



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 27 Ebrill 2015
Tabled on 27 April 2015

Bil Cynllunio (Cymru)
Planning (Wales) Bill

Suzy Davies

61

To insert a new section –

[] **Welsh language impact assessments**

(1) In TCPA 1990, after section 71ZB (as inserted by section 32) insert –

“71ZC Welsh language impact assessment

- (1) Before planning permission for development of any class specified in regulations made by the Welsh Ministers is granted by a local planning authority in Wales, that authority must carry out an appraisal of the impact of the permission on the use of the Welsh language within its area (a “Welsh language impact assessment”).
- (2) All local planning authorities in Wales must have regard to any Welsh language impact assessment carried out in accordance with subsection (1).
- (3) Regulations under this section must make provision about
 - (a) the classes of development that will require a Welsh language impact assessment;
 - (b) the form and content of a Welsh language impact assessment;
 - (c) methods for determining how a local planning authority in Wales can demonstrate how it has complied with subsection

(2).”.

I fewnosod adran newydd –

[1] **Asesiad o’r effaith ar y Gymraeg**

(1) Yn DCGTh 1990, ar ôl is-adran 71ZB (fel y’i mewnosodir gan adran 32) mewnosoder –

“71ZC Welsh language impact assessment

- (1) Before planning permission for development of any class specified in regulations made by the Welsh Ministers is granted by a local planning authority in Wales, that authority must carry out an appraisal of the impact of the permission on the use of the Welsh language within its area(a “Welsh language impact assessment”).
- (2) All local planning authorities in Wales must have regard to any Welsh language impact assessment carried out in accordance with subsection (1).
- (3) Regulations under this section must make provision about
 - (a) the classes of development that will require a Welsh language impact assessment;
 - (b) the form and content of a Welsh language impact assessment;
 - (c) methods for determining how a local planning authority in Wales can demonstrate how it has complied with subsection (2).”.

Russell George

62

To insert a new schedule –

‘SCHEDULE 1
 (introduced by section 17)

DEVELOPMENTS OF NATIONAL SIGNIFICANCE

1 In TCPA 1990, after Schedule 4 insert –

“SCHEDULE 4A

DEVELOPMENTS OF NATIONAL SIGNIFICANCE (DNS)

Column A - Application type	Column B - Criteria
	Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day.
Alteration of any type of underground gas storage facility	Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day.
LNG Facilities	Storage capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day.
Gas Reception Facilities	Where the maximum flow rate is expected to exceed 4.5 million standard cubic metres per day.
Pipe-lines constructed by a Gas Transporter	Pipelines that are constructed by Gas Transporter that: (a) are more than 800 millimetres in diameter and more than 40 kilometres in length or would be likely to have a significant effect on the environment; and (b) have a design operating pressure of more than 7 bar gauge; and (c) convey gas for supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers.
Airport related development and construction	Increase capacity by 10 million passengers per annum, or over 10,000 air transport movement of freight per annum.
Harbour facilities	In the case of facilities for container ships: anything below 500,000 TEU; In the case of ro-ro ships: anything below 250,000 units; In the case of facilities for cargo ships of any other description, anything below 5 million tonnes. In the case of mixed thresholds, the cumulative

	<p>effects falling within the above but not greater (anything greater is determined under the NSIP regime in Wales).</p> <p>The above apply unless 'permitted development' under Classes B & D of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.</p>
Railways	<p>(1) Works to the national rail network not covered by permitted development rights (as contained within Article 3 of the Town and Country Planning (General Permitted Development) Order 1995).</p> <p>(2) Work that is a continuous length of more than 2 kilometres, is not on land that was either operational land of a railway undertaker immediately before the works began or is on land that was acquired at an earlier date for the purpose of the works.</p> <p>Items (1) and (2) do not include works that take place on the operational land of a railway undertaker unless that land was acquired for the purpose of those works.</p>
Rail freight interchanges	Interchanges covering at least 60 hectares and handling at least 4 goods trains per day.
Dams and Reservoirs	Capable of holding back or storing in excess of 10 million cubic metres of water.
Transfer of Water Resources	Capable of transferring in excess of 100 million cubic metres of water per annum.
Waste water treatment panel	Has a capacity exceeding that which is capable of dealing with a population equivalent of 500,000.
Hazardous waste facilities	Land-fills or deep stores able to handle more than 100,000 tonnes per annum; In any other case, facilities able to handle more than 30,000 tonnes per annum.
Pipe-lines not constructed by a gas transporter	A pipe-line below 16.093 km in length wholly or partly in Wales.
Generating stations (onshore)	Anything 25 megawatts to 50 megawatts inclusive.

