

PLANNING (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Carl Sargeant AM on 5 March 2015.

No	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
44	<p>Section 1, page 2, line 24, after 'paths', insert – , and</p> <p>(c) confers power on the Welsh Ministers to make provision enabling joint planning boards to be constituted to exercise development management functions in National Parks'.</p>	<p>Adran 1, tudalen 2, llinell 26, ar ôll 'cyhoeddus', mewn nosoder— , ac</p> <p>(c) yn rhoi'r pŵer i Weinidogion Cymru wneud darpariaeth sy'n galluogi ffurfio byrddau cydgynllunio i arfer swyddogaethau rheoli datblygu mewn Parciau Cenedlaethol'.</p>	<p>This amendment is consequential on amendment 54.</p> <p>The purpose of this amendment is to insert a new paragraph into the overview provision of the Bill.</p> <p>The effect of this amendment is to refer to the Welsh Ministers' powers to enable joint planning boards to exercise development management functions in National Parks.</p>
45	<p>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,'.</p>	<p>Adran 2, tudalen 3, llinell 14, hepgorer 'The Welsh Ministers must prepare and publish a plan' a mewn nosoder 'There must be a plan, prepared and published by the Welsh Ministers,'.</p>	<p>This is a technical amendment to ensure consistency of drafting.</p>
46	<p>Section 2, page 3, after line 26, insert—</p> <p>'(5) The Framework must specify the period for which it is to have effect.</p> <p>(6) A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (5).'</p>	<p>Adran 2, tudalen 3, ar ôl llinell 26, mewn nosoder—</p> <p>'(5) The Framework must specify the period for which it is to have effect.</p> <p>(6) A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (5).'</p>	<p>The purpose of this amendment is to insert two new subsections into section 60 (as inserted by section 2 of the Bill) of the Planning and Compulsory Purchase Act 2004 in relation to the National Development Framework for Wales.</p> <p>The effect of this amendment is that the National Development Framework for Wales must specify the period for which it has effect, after which time the National Development Framework for Wales will cease to be a development plan.</p>

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47	<p>Section 2, page 3, after line 36, insert—</p> <p>‘(3) The statement must provide that, as part of the consultation, the Welsh Ministers will—</p> <p>(a) publish a draft of the Framework, and</p> <p>(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.’.</p>	<p>Adran 2, tudalen 3, ar ôl llinell 36, mewnosoder—</p> <p>‘(3) The statement must provide that, as part of the consultation, the Welsh Ministers will—</p> <p>(a) publish a draft of the Framework, and</p> <p>(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.’.</p>	<p>The purpose of this amendment is to insert a new subsection into section 60A (as inserted by section 2 of the Bill) of the Planning and Compulsory Purchase Act 2004 in relation to the preparation of a statement of public participation on the preparation of the National Development Framework.</p> <p>The effect of this amendment is that the Welsh Ministers must publish a statement outlining that the consultation on the draft Framework will include the publication of a draft Framework and allow 12 weeks for public consultation on that draft.</p>
48	<p>Section 2, page 4, line 9, leave out ‘(c) publish the draft.’.</p>	<p>Adran 2, tudalen 4, llinell 9, hepgorer ‘(c) publish the draft.’.</p>	<p>This amendment is consequential on amendment 47.</p>
49	<p>Section 2, page 4, after line 35, insert—</p> <p>‘() 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.’.</p>	<p>Adran 2, tudalen 4, ar ôl llinell 35, mewnosoder—</p> <p>‘() 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.’.</p>	<p>The purpose of this amendment is to insert a new subsection into section 60B (as inserted by section 2 of the Bill) of the Planning and Compulsory Purchase Act 2004 in relation to the procedure for preparation and publication of the Framework.</p> <p>The effect of this amendment is that, if the National Assembly for Wales passes a resolution or makes a recommendation in relation to the draft during the consideration period, the Welsh Ministers must, 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 and the recommendations.</p>

