

Consultation reference: WG23275

Annex 1 - Consultation Response Form

Planning and Related Decisions of the Welsh Ministers

We want your views on our proposals which make changes to the way decisions on planning and related applications and appeals are dealt with, where they are referred to the Welsh Ministers, or the Planning Inspectorate acting on their behalf.

Please submit your comments by 30/01/2015.

If you have any queries on this consultation, please email:
planconsultations-g@wales.gsi.gov.uk or telephone Lewis Thomas on 029 2082 3201.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Planning and Related Decisions of the Welsh Ministers		
Date of consultation period: 07/11/2014 – 30/01/2015		
Name	Rhian Jardine (Pennaeth Cymunedau Cynaliadwy)	
Organisation	Cyfoeth Naturiol Cymru	
Address	Ty Cambria 29 Newport Road CAERDYDD CF24 0TP	
E-mail address	Rhian.jardine@cyfoethnaturiolcymru.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree that appeals against the refusal of, and conditions relating to, consents to display an advertisement should be incorporated within an expedited appeal system as part of the Commercial Appeals Service (CAS)? If not, why not?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Dim sylw.				

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Q2	Do you agree that the Welsh Ministers should apply section 195 of the Planning Act 2008 in Wales (which amends section 266(1) of the Town and Country Planning Act 1990) so that the default position for the determination of called in applications and appeals by statutory undertakers is that they are dealt with solely by the Welsh Ministers, unless the Welsh Ministers or the relevant Secretary of State gives direction for them to be dealt with jointly?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
 Mae Cyfoeth Naturiol Cymru'n cefnogi'r drefn ddiodyn mai Gweinidogion Cymru sy'n ymdrin â cheisiadau sy'n cael eu galw i mewn ac apeliadau gan ymgymerywr statudol. Byd hyn yn lleihau costau i ymgymerywr statudol wrth ymgeisio am ganiatâd cynllunio.

Q3	Do you agree with the 4 week timescale proposed for the dual-jurisdiction of non-determination appeals? If not, please suggest alternative timescales with your reasons.	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
 Mae Cyfoeth Naturiol Cymru o'r farn na ddylid cael y cyfnod o bedair wythnos a awgrymir ar gyfer awdurdodaeth ddeuol o apeliadau methu penderfynu. Mae yna berygl y gallai parition â diddordeb fod yn gwneud gwaith ofer ar apeliadau pe byddai Awdurdod Cynllunio Lleol yn penderfynu cymeradwyo cais cynllunio. Mae hyn oherwydd bod yn rhaid casglu a chyflwyno dogfennau o fewn terfynau amser tyn ar gyfer apeliadau, yn dibynnu ar y weithdrefn apêl. Rydym ni o'r farn, pe byddai'r cyfnod awdurdodaeth ddeuol yn cael ei weithredu, y dylid newid amserlen apeliadau fel na fyddai raid cyflwyno dogfennau nes daw'r cyfnod awdurdodaeth ddeuol i ben neu pan fydd Awdurdod Cynllunio Lleol yn cyflwyno penderfyniad gwrthod cais.

Q4	Is there any other comment you wish to make in relation to these changes to appeals against non-determination?
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Comments:
 Mae Cyfoeth Naturiol Cymru o'r farn y dylid egluro ai dim ond ar gyfer ceisiadau cynllunio sy'n cael eu penderfynu o fewn cyfnod o wyth wythnos y mae'r darpariaethau newydd hyn yn berthnasol. Rydym yn awgrymu y dylai'r canllawiau egluro a yw'r ddarpariaeth yn berthnasol i geisiadau sy'n cael eu cyflwyno gyda Datganiad Amgylcheddol, sydd â chyfnod penderfynu o 16 wythnos.

