



## HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 11 Chwefror 2015  
Tabled on 11 February 2015

Bil Cynllunio (Cymru)  
Planning (Wales) Bill

**Carl Sargeant**

**1**

Section 2, page 4, after line 11, insert—

- ‘(2) 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.’.

Adran 2, tudalen 4, ar ôl llinell 11, mewnosoder—

- ‘(2) 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.’.

**Carl Sargeant**

**2**

Section 5, page 10, after line 7, insert—

- ‘(8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the strategic planning area.’.

Adran 5, tudalen 10, ar ôl llinell 7, mewnosoder—

- ‘(8) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the strategic planning area.’.

**Carl Sargeant**

3

To insert a new section –

**[ ] Welsh language**

- (1) PCPA 2004 is amended as follows.
- (2) In section 61 (survey), in subsection (2)(a), after “area of the authority” insert “(including the extent to which the Welsh language is used in the area)”.
- (3) In section 62 (local development plan), after subsection (6) (sustainability appraisal), insert –

“(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.”.

I fewnosod adran newydd –

**[ ] Y Gymraeg**

- (1) Mae DCPhG 2004 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 61 (arolwg), yn is-adran (2)(a), ar ôl “area of the authority” mewnosoder “(including the extent to which the Welsh language is used in the area)”.
- (3) Yn adran 62 (cynllun datblygu lleol), ar ôl is-adran (6) (arfarniad o gynaliadwyedd), mewnosoder –

“(6A) The appraisal must include an assessment of the likely effects of the plan on the use of the Welsh language in the area of the authority.”.

**Carl Sargeant**

4

Page 28, line 23, leave out section 22.

Tudalen 28, llinell 23, hepgorer adran 22.

**Carl Sargeant**

5

Schedule 1, page 52, line 20, leave out ‘by a nominating body in response to a request made by the panel in accordance with’ and insert ‘in response to a request under’.

Atodlen 1, tudalen 52, llinell 20, hepgorer ‘by a nominating body in response to a request made by the panel in accordance with’ a mewnosoder ‘in response to a request under’.

**Carl Sargeant**

6

Schedule 1, page 52, line 23, leave out –

- (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.'

and insert –

- (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 52, llinell 23, hepgorer –

- (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.'

a mewnosoder –

- '(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** 7

Schedule 1, page 55, after line 22, insert –

*‘Voting rights*

- 12 A nominated member of a strategic planning panel is not entitled to vote at meetings of the panel or any of its committees.’.

Atodlen 1, tudalen 55, ar ôl llinell 22, mewnosoder –

*‘Voting rights*

- 12 A nominated member of a strategic planning panel is not entitled to vote at meetings of the panel or any of its committees.’.

**Carl Sargeant** 8

Schedule 1, page 55, line 26, after ‘panel’, insert ‘, which must include at least half of the local planning authority members’.

Atodlen 1, tudalen 55, llinell 26, ar ôl ‘panel’, mewnosoder ‘, which must include at least half of the local planning authority members’.

**Carl Sargeant** 9

Schedule 1, page 55, leave out lines 27 to 29.

Atodlen 1, tudalen 55, hepgorer llinellau 27 hyd at 29.

**Carl Sargeant** 10

Schedule 1, page 56, at the beginning of line 1, insert ‘Access to’.

Atodlen 1, tudalen 56, ar ddechrau llinell 1, mewnosoder ‘Access to’.

**Carl Sargeant** 11

Schedule 4, page 79, after line 27, insert –

‘20 (1) Section 319B (determination of procedure for certain proceedings) is amended as follows.

(2) After subsection (5) insert –

“(5A) In a case where an application has been made to the Welsh Ministers under section 62D, 62L or 62M, they must also notify any representative persons they consider appropriate.”

(3) In subsection (7), before paragraph (a) insert –

“(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;

(zb) an application made to the Welsh Ministers under section 62L or 62M;”.

(4) After subsection (8) insert –

“(8A) For the purposes of this section as it applies where an application has been made to the Welsh Ministers under section 62D, 62L or 62M –

“the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;

“representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;

“interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.”.

Atodlen 4, tudalen 79, ar ôl llinell 27, mewnosoder –

‘20 (1) Mae adran 319B (pennu’r weithdrefn ar gyfer achosion penodol) wedi ei diwygio fel a ganlyn.

(2) Ar ôl is-adran (5) mewnosoder –

“(5A) In a case where an application has been made to the Welsh Ministers under section 62D, 62L or 62M, they must also notify any representative persons they consider appropriate.”

(3) Yn is-adran (7), cyn paragraff (a) mewnosoder –

“(za) an application made to the Welsh Ministers under section 62D, including proceedings relating to any secondary consent in respect of which, by virtue of its connection to that application, section 62F(2) applies;

(zb) an application made to the Welsh Ministers under section 62L or 62M;”.

