




Complete Agenda

Democratic Services
Council Offices
CAERNARFON
Gwynedd
LL55 1SH

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This document is also available in Welsh.

Meeting

COMMUNITIES SCRUTINY COMMITTEE

Date and Time

10.30 am, THURSDAY, 11TH JUNE, 2026

This meeting will be webcast

https://gwynedd.public-i.tv/core//en_GB/portal/home

Note: a briefing session will be held for members at 10:00am

Location

Siambr Hywel Dda, Swyddfeydd y Cyngor Caernarfon ac yn rhithiol drwy Zoom

And virtually via Zoom

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COMMUNITIES SCRUTINY COMMITTEE

MEMBERSHIP (18)

Plaid Cymru (12)

Councillors

Elwyn Edwards
Linda Morgan
Beca Roberts
Berwyn Parry Jones

Delyth Lloyd Griffiths
Edgar Wyn Owen
Jina Gwyrfai
Elfed Williams

Annwen Hughes
Arwyn Herald Roberts
Dafydd Davies
(Vacant Seat)

Independent (5)

Councillors

Wendy Cleaver
Elfed Powell Roberts
Gruffydd Williams

Robert Glyn Daniels
Peter Thomas

Gwynedd First (1)

Councillor Stephen Churchman

Ex-officio Members

Chair and Vice-Chair of the Council

AGENDA

1. ELECT CHAIR

To elect Chair for 2026-2027.

2. ELECT VICE-CHAIR

To elect Vice-chair for 2026-2027.

3. APOLOGIES

To receive any apologies for absence.

4. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest

5. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

6. MINUTES

4 - 13

The Chairman shall propose that the minutes of the meeting of this Committee, held on 19 March 2026 be signed as a true record.

7. ARTICLE 4 DIRECTION

14 - 170

To consider the report.

8. ENVIRONMENT CABINET MEMBER PERFORMANCE REPORT

171 - 233

To report to the Scrutiny Committee on the performance of the Environment Department.

9. HIGHWAYS, ENGINEERING AND YGC CABINET MEMBER PERFORMANCE REPORT

234 - 277

An opportunity for Members to discuss and scrutinise the Department's improvement priorities and measures.

COMMUNITIES SCRUTINY COMMITTEE, CRIME AND DISORDER, 19 MARCH 2026

Attendance:

COUNCILLORS: Annwen Hughes (Chair) and Delyth Lloyd Griffiths (Vice-chair)

Beca Brown, Stephen Churchman, Wendy Cleaver, Elwyn Edwards, Jina Gwyrfai, Berwyn Parry Jones, Dafydd Davies, Linda Morgan, Edgar Wyn Owen, Elfed Powell Roberts, Peter Thomas, Elfed Williams and Gruffydd Williams.

Officers present:

Bethan Adams (Scrutiny Adviser) and Rhodri Jones (Democracy Services Officer).

Present for Item 5:

Councillor Dilwyn Morgan (Cabinet Member for Adults, Health and Well-being), Mannon Trappe (Assistant Head of Safeguarding, Quality Assurance, Mental Health and Community Safety), Laura Evans (Senior Operational Officer – Gwynedd and Anglesey Community Safety Partnership) and Stephen Pawson (Chief Inspector – North Wales Police).

Present for Item 6:

Councillor Craig ab Iago (Cabinet Member for the Environment) and Roland Thomas (Assistant Head of Environment Department).

Present for Item 7:

Councillor Craig ab Iago (Cabinet Member for the Environment), Gerwyn Jones (Assistant Head of Environment Department), Iwan ap Trefor (Traffic and Projects Service Manager) and Gwyn Lloyd Evans (Footpaths Team Leader).

1. APOLOGIES

Apologies were received from Councillors Beca Roberts, Arwyn Herald Roberts and Robert Glyn Daniels.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received.

3. URGENT ITEMS

None to note.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 22 January 2026, as a true record.

5. ANNUAL UPDATE BY THE GWYNEDD AND ANGLESEY COMMUNITY SAFETY PARTNERSHIP

The report was presented by the Cabinet Member for Adults, Health and Well-being and the Senior Operational Officer of the Gwynedd and Anglesey Community Safety Partnership.

It was confirmed that the report provided a comprehensive update on the work of the Community Safety Partnership, showing how it works together to tackle crime and disorder across Gwynedd and Anglesey and to improve safety for our communities.

It was explained that the Partnership worked to an annual plan that was based on the priorities of the Safer North Wales Board's Strategy. It was elaborated that the Partnership receives quarterly data from the police in order to identify trends, steer discussions, support early intervention and solve local problems within communities.

It was stressed that the Partnership did not have permanent core funding and it does not commission services directly except for Domestic Homicide Reviews (DHR). It was explained that the partnership relied mainly on short-term or competitive grant opportunities to support its wider work.

Details were provided of the Partnership's activity, confirming that it continued to deliver a Community Safety Plan and provided quarterly reports on it to the Safer North Wales Partnership Board. It was also noted that the Partnership provides an active contribution to the North Wales Serious Violence Strategy, which was a new national duty.

They were pleased that £65,000 had been allocated for seven preventative projects in Gwynedd and Anglesey. The projects in Gwynedd included:

- 'Don't Steal My Future' sessions held by RASASC Wales (Rape and Sexual Abuse Support Centre) to raise awareness of sexual violence with pupils and to influence attitudes and behaviours.
- An awareness campaign around selling vapes illegally and child exploitation, in order to share intelligence.
- An additional youth provision over school holidays for 11-25 year olds in areas facing a high risk of crime, violence and anti-social behaviour.
- A joint project with the Council's Education Department to reduce exclusions and prevent serious violence through training, mentoring and group work, with the aim of keeping pupils in school and safe.

Reference was made to other projects that the Partnership had carried out, such as upgrading CCTV cameras in Caernarfon, Bangor and Pwllheli; developing and piloting an awareness pack around Serious Organised Crime for local authority staff, and continuing as a Member of the Council's Strategic Safeguarding Panel and Safeguarding Operational Group.

They highlighted that the partnership worked closely with the Regional Lead for Suicide and Self-Harm in the Health Service, noting that a multi-agency workshop had been delivered by the Partnership to examine the link between domestic abuse and suicide. They also referred to the Partnership's ongoing work with a regional Alcohol Harm Reduction Strategy that was aimed at reducing alcohol-related harm.

It was explained that the Partnership had delivered professional training on the themes of sexism, masculinity and violence. It was confirmed that the Welsh Government had approved a VAWDASV (Violence Against Women, Domestic Abuse and Sexual Violence) capital grant application to purchase 100 security cameras for survivors of domestic abuse and contribute to regional work on standardising 'target hardening' by making the homes of victims and survivors safer.

It was reported that an application had been submitted to the Welsh Government's Equality and Inclusion Grant Programme to fund awareness signs on cycle routes in order to promote respectful use of the paths, reduce collisions and prevent serious injuries to blind and visually impaired people. Similarly, it was noted that British Sign Language training through Grŵp Llandrillo Menai had been arranged for Siop Gwynedd staff and local domestic abuse organisations.

It was highlighted that the Partnership was developing Safe Zones for the prevention of violence against women and girls in Caernarfon and Bangor as well as Crimestoppers Zones in Maesgeirchen and Blaenau Ffestiniog to encourage confidential reporting of criminal activity.

They referred to a number of the Partnership's priorities for the year ahead, including ensuring continued implementation of all projects and schemes, whilst also attracting additional grant funding to deliver new projects.

During the discussion, the following observations were made:-

It was highlighted that some of the priorities of the Safer North Wales Board's Strategy included 'Tackling Serious Violence and Serious Organised Crime'. In response to a query on how these offences were defined, the differences between them and how the measures that are in place to prevent them are recorded to ensure that the Strategy works efficiently, the Chief Inspector confirmed that serious offences were cases such as murder and domestic and sexual violence, and that organised crime were incidents that had been planned and co-ordinated by a group of offenders. It was added that measuring the success of work to prevent these crimes from taking place was multi-agency work as several organisations were recording data. It was confirmed that monitoring of this data highlighted whether or not the Strategy's priority was working.

Members were concerned that rates of robbery had increased 112.5% since last year (a total of 34 cases compared to 16 last year) where North Wales as a region had only seen an increase of 12.4%. In response to an enquiry on whether there was a way of identifying clusters where such offences occurred to be able to predict which areas would be targeted, the Chief Inspector confirmed that a successful project had recently been conducted in Bangor to prevent Serious Organised Crime related to drugs. However, he emphasised that no robbery incident can be effectively predicted as there was no pattern to the crime. It was explained that it could happen in any area, to different types of victims and can be triggered by alcohol and drug use or through disputes. However, he stressed that the vast majority of offenders who carried out robberies were arrested and charged.

A member was pleased that there were plans to install signs on cycle paths to protect any blind or visually impaired pedestrians from harm. It was pointed out that it was important to ensure that signs were also installed to protect deaf or hearing-impaired individuals. Similarly, members shared their ideas of placing signs in public places, such as car parks, to remind drivers of electric vehicles that there was a possibility that people may not hear them, to prevent accidents from happening. In response to the comments, the Senior Operational Officer of the Gwynedd and Anglesey Community Safety Partnership said valuable comments had arisen during the discussion and that every effort would be made to incorporate them into the work, if the application to fund the project was approved. She emphasised that officers were continuously looking for additional grant funding.

In response to an enquiry, the Assistant Head of Safeguarding, Quality Assurance, Mental Health and Community Safety confirmed that preventing crimes against women remained a priority for the Partnership once again this year.

In response to an enquiry about the difference between Domestic Violence and a Domestic Incident, the Assistant Head of Safeguarding, Quality Assurance, Mental Health and Community Safety clarified that a domestic incident was not a case for the police if no crime had taken place. She elaborated that a report was compiled of all domestic incidents that were non-criminal, and that the Community Safety Service made a decision on whether cases required intervention by assessing whether individuals had access to care.

The officers were congratulated on their work of installing more CCTV cameras. In response to a query if this project was being expanded to more rural areas, the Senior Operational Officer of the Gwynedd and Anglesey Community Safety Partnership noted that this particular project had developed a safe zone to protect people in urban areas. However, she hoped that grant funding would allow for the installation of more CCTV cameras during the year, and noted that work was underway to assess those areas where it would be most effective to install the cameras.

Details were provided on the 'Don't Steal My Future' project that had been delivered by RASASC Wales, noting that it tied in effectively with the recommendations set out in the recent Child Practice Review Report, 'Our Bravery Brought Justice'. In response to enquiries about the specifics of the event's content, when it had been held, how many schools had taken part and whether it had been shared more widely with organisations such as youth clubs, the Senior Operational Officer of the Gwynedd and Anglesey Community Safety Partnership confirmed that the project had ended. However, she explained that officers would have a meeting with grants officers in the near future and that they would request all this information in order to report it back to the Members following this meeting. The Assistant Head of Safeguarding, Quality Assurance, Mental Health and Community Safety elaborated that the continuation of this project was dependent on grant funding as there was no budget for it, and acknowledged that not every need that arises can be addressed.

It was highlighted that the Safer North Wales Strategy 2025-28 stated 'Tackling Serious Violence' including childhood trauma, as a Priority. In response to an enquiry on what actions were in place to realise this priority by working with partners whilst also considering the additional challenges in rural areas, the Cabinet Member explained that a Regional Board looked at the actions relating to this matter. He stressed that the work was a priority and that mandatory training had been delivered to the Partnership and that it was being filtered down to all organisations to ensure that everyone was aware of the most appropriate course of action in such situations.

In response to an enquiry about the work the Council was doing to obtain a Trauma Informed accreditation, the Cabinet Member agreed that it was important work that he would like to see being achieved. He elaborated that it was essential that everyone was informed around trauma and how symptoms of potential trauma can manifest in individuals, stressing that trauma-informed training was a priority. The committee was assured that an application would be submitted soon to obtain a Trauma Informed accreditation, and he thanked everyone who had been working towards it so far.

In response to an enquiry regarding data on the number of sessions and the number of individuals who had undertaken VAWDASV (Violence Against Women, Domestic Abuse and Sexual Violence) training, the Assistant Head of Safeguarding, Quality Assurance, Mental Health and Community Safety stated that the officers had the relevant data and

that it would be shared with the Members following this meeting. She added that this information would be included within the Annual Report in future.

In response to a query on how projects were included or removed from the Partnership's work, the Cabinet Member explained that this was decided by the Partnership itself within its meetings. The Assistant Head of Safeguarding, Quality Assurance, Mental Health and Community Safety elaborated that the Partnership looked at the North Wales Region Annual Plan first and then prioritised projects to align with it. The Senior Operational Officer of the Gwynedd and Anglesey Community Safety Partnership explained that the next Annual Plan would be approved in April and the Partnership would work with the Region to develop any new priorities according to the need. Furthermore, the Chief Inspector emphasised that North Wales Police continually shared data with the Partnership, at regional and community levels, to ensure that it could prioritise projects in line with that data.

It was pointed out that it would be useful to receive a map within this Annual Report in future, to be able to see if there were areas with more crime and to consider whether those areas were popular tourist spots. In response to the comments, the Chief Inspector confirmed that such a map could be developed and he would endeavour to include it within future reports. The Cabinet Member thanked North Wales Police for their continued co-operation and for their willingness to share data regularly with the Partnership.

The members expressed their thanks for the report.

Resolved:

- **To accept the report, noting the observations made during the discussion.**
- **To request that future Annual Reports include data on performance measures including crime-related measures, and a map highlighting the location of crimes.**
- **To request further data and information about the 'Don't Steal My Future' sessions, hosted by RASASC Wales (Rape and Sexual Abuse Support Centre).**
- **To request data on the number of sessions and the number of individuals who have undertaken VAWDASV (Violence Against Women, Domestic Abuse and Sexual Violence) training, and that this data be included within the Annual Report in future.**
- **To urge Cyngor Gwynedd to proceed to obtain the 'Trauma Informed Council' accreditation.**

6. WASTE COLLECTION AND RECYCLING SERVICES

The report was presented by the Cabinet Member for the Environment and the Assistant Head of Environment Department. They highlighted the following main points.

It was reported that the Department was currently working to develop a Waste Strategy and was taking an ambitious approach to solve problems. It was recognised that Governments' targets such as the target of recycling 70% of all waste in the county, were very challenging to meet.

It was confirmed that the Department had adapted the operational structure of waste collection arrangements into two parts to improve performance. It was explained that the South area operated for Dwyfor and Meirionnydd with the North serving Arfon. It was

reported that changing the operational structure had improved the service's performance. Similarly, they reminded members that the Bartec system was used by the Department to dynamically adjust routes according to the operational needs of the service. They highlighted that members would receive a presentation on how these systems assist the department at the Council's Area Forums later this year. Similarly, it was reported that the installation of a camera system on the collection vehicles had also helped to improve visibility for the work of staff, improve health and safety and introduced the ability to respond to complaints with robust evidence.

It was explained that a consultation had recently taken place as part of developing the Waste Strategy. They noted that 1,245 responses had been received to the consultation. They reported that 62% of respondents indicated that their residual waste bin was only about three-quarters full or less at the end of the 3-week period. They elaborated that 15% of respondents stated that they were unable to cope with the current capacity of the bin and the collection schedule as it was full before the collection day. They noted that re-assessing the collection frequency and the size of residual bins were adjustments they could implement to support the Council in meeting the target of recycling 70% of waste. It was emphasised that the Department was working with WRAP Cymru (Waste and Resources Action Programme) to research the actual difference that changing this would make.

The members were reminded that the Department had begun trialling the use of hessian sacks instead of the recycling cart, reporting that the results of that trial were relatively successful. It was noted that they planned to carry out trials in other areas of the county before the summer. They explained that the sacks were cheaper than the 'cartgylchu' (recycling cart) and would allow residents more recycling capacity if the Council decided to recycle more goods such as soft plastics.

They confirmed that work continued to improve residents' behaviours towards recycling and stated that a letter would be sent to every household in the County over the next week to improve recycling in Gwynedd. In considering enforcement issues within the waste service, it was confirmed that enforcement actions could not be carried out if households over-produced waste unless it led to issues such as fly-tipping.

They were pleased that the service's overspend position had improved but recognised that there was room for improvement to be in a position of a balanced budget. They were proud that the service's performance was improving while the overspend in the budget was decreasing, and also stressed that work was going on to try to reduce that overspend further.

It was acknowledged that the Department's focus had been on the waste collection and recycling service, noting that they had work to do to improve the bin distribution service. This had been highlighted within a recent consultation where several comments had been made that this service needed to be improved. It was emphasised that the service would be managed by a new Manager within the Department to ensure that this service received attention for the future.

During the discussion, the following observations were made by the Members:-

Concern was expressed that the Council had failed to meet the Government's target of recycling 70% of waste this year, and it was asked how much of a fine the Council faced and how other services were negatively impacted as a result. In response to the enquiries, the Assistant Head of Department emphasised that a significant change was required to meet this target and acknowledged that the Council would not manage to do so in the short term. He reminded members of the need to assess the frequency of

collections or the size of residual bins in order to meet this target and that discussions were taking place with other Local Authorities to gain insight into the success of this change. He confirmed that, presently, the Council had not been fined for not meeting the target but warned that it could be up to £600,000 in costs. It was emphasised that the Council was in regular discussions with the Government, and it was hoped that demonstrating plans to ensure that Gwynedd met the 70% target would satisfy them, and that the Council would not receive a fine.

There was a discussion about the timing of waste collections, with some Members believing that collections were taking place too early in the morning and caused noise and disturbance to residents, while others were pleased that they were collected early in the morning. In response to the discussion, the Assistant Head explained that the service's staff worked from 6:00 a.m. until 1:45 p.m. and that no complaints had reached the service from the public or members of staff stating that the routes were taking place too early in the morning. He added that the intention was to ensure that collections were made early in the morning so that no difficulties arose as residents travelled to work or school and that the bins could be put away before they left the house in some cases so that they were not blown away or damaged.

A member commented that a number of shops and supermarkets accepted plastics and pet food packaging for recycling, and asked the Department to ensure that they also investigated these to ensure that they were recycled effectively by Gwynedd homes.

In response to an enquiry regarding the contamination rate of recyclable materials, the Assistant Head noted that the contamination rate was considered to be comparatively high in Gwynedd because the amount that Gwynedd received from companies for the recycling material was lower than in other counties.

In response to an enquiry on whether there were plans to recycle small batteries from homes, the Assistant Head explained that these could be recycled by visiting any local recycling centre. He elaborated that they were planning to include batteries within collection routes but the focus at the moment was on ensuring that soft plastics could be recycled effectively, as Welsh Government regulations on that issue could come into effect in April 2027. He also pointed out that adding a box or sack to collect the batteries would be costly for the Council as it was unlikely that batteries would need to be collected frequently. However, he noted that research was being conducted on this issue.

It was reported that several local shops were now selling some goods such as milk and orange juice in glass bottles, but those bottles could not be returned back to the store to be reused. In response to the comment, Members' attention was drawn to the Welsh Government's Deposit Return Scheme which would be operational very shortly. It was explained that this scheme would allow residents to return glass bottles back to shops to get money off the product as they purchased it again.

It was highlighted that 12 Local Authorities in Wales had managed to reach the Government's target of recycling 70% of their waste. It was asked what schemes these local authorities were implementing and whether they could be incorporated in Gwynedd. In response to the enquiry, the Assistant Head confirmed that there was a discrepancy in the method of recording the work towards achieving this target across Wales so it was not possible to compare effectively with any other County. However, he considered that there was room for improvement by working with businesses to ensure that their recycling rates improved from the current rates.

It was pointed out that waste was still coming out of the lorries as they completed the routes, leaving rubbish on the sides of roads. The Assistant Head accepted the

comments and stated that staff would be reminded to ensure that all vehicle doors were shut adequately before driving away to ensure this did not continue to happen. The Cabinet Member added that this situation had improved compared to the past.

A member stated that litter left on roadsides was more visible after the grass on the verges had been cut, and asked the Department to consider ensuring that waste collection teams went round after verge cutting circuits to resolve this problem.

In response to a query on how companies package goods for postal delivery, the Assistant Head confirmed that a tax has been imposed on companies since last year to ensure that all packaging was recyclable. He noted that not enough time had passed since this taxation had come into effect to be able to see if companies had made changes as a result. He explained that the money made from this tax would be allocated to the Local Authorities in order to respond to packaging challenges.

It was reported that recycling collections were sometimes carried out using vans when lorries were not available or for collections on narrow roads. It was pointed out that in these cases the contents of the boxes were mixed together, and the member asked if they were sorted once they reached the recycling centre. In response to the comments, the Assistant Head confirmed that these particular vans had been developed by Gwynedd and were now roughly 7-8 years old and dated. He added that difficulties often arose with these vehicles as they broke down frequently and were not fit for purpose because the waste was mixed. However, he reported that the Department had commissioned a company to design purpose-made lorries to address the situation. He emphasised that when the vans were used for collections, work was done to go through the waste in order to sort it.

In response to an enquiry as to whether hessian sack trials would be conducted in the Dwyfor area, the Assistant Head confirmed that there were no specific plans at present but hopefully more trials would take place before the summer, and he invited Members to contact the Department if they are aware of any communities that would be keen to get involved. He elaborated that another trial was required to ensure that the sacks were high quality, were not caught by the wind and to provide an opportunity to educate residents on their use. Some of the advantages of using hessian sacks over the use of the recycling cart were highlighted, stating that if the sacks were swept away by the wind, the waste was still confined to the sack, whereas this was not the case for the cart as we could see the waste scattered if it was taken by the wind. It was pointed out that around 60,000 recycling carts were located across Gwynedd and it was emphasised that there was no requirement for people to stop using them, ensuring that switching to the use of sacks would be a process over time. It was confirmed that no one would be forced to stop using the recycling cart and they would continue to be used in the future. Nevertheless, it was confirmed that the cost of providing a new cart was high compared to the cost of providing hessian sacks.

In response to an enquiry regarding the need to collect broken bins and boxes when delivering new equipment, the Assistant Head confirmed that arrangements were in place to collect any broken equipment when delivering new ones, and he asked anyone to contact the Department's bin collection service if this did not happen. The members expressed their thanks for the report.

Resolved:

- 1. To accept the report, noting the observations made during the discussion.**
- 2. To recommend to the Cabinet Member for the Environment that:**

- **consideration should be given to intensifying training/campaigns to educate on the importance of recycling.**
- **consideration should be given to introducing penalties for failure to recycle appropriately.**

7. FOOTPATHS

The report was presented by Cabinet Member for the Environment, the Assistant Head of Environment Department, the Traffic and Projects Service Manager and the Footpaths Team Leader. They referred briefly to the following main points:

They reported that public right of way paths were a valuable resource that addressed several of the Council's strategic objectives, while their users got to enjoy the diverse landscape of the County. They elaborated that they were a means of ensuring access to fresh air for their users, a good way of keeping fit and healthy and that they also reflected the history and culture of the communities. It was expressed that Gwynedd's public rights of way network was long, with so many miles of footpaths to walk that it was equivalent to walking from Caernarfon to Cairo (2,418 miles).

It was explained that the public rights of way routes included the Wales Coast Path, the *Lonydd Glas* network in Gwynedd and a number of active travel routes that were being developed by the Council, along with other paths.

They referred to some of the service's challenges arising from budget cuts, while there was an ongoing legislative expectation on the Council to ensure that some of the paths remained open for use.

Reference was made to the work programme of the Footpaths Team, explaining that their main activities included:

- Cutting seasonal growth
- Restoring infrastructure (bridges, walls, gates, stiles, culverts)
- Installing new infrastructure
- Implementing a signage scheme
- Responding to queries, complaints and freedom of information requests
- Dealing with all legal issues in the field:
 - Maintaining the official map/record of public rights of way in the County
 - Dealing with requests for claims, changes and diversions to the official network and map which were subject to legal processes.

It was confirmed that work was underway to ensure that these routes were as accessible as possible, swapping stiles for gates where possible so that more users could follow the paths.

It was added that the effects of climate change and turbulent weather can force officers to change the direction of paths, if it was no longer possible to use them, such as if there had been landslides near any path. It was noted that there were additional costs involved in doing this, which had an impact on the service's budgets.

It was noted that work was underway to revise the rights of way policy and the Rights of Way Improvement Plan and they confirmed that the service would undertake a consultation on the matter. It was hoped that a cross-section of various communities from different areas of the County would contribute comments and feedback within that consultation.

During the discussion, the following observations were made by the Members:-

It was pointed out that several paths within the county could not be used due to overgrowth. In response, the Footpaths Team Leader explained that a lack of resources had forced the Team to categorise paths according to their usage, and he stated that there were no budgets or resources available to maintain every single footpath within the County. He elaborated that the Team relied on feedback from Community Councils and Local Members to identify which footpaths were most used within their areas, and to hold discussions with the Team. In response to a further enquiry, he explained that it was impossible to remove any footpath from the network map without following a legal process, this explaining why these paths still appeared to residents.

In response to an enquiry on categorising footpaths, the Footpaths Team Leader explained that there were four different categories, with category 1 and 2 receiving the Team's ongoing attention. It was explained that these categories had been formed with the help of the community councils as they had reported on which footpaths were most used. It was acknowledged that this work had been carried out some time ago now, but it was emphasised that the Team was considering requests from councils and individuals to re-categorise footpaths. It was noted that the public could view the category of any path they wished to use by accessing Map Gwynedd on the Council's website. It was explained that category 3 and 4 paths were likely to be ones that were not currently receiving maintenance work.

In response to an enquiry regarding having input from occupational therapists and disabled people to ensure access for all, the Assistant Head explained that they had been trying to recruit more stakeholders to become members of the Local Access Forum. The Footpaths Team Leader elaborated that there were members representing disabled groups on the Forum and that their comments fed into the work of ensuring access for all.

Particular attention was drawn to a section of Lôn Eifion in Penygroes which had closed recently due to damage following severe weather. In response to the comments, the Assistant Head acknowledged that it was hoped that the path would have reopened by the Easter holidays this year but the quotes received from companies to work on the path were very costly and did not provide value for money. He explained that they hoped to wait until the new financial year and for the path to reopen as soon as possible afterwards. He confirmed that an update would be shared with the members as soon as possible. It was emphasised that there was no emergency funding within the budgets.

The members expressed their thanks for the report and to the Team for their work.

RESOLVED

To accept the report, noting the observations made during the discussion.

The meeting commenced at 10:30am and concluded at 1:25pm

CHAIR

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| COMMITTEE | COMMUNITIES SCRUTINY COMMITTEE |
| DATE | 11 June 2026 |
| TITLE | Article 4 Direction |
| REASON FOR SCRUTINY | Council Plan 2023-2028 – a Homely Gwynedd |
| AUTHOR | Gareth Jones – Assistant Head of Environment Department Iwan Evans – Head of Legal Services |
| CABINET MEMBER | Councillor Craig Ab Iago |

1. Why does it need to be scrutinised?

- 1.1 The Committee considered a report on the public engagement relating to the introduction of an Article 4 Direction to manage the change of use from primary residences to second homes or short-term holiday accommodation at its meeting on 16 May 2024. The Cabinet confirmed the Direction on 16 July 2024. The Article 4 Direction came into force on 1 September 2024.
- 1.2 Following a successful judicial review, the Direction was quashed by the High Court in 2025, meaning that the Direction is no longer in effect.
- 1.3 Scrutinising the position in relation to the now-quashed Direction, including the legal background as well as the next steps, will enable the Committee to ensure that all matters associated with this issue are given full consideration.

2. What exactly needs to be scrutinised?

- Decision-making process on the introduction of an Article 4 Direction (**paragraph 4.5 – 4.13**)
- Legal background (**paragraph 4.14 – 4.32**)
- What has been learned? (**paragraph 4.42 - 4.44**)
- What are the next steps? (**Section 5**)

3. Summary and the Key Issues

- a. This paper provides relevant background and contextual information to enable essential scrutiny of the statutory processes undertaken in association with the introduction and confirmation of the Article 4 Direction.
- b. The nature and scope of the legal challenge submitted following the Cabinet's decision to confirm the Article 4 Direction is outlined, including an overview of the legal grounds associated with the challenge. Furthermore, it also provides further information and a more detailed analysis of the grounds that were subject to the successful legal challenge, namely the principle of material change of use.

4. Background

- 4.1 Between summer 2023 and summer 2024, Cyngor Gwynedd implemented the necessary steps to introduce an Article 4 Direction for the Gwynedd Local Planning Authority Area. The purpose of the Article 4 Direction was to revoke permitted development rights to change of use of a residential house (C3 use class) to holiday use, whether it was to be used as a second home (C5 use class), short-term holiday accommodation (C6 use class) or a mixed use of these classes (use classes C3, C5 and C6).
- 4.2 A public engagement period relating to the Article 4 Direction Notice was held between 2 August and 13 September 2023. Undertaking the engagement period was a statutory requirement as set in the Town and Country Planning (Permitted General Development) Order 2022 (as amended). After considering the representations received during the engagement period, the Cyngor Gwynedd Cabinet decided to confirm the Article 4 Direction on 16 July 2024, with the Article 4 Direction becoming operational from 1 September 2024 onwards.
- 4.3 Following the Cabinet's decision to confirm the Article 4 Direction, an application was submitted to the High Court to challenge the decision through a Judicial Review. Permission was granted to conduct the Judicial Review, and the hearing was held on 23 June 2025. The formal order in relation to the Judicial Review was received on 27 November 2025. The outcome of the order was to revoke the decision of the Cyngor Gwynedd Cabinet (16 July 2024) to confirm the Article 4 Direction.
- 4.4 The Council's oral request which was submitted to the judge in the case for permission to appeal the decision was refused, and a written application to appeal to the Court of Appeal was therefore prepared. On 6 February 2026, a ruling was received from the Court of Appeal, refusing the right to appeal. After this ruling was received, the procedures of the legal case ended, meaning that the Article 4 Direction was no longer operational within the Gwynedd Local Planning Authority area.

The decision-making process on the introduction of an Article 4 Direction

- 4.5 Cyngor Gwynedd has been proactive in its commitment to address the side-effects deriving from having a high number or concentration of second homes and/or self-catering holiday accommodation within some of the county's communities, as set out within the Council Plan priority area, a homely Gwynedd..
- 4.6 In 2020, a report prepared at the request of the Council's Cabinet was submitted to the Welsh Government, calling for the introduction of regulatory measures within the holiday accommodation and second homes sector, including a specific control mechanism within the planning system. This work highlighted the Council's commitment to responding to the challenge at both a national and local level.
- 4.7 Following the submission of this report, the Welsh Government published its three-pronged approach to address the impacts of holiday homes. This approach involved changes within the planning system, including the introduction of new use classes for self-catering holiday accommodation and second homes.
- 4.8 Following legislative changes to the Planning system in October 2022 came the opportunity to implement a planning mechanism (Article 4 Direction) which enabled the Council to require planning permission before it would be possible to undertake a **material change of use** of a dwelling house into self-catering holiday accommodation and/or second home.

- 4.9 The process of introducing an Article 4 Direction is laid out in the Town and Country (Permitted General Development) Planning Order 2022 (as amended)¹. In 2023, the Cyngor Gwynedd Cabinet decided to follow the route of introducing an Article 4 Direction (non-immediate effect), resulting in the need to introduce a 12-month notice period before implementing the Article 4 Direction.
- 4.10 In accordance with the relevant legislative requirements, after serving notice of the Article 4 Direction and conducting an associated engagement period, a report was submitted to a meeting of the Cyngor Gwynedd Cabinet on 16 July 2024, asking them to consider the representations received during the public engagement period and confirm the Article 4 Direction to be operational from 1 September 2024 onwards.
- 4.11 The Article 4 Direction meant that the permitted development rights for the following **material changes of use** were revoked:
- Main residence (use class C3) into a second home (use class C5) or short-term holiday accommodation (use class C6) and specific mixed uses;
 - Second home (use class C5) to short-term holiday accommodation (use class C6) and specific mixed uses;
 - Short-term holiday accommodation (use class C6) to a second home (use class C5) and specific mixed uses.
- 4.12 If the Article 4 Direction had not been introduced, it would be possible to change between the new use classes without the need to obtain planning permission, as the change of use would constitute permitted development rights, which is the current situation.
- 4.13 The following table gives a brief overview of the steps associated with the introduction of the Article 4 Direction (now revoked):-

| | Explanation | Date |
|----------------|--|------------------------------------|
| Step 1: | Gather evidence and prepare a justification paper | End of 2022 up to May 2023 |
| Step 2: | Approve the making of the Article 4 Direction, issue a notice and conduct an associated engagement period. | 23 June 2023 |
| Step 3 | Conduct the public engagement period | 2 August 2023 to 13 September 2023 |
| Step 5 | Confirm the Article 4 Direction | 16 July 2024 |
| Step 6: | Article 4 Direction operational | 1 September 2024 |

Table 1: Process of introducing the Article 4 Direction and associated timetable

¹[Town and Country Planning \(General Permitted Development\) Order 2022 \(as amended\)](#)

The Legal background

4.14 The main steps associated with the legal challenge are highlighted below:-

| | Explanation | Date | Relevant documents |
|-----------------|---|-------------------|--|
| Stage 1: | Court receives an application to conduct a Judicial Review of the Cyngor Gwynedd Cabinet's decision to confirm the Article 4 Direction. 5 grounds for the appeal were submitted. | August 2024 | Background documentation, see appendix 1a to 1ch |
| Stage 2: | Papers for the written application for a Judicial Review refused | 7 November 2024 | - |
| Stage 3: | Oral hearing on the application to conduct a Judicial Review | 17 December 2024 | - |
| Stage 4: | Permission granted to conduct a Judicial Review based on ground 1 only , and the 4 other grounds were disregarded. | 27 February 2025 | Ruling, see Appendix 2 |
| Stage 5: | Substantive hearing held. | 23 June 2025 | - |
| Stage 6: | Ruling associated with the Substantive Hearing received | 24 September 2025 | Ruling, see Appendix 3 |
| Stage 7: | Order received from the High Court, revoking the Cyngor Gwynedd Cabinet's decision (16 July 2024), to confirm the Article 4 Direction. | 27 November 2025 | - |
| Stage 8: | Cyngor Gwynedd makes and application to appeal the High Court decision. | 18 December 2025 | |
| Stage 9: | Court of Appeal's decision to refuse the written application to appeal the decision of the High Court is received. | 6 February 2026 | - |

Table 2: Stages of the legal challenge

4.15 As has been outlined in the table above, following the Cabinet's decision on 16 July 2024, to confirm the Article 4 Direction, an application was submitted to the Court by Enlli Angharad Williams (the claimant) to hold a judicial review of the decision to confirm it (**Stage 1**).

4.16 When applying to conduct a judicial review, the claimant is required to obtain the court's permission to continue with the application. The original application to hold a judicial review argued five grounds. Detailed information on the grounds can be found in the ruling (Appendix 2); they are summarised as follows: -

Ground 1: That the Council had misunderstood the amendments to the planning procedure in 2022 and had failed to consider the possibility for new holiday homes (be they in use class C5 or use class C6) despite the direction.

Ground 2: The Council was misdirected or had misunderstood the impact of the direction on providing affordable housing.

Ground 3: The Council unlawfully failed to consider the relevant planning policy of promoting and supporting holiday accommodation.

Ground 4: The Council failed to consider evidence regarding the current use of the Welsh language.

Ground 5: That the Council misinterpreted national policy that makes it a requirement to test exceptional circumstances when justifying the removal of general permitted development rights.

4.17 A judge (His Honour Judge Jarman KC) considered the written application on 7 November 2024, and permission was refused to continue on the five grounds (**Stage 2**). The claimant implemented their right to make an application to have their application reconsidered orally. A hearing (oral) was held by The Honourable Mr Justice Pepperall on 17 December 2024 (**Stage 3**) with the ruling received on 27 February 2025 (Appendix 2). Permission was granted by the Honourable Mr Justice Pepperall to hold a judicial review on **Ground 1 only** (see above); all remaining grounds were dismissed (**Stage 4**).

4.18 The main argument of ground 1 is that the Council failed to appreciate that planning consent is only needed for **material changes of use**, and therefore it would not have the effect of preventing every change of use revoked by the Article 4 Direction.

4.19 The evidence submitted to support ground 1 on behalf of the claimant included: -

- Cabinet Report (meeting on 16 July 2024) (see appendix 1a).
- Public Engagement Report (see appendix 1b)
- Equality Impact Assessment (see appendix 1c), and
- The public notice (draft) (see appendix 1ch).

4.20 It was argued that the guidance in these documents was incorrect or misleading in relation to section 55 and section 57 of the Town and Country Planning Act 1990 as it was only **material change of use**, and not necessarily every change of use that required planning permission. Therefore, it would not be possible for the Article 4 Direction to prevent every change of use between the relevant use classes, as the claimant alleged, in the way that the Council had believed.

4.21 In his ruling that gave the permission to undertake the legal challenge (see Appendix 2), the judge referred to the case of Moore v. the Secretary of State for Communities and Local Government [2012], which included information in terms of the relevant considerations when determining whether the change of use of a main residence (use class C3) into short-term accommodation is a material change of use and therefore requires planning permission. The case states:-

“Starting from first principles, without the assistance of any authority, whether the use of a dwellinghouse for commercial letting as holiday accommodation amounts to a material change of use will be a question of fact and degree in each case, and the answer will depend upon the particular characteristics of the use as holiday accommodation. Neither of the two extreme propositions - that using a dwellinghouse for commercial holiday lettings will always amount to a material change of use, or that use of a dwellinghouse for commercial holiday lettings can never amount to a change of use - is correct.”

- 4.22 The Judge (The Honourable Mr Justice Pepperall) accepted that the changes to planning legislation in 2022 may not control changes of use completely from C3 or C5 into C6 or mixed use as materiality is a matter of fact and degree and it was concluded that it was *“...properly arguable that the Cabinet was misled as to the law and therefore as to the efficacy of the Direction”*.
- 4.23 A substantive hearing was held on 23 June 2025 in the High Court before The Honourable Mr Justice Eyre. The ruling associated with the case was received on 24 September 2025 (see Appendix 3).
- 4.24 During the subsequent hearing on 27 November 2025, and following his earlier judgment, the judge (Mr Justice Eyre) made an order to quash Cyngor Gwynedd Cabinet’s decision of 16 July 2024 to confirm the Article 4 Direction

Conclusions of the ruling on 25 September 2025 (Appendix 3)

- 4.25 The judge (Justice Eyre), in his ruling to revoke the Cabinet's decision to confirm the Article 4 Direction, highlighted that the main consideration of the case was whether the members who made the decision to confirm the Article 4 Direction (i.e. the Cabinet), had been materially misled on matters that could have influenced their decision to such an extent so that the decision may have been different were it not for the advice.
- 4.26 The ruling provided a detailed analysis of the legal definition of development, along with the relevant considerations arising in relation to material change of use.
- 4.27 The Judge (Justice Eyre) considered that it would not be reasonable to expect members of the Cabinet to possess the same level of understanding of the planning system compared to members of the Planning Committee, for example. Consequently, it was not possible to take for granted that Cabinet Members understood the concept of materiality in the context of material change of use, unless this matter had been explained to them clearly and specifically. Furthermore, it is questioned whether Cabinet members would have read all material submitted to them thoroughly, considering the demands on their time. It was noted that the members did not need a thorough understanding, however, they would have been expected to know what the nature and impact of the decision being made was, which meant that they needed to be reminded, in simple terms, of the impact of the Article 4 Direction practically in the context of the changes of use that may or may not be affected.
- 4.28 After reviewing the documents submitted to the Cabinet, the judge (Justice Eyre) found that the documentation submitted strongly suggested that the Article 4 Direction would control every change of use; furthermore, reference was made to the fact that the only reference to material change of use that was in the Engagement Report under heading 34, which was towards the end of the document.

- 4.29 What the judge was asked to consider was whether it was **highly likely** that the Cabinet would have made a different decision. The judge accepted that it was **likely** the Cabinet's decision would not have been different if the report had explained the point about material change of use. However, he did not consider it to be **highly likely**.
- 4.30 It was concluded that the Cabinet members had been materially misled and thus, in a subsequent hearing on 27 November 2025, an order was made for the decision to confirm the Article 4 Direction to be revoked.

Subsequent legal action - Council's application to appeal the decision

- 4.31 The Council made a written application for permission to appeal the decision to the Court of Appeal on two grounds (**Stage 8**), this application was refused by the Right Honourable Justice Lewisam on 6 February 2026 (**Stage 9**). The judge found that reports presented to the Cabinet were expected to fully explain the implications of the decision, and also found that although it was **likely** the Cabinet would have made the same decision, it was not **highly likely**
- 4.32 Following the ruling to refuse permission to appeal the decision, the legal procedures associated with the Article 4 Direction ended, which meant that the Article 4 Direction confirmed by Cyngor Gwynedd Cabinet on 16 July 2026 had been definitively revoked, and therefore it is no longer in effect in the Gwynedd Planning Authority Area.

What is 'Material Change of Use'?

- 4.33 As highlighted above, the ground of the successful legal challenge was based on the background documentation (appendices 1a to 1ch) not explaining that planning permission would only need to be obtained for **material changes of use**, following the implementation of the Article 4 Direction.
- 4.34 Planning consent must be obtained to undertake development. The definition of 'development' is set out in section 55 of the Town and Country Planning Act 1990 (TCPA) and includes undertaking a material change of use.
- 4.35 The Town and Country Planning (Use Classes) Order 1987 (UCO)², as amended, places the use of land and buildings in different categories known as 'use classes'. Changes of use within a specific use class is not development and therefore does not require planning consent.
- 4.36 The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO)³, permits some specific changes of use between the specified use classes (permitted development rights). Permitted development rights are developments that can be undertaken without the need to apply for planning consent, as it is already applied within the GPDO. Excluding the general changes permitted within the GPDO, in general, planning consent will be required for other material changes of use between the specified use classes.

² Town and Country (General Permitted Development) Planning Order 2002 (as amended)

³ Town and Country (Use Classes) Permitted Order 2022 (as amended)

- 4.37 What constitutes a **material change of use** is not defined. Determining whether a material change of use has occurred, and therefore whether planning permission is required, is a matter of fact and degree for the relevant planning authority to consider on a case-by-case basis. Among the factors likely to be relevant in determining whether a proposed development (specifically holiday accommodation/second homes) amounts to a **material change of use** are the frequency, scale, or intensity of the use.
- 4.38 The term "change of use" is often used as a short-hand form for "material change of use", including in legislation and national policy. To this end, it was not considered that using the "change of use" turn of phrase, instead of "material change of use" when presenting background information associated with justifying the introduction of the Article 4 Direction, was in any way unusual or misleading. For example, the legislation that provides permitted development rights to change between these use classes, i.e., Class I of the Town and Country (General Permitted Development) Planning Order 1995 (GPDO), refers to "change of use" instead of "material change of use":-

“Class I

I. Permitted development

Development consisting of a change of use of a building—

- 4.39 Furthermore, when referring to the principle of introducing an Article 4 Direction, Planning Policy Wales notes as follows:-

*4.2.10 Where robust local evidence has identified impacts on the community arising from the prevalence of second homes and short-term lets, planning authorities may consider co-ordinated local planning approaches. This may include specifically identifying sites in development plans for new homes which are limited in use to sole or main residences or local market housing (see paragraph 4.2.9) and/or the introduction of area specific Article 4 directions which may require a planning application for a **change of use** [emphasis added] of a sole or main residence to a second home or short-term let. For the specific area to which such an Article 4 direction applies, restrictions by condition or obligation should be placed on all new homes limiting their use to sole or main residences. Further guidance on the use of Article 4 directions, planning conditions and obligations is provided in the Development Management Manual.*

- 4.40 It is further noted that the Engagement Report submitted to the Cabinet to assist them to make their decision associated with confirming the Article 4 Direction, included an explanation of when planning consent would have to be sought to undertake material changes of use. This was specifically in response to a representation received (Theme 34) during the period of public engagement relating to the 'Impact of the Article 4 Direction'. It was considered that this extract proved the officers' understanding in relation to materiality and provided an explanation to the Cabinet during the confirmation process.

The principle of material change of use in practical terms

- 4.41 In order to ensure an understanding of what constitutes material change of use and when planning consent would be needed, or not, some practical examples have been provided below. It is emphasised that every case would have to be dealt with individually and based on its own merits and associated facts.

Example 1: Using a property that is currently used as a main residence (C3) as short-term holiday accommodation (C6) for a one-off weekend because of a local event.

Guidance: Unlikely to be a material change of use as the use would only be a one-off. Any disturbance would be restricted to a short time only.

Example 2: Using a residential house (use class C3) as short-term holiday accommodation (C6) use regularly (with no other use in the meantime).

Guidance: Because of the frequency, use density and long-term intent, it is considered that this type of use would be a material change of use and that planning consent would have to be obtained in order to undertake this use.

Example 3: Using a residential house (Use Class C3) as a second home (Use Class C5) for occasional family use, where their main residence is in another house.

Guidance: This change of use is likely to be a material change of use as it is a permanent change and as the residential unit would no longer be used for main residence use.

What has been learned?

- 4.42 As highlighted in paragraphs 4.8 – 4.10, following amendments to the relevant legislation, Cyngor Gwynedd was the first Local Planning Authority to act on the changes by introducing an Article 4 Direction. Although guidance regarding the required process associated with preparing and approving an Article 4 Direction exists, there is a lack of detailed guidance on the evidence that should be gathered in order to justify the introduction of an Article 4 Direction, particularly given the wide geographical area concerned.
- 4.43 At every stage of the process, the risks associated with being the first to introduce an Article 4 Direction following the legislative changes were identified, including the risk of legal challenge. These risks are considered, as far as possible to have been managed throughout the process.
- 4.44 Cyngor Gwynedd has developed and nurtured specific skills and expertise within this area of work, and as a result has been able to share experiences and documentation with other authorities, including Eryri National Park. Sharing resources, background evidence and lessons with other authorities formed part of the terms agreed with the Welsh Government for their financial support. The skills and expertise developed through the process of preparing the Article 4 Direction have been extremely valuable, and are transferable to other relevant projects in the future.

How much has Article 4 cost the Council so far? How has the cost been funded?

- 4.45 Unavoidably, there were financial costs and staff resource pressures associated with the process of introducing the Article 4 Direction. These resource (financial and staffing) implications were carefully considered as part of the initial discussions before deciding to proceed and prepare the Article 4 Direction. In order to ensure that the Council had adequate resources to prepare and implement the Article 4 Direction successfully, a grant of £402,330 was secured from Welsh Government, with the Council contributing match funding of £400,000 through one-off revenue funding.
- 4.46 Since April 2023, the process has cost a total of £465,654.63 to date, and it has been funded as follows:
- £311,683.05 funded through the Welsh Government Article 4 Grant
 - £153,971.58 funded through the Council's one-off revenue funding

As a result, a sum of £336,675.37 remains in the fund at present.

- 4.47 The costs associated with the Article 4 Direction have included staffing costs (£325,618.94), administrating the process (£59,961.69), and legal costs (£80,074.00).
- 4.48 It is emphasised that this funding has been an investment that has contributed to developing the Council's understanding of the steps associated with the process of introducing an Article 4 Direction. In addition, it has led to the creation of a practical framework (including report templates, public notices, letters, etc.), which can be amended and re-used in the future.

5. Next Steps

- 5.1 Following the Court of Appeal's refusal of permission to appeal the High Court ruling, careful consideration will need to be given to potential future implementation options. In doing so, it is important to be mindful of the Council's commitment to address the housing crisis facing the county, the need to protect the communities of Gwynedd and ensure that the residents of Gwynedd have a fair chance to live in the county. The Council will also need to consider the contextual changes that have occurred in the meantime which are relevant to second homes and holiday accommodation, such as changes to the taxation framework, the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, and the Visitor Levy.
- 5.2 It should also be noted that there has been a change in Government, with Plaid Cymru's priorities including a review of the *effectiveness of the existing measures relating to second homes and holiday lets*. The Council will need to closely monitor developments in this regard. Furthermore, the Council Plan continues to identify the management of second homes and short-term holiday accommodation as a priority.
- 5.3 As noted, achieving control in this area remains a priority for the Council. However, a number of contextual changes require further consideration before any decisions can be made regarding the way forward. Due to the need to give full consideration to the matters set out above, and to avoid the risk of waiving legal privilege, it is premature to confirm any timetable for the next steps at this stage.
- 5.4 It is emphasised that, despite the challenges and disappointment associated with the quashing of the Article 4 Direction, it is also important to note that the legal challenge was not granted permission on the basis of any fundamental failure relating to the process of its preparation or the justification for it.

6. Additional Questions

- What is the difference between the direction that was in place in Gwynedd and the direction that is in place in the Eryri Snowdonia National Park Authority area?

The Article 4 Direction prepared and approved by Cyngor Gwynedd applies only to the Gwynedd Local Planning Authority area.

The permitted development rights removed within the Eryri National Park Article 4 Direction correspond with those removed by Cyngor Gwynedd.

- What difference/similarity was there in terms of the decision process by the Council and the Park?

The process of making and confirming the Article 4 Direction was carried out in accordance with Cyngor Gwynedd's constitutional arrangements.

Eryri National Park began the process of preparing an Article 4 Direction after Cyngor Gwynedd, which meant they were able to draw on Gwynedd Council's reporting provisions, including the basis of the legal challenge

- How much has Article 4 cost the Council so far? How has the cost been funded?

See paragraph 4.45 – 4.48

- What considerations were taken into account when coming to a conclusion on the next steps?

See section 5

- What's the timetable?

In line with the issues set out in section 5 this is to be decided.

- What is the intention in terms of engaging and getting public opinion?

This will be undertaken in accordance with statutory requirements

- In order to dispel myths and ensure accurate information, is it intended to include responses to public objections e.g. impact on property value, as part of the engagement?

Any engagement will be carried out in accordance with statutory requirements. During the engagement process on the Article 4 Direction (now revoked) , all comments received were reported in a comprehensive Engagement Report. The report included the Council's detailed responses those comments. (see Appendix 1b)

7. Consultation

Not applicable to this report. It is emphasised that extensive engagement was undertaken as part of the process of preparing and confirming the Article 4 Direction (now revoked), and the Public Engagement Report produced following the engagement period is included at Appendix 1b.

8. Well-being of Future Generations (Wales) Act 2015

Not applicable to this report. The Well-being of Future Generations (Wales) Act 2015 was given full consideration in the preparation and implementation of the Article 4 Direction. See appendix 1a – Cabinet Report

9. Impact on Equality Characteristics, the Welsh Language and the Socio-economic Duty

Not applicable to this report. An impact assessment was prepared as part of the introduction of the Article 4 Direction and can be viewed in Appendix 1c.

10. What will happen next?

1.10 The next steps are subject to further discussions, taking into account other relevant changes that may have an impact. Appropriate reporting arrangements will be put in place accordingly.

Appendices

Appendix 1: Background information

Appendix 1a: Cabinet Report (meeting on 16 July 2024)

Appendix 1b: Public Engagement Report

Appendix 1c: Equality Impact Assessment, and

Appendix 1ch: The public notice (draft)

Appendix 2: Ruling on the application to conduct a Judicial Review (oral hearing)

Appendix 3: Ruling on the Judicial Review (substantive hearing)

CYNGOR GWYNEDD CABINET



Report to a meeting of Cyngor Gwynedd Cabinet

Date of meeting: 16/07/24

Cabinet Member: Councillor Dafydd Meurig

Contact officer: Gareth Jones, Assistant Head of Environment Department

Contact Number: 34092

Subject: Consider the representations received during the public engagement period on the Article 4 Direction and make the final decision on confirming the Article 4 Direction.

THE DECISION SOUGHT

1. After considering the representations received during the public engagement period, to confirm the Article 4 Direction dated 1 September 2024 without immediate effect (Appendix 2) for the following uses:
 - (a) Change of use from C3 (primary residence) to C5 (second home) or C6 (short-term let) and specific mixed uses;
 - (b) Change of use from C5 (second home) to C6 (short-term let) and specific mixed uses;
 - (a) Change of use from C6 (short-term let) to C5 (second home) and specific mixed uses.
2. Subject to receiving the Cabinet's confirmation of the Article 4 Direction, to notify those affected in accordance with the requirements of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and authorising the Head of Legal Services to endorse the decision on the Article 4 Direction.
3. To delegate the right to the Head of Environment Department in consultation with the Head of Legal Services to make editorial adjustments to the notice (Appendix 3) prior to its publication.

REASONS FOR THE NEED FOR A DECISION

Changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) have created 3 new use classes for Primary Residence (C3), Second Homes (C5) and Short-Term Let (C6). If considered appropriate, in order to prevent and gain control of the unrestricted change of use between the new use classes, Local Planning Authorities have the power under the Town and Country Planning (General Permitted Development etc.) Order 1995 (as amended) to introduce an Article 4 Direction for a specific area.

Following a decision by the Cyngor Gwynedd Cabinet on 13 June 2023, an Article 4 Direction Notice was served for the Gwynedd Local Planning Authority area. As well as serving the Notice, a period of associated public engagement was undertaken,

The Cabinet is now required to consider the comments received during the public engagement period and the Council's response to the comments, and make a decision on the propriety of confirming the Article 4 Direction or otherwise.

INTRODUCTION AND RELEVANT CONSIDERATIONS

1.0 INTRODUCTION

1.1 Amendments to planning legislation that have been in force since 20 October 2022 enable Local Planning Authorities to respond to the challenges associated with second homes and holiday accommodation in a way that was not previously possible.

1.2 The changes to planning legislation include:-

- Amending the Town and Country Planning (Use Classes) Order 1987¹ to create three new use classes for **primary Residences (C3), Second Homes (C5) and Short-term Lets (C6)**;
- Amending the Town and Country Planning (General Permitted Development) Order 1995² to allow unrestricted changes between the three new use classes (Primary Residences, Second Homes and Short-term Lets). In other words, no planning permission is required to move from one of the use classes to another;
- Amending Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday lets in a local area must be taken into consideration when considering the housing requirements and policies in Local Development Plans (LDPs).

¹[Town and Country Planning \(Use Classes\) Order 1987 \(as amended\)](#) (English version only)

²[Town and Country Planning \(General Permitted Development\) Order 1995 \(as amended\)](#) (English version only)

- 1.3 As a result of these changes, residential dwellings depending on the use made of them when the legislative changes were implemented, are now defined in accordance with the new relevant use class category. For example, a dwelling-house that is the primary residence for an individual is defined as C3 use (Primary Residence), a property used as a second home is defined as C5 use (Second Home) and a property used as short-term holiday let is defined as C6 use (Short-term Let).
- 1.4 Owners have the right to change the use of a residential dwelling from one of the new use classes (C3, C5 and C6) to another new use class, without the need to obtain planning permission, as the amendment to planning legislation allows this (permitted development right). New planning applications for primary residences/secondary residences (second homes)/short-term holiday lets will receive planning permission for the relevant use class.
- 1.5 If deemed appropriate, in order to restrict and gain control of the unrestricted change of use between the new use classes, the Local Planning Authority has the power to introduce what is called an **Article 4 Direction** for a specific area. An Article 4 Direction (depending on its content and scope) would remove the rights to switch between the use classes without planning permission. An Article 4 Direction can be implemented for the whole Local Planning Authority Area, provided it can be evidenced that there are exceptional circumstances that justify it and that the process of presenting and receiving approval to the proposal has followed the correct procedures. Those procedures are set out in the relevant legislation.
- 1.6 It is emphasised that making an Article 4 Direction does not prevent development but rather, it means that planning permission must be sought from the Local Planning Authority for the proposal. Enforcing the requirement to obtain planning permission, means that the impacts of the development must be considered in accordance with the local and national planning policy context.
- 1.7 A public engagement period relating to the Article 4 Direction Notice – without immediate effect – was conducted between 2 August and 13 September 2023. This engagement period was a statutory requirement that is set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended)³.

