



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

Y Pwyllgor Amgylchedd a Chynaliadwyedd The Environment and Sustainability Committee

**Dydd Mercher, 19 Mawrth 2014
Wednesday, 19 March 2014**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi 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 Labour
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Gruffydd	Plaid Cymru The Party of Wales
Julie James	Llafur Labour
Alun Ffred Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Eifion Bowen	Pennaeth Cynllunio, Cyngor Sir Caerfyrddin, Cymdeithas Llywodraeth Leol Cymru Head of Planning, Carmarthenshire County Council, Welsh Local Government Association
Lyn Cadwallader	Prif Weithredwr, Un Llais Cymru Chief Executive, One Voice Wales
Mike Cuddy	Arweinydd, Cyngor Tref Penarth Leader, Penarth Town Council
Robin Farrar	Cadeirydd, Cymdeithas yr Iaith Gymraeg Chair, Cymdeithas yr Iaith Gymraeg
Andrew Farrow	Cadeirydd a Phennaeth Cynllunio, Cyngor Sir y Fflint, Cymdeithas Swyddogion Cynllunio Cymru Chair and Head of Planning, Flintshire County Council, Planning Officers Society for Wales
Vicky Hirst	Is-gadeirydd a Phennaeth Rheoli Datblygu, Parc Cenedlaethol Arfordir Penfro, Cymdeithas Swyddogion Cynllunio Cymru Vice-chair and Head of Development Management, Pembrokeshire Coast National Park, Planning Officers Society for Wales
Jane Lee	Swyddog Polisi—Ewrop ac Adfywio, Cymdeithas Llywodraeth Leol Cymru Policy Officer—Europe and Regeneration, Welsh Local Government Association
Colin Nosworthy	Swyddog Cyfathrebu a Chyswllt y Cynulliad, Cymdeithas yr Iaith Gymraeg Communications and Assembly Liaison Officer, Cymdeithas yr Iaith Gymraeg

John Romanski	Pennaeth Cymorth Cynllunio Lloegr Head of Planning Aid England
Elwyn Thomas	Prif Weithredwr, Cymorth Cynllunio Cymru Chief Executive, Planning Aid Wales

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

Catherine Hunt	Clerc Clerc
Mike Lewis	Dirprwy Glerc Deputy Clerk
Graham Winter	Y Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 09:33.
The meeting began at 09:33.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

[1] **Alun Ffred Jones:** A gaf i eich croesawu chi'n ffurfiol a chrybwyll rhai o'r rheolau? Os bydd larwm tân, dilynwch y swyddogion allan. Diffoddwch eich ffônau symudol, os gwelwch yn dda. Mae'r Cynulliad Cenedlaethol yn gweithredu'n ddwyieithog ac felly mae croeso i unrhyw un gyfrannu yn Gymraeg neu'n Saesneg. Mae'r cyfieithiad ar gael ar sianel 1. Peidiwch â chyffwrdd â'r botymau ar y meicroffonau os gwelwch yn dda. A oes unrhyw Aelod eisïau datgan buddiant o dan Reol Sefydlog 2.6? Gwelaf nad oes.

Alun Ffred Jones: May I welcome you formally and go through some of the rules? If there is a fire alarm, please follow the ushers outside. Please switch off your mobile phones. The National Assembly operates bilingually, and so anyone is welcome to contribute in Welsh or in English. The interpretation is available on channel 1. Please do not touch the buttons on the microphones. Would any Member like to declare an interest under Standing Order 2.6? I see that no Member would.

Y Bil Cynllunio (Cymru) Drafft: Cymdeithas Llywodraeth Leol Cymru a
Chymdeithas Swyddogion Cynllunio Cymru
Draft Planning (Wales) Bill: Welsh Local Government Association and Planning
Officers Society for Wales

[2] **Alun Ffred Jones:** Awn ymlaen felly i glywed tystiolaeth ar y Bil cynllunio (Cymru). Yn y sesiwn hon, byddwn yn clywed gan Gymdeithas Llywodraeth Leol Cymru a Chymdeithas Swyddogion Cynllunio Cymru. Croeso i'r pedwar ohonoch chi sydd wedi dod atom ni i roi eich sylwadau. A oes un ohonoch eisïau dweud unrhyw beth ymlaen llaw fel cyflwyniad?

Alun Ffred Jones: We shall move on, therefore, to hear evidence about the planning (Wales) Bill. In this session, we will hear from the Welsh Local Government Association and Planning Officers Society for Wales. Welcome to all four of you who have joined us to give your comments. Would any of you like to make any opening remarks?

[3] **Mr Farrow:** I would, Chair, if that is possible. My name is Andrew Farrow; I am the chair of Planning Officers Society for Wales. As a general introduction to our response to the 'Positive Planning' proposals, as a society, we generally welcome the proposals within the document, particularly the approach that Welsh Government has taken to this, which is

broadly evidence based. You will see the number of reports that support the Bill documents, and also the level of engagement that the Welsh Government has had with us as a society is to be applauded. That is part of an ongoing engagement agenda with them. We will continue to work with Welsh Government to bring forward some of the proposals of the Bill, if they are taken forward, but there is also an awful lot within 'Positive Planning' that does not require legislation. Those are aspects on which we will continue to work with it, such as the planning advisory improvement board, the format of the annual performance reports and the regulatory impact assessment that sits alongside this as well.

[4] We have some concerns on areas around the strategic development plan, developments of national significance and implications around fees and resources. However, broadly as a society, we support it. It is part of an ongoing process, and we are happy to work with Welsh Government to implement it.

[5] **Alun Ffred Jones:** Diolch yn fawr am y sylwadau hynny. I droi at Gymdeithas Llywodraeth Leol Cymru, beth yn gyffredinol yw eich barn chi am y cynigion sydd yn 'Cynllunio Cadarnhaol' ac yn y Bil cynllunio drafft?
Alun Ffred Jones: Thank you for those comments. Turning to the Welsh Local Government Association, what are your general views on the proposals in 'Positive Planning' and in the draft planning Bill?

[6] **Ms Lee:** I would like to reiterate some of the comments that Andy made, that we are very supportive of the general thrust of the Bill. From the WLGA's point of view, we have raised concerns around some of the proposals and the democratic deficit, particularly around DNS and the strategic development plans, and the push for further delegation. So, we would question the role of local elected members in some of the proposals.

[7] We also raised some issues around the numbers of different plans and how they could be synchronised properly, so that we do not have duplication of message, adding to the complexity for members of the public to understand. We also raised some issues around the potential role of town and community councils within planning.

[8] I would also pick up on some of the comments that Andy made around issues of resources, in terms of staff time and funding, in taking some of these proposals forward.

[9] **Alun Ffred Jones:** Gan fod y ddau ohonoch wedi sôn am adnoddau, beth yw eich pryderon ynglŷn ag adnoddau?
Alun Ffred Jones: As both of you have mentioned resources, what are your concerns regarding resources?

[10] **Mr Farrow:** If you take, for example, the proposals around town and community council plans, if that is going to work, it will inevitably take resource and staff time away from local planning authorities. It might be worth doing that, but there is a drive to get local development plans adopted and there is a drive to improve performance on development management generally, so we are pulling from a restricted pool of staff time and resource. So, there is a question in terms of priorities. There is also a question with respect to town and community council plans as to the best time in the process to do that. That is one example of a concern about resources.

[11] In terms of developments of national significance, the proposal is to take the decision making away from the local planning authority, but its involvement in it does not stop there. There is pre-application work that needs to be done. Even when consent is granted, there is discharge of conditions and the monitoring of the development as well. That is all a burden on the local planning authority. To be fair to Welsh Government, it is saying, 'Yes, we accept aspects of that, and we need to do some further work around the fee proposals'.

[12] **Alun Ffred Jones:** Gofynnaf i Eifion Bowen ddod i mewn, ac yna Antoinette Sandbach.

Alun Ffred Jones: I will ask Eifion Bowen to come in, and then Antoinette Sandbach.

[13] **Mr Bowen:** I ychwanegu at yr hyn a ddywedodd Andrew, ac i sôn am brofiad Cyngor Sir Caerfyrddin ynglŷn â datblygiadau mawr fel tyrbeini gwynt, profiad y sir, a hefyd wrth siarad gyda swyddogion eraill ynglŷn â'r projectau mawr hyn, yw ein bod yn dal i ddisgwyl cyfrannu at y project cyn bod y cais yn dod i mewn. Mae disgwyl inni ymateb i broiect o ran llunio adroddiad asesiad effaith y datblygiad. Fel roedd Andrew yn ei ddweud, o ran y caniatâd a gafodd ei roi i gais gorllewin Brechfa, roedd 40 o'r amodau—mwy na'u hanner—yn dal i ddisgwyl i'r awdurdod cynllunio lleol eu hystyried. Felly, os yw hynny'n cael ei adlewyrchu mewn projectau ychwanegol, ac nid dim ond ynglŷn â chynhyrchu ynni, sydd yn *annex B*, ond hefyd geisiadau mawr, a'r posibilrwydd o dynnu'r rheini oddi ar awdurdodau cynllunio, lle mae'r ffi mwyaf yn dod ar hyn o bryd, byddai hynny yn amharu ar y gwasanaeth y bydd awdurdodau cynllunio yn gallu ei roi yn y dyfodol.

Mr Bowen: To add to what Andrew said, and to tell you about Carmarthenshire County Council's experience of major developments such as wind turbines, the county's experience, and also from speaking to other officials regarding these major projects, is that we still expect to contribute to the project before the application is submitted. We are expected to respond in terms of providing an impact assessment report on the development. As Andrew said, in terms of the permission granted to Brechfa west application, 40 of the conditions—more than half of them—still required consideration by the local planning authority. So, if that is reflected in other projects, not just energy-generating projects, included in *annex B*, but also other major applications, and the possibility that they will be withdrawn from local planning authorities, where the majority of the fees currently come from, that will impact upon the service that planning authorities will be able to provide in future.

[14] **Antoinette Sandbach:** Do you have confidence that town and community councils have the ability to deliver what is being asked of them? I have to say that I am not certain that I do, and I think that that is a concern that we have. If this proposal is put into the planning Bill, how much resource is it going to take to train them up to do that?

[15] **Ms Hirst:** I will answer that one. We share the concern. There is, obviously, a very diverse range of skills and knowledge within town and community councils across Wales, which does give some rise for concern about how these sorts of place plans could be developed. I think that there is also concern from the Planning Officers Society for Wales that there would be an expectation in those plans that they would be followed through, which might be difficult to deliver with regard to the national policies framework and the development plan process that has to be gone through. So, there are some difficulties with that, and certainly, there would be a lot of need for training of community councillors to be able to get them to develop plans that are realistic and to understand the planning system to a level that would enable them to fully engage with the process.

[16] With regard to resources, going back to the same point that Andy was making, there is quite a problem there in terms of how we would be able to help, as local planning authorities, in giving that advice. Obviously, there are proposals within the Bill for a planning advisory service that might be able to assist with that, but we remain concerned that the work on the ground with those communities would be quite resource-intensive and could quite significantly impact on what we can actually deliver for other areas of the services.

[17] **Mr Farrow:** That is not to say that the town and community council plans could not bring a real strength to the planning system; I think that they could, but it is a resource issue and a timing issue. The role of the local planning authority there is almost to introduce a reality check to the aspirations of the town and community council sometimes. We have had

town and community councils in my area, in Flintshire, that have stepped forward and done one because we had not yet adopted the unitary development plan, but we did have to play a role within that in terms of making sure that their aspirations were reasonable.

[18] **Mr Bowen:** Just to pick up on that point, I think that a number of authorities have encouraged communities to develop their own place plans, if you like. We have an APPLE approach in Carmarthenshire—which stands for ‘action plans for people and local environments’. However, it is a reality check, as Andrew says, and it does raise expectations. Of course, any such plan—a place plan or a community plan—would have to work within the framework of the local development plan, which, following the approach, would have to sit then inside a strategic development plan, which has to sit inside a national development framework. So, there are five plans there, almost. If you went to a community and said ‘Look, you can now create your own plan’, you could not possibly, although you would like to, give them a blank piece of paper. The reality is that, in the same way that we are finding now with our own local development plan, it has to pass the test of soundness in terms of compliance with national policy. The Welsh language would be the key element of that for example, and I would like to make one or two comments on that later on as well. Certainly, if you had a local place plan based on the most recent census statistics, showing a significant loss in terms of Welsh speakers, that community would want to protect that aspect of the community and resist development. However, within the local development plan, having to meet our five-year land supply and meet our population projections and, in consequence, the amount of land that we have to allocate for development, that community would have to absorb an element of development. However, it could be coming from a position of no development whatsoever.

[19] A new point in terms of the community plans, of course, is their status in terms of making planning application decisions. If it is going to be achieving development plan status, and it is not entirely clear how that sits within the framework, who would meet the consequences of resisting development if a decision is based on a community plan? So, the community council preparing that plan may have to live with the consequences of unreasonably refusing development on the basis of what the community wanted, as reflected in a place plan or a community plan.

09:45

[20] **Alun Ffred Jones:** Gofynnaf ichi **Alun Ffred Jones:** I ask you to keep your gadw eich cwestiynau ar y mater hwn, gan questions on this matter, as we have started ein bod wedi cychwyn ar y busnes o on this business of community plans. I call gynlluniau cymunedol. Galwaf Julie Morgan. Julie Morgan.

[21] **Julie Morgan:** I was going to ask about the strategic plans, so perhaps it is best if other Members carry on first.

[22] **Alun Ffred Jones:** Galwaf Julie **Alun Ffred Jones:** Therefore, I call Julie James, felly. James.

[23] **Julie James:** On that point, my reading of the Bill is that the place plans are indicative plans and are not intended to have a statutory basis, and they would obviously be persuasive rather than mandatory. I also think that you are talking slightly about where we are now, whereas this is obviously a Bill for the future. So, not only have we to legislate for where we are now, but we have to legislate for the next lot of plans. The idea, as I read it, is that the place plans are developed and then incorporated as part of the consultation process into the next lot of local and strategic plans. So, it is the other way up. If you do it in the way in which you were describing, it could not possibly work. What do you do at the moment, then, if you are struggling for resource, to take into account community council views on development and so on?

[24] **Mr Farrow:** It probably varies across the piece, but the standard consultation on every planning application within a town and community council patch takes place. However, there are also examples of good practice. I know that, in the national park, there has been training for town and community councils. So, what you are receiving from them is a more informed opinion on an application that sits in front of them. I do not know whether you want to say a bit more on that, Vicky.

[25] **Ms Hirst:** Yes. We have certainly rolled out a programme of training across all of our community councils, and we have offered that service to anyone who wants to come to see us individually. We then take them through what can be taken into account in determining a planning application, because there are a lot of problems where we get responses that are not to do with material planning grounds, and then we do not answer those queries. So, we have tried to focus the training on what constitutes a material planning consideration and, therefore, what it is they can put to us that is relevant in what we are determining. That has helped significantly in being able to provide positive feedback to the communities and then respond to that proactively in negotiations through the planning application process.

[26] **Julie James:** I would just like to follow that up. You all made it sound as if none of that work had been done and you were going to start again. I was just making the point that quite a lot of work has been done.

[27] **Mr Farrow:** Yes, and that is just on the development management side. However, when you are bringing forward a local development plan, you need those communities to buy in to it. So, they would be sitting, whether as part of the project group for the LDP—

[28] **Julie James:** That is happening, is it not?

[29] **Mr Farrow:** Yes, it is. I do not think that any inspector would consider a plan to be sound if that element of consultation was not taking place.

[30] **Julie James:** That is the clarity that I wanted. It is happening now, but you were making it sound as if it was a completely new piece of work.

[31] **Mick Antoniw:** I want to follow that up, because, in my constituency, I have five community and town councils. I understand that there is a high degree of variability across Wales and that there are issues, but those might be issues for a slightly different place. Bearing in mind the Williams commission report and the consequences of that, does it not strengthen the argument that there is a local democratic deficit, that there needs to be that community voice in there and that the question is: how should it operate, with what clarity and what parameters should be set? Are you all, by and large, in agreement that it is worth while having community plans? Leaving aside the resource and all of the other implications, is it a good thing to have, as a starting point?

[32] **Mr Bowen:** I will pick up the point about the range of community councils. Carmarthenshire has 74; one community council does not exist. Within that, there is the urban conurbation of Llanelli, which has its own staff. That community plan would certainly have the resources to come out. What we endeavoured to do with our local development plan was build on the relationship between the local county council member and their links with the community, and we also brought in Planning Aid Wales to run some workshops for community councils. I am not saying that it is not happening, but what I am trying to do is feed back the experience from that process, which did raise expectations. In Llanelli—. In Carmarthenshire, we have to find 16,000 dwellings. Some communities did not want any dwellings. Obviously, given the strategy, it is about trying to convey that message to them that these plans are not necessarily documents to resist change but to manage change. It is

about that positive spin. In certain areas, they would benefit. Under the old planning system in the early 1970s, you had action area plans and you could actually focus—. They do not have to cover the entire community council area. There could be specific patches within a community council area where there is intensive change. It is about the resources. I accept that it does not intend to have development plan status but it may well be a material consideration in terms of determining a planning application and the relevance of that. What would be the point of them if they could not be used to shape and manage development in the context?

[33] **Mr Farrow:** In the society's response to 'Positive Planning', we are supportive of pilot projects around place plans. I think that we have to be careful which areas we choose, and it may be a conglomeration of a number of town and community councils to reflect developments and the particular characteristics of an area. That is certainly what we have seen in England. We have had a representation from Shropshire, where they do place plans. They are all on a super-parish basis, but it all hangs on housing figures that have been established at a higher level. That is quite important when you are picking your pilot scheme areas.

[34] **Alun Ffred Jones:** Llyr, wyt ti eisiau **Alun Ffred Jones:** Llyr, did you want to deal dod i mewn ar y pwynt yma? with this point?

[35] **Llyr Gruffydd:** Na, dim diolch. **Llyr Gruffydd:** No, thank you.

[36] **Alun Ffred Jones:** Russell, is your question on this issue?

[37] **Russell George:** Yes, although Mick picked up on a lot of the points about the local democratic deficit that potentially exists. However, while we are on this subject, may I ask for your reaction to the Silk recommendations?

[38] **Mr Bowen:** On the Silk report?

[39] **Russell George:** Sorry, yes, the Silk report with regard to energy developments up to 350 MW being devolved to the Welsh Government—

[40] **Alun Ffred Jones:** We will come back to that issue in a minute. Julie Morgan is next.

[41] **Julie Morgan:** I was going to move on to the strategic development plans, if that is okay.

[42] **Alun Ffred Jones:** Fine. Okay.

[43] **Mr Bowen:** Chair, may I make one point first about community planning that has been touched upon and the relationship between these plans and the ability to acquire 15%? I think that the Welsh Government has said that 15% of the community infrastructure levy will be bottom-sliced for such plans. I think that that decision has been made. It is set at 15%. That in itself could be an incentive for local communities to take these plans forward. I think that that link with the community infrastructure levy needs to be highlighted.

[44] **Alun Ffred Jones:** Diolch yn fawr. Right, Julie Morgan has questions on strategic plans.

[45] **Julie Morgan:** Yes. In your introductions, you both express concern about the strategic development plans. I wonder whether you could expand on those.