I fewnosod atodlen newydd –

‘ATODLEN 1
 (a gyflwynir gan adran 17)

DATBLYGIADAU O ARWYDDOCÂD CENEDLAETHOL

1 Yn DCGTh 1990, ar ôl Atodlen 4 mewnosoder –

“SCHEDULE 4A

DEVELOPMENTS OF NATIONAL SIGNIFICANCE (DNS)

Column A - Application type	Column B - Criteria
	Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day.
Alteration of any type of underground gas storage facility	Working capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day.
LNG Facilities	Storage capacity at least 43 million standard cubic metres or maximum flow rate at least 4.5 million standard cubic metres per day.
Gas Reception Facilities	Where the maximum flow rate is expected to exceed 4.5 million standard cubic metres per day.
Pipe-lines constructed by a Gas Transporter	Pipelines that are constructed by Gas Transporter that: (a) are more than 800 millimetres in diameter and more than 40 kilometres in length or would be likely to have a significant effect on the environment; and (b) have a design operating pressure of more than 7 bar gauge; and (c) convey gas for supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers.
Airport related development and construction	Increase capacity by 10 million passengers per annum, or over 10,000 air transport movement of freight per annum.
Harbour facilities	In the case of facilities for container ships: anything below 500,000 TEU; In the case of ro-ro ships: anything below 250,000 units; In the case of facilities for cargo ships of any other description, anything below 5 million tonnes. In the case of mixed thresholds, the cumulative effects falling within the above but not greater

	(anything greater is determined under the NSIP regime in Wales). The above apply unless 'permitted development' under Classes B & D of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
Railways	(1) Works to the national rail network not covered by permitted development rights (as contained within Article 3 of the Town and Country Planning (General Permitted Development) Order 1995). (2) Work that is a continuous length of more than 2 kilometres, is not on land that was either operational land of a railway undertaker immediately before the works began or is on land that was acquired at an earlier date for the purpose of the works. Items (1) and (2) do not include works that take place on the operational land of a railway undertaker unless that land was acquired for the purpose of those works.
Rail freight interchanges	Interchanges covering at least 60 hectares and handling at least 4 goods trains per day.
Dams and Reservoirs	Capable of holding back or storing in excess of 10 million cubic metres of water.
Transfer of Water Resources	Capable of transferring in excess of 100 million cubic metres of water per annum.
Waste water treatment panel	Has a capacity exceeding that which is capable of dealing with a population equivalent of 500,000.
Hazardous waste facilities	Land-fills or deep stores able to handle more than 100,000 tonnes per annum; In any other case, facilities able to handle more than 30,000 tonnes per annum.
Pipe-lines not constructed by a gas transporter	A pipe-line below 16.093 km in length wholly or partly in Wales.
Generating stations (onshore)	Anything 25 megawatts to 50 megawatts inclusive.

Russell George

63

Section 2, page 4, line 19, leave out 'and publication'.

Adran 2, tudalen 4, llinell 19, hepgorer 'and publication'.

Russell George 64

Section 2, page 4, line 38, after ‘account’, insert ‘for independent examination by the National Assembly for Wales in accordance with the process provided for in its Standing Orders’.

Adran 2, tudalen 4, llinell 38, ar ôl ‘account’, mewnosoder ‘for independent examination by the National Assembly for Wales in accordance with the process provided for in its Standing Orders’.

Russell George 65

Section 2, page 5, leave out lines 1 to 25 and insert –

‘() In this section, “Standing Orders” has the same meaning as in Section 31 of the Government of Wales Act 2006.’

Adran 2, tudalen 5, hepgorer llinellau 1 hyd at 25 a mewnosoder –

3 ‘() In this section, “Standing Orders” has the same meaning as in Section 31 of the Government of Wales Act 2006.’

Russell George 66

Section 2, page 5, at the beginning of line 7, insert ‘Subject to subsection [to be inserted by amendment 67].’

Adran 2, tudalen 5, ar ddechrau llinell 7, mewnosoder ‘Subject to subsection [sydd i’w fewnosod gan welliant 67].’

