



Co Yr Hen Felin Newport Pembrokeshire SA42 0PL

[Sandrabayes1@btinternet.com](mailto:Sandrabayes1@btinternet.com)

To Julie James SM

09/10/2020

Dear Ms James

Neil Hamilton SM has forwarded your reply to his email of 15<sup>th</sup> August regarding Newport Area Environment Group (NAEG)'s request that Pembrokeshire Coast National Park Authority (PCNPA) be directed not to adopt their replacement Local Development Plan (LDP2) because it is unsatisfactory, unless and until it first addresses the areas of concern raised by us in relation to its soundness.

You conclude as follows:

*"Having considered all the issues raised by NAEG, I do not consider it appropriate to use Welsh Ministers' intervention powers under section 65(1) or (4) of the PCPA 2004 as I consider the plan is satisfactory and able to be adopted."*

Surely, the plain facts of the case are that as a "Welsh Minister", unlike the equivalent position in England where like powers are conferred upon a Secretary of State (as to which see ss.61B(10) of the 1990 Act) you do **not** enjoy any powers at all under the said s.65 of the 2004 Act. Instead, those powers are conferred solely and exclusively upon the National "Assembly", and not instead upon Government Ministers. Neither can there be any confusion deriving from the fact that at the time of the enactment of that provision, the Executive government here in Wales was known as the "Welsh Assembly Government"; since, s.78(4) of the said 2004 Act, goes on to make plain that the use of the term "Assembly" as used in that Part of that Act refers to the "National Assembly for Wales", and not otherwise.

To be clear, NAEG did not write to you as a 'Welsh Government Minister' or indeed even as a member of the Welsh Government and had not asked you to intercede as a 'Minister'. We wrote both to Mr. Hamilton, and indeed yourself, as members of the present Welsh Senedd (formerly the National Assembly for Wales); ie. as members of the Welsh legislature and not its Executive Government, upon whom, here in Wales, certain important constitutional powers are conferred as checks & balances against executive action taken either by national or indeed local government authority, such as by an LPA. We feel sure that as a constitutional lawyer yourself you will recognise the crucial importance of a person, holding both legislative & executive powers, knowing clearly which hat they are wearing when they act, and why.

NAEG wrote specifically requesting that the Senedd's powers (those both formerly and formally conferred upon the National Assembly for Wales) are used under Reg. 28 of the Town and Country Planning Act (Local Development Plan) (Wales) Regulations. Reg 28 states under "Direction not to adopt an LDP"

*28.—(1) Where, in relation to an LDP, the person appointed to carry out an examination under section 64 has complied with subsection (7) of that section, **the National Assembly** may at any time direct the LPA not to adopt that LDP until the National Assembly has decided whether to give a direction under section 65(1) or (4). (our emphasis)*

*Emphasis by boldening added*

Only in this way is a system of checks and balances provided in the process of LDP development as derived from both s.65 of the 2004 Act and 61B of the 1990 Act capable of faithful observance.

You say that

*“With regard to the four specific policy areas where NAEG are seeking modifications, I am content they have been made known through the statutory plan making process and have been considered by the appointed Inspector through a public examination and see no reason to intervene on this basis”*

NAEG is not denying that we took part in the plan making process, but we are saying that our voices were not heeded, and we are asking Senedd Members (especially those with territorial constituency association including here in North Pembrokeshire), as elected representatives with political responsibilities for the concerns of local electors – as opposed to you with duties as a Minister with administrative responsibilities to ensure that everything is done according to the rules - to check that the decisions made by Pembrokeshire Coast National Park Authority are indeed politically as well as administratively sound.

We are seeking that our elected representatives, of which you are one, backs that the decision of the Planning Inspector is not politically acceptable, as it does not accord with the wishes of the people.

As constituents we are asking for the support of Senedd Members by directing that the PCNPA LDP Replacement is not adopted, so as to achieve

1. **A Principal Residence policy** to apply only to all new housing within PCNPA LDP2 Policy 3 specific to Newport. The few homes that it will be possible, because of landscape constraints, to build here within the LDP2 period, must be occupied by those who will contribute year round to the economic, social and environmental wellbeing of the area. We invite you to peruse the attached materials justifying this proposal which we presented at the Examination
2. Reinstatement, instead of removal, of the Mixed Employment Allocation for Newport. Covid 19 has brought home the danger of Newport’s over-reliance on tourism and the need to diversify the economy.
3. Land based support for improved green infrastructure, including community allocations for community growing food and allotments, a reduced minimum number of houses per hectare to enable adequate SUDS and garden sizes in affordable housing and house design and construction to eliminate the need for fossil fuels
4. A housing mix policy which meets the wellbeing needs of this and future generations, including for affordable housing, taking into account the needs of the elderly and disabled, improving space standards applied to affordable housing, specifying a high proportion of homes built to lifetime standards, providing for the needs of young aspiring families who otherwise leave, and encouraging and supporting self-build

As a Senedd Member yourself, and specifically as the Labour Member for Swansea West, you surely appreciate the recent adoption by Swansea City & County Council of an approved policy, on new build housing in wards within or adjoining the Gower AONB<sup>1</sup> deliberately designed - by means of an ‘*only or principal home*’ condition among other requirements (directly comparable to that which we seek here in Newport within a National Park) ; and intended to specifically protect the housing needs of poorer residents yet living in highly attractive & desirable locations, who would otherwise be struggling to afford, in competition on the open market, to live in a new build house. Why is such enlightened & progressive policy provision appropriate for the working locals of Newton, Gower; but yet apparently is not for the working local people of Newport, Pems ?

We should be grateful if you would be prepared to look at our request again, using powers as a Member of the Senedd, from a political rather than an administrative point of view.

Thank you again for your kind interest and attention.

Yours sincerely, Sandra Bayes Secretary, Newport Area Environment Group

---

<sup>1</sup> As to which see now at p.468 of the Swansea LDP 2010-2025 re its Local Needs Housing Zone.