

DEDDF CYNLLUNIO TREF A GWLAD 1990
CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)
GORCHYMYN 1995 - HYD HEDDIW
DEDDF CYNLLUNIO A IAWNDAL 1991
RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994
DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)
1990
CEISIADAU AM GANIATAD DATBLYGU

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

Copiau ar gael gan y Pennaeth Gwasanaethau Cynllunio

CAIS GALW I MEWN

FFERM WYNT 25 TYRBIN ARFAETHEDIG YN NHIR MOSTYN - FOEL GOCH, NANTGLYN, SIR DDINBYCH CAIS CYNLLUNIO RHIF CÔD 25/710/99/PF

ADRODDIAD GAN BENNAETH GWASANAETHAU CYNLLUNIO

1. PWRPAS YR ADRODDIAD:

- 1.1 Mae'r adroddiad yn rhoi diweddariad ar y datblygiadau mewn perthynas â'r Ymchwiliad Cyhoeddus "Galw i mewn" ar gais fferm wynt Tir Mostyn-Foel Goch, ac yn gofyn am benderfyniad yr Aelodau mewn perthynas ag amodau cynllunio a thelerau Ymrwymiad Adran 106 posibl y bydd yn rhaid eu cyflwyno i Arolygydd yr Ymchwiliad i'w hystyried ym mis Rhagfyr 2001.

2. CEFNDIR:

- 2.1 Ystyriwyd y cais cynllunio am 25 o dyrbinau gwynt yn Nhir Mostyn-Foel Goch ym Mhwylgor Cynllunio'r Sir ar 1af Tachwedd 2000. Penderfynodd y Pwyllgor roi caniatâd cynllunio yn groes i argymhelliad y Swyddogion yn amodol ar:
- (a) Bod Pennaeth Gwasanaethau Cynllunio yn trafod amodau ac ymrwymadau cyfreithiol addas gyda'r ymgeiswyr, ac yn cyflwyno adroddiad ar y rhain i'r Pwyllgor Cynllunio eu hystyried.
 - (b) Ystyried a phenderfynu ar yr amodau a'r ymrwymadau gan y Pwyllgor Cynllunio cyn rhyddhau'r Dystysgrif Penderfyniad.
- 2.2 Ar brynhawn Pwyllgor Cynllunio'r 1af Tachwedd 2000, cadarnhaodd Cynulliad Cenedlaethol Cymru ei fod yn "galw'r cais i mewn" i'w benderfynu, ar y sail ei fod yn codi materion sydd o fwy nag arwyddocâd lleol, h.y tynnodd y Cynulliad y cyfrifoldeb am benderfynu'r cais oddi wrth yr Awdurdod Cynllunio Lleol.
- 2.3 Rhoddodd y Cynulliad wybod ar y 12fed Gorffennaf 2001 ei fod yn bwriadu cynnal Ymchwiliad Lleol i ystyried agweddau perthnasol ar y datblygiad arfaethedig.
- 2.4 Cynhaliodd yr Arolygydd a benodwyd gyfarfod Cyn Ymchwiliad yng Nghaledfryn, Dinbych ar yr 2il Awst 2001, i gytuno trefniadau trefniadol a gweinyddol.
- 2.5 Trefnwyd bod yr Ymchwiliad i ddechrau ar y 4ydd Rhagfyr 2001 a rhagwelir y bydd yn para am 2 neu 3 wythnos. Bydd yn cael ei gynnal yn Neuadd y Dref, Dinbych.
- 2.6 Penderfynodd y Pwyllgor yng Ngorffennaf 2001 y bydd y Cyngor yn cael ei gynrychioli yn yr Ymchwiliad gan yr Aelod Lleol a Chadeirydd y Pwyllgor Cynllunio.
- 2.7 Mae Datganiad o Achos yr Awdurdod wedi'i anfon ymlaen i'r Arolygiaeth erbyn y dyddiad cau, sef y 23ain Awst 2001.

- 2.8 Mae archwiliad safle 'cyn Ymchwiliad' wedi'i gynnal ar yr 2il Hydref 2001, gyda'r Arolygydd a'r rhai sydd â diddordeb yn bresennol. Pwrpas y cyfarfod hwn oedd dim ond 'cerdded' safle'r cais a sylwi ar leoliad arfaethedig y tyrbinau gwynt ymlaen llaw i'r Ymchwiliad, nid i gymryd tystiolaeth.
- 2.9 Mae Proffenni Tystiolaeth ffurfiol yn cael eu paratoi gan yr Aelod Lleol a Chadeirydd y Pwyllgor, ar gyfer y dyddiad cau, 9fed Tachwedd 2001.
- 2.10 Mae Arolygydd yr Ymchwiliad wedi tynnu sylw at gyngor yn y Cylchlythyr perthnasol ar Arfer Da mewn Ymchwiliadau Cynllunio, yn ymwneud â llunio amodau cynllunio ac Ymrwymadau Adran 106 ymlaen llaw i Ymchwiliad. Disgwylir bod y prif gyfranogion yn trafod amodau cynllunio ac yn chwilio am fesur o gytundeb cyn Ymchwiliad, a ble ystyrir bod Ymrwymiad 106 yn briodol i gefnogi amodau, dylai'r ddogfen orffenedig gael ei chyflwyno i'r Arolygydd fel arfer gryn dipyn cyn diwedd yr Ymchwiliad.
- 2.11 Bu deialog rhwng Swyddogion y Cyngor a chynrychiolwyr y cwmni sy'n gwneud y cais, Windjen a'r RSPB ar amodau cynllunio a thelerau Ymrwymiad Adran 106 posibl, i sefydlu cwmpas yr ymarferiad hwn.

3. Y CAM NESAF:

- 3.1 Gofynnir i'r Aelodau ystyried y rhestr atodedig o Amodau cynllunio (DCC1) a phenawdau sylfaenol telerau Ymrwymiad Adran 106 (DCC2) i gefnogi achos yr Awdurdod yn yr Ymchwiliad ym mis Rhagfyr.

4. ARGYMHELLIAD:

- 4.1 Gofynnir i'r Aelodau benderfynu ar y canlynol:-
- (i) bod yr amodau cynllunio a amlinellir yn y rhestr yn Nogfen DCC1 (fel y'u diwygir gan y Pwyllgor) i'w cyflwyno i Arolygydd yr Ymchwiliad fel rhai sy'n dderbyniol i'r Awdurdod Cynllunio Lleol os digwydd y rhoddir caniatâd cynllunio;
 - (ii) bod penawdau sylfaenol telerau Ymrwymiad Adran 106 a amlinellir yn Nogfen DCC2 (fel y'u diwygir gan y Pwyllgor) yn dderbyniol i'r Awdurdod Cynllunio Lleol, bod yr Awdurdod Cynllunio Lleol yn cytuno i lunio ymrwymiad gyda'r cyfranogion perthnasol ar yr amod bod y Swyddog Cyfreithiol yn fodlon ar y manylion, a bod y datblygwyr, y rhai sydd â diddordeb ac Arolygydd yr Ymchwiliad i'w hysbysu yn unol â hynny;
 - (iii) bod y Swyddog Cyfreithiol a Phennaeth Gwasanaethau Cynllunio i'w hawdurdodi i drafod a chytuno newidiadau ac ychwanegiadau addas i'r amodau a phenawdau telerau Ymrwymiad Adran 106 fel y bo angen, cyn, yn ystod ac ar ôl yr Ymchwiliad, cyhyd ag y bo'r rhain yn parhau o fewn cwmpas sylfaenol Dogfen DCC1 a DCC2.

Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor

DOCUMENT DCC1

TIR MOSTYN - FOEL GOCH WINDFARM APPLICATION CODE NO 25/710/991/PF

LIST OF ACCEPTABLE PLANNING CONDITIONS IN THE EVENT OF PERMISSION BEING GRANTED

The Conditions are not listed in any order of significance.

