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Date: 25th September 2019

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 2nd October, 2019** at **10.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meeting and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHARRY'.

Christina HARRY
INTERIM CHIEF EXECUTIVE

A G E N D A

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To approve and sign the following minutes: -

- 3 Cabinet held on 18th September 2019. 1 - 6

To receive and consider the following reports on which executive decisions are required: -

- 4 Updated Code of Corporate Governance and Terms of Reference for the Corporate Governance Review Panel. 7 - 32
- 5 Authorisation of Officers in Public Protection - EU Exit. 33 - 36
- 6 ERDF 4.4 Funding Opportunities - The Lawn Industrial Estate, Rhymney and Ty Du Nelson. 37 - 52
- 7 Welsh Government Consultation on the Draft National Development Framework. 53 - 82
- 8 To receive and consider the following report which, in the opinion of the Proper Officer may be discussed when the meeting is not open to the public and first to consider whether the public interest requires that the meeting should be closed to the public for consideration of this item: - 83 - 84
- 9 Pentrebane Street, Caerphilly - Possible Use of CPO Powers. 85 - 94

Circulation:

Councillors C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps and Mrs E. Stenner,

And Appropriate Officers.

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CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 18TH SEPTEMBER 2019 AT 10.30 A.M.

PRESENT:

Councillor D. Poole – Chair

Councillors:

C. Cuss (Social Care and Wellbeing), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), Mrs B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability), L. Phipps (Homes and Places) and E. Stenner (Environment and Public Protection).

Together with:

C. Harry (Interim Chief Executive), D. Street (Corporate Director - Social Services and Housing), M. S. Williams (Interim Corporate Director - Communities), R. Edmunds (Corporate Director – Education and Corporate Services).

Also in Attendance:

R. Tranter (Head of Legal Services and Monitoring Officer), G. Jenkins (Assistant Director – Children’s Services), M. Jones (Interim Financial Services Manager and E. Sullivan (Senior Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. CABINET - 10TH JULY 2019

RESOLVED that the minutes of the meeting held on the 10th July 2019 (minute nos. 1 - 11) be approved and signed as a correct record.

4. CABINET – 1ST AUGUST 2019

RESOLVED that the minutes of the meeting held on 1st August 2018 (minute nos. 1 - 3) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

5. CABINET FORWARD WORK PROGRAMME

With the approval of the Chair the report on the Cabinet Forward Work Programme was brought forward on the agenda.

Consideration was given to the report which sought Cabinet endorsement of the Forward Work Programme for the period September to December 2019. It was noted that the programme sets out the key reports that Cabinet expects to receive in the coming months and is updated on a weekly basis.

Reference was made to the items scheduled for the meeting on the 2nd October 2019 and the report on the Hafodyrynys Air Quality Direction – Compulsory Purchase Order Process, it was confirmed that Officers were still awaiting further information from Welsh Government on this matter and as such a request was made that it be removed from the programme for this date, to a date to be confirmed once discussions with Welsh Government had been concluded.

It was moved and seconded that subject to the aforementioned amendment the Cabinet Forward Work Programme as attached in Appendix 1 be approved and by a show of hands this was unanimously agreed.

RESOLVED that subject to the removal of the Hafodyrynys Air Quality Direction – Compulsory Purchase Order Process report from the 2nd October 2019 to a date to be confirmed the Cabinet Forward Work Programme be approved.

6. SOCIAL SERVICES RESERVES

Consideration was given to the report which sought Cabinet approval for a range of proposals for the use of Social Services service reserves.

The report identified around £734k of social services reserve balances that were earmarked for specific purposes in earlier years which, as a result of recent investment in the Social Services revenue budget by both Welsh Government and Caerphilly County Borough Council, were no longer required for their original purpose.

Consequently, it was proposed to re-invest those earmarked balances to enable a range of one off investments and time limited arrangements to address some immediate workload pressures, relieve increasing demand for social care or to improve outcomes for service users. The report also proposed that a £281k service reserve that was earmarked for “social services invest to save schemes” should be used to pilot a scheme which will provide additional support to families with parents with learning disabilities which is expected to reduce the likelihood of children becoming looked after. The funds would also be used to purchase specialist equipment that will enable certain home care calls to be undertaken by a single carer rather than requiring two carers, thereby reducing the demands on the domiciliary care market and reducing costs.

Additionally, the report confirmed that the transfer £242k from Social Services general reserves approved by Cabinet on 30th May 2018, to create an earmarked reserve to fund the 2018/19 implications of increases in foster carer fees was no longer necessary. However, it was proposed that this £242k is used to create an additional earmarked reserve for capital works to be undertaken at Adult Services direct care establishments to improve bathroom facilities and Wi-Fi capabilities.

It was noted that the report considers Social Services Service reserves only and the proposals would have no impact on the Council's general fund balance.

Cabinet paid tribute to the sound financial management undertaken by the Corporate Director of Social Services and the Interim Financial Services Manager which led to the surplus balances which could now be redirected to address service area pressures.

Clarification was sought in relation to the nature of the specialist equipment that would be purchased. Officers confirmed that the equipment would be utilised by Occupational Therapy services to assist service users with increased dependency levels, primarily those currently requiring double handed calls in order for them to be moved safely. The right equipment would allow a single carer to safely move the service user freeing up the other carer, who can then be used in another area, thereby ensuring a more efficient and effective use of resources and so reduced costs.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that subject to the reasons contained in the Officer's Report the proposed re-direction of Social Services reserves set out in the report and summarised in Appendix 1 be approved.

7. WELSH GOVERNMENT – LOOKED AFTER CHILDREN REDUCTION EXPECTATIONS

Consideration was given to the report which advised Cabinet of Welsh Government's expectation on all Council's to safely reduce the numbers of children Looked After in Wales and sought their endorsement of the proposed actions to be undertaken in Caerphilly in response.

Cabinet were advised that the First Minister for Wales made a manifesto pledge to reduce the numbers of children Looked After in Wales by 2022 and in February 2019, Welsh Government confirmed that they would be visiting each Local Authority to discuss local plans to reduce Looked After numbers.

Their visit to Caerphilly took place at the end of March 2019 and the Council was invited to submit a reduction plan to Welsh Government by the end of April 2019. Subsequently, Welsh Government amended the report template and the final version that was submitted in July is attached for information at Appendix 1.

In recognition of the challenges facing Local Authorities, Welsh Government announced additional Integrated Care Funding (ICF) specifically focussed on supporting the reduction of the number of Looked After Children.

Reference was made to the meetings with Welsh Government in this regard and the Cabinet Member for Social Services confirmed that it had been emphasised that Caerphilly County Borough Council were committed to reducing the number of Looked After Children but only when it was safe for the child to do so.

Clarification was sought in relation to the number of out of area placements and it was confirmed these placements were only used when it was the best option for the individual child.

Concern was expressed that this directive from Welsh Government would become another league table and it was accepted that this was a realistic possibility however Cabinet were assured that the safety children would be of paramount importance and no target would be achieved at the expense of children's safety.

Paragraph 5.2.1 of the Officer's report was highlighted as it outlined the fact that the actions required to comply with the Welsh Government Directive were likely to lead to criticisms from the Judiciary and CAF/CASS if the authority subsequently have to issue court proceedings and Members acknowledged the associated risks.

Cabinet were referred to recommendation 3.3 of the Officer's report which asked that consideration be given to including the Safe Reduction of Children Looked After within Wellbeing Objective 6 of the Corporate Plan, given that the Plan has only just been updated and is subject to approval by Council an amendment to the wording of that recommendation was requested. The recommendation to read 'at its next review the Corporate Plan be amended to include the 'Safe Reduction of Children Look After' within Wellbeing Objective 6: Support citizens to remain independent and improve their wellbeing'.

Following consideration and discussion, it was moved and seconded that subject to the aforementioned amendment the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that subject to the reasons contained in the Officer's Report: -

- (i) the content of the report and the Welsh Government Template attached at Appendix 1, be noted;
- (ii) the service developments detailed within the report aimed at achieving an overall reduction in Looked After numbers by the end of March 2022, be supported;
- (iii) at its next review the Corporate Plan be amended to include the 'Safe Reduction of Children Looked After' within Wellbeing Objective 6: Support citizens to remain independent and improve their wellbeing.

8. WALES AUDIT OFFICE REVIEW OF THE COUNCIL'S CORPORATE SAFEGUARDING ARRANGEMENTS

Consideration was given to the report that advised Cabinet of the Wales Audit Office (WAO) Review of Corporate Safeguarding Arrangements within Caerphilly County Borough Council undertaken in May 2019 and report on the implementation of an action plan in response to the recommendations made by the Review.

The WAO undertook a follow up review of Corporate Safeguarding Arrangements for Children in Caerphilly in May 2019. The subsequent report was presented to Corporate Management Team for approval in June 2019 and the Performance Audit Manager from WAO also presented the report findings to the Corporate Safeguarding Board in June 2019.

Cabinet were referred to the Review report as attached at Appendix A, the Management Response at Appendix B and the Caerphilly Corporate Safeguarding Board Action Plan at Appendix C. In relation to the Action Plan it was confirmed that it would be regularly monitored with further updates provided to Members on the progress made.

One of the areas highlighted in the Review was the need to develop a tracking system for training and DBS checks, to accurately capture and draw down data and Members were advised that unfortunately the current ITrent system was incapable the level of functionality needed to produce reports of this nature. The Officer confirmed that it had become apparent that a specialist system was required in order to secure the data needed and advised they were currently working with colleagues in Digital Services in order to secure the best way to bring all this together and a further report would be presented to Cabinet on the best options to take forward.

It was emphasised that this was a review of the corporate governance of safeguarding arrangements and did not consider safeguarding children practice and procedure.

Having considered the recommendation at 3.1 it was agreed that Cabinet's endorsement of the Review and Action Plan was required rather than its noting, therefore it was agreed that the recommendation be reworded to replace the word 'note' with the word 'approve'

Following consideration and discussion, it was moved and seconded that subject to the aforementioned amendment the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that that subject to the amendment to the wording of the recommendation 3.1 in the Officer's report to replace the word 'note' to 'approve' and for the reasons contained therein, the content of the WAO Review report and the progress made in implementing the recommendations detailed in the Council's Action Plan, be approved.

The meeting closed at 11:05am

Approved and signed as a correct record subject to any corrections made at the meeting held on the 2nd October 2019.

CHAIR

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CABINET – 2ND OCTOBER 2019

SUBJECT: UPDATED CODE OF CORPORATE GOVERNANCE AND TERMS OF REFERENCE FOR THE CORPORATE GOVERNANCE REVIEW PANEL

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

-
- 1.1 The report, which was considered by Audit Committee on the 11th June 2019 sought approval of the updated Code of Corporate Governance and the Terms of Reference for the Review Panel. The Panel oversees the annual review of governance arrangements and drafts the Annual Governance Statement (AGS). The documents have been reviewed and updated following the publication of updated guidance by the Chartered Institute of Public Finance and Accountancy (CIPFA/SOLACE) in 2016.
 - 1.2 The major changes between the two CIPFA/SOLACE publications is that originally there were six fundamental principles of good governance and these have now become seven, and also there is a recognition of the impact that the Well-being of Future Generations (Wales) Act 2015 has on future governance structures and processes. Members were referred to Appendix 1 which reflects both changes in the revised local Code. One of the key components of the governance structure as identified within the local Code is the Corporate Governance Review Panel. The Panel plays a pivotal role in the annual governance assessment leading to the production of the Annual Governance Statement (AGS). Reference was made to Section 5 within Appendix 1 that explains that the Council has adopted a system of Directorate Assurance Statements which are compiled on an annual basis to coincide with the production of the AGS. These require Directors to review the operation of a wide range of governance systems and procedures within their service areas and indicate whether there are any significant non-compliance issues. The completed Directorate Assurance Statements are analysed to ascertain whether there are any common areas of concern, and if so, whether these constitute significant governance issues. Any significant non-compliance issues emerging will be included in the Annual Governance Statement itself.
 - 1.3 It was noted that the updated Terms of Reference have not changed fundamentally from the previous version, with only some updating of post titles and wording improvements being made. A Member suggested that when future updated documents are presented to the Committee that the changes are highlighted within the document for ease of reference and this was agreed by Officers. Members discussed the membership of the Governance Panel and suggested that a Member of the Audit Committee sit on the Panel. Officers confirmed they would email the Committee following the meeting seeking nominations.
 - 1.4 Following consideration of the report, the Audit Committee unanimously agreed that the Code of Corporate Governance and the Terms of Reference for the Corporate Governance Review Panel be approved.
 - 1.5 Cabinet are asked to consider the report and the above recommendation.

Author: A. Dredge, Committee Services Officer - Ext. 3100

Appendices:

Appendix A Updated Code of Corporate Governance and Terms of Reference for the Corporate Governance Review Panel – Audit Committee, 11th June 2019.

Consultees: S. Harris (Interim Head of Business Improvement Services and Acting S151 Officer).
R. Harris (Internal Audit Manager).
Councillor Mrs B.A. Jones (Finance, Performance and Governance).
Corporate Management Team.



AUDIT COMMITTEE – 11TH JUNE 2019

SUBJECT: UPDATED CODE OF CORPORATE GOVERNANCE AND TERMS OF REFERENCE FOR THE CORPORATE GOVERNANCE REVIEW PANEL

REPORT BY: INTERNAL AUDIT SERVICES MANAGER

1. PURPOSE OF REPORT

- 1.1 To seek approval of two updated documents prior to consideration by Cabinet on the 4th September 2019. The documents are the Code of Corporate Governance and the Terms of Reference for the Review Panel that oversees the annual review of governance arrangements and drafts the Annual Governance Statement (AGS).
- 1.2 The updated Code of Corporate Governance is attached at Appendix 1 and the Terms of Reference for the Corporate Governance Review Panel at Appendix 2.

2. SUMMARY

- 2.1 Following the publication of updated guidance by CIPFA/SOLACE in 2016 the Corporate Governance Review Panel has undertaken a review of, and updated, the Authority's local Code of Corporate Governance. The Terms of Reference of the Review Panel have also been reviewed and updated.

3. RECOMMENDATIONS

- 3.1 Members of the Audit Committee are asked to approve both the updated documents, the Code of Corporate Governance and the Terms of Reference for the Corporate Governance Review Panel prior to their consideration by Cabinet on the 4th September 2019.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that both Council documents remain up to date.

5. THE REPORT

- 5.1 The Authority has always strived to maintain a high level of probity and integrity when carrying out its business and with corporate governance continuing to become a key business driver the need to maintain, review and update key policies is as ever an important part of the governance toolkit.
- 5.2 In late 2016 the Chartered Institute of Public Finance and Accountancy (CIPFA) published revised guidance for Welsh Authorities in respect of a document called Delivering Good Governance in Local Government: Framework (CIPFA/SOLACE, 2016). The new guidance is intended to assist local authorities in reviewing the effectiveness of their own governance arrangements by reference to best practice and using self-assessment.
- 5.3 The original CIPFA/SOLACE guidance of 2007 set out the requirement for authorities

to maintain a local Code of Corporate Governance and this requirement has been brought forward into the new publication. This Authority's local code was first approved in April 2010 and has been reviewed to bring it up to date and in line with the new Welsh specific guidance.

5.4 As previously the new document urges Authorities to: -

- Review existing governance arrangements;
- Develop and maintain an up to date local Code of Governance, including arrangements for ensuring ongoing effectiveness;
- Report publicly on compliance with their own Code on an annual basis and on how they have monitored the effectiveness of their governance arrangements in the year and on planned changes.

5.5 The major changes between the two CIPFA/SOLACE publications is that originally there were six fundamental principles of good governance and these have now become seven, and also there is a recognition of the impact that the Well being of Future Generations (Wales) Act 2015 has on future governance structures and processes.

5.6 The revised local Code which reflects both these changes is attached at Appendix 1.

5.7 One of the key components of the governance structure as identified within the local Code is the Corporate Governance Review Panel. The Panel plays a pivotal role in the annual governance assessment leading to the production of the Annual Governance Statement (AGS).

5.8 The updated Terms of Reference at Appendix 2 have not changed fundamentally from the previous version with only some updating of post titles and wording improvements being made.

Conclusion

5.9 The governance landscape is continuing to evolve and grow and the CIPFA/SOLACE guidance continues to maintain its relevance in line with developments in business and organisational practices and procedures.

5.10 The embedding and alignment of good governance processes is seen as a necessity moving forward and will enable both the organisation and its stakeholders to benefit from increased focus on purpose, openness and transparency.

6. ASSUMPTIONS

6.1 It is assumed that the local Code of Corporate Governance and the Corporate Governance Review Panel will remain in place for some time but that from time to time updates and amendments will be required as the CIPFA/SOLACE guidance changes and staff roles and titles change.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 Strong corporate governance arrangements are an essential element of ensuring that the Council's key priorities are effectively delivered.

8. WELL-BEING OF FUTURE GENERATIONS

8.1 Strong corporate governance arrangements are a key element in ensuring that the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 are met.

- A prosperous Wales.

- A resilient Wales.
- A healthier Wales.
- A more equal Wales.
- A Wales of cohesive communities.
- A Wales of vibrant culture and thriving Welsh Language.
- A globally responsible Wales.

