

Public Document Pack



Cyngor Sir
CEREDIGION
County Council

Neuadd Cyngor Ceredigion, Penmorfa,
Aberaeron, Ceredigion SA46 0PA
ceredigion.gov.uk

1 December 2022

Lisa Evans

01545574177

Dear Sir / Madam

I write to inform you that a Meeting of the Thriving Communities Overview and Scrutiny Committee will be held at the HYBRID - NEUADD CYNGOR CEREDIGION, PENMORFA, ABERAERON / REMOTELY VIA VIDEO CONFERENCE on Wednesday, 7 December 2022 at 10.00 am for the transaction of the following business:

1. **Apologies**
2. **Disclosures of personal interest (including whipping declarations)**
Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. In addition, Members must declare any prohibited party whip which the Member has been given in relation to the meeting as per the Local Government (Wales) Measure 2011.
3. **Update on Phosphate Situation (Pages 3 - 10)**
4. **Development Management (Pages 11 - 22)**
5. **To confirm the Minutes of the previous Meeting and to consider any matters arising from those Minutes (Pages 23 - 28)**
6. **To consider the Overview and Scrutiny Forward Work Programme (Pages 29 - 32)**

Members are reminded to sign the Attendance Register

A Translation Services will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully



Miss Lowri Edwards
Corporate Lead Officer: Democratic Services

To: Chairman and Members of Thriving Communities Overview and Scrutiny Committee

The remaining Members of the Council for information only.

Cyngor Sir CEREDIGION County Council

REPORT TO: Thriving Communities Scrutiny Committee

DATE: 7th of December 2022

LOCATION: Hybrid

TITLE: Update on Phosphate Situation

PURPOSE OF REPORT: To update members on the current situation with regards phosphates in Ceredigion

REASON SCRUTINY HAVE REQUESTED THE INFORMATION: Members requested that officers update them on the current situation

BACKGROUND: In January 2021 NRW released interim planning advice regarding development with the catchments of riverine SACs in Wales. This advice was to ensure that following a European legal case known as 'The Dutch case' compliance monitoring of the river Teifi and all riverine SACs in Wales was undertaken. The river Teifi was failing the revised monitoring targets and was suffering from episodic failure of its Phosphate level monitoring. This effectively meant no further development would be allowed which could or potentially could increase waste water discharges and the associated phosphate levels in the riverine SAC. This advice was updated in July 2022 which has facilitated some employment development however residential and tourism developments remain undevelopable (outside of specific exceptions). As a result of this guidance a number of planning applications have been held in abeyance and development has not been able to proceed through planning stages. (Though it is worth noting this guidance does not just apply to Planning but all forms of plans or projects the council undertakes.) The Teifi catchment extends to 48% of Ceredigion land and 3 of the 6 main towns, it also encompasses the entirety of the regional growth zone identified in Future Wales The National Plan 2040 – one of only 2 in Ceredigion the other being Aberystwyth. In order to address the issue Ceredigion were asked by WG to develop a Nutrient Management Board for the Teifi. Members of the Ceredigion planning and ecology service sit on the all-Wales phosphate sub group and now on the ministerial oversight group and have played an instrumental role in lobbying at a national level.

CURRENT SITUATION:

Since the introduction of the interim and revised guidance, the LPA has worked closely with neighbouring authorities who share river catchments namely Carmarthenshire (Tywi) and Pembrokeshire (Cleddau) to address the situation:

1. As a collective we have established the 3 Nutrient Management Boards (NMB) and held the inception meetings, developed a term of reference and established a Technical Officers Group and Stakeholder Group.
2. Lobbied Welsh Government for NMB funding, which has been awarded at £75,000 for the 2022-2023 financial year with expectations of £100,000 per catchment for the next 3 subsequent years.
3. Appointed a NMB programme Manager to take forward the work of the NMBs and develop the Nutrient Management Plan for the catchment – we intend to go out for a NMB officer to support this role in the coming weeks.
4. Appointed consultants to expand the Carmarthenshire Nutrient calculator and mitigation guidelines into the Teifi and Cleddau catchments it is expected to be ready in January / February 2023. Some concerns expressed by NRW will be addressed in the new release and we anticipate this calculator will be adopted nationally and rolled out as the All-Wales Nutrient Calculator.
5. We have undertaken a Geographical Information System (GIS) mapping exercise across the 3 catchments and now have detailed modelling of where ‘the phosphate hotspots’ are and suggested mitigations to reduce phosphate run-off.
6. We are currently undertaking a feasibility study to create a Nutrient Credit Trading Scheme regionally liaising with DCWW who are also working on a similar project from a Water Company perspective.
7. We are seeking detailed advice on creating long term strategies for the NMPs through the leading expert in the field, including reconsidering / testing the catchment water bodies to establish if there are some where we could implement a ‘de-minimus’ threshold where development may be acceptable.
8. DCWW have completed the source apportionment work on the Teifi and this has revealed that 68% of the phosphorus sampled in the river is from WWTP’s rather than diffuse phosphates (agricultural and surface water run off) as previously expected.
9. To address the source of the phosphates we are in early days stages of working with DCWW to establish sites for wetlands and how we can ‘over engineer’ them to not only address the WWTP permit level but provide some ‘headroom’ for future development.
10. We are liaising with NRW on where they are undertaking river restoration projects so we can ‘piggyback’ of existing works and increase the headroom capacity through extending riparian buffers they may be working on.
11. We have developed Green Infrastructure Action Plans for each of the 6 towns where Phosphate’s mitigations have been a key theme for developing the greening projects.
12. We have worked closely with the Public Service Board to ensure Phosphate mitigation projects have been identified in the forthcoming Well-Being Plan.
13. We have worked closely with the Economy and Regeneration Team to ensure that Nutrient Management was a key theme in the Ceredigion Shared Prosperity Fund (SPF) Bid to UK Government so forthcoming mitigation projects can potentially be financed through SPF.

