



Complete Agenda

Chief Executive's Department
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

COMMUNITIES SCRUTINY COMMITTEE

Date and Time

10.00 am, TUESDAY, 17TH NOVEMBER, 2015

Location

Siambr Hywel Dda, Council Offices, Caernarfon, Gwynedd. LL55 1SH

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COMMUNITIES SCRUTINY COMMITTEE

MEMBERSHIP (18)

Plaid Cymru (9)

Councillors

Craig ab Iago
Dilwyn Morgan
E. Caerwyn Roberts

Annwen Daniels
Linda Morgan
Gruffydd Williams

Annwen Hughes
W. Tudor Owen
Eurig Wyn

Independent (4)

Councillors

Eric M. Jones
Angela Russell

Nigel Pickavance
Mike Stevens

Llais Gwynedd (2)

2 Vacant Seats

Labour (1)

Councillor Glyn Thomas

Liberal Democrats (1)

Councillor Stephen W. Churchman

Individual Member (1)

Councillor Louise Hughes

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

1 - 6

The Chairman shall propose that the minutes of the last meeting of this committee, held on 17th of September, 2015, be signed as a true record.

5. THE WELSH LANGUAGE AND THE PLANNING SYSTEM

7 - 13

To consider the wider role and influence of the Welsh Language in the planning system.

6. SECTION 106 AGREEMENTS

14 - 19

To consider a paper on the purpose and the extent of Section 106 agreements.

7. POST-16 TRANSPORT

20 - 27

To receive a report back from the Cabinet Member on the implementation of the Scrutiny Investigation's recommendations.

COMMUNITIES SCRUTINY COMMITTEE 17.09.15

PRESENT - Councillor Angela Russell (Chair)
Councillor Caerwyn Roberts (Vice-chairman)

Councillors:- Stephen Churchman, Annwen Daniels, Annwen Hughes, Eric M Jones, Dilwyn Morgan, W Tudor Owen, Mike Stevens, Gruffydd Williams and Eurig Wyn

OFFICERS: Arwel Ellis Jones (Senior Manager - Democracy and Delivery) and Lowri Haf Evans (Members' Support and Scrutiny Officer)

ALSO PRESENT:

- i) In relation to item 5 on the agenda - Ffrancon Williams (Chief Executive, CCG), Llinos Iorwerth (Head of Communications, CCG), Gethin Armstrong (Customer Services Manager, CCG) and Enid Roberts (Customers and Communities Assistant Director, CCG).
- ii) In relation to item 6 on the agenda - Councillor John Wynn Jones - Cabinet Member for the Environment and Mr Peter Simpson (Street Services Manager).
- iii) In relation to item 7 on the agenda - Dafydd Wyn Williams (Head of Regulatory Department) and Cara Owen (Development Control Manager).
- iv) In relation to item 8 on the agenda - Councillor Ioan Thomas (Cabinet Member for Housing), Arwel W Owen (Senior Housing Manager), Catrin Roberts (Housing Development Strategic Officer).

1. APOLOGIES

Apologies were received from Councillors Annwen Davies, Louise Hughes, Linda Morgan, Robert J Wright.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3. URGENT ITEMS

None to note.

4. MINUTES

The minutes of the previous meeting of this committee, held on 21 May 2015, were accepted as a true record of the meeting. It was reported that discussions about the attendance of one of Plaid Cymru's representatives on the Fire Authority had been held.

5. CARTREFI CYMUNEDOL GWYNEDD

- (a) The Annual Report of Cartrefi Cymunedol Gwynedd (CCG) for 2014-2015 was submitted. Reference was made to the Transfer Agreement, and it was noted that it was required for them to note how they had realised the promises made to tenants in the Offer Document and implemented the obligations under the Transfer Agreement. Attention was drawn to some specific matters:

- 167 (98.8%) of the promises within the "Your Home, Your Choice" Offer Document had been successfully delivered since the end of March 2015. It was noted that CCG continued to prioritise local jobs ensuring that the expenditure was circulated locally. At the end of March 2015, 257 were employed on the Welsh Housing Quality Standard (WHQS) improvement programme across all service providers. As WHQS' work flow and improvement programme drew to a close, it was noted that Service Provider staffing levels were decreasing and as a result the number of apprentices and trainees was reducing.
- CCG had previously won the Association of Consultant Architects Innovation and Partnering award (2013), and the Outstanding Contribution award in the National Procurement Awards (2014). Following that, it had been praised for the way that local businesses and people had benefitted from the jobs and apprenticeships created. In 2015, it received an award from Wales National Procurement.
- Since CCG's inception and up to March 2015, 180 community projects had benefited from grants (a total of £975,699) through CCG's Community Investment Fund with additional investment of £5.6M secured through match funding.
- CCG's emphasis was changing. Over the past five years, the emphasis had been on ensuring that the association's stock complied with the standard, and this remained a definite commitment. By now, the business' direction was changing, and the Corporate Plan 2015/20 had been formed outlining the strategy and aspirations for the next five years. Welfare reform would affect tenants, and consideration had to be given to the provision that would be offered.
- The business continued to grow in order to ensure long-term viability - new developments in Maesgeirchen and Pwllheli together with achieving the target in the provision of affordable homes and investigating new sources of income. Although the expenditure would reduce from this year onwards, CCG would continue to invest and circulate funding within the County.
- Elements of collaboration with large companies and sub-contracting arrangements caused some concerns, but CCG continued to work through this.
- Continued to consult with tenants to include customers in everything it did.
- As a result of the change in emphasis, the relationship with the Council was changing from a monitoring perspective.

(b) During the discussion, the following observations were made:

- i. CCG was congratulated on its success in receiving a Wales National Procurement award and on its positive report. It was thanked for the success of the community fund and its willingness to improve the mixed property estates.
- ii. New developments were approved, but it was necessary to secure more units for older people as well as one-bedroom units. In response, it was noted that CCG was aware of the increase in the number of older people and of the clear statistics which evidenced the emphasis on keeping older people in their homes - the matter had already been discussed at the Housing Partnership and therefore the housing associations were collaborating to respond to the demand and to ensure that the developments were in the right locations.

- iii. The standard of kitchens, for example, was likely to decline at the same time and therefore it was foreseen that further investment would be needed in approximately 15 years. In response, it was noted that this had been considered in the business plan.
- iv. Request to strengthen the local members' and the District Council's links with local wardens in terms of sharing information. In response, it was noted that the Elected Member Protocol ensured the flow of information in one direction, with every enquiry and response being appropriately recorded. It was stated that establishing one point of contact had provided professional aspect to the procedure. In terms of contacting wardens, it was highlighted that this was not effective as the warden tended to be out in the field all day. It was also highlighted that a Members Champion had been purposefully appointed to share information. Members were reminded that the member protocol was effective and Gethin and the team were congratulated on their timely information and responses.
- v. In terms of housing sales it was noted that the average had reduced to between 5 and 7 houses being sold annually. It was noted that the Government had an intention to reduce the discount from £16,000 to £8,000 which would make the process less appealing for the tenant. The 'Right to Buy' initiative was ongoing, with an eligibility period of having lived in the property for two years prior to making an application. According to the Westminster Government, it was an aspiration, for every house sold that another should be built in its place, but it appeared as though Welsh Government had made a robust commitment to abolish the 'Right to Buy' project.
- vi. In response to a Member's request for information to share with tenants in terms of who received priority, it was noted that requests were managed by the Housing Options Team with good collaboration with the Housing Services. It was also highlighted that Information Security had to be respected, and therefore information on tenants could not be shared. The work that members did to mitigate situations was appreciated.
- vii. In response to a comment noting disappointment that CCG had appointed two non-Welsh speaking senior officers and the ill-feeling that had been created as a result, it was highlighted that it was not an easy decision. It was noted that there had been recruitment problems and that they had sought to respond to the situation. CCG's work towards the Welsh language continued, but as a business it was necessary to ensure that the right people were in the right posts and therefore this was a priority.
- viii. In response to an observation regarding improving collaboration arrangements in terms of the Empty Housing situation, it was noted that empty housing was a financial problem for CCG and therefore if local members could support CCG by promoting empty housing it would be very grateful.
- ix. In terms of land ownership, it was highlighted that CCG would contact local members.
- x. In terms of a changing relationship, it was highlighted that the members would like to see the relationship continuing between the Council and CCG as the collaboration was beneficial. An initial suggestion was made that it would be possible to hold an annual discussion at the Communities Scrutiny Committee to discuss / scrutinise the work of all housing associations that provided houses in Gwynedd.