9. EQUALITIES IMPLICATIONS

9.1 There are no equalities implications.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from this report

11. PERSONNEL IMPLICATIONS

11.1 There are no personnel implications.

12. CONSULTATIONS

12.1 Any comments received have been reflected in the report.

13. STATUTORY POWER

13.1 Local Government Act 2000

Author: R Harris, Internal Audit Manager

Consultees: R Edmunds, Corporate Director for Education & Corporate Services
S Harris, Interim Head of Business Improvement Services & Acting S151 Officer

Appendices: 1. Code of Corporate Governance.
2. Corporate Governance Review Panel Terms of Reference.

CAERPHILLY COUNTY BOROUGH COUNCIL

Code of Corporate Governance



A greener place to work
Man gwyrdach i gweithio



CONTENTS

1. Introduction

2. Fundamental Principles

3. Review of Arrangements

4. Annual Governance Statement

5. Directorate Assurance Statements

Appendix 1 - Directorate Statement of Assurance

1. INTRODUCTION

- 1.1 The term Corporate Governance refers to the 'systems by which the Council directs and controls its functions and relates to the community it serves'. It is therefore the framework of the policies, systems, procedures and structures that together determine and control the way in which the Council manages its business, determines its strategies and objectives and sets about delivering its services to meet those objectives.
- 1.2 The basic principles of good governance as set out in this Code require the Council to carry out its functions in a way that is completely open and inclusive of all sectors of the community; demonstrates the utmost integrity in all its dealings and is fully accountable to the public it serves. Caerphilly County Borough Council fully supports these principles and this Code confirms the Council's commitment to these principles.
- 1.3 The initial CIPFA/SOLACE framework and supporting guidance issued in 2007 has been reviewed and updated with new Welsh specific guidance (published in November 2016) urging authorities to:
- review existing governance arrangements;
 - develop and maintain an up to date local code of governance, including arrangements for ensuring ongoing effectiveness;
 - report publicly on compliance with their own code on an annual basis and on how they have monitored the effectiveness of their governance arrangements in the year and on planned changes.
- 1.4 This local Code of Corporate Governance has been produced to show how Caerphilly County Borough Council will implement the core principles and detailed provisions of the new CIPFA/SOLACE Framework and therefore ensure compliance with it.

2. FUNDAMENTAL PRINCIPLES

- 2.1 The following seven fundamental principles are taken from the International Framework: Good Governance in the Public Sector on which the Delivering Good Governance in Local Government: Framework is based.

Within the Authority the fundamental function of good governance is to ensure that it achieves its intended outcomes while acting in the public interest at all times.

Acting in the public interest requires:

Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

Ensuring openness and comprehensive stakeholder engagement.

In addition, achieving good governance in the Council requires effective arrangements for:

Defining outcomes in terms of sustainable economic, social, and environmental benefits.

Determining the interventions necessary to optimise the achievement of the intended outcomes.

Developing the entity’s capacity, including the capability of its leadership and the individuals within it.

Managing risks and performance through robust internal control and strong public financial management.

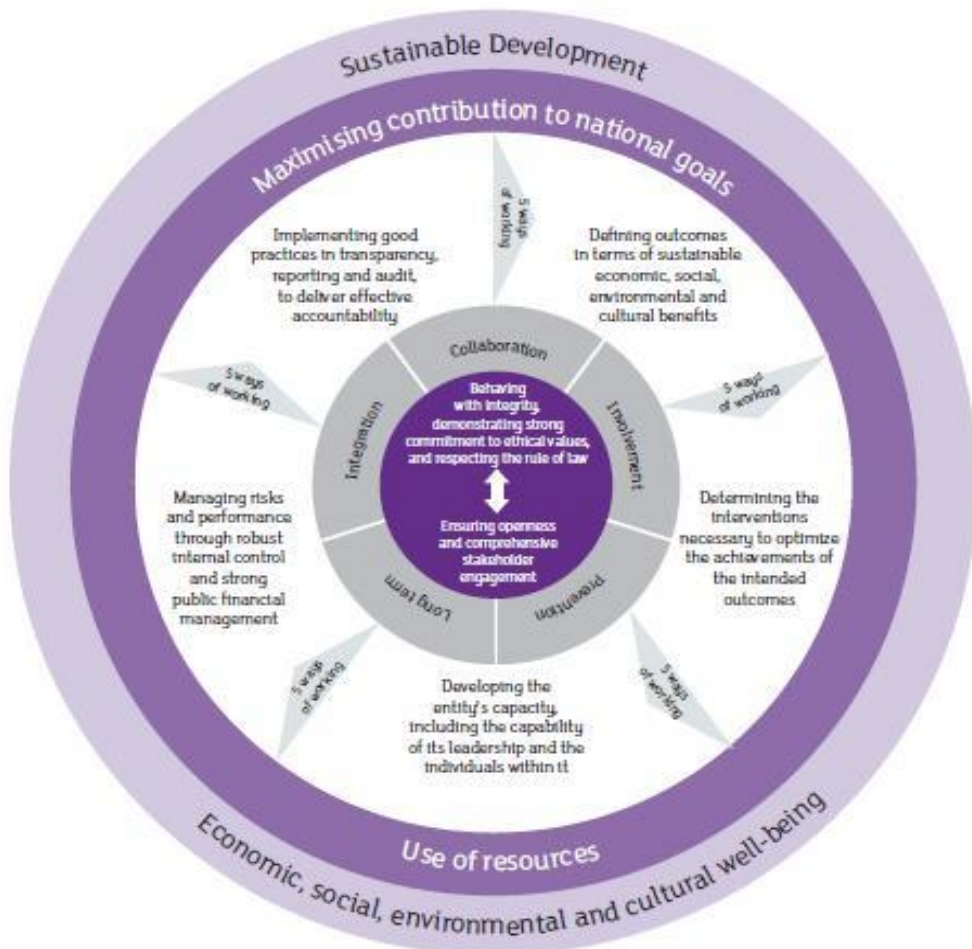
Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

2.2 The diagram below brings together the above principles of good governance with the requirements of the Well-being of Future Generations Act 2015. It shows sustainability as all encompassing.

The core behaviours of ;

- behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law, and
 - ensuring openness and comprehensive stakeholder engagement,
- need to be applied to the five ways of working outlined in the 2015 Act.

The five ways of working have to permeate all segments of delivering outcomes which in turn should ensure effective use of resources as the Council maximises its contribution to the economic, social, environmental and cultural well being of Wales.



2.3 In order to support the seven fundamental principles this code sets out the requirements identified as being key to delivering good governance along with a series of measures that Caerphilly County Borough Council sees as being key to supporting and facilitating their delivery.

Fundamental principle 1 – Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

SUPPORTING REQUIREMENTS	DELIVERABLE MEASURES
<p>Behaving with integrity</p> <p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the authority.</p>	<p>Codes of conduct</p> <p>Individual sign off with regard to compliance with code</p> <p>Induction for new members and staff on standard of behaviour expected</p> <p>Performance appraisal</p>
<p>Ensuring members take the lead in establishing specific standard operating principles or values for the Authority and its staff and that they are communicated and understood. These should build on the seven Principles of Public life (the Nolan Principles).</p>	<p>Standards reflect Welsh Government public service values</p> <p>Communicating shared values with members, staff, the community and partners</p>
<p>Leading by example and using these standard operating principles or values as a framework for decision making and other actions.</p>	<p>Leadership behaviours set out by the Welsh Government are followed</p> <p>Decision making practices</p> <p>Declarations of interests made at meetings</p> <p>Conduct of meetings</p> <p>Shared values guide decision making</p> <p>Develop and maintain an effective standards committee</p>
<p>Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.</p>	<p>Anti-Fraud and corruption policies are working effectively</p> <p>Up to date register of interests(members and staff)</p> <p>Up to date register of gifts and hospitality</p> <p>Whistleblowing policies are in place and protect individuals raising concerns</p> <p>Whistleblowing policy has been made available to members of the public, employees, partners and contractors</p> <p>Complaints policy and examples of responding to complaints about behaviour</p> <p>Changes/improvements as a result of complaints received and acted upon</p> <p>Members and officers code of conduct refers to a requirement to declare interests</p> <p>Minutes show declarations of interest were sought and appropriate declarations made</p>

<p>Demonstrating strong commitment to ethical values</p> <p>Seeking to establish, monitor and maintain the Authority's ethical standards and performance.</p>	<p>Scrutiny of ethical decision making</p> <p>Championing ethical compliance at governing body level</p>
<p>Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the Authority's culture and operation.</p>	<p>Provision of ethical awareness training</p>
<p>Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</p>	<p>Appraisal processes take account of values and ethical behaviour</p> <p>Staff appointments policy</p> <p>Procurement policy</p>
<p>Ensuring that external providers of services on behalf of the Authority are required to act with integrity and in compliance with high ethical standards expected by the Authority.</p>	<p>Agreed values in partnership working</p> <ul style="list-style-type: none"> • Statement of business ethics communicates commitment to ethical values to external suppliers • Ethical values feature in contracts with external service providers <p>Protocols for partnership working</p>
<p>Respecting the rule of law</p> <p>Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations.</p>	<p>Statutory provisions</p> <p>Statutory guidance is followed</p> <p>Constitution</p>
<p>Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements.</p>	<p>Job description/specifications</p> <p>Compliance with CIPFA's Statement on the Role of the Chief Financial Officer in Local Government (CIPFA, 2016)</p> <p>Terms of reference</p> <p>Committee support</p>
<p>Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders.</p>	<p>Record of legal advice provided by officers</p>
<p>Dealing with breaches of legal and regulatory provisions effectively.</p>	<p>Monitoring officer provisions</p> <p>Record of legal advice provided by officers</p> <p>Statutory provision</p>
<p>Ensuring corruption and misuse of power are dealt with effectively.</p>	<p>Effective anti-fraud and corruption policies and procedures</p>

Fundamental principle 2 - Ensuring openness and comprehensive stakeholder engagement.

SUPPORTING REQUIREMENTS	DELIVERABLE MEASURES
<p>Ensuring an open culture through demonstrating, documenting and communicating the Authority's commitment to openness.</p>	<p>Annual report Freedom of Information Act publication scheme Online council tax information Authority's goals and values Authority website</p>
<p>Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided.</p>	<p>Record of decision making and supporting materials</p>
<p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, that they are clear about the impact and consequences of those decisions are clear.</p>	<p>Decision making protocols Report pro-formas Record of professional advice in reaching decisions Meeting reports show details of advice given Discussions between members and officers on the information needs of members to support decision making Agreement on the information that will be provided and timescales Calendar of dates for submitting, publishing and distributing timely reports is adhered to</p>
<p>Using formal and informal consultation and engagement to determine the most appropriate and effective interventions / courses of action.</p>	<p>Wellbeing strategy (public service board) and statement (local authority) Use of consultation feedback Complaints policy and use of complaints Citizen survey</p>
<p>Engaging comprehensively with institutional stakeholders</p> <p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably.</p>	<p>Communication and engagement strategy</p>

<p>Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively.</p>	<p>Database of stakeholders with whom the authority should engage and for what purpose and a record of an assessment of the effectiveness of any changes</p>
<p>Ensuring that partnerships are based on:</p> <ul style="list-style-type: none"> • trust • a shared commitment to change • a culture that promotes and accepts challenge among partners <p>and that the added value of partnership working is explicit.</p>	<p>Wellbeing strategy Partnership protocols.</p>
<p>Engaging stakeholders effectively, including individual citizens and service users</p> <p>Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes.</p>	<p>Record of public consultations Partnership framework Public service boards' terms of reference</p>
<p>Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement.</p>	<p>Evidence of structured stakeholder discussions Communications strategy.</p>
<p>Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs.</p>	<p>Communications and engagement strategy Effective community involvement.</p>
<p>Implementing effective feedback mechanisms in order to demonstrate how their views have been taken into account.</p>	<p>Communications and engagement strategy</p>
<p>Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.</p>	<p>Processes for dealing with competing demands within the community, for example, consultation.</p>
<p>Taking account of the interests of future generations of tax payers and service users.</p>	<p>Reports Wellbeing assessment (public services board) Wellbeing objectives and statements</p>

Fundamental principle 3 - Defining outcomes in terms of sustainable economic, social, and environmental benefits

SUPPORTING REQUIREMENTS	DELIVERABLE MEASURES
<p>Defining outcomes</p> <p>Having a clear vision which is an agreed formal statement of the Authority's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the Authority's overall strategy, planning and other decisions.</p>	<p>Wellbeing statement and objectives</p> <p>Vision used as a basis for corporate and service planning</p>
<p>Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer.</p>	<p>Community engagement and involvement</p> <p>Corporate and service plans</p> <p>Wellbeing plan (public service board) and wellbeing statement (local authority)</p>
<p>Delivering defined outcomes on a sustainable basis within the resources that will be available.</p>	<p>Regular reports on progress</p>
<p>Identifying and managing risks to the achievement of outcomes.</p>	<p>Performance trends are established and reported upon</p> <p>Risk management protocols</p>
<p>Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.</p>	<p>An agreed set of quality standard measures for each service element are included in service plans</p> <p>Processes for dealing with competing demands within the community</p>
<p>Sustainable economic, social and environmental benefits</p> <p>Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision.</p>	<p>Capital investment is structured to achieve appropriate life spans and adaptability for future use so that resources are spent on optimising social, economic and environmental wellbeing</p> <ul style="list-style-type: none"> - Capital programme - Capital investment strategy <p>Legislative requirements – Well-being of Future Generations (Wales) Act 2015</p>
<p>Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Authority's intended outcomes and short-term factors such as the political cycle or financial constraints.</p>	<p>Application of Wales procurement policy statement</p> <p>Corporate plans take account of medium and long-term service plans</p> <p>Discussion between members and officers on the information needs of members to support decision making</p> <p>Record of decision making and supporting</p>

	materials
Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade offs.	Public Services Board wellbeing plan Record of decision making and supporting materials Protocols for consultation
Ensuring fair access to services.	Develop protocols to ensure fair access and that statutory guidance is followed

Fundamental principle 4 – Determining the interventions necessary to optimise the achievement of the intended outcomes

SUPPORTING REQUIREMENTS	DELIVERABLE MEASURES
<p>Determining interventions</p> <p>Ensuring decisions makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided.</p>	<p>Discussion between members and officers on the information needs of members to support decision making</p> <p>Decision making protocols</p> <p>Option appraisals</p> <p>Agreement of information that will be provided and timescales</p>
<p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.</p>	<p>Financial strategy</p>
<p>Planning interventions</p> <p>Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets.</p>	<p>Calendar of dates for developing and submitting plans and reports that are adhered to</p>
<p>Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered.</p>	<p>Communication an engagement strategy</p> <p>Public Services Board wellbeing plans</p>
<p>Considering and monitoring risks facing each partner when working collaboratively including shared risks.</p>	<p>Partnership framework</p> <p>Risk management protocol</p>
<p>Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances.</p>	<p>Planning protocols</p>
<p>Establishing appropriate local performance</p>	<p>Local performance indicators have been</p>

indicators (as well as relevant statutory or other national performance indicators) as part of the planning process in order to identify how the performance of services and projects is to be measured.	established and approved for each service element and included in the service plan and are reported upon regularly
Ensuring capacity exists to generate the information required to review service quality regularly.	Reports include detailed performance results and highlight areas where corrective action is necessary
Preparing budgets in accordance with organisational objectives, strategies and the medium term financial plan.	Evidence that budgets, plans and objectives are aligned
Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.	Budget guidance and protocols Medium-term financial plan Corporate plans
Optimising achievement of intended outcomes Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints.	Feedback surveys and exit/decommissioning strategies Changes as a result
Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term.	Budgeting guidance and protocols
Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage.	Financial strategy Long-term trends are taken into account
Ensuring the achievement of 'social value' through service planning and commissioning. The Public Services (Social Value) Act 2012 states that this is 'the additional benefit to the community...over and above the direct purchasing of goods services and outcomes.'	Service plans demonstrate consideration of 'social value' Achievement of 'social value' is monitored and reported upon

Fundamental principle 5 – Developing the entity’s capacity, including the capability of its leadership and the individuals within it

SUPPORTING REQUIREMENTS	DELIVERABLE MEASURES
Developing the entity’s capacity Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness.	Regular reviews of activities, outputs and planned outcomes

<p>Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the authority's resources are allocated so that outcomes are achieved effectively and efficiently.</p>	<p>Utilisation of research and benchmarking exercises</p>
<p>Recognising the benefits of partnerships and collaborative working where added value can be achieved.</p>	<p>Effective operation of partnerships which deliver agreed outcomes</p>
<p>Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.</p>	<p>Workforce plan Organisational development plan</p>
<p>Developing the capability of the entity's leadership and other individuals</p> <p>Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.</p>	<p>Job descriptions Chief executive and leader pairings have considered how best to establish and maintain effective communication</p>
<p>Publishing a statement that specifies the types of decisions delegated and those reserved for the collective decision making of Council.</p>	<p>Scheme of delegation reviewed at least annually in the light of legal and organisational changes Standing orders and financial regulations which are reviewed on a regular basis</p>
<p>Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure, whereby the chief executive leads the authority in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority.</p>	<p>Clear statement of respective roles and responsibilities and how they will be put into practice</p>
<p>Developing the capabilities of members and senior management to achieve effective leadership and to enable the Authority to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by;</p> <ul style="list-style-type: none"> • ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged. • ensuring members and officers have the appropriate skills, knowledge resources and support to fulfil their roles and responsibilities 	<p>Access to courses/information briefings on new legislation</p> <p>Member development strategy Members induction and ongoing training and development programme Mentoring and peer support programmes Personal development plans for members and officers</p> <p>For example, for members this may include the ability to;</p>