Solutions:

Since the introduction of the guidance, and knowledge and expertise has developed in this area internally the LPA are now of the view that a multi-faceted strategy is required to ameliorate this issue and are prioritising 4 distinct workstreams these are outlined below:

Its easy to assume that as we now know the source apportionment work has confirmed the main source of phosphates is from WWTPs its DCWW's issue to resolve, unfortunately that's not a realistic expectation. Whilst they are now obliged to consider solutions for the Teifi more rigorously, it is still unlikely that Phosphate stripping will be installed due to the high costs and low density of populations. They are primarily concerned with nature-based solutions and are therefore bringing forward some wetlands to be developed namely Llanybydder into AMP 7 and finalising locations for wetlands in AMP 8. Its therefore important we consider all methods of phosphate reductions thus the LPA are prioritising the following 4;

1. Short term measures to unlock development in the coming months- creation of the nutrient calculator will allow developers to understand their nutrient load – the mitigation guidelines will let them see how they could 'spend' that load. The GIS mapping will identify if that spend is worthwhile. Unfortunately, there are not that many opportunities to 'spend' the load for the scale of developments we get, but we continue to investigate and amend the mitigation guidelines adding in new solutions as they become available.
2. Medium term measures include utilising expert advice to establish given the episodic failures of the Teifi monitoring whether there are any water bodies in the catchment that consistently achieve (with headroom) their targets so we could create a threshold under which we believe new development will have limited impact on phosphate levels in that river stretch. Meaning we could say that housing/ tourism developments up to a certain size will have little impact on the conservation objectives in XYZ location and thus can come forward.
3. Longer medium-term measures include working with partners already undertaking river restoration such as NRW to enhance their existing works and thus create headroom within catchments for new developments. We are currently working under the Habitats Regulations section 6 to procure a list of all works being undertaken and then intend to source finance to multiply the benefits of the existing schemes, utilising the regulatory powers of the partner organisation. This will most likely be in the form of extending riparian buffers which has the most measurable success in reducing phosphate run off.
4. Long term measures include working with DCWW and any other interested partners in over engineering constructed wetlands to not only meet the permit requirements of DCWW WWTPs but also create headroom capacity for additional housing and tourism developments in Teifi SAC catchment. Due to the long-term planning of such developments including land acquisition, planning consent and finance, this will take some time to realise but will ultimately be the most cost-effective mechanism for delivering real solutions.

There are a number of other potential mitigation schemes and we continue to explore each and every one, whilst being mindful of the limited viability of the region and thus trying to ensure all measures are at the most reasonable cost to developers. This will of course necessitate the authority or WG bearing the brunt of the costs, it is too early to speculate what these may be, when this information is available the appropriate reports will be prepared in due course.

Other service Areas:

The impact of the guidance on other service areas is also an important consideration:

Development Management:

Following the revised guidance, the DM service have prepared a developer toolkit to establish if they can screen out any of the applications held in abeyance as now complying with regulations relating to PTPs which under very specific criteria can now be approved, however the parameters in which they are acceptable are quite tight and thus this will not be a solution open to all. The service continues to work through the backlog of cases and those newly submitted to screen out where the guidance may apply and development can move forward. Given the information requirements to be submitted by developers in order to meet the requirements is fairly onerous this is a relatively slow process as tests of likely significant effect and where necessary appropriate assessments (both requiring ecology expertise) may still be needed to move to decision stage.

Ecology PRAM project

The ecology team were successful in a Heritage Lottery funding bid for the Phosphates Reduction and Mitigation (PRAM) project. A project officer was appointed (albeit behind schedule) and they are subject to the tight funding timelines embarking on a programme of works to establish riparian buffers and the feasibility of wetlands on public sector owned land. Unfortunately, this project was devised before we understood the full extent of the issue and what mitigations were best placed. Thus, in hindsight may have been delivered differently never the less the overall outcome of the works is to deliver Phosphate reductions in the Teifi SAC and this is welcomed.

