

Alun Ffred Jones AM
Chair
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Your ref:
Our ref: PO928/RB/TJ

8 January 2015

Dear Alun Ffred

Thank you for your letter of 11 December 2014 regarding your Committee's consideration of the Planning (Wales) Bill, and specifically the Bill's implications for the National Assembly for Wales in scrutinising the National Development Framework for Wales (NDF).

As a general principle, I believe the Assembly itself should have power to determine its own scrutiny arrangements, through the application of its Standing Orders. The Assembly's Standing Orders already include time-limits for its scrutiny of particular matters. However, I am conscious that I would not wish to pre-empt your Committee's specific consideration of whether the arrangements for scrutiny of the NDF, as set out in the Bill, are sufficiently robust. Instead, I would be grateful if your Committee would consider a number of issues in developing its conclusions:

- first, whether a 60-day time limit for the Assembly's consideration of the NDF provides sufficient opportunity for engagement with the people of Wales in the scrutiny process;
- second, whether a 60-day time limit may constrain the Assembly in its consideration of different options for scrutinising the NDF, thereby limiting its capacity to hold the Welsh Government to account; and

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh

Cynulliad Cenedlaethol Cymru
Bae Caerdydd, Caerdydd CF99 1NA
Swyddfa.Breifaf@cymru.gov.uk
www.cynulliadcymru.org
T +44 (0)29 2089 8230

National Assembly for Wales
Cardiff Bay, Cardiff CF99 1NA
Private.Office@wales.gov.uk
www.assemblywales.org
T +44 (0)29 2089 8230

- third, whether the scrutiny arrangements set out in the Bill will diminish the Assembly's influence over planning decisions in Wales.

On the first of these issues, I note that the Bill's proposals are similar to those already in place for scrutinising the Scottish National Planning Framework (NPF), and that the Scottish Parliament's Rural Affairs, Climate Change and Environment Committee has recently reported that:

“stakeholders were concerned that the period of 60 days was insufficient to enable effective scrutiny of the draft NPF3... The Committee recommends that the Scottish Government reviews the process for consideration of the NPF with a view to extending the timescales for future parliamentary scrutiny to a minimum of 90 sitting days.”¹

On the second of these issues, I note that a 60-day time limit may be incompatible with appointing a technical expert to assist a committee, in scrutinising the NDF. By contrast, it is notable that existing regulations made under the Planning and Compulsory Purchase Act 2004 require an independent inspector (appointed by Welsh Ministers) to be responsible for the scrutiny of Local Development Plans. This includes an assessment of public objections to any site-specific proposals in these plans. The Bill and associated secondary legislation will introduce a similar requirement for the new Strategic Development Plans.

On the third of these issues, I note that the Planning and Compulsory Purchase Act 2004 currently requires the Welsh Ministers to prepare a Wales Spatial Plan (WSP) and for this plan to be approved by a resolution of the Assembly. The Planning (Wales) Bill would remove this requirement and replace it with a requirement for a National Development Framework (NDF) to be prepared by the Welsh Ministers. Whereas the WSP must be approved by a resolution of the Assembly, the NDF will not. The Planning (Wales) Bill will instead require Welsh Ministers to lay a draft of the NDF before the Assembly and subsequently “have regard to” any resolution passed by the Assembly about the framework or any recommendation made by an Assembly Committee. The Bill does not state that future Welsh Ministers would have to explain how they have taken the views of the Assembly into account.

¹ 2nd report, 2014 (session 4): Report on the proposed National Planning Framework 3.



Llywydd
Presiding Officer

In your correspondence, you also asked whether the Welsh Government had engaged in discussion with either Assembly Commission staff or myself on the Bill's procedural and financial implications for the Assembly. As is customary, the Welsh Government provided me with a draft copy of this Bill ahead of its introduction, so that I could give my view on legislative competence for the Bill, and to ensure that it complied with my determination on the proper form of drafting legislation in Wales. However, the Welsh Government has not had any discussion with Assembly Commission staff, or myself, on this Bill's financial and procedural implications for the Assembly itself.

You also asked whether the scrutiny of the NDF would incur additional costs to the Assembly Commission. The scrutiny of the NDF would certainly involve financial costs, although it would not be possible to quantify such until the Assembly has determined a specific mechanism that it considers appropriate for scrutinising the NDF.

Best wishes,

A handwritten signature in black ink that reads 'Rosemary'.

Dame Rosemary Butler AM
Presiding Officer