

To: First Minister

From: Permanent Secretary

Date: 24 June 2014

Report to the First Minister on the observance of the Ministerial Code by the Minister for Natural Resources & Food, in respect of the Circuit of Wales.


You asked that I enquire into the circumstances surrounding the possibility that the Ministerial Code was not, or not fully, observed by Alun Davies AM, Minister for Natural Resources and Food, in respect of the planning and related procedures for a project within his constituency – that is, the Circuit of Wales project. You wanted to understand the facts and circumstances of the case.

2. The scope of this enquiry has therefore been to assemble the relevant facts and relate them to the provisions of the Code. I am not asked to make recommendations as to the consequent actions in respect of observance or otherwise of the Code, which is a matter for you; as indeed is the final judgement on observance of the Code itself.

3. I should also add what is obvious, but for the sake of completeness, that this enquiry relates to the Ministerial Code and does not draw, nor imply any findings on the substance of the planning and other formal procedures involved in the case.

4. As you asked, I have not discussed this with the Minister as you intend to do so yourself before reaching conclusions.

4. The report is attached.



Derek Jones

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Background

1. In February 2013, the Heads of the Valleys Development Company submitted a planning application to Blaenau Gwent County Borough Council (BGCBC) seeking permission for the development of a motor-racing course which would be used for international sporting events. The project is known as The Circuit of Wales. The application involved the development of large areas of land currently designated as Commons Land. The proposed development is within the AM constituency of Mr Davies.
2. The proposed Circuit of Wales project is a significant, potentially very valuable, but also controversial project. It has been argued that the project will bring great employment and economic benefit to Blaenau Gwent and therefore the proposed development has attracted much public support within Blaenau Gwent and more widely. The project has also attracted strong opposition, particularly in respect of concerns that the project could have a major negative environmental and ecological impact. One of the purposes of the Planning system and related processes is to reconcile such conflicting views.
3. On 14 March 2013, Mr Davies was appointed Minister for Natural Resources and Food. The operations and activities of Natural Resources Wales (NRW) fall within Mr Davies' Ministerial portfolio. Natural Resources Wales is the principal adviser to the Welsh Government on the environment. This advisory role includes advising the Welsh Government on whether applications are likely to affect sites of nature conservation to such an extent that the application should not be determined by the local planning authority, but should instead be 'called in' for determination by the Welsh Government itself.
4. On 20 May 2013, BGCBC consulted NRW on an addendum to the Environmental Statement which had been submitted in support of the application. NRW responded to this consultation on 5 June 2013 stating that, "*we remain concerned about the likely adverse effects of the current proposal on:*
 - *Landscape and visual aspects particularly in relation to effects on the Brecon Beacons National Park.*
 - *Biodiversity – Loss of Biodiversity Action Plan Habitats and impact on protected species.*
 - *Loss of Common Land and implications for management of the adjoining common land/BBNP*
 - *Loss of peat soils and implications for carbon emissions.*
 - *Effects on water quantity and the quality of watercourses within and adjoining the application site."*
5. The NRW response to the BGCBC consultation concludes, "*we have taken into consideration any mitigation proposed which would help to offset the environmental impacts and it is NRW's view that there remains unacceptable environmental risk. Natural Resources Wales therefore objects to the application and recommends that it is refused," and "from the information provided, we consider that the impacts of the proposed development remain*

essentially the same as those objected to by the legacy bodies and that, as proposed, the development would have significant environmental impacts. NRW therefore objects to the application and recommends that it is refused." The response does not set out suggestions on how the NRW concerns could be managed or mitigated.

6. On 10 June 2013, the Planning Division of the Welsh Government wrote to NRW following requests from several parties that the Welsh Government call in the Circuit of Wales application for determination under section 77 of the Town and Country Planning Act 1990. NRW was consulted "*due to your professional responsibilities for planning issues associated with Forest Enterprise Land, Woodland Grant Scheme and National Parks on whether the application should be called in.*"
7. On 12 June 2013, Mr Davies sent an email to NRW's Executive Director for Operations South referring to NRW's objection to the planning application. The email was sent by Mr Davies from his AM mailbox and sets out:
 - disappointment in "*the approach taken by NRW in this matter.*";
 - his view that NRW had not adopted a positive approach, "*working with applicants to deliver developments that will enhance the sustainability of communities across Wales.*";
 - "*that this development goes ahead and does so in a way that enhances the community of Blaenau Gwent in the widest sense.*";
 - a request for a meeting between himself, NRW officials and the developer.
8. NRW's Executive Director for Operations South responded to Mr Davies on 12 June 2013 informing him that NRW had written to BGCBC providing supplementary information with the "*intention of helping identify potential solutions and I (believe) offering a more positive approach, including the desire to work together.*" The email offers a possible meeting with Mr Davies, if he still wishes to meet.
9. On 13 June 2013, Mr Davies wrote again to NRW's Executive Director for Operations South. In this email he set out his views that:
 - the further letter from NRW to BGCBC begins "*to move us in the right direction.*";
 - concern with "*the processes at work within NRW in this matter.*";
 - "*the current NRW position [does not] reflect the totality of the statutory duties and the demands of the remit letter provided by NRW by the Welsh Government*";
 - it would be useful for him to meet with NRW officials and a representative of the developer. A meeting was arranged for 18 June 2014.
10. These exchanges were subsequently made public following requests under the Freedom of Information Act 2000 and are attached in full at Annex 3.

11. On 18 June 2013, Mr Davies met officials of NRW. Also present were representatives of the developers and a planning officer of BGCBC. It is regrettable, in a situation such as this, that no minutes were kept by NRW of this meeting, but an internal NRW email states that NRW officials had "*met the Minister Alun Davies (as an AM) and the applicant yesterday to discuss the Circuit of Wales case.*" An officer of BGCBC was also present.
12. On 9 August 2013, after further discussions with the Developer, NRW wrote to the Welsh Government's Planning Division recommending that the application not be called-in. The Welsh Government lifted its Holding Direction and BGCBC granted planning consent subject to a Section 106 agreement under the Town and Country Planning Act, setting out the planning obligations relating to the project. The Section 106 agreement was finalised on 1 October 2013.
13. Annex 1 to this report provides a timeline of the key events relating to the Circuit of Wales planning application within the period February to October 2013. The sequence of events has provided important context.