³[Town and Country Planning \(General Permitted Development\) Order 2022 \(as amended\)](#)

- 1.8 The Council is now required to consider the representations received during the engagement period before it makes its final decision on confirming the Article 4 Direction. This decision will be the responsibility of the Cyngor Gwynedd Cabinet. Should it decide to confirm the Article 4 Direction, it will be effective from 1 September 2024 onwards.

2.0 SCRUTINY

- 2.1 The matter was reported, namely the comments received during the public engagement period along with the Council's response to those comments, to a meeting of the Cyngor Gwynedd Communities Scrutiny Committee on 16 May 2024. The report submitted to the Scrutiny Committee was accepted and it was recommended that the Cabinet confirm the Article 4 Direction.

3.0 PROPOSAL

3.1 Background

- 3.1.1 Over the years, Cyngor Gwynedd has campaigned and pressed on the Government to address the increase in holiday home ownership across the county and the associated side-effects. During 2020 research was prepared by the Joint Planning Policy Service, 'Managing the Use of Housing as Holiday Homes'. The research was approved by the Council's Cabinet and was forwarded for the attention of the Welsh Government.
- 3.1.2 In response to this work together with calls from other groups/organisations the Government was prompted to respond to the crisis by issuing/considering issuing a range of appropriate control measures for holiday accommodation and second homes.
- 3.1.3 One of the control measures implemented is the change to planning legislation, with this change placing the direction of implementation in the hands of Local Planning Authorities.

3.2 The process

- 3.2.1 The process relating to serving a Notice of Article 4 Direction is set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The process has four key stages:-

- **Stage 1: Decide to serve the Article 4 Direction Notice;**
- **Stage 2: Conduct the public engagement period;**

- **Stage 3: Consider the representations received and make the final decision (confirm the Article 4 Direction);**
- **Stage 4: Make the Article 4 Direction**

Stage 1: Decide to serve the Article 4 Direction Notice.

3.2.2 A Justification Paper was prepared by the Planning Policy Service, to support the implementation route associated with introducing the Article 4 Direction. The Justification Paper, along with a draft version of the Notice of Article 4 Direction and a draft version of the Article 4 Direction were submitted to a meeting of the Cyngor Gwynedd Cabinet on 13 June 2023.

3.2.3 At this meeting, the Cabinet resolved:-

- To approve the justification paper for issuing an Article 4 Direction
- To approve making an Article 4 Direction without immediate effect (i.e. implemented following a 12-month period).
- Serving a Notice of the Article 4 Direction.

Step 2: Conduct the public engagement period

3.2.4 The Article 4 Direction Notice was served on 2 August 2023 for a period of six weeks (up until 13 September, 2023). The requirements set out in the Town and Country Planning (General Permitted Development) Order 2022 (as amended) make it a requirement to serve an Article 4 Direction Notice for a minimum period of 21 days. In order to ensure plenty of opportunity for those affected to respond to the Notice, it was decided to place the Notice for a period of six weeks.

3.2.5 It was a requirement to place the Notice in at least two public spaces within the area to which it applies. Since the area where the Article 4 Direction is to be implemented covers the entire Gwynedd Local Planning Authority Area, it was decided that it was reasonable to place a copy of the Notice in a public space in every settlement affected. This meant that 114 site notices were placed.

3.2.6 Further publicity was given to the serving of the Notice by corresponding with every dwelling-house within the Gwynedd Local Planning Authority Area (approximately 52,000 residential dwellings). It is worth emphasising that it was not a requirement to send a letter to every residential dwelling, as the Order states that this is not essential if it is deemed impractical to do so. However, it was considered important that there was awareness of the proposal amongst owners of residential dwellings because of the impact it could have on them,

therefore it was deemed reasonable to attempt to correspond with every residential dwelling.

- 3.2.7 Furthermore, in accordance with the requirements, the Notice was placed in the local newspapers (Caernarfon and Denbigh Herald, Cambrian News and Bangor Mail). Copies of the relevant documents were available to view in the Council's main offices and the local public libraries, and also on the Council's website.
- 3.2.8 As well as serving the Notice, a period of public engagement was undertaken at the same time. Representations could be submitted on paper or on-line.
- 3.2.9 To facilitate the process of making representations, a dedicated web-page was prepared (www.gwynedd.llyw.cymru/article4), which contained the essential information as well as a series of frequently asked questions and answers in the hope of relieving some pressure in terms of the number of enquiries received. Regular use was also made of social media to raise awareness.
- 3.2.10 The questionnaire that was prepared included two open-ended questions which gave people the opportunity to express their opinion on the Article 4 Direction and to note the impact it is likely to have on people with protected characteristics, the Welsh language and people who are economically disadvantaged. The engagement work that has been undertaken goes beyond the statutory requirement, but because the Article 4 Direction covers the entire Local Planning Authority area and affects all residents in the area, it was important to do what was both reasonable and practical for us to do as an authority.

Stage 3: Consider the representations received and make the final decision

- 3.2.11 During the period of public engagement a total of 3,902 valid responses were received. 3,508 representations were made through the online questionnaire and 394 representations were submitted via letter or e-mail. In addition to these valid responses (valid in that a representation was submitted), 369 void responses were also made. Although these void responses did not include a response to the question relating to seeking an opinion, some of the responses have responded to the section 'About me' (personal details).
- 3.2.12 An Engagement Report has been prepared to report on the representations received during the engagement period (Appendix 1). Due to the nature of the representations and the wide range of

matters raised, the responses received have been categorised according to specific themes. For each of these themes the number of comments received that applied to those themes has been recorded, a summary of the comment, and the 'Council's Response' to the matter in question. Under each main theme, Sub-themes have been recorded. The representations received were recorded in accordance with these sub-themes. There may be some instances where a respondent has raised a comment that applies to one or more of the sub-themes. The total 'Number of Comments' recorded is based on the combined number of responses that emerge from the sub-themes.

- 3.2.13 In examining the Engagement Report (Appendix 1), a response to the representations received is noted. The nature of the response to the representations varies, with more consideration and attention usually given to comments where there is a need to refer to specific or additional evidence to address the Council's response.
- 3.2.14 Each stage of the process of preparing the Article 4 Direction has been subject to a specialist legal assessment, and amendments have been made that reflect the guidance received.
- 3.2.15 We note also that some of the responses have led to undertaking additional research, including liaising with local mortgage lenders as well as local Councils.
- 3.2.16 The main objective of introducing the Article 4 Direction will be to try to overturn the social inequality that exists in some of Gwynedd's communities, seeking to ensure that a provision of housing (including affordable housing) is available to meet local need.
- 3.2.17 A range of responses have been received which include comments that are generally supportive of the proposal and consider that it would offer opportunities for people to live in their communities. On the other hand, many are concerned that the proposal will affect them adversely because of the concern that it would lead to reducing property value meaning that individuals/families will end up in negative equity on their property and will have difficulty in obtaining mortgages.
- 3.2.18 The 'Public Engagement Report: Notice of Article 4 Direction Engagement Period' which can be found in Appendix 1, is a core part of this report and the basis for the Cabinet's decision. The Public Engagement Report includes an analysis of the representations which are central to the Cabinet's decision and the recommendation made to the Cabinet. Cabinet members should consider these representations when making their decision.

- 3.2.19 It is also considered that the Report in Appendix 1 responds to the concerns as outlined in paragraph 3.2.18. With regard to decreasing the value of properties, research has been conducted looking at how similar mechanisms have affected property value in other areas - the research concluded that there was no distinct pattern evident. Further research has also been carried out in respect of mortgage availability and the effect that the proposal could have on the tourism sector.
- 3.2.20 The Article 4 Direction was originally presented after preparing the Justification Paper that was submitted to the Council's Cabinet in June 2023. Following the public engagement period and the process of weighing up the responses received and responding to them (see Appendix 1), we have not found any additional information that would justify not confirming the Article 4 Direction.

Stage 4: Make the Article 4 Direction

- 3.2.21 Subject to the Cabinet's decision, the Article 4 Direction will be operational from 1 September 2024 onwards. Due to the additional workload that is anticipated following the decision, a successful recruitment process has been undertaken for two additional Planning Trainees to the Planning Service (in addition to the two officers that have already been recruited). The anticipated additional workload includes:-
- Lawful Use Certificate applications received, with property owners seeking formal confirmation of the use;
 - Change of use applications being submitted for uses that were permitted development previously;
 - An increase in the number of complaints received in terms of misuse of residential dwellings;
 - More general enquiries to gain a better understanding of the situation.
- 3.2.22 The additional posts will be funded using the money that has been allocated by the Government in relation to supporting a range of activities related to the Dwyfor Pilot Scheme, along with money that has been earmarked by the Council.
- 3.2.23 Another important element to ensure that the broader objective of implementing the Article 4 Direction is achieved will be to ensure that the local planning policies are fit for purpose. As such, it is intended to

prepare a new Supplementary Planning Guidance to provide local planning policy guidance that relates specifically to the implications of making the Article 4 Direction. Further, there will be a need to consider the content of the relevant policies contained in the new prospective Local Development Plan.

4. CONSIDERING THE IMPACT

- 4.1 The Council is required (under the Equality Act 2010) to consider the impact that any changes in any policy or procedure (or the creation of a new policy or procedure) will have on people with protected equality characteristics. The Council also has additional general duties to ensure fairness and to foster good relationships. An Equality Impact Assessment should therefore be undertaken before any decision is taken on any relevant change (i.e. that affects people with protected equality characteristics).
- 4.2 The Council is also required, under the Welsh Language Standards (Section 44 of the Welsh Language (Wales) Measure 2011), to consider the impact that any change in policy or procedure (or creating a new policy or procedure), will have on opportunities for people to use the Welsh language and to ensure that the Welsh language is not treated less favourably than English.
- 4.3 Furthermore, in accordance with the Socio-economic Duty that came into force in Wales on 31 March 2021 public bodies have a duty to consider how strategic decisions, including setting objectives and developing public services, can reduce inequalities in terms of the outcome for people facing socio-economic disadvantage.
- 4.4 To assess how the proposal of introducing the Article 4 Direction would affect the requirements noted above, an integrated Equality Impact Assessment (Assessing Impact on Equality Characteristics, the Welsh language and Socio-Economic Disadvantage) has been prepared. The Assessment can be found in Appendix 4. This Assessment has been amended following the public engagement period.
- 4.5 The Assessment highlights that it is difficult to predict the impact of implementing the Article 4 Direction as taking this form of action is unprecedented. However, it is noted that the social inequality that currently exists in some communities in light of the lack of affordable housing along with house prices that are beyond the reach of Gwynedd residents is creating an unsustainable divided society. In an effort to seek to overturn the current situation it is hoped that

introducing the Article 4 Direction, will provide an opportunity to assess the propriety of any proposal that involves changing the use of a residential home to holiday use, be that use as a holiday let or a second home. We hope that this will create a fairer society and will ensure opportunities for all to be able to live in their area of choice. It is therefore noted that reducing inequality that stems from socio-economic disadvantage is a core part of the reason why we need to introduce the Article 4 Direction. It was further concluded that the new procedure would be more inclusive and would offer everyone an opportunity to have input to the Planning process.

- 4.6 The assessment also concludes that the making of the Article 4 Direction would have a positive impact on the Welsh language and the balance of communities as it is hoped that it will stabilise the housing market and offer opportunities for people to be able to live in their communities.
- 4.7 The Assessment highlights that it will be crucial to secure an appropriate monitoring framework to assess the impact of acting under the Article 4 Direction and will be a means of identifying negative (and positive) impacts and seeking to respond to them as required.

The Well-being of Future Generations (Wales) Act 2015

- 4.8 Another important consideration is the Well-being of Future Generations (Wales) Act 2015. The Act seeks to improve Wales's social, economic, environmental and cultural well-being. The act places a well-being duty on public bodies which is aimed at delivering the seven well-being goals by following the five ways of working. The following table highlights these well-being goals and explains concisely how the proposal achieves the goals in question:-

| Goal | Explanation of how the proposal of introducing the Article 4 Direction achieves the goal |
|--------------------|--|
| A prosperous Wales | It will offer opportunities for people to live and work in Gwynedd, thus meaning that there is a stable, skilled and educated population to support the local economy. |
| A resilient Wales | It will lead to a fairer society and thus the county's social resilience will be maintained. |
| A healthier Wales | It will create a fairer society and thus will create circumstances for people to be able to live and work in Gwynedd, which in turn has a positive |

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| | impact on health. |
| A more equal Wales | It will create a society that is more equal and will enable better opportunities for all. |
| A Wales of cohesive communities | It will be a means of creating attractive, viable and safe communities. |
| A Wales with a vibrant culture and a thriving Welsh language | It will offer better opportunities for people to be able to live in their communities and will be an indirect means of protecting culture, heritage and the Welsh language. |
| A globally responsible Wales | Although implementing the Article 4 Direction would be done on a local level in Gwynedd, the principle of creating a fairer society and offering better opportunities for people to live and work in their local communities thus creating viable and sustainable communities is an example of good practice. |

5.0 CONFIRMING THE ARTICLE 4 DIRECTION

- 5.1 The Article 4 Direction was originally presented to the Cabinet on 13 June 2023 after preparing the Justification Paper. The Justification Paper reported the reasons for proposing the Direction, outlining the current housing situation in the Gwynedd LPA area, and the options that were available to the Council to implement.
- 5.2 After weighing up the responses received and the Council's response (Appendix 1) and having taken into consideration the impact assessments (Appendix 4) and the characteristics listed in the Well-being of Future Generations (Wales) Act 2015 and weighed up all the issues in this report, we are not of the view that there is justification for not confirming the Article 4 Direction.
- 5.3 The process involved with preparing and confirming the Article 4 Direction is set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). If the Cabinet decides to confirm the Article 4 Direction, the steps for notifying and raising awareness of the decision will have to follow the prescribed steps that are set out within the Order.
- 5.4 This will involve the need to:-
- Post a local notice;
 - Place a site notice for a minimum of 5 weeks;

- Notify those affected (unless it is considered impractical to do so).
- 5.5 As the proposal affects all residential properties across the Local Planning Authority area, it is important to try to raise awareness and publicise it appropriately. It is considered appropriate that every effort is made to send a letter to every residential dwelling in the Gwynedd Local Planning Authority area, notifying them of the decision and including details of how they can obtain more information.

Raising Awareness

- 5.6 It is acknowledged that the confirmation of the Article 4 Direction would lead to a fundamental change, and as such it is essential that there is awareness of the proposal.
- 5.7 A dedicated web-page has already been created on the Council's website (www.gwynedd.llyw.cymru/erthygl4) which contains all the relevant information to assist members of the public to understand the proposal and its implications. This page contains a series of questions and answers. The web-page will be amended as required.
- 5.8 It is considered that using the Council's social media is also an extremely useful and far-reaching method of raising awareness. Every effort will be made to use social media to raise awareness of the implications of the Article 4 Direction.
- 5.9 Furthermore, if appropriate, it is intend to arrange a session for raising awareness with all the local members of the County following the decision.

Views of the statutory officers

The Monitoring Officer:

"I can confirm that this report and process have received continuous legal advice and the report appropriately sets out the legal context for the decision sought. The steps taken in accordance with the statutory requirements to publish the Article 4 Direction and undertake a statutory period for representations. Detailed information on the representations received together with the response and assessments of the information is provided in Appendix 1. In addition to this a Consolidated Impact Assessment, Annex 4 is provided which addresses the Cabinet's responsibilities under the Equality Act 2010 and the Welsh Language

(Wales) Measure 2011. It is also noted that the matter has been considered by the Communities Scrutiny Committee. In assessing and reaching a decision on the confirmation of the Article 4 Direction I would emphasise the importance of Cabinet Members of giving detailed and careful attention to this information as a whole."

Head of Finance Department:

"I can confirm the financial information that appears in the report, and that the Planning Service received a one-off bid of £400,000 by the Cabinet in March 2023 to fund the cost of introducing this new regime. There will of course also be some indirect financial implications, such as the impact the proposed policy will have on Council Tax collection within the county should the policy result in a change in the number of properties subject to the Premium on second homes and long-term empty properties, but these factors have been considered when formulating the policy."

Appendices

Appendix 1: Public Engagement Report: Article 4 Direction Notice

Appendix 2: Article 4 Direction

Appendix 3: Notice (Draft) of Confirming the Article 4 Direction (without immediate effect)

Appendix 4: Impact Assessment

Background documents

Representations received during the public engagement period.

**PUBLIC ENGAGEMENT REPORT:
ARTICLE 4 DIRECTION NOTICE ENGAGEMENT PERIOD**



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Appendix 1: Article 4 Direction Notice

Appendix 2: Residents letter

Appendix 3: Engagement period questionnaire

Appendix 4: Analysis of respondents

Appendix 5: Justification Paper

1.0 Background

- 1.1 The Article 4 Direction Notice (Appendix 1) was served on 2 August, 2023 for a period of six weeks (up until 13 September, 2023). The requirements set out in the Town and Country Planning (Permitted General Development) Order 1995 (as amended) make it a requirement to issue an Article 4 Direction Notice for a minimum period of 21 days. To ensure plenty of opportunity for those affected to respond to the Notice, it was decided to place the Notice for a period of six weeks, which is longer than the statutory requirement.
- 1.2 We were required to place the Notice in at least two public spaces within the area to which it applies. Since the Article 4 Direction implementation area covers the entire Gwynedd Local Planning Authority Area, it was decided that it was reasonable to place a copy of the Notice in a public space in every settlement affected. This meant that 114 site notices were placed. We ensured that there was a record of placing the notice (photo) and the location of the notice was marked on a map.
- 1.3 Further publicity was given to the issuing of the Notice by sending letters (Appendix 2) to every residential dwelling within the Gwynedd Local Planning Authority Area (approximately 52,000 residential dwellings). It is worth emphasising that it was not a requirement to send a letter to every residential dwelling, as the Order states that it is not essential if it is deemed impractical to do so. However, it was considered important that there was awareness of the proposal amongst owners of residential dwellings because of the possible impact it could have on them.
- 1.4 In line with the requirements, the notice was placed in the local newspapers (Caernarfon and Denbigh Herald, Cambrian News and Bangor Mail). In addition, copies of the relevant documents were available to view in the Council's main offices and the local public libraries, and on the Council's website.
- 1.5 As well as placing the Notice, a period of public engagement was undertaken at the same time. Comments could be submitted on paper or on-line.
- 1.6 To facilitate the process of making representations, a dedicated web-page was prepared (www.gwynedd.llyw.cymru/article4) which contained the essential information and also a series of frequently asked questions and answers in the hope of relieving some pressure in terms of the number of enquiries received. We also note that we made regular use of social media to raise awareness.
- 1.7 The questionnaire (Appendix 3) that was prepared included two open-ended questions which gave people the opportunity to express their opinion on the Article 4 Direction and to note the impact it is likely to have on people with protected characteristics, the Welsh language and people who are economically disadvantaged.

2.0 Responses

- 2.1 During the period of public engagement a total of 3,902 valid responses were received. 3,508 representations were made through the on-line questionnaire and 394 representations were submitted in a letter or e-mail. In addition to these valid responses (valid in that a comment was presented), 369 void responses were also made. Although these void responses did not

include a response to the question for finding opinions, some of the responses have responded to the section 'About me' (personal details).

2.2 To assist with the analysis of the comments, all the comments have been recorded on the PowerApps software, then the 'PowerBI' software was used to undertake more detailed analysis.

2.3 Due to the nature of the comments and the wide range of issues raised, the responses have been categorised according to specific themes. 37 principal themes were raised (see section 5 below). For each of these themes we have recorded the number of comments received that were relevant to those themes together with the 'Council's Response' to the matter in question.

3.0 Respondents

3.1 The questionnaire for submitting representations (Appendix 3) asked specific details about the respondent. The Council has a duty, when considering proposals such as these (making an Article 4 Direction) to assess the proposal's potential impact on the Welsh language (The Welsh Language (Wales) Measure 2011) and on individuals with specific equality characteristics (Equality Act 2010). Nine characteristics are identified in the Act, namely age, gender reassignment, sex, race (including ethnic or national origin, colour or nationality), disability, pregnancy and maternity, sexual orientation, religion or belief (including a lack of belief) and marriage and civil partnership.

3.2 As we are duty-bound to assess the impact of the proposal on the above-mentioned characteristics, we asked a specific question within the questionnaire regarding these characteristics. In addition, two specific questions were asked about the Welsh language. Responding to these questions was entirely voluntary, and this was stated clearly on the questionnaire.

3.3 As part of the Public Sector Equality Duty and the Wales-specific duty in the Equality Act 2010, the information provided in the questionnaire is used to complete an Integrated Impact Assessment. The information about the Welsh language will also be used in the Integrated Impact Assessment.

3.4 Further details regarding the personal characteristics of those who responded to the questionnaire can be found in Appendix 4. These questions were asked under the heading 'About You' at the end of the questionnaire. It was entirely voluntary to complete these details.

4.0 Analysis of and Response to the comments

4.1 In accordance with the Town and Country Planning (Permitted General Development) (Amendment) Order 2022 there is a duty on the Local Planning Authority to receive representations on the Article 4 Direction Notice. Because of this duty, only one question was asked in order to find people's opinion on the Article 4 Direction, namely:-

"Please note any comment(s) you have in relation to the Article 4 Direction below."

- 4.2 The following analysis work includes a summary of the comment received based on specific themes. The number of responses received pertaining to those themes is noted, and then the “Council's Response” to the representation is noted. It is emphasise that the following provides **only a summary** of the representations. A reasonable attempt has been made to ensure that the range of responses in relation to the specific themes are covered within the summary.
- 4.3 You will note that under each main theme, Sub-themes have been recorded. The comments received were recorded in accordance with these sub-themes. There may be some instances where a respondent has made a comment that applies to one or more of the sub-themes. The total 'Number of Comments' recorded is based on the combined number of responses that emerge from the sub-themes.
- 4.4 Please note that this Report contains an analysis and response to the comments received to the first question of the questionnaire relating to establishing an opinion on the intention. The responses received to the second question relating to considering the impact of the intention on equality characteristics, Welsh language and socio-economic disadvantage have been used in order to prepare a revised version of the Equality Impact Assessment.

THEME 1: GENERAL OPPOSITION TO THE PROPOSAL

Sub-Theme: [Unlikely to meet the objectives] [Unfair effects] [Oppose the proposal]

Number of comments: 927

Summary of comments:

- Article 4 Direction is unfair on Gwynedd residents.
- The negative effects of Article 4 will outweigh any positives.
- People will suffer due to the ridiculous proposal.
- Object the proposal.
- This is unlikely to resolve the problem of local homes for local people.
- I think implementation of Article 4 is unlikely to solve the housing crisis for locals and think the results of its implementation would negatively affect one of our main sources of income, i.e. tourism, and therefore force locals to search out of the area for work.
- This article should not be confirmed, it is a regressive policy with predictable negative effects and is unlikely to achieve its unclear objectives.
- This article 4 direction does not solve the impact of second homes and short-term holiday accommodation on communities, in fact it makes it worse!
- Whilst I understand and agree with the objectives. Unfortunately, article 4 will disadvantage the very people it's trying to help. The negative impact on local communities is endless. If hospitality is one if not the major source of jobs, income etc why is it effectively being discouraged?
- The policy will not achieve its objective of local opportunity for housing. The policy objective is not well defined, does not have any targets and or data and facts to support the policy would deliver its goals.
- I believe Article 4 is a bad policy that will not achieve its stated objectives. All it will do is restrict local housing market.

Council's response:

The comments that generally object, or consider that the introduction of the Article 4 Direction will have a negative impact, are noted. Further consideration will be given to the range of specific possible negative impacts that have been raised during the public engagement period in responding to 'Themes 2 to 25'.

THEME 2: IMMORAL AND UNJUST

Sub-Theme: [Immoral] [Unjust]

Number of comments: 111

Summary of comments:

- Sufficient restrictions already exist.
- What right does the Council have to place restrictions on people's use of their homes? Contrary to a democratic society.
- It is immoral to tell a house-owner who they can or cannot sell their home to. Everyone has the right to sell on the open market.
- This is unfair and immoral and targets English people specifically.
- Imposing burdensome conditions on freehold properties is contrary to social justice.

Council's response:

It is emphasised that implementing the Article 4 Direction will not restrict the ability of individuals to sell or long term let their house/houses on the open market nor who is eligible to buy or rent the property. The purpose of the Article 4 Direction is to remove the permitted development rights that have been applied through the amendment to the Town and Country Planning Order (Permitted General Development) (2022) to ensure that planning consent is required in order to undertake some specific change of use developments. The intention is to implement the proposal for the whole Local Planning Authority area and it is not accepted that the proposal discriminates on the grounds of nationality.

It is hoped that introducing this measure will ensure better control of the housing stock, thus ensuring an appropriate provision of housing to contribute towards satisfying local needs. With the housing crisis that faces the residents of Gwynedd, there is a need to implement innovative measures to ensure that the existing housing stock is protected for the intended use, i.e. to provide homes for the households of Gwynedd.

THEME 3:**THE WRONG SOLUTION TO THE HOUSING CRISIS**

Sub-Theme: [Need to build more housing] [Need more affordable housing] [Does not meet the needs of first buyer housing] [No impact on housing supply for local people] [Negative impact on providing affordable housing]

Number of comments: 956

Summary of comments:

- What is urgently needed is to build more affordable/social housing for people who are on lower salaries.
- Need to build more houses for local people.
- The houses being built need to be suitable (not boxes) for local families and elderly people in rural areas.
- There is a need to build private housing that our young people would be able to afford.
- The best way to help local people with housing is to build more houses locally, it has worked in Chwilog behind the Madryn where the houses have all gone to local families.
- The Council should use the money from the additional taxes to buy houses and let them to local people with the possibility of buying the property, and should the owners want to sell in future, that they can only sell it back to the Council for the market price.
- A better step would be to allow rather than refuse local people to build on their own land with their own money.
- Cyngor Gwynedd should build more houses for local people, not force local Gwynedd residents to have conditions imposed on their property.
- We need to keep local young people in the area the easiest answer in my eyes is to relax planning boundaries and let local people build more houses.
- Build more affordable homes for rent or shared equity/shared ownership which can also be restricted to ensure that they remain both in residential use and for local people.
- Social housing needs building and should not be made available to the occupants to buy, so that the pool is maintained.
- Look to your housing needs surveys and deliver a housing strategy that builds better quality housing for locals.
- Prioritise new builds of eco-efficient / zero carbon / passivhaus dwellings built for a demographically matched range of family sizes, specifically for local occupancy, across Gwynedd.
- Much more land needs to be made available for housing (large scale, medium scale and self-build) possibly with planning consent in principle made available before all of the cost of wildlife surveys, traffic assessments, tree surveys, noise impact assessment, Welsh language statements etc.
- A blanket article 4 will negatively impact on the local housing market as well as impacting local homeowners without making any difference to housing stock available to local.
- Article 4 will do nothing to solve the housing crisis and will only have a negative effect on local people.
- I do not think the proposed terms of Article 4 will solve the problem of first-time buyers. Rather, I think it will exacerbate the divide between holiday/short term let properties and the residential properties.
- The Council need to be less stringent in their planning for locals to build on either infill land or in some cases build on land which their family own ie. large gardens, farmland etc

- Article 4 will not make a difference for local people to be able to afford a house. This is proven by the lack of statement by the Cabinet on how the article is going to be implemented.
- It will reduce the home valuations of local residents and have a significant negative impact on their finances.
- Those close to retirement will be particularly hard hit and it will not help younger main residents get on the housing ladder. Their parents will be unable to assist their offspring into the housing ladder.
- Many of the second homes were built as holiday homes and would not meet the requirements of first-time buyers.
- Large, older properties which are expensive to run would never be affordable for young first time buyers.
- This proposal will have a negative effect on creating affordable homes.

Council's response:

There is an immense need for affordable housing within the county to provide for existing needs and future generations. Naturally, the provision through the development of new houses is one way of meeting this need as (where appropriate and relevant) it is possible to use planning conditions to ensure that the proposal addresses local affordability needs.

However, it is emphasised that the approach of building more houses as the only solution to respond to the housing crisis and meeting local needs is wholly unsustainable from a social and environmental perspective. Gwynedd is a county that has a rich natural landscape and historic assets. The need to protect the beauty of the county means that the Council has a duty to consider development proposals in areas that have specific landscape designations. It is further noted that the challenges linked to climate change and the coastal nature of the county restrict the availability of land suitable for development due to the risk of flooding and/or coastal erosion.

Currently the ability to control the use of residential houses is limited, meaning that the county's housing stock is lost to alternative uses (holiday lets and second homes). The existing housing stock is suitable to contribute to meeting the needs of the local population. However, at present the ability to protect the use of a residential house for its use as a 'home' is limited. Numerous residential houses have been lost to alternative uses due to the current lack of control. In accordance with the figures for April 2023, 11.5% (7,311 in number) of Gwynedd's housing stock is used either as a second home or a short-term holiday let. The following table provides figures for the provision of residential houses, second homes and holiday accommodation in Gwynedd over a period of 5 years:-

| | Number of Domestic Properties | Number of second homes (excluding units with an occupancy restriction) | Number of Holiday Lets | Combined number |
|---------------------|--------------------------------------|---|-------------------------------|------------------------|
| July 2018 | 61,679 | 5,100 | 1,193 | 6293 |
| May 2019 | 61,616 | 5,013 | 1,658 | 6671 |
| June 2019 | 61,591 | 4,891 | 1,681 | 6572 |
| October 2019 | 61,562 | 4,920 | 1,764 | 6684 |

| | | | | |
|----------------------|-------------|-------------|---------------|---------------|
| February 2020 | 61,617 | 4,912 | 1,838 | 6752 |
| June 2020 | 61,645 | 4,873 | 1,976 | 6849 |
| November 2020 | 61,946 | 4,933 | 2,119 | 7052 |
| February 2021 | 61,534 | 4,768 | 2,261 | 7029 |
| July 2021 | 61,463 | 4,729 | 2,369 | 7098 |
| October 2021 | 62,312 | 4,713 | 2,448 | 7161 |
| February 2022 | 61,296 | 4,627 | 2,612 | 7239 |
| July 2022 | 61,335 | 4,840 | 2,719 | 7559 |
| December 2022 | 61,340 | 4,724 | 2,771 | 7,495 |
| April 2023 | 61,410 | 4,450 | 2,861 | 7,311 |
| | -269 | -650 | +1,668 | +1,018 |

Please note from the above table there was a reduction of -269 houses that used to pay the domestic council tax between July 2018 and April 2023. Over the same period there was a reduction of -650 houses that used to pay the council tax premium (second homes). During the same period it is noted that the number of new houses completed is 963 (built in the Gwynedd Local Authority and Eryri National Park Planning Area). Therefore, in considering the actual decrease in the number of residential units in Gwynedd, it is noted that this is actually approximately -1,232 units. The growth in the number of self-catering holiday lets (+1,668) is likely to be appropriated (to a large extent) to the housing stock that has been lost (-1,209).

It is thus emphasised that the ability to freely transfer between the uses means that there is no effective control over the existing housing stock. Furthermore, it makes it more difficult to predict if the current housing stock will be available to satisfy future requirements or if the current housing stock will continue to be eroded for holiday accommodation purposes.

Therefore, together with a responsive approach to the provision of affordable houses that addresses local need, and ensuring that those houses are fit for purpose/environmentally friendly, and implementing an innovative plan to address the housing crisis (Gwynedd Housing Strategy 2019-2024), it is considered that a mechanism must be implemented to provide better control over the existing housing stock.

THEME 4:**NEED TO SUPPORT THE LOCAL ECONOMY AND CREATE QUALITY EMPLOYMENT OPPORTUNITIES**

Sub-Theme: [Employment opportunities needed] [Need quality jobs] [Negative impact on the local economy] [Lack of work and low wages compared to other places] [Will leads to unemployment]

Number of comments: 334

Summary of comments:

- I would like to see the Council putting the same energy into attracting business and better jobs into the area so that salaries can try to keep up with the market
- The economy must be developed to secure well-paying jobs in sustainable and indigenous sectors such as agriculture and green energy.
- What we need is better-paying local jobs that will encourage local families to stay in the area and raise children to populate our schools again. This is the only hope for the Welsh language and our way of life.
- Completely stupid, local people will lose jobs, many local companies, e.g. shops, restaurants, constructors and many more will lose substantial income which will then lead to staff being laid off. The house selling market will disappear.
- I believe that Gwynedd CC should be looking at producing a realistic economic development plan that will create jobs and wealth over the next 20 years rather than taking away the freedom of choice of homeowners.
- The problem in Gwynedd is a lack of good well-paid jobs and not enough house building. Gwynedd Council is quite insular therefore it struggles to get any companies with good jobs to invest in the area.
- In an area where there are few well paid jobs to attract young people, indeed not many jobs of any kind, this seems to be a short-sighted policy and will encourage more young people to move away.
- The council needs to provide 75000 jobs outside of tourism if you don't want second homeowners and tourists.
- Educate the population that just because they live in a more remote area of the country, that they can still apply for remote-first jobs that pay incredibly well. Upskill the population, make them aware.
- Why has GC not encouraged decent industries, engineering companies, apprenticeships? well paid jobs is what is missing here.
- The simple fact is Gwynedd does not offer industry and therefore doesn't offer enough job opportunities per household; the ratio worsens as we get closer to the coast due to the smaller local population and reduction in industry/travel networks.
- Gwynedd is an enormous area, to apply such a broad measure across the entire area without considering or excluding micro economic climates such as those in parts of the Llyn Peninsular is extremely naive and the effects are going to be catastrophic.
- We are well represented with trades in the area, plumbers, plasters, electricians and local general builders who support a balanced community for both local residents and for those seeking second homes and short term let. With the proposed action a large percentage will lose out on work as it will cease, and hence the labour will lose out and either have to stop work or move further afield for their employment.

- For those not lucky enough to rent their holiday homes for 26 weeks! This will force them to sell up and making redundant cleaners, gardeners, handmen, window cleaners, maintenance companies - the list goes on.
- Leave tourism alone unless you want unemployment to go up massively in September. We have little else in this area unless you are a civil servant or public sector employee. It is the life blood of the area for trades, young teenagers that pot wash, wait on, bar staff, cleaners, ironers, retail, hospitality and other local service providers.
- The Swiss experiment on banning new second homes lowered the price of primary homes in affected areas by 15%, increased the growth in local unemployment rates by 12%, and increased the price of second homes by 26%.

Council's response:

A number of objections were received calling for high-quality skilled jobs in the County. Due to the rural nature of parts of Gwynedd, it is unlikely that large employers would locate to areas outside the larger settlements. However, the Joint Local Development Plan tries to facilitate the provision of suitable employment sites. The Joint Local Development Plan's employment policies' aim is to provide opportunities for a prosperous rural economy by:

"Supporting economic prosperity and the sustainability of rural communities by facilitating appropriately scaled growth of rural enterprises, the extension of existing businesses and diversification by supporting the re-use of existing buildings, the development of 'live and work' units, working from home, and by encouraging the provision of sites and premises in appropriate accessible locations."

Cyngor Gwynedd has an Employment Plan for Meirionnydd and Llŷn & Eifionydd that identifies a work plan and employment opportunities in both areas. These Plans examine the scale of the current economic challenge and the plans that are being developed to set the foundations for future employment and ensure a progressive, vibrant and sustainable economy with a variety of high-quality employment opportunities.

Furthermore a series of 'Our Area Regeneration Framework: Local Regeneration Plan's' are in the process of being prepared for 13 Local Regeneration Areas in Gwynedd. These Plans will ensure that proactive steps are in place to ensure collaboration to improve the areas economically, environmentally, culturally and socially.

It is also emphasised that the Council Plan (2023-28) identifies priorities, including a Prosperous Gwynedd. The purpose of the priority is to strengthen the economy and support the residents of Gwynedd to earn a worthy wage.

A number of objectors noted that Article 4 will have a negative impact on jobs within the tourism industry. The justification paper notes that there is an over-provision of self-catering holiday accommodation in parts of the County. This over-provision is exacerbated by private accommodation that is let on an *ad hoc* basis with no control through marketing platforms such as AirBNB. This could mean that providers and operators that have received planning permission to run a holiday let do not receive the anticipated profit from income derived from a possible significant investment, which could lead to a possible failure of their business.

Theme 15 examines the impact on the tourism industry in further detail.

Also, for many businesses that offer a service that meets the needs of the local community, an idle population is needed to support these local services.

THEME 5:**NEED TO CONSIDER IMPLEMENTING OTHER MEASURES**

Sub-Theme: [Need to assess other measures (e.g. higher council tax) before introducing another measure] [Planning system not meant to be used to protect the Welsh language] [Economic issue not planning] [Other options should be considered] [Need better management of holiday accommodation (registration/ licensing)] [Need to bring empty houses back into use] [Need to tax short-term holiday accommodation]

Number of comments: 161

Summary of comments:

- The Council are not exploring sufficiently other alternatives which is dangerous as this is a policy that once implemented is likely to be irrecoverable.
- Given that the authority already have powers to surcharge council tax on second homes have only just significantly increased these, along with the Welsh Government increasing the number of let days before business rate relief and stamp duty, I would suggest that a period of time to evaluate the impacts of this should be undertaken before adding in further new policies.
- What other measures has Gwynedd council explored? How many properties have they purchased as housing stock? How many affordable homes have been built by Gwynedd since 2018, when the premium Council Tax was introduced? This increase was introduced in order that affordable housing would be built.
- Alternative Solutions: I urge the council to contemplate other means of addressing the concerns that led to this proposal. This could include targeted interventions in areas with an excessively high concentration of holiday homes, licencing homes that wish to let, incentives for local homeownership, or community housing initiatives. Most of the second homes you refer to are generally old, stone-built houses and cottages that are expensive to heat and maintain, and this is perhaps why they are suited to summer use. A more positive and beneficial approach to help the younger generation onto the housing ladder is to build many newer, energy-efficient homes that benefit from ultra-fast WIFI.
- What is the Council doing with the extra taxes they're receiving?
- These aims could be encouraged in other, more positive ways, for instance making it more attractive for people to repurpose derelict or unused properties - both residential and ex-commercial.
- While I appreciate the council's focus on the housing crisis, I believe that Article 4's current structure might not be the most effective solution. Instead, I propose a different approach that could better serve both the community's housing needs and property owners' interests. One potential solution could involve requiring planning permission for the continuation of holiday homes or short-term lets when they are put up for sale. This would ensure that the housing crisis is addressed while avoiding the devaluation of existing residential properties.
- There are alternatives such as promoting business growth, subsidising local businesses, provision of housing grants and allowing development that actively would promote the use of Welsh language by providing opportunities for Welsh speakers - rather than a policy that penalises them.
- Planners would be better off allowing local people to build homes here in rural communities or offering grants or shared ownership from the additional revenue from holiday home council tax to help first time buyers.
- Stronger taxation on non-residents seeking to invest in Gwynedd property, using it as a commodity, is what should be used as a tool to de-incentivise second home ownership.

- If the aim is to retain the financial benefits of tourism while curbing the proliferation of second homes, a more viable approach would involve endorsing and facilitating the expansion of holiday parks. Regrettably, the Council has historically hindered efforts to increase holiday accommodations within these parks. Consequently, prospective homeowners have turned to conventional residential properties.
- The council has other planning powers it could use such as refusing planning permission for new holiday lets.
- A cheaper option is to allow local people to build on their own land.
- The Council should make more use of empty home grants and bring them back into use for the benefit of the local community.
- Article 4 should be active in those communities that have a problem and not the county in its entirety.
- Stamp duty and Tourism Tax.
- The council need to look at ways to help landlords to accomplish this aim, with investment loans and rental schemes to provide an income and return on investment to encourage landlords and others into the marketplace.
- This is an economic issue not a planning issue. Attempting to solve an economic issue by any other means other than economics will result in a devastating quagmire of bureaucracy for residents.
- Need to encourage/allow bringing old buildings and empty shops back into use as residential properties.
- The solution is to ring-fence the money you already raise from the second home council tax premium and, rather than take it into general cash flow, use it solely to build new affordable homes for local residents. Appropriate sites for these new properties can easily be identified by a creative approach to planning permissions and possibly the compulsory purchase of existing vacant properties.
- There are other courses of action that could supplement the Article 4 Direction, as has been seen with some success in other nations of the UK. St Ives in Cornwall, and parts of the Lake District have I understand with some success, introduced local occupancy clauses to the sale of some properties.
- A local consortium could purchase properties which have not sold, and develop these as community run holiday lets, the proceeds of which feed into supporting local and/or disadvantaged people to have homes at affordable rent.
- The focus should be to develop rundown council assets into affordable housing.
- There is a need to pay a higher rate of Council Tax on this form of use, because of the impact upon availability of housing for local people.
- License any rental property to pay an annual fee, this will enable the council to build more affordable permanent homes.
- I believe that action should be targeted at second homes which lie empty for most of the year and therefore do not contribute to the local economy

Council's response:

There are a number of measures available to councils to address the second homes and holiday accommodation crisis. On 6 July 2021, the Welsh Government announced a three-pronged approach to address the impact of second homes on communities in Wales, to ensure that the people of Wales have access to affordable housing. The three-pronged approach focuses on:

- Supporting and responding to affordability and availability of housing
- Regulatory framework and system - in relation to the Planning act and the introduction of a statutory registration scheme for short-term holiday accommodation, and

- A fairer contribution - using national and local taxation systems to ensure second home owners make a fair and effective contribution to our communities.

We are already implementing part of the second element, through the proposal to introduce the Article 4 Direction that has become possible following amendments to Planning legislation to introduce specific new use classes for Second Homes (C5) and Holiday Lets (C6).

Some contributors suggested that intervention should be sought through the introduction of a licensing system. On 9 January 2024 the Welsh Government announced an intention to introduce statutory registration and licensing for short-term holiday accommodation, in order to improve the safety and standard of holiday accommodation in Wales. Northern Ireland has already established a certification system and Scotland has also recently introduced a licensing scheme for short-term holiday accommodation. This measure will ensure that holiday accommodation provision reaches the appropriate health and safety standards, similar to the existing controls of rental properties. It will also be a way of keeping an up-to-date register of the range, types and numbers of holiday accommodation in Wales, that will be beneficial for future monitoring. There is no formal date yet confirmed for the implementation of the registration/licensing arrangements.

Since April 2023, Cyngor Gwynedd has been using its taxation powers to raise a 150% premium on Second Homes. A number of responses suggest that the impact of the premium is already being proven in our communities, with a number of second homes being placed on the market, mentioning that it would be prudent to wait to assess the impact of the premium on the housing situation before proceeding with the Direction. It is considered appropriate to implement a suite of control mechanisms to address the problem. Appropriate monitoring of the control mechanisms (Council Tax premium and Article 4 Direction (if confirmed)) will be undertaken by the Authority.

Welsh Government has chosen the Dwyfor Pilot Area to trial the changes, to find balanced solutions to control the high numbers of second homes in our communities, and encouraging us to take advantage of the new powers that have been introduced.

There have also been amendments to the rules in relation to qualifying for business rates for holiday accommodation, with expectations that a property must be let for 182 nights to qualify for business rates. In the March 2024 UK Government Budget it was announced that the holiday accommodation taxation system would be abolished, by removing the existing taxation benefit for the landlords of holiday properties, in the hope of reducing the numbers or leading to an increase in rental properties for long-term tenants.

The 2024 Budget stated an intention to review the taxation requirements of long-term empty houses. Cyngor Gwynedd is already addressing empty houses, with grants available to purchase and renovate empty houses and return them to use. Increasing the empty homes tax is likely to release more houses back to the housing stock.

With the new measures that are now available to local government, it is expected that the housing situation will improve in Gwynedd in the future. It is emphasised that a range of measures need to be implemented in order to deliver the wider aim, as it is not possible to rely upon one individual control measure.

THEME 6: CREATES FRICTION / DIVISION

Sub-Theme: [Creates friction / division]

Number of comments: 94

Summary of comments:

- Divisive policy which is stirring up divisions, causing stress and driving a cultural wedge and partition between different sectors of communities.
- I'm not usually encouraged by name calling but you are bringing the worst out of your locals and visitors.
- Article 4 Direction has caused a huge division which has already filtered through into the tourist industry on which I rely. Some of my clients left early before the bank holiday weekend after being upset by attitudes heard from locals regarding how welcomed they were made. So that was a few families who didn't spend in the locality and have left with a bad feeling towards the area, meaning they're unlikely to rebook.
- My income will decrease if the council continues to blame their failures on second homes and holiday lets and by making them feel unwelcomed here.
- Article 4 has already caused a lot of upset and uproar amongst local people and will continue to do so if it does go ahead.
- I feel ashamed to call myself Welsh. The FHL hard line rules are aimed at perceived English owners. There is no welcoming to Wales only hate. We non-Welsh speaking Welsh are being ignored. Speaking Welsh does not make a person WELSH.
- Kicking the English at every opportunity is not the way forward. I say English, because it is apparent in the report and by the very nationalistic comments being made on a regular basis that they are being singled out as the root cause of all the current problems. I find this racist and totally unacceptable and as a Welshman extremely upsetting.
- Such an outcome would not only exacerbate the existing housing crisis but also create a clear divide within our community, making it increasingly difficult for ordinary citizens to secure a home within their means.
- We no longer feel welcome here due to the anti-tourist agenda.
- The upset, worry, anger and stress this has caused is making people physically and mentally ill.
- We desperately need to make tourists and all members of our communities feel welcome and to co-habit peacefully and treat everyone fairly with respect and kindness.
- Blame culture.
- Article 4 indirectly discriminates against Welsh speakers and residents and the Council have not provided a proportionate means of achieving a legitimate aim.
- Resentment
- The perception of second homes denying available housing stock for the indigenous population is wrong.
- The noises coming out of Cardiff and locally are sounding very hostile to those of us not born in Wales.
- I feel discriminated against – it is already causing tension and ill feeling in a community I have called home for over 23 years.

Council's response:

It is hoped that implementing an Article 4 Direction will be a means of uniting and maintaining communities. Securing control over the use of houses for holiday purposes will contribute towards maintaining a sustainable tourism sector, offering opportunities for businesses to truly flourish, and

will lead to the creation of opportunities for people to live within their communities that will in turn lead to benefits such as creating a sense of community and supporting local services.

The proposed direction is not directed at any particular group. On the contrary, it would apply equally to all, without discrimination (direct or indirect) on the basis of nationality and ethnic or national origins.

THEME 7: INTERFERES WITH FREEDOM, HUMAN RIGHTS AND IS UNDEMOCRATIC AND ILLEGAL

Sub-Theme: [Undemocratic] [Interferes with human rights] [Innterferes with freedom] [Illegal]

Number of comments: 762

Summary of comments:

- I disagree with the proposed removal of the rights of homeowners to choose how to use of their own property. The Article 4 proposal is fundamentally undemocratic.
- I do not support this very undemocratic article 4. This article will benefit the people who own second homes for whatever reason as they watch their properties increase in in value whilst the value of those homes that are main residences are devalued.
- This whole thing feels totally un-democratic and the implications have either not been thought through, or simply ignored in an attempt to ride roughshod over people's right to live freely.
- The implementation of this draconian, undemocratic, totalitarian policy is a way of trying to smokescreen the deficiencies of years of Gwynedd Council incompetence of planning and housebuilding policies.
- For a Council to wield power over homeowners regarding the use of their property is undemocratic and flies in the face of what body of elected people are there to represent. I am sure many will say that this is "taking back control" well on paper that may well be the case, the reality is that it will severely affect the very electorate that it is supposed to benefit.
- It should not be a decision for a Council to decide what an individual does with their own home. This removes an individual's right to decide and transfers that right to an organisation. The Human Rights Act, Article 1, Protocol 1 states: A public authority cannot take away your property, or place restrictions on its use, without very good reason. There are some situations in which public authorities can take things you own or restrict the way you use them. This is only possible where the authority can show that its action is lawful and necessary for the public interest. Public interest is defined as "the benefit or advantage of the community as a whole; the public good". I fail to see how this Article 4 direction has a very good reason or is in the public good.
- It is contrary to Article 8 of the Human Rights Act. Article 4 constitutes a direct interference with that right and is not necessary for any of the reasons given in Article 8 (2). The Council will argue that it is necessary for the economic well-being of the country. This is not the case, and the Council should be put to proof of this.
- Article 13 of the ECHR provides everyone the right to an effective remedy to violations of their rights and freedoms set out in the Convention. Article 41 provides for just satisfaction to injured parties. Should the Article 4 Direction and linked property controls be contested ultimately and successfully in or en route to the ECtHR the Council may face significant costs or even bankruptcy. Many would not wish this, preferring to explore constructive alternatives to solve the housing crisis and language and cultural concerns.
- Article 14 (Prohibition of discrimination) - The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- I believe that the Article 4 Direction is not in accordance with Article 17 if the European Convention of Human Rights.
- The Human Rights Act states that everyone has the right to respect for his private and family life, his home and his correspondence.

- Surely this is illegal for you to be able to dictate whom we can sell our house too if we should wish to sell in future either to upsize or more likely downsize.
- If this is forced through property owners should be able to claim compensation for loss in value.
- Such a matter should be put before the Land's Highest Court in order to be legal. Article 4 has a specific noble purpose, however it is misguided in a democratic, free market population.
- Any legislation against freedoms of the people of our constitution is illegal and therefore irresponsible.

Council's response:

The power to introduce Article 4, and how to do so, is set out in legislation. The Council has followed proper legal process and has received expert legal opinion through the process.

The final decision to ratify Article 4 or otherwise is made by the Cabinet, namely Councillors elected by the public. This decision will be made after councillors have received and considered this report which includes public comments from the engagement period. It is therefore believed that the process is democratic that has followed the powers and rules laid out in law.

The claims that any aspect of the Article 4 is illegal and has an impact on the human rights of individuals have been thoroughly considered and we have obtained expert legal opinion on these aspects. We are confident that the direction does not breach any human rights, and is not undemocratic or illegal.

With Article 1 of Protocol 1 (E1P1) of the European Convention on Human Rights (ECHR) it is possible to intervene in this right when there is clear justification to do so, and this intervention must be in the public interest or general interest. The rationale for implementing Article 4 set out in the Justification Paper (Appendix 5) clearly falls within interference of this kind because it is in the overall interest of the people of Gwynedd. This intervention must also be proportionate and with a fair balance between the public interest and the rights of the individual. The Council believes that the balance here is one that has been considered in detail in the submission of Article 4. The purpose of the direction is to free up more housing for the population of Gwynedd, to gain better management of Cyngor Gwynedd's Local Planning Area housing stock, to ensure that the amenities of the county's residents are protected, to protect and maintain Welsh and Welsh-speaking communities that offer opportunities for people to live and work in them, and this has been highlighted further in the response to themes 26 and 29.

We do not consider that the implementation of the Direction or the arrangements around it would breach Article 8 of the Convention Rights (Article 8 ECHR). It must be emphasised that the effect of the Article 4 Direction would only to revoke permitted development rights for houses to be used as a second home or short term holiday let. It does not restrict the ability to use an residential dwelling house (C3) for that specific purpose. Furthermore, it would still be possible to apply for planning permission as a second home or holiday let, which would allow for consideration of any Article 8 rights that might be engaged. Thus, it is not considered that the Direction itself would give rise to any interference with Article 8 rights. In any event, even it did, it would be proportionate and in the public interest and therefore justified.

A few representations have been made that Article 4 is contrary to Article 13 of the Convention. The availability of judicial review and other rights of appeal/challenge means that there is no reason to

think that the direction would breach this Article.

It is also appropriate to address comments that have been made around Article 14 of the Convention and comments about discrimination. This is also addressed in Themes 6, 13 and 17. It is noted that this Article only prevents discrimination in connection with rights conferred by the Convention. The Direction applies equally to everyone regardless of national origin, language etc. If the argument is that the Direction makes it more difficult to have a second home in Gwynedd, this is going to have the same effect on a Welsh person as it does on an English person. Furthermore, the Direction would not prevent an English person from obtaining a second house or short-term holiday let wherever a Welsh-speaking person was able to do so. Even if the Direction can be shown to have a detrimental effect that disproportionately affects English people (or other non-Welsh speaking people) this would only be unlawful if there was no objective and reasonable justification, that is if it did not pursue a 'legitimate aim' or if there was no reasonable relationship of proportionality between the means used and the aim sought to be realised. As has already been set out the Direction has been introduced as a way to try and protect and maintain Welsh communities that offer opportunities for people to live and work, seek to maintain rural and sustainable and vibrant communities, ensure that the people of Gwynedd have access to a suitable and high-quality affordable home that improves their quality of life. These are some factors that can be noted as a legitimate aim, and are explained more comprehensively in the justification paper (Appendix 5).

THEME 8: DIFFICULT AND BURDESOME ON THE COUNCIL TO IMPLEMENT AND ENFORCE

Sub-Theme: [Difficult to police/enforcement] [Costs to Council to implement] [Lack of capacity within the planning service to operate] [More information needed on its implementation] [How will it be monitored/managed] [Need to ensure capacity within the Planning Service to implement]

Number of comments: 41

Summary of comments:

- Increase cost and bureaucracy.
- The cost of implementing this is also not mentioned. Has the Council undertaken a cost benefit analysis on this proposal. What additional staffing will be needed for applications, enforcement and monitoring.
- Not needed, just creates additional costs.
- How will the implementation of this be managed given the already stretched and under resourced situation of local planning authority, and Planning Inspectorate?
- Will require constant monitoring, effective enforcement and review.
- Will add another level of complexity and will put even more strain on the Council.
- Concerns about Gwynedd's ability to secure enforcement elements if Article 4 comes into force. Elements of planning enforcement in Gwynedd are currently alarmingly weak. Although there is specific funding from the Welsh Government on an interim basis, there is real concern that Gwynedd Council will not have the ability to secure this funding.
- Would the planning office have the capacity to handle the major additional work implied by these change of use policies? How would the additional staff required be funded?
- Enforcing Article 4 directions requires additional administrative resources and costs for the local authority. These resources could be better utilized for other essential services, such as education, healthcare, or infrastructure development.
- Abundantly clear that planning departments are understaffed and overwhelmed. Clarity is required as to whether the Planning Department is adequately staffed and resourced so to manage its current workload, let alone the additional pressure that will likely be caused should the Direction be implemented. Adding more responsibility will just cause further chaos.

Council's response:

In relation to the Council's ability to implement the changes, it is anticipated that the Planning Service is likely to receive an additional workload if the Article 4 Direction is confirmed and implemented on 1 September 2024. The process of submitting planning applications will remain the same as the current system, with a statutory period of 8 weeks to deal with a planning application for a change of use or for a lawful use certificate to formalise an existing use. The aim is not to prevent developments, but to gain better control over our housing stock. It should be remembered that no application will be required to convert an existing second home or holiday let back into use as a main dwelling.

As the area of Dwyfor has been chosen as a Pilot Area to trial new methods of responding to the challenges associated with the implementation of the Article 4 Direction, the Welsh Government has partially contributed towards the work undertaken by the Council. This funding is being used to appoint two full-time staff members within Cyngor Gwynedd's Planning Service and to administrate the pilot. It is also intended to appoint two other members to the team to help with the workload over the coming months.