<p>and ensuring that they are able to update their knowledge on a continuing basis.</p> <ul style="list-style-type: none"> ensuring personal, organisation and system-wide development through shared learning, including lessons learnt from both internal and external governance weaknesses. 	<ul style="list-style-type: none"> Scrutinise and challenge Recognise when outside expert advice is required Promote trust Work in partnership Lead the organisation Act as a community leader <p>Efficient systems and technology used for effective support</p> <p>Arrangements for succession planning</p>
<p>Ensuring that there are structures in place to encourage public participation.</p>	<p>Citizens' and residents' panels</p> <p>Stakeholder forum terms of reference</p> <p>Communication and engagement strategy</p>
<p>Taking steps to consider the leaderships own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections.</p>	<p>Reviewing individual member performance on a regular basis taking account of their attendance and considering any training or development needs</p> <p>Peer reviews</p>
<p>Holding staff to account through regular performance reviews which take account of training or development needs.</p>	<p>Training and development plan</p> <p>Staff development plans linked to appraisals</p> <p>Implementing appropriate human resource policies and ensuring that they are working effectively</p>
<p>Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.</p>	<p>Human resource policies</p>

Fundamental principle 6 – Managing risks and performance through robust internal control and strong public financial management

SUPPORTING REQUIREMENTS	DELIVERABLE MEASURES
<p>Managing risk</p> <p>Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making.</p>	<p>Risk management protocol</p>

Implementing robust and integrated risk management arrangements and ensuring that they are working effectively.	Risk management strategy/policy formally approved, adopted, reviewed and updated on a regular basis
Ensuring that responsibilities for managing individual risks are clearly allocated.	Risk management protocol
Managing performance Monitoring service delivery effectively including planning, specification, execution and independent post implementation review.	Performance map showing all key activities have performance measures Benchmarking information Cost performance (using inputs and outputs) Calendar of dates for submitting, publishing and distributing timely reports that are adhered to
Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Authority's financial, social and environmental position and outlook.	Discussion between members and officers on the information needs of members to support decision making Publication of agendas and minutes of meetings Agreement on the information that will be needed and timescales
Ensuring an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made, thereby enhancing the authority's performance and that of any organisation for which it is responsible.	The role and responsibility for scrutiny has been established and is clear Agenda and minutes of scrutiny meetings Evidence of improvements as a result of scrutiny Terms of reference Training for members Membership Public Service Boards are subject to effective scrutiny
Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement.	Calendar of dates for submitting, publishing and distributing timely reports that are adhered to
Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements).	Financial standards, guidance Financial regulations and standing orders
Robust internal control Aligning the risk management strategy and policies on internal control with achieving the authority's objectives.	Risk management strategy Audit plan Audit reports

Evaluating and monitoring the authority's risk management and internal control on a regular basis.	Risk management strategy/policy has been formally approved and adopted and is reviewed and updated on a regular basis
Ensuring effective counter fraud and anti-corruption arrangements are in place.	Compliance with the Code of Practice on Managing the Risk of Fraud and Corruption (CIPFA, 2014)
Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor.	Annual governance statement Effective internal audit service is resourced and maintained
Ensuring an audit committee or equivalent group or function which is independent of the executive and accountable to the governing body. <ul style="list-style-type: none"> provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment. that its recommendations are listened to and acted upon. 	Audit committee complies with best practice – see Audit Committees; Practical Guidance for Local Authorities and Police (CIPFA, 2013) Terms of reference Membership Training
Managing Data Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data.	Data management framework and procedures Designated data protection officer Data protection policies and procedures
Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies.	Data sharing agreement Data sharing register Data processing agreements
Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.	Data quality procedures and reports Data validation procedures
Strong public financial management Ensuring the financial management supports both long term achievement of outcomes and short-term financial and operational performance.	Financial management supports the delivery of services and transformational change as well as securing good stewardship
Ensuring well-developed financial management is integrated at all organisational levels of planning and control, including management of financial risks and controls.	Budget monitoring reports

Fundamental Principle 7 – Implementing good practices in transparency, reporting, and audit to deliver effective accountability

SUPPORTING REQUIREMENTS	DELIVERABLE MEASURES
<p>Implementing good practice in transparency Writing and communicating reports for the public and other stakeholders in an understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate.</p>	<p>Website Council meetings are webcast</p>
<p>Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous for the authority to provide and for users to understand.</p>	<p>Councillor’s annual reports Annual report</p>
<p>Implementing good practices in reporting Reporting at least annually on performance, value for money and the stewardship of its resources.</p>	<p>Formal annual report which includes key points raised by external scrutineers and service users’ feedback on service delivery Annual financial statements</p>
<p>Ensuring members and senior management own the results.</p>	<p>Appropriate approvals</p>
<p>Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement).</p>	<p>Annual governance statement</p>
<p>Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate.</p>	<p>Annual governance statement</p>
<p>Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.</p>	<p>Format follows best practice</p>
<p>Assurance and effective accountability. Ensuring that recommendations for corrective action made by external audit are acted upon.</p>	<p>Recommendations have informed positive improvement</p>

Ensuring an effective internal audit service with direct access to members is in place which provides assurance with regard to the governance arrangements and recommendations are acted upon.	Compliance with CIPFA's Statement on the Role of the Head of Internal Audit (2010) Compliance with the Public Sector Internal Audit Standards
Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations.	Recommendations have informed positive improvement
Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement.	Annual governance statement
Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.	Public service boards' terms of reference and wellbeing plans Public service boards engage with scrutiny

3.REVIEW OF ARRANGEMENTS

3.1 The CIPFA/SOLACE Framework requires the Council to:

- consider the extent to which it complies with the principles and requirements of good governance set out in the Framework
- identify systems, processes and documentation that provide evidence of *compliance*
- identify the individuals and committees responsible for monitoring and reviewing the systems, processes and documentation identified
- identify the issues that have not been addressed adequately in the Authority and consider how they should be addressed
- identify the individuals who would be responsible for undertaking the actions required and plan accordingly.

3.2 A working group, known as the Corporate Governance Panel has been established to facilitate the ongoing review of the Authority's governance arrangements including the annual self-assessment of compliance with the above core and supporting principles leading to the publication of the Annual Governance Statement.

3.3 The composition of the working group includes the Cabinet Member for Finance, Performance and Governance, and key officers as below:

The Director of Education and Corporate Services (Chair)

Section 151 Officer, Head of Corporate Finance

The Head of Legal Services & Monitoring Officer

The Interim Head of Business Improvement Services

The SIRO, Head of Customer and Digital Services

Internal Audit Manager

- 3.4 The Director of Corporate Services has corporate responsibility for governance including oversight of compliance with the CIPFA/ SOLACE Framework and the process leading to the publication of the Annual Governance Statement.
- 3.5 Any significant non-compliance issues identified in the self-assessment process will be disclosed within the Annual Governance Statement and fed into the business planning process. Progress in addressing governance issues will be regularly monitored by the working group to ensure that agreed actions are implemented and the intended outcomes are fully addressed.

4. ANNUAL GOVERNANCE STATEMENT

- 4.1 Regulation 5(2) of the Accounts and Audit (Wales) Regulations 2014 requires a local authority to “conduct a review at least once in a year of the effectiveness of its system of internal control and [5(4)] the body must approve a Statement on Internal Control prepared in accordance with proper practices. [5(5)] Such statement must accompany the financial statements”.
- 4.2 The new CIPFA/SOLACE Framework defines proper practice for the form and content of an Annual Governance Statement (AGS), which meets the requirements of regulation 5 of the Accounts and Audit (Wales) Regulations 2014 in relation to the publication of a Statement on Internal Control.
- 4.3 The Council therefore publishes an AGS based on the CIPFA/SOLACE model governance statement. The AGS covers all significant corporate systems, processes and controls, spanning the whole range of the Council's activities, including in particular those designed to ensure:
- the Authority’s policies are put into place
 - the Authority’s values are met
 - laws and regulations are complied with
 - required processes are adhered to
 - financial statements and other published information are accurate and reliable
 - human, financial and other resources are managed efficiently and effectively
 - high quality services are delivered efficiently and effectively.
- 4.5 It therefore covers performance issues – good governance promotes good service but poor service performance reflects a failure of governance. Consequently, approval and ownership of the AGS should be at a corporate level and should be confirmed by the most senior officer (chief executive or equivalent) and the most senior member (leader or equivalent) signing the statement on behalf of the Authority.
- 4.6 The Leader and Chief Executive therefore sign the AGS on behalf of Caerphilly County Borough Council once the review and approval process has been completed. The AGS will be approved by the Audit Committee and published with the annual financial statements so that the publication timetable for the financial statements drives the AGS approval timetable.

5. DIRECTORATE ASSURANCE STATEMENTS

- 5.1 As Section 4 above indicates, before signing the AGS the Leader and Chief Executive will seek assurances that the review and approval process has been followed. This ensures that the views of the statutory officers have been taken into account, and they have in turn sought the views of auditors (internal & external) and other inspectorates as to the adequacy and effectiveness of the Council's system of governance.
- 5.2 However in reviewing and approving the AGS members will also require assurances on the effectiveness of the governance framework from managers across the Council, as it is they who are charged with embedding corporate governance systems within their directorates.
- 5.3 The Council has therefore adopted a system of Directorate Assurance Statements (Appendix 1) which are compiled on an annual basis to coincide with the production of the AGS. These require Directors to review the operation of a wide range of governance systems and procedures within their service areas and indicate whether there are any significant non-compliance issues.
- 5.4 The completed Directorate Assurance Statements are analysed to ascertain whether there are any common areas of concern, and if so, whether these constitute significant governance issues. Any significant non-compliance issues emerging will be included in the Annual Governance Statement itself.

DIRECTORATE ASSURANCE STATEMENT

Caerphilly County Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. In discharging this responsibility, members and senior officers are responsible for establishing a sound system of governance. As Director, I have responsibility to enforce the system of governance within my Directorate to ensure that it supports the achievement of the Directorate's and therefore the Council's objectives. When discharging my responsibility for reviewing the effectiveness of the system of governance operating within the Directorate, I have taken into account the following:

- The adequacy and effectiveness of management review processes;
- Outcomes from risk assessments ;
- Relevant self-assessments of key service areas within the Directorate;
- Relevant internal audit reports and the implementation of recommendations made by Internal Audit Services; and
- Outcomes from reviews by other bodies including external and statutory inspectorates and the Council's external auditors.

I am satisfied that, except for the specific matters arising in the attached schedule, a sound system of governance has been in place throughout the year ended 31st March 20XX and is ongoing. I also propose to take steps to address the matters arising to enhance the Directorate's system of governance and I will be monitoring their implementation and operation on an ongoing basis.

Director Signature:

Name:

Date:

**CAERPHILLY COUNTY BOROUGH COUNCIL
CORPORATE GOVERNANCE REVIEW PANEL
TERMS OF REFERENCE**

1. MEMBERSHIP

- 1.1. The Corporate Governance Review Panel shall consist of the following individuals:-
- 1.1.1. The Corporate Director for Education & Corporate Services, who shall be the Chair.
 - 1.1.2. The Section 151 Officer, Head of Corporate Finance
 - 1.1.3. The Head of Legal Services and Monitoring Officer
 - 1.1.4. The Interim Head of Business Improvement Services
 - 1.1.5. The SIRO, Head of Customer and Digital Services
 - 1.1.6. The Cabinet Member for Finance, Performance and Governance
 - 1.1.7. The Internal Audit Manager

2. MEETINGS

- 2.1. The Panel will meet bimonthly and at such other times as the Chair determines.
- 2.2. Agendas and relevant papers will be produced prior to the meetings.
- 2.3. Minutes will be produced to record the discussions had and decisions taken by the Panel. The minutes will be presented to the Corporate Management Team (CMT) and any proposals from the group will be discussed at CMT prior to referral to Audit Committee. The minutes will be put to the Audit Committee for information, monitoring and agreement.

3. TERMS OF REFERENCE

- 3.1. To review and monitor the Council's Code of Corporate Governance in line with best practice and to make recommendations to the Audit Committee regarding amendments or revision to the agreed Code.
- 3.2. To promote good governance throughout the organisation.
- 3.3. To facilitate and co-ordinate the ongoing review of the Authority's governance arrangements.
- 3.4. To undertake the annual review of the Council's corporate governance arrangements and to co-ordinate the production of the Annual Governance Statement (AGS).
- 3.5. To recommend to the Audit Committee any areas for improvement that should be included within the Annual Governance Statement (AGS).
- 3.6. To report progress in addressing the areas for improvement identified in the Annual Governance Statement (AGS).
- 3.7. To receive and discuss regular updates from the SIRO on outputs from the Information Governance Project Team.
- 3.8. To receive reports and presentations from the External Auditor and other external review agencies on governance issues.
- 3.9. To review and update the Terms of Reference on a periodic basis as required.



CABINET – 2ND OCTOBER 2019

SUBJECT: AUTHORISATION OF OFFICERS IN PUBLIC PROTECTION – EU EXIT

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of changes to the legislation required as a result of the UK's exit from the European Union to ensure a seamless transition of Public Protection functions after this event. The Monitoring Officer will amend the constitution to reflect this change.
- 1.2 To obtain additional authorisation for officers under the European Union (Withdrawal) Act 2018.

2. SUMMARY

- 2.1 Officers within the Public Protection Division require additional authorisation under Acts of Parliament in order to enforce the legislation and carry out their duties.

3. RECOMMENDATIONS

- 3.1 That Officers within the Public Protection Division be authorised under the European Union (Withdrawal) Act 2018 in order to enforce the legislation and carry out their duties ensuring a seamless transition following EU exit, whenever the UK withdraws from the EU.
- 3.2 That the Council's Constitution and terms of reference be amended by adding the European Union (Withdrawal) Act 2018 and removing the European Communities Act 1972. The Council's Monitoring Officer will make the necessary amendments to the Council's Constitution following the UK's exit from the EU, whenever that may be.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation.

5. THE REPORT

- 5.1 Authorisation of Officers

As a result of the UK's withdrawal from the European Union, whenever that may be, the following legislation is required to be added to the Council's Constitution in order for the functions that are carried out within Public Protection to continue seamlessly after the exit date.

European Union (Withdrawal) Act 2018

The above legislation comes into force on the EU exit day. The Act repeals the European Communities Act 1972 and makes other provision in connection with the withdrawal of the United Kingdom from the EU.

The European Communities Act 1972 is repealed on exit day and should be removed from the constitution.

5.2 Conclusion

Cabinet note the implementation of the European Union (Withdrawal) Act 2018. Following which the aforementioned Act should be added to the Council's constitution and the European Communities Act 1972 removed. This will enable a seamless transition following EU exit.

6. ASSUMPTIONS

- 6.1 No assumptions have been made in relation to this report as it merely updates existing arrangements due to changes in legislation.

7. LINKS TO RELEVANT COUNCIL POLICIES

- 7.1 The Public Protection Enforcement Policy.

7.2 Corporate Plan 2018-2023.

The Public Protection Division has a major role in protecting, promoting and improving the health, safety and economic well being of our communities. This role includes the enforcement of numerous statutes, many of which include criminal sanctions on those who infringe the law. Enforcing public protection legislation is a statutory duty and this activity contributes to a number of objectives within the corporate plan:

Objective 2 - Enabling employment

Objective 5 - Creating a county borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015

Objective 6 - Support citizens to remain independent and improve their well-being

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 Public protection is a statutory duty of the authority and contributes towards the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The Well-being of Future Generations (Wales) Act 2015 sets out the sustainable development principle against which all public bodies in Wales should assess their decision-making. The

aim of the legislation is to ensure the well-being of future generations through maximising the contribution public bodies make towards the well-being goals. The principle is also known as the five ways of working and the following are relevant in relation to this report.

PREVENTION - Public Protection enforcement activity promotes compliance with legislation and promotes and protects public health and safety, thereby preventing harm from occurring. There is an emphasis on prevention as processes ensure that a number of checks and safeguards are in place before an activity is permitted or licenced.

INTEGRATION – Public Protection enforcement activity makes a contribution to a number of the Well-being Goals within the Well-being of Future Generation (Wales) Act 2015.

COLLABORATION – Public Protection services collaborate extensively with partner agencies including Gwent Police, Natural Resources Wales, the Food Standards Agency, and the Health and Safety Executive.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. There is no change to function or service provision.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications as a result of authorisation changes.

11. PERSONNEL IMPLICATIONS

- 11.1 The exact impact of EU exit is not known. It is conceivable that there will be an additional workload for officers employed within Public Protection as requests from food manufacturers based in the county borough for Export Certificates are likely to increase, and officers will also be required to conduct additional checks on Imported Foods. There will also be an increased need for advice and guidance to business to enable them to produce and export non food goods.

12. CONSULTATIONS

- 12.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

13. STATUTORY POWER

- 13.1 The European Union (Withdrawal) Act 2018. The discharge of duties under the above legislation is a Cabinet function with the powers delegated to officers.

