

Public Document Pack



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Tuesday, 3 October 2023

Dear Councillor

INDIVIDUAL CABINET MEMBER DECISIONS

Notice is hereby given that the following decisions made by a member of the cabinet will be made on Wednesday, 11 October 2023.

1. **MEMORANDUM OF UNDERSTANDING - TCBC AND MCC HERITAGE SERVICES IN RELATION TO MAMHILAD NYLON SPINNERS LISTED BUILDING.** 1 - 20

Division/Wards Affected: All Wards
CABINET MEMBER: County Councillor Paul Griffiths

AUTHOR

Amy Longford – Heritage Manager

Email: amylongford@monmouthshire.gov.uk

Yours sincerely,

Paul Matthews
Chief Executive

CABINET PORTFOLIOS

County Councillor	Area of Responsibility	Ward
Mary Ann Brocklesby	<p>Leader Lead Officer – Paul Matthews, Matthew Gatehouse</p> <p>Whole Authority Strategy and Direction Whole authority performance review and evaluation Promoting localism within regional and national frameworks Relationships with Welsh Government, UK Government and local government associations Regional Relationships with City Regions and Public Service Board Strategic Procurement Local Food production and consumption, including agroforestry and local horticulture</p>	Llanelly
Paul Griffiths	<p>Cabinet Member for Planning and Economic Development Deputy Leader Lead Officer – Frances O'Brien</p> <p>Economic Strategy Local development plan and strategic development plan including strategic housing sites Homelessness, affordable housing delivery and private sector housing (empty homes, leasing scheme, home improvement loans, disabled facilities grants and adaptive tech) Supporting Town Centres including car parking and enforcement Development Management and Building Control Skills and Employment Broadband connectivity Car parks and civil enforcement trading standards, environmental health, public protection, and licencing</p>	Chepstow Castle & Larkfield
Rachel Garrick Ben Callard	<p>Cabinet Member for Resources Lead Officers – Peter Davies, Frances O'Brien, Jane Rodgers</p> <p>Finance including MTFP and annual budget cycle Benefits Digital and information technology Human resources, payroll, health and safety Land and buildings Property maintenance and management Emergency planning</p>	Caldicot Castle Llanfoist & Govilon

Martyn Groucutt	<p>Cabinet Member for Education Lead Officers – Will McLean, Ian Saunders</p> <p>Early Years Education All age statutory education Additional learning needs/inclusion Post 16 and adult education School standards and improvement Community learning Sustainable communities for learning Programme Youth service School transport</p>	Lansdown
Ian Chandler	<p>Cabinet Member for Social Care, Safeguarding and Accessible Health Services Lead Officer – Jane Rodgers</p> <p>Children’s services Fostering & adoption Youth Offending service Adult services Whole authority safeguarding (children and adults) Disabilities Mental health and wellbeing Relationships with health providers and access to health provision</p>	Llantilio Crossenny
Catrin Maby	<p>Cabinet Member for Climate Change and the Environment Lead Officer – Frances O’Brien, Ian Saunders</p> <p>Decarbonisation Transport planning, public transport, highways and MCC fleet Active travel and Rights of way Waste management, street care, litter, public spaces, and parks Pavements and back lanes Flood alleviation, management and recovery Countryside, biodiversity, and river health</p>	Drybridge
Angela Sandles	<p>Cabinet Member for Equalities and Engagement Lead Officers – Frances O’Brien,, Matthew Gatehouse, Jane Rodgers</p> <p>Community inequality and poverty (health, income, nutrition, disadvantage, discrimination, isolation and cost of living crisis) Citizen engagement and democracy promotion including working with voluntary organisations Citizen experience - community hubs, contact centre, and customer service and registrars Leisure centres, play and sport Tourism Development and Cultural strategy</p>	Town

	Public conveniences Electoral Services and constitution review Communications, public relations and marketing Ethics and standards Welsh Language	
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Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

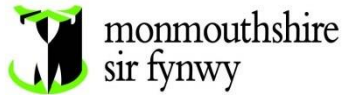
Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.



SUBJECT: MEMORANDUM OF UNDERSTANDING – TCBC AND MCC HERITAGE SERVICES IN RELATION TO MAMHILAD NYLON SPINNERS LISTED BUILDING.
MEETING: INDIVIDUAL CABINET MEMBER’S DECISION.
DATE TO BE CONSIDERED: 11th OCTOBER 2023.
WARDS AFFECTED: All.

1. PURPOSE

- 1.1 The purpose of this report is to propose that MCC join into an MoU in relation to the provision of Heritage Advice to consider the ongoing management of the Nylon Spinners listed building at Mamhilad.