Russell George 67

Section 2, page 5, after line 15, insert –

‘() The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’

Adran 2, tudalen 5, ar ôl llinell 15, mewnosoder –

‘() The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’

Russell George 68

Section 2, page 5, after line 25, insert –

‘60C Independent examination by the Assembly

- (1) Standing Orders must provide for
- (a) the examination to be carried out by a person appointed by the Assembly,

- (b) any person who makes representations seeking change to the National Development Framework is to be given the opportunity to make representations to the examiner,
- (c) the examiner to make recommendations and give reasons for them,
- (d) the Assembly to publish the recommendation and reasons.

60D Publication of Framework

- (1) After the Assembly has published the recommendation and reasons in accordance with section 60C the Welsh Ministers
 - (a) may publish the National Development Framework for Wales in the terms of the draft laid under section 60B (2), or
 - (b) if they propose to make changes to that draft, may –
 - (i) lay before the National Assembly for Wales an amended draft of the Framework, and
 - (ii) publish the National Development Framework for Wales in the terms of the amended draft.
- (2) The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’.

Adran 2, tudalen 5, ar ôl llinell 25, mewnosoder –

‘60C Independent examination by the Assembly

- (1) Standing Orders must provide for
 - (a) the examination to be carried out by a person appointed by the Assembly,
 - (b) any person who makes representations seeking change to the National Development Framework is to be given the opportunity to make representations to the examiner,
 - (c) the examiner to make recommendations and give reasons for them,
 - (d) the Assembly to publish the recommendation and reasons.

60D Publication of Framework

- (1) After the Assembly has published the recommendation and reasons in accordance with section 60C the Welsh Ministers
 - (a) may publish the National Development Framework for Wales in the terms of the draft laid under section 60B (2), or
 - (b) if they propose to make changes to that draft, may –
 - (i) lay before the National Assembly for Wales an amended

- draft of the Framework, and
- (ii) publish the National Development Framework for Wales in the terms of the amended draft.
- (2) The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.’.

Russell George

69

To insert a new section –

[] Duty to co-operate - strategic planning

- (1) In PCPA 2004, after section 74 (Urban Development Corporations) insert –

“74A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is –
- (a) a local planning authority, or
- (b) a body, or other person, that is prescribed by regulations made by the Welsh Ministers,
- must co-operate with every other person who is within paragraph (a) or (b) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person –
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which the activities within subsection (3) are undertaken, and
- (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are –
- (a) the preparation of a local development plan,
- (b) activities that can reasonably be considered to prepare the way or support activities within paragraph (a).
- (4) For the purposes of subsection (3) a “strategic matter” is sustainable development or use of land that has or would have a significant impact on at least two local planning authority areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two local planning authority areas.
- (5) The engagement required of a person by subsection (2) includes, in particular –

- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
 - (b) if the person is a local planning authority, considering whether to agree under section 72 to prepare a joint local development plan.
- (6) A person subject to the duty under subsection (1) must have regard to any guidance given by the Welsh Ministers about how the duty is complied with.
- (7) A person or description of persons, may be prescribed for the purposes of subsection (1) (b) only if the person, or persons of that description, exercise functions for the purpose of an enactment.
- (8) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.”.

I fewnosod adran newydd –

[] **Dyletswydd i gydweithredu - cynllunio strategol**

(1) Yn DCPhG 2004, ar ôl adran 74 (Corfforaethau Datblygu Trefol) mewnosoder –

“74A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is –
- (a) a local planning authority, or
 - (b) a body, or other person, that is prescribed by regulations made by the Welsh Ministers,
- must co-operate with every other person who is within paragraph (a) or (b) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person –
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which the activities within subsection (3) are undertaken, and
 - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are –
- (a) the preparation of a local development plan,
 - (b) activities that can reasonably be considered to prepare the way or support activities within paragraph (a).
- (4) For the purposes of subsection (3) a “strategic matter” is sustainable development or use of land that has or would have a significant

impact on at least two local planning authority areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two local planning authority areas.

- (5) The engagement required of a person by subsection (2) includes, in particular –
 - (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
 - (b) if the person is a local planning authority, considering whether to agree under section 72 to prepare a joint local development plan.
- (6) A person subject to the duty under subsection (1) must have regard to any guidance given by the Welsh Ministers about how the duty is complied with.
- (7) A person or description of persons, may be prescribed for the purposes of subsection (1) (b) only if the person, or persons of that description, exercise functions for the purpose of an enactment.
- (8) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.”.