In addition to the contribution towards the work from Welsh Government, Cyngor Gwynedd has also contributed the same sum of funding to administer and implement Article 4 within the remainder of Cyngor Gwynedd's Planning authority area. Addressing the effect of second homes and holiday lets in order to protect the housing stock is one of the Council's priorities.

Regular monitoring of the situation will take place and it will be mandatory to report back regularly to the Government.

In terms of enforcement, it must be emphasised that the Direction will not be applied retrospectively. Enforcement action would only be considered in new cases of unauthorised change of use. The additional staff capacity within the Planning Service will assist with investigating into cases such as this.

THEME 9: INHERITANCE

Sub-Theme: [INHERITANCE]

Number of comments:

Summary of comments:

- Many Welsh people inherit houses and may have a limited pension. Letting these houses adds to their standard of living.
- You are going to take away our children's inheritance and as we age, we will be miles away from our family when we may need them. This will apply to every homeowner.
- Local people who have children who will one day inherit their parents' estate (including their homes) will see massive deductions in their inheritance which will destroy, or seriously harm their future wealth and prosperity.
- What happens if an owner passes the property to their son/daughter through inheritance? Will the property have to be sold simply because they already own another property and planning permission isn't granted to allow it to remain within the family as a second/holiday home?
- We have worked hard all our lives; the house is our only asset which will be our children's inheritance. We saved hard to buy our house, but this could mean it could become unsellable, and the value would lower by 30%.
- This will travel across generational transfer of properties where children have moved away from Gwynedd for work or other reasons. They will be unable to retain a family property as an inheritance unless they are forced to return to live in Gwynedd, thereby using a property as a primary residence. This surely affects their human rights and effectively dictates that young people must choose to stay in the area and be unable to inherit the homes of their parents.
- At the point of my children inheriting my estate they will be immediately plunged in debt as this current proposal would deem my home to be a 'second home'. As this will be a joint inheritance between my children how will the Council legally untangle this? Will the Council be enabled to take possession of my home if A4 is implemented?
- I have heard many resident sharing concerns around how they have worked so hard to have a house to give as inheritance and they may not have anything to give if the value depletes and if they need care to pay for.

Council's response:

If an individual inherits a residential house that was a main residence, the use of the property for this purpose will continue following the implementation of the Article 4 Direction without the need to receive planning consent. For example, the person who has inherited the property could decide to occupy the property as their main home, rent it out on a long-term basis for a household to use as their main home, or sell it for that purpose. Similarly if the most recent use of the inherited property was as holiday accommodation or second home then those uses may continue following implementing the prospective Article 4 Direction.

If they wish to use the residential house for an alternative use, i.e. use it as a second home (C5 use) or let it as short-term holiday accommodation (C6 use), then planning consent must be obtained for that use. Any prospective planning application must be considered in accordance with the local and national policy framework at that time.

The implementation of the Article 4 Direction does not mean that it is not possible for the person that inherits the property to make use of it, and it is considered that appropriate options exist to make use of a home.

THEME 10: INCREASE IN THE NUMBERS OF VACANT DWELLINGS

Sub-Theme: [Increase in the number of vacant dwellings]

Number of comments: 38

Summary of comments:

- The result will impact everyone. The council will receive less tax as more properties remain empty.
- It seems to me that the increased bureaucracy will force second homeowners to leave the area, leaving high-priced properties empty and in danger of deterioration, while not helping to provide affordable housing for local people, some of whom are already priced out of buying a home in the area of their birth.
- You will drive main homeowners out of Wales regardless of origin/ nationality. You will be left with plenty of empty homes and a decimated tourism industry.
- Any minute now you may have all the homes you want sitting empty because there are no jobs to support staying in the area.
- What will be done with long-term empty properties?
- Introducing the Article may very well reduce the amount of holiday lets but it will absolutely no doubt increase empty homes as locals simply won't be able to obtain a mortgage to buy them.
- I understand that the argument is that it will make properties cheaper and generate income for the council, but people without jobs will still not be able to afford to buy houses even if they are cheaper and as more holiday homeowners sell and there are more empty properties the increased revenue will drop also. All that this policy will achieve is to increase the number of rundown and abandoned properties and increase poverty in general.

Council's response:

In relation to the perceptions regarding 'outward migration', it is emphasised that the purpose of introducing the Article 4 Direction is not to restrict who is eligible to buy or occupy properties, but rather to restrict the use that can be made of the property in question. The above comments relating to 'outward migration' and leaving houses empty are based on respondents' negative perceptions of the introduction of the Article 4 Direction. Theme 14: Demographic Changes discusses this matter.

The concern in relation to a reduction in property values is addressed in the response to Theme 12 and the impact on the tourism industry in the response to Theme 15.

THEME 11:**MORTGAGES****Sub-Theme:** [Difficulty obtaining mortgages]**Number of comments:** 287**Summary of comments:**

- Will create difficulties in obtaining mortgages.
- Will banks view Article 4 as a restriction as they do with the Section 106? Does that mean therefore that some banks will refuse mortgages?
- It does cause concern, when my current mortgage ends the new fixed rate will be on a higher interest rate.
- Effect on people's ability to buy houses in the area because of the lack of mortgages available.
- An additional clause could mean a lack of lenders who are willing to offer mortgages, which could lead to higher fees / rates.
- The following lenders have confirmed that they would have problems with Article 4 on the grounds that should they need to repossess the property, their ability to regain an open market value would be restricted. They include HSBC, Santander, Barclays, Virgin, Clydesdale, The Mortgage Lender, Foundation and Principality. Several other lenders including Halifax have referred to their Director level but are agreeing with the consensus to begin with.
- I object to the Article 4 Direction because of a lack of detailed research into the effect of Article 4 on property values in Gwynedd and the effect of Article 4 on mortgages.
- Any planning restriction of the type proposed by the Article 4 Direction will adversely affect the property market in the area to which it applies. Mortgage lenders will be of the view that properties that are restricted to be used as a main home are less saleable on the open market and consequently, they will only be willing to provide mortgage loans for a lower value. This will not help people who wish to buy a main home for themselves who will have to find a higher deposit.
- Specialist advice was not sought regarding values/mortgages/the effect on housing market jobs (local business / banking experts).
- Mortgages will be more difficult to come by if restrictions are placed on the property, this will only affect existing residential properties, not holiday let properties, as the prices of those are likely to increase because of the supply and demand.
- Is there anyone from Cyngor Gwynedd who can confirm that making this Article will not have any negative impact on mortgage applications? The answer is no, as mortgage providers have already confirmed that they would not provide a mortgage to those applicants where there is an Article 4 on the property concerned. Cyngor Gwynedd's aim by introducing this Article is to reduce the number of holiday lets in the county and the result will be that local people cannot get mortgages to remain living in the county then they will have no choice but to move out of the county. The negative effect of this on local communities will be enormous.

Council's response:

The assumption that the Article 4 Direction would lead to a lack of availability of mortgages is a concern that requires due attention. It is noted that none of the submitted observations raising concerns about the availability of mortgages have evidenced this standpoint.

As opposed to legal conditions/covenants such as 106 Agreements, implementing an Article 4 Direction would not restrict the occupancy of a property, i.e. who would be eligible in relation to a local connection or being in need of an affordable house, for instance.

In obtaining a mortgage to purchase a property or re-mortgaging an existing property, the type of mortgage or loan is dependent upon the use made of the property. Therefore, anyone who wished to use their house as holiday accommodation would have to obtain a buy-to-let mortgage or commercial loan.

One of the observations received in relation to mortgages was received from UK Finance. UK finance is a collective voice for the banking and finance industry and represents over 300 groups throughout the industry. Its aim is to improve competitiveness, support customers and facilitate innovation. UK Finance's response to the public engagement period was noted as follows:-

"In considering this issue, we think it is important to consider that planning restrictions, such as via an Article 4 Direction or s106 restrictive covenants, can have the effect of limiting the mortgageability of a property – although lenders will have their own appetites for lending on second homes/ holiday lets or properties subject to restrictions.

In our experience, we have seen this limiting effect on mortgageability consistently over several years in areas where local authorities have sought to use planning powers or restrictive covenants to support affordable housing provision by restricting the exposure of residential properties on the open market, or otherwise limiting the cohort of potential purchasers."

Following the receipt of this observation from UK Finance, a further meeting was arranged between relevant officers from Welsh Government, the Council and UK Finance. The aim of this meeting was to further clarify the concern regarding the matter in question. During the discussion it was highlighted that the main risk to the lenders was the risk that the property would reduce its value and therefore it would not be possible for the lenders to receive back the value of the loan. This could lead to an unwillingness to provide loans that were based on less favourable conditions. During the discussion UK Finance representatives expressed that they could not state with any certainty that the proposal would affect mortgage availability or conditions.

In relation to the concern regarding the loss of value, it appears that this is a general presumption linked to the introduction of the Article 4 Direction. As noted in the response to Theme 12 there are a number of external factors that could affect the value of a property.

In order to gain a better understanding of the impact of implementing the Article 4 Direction locally, correspondence has been sent to four local mortgage providers to receive their input to the impact of the proposal on the availability of mortgages. A response was received from 1 only company. The response noted (summary):-

- Negative impact on property values.
- Difficulty with property valuations as the suitability of the proposed use will be unknown.
- Wider ramifications for the whole local economy, in terms of tourism, supporting business and all local businesses.
- They had spoken to 10 major lenders who, all but two, have stated that the Direction will stop them borrowing on properties in Gwynedd. 2 of them said it would be up to surveyors / solicitor's comments. However, based on the feedback from the surveyors it would result in a lack of borrowing. HSBC said they have not reviewed their policy on lending on restricted properties as they have not yet received any communication in relation to Article 4.
- Need to concentrate on other mechanisms such as funding available from Tai Teg to assist with purchasing properties.

The response received is extremely helpful and provides a professional insight into the matter. It is however emphasised that no tangible evidence was provided to support the professional opinion.

Research has been undertaken to examine how similar interventions to the proposals in Gwynedd have affected the availability of mortgages in other areas. In England, the ability to use a residential house as a small house in multiple occupation (HMO) is considered a permitted development right. This means that it is possible to change the use of a C3 residential house to a small house in multiple occupation (C4 use) without obtaining planning consent. Due to the impact of houses in multiple occupation in some specific areas, some Local Planning Authorities in England have introduced Article 4 Directions to limit the ability to undertake this unrestricted change of use. We have asked 11 Local Planning Authorities in England that have introduced Article 4 Directions for houses in multiple occupation about concerns that were raised as part of their public engagement exercises linked to the introduction of the Article 4 Directions or following their implementation. Ten of them replied and noted that mortgages were not a significant matter raised as part of the public engagement periods in relation to the introduction of the Article 4 Directions or following their implementation. It could be argued that houses in multiple occupation in populated areas lead to an increase in the value of the local housing market, in the same way as the popularity of areas for second homes and short-term holiday accommodation. Therefore, from a planning perspective, it is reasonable to conclude that the impact of implementing an Article 4 Direction for houses in multiple occupation should have a similar impact on mortgages.

One mechanism that has been used to control the ability to use residential houses for holiday purposes is the implementation of a control area such as the one used in Edinburgh city centre. A control area means that planning permission must be received within the specified area in order to change the use of a residential house into short-term holiday accommodation use. Although it uses a different mechanism, i.e. a control area rather than an Article 4 Direction, the restrictions are similar. Contact has been made with planning officers from Edinburgh City Council to receive guidance regarding any concerns raised during the engagement period or following its implementation in relation to the availability of mortgages. It was noted that mortgages was not a significant matter raised, and that the matter had not been drawn to their attention following its implementation.

Another example of the restriction of the use of residential houses is the use of a main residence condition for new houses. St Ives Communities Development Plan¹ includes a policy restricting the use of new houses solely as main residences. This policy means that main residence conditions are imposed on new residential housing consents. Enquiries have been made with Officers from Cornwall Council to better understand any concerns that were raised in relation to the policy in question. In response, it was noted that the implementation of the policy had not highlighted any barriers in relation to the availability of mortgages.

As a result of the amendment to planning legislation (Town and Country Planning (Use Classes) (Amendment) Order (2022)), there is now a specific use class for a primary residence, second home and short-term let in Wales, and therefore there is a new power to be able to restrict the use of new housing (C3) by imposing a planning condition on new permissions to remove the permitted development rights. Since the introduction of these new use classes, Cyngor Gwynedd has imposed a condition which removes the permitted development rights between these use classes. There are 40 planning consents granted that include this condition (figure correct as of March 2024). Of the 39 permissions, work has commenced on 8 of these. No successful enquiries or applications have been submitted since the removal of this condition. It is therefore suggested that the condition is not a barrier in relation to the availability of mortgages.

1 St Ives Communities Development Plan (Policy H2)

Furthermore, since the date of serving the Article 4 Direction Notice, an explanatory note has been provided on the response to question 3.9 j) Local Land Charges Register (LLC1). The associated sub-note notes as follows:-

“Cyngor Gwynedd has served an Article 4 Direction ‘Notice’ for the Gwynedd Local Planning Authority area. The purpose of the Article 4 Direction is to revoke the permitted development rights for some types of development. If the Article 4 Direction is confirmed, the Article 4 Direction will come into effect on 1 September 2024. For further information, visit www.gwynedd.llyw.cymru/article4”.

1084 (up to the end of March 2024) responses were completed that include this note. The note clearly states that the Article 4 Direction (dependent upon its confirmation) would take effect from 1 September 2024 onwards. It is not known of any property sale that has failed due to the proposal or any mortgage not granted as a result of it.

THEME 12:**NEGATIVE IMPACT ON PROPERTY VALUES**

Sub-Theme: [Lowering property value] [Negative equity] [Negative impact on homeowners]

Number of comments: 1245

Summary of comments:

- This will reduce the home valuations of our house and have a significant negative impact on our finances. Along with the on-going living crisis it will also result in further hardship and poverty with people less likely to be able to re-mortgage and not having sufficient equity in their homes.
- Any drop in the value of our home concerns us – while we don't want our home to profit us, we also don't want to see its value fall, and lose a fraction of what we paid for it.
- Whilst this may be seen as a plus for people who feel priced out of the market, what consideration has been given to those already living here, who paid full market rate for our homes and now face the prospect of them being devalued by our own council?
- The future value of current main homes may be substantially impacted should owners decide to move home, due to the risk of any change in use being declined.
- The significant decline in the value of my house is certainly going to create concern when re-mortgaging (negative equity).
- With the near total collapse of the rental market and the unfavourable job market any decision which would put homeowners in danger of negative equity would be very dangerous indeed.
- Locals who are already under a heavy financial burden often overstretching on a mortgage to be able to buy in the area are likely to end up in negative equity because of the drop in housing value. You are going to make locals homeless with this strategy and financially ruin them.
- What the Article will have an IMMEDIATE impact on is the total housing market; great for first time buyers but the indigenous Welsh speaking population (particularly the younger element) are going to be devastated. Those that have recently bought when they come to re-mortgage will find themselves in negative equity and will be forced to return the keys as they will be unable to sell or re-mortgage.
- Article 4 will prove detrimental to homeowners in Gwynedd as the lack of flexibility to sell for a variety of uses will devalue such Properties.

Council's response

It is difficult to measure the true impact of introducing the proposed Article 4 Direction on property value, mainly because there are several factors that can influence value. Should a property's value fall after implementing the Article 4 Direction, we consider that it would be difficult to conclude indisputably that this is attributed directly to the implementation of the Article 4 Direction.

The factors that influence property value include:-

- **Economic growth** – Economic growth can lead to an increase in income which means that people have more money to be able to buy a house. On the back of an increase in demand comes an increase in property value. Similarly, during an economic recession, incomes decrease meaning that people cannot afford to buy, which slows down the market and leads to decreasing property value.
- **Interest rates** – Interest rates affect the cost of monthly mortgage repayments. If interest rates are high, this leads to higher mortgage payments, meaning there is less demand for housing because of a lack of affordability. On the contrary, lower interest rates would lead to increased demand in the market which can lead to property value increasing.

- **Supply** – A shortage of supply pushes prices up, whereas an over-supply causes prices to decrease.
- **Neighbourhood** – changes in the local neighbourhood can have an impact on property value, including for example investment in local services such as schools. Similarly, developments can have a negative impact on property value.

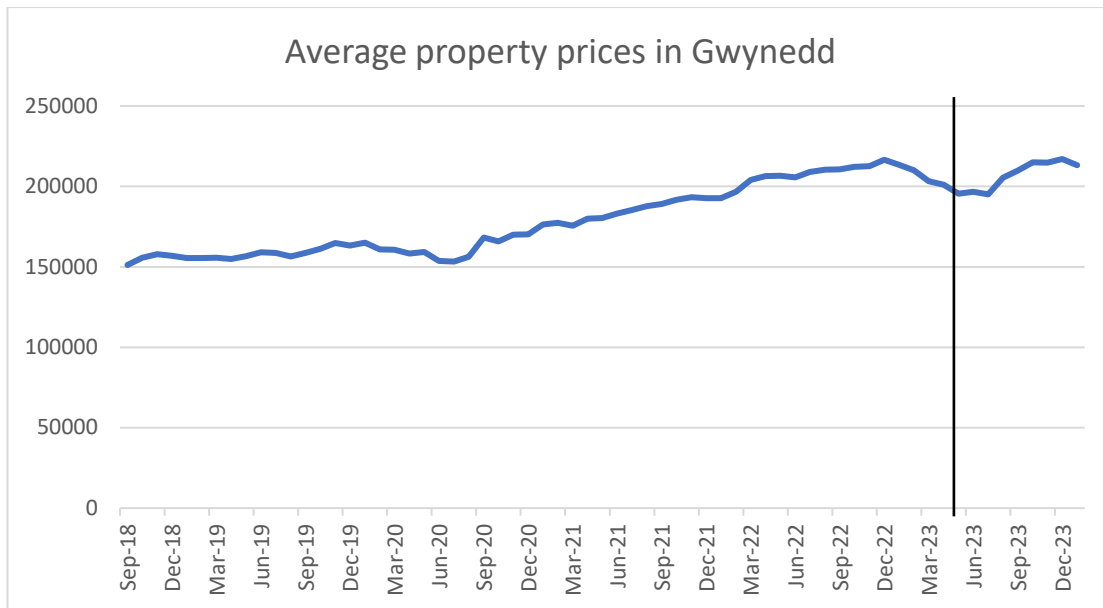
The above factors are highlighted to illustrate the fact that the housing market is not static, and to try to highlight the fact that there are many factors that can influence it.

Introducing the Article 4 Direction would not restrict who is eligible to buy properties, but rather, it would restrict the use that can be made of the property in question. In some areas, there seems to be a desire to use dwellings as a financial investment i.e. to make profit from the property by renting it out as a short-term holiday let. For those who would wish to invest for this purpose, there may be an element of risk associated with purchasing the property as it would not be possible to know with any certainty whether a prospective planning application would be approved or not. As such, naturally the lack of assurance of being able to use the dwelling for the desired purpose could mean that there is less demand for residential housing to be used as short term holiday accommodation or second homes and can therefore result in a reduction in the value of the property. At the same time, such a situation may be contributing to making housing more affordable for local communities.

If the property is already in use as holiday accommodation or a second home, it gives the buyer assurance that the property can be used for that purpose in the long term without having to worry about securing planning permission. This in turn can mean that there is greater demand for houses that are being used as a second home or a short-term holiday let. However, there should be consideration of the fact that the use of those properties is restricted i.e. should the use transfer to being a main residence, then planning permission would need to be secured in order to transfer it back to holiday use (second home (C5) or short-term holiday let (C6)).

It is also worth emphasising that the purpose of the Article 4 Direction is to secure the requirement to obtain planning permission for the proposed use. The Article 4 Direction does not mean that the use is unacceptable. In accordance with the Town and Country Planning Act 1990, Section 54A and the Planning and Compulsory Purchase Act 2004, Section 38(6), planning applications should be determined in accordance with the adopted Local Development Plan for the area in question, unless there is a relevant material planning consideration that indicates otherwise. The current local planning policy framework is the Anglesey and Gwynedd Joint Local Development Plan (adopted July 2017). The Joint Local Development Plan is supported by a series of Supplementary Planning Guidance. Nonetheless, it is emphasised here that the local planning policy framework is what actually influences the acceptability of any prospective planning application.

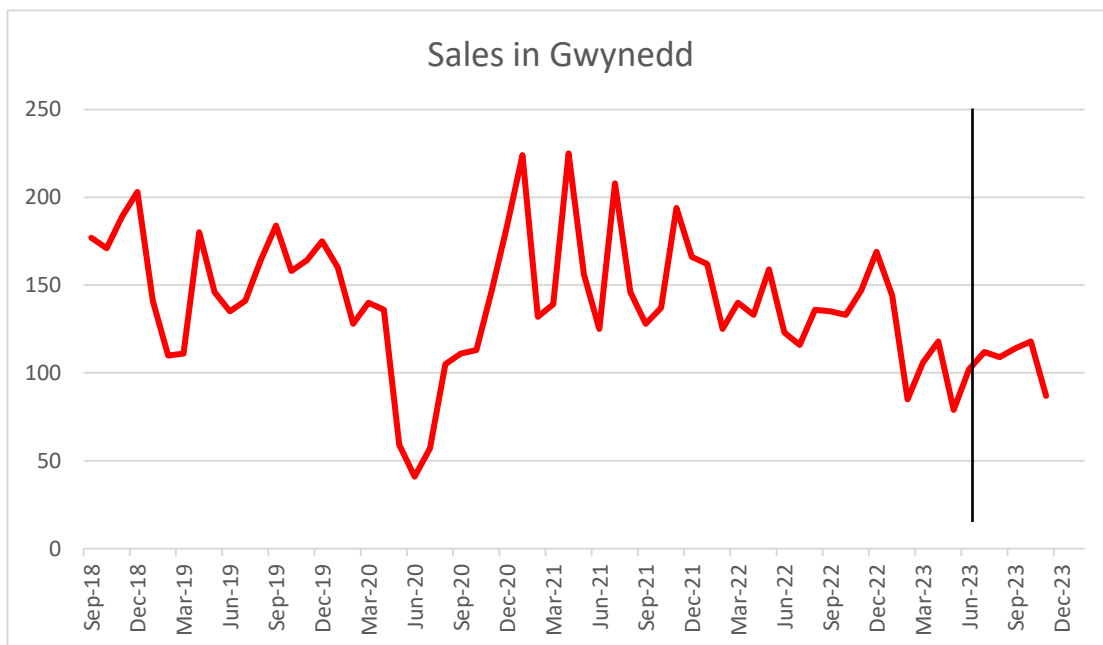
The intention of introducing the Article 4 Direction Notice in Gwynedd has been known since June 2023, when the decision was made by a meeting of the Cyngor Gwynedd Cabinet. The following chart shows the average value of houses sold in Gwynedd over a two-and-a-half-year period:-



Source: [UK House Price Index \(average price according to property type in Gwynedd\)](#)

You will notice from the graph above that average property value in Gwynedd was falling during the period prior to making the decision to issue the Article 4 Direction Notice, and has been increasing since the date of the decision. We note from this (during the limited time for which the data is available) that the proposal to make the Direction has not negatively affected average property value in Gwynedd.

With regard to the number of property sales during the same period, there is some inconsistency in the pattern, and this inconsistency continued following the decision to serve the Notice, as is indicated by the chart below:-

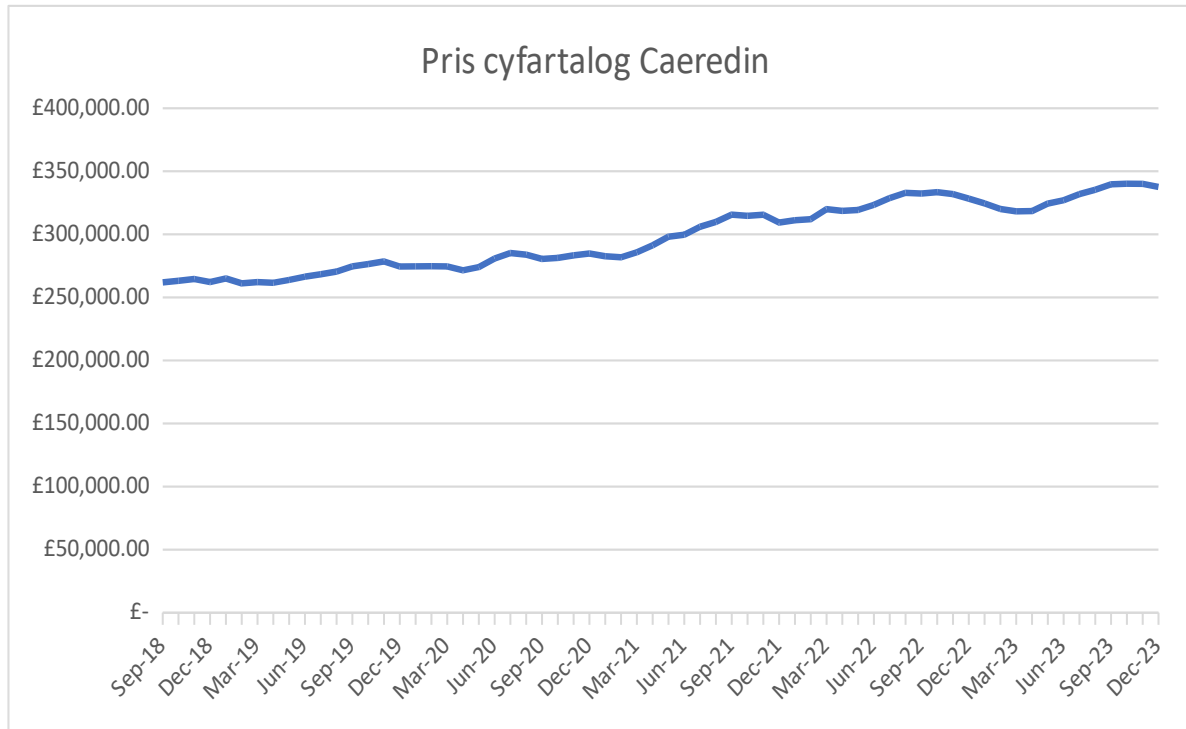


Source: [UK House Price Index \(number of sales per property type in Gwynedd\)](#)

A comparison has already been made in response to theme 11 between the control mechanism that is in force in Edinburgh and the Article 4 Direction. Looking at information regarding the numbers

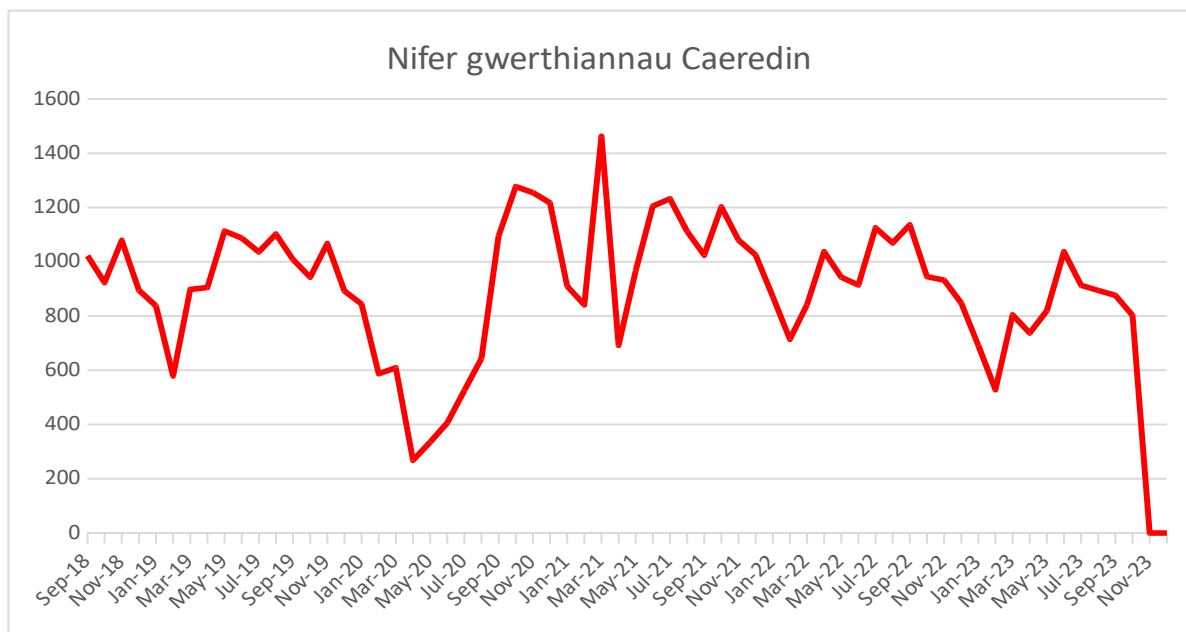
and value of houses in Edinburgh is a way of trying to predict how implementing the Article 4 Direction would affect house prices and sales in the Gwynedd Local Planning Authority Area.

The Edinburgh Control Area came into force in September 2022. As is shown in the following chart, the control mechanism does not appear to have affected property value, with the average property value continuing to increase gradually.



Source: [UK House Price Index \(average price according to property type in Edinburgh\)](#)

In terms of the number of sales, as shown in the chart below, it does not appear that implementing the Control Area has had a marked impact on sales.



Source: [UK House Price Index \(number of sales per property type in Edinburgh\)](#)

THEME 13: PUNISHING LOCAL PEOPLE

Sub-Theme: [Punishes local people] [Affecting the income of local people who own holiday accommodation] [No impact on second homeowners]

Number of comments: 273

Summary of comments:

- There is a possibility that it will punish local people rather than help them.
- Shame on the Council, making local people's houses worth nothing, this just punishes the people of Gwynedd!
- Once again local homeowners are being punished and will suffer due to this direction. However current second homes and lets can sell to whoever they want to.
- Gwynedd council you are punishing your own local residents not the 2nd homeowners. Personally, the way forward would be that local homeowners would put their house on the market for e.g. 6 months and if the house does not sell as a main home they would then be able to sell it on the open market giving locals the first choice of buying their own home.
- Local residents will be punished - our homes will be difficult to sell, and many will suffer huge losses. We have worked hard to be able to own our own home - a right that you are now interfering with.
- I truly think it wrong to punish local hard-working people, for the poor social housing policies of local councils.
- I believe punishing local homeowners and making it harder for first-time buyers to get a mortgage, reducing the amount they can borrow and increasing the cost of those borrowings will cause untold local suffering for the very people you are supposedly helping.
- This is wrong, and is penalising tax paying, permanent homeowners in Gwynedd by restricting their pension and Investment options.

Council's response:

The Article 4 Direction does not discriminate between different groups of people (e.g. local, visitors). It will be implemented fairly and consistently amongst everyone who owns properties in classes C3, C5 or C6. It's purpose is to remove specific aspects of the permitted development rights for these particular use classes, ensuring that everyone will be required to apply for planning permission.

In accordance with the Town and Country Planning Act 1990, Section 54A and the Planning and Compulsory Purchase Act 2004, Section 38(6), planning applications should be determined in accordance with the adopted Local Development Plan for the area in question, unless there are relevant material planning considerations that indicates otherwise. The current local planning policy framework is the Anglesey and Gwynedd Joint Local Development Plan (adopted July 2017). The Joint Local Development Plan is supported by a series of Supplementary Planning Guidance. Nonetheless, it is emphasised here that the local planning policy framework is what actually influences the acceptability of any prospective planning application. This point is expanded upon under Theme 33 (Implementation) of this report.

THEME 14: DEMOGRAPHIC CHANGES

Sub-Theme: [Leading to outmigration] [Leads to in-migration]

Number of comments: 118

Summary of comments:

Outmigration

- The Llyn relies on tourists, holiday let's and second homes as a major part of its employment for its residents (builders, electricians, heating engineers, hospitality etc. Without it, many locals would have to move away to get jobs.
- The further decline of this tourism industry will undoubtedly adversely affect all socio-economic groupings present here in a way which will risk creating "ghost towns" and derelict villages because the population will need to move to areas where their basic economic human needs can be fulfilled.
- Article 4 will have a negative impact on tourism, which is a major significant source of income for Gwynedd and this would push the area into further financial difficulty making it harder for younger main residents to get on the housing ladder. The implication of this is that younger people will move away from the area taking their skills and the Welsh language with them.
- Article 4 will remove money from the local economy that could be used to create further jobs and opportunities for local people rather than forcing them to move away to other area of the UK (as many already do).
- You will cause serious harm to Welsh residents who wish to/need to sell up and move away. It will create huge uncertainty, reluctance in the housing market.

In-migration

- It does not follow that these houses would be released to local people as they could be purchased by incomers. As a result, such a condition could cause a significant increase in the number of non-Welsh speaking people relocating full-time to the area which is more damaging than holiday homes as it would change the language of the school yard and the social spots.
- Inward migration will continue to spread across Wales and in particular into Northwest Wales regions.
- By restricting the market in Gwynedd, the idea is that house prices will fall as demand falls, notionally a good idea however there is nothing to stop people looking to downsize from outside Gwynedd, you're likely to import older people placing a bigger strain on the health and social care systems, the Welsh language will be further diluted by 'incomers'.
- Second homes are less of a threat to the language than permanent residency of English speakers.

Council's response:

The above comments relating to 'outward migration' are based on respondents' negative perceptions of the introduction of the Article 4 Direction on the tourism sector and subsequently on the local economy. Theme 15 below addresses this matter. The purpose of introducing an Article 4 Direction is in response to the housing crisis that exists within the County, thereby attempting to protect the current housing stock and ensuring that there is an adequate provision available to satisfy local needs. We hope that the ability to manage the use of housing as holiday accommodation or second homes will ensure that there is a suitable provision of housing available to enable people to live and work in Gwynedd.

In relation to the perceptions regarding 'inward migration', it is emphasised that the purpose of introducing the Article 4 Direction is not to restrict who is eligible to buy properties and, as noted above, it does not discriminate on the basis of nationality or national or ethnic origins. Rather, its purpose is to control the use that can be made of the property in question. In terms of the impact on the Welsh language, this is addressed under Themes 16 and 30.

THEME 15:**NEGATIVE EFFECT ON THE TOURISM SECTOR**

Sub-Theme: [Negative impact on the tourism sector] [Will destroy short-term accommodation]

Number of comments: 652

Summary of comments:

- The holiday homes situation is a complicated matter for which there is no easy solution. They are a key part of the tourism sector and create employment for a vast number of residents, whether in shops, builders and other tradespeople.
- It must be remembered that tourism is a huge source of income for rural Wales and without it, things would be bleak for us.
- There needs to be some properties available for people to hire for their holidays in order to attract people to the area which makes a valuable contribution to the largest economy we have, namely Tourism.
- Tourism gives young people the opportunity to have work experience over the summer holidays, it helps the local economy by providing work to local residents through renovations and maintenance work during the winter.
- Tourism is key to the economy in Gwynedd. Holiday settings for visitors should not be prevented. I love travelling the world, and tourism should be encouraged in one of the most beautiful places on our planet.
- With two properties in my ownership and a business that relies on tourism, I am very concerned about the way the Council is about to 'experiment' with the whole of Gwynedd with Article 4.
- The truth is that thousands of the County's population are employed directly (or indirectly) by the tourism industry – and by introducing Article 4, it would mean that the number that is unemployed here is even higher.
- There is no substantial investment or a strategy for an industrial economy to replace tourism in the rural areas. We must acknowledge the importance of the tourism industry to keep people in jobs.
- The tourism industry employs a large number of people in our areas and here in Pen Llŷn, we cannot live without it. As a holiday-home owner I can testify that there is already a clear decline in the provision for visitors, i.e. the shortage of staff, the reduction in visitor numbers and the astronomical increase in energy prices and core materials means that several cafés, hotels, public houses and attractions have either closed completely or are only open part-time, or the provision has deteriorated in standard and value for money.
- The economy is already fragile and we are very reliant on the Tourism Industry in this area. Implementing such a policy, while the economy is poor and people are struggling to live, is completely irresponsible.
- After a tough economic period during COVID, this is going to destroy the local economy and is likely to be the final nail in the coffin for our tourism industry that so many of us desperately rely on for a living.
- All you are doing is penalising locals, you aren't helping the matter, increasing occupancy rates on holiday homes, increasing council tax rates for second homeowners is killing tourism and putting LOCAL people that you claim to care about out of work.
- You have no sustainable future infrastructure in place to move away from tourism.
- You live in a beautiful country and are systematically following a policy of deterring tourism which is one of the few vehicles that show immense growth potential.

- It's worth noting that the increases in council tax and occupancy requirements have already made accommodation more expensive in the area which dampens tourist volumes and in turn tourism spend with local businesses. In summary, anything that makes tourism more expensive or less accessible (e.g. via less accommodation) in the Abersoch area is detrimental to local jobs, businesses and Llyn livelihoods.
- What would this mean for tourism and the money that tourism brings to the local economy and local businesses? Would this mean that Conwy and Anglesey would profit instead?

Council's response:

In considering the proposal's effect on the tourism sector, it is important to be mindful of what we are trying to achieve by making the Article 4 Direction. It is emphasised that the Council, through the Gwynedd and Eryri Sustainable Visitor Economy Strategic Plan 2025 is keen to promote a sustainable visitor economy, with the vision of creating:-

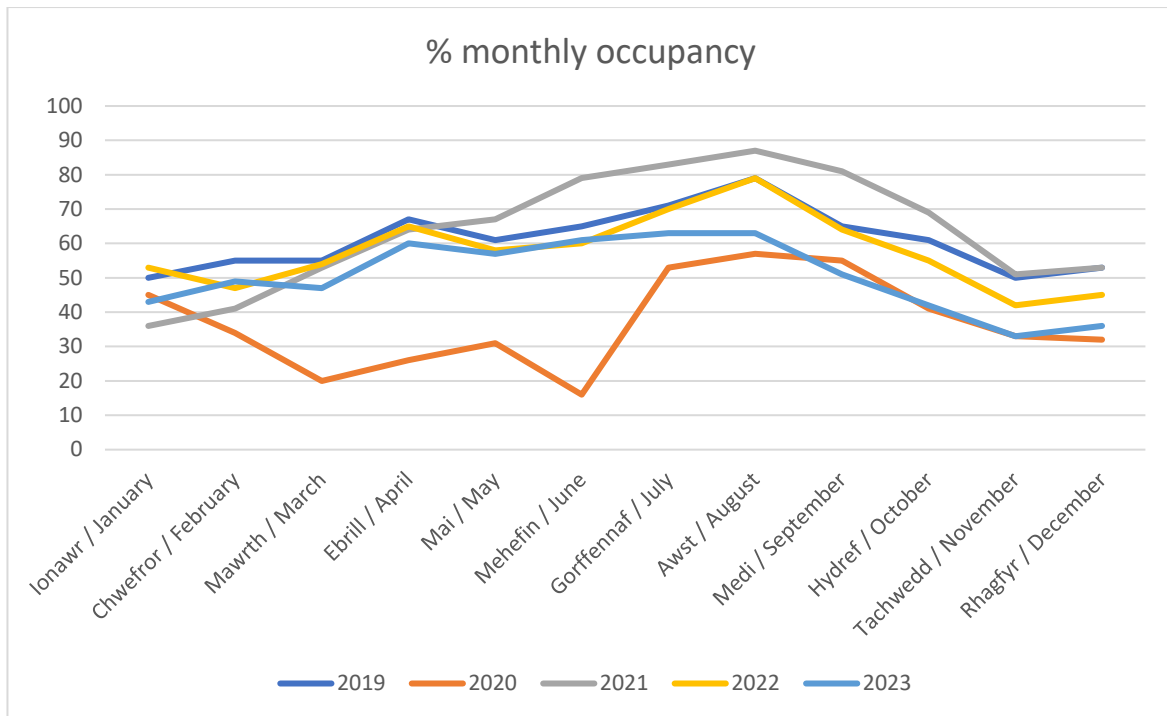
"A visitor economy for the benefit and well-being of the people, environment, language and culture of Gwynedd and Eryri".

The justification paper (Appendix 5) highlights the negative side-effects that are experienced from having a high number or high concentration of holiday accommodation. It is considered that it will be unsustainable to continue with the current situation.

By introducing the Article 4 Direction, it would mean that any prospective planning application for a holiday let would have to be assessed in accordance with the relevant local planning policy framework. We emphasise that retrospective implementation is not possible, and, as such, an established use of a residential dwelling as a second home or holiday accommodation may continue after the date of implementing the Article 4 Direction.

Looking at the current figures of the provision of holiday lets and occupancy rates, it appears that a sufficient provision of holiday accommodation exists in Gwynedd to meet the need. The 'Transparent Intelligence' data source, which is a third-party data supplier appointed by Visit Wales on behalf of the Welsh Government, is particularly useful for studying the occupancy rates of holiday lets. Data is provided in relation to short-term holiday lets that are marketed on Airbnb, Vrbo, Tripadvisor and Booking.com. Although this data is checked and processed by the Welsh Government it should not be used as an official accurate record of properties, rather it should be used to highlight the potential scale and trends of the sector only.

The following chart indicates that holiday accommodation occupancy rates in Gwynedd during 2023 were no higher than a monthly average of 63% (August 2023). The period of time where the highest occupancy rate was witnessed was during July/August 2021, which corresponds with Covid overseas travel restrictions. As such, this chart highlights that an adequate provision of holiday accommodation exists to meet the need.



Source: Transparent Data

An over-provision of holiday accommodation can be damaging to the tourism sector, and it could mean that businesses that have followed specific founding arrangements, for example obtaining planning permission and registering with Visit Wales, are failing because of the excess provision. A lack of current control over the use means that it is not possible to manage the use, meaning that genuine businesses are failing. By contrast, the Direction would allow control to be exercised so as to manage the supply of second homes/short-term lets so as to better balance supply and demand/need.

It is also highlighted that the Government are intending to introduce a Statutory Register and Licensing Scheme for all visitor accommodation providers. This Scheme will be a means of gathering information regarding:

- The number of accommodations operating in an area
- Ensuring essential health and safety standards are met
- Improving the visitor experience

The intention is to have a draft Bill of the proposals in place before the end of the year.

The Scheme will enable more accurate monitoring of the provision and demand for holiday accommodation and provide an important evidence base when preparing relevant policies within the new Local Development Plan, which will address the wider intention of creating a sustainable tourism sector.

THEME 16: DOES NOT PROTECT THE WELSH LANGUAGE

Sub-Theme: [Does not protect the Welsh language]

Number of comments: 242

Summary of comments:

- House prices will be too high for local people to afford, this will not help the Welsh language, as it will not be Welsh people buying them.
- Although I agree with the concept of managing second homes and Holiday Let properties, I have grave concerns that this proposed policy will have a serious negative impact on our local economy and the Welsh language.
- I do not think it will achieve the goals you hope it will, and in my opinion will do more harm to the Welsh language and culture in the long term.
- The proposed direction also threatens the Welsh language and culture. By potentially driving locals out of the area due to financial hardships caused by devalued properties, the council risks a decline in the use of Welsh.
- I just wonder where the council get the idea that driving second homeowners out of Gwynedd will improve the Welsh Language and Culture.
- It will not help younger main residents to get on the housing ladder, it will if anything persuades them to buy in an area that will benefit them. The Welsh language because of this will suffer.

Council's response:

Part 4 of the justification paper highlights that there is a pattern between high rates of Welsh speakers and the provision of holiday lets/second homes, with lower rates in terms of language ability where holiday accommodation numbers are higher.

One of the main objectives of making the Article 4 Direction is to attempt to protect the current housing stock, thereby ensuring that there is an adequate provision available to meet local needs. As well as ensuring a provision of housing to satisfy local housing needs, a side-effect of this will be ensuring that there is a permanent population living in our communities. Having this permanent population would mean that there is a means of sustaining communities and the services that are being offered, and it is hoped that this would then contribute to the prevalence of the Welsh language.

Creating sustainable communities where the Welsh language is fully immersed within communities and providing and replicating the necessary social context for using the Welsh language as part of the normal fabric of society, is essential in order to protect and encourage the growth of the Welsh language. With the Welsh Government's commitment to reach a million Welsh speakers by 2050, the ability to have better control of the housing stock and subsequently ensure that there is an adequate and affordable provision of housing for local people is a way of supporting this goal.

THEME 17: NEGATIVE IMPACT ON INDIVIDUALS WITH PROTECTED CHARACTERISTICS OR THE ECONOMICALLY DISADVANTAGED

Sub-Theme: [Negative impact on the economically disadvantaged] [Negative impact on protected characteristics]

Number of comments: 23

Summary of comments:

- Effect people who wish to move due to personal circumstances such as sickness.
- It will cause hardship for the disadvantaged.
- Drive families into further poverty and negative equity on their homes.
- Lead to further poverty (and reliance on the state) due to lack of employment opportunities connected to the tourism sector.
- Article 4 will significantly impact those who are socio-economically disadvantaged and will likely push them into further disadvantage and poverty.
- For those who already have holiday homes and holiday lets, they are not affected, but the rest of us will end up poorer.
- Article 4 will lead to many having a lower standard of living.
- Those relying on equity to fund care homes, care workers or to downsize and have available capital are likely to lose their entire retirement plans and rely on the state meaning a further weight and impact on the Council services. It will result in increased displacement of those who are socio-economic disadvantaged and potential further homelessness.
- The cost-of-living crisis is having a major impact on lower Income families but also middle-income families who are struggling to pay the mortgage, bills etc. An unintended consequence is that if people are hit on hard times, then making extra income from their homes will no longer be an option.

Council's response:

The Council is required (under the Equality Act 2010) to consider the impact that any changes in any policy or procedures (or the creation of a new policy or procedure) will have on people with protected equality characteristics. An assessment has been conducted to Assess the Impact of introducing the Article 4 Direction on Equality Characteristics, the Welsh language and Socio-Economic Disadvantage, which concludes that there will be no adverse effect on the above groups. That Assessment has been updated following the engagement period.

In response to the concern regarding affecting 'financial prosperity', we should refer to the response to Theme 11 (Mortgages) and Theme 12 (Negative impact on property value).

THEME 18: ISSUE NOT UNIQUE TO GWYNEDD

Sub-Theme: [Affordability not unique to Gwynedd] [Country-wide problem]

Number of comments: 12

Summary of comments:

- Young people being unable to afford their own houses is not a local problem but a national one.
- The UK has a chronic housing shortage, and this is made worse in Gwynedd as there are few well-paid jobs; that's where the focus should be.
- Article 4 is not the magic bullet that is going to resolve the local issues and make existing properties affordable for locals, this is a common problem experienced throughout the UK.

Council's response:

It is agreed that the situation in terms of lack of access to affordable housing is not a unique matter to Gwynedd. It is a problem experienced throughout Wales and the United Kingdom. It must be recognised, however, that an increasing number of second homes and holiday lets has compromised our housing stock, making it more difficult for local residents to compete with the buyers of holiday homes or holiday lets.

The ability to act through the planning system is a tool that any Local Planning Authority in Wales can operate if they wish. As responding to the housing crisis is one of Cyngor Gwynedd's main priorities, it is appropriate that the Council responds by implementing appropriate mechanisms.

THEME 19: ACTION TOO LATE – DAMAGE HAS BEEN DONE

Sub-Theme: [Too late – damage has been done]

Number of comments: 31

Summary of comments:

- Something should have been done years ago, it is too late now in some areas, will make no difference and only mean that the Council will need more resources to fulfil the requirements and therefore everyone will need to raise Council tax.
- Too little too late as many properties particularly in some villages on Llyn are already in use as a second home or holiday let. In for Abersoch, housing will never be affordable here. In decline decades ago and nothing was done. The number of second homes/Airbnbs in Blaenau Ffestiniog is high.
- This will only make matters worse. It's too late! The damage is already done, you allowed second home purchases to go wild after the pandemic, did nothing about it. You're now trying to close the door after the proverbial horse has bolted. The 'boom' is over so no point to it.
- The basis of Article 4 is good but it comes 5 years too late. When interest rates were low there was a great rush to buy properties here to reside in or Airbnb let because of the apparent cheapness of property compared to England.

Council's response:

It is important to emphasise that the powers to act have not been available to local authorities until recently. Distinguishing between house uses (C3) has only been possible since the changes were introduced to the Town and Country Planning (Use Classes) Order 1987 Wales in October 2022. Two new use classes were introduced to define a Second Home (C5) and Short-term Holiday Lets (C6), keeping the main residence in (C3). The legislation was changed following increasing pressure on the Government to respond to the effect of holiday homes on our community. The new powers that have been introduced to the Planning framework ensure better management of the existing housing stock. Cyngor Gwynedd Council is the first authority in Wales to take the pioneering step of taking advantage of the change in legislation, by exercising powers to introduce an Article 4 Direction.

In addition, interventions beyond the planning system have been introduced to the taxation system, along with the proposal to introduce a licence for registering second homes, and all of these things combined will likely make a difference to the communities of Gwynedd.

THEME 20: TAXATION ARRANGEMENTS NEED TO BE REFORMED

Sub-Theme: [Change non-domestic taxation regime to ensure all properties pay council tax] [Council Tax/Premium already taking effect]

Number of comments: 79

Summary of comments:

- If the purpose of the legislation is to restrict the Holiday let market which seems to be the area of growth that is most concerning, then there must be other options around business rates and the relief this gives on council tax that would be more sensible to address.
- The council needs to look at the fact that many residential properties are being used as holiday rentals and classed as businesses, paying nothing into the communities they are located in. The council need to apply a ruling that all properties originally built as residential properties have to pay council tax with no exemption, as these properties would then be classed as second home and therefore pay the +150% premium for second homes.
- The council tax premium has not yet had time to show impact. I think this is a fair way to manage second homes and holiday lets.
- It is an unnecessary intervention when we have not yet seen the full effect of the higher Council Tax premium introduced recently. From personal observation this already seems to have caused a significant number of second homes in the area to be put on the market for sale. It would seem to be sensible to wait and see what impact this eventually has financially for Council funds, and for the housing market, before introducing furthermore costly changes.
- We recommend that, in response to this consultation, Gwynedd Council re-evaluates its proposal for an Article 4 direction covering the whole local authority, ensures that any data being utilised to support the removal of permitted development rights (PDRs) is up-to-date, relevant and accurate, and that before proceeding, the council waits until the impact of recent interventions such as changes to the council tax and business rates framework for short-term lets and the proposed licensing scheme for overnight accommodation in Wales can be assessed.

Council's response:

The taxation process associated with second homes and holiday accommodation is outside the scope of what can be achieved through the Article 4 Direction.

Within the local taxation system, properties that are used as self-catering holiday accommodation are classified as a business. Subject to meeting specific criteria that are set in legislation, self-catering holiday accommodation units pay non-domestic rates rather than Council tax.

The Non-domestic Rating (Amendment of Definition of Domestic Property) Order (Wales) 2022 amends Section 66 of the Local Government Finance Act 1998 by amending the criteria for eligibility to be classified as self-catering holiday accommodation for local taxation purposes. The amendment to subsection (2BB) sets new figures in terms of qualifying to be classified as non-domestic properties. The new criteria are as follows:-

- that the property is available for letting commercially as self-catering accommodation for short periods totalling 252 days or more in the following 12-month period
- that the ratepayer's interest in the property enables them to let it for such periods

- that in the 12 months prior to assessment, the property has been available for letting commercially as self-catering accommodation for short periods totalling 252 days or more
- during that period, the short periods it has actually been commercially let for amounted to at least 182 days

The purpose of the amendment in the thresholds is to demonstrate more clearly that the property in question is being let regularly as part of a genuine holiday let business and is making a substantial contribution to the local economy. This Order has been in force since 1 April 2023.

For assessment purposes, the Valuation Office Agency examines a property's letting information from the previous operating year and decides whether the above criteria have been met or not. It is the Valuation Office Agency that informs the Local Authority of whether the property is considered a domestic or non-domestic property, for local taxation purposes.

As such, it is emphasised that the procedures associated with business units and the appropriateness of applying them to the local taxation procedures, are beyond the Council's control.

With regard to second homes, the Local Government Finance Act 1992 gave the Council discretion to charge full Council Tax, allow a discount of up to 50%, or charge a Premium of up to an additional 100% on the Council Tax of some classes of second homes and long-term empty properties. Section 139 of the Housing (Wales) Act 2014 added Sections 12A and 12B to the 1992 Act to include a discretionary provision for councils to charge an extra "Premium" of no more than 100% on properties that have been empty for 12 months or more (Section 12A) and relevant second homes (Section 12B).

On 8 December 2016 the Council decided that it would charge a 50% Council Tax Premium on second homes and long-term empty properties, operational from 1 April 2018. On 4 March 2021 the Council decided that it would raise the Premium to 100%, which is the highest level possible under the legislation, for the 2021/22 financial year.

The Council Tax (Long-term Empty Dwellings and Dwellings Occupied Periodically) (Wales) Regulations 2022 (SI 2022/370 Cy.90) have amended Sections 12A and 12B of the 1992 Act, granting billing authorities (the Council) the power to charge a premium of up to 300% on Council Tax for second homes and long-term empty properties for the 2023/24 financial year and subsequent financial years. On 1 December 2022, Cyngor Gwynedd decided to charge a 150% premium on class B second homes for the 2023/24 financial year. This premium was reapplied for the 2024/25 financial year during the meeting of the Council that was held on 7 December 2023.

It is considered appropriate to implement a package of measures to try to address the impact of a high provision or concentration of holiday lets. As already noted, business taxation arrangements are beyond the Council's powers. In terms of local council taxation arrangements (i.e. the premium charged on second homes), this figure must be re-set annually.

If it is decided to approve the Article 4 Direction, we will need to ensure that there are appropriate monitoring arrangements in place. It will be appropriate for these monitoring measures to look at and assess the impact of implementing the proposed Article 4 Direction. As part of the monitoring process, it is considered appropriate to take account of other control mechanisms that are in operation, for example changes in terms of taxation procedures and the proposed licensing/registration system that is in the pipeline for self-catering holiday lets.

THEME 21: NEGATIVE COMMUNITY EFFECTS

Sub-Theme: [Does not affect facilities/services] [Negative impact on the community]

Number of comments: 157

Summary of comments:

- It will have a serious negative impact on the local area.
- Article 4 Direction will have a devastating impact on all local communities across Gwynedd, irrespective and all main homeowners, irrespective of nationality.
- Gwynedd Council will achieve single-handedly to rapidly destroy local communities, eradicate the Welsh language, accelerate the exodus of native generations to the rest of the UK and therefore ensure the demise of all it holds dear and purports to protect within 2-5 years.
- It is likely to impact badly on our local communities and people who live in the area, whether Welsh or non-Welsh.
- Far from helping local communities' article 4 will turn many into ghost towns/villages.
- I believe that Article 4 hasn't been considered robustly and if introduced will affect irreparable damage to the community.
- More study and reports and projections need to be done to understand the impact on local people and the local housing market.
- This will not benefit local people at all and merely create more animosity towards tourists.
- There has been a failure to recognise the damage to communities that this process is causing. People are frightened for their wellbeing at this point.
- The proposal will cause a divide within the community, and there is a rising feel of racism.
- We do not live in a communist state and this ill-thought-out plan punishes the very community that it is (allegedly) seeking to protect. Many local people will find that they have no option but to leave the area as they will not be able to access mortgages, and this will further decimate the language and culture.
- Many of these communities cannot support full time annual employment at scale and the demand residential ownership is declining as communities move away and look for work. We have seen this year a dramatic drop in visitor numbers, and this will place further pressures on local communities.

