

Complete Agenda



Democratic Service
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CAERNARFON
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THE COUNCIL – 7TH DECEMBER, 2023

ITEM 7 - QUESTIONS

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(1) Question by Councillor Rhys Tudur

Given that Research on New Housing that was published by the Council in 2021 has proved that linguistic assessments on planning applications are untruthful, highlighting that a high percentage of dwellings have become non-Welsh speaking households in an area that is a traditional stronghold of the language, 68% in Pen Llŷn and 41% in Penllyn, is it not time to overhaul the defective system we have for linguistic assessments so that the language assessor would not act on behalf and for the benefit of the developer, but rather be directed by the Council, with the developer paying commission towards the service?

Response – Cabinet Member for the Environment, Councillor Dafydd Meurig

The research on new housing

In order to answer the question, we believe it is important to firstly explain the background and purpose of the new housing research, as well as the main findings of the research.

The background to the research work was the lack of reliable information there was available about what groups of people tend to move into new houses in Gwynedd, where these people are moving from, and why they are choosing to move to a new house. The little information we had regarding this was rather fragmented and very anecdotal. Furthermore, such evidence can be useful when preparing the Council's statutory documents such as the Local Development Plan and the Local Housing Market Assessment.

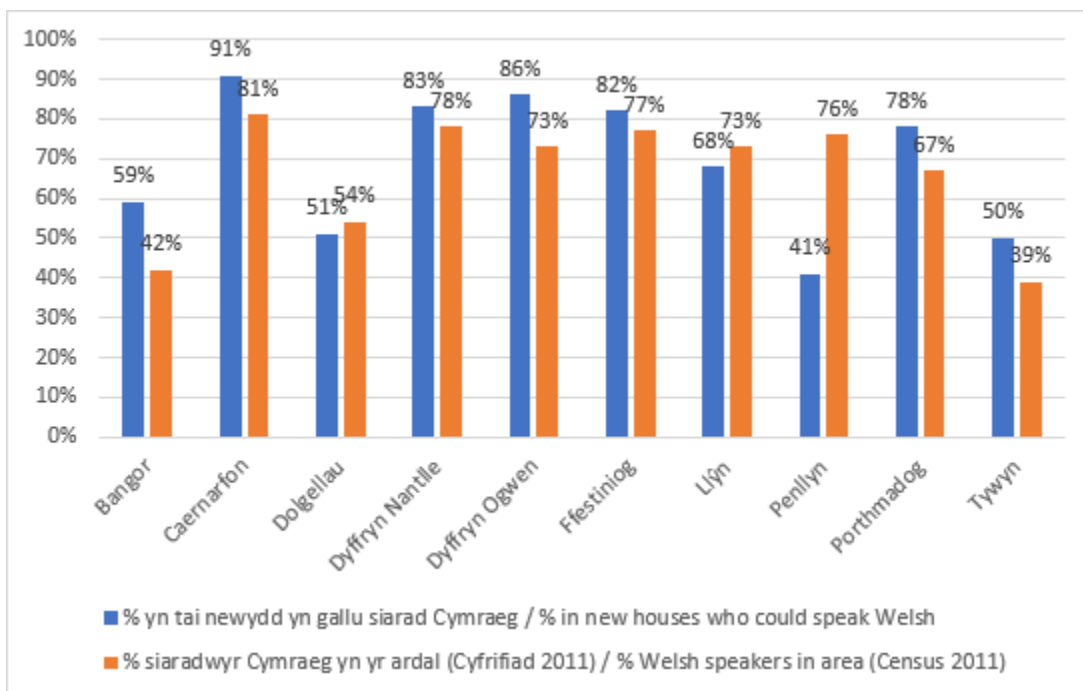
Therefore, the purpose of the research was to plug the "information gap" somewhat by attempting to question the residents of new dwellings that had been built at the time in Gwynedd. This research also went a step further, by attempting to track the housing "chain" forward to the house that became empty as people moved to the new house, and then to the house that became empty as people moved into that house, and so on. Another key feature of this research was speaking with the residents to get their "story", their reasons for moving there etc., as fully as possible, rather than relying on sending them an impersonal 'tick box' questionnaire.