Everyone was thanked for their contribution to the debate and representatives from Cartrefi Cymunedol Gwynedd were thanked for attending the meeting. The report was accepted.

6. USE OF ENFORCEMENT RIGHTS

- a) An initial brief was submitted for a Scrutiny Investigation into the use of on-street enforcement. It was highlighted that Gwynedd Council's Street Service was a comparatively small team working within a net budget of £300k. The service was responsible for raising awareness and teaching the public about ensuring a clean and safe environment, operating policies on graffiti, needles and lanterns, monitoring the performance of street hygiene and maintaining and assisting in a range of relevant campaigns. The scrutiny investigation would run for a period of six months with the intention of forming clear recommendations based on evidence to be considered by the Cabinet Member.
- b) During the discussion, the following observations were made:
- The dog fouling problem was an obvious one for the man on the street, but it must be remembered that this was not only an investigation into dog fouling - the brief must be considered in its entirety.
 - It needed to be ensured that every area in the County was focussed upon and not the busy areas only.
 - The investigation was not seeking to scrutinise the work of the department, rather to support the department's work and to seek to expand the scope of the work the department did.
 - Multipurpose bins were being trialled in Tywyn - very successful but awareness needed to be raised.
 - Clear and specific training and publicity were required
 - Confirmation of service arrangements was required – who was collecting? Who placed the bins?
 - Needed to consider chewing gum - there was potential to collaborate with schools on this.
- c) **RESOLVED** to accept the brief and nominate the following Members to serve on the investigation. Councillors Dilwyn Morgan, Mike Stevens, Tudor Owen, Annwen Hughes, Annwen Daniels and Angela Russell to serve on the investigation.

7. PLANNING AND THE WELSH LANGUAGE

- a) Submitted - the report of the Senior Manager - Democracy and Delivery responding to two concerns amongst Councillors and members of the public regarding the Planning and the Welsh Language procedure. The first concern was the Council's internal arrangements when dealing with linguistic impact assessments in planning committees. The second concern was a broader one regarding the status of the Welsh language in the Planning System.

It was reported that the first matter, following a discussion with officers from the Planning Service and Councillor Elwyn Edwards, had been solved with a link on the agenda referring to the relevant plans and background information.

- b) In terms of the status of the Welsh Language in the Planning Procedure (national and local level), it was highlighted that it was intended to schedule a purposeful item for the next meeting of this Committee on 17 November to discuss in full. In considering fields for the discussion, initial observations were submitted with a request for members to expand on them;
- Set the statutory context in terms of the Planning Bill etc.
 - Explain the National Planning Policy (TAN 20)
 - Explain the Current Local Planning Policy (The Unitary Development Plan and the Supplementary Planning Guidance: Planning and the Welsh Language)
 - Explain how the Service operates within the current policy context

- Provide information regarding the Joint Local Development Plan (Draft)
 - Explain how, in the context of the requirements of TAN 20, we would be required to deal with the Welsh language when deciding on planning applications after the Joint Local Development Plan would be adopted and how the Service sought to respond to this.
- c) In response to the initial observations to hold the discussion, the Planning officers highlighted;
- in the context of TAN 20, that there were new draft guidelines for linguistic and community assessments, but that there was no intention to implement them until the next election - the Planning committee therefore continued with the current policies
 - that appeal inspectors specialised in relevant planning fields and not solely in the Welsh language
 - Gwynedd Council went beyond what was required in the context of guidelines.
- ch) During the discussion, the following observations were made:
- Accepted that the link was a good and effective idea
 - Needed a definition of the 'Planning Instruction' term
 - Needed to ensure that the linguistic assessment was addressed by appropriate officers - need the inspections to be completed by officers who understood the linguistic and community situations
 - Carl Sargeant encouraged consideration for the Welsh language, therefore why was it not possible to consider the Welsh language before the election

RESOLVED to accept that the procedures in terms of the papers of the Planning Committee had improved adequately and agree to seek a report for the next meeting of the committee as outlined, but to add the following elements to it;

- **Linguistic assessment guidelines and who conducts them**
- **Address the role of the planning inspectorate**
- **Need a definition of the 'Planning Instruction' term**

8. SUBMITTING THE RECOMMENDATIONS OF THE HOMELESSNESS SCRUTINY INVESTIGATION

- a) Submitted - the report of the Homelessness scrutiny investigation to the Cabinet Member, Ioan Thomas. Everyone was reminded by the chair of the investigation, Councillor Eric Jones, of the background of the brief and a summary of the work undertaken was provided. It was proven that the investigation had been extremely valuable, an insight into a challenging and difficult field which dealt with individuals and families across the community. It was outlined that excellent work was being undertaken, but recommendations had been identified where there was room for improvement. It was noted that this was not a criticism of the officers in the field, but rather a matter in which some adaptations could improve the provision. The members of the investigation were thanked for their commitment, and to Councillor Stephen Churchman for attending every hostel visit in order to ensure consistency of opinion and the officers were thanked for their work, especially Susan Griffith (Homelessness and Supportive Housing Manager) and Catrin Roberts (Housing Strategic Development Officer).
- b) The Cabinet Member reiterated his thanks to the members for their commitment to the investigation which had provided a valuable scrutiny role in a challenging field. It was outlined that due to the financial challenge it was difficult to accept every recommendation, but the hope was to implement most of them. The Senior Housing Manager reiterated his appreciation for the work and the valuable insight provided into the field. He highlighted that

some recommendations had already been realised or prioritised (with financial limitations to others). Each member was encouraged to visit a Hostel.

c) During the discussion, the following observations were made:

- It was important to collaborate to get the best for the Homelessness service - the service provided was essential
- Early intervention must be ensured and a focus on preventative services
- The report was congratulated and a request was made for an update in 6-9 months

RESOLVED to accept the report, adopt the recommendations in it and that the Cabinet Member reports back within 6-9 months on what has been achieved as a result of the recommendations.

The meeting commenced at 10.00am and concluded at 12.05pm.

Agenda Item 5

NAME OF SCRUTINY COMMITTEE	COMMUNITIES SCRUTINY COMMITTEE
DATE OF MEETING	17 November 2015
TITLE	Planning and the Welsh language
AUTHOR	Dafydd Wyn Williams, (Acting) Head of Regulatory Department
CABINET MEMBER	Councillor Dafydd Meurig
PURPOSE	To scrutinise the Council's arrangements for the planning process and the Welsh language.

Background and Purpose

- 1.1 This report is a follow-up from a discussion that was held at the Scrutiny Committee on 17 September 2015 regarding Planning and the Welsh language. The discussion dealt specifically with the scrutiny of the Planning Committee's arrangements for dealing with the documentation for language impact assessments being submitted with planning applications. This matter has now been resolved and arrangements are in place and are operational to facilitate access for Planning Committee Members (and others), to all background information of relevance to the applications on the Planning Committee's agenda.
- 1.2 At the Scrutiny Committee on 17 September 2015, it was agreed to report further on the broader issues in relation to the planning system and the Welsh language; therefore, the purpose of this report is to deal with the following matters;
 - i. Setting the statutory context in terms of the Planning (Wales) Act 2015
 - ii. Explaining the National Planning Policy (TAN 20)
 - iii. Explaining the Current Local Planning Policy (The Unitary Development Plan and the Supplementary Planning Guidance: Planning and the Welsh Language)
 - iv. Explaining how the Service operates within the current policy context
 - v. Providing information regarding the Joint Local Development Plan (Draft)
 - vi. Explaining how, in the context of the requirements of TAN 20, we will be required to deal with the Welsh language when determining planning applications after the Joint Local Development Plan has been adopted and how the Service seeks to respond to this.

The statutory context and planning policy context

- 2.1 The planning process operates within a statutory framework which includes three tiers, namely primary legislation, secondary legislation and material planning policies and guidelines. The primary legislation includes the recently issued Planning (Wales) Act 2015, along with other primary legislation including the Town and Country Planning Act 1990, The Planning and Compulsory Purchase Act 2004 and the Planning Act 2008.