The Ministerial Code

14. This section of the report describes the operation of the Ministerial Code and the specific provisions likely to be relevant to the case.
15. Part 1 of the Ministerial Code sets out a Ministerial Code of Ethics. This Code of Ethics is introduced at paragraph 1.1 which provides that in the performance of their duties Ministers are expected to behave according to the highest standards of constitutional and personal conduct and lists a number of "*principles of Ministerial conduct*". These principles of Ministerial conduct include the principle at (viii) which provides: "*Ministers must keep separate their roles as Minister and Assembly Member*".
16. It is made clear at paragraph 1.2 of the Code that the Code provides guidance to Ministers on how they should act and arrange their affairs in order to uphold the standards (including the principles of Ministerial Conduct). It lists the principles which may apply in particular situations drawing on past precedents. The more specific examples which follow within the Code are to be read in the context of the relevant principles of Ministerial Conduct. It is made clear (paragraph 1.3) that Ministers are personally responsible for their conduct, that "*the Code is not a rule book*" and (paragraph 1.4) that "*the First Minister is the ultimate judge of the standards of behaviour expected of the Minister and the appropriate consequences of a breach of those standards*". The Code works through general statements of principle and some more detailed examples and guidance. It cannot cover every eventuality and, like all such works, is susceptible to interpretation. But it has stood very well the test of time.

17. Chapter 4 of the Ministerial Code deals with Ministers' constituency and party interests. So far as relevant to this matter two issues are being addressed:
- the separation of the constituency role from the Ministerial role;
 - preserving the integrity of planning (and other similar statutory) procedures where a particular (decision making) Minister may be required to exercise statutory functions within a recognised legal framework.
18. Paragraphs 4.1 to 4.4 of the Code deal with Ministers' constituency and party interests. Paragraph 4.4 provides that *"Where Ministers have to take decisions on their own portfolios which might have a particular impact on their own constituencies or electoral regions, they should take particular care to avoid any possible conflict of interest. Where Ministers are uncertain about whether a conflict arises between their Ministerial and constituency/regional responsibilities they should consult the First Minister, for decision as to how the business is to be handled."*
19. These (Chapter 4) provisions in the Code exist for a clear and important purpose which is to protect both the actual and perceived integrity of planning, and other formal processes of government, so that decisions are well made; are robust against challenge; and that public confidence is retained in the processes and outcomes of government business.
20. The first sentence of paragraph 4.4 deals with the specific scenario in which a decision-making function arises within a Minister's own portfolio. It is necessary, therefore, to consider whether any decision-making function may become engaged in this particular case. The second sentence is broader in scope, applying in any case where a Minister is uncertain about whether a conflict arises between Ministerial and constituency responsibilities, and requires the Minister to consult the First Minister in such circumstances as to how the business is to be handled.
21. Paragraphs 4.7 to 4.10 of the Code concern general Ministerial involvement in leading deputations and making representations on behalf of constituency interests (including in planning cases). Paragraph 4.7 confirms that Ministers are free to make their views about constituency matters *"known to the responsible Minister"* by correspondence etc, provided they make clear they are acting as their constituents' representative and not as a Minister. Particular care must be taken *"in such cases"* to represent the views of their electorate rather than express a view for themselves. A number of further conditions apply, including making comments available to other parties and avoiding criticism of Government policies. Whilst this paragraph establishes clear rules of engagement, reflecting the broader principle of Ministerial conduct set out at 1.1(viii), its opening context is confined to circumstances in which a Minister communicates with another *"responsible Minister"*. The wording does not expressly extend to circumstances where a Minister may seek to make representations to another public body involved in a decision making procedure, albeit that representations made on a planning application may indirectly come to the attention of the Minister responsible for planning in the event of a call in of the planning application, or in the event of an appeal.

22. Paragraph 4.8 of the Code applies where there are "*views expressed on planning applications*" since these may involve the exercise of discretion by the Minister where such representations may be taken into account. In the context of planning cases, this may involve the exercise of discretion by the Minister in deciding whether to call in a planning application for the Minister's own determination, or in the determination of the planning application itself (either on call in or on appeal). The Code states that "*any attempt to influence the Minister taking a decision on a planning case, other than through the proper channels, could imperil that decision*". The paragraph goes on to state specifically that if Ministers wish to take a position on a case, whether or not as Assembly Members, two requirements must be satisfied:
- the Minister should ensure they are clearly divorced from the Ministerial decision making process on that case; and
 - Ministers should ensure that their pronouncements could not directly threaten the soundness of the decision (eg if their portfolio area is a key factor in the planning decision).
23. It is necessary, therefore, to consider whether any representations made are divorced from the Ministerial decision making process, and to consider whether any representations threaten the soundness of the decision, having regard in particular (in this case) to portfolio responsibilities for Natural Resources Wales.
24. Paragraph 4.10 of the Code presents a summary of how Ministers can act in representing their electorates' views on planning cases. Paragraph 4.10(b) and (c) enable Ministers to express agreement with the views of a particular group or person when submitting representations in connection with a planning application though such expressions of personal opinion should be restricted to those cases in which Ministers find it "*unavoidable to express a view*" (in which case the process at paragraph 4.8 above must be followed). The ability to make such representations is, however, restricted by paragraph 4.10(d) where the determination of a planning application will lead to, or will implicitly involve, other decisions or judgements in which the Minister making representations is involved. In these cases the Minister should not make any comment of his or her own. It is necessary to consider, therefore, whether the planning application implicitly involved decisions or judgements in which the Minister making representations is involved (in particular by reference to the relationship with Natural Resources Wales) or, if this was not the case, whether it was a case in which the Minister would find it "*unavoidable to express a view*".
25. Paragraph 4.10 (d) refers to circumstances where determination of a planning application implicitly involves decisions or judgements in which the Minister making representations is involved; in which case no comment should be made .
26. Paragraphs 4.11 to 4.13 of the Code also deal with planning cases. Whilst the main focus of these paragraphs is on the Minister with responsibility for planning (reflecting the heading in the Ministerial Code) it is clear from the wording of the paragraphs that elements of this advice extend beyond the Minister with responsibility for planning and engage Ministers

more widely. These paragraphs recite a number of principles which underpin the legal framework within which planning decisions are taken.