Author: Michele Wehden, Senior EHO FHS Ext 1333

Consultees: Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Mark S. Williams – Interim Corporate Director, Communities
Rob Hartshorn, Head of Public Protection, Community and Leisure Services
Rob Tranter, Head of Legal Services/Monitoring Officer

Ceri Edwards, Environmental Health Manager
Jacqui Morgan, Trading Standards, Licensing & Registrars Manager
Mike Eedy, Finance Manager
Shaun Watkins, HR Service Manager
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)



CABINET – 2ND OCTOBER 2019

SUBJECT: ERDF 4.4 FUNDING OPPORTUNITIES – THE LAWNS INDUSTRIAL ESTATE, RHYMNEY & TY DU, NELSON

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To agree that further external funding be sought via the European Structural Funds Investment Programme, Priority 4 - Specific Objective 4 and to identify and agree the required levels of match funding to allow the full implementation of the Phase 1 projects at both sites.

2. SUMMARY

- 2.1 This report updates Cabinet on opportunities that exist to bid for additional European funding to the Welsh European Funding Office (WEFO) for the phased provision of employment units at two sites in the county borough, namely, the Council owned Lawns Industrial Estate in Rhymney and Welsh Government (WG) owned land at Ty Du in Nelson.
- 2.2 External grant funding under the European Regional Development Fund (ERDF) Priority 4, Strategic Objective 4 has previously been sought by the Council to deliver the first phase of employment units and associated infrastructure at both sites. In order to draw down this external funding the Council has previously confirmed, via Cabinet approval on the 28th February 2018, match funding of up to £1.07m towards both schemes.
- 2.3 An opportunity has recently arisen (August 2019) to attract further ERDF funding towards both schemes to help fully realise the employment aspirations within the upper and mid regions of the County Borough. Cabinet is therefore requested to confirm additional match funding of up to **£402,234** to attract £1.386M of additional ERDF and circa £212K of WG Department of Economy and Infrastructure funding.
- 2.4 The additional funds sought will further provide significant added value to both the Lawns and Ty Du operations offering increased employment infrastructure and opportunities.
- 2.5 Cabinet should also be aware that both developments will generate an income to the Council from future lettings. By increasing the developed floor space with additional funding, the level of potential rental income will also increase.

3. RECOMMENDATIONS

- 3.1 That Cabinet:
- i) Approve the approach taken to pursue further ERDF funding towards both the Lawns and Ty Du schemes for the development of further employment use and associated infrastructure at both sites;

- ii) Agree that, should further additional ERDF grant become available, that the Authority progresses the schemes as set out in the report;
- iii) Agree to utilise the Capital earmarked reserve for the **£402,234** match funding to enable approximately £1.386M of additional ERDF to be secured for the development of new employment opportunities at both sites.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To allow CCBC, working collaboratively with its partner organisations, to bring forward maximum employment opportunities at the strategically significant site at Ty Du, Nelson and the Council owned brownfield site at The Lawns Industrial Estate, Rhymney. These developments will deliver a series of significant economic and social benefits in line with existing local, regional and national priorities.

5. THE REPORT

Background:

- 5.1 On 28th February 2018 Cabinet approved the Council's employment focused priorities for the European Regional Development Fund (ERDF) Operational Programme, Priority 4, measure 4.4 as the Lawns Industrial Estate, Rhymney and Ty Du, Nelson to help create new employment opportunities within the County Borough.
- 5.2 Approval was also provided to work in partnership with Welsh Government (WG) on the Ty Du site, via a Joint Venture agreement, and to commit £1.07m Council Capital reserves towards both schemes, to help secure £2.58m of ERDF and £0.35m of WG funding.
- 5.3 It was further agreed that, should additional ERDF grant become available, that the relevant Head of Service investigate opportunities to secure additional funding towards the delivery of the Lawn and Ty Du sites, which is the focus of this current report.
- 5.4 Over the past 19 months, following Welsh European Funding Office (WEFO) and Council approvals, officers have been taking forward the employment focused projects at the Lawns and Ty Du sites. A synopsis and the current status of each scheme is briefly outlined below:

The Lawns Industrial Estate, Rhymney

- 5.5 The Lawns Industrial Estate is a Council owned site of moderate quality industrial units. The Lawns is centrally located in Rhymney, within a cluster of designated Employment sites, adjacent to key local facilities, the strategic road network (A465 Heads of the Valleys) and the Rhymney to Cardiff rail line.
- 5.6 There is a strong and ever increasing demand for the expansion and enhancement of the Estate for light industrial high quality 'starter units'.
- 5.7 The current proposal aims to bring into beneficial economic use a parcel of prime underutilised land (approx. 0.65Ha in size) adjacent to the existing Estate to significantly expand the site's employment offer. This will result in the design and construction of new high quality, light industrial factory units and associated infrastructure.
- 5.8 The site designs as outlined in Appendix 1a, 1b and 1c essentially consist of the following key elements:
 - New access highway infrastructure & parking areas;
 - New single storey employment buildings (x3) – with internal units ranging in size between 50, 70 & 100 sq.m;
 - Associated soft and hard landscaping features.

Planning Permission:

5.9 Full Planning Permission (Ref: 18/0408/LA) for the above scheme was submitted and validated on the 16th May 2018 and subsequently approved with conditions on the 19th July 2018.

Tender Process:

5.10 The Council has sought to appoint a contractor to develop and complete the design and construction of the new industrial units at the Lawns Industrial Estate, to BIM Level 2 using the JCT Design and Build Contract.

5.11 A procurement process was undertaken via Sell2Wales and the Proactis Plaza eTendering Portal in line with Appendix C of the Council's Standing Orders for Contracts (works between £75,000 and £4,551,413). The contract opportunity was published on 26th February 2019 using the open procedure and submissions were received by the published deadline of 10th May 2019.

5.12 Initial estimates for the works including fees exceeded the project budget available (of £2.293M) therefore bidders were asked to price against two delivery options;

- A "Base" scheme to complete all the works to the original specification (*comprising 3 employment buildings and up to 15 individual units and associated infrastructure*); and
- An "Optional" scheme for a reduced specification (*comprising 2 employment buildings and up to 10 individual units and associated infrastructure*).

5.13 Following the tender period the returned bids were successfully checked for compliance with the specification, pricing schedule and the quality submissions and a preferred bidder, **EnCon Construction Ltd**, has been appointed (6th August 2019) to deliver the "Optional" scheme over the next 12 month programme period.

5.14 However, while the award of contract has been based on the "Optional" scheme, there is an option to extend to the "Base" scheme and deliver the 3rd building unit (comprising a further 5 individual units and associated infrastructure) should additional funds become available.

5.15 While everything is in place (Planning Permission, Project Team & Contractor) to deliver the "Base" scheme current available budgets do not permit full implementation. To safeguard the successful and full execution of the project in accordance with the approved Project Business Plan and Planning Approval additional funding is required. Should further funding become available the full "Base" scheme can be implemented creating additional and much sought after building and employment space within Rhymney. Furthermore, such funds will help deliver and exceed the output targets for the operation outlined within the approved Business Plan.

Project Outputs:

5.16 The below table outlines the comparisons of the anticipated output targets between the approved Business Plan and the two delivery options:

- Option Scheme (reduced intervention);
- Base Scheme (full intervention).

Current Anticipated Outputs - BP		Option Scheme		Base Scheme	
Result Indicator	Anticipated Achievement	Anticipated Achievement	Variance	Anticipated Achievement	Variance
Land Developed (Ha)	1.132	0.65	-0.48	0.65	-0.48
Premises Created or Refurbished (sq.m)	727.50	644.50	-83.00	994.00	+266.50
Jobs Accommodated*	5 to 10	10	0	15+	+5

SME's Accommodated**	5 to 10	10	0	15+	+5
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*Conservative figures based on 1 job per unit built.

**Conservative figures based on 1 SME Accommodated per unit built.

- 5.17 Based on current Tendered Costs, the Total Project Out-turn for the Base Scheme is estimated to be **£2,923,309**. Currently the total funding package secured for the project is **£2,293,667**, resulting in an estimated Funding Gap of **£629,642**. It is proposed that this shortfall will be met through a further bid for ERDF monies, with additional match funding contributions sought from the Council. The table below gives an overview of the original funding position and anticipated out-turn figures.

Project Cost Heading	Approval @ 2017	Virements / additional funding	Current Position @ Sept 2019	Anticipated Out-turn (£) –based on Full Scope	Variance / to be funded
Construction - Building & External Works Costs	£1,706,000	£199,993	£1,905,993	£2,461,986	
Design & Contract Supervision Fees	£194,072	£10,063	£204,135	£277,784	
Other Costs – Revenue (including Staff Project Management, Support Services, Marketing)	£183,539	-	£183,539	£183,539	
Estimated Scheme Total Costs	£2,083,611	£210,056	£2,293,667	£2,923,309	£629,642
Sources of Funding					
ERDF	£1,291,667	£200,000	£1,491,667	£1,919,445	£427,778 <i>(Requested)</i>
Other Public Sector Funding					
CCBC Capital	£791,944	£10,056	£802,000*	£1,003,864	£201,864 <i>(Requested)</i>
Total Funding	£2,083,611	£210,056	£2,293,667	£2,923,309	£629,642

* 15th Feb 2017 Cabinet Approval = £50K

14th Aug 2017 agreed virement = £42K

28th Feb 2018 Cabinet Approval = £710K

Ty Du, Nelson Commercial Area – Phase 1 Employment Units

- 5.18 Land at Ty Du, Nelson represents a significant economic regeneration opportunity as a major mixed use development. The total site, which is largely under the ownership of Welsh Ministers, extends to approximately 19.2 hectares, close to the A472 Nelson By-Pass and located in the Northern Connections Corridor of the adopted Local Development Plan. Ty Du is identified as one of three prioritised sites under Welsh Government's "Strategic Employment Sites" programme.
- 5.19 In 2017, Outline Planning permission was granted to Welsh Ministers (16/0373/OUT) for an ambitious mixed use Masterplan, comprising residential provision of up to 200 dwellings, including approximately 50 affordable homes, the development of 3.8HA (approx. 6,300 m²) of B1 Employment units, plus associated enabling highways infrastructure, including access routes, drainage, public open space, high quality public realm and landscaping. A scheme to construct the enabling primary highways infrastructure for the site is being undertaken by Welsh Government's Property & Infrastructure Team and their appointed contractors, Walters UK Ltd. The infrastructure works are anticipated to be complete by October 2019 and will include the construction of the estate roads into the designated 3.8HA "Commercial Area" within the plateau.
- 5.20 Following Cabinet recommendations on 28th February 2018, the Council has formally entered into a Joint Venture Partnership Agreement with Welsh Government to develop the 3.8HA Ty

Du “Commercial Area” for B1 Employment Use. The Joint Venture Agreement was agreed and engrossed by both parties in January 2019.

- 5.21 Development of the designated Commercial Area will be undertaken in a phased manner, subject to funding. The Phase 1 Site Feasibility Area comprises land of approx. 1 hectare at the south westerly edge of the plateau, for the provision of high quality B1 employment (office / light industrial) hybrid units, up to a maximum of 1,858 square metres.
- 5.22 To progress the Phase 1 proposals, the Council and Welsh Government have appointed via the National Procurement Services Framework, a multi-disciplinary consultancy Managing Design Team led by award winning Architects Darnton B3, to provide expert technical design, architectural and contract management services for the project.
- 5.23 The design proposals are currently at RIBA Stage 4 of 7 – Technical Design. The Phase 1 plans currently comprise (see Appendix 2a & 2b):
- A maximum of 5 buildings made up of 13 units, of varying sizes between 103 and 163 m2.
 - Associated operational and parking areas, landscaping, boundary treatment, drainage, signage, building and landscaping material and external lighting.
- 5.24 A Reserved Matters Planning Application (19/0572/RM) for the Phase 1 development of the Commercial Area was submitted on 27th June 2019 and subsequently granted Approval under Delegated Powers (subject to conditions) on 23rd August 2019.
- 5.25 **Future Anticipated Project Milestones**
- Completion of Technical Design (RIBA Stage 4) – September 2019;
 - Main Works Contract – Procurement of Contractor – October to December 2019;
 - RIBA Stage 5 (Construction) – commences January 2020.
- 5.26 Detailed Pre-Tender Cost Plans prepared by Cost Consultants Faithful + Gould indicate the build cost for all 5 buildings within the Phase 1 feasibility area will exceed the current construction budget of circa £1.6M by a considerable margin. Based on latest estimates, the available budget would enable construction of only 2 buildings (out of the maximum of 5 buildings proposed).
- Proposed Tender Strategy
- 5.27 The tender contract strategy will be JCT Design and Build 2016 based on designs developed to RIBA Stage 4. Tenderers will be asked to price four distinct “Scope Options”, a similar approach to the Lawns scheme (as described at 5.12). This will allow the Council a degree of flexibility in build options, should additional funding become available. The four options are as follows:
- **Base Scheme** – Comprising a maximum of 5 units;
 - **Option 2** – 4 units (plots 1-4);
 - **Option 3** – 3 units (plots 1-3);
 - **Option 4** - 2 units (plots 1 & 2).
- 5.28 A speculative “Prior Information Notice” has recently been issued via Sell2Wales, in advance of the formal Contract Notice, to ascertain Contractor interest in the Scheme. The response rate has been high, indicating a keen interest in the project from suitably experienced construction companies.
- 5.29 Based on the upper limit of external funding likely to become available, and taking into consideration other factors including implementation timescales, it is Officers’ opinion that **Scope Option 2 - comprising 4 employment buildings and up to 12 individual units** is the preferred option at this time.
- 5.30 Scope Option 2 would deliver a significant positive increase to the anticipated Project Outputs, as set out in the table below.

Current Anticipated Outputs - BP		Scope Option 2 – 4 buildings	
Result Indicator	Anticipated Achievement	Anticipated Achievement	Variance
Land Developed (Ha)	1.0	1.2	+0.2
Premises Created or Refurbished (sq.m)	700	1300	+600
Jobs Accommodated	Up to 10	24	+14
SME's Accommodated	Up to 10	12	+2

- 5.31 Based on Pre-Tender Cost Estimates provided by Cost Consultants Faithful + Gould, the Total Project Out-turn for Scope Option 2 is estimated to be **£3,500,278**. Currently the total funding package secured for the project is **£2,130,375**, resulting in an estimated Funding Gap of **£1,369,903**. It is proposed that this shortfall will be met through a further bid for ERDF monies, with additional match funding contributions sought from the Council and Welsh Government as Joint Venture Project Delivery Partners. The table below gives an overview of the original funding position and anticipated out-turn figures.

Project Cost Heading	Approval @ 2017	Virements / additional funding	Current Position @ Sept 2019	Anticipated Out-turn (£) –based on Scope Option 2	Variance / to be funded
Construction - Building & External Works Costs	£1,624,546	-	£1,624,546	£2,954,628	
Design & Contract Supervision Fees	£204,693	£138,136	£342,829	£382,650	
Other Costs – Revenue (including Staff Project Management, Support Services, Marketing)	£163,000	-	£163,000	£163,000	
Estimated Scheme Total Costs	£1,992,239	£138,136	£2,130,375	£3,500,278	£1,369,903
Sources of Funding					
ERDF	£1,291,667	£50,000	£1,341,667	£2,299,538	£957,871 <i>(Requested)</i>
Other Public Sector Funding					
CCBC Capital	£350,286	£49,714	£400,000	£600,370	£200,370 <i>(Requested)</i>
Welsh Government	£350,286	£38,422	£388,708	£600,370	£211,662 <i>(To be Confirmed)</i>
Total Funding	£1,992,239	£138,136	£2,130,375	£3,500,278	£1,369,903

Current Position:

- 5.32 During the development of the aforementioned projects officers have been in regular dialogue with WEFO advisors and the opportunity to attract additional ERDF funds towards both schemes had been inferred, subject to project status and the availability of associated match funding.
- 5.35 As of the 12th August 2019 officers have been formally advised that additional ERDF, of circa £3m, is likely to become available for SE Wales regional ERDF P4.SO4 projects.
- 5.34 In order to attract additional ERDF funds, officers have been asked to put forward 'pipeline' projects to the appropriate Regional Board for prioritisation, in the form of new, standalone projects or additional phases of 'live' projects. In this instance and in light of the above both the Lawns and Ty Du projects have been put forward by the pre-determined deadline of the 28th August 2019.

- 5.35 It has been strongly advised that to be successful, WEFO will be looking for clear evidence that the applicant, in this case the Local Authority, can progress and deliver the project. With this in mind both the Lawns and Ty Du schemes are in a very strong position, subject to securing additional match funding.
- 5.36 In order to attract further ERDF funding via WEFO the Council would therefore be required to confirm a minimum of circa **£402,234** additional match funding, as further outlined in Section 10.
- 5.37 Cabinet should note that both developments will generate an income to the Council from lettings. By increasing the developed floorspace with additional funding, the level of potential rental income will also increase.
- 5.38 In this regard, the rental is likely to be circa £3.50 per sq. ft. per annum for the Lawns whilst the Ty Du site should generate £6.50 per sq. ft. for small units and £4.50 per sq. ft. for larger units. The income on Ty Du will be shared with Welsh Government under the Joint Venture (JV) agreement. Please refer to the table below, which shows the potential level of rental income generated from the Lawns and Ty Du development proposals.

