

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad:

Ystafell Bwyllgora 3 – y Senedd

Dyddiad:

Dydd Mercher, 18 Mawrth 2015

Amser:

08.45

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

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Agenda

Rhag-gyfarfod anffurfiol (08:45 – 09:00)

1 Cyflwyniad, ymddiheuriadau a dirprwyon

2 Bil Cynllunio (Cymru) Cyfnod 2: Trafod y gwelliannau (09:00 – 12:30)

(Tudalennau 1 – 90)

Yn unol â Rheol Sefydlog 26.21, bydd y Pwyllgor yn gwaredu gwelliannau'r i'r Bil yn y drefn a ganlyn:

Adrannau 2– 55

Atodlenni 1–7

Adran 1

Teitl hir

Yn bresennol:

Carl Sargeant AC, Y Gweinidog Cyfoeth Naturiol



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Cynllunio (Cymru) Planning (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i
esbonio ei ddiben ac i gynorthwyo'r darllynydd. Nid yw'r testun yn rhan o eiriad y
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain
its purpose and to aid the reader's understanding. The text does not form part of the
amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –

| | |
|----------------|---------------|
| Sections 2-55 | Adrannau 2-55 |
| Schedules 1 -7 | Atodlenni 1-7 |
| Section 1 | Adran 1 |
| Long Title | Teitl Hir |

William Powell

61

To insert a new section –

{ } **Planning Inspectorate for Wales**

0.2

Tudalen y pecyn 1

- (1) There is to be a body corporate to be known as the Planning Inspectorate for Wales or Arolygiaeth Gynllunio Cymru (“the Inspectorate”).
- (2) The Members of the Inspectorate are to be appointed by the Welsh Ministers.
- (3) The Welsh Ministers may by regulations make other provision for the constitution and proceedings of the inspectorate.
- (4) The Welsh Ministers may not make regulations under this section unless a draft has been laid before and approved by resolution of the National Assembly for Wales.’.

I fewnosod adran newydd –

[] Arolygiaeth Gynllunio Cymru

- (1) Bydd corff corfforaethol o’r enw Arolygiaeth Gynllunio Cymru neu Planning Inspectorate for Wales (“yr Arolygiaeth”).
- (2) Mae Aelodau’r Arolygiaeth i’w penodi gan Weinidogion Cymru.
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth arall ar gyfer cyfansoddiad a thrafodion yr arolygiaeth.
- (4) Ni chaiff Gweinidogion Cymru wneud rheoliadau o dan yr adran hon oni bai bod drafft wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a’i gymeradwyo trwy benderfyniad ganddo.’.

Russell George

85

To insert a new section –

[] The purpose of town and country planning

- (1) The purpose of the town and country planning system in Wales is to regulate and manage the development and use of land in a way that contributes to sustainable development.
- (2) In considering a decision under the Planning Acts a local planning authority in Wales must have regard to that purpose.
- (3) The Welsh Ministers may issue guidance to local planning authorities about compliance with that duty; and local planning authorities must have regard to the guidance.
- (4) In this section “the Planning Acts” means –
 - (a) the Town and Country Planning Act 1990;
 - (b) the Planning and Compulsory Purchase Act 2004;
 - (c) the Planning Act 2008; and
 - (d) any other enactment relating to town and country planning.’.

I fewnosod adran newydd –

[] Diben cynllunio gwlad a thref

- (1) Diben y system cynllunio gwlad a thref yng Nghymru yw rheoleiddio a rheoli'r modd y caiff tir ei ddatblygu a'i ddefnyddio er mwyn cyfrannu at ddatblygu cynaliadwy.
- (2) Wrth ystyried penderfyniad o dan y Deddfau Cynllunio, rhaid i awdurdod cynllunio lleol yng Nghymru roi sylw i'r diben hwnnw.
- (3) Caiff Gweinidogion Cymru ddyroddi canllawiau i awdurdodau cynllunio lleol ynghylch cydymffurfio â'r ddyletswydd honno; a rhaid i awdurdodau cynllunio lleol roi sylw i'r canllawiau hynny.
- (4) Yn yr adran hon, ystyr "y Deddfau Cynllunio" yw –
 - (a) Deddf Cynllunio Gwlad a Thref 1990;
 - (b) Deddf Cynllunio a Phrynu Gorfodol 2004;
 - (c) Deddf Cynllunio 2008; a
 - (d) Unrhyw ddeddfiad arall sy'n ymwneud â chynllunio gwlad a thref."

Llyr Huws Gruffydd

128

To insert a new section –

[] The purpose of town and country planning

- (1) The purpose of the town and country planning system in Wales is to regulate and manage the development and use of land in a way that contributes to sustainable development.
- (2) In considering a decision under the Planning Acts a local planning authority in Wales must have regard to that purpose.
- (3) The Welsh Ministers may issue guidance to local planning authorities about compliance with that duty; and local planning authorities must have regard to the guidance.
- (4) In this section "sustainable development" means the process of improving the economic, environmental, social and cultural well-being of Wales by taking action, in accordance with the sustainable development principle set out in section [section to be inserted] of the Well-being of Future Generations (Wales) Act, aimed at achieving the well-being goals set out in section [section to be inserted] of that Act.
- (5) In this section "the Planning Acts" means –
 - (a) the Town and Country Planning Act 1990;
 - (b) the Planning and Compulsory Purchase Act 2004;
 - (c) the Planning Act 2008, and
 - (d) any other enactment relating to town and country planning.'

I fewnosod adran newydd –

[] Diben cynllunio gwlad a thref

- (1) Diben y system cynllunio gwlad a thref yng Nghymru yw rheoleiddio a rheoli'r modd y caiff tir ei ddatblygu a'i ddefnyddio er mwyn cyfrannu at ddatblygu cynaliadwy.

- (2) Wrth ystyried penderfyniad o dan y Deddfau Cynllunio rhaid i awdurdod cynllunio lleol yng Nghymru roi sylw i'r diben hwnnw.
- (3) Caiff Gweinidogion Cymru ddyroddi canllawiau i awdurdodau cynllunio lleol ynghylch cydymffurfio â'r ddyletswydd honno; a rhaid i awdurdodau cynllunio lleol roi sylw i'r canllawiau hynny.
- (4) Yn yr adran hon ystyr "datblygu cynaliadwy" yw'r broses o wella llesiant economaidd, amgylcheddol, cymdeithasol a diwylliannol Cymru drwy weithredu yn unol â'r egwyddor datblygu cynaliadwy yn adran 5 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru), er mwyn cyrraedd y nodau llesiant yn adran 4 o'r Ddeddf honno.
- (5) Yn yr adran hon, ystyr "y Deddfau Cynllunio" yw –
 - (a) Deddf Cynllunio Gwlad a Thref 1990;
 - (b) Deddf Cynllunio a Phrynu Gorfodol 2004;
 - (c) Deddf Cynllunio 2008; a
 - (d) unrhyw ddeddfiad arall sy'n ymwneud â chynllunio gwlad a thref. '.

Carl Sargeant

45

Section 2, page 3, line 14, leave out 'The Welsh Ministers must prepare and publish a plan' and insert 'There must be a plan, prepared and published by the Welsh Ministers,'.

Adran 2, tudalen 3, llinell 14, hepgorer 'The Welsh Ministers must prepare and publish a plan' a mewnosoder 'There must be a plan, prepared and published by the Welsh Ministers,'.

Llyr Huws Gruffydd

129

Section 2, page 3, line 18, after 'appropriate', insert ', including policies designed to contribute to climate change reduction targets and adaptation'.

Adran 2, tudalen 3, llinell 18, ar ôl 'appropriate', mewnosoder ', including policies designed to contribute to climate change reduction targets and adaptation'.

William Powell

62

Section 2, page 3, after line 18, insert –

- () The Framework must set out such of the policies of the Welsh Ministers which have been prepared pursuant to section 1(1)(a) of the Transport (Wales) Act 2006 as the Welsh Ministers consider appropriate. '.

Adran 2, tudalen 3, ar ôl llinell 18, mewnosoder –

- '() The Framework must set out such of the policies of the Welsh Ministers which have been prepared pursuant to section 1(1)(a) of the Transport (Wales) Act 2006 as the Welsh Ministers consider appropriate.'

William Powell

63

Section 2, page 3, after line 18, insert –

- '() The Framework must set out such plans prepared under the Marine and Coastal Access Act 2009 and any other plans or policies of the Welsh Ministers in relation to the Welsh inshore region and the Welsh offshore region as the Welsh Ministers consider appropriate.'

Adran 2, tudalen 3, ar ôl llinell 18, mewnosoder –

- '() The Framework must set out such plans prepared under the Marine and Coastal Access Act 2009 and any other plans or policies of the Welsh Ministers in relation to the Welsh inshore region and the Welsh offshore region as the Welsh Ministers consider appropriate.'

Llyr Huws Gruffydd

130

Section 2, page 3, after line 18, insert –

- '() The Framework may include policies prohibiting hydraulic fracturing of land in Wales.'

Adran 2, tudalen 3, ar ôl llinell 18, mewnosoder –

- '() The Framework may include policies prohibiting hydraulic fracturing of land in Wales.'

Llyr Huws Gruffydd

131

Section 2, page 3, after line 23, insert –

- '() When preparing the Framework, the Welsh Ministers must consider
- (a) any policies set out in subsection (2)
 - (b) any provision made in subsection (3),
- on a 100 year time-frame.'

Adran 2, tudalen 3, ar ôl llinell 23, mewnosoder –

- '() When preparing the Framework, the Welsh Ministers must consider
- (a) any policies set out in subsection (2)

(b) any provision made in subsection (3),
on a 100 year time-frame.’.

Carl Sargeant

46

Section 2, page 3, after line 26, insert –

- ‘() The Framework must specify the period for which it is to have effect.
- () A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (5).’.

Adran 2, tudalen 3, ar ôl llinell 26, mewnosoder –

- ‘() The Framework must specify the period for which it is to have effect.
- () A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (5).’.

William Powell

64

Section 2, page 3, after line 26, insert –

- ‘() In this section, “the Welsh inshore region” and “the Welsh offshore region” have the same meaning as in the Marine and Coastal Access Act 2009.’.

Adran 2, tudalen 3, ar ôl llinell 26, mewnosoder –

- ‘() In this section, “the Welsh inshore region” and “the Welsh offshore region” have the same meaning as in the Marine and Coastal Access Act 2009.’.

Llyr Huws Gruffydd

132

Section 2, page 3, after line 26, insert –

- ‘() In preparing the Framework the Welsh Ministers must have regard to each local development plan approved or adopted in relation to an area in Wales.’.

Adran 2, tudalen 3, ar ôl llinell 26, mewnosoder –

- ‘() In preparing the Framework the Welsh Ministers must have regard to each local development plan approved or adopted in relation to an area in Wales.’.

Llyr Huws Gruffydd

133

Section 2, page 3, after line 26, insert—

- ‘() In preparing the National Development Framework, the Welsh Ministers must have regard to the well-being goals set out in section 4 of the Well-being of Future Generations (Wales) Bill.’.

Adran 2, tudalen 3, ar ôl llinell 26, mewnosoder—

- ‘() In preparing the National Development Framework, the Welsh Ministers must have regard to the well-being goals set out in section 4 of the Well-being of Future Generations (Wales) Bill.’.

Llyr Huws Gruffydd

134

Section 2, page 3, line 27, leave out—

‘60A Preparation of Framework: statement of public participation

- (1) The Welsh Ministers must prepare and publish a statement of public participation setting out their policies relating to the consultation to be carried out in preparing the National Development Framework for Wales.
- (2) In particular, the statement must include provision about—
 - (a) the form that the consultation will take,
 - (b) when the consultation will take place, and
 - (c) the steps that will be taken to involve members of the public in the preparation of the Framework.
- (3) The Welsh Ministers may revise the statement, and must publish the statement as revised.’.

Adran 2, tudalen 3, llinell 27, hepgorer—

‘60A Preparation of Framework: statement of public participation

- (1) The Welsh Ministers must prepare and publish a statement of public participation setting out their policies relating to the consultation to be carried out in preparing the National Development Framework for Wales.
- (2) In particular, the statement must include provision about—
 - (a) the form that the consultation will take,
 - (b) when the consultation will take place, and
 - (c) the steps that will be taken to involve members of the public in the preparation of the Framework.
- (3) The Welsh Ministers may revise the statement, and must publish the statement as revised.’.

Llyr Huws Gruffydd 135

Section 2, page 3, line 36, after 'Framework', insert 'having due regard to the desirability of reducing the inequalities of participation which result from socio-economic disadvantage'.

Adran 2, tudalen 3, llinell 36, ar ôl 'Framework', mewnosoder 'having due regard to the desirability of reducing the inequalities of participation which result from socio-economic disadvantage'.

Carl Sargeant 47

Section 2, page 3, after line 36, insert –

- '() The statement must provide that, as part of the consultation, the Welsh Ministers will –
 - (a) publish a draft of the Framework, and
 - (b) allow a period of 12 weeks beginning with the publication of the draft Framework during which any person may make representations with regard to the draft.'

Adran 2, tudalen 3, ar ôl llinell 36, mewnosoder –

- '() The statement must provide that, as part of the consultation, the Welsh Ministers will –
 - (a) publish a draft of the Framework, and
 - (b) allow a period of 12 weeks beginning with the publication of the draft Framework during which any person may make representations with regard to the draft.'

Russell George 87

Section 2, page 4, line 3, leave out 'and publication'.

Adran 2, tudalen 4, llinell 3, hepgorer ' and publication'.

Carl Sargeant 48

Section 2, page 4, line 9, leave out '(c) publish the draft,'.

Adran 2, tudalen 4, llinell 9, hepgorer '(c) publish the draft,'.

Llyr Huws Gruffydd 136

Section 2, page 4, leave out lines 10 to 11 and insert –

- '() make arrangements in accordance with regulations under subsection (2) for an independent examination of the draft of the Framework to take place.
- () Regulations under this section must provide that—
 - (a) the examination will be carried out by a person appointed by the Welsh Ministers,
 - (b) any person who makes representations seeking change to the draft National Development Framework will if they so request be given the opportunity to appear before and be heard by the person carrying out the examination,
 - (c) the person appointed to carry out the examination must
 - (i) make recommendations
 - (ii) give reasons for the recommendations
 - (d) the Welsh Ministers to publish the recommendation and reasons.'

Adran 2, tudalen 4, hepgorer llinellau 10 hyd at 11 a mewnosoder—

- '() make arrangements in accordance with regulations under subsection (2) for an independent examination of the draft of the Framework to take place.
- () Regulations under this section must provide that—
 - (a) the examination will be carried out by a person appointed by the Welsh Ministers,
 - (b) any person who makes representations seeking change to the draft National Development Framework will if they so request be given the opportunity to appear before and be heard by the person carrying out the examination,
 - (c) the person appointed to carry out the examination must
 - (i) make recommendations
 - (ii) give reasons for the recommendations
 - (d) the Welsh Ministers to publish the recommendation and reasons'.

Carl Sargeant

1

Section 2, page 4, after line 11, insert—

- '() The appraisal under subsection (1)(b) must include an assessment of the likely effects of the policies in the draft Framework on the use of the Welsh language.'

Adran 2, tudalen 4, ar ôl llinell 11, mewnosoder –

- ‘() The appraisal under subsection (1)(b) must include an assessment of the likely effects of the policies in the draft Framework on the use of the Welsh language.’.

Suzy Davies

122

Section 2, page 4, after line 11, insert –

- ‘() In preparing a draft of the Framework, the Welsh Ministers must have regard to any appraisal carried out under subsection (1) (b).’.

