

EXTRAORDINARY MEETING OF THE COUNCIL, FRIDAY, 18 MARCH 2016

Present:: Councillor Dilwyn Morgan (Chairman);
Councillor Eric Merfyn Jones (Vice-chairman).

Councillors: Craig ab Iago, Anwen Davies, Lesley Day, Dyfed Edwards, Elwyn Edwards, Trevor Edwards, Thomas Ellis, Alan Jones Evans, Aled Evans, Jean Forsyth, Gweno Glyn, Simon Glyn, Gwen Griffith, Alwyn Gruffydd, John Brynmor Hughes, Louise Hughes, Sian Wyn Hughes, Aeron M.Jones, Aled Wyn Jones, Anne Lloyd Jones, Brian Jones, Charles W.Jones, Elin Walker Jones, John Wynn Jones, Sion Wyn Jones, Dilwyn Lloyd, June Marshall, Dafydd Meurig, Michael Sol Owen, William Tudor Owen, Gareth A.Roberts, John Pughe Roberts, W.Gareth Roberts, Angela Russell, Dyfrig Siencyn, Mike Stevens, Gareth Thomas, Hefin Underwood, Ann Williams, Eirwyn Williams, Elfed Williams, Gruffydd Williams, Hefin Williams, Owain Williams ac R.H.Wyn Williams.

Officers present: Dilwyn Williams (Chief Executive), Iwan Evans (Head of Legal Services/ Monitoring Officer) Corporate Director), Rhun ap Gareth (Senior Solicitor / Deputy Monitoring Officer), Arwel E. Jones (Senior Manager – Democracy and Delivery) and Eirian Roberts (Member Support and Scrutiny Officer), Dewi Morgan (Senior Manager - Revenue and Risk), Gareth Jones (Senior Manager - Planning and the Environment Department), Nia Davies (Planning Manager - Gwynedd and Anglesey Joint Planning Policy Unit), and Eirian Roberts (Member Support and Scrutiny Officer).

Apologies: Councillors Stephen Churchman, Endaf Cooke, Annwen Daniels, Selwyn Griffiths, Sian Gwennlian, Annwen Hughes, Peredur Jenkins, Dyfrig Jones, Linda Wyn Jones, Eryl Jones-Williams, Beth Lawton, Linda Morgan, W.Roy Owen, Peter Read, Caerwyn Roberts, Mair Rowlands, Glyn Thomas, Ioan Thomas, Gethin Glyn Williams, Mandy Williams-Davies and Eurig Wyn.

1. DECLARATION OF PERSONAL INTEREST

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

2. CHAIRMAN'S ANNOUNCEMENTS

The following were congratulated:-

- Councillor Charles W Jones on being awarded a Bachelor in Theology degree (BTh) with honours from the South Africa Institute of Theology.
- Everyone who was awarded in the Council at its Best Ceremony and the Interviews for Dafydd Orwig Memorial Prize the previous week. Everyone who had been associated with the ceremony were thanked.
- Janet Williams, Foster Carer with the Council for being awarded the Citizenship Award in this year's St David's Day Awards.

3. QUESTION

The Chairman explained that Councillor Eurig Wyn has submitted a question prior to the last meeting of the Council and the question had been submitted after the closing date and he was to allow the question to be asked at this Extraordinary Meeting of the Council.

A Question from Councillor Eurig Wyn (and asked by Councillor Hefin Williams in the absence of Councillor Eurig Wyn)

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"What financial community benefits will be afforded to the community of Waunfawr following the damage done to the area as a result of FIRST HYDRO developments to establish a hydro-electricity scheme in the area?"

Answer from Councillor Dafydd Meurig, Cabinet Member for Planning.

(The Cabinet Member's written response was distributed to the members in advance).

"Contributions to local communities considerations are not part of the planning regime and we are not aware that a specific financial community benefit has been given to the community of Waunfawr as a result of the development of the Dinorwig Power Station. However, it must be noted that the economic benefit which this scheme has provided during the construction and operational phases up until the present day has been substantial for the local area , which itself has benefited the community.

