

PLANNING (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Carl Sargeant AM on 3 March 2015.

No	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
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'.	This amendment is technical and consequential on amendment 25.
29	Page 30, line 20, leave out section 27.	Tudalen 30, llinell 22, hepgorer adran 27.	<p>The purpose of this amendment is to remove section 27 [Removal of duties to make provision about design and access statements].</p> <p>The effect of this amendment is that the following provisions will continue to apply in relation to Wales:</p> <ul style="list-style-type: none"> • Section 62 (5) and (6) of the Town and Country Planning Act 1990. • Section 10 (4) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990. <p>Further the effect of this amendment is that a development order must continue to require design and access statements to be submitted with applications for planning permission of the description as specified in the order and listed building consent applications.</p>
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'.	This amendment is technical and consequential on amendment 35.
31	Section 28, page 31, line 1, leave out 'does not comply with validation requirement' and insert 'is not	Adran 28, tudalen 31, llinell 1, hepgorer 'does not comply with validation requirement' a mewnosoder 'is	This amendment is technical and consequential on amendment 35.

No	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	valid’.	not valid’.	
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’.	This amendment is technical and consequential on amendment 35.
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’.	The purpose of this amendment is to remove and replace the reference to applications for planning permission being made to a local planning authority in Wales in Section 62ZA of the Town and Country Planning Act 1990 (as inserted by Section 28 of the Bill) so as to include other types of application made to local planning authorities under that Act.. The effect of this amendment is to add applications for consent, agreement or approval, to the types of planning applications in Wales that are subject to service of a notice where the local planning authority considers that the application in question is not valid.
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,’.	This amendment is a technical drafting amendment which is consequential on amendment 33.
35	Section 28, page 31, after line 13, insert— ‘(4) 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	Adran 28, tudalen 31, ar ôl llinell 13, mewnosoder— ‘(4) 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	The purpose of this amendment is to insert a new subsection into Section 62ZA of the Town and Country Planning Act 1990. The effect of this amendment is to require local planning authorities to serve a notice where they consider that an application for consent, agreement or approval is not valid because it is not accompanied by the information, documents or

No	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>permission in question, or</p> <p>(b) a period prescribed under section 74(1)(e) or 78(2) does not begin to run in relation to the application,</p> <p>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).</p> <p>(5) The notice must identify—</p> <p>(a) the information, documents or materials in question, and</p> <p>(b) the paragraph of subsection (4) which the authority think applies.’</p>	<p>in question, or</p> <p>(b) a period prescribed under section 74(1)(e) or 78(2) does not begin to run in relation to the application,</p> <p>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).</p> <p>(5) The notice must identify—</p> <p>(a) the information, documents or materials in question, and</p> <p>(b) the paragraph of subsection (4) which the authority think applies.’</p>	<p>materials required in order for the authority to consider the application.</p>
36	<p>Section 28, page 31, line 18, after ‘application’ at the first place where it appears, insert ‘for planning permission’.</p>	<p>Adran 28, tudalen 31, llinell 18, ar ôl ‘application’ yn y lle cyntaf y mae’n ymddangos, mewnosoder ‘for planning permission’.</p>	<p>This amendment is technical and consequential on amendments 33 and 35.</p>
37	<p>Section 28, page 31, at the beginning of line 27, insert ‘In a case relating to an application for planning permission,’.</p>	<p>Adran 28, tudalen 31, ar ddechrau llinell 27, mewnosoder ‘In a case relating to an application for planning permission,’.</p>	<p>This amendment is technical and consequential on amendments 33 and 35.</p>
38	<p>Section 28, page 31, line 30, after ‘notice’, insert ‘given under section 62ZA(2)’.</p>	<p>Adran 28, tudalen 31, llinell 30, ar ôl ‘notice’, mewnosoder ‘given under section 62ZA(2)’.</p>	<p>This amendment is technical and consequential on amendments 33 and 35.</p>
39	<p>Section 28, page 31, after line 37, insert—</p> <p>‘(3) 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</p>	<p>Adran 28, tudalen 31, ar ôl llinell 37, mewnosoder—</p> <p>‘(3) 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</p>	<p>The purpose of this amendment is to insert a new subsection into Section 62ZA of the Town and Country Planning Act 1990 (as inserted by Section 28 of the Bill) in relation to the right to appeal against a notice.</p>

No	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>grounds—</p> <p>(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);</p> <p>(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;</p> <p>(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.’.</p>	<p>grounds—</p> <p>(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);</p> <p>(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;</p> <p>(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.’.</p>	<p>The effect of this amendment is to gives those served with a notice that an application is not valid, the opportunity to appeal against that notice.</p>
40	<p>Section 35, page 38, line 29, after ‘for’, insert ‘any other’.</p>	<p>Adran 35, tudalen 38, llinell 29, ar ôl ‘for’, mewnosoder ‘any other’.</p>	<p>This amendment is technical to clarify the meaning of types of application.</p>
41	<p>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’.</p>	<p>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’.</p>	<p>The purpose of this amendment is to substitute the wording in relation to ‘such consequential, incidental or saving provisions’ with ‘for the purpose of giving full effect to, or in consequence of, any provision of’.</p> <p>The effect of this amendment is to ensure clarity of drafting.</p>

No	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
42	Schedule 7, page 92, after line 6, insert— ' () section 62H; '.	Atodlen 7, tudalen 92, ar ôl llinell 6, mewnosoder— ' () section 62H; '.	<p>The purpose of this amendment is to add section 62H of the Town and Country Planning Act 1990 ("TCPA 1990") (as inserted by Section 18 of the Bill) to the list of provisions specified in section 333(3F) of that Act (as inserted by paragraph 3 of Schedule 7 to the Bill), under which regulations may not be made unless a draft of the instrument be laid before and approved by a resolution of the National Assembly for Wales.</p> <p>The effect of the amendment is that regulations made for the purpose of specifying what constitutes a secondary consent in relation to Developments of national significance: are subject to the affirmative procedure.</p>
43	Schedule 7, page 92, line 12, insert— ' () section 319ZB'.	Atodlen 7, tudalen 92, llinell 12, mewnosoder— ' () section 319ZB'.	<p>The purpose of this amendment is to add section 319ZB of the TCPA 1990, (as inserted by Section 37 of the Bill) to the list of provisions specified in section 333(3F) of that Act (as inserted by paragraph 3 of Schedule 7 to the Bill), under which, regulations may not be made unless a draft of the instrument is laid before and approved by a resolution of the National Assembly for Wales.</p> <p>The effect of the amendment is that regulations made for the purpose of specifying the size and composition of local planning authority committees discharging functions relating to planning applications are made subject to the affirmative procedure.</p>