27. Paragraph 4.12 of the Code provides specifically that: *"Ministers, and in particular the Minister with responsibility for planning, must do nothing which might be seen as prejudicial to the planning decision process, particularly in advance of the decision being taken. Action that might be viewed as being prejudicial includes (i) taking a decision, or being part of the decision making process, in respect of an application which falls within the Minister's constituency or region; (ii) expressing an opinion publicly on a particular case which is, or may subsequently come, before the Minister for decision; (iii) meeting the developer or objectors to discuss the proposal, but not meeting all parties with an interest in the decision; or (iv) commenting on decisions once they have been issued, other than in terms of what has appeared in the decision letter or, in the case of development plan approvals, any accompanying explanatory annexes"*.

28. A number of points can be made in relation to these requirements:

- the requirements extend to Ministers generally, and are not confined to the Minister with responsibility for planning;
- the core requirement is that Ministers must do nothing which "might be seen" as prejudicial to the planning decision process - the requirement is intended to avoid any perception that the planning decision process is being prejudiced (whether or not there is actual prejudice to the planning decision process).

29. The specific examples at (i) to (iv) are examples of actions which *"might be viewed"* as being prejudicial. The word *"includes"* confirms that these examples are not intended to be exhaustive. Actions not described here may, therefore, depart from the requirements of the Code, though in considering whether other actions might be considered to undermine the objective being pursued under this paragraph it would be necessary to consider how clear this might have been to the Minister given the absence of any specific guidance in the Code covering the particular circumstances. It is necessary, therefore, to consider whether the actions of Mr Davies *"might be viewed as prejudicial to the planning decision process"*.

30. Paragraph 4.13 of the Code provides further specific guidance to Ministers in those cases which do fall within (i) to (iv). In the circumstances described at (i) and (ii) any Minister *"involved in the decision making process"* is required to debar him or herself from any involvement in the case if the application falls within his or her constituency, or if the Minister has expressed a personal view on the proposal. Having regard to the Minister's responsibility for Natural Resources Wales it is necessary to consider whether the Minister could be said to be *"involved in the decision making process"* which would have the effect of preventing any involvement in the case having regard to the constituency interest.

31. In relation to (iii), which deals with meetings with developers or objectors, it is confirmed that it is possible to hold a meeting *"as long as the Minister was able to meet all interested parties in respect of a particular proposal"* (though this would not involve a requirement to meet all parties together). The Code recognises the practical limitations which can apply here, but reinforces an expectation that Ministers will remain open to all points of view in relation to a relevant application.
32. The provision of the Code which is central to these issues appears in Part 1 – Ministerial Code of Ethics, Chapter 1, paragraph 1.1. subsection viii, *"Ministers must keep separate their roles as Minister and Assembly Member."*
33. The paragraphs from the Code referred to above are set out in full in Annex 2.

Considerations in respect of observance of the Ministerial Code

34. This section of the report considers how the provisions of the Code are relevant in this case.

Advice provided to the Minister in respect of the Circuit of Wales

35. Mr Davies, as AM for Blaenau Gwent, had a keen and legitimate interest in the potential Circuit of Wales development and was aware that there was considerable support for the project within his constituency. It is entirely understandable that he would wish to be supportive of the project in view of the potential benefits to the local area.
- On his appointment as Minister for Natural Resources and Food on 14 March 2013, Mr Davies recognised that a tension could exist between his support as an AM for the Circuit of Wales project and his new role of Minister for Natural Resources and Food. On 27 March 2013, he therefore sought advice regarding whether he could take a public view on matters to do with the Circuit of Wales, including whether he could take a public view on whether the Welsh Government should call in the application for determination. This was a pertinent question because any Welsh Government decision on whether to call in the application on nature conservation grounds would be subject to advice from NRW, which was within Mr Davies' Ministerial portfolio. It is these potential tensions between the Ministerial and constituency responsibilities which Chapter 4 of the Ministerial Code seeks to help Ministers manage.

36. The Minister's seeking of advice from his officials on this matter was commendable. The advice he received was:

- he *"should not comment on the matter, even in his AM capacity."* Because of the sensitivity of this case further advice was provided to all Ministers by the Cabinet Division stating *"the Welsh Ministers collectively have responsibility for determining the outcome if an application is sent to them on appeal or if it is called in. The decision making process may be open to claims of prejudice if an individual Minister has previously commented on the merits of a case."* (Cabinet Division advice 28 March 2013); and
- if asked for his views on a proposed development he should respond *"it would be inappropriate of me, as a Minister of the Welsh Government, to comment on the merits of the development or to meet with you to discuss them. For me to do so could be seen not only as prejudicing the Council's consideration of the development but bearing in mind that the matter could come before the Welsh Ministers, either on appeal or should the application be called in for determination by the Welsh Ministers, but also as prejudging the matter."* (Planning Division advice 28 March 2013).

37. Alongside the above advice Mr Davies was at the same time provided with relevant extracts from the Ministerial Code by his Private Secretary.

38. The advice provided to Mr Davies on 28 March 2013 that *"he should not comment on the matter, even in his AM capacity."* was highly precautionary and, if followed, would protect the integrity of the process in a controversial case. Arguably however, it goes beyond the specific provisions included in Chapter 4 of the Code, including paragraph 4.7 which allows Ministers to express views on constituency matters as long as a) they make it clear that they are acting as a constituents' representative and not as a Minister, b) the views expressed are intended to represent the views of the electorate, rather than their own views, and c) their comments are made available to the other parties.

39. Turning to the events of 12 to 18 June 2013 relating to Mr Davies' interactions with NRW in respect of the planning process.

40. In considering whether Mr Davies observed the Ministerial Code in respect of his correspondence with NRW on 12 and 13 June 2013 and meeting on 18 June 2013, the following are particularly relevant:

- the role of NRW within the statutory planning process;
- the role of the Minister within the statutory planning process;
- whether Mr Davies separated his role as an AM or a Minister when he wrote and met with officials of NRW.

