2019 and introduce a higher tier for large hydropower schemes over 250kw to ensure full cost recovery.</p> <p>The extent to which this is likely to impact on our members is not clear, however, in reality we know that the number of applications coming forward has reduced significantly in the context of changes to the Feed-In-Tariffs. There are a number of other factors that serve to</p>

	<p>limit the deployment of hydropower technologies including planning, permitting, business rates, access to grid and so on.</p> <p>We refer to the Welsh Government’s Natural Resources Policy which establishes increasing renewable energy and resource efficiency as one of three national priorities for the management of natural resources in Wales. In this context it is our view Welsh Government and NRW must do far more to address existing barriers to the deployment of renewables at farm scale and proactively work to develop an ‘enabling framework’ to allow for widespread deployment on farms across Wales.</p>
Horizon	Did not comment.
Ifan Owen	Email did not address this question.

Question 3. What are your views on the proposed level of the Standard Unit Charge (SUC) and funding investments?

Responder	Full Response
Giles Keating	Email response did not address this point.
Anon	No particular views on this matter.
BHA	No particular views on this matter.
CLA	No comment as our members are not involved in this activity.
Innogy Renewables UK Ltd	No views.
Dwr Cymru	With regard to assumptions on abstraction licence charges, you are correct in your assessment that Dŵr Cymru will need to invest significant sums in order to maintain the safety of the Dams for which there are section 20 operating agreements. This investment will not be only for the next few years but will potentially continue during the AMP7 (2020 to 2025) period and beyond driven by new dam safety legislation as outlined in our draft Water Resources Management Plan (2019). We are currently detailing the programme of works

	needed in the future. This will be key information for our discussions around how dam safety costs might be spread to provide greater future certainty to abstraction charge payers. We look forward to meeting to share this information with you, and to discuss the options available.'
Horizon	Did not comment.
Ifan Owen	My concern is that you make charges on our business for an amenity pool that does not provide water for any individuals use. This is a pool, that records confirm was in situ before 1500's. I find it difficult to accept that you charge our business when you have no direct involvement, the charges appear to be made because the pool exists with you taking no responsibility for its maintenance. Unsure if this relates to SUC or reservoir fees.

Responses to other matters raised by the consultation.

Giles Keating - Thank you for your request for input. I pay for reservoir inspections at the site at Hafod Boeth, Tan y Bwlch. I note the intention to keep charges constant. I believe this is fair and equitable, given that the charges are already a significant cost which potentially reduce the funds available for investment in other aspect of land management, notably provision of public access and amenities, and in woodland development and management.

Stephen Rees - Your consultation report states that general taxation accounts for approximately 20% of NRW funding. I was just enquiring as to why it doesn't specify within the consultation what systems and procedures NRW have in place to recover monies not paid by customers?

Dwr Cymru – We are pleased to see a commitment from Natural Resources Wales to keep general fees and charges for 2018-19 unchanged; but we have some reservations about the increase in the “standard hourly rate” from £84 per hour to £125 per hour. This point is discussed in our answers below.

We are also grateful to NRW for the opportunity we have had through the Charge Payers Consultative Group to discuss and understand the proposed charging scheme. The group provides a valuable forum for engagement with a wide variety of stakeholders and NRW is to be congratulated for its open approach in sharing ideas at an early stage. We would like to see this group continue in the future.

We note that NRW is planning to increase its pollution incident cost recovery charge to £125 per hour. By contrast the Environment Agency proposes to maintain its charge for responding to pollution incidents at £84 per hour. Natural Resources Wales sets its charges in line with Managing Welsh Public Money; Environment Agency sets its charges in line with HM Treasury's Managing Public Money. Both consultation documents quote Section 161ZC of the Water Resources Act 1991 as

the authority for levying these charges, thus they should be based on equivalent effort. The 'time and materials' charge set by the Scottish Environment Protection Agency for similar activity is currently £89 per hour and sets a useful benchmark for England and Wales. Examination of the 2016/17 annual accounts for NRW and EA show that the average staff costs are almost the same both organisations; the number of employees divided by staff costs was £44.5k in EA and £44.2k in NRW. We do not think there should be a difference of £41 per hour between NRW and EA for the same activity and would urge NRW to share their calculations for this hourly rate with EA and SEPA to ensure that there is no unintentional cross-subsidy to other activities within this hourly rate.

Farmer Union of Wales (FUW) - 5.3 (PICR) Members' expressed considerable concern as to the proposed increased hourly charges from £84 per hour to £125 per hour. Despite the hourly rate having remained at £84 per hour for several years, this proposed increase is very large and difficult to justify at 48.8% following a period when inflation has been relatively low, but investment returns and business profitability in the sector have been volatile. In addition, the future is uncertain as the UK and the agricultural sector in particular await crucial decisions on Brexit negotiations.