The Lawns, Rhymney					
Total Project Income	Total CCBC Contribution	Projected Annual Income*	Projected Income – after 30 years		
£2,923,309	£1,003,864	£37,636	£1,129,065		
* Based on a figure of at least £3.50 rental income per sq. ft. (10,753) per annum and 100% occupation					
Ty Du, Nelson					
Total Project Income	Total CCBC Contribution	Projected Annual Income*	Projected Income – after 20 years	50% CCBC Income – as per JV	50% WG Income – as per the JV
£3,500,278	£600,370	£62,969*	£1,259,370	£629,685	£629,685
* Based on a figure of at least £4.50 rental income per sq. ft. (13,993) per annum and 100% occupation					
Total Project Income	Total CCBC Contribution	Projected Annual Income*	Projected Income – after 14 years	50% CCBC Income – as per JV	50% WG Income – as per the JV
£3,500,278	£600,370	£90,995*	£1,273,363	£636,682	£636,682
* Based on a figure of at least £6.50 rental income per sq. ft. (13,993) per annum and 100% occupation					

- 5.39 As indicated above and based on the full schemes being implemented, as outlined in this Report, the projected annual income would range between £100,605 and £128,631.
- 5.40 It is anticipated to take up to 30yrs (subject to 100% occupation) to recoup the full Council investment of £1,003,864 for the Lawns. In terms of the Ty Du site, given the JV agreement, it is anticipated to be between 14 and 20yrs for the Council to fully recoup the investment of £600,370 (subject to 100% occupation).

6. ASSUMPTIONS

- 6.1 This report assumes that Welsh Government will be able to secure the necessary match funding for the Ty Du Employment scheme and that all the costings presented in this report remain valid for a period of at least 6 months.
- 6.2 The table at section 5.38 above assumes an income per sq. ft. of at least £3.50 for the Lawns and at least £4.50 or £6.50 for Ty Du, along with a 100% occupation rate for the time periods shown, but makes no assumption to rent rises which could reduce the payback period assumed in the report.

7. LINKS TO RELEVANT COUNCIL POLICIES

Corporate Plan 2018-2023:

- 7.1 The report recommendations contributes towards or impacts predominantly on the following Corporate Well-being Objectives:

Objective 2 - Enabling employment.

Objective 6 - Support citizens to remain independent and improve their well-being.

Council's Local Development Plan:

- 7.2 The proposals also align with the key aims within the Council's LDP, specifically:

To increase the economic prosperity of the people and communities of the County Borough through the provision of land for employment opportunities, supported by appropriate housing and ancillary facilities and services and services (including community and health facilities, recreation, leisure etc).

Objective 18: Provide and protect a diverse portfolio of employment land for a variety of employment uses, focusing in particular on higher value employment opportunities and sites to meet local need, including waste management facilities.

Partial delivery of allocated site EM1.2 Ty Du, Nelson.

Regeneration Strategy 2018-2013 – A Foundation for Success:

- 7.2 The proposal contributes towards the following key priorities of the Council's Regeneration Strategy - A Foundation for Success:

Priority SP3: Reducing worklessness – supporting mechanisms that encourage pathways to employment along with new facilities offering increased employment opportunities;

Priority SP5: Developing skills in key growth areas;

Priority SP9: Reduce inequality by reducing the number of lower super output areas within the top 10% most deprived areas within Wales;

Priority SP10: Ensure that Cultivational Procurement is a key consideration in the procurement of goods and services - ensure that local businesses and supply chains benefit from investment made by the public sector;

Priority SB1: Building a more resilient & diversified economy – supporting the growth of local companies;

Priority SB2: Supporting economic growth and innovation – build upon existing prominent economic sectors by the development of incubator/innovation centres and hubs;

Priority SB3: Creating than environment that nurtures businesses – improve the rate of emergence of new indigenous businesses within the county borough;

Priority SB4: Key Sites and Infrastructure for employment opportunities – economic development is guided to the most appropriate locations;

Priority SB5: Boost Business Support and Enterprise – promote enterprise and self employment to grow economic output and raise activity rates;

Priority CCP3: Promote place-making development around key transport hubs and nodes – promote economic development at key locations on the transport network to realise significant place making change.

8. WELL-BEING OF FUTURE GENERATIONS

8.1 The proposals outlined in this report contribute to the Well-being Goals. As such it aligns with the following:

- A prosperous Wales – Providing more jobs in the area will create more wealth for the local population.
- A Resilient Wales – Providing additional and more diverse employment opportunities will make the area more resilient to external economic factors.
- A Wales of Cohesive Communities – providing local employment opportunities will help to stabilise and develop local communities and prevent outmigration as people seek work.

8.2 A long term approach to the economic well-being of the area will be taken to ensure that the programme of measures are targeted in a way that allows for long term growth through collaborative working with other public sector organisations and the private sector. The projects aim to integrate with other public bodies' goals and aspirations including those of the Welsh Government through the Cardiff Capital Region, the Valleys Metro and the Valleys Task Force.

8.3 The report recommendations are consistent with the five ways of working as defined within the sustainable development principle in the Act. The five ways of working of the sustainable development principle, listed in the Act are:

- Long Term – The importance of balancing short-term needs with the need to safeguard the ability of future generations to meet their long-term needs;
- Prevention - How acting to prevent problems occurring, or getting worse, may help public bodies meet their objectives;
- Integration – Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies;
- Collaboration – Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives;
- Involvement – The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

9. EQUALITIES IMPLICATIONS

9.1 Equalities is a cross cutting theme for the European Structural Investment Funds programmes and each project must address this according to each Priority and Theme. **The planned**

investments inherent in the EU Funding programmes will benefit many different groups in the community.

- 9.2 No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out.

10. FINANCIAL IMPLICATIONS

The Lawns:

- 10.1 The overall project costs for the Lawns scheme range between circa £2.293 (Optional Scheme) and £2.923m (Base Scheme).
- 10.2 Funding of £2.293m (£802K CCBC & £1,491,667m ERDF) is already in place to deliver the Optional scheme as outlined in Section 5 of this Report. However, the Council hope to attract a further £427,778, at the maximum grant rate of 65.66%, towards the project via ERDF resources. In light of this the Council's requested contribution is **£201,864**.

Ty Du:

- 10.3 The overall project costs for the preferred Scope Option 2 are estimated to be circa £3,500,278 (based on the construction of 4 buildings, plus associated external works, design, contract supervision and revenue expenditure).
- 10.4 Funding of £2,130,375 (£1,341,667 ERDF, £400,000 CCBC, £388,708 WG) is currently secured. The resulting funding gap to deliver Option 2 is estimated to be £1,369,903. A further £957,871 ERDF is being sought by Officers, which would leave a remaining match funding contribution of £412,032. It is expected that this amount will be shared with Welsh Government under the current Joint Venture arrangement. In light of this the Council's requested contribution is **£200,370**.

Lawns & Ty Du Combined:

- 10.5 The combined additional Council funding request is circa **£402,234** which will attract circa **£1.386M** additional ERDF and enable the full implementation of the intended and 'as designed' schemes at the Lawns and Ty Du sites.
- 10.6 Officers have identified the Capital earmarked reserve as a funding source for the Council contribution.
- 10.7 As outlined in Section 5 above both developments will generate an income to the Council from lettings. Increasing the developed floorspace will increase the potential rental income. The rental is likely to be circa £3.50 per sq ft per annum for the Lawns whilst the Ty Du site should generate £6.50 per sq ft for small units and £4.50 per sq ft for larger units. The income on Ty Du will be shared with Welsh Government under the Joint Venture agreement.
- 10.8 As further outlined in Section 5 the projected annual income would range between **£100,605** and **£128,631**. It is anticipated to take up to 30yrs (subject to 100% occupation) to recoup the full Council investment of £1,003,864 for the Lawns. In terms of the Ty Du site, given the JV agreement, it's anticipated to be between 14 and 20yrs for the Council to fully recoup the investment of £600,370 (subject to 100% occupation).

11. PERSONNEL IMPLICATIONS

- 11.1 As the projects progress, technical advice and expertise from other external and internal Service Areas including the Council's Engineering Projects Group, Building Consultancy, Corporate Finance, Procurement and Legal Service will be required with Officers from Regeneration and Planning's Team continuing to co-ordinate delivery.

11.2 The relevant staff time charges for support services (including financial grant management, procurement services and legal inputs) have been identified and included within the projects financial cost profiles.

12. CONSULTATIONS

12.1 All consultation responses are reflected in the report.

13. STATUTORY POWER

13.1 The Planning and Compulsory Purchase Act 2004.

13.2 Local Government Acts.

13.3 Town and Country Planning Act 1990

Author: Allan Dallimore, Regeneration Services Manager

Consultees: Cllr Sean Morgan, Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability & Wellbeing of Future Generations Champion
Cllr Barbara Jones, Deputy Leader and Cabinet Member for Finance, Performance and Governance
Cllr Brenda Miles, Nelson Ward
Cllr John Bevan, Moriah Ward
Cllr David Harse, Moriah Ward
Mark S. Williams, Interim Corporate Director Communities
Stephen Harris, Interim Head of Business Improvement Services and Section 151 Officer
Rhian Kyte, Head of Regeneration and Planning
Marcus Lloyd, Head of Infrastructure
Robert Tranter, Head of Legal Services/Monitoring Officer
Liz Lucas, Head of Customer and Digital Services
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Ryland Llewellyn, Regeneration Projects Officer
Glenn Cooper, Regeneration Projects Officer
Nadeem Akhtar, Group Accountant, Corporate Finance
Dave Roberts, Principal Accountant, Corporate Finance
Paula Beaman, Grants Manager, Corporate Finance
Richard Crane, Senior Solicitor, Corporate Services
Anwen Cullinane, Senior Policy Officer, Equalities and Welsh Language
Shaun Watkins, Human Resources Service Manager

Appendices:

Lawns:

Appendix 1 – (a) Site Area/Layout Plan
(b) Site Aerial View
(c) Outline Unit Plan

Ty Du:

Appendix 2 – (a) Site Area Plan
(b) Elevation drawings

NOTES :-
 DO NOT SCALE FROM THIS DRAWING
 ANY DISCREPANCIES TO BE REPORTED TO THE CONTRACT ADMINISTRATOR
 CONTRACTOR TO CHECK DIMENSIONS ON SITE
 DRAWINGS ISSUED WITHOUT STATUS ARE DRAFT ONLY

Line of exiting Waste Transfer Station

Site (Base Scheme) Boundary

Option
 Option - Provide fencing ER 9.4.2 along 'Base' scheme unit line to close off site where 'Option' scheme taken.

Page 48

Key

Base Scheme - Contractors site boundary. Limited works to incoming services and highway lie outside this. Refer to drawing TH1209 - 203C



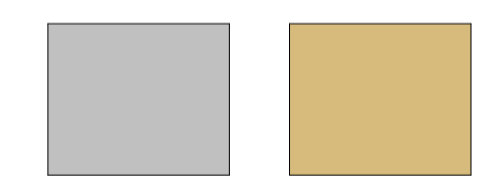
Option Scheme - As Base Scheme minus area within blue boundary



Landscaped areas as ER 10.0



Roads and Paving as Engineering ERs and drawings



Bryteg Crescent

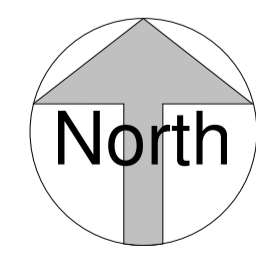
8m wayleave allowed to culvert

Site Access Point

Unit 1

Unit 3

Unit 2



Proposed Site Layout
 1 : 250

A	180319	Boundary description amended	JCH	AY
rev	date	amendment	drawn	chckd
Preliminary <input type="checkbox"/>		Tender <input checked="" type="checkbox"/>		Construction <input type="checkbox"/>
Building Consultancy Unit 1 Woodfieldside Business Park Pontllanfraith Blackwood NP12 2DG Tel: (01495) 226622 Building Consultancy Manager: M. Williams B.Eng, C.Eng, M.I.C.E.				
project title The Lawns Industrial Estate - New Industrial Units				
drawing title Proposed Site Layout				
date	scale	drawn	checked	
02/27/18	As indicated	JCH	AY	
project no.	drawing no.		rev.	
4539	A102 A			

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Notes:-

DO NOT SCALE FROM THIS DRAWING

ANY DISCREPANCIES TO BE REPORTED TO THE CONTRACT ADMINISTRATOR

CONTRACTOR TO CHECK DIMENSIONS ON SITE

DRAWINGS ISSUED WITHOUT STATUS ARE DRAFT ONLY



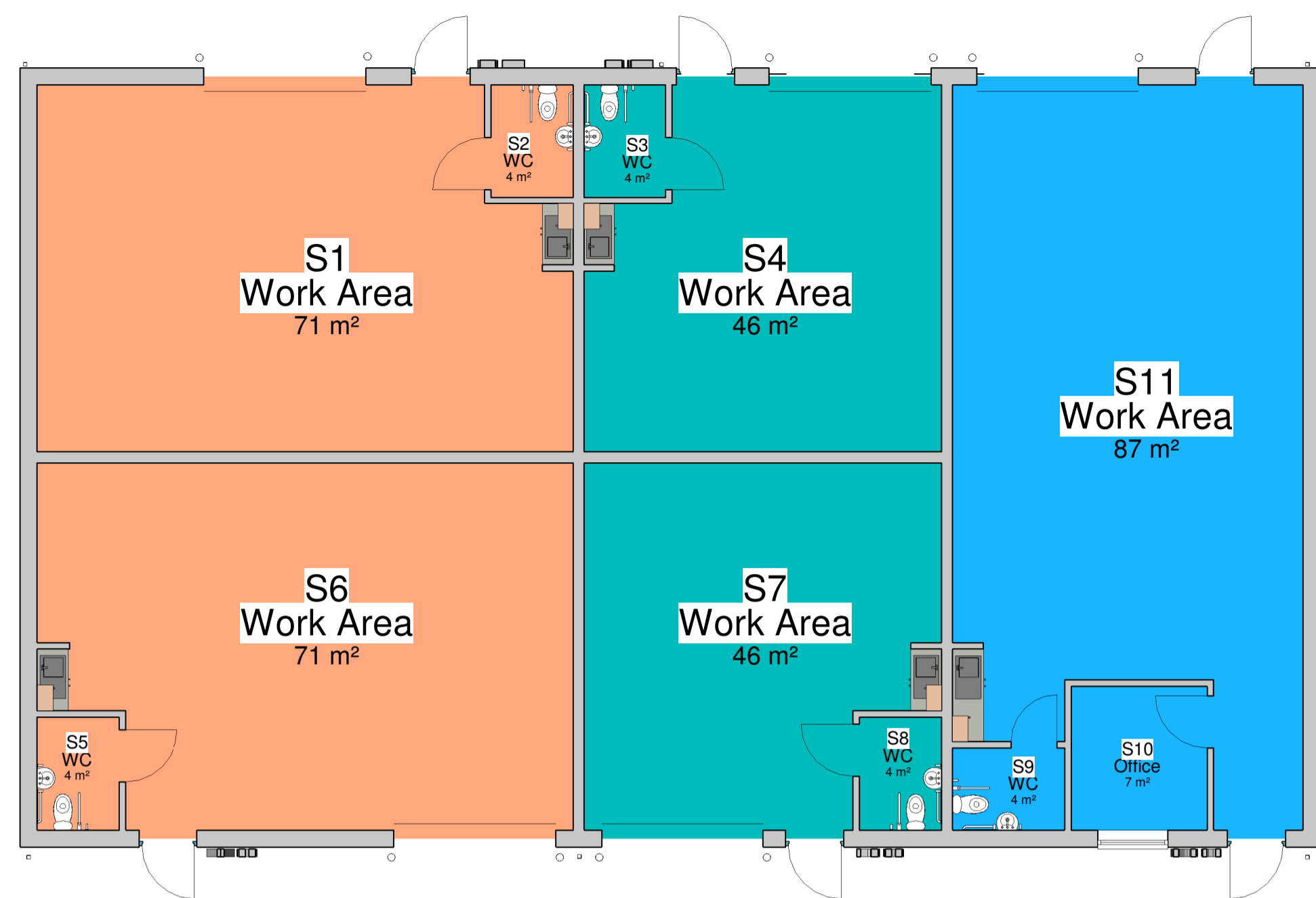
South Aerial View



North Aerial View

rev	date	amendment	drawn	chckd
drawing status				
Preliminary <input type="checkbox"/>		Tender <input checked="" type="checkbox"/>		Construction <input type="checkbox"/>
		Building Consultancy Unit 1 Woodfieldside Business Park Pontllanfraith Blackwood NP12 2DG		
		Tel: (01495) 226622 Building Consultancy Manager: M Williams B.Eng, C.Eng, M.I.C.E		
project title				
The Lawns Industrial Estate - New Industrial Units				
drawing title				
Aerial Views				
date	scale	drawn	checked	
02/26/09		JCH	AY	
job no.	drawing no.		rev.	
4539	A110			

NOTES :-
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 CONTRACTOR TO CHECK DIMENSIONS ON SITE
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Standard Unit: Base Scheme x 3no / Option Scheme x 2 no :

- 2no 50 sq m units
- 2no 75 sq m units
- 1no 98 sq m unit
- Areas include wcs and offices.

