



RHONDDA CYNON TAF COUNCIL

Minutes of the virtual meeting of the Special Overview and Scrutiny Committee meeting held on Wednesday, 12 August 2020 at 9.30 am.

County Borough Councillors - Overview and Scrutiny Committee Members in attendance:-

Councillor M Adams (Chair)

Councillor S Evans	Councillor J Bonetto
Councillor P Jarman	Councillor J Harries
Councillor H Boggis	Councillor E Stephens
Councillor L Walker	Councillor G Caple
Councillor M Griffiths	Councillor S Morgans
Councillor W Jones	Councillor A Cox

Signatories to the Call-In

Councillor M Powell
Councillor H Fychan
Councillor M Fidler Jones

Non-Committee Members in attendance

Councillor S A Bradwick
Councillor J Williams
Councillor M Diamond

Mr C Jones (GMB)

Officers in attendance

Mr C Hanagan, Service Director of Democratic Services & Communication
Mr A Wilkins, Director of Legal Services
Mr D Powell, Director of Corporate Services

66 Apologies

An apology for absence was received from County Borough Councillors J Brencher and M Norris, Cabinet Member for Corporate Services.

67 Declaration of Interest

In accordance with the Council's Code of Conduct, the following declarations of Personal Interests were made pertaining to Agenda item 2, Call In: Sale of Part of the Former Lady Windsor Colliery Site, Ynysybwl

Councillor Borough Councillor P Jarman – "I am a member of the Planning and Development Committee"

County Borough Councillor G Caple – "I am Vice Chair of the Planning and Development Committee"

County Borough Councillor Bonetto – “I am a member of the Planning and Development Committee”

68 Report of the Service Director Democratic Services and Communications

The Service Director Democratic Services and Communications presented his report which outlined the process for the meeting as set out in rule 17 of the Overview & Scrutiny Committee Procedure Rules. The Service Director advised that a call-in request was received within the prescribed timescales on the 4th August 2020 standing in the names of the three signatories, Councillors M Powell, H Fychan and M Fidler Jones. The call-in requested that the decision of the Director of Corporate Estates relating to the Sale of Part of the Former Lady Windsor Colliery Site, Ynysybwl published on the 30th July be considered by the Overview & Scrutiny Committee.

The Service Director advised that as not all the reasons in the call in request were valid hence the form is not included as part of the appendices. The accepted reasons as valid and are set out in section 4.1 of the report and Members are asked to consider the content set out at the end of section 4 which advises that Committee should approach these matters with caution as they may crossover with any future planning process.

The three signatories who assigned the call-in form will be invited to address Committee outlining the reasons, supported by the Service Director, as proper officer, given by them in requesting the call-in and why they consider the decision should be referred back to the decision maker to re consider the decision, in this case the Director of Corporate Estates, Mr David Powell. The Chair will call upon the relevant Officer and Cabinet Member, who has been formerly consulted on the matter, to address the Overview & Scrutiny Committee.

The Service Director welcomed Councillor Amanda Ellis, Vice Chair of Ynysybwl Community Council who with the agreement of the Chair, Cllr Adams has been invited to address Committee following her request to speak.

Members were advised that the Chair will invite members of the Overview & Scrutiny Committee to consider the valid reasons set out in the report together with the comments of the relevant Officer and Cabinet Member as to whether the matter should be referred back. The relevant Officer and Cabinet Member will then be invited to respond to the questions raised by members of the Overview & Scrutiny Committee.

It was confirmed that one of the nominated signatories from each call-in would have the right to make their final address to the Committee immediately before a roll call vote is taken on whether or not to refer the matter back to relevant decision maker for reconsideration. It will be for the Director of Legal Services to clarify and summarise the effect of the Committee's decision.

In conclusion, the Service Director Democratic Services and Communications advised that following a request for further information by the Leader of the Opposition, County Borough Councillor P Jarman, and in line with the Council's access to information procedure rules, additional information was provided to Committee yesterday.

The Chair confirmed that he was in receipt of an email from Barbara Castle, Chair of the Regeneration Partnership which he would read to Committee following the representations made by the 3 signatories.

Councillor M Powell

Councillor Powell considered the planning considerations pertinent to the call-in because the sale relies upon planning being approved and therefore they are both interlinked. He stated that the location is another reason for the call-in and the issues relating to the traffic and congestion currently being suffered by local residents which will be exacerbated following the development of the land which will not improve residents' lives. The Councillor added that the land has been earmarked for development and will be sold subject to planning being approved but he felt that as councillor that represents the whole of RCT there had been a lack of consultation and communication with the local Member, the Community Council and local residents.