Council's response:

See responses to Themes 14, 16, 21 & 30. As already noted, as well as ensuring a provision of housing to satisfy local needs, a side-effect of this will be ensuring that there is a permanent population living in our communities. Having this permanent population would mean that there is a means of sustaining communities and the services that are being offered, and it is hoped that this would then contribute to the prevalence of the Welsh language.

The Article 4 Direction will be implemented fairly and consistently amongst everyone who owns properties in classes C3, C5 or C6 and there will certainly not be any discrimination on the grounds of race. As a result, the allegation that introducing this direction is racist is completely unfounded.

THEME 22: AFFECTS THE INCOME COLLECTED THROUGH THE PREMIUM

Sub-Theme: [Less Income collected through the premium]

Number of comments: 3

Summary of comments:

- A reduction in second-home ownership will lead to a reduction in those who pay a Council Tax premium which will reduce the Council's income.
- Second-home owners contribute more to the Council's finances through the second homes premium but need fewer services.
- Less Council tax will lead to a decrease in services that the Council can provide to full-time residents.

Council's response:

If there was a reduction in the number of second homes in the county, it is recognised that less income would be collected through the Council Tax premium. In considering the proposal's effect on this, it is important to be mindful of what we are trying to achieve by introducing the Article 4 Direction. The purpose of introducing an Article 4 Direction is in response to the housing crisis that exists within the County, thereby attempting to protect the current housing stock and ensuring that there is an adequate provision available to satisfy local needs. Therefore, it is hoped that the benefits of introducing an Article 4 direction to the local community would outweigh the financial losses that may derive from not collecting as much premium.

THEME 23:**ERRONOUS ARTICLE 4 DIRECTION PROCESS**

Sub-Theme: [Area for Article 4 needs to be more specific geographically] [Lack of robust evidence] [Lack of consultation] [Lack of information as to how it will be implemented] [No exceptional circumstances for Article 4]

Number of comments: 173

Summary of comments:

- The research paper is flawed, biased, inaccurate, contradictory, does not present the full facts and is based on presumption.
- No exceptional circumstances which is required to justify the introduction of this Direction.
- Without the robust evidence base and impact assessment a decision to make the Article 4 Direction would be fundamentally flawed and susceptible to challenge. Following the completion of the necessary assessments, any decision on introducing an Article 4 Direction would then need to contain an assessment/balancing of the impact of the measures on affected landowners and so no evidence of how the infringement with their rights has been factored into the decision. This has not been carried out at this stage and, again, means any decision to make the Article 4 Direction would be fundamentally flawed and susceptible to challenge.
- The research commissioned by the Government, 'Second homes: Developing new policies in Wales, Dr Simon Brooks (2021), basically says that there is no evidence that second homes are mainly responsible for house price inflation, but Gwynedd Councillors choose to ignore this as it doesn't fit the narrative. Gwynedd councillors have a history of ignoring commissioned research that doesn't fit the narrative.
- No certainty it will work effectively and not have unforeseen consequences for communities. There should be clear evidence of how other measures already applied to control the situation are working before new and more complex approaches are considered. More thorough monitoring and analysis is required first.
- The Paper has not provided any data to demonstrate the success or otherwise of the increased tax levy on second homes and fails entirely to explain how CG intend to mitigate the effect of this or how this can assist in achieving the proposed objectives.
- Northumberland Study - appears to relate to residential restrictions on new houses and is probably not relevant to restrictions applied to all existing residential housing stock nor to areas widely affected by holiday homes. The evidence is unsatisfactory.
- Schedule 1 (The Town and Country Planning (Use Classes) Order 1987 (as amended)) - clarify whether you consider your Local Authority's description of the Direction, to be reasonable. Indeed, several points in the Schedule have been missed out.
- Article 4 as originally envisaged was originally intended to be used selectively to fix specific local problems, applying it across the board to the whole property market is going to destabilize the whole local economy - if it is indeed needed, it would be better to apply it selectively.
- Consultation is flawed and does not represent the full facts. Lack of information and evidence of effective community consultation nor clear guidelines. The consultation process surrounding the development and implementation of Article 4 seems to lack meaningful engagement with stakeholders. No evidence that the Council have consulted with any financial institution on the potential risk the Direction poses mortgage holders.
- Guidance fails to set out how the policy will work. Absence of declared criteria/rules of how relevant planning applications might be determined is detrimental to local democracy
- Urge you to conduct a pilot study to establish whether these aims will, in fact, be achieved, and also what other outcomes there may be particularly for local tourist industry.
- Concerned that no independent feasibility study has been produced. There is no robust impact assessment identifying the potential resulting adverse impacts of introducing the Direction. There should be a full assessment of the likely level of house prices and associated assessment

of local wages to establish whether the Direction will actually make the houses affordable. There is no consideration of the potential impacts on the ability of people to obtain a mortgage.

- An economic impact assessment has not been provided by the Council. The report includes no economic impact of the loss of income from the secondary market and hotel sector, the people that spend money in the shops and restraints that offer people business and employment opportunities.
- There appears to have been little or no consideration of the effect Article 4 will have on all residents in Gwynedd before the proposal was put to the council. No research done to ascertain the effect on jobs people's nor whether it is likely or at all to help with housing. There was no detailed explanation of the effect Article 4 will have on everyone not just incomers making it impossible for many to understand the full impact it will have.
- There is no assessment of where any increased numbers of people living locally will work - there's no ensuing employment strategy alongside this housing measure – for example, could it result in a need for people to travel by car to job opportunities elsewhere? There should be an assessment of the potential environmental impacts on this regard, which is something that the Council acknowledge will only happen as part of the Replacement Local Plan.
- Nowhere is it set out the criteria that planning officers or committees will be applying when it comes to determining a future planning application for change of use. Discussion about the proposal are meaningless unless the proposed policy is known because of the uncertainty about where it will leave people.
- There is no proper justification of the extent of the area to be the subject of the Direction and there will clearly be properties affected which should not be.
- Article 4 Direction should be applied to the smallest geographical area possible. The LPA has relied on old and inaccurate scraped data.
- Average percentage figures for the number of people wanting to own their own property should be related to specific areas and not to the County as a whole. The figures should relate to those wishing to buy and not include those wishing to rent – these should be shown separately.
- The Paper has not provided any data in relation to the nationalities of second home owners but would appear to suggest that the majority of second home owners in Gwynedd are English. If that is correct then the Paper does not address the impact on people of different ethnic origins, which includes English born residents. If that is not the case and the majority of C5 or C6 owners are Welsh, the Paper has not addressed how it intends to encourage the majority of people living across Wales to embrace the Welsh language. The people of North Wales are not a protected characteristic for the purposes of the Equality Act 2010 but form part of the wider Welsh nation. Whilst legislation exists to enhance the culture and language of Wales, it does not derogate from the legal obligations under the Equality Act 2010.

Council's response:

The process of making and implementing the Article 4 Direction is laid out in the Town and Country Planning (General Permitted Development) (Wales) Order 1995 (as amended). In addition to the requirements set in the Order, relevant national policy on second homes and short-term lets is set out in Planning Policy Wales (2024) and general guidance on the making of Article 4 Directions is provided in Appendix D of circular 29/95.²

The general test set out in the GPDO for the making of an Article 4 Direction is that the local planning authority considers it “expedient that development described in any Part, Class or paragraph in [Schedule 2](#), other than Class B of Part 22 or Class B of Part 23 , should not be carried out unless permission is granted for it on an application” (although more stringent tests apply to the making of directions with immediate effect).

² General Development Order Consolidation 1995 (Circular 29/95)

The guidance provided in Appendix D of Circular 29/95 is nevertheless that, “generally and subject to the guidance in this Appendix, permitted development rights should be withdrawn only in exceptional circumstances” which will ordinarily only be where there is a “real and specific threat”. However, the amendments to the GPDO and Use Classes Order in 2022 were made with the specific intention of giving local planning authority authorities the ability to control the use of properties as second homes and short-term lets. Furthermore, Planning Policy Wales now expressly provides that local planning authorities “must” consider localised issues such as “the prevalence of second homes and short-term lets” and, “where robust local evidence has identified impacts on the community arising from the prevalence of second homes and short-term lets”, may consider “co-ordinated local planning approaches” including “the introduction of area specific Article 4 directions which may require a planning application for a change of use of a sole or main residence to a second home”.

For the reasons set out in the Justification Paper and in this report, it is considered that there is robust evidence of such impacts in the County and that therefore it is expedient, and there are exceptional circumstances which justify the making of the Direction in accordance with the legislative intent of the amendments to the GPDO and the policy set out in Planning Policy Wales.

When preparing the justification paper, every effort has been made to introduce background information and evidence to assist the decision-making process that is linked to the introduction of the Article 4 Direction.

It is noted that the vocabulary used in para 7.12 of the justification paper is unclear and, as a result, an amended version of the justification paper that includes an amendment to this paragraph has been prepared (see Appendix 5). Despite the lack of clarity included in paragraph 7.12, it is emphasised that the table included in paragraph 7.13 outlines the situation with total clarity. Furthermore, the Notice and the Article 4 Direction, along with the associated correspondence, has noted the situation with absolute clarity.

THEME 24:**IMPACTS ON AND RESTRICTS THE HOUSING MARKET**

Sub-Theme: [Harder to buy and sell] [Slowing the housing market] [Prevents people from moving into the area] [Creates more than one housing market] [Creates an unequal housing market] [Limits the open market] [Distortion/Disruption of open market] [Destroying the housing market] [Rented housing switching to holiday accommodation before 1 September 2024] [Leads to increase in holiday home value] [Beneficial for second home owners] [Raises the value of second homes] [Holiday homes too expensive for local people] [Some large houses unaffordable as residential housing]

Number of comments: 486

Summary of comments:

- The process of buying and selling a property can be complicated and burdensome at present. I believe that an obligation to secure planning permission before selling a property as a second home could increase the timetable for buying and selling, adding significantly to the cost and the pressures that are associated with the process.
- I strongly believe that implementing this foolish direction will create a two-tier market with second homes and short-term holiday let houses attracting a premium, thereby simultaneously punishing the owners and residents of local dwellings that are main residences – how can you justify this?
- If implemented I believe this requirement will freeze the property market in Gwynedd and make it more difficult to buy or sell.
- Article 4 will adversely affect the saleability of Gwynedd residents who wish to sell for whatever reason. The Article reduces the potential purchasers and will no doubt mean residents will lose value.
- A full-time resident wishing to sell, perhaps to (a)downsize, (b) move for work, (c)retire(de) enter care may struggle to find a buyer at all, given a restricted pool of purchasers.
- I don't understand how this will fit into the timescale of a conveyancing transaction. I don't think a buyer wanting to buy will be prepared to wait while Planning permission is sought.
- This is a restrictive measure which is certain to make the use and the buying and selling of houses slower and subject to more expense, time and legalese red tape.
- I think that needing to apply for Planning permission to use a property as a second home will only deter people coming to live in Gwynedd, adversely affecting the economy, population, and communities. Gwynedd should be welcoming to new residents not deterring them.
- The market will become a three-tier market i.e. main residence, second home and FHL. It is likely the latter will see increase in value as the market freezes existing usage (council cap Planning approval) and those of us who live and work here will see tens or hundreds of thousand pounds wiped from their property value.
- You will create a 3 three tier housing market with these proposals, with permanent residents being worst hit.
- You are proposing to create a two-tier housing market whereby second homes will increase in value and resident's homes will decrease in value.
- It will create a two-tier housing market similar to the Isle of Jersey, this intervention in how owners can use their home has increased house prices substantially. It has also restricted development.
- it will be counterproductive as it is guaranteed to create a two-tier housing market resulting in virtually none of the proposed benefit and instead making it worse by permanently locking

primary homeowners out of buying attractive homes that are currently secondary homes or holiday lets.

- It will develop an unequal housing market within the UK. House prices are going to fall leaving ALL Gwynedd residents with less flexibility in the housing market.
- This policy will create even more divisive housing market.
- You will create a closed market for main residences and an open market for second homes and Holiday lets.
- It will have a hugely deleterious effect on the property market- how could it not when it severely restricts the ability to complete property transactions by artificially limiting potential purchasers by imposing ridiculously prescriptive conditions on the sale of all properties?
- Long term rentals will change to become holiday lets before the 1 September deadline.
- The planning categorisation and restrictions will lead to reduced values for permanent homes and it will make it more expensive to finance the purchase of permanent homes, the big lenders have already stated that article 4 will be a red flag. Existing second homes will likely increase in value and be open to a wider prospective purchaser demographic.
- I am certain that any such move from the council will actually increase the value of housing stock with any current second/holiday home demanding a premium ensuring such properties are never again available to locals who rely on local wages. In Gwynedd so many of the homes nearest the coast are already second home this article will just ensure they stay that way forever, there will never be a way back to them for a local family.
- My main issue is that my house which we've worked hard to get will be devalued and the house next door being a second home will be able to sell at a premium.
- The very action of limiting the supply of second homes will increase their value while those of locals reduces.
- I am concerned that the proposed Article 4 direction is misguided and will end up damaging local communities, with the worst effects being felt by those whose main residence are in the area.
- 2nd home values will increase. This is because there would be no incentive for properties which are currently designated as second homes to be re-designated as main residences. Why would someone who purchases a property which currently holds second home status (even if they intended to live in it permanently), change its use to a main residence when this would immediately reduce the value of this property to significantly below its purchase price?
- Second home and holiday lets will command a premium price, since these properties will have more potential, and primary residence homes will be of lower value creating in effect two categories in the market. This manipulative intervention in the housing market won't actually address the current housing market challenges for local people.
- Making the rich richer.
- Article 4 is going to create an unlevel playing field within the housing market.
- It will hand a dividend to existing second homeowners (the very people who you accuse of creating the unaffordability of property in the region) by creating a "restricted market" which will give rise to a price premium.
- The richer people will probably buy up the properties & leave them empty until they see the market change.

Council's response:

The purpose of introducing an Article 4 Direction is in response to the housing crisis that exists within the County, thereby attempting to protect the current housing stock and ensuring that there is an adequate provision available to satisfy local needs and not to restrict the housing market.

The ability to freely transfer between the uses means that there is no efficient control over the existing housing stock. Furthermore, it makes it more difficult to predict if the current housing stock will be available to satisfy future requirements or if the current housing stock will continue to be eroded for holiday accommodation purposes.

Therefore, with a responsive approach to the provision of affordable houses that addresses local need, ensuring that those houses are fit for purpose/environmentally friendly, and implementing an innovative plan to address the housing crisis (Gwynedd Housing Strategy 2019-2024), it is considered that a mechanism must be implemented to provide better control over the existing housing stock.

It is emphasised that implementing the Article 4 Direction will not restrict the ability of individuals to sell their house/houses on the open market nor who is eligible to buy the property. The purpose of the Article 4 Direction is to remove the permitted development rights that have been applied through the amendment to the Town and Country Planning (Permitted General Development) Order (2022) to ensure that planning consent is required in order to undertake some specific change of use developments. The proposal is implemented for the whole Local Planning Authority area, and therefore it is not accepted that the proposal discriminates on the grounds of nationality.

It is hoped that introducing this measure will ensure better control of the housing stock, thus ensuring an appropriate provision of housing to satisfy local needs. With the housing crisis that faces the residents of Gwynedd, there is a need to implement innovative measures to ensure that the existing housing stock is protected for the intended use, i.e. to provide homes for the households of Gwynedd.

THEME 25:**AFFECTS FINANCIAL PROSPERITY**

Sub-Theme: [Restricting economic investment] [Financial planning (pension)]
[Lack of extra income for people] [Reduces investment in housing stock]

Number of comments: 298

Summary of comments:

- Negatively impact tourism, a significant source of income for the area.
- Negative effect on local businesses.
- Lead to unemployment and drive more Young Welsh speaking people away from this area in search of work and opportunities.
- Impact on work available and income since many employed by the tourism sector, in particular the second homes;
- Will negatively impact inward investment, drive businesses and local talent away. Investment is likely to divert to other areas.
- Likely discourage entrepreneurship and job creation in the local area
- Impact in the wellbeing of the area with reduction in visitor income spend and reduction of the businesses locally resulting in less opportunities for people to work in the area.
- Damage to the local economy and loss of revenue for the local area - knock on effect on other businesses which rely on the tourist sector which all generate local income, leading to a decline in catering establishments, retail shops, dentistry, etc.. because there will be limited work availability.
- No alternative source of income has been proposed for the vast number engaged today in the holiday trade
- Significant impact on finances/life savings, in terms of equity and the ability to raise funding against properties.
- Impact on retirement planning, specifically flexibility to be use equity as required, the home as part of my pension agreement, the release of equity to fund for any longer term care related needs, ability to downsize.
- Impact on business loans
- Additional income – many locals make a great deal of money from holiday rentals and hospitality businesses.
- Local residents have afforded their main homes only by the additional income from short term lets for relatively short periods of the year, moving in with family or friends for those periods. Qualification needs to be set out in relation to restrictions on mixed use ... Main residence / short term let or second home / short term let for example the number of weeks permissible without planning permission being required.
- Home improvements mostly been funded by second homeowners who have the funds available. Local owners do not have the means, or if they do and are renting, they are not prepared to spend their money in this way.
- Impact on employment/income of tradespeople employed get from renovating second homes.
- Negative impact on builders, property maintenance businesses (gardeners, painters and decorators, electricians, plumbers, roofers, landscapers, joiners, plasterers, cleaners etc), service sector businesses, which all generate local income it will lead to an inevitable decline in catering establishments, retail shops, dentistry, etc because there will be limited work availability.
- Damage to local residents' prosperity. Will be detrimental to ALL property owners in Gwynedd and not just second homeowners or short-term holiday let owners. Gambling with local people's lives and finances. This will damage the prosperity and futures of every permanent resident (household and its occupants) risking loss of jobs and the local economy.

- Will also dissuade local property developers from taking on run down properties to bring them up to modern standards.

Council's response:

The vast majority of the above points are matters that have received a response under other Themes of this Report. See the response to the following themes:-

- Theme 4: Need to support the local economy and create quality employment opportunities
- Theme 11: Mortgages
- Theme 12: Negative impact on property value
- Theme 13: Penalising local people
- Theme 14: Demographic changes
- Theme 15: Negative impact on the tourism sector
- Theme 21: Negative community impacts
- Theme 31: Need to promote sustainable tourism

THEME 26:**SUPPORT THE PROPOSAL**

Sub-Theme: [Supporting the proposal] [Need to sort the holiday accommodation problem [Houses should be for residential use only] [Ensure control in use] [Protects housing stock]

Number of comments: 1326

Summary of comments:

- Agree with the content of Article 4 for the well-being of our communities, language and culture.
- There is a need to control the number of second homes and holiday accommodation, and manage house prices.
- Need to ensure control in the use to bring balance back to our communities.
- Agree but it needs to be back-dated.
- A house should be a residential house only.
- I agree with Article 4 to safeguard the housing stock for young people.
- Article 4 will enable more opportunities for local people and young people to be able to compete for properties within their communities and for fair prices that reflect the income that is available based on average salaries in Gwynedd.
- It is too easy to turn a house into an AirBnB.
- Without Article 4 we cannot safeguard the housing stock within our communities.

Council's response:

The comments that are generally supportive of the implementation of the Article 4 Direction are noted. Further consideration will be given to the range of specific impacts that have been raised during the public engagement period in responding to the following 'Themes'.

THEME 27:**HOLIDAY HOME NUMBERS NEED TO BE MANAGED**

Sub-Theme: [Amount of second homes need to be managed] [Reduce/limit second homes] [Reduce holiday accommodation, Airbnb etc] [Need to sort the problem of short-term accommodation]

Number of comments: 465

Summary of comments:

- Without Article 4, there is no way to prevent the housing stock within our communities from being converted into second houses/holiday accommodations. At the moment, the situation is hopeless with a never-ending increase in second homes and holiday accommodation. There will be no limit to the increase unless Article 4 is exercised. We won't have communities left if we don't put a cap on second houses and holiday accommodation.
- Will help monitor the number of second homes/holiday accommodation and reduce the effects of over-development on the tourism sector's growth. It will also ensure the consideration of change of use applications on properties, giving priority to the communities.
- Believe it is vital for control of the housing stock to be in the hands of local councils to try to come to grips with the hugely adverse effects on our young people, culture, communities, and language.
- Controlling the number of second homes and holiday accommodation in the county, which will make housing more affordable for people on local pay.
- Without the introduction of Article 4, there is no way to prevent the housing stock within our communities from being converted into second homes/holiday accommodation. There will be no limit to the increase unless Article 4 is exercised.
- I'm not opposed to second home or holiday let's, but they do need to be carefully managed to ensure the correct mix of accommodation within the county. The article 4 direction would help achieve this.
- Having new planning regulation will strengthen the Council's hand and enable it to manage the growth of second homes and short-term holiday accommodation.
- All Article 4 does in planning terms is control the use of a building, just as permission to convert a shop into a house or vice versa, which is perfectly reasonable.
- Ensure local control over the number of holiday accommodation within communities and enabling them to survive as busy and vibrant places for local people living there 12 months a year and contribute to the protection and release of housing stock to meet local demand.
- I believe that Article 4 is a very important tool in the hands of the Council to try to manage the numbers of second homes/AirBnb/ holiday homes/ and to ensure that the housing stock for Gwynedd's people increases to deal with the pressing issues facing the indigenous people of the county. The status quo, without control is completely unacceptable.
- I support the principle of introducing Article 4 to control the numbers of second homes and temporary holiday accommodation. It is happening effectively in other areas and countries and such measures are needed to try to mitigate the harmful effects of the current regime.
- Will help preserve communities and the language by limiting the amount of new holiday homes. Incredibly important for the language and will stop towns and villages being empty half the year. Unless Gwynedd Council adopts all the measurements, we will see the exodus of our young people out of the coastal villages and towns, leading to the closure of rural school, shops and pubs changing our village and coastal towns into ghost towns for most parts of the year.
- It's a duty to look after those most needy, and the ability to have one's own house in one's own locality should be a fundamental right.
- Shouldn't further second homes and holiday accommodation be considered as we have clearly reached a point of excess?

This is well overdue and should be planning law across the whole of the UK. Second homes and holiday keys destroy communities, stifle investment. No companies want to move to areas where there isn't a proper workforce.

Council's response:

The above comments reflect what is outlined in the Justification Paper. High numbers of holiday lets and second homes ("holiday homes") can be a real threat to the social, cultural and economic prosperity of communities across Gwynedd. Communities across Gwynedd are facing substantial pressures as a result of the use made of dwellings as holiday homes. It is hoped that implementing a range of effective control mechanisms will be a way of mitigating the side effects of holiday homes on communities, and contributing towards meeting the housing needs of communities in the county.

The Cyngor Gwynedd Plan 2023-2028, namely the Council's five-year Plan, notes a range of 'Improvement Priorities'. One of the priorities includes 'Managing second homes and short-term holiday accommodation'.

THEME 28:**ENSURES CONTROL OF THE USE AND NEED TO CONSIDER THE IMPACT**

Sub-Theme: [Need to manage disturbances and negative impacts on the area] [Amenities] [Security]

Number of comments: 111

Summary of comments:

- Having different neighbours every week is unpleasant. We have no idea who they are and their background.
- Short term holiday lets cause parking problems, littering and anti-social behaviour.
- Second home/short term holiday let can bring untold problems from nuisance, knowingly or unknowingly, of varying types to permanent residents. Such nuisance could vary from week to week subject to the manner in which a property is let. Due their to location some properties are inappropriate as short term lets due to their proximity of established residents.
- In a residential estate this is inappropriate and a nuisance to residents with unsociable noise pollution, excessive traffic and at no benefit to the community.
- Holiday makers do not behave like locals, and because they are temporary residence have no obligation to behave in a social manner - they are often here to party, celebrate events, in groups.
- We have lived in our house for 20 years, we no longer feel safe here, we have safety locks on windows now and lock our doors during the day, we also have a fence erected to retain our gardens privacy. we just don't know who were living next to any more.
- The seagull issue is another big problem due to visitors just leaving food out after their BBQ's.

Council's response:

As well as the advantages associated with enabling the protection of the housing stock, there is the advantage of being able to consider the impact that use has on the amenities of local residents. The use of a residential dwelling as holiday accommodation is very different to the use of a residential dwelling as a primary residence.

Turnover in use (duration and frequency), along with associated noise, litter and parking issues, can have a detrimental impact on the local neighbourhood. If the Article 4 Direction is confirmed, it will be required to ensure that impact on the amenities of local residents is a consideration in relevant prospective planning applications. Planning authorities have a duty to try to prevent physical and mental illness caused or exacerbated by pollution or due to a lack of connection to social activity (that contributes towards loneliness). The planning system must consider the impacts of a new development on communities and protect health, well-being and amenities. In accordance with the guidance included in Planning Policy Wales:-

"Impacts on health should always be kept to a minimum, especially if a new development can have an adverse impact on health, amenities and well-being. If the impacts on health or amenities cannot be resolved in a satisfactory manner, the development should be refused." (Paragraph 3.21 Planning Policy Wales (Edition 12, 2024)³.

³ Planning Policy Wales (Edition 12, 2024)

THEME 29: HELPS LOCAL PEOPLE TO BUY A HOUSE

Sub-Theme: [Controlling house prices and helping local people be able to afford housing] [Opportunities for people to stay in their communities] [Responds to the housing crisis] [Secures a provision of residential housing stock] [Prioritise individuals right to a home]

Number of comments: 603

Summary of comments:

- Currently, the situation is hopeless with an endless increase in second homes and holiday accommodation units. There will be no end to the increase unless Article 4 is exercised. We will not have any communities left unless we cap second homes and holiday lets.
- It is a way of managing the situation and releasing more affordable homes to young people.
- Ensures equal opportunity for people to be able to live in their communities.
- Need to manage the number of holiday homes / second homes in the county. This reduces the demand for housing and therefore brings the prices down and starts becoming affordable for local residents.
- It is a step towards redressing the inequality in the housing market and is a means of protecting the Welsh language in the communities of Gwynedd.
- Young people cannot afford to buy, and they cannot get rented houses either. They have to move out of their areas, then there are no children and schools have to close.
- The essence of the housing problem is that the housing market treats houses as commercial assets from which to make profits, rather than social assets to provide a home. This is what has increased house prices beyond the reach of people on a local wage, thus forcing people out of their communities.
- The truth is that houses are far too expensive, and reducing their prices would be a good thing – a house is a place to live, not a pension fund.
- I think it is essential that the Article 4 Direction is prioritised in order to protect housing for local people and prevent further social and cultural decline in the communities of Gwynedd.
- It will hopefully help with the shortage of houses there are for young people and will make the prices more affordable in order to keep our young people here to raise their families in our Welsh and Welsh-speaking areas.
- The number of holiday homes must be controlled, not only for the obvious social and linguistic reasons, but also for environmental reasons – carrying on with converting green land into new housing affects wildlife.
- Losing properties at the rate we have seen in order to provide for holiday visitors is having a detrimental effect on local communities by denying local people the opportunity to find a house. We must now give priority to local people who have had to come second to visitors for many years.
- The right to live in your community, in a Welsh-speaking area is an essential right for a Welsh speaker.

Council's response:

With the long-term aim of creating sustainable communities, ensuring a sufficient supply of suitable choice of housing that satisfies the needs of the local population, is essential. High numbers of holiday homes can be a real threat to social, cultural and economic prosperity across the county. By

introducing an Article 4 Direction, it will be a way of gaining better control of our existing housing stock, with the hope of releasing holiday homes back to full-time residential use for rent and purchase. In the five-year Cyngor Gwynedd Plan 2018-2023, emphasis is placed on improvement, with priority to managing second homes and short term holiday lets.. It is agreed that equal opportunity needs to be ensured for local people to be able to live and remain in their communities and assist to protect the Welsh language.

The Gwynedd Housing Action Plan 2020/21-2026/27⁴ outlines how the Council is tackling the housing crisis. It now has over 30 projects worth £140m offering diverse, innovative and ambitious schemes to help the people of Gwynedd with their housing situation. The Plan aims to add hundreds more units to the county's housing stock to help Gwynedd population in housing need in their community, as well as schemes to support people to continue living in their existing homes by making necessary alterations and providing grants to empty properties back into use.

⁴ [Gwynedd Council Housing Action Plan 2020/21 – 2026/27](#)

THEME 30:**MAINTAINING AND PROTECTING THE WELSH LANGUAGE, COMMUNITIES AND CULTURE**

Sub-Theme: [Maintaining and preserving the Welsh language and culture] [Protecting Welsh communities] [Promoting the future of rural communities] [Permanantt population needed to support local services] [Untenable situation] [Responding to community imbalances]

Number of comments: 466

Summary of comments:

- Support measures that will positively protect, sustain, foster, and strengthen the viability of our communities, culture, and language in one of the Welsh strongholds for future generations.
- Our communities are being destroyed by second homes, AirBnBs etc. We are losing our schools, language, culture and young people due to our communities being taken over by visitors with houses empty over winter month. This provides an opportunity to keep our local family and language. Robust control of the situation is needed to prevent further deterioration. Without intervention, young families will be lost.
- Concerned about the huge damage second homes are causing to Welsh communities, and that without the Article 4 the situation is going to get further worse. Urgent action is needed not only because of the crisis facing families and individuals but also because of the detrimental impact on our communities and the Welsh language and culture. It is vital to the future of the Welsh language, also because the language is in the hands of the next generations. Gwynedd needs to remain one of the places where the Welsh language thrives. Implementing Article 4 across the county will benefit Gwynedd residents and the Welsh language.
- Coastal areas and villages are dead villages during the winter months, with the majority of houses empty while local people can't afford housing in their local communities. Welsh and Welsh communities are dying.
- Article 4 can lead to an increase in the numbers of people deciding to move to the area permanently so we must be prepared to ensure that this does not have a negative impact on the language. Careful and thorough monitoring of immigration by new arrivals to Welsh-speaking communities.
- Local villages are being destroyed by the uncontrolled increase in short term rental properties (Air BnB especially). This is putting massive pressure on local services and significantly negatively impacting people, as well as the character of the area and the Welsh language.
- There needs to be more "legislation" to defend Welsh places and allow people able to stay in the communities they have lived in all their lives.
- If we are to try to secure the future for our language and culture as well and give our young people, the opportunity to buy houses locally we must accept this.
- The situation is so critical. Our communities are fragile and need this to save what's left. Welsh-speaking communities are rapidly falling short, and the housing/rehab crisis is directly linked to the extraordinary decline in Welsh language communities.
- In the past thirty years I have witnessed the devastating impact single occupancy second homes and short-term holiday lets have had on local communities, turning villages into "ghost towns" and leading to the closure of local shops, businesses, and amenities due to lack of year-round use. In rural communities the impact has been far greater still, with what were once thriving communities of small holdings becoming, in some cases, entirely second homes.
- If the number of second homes and holiday accommodation continue to increase in our areas, there will be a danger that our communities will transform into empty villages for long months on an annual basis which can cause businesses to be unsustainable, primary schools closed due

to a shortage of local families living in the villages which will then pose a high risk to the Welsh language. Has an impact on our local Services, mental health, the Welsh language and the structure of a community.

- Second homes should be clamped down on and stop ruining our villages and taking homes that locals should be able to buy and live in.
- Let's protect our communities for our children and tomorrow, rather than scramble for higher profits today.
- Tourism is important to sustain communities in Gwynedd, but it is increasingly destructive of communities, environment and the Welsh language when pursued in ways that displace our communities and force residents to move away from their home areas or into caravans.
- I want my family, my grandchildren and great grandchildren to be able to live in their own communities and not have to move out as is happening now. It is killing communities.
- It is essential that Article 4 is passed. We are in a crisis here in North Wales and if something like this is not done our communities will be lost forever. Our language and our way of life threatened to the point of extinction, our children or even older local people never being able to afford their first home in their own country.
- A great idea and I am delighted to see the council using its powers this way. It is only one step against the barrage of problems caused by holiday let's and second homes, but it is a vitally important one which will have a positive impact on communities, the economy, the language and indeed people's perception of the Council.
- For us to have a sustainable community, which will keep the culture and the language alive, we must give every possible opportunity and choice for our young people to be able to afford to live in their areas. This is not about tourism at all, if anything, in my opinion, this will be a boost to have tourism that is more sustainable.
- A permanent residential population is needed to support local services. Communities need people all year round not only at weekends and holidays.
- Often, these holiday homes are owned by wealthy people or people from outside Wales who have no connection to the area. Whether it's ignorance or indifference, they contribute to the erosion of Welsh communities. The Article 4 Directive is an additional step, in addition to the proposed Council Tax Premium and Tourism Levy, to protect these communities.
- Too many holiday houses mean the loss of community, school, businesses and create heartless villages.
- Having adverse effects on the Welsh language, culture, communal activity and economic activity as well as undermining local services, the economic viability of schools, shops and pubs and preventing key workers, for those who speak Welsh, from staying in the area. Of course, this affects the provision of public services, especially through the Welsh language.

Council's response:

Gwynedd is fortunate to be one of the main strongholds of the Welsh language, and we have a duty to try to protect the Welsh language as a community language.

It is hoped that implementing the Article 4 Direction will protect the housing stock from further deterioration and ensure that our housing is kept for the core use of being the main residence for our local residents. It is considered important for the prosperity of the Welsh language that there is a stable population within our communities, to use the services, facilities and keep the schools open. By ensuring sustainable communities where there are opportunities to use the Welsh language, the growth of the language can be encouraged and the Government's aim of reaching the target of a million Welsh speakers can be achieved.

THEME 31:**NEED TO PROMOTE SUSTAINABLE TOURISM****Sub-Theme:**

[Sustainable tourism needed] [Need to invest in hotels for visitors]

Number of comments:

25

Summary of comments:

- The world's tourist areas are turning into empty shells of lifeless, dull and soulless places.
- Tourism is important in the area but when this increases to such a degree that people cannot afford to live in their communities, whether by buying or renting a house, it is time to do something about the situation.
- When language and culture are being undermined, it is time to do something about the situation, not only for those who currently live in the area but in the interests of those who will be here in the future.
- Our tourism industry is unsustainable at present, and this Direction is a small step towards rectifying this. This policy needs to be backdated to undo the harm that has already been done in our communities.
- The rights of residents who are trying to live, work, go about their daily life is being seriously impeded: visitors parking anywhere and preventing people who live full-time in their communities from parking outside their houses, an increase in litter, an increase in noise and antisocial behaviour, etc.
- There needs to be a campaign towards more sustainable tourism that does not have such a negative effect on the local population.
- Tourism is important to many areas in Gwynedd, but it must be sustainable tourism. We depend on tourism here, therefore some amount of holiday accommodation in a village is reasonable but it is a matter of ensuring that any change of use is appropriate and that the negative effect on communities is assessed.
- This is a very positive move so that local residents are able to stay in their areas. It will have a positive impact on communities and the Welsh language, and will also bring a more sustainable economy to the area in terms of tourists paying local people/local businesses for places to stay, etc.
- Managing the numbers of holiday homes can be the first step in creating a system that is more sustainable, in terms of having the balance between getting visitors in to spend and having living communities that can cope with empty houses for a proportion of the year.
- The local residents and communities of Gwynedd must benefit from tourism. At the moment it feels as though tourism is happening to the communities of Gwynedd with no control over it.
- At present there is no means of controlling how many holiday homes and second homes there are in a particular area, which has led to areas that are overflowing with tourists in the summer and are empty villages in the winter. If this continues, our Welsh, and Welsh-speaking communities will diminish.
- Although tourism is important to the economy, there are other ways of providing for tourists that are more beneficial to the local economy.
- Need to invest in hotels for visitors.

Council's response:

The Council, through the Gwynedd and Eryri Sustainable Visitor Economy Strategic Plan 2025 is keen to promote a sustainable visitor economy, with the vision of creating:-

"A visitor economy for the benefit and well-being of the people, environment, language and culture of Gwynedd and Eryri".

It is recognised that the visitor economy is extremely important for Gwynedd, but it is important to ensure that economic benefits are not outweighed by negative impacts. There is a need to ensure a sustainable tourism sector that does not detrimentally affect communities or displace them, i.e. communities should not be displaced for the benefit of tourism.

The justification paper (Appendix 5) highlights the negative side-effects that are experienced from having a high number or high concentration of holiday lets. It is considered unsustainable to continue with the current situation.

THEME 32:**ARTICLE 4 DIRECTION PROCESS**

Sub-Theme: [New owners need to receive planning permission] [Doesn't go far enough] [Planning act need to be changes] [Implementation period needs to be extended] [Action should be for neu hosing only]

Number of comments: 73

Summary of comments:

- All houses, especially second homes should need planning permission to function as holiday homes or B&B's especially if they are empty for most of the winter.
- Disappointed that existing holiday homes houses and short holidays lets are not affected.
- Does not do enough to control Holiday homes. It's a start but need to get even tougher than this.
- Before continuing with the Article 4 Direction, Cyngor Gwynedd should secure Counsel's opinion as to whether changes to primary legislation (in relation to the definitions of 'development' and 'substantial change of use' under section 55 of the Town and Country Planning Act 1990) are also necessary to ensure that changes of use between the new GPDO use classes could be defined as a 'significant change of use' requiring Planning permission.
- Give second homeowners a grace period in which to decide what to do - say 2/3 years to allow such transitions to take place sensibly.
- Pilot Study - no reasonable justification for not conducting a small pilot before planning to implement the scheme on the whole of Gwynedd.
- Planning permission should be for new builds only.
- Should not apply to holiday lets, which are occupied much of the year and bring in tourism revenue and support local businesses.

Council's response:

The process of making and implementing the Article 4 Direction is laid out in the Town and Country Planning (Permitted General Development) (Wales) Order 1995 (as amended). In addition to the requirements set in the Order, further guidance is included in Appendix D of circular 29/95⁵.

Due to the requirements set within the relevant guidance, it is mandatory to introduce and implement the Article 4 Direction within these requirements. As the decision has been made to introduce an Article 4 Direction that does not come into force directly, it is not possible to take action sooner. Furthermore, retrospective action is not possible on uses that have already been established before the date the prospective Article 4 Direction will come into force.

⁵ General Development Order Consolidation 1995 (Circular 29/95) (English only)

THEME 33: IMPLEMENTATION

Sub-Theme: [Planning policy basis urgently needs to be formed] [Needs to extend to other counties] [Risk Statement/Assessment Required]

Number of comments: 82

Summary of comments:

- There will need to be constant monitoring and reviewing along with effective enforcement measures.
- It will be essential that the Council handles each application consistently and without prejudice.
- Are there policies in place for responding to change-of-use applications?
- Does the Council have information regarding which houses are being used as second homes and holiday lets, this is essential when considering applications.
- A need to publish policies urgently to demonstrate how the Council intends to deal with change-of-use applications.
- There is a need to set a threshold in respect of the provision of holiday accommodation.
- Without the policy guidance on the matter, it is difficult to provide a constructive comment on the proposal. We cannot possibly know how the Authority will deal with individual applications.
- An urgent amendment to the Joint Local Development Plan is encouraged in order to strengthen the policy context for dealing with prospective planning applications.
- Need to extend the implementation of the Article 4 Direction for the whole of Gwynedd (i.e. including Eryri National Park).
- Need to carry out an independent viability assessment of the proposal.
- We need a better understanding of the monitoring and reporting processes and methodology that are proposed to be adopted in order to analyse and interpret the effect of the Direction on residents, communities, the Welsh language and the private housing market.
- How will it be implemented fairly? What would be the fees associated with a planning application? This needs to be made crystal clear. Implementing the policy for new housing would be easier to manage rather than implementing it for existing housing.
- The planning process is taking too long. This creates uncertainty for people who want to buy or sell houses and use them for a particular use.
- The language used in the correspondence letter is complicated and makes it difficult to understand the implications of the proposal.
- Need a better understanding of its effect for different circumstances, for example an individual who works away for periods of time or an individual who is able to live in their second home for a period that is longer than 183 days a year.
- We need a better understanding of the process for submitting a planning application, can two use classes be operated simultaneously?
- Change of ownership of a second home should lead to the use reverting to use C3. This means that no one benefits more than others.
- How does mixed use work?

Council's response:

Should it be decided to confirm the Article 4 Direction, it will be operational from 1 September 2024 onwards. The Local Planning Policy framework for the Gwynedd Local Planning Authority Area is the Joint Local Development Plan. As a result, compliance with any prospective planning application will need to be considered in accordance with this Plan, along with the guidance of local and national planning policy.

The Planning and Compulsory Purchase Act 2004 notes that a Local Development Plan needs to be reviewed four years after its adoption. The Joint Local Development Plan (Joint LDP) was adopted on 31 July 2017. A Review Report for the Local Development Plan has been prepared and approved, which notes the need to undertake a full review of the Plan. Therefore, the initial steps in association with the preparation of the Gwynedd Local Development Plan is underway and the Government's approval of the Delivery Agreement has been received in April 2024. In accordance with the timetable that has been set in the Delivery Agreement, it is intended to adopt the new Plan during September/October 2027. This Plan will be relevant to the period between 2024 until 2039.

The LDP contains policies and proposals that form the basis for making decisions on planning applications, and is supported by a series of Supplementary Planning Guidance (SPG). The purpose of Supplementary Planning Guidance is to assist applicants, agents and others to understand, interpret and apply the LDP's policies when preparing planning applications and to assist planning officers and Planning Committees when making decisions. There must be a clear link between the SPG and the LDP's policies, and they must be consistent with the LDP and national planning policy. The SPG only contain guidance and advice and they cannot, for instance, create new policies or criteria, or amend existing policies or criteria for making decisions.

Although the SPG are not considered as part of the adopted Plan, they can be a 'material consideration' when making planning decisions. 'Material consideration' is a matter that should be addressed when making decisions on planning applications⁶. The decision-maker must come to a conclusion on how much weight is placed on relevant planning considerations.

Currently, there is an adopted Supplementary Planning Guidance in relation to 'Tourist Facilities and Accommodation'⁷. If the Article 4 Direction is confirmed, it is intended to amend relevant parts of these SPG to provide further guidance in terms of relevant local policy considerations.

As the work associated with preparing the new Plan proceeds, appropriate consideration will need to be given to the contents of the policies in the new Plan and ensure that these policies are based on robust evidence. In relation to the process of preparing the Plan, statutory steps will need to be undertaken, including steps that involve consulting and receiving observations in relation to the Plan. Through this process, it will be possible for those interested in the Plan and relevant policies to provide input to draw up the policies.

The process of implementing the Article 4 Direction (dependent on receiving confirmation) is relevant to the Gwynedd Local Planning Authority Area only. Introducing and confirming the Article 4 Direction is a matter for every individual local planning authority (including Eryri National Park).

In terms of submitting planning applications, this will be done in the usual way. There is no need to pay a fee for a planning application that is made in relation to what would have been a permitted development if the Article 4 Direction (Regulation 5 of the Town and Country Planning Regulations (Fees for Applications, Deemed Applications and Site Visits) (Wales) 2015) had not been implemented.

A specific web-page has been uploaded on the Council website (www.gwynedd.llyw.cymru/Article4) to introduce further guidance regarding the Article 4 Direction. On this page, there is a series of frequently asked questions and answers. In accordance with the enquiries received, it is intended to amend this page with the relevant details. Furthermore, officers from the Planning Service are available to respond to enquiries relating to Article 4.

⁶ Development Plans Manual (Edition 3) March 2020

⁷ Supplementary Planning Guidance: Tourist Facilities and Accommodation (2021)

THEME 34:**NEED FLEXIBILITY WHEN IMPLEMENTING****Sub-Theme:** [Flexibility needed for casual rentals] [Need flexibility in system]**Number of comments:** 48**Summary of comments:**

- Flexibility is needed for local people to be able to buy a second home to let, with the aim of transferring to their children.
- Strongly believe that local Welsh-speaking people should be treated differently to non-Welsh-speaking people. They should be able to have permission to convert a farm outbuilding into holiday accommodation use. The money they would make would then be additional income, and the house would then be available for their children to live in it after they have grown. This isn't racist at all as any person from any country can learn Welsh. This is something linguistic, not racial.
- I support rural diversification and the restoration of old ruins which is beneficial to rural communities, it enables the protection of our communities and our language, our culture and our heritage, keeping them alive for the future, for the next generation.
- There needs to be some provision in the rules to allow for people who for some reason buy a home in Gwynedd before selling their current house, i.e. a way of being able to declare that they intend for it to become their permanent, sole residence in the near future, therefore they do not need to apply for change of use when they own two homes for a short time.
- Assume that this could prevent people from using spare rooms in their homes as short-term accommodation. This would appear counter-productive as spare rooms are then likely to be unused. Using them would take the pressure off local housing and would bring income to the household.
- It needs to be implemented for properties that are bought after 1 September 2024.
- There needs to be exceptions for special circumstances, for example a house that has been inherited, and buying and selling in order to renovate a property.
- Need the flexibility to rent the house out for periods of time while working away (overseas). Article 4 ruins the opportunity to do this.
- If someone wants to rent their house out for a few weeks a year, it is not proportionate to ask them to make an application for planning permission, however, it depends on how long the process takes and what it entails.
- Many student houses in Bangor are used as holiday lets for the summer months while the students are away. This brings substantial income to local workers in the field of house construction and maintenance and cleaning. What effect will the new rules have if the owner of a HMO wants to convert it to a holiday let for two months during the summer only? This should be kept in mind as it contributes significantly to local people's income.

Council's response:

Some of the comments submitted mention that an element of flexibility associated with implementing the Article 4 Direction should be ensured and this specifically to offer opportunities for local people to undertake occasional letting of their residential home, as this was financially advantageous as an additional source of income.

It is emphasised that it is not possible to implement the Article 4 Direction in a different manner based on local connections/personal circumstances.

The need to obtain planning consent to change the use of a residential house to a second home, holiday accommodation or relevant mixed uses will be based on concluding that the proposed use leads to a change of material use. Each case will be treated individually and, as a result, it is not possible to provide a definite response in terms of when change of use is tantamount to being a change of material use.

Some comments received also note the desire for action for residential units that are bought/sold after 1 September 2024. It is noted that use of the residential unit is a planning matter; no consideration is given to the transfer in ownership.

THEME 35:**NEED TO TAKE A DIFFERENT APPROACH**

Sub-Theme: [Retrospective implementation required] [Need quicker implementation]

Number of comments: 37

Summary of comments:

- Those already in use should be made to have planning permission.
- Need to implement it as soon as possible.
- Need to be able to implement it retrospectively.
- An important tool to be able to manage the numbers of second homes / holiday homes.
- Giving a year's grace is a mistake – it needs to be implemented immediately.
- This should have been implemented years ago.
- Is there a mechanism that can be used to reclaim some of the houses that have been lost to holiday use, especially since Covid?

A delay in implementing it means that owners will try to change use of their property urgently from use C3 to C5/C6.

Council's response:

See the response to Theme 32.

THEME 36: DUTY TO RESPOND TO THE HOUSING CRISIS THROUGH VARIOUS APPROACHES

Sub-Theme: [Council has a duty to prepare policies to support young families] [Need to deal with the rental housing problem] [Support for long-term rental]

Number of comments: 35

Summary of comments:

- There is a need to review the Local Development Plan before 2026 and prioritise new builds of eco-effective / non-carbon / passivhaus dwellings for a range that corresponds demographically to families, specifically for local tenure, across Gwynedd.
- I would like to see the Welsh Government releasing grants to help local people buy or rent houses.
- Agree with the principle fully. However, there is a need to ensure that it is integrated with an effective enforcement policy. If the aim of the policy is to limit second homes and holiday lets, we must also have policies that facilitate and promote planning permission for young people to build or convert buildings as a home.
- The Council need to be less strict in their planning to enable local people to either build on infill land or in some cases build on land owned by their family, i.e. large gardens, farmland, etc. Then the Council could enforce a Section 106 to keep it affordable to younger local people.
- I do not see these steps helping the situation as the process of securing planning permission is fairly easy. I agree with the principles of article 4 and that there needs to be control of holiday homes and AirBnBs, but in my opinion it is too susceptible to loopholes unless strict rules are listed in the LDP, specifically a cap on numbers within areas.
- A lack of rented housing available. Those buying houses need to be encouraged to consider renting them rather than turning local houses into holiday homes.
I feel that buying second homes to use them as holiday lets affects the local rental markets. This has a profound impact on local families, couples or single people who are searching for a property, and leads to a shortage of long-term rented accommodation in an area where high house prices and low wages make it very difficult for young people to find their first home in their local area.

Council's response:

It is agreed that there is a need to respond to the housing crisis by using multiple approaches and take advantage of the opportunities that exist to respond to those challenges.

Cyngor Gwynedd, via its innovative Housing Action Plan (2020/21-2026/27), has outlined over 30 different schemes with the aim of increasing the opportunities for Gwynedd residents to live locally. The Plan has various funding sources with the aim of increasing the supply of affordable homes, which include making use of the Council's Tax Premium and grants such as the Social Housing Grant. By the end of the Plan, the Council intends to construct its first affordable homes for 30 years, with the aim of constructing 100 units across the county, and it will also provide over 500 social housing units in partnership with local housing associations (179 of them have already been constructed).

Furthermore, the existing Joint Local Development Plan sets out a positive policy framework towards facilitating the provision of affordable homes and local market housing. In addition, there will be

opportunities to re-examine the situation as part of the process of preparing the new Local Development Plan in the near future.

THEME 37:**MOVING THE PROBLEM TO OTHER AREAS**

Sub-Theme: [Redirects the problem to other counties] [Imbalance with other Authorities]

Number of comments: 3

Summary of comments:

- Detrimental impact on house prices within Gwynedd. If other Welsh Local Authorities don't follow suit buyers will be encouraged to buy elsewhere;
- This proposed measure affecting Gwynedd LPA only will concentrate holiday homes and artificially drive up prices within the National Park.
- Will create an imbalance with planning restrictions in adjacent local authority areas and affect property prices in a wider area which will inevitably be dragged down with the market forces.

Council's response:

If other areas experience negative side-effects as a result of the fact that the Article 4 Direction has been introduced in Gwynedd, there is also an opportunity for them to consider implementing an Article 4 Direction to respond to the problem.

Eryri National Park has resolved (7 March 2024) to impose an Article 4 Direction Notice for the same purposes as what is being proposed by the Gwynedd Planning Authority Area. Furthermore, Isle of Anglesey County Council has appointed a Local Housing Challenge Officer, and one of the main duties of the post includes introducing an Article 4 Direction on Anglesey. As a result, it is noted that neighbouring authorities (with the exception of Conwy County Council) are already considering or have acted on a proposal to introduce an Article 4 Direction.

Assessing the Impact on Protected Characteristics, the Welsh Language and Socio-Economic Disadvantage

For help to complete this form see the *How to Undertake an Equality Impact Assessment* leaflet. You are also welcome to contact Delyth Gadlys Williams, Policy and Equality Officer on ext. 32708 or DelythGadlysWilliams@gwynedd.llyw.cymru for further assistance.

The Council's is required (under the Equality Act 2010) to consider the effect any change in policy or procedure (or the creation of a new policy or procedure), has on people with protected equality characteristics. The Council also has a general duty to ensure fairness and foster good relations. A timely Equality Impact Assessment must be undertaken before making any decision on any relevant change (i.e. which has an effect on people with protected characteristics).

The Council is also required, under the requirements of the Welsh Language Standards (Section 44 of the Welsh Language (Wales) Measure 2011) to consider the effect of a change in any policy or procedure (or the creation of a new policy or procedure), in its opportunities for people to use Welsh and to ensure that Welsh is not treated less favourably than English. This document therefore ensures that these decisions protect and promote the use of the Welsh language.

From April 1st 2021 the Council has a duty to have due regard to tackling socio-economic disadvantage in strategic decisions.

1) Details

1.1. What is the name of the policy / service in question?

Introducing the Article 4 Direction to enable the management of the transfer in use from residential dwellings to holiday use (second homes and holiday lets).

1.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

It is proposed to introduce a Non-immediate Effect Article 4 Direction for the Gwynedd Local Planning Authority Area. The intention is to remove permitted development rights for the following uses:-

- (a) Change of use from C3 to C5 or C6 and specific mixed uses;
- (b) Change of use from C5 to C6 or specific mixed uses;
- (c) Change of use from C6 to C5 or specific mixed uses.

Definition of the uses:-

C3 - Dwelling houses, used as a sole residence or main residence: Dwelling houses, used as a sole residence or main residence and occupied for more than 183 days in a calendar year

C5 -Dwelling houses, used apart from sole or main residence: Dwelling houses, used apart from a sole residence or main residence and occupied for more than 183 days or less.

C6 - Short-term holiday let: Dwelling houses used for commercial short-term lettings no longer than 31 days for each period of occupancy.

This means, for example, following the implementation of an Article 4 Direction there will be a need to obtain planning permission to change the use of a residential home that is a main residence (C3 use) to a second home (C5 use) or holiday accommodation (C6 use).

These developments are currently regarded as 'permitted development rights' in accordance with the Town and Country Planning Order (Permitted General Development) 1995 (as amended). Therefore the use of a residential house can be changed to holiday use (holiday accommodation or second home) without the need to obtain planning consent for that use.

1.3 Who is responsible for this assessment?

Planning Policy Team Leader

1.4 When did you commence the assessment? Which version is this?

Version 2.

This assessment was prepared following the public engagement period in relation to the intention. The assessment will form part of the information package that will be presented to Cyngor Gwynedd Cabinet to assist with their decision on confirming the Article 4 Direction.

2) Action

2.1 Who are the stakeholders or partners you need to work with to undertake this assessment?

It is possible that the Article 4 Direction will affect everyone and therefore no specific partners or stakeholders have been contacted as part of the assessment.

In accordance with the Town and Country Planning (Permitted General Development) Act 1995 (as amended) there is a requirement to issue a notice of the intention (introduce an Article 4 Direction) giving people an opportunity to make representations on its content. The legislation notes that wherever possible, those directly affected by the proposal should be notified if it is considered reasonable to do so.

The proposal could have a direct impact on every residential property/individual who owns a house within the Gwynedd Local Planning Authority area as it limits the unrestricted use (removes the ability to use it as a second home and holiday accommodation) that can be made of that property. As a result, correspondence was sent to all residential properties within the Gwynedd Local Planning Authority area informing them of the intention and setting out the opportunities available for comment.

The following raising awareness methods were also used:-

- A dedicated webpage on the Council website <http://www.gwynedd.llyw.cymru/article4>

- Social Media (Twitter, Instagram and Facebook)
- Site notice
- Corresponding with residential houses in the Local Planning Authority
- Conduct awareness raising sessions with the Local Members
- Notify the nearby Local Planning Authorities

By undertaking an engagement process that has gone beyond the legislative requirement, it was a means of ensuring that all relevant stakeholders were aware of the intention and their opportunity to voice their opinion through the appropriate methods.

2.2 What measures have you taken to engage with people with equality characteristics, regarding the Welsh language or with communities (either of place or of need) that live with socio-economic disadvantage?

The engagement steps were open for anyone to participate (public engagement period). Along with the process of raising awareness referred to above (response to question 2.1) the following methods for submitting representations were used:-

- A tailored questionnaire using suitable on-line software (Limesurvey)
- Paper questionnaire
- Opportunity to respond by letter
- Opportunity to respond via e-mail
- Opportunity to discuss the proposal with relevant officers

To facilitate the process of submitting representations on the proposal it was possible (upon request) to receive a copy of the background documents in various languages and formats. The option was available in the hope that it would provide people with the flexibility, especially those with protected characteristics to contribute to the process.

The relevant legislation notes the need to hold an engagement period of at least 21 days. To maximise the opportunities that are available for people to voice their opinion it was considered appropriate that the consultation period be extended to a 6 week period.

