

COMMUNITIES SCRUTINY COMMITTEE, 16 MAY 2024

Attendance:

COUNCILLORS:

Stephen Churchman, Robert Glyn Daniels, Elwyn Edwards, Delyth Lloyd Griffiths, Elin Hywel, Annwen Hughes, Jina Gwyrfai, Edgar Owen, Llio Elenid Owen, Beca Roberts, Arwyn Herald Roberts, Elfed Powell Roberts, Rob Triggs, Rhys Tudur and Gruffydd Williams.

Officers present:

Bethan Adams (Scrutiny Advisor), Rhodri Jones (Democracy Services Officer) and Geraint Owen (Corporate Director).

Present for item 7:

Councillor Dafydd Meurig (Cabinet Member for the Environment), Gareth Jones (Assistant Head of Environment Department) and Heledd Fflur Jones (Team Leader, Planning Policy Unit, Environment Department).

Present for item 8:

Councillor Berwyn Parry Jones (Cabinet Member for Highways, Engineering and YGC), and Meirion Williams (Assistant Head of Highways, Engineering and YGC).

1. ELECTION OF CHAIR

RESOLVED to elect Councillor Annwen Hughes as Chair of the Committee for the year 2024/25.

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Councillor Llio Elenid Owen as Vice-chair of the Committee for the year 2024/25.

3. APOLOGIES

Apologies were received from Councillors Kim Jones, Linda Morgan and Peter Thomas.

4. DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest.

5. URGENT ITEMS

None to note.

6. MINUTES

The Chair signed the minutes of the previous meeting of this committee which took place on 18 April 2024, as a true record.

7. SUBMISSION OF PUBLIC ENGAGEMENT REPORT: NOTICE OF ARTICLE 4 DIRECTION ENGAGEMENT PERIOD

The report was presented by the Cabinet Member for the Environment, the Assistant Head of Environment Department and the Planning Policy Unit Team Leader.

Members were reminded that the Council needed to undertake a four-step process in its effort to introduce the Article 4 Direction within the Gwynedd Local Planning Authority Area. It was noted that the first step was to issue a Notice of the Justification Paper on the Introduction of the Article 4 Direction. It was reported that the second step of the process was to hold a public engagement period. It was explained that the consultation had been held in August 2023 for a six-week period and included questionnaires, corresponding with 52,000 houses and a bespoke questionnaire on the Council's website. The service was acknowledged for securing a consultation period that was double the statutory requirement. The Department was praised for attracting so many responses to the consultation, and encouraged to share the good practice of their experience with other Council departments as they undertook public consultations in the future. Attention was drawn to the fact that very few young people had responded to the consultation, and it was acknowledged that engaging young people to respond to consultations was a challenge that the Council faced.

It was reported that the Council had now reached the third stage in the process of introducing the direction as it considered the responses to the consultation period. It was confirmed that the service had received 3902 responses. It was explained that the Council had allocated its responses to representations submitted to the consultation into themes and sub-themes within the report. It was elaborated that no additional information had been found that justified not confirming the Article Direction based on an assessment of the responses to the representations that had been submitted following the public engagement period, consideration of the evidence contained in the Article 4 justification paper and further research undertaken in response to some of the representations submitted to the consultation.

Consideration was given to the Council's ability to implement the direction if it was introduced. It was considered whether one centralised method of implementation and enforcement would be effective in Gwynedd. It was noted that the Council did not currently have much control over matters relating to changing the use class of dwellings and therefore the importance of robust intervention was emphasised to protect the housing stock while also protecting communities and the housing needs seen in various communities across the County. Due to this, it was confirmed that the service had completed detailed research on suitable methods of establishing financial intervention, planning, registrations and licensing processes and it was confirmed that these required various procedures rather than one centralised system in order to deal with situations adequately. It was emphasised that the direction focused on the use of the property and any change of use, not its ownership and therefore individuals would not have to receive planning permission when buying houses.

It was recognised that the Council had not provided an economic impact assessment specifically on the loss of income from the secondary market to the hotel sector, people spending money in the shops and restrictions that provide people with business and employment opportunities. Despite this, it was confirmed that the Council had completed a thorough impact assessment on Equality Characteristics, the Welsh language and Socio-Economic Disadvantage. It was expanded that tourism policies and the Supplementary Planning Guidance provided clarity on several points for consideration such as providing a definition of what 'excess' means and shared considerations about the safeguarding of the Gwynedd community housing stock. In response to a query regarding the perception among local mortgage providers that the introduction of the direction would complicate or prevent mortgage applications, officers confirmed that they had been in contact with mortgage providers a number of times over the past few months and they had been unable to provide

evidence of how the direction would negatively affect the ability to approve mortgages. It was emphasised that this was not anticipated as an impediment to the approval of the direction and further work would be carried out on this matter before submitting the report to Cabinet.