He stated that in 2004 the land had been earmarked for development but things have changed since then and there had been no contact with the community since that time when the 'masterplan' which had been prepared, as referred to within the report that accompanied the Key Officer Delegated Decision. Although not against the sale of the land he felt that other uses such as those which promote leisure and tourism in the area, should be further researched and considered.

Councillor Powell referred to the site map which shows the road accessing the site which leads onto a narrow, restricted road and onto Robert Street which is already a very busy and congested road. He added that these matters would not be considered in a planning application. Councillor Powell stated that a further 108 new homes will bring in more residents who are likely to contribute to an already congested area such as the case in Pontypridd. This will not assist in the future plans for the area. Councillor Powell stated that there is a lot of anger amongst the residents of Ynysybwl and therefore the decision needs to be called in and given further consideration.

Councillor Powell queried whether the town's facilities, doctor's surgery, shops and primary school could cope with a further influx of residents. He alluded to the closure of one school already in Ynysybwl and whether the existing school can accommodate the additional pupils which is a matter which won't be addressed in a Planning Committee as it won't have the ability to impose any additional facilities to cope with the impact of the development. Councillor Powell stated that these issues need to be addressed now not at the Planning Committee. This issue is too important for the people of Ynysybwl and he added that this situation is not unique to Ynysybwl but could happen to any of the ex-mining villages throughout the County Borough particularly where there is surplus land.

In conclusion, Councillor Powell questioned whether the discussions and activity between the local authority and the Ynysybwl Regeneration Partnership (YRP) in 2017 around the potential development of a community facility as set out at point 4.11 and 4.12 of the report had been progressed. He questioned why the residents and communities of Ynysybwl had not been approached to ask them what their hopes and aspirations are for the future of the town. Councillor Powell urged the Overview & Scrutiny Committee to make a

decision not based on politics but on the merits of the report and not leave Ynysybwl as a hostaged fortune and not a hostage to its own decision making processes.

Councillor H Fychan

Councillor Fychan asked what is the Council's vision for Ynysybwl? Its future impacts on the Pontypridd ward as the two wards are interconnected and the outcome will impact on Pontypridd. Councillor Fychan also wondered how the outcome will affect the wider vision for RCT as a whole.

Councillor Fychan stated that on first reading it seems that the council won't be affected and that the proceeds of the sale of the land will go directly to Welsh Government but Councillor Fychan stated that that is not the case and the concerns raised by local residents and those issues raised by local councillors will not be addressed by the Planning Committee.

Councillor Fychan advised that a number of residents have complained about the congestion and traffic in Ynysybwl and leading to Pontypridd. Upon referring to a primary school in Ynysybwl, she stated that the reorganisation of the schools in RCT has been a 'hot topic' and she referenced the recent Judicial Review judgement in July which raised questions about the reorganisation of schools in RCT. The Judicial Review also refers to equity of access to education affording a choice of language for parents. Councillor Fychan stated that the report does not consider the schools' needs in the area and the impact of additional residents living in the area.

Councillor Fychan reminded Committee that the catchment area for Ynysybwl is currently Pont Sion Norton School which, according to the plans of the local authority will be closed and pupils transferred to Heol Y Celyn School which is removing the choice from parents in line with the recent loss of the Judicial Review, it would be irresponsible not to consider the equity of access and provision. These points also refer to primary school provision in both languages (as referenced earlier by Councillor Powell)

In conclusion, Councillor Fychan urged Committee to consider both the holistic overview which will serve the residents of Ynysybwl and wider area and the need for a plan which provides an equity of provision and services which the current plan does not provide for.

Councillor M Filder Jones

Councillor Filder Jones raised concerns with the lack of consultation with local people and community representatives and whether that took place in 2017 with the different cohort of councillors at that time. He referred to the letter from Barbara Castle, Chair of the Regeneration Partnership, which alludes to the fact that some officers were 'trying to get the site sold at any cost'. There were anecdotal concerns which were picked up by the Audit Committee, there is a widespread view of the community that something underhand took place and that is one of the reasons for the call-in request.