Looking to the Future

It is likely at some point in quarter one of 2023 we will receive a marine nutrient release for the marine SACs, as yet we do not know what this will yield. We anticipate that it will be related to failing targets of nitrogen (a bigger concern in marine environments). The entire Ceredigion coast is covered by 3 marine SACs (Cardigan Bay SAC, Penllyn & Sarnau SAC and the West Wales Marine SAC) and if these SACs were failing their targets and / or the guidance were to be released as it was in England it could lead to a county wide embargo on development that increases waste water. However, it's important to note we do not know what the marine release will say and / or if we are failing the targets. Furthermore, all is not lost as the lessons learned from the Phosphate release mean we are better placed to manage such an issue and have a clear pathway for managing the impact. We also know that nitrogen is easier to mitigate than phosphates and all the phosphate reduction works we are planning to embark on also work for nitrogen. So, as we progress the work streams we are also factoring in Nutrient monitoring and mitigations more broadly than simply phosphates to nutrient stack our mitigations where this is allowable.

Future Workstreams

- Commissioning HRA specialist advice on NRW compliance report of the Teifi, and where appropriate constructively challenging NRW in their role as the nature conservation body
- Continued lobbying of WG and NRW in their role as environmental regulator for provision of clarity of interpretation and clear leadership.
- Undertake strategic land use review of Authority’s assets to identify sites for mitigation purposes – linking into disposal strategy and PRAM project.
- Identify & shortlist potential onsite and offsite mitigation measures – gather evidence, produce high level, outline costs for shortlisted mitigation schemes. incl. surface water separation, filter strips, planting, wetlands – undertaking feasibility and technical appraisals and identifying funding streams.
- Produce GIS Maps showing mitigation options.
- Develop strategy to deliver off-site mitigation schemes.
- Establish a framework for and develop and implement a Nutrient Credit Trading System.
- Develop a Nutrient Management Supplementary Planning Guidance (SPG) Incl. potentially enabling locally focused delivery.
- Explore potential for retro fitting RSL Housing Stock with water saving measures to enable AH delivery.
- Develop a Water retention and reduction SPG.
- Develop opportunities for Grampian conditions and s106 agreements to secure mitigation.

WELLBEING OF FUTURE GENERATIONS:	<p>Has an Integrated Impact Assessment been completed? If not, please state why</p> <p><i>Summary:</i></p> <p>Long term:</p> <p>Integration:</p> <p>Collaboration:</p> <p>Involvement:</p> <p>Prevention:</p>	<p>No as this discussion and is not producing or developing policy</p>
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RECOMMENDATION (S):

No formal recommendations, discussion for information only.

REASON FOR RECOMMENDATION (S):

Contact Name: Dr Sarah Groves-Phillips
Designation: Planning Policy Service Manager
Date of Report: 14/11/2022
Acronyms: WWTP – Waste Water Treatment Plant
DCWW - Dwr Cymru Welsh Water
NRW – Natural resources Wales
USC – Urban Service Centre
PTP – Private Treatment Plant

Cyngor Sir CEREDIGION County Council

REPORT TO: Thriving Communities Scrutiny Committee

DATE: 7th of December 2022

LOCATION: Online

TITLE: Development Management

PURPOSE OF REPORT: To provide an update to Members on Planning

REASON SCRUTINY HAVE REQUESTED THE INFORMATION: Members requested that officers update them on work in response to the Audit Wales Planning Report.

BACKGROUND:

In 2021 Audit Wales completed a review of the Planning Service in Ceredigion. The final review document was published in November 2021.

The report set out 10 recommendations relating to governance arrangements and to improving service capacity.

CURRENT SITUATION:

Appendix 1 sets out the Council's response and progress against each of these recommendations.

The work was taken forward through a Task and Finish Group that had been set up earlier in 2021 to implement an Action Plan for the improvement of governance and performance issues. The focus up until to March 2022 was largely on addressing governance issues and identifying additional resource to tackle planning application and enforcement backlogs.

The work on governance issues resulted in changes to the Constitution agreed in March 2022, including:

- New Terms of Reference
- New Operational Procedures
- New Code of Practice
- New Delegated Powers

Training was provided to all Members after the elections in May and these changes have now been embedded with procedures and practices being adopted well.

To address performance issues, it was necessary to look at tackling issues in four main areas of the development management process – validation, consultee delays, phosphates and staff capacity to deal with cases.

Validation was running 8 weeks late, so cases were often reaching officers at a point where decision should normally be issued. To address this, additional resources and training was made available corporately. The current position is that most applications are now processed within a day or two of being submitted which is where the service would like to be. Other issues remain as a significant number of applications are of a poor quality, meaning many need further information or changes in order to become validated.

Consultee delays often reflect capacity issues elsewhere, for example, in Highways or Ecology. Where the Council has control additional resources have been provided to help address issues. Further resource is being sought to assist with ecological input, in particular to help clear cases where phosphates has been an issue.