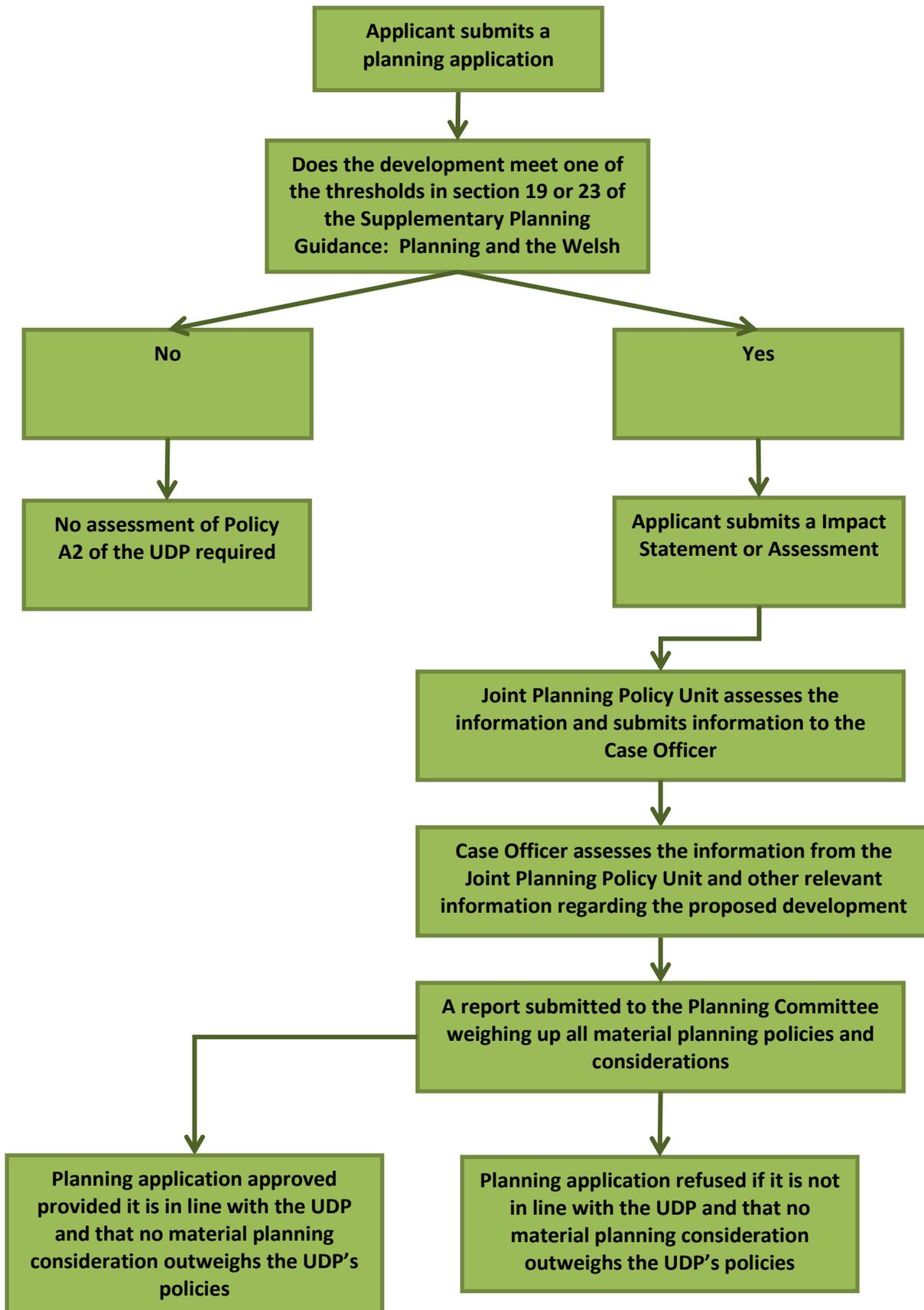
- 2.2 The Planning (Wales) Act 2015 refers specifically to the Welsh language and notes the need to give any relevant consideration to the use made of the Welsh language when it is a material consideration in the application in question. This raises the profile of the Welsh language in relation to the statutory framework; however, it must be borne in mind that the language was already a planning consideration that predated the Planning (Wales) Act 2015. Members of the Scrutiny Committee are reminded that Gwynedd Council and Snowdonia National Park Authority held a joint awareness-raising session on 5 November 2015 in relation to the Planning (Wales) Act 2015.
- 2.3 In terms of determining planning applications, section 38(6) of the Planning and Compulsory Purchase Act states that decisions must be made in accordance with the development plan unless material planning considerations state otherwise. This is the statutory test. The Gwynedd Unitary Development Plan (2009) (UDP) is the relevant development plan. Material planning considerations include Planning Policy Wales together with Technical Advice Notes (TAN). Those who make the decision have to come to a clear and coherent conclusion regarding how much emphasis to place on material planning considerations.
- 2.4 Planning Policy Wales is a Welsh Government land use policy. The document, along with the supporting guidance in Technical Advice Note (TAN) 20: Planning and the Welsh language (2014), states that the Welsh Government is committed to ensuring that the Welsh language is supported and encouraged to thrive as the language of many communities across Wales. It is also noted that the future well-being of the language will depend on a broad range of factors, in particular: education, demographic change, community activities and sound economic grounds to maintain prosperous and sustainable communities (paragraph 4.13.1 Planning Policy Wales). The land use planning system should also consider the needs and interests of the Welsh language and, in doing so, contribute to its well-being. However, it is also noted that planning policies should not attempt to introduce any element of discrimination between individuals on the basis of their linguistic ability. Planning policy should not seek to control housing occupancy based on linguistic reasons.
- 2.5 TAN 20 includes guidance for local planning authorities on how Welsh language considerations can be incorporated as part of the process of preparing a Local Development Plan (LDP) and that this could be done as part of the LDP's sustainability appraisal. TAN 20 also notes that planning applications should not be subject to a Welsh language assessment because planning authorities should note their position on planning and the Welsh language through the LDP's strategies and policies and by using the Supplementary Planning Guidance.
- 2.6 It must be noted that TAN 20 does refer specifically to Local Development Plans by noting that planning applications should not be the subject of a Welsh language assessment. The Joint Local Development Plan (Gwynedd and Anglesey) that is currently being prepared is yet to be adopted and the Gwynedd UDP is the adopted plan for the Gwynedd planning authority area. The Council has adopted a series of Supplementary Planning Guidance which explain relevant policies in the UDP. The Guidance is not a series of documents which create policy. The Supplementary Planning Guidance: Planning and the Welsh Language provides guidance on how to apply Policy A2 of the UDP. The current situation in Gwynedd, since the Gwynedd UDP remains the adopted plan, is that we are continuing to consider the language

when dealing with relevant planning applications as noted in Supplementary Planning Guidance: Planning and the Welsh language, despite what is noted in TAN 20.

- 2.7 It must be borne in mind that dealing with planning applications includes the need to give consideration to a vast number of different planning considerations, and that the weight given to those considerations vary from one application to the next. If the assessment of the development plan and the assessment of the material planning considerations come to the same conclusion, the application can be approved or refused in accordance with that. In some cases, the assessments may come to a different conclusion. Bearing in mind the statutory test, when there is variance between the assessment of the development plan and the assessment of the material planning considerations, a clear and coherent conclusion must be reached as to whether or not the weight is sufficient to outweigh the development plan.

Planning applications and the Welsh language and the current arrangements

- 2.8 In accordance with the statutory requirement, the Council determines planning applications in accordance with the Gwynedd UDP unless other planning considerations state otherwise. The following chart displays the process implemented by the Planning and Environment Service when dealing with planning applications and considering the Welsh language.



3. Preparing the Joint Local Development Plan (JLDP)

Context

- 3.1 Gwynedd Council and Anglesey Council are collaborating to prepare a single Joint Local Development Plan for the Gwynedd and Anglesey planning authority area. A number of statutory steps must be followed before the JLDP can be adopted and the timetable included in Appendix A contains the main relevant steps. The JLDP must be based on sound evidence and when the JLDP is adopted, it will replace the Gwynedd UDP.

How will consideration be given to the Welsh language when preparing the JLDP?