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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'.	This amendment is consequential on amendment 47.
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'.	This is a technical amendment to ensure consistency of drafting.
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'.	This is a technical amendment to correct a minor drafting error.
53	<p>To insert a new section—</p> <p>[] Timetable for determining applications</p> <p>In TCPA 1990, after section 62K (as inserted by section) insert—</p> <p>“62L Timetable for determining applications</p> <p>(1) This section applies where an application has been made to the Welsh Ministers under section 62D.</p> <p>(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.</p> <p>(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.</p>	<p>I fewnosod adran newydd—</p> <p>[] Yr amserlen ar gyfer penderfynu ceisiadau</p> <p>Yn DCGTh 1990, ar ôl adran 62K (fel y'i mewnosodir gan adran 19) mewnosoder—</p> <p>“62L Timetable for determining applications</p> <p>(1) This section applies where an application has been made to the Welsh Ministers under section 62D.</p> <p>(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.</p> <p>(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.</p>	<p>The purpose of this amendment is to insert a new section into the Bill. This section inserts a new section 62L into the Town and Country Planning Act 1990.</p> <p>The effect of this amendment is to require the Welsh Ministers to determine an application for planning permission made under section 62D of that Act in relation to developments of national significance, and any application at the same time made to them in respect of a secondary consent under section 62F(2) of that Act (as inserted by section 18 of the Bill), in accordance with a statutory timetable; and to also make provision about matters in connection with that timetable.</p> <p>Further, the effect of this amendment is to require the Welsh Ministers to determine such applications within a determination period of 36 weeks of their acceptance of the application.</p> <p>The Welsh Ministers may by order substitute the determination period referred to above for a different determination period, and they may also by</p>

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	<p>(4) A development order may make provision about what constitutes acceptance of an application for the purposes of subsection (3).</p> <p>(5) The Welsh Ministers may by notice—</p> <p style="padding-left: 40px;">(a) suspend the running of the determination period in a particular case for a period specified in the notice;</p> <p style="padding-left: 40px;">(b) terminate, reduce or extend an existing period of suspension.</p> <p>(6) Notice under subsection (5) must be given to—</p> <p style="padding-left: 40px;">(a) the person who made the application under section 62D,</p> <p style="padding-left: 40px;">(b) the local planning authority to which, but for section 62D, that application would have been made, and</p> <p style="padding-left: 40px;">(c) any representative persons (within the meaning of section 319B(8A)) the Welsh Ministers consider appropriate.</p> <p>(7) A development order may make provision about the giving of notice</p>	<p>(4) A development order may make provision about what constitutes acceptance of an application for the purposes of subsection (3).</p> <p>(5) The Welsh Ministers may by notice—</p> <p style="padding-left: 40px;">(a) suspend the running of the determination period in a particular case for a period specified in the notice;</p> <p style="padding-left: 40px;">(b) terminate, reduce or extend an existing period of suspension.</p> <p>(6) Notice under subsection (5) must be given to—</p> <p style="padding-left: 40px;">(a) the person who made the application under section 62D,</p> <p style="padding-left: 40px;">(b) the local planning authority to which, but for section 62D, that application would have been made, and</p> <p style="padding-left: 40px;">(c) any representative persons (within the meaning of section 319B(8A)) the Welsh Ministers consider appropriate.</p> <p>(7) A development order may make provision about the giving of notice</p>	<p>development order make provision about what constitutes their acceptance of such applications.</p> <p>The Welsh Ministers may by notice suspend the running of the timetable for determination for a specified period, and may also terminate, reduce or extend an existing period of suspension. In doing so, the Welsh Ministers must give notice to the applicant, the local planning authority and any representative persons. The Welsh Ministers may by development order make provision about the giving of such notice.</p> <p>Further, this amendment requires the Welsh Ministers to lay an annual report before the National Assembly for Wales about their compliance with the requirement that applications be determined within the determination period, any action taken to suspend the running of the determination period, and any action to terminate, reduce or extend an existing period of suspension.</p>