A supplementary Question from Councillor Eurig Wyn (and asked by Councillor Hefin Williams in the absence of Councillor Eurig Wyn)

"Will the Council, through the Planning Department, agree to investigate similar developments in Scotland where the County Councils and the Government have created an effective strategy to fund such schemes ensuring that benefits are provided to the communities?"

Answer from Councillor Dafydd Meurig, Cabinet Member for Planning.

(The Cabinet Member's written response was distributed to the members in advance).

"The guidance of the Scottish Government also emphasises that financial community benefit is not a voluntary arrangement that is entirely separate from the planning process and, therefore, the same is true in this case but the preliminary work has been undertaken by officers from the Council's Property Service and the Economy and Community Department to try to scope the the economic/community benefits that could be associated with renewable energy schemes. Additionally, it is important to state that in situations where a renewable scheme is on land where the Council is the landowner, which is true in the case of Glyn Rhonwy, namely an application that is currently under consideration, the Council will consider opportunities to negotiate community benefits as part of the arrangement for the disposal of the land.

4 . JOINT LOCAL DEVELOPMENT PLAN

The Chairman explained that in accordance with section 4.12.1 (d) of the Constitution, a letter had been received from Cllr Aled Evans, signed by nine other councillors requesting an extraordinary meeting of the Council to discuss"aspects of the LDP (Gwynedd and Anglesey), that is, the method used to evaluate the impact of this proposed plan on the Welsh language. *We feel that what has been done us unacceptable regarding protecting the Welsh language and we would like further steps to reverse the weakness."*

The Chairman emphasised that it would be this matter only that would be under discussion and constitutionally it would not be possible to discuss any other aspect of the plan.

The Monitoring Officer provided guidance regarding the general legal and constitutional position regarding the discussion and he noted:-

- The development of the Deposit Plan was in the hands of the Joint-Planning Policy Committee and decisions on the consultation, the response to the

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consultation and its submission for an independent inquiry had been delegated by this Council to the Joint-committee since 2011.

- On 29 January of this year, the Joint-committee decided that the plan would go forward to an independent inquiry and on that basis the decision was notified and the preparatory work was commenced.
- This decision was in accordance with the Joint-committee's delegated powers and it was satisfied, on behalf of Gwynedd Council, that the plan was sound enough to proceed to the inquiry and that the process and the response was robust to proceed to an inquiry. Consequently, it was not legally possible for the Council to overturn this decision.
- It had been a joint decision with Anglesey and there was also a significance to this decision for those who has supported or objected to the plan.
- There was a process which allowed objections to the plan to be addressed by the Inspector and it was likely that there would be hearings on the response to some of these issues also and, therefore, the objections would be weighed up.
- The request for an extraordinary meeting of the Council did not state a specific notice of motion but rather a request for a discussion only. According to the Council's Constitution, in order to have a discussion there had to be a proposal and one of the rare occasions when a proposal could be made without a notice was by means of a recommendation by a Cabinet Member. Therefore, the Cabinet Member for Planning intended to submit a proposal to open the discussion. Then, it would be a matter for the members to consider whether they accepted the motion or submit appropriate amendments.

It was proposed and seconded that the Procedural Rules should be set aside to allow any member to submit a proposal to the Council.

A registered vote was called for on the proposal to set the Procedural Rules aside.

In accordance with the Procedural Rules, the following vote was recorded:

In favour: (32) Councillors - Craig ab Iago, Anwen Davies, Elwyn Edwards, Trevor Edwards, Alan Jones Evans, Aled Evans, Jean Forsyth, Gweno Glyn, Simon Glyn, Alwyn Gruffydd, John Brynmor Hughes, Louise Hughes, Sian Wyn Hughes, Aeron Jones, Aled Wyn Jones, Brian Jones, Elin Walker Jones, Eric Merfyn Jones, Sion Wyn Jones, Dilwyn Lloyd, Dilwyn Morgan, W.Tudor Owen, Gareth A.Roberts, John Pughe Roberts, Angela Russell, Mike Stevens, Hefin Underwood, Ann Williams, Eirwyn Williams, Elfed Williams, Gruffydd Williams and Owain Williams.

