

Carl Sargeant AC / AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-472
Ein cyf/Our ref CS/00451/14

William Powell AM
Chair Petitions committee

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29th April 2014

Dear William

Thank you for your correspondence of 25 March requesting views on additional comments from the petitioner in respect of the petition 'Make the MTAN law'.

With regard to commenting on specific cases, the position I adopted reflects standard procedure. I am not able to comment on 'live' cases because this could prejudice any decision that I may wish to make if a case comes before me. Nor am I able to comment on cases which I have determined, or were determined by an inspector on my behalf, because the law (section 79 (5) of the Town and Country Planning Act 1990), states that any decision I may wish to make is final. The practical effect of this is that it is not open to me, or to a planning inspector, to comment on a decision made, the reasons behind a decision, or to reconsider a decision. In addition, I understand that it may be likely that a new application will be submitted in relation to the Varteg site. That anyone can submit an application at any time on the same site tends to reinforce the reasons for the standard procedure that I am bound by.

Therefore, the committee will wish to note that the Planning Inspectorate would not be able to answer questions about specific cases. In general, if objectors have concerns about the conduct of an inspector then they can instigate a complaint through the complaints procedure operated by the Planning Inspectorate. This should ideally be done at the time of the Inquiry, although it should be noted that this would not affect any decision made. A decision made can only be challenged in such circumstances by seeking a judicial review.

The issue about learning lessons from past cases can again only be considered in a general sense because cases are considered on their merits. National planning policy is kept under review as a matter of course and the comments made in the correspondence of 10 February 2014 have therefore been noted.

The petitioner expresses concern about the responses given at the evidence session and that the nature of the petition had been misinterpreted. I can say that the terms of the petition and the spirit of the petitioners' evidence was fully taken into account, but you will appreciate that as one of the motives for the petition was the Varteg application, care had to be taken to address the evidence in a general way.

It was noted that the concerns expressed were focused on perceived differences in the interpretation of MTAN 2 and that all people and organisations, including planning inspectors, should be 'singing from the same hymn sheet'. It was felt, however, that the most appropriate way of addressing the concerns was to put forward contextual evidence on the nature and characteristics of the planning system, as well as to advocate support for the current approach in which it is for both local authorities and planning inspectors to accord MTAN 2 'appropriate' weight in any given circumstance.

Finally, I promised to keep the Committee updated about the coal restoration research. I can now advise that I agreed to publish the report we have received on 18 April. The report can be found on our website at the following link:

<http://wales.gov.uk/topics/planning/planningresearch/publishedresearch/failure-to-restore-opencast-coal-sites-in-south-wales/?lang=en>

I hope this information is of assistance.



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