



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Y Pwyllgor Amgylchedd a Chynaliadwyedd  
The Environment and Sustainability Committee**

**Dydd Iau, 27 Tachwedd 2014  
Thursday, 27 November 2014**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, a transcription of the simultaneous interpretation is included.

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

|                     |  |
|---------------------|--|
| Mick Antoniw        | Llafur<br>Labour   |
| Jeff Cuthbert       | Llafur<br>Labour   |
| Russell George      | Ceidwadwyr Cymreig<br>Welsh Conservatives                                  |
| Llyr Gruffydd       | Plaid Cymru<br>The Party of Wales  |
| Alun Ffred Jones    | Plaid Cymru (Cadeirydd y Pwyllgor)<br>The Party of Wales (Committee Chair) |
| Julie Morgan        | Llafur<br>Labour   |
| William Powell      | Democratiaid Rhyddfrydol Cymru<br>Welsh Liberal Democrats                  |
| Jenny Rathbone      | Llafur<br>Labour   |
| Antoinette Sandbach | Ceidwadwyr Cymreig<br>Welsh Conservatives                                  |
| Joyce Watson        | Llafur<br>Labour   |

**Eraill yn bresennol**  
**Others in attendance**

|                 |   |
|-----------------|---|
| Eifion Bowen    | Pennaeth Cynllunio, Cyngor Sir Gaerfyrddin<br>Head of Planning, Carmarthenshire Council   |
| Martin Buckle   | Aelod o Awdurdod Parc Cenedlaethol Bannau Brycheiniog<br>Member of Brecon Beacons National Park Authority   |
| Lyn Cadwallader | Prif Weithredwr, Un Llais Cymru<br>Chief Executive, One Voice Wales   |
| Jonathan Cawley | Cyfarwyddwr Cynllunio a Threftadaeth Ddiwylliannol,<br>Awdurdod Parc Cenedlaethol Eryri<br>Director of Planning and Cultural Heritage, Snowdonia<br>National Park Authority         |
| Andrew Charles  | Pennaeth Datblygu Cynaliadwy<br>Head of Sustainable Development   |
| Mike Cuddy      | Is-gadeirydd Un Llais Cymru ac Arweinydd Cyngor Tref<br>Penarth<br>Vice Chair, One Voice Wales and Leader of Penarth Town<br>Council  |
| Aled Davies     | Pennaeth yr Adran Rheoleiddio, Cyngor Gwynedd<br>Head of Regulatory Department, Gwynedd Council   |
| Sarah Dawson    | Gwasanaethau Cyfreithiol<br>Legal Services  |
| Paul Egan       | Dirprwy Brif Weithredwr, Un Llais Cymru<br>Deputy Chief Executive, One Voice Wales  |
| Jane Gibson     | Cyfarwyddwr Cynllunio a Chyfeiriad y Parc, Awdurdod Parc<br>Cenedlaethol Arfordir Penfro<br>Director of Park Direction and Planning, Pembrokeshire Coast<br>National Park Authority |

|   |   |
|---|---|
| Louise Gibson   | Cyfreithiwr<br>Lawyer   |
| Marcus Goldsworthy                                    | Rheolwr Gweithredu Rheoli Datblygu, Cyngor Bro<br>Morgannwg<br>Operational Manager Development Control, Vale of<br>Glamorgan Council  |
| Neil Hemington  | Prif Gynllunydd<br>Chief Planner  |
| Y Cyngorydd/Councillor<br>Giles Howard<br>Amelia John | Aelod Cabinet, Cyngor Sir Fynwy<br>Cabinet Member, Monmouthshire County Council<br>Diprwy Gyfarwyddwr, Is-adran Dyfodol Tecach<br>Deputy Director, Fairer Futures Division        |
| Jane Lee  | Swyddog polisi, Cymdeithas Llywodraeth Leol Cymru<br>Policy Officer, Welsh Local Government Association   |
| Y Cyngorydd/Councillor<br>Andrew Morgan               | Arweinydd Cyngor Bwrdeistref Sirol Rhondda Cynon Taf a<br>Llefarydd CLILC ar Gynllunio<br>Leader of Rhondda Cynon Taf County Borough Council and<br>WLGA Spokesperson on Planning |
| Carl Sargeant AC/AM                                   | Y Gweinidog Cyfoeth Naturiol, Yr Aelod sy'n Gyfrifol<br>Minister for Natural Resources, Member in Charge  |
| Dion Thomas   | Uwch-reolwr y Bil Cynllunio<br>Senior Planning Bill Manager   |
| John Wyn Williams                                     | Aelod Cabinet ar gyfer cynllunio, Cyngor Gwynedd<br>Cabinet Member for Planning, Gwynedd Council  |

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

|                 |  |
|-----------------|--|
| Alun Davidson   | Clerc<br>Clerc                           |
| Gwyn Griffiths  | Cyngorydd Cyfreithiol<br>Legal Adviser   |
| Elfyn Henderson | Y Gwasanaeth Ymchwil<br>Research Service |
| Peter Hill      | Dirprwy Glerc<br>Deputy Clerk            |
| Lisa Salkeld    | Cyngorydd Cyfreithiol<br>Legal Adviser   |
| Graham Winter   | Y Gwasanaeth Ymchwil<br>Research Service |

*Dechreuodd y cyfarfod am 09:14.*

*The meeting began at 09:14.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Alun Ffred Jones:** Croeso i **Alun Ffred Jones:** Welcome to the Bwyllgor Amgylchedd a Chynaliadwyedd y Cynulliad. Croeso i chi gyd. Os bydd larwm tân, dilynwch yr ystlyswyr allan. Gofynnaf i bawb ddiffodd eu ffonau symudol os gwelwch yn dda. Cofiwch ein bod yn gweithredu'n ddwyieithog ac felly bod hawl i Environment and Sustainability Committee of the Assembly. Welcome to you all. If the fire alarm should sound, please follow the ushers out of the room. Please switch off your mobile phones. Do remember that we operate bilingually, so you may use the

chi ddefnyddio'r Gymraeg neu'r Saesneg. Peidiwch â chyffwrdd â'r botymau ar y meicroffonau. A oes unrhyw ddatganiad o fuddiant o dan Reol Sefydlog 2.6? Gwelaf nad oes.

Welsh or English languages. Please do not touch the buttons on the microphones. Do any Members have any interests to declare under Standing Order 2.6? I see that there are none.

09:15

**Gorchymyn Deddf Llywodraeth Cymru 2006 (Diwygio) 2015: Tystiolaeth gan y Gweinidog Cyfoeth Naturiol**  
**The Government of Wales Act 2006 (Amendment) Order 2015: Evidence from the Minister for Natural Resources**

[2] **Alun Ffred Jones:** Croesawaf y Gweinidog a'i dîm atom ni i drafod Gorchymyn Deddf Llywodraeth Cymru 2006 (Diwygio) 2015. Fe osododd y Gweinidog y Gorchymyn gerbron y Cynulliad ar 5 Tachwedd, sy'n rhoi pwerau i'r Cynulliad ddiwygio adran 79 o Ddeddf Llywodraeth Cymru 2006. Mae'r Pwyllgor Busnes wedi cyfeirio'r Gorchymyn i'r pwyllgor yma. Mae papur briffio hefyd. Croesawaf y Gweinidog yma. A ydy'r Gweinidog eisiau cyflwyno'i hun a'i dîm cyn ein bod ni'n troi at y cwestiynau?

**Alun Ffred Jones:** I welcome the Minister and his team to us to discuss the Government of Wales Act (Amendment) Order 2015. The Minister laid the Order before the Assembly on 5 November, and it discusses giving powers to the Assembly to amend section 79 of the Government of Wales Act 2006. The Business Committee has referred the Order to this committee. There is a briefing paper also. I welcome the Minister here today. Does the Minister wish to introduce himself and his team before we turn to questions?

[3] **The Minister for Natural Resources (Carl Sargeant):** Good morning, Chair. May I start with Amelia, and then, working across my team, allow them to introduce themselves?

[4] **Ms John:** Good morning. Amelia John, head of Fairer Futures division and senior responsible officer for the Bill.

[5] **Mr Charles:** Andrew Charles, head of sustainable development.

[6] **Ms Gibson:** Louise Gibson, lawyer, Legal Services.

[7] **Alun Ffred Jones:** Thank you.

[8] Diolch yn fawr iawn. Weinidog, a ydych chi eisiau gwneud unrhyw ddatganiad ar y dechrau ynglŷn â chefnidir y Gorchymyn yma?

Thank you very much. Minister, do you wish to make an opening statement in relation to the background to this Order?

[9] **Carl Sargeant:** Yes. Good morning, committee, and good morning, Chair. May I start by saying that this is an important day in terms of devolution? The Smith commission has been issued this morning and we have had lots of discussion around the Silk commission and the devolution of further powers. This has very clearly been supported by the new Secretary of State for Wales, who has been positive, and the Commissioner for Sustainable Futures. This is about enabling an Order for me to lay as Minister that will then confer the powers to the Assembly, not to the Minister, with regard to making amendments to section 79 of GOWA. I am not repealing the section; I am just making amendments. So, I thought it would be useful to outline the purpose of this Order and how this will be used in conjunction with the powers of the Assembly, not the powers of the Minister.

[10] **Alun Ffred Jones:** Pam nad oeddech chi wedi rhoi rhyw fath o ragrybudd bod hyn ar y gweill, gan eich bod chi wedi ymgynghori ar y mater yma yn 2012, fel rwy'n deall? Eto, yn nghanol y broses yma o ddelio â'r Bil Llesiant Cenedlaethau'r Dyfodol (Cymru), rydych yn dod â hwn gerbron. Pam yr amseru rhyfedd yma?

**Alun Ffred Jones:** Why did you not give some sort of forewarning that this was under way, as you had already consulted on this matter in 2012, as I understand it? Yet, in the midst of this process of dealing with the Well-Being of Future Generations (Wales) Bill, you bring this forward. Why this strange timing?

[11] **Carl Sargeant:** If I am able to put the timeline to you, Chair, this was consulted on in the White Paper in terms of our intent. There has been no ministerial statement to suggest otherwise, that we would not be laying this process. However, it has been quite an interesting process to develop the agreement with the Wales Office. As I said earlier, I am very grateful to the new Secretary of State in terms of his intervention and support for the movement to get to the position in which we find ourselves today. It would be premature, I believe, to lay an amendment to the Assembly prior to receiving consent and agreement from the UK Government, and ourselves, in order to pursue the next stages, on which we have written to committee and issued the content of what the amendment would be. So, I think that it has been a long process. Our intent was laid out very clearly at the start of the White Paper, which has not changed, and it is just a case that the timeline has led us to this now, which lends itself to implementation within this Bill. As I said, the scrutiny of this process will be undertaken by the National Assembly at Stage 3 of the Bill.

[12] **Alun Ffred Jones:** Joyce Watson is next.

[13] **Joyce Watson:** Thank you, Chair, and good morning, Minister. I want to explore why you think that the amendment to section 79 is required and why the approach set out in the draft amendment is preferable.

[14] **Carl Sargeant:** It is effectively aligning the legislation to the current Well-Being of Future Generations (Wales) Bill, which is the basis of sustainable development for all of the public sector. The current provision is set in GOWA, and what we are trying to do is to avoid confusion in that process. The issue for us, if the Assembly and the committee decide that we do not want devolution of powers on this particular issue, is that the SD duty in GOWA will remain. I just think that it is appropriate that, while we are creating legislation—new legislation on sustainable development is appropriate for the powers to be issued to the National Assembly for the choice to be made by the National Assembly. I am not going to die in a ditch over this one—if the Assembly does not wish to have devolution of the powers, then the Assembly does not want them.

[15] **William Powell:** Good morning, Minister, and to your team. Do you have any sympathy with the suggestion that has reached us from members of the SD alliance that the status of 'One Wales: One Planet', which enjoys widespread support in this committee and beyond and has lasted the test of time, sort of undermines the proposed amendment, in that there will not be the requirement any longer to have an SD scheme in place?

[16] **Carl Sargeant:** I recognise the concerns of all parties. I think that there may just be some misinterpretation of what this is and is not. The new section 79 is an improvement, we believe. The current duty does not specify what the scheme must look like and it allows the Welsh Ministers to run the scheme as they wish. Under the Bill, the Welsh Ministers will have to set wellbeing objectives in line with sustainable development, as defined by the wellbeing goals in the new future generations Bill, so we do not believe that this weakens it at all and, in fact, we believe that it strengthens it.

[17] **William Powell:** Thank you, Minister. In light of that, would the Welsh Government potentially give a fair wind to an amendment to reinstate the principles of 'One Wales: One Planet' into the Bill at a future stage?

[18] **Carl Sargeant:** Of course, the scrutiny process will lead to what we do in terms of the 'One Wales: One Planet' element of that and I look forward to the scrutiny proposals set forward. However, I think that what we are defining within the amendment of the Bill strengthens the duty around SD and around Ministers and provides the Assembly with the powers to control that process.

[19] **Alun Ffred Jones:** Antoinette is next, and then Llyr.

[20] **Antoinette Sandbach:** You are talking about powers of the Assembly to amend the Government of Wales Act 2006 presumably as that is our main constitutional Act. You would agree that it should pass by a two-thirds majority in order for there to be constitutional safeguards around devolution and changing our settlement, because, otherwise, any future Government can just come along, if it has a majority, and change the Act. I am a bit concerned that there do not seem to be constitutional safeguards in place around interfering, if you like, with our major constitutional Act.

[21] **Carl Sargeant:** I agree that it should go before the Assembly. The Order element of this, if agreed, will go before Westminster and before the Assembly, and we will have a vote on the principle of how that will be taken forward or not. May I just confirm whether it is a simple majority or two thirds? Are we aware of that?

[22] **Ms Gibson:** I would have to double check but, as I understand, I think that it is two thirds. I will double check.

[23] **Carl Sargeant:** I will write to the committee confirming that.

[24] **Antoinette Sandbach:** If it is not two thirds, would you be prepared to look at introducing that safeguard and making sure that that was in place?

[25] **Carl Sargeant:** On this particular issue of an amendment to the Government of Wales Act, I would be happy.

[26] **Antoinette Sandbach:** Thank you.

[27] **Alun Ffred Jones:** There seems to be some uncertainty about this two-thirds issue, but we will find out, will we not?

[28] **Llyr Gruffydd:** That reflects the situation that we find ourselves in. You used the word, 'misinterpretation' earlier in terms of how people see the proposed amendment. For me, that underlines the need for proper processes around scrutiny and time to allow committee stakeholders and others to engage with this and have this two-way dialogue with the Minister so that we can understand exactly the implications and not find ourselves amending another Bill in order to do it. Do you not accept that this is not the ideal way of dealing with it?

[29] **Carl Sargeant:** As I have explained, Chair, we have done nothing untoward. In fact, as soon as the process is completed, this is somewhat out of our control. While there certainly may have been intent to publish, in terms of the 2012 White Paper, what our intention was, the agreement to get there has been challenging, but we have secured passage for the amendments subject to the Assembly wishing to have those powers conferred to it. The scrutiny process will take place, as in the normal procedure, through the National Assembly

for Wales, as is always the case in terms of amendments. This is nothing untoward. However, I accept that if we had been able to bring it forward three months ago, I certainly would have done so. I have nothing to hide here. I think that we should be celebrating the fact that, actually, we have agreement from the UK Government to devolve further powers to the National Assembly without much argument.

[30] **Llyr Gruffydd:** You say in the explanatory memorandum to the Order that the consultation raised no issues with the aim, although it is true, is it not, that Wales Environment Link responded by saying that it could not support the approach without having sight of the amendments?

[31] **Carl Sargeant:** Yes. Have you had further updates from Wales Environment Link since the amendments have been issued?

[32] **Llyr Gruffydd:** Our clerking team has, I believe, been able to touch base with it, but that, again, is where we are at—that is the reality of the consultation that we have to have around this.

[33] **Carl Sargeant:** Our understanding is that there is broad support for the amendment process that we are laying.

[34] **Llyr Gruffydd:** That is very different to the understanding that I have from the representations that have been made to the committee.

[35] **Antoinette Sandbach:** I have had very different representations too.

[36] **Llyr Gruffydd:** That underlines the process that we are facing.

[37] **Alun Ffred Jones:** The information that we have is that it is not opposed, but that it has concerns. I call Mick Antoniw.

[38] **Mick Antoniw:** Just to make sure, does the amendment to the Government of Wales Act 2006 that is proposed actually give the National Assembly for Wales more control and power over the direction of sustainable development, or less?

[39] **Carl Sargeant:** It gives the National Assembly the power to amend section 79 of the Government of Wales Act 2006, and only that, in terms of the ability to implement a sustainable development duty in the future generations Bill and taking account of that, which we believe is a stronger duty than what is currently in the Government of Wales Act 2006.

[40] **Mick Antoniw:** So, is it fair to say that it represents an empowerment of the Assembly?

[41] **Carl Sargeant:** I would suggest that that is the case.

[42] **Alun Ffred Jones:** Iawn, a oes unrhyw gwestiynau eraill? Rwyf wedi cael nodyn, sy'n dod o'r chwith i mi, ac o le da, gobeithio, sy'n dweud mai mwyafrif syml fyddai ei angen i newid Deddf Llywodraeth Cymru 2006, fel gyda Deddf Cynulliad Cenedlaethol Cymru (Ieithoedd Swyddogol) 2012. Felly, dyna'r sefyllfa.

**Alun Ffred Jones:** Right, are there any other questions? I have received a note from my left to say that a simple majority would be needed to change the Government of Wales Act 2006, as with the National Assembly for Wales (Official Languages) Act 2012. So, that is the situation.

[43] **Diolch yn fawr i'r Gweinidog am** Thank you very much to the Minister for

ddod i drafod y Gorchymyn hwn. Rwy'n ddiolchgar iddo fo a'i dîm, a bydd yn rhaid inni adrodd a dod i gytundeb ar ein barn yn fuan ar y mater hwn. Diolch yn fawr iawn.

coming to discuss this Order. We are very grateful to him and his team, and we will have to report and come to a conclusion on our opinion on the matter soon. So, thank you very much.

[44] Dyna ddiwedd ar yr ail eitem, felly rwy'n symud ymlaen i'r drydedd eitem, ac mae'r Gweinidog yn aros yn ei le.

That is the end of the second item, so I now move onto the third item, and the Minister is staying where he is.

09:28

### **Y Bil Cynllunio (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 1 Planning (Wales) Bill: Stage 1—Evidence Session 1**

[45] **Alun Ffred Jones:** Dyma'r cyntaf o bum sesiwn heddiw ar y Bil Cynllunio (Cymru). Rydym yn cymryd tystiolaeth gan y Gweinidog ar egwyddorion cyffredinol y Bil. Bydd sesiwn arall gyda'r Gweinidog ar ôl i'r pwyllgor glywed gan randdeiliaid. Felly, rydym yn croesawu'r Gweinidog unwaith eto, a bydd ei dîm cefnogol yn cyrraedd unrhyw eiliad.

**Alun Ffred Jones:** This is the first of five sessions today on the Planning (Wales) Bill. We are hearing evidence from the Minister on the general principles of the Bill. There will be another session with the Minister after the committee has heard from stakeholders. So, we welcome the Minister once again, and his support team will be arriving at any moment.

[46] A yw'r Gweinidog eisiau gwneud unrhyw sylwadau cychwynnol o gwbl?

Does the Minister wish to make any opening statements at all?

[47] **Carl Sargeant:** Again, the introduction of this Bill is important in terms of the scrutiny process. We look forward to the report, as always, from the committee and to the evidence presented by external bodies. We have undertaken an awful lot of work to create the Bill on the basis of consultation and being informed by the framework of that to create what we believe to be a Bill that will be enabling and fair to the system, both for users and customers—developers or the community. We hope that the passage of the Bill will be welcomed, and we welcome the fact that we can gain further knowledge from your scrutiny as we move forward, and we will amend accordingly if we require at different stages.

09:30

[48] **Alun Ffred Jones:** Could you introduce your team, Minister, for the record?

[49] **Carl Sargeant:** May I start with Dion, please?

[50] **Mr Thomas:** My name is Dion Thomas. I am one of the planning Bill managers.

[51] **Mr Hemington:** My name is Neil Hemington, and I am the chief planner.

[52] **Ms Dawson:** I am Sarah Dawson. I am a senior lawyer with the Welsh Government Legal Services planning team.

[53] **Alun Ffred Jones:** Croeso i chi i gyd. A gaf i ddechrau drwy ofyn cwestiwn cyffredinol iawn, Weinidog? Mae ehangder rhai o'r pwerau, ac yn enwedig adran 53(2), a fyddai'n rhoi pwerau i Weinidogion Cymru

**Alun Ffred Jones:** Welcome to you all. May I begin by asking a very general question, Minister? The expanse of some of the powers under section 53(2), that would give powers to the Welsh Ministers to change primary



newid deddfwriaeth cynllunio sylfaenol, yn achosi pryder i rai pobl. A ydych chi'n cydnabod y pryder hwnnw? planning legislation, has been a cause of concern to some people. Do you acknowledge those concerns?

[54] **Carl Sargeant:** We believe that the Bill is very complex in the way that its planning operates. We do not believe that there is any technical issue that is unusual in the Bill that we have drafted. With regard to some of the powers around secondary legislation and primary legislation, they are very specific in terms of any consolidation, any elements of consequential amendments, so they are very detailed in what they would allow in terms of changes to be made within the Bill—that is common practice. My legal support might be able to define any issues specifically that the committee might have concerns about.

[55] **Ms Dawson:** Yes, if we are talking about section 53(2), this section is not a broad power; it is limited by 53(1). It says, 'Regulations under this section'. Section 53 only allows amendments if they are consequential, incidental, transitional or saving, and appropriate in connection with the Bill.

[56] **Alun Ffred Jones:** Okay. Russell George, which area are you going to ask about?

[57] **Russell George:** My question is about the national development framework, Chair. Thank you, Minister and colleagues. I wonder if you could just outline how the national development framework differs from the Wales spatial plan, and the implications of it having development plan status.

[58] **Carl Sargeant:** They are slightly—they are significantly different actions. I was going to say 'slightly different', but they are not—they are significantly different in terms of the tiers of application and what they are. The issue and guidance around strategic development plans is about how they will be developed by—.

[59] **Russell George:** I was talking about the national development framework.

[60] **Carl Sargeant:** Sorry—the national development framework; let me just get my train of thought back. Did you ask how that will be developed?

[61] **Russell George:** It was looking at the differences between the national development framework and Wales spatial planning and the implications of it having development plan status.

[62] **Carl Sargeant:** Sorry, I am with you now—we have got NDFs and LDPs, so I have got lots this morning. The spatial plan is a framework without plan status that is currently in existence, as the Member knows. The NDF will be set out in a very similar way in terms of land use policy and how that will be developed on a national basis. A lot of the experience from the spatial plan and how we have learnt to develop that will be drawn into how the national development framework plan will look, and it will be for developments of national significance—that is what it will be. It will not have a determination element, whereas an LDP underneath that, or a strategic development plan, will have more of a local feel as opposed to the national development framework plan that will be issued. It will work on a very similar model to how the spatial plan operated.

[63] **Russell George:** What is the relationship between the national development framework and TANs as well, and 'Planning Policy Wales'?

[64] **Carl Sargeant:** The technical advice notes will be based upon—. They are about determination. So, the NDF will be based upon 'Planning Policy Wales'—the principal planning processes around how that will be in place. So, it will be the theme of what a

national development framework will look like and, underneath that, there will be the strategic development plan and then the local development plan, which the technical advice notes will have direct influence on at that lower level.

[65] **Mr Hemington:** If I can supplement what the Minister said, what we are seeking to do with the national development framework is address some of the shortcomings of the Wales spatial plan. The committee, when it had its inquiry into planning, looked at the Wales spatial plan and heard evidence about the potential of the Wales spatial plan, but it failed to deliver for various reasons. One of those reasons was that it did not have such a formal link in to the planning process, through the development plan status, so this is what we are seeking to achieve through the national development framework, which makes it stand out from the Wales spatial plan.

[66] In terms of links to policy and technical advice notes, yes there are strong links. There are potentially things that are in the technical advice notes now, spatial things, which could find their way into the national development framework in the future.

[67] **Russell George:** Okay. Most processes have an independent examination of some kind. What is the independent examination process for the NDF?

[68] **Carl Sargeant:** The National Assembly for Wales, as for the spatial plan currently. That will be under scrutiny, as is currently allowed for the spatial plan to be scrutinised, so by yourselves, I would expect.

[69] **Russell George:** If it is the National Assembly for Wales, there is a 60 day period for the Assembly to scrutinise that. Is that a long enough time period? It has been suggested by one of our consultees that it might not. In fact, a number of people suggested that that might not be long enough.

[70] **Carl Sargeant:** We believe it is appropriate. It does not seem to have been an issue before in terms of scrutinising the spatial plan, but if committee feels it should be longer, it is something I would consider.

[71] **Alun Ffred Jones:** The spatial plan simply did not work, did it?

[72] **Carl Sargeant:** I think it had its value. What we are trying to do in creating this new process is enhance what the spatial plan lacked, perhaps.

[73] **Russell George:** Can I ask one more question, Chair? It goes across both the strategic development plan and the national development framework. At the beginning, in your opening, you talked about the current process being complicated, too complex. In your opening comments, there was some confusion between national development plans and strategic development plans. It takes some getting your head around. One of the issues that the IAG report brought forward was that town and community councils felt disengaged when it comes to local development plans. There is a fear, I think, from some of the responses we received as a committee that another tier in the process is going to cause more confusion and less involvement with town and community councils. I wonder what your views are on that.

[74] **Carl Sargeant:** I do not accept that, actually. You will be aware that town and community councils do not have a full stretch across the whole of Wales, as they are only in part areas. The value of town and community councils is really important in terms of their local determination of what local need is, but that is a formal process to ensure that their views are listened to by large unitary authorities, which create local development plans. I do not actually accept that there is an additional tier in terms of planning at all. As we mentioned earlier, we have the spatial plan currently in place; we are, effectively, removing that. It will

be replaced by the framework. That is not additional, but instead of. The LDPs will be in place, as is currently the case. The little bit in the middle, the strategic development plan, will not create more work, as it is about the rebalancing of decisions. So, it will be distributing. One example would be housing need. If there was a strategic development plan for a region—and we are saying that this probably would not happen across all regions, but would probably be very specific to areas of mass development—I would expect in the south east of Wales, as it currently has got that city-region status, for something similar to happen on a strategic planning basis. Housing needs currently developed in local development plans will actually be a consideration of the higher tier of planning, so it will be distributed differently, not additionally, in terms of how these will work.

[75] **Russell George:** To me as a local Member, town and community councils are particularly important when you want to seek the view of a community. I think it is right to say that town and community councils represent every area of Wales. I do not think that there is an area that—

[76] **Alun Ffred Jones:** No, that is not quite true.

[77] **Russell George:** Is that not right? I stand corrected. That is fine.

[78] **Alun Ffred Jones:** Let us stick to the national development framework. Are you on this point, Bill?

[79] **William Powell:** No, it was on another point.

[80] **Alun Ffred Jones:** Okay. Does anybody else want to come in on this issue? No?

[81] **Mick Antoniw:** [*Inaudible.*]

[82] **Alun Ffred Jones:** Okay, we will come on to that in a minute, but Bill is next.