41. Each of these is considered in the following sections.

The role of NRW within the statutory planning process

42. Natural Resources Wales is a Welsh Government Sponsored Body which sits within the Ministerial Portfolio of the Minister for Natural Resources and Food. NRW undertakes its functions in accordance with an annual Ministerial remit letter and in accordance with a range of functions imposed on it by the Natural Resources Body for Wales (Establishment) Order 2012 (the Establishment Order). The remit letter for 2013/14 was jointly signed by the Minister for Natural Resources and Food and the Minister for Culture and Sport. The Establishment Order was made on 18 July 2012. The Order was signed by the then Minister for Environment and Sustainable Development on behalf of the Welsh Ministers.
43. Amongst other things, the Establishment Order confers a range of general functions on NRW: these include a duty to exercise its functions so as to promote the provision and improvement of opportunities for activities including open-air recreation. In exercising its functions, NRW must also have regard to (a) the health and social well being of individuals and communities and (b) the economic well being of individuals, businesses and communities.
44. The Establishment Order also sets out the powers of the Welsh Ministers in respect of NRW. Article 5 of the Order provides that the Welsh Ministers may give guidance to it with respect to the manner in which it should exercise its functions so as to give effect to its purpose. That purpose is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced, and sustainably used. Thus far, the Welsh Ministers have not exercised their power to give guidance.
45. Article 11 of the Establishment Order provides that the Welsh Ministers may give NRW general or specific directions as to the exercise of its functions. Article 11A sets out the procedural requirements which must be followed in respect of the making of a direction. NRW is under a duty to comply with a direction (see, Article 11A(5)). The power of direction could be used in relation to the exercise of any of NRW's functions.
46. NRW does not determine planning applications. However, where applications have significant environmental implications, NRW is a statutory consultee within the planning process. Furthermore, as the Welsh Government's chief adviser on environmental matters, NRW advises the Welsh Ministers on whether planning applications due to be determined by a local planning authority should be called in by the Welsh Ministers for determination. In undertaking its planning responsibilities NRW operates within the Welsh Government's "Planning Policy Wales". In practice, NRW is required to provide independent and objective representations and advice based upon professional judgement. The Minister for Natural Resources and Food would not normally play any role in the way in which NRW considers individual applications.

47. Paragraph 4.8 of the Code, (which relates specifically to planning applications) states that *“If Ministers wish to take a position on a case, whether or not as Assembly Members, they should ensure they are clearly divorced from the Ministerial decision making process on that case and that their pronouncements could not directly threaten the soundness of the decision (eg if their portfolio area is a key factor in the planning decision).”* Environmental considerations can be material in the context of planning decisions. If environmental considerations are relevant to a decision on whether an application should be called in, the advice of NRW would be sought. The Minister for Natural Resources and Food should therefore ensure that his interactions with NRW could not be regarded as an attempt to influence NRW’s exercise of its professional responsibilities or lead to a perception that NRW had been unduly influenced, and as paragraph 4.8 of the Code says, this applies regardless of whether a Minister is acting in their capacity as an AM or as a Minister.

The role of the Minister within the statutory planning process

48. Where a planning application is called in by the Welsh Government for determination, the Minister with responsibility for planning, currently Mr Carl Sargeant will determine the application following advice received from planning officials. Since Mr Davies is not the Minister with responsibility for planning, he would have played no role in the determination of the Circuit of Wales application, had it been called in by the Welsh Government for determination.
49. As set out in paragraph 47, if environmental considerations are relevant to a decision on whether a planning application should be called in, the advice of NRW will be sought. NRW must provide their advice on an objective, professional assessment and, although for public policy purposes it is within the Ministerial portfolio of the Minister for Natural Resources and Food, it must make its recommendations on planning issues.
50. The Ministerial Code recognises that planning cases must only be determined on the basis of relevant planning matters and as such Ministers should do nothing which does or could be perceived to unduly or unfairly influence the planning process. Paragraph 4.12 of the Code states: *“One of the basic tenets of the planning system is that, in the interests of natural justice, decisions are based on an open and fair consideration of all relevant planning matters with the same information being available to all interested parties. Accordingly, Ministers, and in particular the Minister with responsibility for Planning, must do nothing which might be seen as prejudicial to the planning decision process, particularly in advance of the decision being taken. Action that might be viewed as being prejudicial includes (i) taking a decision, or being part of the decision-making process, in respect of an application which falls within the Minister's constituency or region; (ii) expressing an opinion publicly on a particular case which is, or may subsequently come, before the Minister for decision; (iii) meeting the developer or objectors to discuss the proposal, but not meeting all parties with an interest in the decision; or (iv) commenting on decisions once they have been issued, other than in terms of what has appeared in the decision letter or, in the case of development plan approvals, any accompanying explanatory annexes.”* NRW was responsible for playing a key role in the planning process for the Circuit of Wales, both in terms of the

representations it made to BGCBC regarding the application, but also in respect of its role in advising the Welsh Government on call in.

The need for Ministers to clearly distinguish between their AM and Ministerial roles

51. The Ministerial Code does not prevent Ministers in their capacity as AMs from representing constituents in matters which affect the constituency, including planning matters. Paragraph 4.7 of the Code states that *“Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview.”* However, this is qualified by the conditions that:

- they make clear that they are acting as their constituents’ representative and not as a Minister;
- they take particular care in such cases to represent the views of their electorate rather than express a view themselves;
- When they express a view they ensure that their comments are made available to the other parties, avoid criticism of the Assembly Government’s policies, confine themselves to comments which could reasonably be made by those who are not Ministers, and;
- make clear that the views they are putting forward are ones expressed in their capacity as the Assembly Member representing a particular constituency or region.

52. In the context of a planning case, and as referred to earlier in this report, paragraph 4.8 of the Code states that if Ministers wish to take a position on a case, whether or not as an Assembly Member, they should ensure that they are clearly divorced from the Ministerial decision-making process on that case and that their pronouncements could not directly threaten the soundness of the decision.

53. A Minister is entitled as an AM to correspond with and meet interested parties to represent the views of their constituents and this is not necessarily contrary to the requirements of the Code as long as the conditions set out in paragraph 51 and 52 above are observed.