Adran 2, tudalen 4, ar ôl llinell 11, mewnosoder –

- ‘() In preparing a draft of the Framework, the Welsh Ministers must have regard to any appraisal carried out under subsection (1)(b).’.

Llyr Huws Gruffydd

137

Section 2, page 4, line 18, leave out ‘consultation’ and insert ‘examination’.

Adran 2, tudalen 4, llinell 18, hepgorer ‘consultation’ a mewnosoder ‘examination’.

Llyr Huws Gruffydd

138

Section 2, page 4, line 18, after ‘(1)(d),’, insert –

- ‘() summarises any recommendations and reasons given by the person appointed by the Welsh Ministers in accordance with regulations under subsection [*to be inserted by Amendment 136*].’.

Adran 2, tudalen 4, llinell 18, ar ôl ‘(1)(d)’, mewnosoder –

- ‘() summarises any recommendations and reasons given by the person appointed by the Welsh Ministers in accordance with regulations under subsection [*to be inserted by Amendment 136*].’.

Llyr Huws Gruffydd

139

Section 2, page 4, line 19, after ‘representations’, insert ‘, recommendations and reasons’.

Adran 2, tudalen 4, llinell 19, ar ôl ‘representations’, mewnosoder ‘, recommendations and reasons’.

Russell George

88

Section 2, page 4, line 20, after 'account', insert 'for independent examination by the National Assembly for Wales in accordance with the process provided for in its Standing Orders.'

Adran 2, tudalen 4, llinell 20, ar ôl 'account', mewnosoder 'for independent examination by the National Assembly for Wales in accordance with the process provided for in its Standing Orders'.

Russell George

89

Section 2, page 4, leave out lines 21 to 40 and insert—

'() In this section, "Standing Orders" has the same meaning as in Section 31 of the Government of Wales Act 2006.'

Adran 2, tudalen 4, hepgorer llinellau 21 hyd at 40 a mewnosoder—

'() In this section, "Standing Orders" has the same meaning as in Section 31 of the Government of Wales Act 2006.'

Russell George

90

Section 2, page 4, at the beginning of line 27, insert 'Subject to subsection [to be inserted by Amendment 91].

Adran 2, tudalen 4, ar ddechrau llinell 27, mewnosoder 'Subject to subsection [to be inserted by Amendment 91].

Carl Sargeant

49

Section 2, page 4, after line 35, insert—

'() If any resolution was passed or any recommendation was made as mentioned in subsection (3), the Welsh Ministers must also, not later than the day on which the Framework is published, lay before the National Assembly for Wales a statement explaining how they have had regard to the resolution or recommendation.'

Adran 2, tudalen 4, ar ôl llinell 35, mewnosoder—

'() If any resolution was passed or any recommendation was made as mentioned in subsection (3), the Welsh Ministers must also, not later than the day on which the Framework is published, lay before the National Assembly for Wales a statement explaining how they have had regard to the resolution or recommendation.'

Russell George

91

Section 2, page 4, after line 35, insert—

- ‘() The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’.

Adran 2, tudalen 4, ar ôl llinell 35, mewnosoder –

- ‘() The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’.

Russell George

92

Section 2, page 4, after line 40, insert –

‘60C Independent examination by the Assembly

- (1) Standing Orders must provide for
- (a) the examination to be carried out by a person appointed by the Assembly,
 - (b) any person who makes representations seeking change to the National Development Framework is to be given the opportunity to make representations to the examiner,
 - (c) the examiner to make recommendations and give reasons for them,
 - (d) the Assembly to publish the recommendation and reasons.

60D Publication of Framework

- (1) After the Assembly has published the recommendation and reasons in accordance with section 60C the Welsh Ministers
- (a) may publish the National Development Framework for Wales in the terms of the draft laid under section 60B (2), or
 - (b) if they propose to make changes to that draft, may –
 - (i) lay before the National Assembly for Wales an amended draft of the Framework, and
 - (ii) publish the National Development Framework for Wales in the terms of the amended draft.
- (2) The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’.

Adran 2, tudalen 4, ar ôl llinell 40, mewnosoder –

‘60C Independent examination by the Assembly

- (1) Standing Orders must provide for
- (a) the examination to be carried out by a person appointed by the Assembly,

- (b) any person who makes representations seeking change to the National Development Framework is to be given the opportunity to make representations to the examiner,
- (c) the examiner to make recommendations and give reasons for them,
- (d) the Assembly to publish the recommendation and reasons.

60D Publication of Framework

- (1) After the Assembly has published the recommendation and reasons in accordance with section 60C the Welsh Ministers
 - (a) may publish the National Development Framework for Wales in the terms of the draft laid under section 60B (2), or
 - (b) if they propose to make changes to that draft, may –
 - (i) lay before the National Assembly for Wales an amended draft of the Framework, and
 - (ii) publish the National Development Framework for Wales in the terms of the amended draft.
- (2) The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’.

Carl Sargeant

50

Section 2, page 5, line 11, leave out ‘under section 60B(1)(c)’ and insert ‘in accordance with the statement of public participation’.

Adran 2, tudalen 5, llinell 11, hepgorer ‘under section 60B(1)(c)’ a mewnosoder ‘in accordance with the statement of public participation’.

Russell George

93

To insert a new section –

[] Duty to co-operate - strategic planning

- (1) In PCPA 2004, after section 74 (Urban Development Corporations) insert –

“74A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is –
 - (a) a local planning authority, or
 - (b) a body, or other person, that is prescribed by regulations made by the Welsh Ministers,must co-operate with every other person who is within paragraph (a)

- or (b) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person –
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which the activities within subsection (3) are undertaken, and
 - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are –
- (a) the preparation of a local development plan,
 - (b) activities that can reasonably be considered to prepare the way or support activities within paragraph (a).
- (4) For the purposes of subsection (3) a “strategic matter” is sustainable development or use of land that has or would have a significant impact on at least two local planning authority areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two local planning authority areas.
- (5) The engagement required of a person by subsection (2) includes, in particular –
- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
 - (b) if the person is a local planning authority, considering whether to agree under section 72 to prepare a joint local development plan.
- (6) A person subject to the duty under subsection (1) must have regard to any guidance given by the Welsh Ministers about how the duty is complied with.
- (7) A person or description of persons, may be prescribed for the purposes of subsection (1) (b) only if the person, or persons of that description, exercise functions for the purpose of an enactment.
- (8) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.””.

I fewnosod adran newydd –

[] Dyletswydd i gydweithredu - cynllunio strategol

- (1) Yn DCPhG 2004, ar ôl adran 74 (Corfforaethau Datblygu Trefol) mewnosoder –

“74A Duty to co-operate in relation to planning of sustainable

development

- (1) Each person who is –
 - (a) a local planning authority, or
 - (b) a body, or other person, that is prescribed by regulations made by the Welsh Ministers,must co-operate with every other person who is within paragraph (a) or (b) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person –
 - (a) to engage constructively, actively and on an ongoing basis in any process by means of which the activities within subsection (3) are undertaken, and
 - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are –
 - (a) the preparation of a local development plan,
 - (b) activities that can reasonably be considered to prepare the way or support activities within paragraph (a).
- (4) For the purposes of subsection (3) a “strategic matter” is sustainable development or use of land that has or would have a significant impact on at least two local planning authority areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two local planning authority areas.
- (5) The engagement required of a person by subsection (2) includes, in particular –
 - (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
 - (b) if the person is a local planning authority, considering whether to agree under section 72 to prepare a joint local development plan.
- (6) A person subject to the duty under subsection (1) must have regard to any guidance given by the Welsh Ministers about how the duty is complied with.
- (7) A person or description of persons, may be prescribed for the purposes of subsection (1) (b) only if the person, or persons of that description, exercise functions for the purpose of an enactment.
- (8) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.”.

Russell George

94

Page 6, line 6, leave out section 3.

Tudalen 6, llinell 6, hepgorer adran 3.

Llyr Huws Gruffydd

141

Section 3, page 7, line 14, after 'area', insert—

- '() persons living in an area, all or part of which is included in the proposed strategic planning area,
- () such persons who appear to the Welsh Ministers to represent public service provision in an area, all or part of which is included in the proposed strategic planning area;'

Adran 3, tudalen 7, llinell 14, ar ôl 'area,', mewnosoder—

- '() persons living in an area, all or part of which is included in the proposed strategic planning area,
- () such persons who appear to the Welsh Ministers to represent public service provision in an area, all or part of which is included in the proposed strategic planning area;'

Llyr Huws Gruffydd

142

Section 3, page 8, line 15, after 'authority,', insert—

- '() each relevant community council, '.

Adran 3, tudalen 8, llinell 15, ar ôl 'authority,', mewnosoder—

- '() each relevant community council, '.

Llyr Huws Gruffydd

143

Section 3, page 8, after line 34, insert—

- '() When undertaking consultation under sub-section (1)(b), the Welsh Ministers must have due regard to the desirability of reducing the inequalities of participation which result from socio-economic disadvantage.'

Adran 3, tudalen 8, ar ôl llinell 34, mewnosoder—

- '() When undertaking consultation under sub-section (1)(b), the Welsh Ministers must have due regard to the desirability of reducing the

inequalities of participation which result from socio-economic disadvantage.’.

Llyr Huws Gruffydd **144**

Section 3, page 8, after line 34, insert –

- ‘() A community council is a relevant community council in relation to regulations to which this section applies if all or part of the council’s area is included in –
 - (a) the strategic planning area that would be designated by the regulations, or
 - (b) a strategic planning area designated by previous regulations under section 60D that would be revoked or amended by the regulations.’.

Adran 3, tudalen 8, ar ôl llinell 34, mewnosoder –

- ‘() A community council is a relevant community council in relation to regulations to which this section applies if all or part of the council’s area is included in –
 - (a) the strategic planning area that would be designated by the regulations, or
 - (b) a strategic planning area designated by previous regulations under section 60D that would be revoked or amended by the regulations.’.

Russell George **95**

Page 9, line 2, leave out section 4.

Tudalen 9, llinell 2, hepgorer adran 4.

Russell George **96**

Page 9, line 16, leave out section 5.

Tudalen 9, llinell 16, hepgorer adran 5.

Llyr Huws Gruffydd **145**

Section 5, page 9, leave out line 26.

Adran 5, tudalen 9, hepgorer llinell 26.

William Powell **65**

Section 5, page 9, after line 37, insert—

‘() any transport plan, the policies of which affect any part of the panel’s area;’.

Adran 5, tudalen 9, ar ôl llinell 37, mewnosoder—

‘() any transport plan, the policies of which affect any part of the panel’s area; ’.

William Powell

66

Section 5, page 9, after line 37, insert—

‘() any plan or policy for the Welsh inshore region, the Welsh offshore region or any part of those regions which adjoin the panel’s area.’.

Adran 5, tudalen 9, ar ôl llinell 37, mewnosoder—

‘() any plan or policy for the Welsh inshore region, the Welsh offshore region or any part of those regions which adjoin the panel’s area.’.

Llyr Huws Gruffydd

146

Section 5, page 10, leave out lines 1 to 2.

Adran 5, tudalen 10, hepgorer llinellau 1 hyd at 2.

Suzy Davies

123

Section 5, page 10, after line 2, insert—

‘() any appraisal carried out under subsection (7) (a);’.

Adran 5, tudalen 10, ar ôl llinell 2, mewnosoder—

‘() any appraisal carried out under subsection (7)(a);’.

Llyr Huws Gruffydd

147

Section 5, page 10, after line 2, insert—

‘() any policies designed to contribute to the climate change reduction targets and adaptation requirements as set out by Welsh Ministers;’.

Adran 5, tudalen 10, ar ôl llinell 2, mewnosoder –

- ‘() any policies designed to contribute to the climate change reduction targets and adaptation requirements as set out by Welsh Ministers;’.

Carl Sargeant

2

Section 5, page 10, after line 7, insert –

- ‘() The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the strategic planning area.’.

Adran 5, tudalen 10, ar ôl llinell 7, mewnosoder –

- ‘() The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the strategic planning area.’.

Llyr Huws Gruffydd

148

Section 5, page 10, leave out lines 13 to 14.

Adran 5, tudalen 10, hepgorer llinellau 13 hyd at 14.

William Powell

67

Section 5, page 10, after line 14, insert –

- ‘() In this section, “local transport plan” has the same meaning as in section 108(3A) of the Transport Act 2000.’.

Adran 5, tudalen 10, ar ôl llinell 14, mewnosoder –

- ‘() In this section, “local transport plan” has the same meaning as in section 108(3A) of the Transport Act 2000. ’.

William Powell

68

Section 5, page 10, after line 14, insert –

- ‘() In this section, “the Welsh inshore region” and “the Welsh offshore region” have the same meaning as in the Marine and Coastal Access Act 2009.’.

Adran 5, tudalen 10, ar ôl llinell 14, mewnosoder –

- ‘() In this section, “the Welsh inshore region” and “the Welsh offshore region” have the same meaning as in the Marine and Coastal Access Act 2009.’.

Llyr Huws Gruffydd **149**

Section 6, page 10, line 38, leave out –

‘, and

- (b) the strategic development plan for any strategic planning area that includes all or part of the area of the authority.’

and insert –

‘within 5 years of publication of the Framework in accordance with section 60’.

Adran 6, tudalen 10, llinell 38, hepgorer –

‘, and

- (b) the strategic development plan for any strategic planning area that includes all or part of the area of the authority.’

a mewnosoder –

‘within 5 years of publication of the Framework in accordance with section 60’.

Llyr Huws Gruffydd **150**

Section 7, page 11, leave out lines 20 to 24.

Adran 7, tudalen 11, hepgorer llinellau 20 hyd at 24.

Carl Sargeant **51**

Section 7, page 11, line 20, leave out ‘publication’ and insert ‘adoption or approval’.

Adran 7, tudalen 11, llinell 20, hepgorer ‘publication’ a mewnosoder ‘adoption or approval’.

Llyr Huws Gruffydd **151**

Section 8, page 11, leave out lines 35 to 36.

Adran 8, tudalen 11, hepgorer llinellau 36 hyd at 37.

William Powell **69**

Section 8, page 11, after line 37, insert –

- ‘() any place plans or other local plans that are expressly permitted or provided for by the plans specified in paragraphs (a) to (c)’.

Adran 8, tudalen 11, ar ôl llinell 38, mewnosoder –

- () any place plans or other local plans that are expressly permitted or provided for by the plans specified in paragraphs (a) to (c)”.’.

Carl Sargeant

3

To insert a new section –

[] Welsh language

- (1) PCPA 2004 is amended as follows.
- (2) In section 61 (survey), in subsection (2)(a), after “area of the authority” insert “(including the extent to which the Welsh language is used in the area)”.
- (3) In section 62 (local development plan), after subsection (6) (sustainability appraisal), insert –

“(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.”’.

I fewnosod adran newydd –

[] Y Gymraeg

- (1) Mae DCPhG 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 61 (arolwg), yn is-adran (2)(a), ar ôl “area of the authority” mewnosoder “(including the extent to which the Welsh language is used in the area)”.
- (3) Yn adran 62 (cynllun datblygu lleol), ar ôl is-adran (6) (arfarniad o gynaliadwyedd), mewnosoder –

“(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.”’.

William Powell

70

To insert a new section –

[] Duty to have regard to any marine plans

- (1) Section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan) is amended as follows –
- (2) After subsection 5(b) insert –

“(c) any plan or policy for the Welsh inshore region, the Welsh offshore region or any parts of those regions which adjoin the authority’s area.”

(3) After subsection 8(b) insert –

“(9) In this section, “the Welsh inshore region” and “the Welsh offshore region” have the same meaning as in the Marine and Coastal Access Act 2009.”.

