RHIF YR EITEM AR Y RHAGLEN ...... AGENDA ITEM No .....

CYNGOR SIR YNYS MÔN/ THE ISLE OF ANGLESEY COUNTY COUNCIL					
ADRODDIAD I/REPORT TO	PWYLLGOR GWAITH/ THE EXECUTIVE CYNGOR LLAWN / FULL COUNCIL				
DYDDIAD/DATE:	30.11.10 and 09.12.10				
PWNC/SUBJECT:	CADARNHAU CYTUNDEB I SEFYDLU CYD BWYLLGOR POLISI CYNLLUNIO GYDA CHYNGOR GWYNEDD A GWNEUD NEWIDIADAU I'R CYFANSODDIAD TO ENDORSE AN AGREEMENT TO ESTABLISH A JOINT PLANNING POLICY COMMITTEE WITH GWYNEDD COUNCIL and TO MAKE CHANGES TO THE CONSTITUTION				
DEILYDD(ION) PORTFFOLIO/ PORTFOLIO HOLDER(S):	Cyng / Cllr WJ Chorlton				
SWYDDOG(ION) ARWEINIOL/ LEAD OFFICER(S):	Jim Woodcock – Pennaeth Gwasanaeth (Cynllunio a Gwarchod y Cyhoedd) Head of Service (Planning and Public Protection) Robyn W Jones – Rheolwr Gwasanaethau Cyfreithiol Legal Services Manager				
SWYDDOG CYSWLLT/ CONTACT OFFICER:	Jim Woodcock (Ffôn/Tel: 2402)				

1.	Cadarnhewch nature yr adroddiad os gwelwch yn dda trwy roi tic yn <u>un</u> o'r blychau isod / Please confirm the nature of the report by ticking <u>one</u> of the following boxes:-				
	Er gwybodaeth / For information				
	Gweithredol / Operational				
	Strategol / Strategic				

#### 2. Rheswm/Rhesymau pam fod angen penderfyniad gan y Pwyllgor Gwaith / Reason/s why a decision required from the Executive

Mae'r adroddiad yn bwriadu newid y Cyfansoddiad i hwyluso'r gwaith o sefydlu Cyd Bwyllgor Polisi Cynllunio (y Cyd Bwyllgor) i weithio ar Gynllun Datblygu Lleol (y CDLI ar y Cyd) i Wynedd a Môn.

The report proposes changes to the Constitution to facilitate establishment of a Joint Planning Policy Committee (the Joint Committee) to work on a joint Local Development Plan (the Joint LDP) for Anglesey and Gwynedd.

# 3. Crynodeb o'r adroddiad / Report summary

Cadarnhau cynnydd gyda sefydlu Cyd Bwyllgor gyda Chyngor Gwynedd er mwyn i waith ar CDLI ar y Cyd ddechrau a gwneud newidiadau i'r Cyfansoddiad i ganiatáu i hyn ddigwydd a thynnu CDLI Ynys Môn yn ôl yn ffurfiol.

Bydd y Cyfarwyddwr Cyllid a'r Cyfarwyddwr Gwasanaethau Cyfreithiol yn cyflwyno adroddiad ar wahân i'r cyfarfod hwn ar ofynion cydbwysedd gwleidyddol aelodaeth Ynys Môn fel y gall yr aelodau gael eu dewis.

To confirm progress on the establishment of a Joint Committee with Gwynedd Council so as to allow work on a Joint LDP to begin and to make changes to the Constitution to allow this to happen and to formally withdraw the Ynys Môn LDP.

The Directors of Finance and Legal Services are to submit a separate Report to this meeting on the political balance requirements of Ynys Mon's membership to enable members to be selected.