The Sustainability Appraisal and Language Impact Assessment (LIA)

- 3.2 The JLDP has to ensure that the developments are economically, socially and environmentally sustainable. In order to do so, the Planning and Compulsory Purchase Act 2004 states that the JLDP must be the subject of a Sustainability Appraisal (SA) and to report on the findings of this work throughout the process of preparing the Plan.
- 3.3 The JLDP will deal with linguistic and cultural matters, equality matters and health matters. The SA process will assess the impact of the JLDP on these matters.
- 3.4 The Sustainability Appraisal process will be informed by information which will come to hand as a result of undertaking the Language Impact Assessment at key stages in the process of preparing the JLDP.
- 3.5 The Language Impact Assessment of the Plan is a repetitive process and the assessment will have to be reviewed when aspects of the Plan change as part of the process of producing the Plan. The Impact Assessment Report on the Welsh Language (May 2013) describes the methodology used, records statistical evidence and the conclusions of the assessment during the process of producing the Plan. As the process is repetitive and as the evidence base develops, the document will be changed during the process.
- 3.6 The information sources for this work include:
- Information from the Census
 - The Housing and Language Project. Questionnaires are being sent out to: (a) houses purchased during 2008 – 2012 in the wards of Llanrug, Clynnog, Hirael, Diffwys a Maenofferen, South Dolgellau and Abersoch (b) houses constructed in Gwynedd during 2007-2012. The purpose of the questionnaire is to obtain a picture of the households and then to see whether there is a correlation between this and the position of the Welsh language. This Project is part of a wider project under the Council's Strategic Plan;
 - Local Market Housing Project : This project looks for, and analyses evidence to ascertain whether a policy which promotes housing to satisfy specific local needs for open market housing can be justified. This type of housing, along with other infrastructure, could enable residents to remain in specific rural communities.

- The use of the language in primary schools : namely evidence on pupils' standards; the language used during play time and so on; the language of meetings of Governing Bodies.
- Operating Locally : namely a tool developed by the Welsh Language Board to undertake research to obtain a picture of the nature of an area regarding social aspects and characteristics; measuring the viability of the Welsh language locally in terms of its visual status, the use made of spoken Welsh and the value given to the Welsh language by residents. Mapping the information on a county level and receiving information from communities which have used the tool locally.

3.7 The JLDP was out to public consultation during February/March 2015 and the JLDP Panel (with representatives from amongst Gwynedd and Anglesey members), is in the process of considering the responses received to the public consultation. It must also be noted that it is a statutory requirement for the Council to monitor the LDP (post-adoption), and prepare an annual monitoring report. The purpose of this is to assess whether or not the plan's policies work and achieve the objectives.

New Supplementary Planning Guidance

3.8 As part of the process of preparing the Joint Local Development Plan, it is intended to prepare a series of new Supplementary Planning Guidance. It is proposed to give priority to preparing Supplementary Planning Guidance relating to sustainable communities that will include much more detail on planning and the Welsh language matters. There is concern regarding the requirements of TAN 20 which notes that planning applications should not be the subject of a Welsh language impact assessment, as it is expected for this to have been addressed when preparing the LDP. At the time of preparing the plan, it is impossible to anticipate every development that can take place over 15 years, and it is believed that it is inevitable that there will be developments for which the language will need to be considered as part of the process of dealing with the application. Therefore, it is proposed to attempt to facilitate this by means of the new Supplementary Planning Guidance.

Conclusions

3.9 The Council's arrangements in terms of the implementation of the planning process in the context of the Welsh language are in accordance with the statutory requirements and the relevant planning policy and guidance.

Appendix A

Steps and timetable for preparing the Gwynedd and Anglesey JLDP

1.	Placing the JLDP and associated documents on deposit – consultation period of 6 weeks <i>(Regulation 17)</i>	February - March 2015
2.	Considering and making a decision about the representations about the Deposit JLDP <i>(Regulation 18 & 19)</i>	April 2015 – January 2016
3.	Submitting the JLDP to the Welsh Government for Examination <i>(Regulation 22)</i>	February 2016
4.	Independent Public Examination <i>(Regulation 23)</i>	February 2016 – January 2017
5.	Publishing the Inspector’s Report <i>(Regulation 24)</i>	January 2017
6.	Adopting the JLDP (Regulation 25)	February/ March 2017
7.	Monitoring and review	Annual report

(timetable for steps 4 – 6 is indicative as it depends on the time the Inspector will require to examine the Plan, which will include Public Hearings)

Agenda Item 6

NAME OF SCRUTINY COMMITTEE	COMMUNITIES SCRUTINY COMMITTEE
DATE OF MEETING	17 November 2015
TITLE	The use of agreements under section 106 of the Town and Country Planning Act 1990
AUTHOR	Dafydd Wyn Williams, (Acting) Head of Regulatory Department
CABINET MEMBER	Councillor Dafydd Meurig
PURPOSE	To scrutinise the Council's arrangements for the use of 106 agreements.

Background

1. Following the preparatory meeting of the Communities Scrutiny Committee, one of the items the committee was eager to scrutinise was matters relating to 106 agreements and how effective these documents actually are.
2. In order to consider the efficiency of 106 agreements, the statutory structure behind these agreements must be considered first as well as the times when local planning policies will give an authority the opportunity to use these agreements.

Statutory background

3. 106 agreements or planning obligations are part of the planning process and are usually associated with planning permissions. Agreements such as these may:
 - Restrict a development or use of land in some way.
 - Require an action or activity to be undertaken on, within, under or above ground.
 - Require the land to be used in a specific way.
 - Require specific amounts of money to be paid to the local planning authority.
4. The above is included within Section 106 (1) of the Town and Country Planning Act 1990. However, in order for the agreement to be effective it needs to adhere with the statutory requirements. It is essential that every agreement is:
 - (a) Necessary in order to make the development acceptable in planning terms;
 - (b) Directly related to the proposed development;
 - (c) Associated, in a fair and reasonable manner, to the type and scale of the development in question.
5. Therefore, the above noted that specific justification will be required for such an agreement. Very often, this justification is seen through our local policies e.g. affordable housing 106 agreement.

6. It should also be noted that 106 Agreements can only be used in situations where planning conditions cannot be used to realise what is required.

Gwynedd Council's use of 106 agreements

7. Gwynedd Council makes considerable use of 106 agreements in order to realise the requirements of our local policies that are in the Gwynedd Unitary Development Plan. It is likely that the agreement used most often is the affordable housing 106 agreement and guidelines regarding using these can be seen in our Supplementary Planning Guidance on Affordable Housing. Even with these type of agreements, it must be borne in mind that their use and requirements must be individually assessed every time. Matters such as development viability can affect our ability to use 106 agreements and there will also be a need to consider whether or not an Agreement is required i.e. is the property affordable anyway without any 106 agreement due to its size and location? It must be remembered that the purpose of an affordable housing 106 agreement is mainly to limit the price of the property so that it is affordable and can meet the specific need.
8. Generally, the type of Affordable Housing Agreement used depends on the location of the development, and policies within the Unitary Development Plan and the Supplementary Planning Guidance on Affordable Housing provide further details about this including details about the size of affordable housing. Generally, locations within Local Centres, villages and rural villages involve limiting the price of the property, who they could be sold to (local people within the catchment area) and also that they are in need of an affordable house. Agreements within the Sub-regional Centres (Bangor) and the Urban Centres limit the price and insist on selling to people in need.
9. The number of Affordable housing on any site will also depend on its location and consideration of all policies and relevant planning matters. It should also be noted of course that National Policy also places Affordable Housing at the heart of its housing policies.
10. Over the years, it is true to say that amendments have had to be made to the agreements to enable us to comply with the requirements of the banks that lend. This is a continuous and frustrating battle as the requirements of the banks change frequently. Banks' willingness to accept constraints within section 106 agreements also depends on the position of the housing market at the time. However, it should be noted that examples of a complete lack of funding, in our experience, are limited.
11. We have recently seen examples where the Council has decided that a section 106 agreement is not required in relation to developments by Housing Associations. The logic behind this was that they were not required on the grounds that statutory regulations and their internal mechanism and policies ensured the affordability of these houses. Gwynedd Council follows a number of other authorities in doing this.
12. Another example of when agreements are used is for financial contributions. These are occasionally used when a financial contribution is required in order to make this development acceptable. A good example of this is contributions towards the expansion of schools when a specific development is very likely to mean that the number of children within specific schools will increase. The Supplementary Planning Guidance on 106 Agreements regulates and sets a specific formula in order to do this. Contributions have also been used for the purpose of improving footpaths, highways and improving links with town centres etc. It is required to consider these again in the context of the statutory test referred

to in part 4 above. In Appendix 1 of the report, a list is provided of all applications that have been approved subject to a 106 agreement over the past five years.