[83] **William Powell:** Diolch, Gadeirydd. Good morning, Minister. I would like to turn my attention to the particular issue around the option to bring an application directly to Welsh Ministers. I wonder whether you could please give us a little more clarity as to the circumstances under which these powers would be used. How would a failing authority be defined, and how would that designation be lifted after that period of improvement?

[84] **Carl Sargeant:** This is the backstop in the Bill in terms of where we may to define such a failing authority. It is not unusual for an authority to fail in a determination. What I have said about the whole planning Bill is that it is about the principle of having a sustainable quality planning service. We have evidence currently in place on the measurement of how 25 planning authorities perform. We are working with local government and planning authorities across Wales to ensure that we can have a measurement framework on performance that they agree with. They report in to say where they are on determination times and determination overturns, so appeal processes and what they have not particularly got right in their decision-making process, or otherwise. So, we can measure all that and we already have those data, which I am pretty sure the committee may have seen in the form of an Excel spreadsheet on the 25 authorities within the family.

[85] This does not happen overnight, either. There will be an annual reporting process for authorities to report back to Ministers. So, we will know what is happening, longer term, when this is enacted, but actually, we have our ear close to the ground in terms of what happens now and, to be honest, we have a very good relationship with authorities. We will start to understand, by the level of appeal processes, when an authority is starting to tip. We know where there are currently some very good authorities and some that are not as good as

they should be, so we have quite an understanding already about the operations of these organisations.

[86] When an authority fails, there will be a process where we will be seeking to support authorities that are close to the edge, because the last thing I want to be doing is more planning applications and taking them away from the local determination process. I think that planning decisions, at the appropriate level, are best dealt with at local areas.

[87] So, we see an authority fail because of the data that we will be provided with and it not being supported, and then the options direct will kick in—the key word there being ‘options’. The developers will have the option to bring in an application direct to the Ministers, should they so wish. It is a bit of an unknown territory, this, but it gives people the option to do that. However, we think that actually, developers of significance may not wish to do that, because that may cause a relationship issue with the local authority and the developer. I think what they will try to do is work through how they would still be able to access that process locally, but it will give the option to a developer to come straight through to Ministers, should they so wish, on the basis of a trigger, of a failing authority, but this will not happen overnight.

[88] **Alun Ffred Jones:** So, if somebody wished to bring an application directly to the Minister, can you refuse it and say, ‘No, this should be dealt with at a local level’?

[89] **Carl Sargeant:** No, I am afraid not. That would not be the case for a failing authority, because it would be designated—

[90] **Alun Ffred Jones:** I am not talking about a failing authority; I am talking about any authority. If a planner decided to take the direct route to the Minister for whatever reason, can you refuse to deal with it because it would be more appropriate to deal with it at the local level?

[91] **Carl Sargeant:** It would just not be the pathway to do that. We often get requests for applications to be dealt with directly by us, but there is a process to be followed by the local authority. The local planning authority is the first port of call, and we would not be seeking to circumnavigate that.

[92] **William Powell:** So, Minister, you do accept that it is very much a last resort to have an application going to Welsh Government. I am pleased to hear that, because I would suggest that it is often better to provide the different types of support that are available to a failing authority. I am thinking of the example of the Brecon Beacons National Park in the third Assembly, when your predecessor called in a team to assist with improvement that was led by Martin Hooker. That has led, over time, to that authority now being in a far better place, from the very difficult experience that it had back in 2007 or 2008. That is just one example that I observed at close quarters.

09:45

[93] **Carl Sargeant:** Indeed, and it would be of no value to me to not support public sector bodies in terms of their determination at a very local level. We already have mechanisms in place to support planning authorities currently, and we do that in the examples that the Member indicates now. We have to take the Bill as providing a suite of tools for a resilient planning service. That is why the optional direct is just one element of the backstop. Should anything go horribly wrong for a planning authority, this is what we would do if that were the case. Actually, there are lots of things that we would like to do, such as the planning advisory service, supporting members, and supporting professionals in their day-to-day job. However, let us just go back to the things that I have said in the past about a resilient service, meaning

that we have 25 current services that are under significant pressure because of the finances that they have to deal with. We have had less development in a weak economy, and finances do not come in. It is a bit of a cinderella service, the planning service. It generally gets the income that it receives from planning applications, and that has been tough over the last couple of years.

[94] **William Powell:** I think my point has been addressed by the last remark. Thank you.

[95] **Russell George:** On that specific point about a lack of resource of income for local authorities, if developments are being looked at outside the authority, will that be a loss of income to them?

[96] **Carl Sargeant:** Yes, it will. I have met lots of planning authorities, if not all. I have certainly had interaction with them over the last couple of weeks and couple of months, when we have been out and about. We have met around 200 planners across Wales, elected members. We have done a lot of consultation around this. A clear message from me has been that if you want to be a planning authority, you plan. If I am doing the job for you, even on those difficult decisions, you should not be expecting to be paid for that either. My view is that, if you want a plan I will support you all the way, and you will be paid for that. When it starts to fail and I do it, you will not be getting paid for it.

[97] **Russell George:** The point that I was making was not about the authority failing, but if the application were not taken by the authority because of the Bill that you are suggesting, that income is lost from the authority through no choice of its own. You are making a point about authorities not having the resources to be able to undertake the work. Well, they will not if they have less income.

[98] **Carl Sargeant:** We were talking about optional direct. The optional direct will kick in when there is a failing authority. So, we can park that for a second. Taking the important point that the Member is absolutely right to raise, around finances, we currently have part of one of the six consultation documents out alongside the Bill, which is about the fees and charges for authorities. I recognise that it is tough out there for planning departments to be resilient long term. We are assessing what the planning charges will be and, as soon as we have value from the consultation, we will issue new guidance around fees and charges for authorities.

[99] **Alun Ffred Jones:** A gaf i fynd ar ôl y mater hwnnw? Rydych wedi sôn, Weinidog, am awdurdodau cynllunio yn methu. Pwy sy'n mynd i fesur pa mor effeithiol y bydd y Llywodraeth wrth ddelio â cheisiadau cynllunio? Wedi'r cwbl, tra bo disgwyl i awdurdodau lleol ddelio â cheisiadau o fewn amser penodol, nid oes amser penodol ar gyfer datblygiadau o arwyddocâd cenedlaethol. Pam?

**Alun Ffred Jones:** May I pursue that matter? You have spoken, Minister, about planning authorities failing. Who is going to be measuring how effective the Government is in dealing with planning applications? After all, while there is an expectation on local authorities to deal with applications within a specific amount of time, there is no set time for developments of national significance. Why?

[100] **Carl Sargeant:** There are no statutory guidelines, but there are certainly ministerial guidelines about what I expect. They are certainly part of what we have implied in our impact assessments in terms of the timelines. It is eight weeks for the ordinary application, and 16 weeks for an environmental impact that is required to accompany the application. We believe that we do have set targets, but at some point in time we will be judged on how Government and PINS are performing publicly. That is not new. You scrutinise us on a regular basis in terms of how that is.

[101] **Alun Ffred Jones:** Weinidog, gyda phob dyledus barch, nid wyf erioed wedi clywed neb, mewn unrhyw broses sgrwtineiddio, yn sgrwtineiddio'r Arolygiaeth Gynllunio. Yn sicr, nid wyf wedi gweld unrhyw broses sy'n arolygu sut mae'r Llywodraeth yn delio â'r ceisiadau hyn, a fydd yn dwad o dan y Bil hwn. Sut ydych yn mynd i ddiogelu integriti'r broses honno?

**Alun Ffred Jones:** Minister, with all due respect, I have never heard anyone, in any scrutiny process, scrutinising the Planning Inspectorate. I certainly have not seen any process that reviews how the Government deals with these applications, which will be coming forward under this Bill. How are you going to safeguard the integrity of that process?

[102] **Carl Sargeant:** All our applications and all our details are defined. They are public. This is nothing that we would seek to hide. The fact that we have not been scrutinised on this issue is certainly is a matter, I would suggest, for the committee, as its not being a requirement for us to be scrutinised on it. Any detail that you may have required or wish to acquire is available to you.

[103] **Mr Hemington:** Some of the information you are looking for is in the statement of policy intent. So, we are not suggesting statutory deadlines, but we have a target of 36 weeks in the statement of policy intent for developments of national significance, and certainly, for the optional direct applications, we are looking to work towards the same targets as local authorities work to, as the Minister described—eight weeks for standard planning applications and 16 weeks where an environmental impact assessment is involved. So, there are targets there. They are not statutory targets, but we do have targets that we are working to.

[104] In terms of the targets that we have at the moment, we have targets for appeals and for called-in and recovered cases, and we have targets for the Planning Inspectorate—the Planning Inspectorate meets or exceeds those targets.

[105] **Antoinette Sandbach:** In terms of the call-in—well, effectively, the option to apply directly to you—will that be dealt with by an independent member of the Planning Inspectorate?

[106] **Carl Sargeant:** Yes.

[107] **Antoinette Sandbach:** I would like to move on to developments of national significance, if I may.

[108] **Alun Ffred Jones:** We are on developments of national significance.

[109] **Antoinette Sandbach:** In terms of those developments, why have you excluded major highway projects?

[110] **Carl Sargeant:** That is covered by a different piece of legislation: the Highways Act 1980.

[111] **Antoinette Sandbach:** Well, given that you are amending a number of different Acts in this Bill, and given that the M4 relief road is going to have a huge impact on Wales, whichever way the decision making goes, why is it that you see fit to amend other Acts—and there are a number of consequential amendments as a result of the planning Bill—but not that Highways Act?

[112] **Carl Sargeant:** Well, we have built our Bill upon lots of evidence, in terms of consultation and detailed evidence from organisations externally. We have not received any information to suggest that we should amend with regard to the Highways Act and introduce that into the planning Bill.

[113] **Antoinette Sandbach:** So, it will apply to rail, freight and air, but not to roads.

[114] **Mr Hemington:** On a technical point, what we are dealing with in this Bill deals with things that require planning permission. Technically, the Highways Act grants you an order, rather than planning permission, so it is technically a different process. In England, if you are comparing it with the nationally significant infrastructure project process, you will see that that grants a development order as well. We are dealing with planning permission. We are not dealing with orders here, so that is the technical reason for why we have not gone down that route as well.

[115] **Alun Ffred Jones:** Joyce Watson, I think you are moving into a different area.

[116] **Joyce Watson:** Yes, strategic development plans are what I am going to ask about. Do we need strategic development plans, Minister, in light of the Williams commission and the Welsh Government's proposal to reorganise local government and reduce the number of authorities?

[117] **Carl Sargeant:** First of all, strategic development plans will be based on working with local authorities, so they will determine whether they will wish to have an SDP or not. I think what we have seen is added value in terms of a very different operation, in terms of the city region aspect of opportunity. I know that Edwina Hart has gained great experience and knowledge from how they operate. That will be very similar to what the SDPs can deliver. It is about the regionalisation of a determination of a plan, which looks at things like housing solutions, travel-to-work areas, and the economic value for an area, which will be on a much more strategic basis. The current position of LDPs is that they are based on political boundaries. We do not believe that the planning system operates in that aspect, and therefore the SDPs will, or could, add value to economic growth in terms of how the planning system works in Wales.

[118] **Joyce Watson:** Could they also add confusion, because some evidence suggests that we will move on to three tiers of development? That could lead to confusion about where the precedence lies according to those plans.

[119] **Carl Sargeant:** The determination will remain the same—it will be with local authorities. The matter of planning applications, as is, will still be with them. The categories of determination, whether that be local authority, Minister or PINS, will be very clear in terms of who will understand where the application lies. As I said to Russell George earlier, I do not believe that there is an additional tier. Actually, this is about redistribution of choice. Let me give you a careful example. It is a hypothetical example, possibly, because there are some technical issues that I would not want to be drawn into in my ministerial role as making a judgment on. A major housing development in Cardiff is constrained by the fact that it is in Cardiff, but, actually, working with its neighbouring authority in Caerphilly, there could be options for redistribution of how that housing scheme may operate. This is hypothetical. However, the issue as it currently stands is that that is not a consideration that would be used. Actually, with an SDP, that could be much easier to elaborate in terms of the strategic regional need of an area in a housing needs assessment. It just makes sense. That is why we are saying that sharing some of the issues out regionally can be better, because travel-to-work areas, et cetera, will all be taken into consideration, and not in the isolation of 25 LDPs. That part of that process will be lifted to an SDP process.

[120] **Mr Hemington:** Just quickly, in support of that, I think that what the evidence has shown from the LDP process is that those strategic issues have been dealt with inadequately through the LDP process. So, this is an opportunity to look at them over a wider area and achieve the best possible planning outcomes. That is what we are interested in: what is

actually the best planning outcome rather than anything else.

[121] **Alun Ffred Jones:** I will bring Llyr Gruffydd in and then come back.

[122] **Llyr Gruffydd:** Thank you, Chair. Of course, had you used the Vale of Glamorgan as an example instead of Caerphilly, I think that I could imagine what they would say, but there we are. [*Laughter.*] Joyce Watson mentioned that many parts of Wales will potentially now have three layers of development planning. What if they were not in conformity? Which would take precedence?

[123] **Carl Sargeant:** Ultimately, the decision-making process is the local determination—the LDP planning application.

[124] **Llyr Gruffydd:** So, it is not the case, therefore, that the national development framework would effectively dictate or outline the parameters of the strategic development plan and that that in turn would filter down to the LDP.

[125] **Mr Hemington:** It flows down in the way that you have described, but the important thing is the issues that you deal with at each level. So, the national development framework will contain a relatively few very important things for Wales as a whole. In some cases, that could cascade down to a strategic plan and down to the local plan as well. So, there is a layer in between them. There will be a conformity chain between them. This is the way that these issues can be addressed and carried through into local determinations.

[126] **Llyr Gruffydd:** I am grappling a little bit with top-down and bottom-up approaches here. Certainly, in principle, I believe that the local voice should carry through when it comes to many decisions, and certainly that reflects what the First Minister said in July about giving communities a more meaningful and stronger voice in the process. My fear is that a select number of representatives on an NDF level, but specifically more so on a strategic development plan level, would be, effectively, dictating to a large extent the parameters of an LDP to individual local authorities.

[127] **Carl Sargeant:** I started my contribution by saying that, ultimately, the decision-making process will be at the local level, because that is where the application will be passed or otherwise. That is no different from what happens now, effectively, apart from where the categories may be local determination or with the Minister. The issue of—. Again, there is no change. Currently, ‘Planning Policy Wales’ and technical advice notes advise on the determination and how these operate. I would hope to put your mind at ease about the strategic development panels and the plan. That will be taken from advice from local development areas. So, the input to the higher level will be based upon local need. So, again, they all influence each other. It is not a case of taking something away from local determination or local knowledge at the strategic level, but it will inform a much larger plan that will have to take into consideration the area that it represents. So, that could be advantageous for some areas.

10:00

[128] **Llyr Gruffydd:** Certainly, I think that there are merits in some contexts to be planning on a regional basis. There is no doubt about that, but my fear is that the local voice is somehow diminished, because we all deal with constituents, I am sure, and communities, who feel aggrieved that the local development plan has not addressed sufficiently or listened sufficiently to their views and their voice. If you take it further up the chain, they are going to feel even more remote from that process. That is the danger. So, it would be interesting to see how you would hope to address that.



[129] The other point that I wanted to raise was to ask about how the strategic development plans fit into what is now becoming quite a complex tapestry of area-based plans that the Welsh Government is bringing forward. City regions are key ones, the area-based natural resource planning is another, as are the local wellbeing plans that are being brought forward in the Well-being of Future Generations (Wales) Bill, and now we have the strategic development plans on top of that. One question that is coming through consistently in a lot of the evidence that we are getting is: how do they all come together? What is the big plan here? How do they all gel?

[130] **Carl Sargeant:** As Neil alluded to earlier, strategic development plans are an important process in development planning terms. Considerations around that will be conditions and where planning conditions are granted—that is, travel opportunities and community-based activities—and what you would normally get in a planning application will have to be considered in the process. There are no changes there; policy outside of the Bill remains the same.

[131] In terms of how they react to that, what we have done within this Bill is to make sure that it is futureproofed, so whatever happens to local government and local planning authorities in the future, the strategic plan could be developed. All you need to have a strategic development plan or panel is one whole local authority and then add-ons to that, which might be part of a local authority, part of a neighbouring authority, based upon the planning issues against what that community is. The Caerphilly example, where there is a hill in the way, might be one of those examples of where that would sit. So, you might get half an authority that would be properly based in the strategic development plan.

[132] They have to take into account all of the other necessary elements of what is happening across Wales in terms of the plan. However, it is not additional bureaucracy; actually, this is about ensuring what is right for the region in terms of the plans. Let me just reaffirm the fact that we do not expect strategic development plans to be all across Wales. In fact, subject to the Williams commission happening or the Andrews commission, whatever that is, happening, when you have larger authorities based upon a regional level, you probably will not need SDPs, because you will be operating on that sort of scale, anyway. This is an option, but we do not think that it will be taken across the whole of Wales. We think that there will likely be only two, possibly three, SDPs at the most in Wales that will come forward on the basis of local authorities presenting them.

[133] **Llyr Gruffydd:** Thank you for that. I have one last question on this, if I may. Given that we are looking at the prospect of local government reorganisation and the impact that that will have here, we have existing LDPs, we have some LDPs that are coming into existence, and we have others that are being dragged into existence, shall we say? Could you tell us a bit about the transitional approach, because it is not a very tidy process in that respect, is it?

[134] **Carl Sargeant:** There is always transition, and that is always the most difficult part, is it not, namely getting from one place to another? Change is always difficult. However, in terms of the SDP, subject to an SDP being created and our having a development area, the expectation is that the local authorities that move into the SDP would have an LDP. If they do not, the principle is that, before you can apply the light-touch principle to the new LDPs based upon the SDP, all authorities will have to have complied with getting to the LDP status. So, an authority entering into that that did not have it quite there—. It is not an excuse not to do your LDP and go straight into a strategic development plan. You must have an LDP in order to move forward to get to the light-touch—

[135] **Llyr Gruffydd:** So, existing LDPs would then need to be reviewed in light of the SDP, as they moved into that structure.

[136] **Carl Sargeant:** No. Once they have a valid LDP, moving forward, they could then—. If you have six authorities with LDPs moving into a strategic development plan, at the point of the end of their LDP process, that is when they would apply their light-touch LDP. So, you would have the housing needs assessment done by the strategic development plan; that is when those data would be fed up to the higher level. However, all authorities would have to be compliant with a full LDP before the SDP process could carry on.

[137] **Llyr Gruffydd:** But existing LDPs are with us until such time as they come to an end.

[138] **Mr Hemington:** We are looking to introduce strategic development plans once we have complete coverage of LDPs. It is not an excuse not to carry on with your LDP. The existing LDP process has a review process attached to it anyway, so you have to review and monitor your plans. It is a provision that requires local planning authorities to look at their LDP when a strategic development plan is adopted. So, there is a formal process to go through.

[139] **Alun Ffred Jones:** Joyce, did you want to come back in?

[140] **Joyce Watson:** Yes. We have talked about the strategic development plan, but there is monitoring of that by the planning panels that would be set up, the strategic planning panels. There have been concerns that they may not be robust enough and not transparent enough to contribute to the standing of that SDP in the eyes of the public. Could I ask you, Minister, what will be the make-up of those panels and whether you are satisfied that your proposals are transparent and are robust enough?

[141] **Carl Sargeant:** The make-up of the panels will be two thirds local authority-based and one third third-party, non-elected members, made up from a variety of organisations. That would be similar to other action we have taken, so, industry, environmentalists, et cetera, and different organisations would be eligible to be on the panel. Currently, as proposed within the Bill, the whole panel will have voting rights, but, again, I am interested to understand the views of the committee. That is a starting point for us, but, should the committee have a view on that, I would be very interested to understand it.

[142] **Mick Antoniw:** I have a very short point on the local voice point that has been raised. Could you clarify the role of community councils within this, because it seems a little bland within the Bill?

[143] **Carl Sargeant:** Currently, as it is, the local town and community council is a consultee of the unitary authority. We would still expect that to continue. Therefore, as I would hope happens currently, community councils engage their communities. They should do that now; there is no change there.

[144] **Mick Antoniw:** So, where there are community councils in operation—of course, you may, as a result of re-organisation, have areas that do not have them—the position would remain with the authority but the community council would still fulfil its role. Is there actually any change or increase in emphasis? I am just thinking about the localism element.

[145] **Mr Hemington:** Under the local development plan process, one of the first things that the local planning authority has to do is to produce a community involvement scheme. That process will apply to strategic development plans as well. The one thing that is not mentioned in this Bill that addresses the particular community issues that you are talking about is the role of place plans. We do not need to legislate for those, but we are very interested and very keen to understand how some of the issues that are dealt with through the local development plan process at the moment could be dealt with in greater collaboration

with town and community councils. So, there is a willingness and a mechanism that we have identified in 'Positive Planning' to engage at a local community level in those local level community discussions through place planning.

[146] **Mick Antoniw:** Is it intended, then, to give some further clarification to that? Obviously, with these changes, which would seem to reduce the very local voice on the most local issues, is the intention to clarify that particular role and the function of community councils in that process?

[147] **Carl Sargeant:** That is the case. The problem we have—and I think this is something that is shared by the umbrella organisation One Voice Wales, which I think may be giving evidence to you at some point today—is the lack of national coverage. That is part of the issue, and we would have an issue with that as well. However, I am asking my team how we get to those places where there is a void because there is no community council or no parish council. How does the unitary authority fill that gap? There is quite a leap in terms of that process. The Government can govern and we can issue guidance, et cetera, but what is really critical on this are local members. So, local members engaging in their community, feeding into the LDP process and feeding into that local community plan is critical in terms of quality planning in the future. One of the things I have not been able to do with this Bill is to change the culture. I cannot legislate for culture, and that is the biggest issue we find within the planning system that probably requires some change. That is true at all levels.

[148] **Mick Antoniw:** However, you would agree that, if we could at least clarify those roles, which requires a certain amount of guidance, that is something that you would look at or be prepared to consider?

[149] **Carl Sargeant:** We are producing some guidance on how all the Bills fit together and how the golden thread, effectively, works from Government right the way through down to community level. I will be reporting to the Constitution and Legislative Affairs Committee with that information; I am more than happy to share that with this committee as well.

[150] **Alun Ffred Jones:** Jeff Cuthbert is next.

[151] **Jeff Cuthbert:** Thank you. Running more or less parallel with this Bill, of course, is the Well-being of Future Generations (Wales) Bill. What is the relationship between the strategic planning panels and the new statutory public service boards?

[152] **Carl Sargeant:** There is no direct link between the two, but there is certainly a link between the way the Bill operates in terms of sustainable development principles and how they apply to the Bill. All our legislation would have to have the SD principles running through them. As I said earlier to the Chair, we have created a flow chart in terms of the relationship not only with this Bill but also the environment Bill too, and how that will interact with communities such as those Mick Antoniw alluded to. We are more than happy to provide that flow chart for you.

[153] **Mr Hemington:** If I could provide a bit more detail, local wellbeing plan has a direct link into the local development plan process, as you are aware, as community strategies do at the moment. The feed into the strategic development plan will be through the local authority representatives on the panel for the strategic plan.

[154] **Alun Ffred Jones:** Is your question on this, Julie?

[155] **Julie Morgan:** It is. Good morning, Minister. You have mentioned a change in culture, but we are also creating another body. Have you given any thought as to how we can try to make that panel representative of all the people in Wales?

[156] **Carl Sargeant:** Yes. This is something that is a general theme, and part of my general make-up. I am really keen on how we can get more people involved in processes, particularly around gender balance and equality. I have asked my team to do a little bit of work on this, in terms of what the make-up of that third of the panel could be, and, indeed, the representation of elected members to the panel. It is something that I would certainly like to issue in guidance in terms of looking at balance, and gender balance on panels. I do not think it is an easy one because we are confined by some other pieces of legislation, but I do not think we should shy away from it. I really would value the views of this committee on how possibly we could determine, instruct and create a better balanced environment on committees going forward. It makes much more sense if we can get a gender-based approach or equalities-based approach to some of these decision-making bodies, as opposed to, generally, elderly white males.

[157] **Julie Morgan:** I think that what you are saying is very encouraging. You say that you have asked your department to do some work. Will we be able to have a chance to see that?

[158] **Carl Sargeant:** Well, I can be very brave and could put something in the guidance alongside the instructions for the development of these panels when they are to be set up. That is quite bold, actually, because we possibly could be stepping on the toes of other pieces of legislation. I would be much happier if I were to receive recommendations from this committee asking me to do that.

[159] **Alun Ffred Jones:** So, you are not that brave.

[160] **Carl Sargeant:** I am. Watch this space. [*Laughter.*]

[161] **Alun Ffred Jones:** Russell George is next.

[162] **Russell George:** Section 12 proposes that Welsh Ministers can direct local planning authorities to work together to produce one local development plan. What is the rationale behind that?

[163] **Carl Sargeant:** Well, we want local authorities to do this for themselves. We know that, operationally, there are benefits from working together. We have conversations currently with local planning authorities that say, 'If only we could have a conversation with next door in terms of what the plan will allow us to do'. It is constrained by that development. What we are saying is, 'We can see that, but, as with many organisations, sometimes they do not want to play ball, sometimes they do not want to do these things'. We are saying, 'We'll give you the opportunity to start looking strategically at this'. Again, the great model that we believe is working really well is the city region process. We will give options then for people around the city regions to consider that process. If not, then we could direct them to consider that.

10:15

[164] **Russell George:** That, however, would appear to blur into strategic development plans because a strategic development plan is looking above local development plans. I am just trying to understand the linkage between the two.

[165] **Carl Sargeant:** Of course, and, again, it is a bit of a fall-back position. I do not want to be in that place of saying, 'You must do something'. This is about local communities taking ownership of this.

[166] **Alun Ffred Jones:** Joyce Watson **Alun Ffred Jones:** Joyce Watson is next, and sydd nesaf, ac wedyn Jenny Rathbone. then Jenny Rathbone.

[167] **Joyce Watson:** It is on the same point. We could be talking about two authorities within the same confines geographically, like a national park authority and local government for example. So, does that apply to those? When I, many, many years ago, was a member of a county council, there was a joint unitary development plan by Pembrokeshire and the national park authority. Is that also the sort of thing that you are talking about?

[168] **Carl Sargeant:** Yes, that is the case. I think that it is worth placing on record as well for committee that I am seeking at a later stage to place an amendment into the Bill, which will allow all planning authorities across Wales to have the same regulatory power, which will be all of the 22 local authorities and the national parks authorities. I will be seeking to amend that piece of legislation.

[169] **Joyce Watson:** Thank you.

[170] **Alun Ffred Jones:** Jenny Rathbone is next. Is it on this?

[171] **Jenny Rathbone:** It is in terms of the change of culture and local voices. I can see that it would be very powerful to have somebody in a wheelchair on every single planning committee because it would give a lot more attention to the access issues that, in the views of many people who have been consulted, are not given sufficient attention. While I think that it is a very good idea to give planning more of a partnership and inclusive approach, how might it affect better design and coherence in design? We only have to walk outside to see the piecemeal planning development of the bay and a lack of coherence. So, I just wondered whether you could say a little bit on how local authorities would maintain some sort of coherence in developments taking place alongside each other.