Against: (13) Councillors – Lesley Day, Dyfed Edwards, Gwen Griffith, Anne Lloyd Jones, John Wynn Jones, June Marshall, Dafydd Meurig, Michael Sol Owen, W.Gareth Roberts, Dyfrig Siencyn, Gareth Thomas, Hefin Williams and R.H.Wyn Williams.

Abstaining: (2) Councillors – Thomas Ellis and Charles W.Jones

As the majority of members had voted in favour of the proposal, the Chairman announced that the Procedural Rules had been set aside for this meeting.

A member enquired whether the Constitution allowed any member to request a vote of no confidence in a department, individual or unit. The Monitoring Officer replied that what was before this meeting was the consideration of the method used to weigh-up the impact of the proposed plan on the Welsh language and, therefore, it would not be appropriate to extend that to include a vote of no confidence as this was not on the agenda and the members had not received a notice of motion for such a proposal.

Councillor Aled Evans was invited to explain why he and his fellow councillors had called an extraordinary meeting of the Council and to submit the evidence that he had submitted to the Council.

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Councillor Aled Evans noted the following:-

- The Cabinet Member for Planning was asked at the meeting of the full Council on 5 March, 2015, how any responses that came to hand in the consultation phase would be incorporated in the Plan and the Cabinet Member had encouraged everyone to respond to the consultation.
- There had been a thorough and detailed consultation and the responses were published on 29 January, but much of what had been submitted had been set aside.
- Subsequently, a request was received from several organisations and individuals for councillors such as himself and others to call for an extraordinary meeting of the full Council to discuss the matter and as a result, he had a proposal to submit.

The Chairman explained that the proposal could be submitted after the Cabinet Member had submitted his case.

A presentation was provided on the Local Development Plan and the Welsh Language by Councillor Elin Walker Jones on behalf of members who had called for the extraordinary meeting. She explained the logic behind calling the meeting by referring to several statistics regarding the position of the Welsh language and to summarise, she emphasised:-

- There was a need for a full and meaningful review of the position of the Welsh language from 2011 onward.
- Full use should be made of Census figures and any relevant information.
- The strength of the Welsh language in Gwynedd and Anglesey should mean that it was afforded special attention and status as an area of linguistic sensitivity.
- There was an urgent need to develop meaningful monitoring mechanisms that would constantly feed into the live document of the language assessment.

The Cabinet Member was invited to provide a presentation.

The Cabinet Member for Planning submitted the factual report that was distributed with the meeting's agenda and the following points were highlighted:

- The relevant background and context for making decisions on the Joint Local Development Plan.
- The legislative context and national planning policy - preparing joint local development plans and assessing the impact on the Welsh language.
- Overview of the processes.
- The evidence.
- Public engagement and consultation (including input by Councillors) and the decision-making process.
- Sustainability Assessment (including a Strategic Environmental Assessment).
- Language Impact Assessment.
- A public consultation on the Deposit Plan: February - March 2015.
- Decision of the Joint Planning Policy Committee - January 2016.
- Consultation on the Focussed Changes - emphasising that there was an opportunity until 13 April to send observations regarding the changes stemming from the previous consultation period.
- The Public Examination.
- Conclusion - (i) that the process had been entirely inclusive with several opportunities throughout the process for councillors and communities to have an input in accordance with the Delivery Agreement which had been approved by the Councils at the beginning of the process, and (ii) the process of preparing the

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Joint Local Development Plan had satisfied the statutory requirements, including consideration of the Welsh language and its use in respect of its relevance to land use.

The Chairman noted that it was important to have a proposal in order to open the discussion, and constitutionally any member had a right to do that as the Procedural Rules had been set aside.

