



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Cynllunio (Cymru) Planning (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol I
esbonio ei ddiben ac i gynorthwyo'r darlennydd. Nid yw'r testun yn rhan o eiriad y
gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain
its purpose and to aid the reader's understanding. The text does not form part of the
amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn –
The Bill will be considered in the following order –

Section Nos. English	Rhifau adrannau Cymraeg
Sections 2-55	Adrannau 2-55
Schedules 1-7	Atodlenni 1-7
Section 1	Adran 1
Long Title	Teitl Hir

Llyr Gruffydd

1

To insert a new section –

[] **The purpose of town and country planning**

- (1) The purpose of the town and country planning system in Wales is to regulate and manage the development and use of land in a way that contributes to sustainable development.

- (2) In considering a decision under the Planning Acts a local planning authority in Wales must have regard to that purpose.
- (3) The Welsh Ministers may issue guidance to local planning authorities about compliance with that duty; and local planning authorities must have regard to the guidance.
- (4) In this section “sustainable development” means the process of improving the economic, environmental, social and cultural well-being of Wales by taking action, in accordance with the sustainable development principle set out in section 5 of the Well-being of Future Generations (Wales) Act, aimed at achieving the well-being goals set out in section 4 of that Act.
- (5) In this section “the Planning Acts” means –
 - (a) the Town and Country Planning Act 1990;
 - (b) the Planning and Compulsory Purchase Act 2004;
 - (c) the Planning Act 2008, and
 - (d) any other enactment relating to town and country planning.’.

I fewnosod adran newydd –

[] Diben cynllunio gwlad a thref

- (1) Diben y system cynllunio gwlad a thref yng Nghymru yw rheoleiddio a rheoli’r modd y caiff tir ei ddatblygu a’i ddefnyddio er mwyn cyfrannu at ddatblygu cynaliadwy.
- (2) Wrth ystyried penderfyniad o dan y Deddfau Cynllunio rhaid i awdurdod cynllunio lleol yng Nghymru roi sylw i’r diben hwnnw.
- (3) Caiff Gweinidogion Cymru ddyroddi canllawiau i awdurdodau cynllunio lleol ynghylch cydymffurfio â’r ddyletswydd honno; a rhaid i awdurdodau cynllunio lleol roi sylw i’r canllawiau hynny.
- (4) Yn yr adran hon ystyr “datblygu cynaliadwy” yw’r broses o wella llesiant economaidd, amgylcheddol, cymdeithasol a diwylliannol Cymru drwy weithredu yn unol â’r egwyddor datblygu cynaliadwy yn adran 5 o Ddeddf Llesiant Cenedlaethau’r Dyfodol (Cymru), er mwyn cyrraedd y nodau llesiant yn adran 4 o’r Ddeddf honno.
- (5) Yn yr adran hon, ystyr “y Deddfau Cynllunio” yw –
 - (a) Deddf Cynllunio Gwlad a Thref 1990;
 - (b) Deddf Cynllunio a Phrynu Gorfodol 2004;
 - (c) Deddf Cynllunio 2008; a
 - (d) unrhyw ddeddfiad arall sy’n ymwneud â chynllunio gwlad a thref.’.

Carl Sargeant

58

To insert a new section –

‘PART []

SUSTAINABLE DEVELOPMENT

[] Sustainable development

- (1) This section applies to the exercise by the Welsh Ministers, a local planning authority in Wales or any other public body –
 - (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;
 - (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.
- (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.
- (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).
- (4) In this section, “public body” has the meaning given by section 6 of the Well-being of Future Generations (Wales) Act 2015.
- (5) Nothing in this section, as it applies in relation to functions under Part 3 of TCPA 1990, alters –
 - (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
 - (b) the weight to be given to any consideration to which regard is had under that subsection.
- (6) In section 39 of PCPA 2004 (sustainable development) –
 - (a) in subsection (1), omit paragraph (c);
 - (b) in subsection (3), omit paragraph (b).’.

I fewnosod adran newydd –

‘RHAN []

DATBLYGU CYNALIADWY

[] Datblygu cynaliadwy

- (1) Mae’r adran hon yn gymwys i arfer gan Weinidogion Cymru, awdurdod cynllunio lleol yng Nghymru neu unrhyw gorff cyhoeddus arall –
 - (a) swyddogaeth o dan Ran 6 o DCPHG 2004 mewn perthynas â Fframwaith Datblygu Cenedlaethol Cymru, cynllun datblygu strategol neu gynllun datblygu lleol;
 - (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 yng Nghymru.

- (2) Rhaid arfer y swyddogaeth, fel rhan o ymgymryd â datblygu cynaliadwy yn unol â Ddeddf 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.
- (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).
- (4) Yn yr adran hon, mae i "corff cyhoeddus" yr ystyr a roddir gan adran 6 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.
- (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 –
 - (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
 - (b) y pwysau sydd i'w roi i unrhyw ystyriaeth y rhoddir sylw iddi o dan yr is-adran honno.
- (6) Yn adran 39 o DCPhG 2004 (datblygu cynaliadwy) –
 - (a) yn is-adran (1), hepgorer paragraff (c);
 - (b) yn is-adran (3), hepgorer paragraff (b).'

Llyr 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 Gruffydd

2

Page 3, line 15, leave out section 2 and insert –

[] Producing and revising the National Development Framework for Wales

In PCPA 2004, for section 60 (and the cross-heading before it) substitute –

“National Development Framework

60 National Development Framework for Wales

- (1) There must be a plan, prepared and published by the Welsh Ministers, to be known as the National Development Framework for Wales.
- (2) The Framework must set out such of the policies of the Welsh Ministers in relation to the development and use of land in Wales as the Welsh Ministers consider appropriate.
- (3) The Framework may specify that development of a particular description, in a particular area or location, is to constitute development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers).
- (4) The Framework must give reasons for –
 - (a) the policies that it sets out, and
 - (b) any provision that it makes as mentioned in subsection (3).
- (5) The Framework must specify the period for which it is to have effect.
- (6) A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (5).

60A Procedure for preparation and publication of Framework

- (1) Before publishing the National Development Framework for Wales, the Welsh Ministers must –
 - (a) prepare a draft of the Framework,
 - (b) carry out an appraisal of the sustainability of the policies set out in the draft, and
 - (c) make arrangements in accordance with regulations under subsection (2) for an independent examination of the draft of the Framework to take place.
- (2) Regulations under this section must provide that –
 - (a) the examination will be carried out by a person appointed by the Welsh Ministers,

- (b) any person who makes representations seeking change to the draft National Development Framework will if they so request be given the opportunity to appear before and be heard by the person carrying out the examination,
 - (c) the person appointed to carry out the examination must—
 - (i) make recommendations,
 - (ii) give reasons for the recommendations, and
 - (d) the Welsh Ministers to publish the recommendations and reasons.
- (3) The appraisal under subsection (1)(b) must include an assessment of the likely effects of the policies in the draft Framework on the use of the Welsh language.
- (4) If, after complying with subsection (1), the Welsh Ministers wish to proceed with the draft of the Framework (with or without changes), they must lay before the National Assembly for Wales—
- (a) the draft, and
 - (b) a report which—
 - (i) summarises the representations they received during the examination carried out under subsection (1)(c),
 - (ii) summarises and recommendations and reasons given by the person appointed by the Welsh Ministers in accordance with regulations under subsection (2) (a), and
 - (iii) explains how they have taken the recommendations and reasons into account.
- (5) The Welsh Ministers must have regard to—
- (a) any resolution passed by the National Assembly for Wales with regard to the draft Framework during the Assembly consideration period, and
 - (b) any recommendation made by a committee of the National Assembly with regard to the draft during that period.
- (6) After the expiry of the Assembly consideration period, the Welsh Ministers—
- (a) may publish the National Development Framework for Wales in the terms of the draft laid under subsection (4), 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.
- (7) If any resolution was passed or any recommendation was made as

mentioned in subsection (5), 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.