The phosphate issue has led to a large number of cases being held in abeyance building up a backlog of cases. New guidance and a proforma will help progress some applications but will add pressures over the next 3-4 months to clear cases.

Overall, there are now 511 planning applications (where ideally the service would want around 200) and 550 enforcement cases (ideally should be no more than 200 cases).

As staff recruitment has proved difficult, a tender exercise for engaging consultants took place earlier in the year and following evaluation of tenders, Capita were appointed to support the service deal with planning applications and enforcement cases. Capita have been actively working on cases since the beginning of September 2022 and are beginning to deliver recommendations so decisions can be made by the Authority. The process for considering applications or enforcement matters and making decisions is the same regardless of whether the staff are in house or contracted.

The above arrangements are expected to make a noticeable difference in the backlog level and time take to deliver decisions over the next 3-4 months but is likely to take up to 12 months to reach optimum levels.

Has an Integrated Impact Assessment been completed? If not, please state why No as this discussion and is not producing or developing policy

WELLBEING OF FUTURE GENERATIONS:

Summary:
Long term:
Integration:
Collaboration:
Involvement:
Prevention:

RECOMMENDATION (S):

No formal recommendations, discussion for information only.

To provide an update in April 2023 on the impact on the backlog and usual quarterly performance measures.

REASON FOR RECOMMENDATION (S):

To provide Members with an update.

Contact Name: Russell Hughes-Pickering
Designation: Corporate Lead Officer – Economy and Regeneration
Date of Report: 18/11/2022
Acronyms:

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Council Response Form

Council action planned in response to the recommendations issued by Audit Wales

Council: Ceredigion County Council

Report title: Review of Planning Services

Issue date: 16th November 2021

Document reference: 2602A2021-22

Ref	Recommendation	Council action planned in response to recommendation issued by Audit Wales	Target date for completion of actions	Responsible officer
	Governance			
R1	<p>The Council should review its constitution to strengthen the governance of its development control arrangements. The review should:</p> <ul style="list-style-type: none"> learn from the development control governance arrangements of other Local Planning Authorities (LPAs); develop an agreed Terms of Reference for the Council's Development Control Committee, to clearly state its purpose, role and 	<ul style="list-style-type: none"> The Council has established a Task and Finish Group (T&F group) to develop actions that will improve the Planning Service including decision making. The T&F Group agreed an Action Plan on the 6th July. The Action Plan is regularly updated and was revised on the 10th November to include the Audit Wales Planning Report recommendations. A review of the Constitution and current practice, taking into account 	March 2022	Russell Hughes-Pickering (RHP), Task and Finish Group (T&F Group). Support from Development Management (DM), Planning Policy (PP), Legal & Governance Services (L&G) and Democratic Services (DS).

Ref	Recommendation	Council action planned in response to recommendation issued by Audit Wales	Target date for completion of actions	Responsible officer
	<p>responsibilities, and how it links to Corporate Priorities;</p> <ul style="list-style-type: none"> • define what it deems as strategically important and ‘major’ planning applications; • strengthen the Development Control Committee’s scheme of delegation by considering raising the threshold for planning applications called into Committee to allow it to better focus on more strategically important and major applications; • ensure planning applications submitted by or on behalf of the Council’s officers and members are considered by the Development Control Committee and not under officer delegated powers to safeguard against any perceived conflicts of interest and to promote independence and transparency; • review the balance of time local ward members have to speak on planning applications at committee meetings as compared to applicants and objectors; and • review and include the Council’s Planning Code of Practice in the constitution and ensure members understand and act in accordance with it. 	<p>arrangements in other authorities, has been progressed.</p> <ul style="list-style-type: none"> • Changes to Constitution agreed in March 2022. The changes included: <ul style="list-style-type: none"> ○ New Terms of Reference ○ New Operational Procedures ○ New Code of Practice ○ New Delegated Powers • The changes to the Delegated Powers included: <ul style="list-style-type: none"> ○ Requirement to report major applications to Committee ○ Likewise, requirements to report cases submitted by the Council, Council Members, Senior Offices, Planning Staff, and close associates to Committee • The Operational Procedures and Code of Practice provide greater clarity on the role of the local ward members and members of the Committee. 		

