



Complete Agenda

Democratic Services
Council Offices
CAERNARFON
Gwynedd
LL55 1SH

Meeting

COMMUNITIES SCRUTINY COMMITTEE

Date and Time

10.00 am, THURSDAY, 14TH JUNE, 2018

Location

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

*** NOTE**

This meeting will be webcast

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Contact Point

Lowri Haf Evans

01286 679878

lowrihafevans@gwynedd.llyw.cymru

(DISTRIBUTED 06/06/18)

COMMUNITIES SCRUTINY COMMITTEE

MEMBERSHIP (18)

Plaid Cymru (10)

Councillors

Elwyn Edwards
Berwyn Parry Jones
Catrin Elen Wager
Simon Glyn

Annwen Hughes
Linda Morgan
Gethin Glyn Williams

Aled Wyn Jones
Edgar Wyn Owen
Gruffydd Williams

Independent (5)

Councillors

Peter Antony Garlick
Kevin Morris Jones
Elwyn Jones

Keith Jones
Mike Stevens

Llais Gwynedd (2)

Councillors

Robert Glyn Daniels

Owain Williams

Lib / Lab (1)

Stephen W. Churchman

Ex-officio Members

Chair and Vice-Chair of the Council

A G E N D A

1. ELECT CHAIR

To elect a Chair for 2018/2019

2. ELECT VICE CHAIR

To elect a Vice-chair for 2018/2019

3. APOLOGIES

To receive any apologies for absence.

4. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest

5. URGENT ITEMS

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

6. MINUTES

4 - 8

The Chairman shall propose that the minutes of the meeting of this Committee, held on 19.04.2018 be signed as a true record.

7. UPDATE ON WELSH LANGUAGE AND PLANNING SCRUTINY INVESTIGATION 9 - 35

Cabinet Member: Councillor Dafydd Meurig

To receive an update on the investigation

COMMUNITIES SCRUTINY COMMITTEE 19/04/18

PRESENT:

COUNCILLORS: Stephen Churchman, Glyn Daniels, Elwyn Edwards, Peter Garlick, Simon Glyn (Chair), Annwen Hughes, Aled W Jones, Berwyn Parry Jones, Elwyn Jones, Keith Jones, Kevin Morris Jones, Linda Morgan, Edgar Wyn Owen, Catrin Wager, Glyn Williams and Gruffydd Williams.

OFFICERS: Gareth James (Member Support and Scrutiny Manager) and Lowri Haf Evans (Member Support Officer)

ALSO IN ATTENDANCE:

In relation to item 5 on the agenda - Dafydd Wyn Williams (Head of Environment), Gareth Jones (Senior Manager Planning and Environment), Nia Haf Davies (Joint Planning Policy Unit Manager) and Councillor Aled Evans (Working Group member)

1. APOLOGIES

Apologies were received from Councillors Mike Stevens, Owain Williams and Dafydd Meurig (Cabinet Member - Environment)

2. DECLARATION OF PERSONAL INTEREST

Councillor Berwyn Parry Jones declared a personal interest in item 5 on the agenda, as he was a member of the Joint Planning Policy Committee.

3. URGENT ITEMS

None to note

4. MINUTES

The minutes of the previous meeting of this committee, held on 22.2.2018 were accepted as a true record of the meeting.

5. PLANNING AND THE WELSH LANGUAGE SCRUTINY INVESTIGATION UPDATE

A report was submitted by the investigation's working group Chair requesting that the Scrutiny Committee recommend that the Joint Planning Policy Committee consider the recommendations and further comments of the working group, together with the responses of the Joint Planning Policy Committee, before proceeding with the Public Consultation on the Supplementary Planning Guidance.

In the presentation of the report a statement was given on the linguistic picture in Gwynedd. Members were reminded of the Council's Leader words, when he

presented the Council's Plan 8.3.18, outlining the need to prioritise the Welsh language by continuing to give guidance and promote the use of Welsh at all times. The need to operate in an innovative way was added, and he suggested that the SPG in its current form did not address this in a way that would contribute to changing the pattern and reduction of Welsh speakers in Gwynedd. It was also noted that the working group considered that the SPG had not been prepared sufficiently to conduct a Public Consultation.

During the ensuing discussion, the following points were highlighted by individual Members:

- That the requirements of some of the recommendations were simple, and it was very disappointing that the Panel had refused the recommendations although there was strong evidence for the conclusions.
- Possibility that some recommendations were contrary to Policy PS1, however it was necessary to be more responsive to the situation
- It was necessary to consult with Language Organisations and the Language Officers at Bangor University and not just Council officers.
- That the recommendations placed 'flesh on the bones' to strengthen the guidance in accordance with the requirements of the Cabinet Member
- That the view of the officers to a statement 'that the time-schedule did not need to be extended' was difficult to understand

All the recommendations were discussed by considering the Panel's response and further observations / questions of the working group to those responses.