In accordance with the requirements of the Welsh Language Standards, Section 44 Welsh Language Measure (Wales) 2011 a specific question was asked as part of the process to enable measuring and assessing the impact of the decision on the Welsh language. Further, in accordance with good practice a series of equality questions were asked to ensure that a cross-section of people respond.

2.3 What was the result of the engagement?

The Article 4 Direction Notice (Appendix 1) was served on 2 August 2023 for a period of six weeks (up until 13 September 2023). It was a requirement to place the Notice in at least two public spaces within the area to which it applies. Since the area where the Article 4 Direction is implemented covers the entire Gwynedd Local Planning Authority Area, it was decided that it was reasonable to place a copy of the Notice in a public space in every settlement affected. This meant that 114 site notices were placed.

Further publicity was given to the serving of the Notice by sending letters (Appendix 2) to every residential dwelling within the Gwynedd Local Planning Authority Area (approximately 52,000 residential dwellings). It is worth emphasising that it was not a requirement to send a letter to every residential dwelling, as the Order states that it is not essential if it is deemed impractical to do so. However, it was

considered important that there was awareness of the proposal amongst owners of residential dwellings because of the impact it could have on them.

In line with the requirements, the notice was placed in the local newspapers (Caernarfon and Denbigh Herald, Cambrian News and Bangor Mail). In addition, there were copies of the relevant documents available to view in the Council's main offices and the local public libraries, and also on the Council's website.

As well as serving the Notice, a period of public engagement was undertaken at the same time. Representations could be submitted on paper or on-line.

To facilitate the process of making representations, a dedicated web-page was prepared (www.gwynedd.llyw.cymru/erthygl4) which contained the essential information and also a series of frequently asked questions and answers in the hope of relieving some pressure in terms of the number of enquiries received. Note that regular use was also made of social media to raise awareness.

The questionnaire (Appendix 3) that was prepared included two open-ended questions which gave people the opportunity to express their opinion on the Article 4 Direction and to note the impact it is likely to have on people with protected characteristics, the Welsh language and people who are economically disadvantaged.

During the period of public engagement a total of 3,902 valid responses were received. 3,508 representations were made through the online questionnaire and 394 representations were submitted in a letter or e-mail. In addition to these valid responses (valid in that a comment was presented), 369 void responses were also made. Although these void responses did not include a response to the question for finding opinions, some of the responses have responded to the 'About me' (personal details) section.

Preparing a response to the representations received has meant that further research has been undertaken where relevant. It is possible to view the Council's response to the comments received in the document 'Public Engagement Report: Article 4 Guidance Notice Engagement Period'.

In terms of the question on the impact of the proposal on people with protected characteristics, the Welsh language and the economically disadvantaged, 3,203 responses were received to this question. An overview of these representations on the nine protected characteristics is presented in section 3.1 of this report.

Further information on the individuals which commented during the public engagement period can be found in Appendix 6.

2.4 On the basis of what other evidence are you operating?

The ability to act in the way intended derives from changes that have taken place nationally. The changes associated with the planning procedure are part of a package of measures that have been implemented or are in the pipeline by the Welsh Government to respond to the housing crisis that exists at the expense of the lack of control over the use of housing as holiday lets and second homes.

One of the control measures implemented is the change to planning legislation, with this change placing the direction of implementation in the hands of Local Planning Authorities.

Since 20 October 2022, the following amendments have been made to planning legislation:-

- Amending the Town and Country Planning (Use Classes) Order 1987 to create 3 new use classes for Primary Residences, Second Homes and Short-term Holiday Lets.
- Amending the Town and Country Planning (Permitted General Development) Order 1995 in order to allow changes between the three new use classes (Primary Residences (C3), Second Homes (C5) and Short-term Holiday Lets (C6)) without the need for planning permission.
- Amend Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday lets in a local area must be considered when considering the housing requirements and policies in Local Development Plans (LDPs).

If it is deemed appropriate, in order to restrict the change of use between the new use classes (C3, C5 and C6), the Local Planning Authority has the power to introduce what is called an Article 4 Direction for a specific area. The purpose of an Article 4 Direction (depending on its content and scope) would remove the rights to change between the use classes without planning permission. It is possible to implement the Article 4 Direction for a specific area (no definition noted in legislation), provided that it is possible for Local Authorities to justify the proposal.

A comprehensive justification paper (Appendix 6) has been prepared to support the principle of introducing an Article 4 Direction. The evidence gathered in relation to seeking to evidence how the high number or high concentration of self-catering holiday lets and second homes are having a detrimental impact on the county's communities. These impacts include affecting house prices, local infrastructure and the Welsh language.

By looking through Council Tax data it can be seen there has been a consistent increase in the combined number of second homes and short-term holiday lets in Gwynedd over recent years. One of the patterns that has emerged is the higher increase in short-term holiday lets and a drop in the ownership of second homes. The taxation procedure and the introduction of the Council tax premium for second homes have contributed to this trend. Further, due to the existing system, the financial advantages of transferring over to non-domestic business rates is a motivation for transfer in use.

There is a higher percentage of holiday homes (self-catering holiday lets and second homes) in the traditional coastal areas, however there is a substantial increase in ownership in some urban areas which is a strong suggestion that the pattern and its side-effects is spreading across the county.

A core part of the justification linked to this route of action is to look at how the provision of second homes and holiday accommodation affects the communities of Gwynedd.

Inevitably the demand for holiday accommodation affects the ability of local people on lower wages to buy homes in popular holiday destinations. The median house price in Gwynedd (2021) was £175,000, with an average income of £26,315, the income to house price affordability ratio in the county is 6.7:1 (an increase from 5.9:1 in September 2019). This means that on average 65.5% of the Gwynedd population have been priced out of the housing market.

This statistic increases significantly in the wards where there is a higher number of holiday homes. For example, in the Abersoch ward where 54.08% of the housing stock is in holiday use (holiday accommodation or second homes), the average median price for a house is £482,500. With the average household income at £36,086, the house prices to affordability ratio is far beyond double the county average at 13.4:1, this means that 96.1% of local people have been priced out of the market.

Together with impacting on house prices and affordability the paper (Appendix 1) also discusses the impact on the provision of social facilities e.g. schools that satisfy the needs of the local population together with the impact on the Welsh language.

When considering taking action through the planning intervention (introducing the Article 4 Direction) it is also appropriate to consider the other options that could be implemented. Inevitably, with any such interventions, there will be an impact, be it positive or negative.

The other control measures that could be implemented or are being considered include:-

- Intervention via local planning policy; for example to limit the use of new housing to be principal residences;
- Financial intervention: increase the second homes premium and amend the eligibility criteria for paying the non-domestic business rate;
- Licensing; Welsh Government has recently undertaken a consultation on the principle of implementing the mandatory licensing procedure for holiday accommodation providers.

We have concluded there is a need to implement a package of control measures to ensure the success of the wider aim we are seeking to achieve which is to overturn the impacts of holiday homes on communities and ensure fairness and opportunities for Gwynedd residents.

Consideration has been given to a series of options in terms of the area where the Article 4 Direction should be implemented, namely:-

- Option 1: Dwyfor (Government pilot area);
- Option 2: Community/Town/City Council areas where the current provision of holiday homes is greater than 15% of the housing stock;
- Option 3: Vulnerable Areas (areas under threat);
- Option 4: The whole of Gwynedd (Gwynedd Local Planning Authority Area)

When considering these options, it is important that consideration is given to the disadvantages of our chosen route. The 'Article 4 Direction Justification Paper' (Appendix 6) seeks to introduce an analysis of those advantages and disadvantages. Following the engagement process and before reaching a final conclusion on the proposal the paper and this assessment will need to be reviewed to ensure that all relevant considerations have received due attention.

Since implementing the Article 4 Direction in this way is unprecedented, it is not possible to anticipate or measure the implications that may derive from its implementation. It is anticipated that the potential impacts include:-

- Impact on the value of property on the open market;
- Will lead to an increase in the number of holiday homes in areas that are not subject to the same protection.

The hope is that introducing the Article 4 Direction will ensure better control of the use made of residential houses thus ensuring an appropriate provision of housing available to satisfy local needs. After assessing the options, it was concluded that the proposed route should be to introduce an Article 4 Direction for the Gwynedd Local Planning Authority Area (Option 4). It is hoped that by introducing the Article 4 Direction for the entire area that it will ensure that the amenities of the county's residents are protected, including those individuals with protected equality characteristics. It will also ensure that the vision and objectives of a range of relevant strategies and policies, are considered when assessing the propriety of the proposed development (in accordance with the local planning policy guidance). Note that these policies and strategies have also been subject to a relevant Impact Assessment. Furthermore,

it is noted that this method of introducing the Article 4 Direction will ensure there is no doubt regarding the geographical area where the intervention will be implemented and will ensure that the residents of the entire county are subject to the same intervention/protection.

2.5 Are there any gaps in the evidence that needs to be collected?

We consider that the evidence that has been gathered is robust and fit for purpose. Some of the representations have identified the presumed detrimental impact of the proposal and therefore we have sought to respond to these concerns.

The 'Public Engagement Report: Notice of Article 4 Direction Engagement Period' provides information in relation to further evidence that has been gathered.

The introduction of an Article 4 Direction for the intended purpose is unprecedented and it is therefore difficult to come to an indisputable conclusion as to the effect of the intention. Should the Article 4 direction be confirmed there will be a need to ensure there is an appropriate monitoring framework in place to monitor the impact of the action.

3) Identifying the Impact

3.1 The Council must give due regard to the effect any changes will have on people with the equality characteristics noted below. What impact will the new policy/service or the proposed changes in the policy or service have on people with these characteristics?

| Characteristics | What type of impact? * | In what way? What is the evidence? | Council's Position |
|-----------------|------------------------|--|--|
| General | - | Please note that the comments below directly derive from the responses received during the engagement period (question 2). | <p>Introducing and confirming the Article 4 Direction will enable planning control which means that necessary steps must be taken to undertake the change of use, which is, a planning application and approval must be received by the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit a representation on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> • reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence; • approve consulting and seek the opinion of those who are affected. <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> |

| | | | |
|-------------------------------------|----------|---|---|
| Race (including nationality) | Positive | <p>Summary of the observations in relation to the positive impact relating to race (including nationality):</p> <ul style="list-style-type: none"> • It was considered that it would give everyone the opportunity to live in their communities – regardless of their background. • As the permanent population in the area becomes more Anglicised, it is likely that people from different backgrounds will be attracted to live in the area, meaning there will be a better cultural mix and less racism. | <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> <p>The main aim of the intervention is to ensure there is better control of the use made of houses thus ensuring an appropriate provision of housing available to meet the needs of individuals who are searching for a home.</p> <p>As part of the engagement process the relevant documents that will be prepared to facilitate the process of submitting representations will clearly note that individuals can receive the documentation in various formats and languages.</p> <p>The intention could affect the housing market, causing lower prices, which will affect local people who have a home in the area along with people with second homes or holiday lets. It could therefore benefit people who wish to buy houses in the area, including local people, people wanting to return to the area or people from other areas / countries.</p> |
| | Negative | <p>Summary of the observations in relation to the negative impact relating to race (including nationality):</p> <ul style="list-style-type: none"> • It is likely to create divided communities where people who are not indigenous Welsh or who are not Welsh speakers feel uncomfortable and separated from the community. • It is a form of ethnic cleansing. • The proposal is completely racist, creates a divide between the English and Welsh. • The proposal is xenophobic. • Causes discrimination amongst the Welsh race which represents the majority of house owners in Gwynedd. • Preventing people from England from accessing affordable accommodation is racist. | <p>Having said that, some negative impact is also expected, that will have a particular impact on local residents as owners right to use their residential home for holiday purposes will be restricted. Further, the intervention could be a barrier for individuals wishing to invest in the holiday home market, whether they are local or not.</p> |

| | | | |
|-------------------|----------|---|---|
| | | <ul style="list-style-type: none"> • It is essential to ensure that any decision made by the Council does not discriminate against or limit housing options for people of different racial backgrounds. Continuing with equality principles should be a priority. • The justification paper does not give due attention to the proposal's impact on people from different backgrounds (beyond Wales). • Reduces the possibility of people from overseas coming to live in the area and creating diverse communities and population. It would not be a true reflection of the population of Wales as a whole. | |
| Disability | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to disability:</p> <ul style="list-style-type: none"> • This will have a beneficial effect on support networks for vulnerable people as it will provide more opportunity for people in those support networks to stay within close proximity. • Ensures sufficient provision of housing for people with specific disability requirements. • Mae rhai sydd ag anableddau neu anawsterau dysgu yn aml angen rhwydwaith cefnogaeth a/neu wasanaethau Cymraeg felly mae'n hanfodol eu bod yn gallu cystadlu yn y farchnad tai ac aros yn lleol. • Mae llety gwyliau yn cael effaith ar amwynder preswyl trigolion cyfagos a chan hynny yn effeithio'n andwyol ar iechyd meddwl. | <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> <p>The main aim of the intervention is to ensure there is better control of the use made of houses thus ensuring an appropriate provision of housing available to meet the needs of individuals who are searching for a home.</p> <p>It is possible that there will be an impact on the housing market, meaning that house prices will fall. This could mean that more disabled people will be in a better position to purchase a suitable house, or, will have more money left over to make adaptations after they buy it. It should be noted that families that have a disabled family member are statistically more likely to experience financial poverty than families who do not have a disabled family member (page 60 of Is Wales Fairer?, Equality and Human Rights Commission).</p> |

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| | | | <p>During the public engagement process it was made clear that the relevant documents were available in various formats and languages.</p> <p>Falling house prices could also cause negative impacts. There may be cases where an individual has decided to adapt their residence to make it suitable to their needs based on the certainty that the investment will be recovered in the value of the property. The decision to invest could be made when the value of the property is higher, at a time when no restrictions exist on the use of the residence. Therefore, in light of the intervention (introducing an Article 3 Direction) there is a risk of financial losses in such cases.</p> <p>It is also a possibility that there will be a fall in the number of holiday lets and therefore there will be fewer holiday lets available that meet the needs of individuals with specific impairments.</p> |
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| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to disability:</p> <ul style="list-style-type: none"> • The intention will cause financial hardship which will affect personal mental health. • Some people with disabilities may be dependent upon the equity of their home to finance ongoing medical and care needs. Reducing this equity will mean the council / NHS will ultimately have to pick up additional costs. • An individual with a disability may wish to move in with family to help with their care. Turning their property to a short term let would help fund the ongoing care costs. • Enforcing Article 4 may inadvertently create barriers and hinder accessibility for individuals with disabilities. It is essential to ensure that any decisions made by the council do not perpetuate discrimination or limit housing options for them. Upholding equality and inclusivity should be a priority. • Adequate provision of suitable accommodation for individuals with disabilities is required. • If the tourism sector is impacted there will be fewer opportunities for individuals with disabilities to work. • The disincentive for owners to offer holiday accommodation may mean that there are fewer places for disabled people to enjoy a holiday by the coast. Often these groups find hotels or B&B's unsuitable and wish for the privacy of their own accommodation, which Article 4 will make more difficult. | |
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| Sex | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to sex:</p> <p>No specific comment raised.</p> | <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> |
| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to sex:</p> <ul style="list-style-type: none"> • Proposal is likely to adversely affect women. Tourism creates many jobs often allowing flexibility around school times. • The short-term letting community in Gwynedd is incredibly diverse, with women making up more than two-thirds of Airbnb Hosts. • More women work in the tourism sector due to the types of jobs available and the flexibility to work around school time. More women are likely to be directly affected. | |
| Age | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to age:</p> <ul style="list-style-type: none"> • It is beneficial in terms of giving young people the opportunity to live in their communities and return to them as they will not be priced out of the housing market. • Living next to holiday accommodation could have an impact on older people causing them to feel anxious. | <p>On average 65.5% of Gwynedd households are priced out of the housing market. This percentage has been increasing over the years meaning that individuals who wish to access the housing market find it very difficult to do so. It is often young people who face this challenge. It is therefore hoped that this intervention will have a positive impact on those individuals, and individuals of all ages.</p> <p>Should there be a reduction in house prices in light of introducing an Article 4 this could have a disproportionately negative impact on older people if they intend to sell their family home to buy a smaller house to release equity or to fund their care.</p> |
| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to age:</p> <ul style="list-style-type: none"> • It is likely to have serious negative impact on those relying on equity to fund care homes, care workers or to downsize. This will result in an increasing burden on the state/Council Services. | |

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| | | <ul style="list-style-type: none"> • This will also impact on young Welsh speaking families coming into the area who would attend local schools. • The young will leave Wales and with them goes the future of the Welsh language. • Those approaching retirement will be particularly hard hit as their sole investment will diminish financially (more socio-economic impacting). • It will not help younger main residents get on the housing ladder as available properties will still be too expensive. • Elderly people will be disadvantaged as they will be asset poorer when they are physically unable to remain in a particular house and have to move to be nearer family. • Enforcing Article 4 may inadvertently create barriers for elderly residents, or those from minority ethnic backgrounds. It is essential to ensure that any decisions made by the council do not perpetuate discrimination or limit housing options for these groups. Upholding equality and inclusivity should be a priority. • Young people looking to purchase a first home often have financial support from their parents. If the parents' assets are devalued by the Article 4 Direction this will be less likely. • A property market which is hostile to mortgage lenders will favour older purchasers as they will have the financial capability to buy without a mortgage. This combined with the reduction in house prices will make Pen Llŷn very appealing to people looking to retire to a coastal location. | |
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| | | <ul style="list-style-type: none"> • A property market which favours older purchasers must be in conflict with the Well-being of Future Generations (Wales) Act 2015, as well as Policy 4 of the Future Wales: the National Plan 2040. With a market skewed to favour older purchasers, how can an 'aged-balanced community' be achieved? | |
| Sexual orientation | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to sexual orientation:</p> <p>No specific comment raised.</p> | <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> <p>The main aim of the intervention is to ensure there is better control of the use made of houses thus ensuring an appropriate provision of housing available to meet the needs of individuals who are searching for a home.</p> <p>As part of the engagement process the relevant documents that will be prepared to facilitate the process of submitting representations will clearly note that individuals can receive the documentation in various formats and languages.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> |
| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to sexual orientation:</p> <p>No specific comment raised.</p> | |
| Religion or belief (or non-belief) | Positive | <p>Summary of the observations submitted in relation to the negative impact relating to belief (or non-belief):</p> <ul style="list-style-type: none"> • On religious/cultural or nationality basis, Welsh people I have met and know are very welcoming and accepting of all. However they can be | <p>Introducing and confirming the Article 4 Direction will enable planning control which means that necessary steps must be taken to undertake the change of use, which is, a planning application and approval must be received by the Local Planning Authority.</p> |

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| | | resentful of incomers buying second homes / holiday lets when they cannot obtain a home themselves. Hopefully this latter concern will be met by changes in Article 4. | <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit a representation on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> • reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence; • approve consulting and seek the opinion of those who are affected. <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> |
| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to belief (or non-belief):</p> <ul style="list-style-type: none"> • Implementation of article 4 will lead to the housing market being flooded, prices lowered and further non-Welsh speakers and lower skilled people moving into the area due to cheaper prices. This will have a detrimental impact on Welsh language and culture, as many people with different beliefs, religions and cultures will move to the area for cheaper housing (compared to the rest of the UK) - not Welsh speakers and not Christians. | |
| Gender reassignment | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to gender reassignment:</p> <p>No specific comment raised.</p> | <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> |
| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to gender reassignment:</p> <p>No specific comment raised.</p> | |

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| Pregnancy and maternity | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to pregnancy and maternity:</p> <p>No specific comment raised.</p> | <p>Introducing and confirming the Article 4 Direction will enable planning control which means that necessary steps must be taken to undertake the change of use, which is, a planning application and approval must be received by the Local Planning Authority.</p> |
| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to pregnancy and maternity:</p> <p>No specific comment raised.</p> | <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit a representation on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> • reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence; • approve consulting and seek the opinion of those who are affected. <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>Should there be a reduction in prices in light of introducing Article 4 it is likely that this would be beneficial to young families wanting to buy a home.</p> |
| Marriage and civil partnership | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to marriage and civil partnership:</p> <p>No specific comment raised.</p> | <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> |

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| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to marriage and civil partnership:</p> <p>No specific comment raised.</p> | No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed. |
| The Welsh language | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to the Welsh language:</p> <ul style="list-style-type: none"> • If the Article 4 Direction is not put in place and the current number of holiday lets and second homes continues to be unregulated, the Welsh language and the economy will suffer. • It will help create a fairer housing market and will help to keep Welsh speakers in their communities. • It will safeguard the prosperity of the Welsh language by ensuring an increase in homes for local people. This, in turn, will lead to an increase in opportunities for everyone to use the Welsh language, regardless of their background. • It will have a very positive impact on opportunities for people to use the Welsh language and the Welsh language's status in the community. The Welsh community is dying quickly and there will be no opportunity to speak the language. Article 4 will ensure the continuation of the Welsh language. • It can benefit the Welsh language by avoiding displacement of Welsh speakers to other areas (caused by high house prices & low affordability). | <p>The intention of implementing the Article 4 Direction across the Local Planning Authority area means that everyone in the area will be subject to the same restrictions. A series of area options that were considered (Appendix 6) for implementation also sought to assess the impact of implementing it on a specific area basis rather than for the entire Gwynedd Local Planning Authority Area. It was concluded that implementing the Article 4 Direction in a specific area only would have a negative impact on the population and the communities where the intervention would not apply, it would also therefore have an impact on the Welsh language. It is hoped that implementing it across the entire county will have the best possible positive impact.</p> <p>The changes enable the Local Planning Authorities to tailor their local planning policies to support the use of the Welsh language, and to attempt to ensure there is housing provision available to meet the specific needs for residential houses.</p> <p>Trying to improve the opportunities for people to live in their indigenous communities is advantageous to the prosperity of the Welsh language and its use.</p> <p>The decision does not directly affect the status of the Welsh language or opportunities to use it, however affordability figures show us that a high percentage of Gwynedd people cannot afford to buy a new home because of the gap between average salaries and house prices. This means that young people are more likely to</p> |

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| | <ul style="list-style-type: none"> • Stem the decline of opportunities to use the Welsh language and stabilise the status of the Welsh language in the community. • The impact on the Welsh language would be positive and would enable individuals/families who speak Welsh to live in their communities and use their first language thus developing a sense of ownership and community. • Safeguard the rights of the language in the county and prevent further linguistic deterioration. • Second homes/holiday lets have a detrimental impact on communities where the Welsh language is used every day and reduces the number of those communities. The geographical size of Welsh-speaking areas will diminish continuously unless Article 4 is implemented. • Enable people to return to their native area to live and protect the Welsh language. • It will protect the indigenous Welsh house-names in the area. • Introducing the Article 4 Direction will be a step towards reinforcing and protecting the Welsh language in our communities and keeping them alive. • Preserving the number of Welsh-speaking permanent residents in the area ensures schools and community groups remain active. • This is an important step towards protecting the Welsh language as the rightful language of Gwynedd communities. | <p>move out of the county to find work opportunities that will provide better salaries and a better chance of being able to afford to buy a property. This outward migration leads to a change in demography which in turn affects linguistic viability in our communities.</p> <p>Implementing this change is part of a package of broader strategic interventions to seek to protect those communities where there is a high number of Welsh-speakers and therefore it is believed that the decision will have a positive, indirect impact on the language.</p> |
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| | Negative | <p>Summary of the observations submitted in relation to the negative impact relating to the Welsh language:</p> <ul style="list-style-type: none"> • The policy won't bring the price of houses down to an extent that they will be affordable to local Welsh speakers so it will lead to a further weakening of the Welsh language and culture when the houses are bought up as permanent residencies for people who can work from home or elderly retirees. • I think it is likely to drive out those who use the Welsh language to areas where they can engage in a free property market without restriction. • It is more likely to impact permanent residents of Gwynedd, the majority of whom are Welsh speaking. It will make them poorer and reduce their social mobility • Property values will be seriously reduced and because of lack of jobs in the area younger people will not be able to buy homes thus diluting the use of the Welsh language and Welsh culture in the area and forcing them to move away. • Article 4 is indirectly discriminatory against Welsh speakers and all local residents. • We want our younger generations to be upwardly mobile; and none of them need lose their language for this, but surely it is time to adopt English as the first language in our schools with Welsh a compulsory second language, to ensure that our future generations are not caught in these socio-economically disadvantaged scenarios. | |
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| | | <ul style="list-style-type: none"> • In my opinion, it's crucial to support those who are new to the area by offering free language learning resources. This not only helps them integrate but also leverages their expertise for the benefit of the community. The current approach seems to inadvertently deter skilled individuals from contributing effectively, which could lead to socio-economic disadvantages in the long run. • The opportunity to integrate English speaking incomers into Welsh speaking communities, via children, will be lost if the balance of the property market is interfered with to favour the migration of retirees not incumbered by a mortgage. • The article is indirectly discriminatory against Welsh speakers and residents and infringes on Article 8 of the Human Rights Act. | |
| Socio-Economic Disadvantage | Positive | <p>Summary of the observations submitted in relation to the positive impact relating to socio-economic disadvantage:</p> <ul style="list-style-type: none"> • This will improve opportunities for people in the lower socio economic groups. • It will be beneficial for dealing with homelessness • It is obvious that this plan would be beneficial for people in socio-economic disadvantage. These are the people who miss out the most if there is no housing for long-term letting; they have to rely on the homelessness department to help them. • Ensure that residents of the county from all socio-economic backgrounds are able to live in their own area. | <p>Since implementing in this way is unprecedented, it is impossible to fully anticipate the side-effects. One possible side-effect is the potential impact on the value of residential property. A reduction in house prices could mean that more people will be able to afford to buy houses (see question 2.4 for more information on how the housing market is currently affecting local people).</p> <p>It is also expected that more property will be available in the area for people who wish to have a home here, whether they are local people or people moving to the county from other areas.</p> <p>On the other hand, should it affect property values, there is a chance that this could affect the living standards of the owners of the property in question and could push them to a position of economic disadvantage.</p> |

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| | <ul style="list-style-type: none"> • It will offer some protection to Welsh communities and socio-economically disadvantaged individuals by enabling a minimum residential stock to be guaranteed, rather than depleted for individual capital gain. • It may help those who are socio-economically disadvantaged by keeping house prices lower. People are buying cheaper properties and then rent them on 'Airbnb' to make money, making it impossible for local people to afford a home; • The Article will positively impact economically disadvantaged people by keeping property prices at a more affordable level. • Introducing the Article 4 Direction will improve equality in Gwynedd communities by making housing more affordable for people on local salaries. • It will help to create communities that are economically viable and this ultimately will help people who face socio-economic disadvantage. • It is simply greed to take a property off the market to use as a holiday let when it could house a local family who need somewhere to live. It is causing poorer families to struggle more and more to find suitable accommodation. • Introducing the Article 4 Direction will be one step towards limiting extreme inequalities in our communities, and will in essence raise the status of indigenous residents in the areas, which will lead to fewer socio-economic disadvantages. • This will ensure that local people are not excluded from the housing market and will possibly help to stabilise house prices that have increased so much | <p>Further, there is a threat that the proposal will affect the tourism sector, with fewer holiday lets that could then lead to fewer people being employed in the sector which would have associated implications on the labour market.</p> |
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| | | <p>over the years. Many young local people are facing socio-economic disadvantage as average wages in the area are not enough to enable them to purchase homes in their local area. The impact of this is that young people are leaving areas in Gwynedd and that the viability of communities and the viability of the language in the community are suffering. Introducing the Article 4 Direction would be an important step forward in terms of helping families/young people to remain home.</p> | |
| | <p>Negative</p> | <p>Summary of the observations submitted in relation to the negative impact relating to the socio-economic disadvantage:</p> <ul style="list-style-type: none"> • It will adversely effect the poorest in society those in rented homes or those home owners with little equity or on shared ownership schemes. • Those who have a main home in the area will suffer a loss of housing value and may place some home owners in negative equity. • This article will significantly impact those who are socio-economically disadvantaged, and it will more than likely push them into further disadvantage and poverty. • It will result in an increased displacement of those who are socio-economic disadvantage and potentially further homelessness, which I am sure the council does not want to encourage. • It will have a negative effect on small businesses and local people and this will lead to poverty, people won't be able to find work so they will be forced to look elsewhere for an income to be able | |

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| | | <p>to run their homes and feed family members. Could lead to a rise in theft, drug dealings and poor mental health.</p> <ul style="list-style-type: none">• The socio-economically disadvantaged would benefit from more social housing being built, not from stealing peoples freedoms.• Will make it ebeb more difficult for the socio-economioically disadvantaged to purchase a home due to the lack of mortgages.• The negative effects of Article 4 implementation will reverberate for years to come, pushing many into a cycle of deprivation which they cannot get out of (their children’s children).• It will create an elite class of homeowner who are more likely to employ out of area workers creating a greater divide between local people and the elite.• It's likely to reduce property prices for primary residences, pushing those with high mortgages into negative equity, during the cost of living crisis. This will mostly affect the least well off, vulnerable and those reliant on the state. | |
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3.2 The Council has a duty under the 2010 Equality Act to contribute positively to a fairer society by promoting equality and good relations in its activities regarding the following characteristics – age, gender, sexual orientation, religion, race, gender reassignment, disability and pregnancy and maternity. The Council must give due attention to the way any change affects these duties.

| General Duties of the Equality Act | Does it have an impact?* | In what way? What is the evidence? |
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| Abolishing illegal discrimination, harassment and victimisation | No | The main aim of the Article 4 Direction is to seek to facilitate and secure opportunities for people to live in their communities. Therefore it is not likely to have any impact on illegal discrimination, harassment or persecution, however there will be an appropriate monitoring framework in place if the Article 4 Direction is confirmed. |
| Promoting equal opportunities | Yes | The main aim of the Article 4 Direction is to seek to facilitate and secure opportunities for people to live in their communities. It will also add to people's opportunity to influence what is happening in their community. |
| Encouraging good relationships | Yes | The proposal could promote good relationships with people in Gwynedd's communities as in time, it will help to give the people of Gwynedd the opportunity to live in their area of choice. Therefore, it is hoped there will be a feeling of fairness and equal opportunity within Gwynedd's communities. Having said this it could have a negative impact, and the possibility of misinterpreting the proposal could cause bad feeling. |

* to be deleted as appropriate

3.3 How does your proposal ensure that you work in accordance with the requirements of the Welsh Language Standards (Welsh Language (Wales) Measure 2011), to ensure that the Welsh language is not treated less favourably than English and that you seize every opportunity to promote the Welsh language (beyond providing services bilingually) and increase opportunities to use and learn the language in the community?

The process of preparing and approving the Article 4 Direction will be in accordance with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011).

It is hoped that introducing the Article 4 Direction will ensure more housing provision to satisfy local needs.

Further, implementing the Article 4 Direction means there will be a need to consider the propriety of prospective planning applications in line with the adopted Local Development Plan. In accordance with the process of preparing the Plan it will have been subject to a Linguistic Impact Assessment.

3.4 What other measures or changes could you include to strengthen or change the policy / practice in order to have a positive impact on people's opportunities to use the Welsh language, and to reduce or prevent any adverse effects that the policy / practice may have on the Welsh language?

Ystyrir yn briodol monitro effaith gweithredu ar y Cyfarwyddyd Erthygl 4 ar nifer o ffactorau gwahanol, gan gynnwys yr effaith mae'n ei gael ar yr iaith Gymraeg. Mae'r gweithredu ar Gyfarwyddyd Erthygl 4 i'r dibenion hyn y ddigynsail a chan hynny bydd angen sicrhau fod yna fecanwaith monitro priodol mewn grym.

3.5 How does the proposal show that you have had due regard to the need to address inequality caused by socio-economic disadvantage? (Note that this is about closing inequality gaps rather than just improving outcomes for everyone)?

As noted in part 2 above, the main aim of introducing the Article 4 Direction will be to try to overturn the social inequality that exists in some of Gwynedd's communities, seeking to secure that a provision of housing (including affordable housing) is available to meet local need. As mentioned in 2.4, on average 65.5% of Gwynedd's population have been priced out of the housing market and this increases to 96% in some areas.

Since implementing the Article 4 Direction in this way is unprecedented, it is not possible to reach any certain conclusion in terms of the negative and/or positive impacts. A number of observations have been received that are concerned that the proposal will affect the protected characteristics as highlighted in section 3.1, while others are of the opinion that the proposal would have a positive impact.

Several representations have been received that support the proposal and consider that it would offer opportunities for people to live in their communities and is therefore beneficial to those who face economic disadvantage. On the other hand, a number are concerned that the proposal will have a detrimental impact on individuals who face economic disadvantage due to the concern that the proposal is going to have an impact on the tourism sector and therefore will lead to losing jobs within the industry. Also, there is concerns that the proposal will reduce the value of properties meaning that individuals/families will end up in negative equity on their property and will have difficulty in obtaining mortgages.

3.6 What other measures or changes might you include to strengthen or change the policy / practice to show that you have had due regard to the need to reduce disproportionate outcomes as a result of socio-economic disadvantage, in accordance with the Socio-Economic Act?

Not applicable as it is not a strategic issue.

4) Analysing the Results

4.1 Is the policy therefore likely to have a significant, positive impact on any of the above and what is the reason for this?

It is believed that introducing the Article 4 Direction will have a positive impact on all individuals including individuals who have protected equality characteristics.

The social inequality that currently exist in some communities due to the lack of available housing along with house prices that are beyond their reach is creating an unsustainable divided society. In an effort to seek to overturn the current situation introducing the Article 4 Direction, will provide an opportunity to assess the propriety of any proposal that involves changing the use of a residential home to holiday use, whether that is a holiday let or a second home. It is hoped that this would create a fairer society and would ensure opportunities for all to be able to live in their area of choice.

4.2 Is the policy therefore likely to have a significant, negative impact on any of the above and what is the reason for this?

The Assessment (see part 3 above) identifies some potential impacts that could derive from implementing the Article 4 Direction for the entire Gwynedd Local Planning Authority area. As can be seen when examining the table in section 3.1 there are differing views of the foreseen impact.

The main effect assumed by some is that the intention is going to lead to a decrease in the value of a residential property, which in turn leads to property owners facing financial hardship. This is seen as having a significant impact on the economically disadvantaged as they are the ones most likely to be owners of mortgaged properties. Further it is considered that there is a threat that the intention will have a detrimental effect on the tourism sector and the local economy, negatively affecting the local population including the economically disadvantaged together with women in particular, as, proportionally more women are dependent on jobs in the tourism sector.

Linked to the falling property value is the impact that the intention could have on the elderly and their financial investment which was intended to fund their care.

On the other hand, there are supportive views that contrast these negative effects. Essentially the introduction and ratification of the Article 4 Direction will allow planning control which means that the necessary steps will have to be followed in order to undertake the change of use, which is that planning permission for the intention will have to be given by the Local Planning Authority.

Associated with the submission of the planning application will be a period of engagement with those affected. This means that everybody will have an opportunity to make a representation regarding the intention. The introduction of the Article 4 Direction will therefore:-

- reduce the likelihood of discrimination caused when members of the public have no knowledge of changes affecting them or feel that they lack the ability to influence;
- allow consultation and discover the views of those affected.

The main aim of introducing the Article 4 Direction is to seek to ensure that there is adequate and suitable provision of housing available to meet the housing needs of Gwynedd's population. It is hoped that it will contribute towards affordability and support local communities and the Welsh language.

4.3 What should be done?

Choose one of the following:

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| Continue with the policy / service as it is robust | |
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| Adapt the policy to delete any barriers | |
| Suspend and delete the policy as the detrimental impacts are too big | |
| Continue with the policy as any detrimental impact can be justified | ✓ |
| No further action at this time because it is too soon to decide, or there is insufficient evidence | |

4.4 If continuing with the project, what steps will you take to reduce or mitigate any negative impacts?

As part of the process of making the decision and justifying the proposal of introducing the Article 4 Direction, every effort has been made to ensure that negative impacts are highlighted and mitigated.

Due to the unprecedented nature of the proposal, it is intended to ensure there is an appropriate monitoring framework in place to assess the impact of implementing the Article 4 Direction (if confirmed). Any negative impacts that are considered to have a harmful impact on protected equality characteristics will receive further consideration in terms of the propriety of taking action to mitigate or reduce those negative impacts.

4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.

See response to 4.4 above.

5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

A specific Monitoring Framework will be prepared that will include a number of indicators to monitor the implementation of the Article 4 Direction. As appropriate, the Monitoring Framework could include indicators that involve assessing impact on equality characteristics, the Welsh language and socio-economic disadvantage.

Further discussions will be held with officers in the Authority regarding the above to obtain their input and guidance when drawing up and formalising the Monitoring Framework.

RHYBUDD CYHOEDDUS CYNGOR GWYNEDD

GORCHYMYN CYNLLUNIO GWLAD A THREF (DATBLYGU CYFFREDINOL
A GANIATEIR) 1995
(FEL Y'I DIWYGIWYD GAN ORCHYMYN CYNLLUNIO GWLAD A THREF
(DATBLYGIAD CYFFREDINOL A GANIATEIR ETC) (DIWYGIO) (CYMRU)
2022)

HYSBYSIAD O GADARNHAU CYFARWYDDYD NAD YW'N
UNIONGYRCHOL O DAN ERTHYGL 4(1) I GYFYNGU HAWLIAU
DATBLYGU A GANIATEIR MEWN PERTHYNAS Â RHAI NEWIDIADAU
DEFNYDD O ANHEDD(AU) YN ARDAL AWDURDOD CYNLLUNIO LLEOL
GWYNEDD

RHODDIR RHYBUDD gan Gyngor Gwynedd ("y Cyngor") fel yr Awdurdod
Cynllunio Lleol priodol eu bod ar 11 Mehefin 2024 wedi cadarnhau
Cyfarwyddyd o dan erthygl 4(1) o Orchymyn Cynllunio Gwlad a Thref
(Datblygu Cyffredinol a Ganiateir) 1995 (fel y'i diwygiwyd) ("y
Gorchymyn").

Mae'r Cyfarwyddyd yn berthnasol i'r datblygiadau a bennir yn yr Atodlen
i'r Rhybudd hwn ac yn dileu hawliau datblygu a ganiateir ar gyfer y
mathau hyn o ddatblygiad.

Bydd y Cyfarwyddyd Erthygl 4 yn weithredol o'r 1 Medi 2024.

Effaith y Cyfarwyddyd yw na fydd caniatâd cynllunio a roddir gan Erthygl
3 o'r Gorchymyn yn berthnasol i ddatblygiad a ddisgrifir yn yr atodlen ac
ni fydd datblygiad o'r fath yn cael ei wneud o fewn Ardal Awdurdod
Cynllunio Lleol Gwynedd oni roddir caniatâd cynllunio gan y Cyngor ar
gais a wneir o dan Ran III o Ddeddf Cynllunio Gwlad a Thref 1990 (fel y'i
diwygiwyd).

Gellir gweld copi o'r Cyfarwyddyd a chynllun sy'n dangos yr ardal y mae'n
ymwneud â hi yn swyddfeydd canlynol y Cyngor rhwng 9yb a 5yp yn ystod
yr wythnos (ac eithrio gwyliau banc):-

- Siop Gwynedd Caernarfon: Pencadlys Cyngor Gwynedd, Stryd y
Castell, Caernarfon, Gwynedd, LL55 1SE
- Siop Gwynedd Pwllheli: Swyddfa Ardal Dwyfor, Ffordd y Cob,
Pwllheli, Gwynedd, LL53 5AA
- Siop Gwynedd Dolgellau: Swyddfa Ardal Meirionnydd, Cae Penarlâg,
Dolgellau, Gwynedd, LL40 2YB

Fel arall, gellir gweld copi o'r Cyfarwyddyd, gan gynnwys y cynllun sy'n
dangos yr ardal y mae'n ymwneud â hi:

Ar-lein: www.gwynedd.llyw.cymru/erthygl4

PUBLIC NOTICE CYNGOR GWYNEDD

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) ORDER 1995
(AS AMENDED BY THE TOWN AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT ETC) (AMENDMENT) (WALES) 2022)

NOTICE OF THE CONFIRMATION OF A NON-IMMEDIATE DIRECTION
UNDER ARTICLE 4(1) TO RESTRICT PERMITTED DEVELOPMENT RIGHTS
IN RELATION TO CERTAIN CHANGES OF USE OF DWELLING(S) IN THE
GWYNEDD LOCAL PLANNING AUTHORITY AREA

NOTICE IS HEREBY given that Cyngor Gwynedd ("the Council") being the
appropriate Local Planning Authority on 11 June 2024 confirmed a
Direction under article 4(1) of the Town and Country Planning (General
Permitted Development) Order 1995 (as amended) ("the Order").

The Direction applies to the development specified in the Schedule to this
Notice and removes permitted development rights for these types of
development.

The Article 4 Direction will be in force from 1 September 2024.

The effect of the Direction is that planning permissions granted by Article
3 of the Order shall not apply to development described in the attached
schedule and such development shall not be carried out within Gwynedd
Local Planning Authority Area unless planning permission is granted by
the Council on an application made under Part III of the Town and
Country Planning Act 1990 (as amended).

A copy of the Direction and a plan showing the area to which it relates
may be seen at the following offices of the Council between 9am to 5pm
weekdays (excluding bank holidays):-

- Siop Gwynedd Caernarfon: Cyngor Gwynedd Headquarters, Castle
Street, Caernarfon, Gwynedd, LL55 1SE
- Siop Gwynedd Pwllheli: Dwyfor Area Office, Ffordd y Cob, Pwllheli,
Gwynedd, LL53 5AA
- Siop Gwynedd Dolgellau: Meirionnydd Area Office, Cae Penarlâg,
Dolgellau, Gwynedd, LL40 2YB

Alternatively, a copy of the Direction, including the plan showing the area
to which it relates can be viewed:

Online: www.gwynedd.llyw.cymru/article4.

Atodlen 1 – Cyfyngu ar Hawliau Datblygu a Ganiateir

Y disgrifiadau a ganlyn o ddatblygiadau y cyfeirir atynt yn Nosbarth I, Rhan 3, Atodlen 2 o'r Gorchymyn hwnnw:

- (1) Datblygiad sy'n cynnwys newid defnydd adeilad
 - (a) o ddefnydd sy'n disgyn o fewn Dosbarth C3 (tai annedd a ddefnyddir fel unig neu brif breswylfa) o'r Atodlen i Orchymyn Dosbarthiadau Defnydd —
 - (i) i ddefnydd sy'n disgyn o fewn Dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) o'r Atodlen honno;
 - (ii) i ddefnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) yr Atodlen honno;
 - (iii) i ddefnydd cymysg sy'n cyfuno defnydd fel tŷ annedd o fewn Dosbarth C3 (tai annedd a ddefnyddir fel unig neu brif breswylfa) gyda defnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) yn yr Atodlen honno;
 - (iv) i ddefnydd cymysg sy'n cyfuno defnydd fel tŷ annedd o fewn dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) gyda defnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) o'r Atodlen honno;
 - (b) o ddefnydd sy'n disgyn o fewn Dosbarth C5 (tai annedd, a ddefnyddir heblaw am fel unig neu brif breswylfa) o'r Atodlen i Orchymyn Dosbarthiadau Defnydd —
 - (i) -----
 - (ii) i ddefnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) yr Atodlen honno;
 - (iii) i ddefnydd cymysg sy'n cyfuno defnydd fel tŷ annedd o fewn dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) gyda defnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) o'r Atodlen honno;
 - (iv) i ddefnydd cymysg sy'n cyfuno defnydd fel tŷ annedd o fewn Dosbarth C3 (tai annedd a ddefnyddir fel unig neu brif breswylfa) gyda defnydd sy'n disgyn i Ddosbarth C6 (llety gosod tymor byr) yn yr Atodlen honno;
 - (c) o ddefnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) o'r Atodlen honno i Orchymyn Dosbarthiadau Defnydd —
 - (i) -----
 - (ii) i ddefnydd sy'n disgyn o fewn Dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) o'r Atodlen honno;
 - (iii) -----
 - (iv) i ddefnydd cymysg sy'n cyfuno defnydd fel tŷ annedd o fewn dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) gyda defnydd sy'n disgyn i Ddosbarth C6 (llety gosod tymor byr) o'r Atodlen honno;
 - (d) o ddefnydd cymysg sy'n cyfuno defnyddiau sy'n disgyn o fewn Dosbarth C3 (tai annedd a ddefnyddir fel unig neu brif breswylfa) a Dosbarth C6 (llety gosod tymor byr) o'r Atodlen i Orchymyn Dosbarthiadau Defnydd —
 - (i) -----
 - (ii) i ddefnydd sy'n disgyn o fewn Dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) o'r Atodlen honno;
 - (iii) i ddefnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) yr Atodlen honno;
 - (iv) i ddefnydd cymysg sy'n cyfuno defnydd fel tŷ annedd o fewn dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) gyda defnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) o'r Atodlen honno;
 - (e) o ddefnydd cymysg sy'n cyfuno defnyddiau sy'n disgyn o fewn Dosbarth C5 (tai annedd, a ddefnyddir heblaw am fel unig neu brif breswylfa) a Dosbarth C6 (llety gosod tymor byr) o'r Atodlen i Orchymyn Dosbarthiadau Defnydd —

Schedule 1 – Restrict Permitted Development Rights

The following descriptions of development referred to in Class I of Part 3 of Schedule 2 of the said Order:

- (1) Development consisting of a change of use of a building
 - (a) from a use falling within Class C3 (dwellinghouses, used as sole or main residences) of the Schedule to the Use Classes Order —
 - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
 - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
 - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
 - (iv) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
 - (b) from a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of the Schedule to the Use Classes Order —
 - (i) -----
 - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
 - (iii) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
 - (iv) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
 - (c) from a use falling within Class C6 (short-term lets) of the Schedule to the Use Classes Order—
 - (i) -----
 - (ii) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
 - (iii) -----
 - (iv) to a mixed used combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
 - (d) from a mixed use combining uses falling within Class C3 (dwellinghouses, used as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—
 - (i) -----
 - (ii) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
 - (iii) to a use falling within Class C6 (short-term lets) of that Schedule;
 - (iv) to a mixed used combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
 - (e) from a mixed use combining uses falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—

- (i) -----
- (ii) i ddefnydd sy'n disgyn o fewn Dosbarth C5 (tai annedd a ddefnyddir heblaw am fel unig neu brif breswylfa) o'r Atodlen honno;
- (iii) i ddefnydd sy'n disgyn o fewn Dosbarth C6 (llety gosod tymor byr) yr Atodlen honno;
- (iv) -----

- (i) -----
- (ii) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
- (iii) to a use falling within Class C6 (short-term lets) of that Schedule.
- (iv) -----

DRAFFT / DRAFFT



Neutral Citation Number: [2025] EWHC 437 (Admin)

Case No: AC-2024-CDF-000147

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT

Cardiff Civil & Family Justice Centre
2 Park Street, Cardiff CF10 1ET

Date: 27 February 2025

Before :

THE HONOURABLE MR JUSTICE PEPPERALL

Between :

THE KING
on the application of
ENLLI ANGHARAD WILLIAMS

Claimant

- and -

CYNGOR GWYNEDD

Defendant

Matthew Henderson (instructed by **Browne Jacobson**) for the **Claimant**
John Hunter instructed by and appearing for the **Defendant**

Hearing dates: 17 December 2024

Approved Judgment

This judgment was handed down remotely at 10am on 27 February 2025
by circulation to the parties by email and by release to the National Archives.

THE HONOURABLE MR JUSTICE PEPPERALL:

1. By this claim for judicial review, Enlli Williams challenges the decision of Gwynedd Council taken on 16 July 2024 to confirm an earlier direction made pursuant to Article 4 of the Town & Country Planning (General Permitted Development) Order 1995 (the “GPDO”). By an order made on 7 November 2024, His Honour Judge Jarman KC refused permission to apply for judicial review. Ms Williams now renews her application for permission.

2. Section 57 of the Town & Country Planning Act 1990 provides that planning permission is required for the carrying out of any “development” of land. As well as building operations, the term “development” is defined by s.55(1) of the Act to include “the making of any material change in the use of any buildings or other land”. Section 55(2) provides that a change to use buildings or other land for any other use of the same class does not constitute development.

3. Different classes of use are specified by the Town & Country Planning (Use Classes) Order 1987 (the “UCO”). The UCO was amended by the Town & Country Planning (Use Classes) (Amendment) (Wales) Order 2022 to introduce two new classes, C5 and C6. Ignoring houses in multiple occupation (class C4), there are now three classes of use for dwellinghouses in Wales:
 - 3.1 class C3, being dwellinghouses used as a main residence and occupied for more than 183 days in a calendar year;
 - 3.2 class C5, being dwellinghouses used otherwise than as a sole or main residence and occupied for 183 or fewer days; and
 - 3.3 class C6, being dwellinghouses that are commercially let for short terms not exceeding 31 days.Put more colloquially, the amended UCO distinguishes between primary residences (C3); second homes (C5); and short-term holiday lets (C6).

4. At the same time, the GPDO was amended by the Town & Country Planning (General Permitted Development etc) (Amendment) (Wales) Order 2022 to allow as generally permitted development a change of use between classes C3, C5, C6 and mixed use combining either C3 or C5 with C6.

5. By Article 4 of the GPDO, if a local planning authority in Wales is satisfied that it is expedient that development in any class should not be carried out unless planning permission is granted on an application, the authority may give a direction that the generally permitted development otherwise granted by the GPDO shall not apply to any development of the class specified in the direction.

The effect of a direction under Article 4 is not to prevent development that would otherwise be generally permitted but to require it to be subjected to planning control.

6. On 13 June 2023, the council's cabinet decided to make a deferred Article 4 direction revoking the generally permitted development rights for changes of use from C3 to C5, C6 or a mixed use; from C5 to either C6 or a mixed use; from C6 to C5 or a mixed use of C5 and C6; from a mixed use of C3 and C6 to C5, C6 or a mixed use of C5 and C6; and from a mixed use of C5 and C6 to either C5 or C6.
7. Put simply, the GPDO would still allow as generally permitted development material changes of use that led to the greater use of a house as a primary residence. Other proposed material changes of use that led to more second homes or more holiday lets would fall outside the GPDO and require planning application.
8. After a period of public engagement, the direction was confirmed by a cabinet decision taken on 16 July 2024.
9. By this application, Ms Williams seeks to argue 5 grounds.

GROUND 1

10. By her first ground, Ms Williams argues that the council misunderstood the changes to the planning regime in 2022 and failed to take into account the potential for new holiday homes (whether class C5 or class C6) notwithstanding the direction. She argues that the council failed to appreciate that planning permission is only required for material changes of use and that, therefore, the direction would not have the effect of preventing all changes of use to classes C5 and C6.
11. The council's stated reasons for making and confirming the direction were to gain control of the unrestricted change of use between the new use classes. The council was concerned that the proportion of the housing stock that is not used as a main residence in some parts of Gwynedd is very high. It therefore concluded that it was expedient to make and confirm the direction in order to improve the provision of housing available to meet local need. Such reasons were consistent with the statutory purpose of the GPDO amendment order made in 2022 as explained at para. 4.4 of its explanatory memorandum.

12. In developing this ground, Matthew Henderson, who appears for Ms Williams, argues that the council misunderstood planning law and that the cabinet was misled by a number of key documents into believing that the direction would subject all such changes of use to a requirement that planning permission should be obtained:
 - 12.1 First, he relies on the Officer's Report that was put before the council's cabinet meeting on 16 July 2024 and specifically the officer's observation that the direction would provide an opportunity to assess "any proposal that involves changing the use of a residential home to holiday use, be that as a holiday let or a second home".
 - 12.2 Secondly, Mr Henderson relies on the Public Engagement Report that was attached to the Officer's Report as an appendix and which asserted that planning consent would be required for a change to use a house as a second home (C5) or to let it as short-term holiday accommodation (C6).
 - 12.3 Thirdly, he relies on the Equality Impact Assessment which again suggested that planning permission would be required to change from class C3 to either C5 or C6.
 - 12.4 Fourthly, he relies on the public notice of the earlier 2023 decision which asserted that the direction would revoke the right to change the use of a residential dwelling without planning permission.
13. Mr Henderson asserts that these documents were inaccurate in that the effect of ss.55 and 57 of the 1990 Act is that planning permission is only required for a material change of use, and accordingly the direction could only affect material changes of use. This was, he submits, a material error of law. He argues that while a specialist planning committee might be expected to understand the true position, the same cannot be said where the decision was taken by the cabinet. Further, he argues that the council thereby failed to take into account a mandatory material consideration, namely that the direction could only control material changes of use.
14. Mr Henderson argues that these errors went to the efficacy of the direction such that it cannot be said that the outcome would in any event have been the same. The misconceived ability to control changes of use was a critical part of the council's reasoning.
15. John Hunter, who appears for the council, rightly reminds me that the court should be vigilant to guard against excessive legalism and submits that the Officer's Report should not be subjected to minute legal dissection: Mansell v. Tonbridge & Malling Borough Council [2017] EWCA Civ 1314, [2019] P.T.S.R. 1452. He argues that such reports are addressed to council members who should be regarded as a knowledgeable readership.

16. Mr Hunter submits that the Officer's Report said in terms that the direction would not prevent "development" but it meant that planning permission would be required. That was correct, since a change of use would not amount to "development" within the meaning of the 1990 Act unless it was material.
17. Mr Hunter submits that the cabinet would have been well aware of the basic principle that planning permission was only required for material changes of use and of the effect of the Court of Appeal's decision in Moore v. Secretary of State for Communities & Local Government [2012] EWCA Civ 1202 since these matters had been the subject of an earlier paper in 2020. Further, he argues that in practice the courts have in the past been closely guided by use classes in determining whether a material change of use has occurred.
18. In any event, he argues that the main purpose of the 2022 legislation was to have greater control over changes of use of residential property and that new use classes radically altered the landscape. A change to use a primary residence as a second home or holiday home involves a change of use class and is no longer deemed by s.55(2) not to constitute development. Accordingly, it is inevitable that the direction will allow the council to control changes of use of the kind that it was previously unable to control. It is, Mr Hunter submits, unthinkable that the direction would not have been made in any event.
19. In my judgment, the direction cannot of itself require planning permission to be required for a change of use unless such change of use is material. While the Act excludes from the definition of development (and therefore the requirement to obtain planning permission) changes between uses within a single use class, the UCO does not operate so as to treat a change from one use class to another as a material change of use: Ipswich Borough Council v. Fairview Hotels (Ipswich) Ltd [2022] EWHC 2868 (KB), at [70]-[71]; Rann v. Secretary of State for the Environment (1979) 40 P. & C.R. 113.
20. Further, even after the making of the direction, it is properly arguable that a change of use from residential to commercial letting as holiday accommodation would not automatically amount to a material change of use such that planning permission would always be required. In Moore, Sullivan LJ explained, at [27]:

"Starting from first principles, without the assistance of any authority, whether the use of a dwellinghouse for commercial letting as holiday accommodation amounts to a material change of use will be a question of fact and degree in each case, and the answer will depend upon the particular characteristics of the use as holiday accommodation. Neither of the two extreme propositions - that using a dwellinghouse for commercial

holiday lettings will always amount to a material change of use, or that use of a dwellinghouse for commercial holiday lettings can never amount to a change of use - is correct.”

