

No.

THE VALE OF GLAMORGAN COUNCIL

Minutes of a Remote Meeting held on 25th April, 2022.

The Council agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor Jayne Norman (Mayor); Councillors Julie Aviet, Vincent Bailey, Rhiannon Birch, Jonathan Bird, Bronwen Brooks, Lis Burnett, George Carroll, Christine Cave, Janice Charles, Millie Collins, Geoff Cox, Pamela Drake, Vincent Driscoll, Stewart Edwards, Ben Gray, Owen Griffiths, Stephen Griffiths, Sally Hanks, Nic Hodges, Hunter Jarvie, Gwyn John, Dr. Ian Johnson, Gordon Kemp, Peter King, Kevin Mahoney, Kathryn McCaffer, Anne Moore, Neil Moore, Michael Morgan, Rachel Nugent-Finn, Andrew Parker, Bob Penrose, Sandra Perkes, Andrew Robertson, Leighton Rowlands, Ruba Sivagnanam, Neil Thomas, Steffan Wiliam, Margaret Wilkinson, Edward Williams and Mark Wilson.

1047 ANNOUNCEMENT –

Prior to the commencement of the business being transacted, the Mayor read the following statement:

“May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

1048 APOLOGIES FOR ABSENCE –

These were received from Councillors Robert Crowley, Andrew R.T. Davies, Anthony Hampton, John Thomas and Marguerita Wright.

1049 DECLARATIONS OF INTEREST –

No declarations were received.

1050 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 7th March, 2022 be approved as a correct record.

1051 ANNOUNCEMENTS –

- (i) The Mayor advised Council of a number of engagements and events that she had undertaken since the last meeting. These had included the Mayor of Cowbridge Civic Service, High School Showcase event at St. David’s Hall,

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Vale Brass Band (Ukraine fundraiser), declaration of office event for the newly appointed High Sheriff of South Glamorgan, Friends & Neighbours Afternoon Easter event in Barry, Cemetery Approach Barry Armed Forces event, as well as having hosted the Mayors Foundation Coffee of Thanks. On 3rd May the Mayor would be attending HMS Cambria Community Engagement event. The Mayor also took the opportunity to thank elected Members who were retiring or standing down from their role as Councillors for their years of representing the residents of the Vale of Glamorgan and wished them all well in their retirement. The Mayor wished to thank the Leader, who was also retiring after over 30 years of public service to residents within the Vale of Glamorgan. His dedication to the role had helped to steer the Council successfully through the COVID-19 pandemic during which the Council had continued to provide excellent service to its residents. Finally, the Mayor stated that the Council's thoughts and prayers were with the people of Ukraine.

- (ii) The Leader said that it had been an honour to serve as Leader of the Council and wished to thank those who had supported his appointment and expressed his thanks to the Deputy Leader and the Cabinet, his wife and fellow Vale Councillor, those Councillors both standing and retiring, the Council's senior leadership, the Chief Executive, as well as all Council staff both those working virtually or who had continued to work face to face in areas such as social care, refuse and recycling, the PPE team, finance and track and trace. Despite the challenges of COVID-19, the Vale of Glamorgan Council continued to be one of the best performing Councils in Wales. He added that local government was the backbone of the local community and running a Principal Council was not a simple task and Councillors and Officers did what they considered to be right in difficult circumstances within the law and regulations and for the benefit of the community.
- (iii) Other Elected Members, including the Group Leaders of the Conservatives, Llantwit First Independents and Plaid Cymru, with permission to speak, wished to thank all Members who were not standing in the local elections and the Leader for their service to the Vale and for their support and advice. There were also contributions from Councillor Wilson, who paid tribute to the Leader and his wife, from the Deputy Leader and Cabinet Member for Education and Regeneration who paid tribute to the positive work undertaken within her portfolio, particularly during COVID-19 and the guidance provided by the Leader and Chief Executive. This was also echoed by the Cabinet Member for Neighbourhood Services and Transport who wished to also praise the work undertaken within his portfolio, particularly around recycling, which had been made a success by Officers, frontline staff and residents.
- (iv) The Chief Executive also thanked all elected Members, both those standing for re-election and those retiring, for their service and paid tribute to the Senior Leadership Team during the Pandemic, as well as to the work undertaken by the Council's departments, teams and staff and the leadership given by the Leader during this time.

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1052 THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021 (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISION) (CHIEF EXECUTIVES) REGULATIONS 2022 (“THE REGULATIONS”) (CX) –

Prior to the consideration of the report, the Chief Executive left the meeting. The Leader, in presenting the report, informed the Council of the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (“the Regulations”), the full legal implications for which were as set out in the report.

On the coming into force, by Order, of Section 54 of the Local Government and Elections (Wales) Act 2021 (“the Act”), the Regulations took effect so as to replace the current requirement to designate an existing officer as Head of Paid Service and provided that the officer who was designated as the Head of the Authority's Paid Service under the Local Government and Housing Act 1989 immediately before 5th May, 2022 be treated as the Chief Executive under section 54 of the Act.

The Leader added that this was a ‘housekeeping’ exercise, with no financial implications as part of this redesignation. It was a legal requirement, and it did not require any further contractual steps.

The Leader requested that the introduction of the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 be noted, which was duly seconded by the Deputy Leader.

RESOLVED – T H A T the introduction of the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 be noted.