In response to the comments, the Officers noted the following observations:

- That the observations of the working group had been addressed by giving more information on certain elements of the Guidance
- That the Guidance was clearer as a result of some comments
- That there was more pressure on the applicant to undertake the assessment work
- That it was expected that the applicant would achieve the relevant requirements - failure to do this could affect the determination. Pressure on the applicant to act appropriately
- To consider two of the recommendations (1a and 1b) policy PS1 would have to be modified. This is not possible or appropriate to the Panel's work.
- That the recommendations had not been ignored - some amendments had been made.
- That the linguistic preparatory work had been done with the support of the language officers and the Guidance did identify the situation of the Welsh language in Wales.
- In the context of research and analysis, it was noted that the Guidance included comprehensive information that the Policy Unit has to share with the applicant when completing assessments.
- In the context of engagement and consultation, it was highlighted that the engagement principles had been considered and the engagement work had been addressed and the arrangements complied with the need. It was highlighted that the engagement plan had been considered by the Council's Engagement Officers and would be an appendix to the report submitted to the Joint Planning Policy Committee (26.4.18).
- In the context of extending the time-schedule to ensure that work of the highest possible standard was achieved, it was noted that it was the

Panel's decision that no more time was required.

In response to a question regarding how weaknesses in policies could be adapted, it was noted that it was proposed to monitor the policies annually. With the Joint Local Development adopted since July 2017, it was added that there was no evidence to justify that the policies were not working thus far.

In response to a suggestion that Gwynedd's wish was to adapt the Guidance to prioritise the Welsh Language and that it could act on its own, it was noted that this was legally possible, but practically, there would be substantial risks for the Council. It was added that the arrangement had ensured financial savings and separation would undermine the good working relationship between both Councils who had been pioneers in the field. The Chairman added that there was no evidence of a difference of opinion between Gwynedd and Anglesey.

In response to the discussion, the Head of Environment Service noted that it was expected that the Joint Policy Committee would have an opportunity to consider the observations and further questions submitted by the Working Group together with the comments of the Scrutiny Committee.

It was proposed and seconded to submit the additional observations of the Working Group and the Scrutiny Committee for consideration to the Joint Planning Policy Committee.

It was proposed and seconded to accept the recommendations

RESOLVED:

- **To submit the additional observations of the Working Group and the Scrutiny Committee for consideration to the Joint Planning Policy Committee.**
- **To accept the recommendations and submit them to the Joint Planning Policy Committee.**
- **To request the policy officers for the panel's full response to the engagement principles.**

6. GRASS CUTTING OF THE COUNCIL'S OPEN SPACES

A report was submitted by the Cabinet Member seeking the views of the Scrutiny Committee on the need to make a further saving within the service. It was highlighted that the Gwynedd Challenge cuts had been achieved, however, £50k of the efficiency savings had not been completed (2017/2018). The Committee was asked to consider measures such as, reducing grass cutting frequency from three cuts to two annually on the outskirts of villages and towns and to provide fewer flower areas.

A Cabinet Member felt that the Department had gone as far as it could and he stated that further cuts would be likely to cause more problems. He asked the Committee for guidance to try and identify further financial cuts that would be likely to have an impact on the appearance of the County's villages and towns.

During the ensuing discussion, the following points were highlighted by individual Members:

- It was necessary to consider and prepare balanced plans
- An opportunity to be innovative and create community partnerships to maintain flower areas and cemeteries.

- To consider sponsoring companies to adopt roundabouts and flower areas
- To consider alternative schemes - try to get community groups to adopt grounds
- Conduct a competition between villages / towns / communities
- Consider joint working with the Health Board and encourage well-being projects
- Consider using Community Service orders (if legally possible)
- Consider the implications of not cutting the grass and hedgerows in the context of Health and Safety. There might be an increase in the number of insurance claims, that would have a significant impact on the saving?
- The grass cutting time-schedule had to be correct
- It was suggested that Community Councils could assist with this work.
- That it was possible to consider students following horticultural courses at Coleg Menai
- Consider using artificial grass on road verges within 30mph zones

It was proposed and seconded to change the frequency of grass cutting in play areas and cemeteries from 6 to 5.

In response, the Head of Highways and Municipal Services noted that reducing the frequency of grass cutting from 8 to 6 had received many complaints and therefore the implications of a further reduction in this proposal needed to be considered carefully.

It was proposed and seconded to accept the comment of the Head of Department that there was a risk in making further grass cutting savings and to look at realising a saving of £29k by spending less on flower beds. It was suggested that the Department should investigate alternative ideas further.

An amendment to the proposal was proposed and seconded to seek to achieve a saving of £29k by spending less on flower beds. It was suggested that the Department should investigate alternative ideas further and in the long term to establish partnerships and consider a sponsorship scheme.

RESOLVED:

- **Achieve a £29k saving by spending less on flower beds.**
- **It was suggested that the Department should investigate alternative ideas further and in the long term to establish partnerships and consider a sponsorship scheme.**

7. STREET ENFORCEMENT TRIAL

The Cabinet Member's report was submitted asking the Scrutiny Committee to recommend a way forward in order to try and improve the provision to improve the cleanliness and appearance of the County's streets. In accordance with the recommendation of the Communities Scrutiny Committee 22.9.16, for the Council to look at outsourcing elements of the enforcement team's work to support the work of the internal team, an external company was commissioned to conduct a year's trial. The trial commenced in February this year, however, after a few days the company's request for the contact to end was agreed. Following the trial's failure, a possible list of options were looked at that and the Committee needed to consider these in order to get to grips with street enforcement.