[46] **Ms Lee:** Some of our specific concerns were around the setting up of a strategic development plan panel and the two thirds local authority representation and one third non-

local authority representation. Our concerns were around the non-local authority third being on the panel in a voting capacity when, obviously, there is no democratic mandate for them to vote. Also, within 'Positive Planning', there are recommendations around the competency framework for local members. If you take that forward to the strategic development plan panel, what competency does the one third of non-local authority representatives have? How are you going to ensure that they have the sort of training that you would require of councillors? So, there are all sorts of questions for us in terms of the set-up of that panel.

[47] **Julie Morgan:** Are you saying that you think that it should be all elected members?

[48] **Ms Lee:** We are saying that the non-elected members should be there in an advisory capacity without voting rights.

[49] **Alun Ffred Jones:** Llyr, a yw dy **Alun Ffred Jones:** Is your question on this gwestiwn ar y mater hwn? matter, Llyr?

[50] **Llyr Gruffydd:** Yes. I agree and I also have many concerns about the democracy of the panels that are being set up. There is an issue there that the Government needs to look at, so I will not revisit that.

[51] However, I just wanted to ask whether you felt that perhaps there is a danger that, in setting up strategic development plans, certain areas will be seen to be gaining an advantage in economic terms from having those sorts of strategic level plans, and that others, in some way or other, might lose out as a result of not being incorporated within those.

[52] **Mr Farrow:** The proposals within 'Positive Planning' give indicative areas where a strategic development plan could take place, but they do not rule out that it could do it in another area as well. So, if there is an opportunity to take forward an SDP, I suspect that it will be grasped at that level. I do not initially think that just because you have one you would be at an economic advantage. I suppose that the only thing that it would provide is a greater level of certainty to address the issues that trickle down from the national development framework to the strategic development plan level. I think that, as a society, we do see that there are certain functions and areas that need planning on a greater than local level. The list that is in 'Positive Planning' is perhaps a start, and what we are saying is that that should not be the end of the list; there should be other aspects of that, like the Welsh language, for example.

[53] **Llyr Gruffydd:** You have answered my next question, so I will not ask it. However, you mentioned the trickle down from the national development framework to the strategic development plans, but also from the strategic development plans down to the local development plans. Now, coming back to the democratic sort of aspect, are you comfortable that local planning authorities would, in a sense, be beholden to some of the strategic level decisions being made through strategic development plans where perhaps that authority might have only one or two representatives out of a number on a panel?

[54] **Ms Lee:** As I say, I think that there is a wider issue here. We have raised concerns about how the SDP would fit with the emerging city region boards, and with the regional economic sort of strategies in the area. We are not clear, really, on the hierarchy of plans, and also the timing of some of these plans. There is no time frame for the preparation of the national development framework; so, we are assuming that that would need to be in place before the SDPs. Obviously, in terms of the local authorities, we have around 50% coverage of LDPs at the moment. I think that it is a matter of the timing of all of these plans, how they fit together, and the sort of precedent that one plan takes over another.

[55] **Alun Ffred Jones:** I now call on Eifion Bowen. You all want to come in on this.

[56] **Mr Bowen:** In terms of the relationship between the boards—. The boards of the Swansea and Cardiff city regions, which were set up at the recommendation of the Haywood report, which identifies those two cities, have been established. As I understand it, transport has now been integrated into the economic factor in terms of the two boards. So, they will be advising the Minister in terms of making investment decisions in respect of key investment kinds of projects. If they are then to be reflected in a land-use plan—. So, if the strategic development plan is to be a land-use reflection of those decisions—and how that trickles down is an important point—the relationship between the panel, a third of which is appointed by the Minister, and the board in that respect will be an interesting one. Technical advice note 23 advises planning authorities now to place greater emphasis on employment, but if you have a strong economic strategy, you must also have the housing to back that up. So, there will be land-use implications outwith the economic decisions rippling out from the city region. So, that relationship needs to be clarified, and it is an important point.

[57] **Alun Ffred Jones:** I now call on William Powell.

[58] **William Powell:** I appreciate your concerns about the potential democratic deficit within the SDP structure that is proposed. Do you have concerns in terms of the current arrangements that apply to those areas of Wales where their prime access to the planning system is via such a mix? I am talking, of course, of the three Welsh national parks, currently, where you have two thirds—I think that the model is two thirds drawn from local authorities—nominated according to political balance, and the one third of members that is appointed as part of a public appointments system. Certainly, in one of the three national parks—the one that I am most familiar with—over time, there has been a tendency for those individuals, who are high quality and strong contributors, to not only not be elected but often not to live in the park area. Do you have any concerns around that, and what are your thoughts about the potential governance arrangements of any national park planning structure going forward?

10:00

[59] **Ms Hirst:** As a representative of one of the national park authorities—. Obviously, my experience is slightly different to yours, given that we have only one county council. Equally, I think that there are benefits to having a number of non-elected members on the committee because they bring topic area specialisms to the committee that would not necessarily be available in any other circumstance. I think that that certainly helps in terms of getting a balance of the issues when they are making decisions. However, I equally accept that there are also tensions within other examples within Wales, where you have different conflicts and conflicting views between the different constituent authorities sitting on the parks. That is something that certainly needs to be looked at, at the strategic development plan level, and how that would be resolved for taking this forward. I can certainly see problems in the future where there are specific areas that have specific needs that, obviously, are trying to get certain employment opportunities through the strategic development plans, which, perhaps, are better served through a different authority.

[60] What I would add to that is that I think that the strategic development plan offers a very positive solution for sustainable development because, obviously, we need to be looking across boundaries for getting the best places for development for lots of different reasons. I think that this is a real opportunity to make those differences in terms of a sustainable development agenda, rather than having to provide the employment and the housing in a specific local authority area. We can then start to look across the boundaries for the right sites, rather than just putting them where we have to because of the boundaries that are set up politically. So, I think that there are huge opportunities here, but the mechanisms are very crucial to making this work properly.

[61] **Alun Ffred Jones:** Julie, is your question on strategic development plans?

[62] **Julie Morgan:** Yes, it is still on that.

[63] **Alun Ffred Jones:** Could you ask both questions, then?

[64] **Julie Morgan:** You mentioned the issue about the city regions, the SDP and the metro. What about the Williams commission? What implications do you think that has for strategic development plans?

[65] **Mr Farrow:** My initial thought would be—. Well, first of all, the areas over which you would have your strategic development plan are not set. So, taking my region of north Wales, we could do a strategic development plan for all of north Wales. So, the Williams commission's proposals would really have no impact on it because it is planning over a larger area than the three couplets that Williams is talking about. So, to a certain extent, the strategic development proposals are Williams commission-proof, if you like, because they could roll forward anyway, without waiting for the Williams commission.

[66] **Julie James:** One of you—I am sorry; I did not quite catch which one of you it was—mentioned the issue about the number of plans that are not yet finalised in Wales at local development plan level. The proposals in 'Positive Planning' have a proposal for the Welsh Government to be able to step in at strategic development plan level and basically take the process over if it is not working. What do you think of that? Do you think that it should have that power for local development plans where they are not produced, and how, in general, do you think that we could incentivise the production of these plans?

[67] **Mr Bowen:** I think that the Welsh Government has the power to step in in terms of local plans at the moment—

[68] **Julie James:** It does not think that it has.

[69] **Mr Bowen:** Oh. Right. *[Laughter.]*

[70] **Julie James:** I have asked.

[71] **Mr Bowen:** I think that section 42 discusses taking the plan over, as it were, as it seemed to be going in a different direction from national policy. The experience of local planning authorities is having to update the evidence base. So, if we take Carmarthenshire as an example, where the examination started before Christmas, we had the sixth edition of 'Planning Policy Wales' announced in February, the fifth edition was announced at the end of 2013, we have had a new TAN on the Welsh language, a new TAN on economic development, and we have had the revised population projections coming out, showing a downward trend in terms of household formation in Carmarthenshire. All of these are new factors and new evidence that have to be fed into the system. I would doubt that the Welsh Government would be able to expedite that process, given the requirements of, or the constant change in, policy. If there is work to be done, where the Welsh Government could add value to that, it would be to provide that joint wider perspective beyond the local planning authority boundaries, because planning implications do not stop there.

[72] **Julie James:** So, at the strategic development plan—

[73] **Mr Bowen:** There would certainly be a benefit, but it goes back to the point that, from a Welsh local government perspective, members are concerned about their ability to input into that process. If the economic implications are that there is going to be growth in

Swansea, for example, and the LDP in Swansea shows a 4,000 shortfall in housing, the implication is that you have to look beyond the boundary, because I cannot see the council allowing housing estates on the Gower. That would have implications for communities in Carmarthenshire. It is about that kind of wider context, as Vicky was saying, that, in planning terms, they would be looking at more sustainable developments, but the implications for the community would be something that local members would have to have the opportunity to input into, and how those community plans would reflect that requirement as well. It is interesting that we have elected to start from the community upwards rather than working downwards, which I think is a positive way of looking at it.

[74] **Mr Farrow:** Just briefly on that, that level of intervention should clearly be the absolute last resort, because one of the issues that is often talked about in relation to development plans is the ownership of them. If Welsh Government comes in and recovers that plan, how is that plan going to be received at the local planning authority level? Not particularly well, I would guess.

[75] **Julie James:** I take that point, but, on the other hand, you know that there are many authorities in Wales that are nowhere near—

[76] **Mr Farrow:** I think that the Welsh Government would be better placed supporting those local authorities and continuing the dialogue while the local development plan is being undertaken to keep that plan on track so that we do not have some of the issues that we have had.

[77] **Julie James:** So, just to clarify, do you think that they ought not to have this power in the Bill at all or are you saying that it is okay to be there as a last resort?

[78] **Mr Farrow:** I think that, as a society, we would say that it is absolutely a last resort.

[79] **Alun Ffred Jones:** Rwy'n awyddus i symud ymlaen at ddatblygiadau cenedlaethol eu harwyddocâd, os oes gan unrhyw un gwestiwn. Antoinette. **Alun Ffred Jones:** I am keen to move on to developments of national significance, if anyone has a question. Antoinette.

[80] **Antoinette Sandbach:** In terms of call in, particularly with developments of national significance, and the powers of call in, how do you think those two fit together and do you think that it is right that those are decided by Welsh Ministers?

[81] **Mr Bowen:** I do not think that the powers available to the Welsh Government under section 70 have really been assessed as a possible alternative to creating a new category of development, which, in my view, would add to the confusion. Obviously, the Silk commission recommendation of delegating, if you like, renewable energy projects up to 350 MW onshore and in territorial waters would have to be integrated with this category in annex B of power generation schemes over 25 MW. We went through a process where we had three applications: one was a call-in under section 70, one was a national infrastructure project, and one was left for the local planning authority. Conveying the different decision-making processes to those communities was difficult and complex, in terms of the logistics of it and explaining that you had different processes. Obviously, the integration of a proposal in here of allowing one amendment for the Welsh kind of Bill proposal as opposed to the existing no change approach to the national one will also have to be reconciled. So, it does add confusion to it. In terms of the energy policy of Welsh Government, I would agree that it needs to be in one place. However, careful consideration needs to be given to perhaps using section 70 powers of calling in applications. One of the criteria at the moment is, of course, if it is of more than local significance. So, if it does contribute to national policy in terms of renewable energy targets, the ability to call in that application is already there. A number of such

applications have been called in and have passed, of course.

[82] **Antoinette Sandbach:** So, just to clarify, are you saying that, actually, the call-in procedure could deal with this?

[83] **Mr Bowen:** In my view, it could, with refinement.

[84] **Antoinette Sandbach:** I do not know whether Ms Hirst has a different view.

[85] **Ms Hirst:** No, not really. My concern, or the society's view, is that, with regard to adding another tier, it is not clear at the moment just how much work that would involve in terms of application numbers. I understand that some further research work is going on at present to see exactly what the scope of this would be. The thrust of 'Positive Planning' is simplification and I think that we all know that planning has got very complex. So, to introduce another tier of application in the hierarchy, as Eifion has said, complicates the system for people who are not necessarily familiar with it. The other worry, as we are going through an examination for a national infrastructure project, is that, within the authorities themselves, it directs resource to the bigger projects, in a way, because, obviously, there are very strict timeframes and there is a lot of work involved, irrespective of the fact that we are not actually the decision makers. It encourages a divide between the grass-roots level applications and those big projects that are obviously essential for development and the economy and so forth. However, for the layperson who just wants to get a simple application through the system, having the resources directed to the bigger projects produces a divide that is perhaps not best served by another tier of decision making. So, I think that, certainly from the society's point of view, we would want to be convinced that this is necessary because of the scope of the work that it would enable the Welsh Government to take forward rather than just in order to move major projects away from local authorities.

[86] From our experience of going through the process at the moment, I would also say that there is still a need for local accountability, even on these big schemes. There is a slight perception that, once they have moved to Welsh Government, they are in-principle approved applications and that the local voice is not necessarily heard as much as it would be if the application was dealt with locally by elected members.

[87] **Alun Ffred Jones:** Russell George, do you want to come in on this?

[88] **Russell George:** I have a new subject now.

[89] **Alun Ffred Jones:** It is a new subject. Is your question on this, Julie?

[90] **Julie James:** Yes. Just on that issue of call-in, my understanding is that one of the reasons for changing it from a call-in procedure to a first-instance procedure is that that changes the process because a call-in is, effectively, an appeal. Can you comment on that? I think that that is one of the driving reasons for doing it that way—so that the Welsh Government is actually running the process from the beginning, including the pre-application stage.

[91] **Ms Hirst:** Yes, certainly my understanding of the Bill proposals is that it would be a different procedure and that it would probably be akin to the procedures carried out for the projects of national significance. As I said, having gone through that, it is a very different process for authorities and it is quite resource-intensive in terms of the work involved. My view is that the call-in procedure is a better route, because it enables only those decisions that are greater than local or raising really controversial or complex issues to be taken out of the system rather than every single one. There may be projects that it is perfectly reasonable for a local authority to deal with that do not need a Welsh Government or strategic oversight. That

would enable it to focus on just the projects that really need that Welsh Government interaction, rather than every project—

[92] **Julie James:** Do you think that the definition needs to be changed, then? I thought that the definition was aimed at only picking out those projects that meet the definition that you have just set out.

[93] **Ms Hirst:** Certainly the projects that we have in the Bill would be those strategic projects. We have had a request from the Welsh Government, as part of research that it is doing, to look a little wider than that. So, it seems that there is a movable feast here in terms of—

[94] **Julie James:** That is not visible to us—

[95] **Ms Hirst:** Exactly. I think that that is our concern; if it was focused on the annex B projects, we would have no fundamental issue, although we would still have to wait to see how that would pan out in terms of scope. However, there seems to be some research going on into other projects that might start to come into that category. We find that more concerning with regard to exactly what that might involve.

[96] **Ms Lee:** Just to pick up on that, you have obviously mentioned that developments of national significance may be identified from the national transport plan, the national resource management plan and other wider plans. So, there is a sort of question mark over the scope of these developments of national significance. I would also like to pick up on the proposals within ‘Positive Planning’ around these developments of national significance and proposals to push for more work at the beginning with the developers around the statutory consultees having a responsibility to respond within a quicker time frame. We made an observation in our response that, if some of those proposals applied to the major developments now that planning authorities determine, we could perhaps determine those within a better time frame than we currently do.

10:15

[97] **Mr Bowen:** I have one point in terms of the process for call-in applications. The inspectorate can deal with them under written references or hearings, so that option is there. Also, I think that there is scope for linking the environmental impact assessment requirements of scoping and screening. A number of developers actually go to the Welsh Government now to appeal against a regulation 5 request. So, there is scope there, I think, to get the Welsh Government involved early in the process, whereby it can perhaps highlight those developments where it feels the call-in powers could be used. The only caveat to that, of course, is that we would need a timescale. At the moment, if an application is called in, it tends to disappear into the ether—I am using a developer’s words in that respect—and there are no time limits on when the Minister has to make a decision. So, that meets, I think—

[98] **Julie James:** If it goes for this version, though, it would be subject to the same time limits as everybody else.

[99] **Mr Bowen:** Exactly.

[100] **Alun Ffred Jones:** Llyr Gruffydd sydd nesaf, ac wedyn Russell George. **Alun Ffred Jones:** Llyr Gruffydd is next, then Russell George.

[101] **Llyr Gruffydd:** Rwyf eisiau gofyn am bwrpas statudol i’r drefn gynllunio, oherwydd mae’n un o’r argymhellion yn **Llyr Gruffydd:** I wanted to ask about a statutory purpose for the planning regime, because it is one of the recommendations in

adroddiad John Davies a'r grŵp cyngori annibynnol. Mae'n opsiwn na chafodd ei gynnwys yn yr hyn y mae'r Llywodraeth wedi ei roi gerbron hyd yma, er bod y Gweinidog, yr wythnos diwethaf, wedi dweud y byddai'n dal yn agored ei feddwl o ran cynnwys pwrpas statudol i'r drefn. Rwyf eisiau gofyn ichi beth yw eich barn chi ynglŷn â hynny.

the report by John Davies and the independent advisory group. It is an option that has not been included in what the Government has put forward thus far, though the Minister, last week, did say that he would still be open to considering including a statutory purpose for planning. I wanted to ask your opinion on that.

[102] **Mr Farrow:** As an omission, you think, from 'Positive Planning'.

[103] **Llyr Gruffydd:** Yes.

[104] **Mr Farrow:** My take on it is: should the planning Bill be the place to be giving planning that statutory designation? Perhaps not. The purpose of planning is set within Planning Policy Wales anyway, so is there really a need to change it and place that within the planning Bill? That statutory purpose may change over time, and, if you have it set in primary legislation, it is quite difficult, as I understand it, through the legislative process, to come back and change that. So, as a society, we do not see that as a huge gap in terms of the 'Positive Planning' proposals.

[105] **Llyr Gruffydd:** Y pwynt sydd wedi cael ei wneud inni mewn tystiolaeth, wrth gwrs, yw bod y Llywodraeth yn deddfu ar hyn o bryd ar osod datblygu cynaliadwy—sef y maes yr oedd John Davies yn cyfeirio ato—wrth galon y sector cyhoeddus yng Nghymru, felly ni fyddai ei gynnwys o fewn y ddeddfwriaeth yn mynd yn groes i'r graen beth bynnag. Un o'r rhesymau pam roeddwn i'n gofyn y cwestiwn hwnnw oedd, pan ydym yn sôn am ddatblygu cynaliadwy, rydym hefyd yn cynnwys elfennau sy'n ymwneud â'r iaith Gymraeg. Rydych chi eisoes wedi cyfeirio at un man lle byddai modd cryfhau ystyriaethau ieithyddol o fewn y drefn sydd ohoni, pan oeddem yn sôn am y cynlluniau datblygu strategol yn gynharach. Rwy'n credu bod Eifion Bowen wedi awgrymu bod ganddo rai sylwadau i'w gwneud ynglŷn â materion iaith. Hoffwn wybod sut, yn eich barn chi, y byddai modd cryfhau ystyriaethau ieithyddol o fewn y drefn wrth inni symud ymlaen i'r drefn newydd a fydd gennym, efallai, ar ôl y ddeddfwriaeth hon.