The main conclusions of the research were as follows:

- Over 70% of the residents of new dwellings had moved there from another house in Gwynedd
- The age profile of people moving into new builds is fairly 'young', with over 70% of the occupiers of new housing being under 45 years old
- 69% of the occupiers of new housing can speak Welsh, which is very similar to the percentage of Welsh speakers across Gwynedd.
- It became more difficult to draw conclusions as we traced back through the housing chain, to see who was moving into the houses that became empty as people moved to a new house, because the number of responses was lower. But the research suggested that these moves were also mostly "local" (with 70% from Gwynedd and 60% from the same area of Gwynedd)

The question asked draws attention to specific areas that were covered by the research, namely Pen Llŷn and Penllyn. Based on the comparison with the percentage of Welsh speakers generally in the area, the area of Pen Llŷn showed a slightly lower percentage of Welsh speakers for new houses. Penllyn was the only area where there was a big difference in the percentages, but we must remember that this was based on a very small sample of only 8 responses, out of only 23 new builds that were completed in the area during the period.

Furthermore, we must emphasise that seven areas out of the 10 areas that were included in the research work showed higher percentages, with some being significantly higher as shown in the graph below.



Despite this, it is important not to be over-reliant on the results of this research and assume that it tells us everything. This research was carried out at a particular point in time, and it is difficult to presume that the exact same patterns would be repeated in respect of any future developments where the numbers / types / exact locations of new housing, and the condition of the housing market locally / generally, may be different.

Linguistic assessments and housing developments

We must emphasise that the purpose of the new housing research work was not to consider how effective or otherwise any Welsh language impact assessment was, as part of the process of dealing with planning applications for the new housing developments.

We also note that the research included every new house that was completed in Gwynedd between 2015 and 2017, and that houses completed between 2012 and 2014 in some parts of Gwynedd were also added in order to increase the sample size. Therefore, in

respect of the Gwynedd planning authority area, all the planning applications for new housing that were part of the research had been determined under the old local planning policy framework that was operational at the time, which was the (Gwynedd) Unitary Development Plan. Nevertheless, the data shown in the graph above indicates that the percentage of Welsh speakers who were moving into new houses permitted during this period, was higher than the overall percentage of Welsh speakers in most of the areas that were the subject of the research.

The Unitary Development Plan was replaced in 2017 when the (Anglesey and Gwynedd) Joint Local Development Plan was adopted. Further to this, the Supplementary Planning Guidance (Maintaining and Creating Distinctive and Sustainable Communities) has been adopted which provides further detail to the planning policy. Therefore, the old system that was in place for considering the Welsh language with the planning applications that were part of the research work in the Gwynedd planning authority area, has been replaced, and new arrangements are operational.

The policy within the Joint Local Development Plan and the guidance provided in the Supplementary Planning Guidance, go much further than the old system and also the requirements within Technical Advice Note 20 (Welsh Government). We must also note that there are several examples of planning applications that were refused for reasons relating to the Welsh language.

The current policy along with the supplementary planning guidance will be the ones in operation until the new Local Development Plan has been adopted. The process of preparing the new Plan has begun, which will provide an opportunity to re-examine the policy and how we should give consideration to the Welsh language when dealing with planning applications.

With regard to who should carry out the work of making a linguistic assessment of planning applications, we must emphasise what the Council's role is as a local planning authority with planning applications. The Council's role is related specifically to assessing planning applications and then determining them, or making a recommendation on them, based on the Joint Local Development Plan and any other planning considerations (e.g. Planning Policy Wales etc.)

It is not the Council's role to prepare assessments on behalf of the applicant, whether they are language assessments, transport assessments, ecological assessments or any other assessment or report that must be submitted as part of the application. We emphasise that the Planning Service ensures that all the information submitted by applicants is assessed by consultees within and outside the Council.

Regarding language statements / assessments that are submitted with planning applications, there are arrangements in place to consult with language advisers in the Council's Democracy and Corporate Support Service. They provide comments on the evidence that is submitted in the language assessment, and their comments are then taken into consideration as part of the process of determining planning applications.

(2) Question by Councillor John Brynmor Hughes

I would like to know why it takes so long to get tenants into social housing in the area. The examples I have is that a property on Ala Road, Pwllheli has been converted into two flats

and they have been empty for a long time, as well as two houses on Abererch Road. If these properties were in the private sector the Council would earn money from tax and possibly a tax premium too.

Response – Cabinet Member for Housing, Councillor Craig ab Iago

The purpose of the Buy to Let Scheme is to increase the supply of affordable homes available to rent in order to enable local people to live in their communities. Ongoing purchases will mean that we will have purchased 23 homes by the end of the financial year, which is in line with the profile originally set out at the start of this scheme.

This has been achieved despite facing a challenging housing market, and as the situation stabilises, we're confident that we will reach our target of 100 properties purchased by the end of the Housing Action Plan's lifespan.