All units contain accessible wc plus sink and cupboard area
 98 sq m unit contains office area in addition.

Standard Unit
 1 : 100

Unit Types

- 50 sq m Unit
- 75 sq m Unit
- 100 sq m Unit



Entrance Unit
 1 : 100

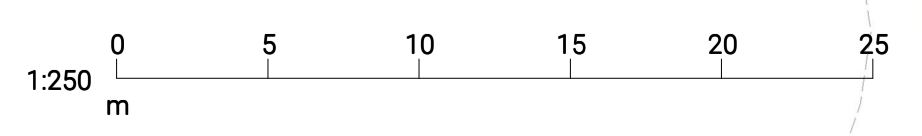
Entrance Unit: Both Schemes 1no.:

- 4no 50 sq m units
- 1no 95 sq m unit
- Areas includes wcs and offices

All units contain accessible wc plus sink and cupboard area
 95 sq m unit contains office area in addition.

Common Services space included for CCTV/IT main connections etc

rev	date	amendment	drawn	chckd
drawing status				
Preliminary <input type="checkbox"/>		Tender <input checked="" type="checkbox"/>		Construction <input type="checkbox"/>
 Building Consultancy Unit 1 Woodfieldside Business Park Pontllanfraith Blackwood NP12 2DG Tel: (01495) 226622 Building Consultancy Manager: M. Williams B.Eng, C.Eng, M.I.C.E.				
project title				
The Lawns Industrial Estate - New Industrial Units				
drawing title				
Outline Unit Plans				
date	scale	drawn	checked	
09/29/17	1 : 100	JCH	AY	
project no.	drawing no.		rev.	
4539	A103			



#	24.06.19	PLANNING ISSUE	LH	BM
Rev	Date	Description	By	Chk

PLANNING ISSUE

darnton
ARCHITECTURE
CARDIFF
5 Callaghan Square, Cardiff, CF10 5BT
Tel: 029 2034 2688 www.darntonb3.com

CLIENT
Caerphilly Borough Council

PROJECT
Ty Du Employment Scheme

TITLE
Site Plan - Colour

CREATION DATE	SCALE @ A1	DWN	CHK	STATUS
07/06/19	1:250	LH	BM	S2

SHEET NO
13273 - DB3 - S01 - ZZ - DR - A - 90009 #

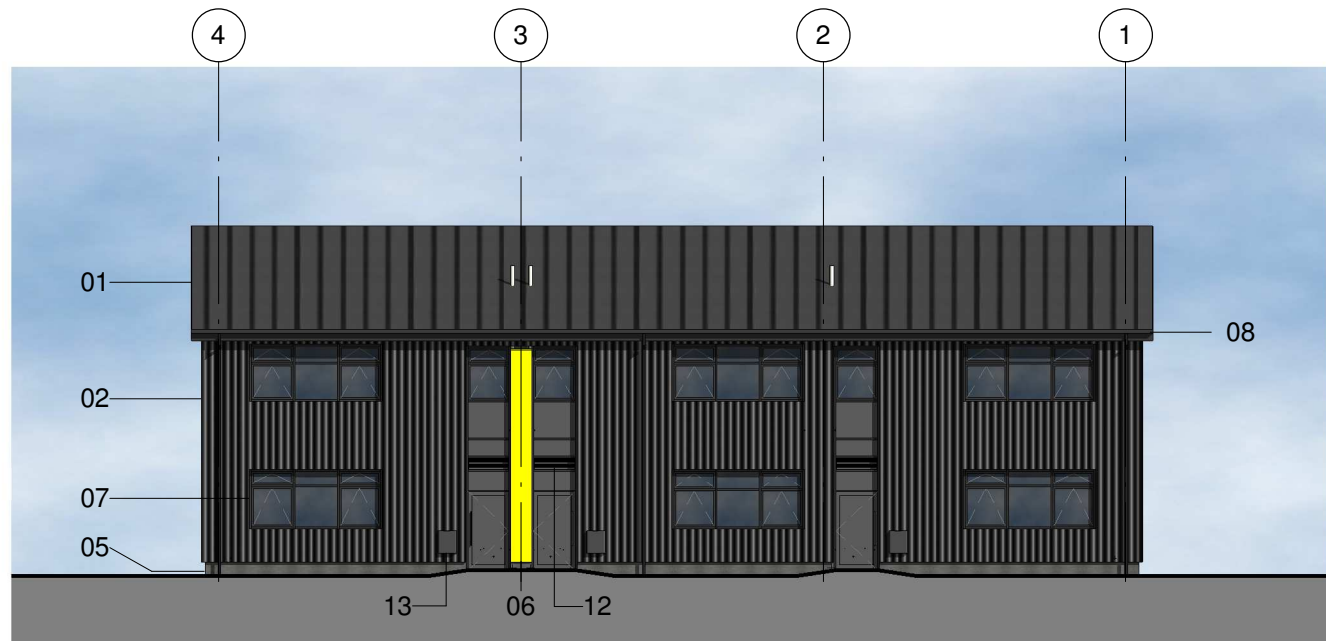
PROJECT NO/DIRECTION/ZONE/ELEVITY/PERSON/NUMBER
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PLOT DATE: 24/06/2019 10:12:30



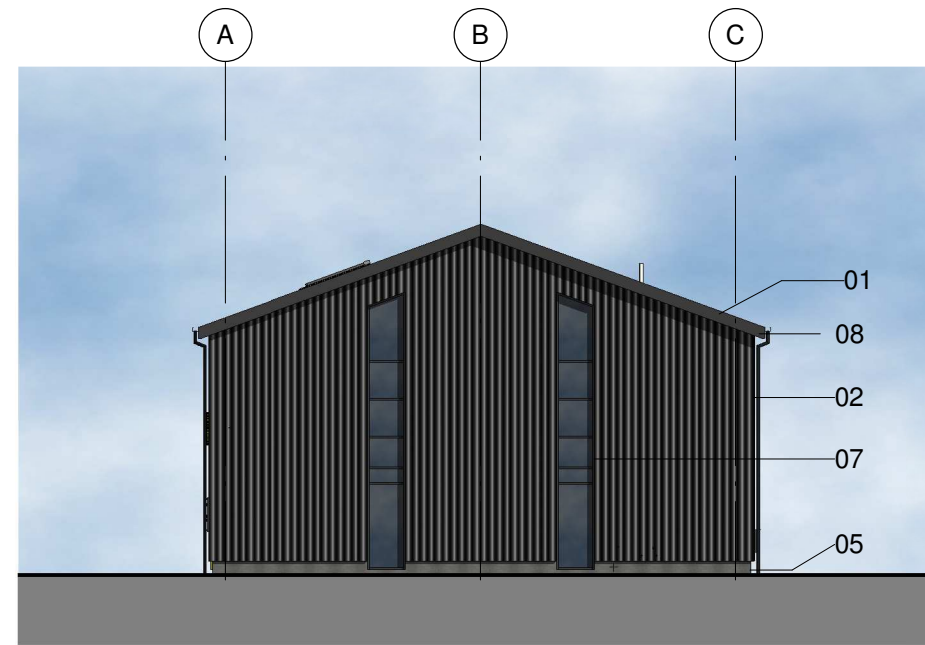
Elevation - Front

1 : 200



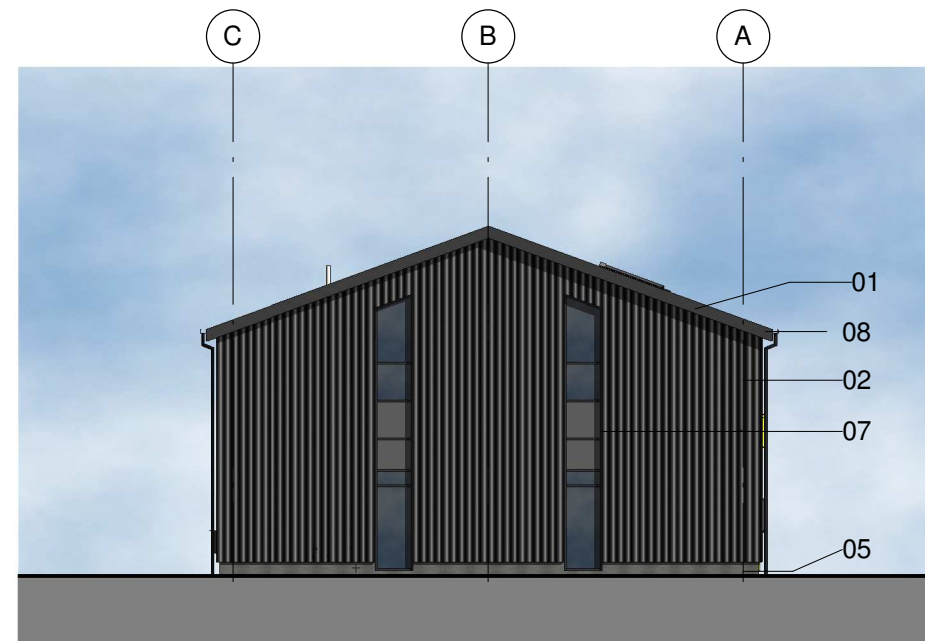
Elevation - Rear

1 : 200



Elevation - End 1

1 : 200



Elevation - End 2

1 : 200

- 01 Dark grey metal roof
- 02 Profiled metal cladding
- 03 Charred timber cladding
- 04 Flat grey metal cladding
- 05 Grey brick plinth
- 06 Flat yellow metal cladding
- 07 Aluminium windows
- 08 Metal rainwater goods and fascias painted grey
- 09 Contrast signage
- 10 Unified signage
- 11 Contrast colour doors
- 12 Ventilation louvres PPC dark grey
- 13 Gas connection service entry box

Rev	Date	Description	By	Chk
B	24.06.19	PLANNING ISSUE	LH	BM
A	14.06.19	Issued for costing	BM	LH
#	07.06.19	First Issue	BM	LH

PLANNING ISSUE

darntonB3
ARCHITECTURE

CARDIFF

5 Callaghan Square, Cardiff, CF10 5BT
Tel: 029 2034 2688 www.darntonb3.com

CLIENT
Caerphilly County Borough Council

PROJECT
Ty Du Employment, Phase 1, Building 1

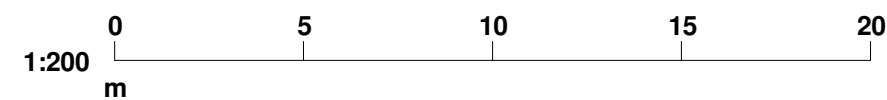
TITLE
Building 1 - Elevations

CREATION DATE	SCALE @ A3	DRN	CHK	STATUS
10/05/19	1 : 200	LH	BJM	S2

SHEET NO.	REVISION
13273-DB3-B01-ZZ-DR-A-20_12	B

PROJECT NO/ORGANIZATION/LEVEL/TYPE/ROLE/NUMBER
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PLOT DATE: 25/06/2019 17:03:08





CABINET – 2ND OCTOBER 2019

SUBJECT: WELSH GOVERNMENT CONSULTATION ON THE DRAFT NATIONAL DEVELOPMENT FRAMEWORK

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 For Members to consider the Council's response to the Welsh Government consultation on the Draft National Development Framework.

2. SUMMARY

- 2.1 On 7 August 2019, Welsh Government published the Draft National Development Framework (NDF) for Wales for consultation. The NDF is a new and highest tier of development plan in Wales. The NDF addresses issues and challenges at the national scale and provides the national policy framework for SDPs and LDPs which are prepared to provide the more local strategies.
- 2.2 Concerns are raised in respect of a number of issues including: the strategy is conflicting and does not provide the necessary overarching policy framework; the omission of nationally important matters such as the M4; the contribution of offshore wind and tidal lagoon energy generation; the spatial strategy seeks to focus on urban centres that could lead to town cramming and reduction in quality of life; the requirement to designate a Green Belt that could compromise the ability of Cardiff, Newport, Cwmbran and Caerphilly to be the focus of national and regional growth; the lack of reference to the potential of the A465 to contribute towards economic growth; and the omission of Ystrad Mynach from the Caerphilly/Ystrad Mynach Strategic hub as defined by The Valleys Task Force.
- 2.3 If agreed the comments will be forwarded directly to Welsh Government before the deadline for responses of 1st November 2019.

3. RECOMMENDATIONS

- 3.1 That Cabinet agree to endorse the comments set out in the 'Response to the Consultation on the Draft National Development Framework'.
- 3.2 That Cabinet agree to forward the comments to Welsh Government, as the formal comments of the Council, by the closing date of 1 November 2019.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To endorse the comments as the Council's response to the NDF.

- 4.2 To ensure that the comments are received by Welsh Government before the closing date for the consultation.

5. THE REPORT

- 5.1 On 7 August 2019, Welsh Government published the Draft National Development Framework (NDF) for Wales for consultation. The deadline for comments as part of the consultation is Friday 1 November 2019.
- 5.2 The NDF is a new and the highest tier of development plan that will set the direction for development in Wales from 2020 to 2040. It is focused on issues and challenges at a national scale and, through its strategy, seeks to address key national priorities through the planning system. Its strategic nature means it does not allocate development to all parts of Wales, nor does it include policies on all land uses. It is a framework which will be built on by Strategic Development Plans (SDPs) at a regional level and Local Development Plans (LDPs) at local authority level. SDPs and LDPs are required to be in conformity with the NDF and must be kept up to date to ensure they, and the NDF, work together effectively.
- 5.3 The NDF is set out in five chapters:
1. Introduction: which sets out what the NDF is and how the document is set out;
 2. Challenges and Opportunities: which sets out the context for the NDF, identifying the issues that are facing Wales in the future and what opportunities exist moving forward;
 3. NDF Outcomes: identifying what the outcomes are expected to be at the end of the NDF period in 2040;
 4. The NDF Spatial Strategy: setting out the overall spatial strategy for Wales, identifying areas for national and regional growth. This section also sets out 15 policies addressing issues of national significance;
 5. The Regions: This section breaks Wales down into 3 distinct regions (North Wales, Mid and South Wales, South East Wales – Caerphilly being within the latter region which covers the Cardiff Capital Region). For each Region the chapter sets out a series of policies specifically relevant to that region.
- 5.4 A number of comments are raised in respect of the NDF and these are set out in the Response to the Consultation on the Draft National Development Framework, which is appended as Appendix 1 to this document. The principal comments/concerns are:
- The NDF does not provide a complete policy coverage upon which SDPs and LDPs can expand the policy framework.
 - The lack of consideration of transport issues such: as the congestion at the M4 Brynglas Tunnels and the consequential impact on business and the potential to maximise the investment in the A465 Heads of the Valleys Road indicates that the transport policy framework is incomplete and does not provide lower tier plans with sufficient guidance to steer regional and local policy frameworks.
 - The NDF only addresses solar and onshore wind energy generation and makes no reference to the significant potential that offshore wind and tidal lagoons can have to the generation of renewable energy.
 - The Outcomes provide a conflicting set of objectives that cannot deliver sustainable development.
 - Policies 1 to 3 of the Spatial Strategy do not reference key limitations, such as the issues on the M4. Whilst the general position of focussing development in existing centres is welcomed, the wording of the policies is likely to result in a total focus on settlement centres with the associated town cramming, loss of open space and detrimental effect to quality of life that the Well-being Act is seeking to promote

- Significant concerns are raised in respect of the policy in respect of affordable housing that seeks 47% of housing to be affordable. This is neither viable nor deliverable.
- The policy promoting low emission and electric vehicles and transport is contrary to objectives to reduce the need to travel and reduce congestion.
- The proposals for large scale wind and solar farms that will have a presumption in favour, and acceptance of landscape change, within areas designated as Priority Areas is of serious concern.
- The requirement to designate a green wedge from the Severn crossings to Cardiff could sterilise land around Newport, Cardiff, Cwmbran and Caerphilly, contrary to the objective of realising growth in those settlements.
- There is a lack of reference to the economic potential of the A465 corridor.
- Only Caerphilly is named as a Centre for Regional Growth when the Valleys Task Force identifies the Caerphilly/Ystrad Mynach at the Strategic Hub for Growth.

5.5 Overall there are significant concerns that the NDF as drafted does not provide a robust and appropriate overarching policy document for SDPs and LDPs to appropriately expand and provide further detail upon. The omissions from the NDF mean that a number of nationally important issues are not considered and conflicting outcomes and policies will render dissemination at lower tier plans very difficult.

5.6 The deadline for comments on the NDF is 1 November 2019. If the comments are agreed by Cabinet they will be sent directly to Welsh Government as the formal comments of the Council.

6. ASSUMPTIONS

6.1 There are no assumptions used in this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

Corporate Plan 2018-2023.

7.1 The report recommendations contribute towards all of the Corporate Well-being Objectives:

8. WELL-BEING OF FUTURE GENERATIONS

8.1 The Draft National Development Framework contributes to all seven wellbeing goals:

- A globally responsible Wales
- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language

8.2 The Draft National Development Framework will demonstrate the 5 ways of working in action:

- Long Term – The importance of balancing short-term needs with the need to safeguard the ability of future generations to meet their long-term needs;
- Prevention - How acting to prevent problems occurring, or getting worse, may help public bodies meet their objectives;

- Integration – Considering how the public body’s well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies;
- Collaboration – Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives;
- Involvement – The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

9. EQUALITIES IMPLICATIONS

9.1 There are no specific equalities implications associated with this report for any specific groups or individuals therefore a full equalities impact assessment has not been carried out.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications associated with this report.