(4) Ar ôl is-adran (8) mewnosoder –

“(8A) For the purposes of this section as it applies where an application has been made to the Welsh Ministers under section 62D, 62L or 62M –

“the local planning authority” means the local planning authority to which, but for the section in question, the application would have been made;

“representative persons” are prescribed persons, or persons of a prescribed description, who appear to the Welsh Ministers to be representative of interested persons;

“interested persons” are persons, other than the applicant and the local planning authority, who appear to the Welsh Ministers to have an interest in the proceedings.”.

**Carl Sargeant**

**12**

Schedule 5, page 82, line 28, leave out paragraph 13 and insert –

- ‘13 (1) Section 322 is amended as follows.
- (2) Omit subsection (1AA).
  - (3) In subsection (2), after “proceedings” insert “in England”.
  - (4) In the heading, after “held” insert “: England”.’.

Atodlen 5, tudalen 82, llinell 28, hepgorer paragraff 13 a mewnosoder –

- ‘13 (1) Mae adran 322 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer is-adran (1AA).
  - (3) Yn is-adran (2), ar ôl “proceedings” mewnosoder “in England”.
  - (4) Yn y pennawd, ar ôl “held” mewnosoder “: England”.’.

**Carl Sargeant**

**13**

Schedule 5, page 82, line 29, leave out paragraph 14 and insert –

- ‘14 (1) Section 322A is amended as follows.
- (2) In subsection (1)(a), after “proceedings” insert “in England”.
  - (3) Omit subsection (1B).’.

Atodlen 5, tudalen 82, llinell 29, hepgorer paragraff 14 a mewnosoder –

- ‘14 (1) Mae adran 322A wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1)(a), ar ôl “proceedings” mewnosoder “in England”.
  - (3) Hepgorer is-adran (1B).’.

**Carl Sargeant**

**14**

Schedule 5, page 82, after line 31, insert –

- ‘(3) Omit subsection (1B).’.

Atodlen 5, tudalen 82, ar ôl llinell 31, mewnosoder –

- ‘(3) Hepgorer is-adran (1B).’.

**Carl Sargeant**

15

Schedule 5, page 83, line 26, leave out 'In section 89, in subsection (1) –' and insert –

- '(1) Section 89 is amended as follows.
- (2) In subsection (1) –
  - (a) in the entry relating to section 322, after "held" insert ": England";'

Atodlen 5, tudalen 83, llinell 27, hepgorer 'Yn adran 89, yn is-adran (1) –' a mewnosoder –

- '(1) Mae adran 89 wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1) –
  - (a) yn yr eitem sy'n ymwneud ag adran 322, ar ôl "held" mewnosoder ": England";'

**Carl Sargeant**

16

Schedule 5, page 83, after line 31, insert –

- '(3) Omit subsection (1ZB).'

Atodlen 5, tudalen 83, ar ôl llinell 33, mewnosoder –

- '(3) Hepgorer is-adran (1ZB).'

**Carl Sargeant**

17

Schedule 5, page 84, line 7, leave out 'In section 37, in subsection (2) –' and insert –

- '(1) Section 37 is amended as follows.
- (2) In subsection (2) –
  - (a) in the entry relating to section 322, after "held" insert ": England";'

Atodlen 5, tudalen 84, llinell 7, hepgorer 'Yn adran 37, yn is-adran (2) –' a mewnosoder –

- '(1) Mae adran 37 wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2) –
  - (a) yn yr eitem sy'n ymwneud ag adran 322, ar ôl "held" mewnosoder ": England";'

**Carl Sargeant**

18

Schedule 5, page 84, after line 12, insert –

- '(3) Omit subsection (4).'

Atodlen 5, tudalen 84, ar ôl llinell 13, mewnosoder –

- '(3) Hepgorer is-adran (4).'



Carl Sargeant

19

Schedule 6, page 85, line 6, leave out the table and insert –

<i>Trigger events</i>	<i>Terminating events</i>
<p>1. An application for planning permission for development of the land is granted under the 1990 Act, or a direction that planning permission for development of the land is deemed to be granted is given under section 90 of that Act.</p>	<p>(a) Where the planning permission is subject to a condition that the development to which it relates must be begun within a particular period, that period expires without the development having been begun.</p> <p>(b) On the expiry of the period specified in a completion notice, the planning permission ceases to have effect in relation to the land by virtue of section 95(4) of the 1990 Act.</p> <p>(c) An order made by the local planning authority or the Welsh Ministers under section 97 of the 1990 Act revokes the planning permission or modifies it so that it does not apply in relation to the land.</p> <p>(d) The planning permission is quashed by a court.</p>
<p>2. A local development order which grants planning permission for operational development of the land is adopted for the purposes of paragraph 3 of Schedule 4A to the 1990 Act.</p>	<p>(a) The permission granted by the order for operational development of the land ceases to apply by virtue of a condition or limitation specified in the order under section 61C(1) of the 1990 Act.</p> <p>(b) A direction is issued under powers conferred by the order under section 61C(2) of the 1990 Act, with the effect that the grant of permission by the order does not apply to operational development of the land.</p> <p>(c) The order is revised under paragraph 2 of Schedule 4A to the 1990 Act so that it does not grant planning permission for operational development of the land.</p> <p>(d) The order is revoked under section 61A(6) or 61B(8) of the 1990 Act.</p>

	(e) The order is quashed by a court.
3. An order granting development consent for development of the land is made under section 114 of the 2008 Act.	(a) The order granting development consent ceases to have effect by virtue of section 154(2) of the 2008 Act. (b) An order made by the Secretary of State under paragraph 2 or 3 of Schedule 6 to the 2008 Act changes the order granting development consent so that it does not apply in relation to the land. (c) An order made by the Secretary of State under paragraph 3 of Schedule 6 to the 2008 Act revokes the order granting development consent. (d) The order granting development consent is quashed by a court.