### 4. Argymhelliad/Argymhellion a'r rhesymau / Recommendation/s and reasons

- Cymeradwyo'r Cytundeb yn Atodiad 1 ar gyfer darparu a chefnogi Cyd Bwyllgor Polisi Cynllunio.
- Dirprwy pŵer i'r Pennaeth Gwasanaeth (Cynllunio a Gwarchod y Cyhoedd) i wneud, gyda'r Rheolwr Gwasanaethau Cyfreithiol, unrhyw fân newidiadau fydd eu hangen i'r Cytundeb yn Atodiad 1 ac arwyddo'r Cytundeb gyda Chyngor Gwynedd.
- I wneud (neu, lle bo'n berthnasol, ddirprwyo i Bennaeth y Gwasanaeth (Cynllunio a Gwarchod y Cyhoedd), mewn ymgynghoriad gyda'r Rheolwr Gwasanaethau Cyfreithiol, y newidiadau i'r Cyfansoddiad fel y'u ceir yn Atodiad 2 er mwyn gweithredu'r argymhellion uchod.
- I dynnu yn ôl yn ffurfiol CDLI Ynys Môn.

Fe wneir yr argymhellion uchod er mwyn sefydlu'r peirianwaith mwyaf effeithiol ac effeithlon i'r Cyngor allu darparu ei ymrwymiad i fabwysiadu ei CDLI. Mae'r Cyngor llawn a'r Pwyllgor Gwaith eisoes wedi cymeradwyo'r gwaith o baratoi o CDLI ar y cyd gyda Chyngor Gwynedd fel y ffordd orau sydd ar gael i symud ymlaen.

- To approve the Agreement in Appendix 1 for delivering and supporting a Joint Planning Policy Committee.
- To delegate the power to the Head of Service (Planning and Public Protection) to

make, in conjunction with the Legal Services Manager, any necessary minor amendments to the Agreement in Appendix 1 and sign the Agreement with Gwynedd Council

- To make (or, where applicable, to delegate to the Head of Service (Planning and Public Protection), in consultation with the Legal Services Manager) the changes to the Constitution as set out in Appendix 2 so as to implement the above recommendations.
- To formally withdraw the Ynys Môn LDP.

The above recommendations are made in order to establish the most effective and efficient mechanism for the Council to deliver its commitment to adopting its LDP. Both the full Council and Executive have already endorsed preparing a Joint LDP with Gwynedd Council as the best way to proceed.

# 5. Opsiynau eraill a'r rheswm/rhesymau dros eu gwrthod / Other options and reason/s for rejection

Fe allai'r Cyngor geisio mabwysiadu CDLI ar ei ben ei hun ond mae wedi cael ei gydnabod y byddai hyn yn amcan anodd iawn o ystyried yr adnoddau sydd ar gael ac a fydd ar gael yn y dyfodol.

The Council could seek to adopt an LDP on its own but it has already been recognised that this would be a very difficult objective given current and likely future resources.



Fframwaith Polisi. Ni fydd hyn yn newid ond bydd camau eraill yn y broses yn cael eu dirprwyo i'r Cyd Bwyllgor newydd, a dyma'r rheswm am yr angen i geisio newid y Cyfansoddiad fel y gellir gweithredu'r cynigion.

Adoption of the LDP (as the statutory development plan) is a matter which falls within the Policy Framework. This will not change but other steps in the process will be delegated to the new Joint Committee, hence the need to seek changes to the Constitution to allow the proposals to be implemented.

# 8. Papurau cefndirol / Background papers

7.1 Adroddiad ar Gyd Ddarparu'r Gwasanaeth Polisi Cynllunio i Ynys Môn a Gwynedd i'r Pwyllgor Gwaith ar 15.6.10 ac i'r Cyngor Llawn ar 5.7.10.

7.2 Adroddiad ar y Cyd Bwyllgor Polisi Cynllunio i Gyngor Gwynedd ar 21.10.10

7.1 Report on Joint Delivery of the Planning Policy Service for Ynys Mon and Gwynedd to Executive on 15.6.10 and Full Council on 5.7.10.