Ref	Recommendation	Council action planned in response to recommendation issued by Audit Wales	Target date for completion of actions	Responsible officer
R2	The Council should ensure that its Development Control Committee and committee support arrangements comply with data protection principles and the processing of personal information in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.	<ul style="list-style-type: none"> Members received training on GDPR matters as part of their induction in May/June 2022. Advice on GDPR and Data Protection is also included in the Code of Practice 	May / June 2022	RHP, T&F Group, DM, PP, L&G, DS and Customer Contact (CC)
R3	The Council's Development Control Committee members need to ensure that any planning decisions are based on sound material planning considerations, and not applicants' personal circumstances.	<ul style="list-style-type: none"> The T&F Group agreed to a 'cooling off' deferral process in July 2021. This was shared and agreed by the Development Control Committee on the 14th July 2021. The process was first applied to cases considered at the Development Control Committee on the 28th July 2021. The group was formally recognised in the changes to the Constitution and its remit is set out in the Operational Procedures. The Cooling Off Group has met regularly since inception and has helped reduce the number of decisions being made that would constitute a significant departure from policy. 	July 2021 and on-going	RHP, T&F Group, DM, PP, L&G and DS.
R4	The Council needs to ensure that recordings of its 'in public' Development Control Committee meetings are made publicly available after committee meetings to adhere to the future requirements of the Local Government and Elections (Wales) Act 2021	<ul style="list-style-type: none"> Arrangement have been made to hold hybrid meetings from May 2022. Members of the public have been able to attend meetings in person since October 2022 or they can attend virtually. The system will allow meetings to be recorded and made available online. 	May 2022	DS, CC.

Ref	Recommendation	Council action planned in response to recommendation issued by Audit Wales	Target date for completion of actions	Responsible officer
		<p>The Council currently only screen and records Council and Cabinet meetings. It does not therefore record Development Management Committee meetings, so aren't made available post meeting.</p>		
R5	<p>The Council should ensure that Development Control Committee decisions relating to 'affordable' homes in the open countryside are made and reported accurately in accordance with the Council's Affordable Housing supplementary guidance</p>	<ul style="list-style-type: none"> • Regular Member workshops have provided additional training to Members on planning policies, appeal and call-in decisions. • Reports to Committee explain the policy context when proposals include affordable housing. • The Cooling Off process allows for cases to be considered in more detail before a final decision is made. • The LDP Annual Monitoring Report is being used to monitor the scale and location of affordable housing delivered in the County. • In addition, two papers have been prepared. One that consider the provision of affordable housing generally, the other specific to other locations. 	<p>March 2022 / On-going</p>	<p>RHP, T&F Group, DM, PP and DS.</p>
R6	<p>The Council and Development Control Committee should assess the cumulative implications and long-term infrastructure impact of approving single affordable dwellings and TAN 6 planning applications in the open countryside to ensure they</p>	<ul style="list-style-type: none"> • TAN6 applications by their very definition will need to be located functionally close to the agricultural holding or dwelling. Ensuring that applications are justified by supporting information that demonstrate 	<p>March 2022 / on-going</p>	<p>RHP, T&F Group, DM, PP and DS.</p>

Ref	Recommendation	Council action planned in response to recommendation issued by Audit Wales	Target date for completion of actions	Responsible officer
	contribute sustainably and cohesively to the Council's wider corporate priorities.	<p>compliance with the tests set out in the TAN is essential.</p> <ul style="list-style-type: none"> • Where Members are minded to support cases where information is lacking, cases are referred to the Cooling Off Group. • Policies also allow for affordable housing where they are in or adjacent to settlements. It is however important that these comply with the relevant LDP policies and supplementary guidance. • The Annual Monitoring Report will help monitor decisions and their compliance with the LDP and its policies. 		
	<u>Service Planning</u>			
R7	The Council's Planning Service should: More clearly present its performance information and targets in its business plans.	<ul style="list-style-type: none"> • Business and Service Plans will be reviewed • Interim Service Standards have been drafted • Consultants have been appointed to assist with planning application and enforcement backlogs. • This will help inform revised performances targets and measures. • Objective is to tackle issues in 2022/23 and have targets more in line with Wales average and above in 2023/24. 	October 2022	RHP, T&F Group, DM and PP.
R8	Review the effectiveness and efficiency of combining the Development Management	<ul style="list-style-type: none"> • This is to be reviewed when caseloads have been reduced. 	October 2022	RHP, T&F Group and DM.

Ref	Recommendation	Council action planned in response to recommendation issued by Audit Wales	Target date for completion of actions	Responsible officer
	Officer and Enforcement roles including the impact on performance.			
	<u>Monitoring</u>			
R9	The Council should establish a framework to assure itself that the Development Control Committee contributes cohesively and sustainably to achieving the Council's corporate priorities.	<ul style="list-style-type: none"> The Annual Monitoring Report is the most appropriate document for assessing the delivery of LDP objectives. The Council has drafted a new Corporate Strategy that has a greater emphasis on the delivery of sustainable development. 	March 2022	RHP, T&F Group, DM, PP, L&G and DS
	<u>Well-being of Future Generations</u>			
R10	In making any changes to the planning service, the Council should take the opportunity to consider how it might act more closely in accordance with the sustainable development principle in contributing to the delivery of the Council's well-being objectives when making planning decisions.	<ul style="list-style-type: none"> The Annual Monitoring Report is the most appropriate document for assessing the delivery of LDP objectives. Other papers have been prepared to consider decision making in respect of affordable housing generally and in other locations On-going training is provided to Members on the role of planning and the need to reflect policies in decision making. More text is being added to reports to explain the importance of delivering placemaking policies when considering applications. 	March 2022	RHP, T&F Group, DM, PP, L&G and DS

Minutes of the Meeting of Thriving Communities Overview and Scrutiny Committee held at the Council Chamber, Penmorfa, Aberaeron and remotely on Wednesday, 19 October 2022

PRESENT: Councillor Gwyn Wigley Evans (Chairman), Councillors Marc Davies (Vice-Chair), Gethin Davies, Meirion Davies, Rhodri Davies, Steve Davies, Rhodri Evans, Wyn Evans, Chris James, Maldwyn Lewis, John Roberts & Carl Worrall.

