

At: Aelodau'r Pwyllgor Craffu  
Cymunedau

Dyddiad: 3 Mawrth 2022

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR CRAFFU CYMUNEDAU, DYDD IAU, 10 MAWRTH 2022 am 10.00 am VIA VIDEO CONFERENCE.**

Yn gywir iawn

G Williams  
Pennaeth Gwasanaethau Cyfreithiol, AD a Democrataidd

## **AGENDA**

### **RHAN 1 – GWAHODDIR Y WASG A'R CYHOEDD I FOD YN BRESENNOL YN Y RHAN HON O'R CYFARFOD**

#### **1 YMDDIHEURIADAU**

#### **2 DATGANIADAU O FUDDIANT (Tudalennau 5 - 6)**

Yr Aelodau i ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu mewn unrhyw fater a nodwyd i'w ystyried yn y cyfarfod hwn.

#### **3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD**

Hysbysiad o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion brys yn unol ag Adran 100B(4) Deddf Llywodraeth Leol 1972.

#### **4 COFNODION (Tudalennau 7 - 12)**

Derbyn cofnodion cyfarfod y Pwyllgor Craffu Cymunedau a gynhaliwyd ar 20 Ionawr 2022 (copi ynghlwm).

**5 ADOLYGIAD O BENDERFYNIAD Y CABINET MEWN PERTHYNAS Â'R CYNLLUN PENDERFYNIADAU DIRPRWYEDIG ARFAETHEDIG AR GYFER CAFFAEL TIR (RHYDD-DDALIADOL A LESDDALIADOL) I DDIBENION DAL A STORIO CARBON A GWELLIANNAU ECOLEGOL (Tudalennau 13 - 62)**

Ystyried adroddiad gan y Cydlynnydd Craffu i adolygu penderfyniad y Cabinet (copi ynghlwm).