As with any property purchase process, specific legal steps need to be completed, which on average takes 4 months. Following completing the purchase, it is necessary to undertake the appropriate tendering process required of the Council in order to ensure value for money and to ensure work of the highest standard is done for the benefit of future residents.

In some situations, matters may arise that means some properties remain empty for longer than anticipated, for example complexities with electricity and gas supply or structural matters which comes to light after the completion date.

The tendering work for all properties already purchased will be awarded by the end of the financial year, with work on many properties completed allowing residents to move in. With more properties coming into our ownership over the next year, we have designated a specific additional resource which will enable us to move even faster.

Regarding the comment about Council Tax, we can confirm that we as a Council is subject to paying taxes as would any Gwynedd resident, therefore there is no income loss for the Council.

(3) Question by Councillor Eryl Jones-Williams

Should Cyngor Gwynedd be asking Welsh Government First Minister Mark Drakeford for an apology for not going ahead with a Medical Training Centre in Bangor following a Notice of Motion by this Council over 10 years ago when the project had the support of the then Health Minister, Edwina Hart AM.

If Mark Drakeford had not stopped the project, Gwynedd would not be in the position of being short of doctors and nurses which is the position we find ourselves in today, which is having a negative effect on Gwynedd residents.

Response – Cabinet Member for Adult Services, Councillor Dilwyn Morgan

I am grateful to Councillor Eryl Jones-Williams for his question regarding inviting the First Minister, Mark Drakeford, to apologise for the delay in giving support to the establishment of the Medical School at Bangor University. The [proposal was supported in September](#)

[2013](#) with the Council calling for the establishment of the Medical School, and a [response was received from the Government](#) in October 2013.

By now, it is great to note that the Medical School is being opened in Bangor and I am sure that all the Gwynedd Councillors would like to wish all the students and the prospective medical workforce who will start their education in September next year well. Indeed, a special thank you to Councillor Jones-Williams, among others, for calling for the establishment of the school ten years ago and for raising the issue today, giving me the opportunity to raise awareness of the school and the development.

I sympathise with the sense of frustration felt in the question and that the development was not supported ten years ago. As a Chinese proverb says, "The best time to plant a tree was 20 years ago. The next best time is today". So, although I accept the frustration, I am glad that the development is now going ahead.

Of course, the Council is not responsible for the medical field and the development is a matter for the health service, the Government, and the University, even though it does have a significant impact on Gwynedd. Therefore, I do not see that there is any benefit for the people of Gwynedd from calling on the First Minister to apologise for a lack of action ten years ago. But I hope that the people of Gwynedd will benefit from the development for years to come.

So, to reiterate, all the best to the Medical School at Bangor University, and all the best to the students on their studies.

(4) Question by Councillor Huw Rowlands

What effect is the limits on phosphorus emissions in river catchments in Gwynedd having on new developments, and what discussions has Cyngor Gwynedd had with the appropriate agencies to find a solution?

Response – Cabinet Member for the Environment, Councillor Dafydd Meurig

There are nine rivers in Wales that are designated as Special Areas of Conservation (SACs) under a UK law called the Conservation of Habitats and Species Regulations 2017 (as amended). These rivers are the Cleddau, Eden, Gwyrfai, Teifi, Tywi, Glaslyn, Dee, Usk and Wye and their ecosystems support some of Wales' rarest and most important wildlife.

Public bodies in Wales have a statutory duty to contribute towards meeting water quality targets, and by doing so protecting the river SACs through regulation of activities for which they are responsible.

In January 2021 Natural Resources Wales (NRW) published a report which presented their assessment of how much phosphorus there is in SAC rivers, measured against revised water quality targets. The assessment showed that over 60% of the water bodies assessed in SAC river catchments, were failing to meet the revised water quality targets for phosphorus. However, the findings of the reports showed that neither the Gwyrfai nor the Glaslyn rivers in Gwynedd were failing to meet the water quality targets.

The studies have shown that approximately 80% of phosphorus emanates from Welsh Water Treatment works in the Gwyrfaï, with 16% from rural land use. In the Glaslyn 62% emanates from Welsh Water treatment works and 32% from rural land use.

Although the Gwyrfaï and Glaslyn are not failing, some new developments such as housing or agricultural enterprises, can lead to increased amounts of phosphorus entering the river environment from additional wastewater or from poor management of manures and slurries. Under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

Within SAC catchments that meet the phosphorus targets, it is possible that new developments can be authorised if it can be demonstrated they will not lead to an adverse effect on site integrity (i.e. will not undermine the ability for the SAC to meet its conservation objectives).

