Cynulliad Cenedlaethol Cymru
National Assembly for Wales

The Petitions Committee

Completion Report

Summary of the Petitions Committee's consideration of P-03-067 Miners' Welfare Ground, Ty-Du, Nelson

November 2008

Presented
11 July 2007

Ruled Admissible
21 August 2007

Initial Consideration

20 September 2007

The Committee considered the petition and requested a legal briefing to provide additional information on the legal issues surrounding the petition.

(See Annex 1 for the relevant extract from the transcript of the meeting on 20 September 2007)

22 November 2007

The Committee considered the paper from APS legal services and agreed to write to the Minister for Environment, Sustainability and Housing to recommend that the planning application be considered against the criteria for call-in, and to write to the Deputy First Minister to request consideration of the petitioners' request that the land be returned to local use.

(See Annex 1 for the relevant extract from the transcript of the meeting on 22 November 2007, Annex 2 for the letter sent by the Chair to the Minister for Environment, Sustainability and Housing, and Annex 3 for the letter sent by the Chair to the Deputy First Minister)

21 February 2008

The Committee considered a response from the Minister for Environment, Sustainability and Housing, and agreed to await her final decision on the planning application.

(See Annex 1 for the relevant extract from the transcript of the meeting on 21 February 2008, and Annex 2 for the response from the Minister for Environment, Sustainability and Housing)

6 March 2008

The Committee considered a response from the Deputy First Minister, and resolved to await the decision of the Minister for Environment, Sustainability and Housing.

(See Annex 1 for the relevant extract from the transcript of the meeting on 6 March 2008, and Annex 3 for the response from the Deputy First Minister)

10 April 2008

The Committee considered a response from the Minister for Environment, Sustainability and Housing, and agreed to write to the Deputy First Minister to ask what consideration has been given to returning the land to local use.

(See Annex 1 for the relevant extract from the transcript of the meeting on 10 April 2008, Annex 2 for the response from the Minister for Environment, Sustainability and Housing, and Annex 3 for the letter sent to the Deputy First Minister)

2 October 2008

The Committee considered the response from the Deputy First Minister and agreed to write to him regarding his consultation with the Community Council.

(See Annex 1 for the relevant extract from the transcript of the meeting on 2 October 2008, and Annex 3 for the response from the Deputy First Minister, and the letter subsequently sent to him)

20 November 2008

The Committee considered a response from the Deputy First Minister and agreed to close the petition as they felt unable to progress it any further.

(See Annex 1 for the relevant extract from the transcript of the meeting on 20 November 2008, and Annex 3 for the response from the Deputy First Minister)

Petitions Clerk
November 2008

Annex 1

Val Lloyd: The next petition refers to the miners' welfare ground at Tŷ-du in Nelson. I have some information on this. The Minister has received several requests to call in the planning application and is considering it.

Michael German: This has been a very longstanding issue. I was involved in it in about 1999 when the Assembly first started. At that stage, the Welsh Development Agency was planning or thinking about developing it. Again, the issue of what is a welfare ground—I am not sure whether there is there another word for it in planning terms, but a public space or a village green, which is the difficult bit—has enormous implications. There is an issue running through Cardiff at the moment, which has been going on for years, about whether a site is ready for development. In the Cardiff case, the development is for housing and the issue is whether it is a village green or not. Even now, I think that they are only three quarters of the way through that case.

It is a very tricky issue and one which, clearly, the Minister has a big role in, because not only is the Government the owner of part of the site, and the proposed developer, it is also being asked by another route to be the caller in of its own application, or of an application in which it has a big interest as a developer. However, it is an issue for Ministers, and, for the life of me, I cannot see a way in which a committee could make a difference to this application. What matters here is the level of scrutiny of those two roles that the Government plays and the petitioners are right to ask why it is doing this. I suspect that we might want to write to the two different parts of the Government—the bit that is the developer and the bit that is the regulator in terms of planning—to try to get some form of response to both sides of the argument. You better warn it that we are asking the two different parts, so that we get a consistent reply.

Val Lloyd: Are there any comments?

Andrew R.T. Davies: If the Minister is considering calling this in, it will be going to a third party, and the inspectorate is completely devolved from the process.

Michael German: That will only happen if the Minister agrees the call-in.

Val Lloyd: I have not spoken to the Minister; it was just in passing. I spoke to a local Member.

Andrew R.T. Davies: Do we know what stage it is at?

Val Lloyd: I think that it is very early on. It has gone in, but it is very early on in the process.

Michael German: Perhaps one thing that we could do, Chair, is to ask the petitioners to come to explain to us why they think that this application should be called in.

Val Lloyd: Yes, I would be happy with that.

Michael German: We could then put those views to the Minister.