Councillor Filder Jones stated that if the local authority authorises the sale there is no opportunity to reclaim it and the developer may sell it on to a different developer. He raised concern with the sale price, no records or benchmark of what an acceptable sale price should look like. There are wider issues that cannot be dealt with in a Planning Committee such as the traffic

which, in the absence of a rail line will come down primarily through Berw Road. He alluded to the interconnectivity to the schools provision and the ambiguity around that, and the judgement around the local authority's plans for the 21st Century Schools programme.

Councillor Fidler Jones referenced the Well-being and Future Generations Act and advised that it is the responsibility of the local authority to consider the impact of the Future Generations in its determinations as a public body.

The Director of Corporate Estates clarified the following points:-

Consultation – Consultation did not cease in 2017 as implied but since that time officers from Prosperity & Development and Corporate Estates have met with YRP on a number of occasions following the request of YRP and the Cabinet Member for Enterprise Development and Housing to discuss the potential development of the southern plateau. There were 5 meetings in 2018 and 2 in 2019 and progress has been ongoing since then subject to the flooding and Covid issues.

The Director of Corporate Estates disagreed with the view that the Council's work to find a buyer has been sporadic and disjointed and stated that although it has taken some time, a lot of consultation and options have been taken on board and much of the consultation process has been ongoing in accordance with the Council's internal disposal process which has been tried and tested and followed step by step and since 2015.

He disagreed that the decision appears to be led by a desire to accommodate a developer for the partial sale and stated that (4.7-4.10 of the report) there have been numerous options looking at a holistic site use including mixed use but this proved to be uneconomical. Local residential development was also considered but local consultation with the YRP did not support this.

Leisure & Tourism – The Director of Corporate Estates referred to section 4.12 of the report, which states that YRP are looking at options to develop the southern site for community use and assured Committee that colleagues in Prosperity & Development would be willing to consult and work with the YRP to establish a suitable use with an eye on leisure and tourism if deemed appropriate.

Internal Disposal Procedure – The Director of Corporate Estates explained that the Council has followed its own internal disposal process which has been tried and tested for more than 5 years and was updated in 2015. There is no requirement in that procedure to consult with any town or community council around disposal and any consultation for a future use would be a requirement of the planning process and separate to the disposal process.

The Director of Corporate Services stated that paragraph 4.2 within the report was only intended to point out the facilities in Ynysybwl such as the surgery and school and shops along Roberts Street and it was never the intention to look at the equity of access across education which is a consideration of the Director of Education and is outside of the remit of the Director of Corporate Services. When disposing of property and land in the past the council has not assessed the impact of education as part of that decision to sell and it is part of the planning process and in this case is subject to planning application.

The Chair announced that the Cabinet Member for Corporate Services, who was due to address Committee had communicated his apology due to the unexpected hospitalisation of his mother.

Public Speaker

The public speaker, Councillor Amanda Ellis (Vice Chair of the Ynysybwl & Coed Y Cwm Community Council) was afforded the opportunity to address Committee at this juncture in the proceedings and did so on the following issues:-

- The lack of consultation and discussions with the community representatives, the community council and local Member regarding the matter;
- Reference to discussions between Cabinet Members and community councils regarding the Lady Windsor site;
- The need to clarify the difference between the role of YRP and that of the Community Council in terms of the consultation process;
- No input from the community/community councils regarding a decision to sell the land to Persimmon;
- Persimmons correspondence in March regarding pre application consultation was halted to those residents who had made complaints in respect of the matter;
- By allowing the development of this site it would help the Local Authority fulfil its aspirations with regards to it's 2020-24 Corporate Plan;
- The local authority's restriction on a train halt at Glyncoch;
- The links to national and local priorities is a tick box exercise;
- The plan within the bundle shows lack of infrastructure;
- The impact of the traffic congestion would be felt not only in Ynysybwl but also in Glyncoch and Pontypridd;
- The site may makes an obvious choice for a site for a welsh medium school?;
- Why can't the site be used solely for community use?

The Chair highlighted the salient points as raised by Barbara Castle, Chair of the Regeneration Partnership, in an email to the Chair of the Overview & Scrutiny Committee.

Having heard the points raised by those Members who had made the Call-in, the responses from the Director of Corporate Services and the Public Speaker, the Chair then invited the Committee to ask any questions they may have.