Also in attendance: Councillors Ann Bowen Morgan, Euros Davies, Ifan Davies, Elizabeth Evans & Gareth Lloyd.

Cabinet Members Present: Councillors Catrin M S. Davies, Clive Davies, Keith Henson, Wyn Thomas & Alun Williams.

Officers in attendance: Russell Hughes Pickering, Corporate Lead Officer, Economy & Regeneration; Arwyn Davies, Corporate Manager, Growth and Enterprise; Rhodri Llwyd, Corporate Lead Officer, Highways and Environmental Services; Phil Jones, Corporate Manager, Highways Services; Norman Birch, Ash Dieback Officer; Owen Stephens, Senior Engineer; Lyndon Griffiths, Corporate Manager, Property Services; Bethan Lloyd Davies, Carbon Reduction, Energy and Asset Management Programme Manager; Allan Bailey, Programme Manager; Lisa Evans, Standards and Scrutiny Officer; Neris Morgans, Democratic Services Officer; Nia Jones, Corporate Manager, Democratic Services; Llinos Williams and Rhidian Jones, Translators.

(10.02 am - 1.15 pm)

1 Apologies

Councillor Sian Maehrlein apologised for her inability to attend the meeting.

2 Disclosures of personal interest (including whipping declarations) Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. In addition, Members must declare any prohibited party whip which the Member has been given in relation to the meeting as per the Local Government (Wales) Measure 2011.

There were no disclosures of Personal and Prejudicial Interests (including whipping declarations) from Committee Members.

3 Progress on delivering the Economic Strategy

Councillor Clive Davies, Cabinet Member presented the background, the actions implemented within the strategy and the future areas of focus as outlined in the report, which included the challenges in the 4 areas (People, Places, Enterprise & Connectivity) of intervention in the Economic Strategy. It was noted that the data for the county's connectivity has improved since the report had been written.

Members asked many questions relating to their area of interest which were answered in turn by Councillor Clive Davies and Arwyn Davies. The main points raised were as follows:

- Concerns were raised around whether grant capital funding from Welsh Government (WG) would continue in the same capacity as in recent years for rural areas given the current economic climate. The Arfor Innovation Fund by WG had recently been launched but funding was yet to be released. Acknowledgement was given to Ceredigion and Powys County Council's success in securing the Full Deal Agreement for a £110m capital investment programme.
- Work continued in Lampeter and Llandysul to bring town centre assets into economic use and to enhance green infrastructures.
- The project involving pop-ups in vacant stores was deemed important for new independent businesses. Hopefully, this project would be expanded beyond Aberystwyth.
- Work needed to be carried out to develop town centres, especially Aberystwyth into multi-purpose spaces. Consideration should be given to non-domestic tax payment exceptions as a way of attracting businesses to town centres.
- The department worked hard in applying for grants, sometimes in a very short timeframe. The importance of ensuring that any grant funding was relevant to the Economic Strategy was key.
- It was noted that the Food Centre Wales' Helix programme was currently in a 2 out of a 3-year contract with WG, and it was 1 of 3 centres in Wales. An open day for the public and businesses was suggested.
- Following concerns around the county's connectivity, it was noted that 88% of properties had a broadband speed of over 30Mb yet continued to be behind other areas of Wales. WG was undertaking open market reports to understand the current situation so the rollout of fibre to the property had slowed a little. Members were welcome to contact the Cabinet Member or officers if they had any queries.
- At present, there was no one in the Towns Development Officer post.
- In response to suggestions for vinyl to be placed on empty shop windows, there were opportunities under the Transforming Places Programme to apply for grants to improve properties. Members representing towns were encouraged to contact officers to discuss.
- Concerns were shared around whether WG was committed to developing Mid-Wales. It was noted that having a clear strategy in place was key in pursuing investment opportunities such as Mid Wales Growth Deal. Officers had a good relationship with WG and there were frequent discussions to ensure policies benefitted the region.

Following questions by the Members of the Committee, members agreed to note the report and the progress on delivering the Economic Strategy.

4 Ash Die Back - Update for Information

Councillor Keith Henson, Cabinet Member referred to the purpose, to the reason scrutiny had requested the information and to the background included in the report. It was important to consider the lack of resources and

to understand the additional cost and the amount of work involved to ensure the safety of citizens.