Andrew R.T. Davies: What sort of timescale are they working to with regard to the application?

Val Lloyd: I only heard today—

Andrew R.T. Davies: Yes, but how long has Caerphilly County Borough Council had it?

Michael German: I think that the date is November.

Val Lloyd: We could ask the petitioner to come in next time.

Ms Jackson: One thing that you need to be careful about in considering what would be the petitioner's case to the Minister, because, if you recall—sorry to be harking back to the last Assembly and the planning decision committee—

Andrew R.T. Davies: It might be useful for Bethan and me.

Ms Jackson: The Chair and Mr German will recall that any Member sitting on a planning decision committee had to go through some training in dealing with planning law and acting in a quasi-judicial capacity before they were able to sit on the committee. If you are, effectively, asking a group to come in to give what is, effectively, its case in relation to a planning issue then, with respect, you have not all had training in evaluating a planning application. There are certain criteria to be satisfied for an application to be called in. I have the criteria that the Minister in the previous Assembly was required to have in determining whether a matter should be called in or not. I cannot say with conviction whether the same criteria are being relied upon now. So, that is just a word of caution on that.

Michael German: The difference, Chair, is that we are in no way a determining committee. I understand the need for training in order to sit on a planning decision committee, because, clearly, it is going to be making decisions. All we will be doing, presumably, is elaborating on those views and passing them on to the Minister.

Val Lloyd: We would be making a judgment on them—

Ms Jackson: Yes, on whether you should pass it. There could be an issue as to whether you were recommending it or not.

Andrew R.T. Davies: The people that we would be asking to come in are not the applicant for the development, but an interested group.

Ms Jackson: No, but the Welsh Ministers have this quasi-judicial role in making the determination. The decision that is made with regard to whether to call in or not could possibly fall into the realm of one which could be judicially reviewed. Then the question would arise of whether it was reasonable to take into account what you said, or not. You do not want a lecture on judicial reviews; we do not want to go there today. It is just a word of caution and I thought that I should bring it before you.

Michael German: Maybe we should look at the other side of the coin. That is, why does the Assembly want to be a developer in this particular patch? This is the economic development side, as opposed to the planning side. The Government is applying, through Caerphilly council, on its own property—it does not own the whole site, but it owns part of the site—to be a developer.

Val Lloyd: Yes, it is putting in a planning application.

Andrew R.T. Davies: It would have been part of the Welsh Development Agency's remit at one time, but now it is within the Government. When the WDA was doing it, it

would have been within its remit to develop and achieve maximum value, would it not, because it was an executive agency?

Val Lloyd: Presumably, the Government is doing it for a similar reason. I do not know.

Andrew R.T. Davies: Would it have the same remit as the WDA had?

Val Lloyd: Could you give us an opinion on this? I am frightened that we will cross boundaries that we should not cross and cause problems in the future.

Ms Jackson: It has thrown me a bit, really, because I was not aware that there was a call-in under consideration.

Val Lloyd: I was told about a half an hour before I came to the committee meeting.

Andrew R.T. Davies: Shall we put the petition before the next committee, as it is only a fortnight away?

Val Lloyd: Yes, that will give us time to think about it.

Ms Jackson: I am sorry, but I would rather be a bit more reasoned about it than unintentionally mislead you.

Val Lloyd: We are very grateful for your wisdom and comments, and I think that that is the best course of action.

Michael German: Shall we say that there will be further consideration of the legal implications of the issues surrounding this petition?

22 November 2007

Val Lloyd: I will start with petition P-03-067 on the miners' welfare ground at Nelson. We have a paper from the Assembly Parliamentary Service's legal service and I will ask Joanest to lead on this.

Ms Jackson: Thank you. I am grateful for your forbearance in waiting for this paper. I do not know whether it was worth waiting for, because I do not think that it adds much to the comments that I made at the meeting when the petition on the miners' welfare ground at Nelson first came before you. As requested, I have, in the early paragraphs of the report, indicated the position relating to the transfer of functions of the Welsh Development Agency to, initially, what we might call the old Assembly and where many of those functions now lie, post May 2007.

I have also outlined what Welsh Ministers would consider to be the criteria against which they consider applications in which a call-in needs to be considered. I have been told that these were the criteria adopted in the old Assembly. I made some inquiries, and the information that I received was to the effect that there had been no change. So, to the best of my knowledge, those are the current call-in requirements. I have outlined, from paragraph 5 onwards, matters relating to the making of recommendations—this committee's remit—reiterating my advice in respect of a judicial review, acting in a quasi-judicial capacity, not aiming to raise expectations outside of the organisation in respect of matters on which the committee cannot make a decision.