The following was proposed:

"In view of the fact that the process of drawing-up the Joint Local Development Plan had taken a considerably longer time to complete and that there had to be an extension to the current plan, it is realised that there has been no full and meaningful monitoring of the situation. Therefore, accepting that the Local Development Plan's language assessment is a live and reactive document, we ask the Council to consult on methods of contemporising the monitoring of the impact of the current and proposed planning situation on the Welsh language. This should take place by making full use of the figures of the 2011 Census and by considering the suitability of the housing and population numbers that form the baseline of the plan. It is noted that the new plan should come into force in 2016 or 2017 and there has been no monitoring since 2011, whilst ideally the new plan notes that monitoring should be undertaken annually."

Prior to requesting a seconder, the Chairman asked the Monitoring Officer to ensure that the proposal was constitutional.

The Monitoring Officer noted that he was of the opinion that the first sentence of the proposal, and specifically the wording *"there had been no full and meaningful monitoring of the situation"* would overturn the decision of the Joint Planning Policy Committee because the Joint-committee had concluded that the information it had received was meaningful and appropriate and that the plan was sound for progressing to an examination.

The proposer expressed his willingness to omit the first sentence of the proposal and the Chairman read the amended proposal, namely:-

"Accepting that the Local Development Plan's language assessment is a live and reactive document, we ask the Council to consult on methods of contemporising the monitoring of the impact of the current and proposed planning situation on the Welsh language. This should take place by making full use of the figures of the 2011 Census and by considering the suitability of the housing and population numbers that form the baseline of the plan."

The proposal was seconded.

The following amendment was proposed:-

"Accepting that the Joint Local Development Plan's language assessment is a live document, in adopting it the Council will commit to ensuring that the monitoring and reviewing is based on the most current data available at the time."

The amendment was seconded.

Some members expressed their dissatisfaction with the plan and the process in its entirety and they noted that they had come to the conclusion that a vote of no confidence should be made in the Joint-Planning Policy Committee. In response, the Monitoring Officer emphasised that the method of weighing-up the impact of the plan on the Welsh language was the only issue before the Council and such a notice of motion should have been made as part of the process of calling the meeting.

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A member of the Joint Planning Policy Committee noted that he had not much confidence in the Joint-committee because he had constantly objected (for linguistic reasons), to the number of houses being constructed.

It was suggested that it would be possible to link the proposal and the amendment as the proposal underlined the need to examine the evidence as the plan moved towards implementation whilst the amendment referred to using every speciality and examine all data, such as up-to-date social statistics which could be more useful than Census statistics only.

During the ensuing discussion it was noted:-

- The wish to see a planning policy that enabled the conversion of outbuildings and farm buildings to be used by local people for the benefit of the community and the Welsh language.
- Positive and proactive action had to be taken in every aspect of the Council's work if the Welsh language was to continue to be a viable language in the county's communities.
- The Plan, as it currently stood, was contrary to the Planning Act 2015, which referred to the need to concentrate on local matters and aims that had been identified in a local strategy with an evidence base along with including an assessment of the likely effects of the plan on the use of the Welsh language in the area.
- The Language Committee's request for a discussion on the Deposit Plan had been refused.
- 160 observations regarding the Plan had been discarded on the grounds that they were not sufficiently sound according to officers and specific reference was made to evidence submitted by various community councils regarding the local need for houses but they had been disregarded.
- Hunaniaeth had clearly stated that without robust evidence of the local need for housing, it was difficult to know for certain whether any development would have a positive or negative impact on the Welsh language, however, bearing in mind the vulnerable position of the Welsh language as a minority language, it was impossible to take this chance without knowing with certainty that any development would reinforce the position of the language.
- It had to be acknowledged that every economic development or settlement should reinforce the Welsh language and no development should be considered that would mean taking steps to alleviate its impact on the Welsh language.
- The Gwynedd and Anglesey Housing and Language Review stated that it would be unlikely that this plan would safeguard the Welsh language.
- It was a matter of sadness for the members that the full Council was not given an opportunity to discuss the Plan in its entirety prior to it being forwarded to the Inspector.
- The Planning Department was working against local individuals who wished to construct affordable houses for their own families but were more than ready to support developments of 200-300 houses.
- The social housing points system worked against indigenous Welsh speakers.
- Young Welsh people were moving from the villages because of the lack of employment and the planning policies should facilitate keeping young people in the rural areas.
- There was a need to monitor the situation better in fairness to the young people in rural communities.