2. RECOMMENDATIONS

- 2.1 That Cabinet agree to the content of the MoU as attached in Appendix A. That future amendments or extension of the MoU be delegated to the Chief Officer for Communities and Place.

3. KEY ISSUES

- 3.1 MCC heritage officers have previously been engaged through two former MoU agreements with TCBC to provide Heritage advice in relation to all aspects of the historic environment management in exercising their planning functions. Previously this involved the recruitment of an additional officer to the team to resource the delivery of this service. These agreements came to an end due to resource implications and a reluctance of both parties, to enter into a longer term agreement. However, this current proposed agreement relates only to one site in TCBC, the Nylon Spinners Factory at Mamhilad, and will not require any additional resource input, as opposed to the former agreements. This can be managed within the existing staffing provision.
- 3.2 Colleagues have already been heavily involved in the major planning application for 824 houses at Mamhilad which also involves a Listed Building Consent Application for partial demolition of the listed building. Through discussion and agreement with Cadw, MCC named officers can provide a higher level of support in determining any listed building consent applications submitted to TCBC through their own delegated powers. This ensures consistency of officers, having already been involved in the building for some considerable time.
- 3.3 It is proposed that MCC officers will engage in advice based services, both written and verbal, in relation to Listed building consent applications at the site. This will involve making recommendations and approving applications where

appropriate. Officers will also provide advice in relation to the impact on the historic assets when considering any planning applications on the site.

- 3.5 MCC Officers propose to charge out on an hourly basis for their time and expenses, as set out in the attached MoU in Appendix A. The agreement is proposed for a period of 2 years and administered on an ad hoc basis depending on the need for the services. It is anticipated that the service demand will be limited and can be accommodated within the existing resource given that the service provision is linked to one site only.

4.0 OPTIONS APPRAISAL

Option	Benefit	Risks
1. Agree to implement to the MoU.	<ul style="list-style-type: none"> • Increased income for service area. 	<ul style="list-style-type: none"> • That the service demands become too intensive and have a detrimental impact on MCC service delivery
2. Disagree to implement the MoU.	<ul style="list-style-type: none"> • Maintains current service standards. Maintains status quo. 	<ul style="list-style-type: none"> • Potential loss of income for service area.

5. REASONS

- 5.1 The delivery of the MoU maintains good connections and working relationships with adjacent Authority. The provision of sharing expertise in order to support the adjacent Authority is welcomed which also provides and additional and much needed income stream not otherwise available.

6. RESOURCE IMPLICATIONS

The resource implication is in relation to officer time required to provide the necessary advice on an ad hoc and hourly basis. This is anticipated to be approximately 10 hours per month, however, depending on service demands this could vary. It is noted that there is an opportunity to decline the provision of officer time, should the service demands become excessive.

It is considered that this anticipated time resource would not place undue stress or burden on officers.

7. WELL BEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING & CORPORATE PARENTING)

See attached in appendix 3.

8. CONSULTEES

Legal – Acceptable and no issues identified.

9. BACKGROUND PAPERS

Appendix A – Memorandum of Understanding.

10. AUTHOR

Amy Longford – Heritage Manager

Email: amylongford@monmouthshire.gov.uk

Memorandum of Understanding

Between

Monmouthshire County Council

And

Torfaen County Borough Council

1 PURPOSE

This document sets out the agreement under which Monmouthshire County Council (MCC) will provide heritage services to Torfaen County Borough Council (TCBC) in connection with planning and Listed Building Consent applications at Johnsey's Estate, Mamhilad. In particular to give advice and authorise planning consents relating to the Grade II* Listed Building, known as the former Nylon Spinners, under CADW's scheme of delegation.

DURATION OF AGREEMENT AND REVIEW

The agreement shall proceed for a minimum of two years from the date of the Agreement and administered on an ad hoc basis depending upon the need for the services. The Agreement may be reviewed after this date.

2 GOALS AND OBJECTIVES

The goal of this agreement is to enable TCBC to deliver Heritage Services in relation to the Mamhilad Park Estate planning and Listed Building Consent Applications

The objectives of this agreement are;

- Provide advice and guidance on any applications for planning permission or Listed Building Consent which impacts on or involves the Listed Building.
- Authorise Listed Building Consents in connection with the Listed Building in accordance with CADW's Scheme of Delegation

3 AGREEMENT BACKGROUND AND OVERVIEW

In 2019 Torfaen County Borough Council and Monmouthshire County Council established a shared heritage service to:

- Provide consistent and resilient access to specialist advice across both Council areas
- Develop and enhance skills of existing/new officers through sharing of expertise to develop a wider scope of knowledge
- Meet service demands of Development Management functions for both stakeholders
- Meet service demands to contribute to the Regeneration functions of both stakeholders

In 2020, as part of this collaborative agreement, Torfaen's Executive Member for Economy, Skills & Regeneration approved the adoption of MCC's listed building consent delegation which allows identified officers from MCC to authorise listed building consents which would otherwise need to be referred to CADW. This authorisation is derived from A Direction given by Welsh Ministers on 28 November 2018.