Moving on to my advice to you, in paragraph 9, I say that the petition could be referred to the Welsh Ministers, but that it would be unwise to recommend that the application be called in, for the reasons previously referred to, although it would be open to you to recommend that it should be considered against the criteria for call-in.

Val Lloyd: Thank you.

Jeff Cuthbert: I am, again, grateful to the Chair and to the committee for allowing me to attend and to speak on this matter, which is of great importance to my constituents, particularly those living in Nelson, who would be affected by this. I have read the legal advice very carefully, and I will not question it. Indeed, I recognise what you say in the bullet points under paragraph 4 about the criteria that the Minister would look at in terms of calling in any proposal.

The last two bullet points raise issues of national security—that does not apply to Tŷ Du, as far as I am aware. I do not think that there is anything particularly novel in the planning issues. However, in terms of the first four bullet points, there could be grounds for judging it against those criteria. We are talking about 47 acres of open land, some of which was used for recreational and playing fields in the past, and the miners' welfare ground accounted for 7.5 acres of that. It was handed over to the council, then to the WDA and now to the Assembly. That is what this petition relates to. For what it is worth, I fully support local residents in this regard.

The building of houses and industrial business units on the 47 acres, which is a large area, would massively alter the nature of the village of Nelson. For those of you who are not familiar with the area, it is a village a few miles up the road from Ystrad Mynach; Treharris and Trelewis lie to the north and Pontypridd lies a few miles to the west. So, its identity would be altered significantly and there would be massive implications for traffic flow through the village and on the A469. Those are issues to which the council and the local planning authority must give consideration, and, as far as I am aware at this stage, no date has been fixed for the matter to come before Caerphilly County Borough Council planning committee. However, recent developments may have overtaken that.

I think that there is merit in the petition's request for the 7.5 acres to be passed back, in some way, to the residents of Caerphilly; I know that it is a bit like asking the Assembly to dispose of its assets for nothing, but it could, perhaps, be rented back at an annual peppercorn rent for the use of local people. I remain very concerned that, if the suggested developments that are flagged-up for the Tŷ Du site are allowed to go ahead, the change that it would bring to the area would be detrimental. I am not dismissive of the notion of factories and jobs, but I am not convinced that it would bring that many jobs, because there are empty sites on industrial parks not too far away. More attention needs to be given to that. Having said that, the changes that it would bring to the nature of a village like Nelson would be massive and way beyond proportion.

Michael German: I support everything that Jeff has said, and I also note what Joanest said about the criteria in paragraph 9 of the report. I would consider that the last sentence of that paragraph should be our recommendation. However, raising novel planning issues is one of the criteria, in this case, against which it could be judged. I am talking about the previous application for this site to be designated a village green. It is the only large-scale green space in Nelson and it is the only community facility of its kind. It has always been—and there is a history there, so it is since the 1920s—used for that purpose.

In 2002, there was an application to create a village green. I have read the document with this paper but I have also read the judgment, which refers to the matter falling on the grounds of a legal technicality as opposed to something substantive. As it fell then, it will not be possible to make an application for a village green again, because there has been an application on a similar basis before. So, in a sense, this is a novel planning issue, because this is, effectively, a site that could be determined as being a village green, but that was refused that on the grounds of a technicality. Apart from that of national security—and I agree with Jeff that it is unlikely that this would cause problems with national security—there are grounds that could be developed under each of these criteria, and I would certainly be in favour of making the recommendation to the Minister that it is considered against the criteria before us.

Val Lloyd: Does anybody want to add anything to that?

Andrew R.T. Davies: I am grateful for the report but I am wary about this committee doing call-ins. I have registered that before. The facility is open to Members anyway and, while the petitions system offers a way of raising constituency issues, we need to tread very carefully on call-ins. I agree with Joanest's point of view that she would not recommend that the committee recommends a call-in. However, by all means pass the petition on.

Val Lloyd: I agree. We must be very careful on those issues. Now that we have it in writing and it has been spelled out for us, we have no excuse to fall over that line. There are other methods. Shall we agree on the other method at this time, namely to send it to the Minister with a recommendation that the matter be considered against the criteria for call-ins? Is it okay, legally, for us to use that phrase, Joanest? Perhaps when the letter is written, you can consider it for us.

Michael German: It will be a bit tricky if she has already given us that advice in writing.

Ms Jackson: I will liaise with the clerk. When the report was prepared, I did not refer to paragraph 10, which related to Nant Cylla. It did not seem appropriate to refer to it given what had transpired at the beginning of the meeting under that specific item.

Val Lloyd: So, we are all agreed on that.

Jeff Cuthbert: I am very pleased with that, but the petitioners request that the site, which is the 7.5 acre former miners' welfare ground, be returned to the ownership of the village for its use. Can we look at ways and means of facilitating that? I am not saying that the National Assembly for Wales should hand over assets to anybody, necessarily—although I would not oppose it, as such—but is there some way of leasing it back at a peppercorn rent? Can we see what options there may be so that that piece of land can at least be returned to serve its original purpose?