During the ensuing discussion, the following points were highlighted by individual Members:

- Suggestion to use and expand the responsibilities and powers of maritime officers, beach and harbour assistants as well as traffic enforcement officers
- An opportunity to retain work within the Council and use the existing provision
- Proposal to review fines
- Need to consider additional work pressure

4) It was suggested that interdepartmental collaboration should be extended (option

It was suggested that the existing provision should be considered (option 3)
Collaboration with other Counties was suggested (option 2)

In response to a question regarding the reasons why the contract with the external company had ended, it was noted that problems had arisen with the recruitment and retainment of bilingual staff in accordance with the Council's policies. It was added that the trial had been much too short to be able to measure its impact.

In response to a question regarding the fine totals, it was noted that a fine was £100 and if it was paid within 10 days then this would be reduced to £75. It was added that the number of fines were reported to the Welsh Government, but there was a significant difference between the totals of Authorities with and without private companies. In response to a following question regarding reviewing the fine totals by considering each situation in turn, the Cabinet Member expressed his intention that the Enforcement Officers should have an advisory role rather than merely handing out fines. The Head of Service added that the fines were reviewed annually.

It was proposed and seconded to combine three possible options to seek solutions.

RESOLVED

- (i) **To collaborate with other neighbouring Counties to improve the provision.**
- (ii) **Reconsider the existing staffing level in the Street Enforcement Unit.**
- (iii) **To extend the interdepartmental collaboration where staff from other Council departments receive delegated street enforcement rights.**

The meeting commenced at 10.30 am and concluded at 12.40 pm

CHAIRMAN

Agenda Item 7

Meeting	Communities Scrutiny Committee
Date	14 June 2018
Subject	Update on the Welsh Language and Planning Investigation
Working Group Chair	Councillor Gruffydd Williams
Cabinet Member	Councillor Dafydd Meurig

BACKGROUND

- 1 The *Joint Local Development Plan for Gwynedd and Anglesey 2011-2026* was adopted by the Council at a Special Meeting on 28th July 2017.
- 2 *The Welsh Language and Planning Investigation* was established at the meeting of this Scrutiny Committee on 7th December 2017.
- 3 Here's the aim of the Investigation:

Part 1 (this specifically for the draft SPG)

- Step A Ensure that the Consultation Process on the draft Supplementary Planning Guidance (SPA) is an inclusive one;
- Step B Scrutinise the draft framework for preparing the Welsh Language Statement and a draft framework for preparing Welsh Language Effect Assessment;
- Step C Scrutinise how it is intended to implement the SPG in the context of the requirements of the new TAN20;
- Step CH Consider an Overview of the comments received by the public during public consultation on the draft SPG in order to present an opinion to the Joint Planning Policy Committee before the final SPG is adopted.

Part 2 (this specifically in the National policy/advice context)

- Step D Collect evidence to form ideas and suggestions for the consideration of Gwynedd Council's Environment Cabinet Member in order to influence National policy and planning guidances in the future.

WORK UP TO 22 February 2018

- 4 This is a brief update to Members of the Scrutiny Committee on the work of the Working Group so far.
- 5 The Working Group held 5 meetings between 9 January and 12 February.
- 6 During this period the attention has been focussed on the first leg of the Investigation:
Step A Ensure that the consultation Process on the draft Supplementary Planning Guidance (SPA) is an inclusive one;
- 7 The Planning Service informed us that they had held an engagement exercise on the current Supplementary Planning Guidance in June 2016.
- 8 They provided a list of approximately 100 stake holders who had been invited to take part in the exercise and a brief report was considered by the Working Group members.
- 9 Some of the organisations listed were invited at random to meet with members of the Working Group in order to seek their opinions on the current Guidance and to note any suggestions regarding how to improve it.
- 10 Working Group Members met with representatives of the following:
 - Welsh Language Commissioner
 - Bangor University Welsh Department
 - Cylch yr Iaith
 - Hanfod
 - Burum
 - Gwynedd Planning Department

MAIN FINDINGS UP TO 22 February 2018

- 11 Main Findings Of the Investigation so far
(It was not possible to elaborate due to the request of the Planning Service to maintain the details as confidential at present). Briefly then:
 - A clear statement is required stating that the developer needs to hold a public consultation on every development of 10 or more houses in an urban area and 5 or more in a rural/village area.
 - It needs to be stated that a Welsh Language Impact Assessment needs to be held on every development that is referred to a public consultation.
 - Members are concerned about the phraseology and format/style of the draft consultation document. It is difficult to see how members of the public are expected to understand the document in its current form and to contribute meaningfully to the consultation.

- Clear details are needed on the methodology of holding a Language Impact Assessment. This is a critical part of the Assessment. Full details of the methodology need to be included in the consultation.
- There is also ambiguity regarding the descriptions of a Welsh Language Statement, and the relevance of the mitigating steps.
- A clearer description is required of what is expected of the language specialist from the Council's perspective and external individuals or organisations and their role.
- Members consider that the intention of the Planning Service to present a report of all comments made by consultees and a revised draft of the Guidance to Members of the Working Group by 31 May 2018 rather ambitious. We request an assurance of the ability to achieve this on time.