Reason for decision

To note the Regulations introduction which would take effect from 5th May, 2022.

1053 VALE OF GLAMORGAN REPLACEMENT LOCAL DEVELOPMENT PLAN 2021 - 2036: DRAFT REVIEW REPORT AND DRAFT DELIVERY AGREEMENT PUBLIC CONSULTATION RESPONSES (REF) –

The Cabinet Member for Legal, Regulatory and Planning Services advised that on 14th March, 2022, the results of the public consultation on the draft Review Report and draft Delivery Agreement for the Replacement Local Development Plan (RLDP) had been presented to Cabinet and approval sought to submit the amended documents to the Welsh Government.

In September 2021, Cabinet considered and approved the draft Review Report and the draft Delivery Agreement for public consultation purposes (Minute C675 refers). The report set out the findings of the public consultation exercise held between 5th November, 2021 and 31st January, 2022 together with proposed amendments to both documents. Cabinet was asked to endorse the changes prior to submitting

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them to the Welsh Government. The Council would be required to prepare the RLDP in accordance the approved Delivery Agreement in line with the LDP Regulations 2005 (as amended).

A total of 53 stakeholders had commented on the draft Review Report, with their views having been taken into consideration and incorporated into the report (Appendix B of the report). Also, 17 respondents provided comments on the draft Delivery Agreement (Appendix A). The proposed changes to the documents were set out in Appendix C to the report.

The Cabinet Member for Legal, Regulatory and Planning Services subsequently moved the Motion as per the report:

- That the responses to the representations on the draft Delivery Agreement and draft Review Report as set out in Appendices A and B respectively to the report be approved.
- That the proposed changes as set out in Appendix C to the report be approved and the draft Delivery Agreement and draft Review Report updated accordingly.
- That in pursuance of Resolutions (1) and (2), the amended Delivery Agreement and Review Report be approved and submitted to the Welsh Government for approval.
- That subject to Resolution (3) above, copies be made available for inspection at the Council's principal office during normal office hours and published on the Council's website.

This was duly seconded by the Leader, who indicated that the Council's approval at this time was part of the ongoing process of drafting a RLDP and as part of that process and timetable the amended Delivery Agreement and Review Report needed to be sent to Welsh Government for their review, which would then come back to the Council for further work and review.

Councillor Dr. Johnson stated that the majority of the 53 responses, etc. had not led to any significant changes within the report or agreement, more 'housekeeping' amendments, i.e., around flooding and the Model Farm application. He reiterated his comments made on the matter at the relevant Scrutiny Committee previously concerning the timeline for the adoption of the RLDP which would be potentially agreed by the Councillors elected in the forthcoming May Local Government elections, meaning there would be no further opportunity for the public to directly elect people to make those decisions subsequently. He also wanted to put on record his concerns regarding the infrastructure as part the RLDP, particularly around increased flooding within the Vale due to climate change and the pressure this would put on the sewage network.

Councillor Robertson echoed Councillor Dr. Johnson's point on the democratic process and decision making on the RLDP, with the public's say on this matter curtailed as Councillor Dr. Johnson had outlined already.

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The Leader responded to the Councillors' concerns by emphasising that this was only the start of the process, and that the RLDP would come back to Council again for its final consideration and ratification, therefore the public also would still have a say going forward. The timeline for the process was statutory and which the Council had to follow. This was also echoed by Councillor Williams, the Cabinet Member for Legal, Regulatory and Planning Services who reiterated that this was the start of the process and there were clearly demarcated stages, with consultation already having been undertaken on the RLDP and also further consultation, etc. to be had in the future.

Councillor Mahoney wished for it to be noted that he was opposed to the report and the Delivery Agreement. Councillor Robertson indicated that he would abstain in the event of a formal vote on the matter.

RESOLVED –

(1) T H A T the responses to the representations on the draft Delivery Agreement and draft Review Report as set out in Appendices A and B respectively to the report be approved.

(2) T H A T the proposed changes as set out in Appendix C to the report be approved and the draft Delivery Agreement and draft Review Report updated accordingly.

(3) T H A T in pursuance of Resolutions (1) and (2), the amended Delivery Agreement and Review Report be approved and submitted to the Welsh Government for approval.

(4) T H A T, subject to Resolution (3) above, copies be made available for inspection at the Council's principal office during normal office hours and published on the Council's website.

Reasons for decisions

(1&2) Having regard to the contents of the reference and report and discussions at the meeting.

(3) To comply with the Council's statutory duty under Section 69 of the Planning and Compulsory Purchase Act 2004 and Regulation 9 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

(4) To comply with Section 69 of the Planning and Compulsory Purchase Act 2004 and Regulation 10 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

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1054 REVISED MULTI-LOCATION MEETINGS POLICY (REF) –

The Leader provided a verbal update given that the Cabinet had considered the matter earlier that afternoon prior to the matter being referred to the Council meeting.

As at 1st May, 2021 section 47 of the Local Government and Elections (Wales) Act 2021 required all Local Authorities to make and publish arrangements for the purpose of ensuring that meetings were able to be held by means of any equipment or other facility for those who were not in the same place to attend meetings. Under the use of the Emergency Powers a procedure for remote attendance was previously agreed.

Under section 46 of the Act from 5th May, 2022 Principal Council meetings must make and publish arrangements for the purpose of ensuring meetings would be broadcast electronically so that persons not in attendance at a meeting could see and hear proceedings which Section 1.6 of the report referred to. Paragraphs 2.17 and 2.18 in the report and as detailed in the policy advised which meeting platforms would be used for the broadcasting of meetings going forward from 5th May, 2022.