21. Thus, the 2022 reforms might not completely control changes of use from C3 or C5 to C6 or to a mixed use. Since materiality is a matter of fact and degree, it may well be that many mixed-use cases will not be affected by the direction. Equally, in my judgment, it is impossible to say that a change of use from C3 to C5 will necessarily amount to a material change of use. Indeed, some such changes of use might involve no more than a very modest change in the number of days that the house is occupied as a home.
22. While one might expect a specialist planning committee to appreciate that only material changes of use between different classes require planning permission (see, for example, R v. Selby District Council, ex parte Oxton Farms [2017] P.T.S.R. 1103, at 1110G) it is at least arguable that the same is not true of the broader cabinet. Further, it is arguable that the position is not saved by reliance on a report from December 2020 that was not put before the cabinet in July 2024.
23. Against that, the Officer’s Report to the cabinet expressly referred to changes to “generally permitted development” and to the control of “development proposals”. Properly understood by a well-informed readership, those were references to development that might – unless generally permitted – require planning permission. Nevertheless, it is properly arguable that the cabinet was misled as to the law and therefore as to the efficacy of the direction.
24. It may be that at a full hearing the court might be persuaded that it is highly likely that any such error would have made no substantial difference. Given, however, that the arguable error in this case went to the very heart of the efficacy of the policy, I am just persuaded that I cannot reach such conclusion to the required standard at this permission stage. I therefore grant permission to apply for judicial review and leave further consideration of s.31 of the Senior Courts Act 1981 to the full hearing.

GROUND 2

25. By her second ground, Ms Williams argues that the council was misdirected about or misunderstood the effect of the direction on the provision of affordable housing.

26. Mr Henderson relies on the statement in the Officer's Report that the main objective of the policy was to overturn social inequality by seeking to ensure that "a provision of housing (including affordable housing) is available to meet local need". He argues that the term "affordable housing" was being used as a term of art and therefore meant housing where there were secure mechanisms in place to ensure that it remains accessible in perpetuity to those who cannot afford market housing. Mr Henderson submits that the direction could not deliver affordable housing as so understood. Further, if contrary to his primary submission, the report could be construed as referring only to the possibility that housing might be made cheaper, he argues that such conclusion was not supported by the evidence before the cabinet.
27. In my judgment, there is no merit in this ground. There is a tension between grounds 1 and 2; whereas in ground 1 Ms Williams argues that the cabinet was misled since it was not advised of the basic planning principle that only material changes of use could be controlled by the direction, here it is argued that the cabinet was misled because it can be assumed to have understood the term "affordable housing" in a technical sense. Properly read, the reports were not referring to the creation of additional housing stock that could be designated and secured as affordable housing in such technical sense. Rather, the point being made was far more straightforward. The direction would allow greater planning control of changes of use that would have the effect of preventing the depletion of the housing stock available for local need as principal residences, and might thereby contribute to making such housing more affordable.
28. Mr Henderson is right to submit that the direction is not a mechanism which could secure affordable housing in the technical sense. It is, however, inconceivable that the cabinet were misled into thinking that the direction, which was simply concerned with a modification to generally permitted development rights, could have done so.
29. As to the likely effect on house prices, the Justification Paper was cautious. It reported at para. 7.1:
- "As the implementation of the Article 4 Direction in this manner is unprecedented, it is not possible to predict or measure the implications that could arise from its implementation. Inevitably, it is likely that intervention by introducing an Article 4 Direction and, therefore controlling the use made of residential units, would have a (possibly minimal) effect on the value of the property on the open market. It was noted in part 5 that research carried out in Northumberland in relation to the implementation of a main place of residence condition on new houses, found that a property with a main place of residence condition on it, would be equivalent to 95% of its value on the open market. Therefore, it is

inevitable that the Article 4 Direction would have a similar effect on house prices.”

30. Against that, the Public Engagement Report noted that average property prices in Gwynedd had increased since the Article 4 direction was first proposed, albeit on a lower volume of sales. Further, the report noted that a similar control mechanism in Edinburgh had not affected average property prices in the following year. The report concluded:

“It is difficult to measure the true impact of introducing the proposed Article 4 Direction on property value, mainly because there are several factors that can influence value. Should a property’s value fall after implementing the Article 4 Direction, we consider that it would be difficult to conclude indisputably that this is attributed directly to the implementation of the Article 4 Direction.”

31. The Justification Report identified that the housing situation in Gwynedd was “critical” and that 65.5% of the local population had been priced out of the housing market.

32. The Officer’s Report carefully directed attention to the Public Engagement Report and to the issue of the possible effect on house prices. At para. 3.2.19, the officer reported:

“With regard to decreasing the value of properties, research has been conducted looking at how similar mechanisms have affected property value in other areas - the research concluded that there was no distinct pattern evident.”

33. Accordingly, the reports put before the cabinet properly accepted that there might be minimal effect on property values and that it was difficult to predict the impact. In my judgment, it is not properly arguable that the cabinet was misled into believing otherwise.

GROUND 3

34. By her third ground, Ms Williams argues that the council unlawfully failed to consider the relevant planning policy of promoting and supporting holiday accommodation.

35. The argument is that the council failed to consider the Joint Local Plan which provided:

“Whilst ensuring compatibility with the local environment and communities and ensuring the protection of the natural, built and historic environment the Councils will support the development of a year-round local tourism industry ...”

36. This ground is totally without merit. The policy document TWR2 provided that proposals for the conversion of existing buildings into holiday accommodation would be permitted provided, among other matters, the proposal would not result in a loss of permanent housing stock; the development was not sited within a primarily residential area and would not cause significant harm to the residential character of the area; and the development would not lead to an over-concentration of holiday accommodation. Far from being at odds with such policies, the direction allows the council to subject proposals for material changes of use to create more holiday lets to planning control which is the proper means by which policy TWR2 might be applied.

GROUND 4

37. By her fourth ground, Ms Williams argues that the council failed to take into account evidence as to the existing use of the Welsh language.
38. The Justification Paper noted a correlation between lower rates of Welsh speakers and high levels of holiday accommodation. The Public Engagement Report observed that protecting housing stock to ensure that there is adequate provision to meet local needs would ensure that there is a permanent population within local communities. It observed that it was “hoped” that sustaining local communities would contribute to the prevalence of the Welsh language. It added:
- “Creating sustainable communities where the Welsh language is fully immersed within communities and providing and replicating the necessary social context for using the Welsh language as part of the normal fabric of society, is essential in order to protect and encourage the growth of the Welsh language. With the Welsh Government’s commitment to reach a million Welsh speakers by 2050, the ability to have better control of the housing stock and subsequently ensure that there is an adequate and affordable provision of housing for local people is a way of supporting this goal.”
39. The Equality Impact Assessment concluded that the direction would have a positive impact on the Welsh language.

40. Against that, the Objectors' Report presented evidence that the direction was not necessary to protect the Welsh language. It pointed to a reduction of just 1% in Welsh-speaking local residents from 65.4% to 64.4% over the ten years to 2021, and observed that the rate of loss of Welsh speakers was lower in Gwynedd than nationally.
41. I agree with Judge Jarman that there is no merit in this ground. As he observed, this was not an exercise in precision and the council was entitled to conclude that the direction would assist in encouraging the growth, or at least in arresting the decline, in the use of the Welsh language and thereby of promoting the Welsh Government's aim of achieving one million Welsh speakers. Any policy that might free up more of the housing stock for people who want to live and work in Gwynedd plainly might assist in protecting and encouraging the use of the Welsh language.

GROUND 5

42. Finally, by her fifth ground, Ms Williams argues that the council misinterpreted national policy requiring exceptional circumstances to be demonstrated to justify the removal of generally permitted development rights.
43. The council recognised this requirement and concluded that there was a crisis in respect of the very substantial proportion of the housing stock that was neither available nor affordable for local people to buy as their primary residences, and that such crisis amounted to exceptional circumstances. There was evidence before the council that in some parts of the council area more than one third and even as much as half of the housing stock was being used as holiday accommodation. It is not arguable that the council erred in regarding that to be an exceptional circumstance that justified the making of the direction.

OUTCOME

44. I therefore grant permission to apply for judicial review on ground 1, but refuse permission on each of grounds 2-5.



Neutral Citation Number: [2025] EWHC 2395 (Admin)

Case No: AC-2024-CDF-000147

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT

Cardiff Civil and Family Justice Centre
2 Park Street, Cardiff
CF10 1ET

Date: 24/09/2025

Before :

MR JUSTICE EYRE

Between:

THE KING
On the application of
ENLLI ANGHARAD WILLIAMS
- and -
CYNGOR GWYNEDD

Claimant

Defendant

MATTHEW HENDERSON (instructed by **BROWNE JACOBSON**) for the **Claimant**
JOHN HUNTER (instructed by **CYNGOR GWYNEDD**) for the **Defendant**

Hearing date: 23rd June 2025

Approved Judgment

This judgment was handed down remotely at 10am on 24 September 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....

Mr Justice Eyre :

Introduction.

1. By its decision of 16th July 2024 (“the Decision”) the cabinet of the Defendant confirmed the deferred decision made a year previously making a direction pursuant to article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (“the GPDO”). The Claimant challenges the Decision pursuant to permission given by Pepperall J on the sole ground that in making Decision the Defendant did so on a mistaken basis.
2. The effect of the Decision was to remove permitted development rights which otherwise provided that a change of use between class C3 (primary residences) and C5 (second homes) or C6 (short-term holiday lettings) or a mix of those uses was permitted development. As a consequence changes between those classes which was otherwise development, as a consequence of being a material change of use, would require planning permission. The Decision does not alter the position that changes which are not otherwise development do not need planning permission. Therefore, a change of use between those classes which is not a material change of use does not need planning permission regardless of the Decision.
3. The Claimant challenges the Decision on one ground. She contends that the members of the Cabinet were misled by the Officers’ Report in material respects. They were, she claims, led to believe that the effect of approving the article 4 direction would be that all changes from primary residence to second home or to short-term letting or to mix of those uses would require planning permission. The members of the Cabinet were not alerted to the fact that such of those changes which did not amount to material changes of use would remain outside the Defendant’s control. The extent of the control given by the article 4 direction was, the Claimant says, a material consideration. She says that as a consequence the members were misled in a material respect and failed to take account of a material consideration.
4. The Defendant says that when read properly the Officers’ Report and the accompanying papers adequately informed the members of the Cabinet of the effect of the article 4 direction. It was clear that not all changes of use would be brought under the Defendant’s control and that the effect would solely be the removal of permitted development rights. Alternatively, the Defendant says that this is a case where the court can be confident that the same decision would have been made even if the limited effect of the article 4 direction had been spelt out. As a consequence section 31(2A) of the Senior Courts Act 1981 requires that relief be refused.
5. The crucial question is that of the proper reading of the Officers’ Report and the accompanying material. The answer to that will determine whether the Cabinet proceeded on a false basis. Depending on the answer to that it may then be necessary to consider the operation of section 31(2A).

The Legal Background to the Decision.

6. By section 57(1) of the Town and Country Planning Act 1990 (“the TCPA”) planning permission is required for the development of land. By virtue of section 55(1) “development” for these purposes includes the making of a material change in the use of any buildings or land. However, by section 55(2)(f) the use of buildings or land for

a different purpose within the same use class shall not be taken to involve development.

7. The different classes of use are set out in the Town and Country Planning (Use Classes Order) 1987 (“the UCO”).

8. A change of use from one use class to another is not development (and so does not require planning permission) unless it is a material change of use. As Holgate J (as he then was) explained in *Ipswich BC v Fairview Hotels (Ipswich) Ltd* [2022] EWHC 2868 (KB) at [69] – [71]:

“69. The making of a change of use of itself does not amount to development. That depends upon whether the change is ‘material’ in terms of planning considerations. Planning considerations are to do with the character of the use of land. ... The issue of whether a material change of use takes place is one of fact and degree. But what has to be considered is the character of the use of the land, not the particular purpose of a particular occupier (*Westminster City Council v Great Portland Estates plc* [1995] AC 661 at 669G). ...

70. The UCO has been made pursuant to s. 55(2)(f) of the TCPA 1990 to exclude from the definition of development, and hence the requirement to obtain planning permission, changes between a use for one purpose and the use for any other purpose within the same Use Class (see also Article 3(1) of the UCO). ...

71. However, it is important to bear in mind that the UCO simply defines certain changes of use so that they are not to be treated as development. The Order does not operate so as to treat a change from a use within a Use Class to another use outside that Class as a material change of use (*Rann v Secretary of State for the Environment* (1979) 40 P&RC 113). ... The UCO cannot be used to treat that change as representing in itself a material change in the use of the land. Whether that is so will depend on a case-specific assessment of the effect of the change on the character of the use of the land, in other words, the planning consequences of the change.”

9. The UCO was amended by the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022. The amendment introduced two new use classes, class C5 and class C6, the effect of that, as Pepperall J explained when giving permission in this case, is that:

“there are now three classes of use for dwellinghouses in Wales:

- class C3, being dwellinghouses used as a main residence and occupied for more than 183 days in a calendar year;
- class C5, being dwellinghouses used otherwise than as a sole or main residence and occupied for 183 or fewer days; and
- class C6, being dwellinghouses that are commercially let for short terms not exceeding 31 days.

Put more colloquially, the amended UCO distinguishes between primary residences (C3); second homes (C5); and short-term holiday lets (C6).”

10. The GPDO sets out those matters of development which are permitted without the need for planning permission.

11. At the same time as the UCO was amended the GPDO was amended by the Town and Country Planning (General Permitted Development etc)(Amendment)(Wales) Order 2022. By article 3(1) and schedule 2 paragraph 1 this provided that a change between

classes C3 and C5 or C6 or to a mixed use combining class C3 use with class C6 or to a mixed use combining class C5 use with class C6 use was permitted development.

12. Article 4 of the GPDO empowered a local planning authority to remove those permitted development rights in these terms:

“(1) If the Welsh Ministers or the appropriate local planning authority are satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than Class B of Part 22 or Class B of Part 23 should not be carried out unless permission is granted for it on an application, [...] 3 they may give a direction under this paragraph that the permission granted by article 3 shall not apply to—

(a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or

(b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction,

and the direction shall specify that it is made under this paragraph.”

13. The background to and the purpose of the amendments to the GPDO was explained thus in the Explanatory Memorandum at [4.1] – [4.5]:

“4.1 The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 (“the Use Classes Amendment Order 2022”) amends Part C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (“the UCO”) by amending use class C3 (dwelling houses) to (dwellinghouses; used as sole or main residences) which limits the use as a dwellinghouse as a sole or main residence, which is occupied for more than 183 days in a calendar year (i.e. “primary homes”). It also introduces two new use classes, use class C5 (Dwellinghouses; used otherwise than as sole or main residences) which covers use as a dwellinghouse other than as a sole or main residence and occupied for 183 days or fewer in a calendar year (i.e. ‘second homes’); and use class C6 (Short-term lets) which covers use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation. This provides a new legislative framework for managing the use of dwellinghouses in Wales.

4.2 The GPDO Amendment Order 2022 introduces new permitted development rights for changes of use of properties within use class C3 (Dwellinghouses, used as sole or main residences), new use class C5 (Dwellinghouses; used otherwise than as sole or main residences) and new use class C6 (Short-term lets). Specified changes of use to and from a mixed use are also introduced.

4.3 Not every local authority has concentrations of second homes and/or short-term lets, or has concerns with such uses. The amendments to the UCO may therefore create unnecessary resource pressures for many local planning authorities as a result of an expected increase in the volume of planning applications for changes of use, which is out of proportion to the scale of any concerns they have with such uses.

4.4 The GPDO Amendment Order 2022 permits unlimited changes of use between the use classes for a primary home (use class C3), second home (use class C5) or a short-term let (use class C6). Where they have the appropriate evidence, local planning authorities would be able to issue a direction using Article 4 of the GPDO to remove these permitted development rights and may require planning applications (where the local planning authority can show that a material change of use has occurred) for the specified change of use. In all other cases, changes of use would be permitted by the GPDO.

4.5 This approach could enable local planning authorities to put in place local solutions in areas that have concentration of second homes and short-term lets without imposing an unnecessary burden on unaffected areas and property owners. Changes of use between primary homes, second homes and short-term lets can take place freely unless the local planning authority considers such development would pose a real or specific threat to a particular area. In addition, the permitted changes of use ensure properties in use as second homes or short-term lets can return to primary homes for occupation by the local population without impediment, particularly in areas where there are localised housing pressures.”

14. The making of an article 4 direction, therefore, restores to a local planning authority the control which was removed by article 3(1) and schedule 2 paragraph 1 of the 2022 Amendment Order. It does not bring within the ambit of planning control changes of use which are not development (and so do not need planning permission) because they are not material. Such changes did not require planning permission before the amendment of the UCO or the GPDO. They were unaffected by the amendment of the GDPO and are unaffected by the making of an article 4 direction.
15. In the context of the change of use of dwelling houses to use as second homes or for holiday lettings the making of the article 4 direction will mean that where such changes amount to material changes of use they will need planning permission. However, where such a change does not amount to a material change then it will not be development and can be made without planning permission regardless of the making of the article 4 direction. In that context it is necessary to have regard to the analysis set out by Sullivan LJ, giving the judgment of the court, in *Moore v Secretary of State for Communities and Local Government* [2013] JPL 192 at [27] thus:

“Starting from first principles, without the assistance of any authority, whether the use of a dwelling house for commercial letting as holiday accommodation amounts to a material change of use will be a question of fact and degree in each case, and the answer will depend upon the particular characteristics of the use as holiday accommodation. Neither of the two extreme propositions- that using a dwelling house for commercial holiday lettings will always amount to a material change of use, or that use of a dwelling house for commercial holiday lettings can never amount to a change of use-is correct.”
16. At [33] and [34] Sullivan LJ explained the court’s acceptance of the view that the correct approach was to proceed on the basis that there could be some degree of holiday letting without a change of use from being a main residence and to ask “whether there [is] anything about the particular characteristics of the holiday lettings in the [particular] case which [amounts] to such a change”.

The Approach to be taken to Article 4 Directions.

17. In considering whether to make an article 4 direction a local planning authority had to take account of the purpose of the amendments to the GPDO and of article 4 directions as set out in the Explanatory Memorandum. In addition Appendix D of the DOE Circular 22/88 provided guidance in these terms:

“Article 4(1) and the new article 4(2) of the Permitted Development Order enable local planning authorities to make directions withdrawing permitted development rights given under Schedule 2 to that Order. However, permitted development rights have been endorsed by Parliament and consequently should not be withdrawn locally without compelling reasons. Generally and subject to the guidance in this Appendix, permitted

development rights should be withdrawn only in exceptional circumstances. Such action will rarely be justified unless there is a real and specific threat, ie there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest.”

18. On 28th September 2022 the Minister for Climate Change wrote to the Heads of Planning of the local planning authorities in Wales in order to introduce the changes being made by the amendments to the UCO and to the GPDO. The minister also drew attention to complementary changes being made in Planning Policy Wales. In relation to article 4 directions the minister said:

“It will be for each local planning authority to decide, based on local circumstances, whether they wish to pursue the possible introduction of an Article 4 Direction to remove the permitted development rights for changes between the new use classes. Any such Article 4 Direction will need to be supported by robust local evidence highlighting the impact of second homes and short-term lets on specific communities as part of a co-ordinated response which applies all available interventions to an area and will need to evidence effective community consultation.”

19. In addition to that guidance it is to be noted that the making of the article 4 direction would have an impact on the property rights of the owners of dwelling houses in the affected area. As a consequence regard was to be had to their rights under article 1 of the First Protocol of the European Convention on Human Rights. The Defendant had to have regard to the need for any interference with those rights to be proportionate. That question was to be approached by reference to the four-stage test set out by Lord Reed in *Bank Mellat v HM Treasury (No 2)* [2013] UKSC 39, [2014] AC 700 at [74]. As Lord Reed explained there the decision maker has to consider:

“... (1) whether the objective of the measure is sufficiently important to justify the limitation of a protected right, (2) whether the measure is rationally connected to the objective, (3) whether a less intrusive measure could have been used without unacceptably compromising the achievement of the objective, and (4) whether, balancing the severity of the measure’s effects on the rights of the persons to whom it applies against the importance of the objective, to the extent that the measure will contribute to its achievement, the former outweighs the latter... In essence, the question at step four is whether the impact of the rights infringement is disproportionate to the likely benefit of the impugned measure.”

The Background to the Decision and the Material before the Cabinet.

20. The Decision was preceded by a lengthy period of consideration and by detailed consultation.
21. A high proportion of the dwelling houses in Gwynedd are used for commercial holiday letting or as second homes. The research paper considered by the Cabinet in December 2020 “Managing the use of dwellings as holiday homes” explained that in the summer of 2020 10.76% of Gwynedd’s housing stock consisted of such properties compared to a figure of 2.56% for Wales as a whole. The effect of the high proportion of holiday lettings and second homes in Gwynedd was to reduce the proportion of the housing stock available for full time occupation by those living permanently in the County. It also had an impact on property prices and, accordingly, on the affordability of accommodation. The paper justifying the introduction of the article 4 direction to the Cabinet in July 2024 described this as “a real threat to the social, cultural and

economic prosperity of communities across Gwynedd”. In the context of Gwynedd there was particular concern that the presence of a high proportion of holiday lettings and second homes ran counter to the important objective of protecting and maintaining Welsh-speaking communities. The ability of property owners to change the use of dwellings from primary residences to holiday lettings and second homes without planning permission meant that the Defendant had no control over such changes and, accordingly, no control over the effect of such changes on the housing stock.

22. The research paper considered in December 2020 addressed the difficulties which the use of dwellings as holiday homes could cause and considered potential ways in which the problem could be addressed. At [3.2] and following the paper gave a detailed explanation of the operation of section 55 of the TCPA and the operation of the UCO. The paper explained in terms that it was only when a change of use was material that planning permission was required. It explained in some detail, by reference to the decision in *Moore* and to the decisions of planning inspectors applying the approach which the Court of Appeal had set out there, that the question of whether the change of use from a dwelling house to a commercial holiday letting was a material change of use was a matter of fact and degree to be determined by reference to the circumstances of the particular case. The paper also explained some of the difficulties and delays which can be involved in taking enforcement action in respect of breaches of planning control. The paper considered the position in respect of properties in multiple occupation and the scope for levying increased council tax on second homes. The paper culminated in a series of recommendations. One of these was that a separate use class be created for short-term holiday accommodation. It was said, at [10.16], that this would be “a means of overcoming any doubt as to when a change of use has occurred” and that “by having a specific use class for holiday accommodation planning permission would have to be granted for the use”. Although the authors of the paper had set out an accurate summary of some of the applicable principles of Planning Law they appear to have assumed that a change of use from one class to another would necessarily require planning permission. The correct position is that such a change does not amount to development and so does not require planning permission unless it is a material change (see [8] above).
23. The UCO and the GPDO were amended in 2022 as set out above. The amendments came into effect in October 2022 and in the same month a report was presented to the Defendant’s Communities Scrutiny Committee. The purpose of the report was to inform that committee of the changes which had come into effect the same month and, in particular, the provision for the making of an article 4 direction. The report explained, at [3.6], that the making of such a direction would remove the right to change between use classes without planning permission. It emphasized that an article 4 direction would not prevent development but would mean that planning permission would have to be sought for development.
24. The Communities Scrutiny Committee considered the matter again in March 2023 at which stage the making of an article 4 direction was described as being “the favoured option”. At [2.1] the report to that committee said that the making of an article 4 direction “would mean that planning consent would be required to use [a] residential dwelling as a second home/holiday accommodation in the future”. At [3.3.1] the report addressed the scope of the proposed article 4 direction. The tenor of the

explanation given there was that any change of use from class C3 to class C5 or C6 would require planning permission and there was no indication that this would only be the case in respect of material changes of use.

25. On 13th June 2023 the Cabinet approved the making of the article 4 direction with deferred effect. The decision at that stage was that the direction would come into effect on 1st September 2024 subject to being confirmed. The public notice of that decision stated that certain permitted development rights were being removed and that development to which such rights had attached would require planning permission after the coming into force of the direction.
26. The public notice was accompanied by a letter sent by the Defendant to local residents. Under the heading “how does this affect you?” the letter said:

“If the Article 4 Direction is confirmed, and you own a residential dwelling (which is a main home) within the Gwynedd Local Planning Authority Area and wish to change the use to a second home, short term holiday let or specific mixed use, you **will be required to obtain planning permission** from Cyngor Gwynedd Local Planning Authority before undertaking the change of use.” (original emphasis)
27. In her evidence Heledd Fflur Jones, a planning policy team leader for the Defendant, said that council members were “familiar with the planning policy framework”. To substantiate this the officer referred to a session to raise awareness which had been held for local members after the Cabinet decision of June 2023 to give initial notice of the article 4 direction and also to a question and answer session held for the members of the Cabinet and of the Communities Scrutiny Committee in May 2024. She said that a question was asked as to how planning applications would be dealt with in light of the article 4 direction. Miss Jones said that the answer referred to the Local Development Plan and the Supplementary Planning Guidance. No further detail is given in the witness statement and there is no indication that it was explained in this session that changes between classes C3 and C5 and C6 which did not amount to material changes of use would not require planning permission even after the making of the article 4 direction.
28. There was a period of public engagement after the June 2023 decision and the results of that were reported to the Cabinet as I will describe below.
29. The matter then came before the Communities Scrutiny Committee on 16th May 2024. The report to that committee said that it was “hoped that introducing the Article 4 Direction will provide an opportunity to assess the propriety of any proposal that involves changing the use of a residential home to holiday use, be that use as a holiday let or a second home.” The Communities Scrutiny Committee recommended that the Cabinet confirm the direction and the matter went back to the Cabinet.
30. The Cabinet considered the issue on 16th July 2024. The Officers’ Report was accompanied by a report on the public engagement exercise; an impact assessment; and a “paper justifying the introduction of the Article 4 Direction.”
31. The following parts of the Officers’ Report are of note:
 - i) At [1.5] and [1.6] it said:

“1.5 If deemed appropriate, in order to restrict and gain control of the unrestricted change of use between the new use classes, the Local Planning Authority has the power to introduce what is called an Article 4 Direction for a specific area. An Article 4 Direction (depending on its content and scope) would remove the rights to switch between the use classes without planning permission. An Article 4 Direction can be implemented for the whole Local Planning Authority Area, provided it can be evidenced that there are exceptional circumstances that justify it and that the process of presenting and receiving approval to the proposal has followed the correct procedures. Those procedures are set out in the relevant legislation.

1.6 It is emphasised that making an Article 4 Direction does not prevent development but rather, it means that planning permission must be sought from the Local Planning Authority for the proposal. Enforcing the requirement to obtain planning permission, means that the impacts of the development must be considered in accordance with the local and national planning policy context”.

ii) At [4.5] the report said:

“The Assessment highlights that it is difficult to predict the impact of implementing the Article 4 Direction as taking this form of action is unprecedented. However, it is noted that the social inequality that currently exists in some communities in light of the lack of affordable housing along with house prices that are beyond the reach of Gwynedd residents is creating an unsustainable divided society. In an effort to seek to overturn the current situation it is hoped that introducing the Article 4 Direction, will provide an opportunity to assess the propriety of any proposal that involves changing the use of a residential home to holiday use, be that use as a holiday let or a second home. ...”

32. The report on the public engagement exercise was divided into thirty-seven “themes”. Each of these addressed a topic which had been raised in the engagement exercise and provided a summary of the comments which had been made together with the Defendant’s response to the comments. The following are of note for current purposes:

- i) In the Defendant’s response to the theme 2 concern that the direction was unjust as placing additional restrictions on the use of people’s homes it was explained that the purpose of the direction was to remove the permitted development rights given by the amendments to the GPDO and “to ensure that planning consent is required in order to undertake some specific change of use developments”. It was said that this would “ensure better control of the housing stock”.
- ii) A similar point was made in the Defendant’s response to the theme 3 concern that the proposal was the wrong response to the housing crisis. There it was said that “the ability to freely transfer between uses means that there is no effective control over the existing housing stock” and that it was “considered that a mechanism must be implemented to provide better control over the existing housing stock”.
- iii) Theme 7 addressed the concern that the direction was an unwarranted interference with the human rights of home owners. In the Defendant’s response it was acknowledged that the direction amounted to an interference

with the Article 1 Protocol 1 rights of home owners. However, it was said that the Defendant believed that the interference was proportionate and justified in light of the “overall interest of the people of Gwynedd”. The response then made a similar point to that made in respect of theme 3 to the effect that “it would still be possible to apply for planning permission as a second home or holiday let”.

- iv) Theme 9 addressed concerns which had been expressed about the effect on those who inherited properties in Gwynedd. The Defendant’s response was that any existing use could continue but that if those inheriting a residential property wished “to use [it] for an alternative use ie use as a second home (C5 use) or let it as short-term holiday accommodation (C6 use) then planning consent must be obtained for that use”.
- v) Theme 11 addressed the concerns which had been raised about the difficulty in obtaining mortgages. Concerns were also raised included the impact on property values and the rights of property owners. There was concern that there would be a fall in the value of properties with the risk for some of falling into negative equity. This was connected with the concern that it would be harder to obtain mortgages on properties in Gwynedd. The Claimant sets out her particular concerns about the effect of this but it is apparent from the summary of the responses to the engagement exercise that she is not alone in having such concerns. The Defendant’s response to this appears recorded that the same concern did not appear to have been raised in other local authority areas where interventions of various kinds had been made. However, the response records a professional opinion the Defendant had obtained from a local mortgage provider which was supportive of the view that the direction would mean that it would be more difficult to obtain mortgages. The response then noted that “no tangible evidence was provided to support” that professional opinion.
- vi) Theme 13 addressed a concern that the introduction of the direction would punish local people while having no impact on existing second home owners. The Defendant’s response began by saying:

“The Article 4 Direction does not discriminate between different groups of people (e.g. local, visitors). It will be implemented fairly and consistently amongst everyone who owns properties in classes C3, C5 or C6. Its purpose is to remove specific aspects of the permitted development rights for these particular use classes, ensuring that everyone will be required to apply for planning permission.”
- vii) Theme 34 addressed concerns that flexibility was required with and that a different approach should be taken in relation to local people or those who were Welsh-speaking. The Defendant’s response explained that it was not possible to implement the article 4 direction such as to take a different approach to those with local connexions from that which was applied to others. It then said:

“The need to obtain planning consent to change the use of a residential house to a second home, holiday accommodation or relevant mixed uses will be based on concluding that the proposed use leads to a change of material use. Each case will be treated individually and, as a result, it is not possible to provide a definite

response in terms of when change of use is tantamount to being a change of material use.”

Although the reference there was to “a change of material use” rather than to “a material change of use” Mr Hunter explained, on instructions, that this was the result of an error in translation from the Welsh version of the document. The Welsh version used the Welsh terms for “a material change of use” and it was the Welsh version of the document which was sent to and used by the members of the Cabinet. I will proceed on that basis.

33. At [1.13] the paper justifying the introduction of the Article 4 Direction emphasized that the effect of such a direction was not to prevent development but to require planning permission to be obtained. That comment had been preceded by reference to the 2022 amendments to the GPDO and to the UCO saying that the amendments:

“...mean that it is possible to change from the use classes referred to above without restriction, that is without having to receive planning permission. For example, it is not necessary to receive planning permission to change from being a dwelling house (main home) to being a dwelling house (secondary home) and vice versa.”

34. At [1.2] the impact assessment explained that the intention was to remove permitted development rights and said that this meant that after the implementation of the direction:

“... there will be a need to obtain planning permission to change the use of a residential home that is a main residence (C3 use) to a second home (C5 use) or holiday accommodation (C6 use).”

Discussion and Analysis.

35. The principles to be applied in considering whether the members of the Cabinet were materially misled by the Officers’ Report were summarized by Lindblom LJ in *R (Mansell) v Tonbridge & Malling BC* [2017] EWCA Civ 1314, [2019] [PTSR] 1452 at [42], to which summary is to be added the warning of Sir Geoffrey Vos at [62]. Reports are “not to be read with undue rigour but with reasonable benevolence”. They are to be read as a whole and there is to be a “fair reading of the report as a whole”. There will only be a public law failing if the members have been materially misled. The members will only have been materially misled if the report is “significantly or seriously misleading” on a “matter bearing on their decision” such that the decision might have been different but for the flawed advice. The court should not engage in a “legalistic analysis of the different formulations adopted in a planning officer’s report”. I was also referred to judgments of Sales J (as he then was) in *R (Maxwell) v Wiltshire Council* [2011] EWHC 1840 (Admin) at [43] and of Sullivan LJ in *R (Siraj) v Kirklees Metropolitan Council* [2010] EWCA Civ 1286 at [19]. Both of those preceded Lindblom LJ’s summary in *Mansell* and were making the points which were later set out in that summary albeit in slightly different language.
36. Here the Claimant is asserting that the Officers’ Report and the accompanying documents were materially misleading. It is, therefore, for the Claimant to establish that proposition on the balance of probabilities. It is not enough for the Claimant simply to raise a doubt as to the adequacy of the material (see per Sir Duncan Ouseley in *Safe Rottingdean Ltd v Brighton and Hove Council* [2019] EWHC 2632 (Admin) at

- [84]). What is necessary is that the material be found, on a reading in accordance with the preceding principles, to have been materially misleading.
37. When considering whether an Officers' Report was materially misleading account is to be taken of the readership. Those to whom such a report is addressed are not planning lawyers nor specialist planning consultants but nor are they novices with no knowledge of or understanding of the system of planning control. The adequacy of the explanation contained in a report is to be considered against the background of the knowledge of the readership (see *R v Mendip DC ex p Fabre* [2017] PTSR 1112 per Sullivan J, as he then was, at 1120). Account is to be taken of the fact that the members reading the report will have local knowledge.
 38. The knowledge of the readership of a report is a matter of particular note when it is addressed to the members of a planning committee. Such members not only have local knowledge of the factual background but also a degree of knowledge of "development planning policies or matters of planning history" (*Fabre supra*). In addition in the context of a planning committee "the members themselves can be expected to acquire a working knowledge of the statutory test" (per Pill LJ in *R v Selby DC ex p Oxton Farms* at [2017] PTSR 1103 1110 G in the context of the statutory requirement that planning applications be determined in accordance with the relevant development plan subject to material considerations to the contrary).
 39. Here the Decision was made by the Cabinet of the Defendant and not by its planning committee. I proceed on the basis that the members of the Cabinet would have had involvement in some planning matters from time to time (the Decision is an instance of this). However, they would not have had the regular, repeated, and detailed involvement which the members of the planning committee would have had and which was the kind of involvement which would have given the members of that committee the "working knowledge" to which Pill LJ referred. It cannot be assumed that the members of the Cabinet had a working knowledge of the definition of development for the purposes of the TCPA without being reminded of it. It cannot, therefore, be assumed that they would have known, without being told, that only material changes of use fell within the control of the planning system and that the removal of permitted development rights would not enable the Defendant as local planning authority to control the change of use from a dwelling house to use as a second home or for commercial holiday letting unless that amounted to a material change of use.
 40. Taking account of the readership of the reports must also take account of the approach which those readers can be expected to have taken to the reports. Here the members of the Cabinet are to be taken to have read the Officers' Report and the accompanying documents with care and to have had due regard to the seriousness of the decision being made. Regard must also be had, however, to the pressures on their time (see in that regard Sullivan J's point in *Fabre* that it is important for a busy committee not to be over-burdened with excessive or unnecessary detail). Here, the Officers' Report and the accompanying papers in relation to the Decision ran to 200 pages. The Cabinet members were not reading the Officers' Report and the other documents in the way in which a lawyer would study a contract or a statute. Instead, they were reading those documents with a view to receiving guidance on the nature and effect of the decision to be made; the test to be applied; the issues to be considered; and the factors which were to be taken into account.

41. The Cabinet members did not need to put into a position where they could write a legal analysis of the operation of the article 4 direction. However, they did have to know the nature and effect of the decision being made. That required them to know, at least in broad terms, what that effect was and what it was not. They needed, therefore, to be informed, again in general terms, which changes would be controlled after the making of the direction and which would not be. That was because one of the matters which had to be considered was the proportionality of the impact which the direction had on the Article 1 Protocol 1 rights of property owners. In order properly to assess that the Cabinet had to know, at least in broad terms, the effectiveness of the direction in achieving its objectives. That was needed so that the members of the Cabinet could form an assessment of whether the improvement which would be achieved by making the direction justified the adverse effects (and also to know the extent of those adverse effects).
42. It is against that background that I turn to consider whether the Officers' Report and the accompanying documents were materially misleading such as to cause the Cabinet to proceed on a false basis and to fail to have regard to a material consideration. Putting the issue more shortly: did those documents adequately explain the nature and effect of the making of the article 4 direction?
43. Several factors operate in favour of the Claimant and the contention that the Officers' Report and accompanying documents were materially misleading. The first is the tenor of the material read as a whole which gives a strong indication that all changes would be controlled. This is supported by the contrast to be drawn between the clear explanation in the Explanatory Memorandum at [4.4] to the effect that permission would only be needed for material changes of use and the absence of such an explanation in the documents provided to the Cabinet. In addition, the only reference to a material change of use was in the treatment of theme 34 in the analysis of the outcome of the engagement exercise. On behalf of the Defendant reference is made to the explanation in theme 34 as demonstrating that the Defendant's officers were aware of the correct position and the court should, the Defendant says, read the documents in light of that understanding. In addition Mr Hunter pointed out that in the GPDO itself reference is made to changes of use without use of the word material even though those drafting that document were clearly aware that only material changes of use amounted to development. He contended that references in the papers presented to the Cabinet to development and to changes of use were to be seen as references to those as technical concepts and that they would have been understood as such (and so as carrying with them the implication that a change of use which was not material would not be development and would not be controlled).
44. It is necessary to stand back and to look at the documents in the round and realistically. When that is done it is apparent that the Officers' Report and the accompanying documents materially misled the members of the Cabinet. The making of the article 4 direction gave the Defendant control over changes between classes C3 and C5 and C6 which were material changes of use but not between such changes which were not material. That was a significant difference in circumstances where, as explained in *Moore*, not every change from a private residence to commercial letting would be a material change of use. The members of the Cabinet needed to be made aware that the article 4 direction did not bring non-material changes of use within the scope of planning control. The papers did not do that but instead, when read

realistically, gave the incorrect impression that all changes would be controlled. The contrast between the clear terms of the Explanatory Memorandum and the terms of the Officers' Report is striking. There were repeated references in the documents of which the only realistic reading was that all changes were being controlled. It is also of note that the letter that was sent to residents said in terms that any change of use would require planning permission. The false impression given by the documentation as a whole was not remedied by the sole reference to a material change of use in the treatment of theme 34 of the engagement exercise. The position was also not remedied by the fact that section 3 of the research paper presented to the Cabinet in December 2020 had been a correct statement of some of the applicable principles. The Claimant has shown that only two of the eight Cabinet members engaged in the Decision had been at the meeting when the research paper was considered which was in any event 3½ years earlier. I note that one further member present in July 2024, Dilwyn Morgan, had sent his apologies in respect of the earlier meeting and so can be taken to have been provided with the research paper. In any event section 10 of the research paper proceeded on the basis that if an amendment of the UCO were to be made planning permission would be needed for all use of dwellings for holiday accommodation and to that extent it was misleading.

45. The position, therefore, is that the members of the Cabinet were materially misled on a matter bearing on the Decision which was, therefore, reached on a false basis. The Decision is to be quashed unless relief is precluded by section 31(2A) of the Senior Courts Act 1981.

The Application of Section 31(2A) of the Senior Courts Act 1981.

46. The Defendant contends that even if the members of the Cabinet were materially misled relief is precluded by the requirement in section 31(2A) that relief is to be refused if it appears that the outcome for the Claimant would not have been substantially different if the conduct complained of had not occurred. Mr Hunter submitted that even though the article 4 direction did not give the Defendant control over all changes of use between classes C3 and C5 and C6 it gave the Defendant greater control over such changes than it would otherwise have had. It meant that those changes which were material could not be effected without planning permission. Mr Hunter submitted that the court could be satisfied that the Defendant would have regarded this enhanced degree of control as a benefit justifying making the article 4 direction and would still have proceeded to make it.
47. Lewis LJ explained the approach to be taken when considering the application of section 31(2A) in *R (Bradbury) v Brecon Beacons NPA* [2025] EWCA Civ 489 at [71] – [75]. The following aspects of that guidance are of particular relevance here.
48. At [71] Lewis LJ said:
- “In relation to section 31(2A), the court is concerned with evaluating the significance of the error on the decision-making process. It is considering the decision that the public body has reached, and assessing the impact of the error on that decision in order to ascertain if it is highly likely that the outcome (the decision) would not have been substantially different even if the decision-maker had not made that error. It is not for the court to try and predict what the public authority might have done if it had not made the error. If the court cannot tell how the decision-maker would have approached matters, or

what decision it would have reached, if it had not made the error in question, the requirements of section 31(2A) are unlikely to be satisfied.”

49. At [74] he explained that the requirement that it is highly likely that there would have been no substantial difference is “a high test to surmount” adding:
- “The section emphatically does not require the court to embark on an exercise where the error is left out of account and the court tries to predict what the public body would have done if the error had not been made. Approaching section 31(2A) in that way would run the risk of the court forming a view on the merits and deciding if it thinks the public body would reach that view if it had not made the error. Rather, the focus should be on the impact of the error on the decision-making process that the decision-maker undertook to ascertain whether it is highly likely that the decision that the public body took would not have been substantially different if the error had not occurred.”
50. There is force in the argument advanced by Mr Hunter that even if the Cabinet had known that the effect of the direction was only to bring material changes of use under planning control that would still have been regarded as a real benefit. It could have been seen as going some way to addressing the problem with which the Cabinet was concerned namely the impact on the housing stock of a high number of second homes and holiday lettings. I also note that Pepperall J said that he “just persuaded” that he could not be satisfied for the purposes of section 31(2A) at the permission stage.
51. However, I also note that Pepperall J characterized the error as being one going to the “very heart of the efficacy of the policy” and I agree with that assessment.
52. It would to some extent be inconsistent to hold that relief was precluded by section 31(2A) in circumstances where I have held that the Cabinet was misled in a material matter. That is because, as explained above, a matter is only material if the decision might have been different but for the flawed advice. The tests for deciding that a report was materially misleading and for the operation of section 31(2A) are different. Nonetheless, a degree of mental gymnastics would be required for the court to be satisfied on the balance of probabilities that the error was material such that but for the error the decision might have been different but then to be satisfied that it is highly likely that the outcome would not have been substantially different if the conduct had not occurred.
53. However, even without that logical difficulty the requirements of section 31(2A) are not made out here and I cannot be satisfied that it is highly likely that the outcome for the Claimant would not have been substantially different. The Cabinet had to consider the proportionality of making the article 4 direction and to determine whether the benefit to be achieved warranted the interference with the Article 1 Protocol 1 rights of property owners in Gwynedd. The effectiveness of the direction in achieving its objectives was, at least potentially, a very significant factor in that balancing exercise. It will be a matter for the judgement of the Cabinet but it is at least possible that the view could be taken that where the direction could not bring all changes of use under control the resulting benefit would not justify the effect on property owners. It may be that the Cabinet would wish to make an assessment of the extent to which controlling only material changes of use will alter the position.
54. Relief is, therefore, not precluded by section 31(2A).

Conclusion.

55. The claim, accordingly, succeeds. I will hear submissions as to the form which relief should take following the handing down of this judgment.

| | |
|-----------------------------|--|
| MEETING | Communities Scrutiny Committee |
| DATE | 11 June 2026 |
| TITLE | Environment Cabinet Member Performance Report |
| REASON TO SCRUTINISE | To report to the Scrutiny Committee on the performance of the Environment Department |
| AUTHOR | Dafydd Wyn Williams, Head of Environment Department |
| CABINET MEMBER | Councillor Craig ab Iago |

1. Why it needs to be scrutinised?

- 1.1 In order for Members of the Communities Scrutiny Committee to be satisfied that I, the Cabinet Member for Environment, have a grip on performance matters within the Department.

2. Background / Introduction

- 2.1 The purpose of the report is to update you on what has been achieved in the area for which I am responsible as Cabinet Member for Environment. This includes outlining the latest on the projects in the Council's Plan, as well as the Department's day-to-day work for the period up to the end of March 2026.
- 2.2 We are implementing the Council's Plan 2023-28, and here I report on the progress made up to the end of 2025-26. All matters have been the subject of discussion and scrutiny in challenging and support performance meetings, and I am satisfied with the performance of the Department.

3. Council Plan Projects Performance

- 3.1 The Environment Department leads on five priorities in the Council Plan 2023-28, namely:
- Management of second homes and short-term holiday accommodation;
 - New Local Development Plan;
 - Waste and Recycling;
 - Active Travel;
 - Public Transport.
- 3.2 I welcome the work achieved during 2025-26, and the progress against the milestones set for the five priorities for last year is outlined in Appendix A.
- 3.3 A specific report on an element of the 'Management of second homes and short-term holiday accommodation' project, specifically the Article 4 Direction led by the Department, can be found on the programme of this meeting.

3.4 Also, additional questions have been submitted by the Committee regarding the 'New Local Development Plan' project and responses to these specific questions can be found below:

- **How much staffing capacity does the Planning Policy Service have to deliver the project?**

The current structure of the Planning Policy Team consists of a Manager, two Team Leaders, two Senior Officers, one Officer and one Support Officer. Due to staffing changes (retirement and relocation), 1 Team Leader position has recently been filled internally which has currently left 1 post vacant, and one Team Leader position remains to be filled.

We are in the process of advertising the positions that are currently vacant.

- **What are the risks in establishing the new Scheme?**

A Delivery Agreement for the Local Development Plan outlines the risks that have been identified in relation to the establishment of the Plan. All risks, potential impacts and mitigation measures are set out in Appendix C.

- **What is the latest timeline for delivery?**

Work on the preparation of the new Local Development Plan is progressing, but it is recognised that the timetable will need to be revisited following the latest recruitment process.

However, the intention remains to proceed as efficiently as possible, ensuring that the Plan is robust, evidence-based and meets statutory requirements.

4. Day to day work of the Department

4.1 Appendix B contains the performance measures for Services across the Department. The detailed report in Appendix B includes data on the most recent period, along with further context and explanation that provides detail on the performance of all areas during 2025-26.

4.2 The Environment Department includes a range of areas and responsibilities, the majority being frontline services that provide key services to Gwynedd's residents. I'd like to thank the Department's staff for their commitment, and I am confident that the hard work they carry out is appreciated by the county's residents.

5. Consultation

5.1 The report has been created based on the information and content of a recent meeting to challenge and support the performance of the Environment Department, with the Corporate Director, Head of Department, Assistant Heads and Service Managers.

Appendices

Appendix A: Progress reports on Council Plan projects milestones

Appendix B: The Department's Performance Indicators

Appendix C: Potential risks – Delivery Agreement for Local Development Plan

APPENDIX A

Cyngor Gwynedd Plan 2023-2028 Priorities Progress on 2025-26 milestones

A Homely Gwynedd:

- Managing second homes and short term holiday accommodation

A Green Gwynedd:

- New Local Development Plan
- Waste and Recycling
- Active Travel
- Public Transport

A Homely Gwynedd: Supporting the people of Gwynedd to live in suitable and affordable homes in their communities




Project: Managing second homes and short term holiday accommodation

The substantial number of houses in Gwynedd that are being used as second homes and short-term holiday accommodation is having a detrimental impact on the ability of the people of Gwynedd to have access to homes in their communities.

The Council has presented detailed research to the Government which highlights the need to act in the areas of planning, taxation and licensing in order to gain better control of the situation. Following announcements from the Government, including the establishment of the Dwyfor Pilot, which commits to introducing steps to tackle problems in the field, the Council is implementing legislative changes and sets a Council tax premium for second homes and empty homes every year at an appropriate rate to respond to the situation at the time.



Project: Managing second homes and short-term holiday accommodation

| 2025/6 Milestones | Update on the milestones so far | Completed / On track |
|--|---|--|
| <p>1. Following a public consultation period on the introduction of Supplementary Planning Guidance (SPG) – Managing the Use of Dwellings as Holiday Homes, which ended on 7 April 2025, all observations received will be considered as will the need to make any changes (or not) to the Guidance..</p> | <p>1. Consideration was given to the observations received during the public consultation period which closed on 7 April. Subsequently, some minor amendments to the SPG were submitted for consideration by the Council's Cabinet.</p> | <p style="text-align: center;"> Yes - completed</p> |
| <p>2. Submit a report to the Council's Cabinet (June 2025) asking Members to consider the observations from the consultation and the response to them on the above SPG and requesting the adoption of the Guidance so that it could then be taken into consideration when dealing with planning applications.</p> | <p>2. Report submitted to the Council's Cabinet on 10 June, and the SPG: Managing the Use of Dwellings as Holiday Homes (Second Homes and Short-term Holiday Lets), adopted to be used as a material planning consideration when making planning decisions in the Gwynedd Local Planning Authority Area. As a result of the Judge's decision (6 February 2026) to refuse permission for the Council to appeal, the Article 4 direction was quashed and therefore the SPG is not now operational.</p> | <p style="text-align: center;"> Yes – completed (but not operational anymore)</p> |
| <p>3. Continue with a monitoring framework that considers the side effects of the introduction of the Article 4 Direction.</p> | <p>3. As a result of the latest Court decision (see above) which quashed the Article 4 Direction, the information gathered during the period of implementing Article 4 is being considered if it is proposed in the future to re-submit this.</p> | <p style="text-align: center;">Ongoing</p> |
| <p>4. In terms of the Council Tax Premium:</p> <ul style="list-style-type: none"> · The results of research into the impact of the Premium in relation to any change of use to property were reported to the Council on 2 December 2024, and it was decided to keep the Premium level unchanged (2025/26) ·The Cabinet to consider in September 2025 whether it will hold a public consultation on increasing the level of the Premium for 2026/27 for specific groups of properties ·Undertake a consultation on changing the Premium level – if there is one – (September-October 2025) ·The Full Council to consider the Premium level for 2026/27 in December 2025 (whether or not a change is recommended) | <p>4. Update by the Finance Department:</p> <ul style="list-style-type: none"> ·The results of further research into the impact of the Premium were reported to the Council on 4 December 2025, and it was decided to keep the Premium level unchanged for second homes, but to increase the Premium on long-term empty property to 150% in 2026/27. | <p style="text-align: center;"></p> |
| <p>5. Consider and respond to any developments by the Welsh Government in relation to the side effects of the potential enforcement/regulatory requirements of a statutory registration and licensing scheme for holiday accommodation.</p> | <p>5. The Senedd has passed new legislation to introduce a licensing scheme for student accommodation in Wales. The scheme will be relevant to self-catering accommodation providers, and they will need to show that their property satisfies safety and quality standards.</p> <p>There are two elements to the change:</p> <ul style="list-style-type: none"> • Registration - with the window to register commencing in October 2026 and administrated centrally by the Welsh Government. • Licensing - further details are awaited regarding this element, and the Council has already highlighted the matter in consultations that there would be likely significant implications and resources for Local Authorities if the proposal was to implement this locally. | <p style="text-align: center;">Ongoing</p> |

A Green Gwynedd: Protecting the county's natural beauty, and responding positively to the climate change crisis

Project:

New Local Development Plan

We will draw-up a new Local Development Plan for Gwynedd that will address housing needs, employment and the social and environmental needs of the county's residents over the next 15 years.



Project: New Local Development Plan

| 2025/6 Milestones | Update on the milestones so far | Completed / On track |
|---|--|--|
| <p>1. Continue to operate at the pre-deposit stage for the new Plan, which will include:</p> <ul style="list-style-type: none"> i) developing the strategic options (following from the main issues, vision and strategic objectives identified) ii) preparing specific background papers/text, impact assessments | <p>Work continues to implement the pre-deposit phase:</p> <ul style="list-style-type: none"> i) Develop the implementation of the strategic options. The work includes consideration of Gwynedd's demography evidence paper. ii) Research has been commissioned for this element. It is anticipated that household projections (2022 basis) will be published by the Welsh Government at the end of November 2025, and therefore this will need to be considered when developing the strategic options. iii) Conduct an informal survey (February and March 2026) to seek views on what matters are important and relevant that the LDP may influence. | <p>Pre-deposit phase aspects to be partially completed this year, and to continue in 2026/7.</p> |

A Green Gwynedd: Protecting the county's natural beauty, and responding positively to the climate change crisis



Project: Waste and Recycling

We will prepare a new waste and recycling strategy to try and increase the county's recycling level to meet the national target of 70% by 2025.

We will assess how effective the current litter collection arrangements are in terms of promoting recycling (from door-to-door and in our centres) and introduce new arrangements where required.





Project: Waste and Recycling

| 2025/6 Milestones | Update on the milestones so far | Completed / On track |
|--|---|--|
| <p>1. Submission of draft Waste and Recycling Strategy to the Cabinet, requesting the right to undertake a public engagement exercise.</p> | <p>1. Report submitted to the Council's Cabinet on 10 June 2025, with approval for the draft Waste and Recycling Strategy to go to public consultation to receive feedback from Gwynedd residents.</p> | <p> Yes - completed</p> |
| <p>2. Carry out a public engagement exercise on the Waste and Recycling Strategy taking the findings into account.</p> | <p>2. A consultation was undertaken on the Strategy for over seven weeks and concluded on 30 November 2025.</p> | <p> Yes - completed</p> |
| <p>3. Report back to Cabinet, taking into account the feedback from the public engagement exercise, and request support for the adoption of the Strategy.</p> | <p>3. The results of the consultation have been analysed and have been incorporated in the Strategy. Because of the pre-election period, the report's submission to the Cabinet has been deferred. We now expect this to be undertaken early in 2026/27.</p> | <p>Partially - complete early in 2026/27.</p> |

Continued on next page

Project: Waste and Recycling (continued)

| 2025/6 Milestones | Update on the milestones so far | Completed / On track |
|--|--|---|
| <p>4.As a result of the Strategy, we will:</p> <ul style="list-style-type: none"> i) Prepare waste treatment assets upgrade options to develop modern and fit-for-purpose sites that will assist in processing more of the waste ourselves and improve product quality; ii) Carry out data-driven behaviour change work to support the Waste and Recycling Strategy. This may mean that we will use enforcement powers to back-up any lack of commitment in some cases; iii) As part of a wider review of collection arrangements, we will be piloting the use of sacks for recycling collections in some areas and reviewing success to consider the suitability of extending to other areas of the county; iv) As part of work to review commercial waste arrangements we will be investing in a bespoke system to administer contracts and collections, and we will create a relevant customer portal for businesses to be able to contact us and e-trade with us. | <p>4. Summary below:</p> <ul style="list-style-type: none"> i) The initial works have now been completed. The next step in the process is to refine the options and develop a comprehensive plan that is affordable and practical. The aim of this is to enable an application to be submitted to the Welsh Government for financial support, to facilitate the implementation of the project. ii) The process of encouraging behavioural change is continuing in the background, with several specific campaigns scheduled. Every household in Gwynedd has by now received postal information about the recycling service, and we have submitted a bid for an apprentice to join the raining awareness team, to share information and market the recycling service digitally. iii) Pilot the use of hessian sacks on 3 routes in the Arfon area. The results had been reported to the Area Forums during the autumn. Consideration was being given to some practical adaptations to facilitate piloting in other areas of the county in 2026/27. iv) By now the Bartec system is used by the collection crews and to administrate contracts. There has been some delay in terms of the billing process. The next phase of the project would be to develop a customer portal. | <p style="text-align: center;">  Ongoing </p> |
| <p>5. Continue with the management of overspend levels and the realisation of savings planning. We will also put a fit-for-purpose structure in place to ensure that we are in a strong place to be able to face the challenges and changes efficiently. As part of wider savings plans, we will be working with Wrap Cymru to model the frequency options of residual collections.</p> | <p>5. The work of strengthening control over budgets continues, with monthly meetings now established between management and the Finance Department. The first part of the restructuring has been completed, and the second part is currently proceeding. In the meantime, initial modelling has been carried out to explore options for reducing the frequency of collections or reducing the size of bins in Gwynedd, and the next step will be more detailed planning by considering the comments of the public consultation and the Strategy. We will then present the options to the Cabinet</p> | <p style="text-align: center;">  Ongoing </p> |

A Green Gwynedd: Protecting the county's natural beauty, and responding positively to the climate change crisis



Project: Active Travel

Active travel aims to ensure that walking and cycling becomes the normal choice for daily journeys, to improve our personal health, air quality and to make places more pleasant to live and work.