The Heritage Service previously provided advice and guidance on the Mamhilad Planning Application (Ref: 17/P/0468/OUT) and the application for Listed Building Consent (Ref: 17/P/0482/LBC). Both applications were reported to Planning Committee in July 2020 where Members resolved to approve subject to conditions and a Section 106 Planning Obligation. It was anticipated that once the Section 106 Agreement was signed the Listed Building Consent could be authorised by MCC in accordance with CADW's scheme of delegation. However, there were considerable delays over the completion of the Section 106 Agreement because of the Covid pandemic and the applicant's decision to amend the planning application. The Planning and Listed Building Applications remain undetermined but it is anticipated they will be reported back to Planning Committee either in 2023.

The Shared Heritage Service Agreement has now expired and was not renewed. However, given the amount of involvement of MCC officers during the processing of the planning application it is beneficial to maintain the continuity and consistency of this advice in the determination of the applications and future related applications. This Agreement would also allow the nominated MCC officers to authorise the Listed Building Consent under CADW's scheme of delegation.

4 STAKEHOLDERS

Monmouthshire County Borough Council
Torfaen County Borough Council

5 SERVICE DELIVERY DEMANDS

5.1 MCC

1. To offer heritage advice and guidance in connection with planning applications related to the Listed Building at Johnseys Estate, Mamhilad on an ad hoc basis.
2. To authorise any Listed Building Consent applications relating to the Listed Building at Johnseys Estate, Mamhilad under CADW's scheme of delegation.

5.2 TCBC

1. To provide full information and clear instruction on services required.
2. To provide reasonable timescales for responding taking into account MCC resources
3. Not to make unrealistic demands on MCC's Heritage services.

6 SERVICE CHARGES

£100 per hour for Heritage Manager (Amy Longford. Named Officer for the purposes of Cadw delegation)
£60 per hour for Heritage Officer

7. PROPOSED FRAMEWORK

It is proposed that the service will be delivered by MCC managed by the Heritage Manager at MCC. Only the CADW nominated officers as identified above to authorise Listed Building Consents under the CADW scheme of delegation:

9 COMMITMENT

TCBC will commit to payment for all hours incurred and car mileage expenses based on 50p per mile for providing heritage services on demand in relation to applications in connection with the Listed Building at Johnsey Estate, Mamhilad.

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Integrated Impact Assessment document

(incorporating Equalities, Future Generations, Welsh Language and Socio Economic Duty)

<p>Name of the Officer Amy Longford</p> <p>Phone no: 01633 644877 E-mail: amylongford@monmouthshire.gov.uk</p>	<p>Please give a brief description of the aims of the proposal</p> <p>Heritage Management collaborative working with Torfaen County Borough Council.</p>
<p>Name of Service area</p> <p>Planning/Development Management</p>	<p>Date Form completed September 2023</p>

1. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

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Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	None		
Disability	None		
Gender reassignment	None		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Marriage or civil partnership	None	None	See below
Pregnancy or maternity	None	None	See below
Race	.None	None	See below
Religion or Belief	.None	None	See below
Sex	None	None	See below
Sexual Orientation	.None	None	See below

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2. The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions This duty aligns with our commitment as an authority to Social Justice.

	Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage	Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Socio-economic Duty and Social Justice	Given the nature of the proposals, site specific advice, it is not anticipated that there will be an disproportionate benefit on any socio economic group	Givent the nature of the proposals, being site specific advice, it is not anticipated that there will be any disproportionate impact on any socio economic group.	N/A

3. Policy making and the Welsh language.

How does your proposal impact on the following aspects of the Council's Welsh Language Standards:	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
<p>Policy Making</p> <p>Effects on the use of the Welsh language,</p> <p>Promoting Welsh language</p> <p>Treating the Welsh language no less favourably</p>	<p><i>1. We would like to know your views on the effects that the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</i></p> <p><i>2. Please also explain how you believe the proposals could be improved so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language?</i></p>		
<p>Operational</p> <p>Recruitment & Training of workforce</p>	<p><i>If you are advertising new posts you must carefully consider whether these roles require the ability to communicate through Welsh and English (either desirable or essential). This is especially pertinent with front line roles as more than 10 % of the population of Monmouthshire speak Welsh. Also we need to consider additional training when appointing staff that have existing Welsh language skills.</i></p>		
<p>Service delivery</p>	<p>When advertising our services you must promote the fact that people can deal with the council in Welsh by phone, email, twitter,</p>		

Use of Welsh language in service delivery	facebook, letters, forms, website transactions etc		
Promoting use of the language			




4. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!



Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Positive: The quality and consistency of conservation decisions will ensure that heritage assets are maintained for the communities, residents and businesses which are often used as homes, businesses, cultural venues, providing security, wealth generation for the economy</p> <p>Negative: None</p>	<p>Better contribute to positive impacts: The joint service will maximise conservation benefits by providing high quality and consistent services to the public and businesses which will minimise the neglect or mistreatment of our communities heritage or cultural assets</p> <p>Mitigate any negative impacts: Care will be taken to improve the understanding of the positive implications of operating the services which can benefit its customers. The department will continue to monitor the efficiency of the services and ensure that they meet the service standards set out</p>
<p>A resilient Wales Maintain and enhance biodiversity and land, river and coastal ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>Older buildings tend to provide habitat for various species having greater control over design and end use will provide this protection</p>	<p>The joint service will maximum conservation benefits by providing high quality and consistent services to the public and businesses which will minimise the neglect or mistreatment of our communities' heritage or cultural assets.</p>

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Positive: Bringing listed buildings back into use can create employment and housing opportunities both of which have proven positive outcomes on health Negative: None identified	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	Positive: Bringing listed building back into use will remove icon of despair from our urban and rural environments helping to create an attractive, viable, safe and well connected communities Negative: None identified.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Positive: The service will ensure that we protect and promote our cultural heritage for future generations. Negative: none	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Positive: Planning decisions promote the value and significance of the historic built environment by ensuring that it is a direct consideration in planning policy and land use planning decisions. The Welsh language is now a material planning consideration. Negative: none	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	Positive: Appropriate development management decisions should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve the five main aims of the Welsh Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment, Achieving Sustainable Accessibility and	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	Respecting Our Environment Negative: none.	

5. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	The proposed collaboration seeks to provide a more resilient service, looking towards the future financial and resource pressures on local government	The proposed collaboration has been carried out before and lessons incorporated into this MoU. Resources can be withdrawn if it is not delivering the required results.
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	Monmouthshire's approach to collaborative working has embraced the opportunities that arise from joint working and ensured that this meets the needs of both service areas and delivers a more resilient and future proof service enhancing the service offer	N/A
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<i>Who are the stakeholders who will be affected by your proposal? Have they been involved? Do those people reflect the diversity of the area which is served?</i> The collaborative service will be subject to review and evaluations reporting to Members of Planning Committee, whose Members have a specific interest in the subject, as well as senior officers of the Council, and will be taken into account.	As above

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p data-bbox="152 496 293 528">Prevention</p> <p data-bbox="344 256 506 560">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="546 256 1267 408">The collaborative service approach provides a more resilient service delivery and protects against a potential enforced collaboration which may not best suit the needs of Monmouthshire's citizens</p>	<p data-bbox="1352 256 1406 288">N/A</p>
 <p data-bbox="152 879 293 911">Integration</p> <p data-bbox="344 635 517 895">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="546 596 1308 935"><i>.There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts. Also think about impacts the proposal may have on other organisations</i> The work undertaken by the development management service directly relates to promoting and ensuring sustainable development and its four areas: environment, economy, culture and society which will be enhanced by a collaborative form of delivery.</p>	

6. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	<i>Safeguarding in this context applies to both children (not yet reached 18th birthday) and vulnerable adults (over 18 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation.)</i> None	.None	N/A
Corporate Parenting	None	None	N/A

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What evidence and data has informed the development of your proposal?

Monmouthshire's Collaborative Heritage Services aim to foster greater working relationships and respond to the collaborative working agenda being set by Welsh Government. The formation of a collaborative approach will aim to improve the range of services that both.

8. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

.This section should summarise the key issues arising from the evaluation. This summary must be included in the Committee report template

The work undertaken by the Council’s Planning Service, and in particular the Development Management function, directly relates to promoting and ensuring sustainable development. The collaborative approach to service delivery will take advantage of the many benefits, such as improved resilience, opportunity to increase skills sharing and build a stronger knowledge base for all and improved officer morale offering constructive peer review. Despite a team approach already being established in Monmouthshire, it is considered that initiating collaborative services, managed by Monmouthshire and on terms that are suitable for MCC and TCBC is the best approach to collaborative working and delivers a more robust and responsive service

9. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible

10. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	<i>e.g. budget mandate, DMT, SLT, Scrutiny, Cabinetetc</i>		

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