13. It is noted that the Council is in the process of preparing a Joint Local Development Plan (Gwynedd and Anglesey), that has been examining varied evidence in order to develop new policies to meet the need for affordable housing. The Deposit Plan (namely a full draft version of the Plan) went out to public consultation during March this year and the observations received as a result of the consultation are currently being considered and assessed.

An example of a situation where the use of 106 agreements is not acceptable

Renewable energy and community benefit plans

14. Clear direction is given in Appendix B of Technical Advice Note 8 that states it is acceptable for a developer to offer benefits on top of what would be necessary for the development in question to proceed however these benefits **should not influence the decision process**. Paragraph 2.16 of TAN 8 emphasises that contributions toward such benefits should not enable consent to be given to an application that would otherwise be unacceptable in planning terms. In accordance with TAN 8, the absence or presence of any contribution to local communities is not a matter that would be considered by a Local Planning Authority when determining whether or not a planning consent should be granted or not. This is reiterated in Paragraph 11.1 of the Supplementary Planning Guidance on 'Onshore Wind Energy' which states that the absence or presence of any contribution to local communities is not a matter that will be considered by the council when determining whether or not consent should be given.
15. Even if a plan is deemed as one that is led by the community, this definition would not outweigh the clear guidance in TAN 8, Planning Policy Wales and the SPG Onshore Wind Energy:
 - That contributions to local communities should not be considered when determining planning applications;
 - That community benefits should not be used as a reason to approve applications that are otherwise unacceptable under usual planning considerations.
16. Therefore, it is difficult to anticipate when the planning system can be used to ensure community benefits by using planning obligations. Examples of when this can be done are extremely limited and they can only be used when it is possible to justify them through the statutory tests above in part 4 of the report. To this end, it is possible that a voluntary arrangement which sits outside the planning system would be the most effective and appropriate way of delivering benefits for the community.

Conclusion

17. The Council implements policies in terms of 106 Agreements in accordance with its statutory responsibility and within the (local and national) policy constraints and the law in general. However, the service also understands that there will be a need to amend its system to deal with matters that arise, but that it is done so within policy and law constraints.

Ceisiadau 106 wedi eu penderfynu 01/04/2011 - 31/03/2015

<u>Application number</u>	<u>Case Officer</u>	<u>Application type</u>	<u>Registered date</u>	<u>Location</u>	<u>Development description</u>	<u>Decision date</u>	<u>Decision type</u>	<u>Decision level</u>	<u>Pre-App</u>	<u>S106</u>	<u>S106 Agreement Signed Date</u>
C05D/0153/46/LL	William Elfyn Williams	Llawn - Cynllunio/Full - Planning	30/03/05	Rhan Cae / Part Field - 2128, Towyn, Tudweiliog, Pwllheli, LL538PD	YCHWANEGU 48 O BEBYLL / CARAFANAU TEITHIOL I SAFLE CARAFANAU PRESENNOL AC ADDSSU	17/03/15	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	28/10/14
C06D/0560/34/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	09/10/06	Ynys Hwfa, Clynnogfawr, Caernarfon, LL545DF	ADDASU AC ADEILADU ESTYNIAD I DY ANNEDD PRESENNOL AC ADEILADU MODURDY-STORFA ..	29/03/12	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	14/03/07
C06D/0703/42/AM	Aneurin Mon Parry	Amlinell/Outline	04/01/07	Safle Capel Caersalem, Lon Terfyn, Morfa Nefyn, Pwllheli, Gwynedd	DATBLYGIAD TRIGIANNOL / RESIDENTIAL DEVELOPMENT	09/08/12	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	02/08/12
C07D/0180/37/LL	Aneurin Mon Parry	Llawn - Cynllunio/Full - Planning	22/03/07	Beudy, Eiernion, Trefor, Caernarfon, Gwynedd, LL545HN	ADDASU ADEILAD ALLANOL YN DY ANNEDD / CONVERSION OF OUTBUILDING INTO DWELLING ..	04/05/11	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	No	Yes	07/03/08
C08D/0257/40/AM	Gwenan Jones	Amlinell/Outline	12/06/08	Tir Ger / Land Nr. - Dolydd, Y Ffor, Pwllheli, Gwynedd	ADEILADU 4 TY ANNEDD UNLLAWR A 5 TY ANNEDD DEULAWR GYDA 3 O'R TAI DEULAWR YN DAI	16/04/12	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	No	Yes	12/03/13
C09A/0269/17/LL	Cara Owen	Llawn - Cynllunio/Full - Planning	06/07/09	PENGROESLON, CARMEL, CAERNARFON, GWYNEDD	TROSI ADEILAD AC ESTYNIADAU SYLWEDDOL ER MWYN CREU EIDDO UNLLAWR 4 LLOFT, ESTYNI	05/04/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	16/03/11
C09A/0396/18/AM	Idwal Williams	Amlinell/Outline	26/08/09	TIR GER / LAND NEAR, Teras Fictoria / Victoria Terrace, Deiniolen, Caernarfon, Gwynedd, LL553LT	DATBLYGIAD PRESWYL A MYNEDIAD / RESIDENTIAL DEVELOPMENT AND ACCESS	16/05/14	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	13/05/14
C09A/0412/26/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	27/08/09	LLAIN O DIR CYFAGOS / LAND ADJACENT TO, HEN GAPEL, FFORDD WAUNFAWR, CAEATHRO, CAERNARFON, GWYNEDD, LL55 2SS	ADEILADU 12 O DAI / ERECTION OF 12 DWELLINGS	24/06/14	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	24/06/14
C09A/0518/16/AM	Glyn Llewelyn Gruffudd	Amlinell/Outline	15/12/10	Tir Ger / Land Near Pentwmpath, Llandygai, Bangor, LL574LG	CAIS AMLINELLOL I GODI 15 ANNEDD / OUTLINE APPLICATION FOR THE ERECTION OF 15	26/09/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Unknown	02/08/12
C09D/0195/45/LL	Aneurin Mon Parry	Llawn - Cynllunio/Full - Planning	19/05/09	Madoc Buildings, Lon Dywod, Pwllheli, Gwynedd, LL535HP	DYMCHWEL ADEILADAU PRESENNOL AC ADEILADU 5 TY ANNEDD TERAS TRI LLAWR ...	08/03/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	08/02/10
C09D/0281/35/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	10/07/09	St Deiniols Church, Stryd Fawr, Criccieth, Gwynedd, LL520HQ	DIWYGIO CYTUNDEB 106 ER DARPARU 7 UNED FFORDDIADWY A 14 UNED MARCHNAD AGORED / A	11/09/13	Caniatawyd yn Ddi-Amodol/Approved without Conditions	Pwyllgor/Committee	No	Yes	21/08/13
C09D/0389/40/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	17/11/09	Sychnant, Pentre Uchaf, Pwllheli, LL538EJ	ADDASU MODURDY SYDD YN CAEL EI DDEFNYDDIO FEL CANOLFAN PROFI CERBYDAU YN DY ANNE	19/07/11	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	07/07/11
C10A/0161/13/AM	Glyn Llewelyn Gruffudd	Amlinell/Outline	19/03/10	Brig y Nant , Ffordd Coetmor Newydd / Coetmor New Road, Bethesda, Bangor, LL573NN	CAIS AMLINELLOL I GODI 6 TY AR WAHAN A CHREU FFORDD STAD NEWYDD / OUTLINE	06/11/14	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	05/11/14
C10A/0206/13/AM	Glyn Llewelyn Gruffudd	Amlinell/Outline	09/04/10	Grey Garage , Lon Newydd Coetmor / Coetmor, New Road, Bethesda, Bangor, LL573DT	ADNEWYDDU CAIS AMLINELLOL C07A/0052/13/AM I DDYMCHWEL YR ADEILAD PRESENNOL A	15/10/12	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	07/08/12
C10A/0442/18/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	23/08/10	Tir ger / Land at, Pen Pwll Coch, Penisarwaun, Caernarfon, Gwynedd, LL553BS	ADEILADU 2 DY / ERECTION OF 2 DWELLINGS	26/08/11	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	04/08/11
C10D/0017/33/LL	William Elfyn Williams	Llawn - Cynllunio/Full - Planning	13/01/10	Rhan O Gae Ger / Part Of Field Nr. - Penboncyn, Boduan, Pwllheli, Gwynedd, LL536DR	TY UNLLAWR FFORDDIADWY YNGHYD A TANC SEPTIG A PHWLL DRAENIO / SINGLE STOREY AFFO	15/05/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	20/02/11