Val Lloyd: I ask for your view on that, Joanest. Would the Minister consider that while considering the call-in, or would we have to ask for that to be done specifically?

Ms Jackson: I think that you would have to make specific reference to it, because they are two distinct issues. Planning deals with land use, not land ownership, so there is a difference between an issue of where the ownership of the land should remain and one of how it is used, and I am not even sure whether it is the same Minister who would be responsible for an issue regarding the Government's estate and an issue relating to exercising functions under the Town and Country Planning Act 1990.

Jeff Cuthbert: All that I am asking is that the specific sentence in the paper that we have in which the petitioners request that the site, which is the former miners' welfare ground of 7.5 acres and which is now owned by the Welsh Assembly Government, be returned to the village. The petitioners use the word 'ownership', which would be marvellous, but I think that we should perhaps use the word 'use' in terms of handing it back or agreeing some sort of long-term lease at a relatively small rent—whatever may be possible. I am looking at whether it can be explored to see what might be possible.

Val Lloyd: I wish to take advice from the clerk regarding how we would explore it.

Mr George: If this land is owned by the Welsh Assembly Government or by Welsh Ministers, we can ask them whether they are free to dispose of it and whether they would consider what Jeff has suggested. However, as Joanest has said, there is a question regarding the ownership. Are we clear that this is definitely land that is owned by the Welsh Ministers, which they are free to dispose of in that way? If so, we can simply write to them.

Michael German: The land was owned by the WDA and has been passed on.

Jeff Cuthbert: That is in Joanest's report.

Mr George: If that is the case and that is what the committee wishes to do, we can ask the Minister with responsibility for planning, or the Minister for Finance and Public Service Delivery, or whoever is responsible for this.

Andrew R.T. Davies: Surely, the responsibility falls within Ieuan Wyn's economy portfolio, does it not? The WDA was absorbed into that department, so is that department not accountable in terms of that land bank?

Val Lloyd: The legal advice is that we should check it out before we write the letter. However, we are agreed on the principle that we will do that and write a letter using, very carefully, the words in paragraph 9.

21 February 2008

Val Lloyd: The first update is on the petition on the miners' welfare ground in Tŷ Du, Nelson, which has been with us for a little while. We now have a letter from the Minister, of which you have a copy, and it informs us that her department has received requests to call in the application on this site and that it is not currently in a position to decide. I would imagine that it would be helpful to wait for an update from the Minister.

Michael German: The problem, as I understand it, is that she does not give herself much time—she only gives herself three days. I will ask Joanest for some help on this. Does this mean that the Minister has just three days in which to decide whether to call it in? Once it goes to the planning committee for determination, it is too late for the Minister to effect call-in. Have I got that right?

Ms Jackson: I think that she can still call it in after it has made a determination.

Michael German: Until when? I am sorry, but I do not know the answer to this. There is a nice briefing note from the Assembly Parliamentary Service, which is helpful on this matter. Once it has been determined by a local authority, it cannot be called in.

Ms Jackson: It can still be called in.

Val Lloyd: It can be called in.

Michael German: It can be called in after—

Val Lloyd: After a decision is taken, if it is contrary to the unitary development plan.

Ms Jackson: There are criteria for call-ins. For example, often matters are called in where a local authority is intending to depart from an established policy. The decision can then still be called in, and it may often be the case that an authority will be directed if it decides to take a certain course of action in a particular category of cases. However, there will be an automatic call-in on some matters.

Michael German: That is fine, then. I just wanted to know the timescale.

Val Lloyd: We will await the Minister's update

6 March 2008

Val Lloyd: The first petition is on the miners' welfare ground. This petition has been ongoing for some time. We have received a response from the Minister for Environment, Sustainability and Housing. We discussed this petition at our meeting on 21 February and we agreed to await a further update from the Minister. We also received a letter from the Deputy First Minister on 19 February; I believe that a copy of that paper is attached. Do Members have comments on further action?

Michael German: Ieuan's letter refers to keeping the town council in touch, but the petitioners here are not the town council. Therefore, we could send this letter to the petitioners, which would be helpful, but maybe we could also ask Ieuan to keep in touch with the petitioners and give him the lead petitioner's name and address. I do not know where we are with the planning application—I do not know whether we have had any information as to when Caerphilly County Borough Council is going to determine the planning application, because that is when this comes back into play. I believe that we should keep it open until the planning application has been determined by Caerphilly council, and then consider whether the issue of amelioration, which Ieuan is proposing, is relevant to that point. I do not know how it will be determined, or whether it goes one way or the other.