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The development shall be carried out strictly in accordance with the details in the following plans and documents.
3. The centre of each of the wind turbines shall be located at the grid references Drawing No. [] with a maximum deviation of 10 metres from these locations, unless otherwise agreed in writing by the Local Planning Authority.
4. This permission relates solely to the erection of the [type of turbine/manufacturer's reference] with a tower height of metres from reinstated ground level at the base of each turbine, and a rota blade diameter of metres.
5. All the wind turbines shall be of tubular steel construction.
6. The turbine, tower, nacelle and blades shall have a non-reflective matt finish. The colour of the finish shall be as may be approved in writing by the Local Planning Authority before development commences on the site, and the approved colour shall be retained thereafter.
7. The blades of all the turbines shall rotate in the same direction.
8. None of the turbines, anemometer masts, associated buildings and above ground equipment or fixed plant shall be permitted to have any names, logos, signs or advertisements on external surfaces at any time.
9. None of the wind turbines shall be located within 60 metres of any part of Public Footpath 67 or any public highway.
10. All electricity and control cables within the application site shall be laid underground.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 17 Class G no overhead lines or other above ground apparatus or fixed plant shall be permitted to be erected within the application site without the written permission of the Local Planning Authority.
12. No development shall be permitted to commence until the formal written approval of the Local Planning Authority has been obtained to the detailing of the electricity connections between the separate parts of the application site and the connection to the electricity grid, including routing and design of poles.
13. If any wind turbine hereby permitted fails to operate (produce electricity) for a continuous period of six months, the wind turbine, tower and ancillary equipment shall be dismantled and removed from the site, and the foundations shall be removed down to a minimum of 300mm below surrounding ground level and the land shall be restored to its former profile and

conditions (to be agreed as part of the scheme of recording the existing site outlined in Condition () within a period of 3 months from the end of the 6 month period.

14. No development shall be permitted to take place on the substation building until the written approval of the Local Planning Authority has been obtained to the stone to be used on the external walls, the type of natural slate to be used on the roof, and the colour of any exposed transformers, housing, and rainwater goods.
15. No development shall be permitted to commence until details of the temporary site site compound have been submitted to and have been approved in writing by the Local Planning Authority. The details shall include the location of the compound fencing area for the parking and storage of plant, machinery and equipment, the parking and turning of contractor's vehicles, a scheme for the prevention of oils, fuels and chemicals from entering the soils or ground or surface water the means of disposal of foul sewage and the proposed reinstatement/restoration of the site compound following the completion of site works. The temporary site compound shall be developed in accordance with the approved details prior to any plant, machinery, equipment, oils, fuels or chemicals being brought to site.
16. The temporary site compound shall be removed in its entirety and the land reinstated in accordance with the details approved in accordance with Condition () no later than 3 months following the commissioning of the turbines.
17. No work shall be permitted to commence on the development until there has been submitted to and agreed in writing by the Local Planning Authority a detailed scheme showing the proposed details of the stripping of the site, the storage and proposed use of topsoil and subsoil and the after treatment of the disturbed land by construction or related works.
18. No excavation works shall be permitted to commence on any of the temporary borrow pits until full details of the location, extent and maximum depth of the borrow pits, the timing of excavations and after treatment of the borrow pits including final land profiles, soil mixes and planting proposals, following excavation and during the operation of the wind turbines have been submitted to and have been approved in writing by the Local Planning Authority.
19. No development shall be permitted to commence until details of measures to prevent material from excavation or construction activities or other activity on the application site resulting in disturbance to surface water drainage, entering watercourses within or outside the application site; to include silt traps and means of measuring, monitoring and remedying turbidity in watercourses; have been submitted to and have been approved in writing by the Local Planning Authority.
20. No development shall be permitted to commence until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme of reinstatement of the application site to take place immediately following the commissioning of the windfarm, such scheme to include the reinstatement of the land around the turbines, access and site roads, cable trenches, drainage ditches, temporary site compound, borrow pits and control building. The reinstatement shall be completed in accordance with the approved details within a period of 3 months of commissioning.
21. No development shall be permitted to commence until there has been submitted to and agreed in writing by the Local Planning Authority, a method for the measurement of noise emissions and tonal noise from the wind turbines. The approved method shall accord with The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) and Tonal Noise Standards (BS 7135 Part 1 Annex D). All noise emissions and tonal noise from turbines shall be measured in accordance with the approved method.
22. When measured in accordance with Condition () the level of noise emissions from wind turbines shall not exceed 40dBLA90_{10min} at wind speeds of up to 9m/s at the edge of the curtilage to the dwelling known as Hafoty Las, nor at the edge of the curtilage of any other dwelling.

23. The Windfarm shall not be commissioned until it has been demonstrated to the satisfaction of the Local Planning Authority that the noise emissions and tonal noise from the turbines when fully operational, are in accordance with the limits in Condition (), and the Authority's written confirmation has been obtained to this effect. If, following monitoring of noise emissions and tonal noise, the limits identified in Condition () are exceeded, none of the wind turbines within the application site shall be permitted to operate other than in the course of testing and monitoring, until the Local Planning Authority has confirmed in writing that suitable measures have been taken to ensure compliance.
24. If tonal noise exceeds the threshold of audibility by 8dB, the level of permissible emission shall be reduced by 5dB.
25. In the event that the Local Planning Authority receives complaints over the occurrence of shadow flicker from any of the turbines, and following investigation it is established that such phenomenon is occasioning loss of amenity to residential property in the locality, the turbine in question shall cease to operate until such measures to prevent its occurrence have been submitted to and have been approved in writing by the Authority.
26. All site tracks, including the construction of the new point of access to the highway network shall be completed before the commencement of any construction works on the turbines on the application site.
27. All site accesses shall be surfaced with stone from the approved borrow pits.
28. No work shall be permitted to take place on the construction of any site access tracks until there has been submitted to and approved in writing by the Local Planning Authority details of the means of downgrading the tracks following commissioning of the windfarm. The downgrading shall be completed no later than 6 months after the commissioning of the windfarm.
29. No development shall be permitted to commence on the excavation of the borrow pit centred on Grid Reference _____ until there has been agreed with the Local Planning Authority a scheme of archaeological investigation of that site to be funded by the developer, and following the evaluation of the investigation it has been agreed by the Authority that excavation can proceed, and in what manner.
30. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow him/her to observe the excavations and record items of interest and finds.
31. All the turbines, buildings, anemometers, power lines and switch gear hereby or subsequently approved shall be removed in their entirety from the site no later than the [25 years from the date of grant of permission], and the application site shall be reinstated in accordance with such detailed scheme as is submitted to and approved in writing by the Local Planning Authority, indicating proposed site levels, soil profiles and planting, boundary treatment, drainage and timing of works; such scheme to be submitted no later than

DOCUMENT DCC2

TIR MOSTYN - FOEL GOCH WINDFARM APPLICATION CODE NO 25/710/99/PF

LIST OF ACCEPTABLE HEADS OF TERMS OF SECTION 106 OBLIGATION

The Obligation should ensure the following in relation to specific aspects of the development.

Noise:

The carrying out at the developer's expense -

- (a) prior to the commissioning of the windfarm, an agreed system of monitoring of noise emissions and tonal noise from the turbines to establish compliance with planning condition(s);
- (b) on receipt of complaints to the Local Planning Authority, and on the request of the Authority at annual intervals, the agreed system of monitoring of noise emissions and tonal noise from the turbines.

Highway works:

The submission by the developers of a detailed 'Highway Scheme' and agreement to its implementation at the developer's expense prior to the commencement of any development, including -

- (a) the management of all construction traffic associated with the construction of the windfarm (routes, timing of movements, signage);
- (b) the carrying out of works on the existing public highways to facilitate the passage of construction or other vehicles to and from the site, (The Construction Traffic routes) and to include recording of existing conditions, the construction of passing bays, strengthening of roads and verges;
- (c) the reinstatement of all highways in the course of construction works and on completion of construction works;
- (d) the provision of wheel washes to prevent the soiling of the highway;
- (e) a construction method statement.

Water Supply:

The carrying out at the developer's expense,

- (a) a detailed survey of the quality of private water supplies and natural watercourses in agreed locations near to the application site prior to the commencement of any development works;
- (b) monitoring of the quality of water and turbidity at agreed intervals during the construction and operational phases of development;

- (c) measures to remedy any turbidity or deterioration of private water supply or the quality of water in affected watercourses as a result of the development, during and after completion and decommissioning of the windfarm.

Television/radio reception:

The carrying out, at the developer's expense -

- (a) prior to the commencement of any development and at agreed intervals on commissioning of the windfarm, a survey of television and radio reception in an agreed area in the vicinity of the application site, the methodology to be agreed by the BBC, NTL, and the Local Planning Authority;
- (b) measures to rectify any problems which may arise as a direct result of the development, to ensure there is no deterioration in the quality of reception, including the provision of alternative signal sources, a re-broadcast link, and new receiving equipment at individual properties if necessary, within a period of 6 months after the completion of the development; or within 6 months of a problem arising thereafter.
- (c) the deposit of an agreed Bond to remedy any problems arising.