Phil Jones explained that officers had undertaken work to explore whether the work could be done in-house and the use of biproducts for fuelling the authority's biomass. Reference was given to the three appendices included in the report. Ash Dieback was noted to be a corporate issue. The Council is dealing with the issue on a risk based prioritised basis. Since council assets had begun to be surveyed in a prioritise manner, the scale of the issue on council-owned land was not as great as initially estimated.

Members asked many questions relating to their area of interest which were answered in turn by Phil Jones, Norman Birth and Rhodri Llwyd. The main points raised were as follows:

- Initially, the project programme has been to carry out the work over 10 years to, with most of the work done between the third and sixth year. Dependent on the budget and contractor availability, hopefully, the work could be completed sooner, although dealing with the airborne disease would be ongoing.
- Most trees adjacent to and abutting highways and public rights of way are owned by the landowner, who has a responsibility to carry out inspection of their trees. If an officer during inspections deemed a tree to be unsafe on land not owned by the authority, a Section 154 Notice of the Highways Act would be issued to the landowner. As a result, landowners would need to hire contractors within 14 days. The authority would be able to assist with the process if required.
- In terms of priority, there were 4 classes of deterioration with trees in class 4 prioritized with notices. Some trees in Class 1 and 2 would gain resistance and survive, which was important to maintain the native stock.
- In the event there was a tree preservation order in place, a notice of application for the removal of a tree would need to be done.
- Concerns were raised that the agriculture sector in Ceredigion had not been consulted with helping with the work of cutting trees in exchange for the chip. There were questions around economies of scale as felling individual trees as opposed to woodland had different requirements.
- Members felt that undertaking the work in-house would not have made business sense although long-term, the equipment would have been in the authority's possession.
- To ensure everyone had an opportunity to tender for the work, members felt that transparency was key in setting the matrix. A Tree works contractor framework was in the process of being developed and a meet the contractor event would be held to assist with the online tendering process.
- NRW were the enforcement agency if more than 5 cubic metres of timber per quarter was removed without a felling licence.
- Due to public protection concerns, it was suggested that work was done to communicate the problem to the public and to emphasise that responsibility lay with landowners if affected trees were on their land. Following up on notices served was key to ensuring public safety.

Following questions by the Members of the Committee, members agreed to note the report.

5 Net-Zero Action Plan - Progress Update

Councillor Keith Henson, Cabinet Member noted that the purpose of the report was to provide a progress update as to the actions set out within the Net Zero Action Plan. Reference was given to the background as outlined in the report.

Bethan Lloyd Davies explained that reports had been done as part of the Carbon Management Plan since 2017/18. In 2021/22, additional emissions sources had been added and therefore, significant work was needed to report on the emissions moving forward.

Members were provided with the opportunity to ask questions which were answered by Bethan Lloyd Davies and Rhodri Llwyd. The main points raised were as follows:

- Concerns were raised by members that the grid capacity was not sufficient to serve the county and support the authority's commitment to becoming Net Zero by 2030. It was noted that this issue was raised often in meetings and by neighbouring authorities too. National Grid and Scottish Power sat on boards working on local energy plans, however, they had limited budgets and would invest in places they deemed necessary.
- Although employees commuted less with homeworking, concerns were raised that more houses would need to be heated during the day in the winter. It was noted that home-working emissions were accounted for in WG's Emission Reporting.
- Electricity generated from solar panels installed on council buildings was used by the buildings first with the remainder exported to the grid. If installations had a feed-in tariff payment, payments were made centrally to the authority. Generally, there was a 10-year payback on investments.
- A land management review had been done on Canolfan Rheidol and Ysgol Bro Teifi by WG; the findings were yet to be received. Consideration would be given in due course to batteries to store excess energy.
- It was noted that the aim of becoming Net Zero by 2030 was ambitious considering the situation financially. At present, WG would not penalise the authority for not achieving Net Zero by 2030, but this was the aim nationally for public sector bodies.
- In terms of the authority's fleet, converting vehicles to Hydrotreated Vegetable Oil (HVO) which was more expensive would be investigated along with hydrogen. It was noted that HVO was roughly 20% better than diesel but at present, by using the methodology provided by WG, there would only be a marginal improvement in the figures.
- It was noted that tree planting would be considered long-term to offset carbon and for every tree cut on council-owned land due to Ash Dieback, 3 trees would be planted in their place. In terms of the figures, trees were accounted for under land-based emissions.

- Other local authorities used the same system to collate data for reporting purposes. Hopefully next year, WG will provide an improved methodology to enable authorities to have a better understanding of the situation as at present, the more money that was spent, the more carbon that was generated.
- The authority was only able to report on the council's land holdings. Other bodies such as NRW included land in their ownership in their reports.

Following questions by the Members of the Committee, members agreed to note the progress in relation to actions set out within the Net-Zero Action Plan.

