

NATIONAL PARKS WALES
Britain's breathing spaces

Peter Hill
Scrutiny Manager
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF991NA

24th December 2014

Dear Peter,

Environment & Sustainability Committee – National Park Wales Evidence Session 28th November 2014

On behalf of the three National Park Authorities (NPAs) we would like to thank the Members of the Environment and Sustainability Committee for the opportunity to give evidence on the scrutiny of the Planning Bill.

It will be clear to you from our evidence session, that we are supportive of the overall aims and objectives of the Bill. We believe it will help deliver a more positive, resilient and consistent planning system equipped for the big challenges of the future. The 3 NPAs are currently among the best performers on planning performance indicators, and we look forward to playing a significant role in delivering the outcomes that the Bill seeks.

During the session we were asked a question relating to the following contribution by the Minister for Natural Resources earlier in the session:

"I think that it is worth placing on record as well for committee that I am seeking at a later stage to place an amendment into the Bill, which will allow all planning authorities across Wales to have the same regulatory power, which will be all of the 22 local authorities and the national parks authorities. I will be seeking to amend that piece of legislation."

We were unaware of what the Minister had said therefore felt that our response to the question was not as comprehensive and considered as we would have liked. We are therefore providing the following information for Members of the Committee to consider.

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BRECON BEACONS
NATIONAL PARK



Parc Cenedlaethol
Arfordir Penfro
Pembrokeshire Coast
National Park



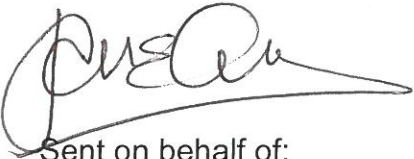
SNOWDONIA
NATIONAL PARK

1. The statutory basis of the town and country planning powers of National Park authorities in Wales is:-
 - 1.1 the Environment Act 1995 (the "1995 Act");
 - 1.2 the National Park Authorities (Wales) Order 1995 (the "1995 Order");
and
 - 1.3 the Town and County Planning Act 1990 (the "1990 Act").
2. Under section 63 of the 1995 Act the Secretary of State was permitted, by order, to establish for a National Park an authority, known as a "National Park authority", to carry out the functions conferred on such an authority by or under Part III of that Act. Part III of the 1995 Act, amongst other things, inserted a new section 4A into the 1990 Act, which provided for a National Park authority to be a local planning authority. Part III of the 1990 Act also conferred, amongst other statutory functions, functions under the National Park and Access to the Countryside Act 1949; the Countryside Act 1968; and the Wildlife and Countryside Act 1981.
3. The 1995 Order was made pursuant to section 63 of the 1995 Act and came into force on 23 November 1995. Pursuant to Article 3 of the 1995 Order, on 23 November 1995, a National Park authority was established for Pembrokeshire Coast, the Brecon Beacons and Snowdonia National Parks. Pursuant to Article 5 of the 1995 Order, section 4A of the 1990 Act was made to apply to the NPAs with effect from 1 April 1996.
4. Section 4A of the 1990 Act provides that a National Park authority is the sole planning authority for the area of the National Park. This means that it is the planning authority for both development plan preparation and development control and management. Accordingly:
 - 4.1 functions conferred by or under the Planning Acts on a planning authority shall, in relation to the Park, be functions of the National Park authority; and
 - 4.2 to the extent that the area of any other authority is included in the National Park, that other authority shall not be treated as the planning authority for that area.
5. While the statutory basis of the town and country planning powers of National Park authorities in Wales stems from the 1995 Act and secondary legislation made pursuant to it, namely the 1995 Order we believe that a National Park authority already has the same planning powers as other local planning authorities.

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In conclusion, we consider that in practice all 25 Local Planning Authorities in Wales currently have the same regulatory powers. We would be grateful if we could receive any further information on this issue to enable us to consider the potential impact on our work.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Buckle', with a long horizontal flourish extending to the right.

Sent on behalf of:

Martin Buckle, Brecon Beacons National Park Authority

Jane Gibson, Pembrokeshire Coast National Park Authority

Jonathan Cawley, Snowdonia National Park Authority