Val Lloyd: I do not believe that we can close it yet, as we are awaiting a further update. Jane Davidson has written to us, but a further update is awaited, so I think that we will await all those replies.

Michael German: If we could ask Ieuan to keep in touch with the petitioners, and send in a copy of this as well, that would be useful.

10 April 2008

Val Lloyd: We now turn to the Miners' Welfare Ground at Nelson.
Michael German: The planning application is determined, Chair, but what is not determined is what the Minister with responsibility for economic development proposes to do with the land, because receiving planning permission does not mean that the Minister must go ahead with a certain proposal; he can choose to do something different. The ball now falls in a different Minister's court, and, to start off

with, we ought to seek the views of that Minister on whether part or all of this site should be retained as a welfare site.

Val Lloyd: We have not had any response from the Minister expressing his views on returning the land to local ownership, so shall we take that forward? We raised two points in our letter, and he has responded, but not fully. It was probably an oversight.

2 October 2008

Val Lloyd: Another long-standing petition is the one on the Miners' Welfare Ground at Nelson, in Caerphilly borough. As you see in your papers, we have had a communication from Ieuan Wyn Jones, the relevant Minister, stating that the land is required as part of the overall development and that there is no intention to return it to the control of local residents. However, he is keen to ensure that the development is beneficial to the community and aims to involve the community in the development wherever possible. So, there has been considerable movement since we started to consider the petition. Does anyone want to comment?

Andrew R.T. Davies: It is a get-out-of-jail-free card, is it not? The decision has been made, but the Assembly Government will consult. Ultimately, a decision has to be made. Sadly, not everyone always signs up to such decisions. In this instance, rightly or wrongly, a decision has been made, and it is to be hoped that people will engage with the consultation process. I feel that there is little we can do, as the Petitions Committee, to take this any further. Therefore, I believe that the petition should be closed. We may or may not agree with the decision, but it has been taken and, therefore, a natural conclusion has been reached.

Val Lloyd: I do not think that there is anything more that we can do. Mike, do you have a point to make?

Michael German: We might wait for a response from the Deputy First Minister on what happened at the meeting between the community council and the Welsh Assembly Government. We could then put that on the record before we close the petition, and we could forward that to the petitioners. We know that it will happen, so this may not be productive; he has said that it is an action that he will take. However, we should allow the petitioners, who may not be from the community council—in fact some of them are not—the opportunity to read about what happened.

Val Lloyd: Do we know how long that timescale will be?

Michael German: I should not think that it would be long.

Val Lloyd: I do not recall the timescale being mentioned in any of the evidence.

Andrew R.T. Davies: It is an ongoing consultation, is it not? I do not think that it is a one-off meeting.

Michael German: The Minister's letter states:

'I have asked my officials to meet with the Community Council to explore ideas and opportunities for the development.'

Val Lloyd: How about writing to the Minister and asking directly for the timescale on this? Should we do that or move to closure? I see that you would prefer to write. We will thank him for his letter and ask for an indication of the timescale.

Michael German: If he has met with them already, we can also ask what happened.

Val Lloyd: That would be even better, and I am sure that he would let us know.

20 November 2008

Val Lloyd: The third petition is on the miners' welfare ground. This petition has also been with us for some time, initially in September 2007, and we considered the updates in November 2007, February 2008, March 2008, April 2008 and October 2008. At the last meeting, we wrote as a committee to the Deputy First Minister, who has provided a response. He says that officials met with the community council in June, when they explained that there is no possibility of considering reinstating the miners' welfare ground. The Minister has offered to work with the community council to ensure that plans for biodiversity, dog walking and access to the site are considered, and he has offered to keep the community council informed of any major decisions. I also note that the petition is now being moved to the European Parliament by the people who brought it to us. Are there any comments?

Mr Davidson: Just to clarify, the petition that has gone to the European Parliament is not from the same group, but it is in relation to the same issue.

Val Lloyd: Right, thank you very much for that.

Andrew R.T. Davies: It is about how much we can do. The Minister has made his position crystal clear and, although we might not like the decision, that is the decision and that is what Ministers are charged with delivering. Hopefully, through the petitions process, we have shone a light on certain elements of this about which people feel aggrieved, but ultimately someone has to make a decision. There is scope to pass on the work that has been done to the European petitions system, if that is the correct protocol.

Michael German: I think that we are creating it.

Andrew R.T. Davies: We are creating the protocol because there is no precedent, I presume. However, as it is not from the same petitioners, is it right for us to pass it on or would it be for the petitioners to pass it on?

Michael German: Perhaps it is for the European Parliament to ask for it. I was going to raise the same point, Chair.

Val Lloyd: I do not know. I think it is up to us, do you not?