[172] **Carl Sargeant:** The current position is the current position. We are blessed with planning committees, with the valuable contribution that they bring to determination. I think that we have to enhance that, and that is part of the discussion that we have just had about how we diversify the committees that make those decisions, because people bring different things to the table in terms of their views and experiences. That is why I would like to be bold with you in committee in saying that this is something that we should either make statutory or, at best, give guidance on. That will add value in terms of issues such as design and access, et cetera, where people have real-life experiences about what this means—rather than looking at things as a plan, understanding how this operates in the real world. It is something that I am really interested in doing.

[173] Aside from the Bill—I will say it anyway; I am not sure whether I should do—in terms of Design Commission Wales, we will be looking to refresh its board, as is normal, and I am looking again to see how we can instruct a positive process where we can attract different people to the board with different lifestyles, including all of the equality strands and how we get different people on these boards to represent. Most importantly for me, for the starting point, is just gender balance, on the basis that, if we cannot get that right, we are never going to get any of the other bits right. So, this is something that I am really positive about pushing.

[174] **Mr Hemington:** On the technical aspects of design, it is back to the local development plan process and how we can use that as a process to create places rather than to deal with individual applications. So, flowing into the local development plan, where you have major development opportunities like Cardiff bay, the authority should be looking at things like supplementary planning guidance and master planning to make sure that the area as a whole works rather than leaving it to individual applications coming forward on a piecemeal basis. So, working with Design Commission Wales, and others, we have been looking at this particular area, but, as the Minister said, we have a legacy of development that

has been designed on an individual basis and does not necessarily fit together in the way that we would wish it to fit together.

[175] **Jenny Rathbone:** I would certainly agree with that.

[176] **William Powell:** Could I come in on that?

[177] **Alun Ffred Jones:** Is it on this point, William Powell?

[178] **William Powell:** It is on a related issue.

[179] **Alun Ffred Jones:** How related? [*Laughter.*]

[180] **William Powell:** You will only know if I ask.

[181] **Alun Ffred Jones:** Julie Morgan, on this issue; I will come back to you, William.

[182] **Julie Morgan:** I am very concerned about section 27 that proposes removing the design and access statements that accompany planning applications. I would like to ask the Minister: what is the rationale behind this because we have already said how important design is and, of course, access is absolutely crucial? So, why is this proposal there?

[183] **Carl Sargeant:** First of all, we are out to consultation on this currently and what I would like to see is what responses come back on that. However, on the rationale for going out to consultation, what we are trying to do is simplify the planning process. Currently, a design and access statement is required by the application, which is quite complex. We believe that this could be dealt with, subject to the requirements of design and access, much more effectively through the new building control regulations that we now have powers for, which we are able to amend. We just think that it is a process issue and I fully respect the Member's and other Members' concerns around what 'design access' means. What we are not trying to do is ditch this, but place it somewhere else where we think that it can be managed better, particularly in design and access statements. It conforms more in terms of the process of development as opposed to being a bolt-on element for which there is obviously a cost, for the right reasons, but we think that it could be dealt with better in a different place.

[184] **Mr Hemington:** I think that one of the problems that we have experienced with design and access statements, as they are now, is that the intention is good, but, unfortunately, they became a tick-box exercise, so it became very much a process of, 'Have you addressed this particular issue?', and did not actually think about the design of the building. Some of them were very good, but the majority are not good. As I say, we have done research in this area to look at it.

[185] What we are looking at in terms of the consultation paper is how we can get design more embedded within the planning of a particular development. So, a lot of this is about front-loading, again, the application process, and pre-application engagement with the community and pre-application consultation with the local authority, to drive improvements in design into that process, rather than making minor changes when the application comes in. So, it is about getting the design issues addressed very early on in the process and we think that we need to address it in that way, but we also need to address the skills and the competence of people involved in the design process because some planners need some support in this particular area. So, it goes back to the point in terms of the design commission and others in giving that confidence and support.

[186] **Julie Morgan:** I accept that it will be very interesting to see what comes back, but I am very concerned about this very important element—particularly access, which is so

crucial—becoming buried in the building regulations rather than being a clear message, and also a holistic message, in terms of the fact that some of the building regulations may not deal with some aspects of design and access. So, I just want to be reassured that these are very key areas for any planning development. We want to have them right up there and not, in any way, pushed away.

[187] **Carl Sargeant:** Can I just give the Member and committee—. What I will commit to doing is that once we have got the details of that back, I will be more than happy to give a note to committee on where we are and what that means. I think that the Member is right to raise that issue. I am not, as I said earlier, seeking to bring about its demise in any way; we are just trying to fit it better into the system. I would hate to think that anything is being hidden or buried in the building regulations; the whole purpose of them is to make sure that we are compliant with that process and are making it more streamlined into all provision as opposed to the general principles of a single development. Let me give that some further thought. I have listened very carefully to the Member's concerns this morning.

[188] **Alun Ffred Jones:** William Powell is next.

[189] **William Powell:** Thank you, Chair. I just wanted to comment about the relevance of pre-application advice, but you have reassured me that you are on track with that. I wanted to ask a related point, which is: while the proposals for pre-application advice have been warmly welcomed in many quarters, there are some issues around the resourcing of that in local authorities. I wonder whether you could give us some reassurance that you have taken those issues on board.

[190] **Carl Sargeant:** As I said earlier, we are currently out to consultation about fees and charges. There are some local authorities that currently do this, and do it well. What we are saying is that there should be consistency around the 25 planning authorities. If you were to put in the same application to every planning authority in Wales today, you would have 25 different ways of dealing with it. For the size of Wales, that is not appropriate. We are trying to ensure that we have consistency of support and consistency of application, and also, for the consumer, the communities are equally as important. We tend to think about planning applications being the developer or the applicant; actually, what is equally as important is the community and how it is engaged in this process, too. So, pre-application is something that we believe can be dealt with through fees and charges, and appropriately delivered through each local planning authority.

[191] **William Powell:** Thank you, Minister. If I could come back to the point that you just made, you just referred to the importance of the wider community and its views, and the views of local stakeholders. Sometimes, in a situation of pre-application advice, there is a perception out there that things can take shape to quite a high extent when precisely those stakeholder and community views are somewhat excluded. Another issue is the opportunity, if things go wrong, for local commentators, stakeholders and consultees to have access to details of that advice under the Freedom of Information Act 2000. Sometimes, in the experiences that I have had, that has been denied on the grounds of commercial sensitivity. I wonder whether you could give some reassurance in that area. It seems to be a concern that is also flagged up by the UK Environmental Law Association in its submissions to us.

[192] **Carl Sargeant:** The one thing that is certain in planning is that nothing is certain. Pre-application does not at all mean that the application process will be agreed by the local planning authority or, indeed, by Ministers. However, what it does is give the developer a process where they can say what the timescale is. We know that delaying a process of application has a financial consequence; it is questionable what that number is, according to various different bodies, but the reality is that we believe that, regardless of what the number is, there is a consequence to delay. On the issue around how the community is equally as

important in this, in terms of the pre-application and notification that we are requesting on development, signposting and letters to communities are equally as important to ensure that people know that there is a development taking place. Far too often, things happen when a digger turns up; that is really unhelpful, and I think that the pre-application process is something that will help people to understand, and help developers to understand, what the content of the application is and how that would be appropriate for their communities. However, there is also the element of pre-engagement with communities in terms of how that will happen.

[193] **Alun Ffred Jones:** Julie Morgan has a question on another issue.

[194] **Julie Morgan:** This is a question on village greens; thank you very much. I am concerned about the proposals in the Bill to cut down the length of time that local residents can prepare a case for a village green from two years to one year, and the issue that, if a planning application is lodged, residents are no longer able to put in an application for a village green. So, I feel that this takes away some of the power from local people, and I wonder what your views of this are and what considerations you have given to these proposals.

[195] **Alun Ffred Jones:** Before the Minister answers, do you want to add anything, Joyce?

[196] **Joyce Watson:** Yes. Very often the first time that people understand that that change is coming is when that application goes in. Also, Minister, you will be aware that there is huge pressure in some areas to develop the only bit of green space that is available. I know that there are arguments about it being the only bit of green space, because I can see your planning adviser coming with that advice, but, nonetheless, it is how people feel that is important—that feeling of their voices being heard. So, just to echo Julie Morgan's concerns, I am also concerned that there might be a constraint put on people so that they feel disempowered, rather than empowered, to have their voices heard by that time frame, and would you consider changing?

10:30

[197] **Carl Sargeant:** This has clearly been an issue that has caused some concern, I know, for colleagues in the past. The starting point for us, it would be fair to say, in terms of where we are is that we took evidence from the Penfold review in England. It has been very clear that there is evidence to suggest that some development is stopped in its tracks by the lodging of a village green status application. Often, it is perceived that that is not the real reason—the real enactment was not for a green space or an open space; it was just used as a process that could stop a development moving forward, by lodging this application. I understand that you have local government in this afternoon, or at some point today; it might be interesting to ask some questions of them in terms of whether they are aware of developments being stopped because of this process being used. However, I do also understand the value of open spaces to communities. It is something that I will give further consideration to. We have met the Open Spaces Society; I have met them once and my team has met them again—I think we have met them twice or three times. In terms of what the issues are, they are recognising the issues around Penfold and I think that there is some middle ground that we need to come to. I am prepared to move from the current position that we have in the Bill, and I will work with the committee to see what that may look like towards the outcome of the final Bill that will be laid.

[198] **Mick Antoniw:** You will be aware, Minister, that across other portfolios there has been this issue of community assets and how they might be dealt with. Of course, you will be aware that Welsh Government—considering your statement the other week—is considering how to pursue that matter further. That may well overlap into this area, because village greens



and those areas are also potential community assets. So, it is important that there is not a contradiction between what two arms of the Government may be doing. So, is this an area that you think it would be appropriate to discuss across portfolios perhaps, to ensure that there is a consistent mechanism for ensuring that community assets are protected?

[199] **Alun Ffred Jones:** Before you answer that, Jeff, do you have a related point?

[200] **Jeff Cuthbert:** Well, it is not on community assets, it is on village greens. It is about the amount of evidence that you have of vexatious applications, and how does that balance. Certainly, these are matters that I will raise with local government representatives later on. Then, finally—because there is a burning issue in my own constituency on this matter—the extent to which applications for planning permission are advertised to people, because I know that there are minimum requirements, but sometimes only instituting the minimum requirements means, in effect, that busy people living locally may not be aware of it. So, are there any considerations being given to improve the minimum requirements for making it known among communities that a planning application has been submitted?

[201] **Alun Ffred Jones:** There are two questions there, really.

[202] **Carl Sargeant:** There are two issues. Let us deal with the village green element first. We have a significant amount of evidence that would suggest that the application for village green status has been based upon purely application for a development at that point. Some may argue that that is because people did not know that the development was coming; others may suggest that it was done vexatiously on the basis that there is an application and we just want to stop that. We have some evidence of that. Again, the Open Spaces Society may not agree with our evidence and, likewise, that is the way that life is. But, we do believe that there is, and Penfold also recognised that there are some issues around vexatious applications stopping developments. As I said earlier on, I think that there is some middle ground here that we could move to. Again, I would be happy to discuss that in detail with the committee at some point. I think that there is a point in time when we must have closure on a development, in terms of either it is a development or it is not a development. In my view, my current way of thinking—moving some way from what we have tabled currently—is that we would potentially have closure of application for village green status at the point when the application is determined. The determination for an application closes the option for village green status to be applied for. It just does not make sense that an application is passed and then two days later you can apply for village green status and then the system stops again. I am sort of in that space. I would value your views on that and whether it would be acceptable or otherwise. Again, it is something that I am quite happy to continue to discuss with the Open Spaces Society and yourselves on that basis.

[203] Jeff's point around communities not knowing is something that concerns me too, because that is an issue as well. That is why we have introduced the process of the pre-application community consultation. It is a minimum, but it is much more than communities have had in the past. This is about a signposting process and a letter to the local community. I am aware that some private sector contractors go further than that. That is one of the discussions. I have seen evidence from one of the companies saying that we have underestimated the cost of pre-application advertising, because they go beyond what we request that they do. We say, 'This is the minimum you should do for your community; tell people what you are doing and signpost the area'. That is not prohibitive, as people can go further than that if they wish to. We are consulting on this process too. This is another part of the Bill that I am very flexible on, in terms of what you think would be appropriate for your communities. It is something I would be happy to take advice on.

[204] **Alun Ffred Jones:** On Mick Antoniw's point about talking to other departments—

[205] **Carl Sargeant:** Sorry, I apologise. I recognise Mick's point. There is nothing in the Bill that we are proposing that will be prohibitive to that process. The discussion about community asset transfer, et cetera, is something I know is being pursued by another department. Whatever we propose in this element will not be prohibitive to that happening. This is purely based on planning terms, but I am happy to take that up with my other colleagues.

[206] **Julie Morgan:** To follow up what you said you were thinking about doing, just to be clear, are you saying that an application for a village green would have to be lodged before a planning application is passed? Is that what you said?

[207] **Carl Sargeant:** That is correct. A village green application could be applied for at any time up to the trigger time of determination. While the application is live, the application for village green status could still be applied for.

[208] **Julie Morgan:** Would that just be an application, rather than producing all the evidence, which sometimes requires up to two years to produce?

[209] **Carl Sargeant:** That is correct.

[210] **Alun Ffred Jones:** We turn to Joyce, on this point, and then I will close this.

[211] **Joyce Watson:** I have one further point. I might not be coming from the same place—I do not know. Is there enough clarification about what constitutes an 'open space' at the moment? Where my concerns lie on village green status is that little bit of green land that exists within a large housing development. If the area that constitutes an 'open space' lies outside of that, that is where people become exercised, because the people currently using the space are told to go over there. Going over there is often not at all conducive, especially when you are asking children and elderly people to cross major roads. I do not know whether you will be giving some explanations on that or whether they exist, but that is where I am coming from.

[212] **Carl Sargeant:** That is part of the LDP process where land is defined. You would be surprised at what people consider to be green spaces when the applications come forward. It is something that we can look at in terms of what that might be. What I do not want to be is too prescriptive, on the basis that a green space or an open space for communities is different to all people. If it is genuinely an open space, then it should be protected in that process. There are ways of lodging that appeal. As I said earlier on, the current way of thinking is that we might change position and we could—

[213] **Alun Ffred Jones:** We await that, and your amendments, with interest.

[214] **Antoinette Sandbach:** We talked a bit earlier about the make-up of strategic planning panels, but I want to move on to planning committees, because you are seeking to have a statutory national requirement for the committee size, with a 50% quorate, no substitutes and no more than one member per ward, which may be affected, for example, by a Williams commission change if there is a move to multi-member wards. So, I wonder why that could not be achieved voluntarily and what the impact will be on planning authorities, such as national parks.

[215] **Carl Sargeant:** It cannot be achieved voluntarily, because I have asked and they have not done it. Well, that is not necessarily true. Credit where credit is due—there have been some authorities that have changed the way that they operate, and I am very grateful for that. We still have one local authority that has every single member of the local authority on the planning committee making determinations on applications. The evidence that we have

received from the independent advisory group and the Royal Town Planning Institute Cymru—

[216] **Alun Ffred Jones:** That is called democracy, is it not?

[217] **Carl Sargeant:** Well, of course it is. It does not stop members having a view on this issue. It is about the determination of an application being created and taken on the merit of the application. We are saying—and the evidence provided to us is suggesting—that a much smaller body of individuals can make this decision on the planning basis.

[218] I will be careful how I say this, but it would be fair to say that, sometimes, planning applications might be influenced by political decisions, other than purely professional planning decisions, allegedly. As I said earlier on, the make-up of an application and how it is applied should be consistent wherever you are in Wales. So, wherever you are, whether that is a national park or otherwise, you should have the same ability to submit an application knowing what the system will be, where that application will go and how it will be dealt with. As I said, at the moment, you will have 25 different ways to get there, through the whole process. I do not think that that is fair or consistent in any way, and what we are doing with the committee size is giving people an understanding of how, structurally, their application will be dealt with by a group of individuals, professionally based in terms of their determinations. We are limiting it in size, numbers and substitutions because we believe that they should be dealt with very effectively and professionally. We will support organisations to have training for this purpose and to determine these processes. We think that, based on the evidence submitted, for giving us a draft, we are in the right place here.

[219] I have been out to organisations, including the one with 60 members, asking them to consider their positions in terms of moving forward. It was not welcomed, it would be fair to say. However, we are consulting again on membership size. One of the six consultations that are out there is on what it will be. The numbers that you alluded to are a starting point for us.

[220] **Antoinette Sandbach:** Will that impact the specific questions around national park authorities and will that impact on the—

[221] **Mr Hemington:** If I could come back on that point, we do recognise the different applications within national parks. I think that we are saying in the consultation that no more than 50% of the authority should be on the planning committee and we recognise that that might have to be waived for national park authorities, otherwise, you would potentially end up with committees that are smaller than the size that we are looking for, and, in particular, Pembrokeshire coast falls into that category.

[222] **Antoinette Sandbach:** Will the same kind of considerations apply to the strategic planning panels and, if not, why not, because they are also local authority members? Why are you distinguishing between one group and another?

[223] **Carl Sargeant:** They have a very different function. The planning decision panel makes decisions on applications, whereas the strategic development panel does not. There is a difference in the way that they operate. This is a panel making a strategic plan, the other people determine applications.

[224] **Antoinette Sandbach:** If you want to standardise the process and you want to have clear guidance to local planning authorities, why are you not seeking to do that at the strategic planning panel level?

[225] **Carl Sargeant:** I think the guidance is very clear about what we understand is required. I do not subscribe to them being the same; they are very different organisations.

[226] **Antoinette Sandbach:** You have talked about getting a uniformity of decision making as much as you can across Wales, and one of the huge variations is around what decisions are delegated to officers. So, are you proposing to have a framework that says, ‘These are the decisions that you can delegate to officers and no others’? How are you going to do that to ensure that consistency but also to give that flexibility?

10:45

[227] **Carl Sargeant:** The introduction of the national scheme of delegation will deliver consistency again for the customer—as in the community—and the applicant. So, they will know exactly where the application would lie, whether that would be determined by an officer, by the planning panel or by Welsh Ministers. This is about understanding again, giving clarity to the system about where applications should lie. That currently is not the case. It is about how we ensure that the non-controversial aspects of this can be dealt with by delegated powers. In terms of the things that matter to local communities, I recognise that these are different things for different communities at present, but we are consulting on that process about what they should be. Once we have consulted, we will define the lists and that will then be in the legislation.

[228] **Antoinette Sandbach:** The RTPI, in its consultation, called for flexibility. So, why have you rejected that?

[229] **Carl Sargeant:** That is the whole point of being definitive, is it not? Once you have introduced flexibilities to the system, there seems to be very little point in having defined lists about where these things apply. That is why we are consulting on the issue upfront. We are asking people what the levels of determination should be. Once that is established, that is where we believe the appropriate level should be dealt with.

[230] **Alun Ffred Jones:** A gaf i symud **Alun Ffred Jones:** May I move on? ymlaen?

[231] **Antoinette Sandbach:** Sorry; there was one final question.

[232] **Alun Ffred Jones:** Very quickly, as we are running out of time.

[233] **Antoinette Sandbach:** Why are you not introducing a national planning committee protocol? One of the real issues that exercises people is not being able to speak at planning committee meetings, what their rights are around speaking, and the behaviour of officers. There can be a lot of misunderstanding about those things. Why are you not thinking of introducing a protocol so that at least people can read it before they go into a meeting and understand what rules and regulations there are?

[234] **Carl Sargeant:** We are working with the WLGA on a protocol that will be issued to local planning authorities.

[235] **Antoinette Sandbach:** So, you are introducing one.

[236] **Carl Sargeant:** We are looking to introduce a protocol of some sort with the WLGA.

[237] **Alun Ffred Jones:** That will be voluntary, will it?

[238] **Carl Sargeant:** Yes, it will.

[239] **Llyr Gruffydd:** One of the areas that has been rehearsed around the Bill, of course, is

the case for having a statutory purpose for planning in Wales. Certainly, it was a recommendation from the independent advisory group, which is the basis for much of what is in the Bill. It was, of course, a message coming from this committee in our letter to you following our pre-legislative scrutiny. No statutory purpose for planning has been included in the Bill. Could you tell us why that is the case?

[240] **Carl Sargeant:** Again, going back to an earlier question about the interaction with other Bills and the relationship between other Bills, the elements, we believe, that we comply with will be within the FG Bill. The planning sustainable development duty will be a part of that whole process in terms of the FG Bill and how that is applied. That is no different to us or, indeed, the public sector, in dealing with planning situations.

[241] **Llyr Gruffydd:** You think that that is sufficient. You do not think that, actually, you will need to reiterate some of the basic principles that underpin planning in Wales on the face of the Bill.

[242] **Carl Sargeant:** No, we do not. Again, that will be a piece of legislation in itself.

[243] **Llyr Gruffydd:** May I just ask about the Welsh language? We know that you have received quite a strong letter from local authority leaders and councillors from at least eight councils, I think, in Wales. They state:

[244] ‘at the moment, there is no means for councillors, under the present statutory framework, to permit or refuse developments on the basis of their impact on the Welsh language alone. That situation needs to change through the Bill, given that the matter cannot be solved without legislation. If this historic opportunity is lost to ensure a planning system which reflects the needs of Wales, it would endanger our ability to strengthen the Welsh language in our communities for a number of years to come.’

[245] Do you agree with their assessment? Secondly, do you agree that there is an opportunity in this process to introduce positive change to strengthen the Welsh language within the planning system?

[246] **Carl Sargeant:** I am certainly aware of the open letter, and a letter that was sent to me from eight members representing different bodies, or as a councillor. Fifteen organisations did not send me a letter to say that they did not have a view on this. However, I certainly think that it is an important point that the Member raises in terms of what the—

[247] **Alun Ffred Jones:** The WLGA also wrote to you.

[248] **Carl Sargeant:** How and what we intend to do with the Welsh language is something that the First Minister is very strong on in terms of how we are keen to listen to any thoughts coming from organisations that will help influence the detailing of the Bill. I have already met Cymdeithas yr Iaith Gymraeg. The First Minister has met with Dyfodol i'r Iaith and Cymdeithas yr Iaith Gymraeg on several occasions, trying to establish what is required to enhance the quality of the Welsh language provision. You will be aware that the future generations Bill has a strong element within the goal processes in terms of enhancing the Welsh language, which is something that we absolutely support. However, it is something that I am happy to continue to work on with the committee and other organisations in terms of how we can develop better provisions within the Bill or outside the Bill in terms of guidance or otherwise on promotion of the Welsh language. It is something that we absolutely support. I am also aware of evidence that was provided to committee by the Law Society. I would ask for advice, or your thoughts, on the Law Society's paper. In particular, the last paragraph of the final page, I believe, of the Law Society document questions the lawfulness of some of the decisions. What I have to do, and what we have to do collectively, is to ensure that all

provisions in the Bill, including anything we would like to do with the Welsh language, are lawful. It raises some questions that I would like your views on. That would be particularly helpful.

[249] **Alun Ffred Jones:** Iawn. Diolch yn fawr. Mick Antoniw is next.

[250] **Mick Antoniw:** On that point—it is really a reference, Chair—this is an area where, presumably, we need some guidance as well in respect of that particular aspect. I just wonder whether that is something we ought to pursue as well, because it is a point that is well made.

[251] **Alun Ffred Jones:** Iawn. Russell is next.

[252] **Russell George:** There has been a lot of discussion on lack of community involvement or concern about lack of community involvement. I did not know until today that not all areas of Wales are covered by town or community councils. One way of plugging that gap and involving communities is through neighbourhood plans, something which have been introduced in England. Is that something you would be willing to look at or adapt as a model to suit us here in Wales?

[253] **Carl Sargeant:** Well, we are not in England, as the Member is aware—

[254] **Russell George:** I know.

[255] **Carl Sargeant:**—and we have an excellent planning service that we are delivering in Wales, but we can do it better. That is why we are introducing the planning Bill. In Wales, we have place plans across communities, and I am sure that the Member might want to have a view on what place plans mean for communities. They are very similar to aspects of what happens in England, but they are our Welsh version.

[256] **Russell George:** Okay, well if the principle—

[257] **Alun Ffred Jones:** Place plans are not part of this legislation.

[258] **Carl Sargeant:** No, they are not.

[259] **Russell George:** But if the principle—

[260] **Alun Ffred Jones:** Are they part of any legislation?

[261] **Mr Hemington:** No. Again, it goes back to the point we made earlier about supplementary planning guidance being the tool to actually deliver this rather than a legalistic process as they have in England.

[262] **Russell George:** I have another question, Chair, which is unrelated. I do not think that there has been an answer to this: are you planning to integrate land and marine planning into the Bill?

[263] **Carl Sargeant:** No.

[264] **Russell George:** Okay.

[265] **Alun Ffred Jones:** Right. Are there any further questions?

[266] **Llyr Gruffydd:** There is one area that we have not touched on, really, but it is one that has been raised by a number of people. I think that we counted 65 cases of powers being

delegated to Welsh Ministers to make regulations and Orders. Is that excessive?

[267] **Carl Sargeant:** We do not think so. We think, because this is a framework Bill—. Planning law is very complex and there are many facets to the Bill and how it will operate. We think—of course we would—that the provision around primary legislation and secondary regulation is appropriate. This happens currently in law. Part of the reason—and I am surprised, Chair, that we have not had the question—is around the consolidation in the Bill. Part of the reason we have taken this route in terms of the framework of the Bill currently is the raft of planning legislation out there and the complexities of it. That is why we have introduced this current Bill as a framework Bill. We will in the future—and I hope a future Government will—consider a consolidation Bill at a later date. Actually, responding to your question, it just evidences the fact that there is so much legislation out there that it is not unusual in this complex field to have secondary legislation appropriate to making changes. We believe that, on balance, we have got that right. However, again, the committee may have a view on that.

[268] **Alun Ffred Jones:** Diolch yn fawr iawn, Weinidog, am ateb y cwestiynau. Os oes cwestiynau eraill sydd heb eu gofyn, neu rai y byddwn yn meddwl amdany'n nhw, byddwn yn ysgrifennu atoch, ac fe gewch chi gyfle i ateb yn ysgrifenedig.

**Alun Ffred Jones:** Thank you very much, Minister, for answering our questions. If there are any other questions that have not been asked, or some that we think of in the meantime, we will write to you, and you will have an opportunity to answer those in writing.

[269] Rwy'n ddiolchgar iawn i chi a'ch swyddogion am ddod i mewn. Yn naturiol, byddwn yn eich cyfarfod chi eto ar ddiwedd y broses ymgynghori.

I am very grateful to you and your officials for coming in. Naturally, we will be meeting you again at the end of this consultation process.

[270] Rwy'n bwriadu cael toriad bychan rŵan. Dewch yn ôl mewn 10 munud—a dim hwyrach na 10 munud—os gwelwch yn dda, Aelodau. Diolch yn fawr.

I intend to have a short break now. Please come back in 10 minutes—no later than that, please, Members. Thank you.