Assessment against the Code provisions

54. This section of the report assesses the implications of events for the observance of the Code.
55. It might not necessarily have been inappropriate for Mr Davies to correspond with NRW as an AM representing the views of his constituents in respect of the Circuit of Wales application. Furthermore, Mr Davies was undoubtedly well-intentioned in wishing to see a project progress which he considered would bring considerable benefit to his constituency area, which is one of the most economically deprived in Wales.
56. Mr Davies sent the emails to NRW from his constituency email address and not from his Ministerial email account. However, the wording of the emails of 12 and 13 June is not presented as the views of Mr Davies' constituents but as his personal views, e.g. *"I am very disappointed with the approach that NRW has taken in this matter"* and, *"I am very anxious that this development goes ahead"* and, *"I remain very concerned with the processes at work within NRW in this matter."* Whilst it may be considered that the content of these emails was contrary to paragraph 4.7 of the Code which states that *"Ministers are advised to take particular care to represent the views of the electorate rather than express a view themselves"*, it is at least arguable that paragraph 4.7 of the Code only relates to views conveyed to the Minister responsible for making a Ministerial decision.
57. Paragraph 4.8 is pertinent to the circumstances of Mr Davies' engagement with NRW. Paragraph 4.8 states that if Ministers wish to take a position on a planning case, whether or not as an Assembly Member, they should ensure they are clearly divorced from the Ministerial decision-making process on that case and that their pronouncements could not directly threaten the soundness of the decision.
58. The content of Mr Davies' emails indicates that he was taking a very clear position on the Circuit of Wales application. It was therefore necessary for him to ensure that he was clearly divorced from the Ministerial decision-making process on the case. It is therefore important to assess whether:
- Mr Davies was acting in his capacity as Minister for Natural Resources and Food or as an AM, and that the distinction was clear;
 - Mr Davies was clearly divorced from involvement in the role being undertaken by NRW in the planning process for the Circuit of Wales application;
 - Mr Davies had any possible decision-making role as a Minister relating to the Circuit of Wales; and
 - Mr Davies' actions could be seen to threaten the soundness of the decision-making process.
59. Mr Davies' emails did not in their content clearly convey whether he was acting as an AM or in his capacity as a Minister. The focus of the emails is a criticism of the approach that NRW was taking towards the Circuit of Wales application. However, the reference to NRW's remit

letter (which Mr Davies had himself signed as Minister for Natural Resources for Wales) could be construed as a reference to his Ministerial responsibilities. Mr Davies says *"I am very anxious that this development goes ahead"* and concludes his email of 13 June 2013 by stating that at the meeting between himself, the developer and NRW, *"I hope that between us we can agree a way forward."* In his AM capacity, Mr Davies would have had no role in agreeing a way forward in how NRW responded to its statutory planning responsibility. It was wholly for NRW to determine, independently and professionally how these responsibilities should be exercised. The emails could therefore give rise to the perception either that Mr Davies was using his Ministerial portfolio responsibilities to influence the way in which the Circuit of Wales application was dealt with by NRW; or, if that were not the intention, the effect could nevertheless be the same.

60. The email correspondence from NRW to Mr Davies on 28 Jun 2014 provided him with an update on how NRW was dealing with the application. Referring to the deadline for submitting representation to BGCBC, the email says, *"Whilst we will respond by the deadline requested, we are concerned that this approach is not consistent with your wish, expressed at our meeting of 18 June, that it would be better to allow sufficient time to resolve issues, rather than to rush them through unresolved."* Mr Davies' intervention could be interpreted as having had some influence on the way in which NRW exercised its statutory planning responsibilities from 18 June onwards: the question is whether as Minister or Assembly Member.
61. Assurances have however been given by officers of NRW that they considered Mr Davies had indeed approached them in his capacity as AM; that they did not feel under any undue influence from Mr Davies to change their professional views on the application; and that they consider that they exercised their responsibilities professionally. Nevertheless, it is also the case that, having become public, Mr Davies' approaches to NRW have resulted in assertions that his intervention led directly to NRW recommending to the Welsh Government that the Circuit of Wales application not be called in for determination by the Welsh Ministers.
62. As set out in paragraph 45, the Minister for Natural Resources and Food's portfolio had powers under the Natural Resources Body for Wales (Establishment) Order 2012 to direct NRW regarding the exercise of its functions¹. In practice these powers could not have been exercised by Mr Davies due to the requirements of Paragraph 4.12 of the Code that Ministers must not take planning decisions or involve themselves in the decision-making process if applications fall within their constituencies. Nevertheless, it is relevant for the purposes of paragraph 4.8 of the Code which states, *"If Ministers wish to take a position on a case, whether or not as Assembly Members, they should ensure that they are clearly divorced from the Ministerial decision-making process on that case and that their pronouncements could not directly threaten the soundness of the decision (eg if their portfolio area is a key factor in the planning process)."* As Mr Davies portfolio area had a key role in the planning

¹ The Welsh Ministers also have powers under the Commons Land Act 2006, including the power to grant consent to develop on Commons Land. In June 2013, Commons Land decisions were not part of the Natural Resources and Food Ministerial portfolio.

process for the Circuit of Wales, including advising on whether the application should be called in by the Welsh government, and could be subject to direction on the exercise of its functions in respect of the Circuit for Wales, it was important that Mr Davies did not by his pronouncements or actions do anything which might be regarded by NRW as conveying an expectation on what the Welsh Ministers required of NRW in respect of the application. It is not apparent that Mr Davies ensured that he was *"clearly divorced from the Ministerial decision-making process on that case."*

63. It is not clear that Mr Davies appreciated how his correspondence with NRW and his meeting with NRW and the developer might be perceived. Paragraph 4.12 of the Code states, *"One of the basic tenets of the planning system is that, in the interests of natural justice, decisions are based on an open and fair consideration of all relevant planning matters with the same information being available to all interested parties. Accordingly, Ministers ... must do nothing which might be seen as prejudicial to the planning decision process, particularly in advance of the decision being taken."*
64. On 18 June 2013, at his request, Mr Davies met officials of NRW. Also present were representatives of the developers and a planning officer of BGCBC. It is unclear exactly what was discussed at this meeting as regrettably no notes of the meeting were retained by NRW.
65. Ministers may and do seek advice to clarify how to apply the provisions of the Ministerial Code in practice. As mentioned earlier in this report, in March 2013, Mr Davies, in view of his appointment as Minister for Natural Resources and Food sought advice regarding how he should respond publicly to matters pertaining to the Circuit of Wales. Advice was provided by both the Cabinet Division and the Planning Division. He did not follow the advice, and although that advice was highly precautionary, if it had been followed, it would have prevented any perception that Mr Davies' actions were prejudicial to the planning process. If he had considered the advice to be over-prescriptive, he could nevertheless have been guided by Paragraph 4.4. of the Code which states that *"where Ministers are uncertain about whether a conflict arises between the Ministerial and constituency/regional responsibilities they should consult the First Minister, for decision as to how business is to be handled."* I understand the First Minister was not consulted in this case.