Michael German: Yes, it is our decision because this is a process in which we have engaged. We are setting a precedent, and it would be useful to establish a link with the European Parliament to ensure that there is a dialogue. There could be reciprocity so that the European Parliament would inform us of petitions it receives that affect Wales.

Mr Davidson: We have received correspondence from Marcin Libicki, the chairman of the European Parliament's Committee on Petitions, informing us that it has received that petition and asking whether this committee would be interested in sharing with it any of the information that it had gathered. On a related point, ministerial letters are all in the public domain.

Michael German: I am not talking only about this petition—I am thinking about future situations. We should set a good precedent by offering the work that we have been doing to the European Parliament's Committee on Petitions when there is a similar petition on a similar area. However, I would hope that the European Parliament would do the same for us. If it was dealing with something that was within the ambit of the National Assembly for Wales in some way or other, I hope that it would share information with us too.

Val Lloyd: Are there any opposing views on that?

Andrew R.T. Davies: I would be all for that, but perhaps place a caveat on that. I seek guidance on this, but if a petitioner provides evidence or information—I know that it is all in the public domain—that they have collated specifically as part of their campaign, and you often have two or three campaigns happening in an area because people will try different avenues to raise the profile, who has the right to pass on that information? It is almost like a copyright, so who has the right to pass it on to another jurisdiction? It is in the public domain and people can read it, but who has the right to say that you can use it in formulating another strand of an inquiry and another aspect of evidence-gathering? The petitioners have provided us with evidence that is specific to their cause, which they have collated themselves, and may have paid for, because they might have done a feasibility study for example. If we set a precedent, we must think about how you use the information that petitioners have provided that is personal to them.

Mr Davidson: Perhaps Joanest wants to elaborate on that, but we can take a look at that and come up with clear guidance for Members for the future. In this particular instance, I cannot see that there is an issue with sharing correspondence that this committee has received as a result of actions that this committee has taken. It would be for the committee to decide on that.

Bethan Jenkins: Surely we can ask the petitioner whether they are happy for us to send information on. If they are not happy with our sending feasibility studies or work that they have done to another body, we could reconsider.

Val Lloyd: I suggest that we record it that way and ask the clerk to write to the lead petitioner, suggesting that we will do that. If they say 'yes', the clerk can go ahead, do that and report back to us at the relevant meeting.

Michael German: We need to clarify that there is no objection.

Val Lloyd: We will close this petition for—

Andrew R.T. Davies: I agree entirely with those sentiments, Chair. We need to put a caveat about information in our procedures for future petitioners. It would be good practice for us to try to share information with other bodies and to have petitioners indicate whether they are happy with that at the start, rather than towards the end of the process. We are in new territory, and we all understand that, but that should perhaps be part of our terms of engagement with petitioners. We need to clarify it.

Ms Webber: It is something that we need to think through a little further. Perhaps we can have a chat with Joanest about the different types of information that we receive from different petitioners and the status of that information. We will come back to you on that.

Michael German: It is worth saying that every single piece of information that we have received has been, as far as I can judge, in the public domain. There was one occasion when we received—

Val Lloyd: Yes, there was one occasion.

Michael German: We need some clarity.

Ms Webber: It merits some extra thought and we will come back to you on this.

Val Lloyd: As you said earlier, this is new ground.

Michael German: All these precedents are creating history, Chair.

Val Lloyd: You can look at it that way.

Andrew R.T. Davies: You are looking for your place in history, Mike.

Michael German: It is the Chair who will be in the history books.

Val Lloyd: We have agreed to close the petition.

Annex 2

Y Pwyllgor Deisebau

Petitions Committee

Jane Davidson AM
Minister, Environment, Sustainability and Housing
Welsh Assembly Government
Cardiff Bay
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: P-03-067

23 January 2008

Dear Jane

PETITION – MINERS' WELFARE GROUD, TY-DU, NELSON

The Petitions Committee has been considering a petition opposing development of the
miners' welfare ground at Ty-Du, Nelson and requesting that the site be returned to the village for use by residents and future generations. The petition was presented by the Nelson Action Group which has collected 1692 signatures.

Information received from petitioners states that the ground and 40 acres surrounding it was subject to a Compulsory Purchase Order in 1997 when it became the property of the Welsh Development Agency. It has since been included in Caerphilly County Borough Council's Local Development Plan (LDP).

