



# Janet Finch-Saunders AC/AM

Aelod Cynulliad dros Aberconwy

Assembly Member for Aberconwy



Julie James AM,  
Minister for Housing and Local Government,  
Welsh Government,  
*By Email*

11 February 2019  
Ref: MJ/JF14  
Your Ref: JJ/05013/19

**Private and Confidential**

**Re: Marl Lane Planning Application**

Office of Janet Finch-Saunders AM,  
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Dear Minister, Julie,

I am writing with regards to planning application 0/43059 of Conwy County Borough Council, and APP/T6905/A/17/3188913 of Planning Inspectorate Wales. This concerns the now approved residential development comprising of 110 dwellings and associated works in Llandudno Junction.

As you will recall from reading the letter I sent the Welsh Government dated 21/12/19, I asked about penalties for the Inspectorate's delay in handling the case, for an explanation as to why it is deemed unnecessary for Planning Inspectorate Wales to consult with all interested parties when there has been a significant legal change, and for representation based on Planning Policy Wales (edition 10) (PPW 10) to be invited. A copy of the letter is enclosed for your information.

You responded as the Minister now responsible for planning matters on 17/01/19. In this you advised that it would be inappropriate for you or any of the Welsh Ministers to comment on the appeal as to do so could prejudice the final decision. Whilst you addressed my question about penalties for missing deadlines, you did not answer my queries about consulting interested parties. Given that you had forwarded my correspondence to the Inspectorate for a direct response, I was hopeful of receiving an answer from that service.

Ms Isabel Nethell, Head of Service – Operations & Policy (Wales), Planning Inspectorate, wrote to me on 1/02/19. As you can see from the enclosed copy she did not address my question as to why the Welsh Government does not deem it necessary for the Inspectorate to consult with all interested parties when there has been a significant change. More so, she did not deal with my request that representations based on PPW 10 be invited. As such, it is apparent to me that my correspondence to the Welsh Government on 21/12/18 has gone partly ignored by both you and the Inspectorate.

Mi wnaiff Janet Finch-Saunders cadw unrhyw wybodaeth personol yn gwbl gyfrinachol, ac fel arfer mi fydd rhaid iddi rannu'r wybodaeth 'efo aelodau o staff i'w galluogi nhw i ddelio 'efo'r awdurdodau perthnasol er mwyn eich helpu a'ch cynorthwyo chi. Efallai mi fydd angen i rywun ysgrifennu atoch er mwyn darparu'r wybodaeth ddiweddaraf o bwys. Gadwch wybod i ni os nad oes diddordeb gennych mewn cael eich cysylltu at y diben hwn.

Janet Finch-Saunders will treat in confidence any personal information which you may pass on to her, and she will normally allow her staff to see it, so that they can consult with relevant authorities in order to help and advise you. We may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let us know if you do not wish to be contacted for this purpose.

## Cynulliad Cenedlaethol Cymru

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As I highlighted in the aforementioned letter, I did not think there a legal duty on the Inspectorate to seek comments from other interested parties. This is because of the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 (S.I. 2017/544) (Regulation 47). According to this regulation introduced by your Welsh Government, and in particular at sub-section 47(7), which refers to circumstances in which the appointed person needs to notify those involved in the inquiry about new material, allow them to make representations about new evidence, or to ask to re-open the inquiry, before making their decision, where the new evidence is Welsh Ministers' policy – such as PPW 10 – this requirement does not apply. I understand that if the bracketed text was not there, Welsh Ministers' policy would be subject to the notification/representations/request to re-open provisions in the same way as any other type of new material which the appointed person is minded to consider.

Given the above, I would be very grateful if you could kindly advise why my letter was not fully addressed by either yourself or the Inspectorate. More so, with regards to sub-section 47(7) of the above mentioned regulations, it would be very much appreciated if you could state why the Welsh Labour Government chose to specifically exclude Welsh Ministers' policy, and explain whether you might consider changing subsection 47(7) so that Welsh Ministers' policy is not excluded going forward.

Yours sincerely

**Janet Finch-Saunders AM/AC**

Enc – Letter to the Welsh Government 21/12/18; Letter from the Inspectorate 1/02/19