- (8) The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.
- (9) In this section, “the Assembly consideration period” means the period of 60 days beginning with the day on which a draft of the Framework is laid before the National Assembly for Wales under subsection (4), disregarding any time when the National Assembly is dissolved or is in recess for more than four days.

60B Review and revision of Framework

- (1) The Welsh Ministers must keep the National Development Framework for Wales under review.
- (2) The Welsh Ministers may revise the Framework at any time, and must publish the Framework as revised.
- (3) Section 60A applies for the purposes of the revision of the Framework, as if references to the Framework (or a draft of the Framework) were references to the Framework as revised (or a draft of the Framework as revised).
- (4) Subsection (5) applies if the Welsh Ministers, having published a draft of a revised Framework, decide not to proceed with the revision of the Framework.
- (5) The Welsh Ministers must –
 - (a) publish notice of their decision and the reasons for it, and
 - (b) if a draft of a revised Framework has been laid before the National Assembly for Wales under section 60A(4), lay a copy of the notice before the National Assembly.
- (6) Subsection (7) applies if –
 - (a) a review period ends, and
 - (b) the Welsh Ministers have not, within that period –
 - (i) published a revised Framework, or
 - (ii) laid a draft revised Framework before the National Assembly for Wales under section 60A(4).
- (7) As soon as reasonably practicable after the end of the review period, the Welsh Ministers must publish and lay before the National Assembly for Wales a statement –
 - (a) setting out their assessment of whether the Framework should be revised and giving reasons for that assessment, and
 - (b) if they consider that the Framework should be revised, setting

out a timetable for its revision.

- (8) For the purposes of subsections (6) and (7) –
- (a) the first review period –
 - (i) begins with the day on which the Framework is first published, and
 - (ii) ends with the fifth anniversary of the day on which the Framework is first published or, if earlier, with the day on which a revised Framework is published;
 - (b) each subsequent review period –
 - (i) begins with the day after the last day of the preceding review period, and
 - (ii) ends with the fifth anniversary of the last day of the preceding review period or, if earlier, with the day of publication of a revised Framework.”.

Tudalen 3, llinell 15, hepgorer adran 2 a mewnosoder –

[] **Producing and revising the National Development Framework for Wales**

In PCPA 2004, for section 60 (and the cross-heading before it) substitute –

“National Development Framework

60 National Development Framework for Wales

- (1) There must be a plan, prepared and published by the Welsh Ministers, to be known as the National Development Framework for Wales.
- (2) The Framework must set out such of the policies of the Welsh Ministers in relation to the development and use of land in Wales as the Welsh Ministers consider appropriate.
- (3) The Framework may specify that development of a particular description, in a particular area or location, is to constitute development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers).
- (4) The Framework must give reasons for –
 - (a) the policies that it sets out, and
 - (b) any provision that it makes as mentioned in subsection (3).
- (5) The Framework must specify the period for which it is to have effect.
- (6) A plan ceases to be the National Development Framework for Wales on the expiry of the period specified under subsection (5).

60A Procedure for preparation and publication of Framework

- (1) Before publishing the National Development Framework for Wales, the Welsh Ministers must—
 - (a) prepare a draft of the Framework,
 - (b) carry out an appraisal of the sustainability of the policies set out in the draft, and
 - (c) make arrangements in accordance with regulations under subsection (2) for an independent examination of the draft of the Framework to take place.
- (2) Regulations under this section must provide that—
 - (a) the examination will be carried out by a person appointed by the Welsh Ministers,
 - (b) any person who makes representations seeking change to the draft National Development Framework will if they so request be given the opportunity to appear before and be heard by the person carrying out the examination,
 - (c) the person appointed to carry out the examination must—
 - (i) make recommendations,
 - (ii) give reasons for the recommendations, and
 - (d) the Welsh Ministers to publish the recommendations and reasons.
- (3) The appraisal under subsection (1)(b) must include an assessment of the likely effects of the policies in the draft Framework on the use of the Welsh language.
- (4) If, after complying with subsection (1), the Welsh Ministers wish to proceed with the draft of the Framework (with or without changes), they must lay before the National Assembly for Wales—
 - (a) the draft, and
 - (b) a report which—
 - (i) summarises the representations they received during the examination carried out under subsection (1)(c),
 - (ii) summarises and recommendations and reasons given by the person appointed by the Welsh Ministers in accordance with regulations under subsection (2) (a), and
 - (iii) explains how they have taken the recommendations and reasons into account.
- (5) The Welsh Ministers must have regard to—
 - (a) any resolution passed by the National Assembly for Wales with regard to the draft Framework during the Assembly consideration period, and
 - (b) any recommendation made by a committee of the National

Assembly with regard to the draft during that period.

- (6) After the expiry of the Assembly consideration period, the Welsh Ministers –
 - (a) may publish the National Development Framework for Wales in the terms of the draft laid under subsection (4), 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.
- (7) If any resolution was passed or any recommendation was made as mentioned in subsection (5), 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.
- (8) The Welsh Ministers may not publish the National Development Framework unless it has been approved by a resolution of the National Assembly for Wales.
- (9) In this section, “the Assembly consideration period” means the period of 60 days beginning with the day on which a draft of the Framework is laid before the National Assembly for Wales under subsection (3), disregarding any time when the National Assembly is dissolved or is in recess for more than four days.

60B Review and revision of Framework

- (1) The Welsh Ministers must keep the National Development Framework for Wales under review.
- (2) The Welsh Ministers may revise the Framework at any time, and must publish the Framework as revised.
- (3) Section 60A applies for the purposes of the revision of the Framework, as if references to the Framework (or a draft of the Framework) were references to the Framework as revised (or a draft of the Framework as revised).
- (4) Subsection (5) applies if the Welsh Ministers, having published a draft of a revised Framework, decide not to proceed with the revision of the Framework.
- (5) The Welsh Ministers must –
 - (a) publish notice of their decision and the reasons for it, and
 - (b) if a draft of a revised Framework has been laid before the National Assembly for Wales under section 60A(4), lay a copy of the notice before the National Assembly.
- (6) Subsection (7) applies if –

- (a) a review period ends, and
 - (b) the Welsh Ministers have not, within that period –
 - (i) published a revised Framework, or
 - (ii) laid a draft revised Framework before the National Assembly for Wales under section 60A(4).
- (7) As soon as reasonably practicable after the end of the review period, the Welsh Ministers must publish and lay before the National Assembly for Wales a statement –
- (a) setting out their assessment of whether the Framework should be revised and giving reasons for that assessment, and
 - (b) if they consider that the Framework should be revised, setting out a timetable for its revision.
- (8) For the purposes of subsections (6) and (7) –
- (a) the first review period –
 - (i) begins with the day on which the Framework is first published, and
 - (ii) ends with the fifth anniversary of the day on which the Framework is first published or, if earlier, with the day on which a revised Framework is published;
 - (b) each subsequent review period –
 - (i) begins with the day after the last day of the preceding review period, and
 - (ii) ends with the fifth anniversary of the last day of the preceding review period or, if earlier, with the day of publication of a revised Framework.’.