A Member of the Overview & Scrutiny Committee raised the following points:-

- How much public money has been invested since 1988 including land reclamation costs regarding the Lady Windsor site?;
- How much have all the appraisals listed in the report cost and who paid for them?
- Is it true that any developer can submit a planning application whether they own the land or not?
- Is it the case that the LA as land owner will not benefit financially from the disposal of the site?
- If the land was not disposed of and the LA reconsidered using the site for

the provision of the 21st Century Welsh medium primary school north of Pontypridd as a result of the Judicial Review as well as a 21st Century English medium primary school for the village of Ynysybwl, the council and community would benefit from retaining the site as opposed to having no financial benefit if it sells the land, as set out in the land reclamation clawback rules;

- Councillor Jarman stated that in September 2014 the council was awarded £276,499 from Welsh Government which was reported by Cabinet on the 22nd September followed by a WG press release :Building in the 'Bwl' regenerating Lady Windsor Colliery", followed by a Minister statement which suggested that new homes would be built on the former colliery site and RCT will make the land available and seek expressions of interest from the development industry;
- The report states that YRP still have aspirations to develop outdoor community facilities on the southern plateau involving the community asset transfer which is in line with the spirit of the call-in. The redacted information the committee received prior to the meeting states that development is proposed to the south and planning permission for the northern plateau is likely to be looked on favourably;
- With a change in the way we now live and being more aware of our local settings and the demand for walking and cycling have spiralled, the Lady Windsor site is ecologically rich, the residents of Ynysybwl need to be canvassed for their hopes and aspirations;
- The consultation was limited to one disappointed community group and Persimmon, the wider community need a say, is the Lady Windsor site the jewel in the community crown or a disposable site the council will be glad to get rid of?
- The council should retain ownership of the site for the moment and the committee will refer the decision back so that the decision maker can seek political direction from the Cabinet on the wisdom of proceeding with the disposal of the site.

The Director of Corporate Estates responded to some of the key points raised and confirmed that information relating to the costs for the many appraisals would be provided following the meeting.

Other issues were raised by other members of the Overview & Scrutiny Committee:-

- There are many private sites across the County Borough that will be sold which will need to be discussed with local residents;
- Local people need to be consulted on candidate sites (LDP) and this needs to be taken up by the local authority;
- Ysgol Ty Coch Buarth Y Capel is also situated in Ynysybwl and its pupils currently travel from afar to attend through congested traffic
- Why does the local authority never consult with the very people who know the area and the problems that exist in the communities;
- The local residents believe this will create a worse place to live and work, difficult for the Committee to ignore these comments;
- It is for the Overview & Scrutiny Committee to consider all the issues including those concerning education;
- It is a compelling case that community support is needed;
- The Council motto is to love where we live, if we don't consult with local residents how can we say that?

- No planning has been agreed as yet and the Planning & Development Committee will look carefully at every aspect and any issues will be raised with the community;

The Chair invited County Borough Councillor H Fychan to sum up the argument in favour of referring the Key Officer Delegated Decision back to the decision maker i.e. the Director of Corporate Estates for reconsideration. Councillor H Fychan stated that planning applications can proceed without a sale so why are we saying that this does not have to go back, this is a fundamental point, why can't this decision be referred back for further consultation? We have heard that the community would like it to be used for community benefit at least partially, if we go ahead with the sale we lose that opportunity.

Councillor Fychan stated that the Council has the Wellbeing & Future Generations Act to guide it and so decisions should be considered as a whole not in silo. Serious questions should be asked of the Council's disposal process and local people should be part of the conversation when it comes to disposal.

The Councillor advised that the infrastructure is not there, there will be serious problems with pollution and traffic and it is not in keeping with the Future Generations Act. Consideration should be given to education, with the extra homes why is the Council not looking at the services within the community. Consultation has not taken place in the community and YRP admit that they don't consider themselves adequate for consultation, this is a clear decision. Councillor Fychan asked for community input into this and for the decision not to be taken out of the community's hands as the only people who will benefit are the developers who won't care about the community.

In conclusion, Councillor Fychan asked the Council to use the Future Generations and Wellbeing Act and give the future generations of Ynysybwl and the people living there now the opportunity to use the land for their public benefit so that it is a place they can be proud to live and work in.

Following consideration of the issues and in accordance with the Overview & Scrutiny procedure rules, it was **RESOLVED** that the matter be referred back to the decision maker, the Director of Corporate Estates for further consideration based on the grounds of the call-in.

This meeting closed at 10.47 am

**Cllr M Adams
Chairman**