Llyr Gruffydd: The point that has been made to us in evidence, of course, is that the Government is legislating at present on putting sustainable development—which is the field that John Davies was referring to—at the heart of the public sector in Wales, so including it within the legislation would not go against the grain in any case. One of the reasons why I was asking that question was that, when we are talking about sustainable development, we also include elements relating to the Welsh language. You have already referred to one place where linguistic considerations could be strengthened in the current system, when we were talking about strategic development plans earlier on. I think that Eifion Bowen suggested that he had some comments to make on language issues. I would like to know how, in your view, it would be possible to strengthen language considerations within the system in moving forward to the new system that we will have, perhaps, following this legislation.

[106] **Alun Ffred Jones:** Trown atoch chi, Eifion Bowen, gan eich bod chi wedi sôn am hyn yn gynharach.

Alun Ffred Jones: We turn to you, Eifion Bowen, as you mentioned this earlier.

[107] **Mr Bowen:** Os edrychwch ar TAN 20 ar hyn o bryd, fe welwch bod y pwyslais wedi newid o geisiadau unigol, lle roeddech chi'n gallu gofyn am asesiad ieithyddol, i

Mr Bowen: If you look at TAN 20 at present, you will see that the emphasis has now shifted from individual applications, where you could ask for a linguistic impact

ystyried y materion wrth ichi baratoi strategaeth y cynllun lleol. Os bydd gan y cynlluniau strategol a'r fframwaith cenedlaethol yr un statws o dan y ddeddfwriaeth gynllunio, yn fy marn i, dylai'r ddau gynllun fynd drwy'n un broses. Felly, mae'n rhaid ichi fynd yn ôl i'r dechrau i edrych ar yr asesiad cynaliadwyedd a lle mae'r ffactorau iaith yn dod i mewn i'r equation. Dyna'r pwynt roeddwn i am ei wneud. Mae hynny'n gweithio yr holl ffordd lawr wedyn, o'r fframwaith cenedlaethol i'r cynlluniau strategol, i'r cynllun lleol ac i gynlluniau cymunedau hefyd. Felly, mae'r thema hon yn gorfod bod yna, wrth gwrs, ac wedyn rydych yn tynnu Comisiynydd y Gymraeg i mewn a chyfrifoldeb o dan ddeddfwriaeth ar y Gymraeg.

[108] Ynglŷn â materion strategol, rydych yn iawn, ac mae hyn yn ymwneud â pherthynas â'r ddeddfwriaeth arall ynglŷn â'r amgylchedd, cynaliadwyedd a *heritage*. Mae'r rheiny'n siarad am bwrpas statudol, felly dylai fod rhyw fath o gysylltiad. Mae hynny'n thema gyson drwy'r ddeddfwriaeth sy'n ymwneud â'r amgylchedd.

[109] **Llyr Gruffydd:** Mae'n iawn cael fel egwyddor trosfwaol bod y Gymraeg yn ffactor, ond fy nghofid i yw, po ised rydych chi'n dod i lawr yn y tsiaen, rydych yn ffeindio bod llai a llai o bwyslais yn aml iawn ar rai o'r ffactorau hyn. A ydych chi'n meddwl ei fod yn bwysig, o fewn y drefn, bod ystyriaethau ieithyddol yn cael eu pwysu a'u mesur ar geisiadau unigol? Dyna'r gwahaniaeth, mewn gwirionedd, rydym yn sôn amdano.

[110] **Mr Bowen:** Yn fy marn bersonol, fe ddylent. Rydym yn cael y sgwrs hon ar hyn o bryd ynglŷn â'n cynllun lleol ni. Mae TAN 20 wedi dod mewn yn ddiweddar iawn. Roedd allan fel drafft, ond, os ewch nôl yn y broses, fel roeddwn yn dweud yn gynharach, oherwydd bod cymaint o newidiadau wedi bod ynglŷn â pholisïau a chanllawiau newydd wedi dod allan, rydych yn gorfod ailedrych ar y dystiolaeth bob tro. Roeddech yn dweud bod yr iaith yn cael llai o bwyslais wrth fynd i lawr. Byddwn i yn dweud ei bod hi'r ffordd arall. Mae'n fwy pwysig i'r cymunedau sy'n teimlo eu bod yn cael eu heffeithio gan y datblygiadau hyn. Iddynt hwy, mae'r iaith yn

assessment, to looking at these issues as you are preparing the local plan strategy. If the strategic plans and the national development framework will have the same status under the planning legislation then, in my opinion, both of those schemes should go through the same process. So, you have to go back to the start and look at the sustainability assessment and where language factors come into the equation. That is the point that I wanted to make. That would then trickle down from the national framework to the strategic plans, to the local plan and to community-level plans also. So, that theme has to be there, of course, and then you draw in the Welsh Language Commissioner and responsibilities under the legislation on the Welsh language.

In terms of the strategic plans, you are right, and this relates to the relationship with other legislation relating to the environment, sustainability and heritage. All of those mention a statutory purpose, therefore there should be some sort of linkage. That is a consistent theme running through the legislation relating to the environment.

Llyr Gruffydd: It is fine to have as an overarching principle that the Welsh language should be a factor, but my concern is that, the lower you come down the chain, you very often find that there is less and less emphasis on some of these factors. Do you think that it is important, within the system, that linguistic considerations are evaluated and measured in individual applications? That is the difference, in fact, that we are talking about.

Mr Bowen: My personal view is that they should. We are having this discussion in terms of our local plan at present. TAN 20 was issued very recently. It was out in draft form, but, if you go back in the process, as I said earlier, because there have been so many changes in policies and new guidance that has been issued, you have to review the evidence on each occasion. You mentioned that the language is given less emphasis as it trickles down. I would say that it is the reverse of that. It is more important for the communities that feel that they are affected by these developments. To them, the language is far more important than any

llawer mwy pwysig na unrhyw bolisiâu cenedlaethol. O ran y broses hon o ddod lan o'r cymunedau i fframwaith cenedlaethol, ar ryw amser neu'i gilydd, mae polisiâu cenedlaethol ac anghenion cymunedau yn mynd i gwrdd. Ar hyn o bryd, maent yn cwrdd pan fydd cais cynllunio yn dod o flaen awdurdod cynllunio.

national policy. In this process of building from the bottom up into a national framework, at some point, national policy and community requirements will meet. At present, they meet when a planning application comes before a planning authority.

[111] **Russell George:** I want to ask questions about section 106 and planning obligations. We have taken evidence from the independent advisory group; its evidence talked about the importance of planning obligations, but also the need for change and to be more flexible. That does not come through in what the Welsh Government is proposing. So, I am just seeking your views on the importance of section 106 arrangements, planning obligations and the need for change and flexibility.

[112] **Mr Bowen:** In terms of section 106s, the big change will now come in April 2015 when you will not be able to use more than five contributions towards one piece of infrastructure; the idea being that the community infrastructure levy takes over. You will need to have your development plan up to date and in place to do that in that respect. One aspect that you did not mention for the community strategic development plans is that the community infrastructure levy is one of the factors that they would take into account in looking at that. So, you would have a local planning authority that goes through the work of getting a charging schedule, having a 50% bottom slice of the community, and perhaps another 20% to 25% top slice for the strategic development plans. However, the section 106 regime does need an overhaul. There is a consultation document out now on the use of planning conditions. It does touch upon it, but refers to the fact that further work will be done in terms of section 106s. More and more applications will be subject to these section 106s in terms of affordable housing, for example, in terms of commuted sums. You could get a scenario, and I think that this is the case in the national park, where almost every application contributes towards an affordable housing fund. That would certainly delay the process in terms of the eight-week figures. I think that we need a review of the process to speed up that particular legal obstacle that we presently face.

[113] **Russell George:** Are you saying that, as a result of the community infrastructure levy, section 106s are less important, or becoming less important effectively?

[114] **Mr Bowen:** I think that their role in affordable housing needs to be resolved. At the moment, we in Carmarthenshire County Council are being asked to consider decreasing the threshold for commuted sums for affordable housing. The implication of that is that we have a scenario where, in the Cross Hands area, every new house has to contribute towards mitigation for the Marsh Fritillary butterfly, with its European designation as a protected species, but they do not have to contribute in terms of affordable housing. So, that balance needs to be struck. However, once a decision is made that section 106 is required, we need a review of that process from start to finish and how we integrate that better into the planning application process to expedite a decision is critical.

[115] **Mr Farrow:** Improvements to the section 106 process trickle right down to the local planning authority level. I think that issues around the section 106 agreements have been around a lack of consistency and a lack of transparency. You do not need primary legislation to drive local planning authorities to be clearer and more transparent on what section 106s will require. I think that there is a requirement through a local planning guidance note for each authority to be clear in terms of what will be expected of developers.

[116] **Russell George:** Is that a lack of consistency within the planning department or

across Wales?

[117] **Mr Farrow:** It is probably a lack of consistency across Wales, but that may reflect different issues in those areas anyway. So, to a certain extent, it might be entirely appropriate that section 106 demands in Flintshire are different to those in Gwynedd.

[118] **Alun Ffred Jones:** Vicky Hirst wants to come in on this.

[119] **Ms Hirst:** Yes, I would like to pick up both points really, but certainly with regard to how we operate with the commuted sums for affordable housing. It is a very clear policy direction in our development plan. It may well have had its critics, and it still has its critics, but the way that we have handled the delays that Eifion has talked about has been to prepare template agreements that can be submitted with the applications to avoid the delays at the end of the process. There is a clear policy direction that we are seeking to address. The requirements for validation of an application are set out in various documents on the website and with the application documents through the portal, and those draft agreements can be provided with the application so that they are pretty much ready to go once the application is finalised. So, there is a lot that can be done at the front of the system to help the section 106s to progress, provided that the framework is put into the development plan to allow those to be taken through to application stage. Obviously, there are going to be exceptions. There are always specifics for different developments that need to be developed. However, the pre-application process, which is obviously part of the 'Positive Planning' suggestions, would help by having those discussions early on and enable developers to understand exactly what will be required of them.

[120] **Alun Ffred Jones:** Joyce Watson has a question and then I will allow you to come back in, Russell. I am going to extend this session because I think that we need a bit more time. So, we are going to eat into the time for the next item.

[121] **Joyce Watson:** I want to explore a bit more what we now know as section 106. We know that there is inconsistency. We know that some have been so slow coming to the table that they have missed it. However, the question that I want to ask to Carmarthenshire council in particular is this: if you are talking about section 106 agreements—whichever way and wherever you are going to spend that money—and you are talking about affordable housing, surely you then have to think about what affordable housing is now, do you not? The affordability of housing has completely changed compared to what it was even 10 years ago. So, my question to you, and specifically because you are talking about affordable housing, is this: if you are going to use any planning system to deliver fairness in the housing market, how are you going to deliver that fairness transparently? How are you going to convince me or anyone else that you have taken everything into consideration? 'Affordable housing' is a very loose term, is it not, when, at the moment, most people cannot even afford a house?

[122] **Alun Ffred Jones:** Pwy sy'n cymryd *affordable housing*? **Alun Ffred Jones:** Who is taking this one on *affordable housing*?

[123] **Mr Bowen:** I will, as you mentioned Carmarthenshire. The economic facts are that the development can sustain only a certain amount of contributions to the community. Then, it is about how you divvy that up and how that local authority regards what its priorities are. It could be affordable housing or, because of European legislation, it could be that it has to be habitat mitigation. In the case of Llanelli, the focus tends to be on removing surface water from combined sewers because of localised flooding. So, I do not think that you can have a set formula. You can have set formulas in terms of working out the contributions, and on affordable housing, we based ours on frequent local market assessments and even sub-markets within Carmarthenshire. We work closely with our housing colleagues from that perspective. For open space, we have a set formula for what is required to mitigate the impact

of the development, going back to the three tests of section 106. We put all that into the equation and then we need to sit down with the developer, who will then argue that there are abnormal costs associated with this development.

[124] So, we endeavour to make that process as open as possible, although developers will argue for confidentiality in terms of what they paid for the land et cetera. However, the key element is viability. Once you have worked out the viability of what the developer can contribute to the community, the local authority then determines what its priorities are. Clearly, if there is a policy in the plan that requires a commuted sum for affordable housing from day one, that makes what is left over for other factors less. So, it is a balancing exercise in that respect. However, I do not think that it is one that you can have a standard solution to.

[125] **Russell George:** On affordable housing, there seems to be an issue of houses not being able to be sold because people cannot get a mortgage on a section 106 house. Do you have views on that?

10:30

[126] **Ms Hirst:** Yes, if I may quickly respond to that. The WLGA—and I am sure that Jane will come in here as well—has been working, mainly with the Principality, on developing a mortgage product that can take account of the problems with affordable housing, like covenants, if you like, or conditions. There is quite a lot of work going on to try to find different approaches to mortgaging to allow people to buy affordable housing, but with cascades for where there may be problems in the future where they are unable to continue payments or they need to sell the house in terms of the affordability of it. So, there is guidance that has been produced by the WLGA, in conjunction with the mortgage providers, to try to find some solutions, and that work is ongoing. However, it is a problem, particularly where the sale of the property needs to be carried forward. It can be difficult to find local buyers and the like within the time frames that mortgage lenders want to secure sales. Particularly in the current market, that has caused some problems with some of the section 106s that have been quite wide in terms of the marketing times. So, we are trying to find ways to find more flexibility with the lenders and to find ways that we can both provide the affordable housing in perpetuity, but also enable the property market to continue to operate.

[127] **Russell George:** You mentioned that you are making some way with the Principality, but, of course, that is just one provider. What about all the other providers?

[128] **Ms Lee:** At the moment, the Principality is the main mortgage lender.

[129] **Russell George:** So, you have to go to it if you want a mortgage on a 106 property.

[130] **Ms Lee:** Yes, it is the main mortgage lender. There are other ones, but it is obviously not a lucrative market for lenders, so it is not something that the mainstream lenders will tend to look at. However, as Vicky said, we have produced this guidance that looks at covenants and clauses that have worked in other areas, so it is almost like a best practice document that we hope will try to alleviate some of the issues.

[131] **Alun Ffred Jones:** Andrew Farrow, do you want to come back on this?

[132] **Mr Farrow:** I will just pick up very quickly on viability, because it has been picked up a number of times. It is a huge issue and it is quite a technical issue and it underpins the consistency argument around affordable housing and section 106s in general. I want to give the committee some comfort that local authorities are working together on viability assessments in appropriate areas to save the resource and to drive forward some sort of consistency. In north Wales in particular, we share an officer, who we all buy into, who works

on CIL and section 106 at the regional level as well, so we can drive forward some best practice in terms of section 106 and CIL moving forward as well.

[133] **Alun Ffred Jones:** There is mention of an advisory and improvement body. Do you want to make any comment on that?

[134] **Mr Farrow:** I will start off. Again, in principle, I know that our society does support the implementation of this body. We have some concerns, again, about the details around it and where that will be hosted. I think that best practice elsewhere—. I previously worked in England where we had the Planning Advisory Service, which was a more independent body to the Department for Communities and Local Government, so it was able to sit away from central Government and be the interface between local government and central Government. That worked really well. I think that we have some concerns about how this board is going to work if it is hosted by the Welsh Government. That said, it has asked for a representative from the Planning Officers Society for Wales to sit on the board of this, and there will be a certain element of us needing to see how this pans out. It could bring tremendous benefits to the planning system in Wales. Inevitably, it will focus on local planning authorities, but I think that, in terms of a body to drive forward best practice, training—. When we were doing the IAG work, we also thought that it could be a body that would pick up this mediation role, which has actually slipped out of 'Positive Planning'. However, certainly, it is there as a central core, and I think that there are advantages to it.

[135] **Antoinette Sandbach:** I just wanted to pick up on mediation, because that was the recommendation of the IAG report, and that is not contained in 'Positive Planning'. I wondered whether you could comment on not only the mediation, but also the view that there might be some sort of committee and dispute-resolution process, and whether you think that any of those should be taken forward in this Bill.

[136] **Mr Farrow:** Having sat on IAG, my personal view is that there would have been advantages to at least piloting the mediation process. I do not really think that it needs to be in primary legislation to undertake a pilot of that, and I would be interested to see how something like that would work. So, yes, it is excluded from the Bill; no, I do not think that it needs to be in the primary legislation. So, my own view, and I think the view of the society, is that there is some value in running a pilot on it.

[137] **Julie James:** I thought that we should not let you go without asking you about the proposals for the local planning committees and the standard schemes of delegation, since that is very much your concern. I wonder whether you would like to make any comments on what is and what is not included in the current consultation.

[138] **Ms Lee:** On the 'Positive Planning' proposals, there was a lack of detail as to exactly what was going to be taken through to the planning Bill. My understanding is that the evidence report from Fortismere came in a little bit late for the White Paper. Obviously, the response from the WLGA is that we welcome further discussion with Welsh Government on the proposals that would be taken forward to the planning Bill, because obviously it is an issue for us in terms of a national scheme of delegation and the size of committees. There are often reasons why there should be some sort of local variation, so we would want to have further dialogue with Welsh Government to understand what it is it wants to propose and whether we were comfortable with those proposals.

[139] **Julie James:** Is there anybody else?

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

[141] **Mr Farrow:** I think that anything that drives up consistency across Wales for

planning committees has got to be a good thing. On the mechanics behind the detail of the scheme of delegation, as a society we are quite happy to work with the Welsh Government to get that right. In terms of implementing it, that is another question. You have 25 authorities that probably, if you ask them, all think that their scheme of delegation works well. So, there is a difficulty in terms of retrofitting a scheme of delegation and I am not quite sure of the mechanics of that.

[142] **William Powell:** I will ask one further question on that. Do you have any concerns around proposals to impose performance targets that actually drive down the level of site inspections that sometimes form part of a planning determination? Do you think that there is a danger there, in terms of local knowledge and what can actually be achieved through having a site inspection as part of a particular committee consideration, of actually undermining the input of local knowledge and the democratic aspect?

[143] **Mr Farrow:** As a society, we see tremendous benefits in—. Are you talking about committee site visits?

[144] **William Powell:** Indeed, yes.

[145] **Mr Farrow:** Again, it is about consistency in terms of when they are called, and particularly the behaviours on those committee site visits as well; I think those are all positive things. So, I do not really see anything—. However, ultimately, that will hang on the scheme of delegation, will it not, and the code of practice? So, the two go hand in hand. I think that there needs to be the option there to call the committee site visits, but there are issues around the proceedings attached to them.

[146] **William Powell:** Chair, one final question, if I may—

[147] **Julie James:** I want to ask one as well; it is probably the same question. I think the Bill might have this in it without the scheme of delegation and so on. Are you saying that it would be difficult to say whether the Bill was okay unless you had seen the scheme of delegation effected?

[148] **Mr Farrow:** The two go hand in hand, do they not? Work can continue on a scheme of delegation and, as a society, we are quite happy to work and inform Welsh Government's views on what that scheme of delegation would look like, so that it does ultimately go forward as a complete package.

[149] **William Powell:** One aspect that is often of concern is the retention of high-quality planning officers within particular planning authorities. A particular concern that has been brought to me on a number of occasions is that planning authorities can lose valued, experienced officers to the private sector and then they pop up, within a very short time frame, dealing on the other side of the fence with quite contentious applications.