The petition essentially concerns two issues:

- The ownership of the land – they would like the land to be returned to the Nelson Village Partnership and Nelson Community Council

- The proposed use of the land – they are opposed to any development (as would be allowed under the LDP)

During its initial consideration of this matter, the Committee sought legal advice from APS Legal Services which advised that:

- Welsh Ministers have a determining role, whilst the Petitions Committee do not, and therefore it would not be appropriate for the Committee to make any recommendations to Welsh Ministers regarding calling in the planning decision

- The land would now be held by the Welsh Assembly Government, if it were previously held by the Welsh Development Agency

It is clear to the Committee that there is very strong local feeling about this issue, reinforced by Jeff Cuthbert AM when he spoke at our meeting on 22nd November to voice the concerns of his constituents. The Committee therefore requests that you

consider this matter against the criteria for call in. I should be grateful if you could keep the Committee informed of the decision you take.

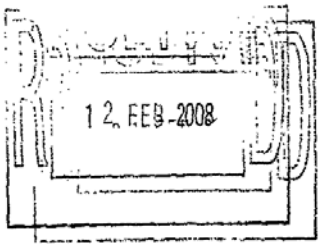
With respect to the ownership of the land, I will be writing to Ieuan Wyn Jones to ask that he considers the case for returning the miners' welfare site back to local people.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

Jane Davidson AC/AM
Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing

Llywodraeth Cynulliad Cymru
Welsh Assembly Government



Eich cyf/Your ref P-03-067
Ein cyf/Our ref JD/00126/08

Val Lloyd
WAG Petitions Committee
National Assembly for Wales
Cardiff Bay,
Cardiff
CF99 1NA

10 February 2008

Dear Val,

I am writing in reply to your letter of 23 January about the petition presented by the Nelson Action Group and subsequently considered by the Petitions Committee requesting that a planning application at the miners welfare ground at Ty Du, Nelson should be called in by the Welsh Ministers.

As you know, we have received requests to call in this application for a business park on land adjacent to Somerfield in Mafon Road, Nelson and these are currently under consideration. The petition will be taken into account as part of that process. In these circumstances it would not be appropriate for me, or any one else in the Assembly Government, to comment on the merits of the application.

It is likely that we will not be in a position to decide whether or not this application should be called in until we have received a copy of the Council's planning officer's report to Committee, which is usually available three days before the committee is due to meet. I will report the outcome of the consideration of the call-in requests to the Petitions Committee as soon as I am in a position to do so.

Yours,

Jane Davidson AM
Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing

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Jane Davidson AC/AM
Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref P-03-067
Ein cyf/Our ref JD/00126/08 & SF/JD/0079/08

Val Lloyd
WAG Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

4 March 2008

Dear Val,

I am writing in connection with your earlier correspondence about the planning application for a business park on land at Ty Du, Nelson.

I have considered the issues associated with the application in the light of the Welsh Assembly Government's policy on call-in (detailed in Planning Policy Wales) and conclude that they do not raise issues which warrant taking it out of the hands of the local planning authority. In view of this, I do not consider that the application should be called in for determination by the Welsh Ministers and it is now for Caerphilly County Borough Council to determine the application as it sees fit.

In reaching my decision I did not consider the planning merits of the proposed development and my decision not to call in the application should not in any way be taken as a reflection on the planning merits of the proposal.

The local planning authority are obliged to determine the application in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended).

Yours,

Jane Davidson AM
Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing

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Annex 3

Y Pwyllgor Deisebau

Petitions Committee

Ieuan Wyn Jones AM
Minister, Economy and Transport
Welsh Assembly Government
Cardiff Bay
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: P-03-067

24 January 2008

Dear Ieuan

PETITION – MINERS' WELFARE GROUD, TY-DU, NELSON

The Petitions Committee has been considering a petition opposing development of the miners' welfare ground at Ty-Du, Nelson and requesting that the site be returned to the village for use by residents and future generations. The petition was presented by the Nelson Action Group which has collected 1692 signatures.

Information received from petitioners states that the ground and 40 acres surrounding it was subject to a Compulsory Purchase Order in 1997 when it became the property of the Welsh Development Agency. It has since been included in Caerphilly County Borough Council's Local Development Plan (LDP).

The petition essentially concerns two issues:

- The ownership of the land – they would like the land to be returned to the Nelson Village Partnership and Nelson Community Council

- The proposed use of the land – they are opposed to any development (as would be allowed under the LDP)

During its initial consideration of this matter, the Committee sought legal advice from APS Legal Services which advised that:

- Welsh Ministers have a determining role, whilst the Petitions Committee do not, and therefore it would not be appropriate for the Committee to make any recommendations to Welsh Ministers regarding calling in the planning decision

- The land would now be held by the Welsh Assembly Government, if it were previously held by the Welsh Development Agency

It is clear to the Committee that there is very strong local feeling about this issue, reinforced by Jeff Cuthbert AM when he spoke at our meeting on 22nd November to voice the concerns of his constituents. The Committee therefore requests that you

consider the case for the land to be returned to the control of local residents. I should be grateful if you could keep the Committee informed of the decision you take.