7.2 Report on Joint Planning Policy Committee to Gwynedd Council on 21.10.10.

# 1. BACKGROUND

- 1.1 The Full Council on 5 July, 2010 resolved to endorse the recommendations of the Executive of 15 June, 2010:
  - "That a Joint Planning Policy Unit (JPPU) is created to deliver the Planning Policy Services for Anglesey and Gwynedd Local Planning Authorities;
  - That a Joint Project Board is created to oversee the work of the JPPU;
  - That the JPPU commences work on a single Local Development Plan (LDP) for Gwynedd and Isle of Anglesey Local Planning Authorities;
  - That a Joint Local Development Panel is formed to provide input into the production of a single LDP for both Authorities;
  - That a Joint Planning Policy Committee is formed as a formal cross boundary decision making body;
  - The Head of Planning and Public Protection in consultation with Finance, Legal, Personnel and Property to implement the above."
- 1.2 Since Full Council's endorsement of the principle of a Joint LDP, Portfolio Holders and Officers of both Councils have discussed and sought agreement on a practical mechanism to deliver the Joint LDP in the most efficient and effective manner. This report is the culmination of those discussions and seeks authority to implement the Agreement reached.
- 1.3 In order to facilitate efficient and effective work on this Joint LDP there is a need to establish a Joint Planning Policy Committee (the Joint Committee) and a Joint Planning Policy Unit (the Joint Policy Unit). The current draft terms of the Agreement for the Joint Committee are set out at Appendix 1. Your Officers understand that Gwynedd Council has given its approval to this proposed arrangement on 21 October, 2010.
- 1.4 Before moving to a Joint LDP, the Council must formally withdraw the current Ynys Môn LDP pursuant to section 66 of the Planning and Compulsory Purchase Act 2004. This is a technical, formal step to allow the Council to move to the Joint LDP process. In practice, the work done on and evidence gathered for the Ynys Môn LDP will be used to inform work on the Joint LDP.

# 2. THE JOINT COMMITTEE

- 2.1 The Joint Committee is to comprise 14 members with 7 members appointed by each Council. The 'political balance rules' will apply to the membership of the Joint Committee to be appointed by this Council.
- 2.2 The Directors of Finance and Legal Services are to submit a separate Report to this meeting on the political balance requirements of Ynys Mon's

membership to enable members to be selected.

2.3 The proposed powers of the Joint Committee as regards the Joint LDP and associated matters are set out in Appendix 1 (Section (C)). Full Council will retain the power to agree the Delivery Agreement and to adopt the Joint LDP. The Executive will have a role in making a recommendation on the Delivery Agreement and agreeing the Strategic Options and Preferred Strategy. Most importantly, this Council's relevant Scrutiny Committee (Environment and Technical Services) will have the right to scrutinise all three key steps of the process (those are: the Delivery Agreement, the Strategic Options and Preferred Strategy, and the Joint LDP before it is placed on Deposit). The Scrutiny Committee on 20.10.10 accepted a progress report on progress on the Joint LDP and the JPPU. It was suggested that a Joint Scrutiny Committee may need to be created.

# 3. FINANCIAL IMPLICATIONS

- 3.1 All costs, including those associated with establishing and forming the Committee, will be shared equally to reflect the equal representation mentioned in paragraph 2.1. One of the reasons for delivering a Joint Planning Policy Service for Gwynedd and Anglesey is to make the best use the resources of both authorities.
- 3.2 Eventually, it is believed that a formal joint working arrangement between the two authorities, including forming a Joint Planning Policy Unit, producing one Local Development Plan and forming a Joint Planning Policy Committee, will be more cost effective than if there were no formal joint working between the two authorities, where each authority produced its own Local DevelopmentPlan.
- 3.3 The Joint Planning Policy Unit will be providing input into the Energy Island Project and will be part of the Planning Performance Agreement with the developer.

# 4. **RECOMMENDATIONS**

- 4.1 In order to implement the proposals described above Full Council is requested to approve the following recommendations:
  - 4.1.1 To approve the Agreement in Appendix 1 for delivering and supporting a Joint Planning Policy Committee.
  - 4.1.2 To delegate the power to the Head of Service (Planning and Public Protection) to make, in conjuction with the Legal Services Manager, any necessary minor amendments to the Agreement in Appendix 1 if required and sign the Agreement with Gwynedd Council.

- 4.1.3 To make (or, where applicable, to delegate to the Head of Service (Planning and Public Protection), in consultation with the Legal Services Manager) to make the changes to the Constitution as set out in Appendix 2 so as to implement the above recommendations.
- 4.1.4 To withdraw the Ynys Môn LDP pursuant to section 66 of the Planning and Compulsory Purchase Act 2004 and to delegate to the Head of Service (Planning and Public Protection) to undertake all the necessary actions arising from the withdrawal.