[150] **Alun Ffred Jones:** I do not think that that is relevant to the inquiry. It may be a relevant question, but it is not relevant to our inquiry.

[151] **William Powell:** That is fine.

[152] **Alun Ffred Jones:** Diolch i'r pedwar ohonoch am ddod ymlaen i roi eich tystiolaeth. Byddwch yn cael copi o'r dystiolaeth hon i sicrhau cywirdeb. Rwy'n wirioneddol ddiolchgar i chi am ddod yma ac am roi eich sylwadau mor gryno a phendant.

Alun Ffred Jones: I thank the four of you for coming forward to give your evidence. You will receive a copy of the transcript to ensure accuracy. I am very grateful to you for coming here and for making your remarks so concisely and positively. It will be of great

Bydd yn help mawr i'r pwyllgor. Diolch yn help to the committee. Thank you.
fawr iawn i chi.

10:42

Y Bil Cynllunio (Cymru) Drafft: Cymorth Cynllunio Lloegr Draft Planning (Wales) Bill : Planning Aid England

[153] **Alun Ffred Jones:** Welcome, Mr Romanski. If you just hang on a second; we seem to have lost a few of our committee members. Are you aware of the translation facilities?

[154] **Mr Romanski:** Yes, they ran through it with me. I think I just have to listen into here and adjust the volume accordingly.

[155] **Alun Ffred Jones:** Diolch yn fawr. **Alun Ffred Jones:** Thank you.

[156] Gan ein bod yn *quorate*, rwy'n eich croesawu yma, Mr John Romanski o Planning Aid England. Ydy'r cyfieithu yn gweithio'n iawn i chi? As we are quorate, I welcome you, Mr John Romanski of Planning Aid England. Is the translation equipment working for you?

[157] **Mr Romanski:** It is, yes.

[158] **Alun Ffred Jones:** Da iawn; diolch yn fawr. Iawn, fe gychwynnwn ni. Pwy sydd am ddechrau ar y cwestiynau hyn? Llyr. **Alun Ffred Jones:** Excellent; thank you. Right, we will start. Who is going to start on these questions? Llyr.

[159] **Llyr Gruffydd:** Allwch chi sôn ychydig am y berthynas rhwng cymunedau a'r drefn gynllunio yn Lloegr? Rydym yn gyfarwydd yng Nghymru â digon o enghreifftiau lle mae gwrthdaro yn digwydd, ond mae newidiadau wedi digwydd yn Lloegr, wrth gwrs. Efallai y gallwch sôn ychydig am sut mae rhai o'r newidiadau hynny o bosibl wedi newid y berthynas rhwng cymunedau â'r drefn gynllunio. **Llyr Gruffydd:** Could you say a little about the relationship between communities and the planning regime in England? In Wales, we are aware of many occasions where there has been conflict, but changes have taken place in England, of course. Perhaps you could tell us a little about how some of those changes have changed the relationship between communities and the planning regime.

[160] **Mr Romanski:** Yes, I would be happy to. The most pertinent document is the Localism Act 2011, which has brought in a series of powers, including planning provisions for not only local planning authorities, but local communities as well. One of the key powers that the Localism Act 2011 put forward was that of neighbourhood planning. This allows powers for community groups, parish councils and parish areas. In non-parished areas, neighbourhood fora have to come together, and they can engage in the planning process by developing land-use planning policies that become part of the development plan for the area—so, a 'local' local plan, as it were.

10:45

[161] There have been some other proposed changes as well, such as a duty for developers to consult local communities prior to submitting their planning applications. We are still waiting for secondary legislation on this to bottom out the details, but the Government is currently consulting on a threshold of about 200 units, or a hectare of land, for non-residential. That would involve developers having to engage with the community before putting their application together. They would have to demonstrate on the submission how

they have consulted, who they have consulted, and how they have taken on board people's comments.

[162] **Llyr Gruffydd:** Diolch am hynny. Un o'r sylwadau sydd wedi cael ei wneud inni gynnu, yn y sesiwn flaenorol, oedd bod polisiau cynllunio cenedlaethol yn dod lawr, ond wedyn mae anghenion cymunedol yn dod i fyny, a rhywle yn y broses mae'r ddau beth yn cwrdd, ac yn aml iawn maent yn gwrthdaro ar y pwynt hwnnw. Rydym wedi mynd drwy brosesau creu cynlluniau datblygu lleol mewn nifer o awdurdodau cynllunio yng Nghymru, ac mae'n digwydd yn glir yn y fan honno, a hefyd, efallai, ar sail ceisiadau cynllunio unigol. Efallai ei bod hi bach yn gynnwys i chi ddod i gasgliadau yn Lloegr, ond a ydych yn teimlo bod y dynamig hwnnw wedi newid mewn unrhyw ffordd yn sgîl rhai o'r newidiadau yr ydych wedi sôn amdanynt?

Llyr Gruffydd: Thank you for that. One of the comments made earlier, in the previous session, was that there are national planning policies that work from the top down, and the community needs work from the bottom up, and they will meet at some point and often conflict at that point. We have gone through the processes of producing local development plans in many planning authorities in Wales, and that clearly happens there, and also, perhaps, on the basis of individual planning applications. Perhaps it is a little early for you to come to conclusions in England, but do you feel that the dynamic has actually changed in any way in the light of some of the changes that you have just mentioned?

[163] **Mr Romanski:** You are quite correct. In terms of neighbourhood planning, it is not a case of communities just producing whatever policies they want. There have to be criteria. These go on the statute books, and planning applications have to be determined in accordance with them, and so do appeals, so there has to be some rigorous assessment of those policies. In terms of neighbourhood planning, a neighbourhood plan has to be produced in accordance with what are known as the basic conditions. There are a number of these. One is general conformity with the strategic policies of the development plan. So they can conflict with detailed policies. For instance, you might have a development management policy that is dealing with, say, the colours of bricks on extensions. Well, it is fine for a neighbourhood plan to conflict with that detailed level of policy, but it would still have to conform to the strategic level policy. Therefore, they cannot be blocking the numbers of homes, say, that are due to be delivered over the plan period. Any policy that may undermine that delivery would not meet with the basic conditions. They also have to have what is known as 'appropriate regard' to national policy. So, you are quite right. There is a top-down approach, and they meet somewhere in the middle, but there is wiggle room, in a way. There is a way of pushing the definitions of general conformity and appropriate regard. To be fair, I do not think that there actually is a definition of what that is. Neighbourhood plans are examined by an independent examiner, so this is not the Planning Inspectorate or the local council; it is someone who is appointed who has appropriate qualifications and experience to assess whether or not the plan meets the basic conditions. So, we are quite early on, and we are seeing examiners testing the realms of general conformity and appropriate regard. Unfortunately, the way that it is with planning, a lot of the time we will not see clear definitions until things have been tested in the courts.

[164] **Antoinette Sandbach:** One of the safeguards put in place in the Localism Act is the provision for local referenda. We are not going to see that; certainly, that does not feature in the 'Positive Planning' paper that we have seen. So, if that is absent, how would you see the role for the community in having a greater influence, where there may be a small number of community councillors who have relatives or friends that they might want to help? How would you get around that perception that maybe a small number of people, that is, a community council, would have a far greater input if there were not a wider criteria to ensure that it is, you know—.

[165] **Mr Romanski:** You are right. It is difficult. Parish councils produce neighbourhood plans. You would argue that, democratically, they have been elected, so therefore they have a mandate to do that. Neighbourhood fora are slightly different. They have to put together a neighbourhood forum in order to produce a neighbourhood plan, and there must be at least 21 people. Whether or not that means that they are a good cross-section of society would depend on the size of the area, but the insurance policy is the referendum. At the moment, I think that we have had seven neighbourhood plans passed by referendum, and none have failed at referendum. In fact, the turnout at most of the referenda has been as good as, if not better than, local council elections. I would argue that I think that Thame is a good example—that was the second plan to go through a referendum. The referendum was held on the same day as county council elections, and the turnout was greater for the neighbourhood plan. So, one in 10 people turning up to vote were voting for the neighbourhood plan, but ignoring the option to choose a county councillor. So, I do think the referendum is important, and it is helping demonstrate that there is buy-in for these plans. It is difficult to understand how you would get around it without the referendum. As I say, parish councils are democratically elected, so I would argue that they do have a political mandate there. It becomes more difficult in areas that are not covered by parishes and town councils. There is a fear that some neighbourhood plans may be ‘closed doors’, and that is just a few people and their friends doing it. However, a neighbourhood forum, legally, has to be open to all; it cannot block membership. So, in a neighbourhood forum, membership must be open to all those who live, work and carry out business within the defined neighbourhood area, as well as locally elected councillors.

[166] **Mick Antoniw:** Is not one of the problems with this whole thing that it is incredibly resource-intensive and that it can effectively block up the system? The other thing is the intense variability of community and town councils. I am playing devil’s advocate here a little bit, because I think there is a role, but we know that, with that variability of councils, although you say that there is a democratic element to it, many are co-opted because people do not come forward for unchallenged seats and they can become very introverted and so on. What is your experience of that so far? How have you sought to overcome that?

[167] **Mr Romanski:** It is not my role to overcome that. I work for Planning Aid England, so we are there to empower communities. However, we have seen issues like that. For instance, you may have a parish council that just does not want a neighbourhood plan, but the local community does. Unfortunately, it is powerless to change that, other than by going to the ballot box. So, actually, I would say that, in many instances, it has re-enthused people for local democracy and put more pressure on elected parish councillors to take neighbourhood planning forward. It is very difficult and I do not necessarily have the answer in terms of how you get over that point.

[168] However, in terms of it being resource-intensive, that depends entirely on what the neighbourhood plan covers. A neighbourhood plan is optional. There is no prerequisite in terms of what policies should say and do. I have seen neighbourhood plans that are literally two policies—they are very concise and very clear, dealing with very local issues, taking maybe a point where there is a policy vacuum or maybe taking a generic development management policy and putting a local spin on it. However, then you have Thame’s plan, which is dealing with hundreds of homes. That cost a lot of money; it engaged with planning consultants to do a lot of that work, as well as using a large amount of volunteer time as well. So, it really depends on the ambition of the plan, the level of plan, the complexity of the plan and whether or not there is an up-to-date local plan in place, because that will have influence on the amount of evidence that needs to be gathered to justify the policies within the neighbourhood plan.

[169] **Mick Antoniw:** So, in terms of any conclusions that you can draw so far, there are a number of examples going through but it is too early to evaluate precisely how that has worked. So, the lessons that we can learn are limited at this stage.

[170] **Mr Romanski:** Yes and no. It depends what you mean by lessons learned. I will go back to Thame again. Thame is a massive success. You had a local planning authority—I believe it is South Oxfordshire—that was allocating land for development on one large strategic site, and the people of Thame said, ‘Well, we absolutely accept that we need housing; people and our children need to live somewhere, but we’re not happy with this large strategic site’. So, it took the number and split it over a number of smaller sites. So, the people supported the numbers, but not the location. I would say that Thame is a massive success, although I will concede that it was probably a rather expensive plan to produce. As I say, the success of it will be measured on what people are trying to achieve.

[171] One issue is that neighbourhood planning often involves lay people, who are not necessarily planners. One of the biggest problems that I have is trying to explain what land use planning policy is. Policy means different things to different people. You get people trying to engage in the neighbourhood plan process to achieve things that they simply do not have the power to do. I would not say that that is a failure, but I think that that is where the policy may be undermined, where people go into it thinking that it can achieve something that it can not achieve.

[172] **Julie Morgan:** I am really interested in these local referenda. You said that there had been seven—

[173] **Mr Romanski:** I believe so, yes.

[174] **Julie Morgan:** Were they all won?

[175] **Mr Romanski:** Yes. No referendum has failed yet. There have been ‘no’ campaigns, as well as ‘yes’ campaigns, but nothing has failed at referendum yet, although we do have a number lined up. We have seven that have passed: Upper Eden, Thame, Exeter, the Lyn plan, Norland, Broughton Astley, Cringleford and Tattenhall—but Tattenhall is currently going through a judicial review. Then, we have a number of others that have passed examination and are waiting for their referendum date. Those are Sprowston, Ascot, Woodcote, Littlehampton, Kirdford, Much Wenlock and Rolleston-on-Dove.

[176] **Julie Morgan:** Are the referenda always likely to take place at the same time as local authority elections?

[177] **Mr Romanski:** I do not believe so. I will have to get back to you and confirm that in writing after the committee. Local councils are quite keen to link them up, either with EU elections or local council elections, just because it is less of a financial burden.

[178] **Julie Morgan:** Who pays?

[179] **Mr Romanski:** The local planning authority. It has to pay for the examination, although the selection of the examiner has to be agreed in conjunction with a community group—essentially, it has a power of veto. It also has to cover the cost of the referendum. Central Government has a burdens fund and local councils can apply for £5,000 for each designation that they make. A neighbourhood plan can only exist within a defined neighbourhood area. If you are engaging in neighbourhood planning, the first thing you do is designate your neighbourhood area, which is where your plan will have effect. They also then get £25,000—I believe—for the examination. So, they have £5,000 prior to the examination and the balance paid post successful examination.

[180] **Julie Morgan:** Would you generally say that, although there is a danger of being taken over by very strong interest groups, this is success in local democracy so far?

[181] **Mr Romanski:** I think so. Look at the referenda; all have passed with a higher turnout than some local council elections. I do not think that you could say anything else other than it is a success. However, I will caveat that, because I do not think that it is necessarily about the voting successes. We have to look at what the plans deliver thereafter. Are those plans successful? Are they delivering the consents and the decisions that the community envisaged when it went into this?

[182] **Joyce Watson:** You talk about democracy; I am thinking about democracy for all people. I have been to Thame, so I know that it is rather wealthy. Have you had any such plans in what would be considered as poorer areas, where everybody is being engaged? I am not talking here about those people who you would expect to be engaged. You talked about people who volunteer. I am assuming—I might be wrong; you can tell me—that some of those volunteers might be experts in their field and have the ability to volunteer their information and the time to volunteer their information. I am concerned that what could happen here is a complete disparity in what might be intended as opposed to what might happen. That is the clarity I seek from you.

[183] **Mr Romanski:** I agree with what you are saying. I am part of Planning Aid England; assisting communities, particularly those that cannot afford to engage planning consultants, in deprived areas is where we want to be and what we want to do. There is disparity. If you had a look at the numbers engaged in neighbourhood planning you would see a larger proportion of wealthier parishes in the south-east. However, that does not mean that there are not deprived communities coming forward and engaging in the process. We are working with Friends of Fishwick in Preston, Balsall Heath in Birmingham, Spring Boroughs in Northampton and Holbeck in Leeds. Those are all, traditionally, what you would call ‘deprived’ communities. Their love for their area—it does not matter what salary you take home or what your education is—

[184] **Joyce Watson:** It does not—that is the the point that I am trying to make.

[185] **Mr Romanski:** We recognise the fact that we need to assist them and that we need to focus time by giving professional support. Planning Aid England utilises volunteers. Planners who are Members of the Royal Town Planning Institute volunteer their time. We tend to find that those volunteers are keener to work with these types of communities, because they feel like they are giving something back. I also feel that these communities really should push for neighbourhood planning. I feel that neighbourhood planning is a good way to regenerate areas, by potentially relaxing planning control, maybe encouraging more development to come forward, being a bit more flexible in terms of changes of use—obviously, that is for the community to decide. I think that neighbourhood planning has a very strong role to play in regenerating these areas. We are now seeing these groups slowly coming forward. The pace is not as quick as it was with the well-oiled, well-established groups, but they are coming forward now.

11:00

[186] **Russell George:** How are the boundaries set for a neighbourhood plan or area? Does it follow the community council or the parish council boundary?

[187] **Mr Romanski:** A qualifying body or a relevant body is the only group that can engage in neighbourhood planning. So, in a parish or town council area that is the parish or the town council. They are the only ones that have the power to submit an application to define a neighbourhood area. The Act states that you should be looking at the parish in its entirety in the first instance, but it does allow you to go down smaller than that. It also allows you to expand, so Upper Eden, which was the first plan to go through a referendum, is

actually 17 parishes over Cumbria.

[188] **Russell George:** Did they come together?

[189] **Mr Romanski:** They come together. One parish will lead, but they have to have the express agreement of all the other parishes, so that might get a bit complicated—especially around election time—which may scupper matters. A neighbourhood area can be as big as you want it to be, but the applicant has to justify, in the application, why this area is appropriate to be planned for. The council does have some powers to amend neighbourhood areas; we have just seen Daws Hill go through a judicial review. The community group put in a neighbourhood area application and the council decided that it wanted to omit one site because it was a strategic site and neighbourhood planning could conflict with that. In neighbourhoods that are not covered by parishes it becomes a bit more complicated, because you do not necessarily have to find boundaries—you might have electoral ward boundaries, you might have local planning authority or borough boundaries, but that is not necessarily how people perceive their neighbourhood. That becomes a bit more complicated. The Act allows for cross-boundary neighbourhood plans. One that we are working with in London is the Highgate neighbourhood plan, which straddles the boundary with Haringey and Camden. The Act does allow for that flexibility. Interestingly—

[190] **Russell George:** Did those two other community councils have to agree?

[191] **Mr Romanski:** They would have to submit the neighbourhood area. I am talking about non-parished areas. If it is a parished area, the other parishes have to agree if their land is being included. If there is no parish council, then 21 people have to come together to form a neighbourhood forum. A neighbourhood forum is a qualifying body. It has the power to submit an application for a neighbourhood area, but not in a parished area. If it is parished, it is only the parish that can deal with a neighbourhood area.

[192] **Russell George:** Certainly in Wales, every area is covered either by a town council or a community council. Am I right in thinking that, in England, not every area is covered by a parish council?

[193] **Mr Romanski:** That is correct. You will normally find that urban areas are not covered, but I do think that in London there is a community group applying for its area to become parished.

[194] **Russell George:** So, in terms of who has to give permission for this, it is the parish council that has to approve the process.

[195] **Mr Romanski:** Yes and no. The parish council has to decide that it is going to apply for a neighbourhood area, but it submits an application to the local planning authority. The local planning authority will assess whether that area is appropriate to be planned for and make a decision accordingly. The Act does state that, if the local planning authority refuses a neighbourhood area, it is legally compelled to include at least part of that refused area within a future designation. So, you may argue that the LPA cannot necessarily refuse neighbourhood area applications outright.

[196] **Russell George:** Right, but effectively it is local planning authorities that make the final decision.

[197] **Mr Romanski:** Yes, and they make that decision all the way through the process.

[198] **Russell George:** They pay for it as well.

[199] **Mr Romanski:** I overheard some of the discussion before, where you were talking about local people potentially having to justify their decisions and defend appeals, but ultimately it is the local planning authority that decides whether the plan proceeds to referendum. It will take advice from the examiner, and the examiner makes recommendations as to whether the plan meets the basic conditions, but the local council can refuse it. It can only refuse it if it disagrees with the plan meeting the basic conditions.

[200] **Russell George:** Can you tell us about the examiner?

[201] **Mr Romanski:** An independent examiner will assess the neighbourhood plan when it is ready. It is submitted to the local planning authority, which will do a few checks, then it is examined by an independent examiner to ensure that it meets the legal compliance that a neighbourhood plan has to meet. Those are the basic conditions.