Upland Bird species:

The entering into an agreement at the developer's expense to manage the site and adjacent forestry in order to provide improved upland heath and forest edge habitats, including for Black Grouse, other birds and wildlife; including as necessary the establishment of a steering group funded by the developer to monitor and agree actions.

Ecology:

The formulation and carrying out, at the developers expense -

- (a) an agreed scheme for the protection and enhancement of unimproved wet grassland within the application site during and after construction works;
- (b) an agreed scheme to decrease grazing pressure on parts of the application site to allow regeneration of vegetation.

Archaeology:

An agreed contribution by the developer to an Archaeological Fund, for a 5 year period, to monitor the effect of development on archaeological interests to identify whether there is evidence of Bronze Age settlement within the area.

Footpaths:

The signposting at the developer's expense, of Public Footpath 67 and the provision of suitable stiles on site boundaries to allow public access to the path.

Decommissioning Bond:

The provision by the developer, of a financial guarantee to cover all decommissioning costs in the event of the windfarm ceasing to operate, or at the end of the life of the windfarm.

ADRODDIAD GAN BENNAETH GWASANAETHAU CYNLLUNIO

AROLWG O'R CYNLLUN DIRPRWYO A GWEITHDREFNAU ERAILL

1. PWRPAS YR ADRODDIAD

- 1.1 Mae'r adroddiad hwn yn adolygu gweithdrefnau gwneud cais, gorfodi ac apelio cynllunio gan gymryd profiadau ac adborth diweddar i ystyriaeth. Mae'r adroddiad wedi'i osod allan mewn fformat i adlewyrchu'r broses gynllunio o dderbyn y cais i'w benderfynu drwodd i apêl bosibl, yn cynnwys tor-reolaeth gynllunio.
- 1.2 Mae'r pynciau ble mae angen ystyried arolwg wedio'u hamlinellu isod. Ble rwyf yn argymhell newidiadau yn y drefn mae fy argymhellion wedi'u hanodi ar wahân er mwyn eglurder mewn llythrennau **trwm** i ganiatáu penderfyniad ffurfiol ar y materion penodol.

2. CEFNDIR

- 2.1 Rhoddwyd adroddiad ar yr arolwg cyflawn diwethaf o arferion a gweithdrefnau i'r Pwyllgor Cynllunio ym mis Gorffennaf 1998 er ym mis Rhagfyr 1998 cyflwynwyd adroddiad ar wahân ar bolisi a gweithdrefnau gorfodi i'r Pwyllgor Cynllunio. Ym mis Hydref 1999 cymeradwywyd Pecyn Gwasanaethau Aelodau a Chynllun Dirprwyo Diwygiedig gan Gyngor Sir Ddinbych. Gweithredwyd y cynllun yn Chwefrof 2000. Dros y 3 blynedd diwethaf mae nifer o welliannau trefniadol penodol wedi'u mabwysiadu gyda chytundeb aelodau e.g. cyfranogiad aelodau yn y broses apelio.
- 2.2 Wrth gytuno'r Pecyn Gwasanaethau Aelodau a'r Cynllun Dirprwyo Diwygiedig roedd yna ymrwymiad i adolygu'r cynllun hwn bob hyn a hyn. Wrth adolygu dirprwyo mae yna gyfle hefyd i ystyried agweddau cydgysylltiedig ar y broses gynllunio. Mae hyn yn cynnwys edrych ar sut y cyflwynir gwybodaeth ac mae'n cyfeirio at ac yn datblygu pwyntiau a wnaed gan aelodau dros y ddwy flynedd diwethaf yn cynnwys sylwadau a wnaed mewn dau Weithdy Aelodau yn Llangollen.
- 2.3 Rhaid gweld yr arolwg hefyd yng nghyd-destun ehangach yr angen i wella cyfathrebu rhwng aelodau a swyddogion yn barhaus a'r ffordd yr ydyd yn gweithredu ac yn perfformio yng nghyd-destun y gyfundrefn gwerth gorau a hefyd i gymryd deddfwriaeth fel y Ddeddf Hawliau Dynol sy'n ymddangos i ystyriaeth. Mae'r arolwg hwn felly yn rhedeg ochr yn ochr â'r canlynol - Arolygiad Gwerth Gorau o Wasanaethau Cynllunio yn Ebrill 2002; Arolwg Rheoli Datblygu Gwerth Gorau sy'n cael ei wneud am y cyfnod Ebrill 2000 i Fawrth 2002; a'r posibilïadau o wneud cais am Statws Marc Siarter gan y Gwasanaethau Cynllunio yn 2002.

3. CYHOEDDUSRWYDD AC YMGYNGHORIADAU

- 3.1 Mae yna ofyniad statudol i roi cyhoeddusrwydd i'r rhan fwyaf o geisiadau cynllunio drwy gyfuniad o naill ai llythyrau i breswylwyr cymdogol, hysbysiadau safle, neu hysbysiadau yn y wasg. Yn ogystal rydym yn ymgynghori ag ymgynghoreion statudol ac anstatudol. Yn gyffredinol mae faint o gyhoeddusrwydd ac ymgynghori yr ydym yn ei wneud yn fwy na'r gofynion statudol lleiaf. Cyflwynwyd adroddiad yn amlinellu sut ydym yn rhoi cyhoeddusrwydd i geisiadau i'r pwyllgor hwn ym mis Medi 1998 a bydd *copi o'r adroddiad hwn* ar gael yn y cyfarfod a gellir ei ddarparu o wneud cais. Dylai'r aelodau nodi ein bod yn ddiweddar wedi symleiddio ein llythyrau cyhoeddusrwydd, ein llythyrau cydnabod, a'n llythyrau sy'n hysbysu'r rheini sydd wedi anfon sylwadau i mewn o'n penderfyniad.
- 3.2 Rydym yn ceisio gweithio'n agosach gyda rhai o'n hymgyngghoreion allweddol. Rydym wedi ysgrifennu'n ddiweddar at bob Cyngor Tref a Chymuned yn cynnig presenoldeb yn un o'u cyfarfodydd o fewn y flwyddyn neu ddwy nesaf. Rydym hefyd wedi bod ar gael o bryd i'w gilydd i fynyachu Cyfarfodydd Cynghorau Cymuned ble mae cais cynllunio pwysig dan drafodaeth. Cynhaliwyd gweithdy rhwng Swyddogion Cynllunio a Phrifyfdd i wella ein harferion gweithio. Byddwn yn anfon holiadur i ymgynghoreion yn y dyfodol agos ynghylch ansawdd ein gwasanaeth.
- 3.3 Fel rhan o ymchwiliad gorfodi bydd anhysbysedd achwynwyr yn cael ei barchu.

4. GADAEL I AELODAU WYBOD BETH SY'N DIGWYDD.

- 4.1 Fel rhan o'r Pecyn Gwasanaethau Aelodau a'r Cynllun Dirprwyo a gytunwyd mae'r aelodau'n derbyn rhestrau o'r ceisiadau cynllunio a dderbyniwyd ynghyd â pro forma yn rhoi'r cyfle i wneud sylwadau a/neu ofyn am gyfeirio cais i'r Pwyllgor Cynllunio am resymau cynllunio. Ymddengys fod y system hon, ynghyd â mwy o gyswilt anffurfiol rhwng swyddogion ac aelodau, yn gweithio'n dda o farnu o'r adborth gan yr aelodau a'r swyddogion. Yn ogystal rydym yn briffio aelodau lleol ar gynigion pwysig. Mae swyddogion hefy yn trefnu eu bod ar gael 30 munud cyn cychwyn Pwyllgor Cynllunio i ateb cwestiynau'n gysylltiedig â'r pwyllgor neu gwestiynau mwy cyffredinol y mae'r aelodau'n dymuno eu codi'n anffurfiol.
- 4.2 O flaen Pwyllgor, hysbysir aelodau ward yn ysgrifenedig o unrhyw fater gorfodi sydd i'w gyflwyno i'r Pwyllgor yn effeithio ar eu ward. Mae aelodau ward hefyd yn derbyn copïau o unrhyw rybuddion gorfodi a gyflwynwyd yn eu ward.