We will improve the county's existing walking and cycle paths, and introduce new active travel routes to facilitate more walking and cycling in our communities.



Project: Active Travel

| 2025/6 Milestones | Update on the milestones so far | Completed / On track |
|--|--|---|
| <p>1. Following the submission of detailed plans for Active Travel and Safe Routes in Communities schemes to the Welsh Government, the following successful schemes will be implemented:</p> <ul style="list-style-type: none"> a) Bangor – Phase 3 Penrhos Road/Penchwintan (Active Travel) b) Ysgol Foel Gron, Mynytho (Safe Routes in Communities) c) Deliver schemes with the £500,000 Active Travel core capital fund | <p>1. Since receiving confirmation of the level of financial support earmarked by the Welsh Government in April, we have been developing the detailed plans for their realisation during 2025/6:</p> <ul style="list-style-type: none"> a) Construction work on phase 3 has been completed (end of January 2026), installing a multi-use path for cyclists and pedestrians, between Ysbyty Gwynedd and Treborth. The plan also includes providing a new crossing in front of Ysgol y Faenol, Penrhosgarnedd. b) Work ending on footpaths and crossings for the school, along with an improved footpath in the centre of the village of Mynytho and a crossing to link to the shop/post office. c) Chwilog to Afonwen Physical work on the first phase (Afonwen to the laundry) completed. <ul style="list-style-type: none"> -Tywyn to Aberdyfi: Currently purchasing a parcel of land with confirmation that the required finance for the work is on track for 2026/7 and 2027/8. -Feasibility and design work is taking place on a series of schemes including Llanberis-Caernarfon, Llanystumdwy-Cricieth, Bethel-Caernarfon. |  |
| <p>2. Complete improvements to Lôn Las Ogwen as part of a scheme funded through the Levelling Up fund to strengthen local travel links in Dyffryn Ogwen.</p> | <p>2. Following the completion of the work in July 2025 on the first phase of the plan, which introduced many improvements such as installing a cattle underpass to facilitate the use of the path from the direction of Tregarth to Bethesda for pedestrians and cyclists, a new multi-use footbridge has been installed over afon Ogwen. The new Pont Sarnau will improve access to users along Lôn Las in this part of Dyffryn Ogwen will improve links to routes to reach Llyn Ogwen and the Zip World attraction. Due to environmental restrictions in terms of when work can be completed in the river, the work to remove the old bridge and to open the new bridge will take place in May 2026.</p> |  |

Project: Active Travel (continued)

| 2025/6 Milestones | Update on the milestones so far | Completed / On track |
|--|--|---|
| <p>3. Monitor developments and act on any potential changes based on the adoption of the Regional Transport Plan (during 2025/26).</p> | <p>3. The Council's response to the North Wales Regional Transport Plan public consultation has been presented – with the consultation period having closed on 14 April. The final version of the Plan was approved by the Cabinet Secretary for Transport and North Wales on 28 October 2025, with the Councils financial allocation presented for 2026/7. Officers are continuing to provide information to secure the full allocation.</p> | <p style="text-align: center;">  Ongoing </p> |
| <p>4. Continue to promote routes for residents and visitors to the county and the walking and cycling opportunities on Gwynedd's active travel network.</p> | <p>4. Work is taking place on an ongoing basis to promote developments that facilitate walking, scootering and cycling on active travel networks in the county, including announcements on the funding secured and progress on projects as they become operational.</p> <p>In addition, we have created information packs for school headteachers, including guidance and information to share with parents about:</p> <ul style="list-style-type: none"> ◦ Road safety ◦ Active Travel ◦ Public transport ◦ How to create Walking and Cycling Buses ◦ Access to road safety training ◦ Rules for travelling on the bus and train to school, etc. <p>The above will be trialled in the schools of y Garnedd, Treferythyr and Godre'r Berwyn.</p> <p>Maps for active travel to schools in specific locations where recent improvements have been delivered (see above).</p> <p>During 2026, a further consultation process will seek the views of residents on the current active travel routes as well as future active travel plans. This will be included as part of the report to be submitted to the Welsh Government by December 2026.</p> | <p style="text-align: center;">  Ongoing </p> |






A Green Gwynedd: Protecting the county's natural beauty, and responding positively to the climate change crisis

Project: Public Transport

We will review our existing public transport provision with the aim of developing a public transport network that will be convenient, reliable and reasonably priced to allow the residents of Gwynedd to travel every day of the week. As a part of this plan, we will also introduce new electric buses.



Project: Public Transport

| 2025/6 Milestones | Update on the milestones so far | Completed / On track |
|--|---|--|
| <p>1. Maintain and review the network based on experience and any potential changes that are beyond the Council's control.</p> | <p>1. A new network becoming established with positive feedback and passenger numbers. Continue to look for minor improvements/adjustments where possible within the available resources.</p> | <p style="text-align: center;"> Ongoing</p> |
| <p>2. Continue to pilot and monitor the use of Sherpa'r Wyddfa, G23 services between Abermaw and Porthmadog and Fflecsi in south Meirionnydd.</p> | <p>2. The revamped services becoming established with positive feedback and passenger numbers – 563,783 journeys in 2025/6, an increase of more than 6.6% on the previous year. Where practicable, we continue to look for improvements/adjustments within the available resources. Arrangements for summer 2026 have been agreed with the stakeholders and the services have been registered and the summertime-table has commenced from 28 March before the Easter holidays.</p> | <p style="text-align: center;"></p> |
| <p>3. Implementation of £500,000 worth of improvements to bus stops.</p> | <p>3. Work completed in line with the programme to introduce improvements to bus stops at locations in the county – 3 locations in Arfon, 3 in Dwyfor and 3 in Meirionnydd. Plans for 2026/7 have been included in the Regional Transport Plan, with further improvements to be submitted to bus stops during 2026/7.</p> | <p style="text-align: center;"></p> |
| <p>4. Monitor developments and act on any potential changes based on the adoption of the Regional Transport Plan (during 2025/26).</p> | <p>4. The Council's response to the North Wales Regional Transport Plan public consultation was presented – with the consultation period having closed on 14 April. The Plan was approved by the Cabinet Secretary on 28 October 2025, with the Council's financial allocation submitted for 2026/7. We will move on to implement this in accordance with the finance allocated for 2026/7.</p> | <p style="text-align: center;"></p> |
| <p>5. Continue to review the financial picture in terms of the cost of providing the network and the various sources.</p> | <p>5. Close collaboration continues between Transport Service officers and the Finance Department to monitor the financial situation and intervene as required. Specific work now to be undertaken to identify the level of resources Cyngor Gwynedd is investing to support the local buses network. This is in the context and as preparatory work for the new franchise system for buses.</p> | <p style="text-align: center;"></p> |

APPENDIX B

Environment Department's Performance Report (period up to March 2026).

Performance indicators for the Environment Department's Services

The day to day work of the Department

Performance measurement references

| Planning | Manager – Gwawr Teleri Hughes |
|----------|--|
| C1 | Average time taken to decide a planning application |
| C2 | Average time taken to close service requests |
| C3 | Time taken to close alleged breaches of planning rules |

| Planning Policy | Manager – Rebeca Angharad Jones |
|-----------------|---|
| PC1 | Percentage of responses to consultation on planning applications and pre applications advice provided on time |

| Building Control | Manager – Martin Barrow Evans |
|------------------|--|
| RH1 | Percentage of applications decided within a given time [5 or 8 weeks] |
| RH2 | Number of enforcement cases [not including dangerous structures] that have been closed within a certain time |
| RH3 | Number of dangerous structures cases that have been made safe but where there is still a need to complete work |

| Public Protection -Trading Standards and Licencing | Manager – Andrew Lloyd Parry |
|--|--|
| SM1 | Percentage of high-risk businesses that have had an inspection in accordance with the programme |
| SM2 | Percentage of criminal law violations that have been identified by the service that have been resolved |
| SM3 | Average time taken to process a taxi licence application |

| Public Protection –Environmental Health | Manager – Lewis Alun Evans |
|---|---|
| IA1 | Percentage of Food Businesses that meet Food Hygiene Standards [score 3 or higher] |
| IA2(a) IA2(b) | Percentage of Food Businesses that have had a Food Standards Inspection in accordance with the programme Percentage of Food Businesses that have had a Food Hygiene Inspection in accordance with the programme |
| IA3 | Number of private water Properties that have received a water sample inspection and risk assessments in accordance with the programme for the year |

| Waste & Recycling | Manager - Chris Rees |
|-------------------|---------------------------------|
| G&A1 | Gwynedd's Recycling Performance |
| G&A2 | Tonnage of Residual Waste |
| G&A3 | Missed Collection Enquiries |
| G&A4 | Sickness Average |

| Parking and Streetworks | Manager – Ceri Hughes Thomas |
|-------------------------|---|
| P&GS1 | Time taken to respond to complaints of illegal parking |
| P&GS2 | Percentage of successful appeals |
| P&GS3 | Number of notices on/off street |
| P&GS4 | Number of works on the highway that have gone over the original timescale |

| Traffic, Projects and Paths | Manager – Iwan Ap Trefor |
|-----------------------------|--|
| T&P1 | Number of improvements on highway |
| T&P2 | Number of improvements presented to structures on county's paths network |
| T&P3 | Number of users on county's paths network |

| Public Transport | Manager – Rhian Wyn Williams |
|------------------|--|
| TC1 | Percentage of local bus services that arrive on times |
| TC2 | Percentage of travellers that use concessionary ticket/pay |

| Business – Back Office | Manager - Alison Wyn Owen |
|------------------------|---|
| B1 | Average time taken to process land charges applications |
| B2 | Percentage of calls that were answered |

| Finance Monitoring | Manager – Dawn Sinclair |
|--------------------|--|
| MC | Total financial bids compared to successful bids |

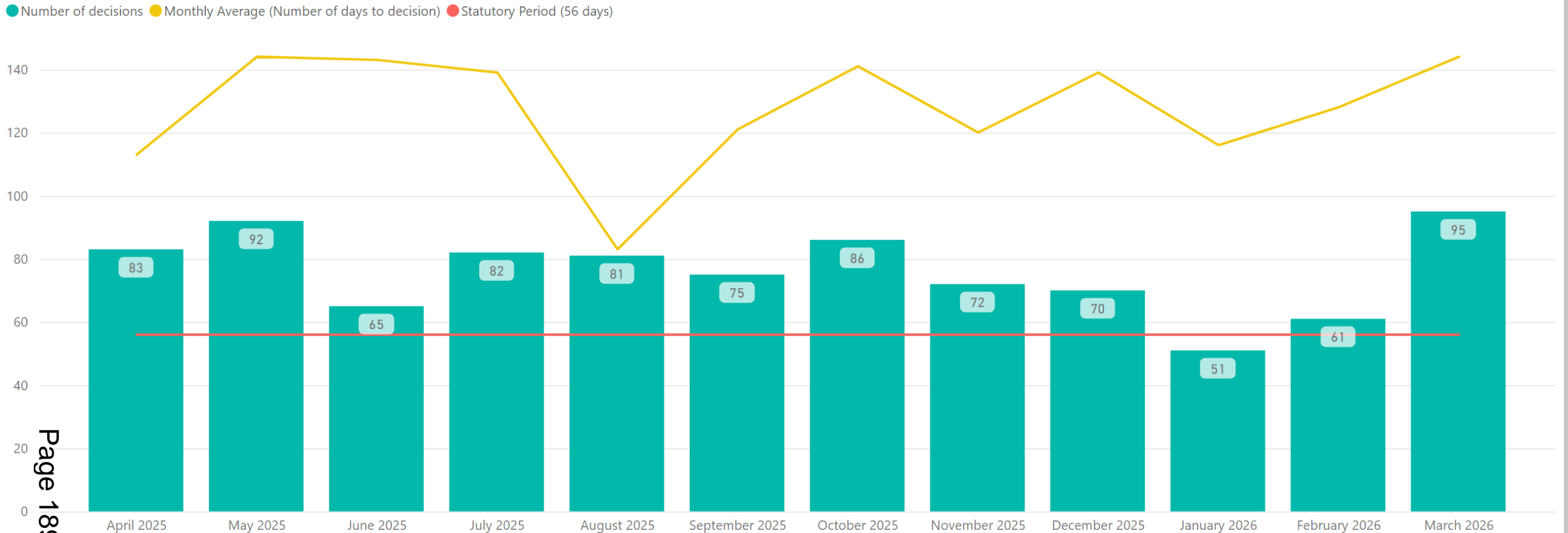
Planning

C1 - Average time taken to determine a planning application

Purpose of the Service: Facilitate appropriate/suitable developments for the benefit of communities, the economy and the environment

Comments included on the next page

How quickly on average planning applications have taken to be decided



Planning

C1 - Average time taken to determine a planning application

Comments

Approximately 72% of decisions are made within the statutory time (either under 56 days or with an agreed time extension) which is consistent with the previous period. This highlights that a high number of decisions continue to be made in a timely manner, or with a time extension agreement with the applicant/agency, despite the current staffing situation and the effort to clear workload that is standing. As reported at the previous meeting, another Senior Planning Officer is retiring at the end of April, with another Senior Planning Officer intending to retire at the end of May. Two existing Planning Officers have been appointed to the Senior Planning Officer post, and there is an intention to fill the Planning Officer posts internally and through Cynllun Yfory. The existing staff continue to work hard, and changes will continue to the next period. We are also working on a note to circulate on e-mails sent to applicants/agents and Members to inform them of the situation.

During the latest period (January to the end of March 2026), 207 new applications were received, and a decision was made on 207 applications. These two figures are once again slightly lower than what was reported on average in the previous period, and significantly lower than this time in 2025, but overall, it is considered that the situation has become consistent following a period of receiving a higher number of planning applications.

The number of applications in the system without a decision has remained consistent (543) as a result of the same number of applications that were received and decided on. This number on average is a slight increase over the year since April 2025.

The average time taken to determine applications has increased from 103 to 132 days. It is noted that this figure includes 2 applications that had not been decided on as they were awaiting further information and workload and the decision date for these applications was over 800 days which has an impact on this figure. From removing these two applications, the average decision time would reduce to 124 days. It is noted that this average is higher in general due to the period of clearing the workloads of Senior Officers who intend to retire in the coming months. 9 applications have been determined within a period over 500 days and by removing these applications, the average reduces to 108 days.

Planning

C2 - Average time taken to close service requests

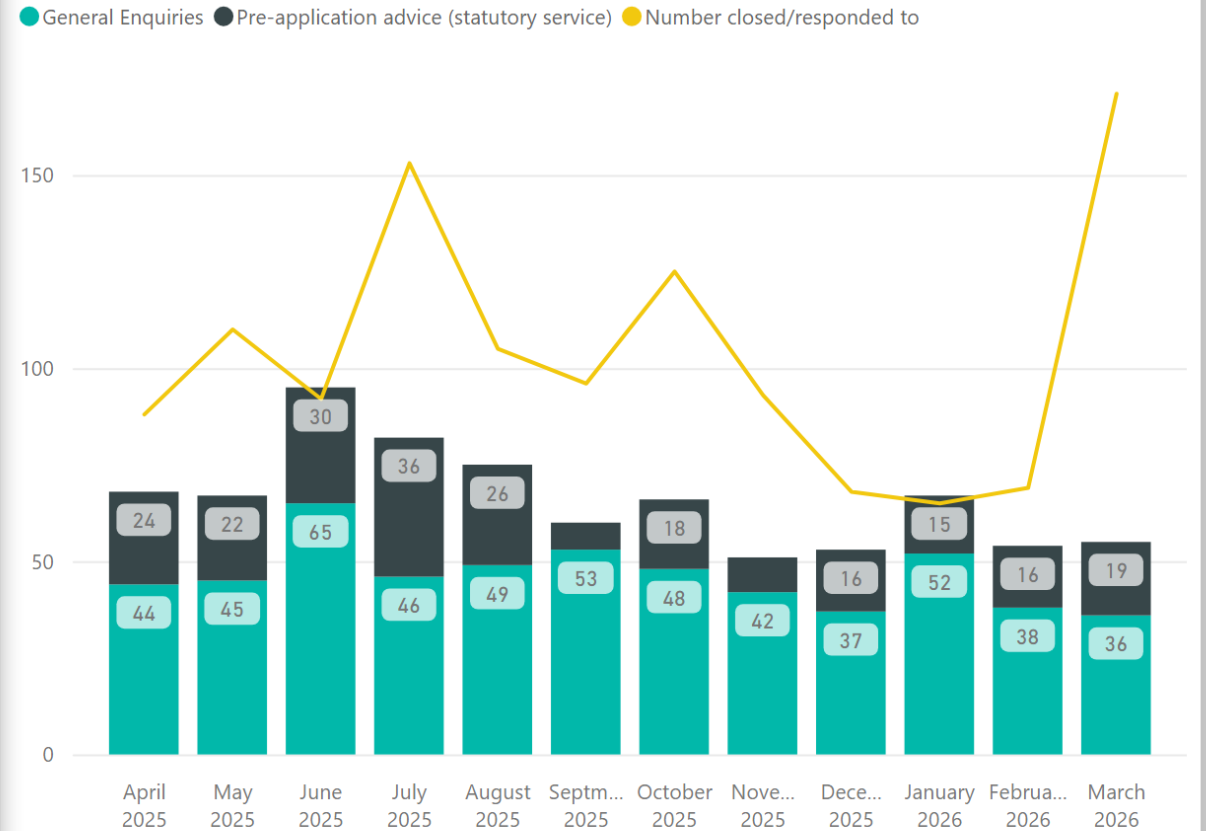
Purpose of the Service: Facilitate appropriate/suitable developments for the benefit of communities, the economy and the environment

Comments included on the next page

Days to respond to a request against statutory timescales (21 days)



Number of Service Requests



Planning

C2 - Average time taken to close service requests

Comments

During this period, 176 enquiries and applications for pre-application advice were received and 305 cases were closed (either because they were invalid or a response was provided). Looking back over the previous period, it seems that the workload remains consistent. As is shown in the graph, a high number of enquiries have been closed in March following a period of clearing old enquiries that had remained without a response, and the increase in the number of days to respond reflects this. This will lay a more stable foundation for 2026/27.

The number of open enquiries has increased to 84 as a result of a period of dealing with a back-log of enquiries waiting to be validated.

Planning

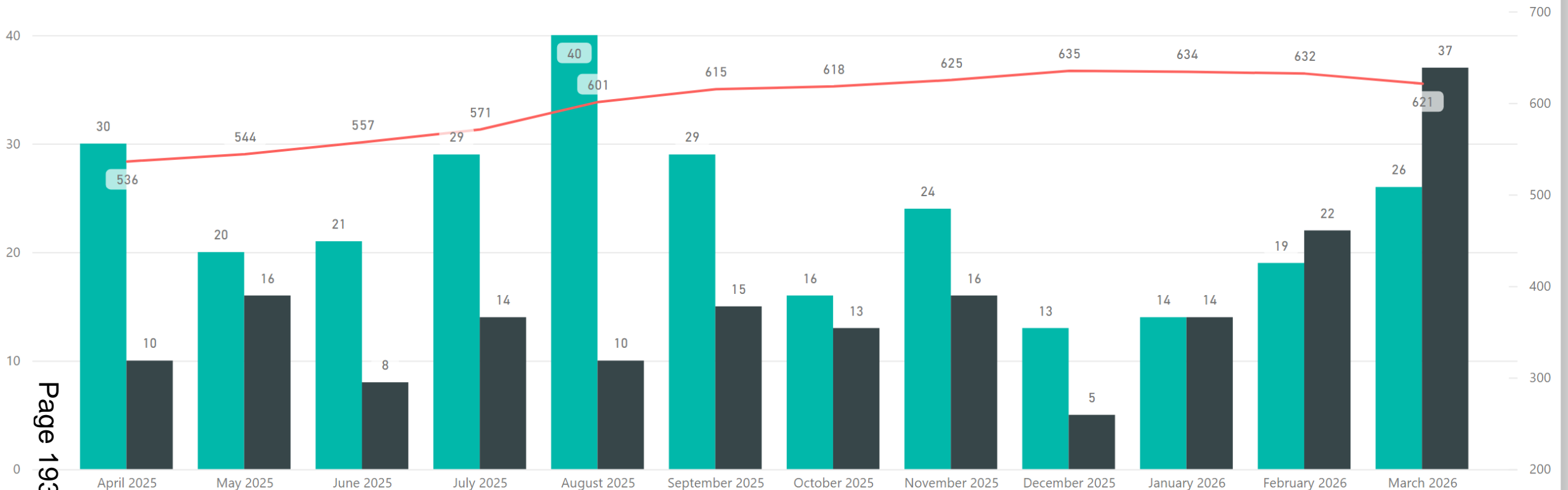
C3 - Number of cases of alleged breaches of planning rules closed

Purpose of the Service: Facilitate appropriate/suitable developments for the benefit of communities, the economy and the environment

Comments included on the next page

Alleged breaches of planning rules

● New cases ● Closed cases ● Number of ongoing requests that remain open



Planning

C3 - Number of cases of alleged breaches of planning rules closed

Comments

59 new complaints were opened and 73 cases were closed, and it is noted that there is a slight increase of new complaints on average since the previous period, specifically in March, as well as an increase in the number of complaints closed. It is noted that the number of cases that remain open continues to be high as a result of the number received.

It was previously reported that there are internal changes to staff, and an Officer has been transferred to the Enforcement Team from the Development Control Team since 1 January 2026 to increase the resources within the team and to deal with the back-log and reduce the number of open cases. Administrative support is also being formalised to give Officers more time to prioritise and deal with the cases and close those that no longer need further action. There is an increase in the number of closed complaints as a result of this, which is evident in the high number of cases closed in February and March on the graph. This situation is likely to change in the next period as the additional Officer has been appointed to a Senior Officer and therefore will be moving back to the Development Control Team.

Three enforcement notices and one enforcement warning notice have been issued, and the team is continuing to deal with several planning appeals against enforcement notices. Seven planning breach notices have been issued where the investigations are ongoing.

The work of managing and monitoring unauthorised/illuminated signage in our main centres is continuing. .

Planning Policy

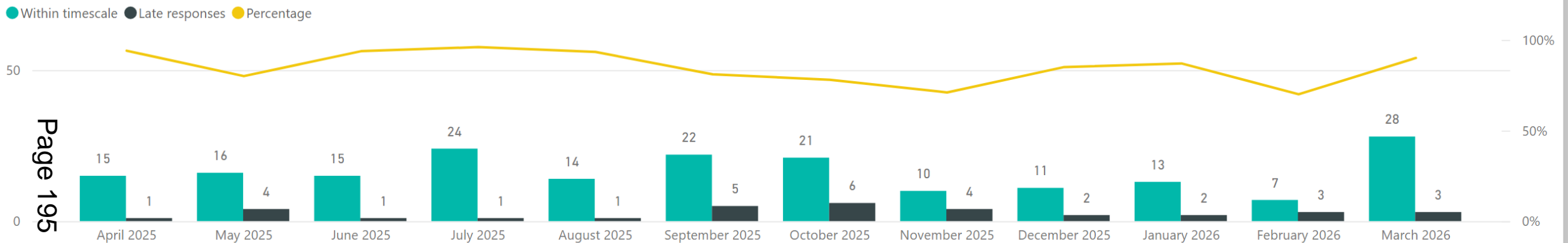
PC1 - Percentage of responses to consultations on planning applications and pre-application advice provided within the time-frame

Purpose of the Service: Facilitate appropriate/suitable developments for the benefit of communities, the economy and the environment

Comments

The data for 2025/6 continues to show positive performance in terms of responses to consultations submitted in a timely manner, with around 94% of applications receiving a response within time. Of the 56 consultations on planning applications and pre-application advice submitted between January and March 2026, 48 were delivered within time (82%). Although this is below the average for the same period last year (97%), it is emphasised that the responses beyond the time-frame were mainly due to the type of applications received. That is, complex applications with a lot of information to consider before preparing a response, as well as other work pressures, including the work associated with the new Local Development Plan. It should be noted that the figures do not necessarily portray the complete picture every time; some applications, whilst 'completed' for the purposes of this indicator (as planning policy advice has been provided), can lead to lengthy and continued discussions as they are complex applications which ask to go into policy input over a period of time. It is important to note the short to medium-term risk within the Planning Policy team, with two very experienced leaders leaving the Service, one at the end of April and another at the end of May. Although recruitment is underway and both posts have been advertised, in the hope of appointing by mid-May, it is likely that there will be a temporary impact on the team's ability to progress with the main work streams. This includes work associated with preparing the LDP, Article 4 work, establishing a Nutrient Management Board and providing timely policy advice on planning applications. Mitigation procedures are being considered but delay in the short term is inevitable.

Responses to consultations on planning applications

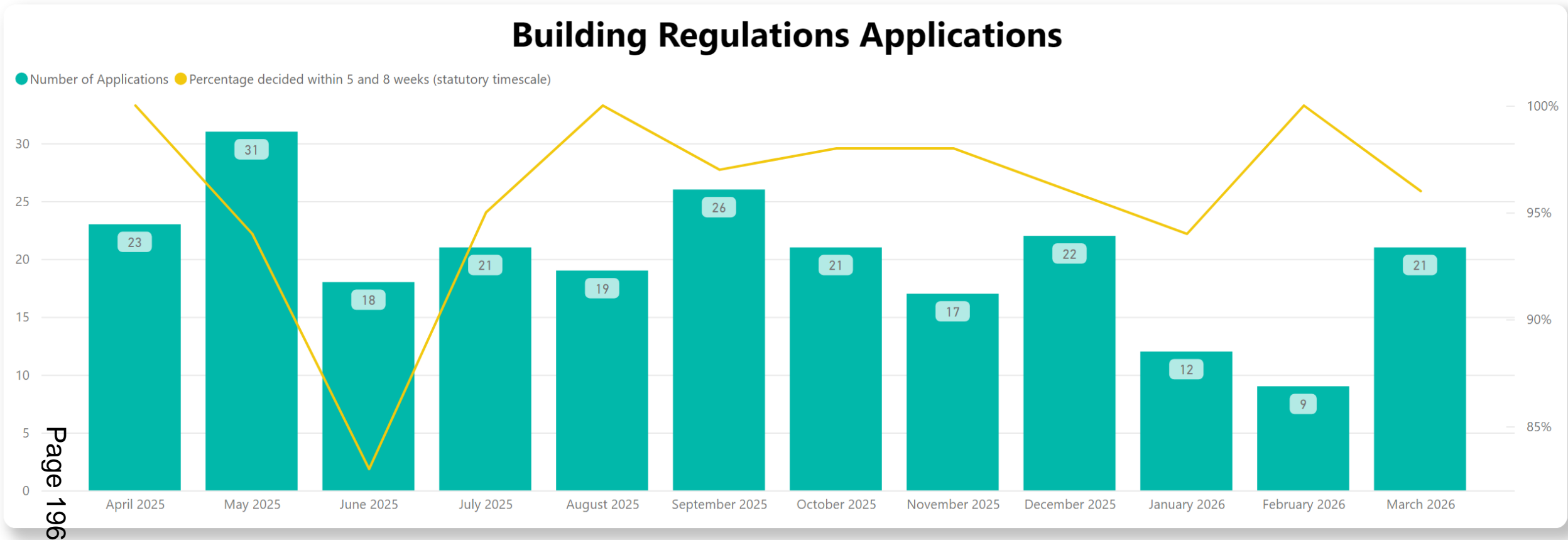


Building Control

RH1 - Percentage of applications determined within a specific time (5 and 8 weeks)

Purpose of the Service: Ensure construction meets reasonable health and safety standards for people in or around buildings, access to facilities and energy conservation

Comments included on the next page



Building Control

RH1 - Percentage of applications determined within a specific time (5 and 8 weeks)

Comments

The Service has shown good performance in terms of decisions made on applications within the statutory time-frames in 2025/26. This is despite the challenges submitted as a result of introducing the Building Safety Act 2022 that includes the need for Officers to register with the Building Safety Regulator as 'Registered Building Inspectors', and the requirement for them to be qualified (by passing exams) and to register to be able to practice in the sector.

There are support and training arrangements, including a workforce plan for the team at work, to support staff development and make the most of the competency levels within the Service. We have managed to recruit a Building Inspector under the LABC training on a 2-year secondment funded by the Welsh Government.

It should also be noted that an enforcement case in relation to the ongoing Corbett Arms Hotel has also presented challenges and has demanded a significant amount of time and staff input.

The Service has improved their share of the market from 72% to 78% when receiving building regulations applications, in competition with the private sector (Registered Building Control Approvers).

New requirements for Duty Holders under the Building Safety Act 2022 will come into force in July which will impact the Building Control application process. The legal presentation through the Building Regulations for appointed duty holders (Client, Principal Designer and Main Contractor) presents a legal responsibility to comply with the Building Regulations. This can impact the decision times to validate building regulations applications and extend the continuous recording times of site inspections and certify at final completion stage. Preparatory work is underway with the back-office system, and informing clients, designers and contractors of the changes to come.

The Service and the Senior Managers have attended workshops with Local Partnerships that have been appointed by the Welsh Government to carry out a Building Control Inspection of the mixed market, where a report and findings are expected at the end of 2026 that will set the direction of the Building Control Services for the future.

Building Control

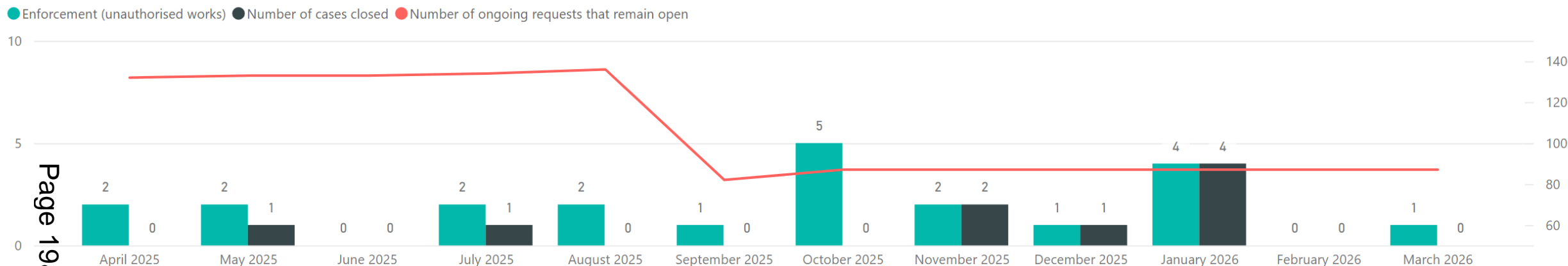
RH2 - Percentage of service requests on enforcement matters [not including dangerous buildings] that have been closed.

Purpose of the Service: Ensure construction meets reasonable health and safety standards for people in or around buildings, access to facilities and energy conservation

Comments

During 2025/2026, the Service has registered 22 cases/applications of unauthorised work, and 13 cases have been closed. The number of open cases is now 87, which draws attention to the challenges of dealing with the existing workload whilst balancing the time available for elements of the Service which relate to attracting fees and elements where it is not possible to attract a fee. During the last quarter, we have provided new work flow arrangements, staff training and monthly reports for Building Inspectors where many open cases have been closed. When progressing due to the changes made, we anticipate a continuation of the file closing improvement where relevant. Currently, the Service is working on a new policy document and enforcement procedures in accordance with the new legislation changes of the Building Safety Act 2022, which will come into force in July 2026.

Enforcement Cases



Building Control

RH3 - Number of dangerous structures cases that have been made safe but where there is still a need to complete work

Purpose of the Service: Ensure construction meets reasonable health and safety standards for people in or around buildings, access to facilities and energy conservation

Comments

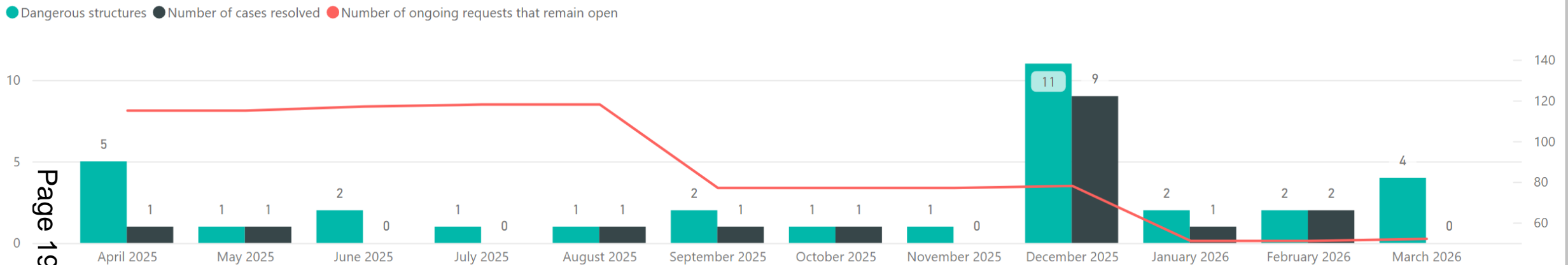
It is important to outline that dangerous buildings are made safe within 24 hours in order to safeguard the public. During 2025/2026, the Service has dealt with 33 cases of dangerous buildings which have been made safe within 24 hours, with 24 cases closed. The dangerous buildings cases are not closed until the work that needs to be done on the site has been completed. Therefore, with the 78 cases that remain open, action has been taken by the Service to make the building safe for public safety, but work needs to be completed on the site or costs need to be reclaimed.

It must be noted that cases can remain open when the building has been made safe and work on the site has been completed, in cases where the Service has had to take steps to achieve and pay for work, as a result of the legal steps required to reclaim costs.

During the last quarter, we have provided new work flow arrangements, staff training and monthly reports for Building Inspectors where many open cases have been closed. Moving forward, due to the changes made, we anticipate a continuation of the file closing improvement where relevant.

The case with the dangerous structure at the Corbett Arms Hotel in Tywyn continues and we have requested significant input from the Service in cooperation with other Council Services and it is an example of the potential substantial cost to the Council in terms of ensuring public safety.

Dangerous Structure Cases



Public Protection - Trading Standards and Licensing

SM1 - Percentage of high-risk businesses inspected in line with the programme

Purpose of the Service: Protect public health and well-being from business practices that have the potential to be harmful, by ensuring that businesses adopt and maintain systems and comply with the legal requirements that apply to their business. Monitor, influence and ensure animal health and welfare standards, prevent dangerous infections and ensure the tracing of farm animals

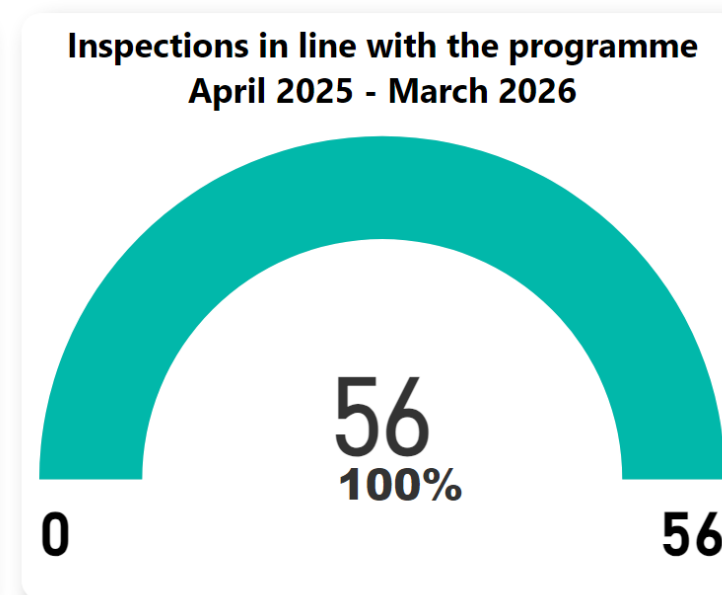
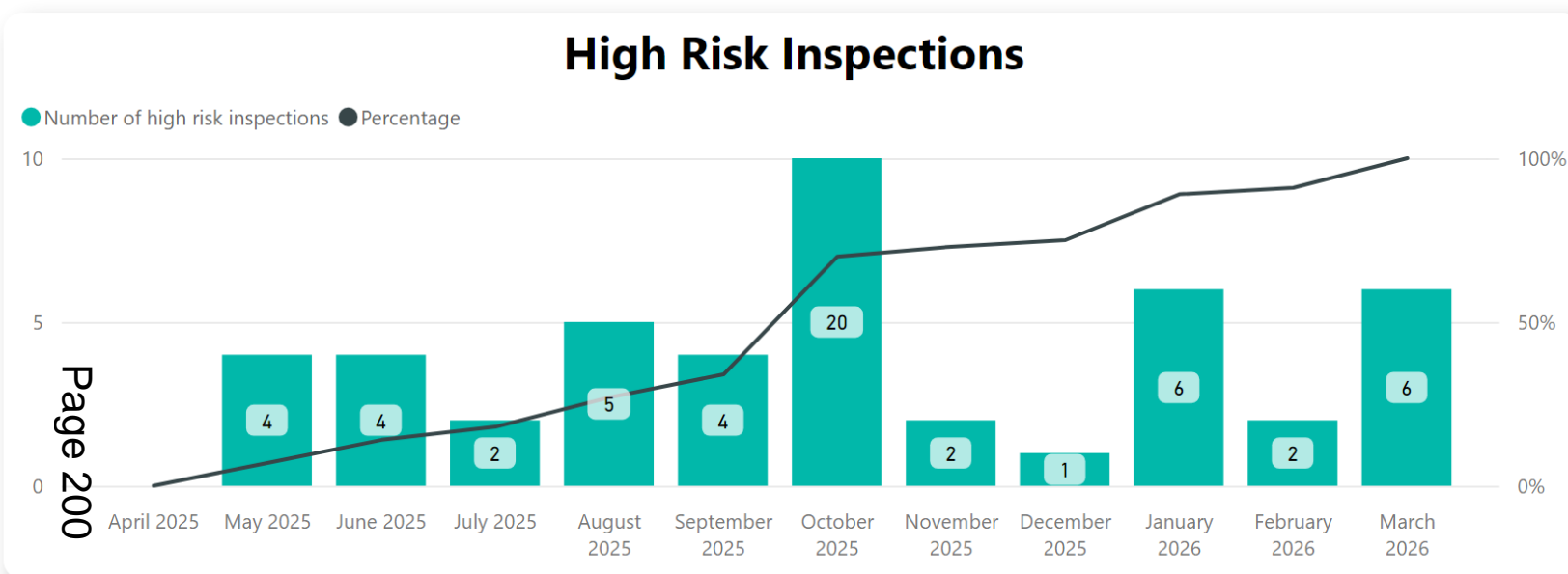
Comments

100% of the high-risk inspections set for the year were completed. 56 'high risk' category premises were identified across the Service for 2025-26. These were premises/business that are identified as high risk due to the complexity/risk of the business activity, or as there is a history and concern of lack of compliance with Trading Standards Regulations over a period of time.

The percentage of completed inspections was low until October as there was no point in inspecting the 19 premises that were being licensed to store fireworks until they received the stock and stored the fireworks on the premises.

The 37 remaining properties fell to the Animal Health Team and were therefore farm inspections. Several farm inspections were held back until the animals were gathered from the land - to enable us to have a detailed look at the stock and ensure that there are suitable facilities for the animals.

Happy to report that the Service has managed to reach the 100% target - and this was achieved despite the fact that the Animal Health and Welfare team had to operate for almost 6 months with 1 enforcement officer off on long-term sickness.

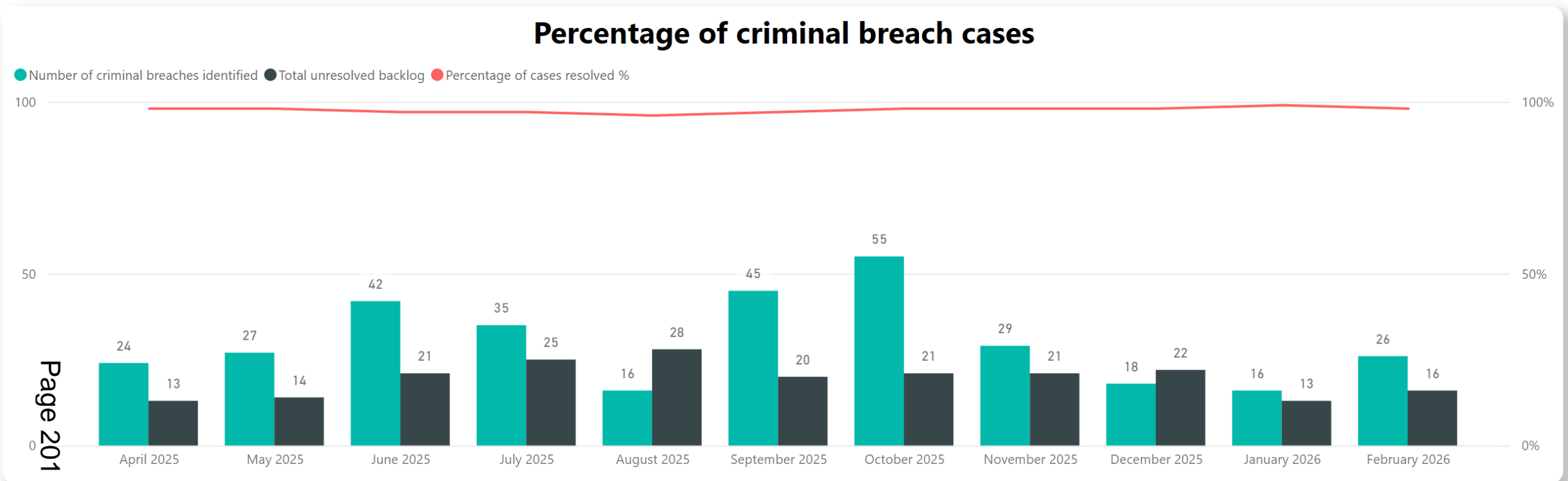


Public Protection - Trading Standards and Licensing

SM2 - Percentage of criminal breach cases identified by the Service, which have been resolved

Purpose of the Service: Protect public health and well-being from business practices that have the potential to be harmful, by ensuring that businesses adopt and maintain systems and comply with the legal requirements that apply to their business. Monitor, influence and ensure animal health and welfare standards, prevent dangerous infections and ensure the tracing of farm animals.

Comments included on the next page



Public Protection - Trading Standards and Licensing

SM2 - Percentage of criminal breach cases identified by the Service, which have been resolved

Comments

Criminal breach cases are identified through a combination of reports/concerns/complaints brought to the attention of the Service by members of the public and businesses, as well as proactive work that we have identified as part of business inspections. The measure also considers the total back-log of non-compliance which continue open since the measure became operational (01/04/2024), and the Service is working on them in an attempt to resolve them.

Criminal breaches are considered as a 'breach of any criminal legislation that Gwynedd Trading Standards Officers have been authorised to enforce'. This does not include civil law violation issues.

To summarise the last 12 months, the Animal Health and Welfare team has continued with the work of responding to request for service relating to animal health and welfare matters, as well as carrying out scheduled inspections of collection centres, livestock markets and scheduled inspections relating to animal feed hygiene and safety.

The Service will have to prosecute one farmer at the Magistrates' Court for failing to care for his stock, causing them unnecessary harm. Due to the severity of the offence, the case was referred to the Crown Court for the sentence, with the individual being banned from keeping animals for a 10-year period.

The Consumer Protection team has continued to prioritise work by responding to intelligence relating to the sale of illegal goods across the county - mainly tobacco and vapes.

In February 2025, the team managed to secure a closure notice for a 3-month period (maximum time permitted) on a premises in Bangor under the Anti-social Behaviour, Crime and Policing Act 2014 - this followed an ongoing investigation over a period of time to the shop's trading practices. In addition to responding to information requests regarding the trading practices of businesses, carrying out specific investigations etc., the team has also been part of several multi-agency campaigns targeting High Street shops that are associated with money laundering, only accepting cash etc.

Public Protection - Trading Standards and Licensing

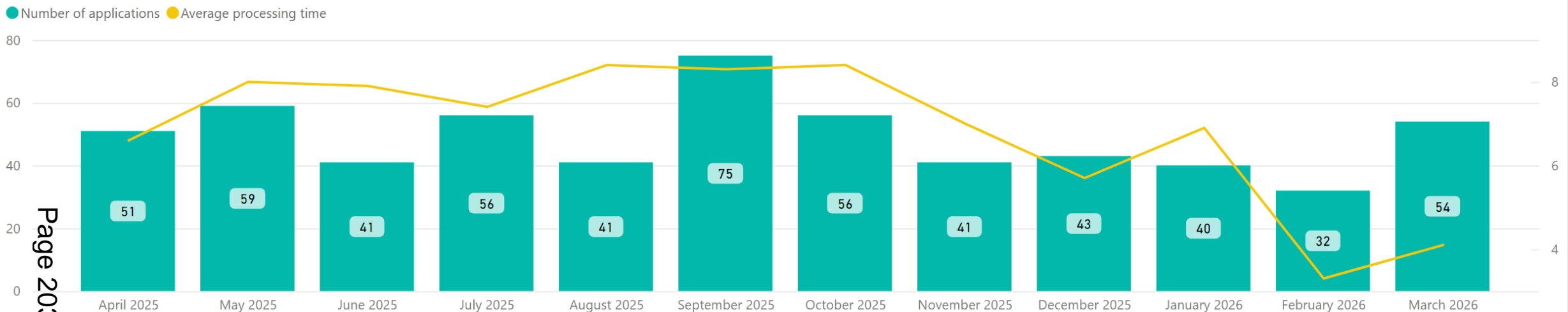
SM3 - The average time taken to process an application for a taxi licence

Purpose of the Service: Ensure that licensed activities involving taxis, alcohol, gambling, and entertainment are provided in a way that protects the public and supports businesses.

Comments

The data for the last 12-months confirms that there is a positive performance and that the average application processing time is highly efficient, ranging from 3.3 days to 8.4 days. The work of processing taxi license applications is a task that has been prioritised within the Service for several years now. The average number of processing days is calculated using the number of processing days from the time that the application is considered complete - i.e., every necessary document has been received. The number of applications that the service receives, and the average days appears to have been quite consistent for some time now and is worth highlighting, given the other different aspects associated with the Licensing work.

Taxi licensing applications and processing times



Public Protection - Environmental Health

IA1- Percentage of food businesses meeting Food Hygiene Standards [score of 3 or higher]

Purpose of the Service: Ensure that food and drink sold for human consumption that is produced, stored, distributed, handled or consumed in the county is free from any health and safety risk to the consumer and complies with composition and labelling requirements. Ensure the county's workplaces are safe for employees, consumers and customers and that employers meet health and safety requirements. Prevent cases of transferable disease from arising and where this is not possible, prevent the spread of transferable disease among the population.

Comments

As at 31/03/26, 2,072 food businesses were registered with Cyngor Gwynedd. Of these, 2,046 (98.75%) met the satisfactory or higher food hygiene standard and 26 did not meet the standard (1.25%).

Every premises that does not meet satisfactory food hygiene standards receives a re-visit within 3 months of the original inspection in order to ensure that standards have improved.

In order to draw attention to this field and to encourage the public to check the scores of businesses, the Service is collaborating with the Communication Service to support national campaigns, led by the Food Standards Agency, as well as publishing proactive messages themselves on the Council's social media accounts.

The food hygiene score of Gwynedd food businesses can be viewed by following this link: <https://ratings.food.gov.uk/cy/search-a-local-authority-area>

**Percentage of food
businesses with a score of
3 or higher**

99%

Public Protection - Environmental Health

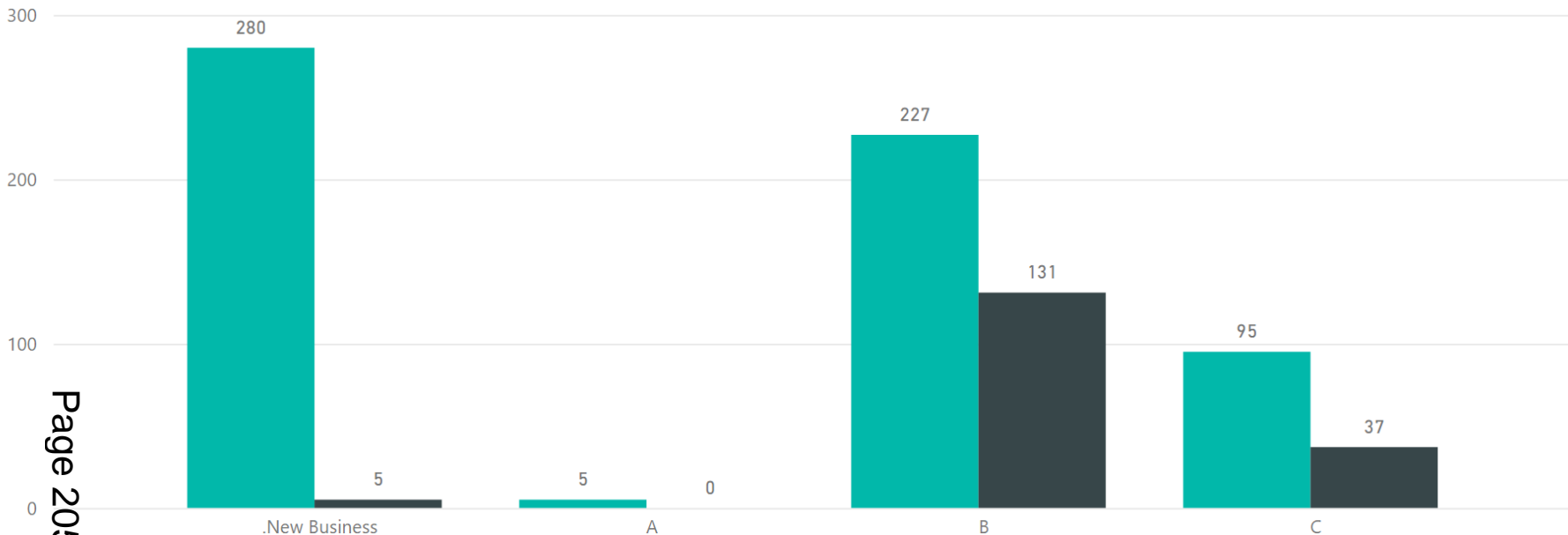
IA2(a) - Percentage of food businesses that have received a Food Standards inspection in accordance with the programmed schedule

Purpose of the Service: Ensure that food and drink sold for human consumption that is produced, stored, distributed, handled or consumed in the county is free from any health and safety risk to the consumer and complies with compositional and labelling requirements. Ensure the county's workplaces are safe for employees, consumers and customers and that employers meet health and safety requirements. Prevent cases of transferable disease from arising and where this is not possible, prevent the spread of transferable disease among the population.

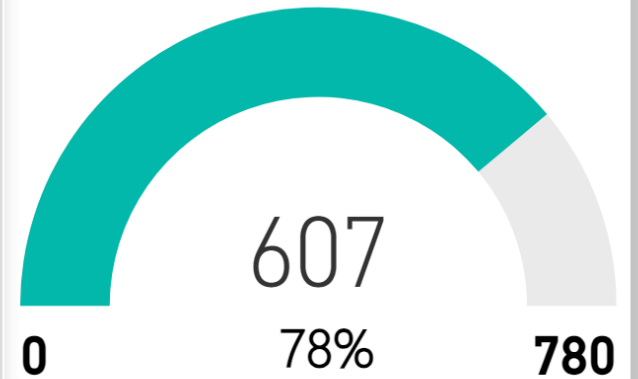
Comments included on the next page

Food Standards Inspections April 2025 - March 2026

● Inspections Completed ● Late Inspections



Inspections completed in line with the programme April 2025 - March 2026



Public Protection - Environmental Health

IA2(a) - Percentage of food businesses that have received a Food Standards inspection in accordance with the programmed schedule

Comments

There have been significant changes in the service's arrangements over the past three years. One job was cut from the structure in 2024; several experienced officers have left and there have been changes to the management structure of public protection services in early 2025. This means that we are unable to complete our food hygiene inspection schedule in line with the requirements. We have been and continue to prioritise inspections of high/higher risk food businesses and new businesses.

It is noted that the Food Standards Agency (FSA) carried out an audit of the Food Service during October 2024, and they raised concerns about the lack of resources provided for the work. As a result, the FSA have stated that the Council is not meeting its statutory duties in terms of the frequency of food standards and food hygiene inspections (see B&D2(B)). To address this, the Service has invested in the workforce by arranging for 3 inexperienced officers to gain a qualification that will enable them to complete statutory duties. We have also taken advantage of the Council's Cynllun Yfory scheme and appointed a public protection trainee. In addition, we are investigating the possibility of adopting more effective working arrangements, for example, the use of equipment to log work out in the field (tablets, mobile phones). In 2026/27, a new risk assessment arrangement will be adopted by Welsh Councils for food standards. The arrangement is already operational in England and Northern Ireland and has been trialled in 2 Councils in Wales. The FSA is responsible for introducing the change and they have declared that it is the biggest change to the food standards operational model for official regulations in relation to food law for 30 years. One aim from amending the operational model was to reduce the food law enforcement requirement by Local Governments. The initial feedback proposes that more resources will be needed to implement the amended model than were needed to implement the existing one. We will adopt the new arrangement during this April.

Public Protection - Environmental Health

IA2(b) - Percentage of food businesses that have received a Food Hygiene inspection in accordance with the programmed schedule

Purpose of the Service: Ensure that food and drink sold for human consumption that is produced, stored, distributed, handled or consumed in the county is free from any health and safety risk to the consumer and complies with compositional and labelling requirements. Ensure the county's workplaces are safe for employees, consumers and customers and that employers meet health and safety requirements. Prevent cases of transferable disease from arising and where this is not possible, prevent the spread of transferable disease among the population.