Other Matters

66. This report has focused on the interaction between NRW and Mr Davies in June 2013 as it was these events which prompted the First Minister to commission a report. However, for the sake of completeness and context, there are two other matters which relate to Mr Davies' involvement with the Circuit of Wales project.
67. First, on 2 August 2013, the First Minister's Office sent an email to Mr Davies' Private Secretary expressing *"surprise about the remarks attributed to the Minister – in his capacity as AM"* in the Western Mail of 2 August 2013 relating to the Circuit of Wales. The email expresses *"concern about potential conflict between Mr Davies' Ministerial and AM roles"* and states that *"the [First Minister] is very clear that Ministers should be extremely careful about comments relating to their constituencies which may in any way conflict with or compromise any eventual role for Ministers in decision-making."* Mr Davies was advised not to make any further public comments without first seeking advice.
68. The correspondence from the First Minister's Office was passed to Mr Davies who asked his Private Secretary to make the First Minister *"aware that I have sought advice on the Ministerial Code on two occasions with reference to this issue since being appointed to my current role in March."* As referred to earlier, the advice Mr Davies received from officials in March 2013 was that he *"should not comment on the matter, even in his AM capacity"* and that if asked for a comment on the project he should reply: *"it would be inappropriate of me, as a Minister of the Welsh Government to comment on the merits of the development or to meet with you to discuss them."*
69. Secondly, on 13 August 2013, Mr Davies prepared a public statement in his capacity as AM for Blaenau Gwent following the decision of NRW not to recommend call in of the Circuit of Wales application. The statement set out Mr Davies' strong support for the project and refers to an agreement that *"has been reached between Natural Resources Wales and the Circuit of Wales."* Mr Davies correctly sought advice on whether the statement could be released. Advice was received from officials that *"If the Minister is saying anything it would be purely in his capacity as AM. He should avoid specifically commending NRW action given his sponsorship role as Minister. I do not think 'agreement' is the right term either – it is rather that NRW have established and set out the environmental conditions that would need to be met by the scheme."* In the event, the public statement was not released.

June 2014

Annex 1 – Timeline of Events relating to the Circuit of Wales Planning Application

February 2013, the Heads of the Valley Development Company submitted a planning application to BGCBC seeking permission for the development of a motor-racing course which would be used for international sporting events. The project is known as The Circuit of Wales. The application involved the development of large areas of land currently designated as Common Land. The proposed development is within the AM constituency of Mr Davies.

March 21 and 22 2013, the former Environment Agency Wales and the Countryside Council for Wales, predecessor organisations to NRW, submitted letters of objection to BGCBC relating to the Circuit of Wales planning application.

March 14 2013, Mr Davies appointed Minister for Natural Resources and Food. The operations and activities of NRW fall within Mr Davies' ministerial portfolio. NRW is the principal adviser to the Welsh Government on the environment. This advisory role includes advising the Welsh Government on whether applications are likely to affect sites of nature conservation to such an extent that the application should not be determined by the local planning authority but should be 'called in' by the Welsh Government.

March 27 2013, Mr Davies wrote as the Minister for Natural Resources and Food to his Senior Private Secretary seeking advice on how he should respond to correspondence from constituents regarding the Circuit of Wales. Mr Davies acknowledged that as an AM he was "strongly in favour of the development" but wished to know whether he could express a public view on the project, including on matters such as whether the Welsh Government should 'call in' the application.

March 28 2013, Alun Davies' Senior Private Secretary sought advice on whether Mr Davies could express a public view on the Circuit of Wales project from both the Cabinet Division and Planning officials. The advice received on 28 March 2013 was:

- "Alun Davies should not comment on the matter, even in his AM capacity, as the Welsh Ministers will be required to make a decision should the application be called in." (Cabinet Office)
- The Planning Division provided suggested wording for Mr Davies in response to enquiries relating to the Circuit of Wales, "It is the responsibility of the Council in the first instance, to determine applications for planning permissions and, as such, it would not be appropriate for me, as a Minister of the Welsh Government to comment on the merits of the development or to meet with you to discuss them. For me to do so could be seen not only as prejudicing the Council's consideration of the development but bearing in mind that the matter could come before the Welsh Ministers, either on appeal or should the application be called in for determination by the Welsh Ministers, but also as prejudicing the matter."

May 20 2013, BGCBC consulted NRW on an addendum to the Environmental Statement which had been submitted to Blaenau Gwent in support of the application. NRW responded to this consultation on 5 June 2013, concluding that “we have taken into consideration any mitigation proposed which would help to offset the environmental impacts and it is NRW’s view that there remains unacceptable environmental risk. Natural Resources Wales therefore objects to the application and recommends that it is refused.”

June 10 2013, the Planning Division of the Welsh Government wrote to NRW following requests from several parties that the Welsh Government call in the Circuit of Wales application for determination under section 77 of the Town and Country Planning Act 1990. NRW was consulted “due to your professional responsibilities for planning issues associated with Forest Enterprise Land, Woodland Grant Scheme and National Parks on whether the application should be called in.”

June 12 2013, Mr Davies sent an email to NRW’s Executive Director for Operations South referring to NRW’s objection to the planning application. The email is addressed from Mr Davies in his AM role and sets out:

- Disappointment in “the approach taken by NRW in this matter.”
- His view that NRW had not adopted a positive approach, “working with applicants to deliver developments that will enhance the sustainability of communities across Wales
- “that this development goes ahead and does so in a way that enhances the community of Blaenau Gwent in the widest sense”
- A request for a meeting between himself, NRW officials and the developer.

June 12 2013, NRW’s Executive Director for Operations South responded to Mr Davies on 12 June 2013 informing him that NRW had written to BGCBC providing supplementary information with the “intention of helping identify potential solutions and I (believe) offering a more positive approach, including the desire to work together.” The email offers a possible meeting with Mr Davies, if he still wishes to meet.

June 13 2013, Mr Davies wrote again to NRW’s Executive Director for Operations South. In this email Mr Davies set out his views that:

- The further letter from NRW to BGCBC begins “to move us in the right direction.”
- Concern with “the processes at work within NRW in this matter.”
- “the current NRW position [does not] reflect the totality of the statutory duties and the demands of the remit letter provided by NRW by the Welsh Government
- It would be useful for him to meet with NRW officials and a representative of the developer. A meeting was arranged for 18 June 2014.

June 18 2013, Mr Davies met officials of NRW. Also present were representatives of the developers and a planning officer of BGCBC. No minutes were kept by NRW of this meeting, but an internal NRW email states that a meeting had been held with *"Minister Alun Davies (as an AM) and the applicant yesterday to discuss the Circuit of Wales case."* An officer of BGCBC was also present. NRW does not have a minute of this meeting. However, an email sent from NRW's Executive Director for Operations South to Mr Davies on 28 June 2013 relating to NRW's approach to meeting the deadline for submitting representations to BGCBC states, "we are concerned that this approach is not consistent with your wish, expressed at our meeting of 18th June, that it would be better to allow sufficient time to resolve issues, rather than rush them through unresolved."