It was enquired whether it was possible to merge the proposal and the amendment by committing to build on the language assessment methodology that already existed by working with an organisation which specialised in language sociology, e.g. the

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University, language organisations etc. and also to take the opportunity to consult widely on the development of this methodology with interested local organisations and individuals.

The proposer of the original motion and the proposer of the amendment were invited to merge the proposal and the amendment along the following lines but both expressed their desire to keep the proposal and amendment separate.

A registered vote was called for on the amendment.

In accordance with the Procedural Rules, the following vote was recorded:

In favour: (13) Councillors – Craig ab Iago, Lesley Day, Dyfed Edwards, Thomas Ellis, Anne Lloyd Jones, Charles W.Jones, John Wynn Jones, June Marshall, Dafydd Meurig, Michael Sol Owen, W.Gareth Roberts, Dyfrig Siencyn and Hefin Williams.

Against: (34) Councillors - Anwen Davies, Elwyn Edwards, Trevor Edwards, Alan Jones Evans, Aled Evans, Jean Forsyth, Gweno Glyn, Simon Glyn, Gwen Griffith, Alwyn Gruffydd, John Brynmor Hughes, Louise Hughes, Sian Wyn Hughes, Aeron Jones, Aled Wyn Jones, Brian Jones, Elin Walker Jones, Eric Merfyn Jones, Sion Wyn Jones, Dilwyn Lloyd, Dilwyn Morgan, W.Tudor Owen, Gareth A.Roberts, John Pughe Roberts, Angela Russell, Mike Stevens, Gareth Thomas, Hefin Underwood, Ann Williams, Eirwyn Williams, Elfed Williams, Gruffydd Williams, Owain Williams and R.H.Wyn Williams.

Abstaining: (0)

A registered vote was called for on the original proposal.

In accordance with the Procedural Rules, the following vote was recorded:

In favour: (43) Councillors - Craig ab Iago, Anwen Davies, Lesley Day, Dyfed Edwards, Elwyn Edwards, Trevor Edwards, Thomas Ellis, Alan Jones Evans, Aled Evans, Jean Forsyth, Gweno Glyn, Simon Glyn, Gwen Griffith, Alwyn Gruffydd, John Brynmor Hughes, Sian Wyn Hughes, Aeron M.Jones, Aled Wyn Jones, Anne Lloyd Jones, Charles W.Jones, Elin Walker Jones, Eric Merfyn Jones, John Wynn Jones, Dilwyn Lloyd, June Marshall, Dafydd Meurig, Dilwyn Morgan, William Tudor Owen, Gareth A.Roberts, John Pughe Roberts, W.Gareth Roberts, Angela Russell, Dyfrig Siencyn, Mike Stevens, Gareth Thomas, Hefin Underwood, Ann Williams, Eirwyn Williams, Elfed Williams, Gruffydd Williams, Hefin Williams, Owain Williams ac R.H.Wyn Williams.

Against: (1) Councillor - Louise Hughes

Abstaining: (2) Councillor - Brian Jones and Sion Wyn Jones.

RESOLVED accepting that the Local Development Plan's language assessment is a live and reactive document, we ask the Council to consult on methods of contemporising the monitoring of the impact of the current and proposed planning situation on the Welsh language. This should take place by making full use of the figures of the 2011 Census and by considering the suitability of the housing and population numbers that form the baseline of the plan."

The Chairman thanked everyone for their contribution and members of the public present for showing their opinions and support.

The meeting commenced at 10.00am and concluded at 11.45am.

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The meeting commenced at 10.00 am and concluded at 11.45 am

CHAIRMAN