#### **APPENDIX 1**

#### AN AGREEMENT BETWEEN LOCAL PLANNING AUTHORITIES TO PROVIDE AND SUPPORT A JOINT PLANNING POLICY COMMITTEE FOR GWYNEDD COUNCIL AND THE ISLE OF ANGLESEY COUNTY COUNCIL

#### STATUS OF THIS AGREEMENT

#### (A) PREAMBLE

A1. The PLPAs agreed on the 15 June 2010 to establish a joint working arrangement for the provision a Joint Planning Policy Service for the PLPAs. It is agreed that:

- i) a Joint Planning Policy Unit (JPPU) is created to deliver the Planning Policy Service for the PLPAs.
- ii) That the JPPU commences work on a single Local Development Plan (LDP) for the PLPAs.
- iii) That a Joint Planning Policy Committee (the Committee) is formed as a formal cross boundary decision making body.

A2. This Agreement establishes the arrangements for the provision, responsibilities and operation of the Committee and the division of its liabilities (if any) between the PLPAs.

A3. There is a separate agreement between both PLPAs for the support and provision of the JPPU and its scope of work is included in **Appendix A**.

# (B) ESTABLISHMENT OF THE JOINT PLANNING POLICY COMMITTEE (THE COMMITTEE)

B1. The Committee is established in accordance with requirements set out in the Local Government Act 1972 under section 101, section 102(1) (b) (power for two or more authorities to appoint a joint committee), section 103 (expenses incurred by a joint committee defrayed between the authorities), section 104 (disqualification for membership of a joint committee as per normal local authority rules) and section 105 (disability for voting on account of interests in contracts etc.)

B2. Gwynedd Council shall be responsible for the administration of the Committee.

#### (C) FUNCTIONS OF THE JOINT PLANNING POLICY COMMITTEE

C1. On behalf of the PLPAs, the Committee will have the following functions:-

- (i) To agree and finalise the Gwynedd and Môn Deposit Local Development Plan
- (ii) To agree and finalise report on consultation responses and (where appropriate) amendments to the Gwynedd and Môn Deposit Local Development Plan
- (iii) To adopt Supplementary Planning Guidance in respect of an Adopted Local Development Plan for Gwynedd and Môn.
- (iv) To advise upon the formulation of the Gwynedd and Môn Delivery Agreement, Strategic Options and Preferred Strategy.
- (v) To formulate the Gwynedd and Môn Deposit Local Development Plan
- (vi) To formulate and consider Consultation Responses to the Deposit Local Development Plan
- (vii) To receive and accept the Planning Inspector's Report.
- (viii) To have responsibility for the monitoring and review of the Local Development Plan for Gwynedd and Môn
- (ix) To have responsibility for advising on oversight and review of externally funded programmes not within the remit of the Committee but material to the work undertaken by or on behalf of the Committee and shared resources. This will include (but is not limited to) providing responses to Local Development plans in neighbouring Planning Authorities and consultation documents in respect of National Planning Policy and advice documents.
- (x) To oversee and receive reports on the Joint Planning Policy Unit
- (xi) To formulate Supplementary Planning Guidance in respect of an Adopted Local Development Plan for Gwynedd and Mon.
- (xii) To appoint any panel or working group in order to assist the Committee to fulfill its functions.

C2. The table in **Appendix B** of this Agreement indicates the role of the Committee in the context of the reporting and decisions at key stages in the production of the single Local Development Plan.

C3. Development Control is not a function of the Committee and remains a function of the individual PLPAs.

# (D) MEMBERSHIP OF THE COMMITTEE

D1. The Committee shall have a total of 14 Members, including the Chairman.

D2. Each PLPA shall appoint Members to the Committee as per the following quotas:-

GC = 7 Members of GC

IACC = 7 Members of IACC

D3. PLPA Members appointed to the Committee shall follow Gwynedd's Members' Code of Conduct in all respects

D4 Each PLPA shall appoint one Member as reserve in case of casual vacancy or

inability of appointed Members to attend, but otherwise there shall be no substitute Members allowed

# (E) VOTING RIGHTS

E1. Only duly appointed Members of PLPAs shall have voting rights on the Committee and be known as "Joint Planning Policy Committee Members".

