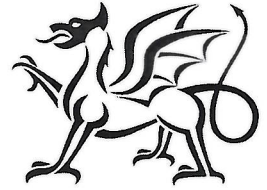


Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: Petition P-05-843
Ein cyf/Our ref LG/01762/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
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September 2018

Dear David,

Thank you for your letter of 14 September, seeking my views on a petition by Emma Eynon calling on the Welsh Government to introduce legislation to grant more rights for third parties to appeal planning decisions.

Under the current planning system, the applicant and the local planning authority are the main parties to an appeal and any other interested parties which includes the local community, are classed as a third party. Whilst the planning system gives third parties the opportunity to make representations to the planning authority before it takes its decision, and to make representations as a third party at planning appeals, it does not give them a right of appeal against the planning authority's decision.

The issue of third party rights of appeal has been the subject of significant discussion for some years and has been raised in responses to consultation exercises carried out in relation to changes to the development management system.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

An Independent Advisory Group (IAG), set up by the Welsh Government to advise on the need for change to Welsh planning legislation, whose findings informed the Planning (Wales) Act 2015, considered third party rights of appeal in detail. Following extensive evidence gathering, including a dedicated round table discussion with stakeholders it unanimously concluded the significant risk of overburdening the planning system did not justify any benefits to be gained from introducing third party rights of appeal. Instead, the IAG identified improved public engagement in Local Development Plan preparation and formal pre application community consultation for major planning applications as more appropriate community engagement mechanisms.

Provisions relating to third party right of appeal were, therefore, not included in the Planning Bill. During the passage of the Bill through the Assembly an amendment was proposed to introduce third party rights of appeal. The Assembly debated the proposed amendment and voted not to include the provisions in the legislation. The Planning (Wales) Act 2015 makes provision for Pre Application Community Consultation as recommended by the IAG which was brought into force on 16 March 2016 by the Town and Country Planning (Development Management Procedure) (Wales)(Amendment) Order 2016.

Since that time no persuasive evidence has emerged to suggest the introduction of a third party right of appeal would be a step forward or an improvement in the planning system. We remain of the view, therefore, it would not be appropriate to introduce such changes to the planning appeals process. Ensuring we have up to date LDPs which have been subject to comprehensive public engagement is the best way to ensure the rights of all groups are taken into account when planning decisions are made.

Regards
Lesley

Lesley Griffiths AC/AM

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Cabinet Secretary for Energy, Planning and Rural Affairs