[202] **Russell George:** Who employs the independent examiner? Is it the local authority or central Government?

[203] **Mr Romanski:** The independent examiner has to be independent from both parties, have no interest in the land and have suitable qualifications and experience. The appointment is made by the local planning authority, but it must be agreed to by the community group. So, the community group, essentially, has the power of veto.

[204] **Alun Ffred Jones:** May I just clarify one thing? Did you say that neighbourhood plans are allowed to challenge, or do they have to agree to the housing numbers in the overall local plan?

[205] **Mr Romanski:** They cannot rewrite the housing numbers for the local planning authority. They do not even have to deal with housing. They do not have to allocate land for housing or deliver it if they do not want to, but any policy that they have that might undermine strategic policies in the local plan, such as the overall housing figures, will not be legally compliant, and, as such, the plan would fail.

[206] **Antoinette Sandbach:** Are you saying that, effectively, the local communities in the local area have greater choice about where that housing can be located, like Tame? So, rather than one area—one town—being picked to have 5,000 houses, it could be split, for example, among smaller villages, or outlying areas, or, in fact, the reverse—if there is too much housing designated in smaller areas, it could potentially be designated along the edges of the larger conurbations.

[207] **Mr Romanski:** Absolutely. That is the issue. You have the overall figure and the neighbourhood plan is to deal with details, so it is not necessarily dealing with the quantum of development—that is for the local planning authority to decide through the housing needs assessment—but it can decide where it goes, what it looks like and all of that detail. The idea is that communities will be more accepting of development and, therefore, the planning system will not be slowed down by unnecessary appeals.

[208] **Antoinette Sandbach:** Can it, for example, put on conditions that there has to be a certain amount of affordable housing, or a certain amount of housing available for local people, or—

[209] **Mr Romanski:** Yes. Neighbourhood planning policies can cover that, but, again, I would default to compliance: general conformity with the strategic policies of the local plan and appropriate regard to national planning policy. So, provided that it complies with those two high level policy directions, then, absolutely, they can decide the quantum of affordable housing. They do need evidence to justify it, though. Plans need to be deliverable and they

need to be viable and these are often quite complicated issues that local people have to deal with. I am amazed at how many local people want to do my job for free, which is bizarre. *[Laughter.]*

[210] **Alun Ffred Jones:** Have you been involved in all of these neighbourhood plans?

[211] **Mr Romanski:** Not all of them, but Planning Aid England has been awarded a contract through the Department for Communities and Local Government to support communities in neighbourhood planning. So, we are working with about 180 community groups across the country. That is not every group, but we are working with a good cross-section and, obviously, we have a big interest in it, so we are always keeping an eye on what is going on in terms of neighbourhood planning and neighbourhood plans.

[212] **Alun Ffred Jones:** William is next.

[213] **William Powell:** I want to go on to one particular aspect of the running of these local fora. It is really good to hear about the positive examples—Tame and others that you have mentioned—but, have you come across any situations where such a local forum has been dominated by some particular special interest group, some faith group or some society or other that has set up on a principle of entryism to determine things? Is it possible for you to tell us what obligations these fora have to publicise their activities? I can imagine a potential scenario—. It is so difficult to engage ordinary busy people in communities, and if you have a focused group with particular intents in mind, it might advance things to such a degree that it is not easy or possible to arrest those things and trigger the other safeguards that apply. I wonder whether you could tease that out for us a little.

[214] **Mr Romanski:** In a non-parished area, you need a neighbourhood forum. That is a minimum of 21 people. That forum has to have a constitution and has to apply to the council to be designated. It has to be set up for the express purposes of promoting the economic, environmental and social wellbeing of their neighbourhood, and, as I say, membership must be open to all of those who live, work and carry out business in the area.

[215] There is anecdotal evidence of some groups that are perhaps not a good cross-section of their neighbourhood. However, it is the duty of the local planning authority to look at that application for forum status and assess whether it is just a single interest group.

[216] **William Powell:** So, there is that protection built in, then?

[217] **Mr Romanski:** There is, and I would expect local planning authorities to be pushing for that. Some local planning authorities are actually saying, ‘This is the cross-section you must have’. I think that Bankside in London is a very good example. It is a business-led neighbourhood area. It is predominantly business, but it has made sure that it has an equal split of residents, businesses and those who work in the area. However, that was its decision. Also, councils have the power to remove a forum’s designation if it thinks it is no longer acting as a forum should. So, it may have said all the right things at the application stage, but if it is clearly not acting in that way the local planning authority can remove that designation. The designation is also only temporary; it lapses after a period of five years.

[218] **William Powell:** I have two further questions. Is there some form of code of conduct that applies to the conduct and running of these bodies while they are in existence and—and this is my other question—to the level of publicity they need to bring to their activities to communicate with the wider communities they are serving in this matter?

[219] **Mr Romanski:** There is not a code of conduct as such. There are criteria that a neighbourhood forum must meet, and it must have a written constitution as well. That is all

within the regulations. Sorry, what was the second part of your question?

[220] **William Powell:** The other part related to how they communicate their activities and proposals to the wider area.

[221] **Mr Romanski:** When it is submitted, the neighbourhood plan needs to be accompanied by what is known as a consultation statement. It will cover who has been consulted, how they have been consulted, when they were consulted and how those responses have been incorporated into the plan itself. My argument to groups is always that, 'If you're not engaging with people, you're not going to pass the referendum' because I would not vote 'yes' for something I had never heard of. A lot of the time, when I visit community groups, I am looking for whether I can see the neighbourhood plan going on there, whether I can see the signs, whether I can see people inviting comments. I like it when some groups do not just do the pen and paper engagement and consultation. Tettenhall, for example, had an issue with the fact that no young people were coming forward. So, it organised a rave and, basically, to get in you had to fill out the consultation. I thought that that was quite an ingenious way of dealing with the issue.

[222] **Alun Ffred Jones:** Russell George **Alun Ffred Jones:** Russell George has the sydd â'r cwestiwn olaf. last question.

[223] **Russell George:** How are minority groups protected? For example, if you have a housing estate of 500 people with a small hamlet next to it with 10 houses and you have a development of potentially an extra 100 houses and there is a local referendum and those extra 100 houses are placed next to the small hamlet of 10—. I am making it simple, but local referenda can be unfair on a small minority area. How is that issue overcome?

[224] **Mr Romanski:** Yes, that is difficult. The referendum can be extended. By default, the referendum includes only those who qualify for local council elections within the neighbourhood area. If there is going to be a wider impact, there is a power to extend the referendum boundary for those who are going to be directly affected. I take your point; putting that sort of development quite close to a small hamlet—. I would argue that that would not meet the basic conditions. The basic conditions include compliance with national policy and strategic policy. Would that be a sustainable site? Perhaps not. It would have severe adverse impacts on local people. So, I would be surprised if such an example met the basic conditions. So, I think that the answer to your question is having controls to ensure that there is good planning and that places are planned well rather than just a matter of 'Let's vote for where this goes and not worry about the impact'.

[225] **Alun Ffred Jones:** Our time has come to an end, I am afraid, Mr Romanski. Thank you very much for coming forward. You will receive a copy of the transcript so that you can check that what we have recorded is a true reflection of what you said. Diolch yn fawr.

[226] **Mr Romanski:** Thank you. It was a pleasure. Thank you for inviting me.

[227] **Alun Ffred Jones:** Thank you very much. We are going to take a five-minute break. We will be back as soon as we can when we will receive testimony from Un Llais Cymru.

*Gohiriwyd y cyfarfod rhwng 11:14 ac 11:20.
The meeting adjourned between 11:14 and 11:20.*

Y Bil Cynllunio (Cymru) Drafft: Un Llais Cymru a Cymorth Cynllunio Cymru
Draft Planning (Wales) Bill: One Voice Wales and Planning Aid Wales

[228] **Alun Ffred Jones:** Bore da a chroeso. Mae'r digwyddiad y bore yma yn ddwyieithog, fel pob gweithgaredd arall yn y Cynulliad. Croeso mawr i chi'ch tri: Lyn Cadwallader, prif weithredwr Un Llais Cymru, y Cyngorydd Mike Cuddy, arweinydd Cyngor Tref Penarth ac Elwyn Thomas, prif weithredwr Cymorth Cynllunio Cymru. Nid oes gennym ormod o amser, felly os cawn ni'r cwestiynau yn weddol gryno, a'r atebion hefyd, awn drwy fwy o waith.

Alun Ffred Jones: Good morning and welcome. The meeting will be bilingual, as are all Assembly activities. I would like to welcome all three of you: Lyn Cadwallader, who is chief executive of One Voice Wales, Councillor Mike Cuddy, the leader of Penarth Town Council and Elwyn Thomas, the chief executive of Planning Aid Wales. We do not have a huge amount of time, so if the questions could be quite concise, along with the responses to those questions, we will get through more work.

[229] A gaf i ofyn ichi'n gyntaf beth yw eich barn gyffredinol ynglŷn â'r pecyn cynigion a nodir yn 'Cynllunio Cadarnhaol' a'r Bil cynllunio drafft? Pwy sydd eisiau dechrau? Elwyn.

Could I ask you first of all what your general opinion is on the package of proposals noted in 'Positive Planning' and the draft planning Bill? Who would like to start? Elwyn.

[230] **Mr Thomas:** That is a good question. Overall, it is an ambitious package. I think that the intention at the beginning of the process was to simplify, to make more transparent and to use the evidence that has been collected and commissioned by the Welsh Government over the previous two years to define a distinctive and different planning system for Wales. It is about making comparisons with what we have at the moment, which is, I think, best described as a hybrid planning process, whereby statute and legislation emanate from Westminster but planning is a devolved function in Wales. The Welsh Government has responsibility for doing planning, and this is an opportunity for the Welsh Government to define planning in a distinctly Welsh environment. To cut a long story short, I think that it is fair to say that the proposals, as they currently stand, introduce new elements to the planning system in comparison with the current system, in terms of both essential elements of the planning system, which are planning applications and development planning. In planning applications, there are proposals to introduce developments of national significance and major applications. In development planning, there is a proposal to introduce a new national plan and strategic development plans in specific and specified areas, as well as the existing local development plans. In addition to all that, this notion of place plans at the sub-local—

[231] **Alun Ffred Jones:** Are you generally in favour or against?

[232] **Mr Thomas:** Of what?

[233] **Alun Ffred Jones:** These proposals.

[234] **Mr Thomas:** I think, generally, in favour.

[235] **Alun Ffred Jones:** Okay. Can I just have a very brief response from the others about the proposals?

[236] **Mr Cadwallader:** Generally, I would concur with Elwyn. We see this as an opportunity for addressing some of the issues of the current planning system. Representing the interests of community and town councils, we see that there would be opportunities for developing a bottom-up approach to community planning, as well as working with the

existing top-down strategic process.

[237] **Mr Cuddy:** I am a professional planner and, I must say, I have worked in Wales in the delivery quangos: the Land Authority for Wales, the Welsh Development Agency and lastly the Welsh Government. So, I am experienced in the dilemmas of policy makers. I am only here, really, to support what I feel has been a democratic deficit and the failure, ever since Sue Essex's work on community and town councils, to follow up on some of those recommendations. The reference to place plans is one hook. I think that we have to try to redress those sorts of balances and discuss what the details of those might be.

[238] **Mick Antoniw:** How do you see place plans, and how do you see these proposals, working? They may work well with some town councils that are quite developed and well established, but there is considerable variability across community councils that you obviously have to deal with. What are the resource implications, and what needs to be done to make community councils more effective and capable of participating within these proposals?

[239] **Mr Cuddy:** Shall I start this time? The chief planner has been at pains to tell professionals and others he has addressed that what is developed in the Bill will last for 20 years. I think that the discussions that I have heard on television show an assumption that it is going to happen immediately. Well, I think it is a slow process and I think that, during those 20 years, there will be three iterations of plan, hopefully anyway. Therefore, any of the discrepancies in size, capability and capacity can be gradually improved upon over that period. So, it is not going to happen today, but the opportunity and the need are there. I would see the process developing, as it has done in some of the big rural counties in England that opted, I think under the Local Government and Public Involvement in Health Act 2007, to go unitary. By and large, they have had an engagement process with their community and town councils in those areas. In the evidence that others have provided, Shropshire is often mentioned. Indeed, that is where the term 'place plan' has been used. However, I would say that a place plan in the Shropshire sense is a delivery plan and that, behind it, there are other parish assessments and other sorts of plans. So, that is something that we have to work out in whatever pilot schemes are developed.

[240] What Shropshire has done is have positive engagement. It has grouped its parishes and communities around towns and given resource-related incentives to communities to become involved. That is the way it has been done. It will not happen overnight and there will always be criticism of the differences in capacity. There are sufficient or growing training opportunities now. So, I think that it has to develop over time to some extent, but some can do it—

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

[242] **Mr Cadwallader:** I think that we would recognise that the community and town council set-up is a fairly broad church. Some are very small and, I suppose, would be considered to be unable to engage with the planning process. Conversely, we have larger councils, medium-sized councils and even small councils that are very ambitious and very much engaged with the planning system. Following on from what Mike said, we recognise that there are issues with capacity, skills and knowledge but, again, we think that, over a period of time, those skills can be developed to address some of the current deficits.

[243] **Antoinette Sandbach:** I want to pick up on the idea of the democratic deficit. In my region—and I cover the whole of north Wales—there are a number of community councils that have not had elections for years, where people are effectively appointed to the community council. They can be very exclusive rather than inclusive. In the light of that and the increasing power that is given to community councils, including potentially under the 'Positive Planning' ideas, how would you overcome that democratic deficit given that, in

reality, elections are not taking place and sections of the community may never be involved at all in the way the community council is run and may be almost excluded from that process?

[244] **Mr Thomas:** May I give you the benefit of the work that we have done over a number of years with community and town councils, which, as you probably know, have a statutory role in the planning process? They are consulted on planning applications and they should be involved in development plan preparations. When we go to talk to them, the first thing we do is put them right about the shape of the planning system. Their involvement in the planning system is on an unequal basis. They are being asked to engage in quite a complex scenario and only a few people are taking the time or developing the perspective necessary to develop their world-view to a place where they can engage creatively.

11:30

[245] So, rather than seeing this in a negative sense—where you have community and town councils working in a certain way at the moment—when we do go to work with community and town councils and explain what planning is, and explain what they can do through the planning system, I think that it is truthful to say that they are generally energised. As a group of people, there are more people trying to participate in this energy than there were previously. So, for us, an opportunity for community and town councils to participate in planning in a structured and systematic way could help to develop the capacity and culture of that level of government.

[246] **William Powell:** I would like to put on record my thanks to Planning Aid Wales for the work that I know that the organisation is doing in some areas of my region, particularly in Pembrokeshire Coast National Park and Carmarthenshire. By way of declaration of interest, I should declare that I am a member of one of the more active town councils in One Voice Wales, namely Talgarth town council. It would probably be inappropriate not to mention that in the context of this discussion. Is it your view that, in order to achieve the scale and the capacity that may be necessary in the time to come, it will almost be necessary to re-create a clustering process, rather akin to the old district councils that disappeared in the mid to late 1990s, to achieve the scale of membership and also the critical mass of expertise and mix of skills needed to effectively engage with the planning process in the way that has been described in the proposals?

[247] **Mr Cadwallader:** Our submission to the Williams commission clearly stated that we think that there are some opportunities to encourage greater capacity and skills within the sector by clustering them, certainly from a staffing perspective. In terms of the democratic deficit, again, planning is one part of the role of community and town councils. Where we see that there has been a historic issue is that the community and town council sector has not had clarity of purpose and clarity of definition. In the light of the current environment, where we have seen financial change to the unitary authorities and a lot of the non-statutory services coming under pressure, we have seen the devolution of services and the devolution of assets that are facing the sector. If the community and town council sector is given clarity of purpose—that is, let us avoid the concurrent functions issue that we currently have, where the unitary authorities are responsible for exactly the same functions as community and town councils—we create the hierarchy that is set out within the planning Bill, so that we know who is responsible for decisions at the national level, the strategic level, the local level and the very local level. Our view has always been that the current 735 need to retain their sovereignty but that they can be more effective if they are grouped into clusters.

[248] **Mr Cuddy:** I have two small points to make. First, as has already been said, I think, by the chap from England, the actual existence of place plan opportunities creates a new dynamism, which will make joining a town or community council worth while, for a start. That is one issue. The other is the issue of geography and working across boundaries. If you

take the case of Penarth, for example, you will see that it is clearly necessary for it to join with surrounding communities, because most of the land proposals will be outside the boundaries of Penarth.

[249] **Mr Thomas:** I think that there are benefits, in terms of the planning process when seen from a local planning authority perspective, and also from a community perspective, to community councils working together, collectively. I think that they can probably get more out of the process of interacting with the planning system in that way.

[250] **Mr Cadwallader:** I am sorry, Chair, but could I just add one point? We were listening to the earlier sessions and found that the amount of resource that is available within the planning functions is referenced regularly, yet we have 8,000 community and town councillors in Wales who are not actively engaged in the planning process. There is a resource there. We also feel that, with the community and town councils, by engaging with their local electorate, there is another resource that is not being tapped into. I think that there are some benefits for place plans reaching the gap between the county unitary authorities and the communities.

[251] **Russell George:** Following on from that point, I want to ask about technology resource implications for town and community councils. My own local authority area, for example, has gone paperless with regard to planning. Some of my town and community councils have no broadband access, some have got one PC, some have not got a PC where the community council meets, some have not got projection screens, and two community councils in the area that I represent have not even got an e-mail address. So, I am seeking your views on the technology resource that town and community councils have to deal with planning applications.

[252] **Mr Cadwallader:** When community and town councils are compared with the unitary authorities, I always remind people that the community and town councils do not get £4.8 billion and do not have 120,000 staff to support 8,000 councillors. It is a locally derived precept and individual members take the local precepting very seriously, because they do not want to precept at a level that causes issues around double taxation. Having been a community councillor myself in the past, I know from experience that people do not go into precept discussions with a crazy mind-set. It is very much about a precept for what is just about required to deliver activities within the local community.

[253] There are some issues around how we fund democracy within Wales. We have a separate future generations Bill and there are issues there around funding the core strategic costs of community and town councils. All public services in Wales receive some form of grant or revenue support grant from central Government to enable them to employ staff to support members' endeavours around local democracy. Again, we have argued this case on several occasions in this room over the last few years. We need to start thinking about some of the work that, perhaps, has not been followed through from the Aberystwyth study, around the establishment of direct grant payment into the community and town council sector—especially as it is being allowed, through the 2011 Measure, to look at establishing a local democracy fund to enable community and town councils to resource technology and staffing to do proper, meaningful community engagement and community planning.

[254] **Mr Cuddy:** In terms of resources, I am not entirely in agreement with Lyn. I think that there could be more creative use of the precept, if it is based on an agenda and a plan that the local community has supported. We, for example, are paying for consultants to do a plan—what that is may be open to question—and that is supported by the community. There is scope, as we are a tax-raising body, to use more resources to complement local authorities, to work with them, and also to join in with other opportunities that are coming forward under funding.