Russell George

70

To insert a new section –

{] Role of the Welsh Language Commissioner

- (1) The Welsh Language Commissioner’s functions under section 4(1) of the Welsh Language (Wales) Measure 2011 (promoting and facilitating use of Welsh and treating Welsh no less favourably than English) include keeping under review the adequacy and effectiveness of Welsh Language impact assessments under section 71ZC of the Town and Country Planning Act 1990. ‘.

I fewnosod adran newydd –

{] Rol Comisiynydd y Gymraeg

- (1) Mae swyddogaethau Comisiynydd y Gymraeg o dan adran 4(1) o Fesur y Gymraeg (Cymru) 2011 (hybu a hwyluso defnyddio'r Gymraeg a pheidio a thrin y Gymraeg yn llai ffafriol na'r Saesneg) yn cynnwys cadw digonolrwydd ac effeithiolrwydd asesiadau o'r effaith ar yr iaith Gymraeg o dan adran 71ZB o Ddeddf Cynllunio Gwlad a Thref 1990 o dan arolygiaeth.’.

Russell George

71

To insert a new section –

[] Neighbourhood development orders

- (1) TCPA 1990 is amended as follows.
- (2) After section 61EA insert –

61EA Wales: neighbourhood development orders

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in Wales to make a neighbourhood development order.
- (2) A “neighbourhood development order” is an order which grants planning permission in relation to a particular neighbourhood area specified in the development order –
 - (a) for development specified in the order; or
 - (b) for development of any class specified in the order.
- (3) The Welsh Ministers may make regulations about –
 - (a) who may be designated as a “qualifying body” for the purpose of subsection (1);
 - (b) provision that may be made by a neighbourhood development order;
 - (c) development which is excluded;
 - (d) permission granted by a neighbourhood development order;
 - (e) publication arrangements;
 - (f) revocation or modification of a neighbourhood development order.
- (4) A local planning authority in Wales must publish each neighbourhood development order that they may make in such manner as may be prescribed in regulations made by the Welsh Ministers.’.

I fewnosod adran newydd –

[] Gorchmynion datblygu cymdogaeth

- (1) Mae DCGTh 1990 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 61EA mewnosoder –

“61EA Wales: neighbourhood development orders

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in Wales to make a neighbourhood development order.

- (2) A “neighbourhood development order” is an order which grants planning permission in relation to a particular neighbourhood area specified in the development order –
 - (a) for development specified in the order; or
 - (b) for development of any class specified in the order.
- (3) The Welsh Ministers may make regulations about –
 - (a) who may be designated as a “qualifying body” for the purpose of subsection (1);
 - (b) provision that may be made by a neighbourhood development order;
 - (c) development which is excluded;
 - (d) permission granted by a neighbourhood development order;
 - (e) publication arrangements;
 - (f) revocation or modification of a neighbourhood development order.
- (4) A local planning authority in Wales must publish each neighbourhood development order that they may make in such manner as may be prescribed in regulations made by the Welsh Ministers.’.

Russell George

72

To insert a new section –

‘Health impact

[] Health impact assessments

In TCPA 1990, after section 71ZB (as inserted by section 32) insert –

“(71ZC) Health impact assessments

- (1) The Welsh Ministers must by regulations require an applicant for specified classes of planning permission for the development of land in Wales to carry out an appraisal of the impact of the development on the health of persons.
- (2) Where regulations under this section require an impact assessment, the local planning authority –
 - (a) may not determine the application until the impact assessment has been carried out, and
 - (b) must consider the impact assessment in determining the application.
- (3) Before making regulations under subsection (1) the Welsh Ministers must consult such persons as appear to them to be appropriate.”.

I fewnosod adran newydd –

‘Effaith ar iechyd

[] **Asesiadau o’r effaith ar iechyd**

Yn DCGTh 1990, ar ôl adran 71ZB (fel sy’n cael ei fewnosod gan adran 32) mewnosoder –

“(71ZC) Health impact assessments

- (1) The Welsh Ministers must by regulations require an applicant for specified classes of planning permission for the development of land in Wales to carry out an appraisal of the impact of the development on the health of persons.
- (2) Where regulations under this section require an impact assessment, the local planning authority –
 - (a) may not determine the application until the impact assessment has been carried out, and
 - (b) must consider the impact assessment in determining the application.
- (3) Before making regulations under subsection (1) the Welsh Ministers must consult such persons as appear to them to be appropriate.”.

Russell George

73

Section 18, page 21, line 10, leave out ‘meets criteria specified in regulations made by the Welsh Ministers for the purposes of this section’ and insert ‘is of a type specified in Column A and satisfies the criteria specified in Column B in Schedule 4A’.