July 10 2013, BGCBC in a meeting of full Council resolved to grant planning consent for the Circuit of Wales application.

July 16 2013, NRW wrote to the WG's Planning Division responding to the request for advice on whether the application should be called-in. The response identifies that progress had been made, in discussion with the developer to resolving some of NRW's concerns, but that important issues remained unresolved. NRW recommended that the decision on call in should be deferred to enable solutions to be found to the outstanding concerns in discussion with the developer. The Welsh Government's Planning Division responded to NRW's letter 23 July 2013 asking for clarification of NRW's response of 16 July 2013 and seeking "a clear view from NRW as to whether or not call in is warranted."

July 30 2013, the Welsh Government's Planning Division issued a Holding Direction preventing BGCBC from giving planning consent pending decision on whether to call in the application. On 1 August, NRW wrote to the Welsh Government's Planning Division requesting until 9 August 2013 to provide its advice on whether the application should be called-in.

August 9 2013, after further discussions with the Developer, NRW wrote to the Welsh Government's Planning Division recommending that the application not be called-in. The Welsh Government lifted its Holding Direction and BGCBC granted planning consent subject to a Section 106 agreement under the Town and Country Planning Act, setting out the planning obligations relating to the project. The Section 106 agreement was finalised on 1 October 2013.

Annex 2 – Relevant Extracts from the Ministerial Code

Ministerial Conduct

1.1 In the performance of their duties, Ministers are expected to behave according to the highest standards of constitutional and personal conduct. In particular, they are expected to observe the Seven Principles of Public Life (as listed in Annex A) and the following principles of Ministerial Conduct:

Accountability

- i) Ministers have a duty to the Assembly to account, and be held to account, for their policies, decisions and actions;
- ii) It is of paramount importance that Ministers give accurate and truthful information to the Assembly, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Assembly will be expected to offer their resignation to the First Minister;
- iii) Ministers should be as open as possible with the Assembly and the public, refusing to provide information only when disclosure would not be in the public interest or would cause, or be likely to cause, substantial harm in accordance with the relevant legislation and the Code of Practice on Access to Information;
- iv) Ministers should similarly require civil servants who give evidence before Committees of the Assembly on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the Welsh Government Civil Service Code

Collegiality

- v) Ministers must uphold the principle of collective responsibility

Personal Responsibility

- vi) Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;
- vii) Ministers should avoid accepting any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation;
- viii) Ministers must keep separate their roles as Minister and Assembly Member;
- ix) Ministers must not use the Welsh Government's resources for party-political purposes. They must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the Welsh Government Civil Service Code.

Constituency and Party Interests

4.4 Where Ministers have to take decisions on their own portfolios which might have a particular impact on their own constituencies or electoral regions, they should take particular care to avoid any possible conflict of interest. Where Ministers are uncertain about whether a conflict arises between their Ministerial and constituency/regional responsibilities they should consult the First Minister, for decision as to how the business is to be handled.

Leading Deputations and Making Representations (including in planning cases): General Ministerial Involvement

4.7 Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a Minister. Ministers are advised to take particular care in such cases to represent the views of their electorate rather than express a view themselves. When Ministers express a view they should ensure that their comments are made available to the other parties, avoid criticism of the Assembly Government's policies, confine themselves to comments which could reasonably be made by those who are not Ministers, and make clear that the views they are putting forward are ones expressed in their capacity as the Assembly Member representing a particular constituency or region.

4.8 Particular issues can arise over views expressed on planning applications as these involve the exercise of discretion by the Minister in which representations intended to be taken into account in reaching a decision may have to be made available to other parties and thus may well receive publicity. It is particularly important to bear in mind that any attempt to influence the Minister taking a decision on a planning case, other than through the proper channels, could imperil that decision. In addition, if Ministers wish to take a position on a case, whether or not as Assembly Members, they should ensure they are clearly divorced from the Ministerial decision making process on that case and that their pronouncements could not directly threaten the soundness of the decision (eg if their portfolio area is a key factor in the planning decision).

4.9 Once a decision has been announced, it should be accepted without question or criticism. It is important that, in expressing the views of their constituents, Ministers do so in a way that does not create difficulty for Ministers who have to take the decision and that they bear in mind the Cabinet's collective responsibility for the outcome. Ministers should also take account of any potential implications which their comments could have on their own portfolio responsibilities.

4.10 To summarise, Ministers can, in representing their electorate's views on planning cases, act as follows:

- (a) They may write to the Minister responsible for taking a decision on a planning application arguing against/in favour of a particular course of action. But in so doing they should make it clear that they are representing their electorate or are acting at the request of a particular group or person;
- (b) There is no reason why Ministers should not express agreement with the views of a particular group or person when submitting representations in connection with a planning application;

(c) Such expressions of personal opinion should, however, be restricted to those cases in which Ministers find it "unavoidable to express a view". In such cases Ministers should ensure that they follow the procedures set out at paragraph 4.8 above;

(d) Where, however, the determination of a planning application will lead to, or will implicitly involve, other decisions or judgements in which the Minister making representations is involved (eg the need for a new health facility or school etc.) then that Minister should not make any comment of his or her own;

(e) Ministers may, in their capacity as a constituency Assembly Member, attend public meetings; they may make representations to a planning authority; they may argue a constituent's case at a public local inquiry; and they may take a personal position. But their role must be consistent with (a) to (c) above. They may not take a personal position in respect of cases under (d) above; and

(f) Any broadcasts or contributions to press articles should be cleared with the responsible Minister (see paragraph 8.12).

Planning cases: The Minister with responsibility for Planning

4.11 Planning decisions are often the focus for public interest in a controversial project or proposal. It is not surprising that there is a large body of case law about planning decisions and the public's expectations in relation to the decision-making process. Planning is also cross-cutting and inclusive by nature, and most policy areas for which Ministers are responsible are capable of being important factors in a planning decision.

