



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 22 Ebrill 2015
Tabled on 22 April 2015

Bil Cynllunio (Cymru)
Planning (Wales) Bill

- 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 line 25, 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.’
- Carl Sargeant** 34
Section 14, page 17, line 14, 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.”.

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’.

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.’.

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.
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- (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.’

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 cydgynllunio 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.”’

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.”.

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.’

a

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.’.

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.’.

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;’.

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.’.

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;’.

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.’.

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.”.