*Gohiriwyd y cyfarfod rhwng 10:55 a 11:05.  
The meeting adjourned between 10:55 and 11:05.*

## **Y Bil Cynllunio (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 2 Planning (Wales) Bill: Stage 1—Evidence Session 2**

[271] **Alun Ffred Jones:** A gawn ni ailagor y pwyllgor a chroesawu ein tystion ar gyfer yr ail sesiwn dystiolaeth hon? Aelodau etholedig awdurdodau lleol sydd yma o'n blaenau ni, ac fe ofynnaf iddyn nhw gyflwyno eu hunain i ni, gan nodi pa awdurdod y maent yn ei gynrychioli cyn inni fynd ymlaen gyda'n sesiwn gwestiynau. Croeso mawr i chi, i ddechrau. Felly, a ydych chi am gyflwyno eich hunain?

**Alun Ffred Jones:** May we restart the committee meeting and welcome our witnesses for this second evidence session? We have elected members from local authorities joining us today, and I will ask them to introduce themselves to us, noting which authority they represent before we turn to our questions. A warm welcome to you. Would you like to introduce yourselves?

[272] **Mr Morgan:** I am Councillor Andrew Morgan. I am the leader of Rhondda Cynon Taf County Borough Council and I am the Welsh Local Government Association lead spokesperson for environment and sustainability, including planning.

[273] **Mr Williams:** John Williams, cynghorydd yng Nghyngor Gwynedd ac aelod cabinet dros gynllunio a thai.

**Mr Williams:** John Williams, a Gwynedd Council councillor and the cabinet member for planning and housing.

[274] **Mr Howard:** Good morning, Members. I am Giles Howard from Monmouthshire and I have the cabinet portfolio for housing, environment and planning.

[275] **Alun Ffred Jones:** Diolch yn fawr i chi am ddod i mewn atom ni. Mae gennym ni dri chwarter awr i'ch holi chi. A gaf i ofyn cwestiwn cyffredinol iawn i ddechrau? A ydych chi'n credu bod angen Bil cynllunio, a beth ydych chi'n ei feddwl o nod y Bil hwn, sef darparu system gynllunio sy'n gweithredu mewn modd cadarnhaol fydd yn galluogi datblygiadau? Pwy sydd am ddechrau?

**Alun Ffred Jones:** Thank you for joining us. We have three quarters of an hour to ask our questions. May I ask a general question to begin with? Do you believe that there is a need for a planning Bill, and what you think of the aims of this Bill, which are to deliver a planning system that is positive in outlook and enables development? Who wants to begin?

[276] **Mr Williams:** Rwy'n meddwl ei bod yn syniad da i gael Bil cynllunio i Gymru. Rwy'n gweld egwyddorion y Bil yn gwneud pethau yn fwy syml ac yn rhoi mwy o sylw i fel mae pethau'n dod at ei gilydd. Rwy'n ei groesawu, felly. Nid wyf mor bositif, efallai, am y ffordd mae'n mynd i gael ei weithredu, fel y mae ar hyn o bryd, ond, yn gyffredinol, rwy'n croesawu ein bod yn cael Bil cynllunio i Gymru yn benodol.

**Mr Williams:** I think that it is a good idea to have a planning Bill for Wales. I think that the principles of the Bill could make things a little simpler, and it could bring everything together. I welcome it, therefore. I am perhaps not as positive about the way that is going to be implemented, as it currently stands, but, generally speaking, I welcome having a planning Bill for Wales.

[277] **Alun Ffred Jones:** Efallai y down ni at rai o'r amheuan hynny nes ymlaen.

**Alun Ffred Jones:** Perhaps we will come to some of those doubts later on.

[278] I call on Andrew Morgan.

[279] **Mr Morgan:** I would just add that, broadly, the WLGA and most local authorities support the Bill, as to its intentions, but there are, obviously, areas that we have concerns about and we are, individually, as local authorities, replying to the Welsh Government during the consultation on some of our concerns and asking for clarity on some of those points.

[280] **Mr Howard:** Likewise, we welcome the Bill in general and appreciate the need to have something that is Wales specific, especially as there is a divergence between practice in Wales and in England. However, as the other members have suggested, we have a number of issues with certain aspects that, hopefully, we will be able to address.

[281] **Alun Ffred Jones:** Diolch yn fawr. Pwy sydd am gychwyn?

**Alun Ffred Jones:** Thank you very much. Who wants to start with questions?

[282] **Joyce Watson:** I will ask a question about the importance of consistency in planning decision making between local planning authorities and how to achieve that while also protecting local democracy. I can ask this, because I have five local authorities in Mid and West Wales, one of them represented at the table.

[283] **Alun Ffred Jones:** So, the question is around consistency.

[284] **Joyce Watson:** Yes, how important you feel it is that there is consistency.



[285] **Mr Morgan:** I think that, to a large extent, it is very important that you have consistency, to make sure, because with developers, especially when you are dealing with some larger developers, if they are dealing with neighbouring local authorities, you want to have similar processes. One of the areas—you may contradict this—where I would say that consistency may not be in the favour of local authorities is around the delegation, where we are quite keen that you should be looking at the upper reaches of 90% delegation of planning determinations. If I give you one quick example, in my authority, we are already achieving over 90%, but if we were to use the existing framework that we have—we did an analysis over the last four months—our planning committee, which meets once a fortnight, dealt with determinations on 58 applications. Under the planning Bill, if we were to use this all-encompassing scheme of delegation, my authority, which is the third largest in Wales, would have dealt with only eight in four months. That means that elected members would have been there to vote on only eight applications over a four-month period, and it would have meant that some committee meetings would have been cancelled, because there would be simply no business. So, what we are saying is that that is an example of why we want to try to treat developers and all applications the same, and make sure that there is the same thorough process across Wales. Local authorities need some flexibility on their determinations, or else it could make a farce of the situation.

[286] **Alun Ffred Jones:** Okay. Are there any other questions on this issue? I call Antoinette.

[287] **Antoinette Sandbach:** In terms of delegated powers, are you suggested that there should be a route—almost an appeal route—that would allow something to go to the planning committee, rather than straight to an appeals process, if it is dealt with by an officer? That is the first question.

[288] Secondly, in relation to delegated powers, I have recently experienced in my region problems around the Camping and Caravanning Club, which has delegated planning powers, but is refusing to give reasons in respect of decisions made. So, it refuses to give reasons for an original decision, which was then overturned by itself on appeal, and it has refused to give reasons for that decision. In terms of delegated acts, do you accept that it should be a basic requirement that either the applicant or any other interested parties should know the reasons for a decision given?

[289] **Mr Morgan:** All local authorities, under our existing framework, have to provide reasons for local authority planning decisions. So, for another party, we think that it should be on the same sound footing and giving the same reasons. So, I would disagree with that.

[290] **Antoinette Sandbach:** What about the appeal route, or some kind of process that would allow something to move from officer level to a planning committee level?

[291] **Mr Morgan:** My own personal view—and I have to say that I am not expressing the view of other councils, because we have not discussed that—is that I would be cautious and have concerns with that, because if in excess of 90% of the applications are dealt with through delegation by officers, you could end up with that 90% simply coming back through to members as appeals. Quite often, we get a number of appeals, or at least suggested appeals, where applicants feel that, for whatever reason, the application should be approved. So, I think there would be a concern that, if the application did not go the right way for the applicant, then every application would come to members.

[292] **Antoinette Sandbach:** So, how would you suggest that balance? You have looked at your own process and you have said that, of the 58 decided by your planning committee, if you looked at the processes, it would have been only eight. How do you suggest redressing

that balance to make sure that there is that local democracy and accountability?

[293] **Mr Morgan:** I think that comes down, to a certain extent, to individual local authorities. Conurbations such as Cardiff are not the same as the Valleys nor are they the same in north Wales. So, when your planning applications come through, you get a different variety of planning applications and therefore within the scheme of delegation, what we are saying is that we think that each local authority should have a certain amount of flexibility in determining what that scheme of officer delegation is.

[294] **Alun Ffred Jones:** Okay. Bill Powell, is your question on this?

[295] **William Powell:** No, not on this.

[296] **Alun Ffred Jones:** Okay. Jenny Rathbone.

[297] **Jenny Rathbone:** I just want to clarify whether it is standard practice for the chair of the planning committee to go through each planning application with an officer, to ensure that it is appropriate for the officer to be deciding small decisions?

[298] **Mr Morgan:** No. We have a—

[299] **Jenny Rathbone:** So, the chair of the planning committee does not see them at all, in any shape or form.

[300] **Mr Morgan:** All members are notified of an application when it comes in, but what I would say is that every local authority should have an agreed scheme of delegation. So, whatever is determined through that delegation, when an application comes in that meets the criteria, it would then go to the officers. However, if it does not meet the criteria, then, yes, it goes into the pile that works its way through the system and comes to committee.

[301] **Alun Ffred Jones:** A gaf i ofyn i'r tri ohonoch a ydych chi'n gytûn bod y rheolau fel y maent yn y Bil ar hyn o bryd yn rhy gaeth ac yn golygu mai ychydig iawn o geisiadau a fydd yn cael eu delio â gan y pwyllgorau? A ydych yn cytuno gyda safbwynt Andrew Morgan ar hynny?

**Alun Ffred Jones:** May I ask all three of you whether you are agreed that the rules set out in the Bill at present are too restrictive and would mean that very few application would be dealt with by committees? Do you agree with Andrew Morgan's view on that point?

[302] **Mr Williams:** Ydw. Yng Ngwynedd, ychydig o geisiadau y byddai yno, ambell fis, o'r hyn yr ydym yn ei weld ar y funud. O ran pethau sy'n cael eu penderfynu y tu allan i bwyllgor, mae aelodau lleol yn rhan bwysig iawn o hynny—yng Ngwynedd, beth bynnag. Mae'r rheini wedi galw pethau i'r pwyllgor os ydynt yn meddwl ei fod yn briodol i wneud hynny.

**Mr Williams:** Yes. In Gwynedd, there would only be a few applications, in the odd month, from what we are seeing at present. In terms of things that are decided outside of committee, local members are a very important part of that process—at least, they are in Gwynedd. They have called things in to committee if they think that it is appropriate to do so.

[303] **Alun Ffred Jones:** Trefn i Wynedd yw honno.

**Alun Ffred Jones:** That is the system for Gwynedd.

11.15

[304] **Mr Williams:** Ie, i Wynedd y mae honno. Dyna'r fath o drefn sy'n rhoi tipyn

**Mr Williams:** Yes, that is for Gwynedd. That is the kind of arrangement that gives a

bach mwy o gyfrifoldeb yn lleol a siawns yn lleol i ddylanwadu. Hefyd, yng Ngwynedd, dim ond tri pherson sy'n gwrthwynebu, yn cynnwys y cyngor cymuned. Mae hwnnw hefyd yn ffordd arall o ddod â rhywbeth i'r pwyllgor o fewn ein trefn bresennol.

little more responsibility locally and gives the local area more chance to influence. Also, in Gwynedd, only three people are in opposition, including the community council. That is another way of calling something in to a committee under our present arrangements.

[305] **Alun Ffred Jones:** Giles Howard, what is your take on this?

[306] **Mr Howard:** We have quite a straightforward delegation scheme within Monmouthshire. To answer the question of Mrs Rathbone, some applications, whether minor or household, pretty clearly sit within policy and probably do not need the determination of members. With those for which there is a little more of a grey area, there is a panel of officers with a chair and vice-chair of the planning committee who will sit together with the opposition spokesperson and look at those that really ought to go to planning committee. Plus there is also an opportunity for member call-in.

[307] On the issue as to whether or not there will be enough applications coming to committee, when we revised our own delegation scheme, I think a couple of years ago, based on national guidance, it had a similar effect. Whereas previously the planning committee was meeting pretty much on a fortnightly basis because it had enough business to warrant the meeting, that ceased to be the case, so the committee went to meeting monthly. That raises its own problems, certainly if you are looking at an eight or 13 week target. If you happen to miss a committee, you automatically have another four weeks' delay before that application can be determined. So, there are positives and negatives to it.

[308] **Alun Ffred Jones:** Rwy'n awyddus i symud ymlaen i feysydd eraill yr ydym eisiau eu trafod. Llyr Gruffudd, wyt ti eisiau dod i mewn?

**Alun Ffred Jones:** I am eager to move on to other areas that we want to discuss. Llyr Gruffudd, do you want to come in?

[309] **Llyr Gruffydd:** Rwyf eisiau gofyn ambell gwestiwn ynglŷn â chynlluniau datblygu strategol, a'r cynnig hwn i ddatblygu'r cynllunio datblygu ar lefel ranbarthol. Bydd rhai ardaloedd, a Rhondda Cynon Taf yn sicr, yn atebol i dair haenen o gynllun datblygu, sef y fframwaith datblygu cenedlaethol, y cynllun datblygu strategol a'r cynllun datblygu lleol. Beth yw'ch barn chi ynglŷn â chynnig system o'r fath?

**Llyr Gruffydd:** I want to ask a few questions about the strategic development plans, and the proposal to develop development plans on a regional basis. Some areas, and certainly Rhondda Cynon Taf, will be accountable to three layers of development plan, namely the national development framework, the strategic development plan and the local development plan. What is your opinion about the proposal for such a system?

[310] **Mr Morgan:** While we would generally welcome it, and obviously make sure that our plans fit in with those of other local authorities, what we would be concerned about is the duplication. As to our existing LDPs, a huge amount of work went into the LDP. I know they are reviewed each year, but a huge amount of work went in to get us to this stage. Some authorities are still in the process of doing their LDPs. So, we just want to make sure that we are not just duplicating. Maybe bringing them together is an option, and you can see the sense in that, but we just want to make sure that how it is done is not a case of creating a huge amount of extra cost and work on a service that is already under pressure.

[311] **Alun Ffred Jones:** Giles Howard, on this.

[312] **Mr Howard:** Again, we appreciate the need for a regional planning layer, but there

does seem to be an opportunity for confusion with the NDF, the SDP, the LDP and, of course, the city region board proposals. Certainly the southern parts of Monmouthshire, or other counties, may have more of a reason for wanting to be within the city region, and some of the policies are pretty germane to spatial planning, especially around transport and employment links. So, how does that tie in, then, if you have one town that is within the city region and also the NDF and also the SDP, but the other is not and is just within the SDP? What will the physical differences be on the ground to how those communities operate and what opportunities there are for them? So, we certainly welcome it, but there is a lack of clarity about how it will operate.

[313] There is also an issue, and I know that it has been raised by the five Planning Officers Society Wales officers, and certainly at officer level, about the SDP. Given that it will be a building block of regional policy, the fact that you are looking at a consultation period of 12 weeks is pretty astonishing, given that the LDP, which will feed from that, is a process that costs an awful lot of money and takes years to come up with a solution.

[314] **Llyr Gruffydd:** A gaf i holi ymhellach ynglŷn â chyfansoddiad y paneli a fydd yn edrych ar greu'r cynlluniau datblygu strategol hyn? Yng nghyd-destun Gwynedd, mae sôn am rywbeth ar hyd corridor yr A55, felly mae'n bosibl y bydd elfen o Wynedd i mewn a rhan helaeth ddim, felly mae potensial am ddryswch, y byddwn i'n ei feddwl, yn debyg i sir Fynwy. Fel y mae pethau ar hyn o bryd, y cynnig yw bod dwy ran o dair o'r paneli rhanbarthol yn aelodau etholedig a bod traean o'r panel yn anetholedig, ac yno'n cynrychioli sectorau a diddordebau gwahanol—rhai cymunedol, amgylcheddol, busnes, ac yn y blaen. Beth yw eich ymateb i hynny? Os nad ydych yn gyfforddus â hynny, beth fydddech yn licio gweld?

**Llyr Gruffydd:** May I ask further in relation to the composition of the panels that will look at creating these strategic development plans? In the context of Gwynedd, there is talk of something along the A55 corridor, so it is possible that there will be an element from Gwynedd in there and a large element that is not, so there is potential there for confusion, I would think, just as there is in Monmouthshire. As things stand, the proposal is that two thirds of the regional panels are made up of elected members with a third of the panel being non-elected and representing sectors with different interests—whether community, environmental, business, and so on. What is your response to that? If you are not comfortable with that, what would you like to see in its place?

[315] **Mr Williams:** Mae gennym gynllun datblygu lleol, sy'n cael ei ddatblygu drwy drefn ddemocrataidd. Wedyn mae gennym y cynllun hwn yn ei le, a bydd y rhan fwyaf ohonynt wedi cael eu hethol yn ddemocrataidd, ond bydd canran ddim. Gallai hynny ddylanwadau'n fawr iawn, wrth gwrs, ar y cynllun strategol sydd i fod i gyd-fynd ar ddiwedd y dydd â'r cynllun datblygu lleol. Nid wyf cweit yn siŵr sut y mae hynny'n mynd i weithio. Mae gennyf broblem gyda beth sy'n strategol yn lleol, gan fynd yn ôl at y cwestiwn cynt, digwydd bod. Mae'r ffaith ei fod ond yn strategol mewn lleoedd poblog, am ryw reswm neu'i gilydd, a yw hynny'n golygu nad ydym eisiau strategaeth mewn lleoedd lle mae llai o boblogaeth? Mae llawn mor bwysig, ac efallai yn bwysicach, gael rhywbeth strategol yn y lleoedd llai poblog nag yn y lleoedd mwy poblog. Rwy'n gweld

**Mr Williams:** We have a local development plan, which is developed through the democratic process. Then, we will have this system put in place, and the majority of them will be democratically elected, but a certain percentage will not be. That could have a major influence on the strategic plan, of course, which at the end of the day is supposed to work alongside the local development plan. I am not quite sure how that is going to work. I also have a problem with what is strategic at a local level, to go back to the previous question, as it happens. The fact that it is only strategic in highly populated areas, for one reason or another, does that mean that we do not want a strategy in less densely populated areas? It is just as important, if not more so, to have a strategy for the less populated areas than it is for the more populated areas. I think that we are

ein bod yn gwneud pethau o groes i beth fyddai'n gwneud synnwyr i mi. Mae'r rhan fwyaf o Gymru yn gefn gwlad ar ddiwedd y dydd.

getting things the wrong way around, compared with what makes sense to me, truth be told. Most of Wales is rural, at the end of the day.

[316] **Alun Ffred Jones:** Jeff, did you want to come in on this?

[317] **Jeff Cuthbert:** Yes. I think it is linked to this matter, because there are a number of other issues going on at the same time. We do not know the outcome of the Williams review yet. That could mean fewer, larger local authorities. We do know that the Well-being of Future Generations (Wales) Bill is also coming through, which will put the LSBs on a statutory basis, as the public service boards. So, are any of these other factors being taken into account when you are reviewing your responsibilities in terms of planning matters? Do you see a particular relationship between the strategic planning panels and, indeed, the statutory public service boards to ensure good co-ordination?

[318] **Mr Williams:** Digwydd bod, yng Ngwynedd, fi sy'n gyfrifol am y ddau. Yn wahanol i'r rhan fwyaf o feysydd o fewn cyngor, mae cynlluniau datblygu lleol yn gorfod bod yn gynaliadwy. Mae'n gorfod edrych ar wahanol *issues*. Efallai nad yw hynny'n wir am bob man mewn cynghorau. Mae hynny'n rhan o'r broses. Sut y bydd yn gweithio gyda'r byrddau newydd? Bydd honno'n her arall, a dweud y gwir, ac nid dim ond i'r ochr gynllunio, ond i bob rhan arall o'r cyngor hefyd. Faint o bŵer fydd gan hwnnw a faint y bydd yn dylanwadu ar weddill y cyrff sydd wedi'u cynrychioli arno?

**Mr Williams:** As it happens, in Gwynedd, it is I who is responsible for both. Unlike the majority of areas within a council, the local development plan is required to be sustainable. It has to consider all sorts of different issues. That may not be true of all areas of councils. That is part of the process. How will that fit in with these new boards? That will be another challenge, to tell the truth, and not just for the planning side, but for all other parts of the council, too. How much power will that have, and how much influence will it have on the various bodies represented on it?

[319] **Alun Ffred Jones:** Are there any other comments on that question?

[320] **Mr Morgan:** Very similarly, I would say that one of the concerns is that, while the Minister said it has been futureproofed around the potential mergers of local authorities, the one area we were particularly concerned with, going forward, is the suggestion about bringing planning committees together, maybe merging or having regional planning committees. While there is probably a basis to do that, and it would help planning committees deal with more applications, which would help alleviate the problem I suggested earlier, the issue is, with everything up in the air on the mergers, if two local authorities or more were to merge planning committees and have a bigger strategic approach, how does that then come in if Williams, or whatever we see, does not have the same footprint? The replies from many local authorities to our consultation were to say that, while some of the strategic working and the boards are being generally welcomed, there is a general feeling that it may be a little premature without us having further guidance on where we are going as local authorities.

[321] **Mr Howard:** Similarly, on the issue of the panel, I do not think that there is a problem with having non-elected members forming a third of it. What we would want to see is some clarity about how those members are recruited. On the face of it, you would imagine, if you have business representatives, possibly house builders, and alternatively environmental representatives, they are going to have a pretty predetermined view of what might come before them. Then you question how the community as a whole and the residents have a buy-in to that process. There is an overlap between the strategic panel and LSBs, down to the very local programmes, the Whole Place programmes that we have in our towns. There are an awful lot of bodies probably trying to achieve pretty much the same thing, but it is a bit like

the role of an actor, appearing in so many different things and wearing a different costume for each, but the plot does not seem to tie in.

[322] **Alun Ffred Jones:** That is a nice image.

[323] **Llyr Gruffydd:** I fod yn glir, mae enghraifft yn yr Alban, wrth gwrs, lle mae cynrychiolwyr o'r sectorau eraill hyn yn eistedd ar baneli, ond nid oes ganddynt bleidlais. A fyddai'n well gennyhych weld rhywbeth felly?

**Llyr Gruffydd:** To be clear, there is an example in Scotland, of course, where there are representatives from these other sectors sitting on panels, but they do not have a vote. Would something like that be something that you would prefer to see?

[324] **Mr Williams:** Byddai cyfraniad i bobl, wrth gwrs—pobl â phrofiadau gwahanol—rwy'n meddwl bod hynny. Ond rhaid cofio, wrth gwrs, fod cynghorwyr yr un fath ag Aelodau'r Cynulliad; mae pobl busnes yn gynghorwyr hefyd ac y mae pob math o bethau, onid oes?

**Mr Williams:** I do think that people with different experiences do have a contribution to make. But we must bear in mind that councillors are like Assembly Members; there are business people among them and all sorts of people, are there not?

[325] **Llyr Gruffydd:** Yn bendant.

**Llyr Gruffydd:** Definitely.

[326] **Mr Williams:** Nid rhywbeth ar wahan ydy e—mae'n rhan o'r unigolion, onid ydyw?

**Mr Williams:** They are not separate to the general population—it is part of the individuals, is it not?

[327] **Alun Ffred Jones:** Do you have any comment, Giles?

[328] **Mr Howard:** I think that that would be a great alternative and we do benefit from an independent individual sitting on our own committees, certainly our select committees, and they bring a lot to that.

[329] **Alun Ffred Jones:** Jenny Rathbone on this.

[330] **Jenny Rathbone:** While recognising that councillors, or indeed Assembly Members, come from different walks of life, we also have to recognise, do we not, that there is under-representation from certain groups? I think that those with mobility issues are a key point. Some of the evidence that we have had from people has pointed out that access arrangements are not sufficiently considered in planning matters, and that having such a representative might enable those matters to be given more consideration than they are given at the moment. Would you accept that?

[331] **Mr Morgan:** Are you suggesting that in terms of the panel or the planning committee?

[332] **Jenny Rathbone:** The Minister's proposal would be that one third would be people other than the elected members. So, it could include—

[333] **Mr Morgan:** The panel.

[334] **Jenny Rathbone:** Yes, because otherwise these issues are not given sufficient consideration and buildings are built that are not sufficiently accessible.

[335] **Alun Fred Jones:** Julie Morgan, did you want to add something on this?

[336] **Julie Morgan:** Yes. Very quickly, the Minister has made it quite clear that it is key to have good gender representation on these panels, and he thinks that it is very important to represent the community. Have you got any views on that?

[337] **Alun Ffred Jones:** It is the same question, so can you address those issues?

[338] **Mr Williams:** Mynd yn ôl at y cwestiwn cynt mae e mewn ffordd: dyna le fyddai cyfle i gael pobl sydd yn cynrychioli gwahanol grwpiau a'r math hwnnw o beth, ond penderfyniad arall ydyw o ran a oes ganddynt bleidlais neu beidio. Rwy'n meddwl y byddai cael rhywun i roi eu barn arbenigol a sôn am y problemau ymarferol yn y maes hwnnw y mae pobl yn eu cael wrth drïo mynd o un lle i'r llall—. Rwy'n meddwl y byddai'r math hwnnw o fewnbwn yn hanfodol i'r math hwnnw o bwyllgor, ond mae'n beth arall o ran a oes ganddynt bleidlais neu beidio.

**Mr Williams:** This returns to the earlier question in a way: that is where there would be an opportunity to get people in who represent various groups and various interests, but it is a different decision as to whether they have a vote or not. I think that getting various opinions and expertise on the practical problems that people face in going from one place to another and so on—. I think that having that sort of input would be crucially important to that sort of committee, but it is another issue in terms of whether they have a vote or not.

[339] **Alun Ffred Jones:** Are there any other comments?

[340] **Mr Howard:** I think that that would be pretty vital. I will give you a very specific local example: I studied a planning degree at Bristol and I still recall having a session with a group representing the partially sighted and the blind about their lack of input in the planning process. Very specifically, it is a popular trend when redeveloping town centres to go for maybe shared space, where you do not have a definitive barrier between, say, vehicles, pedestrians and cyclists—any users. I think that it is difficult sometimes in that we do not recognise the issues that those with disabilities might have. So, for example, the lovely, shiny stainless steel columns look great, but they are an absolute no-no for someone who is partially sighted because they can barely be picked out. Again, not knowing where the edge of the road is and not being able to see the traffic are also issues. There is a whole host of issues, some which I do not recognise myself, but are, no doubt, there. So, I agree with the Member's views.

[341] **Alun Ffred Jones:** I am very aware of the time, and there are a number of areas that we have not touched on yet, so I want your questions and answers to be succinct. Julie is next.

11:30

[342] **Julie Morgan:** On village greens, as you probably know, there have been a lot of responses to the proposals about village greens in the planning Bill. Really, I want to ask you what your experience is of applications for village greens and whether you think that there is an element of, allegedly, people applying in a way that is trying to block the planning process, rather than genuinely seeking a village green.

[343] **Mr Morgan:** I can give you two examples from my local authority where that was very much the case. One was a Connect 2 project, where, unfortunately, we had to give back a significant amount of funding—it was lottery, Sustrans and Welsh Government funding with our own. We put in planning permission to build a bridge across the river and some cycle paths and walkways. It took us a considerable amount of time to get negotiations concluded with Network Rail. We then put in a planning application with a fairly tight timeline to get the planning commenced so that we could start to build in the new year. We waited until the end of the planning application, that was determined and, within a week, we had a village green

status application come in, which then blocked everything so we could not proceed with the project. That meant that, because of the timelines on the grant funding, the whole project was scuppered and a £6 million project had to be downgraded. In the end, we did not build the bridge across the river and we have had to put an on-road cycle route through the area.

[344] There was another one that we lost in the High Court on village green status in Hirwaun. We granted a developer planning permission to build some houses on a piece of open brownfield land, which had been there for a number of years, fenced off and in the main unused. There were objections from residents that they did not want the additional traffic in the area. We fought a campaign on that with them. We granted planning permission and it went through various stages, but again we did not determine the village green status. They took us to the High Court, I think it was, and in the end they did proceed and they did get the status. That meant that the housing development of 130 houses, with some other community infrastructure and community assets, never went ahead. However, it was made quite clear to me by some of the protesters afterwards that they were advised to go for the village green status once they had gone through all the other planning mechanisms as a way of trying to block it. Unfortunately, in that case, they did succeed.