11. PERSONNEL IMPLICATIONS

11.1 There are no direct personnel implications associated with this report.

12. CONSULTATIONS

12.1 All relevant service areas have been asked for any comments they may have on the NDF and all comments received are incorporated within the report.

13. STATUTORY POWER

13.1 Planning (Wales) Act 2015

Author: Dave Lucas, Team Leader, Strategic & Development Plans

Consultees: Cllr E Stenner, Cabinet Member for Environment and Public Protection
 Cllr D T Davies, Chair of Environment and Sustainability Scrutiny Committee
 Cllr A Hussey, Vice Chair of Environment and Sustainability Scrutiny Committee
 Christina HARRY, Interim Chief Executive
 Mark S Williams, Interim Corporate Director of Communities
 Stephen Harris, Interim Head of Business Improvement Services & Acting S151 Officer

Lynne Donovan, Head of People Services
 Rhian Kyte, Head of Regeneration and Planning
 Rob Hartshorn, Head of Public Protection, Communities & Leisure Services
 Shaun Couzens, Chief Housing Officer
 Mike Headington, Green Spaces and Transport Services Manager
 Marcus Lloyd, Head of Infrastructure
 Clive Campbell, Transportation Engineering Manager
 Allan Dallimore, Regeneration Services Manager
 Phil Griffiths, Green Space Strategy and Cemeteries Manager

Appendices:

Appendix 1 Response to the Consultation on the Draft National Development Framework

Appendix 1 – Response to the Consultation on the Draft National Development Framework.



Welsh Government
Consultation Document

National Development Framework

Date of issue: 7 August 2019
Action required: Responses by 1 November 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This consultation is seeking your views on the draft of a new national plan for Wales, the National Development Framework (NDF), over the period 7 August to 1 November 2019.

How to respond

Please respond to this consultation by using the response form. Responses can be submitted in a number of ways:

Online: <https://gov.wales/consultations>

Email: ndf@gov.wales

Post: NDF Team, Planning Policy Branch,
Welsh Government, Cathays Park, Cardiff CF10 3NQ

When responding please state whether you are responding in a personal capacity or are representing the views of an organisation.

We will be holding a series of sessions in public buildings across Wales in September and October, where you can come and talk to us about this consultation. These sessions will be by appointment. Details of dates, venues and how to book your slot will be published on our web pages soon. You can also email or call us for more information.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

This consultation document is accompanied by Appendices.

Further general details on the National Development Framework can be found on our website:

<https://gweddill.gov.wales/topics/planning/national-development-framework-for-wales/?lang=en>

Contact details

For further information:

email: ndf@gov.wales

telephone: 0300 025 3261

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

What is the National Development Framework?

The NDF is a 20-year plan for Wales up to 2040. It covers the big issues important to Wales' success, including housing, energy, economy, transport and the environment. It identifies where nationally significant developments should take place, where key growth areas are, what infrastructure and services are needed and how Wales can contribute to the fight against climate change. It is about making the best use of resources, creating accessible healthy communities and protecting our environment.

The NDF is not about local matters which are normally dealt with at local authority level – but rather takes a broader look at what Wales, as a whole, needs in order to achieve prosperity and well-being now and in the future.

What does the draft NDF do?

The draft NDF sets out development policies for Wales as a whole and for the North Wales, Mid and South West Wales and South East Wales regions. The regional approach aligns with other Welsh Government strategies and allows a consistent approach to policy implementation across Wales.

The draft NDF identifies overarching outcomes which are a vision for change over the next 20 years and form the basis for its policies and proposals.

It is important we think about the NDF's effects and impacts. The Integrated Sustainability Appraisal and the Habitats Regulations Assessment help us do this.

This consultation

We want your views on the draft NDF. The following documents are provided to help you respond to this consultation:

- the draft NDF (also available in printed format)
- an easy-read version of the draft NDF (also available in printed format)
- a youth friendly version of the draft NDF
- a leaflet setting out background to the NDF and summarising the content of the draft NDF (available in printed format)
- full and summary versions of the Integrated Sustainability Appraisal
- a full Habitats Regulations Assessment report

NDF Supporting Documents

This is a list of policies, strategies, consultations, research, publications and materials that have supported the development of the draft National Development Framework.

Hyperlinks have been provided where possible. Please note our NDF webpages are in the process of being migrated to a new platform and it is possible hyperlinks might not work in the short term. If this proves to be the case please contact us for the correct hyperlink or a copy of the document.

NDF Publications	Published
<u>Animation</u>	February 2017
<u>Engagement Events Report</u>	July 2017
<u>Engagement Events Report</u>	April 2018
<u>Interim Integrated Sustainability Appraisal Report</u>	April 2018
<u>Integrated Sustainability Appraisal Scoping Report</u>	April 2018
<u>Preferred Option Explanatory Leaflet</u>	April 2018
<u>Preliminary Habitats Regulations Assessment - Screening Report</u>	April 2018
<u>Statement of Public Participation</u>	July 2019
<u>Summary of Engagement and Participation</u>	July 2018
<u>Engagement Plan</u>	August 2019
NDF Consultations	
<u>Proposals relating to the Statement of Public Participation</u>	February 2016

Call for Evidence and Projects	December 2016
Integrated Sustainability Appraisal Scoping Report	April 2017
Issues, Options and Preferred Option	April 2018
NDF Research	
Identification of Regional Areas Study	August 2017
Assessment of On-Shore Wind and Solar Energy Potential	August 2019
Regions and Rural Areas Study	August 2019
Welsh Government publications supporting development of the NDF	
Housing need and demand (2018-based)	January 2019
Independent Review of Affordable Housing Supply	Mai 2019
Summary Statistics for Economic Regions	May 2019
Estimates of housing need in Wales by tenure: 2018-based	June 2019
Welsh Government Programmes, Plans and Strategies informing development of the NDF	
The Wales Transport Strategy	April 2008
Welsh Infrastructure Investment Plan	May 2012
South Wales Metro	February 2016

<u>North East Wales Metro: Moving North Wales Forward</u>	March 2017
<u>Cymraeg 2050</u>	July 2017
<u>Natural Resource Policy</u>	August 2017
<u>Prosperity for All: The National Strategy</u>	September 2017
<u>Mobile Action Plan</u>	October 2017
<u>Prosperity for All: Economic Action Plan</u>	December 2017
<u>Cardiff Airport 2040 - Masterplan</u>	July 2018
<u>Enterprise Zones Wales - Cardiff Airport and St Athan</u>	September 2018
<u>The Railway Network in Wales: The Case for Investment</u>	September 2018
<u>Haven Waterway Enterprise Zone</u>	October 2018
<u>Valleys Regional Park</u>	October 2018
<u>Planning Policy Wales - Edition 10</u>	December 2018
<u>Prosperity for All: A Low Carbon Wales</u>	March 2019
<u>National Strategy for Flood and Coastal Erosion Risk Management</u>	June 2019
<u>Shoreline Management Plans</u>	various dates
<u>Welsh National Marine Plan</u>	to be confirmed

UK Government Programmes, Plans and Strategies informing development of the NDF

[North West Nuclear Arc Partnership Science and Innovation Audit](#)

2018

[The Road to Zero](#)

July 2018

Consultation Response Form

Your name	Dave Lucas
Your address	Strategic Planning Planning Service Tredomen House Tredomen Business Park Ystrad Mynach CF82 7PG
Preferred contact details (email/phone/post)	Lucasdj@caerphilly.gov.uk
Organisation (if applicable)	Caerphilly County Borough Council

1. NDF Outcomes (chapter 3)

The NDF has proposed 11 Outcomes as an ambition of where we want to be in 20 years' time.

- Overall, to what extent do you agree or disagree the 11 Outcomes are a realistic vision for the NDF?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- To what extent do you agree with the 11 Outcomes as ambitions for the NDF?

Agree with all of them	Agree with most of them	Agree with some of them	Agree with none of them	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- If you disagree with any of the 11 Outcomes, please tell us why:

Introduction

It is interesting to note in the foreword that the Housing minister acknowledges that the market led housing system has failed to meet the needs of many people and wants to see higher levels of social rents on new developments. These comments are welcomed given the high levels of housing need in the borough and nationally. We need to see the detail of how this is going to be achieved as we know from the planning system that we often struggle to get the prerequisite amount of affordable housing on s106 negotiations because of site viability. So how do WG intend solve this issue?

We have to ask - can the stated objectives within the framework all be realistically achieved without additional resources being made available to deliver the individual priorities. So will WG be providing additional resources when the revised framework is implemented or make other changes to support the viability and deliverability of it's proposals

Outcomes

Generally the outcomes are expressed as high-level statements that in some cases set unrealistic levels of achievement. The Development Plan system is predicated upon an evidence base that demonstrates the viability and deliverability of its proposals. There is no such evidence to support these outcomes, and certainly no evidence to justify they are deliverable. Given this the NDF is setting outcomes that lower tier plans will need to be in general conformity with but have no evidence to demonstrate deliverability. This could lead to conflict in SDPs and LDPs that could seriously hamper development plan preparation and undermine the plan led system.

The NDF outcomes provide a conflicting set of objectives that cannot deliver sustainable development. As written the objectives seek economic development and increased affordable housing whilst reclaiming lost biodiversity and protecting greenfield land. The NDF is silent on how these conflicts are to be resolved and this will result in lower tier documents having to defend positions against the NDF. It will also make it impossible to make determination on general conformity for lower tier plans.

Outcome 5: This outcome seeks to facilitate the concept of focussing development on cities and large towns. This is in direct conflict with Policy 30 that REQUIRES a restrictive Greenbelt around Newport and

Cardiff, two of Wales' largest cities. The greenbelt could also seriously affect growth and development in Cwmbran, Caerphilly and the southern parts of RCT, restricting growth in areas where there is an NDF outcome to deliver growth.

In addition to this the decision not to progress the second M4 will mean that access to the South Wales cities and large towns will be severely hampered, with very significant economic costs and disbenefits, which could render aims of economic growth in the large cities and towns undeliverable. The NDF does not address this issue in any respect, despite its enormous impact upon the economic activity in Wales.

Outcome 6: Whilst the need is for the development plan system to be forward thinking with a positive attitude to economic growth, this should not be limited to just the development plan system. Well-being plans, the NDF, and infrastructure provider programmes should also be aligned to this aspiration, however, this is not the case.

Outcome 7: Travel is essential to the economic future of Wales, not only for people to access facilities and employment opportunities, but it is an essential factor for the economic future and prosperity of the whole of Wales. However the NDF is silent on the issue of the M4 and the continually increasing negative impact of the M4/Brynglas Tunnels is a primary reason why the economy of Wales is not competing better with the remainder of the country. In not addressing this national issue it raises significant questions regarding the robustness of the NDF.

In addition the Objective is ambiguous, containing two directions of travel, which are not complementary. Firstly the co-location of development to reduce the need to travel. The second to enable easy and convenient access from one place to another for commuting. Such ambiguity makes policy planning at lower levels difficult as policies cannot deliver both objectives at the same time. This ambiguity needs to be clarified and rectified.

Outcome 10: Strongly object to the statement "we will reverse these losses". The question is how this is to be done? Some losses are as a result of development and to reverse these the developments would need to be removed and the land reinstated. This is both unrealistic and undeliverable, which is borne out by the lack of any detail on how this could be achieved.

In addition to this the Well-being Act and now the NDF are presenting an environmental protection of everything first policy, which runs counter to the need for economic growth and significant increases in housing provision, particularly affordable housing. Whilst the protection of the environment is an accepted principle of sustainable development, these documents as written are making greenfield development, which is essential to meet housing and economic development aspirations, almost impossible to plan for. To ensure that the economic and social elements of sustainable development are provided in plans, it is essential that the need to balance all four sustainability factors is fundamental to delivering sustainable development, rather than delivering environmental objectives which can never deliver WG aspirations.

2. Spatial Strategy (policies 1 - 4)

The NDF **spatial strategy** is a guiding framework for where large-scale change and nationally important developments will be focused over the next 20 years.

- To what extent do you agree or disagree with the spatial strategy and key principles for development in...

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
Urban areas (Policies 1, 2 & 3)	<input type="checkbox"/>				X	<input type="checkbox"/>	<input type="checkbox"/>
Rural areas (Policy 4)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- If you have any comments on the spatial strategy or key principles for development in urban and rural areas, please tell us:

The Council has significant and fundamental objections regarding the spatial strategy, or indeed the lack of it, proposed for the NDF. The NDF makes no reference to: addressing the M4 congestion and the consequential adverse impact on the economy of Wales; nor any reference on national scale renewable energy generation (including tidal lagoons). These are major omissions of two significant issues of national importance. The NDF is proposing economic growth whilst remaining completely silent on the M4 which carries the majority of its freight and workforce, whilst there is no overall land use strategy for delivering renewable energy that will be required in increasingly greater levels due to increased electric based travel.

In addition the spatial strategy focuses on Cardiff in SE Wales, at the expense of the Valleys, whilst seemingly hindering Cardiff's ability to cater for increasing development demands by the requirement to designate a greenbelt around Cardiff and Newport to the M4 crossings.

Fundamentally disagree with the statement "Choosing to develop new towns and enabling sprawling greenfield development would be to ignore the untapped potential of places which already have town centres, universities and colleges, public transport infrastructure and a good range of public services". What is meant by sprawling greenfield development? Controlled expansion of existing towns into the countryside **is inevitable** if we are to concentrate development to existing towns and cities because there is insufficient land available in such centres to accommodate welsh government's aspiration for growth. It is unrealistic to expect all new development to be brownfield, although it is accepted that where brownfield sites are suitable and viable they should be first choice, and **the NDF should include a clear statement to this effect!**

Policy 1: It is only correct that development should primarily be focussed towards existing settlements, especially where they benefit from transport networks that support sustainable travel. However, it is quite feasible that the most sustainable form of development could be a new settlement outside existing settlements rather than increasing development on settlements where infrastructure and quality of life are already challenged. This policy does not allow this form of development and as such could perpetuate less sustainable development.

This policy will also have the effect of targeting land close to town centres (which is likely to be the interpretation of the public) which can only result in town cramming and increased pressure and loss of essential urban open space, as well as significant further strains on already stretched infrastructure, which the public already raise as significant issues in response to any development.

The policy should acknowledge that development on the periphery of settlements can also deliver sustainable development, especially where there are current transport routes or the possibility of new routes being opened up. The acknowledgement that development will need to take place on the edges of settlements and on greenfield land will ensure that the most sustainable options for accommodating growth can be pursued.

Policy 2 & 3: Town and city centres are already the mostly densely developed parts of our settlements. The potential to find significant sites to accommodate developments such as hospitals is highly questionable. Where sites do exist these are liable to be constrained by fluvial flooding issues as most centres are located on river corridors, which would preclude such developments. Again this policy could be forcing such developments into areas that are much less sustainable than alternatives located in other areas. The principle should be to deliver sustainable development that represents the best compromise between the four factors of sustainability, rather than slavishly dictating where such developments should only be located.

There are also significant objections to the policy relating solely to public sector developments and land. There is no reason why private hospital development should not be subject to the same restrictions that public service ones are, similarly in all aspects of this policy, it seems to be a policy to restrict the potential of public bodies to deliver infrastructure where it is most appropriately located, which unfairly restricts public bodies.

The sequential test should apply to all such development, irrespective of who delivers it.

The major issue, however, with these policies is that they have taken no account of the requirements for Sustainable drainage and SAB requirements. Ensuing developments comply with sustainable drainage will require land and will significantly reduce densities as a result. The answer cannot be to increase densities of development because the SAB requirement will increase as well. Consequently the policies are undeliverable in their current form and the NDF must address the issue of sustainable drainage if these policies can ever be really implemented.

We have the following concerns about the design of the spatial strategy map:

- It is too cluttered and therefore difficult to understand.
- Few places have been labelled, causing difficulties for users who are not familiar with the geography of Wales.
- There are a number of regional growth areas identified, but these areas are not labelled. Furthermore, the symbol for the regional areas is untidy and detracts from the map.
- National growth areas are shown in three different colours, but it is not clear from the map why this is the case.
- The symbol for the strategic port is unclear.
- It is unclear which places the intra-regional connectivity relate to.

The focus of the NDF is very much on housing growth. It does not deal with existing housing stock and the regeneration role. Obviously in the Valleys there is a high level of owner occupation but where the household income is very low.

3. Affordable Housing (policy 5)

The NDF sets out the approach for providing affordable housing, encouraging local authorities, social landlords, and small and medium-sized construction and building enterprises to build more homes.

- To what extent do you agree or disagree with the approach to increasing affordable housing?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- If you disagree, in what other ways can the NDF approach the delivery of affordable housing?

The Policy states that SDPs and LDPs should set development plan targets based on regional estimates of housing need and local assessments. Regional estimates of housing need by tenure have recently been published by Welsh Government, which indicate that in South East Wales there is an annual need for affordable housing units ranging between 2,000 and 2,500. Using the central estimate, this equates to 48% of housing in the first 5 years. The Wales figure overall is that 47% of additional homes should be affordable.