4.12 One of the basic tenets of the planning system is that, in the interests of natural justice, decisions are based on an open and fair consideration of all relevant planning matters with the same information being available to all interested parties. Accordingly, Ministers, and in particular the Minister with responsibility for Planning, must do nothing which might be seen as prejudicial to the planning decision process, particularly in advance of the decision being taken. Action that might be viewed as being prejudicial includes (i) taking a decision, or being part of the decision-making process, in respect of an application which falls within the Minister's constituency or region; (ii) expressing an opinion publicly on a particular case which is, or may subsequently come, before the Minister for decision; (iii) meeting the developer or objectors to discuss the proposal, but not meeting all parties with an interest in the decision; or (iv) commenting on decisions once they have been issued, other than in terms of what has appeared in the decision letter or, in the case of development plan approvals, any accompanying explanatory annexes.

4.13 In the case of (i) and (ii), in order to preserve the integrity of the decision from challenge on grounds of prejudice, the Minister with responsibility for Planning (or indeed any other Minister involved in the decision-making process) would have to debar him or herself from any involvement in the case if the application fell within his or her constituency or region or if the Minister had expressed a personal view on the proposal. As regards (iii), it would be possible to hold a meeting as long as the Minister was able to meet all interested parties in respect of a particular proposal. However it is unlikely to be a practical proposition to meet all parties together and, if separate meetings were held, it would require great care over what was said at each so that no party could claim bias in favour of one view. On (iv), decision letters set out in full the grounds for decisions and

the Minister should make it clear that in any discussion after a decision is made he or she would be unable to add to the terms of the relevant decision letter.

Ministers should also remember that:

- a) In the interests of certainty and stability, decisions on planning matters are final subject only to challenge in the Courts on a point of law: but these points can include, failing to follow procedural rules and conventions correctly, taking into account irrelevant considerations (or failing to take into account considerations which are relevant) and drawing a conclusion from the considerations which is so unreasonable that no reasonable Minister could have arrived at it.
- b) It is vital that the Minister making the planning decision has an open mind right up to the moment when they make their decision, so any reaction to an affected person's views should be provisional and expressed to be subject to the consideration of all other relevant matters.
- c) Most devolved policy areas are capable of being extremely important considerations in a planning decision. Ministers should consider carefully whether a statement made in the context of their portfolio might prejudice the effectiveness of the planning decision process.
- d) The rules about whether a particular matter is a relevant consideration in a planning decision are complex and do not always accord with public expectations (eg the identity of the applicant is not usually relevant). Some representations and views may thus have to be discounted entirely.

ANNEX 3

From: Hillier, Graham
Sent: 14 June 2013 12:46
To: 'Davies, Alun (Assembly Member)'
Cc: George, Jessica
Subject: RE: Circuit of Wales

Thanks Alun;

A meeting for 11am on Tuesday with you and the Developer would be good, and we'll host it here in Ty Cambria, Newport Road, if that's still OK with you. I've asked a couple of colleagues to join me, to both hear your views and better inform mine.

Please let me know if you or the developer's rep need directions.

Many thanks – look forward to seeing you on Tuesday.

Graham.

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South
Cyfoeth Naturiol Cymru/Natural Resources Wales
Ffôn/Tel: 02920 468879
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E-bost/E-mail: graham.hillier@cyfoethnaturiolcymru.gov.uk
/ graham.hillier@naturalresourceswales.gov.uk

Gwefan/Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Davies, Alun (Assembly Member) [<mailto:Alun.Davies@Wales.gov.uk>]
Sent: 13 June 2013 14:39
To: Hillier, Graham
Subject: Re: Circuit of Wales

ANNEX 3

Thank you Graham. This second letter does begin to move us in the right direction. I do appreciate that and I am grateful to you for taking the time to review these matters.

However I remain very concerned with the processes at work within NRW in this matter. In addition I do not believe that the current NRW position does reflect the totality of the statutory duties and the demands of the remit letter provided to NRW by the Welsh Government.

It would be very useful to meet. Could I suggest 11.00am on Tuesday? I would be content to meet at Newport Road or alternatively we could meet at the Assembly in the Bay. I will also invite a representative of the developers to join us and I hope that between us we can agree a way forward.

Thank you for your help in this matter.

Alun

Alun Davies

On 13 Jun 2013, at 12:08, "Hillier, Graham"
<Graham.Hillier@cyfoethnaturiolcymru.gov.uk> wrote:

Dear Alun;

As promised in my previous e.mail, please find attached a copy of our letter offering supplementary information to the local planning authority, following our original planning response.

I trust this is helpful and goes some way to addressing your concerns, while still taking account of our statutory duties.

We would be happy to arrange to meet with you next week if this would still be helpful (Tuesday would be slightly easier for me than Thursday, but we'll obviously try to work around your availability). Please let us know if you'd still like to go ahead, and if so your

availability and preferences in terms of timing and venue – you'd be very welcome at our Newport Road office if that helps.

Regards,

Graham

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South
Cyfoeth Naturiol Cymru/Natural Resources Wales
Ffôn/Tel: 02920 468879
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/ graham.hillier@naturalresourceswales.gov.uk

Gwefan/Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Hillier, Graham
Sent: 12 June 2013 23:28
To: Davies, Alun (Assembly Member)
Cc: George, Jessica
Subject: RE: Circuit of Wales

Dear Alun;

Thanks for your note, and I understand your sentiments. For your information, we have today issued a further letter to the Planning Authority with some supplementary information, which has been provided with the intention of helping to identify potential solutions and (I believe) offering a more positive approach, including the desire to work together.

ANNEX 3

I'll ensure a copy of the note is sent to you tomorrow. Perhaps we could then arrange a convenient time to meet (eg Tuesday) next week, if this would still be useful.

Best regards,

Graham.

Sent from Windows Mail

From: Davies, Alun (Assembly Member)
Sent: 12 June 2013 17:37
To: Hillier, Graham
Subject: Circuit of Wales

Dear Graham,

I have received a copy of the NRW response to the planning application for the Circuit of Wales in my constituency.

I am very disappointed with the approach that NRW has taken in this matter. I felt that NRW would be taking an entirely different approach to planning matters and would be seeking to adopt a positive approach, working with applicants to deliver developments that will enhance the sustainability of communities across Wales. This has clearly not happened in this case.

I am very anxious that this development goes ahead and does so in a way that enhances the community of Blaenau Gwent in the widest sense. I would therefore seek an urgent meeting with you to discuss these matters. I can be available in Cardiff either Tuesday or Thursday next week. I would like to use this opportunity to discuss with yourself and the developers how we can move forward in an agreed way.

I look forward to hearing from you.

ANNEX 3

Alun

Alun Davies AM

Blaenau Gwent

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