12 Meeting of the Communities Scrutiny Committee on 22 February 2018

An update was given on the scrutiny investigation into planning and the Welsh Language by the chair of the Investigation, Councillor Gruffydd Williams. Attention was drawn to the main findings, and he noted that the findings, and the Committee's observations, would be included in a report that would be submitted to the Joint Planning Policy Panel on 9.3.18.

During the ensuing discussion, the following points were highlighted by individual Members:

- The number of Welsh speakers in Gwynedd was declining and something needed to be done to maintain the numbers
- A language assessment must be independent and transparent. This should be welcomed as a definite step forward
- It was suggested that three dwellings in a windfall development should be considered, rather than five
- There was a need to consider the cumulative effect
- Information was needed about the impact of the developments

The work to date and the next steps were supported. It was reiterated that the information should be robust and that language was an integral part of the planning system here in Gwynedd.

UPDATE: 22 February – 19 April 2018

- 13 Step A – In order to complete Step A, the Working Group Members intend to do the following during February:
- Interview officers from Gwynedd Council's *Hunaniaith*/Language Unit
 - Consider the responses received in full by the Planning Service to the Engagement exercise in 2016.
 - Evaluate the engagement exercise against the *National Principles on Engagement with the public in Wales*.

- Consider details of the Consultation Plan for the new draft Guideline
- 14 **Step B Scrutinise the draft framework for preparing the Welsh Language Statement and a draft framework for preparing Welsh Language Effect Assessment;**
- Consider details of both draft frameworks
 - Consider details of the current methodology
 - Consider the details of the draft methodology
- 15 Meeting of the Local Development Plan Panel on 9th March 2018
- Members of the Working Group presented the 6 Recommendations (Appendix 1), Main Findings and comments of the Scrutiny Committee.
 - The Panel rejected the 6 Recommendations.

16 **Meeting of the Communities Scrutiny Committee on 19 April 2018**

A report was submitted by the investigation's working group Chair requesting that the Scrutiny Committee recommend that the Joint Planning Policy Committee consider the recommendations and further comments of the working group, together with the responses of the Joint Planning Policy Committee, before proceeding with the Public Consultation on the Supplementary Planning Guidance.

In the presentation of the report a statement was given on the linguistic picture in Gwynedd. Members were reminded of the Council's Leader words, when he presented the Council's Plan 8.3.18, outlining the need to prioritise the Welsh language by continuing to give guidance and promote the use of Welsh at all times. The need to operate in an innovative way was added, and he suggested that the SPG in its current form did not address this in a way that would contribute to changing the pattern and reduction of Welsh speakers in Gwynedd. It was also noted that the working group considered that the SPG had not been prepared sufficiently to conduct a Public Consultation.

During the ensuing discussion, the following points were highlighted by individual Members:

- That the requirements of some of the recommendations were simple, and it was very disappointing that the Panel had refused the recommendations although there was strong evidence for the conclusions.
- Possibility that some recommendations were contrary to Policy PS1, however it was necessary to be more responsive to the situation
- It was necessary to consult with Language Organisations and the Language Officers at Bangor University and not just Council officers.
- That the recommendations placed 'flesh on the bones' to strengthen the guidance in accordance with the requirements of the Cabinet Member
- That the view of the officers to a statement 'that the time-schedule did not need to be extended' was difficult to understand

All the recommendations were discussed by considering the Panel's response and further observations / questions of the working group to those responses.

In response to the comments, the Planning Officers noted the following observations:

- That the observations of the working group had been addressed by giving more information on certain elements of the Guidance
- That the Guidance was clearer as a result of some comments
- That there was more pressure on the applicant to undertake the assessment work
- That it was expected that the applicant would achieve the relevant requirements - failure to do this could affect the determination. Pressure on the applicant to act appropriately
- To consider two of the recommendations (1a and 1b) policy PS1 would have to be modified. This is not possible or appropriate to the Panel's work.
- That the recommendations had not been ignored - some amendments had been made.
- That the linguistic preparatory work had been done with the support of the language officers and the Guidance did identify the situation of the Welsh language in Wales.
- In the context of research and analysis, it was noted that the Guidance included comprehensive information that the Policy Unit has to share with the applicant when preparing assessments.
- In the context of engagement and consultation, it was highlighted that the engagement principles had been considered and the engagement work had been addressed and the arrangements complied with the need. It was highlighted that the engagement plan had been considered by the Council's Engagement Officers and would be an appendix to the report submitted to the Joint Planning Policy Committee (26.4.18).
- In the context of extending the time-schedule to ensure that work of the highest possible standard was achieved, it was noted that it was the Panel's decision that no more time was required.

In response to a question regarding how weaknesses in policies could be adapted, it was noted that it was proposed to monitor the policies annually. With the Joint Local Development adopted since July 2017, it was added that there was no evidence to justify that the policies were not working thus far.

In response to a suggestion that Gwynedd's wish was to adapt the Guidance to prioritise the Welsh Language and that it could act on its own, it was noted that this was legally possible, but practically, there would be substantial risks for the Council. It was added that the arrangement had ensured financial savings and separation would undermine the good working relationship between both Councils who had been pioneers in the field. The Chairman added that there was no evidence of a difference of opinion between Gwynedd and Anglesey.