[255] **Llyr Gruffydd:** Rwyf eisiau edrych ar thema democratiaeth eto. Mae teimlad bod mwy a mwy o benderfyniadau'n symud lan yn hytrach na'n dod lawr at lefel y gymuned. Rydym yn gwybod bod y Llywodraeth yn awyddus i wneud y penderfyniadau ar ddatblygiadau o arwyddocad cenedlaethol—mae sefyllfaoedd lle mae hynny'n gwneud synnwyr, wrth gwrs—ond wedyn mae gennym yr haenau: y fframwaith datblygu cenedlaethol, yna'r cynlluniau datblygu strategol, gydag awdurdodau cynllunio yn bwydo cynrychiolaeth i'r rheini, yna'r cynlluniau datblygu lleol, sy'n atebol i'r cynlluniau strategol, ac yna'r cynlluniau lleoedd ar y lefel isaf. A ydych yn teimlo bod y cynlluniau lleoedd yn ddigonol, ynteu a ydych yn teimlo bod drifft o hyd tuag at benderfyniadau'n mynd ymhellach oddi wrth y cymunedau?

Llyr Gruffydd: I want to look again at the theme of democracy. There is a feeling that more and more decisions are moving up rather than moving down to the community level. We know that the Government is eager to make the decisions on developments of national significance—there are situations where that makes sense, of course—but we then have the tiers: the national development framework, then the strategic development plans, with planning authorities feeding representation into those, then the local development plans, which are accountable to the strategic plans, and then the place plans at the lowest level. Do you believe that the place plans are adequate, or do you feel that there is still a drift as decisions move further away from communities?

[256] **Mr Thomas:** Taking the package of proposals as a whole, the drift is upwards. The mitigating measure was to put place plans in place at the local level. The reality is that planning at a local level can only happen, as you heard in the previous evidence session, within a strategic framework. For the proposed strategic framework to be comprehensible at a local level, we have asked Welsh Government to give consideration to describing the proposals, from the top, strategic, national proposals down to the place plans at the bottom, in terms of opportunities for the public to participate and engage at each of those levels. That is so that the package of proposals can be understood from a community level and people have a clear understanding of what place plans are and that we do not enter into the dilemmas that have happened in England, whereby there was confusion about what was being proposed. We do not think that that would undermine the proposals in any way, but it would explain in a coherent, systematic way why developments of national significance are being decided in this way, and the role—and it would have to be limited—that local communities have in the decision-making process, and as you come down the hierarchy, the increasing role that communities could have in the planning process. So, there seems to be a drift upwards, but we think that an explanation of the proposals in a comprehensive fashion could help to alleviate that. Actually, if that were to be done, the local engagement dimension could be more effective than it is currently.

[257] **Llyr Gruffydd:** How do you feel that compares with what we heard about the Localism Act and the neighbourhood plans and stuff that is happening in England? Do you feel that the potential there is much stronger in terms of community engagement and a real voice for local communities within the process, as opposed to what is being proposed here?

[258] **Mr Thomas:** I think that what is being proposed in Wales has the benefit of learning from what has happened in England. I think that what has happened in England is that a political priority has sought to do something through the planning system and has been modified as it has developed its proposal and we have ended up with a rather hybrid approach to doing neighbourhood planning. What struck me from the previous evidence session is that a lot of the areas that are progressing neighbourhood planning are those that already have the capacity to do neighbourhood planning. So, we are not certain in terms of a small population, as there is in Wales, that that is the best model. We think that you can work within the current system and that more thought needs to be given to exactly how place plans fit into the local

development plan and, if necessary, the strategic development plan. For instance, we see some sort of local involvement as necessary within strategic development planning.

[259] **Llyr Gruffydd:** Could you elaborate on that? Do you mean actual representatives on the panels?

[260] **Mr Thomas:** At the moment, there is a statutory requirement for planning authorities to work with communities through their community and town councils to engage during the early stages of local development plan preparation. If a new level of development plan is to be introduced, a lot of the decisions that are currently made at the local development plan level will be made at a height above. There is a reason why elected local authority representatives do not prepare the plan without community engagements at the local level, and we see no reason as to why there should not be an equivalent mechanism in the strategic development plan as and where they are located.

[261] **Alun Ffred Jones:** I now call on Joyce Watson.

[262] **Joyce Watson:** It is about engagement. We talked about democratic deficit, but coming back to engagement, this is about empowering people locally. My experience tells me that people get engaged when they do not want something, more so than when they do want something. So, how do you think that this will help in that respect?

[263] **Mr Cuddy:** It will need a positive response, building on what Elwyn said, in terms of how that engagement is structured. As he said, there are regulations that require communities to be consulted. In a sense, the planning professionals have not quite got the message yet and they have not really stepped out of their professional stance and expertise into a process where they have to discuss it with communities. This would help, provided that the regulations are there or there is a clause in the Bill instructing the Minister to make these sorts of regulations so that that engagement is a positive experience.

[264] **Mr Thomas:** In evidence that I gave to a predecessor committee's inquiry into planning, I observed that most people who know about planning and participate in planning respond to planning applications. We have long seen opportunities for people to be more productively engaged in policy making, which drives decisions on planning applications, which is why we are largely in favour of the notion of place planning. It enables people to understand the policy framework and therefore how decisions are made on planning applications.

[265] **Mr Cuddy:** It gives them some ownership in the process, which they do not have.

[266] **Julie James:** Following that through, the current proposals, as I am sure that you are aware, are that these place plans in Wales will have the status of supplementary planning guidance. Do you want to comment on that first, because that is very different from the English model?

[267] **Mr Cuddy:** It requires that the engagement on the LDP is properly articulated, as I have just explained. Then, I think that you could probably live with a sort of subsidiary sort of nature of planning guidance. It puts the weight on developing what is said in 'Positive Planning' in a meaningful way for people to understand what they are getting involved in.

11:45

[268] **Julie James:** It is quite a different animal from the neighbourhood plans that we have just heard about.

[269] **Mr Cuddy:** Yes, you are absolutely right. In a sense, my support for the proposals is conditional on the LDP process being slightly better articulated in terms of engagement, so that you end up not with consultation, but with that community, to some extent, owning the proposals that it sees in the plan.

[270] **Julie James:** One of the other proposals in the consultation document, ‘Positive Planning’, is that one of the main functions for these place plans would be as a way of distributing the community infrastructure levy, for example.

[271] **Mr Cuddy:** Yes, absolutely. That is one of the principal functions. Reference has been made to 15% in relation to CIL. I think, and I may be wrong, but I certainly saw it in draft provisions in England that if a neighbourhood plan existed, 25% would go to the community. The issue of grouping also comes into this. If you are talking about CIL—I will just relate a Penarth example—all of the money will go to the communities around us, not in any comprehensive way to address strategic issues in the local area.

[272] **Julie James:** However, it is not, as I understand it, proposing a particular percentage at the moment.

[273] **Mr Cuddy:** I believe that the Welsh Government is just rowing along with England on this and is not challenging it. So, it will be 15%.

[274] **Julie James:** I have one last question on that. In terms of it being supplementary planning guidance, what is your overall view on the mechanisms that we have in place in this new proposal for ensuring that the LDPs and, indeed, the strategic development plans, if they come into existence, actually happen? A large part of the problem with engagement in Wales is that many councils have failed to put their LDPs in place, and we have heard a range of opinions this morning as to why that might be. Obviously, supplementary planning guidance is not much use if you do not have a local development plan within which it sits.

[275] **Mr Thomas:** However, it must be said that I do not think that there is a statutory definition regarding how supplementary planning guidance should be used by authorities. Guidance suggests, or rather insists, that supplementary planning guidance should always have a hook in an adopted development plan. So, an authority cannot just develop a piece of SPG unless there is, in the hierarchy of policy, something that says, ‘We are going to do some more detail’, and that is what the SPG is. There is a danger of local planning being seen as SPG. SPG is just a material consideration.

[276] **Julie James:** However, the point I am making is that if you do not have the LDP in place, the supplementary planning guidance has even less status than it might have inside the LDP process. So, the question I was asking you is: what do you think of the proposals in this consultation paper for incentivising or penalising authorities that do not come forward with their LDPs? There is no point in supplementary planning guidance if there is no overarching plan in which it can sit.

[277] **Mr Thomas:** There is no real status to supplementary planning guidance unless there is a plan. So, in answer to your question, I do not think that we could not support any proposals that were designed to get full plan coverage.

[278] **Julie James:** Is that the universal view?

[279] **Mr Cuddy:** Yes, absolutely. [*Inaudible.*—through my life. I know the problem.

[280] **Julie James:** Likewise.

[281] **William Powell:** I would like to move on to an area on which the proposals are resolutely silent, and that is heritage. Do you have any comments on the current role that town and community councils have in determining the local lists of buildings of merit? I am not talking solely about listed buildings in terms of grade I, II* and so on, but other buildings of local importance. Do you feel that the current situation is meaningful and appropriate? I am not sure whether Councillor Cuddy has particular examples within the setting of Penarth on that front.

[282] **Mr Cuddy:** I do not believe that they have any role whatsoever at the moment, as far as I know. Obviously, communities could be productively engaged in discussing this. The listing process is extremely guarded and, with the local listing process as well, you cannot distribute listings ad nauseum and so there has to be training in that respect. However, I am sure that there is a wealth of local knowledge in an area, including heritage knowledge, which could be tapped into. Once again, this would give a new dynamic to the local community.

[283] **William Powell:** I wonder whether either Planning Aid Wales or One Voice Wales has a perspective on that.

[284] **Mr Cadwallader:** During our engagement with our members, there was no definitive view, to be perfectly honest. The particularly small councils would probably be averse to taking on extra responsibilities, and the larger councils would not be averse to taking on those responsibilities. There was no specific—.

[285] **William Powell:** It was a mixed picture.

[286] **Julie Morgan:** With the introduction of all these additional tiers, what effect do you think that that will have on the public's understanding of the process and involvement with it? We have talked about the smaller place plans, but now we are going to have the strategic development plan and the national development framework. What do you think about the development of all those tiers?

[287] **Mr Cadwallader:** Shall I start? When we engaged with the managing development research work stream, our concerns as a sector were that the existing planning system was not understood by the local electorate. We were looking for greater certainty of processes, particularly in relation to the pre-application stage, and for things to be front loaded more and marketed more effectively to the community to say, 'This is your opportunity for engagement in the local development plan process'. I think that what we have with the proposals is an opportunity to address some of those historic concerns within our sector. The issue will be about how well that pre-application stage is marketed to the local electorate.

[288] **Alun Ffred Jones:** The Government states that the majority of people in Wales are happy with the planning system. That seems to be at odds with what you have just said. Why do you say that the public does not understand?

[289] **Mr Thomas:** May I come in on that? I think that that is taken from a Welsh Government-commissioned piece of research, undertaken by Beaufort Research into public attitudes to planning in Wales. I have struggled to find the root for that statement within the published report. Within the published report there is a strong statement that says that around three quarters of the Welsh population does not know much, if anything, about the planning system. A similar proportion feels that they would want to be engaged more and participate more in the planning system. For us, that is a strong piece of evidence that underpins these proposals.

[290] To return to the question about the hierarchy that it is intended to introduce, I think that from a planning perspective there is strong logic for thinking about things at a national

level, where necessary thinking about things at a regional level, always thinking about things at the local level and then thinking about how the people interact with the planning system at a local level. Until, or unless, there is a coherent explanation of how the Welsh public should interact with the planning system in its proposed shape, I would struggle to go and explain the anticipated structure in terms of how people can participate at the various levels from national. On place plans, I think that I could do it adequately. On strategic development plans, I think that I would struggle, unless there is a hook within them that says that during their preparation there must be some dimension for local community input.

[291] **Alun Ffred Jones:** A oes unrhyw gwestiwn arall? **Alun Ffred Jones:** Are there any further questions?

[292] Are there any further questions? We seem to have run out of steam.

[293] Dyna ni, felly. Diolch yn fawr iawn. There we are, then. Thank you very much.

[294] May I thank all three of you for coming in? You will receive a transcript of the evidence for you to check for accuracy. I hope that your presence here this morning will contribute to our deliberations later on.

[295] Diolch yn fawr iawn. Thank you very much.

11:55

Y Bil Cynllunio (Cymru) Drafft: Cymdeithas yr Iaith Gymraeg Draft Planning (Wales) Bill: Cymdeithas yr Iaith Gymraeg

[296] **Alun Ffred Jones:** A gaf i eich croesawu chi Robin Farrar a Colin Nosworthy o Gymdeithas yr Iaith Gymraeg i'r sesiwn hon ar y Bil cynllunio (Cymru) drafft? Ni wn os hoffech chi roi cyflwyniad byr i ddechrau, ac yna byddwn yn gofyn cwestiynau i chi. Robin Farrar, a wnewch chi ddechrau? **Alun Ffred Jones:** May I welcome you Robin Farrar and Colin Nosworthy from the Welsh Language Society to this session on the draft planning (Wales) Bill? I do not know whether you would like to make a brief opening statement, and then we will move on to questions. Robin Farrar, would you like to start?

[297] **Mr Farrar:** Diolch yn fawr. Mae safbwynt Cymdeithas yr Iaith Gymraeg ar y system gynllunio yn deillio o sefyllfa gymunedol yr iaith Gymraeg. Rydym yn credu—ac mae hyn yn amlwg yng nghanlyniadau cyfrifiad 2011—bod y Gymraeg yn wynebu argyfwng ar lefel gymunedol, o ran nifer y cymunedau lle mae'r Gymraeg fel iaith feunyddiol naturiol yn lleihau. Mae patrymau allfudo a mewnfudo yn cyfrannu'n uniongyrchol at yr argyfwng hwn. Nid ni yn unig sy'n dweud hyn. Roedd y gynhadledd fawr a gynhaliwyd gan y Llywodraeth y llynedd, er enghraifft, yn cydnabod mai symudedd poblogaeth—hynny yw, allfudo a mewnfudo—oedd un o'r prif heriau yn wynebu'r iaith. Mae hyn oll yn amlygu cwestiwn allweddol am y Bil **Mr Farrar:** Thank you very much. The views of the Welsh Language Society on the planning system emerge from the community situation of the Welsh language. We believe—and this is apparent in the results of the 2011 census—that the Welsh language is facing a crisis at a community level in terms of the decline in the number of communities where the Welsh language is the natural everyday language of communication. The patterns of in-migration and outmigration make a direct contribution to that crisis. It is not only ourselves who are saying that. The 'cynhadledd fawr' held by the Welsh Government last year recognised that population movement—that is to say, in-migration and outmigration—was one of the main challenges facing the Welsh language.

cynllunio. A ydym eisiau twtio system gynllunio sydd wedi cael ei hetifeddu yma yng Nghymru, neu a ddylwn fynd ati i sefydlu system sydd wedi'i seilio ar anghenion arbennig Cymru, er enghraifft yr iaith Gymraeg? Nid oes amheuaeth fod y system bresennol yn niweidiol, nid yn unig i'r iaith Gymraeg ond hefyd i'r amgylchedd. Hefyd, mewn sawl achos, y mae'n gwaethygu tlodi. Mae gennym gyfle-unwaith-mewn-degawd yma i sefydlu system newydd sy'n ateb anghenion Cymru.

This highlights a crucial question about the planning Bill. Do we want to tidy up a planning system that we inherited here in Wales, or are we endeavouring to create a system that is based on the particular needs of Wales, for example the Welsh language. There is no doubt that the current system is damaging, not only to the Welsh language, but also to the environment. Also, in many cases, it exacerbates poverty. We have a once-in-a-decade opportunity here to establish a new system that meets the needs of the people of Wales.

[298] O fewn cynigion y Llywodraeth yn ei Fil drafft, nid oes un sôn am yr iaith Gymraeg a'r effeithiau y mae'r system gynllunio'n ei chael ar yr iaith. Yn wir, yn ein barn ni, byddai cynigion y Llywodraeth yn dwysáu'r effaith ddinistriol y mae'r system gynllunio yn ei chael ar yr iaith. Mae gweision sifil sydd wedi bod yn gweithio ar y Bil drafft yn dadlau bod y system gynllunio'n ymwneud â defnydd tir yn unig. Nid ydym yn derbyn hynny. Nid ydym yn derbyn ychwaith y ddadl y dylai'r Bil cynllunio ymdrin â fframwaith yn unig, a bod polisi yn rhywbeth ar wahân.

In the Government's proposals in its draft Bill, there is not a single mention of the Welsh language and the impact that the planning system has on the language. Indeed, in our opinion, the Government's proposals would intensify the damaging effects that the planning system has on the Welsh language. The civil servants who have been working on the draft Bill argue that land use is the only focus of the planning system. We do not accept that point. We do not accept either the argument that the planning Bill should only provide a framework and that policy is something separate to that.

[299] **Antoinette Sandbach:** This is a speech.

[300] **Alun Ffred Jones:** Mae'n rhoi cyflwyniad. Mr Farrar, byddaf yn dod â chi i ben mewn munud neu ddau.

Alun Ffred Jones: He is giving a presentation. Mr Farrar, I will be drawing you to a close in a minute or so.

[301] **Mr Farrar:** Nid oes gennyf llawer ar ôl i'w ddweud. Nid ni yn unig sy'n dweud hyn. Mae trywydd adroddiad y grŵp ymgynghorol, a fwydodd i mewn i'r Bil, yn gosod cyd-destun nad yw'n ymwneud â chael fframwaith yn unig ar wahân i bolisi, ac nad yw'n ymwneud a defnydd tir fel rhywbeth ar wahân. Felly, yr hyn yr ydym eisiau ei wneud, a'r rheswm yr ydym wedi mynd ati i baratoi Bil ein hunain, yw gosod agenda amgen, gan ddangos bod posibilïad yn y fan hon i greu system wahanol. Mae yna un awgrym o strwythur ar gyfer system gynllunio o'r fath yn ein cynnig ni. Wrth wraidd hynny, mae'r egwyddor ganolog fod angen asesu'r angen lleol ar gyfer tai ac ar gyfer datblygu, ac i wneud hynny fesul cymuned a defnyddio hynny fel sail i'r system. Mae hynny, mewn ffordd, yn troi'r system gynllunio bresennol ar ei phen, gan y

Mr Farrar: I do not have too much left to say. It is not only ourselves who are making these points. The independent advisory group's report, which fed into the Bill, sets out a context that does not relate to having a framework alone separate to policy, and that does not relate to land use as a separate issue. So, what we want to do, and the reason why we have prepared our own Bill, is to set out an alternative agenda to demonstrate that there is a possibility here to create a different system. There is one suggestion of a structure for such a planning system within our proposals. At the heart of that, there is the central founding principle that we need to assess the local need for housing and for development on a community-by-community basis and use that as the basis for the whole system. That, in a way, turns the current planning system on its head, because that

byddai'n golygu symud i ffwrdd o'r amcanestyniadau poblogaeth sydd, mewn ffordd, wrth wraidd y broblem o ran caniatáu datblygiadau sy'n niweidiol i'r Gymraeg. Yn hytrach na dechrau o'r amcanestyniadau hynny, sy'n rhy fawr mewn sawl achos, mae angen dechrau gyda'r angen, fesul cymuned, am dai. Rwyf yn siŵr y byddwn yn ymhelaethu ar hynny yn ein hatebion.

would mean moving away from the population projections, which are, in a way, at the heart of the problem in terms of permitting developments that are damaging to the Welsh language. Rather than starting from those projections, which are often far too ambitious in many cases, we need to start with the need, per community, for housing. I am sure that we can expand on that in our responses to questions.