Llyr Gruffydd

3

Section 2, page 3, after line 24, insert –

- ‘() The Framework may include policies prohibiting activities involving the investigation for or extraction of unconventional gas.’.

Adran 2, tudalen 3, ar ôl llinell 24, mewnosoder –

- ‘() The Framework may include policies prohibiting activities involving the investigation for or extraction of unconventional gas.’.

Llyr 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 Gruffydd

4

Section 2, page 3, after line 29, insert—

- ‘() When preparing the Framework, the Welsh Ministers must consider
 - (a) any policies set out in subsection (2)
 - (b) any provision made in subsection (3),on a 100 year time-frame.’

Adran 2, tudalen 3, ar ôl llinell 29, mewnosoder—

- ‘() When preparing the Framework, the Welsh Ministers must consider
 - (a) any policies set out in subsection (2)
 - (b) any provision made in subsection (3),on a 100 year time-frame.’

William Powell

49

Section 2, page 3, after line 32, insert—

- ‘() The Framework must explain how, in preparing the Framework, the Welsh Ministers have taken into account relevant policies set out in—
 - (a) any marine plan adopted and published by them under Part 3 of the Marine and Coastal Access Act 2009, and
 - (b) the Wales Transport Strategy published under section 2 of the Transport (Wales) Act 2006.’

Adran 2, tudalen 3, ar ôl llinell 32, mewnosoder—

- ‘() The Framework must explain how, in preparing the Framework, the Welsh Ministers have taken into account relevant policies set out in—
 - (a) any marine plan adopted and published by them under Part 3 of the Marine and Coastal Access Act 2009, and
 - (b) the Wales Transport Strategy published under section 2 of the Transport (Wales) Act 2006.’

Llyr Gruffydd

5

Section 2, page 4, line 10, after 'Framework', insert 'having due regard to the desirability of reducing the inequalities of participation which result from socio-economic disadvantage'.

Adran 2, tudalen 4, llinell 10, ar ôl 'Framework', mewnosoder 'having due regard to the desirability of reducing the inequalities of participation which result from socio-economic disadvantage'.

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 –

'() 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.”.

Llyr Gruffydd

6

Gyda chefnogaeth / Supported by: Russell George

Page 6, line 31, leave out section 3.

Tudalen 6, llinell 31, hepgorer adran 3.

Llyr Gruffydd

7

Section 3, page 7, line 39, after 'area,' insert –

- '() persons living in an area, all or part of which is included in the proposed strategic planning area,
- () such persons who appear to the Welsh Ministers to represent public service provision in an area, all or part of which is included in the proposed strategic planning area,'.

Adran 3, tudalen 7, llinell 39, ar ôl 'area,' mewnosoder –

- '() persons living in an area, all or part of which is included in the proposed strategic planning area,
- () such persons who appear to the Welsh Ministers to represent public service provision in an area, all or part of which is included in the proposed strategic planning area,'.

Llyr Gruffydd

29

Section 3, page 8, line 39, after 'authority', insert –

- '() each relevant community council'.

Adran 3, tudalen 8, llinell 39, ar ôl 'authority', mewnosoder –

- '() each relevant community council'.

Llyr Gruffydd

30

Section 3, page 9, after line 19, insert –

- '() A community council is a relevant community council in relation to regulations to which this section applies if all or part of the council's area is included in –
 - (a) the strategic planning area that would be designated by the regulations, or
 - (b) a strategic planning area designated by previous regulations under section 60D that would be revoked or amended by the regulations.'

Adran 3, tudalen 9, ar ôl llinell 19, mewnosoder –

- '() A community council is a relevant community council in relation to regulations to which this section applies if all or part of the council's area is included in –
 - (a) the strategic planning area that would be designated by the regulations, or

- (b) a strategic planning area designated by previous regulations under section 60D that would be revoked or amended by the regulations.’.

Llyr Gruffydd 8

Gyda chefnogaeth/ Supported by: Russell George

Page 9, line 25, leave out section 4.

Tudalen 9, llinell 25, hepgorer adran 4.

Llyr Gruffydd 9

Gyda chefnogaeth/ Supported by: Russell George

Page 10, line 1, leave out section 5.

Tudalen 10, llinell 1, hepgorer adran 5.

William Powell 50

Section 5, page 10, after line 19, insert—

- ‘() any marine plan, adopted and published by the Welsh Ministers under Part 3 of the Marine and Coastal Access Act 2009;’.

Adran 5, tudalen 10, ar ôl llinell 19, mewnosoder—

- ‘() any marine plan, adopted and published by the Welsh Ministers under Part 3 of the Marine and Coastal Access Act 2009;’.

William Powell 51

Section 5, page 10, after line 23, insert—

- ‘() any local transport plan, the policies of which affect any part of the strategic planning area;’.

Adran 5, tudalen 10, ar ôl llinell 23, mewnosoder—

- ‘() any local transport plan, the policies of which affect any part of the strategic planning area;’.

Llyr 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;’.

William Powell

52

Section 5, page 11, after line 4, insert –

‘() In this section, “local transport plan” has the same meaning as in section 108 (3A) of Transport Act 2000.’.

Adran 5, tudalen 11, ar ôl llinell 4, mewnosoder –

‘() In this section, “local transport plan” has the same meaning as in section 108 (3A) of Transport Act 2000.’.

Llyr Gruffydd

10

Gyda chefnogaeth/ Supported by: Russell George

Section 8, page 12, after line 28, insert –

‘(d) any place plans or other local plans that are expressly permitted or provided for by the plans specified in paragraphs (a) to (c).’.

Adran 8, tudalen 12, ar ôl llinell 29, mewnosoder –

‘(d) any place plans or other local plans that are expressly permitted or provided for by the plans specified in paragraphs (a) to (c).’.

Llyr 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.”.

William Powell

28

Gyda chefnogaeth / Supported by: Carl Sargeant

Section 13, page 16, after line 12, insert –

“(A2) But a direction under subsection (A1) may not be given to a National Park authority.”.

Adran 13, tudalen 16, ar ôl llinell 14, mewnosoder –

“(A2) But a direction under subsection (A1) may not be given to a National Park authority.”.