In response to the discussion, the Head of Environment Service noted that it was expected that the Joint Policy Committee would have an opportunity to consider the

observations and further questions submitted by the Working Group together with the comments of the Scrutiny Committee.

It was proposed and seconded to submit the additional observations of the Working Group and the Scrutiny Committee for consideration to the Joint Planning Policy Committee.

It was proposed and seconded to accept the recommendations

RESOLVED:

- **To submit the additional observations of the Working Group and the Scrutiny Committee for consideration to the Joint Planning Policy Committee.**
- **To accept the recommendations and submit them to the Joint Planning Policy Committee.**
- **To ask the policy officers for the panel's full response to the engagement principles.**

17 **Meeting of the Joint Policy Planning Committee on 26th April 2018**

The Committee resolved to:

- **Accept the 6 Recommendations of the Scrutiny Committee**
- **Postpone the consultation on the draft Guidelines**
- **Correspond with the Welsh Government in order to receive confirmation of the aim to direct every Planning Application to a Public Enquiry to include a Language Impact Assessment.**
- **Contact the Working Group Members and Specialists in order to receive direction with the modification of draft Guideline on matters relating to Language Planning, Research and Analysis, Engagement and Consultation.**

18 **The following information was received from the Planning Policy Manager:**

- **Intention to send a letter to the Welsh Government to request rights to change policy in local development plans and rights to change the threshold to set a requirement to hold a public enquiry before submitting a planning application for 5 houses in villages and rural areas instead of 10 houses.**
- **Intention to send the letter in the week commencing 28 May 2018.**
- **Intention to commission external competent specialists to undertake a critical assessment of the *Supplementary Planning Guidance*, and in particular Section 2 of the Guidance.**
- **Put arrangements in place in order to receive quotations to undertake the work. (Full details of the arrangements have not been received. It is understood that the successful specialist is expected to present a report by 6 July 2018.)**
- **It is intended to present the Welsh Government's response, the Specialist's Report and the Revised Guideline to the Joint Local Development Plan Panel and the Joint Planning Committee during July/September 2018.**

19 The following response was sent by Members of the Scrutiny Working Group

- Ask a more direct question to the Welsh Government – Is there any reason why every application by a developer to build 10 or more houses in an urban area and 5 or more houses in a rural area cannot be referred to a public enquiry to include a language assessment?
- It is highly unlikely that one consultant would be a specialist in the fields of Planning, Language Planning, Data and Analysis and Engagement and Consultation.
- Your expectations may be slightly too ambitious.
- It is possible that some specialists would be ready to contribute their specialisms if you were to contact them directly.

20 There has been no response to date to these comments.

21 In addition, Members of the Scrutiny Working Group have considered how it is intended to implement the Supplementary Planning Guidance in the context of the requirements of the new Technical Advice Note 20.

- Consideration given to – *Technical Advice Note 20 – Planning and the Welsh Language*
- Consideration given to Discussion Document – *Local Housing Needs and the Welsh Language in the Planning System.*
- Meeting to discuss the above with the *Arfon Assembly Member.*

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

	The comment	What change has been made
	speakers as a useful measure to illustrate the strength of the Welsh language in the area of influence.	

Table 2: Senior Leadership Team (Isle of Anglesey County Council)

	The comment	What change has been made
1.	That the Welsh language Commissioner's Office has issued guidelines for the preparation of local well-being plans.	Note the comment
2.	Suggest simplifying parts of the Guidance in order to make it easier to follow.	Part D of the Guidance has been amended to include for diagrams/ flow charts to convey information and expectations.
3.	Draw attention to the benefits for businesses to offer Services in Welsh.	An advisory note has been added to the relevant part of Appendix 5 Screening process.

Table 3: Scrutiny Working Group (Gwynedd Council)

	Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
1a	That a clear statement is required in the Guidance that the Developer is required to go to public consultation on every development of 10 or more dwellings in an urban area and 5	It is agreed that engagement and consultation with the communities and various other stakeholders is important when considering a proposed development in the pre-	It's unclear to Members of the Working Group what is the clear statement in the Guidance. The Welsh Government Planning Directorate have stated that pre-	See new Diagram 5 in Section 2 of the SPG. It raises awareness of when there is a requirement for a statutory public consultation, which is a