**10.10 a.m. – 11.00 a.m.**

~~~~~ **BREAK (11.00 a.m. – 11.10 a.m.)** ~~~~~

**6 GRWP TASG A GORFFEN RHEOLI PERYGL LLIFOGYDD A PHERCHNOGAETH TIR GLANNAU AFON (Tudalennau 63 - 74)**

Ystyried adroddiad gan y Swyddog Gwasanaethau Democraidd i ddiweddarau'r Pwyllgor Craffu ar weithgareddau'r Grŵp Tasg a Gorffen (copi ynghlwm).

**11.10 a.m. – 11.40 a.m.**

**7 SIARTER CYDYMFFURFIAETH CYNLLUNIO (Tudalennau 75 - 120)**

Ystyried adroddiad gan Bennaeth Cynllunio, Gwarchod y Cyhoedd a Gwasanaethau Cefn Gwlad a'r Swyddog Cydymffurfiaeth Cynllunio i ddarparu gwybodaeth mewn perthynas ag effeithiolrwydd y Siarter Cydymffurfiaeth Cynllunio (copi ynghlwm).

**11.40 a.m. – 12.15 p.m.**

**8 RHAGLEN WAITH ARCHWILIO (Tudalennau 121 - 140)**

Ystyried adroddiad gan y Cydlynnydd Craffu (copi ynghlwm) yn gofyn am adolygiad o raglen gwaith i'r dyfodol y pwyllgor a rhoi'r wybodaeth ddiweddaraf i'r aelodau am faterion perthnasol.

**12.15 p.m. – 12.30 p.m.**

**9 ADBORTH GAN GYNRYCHIOLWYR Y PWYLLGOR**

Derbyn unrhyw ddiweddariadau gan gynrychiolwyr y Pwyllgor ar wahanol Fyrdau a Grwpiau'r Cyngor.

**12.30 p.m. – 12.40 p.m.**

**AELODAETH**

**Y Cynghorwyr**

Y Cyngorydd Huw Williams  
(Cadeirydd)

Y Cyngorydd Graham Timms (Is-  
Gadeirydd)

Brian Blakeley  
Gwyneth Ellis  
Alan Hughes  
Hugh Irving  
Tina Jones

Merfyn Parry  
Anton Sampson  
Peter Scott  
Cheryl Williams

**COPIAU I'R:**

Holl Gynghorwyr er gwybodaeth  
Y Wasg a'r Llyfrgelloedd  
Cynghorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

## DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,  
(enw)

\*Aelod /Aelod cyfetholedig o  
(\*dileuer un)

**Cyngor Sir Ddinbych**

**YN CADARNHAU** fy mod wedi datgan buddiant **\*personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-  
(\*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)\*

Llofnod

Dyddiad

Noder: Rhowch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

## PWYLLGOR CRAFFU CYMUNEDAU

Cofnodion cyfarfod y Pwyllgor Craffu Cymunedau a gynhaliwyd dros gynhadledd fideo ddydd Iau, 20 Ionawr 2022 am 10.00 am.

### YN BRESENNOL

Y Cynghorwyr Brian Blakeley, Gwyneth Ellis, Alan Hughes, Hugh Irving, Tina Jones, Merfyn Parry, Anton Sampson, Peter Scott, Graham Timms (Is-Gadeirydd), Cheryl Williams a Huw Williams (Cadeirydd).

#### **Aelodau arweiniol –**

Y Cynghorydd Brian Jones - Aelod Arweiniol Gwastraff, Cludiant a'r Amgylchedd  
Y Cynghorydd Huw Hilditch-Roberts, Aelod Arweiniol Addysg,  
Gwasanaethau Plant ac Ymgysylltu â'r Cyhoedd

Arsylwyr – Y Cynghorwyr Meirick Lloyd Davies, Martyn Holland, Barry Mellor, Arwel Roberts, Tony Thomas ac Emrys Wynne

### HEFYD YN BRESENNOL

Pennaeth Gwasanaethau Prifffyrdd ac Amgylcheddol (TW), Rheolwr Prifffyrdd, Asedau a Risg (TT), Arweinydd Tîm Lleoedd (TD), Pennaeth Gwasanaethau Cyllid ac Eiddo (SG), Cydlynnydd Craffu (RhE) a Gweinyddwyr Pwyllgorau (SJ a RTJ)

#### **1 YMDDIHEURIADAU**

Ni chafwyd unrhyw ymddiheuriadau am absenoldeb.

#### **2 DATGAN CYSYLLTIAD**

Ni ddatganwyd unrhyw gysylltiad.

#### **3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD**

Nid oedd unrhyw faterion bryd wedi eu codi gyda'r Cadeirydd cyn y cyfarfod.

#### **4 COFNODION**

Cyflwynwyd cofnodion cyfarfod y Pwyllgor Craffu Cymunedau a gynhaliwyd ar 9 Rhagfyr 2021.

**PENDERFYNWYD** - y dylid derbyn a chymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 9 Rhagfyr 2021 fel cofnod cywir.

## 5 POLISIÂU CYNNAL A CHADW PRIFFYRDD AR GYFER FFYRDD DIDDOSBARTH

Gohiriodd y Cadeirydd y cyfarfod am ddau funud er mwyn caniatáu i swyddogion ac Aelodau Arweiniol ymuno â'r cyfarfod.

Arweiniodd y Pennaeth Gwasanaethau Priffyrdd ac Amgylcheddol yr aelodau trwy'r adroddiad (dosbarthwyd eisoes). Pwysleisiwyd wrth aelodau fod 44% o'r rhwydwaith ffyrdd a welir yn yr awdurdod yn ffyrdd di-ddosbarth. Atgoffwyd Aelodau fod swyddogion wedi parhau i bwysleisio'r angen i fuddsoddi mwy yn y rhwydwaith ffyrdd. Pwysleisiodd y Pennaeth Gwasanaethau Priffyrdd ac Amgylcheddol mai'r egwyddor allweddol erioed fu sicrhau bod o leiaf un ffordd o ansawdd da yn gwasanaethu unrhyw gymuned. Clywodd Aelodau na fyddai ffyrdd eraill sy'n gwasanaethu cymuned yn cael eu blaenoriaethu ar gyfer gwelliant ar brydiau. Cyfeiriwyd Aelodau at y dyfyniadau o God Ymarfer Priffyrdd Sir Ddinbych, a oedd yn nodi'r meini prawf a'r dull gweithredu o ran gwaith

Dywedodd y Pennaeth Gwasanaethau Priffyrdd ac Amgylcheddol fod dwy agwedd i'r gwaith priffyrdd. Rhoddodd fanylion y ddwy agwedd i'r Aelodau. Y cyntaf oedd y Rhaglen Gyfalaf, sef cyllid i wneud gwaith atgyweirio i ffyrdd a gytunwyd yn yr awdurdod. Cadarnhawyd y byddai adroddiad yn cael ei gyflwyno i bob Grŵp Ardal Aelodau i gytuno'r rhaglen waith. Yr ail agwedd oedd gwaith cynnal a chadw priffyrdd mewnol a gaiff ei ariannu gan refeniw. Rhoddwyd rhagor o gyd-destun i Aelodau am yr adnoddau oedd ar gael ar gyfer y tîm cynnal a chadw mewnol. Yn yr awdurdod, roedd 14 gweithredwr priffyrdd yn cael eu cyflogi, roedd y nifer hon wedi lleihau o'r blynyddoedd blaenorol.

Roedd yr Aelod Arweiniol Gwastraff, Cludiant a'r Amgylchedd yn teimlo bod y cyllid priffyrdd yn hynod o bwysig a dylid ei gynnwys yn y Cynllun Corfforaethol. Roedd yr Aelod Arweiniol o'r farn fod yr adran mewn sefyllfa fwy cadarnhaol nag ar ddechrau'r tymor.

Diolchodd y Cadeirydd i'r Aelod Arweiniol a'r swyddogion am yr adroddiad a nododd y pwysau ar swyddogion oherwydd y gwaith anodd. Pwysleisiodd fod cynnal a chadw priffyrdd wedi bod yn fater cynyddol i geisio ei ddatrys.

Gan ymateb i gwestiynau aelodau'r Pwyllgor rhoddodd yr Aelod Arweiniol a'r swyddogion y manylion canlynol:

- O'r gyllideb a ddyrannwyd o £2.5 miliwn ar gyfer 2021/22, roedd £800,000 wedi'i ddyrannu ar gyfer trin wynebau ffyrdd. Dywedodd swyddogion fod mwyafrif y gwaith trin wynebau ffyrdd wedi'i wneud ar rwydwaith ffyrdd A a B. Roedd gwaith ailwynebu wedi'i drefnu ar gyfer ffyrdd B. Dywedodd swyddogion fod 50% o'r gyllideb wedi'i ddyrannu ar gyfer 80% o'r rhwydwaith. Pwysleisiodd swyddogion fod yr adran yn rheoli risg a bod gan ffyrdd prysurach risg uwch a bod angen eu blaenoriaethu os oedd angen eu hatgyweirio.
- Roedd cyllid ychwanegol o £900,000 wedi'i ddarparu. Roedd dyraniad o £450,000 wedi'i wneud ar gyfer ffyrdd gwledig. Roedd y gwaith wedi'i restru ar y rhestr wrth gefn yr oedd swyddogion wedi'i dosbarthu i Grwpiau Ardal Aelodau eisoes.



- Clywodd Aelodau fod amlder arolygiadau wedi newid. Roedd canol trefi yn cael eu harolygu bob mis; roedd gweddill y rhwydwaith yn cael ei arolygu bob 4 mis, a ffyrdd gwledig yn cael eu harolygu bob 6 mis. Pan fyddai swyddogion wedi cael gwybod am dwll mewn ffordd, roedd polisi ar waith a oedd yn nodi y dylid ei atgyweirio cyn pen 10 diwrnod. Gan ymateb i gwestiynau Aelodau, y cyfnod hwyaf ar gyfer atgyweirio twll mewn ffordd felly, fyddai chwe mis a deg diwrnod. Fodd bynnag pe bai cynghorydd, aelod o staff neu'r cyhoedd wedi rhoi gwybod am dwll mewn ffordd cyn yr arolygiad a raglennir, byddai'n cael ei atgyweirio cyn pen 10 diwrnod o'r dyddiad y rhoddwyd gwybod amdano. Dyna pam mae'n bwysig bod pawb yn rhoi gwybod am dyllau mewn ffordd pan fyddan nhw'n eu gweld.
- Dywedodd y Pennaeth Gwasanaethau Priffyrdd ac Amgylcheddol fod swyddogion yn ddiolchgar a gobeithiol am gyllid ychwanegol bob amser. Pe bai cyllid yn cael ei ddyfarnu ar gyfer dibenion penodol, byddai'n rhaid iddo gael ei ddefnyddio ar gyfer y rheswm hwnnw. Pe bai cyllid yn dod i law, byddai'n cael ei ddefnyddio yn ystod y flwyddyn, a byddai cyllid yr awdurdod yn cael ei gario ymlaen i'r flwyddyn ddilynol.
- Dywedwyd y dylai swyddogion o'r gwasanaeth neu feysydd eraill o'r Cyngor roi gwybod am unrhyw faterion y byddant yn eu gweld yn ystod eu swyddi o ddydd i ddydd.
- Cadarnhaodd swyddogion, os oes cilfannau yn ffurfio rhan o'r briffordd a fabwysiadwyd, dylid eu cynnal i'r un safon â'r briffordd.
- Roedd pob ffordd wledig yn cael ei harchwilio ddwywaith y flwyddyn. Cyfeiriwyd at sganiwr, sef contract allanol a oedd yn defnyddio laserau i ystyried cyflwr y ffordd. Roedd pob ffordd A, a B, a hanner ffyrdd C yn cael eu harchwilio gan ddefnyddio'r system hon.
- Nododd swyddogion fater sylweddol dŵr ar ffyrdd. Pwysleisiodd swyddogion bwysigrwydd clirio dŵr i gynorthwyo â chynnal cyflwr y ffordd.
- Cadarnhawyd bod cyllideb fechan wedi'i dyrannu i droedffyrdd. Dywedodd swyddogion fod nifer fach o gwynion wedi dod i law am gyflwr llwybrau troed.
- Cadarnhaodd swyddogion y byddent yn mynd i'r afael â phryderon Aelodau o ran materion mewn wardiau unigol y tu allan i'r cyfarfod.

Diolchodd y Cadeirydd i'r swyddogion am yr ymatebion manwl i bryderon a chwestiynau'r Aelodau. Nodwyd bod cynnal a chadw priffyrdd yn bwnc anodd i bawb.

Felly:

**Penderfynwyd: - yn amodol ar roi ystyriaeth i'r arsylwadau a'r sylwadau uchod, bod y Pwyllgor yn**

- fodlon bod y dull cywir o ran cynnal a chadw priffyrdd yn cael ei ddilyn, o ran sicrhau'r aliniad gorau rhwng y risg i ddefnyddwyr a defnyddio'r cyllid sydd ar gael;***
- cytuno dylid gwneud ymdrech i annog pob cynghorydd a gweithiwr i fabwysiadu a meithrin dull corfforaethol 'Un Cyngor' o ran rhoi gwybod am broblemau neu faterion sy'n ymwneud â'r rhwydwaith priffyrdd; a***

***(iii)cytuno bod adroddiad gwybodaeth yn cael ei ddosbarthu i aelodau'r Pwyllgor am gyflwr a chynlluniau cynnal a chadw ar gyfer cilfannau sy'n gyfagos i rwydwaith priffyrdd y Sir.***

## **6 DIOGELU ENWAU LLEOEDD CYMRAEG YN SIR DDINBYCH**

Croesawodd y Cynghorydd Huw Hilditch-Roberts, Aelod Arweiniol Addysg, Gwasanaethau Plant ac Ymgysylltu â'r Cyhoedd, Tim Dillon, Arweinydd Tîm – Tîm Lleoedd, i gyfarfod y pwyllgor. Arweiniodd yr Aelod Arweiniol Aelodau trwy'r adroddiad (a ddosbarthwyd eisoes) gan nodi bod yr adroddiad yn cyflwyno dyletswyddau a rôl yr awdurdod o ran diogelu enwau lleoedd Cymraeg a hanesyddol yn y sir.

Rhoddodd yr Arweinydd Tîm – Tîm Lleoedd ragor o fanylion i aelodau gan ddweud mai'r sefyllfa gyfreithiol oedd rhoi sylw dyledus i'r canllawiau, a threftadaeth Cymru a'r Gymraeg. Nid oedd yn ddyletswydd benodol i fod ag enwau Cymraeg caeth, ond dylid rhoi sylw dyledus i hyn. Dywedwyd wrth Aelodau fod Sir Ddinbych wedi cymeradwyo polisi yn ddiweddar iawn yng nghyd-destun enwi a rhifo strydoedd, lle'r oedd yr awdurdod yn dangos yn uwch na'r gofyniad cyfreithiol. O fewn y polisi a fabwysiadwyd, roedd yn nodi bod rhaid i unrhyw stryd newydd a gaiff ei henwi yn yr awdurdod fod yn y Gymraeg.

Diolchodd y Cadeirydd i'r Swyddog a'r Aelod Arweiniol am yr adroddiad manwl. Ymatebodd yr Aelod Arweiniol a'r swyddog i sylwadau, pryderon a chwestiynau'r Aelodau fel a ganlyn –

- Cadarnhaodd yr Arweinydd Tîm y byddai'n dilyn trywydd pryderon a godwyd gan gynghorwyr o ran strydoedd penodol yn wardiau'r aelodau. Gofynnodd i Aelodau gysylltu ag ef gyda manylion er mwyn cynnal ymchwiliadau pellach.
- Gallai perchennog ystâd newydd gynnig enwau i'r sir eu cymeradwyo gan ddilyn y broses a thrafodaethau cywir.
- Rhoddwyd canmoliaeth i'r awdurdod am yr ymrwymiad o ran enwi strydoedd yn y Gymraeg.
- Mynegodd Aelodau bryderon am ddefnyddio'r gair 'drive' ar enwau strydoedd Cymraeg. Defnyddiwyd y gair 'Ffordd' ar nifer o arwyddion stryd. Awgrymodd yr Arweinydd Tîm y dylid argymhell i'r Cabinet bod y polisi'n cael ei ddiwygio i ddileu'r gair 'Dreif/Drive' o'r rhestr a nodir yn y polisi. Dywedodd y Cydlynnydd Craffu y gallai hwn fod yn benderfyniad i'r Aelod Arweiniol gan mai dim ond mân ddiwygiad oedd hwn. Byddai eglurder o ran y weithdrefn gywir yn cael ei geisio a'i fabwysiadu.
- Nododd Aelodau bwysigrwydd y dreftadaeth sy'n sail i nifer o ffyrdd ag enwau Cymraeg. Roedd dyletswydd ar Awdurdodau lleol i roi ystyriaeth i enwau Cymraeg hanesyddol ac nid y dehongliad neu gyfieithiad llythrennol.
- Roedd y polisi'n nodi na ellid enwi stryd ar ôl unigolyn, byw neu farw. Byddai newid enw stryd bresennol yn cael ei wneud gan ddilyn y weithdrefn sydd wedi'i nodi yn y polisi newid enw strydoedd. Byddai polisi Llywodraeth Cymru yn cael ei ddilyn er mwyn i'r newid hwnnw gael ei wneud.

Daeth y Cadeirydd â'r drafodaeth i ben ac amlygodd y pryder am y diwygiad i'r polisi a godwyd gan Aelodau i'w ystyried wrth ffurfio eu penderfyniadau. Ar ôl trafodaeth olaf ar y penderfyniadau -

**Penderfynwyd, yn amodol ar y sylwadau uchod -**

- (i) Cadarnhau eu bod yn fodlon fod y Cyngor yn defnyddio ei holl bwerau o ran diogelu enwau Cymraeg a hanesyddol yn yr amgylchedd naturiol ac adeiledig; a**
- (ii) Bod sylwadau'n cael eu gwneud i'r Aelod Cabinet Arweiniol gan ofyn iddo dan bwerau a gafodd eu dirprwyo iddo fel Aelod Arweiniol, gymeradwyo dileu'r rhagddodiad/ôl-ddodiad 'Dreif/Drive' o'r rhestr 'Enwau Strydoedd Newydd' yn Adran B2 Polisi Enwi a Rhifo Strydoedd Sir Ddinbych 2021.**

## **7 RHAGLEN WAITH Y PWYLLGOR CRAFFU**

Cyflwynodd y Cydlynnydd Craffu adroddiad (a ddosbarthwyd eisoes) yn gofyn i'r Aelodau adolygu Rhaglen Waith y Pwyllgor ac yn rhoi diweddariad ar y materion perthnasol.

Cafwyd trafodaeth ar y materion canlynol -

- Gwnaed penderfyniad gan y grŵp Cadeiryddion ac Is-gadeiryddion ym mis Tachwedd 2021 i ganslo cyfarfodydd Craffu yn ystod y cyfnod cyn yr etholiad a fyddai'n dechrau ar 18 Mawrth 2022.
- Roedd cyfarfod nesaf y Pwyllgor Craffu Cymunedau wedi'i drefnu ar gyfer 10 Mawrth 2022. Dywedodd y Cydlynnydd Craffu y bydd pedair eitem yn cael eu trafod yn y cyfarfod nesaf. Dywedodd y Cydlynnydd Craffu wrth Aelodau nad oedd wedi cael cadarnhad y byddai pob adroddiad yn barod ar gyfer y cyfarfod hwnnw. Roedd y grŵp Tasg a Gorffen ar gyfer perygl llifogydd a pherchnogaeth tir ar lannau afon wedi gofyn am gael adrodd yn ôl i'r pwyllgor am ei benderfyniadau yng nghyfarfod mis Mawrth hefyd.
- Cadarnhaodd y Cydlynnydd Craffu fod ymholiadau'n cael eu gwneud am Strategaeth Arwyddion i Dwristiaid oherwydd ei fod wedi'i oedi o ganlyniad i Covid-19.
- Atgoffwyd yr aelodau bod angen iddynt lenwi ffurflen cynnig pwnc craffu os oes unrhyw faterion y maent am iddynt gael eu harchwilio mewn manylder.

Felly:

**Penderfynwyd: - yn amodol ar y sylwadau uchod a chanlyniadau cyfarfod y Grŵp Cadeiryddion ac Is-gadeiryddion Craffu a fyddai'n cael ei gynnal yn ddiweddarach y diwrnod hwnnw, y dylid cadarnhau rhaglen gwaith i'r dyfodol y Pwyllgor.**

## **8 ADBORTH GAN GYNRYCHIOLWYR Y PWYLLGOR**

Dywedodd y Cadeirydd wrth y Pwyllgor y byddai Grŵp Tasg a Gorffen Rheoli Perygl Llifogydd a Pherchnogaeth Tir Glannau Afon yn cynnal ei gyfarfod olaf y diwrnod canlynol. Yn y cyfarfod hwnnw, gobeithiwyd y byddai'n cadarnhau

cynnwys a chasgliadau ei adroddiad, gyda'r bwriad o gyflwyno ei argymhellion i'r Pwyllgor yn ei gyfarfod nesaf ar 10 Mawrth 2022.

Atgoffodd y Cyngorydd Merfyn Parry yr Aelodau fod cais am adroddiad am effaith cau Ysgol Rhewl ar y gymuned wedi'i gyflwyno i'r pwyllgor. Cadarnhaodd y Cydlynnydd Craffu fod adroddiad gwybodaeth wedi'i gynnwys ar y rhaglen gwaith i'r dyfodol, i'w ddsbarthu i aelodau fis nesaf.

Daeth y cyfarfod i ben am 11.47 am.

|                                      |                                                                                                                                                                                                                  |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adroddiad i'r:</b>                | <b>Pwyllgor Craffu Cymunedau</b>                                                                                                                                                                                 |
| <b>Dyddiad y cyfarfod</b>            | <b>10 Mawrth 2022</b>                                                                                                                                                                                            |
| <b>Aelod / Swyddogion Arweiniol:</b> | <b>Y Cynghorwyr Julian Thompson-Hill/Brian Jones/Tony Thomas ac Alan Smith a Steve Gadd</b>                                                                                                                      |
| <b>Awdur yr Adroddiad</b>            | <b>Rhian Evans - Cydlynnydd Craffu</b>                                                                                                                                                                           |
| <b>Teitl</b>                         | <b>Adolygu Penderfyniad y Cabinet yn ymwneud â'r Cynllun Penderfyniadau Dirprwyedig Arfaethedig ar gyfer Caffael Tir (Rhydd-ddaliadol a Lesddaliadol) i Ddibenion Dal a Storio Carbon a Gwelliannau Ecolegol</b> |

## 1. Am beth mae'r adroddiad yn sôn?

- 1.1 Adolygiad o dan drefn 'galw i mewn' Craffu'r Cyngor o benderfyniad a wnaed gan y Cabinet, ar 15 Chwefror 2022, ynghylch 'Cynllun Penderfyniadau Dirprwyedig Arfaethedig ar gyfer Caffael Tir (Rhydd-ddaliadol a Lesddaliadol) i Ddibenion Dal a Storio Carbon a Gwelliannau Ecolegol'.

## 2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1 Cyflwynwyd rhybudd o 'alw i mewn' gan 6 cynghorydd nad ydynt yn aelodau o'r Cabinet yn unol â Chyfansoddiad y Cyngor. Mae'r rhybudd (ynghlwm yn Atodiad A) yn galw am adolygiad gan un o Bwyllgorau Craffu'r Cyngor o benderfyniad a wnaed gan y Cabinet ar 15 Chwefror 2022 mewn perthynas â chynllun penderfyniadau dirprwyedig arfaethedig ar gyfer caffael tir i ddibenion dal a storio carbon a gwelliannau ecolegol.

## 3. Beth yw'r Argymhellion?

Fod y Pwyllgor yn:

- 3.1 ar ôl ystyried y wybodaeth yn yr adroddiad hwn a'i atodiadau, ynghyd â sylwadau a wnaed yn ystod y drafodaeth, penderfynu os dylid cyfeirio'r

penderfyniad ar y 'Cynllun Dirprwyedig Arfaethedig ar gyfer Caffael Tir (Rhydd-ddaliadol a Lesddaliadol) i Ddibenion Dal a Storio Carbon a Gwelliannau Ecolegol, a wnaed ar 15 Chwefror 2022, yn ôl i'r Cabinet ar gyfer ystyriaeth bellach; a

- 3.2 os gofynnir i'r Cabinet ailystyried ei benderfyniad gwreiddiol, nodi'r rhesymau dros ofyn am adolygiad a llunio argymhellion yr hoffai i'r Cabinet eu hystyried

## 4. Manylion yr adroddiad

- 4.1 Ar 15 Chwefror 2022 bu i'r Cabinet ystyried adroddiad ar 'Gynllun Penderfyniadau Dirprwyedig Arfaethedig ar gyfer Caffael Tir (rhydd-ddaliadol a lesddaliadol) i Ddibenion Dal a Storio Carbon a Gwelliannau Ecolegol) copi ynghlwm yn Atodiad B).
- 4.2 Wedi trafod y mater penderfynodd y Cabinet:
- (a) *“cymeradwyo cyflwyno'r cynllun newydd o benderfyniadau dirprwyedig arfaethedig ar gyfer caffael tir i ddibenion dal a storio carbon a gwelliannau ecolegol fel y cynigir yn Atodiad 1 i'r adroddiad,”*
- (b) *cadarnhau ei fod wedi darllen, yn deall ac wedi ystyried yr Asesiad o Effaith ar Les (Atodiad 2 yr adroddiad) fel rhan o'i ystyriaethau.”*
- (c)
- 4.3 Mae trefn galw i mewn y Cyngor yn diffinio proses i bwyllgor Craffu ddefnyddio ei bwerau statudol i adolygu neu graffu penderfyniadau gweithredol, ac i ofyn i'r sawl a wnaeth y penderfyniad i ailystyried penderfyniad a wnaed, cyn ei weithredu.
- 4.4 Cyhoeddwyd penderfyniad y Cabinet ar 17 Chwefror 2022. Mae'r drefn 'galw i mewn' yn caniatáu i gynghorwyr nad ydynt yn aelodau o'r Cabinet i gael 5 diwrnod i gyflwyno rhybudd o 'alw i mewn'. Bu i'r Cynghorydd Merfyn Parry gyflwyno rhybudd o 'alw i mewn' yn electronig ar 23 Chwefror. Cefnogwyd y cais hwn (trwy negeseuon e-bost unigol) gan bum cynghorydd arall nad ydynt aelodau o'r Cabinet, sef y cynghorwyr David G Williams, Melvyn Mile, Huw O Williams, Rhys Thomas a Peter Evans.
- 4.5 Mae'r rheswm a nodwyd dros 'alw'r penderfyniad i mewn' fel a ganlyn:

“Fy mhryderon yw bod y Cyngor mewn sefyllfa i gymryd tir mewn arwerthiant gan o bosib cynnig mwy nag unrhyw ffermwyr neu dirfeddianwyr lleol. Rwy'n deall nad ydynt eisiau'r tir amaethyddol gorau fodd bynnag mae angen trafod y penderfyniad gyda'r Aelod lleol a'r Grwpiau Ardal Aelodau cyn rhoi cynnig ar dir heb wybod beth yw'r wybodaeth a'r angen lleol.”

- 4.6 Mae trefn 'galw i mewn' y Cyngor yn nodi y dylid cynnal cyfarfod arbennig o bwllgor craffu o fewn 5 diwrnod o gael y Rhybudd o Alw Penderfyniadau i Mewn oni bai bod fod gan bwllgor craffu gyfarfod wedi ei drefnu o fewn y cyfnod hwnnw. Mae'r drefn hefyd yn nodi y gellir ymestyn y cyfnod hwn os yw'r sawl sy'n gwneud y penderfyniad a chadeirydd y pwllgor craffu yn cytuno i estyniad. Gan nad oedd y penderfyniad angen ei weithredu'n syth cytunwyd i ymestyn y cyfnod i alluogi i'r penderfyniad gael ei ystyried yng nghyfarfod nesaf y pwllgor craffu. Felly dyma ei gyflwyno i'r Pwllgor yn y cyfarfod presennol.
- 4.7 Ar ôl ystyried penderfyniad y Cabinet a'r holl sylwadau a wnaed yn y cyfarfod presennol, rhaid i'r Pwllgor Craffu Cymunedau benderfynu os dylid cyfeirio'r penderfyniad yn ôl i'r Cabinet ai peidio. Os penderfynir bod angen cyfeirio'r penderfyniad yn ôl i'r Cabinet bydd angen i'r Pwllgor ddarparu ei resymau dros ei gyfeirio'n ôl, ynghyd â gwybodaeth glir ar beth sydd angen i'r Cabinet ei ystyried. Bydd y Cabinet yn ystyried y cyfeirio a'r rhesymau a gyflwynwyd i gefnogi'r cyfeirio yn ei gyfarfod nesaf sydd ar gael. Yn y cyfarfod hwnnw disgwylir i'r Cabinet ddangos bod ystyriaeth briodol yn cael ei roi i argymhellion y Pwllgor Craffu.
- 4.8 Bydd gan y Cabinet y dewis i newid neu ail-gadarnhau ei benderfyniad gwreiddiol.
- 4.9 Os yw'r Pwllgor Craffu Cymunedau yn penderfynu na ddylid cyfeirio penderfyniad y Cabinet yn ôl i'r Cabinet, yna gellir gweithredu'r penderfyniad gwreiddiol yn syth.

## **5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

- 5.1. Gweler Adran 5 adroddiad y Cabinet dyddiedig 15 Chwefror 2022 (Atodiad B).

## **6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

6.1. Gweler Adran 6 adroddiad y Cabinet dyddiedig 15 Chwefror 2022 (Atodiad B).

## **7. Beth yw prif gasgliadau'r Asesiad o'r Effaith ar Les?**

7.1. Gweler Adran 7 ac Atodiad 2 adroddiad y Cabinet dyddiedig 15 Chwefror 2022 (Atodiad B).

## **8. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?**

Amherthnasol. Paratowyd yr adroddiad hwn o dan ddarpariaethau ac amserlenni Cyfansoddiad y Cyngor ar gyfer galw penderfyniad y Cabinet i mewn.

## **9. Datganiad y Prif Swyddog Cyllid**

9.1. Gweler Adran 9 adroddiad y Cabinet dyddiedig 15 Chwefror 2022 (Atodiad B).

## **10. Pa risgiau sydd ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

10.1. Gweler Adran 10 ac Atodiad 6 adroddiad y Cabinet dyddiedig 15 Chwefror 2022 (Atodiad B).

## **11. Pŵer i wneud y penderfyniad**

11.1. Adran 21(2) a (3) o Ddeddf Llywodraeth Leol 2000

11.2. Adrannau 7.2.1 Adran 7.25 o Gyfansoddiad y Cyngor



## ANNEX A



### **NOTICE OF CALL IN OF DECISION**

**To: Head of Legal and Democratic Services**

We, the undersigned, wish to call in the following decision (*see note 1*).

**Decision taken by** (*see note 2*): Cabinet

**Date decision was taken:** 15 February 2022

**Report Title:** PROPOSED SCHEME OF DELEGATED DECISION MAKING FOR LAND ACQUISITION (FREEHOLD AND LEASEHOLD) FOR CARBON SEQUESTRATION AND ECOLOGICAL IMPROVEMENT PURPOSES

**Decision** (*see note 3*): \_\_\_\_\_

Decisions (a) & (b) for business item 7 on the agenda:

***“RESOLVED that Cabinet –***

- (a) approve the introduction of the new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes as proposed in Appendix 1 to the report,”***
- (b) confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2 to the report) as part of its consideration.”***

**Reason for Call In:**

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My Concerns are that the Council is in a position to land grab at an auction potentially out bidding any local farmers or landowner need. I understand that they are not after prime agricultural land however the decision needs to be discussed with the local Member and the local MAGs pre bidding on land without knowing local knowledge and need.

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We (*see note 4*) request that according to the Council's approved 'call-in' procedure rules (*see note 5*) a meeting of the most appropriate Overview and Scrutiny Committee be held within 5 working days (*see note 6*) of the date of your receipt of this notice.

1. MERFYN PARRY (print) by e-mail (signature)
2. DAVID G WILLIAMS (print) confirmatory e-mail (signature)
3. MELVYN MILE (print) confirmatory e-mail (signature)
4. HUW O WILLIAMS (print) confirmatory e-mail (signature)
5. RHYS THOMAS (print) confirmatory e-mail (signature)
6. PETER EVANS (print) confirmatory e-mail (signature)

**Dated:** 23/02/2022

## Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Council's web-site and notification to Members of the Council. Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:
  - (i) the chair of the relevant scrutiny committee, or
  - (ii) if there is no such person or that person is unable to act, the Chair of the Council, or
  - (iii) if there is no chair of the relevant scrutiny committee or Chair of the Council, the Vice Chair of the Council.
2. Please state the name of the decision maker e.g. Cabinet or the Lead Member for.....
3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (d) of the Resolution.
4. Signatories must be non-executive members. Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-in.
5. The Denbighshire Call-in Procedure Rules appear in the Council's Constitution *Part 4.5 – Scrutiny Procedure Rules*.
6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the relevant scrutiny committee.

### **For Office use only**

Received by:     Rhian Evans     Date: 23/02/2022

Date decision was published: 17/02/2022

Notification sent to Leader and the Decision taker (date): 23/02/2022

Notification sent to Chief Executive (date): 23/02/2022

Relevant Scrutiny Committee:     **Communities Scrutiny Committee**      
(extension to time period agreed by the Decision-Maker and Chair of the Scrutiny Committee)

Date: 10 March 2022 Time: 10am Venue: via Video Conference

Mae tudalen hwn yn fwriadol wag

**Adroddiad i'r:** Cabinet

**Dyddiad y cyfarfod** 15 Chwefror 2022

**Aelod Arweiniol / Swyddog** Y Cyng Brian Jones (Aelod Arweiniol Gwastraff, Cludiant a'r Amgylchedd), y Cyng Tony Thomas (Aelod Arweiniol Tai a Chymunedau), y Cyng Julian Thompson Hill (Aelod Arweiniol Eiddo a Chyllid) / Alan Smith (Pennaeth y Gwasanaeth Gwella Busnes a Moderneiddio ac Uwch Berchennog Cyfrifol y Rhaglen Newid Hinsawdd a Newid Ecolegol), Steve Gadd (Pennaeth Cyllid ac Asedau)

**Awdur yr Adroddiad** Andrew Cutts (Rheolwr y Rhaglen Newid Hinsawdd)

**Teitl** Cynllun penderfyniadau dirprwyedig arfaethedig ar gyfer caffael tir (rhydd-ddaliadol a lesddaliadol) i ddibenion dal a storio carbon a gwelliannau ecolegol

## 1. Am beth mae'r adroddiad yn sôn?

1.1 Mae'r adroddiad hwn yn ymwneud â chyflwyno cynllun newydd o benderfyniadau dirprwyedig ar gyfer caffael tir (rhydd-ddaliadol a lesddaliadol) i ddibenion dal a storio carbon a gwelliannau ecolegol fel y gellir caffael tir yn fwy cyflym ac effeithiol, yn arbennig mewn sefyllfa o arwerthiant, fel bod y Cyngor yn cyflawni ei ddatganiad Argyfwng Newid Hinsawdd a Newid Ecolegol a'r targedau dilynol o fewn ei Strategaeth ar Newid Hinsawdd a Newid Ecolegol (2021/22 – 2029/30).

## 2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

2.1 Mae angen penderfyniad ynghylch a ddylid cyflwyno cynllun penderfyniadau dirprwyedig newydd yn unol â'r cynnig neu beidio.

## 3. Beth yw'r Argymhellion?

3.1 Bod y Cabinet yn cymeradwyo cyflwyno'r cynllun newydd o benderfyniadau dirprwyedig ar gyfer caffael tir (rhydd-ddaliadol a lesddaliadol) i ddibenion dal a storio carbon a gwelliannau ecolegol fel y cynigir yn Atodiad 1.

- 3.2 Bod y Pwyllgor yn cadarnhau ei fod wedi darllen, deall ac ystyried yr Asesiad o'r Effaith ar Les (Atodiad 2) fel rhan o'i ystyriaethau.

## **4. Manylion yr adroddiad**

- 4.1 Gweler Atodiad 3 am fanylion ar dargedau Di-garbon Net ac Ecolegol Gadarnhaol y Cyngor erbyn 2030 a'r rhesymeg dros gaffael i ddibenion dal a storio carbon a gwelliannau ecolegol.
- 4.2 Gweler Atodiad 4 am fanylion ar ymagwedd bresennol y Cyngor o ran caffael (rhydd-ddaliadol a lesddaliadol) i ddibenion dal a storio carbon a gwelliannau ecolegol a sut fyddai hynny o dan ei gynllun arfaethedig o benderfyniadau dirprwyedig

### **4.1 Y cynllun arfaethedig o benderfyniadau dirprwyedig**

- 4.1.1 Mae risg a nodwyd (gweler Atodiad 6) mewn cyflawni ein targedau dal a storio carbon yn llwyddiannus yn ymwneud â chaffael tir a ddaw ar y farchnad agored yn llwyddiannus, yn aml mewn amgylchedd arwerthiant, gyda therfynau amser byr rhwng yr hysbysebu a'r cynigion terfynol. Cadarnhawyd hyn fel problem ym Medi 2021 pan roedd 2 safle ar gael i'w prynu drwy arwerthiant a fyddai wedi sgorio'n uchel gan ddefnyddio'r matrices asesu tir (Atodiad 5) ond na chawsant eu dilyn gan na lwyddwyd i gwblhau'r cynllun presennol o benderfyniadau dirprwyedig yn yr amser oedd ar gael rhwng yr hysbyseb a'r arwerthiant.
- 4.1.2 Er mwyn sicrhau safleoedd mewn dull cyflym ac effeithiol cynigir fod cynllun newydd o benderfyniadau dirprwyedig yn cael ei roi mewn grym ar gyfer caffael safleoedd penodol i ddibenion dal a storio carbon a gwelliannau ecolegol. Byddai hyn yn cynnwys yr agweddau ariannol o dan awdurdod y Grŵp Buddsoddi Strategol ac agweddau yn ymwneud â defnydd tir o dan awdurdod y Grŵp Rheoli Asedau fel yr amlinellir yng Nghyfansoddiad y Cyngor.
- 4.1.3 Caiff y cynllun newydd arfaethedig o benderfyniadau dirprwyedig ei ddarparu'n llawn yn Atodiad 1 a cheir disgrifiad isod.

Ar gyfer achosion o gaffael hyd at £1m mewn gwerth a gyda chostau o fewn y gyllideb y cytunwyd arni gan Fwrdd y Gyllideb ar gyfer Ffrwd Waith Defnydd Tir y Rhaglen Newid Hinsawdd a Newid Ecolegol cynigir:

fod y Grŵp Buddsoddi Strategol yn dirprwyo'r penderfyniad dros wario'r cyfalaf ar gyfer caffael safleoedd penodol i / fod y Grŵp Rheoli Asedau yn dirprwyo'r penderfyniadau ar gynigion ar gyfer caffael safleoedd penodol i'r:

Pennaeth Cyllid ac Eiddo mewn ymgynghoriad â'r Swyddog Adran 151, y Swyddog Monitro a'r Aelod Arweiniol Eiddo a Chyllid, mewn cydweithrediad gyda'r Landlord Corfforaethol, yr Aelod Arweiniol Gwastraff, Cludiant a'r Amgylchedd (yn cynnwys Cyngor Di-garbon Net) a'r Aelod Arweiniol Tai a Chymunedau (yn cynnwys Cyngor Ecolegol Gadarnhaol), i drafod caffael tir i ddibenion dal a storio carbon a gwelliant ecolegol cyn belled ag nad yw'r tir dan sylw yn bodloni unrhyw rai o'r meini prawf y nodir eu bod yn anghymhwys.

## **5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

- 5.1 Fe fydd yr ymagwedd a amlinellir yn gwneud cyfraniad uniongyrchol at gyflawni datganiad Argyfwng Newid Hinsawdd a Newid Ecolegol y Cyngor a oedd yn ymrwmo'r Cyngor i ddod yn Gyngor Di-garbon Net erbyn 2030, a'r Strategaeth ar Newid Hinsawdd a Newid Ecolegol a fabwysiadwyd yn dilyn hynny, drwy gefnogi'r cynnydd yn nhunelledd y carbon a gaiff ei ddal a'i storio gan diroedd sy'n eiddo i'r Cyngor neu'n cael eu gweithredu gan y Cyngor yn y categorïau gyda'r cyfoeth uchaf o ran rhywogaethau.