Atodlen 6, tudalen 85, llinell 6, hepgorer y tabl a mewnosoder –

<i>Trigger events</i>	<i>Terminating events</i>
1. An application for planning permission for development of the land is granted under the 1990 Act, or a direction that planning permission for development of the land is deemed to be granted is given under section 90 of that Act.	(a) Where the planning permission is subject to a condition that the development to which it relates must be begun within a particular period, that period expires without the development having been begun. (b) On the expiry of the period specified in a completion notice, the planning permission ceases to have effect in relation to the land by virtue of section 95(4) of the 1990 Act. (c) An order made by the local planning authority or the Welsh Ministers under section 97 of the 1990 Act revokes the planning permission or modifies it so that it does not apply in relation to the land. (d) The planning permission is quashed by a court.

<p>2. A local development order which grants planning permission for operational development of the land is adopted for the purposes of paragraph 3 of Schedule 4A to the 1990 Act.</p>	<p>(a) The permission granted by the order for operational development of the land ceases to apply by virtue of a condition or limitation specified in the order under section 61C(1) of the 1990 Act.</p> <p>(b) A direction is issued under powers conferred by the order under section 61C(2) of the 1990 Act, with the effect that the grant of permission by the order does not apply to operational development of the land.</p> <p>(c) The order is revised under paragraph 2 of Schedule 4A to the 1990 Act so that it does not grant planning permission for operational development of the land.</p> <p>(d) The order is revoked under section 61A(6) or 61B(8) of the 1990 Act.</p> <p>(e) The order is quashed by a court.</p>
<p>3. An order granting development consent for development of the land is made under section 114 of the 2008 Act.</p>	<p>(a) The order granting development consent ceases to have effect by virtue of section 154(2) of the 2008 Act.</p> <p>(b) An order made by the Secretary of State under paragraph 2 or 3 of Schedule 6 to the 2008 Act changes the order granting development consent so that it does not apply in relation to the land.</p> <p>(c) An order made by the Secretary of State under paragraph 3 of Schedule 6 to the 2008 Act revokes the order granting development consent.</p> <p>(d) The order granting development consent is quashed by a court.</p>

**Carl Sargeant**

20

Schedule 6, page 90, leave out lines 22 to 23.

Atodlen 6, tudalen 90, hepgorer llinellau 22 hyd at 23.

**Carl Sargeant** 21

Schedule 6, page 90, leave out lines 25 to 31.

Atodlen 6, tudalen 90, hepgorer llinellau 25 hyd at 31.

**Carl Sargeant** 22

Schedule 6, page 90, line 33, leave out '11' and insert '2'.

Atodlen 6, tudalen 90, llinell 33, hepgorer '11' a mewnosoder '2'.

**Carl Sargeant** 23

Schedule 7, page 93, after line 8, insert –

'(2) In subsection (4), after "power" insert "of the Secretary of State".'

Atodlen 7, tudalen 93, ar ôl llinell 9, mewnosoder –

'(2) Yn is-adran (4), ar ôl "power" mewnosoder "of the Secretary of State".'

**Carl Sargeant** 24

Schedule 7, page 93, line 9, leave out 'After subsection (4) insert' and insert 'For subsection (4A) substitute'.

Atodlen 7, tudalen 93, llinell 10, hepgorer 'Ar ôl is-adran (4) mewnosoder' a mewnosoder 'Yn lle is-adran (4A) rhodder'.

**Carl Sargeant** 25

Schedule 7, page 93, line 10, leave out 'an order under section 293(1)(c)' and insert 'development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9)'.

Atodlen 7, tudalen 93, llinell 11, hepgorer 'an order under section 293(1)(c)' a mewnosoder 'development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9)'.

**Carl Sargeant** 26

Schedule 7, page 93, line 32, after '293(1)(c)', insert 'or 319B(9)'.

Atodlen 7, tudalen 93, llinell 33, ar ôl '293(1)(c)', mewnosoder 'or 319B(9)'.

**Carl Sargeant** 27

Schedule 7, page 94, after line 7, insert –

'(5) In section 319B (determination of procedure for certain proceedings), omit subsection (11)'.

Atodlen 7, tudalen 94, ar ôl llinell 7, mewnosoder –

'(5) Yn adran 319B (pennu'r weithdrefn ar gyfer achosion penodol), hepgorer is-adran (11)'.