I fewnosod adran newydd –

[] Dyletswydd i roi sylw i unrhyw gynlluniau morol

(1) Mae adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (cynllun datblygu lleol) wedi ei diwygio fel a ganlyn –

(2) Ar ôl is-adran 5(b) mewnosoder –

“(c) any plan or policy for the Welsh inshore region, the Welsh offshore region or any parts of those regions which adjoin the authority’s area.”

(3) Ar ôl is-adran 8(b) mewnosoder –

“(9) In this section, “the Welsh inshore region” and “the Welsh offshore region” have the same meaning as in the Marine and Coastal Access Act 2009.”.

Llyr Huws Gruffydd

152

Page 13, line 27, leave out section 10.

Tudalen 13, llinell 27, hepgorer adran 10.

Llyr Huws Gruffydd

153

To insert a new section –

[] Local development plans: participation

(1) The PCPA 2004 is amended as follows.

(2) After section 72 insert –

“72A Participation

In exercising any functions under this Part, the local authority must have due regard to the desirability of reducing the inequalities of outcome or participation which result from socio-economic disadvantage.”.

I fewnosod adran newydd –

[] Cynlluniau datblygu lleol: cymryd rhan

- (1) Mae DCPhG 2004 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 72 mewnosoder –

“72A Participation

In exercising any functions under this Part, the local authority must have due regard to the desirability of reducing the inequalities of outcome or participation which result from socio-economic disadvantage.”.

Llyr Huws Gruffydd

154

To insert a new section –

[] Local development plans: climate change

- (1) Section 62 of the PCPA 2004 is amended as follows.
- (2) After sub-section (5)(b) insert –

“() any policies designed to contribute to the climate change reduction targets and adaptation requirements as set out by Welsh Ministers.”.

I fewnosod adran newydd –

[] Cynlluniau datblygu lleol: newid yn yr hinsawdd

- (1) Mae adran 62 o DCPhG 2004 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (5)(b) mewnosoder –

“() any policies designed to contribute to the climate change reduction targets and adaptation requirements as set out by Welsh Ministers.”.

William Powell

71

To insert a new section –

[] Light pollution

- (1) Section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan) is amended as follows.
- (2) After subsection 2(b) insert –

“() their general policies for minimising light pollution”.

I fewnosod adran newydd –

[] Llygredd golau

- (1) Mae adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (cynllun datblygu lleol) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran 2(b) mewnosoder –
“() their general policies for minimising light pollution”.’.

Suzy Davies

124

To insert a new section –

[] Duty to have regard to sustainability appraisal

- (1) Section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan) is amended as follows.
- (2) After subsection (5)(f), insert –
“() any appraisal carried out under subsection 6(a)”’.

I fewnosod adran newydd –

[] Dyletswydd i roi sylw i arfarniad cynaliadwyedd

- (1) Mae adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (cynllun datblygu lleol) wedi'i diwygio fel a ganlyn.
- (2) Ar ôl is-adran (5)(f), mewnosoder –
“(g) any appraisal carried out under subsection 6(a)”’.

Llyr Huws Gruffydd

155

To insert a new section –

[] Housing need - Local Development Plan

- (1) Section 61 of PCPA 2004 is amended as follows.
- (2) Before paragraph (d) of subsection (2) insert –
“() the housing need in the area (“local housing needs assessment”).”.’.

I fewnosod adran newydd –

[] Yr angen am dai - Cynllun Datblygu Lleol

- (1) Mae adran 61 o DCPhG 2004 wedi ei diwygio fel a ganlyn.
- (2) Cyn paragraff (d) o is-adran (2) mewnosoder –
() “the housing need in the area (“local housing needs assessment”).”.’.

Llyr Huws Gruffydd **156**

To insert a new section –

[] Development plans: place names

In section 62 of the PCPA 2004 (local development plan) in subsection (2) insert –

“() their general policies for the use of the Welsh language in relation to signage”.

I fewnosod adran newydd –

[] Cynlluniad datblygu: enwau lleoedd

Yn adran 62 o DCPhG 2004 (cynllun datblygu lleol) yn is-adran (2) mewnosoder –

“() their general policies for the use of the Welsh language in relation to signage”.

Llyr Huws Gruffydd **157**

To insert a new section –

[] Housing need - Local Development Plan

(1) Section 62 PCPA is amended as follows –

(2) Before paragraph (g) of subsection (3) insert –

“() the local housing needs assessment undertaken pursuant to [new section inserted].”.

I fewnosod adran newydd –

[] Yr angen am dai - Cynllun Datblygu Lleol

(1) Mae adran 62 o DCPhG 2004 wedi ei diwygio fel a ganlyn.

(2) Cyn paragraff (g) o is-adran (3) mewnosoder –

“() the local housing needs assessment undertaken pursuant to [new section inserted].”.

William Powell **72**

To insert a new section –

[] Role of the Welsh Language Commissioner

(1) The Welsh Language Commissioner’s functions under section 4(1) of the Welsh

Language (Wales) Measure 2011 (promoting and facilitating use of Welsh and treating Welsh no less favourably than English) include keeping under review the adequacy and effectiveness of Welsh Language impact assessments under section 71ZB of the Town and Country Planning Act 1990.’.

I fewnosod adran newydd –

[] Rôl Comisiynydd y Gymraeg

- (1) Mae swyddogaethau Comisiynydd y Gymraeg o dan adran 4(1) o Fesur y Gymraeg (Cymru) 2011 (hybu a hwyluso defnyddio'r Gymraeg a pheidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg) yn cynnwys cadw digonolrwydd ac effeithiolrwydd asesiadau o'r effaith ar yr iaith Gymraeg o dan adran 71ZB o Ddeddf Cynllunio Gwlad a Thref 1990 o dan arolygiaeth.’.

Russell George

98

To insert a new section –

[] Neighbourhood development orders

- (1) TCPA 1990 is amended as follows.
- (2) After section 61E insert –

61E Wales: neighbourhood development orders

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in Wales to make a neighbourhood development order.
- (2) A “neighbourhood development order” is an order which grants planning permission in relation to a particular neighbourhood area specified in the development order –
 - (a) for development specified in the order; or
 - (b) for development of any class specified in the order.
- (3) The Welsh Ministers may make regulations about –
 - (a) who may be designated as a “qualifying body” for the purpose of subsection (1);
 - (b) provision that may be made by a neighbourhood development order;
 - (c) development which is excluded;
 - (d) permission granted by a neighbourhood development order;
 - (e) publication arrangements;
 - (f) revocation or modification of a neighbourhood development order.

- (4) A local planning authority in Wales must publish each neighbourhood development order that they may make in such manner as may be prescribed in regulations made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Gorchmynion datblygu cymdogaeth

- (1) Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 61E mewnosoder –

61E Wales: neighbourhood development orders

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in Wales to make a neighbourhood development order.
- (2) A “neighbourhood development order” is an order which grants planning permission in relation to a particular neighbourhood area specified in the development order –
 - (a) for development specified in the order; or
 - (b) for development of any class specified in the order.
- (3) The Welsh Ministers may make regulations about –
 - (a) who may be designated as a “qualifying body” for the purpose of subsection (1);
 - (b) provision that may be made by a neighbourhood development order;
 - (c) development which is excluded;
 - (d) permission granted by a neighbourhood development order;
 - (e) publication arrangements;
 - (f) revocation or modification of a neighbourhood development order.
- (4) A local planning authority in Wales must publish each neighbourhood development order that they may make in such manner as may be prescribed in regulations made by the Welsh Ministers.’.

Russell George

99

To insert a new section –

‘Health impact

[] Health impact assessments

0.2

In TCPA 1990, after section 71ZB (as inserted by section 32) insert –

“(71ZC) Health impact assessments

- (1) The Welsh Ministers must by regulations require an applicant for specified classes of planning permission for the development of land in Wales to carry out an appraisal of the impact of the development on the health of persons.
- (2) Where regulations under this section require an impact assessment, the local planning authority –
 - (a) may not determine the application until the impact assessment has been carried out, and
 - (b) must consider the impact assessment in determining the application.
- (3) Before making regulations under subsection (1) the Welsh Ministers must consult such persons as appear to them to be appropriate.”.

I fewnosod adran newydd –

‘Effaith ar iechyd

[] **Asesiadau o’r effaith ar iechyd**

(1) Yn DCGTh 1990, ar ôl adran 71ZB, (fel y’i mewnosodir gan adran 32) mewnosoder –

“(71ZC) Health impact assessments

- (1) The Welsh Ministers must by regulations require an applicant for specified classes of planning permission for the development of land in Wales to carry out an appraisal of the impact of the development on the health of persons.
- (2) Where regulations under this section require an impact assessment, the local planning authority –
 - (a) may not determine the application until the impact assessment has been carried out, and
 - (b) must consider the impact assessment in determining the application.
- (3) Before making regulations under subsection (1) the Welsh Ministers must consult such persons as appear to them to be appropriate.”.

William Powell

73

Section 15, page 17, after line 23, insert –

- () For the purposes of subsection (4), a specified person may include a water undertaker, a sewerage undertaker or both. ’.

Adran 15, tudalen 17, ar ôl llinell 23, mewnosoder –

‘() For the purposes of subsection (4), a specified person may include a water undertaker, a sewerage undertaker or both.’

Russell George

100

Section 15, page 17, line 26, after ‘293A,’ insert –

‘() if the proposed application is an application under section 62D.’

Adran 15, tudalen 17, llinell 26, ar ôl ‘293A,’ mewnosoder –

‘() if the proposed application is an application under section 62D.’

Russell George

101

Section 16, page 19, after line 8, insert –

‘() Regulations under this section may not make provision for a local planning authority to make a charge for pre-application services.’

Adran 16, tudalen 19, ar ôl llinell 8, mewnosoder –

‘() Regulations under this section may not make provision for a local planning authority to make a charge for pre-application services.’

Llyr Huws Gruffydd

158

Section 17, page 20, line 4, leave out ‘is to’ and insert ‘may’.

Adran 17, tudalen 20, llinell 4, hepgorer ‘is to’ a mewnosoder ‘may’.

Llyr Huws Gruffydd

159

Section 17, page 20, line 10, after ‘if’, insert ‘(a) it does not fall within subsection [to be inserted by Amendment 160], and (b)’.

Adran 17, tudalen 20, llinell 10, ar ôl ‘if’, mewnosoder ‘(a) it does not fall within subsection [to be inserted by Amendment 160], and (b)’.

Russell George

102

Section 17, page 20, line 10, leave out ‘meets criteria specified in regulations made by the Welsh Ministers for the purposes of this section’ and insert ‘is of a type specified in

Column A and satisfies the criteria specified in Column B in Schedule 4A’.

Adran 17, tudalen 20, llinell 10, hepgorer ‘meets criteria specified in regulations made by the Welsh Ministers for the purposes of this section’ a mewnosoder ‘is of a type specified in Column A and satisfies the criteria specified in Column B in Schedule 4’.

Russell George

103

Section 17, page 20, after line 12, insert –

- ‘() Regulations under subsection (3) may include provision for onshore electricity generating stations between 50 megawatts and 349 megawatts so far as such provision is within the legislative competence of the National Assembly for Wales.’.

Adran 17, tudalen 20, ar ôl llinell 12, mewnosoder –

- ‘() Regulations under subsection (3) may include provision for onshore electricity generating stations between 50 megawatts and 349 megawatts so far as such provision is within the legislative competence of the National Assembly for Wales.’.

Llyr Huws Gruffydd

160

Section 17, page 20, after line 12, insert –

- ‘() The following categories of development will not be of national significance for this purpose –
 - (i) the provision of dwellinghouses;
 - (ii) development for the purpose of retail or leisure.’.

Adran 17, tudalen 20, ar ôl llinell 12, mewnosoder –

- ‘() The following categories of development will not be of national significance for this purpose –
 - (i) the provision of dwellinghouses;
 - (ii) development for the purpose of retail or leisure.’.

Llyr Huws Gruffydd

161

Section 17, page 20, at the beginning of line 13, insert ‘Subject to subsection (3).

Adran 17, tudalen 20, ar ddechrau llinell 13, mewnosoder ‘Subject to subsection (3).

Russell George

104

Section 17, page 20, after line 17, insert –

- '() The Welsh Ministers may by regulations amend Schedule 4A to add a new type of project or to vary or remove an existing type of project.'

Adran 17, tudalen 20, ar ôl llinell 17, mewnosoder –

- '() The Welsh Ministers may by regulations amend Schedule 4A to add a new type of project or to vary or remove an existing type of project.'

Llyr Huws Gruffydd

162

Section 17, page 20, after line 29, insert –

- '() An application within this section must be accompanied by an assessment of environmental effects.'

Adran 17, tudalen 20, ar ôl llinell 29, mewnosoder –

- '() An application within this section must be accompanied by an assessment of environmental effects.'

Llyr Huws Gruffydd

163

Section 17, page 20, after line 29, insert –

- '() Where an application is made to the local planning authority, the applicant must notify the Welsh Ministers.'

Adran 17, tudalen 20, ar ôl llinell 29, mewnosoder –

- '() Where an application is made to the local planning authority, the applicant must notify the Welsh Ministers.'

Llyr Huws Gruffydd

164

Section 17, page 20, line 32, after 'Ministers', insert –

- '; and
(b) the local planning authority to which the application would otherwise be made'

Adran 17, tudalen 20, llinell 32, ar ôl 'Ministers', mewnosoder –

- '; and
() the local planning authority to which the application would otherwise be made'

Llyr Huws Gruffydd

165

Section 18, page 21, at the beginning of line 25, insert ‘Subject to subsection [*to be inserted by Amendment 166*].’

Adran 18, tudalen 21, ar ddechrau llinell 25, mewnosoder ‘Subject to subsection [*to be inserted by Amendment 166*].’

Llyr Huws Gruffydd

166

Section 18, page 22, after line 21, insert –

- ‘() Subsections (2) to (5) do not apply to any secondary consent which would (but for this section) be decided by Natural Resources Wales unless they have consented to the decision being made by the Welsh Ministers.’

Adran 18, tudalen 22, ar ôl llinell 21, mewnosoder –

- ‘() Subsections (2) to (5) do not apply to any secondary consent which would (but for this section) be decided by Natural Resources Wales unless they have consented to the decision being made by the Welsh Ministers.’

Llyr Huws Gruffydd

167

Section 18, page 22, line 37, leave out –

‘may include provision –

- (a) about consultation to be carried out by the Welsh Ministers before a secondary consent is granted or refused;
- (b) requiring a’

and insert –

- ‘(a) must include provision about consultation to be carried out by the Welsh Ministers before a secondary consent is granted or refused; and
- (b) may require’.

Adran 18, tudalen 22, llinell 37, hepgorer –

‘may include provision –

- (a) about consultation to be carried out by the Welsh Ministers before a secondary consent is granted or refused;
- (b) requiring a’

a mewnosoder –

- ‘(a) must include provision about consultation to be carried out by the Welsh Ministers before a secondary consent is granted or

refused; and
(b) may require’.

Carl Sargeant 52

Section 18, page 23, line 14, after ‘or’ at the third place where it appears, insert ‘made’.

Adran 18, tudalen 23, llinell 14, ar ôl ‘or’ yn y trydydd lle y mae'n ymddangos, mewnosoder ‘made’.

Llyr Huws Gruffydd 168

Section 19, page 24, line 19, after ‘deadline’, insert ‘, which must be no less than 12 weeks from the giving of notification under subsection (2),’.

Adran 19, tudalen 24, llinell 19, ar ôl ‘deadline’, mewnosoder ‘, which must be no less than 12 weeks from the giving of notification under subsection (2),’.

Llyr Huws Gruffydd 169

Section 19, page 24, line 28, after ‘have’, insert ‘due’.