- 5.2 Fe fydd yr ymagwedd a amlinellir yn cefnogi'r Cyngor i wneud ei gyfraniad at bolisi Llywodraeth Cymru ar gyfer y sector cyhoeddus i fod yn garbon niwtral erbyn 2030, er mwyn i Gymru fodloni ei darged sydd wedi ei rwymo mewn cyfraith ar gyfer lleihau allyriadau i Sero Net erbyn 2050 ac mae'n cefnogi dyletswydd statudol y Cyngor o dan Adran 6 Deddf Amgylchedd (Cymru) 2016 i "geisio cynnal a hybu bioamrywiaeth".

## **6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

- 6.1 Mae costau cyfalaf yn cynnwys unrhyw gostau sy'n ymwneud â chaffael tir e.e. cost prynu ac unrhyw gostau sy'n ymwneud â throï'r tir yn goetir e.e. plannu coed ac ymyriadau i greu gwelliannau ecolegol e.e. creu cynefin, ffensio da byw. Fe geisir cael grantiau allanol lle bynnag fo hynny'n bosibl i ddarparu cymysgedd o ran cyllido ochr yn ochr â chyfalaf wedi ei ddyrannu i'r Rhaglen Newid Hinsawdd a Newid Ecolegol bob blwyddyn fel rhan o'r broses o osod y gyllideb.
- 6.2 Mae costau referniw yn cynnwys ffioedd a thaliadau yn ymwneud â chaffael y tir na ellir ei gyfalafu a chostau yn ymwneud â rheoli'r ased wedi hynny. Ar gyfer creu coetir ar raddfa, yr ymagwedd a gaiff ei chymryd yw un yn ymwneud ag aildyfiant naturiol pryd bynnag fo'n bosibl. Ar gyfer creu coetir o fewn cymunedau yr ymagwedd a gaiff ei chymryd yw un yn ymwneud â'r 'goeden iawn, y lle iawn' i osgoi cynnal a chadw coed yn ddiangen neu fethiant.

Mae safleoedd a gaiff eu caffael yn debygol o gael eu hychwanegu at bortffolio asedau'r Gwasanaethau Cefn Gwlad a byddant yn cael eu hadolygu o safbwynt rheolaeth barhaus. Fe all costau referniw gael ei nodi ac fe geisir cael grant allanol i ychwanegu at gyllidebau rheoli ar draws yr holl safleoedd.

6.3 Mae'r effaith debygol ar feysydd gwasanaeth eraill fel a ganlyn:

- Asedau Strategol a Chyfreithiol – mewn perthynas â thrafodaethau caffael tir.
- Y Tîm Newid Hinsawdd – yn darparu swyddogaeth rheoli prosiect i asesu tiroedd a allai o bosibl gael eu caffael a chyflawni unrhyw weithgaredd o ran creu coetir a hybu cynefinoedd o ganlyniad.
- Y Gwasanaethau Cefn Gwlad – yn darparu cyngor arbenigol yn ymwneud â dal a storio carbon a chynlluniau gwelliant ecolegol; ymgymryd â rheoli gweithredol a chynnal a chadw.
- Y Gwasanaethau Democrataidd – i reoli proses hysbysiad o benderfyniad i alluogi ymwybyddiaeth ddigonol, rhag ofn fod Aelodau yn dymuno galw'r penderfyniad dirprwyedig gweithredol i mewn.

## 7. Beth yw prif gasgliadau'r Asesiad o'r Effaith ar Les?

7.1 Gweler Atodiad 2 am yr Asesiad o'r Effaith ar Les llawn.

## 8. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?

8.1 Ymgynghorwyd yn eang yn ystod 2020 ar y Strategaeth ar Newid Hinsawdd a Newid Ecolegol a'r targedau ynddi, gan gynnwys y gofyniad i gynyddu faint o garbon a gaiff ei ddal a'i storio, a chafodd ymateb cadarnhaol. Roedd hyn yn cynnwys 2 gyfnod o ymgysylltu cyhoeddus yn Ionawr/Chwefror a Tachwedd/Rhagfyr 2020 yn ogystal ag ymgysylltu gyda holl Grwpiau Ardal yr Aelodau, y Cabinet ac Aelodau Arweiniol. Cafodd y Strategaeth ei chyflwyno a'i mabwysiadu gan y Cyngor, yn dilyn pleidlais unfrydol, yn Chwefror 2021. Gweler [Cyngor Sir Ddinbych - Dydd Mawrth, 23 Chwefror 2021](#) i gael rhagor o wybodaeth.

8.2 Mae'r ymagwedd arfaethedig ar gyfer defnydd tir a chaffael tir i ddibenion amlwg dal a storio carbon a gwelliant ecolegol wedi ei datblygu ar y cyd gyda chefnogaeth swyddogion o'r: Tîm Asedau Strategol, Prasio ac Ystadau, y Gwasanaethau Cefn Gwlad, AHNE a'r Tîm Newid Hinsawdd. Mae'r grŵp swyddogion yn gefnogol i'r ymagwedd arfaethedig.



- 8.3 Adolygodd y Grŵp Rheoli Asedau bapur ar y cynllun dirprwyo arfaethedig ar 19 Gorffennaf 2021 a chymeradwyodd yr argymhelliad i gyflwyno'r cynllun. Roedd hyn yn cynnwys datganiad gan y Landlord Corfforaethol a oedd yn cefnogi'r argymhellion (Atodiad 7).
- 8.4 Adolygodd y Grŵp Buddsoddi Strategol bapur ar y cynllun dirprwyo arfaethedig ar 27 Gorffennaf 2021 a chymeradwyodd yr argymhelliad i gyflwyno'r cynllun, ond dim ond o ychydig. O dan argymhelliad y Swyddog Monitro cytunwyd i fynd â'r penderfyniad, o p'run ai i gyflwyno'r cynllun newydd hwn o benderfyniadau dirprwyedig ai peidio, i'r Cabinet.
- 8.5 Ymgymrwyd â gwaith ymgysylltu penodol gyda rhanddeiliaid amaethyddol Sir Dinbych ym mis Ionawr 2022, gan gynnwys gyda: Coleg Cambria – Llysfasi, Jones Peckover, Undeb Amaethwyr Cymru. Cafwyd sgysiau cadarnhaol gyda phawb a gymrodd ran yn y trafodaethau.
- 8.6 Mae'r Swyddog Monitro wedi cadarnhau fod y broses ddirprwyo a'r geiriad yn ddigonol.

## **9. Datganiad y Prif Swyddog Cyllid**

- 9.1 Mae'n amlwg fod defnydd a chaffael tir i ddibenion dal a storio carbon a gwelliant ecolegol yn ffurfio rhan allweddol o'r Rhaglen Darged Di-garbon Net a gytunwyd. Mae'n bwysig nodi y bydd dyraniad y gyllideb flynyddol yn parhau i fod yn destun adroddiadau i Fwrdd y Gyllideb ac yn y pen draw cymeradwyaeth gan y Cabinet a'r Cyngor ac y bydd angen i brosiectau unigol dros £1m barhau i gael cymeradwyaeth gan y Cabinet. Barn broffesiynol uwch swyddogion o fewn yr adran eiddo a'r rhaglen yw y bydd y cynigion hyn yn helpu i sicrhau safleoedd mewn dull cyflym ac effeithiol a helpu'r Cyngor i gyflawni'r targed 2030. Ar sail hynny caiff y cynigion eu cefnogi. Os nad ydynt yn cael eu cymeradwyo, yna dylai arfarniad gonest o allu'r Cyngor i fodloni'r targed y cytunwyd arno gael ei ddwyn ymlaen.

## **10. Pa risgiau sydd ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

- 10.1 Caiff risgiau perthnasol eu darparu yn Atodiad 6.

## **11. Pŵer i wneud y penderfyniad**

- 11.1 Gweler Atodiad 8.

**Appendix 1- Proposed New Scheme of Delegated Decision Making**

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| CURRENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PROPOSED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>As per the Officer Scheme of Delegation section of the <a href="#">Council's Constitution</a> (page 128 onward).</li> </ul> <p>To the Head of Finance and Property:</p> <ol style="list-style-type: none"> <li>In consultation with the Corporate Director: Economy and Public Realm, to negotiate the acquisition and/or disposal of land for all purposes, in conjunction with the Councils Asset Management Group and/or the Strategic Investment Group and subject to the results thereof being reported to all Members for information, where appropriate.</li> <li>To authorise investment decisions following recommendations from Strategic Investment Group and their terms of reference.</li> </ol> | <ul style="list-style-type: none"> <li>In order to secure sites for purposes of carbon sequestration and ecological improvement in a prompt and effective manner, it is proposed the following, within the Officer Scheme of Delegation section of the <a href="#">Council's Constitution</a> the following wording added:</li> </ul> <p>For acquisitions for purposes of carbon sequestration and ecological improvement the delegation is as follows:</p> <p>To the Head of Finance and Property</p> <ol style="list-style-type: none"> <li>In consultation with the Section 151 Officer, Monitoring Officer and Lead Member for Property &amp; Finance, in conjunction with the Corporate Landlord, Lead Member for Waste, Transport and the Environment (covering Net Carbon Zero Council) and Lead Member for Housing and Communities (covering Ecologically Positive Council)*, to negotiate the acquisition of land for purposes of carbon</li> </ol> |

| CURRENT                                                                                                                                                                                                                                                                                                                                                                                                                                   | PROPOSED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>c) Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease up to £30,000 if funding is available.</p> <p>d) Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease from £30,001 and £1,000,000; if funding is available and in consultation with the Lead Member, S.151 Officer and the Monitoring Officer.</p> | <p>sequestration and ecological improvement as long the land in question does not meet any of the stated disqualifying criteria**.</p> <p>b) Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease up to £30,000 if funding is available.</p> <p>c) Acquisitions of land by freehold or leasehold, up to a market value or rental commitment for the term of the lease from £30,001 and £1,000,000; if funding is available and in consultation with the Lead Member, S.151 Officer and the Monitoring Officer.</p> <p>e) Subject to the results thereof being reported to the Councils Asset Management Group and/or the Strategic Investment Group at the next nearest meeting, and being reported to all Members for information, where appropriate.</p> <p>*or the relevant successor role/s</p> |

| CURRENT | PROPOSED                                                                                                                                                                                                                                                                    |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | <p>**disqualifying criteria is as follows:</p> <p>Property that is classed in the following LDP classifications will not be considered:</p> <ul style="list-style-type: none"><li>• BSC1 Housing Allocation or Housing Commitment</li><li>• PSE2 Employment Areas</li></ul> |



## **Land use and acquisition for carbon sequestration and ecological improvement purposes :**

### **Well-being Impact Assessment Report**

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

**Assessment Number:** 957

**Brief description:** In order to help achieve the Council's ambition to become Net Carbon Zero and Ecologically Positive by 2030.... - The concept of woodland creation on land in Council ownership - The concept of acquiring land for the purpose of carbon sequestration and biodiversity

**Date Completed:** 01/02/2022 08:32:53 Version: 1

**Completed by:** Andrew Cutts

**Responsible Service:** Business Improvement & Modernisation

**Localities affected by the proposal:** Whole County,

**Who will be affected by the proposal?** Positively - Residents - Tourism industry - Visitors - Flora and fauna (plants and animals) - Council staff Negatively - Tenants of land we own but currently lease out - Other potential buyers of land

**Was this impact assessment completed as a group?** Yes

## **Summary and Conclusion**

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

### **Score for the sustainability of the approach**

**3 out of 4 stars**

**Actual score : 31 / 36.**

### **Summary for each Sustainable Development principle**

#### **Long term**

Progressing land use for the purpose of carbon sequestration and ecological improvement has long term thinking at its heart. To deliver immediate benefit of reduced flood risk, recreational value, urban cooling, health and wellbeing. And over time increase its benefit in carbon sequestration and air quality improvement. To continue to score highly in this principal need to ensure maintenance and management is appropriately addressed.

#### **Prevention**

Woodland creation is for the purpose of increasing carbon sequestration and ecological improvement and thus reduce climate change and nature's decline. Each site will be considered on an individual basis and in relation to the wider landscape - if appropriate, tree planting will be chosen for increasing canopy coverage. However, natural regeneration of trees and woodland will be the preferred option. Added benefits around increasing wellbeing through access to nature on peoples doorsteps.

#### **Integration**

Multiple benefits involved in woodland creation hitting other well-being goals and corporate priorities. Other public body objectives would be- NRW for flooding; Betsi Cadwaladr for health. Compatibility of carbon sequestration and ecology goals with the LDP is an interesting one and being actively

Land use and acquisition for carbon sequestration and ecological improvement purposes explored in the developing new LDP. Main compatibility focus would be how land is classified in the county.

### Collaboration

Wide collaboration internally across multiple services and departments, including the AONB Partnership. More limited externally, but early collaboration discussions with NRW. Stakeholder engagement has taken place with members of the agricultural community.

### Involvement

Engagement has been limited with residents on woodland creation and done currently on a site by site basis e.g. the public consultation day at Maes Gwilym (Rhyl) in June 2021. This will need to be ramped up throughout the 9 years. Proposal is that a lot of engagement is done via the Member Area Groups, Lead Members and Ward Members. This could be extended to C,T&CC's too as well as direct to residents.

### Summary of impact

| Well-being Goals                                                              | Overall Impact |
|-------------------------------------------------------------------------------|----------------|
| <a href="#">A prosperous Denbighshire</a>                                     | Positive       |
| <a href="#">A resilient Denbighshire</a>                                      | Positive       |
| <a href="#">A healthier Denbighshire</a>                                      | Positive       |
| <a href="#">A more equal Denbighshire</a>                                     | Neutral        |
| <a href="#">A Denbighshire of cohesive communities</a>                        | Neutral        |
| <a href="#">A Denbighshire of vibrant culture and thriving Welsh language</a> | Neutral        |

| <b>Well-being Goals</b>                             | <b>Overall Impact</b> |
|-----------------------------------------------------|-----------------------|
| <a href="#">A globally responsible Denbighshire</a> | Positive              |

### **Main conclusions**

The proposal has a strong positive impact to the delivery of 4 out of the 7 wellbeing goals and no negative contribution (remaining 3 goals neutral impact), particularly for the delivery of a resilient Denbighshire and a globally responsible Denbighshire. It also scores high (31/36) on the sustainable development principals with "long term" and "prevention" being at the proposals heart.



Land use and acquisition for carbon sequestration and ecological improvement purposes

## **The likely impact on Denbighshire, Wales and the world.**

### **A prosperous Denbighshire**

#### **Overall Impact**

Positive

#### **Justification for impact**

Proposal has the potential to provide additional social, environmental and economic value to Denbighshire increasing its prosperity, particular in the areas of access to green space and boosting the visitor economy.

#### **Further actions required**

Ensuring Countryside Services fleet vehicles transition early to ULEV early in the 9 year decarbonisation of fleet programme leading up to 2030.

Ensuring land use allocation in LDP is actively considered in site selection for woodland creation plus considerations around grading of agricultural land. Unproductive land prioritised for woodland creation wherever possible.

#### **Positive impacts identified:**

##### **A low carbon society**

Woodland creation and nature areas will be done by natural regeneration wherever possible and by utilising wildflower seed harvested locally or/and trees grown by our Council Tree Nursery

##### **Quality communications, infrastructure and transport**

Proposal is both safeguarding and creating new green space for the benefit of recreation, carbon sequestration, and biodiversity.

##### **Economic development**

Proposal has benefits for the tourism industry/ visitor economy as more nature sites for people to visit and enjoy.

Land use and acquisition for carbon sequestration and ecological improvement purposes

**Quality skills for the long term**

Proposal opens up opportunities for skill development in green industries.

**Quality jobs for the long term**

No direct jobs are suggested to be created by this proposal currently but likely to support the developing green industry in North Wales.

**Childcare**

n/a

**Negative impacts identified:**

**A low carbon society**

Increasing the number of woodland sites the Council owns will require staff to travel to these sites to periodically check up on them. However, Countryside Services fleet will be transitioning to EV's by 2030 reducing carbon impact.

**Quality communications, infrastructure and transport**

n/a

**Economic development**

Potential competing demands on land needing to be used for woodland creation. Land allocated for employment in LDP will not be utilised.

**Quality skills for the long term**

n/a

**Quality jobs for the long term**

n/a

**Childcare**

n/a

**A resilient Denbighshire**

**Overall Impact**

Positive

**Justification for impact**

This workstream is all about creating woodland and spaces for nature to the benefit of increasing the County's resilience to climate change and its impacts such as flooding.

**Further actions required**

Need to ensure only suitable tree species are incorporated on wetlands or marsh land which would impair that habitat in retaining water.

**Positive impacts identified:**

**Biodiversity and the natural environment**

This workstream is all about creating woodland and spaces for nature. The definition for woodland will be maximised on (i.e. 20% of square meter with tree cover) to allow for a matrix of habitat to be created to support a great species diversity. Mixed broadleaf and yew native planting progressed.

**Biodiversity in the built environment**

n/a

**Reducing waste, reusing and recycling**

n/a

**Reduced energy/fuel consumption**

Land use and acquisition for carbon sequestration and ecological improvement purposes

n/a

### **People's awareness of the environment and biodiversity**

By having more green spaces and spaces for nature accessible to people will increase peoples awareness and appreciation of environment and biodiversity. Also the wider communication on why the Council is doing this i.e. to increase the capture of carbon emissions to prevent worsening climate change.

### **Flood risk management**

Mutual benefits between carbon sequestration, ecological improvement and reducing flood risk will be maximised upon e.g. through planting of upstream catchment areas to trap more water upstream for longer.

### **Negative impacts identified:**

#### **Biodiversity and the natural environment**

n/a

#### **Biodiversity in the built environment**

n/a

#### **Reducing waste, reusing and recycling**

n/a

#### **Reduced energy/fuel consumption**

n/a

### **People's awareness of the environment and biodiversity**

n/a

### **Flood risk management**

Land use and acquisition for carbon sequestration and ecological improvement purposes

Need to ensure only suitable tree species are incorporated on wetlands or marsh land which would impair that habitat in retaining water.

## **A healthier Denbighshire**

### **Overall Impact**

Positive

### **Justification for impact**

The improvement of existing green spaces into woodland and creation of new woodlands and places for nature provide greater interest and opportunities to promote health and mental wellbeing goals as well as leisure and activity pursuits.

### **Further actions required**

Need to be careful where woodland created to avoid any feelings of 'loss' for how the land used previously.

Need to take community with us and engender a feeling of joint ownership with local people so to avoid issues of vandalism/anti social behaviour.

### **Positive impacts identified:**

#### **A social and physical environment that encourage and support health and well-being**

The improvement of existing green spaces into woodland and creation of new woodlands and places for nature provide greater interest and opportunities to promote health and wellbeing goals. Such as volunteering, connecting to the signs and sounds of nature, access to enjoy the open air.

#### **Access to good quality, healthy food**

n/a

#### **People's emotional and mental well-being**

There is a much researched and evidenced link between being outdoors amongst nature and the

Land use and acquisition for carbon sequestration and ecological improvement purposes improvement of mental well-being. The improvement of existing green spaces into woodland and creation of new woodlands and places for nature provide increased and geographically spread access.

### **Access to healthcare**

n/a

### **Participation in leisure opportunities**

The improvement of existing green spaces into woodland and creation of new woodlands and places for nature provide increased and geographically spread access to increase availability of these places for leisure.

### **Negative impacts identified:**

#### **A social and physical environment that encourage and support health and well-being**

Increased opportunity for vandalism and/or places for anti social activities to take place. However, such concerns would be addressed prior to site alterations to aim for a focus on the positive opportunity overall.

### **Access to good quality, healthy food**

n/a

### **People's emotional and mental well-being**

Need to be careful where woodland created to avoid any feelings of 'loss' for how the land was used previously.

### **Access to healthcare**

n/a

### **Participation in leisure opportunities**

Need to be careful where woodland created to avoid any feelings of 'loss' for how the land used

Land use and acquisition for carbon sequestration and ecological improvement purposes previously.

## **A more equal Denbighshire**

### **Overall Impact**

Neutral

### **Justification for impact**

A more equal Denbighshire isn't a core objective of this project but has a contribution to play and at the very least is being planned in a way that doesn't exacerbate inequalities.

### **Further actions required**

Ensure any access requirements addressed when creating woodland and spaces for nature which are open to public. Maximise on opportunities for woodland creation and spaces for nature in or close to areas affected by socio-economic disadvantage.

### **Positive impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation**

This activity is being delivered to tackle climate change and nature's decline which impacts everyone.

### **People who suffer discrimination or disadvantage**

If existing green spaces are improved or new woodland created which includes public access that access requirements to enable all people to contribute will be pursued.

### **People affected by socio-economic disadvantage and unequal outcomes**

Woodland creation could be in locations of socio-economic disadvantage. Some external grants for woodland creation have this as a prerequisite for access to grant. This could provide volunteering opportunities to people with socio-economic disadvantage on their doorstep.

Land use and acquisition for carbon sequestration and ecological improvement purposes

### **Areas affected by socio-economic disadvantage**

Woodland creation could be in locations of socio-economic disadvantage. Some external grants for woodland creation have this as a prerequisite for access to grant.

### **Negative impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation**

n/a

### **People who suffer discrimination or disadvantage**

n/a

### **People affected by socio-economic disadvantage and unequal outcomes**

n/a

### **Areas affected by socio-economic disadvantage**

Location of sites for woodland creation will be led on land availability and the site's appropriateness (for various environmental factors) for woodland creation, it won't be led in the first instance by where areas of socio-economic disadvantage are.

### **A Denbighshire of cohesive communities**

### **Overall Impact**

Neutral

### **Justification for impact**

A Denbighshire of cohesive communities isn't a core objective of this project but has contribution to play particularly around resilience.



Land use and acquisition for carbon sequestration and ecological improvement purposes

### **Further actions required**

Need to take community with us and engender a feeling of joint ownership for woodland created with the community so to avoid issues of vandalism/anti social behaviour. Need to think about how visitors get to sites created which are more rural if they have public access.

### **Positive impacts identified:**

#### **Safe communities and individuals**

n/a

#### **Community participation and resilience**

Woodland creation on sites close to where people live, we will engage the local population on plans for the site- seeking their views on what they want to see and seeking their views for design of the sites.

Mutual benefit of using woodland to reduce flood risk will also be maximised upon where possible and thus increase community resilience to impacts of climate change.

#### **The attractiveness of the area**

This project is about safeguarding and increasing green space for the benefit carbon absorption and biodiversity and thus increases attractiveness of area and opportunities for recreation.

#### **Connected communities**

Some people prefer to travel on foot/bike and will have greater opportunity to move through accessible and connected green spaces.

#### **Rural resilience**

Work to improve biodiversity, including diversity and abundance of insect pollinators, supports the farming industry through crop pollination. Woodland creation on non productive land gives formally low value land a higher value. Increasing woodland creation and spaces for nature could increase footfall into rural areas and opportunities for rural assets like pubs, shops, cafes.

### **Negative impacts identified:**

Land use and acquisition for carbon sequestration and ecological improvement purposes

### **Safe communities and individuals**

Increased opportunity for vandalism and/or places for anti social activities to take place.

### **Community participation and resilience**

n/a

### **The attractiveness of the area**

n/a

### **Connected communities**

n/a

### **Rural resilience**

n/a

### **A Denbighshire of vibrant culture and thriving Welsh language**

#### **Overall Impact**

Neutral

#### **Justification for impact**

A Denbighshire of vibrant culture and thriving Welsh language isn't a core objective of this project but has contribution to play particularly around use of any information board or incorporation of any art/sculpture into sites created.

#### **Further actions required**

Ensure site selection for woodland creation is considerate to any sites of cultural and heritage significance - particularly relevant for any woodland creation within the AONB area of Denbighshire.

Land use and acquisition for carbon sequestration and ecological improvement purposes

**Positive impacts identified:**

**People using Welsh**

Any signage or information relating to sites created will be bilingual.

**Promoting the Welsh language**

Any signage or information relating to sites created will be bilingual.

**Culture and heritage**

Any signage or information relating to sites which could also tell a local story about the wider place could be maximised upon e.g. Pengwern can translate to 'head of the alder (a species of tree) swamp'.

**Negative impacts identified:**

**People using Welsh**

n/a

**Promoting the Welsh language**

n/a

**Culture and heritage**

Ensure site selection for woodland creation is considerate to any sites of cultural and heritage significance - particularly relevant for any woodland creation within the AONB area of Denbighshire.

**A globally responsible Denbighshire**

**Overall Impact**

Positive

**Justification for impact**

## Land use and acquisition for carbon sequestration and ecological improvement purposes

This proposal is all about increasing woodland for carbon sequestration purposes whilst improving biodiversity and thus specifically about preventing the problem of climate and nature's decline from getting worse.

### **Further actions required**

No negatives of note. Opportunities for mutual benefit in tackling the impact of climate and ecological change already being felt will be maximised upon e.g. woodland creation to reduce flood risk, tree cover to reduce air pollution and urban heating etc.

### **Positive impacts identified:**

#### **Local, national, international supply chains**

Trees, plants, seeds will be of native provenance and sourced as locally as possible, if not grown internally at the Council's Tree Nursery.

Projects for woodland creation could provide activity for contractors working for the Council on other contracts to contribute to via Community Benefits process.

#### **Human rights**

n/a

#### **Broader service provision in the local area or the region**

n/a

#### **Reducing climate change**

This proposal is all about increasing woodland for carbon sequestration purposes whilst improving biodiversity and thus specifically about preventing the problem of climate and nature's decline from getting worse.

Opportunities for mutual benefit in tackling the impact of climate and ecological change already being felt will be maximised upon e.g. woodland creation to reduce flood risk, tree cover to reduce air pollution and urban heating etc. Thus the proposal is likely to better prepare Denbighshire and beyond for a future with climate change.

Land use and acquisition for carbon sequestration and ecological improvement purposes

**Negative impacts identified:**

**Local, national, international supply chains**

An active 'grow your own' or buy local approach will be undertaken thus national and international supply chains will 'miss out'

**Human rights**

n/a

**Broader service provision in the local area or the region**

n/a

**Reducing climate change**

n/a