5. CÔD ARFER GORAU

- 5.1 Cymeradwywyd y Côt Arfer Gorau i Gynghorydd a Swyddogion sy'n delio â materion cynllunio yn Ionawr 1998. I gymryd newidiadau yn y drefn sydd wedi digwydd neu a argymhellir fel rhan o'r adroddiad cyffredinol yma i ystyriaeth, mae côd ymarfer diwygiedig wedi'i amlinellu yn **Atodiad 1**.
- 5.2 Dau faes y byddwn yn hoffi eu hamlygu yw y dylai Aelodau wyllo rhag dod i farn glir ar gynnig neu fater gorfodi cyn iddynt ddod yn ymwybodol o'r holl dystiolaeth a dadleuon (Adran 2). Yn ogystal o fewn yr Adran hon rwyf wedi ychwanegu sylw y dylai Aelodau hysbysu Cynghorydd/Cynghorwyr y Ward Councillor o ran cwrteisi ble maent yn ceisio dod yn gysylltiedig â datblygiad cynigion neu faterion gorfodi y tu allan i'w ward eu hunain.
- 5.3 **Argymhellir bod y newidiadau i'r Côt Arfer Gorau a amlinellwyd yn *Atodiad 1* i'w cymeradwyo**

6. CYNLLUN DIRPRWYO

- 6.1 Cymeradwywyd y cynllun dirprwyo presennol gan y Cyngor Sir ar 5ed Hydref 1999 ac fe'i gweithredwyd o'r 1af Chwefror 2000. Cafodd y cynllun dderbyniad da ac ymddengys ei fod yn gweithio'n dda yn gymaint â bod cyfleoedd i aelodau gyfranogi yn y broses gwneud ceisiadau wedi cynyddu a bu tuedd ar i fyny mewn perfformiad yn nhermau canran y ceisiadau a gaiff eu trin o fewn y cyfnod o 8 wythnos. Serch hynny, mae angen adolygu prosesau manwl y cynllun gan gymryd profiad pawb o'r cynllun i ystyriaeth. Rhoesom ymrwymiad i adolygu'r cynllun yn flynyddol pan y'i cymeradwywyd i ddechrau. Mae'r cynllun wedi'i egluor i ymgynghoreion a'r cyhoedd ble mae angen ac mae taflen ar gael dan y teitl Sut Ydym yn Delio â Cheisiadau Cynllunio.

Bydd copi ar gael yn y cyfarfod. Mae'r daflen hefyd ar wefan y Cyngor ac mae'n ffurfio rhan o Siarter Cwsmeriaid y Gwasanaethau Cynllunio. Yn ogystal ymddengys fod y cynllun dirprwyo ar orfodi yn gweithio'n dda.

- 6.2 Mae newidiadau manwl y cynllun wedi'u hamlinellu yn Atodiad 2, a dyma'r prif newidiadau:

- i.. Caniatáu i swyddogion benderfynu penderfyniadau a hysbysiadau hyd yn oed ble mae gwrthwynebiadau cynllunio perthnasol wedi'u derbyn. Mae penderfyniadau a hysbysiadau'n delio â rhai cynigion yn ymwneud â thelegyfathrebu, amaethyddiaeth, a choedwigaeth. Maent yn wahanol i geisiadau cynllunio yn yr ystyr bod terfynau amser llym o 28 neu 42 diwrnod yn berthnasol, yn dibynnu ar y math o gynnig, yn ystod pa rai y mae'n rhaid i'r Cyngor wneud penderfyniad. Fel arall mae gan yr ymgeisydd gymeradwyaeth dybiedig. Mae'r terfynau amser llym hyn sy'n rhaid cadw atynt wedi'u cyfuno â'r rhesymau technegol cyfyngedig y gall y Cyngor eu hystyried wrth benderfynu'r cais yn cefnogi'r angen i ddirprwyo i swyddogion. Fe all fod angen adolygu'r agwedd yma ymhellach yn dibynnau ar newidiadau posibl yn y ddeddfwriaeth.
- ii. Nad all cais a gyflwynwyd gan Gyngorwyr neu eu perthnasau agos gael eu penderfynu gan Bennaeth Gwasanaethau Cynllunio. Mae hyn i adlewyrchu dymuniad y Cyngor i fod â phroses gynllunio dryloyw. Diffinnir perthnasau agos fel priod/partner, rhieni neu blant. Mae cyfyngiadau tebyg yn berthnasol i staff Gwasanaethau.
- iii. Dylai ceisiadau cynllunio sy'n ôl-weithredol ac yn destun argymhelliad i'w gwrthod gael eu dwyn gerbron y Pwyllgor Cynllunio i sicrhau cysondeb rhwng y penderfyniad cynllunio a'r penderfyniad gorfodi. Fel arall fe allai fod y sefyllfa ble mae swyddogion yn gwrthod cais dan bwerau dirprwyedig ond bod yr Aelodau'n penderfynu peidio â chymryd camau gorfodi.
- iv. Dylai ceisiadau sy'n cynnwys tir sy'n eiddo i Gyngorwyr neu eu perthnasau agos, hyd yn oed ble nad y Cyngorydd neu'r perthynas agos yw'r ymgeisydd, gael eu penderfynu gan y Pwyllgor Cynllunio eto i adlewyrchu proses dryloyw a beirniadol. Mae cyfyngiadau tebyg yn berthnasol i staff Gwasanaethau Cynllunio.
- v. Fe all cefnogaeth i gais cynllunio godi ystyriaethau cynllunio perthnasol sy'n cyfiawnhau ystyriaeth Pwyllgor. Mae achosion o'r fath yn debygol o fod ble mae'r materion yn gyfartal iawn.
- vi. Dylai'r Pwyllgor Cynllunio ystyried ceisiadau i waredu neu amrywio amod ble mae'r amod hwnnw wedi'i osod gan Aelodau mewn Pwyllgor Cynllunio.

- vii. Ystyrir bod amddiffynfeydd yn Rhan 2 sy'n mynnu bod adroddiad yn cael ei wneud ar geisiadau gan Gynghorwyr, staff Gwasanaethau Cynllunio a pherthnasau agos i'r Pwyllgor Cynllunio yn ddigonol ac argymhellir nad oes angen rhoi adroddiad am geisiadau o'r fath i'r Cyngor Llawn.

6.3 **Argymhellir bod y newidiadau i'r cynllun dirprwyo a nodir yn *Atodiad 2* ac a amlinellwyd uchod i'w cymeradwyo.**

7. GWEITHDREFNAU PWYLLGOR YN CYNNWYS MATERION HAWLIAU DYNOL

- 7.1 Gwnaed nifer o welliannau i fformat adroddiadau pwyllgor dros y flwyddyn ddiwethaf neu oddeutu hynny gan gynnwys fformat adroddiadau newydd ar gyfer ceisiadau cynllunio a gyflwynwyd gyda meddalwedd newydd o fis Ionawr 2000; cynnwys dyddiadau darfod a'r rheswm am oedi o fewn yr adroddiad; a lle ar gyfer sylwadau aelodau yn y rhesymau dros ofyn am benderfyniad pwyllgor. Rhoddir sylw i Hawliau Dynol mewn adroddiadau ble gwneir sylwadau ar gyamatau penodol o'r Ddeddf.
- 7.2 Gwnaeth yr aelodau gais y dylai trefn y ceisiadau a ystyrir gael eu hamrywio fel nad yw ceisiadau yng ngogledd y sir bob amser yn cael eu hystyried yn ail ran yr agenda. **Argymhellir** bod y drefn i'w haryneilio fel bod ceisiadau o'r dde yn cael eu hystyried gyntaf mewn un pwyllgor ac y bydd ceisiadau o ogledd y sir yn cael eu hystyried gyntaf yn y pwyllgor nesaf, ar yr amod bod y meddalwedd cyfrifiadurol yn gallu gweithredu'r gwelliant hwn. Bydd materion gorfodi'n parhau i gael eu lleoli ar ôl ystyried yr holl geisiadau.
- 7.3 Yr arfer ar hyn o bryd yw rhoi adroddiad am sylwadau a dderbyniwyd ar ôl cwblhau'r adroddiad ysgrifenedig, ar lafar yn y cyfarfod. Yn y dyfodol ble mae nifer arwyddocaol o sylwadau ar gais arbennig byddir yn rhoi adroddiad ar y rhain drwy adroddiad atodiad nad yw'n fwy nag un ochr A4. Ar ben hynny, i atal i swyddogion ac aelodau dderbyn sylwadau diweddar iawn, weithiau ychydig funudau cyn cychwyn y pwyllgor, dim ond sylwadau a dderbynnir hyd at 5pm ar y diwrnod cyn y pwyllgor fydd yn cael eu hadrodd yn llawn naill ai ar lafar neu yn ysgrifenedig. Cofnodir bod sylwadau a dderbyniwyd ar ôl 5pm wedi cael eu derbyn a byddir yn eu rhoi ar y bwrdd gyda'r gofrestr cynlluniau. **Argymhellaf hynny.**
- 7.4 Mae mater siarad cyhoeddus mewn Pwyllgor Cynllunio wedi'i godi eto yn rhannol mewn ymateb i Ddeddfwriaeth Hawliau Dynol. Mae sgawt o awdurdodau cynllunio eraill yng Nghymru wedi'i wneud yn ddiweddar a dim ond 4 o'r 22 awdurdod yng Nghymru (18%) sy'n caniatáu siarad cyhoeddus mewn Pwyllgor Cynllunio. O'r awdurdodau hynny sy'n caniatáu siarad cyhoeddus dim ond un (Sir Gaerfyrddin) oedd yn teimlo bod gwneud penderfyniadau'n cael ei wella o ganlyniad. Fel y mae mae'r broses gynllunio o dderbyn cais drwedd i apelio yn caniatáu digonedd o gyfle i ymgeiswyr, gwrthwynebwyr ac unrhyw drydydd person fod yn gyfrannog ac ystyrir bod yr anfanteision (gweithdrefnau, rheolaeth, tegwch a sefydlu protocol ymarferol) yn gorbwyso'r manteision. Felly ar hyn o bryd **argymhellir nad yw siarad cyhoeddus mewn Pwyllgor Cynllunio i'w gefnogi.**
- 7.5 Mae'r aelodau weithiau wedi codi mater ymgynghoreion statudol eraill, megis Priffyrdd yn bod yn bresennol mewn pwyllgor. Ni ystyrir hi'n briodol dilyn arfer o'r fath gan y gall presenoldeb ymgynghorai penodol roi pwysau gormodol ar fater arbennig pan fo raid i aelodau ystyried materion cynllunio yn eu holl agweddau. Mae yna hefyd oblygiadau o ran amser ac adnoddau dan sylw.
- 7.6 Mae taflen sy'n egluro sut y mae'r pwyllgor cynllunio yn gweithio wedi'i gynhyrchu'n ddiweddar yn bennaf er budd y rheini sy'n mynychu pwyllgor, efallai am y tro cyntaf. Bydd *copi o'r daflen* ar gael yn y Pwyllgor Cynllunio.

