

PLANNING (WALES) BILL – STAGE 3 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Carl Sargeant AM on 24 April 2015.

No	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
57	<p>Section 1, page 1, after line 12, insert—</p> <p>(2) Part 2 of this Act makes provision about sustainable development in the exercise of functions relating to development planning and applications for planning permission.’.</p>	<p>Adran 1, tudalen 1, ar ôl llinell 12, mewnosoder—</p> <p>(2) Mae Rhan 2 o'r Ddeddf hon yn gwneud darpariaeth ynghylch datblygu cynaliadwy wrth arfer swyddogaethau sy'n ymwneud â chynllunio datblygu a cheisiadau am ganiatâd cynllunio.’.</p>	<p>The purpose of this amendment is to insert a new subsection into the overview section of the Bill.</p> <p>The effect of this amendment is to broaden the description in the overview section of the Bill to reflect amendment 58 regarding sustainable development.</p>
58	<p>To insert a new section—</p> <p style="text-align: center;">‘PART []</p> <p style="text-align: center;">SUSTAINABLE DEVELOPMENT</p> <p>[] Sustainable development</p> <p>(1) This section applies to the exercise by the Welsh Ministers, a local planning authority in Wales or any other public body—</p> <p>(a) of a function under Part 6 of PCPA 2004 in relation to the National Development Framework for Wales, a strategic development plan or a local development plan;</p> <p>(b) of a function under Part 3 of TCPA 1990 in relation to an application for planning permission made (or proposed to be made) to the Welsh Ministers or to a local planning authority in Wales.</p>	<p>I fewnosod adran newydd—</p> <p style="text-align: center;">‘RHAN []</p> <p style="text-align: center;">DATBLYGU CYNALIADWY</p> <p>[] Datblygu cynaliadwy</p> <p>(1) Mae'r adran hon yn gymwys i arfer gan Weinidogion Cymru, awdurdod cynllunio lleol yng Nghymru neu unrhyw gorff cyhoeddus arall—</p> <p>(a) swyddogaeth o dan Ran 6 o DCPhG 2004 mewn perthynas â Fframwaith Datblygu Cenedlaethol Cymru, cynllun datblygu strategol neu gynllun datblygu lleol;</p> <p>(b) swyddogaeth o dan Ran 3 o DCGTh 1990 mewn perthynas â chais am ganiatâd cynllunio a wneir (neu y bwriedir ei wneud) i Weinidogion Cymru neu i awdurdod cynllunio lleol</p>	<p>The purpose of this amendment is to insert a new part, regarding sustainable development, into the Planning (Wales) Bill.</p> <p>The effect of the amendment is that certain functions must be exercised for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The amendment applies to the functions of the Welsh Ministers, local planning authorities and other public bodies in relation to specified plans and applications for planning permission. The amendment protects against the introduction of any inappropriate considerations in the determination of applications for planning permission. The amendment replaces and so repeals elements of a similar section in the Planning and Compulsory Purchase Act 2004.</p>

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	<p>(2) The function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015 (anaw 00), for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.</p> <p>(3) In complying with subsection (2), a public body must take into account guidance issued by the Welsh Ministers (including relevant guidance issued under section 14 of the Well-being of Future Generations (Wales) Act 2015).</p> <p>(4) In this section, “public body” has the meaning given by section 6 of the Well-being of Future Generations (Wales) Act 2015.</p> <p>(5) Nothing in this section, as it applies in relation to functions under Part 3 of TCPA 1990, alters—</p> <p>(a) whether regard is to be had to any particular consideration under subsection (2) of section 70 of that Act (determination of applications for planning permission), or</p> <p>(b) the weight to be given to any consideration to which regard is had under that subsection.</p> <p>(6) In section 39 of PCPA 2004 (sustainable</p>	<p>yng Nghymru.</p> <p>(2) Rhaid arfer y swyddogaeth, fel rhan o ymgymryd â datblygu cynaliadwy yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 00), at ddiben sicrhau bod datblygu a defnyddio tir yn cyfrannu at wella llesiant economaidd, cymdeithasol, amgylcheddol a diwylliannol Cymru.</p> <p>(3) Wrth gydymffurfio ag is-adran (2), rhaid i gorff cyhoeddus ystyried canllawiau a ddyroddir gan Weinidogion Cymru (gan gynnwys canllawiau perthnasol a ddyroddir o dan adran 14 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015).</p> <p>(4) Yn yr adran hon, mae i “corff cyhoeddus” yr ystyr a roddir gan adran 6 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.</p> <p>(5) Nid oes dim yn yr adran hon, fel y mae'n gymwys mewn perthynas â swyddogaethau o dan Ran 3 o DCGTh 1990, yn addasu—</p> <p>(a) pa un ai a yw sylw i'w roi i unrhyw ystyriaeth benodol o dan is-adran (2) o adran 70 o'r Ddeddf honno (penderfynu ar geisiadau am ganiatâd cynllunio), neu</p> <p>(b) y pwysau sydd i'w roi i unrhyw ystyriaeth y rhoddir sylw iddi o dan yr is-adran honno.</p> <p>(6) Yn adran 39 o DCPhG 2004 (datblygu</p>	

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	<p>development)—</p> <p>(a) in subsection (1), omit paragraph (c);</p> <p>(b) in subsection (3), omit paragraph (b).’.</p>	<p>cynaliadwy)—</p> <p>(a) yn is-adran (1), hepgorer paragraff (c);</p> <p>(b) yn is-adran (3), hepgorer paragraff (b).’.</p>	
59	<p>Section 54, page 52, line 19, leave out subsection (4) and insert—</p> <p>‘(4) The following provisions come into force on such day as the Welsh Ministers appoint by order—</p> <p>(a) Part 2;</p> <p>(b) Parts 3 to 8, so far as they are not brought into force by subsection (2)(b).’.</p>	<p>Adran 54, tudalen 52, llinell 20, hepgorer is-adran (4) a mewnosoder—</p> <p>‘(4) Mae’r darpariaethau a ganlyn yn dod i rym ar y cyfryw ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn—</p> <p>(a) Rhan 2;</p> <p>(b) Rhannau 3 i 8, i’r graddau nad ydynt yn cael eu dwyn i rym gan is-adran (2)(b).’.</p>	<p>The purpose of this amendment is to remove and replace subsection 4 in section 54 of the Planning (Wales) Bill.</p> <p>This amendment is consequential to amendment 58 which inserts a new Part into the Planning (Wales) Bill. This amendment has the effect of providing that the new Part is brought into force by order of the Welsh Ministers.</p>
60	<p>Schedule 2, page 70, line 34, leave out paragraph 25.</p>	<p>Atodlen 2, tudalen 70, llinell 32, hepgorer paragraff 25.</p>	<p>The purpose of this amendment is to remove paragraph 25 from Schedule 2 to the Planning (Wales) Bill.</p> <p>The effect of this amendment is to remove an amendment to section 39 of the Planning and Compulsory Purchase Act 2004 which is no longer required due to amendment 58.</p>