C10D/0439/33/LL	William Elfyn Williams	Llawn - Cynllunio/Full - Planning	16/11/10	Mathan Isaf, Rhydyclafdy, Pwllheli, LL538TT	TY I WEITHIWR AMAETHYDDOL / DWELLING FOR AGRICULTURAL WORKER	19/10/11	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	08/09/11
C11/0047/43/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	14/01/11	Ysgubor, Llithfaen, Pwllheli, Gwynedd	NEWID DEFNYDD ADEILAD ALLANOL YN DY ANNEDD FFORDDIADWY AC ADEILADU PORTH I'R BLA	16/09/11	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	01/09/11
C11/0051/16/LL	Glyn Llewelyn Gruffudd	Llawn - Cynllunio/Full - Planning	10/01/11	Adeilad allanol ger / Outbuilding adj to, 1 a 2, Frondeg, Tregarth, Bangor, Gwynedd, LL574PA	TROSI ADEILADAU AMAETHYDDOL / CONVERSION OF AGRICULTURAL BUILDING	22/11/11	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	14/11/11
C11/0170/42/AM	Gwenan Jones	Amlinell/Outline	22/02/11	Maes Twnti, Lon Isaf, Morfa Nefyn, Pwllheli, Gwynedd, LL536PW	DATBLYGIAD TRIGIANOL O BEDWAR TY GYDA DAU OHONYNT YN DAI FFORDDIADWY / RESIDENTI	14/02/12	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	03/02/12
C11/0173/26/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	21/02/11	Tir tu cefn / Land at rear of, Min y Grug, Waunfawr, Gwynedd, LL554YS	NEWID DEFNYDD / CHANGE OF USE	06/12/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	17/11/11
C11/0378/45/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	13/05/11	Tir Ger / Land Nr. - Heol Hamdden, Pwllheli, Gwynedd	DATBLYGIAD PRESWYL O 8 TY ANNEDD TAI'R YSTAFELL WELY / RESIDENTIAL DEVELOPMENT O	25/07/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	No	Yes	31/01/12
C11/0542/17/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	13/06/11	Crud Y Nant, Bethesda Bach, Caernarfon, Gwynedd, LL545SF	ADEILADU SIED AMAETHYDDOL / ERECTION OF AN AGRICULTURAL SHED	03/02/12	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	31/01/12
C11/0661/43/LL	Cara Owen	Llawn - Cynllunio/Full - Planning	18/08/11	Plas Pistyll and Pistyll Caravan Park, Pistyll, Pwllheli, LL536LR	Demolition of Plas Pistyll and re-development to form 20 self catering holiday u	23/08/12	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Unknown	22/08/12
C11/0755/44/AM	Cara Owen	Amlinell/Outline	06/09/11	Gardencraft, Stryd Fawr, Tremadog, Porthmadog, LL499RD	CAIS AMLINELLOL AR GYFER DYMCHWEL YR ADEILAD PRESENNOL A CHODI 9 ANNEDD / OUTLIN	19/12/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	10/09/12
C11/0840/42/RC	Cara Owen	Rhwymedigaeth Cyfreithiol/Legal Oligatn	22/09/11	5, Maes Terfyn, Morfa Nefyn, Pwllheli, Gwynedd, LL536EQ	Cais i ddileu amod	30/01/12	Caniatawyd yn Ddi-Amodol/Approved without Conditions	Dirprwyedig/Delegated	Yes	Unknown	17/01/12
C11/0862/44/AM	Keira Ann Sweenie	Amlinell/Outline	21/10/11	Tir Ger / Land Nr. - Cefn Y Gader, Morfa Bychan, Porthmadog, Gwynedd	ADNEWYDDU CANIATAD CYNLLUNIO C05D/0444/44/AM AR GYFER CODI 9 TY / RENEWAL OF PLA	01/10/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	21/09/12
C11/0888/34/LL	Cara Owen	Llawn - Cynllunio/Full - Planning	10/10/11	Derwin Fawr, Garndolbenmaen, LL519LZ	CAIS AM LEOLIAD DIWYGIEDIG AR GYFER CODI TYRBIN GWYNT 50KW AR DWR 24.6 MEDR, CYF	15/12/11	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	13/12/11
C11/0959/23/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	10/11/11	Hen Ysgol Glan Moelyn, Llanrug, Caernarfon, Gwynedd, LL554PG	To erect seven dwellings on an old school site. This will consist of six semi-de	19/12/11	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Unknown	29/02/12
C11/1056/37/LL	Cara Owen	Llawn - Cynllunio/Full - Planning	13/04/12	Tyddyn Drain, Llanaelhaearn, Caernarfon, LL545AD	NEWID DEFNYDD AC YMESTYN ADEILAD ALLANOL I FOD YN DY ANNEDD A CADW GWAITH MEWNLE	05/07/12	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	27/06/12
C11/1077/16/LL	Glyn Llewelyn Gruffudd	Llawn - Cynllunio/Full - Planning	25/11/11	Plas Y Coed, Bangor, Gwynedd, LL574HN	NEWID DEFNYDD A CHODI 17 O DAI / CHANGE OF USE AND ERECTION OF 17 HOUSES	17/06/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	10/09/13
C11/1144/40/LL	Glyn Llewelyn Gruffudd	Llawn - Cynllunio/Full - Planning	12/12/11	Tir ger / Land by, Pengamfa Fawr, Rhosfawr, Pwllheli, Gwynedd, LL536UU	TY GROMEN FFORDDIADWY / AFFORDABLE DORMER DWELLING	03/12/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	28/11/13
C11/1180/34/LL	Cara Owen	Llawn - Cynllunio/Full - Planning	09/02/12	Lleuar Fawr, Llanllyfni, Caernarfon, LL546ST	CAIS I DROSI ADEILAD AMAETHYDDOL SEGUR I FFURFIO UN TY	08/07/13	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	20/05/13
C12/0308/12/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	01/03/12	Bryn Gloch Caravan & Camping Park, Betws Garmon, Caernarfon, LL547YY	AIL-LEOLI LLECYNNAU ODDI FEWN Y PARC / RE-LAYOUT OF PITCHES ON EXISTING PARK	20/01/15	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	No	Yes	16/04/14
C12/0356/25/LL	Glyn Llewelyn Gruffudd	Llawn - Cynllunio/Full - Planning	12/03/12	Fferm y Wern, Lon y Wern, Pentir, Bangor, Gwynedd, LL574BY	TROSI AC YMESTYN ADEILAD ALLANOL PRESENNOL I ANNEDD FFORDDIADWY / CONVERSION AND	04/07/13	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	02/07/13