### **Appendix 3 - The Council's Net Carbon Zero and Ecologically Positive 2030 targets**

1. The Council declared a Climate Change and Ecological Emergency in July 2019 which committed the Council to become Net Carbon Zero by 2030. Subsequently the [Climate and Ecological Change Strategy](#) (CECS) was approved in February 2021 with the Net Carbon Zero by 2030 Goal and what that means in terms of carbon emission reduction and carbon sequestration increase.
2. Net Carbon Zero means the total carbon emissions (from Council buildings, fleet, waste generated in operations, business travel, staff commuting, street lighting) being equal to the total carbon absorbed by the land owned/leased in and managed by the Council by 31<sup>st</sup> March 2030. In 2019/20 the Council's carbon emissions were: 16,448 tonnes. In 2019/20 the Council's carbon sequestration was: 2,418 tonnes. Therefore, Net Carbon Zero position is: 14,030 tonnes. The goal is to reduce carbon emissions and increase carbon sequestration to get that Net Carbon Zero position to zero.
3. Whilst the Council is committed to going as far and as fast as we can to reduce the Council's carbon emissions, it is not possible to reduce the Council's carbon emissions to zero (from Council buildings, fleet, waste generated in operations, business travel, staff commuting, street lighting). Therefore, we need to increase carbon sequestration to offset the emissions we are unable to reduce/remove. The achievement pathway estimates carbon sequestration will need to increase by 4,911 tonnes to a figure of 7,329 tonnes by 2030 to meet our Net Carbon Zero goal.
4. Land eligible to be counted within the Council's carbon sequestration figures includes: land the Council owns and manages and land the Council leases from others and manages. Note: land the Council owns but then leases out to others to manage e.g. tenanted agricultural estate, cannot be included.
5. The Council is pursuing a multifaceted approach to achieving that additional carbon sequestration tonnage required including:
  - a) Improving the accuracy of our carbon sequestration data including the accounting of carbon from Council owned urban trees;
  - b) Increasing the carbon sequestration value of our existing freehold/leasehold land that we manage;

- c) Protecting our existing green spaces as much as we can from development where appropriate;
  - d) Maximising on opportunities to convert brown field sites where appropriate into woodland and/or grassland (depending on suitability);
  - e) Maximising on opportunities to bring land leased out back into Council management where appropriate and convert to woodland (if not already) or keep as grassland (depending on suitability); and
  - f) Seeking acquisition opportunities, freehold and leasehold, and convert to woodland (if not already) or keep as grassland (depending on suitability).
6. Approaches a to e listed above will not be enough to meet our carbon sequestration target of 7,329 tonnes by 2030; acquisition, freehold or leasehold, is required and due to the nature of the market and the time window in which to achieve target means that options for acquisition will need to be considered every year for the 9 years up to 2030.
7. In addition, to achieve Ecologically Positive Council by 2030 requires the Council to increase the amount of land it owns/leases and manages that is in the highest categories of species richness by at least 13% compared to 2019/20 baseline.
8. The carbon sequestration target and the species richness target as part of the Ecologically Positive Council goal are complementary. Mixed broadleaved and yew woodland is the second highest species richness category and this woodland can be created in a way that contains a mosaic of grassland and scrub patches increasing the diversity of species and ecological niches these sites contain, whilst complying with the UK Land Inventory Definition for land to be classified as forestland as follows:
- a. the land parcel must be
    - i. minimum area of 0.1 hectares;
    - ii. minimum width of 20 metres;
    - iii. tree crown cover of at least 20 per cent, or the potential to achieve it; and
    - iv. minimum height of 2 metres, or the potential to achieve it.

#### **Appendix 4 - The Council's approach for acquisition (freehold/leasehold) for purposes of carbon sequestration and ecological improvement.**

1. A scoring matrix based on various categories has been developed to assess sites for acquisition (freehold/leasehold) for the purposes of carbon sequestration and ecological enhancement (see appendix 5).
2. Land is scored for its potential to do the following:
  - a) The potential to sequester carbon – to meet our Net Carbon Zero target;
  - b) The potential to enhance biodiversity – to meet our Ecologically Positive target;
  - c) The potential to reduce flooding through planting or different management regimes;
  - d) The potential to be manageable.
3. If the land scores well at assessment and there are no immediate legal concerns discovered in the early negotiations with the seller/land agent, the current process for any land acquisition for carbon sequestration and ecological improvement purposes is as follows:
  - a) Ward Member notified
  - b) MAG consulted
  - c) Independent valuation sought
  - d) Paper to Asset Management Group (AMG), to gain approval for any acquisition (if site over £1m then requires Cabinet approval)
  - e) Paper to Strategic Investment Group (SIG), to gain approval to spend the capital.
4. Under the proposed scheme of delegated decision making and if the land scores well at assessment and there are no immediate legal concerns discovered in the early negotiations with the seller/land agent, the process for any land acquisition for carbon sequestration and ecological improvement purposes is as follows:



- a) Ward Member notified
- b) MAG consulted (if MAG meeting not scheduled, MAG chair notified)
- c) Independent valuation sought
- d) Request to the Head of Finance and Property to acquire the land under delegated authority (see appendix 1)
- e) Offer on land and negotiations concluded.
- f) Paper to Asset Management Group (AMG) at soonest opportunity to let them know about acquisition.
- g) Paper to Strategic Investment Group (SIG) at soonest opportunity to let them know about budget used.

## Appendix 5 - Land Assessment Criteria

As part of the Climate & Ecological Strategy, the matrix has been developed to assess sites:

- For consideration for acquisition for either carbon sequestration or ecological enhancement; OR
- Before disposal of existing DCC sites.

Only property that is exclusively or partly within the county of Denbighshire will be considered.

Property that is classed in the following LDP classifications will not be considered:

- BSC1 Housing Allocation or Housing Commitment
- PSE2 Employment Areas

The matrix is to be used as a guide only – not the definitive mechanism for deciding whether or not a particular property should be acquired, as other factors outside the matrix criteria may have a bearing on the suitability of a property for purchase (e.g. value of the site for curlew habitat). The matrix tries to achieve a reasonable balance between the following factors in relation to identified properties:

1. The potential to sequester carbon – to meet our Net Carbon Zero target;
2. The potential to enhance biodiversity – to meet our Ecologically Positive target;
3. The potential to reduce flooding through planting or different management regimes;

4. The potential to be manageable e.g. proximity to existing DCC sites, building liabilities, etc.
5. The occurrence of key risks/ issues e.g. presence of ash trees, ability to attract external funding, etc.

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|   | Criteria                                    | Scores 0                                                                        | Scores 1                                                                         | Scores 2                                                   | Scores 3                                                                          | Scores 4                                                                                 | Scores 5                                                                                |
|---|---------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1 | <b>Site Size</b>                            | Less than 0.5 acres                                                             | 0.5 to 1 acres                                                                   | 1 to 50 acres                                              | 50 - 200 acres                                                                    | 200 - 1,000 acres                                                                        | More than 1,000 acres                                                                   |
| 2 | <b>Agricultural Classification</b>          | Grade 1- Excellent, Grade 2- Very Good, Grade 3a - Good                         | Grade 3b - Moderate                                                              | Grade 4 – Poor                                             | Grade 5 – Very Poor                                                               | No agricultural designation                                                              | Brownfield site                                                                         |
| 3 | <b>Carbon sequestration value (current)</b> | Less than 20% existing tree crown cover. Less than 2 meters' height and not the | Less than 20% existing tree crown cover. Less than 2 meters' height but with the | Less than 20% existing tree crown cover. 2 meters' height. | Less than 20% existing tree crown cover. At least 2 meters' height with under 50% | 20% + existing tree crown cover. At least 2 meters' height with under 50% being examples | 20%+ existing cover. At least 2 meters' height with 50%+ being examples of older trees. |

|   | Criteria                                | Scores 0                     | Scores 1                                                                   | Scores 2                                                                      | Scores 3                                                             | Scores 4                                                                                     | Scores 5                                                                         |
|---|-----------------------------------------|------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
|   |                                         | potential to achieve it      | potential to achieve it                                                    |                                                                               | being examples of older trees.                                       | of older trees. Under 50% Broadleaved or Yew specimens.                                      | 50% + Broadleaved or Yew specimens.                                              |
| 4 | <b>Carbon sequestration (potential)</b> | Unsuitable for tree planting | No potential for natural regeneration. Significant tree planting required. | Potential for some natural regeneration with significant additional planting. | Potential for natural regeneration with limited additional planting. | Potential for natural regeneration without planting. Some non-native rectification required. | Potential for natural regeneration without planting or non-native rectification. |
| 5 | <b>Habitat potential (connections)</b>  | Connected forestland of      | Connected forestland – 0.5 to 1 acres                                      | Connected forestland – 1 to 50 acres                                          | Connected forestland – 50 to 20 acres                                | Connected forestland –                                                                       | Connected forestland of                                                          |

|   | <b>Criteria</b>                                               | <b>Scores 0</b>                                                                                    | <b>Scores 1</b>                                                                | <b>Scores 2</b>                                                                                        | <b>Scores 3</b>                                                                                        | <b>Scores 4</b>                                                                              | <b>Scores 5</b>                                                                              |
|---|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
|   |                                                               | less than 0.5 acres                                                                                |                                                                                |                                                                                                        |                                                                                                        | 200 to 1,000 acres                                                                           | more than 1,000 acres                                                                        |
| 6 | <b>Habitat potential (water)</b>                              | No watercourses or water bodies.<br>Land unsuitable to create water bodies                         | No watercourses or water bodies.<br>Land suitable to create water bodies       | No watercourses.<br>Water bodies present.                                                              | Watercourses present. No water bodies.                                                                 | Watercourses and water bodies present.<br>Low density/<br>Low quality                        | Watercourses and water bodies present.<br>High density/<br>High quality                      |
| 7 | <b>Habitat potential (biodiversity enhancement potential)</b> | Species/habitats of conservation concern present, on or adjacent to site, which would be harmed by | No species or habitats of conservation concern present on or adjacent to site. | Species or habitats of conservation concern present on site.<br>No species or habitats of conservation | No species or habitats of conservation concern present on site.<br>Species or habitats of conservation | Species or habitats of conservation concern present on and adjacent to site (poor condition) | Species or habitats of conservation concern present on and adjacent to site (good condition) |

|    | Criteria                                      | Scores 0                                                                                         | Scores 1                                                                                | Scores 2                                                                                             | Scores 3                                                                                                | Scores 4                                                                                              | Scores 5                                                    |
|----|-----------------------------------------------|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
|    |                                               | creation of<br>“forestland”                                                                      |                                                                                         | concern<br>adjacent to site.                                                                         | concern<br>adjacent to site.                                                                            |                                                                                                       |                                                             |
| 8  | <b>Flood<br/>Management<br/>Potential</b>     | No potential                                                                                     | Very poor<br>potential                                                                  | Poor potential                                                                                       | Good potential                                                                                          | Very Good<br>potential                                                                                | Excellent<br>potential                                      |
| 9  | <b>Manageability<br/>– Buildings</b>          | Multiple<br>buildings on the<br>site which<br>present<br>immediate<br>maintenance<br>liabilities | Single building<br>on site which<br>presents<br>immediate<br>maintenance<br>liabilities | Buildings on<br>site but low<br>confidence of<br>productive use<br>or<br>straightforward<br>disposal | Buildings on<br>site but medium<br>confidence of<br>productive use<br>or<br>straightforward<br>disposal | Buildings on<br>site but high<br>confidence of<br>productive use<br>or<br>straightforward<br>disposal | No buildings on<br>the site                                 |
| 10 | <b>Manageability<br/>– adjacent<br/>sites</b> | No existing<br>DCC<br>“countryside”                                                              | Within 3 to 10<br>miles of existing<br>DCC                                              | Within 3 miles<br>of existing DCC                                                                    | Connects to<br>existing DCC<br>“countryside”                                                            | Connects to<br>existing DCC<br>“countryside”                                                          | Connects two<br>or more<br>“countryside”<br>sites currently |

|    | Criteria                                                                                  | Scores 0                                             | Scores 1                                                                                                        | Scores 2                                                                                                                                            | Scores 3                                                                                                                                          | Scores 4                                                                                             | Scores 5                                                                                                 |
|----|-------------------------------------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|    |                                                                                           | site within 10 miles                                 | “countryside” site                                                                                              | “countryside” site                                                                                                                                  | sites of less than 5 acres                                                                                                                        | sites of more than 5 acres                                                                           | in DCC ownership                                                                                         |
| 11 | <b>Manageability - use of naturalistic grazing animals as the primary management tool</b> | No access from the roadside to load/unload livestock | Difficult access from the roadside to load/unload livestock, no current presence of stock proof fencing/hedging | Difficult access from the roadside to load/unload livestock, there is presence of stock proof fencing/hedging but incomplete and requires attention | Workable access from the roadside to load/unload livestock, there is presence of stock proof fencing/hedging but incomplete or requires attention | Easy access from the roadside to load/unload livestock, stock proof fencing/hedging surrounding site | Adjacent access from the roadside to load/unload livestock, stock proof fencing/hedging surrounding site |

**Appendix 6 – Risks and Mitigation**

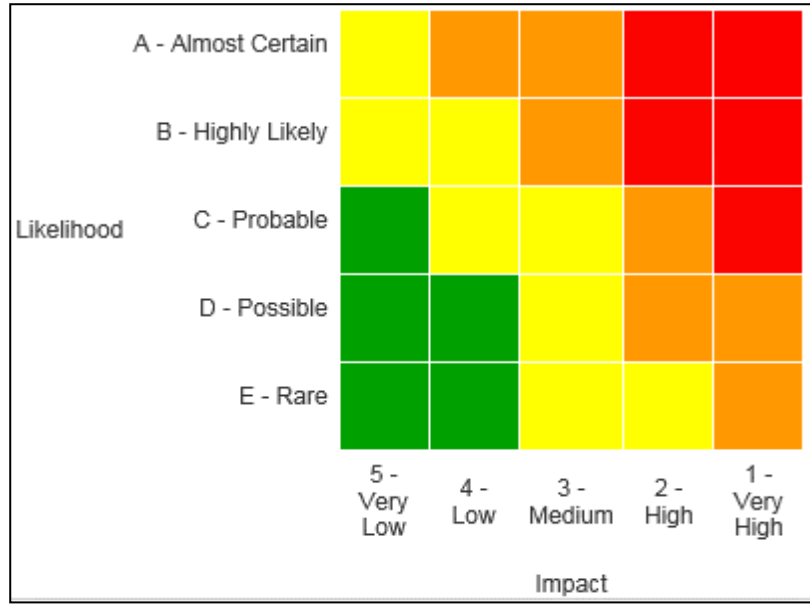
Tudalen 56

| Title                                                                                    | Inherent Risk | Mitigating Action                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Residual Risk |
|------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Availability of the type of land we want to purchase for increasing carbon sequestration | 2C            | <ul style="list-style-type: none"> <li>• Actively monitor the market and also word of mouth for potential opportunities</li> <li>• Keep abreast on the new policies post Brexit and maximise on any opportunities that might ensue</li> <li>• Ensure pathway to purchase is as smooth as possible in readiness for opportunities e.g. delegated approvals in place etc.</li> <li>• Ensure budget available to jump on opportunities when they come up.</li> </ul> | 2D            |
| Another buyer offers on the sites we are targeting before us and the offer is accepted   | 1C            | <ul style="list-style-type: none"> <li>• Horizon scan and maximise on word of mouth for potential purchases</li> </ul>                                                                                                                                                                                                                                                                                                                                            | 1D            |



| Title                                                                   | Inherent Risk | Mitigating Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Residual Risk |
|-------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
|                                                                         |               | <ul style="list-style-type: none"> <li>• Complete the assessment on potential sites asap on discovering an opportunity</li> <li>• Seek ward member and MAG engagement on the potential purchase asap</li> <li>• Seek independent valuation asap on potential purchase</li> <li>• Attend AMG asap in the negotiation process</li> <li>• Develop business case as quickly as possible for SIG.</li> <li>• Seek a new delegated authority to enable purchases for the purposes of carbon sequestration and ecological improvement to happen quicker.</li> </ul> |               |
| The asking price for the sites is higher than the independent valuation | 1D            | <ul style="list-style-type: none"> <li>• n/a- accept risk</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1D            |

| Title                                                                                           | Inherent Risk | Mitigating Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Residual Risk |
|-------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Management and maintenance of additional nature sites become a financial and operational burden | 2D            | <ul style="list-style-type: none"><li>• Ensure that initial procurement has strong focus on efficiency and low running costs for all equipment and facilities.</li><li>• Maximise on opportunities for grant funding in future years.</li><li>• Forecast additional revenue pressures and flag early through budget setting cycle.</li><li>• Maximise on land purchase opportunities (large and few) to keep management burden low, to be able to manage the land through natural regeneration and use of static livestock.</li><li>• Consider location of additional nature sites, being close to existing sites in Countryside Services portfolio wherever possible.</li></ul> | 4E            |



## **Appendix 7- Corporate Landlord Statement**

It is clear that the council can only achieve its target to become Net Carbon Zero and Ecologically Positive by 2030 through a very significant increase in the amount of carbon sequestered on land it manages, and in turn that can only be achieved through a programme of land acquisition. The amount of additional land required is substantial, and our ability to deliver on this will be constrained by the amount of land that will actually come onto the market in the programme period, the cost of the land and the available budget for acquisition. A further constraint may be our ability to manage such an increased land holding, which has been referenced in the report. These constraints are recognised and are reflected in the Risk Register. In order to optimise the opportunity to purchase land as it comes onto the market, the proposed delegation process is also supported (rather than a requirement to take a Business Case to SIG for each acquisition).

## Appendix 8 - Power to make the decision

| LEGISLATION / POLICY / DUTY             | POWER                                                                                                                                                  |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Government Act 1972               | General powers and consents to acquire and dispose of land.                                                                                            |
| Section 2, Local Government Act 2000    | The power to do anything which DCC consider is likely to achieve the promotion or improvement of the environmental well-being of their area.           |
| Section 111, Local Government Act 1972  | The power to do anything which is conducive to, or calculated to facilitate, the discharge of the Council's functions.                                 |
| Section 6, Environment (Wales) Act 2016 | Statutory duty to seek to maintain and enhance biodiversity.                                                                                           |
| Section 13.2, DCC Constitution          | All decisions of the Council will be made in accordance with the following principles: 13.2.8 having regard to tackling climate and ecological change. |

Mae tudalen hwn yn fwriadol wag

|                           |                                                                              |
|---------------------------|------------------------------------------------------------------------------|
| <b>Adroddiad ar gyfer</b> | Pwyllgor Craffu Cymunedau                                                    |
| <b>Dyddiad y cyfarfod</b> | 10 Mawrth 2022                                                               |
| <b>Cyflwynir gan</b>      | Y Cynghorydd Huw O Williams, Cadeirydd y Grŵp Tasg a Gorffen                 |
| <b>Awdur yr adroddiad</b> | Karen Evans, Swyddog Gwasanaethau Democrataidd                               |
| <b>Teitl</b>              | Grŵp Tasg a Gorffen Rheoli Perygl Llifogydd a Pherchnogaeth Tir Glannau Afon |

## 1. Am beth mae'r adroddiad yn sôn?

1.1. Y mae'r adroddiad a atodir fel atodiad 1 yn nodi cwmpas a chanfyddiadau Grŵp Tasg a Gorffen Rheoli Perygl Llifogydd a Pherchnogaeth Tir Glannau Afon. Y mae'n archwilio'r dulliau posibl o gryfhau sianeli cyfathrebu ac adeiladu cysylltiadau gweithio effeithiol rhwng pawb a phob sefydliad y mae ganddynt gyfrifoldeb am reoli'r perygl o lifogydd o afonydd a chyrsgiau dŵr ledled Sir Ddinbych.

## 2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

2.1. Diben yr adroddiad hwn yw rhoi'r wybodaeth ddiweddaraf i'r Pwyllgor Craffu am weithgareddau'r Grŵp Tasg a Gorffen, a gofyn i Bwyllgor Craffu Cymunedau ystyried a chytuno ar yr argymhellion a wneir.

## 3. Beth yw'r Argymhellion?

3.1. Bod gweithgor Perygl Llifogydd, sy'n cynnwys yr awdurdodau rheoli perygl llifogydd a chynrychiolwyr tirfeddianwyr, yn parhau i gyfarfod yn flynyddol er mwyn cael y sefyllfa ddiweddaraf o ran problemau a disgwyliadau.

3.2. Bod tudalen y Strategaeth Leol ar gyfer Rheoli Perygl Llifogydd yn cael ei hail-lansio yn cynnwys:

3.2..1. dolenni i dudalennau gwe perthnasol Cyfoeth Naturiol Cymru a Dŵr Cymru, ac

3.2..2. eglurhad o gyfrifoldebau perchnogion tir glannau afon yr Awdurdodau Perygl Llifogydd.

- 3.3. Creu taflen wybodaeth/llythyr gwybodaeth ar y cyd â Chyfoeth Naturiol Cymru a Dŵr Cymru ar gyfrifoldebau perchnogion tir glannau afon, a'i dosbarthu/ddosbarthu i eiddo cyfagos i Ffos y Rhyl a Gwter Prestatyn.
- 3.4. Bod yr adroddiad a gyflwynir i Bwyllgor Craffu Cymunedau, ar ôl ei gymeradwyo gan y Pwyllgor, yn cael ei gyfieithu a'i gylchredeg i Gynghorau Tref, Dinas a Chymuned ar gyfer ei roi ar eu gwefannau.

## 4. Manylion yr adroddiad

- 4.1. Nododd y Grŵp bod y cyfrifoldebau dros reoli perygl llifogydd ar gyfer afonydd a chysiau dŵr ledled Sir Ddinbych fel a ganlyn:
  - 4.1.1 Y mae Cyngor Sir Ddinbych (CSDd) a Chyfoeth Naturiol Cymru (CNC) yn awdurdodau rheoli perygl llifogydd wedi eu diffinio gan Ddeddf Rheoli Llifogydd a Dŵr 2010.
  - 4.1.2 Y mae CNC yn gyfrifol am reoli risg yn ymwneud â llifogydd o brif afonydd, tra bod CSDd yn rheoli'r risg o lifogydd o gyrsiau dŵr cyffredin eraill – afonydd llai, ffosydd, draeniau, carthffosydd a chwlfertau, ac ati. [Cyfoeth Naturiol Cymru / Cyfrifoldebau am afonydd, ffrydiau, cwlffertau a chamlesi.](#)
  - 4.1.3 Y mae Dŵr Cymru (DC) yn gyfrifol am y system garthffosiaeth gyhoeddus yn Sir Ddinbych. Mae DC yn rheoli 3 gwahanol fath o garthffos:
    - System carthffos fudr ar wahân, sydd fel arfer yn gweithio gyda disgyrchiant, a llif dŵr budr wedi ei ddraenio yn unig
    - System carthffosydd cyfun sy'n draenio llif dŵr budr a dŵr wyneb (mae'r rhan fwyaf o'r systemau draenio mewn datblygiadau hŷn yn systemau cyfun); a
    - System Dŵr Wyneb wedi ei mabwysiadu – mae hon yn system ddraenio ar wahân ar gyfer dŵr wyneb yn unig (i'w chael mewn datblygiadau mwy newydd).
  - 4.1.4 Y mae tiffeddiannwr\* y mae ei eiddo gerllaw cwrs dŵr megis afon, nant neu ffos yn 'berchennog tir glannau afon'. Mae cyfrifoldebau'r perchennog tir glannau afon yn cynnwys:
    - cynnal a chadw gwely a glannau afon,
    - gadael i ddŵr lifo heb rwystr a
    - rheoli ei berygl llifogydd ei hunan.
    - Gofyn am gymeradwyaeth gan yr awdurdod rheoli risg perthnasol cyn ymgymryd ag unrhyw waith i gyrsiau dŵr. Mae'n bosibl y diogelir ambell gwrs dŵr fel Safle o Ddiddordeb Gwyddonol Arbennig neu Ardal Cadwraeth Arbennig.

\*Y mae hyn yn cynnwys perchennog anheddau ac adeiladau sy'n gyfagos neu'n ffinio ar afon, nant neu gwrs dŵr arall (gall hyn fod yn ddeiliad tŷ unigol)