Adran 18, tudalen 21, llinell 10, hepgorer ‘meets criteria specified in regulations made by the Welsh Ministers for the purposes of this section’ a mewnosoder ‘is of a type specified in Column A and satisfies the criteria specified in Column B in Schedule 4A’.

Russell George

74

Section 18, page 21, at the beginning of line 13, insert –

- () Regulations under subsection (3) may include provision for onshore electricity generating stations between 50 megawatts and 349 megawatts so far as such provision is within the legislative competence of the National Assembly for Wales.’.

Adran 18, tudalen 21, ar ddechrau llinell 13, mewnosoder –

- () Regulations under subsection (3) may include provision for onshore electricity generating stations between 50 megawatts and 349 megawatts so far as such provision is within the legislative competence of the National Assembly for Wales.’.

Russell George 75

Section 18, page 21, after line 17, insert—

- ‘(5) The Welsh Ministers may by regulations amend Schedule 4A to add a new type of project or to vary or remove an existing type of project.’

Adran 18, tudalen 21, ar ôl llinell 17, mewnosoder—

- ‘(5) The Welsh Ministers may by regulations amend Schedule 4A to add a new type of project or to vary or remove an existing type of project.’

Russell George 76

Section 24, page 30, line 30, after ‘application.’, insert—

- ‘() A development order may also make provision for compensation payments to be made in respect of an application for planning permission made to the Welsh Ministers under section 62D and 62F.’

Adran 24, tudalen 30, llinell 30, ar ôl ‘application.’, mewnosoder—

- ‘() A development order may also make provision for compensation payments to be made in respect of an application for planning permission made to the Welsh Ministers under section 62D and 62F.’

Russell George 77

Schedule 7, page 90, after line 15, insert—

- ‘() A statutory instrument containing regulations under paragraph [to be inserted by amendment 45] may not be made unless a draft of the regulations has been laid before and approved by resolution of the National Assembly for Wales.’

Atodlen 7, tudalen 90, ar ôl llinell 15, mewnosoder—

- ‘() A statutory instrument containing regulations under paragraph [i’w fewnosod gan welliant 45] may not be made unless a draft of the regulations has been laid before and approved by resolution of the National Assembly for Wales.’

Russell George 78

Schedule 7, page 90, line 17, after '(6B)', insert 'or [subsection to be inserted by amendment 77]'.
Atodlen 7, tudalen 90, llinell 17, ar ôl '(6B)', mewnosoder 'or [is-adran sy'n cael ei fewnosod gan welliant 77]'.

Russell George 79

Schedule 7, page 91, line 6, leave out '3' and insert '5'.

Atodlen 7, tudalen 91, llinell 6, hepgorer '3' a mewnosoder '5'.

Llyr Huws Gruffydd 80

To insert a new section –

[] Planning Inspectorate for Wales

- (1) There is to be a body corporate to be known as the Planning Inspectorate for Wales or Arolygiaeth Gynllunio Cymru ("the Inspectorate").
- (2) The Members of the Inspectorate are to be appointed by the Welsh Ministers.
- (3) The Welsh Ministers may by regulations make other provision for the constitution and proceedings of the inspectorate.
- (4) The Welsh Ministers may not make regulations under this section unless a draft has been laid before and approved by resolution of the National Assembly for Wales. '.

I fewnosod adran newydd –

[] Arolygiaeth Gynllunio Cymru

- (1) Bydd corff corfforaethol o'r enw Arolygiaeth Gynllunio Cymru neu Planning Inspectorate for Wales ("yr Arolygiaeth").
- (2) Mae Aelodau'r Arolygiaeth i'w penodi gan Weinidogion Cymru.
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth arall ar gyfer cyfansoddiad a thrafodion yr arolygiaeth.
- (4) Ni chaiff Gweinidogion Cymru wneud rheoliadau o dan yr adran hon oni bai bod drafft wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo trwy benderfyniad ganddo. '.

Llyr Huws Gruffydd 81

Section 2, page 3, line 24, after 'appropriate', insert ', including policies designed to contribute to climate change reduction targets and adaptation'.

Adran 2, tudalen 3, llinell 24, ar ôl 'appropriate', mewnosoder ', including policies designed to contribute to climate change reduction targets and adaptation'.

Llyr Huws Gruffydd

82

Section 5, page 10, after line 25, insert –

‘() any policies of the Welsh Ministers designed to contribute to climate change reduction targets and adaptation requirements;’.