In response to an enquiry as to whether the economic assessments were adequate and detailed enough given that there was no specific economic impact assessment, it was confirmed that the service received ongoing support from the Council's Legal Service to consider and resolve any risks that arose. As a consequence, the Council was regarded as managing emerging risks as effectively as possible. If the Committee wished, the solicitors could be asked for further confirmation of the risk in relation to an economic impact assessment. It was also noted that the current Planning Policy took holiday accommodation into account and protected the County's housing stock. Assurance was given that information about the impact of the Article 4 Direction would be included within the Supplementary Planning Guidance if approved, with the vision of adapting the policies in future to provide clarity on the implementation of Article 4 in detail. Assurance was given that thorough data would have been gathered before changing Council policies as well as a monitoring framework with specific indicators to assess the impact of the direction. It was reported that it was hoped that the direction would come into force on 1 September 2024 which would allow the Council time to gather appropriate data and statistics.

It was assured that the service was investigating the potential side-effects of introducing an article 4 direction within Gwynedd planning authority in order to be aware of additional considerations if the Cabinet approved the direction. It was hoped that this would ensure that the service was aware of any challenges as they arose in order to deal with them effectively.

Consideration was given to the financial challenges that faced the Council in the future including resources and officers to monitor and enforce the direction. It was elaborated on whether an arrangement of fees for breaching planning conditions could be revisited to ensure the service retained its hold on those funds. It was assured that officers did consider such matters and it was noted that they were pressing on the Welsh Government to reconsider the matter. It was acknowledged that the service needed additional support, referring to recruitment plans developed for officers to be in the roles by 1 September subject to Cabinet approval of the direction.

The importance of ensuring that a monitoring framework containing monitoring measures was in place was noted if the direction was introduced.

It was suggested that Councillors be provided with an information sheet containing information regarding the short-term and long-term changes resulting from the implementation of the direction. The importance of communicating to the public what implementing the direction would involve, was noted.

Neighbouring Local Authorities and Eryri National Park Authority were thanked for their close co-operation throughout the process thus far. It was confirmed that there was a desire for this relationship to continue into the future and ensure that good practice was shared to meet community needs effectively.

It was explained that the report would be submitted to the Cabinet with the observations of this Committee for the Cabinet to make a final decision on whether to introduce the Article 4 direction or not. It was explained that the Council must act to publicise the decision to confirm the Article 4 Direction in accordance with the statutory requirements. It was elaborated that it was hoped to hold information sessions for elected members of the Council to share detailed information about the direction.

The members expressed their thanks for the report.

RESOLVED:

- (i) To accept the report and recommend to the Cabinet to confirm the Article 4 Direction.**
- (ii) To request that the Cabinet Member for the Environment conveys the observations submitted during the discussion to the Cabinet.**

8. ASH DIEBACK DISEASE

The report was presented by the Cabinet Member for Highways, Engineering and YGC, and the Assistant Head of the Department.

Two errors were cited in the Report, correcting that 1550 high-risk trees had been felled or pruned to date compared to the figure of 710 trees as set out in paragraph 3.4 of the Report. It was further noted that second-hand evidence suggested that ash dieback disease posed less risk as time went by, in relation to the information presented at the beginning of paragraph 5.1 of the Report.

It was explained that ash dieback disease had spread to Wales since a number of years, and it had been estimated that 80% of ash trees would be adversely affected by it. It was confirmed that a team had been established in the department to deal with the challenges it caused. It was emphasised that responding to the disease was a priority on the Council's corporate risk register. It was detailed that the Council had funded an initial inspection in 2020 to see the impact of the disease in the area on the Council's tree stock. It was acknowledged that there was a high risk as many trees had already been infected. As a result, a dedicated specialist team had been appointed to investigate the infection on the Council's roads and land.

It was reported that one of the main roles of the team was to carry out checks of the Council's tree stock on the County's roads and land. It was noted that the team carried out this work itself on occasion but also used specialist inspectors to ensure that all areas received inspections in a timely manner, emphasising that no external inspectors took action on infected trees. This was confirmed as the arrangement because the Department was responsible for approximately 3,000km of roads as well as other lands. It was explained in detail that the Department had developed a prioritisation system for carrying out inspections ensuring that the highest priority was given to ash trees that were near schools, roads, cemeteries, parks and similar locations. The team was noted as being responsible for dealing with the trees if inspections identified them as infected. It was confirmed that these would be put on the team's programme of work ensuring that the most serious cases were prioritised.

An update was shared that the Department had commissioned Gwynedd Consultancy to develop the use of drones to carry out inspections, as they could work at a much greater range than workers on foot. It was noted that results were currently very satisfactory and the hope was that this would be a method that would be used consistently to carry out tree inspections. It was elaborated that the team had been in contact with Coleg Glynllifon and pupils there had been trained at the same time as the team on the new technological methods of inspecting for the infection.

It was emphasised that the department did not fell the trees once they were infected. It was reported that the team tried to save as much as possible by pruning them sufficiently so that they were safe for the public and did not affect species. It was ensured that new trees were planted for every tree the team cut down.