y mae ei ardd neu ei ardal allanol wrth ymyl un o'r cyrsiau dŵr hyn, ac nid person sy'n berchen ar barsel mawr o fferm neu fathau eraill o dir o reidrwydd).

- 4.2. Y grŵp mwyaf o bell ffordd a gysylltir â rheoli perygl llifogydd fyddai'r perchnogion tir glannau afon. Tra bo CNC, CSDd a DC yn cydweithio'n rheolaidd, gan rannu gwybodaeth ac arferion, y mae cyfathrebu gyda'r perchennog tir glannau afon, neu ei gynrychiolwr, ar y cyfan yn digwydd yn llai aml.
- 4.3. Y mae cynrychiolwyr perchnogion tir glannau afon – Undeb Cenedlaethol yr Amaethwyr (NFU), Undeb Amaethwyr Cymru (FUW) a Chymdeithas y Tirfeddianwyr (CLA) – yn fodlon gweithio gyda'r awdurdodau rheoli perygl llifogydd a'u haelodau o ran rhannu gwybodaeth ynglŷn â'u cyfrifoldebau a Thrwyddedau Gweithgarwch Perygl Llifogydd drwy ysgrifau nodwedd yn Yr Amaethwr, Cyswllt Ffermio, Y Tir, ac ati.
- 4.4. Y mae hyn yn dal i adael bwlch yn y cyfathrebu gyda'r mwyafrif o berchnogion tir glannau afon yn Sir Ddinbych. Mae angen ymdrech ar y cyd er mwyn atgoffa perchnogion tir glannau afon o'u cyfrifoldebau rheoli llifogydd. Ar y sail hon, gyda'r bwriad o atgoffa perchnogion tir ac eiddo o'u cyfrifoldebau yn flynyddol, o leiaf, mae'r Grŵp Tasg a Gorffen wedi fformiwleiddio'r argymhellion a gynhwysir yn yr adroddiad sydd wedi ei atodi, ac y mae'n ceisio cefnogaeth y Pwyllgor i'r argymhellion hynny.

## **5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

- 5.1. Byddai dyfeisio atebion ymarferol drwy feithrin perthnasau gwaith effeithiol gyda thirfeddianwyr, preswylwyr a sefydliadau cyhoeddus eraill yn cefnogi'r gwaith o ddarparu blaenoriaeth gorfforaethol yr Amgylchedd drwy leihau'r perygl i fywyd ac eiddo gan lifogydd, gan alluogi preswylwyr, busnesau a chymunedau i fod yn gryfach ar gyfer y dyfodol hefyd.

## **6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

- 6.1. Angen ffynhonnell gyllid ar gyfer y costau a fyddai ynghlwm wrth ddsbarthu taflenni.
- 6.2. Angen cymorth o bosibl gan y meysydd gwasanaeth canlynol:
  - TGCh
  - Marchnata a Chyfathrebu
  - Bioamrywiaeth
  - Effeithiau ar yr amgylchedd

## **7. Beth yw prif gasgliadau'r Asesiad o'r Effaith ar Les?**

- 7.1. Nid oes angen Asesiad o'r Effaith ar Les ar hyn o bryd.

## **8. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?**

8.1. Sefydlwyd y Grŵp Tasg a Gorffen hwn gan Bwyllgor Craffu Cymunedau.

## **9. Datganiad y Prif Swyddog Cyllid**

9.1. Byddai'n rhaid cynnwys unrhyw ffynonellau ariannol ychwanegol yng nghynigion y gyllideb yn ystod y cylch cyllideb nesaf. Y mae'r costau'n debygol o fod yn isel, a dylid anelu i'w cadw o fewn ffynonellau sydd eisoes yn bodoli.

## **10. Pa risgiau sydd ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

10.1. Ni chanfuwyd bod unrhyw risg yn gysylltiedig ag ystyried yr adroddiad hwn. Amcan gwaith y Grŵp Tasg a Gorffen yw canfod atebion ymarferol ac arferion gweithio effeithiol i leihau'r perygl i fywyd ac eiddo yn Sir Ddinbych gan lifogydd.

## **11. Pŵer i wneud y penderfyniad**

11.1. Mae gan y Cyngor bwerau mewn perthynas â pherygl llifogydd a materion sy'n ymwneud â draenio dan y Ddeddf Rheoli Llifogydd a Dŵr (2010) a'r Ddeddf Draenio Tir (1991).

11.2. Mae pwerau'r Pwyllgor o ran datblygu ac adolygu polisi a chraffu ar berfformiad y Cyngor a chyrrff cyhoeddus eraill, wedi'u hamlinellu yn Adran 21 Deddf Llywodraeth Leol 2000 ac Adran 7.4 o Gyfansoddiad y Cyngor.

# Report of the Flood Risk Management and Riparian Land Ownership Task and Finish Group

## BACKGROUND

Communities Scrutiny Committee at its meeting on 10<sup>th</sup> December 2020, following a discussion on 'Flood Risk Management Across Denbighshire' decided that

*“ a task and finish group [should] be established to examine methods to further strengthen interaction and working relationships between public flood risk management authorities and riparian landowners across the county with a view to improving each other’s understanding of their responsibilities in relation to ensuring the unobstructed flow of water through the land they manage”.*

At the following meeting in January 2021 the Committee agreed the Task and Finish (T&F) Group’s membership and its terms of reference. Consequently, each Member Area Group (MAG) was requested to appoint a representative to serve on the T&F Group. The membership being:

| <b>Member Area Group (MAG)</b> | <b>Representative</b>     |
|--------------------------------|---------------------------|
| <b>Dee Valley:</b>             | Councillor Alan Hughes    |
| <b>Denbigh:</b>                | Councillor Merfyn Parry   |
| <b>Elwy:</b>                   | Councillor Peter Scott    |
| <b>Prestatyn:</b>              | Councillor Rachel Flynn   |
| <b>Rhyl:</b>                   | Councillor Barry Mellor   |
| <b>Ruthin:</b>                 | Councillor Huw O Williams |

The T&F Group appointed Councillor Huw O Williams as its Chair with Councillor Peter Scott as the Vice-Chair.

Specialist officer support was provided for the T&F Group from the Council’s Highways, Facilities and Environmental Services Department, the Planning Department with administrative support being provided by officers from Democratic Services. External professional support and experience was provided by representatives from Natural Resources Wales (NRW), Dŵr Cymru Welsh Water (DCWW); agents from farming unions and landowners associations (National Farmers Union (NFU), Farmers Union of Wales (FUW) and the Country Landowners Association (CLA) and from Waterco (Flood Risk Consultants and Water Engineers).

From the outset the T&F Group was aware that its remit was to explore potential methods for strengthening communication channels and building effective working relationships between all parties and organisations that have responsibilities for managing flood risk from rivers and watercourses across Denbighshire.

The Group has met on 7 occasions. At the inaugural meeting it was extremely pleasing to note that all parties indicated their desire work together and play a positive role in flood risk management. All stakeholders agreed that there was a need to educate everyone involved with riparian flood risk management of each other’s roles and responsibilities. It was also felt that the establishment of the Group was a positive step forward in attempting to build effective working relationships and

a mutual level of trust between all parties who may have traditionally been involved in a culture of blame.

## **FINDINGS**

DCC and NRW are flood risk management authorities defined by the Flood and Water Management Act 2010.

NRW are responsible for risk management relating to flooding of main rivers whilst DCC manage the risk of flooding to other (lesser) watercourses – smaller rivers, ditches, drains, sewers and culverts etc.

Key topics discussed at the meetings included:

### **NRW's regulations, policies and guidance on the dredging and clearance of rivers and watercourses.**

NRW explained their position on dredging and that it wasn't necessarily a solution for flooding. Whilst a Flood Risk Activity Permit (FRAP) should be obtained for work in, under, over or adjacent a main river only one permit had been applied for in the previous two years within DCC's administrative boundary – although there had been reports of landowners undertaking gravel removal without a permit. Confirmation on the actual number of FRAP applications received by NRW contradicted a commonly shared misconception that NRW rejected more FRAPs than it approved. NRW advised that FRAP pre-application discussions could be held to highlight constraints and site specific considerations. The Development & Flood Risk Team could be contacted by email at [floodpermitting.northmid@naturalresourceswales.gov.uk](mailto:floodpermitting.northmid@naturalresourceswales.gov.uk).

During the course of the discussion the Group learned that a land owner - an individual or entity having legal ownership of land, small or large (including gardens) that lay next to watercourses such as rivers, streams or ditches is a 'riparian landowner'. Responsibilities of the riparian landowner include:

- maintaining river beds and banks,
- allowing the flow of water to pass without obstruction and
- manage their own flood risk.

This information came as a surprise to the Group as there was a common misconception, not only within the Group but to the public in general, that NRW were owners and/or responsible for the maintenance and management of rivers and significant watercourses.

All information provided by NRW is available on their website at [A guide to your rights and responsibilities of riverside ownership in Wales](#) and downloadable as a pdf.

## **Surface water and sewerage flooding.**

DCC in its role as the Highway Authority have duties and powers vested by the Highways Act 1980 to ensure highway drainage is properly managed.

Highway drainage maintenance in urban areas is the Highway Authority's (DCC's) sole responsibility. However, in rural areas verges and grips cut into them to assist drainage from the road surface were the Highway Authority's responsibility. Whilst the roadside ditches, hedges and trees are that of the adjacent land owner.

Whilst there was no obligation for the Highway Authority to clear roadside ditches in rural areas it would do so in the interest of road safety.

There was a need for adjacent landowners to take ownership of their watercourses to increase the capacity of the overflow from ditches.

Flood Risk Assessment Wales Maps (FRAW) had been published and were now available for interested parties' / land owners to access to review their potential flood risk from different sources – river, tidal, small water courses or surface water.

Dŵr Cymru Welsh Water (DCWW) are responsible for the public sewerage system in Denbighshire. DCWW manages 3 different types of sewers:

- I. Separate foul sewer system, which is usually gravity based and drained foul flows only
- II. Combined sewer system that drains foul flows and surface water (the majority of drainage systems on older developments are combined systems); and
- III. Adopted Surface Water System - this is a separate drainage system for surface water only (found on newer developments).

Problems with flooding tend to occur when the combined system becomes overloaded by high surface water flows.

The main causes of these blockages tends to be:

- Build-up of grit / silt – entering from surface water system;
- Fats, oils and grease (FOG) disposed of via kitchen sinks etc. and
- Non-biodegradable flushing (wet wipes etc.)

DCWW are running a campaign to educate the public on sewer misuse 'Stop the Block' as a preventative course of action in conjunction with planned de-silting maintenance.

## **Natural Flood Management – the effectiveness of temporary water holding management schemes.**

In 2020 a Natural Flood Management (NFM) feasibility study was undertaken by DCC, Welsh government and Waterco Flood Risk Consultants assessing opportunities for NFM at four sites in Denbighshire.

The sites were located in flood prone areas and within agriculturally managed landscapes, providing a valuable opportunity to gain insights from landowners on the

'Payment for Public Goods' approach to NFM and gather feedback on issues of compensation, maintenance, liability and responsibility.

The following challenges had been identified:

- Lack of evidence base for NFM, particularly around sustainability
- Limited baseline data – flows of rivers and rainfall data etc.
- Persuading and co-ordinating multiple landowners across catchments to engage with the pilot projects
- Potential unclear accountability on scheme maintenance responsibilities going forward (20 or 100 years or more).
- Establishing a payment method for scheme maintenance or compensation to the riparian landowner

The main objective was to reduce flood risk at pilot sites by increased storage in the upper catchments, 'slowing the flow' and debris capture. It was anticipated that other benefits should include:

- Improved biodiversity and ecological benefits.
- Increased community involvement and engagement and
- Water quality improvements.

Lessons Learnt to date included:

- Project design needed to limit reliance on community groups as a means of maintenance or intervention. The key was to make the project sustainable at the outset.
- Initiating early engagement and support of the landowner. Their local knowledge and expertise would generate the best ideas.
- Flexibility with the local programme allowed alteration of a course of action if a better opportunity arose in the catchment.

Important considerations should include that any:

- riparian woodland established was covered contractually by an enforceable maintenance condition that would incorporate successive land owners and
- future recompense for landowners needed to be considered in line with the Single Farm Payment Scheme (due to expire between 2023 and 2025) and the subsequent new payment structure. It would therefore be key that the implications of post-Brexit national policies relating to the rural economy were closely monitored throughout the project's construction and monitoring phases to ensure that they complied with various Governments' policies and visions for rural communities whilst addressing and mitigating the effects of climate change.

Work relating to NFM is still very much in its infancy. It would therefore be sometime before the conclusions, benefits and risks associated with adopting NFM measures were fully understood.

## **The Flood Risk Assessment Process Relating to Development Land Designation and Technical Advice Note (TAN) 15**

The Group were given a detailed joint presentation by DCC and NRW on the recent soft release of the latest Technical Advice Note 15 (TAN15), which was updated to improve the resilience to flooding and due to be fully implemented on 1 December 2021.

They provided information on the:

- Flood risk assessments undertaken in relation to identifying and designating land for future development as part of the Local Development Plan (LDP) process.
- Flood risk assessments process relating to industrial, retail and residential planning applications and
- Surface water and drainage assessments undertaken as part of all planning applications.

Since then the Welsh Government had informed local authorities that the implementation date of the new TAN 15 and Flood Map for Planning had been suspended from 1 December 2021 until 1 June 2023. The Minister for Climate Change in her notification letter to local authorities had indicated that Local Planning Authorities (LPAs) should use the 18-month deferment period to consider climate change flood related planning matters, either on a local and/or regional basis, and use the information gathered to inform future flood maps.

### **Links to guidance**

The new TAN 15 -<https://gov.wales/sites/default/files/publications/2021-09/technical-advice-note-15.pdf>

The Flood Map for Planning -<https://flood-map-for-planning.naturalresources.wales>

The TAN 15 consultation report –

<https://gov.wales/sites/default/files/consultations/2021-09/tan-15-consultation-report-and-summary-of-responses.pdf>

The Climate Change Allowances for Flood Consequences Assessments 2021 -

[https://gov.wales/sites/default/files/publications/2021-09/climate-change-allowances-and-flood-consequence-assessments\\_0.pdf](https://gov.wales/sites/default/files/publications/2021-09/climate-change-allowances-and-flood-consequence-assessments_0.pdf)

Sustainable Drainage (SuDS) Statutory Guidance -

<https://gov.wales/sites/default/files/publications/2019-06/statutory-guidance.pdf>

### **Maintenance arrangements for Rhyl Cut and Prestatyn Gutter**

There has been confusion for some time over the ownership and subsequent maintenance responsibility of Rhyl Cut and Prestatyn Gutter watercourses. **Those responsibilities fall to the riparian land owner – the hundreds of properties and parcels of land that abut those watercourse routes.**

NRW confirmed that issues such as the maintenance of property gardens and walls and the need to safeguard debris etc. from entering or falling into the Rhyl Cut and Prestatyn Gutter and causing blockages was a matter for the riparian landowners i.e. individual property owners.

NRW had permissive powers under the Water Resources (1991) Act to undertake work on main rivers to mitigate the risk of flooding. NRW had access points at certain locations along the Cut and Gutter to enable them to gain access to undertake the necessary maintenance work, thus avoiding the need to seek the agreement of multiple riparian landowners in order to undertake essential flood maintenance work.

Natural Resource Wales had worked with Denbighshire County Council and Dŵr Cymru Welsh Water with a view to developing management and maintenance arrangements for the Cut and Gutter.

NRW had produced a draft document setting out the proposed maintenance activities. This would be available in the near future on NRW's website. It would include:

- an overview (setting out the contents of the document and an overview plan)
- details of maintenance responsibilities (including NRW and others)
- Incident reporting and flood risk information
- Riverbed level management (with background on the approach) and
- Maintenance summary sheets for each sub reach (watercourse section).

### **Review of the Group's progress.**

At their final meeting the Group reviewed the information they had received over the course of the year to respond to the objectives that had been set out initially, which were to:

(i) examine and review the effectiveness of all public flood risk authorities' current communication channels and information sharing practices in relation to flood risk management across Denbighshire

(ii) engage with riparian landowners and tenants to seek their views on how interaction and working relationships between public flood risk management authorities and them can be strengthened in a bid to ensure that all parties understand their individual responsibilities in relation to flood risk management; and

(iii) foster a level of mutual trust between all parties, where advice and support can be easily sought and accessed in order to find practical and workable flood risk maintenance solutions, with a view to reducing the risk of flooding in future by ensuring the unobstructed flow of water through the land under their guardianship

It was apparent that the flood risk management authorities work regularly together, sharing information and practices, but that information did not appear to be shared more widely, among riparian land owners or their representatives. Traditionally land owner representatives would only be involved in discussions with the flood risk authorities under adversarial conditions. More proactive communication with riparian land owners and their representatives going forward needed to be a priority.



The Group reflected that the most surprising outcome of the process was learning about the responsibilities attributed to riparian land owners. The Group questioned:

- I. whether the riparian landowners were aware of their own responsibilities relating to watercourses, and
- II. how this important information could be shared with them?

One of the frequently asked questions from elected members during times of flooding is that of ownership / responsibility of Rhyl Cut and Prestatyn Gutter. The Group discussed the possibility of undertaking Land Registry searches in order to collate ownership details to potentially direct information on flood risk management, however the scale of the number of households involved made that exercise cost prohibitive.

Looking to achieve the Group's objectives going forward the following suggestions were made:

- Continuation of a Flood Risk working group to meet on an annual basis with the 3 flood risk authorities and land owner representatives for an updated position on issues and expectations.
- Land owner representatives to share the riparian land ownership responsibilities with their members and liaise with their members and NRW for help with Flood Risk Activity Permits etc. - e.g. with features in Farming Wales, Farming Connect, Y Tir etc.
- Proposal for circulating generic letters, in partnership with NRW and Dŵr Cymru / Welsh Water, regarding riparian land ownership responsibilities to Rhyl Cut and Prestatyn Gutter adjacent land owners.
- Dedicated contact links for officers from the various flood authorities be circulated.
- Compilation of a dedicated 'Flood' page for DCC's website with links to relevant information on NRW and DC/WW sites.
- the final report presented to Communities Scrutiny Committee, upon approval by the Committee, be translated and circulated to Town, City and Community Councils for inclusion on their websites.
- Consider a press release of the final report (highlighted on DCC's landing page) – potentially a joint release with NRW and DC/WW to maximise impact.

## **CONCLUSIONS**

The roles DCC, NRW and DCWW in flood risk management were distinct but not necessarily understood by the general public. There is a widely held erroneous belief that that NRW or DCC were responsible for the various watercourses and their maintenance.

It was not clear whether riparian land owners were aware of their maintenance and flood risk management responsibilities. A concerted effort was needed to communicate that message.

All parties agreed the willingness to work together going forward in promoting flood risk management riparian land owners and general public.

| <b>Recommendations</b>                                                                                                                                                                                                                              | <b>To be actioned by:</b>                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A Flood Risk working group comprising of the flood risk management authorities and land owner representatives continue to meet on an annual basis for an updated position on issues and expectations                                                | Denbighshire County Council.<br>Dwr Cymru / Welsh Water.<br>Natural Resources Wales.<br>Country Land Owners Association.<br>Farmers Union of Wales.<br>National Farmers Union. |
| A dedicated 'Flood' DCC web page be launched (with links to related Natural Resources Wales and Dŵr Cymru/Welsh Water web pages)                                                                                                                    | DCC's Web Team.                                                                                                                                                                |
| Working in partnership with Natural Resources Wales and Dŵr Cymru/Welsh Water a generic information leaflet/letter be created on the responsibilities of riparian land owners and distributed to properties adjacent Rhyl Cut and Prestatyn Gutter. | Denbighshire County Council.<br>Dwr Cymru / Welsh Water.<br>Natural Resources Wales.                                                                                           |
| The report be presented to Communities Scrutiny Committee, upon approval by the Committee, be translated and circulated to and Town, City and Community Councils for inclusion on their websites.                                                   | Councillor Huw Williams – Chair.<br>DCC's Democratic Services.                                                                                                                 |

|                                  |                                                                                                                                                                                                   |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Adroddiad i'r</b>             | <b>Pwyllgor Craffu Cymunedau</b>                                                                                                                                                                  |
| <b>Dyddiad y cyfarfod</b>        | <b>10<sup>fed</sup> Mawrth 2022</b>                                                                                                                                                               |
| <b>Aelod Arweiniol / Swyddog</b> | <b>Y Cyngorydd Mark Young, Aelod Arweiniol y Cabinet ar gyfer Cynllunio, Gwarchod y Cyhoedd a Chymunedau Mwy Diogel</b>                                                                           |
| <b>Awdur yr Adroddiad</b>        | <b>Emlyn Jones, Pennaeth Cynllunio, Gwarchod y Cyhoedd a Gwasanaethau Cefn Gwlad; ac Adam Turner, Swyddog Cynllunio a Chydymffurfio (Cynllunio, Gwarchod y Cyhoedd a Gwasanaethau Cefn Gwlad)</b> |
| <b>Teitl</b>                     | <b>Siarter Cydymffurfiaeth Cynllunio</b>                                                                                                                                                          |

## 1. Am beth mae'r adroddiad yn sôn?

- 1.1. Mae'r adroddiad yn archwilio effeithiolrwydd y siarter cydymffurfiaeth cynllunio ("y Siarter"), a fabwysiadwyd gan y Cyngor ym mis Medi 2020. Pwrpas y siarter yw symleiddio'r broses o ddatrys honiadau o dorri amodau cynllunio drwy helpu achwynwyr, tramgwyddwyr a phartïon eraill sydd â diddordeb i ddeall sut mae'r swyddogaeth cydymffurfio â chynllunio'r Cyngor yn gweithredu.

## 2. Beth yw'r rheswm dros lunio'r adroddiad hwn?

- 2.1. Darparu gwybodaeth ynghylch effeithiolrwydd y Siarter.
- 2.2. Mae angen gwneud penderfyniad ar a ddylid diwygio'r Siarter a/neu gynyddu'r adnoddau sydd ar gael ar gyfer cydymffurfiaeth cynllunio ledled y sir.

## 3. Beth yw'r Argymhellion?

- 3.1. Bod yr Aelodau yn-

- (i) Arnodîr Siarter drafft o'r enw 'Cydymffurfiaeth Cynllunio yn Sir Ddinbych - Siarter cydymffurfiaeth cynllunio' (Atodiad 1);
- (ii) Cefnogi bwriad y swyddogion i gyflwyno fersiwn terfynol y Siarter ar gyfer cymeradwyaeth yr Aelod Arweiniol; a
- (iii) Cadarnhau eu bod wedi darllen, deall ac ystyried yr Asesiad o'r Effaith ar Les (Atodiad 2) fel rhan o'u hystyriaethau.

## 4. Manylion yr adroddiad

- 4.1. Mabwysiadwyd y Siarter gan y Cyngor ym mis Medi 2020. Disgwylwyd y byddai darparu canllawiau a oedd angen mawr amdanynt i fudd-ddeiliaid yn lleihau'r galw ar swyddogion, ac o ganlyniad, yn gwella perfformiad y swyddogaeth cydymffurfiaeth cynllunio. Mae'r adroddiad hwn yn nodi a yw hyn wedi cael ei gyflawni, a pha newidiadau y gellir eu gwneud i'r Siarter i wella perfformiad ymhellach.
- 4.2. Mae pandemig Covid-19 wedi cael effaith sylweddol ar berfformiad y swyddogaeth cydymffurfiaeth cynllunio, tra bo recriwtio ail swyddog wedi cael effaith ychwanegol, buddiol. Felly, nid yw'n syml cymharu perfformiad y gwasanaeth cyn ac ar ôl y Siarter. Serch hynny, gallwn ddibynnu ar brofiad swyddogion i arfarnu effeithiolrwydd y Siarter.
- 4.3. Mae swyddogion yn ystyried yn eang bod y Siarter yn adnodd effeithiol iawn ar gyfer cynghori budd-ddeiliaid ar sut mae'r Cyngor yn archwilio ac yn datrys honiadau o dorri rheolaeth gynllunio. Mae'n arbennig o ddefnyddiol yng nghydestun rheoli disgwyladau budd-ddeiliaid, sy'n agwedd bwysig ar gynnal gwasanaeth effeithlon. Yn unol â hynny, mae achwynwyr yn cael eu cyfeirio at y Siarter pan mae eu cwynion yn cael eu cydnabod, ac mae troseddwr honedig, yn cael eu cyfeirio ato fel bo'r angen. Yn bennaf, mae budd-ddeiliaid yn ymddangos i fod llai tebygol o herio cynnwys dogfen a fabwysiadwyd yn swyddogol megis y Siarter, na chynnwys e-bost gan swyddog, er enghraifft.
- 4.4. Mae'r gweithgareddau canlynol yn benodol wedi cael eu symleiddio gan allu swyddogion i gyfeirio at y Siarter:
- Esbonio beth sydd, a beth sydd ddim yn dod dan reolaeth y swyddogaeth cydymffurfiaeth cynllunio;

- Ymgysylltu ag achwynwyr yn y broses ymchwilio;
- Cyfiawnhau sut mae achosion yn cael eu blaenoriaethu; a
- Chyfiawnhau gwneud penderfyniadau yn ôl disgrisiwn, e.e. uwchgyfeirio achos ar gyfer camau gorfodi ffurfiol.

- 4.5. Ystyrir y gall mân newidiadau i'r Siarter wella'r prosesau hyn ymhellach, ac mae'r newidiadau arfaethedig hyn wedi'u hamlygu mewn melyn yn y Siarter drafft yn Atodiad 1, gyda'r hepgoriadau arfaethedig wedi cael eu croesi allan. Yn bennaf, mae tabl wedi cael ei ychwanegu yn adran 2.1 y Siarter ddrafft, er mwyn symleiddio'r ddogfen a darparu cyfeiriad gwell ar gyfer defnyddwyr gwasanaeth.
- 4.6. Mewn ymateb i adborth gan Aelodau, cynhigir cynnwys rhagor o wybodaeth o fewn y Siarter ar sut mae budd-ddeiliaid yn cael eu diweddarau ar gynnydd achosion. Mae'r newidiadau penodol hyn i'w gweld yn adran 2.4.1 y Siarter drafft yn Atodiad 1. Byddai barn Pwyllgorau ar os/sut dylem wella ymhellach mewn perthynas â hyn yn cael ei groesawu. Mae swyddogion yn agored i archwilio a fyddai adroddiadau ychwanegol i bwyllgorau a Grwpiau Ardal yr Aelodau yn ddefnyddiol ar gyfer Aelodau, ac yn ffordd effeithlon i Swyddogion reoli disgwyliadau. Yn y tymor canolig, byddai'n bosibl darparu diweddariadau sy'n benodol i achosion cael eu darparu ar y wefan yn uniongyrchol o'r gronfa ddata, fel y dull sy'n cael ei ddefnyddio ar hyn o bryd mewn perthynas â cheisiadau cynllunio. Dylai hyn gael effaith fuddiol ar adnoddau staffio, a chroesawir barn aelodau ar hyn hefyd.
- 4.7. Yn olaf, gwnaed newidiadau pellach er mwyn gwneud y Siarter yn fwy hygyrch a diweddar (e.e. drwy newid y cyfeiriad i'r Arolygiaeth Gynllunio o ran Penderfyniadau Cynllunio ac Amgylchedd yng Nghymru).
- 4.8. Er bod mabwysiadu'r Siarter wedi bod o fudd sylweddol, os yw'r newidiadau a soniwyd amdanynt uchod yn cael eu mabwysiadu, dylai fod o fudd i berfformiad y swyddogaeth cydymffurfiaeth cynllunio ymhellach. Dylai hyn, yn ogystal â recriwtio ail Swyddog Cydymffurfiaeth yn ddiweddar, arwain at welliant parhaus i'r perfformiad drwy'r cyfnod ar ôl y pandemig, a chaniatáu i'r swyddogaeth gydymffurfio barhau gyda'r adnoddau presennol.

## **5. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

5.1. Bydd mabwysiadu'r Siarter yn cynyddu effeithlonrwydd y swyddogaeth cydymffurfiaeth cynllunio, sydd â'r diben o gefnogi cyflawniad pob un o'r Blaenoriaethau Corfforaethol drwy reoli datblygiadau a arweinir gan bolisi.

## **6. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

6.1. Ni fyddai mabwysiadu'r newidiadau i'r Siarter yn cael goblygiadau ariannol uniongyrchol, ac ni ddisgwylir y byddai'n cael goblygiadau sylweddol ar wasanaethau eraill.