[345] **Julie Morgan:** I would just say that, obviously, you were unsuccessful in the judgment, so there must have been a belief that there was a genuine application for a village green.

[346] **Mr Morgan:** Well, the judge thought that, but as a local authority we certainly did not. [*Laughter.*]

[347] **Julie Morgan:** Thank you very much. I just wanted to get an idea about it.

[348] **Alun Ffred Jones:** Russell George is next.

[349] **Russell George:** I want to talk about democracy and local decision making. There is a view that the Bill is very much about taking away decision making from local communities and elected members and putting it with regional bodies and putting powers in the Minister's hands to make decisions. It is taking it away from local communities and town and community councils and away from you as well. I want to seek your views on that. We have had some views from town and community councils that they already felt that it was difficult to have an input to the local development plan and that now they are feeling that, under this Bill, it would be more difficult for them to be involved in that. Finally, I know that we have talked about the panels and non-elected members on those panels. However, if I can really press you, do you believe that those on that panel should have voting rights? I know that we have talked a lot about it, but I would really appreciate—

[350] **Alun Ffred Jones:** We have addressed that. I think that the point has been made that they do not think, by and large, that they should have voting rights. That is the view of the people in front of us. Can you address the other questions?

[351] **Mr Howard:** Chairman, there are two particular things that I would like to raise. This is perhaps indicative of a need by the Welsh Government to be prescriptive. One of those things is the planning committees and how they should operate locally. I think that the response that has been made by the Welsh Local Government Association has recognised that, possibly, two LPAs have planning committees that represent the full council. Therefore, why there is then a need to determine for us how many members we would need to have or how often we should meet and so on is something of a mystery if there is not an inherent problem with that.

[352] The second thing that is specific to the authority that I represent that forms part of the



Bill is pre-application advice, and it is something that we introduced about six months ago. Again, noting what the Minister said earlier about having a one-size-fits-all approach, the approach that we took was to work out what we wanted to achieve by having a pre-application system. We took a staged approach and brought in individual applicants and agents who deal with minor developments, and we talked to the volume house builders, and came up with a scheme. The level of application then determined who might be involved in that—it could be somebody from ecology or maybe highways, in addition to the potential case officer—and that has worked well. It was done with the satisfaction and approval of each of those groups that I mentioned.

[353] We have also tailored it so that the fees that we charge actually cover the cost of doing it, so I think that there is a fear there, having gone to that trouble—. We have been operating it for six months and it has been working well, so why would we want to have one that is nationally imposed when we have tailored one to our specific circumstances? I heard the Minister say earlier that there were 25 different approaches to it in Wales, but given that most applicants will be minor or householders in nature, somebody putting a small application in in Monmouthshire probably could not care less what happens in Powys, so, why be so prescriptive?

[354] **Alun Ffred Jones:** A oes unrhyw sylwadau eraill, John?

**Alun Ffred Jones:** Are there any other comments, John?

[355] **Mr Williams:** Rwy'n pryderu ein bod yn mynd yn llai democrataidd yn lleol a bod pethau'n mynd yn bellach oddi wrth bobl o hyd. Mae'n rhaid cofio mai peth amherffaith yw democratiaeth ar ei gorau ac mae trio ei gwneud yn dwt ac yn daclus a'i gwneud i ffitio i mewn i bethau—. Rwy'n meddwl mai jest cael gwared ar ddemocratiaeth yw hynny, a llai o ddemocratiaeth a fydd ar ddiwedd y dydd.

**Mr Williams:** I am concerned that there will be a democratic deficit locally and that things are moving further away from people all of the time. We must bear in mind that democracy, even at its best, is imperfect and to try to make it neat and tidy and to make it fit in to everything—. I think that that is just abolishing democracy, and what you have at the end of the day is less democracy.

[356] **Mr Morgan:** I would like to re-emphasise that my own authority and, generally, the WLGA welcome the Bill in the main, but with regard to local member involvement, the local member will still have the right to call in an application to committee if they do not want it to go through delegated powers, but it is about the balance, I suppose, of trying to make sure that you have a speeded up planning system and, at the same time, keeping local members and the community involved. It is a difficult balance, but, as I said, if local authorities can have a certain amount of discretion in determining things, such as the sorts of things that will go through delegation and what sorts of things come back to Ministers—. Through the consultation period, we are hoping that some of these items can be amended.

[357] **Alun Ffred Jones:** Hoffwn gael cwestiynau byr, os caf. Llyr Gruffydd sydd nesaf.

**Alun Ffred Jones:** Okay. I would like short questions, please. Llyr Gruffydd is next.

[358] **Llyr Gruffydd:** Mae tri awdurdod lleol yn y fan hon sy'n cynrychioli ardaloedd sydd â sefyllfaoedd ieithyddol gwahanol o safbwynt y Gymraeg. Fe wnaeth y Gweinidog awgrymu yn gynharach ei fod yn agored ei feddwl ynglŷn ag edrych ar ddefnyddio'r Bil hwn i gryfhau sefyllfa'r iaith Gymraeg o fewn y drefn gynllunio. Yn

**Llyr Gruffydd:** Thank you. There are three local authorities here that represent areas with different linguistic situations in terms of the Welsh language. The Minister earlier suggested that he is open minded about looking at using this Bill to strengthen the Welsh language situation within the planning regime. Certainly, members of eight local

sicr, mae aelodau o wyth awdurdod lleol wedi ysgrifennu at y Gweinidog i'r perwyl hynny. Mae'r WLGA, yn ei dystiolaeth, wedi dweud bod angen achub ar y cyfle i gryfhau sefyllfa'r Gymraeg. A gaf ofyn a oes gennych chi sylwadau ynglŷn â hynny? A ydych chi'n cytuno?

authorities have written to the Minister in that regard. The WLGA, in its evidence, said that the opportunity needs to be taken to strengthen the Welsh language situation. Could I ask whether you have any comment on that? Do you agree with that?

[359] **Mr Williams:** Rwy'n teimlo'n gryf iawn am hwn. Yng Ngwynedd, mae gennym TAN 20 a chafodd hwnnw ei ddiwygio ac y mae hyd yn oed yn wannach nac oedd cynt, a dweud y gwir. Fel y mae rŵan, rydym i fod i ragweld, wrth wneud y cynllun datblygu lleol, beth fydd yr effaith ar y Gymraeg ar ardal, ac efallai bydd 15 mlynedd cyn y bydd yna gais cynllunio yn yr ardal honno. Mae'n rhaid cael rhyw fath o fecanwaith sy'n ychwanegu at hynny fel bod hawl deddfwriaethol gennym, pan fydd cais yn dod mewn, i'w ailasesu eto. Ar y funud, rydym yn cael ystyried y Gymraeg, ond dim mwy na hynny. Rwy'n meddwl ei fod yn bwysig iawn bod rhywbeth yn y Bil sy'n ein galluogi wedyn i arwain reit trwy'r broses, o Gaerdydd efo'r Bil cenedlaethol ac efo'r rhai strategol lleol a phob dim yn lleol, fel bod hawliau cyn belled ag y mae cynlluniau ar yr iaith Gymraeg yn y cwestiwn, felly.

**Mr Williams:** Yes, I feel very strongly about this issue. In Gwynedd, we have TAN 20, which was amended, and it was actually diluted, to be honest. As it is, we are supposed to foresee, through the local development plan, what the impact will be on the Welsh language in an area, and it may be 15 years before there is a planning application in that area. We must have some sort of mechanism in place that adds to that to ensure that we have a legislative foundation, when an application comes in, to reassess it. At the moment, we can take account of the Welsh language, but no more than that. I think it is very important that there is something on the face of the Bill that enables us to take things right through the process, from Cardiff with the national Bill and through the strategic plans, so that there should be rights in place as far as planning and the Welsh language are concerned.

[360] **Alun Ffred Jones:** Are there any other comments on this issue?

[361] **Mr Morgan:** I just want to quickly say that I do not have major concerns about it. I do think that, possibly, the opportunity should be taken to review it further. As has already been mentioned, we do have TAN 20 as the technical document to advise on this, but it may be worth while to have another look at it. However, I do not have major concerns from my own point of view.

[362] **Mr Howard:** [*Inaudible.*]—Chairman.

[363] **Alun Ffred Jones:** Okay. Joyce Watson is next.

[364] **Joyce Watson:** I want to move on to developments of national significance and the option that is being given to apply directly to Welsh Ministers. What are your views on the need, first of all, for that process, for Welsh Ministers to decide some planning applications? There are only a small number at the moment and there are only a small number of existing call-ins.

[365] **Alun Ffred Jones:** Who is going to take that up? John.

[366] **Mr Williams:** Nid wyf cweit yn deall pryd mae rhywun yn mynd i benderfynu lle mae nhw yn mynd i rhoi cais i fewn, a dweud y gwir. A yw rhywun i'n mynd i ddechrau efo awdurdodau lleol? Wel, na,

**Mr Williams:** I do not quite understand when someone makes a decision as to where they are going to submit an application, to be honest. Am I going to start with the local authority? Well, no, it may not agree; I will

efallai na fydd rheiny'n cytuno; mi awn i Gaerdydd, felly. Rwy'n ei weld yn annelwig iawn fel y mae o ar hyn o bryd, ac nid wyf cweit yn siŵr beth yw ei fwriad. Rwy'n gwybod bod hawl i alw pethau i fewn rŵan, ond, o ran ochr y datblygwyr, nid wyf yn siŵr iawn; rwy'n meddwl mai penderfynu pa un fyddai hawsaf fydden nhw, o ran cael beth mae nhw eisiau, sydd ddim y ffordd mae'r broses gynllunio i fod i weithredu, nag yw?

take it to Cardiff instead. I see it as being very ambiguous as it stands at present, and I am not really sure what the objective is. I know that they have the powers to call things in now, but, from the point of view of developers, I am not really sure how it is going to work; I think they would look at what is easier for them, in terms of getting what they want, which is not how planning is supposed to operate, is it?

[367] **Alun Ffred Jones:** Do you want to come back on that, Joyce?

[368] **Joyce Watson:** Yes. There are clear criteria within the Bill about what would constitute—. It is major planning; you know, it is a windfarm development over x amount of size. So, there are clear criteria. Maybe that will help anyway.

[369] **Alun Ffred Jones:** Are there any other comments?

[370] **Mr Morgan:** I am not 100% sure what the basis of it is because, if local authorities are going to be doing a large part of the work anyway, which feeds into the Welsh Government's decision when the Minister looks at the application, I am concerned about what speed efficiencies are going to be achieved with this. I will just make the point that I know that it may be a direct result of some of the issues in mid and north Wales with windfarms and what have you, and some of the big planning applications that have run into difficulty, but, to give you an example in my own authority, we have three major developments, which would, under the planning process, go to the Minister, but our local authority, in each of those three cases, has actually gone along and we have agreed with officers and approved. The largest windfarm in Wales is being built—Pen y Cymoedd windfarm—in Rhondda Cynon Taf. So, I am not quite sure what is going to be achieved by this. I can understand why they are trying to do it, but I am just not quite seeing what the end benefit will be, when a huge amount of the work is going to be done by the local authorities anyway.

[371] **Joyce Watson:** The other area that has exercised some views under this is the process of designating a local planning authority as failing. I am sure that you all have something that you would like to tell the committee about that.

[372] **Alun Ffred Jones:** Does anybody wish to comment? Giles Howard.

[373] **Mr Howard:** First, I will just go back to developments of national significance and agree with Andrew wholeheartedly. I perhaps wonder how much capacity there is within the Welsh Government to deal with applications when it is not simply about the determination; it is the ongoing management of the consent, the management of the site, and dealing, very often, with a vast number of conditions. Is that something that is going to be passed straight back to the authority? It would be helpful to know that.

[374] In terms of the failings, we have always had a debate and it always seems to be about time versus quality. Often, when we have had applications come to committee in Monmouthshire, certainly for a volume housing development, members pay an awful lot of attention to design details. We have always had a pretty good relationship with developers, where we try to improve schemes, even to the point where members will discuss maybe the lack of a stringer course, or the addition of quoins or something, just to make the layout and the appearance of whatever is proposed more acceptable, particularly with relevance to affordable housing. That does take a toll then, if you are taking time out between those monthly committees. That makes a massive difference to the timescale and can push

something over the eight or the 13 weeks. So, it does raise the question as to how you will score local authorities as to whether or not they fail, when, in fact, in terms of basic performance indicators, they could be doing very badly, but the quality of development on the ground could actually be very good.

[375] **Alun Ffred Jones:** Okay. Jenny Rathbone is next.

[376] **Jenny Rathbone:** The planning process can be a very fractious process, particularly where people have different views about an application. What are your views then about the approach in the explanatory memorandum that we want to move away from reactive planning to proposed developers having to consult people before they put in an application so that there is much more inclusiveness and partnership in the shaping of proposals?

11:45

[377] **Alun Ffred Jones:** Giles Howard has already explained the position in Monmouth and what you have done, so, Andrew Morgan.

[378] **Mr Morgan:** To a large extent, a number of authorities already do that; my own does. We have pre-application sessions with the developers trying to help shape and look at what they are doing and how it fits in with either the community plan or with the other assets there. So, a number of authorities do that; it is just about how prescriptive we are, in the future, with it. It would be a concern if it got to the extent that we have to do a huge amount of work upfront before it gets to the application stage. Sometimes, we work with them, giving pre-application advice and working with them trying to shape their plans, and it does not come to anything. So, it may mean, after quite intense work with a developer, that they do not get to the stage of putting an application in.

[379] **Jenny Rathbone:** But does this Bill not put the onus on the proposer to do the work in advance, before they submit an application to a committee? I can see that the council does not necessarily want to do a lot of work on something that, in the end, the developer decides to walk away from, but is not the Bill putting the onus on the developer to do that groundwork—

[380] **Mr Morgan:** It depends on how robust that piece of work is before it comes forward.

[381] **Jenny Rathbone:** Indeed it does, but surely the purpose is to try to get them to explore any potential concerns, prior to the council being involved, by talking to the relevant stakeholders.

[382] **Mr Morgan:** As I said, that may be the intention of the Bill; there is just a concern about how robust that would be without local authority involvement. Whereas now, as I said, it is done on an ad hoc basis—some authorities do it and some do not—working with developers before they get to the planning stage.

[383] **Jenny Rathbone:** Does not this, then, enshrine the good practice that some councils are already operating?

[384] **Mr Morgan:** Possibly, but I would come back to saying that it depends. If the local authorities are not involved in it and the onus is put on the developer, it depends on how robust that piece of work they do is, before it comes back to the local authority.

[385] **Jenny Rathbone:** Okay, it does indeed, but we are trying to legislate to ensure that those who need to be consulted are consulted, and that their views are given some weight. Whether they are discounted—

[386] **Alun Ffred Jones:** We are running out of time. Bill Powell, finally, is next.

[387] **William Powell:** Thank you, Chair. I would just like to ask you all if you have any experience of developers or potential developers looking to bring forward a substantial development funding upfront, and being required to do so by the local authority, an extensive development brief rather of the kind that perhaps Jenny had in mind. I know in the case of an example that Councillor Howard might know of, in Cwrt y Gollen, which is between Crickhowell and Abergavenny, the potential developer there brought forward a brief, and was required to do so by the Brecon Beacons National Park. It was a professionally-done development brief, and it was led by a local planning consultant—

[388] **Alun Ffred Jones:** What is the question?

[389] **William Powell:** What experience do you have of that and do you think that that is good practice?

[390] **Mr Williams:** A gaf i jest ddweud hyn? Rhyw flwyddyn yn ôl yng Ngwynedd, fe wnaethom ni wahodd datblygwyr tai atom ni i weld beth oedd eu hagwedd tuag at y cyngor, ac fe wnaethom ni drafod ag ambell ddatblygwr lleol a rhai cenedlaethol. Roeddem ni'n trafod *pre-applications* a phethau felly, ac roedden nhw—. Rydym ni ar y funud yn cynnig y gwasanaeth yng Ngwynedd, ond nid ydym yn codi amdano, ond rydym yn mynd i godi amdano cyn bo hir. Yr hyn oedd yn syndod imi oedd bod rhai ohonyn nhw'n ein hannog i godi am *pre-apps*; roedden nhw eisiau cael *pre-app* ac roedden nhw eisiau talu amdano. Rwy'n cymryd bod hynny oherwydd ei bod yn rhoi mwy o hawl iddyn nhw i gael y drafodaeth, am wn i. Roedd ambell un ohonyn nhw'n ddatblygwyr lleol ac roedd yn syndod mawr imi glywed eu bod nhw am dalu, ond roedd eu hagwedd nhw tuag ato yn bositif iawn. Roedden nhw eisiau'r drafodaeth honno'n gynnar, cyn i gais fynd i mewn, i wybod yn union beth oedd beth, a beth oedd yn bosibl i wneud a beth i beidio â'i wneud, felly.

**Mr Williams:** May I just say this? Around a year ago in Gwynedd, we invited in various housing developers that we wanted to see what their attitude was towards the council, and there were some that were local and some national. We were discussing pre-applications and so on, and—. At the moment, we provide the service in Gwynedd but we do not charge for it, but we will do so in a little while. What was surprising was that some of them actually encouraged us to charge for pre-apps; they wanted a pre-app and they wanted to pay for it. I assume that that is because then, they would have more of a right to insist on that discussion and debate. Some of them were local developers, and, for me, it was very surprising to hear that, but their attitude was very positive to those pre-apps. They wanted those discussions early, before the application went in, so that they knew exactly what was what, what was possible and what was not.

[391] **Alun Ffred Jones:** Wel, dyna un profiad.

**Alun Ffred Jones:** Well, that is one experience.

[392] **Alun Ffred Jones:** Do you have any other comments on this issue, Andrew?

[393] **Mr Morgan:** As I said, I have limited experience of this, but, actually, I have been to a meeting this week where that was very much the case. There is a huge development, potentially, in Rhondda Cynon Taf at one of our strategic development sites, and there is a partner there who is looking to bring together about 20 different landowners, and it is a mixture of brownfield housing development, industrial—it is partly Welsh Government and partly ours—so, it is a huge site to develop, and we are now going through that process, trying to provide some pre-application advice. The reason they asked me to come in is because it is a

strategic development site, and there is potential to open up the top of the Valleys. So, we were doing that, and the officers have had a series of technical meetings, where we provided advice free, as pre-application advice. However, we have now put all the partners together, and the consultants have developed a brief. It has been very positive to try to get as many of these ticks in the right boxes before they actually get to the consideration of coming forward with a master plan to then put in an application.

[394] **Alun Ffred Jones:** Right. Time is defeating us, so I am going to ask all three of you to make any comment you wish on the Bill as it stands, and what you would like to see changed in it. It is up to you to leave us with your last impressions. Giles Howard.

[395] **Mr Howard:** I think, Chairman, the points I have raised pretty much cover the issues I have with it. Thank you.

[396] **Alun Ffred Jones:** Okay. Andrew Morgan.

[397] **Mr Morgan:** The main one was what I touched on earlier, which was around the scheme of delegation. I think that local authorities should have a certain amount of determination. If you are to have planning committees that are meaningful, are trained and have frequent meetings, they need to have that mixture, I think, of dealing with applications, not just, as in the example I gave, maybe one a month. That is one of the main ones.

[398] I just want to touch on one thing that we discussed earlier about the large developments going directly to Welsh Government. There is one concern there with the fees. If we do not have fees from large developments coming into local authorities—. The whole idea of the planning Bill is to try to improve the planning process and to improve the outcome for us, but, if we lose a significant amount of the income, with major developments going directly to Welsh Government and bypassing local planning authorities, there is a risk that that loss of fee, which can be a considerable as a percentage on the budget for a year, could have a detrimental effect on the planning system within local authorities. So, that is something that I would like to flag up as a concern.

[399] **Alun Ffred Jones:** John.

[400] **Mr Williams:** Mae gennyf ddau bwynt. Rwy'n meddwl ei bod yn bwysig bod y Bil yn cynnwys cydbwysedd rhwng cysondeb a democratiaeth leol. Rwy'n meddwl mai cael y cydbwysedd hwnnw yw un o'r pethau pwysicaf yn y Bil. Fy ail bwynt yw'r iaith Gymraeg. Rwy'n meddwl, fel cenedl, ei fod yn bwysig iawn bod yr iaith Gymraeg yn rhan o'r Bil cynllunio newydd—bod brawddeg ynddo sy'n cwmpasu'r iaith Gymraeg.

**Mr Williams:** I have two points. I think it is important that the Bill strikes a balance between consistency and local democracy. I think that balance is one of the most important aspects of the Bill. My second point is the Welsh language. I think, as a nation, it is very important that the Welsh language should form part of the new planning Bill—that there is something there on the Welsh language.

[401] **Alun Ffred Jones:** Diolch yn fawr iawn i'r tri ohonoch.

**Alun Ffred Jones:** I thank all three of you very much.

[402] Thank you very much for coming in. You will receive a copy of the transcript to check for accuracy.

[403] Diolch yn fawr iawn i'r tri ohonoch. I thank all three of you very much.

11:53

**Y Bil Cynllunio (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 3**  
**Planning (Wales) Bill: Stage 1—Evidence Session 3**

[404] **Alun Ffred Jones:** Fe'ch croesawaf chi'ch pedwar yma i roi tystiolaeth gerbron y pwyllgor ar y Bil cynllunio. Rydym newydd gael aelodau etholedig yma, a rŵan mae'ch cyfle chi fel swyddogion. A wnewch chi gyflwyno'ch hunain, os gwelwch yn dda, gan roi eich enw a'ch swydd, er mwyn inni gofnodi hynny?

**Alun Ffred Jones:** May I welcome all four of you here to give evidence to the committee on the planning Bill? We have just heard from elected members here, and now is your opportunity as officers. May I ask you to introduce yourselves, please, giving your name and your roles, so that we can put that in the record?

[405] **Ms Lee:** I am Jane Lee and I work for the Welsh Local Government Association. I am a policy officer and I pick up issues around planning.

[406] **Mr Bowen:** Eifion Bowen wyf i ac rwy'n bennaeth cynllunio yng Nghyngor Sir Gâr.

**Mr Bowen:** I am Eifion Bowen and I am head of planning in Carmarthenshire County Council.

[407] **Mr Goldsworthy:** I am Marcus Goldsworthy and I am the head of planning for the Vale of Glamorgan Council.

[408] **Alun Ffred Jones:** You do not need to touch the buttons on the microphones.

[409] **Mr Davies:** Aled Davies wyf i, ac rwy'n bennaeth ar yr adran reoleiddio yng Nghyngor Gwynedd, sy'n cynnwys cyfrifoldeb am faterion cynllunio a thrafnidiaeth.

**Mr Davies:** I am Aled Davies, and I am head of the regulatory department in Gwynedd Council, which has responsibility for planning and transport issues.

[410] **Alun Ffred Jones:** Nid oes gennym ormod o amser, felly gofynnaf i'r cwestiynau fod yn gryno a hefyd ichi ateb yn gryno. Gan fod yna bedwar ohonoch, efallai na fyddaf yn gofyn i'r pedwar ohonoch ymateb i bob cwestiwn. Galwaf Joyce Watson.

**Alun Ffred Jones:** We do not have too much time, so I ask for the questions to be succinct and for you to answer the questions succinctly. Given that there are four of you, I may not ask all four of you to answer every question. I call Joyce Watson.

[411] **Joyce Watson:** Good morning. Thanks for being here. What are your views on the overall purpose of the Bill—I am sure that you can give those—and the complexity of planning legislation and the need for consolidation of the Bill to fit with all of the other regulations that sit elsewhere?

[412] **Ms Lee:** Perhaps I could kick off. We are generally broadly supportive of a planning Bill for Wales, but we remain concerned about some elements of the Bill. We have picked some of those up in our written evidence. We feel that perhaps the Bill is going too far in terms of seeking to control local decision making. We remain concerned over some of the issues around the democratic deficit and the strategic planning panels. Looking further afield, we understand the aim of the Welsh Government in looking at a planning consolidation Bill. I think that that would be useful in years to come—that we bring all of the planning legislation together in one Bill. We look forward to that as well.

[413] **Mr Bowen:** It has the potential of doing both. Given that the main purpose of it is to simplify the planning system, it has the potential of making it far more complex. I will cite the range of plans that have been referred to the Bill from the NDF right down to the community

plans—the place plans—and the introduction of a new category of development. I think that some authorities are still coping with the new national infrastructure, practically, for example, and how that sits into the planning system. So, it has the potential of complicating the planning system, but it also has potential in terms of simplifying and consolidating a whole range of planning policies and issues. So, it has the potential to do both.

[414] **Mr Goldsworthy:** I think that I would echo what Eifion has said. One amplification is that certain issues in this Bill and the information that has come out with it are going to completely overcomplicate the planning system in certain areas, specifically pre-application submissions and, actually, the issue of taking away the local ability to amend the schemes of delegation. I think that, possibly, some of our colleagues and councillors have mentioned the issue of too much delegation limiting planning committees' workload. However, in areas such as Cardiff, the Vale of Glamorgan, Bridgend and other built-up areas where we get a lot of planning applications, we have done a similar study of applications and how many would go to planning committee. We are actually fearful that the scheme of delegation that has been put forward by the Welsh Government would lower our delegation rate and would lead to, in some cases, more applications going to planning committee. A good example that is talked about is that of applications for more than 10 houses automatically having to go to planning committee. However, in the Vale of Glamorgan currently, if the application has had outline planning consent, then the second application—the reserved matters application—would not have to go back to planning committee unless local members called for it to go to committee. However, under the current system that is proposed, it is quite possible that it would have to go back to planning committee, therefore increasing the amount of work that we have to deal with.

[415] You have to recognise that, in some of the council areas, they do deal with fewer applications, but, in other council areas, such as the built-up, south-east area of Cardiff, the Vale and Bridgend, we are dealing with 1,400 or 1,500 planning applications a year. It can make committees almost unworkable if you have to deal with more than 10 applications in one sitting. So, I think that this one-size-fits-all solution for both pre-application submissions and for delegation is not the right way to go. We did suggest a minimum scheme of delegation to the Welsh Government as a good starting point if it wanted to achieve a form of consistency, so that councils had to reach a certain level of delegation but, beyond that, could decide if they wanted to go further. I think that the Welsh Government dismissed that. I think that that is a shame because it would have been a good way of dealing with that.

[416] **Mr Davies:** I ategu'r sylwadau a wnaed eisoes, y gynffon ymarferol i'r sylwadau hynny, wrth gwrs, yw goblygiadau posibl y costau ychwanegol wrth ddarparu gwasanaethau effeithiol, pe bai'r elfennau o geisio mân reoli pob agwedd ar y drefn yn cael eu gweithredu yn y pen draw. Rwy'n meddwl bod hwnnw'n ffactor pwysig inni ei gofio yn yr adegau ariannol tynn yma. Yr oedd y cwestiwn hefyd yn cyfeirio at y berthynas efo deddfwriaeth gynllunio ehangach. Rwy'n meddwl bod cyfleoedd sylweddol i weld gwelliannau a chryfhau hynny. Rwy'n meddwl bod yna ddiffygion o ran y berthynas efo rhai canllawiau ac, o bosibl, deddfwriaeth arall.