Therefore, planning applications for development proposals within a SAC river catchment need to undergo a Habitats Regulations Assessment (HRA) to determine their impact on the designated site and its features. The Council, as the competent authority carries out this assessment when required. However, the Council has not been in the position to be able to confirm that developments will not have a material impact on the characteristics of the SAC rivers, due to the lack of current evidence required to satisfy the requirements of the Habitats Regulations. For developments connecting to wastewater treatment works where there is an existing permit in place, the extant appropriate assessment for the permit cannot be relied upon as it is now dated and does not include current evidence and has not been assessed against the revised phosphorus targets.

Currently the Council has approximately 9 planning applications undetermined due to phosphates and a number have also been refused consent (usually with other reasons for refusal). The applications currently on hold include a development of 26 dwellings (mix of open market and affordable housing) in Bontnewydd, and a development of 16 affordable dwellings in Dinas, Caernarfon.

NRW is undertaking a review of existing water company permits against revised phosphorus targets and has a target to complete this work by July 2024. NRW are releasing the revised permits once completed, but there are no target dates for individual rivers. To date, revised permits have not been issued in Gwynedd.

Where a wastewater treatment works permit has been reviewed against revised phosphorus targets and, in some cases revised accordingly, new developments connecting to the associated public sewer should still be subject to a Habitats Regulations Assessment by the Planning Authority. Whilst the phosphorus impacts of new connections should be considered on a case-by-case basis, it is likely that a conclusion of no likely significant effect could be drawn in some cases in the context of water quality impacts where the following apply:

- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality
- there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits.

- the sewer network and associated wastewater treatment plant has the hydraulic capacity for new connections, without leading to an increase in the environmental impact of storm overflows.

To ensure that Council officers are ready to re-assess applications once the reviewed permits are issued, officers have attended relevant training which includes training prepared by the Welsh Government.

Once the reviewed permits are issued, the discussions regarding connections to and the capacity of the treatment works can be undertaken by Welsh Water (DCWW) and the Planning Service. Given that Gwynedd has only a small backlog of applications on hold due to phosphates, staffing capacity issues are not foreseen and discussions with DCWW can be commenced as soon as possible. The outcome in relation to the planning applications that are on hold, largely depends on the capacity of DCWW treatment works and the headroom to accept additional phosphate. In circumstances where there are capacity issues, planning conditions can be used to condition the timing of a development to correspond with delivery of future improvements at wastewater treatment works scheduled under an Asset Management Plan (DCWW).

Council officers have regularly attended relevant meetings which includes Nutrient Management Boards and the SAC Phosphate Rivers Planning Sub-Group. There are also meetings which are attended by Welsh Council's, some cross border Councils, DCWW, NRW, the Welsh Government, Planning and Environment Decisions Wales (PEDW) and also non-regulatory stakeholders. These groups and boards have ensured that the matter is now led by a minister at a national level. Two phosphate summits have been conducted with actions identified and there is a third summit planned to continue to progress with this matter.

It is also noted that the matters relating to water quality and phosphorus levels in the Gwyrfai and Glaslyn rivers, will also require consideration as part of the process of preparing the new Local Development Plan for the Gwynedd Local Planning Authority Area. Furthermore, it is understood that NRW are undertaking similar works with the water quality and phosphorus levels in marine SACs, which could have a further impact on planning applications in the area as well as the process of preparing the new Plan.

(5) Question by Councillor Richard Glyn Roberts

It will soon be the new year. How slow will this Council be in producing a new language policy for the county's schools or designating them as 3P schools?

Response – Cabinet Member for Education, Councillor Beca Brown

I have stated my intention as the Education Cabinet Member to update the Education Language Policy in several meetings of the Full Council, and in a recent meeting of the Education and Economy Scrutiny Committee.

I have also adopted the recommendations of the Gwynedd Category 3 Secondary Schools Scrutiny Investigation, which includes a specific recommendation regarding the Language Policy, namely: *“That the Education Authority adapts the model Language Policy for schools putting more emphasis on the Welsh language and making it clearer regarding what is meant by bilingualism.”*

I do not accept the comment regarding the Council's slowness in updating the Language Policy. My commitment is clear, and I can declare that the work of updating the Language Policy will have been carried out by the end of this educational year. There will be an opportunity for me to detail that further as I report on progress against the recommendations of the scrutiny investigation before the Education and Economy Scrutiny Committee in March 2024.