8. PANELI ARCHWILIO SAFLEOEDD.

- 8.1 Cytunwyd y canllawiau ar gyfer Paneli Archwilio Safleoedd yn y lle cyntaf yn Chwefror 1996 a'u diweddarau ym Medi 1997. Mae angen rhai mân newidiadau yng ngeiriad y canllawiau ac mae'r newidiadau hyn wedi'u nodi yn **Atodiad 3. Argymhellir bod y newidiadau i'r Canllawiau ar gyfer Paneli Archwilio Safleoedd a nodir yn Atodiad 3 i'w cymeradwyo.**
- 8.2 Mae hi'n bwysig pwysleisio bod rhaid i'r rheswm dros ofyn am Banel Archwilio Safle gael ei wneud yn glir yn y Pwyllgor Cynllunio ac mae angen atgyfnerthu hyn ar ddechrau'r Panel Archwilio Safle i sicrhau bod Aelodau'n glir ynghylch beth sydd angen ei weld ar y safle ac yn yr ardal o gwmpas. Mae adroddiadau swyddogion yn dilyn Panel Archwilio Safle yn cynnwys y rhesymau dros y Panel, beth yr edrychodd y Panel arno ac i ble yr aethant, y materion a ystyriwyd, a'r casgliadau ar y pwyntiau a ystyriwyd.

9. GORFODI

- 9.1 Mae crynswth gwaith trwm yn parhau i fod yn seiliedig ar nifer y cwynion a godir ynghylch troseddau honedig. Dim ond canran fechan o'r cwynion hyn sydd ag angen penderfyniad pwyllgor. Mae meddalwedd cyfrifiadurol ar gael yn awr i ganiatáu i gwynion gael eu cofrestru a bydd hyn yn galluogi i restrau o'r achosi gorfodi cyfredol gael eu cynhyrchu'n rheolaidd yn y dyfodol agos, unwaith y bydd adnoddau'n caniatáu i'r adroddiadau priodol gael eu paratoi.
- 9.2 Mae aelodau wedi gofyn am rybudd ymlaen llaw ynghylch achosion y bydd adroddiad arnynt yn cael ei gyflwyno i'r Pwyllgor Cynllunio. Fel y dywedwyd yn 4.2 byddwn yn awr yn rhoi gwybod i aelodau ward mor fuant ag sy'n bosibl bod adroddiad ar fater gorfodi yn eu ward i'w gyflwyno i'r Pwyllgor.
- 9.3 Mae'r swyddogaethau gorfodi a mwynau yn mynd drwy gyfnod o arolwg yn cynnwys cyflwyno pecyn meddalwedd newydd. Mae'r arolwg hefyd yn cynnwys polisïau a gweithdrefnau penodol ar gyfer gorfodi a mwynau y bydd aelodau'n derbyn adroddiad arno yn y man.

10. APELIADAU

- 10.1 Cytunodd Aelodau brotocol ar gyfer eu cyfranogiad yn y broses gynllunio ym mis Rhagfyr 1998 i wella cyswllt a chyfranogiad yn y broses apelio. Ymddengys fod hwn yn gweithio'n dda yn gyffredinol. Mae *copi o'r protocol* ar gael o ofyn amdano a bydd ar gael yn y cyfarfod.
- 10.2 Yn dilyn penderfyniad apêl yn Ysgol Howell's ble gwnaeth yr Arolygydd sylwadau ar briodoldeb y Swyddog Achos a oedd yn cynrychioli'r Cyngor ble oedd cymeradwyaeth wedi'i hargymell gan swyddogion, mae angen i'r Pwyllgor Cynllunio ystyried yn ofalus iawn yn awr pwy sy'n gallu amddiffyn y gwrthod ac unrhyw gamau gorfodi cysylltiedig posibl mewn apêl orau, boed yn swyddogion cynllunio, cynghorwyr, neu ymgynghorwyr.
- 10.3 Ar hyn o bryd mae aelodau'n cael copiâu o benderfyniadau apelïadau'n cael eu hanfodn atynt yn uniongyrchol ond fe awgrymwyd bod crynodeb o benderfyniadau apelïadau i'w gyflwyno i'r Pwyllgor Cynllunio i bwysleisio unrhyw faterion pwysig sy'n codi o'r penderfyniadau. **Argymhellir felly bod crynodeb o benderfyniadau apelïadau i'w gyflwyno'n chwarterol yn y fformat a nodir yn Atodiad 4.**

11. POLISI HAWL GWELD GWYBODAETH A CHYNLLUN CODI TÂL.

- 11.1 Fel rhan o'r Cynllun Dirprwyo Dirprwydedig a Phecyn Gwasanaethau Aelodau a gymeradwywyd ym mis Hydref 1999 mae yna ymrwymiad i fwy o hawl gweld gwybodaeth yn cynnwys yr holl ffeiliau cynllunio o 1947 hyd at heddiw. Bu staff yn gweithredu'r polisi symlach a mwy agored yma ers dechrau 2000. Mae hyfforddiant wedi'i gynnal i sicrhau cysondeb y dull gweithredu. Mae'r system yn gweithio'n dda.
- 11.2 Mae yna gostau ychwanegol yn gysylltiedig â chaniatáu mynediad rhwydd at wybodaeth. Bu hefyd angen diweddaru taliadau am rai dogfennau. Mae'r cynllun codi tâl wedi'i adolygu felly gan ymgynghori â staff llinell flaen a gan gymryd cymariaethau cyfrifon gydag awdurdodau cynllunio lleol eraill i ystyriaeth. **Argymhellir bod y cynllun codi tâl diweddaredig a nodir yn Atodiad 5 i'w gymeradwyo a'i weithredu o fis Ionawr 2002.**
- 11.3 Mae hawl i weld gwybodaeth am faterion gorfodi yn fater tringar, nid yn lleiaf gan fod anhysbysedd achwynwyr yn egwyddor bwysig. Tra bod ymrwymiad i fwy o hawl i weld gwybodaeth am ymchwiliadau gorfodi rhai i hyn gael ei gydbwysu â'r angen i wneud yn sicr na chaiff deunydd sensitif ei wneud yn gyhoeddus. Byddir yn gofyn am gyngor Clerc y Sir mewn achosion o'r fath ble mae angen.