The Leader requested that Council endorse the report and Policy, with an amendment to paragraph 6.7 of the Policy to now read “A participant at a meeting (as defined in paragraph 6.1 above) wishing to speak in Welsh or a person wishing to use the Welsh Language Translation Service, at a meeting is required to contact Democratic Services at least 72 hours before the meeting”, which was duly seconded by the Deputy Leader.

Councillor Dr. Johnson stated that a review of how the proposed amendment around the request to speak Welsh and receive Welsh Language Translation Service worked in practice would be useful in approximately a year’s time, which the Leader and Monitoring Officer / Head of Legal and Democratic Services stated would be taken on board. In terms of clarification on the new wording for paragraph 6.7 it was confirmed that this alluded to ensuring that notice was given to Council Officers to ensure that the Welsh translation / speaking facility was available, i.e. having a Welsh translator in attendance at the meeting in question.

Having considered the reference and report, it was subsequently

RESOLVED –

(1) T H A T it be noted that the Council's current Remote Attendance at Meetings Procedure within the Council's Constitution had been reviewed in light of the provisions of Sections 46 and 47 of the Local Government and Elections (Wales) Act 2021 and Welsh Government's Interim Guidance on Multi-Location Meetings (published in August 2021).

(2) T H A T the report presented to Cabinet earlier in the day be endorsed and approved and the Draft Multi-Location Meetings Policy, attached at Appendix A to the report, along with the draft Multi-Location Meetings Policy, be approved and that they be included in the Council's Constitution.

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(3) T H A T the report, the draft Multi-Location Meetings Policy at Appendix A approved by Cabinet in the day, including that paragraph 6.7 of the Policy be amended to read “A participant at a meeting (as defined in paragraph 6.1 above) wishing to speak in Welsh or a person wishing to use the Welsh Language translation service, at a meeting is required to contact Democratic Services at least 72 hours before the meeting”, be approved and included within the Council’s Constitution.

(4) T H A T a review of the Policy be undertaken upon receipt of any further statutory guidance from Welsh Government, or any further accessibility requirements and the Council's Public Participation obligations.

Reasons for decisions

(1) Having regard to Legislation and Statutory Guidance.

(2) In order that a Multi-Location Meetings Policy can be approved to be in place by 5th May, 2022.

(3) Having regard to the Council’s Welsh Language Standard number 33.

(4) Having regard to statutory guidance received, accessibility requirements and the Council's Public Participation obligations.

1055 DRAFT MODEL CONSTITUTION GUIDE (REF) –

The Leader provided a verbal update given that the Cabinet had considered the matter earlier that afternoon prior to the matter being referred to the Council meeting.

Section 45 of the Local Government and Elections (Wales) Act 2021 placed a duty on Principal Councils to publish a Guide to the Constitution and that both the Council’s Constitution and the Guide were published electronically. In other words, this was a layman's guide to the Constitution.

The Council’s Constitution had been available electronically for some time however from 5th May, 2022 a Guide which explained in ordinary language the Constitution itself must be prepared and published electronically as well.

Browne Jacobson (Solicitors) were commissioned by the All-Wales Monitoring Officer’s Group to prepare a Draft Model Constitution and a Draft Model Constitution Guide.

At the last meeting of Full Council on 7th March, 2022 a number of amendments to this Council’s Constitution relating to provisions in the Local Government and Elections (Wales) Act 2021 required to be in place by 5th May, 2022 were agreed.

As referred to in paragraph 2.3 of the report, having regard to the upcoming Local Government Elections in May 2022, should any further changes be recommended to local choice functions within the Council’s Constitution, following discussions with the

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new Administration, the Monitoring Officer will present further reports for consideration as appropriate.

Following approval of the Draft Multi-Location Meetings Policy considered earlier in this meeting all amendments including those agreed on 7th March, 2022 would be included within a revised Constitution which will be circulated to all Members and published on the Council's website, together with the Draft Guide, if approved by Council, no later than 5th May, 2022.

RESOLVED –

- (1) T H A T all references to the use of the term “Executive” for the Council's decision-making body be amended to read “Cabinet” within the Council's Constitution.
- (2) T H A T the report and the draft Model Constitution Guide, attached at Appendix A to the report, be approved for publication and uploaded to the Council's website.
- (3) T H A T the Monitoring Officer / Head of Legal and Democratic Services be granted delegated authority, in consultation with the Leader, to address any typographical errors and make any minor amendments in the Council's Constitution Guide.

Reasons for decisions

- (1) Having regard to legislation and in the interest of clarity and for consistency purposes.
- (2) Having regard to the requirements of the Local Government and Elections (Wales) Act 2021.
- (3) In order that the Council's Constitution Guide can be amended as appropriate.

1056 BARRY GROWTH PROGRAMME (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C873, 14th March, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

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1057 VALE OF GLAMORGAN BUSINESS START-UP BURSARY (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C874, 14th March, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

1058 HOUSING SUPPORT GRANT DELIVERY PLAN 2022-2025 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C875, 14th March, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

1059 CLOSED-CIRCUIT TELEVISION (CCTV) SERVICE – FUTURE ARRANGEMENTS (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C876, 14th March, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

1060 ENGINEERING CONTRACT FOR DIRECT LABOUR AND PLANT CALL-OFF CONTRACT 2022-2024 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C878, 14th March, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

No.