Carl Sargeant

34

Section 14, page 17, line 13, leave out –

’, after paragraph (b) insert –

“(c) in the case of an authority which is a joint planning board, it has been published by a relevant council under section 39 of that Measure or, if the strategy for a relevant council’s area has been amended, it is the strategy most recently published under section 41 of that Measure.”;

(b) at the end insert –

“(10) For the purposes of subsection (7)(c), a relevant council is a county council or county borough council for an area which, or any part of which, is included in the united district of the joint planning board.”.

and insert –

’(relevant local well-being plan), after paragraph (b) insert –

“(c) in the case of an authority which is a joint planning board, the public services board for an area that includes any part of that authority’s united district.”.

Adran 14, tudalen 17, llinell 15, hepgorer –

’, ar ôl paragraff (b) mewnosoder –

“(c) in the case of an authority which is a joint planning board, it has been published by a relevant council under section 39 of that Measure or, if the strategy for a relevant council’s area has been amended, it is the strategy most recently published under section 41 of that Measure.”;

(b) ar y diwedd mewnosoder –

“(10) For the purposes of subsection (7)(c), a relevant council is a county council or county borough council for an area which, or any part of which, is included in the united district of the joint planning board.”.

A mewnosoder –

‘(cynllun llesiant lleol perthnasol), ar ôl paragraff (b) mewnosoder –

“(c) in the case of an authority which is a joint planning board, the public services board for an area that includes any part of that authority’s united district.”.

Llyr Gruffydd

11

To insert a new section –

[] Housing need - Local Development Plan

(1) Section 61 of PCPA 2004 is amended as follows.

(2) Before paragraph (d) of subsection (2) insert –

“() the housing need in the area (“local housing needs assessment”).”.

I fewnosod adran newydd –

[] Yr angen am dai - Cynllun Datblygu Lleol

(1) Mae adran 61 o DCPHG 2004 wedi ei diwygio fel a ganlyn.

(2) Cyn paragraff (d) o is-adran (2) mewnosoder –

“() “the housing need in the area (“local housing needs assessment”).”.

Llyr Gruffydd

12

To insert a new section –

[] Housing need - Local Development Plan

(1) Section 62 PCPA is amended as follows –

(2) Before paragraph (g) of subsection (5) insert –

“() the local housing needs assessment undertaken pursuant to

[section to be inserted by amendment 11].”.

I fewnosod adran newydd –

[] Yr angen am dai - Cynllun Datblygu Lleol

- (1) Mae adran 62 o DCPhG wedi ei diwygio fel a ganlyn –
- (2) Cyn paragraff (g) o is-adran (5) mewnosoder –

“() the local housing needs assessment undertaken pursuant to [yr adran sy’n cael ei fewnosod gan welliant 11].”.

Russell George

70

Gyda chefnogaeth / Supported by: Llyr Gruffydd

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 –

[] Rôl 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 71ZC 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’.

Llyr Gruffydd

13

Section 18, page 21, after line 12, insert –

- () The following categories of development will not be of national significance for this purpose –
 - (i) the provision of dwellinghouses;
 - (ii) development for the purpose of retail or leisure.’.

Adran 18, tudalen 21, ar ôl llinell 12, mewnosoder –

- () The following categories of development will not be of national significance for this purpose –
 - (i) the provision of dwellinghouses;
 - (ii) development for the purpose of retail or leisure.’.

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.’.

Carl Sargeant 35

Section 18, page 21, line 32, leave out ‘Welsh Ministers of the proposed application’ and insert—
‘following of the proposed application—

- (a) the Welsh Ministers, and
- (b) the local planning authority to which, but for section 62D, the application would be made’.

Adran 18, tudalen 21, llinell 32, hepgorer ‘Welsh Ministers of the proposed application’ a mewnosoder—

‘following of the proposed application—

- (a) the Welsh Ministers, and
- (b) the local planning authority to which, but for section 62D, the application would be made’.

Llyr Gruffydd 14

Section 19, page 23, after line 21, insert—

‘() Subsections (2) to (5) do not apply to any secondary consent which would (but for this section) be decided by Natural Resources Wales unless they have consented to the decision being made by the Welsh Ministers.’.

Adran 19, tudalen 23, ar ôl llinell 21, mewnosoder—

‘() Subsections (2) to (5) do not apply to any secondary consent which would (but for this section) be decided by Natural Resources Wales unless they have consented to the decision being made by the Welsh Ministers.’.

Carl Sargeant 36

Section 20, page 25, leave out lines 31 to 36 and insert—

- '(2) In dealing with the application, the Welsh Ministers must also have regard to any voluntary local impact report submitted to them in respect of the application.
- (3) A voluntary local impact report is a local impact report submitted –
 - (a) by a local planning authority in Wales otherwise than pursuant to a notice under section 62I, or
 - (b) by a community council.'

Adran 20, tudalen 25, hepgorer llinellau 31 hyd at 36 a mewnosoder –

- '(2) In dealing with the application, the Welsh Ministers must also have regard to any voluntary local impact report submitted to them in respect of the application.
- (3) A voluntary local impact report is a local impact report submitted –
 - (a) by a local planning authority in Wales otherwise than pursuant to a notice under section 62I, or
 - (b) by a community council.'

Llyr Gruffydd

15

Section 20, page 25, line 36, after '62I', insert 'or by a community council for the area to which the application relates'.

Adran 20, tudalen 25, llinell 36, ar ôl '62I', mewnosoder 'or by a community council for the area to which the application relates'.

Carl Sargeant

37

Section 20, page 26, line 8, leave out 'authority' and insert 'local planning authority or community council'.

Adran 20, tudalen 26, llinell 8, hepgorer 'authority' a mewnosoder 'local planning authority or community council'.

Carl Sargeant

38

Section 22, page 28, leave out lines 5 to 15 and insert –

'62N Designation for the purposes of section 62M

- (1) In deciding whether to designate a local planning authority for the purposes of section 62M, or whether to revoke a designation, the Welsh Ministers must apply only criteria that satisfy the following conditions.
- (2) The first condition is that the Welsh Ministers have consulted each local planning authority in Wales about the criteria.
- (3) The second condition is that the criteria are set out in a document that

the Welsh Ministers have laid before the National Assembly for Wales.

- (4) The third condition is that the 21-day period has ended without the National Assembly having during that period resolved not to approve the document.
- (5) The fourth condition is that the Welsh Ministers have published the document (whether before, during or after the 21-day period) in whatever way they think fit.
- (6) In this section, “the 21-day period” means the period of 21 days beginning with the day on which the document is laid before the National Assembly for Wales under subsection (3), disregarding any time when the National Assembly is dissolved or is in recess for more than four days.
- (7) The power to designate a local planning authority for the purposes of section 62M, or to revoke a designation, is exercisable by notice in writing to the authority.
- (8) The Welsh Ministers must publish (in whatever way they think fit) a copy of any notice given to an authority under subsection (7).
- (9) An urban development corporation may not be designated for the purposes of section 62M.’

Adran 22, tudalen 28, hepgorer llinellau 5 hyd at 15 a mewnosoder –

‘62N Designation for the purposes of section 62M

- (1) In deciding whether to designate a local planning authority for the purposes of section 62M, or whether to revoke a designation, the Welsh Ministers must apply only criteria that satisfy the following conditions.
- (2) The first condition is that the Welsh Ministers have consulted each local planning authority in Wales about the criteria.
- (3) The second condition is that the criteria are set out in a document that the Welsh Ministers have laid before the National Assembly for Wales.
- (4) The third condition is that the 21-day period has ended without the National Assembly having during that period resolved not to approve the document.
- (5) The fourth condition is that the Welsh Ministers have published the document (whether before, during or after the 21-day period) in whatever way they think fit.
- (6) In this section, “the 21-day period” means the period of 21 days beginning with the day on which the document is laid before the National Assembly for Wales under subsection (3), disregarding any time when the National Assembly is dissolved or is in recess for more

than four days.

