



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 24 Ebrill 2015
Tabled on 24 April 2015

Bil Cynllunio (Cymru)
Planning (Wales) Bill

Llyr Huws Gruffydd

54

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 –

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Llyr Huws Gruffydd

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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 –

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

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- (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,
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- (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 Huws 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 NGHYMURU

[] Enwi lleoedd, strydoedd ac anheddau yng Nghymru

- (1) Rhaid i Weinidogion Cymru gyflwyno bil gerbron y Cynulliad i wneud darpariaeth ar gyfer cymhwyso 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

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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

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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 Deddf 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).’.

Carl Sargeant

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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).’.

Carl Sargeant

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

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