1061 SCHOOL ADMISSION ARRANGEMENTS 2023/2024 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C893, 28th March, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

1062 RECYCLING AND WASTE MANAGEMENT BUSINESS PLAN AND STRATEGY (2022-2032) (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C894, 28th March, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

1063 PROPOSED EVENTS PROGRAMME 2022-2023 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C908, 11th April, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

1064 YSGOL Y DERI EXPANSION – ACCEPTANCE OF TENDER (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute Nos. C906 and C912, 11th April, 2022 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

(N.B. Councillor Penrose requested that his objection to the procurement exercise be recorded.)

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1065 QUESTIONS PURSUANT TO SECTION 4.18 OF THE COUNCIL'S CONSTITUTION –

The following responses to Member questions as contained within the agenda were presented:

(i) **Question from Councillor A.R. Robertson**

With consideration of the very high number of ash trees on Vale of Glamorgan Council land, particularly along the route of highways, what contingency plans does the Vale of Glamorgan Council have in place to deal with the onset of ash die back disease which is likely to kill the majority of those trees over the next three years. Risk to people and property from branch drop, cost of felling affected trees and the cost of replacement are all issues.

Reply from the Cabinet Member for Neighbourhood Services and Transport

Our officers were currently in the final stages of drafting a Vale wide Tree Strategy that would feature an Ash Dieback Action Plan. It was envisaged that the Strategy would be presented to Cabinet and the relevant scrutiny committees for consideration and agreement later this year.

As it stood, all Ash trees within our parks, open spaces and adopted highway areas were monitored and their condition assessed at either 12 monthly or 6 monthly intervals using the Ash Dieback Health Classification index system and any remedial action, such as felling, was undertaken from existing tree maintenance budgets.

As Councillor Robertson was aware, the Council had declared a Nature Emergency, and to help mitigate the tree loss / canopy reduction, we undertook replanting and rewinding work utilising funding and labour from a range of sources, such as S106 funds, external grants, asset renewal funding, user group involvement and tree dedication and sponsorship by individual residents.

If diseased trees were reported or recorded on the Public Rights of Way Network or on other areas of private land where they could pose a risk to the public, we inform the landowner of their obligations to make the tree safe.

Supplemental

Councillor Robertson enquired as to whether the Council had been able make any estimates of what the costs of this would be, as well as the impact the disease would have on the Vale of Glamorgan, such as on traffic on its highways and passers-by on footpaths, as well as how many arborists did the Council have working on this. The Cabinet Member, in response, advised that although the Council had a good idea of where its Ash trees were, on Council owned land, it was more difficult to make an assessment of affected trees on privately owned land where the landowner would be responsible for the costs associated with dealing with deceased trees. At

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present, this issue was being managed within the Council's existing budget in relation to land in the Council's ownership.

Future estimates on Ash tree dieback could be high as 90%, with the remaining 10% of resilient trees forming the backbone of the species that would be maintained. However, information was still being gathered on this disease but the cost of maintaining the trees was likely to rise as more trees deteriorated.

(ii) **Question from Councillor G.C. Kemp**

On 6th December, 2021 in answer to a question from Dr. Barratt you provided projected pupil numbers for South Point Primary School. Are those still accurate and if not what are the current figures?

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

Currently there were 83 primary pupils and 11 nursery pupils attending South Point Primary School since the new building opened on 2nd March, 2022. 16 children had joined the school for this academic year, 12 living in Rhose, of which 11 had transferred from other primary schools and 5 were new starters moving into the Vale of Glamorgan with 4 living in Rhose. The current pupils on roll at the school meant that there was a 60% surplus in capacity for primary pupils and 54% surplus for nursery. There had therefore been an increase in pupils and we expected numbers to grow now the school had a visible presence in the area.

The pupil projection which informed the proposal predicted that South Point Primary would have 94 pupils on roll on transfer to the new site and Rhws Primary would have 349 pupils on roll.

Supplemental

Councillor Kemp expressed his concern at the comparatively low numbers that were given on the last occasion and asked if the Cabinet member could respond by saying when she anticipated the school would be working to capacity.

The Cabinet Member, in response, stated that the full demand for the school places anticipated had not yet occurred; this was mainly due to a key housing development that had not come forward as yet but could potentially do so in the near future. As a result, the Council had to work on the assumption that when this development happened it would increase demand for school places. She indicated that it was not a perfect science given parental preference.

(iii) **Question from Councillor G.C. Kemp**

What progress has been made in implementing Resolutions (2) and (3) of Cabinet Minute 871 (14th March, 2022) – Disposal of Surplus Land – Llancarfan Primary School, Llancarfan.

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Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

Since the Cabinet decision in March 2022 to declare the Llancafán Primary School site surplus to requirements, Officers had been undertaking a due diligence review of statutory procedures prior to disposal. It was hoped that this review process would conclude by the end of this month. Preparation for the marketing of the site would commence as soon as possible following the outcome of the due diligence review with the aim of disposing of the site at the earliest opportunity, whilst ensuring that any statutory processes identified as part of the due diligence review were followed.

Supplemental

Councillor Kemp enquired about the potential sale of the site to the local Community Council or the Public Service Board and if this would affect the price and referred to a possible approach that had been made to the Council by a developer who had given a price for the land in excess of £1m.