- (7) The power to designate a local planning authority for the purposes of section 62M, or to revoke a designation, is exercisable by notice in writing to the authority.
- (8) The Welsh Ministers must publish (in whatever way they think fit) a copy of any notice given to an authority under subsection (7).
- (9) An urban development corporation may not be designated for the purposes of section 62M.’.

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.’.

William Powell

53

To insert a new section –

[] Assessment of impact on use of the Welsh Language

In the Town and Country Planning Act 1990, after section 71ZB (as inserted by section 32) insert –

“71ZC Assessment of impact on use of the Welsh Language

- (1) The Welsh Ministers must by regulations make provision about the consideration to be given, before planning permission for development of land in Wales of any class specified in the regulations is granted, to the likely impact of the proposed development on the use of the Welsh language.
- (2) The regulations may make different provision for different classes of development.”’.

I fewnosod adran newydd –

[] Asesiad o’r effaith ar y defnydd o’r Gymraeg

Yn Neddf Gwlad a Thref 1990, ar ôl is-adran 71ZB (fel y’i mewnosodir gan adran 32) mewnosoder –

“71ZC Assessment of impact on use of the Welsh Language

- (1) The Welsh Ministers must by regulations make provision about the consideration to be given, before planning permission for development of land in Wales of any class specified in the regulations is granted, to the likely impact of the proposed development on the use of the Welsh language.
- (2) The regulations may make different provision for different classes of development.”.

Suzy Davies

61

Gyda chefnogaeth/ Supported by: Russell George

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 –

[] 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).”

Llyr 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.”.

William Powell

27

Gyda chefnogaeth/ Supported by: Carl Sargeant, Llyr Gruffydd and Russell George

To insert a new section –

‘Determination of applications for planning permission

[] Welsh language

- (1) Section 70 of TCPA 1990 (determination of applications: general considerations) is amended as follows.
- (2) In subsection (2), after paragraph (a) insert –
 - “(aa) any considerations relating to the use of the Welsh language, so far as material to the application;”.
- (3) After subsection (2) insert –
 - “(2ZA) Subsection (2)(aa) applies only in relation to Wales.”
- (4) The amendments made by this section do not alter –
 - (a) whether regard is to be had to any particular consideration under subsection (2) of section 70 of TCPA 1990, or
 - (b) the weight to be given to any consideration to which regard is had under that subsection.’.

I fewnosod adran newydd –

'Penderfynu ar geisiadau am ganiatâd cynllunio

[] **Y Gymraeg**

- (1) Mae adran 70 o DCGTh 1990 (pendderfynu ar geisiadau: ystyriaethau cyffredinol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), ar ôl paragraff (a) mewnosoder –
“(aa) any considerations relating to the use of the Welsh language, so far as material to the application;”.
- (3) Ar ôl is-adran (2) mewnosoder –
“(2ZA) Subsection (2)(aa) applies only in relation to Wales.”
- (4) Nid yw'r diwygiadau a wneir gan yr adran hon yn addasu –
 - (a) pa un ai a yw sylw i'w roi i unrhyw ystyriaeth benodol o dan is-adran (2) o adran 70 o DCGTh 1990, neu
 - (b) y pwysau sydd i'w roi i unrhyw ystyriaeth y rhoddir sylw iddi o dan yr is-adran honno.'.

Carl Sargeant

39

To insert a new section –

[] **Joint planning boards to be hazardous substances authorities**

In section 3 of the Planning (Hazardous Substances) Act 1990 (c. 10) (hazardous substances authorities other than county and county borough councils), after subsection (5B) insert –

“(5C) A joint planning board constituted under section 2(1B) of the principal Act for a united district in Wales is the hazardous substances authority for land in the united district unless subsection (4) or (5) applies.”.

I fewnosod adran newydd –

[] **Byrddau cydgyllunio i fod yn awdurdodau sylweddau peryglus**

Yn adran 3 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 (p. 10) (awdurdodau sylweddau peryglus heblaw cynghorau sir a chynghorau bwrdeistref sirol), ar ôl is-adran (5B) mewnosoder –

“(5C) A joint planning board constituted under section 2(1B) of the principal Act for a united district in Wales is the hazardous substances authority for land in the united district unless subsection (4) or (5) applies.”.

Llyr Gruffydd

16

Page 42, line 32, leave out section 38.

Tudalen 42, llinell 33, hepgorer adran 38.

Carl Sargeant

40

Section 38, page 43, line 5, leave out subsection (2) and insert –

- ‘(2) The regulations may also make provision about whether the functions of a hazardous substances authority under the Planning (Hazardous Substances) Act 1990 (c. 10) are to be exercisable in relation to any part of a National Park included in such a united district by the joint planning board for the united district or by the National Park authority for the Park.
- (3) Regulations under this section may –
- (a) make different provision for different purposes and different cases;
 - (b) make incidental, supplementary, consequential, transitory, transitional and saving provision.
- (4) Regulations under this section may amend or otherwise modify –
- (a) any enactment contained in, or made under, the planning Acts or PCPA 2004;
 - (b) any other enactment relating to functions exercisable by or in relation to local planning authorities;
 - (c) any enactment relating to National Parks or to functions exercisable by or in relation to National Park authorities.
- (5) Regulations under this section may make provision for a function to be exercisable by or in relation to another person instead of, or as well as, any person by or in relation to whom the function would otherwise be exercisable.’

Adran 38, tudalen 43, llinell 5, hepgorer is-adran (2) a mewnosoder –

- ‘(2) Caiff y rheoliadau hefyd wneud darpariaeth ynghylch a yw swyddogaethau awdurdod sylweddau peryglus o dan Ddeddf Cynllunio (Sylweddau Peryglus) 1990 (p. 10) i fod yn arferadwy mewn perthynas ag unrhyw ran o Barc Cenedlaethol sydd wedi ei chynnwys mewn dosbarth unedig o’r fath gan y bwrdd cydgynllunio ar gyfer y dosbarth unedig neu gan yr awdurdod Parc Cenedlaethol ar gyfer y Parc.
- (3) Caiff rheoliadau o dan yr adran hon –
- (a) gwneud darpariaeth wahanol at ddibenion gwahanol ac ar gyfer achosion gwahanol;
 - (b) gwneud darpariaeth gysylltiedig, atodol, ganlyniadol, ddarfodol, drosiannol ac arbed.
- (4) Caiff rheoliadau o dan yr adran hon ddiwygio neu fel arall addasu –
- (a) unrhyw ddeddfiad sydd wedi ei gynnwys yn y Deddfau cynllunio neu DCPHG 2004, neu sydd wedi ei gynnwys ynddynt;
 - (b) unrhyw ddeddfiad arall sy’n ymwneud â swyddogaethau sy’n arferadwy gan awdurdodau cynllunio lleol neu mewn perthynas â hwy;
 - (c) unrhyw ddeddfiad sy’n ymwneud â Pharciau Cenedlaethol neu â swyddogaethau

sy'n arferadwy gan awdurdodau Parc Cenedlaethol neu mewn perthynas â hwy.