12. OMBWDSMAN

- 12.1 Erd cychwyniad Sir Ddinbych dim ond un gwyn sydd wedi cyrraedd yr ombwdsman ar faterion cynllunio sydd wedi'i hymchwilio o'r 37 a wnaed. Profwyd y gwyn yn gysylltiedig â Fferm Pen y Graig, Froncysyllte a chamweinyddiaeth. Ers yr achos yma yn 1996 gwnaed gwelliannau arwyddocaol yn y ffordd yr ydym yn gweithredu fel y nodwyd yn rhywle arall yn yr adroddiad hwn ac mae rhaglen gynhwysfawr o hyfforddiant Aelodau wedi'i chynnal. Mae'r diffyg achosion camweinyddu yn adlewyrchu'r ffactorau hyn ac ansawdd cyffredinol ein harfer a'n gweithdrefnau. Serch hynny, mae dal i fod angen adolygu sut y gwnawn bethau yng ngoleuni profiad fel yr adlewyrchir yn yr adroddiad hwn.

13. ARGYMHELLION

- 13.1 **Bod yr argymhellion a nodir mewn llythrennau trwm yn yr adroddiad hwn yn cael eu cymeradwyo gan y Pwyllgor Cynllunio.**
- 13.2 Bydd angen cadarnhad terfynol o benderfyniadau'r Pwyllgor Cynllunio gan y Cyngor Llawn.

Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor

CODE OF BEST PRACTICE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

1 DEVELOPMENT PLAN PROPOSALS AND PLANNING APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS, AND COUNCIL DEVELOPMENT PROPOSALS

- 1.1 Members submitting their own proposals or acting as agents for individuals or companies pursuing a planning matter will take no part in the decision-making process for that proposal.
- 1.2 Planning applications submitted by members **or close relatives** will be determined by the ~~Council~~ **Planning Committee**.
- 1.3 Planning applications submitted by Officers of Planning Services, or close relatives of officers, will not be dealt with by officers under delegated powers. Such proposals will be reported to the Planning ~~Sub-Committee~~.
- 1.4 Proposals for the Council's own development **except where on Council owned land related to the functions of the Council** will be determined by the ~~Sub~~ **Planning Committee** (or Council in the case of significant departures) and treated in the same way as those by private developers.

2 LOBBYING OF AND BY COUNCILLORS

- 2.1 Members will make the final decision at the ~~Sub~~ **Planning Committee** after receiving/hearing all the evidence and arguments on both sides and after duly considering the officer's report.
- 2.2 Members will not put pressure on officers for a particular recommendation.
- 2.3 Members who are unsure whether an interest should be declared will seek the advice of the Council's Monitoring Officer.
- 2.4 **Members should advise the Ward Councillor as a courtesy in cases where they are seeking to be involved in a development proposal or enforcement issue outside their own Ward.**

COMMENT

Lobbying is a part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or to a member of the ~~Sub-~~ Committee. The Nolan Committee accepts that it is essential for the proper operation of the planning system that local concerns are adequately ventilated. However, lobbying can lead to the impartiality and integrity of a member being called into question. When being lobbied, members should take care about expressing an opinion which may be taken as indicating that they have already made their mind up on the issues before they have been exposed to all the evidence and arguments. Members should be aware that the planning decision process involves rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way the decision was made, or complain to The Ombudsman on grounds of maladministration.

3 PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS AND NEGOTIATIONS

- 3.1 Members should, wherever possible, refer requests for advice to officers.
- 3.2 Members and officers involved in pre-application **and/or enforcement related** discussions with potential applicants should make clear at the outset that the advice is not binding on the Council. Members will state that any views are personal and provisional.
- 3.3 Advice should be consistent and based upon the development plan and material planning considerations.
- 3.4 Members and Officers will keep notes of all pre-application **and enforcement related** discussions.
- 3.5 Application and **enforcement related** negotiations will be conducted by officers. Officers will brief members when appropriate.

4 OFFICER REPORTS TO ~~SUB~~ PLANNING COMMITTEE

- 4.1 Officers will produce written reports on all planning applications reported to the ~~Sub~~ **Planning** Committee.
- 4.2 Reports will cover, among other things:
 - description of the planning application
 - substance of objections
 - views of case officers
 - site or related history
 - relevant development plan policies
 - other material planning considerations
 - Recommendation
 - **the heads of agreement of any recommended Section 106 obligation**
- 4.3 **Officers will provide written reports on all enforcement matters reported to the Planning Committee. On occasions enforcement reports will need to be presented under Part 2 of the agenda when public and press need to be excluded because of the content of the item.**
- 4.4 Reports will be updated orally at the ~~Sub~~ **Planning** Committee meeting.
- 4.5 If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify this will be clearly stated.
- 4.6 **Oral reports or written reports handed out at Committee should only take place in exceptional circumstances.**

5 LATE CORRESPONDENCE

- 5.1 The substance of correspondence received by officers after the committee report has been completed will be reported orally to Members at the ~~Sub~~ **Planning** Committee, provided the correspondence is received before **5pm on the day before** the Committee starts. **If correspondence is received after this**

deadline only the receipt of the item will be recorded but a copy will be made available at Committee.

6 PUBLIC SPEAKING AT SUB-COMMITTEE

- 6.1 Public speaking by applicants, objectors, **contravenors, complainants** or third parties is not allowed at ~~Sub~~ **Planning** Committee meetings.

COMMENT

The Council consults widely and currently gives more than the statutory minimum time for responses. It considers that the disbenefits (e.g. legislative meetings, difficulties in managing committee meetings, ensuring fairness and establishing a practical protocol) outweigh the benefits.

7 COMMITTEE SITE VISITS

- 7.1 Site inspection panels cause delay and additional costs and will only be used in exceptional cases where the expected benefit is substantial.
- 7.2 Site inspection panels will be carefully arranged and their composition, format and conduct will follow the 'Guidelines for Site Inspection Panels' approved by The Planning and Economic Development Committee on the 10th September, 1997. ~~(See Appendix 3)~~
- 7.3 Members proposing Site Inspection Panels will state clearly why an Inspection Panel should be appointed. The reasons should be planning reasons related to the development proposed or **enforcement issues reported** and should clearly state the physical features on sites or surroundings which requires detailed inspection.
- 7.4 A site visit is only likely to be necessary if the impact of the proposed **or unauthorised** development is difficult to visualise from the plans and any supporting material including photographs.
- 7.5 A record will be kept of the reason(s) why a Site Inspection Panel is called.
- 7.6 Site visits by the inspection panel and officer assistance is the most fair and equitable, as approved by The Planning and Economic Development Committee on the 10th September, 1997 ~~(See Appendix 4)~~.

8 SUB PLANNING COMMITTEE DECISIONS

- 8.1 **The Chair of the Planning Committee will make it clear for the benefit of members and the public the decision of the Committee following the vote.**
- 8.2 Where Members grant or refuse a planning application against officer recommendation, Members will provide the following particulars at the ~~Sub~~ **Planning** Committee meeting and the particulars minuted.
- The of **terms of conditions or heads** of the Section 106 Agreement to be attached to the grant .
 - The reason(s) for **granting or** refusing the planning application.
 - The reason(s) for not accepting the recommendation.

- 8.3 Where Members decide to take/not to take enforcement action against officer recommendation, Members will provide the following particulars at the ~~Sub~~ **Planning Committee** meeting and the particulars minuted.
- The reason(s) why it is / is not expedient to take enforcement action.
 - Where enforcement action is required, the steps to be taken to remedy the breach and the period for compliance.
 - Where enforcement action is not required, give instruction to officers as to what other (if any) action is required.

COMMENT

As part of the democratic process, Members will occasionally make decisions against officer recommendation. Officer reports to the ~~Sub~~ **Planning Committee** contain the planning justification for the recommendation. It is important when Members make decisions contrary to the recommendation that the reason(s) for the decision is/are full, clear and carefully minuted.