The Cabinet Member, in response, stated that due to being within the pre-election period, she had not had that level of conversation with Council officers. There was currently a due diligence review being undertaken on this, and the local Community Council etc. would be contacted prior to any marketing, etc. of the site.

(iv) Question from Councillor Dr. I.J. Johnson

Can the relevant Cabinet Member provide an update on the status of planning applications relating to the Barry Docks Incinerator?

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

Following the issuing of an Enforcement Notice (EN) by the Council in September 2021, an appeal was lodged against the Notice with Planning Environmental Decisions Wales (PEDW) on 15th October, 2021. Since that appeal was lodged, Barry Biomass UK No.2 Ltd had also lodged an appeal against the Council's non-determination of an application which sought to discharge all outstanding planning conditions relating to the renewable energy facility (2015/00031/5/CD) and had requested that the two appeals were conjoined.

In December 2021, the Council was advised by Welsh Government that the appeals lodged against the EN had been 'called-in' - i.e. the appeals were now to be determined by the Welsh Ministers and not the appointed appeal inspector. In January 2022, the Council was advised by PEDW that the development subject of the EN was development described in Schedule 1 of the EIA Regulations and the Welsh Ministers had therefore issued a screening direction and directed that the development that was the subject of the appeal was EIA development.

PEDW subsequently wrote to the appellant regarding the decision to issue a screening direction and advised that the appeal must be accompanied by an Environmental Statement (ES) to be submitted by 13th April 2022 and the appellant

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advised PEDW that a formal ES would be submitted to Welsh Ministers by that date. PEDW had not updated the Council whether that information was received, and officers were seeking clarification on that point from PEDW. Alongside that, the Council was awaiting confirmation from PEDW as to how the appeal would proceed and the relevant timescales for the submission of comments in response to the appeal. It was anticipated that this would occur following the receipt of the ES from the appellant.

The Cabinet Member would ensure that any update relating to the appeal was shared with Members once an update was available.

Supplemental

Councillor Dr. Johnson sought clarification that the Vale of Glamorgan Council no longer had decision-making responsibilities regarding any applications relating to the site.

The Cabinet Member replied that Councillor Dr. Johnson's understanding was correct, and this was now in the hands of central government.

(v) Question from Councillor Dr. I.J. Johnson

It has recently been announced that the weekly Barry market on Holton Road is to close. What support is the Council providing for local businesses which trade there, and whose future is under threat?

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

The Council was disappointed to hear that the market operator had chosen to close the weekly market but understood the reasoning behind the decision. The number of stalls had reduced significantly over a period of time and the market operators in recent years had been supported through what had been a challenging economic period for businesses in town centres. A new invitation to tender was being drafted which planned to widen the scope of opportunities in and around King Square for any operator. The Council hoped that some of the existing traders would be able to operate under a new operator and would be keeping those that had requested, informed of progress.

The Council continued to support all the town centres of the Vale of Glamorgan and in particular Holton Road with the Transforming Towns Loan Scheme with over £1.3 million awarded to the Council by Welsh Government, of which just over £1 million had been allocated to ongoing projects. A separate Transforming Town Placemaking Grant Scheme had also provided over £500k of support for the various schemes in the town centre including support for the replacement of the CCTV system and active travel improvements. In addition, the Barry Gateway Scheme which sought to develop new health facilities and residential accommodation at the end of Holton Road and Broad Street continued to be progressed with support from Welsh Government. It was hoped that this would drive footfall into these areas.

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Further to the above, it was important to note that the Council had indicatively been awarded over £14 million in funding via the UK Government Shared Prosperity Fund (SPF) which was being provided as a replacement for EU funding. Clear guidance had not yet been provided on how this largely revenue fund was intended to be accessed and used although supporting the economy of our town centres would be a key aim of the funding.

Finally, the Council was in the process of developing its bid for the second round of the UK Government Levelling Up Fund (LuF) and this would include projects based around Barry Waterfront, including the development of a marina and the provision of new employment space and a new community facility for the Water Sports Trust. Linking the Waterfront sustainably to the town centre would be a key aim of both the LuF and SPF going forwards which would also help support traders.

Supplemental

Councillor Dr. Johnson sought assurances regarding the wider support that could be given to those businesses that would be missing out as a result of the closure of the market and through no fault of their own, be without somewhere to trade for a period of months, having invested in their own equipment and operations to be part of Barry Market.

The Cabinet Member reiterated that officers within the Council's Economy Team had been in contact with some of the market traders in order to provide support, and of those who had requested to be kept informed of any developments would be in terms of progress, etc. once a new market operator had been found. Traders had also been supported through the setting up of 'pop up' shops, etc.

(vi) Question from Councillor Dr. I.J. Johnson

How many residential properties are awaiting the implementation of a disabled parking bay, and what is the (a) average waiting time, and (b) longest waiting time, for a property still awaiting completion, since their application was approved?

Reply from the Cabinet Member for Neighbourhood Services and Transport

There were currently forty-eight applications on the waiting list for disabled persons parking places.

The first ten applications on this list were being progressed this financial year 2022 / 2023 and had been waiting since January-June 2020 for their applications to be progressed.

The approximate average waiting time for a bay to be installed was two years, however there had been a large increase in applications in the last two years due to Covid 19 and the increase in demand for on-street parking with an increasing number of residents now working from home. Therefore, it was anticipated that this average waiting time would increase as a result.