- (5) Caiff rheoliadau o dan yr adran hon wneud darpariaeth bod swyddogaeth yn arferadwy gan berson arall neu mewn perthynas â pherson arall yn hytrach nag, neu yn ogystal ag, unrhyw berson y byddai'r swyddogaeth yn arferadwy ganddo neu mewn perthynas ag ef fel arall. '.

Carl Sargeant

41

Section 38, page 43, line 10, after 'section', insert –

“enactment” means a provision contained in any of the following (whenever enacted or made) –

- (a) an Act of Parliament;
- (b) an Act or Measure of the National Assembly for Wales;
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (c. 30) (including subordinate legislation made under an Act of Parliament or under an Act or Measure of the National Assembly for Wales);'.

Adran 38, tudalen 43, llinell 10, ar ôl 'hon,', mewnosoder –

'ystyr “deddfiad” yw darpariaeth sydd wedi ei chynnwys yn unrhyw un neu ragor o'r canlynol (pryd bynnag y'u deddfwyd neu y'u gwnaed) –

- (a) Deddf Seneddol;
- (b) Deddf neu Fesur Cynulliad Cenedlaethol Cymru;
- (c) is-ddeddfwriaeth o fewn ystyr Deddf Dehongli 1978 (p. 30) (gan gynnwys is-ddeddfwriaeth a wnaed o dan Ddeddf Seneddol neu o dan Ddeddf neu Fesur Cynulliad Cenedlaethol Cymru);'.

Carl Sargeant

42

To insert a new section –

[] Joint planning boards: power to make consequential and supplementary provision

- (1) Section 9 of TCPA 1990 (power to make consequential and supplementary provision about planning authorities) is amended as follows.
- (2) The existing provision becomes subsection (1) of that section.
- (3) After that subsection insert –

“(2) The provision consequential upon or supplementary to section 2 that may be made by the Welsh Ministers under this section includes provision amending or otherwise modifying –

- (a) any enactment contained in, or made under, the planning Acts or the Planning and Compulsory Purchase Act 2004;
- (b) any other enactment relating to functions exercisable by or in

relation to local planning authorities;

- (c) any other enactment relating to functions exercisable by local authorities of any description in connection with the development of land.”.

I fewnosod adran newydd –

[] Byrddau cydgynllunio: pŵer i wneud darpariaeth ganlyniadol ac atodol

- (1) Mae adran 9 o DCGTh 1990 (pŵer i wneud darpariaeth ganlyniadol ac atodol ynghylch awdurdodau cynllunio) wedi ei diwygio fel a ganlyn.
- (2) Daw’r ddarpariaeth bresennol yn is-adran (1) o’r adran honno.
- (3) Ar ôl yr is-adran honno mewnosoder –

“(2) The provision consequential upon or supplementary to section 2 that may be made by the Welsh Ministers under this section includes provision amending or otherwise modifying –

- (a) any enactment contained in, or made under, the planning Acts or the Planning and Compulsory Purchase Act 2004;
- (b) any other enactment relating to functions exercisable by or in relation to local planning authorities;
- (c) any other enactment relating to functions exercisable by local authorities of any description in connection with the development of land.”.

Llyr Gruffydd

54

Gyda chefnogaeth/ Supported by: Russell George

To insert a new section –

[] Community right of appeal: Major development

- (1) After section 78 of the TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) insert –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission for major development.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
 - (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds

- of those voting,
- (d) The Welsh Language Commissioner,
 - (e) The Future Generations Commissioner, and
 - (f) any person who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this section.
- (4) In this section –
- “major development” has the meaning given to it by Section 2 of the Town and Country Planning (Development Management Procedure) Order (Wales) 2012.”.

I fewnosod adran newydd –

[] **Hawl cymuned i apelio: Datblygiadau mawr**

- (1) Ar ôl adran 78 o DCGTh 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o’r fath) mewnosoder –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission for major development.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting,
 - (d) The Welsh Language Commissioner,
 - (e) The Future Generations Commissioner, and
 - (f) any person who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this section.
- (4) In this section –
- “major development” has the meaning given to it by Section 2 of the Town and Country Planning (Development Management Procedure) Order (Wales) 2012.”.

Llyr Gruffydd

55

Gyda chefnogaeth / Supported by: Russell George

To insert a new section –

[] **Community right of appeal**

- (1) After section 78 of the TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) insert –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and –
- (a) the development is contrary to the statutory purpose of the planning system as set out in section [new section to be inserted by amendment 1] of this Act,
 - (b) the authority has publicised the application as not being in accordance with the development plan in force in the relevant area,
 - (c) the application is not supported by policies in an emerging development plan,
 - (d) the local planning authority has an interest in the application,
 - (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority’s planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting,
 - (d) The Welsh Language Commissioner,
 - (e) The Future Generations Commissioner, and
 - (f) any person who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this

section.

(4) In this section –

- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
- (b) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
 - (i) “emerging development plan”, and
 - (ii) “interest”.

I fewnosod adran newydd –

[] Hawl cymuned i apelio

- (1) Ar ôl adran 78 o DCGTh 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o’r fath) mewnosoder –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grants an application for planning permission and –
- (a) the development is contrary to the statutory purpose of the planning system as set out in section [*adran newydd a fewnosodir gan welliant 1*] of this Act,
 - (b) the authority has publicised the application as not being in accordance with the development plan in force in the relevant area,
 - (c) the application is not supported by policies in an emerging development plan,
 - (d) the local planning authority has an interest in the application,
 - (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority’s planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting,
 - (d) The Welsh Language Commissioner,

- (e) The Future Generations Commissioner, and
 - (f) any person who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this section.
- (4) In this section –
- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
 - (b) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
 - (i) “emerging development plan”, and
 - (ii) “interest”.

WITHDRAWN/TYNNWYD YN ÔL

Llyr Gruffydd

17

To insert a new section –

[] **Community right of appeal**

After section 78 of the TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) insert –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grant an application for planning permission and –
- (a) the development is contrary to the statutory purpose of the planning system as set out in section [section to be inserted by amendment 1] of this Act.
 - (b) the authority has published a notice designating the application as not being in accordance with the development plan in force in the relevant area or as not being supported by policies in an emerging development plan,
 - (c) the application is a development of national significance in accordance with Section 62D,
 - (d) the local planning authority has an interest in the application,
 - (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority’s planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –

- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting,
 - (d) The Welsh Language Commissioner,
 - (e) The Future Generations Commissioner,
 - (f) any persons who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this section.
- (4) In this section –
- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
 - (b) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
 - (i) “emerging development plan”, and
 - (ii) “interest”.