The statistical release for the Estimates of Housing Need provides caveats that they are estimates based on a given set of assumptions, aimed at forming a basis for policy decisions. The estimates of need **“should not be used as housing targets”** and therefore Policy 5 should be reworded to state that regional Estimates of Housing Need should form part of the evidence base for affordable housing targets, rather than basing SDP targets entirely upon these estimates. Unless this is clarified there is a concern that the target of 47% should be affordable might dictate that similar targets are included within the SDP/LDP. This is not desirable nor appropriate.

Affordable housing targets in LDPs are based not only on need but also on deliverability/viability. In most cases 47% is not viable or deliverable or indeed desirable in most instances.

The supporting text for the policy correctly recognises that the private sector has been unable to meet the affordable housing shortfall, and that LAs, RSLs and SMEs will have a role in delivering more homes. LAs and RSLs should continue to have access to Welsh Government funding to help deliver affordable housing, and this funding should be increased to maximise delivery.

However, SMEs, as private sector companies, will only be able to deliver affordable housing through Section 106 agreements, as they do not currently have access to WG grant funding for affordable housing. SMEs do have an important role in increasing the supply of housing in Wales, particularly in low viability areas such as the Valleys, where there has been limited activity by national housebuilders in recent years. Viability is an issue in such areas and therefore the contribution that SMEs can make to affordable housing delivery may be limited in certain parts of Wales, unless Welsh Government intends to support SME delivery financially

It is implied that the re-use of publicly owned land could be used for the delivery of affordable homes. On 8th July, the Minister wrote to Local Authorities to indicate that LDPs must make provision for affordable housing led housing sites and that such sites will include at least 50% affordable housing. The letter states “in the first instance affordable housing led housing sites should make use of public land.”

It is welcomed that the NDF does not explicitly reflect the content of the Ministers letter in that public land should be providing at least 50% affordable housing. Publicly owned land is an asset for Local Authorities and the prescription of a certain level of affordable housing above LDP policy levels will have a significant impact on the capital receipt to Local Authorities, particularly in areas of low viability such as the South Wales Valleys. It should be a matter for Local Authorities to determine what the priorities are for their own land, as in some areas, the need for market housing to diversify the housing stock and retain the existing population may better achieve the aims of delivering sustainable communities. It is welcomed that the supporting text recognises that “different responses will be needed in different parts of Wales to meet the needs of local communities.”

The NDF talks about public investment and land. There are examples where public sector land has been used for housing purposes. Clearly more needs to be done to encourage public sector bodies to bring its land forward for housing purposes. We also need to explore ways to encourage such bodies to bring their land forward for less than best value to ensure we are able to maximise the level of affordable housing provided. However, we know that budget constraints usually prevent organisations doing this

Mobile Action Zones (policy 6)

- To what extent do you agree or disagree the identification of mobile action zones will be effective in encouraging better mobile coverage?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- If you disagree, in what other ways can the NDF improve mobile phone coverage in the areas which currently have limited access?

4. Low Emission Vehicles (policy 7)

- To what extent do you agree or disagree that policy 7 will enable and encourage the roll-out of charging infrastructure for ultra-low emission vehicles?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>		

- If you disagree, in what other ways can the NDF enable and encourage the roll-out of charging infrastructure for ultra-low emission vehicles?

Whilst the aim of increasing electric vehicle usage through provision of relevant infrastructure will have a positive impact on climate change, the corollary of the aim is that the number of vehicles will be retained which will have little, if any, effect on congestion and the massive economic disbenefits and costs this brings. Consequently this is a dual edged sword and can cause as many issues as it resolves. It is accepted that driverless cars and the Uber-style provision of public transport by car will reduce car levels (if ownership drops correspondingly) but this is unlikely to occur in the near future and, as such, the issues of congestion and restraints this places upon the economy will remain.

5. Green Infrastructure (policies 8 & 9)

- To what extent do you agree or disagree with the approach to maintaining and enhancing biodiversity and ecological networks?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	

Whilst the recognition of the important role Green Infrastructure plays is welcome, the section itself is bordering on being naïve. It is almost impossible to deliver development without some adverse impact upon biodiversity, irrespective of what approaches are used in their design or implementation. The policy would be better aimed at seeking enhancement wherever possible whilst acknowledging that development will need to take place on greenfield sites, although these will avoid areas important for green infrastructure.

6. Renewable Energy and District Heat Networks (policies 10-15)

- To what extent do you agree or disagree with the NDF's policies to lower carbon emissions in Wales using...

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	No opinion
Large scale wind and solar developments					X	<input type="checkbox"/>	<input type="checkbox"/>
District heat networks				X		<input type="checkbox"/>	<input type="checkbox"/>

- If you disagree with the NDF's approaches to green infrastructure, renewable energy or district heat networks, what alternative approaches should we consider to help Wales to enhance its biodiversity and transition to a low carbon economy?

Significant objections are raised in respect of the NDFs policy in respect of renewable energy generation by solar and wind generation. The identification of Priority Areas (identified at national level) means there is essentially almost permitted development for large scale generation proposals, and thus a presumed acceptance of potentially catastrophic landscape change as part of the policy. The designation of these areas pays no regard to smaller areas of high quality landscape and the proposed process means that all that needs to be demonstrated is that adverse impact has been minimised (which could still be a very high level of impact).

It seems completely unreasonable that National Parks have been omitted from the Priority Areas, given they generate need for energy as well as the other areas included within them. The rational and methodologies used to identify National Parks are now significantly outdated and these areas contain some of the best sites for renewable energy generation. The proposals bring far more areas of Caerphilly into energy field than was previously the case and indeed does not target those areas where we consider generation acceptable. This would result in significant landscape impact and is strongly opposed.

The proposals also seem to rule out the aspirations for the HoV corridor for the creation of an

energy belt as part of its economic development aspirations.

Further to this proposed generation schemes outside of the Priority Areas utilise exactly the same criteria that developments within the Priority Areas need to address. This seems at odds to the principle of the presumption in favour within Priority Areas, as both schemes are considered against the same criteria.

The NDF only addresses Large Scale developments, which means that local authorities remain the arbiters of small scale developments. Given that Priority Areas may not be identified in LDPs (as there is no requirement for them to do so) small scale schemes may be considered far more stringently than large scale developments, which is wholly inappropriate.

Whilst the encouragement for district heating networks proposals is welcomed, there is concern over the impacts such a requirement may have on developments. There are concerns that 100 dwelling developments may not be able withstand the costs of providing such networks. Even more concern regarding the statement that smaller developments could also realise district heating networks.

There is a complete lack of consideration of both tidal and off shore generation, both of which could make significant contributions in terms of energy generation, whilst having less landscape impact than large scale onshore developments.

7. The Regions (policy 16)

- To what extent do you agree or disagree with the principle of developing Strategic Development Plans prepared at a regional scale?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

The NDF identifies three overall regions of Wales, each with their own distinct opportunities and challenges. These are North Wales, Mid and South West Wales, and South East Wales.

8. North Wales (policies 17-22)

We have identified Wrexham and Deeside as the main focus of development in North Wales. A new green belt will be created to manage the form of growth. A number of coastal towns are identified as having key regional roles, while we support growth and development at Holyhead Port. We will support improved transport infrastructure in the region, including a North Wales Metro, and support better connectivity with England. North West Wales is recognised as having potential to supply low-carbon energy on a strategic scale.

- To what extent do you agree or disagree with the proposed policies and approach for the North Region?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

9. Mid and South West Wales (policies 23-26)

Swansea Bay and Llanelli is the main urban area within the region and is our preferred location for growth. We also identify a number of rural and market towns, and the four Haven Towns in Pembrokeshire, as being regionally important. The haven Waterway is nationally important and its development is supported. We support proposals for a Swansea Bay Metro.

- To what extent do you agree or disagree with the proposed policies and approach for the Mid and South West Region?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

10. South East Wales (policies 27-33)

In South East Wales we are proposing to enhance Cardiff's role as the capital and secure more sustainable growth in Newport and the Valleys. A green belt around Newport and eastern parts of the region will support the spatial strategy and focus development on existing cities and towns. Transport Orientated Development, using locations benefitting from mainline railway and Metro stations, will shape the approach to development across the region. There is support for the growth and development of Cardiff Airport.

- To what extent do you agree or disagree with the proposed policies and approach for the South East Region?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you have any comments about the NDF's approach or policies to the three regions, please tell us. If you have any alternatives, please explain them and tell us why you think they would be better.

Policy 29: Whilst the sentiment of the policy is generally agreed, the dualling of A465 has created excellent access to the Head of Valleys, providing a link between two existing industry Hubs (Port Talbot Waterfront and Ebbw Vale Tech Valleys). In order to boost the regional economy and attract external investments as well as local and international talents, the NDF should advocate that full advantage of the existing infrastructure should be taken.

The NDF should target new employment and tourism opportunities to the A465 corridor in an effort to transform the image and culture of the Heads of Valleys. The NDF should also recognise and promote the HoV aspirations for the creation of an innovation and energy corridor.

The NDF states "Under the Welsh Government central estimates 71,200 additional homes are needed in the region until 2038 and over the initial five years (2018/19 to 2022/23) 48% of the additional homes needed should be affordable homes."

Firstly, the inclusion of housing estimate figures under a policy on the Heads of the Valleys causes confusion in respect of whether they relate to the Heads of the Valleys area/authorities only, or whether they relate to the South East Wales Region as a whole. It needs to be more explicit that these figures relate to the whole region.

The estimates of additional homes have been derived from the Estimates of Housing Need in Wales by Tenure (2018-based). The statistical release for the Estimates of Housing Need provides caveats that they are estimates based on a given set of assumptions, aimed at forming a basis for policy decisions. It is clear that the figures in the statistical release "**should not be used as housing targets**," yet there is a real danger that the inclusion of a single figure in the NDF without a full explanation of what this figure is will result in the figure being treated as a target.

There is some recognition that these estimates provide part of the evidence base and context on which the SDP should be based, but this should further to state explicitly that this figure is not a housing target, but is informed by household projections that are based on past trends.

Policy 30: the Council has never supported a greenbelt as other policies can more than satisfactorily protect the area identified in the NDF for greenbelt. Greenbelts are permanent designations and as such will sterilise the land within the designation. This could severely restrict development within the two cities in the region, both of which have been identified for national growth, and in some of the main towns identified for regional growth, such as Cwmbran and Caerphilly. The designation of the greenbelt could result in the growth aspirations for this region not being realised due to the restrictions on development around the M4 or the mainline railway, or at least not realised in the locations stated in the NDF.

Policy 31: Caerphilly is identified as a Centre for Regional Growth (See map on page 63). The controlled expansion of Caerphilly Town into the countryside is inevitable if we are to concentrate development in this location. It is unrealistic to expect all new development to be brownfield, although it is accepted that where brownfield sites are suitable and viable they should be first choice.

The policy identifies Caerphilly as a centre for regional growth and this is based on its identification as a Strategic Hub by the Cardiff Capital Region and the Valleys Task Force. However it should be noted that the Strategic Hub identified in the VTF work is Caerphilly and Ystrad Mynach. The NDF should refer to both towns as centres for regional growth in accordance with the VTF.

Policy 33: The policy is welcomed although the NDF could give the Valleys Regional Park greater priority and supporting text.

The policy text contains the heading “Rivers and Valleys” and the text relates to minerals activity which bear not relation to the subject of the policy. This should be omitted from this policy.

11. Integrated Sustainability Appraisal

As part of the consultation process, an Integrated Sustainability Appraisal (ISA) was conducted to assess the social, economic and environmental impacts of a plan. The report identified a number of monitoring indicators, including health, equalities, Welsh language, the impact on rural communities, children’s rights, climate change and economic development.

- Do you have any comments on the findings of the Integrated Sustainability Appraisal Report? Please outline any further alternative monitoring indicators you consider would strengthen the ISA.

12. Habitats Regulations Assessment

As part of the development of the NDF, a Habitats Regulations Assessment (HRA) was undertaken. The purpose of the HRA process is to identify, assess and address any 'significant effects' of the plan on sites such as Special Areas of Conservation and Special Protection Areas for birds.

- Do you have any comments on the Habitats Regulations Assessment report?

13. Welsh Language

We would like to know your views on the effects that the NDF would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

- What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Please also explain how you believe the proposed NDF could be formulated or changed so as to have:

- I. positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and
- II. no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

14. Further comments

- Are there any further comments that you would like to make on the NDF, or any alternative proposals you feel we should consider?

General

The numbering of paragraphs would make it easier for users of the document to make reference to relevant sections.

There are a number of places within the document where two policies have been included at the top of a page, and the supporting text for more than one policy has been included below it. Whilst the policy that each paragraph refers to has been referenced, the separation of the policy from the supporting text affects the flow of the document and we would suggest it is reordered so that the policy wording and supporting text are together, in order to improve clarity.

Alternative Proposals

The NDF should set out the framework of policy that the lower tiers of plans can build upon and provide increasing detail. The NDF needs to take a lead on significant issues, setting out the national approach to addressing the issues that have national significance. However, the NDF is lacking in a number of areas in this respect. However the NDF as drafted does not make reference to a number of significant elements that require a national lead in order for lower tier plans to provide the detail as follows:

- M4 (Brynglas Tunnels) and the costs to the Welsh economy. The recent decision by the Welsh Government to not progress the Second M4 means that the existing issues with the Brynglas Tunnels remain. The congestion and closures that occur because of the tunnels has a massive cost and impact on the economy of Wales as a whole, and will continue to be detrimental to economic growth. The lack of acknowledgement or consideration of road being the mode for freight in Wales, along with the support for electric vehicles means this problem will remain for a significant period into the future, compromising Wales’ ambition to deliver significant economic growth.
- A465 Heads of the Valleys Road. No reference is made to the contribution that this significant artery into Wales can have in delivering national and regional development. The

Valleys Taskforce has set out aspiration and proposals for the Heads of the Valleys area and key to delivering these is maximising the benefits of the investment that has been made by Welsh Government on this national artery. It is surprising that the NDF does not include specific policies on maximising the benefits of the improvements within this area.

- There is no mention of freight in the NDF. Freight is a significant contributor to climate change and the impacts of heavy goods vehicles on the road structure requires significant funding to maintain the damage done by lorries. The electrification of the railways provide the opportunity to set out ambitious modal shift targets for freight from road to rail, particularly where the freight is going to the ports or elsewhere on the mainline rail network. Freight is also a major contributor to the problems at Brynglas Tunnels and delays to freight movements as a result of this issue are one of the main costs to the Welsh economy.
- There is little in the NDF that relates to improving linkages between north and south Wales, an important issue given that movement between them is problematic unless routes outside Wales are used.
- In terms of renewable energy generation no mention is made of offshore wind generation or the potential for Tidal Lagoons to generate significant levels of renewable energy. Both of these options have the potential to cause less damage in terms of landscape and ecological impact, whilst generating significant levels of renewable energy. The NDF purely concentrates on onshore wind and solar generation and district heating networks at the expense of a holistic policy approach to delivering renewable energy.
- In addition to the significant omissions outlined above, the NDF provides no policy framework for a number of landuses, including retailing, recreation and leisure, minerals, tourism, and general infrastructure. Whilst it is acknowledged that there are a number of documents that sets out national strategies for some of these issues, the purpose of the NDF is to give a spatial context to issues of national importance to provide the spatial framework for the policy framework at lower tiers. Without this spatial context these issues remain open to interpretation at lower levels and may not end up delivering national objectives.

Overall the significant omissions from the NDF and the failure of the NDF to provide a spatial strategy for development in Wales undermines its credibility and raises significant concerns over whether the document is fit for its purpose. In particular the omission of the consideration of the M4 issues and the potential for off-shore wind and tidal lagoon energy generation mean that significant issues of national importance have no policy position, which can only undermine the plan led system.

15. Are you...?

Providing your own personal response	<input type="checkbox"/>
Submitting a response on behalf of an organisation	<input checked="" type="checkbox"/>

Responses to the consultation will be shared with the National Assembly for Wales and are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here	<input type="checkbox"/>
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CABINET – 2ND OCTOBER 2019

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS PARAGRAPH 14 SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

SUBJECT: PENTREBANE STREET, CAERPHILLY
POSSIBLE USE OF CPO POWERS

REPORT BY: HEAD OF LEGAL SERVICES & MONITORING OFFICER

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendations to the Proper Officer: -

EXEMPTIONS APPLYING TO THE REPORT:

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 14).

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council considers development proposals and the related financial aspects of those proposals.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains detailed financial information on the development proposal which may be of use to interested parties and their advisers if it were to be made public at this stage.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 14 should apply. I am mindful of the need to ensure the transparency and accountability of public authorities for decisions taken. However disclosure of the information contained in the report could prejudice the Council's long term goal should this information be made public at this stage.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

11-2018-00000000-00000000

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On the basis set out above I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.



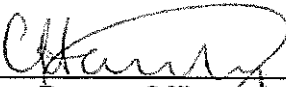
Signed:

Dated: 4th September 2019

Post: HEAD OF LEGAL SERVICES & MONITORING OFFICER

I accept/~~do not~~ the recommendation made above.

Signed:



Proper Officer

Date: 6/9/19

Agenda Item 9

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