6 To confirm the Minutes of the previous Meeting and to consider any matters arising from those Minutes

It was agreed to confirm the minutes of the meeting held on 27 July 2022.

Matters arising:

- Councillor Rhodri Evans noted that he had been present at the meeting held on 27 July 2022 and asked for his name to be added to the Welsh version of the minutes.
- The Chair explained that NRW had sent a letter of response following the meeting held on 27 July 2022; a copy of the letter was sent to committee members prior to today's meeting.

7 To consider the Overview and Scrutiny Forward Work Programme

It was agreed to note the contents of the Forward Work Programme presented subject to the following:

- Follow-up meeting with NRW and Dŵr Cymru Welsh Water regarding the phosphates
- Report on the need to identify places such as unused railway lines to re-open
- Progress update of Development Control and Enforcement work (following budget meetings)

Confirmed at the Meeting of the Thriving Communities Overview and Scrutiny Committee held on 7 December 2022

Chairman: _____

Date: _____

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Cyngor Sir CEREDIGION County Council

REPORT TO: Thriving Communities Overview and Scrutiny Committee

DATE: 7 December 2022

LOCATION: Hybrid

TITLE: Draft Forward Work Programme 2022/23

PURPOSE OF REPORT: Review the current work programme of the Committee

REASON SCRUTINY HAVE REQUESTED THE INFORMATION: The forward work programme of the Committee is reviewed and updated at each meeting

BACKGROUND:

Overview and Scrutiny Committees oversee the work of the Council to make sure that it delivers services in the best way and for the benefit of the local community.

The role of Overview and Scrutiny is to look at the services and issues that affect people in Ceredigion. The process provides the opportunity for Councillors to examine the various functions of the council, to ask questions on how decisions have been made, to consider whether service improvements can be put in place and to make recommendations to this effect.

Scrutiny plays an essential role in promoting accountability, efficiency and effectiveness in the Council's decision making process and the way in which it delivers services.

The main roles of the Overview and Scrutiny Committees:

- Holding the cabinet and officers as decision-makers to account
- Being a 'critical friend', through questioning how decisions have been made to provide a 'check and balance' to decision makers, adding legitimacy to the decision making process
- Undertaking reviews of council services and policy
- Undertaking reviews to develop council services and policies
- Considering any other matter that affects the county
- Ensuring that Ceredigion is performing to the best of its ability and delivering high quality services to its citizens
- Assessing the impact of the Council's policies on local communities and recommending improvement
- Engaging with the public to develop citizen centred policies and services

Effective Overview and Scrutiny can lead to:

- Better decision making
- Improved Service Delivery and Performance
- Robust Policy Development arising from public consultation and input of independent expertise
- Enhanced Democracy, Inclusiveness, Community Leadership and Engagement
- Adds a clear dimension of transparency and accountability to the political workings of the Council
- Provides an opportunity for all Members to develop specialist skills and knowledge that can benefit future policy making and performance monitoring processes
- Creates a culture of evidence based self-challenge

CURRENT SITUATION:

Questions to consider when choosing topics

- Is there a clear objective for examining this topic?
- Are you likely to achieve a desired outcome?
- What are the likely benefits to the Council and the citizens of Ceredigion?
- Is the issue significant?
- Are there links to the Corporate Strategy
- Is it a key issue to the public?
- Have the issues been raised by external audit?
- Is it a poor performing service?

Choosing topics

Overview and Scrutiny Committees should consider information from the Corporate Strategy, Improvement Plan, Strategic Plan, Service Plans, the Corporate Risk Register, budget savings – proposals and impact, Quarterly Corporate Performance Management panel meetings and departmental input in choosing topics and designing their Forward Work Programmes, as well as any continuing work.

RECOMMENDATION (S):

To review and update the current Forward Work Programme.

Contact Name:	Lisa Evans
Designation:	Scrutiny and Standards Officer
Date of Report:	30/11/2022
Acronyms:	FWP – Forward Work Programme

Overview and Scrutiny Draft Forward Work Programme 2022/23

Committee	Item (description/title)	Invited Speakers	Purpose i.e. monitoring, policy, recommendation
Thriving Communities			
27 July 2022	Ultra Low Emission Vehicle Strategy Waste management Overview of Highways and Environmental Services		
19 October 2022	Economic Strategy Update on Ash Die Back Net-zero Carbon		
7 December 2022	Phosphates Development Management and Enforcement		From the risk register
10 February 2023 9.30am	Budget preparation		
5 April 2023	Use of former railway lines for cycling / walking		

<p>Future meetings</p>	<p><u>Suggestions:</u> Impact of grant funded schemes – what’s the impact, how well drawing down funds</p> <p>Use of space – how do we make it more vibrant, increase income</p> <p>Climate Change and Coastal Erosion / Flooding (from the risk register)</p> <p>LDP</p> <p>Review of public toilet strategy</p>		
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