I fewnosod adran newydd –

[] **Hawl cymuned i apelio**

Ar ol adran 78 o DCGTh 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o’r fath) mewnosoder –

“78ZA Community appeals: Wales

- (1) This section applies where a local planning authority in Wales grant an application for planning permission and –
- (a) the development is contrary to the statutory purpose of the planning system as set out in section [new section to be inserted by ‘Statutory purpose’ amendment] of this Act.
 - (b) the authority has published a notice designating the application as not being in accordance with the development plan in force in the relevant area or as not being supported by policies in an emerging development plan,
 - (c) the application is a development of national significance in accordance with Section 62D,
 - (d) the local planning authority has an interest in the application,

- (e) the application was accompanied by an environmental impact assessment, or
 - (f) the local planning authority's planning officer recommended refusal of planning permission.
- (2) Any of the following may by notice appeal to the Welsh Ministers –
- (a) any ward councillor for the relevant area who lodged an objection to the application with the planning authority,
 - (b) any community council covering or adjoining the relevant area,
 - (c) any overview and scrutiny committee (within the meaning of the Local Government (Wales) Measure 2011) which decides to appeal by a decision taken with a majority of at least two thirds of those voting,
 - (d) The Welsh Language Commissioner,
 - (e) The Future Generations Commissioner,
 - (f) any persons who has lodged a formal objection to the planning application in writing to the planning authority for the relevant area.
- (3) The Welsh Ministers may make regulations about appeals under this section.
- (4) In this section –
- (a) “the relevant area” means the area within which the land to which the development relates is situated, and
 - (b) the following expressions have the meaning given for the purposes of this section by regulations made by the Welsh Ministers –
 - (i) “emerging development plan”, and
 - (ii) “interest”.

Llyr Gruffydd

56

To insert a new section –

‘PART []

NAMING OF PLACES, STREETS AND DWELLINGS IN WALES

[] Naming of places, streets and dwellings in Wales

- (1) The Welsh Ministers must introduce a bill into the Assembly to make provision for the application of planning laws and procedures to the naming of places, streets and dwellings in Wales, and for connected purposes.
- (2) The naming of places, streets and dwellings includes proposals to change their names.

- (3) The bill must make provision to safeguard the national and local heritage of Wales as manifested in the names of places, streets and dwellings. ’.

I fewnosod adran newydd –

‘RHAN []

ENWI LLEOEDD, STRYDOEDD AC ANHEDDAU YNG NGHYMRU

[] Enwi lleoedd, strydoedd ac anheddau yng Nghymru

- (1) Rhaid i Weinidogion Cymru gyflwyno bil gerbron y Cynulliad i wneud darpariaeth ar gyfer cymhwysu cyfreithiau a gweithdrefnau cynllunio i’r broses o enwi lleoedd, strydoedd ac anheddau yng Nghymru, ac at ddibenion cysylltiedig.
- (2) Mae’r broses o enwi lleoedd, strydoedd ac anheddau yn cynnwys cynigion i newid eu henwau.
- (3) Rhaid i’r bil wneud darpariaeth i ddiogelu treftadaeth genedlaethol a lleol Cymru fel y’i hamlygir mewn enwau lleoedd, strydoedd ac anheddau. ’.

Carl Sargeant

59

Section 54, page 52, line 19, leave out subsection (4) and insert –

- ‘(4) The following provisions come into force on such day as the Welsh Ministers appoint by order –
- (a) Part 2;
- (b) Parts 3 to 8, so far as they are not brought into force by subsection 2(b).’.

Adran 54, tudalen 52, llinell 20, hepgorer is-adran (4) a mewnosoder –

- ‘(4) Mae’r darpariaethau a ganlyn yn dod i rym ar y cyfryw ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn –
- (a) Rhan 2;
- (b) Rhannau 3 i 8, i’r graddau nad ydynt yn cael eu dwyn i rym gan is-adran 2(b).’.

Russell George

62

To insert a new schedule –

‘SCHEDULE []
(introduced by section 17)

DEVELOPMENTS OF NATIONAL SIGNIFICANCE

1 In TCPA 1990, after Schedule 4 insert –

0.0

“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

	<p>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 []
 (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.

'.

Llyr Gruffydd

18

Schedule 1, page 53, line 16, leave out –

‘and nominated members (see paragraphs 3 and 4).

(2) The regulations establishing the panel must specify –

- (a) the total number of members of the panel,
- (b) the number of local planning authority members, and
- (c) the number of nominated members.

(3) The number of local planning authority members of the panel –

- (a) must be equal to or greater than the number of constituent local planning authorities, and
- (b) must be two thirds of the total membership of the panel, rounded to the nearest whole number.

(4) The number of nominated members must be one third of the total membership of the panel, rounded to the nearest whole number.’

and insert –

‘equal to or greater than the number of constituent local planning authorities.’.

Atodlen 1, tudalen 53, llinell 16, hepgorer –

‘and nominated members (see paragraphs 3 and 4).

- (2) The regulations establishing the panel must specify –
 - (a) the total number of members of the panel,
 - (b) the number of local planning authority members, and
 - (c) the number of nominated members.
- (3) The number of local planning authority members of the panel –
 - (a) must be equal to or greater than the number of constituent local planning authorities, and
 - (b) must be two thirds of the total membership of the panel, rounded to the nearest whole number.
- (4) The number of nominated members must be one third of the total membership of the panel, rounded to the nearest whole number.’

a mewnosoder –

‘equal to or greater than the number of constituent local planning authorities.’.

Llyr Gruffydd

31

Schedule 1, page 54, line 3, leave out ‘one member is’ and insert ‘two members are’.

Atodlen 1, tudalen 54, llinell 3, hepgorer ‘one member is’ a mewnosoder ‘two members are’.

Llyr Gruffydd

19

Schedule 1, page 54, leave out –

‘Appointment of nominated members

- 4 (1) Each nominated member of a strategic planning panel is to be appointed by the panel, having been nominated by a nominating body in response to a request made by the panel in accordance with this paragraph.
- (2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must

- choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
 - (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
 - (7) If the list of nominating bodies is amended by removing a person—
 - (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);
 - (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.
 - (8) The initial appointments to a strategic planning panel under this paragraph are to be made by the local planning authority members of the panel; and in relation to those appointments, references to anything that must be done by the panel are to be construed accordingly.’.

Atodlen 1, tudalen 54, hepgorer —

‘Appointment of nominated members

- 4 (1) Each nominated member of a strategic planning panel is to be appointed by the panel, having been nominated by a nominating body in response to a request made by the panel in accordance with this paragraph.
- (2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
- (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
- (7) If the list of nominating bodies is amended by removing a person—
 - (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);

- (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.
- (8) The initial appointments to a strategic planning panel under this paragraph are to be made by the local planning authority members of the panel; and in relation to those appointments, references to anything that must be done by the panel are to be construed accordingly.’.

Carl Sargeant

43

Schedule 1, page 54, line 20, leave out –

‘by a nominating body in response to a request made by the panel in accordance with this paragraph.

- (2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
- (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
- (7) If the list of nominating bodies is amended by removing a person –
 - (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);
 - (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.’.

and insert –

‘in response to a request under this paragraph.