C12/0441/39/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	03/04/12	Riverside Hotel & Restaurant, Abersoch, Pwllheli, LL537HW	DYMCHWEL GWESTY AIL DDATBLYGU PRESWYL / DEMOLISH HOTEL AND REDEVELOP SITE	06/12/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	05/12/13
C12/0476/35/AM	Cara Owen	Amlinell/Outline	18/04/12	Station Bakery, High Street, Criccieth, LL520RN	CAIS AMLINELLLOL AR GYFER DYMCHWEL ADEILADAU PRESENNOL A CODI 7 UNED PRESWYL / OU	17/10/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	08/10/13
C12/1123/22/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	14/08/12	Tir Ger / Land Nr. - Tir Capel Bach, Penygroes, Caernarfon, Gwynedd	ADEILADU 6 TY ANNEDED DEULAWR (2 FFORDDIADWY) YNGHYD A FFORDD NEWYDD WASANAETHOL / CONSTRUCTION OF 6 TWO STOREY DWELLING HOUSES (2 AFFORDABLE) TOGETHER WITH NEW SERVICE ROAD	26/11/12	Caniatawyd yn Ddi-Amodol/Approved without Conditions	Pwyllgor/Committee	Yes	Yes	01/10/15
C12/1347/25/LL	Glyn Llewelyn Gruffudd	Llawn - Cynllunio/Full - Planning	26/10/12	Tir ger / Land Nr. - Ffordd Penrhos, Bangor, Gwynedd	245 UNEDAU BYW (86 UNED FFORDDIADWY) / 245 No. LIVING UNITS (86 AFFORDABLE UNITS)	02/09/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	06/02/14
C12/1372/42/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	12/11/12	Nefyn Allotments, Stryd Fawr, Nefyn, Gwynedd, LL536HD	ADEILADU 10 TY / CONSTRUCTION OF 10 DWELLINGHOUSES	29/07/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	28/11/13
C13/002/14/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	04/01/13	Minmanton, Lon Parc, Caernarfon, LL552HP	ADEILAD NEWYDD I GYNNWYS 6 UNED PRESWYL / NEW BUILDING CONTAINING 6 RES. UNITS	20/05/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	08/10/13
C13/0070/22/LL	Cara Owen	Llawn - Cynllunio/Full - Planning	11/02/13	Tir Bach, Llanllyfni, Caernarfon, LL546SB	NEWID DEFNYDD ADEILAD ALLANOL YN DY / CHANGE OF USE OF OUTBUILDING TO A DWELLING	16/05/13	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	13/05/13
C13/0203/11/LL	Glyn Llewelyn Gruffudd	Llawn - Cynllunio/Full - Planning	25/02/13	Former Victoria Building Land, Plas Llwyd Terrace, Bangor, Gwynedd, LL57 1UB	2 adeilad llety myfyrwyr 36 llofft/ 2 building student accommodation	04/09/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	No	Yes	29/08/13
C13/0373/23/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	04/04/13	Tir Ger / Land Near. - Bryn Cwil, Ceunant, Caernarfon, LL554RP	TY FFORDDIADWY / AFFORDABLE DWELLING	25/07/13	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	19/07/13
C13/0398/45/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	01/05/13	CYN LYS YNADON, TROED YR ALLT, PWLLHELI, GWYNEDD, LL535ED	6 TY A LLEFYDD PARCIO / 6 DWELLINGS AND PARKING	07/11/14	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	27/10/14
C13/0652/46/LL	Medi Emlyn Davies	Llawn - Cynllunio/Full - Planning	25/06/13	Tir gyferbyn / Land adjacent Tan y Bryn, Tudweiliog, Pwllheli, Gwynedd, LL53 8NB	Dau dy fforddiadwy deulawr / Two affordable two storey dwellings	31/07/14	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	02/07/14
C13/0676/46/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	01/07/13	Tir ger/Land near Bryn Haul, Dinas, Pwllheli, Gwynedd, LL53 8UB	Adeiladu ty unllawr fforddiadwy / construction of single storey affordable house	17/04/14	Caniatawyd gydag Amodau/Approved with Conditions	Dirprwyedig/Delegated	Yes	Yes	15/04/14
C13/0736/39/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	15/07/13	Harbour Hotel, Abersoch, Pwllheli, LL537HR	13 ANNEDED YN CYNNWYS 2 DY FFORDDIADWY/13 DWELLINGS INCLUDING 2 AFFORDABLE HOUSES	25/11/13	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	01/04/14
C13/0810/14/LL	Idwal Williams	Llawn - Cynllunio/Full - Planning	13/08/13	Ysbyty Bryn Seiont Hospital, Pant Road, Caernarfon, LL552YU	Darparu 16 uned breswyl gofal ychwanegol / Provide 16 extra care residential uni	21/01/14	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	No	Unknown	19/01/14
C13/1227/33/RC	Gwenan Jones	Rhwymedigaeth Cyfreithiol/Legal Oligatn	05/12/13	Mathan Uchaf, Boduan, Pwllheli, LL538TU	Diwygio cytundeb 106 / Variation of 106 agreement - C06D/0408/33/LL	01/04/14	Caniatawyd yn Ddi-Amodol/Approved without Conditions	Dirprwyedig/Delegated	Yes	Yes	26/03/14
C14/0172/39/LL	Gwenan Jones	Llawn - Cynllunio/Full - Planning	04/03/14	Tir Ger / Land Nr. - Cornwall Estate, Mynytho, Pwllheli, Gwynedd, LL537RH	9 bynglo gromen fforddiadwy / 9 affordable dormer bungalows	02/03/15	Caniatawyd gydag Amodau/Approved with Conditions	Pwyllgor/Committee	Yes	Yes	16/06/15

Implementing Recommendations of Post-16 Further Education Transport Scrutiny Investigation Report

Cabinet Member’s Intentions (November 2015)

The Cabinet Member would like to thank the Scrutiny Investigation for its thorough and comprehensive work in the subject, and especially the investigation’s readiness to consider how to reduce the costs as well as improving the Service. Apologies are offered for the delay in presenting this report. It was intended to implement a new wording of the policy for September 2015, but a PURDAH period cut across the work, and the opportunity to introduce the changes in time was lost.

The recommendations have been divided into three categories:

- implement immediately,
- cooperate in the medium term with other services/partners in order to investigate the practicability of implementing the recommendations,
- not to consider the recommendations for the time being

In referring to specific recommendations, the numbering used is that of the ‘Summary of the recommendations’ found on pages 7 and 8 of the report.

Implement immediately

Recommendation	What has happened and when	Effect of action
<p>5 Consistency is needed in the provision and the arrangements across Gwynedd, in order to give everyone an equal and fair opportunity.</p>	<p>The wording of the Post-16 Transport Policy has been updated so as to charge one price only for the 16+ Travel Ticket, and in so doing removing any differentiation in price when travelling to a catchment school or college or to any establishment noted in the policy. A single price of £100 per term will be charged.</p> <p>It was intended to implement a new wording of the policy for September 2015, but a PURDAH period cut across the work, and the opportunity to introduce the changes in time was lost. The current policy states that any changes to the policy must be decided upon before the Easter Holidays preceding the start of the academic year in which the changes would come into effect on the 1st of September. It is</p>	<p>Charging one price only and removing the concept of a catchment will ensure consistency in the provision and arrangements available to all, be they school pupils or college students, wherever they live.</p>

		intended, therefore, to implement the change in policy from 1 st September 2016.	
6	The catchment areas should be reviewed to reduce the travelling times and distances for learners/students in accordance with the Learner Travel Statutory Guidance.	<p>The wording of the Post-16 Transport Policy has been updated so as to charge one price only for the 16+ Travel Ticket, and in so doing removing any differentiation in price when travelling to a catchment school or college or to any establishment noted in the policy. A single price of £100 per term will be charged.</p> <p>It was intended to implement a new wording of the policy for September 2015, but a PURDAH period cut across the work, and the opportunity to introduce the changes in time was lost. The current policy states that any changes to the policy must be decided upon before the Easter Holidays preceding the start of the academic year in which the changes would come into effect on the 1st of September. It is intended, therefore, to implement the change in policy from 1st September 2016.</p>	The new wording of the policy removes the concept of a catchment with regards to post-16 transport. This will enable a learner to attend the establishment best suited for them without a difference in the cost of a 16+ Travel Ticket needing to be a consideration.
12c	Based on the evidence found during the scrutiny investigation, the same price should be set for everyone.	<p>The wording of the Post-16 Transport Policy has been updated so as to charge one price only for the 16+ Travel Ticket, and in so doing removing any differentiation in price when travelling to a catchment school or college or to any establishment noted in the policy. A single price of £100 per term will be charged.</p> <p>It was intended to implement a new wording of the policy for September 2015, but a PURDAH period cut across the work, and the opportunity to introduce the changes in time was lost. The current policy states that any changes to the policy must be</p>	The new wording of the policy sets one price for everyone.

		decided upon before the Easter Holidays preceding the start of the academic year in which the changes would come into effect on the 1st of September. It is intended, therefore, to implement the change in policy from 1st September 2016.	
9	We must secure the joint understanding of the further education providers and Galw Gwynedd of Gwynedd Council's Post-16 Education Transport Policy.	<p>The wording of the Post-16 Transport Policy has been updated so as to charge one price only for the 16+ Travel Ticket, and in so doing removing any differentiation in price when travelling to a catchment school or college or to any establishment noted in the policy. A single price of £100 per term will be charged.</p> <p>It was intended to implement a new wording of the policy for September 2015, but a PURDAH period cut across the work, and the opportunity to introduce the changes in time was lost. The current policy states that any changes to the policy must be decided upon before the Easter Holidays preceding the start of the academic year in which the changes would come into effect on the 1st of September. It is intended, therefore, to implement the change in policy from 1st September 2016.</p>	The wording and conditions of the new policy are such simpler and will help in securing joint understanding of the further education providers and Galw Gwynedd of the policy.
10	In the spirit of the Gwynedd Way, it must be ensured that users' questions are answered on their first contact.	<p>The wording of the Post-16 Transport Policy has been updated so as to charge one price only for the 16+ Travel Ticket, and in so doing removing any differentiation in price when travelling to a catchment school or college or to any establishment noted in the policy. A single price of £100 per term will be charged.</p> <p>It was intended to implement a new wording of the policy for September 2015, but a PURDAH period cut across the work, and the opportunity to introduce</p>	The wording and conditions of the new policy are such simpler and will help in ensuring that users' questions are answered on their first contact.