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Mae Cyfoeth Naturiol Cymru o'r farn y dylai fod yna drefn ar gyfer hysbysu ymgynghoreion statudol pan dderbynnir apêl yn erbyn methu penderfynu ac y dylid anfon hysbysiad at ymgynghoreion statudol yn datgan pa bryd y daw cyfnod yr awdurdodaeth ddeuol i ben ar ôl dyddiad cychwyn yr apêl. Byddai hyn yn galluogi partïon â diddordeb i ddod i wybod terfynau amser y broses awdurdodaeth ddeuol. Fodd bynnag, mae Cyfoeth Naturiol Cymru yn ystyried y gallai partïon â diddordeb fod yn gwneud gwaith yn ofer pan fydd yr Awdurdod Cynllunio Lleol yn cyflwyno penderfyniad o fewn y cyfnod 4 wythnos gan fod y broses apelio'n gofyn am ddechrau gweithio ar ddogfennau apêl ar unwaith.

Rydyn ni o'r farn y dylid egluro a yw'r cyfnod awdurdodaeth ddeuol arfaethedig yn berthnasol i bob math o apêl h.y. sylwadau ysgrifenedig, gwrandawiaidau ac ymchwiliad cyhoeddus. Bydd pob gweithdrefn apêl yn amrywio yn ôl cymhlethdod y cynnig. Fel y trafodwyd uchod, mae Cyfoeth Naturiol Cymru o'r farn fod yna beryg y gallai partïon â diddordeb fod yn gweithio'n ofer drwy ddechrau paratoi apêl cyn cael gwybod fod yr Awdurdod Cynllunio Lleol wedi penderfynu ar gais o fewn y cyfnod awdurdodaeth ddeuol. Rydym ni o'r farn, gan fod gan y gwahanol weithdrefnau apêl amserlenni sefydlog a bod yn rhaid paratoi rhai dogfennau ar ddechrau neu yn ystod cyfnod cynnar apêl, y dylid ystyried newid amserlenni gweithdrefnau apêl fel na fydd raid cyflwyno'r dogfennau hyn yn gynnar yn ystod y cyfnod awdurdodaeth ddeuol. Rydym yn awgrymu, fel rhan o'r ateb, y gellid gofyn i bartïon â diddordeb gyflwyno'r gafran gyntaf o'r dogfennau apêl ar ddiwedd y cyfnod awdurdodaeth ddeuol neu pan gyflwynir rhybudd o benderfyniad yn gwrthod cais. Gallai hyn arbed gwaith ofer pe byddai Awdurdod Cynllunio Lleol yn dod i benderfyniad yn ystod y cyfnod awdurdodaeth ddeuol.

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Q5	Do you agree that the Planning Inspectorate should be given authority to determine listed building consent and listed building enforcement appeals in relation to Grade I and II* listed buildings in line with current procedures for Grade II listed buildings?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q6	Do you agree that the Planning Inspectorate should be given authority to determine appeals for which grants have been made by the Welsh Ministers under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q7	Do you agree that the Planning Inspectorate should be given authority to determine appeals against the determination of conditions attached to minerals permissions, made under paragraphs 11(1) of Schedule 13 and paragraph 9(1) of Schedule 14 to the Environment Act 1995?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q8	Do you agree that the Planning Inspectorate should be given authority to determine appeals against decisions or failure to take decisions under section 21 of the Planning (Hazardous Substances) Act 1990?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q9	Do you agree that the Planning Inspectorate should be given authority to determine appeals under section 208 of the Town and Country Planning Act 1990 against section 207 notices for the replacement of trees?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q10	Are there any additional comments you wish to make in relation to these changes to the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997?
Comments: Dim sylwadau.	

I do not want my name/or address published with my response (please tick)

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How to Respond

Please submit your comments in any of the following ways:

Email

Please complete the consultation form and send it to :

planconsultations-g@wales.gsi.gov.uk

Please include 'Planning and Related Decisions of the Welsh Ministers - WG 23275' in the subject line.

Post

Please complete the consultation form and send it to:

**Planning and Related Decisions of the Welsh Ministers Consultation
Decisions Branch
Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3 NQ**

Additional information

If you have any queries on this consultation, please:

email: planconsultations-g@wales.gsi.gov.uk ; or

telephone: Lewis Thomas on 029 2082 3201