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	<p>under subsection (5) (including provision about the information to be included in the notice and how and when it is to be given).</p> <p>(8) The Welsh Ministers must lay before the National Assembly for Wales annual reports on—</p> <p>(a) their compliance with the duty imposed by subsection (2), and</p> <p>(b) their exercise of the functions conferred by subsection (5).</p> <p>(9) The Welsh Ministers may by order amend subsection (3) to substitute a different period as the determination period.”.</p>	<p>under subsection (5) (including provision about the information to be included in the notice and how and when it is to be given).</p> <p>(8) The Welsh Ministers must lay before the National Assembly for Wales annual reports on—</p> <p>(a) their compliance with the duty imposed by subsection (2), and</p> <p>(b) their exercise of the functions conferred by subsection (5).</p> <p>(9) The Welsh Ministers may by order amend subsection (3) to substitute a different period as the determination period.”.</p>	
54	<p>To insert a new section –</p> <p><i>‘Joint planning boards and National Parks</i></p> <p>[] Power to make provision enabling joint planning boards to exercise development management functions in National Parks</p> <p>(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 –</p> <p>(a) constitute an area that includes all</p>	<p>I fewnosod adran newydd—</p> <p><i>‘Byrddau cydgyllunio a Pharciau Cenedlaethol</i></p> <p>[] Pŵer i wneud darpariaeth sy’n galluogi byrddau cydgyllunio i arfer swyddogaethau rheoli datblygu mewn Parciau Cenedlaethol</p> <p>(1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer ac mewn cysylltiad a galluogi gorchymyn o dan adran 2(1B) o DCGTh 1990 (byrddau cydgyllunio yng Nghymru) i—</p>	<p>The purpose of the amendment is to insert a new section into the Bill regarding joint planning boards and National Parks.</p> <p>The effect of the amendment is to:</p> <ul style="list-style-type: none"> - enable the Welsh Ministers to extend the application of the existing Joint Planning Board provisions in section 2 of the Town and Country Planning Act 1990 to include the areas of National Parks by means of regulations; and - transfer the development management functions of National Park Authorities to

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	<p>or part of a National Park in Wales as a united district, and</p> <p>(b) constitute a joint planning board as the local planning authority for such a united district for the purposes of the planning Acts.</p> <p>(2) Regulations under this section may amend the planning Acts or PCPA 2004.</p> <p>(3) The power to make regulations under this section is exercisable by statutory instrument.</p> <p>(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.</p> <p>(5) In this section, “the planning Acts” has the same meaning as in TCPA 1990 (see section 336(1)).’</p>	<p>(a) ffurfio ardal sy'n cynnwys Parc Cenedlaethol yng Nghymru i gyd neu ran ohoni fel dosbarth unedig, a</p> <p>(b) ffurfio bwrdd cydgynllunio i fod yr awdurdod cynllunio lleol ar gyfer dosbarth unedig o'r fath at ddibenion y Deddfau cynllunio.</p> <p>(2) Caiff rheoliadau o dan yr adran hon ddiwygio'r Deddfau cynllunio neu DCPhG 2004.</p> <p>(3) Mae'r pŵer i wneud rheoliadau o dan yr adran hon yn arferadwy drwy offeryn statudol.</p> <p>(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.</p> <p>(5) Yn yr adran hon, mae i “y Deddfau cynllunio” yr un ystyr â “the planning Acts” yn DCGTh 1990 (gweler adran 336(1)).’</p>	<p>Joint Planning Boards where a National Park forms part of a Joint Planning Board's area. In this context the term ‘development management functions’ means the local planning authority functions in the Town and Country Planning Act 1990 (including the determination of planning applications), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990. This is also to be achieved by means of regulations.</p> <p>Further, regulations made under this section may amend the Planning Acts (as defined in the Town and Country Planning Act 1990) or the Planning and Compulsory Purchase Act 2004. However, regulations under this section must be made subject to the affirmative procedure.</p>
55	Schedule 7, page 93, line 32, after ‘section’, insert ‘62L(9),’.	Atodlen 7, tudalen 93, llinell 33, ar ôl ‘section’, mewnosoder ‘62L(9),’.	The purpose of this amendment is to add section 62L(9) of the Town and Country Planning Act 1990 (as inserted by section 20 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 an order may not be made unless a draft of the instrument is laid before and approved by a resolution of the National Assembly

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			<p>for Wales.</p> <p>The effect of the amendment is that an order made for the purpose of substituting the determination period of 36 week period for a different determination period is subject to the affirmative procedure.</p>