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
<p>or more dwellings in a village/rural area.</p>	<p>application period and post submission of the planning application. The draft Supplementary Planning Guidance goes beyond the Working Group's expectations in recommendation 1a. The Guidance does not exceed the requirements of planning regulations regarding public consultation before submitting a planning application. It places an emphasis on consultation and engagement with the public and other stakeholders regardless of the development (housing and employment/ commercial) and wherever the site of the proposed development happens to be.</p> <p>Following receipt of the Panel's comments, the Senior Leadership Group of the Isle of Anglesey County Council, and the initial findings of the Scrutiny Working Group to the Gwynedd Council Scrutiny Committee, it</p>	<p>application consultations must be held for all applications of 10 houses or more. It does not matter whether or not they are allocated in the Local Development Plan.</p> <p>This should be stated clearly and simply in the Guidance.</p>	<p>matter beyond the terms of reference of the SPG. The Diagram provides a hyperlink to the Welsh Government's handbook: "Pre-application Consultation with the Community: A Best Practice Guidance for Developers." These planning regulations do not distinguish between an allocated housing development and a windfall site. When a statutory public consultation is required before submitting a planning application, Diagram 5 sets out the expectations that a draft Welsh Language Statement or a report on a Welsh Language Impact Assessment (when necessary) must be submitted to the</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
	<p>was noted that relevant parts of the Guidance had been adapted to improve clarity regarding this issue.</p> <p>The new Diagram 5 in Section 2 of the Guidance sets out the expectations of the Authorities for engagement and consultation at the pre-application stage. It sets out planning regulations requirements for 'large' development in <u>Centres, Villages and the Countryside</u> to undertake a statutory public consultation before submitting a planning application. In terms of statutory planning requirements, a 'major' development is defined as:</p> <p>(i) a housing development of 10 or more units or where the site area is 0.5 ha or more (if the number of housing</p>		<p>stakeholders during that public consultation period.</p> <p><u>Recommendation</u> - there is no need to make changes to the SPG to respond to the additional comments from the Working Group.</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
	<p>units on the site is unknown);</p> <p>(ii) provision of buildings(s) where the floor area created is more than 1,000 m²; or</p> <p>(iii) development on site with an area of 1 ha or more.</p> <p>Public consultation is therefore required for a 'large' development wherever it is located, whether it is an urban area or a rural area, which is different from, and beyond the requirements of, the Working Group's recommendation.</p> <p>When planning regulations do not require a statutory public consultation, the Guidance (in new diagram 5) sets out the need for an applicant to engage with relevant stakeholders for a 'small' (housing and employment/commercial)</p>		

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
	<p>development wherever it is located.</p> <p>Where a Welsh Language Statement is required, paragraph 13 of the methodology given in Appendix 7 of the Guidance sets out the expectations of the Authorities that the applicant consults and engages with the local community about the proposal, regardless of size or its location.</p> <p>When a report is required about a Welsh Language Impact Assessment, paragraph 8 of the methodology given in Appendix 8 to the Guidance sets out the importance of engagement and consultation as part of the whole process of undertaking a Welsh language impact assessment. Paragraph 15 of the methodology is more to do with the engagement regime, and refers back to the new Diagram 5.</p>		