Adran 5, tudalen 10, ar ôl llinell 25, mewnosoder –

‘() any policies of the Welsh Ministers designed to contribute to climate change reduction targets and adaptation requirements;’.

Llyr Huws Gruffydd

83

To insert a new section –

[] Local development plans: climate change

- (1) Section 62 of the PCPA 2004 is amended as follows.
- (2) After sub-section (5)(b) insert –

“() any policies of the Welsh Ministers designed to contribute to climate change reduction targets and adaptation requirements.”.

I fewnosod adran newydd –

[] Cynlluniau datblygu lleol: newid yn yr hinsawdd

- (1) Mae adran 62 o DCPH 2004 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (5)(b) mewnosoder –

() any policies of the Welsh Ministers designed to contribute to climate change reduction targets and adaptation requirements.”.

Llyr Huws Gruffydd

84

To insert a new section –

[] Welsh language impact assessments

- (1) In TCPA 1990, after section 71ZB (as inserted by section 32) insert –

“71ZC Welsh language impact assessment

- (1) Before planning permission for development of any class specified in regulations made by the Welsh Ministers is granted by a local planning authority in Wales, that authority must carry out an

appraisal of the impact of granting the permission on the use of the Welsh language within its area(a “Welsh language impact assessment”).

- (2) All local planning authorities in Wales must have regard to any Welsh language impact assessment carried out in accordance with subsection (1).
- (3) When making regulations under sub-section (1) above, Welsh Ministers must have regard to:
 - (a) the Welsh language’s official status in all parts of Wales;
 - (b) the principle that the planning system should promote and facilitate the use of the Welsh language at a community level in all parts of Wales; and
 - (c) any comments made by the Welsh Language Commissioner in accordance with sub-section (5) below.
- (4) Regulations under this section must make provision about
 - (a) the classes of development that will require a Welsh language impact assessment;
 - (b) the form and content of a Welsh language impact assessment;
 - (c) methods by which a local planning authority in Wales can demonstrate how it has complied with subsection (2).
- (5) Before making regulations under this section the Welsh Ministers must consult—
 - (a) the Welsh Language Commissioner,
 - (b) such organisations as appear to them to have expertise in relation to the development and use of the Welsh language, and
 - (c) such other persons as appear to them appropriate.

71ZD Local Planning Authorities' duties when making a decision

- (1) On receiving an application for a proposed development, a local planning authority must decide whether the proposed development is likely to have a significant impact on the Welsh language.
- (2) When making a decision under sub-section (1), a local planning authority must have due regard to the regulations made by Welsh Minister under section [to be inserted by this amendment] of this Act.”.

I fewnosod adran newydd—

‘[] **Asesiadau o’r effaith ar y Gymraeg**

- (1) Yn DCGTh 1990, ar ôl adran 71ZB (fel y’i mewnosodir gan adran 32) mewnosoder—

“71ZC Welsh language impact assessment

- (1) Before planning permission for development of any class specified in regulations made by the Welsh Ministers is granted by a local planning authority in Wales, that authority must carry out an appraisal of the impact of granting the permission on the use of the Welsh language within its area(a “Welsh language impact assessment”).
- (2) All local planning authorities in Wales must have regard to any Welsh language impact assessment carried out in accordance with subsection (1).
- (3) When making regulations under sub-section (1) above, Welsh Ministers must have regard to:
 - (a) the Welsh language’s official status in all parts of Wales;
 - (b) the principle that the planning system should promote and facilitate the use of the Welsh language at a community level in all parts of Wales; and
 - (c) any comments made by the Welsh Language Commissioner in accordance with sub-section (5) below.
- (4) Regulations under this section must make provision about
 - (a) the classes of development that will require a Welsh language impact assessment;
 - (b) the form and content of a Welsh language impact assessment;
 - (c) methods by which a local planning authority in Wales can demonstrate how it has complied with subsection (2).
- (5) Before making regulations under this section the Welsh Ministers must consult –
 - (a) the Welsh Language Commissioner,
 - (b) such organisations as appear to them to have expertise in relation to the development and use of the Welsh language, and
 - (c) such other persons as appear to them appropriate.

71ZD Local Planning Authorities' duties when making a decision

- (1) On receiving an application for a proposed development, a local planning authority must decide whether the proposed development is likely to have a significant impact on the Welsh language.
- (2) When making a decision under sub-section (1), a local planning authority must have due regard to the regulations made by Welsh Minister under section [to be inserted by this amendment] of this Act.”.