



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

# Cofnod y Trafodion The Record of Proceedings

## Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

## The Constitutional and Legislative Affairs Committee

17/10/2016

Agenda'r Cyfarfod

Meeting Agenda

Trawsgrifiadau'r Pwyllgor

Committee Transcripts

**Cynnwys**  
**Contents**

- 3 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant  
Introduction, Apologies, Substitutions and Declarations of Interest
- 4 Offerynnau nad Ydynt yn Cynnwys Unrhyw Faterion i'w Codi o dan  
Reol Sefydlog 21.2 neu 21.3 Instruments that Raise No Reporting  
Issues under Standing Order 21.2 or 21.3
- 4 Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad arnynt i'r  
Cynulliad o dan Reol Sefydlog 21.2 neu 21.3 Instruments that Raise  
Issues to be Reported to the Assembly under Standing Order 21.2 or  
21.3
- 6 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd  
o'r Cyfarfod Motion under Standing Order 17.42 to Resolve to Exclude  
the Public from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Nathan Gill <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Annibynnol Independent
Huw Irranca–Davies <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
David Melding <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Ceidwadwyr Cymreig Welsh Conservatives

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Siân Giddins	Dirprwy Clerc Deputy Clerk
Gareth Howells	Uwch–gynghorydd Cyfreithiol Senior Legal Adviser
Dr Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Williams	Clerc Clerk

*Dechreuodd y cyfarfod am 14:30.*  
*The meeting began at 14:30.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant**  
**Introduction, Apologies, Substitutions and Declarations of Interest**

[1] **Huw Irranca–Davies:** Good afternoon, prynhawn da, and welcome to this afternoon's session of the Constitutional and Legislative Affairs Committee. We have both a public and a private session today. So, welcome to the committee members. If we can begin with the items in front of us, item No. 1 is apologies and declarations of interest. We don't have apologies, and we have our three Members here at the moment.

**Offerynnau nad Ydynt yn Cynnwys Unrhyw Faterion i'w Codi o dan Reol Sefydlog 21.2 neu 21.3**

**Instruments that Raise No Reporting Issues under Standing Order 21.2 or 21.3**

[2] **Huw Irranca-Davies:** Item No. 2, instruments that raise no reporting issues under Standing Order 21.2 or 21.3. We have a negative resolution instrument. It's a statutory instrument with a clear report—SL(5)017 Mobile Homes (Wales) Act 2013 (Consequential Provisions) Order 2016. Do we have any remarks on this, Gareth, before we open to Members? No, none.

[3] **David Melding:** Content.

[4] **Nathan Gill:** Me too.

[5] **Huw Irranca-Davies:** Thank you very much.

14:31

**Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3**

**Instruments that Raise Issues to be Reported to the Assembly under Standing Order 21.2 or 21.3**

[6] **Huw Irranca-Davies:** So, on to item No. 3, instruments that raise issues to report to the Assembly under Standing Order 21.2 or 21.3. We have a negative resolution instrument, SL(5)018 the Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2016. Now, I think Gwyn was going to say something on this, but Gareth will. Gareth, you want to make a few comments on this particular statutory instrument.

[7] **Mr Howells:** Just to note that the Welsh Ministers have an option here on the procedure to use for these—affirmative or negative. Given the nature of these regulations and the type of regulations we've seen in the past, we agreed that the negative resolution is appropriate.

[8] **Huw Irranca-Davies:** Thank you for that. Any comments from our committee members?

[9] **Nathan Gill:** Yes. On page 10, under point 5 'Consultation', whilst there's general support from the consultees, what evidence was there to determine that a four-week extension was sufficient?

[10] **Mr Howells:** I can give a bit of background around this. Under these regs, if you submit a planning application and you amend that application before it's determined, the local planning authority's given an extra four-week period to determine the application. As you say, the explanatory memorandum says there has been consultation and there's been general support. I've dug around a little bit deeper, and there was a consultation document on this. In its response to the evidence received, the Welsh Government stated,

[11] 'With regard to the proposed four week time extension, 83 per cent of respondents agreed that the additional time should be provided to LPAs',

[12] local planning authorities. Also, Welsh Government considers that all amendments should be minor, because it states it's working on the basis that, for major applications, all issues should have been resolved before the application is submitted. So, the Welsh Government has made a policy decision here that four weeks is a reasonable extension to consider what should be minor amendments to applications, and therefore it has decided, as a policy decision, not to conduct a regulatory impact assessment for this specific extension. We can dig around a bit more as to what the consultation responses were actually setting out, if it's helpful for the committee.

[13] **Huw Irranca-Davies:** Are you content?

[14] **Nathan Gill:** Yes, I'm content.

[15] **Huw Irranca-Davies:** Any other comments or queries? No.

[16] I notice that there's one very minor issue within the explanatory memorandum. There seems to be—if I can find the correct one now; thank you—in paragraph 1.3 a minor and a piffling little thing, but it seems that they need to update that where it says

[17] 'Error! Reference source not found'.

[18] Clearly, there needs to be the reference within that, so perhaps we can just indicate that back to the Cabinet Secretary, that that just needs to be

amended. We don't want people in future looking to that and finding that the source still isn't there.

[19] Good. In that case, with those two items having been considered, there are no other SIs to consider today.

14:34

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd  
o'r Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public  
from the Meeting**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu that the committee resolves to  
gwahardd y cyhoedd o weddill y exclude the public from the  
cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in  
17.42(vi).*

*accordance with Standing Order  
17.42(vi).*

*Cynigiwyd y cynnig.*

*Motion moved.*

[20] **Huw Irranca-Davies:** If Members are content, we'll now move into private session, and if I could ask for the gallery to be cleared.

*Derbyniwyd y cynnig.*

*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:34.*

*The public part of the meeting ended at 14:34.*