Adran 19, tudalen 24, llinell 28, ar ôl ‘have’, mewnosoder ‘due’.

Llyr Huws Gruffydd 170

Section 19, page 24, line 31, after ‘have’, insert ‘due’.

Adran 19, tudalen 24, llinell 31, ar ôl ‘have’, mewnosoder ‘due’.

Llyr Huws Gruffydd 171

Section 19, page 24, line 36, after ‘62I’, insert ‘or by a community council for the area to which the application relates’.

Adran 19, tudalen 24, llinell 36, ar ôl ‘62I’, mewnosoder ‘or by a community council for the area to which the application relates’.

Llyr Huws Gruffydd 172

Section 19, page 25, line 7, after ‘impact’, insert ‘on (including but not exclusively) the provision of public services, infrastructure, natural resources, the Welsh language and health of the inhabitants of the area or part of the area of the local authority’.

Adran 19, tudalen 25, llinell 7, ar ôl ‘impact’, mewnosoder ‘on (including but not exclusively) the provision of public services, infrastructure, natural resources, the Welsh

language and health of the inhabitants of the area or part of the area of the local authority’.

Carl Sargeant

53

To insert a new section –

[] Timetable for determining applications

In TCPA 1990, after section 62K (as inserted by section) insert –

“62L Timetable for determining applications

- (1) This section applies where an application has been made to the Welsh Ministers under section 62D.
- (2) The Welsh Ministers must determine the application, and make any decision that is to be made by them by virtue of section 62F(2), before the end of the determination period.
- (3) The determination period is the period of 36 weeks beginning with the date on which the application under section 62D is accepted by the Welsh Ministers.
- (4) A development order may make provision about what constitutes acceptance of an application for the purposes of subsection (3).
- (5) The Welsh Ministers may by notice –
 - (a) suspend the running of the determination period in a particular case for a period specified in the notice;
 - (b) terminate, reduce or extend an existing period of suspension.
- (6) Notice under subsection (5) must be given to –
 - (a) the person who made the application under section 62D,
 - (b) the local planning authority to which, but for section 62D, that application would have been made, and
 - (c) any representative persons (within the meaning of section 319B(8A)) the Welsh Ministers consider appropriate.
- (7) A development order may make provision about the giving of notice under subsection (5) (including provision about the information to be included in the notice and how and when it is to be given).
- (8) The Welsh Ministers must lay before the National Assembly for Wales annual reports on –
 - (a) their compliance with the duty imposed by subsection (2), and
 - (b) their exercise of the functions conferred by subsection (5).
- (9) The Welsh Ministers may by order amend subsection (3) to substitute a different period as the determination period.”

I fewnosod adran newydd –

[] **Yr amserlen ar gyfer penderfynu ceisiadau**

Yn DCGTh 1990, ar ôl adran 62K (fel y'i mewnosodir gan adran) mewnosoder –

“62L Timetable for determining applications

- (1) This section applies where an application has been made to the Welsh Ministers under section 62D.
- (2) The Welsh Ministers must determine the application, and make any decision that is to be made by them by virtue of section 62F(2), before the end of the determination period.
- (3) The determination period is the period of 36 weeks beginning with the date on which the application under section 62D is accepted by the Welsh Ministers.
- (4) A development order may make provision about what constitutes acceptance of an application for the purposes of subsection (3).
- (5) The Welsh Ministers may by notice –
 - (a) suspend the running of the determination period in a particular case for a period specified in the notice;
 - (b) terminate, reduce or extend an existing period of suspension.
- (6) Notice under subsection (5) must be given to –
 - (a) the person who made the application under section 62D,
 - (b) the local planning authority to which, but for section 62D, that application would have been made, and
 - (c) any representative persons (within the meaning of section 319B(8A)) the Welsh Ministers consider appropriate.
- (7) A development order may make provision about the giving of notice under subsection (5) (including provision about the information to be included in the notice and how and when it is to be given).
- (8) The Welsh Ministers must lay before the National Assembly for Wales annual reports on –
 - (a) their compliance with the duty imposed by subsection (2), and
 - (b) their exercise of the functions conferred by subsection (5).
- (9) The Welsh Ministers may by order amend subsection (3) to substitute a different period as the determination period.”’.

Llyr Huws Gruffydd

173

Section 20, page 25, line 20, leave out –

‘62L Option to make application directly to Welsh Ministers

- (1) If the following conditions are met, a qualifying application that would otherwise have to be made to the local planning authority may

(if the applicant so chooses) instead be made to the Welsh Ministers.

- (2) The first condition is that the local planning authority is designated by the Welsh Ministers for the purposes of this section.
- (3) The second condition is that—
 - (a) the development to which the application relates, in the case of a qualifying application within subsection (4)(a), or
 - (b) the development for which the outline planning permission has been granted, in the case of a qualifying application within subsection (4)(b),is development of a description prescribed by regulations made by the Welsh Ministers.
- (4) A qualifying application, for the purposes of this section, is—
 - (a) an application for planning permission for the development of land in Wales, provided that the development to which it relates is not development of national significance for the purposes of section 62D;
 - (b) an application for approval of a matter that, for the purposes of section 92, is a reserved matter in the case of an outline planning permission for the development of land in Wales.
- (5) But an application within subsection (6) that would otherwise be a qualifying application for the purposes of this section is not to be treated as such unless it is an application of a description prescribed in regulations made by the Welsh Ministers.
- (6) An application is within this subsection if it is an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (7) The power to make a designation for the purposes of this section, or to revoke a designation, is exercisable by notice in writing to the authority concerned.
- (8) The Welsh Ministers must publish (in whatever way they think fit)—
 - (a) the criteria to be applied in deciding whether to designate an authority for the purposes of this section;
 - (b) the criteria to be applied in deciding whether to revoke a designation;
 - (c) a copy of any notice given to an authority under subsection (7).
- (9) An urban development corporation is not to be designated for the purposes of this section.

62M Option to make application to Welsh Ministers: connected applications

- (1) This section applies where an application (the “principal application”)

is made to the Welsh Ministers under section 62L.

- (2) A connected application that would otherwise have to be made to the local planning authority or hazardous substances authority may (if the applicant so chooses) instead be made to the Welsh Ministers, provided that it is made on the same day as the principal application.
- (3) A connected application, for this purpose, is an application under the Planning Acts that—
 - (a) relates to land in Wales,
 - (b) is an application of a description prescribed by regulations made by the Welsh Ministers, and
 - (c) is considered by the person making it to be connected to the principal application.
- (4) Subsection (5) applies if an application is made to the Welsh Ministers under this section, on the basis that it is a connected application, instead of to a local planning authority or hazardous substances authority, but the Welsh Ministers consider—
 - (a) that the application is not connected to the principal application, or
 - (b) that, although the application is connected to the principal application, the decision on the application should not be made by the Welsh Ministers.
- (5) The Welsh Ministers must refer the application to the local planning authority or hazardous substances authority.
- (6) An application referred to an authority under subsection (5)—
 - (a) is to be treated as from the date of its referral as being an application made to the authority concerned (instead of an application made to the Welsh Ministers), and
 - (b) is to be determined by the authority accordingly.
- (7) A development order may make provision about the referral of applications under subsection (5) (including provision about what constitutes the referral of an application for the purposes of subsection (6)).”

Adran 20, tudalen 25, llinell 20, hepgorer —

‘62L Option to make application directly to Welsh Ministers

- (1) If the following conditions are met, a qualifying application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) instead be made to the Welsh Ministers.
- (2) The first condition is that the local planning authority is designated by the Welsh Ministers for the purposes of this section.
- (3) The second condition is that—

- (a) the development to which the application relates, in the case of a qualifying application within subsection (4)(a), or
- (b) the development for which the outline planning permission has been granted, in the case of a qualifying application within subsection (4)(b),

is development of a description prescribed by regulations made by the Welsh Ministers.

- (4) A qualifying application, for the purposes of this section, is—
 - (a) an application for planning permission for the development of land in Wales, provided that the development to which it relates is not development of national significance for the purposes of section 62D;
 - (b) an application for approval of a matter that, for the purposes of section 92, is a reserved matter in the case of an outline planning permission for the development of land in Wales.
- (5) But an application within subsection (6) that would otherwise be a qualifying application for the purposes of this section is not to be treated as such unless it is an application of a description prescribed in regulations made by the Welsh Ministers.
- (6) An application is within this subsection if it is an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (7) The power to make a designation for the purposes of this section, or to revoke a designation, is exercisable by notice in writing to the authority concerned.
- (8) The Welsh Ministers must publish (in whatever way they think fit)—
 - (a) the criteria to be applied in deciding whether to designate an authority for the purposes of this section;
 - (b) the criteria to be applied in deciding whether to revoke a designation;
 - (c) a copy of any notice given to an authority under subsection (7).
- (9) An urban development corporation is not to be designated for the purposes of this section.

62M Option to make application to Welsh Ministers: connected applications

- (1) This section applies where an application (the “principal application”) is made to the Welsh Ministers under section 62L.
- (2) A connected application that would otherwise have to be made to the local planning authority or hazardous substances authority may (if the applicant so chooses) instead be made to the Welsh Ministers,

- provided that it is made on the same day as the principal application.
- (3) A connected application, for this purpose, is an application under the Planning Acts that—
- (a) relates to land in Wales,
 - (b) is an application of a description prescribed by regulations made by the Welsh Ministers, and
 - (c) is considered by the person making it to be connected to the principal application.
- (4) Subsection (5) applies if an application is made to the Welsh Ministers under this section, on the basis that it is a connected application, instead of to a local planning authority or hazardous substances authority, but the Welsh Ministers consider—
- (a) that the application is not connected to the principal application, or
 - (b) that, although the application is connected to the principal application, the decision on the application should not be made by the Welsh Ministers.
- (5) The Welsh Ministers must refer the application to the local planning authority or hazardous substances authority.
- (6) An application referred to an authority under subsection (5)—
- (a) is to be treated as from the date of its referral as being an application made to the authority concerned (instead of an application made to the Welsh Ministers), and
 - (b) is to be determined by the authority accordingly.
- (7) A development order may make provision about the referral of applications under subsection (5) (including provision about what constitutes the referral of an application for the purposes of subsection (6)).”’.

Russell George

105

Section 20, page 25, line 32, after ‘is’, insert ‘major’.

Adran 20, tudalen 25, llinell 32, ar ôl ‘is’, mewnosoder ‘major’.

Russell George

106

Section 20, page 25, line 32, leave out ‘of a description prescribed by regulations made by the Welsh Ministers.’.

Adran 20, tudalen 25, llinell 32, hepgorer ‘of a description prescribed by regulations made by the Welsh Ministers’.

Llyr Huws Gruffydd

174

Section 20, page 25, after line 33, insert—

- '() Regulations under subsection (3) may not make provision for housing, retail or leisure development.'

Adran 20, tudalen 25, ar ôl llinell 33, mewnosoder—

- '() Regulations under subsection (3) may not make provision for housing, retail or leisure development.'

Russell George

107

Section 20, page 26, leave out lines 12 to 20 and insert—

- '() An authority may be designated for the purposes of this section only if—
 - (a) the criteria that are to be applied in deciding whether to designate the authority are set out in a document to which subsection (8) applies,
 - (b) by reference to those criteria, the Welsh Ministers consider that there are respects in which the authority are not adequately performing their function of determining applications under this Part, and
 - (c) the criteria that are to be applied in deciding whether to revoke a designation are set out in a document to which subsection (8) applies.
- () This subsection applies to a document if—
 - (a) the document has been laid before the National Assembly for Wales by the Welsh Ministers,
 - (b) the 40-day period for the document has ended without the National Assembly for Wales having during that period resolved not to approve the document, and
 - (c) the document has been published (whether before, during or after the 40-day period for it) by the Welsh Ministers in such manner as the Welsh Ministers think fit.
- () In this section “the 40 day period” for a document is the period of 40 days beginning with the day on which the document is laid before the National Assembly for Wales.'

Adran 20, tudalen 26, hepgorer llinellau 12 hyd at 20 a mewnosoder—

- '() An authority may be designated for the purposes of this section only if—
 - (a) the criteria that are to be applied in deciding whether to designate the authority are set out in a document to which

- subsection (8) applies,
- (b) by reference to those criteria, the Welsh Ministers consider that there are respects in which the authority are not adequately performing their function of determining applications under this Part, and
 - (c) the criteria that are to be applied in deciding whether to revoke a designation are set out in a document to which subsection (8) applies.
- () This subsection applies to a document if –
- (a) the document has been laid before the National Assembly for Wales by the Welsh Ministers,
 - (b) the 40-day period for the document has ended without the National Assembly for Wales having during that period resolved not to approve the document, and
 - (c) the document has been published (whether before, during or after the 40-day period for it) by the Welsh Ministers in such manner as the Welsh Ministers think fit.
- () In this section “the 40 day period” for a document is the period of 40 days beginning with the day on which the document is laid before the National Assembly for Wales.’.

Llyr Huws Gruffydd

176

Section 20, page 26, after line 20, insert –

- ‘() Before publishing the criteria to be applied under paragraphs (a) and (b) of subsection (8), the Welsh Ministers must consult all local planning authorities in Wales.
- () Criteria published under subsection (8) must include both qualitative and quantitative measures.’.

Adran 20, tudalen 26, ar ôl llinell 20, mewnosoder –

- ‘() Before publishing the criteria to be applied under paragraphs (a) and (b) of subsection (8), the Welsh Ministers must consult all local planning authorities in Wales.
- () Criteria published under subsection (8) must include both qualitative and quantitative measures.’.

Russell George

108

Section 20, page 26, after line 22, insert –

- ‘() For the purpose of this section, “major development” means development involving any one or more of the following –

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more.’.

Adran 20, tudalen 26, ar ôl llinell 22, mewnosoder —

- ‘() For the purpose of this section, “major development” means development involving any one or more of the following—
- (a) the winning and working of minerals or the use of land for mineral-working deposits;
 - (b) waste development;
 - (c) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
 - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - (e) development carried out on a site having an area of 1 hectare or more.’.

Llyr Huws Gruffydd

177

Section 20, page 26, after line 22, insert—

- ‘() Where the Welsh Ministers propose to designate a local planning authority or revoke a designation, they must first consult the authority concerned about—
- (a) the criteria to be applied in deciding whether to designate the authority; and

- (b) the criteria to be applied in deciding whether to revoke a designation.
- () A local planning authority make representations to the Welsh Ministers as to –
 - (a) why a designation should not be made; or
 - (b) why a designation should be revoked.
- () The Welsh Ministers must take representations made under (subsection inserted above) before –
 - (a) making a designation; or
 - (b) refusing to revoke a designation.
- () The Welsh Ministers must not designate an authority under this section where the authority does not consent to the designation being made.’.

Adran 20, tudalen 26, ar ôl llinell 22, mewnosoder –

- ‘() Where the Welsh Ministers propose to designate a local planning authority or revoke a designation, they must first consult the authority concerned about –
 - (a) the criteria to be applied in deciding whether to designate the authority; and
 - (b) the criteria to be applied in deciding whether to revoke a designation.
- () A local planning authority make representations to the Welsh Ministers as to –
 - (a) why a designation should not be made; or
 - (b) why a designation should be revoked.
- () The Welsh Ministers must take representations made under (subsection inserted above) before –
 - (a) making a designation; or
 - (b) refusing to revoke a designation.
- () The Welsh Ministers must not designate an authority under this section where the authority does not consent to the designation being made.’.

Llyr Huws Gruffydd

178

Section 21, page 27, line 23, leave out ‘, 62L or 62M’.