**Mr Davies:** To endorse the comments already made, the practical issue surrounding those comments is the possible implications of additional costs in providing effective services if those elements of trying to micromanage all aspects of the system were to become a reality. I think that that is an important factor to bear in mind in these times of financial constraints. The question also referred to the relationship with wider planning legislation. I do think that there are significant opportunities to see improvements and to strengthen that. I think that there are deficiencies here in terms of the relationship with certain guidance and, possibly, certain other pieces of legislation.

12:00



[417] Fel rhywun sydd â chyfrifoldeb dros rhai o faterion trafndiaeth, nid wyf yn gweld y berthynas yn glir rhwng beth sy'n dod drwodd yn y ddeddfwriaeth gynllunio a beth yw rhai o'r disgwyliadau ar awdurdodau lleol a'u partneriaid wrth roi cynlluniau trafndiaeth yn eu lle. Mae hynny yn treiddio, o bosibl, o ran y ffordd y mae hynny'n cael ei weithredu gan y Llywodraeth a swyddogion y Llywodraeth, ac yna'r disgwyliadau sy'n cael eu rhoi ar awdurdodau lleol.

As someone who has responsibility for certain transport issues, I do not see the clear interrelationship between what is coming through in the planning legislation and what some of the expectations are on local authorities and their partners in terms of implementing transport plans. That does permeate in terms of the way in which that is implemented by Government and Government officials, and the expectations therefore placed on local authorities.

[418] **Alun Ffred Jones:** Beth ydych yn meddwl wrth hynny? Beth sydd yn y Bil sydd yn amharu ar hynny?

**Alun Ffred Jones:** What do you mean by that? What in the Bill would impair that?

[419] **Mr Davies:** O ran yr elfennau ymarferol, megis y fframwaith cenedlaethol a'r cynlluniau ar lefel strategol, nid yw'r berthynas efo'r cynlluniau trafndiaeth cenedlaethol a chynlluniau trafndiaeth lleol, sydd yn cael eu gwneud ar y cyd rhwng awdurdodau, yn glir o gwbl. Mae'n ymddangos bron iawn, ar adegau, nad yw'r gwaith paratoi wedi bod yn drawsadrannol.

**Mr Davies:** In terms of the practicalities, such as the national framework and the strategic-level plans, the interrelationship with the national transport plans and the local transport plans, which are done jointly by authorities, is not clear at all. It appears at times that the preparatory work has not been done on a cross-departmental basis.

[420] **Alun Ffred Jones:** Joyce, do you wish to come back on this point?

[421] **Joyce Watson:** Cost has been briefly mentioned, and there is a question as to whether you think that the independent advisory group, which has estimated the cost to local authorities, has done exact costings that you would agree with, or would you argue that that is not the case?

[422] **Ms Lee:** One of the difficulties around the Bill is that there are a number of provisions to give the Minister powers to enact through secondary legislation. So, it is not clear what some of the powers will be used for and, therefore, the costs associated with those. We acknowledge that, in terms of trying to cost some of the proposals in the Bill, it is difficult and, obviously, the Welsh Government has attempted and made some assumptions in the regulatory impact assessment, but it is very difficult for it to do that. What I would say is that, in the current climate, local planning authorities—and most of my colleagues here will be able to give you examples—will find it very difficult to find the time to implement the change and the culture change that the Minister is talking about, in times when we are just trying to keep a basic service, in order to provide the service that the public expects. So, it is a big ask to implement some of the changes that are being proposed here.

[423] **Mr Bowen:** Just to pick up one example, on the proposal for pre-application advice, you have already heard the view that this may be an overprescribed process in terms of what needs to reflect local requirements. At the moment, there is a range of charges for pre-application advice. Some authorities, such as Carmarthenshire, do not charge. It takes the view that the majority of applications at the moment may be householder related. It may be the one application that they put in, so what do they get back in terms of what they pay in rates from the planning system? We do have planning performance agreements with the national infrastructure projects, and there is no fee associated with that. However, at the moment, as there is no legal requirement to provide pre-application advice, local planning authorities can charge for it under the Local Government Act 2003. That charge is then based

on what you need to deliver that at a local level. If those fees are set nationally, I think that providing pre-application advice at a local level, where the majority of the applications will be from householders, will be totally different in a city environment as opposed to a rural environment. That nationally imposed requirement for pre-application advice would take away that ability to recover the cost at a local level to reflect local need and local circumstances.

[424] **Alun Ffred Jones:** A oes unrhyw **Alun Ffred Jones:** Are there any other sylwadau eraill? comments?

[425] **Mr Goldsworthy:** I would just take it one stage further. In areas of urban deprivation, the Valleys or other areas, certainly it might well be that you do not want to charge for pre-application discussions, as you want to encourage people to come to your area and to come to invest in whatever that district or region might be, and you do not want to discourage it. In other areas, and certainly with other types of development, house builders, for example, who have higher value land to develop around Cardiff, or wherever, they are willing to pay for that service. So, if you set a national fee, you are going to affect more deprived areas, and you are going to have a larger impact on the slightly more remote areas as well. The worst-case scenario would be a national fee that sits somewhere in-between and took income away from the councils that generate the income to cover that fee, at a time when we are all losing resources hand over fist. I do worry how we will be able to provide the sort of service indicated in this Bill if the fees do not recover the full cost. The planning fees do not at the moment and so, if we work on that basis and look at that, it is likely that the fees for pre-application inquiries will not, in which case I just do not see how we will be able to provide the service in the first instance.

[426] **Alun Ffred Jones:** Okay, we will move on. Julie Morgan is next.

[427] **Julie Morgan:** I was going to ask about strategic development plans and whether you could tell us what you believe will be the interrelationship between preparation for the local development plans and preparing for the strategic plan.

[428] **Mr Bowen:** It will work in certain areas; there is no doubt about that. Planning does not stop at an administrative boundary, and certain aspects, particularly economic and transport aspects, will spill over. The issue is this: which comes first? Going back to the national development framework, is it a top-down approach where the plans below have to have due regard to the plan above? The implication in the Bill is that that is what we need to do. In the same way, the local plan at the moment has to have regard to national policies. It will lead to an element of confusion in the transition element. Carmarthenshire at the moment is at the point of adopting—touch wood—its local development plan. However, we still have to explain the relationship between the local development plan and the unitary development plan, which was its predecessor. There is a possibility for confusion when the SDP comes in as to how you define it. Is it going to be based on the city region, which brings in the relationship between the panel and the city region board? That is an issue. However, it does provide an opportunity to deal with issues that can take a wider perspective on a whole range of land use issues.

[429] **Julie Morgan:** Will you have the resources to deal with both?

[430] **Mr Bowen:** No. Quite simply, the departments that have gone through the LDP process are haemorrhaging at the moment. They are looking for alternative employment. They are not being replaced. Planning as a service has to take its fair burden, but it is taking a disproportionate burden when the big spenders, such as social services and education, are sometimes protected in that sense. So, it is going to be quite a burden. Not only that, but there is an element of training where the focus has gone away from a more strategic perception, and

when I say 'strategic', I mean beyond a local authority perspective. On that strategic element that used to be part of the structure plans, you have very few planners with that kind of strategic overview in terms of experience. So, there are two issues there: the resources and what little resources we have in human terms may lack that perspective and experience.

[431] **Mr Davies:** O ran yr egwyddor, rwy'n meddwl bod yr egwyddor o gael cynlluniau ar lefel strategol i'w chanmol a'i croesawu. Fodd bynnag, mae cryn gwestiynau yn codi ynglŷn â'r awgrym eu bod yn mynd i fod yn berthnasol mewn rhai ardaloedd ac nad oes angen cynlluniau strategol ar sail Cymru gyfan. Yn fy rôl i, rwy'n gweithio cryn dipyn efo awdurdodau lleol ar draws y gogledd ond hefyd yn y canolbarth. Mae pryder reit sylweddol ym Mhowys, yng Ngheredigion, yng Ngwynedd ac ym Môn na fydd ffiniau unrhyw gynllun strategol o anghenraid yn cynnwys yr ardaloedd gwledig hynny. Rwy'n meddwl bod y pwynt wedi cael ei wneud eisoes y bore yma o ran gofyn a oes materion sydd yn strategol yn yr ardaloedd hynny hefyd. Er mwyn cael gwerth gorau allan o'r system yn ei chyfanrwydd, mae'n rhaid inni gael yr haen strategol yn y fframwaith genedlaethol yn berthnasol i bawb, fel bod yr holl gynlluniau sydd yn cael eu datblygu o dan hynny yn adeiladu ar hynny er budd y cymunedau, yr economi ac yn y blaen.

**Mr Davies:** In terms of the principle, I think the principle of having plans at a strategic level is laudable and should be welcomed. However, there are major questions arising around this suggestion that they will be relevant in certain areas and that we do not need strategic plans on an all-Wales basis. In my role, I work a fair bit with local authorities across north Wales but also in mid Wales. There is quite significant concern in Powys, Ceredigion, Gwynedd and Anglesey that the boundaries of any strategic plan will not necessarily include those rural areas. I think the point has already been made this morning in relation to whether or not there are strategic issues in those areas too. If you are to get best value from the system as a whole, the strategic layer in the national framework must be relevant to everyone, so that all plans developed under that framework build on that foundation for the benefit of the communities, the economy and so on.

[432] **Alun Ffred Jones:** Jeff Cuthbert, do you want to come in on this?

[433] **Jeff Cuthbert:** Yes. On this point, of course, it is not just in isolation to this proposal. As you know, there is Williams, which could result in fewer larger local authorities. There will be the requirements of the Well-being and Future Generations (Wales) Bill and the setting up of the public service boards on a statutory basis. So, in terms of the strategic planning boards, how do you see them gelling well with these other considerations?

[434] **Mr Bowen:** I think, in terms of the panel itself, we were listening to the discussion about democratic deficiency in it, with regard to the third point about whether the Minister should have a vote or not. From a technical position, I think that it provides a very good opportunity of bringing high-level strategic issues such as environment into play. The Planning (Wales) Bill must not be seen in isolation of course; you have the environment Bill and the future generations Bill, with the emphasis on sustainability. However, I think that the selection of those members needs to be reflective of sectors of society and a reflection of all those involved in the development process, whether you are from an ecological, environmental background, or economic, which is where the link with the city boards is important, of course. That will provide that perspective. The decision on whether they should have a vote or not I think is a matter for politicians. However, the selection process certainly needs to be transparent and needs to be balanced, to provide that balanced perspective when you look at these strategic development plans.

[435] There is an element of confusion, of course, because a great deal of work is already done on a regional basis. If you look at minerals and you look at waste, you have the north

Wales scenario, with the seven planning authorities working there. From the south perspective, we have service level agreements in Carmarthenshire with other authorities. We do work on behalf of Welsh Government in terms of the aggregates, and we are now putting in an expression of interest in terms of waste. So, a lot of those issues overspill, and I would suspect would overspill, given their nature, beyond the geographic identification of these SDPs as well.

[436] **Alun Ffred Jones:** Jenny, is it on this issue?

[437] **Jenny Rathbone:** Yes. I really want to pursue this issue of one size fits all versus local circumstances. I am a bit concerned that, in the Vale of Glamorgan, houses of up to 10 dwellings do not then come back to the members; they are determined by officers. So, particularly around the removal of duties to make provision about design and access statements—and the Minister has said that that will be dealt with by building controls—how in your view is that going to be sufficient to ensure, in terms of the house builder who just wants to make a quick profit, as opposed to a quality dwelling, that we do not just have loads of future slums?

[438] **Mr Goldsworthy:** It is important to note that design and access statements did not actually deal with access from the point of view of disability and actually access to the building, believe it or not. Design and access statements dealt with access to the development as a whole from outside the site, and sustainability issues associated with that. That being said, certainly there is the question to be asked about whether they should be just thrown out. Certainly for major schemes, they did provide a very useful tool for assessing those schemes within streetscapes and within the context of the urban environment, semi-urban environments and rural environments, in some cases. Their use was limited for smaller-scale developments—fewer than 10 houses, I think—so they were probably over baked for that, but I think that they did have, and do have, a use on the major planning application housing schemes, where a lot of issues can be looked at through that design and access statement. It also shows that the developer is not just looking at a pattern-book housing development and dumping it on a site, but is actually taking account of the environment that surrounds the scheme and looking at trying to make the scheme fit in with that environment. So, our view is that they have a role. Their role may need to be redefined, but they still have a role.

12.15

[439] **Jenny Rathbone:** Okay. I think that it is of considerable concern. It could be that there is a role for a one-size-fits-all approach in terms of minimum requirements around design and access in both senses of the word, in terms of our sustainable futures et cetera.

[440] **Mr Bowen:** On the design element, it really needs to demonstrate where the design has come from, what they have gleaned from the local environment and what the thought process is in arriving at that. I think that it would be useful to retain that statement; that could be a national requirement, but it can then reflect the local setting for that building. Part of that process, which is integral, is the ability to meet the various requirements of different parts of society, and disabled access is a key one. Part M deals with it, from the building regulations perspective, for the building; the public realm is an area where it is perhaps not quite so clear. So, that element could be part of the design and access. I think the role of the Design Commission for Wales needs to be reflected on. Is there a greater training role, perhaps, for it, from that perspective? Again, from the perspective of the Home Builders Federation, we welcome its support in its recent letter to our chief executive, saying that resources for planning departments are critical. However, obviously, it has a one size, or one-design-fits-all scenario, and that is where I think that the—battle is too strong a word, perhaps—discussion needs to take place, in terms of nationally designed developments reflecting local requirements.

[441] **Alun Ffred Jones:** Right, Members want to come in on this, and there are all sorts of issues that we have not covered. I will call Llyr Gruffydd, William Powell, Antoinette and then Russell.

[442] **Llyr Gruffydd:** Diolch. Mae fy nghwestiwn i yn bennaf i sir Gaerfyrddin a Gwynedd, efallai, ynglŷn â'r iaith Gymraeg. Beth fyddech chi'n licio ei weld yn y Bil a fyddai'n ei gwneud yn haws i chi, efallai, gymeradwyo ceisiadau sy'n llesol i'r Gymraeg neu wrthod ceisiadau a fyddai'n tanseilio'r iaith?

**Llyr Gruffydd:** Thank you. My question is mainly for Carmarthenshire and Gwynedd, perhaps, in relation to the Welsh language. What would you like to see in the Bill that would make it easier for you, perhaps, to approve applications that would be beneficial to the Welsh language or to reject those that would undermine it?

[443] **Mr Davies:** Os caf gychwyn, rwy'n meddwl bod yna farn reit gryf yng Ngwynedd drwy ochr y swyddogion ar lefel broffesiynol a'r gwleidyddion etholedig, sy'n meddwl bod yna gyfle yma i wneud gwahaniaeth. Mewn 27 mlynedd o weithio mewn cynllunio, mae Bil Cynllunio (Cymru) yn gyfle unwaith mewn cenedlaeth i wneud newid, a siawns na welaf i byth mo'r cyfle i weld newidiadau o'r math hwn eto. Felly, mae'n allweddol bwysig, efo'r system gynllunio bresennol, sydd, yn y bôn, yn system o Loegr efo'r iaith wedi'i sticio ar yr ymyl efo *Blu-tack* fel mater, ein bod yn cymryd y cyfle i roi sylw iddi. I roi'r sylw priodol iddi, mae'n rhaid iddi gael y bachyn ar y lefel genedlaethol, a dyna'r cyfle y mae'r Bil yn ei roi, ond, wedyn, rhaid bod y materion hyn yn cael eu pigo i fyny yn briodol ar sail tystiolaeth a gwybodaeth, wrth gwrs, yn y fframwaith cenedlaethol ac ym mharatoad y cynlluniau strategol sydd, wedyn, yn treiddio drwodd i'r cynlluniau lleol ac, wrth gwrs, wedyn i benderfyniadau cynllunio. Os nad yw'r edefyn aur honno yn rhedeg drwy'r cyfan, mae hi wastad yn mynd i fod yn broblemus roi'r sylw teg i faterion yr iaith. Y man cychwyn yw'r bachyn yn y Bil. Mae swyddogion ac aelodau yng Ngwynedd wedi gwneud ambell awgrym ynglŷn â newidiadau penodol i'r Bil o ran geiriad, a byddwn yn ddigon bodlon rhannu'r wybodaeth honno efo chi, fel pwyllgor, os ydych yn dymuno.

**Mr Davies:** If I may start on that, I think that there is very strong feeling in Gwynedd both from officials on a professional level and from elected members on the political level that there is an opportunity here to make a difference. In 27 years of working in planning, the Planning (Wales) Bill provides a once-in-a-generation opportunity to make a change, and the likelihood is that I will never see another chance for these types of changes again. So, I think that it is crucial, with the existing planning system, which is, in essence, a system from England that the language has been Blu-tacked onto the side, if you like, that we take this opportunity to pay attention to it. To give it due attention, it has to have the hook at the national level, and that is the opportunity that the Bill provides, but these issues should also be picked up appropriately on the basis of evidence and information in the national framework and in preparing the strategic plans, which then permeate through to the local plans and, ultimately, of course, through to planning decisions. Unless that golden thread runs through the whole process, it is always going to be problematic to give due attention to language issues. The starting point is the hook in the Bill itself. Officials and councillors in Gwynedd have made certain suggestions for changing the wording of the Bill, and I would be happy to share that information with you as a committee, if you would like.

[444] **Mr Bowen:** Mewn ymateb i gyfrifiad 2011, wrth gwrs, mae gweithgor wedi cael ei greu yn sir Gaerfyrddin yn edrych ar wasanaethau cyflawn y sir, ac nid dim ond cynllunio. Fel rhan o'r broses honno, ysgrifennwyd at y Gweinidog yn

**Mr Bowen:** In responding to the census results, in 2011, of course, a working group has been set up in Carmarthenshire looking at all the council's services and not just planning. As part of that process, the Minister has been written to, concentrating on the way

canolbwyntio ar y ffordd y mae'r cynllun strategol a'r fframwaith cenedlaethol yn mynd i ystyried yr iaith Gymraeg. Yr ateb yr ydym wedi'i gael i'r cwestiynau a ofynnwyd oedd taw materion technegol ydynt, ac mae'n awgrymu bod swyddogion Llywodraeth Cymru a swyddogion sir Gaerfyrddin yn cydweithio ynglŷn â hynny.

the strategic plans and the national framework are going to consider the Welsh language. The response that we have had to the questions asked was that these are technical matters, and it was suggested that officials in the Welsh Government and in Carmarthenshire should collaborate on this matter.

[445] I wneud sylw cyflym ar nodyn cyngor technegol 20, mae'r pwyslais wedi symud yn awr o'r cais unigol i'r cynlluniau yma, felly mae'n hollbwysig bod ystyriaeth ar bob lefel—nid dim ond y cynllun lleol, ond ar yr holl ffordd lan i'r fframwaith cenedlaethol hefyd.

To make a quick comment on technical advice note 20, the emphasis has now shifted from the individual application to these schemes, so it is crucial that there is consideration at every level—not just within the local plan but all the way up to the national framework, too.

[446] **Alun Ffred Jones:** On this issue, I call Jenny Rathbone.

[447] **Jenny Rathbone:** I just wondered how you are going to strengthen the Welsh language element in the planning process without falling foul of the Race Relations Act 1976 or the Disability Discrimination Act 1995, or indeed the Rehabilitation of Offenders Act 1974. I think that these are pretty crucial issues that need to be debated.

[448] **Mr Bowen:** They certainly are, and they are very emotive and very deeply felt in the communities. However, as a planner, I see it as a technical issue, in a way. We have over 20 technical advice notes. They all give you some guidance and advice on how to look at it, but even when that guidance is taken into account and is reflected in your local plan, you still then require more details at a local level on an application-by-application level. I will cite, for example, the advice in TAN 15, where there is still a requirement—and it obviously rules out a class C2 development and certain types of development—and there is still detail in there and a technical opportunity to produce a flood-consequence assessment. So, I do not see any race issues associated with that. For me, it is a technical issue on how that community is reflected in its development plan for the next 10 to 15 years.

[449] **Alun Ffred Jones:** I want to move on. William Powell is next, and then Antoinette. Please be as brief as you can.

[450] **William Powell:** One area of concern that has been expressed is around the system for designating authorities that are currently failing. I would very much value your opinions on that. In its evidence, the WLGA has made some comments regarding the appropriateness of resource to support a failing authority and bring it back into a more functional state. I would be grateful if you could tease that out a little more.

[451] **Ms Lee:** Obviously, our written evidence picked up on some of these issues. We are concerned that the criteria that are going to be used for designating a poorly performing authority should not just be looking at hard, statistical facts, but at the story behind those figures. We have asked for more detail to be available on the criteria that the Minister will use to determine that sort of designation. We are also saying that if an authority is designated as performing poorly, there needs to be a package of measures in place to help that authority to perform better, and this may be a role of the new planning advisory and improvement service. It may have a role to play there, but we are very keen to find out what measures would be put in place and what finance, potentially, would be made available to these authorities to help them to improve. What we would not want to see, in terms of that designation of a poorly performing authority, is a circumvention of the local planning authorities in terms of the

options to take applications directly to the Minister before the authorities are really given a proper chance to try to improve.

[452] **Alun Ffred Jones:** Are there any other added comments on that? Does anyone want to elaborate?

[453] **Mr Bowen:** Just to reinforce the fact that a great deal of work to support each other goes on, either through the Planning Officers Society Wales or through informal groups as well. A lot of that happens, and this peer-review approach that was applied to Conwy in terms of its local development plan, which I was involved in, was really an excellent example of how officers from other authorities can come in and help to support that particular authority.

[454] **William Powell:** One question that I had relates to that and also to Mr Bowen's earlier comments on the current state of affairs in terms of the resources in authorities. Is there a danger that, if this is not handled correctly, authorities will then be losing fee income on major applications and will then have less resource again to bring to that very improvement, which is such an imperative?

[455] **Mr Bowen:** It is a double blow because not only do you lose the fee, but you would still then be required to produce some form of response on behalf of the local community. So, that work would still be done. It is all well and good when you have got a nice, clean application, but if you then feed into it the requirement for real public consultation and an opportunity for them to express their views to the planning committee, then condensing that into a system that is detached from that community will be a very difficult thing to achieve while still providing transparency and a sense of fairness.

[456] **Alun Ffred Jones:** Antoinette is next.

[457] **Antoinette Sandbach:** In terms of the national development framework, can you expand on why you disagree with the 12-week consultation? I know that there is a 60-day response time for the Assembly to look at it and I think, in Scotland, they have 100 days. So, I wonder whether you could you comment on those two matters.

[458] **Ms Lee:** Our disagreement with the consultation that was being proposed is fundamentally in terms of the consistency that the Minister keeps talking about around the planning system. He is looking at introducing some inconsistency in that the arrangements for the scrutiny of that national development framework, which will have development plan status, is different from the scrutiny of the strategic development plans and the local development plans. We cannot see any rationale for why a 12-week consultation and a 60-day scrutiny by the National Assembly is the way to go on a national development framework, but we have different rules that we have to apply to scrutiny around the strategic development plan and the local development plan.

[459] **Mr Bowen:** Of course, if you follow the implications of the NDF, the strategic plans have to have regard to it and the local plan has to have regard to it. The local plan has to go through a far more extensive period of consultation and testing and yet it is restricted by the framework of the NDF, which is to have this 12-week consultation process. So, that is just to highlight the inconsistency that we feel there is in that approach.

[460] **Antoinette Sandbach:** So how long would you like for consultation?

[461] **Ms Lee:** A public inquiry takes as long as it takes.

[462] **Mr Goldsworthy:** I think that the whole issue really comes back to examination and getting interested groups involved. We talked about lack of access and there are a lot of

groups that are detached from society and, when we develop local development plans, we try very hard to get access to those groups and get them interested in the planning process. I would be fearful, given the importance of this national development framework and the fact that, ultimately, it will be the plan that everything stems from, that those groups will not have time to get involved and will not have time to have an input into this process, and it will just be a push through. My real fear is that, actually, its legitimacy will fall over on that basis and you will get legal challenges that might have some substance, because it has not been examined in public and has not gone through the same examination.

[463] **Antoinette Sandbach:** Do you therefore think that the NDF should have an end date, so that it has a sunset clause, that is, it would apply for so many years and then—?

[464] **Mr Goldsworthy:** Ultimately, that is what is coming through this whole system: that all plans will have this end date. It is a good encouragement for authorities and for Welsh Government as well to work on replacements to these plans and to bring forward up-to-date proposals. You cannot just sit on your laurels. Unfortunately, what is happening—I mentioned local development plans—is that we are running out of—. As the plans are coming forward and being adopted, the teams that brought those plans forward are being made redundant or being moved to other tasks in councils, when they should be looking at renewing those plans. I think that that is very, very important.

[465] **Alun Ffred Jones:** Russell, this is the last question, I am afraid.

[466] **Russell George:** The question is to Jane Lee, really. One of the recommendations of the independent advisory group was for a national planning committee protocol. I know that the WLGA does not agree with that. Could you just explain that?

[467] **Ms Lee:** The national planning committee protocol, which is something that is being proposed in the planning Bill, is voluntary. We, as the WLGA, are running that process and working with lawyers in local government on drafting that planning committee protocol. So, it is not that we disagree with it, but what we highlighted in our evidence is that we could not understand the desire to legislate on the size of planning committees and on a national scheme of delegation, under the auspices of wanting to see consistency, but a lot of those other issues around the right to speak, site visits and running orders of committees, all of those things that, again, are inconsistent—and on which the Minister would want to see consistency—can be dealt with voluntarily. We are looking at a voluntary code of conduct, or voluntary planning committee protocol, that would cover those. So, it is about the inconsistency. Some things can be done voluntarily, but other things need legislation, and we are wondering why it cannot all be voluntary. That was our point.

[468] **Alun Ffred Jones:** Mae'n ddrwg iawn gen i, ond mae amser wedi ein curo ni ac mae materion eraill yr ydym eisiau trafod. Felly, a gaf ddiolch yn fawr iawn i'r pedwar ohonoch chi am ddod i mewn ac am roi tystiolaeth? Os oes unrhyw sylwadau pellach yr ydych chi eisiau cyflwyno i'r pwyllgor, teimlwch yn rhydd i wneud hynny. Fe gewch chi gopi o'r cofnod i sicrhau ei fod yn gywir. Diolch yn fawr iawn unwaith eto i'r pedwar ohonoch chi.

**Alun Ffred Jones:** I am sorry, but time has beaten us and there are other matters that we do want to discuss. So, could I thank all four of you for coming in and giving evidence? If there are any further comments that you want to put forward to the committee, please do so. You will receive a copy of the transcript to check for factual accuracy. Thank you very much once again to the four of you.

*Gohiriwyd y cyfarfod rhwng 12:30 ac 13:35.  
The meeting adjourned between 12:30 and 13:35.*



**Y Bil Cynllunio (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 4**  
**Planning (Wales) Bill: Stage 1—Evidence Session 4**

[469] **Alun Ffred Jones:** Cynrychiolwyr o'r parciau cenedlaethol sydd o'n blaenau ar gyfer ein pedwerydd sesiwn. Croesawaf y tri ohonoch. Cyn imi ofyn i'r Aelodau ofyn eu cwestiynau, gofynnaf i chi gyflwyno'ch hunain a dweud pwy yr ydych yn ei gynrychioli yma heddiw.