## **7. Beth yw prif gasgliadau'r Aseiad o'r Effaith ar Les?**

7.1. Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn gosod dyletswydd ar y Cyngor i gynnal datblygiadau cynaliadwy yn ogystal â chymryd camau rhesymol i ymarfer ei swyddogaethau i gyflawni ei amcanion datblygu cynaliadwy (neu les). Mae'r adroddiad hwn ar y Siarter wedi ystyried gofynion Adran 3 'Dyletswyddau Lles cyrff cyhoeddus' Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015, ac mae aseiad o effaith ar les ynghlwm yn Atodiad 2.

## **8. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?**

8.1. Mabwysiadwyd y Siarter mewn ymgynghoriad gyda'r Pwyllgor Craffu, ac mae'r newidiadau iddo yn cael eu hargymell mewn ymateb i'r ddeialog rhwng swyddogion, Aelodau a budd-ddeiliaid eraill.

## **9. Datganiad y Prif Swyddog Cyllid**

9.1. Ni ddisgwylir y byddai costau cysylltiedig mewn perthynas â mabwysiadu'r siarter; byddai unrhyw gostau'n cael eu cadw o fewn cyllidebau cyfredol.

## **10. Pa risgiau sydd ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

10.1. Nid oes risgiau y gellir eu nodi o fabwysiadu'r newidiadau i'r Siarter.

## **11. Pŵer i wneud y penderfyniad**

11.1. Adran 21 Deddf Llywodraeth Leol 2000.

11.2. Mae Adran 7.4.1(e) o Gyfansoddiad y Cyngor yn pennu hawl y Pwyllgor Craffu i ystyried effaith polisiau, ac asesu a ydynt wedi gwneud gwahaniaeth, tra bo Adran 7.4.2(b) yn amlinellu pwerau'r Pwyllgorau Craffu mewn perthynas â pherfformiad y Cyngor wrth gyflawni amcanion y polisi.

Mae tudalen hwn yn fwriadol wag



# **Planning compliance in Denbighshire**

## **Planning compliance charter**

Adopted ~~September 2020~~ **March 2022**

## Foreword

As the Lead Member for Planning, Public Protection, Safer Communities and Domestic Abuse, I welcome the production and use of this very useful charter. This has been developed in consultation with our many City, Town and Community Councils across the County and aims to guide those involved in the planning compliance process. It is vitally important that the Council continues to take a proportionate approach to regulation, aiming to balance environmental protection with business support and growth. This charter provides helpful advice to those making complaints about potential breaches of planning control and to those who may have breached planning control. The planning compliance process is a complex and often time-consuming one. I hope that this charter guides those involved and manages expectations of the Council's role therein.



Councillor Mark Young, ~~September 2020~~ **March 2022**

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## **1. Introduction**

### **1.1 The purpose of the compliance charter**

The planning regime exists to regulate the development and use of land in the public interest. Planning policies are adopted both nationally and locally to make sure that land is used and developed in an appropriate and responsible way. Applications for planning consent are submitted to Denbighshire County Council and judged against these adopted policies.

Not everyone applies for planning consent when they should. This is where the planning compliance function comes in. This charter sets out how the Council seeks to deal with the harmful effects of unauthorised works by ensuring that planning policies are applied proportionately but robustly.

The charter's primary purpose is to help complainants, alleged contraveners and other interested parties understand how the planning compliance function operates. The Council wishes to work alongside local stakeholders to remedy unauthorised works, in the knowledge that working together is the most effective approach to dealing with breaches of planning control. Advice for complainants is provided in section 2, and advice for alleged contraveners is provided in section 3.

### **1.2 What is a breach of planning control?**

A breach of planning control is defined in the Town and Country Planning Act 1990 as:

"the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted".

The term 'development' is also defined in the Act, as follows:

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.

In other words, a breach of planning control is a ‘development’ which has occurred but which a) does not have planning permission, or b) is contrary to conditions imposed on a planning permission. These are the types of breach which the planning compliance function primarily deals with (see section 2.1 for more information).

It is not necessarily against the law to carry out a development without planning permission. In most cases, there is no legal obligation on developers to apply for planning consent prior to undertaking works—though it is usually simpler for all involved if they do. If they don’t, they run the risk of the Council pursuing enforcement action in order to remedy the breach. An offence may then be committed if a developer, upon receipt of an enforcement notice, fails to comply with it.

### **1.3 Development which does not need planning permission**

It is quite often the case that building works or changes of use do not need the Council’s consent in the first place. Some development, typically small in scale, is classed as ‘permitted development’, meaning that it is exempt from the requirement for planning permission. Many extensions to houses, for example, do not need planning permission. Permitted development rights can also apply to changes of use, both temporary and permanent.

Further information about permitted development rights, and whether a development requires planning permission, can be found on the Welsh Government’s website—visit [www.gov.wales/planning-permission](http://www.gov.wales/planning-permission).

### **1.4 Avoiding planning compliance involvement**

It is the responsibility of the property owner (or, in limited cases, the person carrying out works) to comply with planning regulations. To avoid the potential involvement of the planning compliance officer, prospective developers should ensure that all of the

appropriate consents are in place prior to commencing works. Developers are also advised to inform neighbours about their plans from the outset.

The Welsh Government's website provides extensive guidance in relation to common projects which may need planning consent—see [www.gov.wales/planning-permission](http://www.gov.wales/planning-permission). The Council has also published relevant advice, available via [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Of this guidance, the Council's supplementary planning guidance ("SPG") documents, available via the link, are especially useful; covering a wide range of topics, they are tailored to different types of scheme. For example, business owners may find the SPG documents on advertising and shop fronts particularly useful. The documents on Listed Buildings and Conservation Areas may be of use to developers who are carrying out works on a heritage asset. More detailed guidance can be obtained from a planning consultant; a list of agents who operate within Denbighshire is also available on the Council's website.

#### **1.4.1 Lawful development certificates**

The Council does not give informal advice on the need for planning permission. Developers who are unsure as to whether their project needs planning permission are recommended instead to make an application for a lawful development certificate. This process is not the same as making an application for planning permission; it is a less onerous process which will provide formal confirmation of whether a specified use, operation or activity is lawful for planning purposes. Further information about how to apply for a lawful development certificate is available on the Council's website.

#### **1.4.2 Pre-application advice service**

The Council also offers a pre-application advice service which enables prospective developers to get an informal opinion on the acceptability of the proposed works. To arrange this service, applicants must complete a pre-application advice form which is available on the Council's website. So long as all the necessary information has been provided, we aim to provide a written response to pre-application enquiries within 21 days.

## 2. Advice for complainants

### 2.1 What we do and don't investigate

The Council's planning department investigates matters which the law gives us powers to adjudicate over—typically matters which require planning permission. We do not have control over—and do not therefore get involved in—civil matters such as property disputes, property damage and trespass. Issues such as dangerous trees, blocked drains and inconsiderate parking are best resolved directly between the interested parties, as these are not matters which are overseen by the planning department.

In some cases—normally those involving larger schemes—a condition attached to a planning permission may control certain aspects of a development. For example, the planning department may have control over operating hours and mitigation measures, though this is not usually the case for smaller schemes. Complaints relating to the construction phase of developments should in the first instance be referred to the site developer, who may be able to resolve the situation with immediate effect. If this approach is unsuccessful, complainants may wish to consider whether the activity they are concerned about should be reported to the planning department.

The full list of matters which the planning department can investigate is as follows:

- Development (i.e. building works or a change of use of land) which requires planning permission but has proceeded without it;
- Development which has proceeded contrary to plans approved by the Council as part of a planning permission;
- Development which has proceeded contrary to conditions imposed by the Council as part of a planning permission;
- Unconsented alterations to Listed Buildings;
- Unconsented demolition of structures in a Conservation Area;
- Wilful damage to protected trees, i.e. those which are subject to a Tree Preservation Order or located within a Conservation Area;



- Uprooting of non-domestic hedgerows;
- Advertisements whose display requires consent but does not have it; and
- Untidy properties which are having a detrimental effect on the wider area.

If an issue is not listed above, it may be listed in the table below with advice on how to resolve the matter. ~~it may be the case that it is one for another department of the Council to resolve. For example, dangerous buildings are a building control issue, while the highways department may be best placed to resolve parking issues. The environmental health team can deal with nuisances such as noise, vermin and odour. Alternatively, the issue may be best referred to another agency such as Natural Resources Wales, Welsh Water, the police or the fire and rescue service.~~

**Table 1: Non-planning issues**

| Non-planning issue                  | Resolution                                                                             |
|-------------------------------------|----------------------------------------------------------------------------------------|
| Property disputes                   | Civil matter (consider assistance of a solicitor)                                      |
| Property damage                     | Civil matter (consider assistance of a solicitor)                                      |
| Trespass/theft of land              | Civil matter (consider assistance of a solicitor)                                      |
| Breaches of covenant                | Civil matter (consider assistance of a solicitor)                                      |
| Dangerous structures and buildings  | Report to the Council using the appropriate form                                       |
| Nuisances—noise, light, odour, etc. | Report to the Council using the appropriate form                                       |
| Vermin                              | Report to the Council using the appropriate form                                       |
| Fly tipping/litter accumulations    | Report to the Council using the appropriate form                                       |
| Felling of non-protected trees      | Report to Natural Resources Wales                                                      |
| Wildlife crime                      | Report to the Police                                                                   |
| Obstructions of the highway         | Report to the Police                                                                   |
| Workplace health and safety         | Report to the Health and Safety Executive or to the Council using the appropriate form |

### 2.1.1 Development which is immune from enforcement action

If a breach of planning control has existed for some time, it may have acquired immunity from remedial action. Planning law prevents the Council taking enforcement action against unauthorised development which has existed for:

- Four years in cases of building/engineering/mining operations;
- Four years in cases consisting of the change of use of any building to use as a single dwellinghouse; or
- Ten years in all other cases, including breaches of condition.

Breaches of planning control which do not involve 'development' (see section 1.3), such as breaches of Listed Building legislation or instances of untidy property, do not accrue immunity from enforcement.

### 2.1.2 Speculative reports

The planning department does not investigate speculative reports of activities which have yet to occur. This is because the resources which are available to the planning compliance function are solely dedicated to investigating and resolving unauthorised works which are ongoing or have already taken place. It is also the case that the scale and nature of a breach needs to be understood before the best course of remedial action can be identified.

### 2.1.3 Anonymous reports

The planning department does not investigate anonymous reports or reports made using a false identity. This is because we may wish to correspond with complainants in order to gain a better understanding of the alleged breach or to discuss the progress of remedial action.

All personal details are confidential and will not be made public during the investigation phase. On rare occasions—those involving serious breaches which result in an appeal or a prosecution—we may be required to give details of the complaint to the inspectorate (Planning and Environment Decisions Wales) or the Courts. These details may include the

complainant's name and address, though we would only divulge these with the complainant's express consent. Similarly, we may need to liaise with external agencies such as Natural Resources Wales, the police and the fire and rescue service in order to investigate an alleged breach effectively.

## **2.2 The role of complainants**

The planning compliance function is most successful when it works collaboratively with complainants. The planning department cannot proactively monitor every street and property in Denbighshire, and this is where members of the public come in. By providing local knowledge and 'eyes and ears' on the ground, local residents and organisations are a key component in the process of securing planning compliance.

As well as providing a monitoring presence, local residents and organisations are uniquely placed to remedy the harmful effects of breaches before they need to be escalated to the Council. It is a regrettable fact that the intervention of a planning compliance officer can sometimes be greeted with hostility by developers who are alleged to be carrying out unauthorised works. It is often the case that developers find it unnecessary and antagonistic for the Council to get involved; they will often ask why the aggrieved party couldn't have raised their concerns directly, in order to reach an amicable (and probably swifter) solution.

In order to maintain good community relations—as well as to ensure that our resources are directed at the most severe problems—the Council's involvement should be treated as a last resort. Before reporting an issue to the Council, complainants should consider whether a solution to the problem could be reached more amicably and without the use of limited Council resources.

### **2.2.1 The role of city, town and community councils**

City, town and community councils have excellent links to the places they serve, and they can use their well-established connections to bring about quick and effective resolutions to local planning issues, to the benefit of all involved. It is also a priority of the Council to work

with people and communities to build independence and resilience, involving local people and organisations in shaping their communities and improving services—and we recognise the crucial role that city, town and community councils can play in delivering these objectives.

The planning compliance function provides a regulatory mechanism through which improvements can be made to Denbighshire’s communities. Shaping communities on a wider scale takes more than reactive regulation, though. City, town and community councils which have a generalised concern about their area’s built environment should therefore consider how they can of work in partnership with the Council to proactively enhance the public realm. For example, they may wish to consider the strategic benefits of commissioning appraisals which the Council could then use to introduce new planning guidance and/or place-specific controls. Localised controls such as Conservation Areas, Areas of Special Control of Advertisements and Article 4 Direction Areas can make a real difference to the public realm, but limits to resources mean that it is not always possible for the Council to implement them unaided. It is for this reason that it is now so important for partnership organisations such as city, town and community councils to work collaboratively with the Council to stimulate regeneration and enhance the built environment.

### **2.3 How to report an alleged breach of planning control**

If other methods of remedying an alleged breach prove to be unsuccessful, complainants may wish to report the matter to the Council. We only investigate reports of alleged planning breaches which are submitted to us on the dedicated form, which can be found online by visiting [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning) and then following the link to the enforcement section. Alternatively, a hard copy of the form can be sent out to prospective complainants by post.

By completing the form, complainants are ensuring that the planning department has all the information we need to carry out any investigation as quickly, effectively and safely as possible. Quite often, the local knowledge that complainants and local organisations can

provide on the form is what makes the difference between a successful and an unsuccessful investigation. For this reason, we may refuse to investigate an alleged breach until all of the necessary information has been provided.

Similarly, the success and speed of an investigation can hinge on the availability of corroborating evidence. Accordingly, complainants may wish to submit photographs, sound recordings, videos and activity logs. It is important for complainants to note that their reports may lead to a criminal investigation, so they must ensure that the information and evidence they provide is accurate and a true representation of the facts.

The Council will endeavour to acknowledge reports of planning breaches within ten working days. Complainants should inform the Council if they do not receive an acknowledgement within this timeframe.

## 2.4 The investigation phase

The Council receives around 250 reports of alleged planning breaches each year.

Investigations must therefore be prioritised according to the level of harm being caused.

The highest priority is given to dealing with breaches which are imminently life-threatening or irrevocably harmful, especially if they are ongoing. Immediate attention is reserved for cases where prompt intervention would prevent irreparable damage to an irreplaceable asset such as a Scheduled Ancient Monument, Listed Building or protected tree.

Thereafter, priority is usually given to breaches affecting places which are recognised for their special qualities, such as Conservation Areas and the Area of Outstanding Natural Beauty (“AONB”).

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~~The highest priority is given to dealing with breaches which are imminently life-threatening or irrevocably harmful, especially if they are ongoing. Thereafter, priority is usually given to breaches affecting the places and artefacts which are recognised for their special qualities—Listed Buildings, Conservation Areas, the Area of Outstanding Natural Beauty~~

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(“AONB”) and protected trees. Similarly, breaches which conflict with the Council’s Corporate Plan will usually be given priority over other cases.

Regard must also be paid to when the breach first occurred. If an unauthorised development is, owing to the passage of time, approaching immunity from enforcement (see section 2.1.1), the investigation into the matter may need to be prioritised accordingly.

The table below (continues overleaf) provides some examples of alleged breaches which the Council typically encounters, and identifies where they would normally fall in the order of priority.

**Table 2: How the Council prioritises cases**

| Priority   | Type of alleged breach                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 (Urgent) | <p>An alleged breach which is ongoing and causing severe, irrevocable damage to an irreplaceable asset, and therefore requires immediate attention.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Ongoing excavations at a Scheduled Ancient Monument</li> <li>• The ongoing demolition of a Listed Building</li> <li>• The ongoing felling of protected trees</li> </ul>                                                          |
| 2 (High)   | <p>An alleged breach which requires prompt attention, because it—</p> <p>(a) Has caused irrevocable damage to a special designated asset but is not ongoing;</p> <p>(b) Is posing an imminent risk to life; and/or</p> <p>(c) Is approaching immunity from enforcement owing to the passage of time.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• An unauthorised alteration to a Listed Building which is not ongoing</li> </ul> |

| Priority            | Type of alleged breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <ul style="list-style-type: none"> <li>• The creation of a vehicular access onto a blind corner on a fast A-road</li> <li>• A breach of condition which has persisted without interruption for nearly 10 years</li> </ul>                                                                                                                                                                                                                                                                                                                         |
| <p>3 (Moderate)</p> | <p>An alleged breach which is having an adverse impact on a special place such as a Conservation Area or the Area of Outstanding Natural Beauty, or on a particularly prominent place, e.g. a gateway route to a town centre.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Unauthorised quarrying within the Area of Outstanding Natural Beauty</li> <li>• An unauthorised shop sign in a Conservation Area</li> <li>• A dilapidated building on a high street</li> </ul>                                                        |
| <p>4 (Low)</p>      | <p>An alleged breach which is not causing severe harm to public amenity, the environment or to the health and safety of the public, e.g. works to buildings which are not Listed, within a Conservation Area or within the Area of Outstanding Natural Beauty.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Unauthorised 'householder development' (works within the garden areas of houses)</li> <li>• Changes of use such as a bookshop which has started serving tea and coffee</li> <li>• Overgrown front gardens</li> </ul> |

| Priority     | Type of breach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 (Urgent)   | <ul style="list-style-type: none"> <li>● <del>Ongoing works to a Listed Building or a Scheduled Ancient Monument which are causing <b>irrevocable</b> and <b>significant</b> damage to its character</del></li> <li>● <del>Ongoing works which are causing <b>irrevocable</b> and <b>significant</b> damage to a designated natural asset, e.g. a Site of Special Scientific Interest or a tree subject to a Tree Preservation Order</del></li> <li>● <del>Works which are putting people in imminent <b>danger of death</b></del></li> <li>● <del>Examples: ongoing excavations at a Scheduled Ancient Monument; the ongoing felling of a group of protected trees; the creation of a vehicular access onto a blind corner on a fast A-road.</del></li> </ul> |
| 2 (High)     | <ul style="list-style-type: none"> <li>● <del>Works which have caused <b>irrevocable</b> and <b>significant</b> damage to a Listed Building or a Scheduled Ancient Monument, but are <b>not ongoing</b></del></li> <li>● <del>Works which have caused <b>irrevocable</b> and <b>significant</b> damage to a designated natural asset, but are <b>not ongoing</b>.</del></li> <li>● <del>Examples: a Listed Building which has had stained glass windows removed; excavation works which have occurred within a SSSI; a non-domestic hedgerow which has been uprooted.</del></li> </ul>                                                                                                                                                                         |
| 3 (Moderate) | <ul style="list-style-type: none"> <li>● <del>Works which have had a <b>significant adverse effect</b> on the character of a designated heritage or natural asset, but are <b>not ongoing</b></del></li> <li>● <del>Unauthorised dwellings in the <b>open countryside</b></del></li> <li>● <del>Unauthorised, non-temporary <b>advertisements</b></del></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                             |



**Priority**

**Type of breach**

- Buildings which, owing to their lack of maintenance, are causing **significant visual harm** to the surrounding **public realm**—especially empty homes

- Breaches of conditions attached to planning permissions.

Examples: an unauthorised extension on a Listed Building; quarrying within the Area of Outstanding Natural Beauty; an unauthorised shop sign in a Conservation area; an unauthorised conversion of a barn into a dwelling; a long-term empty home which is visually harming a busy public thoroughfare; a new dwelling not being used as an Affordable Home, in breach of planning conditions.

4 (Low)

- Development which is **not causing significant harm** to public amenity, the environment or to the health, safety or wellbeing of the public

- Breaches which appear to be temporary

- Works to **non-Listed buildings** which are not within a Conservation Area or the Area of Outstanding Natural Beauty

- Unauthorised '**householder development**' (works within the garden areas of houses)

- Overgrown front gardens.

Examples: outbuildings in gardens; overheight fences; changes of use, such as a bookshop selling tea and coffee.

**2.4.1 Timeframes for investigation**

While all reports of alleged planning breaches will be recorded, those that do not meet priority status will be investigated if and when workloads allow. The Council aims to investigate 50% of **the** reports **we receive** within 10 weeks, and 80% within 12 weeks.

Cases which are complex, lacking in evidence or relatively low-priority may take more than 12 weeks to investigate.

The Council aims to provide an efficient service. The forbearance of complainants is therefore greatly appreciated, as answering regular requests for updates takes officers away from the task of investigating alleged breaches. The Council will instead endeavour to provide complainants with updates at key points during investigations, as and when they become available.

Updates will be provided by letter, email or telephone, depending on the preference of the complainant. If a case is generating significant local interest, updates may alternatively be provided on the Council's website. The Council aims to respond to any correspondence received within 10 working days.

#### **2.4.2 Site visits**

The Council does not carry out site visits in response to every complaint, but some cases will demand an on-site inspection. It is for the Council to decide whether a visit is needed as part of an investigation.

In order to make the most efficient use of resources, visits are carried out in geographical groupings. For this reason, it may be some weeks after a report has been received before a site visit is undertaken. In order to expedite matters, complainants may wish to provide evidence which would negate the need for a site visit.

### **2.5 What happens once a breach has been investigated?**

Once an alleged breach has been investigated, the Council will then pursue remedial action or close the case down. Cases will be closed down at this stage if: a) we do not have sufficient evidence of a breach; or b) a breach has been identified, but is not so harmful that the Council would find it expedient to devote further resources to remedying the matter.

### 2.5.1 Expediency

The planning compliance function is a discretionary service offered by the Council. As such, it is for the Council to decide whether to pursue remedial action in response to alleged breaches of planning control. The aim of the planning compliance function is to remedy the adverse effects of breaches, not to punish the people carrying them out.

The pivotal issue for the Council is whether the unauthorised development is unacceptably affecting public amenity. It is not an appropriate use of Council resources to take action against a trivial or technical breach which causes negligible harm to public amenity.

### 2.5.2 Remedial action

Depending on the severity of the unauthorised development, any ensuing remedial action will in most cases take one of two forms. The Council may:

- 1) Pursue the cessation of the breach, through formal enforcement action if necessary. This option is appropriate when there is adequate evidence of a harmful breach which irreconcilably conflicts with planning policy; or
- 2) Request a planning application to be submitted in retrospect. This is an appropriate method of dealing with breaches which may be harmful, but whose harm could potentially be controlled by attaching a condition to a retrospective planning permission. For example, a planning condition may mitigate noise by requiring the installation of soundproofing. It is also appropriate to request an application if the nature of the breach is such that the submission of evidence and/or the input of specialist consultees is needed in order that an informed decision about a development's acceptability can be made.

**The Council will not typically proceed with enforcement action in relation to developments which are subject to an ongoing planning application.**

In cases where a requested application turns out not to be successful—or not submitted at all—the Council may resort to pursuing the cessation of the breach, through formal enforcement action if appropriate.

### 2.5.3 Formal enforcement action

The Council has the power to serve enforcement notices which formally require recipients to undertake remedial action or otherwise face a penalty. There are different types of notice the Council can serve, depending on the nature of the breach. Certain notices may only come into effect 28 or more days after their date of issue, in order to allow the recipient the opportunity to appeal. Appeal proceedings are overseen by Planning and Environment Decisions Wales, who will either uphold, modify or quash the notice.

Notices must offer recipients a reasonable period within which to carry out the required remedial works. This period of compliance starts when the notice comes into effect or, in cases where appeal proceedings are brought, when ~~the Planning Inspectorate~~ **Planning and Environment Decisions Wales** issues its decision.

For relatively minor breaches, the service of the enforcement notice may be deemed sufficiently punitive in itself, given its effect on land valuation. In most cases, however, the response of the notice's recipient will be monitored once the period of compliance has elapsed. If the monitoring reveals that the recipient of a notice has failed to comply with its requirements, the Council may, if expedient, seek to secure further punitive action.

Penalties for non-compliance vary depending on the type of breach and the notice served (see section 3.2). Prosecution may be pursued if it is in the wider public interest to do so, and if legal advice suggests that there is a reasonable prospect of success.

The timescales needed for the complete resolution of cases can unfortunately be extensive, and often dependent on factors outside of the Council's control. The Council will nonetheless strive to resolve all priority cases in a timely manner, and, if expedient, will pursue all appropriate and reasonable avenues to do so.

### **3. Advice for alleged contraveners**

#### **3.1 How to respond to an allegation by the Council**

Those who are alleged by the Council to have carried out unauthorised works should read the correspondence they have received thoroughly. Any such correspondence will carefully set out the Council's position and provide advice about what to do next. It will state what courses of remedial action are available and, if applicable, the penalties for non-compliance. Given the costs involved, the Council may refuse to provide further advice beyond this, especially if a fee would ordinarily be levied for providing such advice to the public (as is the case with pre-application advice, for example).

In light of the above, alleged contraveners are advised to seek the assistance of a planning consultant if they are in any doubt about their obligations. A list of such agents who operate in the locality is available at [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Alternatively, Planning Aid Wales, which is a charitable organisation which helps eligible individuals to participate more effectively in the planning system, provides advisory services including a helpline. Further information about the charity can be found at [www.planningaidwales.org.uk](http://www.planningaidwales.org.uk).

#### **3.2 Formal notices**

There are a number of formal notices which the Council has the power to issue in response to an alleged breach of planning control. There is no obligation on the Council to make informal attempts at resolving an alleged breach prior to issuing a formal notice.

Each type of notice has a different function. They also have different penalties for non-compliance. These vary depending on the notice served, and will be expressed on, or in an annex attached to, the notice. They most often take the form of one or more of the following:

- Prosecution, which can result in a fine;

- The Council carrying out the works required by the notice followed by action in the County Court to recover all incurred costs; and/or
- The Council carrying out the works and then registering a charge on the property with the Land Registry, recoverable should the property be sold.

Certain notices are appealable. If the recipient of a notice has this right of appeal, the details of how to exercise it will be given in an annex to the notice. Further details about the grounds under which an appeal can be raised will also be provided.

### **3.2.1 Enforcement Notices**

Section 172 of the Town and Country Planning Act 1990 gives the Council the power to issue an Enforcement Notice to require an alleged breach of planning control as defined in the Act (see section 1.2 of this document) to be remedied. The required remedial action will be identified on the notice. Once served, there is a period of no fewer than 28 days before the notice comes into effect, to allow its recipient to raise an appeal. Once the notice comes into effect, there is a further period of time to allow for compliance. This period for compliance will vary depending on the nature of the alleged breach. Failure to comply with an enforcement notice within the required timeframe is a criminal offence and can lead to a substantial fine.

### **3.2.2 Listed Building Enforcement Notices**

It is a criminal offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to alter, extend or demolish a structure subject to a Listing without Listed Building consent. A Listed Building Enforcement Notice (“LBEN”) seeks to have unauthorised works remedied by:

- a) Requiring the building to be brought back to its former state; or
- b) If that is not reasonably practicable or desirable, requiring other works to alleviate the effects of the unauthorised works; or
- c) Requiring the building to be brought into the state it would have been in if the terms of any Listed Building consent had been observed.

The Notice must specify a time period for securing compliance with its requirements. There is a right of appeal against a LBEN; the procedures are similar to those used for an appeal against an Enforcement Notice.

If works subject to a LBEN are later authorised by a retrospective application for Listed Building consent, the notice will cease to have any effect. The liability to prosecution for an offence committed before the date of any retrospective consent will remain, however. The penalty for offenders is a substantial fine, imprisonment, or both.

### **3.2.3 Breach of Condition Notices**

A Breach of Condition Notice (“BCN”) may be served when a condition attached to a planning permission has not been adhered to. Because the imposition of any given condition can be appealed at the time when the planning permission was granted, there is no right of appeal against a BCN. Failure to comply with a BCN can, upon prosecution, lead to a fine.

### **3.2.4 Stop Notices and Temporary Stop Notices**

The Council may issue a Stop Notice or a Temporary Stop Notice in order to stop a particularly harmful activity with immediate effect. These notices are typically reserved to dealing with especially severe alleged breaches—‘Priority 1’ cases (see section 2.3) which are ongoing and whose harm is irrevocable.

A Temporary Stop Notice allows the Council to stop a harmful activity in order for us to investigate the matter further and, if appropriate, issue a formal notice to have the identified harm remedied. Stop Notices may only be issued at the same time as an Enforcement Notice or after an Enforcement Notice has been served, and thus are best used to ensure that a harmful activity does not continue during appeal proceedings. Failure to comply with a Stop Notice or a Temporary Stop Notice can lead to a substantial fine.

### 3.2.5 Enforcement Warning Notices

An Enforcement Warning Notice (“EWN”) formally requires its recipient to seek to remedy an alleged breach by undertaking one of the following courses of action:

- Apply for planning permission for the unauthorised development in retrospect; or
- Cease the alleged breach.

Serving an EWN prevents an unauthorised development from potentially gaining immunity from further enforcement through the passage of time (see section 2.1.1).

The Council will often issue an EWN in relation to alleged breaches which, after an initial assessment, appear to accord with planning policy in principle. They are reserved for circumstances in which, subject to the imposition of conditions, there is a ‘reasonable prospect’ that retrospective planning permission would be granted if an application for such were to be made. They do not act as a guarantee that planning permission will be forthcoming. Failure to comply with an EWN may lead to further formal action, normally the service of a full Enforcement Notice.

### 3.2.6 Other notices

The Council has the power to issue further types of formal notice, such as those which deal with unconsented advertisements, untidy properties and unauthorised works within Conservation Areas. As is the case with the abovementioned notices, the penalties for non-compliance and the available options for raising an appeal will be expressed either on or in an annex to the notice issued.

## 3.3 Injunctions

If the Council considers a breach of planning control to be sufficiently serious, it may apply to the Courts for a restraint injunction. Those in breach of an injunction can be imprisoned.



### **3.4 Submitting a planning application**

Alleged contraveners may be instructed to attempt to regularise unauthorised development by submitting a planning application. In order to ensure that the submitted application passes validation checks—that is, contains all the documentation we need in order to consult on and determine the application—applicants are advised to employ the services of a planning consultant. This can often save applicants time and money in the long run. A list of agents who operate within Denbighshire, as well as general advice on submitting planning applications, can be found at [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning). Our support team can also provide limited assistance by email, at [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk), or by phone on (01824) 706727.

#### **3.4.1 Non-determination of retrospective planning applications**

The Council has the power to decline to determine retrospective planning applications for development that is subject to an enforcement notice.

### **3.5 Officers' right of entry onto land**

The planning compliance officer has a right of entry onto land to:

- Ascertain whether there has been a breach of planning control;
- Determine whether and how the Council's powers should be exercised; and
- Determine whether there has been compliance.

Any person who wilfully obstructs an authorised officer acting in the exercise of a right of entry shall be guilty of an offence and will be liable to prosecution.

## Contact us

Website: [www.denbighshire.gov.uk/planning](http://www.denbighshire.gov.uk/planning)

Email: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)

Phone: (01824) 706727

## **Planning Compliance Charter V2 (2022): Well-being Impact Assessment Report**

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

**Assessment Number:** 669

**Brief description:** Reviewing an agreed procedure for the planning compliance processes.

**Date Completed:** 21/06/2019 09:39:48 Version: 1

**Completed by:** Paul Mead

**Responsible Service:** Planning & Public Protection

**Localities affected by the proposal:** Whole County,

**Who will be affected by the proposal?** Complainants, contravenors, CT&CC's

**Was this impact assessment completed as a group?** No

## **Summary and Conclusion**

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

### **Score for the sustainability of the approach**

**3 out of 4 stars**

**Actual score : 25 / 36.**

### **Summary for each Sustainable Development principle**

#### **Long term**

The review of the Charter has not impacted the previous WBIA. The use of the Charter promotes long term sustainability and protection of the built and natural environment.

#### **Prevention**

The Charter is designed to assist in the protection of the environment.

#### **Integration**

Links well with the Climate Change and Ecological Strategy.

#### **Collaboration**

We have liaised with colleagues across the Council in terms of the key elements of sustainability and environmental protection.

#### **Involvement**

This review will be presented to Scrutiny Committee and then we will seek feedback from CT&CC's.

### **Summary of impact**

| Well-being Goals                                                              | Overall Impact |
|-------------------------------------------------------------------------------|----------------|
| <a href="#">A prosperous Denbighshire</a>                                     | Positive       |
| <a href="#">A resilient Denbighshire</a>                                      | Positive       |
| <a href="#">A healthier Denbighshire</a>                                      | Neutral        |
| <a href="#">A more equal Denbighshire</a>                                     | Neutral        |
| <a href="#">A Denbighshire of cohesive communities</a>                        | Positive       |
| <a href="#">A Denbighshire of vibrant culture and thriving Welsh language</a> | Neutral        |
| <a href="#">A globally responsible Denbighshire</a>                           | Neutral        |

### Main conclusions

The draft charter for planning compliance will evolve as CT&CC's and other groups become better prepared to take on more planning compliance work themselves. This in turn will create resilience in communities, help promote better economic conditions through improved environments , it will create cohesion within the communities by groups joining together for common goals and it will become a more sustainable approach to taking effective planning compliance action in the future.

## **The likely impact on Denbighshire, Wales and the world.**

### **A prosperous Denbighshire**

#### **Overall Impact**

Positive

#### **Justification for impact**

Better maintained communities will only benefit prosperity.

#### **Further actions required**

Not known

#### **Positive impacts identified:**

##### **A low carbon society**

Not known

##### **Quality communications, infrastructure and transport**

Will encourage greater localised preservation and enhancement of infrastructure.

##### **Economic development**

Will enable local communities to identify priorities for their towns in terms of planning compliance input. This will enhance economic outputs of town centres, for example.

##### **Quality skills for the long term**

Opportunities for CT&CC's to develop planning skills in the future.

##### **Quality jobs for the long term**

Not known

**Childcare**

Not known

**Negative impacts identified:**

**A low carbon society**

Not known

**Quality communications, infrastructure and transport**

[TEXT HERE]

**Economic development**

[TEXT HERE]

**Quality skills for the long term**

[TEXT HERE]

**Quality jobs for the long term**

[TEXT HERE]

**Childcare**

[TEXT HERE]

**A resilient Denbighshire**

**Overall Impact**

Positive

**Justification for impact**

Empowering local communities to better police their areas through involvement in the planning compliance process will only increase their resilience.

**Further actions required**

Not known at this stage

**Positive impacts identified:**

**Biodiversity and the natural environment**

Reporting local issues quicker may benefit the protection of the natural environment through more effective planning compliance action

**Biodiversity in the built environment**

Reporting local issues quicker may benefit the protection of the built environment through more effective planning compliance action

**Reducing waste, reusing and recycling**

Not known

**Reduced energy/fuel consumption**

Not known

**People's awareness of the environment and biodiversity**

This will increase as local bodies are able to focus on their local issues.

**Flood risk management**

Greater awareness as the planning legislation will deal with this in local communities

**Negative impacts identified:**

**Biodiversity and the natural environment**



[TEXT HERE]

**Biodiversity in the built environment**

[TEXT HERE]

**Reducing waste, reusing and recycling**

[TEXT HERE]

**Reduced energy/fuel consumption**

[TEXT HERE]

**People's awareness of the environment and biodiversity**

[TEXT HERE]

**Flood risk management**

[TEXT HERE]

**A healthier Denbighshire**

**Overall Impact**

Neutral

**Justification for impact**

Difficult to fully link health with planning compliance.

**Further actions required**

Not known at this stage

**Positive impacts identified:**

**A social and physical environment that encourage and support health and well-being**

Local groups taking positive action to improve their physical and natural environment will have a positive impact.

**Access to good quality, healthy food**

Not known

**People's emotional and mental well-being**

A better and more protected environment will support this.

**Access to healthcare**

Not known

**Participation in leisure opportunities**

Not known

**Negative impacts identified:**

**A social and physical environment that encourage and support health and well-being**

[TEXT HERE]

**Access to good quality, healthy food**

[TEXT HERE]

**People's emotional and mental well-being**

[TEXT HERE]

**Access to healthcare**

[TEXT HERE]

**Participation in leisure opportunities**

[TEXT HERE]

**A more equal Denbighshire**

**Overall Impact**

Neutral

**Justification for impact**

Not known

**Further actions required**

Not known at this stage

**Positive impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation**

Not known

**People who suffer discrimination or disadvantage**

Not known

**People affected by socio-economic disadvantage and unequal outcomes**

Not known

**Areas affected by socio-economic disadvantage**

It will be easier to prioritise such areas if CT&CC's identify issues they want tackling in these locations.

**Negative impacts identified:**

**Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation**

[TEXT HERE]

**People who suffer discrimination or disadvantage**

[TEXT HERE]

**People affected by socio-economic disadvantage and unequal outcomes**

[TEXT HERE]

**Areas affected by socio-economic disadvantage**

[TEXT HERE]

**A Denbighshire of cohesive communities**

**Overall Impact**

Positive

**Justification for impact**

This is the main goal of this draft charter. There will be huge opportunities for positive community cohesion from empowering groups to target planning compliance priorities.

**Further actions required**

Not known at this stage

**Positive impacts identified:**

**Safe communities and individuals**

Targeting localised planning compliance issues will increase the feeling of safety by improving the environment for citizens.

### **Community participation and resilience**

This is all about involving the communities in how they manage their localities.

### **The attractiveness of the area**

This charter will serve to improve the attractiveness of local areas.

### **Connected communities**

There will be an opportunity to connect various groups in communities with the common goal to better police their environments.

### **Rural resilience**

Rural communities can also identify projects that will benefit them.

### **Negative impacts identified:**

#### **Safe communities and individuals**

[TEXT HERE]

#### **Community participation and resilience**

Possibility for conflicting issues within communities when it comes to planning compliance priorities.

#### **The attractiveness of the area**

[TEXT HERE]

#### **Connected communities**

[TEXT HERE]

**Rural resilience**

[TEXT HERE]

**A Denbighshire of vibrant culture and thriving Welsh language**

**Overall Impact**

Neutral

**Justification for impact**

Not known at this stage.

**Further actions required**

Not known at this stage

**Positive impacts identified:**

**People using Welsh**

Not known

**Promoting the Welsh language**

Through targeting unauthorised and non-bilingual signage.

**Culture and heritage**

Through targeting the refurbishment of traditional buildings in communities.

**Negative impacts identified:**

**People using Welsh**

[TEXT HERE]

**Promoting the Welsh language**

[TEXT HERE]

**Culture and heritage**

[TEXT HERE]

**A globally responsible Denbighshire**

**Overall Impact**

Neutral

**Justification for impact**

Not known.

**Further actions required**

Not known at this stage

**Positive impacts identified:**

**Local, national, international supply chains**

Not known

**Human rights**

Not known

**Broader service provision in the local area or the region**

Will assist in a wider interest and collective responsibility for the protection and enhancement of the environment.

**Reducing climate change**

[TEXT HERE]

**Negative impacts identified:**

**Local, national, international supply chains**

[TEXT HERE]

**Human rights**

[TEXT HERE]

**Broader service provision in the local area or the region**

[TEXT HERE]

**Reducing climate change**

[TEXT HERE]



|                           |                                        |
|---------------------------|----------------------------------------|
| <b>Adroddiad i'r</b>      | <b>Pwyllgor Craffu Cymunedau</b>       |
| <b>Dyddiad y cyfarfod</b> | <b>10 Mawrth 2022</b>                  |
| <b>Swyddog Arweiniol</b>  | <b>Rhian Evans - Cydlynnydd Craffu</b> |
| <b>Awdur yr Adroddiad</b> | <b>Rhian Evans - Cydlynnydd Craffu</b> |
| <b>Teitl</b>              | <b>Rhaglen Waith Craffu</b>            |

## **1. Am beth mae'r adroddiad yn sôn?**

Mae'r adroddiad yn gofyn i'r Pwyllgor Craffu Cymunedau adolygu ei raglen gwaith i'r dyfodol drafft. Wrth wneud hyn gofynnir i'r Pwyllgor adlewyrchu ar oblygiadau'r ffocws ar weithrediadau critigol i fusnes yn ystod cyfnod argyfwng y pandemig COVID -19 a'r gwaith sy'n digwydd neu'n cael ei gynllunio dan y trefniadau adfer, tra ar yr un pryd yn cadw mewn côf yr eitemau busnes hynny oedd eisoes ar ei raglen gwaith cyn y pandemig.

## **2. Beth yw'r rheswm dros wneud yr adroddiad hwn?**

Gofyn i'r Pwyllgor adolygu a chytuno ar ei raglen gwaith i'r dyfodol, a rhoi'r wybodaeth ddiweddaraf i aelodau ar faterion perthnasol.

## **3. Beth yw'r Argymhellion?**

Bod y Pwyllgor yn:

- 3.1 ystyried yr wybodaeth a ddarparwyd ac yn cymeradwyo, diwygio neu'n newid ei raglen gwaith i'r dyfodol fel y gwêl yn briodol; ac
- 3.2 yn penderfynu os oes unrhyw prif bwyntiau neu themau o'r cyfarfod hwn y dymuna dynnu sylw atynt trwy'r wasg a/neu'r cyfryngau cymdeithasol.

## **4. Manylion yr Adroddiad**

- 4.1 Mae Erthygl 7 Cyfansoddiad Cyngor Sir Ddinbych yn nodi cylch gorchwyl, swyddogaethau ac aelodaeth pob Pwyllgor Craffu, yn ogystal â rheolau gweithdrefnau a trafodaethau.
- 4.2 Mae'r Cyfansoddiad yn amodi bod yn rhaid i bwyllgorau craffu'r Cyngor osod, ac adolygu'n rheolaidd, rhaglen ar gyfer eu gwaith i'r dyfodol. Trwy adolygu a blaenoriaethu materion, gall aelodau sicrhau bod y rhaglen waith yn cyflwyno agenda a arweinir gan yr aelodau.
- 4.3 Arfer sydd wedi'i fabwysiadu yn Sir Ddinbych ers nifer o flynyddoedd yw bod pwyllgorau craffu'n cyfyngu ar nifer yr adroddiadau a ystyrir mewn unrhyw gyfarfod i uchafswm o bedwar, yn ogystal ag adroddiad rhaglen waith y Pwyllgor ei hun. Nod y dull hwn yw hwyluso trafodaeth fanwl ac effeithiol ar bob pwnc.
- 4.4 Yn y blynyddoedd diweddar mae Llywodraeth Cymru (LIC) ac Archwilio Cymru wedi tynnu sylw at yr angen i gryfhau rôl craffu ar draws llywodraeth leol a gwasanaethau cyhoeddus yng Nghymru, gan gynnwys defnyddio craffu fel modd o ymgysylltu â phreswylwyr a defnyddwyr gwasanaeth. O hyn allan, disgwylir i graffu ymgysylltu'n well ac yn amlach â'r cyhoedd gyda bwriad i sicrhau penderfyniadau gwell a fydd yn y pen draw yn arwain at well canlyniadau i ddinasyddion. Bydd Archwilio Cymru yn mesur effeithiolrwydd craffu wrth gyflawni'r disgwyliadau hyn.
- 4.5 Gan ystyried y weledigaeth genedlaethol ar gyfer craffu a chanolbwyntio ar yr un pryd ar flaenoriaethau lleol, mae'r Grŵp Cadeiryddion ac Is-gadeiryddion Craffu (GCIGC) wedi argymhell y dylai pwyllgorau craffu'r Cyngor, wrth benderfynu ar eu rhaglenni gwaith, ganolbwyntio ar y meysydd allweddol canlynol:
- arbedion ar y gyllideb;
  - cyflawni Amcanion y Cynllun Corfforaethol (gyda phwyslais arbennig ar y modd o'u cyflawni yn ystod cyfnod o galedi ariannol);
  - unrhyw eitemau eraill a gytunwyd gan y Pwyllgor Craffu (neu'r GCIGC) fel blaenoriaeth uchel (yn seiliedig ar y meini prawf profion PAPER - gweler ochr gefn y 'Ffurflen Cynnig gan Aelodau' yn Atodiad 2);
  - Materion brys, na ragwelwyd, neu flaenoriaeth uchel; a

- Cefnogi gwaith adfer y Cyngor mewn perthynas ag effeithiau'r argyfwng COVID-19 ar wasanaethau'r Cyngor, yr economi leol a chymunedau'r sir

#### 4.6 Ffurflenni Cynnig ar gyfer Craffu

Fel y crybwyllwyd ym mharagraff 4.2 uchod, mae Cyfansoddiad y Cyngor yn gofyn i bwyllgorau craffu baratoi ac adolygu rhaglen ar gyfer eu gwaith i'r dyfodol. Er mwyn cynorthwyo'r broses o flaenoriaethu adroddiadau, os yw'r swyddogion o'r farn fod pwnc yn haeddu'r amser i gael ei drafod ar raglen fusnes y Pwyllgor, mae'n rhaid iddynt wneud cais ffurfiol i'r Pwyllgor i ystyried derbyn adroddiad ar y pwnc hwnnw. Gwneir hyn trwy gyflwyno 'ffurflen gynnig' sy'n egluro pwrpas, pwysigrwydd a chanlyniadau posibl y pynciau a awgrymir. Does dim un ffurflen gynnig wedi dod i law gan swyddogion i'w ystyried yn y cyfarfod cyfredol.

- 4.7 Er mwyn gwneud gwell defnydd o amser craffu drwy ganolbwyntio adnoddau pwyllgorau i archwilio testunau'n fanwl, gan ychwanegu gwerth drwy'r broses o wneud penderfyniadau a sicrhau gwell canlyniadau ar gyfer preswylwyr, penderfynodd y GCIGC y dylai'r aelodau, yn ogystal â swyddogion, lenwi 'ffurflenni cynnig ar gyfer craffu' yn amlinellu pam eu bod yn credu y byddai'r testun yn elwa o fewnbwn craffu. Mae copi o'r 'ffurflen gynnig gan aelod' i'w gweld yn Atodiad 2. Mae ochr gefn y ffurflen hon yn cynnwys siart lif sy'n rhestru'r cwestiynau y dylai aelodau eu hystyried wrth baratoi i gynnig eitem ar gyfer craffu, ac y dylai pwyllgorau eu gofyn wrth benderfynu ar addasrwydd testun i'w gynnwys ar y rhaglen gwaith i'r dyfodol craffu. Os, ar ôl cwblhau'r broses hon, y penderfynir nad yw'r testun yn addas i'w archwilio'n ffurfiol gan bwyllgor craffu, yna gellir ystyried dulliau eraill o rannu'r wybodaeth neu archwilio'r mater e.e. darparu 'adroddiad gwybodaeth', neu os yw'r mater yn un o natur leol gellir ei archwilio gan y Grŵp Ardal Aelodau (GAA) perthnasol. Ni ddylid cynnwys unrhyw eitemau ar raglen gwaith i'r dyfodol heb i 'ffurflen gynnig ar gyfer craffu' gael ei chwblhau ac i'r pwnc dderbyn cymeradwyaeth i'w gynnwys ar y rhaglen gan y Pwyllgor neu'r GCIGC. Mae cymorth ar gael i lenwi'r ffurflenni gan y Cydlynnydd Craffu.

#### Cam-drin Cŵn

- 4.8 Roedd adroddiad ar y pwnc uchod wedi'i amserlennu i'w gyflwyno i'r Pwyllgor yn y cyfarfod presennol. Gan fod swyddogion o'r Gwasanaeth Cynllunio a Gwarchod y Cyhoedd yn dal yn ymwneud llawer â gwaith ymateb ac adfer Covid-19 cytunodd y

Cadeirydd i ohirio cyflwyniad yr adroddiad tan fis Hydref 2022 (gweler Atodiad 1). Fodd bynnag, mae adroddiad gwybodaeth wedi'i ddsbarthu i aelodau yn esbonio maint y gwaith rheoleiddio yn ymwneud â bridio a gwerthu cŵn yn Sir Ddinbych ar hyn o bryd.

- 4.9 O ganlyniad i ohirio cyflwyniad yr adroddiad uchod mae'r Pwyllgor wedi gallu ystyried yr adolygiad y gofynnwyd amdano o benderfyniad y Cabinet ar 15 Chwefror 2022 mewn perthynas â'r 'Cynllun Penderfyniadau Dirprwyedig Arfaethedig ar gyfer Caffael Tir (Rhydd-ddaliadol a Llesddaliadol) i Ddibenion Dal a Storio Carbon a Gwelliannau Ecolegol', sydd wedi'i restru ar agenda busnes y cyfarfod presennol.

#### Rhaglen Gwaith i'r Dyfodol y Cabinet

- 4.10 Wrth benderfynu ar eu rhaglen gwaith i'r dyfodol mae'n bwysig fod pwyllgorau craffu yn ystyried amserlen rhaglen waith y Cabinet. At y diben hwn, mae copi o rhaglen gwaith i'r dyfodol y Cabinet ynghlwm yn Atodiad 3.

#### Y Diweddaraf am Benderfyniadau'r Pwyllgor

- 4.11 Yn Atodiad 4 o'r adroddiad hwn mae tabl yn crynhoi penderfyniadau diweddar y Pwyllgor ac yn cynghori'r aelodau ar ddatblygiadau yn sgîl y penderfyniadau.

## **5. Grŵp Cadeiryddion ac Is-Gadeiryddion Craffu**

- 5.1 Dan drefniadau craffu'r Cyngor mae'r Grŵp Cadeiryddion ac Is-gadeiryddion Craffu (GCIGC) yn gweithredu fel pwyllgor cydlynu. Cyfarfu'r Grŵp ar 20 Ionawr 2022. Ni chyfeiriodd y Grŵp unrhyw bynciau i'r Pwyllgor hwn i'w hystyried. Er hynny bu i'r Grŵp ail-drefnu rhai o'r eitemau ar y rhaglen waith tan ar ôl yr etholidadau lleol (gweler Atodiad 1). Ni fydd y Grŵp yn cyfarfod eto tan dymor y Cyngor newydd.

## **6. Sut mae'r penderfyniad yn cyfrannu at y Blaenoriaethau Corfforaethol?**

Bydd craffu effeithiol yn gymorth i'r Cyngor ddarparu y blaenoriaethau corfforaethol yn unol ag anghenion cymunedau a dymuniadau trigolion. Bydd datblygu ac adolygu rhaglen waith gydlynol yn barhaus yn cynorthwyo'r Cyngor i ddarparu ei

flaenoriaethau corfforaethol, i wella canlyniadau i breswylwyr tra hefyd yn dygymod â phwysau ar adnoddau ac ar y gyllideb.