Adran 21, tudalen 27, llinell 23, hepgorer ‘, 62L or 62M’.

| | |
|---|------------|
| Llyr Huws Gruffydd | 179 |
| Section 21, page 27, line 26, leave out ‘or 62L’. Adran 21, tudalen 27, llinell 26, hepgorer ‘or 62L’. | |
| Llyr Huws Gruffydd | 180 |
| Section 21, page 27, leave out lines 28 to 31. Adran 21, tudalen 27, hepgorer llinellau 28 hyd at 31. | |
| Llyr Huws Gruffydd | 181 |
| Section 21, page 28, line 5, leave out ‘, 62F, 62L or 62M’ and insert ‘or 62F’. Adran 21, tudalen 28, llinell 5, hepgorer ‘, 62F, 62L or 62M,’ a mewnosoder ‘or 62F’. | |
| Llyr Huws Gruffydd | 182 |
| Section 21, page 28, line 17, leave out ‘or section 62L’. Adran 21, tudalen 28, llinell 17, hepgorer ‘or section 62L’. | |
| Llyr Huws Gruffydd | 183 |
| Section 21, page 28, line 20, leave out ‘or 62M’. Adran 21, tudalen 28, llinell 20, hepgorer ‘or 62M’. | |
| Carl Sargeant | 4 |
| Page 28, line 23, leave out section 22. Tudalen 28, llinell 23, hepgorer adran 22. | |
| Llyr Huws Gruffydd | 184 |
| Section 22, page 28, line 28, leave out ‘, 62L or 62M’. Adran 22, tudalen 28, llinell 28, hepgorer ‘, 62L or 62M’. | |
| Llyr Huws Gruffydd | 185 |
| Section 22, page 28, line 33, leave out— ‘in such one or more of the following ways as appear to the Welsh Ministers to be appropriate— (a) at a local inquiry; (b) at a hearing; | |

(c) on the basis of representations in writing.’

and insert—

‘at a local inquiry or at a local hearing as Welsh Ministers consider appropriate’.

Adran 22, tudalen 28, llinell 33, hepgorer—

‘in such one or more of the following ways as appear to the Welsh Ministers to be appropriate—

(a) at a local inquiry;

(b) at a hearing;

(c) on the basis of representations in writing.’

a mewnosoder—

‘at a local inquiry or at a local hearing as Welsh Ministers consider appropriate.’.

Llyr Huws Gruffydd

186

Section 22, page 28, after line 38, insert—

‘() A local inquiry or local hearing must be held in that part of the local planning authority’s area in which the proposed development would take place.’.

Adran 22, tudalen 28, ar ôl llinell 38, mewnosoder—

‘() A local inquiry or local hearing must be held in that part of the local planning authority’s area in which the proposed development would take place.’.

Llyr Huws Gruffydd

187

Section 22, page 29, line 7, leave out ‘62L or 62M (as applicable),’.

Adran 22, tudalen 29, llinell 7, hepgorer ‘, 62L or 62M (as applicable)’.

Russell George

109

Section 23, page 29, line 31, leave out ‘may’ and insert ‘must’.

Adran 23, tudalen 29, llinell 31, hepgorer ‘may’ a mewnosoder ‘must’.

Llyr Huws Gruffydd

188

Section 23, page 29, line 33, leave out ‘, 62F, 62L or 62M’ and insert ‘or 62F’.

Adran 23, tudalen 29, llinell 33, hepgorer ‘, 62F, 62L or 62M’ a mewnosoder ‘or 62F’.

Llyr Huws Gruffydd **189**

Section 23, page 29, line 34, leave out ‘, 62L or 62M,’.

Adran 23, tudalen 29, llinell 34, hepgorer ‘, 62L or 62M’.

Russell George **110**

Section 23, page 29, line 36, leave out ‘may’ and insert ‘must’.

Adran 23, tudalen 29, llinell 36, hepgorer ‘may’ a mewnosoder ‘must’.

Russell George **111**

Section 23, page 29, after line 37, insert—

- ‘() consultation to be carried out by the applicant;
- () publicity in respect of the application; and’.

Adran 23, tudalen 29, ar ôl llinell 37, mewnosoder—

- ‘() consultation to be carried out by the applicant;
- () publicity in respect of the application; and’.

Russell George **112**

Section 23, page 29, line 38, after ‘application.’, insert—

- ‘() A development order may also make provision for compensation payments to be made in respect of an application for planning permission made to the Welsh Ministers under section 62D and 62F’.

Adran 23, tudalen 29, llinell 38, ar ôl ‘application.’, mewnosoder—

- ‘() A development order may also make provision for compensation payments to be made in respect of an application for planning permission made to the Welsh Ministers under section 62D and 62F’.

Carl Sargeant **29**

Page 30, line 20, leave out section 27.

Tudalen 30, llinell 22, hepgorer adran 27.

Carl Sargeant **30**

Section 28, page 30, line 26, leave out ‘Failure to comply with validation requirement’ and

insert 'Invalid applications'.

Adran 28, tudalen 30, llinell 29, hepgorer 'Methu â chydymffurfio â gofyniad dilysu' a mewnosoder 'Ceisiadau annilys'.

Carl Sargeant 31

Section 28, page 31, line 1, leave out 'does not comply with validation requirement' and insert 'is not valid'.

Adran 28, tudalen 31, llinell 1, hepgorer 'does not comply with validation requirement' a mewnosoder 'is not valid'.

Carl Sargeant 32

Section 28, page 31, line 3, leave out 'does not comply with validation requirement' and insert 'is not valid'.

Adran 28, tudalen 31, llinell 3, hepgorer 'does not comply with validation requirement' a mewnosoder 'is not valid'.

Carl Sargeant 33

Section 28, page 31, line 5, leave out 'for planning permission is made to a local planning authority in Wales' and insert—

'is made to a local planning authority in Wales—

- (a) for planning permission, or
- (b) for any consent, agreement or approval required by any condition or limitation subject to which planning permission has been granted'.

Adran 28, tudalen 31, llinell 5, hepgorer 'for planning permission is made to a local planning authority in Wales' a mewnosoder—

'is made to a local planning authority in Wales—

- (a) for planning permission, or
- (b) for any consent, agreement or approval required by any condition or limitation subject to which planning permission has been granted'.

Carl Sargeant 34

Section 28, page 31, at the beginning of line 7, insert 'In the case of an application for planning permission.

Adran 28, tudalen 31, ar ddechrau llinell 7, mewnosoder 'In the case of an application for

planning permission.

Carl Sargeant

35

Section 28, page 31, after line 13, insert –

- '() In the case of an application for a consent, agreement or approval mentioned in subsection (1)(b), the authority must give notice to the applicant if they think that –
 - (a) the application does not comply with the terms of the planning permission in question, or
 - (b) a period prescribed under section 74(1)(e) or 78(2) does not begin to run in relation to the application,by virtue of a failure to include information in the application or to provide documents or other materials with it (whether at all or in a particular manner).
- () The notice must identify –
 - (a) the information, documents or materials in question, and
 - (b) the paragraph of subsection (4) which the authority think applies.'

Adran 28, tudalen 31, ar ôl llinell 13, mewnosoder –

- '() In the case of an application for a consent, agreement or approval mentioned in subsection (1)(b), the authority must give notice to the applicant if they think that –
 - (a) the application does not comply with the terms of the planning permission in question, or
 - (b) a period prescribed under section 74(1)(e) or 78(2) does not begin to run in relation to the application,by virtue of a failure to include information in the application or to provide documents or other materials with it (whether at all or in a particular manner).
- () The notice must identify –
 - (a) the information, documents or materials in question, and
 - (b) the paragraph of subsection (4) which the authority think applies.'

Carl Sargeant

36

Section 28, page 31, line 18, after 'application' at the first place where it appears, insert 'for planning permission'.

Adran 28, tudalen 31, llinell 18, ar ôl 'application' yn y lle cyntaf y mae'n ymddangos,

mewnosoder 'for planning permission'.

Carl Sargeant **37**

Section 28, page 31, at the beginning of line 27, insert 'In a case relating to an application for planning permission.

Adran 28, tudalen 31, ar ddechrau llinell 27, mewnosoder 'In a case relating to an application for planning permission.

Carl Sargeant **38**

Section 28, page 31, line 30, after 'notice', insert 'given under section 62ZA(2)'.
Adran 28, tudalen 31, llinell 30, ar ôl 'notice', mewnosoder 'given under section 62ZA(2)'.

Carl Sargeant **39**

Section 28, page 31, after line 37, insert—

- '() In a case relating to an application for a consent, agreement or approval mentioned in section 62ZA(1)(b), the appeal may be brought on any one or more of the following grounds—
 - (a) that the application included the information, or was accompanied by the documents or other materials, identified in the notice given under section 62ZA(4);
 - (b) in a case where notice is given under section 62ZA(4)(a), that the provision of the information, documents or materials is not required in order to comply with the terms of the planning permission;
 - (c) in a case where notice is given under section 62ZA(4)(b), that the period prescribed under section 74(1)(e) or 78(2) (as the case may be) begins to run in relation to the application irrespective of whether the information, documents or materials are provided.'

Adran 28, tudalen 31, ar ôl llinell 37, mewnosoder—

- '() In a case relating to an application for a consent, agreement or approval mentioned in section 62ZA(1)(b), the appeal may be brought on any one or more of the following grounds—
 - (a) that the application included the information, or was accompanied by the documents or other materials, identified in the notice given under section 62ZA(4);
 - (b) in a case where notice is given under section 62ZA(4)(a), that the provision of the information, documents or materials is not required in order to comply with the terms of the planning

permission;

- (c) in a case where notice is given under section 62ZA(4)(b), that the period prescribed under section 74(1)(e) or 78(2) (as the case may be) begins to run in relation to the application irrespective of whether the information, documents or materials are provided.’.

Suzy Davies

125

To insert a new section—

[] Welsh language impact assessments

- (1) In TCPA 1990, after section 71ZB (as inserted by section 32) insert—

“71ZC Welsh language impact assessment

- (1) Before planning permission for development of any class specified in regulations made by the Welsh Ministers is granted by a local planning authority in Wales, that authority must carry out an appraisal of the impact of the permission on the use of the Welsh language within its area(a “Welsh language impact assessment”).
- (2) All local planning authorities in Wales must have regard to any Welsh language impact assessment carried out in accordance with subsection (1).
- (3) Regulations under this section must make provision about
- (a) the classes of development that will require a Welsh language impact assessment;
 - (b) the form and content of a Welsh language impact assessment;
 - (c) methods for determining how a local planning authority in Wales can demonstrate how it has complied with subsection (2).
- (4) Before making regulations under this section the Welsh Ministers must consult—
- (a) the Welsh Language Commissioner,
 - (b) such organisations as appear to them to have expertise in relation to the development and use of the Welsh language, and
 - (c) such other persons as appear to them appropriate.”.

I fewnosod adran newydd—

[] Asesiadau o’r effaith ar y Gymraeg

- (1) Yn DCGTh 1990, ar ôl is-adran 71ZB (fel y’i mewnosodir gan adran 32) mewnosoder—

0.2

“71ZC Welsh language impact assessment

- (1) Before planning permission for development of any class specified in regulations made by the Welsh Ministers is granted by a local planning authority in Wales, that authority must carry out an appraisal of the impact of the permission on the use of the Welsh language within its area (a “Welsh language impact assessment”).
- (2) All local planning authorities in Wales must have regard to any Welsh language impact assessment carried out in accordance with subsection (1).
- (3) Regulations under this section must make provision about
 - (a) the classes of development that will require a Welsh language impact assessment;
 - (b) the form and content of a Welsh language impact assessment;
 - (c) methods for determining how a local planning authority in Wales can demonstrate how it has complied with subsection (2).
- (4) Before making regulations under this section the Welsh Ministers must consult –
 - (a) the Welsh Language Commissioner,
 - (b) such organisations as appear to them to have expertise in relation to the development and use of the Welsh language, and
 - (c) such other persons as appear to them appropriate.”.

Llyr Huws Gruffydd

190

To insert a new section –

[] Applications for planning permission: Welsh language impact

In section 70 of the Town and Country Planning Act 1990 (determination of applications for planning permission: general considerations) after subsection (2A) insert –

“(2B) In relation to Wales, potential impact on the use of the Welsh language may be a material consideration.”.

I fewnosod adran newydd –

[] Ceisiadau am ganiatâd cynllunio: yr effaith ar y Gymraeg

Yn adran 70 o Ddeddf Cynllunio Gwlad a Thref 1990 (penderfynu ar geisiadau am ganiatâd cynllunio: ystyriaethau cyffredinol) ar ôl is-adran (2A) mewnosoder –

“(2B) In relation to Wales, potential impact on the use of the Welsh language may be a material consideration.”.

Carl Sargeant 40

Section 35, page 38, line 29, after 'for', insert 'any other'.

Adran 35, tudalen 38, llinell 29, ar ôl 'for', mewnosoder 'any other'.

Russell George 113

Section 37, page 39, after line 33, insert—

- () The regulations must make provision for a committee or sub-committee to consider an application under section 70 where the local planning authority has received an objection to that application from any community council covering the area of land to which the application relates.'

Adran 37, tudalen 39, ar ôl llinell 33, mewnosoder—

- () The regulations must make provision for a committee or sub-committee to consider an application under section 70 where the local planning authority has received an objection to that application from any community council covering the area of land to which the application relates.'

Carl Sargeant 54

To insert a new section—

'Joint planning boards and National Parks

[] Power to make provision enabling joint planning boards to exercise development management functions in National Parks

- (1) The Welsh Ministers may by regulations make provision for and in connection with enabling an order under section 2(1B) of TCPA 1990 (joint planning boards in Wales) to—
 - (a) constitute an area that includes all or part of a National Park in Wales as a united district, and
 - (b) constitute a joint planning board as the local planning authority for such a united district for the purposes of the planning Acts.
- (2) Regulations under this section may amend the planning Acts or PCPA 2004.
- (3) The power to make regulations under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.
- (5) In this section, "the planning Acts" has the same meaning as in TCPA 1990 (see section 336(1)).'

I fewnosod adran newydd –

‘Byrddau cydgynllunio a Pharciau Cenedlaethol

[] **Pŵer i wneud darpariaeth sy’n galluogi byrddau cydgynllunio i arfer swyddogaethau rheoli datblygu mewn Parciau Cenedlaethol**

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer ac mewn cysylltiad â galluogi gorchymyn o dan adran 2(1B) o DCGTh 1990 (byrddau cydgynllunio yng Nghymru) i –
 - (a) ffurfio ardal sy’n cynnwys Parc Cenedlaethol yng Nghymru i gyd neu ran ohoni fel dosbarth unedig, a
 - (b) ffurfio bwrdd cydgynllunio i fod yr awdurdod cynllunio lleol ar gyfer dosbarth unedig o’r fath at ddibenion y Deddfau cynllunio.
- (2) Caiff rheoliadau o dan yr adran hon ddiwygio’r Deddfau cynllunio neu DCPHG 2004.
- (3) Mae’r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy drwy offeryn statudol.
- (4) Ni chaniateir gwneud offeryn statudol sy’n cynnwys rheoliadau o dan yr adran hon oni bai bod drafft o’r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a’i gymeradwyo ganddo drwy benderfyniad.
- (5) Yn yr adran hon, mae i “y Deddfau cynllunio” yr un ystyr â “the planning Acts” yn DCGTh 1990 (gweler adran 336(1)).’.