**Alun Ffred Jones:** We are joined by representatives from the national parks for our fourth session. May I welcome all three of you? Before I ask Members to ask their questions, may I ask you to introduce yourselves and to say who you are representing here today?

[470] **Mr Cawley:** Fy enw i yw Jonathan Cawley ac rwy'n gyfarwyddwr cynllunio a threftadaeth ddiwylliannol ar gyfer Awdurdod Parc Cenedlaethol Eryri. Fe gyflwynaf y ddau arall hefyd, sef Jane Gibson, cyfarwyddwr cynllunio Awdurdod Parc Cenedlaethol Arfordir Penfro, a Martin Buckle, sy'n aelod o Awdurdod Parc Cenedlaethol Bannau Brycheiniog ac sydd hefyd yn is-gadeirydd pwyllgor cynllunio y parc hwnnw.

**Mr Cawley:** My name is Jonathan Cawley and I am director of planning and cultural heritage for Snowdonia National Park Authority. I will introduce my colleagues, too, namely Jane Gibson, director of planning for Pembrokeshire Coast National Park Authority, and Martin Buckle, who is a member of Brecon Beacons National Park Authority and who is also deputy chair of the planning committee of that park.

[471] **Alun Ffred Jones:** Ardderchog. Diolch yn fawr iawn i'r tri ohonoch am ddod atom. Pwy sydd am agor y cwestiynau?

**Alun Ffred Jones:** Excellent. I thank all three of you for joining us. Who wishes to start with the questions?

[472] **Llyr Gruffydd:** Un o'r agweddau a gafodd ei drafod ynglŷn â'r Bil hwn oedd yr angen i gael rhyw fath o bwrpas statudol i gynllunio yng Nghymru. Roedd yn argymhelliad gan y grŵp ymgynghori annibynnol, ac roedd hefyd yn argymhelliad gennym fel pwyllgor yn ein gwaith cyn i'r Bil hwn ddod ger ein bron. A ydych chi'n cytuno bod angen pwrpas statudol ar gynllunio yng Nghymru?

**Llyr Gruffydd:** One of the aspects that were discussed in relation to this Bill was to have some kind of statutory purpose for planning in Wales. It was a recommendation by the independent advisory group, and it was also a recommendation from us as a committee in our work before this Bill was laid before us. Do you agree that there needs to be a statutory purpose for planning in Wales?

[473] **Mr Buckle:** Perhaps I could respond in the first instance. I can certainly see the case for there being one. The planning legislation has been with us for many years, and perhaps, when it was first introduced, the rationale for it was perceived as being self-evident. Clearly, societally, we have evolved a great deal since the early stages of the planning legislation, and, particularly, the perception of the importance of sustainable development clearly has changed fundamentally since the planning system was first introduced. I think there would be a strong case for underpinning planning legislation with recognition of the importance of sustainability, and particularly the importance of bringing social, environmental and economic issues together and delivering the benefits that the planning system is able to do for the community as a whole. I think that would perhaps enable better links to be built with some of the other legislation that is presently at various stages of passage through the Assembly.

[474] **Llyr Gruffydd:** Rydych wedi sôn am ddeddfwriaeth arall sy'n mynd trwy'r lle hwn ar hyn o bryd. Rydym yn edrych, o

**Llyr Gruffydd:** You have talked about other legislation that is going through this place at present. We are, possibly, looking at a

bosibl, ar sefyllfa yn y cyd-destun cynllunio lle mae tri lefel o gynllun datblygu, ac o bosibl yn y Bil amgylchedd bydd cynllunio ar sail ardal hefyd yn digwydd yn y cyd-destun amgylcheddol. Rydym yn gwybod hefyd bod *city regions*, mewn cyd-destun economaidd, yn cael eu datblygu. A yw'n glir i chi sut mae'r rhain i gyd yn ffitio at ei gilydd, neu ydych chi'n meddwl bod perygl y bydd dryswch yn llethu'r system?

situation in the planning context where there are three levels of development plan, and potentially in the environment Bill there will be planning on a regional basis in the environmental context. We also know that city regions, in an economic context, are being developed. Is it clear to you how all of these fit together, or do you think that there is a danger that there will be confusion that will affect the system?

[475] **Mr Buckle:** Perhaps I could take the lead on the response to that. There are a lot of plans and strategies that are coming together. I think, broadly, those are all to be welcomed. They all have a strong rationale and I think they will enable us collectively, both at the Wales level and also regionally and locally, to raise our game as public servants in delivering on behalf of the people of Wales. Having said that, I think there is a lot to be done to more fully sketch out how the different pieces of legislation and plans and strategies can all potentially support each other. Clearly, there is a key role for this committee in ensuring that that is the case.

[476] I think, within the national parks, we are particularly well placed to facilitate that bringing together, particularly through our national park management plans. In a sense, I think that the way that the legislation has been framed reflects the approach that, in many ways, is already being taken in our national parks through our national park management plans and the relationship of those plans to our statutory development plans and our planning functions.

[477] **Alun Ffred Jones:** Do you have anything to add to that, Jonathan?

[478] **Mr Cawley:** Os caf i ject ategu'r pwynt hwnnw, rwy'n meddwl ei fod yn gynnig—[*Anhyglyw.*]—tair lefel o gynllun yng Nghymru. Ar y lefel genedlaethol, rwy'n meddwl bod wir angen hynny. Rwy'n meddwl bod tipyn bach o fwlch ar hyn o bryd efo'r cynllun gofodol yng Nghymru, felly rwy'n meddwl y bydd y fframwaith cenedlaethol yn llenwi'r bwlch hwnnw. Mae'n bwysig ei fod yn gynllun strategol, yn fy marn i, a bod nod y cynllun hwnnw yn glir iawn. O dan hynny, mae gennych y cynllun rhanbarthol—y cynllun datblygu strategol. Fy nealltwriaeth i yw y bydd y cynlluniau hynny ddim ond mewn lleoedd lle mae pwysau i newid a lle mae eu hangen, fel y *city regions*, er enghraifft. Ni ddylai hynny arwain at unrhyw ddryswch, rwy'n meddwl. Wedyn mae gennych y cynlluniau datblygu lleol o dan hynny. Felly, ni ddylai fod dryswch, ac rydym ni'n gefnogol iawn o'r ffaith bod tair lefel i'r cynllun hwn.

**Mr Cawley:** If I could just endorse that point, I think that—. There will be three levels of plan in Wales. At the national level, I really think that we need that. I think that there some gap now with the spatial plan in Wales, so I think that the national framework will fill that gap. It is important that that is a strategic plan, in my view, and that the objectives of that plan are very clearly set out. Under that, you have the strategic development plan, which is on a regional level. My understanding is that those plans will only be in place where there is pressure for change and where those plans are required, such as the city regions, for example. I do not think that that should lead to any confusion. Then you have the local development plans under that. So, there should not be any confusion, and we are very supportive of the fact that there are these three levels in place.

[479] **Ms Gibson:** May I just add to that, going on from what Jonathan said? The planning Bill needs to be very clear on its aims and objectives, and sustainability for the nation needs to be something that is embedded in the planning Bill. So, as an overarching objective, we

need that definition somewhere that forms our planning Bill to go forward with sustainability, and that means that I would ask that it dovetails well with the future generations Bill and puts sustainability at the heart of what we are doing here in Wales.

[480] **Alun Ffred Jones:** Jeff Cuthbert, is it on this point?

[481] **Jeff Cuthbert:** Yes, it is on the point that, of course, as you know, in addition to the planning Bill, there is the Well-being of Future Generations (Wales) Bill going through, in which the national parks authorities will be key members of the public service boards and the duty will fall on you as well. So, I am wondering what considerations you have given, at this point, in terms of strategic planning and the additional requirements of the future generations Bill, to make sure that sustainable development is at the heart of all those decisions. Do you see any scope there for sharing that workload or do you see them as separate issues?

[482] **Ms Gibson:** Please do not let them be separate issues. Sustainability is the all-embracing, holistic way that we should go, going forward. In the national parks authorities we are already doing a lot of work on sustainability. We have joint supplementary planning guidance on sustainable buildings, and that would be something that we feel that we have embraced, and that we are the forerunners and innovative on that, and that is something that others could learn from. So, we are happy to share that information with you as well.

[483] **Alan Ffred Jones:** Bill Powell, on this point.

[484] **William Powell:** Thank you, Chair, and good afternoon, everyone. Since we have referred to other legislation that is coming forward that needs to be taken into account when we are discussing and shaping up the planning Bill, I would like to ask you about something that has not been mentioned once today, and that is heritage, because we also have a heritage Bill coming up. What are your thoughts—I would have thought that, given the preoccupations of national parks, it would be of greater importance in your field than generally—about how heritage can also be reflected and embedded in the planning Bill that we are dealing with?

[485] **Mr Cawley:** In terms of heritage, that goes right to the heart of national parks' statutory purposes. It is within the national parks' first purposes, so it really goes to the heart of what we do. I think that, potentially, as in sustainable development, we are very proactive in terms of how we deal with those issues, in that heritage generally forms quite an important part of the national park management plan. Usually—

[486] **Alun Ffred Jones:** However, it is not part of this Bill as it stands, is it?

[487] **William Powell:** No, but whether it should be was my—

[488] **Alun Ffred Jones:** So, the question is whether it should be. Do you think that it should be added to the Bill in some shape or form?

[489] **Mr Cawley:** Probably not, as long as the links are there between the heritage Bill and the planning Bill. I think that it is probably unnecessary, to be honest.

[490] **Alun Ffred Jones:** A gaf i symud **Alun Ffred Jones:** May I move forward and  
ymlaen a galw ar Antoinette Sandbach? call on Antoinette Sandbach?

[491] **Antoinette Sandbach:** On the national development framework and the link between that and the other plans that you have in place—all the other national plans, from marine to natural resources to transport—do you think that they are clear enough? The Minister indicated earlier that this is only, effectively, a terrestrial planning Bill.

13:45

[492] **Ms Gibson:** I know that it causes us some issues in Pembrokeshire Coast National Park that that dovetailing—. The authority for one is terrestrial and the other is marine, and that needs to dovetail together. That link needs to be so strong now, especially with infrastructure and everything actually going across both areas. We always used to be a silo that we were land based but, actually, the implications of sustainability go far out, reaching into our seas as well.

[493] **Antoinette Sandbach:** Of course, in Pembrokeshire you have the potential of electricity generation off the coast—

[494] **Ms Gibson:** Yes, we have.

[495] **Antoinette Sandbach:** —and that may well have big impacts. Do you think that the Bill should provide for the spatial expression of environmental constraints in the NDF, as outlined in the RSPB's evidence?

[496] **Mr Buckle:** Perhaps I could pick that up. I would certainly hope that the national development framework is—. It is intended to be a spatially specific document that provides a broad overview across the whole of Wales, in terms of the spatial implications of broader plans and strategies. Clearly, the environmental dimension of that will need to be reflected in the national development framework, along with economic and social issues. So, I would certainly hope that it is all embracing in that sense.

[497] **Antoinette Sandbach:** Do you think how that environmental aspect will fit in is clear from this Bill?

[498] **Mr Buckle:** I would not necessarily expect the Bill to be the document that necessarily sets the detail of the scope of the national development framework. Clearly, there is a lot of work to be done on this. The Wales spatial plan was last updated in 2008. A lot of things have changed since then. So, I think that there is a lot of work to be done to scope out the national development framework. Certainly, as national parks, we would expect to play a significant role in that, not least because, between the three parks, we do cover 20% of the land area of Wales. I think that natural resources issues linked into the environment are clearly issues that need to be addressed at national level.

[499] **Julie Morgan:** Good afternoon. I know that you were not here this morning, but the Minister did say in his evidence that he was planning to bring in an amendment, later on, to the Bill about your functions as local planning authorities, and for you to have the same status as the local authority planning functions. I just wondered whether you had any comment or view on that.

[500] **Mr Cawley:** My view on that is: I think that it is important that the planning functions of national park authorities are recognised. National parks are a national designation, and the national park authorities are perfectly placed to fulfil the purposes of that national designation. I think that the evidence shows that we are doing a good job in implementing those objectives. I think that you would lose something quite important if you merged or had the sort of joint planning boards there. I would be very supportive of just maintaining the planning function within the national park authorities.

[501] **Julie Morgan:** We do not know any more details than what was said this morning.

[502] **Mr Cawley:** We did not see this morning's session either; so, I am not sure what was said this morning.

[503] **Julie Morgan:** No. Do you have any comments on this, Mr Buckle?

[504] **Mr Buckle:** I wonder whether I could just add something on this issue. Clearly, the whole purpose of the planning Bill is to improve the performance of planning services across the whole of Wales, and particularly to ensure that the planning system is delivering on behalf of the people of Wales as effectively as possible. Anyone who reviews the performance of the national park authorities in delivering our planning functions will quickly recognise that we are good performers in that field. I think that part of the purpose of giving the Minister additional powers through the Bill is actually to address those areas, perhaps where performance may not be so good and where perhaps the use of these powers might be needed as a mechanism for improving performance. Given the very evident performance qualities of the national park authorities, it is difficult to see that there will be a case for applying those powers as far as the national park authorities are concerned.

[505] **Mr Cawley:** Just on that point, I read in the public consultation on ‘Positive Planning’ that led to the Bill that 68% of the respondents were supportive of the national park authorities retaining their planning functions, which is obviously quite significant. That included business interests and the Royal Town Planning Institute as well, which is there to represent the wider interests of the planning system, not just individual members. It was supportive of that. So, there was some quite strong support there.

[506] Just to back Martin up on the issue of the performance of the national park authorities, it should possibly be pointed out that Pembrokeshire Coast National Park Authority was the first authority in Wales to adopt its local development plan, Snowdonia National Park Authority was the first in north Wales to adopt a development plan, and those development plans were produced at quite a significantly lower cost than those of most of the planning authorities in Wales.

[507] **Julie Morgan:** There is certainly no doubt that the response to ‘Positive Planning’ was overwhelmingly supportive of you having the planning function.

[508] **Alun Ffred Jones:** Jenny Rathbone, is your question on this point?

[509] **Jenny Rathbone:** Yes, on this point. In carrying out your planning duties, you must have to liaise with other authorities that are responsible for public transport, for example. They may say, ‘Well, we can’t lay on a bus to go to the top of this mountain unless there is a cafe at the top to generate the people to use that bus’. So, can you describe to us how you interlink with the other planning authorities that carry out functions that are very relevant?

[510] **Mr Cawley:** The collaboration with our constituent authorities—in Snowdonia’s case, it is Gwynedd and Conwy—is almost a natural day-to-day part of our work. We regularly speak, either on the phone or in meetings. So, that informal collaboration happens quite regularly.

[511] **Jenny Rathbone:** Fine, but would this Bill in any way perhaps streamline the necessary due diligence that you have to do when you are looking at planning issues? Could you envisage the possibility of your having a joint planning committee on something that required a lot of consideration of other public services that might need to be involved?

[512] **Mr Cawley:** In the Bill as presented, national parks are exempted from those joint planning boards. I am not sure if that is a necessary—

[513] **Jenny Rathbone:** Okay; you think not. However, you can see that you cannot operate in a vacuum.

[514] **Mr Cawley:** No, and we absolutely do not. As I said, the collaboration takes place on an informal basis on those issues. I do not think that there is any duplication of resources in terms of the national park authorities and the constituent authorities. We also should point out that we work very closely as three national park authorities. There is a very close and good relationship between the three national parks. We meet on a fairly regular basis.

[515] **Alun Ffred Jones:** I am going to stop you there because, while that may all be true, I do not know how relevant it is to the Bill. Russell George is next.

[516] **Russell George:** I wanted to ask about strategic development plans and how you see the national parks fitting into that with regard to the designation of a strategic planning area, and also how you see yourselves fitting into the proposed panel.

[517] **Mr Buckle:** First, I would like to say that I very much welcome the introduction of strategic development plans. We have had limitations regarding the effectiveness of the Welsh planning system since the structure plans were abolished back in the 1990s. There is no doubt that that regional strategic planning level will add significantly to the effectiveness of the planning system. The focus of the strategic development plans is mainly in areas of large population—Cardiff, Swansea, and possibly along the A55 corridor—and, by their nature, national parks do not tend to be large areas of concentration of population. Having said that, we clearly have a strong interface with those areas. A lot of our visitors come from those areas. I would certainly expect the national parks to play their part in the preparation of the strategic development plans. At this stage, I think that the boundaries of those plans are still up for further discussion. Certainly, that is one that I would expect us to play a role in. However, whether that means that we will be represented on the panel, or whether we will be consultees representing adjoining areas, where there will clearly be an important dialogue to be had, remains to be seen, but it is a very important part of the proposals.

[518] **Alun Ffred Jones:** Llyr Gruffydd and then Russell can come back in.

[519] **Llyr Gruffydd:** On the point you made earlier this morning in evidence that there would be a case for strategic planning outside of the proposed three areas—that certain less populated and rural areas have their own strategic needs—is that something that you would like to see happening, and for you to then have a proactive role to play in that?

[520] **Mr Buckle:** If I may pick that up initially, the national development framework has the potential to provide a strategic planning framework for the whole of Wales, including the rural areas. I am not personally convinced that there is case for having strategic development plans to cover every part of Wales. I do think Scotland's experience in this is quite valuable. They have strategic development plans for each of their city regions, but then a broader planning framework, much like the national development framework that is proposed, that covers the whole of the rest of Scotland.

[521] **Mr Cawley:** I have just one point on that issue. As we are moving towards potentially larger authorities in the future, and we are moving towards greater collaboration naturally anyway as local authorities, it raises the question in north Wales as to whether it is really necessary along the A55 corridor. Obviously, that is not prescribed in the Bill in any case; it allows for that to be determined further down the line, which I believe is sensible. Possibly, it may not be needed in north Wales, but, as I say, I am pleased it is not prescribed in the legislation in any way.

[522] **Alun Ffred Jones:** Russell, did you want to come back?

[523] **Russell George:** That is all right, Chair; I will come back later.

[524] **William Powell:** I would be very keen to know what your views are as national park authorities in Wales on the calls from the Welsh Local Government Association, including a range of eight council leaders from various different parties, and other stakeholders including Cymdeithas yr Iaith Gymraeg, on the need to strengthen the provision for the Welsh language in our communities and whether you would like to see that being more strongly represented in the planning Bill.

[525] **Mr Cawley:** We are well aware of the issues that have been raised. Clearly, we are in emergency scenarios in terms of the Welsh language at the moment, particularly in certain communities. Many communities in Snowdonia are around the critical threshold of it being a living language—that critical 70% threshold. So, it is an important issue. The biggest issue is that there is a lack of understanding about the impact of any development on the Welsh language; there is a poor understanding there and that requires a significant amount of research and investment. So, there is a disconnect there. On whether its inclusion in the planning Bill would lead to resolving that issue, I am not entirely sure how that would work. Potentially, hooking it on to the national development framework and having the language as a key consideration in terms of the national development framework, which will be subject to a sustainability assessment, so the Welsh language could come in there, is one way of doing it. However, the key issue to me is that there is a lack of understanding of the effect of developments on the language. That requires investment and research, and quickly as well. The national development framework is probably the best way of bringing that into the Bill.

[526] **Joyce Watson:** I have the pleasure of having the three national parks in my area, as does Bill Powell. The question I wanted to ask is whether you have any comments at all about the fact that applicants can, if their application is of national significance, seek permission directly to Government. I know you probably all hope that nothing will happen in your area, but what are your views on that part of the Bill?

14:00

[527] **Ms Gibson:** Well, I feel that we have some difficulty with that because it takes away the local democracy, the knowledge and the transparency of it. So, from our point of view, we would want it to actually start where it should and not have that option to go to Ministers. It is seen as a fast-tracking system, I think, to enable the development, but we do have to have a balance between local interests and local impact. So, from our point of view, it would not be a good move.

[528] **Joyce Watson:** The Minister said this morning—because I asked that question—that it does not in any way diminish the local determination in the first instance. So, I do not know whether you disagree with that—that is what we are trying to get to, I suppose.

[529] **Mr Buckle:** I wonder whether I could just clarify the question. Was the question related specifically to developments of national significance or to the potential of applicants to apply directly to the Minister?

[530] **Joyce Watson:** Well, it is both, is it not, because—

[531] **Alun Ffred Jones:** Well, let us take them separately. Let us take developments of national significance. What are your views on that to begin with, and then we will come to the other point?

[532] **Mr Buckle:** Okay, I am sorry but I think that I was not quite clear with the question and I am not sure that my colleague was either—

[533] **Joyce Watson:** I think she was. She answered well.

[534] **Ms Gibson:** So, on developments of national significance going to the Minister, the issues that we have in Pembrokeshire would be the division of post-application procedures, whereby we as the local planning authority then get to deal with the discharge of conditions. So, that causes issues in terms of process, I think—transparency, knowledge, continuity and consistency. So, that is the one comment that I would make on that area.

[535] **Alun Ffred Jones:** What about the second issue about the ability of applicants to make an application straight to the Minister?

[536] **Mr Buckle:** I think that that proposal relates to areas where authorities are viewed as poor performers. Personally, my view about the potential for authorities being poor performers is that the important thing is to find ways of working with those authorities to ensure that they are not poor performers. So, the mechanism for being able to bypass them, in a sense, might be dealing with an immediate symptom but possibly not the cause. I think that, for the benefit of Wales as a whole and, indeed, people in those authorities, what we need to be focusing on is ensuring that we do not have poor performers rather than finding ways of bypassing them if that situation does arise.

[537] **William Powell:** Turning to the issue of pre-application advice, I would be very interested to know what your experience is within your own authorities and what your view is on the Minister's proposals to standardise the approach enshrined in the planning Bill as we have it.

[538] **Ms Gibson:** We love it. We think it is great. On pre-application, as a planning officer, it is really invigorating having people in to be part of the process early on, to be able to give advice and pointers and to ensure that you can suggest things. We end up suggesting meetings that they need with highway officers, and we know the ecologists and we get them all in together and talk about it. Brecon has a system where it already has a charging regime for particular applications, which works well for them, and apparently the feedback on it from agents is excellent. We and Snowdonia offer a free service at the moment—

[539] **Mr Cawley:** Ours is not quite free.

[540] **Ms Gibson:** Not quite free. [*Laughter.*] I think that what is suggested in the Bill is too prescriptive. It is horses for courses at the end of the day. If you have got somebody who needs three meetings on something, then please do not tell me that I need to get back in x number of days. Can I agree that with them? Positive; proactive—all for it.

[541] **Mr Cawley:** Very briefly on that, we have recently introduced a nominal charge for pre-application site visits to cover our costs. Our members and we firmly believe that it was important that we kept the basis of the pre-application advice low-cost or free simply because of the nature of Snowdonia. It is an area of low income. The planning agents are generally one-man bands. You do not have your larger corporate planning consultancies operating in north-west Wales. So, the situation in Brecon Beacons is slightly different, which is why their system probably works better there. So, that is why we are supportive of the principle but do not want to be overly prescriptive in terms of what we do at the pre-application stage, because I think that it does vary between localities and communities.

[542] **Mr Buckle:** Given the reference to the Brecon Beacons, perhaps I can just come in briefly. We have had a formal system of pre-application discussions for a couple of years now, and it is evident that that has contributed not only to our very high planning performance figures in terms of determination within required deadlines, but to our very high approval rate. I think that that is really quite a critical message. The amount of time that is invested in



dealing with applications and offering advice before they come in is really critical to getting the right developments in the right place, and in terms of proposals that can strengthen that across the whole of Wales, we would wholly endorse and encourage that.

[543] **William Powell:** That is a very positive message. If I could raise a concern that I think came to us via the National Association of Environmental Lawyers, it broadly welcomed this approach but it raised the possibility that development proposals could go to quite a high level of development before other stakeholders and the wider community have the opportunity to get involved. Do you think that there is any danger that such pre-application advice could exclude other stakeholders who need to be informed and that it could develop to too high a degree before it actually goes live as an application?

[544] **Mr Buckle:** Clearly, there is a risk there that needs to be recognised but, by and large, the advice that developers are receiving will be based on the development plan, and that will have gone through very extensive consultation and discussion over an extended period. There is still every opportunity in terms of the detail of schemes, as they come forward and, indeed, the principles, if issues of principles against the development plan are raised, for them to be debated fully through the planning application process.

[545] **Alun Ffred Jones:** A gaf i ofyn cwestiwn ynglŷn â phwyllgorau cynllunio? A fydd cynigion Llywodraeth Cymru ar gyfer isafswm ac uchafswm maint pwyllgorau cynllunio yn gweithio i awdurdodau parciau cenedlaethol?

**Alun Ffred Jones:** May I ask a question in relation to planning committees? Will the proposals by the Welsh Government for a minimum and maximum size for planning committees work for the national park authorities?

[546] **Mr Cawley:** Yn fyr, bydd. Rwy'n meddwl bod y canllawiau yn argymhell rhwng 11 a 21 aelod ar y pwyllgor cynllunio. Nid oes gennym broblem o gwbl efo hynny fel parciau cenedlaethol.

**Mr Cawley:** Briefly, yes. I think that the guidance recommends between 11 and 21 members on planning committees. We have no problem at all with that as national parks.

[547] **Alun Ffred Jones:** Roeddwn yn meddwl bod rhyw anhawster wedi cael ei fynegi y bore yma ynglŷn â pharciau cenedlaethol a'r rheoliadau, ond rydych chi'n meddwl—

**Alun Ffred Jones:** I thought that there was some difficulty expressed this morning in relation to national parks and the regulations, but you think—

[548] **Mr Cawley:** Nid yw'r anhawster o ran pwyllgorau yn ymwneud â faint sydd yn eistedd ar y pwyllgor; yr anhawster mwyaf yw bod cynllun dirprwyedig cenedlaethol yn cael ei argymhell hefyd yn yr ymgynghoriad sydd allan ar hyn o bryd, lle mae'r trothwy y datblygiadau sy'n mynd i'r pwyllgor wedi cael ei osod yn uchel iawn, ac rwy'n meddwl bod hynny yn rhywbeth sydd o bosibl yn fwy perthnasol i gynghorau trefol. Yng nghefn gwlad ac, o bosibl, yn y parciau cenedlaethol, mae'r lefel honno yn rhy uchel. Roeddwn yn amcangyfrif y byddai nifer y ceisiadau sy'n mynd i bwyllgor cynllunio Eryri yn isel iawn pe baem yn dilyn y trothwy fel y mae wedi ei osod ar hyn o bryd, a byddwn yn argymhell bod y trothwy yn cael ei osod dipyn yn is, ac

**Mr Cawley:** The difficulty in terms of the committees is not in terms of how many sit on the committee; the biggest difficulty is that a national delegation system is also being proposed in the consultation that is out at present, where the threshold in terms of those developments taken to the committee has been set at a very high level, and I think that that is something that is more pertinent perhaps for urban councils. In rural areas and, possibly, the national parks, that level is too high. I estimated that the number of applications coming to Snowdonia's planning committee would be very low if we followed the threshold as it is currently proposed, and I would recommend that that threshold should be lowered quite a bit, and that authorities are

y dylid caniatáu i awdurdodau ei newid yn ôl eu hanghenion lleol. Rwyf wedi clywed rhai cynghorau trefol yn dweud ei fod yn rhy isel fel y mae wedi ei osod ar hyn o bryd, felly rwy'n credu bod hynny yn dangos y pwysigrwydd o gael elfen leol lle rydych yn gallu ei newid yn lleol.

allowed to change it according to their own local needs. I have heard some urban councils saying that the threshold is too low at present, so I think that that demonstrates the importance of having a local element where it can be changed locally.