## **7. Faint fydd hyn yn ei gostio a sut y bydd yn effeithio ar wasanaethau eraill?**

Mae'n bosib y bydd yn rhaid i wasanaethau neilltuo amser swyddog i gynorthwyo'r Pwyllgor gyda'r eitemau a nodwyd yn y rhaglen waith a chydag unrhyw gamau gweithredu yn dilyn ystyried yr eitemau hynny.

## **8. Beth yw prif gasgliadau'r Asesiad o'r Effaith ar Les?**

Nid oes Asesiad o Effaith ar Les wedi ei wneud mewn perthynas â phwrpas neu gynnwys yr adroddiad hwn. Ond bydd y Pwyllgor Craffu, drwy ei waith yn archwilio darpariaeth gwasanaethau, polisïau, gweithdrefnau a chynigion yn ystyried eu heffaith neu eu heffaith posib ar yr egwyddor o ddatblygu cynaliadwy a'r amcanion o ran lles a nodir yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015.

## **9. Pa ymgynghoriadau sydd wedi'u cynnal gyda Chraffu ac eraill?**

Does dim angen cynnal ymgynghoriad ar yr adroddiad hwn Fodd bynnag, mae'r adroddiad ei hun a'r ystyriaeth a roir gan y Pwyllgor i'w raglen waith ar gyfer y dyfodol yn gyfystyr ag ymgynghoriad gyda'r Pwyllgor o ran ei raglen waith.

## **10. Pa risgiau sydd yna ac a oes unrhyw beth y gallwn ei wneud i'w lleihau?**

Nid oes risg wedi ei ganfod o ran y Pwyllgor yn ystyried ei raglen waith. Fodd bynnag, drwy adolygu ei raglen gwaith i'r dyfodol yn rheolaidd, gall y Pwyllgor sicrhau y rhoddir ystyriaeth ac yr archwilir meysydd risg pan eu bod yn cael eu nodi, a gwneir argymhellion gyda'r bwriad o fynd i'r afael â'r risgiau hynny.

## **11. Pŵer i wneud y Penderfyniad**

11.1 Adran 21 o Ddeddf Llywodraeth Leol 2000.

11.2 Mae Adran 7.11 Cyfansoddiad y Cyngor yn datgan y bydd pwyllgorau craffu ac/neu'r Grŵp Cadeiryddion ac Is-gadeiryddion Craffu yn gyfrifol am osod eu rhaglenni gwaith eu hunain, gan ystyried dymuniadau Aelodau o'r Pwyllgor nad ydynt yn aelodau o'r grŵp gwleidyddol mwyaf ar y Cyngor.

### **Swyddog Cyswllt:**

Rhian Evans - Cydlynnydd Craffu

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## Communities Scrutiny Committee Forward Work Plan

Note: Items entered in italics have not been approved for submission by the Committee. Such reports are listed here for information, pending formal approval.

| Meeting | Lead Member(s) | Item (description / title)                           | Purpose of report                                                                                                                                                                                                   | Expected Outcomes                                                                                                                                                                                                                                                                               | Author                                     | Date Entered                                                   |
|---------|----------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------|
| 30 July | <b>TBA</b>     | 1. <i>New Waste and Recycling Model (timing tbc)</i> | <i>To detail the outcomes of the pilot projects in West Rhyl (use of microchips in waste containers), Bron y Crêst (communal bin service change) and the Elected Members Recycling Experience initiatives (tbc)</i> | <i>Following assessing the lessons learnt from the pilot projects and initiatives to make recommendations that will support the effective roll-out and delivery of the new waste and recycling with a view to enhancing the benefits of the project for the Council and for local residents</i> | <i>Tony Ward/Tara Dumas</i>                | <i>December 2021</i>                                           |
|         | <b>Leader</b>  | 2. <i>Rhyl Regeneration Programme</i>                | <i>To examine the effectiveness of the Programme Board's work in delivering the regeneration programme</i>                                                                                                          | <i>Identification of any barriers or slippages and the formulation of recommendations to try and address them and sustain the delivery of the programme to secure the regeneration of Rhyl to benefit the economy and the lives of the town's residents and the county in general</i>           | <i>Emlyn Jones/Nicola Caie</i>             | <i>January 2021 (rescheduled January 2022)</i>                 |
|         | <b>TBA</b>     | 3. <i>Second Homes and Short-Term Holiday Lets</i>   | <i>To examine the planning requirements in relation to these types of properties/dwelling</i>                                                                                                                       | <i>Determination on whether the requirements of Planning legislation in relation to these types of properties are sufficiently robust and are effectively applied to ensure that local residents are not deprived of the availability of affordable properties to</i>                           | <i>Emlyn Jones/Paul Mead/Angela Loftus</i> | <i>By SCVCG September 2021 (rescheduled Jan 2022 by SCVCG)</i> |

## Communities Scrutiny Committee Forward Work Plan

| Meeting     | Lead Member(s) | Item (description / title) |                                  | Purpose of report                                                                                                                                                                                                                                                                          | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Author                                   | Date Entered                                   |
|-------------|----------------|----------------------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------------------------------------|
|             |                |                            |                                  |                                                                                                                                                                                                                                                                                            | <i>buy or rent in Denbighshire. This will support the delivery of the Council's Corporate Priority relating to Housing</i>                                                                                                                                                                                                                                                                                                                                                                                               |                                          |                                                |
| 8 September | <b>TBA</b>     | 1.                         | <i>Wildflower Meadow Project</i> | To:<br>(i) evaluate the effectiveness of the steps taken to improve engagement and increase publicity with all stakeholders in relation of the project;<br>(ii) consider the progress made to date in delivering its expected benefits; and<br>(iii) seek members' support for the Project | (i) To secure the delivery of the expected outcomes which will support the realisation of the Council's corporate priority relating to the Environment as well as contributing towards the delivery of its Ecological and Climate Change Strategy; and<br>(ii) Re-inforce elected members' support for the project and its aims and objectives to enable them to explain to residents the rationale behind the project and how it contributes towards the wider national environmental, health and well-being objectives | <i>Tony Ward/Emlyn Jones/Joel Walley</i> | <i>September 2021</i>                          |
| 20 October  | <b>TBA</b>     | 1.                         | Mistreatment of Dogs             | To examine the extent of legal and illegal dog sales within Denbighshire (particularly during the COVID-19 pandemic) –                                                                                                                                                                     | Determination of whether working relationships need to be strengthened or improved in order to deal with any problems or deter future problems in relation to this matter with a view to supporting the viability of properly licensed traders to operate thus reducing the suffering of the animals                                                                                                                                                                                                                     | Emlyn Jones/Gareth Roberts/Glesni Owen   | By SCVCG September 2021 (rescheduled Feb 2022) |



## Communities Scrutiny Committee Forward Work Plan

| Meeting        | Lead Member(s) | Item (description / title) |                                                | Purpose of report                                                                                                                                      | Expected Outcomes                                                                                                                                                          | Author                                  | Date Entered        |
|----------------|----------------|----------------------------|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------|
|                |                |                            |                                                | including the number of complaints received, investigated and substantiated and how various agencies work together to tackle any problems are reported |                                                                                                                                                                            |                                         |                     |
| 8 December     |                |                            |                                                |                                                                                                                                                        |                                                                                                                                                                            |                                         |                     |
| June/July 2023 | <b>TBA</b>     | 1.                         | <i>Llangollen Car Park Tariff Pilot Scheme</i> | <i>To outline the effectiveness of the pilot scheme for varying car park tariffs in Llangollen</i>                                                     | <i>Identification of lessons learnt from the pilot scheme's implementation and operation in readiness for the introduction of similar schemes in other areas in future</i> | <i>Emlyn Jones/Mike Jones/Peter Lea</i> | <i>January 2021</i> |

## Communities Scrutiny Committee Forward Work Plan

## Future Issues

| Item (description / title)                                   | Purpose of report                                                                                                                                                                                | Expected Outcomes                                                                                                                                                                                                                                                                                                                                                                                                     | Author                            | Date Entered                                                                                          |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------|
| <i>All for rescheduling in the new Council Term</i>          |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   |                                                                                                       |
| <i>Draft Tourism Signage Strategy for Denbighshire (tbc)</i> | <i>To examine the draft Tourism Signage Strategy for the county developed by the Working Group including potential funding sources and the anticipated timescale for the Strategy's delivery</i> | <i>The development of a tourism signage strategy that complements trunk road signage and technological innovations in the field of tourism, takes into account the aims of 'The Wales Way' project, attracts visitors and increases the value of tourism spend in the county in line with the corporate priority relating to the Environment, and in-keeping with the outcomes of Denbighshire's Tourism Strategy</i> | <i>Mike Jones/Peter McDermott</i> | <i>March 2020 (rescheduled due to COVID-19 (Sept &amp; Dec 20, Sept 2021 &amp; Jan 2022 by SCVCG)</i> |
|                                                              |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   |                                                                                                       |

## For future years

|  |  |  |  |  |
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## Communities Scrutiny Committee Forward Work Plan

**Information/Consultation Reports**

| <b>Information / Consultation</b>                                                                                   | <b>Item (description / title)</b>                                    | <b>Purpose of report</b>                                                                                                                                            | <b>Author(s)</b>            | <b>Date Entered</b> |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------|
| <b>INFORMATION</b><br>(for circulation March 2022 <i>once COVID-19 restrictions permit the work to take place</i> ) | Community Impact Assessment on the communities of Rhewl and Llanynys | To present the findings of the community impact assessment undertaken following the closure of Ysgol Rhewl as agreed as part of the modernising education programme | Geraint Davies/James Curran | December 2020       |

**Note for officers – Committee Report Deadlines**

| Meeting | Deadline       | Meeting     | Deadline         | Meeting    | Deadline         |
|---------|----------------|-------------|------------------|------------|------------------|
| 30 July | <b>16 July</b> | 8 September | <b>25 August</b> | 20 October | <b>6 October</b> |

24/02/2022 RhE

Mae tudalen hwn yn fwiadol wag

| <b>Ffurflen Gynnig ar gyfer Rhaglen Gwaith i'r Dyfodol Craffu</b>                                                                                                    |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>ENW'R PWYLLGOR CRAFFU</b>                                                                                                                                         |                    |
| <b>AMSERLEN I'W HYSTYRIED</b>                                                                                                                                        |                    |
| <b>TESTUN</b>                                                                                                                                                        |                    |
| <b>Beth sydd angen ei graffu arno (a pham)?</b>                                                                                                                      |                    |
| <b>Ydi'r mater yn un o bwys i drigolion/busnesau lleol?</b>                                                                                                          | <b>YDI/NAC YDI</b> |
| <b>Ydi craffu yn gallu dylanwadu ar bethau a'u newid?</b><br>(Os 'ydi' nodwch sut rydych chi'n meddwl y gall craffu ddylanwadu neu newid pethau)                     | <b>YDI/NAC YDI</b> |
| <b>Ydi'r mater yn ymwneud â gwasanaeth neu faes sy'n tanberfformio?</b>                                                                                              | <b>YDI/NAC YDI</b> |
| <b>Ydi'r mater yn effeithio ar nifer fawr o drigolion neu ardal fawr o'r Sir?</b><br>(Os 'ydi', rhowch syniad o faint y grŵp neu'r ardal yr effeithir arni)          | <b>YDI/NAC YDI</b> |
| <b>Ydi'r mater yn gysylltiedig â blaenoriaethau corfforaethol y Cyngor?</b><br>(Os 'ydi' nodwch pa flaenoriaethau)                                                   | <b>YDI/NAC YDI</b> |
| <b>Hyd y gwyddoch, oes yna rywun arall yn edrych ar y mater hwn?</b><br>(Os 'oes', nodwch pwy sy'n edrych arno)                                                      | <b>OES/NAC OES</b> |
| <b>Os derbynnir y testun ar gyfer craffu, pwy fyddai arnoch chi eisiau eu gwahodd e.e. Aelod Arweiniol, swyddogion, arbenigwyr allanol, defnyddwyr y gwasanaeth?</b> |                    |
| <b>Enw'r Cynghorydd/Aelod Cyfetholedig</b>                                                                                                                           |                    |
| <b>Dyddiad</b>                                                                                                                                                       |                    |

## Ystyried addasrwydd pwnc ar gyfer craffu

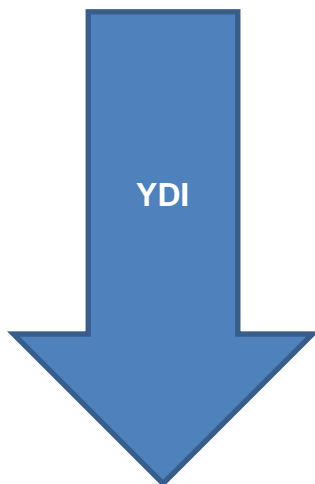
### Ffurflen Gynnig / Cais a dderbyniwyd

(dylid rhoi ystyriaeth ofalus i'r rhesymau dros wneud cais)



### Ydi o'n bodloni'r gofynion canlynol?

- **Diddordeb Cyhoeddus** – ydi'r mater o bwys i drigolion?
- **Effaith**– fedr craffu yn gael effaith ar bethau a'u newid?
- **Perfformiad** – ydi o'n wasanaeth neu faes sy'n tanberfformio?
- **Graddfa** – ydi o'n effeithio ar nifer o drigolion neu ardal ddaearyddol fawr?
- **Ailadrodd** – ydi'r mater yn destun craffu/ymchwiliad gan berson neu gorff arall?



Dim gweithredu pellach gan y Pwyllgor Craffu. Gellir ei gyfeirio at gorff arall neu ofyn am adroddiad er gwybodaeth.

- Penderfynu ar y canlyniadau a ddymunir
- Penderfynu ar gwmpas a swmp y gwaith craffu sydd ei angen a'r dull mwyaf priodol o graffu (h.y. adroddiad pwyllgor, ymchwiliad grŵp tasg a gorffen neu aelod cyswllt ac ati)
- Os penderfynir sefydlu grŵp tasg a gorffen, dylid penderfynu ar amserlen yr ymchwiliad, pwy fydd yn rhan o'r ymchwiliad, beth yw'r gofynion ymchwilio, a oes angen cyngor arbenigol a thystion, a beth yw'r trefniadau adrodd ac ati.

## Cabinet Forward Work Plan

| Meeting                                     |   | Item (description / title)                                                                                             | Purpose of report                                                                                                                     | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                               |
|---------------------------------------------|---|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------------|
| <b>15 March (rescheduled from 22 March)</b> | 1 | Contract Award approval for Phase 2 Construction Works – DCC Waste Transfer Station to support new Waste Service Model | To award the contract for Phase 2 construction works                                                                                  | Yes                                | Councillor Brian Jones / Tony Ward / Peter Clayton                     |
|                                             | 2 | Contract Award approval for new Waste Fleet to support new Waste Service Model                                         | To award the contract for the new Waste Fleet                                                                                         | Yes                                | Councillor Brian Jones / Tony Ward / Chris Brown / Joanne Taylor       |
|                                             | 3 | Queens Market Phase 1 – award construction contract                                                                    | To seek approval to award a contract for the delivery of Phase 1 of the Queens Building Rhyl                                          | Yes                                | Councillor Hugh Evans / Russell Vaughan                                |
|                                             | 4 | Contract Award - Renovation of terraced houses at 2-16 Aquarium Street in Rhyl                                         | To award a construction contract for housing development                                                                              | Yes                                | Councillors Tony Thomas and Julian Thompson-Hill / Mark Dixon          |
|                                             | 5 | Reactive Maintenance Framework for Schools and Non School Properties                                                   | To seek approval for the award of successful contractors onto the Reactive Maintenance Framework for Schools and Non-school buildings | Yes                                | Councillor Julian Thompson-Hill / David Lorey / Mark Cassidy           |
|                                             | 6 | Ysgol Plas Brondyffryn Project-School Organisation formal consultation proposal and draft                              | To seek approval to proceed with the School Organisation process in respect to relocate                                               | Yes                                | Councillor Huw Hilditch-Roberts / Geraint Davies / James Curran / Lisa |

## Cabinet Forward Work Plan

| Meeting                       | Item (description / title)                                                                         | Purpose of report                                                                                                                                              | Cabinet Decision required (yes/no) | Author – Lead member and contact officer |
|-------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------|
|                               | Strategic Outline Case                                                                             | Ysgol Plas Brondyffryn to a new site in Denbigh and increase its capacity from 140 to 220 from September 2024                                                  |                                    | Walchester                               |
|                               | 7 Items from Scrutiny Committees – Eradication of Non-Recyclable Goods in School Catering Services | To seek Cabinet to lobby the Welsh Government to provide sufficient financial support to eradicate the use of non-recyclable goods in School Catering Services | Tbc                                | Scrutiny Coordinator                     |
| <b>26 April<br/>CANCELLED</b> |                                                                                                    |                                                                                                                                                                |                                    |                                          |
| <b>7 June</b>                 | 1 Council Performance Self-Assessment                                                              | To consider the Council's self-assessment of its performance in delivering against the council's strategic plan and services                                   | Tbc                                | Iolo McGregor                            |
|                               | 2 Finance Report                                                                                   | To update Cabinet on the current financial position of the Council                                                                                             | Tbc                                | Steve Gadd                               |
|                               | 3 Items from Scrutiny Committees                                                                   | To consider any issues raised by Scrutiny for                                                                                                                  | Tbc                                | Scrutiny Coordinator                     |



## Cabinet Forward Work Plan

| Meeting        | Item (description / title) |                                   | Purpose of report                                                                                                                                                                     | Cabinet Decision required (yes/no) | Author – Lead member and contact officer                                   |
|----------------|----------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------------------------------------------------------|
|                |                            |                                   | Cabinet's attention                                                                                                                                                                   |                                    |                                                                            |
|                |                            |                                   |                                                                                                                                                                                       |                                    |                                                                            |
| <b>26 July</b> | 1                          | North Wales Consultancy Framework | To seek approval of the Business Case to set up a regional Consultancy Framework to be used by the six North Wales authorities with Denbighshire County Council as the lead authority | Yes                                | Councillor Julian Thompson-Hill / Gary Williams / Tania Silva / Sion Evans |
|                | 2                          | Finance Report                    | To update Cabinet on the current financial position of the Council                                                                                                                    | Tbc                                | Steve Gadd                                                                 |
|                | 3                          | Items from Scrutiny Committees    | To consider any issues raised by Scrutiny for Cabinet's attention                                                                                                                     | Tbc                                | Scrutiny Coordinator                                                       |
|                |                            |                                   |                                                                                                                                                                                       |                                    |                                                                            |

**FUTURE ITEMS**

|               |                                                |                                                                                                       |               |
|---------------|------------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------|
| <b>22 Nov</b> | Council Performance Update – July to September | To consider the Council's performance in delivering against the council's strategic plan and services | Iolo McGregor |
|---------------|------------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------|

Note for officers – Cabinet Report Deadlines

## Cabinet Forward Work Plan

| <i>Meeting</i> | <i>Deadline</i> | <i>Meeting</i> | <i>Deadline</i> | <i>Meeting</i> | <i>Deadline</i> |
|----------------|-----------------|----------------|-----------------|----------------|-----------------|
|                |                 |                |                 |                |                 |
| <i>March</i>   | <b>1 March</b>  | <i>April</i>   | <b>8 April</b>  | <i>June</i>    | <b>20 May</b>   |

Updated 23/02/2022 - KEJ  
Cabinet Forward Work Programme.doc

## Progress with Committee Resolutions

| Date of Meeting | Item number and title                                   | Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Progress                                                                                                                                               |
|-----------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20 January 2022 | 5. Highways Maintenance Policies for Unclassified Roads | <p><b><u>Resolved:</u></b> - <i>subject to regard being given to the above observations and comments, that</i></p> <p>(i) <i>it was satisfied that the correct approach to highway maintenance was being applied, insofar that the best alignment between the risk to users and the utilisation of available funding was being achieved;</i></p> <p>(ii) <i>efforts should be made to encourage all councillors and employees to adopt and foster a 'One Council' corporate approach towards reporting problems or matters relating to the highways network; and</i></p> <p>(iii) <i>an information report be circulated to Committee members on the condition and maintenance plans for laybys adjacent to the County's highways network.</i></p> | The Lead Member and officers have been informed of the Committee's recommendations and the information report on layby maintenance has been requested. |

|  |                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                |
|--|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><b>6. Safeguarding Welsh Place Names in Denbighshire</b></p> | <p><b><u>Resolved:</u></b> <i>subject to the above observations –</i></p> <p>(i) <i>Confirm that it is satisfied that the Council is fully utilising all powers conferred upon it with regards to safeguarding Welsh and historical names in both the natural and built environment; and</i></p> <p>(ii) <i>That representations be made to the Cabinet Lead Member seeking him under powers delegated to him as Lead Member to approve the removal of the prefix/suffix ‘Dreif’/‘Drive’ from the ‘New Street Names’ list in Section B2 of Denbighshire’s Street Naming and Numbering Policy January 2021.</i></p> | <p>(i) Lead Member and officers informed of the Committee’s recommendations.</p> <p>(ii) A request has been made to the Business Improvement and Modernisation Service for it to facilitate a Lead Member Delegated Decision in relation to the Committee’s recommendation</p> |
|--|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|