Russell George

114

To insert a new section –

[] **Welsh language impact assessments**

- (1) In TCPA 1990, after section 71ZB (as inserted by section 32) insert –

“717C Welsh language impact assessments

- (1) The Welsh Ministers must by regulations require an applicant for specified classes of planning permission for the development of land in Wales to carry out an appraisal of the impact on the use of the Welsh language.
- (2) Where regulations under this section require an impact assessment, the local planning authority –
 - (a) may not determine the application until the impact assessment has been carried out, and
 - (b) must consider the impact assessment in determining the application.
- (3) Before making regulations under subsection (1) the Welsh Ministers must consult –

- (a) the Welsh Language Commissioner,
- (b) such organisations as appear to them to have expertise in relation to the development and use of the Welsh language, and
- (c) such other persons as appear to them appropriate.”.

I fewnosod adran newydd –

[] Aseidiadau o'r effaith ar y Gymraeg

(1) Yn DCGTh 1990, ar ôl adran 71ZB (fel y'i mewnosodir gan adran 32) mewnosoder –

“717C Welsh language impact assessments

- (1) The Welsh Ministers must by regulations require an applicant for specified classes of planning permission for the development of land in Wales to carry out an appraisal of the impact on the use of the Welsh language.
- (2) Where regulations under this section require an impact assessment, the local planning authority –
 - (a) may not determine the application until the impact assessment has been carried out, and
 - (b) must consider the impact assessment in determining the application.
- (3) Before making regulations under subsection (1) the Welsh Ministers must consult –
 - (a) the Welsh Language Commissioner,
 - (b) such organisations as appear to them to have expertise in relation to the development and use of the Welsh language, and
 - (c) such other persons as appear to them appropriate.”.

William Powell

74

Section 42, page 44, line 10, after 'varied', insert –

‘, except in such circumstances as may be prescribed by a development order.

- (4BB) A development order which makes provision under subsection (4BA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate’.

Adran 42, tudalen 44, llinell 10, ar ôl 'varied', mewnosoder –

0.2

’, except in such circumstances as may be prescribed by a development order.

- (4BB) A development order which makes provision under subsection (4BA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate’.

William Powell

75

Section 42, page 44, line 14, after ‘varied’, insert—

’, except in such circumstances as may be prescribed by a development order

- (1DB) A development order which makes provision under subsection (1DA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate’.

Adran 42, tudalen 44, llinell 14, ar ôl ‘varied’, mewnosoder—

’, except in such circumstances as may be prescribed by a development order

- (1DB) A development order which makes provision under subsection (1DA) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate’.

William Powell

76

Section 42, page 44, line 19, after ‘varied’, insert—

’, except in such circumstances as may be prescribed.

- (4B) Regulations which make provision under subsection (4A) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate’.

Adran 42, tudalen 44, llinell 19, ar ôl ‘varied’, mewnosoder—

’, except in such circumstances as may be prescribed.

- (4B) Regulations which make provision under subsection (4A) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate’.

William Powell

77

Section 42, page 44, line 24, after ‘varied’, insert—

’, except in such circumstances as may be prescribed

- (3F) Regulations which make provision under subsection (3E) must provide for an application which is varied to be subject to such further

consultation as the Welsh Ministers consider appropriate’.

Adran 42, tudalen 44, llinell 24, ar ôl ‘varied’, mewnosoder –

’, except in such circumstances as may be prescribed

- (3F) Regulations which make provision under subsection (3E) must provide for an application which is varied to be subject to such further consultation as the Welsh Ministers consider appropriate’.

William Powell

78

To insert a new section –

[] Community right of appeal

After section 78 of the TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) insert –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and –
- (a) the application is not in accordance with the development plan in force in the relevant area or is not supported by policies in an emerging development plan,
 - (b) the local authority has an interest in the application,
 - (c) the application is for a major development,
 - (d) the application was accompanied by an environmental impact assessment, or
 - (e) the local planning authority’s planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area, and
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting.
- (3) The provisions of section 78 apply to appeals under this section.
- (4) In this section –
- (a) “the relevant area” means the area within which the land to which the development relates is situated,

- (b) “major development” has the meaning given to it by Section 2 of the Town and Country Planning (Development Management Procedure) Order (Wales) 2012,
- (c) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers—
 - (i) “emerging development plan”, and
 - (ii) “interest”.

I fewnosod adran newydd—

[] **Hawl cymuned i apelio**

Ar ôl adran 78 o DCGTh 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o’r fath) mewnosoder—

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and—
 - (a) the application is not in accordance with the development plan in force in the relevant area or is not supported by policies in an emerging development plan,
 - (b) the local authority has an interest in the application,
 - (c) the application is for a major development,
 - (d) the application was accompanied by an environmental impact assessment, or
 - (e) the local planning authority’s planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers—
 - (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area, and
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting.
- (3) The provisions of section 78 apply to appeals under this section.
- (4) In this section—
 - (a) “the relevant area” means the area within which the land to which the development relates is situated,
 - (b) “major development” has the meaning given to it by Section 2

- of the Town and Country Planning (Development Management Procedure) Order (Wales) 2012,
- (c) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers—
- (i) “emerging development plan”, and
 - (ii) “interest”.

Russell George

115

To insert a new section—

[] Community right of appeal

- (1) After Section 78 of the TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) insert—

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and—
- (a) the authority has publicised the application as not according with the development plan in force in the area in which the land to which the application relates is situated;
 - (b) the application is not supported by policies in an emerging development plan;
 - (c) the local authority has an interest in the application;
 - (d) the application is for major development;
 - (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority’s officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers—
- (a) the ward councillors for the relevant area who have lodged an objection to the application with the planning authority;
 - (b) any community council covering or adjoining the relevant area, and
 - (c) Any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting.
- (3) The provisions of section 78 apply to appeals under this section.
- (4) In this section—

- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
 - (b) “major development” has the meaning given to it by Section 2 of the Town and Country Planning (Development Management Procedure) Order (Wales) 2012.
- (5) The following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
- (a) “emerging development plan”, and
 - (b) “interest”.

I fewnosod adran newydd –

[] Hawl cymuned i apelio

- (1) Ar ôl Adran 78 o DCGTh 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o’r fath) mewnosoder –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and –
- (a) the authority has publicised the application as not according with the development plan in force in the area in which the land to which the application relates is situated;
 - (b) the application is not supported by policies in an emerging development plan;
 - (c) the local authority has an interest in the application;
 - (d) the application is for major development;
 - (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority’s officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
- (a) the ward councillors for the relevant area who have lodged an objection to the application with the planning authority;
 - (b) any community council covering or adjoining the relevant area, and
 - (c) Any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting.
- (3) The provisions of section 78 apply to appeals under this section.
- (4) In this section –

- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
 - (b) “major development” has the meaning given to it by Section 2 of the Town and Country Planning (Development Management Procedure) Order (Wales) 2012.
- (5) The following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
- (a) “emerging development plan”, and
 - (b) “interest”.

Llyr Huws Gruffydd

191

To insert a new section –

[] Community right of appeal

After section 78 of the TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) insert –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and –
- (a) the development is contrary to the statutory purpose of the planning system as set out in section [new section to be inserted by ‘Statutory purpose’ amendment] of this Act.
 - (b) the authority has published a notice designating the application as not being in accordance with the development plan in force in the relevant area or as not being supported by policies in an emerging development plan,
 - (c) the application is a development of national significance in accordance with Section 62D,
 - (d) the local planning authority has an interest in the application,
 - (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority’s planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds

- of those voting,
- (d) The Welsh Language Commissioner,
 - (e) The Future Generations Commissioner,
 - (f) any persons who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this section.
- (4) In this section –
- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
 - (b) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
 - (i) “emerging development plan”, and
 - (ii) “interest”.

I fewnosod adran newydd –

[] **Hawl cymuned i apelio**

Ar ôl adran 78 o DCGTh 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o’r fath) mewnosoder –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and –
- (a) the development is contrary to the statutory purpose of the planning system as set out in section [new section to be inserted by ‘Statutory purpose’ amendment] of this Act.
 - (b) the authority has published a notice designating the application as not being in accordance with the development plan in force in the relevant area or as not being supported by policies in an emerging development plan,
 - (c) the application is a development of national significance in accordance with Section 62D,
 - (d) the local planning authority has an interest in the application,
 - (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority’s planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –

- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting,
 - (d) The Welsh Language Commissioner,
 - (e) The Future Generations Commissioner,
 - (f) any persons who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this section.
- (4) In this section –
- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
 - (b) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
 - (i) “emerging development plan”, and
 - (ii) “interest”.

William Powell

79

Section 45, page 47, line 23, after ‘limit’, insert ‘, which may not be less than 8 weeks,’.

Adran 45, tudalen 47, llinell 23, ar ôl ‘limit’, mewnosoder ‘, which may not be less than 8 weeks,’.

William Powell

80

Section 45, page 47, at the beginning of line 26, insert ‘subject to subsection (4)(a)’.

Adran 45, tudalen 47, ar ddechrau llinell 26, mewnosoder ‘subject to subsection (4)(a)’.

Carl Sargeant

57

Page 48, line 11, leave out section 47.

Tudalen 48, llinell 12, hepgorer adran 47.

Russell George

116

Page 49, line 6, leave out section 50.

Tudalen 49, llinell 6, hepgorer adran 50.

Carl Sargeant **41**

Section 53, page 49, line 20, leave out 'such consequential, incidental, transitional or saving provision as they consider appropriate in connection with' and insert 'consequential, incidental, transitional or saving provision for the purpose of giving full effect to, or in consequence of, any provision of'.

Adran 53, tudalen 49, llinell 20, hepgorer 'y cyfryw ddarpariaeth ganlyniadol, gysylltiedig, drosiannol neu arbed a ystyrir yn briodol ganddynt mewn cysylltiad â'r' a mewnosoder 'darpariaeth ganlyniadol, gysylltiedig, drosiannol neu arbed at ddiben rhoi effaith lawn i unrhyw ddarpariaeth yn y Ddeddf hon, neu o ganlyniad i unrhyw ddarpariaeth yn y'.

Llyr Huws Gruffydd **192**

Section 54, page 50, line 12, after '7,', insert 'with the exception of sections 3, 4 and 5,'.

Adran 54, tudalen 50, llinell 12, ar ôl '7,', mewnosoder 'ac eithrio adrannau 3, 4 a 5,'.

Llyr Huws Gruffydd **193**

Section 54, page 50, after line 18, insert –

'() The Welsh Ministers may not make an order under subsection (4) which provides for sections 3,4 and 5 to come into force before 01.01.2021.'

Adran 54, tudalen 50, ar ôl llinell 19, mewnosoder –

'() The Welsh Ministers may not make an order under subsection (4) which provides for sections 3,4 and 5 to come into force before 01.01.2021.'

Russell George **117**

Section 54, page 50, after line 20, insert –

'() is subject to annulment pursuant of a resolution of the National Assembly for Wales;'

Adran 54, tudalen 50, ar ôl llinell 21, mewnosoder –

'() yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru;'

Russell George

86

To insert a new schedule –

‘SCHEDULE 1
 (introduced by section 17)

DEVELOPMENTS OF NATIONAL SIGNIFICANCE

1 In TCPA 1990, after Schedule 4 insert –

“SCHEDULE 4A

DEVELOPMENTS OF NATIONAL SIGNIFICANCE (DNS)’.

| Column A - Application type | Column B - Criteria |
|--|--|
| Underground Gas Storage Facilities not constructed by a gas transporter, for the storage of gas underground in cavities or non-porous strata | Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day. |
| Alteration of any type of underground gas storage facility | Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day. |
| LNG Facilities | Storage capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day. |
| Gas Reception Facilities | Where the maximum flow rate is expected to exceed 4.5 million standard cubic metres per day. |
| Pipe-lines constructed by a Gas Transporter | Pipelines that are constructed by Gas Transporter that: (a) are more than 800 millimetres in diameter and more than 40 kilometres in length or would be likely to have a significant effect on the environment; and (b) have a design operating pressure of more than 7 bar gauge; and (c) convey gas for supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers. |
| Airport related development and construction | Increase capacity by 10 million passengers per annum, or over 10,000 air transport movement of freight per annum. |
| Harbour facilities | In the case of facilities for container ships: anything below 500,000 TEU; |

| | |
|---|---|
| | <p>In the case of ro-ro ships: anything below 250,000 units;</p> <p>In the case of facilities for cargo ships of any other description, anything below 5 million tonnes.</p> <p>In the case of mixed thresholds, the cumulative effects falling within the above but not greater (anything greater is determined under the NSIP regime in Wales).</p> <p>The above apply unless 'permitted development' under Classes B & D of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.</p> |
| Railways | <p>(1) Works to the national rail network not covered by permitted development rights (as contained within Article 3 of the Town and Country Planning (General Permitted Development) Order 1995).</p> <p>(2) Work that is a continuous length of more than 2 kilometres, is not on land that was either operational land of a railway undertaker immediately before the works began or is on land that was acquired at an earlier date for the purpose of the works.</p> <p>Items (1) and (2) do not include works that take place on the operational land of a railway undertaker unless that land was acquired for the purpose of those works.</p> |
| Rail freight interchanges | Interchanges covering at least 60 hectares and handling at least 4 goods trains per day. |
| Dams and Reservoirs | Capable of holding back or storing in excess of 10 million cubic metres of water. |
| Transfer of Water Resources | Capable of transferring in excess of 100 million cubic metres of water per annum. |
| Waste water treatment panel | Has a capacity exceeding that which is capable of dealing with a population equivalent of 500,000. |
| Hazardous waste facilities | Land-fills or deep stores able to handle more than 100,000 tonnes per annum; In any other case, facilities able to handle more than 30,000 tonnes per annum. |
| Pipe-lines not constructed by a gas transporter | A pipe-line below 16.093 km in length wholly or partly in Wales. |

”’.

I fewnosod atodlen newydd –

'ATODLEN 1
 (a gyflwynir gan adran 17)

DATBLYGIADAU O ARWYDDOCÂD CENEDLAETHOL

1 Yn DCGTh 1990, ar ôl Atodlen 4 mewnosoder –

"SCHEDULE 4A

DEVELOPMENTS OF NATIONAL SIGNIFICANCE (DNS)'

| Column A - Application type | Column B - Criteria |
|--|--|
| Underground Gas Storage Facilities not constructed by a gas transporter, for the storage of gas underground in cavities or non-porous strata | Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day. |
| Alteration of any type of underground gas storage facility | Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day. |
| LNG Facilities | Storage capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day. |
| Gas Reception Facilities | Where the maximum flow rate is expected to exceed 4.5 million standard cubic metres per day. |
| Pipe-lines constructed by a Gas Transporter | Pipelines that are constructed by Gas Transporter that: (a) are more than 800 millimetres in diameter and more than 40 kilometres in length or would be likely to have a significant effect on the environment; and (b) have a design operating pressure of more than 7 bar gauge; and (c) convey gas for supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers. |
| Airport related development and construction | Increase capacity by 10 million passengers per annum, or over 10,000 air transport movement of freight per annum. |
| Harbour facilities | In the case of facilities for container ships: anything below 500,000 TEU; In the case of ro-ro ships: anything below 250,000 units; In the case of facilities for cargo ships of any other description, anything below 5 million tonnes. In the case of mixed thresholds, the cumulative |

| | |
|---|--|
| | effects falling within the above but not greater (anything greater is determined under the NSIP regime in Wales). The above apply unless 'permitted development' under Classes B & D of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. |
| Railways | (1) Works to the national rail network not covered by permitted development rights (as contained within Article 3 of the Town and Country Planning (General Permitted Development) Order 1995). (2) Work that is a continuous length of more than 2 kilometres, is not on land that was either operational land of a railway undertaker immediately before the works began or is on land that was acquired at an earlier date for the purpose of the works. Items (1) and (2) do not include works that take place on the operational land of a railway undertaker unless that land was acquired for the purpose of those works. |
| Rail freight interchanges | Interchanges covering at least 60 hectares and handling at least 4 goods trains per day. |
| Dams and Reservoirs | Capable of holding back or storing in excess of 10 million cubic metres of water. |
| Transfer of Water Resources | Capable of transferring in excess of 100 million cubic metres of water per annum. |
| Waste water treatment panel | Has a capacity exceeding that which is capable of dealing with a population equivalent of 500,000. |
| Hazardous waste facilities | Land-fills or deep stores able to handle more than 100,000 tonnes per annum; In any other case, facilities able to handle more than 30,000 tonnes per annum. |
| Pipe-lines not constructed by a gas transporter | A pipe-line below 16.093 km in length wholly or partly in Wales. |

”’.