- (2) Before appointing a nominated member, a strategic planning panel must make a request for a nomination to a person chosen by the panel (“the nominating body”).
- (3) If the nominating body fails to make a nomination, the panel must make a further request for a nomination to the same person or to another person (who becomes the nominating body for the purposes of this paragraph).
- (4) If the nominating body nominates an individual for appointment to

the strategic planning panel, the panel must appoint that individual as a nominated member of the panel.’.

Atodlen 1, tudalen 54, llinell 20, hepgorer –

‘by a nominating body in response to a request made by the panel in accordance with this paragraph.

- (2) The Welsh Ministers must publish a list of persons who are to be nominating bodies for the purposes of this paragraph.
- (3) Before appointing a nominated member, a strategic planning panel must request a nomination from a nominating body chosen by the panel.
- (4) If the list of nominating bodies is divided into parts, the regulations establishing a strategic planning panel must specify, in relation to each place on the panel, the part of the list from which the panel must choose the nominating body that is requested to make a nomination.
- (5) If a nominating body nominates a person for appointment in response to a request from a strategic planning panel, the panel must appoint that person as a nominated member of the panel.
- (6) The Welsh Ministers may amend the list of nominating bodies by publishing the list as amended.
- (7) If the list of nominating bodies is amended by removing a person –
 - (a) any nomination made by that person is to be disregarded for the purposes of sub-paragraph (5);
 - (b) any member of a strategic planning panel who was appointed on the nomination of that person ceases to hold office.’.

a mewnosoder –

‘in response to a request under this paragraph.

- (2) Before appointing a nominated member, a strategic planning panel must make a request for a nomination to a person chosen by the panel (“the nominating body”).
- (3) If the nominating body fails to make a nomination, the panel must make a further request for a nomination to the same person or to another person (who becomes the nominating body for the purposes of this paragraph).
- (4) If the nominating body nominates an individual for appointment to the strategic planning panel, the panel must appoint that individual as a nominated member of the panel.’.

Carl Sargeant

44

Schedule 1, page 55, leave out lines 1 to 5.

Atodlen 1, tudalen 55, hepgorer llinellau 1 hyd at 5.

Carl Sargeant

45

Schedule 1, page 55, after line 5, insert –

‘Composition of strategic planning panels: further provision

- 5 (1) The Welsh Ministers may by regulations make further provision about the composition of strategic planning panels.
- (2) That provision may include (among other things) provision –
- (a) about the gender balance of strategic planning panels;
 - (b) about steps to be taken by strategic planning panels and constituent local planning authorities with a view to securing compliance with requirements of the regulations relating to the composition of panels (“composition requirements”);
 - (c) for exceptions from composition requirements;
 - (d) about the effect of failure to comply with composition requirements;
 - (e) conferring powers on the Welsh Ministers in respect of such failure.’.

Atodlen 1, tudalen 55, ar ôl llinell 5, mewnosoder –

‘Composition of strategic planning panels: further provision

- 5 (1) The Welsh Ministers may by regulations make further provision about the composition of strategic planning panels.
- (2) That provision may include (among other things) provision –
- (a) about the gender balance of strategic planning panels;
 - (b) about steps to be taken by strategic planning panels and constituent local planning authorities with a view to securing compliance with requirements of the regulations relating to the composition of panels (“composition requirements”);
 - (c) for exceptions from composition requirements;
 - (d) about the effect of failure to comply with composition requirements;
 - (e) conferring powers on the Welsh Ministers in respect of such failure.’.

Llyr Gruffydd

20

Schedule 1, page 55, line 8, leave out ‘and for nominated members of panels’.

Atodlen 1, tudalen 55, llinell 8, hepgorer 'and for nominated members of panels'.

Llyr Gruffydd **21**

Schedule 1, page 56, line 4, leave out 'in the case of a local planning authority member,'.

Atodlen 1, tudalen 56, llinell 4, hepgorer 'in the case of a local planning authority member,'.

Llyr Gruffydd **22**

Schedule 1, page 56, line 8, leave out 'local planning authority' at the second place where it appears.

Atodlen 1, tudalen 56, llinell 8, hepgorer 'local planning authority' yn yr ail le y mae'n ymddangos.

Llyr Gruffydd **23**

Schedule 1, page 56, line 11, leave out 'If a person who is a local planning authority member of a strategic planning panel' and insert 'A member of a strategic planning panel who'.

Atodlen 1, tudalen 56, llinell 11, hepgorer 'If a person who is a local planning authority member of a strategic planning panel' a mewnosoder 'A member of a strategic planning panel who'.

Llyr Gruffydd **24**

Schedule 1, page 56, line 13, leave out ', the person'.

Atodlen 1, tudalen 56, llinell 13, hepgorer ', the person'.

Llyr Gruffydd **25**

Schedule 1, page 57, leave out lines 24 to 25.

Atodlen 1, tudalen 57, hepgorer llinellau 24 hyd at 25.

Llyr Gruffydd **26**

Schedule 1, page 57, line 29, leave out ', which must include at least half of the local planning authority members'.

Atodlen 1, tudalen 57, llinell 29, hepgorer ', which must include at least half of the local planning authority members'.

Carl Sargeant **60**

Schedule 2, page 70, line 34, leave out paragraph 25.

Atodlen 2, tudalen 70, llinell 32, hepgorer paragraff 25.

Carl Sargeant **46**

Schedule 3, page 75, line 8, leave out '13' and insert '14'.

Atodlen 3, tudalen 75, llinell 8, hepgorer '13' a mewnosoder '14'.

Carl Sargeant

47

Schedule 3, page 77, after line 11, insert –

'Power of Welsh Ministers to appoint assessor

- 14 Where an appointed person holds a hearing or inquiry in relation to a relevant application or consent, the Welsh Ministers may appoint an assessor to assist the appointed person at the hearing or inquiry.'''.

Atodlen 3, tudalen 77, ar ôl llinell 11, mewnosoder –

'Power of Welsh Ministers to appoint assessor

- 14 Where an appointed person holds a hearing or inquiry in relation to a relevant application or consent, the Welsh Ministers may appoint an assessor to assist the appointed person at the hearing or inquiry.'''.

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]'

Carl Sargeant

48

Schedule 7, page 91, after line 5, insert –

- ‘(a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;’.

Atodlen 7, tudalen 91, ar ôl llinell 5, mewnosoder –

- ‘(a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;’.

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’.

Carl Sargeant

57

Section 1, page 1, after line 12, insert –

- ‘(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.’.

Adran 1, tudalen 1, ar ôl llinell 12, mewnosoder –

- ‘(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.’.

Carl Sargeant

32

Section 1, page 2, line 12, after ‘management’, insert ‘and associated matters’.

Adran 1, tudalen 2, llinell 13, ar ôl ‘datblygu’, mewnosoder ‘a materion cysylltiedig’.

Carl Sargeant

33

Section 1, page 2, line 25, after ‘paths’, insert –

- ‘(c) makes provision about the functions of joint planning boards and about the power of the Welsh Ministers to establish joint planning boards’.

Adran 1, tudalen 2, ar ôl llinell 28, mewnosoder –

- ‘(c) yn gwneud darpariaeth ynghylch swyddogaethau byrddau cydgynllunio ac ynghylch pŵer Gweinidogion Cymru i sefydlu byrddau cydgynllunio.’.