With respect to opposition to the planning decision, I will be writing to Jane Davidson to ask that she considers the matter against the criteria for call in.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref 067
Ein cyf/Our ref DFM/00155/08

Val Lloyd AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

19 February 2008

Dear Val

Thank you for your letter dated 24 January 2008, regarding a petition opposing the development of the Miners' Welfare ground at Ty Du, Nelson, which forms part of the Ty-Du site comprising some 16 hectares (40 Acres).

The Miners Welfare Ground and the surrounding Ty-Du site is now in the ownership of the Welsh Assembly Government. A planning application for the site has been submitted to Caerphilly County Borough Council (CCBC) and the application is likely to come before the Council's planning committee in April.

I am also aware of the concern expressed by some members of the community and a meeting has taken place between my officials and Town Councillor Mrs Anne Blackman.

As a result, I have asked my officials to formally write to the Town Council to offer regular meetings to keep the Town Council informed of progress and to look at ways to work together for the benefit of the community should the planning application be successful.

I am content that all statutory obligations have been undertaken and we must now wait for CCBC to determine the planning application.

The planning decision does not lie with me, but I will ask my officials to keep you informed when CCBC determine the application.

Yours
Ieuan.

Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport

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Y Pwyllgor Deisebau

Petitions Committee

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Ieuan Wyn Jones AM
Deputy First Minister
Welsh Assembly Government
Cardiff Bay
CF11 1NA

Our ref: PET-03-067

16 April 2008

PETITION: MINER'S WELFARE GROUND, TY DU, NELSON

Thank you for your letter of 19th February in which you confirm that the Miners' welfare ground and surrounding Ty-Du site are in the ownership of the Welsh Assembly Government.

My committee discussed your response at the meeting on 10th April and concluded to write to you again for clarification on this matter. The petition specifically asks that the land is returned to the control of local residents, and I asked for your views on this in my letter of 24th January. I should be grateful for your response to this request and to confirm whether you have considered returning any portion of the land to local use.

Yours sincerely,

Val Lloyd,
Chair, Petitions Committee

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref PET-03-067
Ein cyf/Our ref DFM/00799/08

Val Lloyd AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

12 May 2008

Dear Val

Thank you for your letter dated 16th April 2008, regarding Miners' Welfare Ground at Ty Du, Nelson.

Caerphilly County Borough Council granted an outline planning permission for the Ty Du site on 5th March. The site will now be developed in accordance with the permission.

As the land is required as part of the overall development concept, there is no intention to return any of the land to the control of the local residents. However, it is important to ensure that the development is of benefit to the community and my officials would like to involve the community in the development where possible.

I have asked my officials to meet with the Community Council to explore ideas and opportunities for the development.

Yours
Ieuan

Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport

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Y Pwyllgor Deisebau

Petitions Committee

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Ieuan Wyn Jones AM
Deputy First Minister
Welsh Assembly Government
Cardiff Bay
CF11 1NA

Our ref: PET-03-067

8 October 2008

Dear

PETITION: MINER'S WELFARE GROUND, TY DU, NELSON

Thank you for your letter dated 12 May 2008 in which you confirmed that your officials would be meeting with members of the Nelson Community Council to discuss ideas and opportunities for development of the Miners' Welfare Ground in Nelson. The Petitions Committee further considered this petition at its meeting on 2 October and resolved to write to you to ask whether this meeting has now taken place, and if so what the outcome of that meeting was.

Thank you for your consideration of this matter, I look forward to your response.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

Ieuan Wyn Jones AC/AM
Dirprwy Brif Weinidog /Deputy First Minister

Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref PET-03-067
Ein cyf/Our ref DFM/01899/08

Val Lloyd AM
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

30 OCT 2008

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24 October 2008

Dear Val

Petition: Miner's Welfare Ground, Ty Du, Nelson

Thank you for your letter, dated 8th October regarding the above petition.

My officials met with the Community Council on 4th June 2008, which enabled an initial discussion to take place regarding the Assembly Government's plans for the redevelopment of the larger Ty Du site, in line with planning permission for the development of a high quality office/business park.

It was explained that there was no possibility to consider re-instating the Miners' Welfare ground as that area is required as part of the overall redevelopment for the business park. Officials have also offered to work with the Community Council to ensure that plans for bio-diversity, dog-walking and access to the site are considered.

My officials offered to keep the Community Council informed of any major decisions that will affect the site and to attend any future meetings if the Community Council were minded to invite them. I am informed that no request has been made by the Community Council to attend future meetings, to date.

Yn gywir,
Ieuan

Ieuan Wyn Jones
Gweinidog dros yr Economi a Thrafnidiaeth
Minister for the Economy and Transport

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