#### (F). APPOINTMENT OF MEMBERS TO THE COMMITTEE

F1. Each PLPA shall appoint its quota of Members to the Committee in accordance with its own constitutional arrangements for appointments to committees.

F2. Tenure of appointment shall be 4 years, unless the Member ceases to be a Member of the PLPA in which case a fresh appointment is to be made by that PLPA.

# (G) EXPENSES OF THE COMMITTEE

G1. Any expenses payable to Members as a result of their membership of the Joint Planning Policy Committee will be reimbursed by the individual PLPAs in accordance with their own Constitutions.

G2. The PLPAs shall meet the costs of servicing the Committee equally.

### (H) MEETINGS OF THE COMMITTEE

H1. The Committee shall in every year hold an Annual Meeting with the first meeting held after each of the PLPAs have held their respective annual Council meetings. At the Annual Meeting ordinary meetings shall be scheduled for the ensuing year.

H2. Ordinary meetings of the Committee will be held at least quarterly

H3. Extraordinary meetings may be called in addition to ordinary meetings by the senior committee administrator at the request of the Chair, or where any 3 Members of the Committee request such a meeting and have signed a requisition presented to the Chair of the Committee and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

H4. Notice and summons to meetings will be given at least 5 clear working days before a meeting.

#### (I) QUORUM FOR MEETINGS OF THE COMMITTEE

11. The quorum for a meeting of the Committee will be four of its Members.

#### (J) CHAIR OF MEETINGS OF THE COMMITTEE

J1. The Annual Meeting of the Committee shall appoint a Chair and Vice-Chair

from amongst the membership of the Committee. The term of service of the Chair and Vice Chair of the Committee shall be 2 years.

J2 A member of one of the PLPAs shall be appointed Chair and a member of the other PLPA vice chair. The chair and vice chair shall alternate between Members of the PLPAs from one term to another..

J3 If the role of Chair or Vice-Chair becomes vacant during the term of office; the next meeting of the Committee shall appoint a replacement. Provided that the new appointment shall be a Member of the same PLPA as the Member he replaces.

J4. The Chair shall preside at meetings and in his absence it shall be the Vice-Chairman. If both are absent, another Member chosen by the Committee shall preside.

J5. No Special Responsibility Allowance will be paid to the Chair.

#### (K) PROCEDURES OF MEETINGS OF THE COMMITTEE

K1. Procedures of meetings of the Committee shall be in accordance with the standing orders of Gwynedd Council.

K2. All business items shall be open to public participation, except those items that are declared confidential or exempt under relevant legislation.

K3. In all cases, minutes of Committee meetings shall be taken and the identity of those Members and Officers attending shall be recorded together with declarations of personal or prejudicial interests.

K4. All issues before a meeting shall be decided upon by a simple majority of those Members voting and present in the room at the time the question is put. Unless a recorded vote is demanded, the Chairman will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting. If there are an equal number of votes for and against a motion, the person chairing the meeting will have a second or casting vote.

K5 All procedures of the Committee shall be in accordance with Gwynedd Council's Constitution unless this Agreement states otherwise.

#### (L) VENUE AND ADMINISTRATION OF MEETINGS OF THE COMMITTEE

L1. Meetings will take place at the Offices of each of the PLPAs alternatively. The cost of accommodating these meetings will be borne equally by the PLPAs.

L2. A senior committee administrator(s) will be provided by Gwynedd Council, supporting all meetings of the Committee by dealing with procedural matters associated with the arranging, calling and running of meetings, including the taking and producing of minutes and the collation, copying and distribution of agendas for meetings and by providing advice on points of procedure and the responsibilities of the Committee as necessary.

### (M) OVERVIEW AND SCRUTINY OF THE COMMITTEE

M1. Formal overview and scrutiny of the Joint Planning Policy Committee's deliberations shall be exercised by the PLPAs' existing arrangements as they see fit.