9 APPEALS

- 9.1 Officers will organise and **generally** appear as witnesses at public inquiry or informal hearing on behalf of the Council.
- 9.2 Officers giving evidence as witness will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct. **The appeal will be conducted in accordance with the agreed procedure as set out in the report on Planning Appeals and Member Involvement approved at Planning Committee on 16th December 1998.**
- 9.3 Members will give evidence at inquiry or informal hearing in appeals where this would benefit the Council's case.
- 9.4 In exceptional cases it may be necessary to use ~~Senior/alternative Planning Officers,~~ Planning Consultants, and/or Members to present the Council's case. Committee approval will be sought in such cases.
- 9.5 Local members will receive, for comment, a copy of the Council's proposed Rule 6 statement in Inquiry cases

COMMENT

The professional responsibility of a Chartered Town Planner as a witness at a local inquiry or informal hearing are governed by The RTPI Code of Professional Conduct which requires member officers to conduct themselves in such a manner as to uphold the reputation of the RTPI and of the planning profession. In particular, it requires that officers do not undertake any duties or carry out any instructions of a public employee or other employee, or a client or supervisor which involves making statements purporting to be their own, but which are contrary to their bona fide professional opinion. Conflicts of interests is likely to occur at an inquiry arising from a decision taken by the Council contrary to a professional recommendation. The advice of the RTPI (PAN4 "*Chartered Town Planners at Inquiries*" and PAN9 "*Development Control - Handling Appeals*") is that officers as witness at an inquiry or hearing are there to give evidence and opinion. This must be true evidence, true to the best of his or her understanding and knowledge. The evidence can be the authority's stated opinion and local opinion. While officers should not volunteer giving information that the case made is at

variance with his/her own professional opinion if challenged the officer must give an opinion based on the report to Committee. The RTPI considers that where there are clear differences of opinion which would be detrimental to the Council's case, the planning case officer is unlikely to be the best witness and the Council must accept the consequences of such a revelation. The better alternative according to the RTPI is to call someone else, who is in a position to speak with conviction, e.g. member of the ~~Sub~~ **Planning** Committee. Members will, therefore, be given an opportunity to appear/present case on behalf of the Council.

10 TRAINING AND REVIEW OF DECISIONS

- 10.1 Officers will organise and present regular (annually) series of training events covering topical issues such as appeals, enforcement, planning considerations, **building regulations**.
- 10.2 Officers will arrange for members a visit to a sample of implemented planning permissions **and enforcement sites** to assess the quality of decisions. These will include examples from a broad range of categories, including delegated decisions. The results will be used to review planning policy guidelines or practices.

11 COMPLAINTS AND RECORD KEEPING

- 11.1 Officers will operate the Council's complaints system.
- 11.2 All reports of alleged unauthorised development and enquiries will be recorded.
- 11.3 All planning applications, including delegated applications, enforcement files, building regulations and development plan files, will contain a written account of events throughout its life.

12 INFORMATION

- 12.1 Planning Services will comply with the Access to Information Act **and the Data Protection Act**.
- 12.2 Members will receive weekly lists of planning applications received.
- 12.3 **Members (local ward members) will receive notification of enforcement cases to be reported to Committee and copies of enforcement notices served.**
- 12.4 Members (local ward members) will receive notification of appeals lodged and decisions.
- 12.5 Members will receive regular enforcement, appeal and planning application progress reports.
- 12.6 Members will receive full annual and interim half year performance reports.

SCHEME OF DELEGATION

This scheme was approved on 5 October 1999 and came into effect on 1 February 2001.

The scheme is in three parts. Part 1 sets out what the ~~Director of Planning and Economic Development and/or~~ Head of Planning Services can do subject to checks and balances in Parts 2 and 3. Part 2 sets out under what circumstances the ~~Director and/or~~ Head of Planning Services cannot exercise decisions. Part 3 sets out decisions which must be taken by Full Council.

PART 1

The scheme **shall** authorise the ~~Director of Planning and Economic Development and/or~~ Head of Planning Services to:-

- (1) determine all types of applications and notifications under the Planning Acts and allied legislation, **including in the case of notifications and determinations, where material planning objection(s) has/have been received.**
- (2) determine building plans, certificates and notices, service notices under the Building Act and Regulations and allied legislation
- (3) submit observations on development proposals for example from neighbouring authorities, exempted organisations, etc.
- (4) resolve all planning and building regulation enforcement related cases by serving statutory notices as necessary or by taking no further action in accordance with the Committee approved, "Enforcement Policies and Procedures" document and instigate prosecution proceedings
- (5) to determine the name and numbering of streets subject to prior consultation with local ward member(s) and no adverse views expressed. [Note : naming ~~proposed to be~~ delegated to Town and Community Councils **in some instances**]
- (6) instigate the Emergency Powers provisions in Enforcement related cases where extremely urgent formal action is deemed necessary. This will allow for the service of any Enforcement related statutory notice and seek an injunction subject to prior consultation with the local Ward Member(s) who agree on such action as recommended by Officers. The following signatures will be required in all cases - ~~Director of Planning and Economic Development, Head of Planning Services, Head of Legal and Administration~~ **County Clerk** and Chair or Vice Chair of the Planning Committee
- (7) take all necessary ancillary decision/action in exercising statutory planning and building control functions including determining the need for Environmental Impact Assessments and acting on Committee or Full Council resolutions
- (8) determine applications for grant aid under approved schemes
- (9) decide the type of appeal subject to Members being consulted and defend the Council's position at appeal or court of law
- (10) submit observations on consultations on draft documents

PART 2

The Scheme **shall not** authorise the ~~Director of Planning and Economic Development and/or~~ Head of Planning Services to:

A DETERMINE ALL TYPES OF PLANNING APPLICATIONS AND NOTIFICATIONS

- (i) on which a material planning objection(s) including those from Town/Community Councils and statutory consultees) has been received in the stipulated time span, which is recommended contrary to objections
- (ii) contrary to the provisions of an adopted development plan, and which is recommended for approval;
- (iii) contrary to approved Council policies, standards or guidance, and which is recommended for approval;
- (iv) which any Member requests in writing **or by e-mail** to the Head of Planning Services, within 21 days of the circulation of details of the application, should be the subject to consideration by the relevant Committee **(subject to planning reasons being given)**;
- (v) submitted by or on behalf of a Councillor of the authority (or their ~~spouse/partner~~ **close relative**) or by any member of the Planning Services' staff (or their ~~spouse/partner~~ **close relative**);
- (vi) submitted by or on behalf of the Council for development except where on Council owned land related to the functions exercised by the Council.
- (vii) **to refuse applications which are retrospective when enforcement action is also recommended;**
- (viii) **relating to land in the ownership of a Councillor or their close relative;**
- (ix) **where in the view of the Head of Planning Services material planning issues in support of the application has been raised by consultees or third parties which warrant consideration by the Planning Committee;**
- (x) **remove or vary a condition previously imposed through a resolution of the Planning Committee additional to those recommended by Officers;**

B RESOLVE ENFORCEMENT RELATED CASES

- (i) by instigating prosecution proceedings for failure to comply with an order or notice except in those cases involving large fly posting campaigns
- (ii) by serving the following enforcement related statutory notices unless the Emergency Power provisions have been instigated
 - Enforcement Notice **(other than enforcement notices related to breach of condition)**
 - Special Enforcement Notice

- Stop Notice
 - Section 215 (untidy land) Notice
 - Listed Building Enforcement Notice
 - Urgent Works Notice
 - Repairs Notice
 - Discontinuance Notice
 - Legal Injunction
- (iii) take no further action an enforcement related case that has generated 5 or more complaints from separate addresses in the locality

PART 3

DECISIONS RETAINED BY THE FULL COUNCIL

- (i) Planning applications or other applications which constitute significant departures from Adopted Development Plans where the Planning Committee have resolved to **grant** permission. Significant departures constitute:
 - (a) those proposals which have little or no justification under the terms of the adopted development plan e.g. new dwellings in the countryside unrelated to agricultural need, and
 - (b) other proposals which are clearly not allowed for by the adopted development plan but where other material considerations justify a departure e.g. economic benefits
- (ii) Final approval of policies and proposals to be included in the Unitary Development Plan or any modification thereof
- ~~(iii) Applications submitted by members of planning services staff, their close relatives, members of the Council~~
- (iii) Applications which if refused or approved with conditions attached **or a decision on an enforcement matter** that would be likely to result in a successful award of costs against the Council at appeal

GUIDELINES FOR SITE INSPECTION PANELS

A. THE APPOINTMENT OF SITE INSPECTION PANELS

- (i) To empower the Planning ~~Sub~~-Committee to appoint Site Inspection Panels to investigate and report back on any planning applications **or enforcement matter** reported for determination by the Head of Planning Services. Members shall give a clear indication of the planning grounds for appointing a Site Inspection Panel, in each instance.

B. THE COMPOSITION OF SITE INSPECTION PANELS

- (i) The membership shall consist of the Chairman and Vice-Chairman of the Planning ~~Sub~~-Committee together with six (6) other members (the whole politically balanced) selected on a rota basis and the local ward member(s).