Llyr Huws Gruffydd

194

Schedule 1, page 51, line 16, leave out

- 'and nominated members (see paragraphs 3 and 4).
- (2) The regulations establishing the panel must specify –
 - (a) the total number of members of the panel,
 - (b) the number of local planning authority members, and

- (c) the number of nominated members.
- (3) The number of local planning authority members of the panel –
 - (a) must be equal to or greater than the number of constituent local planning authorities, and
 - (b) must be two thirds of the total membership of the panel, rounded to the nearest whole number.
- (4) The number of nominated members must be one third of the total membership of the panel, rounded to the nearest whole number.’

and insert –

‘equal to or greater than the number of constituent local planning authorities.’.

Atodlen 1, tudalen 51, llinell 16, hepgorer

‘and nominated members (see paragraphs 3 and 4).

- (2) The regulations establishing the panel must specify –
 - (a) the total number of members of the panel,
 - (b) the number of local planning authority members, and
 - (c) the number of nominated members.
- (3) The number of local planning authority members of the panel –
 - (a) must be equal to or greater than the number of constituent local planning authorities, and
 - (b) must be two thirds of the total membership of the panel, rounded to the nearest whole number.
- (4) The number of nominated members must be one third of the total membership of the panel, rounded to the nearest whole number.’

a mewnosoder –

‘equal to or greater than the number of constituent local planning authorities.’.

Llyr Huws Gruffydd

195

Schedule 1, page 51, line 24, leave out ‘two thirds’ and insert ‘four fifths’.

Atodlen 1, tudalen 51, llinell 24, hepgorer ‘two thirds’ a mewnosoder ‘four fifths’.

Llyr Huws Gruffydd

196

Schedule 1, page 51, line 26, leave out ‘third’ and insert ‘fifth’.

Atodlen 1, tudalen 51, llinell 26, hepgorer 'third' a mewnosoder 'fifth'.

Llyr Huws Gruffydd **197**

Schedule 1, page 52, line 3, leave out 'one member is' and insert 'two members are'.

Atodlen 1, tudalen 52, llinell 3, hepgorer 'one member is' a mewnosoder 'two members are'.

Carl Sargeant **58**

Schedule 1, page 52, after line 4, insert –

- '() Women must make up a minimum of 40% of the local planning authority members of a strategic planning panel; or if the composition of the constituent local planning authorities makes that unachievable, as near to 40% of those members as is practicable.
- () The constituent local planning authorities must co-operate in exercising their functions under this paragraph so as to ensure compliance with sub-paragraph (3).'

Atodlen 1, tudalen 52, ar ôl llinell 4, mewnosoder –

- '() Women must make up a minimum of 40% of the local planning authority members of a strategic planning panel; or if the composition of the constituent local planning authorities makes that unachievable, as near to 40% of those members as is practicable.
- () The constituent local planning authorities must co-operate in exercising their functions under this paragraph so as to ensure compliance with sub-paragraph (3).'

Carl Sargeant **59**

Schedule 1, page 52, after line 17, insert –

- '() Sub-paragraphs (3) and (4) cease to have effect at the end of 2050.'

Atodlen 1, tudalen 52, ar ôl llinell 17, mewnosoder –

- '() Sub-paragraphs (3) and (4) cease to have effect at the end of 2050.'

William Powell

81

Schedule 1, page 52, leave out –

‘Appointment of nominated members

- 4 (1) Each nominated member of a strategic planning panel is to be appointed by the panel, having been nominated by a nominating body in response to a request made by the panel in accordance with this paragraph.
- (2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
- (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
- (7) If the list of nominating bodies is amended by removing a person –
- (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);
 - (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.
- (8) The initial appointments to a strategic planning panel under this paragraph are to be made by the local planning authority members of the panel; and in relation to those appointments, references to anything that must be done by the panel are to be construed accordingly.’

and insert –

- ‘() Appropriate arrangements must be in place for the selection and appointment by the Welsh Ministers of nominated members of strategic planning panels; and those arrangements must take account of –
- (a) any principles specified by the Commissioner for Public Appointments;
 - (b) the desirability of selection and appointment of members being open and transparent, and
 - (c) the desirability of fair and open competition in the selection

and appointment of members.’.

Atodlen 1, tudalen 52, hepgorer –

‘Appointment of nominated members

- 4 (1) Each nominated member of a strategic planning panel is to be appointed by the panel, having been nominated by a nominating body in response to a request made by the panel in accordance with this paragraph.
- (2) Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
- (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
- (7) If the list of nominating bodies is amended by removing a person –
 - (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);
 - (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.
- (8) The initial appointments to a strategic planning panel under this paragraph are to be made by the local planning authority members of the panel; and in relation to those appointments, references to anything that must be done by the panel are to be construed accordingly.’

a mewnosoder –

- ‘() Appropriate arrangements must be in place for the selection and appointment by the Welsh Ministers of nominated members of strategic planning panels; and those arrangements must take account of –
 - (a) any principles specified by the Commissioner for Public Appointments;
 - (b) the desirability of selection and appointment of members being open and transparent, and

- (c) the desirability of fair and open competition in the selection and appointment of members.’.

Carl Sargeant

5

Schedule 1, page 52, line 20, leave out ‘by a nominating body in response to a request made by the panel in accordance with’ and insert ‘in response to a request under’.

Atodlen 1, tudalen 52, llinell 20, hepgorer ‘by a nominating body in response to a request made by the panel in accordance with’ a mewnosoder ‘in response to a request under’.

Carl Sargeant

6

Schedule 1, page 52, line 23, leave out—

- ‘(2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
- (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
- (7) If the list of nominating bodies is amended by removing a person—
- (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);
- (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.
- (8) The initial appointments to a strategic planning panel under this paragraph are to be made by the local planning authority members of the panel; and in relation to those appointments, references to anything that must be done by the panel are to be construed accordingly.’

and insert—

- ‘(2) Before appointing a nominated member, a strategic planning panel must make a request for a nomination to a person chosen by the panel (“the nominating body”)
- (3) If the nominating body fails to make a nomination, the panel must

make a further request for a nomination to the same person or to another person (who becomes the nominating body for the purposes of this paragraph).

- (4) If the nominating body nominates an individual for appointment to the strategic planning panel, the panel must appoint that individual as a nominated member of the panel.’

Atodlen 1, tudalen 52, llinell 23, hepgorer –

- ‘(2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
- (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
- (7) If the list of nominating bodies is amended by removing a person –
 - (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);
 - (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.
- (8) The initial appointments to a strategic planning panel under this paragraph are to be made by the local planning authority members of the panel; and in relation to those appointments, references to anything that must be done by the panel are to be construed accordingly.’

a mewnosoder –

- ‘(2) Before appointing a nominated member, a strategic planning panel must make a request for a nomination to a person chosen by the panel (“the nominating body”)
- (3) If the nominating body fails to make a nomination, the panel must make a further request for a nomination to the same person or to another person (who becomes the nominating body for the purposes of this paragraph).
- (4) If the nominating body nominates an individual for appointment to the strategic planning panel, the panel must appoint that individual as

a nominated member of the panel.’.

William Powell 82

Schedule 1, page 53, at the beginning of line 7, insert ‘Subject to paragraph 4.
Atodlen 1, tudalen 53, ar ddechrau llinell 7, mewnosoder ‘Subject to paragraph 4.

Llyr Huws Gruffydd 198

Schedule 1, page 53, line 27, leave out ‘: general’.
Atodlen 1, tudalen 53, llinell 27, hepgorer ‘: general’.

Llyr Huws Gruffydd 199

Schedule 1, page 54, line 3, leave out—
‘, and
() in the case of a local planning authority member, to the
constituent local planning authority that appointed the
member.’.

Atodlen 1, tudalen 54, llinell 3, hepgorer—
‘, and
() in the case of a local planning authority member, to the
constituent local planning authority that appointed the
member.’.

Llyr Huws Gruffydd 200

Schedule 1, page 54, line 8, after 'a' at the second place where it appears leave out 'local
planning authority'.
Atodlen 1, tudalen 54, llinell 8, ar ôl 'a' yn yr ail le y mae'n ymddangos, hepgorer 'local
planning authority'.

Llyr Huws Gruffydd 201

Schedule 1, page 54, line 11, leave out ‘If a person who is a local planning authority
member of a strategic planning panel ceases to be an eligible member of the constituent
local planning authority that appointed the person to the panel, the person’ and insert ‘A
member of a strategic planning panel who ceases to be an eligible member of the
constituent local planning authority that appointed the person to the panel’.

Atodlen 1, tudalen 54, hepgorer ‘If a person who is a local planning authority member of
a strategic planning panel ceases to be an eligible member of the constituent local planning
authority that appointed the person to the panel, the person’ a mewnosoder ‘A member of
a strategic planning panel who ceases to be an eligible member of the constituent local

planning authority that appointed the person to the panel’.

Carl Sargeant 7

Schedule 1, page 55, after line 22, insert –

‘Voting rights

12 A nominated member of a strategic planning panel is not entitled to vote at meetings of the panel or any of its committees.’.

Atodlen 1, tudalen 55, ar ôl llinell 22, mewnosoder –

‘Voting rights

12 A nominated member of a strategic planning panel is not entitled to vote at meetings of the panel or any of its committees.’.

Carl Sargeant 8

Schedule 1, page 55, line 26, after ‘panel’, insert ‘, which must include at least half of the local planning authority members’.

Atodlen 1, tudalen 55, llinell 26, ar ôl ‘panel’, mewnosoder ‘, which must include at least half of the local planning authority members’.

Carl Sargeant 9

Schedule 1, page 55, leave out lines 27 to 29.

Atodlen 1, tudalen 55, hepgorer llinellau 27 hyd at 29.

Carl Sargeant 60

Schedule 1, page 55, after line 34, insert –

‘(a) a failure to comply with paragraph 3(3),’.

Atodlen 1, tudalen 55, ar ôl llinell 34, mewnosoder –

‘(a) a failure to comply with paragraph 3(3),’.

Carl Sargeant 10

Schedule 1, page 56, at the beginning of line 1, insert ‘Access to ’.

Atodlen 1, tudalen 56, ar ddechrau llinell 1, mewnosoder 'Access to '.

Llyr Huws Gruffydd

202

Schedule 1, page 56, after line 6, insert –

- '() A strategic planning panel must prepare a protocol for the purpose of allowing members of the public to speak at a meeting of the panel.
- () Members of the public may not speak at a meeting of the panel otherwise than in accordance with the protocol prepared under subsection [inserted above by this amendment].'

Atodlen 1, tudalen 56, ar ôl llinell 6, mewnosoder –

- '() A strategic planning panel must prepare a protocol for the purpose of allowing members of the public to speak at a meeting of the panel.
- () Members of the public may not speak at a meeting of the panel otherwise than in accordance with the protocol prepared under subsection [inserted above by this amendment].'

Llyr Huws Gruffydd

203

Schedule 1, page 60, after line 3, insert –

- '() Prior to its publication under paragraph (2)(a), a report prepared in accordance with paragraph (1) must be discussed a meeting of the panel which must be open to the public.
- () A strategic planning panel must prepare a protocol for the purpose of allowing members of the public to speak at the meeting.
- () Members of the public may not speak at a meeting of the panel otherwise than in accordance with the protocol prepared under paragraph ().'

Atodlen 1, tudalen 60, ar ôl llinell 3, mewnosoder –

- '() Prior to its publication under paragraph (2)(a), a report prepared in accordance with paragraph (1) must be discussed a meeting of the panel which must be open to the public.
- () A strategic planning panel must prepare a protocol for the purpose of allowing members of the public to speak at the meeting.
- () Members of the public may not speak at a meeting of the panel otherwise than in accordance with the protocol prepared under paragraph ().'

Llyr Huws Gruffydd **204**

Schedule 1, page 61, line 27, leave out ‘property,’.

Atodlen 1, tudalen 61, llinell 27, hepgorer ‘property,’.

Llyr Huws Gruffydd **205**

Schedule 1, page 62, after line 18, insert –

‘Local Government Act 2000 (c.22)

2 In section 49(6) (principles governing conduct of members of relevant authorities) insert –

“(q) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”.

Atodlen 1, tudalen 62, ar ôl llinell 18, mewnosoder –

‘Deddf Llywodraeth Leol 2000 (p.22)

2 Yn adran 49(6) (egwyddorion sy’n llywodraethu ymddygiad aelodau awdurdodau perthnasol) mewnosoder –

“(q) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004.”.

Carl Sargeant **11**

Schedule 4, page 79, after line 27, insert –

[] (1) Section 319B (determination of procedure for certain proceedings) is amended as follows.

(2) After subsection (5) insert –

“(5A) In a case where an application has been made to the Welsh Ministers under section 62D, 62L or 62M, they must also notify any representative persons they consider appropriate.”

(3) In subsection (7), before paragraph (a) insert –

“(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;

(zb) an application made to the Welsh Ministers under section 62L or 62M;”.

(4) After subsection (8) insert –

“(8A) For the purposes of this section as it applies where an application has

been made to the Welsh Ministers under section 62D, 62L or 62M—

“the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;

“representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;

“interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.”.

Atodlen 4, tudalen 79, ar ôl llinell 27, mewnosoder —

[] (1) Mae adran 319B (pennu’r weithdrefn ar gyfer achosion penodol) wedi ei diwygio fel a ganlyn.

(2) Ar ôl is-adran (5) mewnosoder—

“(5A) In a case where an application has been made to the Welsh Ministers under section 62D, 62L or 62M, they must also notify any representative persons they consider appropriate.”

(3) Yn is-adran (7), cyn paragraff (a) mewnosoder—

“(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;

(zb) an application made to the Welsh Ministers under section 62L or 62M;”.

(4) Ar ôl is-adran (8) mewnosoder—

“(8A) For the purposes of this section as it applies where an application has been made to the Welsh Ministers under section 62D, 62L or 62M—

“the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;

“representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;

“interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.”.

Carl Sargeant

12

Schedule 5, page 82, line 28, leave out paragraph 13 and insert—

- [] (1) Section 322 is amended as follows.
- (2) Omit subsection (1AA).
 - (3) In subsection (2), after “proceedings” insert “in England”.
 - (4) In the heading, after “held” insert “: England”.

Atodlen 5, tudalen 82, llinell 28, hepgorer paragraff 13 a mewnosoder –

- [] (1) Mae adran 322 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer is-adran (1AA).
 - (3) Yn is-adran (2), ar ôl “proceedings” mewnosoder “in England”.
 - (4) Yn y pennawd, ar ôl “held” mewnosoder “: England”.

Carl Sargeant

13

Schedule 5, page 82, line 29, leave out paragraph 14 and insert –

- [] (1) Section 322A is amended as follows.
- (2) In subsection (1)(a), after “proceedings” insert “in England”.
 - (3) Omit subsection (1B).

Atodlen 5, tudalen 82, llinell 29, hepgorer paragraff 14 a mewnosoder –

- [] (1) Mae adran 322A wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1)(a), ar ôl “proceedings” mewnosoder “in England”.
 - (3) Hepgorer is-adran (1B).