The consultation document refers to the operations and investigations that Natural Resources Wales (NRW) undertakes following a pollution incident and also mentions additional costs such as specialist advice which might be incurred. However, the consultation does not offer any information on what the specialist advice might be, nor of its percentage share of the overall costs. In the interest of transparency referred to in the Welsh Government's, Managing Welsh Public Money, January 2016 document, the Farmers' Union of Wales (FUW) would welcome further information on the extent and frequency of requiring specialist advice, and whether NRW have considered that providing the advice from in house staff could be more cost effective.

The FUW have invested considerable time and resource during 2017 engaging with other stakeholders in the Wales Land Management Forum's sub group on source and diffuse pollution from agricultural sources. One of the regular discussion points is the importance of farmers' early reporting of pollution incidents to minimise environmental impact and NRW investigation time. In view of the proposed increase in the standard rates above, there is a danger that the increased costs might dissuade farmers from early reporting of incidents.

Members also felt that farmers would be more likely self-report promptly and effectively if Natural Resources Wales retained the discretion to waive some or all pollution investigation costs and possibly reduce the likelihood of subsequent prosecution. Some thought that if this relationship was more transparent and better defined, better environmental outcomes would be achieved. At present, it is unclear from the consultation how NRW's discretionary decision making process works alongside the proposed increase in hourly charges, as the document offers insufficient transparency.

One county reported that in one particular incident a farmer's slurry store had leaked. The incident was reported by the farmer, but despite early reporting and efforts made

to mitigate the circumstances, he still received a hefty bill from Natural Resources Wales.

Members felt that the vast majority of farmers would strive to prevent pollution and if any pollution did occur from their land, it would be accidental and they would do everything in their power to rectify the situation. To then be held responsible and receive a potentially large bill from NRW would be unfair especially as there does not appear to be an upper limit on the amount that NRW could charge the farmer. If these changes have to be imposed, there should be a cap on the amount of fees recoverable and a detailed breakdown of the costs otherwise there is no incentive for the NRW officer to complete their investigations promptly.

NFU Cymru - We note NRW proposed to increase their pollution incident cost recovery charge to £125 per hour in line with the standard hourly charge. Recoverable costs include works, operations or investigations to identify the responsible person, source, nature and effect of pollution. It also includes recovering costs incurred by NRW where they are required to remove or dispose of polluting matter, remedy or mitigate pollution or restore waters to their state immediately before the pollution occurred. It also includes other additional costs such as specialist advice.

Consultees are not invited to respond to NRW proposals on Pollution Incident Response Cost Recovery, however, NFU Cymru would make the following comments:

- We are concerned that excessive costs potentially impact on levels of self-reporting of incidents. This can limit opportunities to minimise/mitigate environmental impacts through effective early intervention.
- Increased costs associated with cost recovery inevitably mean less resource available to invest in solving the problem.
- Rates of around £125 per hour to cover the costs are significant and appear to be uncompetitive. The increase in hourly rate equates to a 49% increase in charges.
- The onus is on Natural Resources Wales to demonstrate that these costs are fair, proportionate and competitive. NRW must also show that it is efficient in its processes and doing everything it can to keep these costs to a minimum.
- This has not been achieved through the information provided in the consultation and there is a danger that charges brought through Pollution Incident Response Cost Recovery will be perceived as an income stream for NRW. In order to avoid this and to maintain levels of trust and integrity the points raised above must be addressed

Horizon – You refer to the recently initiated Environment Agency public consultation on their fees and charges for 2018/19 which includes a revised hourly rate for nuclear regulation work. This is of interest to us for, as you state, where the Agency carries out nuclear regulation work in Wales on your behalf, the rate at which this work is charged will be in line with the hourly rate stated in their finalised (post consultation) fees and charges document.

Of particular note is the Agency's proposal to increase their nuclear specialist hourly rate from £213 to £240. Whilst we note they are reviewing their salaries for these specialists to ensure they are comparable with other employers, this charge out rate exceeds that, for example, of the Office of Nuclear Regulation (ONR) for nuclear specialists by some margin. ONR also recover costs from industry and typically their daily charge out rate is ~£1000.

We recognise that you have no control over the charging regime that the Agency have in place. However as their charges are passed through to industry, when you engage them to undertake activities on your behalf, it is important that we all get value for money and you maintain a high level of scrutiny in setting and monitoring their work.