C. PROCEDURES AT SITE INSPECTION PANEL MEETINGS

- (i) If the Committee Chairman is absent, Members shall agree on the acting Chairman (this shall be the elected Vice Chairman if present).
- (ii) The Chairman shall formally open the meeting and set out the reasons for appointing the Panel.
- (iii) The Planning Officer shall be requested to outline the proposal **or the breach of planning control** and main issues **and indicate what members should look at taking into account the reasons for appointing the panel. The Officer shall advise the panel of whether it is considered necessary to view the proposal from adjoining land / properties and of any requests from neighbouring occupants to view the relevant site from their land / properties.**
- (iv) The Site Inspection Panel shall view the site, relevant buildings and surroundings as necessary.
- (v) Members shall be offered the opportunity to raise questions or seek clarification of points of fact with the Planning Officer and/or local member(s).
- (vi) The Local Member(s) shall be offered the opportunity to comment on the proposal.
- (vii) Members of the Site Inspection Panel shall be offered the opportunity to comment on the proposal **or breach of planning control** and to debate issues.
- (viii) At the conclusion of the debate, the Chairman shall invite members to agree on matters of fact relating to circumstances on site and the reasons for appointing the Panel.
- (ix) The Planning Officer shall be responsible for taking notes and for preparing the notes of the Panel's meetings for the Planning ~~Sub~~ Committee to consider. **These notes shall include the reasons for appointing the panel, a record of those present, an outline of what was considered, and members conclusions on points considered.**

- (x) **Other Members** - Any Members other than those appointed onto the Site Inspection Panel, who wish to attend a site meeting, shall not take part, in any way, in the proceedings of that meeting, but merely observe the meeting.
- (xi) **The General Public/Applicants/Agents** - No members of the public, applicants or their agents, shall be permitted to take part, attend, address or to observe the proceedings of any Site Inspection Panel meeting. In exceptional circumstances, where it is necessary for the Site Inspection Panel to inspect / enter onto buildings or land in the presence of the owner/applicant/**neighbouring occupier** that person shall be advised at the outset of the meeting that he/she is not able to take part in any of the proceedings of the meeting, other than to answer any factual questions put through the Chairman. The owner/applicant/**neighbouring occupier** shall be asked to leave the presence of the Site Inspection Panel prior to any comment or debate on a proposal.
- (xii) **Hospitality** - Members of a Site Inspection Panel should not accept any form of hospitality which might be considered as having an influence on the decision making process.
- (xiii) **Confidentiality** - The comments made by Site Inspection Panel shall remain confidential until the notes of the meeting are published in the following Planning Sub-Committee reports (i.e. when available for public inspection 3 working days before the date of the Planning Sub-Committee).

DENBIGHSHIRE PLANNING APPEAL DECISIONS

LIST OF APPEAL DECISIONS FROM 1ST APRIL TO 30 JUNE 2001

| Description | Location | Type | Decision | Decision Date | Costs | Key Issues |
|-----------------------------------|------------------------------------|--------|-----------|---------------|-------|--|
| External finish to shopfront | Shooters Water Street Rhyl | W Reps | Dismissed | 19/06/01 | No | Out of character with traditional appearance of conservation area |
| Erection of 2 dwellings (outline) | Highfield Bishopswood Rd Prestatyn | W Reps | Dismissed | 20/06/01 | No | LPA supported on all reasons for refusal - highway safety, visual and residential amenity, effect on trees |
| 20 signboards | Rhyl Golf Club | W Reps | Dismissed | 20/06/01 | No | Collective impact of signs results in prominent feature detrimental to visual amenity |
| Agricultural Workers Dwelling | Cae Gwyn Llanarman Yn Ial | W Reps | Allowed | 28/06/01 | No | Need for worker to be within sight and sound of buildings; existing dwelling/outbuilding too distant; meets functional and financial tests |

PLANNING SERVICES

CHARGING SCHEME 2002

| | SERVICE PROVIDED | PRICE INC. VAT | POSTAGE & PACKAGING | FAX |
|----------|--|-----------------------------------|------------------------|-------|
| A | PHOTOCOPYING SERVICE | | | |
| 1 | GENERAL COPIES | | | |
| | A4 per sheet | 50p | 60p | £1-50 |
| | A3 per sheet | £1-00 | 60p | NA |
| | A2 per sheet | £4-00 | 60p | NA |
| | A1 per sheet | £5-00 | 60p | NA |
| | A0 per sheet | £6-00 | 60p | NA |
| 2 | DECISION NOTICES (A4 Size) | | | |
| | Planning permission/refusal | £10-00 | 60p | £1-50 |
| | Building regulation approval/rejection | £10-00 | 60p | £1-50 |
| | Appeal decision letter | £10-00 | 60p | £1-50 |
| | Any Enforcement notice held in Statutory Register | £10-00 | 60p | £1-50 |
| 3 | PUBLISHED REPORTS (A4 Size) | | | |
| | Glyndwr District or Rhuddlan Borough Local Plan | £10-00 | £2.50 | N/A |
| | Local Plan Maps (Glyndwr / Rhuddlan) | £5-00 | £2.50 | N/A |
| | Denbighshire UDP (Deposit Written Statement) | £15-00 | £2-50 | N/A |
| | Denbighshire UDP (Deposit Maps) (full set) | £25-00 | £2.50 | N/A |
| | Individual Maps - photocopy charge | | | |
| | Denbighshire UDP Proposed Changes document | £10.00 | £2.50 | N/A |
| | Supplementary Planning Guidance - Complete set of Topic Based Notes | £10-00 | £2.50 | N/A |
| | Supplementary Planning Guidance - Complete set of Site Planning Briefs | £10-00 | £2.50 | N/A |
| | SPG - Complete set of Conservation Area Appraisals | £10-00 | £2.50 | N/A |
| | SPG Individual Brief, Note or Appraisal | £2.00 | 60p | £1.50 |
| | Parking Strategy & Standards | £2.00 | 60p | £1.50 |
| 4 | MISCELLANEOUS | | | |
| | Tree Preservation Order | £10-00 | 60p | £1-50 |
| | Listed Building Description | £5-00 | 60p | £1-50 |
| | SSSI Descriptions and Map | £10-00 | 60p | £1-50 |
| 5 | O.S. MAP EXTRACTS | | | |
| | Mapping package for Planning and Building Control Note: This cost is in addition to O.S. charge. | £5-00 | 60p | £1-50 |
| B | OTHER SERVICE | | | |
| 1 | SITE HISTORY | | | |
| | Written requests for a search of land availability; or of the planning history, planning policy or site constraints of a specific site - including all copy certificates (minimum charge 1 hour) | £25 per hour (Or part hour) | N/A | N/A |
| 2 | COMPLETION SURVEY | | | |
| | Written requests for a check to be made as to whether development has been completed in accordance with approved plans (including a site visit) | £70-00 per site | N/A | N/A |

| | SERVICE PROVIDED | PRICE INC. VAT | POSTAGE & PACKAGING | FAX |
|----------|--|---------------------------|------------------------------------|------------|
| 3 | PLANNING APPLICATION FILE | | | |
| | To inspect (have sight of) papers or other documents where there is no statutory right to access | £5-00 | N/A | N/A |
| C | EXEMPTIONS | | | |
| | Public and charitable bodies Community Councils and other Local Planning Authorities Statutory Consultees, The Press Information intended for educational purposes Elected members of the County Council in connection with Council business Information required to enable an appeal to be lodged | | | |

ADRODDIAD Y PENNAETH CYNLLUNIO

DYDDIAD YMWELIADAU SAFLE

1. Pwrpas

- 1.1 Cyngori Aelodau am ddyddiad tebygol unrhyw Ymweliad Safle y gofynnwyd amdano gan y Pwyllgor Cynllunio.

2. DYDDIAD YMWELIADAU SAFLE

- 2.1 Ar ôl ymgynghori penderfynwyd mai **ddydd Llun 5 Tachwedd 2001** sydd fwyaf addas. Trefnwyd y dyddiad yn amodol.
- 2.2 Cynghorir chi felly y cynhelir unrhyw ymweliad safle ddydd Mercher **5 Tachwedd 2001 (nodir yr amser yn nês ymlaen)**.

3. AELODAETH Y PANEL YMWELIAD SAFLE

- 3.1 Bydd hyn yn dibynnu ar Gydbwysedd Gwleidyddol gan gynnwys Cadeirydd ac Is-Gadeirydd y Pwyllgor a'r Aelod(au) Lleol perthnasol.

4. ARGYMHELLIAD

- 4.1 **Bod Aelodau yn cytuno i gynnal yr Ymweliad Safle ddydd Llun 5 Tachwedd 2001**