No.

Supplemental

Councillor Dr. Johnson asked what the reason was for the delays in implementing bays for some people who had already been assessed and agreed that they were in need of a disabled parking Bay, i.e. was it a budgetary issue.

The Cabinet Member replied that should Social Services decide that a disabled parking bay was necessary, they would fund it. However, this was not a statutory requirement for the Highways Department and therefore it had set aside approximately £15k from its budget, due to budgetary constraints. Those persons at the top of the list for the disabled parking bays who had waited the longest were dealt with first and they were done in batches in order to help cut down legal costs due to the Council's limited budget.

(vii) Question from Councillor Dr. I.J. Johnson

Can the relevant Cabinet member please provide an update on Vale of Glamorgan Council support being provided to refugees and asylum seekers under schemes related to (a) Ukraine, (b) Afghanistan and (c) Syria?

Reply from the Executive Leader and Cabinet Member for Performance and Resources (on behalf of the Cabinet Member for Housing and Building Services)

Since 2016, the Vale of Glamorgan Council had supported community sponsors to welcome three families to the area, in addition to the eighteen families that it had directly accommodated and supported across both the former Vulnerable Persons Resettlement Scheme and the current UK Resettlement Scheme for Syrians and Afghan families.

In recent months, the Vale of Glamorgan Council had further demonstrated its commitment to support the most vulnerable by co-operating with the Home Office to provide assistance to a number of Afghan families, hosted in the County, in the wake of the evacuation.

In terms of the Ukraine situation, the Council was working regionally with Cardiff Council to deliver the UK Government's Homes for Ukraine Scheme and Welsh Government's Super Sponsorship scheme. Refugee Support Workers were currently being recruited to provide wraparound support to hosts and families, which would include carrying out pre and post arrival checks and ensuring that guests had access to a wide range of key services, including health, employment and education. Until the new Support Workers were in post, existing staff from Shared Regulatory Services and Housing had been carrying out visits to hosts and undertaking property checks.

An Operational Group had been established within the Council in order to plan for arrivals and ensure that processes were in place to cover aspects like safeguarding, accessing education and childcare, financial matters and establishing local support networks. In addition, an arrival hub had been established at the airport to assist

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unexpected arrivals to access temporary accommodation and arrange onward travel to their intended destinations.

Supplemental

Councillor Dr. Johnson hoped that the level of support offered to refugees and asylum seekers would continue and asked what the current levels of commitment were from the UK Government and Welsh Government for supporting local authorities in Wales to continue to do this work.

The Leader replied that exact details or figures could not be provided at this time as these were calculated on the numbers of refugees, etc. coming into Wales and their needs, but the fundamental costs were being borne by the UK Government and Welsh Government because of the ongoing numbers of refugees, etc. coming into Wales. The situation for the Ukrainians was slightly different due to being refugees rather than asylum seekers, with approximately 46 host families within the Vale who had offered to open up their homes to Ukrainian refugees already, with some already having arrived and the others to join in due course. Potentially further numbers of refugees may well be in the Vale already through the Family Scheme or the Welsh Government's Super Sponsor Scheme.

1066 PUBLIC QUESTIONS –

The following questions were submitted and replied to as shown, in accordance with the protocol agreed by Council on 5th May, 2010.

(i) **Question from Mrs. Aoife Blight**

I understand that a number of mute swans have been found dead on the Knap Lake and have been confirmed as avian influenza (bird flu). Avian influenza spreads from bird to bird by direct contact or through contaminated bodily fluids and faeces. It can also be spread by contaminated feed and water, as well as by contaminated vehicles, clothing and footwear. Given the high footfall around the lake would the Cabinet Member please update us on what actions the Council are carrying out to protect both public and wildlife, in particular what cleaning regime and temporary feeding the Council are carrying out?

Reply from the Cabinet Member for Neighbourhood Services and Transport

Unfortunately, the Knap Lake, like many other areas across the country, had been affected by the incidence of avian influenza in the wild bird population. The nature of the wild bird population meant that the usual prescriptive avian flu measures required in respect of kept birds, could not be enacted. However, as soon as the Council was made aware of the first confirmed case of avian influenza at the Knap Lake, the following measures were implemented:

- Signage was erected at various locations around the Knap Lake informing members of the public that avian influenza had been confirmed and that feeding of the birds was prohibited;

No.

- The signage provided details of how members of the public were to report any dead birds they might find (through the Animal and Plant Health Agency helpline on 03459 335577).
- Road sweeping of the area around the lake was increased cleaning away faeces / feed from the footpath;
- Council staff attending to remove dead birds had been adhering to approved H&S risk assessments including the wearing of appropriate PPE and use of the appropriate disinfectant to minimise any risk of contamination;
- The Council had issued press statements and used social media to provide members of the public with information regarding the measures put in place;
- Park Wardens had informed members of the public who had been observed feeding birds, that this had been prohibited due to confirmed cases of avian influenza;
- The local shops had been informed of the presence of avian influenza, that as a result the feeding of the birds had been prohibited, and so bird feed must not be sold to the public.

The Council had also sought advice and guidance from the Animal and Plant Health Agency as well as Public Health Wales and had followed the guidance issued by these partner agencies in regard to protecting members of the public and Council staff.