		the changes in time was lost. The current policy states that any changes to the policy must be decided upon before the Easter Holidays preceding the start of the academic year in which the changes would come into effect on the 1st of September. It is intended, therefore, to implement the change in policy from 1st September 2016.	
11	Gwynedd Council and the post-16 education providers must collaborate closely to provide consistent, relevant and purposeful information for learners and their families using various and suitable methods that ensure an equal opportunity for everyone	All the communication material used in conjunction with the Post-16 Transport Policy will need to be reviewed in order to bring it line with the wording of the new policy and any other new arrangements (this would include the website, correspondence with school pupils and college students, scripts for Galw Gwynedd staff, etc.)	This has not been done yet.
12ch	It should be ensured that the service offers an equal opportunity for college students and learners in secondary schools.	It is considered that recommendation 12ch is very similar to recommendation 5 (above), and that removing the concept of a catchment will contribute to the implementation of this recommendation.	Charging one price only and removing the concept of a catchment will ensure consistency in the provision and arrangements available to all, be they school pupils or college students, wherever they live.
3	The foundation of working in partnership with various organisations to arrange a bespoke service should be built on.	It is considered that recommendation 3 is being implemented permanently.	All partners contribute to improving the provision which is in operation.

Short/medium term cooperation with other services/partners in order to investigate the practicalities of implementing the recommendations

Some difficulty was experienced in recognising the correct representative from Coleg Llandrillo-Menai with whom we should discuss some of the recommendations. Preliminary discussions have been held with Coleg Llandrillo-Menai in relation to recommendations 1, 12b, 5, 7 and 12dd. The official response from Coleg Llandrillo-Menai will determine the development of these recommendations.

Recommendation	What has happened and when	Effect of action
<p>1 In order to improve the benefits for learners/students and their families, reduce the processes and in the spirit of the Gwynedd Way, there should be closer collaboration and negotiation with the Llandrillo Menai Colleges Group to be an agent for Gwynedd Council</p>	<p>Preliminary discussions have been held with representatives from Coleg Llandrillo-Menai regarding the idea that they act as an agent. The college is willing to consider being an agent, but they require more detailed information regarding the numbers and cost involved in producing the travel tickets before they can present any firm offer.</p> <p>The last meeting was held on 30 September, 2015.</p>	<p>The numbers and costs of producing the travel tickets are being provided to the college.</p>
<p>12b Based on the evidence found during the scrutiny investigation, it is recommended that a combination of options should be considered. Options 3, 6 and 7 – changing to a ticketed system, <i>transferring the service and the administration of college transport tickets to Llandrillo Menai Colleges Group.</i></p>	<p>Preliminary discussions have been held with representatives from Coleg Llandrillo-Menai regarding the idea that the transport service is transferred to the college. The college had no interest in organising the transport.</p> <p>With regards to transferring the administration of college travel tickets to Coleg Llandrillo-Menai, see 1 above.</p>	<p>None with regards to transferring the transport system to the college.</p> <p>See 1 above with regards to transferring the administration of college travel tickets to the college.</p>
<p>5 Consistency is needed in the provision and the arrangements across Gwynedd, in order to give everyone an equal and fair opportunity</p>	<p>The proposed change in wording of the transport policy was discussed with representatives from Coleg Llandrillo-Menai. There was no opposition to the principle of removing the concept of a catchment and to charge a single price for everyone. However the representatives needed time to consider fully the implications of the change in policy.</p>	<p>We are awaiting the official response from the college with respect to the proposed change in policy.</p>

7	Post-16 education providers need to collaborate to put systems in place to collect data to find out whether travelling costs lead to students dropping out of further education	<p>This was discussed with representatives from Coleg Llandrillo-Menai.</p> <p>It is intended to ask the Gwynedd and Ynys Môn Post-16 Education Consortium to look at this aspect.</p> <p>It has not been discussed with them yet.</p>	We are awaiting the official response from the college with respect to this recommendation.
12dd	We should continue with the good practice of the provision of peripatetic teachers/lecturers and build on the foundation of working in partnership, and review regularly.	This recommendation was discussed with representatives from Coleg Llandrillo-Menai.	We are awaiting the official response from the college with respect to this recommendation.
4	We should have a purposeful Post-16 Transport Policy that considers the students/leaners and their families' means to pay for transport costs	<p>It is considered that the Education Maintenance Allowance (EMA) already contributes to the implementation of recommendation 4. However, the issue was raised with representatives of Coleg Llandrillo-Menai with a view to shorten the time it takes to ensure the first payment of the EMA.</p> <p>In addition, the Cabinet Member has asked the Education Department to look into the possibility of establishing a system which would allow part-payments (rather than having to pay one whole amount at the beginning of term). Discussions have been held with Galw Gwynedd and the Finance (Income) Department with regards to enabling the £100 ticket to be paid for using Direct Debit (and therefore splitting the cost into monthly payments).</p>	<p>We are awaiting the official response from the college with respect to this recommendation.</p> <p>The Direct Debit system will be available for trialling payment of the £100 ticket for the Summer Term 2016.</p>

Discussions have also been held with the Integrated Transport Unit with regards to recommendations 2 and 12b.

Recommendation	What has happened and when	Effect of action
<p>2 The Post-16 Transport Policy should be reviewed to secure a suitable and purposeful policy to address the requirements of the Learner Travel (Wales) Measure 2008 and the Learner Travel – Statutory Provision and Operation Guidance, June 2014</p> <p>12b Based on the evidence found during the scrutiny investigation, it is recommended that a combination of options should be considered. Options 3, 6 and 7 – changing to a ticketed system, transferring the service and the administration of college transport tickets to Llandrillo Menai Colleges Group.</p>	<p>One aspect of recommendation 2 was to have more flexibility in the travel times for learners/students. Learners/students who use routes which are public transport routes under tender to the Council on their 16+ Travel Ticket can already travel at any time on those routes.</p> <p>However, providers of commercial public transport are unwilling to allow learners/students to travel at any time on their routes because that could reduce the number of seats they have available to them to sell to the public. Therefore, the use of the 16+ Travel Ticket on commercial public transport routes is restricted to a specific journey at the beginning of the day and a specific journey at the end of the day.</p>	<p>Learners/students who use routes which are public transport routes under tender to the Council on their 16+ Travel Ticket can continue to travel at any time on those routes, but because of the standpoint of the commercial transport providers the use of the 16+ Travel Ticket on commercial public transport routes is restricted to a specific journey at the beginning of the day and a specific journey at the end of the day.</p>

Clarity on the possible effect of the Youth Concessionary Fares Scheme has also been requested.

Recommendation	What has happened and when	Effect of action
	<p>The new scheme has come into effect since September 2015 and offers a one third discount to all young persons aged 16, 17 and 18 years old in Wales</p>	<p>This scheme can reduce costs for learners/students who use commercial public transport because they want to travel at times which are not included in</p>

	<p>who travel on public transport under tender to the Council or on local commercial public transport buses. This scheme does not reduce the costs to the Education Department with regards to the seats which are purchased for learners/students on public or commercial transport.</p>	<p>their 16+ Travel Ticket (see above).</p> <p>Learners/students should also consider whether it would be cheaper to travel on public transport (be that under tender to the Council or commercial) whilst receiving a one third discount than it would be to buy a 16+ Travel Ticket.</p>
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Recommendations not to be considered at this current time

Recommendation	What has happened and when	Effect of action
8 Appropriate customer care indicators should be set for the service	Resources are not available at this current time to act upon this recommendation.	
12d Financial loans should also be provided to purchase a vehicle / motorbike in order to facilitate access to further education and training.	There is currently no money available to provide financial loans.	