[302] **Alun Ffred Jones:** Diolch ichi am y cyflwyniad hwnnw. Mae nifer o bobl eisiau gofyn cwestiynau ichi. Byddwn yn dechrau gyda Russell George.

Alun Ffred Jones: Thank you for your presentation. Many people would like to ask questions. We will start with Russell George.

12:00

[303] **Russell George:** Thank you, Chair. We took some evidence earlier on from Planning Aid England—I am not sure whether you had the opportunity to listen to any of the evidence. You did. It is good that you were able to hear that. I am seeking your views on the Localism Act 2011, which gives neighbourhood fora and councils in England the ability to bring forward local development or neighbourhood development plans and put them before a local referendum. I am seeking your views on that, particularly in terms of how that can also support the Welsh language.

[304] **Mr Nosworthy:** Diolch am y cwestiwn. Rwy'n meddwl bod gennyf ddau brif bwynt i'w gwneud ynghylch hynny. Pan aethom ati i lunio ein Bil ein hun, roeddem ni'n edrych ar ddefnyddio'r strwythurau democrataidd presennol, achos gellid edrych arno fel modd i'w gryfhau o fewn y systemau democrataidd sy'n bodoli eisoes—nid fy mod i yn arbenigwr ar y Ddeddf Lleoliaeth yn Lloegr, ond rwyf ar ddeall bod modd edrych arni fel y gall grwpiau o bobl ddod at ei gilydd ar wahân i'r systemau democrataidd hynny. Rydym ni wedi mynd yn fwy tuag at y cyfeiriad o sut i gryfhau'r systemau neu'r gyfundrefn ddemocrataidd sydd ohoni, drwy gynghorau cymuned ac yn y blaen. Rwy'n meddwl—ac roedd y tystion yn dweud hyn yn gynharach—fel roedd Robin yn dweud, mai asesu'r angen lleol, a gwneud hynny yn lle dibynnu ar amcanestyniadau poblogaeth, yw'r allwedd o'n safbwynt ni i sicrhau bod y system yno i ateb anghenion lleol. Os oes system nad yw'n herio'r ffordd mae'n mynd ati i asesu angen lleol, mae perygl nad ydych chi'n taclo'r broblem go iawn. Dyna le rydym ni a lle, dros y blynyddoedd, mae'r gymdeithas wedi dod at y system gynllunio, sef asesu'r angen lleol yn gyntaf a chael hwnnw fel ystyriaeth, a byddai hynny'n

Mr Nosworthy: Thank you for the question. I think that I have two main points to make about that. When we started drawing up our own Bill, we were looking at using current democratic structures, because you could look at it as a way of strengthening within the democratic systems that already exist—not that I am an expert on the Localism Act in England, but I am given to understand that there is a way of looking at it so that groups of people can come together separately to those democratic systems. We have gone more in the direction of how to strengthen the systems or the current democratic regime through community councils and so on. I think—and the witnesses were saying this earlier—as Robin was saying, that assessing local need, and doing that instead of depending on population projections, is the key from our point of view to ensure that a system is in place to meet local needs. If there is a system that does not challenge the way that local need is assessed, there is a danger that you do not tackle the real issues. That is where we are and where we, over the years, have arrived as a society in terms of the planning system, that is, assess the local need first and have that as a consideration, and that would better reflect the needs of

adlewyrchu anghenion cymunedau yn well. communities.

[305] **Alun Ffred Jones:** Russell, do you want to come back?

[306] **Russell George:** No, I am fine.

[307] **Alun Ffred Jones:** Joyce Watson sydd nesaf, wedyn Antoinette. **Alun Ffred Jones:** Joyce Watson is next, then Antoinette.

[308] **Joyce Watson:** I have to say that I am confused, and maybe you can help with that confusion. I do not understand what you mean by the difference between local need and population projection, because is not the population projection coming out of local need? So, that would be my first question, and then I want to ask something else.

[309] **Mr Nosworthy:** Rydym yn gosod strwythur eithaf cymhleth ynglŷn â sut i asesu'r angen lleol yn ein Bil, ac fe allwn drafod hynny ymhellach. O ran esbonio hyn yn well, yr hyn sydd yn ein Bil ni yw ffordd o sicrhau bod yr anghenion lleol yn cael eu hasesu yn rheolaidd, a dyna yw sail y system. Nid wyf yn siŵr a wyf i'n ateb y cwestiwn yn hollol gywir— **Mr Nosworthy:** We set out quite a complicated structure in terms of how to assess the local need in our Bill, and we can discuss that further. In terms of explaining it better, what is within our Bill is a means of ensuring that local needs are assessed on a regular basis, and that is the basis of the system. I am not sure whether that answers the question completely correctly—

[310] **Joyce Watson:** Not at all, actually, no.

[311] **Mr Farrar:** Mae'r amcanestyniadau poblogaeth presennol yn dechrau o lefel cenedlaethol ac maen nhw'n cymryd yn ganiataol y bydd twf poblogaeth yn deillio o fewnfudo. Mae hynny'n eithaf gwahanol i'r hyn rydym ni'n awgrymu, sef asesiad fesul cymuned o'r angen yn y dyfodol ar gyfer tai. Mae hynny'n cynnwys nid yn unig anghenion newid poblogaeth ond hefyd ffactorau fel faint o dai gwag sydd yn yr ardal a'r lefel o ddigartrefedd o fewn yr ardal. Felly, mae'n asesiad fwy holistig ac eto'n fwy lleol na'r hyn sydd yn cael ei gynnig ar hyn o bryd ac mae'n dod o'r gwaelod i fyny yn hytrach nag o batrymau cenedlaethol i lawr. **Mr Farrar:** The current population projections start at a national level and they assume that there will be population growth as a result of in-migration. That is quite different from what we are suggesting, which is an assessment on a community-by-community basis of what future housing need will be. That includes not only the needs of a changing population but also factors such as how many empty homes there are in the area and the level of homelessness in the area. So, it is a more holistic assessment and more locally based than what is offered at present, and it works from the bottom up, rather than working from national patterns downwards.

[312] **Mr Nosworthy:** A gaf i ategu at hynny er mwyn helpu i esbonio'n well, efallai? Efallai byddai ei roi yng nghydestun enghraifft benodol yn help. Rwy'n gwybod bod rhai cynghorau sir wedi edrych ar yr angen lleol a gweld ei fod yn wahanol iawn i'r amcanestyniadau poblogaeth. Rydym ni wedi bod yn trafod hyn gyda gweision sifil, ac maen nhw'n ei alw yn *iterative process* rhwng y ddau beth. Rwy'n meddwl bod y pwyllgor wedi edrych ar amcanestyniadau poblogaeth yn y gorffennol. Mae'n wir i ddweud bod y canllawiau'n **Mr Nosworthy:** Could I just add to that, to help to explain it a little better, perhaps? Perhaps putting it in the context of a specific example would be helpful. I know that some county councils have looked at the local need and have seen that it is very different to the population projections. We have been discussing this with civil servants, and they call it an iterative process between the two things. I think that the committee has looked at population projections in the past. It is true to say that the guidelines say that you should start with population projections, and then, if

dweud y dylid dechrau gydag amcanestyniad o'r boblogaeth, ac wedyn, os oes tystiolaeth gadarn i wrthddweud hynny, gallech ddadlau yn erbyn y ffigurau hynny. Rydym ni'n dweud dylid dechrau gyda thystiolaeth gadarn leol, wedi ei chasglu yn lleol, a dylai hynny fod yn ddechreubwynt. Felly, mae'n newid y pwyslais.

[313] **Joyce Watson:** Okay, I will move on. I am still not convinced, but I will move on. You say in your submission that you believe that the sole reason for declining a planning consideration should be hinged on the Welsh language having a statutory material consideration. Can you give any examples where language has ever been defined as a material consideration in a planning process?

[314] **Mr Farrar:** A ydych yn golygu o ran systemau cynllunio mewn rhannau eraill o'r byd?

there is firm evidence that contradicts that, you could argue against those figures. We are saying that we should start with solid local evidence, collected locally, and that that should be a starting point. So, it is a change of emphasis.

Mr Farrar: Do you mean in terms of planning systems in other parts of the world?

[315] **Joyce Watson:** Beyond Wales.

[316] **Mr Farrar:** Yn amlwg, nid ydym yn arbenigwyr ar systemau cynllunio yn rhyngwladol, ond buaswn yn cyfeirio o fewn Ewrop, er enghraifft, at y system gynllunio yn y Ffindir, sydd, rwy'n credu, yn cymryd ystyriaeth o ieithoedd lleiafrifol, fel ieithoedd y Sami. Efallai nad yw hynny drwy'r un strwythur ag y byddai'n berthnasol i'n system gynllunio yn y fan hon, ond drwy asesiadau effaith gymdeithasol, sydd yn rhan o'r system gynllunio yno. Rydym o'r farn bod deddfwriaeth Ewrop yn dweud y dylai unrhyw asesiad effaith amgylcheddol gynnwys ystyriaeth o'r effaith ar y boblogaeth. Felly, mae hynny'n enghraifft.

Mr Farrar: Clearly, we are not experts on planning systems internationally, but I would refer within Europe, for example, to the planning system in Finland, which, I believe, takes account of minority languages, such as Sami languages. Perhaps that does not work through the same structure as would be relevant to our planning system here, but through social impact assessments, which are part of the planning system in Finland. We are of the opinion that European legislation states that any environmental impact assessment should include consideration of the impact on the population. Therefore, that is an example.

[317] Fodd bynnag, nid yw'r holl syniad o ystyriaeth berthnasol o reidrwydd yn rhan o bob system gynllunio defnydd tir yn fyd-eang. Mae'n gysyniad penodol i'r system yng Nghymru a Lloegr. Felly, nid yw'r enghreifftiau yn rhai amlwg.

However, this whole concept of a material consideration is not necessarily part of any land use planning system on a global level. It is a specific concept within the regime in England and Wales. Therefore, the examples are not necessarily obvious.

[318] Mae pobl eraill, fel Comisiynydd y Gymraeg, wedi ei wneud yn glir eu bod yn credu y dylai'r Gymraeg fod yn ystyriaeth berthnasol. Efallai y byddai'n werth gofyn iddi hi yn ogystal ynglŷn ag enghreifftiau neu gynseiliau rhyngwladol.

Others, such as the Welsh Language Commissioner, have made it clear that they believe that the Welsh language should be a material consideration. Therefore, it may be worth asking her as well for examples or international precedents.

[319] **Joyce Watson:** To follow through with a final question, I am trying to understand and give you a chance to explain, of course. Will you expand on the proposal for language impact assessments to be made statutory for major developments? To be fair to you, I suppose that what I am trying to grapple with here is that we do not close places down; I am trying to give you an opportunity, really, to say that your policy is not about trying to close places

down through localism, but rather that it is an outward-looking policy. That is, really, what I am trying to drive you towards.

[320] **Mr Nosworthy:** Diolch am y cyfle i wneud hynny. Yng nghyd-destun polisiau'r gymdeithas, mae'n rhaid cofio bod polisiau'r gymdeithas yn draddodiadol yn ymwneud â delio gyda methiannau'r farchnad oherwydd ein bod yn gweld y Gymraeg yng nghyd-destun methiannau eraill y farchnad. Felly, nid yn unig bod y farchnad fel ag y mae'n cael ei strwythuro ar hyn o bryd yn methu'r Gymraeg, ond mae hefyd yn methu'r amgylchedd a thaclo tlodi. Dyna'r cyd-destun rydym yn edrych arni.

Mr Nosworthy: Thank you for the opportunity to do that. In the context of the society's policies, it must be remembered that the society's policies traditionally have related to market failure, because we see the Welsh language in the context of other market failures. So, the market as currently structured not only fails the Welsh language, it also fails the environment and tackling poverty. That is the context that we are looking at.

[321] O ran asesiadau effaith iaith yn benodol, os, fel mae Comisiynydd y Gymraeg yn awgrymu, ydym yn gwneud y Gymraeg yn ystyriaeth berthnasol yn y system, mae angen tystiolaeth i allu caniatáu neu wrthod ar sail yr ystyriaeth honno. Mae ein cynnig hefyd yn sôn, fel y gwnaeth y grŵp ymgynghorol arbenigol, am greu diben statudol sydd yn cynnwys nifer o ffactorau eraill, nid y Gymraeg yn unig. Rydym wedi cwrdd â'r Arolygiaeth Gynllunio ac mae wedi ei ddweud os ydych am wneud penderfyniad i wrthod neu ganiatáu gyda'r Gymraeg fel ffactor, mae angen tystiolaeth gadarn, felly rydym yn cynnig nifer o ffyrdd i sicrhau bod y dystiolaeth yn cael ei chynhyrchu gan y system, oherwydd, ar hyn o bryd, mae'r Arolygiaeth Gynllunio yn dweud wrthym nad yw neb yn y system yn gwneud penderfyniad ynglŷn â'r iaith os nad oes tystiolaeth yn cael ei chynhyrchu gan y system. Felly, mae ein Bil ni yn ceisio sicrhau bod y dystiolaeth yn cael ei chreu. Mae'n wir i ddweud nad yw hynny'n digwydd ar hyn o bryd. Yn ei thystiolaeth o ran y Bil, dywedodd y Comisiynydd y Gymraeg bod methiannau oherwydd prin iawn mae'r asesiadau yn cael eu defnyddio, maent yn anghyson a hefyd nid ydynt yn annibynnol. Gobeithio bod hynny'n rhoi esboniad ichi.

In terms of language impact assessments specifically, if, as the Welsh Language Commissioner has suggested, we make the Welsh language a material consideration within the system, we need evidence to be able to permit or reject on the basis of that consideration. Our proposal also talks about, as the independent advisory group did, creating a statutory purpose that includes many other factors, not just the Welsh language. We have met with the Planning Inspectorate and it has said that if you want to make a decision to reject or permit with the Welsh language as a material consideration, there needs to be firm evidence, so we are suggesting a number of ways to ensure that the evidence is generated by the system, because, at present, the Planning Inspectorate tells us that no-one in the system makes a decision regarding the language if there is no evidence. So, our Bill seeks to ensure that the evidence is produced. It is true to say that that does not happen at present. In her evidence in relation to the Bill, the Welsh Language Commissioner said that there were shortcomings because the assessments are rarely used, they are inconsistent and they are also not independent. I hope that that gives you some clarification.

[322] **Alun Ffred Jones:** Hoffwn symud at gwestiynau gan Antoinette Sandbach.

Alun Ffred Jones: I would like to move on to Antoinette Sandbach's questions.

[323] **Antoinette Sandbach:** Technical advice note 20 gives quite clear guidance on Welsh language issues. What percentage of the population are you going to say needs to speak Welsh in a particular area before these provisions kick in? Welsh is already compulsorily taught at school; it is a matter of choice for people which language they use. In my area, in the

village in which I live, there is a local school that teaches only in Welsh. For the people coming in to that area, all of their children learn Welsh because they go to the local school. I am concerned that, effectively, what you are saying is that certain parts of Wales will be put off-limits for development because there should not be development in that area in order to preserve the language. If that is not what you are saying, what is it that you are saying, because that is the way it seems?

[324] **Mr Nosworthy:** Nid ydym yn ceisio gwrthod pob math o ddatblygiad. Mae gwneud y Gymraeg yn ystyriaeth berthnasol yn dweud y gellir caniatáu yn ogystal â gwrthod ceisiadau ar sail iaith. Felly, nid yw hynny'n dweud 'gwrthod neu ganiatáu' yn unig; mae'n dweud bod angen tystiolaeth a bod angen iddi fod yn ystyriaeth, ymhlith ffactorau eraill. Rydym hefyd yn mynd ati, yn ein Bil ni, yn rhagweithiol i feddwl sut y gallwn hwyluso proses sy'n creu llwybr tarw mewn ffordd i ddatblygiadau fyddai o fudd sylweddol i'r Gymraeg a'r gymuned. Felly, rydym yn mynd ati i drïo cynnig syniadau ynglŷn â sut y gellir caniatáu datblygiadau a fyddai o fudd sylweddol i'r Gymraeg.

Mr Nosworthy: We are not seeking to oppose all forms of development. Making the Welsh language a material consideration means that you can accept or reject applications on the basis of the language. So, that does not say 'reject or accept' only; it says that evidence is needed and that it has to be a consideration, among other factors. We also undertake, in our Bill, proactively to seek ways of facilitating a process that creates a direct route to developments that would substantially benefit the Welsh language and the community. So, we are trying to propose ideas on ways to permit developments that would be of significant benefit to the Welsh language.

[325] Mae hefyd yn wir i ddweud, o ran TAN 20, y bu ichi gyfeirio ato, bod gennym broblemau gyda'r ffordd y mae hwnnw wedi cael ei strwythuro. Rydym yn credu fel mudiad bod y Gymraeg yn berthnasol i bob rhan o Gymru ac i bob dinesydd, a bod angen iddi fod yn ystyriaeth, felly, ym mhob rhan o Gymru. I fod yn deg, dyna oedd safbwynt Llywodraethau Cymru dros ddegawdau.

It is also true to say that, with regard to TAN 20, which you referred to, we have problems with regard to the way in which it is structured. We, as an organisation, believe that the Welsh language is relevant to all parts of Wales and to all citizens, and that it therefore needs to be a consideration in all parts of Wales. To be fair, that has been the view of Welsh Governments over many years.

[326] **Antoinette Sandbach:** I believe that Robin Farrar spoke about minority languages; are you suggesting that, in communities, for example, where the minority language might be Urdu or some other language, the same material considerations on language should apply?

[327] **Mr Farrar:** Mae hynny'n annhebygol yng nghyd-destun y system gynllunio. Yn sicr, mae'r Gymraeg, o ran niferoedd, llawer iawn yn gryfach nag unrhyw iaith leiafrifol arall yng Nghymru, ac mae'n briod iaith y wlad gyfan, felly, ac yn berchen i bawb os ydynt yn ei siarad ai peidio. Felly, nid wyf yn meddwl y byddai'r un peth yn wir am ieithoedd eraill o safbwynt y system gynllunio, yn sicr.

Mr Farrar: That is unlikely in the context of the planning system. Certainly, the Welsh language, with regard to the number of speakers, is far stronger than any other minority language in Wales, and it is part of the fabric of the entire country and belongs to everyone, whether they speak it or not. So, I do not believe that the same would be true for other languages with regard to the planning system, certainly.

[328] Fel y bu i Colin ddweud, nid ydym yn credu bod y drefn sydd yn TAN 20 y Llywodraeth yn un effeithiol, yn rhannol oherwydd ei fod yn mynd i lawr y trywydd o ddweud mai dim ond mewn rhai ardaloedd y

As Colin said, we do not believe that the system in the Government's TAN 20 is effective, partly because it goes take the line that it is only in certain areas that the Welsh language is relevant. We believe that it is

mae'r Gymraeg yn berthnasol. Rydym yn credu ei bod yn berthnasol ym mhob rhan o Gymru. Mae ond yn debygol o fod yn brif ystyriaeth mewn ceisiadau cynllunio mewn rhai ardaloedd, efallai, ond nid yw hynny'n meddwl na ddylid ei hystyried ym mhob rhan o Gymru.

relevant in all parts of Wales. It is likely to be the main consideration in planning applications only in some areas, perhaps, but that does not mean that it should not be a consideration in all parts of Wales.