[549] **Ms Gibson:** I would reiterate what Jonathan said. We do need to ensure that we do not drop off the rural communities and their needs and the transparency for that just by trying to have one size that fits all. So, it is a plea to ensure that rural areas and national parks get a say and that that flexibility and range is allowed.

[550] **Mr Cawley:** Nid yw hwnnw'n bwynt am ddemocratiaeth yn unig, oherwydd os ydych yn cael ceisiadau sy'n mynd i'r pwyllgor yn llai aml, ni fydd y pwyllgor cynllunio yn barod neu wedi'i hyfforddi i ddelio gyda'r ceisiadau pan fyddant yn dod i mewn, felly fe gewch chi bwyllgor sy'n llai effeithiol hefyd.

**Mr Cawley:** That point does not just relate to democracy, because if you have applications coming to committee less often, then the planning committee will not be prepared or trained to deal with those applications when they do come in, so you will have a less effective committee as well.

[551] **Alun Ffred Jones:** Mae hwnnw'n bwynt digon teg, rwy'n meddwl. A oes unrhyw gwestiynau eraill gan Aelodau? Gwelaf nad oes. A oes unrhyw fater y byddech chi fel tystion yn dymuno tynnu sylw'r pwyllgor ato o safbwynt y Bil hwn? A oes unrhyw wendidau neu a oes gwelliannau y byddech yn hoffi eu gweld? Dyma'r cyfle olaf.

**Alun Ffred Jones:** That is a fair point, I think. Are there any other questions from Members? I see that there are not. Are there any other matters to which you as witnesses would wish to draw the attention of the committee in terms of this Bill? Are there any weaknesses or are there improvements that you would like to see? This is the last opportunity.

[552] **Mr Cawley:** Y prif beth yr oeddwn am ei gefnogi o'r cychwyn oedd y ffaith fod awdurdodau'r parciau cenedlaethol wedi cael eu cefnogi fel awdurdodau cynllunio yn y Bil fel y mae wedi ei gyflwyno. Fel rwy'n deall, mae pethau o bosibl wedi newid o ran hynny, ond dyna oedd y pwynt pwysig i mi, sef ein bod yn cael ein cydnabod fel awdurdodau cynllunio. Mae hynny'n bwysig iawn yn fy marn i.

**Mr Cawley:** From my point of view, the main thing that I wanted to support at the outset was the fact that national park authorities have been supported in their role as planning authorities in the Bill as proposed. As I understand, there may have been some change there, but that was the important point for me, namely that we were recognised as planning authorities. That is hugely important in my opinion.

[553] **Ms Gibson:** I just wanted to say that if we can make you proud of our national parks and that you, as members of the nation, go out and can support the national parks, then I feel that we are doing a good job.

[554] **Alun Ffred Jones:** We are proud of our national parks.

[555] **Mr Buckle:** I think that, in the main, the Bill is a very good Bill and to be much applauded. I think that in terms of some of the detail that might underpin the Bill, there is a case for rather more local discretion, particularly selected application in terms of thresholds and standards between urban and rural areas. I think that that is something that really merits some careful consideration.

[556] **Alun Ffred Jones:** Diolch yn fawr iawn i chi am ddod i mewn ac am rannu eich sylwadau gyda ni. Rydym yn ddiolchgar iawn. Byddwch yn cael copi o'r cofnodion er mwyn i chi gael eu gwirio o ran cywirdeb. Diolch yn fawr iawn.

**Alun Ffred Jones:** Thank you very much for joining us and sharing your comments with us. We are very grateful to you. You will receive a copy of the transcript for you to check for factual accuracy. Thank you very much.

14:11

### **Y Bil Cynllunio (Cymru): Cyfnod 1—Sesiwn Dystiolaeth 5 Planning (Wales) Bill: Stage 1—Evidence Session 5**

[557] **Alun Ffred Jones:** Awn ymlaen at ein pumed sesiwn dystiolaeth ar y Bil cynllunio. Un Llais Cymru sydd ger ein bron. A gaf i eich croesawu chi'ch tri i'r sesiwn olaf hon ar y Bil cynllunio heddiw? Gofynnaf i chi gyflwyno eich hunain er mwyn inni gael cofnod, cyn i mi ofyn i'r Aelodau ofyn eu cwestiynau ar y Bil cynllunio arfaethedig. Felly, pwy sydd am ddechrau?

**Alun Ffred Jones:** We will move on to our fifth evidence session on the planning Bill. We have One Voice Wales before us. May I welcome all three of you to this final session on the planning Bill today? I ask you to introduce yourselves for the record, before I ask Members to ask their questions on the proposed planning Bill. So, who wants to start?

[558] **Mr Cuddy:** I will start, if you like. I am Mike Cuddy, leader of Penarth Town Council and vice-chair of One Voice Wales.

[559] **Mr Egan:** I am Paul Egan, deputy chief executive of One Voice Wales.

[560] **Mr Cadwallader:** I am Lyn Cadwallader, chief executive of One Voice Wales.

[561] **Alun Ffred Jones:** You do not need to push the buttons on the microphones by the way.

[562] Awn at Russell George i ddechrau ac wedyn Llyr Gruffydd. **We will go to Russell George to start and then Llyr Gruffydd.**

[563] **Russell George:** I will ask some questions on the place plans and neighbourhood plans section. A number of stakeholders have stated to us that they believe that the Bill is centralising powers to Cardiff and taking decision-making powers away from local communities. That is some stakeholders' views. I noticed that Abermule with Llandyssil Community Council, in its response to the Welsh Government's 'Positive Planning' consultation, made a contribution, and I will read out just the one sentence. I picked this because I could see that it is in my own constituency. It was concerned about the lack of localism and community involvement and this is what it said in its response: there is an inherent danger that overriding local determination and locally consulted LDPs will weaken community engagement, where proper process is seen to be devalued. Communities would become disenfranchised and reluctant to participate in a meaningful process. Would you agree with its view?

14:15

[564] **Mr Cuddy:** No, I do not entirely agree with that. Obviously, we have accepted that we are not going to have the same system as in England under the Localism Act 2011, which gives certain rights. We are going to make the best that we can of what is offered to us. That will mean that there has to be proper provision in the front loading in respect of the local development plan. As of yet, that detail is missing, and I do not think that you, as a

committee, will ever be dealing with that, because it has all been reserved to other consultations associated with the Bill—the process for the review of local development plans in particular. As I understand it, the provisions for local engagement will be as negotiated through the delivery agreements that each authority has to make with the Welsh Government, and that has, internal to it, a scheme for community involvement and consultation. The details of that have not been provided, as some of the documents have yet to be drafted—the local development plan manual and the reference and relationship to the regulations that apply to the LDP process. So, we have not seen that—that is the problem. We can be positive in respect of the front-loading process, but, as we have not seen the detail, we are going to keep on about getting something in the Bill so that the Minister can make some more precise secondary legislation. We have been promised it, obviously, by officials, but we have not seen the detail.

[565] So, that is one aspect of it. The other is that place plans are an interesting idea. They first arose in England, when there was consideration given to local government reform by Michael Lyons, I think, in the mid-2000s. That was to do with place budgeting and those sorts of things in local government. Place plans were adopted by some counties and areas in England as a sort of delivery plan, and I think that you, if you were undertaking pre-scrutiny, would have heard the independent advisory group referring to this sort of thing—the Shropshire model. The Shropshire model is a delivery plan, so I would like to see that place plans or supplementary planning guidance are holistic plans that deal with not only what might be the minutiae of land-use planning, as seen by planning officers—a very small part of it, because most of it will be delivered earlier on, if you have proper engagement—while the allocations, where all of the fuss is, usually, will have been decided or dealt with, in some form, in the forward engagement. The place plan will then become, in my view, a holistic document dealing with supplementary land-use issues, but also other delivery issues—community development et cetera—and have a delivery aspect. That is positively looking at what is available to us.

[566] **Russell George:** There is also a view from stakeholders that another tier of planning process is going to take away community involvement at a very local level, and I wonder—based on what I first said and this point—whether your colleagues here could comment on that.

[567] **Mr Cadwallader:** I think that, really, our position regarding place plans has been very much one where we see them being the opportunity, potentially, to knit this Planning (Wales) Bill with the Well-being of Future Generations (Wales) Bill. We have heard other representations saying that place plans, if they are ‘planning system plus’, which take account of social, economic, environmental and wellbeing-related issues, could distract from the planning system. I think that our view is that, at the moment, this Bill is light on the overlap and links between the planning Bill and the wellbeing of future generations Bill. What we think place plans can do is provide a very robust evidence base by doing a consultation once within a geographical area rather than several times. So, we think that there are opportunities for efficiencies here that, by having a methodology at the grass-roots level across Wales, enables information to be gleaned from local residents and for that information then to be fed up not only to the local planning authority, but the public service boards as well, if they were to come to fruition, through assisting strategic needs assessments.

[568] **Russell George:** You are here representing town and community councils. Is there a consistent view that you receive from your members, or are there split views on the Bill in general?

[569] **Mr Cadwallader:** I think the overriding view is that there is a concern that while we support the Bill and the development of a national development framework, there are some concerns that, in light of what is happening through public services reform, if we ended up

with, for example, six unitary authorities in Wales, then the local development plan becomes quite remote from communities. You would also have the national plan and, again, there is no clear identification of an engagement process for that in the Bill at present, being quite remote. So, the concerns are that what we would potentially do is take democracy away from local communities.

[570] **Russell George:** So, how do you address that in the Bill? How should the Bill address that?

[571] **Mr Cadwallader:** We are very much of the opinion that there needs to be a clear, integrated route map that explains to the public of Wales how the various elements, tiers and hierarchies within the proposed Bill knit together. At the moment, within the Bill and the explanatory memorandum, there is an absence of that. So, that would explain how the national development framework links with, say, the strategic development plan, then with the local development plan. In our opinion, it would then link with place plans at a sub-regional level.

[572] **Russell George:** Yes, but you are not addressing the point of how local democracy is addressed at that local level. You are explaining to communities how it works, but how do you bridge that democratic deficit that you talked about? I ask that to any of the panel members.

[573] **Mr Cuddy:** I think I tried to provide an explanation at the beginning. Really, the front loading has to deal with a lot of those issues that you are describing. I have seen some of the evidence from the Planning Offices Society and it does not want to be drawn too far into community matters; it wants to keep things plain and simple and that will be the danger, really. We have accepted that, okay, we will not have neighbourhood plans and we will not argue for them; there is no point—

[574] **Russell George:** There is a point if you think that they should be in there. Tell us.

[575] **Mr Cuddy:** Yes, but that has to be accommodated with other things. We would like to be like England with community rights to bid and plan and all of the other things, you see, but we have accepted, in a way, that front loading would suffice, provided that the holistic plan that a community could make on the back of that and the system has served its purpose. The main problem is allocation of uses, in a sense, is it not? That is where all of the problems arise.

[576] **Russell George:** There seems to be reluctance from you to want to tell us how things could change. I would not accept the Bill as it is. The Minister is willing to change the Bill with recommendations from our committee, so, if you think that there should be change, you need to tell us where those changes should be. That is all I would say.

[577] **Mr Cuddy:** Yes, well, one would like that a place plan would be the primary or the underlying building block for it, I suppose, if you ask me, in a perfect world. However, we are not in a perfect world and we are happy, to some extent, to make the best use of what we are provided with, providing the detail is there to be seen and we can argue.

[578] **Alun Ffred Jones:** I want to move on. Jeff Cuthbert is next on this point and then Jenny Rathbone.

[579] **Jeff Cuthbert:** I was interested to hear where you can see a possible mismatch—that is my word, not yours—between the provisions of this Bill and the future generations Bill. Bear in mind that it is the same Minister who is leading on both and whether you have made your concerns clear in that regard.

[580] One of the issues with place plans, of course, and who would draw them up is that not all of Wales is covered by town and community councils. There are big chunks where that is not the case. So, do you see that as a problem?

[581] **Mr Cadwallader:** No, we certainly do not see that as a problem. We would very much welcome the opportunity to work with Welsh Government to see how we can overcome that deficit in terms of representation by community and town councils across Wales. Our argument would be that, when we have worked with unitary authorities over the past few years or so, unitary authorities have found extreme benefit where the areas are covered by a community or town council in terms of undertaking consultation activity. Where there is an absence of a community or town council, it becomes that much harder for them to engage with the local electorate. So, I think that place plans would be a methodology, but if we establish community and town councils across the whole geography of Wales, that would be a methodology for potentially doing that engagement well.

[582] **Jeff Cuthbert:** You might have scope for doing that in that I think that the idea is that town and community councils will come in at something like the third phase of the wellbeing of future generations Bill in terms of the public service boards. So, there will be a number of years under the belt of everybody else. Do you think that that might give you the opportunity then to prove your point?

[583] **Mr Cadwallader:** I think that it will. We were somewhat concerned initially when it was mooted that councils with an income of anything above £200,000 would be—

[584] **Jeff Cuthbert:** Turnover, I think.

[585] **Mr Cadwallader:** Yes, turnover, in terms of coming under the auspices of the Bill from 2016. Naturally, that is not very far off. In terms of capacity within our sector and our ability to morph the sector to deliver place plans, I think that that would be a tough ask.

[586] **Jeff Cuthbert:** I think that the Bill comes into force in 2016. I think that you are a few years down the line, in the third phase.

[587] **Mr Cadwallader:** That is not my understanding.

[588] **Jeff Cuthbert:** Oh, well.

[589] **Mr Cadwallader:** My understanding is that there are 60—

[590] **Jeff Cuthbert:** Perhaps time has moved on.

[591] **Mr Cadwallader:** My understanding is that there are 60 to 70 councils that would come under the auspices of the Bill from 2016.

[592] **Jeff Cuthbert:** Oh, okay.

[593] **Alun Ffred Jones:** Jenny Rathbone is next.

[594] **Jenny Rathbone:** We have to all live sustainably. The fact that we do not have town councils covering every part of Wales is a red herring, as far as I can see, because local authorities already have the capacity to set up area committees where communities demand it and where there are enough people prepared to serve. In Gwynedd, I recall, at the last local elections, there was one ward where they could not get anybody to nominate themselves to represent that ward, never mind having an election. So, I think that we have to be a bit careful

about creating layers of governance without the community wanting to be engaged. I wondered why the proposals in the Bill, where we have a lot more emphasis on engaging with stakeholders prior to actually submitting an application form, are not another way of ensuring that local relevant voices are heard, because what is going on in one community is not necessarily of any interest to the next one.

[595] **Mr Cadwallader:** I think that our view, in terms of what is happening in terms of public services reform and in terms of financial austerity, is that we are seeing a change in who the deliverers of services are across Wales. We have very much made an argument in this room on several occasions, throughout the Bill processes, that there needs to be a clearer demarcation on who is responsible for what moving forward. We are certainly seeing, through the financial austerity, a lot of non-statutory services that are under pressure. They will not come under the auspices of principal authorities for the future. They are in the process of looking at the devolution of services and the devolution of assets to our sector.

[596] We think that place plans are particularly important because they are about the planning system, but they are also about the wellbeing of that local community in a broader sense. So, we think that place plans, as I say, are the opportunity to knit the planning Bill with the requirements of the wellbeing of future generations Bill because there is a recommendation in there, or it is part of the architecture there, to have local wellbeing plans. Local wellbeing plans are going to be at a level that is likely to be below the unitary authority level. What we are saying is that place plans give an opportunity to be the right geography for people to understand them, that they are meaningful, relevant, local and have a degree of accountability if it relates—as our argument would run—to a cluster of community and town councils. So, you can have a hub in terms of a town council, and several other community councils in a geographic area. We think that that makes for good democratic processes and would actually enhance engagement with the democratic process.

14:30

[597] **Jenny Rathbone:** Okay. There is no doubt that we want local communities engaged in planning their services, and if there is no shop within walking distance, then, obviously, there is the problem. However, whether it is about creating more levels of bureaucracy, or whether there are other ways of capturing the needs, wishes and aspirations of local communities is what, I think, I was trying to explore. Place plans might be it, but there might be other ways, too.

[598] **Mr Cuddy:** I think you are describing a reactive system. What I would like to see is a proactive system. So, I think that front-loading in terms of place plans is a better way of trying to articulate local democracy than saying, ‘They will react to development proposals’.

[599] **Jenny Rathbone:** Well, it is whether place plans would actually empower the people who are at the margins at the moment.

[600] **Mr Cuddy:** You are introducing another aspect, I think.

[601] **Jenny Rathbone:** I think it is fundamental to the future generations Bill.

[602] **Mr Cuddy:** Okay, fair enough. In time, any plan will act as a catalyst. At the moment, it is chicken and egg, really. The description in Williams and others is that local and community and town councils are rubbish, and are not elected, et cetera. Well, if you provide a focus, and we can enhance capacity, place plans might be one way of doing it. They will, I think, naturally expand from perhaps public-realm issues to other issues for the community, which would be those that are not included in that sort of thing. That is my understanding of how it may develop. It will require town and community councils of capacity and capability,

and that is only going to develop over time.

[603] **Alun Ffred Jones:** Could I take this line somewhere else? On village and town greens, there are changes proposed in the legislation to the timetable in terms of registering. Do you have any comments? Are you in favour or are you against?

[604] **Mr Egan:** I will comment on that, Chair. Our concern is that the inclusion of the wording within the Bill is going to be very problematic, because communities and towns throughout Wales use areas of land, and they have used them for generations, and they often refer to them as ‘greens’, even though they may not be registered as such. They are areas of a community, maybe in a town as well, that people have used for generations, which, probably, could well be registered as a village green or maybe as a common, with the weight of argument in favour, in terms of previous use and so on. Sometimes, communities will look to make an application for a village green, for example, if there is a threat of development on it. Now, if they are doing that just to stop a development, then we would probably not necessarily support them in that desire, but if they are doing it because they want to preserve something that has been there for a very long time, and they are just backtracking on what they perhaps should have done before, or if they have been dissuaded from doing that or if they do not even know what the process would be to have something registered, then we think they should have the right to take that step, even though development may be proposed for that particular area of land.

[605] If it were in the Bill, though, we feel that there should be a public awareness campaign, probably pushed through various forms of media, to community and town councils, so that they themselves could start looking to see what they need to do to establish village greens in advance of development pressures, because, as I say, these are things that they have probably enjoyed for a long, long time, but nobody has come forward or taken that move to try to get something registered.

[606] I can talk from personal experience. I was involved many years ago in a village green application. I can tell you that the amount of information you need to collect is quite substantial and you need a real leader within the community to take that forward. I think a leader will appear when there is pressure on a piece of land that has been used for these purposes, for example recreational-type purposes, for many years. So, we have a problem with it.

[607] **Llyr Gruffydd:** I agree with what you have just said. One suggestion made by the Open Spaces Society is the possibility, when you are drawing up a local development plan, of actually doing that trawl at that stage and that you ensure that those areas that are identified for development would not actually be affected in the way that you describe. Would you support that approach?

[608] **Mr Egan:** I think there would need to be something that prompted communities and towns to start looking at these pieces of land, because in a lot of communities people will refer to a piece of land as ‘the green’, even though it is not a registered green. They will refer to it as something like that. So, I think that, as long as that awareness was developed in the process, that might be a suitable vehicle for doing that.

[609] **Mr Cadwallader:** Could I just come in on this? The other point to raise is that we do recognise that land use is going to need to change and the use of land within communities might need to be multiple. So, in terms of village green applications—thinking about the point you raised, and we would agree with it, really—if it is identified upfront, it enables that community or town council to act in advance rather than react. We want to move away from reaction towards being proactive. There are some real examples out there where village green applications have gone in and then, through a process of negotiation, that piece of land



becomes something that has multiple uses. For example, it might be for recreation after 3 p.m. but for school use between 9 a.m. and 3 p.m., so it is about making sure that there is meaningful dialogue early in the process.

[610] **Llyr Gruffydd:** Can I move to a broader question, really? It is as broad as they come, I suppose, this one. In terms of the role of town and community councils within the planning system in Wales, is there anything in this Bill as it stands that gives you greater clarity around your role within that process?

[611] **Mr Cadwallader:** In one word?

[612] **Llyr Gruffydd:** Yes, please.

[613] **Mr Cadwallader:** No.

[614] **Llyr Gruffydd:** No. Okay. I expected as much because I would have thought that this was an opportunity to really empower town and community councils within planning, and I suppose that that chimes with some of what Councillor Cuddy has been saying. There are concerns about the seemingly, shall we say, to be kind to the Government, top-down nature of having a national development framework and then strategic development plans and then local development plans, and potentially then place plans. How would you see your role, if the Government was intent on pushing that structure through, fitting in in terms of your voices being heard—okay, local development planning structures are in place, I suppose, although we could debate those as well, I am sure—particularly at the strategic development level, more so maybe than the national development framework level?

[615] **Mr Cadwallader:** I think that, really, ‘Positive Planning’ initially set out a four-tier structure, and we very much welcomed that four-tier structure. As I say, and I am going to repeat myself, in light of public services reform, if we are going to move to increasingly large bodies, from other pieces of research that have been done, the public on the whole generally does not understand the planning system. There has been a lack of engagement, and if there is a lack of engagement at the existing local development plan status of 22, moving from 22 to six will mean that it becomes even more remote. What we think in terms of the place plans is that there is an opportunity to have a sub-regional geography of planning, which enables clusters of community and town councils to perhaps precept together to engage with communities together so that there is, as I say, a natural link then between what happens at the very local level, with the information gleaned from those consultations and evidence-based activities at that level, up to the local planning authority, but also, in terms of the wellbeing Bill, linked into these local wellbeing plans, which again have not been defined in terms of size of geography. That is all up for grabs.

[616] **Llyr Gruffydd:** But the current structure of the Bill suggests that the national development framework will largely set the parameters for strategic development planning and that in turn will set the parameters for local development planning. So, it is not a bottom-up approach, as you have articulated, which maybe many of us would like it to be. The reality is that the proposal is that it is going to be more—and I know that the Minister would argue that it is not—top-down, but if one is beholden to another then obviously one takes precedence. So, where or how do you see your views being represented in discussions around the strategic development plan tier? Obviously, local authorities, planning authorities, will have seats on those panels. Would you wish to be represented in some form on those panels or would you wish to engage in any other ways?

[617] **Mr Cadwallader:** What I would say in terms of the strategic development plans is that they are very light on who the nominated organisations are likely to be. We would seek clarification from the Minister on that. Yes, we would like to see representation from local

communities. I think that that needs more work on how that would work. We can see that, at the moment, a third would be appointed by the Minister.

[618] Again, we would like to see more clarity on that process, and I suppose, with that third, we would probably say that those persons should be there in an advisory capacity rather than a voting capacity, because they are not democratically elected. So, we have some concerns there, but we would certainly like to look at a means of getting local communities to be part of those panels, if they were to come to fruition. I have to say that we are not entirely convinced that strategic development plans will be required. I am sorry to harp on, but if we move from 22 to six, and you have six large local development plans, that almost undermines the need for strategic development plans, because if you have populations of 500,000 and you cannot do a local development plan that covers the themes that are required at that level of geography, then there is probably something wrong.

[619] **Joyce Watson:** There has been a lot made this morning of top down and bottom up. I want to ask some questions in terms of what difference you expect to result from the proposed planning Bill compared with what you currently have. What justifies the statement that this proposal is less democratic than what is currently there? If we are going to take that forward in any form of recommendation, we need to understand what the difference is.

[620] **Mr Cadwallader:** In terms of a response, I would say that it is not that this is less democratic, but that there is an opportunity to make it more democratic. Our argument would run that place plans would enhance that level of democracy. I think that there are opportunities in this Bill that are potentially being missed by not enacting place plans as another tier within the system.

[621] **Alun Ffred Jones:** Are there any further questions? I see that there are not. As a parting shot, I invite you to make your last requests before leaving. Is there anything that you think we should be focusing on in this Bill that you would like to see proposed or changed?

[622] **Mr Cuddy:** My opening submission was that there should be a hook on which we can have more prescription from the Minister about place planning or an instrument of that sort. Some things that we have not covered today that are important to the community are, obviously, pre-application consultations, which are a valued sort of thing, and the design and access statement. I heard some of the previous debates and they are important as a communications device to local communities, given that quite a lot of community and town councils spend a lot of time on planning applications. Those design and access statements, where they press the developer proposer to explain, are very useful and, therefore, they should be retained at the appropriate scale.

[623] **Mr Egan:** I think that there may be a problem for community and town councils, especially smaller community councils, in relation to pre-application discussions. I will explain why I believe that. With pre-application discussions, there is going to be a designated period by which time a community and a town can engage on that proposed application, or the details of it. That is probably insufficient time for the community or town council to properly engage with its communities, and I think that, in the smaller communities, there is an opportunity to directly engage with people. The engagement, often, is not the council going out to the individuals, but the individuals coming to the council, especially in relation to anything that is seen as locally controversial. It is at this stage, when a community comes to the council, that the council starts to fully understand what it is about the planning application that is of significant concern and why it should be representing its electors to the planning authority in respect of that application. I think that the smaller councils, in particular, are not necessarily going to have that wealth of information at the pre-application stage, so it may be found that either they do not make any informed comments, or they make informed comments, the application comes in and there is little change.

14:45

[624] There are concerns that, if that is the case, where there is no comment, or no informed comment has been made, then the community or town council does not have that second opportunity of representing its community to the local planning authority. It seems to be a bit of a closed book in those situations. I think that may be problematic and undermine the ability of a community or a town to represent its electors. After all, that is why they are there: to do that very thing.

[625] **Mr Cadwallader:** There are four points from me. We would like to see further clarification in relation to how the national development framework relates to the hierarchy of other plans in Wales. So, the Wales infrastructure plan and the transport plan, for example, and also the alignment with the other regional plans, such as city regions and natural resources area-based planning approaches. So, that is one.

[626] I do not think that we have touched upon the Welsh language. I think that there is an opportunity through the planning Bill to address the Welsh language. It appears to be absent from the Bill at the moment, and I think that it needs to put the Welsh language on perhaps the same statutory footing as environmental or economic concerns.

[627] The other thing that we have a concern around in terms of the national development framework and plans is that there is a statutory limit of a 12-week period for consultation. We see this as being far too short. We would like to see that scrutiny period extended to enable bodies to contribute to the planning system.

[628] Lastly, and I know that we have raised this through the independent advisory group, is the introduction of, perhaps, a community or third-party right of appeal, which is really a fall back, with specific criteria. So, if there is an adopted plan and some of the planning decisions are contrary to that, there is an opportunity for the community to come back and appeal. The absence of that, I think, limits democracy. So, those are the four areas that we would wish to highlight.

[629] **Alun Ffred Jones:** Thank you very much for presenting your case so eloquently. I thank you for coming in. We will send you a copy of the transcript so that you can check it for accuracy. Diolch yn fawr iawn. Thank you very much, once again.

14:47

### **Papurau i'w Nodi Papers to Note**

[630] **Alun Ffred Jones:** There are papers to note. They are noted. You do not want any further discussion on them. Diolch yn fawr iawn.

*Daeth y cyfarfod i ben am 14:47.  
The meeting ended at 14:47.*