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

	Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
1b	<p>That a clear statement is required in the Guidance that the Developer is required to present a Welsh Language Statement and a Welsh Language Impact Assessment for every development that goes to public consultation</p>	<p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>	<p>Members of the Working Group are of the opinion that any consultation on 10 houses or more or 5 in rural areas, whether they are in the Plan or Windfall developments, should include a Language Assessment. This should be stated clearly and simply in the Guidance.</p>	<p>Changing the SPG in line with the comments of the Working Group would mean the creation of a new policy. Policy PS 1 in the Plan determines when an assessment of the impact of development on the Welsh language should be undertaken, whether in the form of a Welsh Language Statement or a Welsh Language Impact Assessment report. The SPG report reminds the Joint Planning Policy Committee that the introduction of new policies is not the role of the SPG. The Committee's attention is drawn to</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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	<p>adapted to improve clarity regarding this issue.</p> <p>When Policy PS 1 does not require a Statement or an Assessment, the Guidance sets out the expectations for development that fall below the thresholds. Reference is made to Diagram 3 (new), Diagram 5 (new) and Appendix 5 - the screening process. This is done to ensure that all relevant developments take into account their impact on/ contribution to the communities.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>	<p>It is stated in Appendix 8 of the draft Guidance that a Sustainability Assessment of the Local Development Plan has been influenced by a Welsh Language Impact Assessment.</p> <p>- How has it been influenced?</p>	<p>Planning Policy Wales' requirements (edition 10): "The LDP should not delegate the criteria for determining planning applications to supplementary planning guidance, <u>which should include guidance and advice only.</u> Neither should supplementary planning guidance be used so that policies and proposals can avoid public scrutiny and independent examination in accordance with the statutory procedures." (Paragraph 2.3.2).</p> <p>Some of the comments and questions are to do with the development of the Joint Local Development Plan rather than the development of the SPG. However, a summary of information is</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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		<p>Three steps are noted for holding an Assessment:</p> <p>1 Identify and assess the relevant baseline information</p> <p>(i) What information was considered for the LDP?</p> <p>(ii) What information needs to be considered before submitting a Planning Application?</p>	<p>given below to try and improve the Working Group's understanding of the context.</p> <p>See the Sustainability Assessment Report in the Public Audit Library of the Plan (Chapter 6) & Public Examination Report of the Plan (e.g. 3.17 - 3.31)</p> <p>1 (i) See the Public Examination of the Plan Library that includes hyperlinks to various documents , e.g .Topic Papers 10 - 10B;</p> <p>1 (ii) See Stage 1a and Stage 1b in Appendix 8 of the SPG (paragraphs 10-17) which also refer to Appendix 2. Put simply an applicant needs to develop a profile of the area that will be influenced by the development</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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			<p>2 Assess the proposed effect on the Welsh language. (i) What information was considered for the LDP? (ii) What information needs to be considered before submitting a Planning Application?</p> <p>3 Where appropriate identify mitigation, protection, improvement and expansion measures. (i) Which measures were applied for the LDP? (ii) Which measures need to be considered before submitting a Planning Application?</p>	<p>(demography, infrastructure, policy, etc.)</p> <p>2 (i) See the Sustainability Assessment and the response to 1 (i) above; 2 (ii) See the response to 1 (ii) above and Stage 2 in Appendix 8 (paragraphs 20 & 21 and tables 2 & 3). These sections contain 2 matrices the competent person is expected to use to advise the applicant. The matrix will be completed by reference to the evidence that the competent person has collected in stage 1 (the scoping stage).</p> <p>3 (i) See the Sustainability Assessment; 3 (ii) This will become apparent at the time of preparing the planning application and the</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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			(iii) Are the measures proportionate to the likely effects?	<p>assessment of the planning application by the Planning Service in consultation with appropriate stakeholders. The type of measures will depend on the impact (negative/ positive/ neutral), who is affected, the scale of the impact, the likelihood of the impact, the direct or cumulative effect, etc. Appendix 6 provides an list of examples of measures to be considered;</p> <p>3 (iii) In accordance with planning regulations, the measures will have to be proportionate to the likely impact. Appendix 6 reminds the reader of this.</p> <p><u>Recommendation</u> - there is no need to make changes to the SPG to respond to the additional</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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2	<p>That Panel Members receive advice and guidance from independent specialists in the field of <u>Language Planning</u> when preparing the new Supplementary Planning Guidance before consulting on the new draft Guidance.</p>	<p>It is agreed that there is a need for advice and guidance from various stakeholders when preparing each of the Supplementary Planning Guidance to ensure that they give guidance and advice to applicants for planning permission and planning officers and the Planning Committees regarding the use of relevant policies. The report introducing the Supplementary Planning Guidance confirms that their preparation has been the subject of input from several specialist officers within both Councils.</p> <p>In the case of preparing this Supplementary Planning Guidance, preparatory work has meant getting detailed input from Planning Officers and Language Development Officers in both Councils. Discussions</p>	<p>It appears that the Panel is of the view that specialist should have a marginal role in preparing for consultation. Members of the Working Group are of the opinion that the current draft document is unsuitable in its present form. The Planning Committee has the opportunity to be innovative in this field of work by discussing the draft document in detail with specialists before consulting with the public and stakeholders.</p>	<p>comments from the Working Group.</p> <p>The report that presents the SPG and the Panel's response to the recommendation of the Working Group confirms that the development of the SPG has been the subject of discussion on a number of occasions with specialist officers within and outside the two Authorities. As with the development of any policy or guidance that the Authorities prepare, the public consultation will give the public and stakeholders, who have expertise in a variety of topics, the opportunity to comment on the draft consultation SPG. The Joint Planning Policy Committee will receive a copy of the Consultation</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
	<p>were also held with an officer from Menter Iaith Môn and an officer from the Welsh Government's Welsh Language Division. In addition, the Joint Planning Policy Unit was able to take advantage of linguistic planning sessions held by the University of Aberystwyth in 2015.</p> <p>The Panel noted that the Consultation Plan for this Guidance refers to consultation with the Office of the Welsh Language Commissioner and Welsh Government's Welsh Language Division during the public consultation period, as well as giving special interest groups an opportunity to contribute to the process of preparing the final Guidance.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments and the arrangements for</p>		<p>Report (which will be a public document) before making a decision about the final form of the SPG.</p> <p><u>Recommendation</u> - there is no need to make changes to the SPG to respond to the additional comments from the Working Group.</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

	Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
3	<p>That Panel Members receive advice and guidance from independent specialists in the field of Research and Analytics when preparing the new Supplementary Planning Guidance before consulting on the new draft Guidance.</p>	<p>obtaining expert opinion during the public consultation period, it is not considered that an additional change is required.</p>	<p>It is noted by the Panel that there are references to documents and lists in the Guidance. Members of the Working Group are of the opinion that this is insufficient and that a more specific and clear guidance is needed in the Guidance before consultation begins.</p> <p>It is noted that competent persons within the two Councils use sources to check the Statement and Assessment. Members of the Working Group are of the opinion that more details are required in order to make the work more robust and to enhance the credibility of the work by including: 1 Job Titles 2 Job Descriptions 3 Details or Matrix of how the applications are checked.</p>	<p>The SPG contains comprehensive information for an applicant and competent person to refer to during the scoping stage and in undertaking other tasks for the assessment.</p> <p>Appendix 4 gives contact details. Job descriptions are not appropriate information to be included in an SPG.</p> <p>Diagram 9 describes the process to verify and assess a planning application and the information presented with it, as well as the considerations at the</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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		<p>applicant would need to consider (with advice and guidance from a competent person) in drawing up the proposed development.</p> <p>It is agreed that detailed consideration of data and information is important in considering the impact of development on communities. Appendix 2 contains a list of documents referred to in the body of the Guidance. A link to web pages is provided where documents can be found. They are therefore relevant to the text of the Guidance.</p> <p>Appendix 3 provides a list of recognised sources. The Welsh Government's Welsh Language Division assisted in compiling the list.</p> <p>It is emphasised that an applicant is expected to make thorough enquiries about the sources when preparing the planning</p>		<p>decision making stage for the planning application.</p> <p><u>Recommendation</u> - there is no need to make changes to the SPG to respond to the additional comments from the Working Group.</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
	<p>application. Equally, competent officers within both Councils will use the sources to check the Statement and Assessment. The public consultation period will provide an opportunity for anyone to suggest additional sources of data and information.</p> <p>The applicant, with the help of a competent person, is expected to use the data and information in the relevant sources when they consider what the impact of the proposed development is on the community/area of influence, and decide how the development can be adapted or how to introduce mitigating measures to ensure that the development is acceptable in terms of land use planning. The Planning Service, with the help of competent officers in relevant matters, will check the use of information and data from the applicant before reaching a</p>		