Carl Sargeant

14

Schedule 5, page 82, after line 31, insert –

- () Omit subsection (1B).

Atodlen 5, tudalen 82, ar ôl llinell 31, mewnosoder –

- () Hepgorer is-adran (1B).

Carl Sargeant

15

Schedule 5, page 83, line 26, leave out ‘In section 89, in subsection (1) –’ and insert –

- () Section 89 is amended as follows.
- (2) In subsection (1) –
 - i (a) in the entry relating to section 322, after “held” insert “: England”;

Atodlen 5, tudalen 83, llinell 27, hepgorer ‘Yn adran 89, yn is-adran (1) –’ a mewnosoder –

‘() Mae adran 89 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1) –

(a) yn yr eitem sy’n ymwneud ag adran 322, ar ôl “held” mewnosoder “: England”;

Carl Sargeant

16

Schedule 5, page 83, after line 31, insert –

‘() Omit subsection (1ZB).’

Atodlen 5, tudalen 83, ar ôl llinell 33, mewnosoder –

‘() Hepgorer is-adran (1ZB).’

Carl Sargeant

17

Schedule 5, page 84, line 7, leave out ‘In section 37, in subsection (2) –’ and insert –

‘() Section 37 is amended as follows.

(2) In subsection (2) –

(a) in the entry relating to section 322, after “held” insert “: England”;

Atodlen 5, tudalen 84, llinell 7, hepgorer ‘Yn adran 37, yn is-adran (2) –’ a mewnosoder –

‘() Mae adran 37 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (2) –

(a) yn yr eitem sy’n ymwneud ag adran 322, ar ôl “held” mewnosoder “: England”;

Carl Sargeant

18

Schedule 5, page 84, after line 12, insert –

‘() Omit subsection (4).’

Atodlen 5, tudalen 84, ar ôl llinell 13, mewnosoder –

‘() Hepgorer is-adran (4).’

Carl Sargeant

19

Schedule 6, page 85, line 6, leave out the table and insert –

| <i>Trigger events</i> | <i>Terminating events</i> |
|--|--|
| <p>1. An application for planning permission for development of the land is granted under the 1990 Act, or a direction that planning permission for development of the land is deemed to be granted is given under section 90 of that Act.</p> | <p>(a) Where the planning permission is subject to a condition that the development to which it relates must be begun within a particular period, that period expires without the development having been begun.</p> <p>(b) On the expiry of the period specified in a completion notice, the planning permission ceases to have effect in relation to the land by virtue of section 95(4) of the 1990 Act.</p> <p>(c) An order made by the local planning authority or the Welsh Ministers under section 97 of the 1990 Act revokes the planning permission or modifies it so that it does not apply in relation to the land.</p> <p>(d) The planning permission is quashed by a court.</p> |
| <p>2. A local development order which grants planning permission for operational development of the land is adopted for the purposes of paragraph 3 of Schedule 4A to the 1990 Act.</p> | <p>(a) The permission granted by the order for operational development of the land ceases to apply by virtue of a condition or limitation specified in the order under section 61C(1) of the 1990 Act.</p> <p>(b) A direction is issued under powers conferred by the order under section 61C(2) of the 1990 Act, with the effect that the grant of permission by the order does not apply to operational development of the land.</p> <p>(c) The order is revised under paragraph 2 of Schedule 4A to the 1990 Act so that it does not grant planning permission for operational development of the land.</p> <p>(d) The order is revoked under section 61A(6) or 61B(8) of the 1990 Act.</p> <p>(e) The order is quashed by a court.</p> |

| | |
|--|--|
| <p>3. An order granting development consent for development of the land is made under section 114 of the 2008 Act.</p> | <p>(a) The order granting development consent ceases to have effect by virtue of section 154(2) of the 2008 Act.</p> <p>(b) An order made by the Secretary of State under paragraph 2 or 3 of Schedule 6 to the 2008 Act changes the order granting development consent so that it does not apply in relation to the land.</p> <p>(c) An order made by the Secretary of State under paragraph 3 of Schedule 6 to the 2008 Act revokes the order granting development consent.</p> <p>(d) The order granting development consent is quashed by a court.</p> |
|--|--|

Atodlen 6, tudalen 85, llinell 6, hepgorer y tabl a mewnoder –

| <i>Trigger events</i> | <i>Terminating events</i> |
|--|--|
| <p>1. An application for planning permission for development of the land is granted under the 1990 Act, or a direction that planning permission for development of the land is deemed to be granted is given under section 90 of that Act.</p> | <p>(a) Where the planning permission is subject to a condition that the development to which it relates must be begun within a particular period, that period expires without the development having been begun.</p> <p>(b) On the expiry of the period specified in a completion notice, the planning permission ceases to have effect in relation to the land by virtue of section 95(4) of the 1990 Act.</p> <p>(c) An order made by the local planning authority or the Welsh Ministers under section 97 of the 1990 Act revokes the planning permission or modifies it so that it does not apply in relation to the land.</p> <p>(d) The planning permission is quashed by a court.</p> |
| <p>2. A local development order which grants planning permission for</p> | <p>(a) The permission granted by the order for operational development of the</p> |

| | |
|--|---|
| <p>operational development of the land is adopted for the purposes of paragraph 3 of Schedule 4A to the 1990 Act.</p> | <p>land ceases to apply by virtue of a condition or limitation specified in the order under section 61C(1) of the 1990 Act.</p> <p>(b) A direction is issued under powers conferred by the order under section 61C(2) of the 1990 Act, with the effect that the grant of permission by the order does not apply to operational development of the land.</p> <p>(c) The order is revised under paragraph 2 of Schedule 4A to the 1990 Act so that it does not grant planning permission for operational development of the land.</p> <p>(d) The order is revoked under section 61A(6) or 61B(8) of the 1990 Act.</p> <p>(e) The order is quashed by a court.</p> |
| <p>3. An order granting development consent for development of the land is made under section 114 of the 2008 Act.</p> | <p>(a) The order granting development consent ceases to have effect by virtue of section 154(2) of the 2008 Act.</p> <p>(b) An order made by the Secretary of State under paragraph 2 or 3 of Schedule 6 to the 2008 Act changes the order granting development consent so that it does not apply in relation to the land.</p> <p>(c) An order made by the Secretary of State under paragraph 3 of Schedule 6 to the 2008 Act revokes the order granting development consent.</p> <p>(d) The order granting development consent is quashed by a court.</p> |

Carl Sargeant

20

Schedule 6, page 90, leave out lines 22 to 23.

Atodlen 6, tudalen 90, hepgorer llinellau 22 hyd at 23.

Carl Sargeant

21

0.2

Schedule 6, page 90, leave out lines 25 to 31.

Atodlen 6, tudalen 90, hepgorer llinellau 25 hyd at 31.

Carl Sargeant

22

Schedule 6, page 90, line 33, leave out '11' and insert '2'.

Atodlen 6, tudalen 90, llinell 33, hepgorer '11' a mewnosoder '2'.

Russell George

118

Schedule 7, page 91, after line 15, insert –

'(6C) A statutory instrument containing regulations under section 60D (1) may not be made unless a draft of the regulations has been laid before and approved by resolution of the National Assembly for Wales.'

Atodlen 7, tudalen 91, ar ôl llinell 15, mewnosoder –

'(6C) A statutory instrument containing regulations under section 60D (1) may not be made unless a draft of the regulations has been laid before and approved by resolution of the National Assembly for Wales.'

Russell George

119

Schedule 7, page 91, line 17, after '(6B)', insert 'and [subsection to be inserted by Amendment 118]'

Atodlen 7, tudalen 91, llinell 17, ar ôl '(6B)', mewnosoder 'and [subsection to be inserted by Amendment 118]'

Russell George

120

Schedule 7, page 92, line 6, leave out '3' and insert '5'.

Atodlen 7, tudalen 92, llinell 6, hepgorer '3' a mewnosoder '5'.

Carl Sargeant

42

Schedule 7, page 92, after line 6, insert –

'(b) section 62H;'

Atodlen 7, tudalen 92, ar ôl llinell 6, mewnosoder –

'(b) section 62H;'

Russell George **121**

Schedule 7, page 92, after line 6, insert –

‘(b) section 71ZC;’.

Atodlen 7, tudalen 92, ar ôl llinell 6, mewnosoder –

‘(b) section 71ZC;’.

Carl Sargeant **43**

Schedule 7, page 92, after line 12, insert –

‘(f) section 319ZB’.

Atodlen 7, tudalen 92, ar ôl llinell 12, mewnosoder –

‘(f) section 319ZB’.

Carl Sargeant **23**

Schedule 7, page 93, after line 8, insert –

‘(2) In subsection (4), after “power” insert “of the Secretary of State”.’.

Atodlen 7, tudalen 93, ar ôl llinell 9, mewnosoder –

‘(2) Yn is-adran (4), ar ôl “power” mewnosoder “of the Secretary of State”.’.

Carl Sargeant **24**

Schedule 7, page 93, line 9, leave out ‘After subsection (4) insert’ and insert ‘For subsection (4A) substitute’.

Atodlen 7, tudalen 93, llinell 10, hepgorer ‘Ar ôl is-adran (4) mewnosoder’ a mewnosoder ‘Yn lle is-adran (4A) rhodder’.

Carl Sargeant **25**

Schedule 7, page 93, line 10, leave out ‘an order under section 293(1)(c)’ and insert ‘development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9)’.

Atodlen 7, tudalen 93, llinell 11, hepgorer ‘an order under section 293(1)(c)’ a mewnosoder ‘development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9)’.

William Powell

83

Schedule 7, page 93, at the beginning of line 28, insert 'subject to subsection (5D)'.

Atodlen 7, tudalen 93, ar ddechrau llinell 29, mewnosoder 'subject to subsection (5D)'.

Carl Sargeant

55

Schedule 7, page 93, line 32, after 'section', insert '62L(9)'.

Atodlen 7, tudalen 93, llinell 33, ar ôl 'section', mewnosoder '62L(9)'.

Carl Sargeant

26

Schedule 7, page 93, line 32, after '293(1)(c)', insert 'or 319B(9)'.

Atodlen 7, tudalen 93, llinell 33, ar ôl '293(1)(c)', mewnosoder 'or 319B(9)'.

William Powell

84

Schedule 7, page 93, after line 34, insert –

'(5D) A development order which contains (whether alone or with other provision) provision under 61Z(1)(b) may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.'''.

Atodlen 7, tudalen 93, ar ôl llinell 35, mewnosoder –

'(5D) A development order which contains (whether alone or with other provision) provision under 61Z(1)(b) may not be made unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.'''.

Carl Sargeant

27

Schedule 7, page 94, after line 7, insert –

'() In section 319B (determination of procedure for certain proceedings), omit subsection (11)'.

Atodlen 7, tudalen 94, ar ôl llinell 7, mewnosoder –

'() Yn adran 319B (pennu'r weithdrefn ar gyfer achosion penodol), hepgorer is-adran (11)'.

Carl Sargeant

28

Section 1, page 2, line 12, leave out 'does not comply with certain requirements' and insert 'is not valid'.

Adran 1, tudalen 2, llinell 15, hepgorer 'cydymffurfio â gofynion penodol' a mewnosoder 'ddilys'.

Carl Sargeant

44

Section 1, page 2, line 24, after 'paths', insert –

, and

- () confers power on the Welsh Ministers to make provision enabling joint planning boards to be constituted to exercise development management functions in National Parks'.

Adran 1, tudalen 2, llinell 26, ar ôl 'cyhoeddus', mewnosoder –

, ac

- () yn rhoi'r pŵer i Weinidogion Cymru wneud darpariaeth sy'n galluogi ffurfio byrddau cydgynllunio i arfer swyddogaethau rheoli datblygu mewn Parciau Cenedlaethol'.

Carl Sargeant

56

Section 1, page 3, line 1, leave out 'the period within which, and'.

Adran 1, tudalen 3, llinell 1, hepgorer 'cyfnod a'r'.



GRWPIO GWELLIANNAU GROUPINGS OF AMENDMENTS

Bil Cynllunio (Cymru)
Planning (Wales) Bill

Cyfnod 2 ar 18 Mawrth 2015
Stage 2 on 18 march 2015

Mae'r ddogfen hon yn nodi ym mha drefn y caiff y gwelliannau eu trafod ac unrhyw wybodaeth berthnasol yn ymwneud â'r gweithdrefnau sy'n berthnasol i bob grŵp. Nid yw'r rhestr hon yn disodli'r rhestr o welliannau wedi'u didoli, sy'n nodi'r gwelliannau yn y drefn y cânt eu gwaredu. Dylai'r rhestr hon gael ei darllen ar y cyd â'r rhestr o welliannau wedi'u didoli.

This document provides the order in which amendments will be debated and any relevant procedural information relevant to each group. This list does not replace the marshalled list, which sets out the amendments in the order in which they will be disposed of. This list should be read in conjunction with the marshalled list.

1. Arolygiaeth gynllunio Cymru

Planning inspectorate for Wales

61.

2. Diben statudol

Statutory purpose

85, 128.

3. Fframwaith Datblygu Cenedlaethol

National Development Framework

0.0

45, 129, 62, 63, , 130, 131, 46, 64, 132, 133, 134, 135, 47, 87, 48, 136, 122, 137, 138, 139, 88, 89, 90, 49, 91, 92, 50.

4. Y Gymraeg

Welsh Language

1, 2, 3, 156, 72, 125, 190, 114 and 121.

5. Cynllunio Strategol

Strategic Planning

93, 94, 141, 142, 143, 144, 95, 96, 145, 65,66, 146, 123, 147, 148, 67, 68, 149, 150, 51, 151, 192, 193.

6. Cynnwys y gymuned

Community involvement

69, 98, 113, 78, 115, 191.

7. Cynlluniau Datblygu Lleol

Local Development Plans

70, 152, 153, 154, 71, 124, 155, 157.

8. Aseidiadau o'r Effaith ar Iechyd

Health Impact Assessments

99.

9. Gweithdrefn cyn ymgeisio

Pre-application procedure

73, 101, 83, 84.

10. Datblygiadau o Arwyddocâd Cenedlaethol

Developments of National Significance

100, 158, 159, 102, 103, 160, 161, 104, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 53, 112, 86, 120, 55.

11. Drafftio a thechnegol

Drafting and technical

52, 109, 110, 40, 41, 117, 42, 43.

12. Ceisiadau i Weinidogion Cymru

Applications to Welsh Ministers

173, 105, 106, 174, 107, 176, 108, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 111.

13. Gwelliannau canlyniadol i Orchymyn Cynllunio Gwlad a Thref (Penderfynu Gweithdrefn) (Cymru) 2014

Consequential amendments on the Town and Country Planning (Determination of Procedure) (Wales) Order 2014

4,11, 12, 13, 14, 15, 16, 17, 18, 23, 24, 25,26, 27.

14. Datganiadau Dylunio a Mynediad

Design and Access Statements

29.

15. Ceisiadau annilys: hysbysu ac apelio

Invalid applications: notice and appeal

30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 28.

16. Byrddau Cynllunio ar y Cyd a Pharciau Cenedlaethol

Joint Planning Boards and National Parks

54, 44.

17. Gorfodi ac apelio

Enforcement and appeal

74, 75, 76, 77, 79, 80.

18. Meysydd Tref a Phentref

Town and Village Greens

57, 116, 19, 20, 21, 22, 56.

19. Paneli Cynllunio Strategol

Strategic Planning Panels

194, 195, 196, 197, 58, 59, 81, 5, 6, 82, 198, 199, 200, 201, 7, 8, 9, 60, 10, 202, 203, 204, 205, 118, 119.