(ii) **Question from Mrs. Aoife Blight**

Recent changes to the Highway Code have prioritised pedestrians attempting to cross the road. This has highlighted how dangerous it currently is for pedestrians in Barry, particularly along Park Road. For example, the junction of Park Road/Romilly Park Road/Old Village Road is extremely dangerous and requires a number of pedestrian crossings to allow residents and visitors access to both Barry Castle and Romilly Park. This junction is also en route to two popular childcare facilities in the area, Westend Play Group and St. Aubin's Nursery, putting parents and young children in danger as they walk to school. Would the Council please carry out a safety audit at this junction with a view to installing safer crossing points for pedestrians? Would they also consider redesign of this and other routes in Barry to encourage more active travel in line with their Project Zero intentions?

Reply from the Cabinet Member for Neighbourhood Services and Transport

A significant change to the Highway Code was that other road users, particularly drivers and motorcyclists should now give way at junctions to pedestrians crossing or waiting to cross a road into which they were turning or exiting. Other new rules required other road users to give way to pedestrians waiting to cross a zebra crossing and to pedestrians and cyclists waiting to cross a parallel crossing when previously they only had to give way if the pedestrians were already on the crossing.

No.

Overall, the Cabinet Member considered that these new rules were a positive step forward to improving the safety of vulnerable road users such as pedestrians, cyclists and horse riders especially given the emphasis and policies of both the Vale and Welsh Government on encouraging active travel to reduce carbon emissions through Project Zero as well as increasing well-being.

He would not agree with the suggestion that the changes in the new Highway Code had highlighted how dangerous it was for pedestrians in Barry, as there was no correlation between the new rules and safety at individual junctions highlighted by the Code, only an intention to generally improve the safety of vulnerable road users across the highway networks in England and Wales.

The Council took the highway safety on its local road network extremely seriously. Whilst the Park Road / Romilly Park Road / Old Village Road junction area comprised the confluence of several roads and was therefore of a significant width, this alone did not on its own make the junction unsafe. The junction had good visibility in all directions both to oncoming traffic and to pedestrians in the road and there was no known record of previous incidents or collisions which would suggest this junction area was not safe and as mentioned above the new changes in hierarchy within the Highway Code could only improve safety for pedestrians when crossing any road junction.

Should pedestrians feel concerned about crossing this area then there was a good quality uninterrupted footway on the opposite side of the road that could be used as an alternative to assist in safely accessing various destinations along the road. Therefore, the Cabinet Member did not see the need to undertake a safety audit of this location at this time.

The Cabinet Member was pleased to advise that the Council was progressing many Active Travel initiatives throughout the Vale and he encouraged residents in all areas to access the information available on Active Travel on the Vale's website and contribute to the ongoing discussions and consultations so that good quality and effective Active Travel routes could be developed for the future.

(iii) **Question from Mrs. Aoife Blight**

The Watchtower at the Knap is in a worrying state of repair and many residents want assurances that this much-loved, iconic building will be protected for future generations to enjoy. Even though this building is now privately owned, would the Cabinet Member please give an update on any future plans for this building?

Reply from the Cabinet Member for Neighbourhood Services and Transport

As the building was now privately owned the responsibility for maintenance and repair rested with the owner.

The most recent Buildings at Risk survey undertaken by CADW on behalf of Welsh Government in 2016 indicated the Watch Tower was identified as a medium priority building.

No.

We were now overdue the updated survey (due to Covid) and this was expected to happen in late 2023. Nevertheless, the Cabinet Member had been advised the Planning Department would identify the owner and remind them of their responsibility with regard to the listed status of the building.

(iv) **Question from Mr. Donald Reynolds**

Barry has a rich history, one to be proud of. A circular walk around no 1 Dock exploring this history would be an excellent and popular attraction to residents, businesses and visitors to the area. Would you the Council back calls to create such a circuit for walkers, cyclists and businesses in much the same way that Cardiff have at the Bay?

Reply from the Cabinet Member for Neighbourhood Services and Transport

The Council had recently undertaken a consultation regarding Active Travel routes which included Barry Docks and this recognised the need for a suitable route linking the Docks to the wider Waterfront and the town. The Council had also commissioned economic and spatial master-planning work for Barry as part of its bid for funding from UK Government as part of the Levelling Up agenda. This work was not yet complete but was already recognising the importance of linking the waterfront to the rest of Barry and the opportunity that existed to improve active travel links around the Docks.

The Council would be working with both Welsh and UK Governments to identify possible funding streams to help deliver active and sustainable travel improvements around the Waterfront, the Docks and to improve links to the town centre and wider Barry.

Irrespective of all of this, you would be aware that as part of the regeneration of the waterfront area, the Council had already delivered improvements in the linkages from the former docks area to the town centre and to High Street, by virtue of additional and improved pedestrian and vehicular connections.

(v) **Question from Dr. Alexander Barratt**

What impact has the recent closure of Llancarfan Primary School and the opening of South Point Primary in Rhoose had on the number and proportion of surplus school places in the Western Vale?

Reply from the Cabinet Member for Education and Regeneration

The original Llancarfan Primary School had a capacity of 126 pupils and did not include nursery provision. The replacement school of South Point Primary School had a capacity of 210 pupils and 48 part-time nursery pupils.