12:15

[329] **Antoinette Sandbach:** My concern is that it will be used as a barrier, rather than as an enabling tool. TAN 20 does already permit the Welsh language to be taken as a material consideration. For example, let us say that you have a community where 3% are Welsh-language speakers and there is a proposed development of 1,000 houses. Would you say that there is a risk that that small Welsh-language speaking community might be swamped, and it is a material consideration, therefore, not to permit that development? I just do not see how it is that you are arguing—. As you said, it is something for everybody. It applies across the country, it is ingrained in our communities and it is ingrained in our public services. I wonder whether the planning system is really the place and whether it should be a statutory requirement in the planning system.

[330] **Mr Farrar:** O ran TAN 20, rwy'n meddwl ei fod yn bwysig nodi bod y TAN 20 presennol yn methu â sefydlu'r Gymraeg fel egwyddor berthnasol ar gyfer ceisiadau unigol. Hynny yw, yr hyn y mae TAN 20 y Llywodraeth yn ei wneud yw dweud mai dim ond trwy gyfrwng cynllunio a datblygu lleol mae ystyried y Gymraeg. Byddem yn hoffi ei gweld yn ystyriaeth mewn ceisiadau unigol yn ogystal.

Mr Farrar: In terms of TAN 20, it is important to note that the current TAN 20 actually fails to establish the Welsh language as a material consideration for individual applications. That is, what the Government's TAN 20 does is say that it is only through local planning and development that the Welsh language can be considered. We would like to see it being a material consideration in individual applications also.

[331] **Alun Ffred Jones:** Mae tri Aelod arall sydd eisiau gofyn cwestiynau, felly mae'n rhaid imi eich prysuro chi ymlaen. William Powell sydd nesaf, wedyn Llyr, wedyn Mick.

Alun Ffred Jones: Three other Members would like to ask questions, so I will need to hurry you along. William Powell is next, then Llyr, then Mick.

[332] **William Powell:** I have just a couple of questions, if I may. First, I would certainly agree with your criticism of these top-down housing targets. In recent times, I have come across situations, in some of the LDP processes that have taken place—and LDPs now have coverage of half of Wales—where you have, at a very late stage, Welsh Government feeding in further expectations of additional allocation to meet perceived need, which is often not supported locally. That has led to a much lesser level of consultation on allocations that have been brought in at a very late stage, and it is seen in some situations to have contaminated that process and the level of local support.

[333] However, my particular question is around the potential role for rural housing enablers in parts of Wales to help support the process. What is your view on the potential role of such rural housing enablers in establishing a well-founded analysis of genuine local need, as opposed to development-led proposals, or those coming down from Welsh Government? In recent times, a number of authorities locally, including Pembrokeshire coast national park, Brecon Beacons national park and other authorities in Wales, have dispensed with the services of RHEs, so I would appreciate your perspective on that.

[334] **Mr Nosworthy:** Yn ein Bil drafft ymgynghorol, rydym yn rhoi dyletswydd ar awdurdodau lleol i gynnal asesiad o'r anghenion yn lleol. Nid ydym wedi mynd i mewn i'r manylion ynglŷn ag yn union pwy a all wneud hynny, ond, o bosibl, gallai fod rôl i'r *enablers* rydych chi'n sôn amdanynt.

Mr Nosworthy: In our draft Bill, we place the duty on local authorities to make an assessment of local need. We have not gone into details in terms of who exactly could do that, but, possibly, there could be a role for the enablers that you mentioned.

[335] Rwy'n falch i glywed eich bod yn cytuno gyda'r dadansoddiad ynglŷn â'r amcanestyniadau poblogaeth, ond, yn sicr, mae'n bwysig bod y broses yn mynd ati yn rheolaidd i asesu'r anghenion lleol ar lefel gymunedol, ac mae hynny, o bosibl, yn un ffordd o wneud hynny.

I am pleased to hear that you agree with our analysis regarding population projections, but, it is certainly important that the process regularly assesses local community needs, and that could be one way of going about it.

[336] **Llyr Gruffydd:** Fe wnaeth y pwyllgor hwn, yn ein hymchwiliad y llynedd, ddatgan gofid ynglŷn â'r amcanestyniadau hyn. Mae'n bwysig bod pob Aelod yn cofio ein bod wedi bod yn rhan o'r broses honno hefyd. Fodd bynnag, *crux* y mater i fi pan rydym yn sôn am y Bil draft gan y Llywodraeth yw'r ffaith bod y Llywodraeth yn dweud mai Bil yw hwn sy'n ymwneud â strwythurau a sut mae'r drefn gynllunio'n gweithredu ac nid Bil ydyw sy'n ymwneud â pholisi. Rwy'n credu mai hynny, yn ei hanfod, yw'r *issue* ehangach o gwmpas yr iaith, datblygu cynaliadwy a phopeth arall.

Llyr Gruffydd: This committee, in our inquiry last year, expressed concerns about these projections. It is important that every Member should bear in mind that we were part of that process, too. However, for me, the crux of the issue for me when we are talking about the Government's draft Bill is the fact that the Government states that it is a Bill that relates to structures and how the planning systems works and that it is not a Bill that relates to policy. I think that, essentially, that is the wider issue around the language, sustainable development and everything else.

[337] Rydych chi'n dweud, wrth gwrs, eich bod am weld diben statudol i gynllunio yng Nghymru, a byddwn yn cytuno â hynny, ac mae John Davies a'r grŵp ymgynghori annibynnol hefyd wedi argymhell hynny. Byddai hynny wedyn, yn ei hanfod, yn dod ag elfennau megis datblygu cynaliadwy i mewn ac, ynghlwm â hynny, yr iaith Gymraeg yn brif ystyriaethau. A allwch chi ymhelaethu ynglŷn â pham eich bod yn teimlo bod hynny'n bwysig? Hefyd, wrth gwrs, mae'r Gweinidog wedi dweud bod ganddo feddwl agored o hyd ynglŷn â chyflwyno diben statudol i gynllunio. Felly, beth yw'r rhesymau pam rydych chi'n credu y dylid ei gynnwys?

You have said, of course, that you want to see a statutory purpose for planning in Wales and I would agree with that, and John Davies and the independent advisory group have also made that recommendation. That, in essence, would then bring issues in such as sustainable development and, related to that, the Welsh language as major considerations. Could you expand on why you believe that that is important? Also, of course, the Minister has said that he still has an open mind on introducing a statutory purpose for planning. Could you outline your rationale as to why that should be included?

[338] **Mr Nosworthy:** Yr un math o resymau ag yr oeddech chi'n datgan. Mae'n ffordd o wireddu'r hyn y mae'r Llywodraeth yn dweud ei bod hi am ei wireddu. Nid yn unig y mae'r grŵp cyngorol arbenigol wedi awgrymu hynny, ond mae'r Gweinidog sy'n ymwneud â Bil cenedlaethau'r dyfodol yn

Mr Nosworthy: The same kind of reasons as you outlined. It is a means of the Government achieving what it has set out that it wants to achieve. Not only has the advisory group suggested that, but the Minister who is responsible for the future generations Bill has said that the Welsh language is part of the

dweud bod y Gymraeg yn rhan o'r diffiniad o beth yw datblygu cynaliadwy. Os mai hynny yw barn y Llywodraeth, dylai gael ei adlewyrchu yn y Bil cynllunio. Felly, mae angen cysondeb rhwng y ddau Fil ac mae cael diben yn ffordd o wneud hynny. Rwy'n meddwl bod Cyfeillion y Ddaear, yn ei thystiolaeth, yn gwneud pwynt tebyg o ran yr angen am ddiben statudol a fydd yn gyrru'r broses, yn helpu i wneud penderfyniadau ac yn ystyried y ffactorau hynny. Hefyd, fel y dywedodd Joyce Watson, rydym yn teimlo bod angen gweld y Gymraeg yng nghydestun datblygu cynaliadwy yn ei ystyr ehangach, o ran sut i ddelio â phroblemau amgylcheddol a thaclo tlodi. Felly, rydym yn gweld y rhesymau dros hynny.

[339] Yr hyn sy'n ddiddorol am ein sgysiau gyda gweision sifil yw eu bod nhw'n dadlau bod y system gynllunio eisoes yn cynnwys datblygu cynaliadwy yn rhan ganolog. O ran y Gymraeg, gan fod cymunedau Cymraeg yn diflannu yn gyflym iawn, nid ydym yn deall sut y gellid dod i'r casgliad hwnnw. Os yw'r gynhadledd fawr, sef ymgynghoriad y Llywodraeth am y Gymraeg, yn dweud mai dyma'r her gyfredol fwyaf, a bod y system tai a chynllunio yn ganolog i hynny, mae'n anodd iawn gweld sut y gellid creu Bil sy'n diystyru'r Gymraeg yn llwyr.

[340] **Llyr Gruffydd:** Atgoffwch fi pa ganran o geisiadau cynllunio yng Nghymru sydd wedi bod yn destun asesiad impact ieithyddol.

[341] **Mr Nosworthy:** Y ffigur yw 0.03%, rwy'n meddwl.

[342] **Llyr Gruffydd:** Felly, mae hynny, i chi, yn dystiolaeth nad yw'r drefn bresennol yn gweithio.

[343] **Mr Nosworthy:** Ydy. Mae Comisiynydd y Gymraeg, yn ei thystiolaeth hi, yn dweud bod nifer o'r cynghorau sir wedi dweud, wrth ymateb i'w holiadur hi, nad ydynt yn ystyried y Gymraeg o gwbl. Os yw'r Llywodraeth yn iawn ei bod hi eisoes yn gwneud hyn, pam nad yw nifer o gynghorau lleol yn dilyn ei pholisi? Ers 1988, rwy'n meddwl bod y system wedi bod yn trio rhoi cydnabyddiaeth i'r Gymraeg yn y system yn

definition of sustainable development. If that is the Government's view, then it should be reflected in the planning Bill. Therefore, we need consistency between the two Bills and a statutory purpose is a means of achieving that. I think that Friends of the Earth, in its evidence, makes a similar point in terms of the need for a statutory purpose for planning that would drive the process, assist in the decision-making process and take those factors into account. Also, we believe, as Joyce Watson said, that we need to view the Welsh language in the context of sustainable development in its wider sense, in terms of how you deal with environmental problems and tackle poverty. So, we see that rationale underlying it.

What is interesting in our conversations with civil servants is that they argue that the planning system already includes sustainability at its heart. In terms of the Welsh language, as Welsh-speaking communities are swiftly declining, we do not understand how you could come to that conclusion. If the 'cynhadledd fawr', which was the Government's own consultation on the Welsh language, has said that this is the most current challenge facing us and that the housing system is at the heart of that, it is very difficult to see how you could create a Bill that ignores the Welsh language entirely.

Llyr Gruffydd: Remind me what percentage of planning applications in Wales has been subject to impact assessment.

Mr Nosworthy: It is 0.03%, I believe.

Llyr Gruffydd: So, that, to you, is evidence that the current system is not working.

Mr Nosworthy: Yes. The Welsh Language Commissioner, in her evidence, says that many county councils have said, in response to her questionnaire, that they take no account of the Welsh language. If the Government is right that it is already doing this, then why are so many local councils not following the Government policy on this? Since 1988, I believe that the system has been trying to acknowledge that the Welsh

rhywle. Os, yn 2014, nad yw'n dal i fod ynddi, mae angen gofyn cwestiynau ynghylch a yw'r ddeddfwriaeth yn iawn. Dyna beth rydym yn ei wneud.

language should be included in the system at some point. If, in 2014, it is still not happening, then you have to ask questions as to whether the legislation is correct. That is what we are doing.

[344] **Mick Antoniw:** This is a very short question. I understand much of what you are saying, but do you not think that you have mistakenly directed this to the planning Bill, rather than the future generations Bill, which is really about the issue of the breadth of sustainability?

[345] **Mr Nosworthy:** Rydym yn dweud bod angen i'r ddau ystyried y peth. Rydym hefyd yn dilyn argymhellion ymgynghoriad y Llywodraeth ei hun, y gynhadledd fawr, sy'n dweud bod y maes polisi yma yn hynod o bwysig. Felly, rydym ni'n meddwl bod y system gynllunio yn hynod o bwysig. Mae'n wir i ddweud bod y gymdeithas wedi gweld ers yr 1980au bod y system gynllunio a thai yn ganolog i hyfywedd y Gymraeg ar lefel gymunedol.

Mr Nosworthy: We are saying that both need to consider this. We are also following the recommendations from the Government's own consultation, the 'cynhadledd fawr', which state that this policy field is very important. Therefore, we believe that the planning system is very important. It is true to say that the society has been saying since the 1980s that the housing and planning system is central to the viability of the Welsh language on a community level.

[346] **Mr Farrar:** Rwy'n meddwl ei bod hi'n werth pwysleisio, fel y dywedais ar y dechrau, bod y system gynllunio yn cael effaith uniongyrchol ar yr iaith Gymraeg, fel mewn rhai o'r enghreifftiau o ddatblygiadau tai mawr rydym wedi'u gwrthwynebu, sydd yn mynd i gael effaith niweidiol ar yr iaith ar lefel gymunedol. Ar yr ochr arall, mae yna bobl sy'n byw mewn cymunedau gwledig sydd eisiau aros yn eu pentref. Nid yw'r system gynllunio bresennol, weithiau, yn ddigon parod i ganiatáu iddynt adeiladu tŷ arall o fewn yr un fferm neu o fewn yr un pentref, i ganiatáu i hynny ddigwydd. Fel canlyniad i'r effeithiau uniongyrchol hynny, rwy'n meddwl ei bod hi'n gwbl briodol ein bod ni eisiau rhoi ystyriaeth i'r iaith Gymraeg yn ganolog i'r system gynllunio.

Mr Farrar: I think that it is worth emphasising, as I said at the outset, that the planning system has a direct impact on the Welsh language, like in some of the examples of major housing developments that we have opposed, which will have a detrimental impact on the language at a community level. On the other side of things, you have people living in rural communities who want to remain within those communities and the current planning system is not, perhaps, willing for them to build another home on the same farm or within the same village to allow that to happen. Given those direct impacts, I think that it is entirely appropriate that we want consideration to be given to the Welsh language and that should be central to the planning system.

[347] **Mr Nosworthy:** Mae hefyd yn wir i ddweud nad ni yn unig sy'n dweud hyn; mae Comisiynydd y Gymraeg wedi rhoi tystiolaeth gynhwysfawr ynglŷn â'r angen i ddelio â'r Gymraeg yng nghyd-destun y system gynllunio.

Mr Nosworthy: It is also true to say that it is not just us that are saying this; comprehensive evidence has been given by the Welsh Language Commissioner about the need to deal with the Welsh language in the context of the planning system.

[348] **Alun Ffred Jones:** A gaf ofyn cwestiwn i chi? Rydych yn awgrymu y dylai fod tribiwnlys cynllunio annibynnol i Gymru. Pam?

Alun Ffred Jones: May I ask you a question? You suggest that there should be an independent planning tribunal for Wales. Why?

[349] **Mr Farrar:** I ddechrau, rydym yn

Mr Farrar: To start, we feel that the current

credu bod y system bresennol yn methu. Hynny yw, fel mae Comisiynydd y Gymraeg wedi nodi, mae cwestiynau ynghylch rôl yr Arolygiaeth Gynllunio a'r ffaith nad yw wedi llwyddo, mewn gwirionedd, i ystyried y Gymraeg o fewn y system gynllunio. Mae hynny'n enghraifft bod y drefn bresennol o arolygiaeth gynllunio ddim yn gweithio. Yn ein Bil ymgynghorol ni, mae gennym gynnig rhagweithiol o system amgen a fyddai'n rhoi mwy o hawliau i gymunedau, er enghraifft, y gallu i apelio yn erbyn penderfyniadau cynllunio drwy dribiwnlys cynllunio annibynnol i Gymru. Yn y gynhadledd fawr a wnaeth y Llywodraeth gynnal, roedd y bobl yno yn gefnogol i'r syniad o ddatganoli'r Arolygiaeth Gynllunio a sefydlu un annibynnol. Roedd y cyn-Weinidog, John Griffiths, hefyd wedi cyfeirio at hynny, er bod y Llywodraeth erbyn hyn wedi newid trywydd. Rydym yn credu bod angen system arolygiaeth neu dribiwnlys sy'n benodol ar gyfer Cymru. Beth bynnag fydd Bil y Llywodraeth, ar ôl iddo basio, mi fydd gwahaniaethau rhwng y drefn gynllunio yng Nghymru a Lloegr. Mae'n gwbl briodol, felly, i ddisgwyl y byddai ymarferwyr cynllunio'n cael eu hyfforddi yng Nghymru a bod yna drefn gynllunio Gymreig.

system is failing. As the Welsh Language Commissioner has noted, there are questions regarding the role of the Planning Inspectorate and the fact that it has not succeeded in considering the Welsh language within the planning system. That is an example of how the current planning inspectorate system is not working. In our consultation Bill, we offer an alternative system that would give more rights to communities, for example, the right to appeal planning decisions through an independent planning tribunal for Wales. In the Government's 'cynhadledd fawr', people were supportive of the idea of devolving the Planning Inspectorate and establishing an independent one. The former Minister, John Griffiths, also referred to that, although the Government has now changed direction. We believe that there is a need for an inspectorate system or tribunal specifically for Wales. Whatever the Government's Bill is, after it has passed, there will be differences between the planning system in Wales and England. It is entirely appropriate, therefore, to expect that planning practitioners would be trained in Wales and that there would be a Welsh planning system.

[350] **Alun Ffred Jones:** Diolch yn fawr am eich tystiolaeth. Byddwch yn cael copi o'r dystiolaeth er mwyn sicrhau cywirdeb. Rwy'n ddiolchgar iawn i chi am ddod i mewn heddiw ac am gynnig eich tystiolaeth i ni. Diolch yn fawr iawn, Robin Farrar a Colin Nosworthy.

Alun Ffred Jones: Thank you very much for your evidence. You will receive a copy of the transcript to check it for accuracy. I am grateful to you for joining us today and for providing evidence to us. Thank you very much, Robin Farrar and Colin Nosworthy.

12:27

Papurau i'w Nodi Papers to Note

[351] **Alun Ffred Jones:** A wnewch nodi'r papurau? Dyna ni. Dyddiad y cyfarfod nesaf yw 27 Mawrth, pan fyddwn yn trafod rheoli tir yn gynaliadwy ac fe fydd yn cael ei gynnal yn yr Eglwys Norwyeg. Yn y prynhawn bydd gennym hyfforddiant deddfwriaethol gyda Daniel Greenberg. Diolch yn fawr iawn i chi am eich presenoldeb a'ch cyfraniadau y bore yma.

Alun Ffred Jones: Will you note the papers? Okay. The date of the next meeting is 27 March, when we will be discussing sustainable land management and it will be held in the Norwegian Church. In the afternoon, we will have legislative training with Daniel Greenberg. Thank you very much for your attendance and contributions this morning.

Daeth y cyfarfod i ben am 12:28.

The meeting ended at 12:28.