# (N) MODIFICATIONS AND TERMINATION OF AGREEMENT

N1. Amendments or modifications to this Agreement will require the consent of both PLPAs

N2. This Agreement shall continue in force until 2016.

# APPENDIX A

#### The Scope of Work of the Joint Planning Policy Unit

#### Main duties:

- 1. Producing a single Local Development Plan for the Gwynedd Council and The Isle of Anglesey County Council Local Planning Authority areas in accordance with the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (or as amended)
- 2. Monitoring the adopted Gwynedd Unitary Development Plan
- 3. Producing Supplementary Planning Guidance
- 4. Providing specialist advice (including advice on planning applications, proposals, enforcement issue, appeals) and consultation responses on Planning Policy issues to the PLPAs, external organisations and the general public
- 5. Undertaking Housing Land Availability Surveys on a yearly basis
- 6. Contributing to the production of Development Briefs and Development Strategies for the PLPAs

#### **Other Duties:**

- 1. Advise and / or participate in regional, sub-regional and cross boundary planning issues such as transport, waste, minerals, renewable energy.
- 2. All work involved in the preparation of the single Local Development plan.
- 3. Provide evidence and appear as expert witness at the Independent Examination into the single Local Development Plan for Gwynedd Council and The Isle of Anglesey County Council Local Planning Authority areas.
- 4. Provide evidence and appear as expert witness on policy issues in planning and or enforcement appeals when required.
- 5. Represent the interests of the Committee with the press or other media and with other external organisations.
- 6. Respond to other relevant land use planning issues that arise.

#### APPENDIX B

INDICATION OF REPORTING AND DECISIONS AT KEY STAGES OF LDP

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#### 2 3 4 5 1 DEI IVERV STRATECIC DEPOSIT I DP REPORT ON PLANNING

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	DELIVERY AGREEMENT	STRATEGIC OPTIONS AND PREFERRED STRATEGY	DEPOSIT LDP	REPORT ON CONSULTATION RESPONSES TO DEPOSIT LDP	PLANNING INSPECTOR'S REPORT	ADOPTION OF LDP
Gwynedd Scrutiny Committee & Anglesey Scrutiny Committee	To scrutinise	To scrutinise	To scrutinise			
Gwynedd Council Board & Anglesey Executive	To recommend agreement	To agree				
Joint Planning Policy Committee*	Advise upon	Advise upon	To agree	To agree	To receive **	
Gwynedd Full Council & Anglesey Full Council	To agree					To adopt

\* Joint Planning Policy Committee will be made up of Members from Gwynedd and Anglesey Local Planning Authorities.
\*\* The Planning Inspector's Report is final.

Signed on behalf of Gwynedd Council:
Name:
Position:
Date:

Signed on behalf of The Isle of Anglesey County Council / Cyngor Sir Ynys Môn:
Name:
Position:
Date:

# **APPENDIX 2**

#### <u>Changes to be made to the Constitution</u> <u>To Effect the Recommendations in the Report</u>

- 1. In article 3.2.2.1.1, substitue "Local Development Plan (except for those functions which are delegated to the Joint Planning Policy Committee)" for "Unitary Development Plan".
- 2. To add a new article 3.4.11 to read as follows:

# **"3.4.11 Joint Planning Policy Committee**

A joint committee with Gwynedd Council. 14 Members, of which 7 to be appointed by each Council. Membership to be politically balanced.

3.4.11.1 To make all decisions on the Joint Local Development Plan with Gwynedd Council (the Joint LDP) except for agreeing the Delivery Agreement and adopting the Local Development Plan (both of which are functions reserved to Full Council) and except for agreeing the Strategic Options and Preferred Strategy – which will be retained by the Executive Committee.

3.4.11.2 To undertake all other work required by or associated with both the preparation of the Joint LDP and of its monitoring and review after adoption. These functions may include (but shall not be limited to) the following:

3.4.11.2.1 (Set out here the points at clause C1 (i) to (xii) in the Joint Committee Agreement as finally agreed by the Head of Service (Planning and Public Protection))

3.4.11.3 To arrange for the discharge of its functions by any officer of either The Isle of Anglesey County Council or Gwynedd Council."