Assurance was given that more than 23,000 trees had now been inspected by the team and of those, 8,000 had been identified as high-risk trees due to the infection. It was elaborated that 1,550 of these had already received treatment and that 30 trees on school grounds had been found to be in extremely poor condition and immediately received intervention.

It was mentioned that the team also assisted other Council officers on tree-related matters. It was discussed that the number of cases increased as time went on and put pressure on the team. They added that the team collaborated with the Environment department and assisted it within its role with the Gwynedd Nature Partnership.

Second-hand evidence from other Local Authorities was considered to suggest that the disease declined in areas after a period of time. It was emphasised, however, that it was second-hand evidence and there was no evidence to support this view. It was noted that the situation in Gwynedd showed that the disease still existed here and that the team had work to do over a number of years to control it.

It was confirmed that landowners were responsible for maintaining trees growing on their land and had a duty of care to ensure they did not pose a threat to people or property. It was explained that the team had identified 700 high-risk trees originating from private land and had powers under the Highways Act 1980 and the Local Government (Miscellaneous Provisions) Act 1976 to approach landowners to make dangerous trees safe. However, it was acknowledged that the team had not yet had the opportunity to approach these landowners due to inadequate resources.

It was acknowledged that the team relied on contractors to dispose of trees that had been felled due to the infection. It was considered that the trees would be better used as assets for the Council and considerations had been shared with partnerships to dry the wood so that it could be used in the future on various projects. However, it was confirmed that the expertise did not currently exist in the Council and any future developments in this area would be reported to the Committee.

It was explained that the Council had had a Tree Management Policy for a number of years but it had now become dated. It was confirmed that a working group had been established, with the Department and the team taking a leading role, to look into the policy and update it as necessary. It was hoped that the revised policy would be operational within the current year but it was stressed that the approval of other Council departments such as the Education and Housing and Property departments was necessary for it to be operational, as it affected their lands. It was elaborated that statutory requirements stipulated the need to inspect high-risk trees every two years and therefore it was recognised that this would be a challenge for the team. It was confirmed that the team would have further conversations with the Department to produce a bid for funding to assist with these requirements while a new policy was developed to identify the best way forward.

Reference was made to some of the other challenges facing the team. It was noted that communication with other local authorities was helpful but the team was not currently receiving guidance from this as Cyngor Gwynedd was at the forefront in dealing with the disease. Reference was made to the challenges that could arise when inspecting trees such as that inspections can only be carried out between May and September annually as that was when trees were in leaf.

It was noted that the Department had initiated discussions with other Council departments to receive input on setting up a 'one-stop shop' where all tree queries were dealt with by one team. It was explained that this stemmed from the fact that departments' expertise about trees varied from one department to the next and therefore centralising that expertise would

facilitate solutions to future enquiries. It was explained that initial discussions had taken place to date, and updates would be submitted to the Committee if the scheme went ahead.

It was emphasised that the disease was a major challenge within the County, as the inspections carried out by the team were those affecting the public or Council land, noting that there was a possibility that the disease could also be found on private land. At the end of the discussion, the Cabinet Member asked the Committee to consider scheduling an update on the issue in 2025-26.

The members expressed their thanks for the report.

RESOLVED

- (i) To accept the report, noting the observations made during the discussion.**
- (ii) That the Committee considers prioritising the matter for scrutiny during 2025/26.**

9. 2024/25 COMMUNITIES SCRUTINY COMMITTEE FORWARD PROGRAMME

The report was presented by the Scrutiny Advisor. Members were reminded that they had considered potential items to be scrutinised for 2024/25 at the Committee's annual workshop held on 29 April 2024. It was elaborated that members had been asked to respond to an on-line question in terms of their five main priorities from the list of possible items provided before the workshop. It was confirmed that the main priorities that emerged from the responses to the question were:

- 1 Waste Collection and Recycling Services
- 2 Developments in the field of Public Transport
- = New Local Development Plan - Strategic Options, Vision and Objectives
- = Climate and Nature Emergency Plan: Annual Report 2023/24
- 3 Introduce public charging points for electric vehicles
- = Planning and Welsh-speaking Communities

It was added that the Committee had a role in scrutinising the work of the Gwynedd and Anglesey Public Services Board with an understanding that the work of the Board was scrutinised twice a year. It was concluded that a copy of the Board's Annual Report for 2023/24 should be shared with members but not formally scrutinised at a Committee meeting. It was confirmed that the item 'Gwynedd and Anglesey Public Services Board Progress Report' had been scheduled for the January meeting.

It was noted that the 'Streetscene Service' item had been identified as an agenda item during 2025/26.

It was reminded that the scrutiny forward programme was a live programme which would be reviewed regularly during the year to ensure that the correct matters were addressed. It was stated that consideration was given to prioritising matters that would arise during the year, such as matters from performance challenge meetings and items on the Cabinet's forward programme.

RESOLVED

The Communities Scrutiny Committee's Work Programme for 2024/25 was adopted.

The meeting commenced at 10.40 a.m. and concluded at 12.50 p.m.

CHAIR