Currently there were 83 primary pupils and 11 nursery pupils attending South Point Primary School since the new building opened on 2nd March, 2022. 16 children had joined the school for this academic year, 12 living in Rhoose, of which 11 had transferred from other primary schools and 5 were new starters moving into the Vale

No.

of Glamorgan with 4 living in Rhoose. The current pupils on roll at the school meant that there was a 60% surplus in capacity for primary pupils and 54% surplus for nursery. There had therefore been an increase in pupils and we would expect numbers to grow now the school had a visible presence in the area.

The pupil projection which informed the proposal predicted that South Point Primary would have 94 pupils on roll on transfer to the new site and Rhws Primary would have 349 pupils on roll which excluded the housing development. Based on the current number of pupils on roll for South Point and Rhws the full demand for school places anticipated by 2021/22 had not yet occurred. This was mainly due to housing development allocated to the north-east of the Railway line of 354 units not coming forward. There was however potential for it to come forward as a large portion of the site was still viable. The 354 houses would increase demand in the area by an estimated 98 places for primary age children. This would result in a predicted future surplus of 14% at South Point Primary School in the next 5-year period.

The last residential units under Phase 1 of the development were completed in 2021/22 which meant that the full cohort of potential pupils would not as yet be reflected in admissions. The projections could not account for the specific age of pupils arising from the development and generally it was expected that there would be an increased uptake of school admissions year on year following the completion of the development together with the positive impact of opening a new school.

It was relevant to note that the completion of the residential developments did not align with the completion of the new school which had impacted upon the surplus within South Point Primary School. Of the pupils living in the development, 5 attended South Point, 36 attended Rhws Primary, 15 attended Welsh medium or denominational schools and 19 attended other English medium schools outside of the Rhoose area. The pupils who attended Rhws Primary and other English medium schools could potentially transfer to the new school now it was fully operational in future, however this was a matter for parental preference.

(vi) **Question from Dr. Alexander Barratt**

Following the recent closure of Llancarfan Primary School, please outline the Council's plans and timetable for the disposal of the school site, including the C19th school building which is listed as a County Treasure?

Reply from the Cabinet Member for Education and Regeneration

Since the Cabinet decision to declare the site surplus to requirements, the Council had been undertaking a due diligence review of any statutory procedures it was required to consider prior to disposal. It was hoped that this review process would conclude by the end of April 2022. The Council aimed to dispose of the site at the earliest opportunity in accordance with Recommendations (3) to (5) endorsed on 14th March Cabinet meeting any statutory processes identified as part of the due diligence review.

No.

(vii) **Question from Mrs. Victoria Roberts**

Can the Council confirm if the land at the site of the former Knap pool is legally owned and/or controlled by the Vale of Glamorgan Council?

Reply from the Executive Leader and Cabinet Member for performance and Resources

Yes.

(viii) **Question from Mrs. Kate Paschalis**

How can the Council tackle youth disruption in the Knap? In particular speeding and unlicensed vehicles.

Reply from the Executive Leader and Cabinet Member for Performance and Resources

The Council had recently reviewed any reports of anti-social behaviour at the Knap. If there had been any such reports they would have been submitted to the Council and South Wales Police. However, there appeared to have been very limited instances reported to either agency in relation to youth annoyance and vehicle annoyance in the past six months. Without such reports it was difficult to prioritise resources to tackle this issue.

Despite the lack of any reports and in order to raise this potential issue within the community, the Council's Community Safety Team would arrange to hand deliver 'How to report Anti-Social Behaviour' leaflets to residents in the vicinity so that they had the information they needed to report, via 101 or emailing SWP101@south-wales.police.uk

(ix) **Question from Dr. Alexander Barratt**

In the business plan submitted to Welsh Government in support of the bid for C21st Schools funding for South Point Primary, the new primary school in Rhoose, was a case made for managing demand for school places and surplus capacity in the Western Vale?

Reply from the Cabinet Member for Education and Regeneration

The development of South Point Primary School under the Sustainable Communities for Learning Programme (previously 21st Century Schools) was subject to a Business Justification Case. The business case considered School Organisation issues, which included an assessment of predicted pupil demand and surplus capacity, under the strategic case as part of the case for change for the project. The business case was submitted in May 2020 and included an updated analysis of the demand and surplus considerations which were published under the statutory process to approve the school re-organisation proposals in 2018/19.

No.

It concluded that “Transferring the school to larger accommodation and creating a new catchment area with sustainable numbers would enable the school to build on existing progress while catering for a greater school population. An increase in pupil numbers would also provide additional revenue for Llanccarfan Primary school.

If the school was to remain on its existing site, it is likely pupil numbers would continue to decline. As school funding is primarily based on the number of pupils on roll, the school’s budget would be negatively affected.”

(x) **Question from Dr. Alexander Barratt**

Has there been any communication between Vale of Glamorgan Council and Welsh Government about the level of surplus places at South Point Primary since the new school opened?

Reply from the Cabinet Member for Education and Regeneration

Following the opening of the School, Welsh Government had been informed of the current number on roll at South Point Primary School. Additionally, as an admissions authority the Council submitted school place data to the Welsh Government on an annual basis as part of their data collection exercise which included and indicated the level of surplus capacity at schools. These submissions were inspected by Welsh Government and discussions took place if surplus capacity was considered to be an issue.

The Council would undertake a full review of the outcomes of the project in due course and this would include a lessons learnt exercise which would review the methodology used to predict pupil places. The results of this review would be shared with the Council’s partners including Welsh Government and the contractor who constructed the school.