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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		<p>conclusion on the proposed development.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>		
4	<p>That Panel Members receive advice and guidance from independent specialists in the field of Engagement and Consultation when preparing the new Supplementary Planning Guidance before consulting on the new draft Guidance.</p>	<p>Appendix 9 to the Plan has identified which new supplementary planning guidance is necessary to support the Plan. The list was prepared during the preparation of the first draft of the Plan (the Deposit Plan). It is not the role of the individual Guidance to record this approach. Nor is it the role of the Guidance to record why the Guidance was not prepared alongside the Plan. The draft scope of each of the Guidance was prepared and published during the Public Examination of the Plan (2016).</p>	<p>It is noted by the Panel that changes have been made to address the weaknesses identified in the first draft. It would be good to see those changes, and to see if they are substantial. Although the Panel noted in its meeting with Members of the Working Group on 22 March that it intended to give due consideration to both documents presented by Members of the Working Group for their attention. It does not appear that the Panel has given careful consideration to those documents. Here are links to those documents: National Principles for Public Consultation: https://participation.cymru/wp-content/uploads/2017/02/PC-National-Principles-Poster3.pdf Principles into Practice:</p>	<p>Tables 1 and 2 in this Appendix record the information related to the changes that have been made to the SPG since the first draft.</p> <p>The documents suggested by the Working Group have been duly considered. Appendix A to this Appendix provides a copy of the Consultation Plan, which is, as noted in the previous response, consistent with the relevant principles.</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
	<p>It was noted that the Panel had commented on the first draft of the Guidance to improve the clarity of the Guidance. It was noted that changes had been made to address the weaknesses identified, as well as issues raised by the Senior Leadership Group (Isle of Anglesey County Council) and the initial findings of the Scrutiny Working Group in its report to the Communities Scrutiny Committee on 22/2/18.</p> <p>The public consultation period will provide an opportunity to obtain views from various stakeholders about the Guidance.</p> <p>It was noted that the joint Planning Policy Unit had prepared a draft Consultation Plan with regard to the standards referred to, and in consultation with the Council's engagement officers. The arrangements explain when and how to make</p>	<p>https://participation.cymru/wp-content/uploads/2017/02/nationalprinciples</p> <p>The Joint Planning Policy Committee Members are requested to give detailed consideration to these documents before embarking on the Public Consultation.</p>	<p><u>Recommendation</u> - there is no need to make changes to the SPG to respond to the additional comments from the Working Group.</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

	Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
5	That Panel Members request to extend the Timetable if required in order to produce work of the highest possible standard.	<p>representations, how the comments will be considered (by whom and when) and how to find out about the final decision about the content of the Guidance.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>	Members of the Joint Planning Policy Committee are requested to address the recommendations in full before embarking on Public Consultation.	Full consideration has been given to the recommendations of the Working Group. Clarification has been provided why it isn't appropriate to make further changes to the Guidance. The consultation draft version of the Guidance is consistent with the relevant Policies in the Plan and reflects the input of the Joint Local

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

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				<p>Development Plan Panel, specialist officers within the authorities and advice from stakeholders outside the Authorities. The public consultation will give a public forum to receive opinions from various stakeholders, - the public, community and town councils, language planners, individuals and companies that have experience in researching the Welsh language in communities, developers, individuals and companies that give advice and guidance to developers, and others. The Joint Planning Policy Committee will consider all the responses, including the final recommendations of the Scrutiny Committee (Gwynedd Council) and the Scrutiny Committee (Isle of Anglesey County</p>

APPENDIX 4 – RECORD OF COMMENTS AND RECOMMENDATIONS AND THE RESPONSE

	Gwynedd Scrutiny Working Group's Recommendation - Planning and the Welsh Language	Joint Local Development Plan Panel Response	Further Comments and Questions by the Working Group	Draft response to the Working Group's further comments and questions
				<p>Council) before making a decision on the final Guidance.</p> <p><u>Recommendation</u> - there is no need to make changes to the SPG to respond to the additional comments from the Working Group.</p>

Table 4: SUPPLEMENTARY PLANNING GUIDANCE: HOUSING MIX

	The comment	What change has been made
1.	Strengthen the explanation about what is meant by 'sustainable use of resources'.	Relevant examples have been added to paragraph 1.8 and a cross reference to guidance for sustainable construction published by the WG. The sentence now refers to 'lefydd cysgu'.
2.	Find a better term than 'mannau gwely' in the Welsh version.	The bullet point now refers to private rental and social rental in recognition of the role of private sector, registered social landlords, housing associations.
4.	Paragraph 4.17 – should Cartrefi Cymunedau Gwynedd also be included in the schedule of stakeholders.	The list now recognises that Cartrefi Cymunedol Gwynedd belong to the Steering Group.