Comments

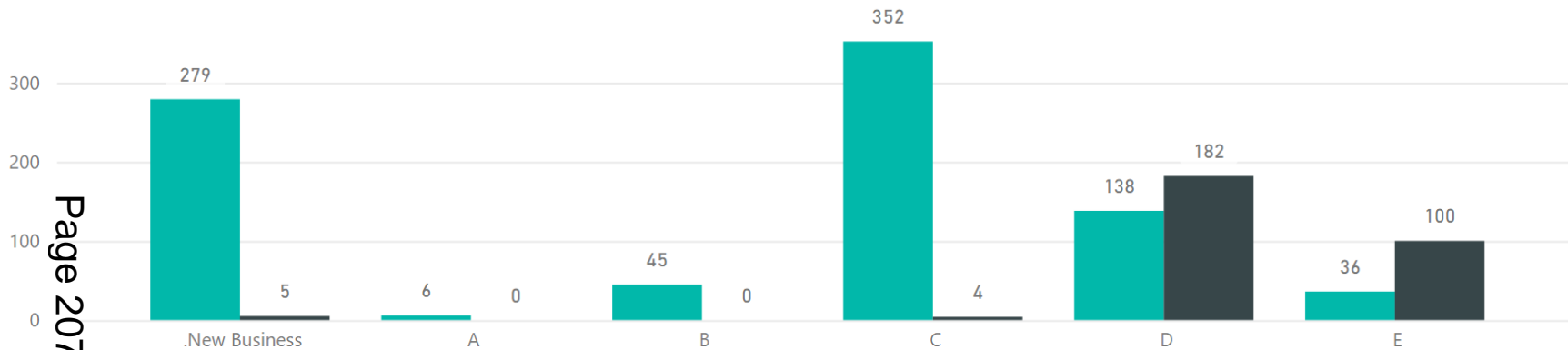
In order to make more effective use of officers' time, we strive to conduct food hygiene and standards inspections at the same time. Officers will follow the food hygiene programme and complete a food standards inspection if one has been programmed within the next 12 months or has not previously been completed.

Due to the lack of availability of qualified staff, we decided that the focus of our inspections effort over 2025-26 was hygiene high-risk (A-C) food premises, new businesses and high-risk food standards (A) premises. We have come close to achieving this, with only 4 risk C (hygiene) premises and 5 new businesses not receiving intervention by the end of the year (seasonal premises that had not opened over the winter).

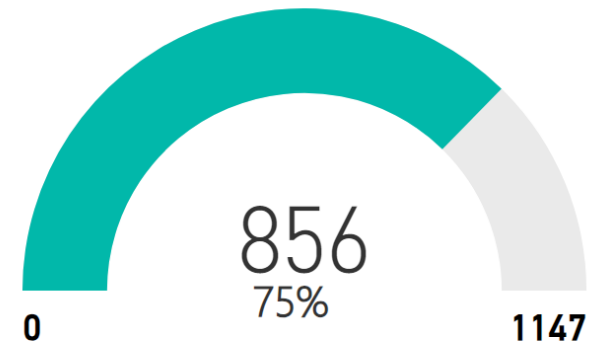
We have not met the Welsh Government targets in terms of food safety inspections this year - there were 291 hygiene inspections that had not been completed at the end of the year.

Food Hygiene Inspections April 2025 - March 2026

● Inspections Completed ● Late Inspections



Inspections completed in line with the programme April 2025 - March 2026



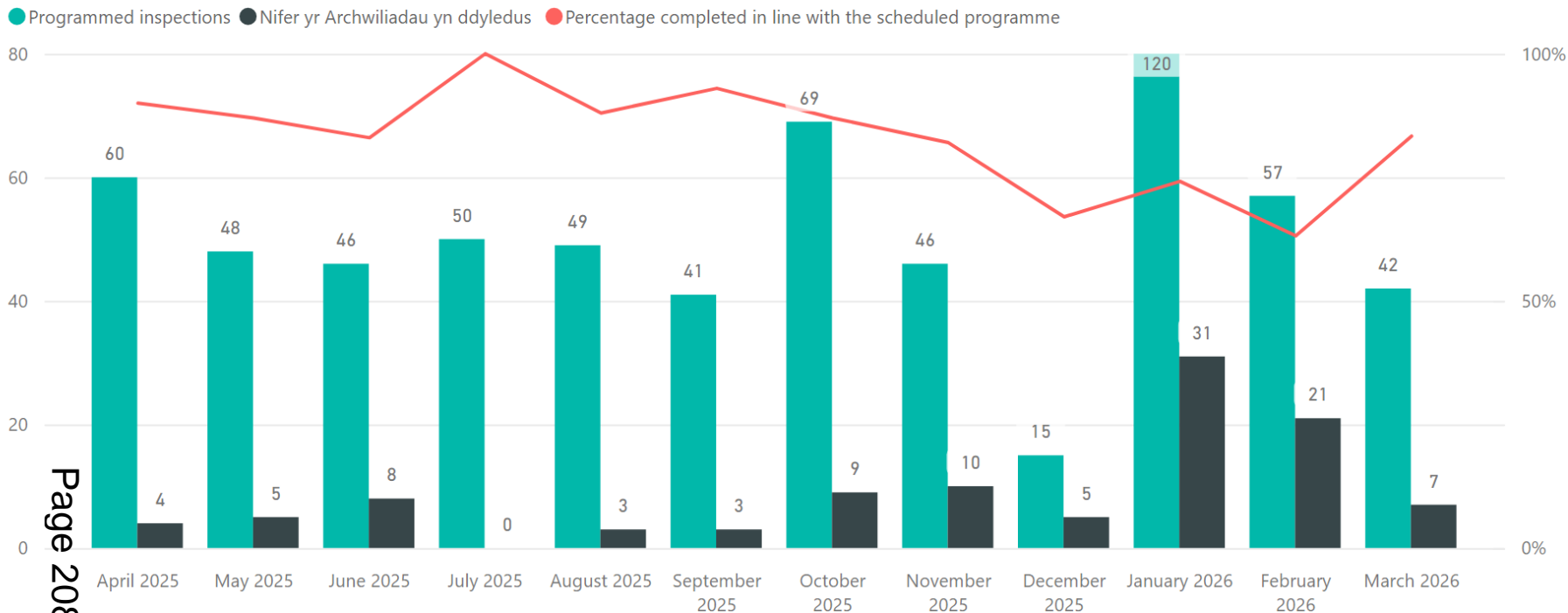
Public Protection - Environmental Health

IA3 - Percentage of properties on a private water supply that have received a water sample inspection and risk assessments in line with the programmed schedule

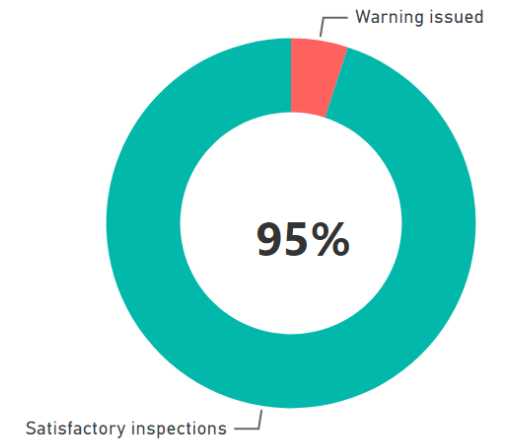
Purpose of the Service: Safeguard public health and well-being from unsafe practices by ensuring that businesses or individuals do not pollute the environment with unpleasant substances or noise.

Comments included on the next page

Private property water sample inspections



Percentage of Satisfactory Inspections April 2025 - March 2026



Public Protection - Environmental Health

IA3 - Percentage of properties on a private water supply that have received a water sample inspection and risk assessments in line with the programmed schedule

Comments

The work is statutory to assure the safety of drinking water in rural supplies from private sources. We report every 12 calendar months to the Drinking Water Inspectorate which regulates and verifies the work of Local Authorities to ensure that businesses' private supplies such as holiday accommodation and hotels provide safe clean water to their customers and staff. Also, regular applications are received to sample individual domestic water supplies, and this is on top of the workload reported upon; it is estimated that there are around 2,000 individual domestic private supplies.

The sampling and risk assessment schedule is statutory, and whilst most of the samples in the 12-month schedule are conducted, we are under-performing substantially on conducting Risk Assessments, which need to be held every 5 years. Officers from the Food and Health and Safety Team have been contributing to the temporary sampling programme work. At the end of March, there was a back-log of 50 water samples and 282 risk assessments due. The work of carrying out risk assessments has restarted. Because of this, it is intended to adapt the performance measuring to reflect how many risk assessments were completed over a period of time and the number that continue to be uncompleted at the end of that period. It is intended to report on the water sampling performance in the same manner.

Waste and Recycling

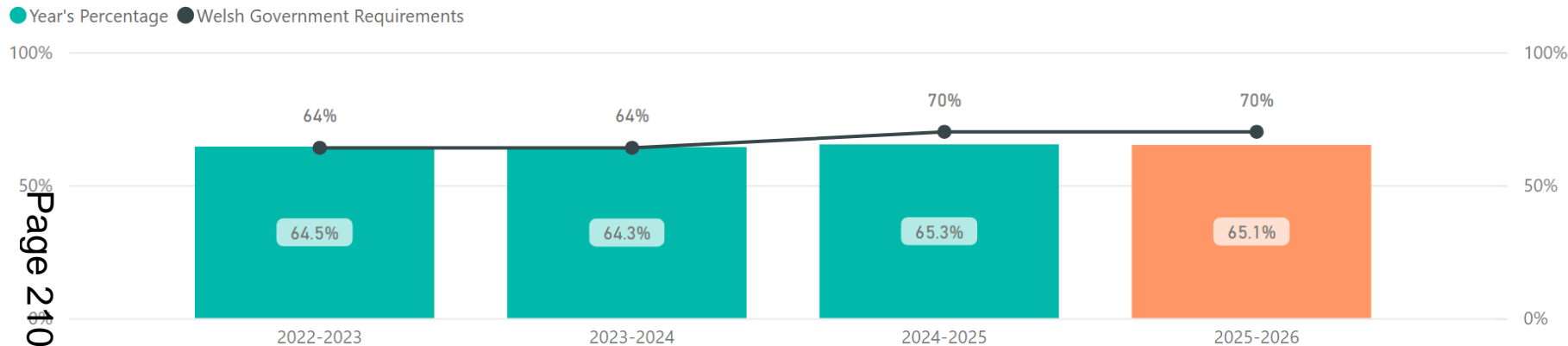
G&A1 - Gwynedd Recycling Performance

Purpose of the Service: Carry out local and cross-county campaigns to promote, educate and assist residents to reduce the waste produced, encouraging more recycling.

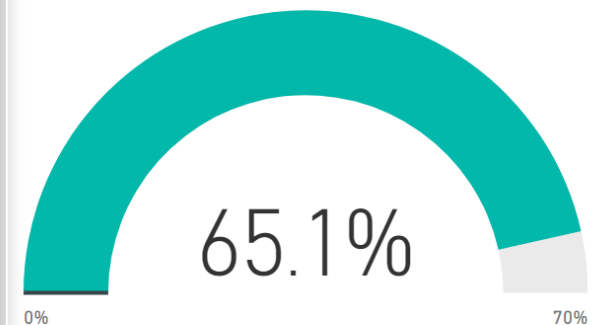
Comments

This year's recycling figure is expected to be similar to last year, where opening black bags in the recycling centres has helped to offset the impact of not recycling nappies. Ensuring that Cyngor Gwynedd reaches the Welsh Government target of 70% of municipal waste recycling is an integral element of the new Waste Strategy. The route to the target is noted in the strategic document, and further reports will be presented to the Cabinet during the spring to provide additional details regarding the costs and necessary action points. The Strategy also includes many plans to reduce waste (see G&A2), and it is expected that these measures contribute to increasing recycling rates. For example, a recent study has shown that 57% of the content of residents' bins and 58% of business bins include recyclable materials. In addition to measures to reduce waste and encourage recycling, there are other opportunities such as developing a better market for timber. However, there is a risk of fines should the Council not reach the 70% statutory target.

Gwynedd Recycling Performance



Recycling Performance Against National requirements (to date)



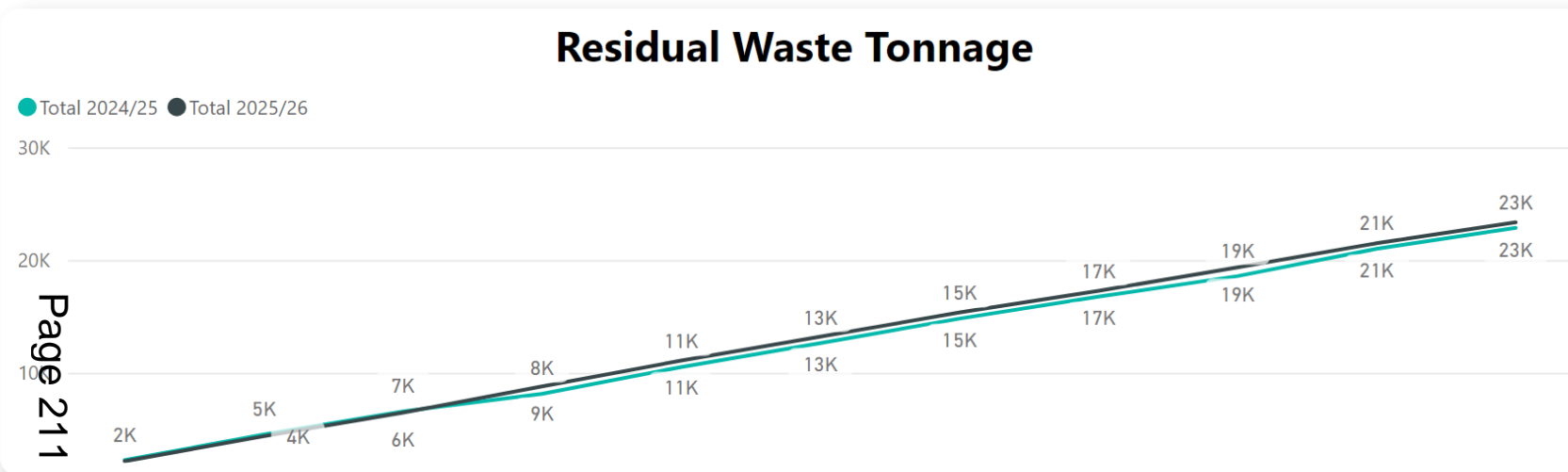
Waste and Recycling

G&A2 - Residual Waste Tonnage

Purpose of the Service: Reduce the residual waste collected, maximising the materials to be recycled / reused.

Comments

Reducing the volume of residual waste created and sent to Parc Adfer is one of the six objectives in the Waste and Recycling Strategy. The plans noted in the document will start to be implemented. Campaigns to raise awareness will contribute to behaviour change, but it is difficult to measure their impact directly. Therefore, robust action points will be introduced, such as reducing bin capacity for residents and businesses, increasing street waste recycling, expanding the opening of black bin bags in the recycling centres, and collecting streams that are currently not being recycled, namely soft plastics. If the volume sent to Parc Adfer is not reduced, there is a significant risk that the Council will face higher costs as a result of carbon tax.



Every household in Gwynedd produces 260kg of residual waste each year



Waste and Recycling

G&A3 - 'Missed Collection' Enquiries

Purpose of the Service: Collect waste and recycling from 64,000 homes in the county, in line with the agreed timetable

Comments

Given the data in its wider context where the workforce collects from homes across the county each week, the service manages to collect 99.8% of bins correctly and promptly, reflecting a high level of operational performance.

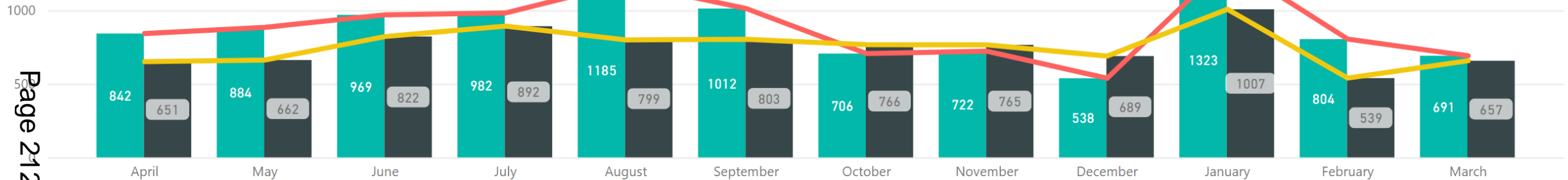
During the period between 2023-24 and 2024-25, a significant reduction of over 8,200 complaints was recorded, which equates to a 44% reduction. There was a further reduction of 1,600 complaints (15%) between last year and the previous year. This continued reduction reflects significant improvements in our implementation arrangements.

As the Bartec IT system embeds into the service, our aim is to ensure a further reduction in the number of collection complaints, enabling more accurate reporting on genuine failures deriving from our own mistakes. Bartec and the cameras already on the vehicles have improved the accuracy and timing of our responses.

It is anticipated that integrating Bartec with the internal FFOS system in 2026-27 will enable residents to receive real time responses to their enquiries, strengthening transparency and the public's confidence.

Missed Collection Enquiries

● Monthly Enquiries 2024/25 ● Monthly Enquiries 2025/26 ● Number of Enquiries 2024/25 ● Number of Enquiries 2025/26



Waste and Recycling

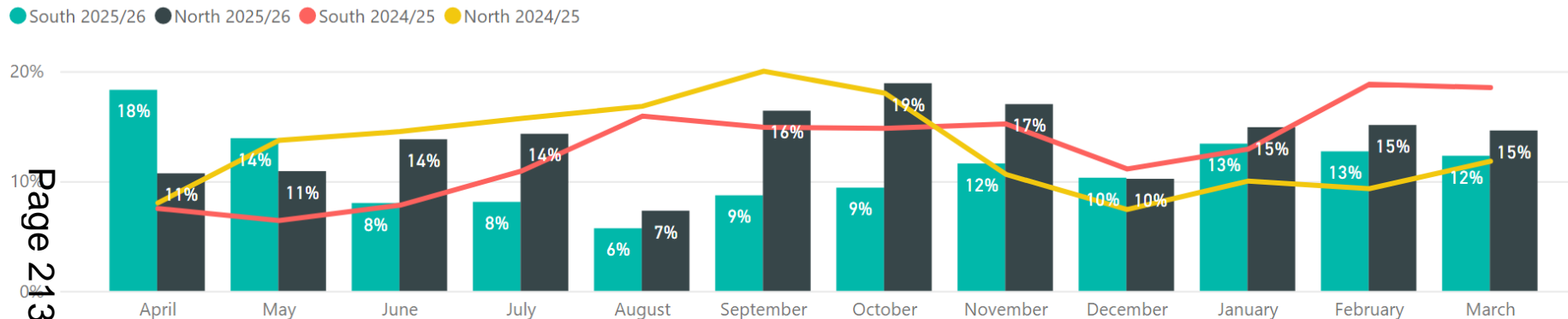
G&A4 - Average percentage of absences

Purpose of the Service: Collect waste and recycling from 64,000 homes in the county, in line with the agreed timetable

Comments

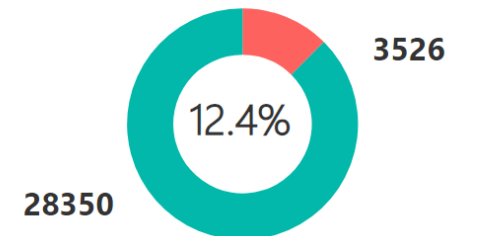
The measure highlights the sickness rates among waste collection staff. Effective sickness management has the potential to improve performance, reduce missed collections, and manage costs – which is one of the Department's main objectives in seeking to improve the quality of service. It should be noted that the nature of the work is very physical, and as a result, the threshold for being "fit to work" is higher than that found in other areas of work within the Council. As such, positive steps have been taken to incorporate the corporate absence policy arrangements, including the provision of bespoke training for team leaders to empower them to tackle high levels of sickness. While each sickness statistic represents an individual personal story, it is essential to demonstrate that the Department is acting proactively to support the well-being of its staff, while maintaining service standards. The sickness levels by August in both areas are very encouraging. Most sickness cases are short-term and given that these staff do not have the same options as office staff to work from home in cases of mild illness (e.g. cold), the impact on sickness records is more pronounced. Currently, only three members of staff are on long-term leave. Sadly, it is noted that two of them will not be returning to their jobs, while the third hopes to return to less physical duties soon.

Average percentage of absences



Sickness Days April 2025 - March 2026

Legend: Sickness Days (Red), Possible Working Days (Teal)



Parking

P&GS1 - The average time taken to respond to complaints of illegal parking

Purpose of the Service: Ensure safe management of the highway

Comments

The performance shows a positive approach, with a small team of officers responding very promptly to requests and concerns from the public. We have a total of nine Parking Enforcement Officers working across the county, and the service is operational over 7 days a week. The service receives complaints every day about all aspects relating to parking. Very often, it is not possible for the service to act due to a lack of powers or parking restrictions.

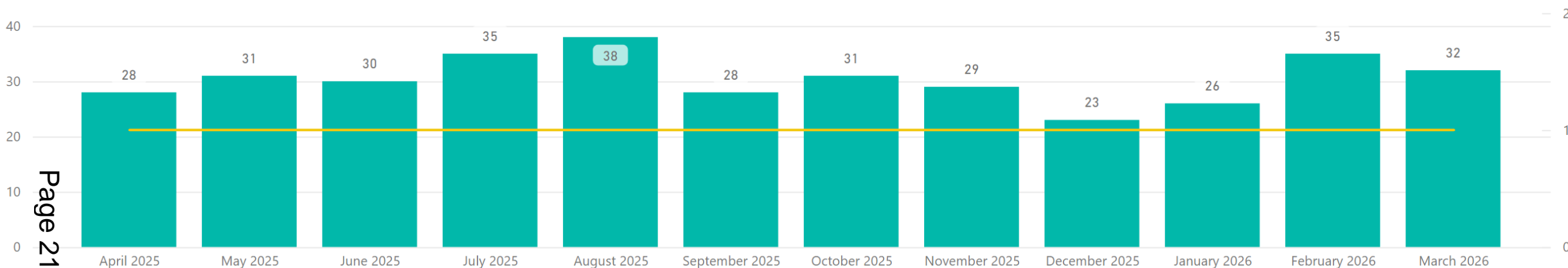
For the purpose of this exercise, the following graph includes complaints from Local Members and/or members of the public about illegally parked vehicles on parking restrictions only - therefore, the officers were able to act.

75% of the locations received a visit within one day, with every location receiving a visit within three days. Every effort is being made to respond to complaints promptly, nevertheless, periods of sickness or other absences within the team may cause delay.

It was not possible for the officers to enforce in 12% of locations as the conditions of the restrictions did not meet the standard which allows for lawful enforcement. Applications have been transferred to the Council's Highways Department in order to repaint the road.

Time taken to respond to complaints regarding illegal parking

● Number of applications ● Average processing date



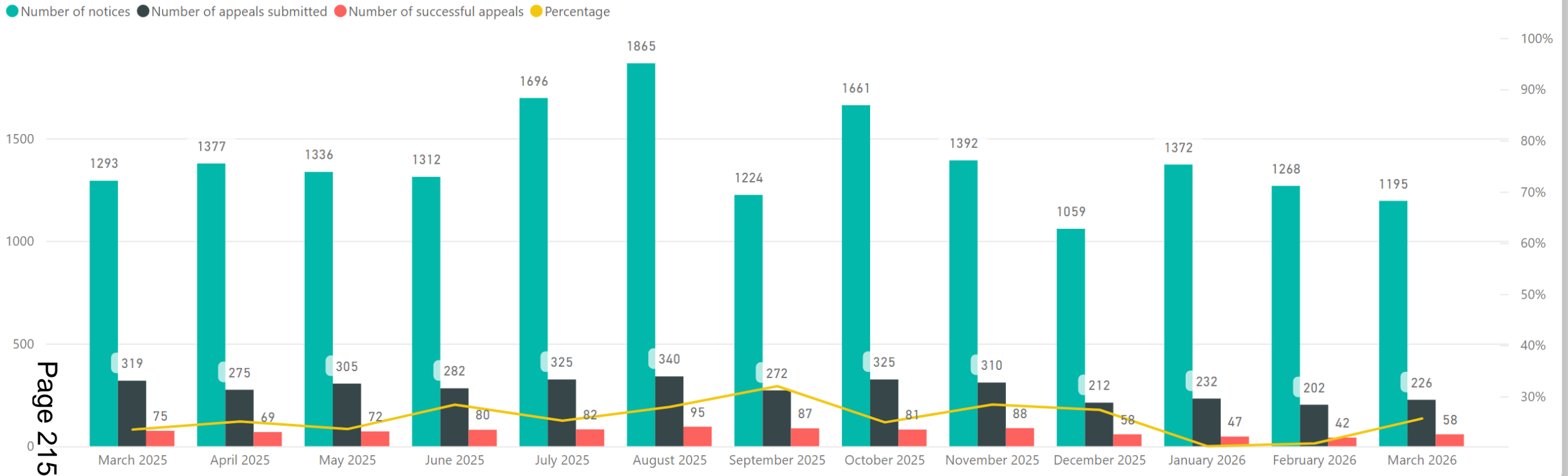
Parking

P&GS2 - Percentage of appeals that have been successful

Purpose of the Service: Ensure safe management of the highway

Comments included on the next page

Percentage of successful appeals



Parking

P&GS2 - Percentage of appeals that have been successful

Comments

Fines are issued for vehicles that park in breach of the on-street and off-street restrictions (car parks). The service takes pride in the ability to deal with everyone in a consistent, fair and transparent manner. Every motorist who receives a fine is entitled to submit an appeal, should they feel that any unfairness or error has occurred.

Of the total 16,757 tickets issued by the Council, 3,306 appeals were lodged (April 2025 - March 2026), 859 of these, representing 26% of the appeals, were revoked. 5.1% of all tickets submitted during the financial year to date have been revoked.

Except in extraordinary circumstances, the majority of successful appeals are from individuals who have bought a ticket in the car park but have not paid and displayed for various reasons, e.g. the ticket has fallen from sight, or a customer has inputted one wrong digit by using the Pay by Phone app, or blue badge holders have misunderstood the conditions. Every appeal is considered in full and if robust evidence reinforces the claim that a genuine mistake has occurred, the fine is revoked. In relation to the number of appeals transferred to the independent adjudicators for consideration, it is noted that only one case was submitted during the specific period in question, and that the outcome of this case was favourable to the Council.

We have adapted the measure to include the total number of Fixed Penalty Notices (FPNs) submitted to provide a broader context instead of only those who have appealed who were successful/unsuccessful as previous. We have also added to note the total FPN and shown whether they are 'on the street' and 'off the street' - see the next measure.

Parking

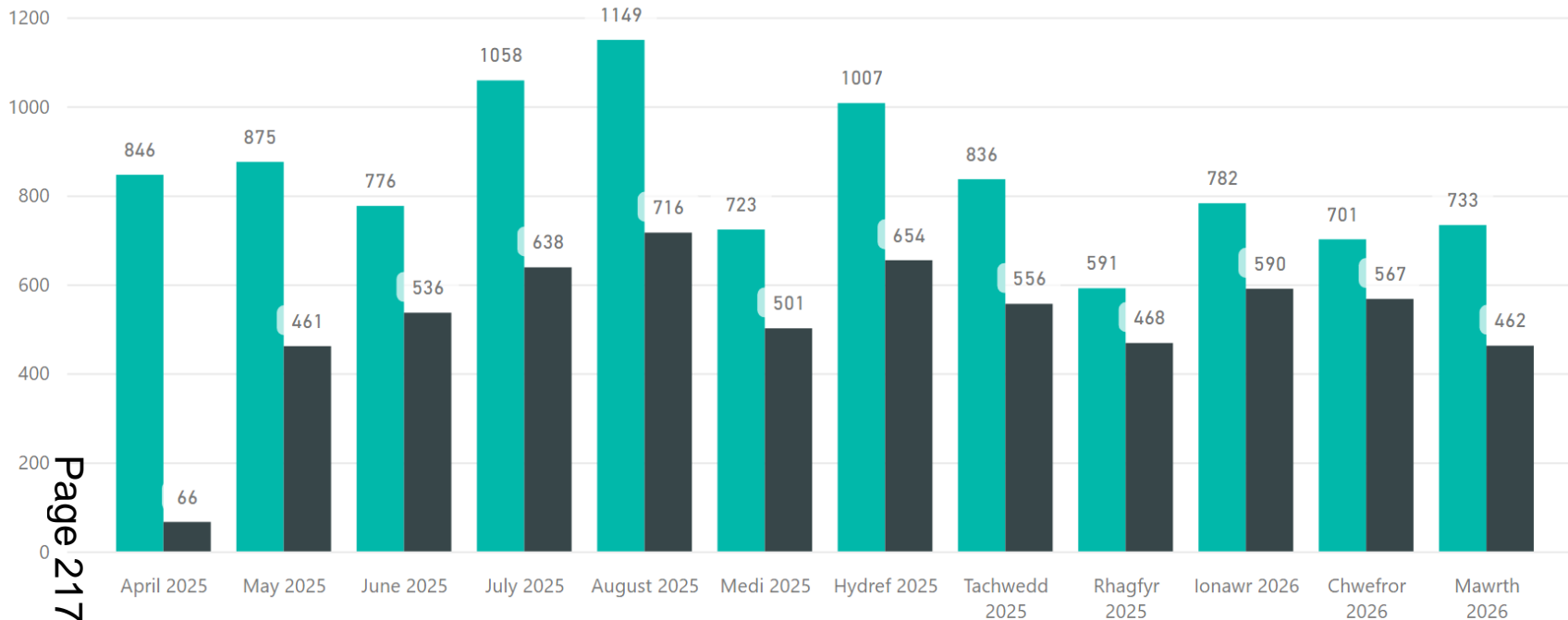
P&GS3 - Number of on/off street notices

Purpose of the Service: Ensure safe management of the highway

Comments included on the next page

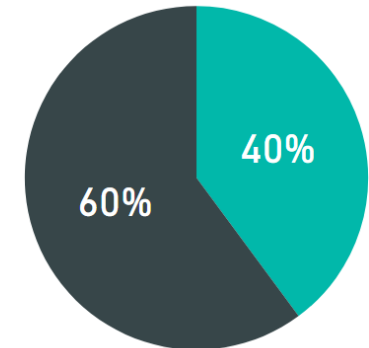
Number of notices on street/off street

● Number on street ● Number off street



Percentage on street/off street

● Off street ● On street



Parking

P&GS3 - Number of on/off street notices

Comments

A special effort is made by the Council's Parking Enforcement Officers to ensure that there is an appropriate level of monitoring the roads network to ensure that the traffic flow moves unimpeded. They take appropriate enforcement steps against motorists who choose to park illegally on sections of the highway, including parking spaces where parking is permitted on the street for specific periods. The officers also make a valuable contribution to the maintenance of our pay and display machines, which are an important source of income to the Council.

The graph highlights that 60% of the Fixed Penalty Notices issued to motorists between April 2025 and March 2026 were for parking offences on the highway, e.g. parking where there are parking restrictions such as single yellow lines, double lines, clearways, white lines to protect accesses, restricted stay parking bays or misuse of disabled parking bays (with the rest in car parks).

Streetworks

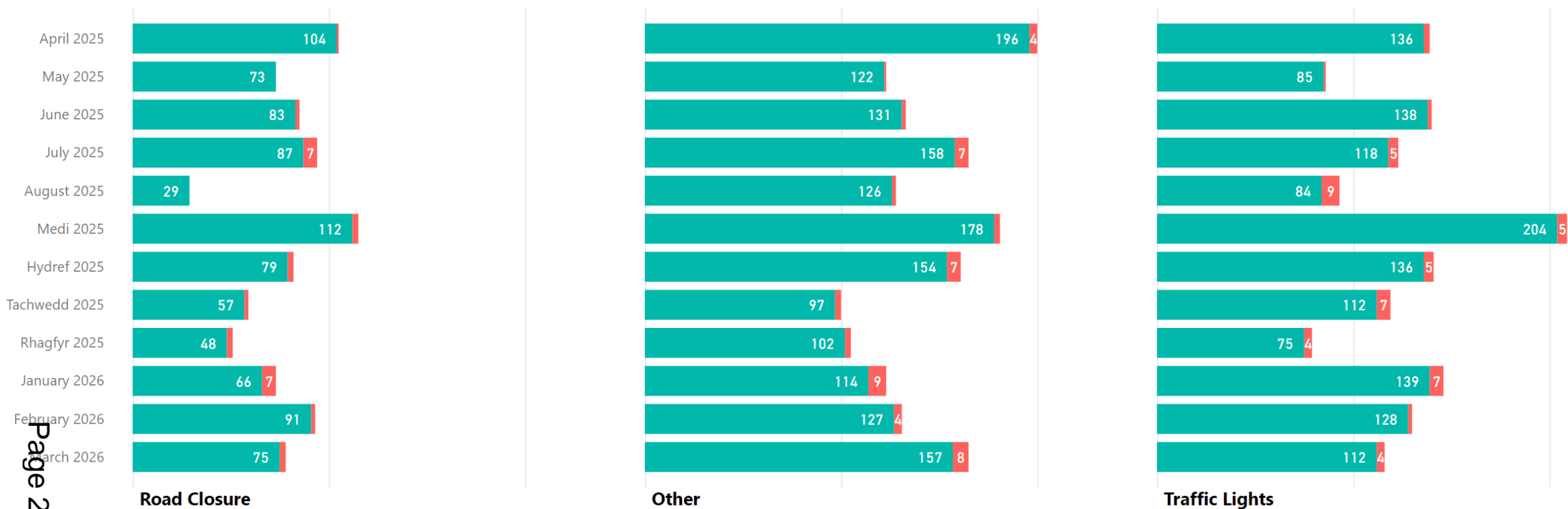
P&GS4 - Number of works on the highway that have gone over the original timescale

Purpose of the Service: Ensure safe management of the highway

Comments included on the next page

Works on the highway that have gone over original timescale

● Number of works ● Number of works over the original timescale



Streetworks

P&GS4 - Number of works on the highway that have gone over the original timescale

Comments

The work carried out on our street or roads is a part of daily life, and although it causes disruption to members of the public from time to time, such work is key in order to provide and maintain utility and transport services. The service's street inspectors are responsible for coordinating and monitoring all activities carried out on the public highway network by statutory undertakers or contractors and strive to avoid situations where areas are disturbed for long periods as a result of works. A set of specific conditions are imposed to manage this, and in some circumstances, there is no option for an undertaker to extend the period.

Although the majority of the activities are achieved within the original timetable, it is not uncommon to run over time on occasions, for various reasons, e.g. encountering something unexpected after starting to dig-up the road, delays due to staffing problems, relying on other companies, unable to obtain the appropriate tools or equipment.

The graph includes the data held about the percentages of works that ran behind the original schedule during the fixed period.

*There may be rare occurrences where companies have decided to undertake works without informing the Streetworks Service - the data does not include such situations."

Traffic, Projects and Footpaths

T&P1 - Number of requests that have received a response

Purpose of the Service: Manage and coordinate a safe and purposeful road network along with developing and implementing transportation projects

Comments

Main Traffic Issues Identified:

Main Traffic Issues Identified and Steps taken in Response:

- Complaints about Speeding:

A significant number of complaints have been received regarding speeding, particularly in 20mph areas. This remains an obvious concern among residents. Joint working with Police and Town and Community Councils to take proactive steps where possible.

- Requests for Speed Reduction Measures:

There has been an increase in the number of requests to reduce speeds on roads beyond the 20mph and 30mph areas, reflecting wider concerns about traffic safety. As above, working with partners to tackle wherever possible.

- Parking Prohibitions:

The number of requests for parking bans has decreased compared to 2025.

- Unanswered enquiries:

We are responding and giving attention to queries in a timely manner.

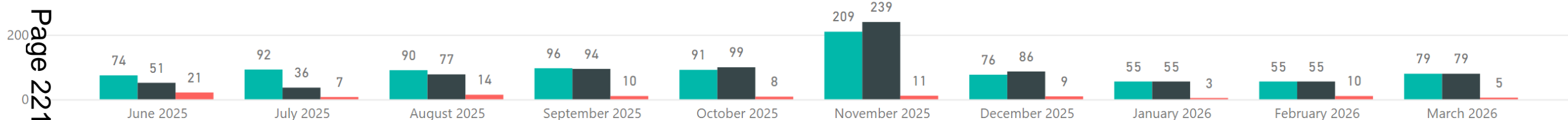
- Public Information:

We have developed a series of frequently asked questions to reduce the number of enquiries by improving the information available on the Council's website, particularly in relation to traffic issues that come to our attention on a regular basis. The intention of this will be to ensure that timely and consistent information is available to residents at all times. This information will be public after upgrades to the website.

*A new measure effective from June 2025.

Number of requests that have received a response

● Number of requests for improvements ● Nifer o ymholiadau sydd wedi derbyn sylw ● Gwelliannau sydd wedi eu archebu



Traffic, Projects and Footpaths

T&P2 - Number of improvements introduced to structures on the county's footpaths networks

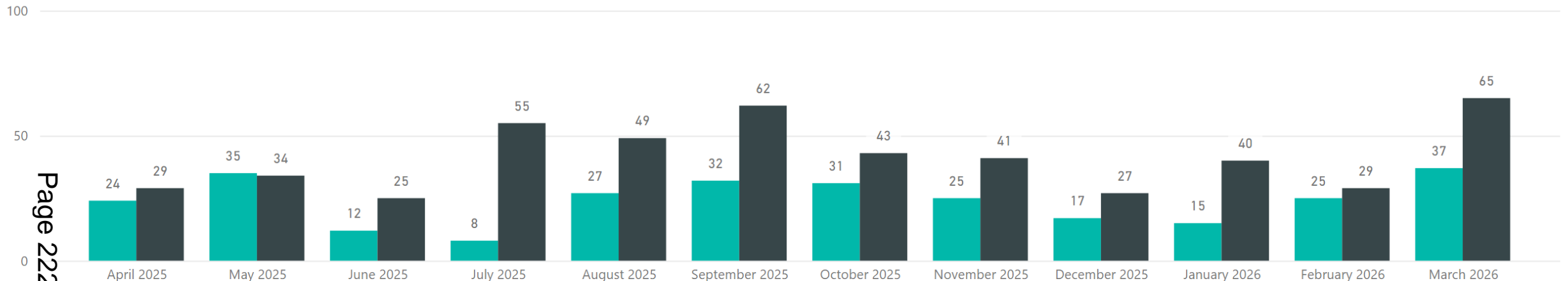
Purpose of the Service: Maintain and manage access networks

Comments

This measure has been operational since April 2024, with the intention of showcasing the work being carried out to maintain and improve the public rights of way. The new structures being installed on paths include improvements such as new gates (to replace stiles) and signs to facilitate use. In addition, the number of operations to maintain paths is reported, these are separate actions, as well as maintenance work such as cutting surface growth, improving the condition of a surface, etc. The statistics continue to show variance from month to month on the two measures. The statistics show that there is an increase in the maintenance work with the number of new structures remaining quite stable, an increase was seen in the number of structures and maintenance work in March, as a result of completing access improvement grant projects at the end of the financial year.

Number of improvements made to structures on the county's path network

● Number of new structures ● Number of routes maintained



Traffic, Projects and Footpaths

T&P3 - Number of users on county's paths network

This is a new measure that attempts to monitor user numbers on some of the main routes on the county's network, using monitoring tools installed at specific locations.

The path network is a great resource for outdoor activities that benefit the wellbeing of our residents from a mental and physical health perspective.

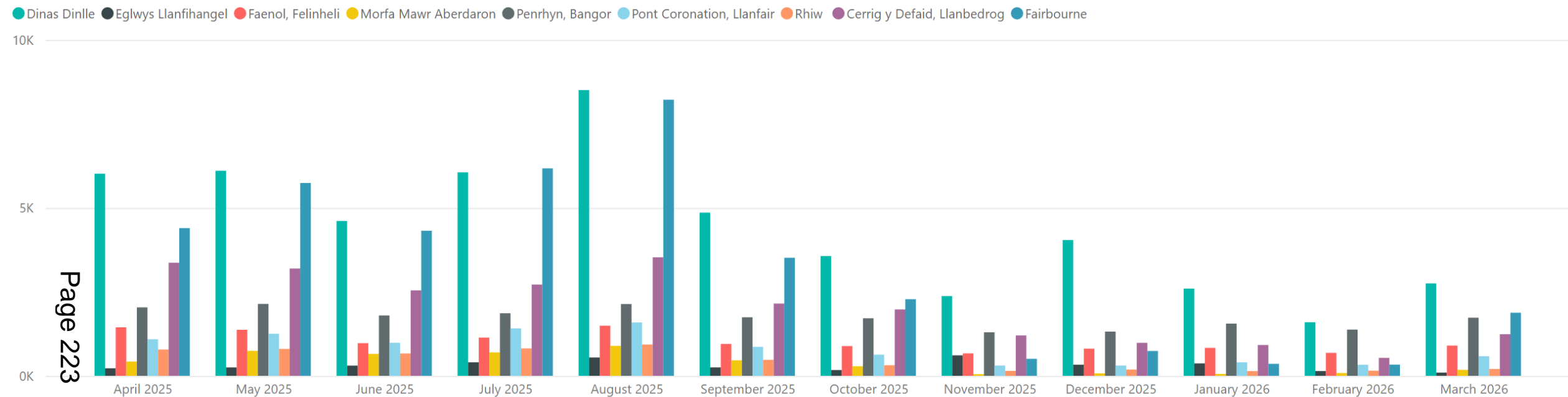
In addition to health benefits, they also offer travel opportunities, for day-to-day reasons, in modes rather than by car that support a number of strategic ambitions and objectives to reduce impact on climate and on practical issues such as traffic congestion and parking problems.

The initial data is based on user numbers available at 8 locations on the Wales Coast Path in Gwynedd. Our intention will be to expand the locations as monitoring data becomes available across the rest of the route network.

Current locations report the number of path users at Morfa Mawr near Aberdaron; Rhiw in Pen Llŷn; Cerrig y Defaid in Llanbedrog; Dinas Dinlle; Faenol between Y Felinheli and Bangor; Penrhyn on the outskirts of Bangor in the direction of Abergwyngregyn; Llanfihangel Church in the Ardudwy area; Coronation Bridge at Llanfair near Harlech and Fairbourne in south Meirionnydd.

Looking back at the data for 2025/6 the routes near popular destinations such as Dinas Dinlle and Fairbourne have seen significant numbers of users, with locations such as Llanbedrog, Penrhyn and Faenol also seeing significant numbers.

Number of users on county's paths network



Public Transportation

TC1 - Percentage of local bus journeys that arrive on time (up to 1 minute early or 5 minutes late)

Purpose of the Service: Provide quality public transport to the residents of Gwynedd in a cost-effective and sustainable way

Comments

Cyngor Gwynedd through close collaboration with Transport for Wales, has been reviewing the public bus network in Gwynedd. This has been done on an area-by-area basis, and the work has been completed further.

The intention of the review was to:

- Optimise resources to make the travel opportunities more attractive to the public (which includes potential new customers as well as those already travelling in an effort to make services environmentally positive and financially sustainable)
- Have easy-to-understand timetables
- Provide a fairer ticketing approach across Gwynedd

This has led, overall, to positive feedback and an increase in passenger numbers which bodes well for the viability and sustainability of the services moving forward. This is in a climate where bus passenger numbers across Wales have been steady or falling, with rationalisation and reduction of bus service levels implemented in other areas of the country. One part of the work was to look at timetables and ensure that there is sufficient time for the buses to travel along the route.

Due to a contractual change in the company that holds bus time data, there is currently no access to the punctuality times. As there is no agreement between the operators and the Government to share this data, the Council does not currently have access to the punctuality data. We continue to press for access to the data as this is important evidence for us to measure the performance of local bus services. Although there is currently no access to bus timing data through the Welsh Government, this does not prevent individual complaints from being dealt with, and officers follow up on any queries or complaints about bus timing and deal with the issues in a timely manner for the public.

No data at present

Public Transportation

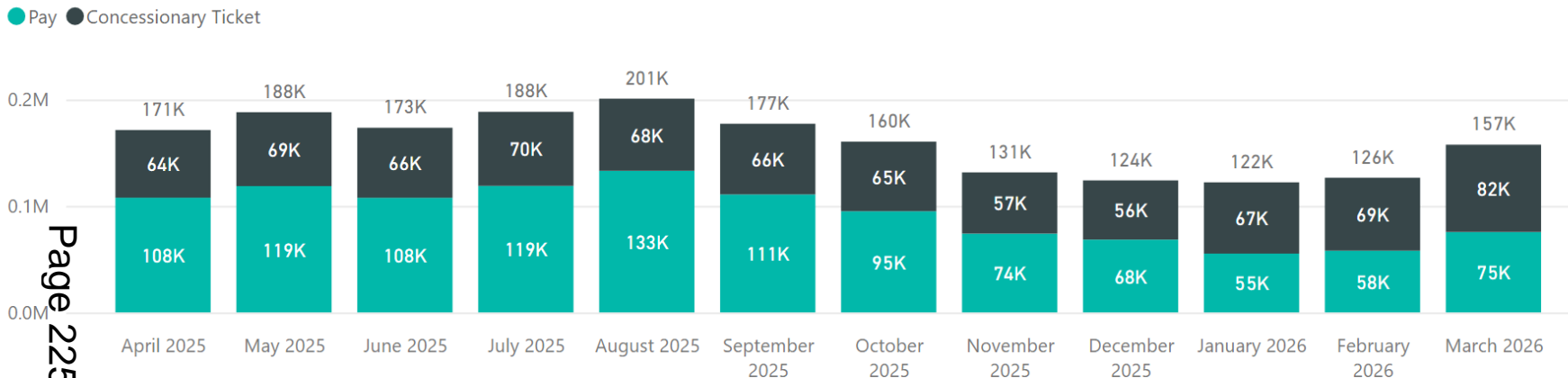
TC2- Percentage of travellers that use concessionary ticket/pay

Purpose of the Service: Provide quality public transport to the residents of Gwynedd in a cost-effective and sustainable way

Comments

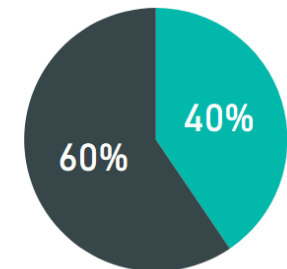
There are a number of factors influencing the use of bus services in general. When you compare month to month, this can include the number of weekends in any one month and also the weather – especially during weekends, bank holidays and other peak periods. The number of people who pay to travel on public buses is also changing and having an influence. The percentage using a travel ticket continues to be encouraging. Figures for services implemented on behalf of Cyngor Gwynedd with a proportion of grant funding show a positive performance and an increase in the number of journeys in the last year. When comparing the situation in 2025/26 with the previous year, it can be seen that there is a 14.7% increase in the total journeys in question, up to 1,920,737 compared with 1,673,164 in 2024/25 (an increase of 247,573 in the 12 months). By looking at the numbers who had paid amongst these journeys, the 4.4% figure was lower in 2025/26 on 1,122,573 compared with 1,174,302 in 2024/25 (namely 51,729 less for the last year). In terms of the travel ticket, 798,164 journeys used those in 2025/26, which is 36% more than in 2024/25 when 585,832 journeys were seen (212,332 more in 2025/26). When looking specifically on the Sherpa service, a 6.6% increase was seen in 2025/6 (to 563,783 journeys) compared with the previous 12 months. Specifically in recent months since we reported, a small drop was seen in January (down 5% to 23,321) but there was an increase in February (up 3% to 25,695) and once again in March (a 5.6% increase to 36,831). It must be noted that the weather tends to impact the number of journeys on services such as the Sherpa, especially during the winter months.

Number of travellers that use concessionary ticket/pay



Percentage of travellers that use concessionary ticket/pay

● Concessionary Ticket ● Pay



Business - Back Office

B1 - Average time taken to process Land Charges applications

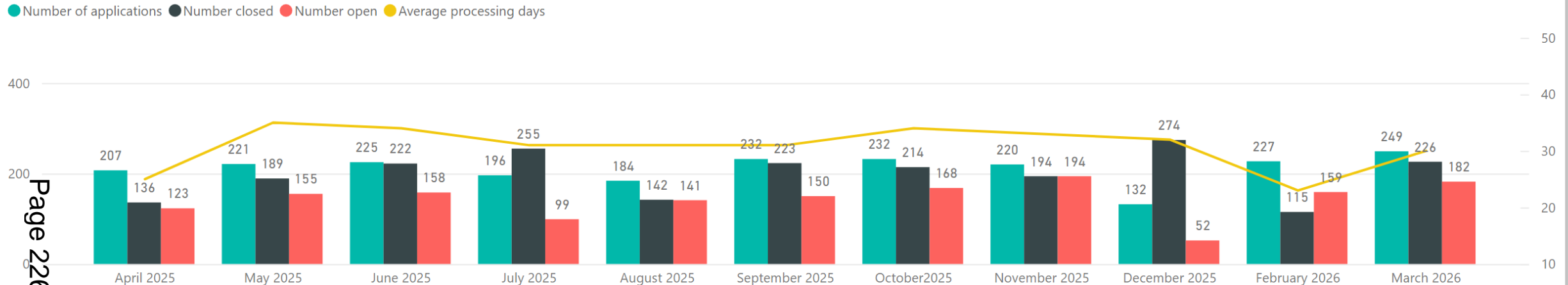
Purpose of the Service: Provide searches information for anyone wishing to purchase property or land within the Local Authority area.

Comments

We are happy to report that the data transfer has been completed for the HMLR New National System Project, and local land searches will be available digitally for customers from 12/05/2026. Gwynedd is amongst the first councils in north Wales to make the transfer, and the first to integrate with the IDOX system.

CON29 searches will remain under the Council's responsibility. In order to complete them, there is a need for cooperation and a response from many other Council departments and services, depending on the location of the search, including the Eryri National Park Authority. Each of these services have their specific challenges, and this can impact the Land Charges response times. We continue to work closely with the relevant services to note better ways of responding to searches, with the aim of improving our response times continuously.

Land Charges Applications



Business - Back Office

B2 - Percentage of calls receiving a response

Purpose of the Service: Support Public Protection officers by providing a front-line service to customer enquiries

Comments

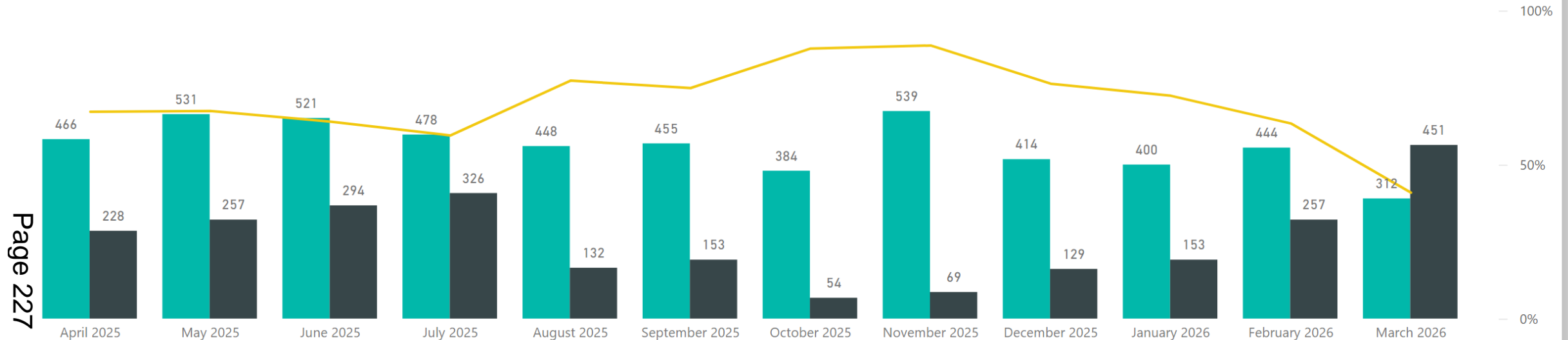
Since transitioning to the new Cisco phone system and the voice-post option now offers a better experience to customers, enabling them to leave a message if the line is busy. We anticipate that we will be able to maintain, and possibly improve, our performance over the coming weeks as a new team member gains confidence and as another member returns from maternity leave.

The number of calls increased from 444 in February to 763 in March, which is an increase of 319 calls, which represents a 73% increase. Despite the significant increase in the demand, the team manages to maintain an average percentage of 63% in answering calls.

The increase in the number of calls was mainly because of the end of the financial year, meaning that there is a need to renew a large number of licensing applications.

Calls to the Public Protection hunt group

● Calls answered ● Calls missed ● Percentage answered



Finance Monitoring

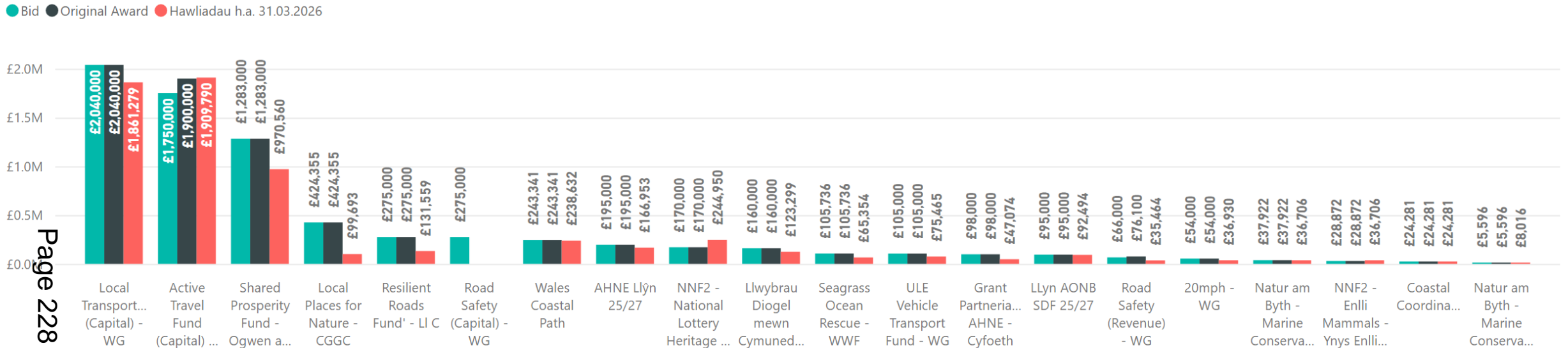
MC - Total Financial Bids Compared to Successful Bids (Managerial Data)

Purpose of the Service: Support services across the Department on procurement processes' finance monitoring matters and buy-wise and IT systems

Comments

One of the aspects in which the Department excels is attracting grants for improvement schemes on our network of roads, footpaths and the multi-use 'active travel' network, reactive work to protect wildlife and landscapes, improving Rights of Way, developing and maintaining coastal paths, improving the quality and condition of AONB areas; lonydd glas network; Pen Llŷn a'r Sarnau Special Area of Conservation; Marine ecosystems; and the Llŷn Landscape. The Department has traditionally succeeded to attract grants for schemes such as road and bridge improvements; cycle paths and safe routes within our communities, maintaining and developing footpaths, cycle paths and bridleways, as well as conserving and safeguarding species and landscapes.

Financial Bids Compared to Successful Bids 2025-2026



Safeguarding Training Performance: Environment Department

There is a series of mandatory training that is a corporate priority that Council staff are required to complete. As a Department, there are regular messages shared with Department officers highlighting the importance of completing the mandatory training.

The following outlines the latest situation in the performance of the Environment Department office staff in terms of '**Violence Against Women, Domestic Abuse and Sexual Violence**' (VAWDASV) and '**Safeguarding**' training.

99.5% of the Department's office staff have completed the Violence and Abuse Against Women (VAWDASV) training, with one office staff not yet completed currently absent from work.

98.5% of the Department's office staff have completed the Safeguarding training, with one of the three members of staff who have not yet completed it, currently absent from work.

The nature of the work of some of the Department's Services means that members of frontline staff do not have access to a computer as part of their job, meaning they don't have easy access to be able to complete training through the training portal. It was felt that providing the training in a group format would be an opportunity for individuals to ask questions to ensure they fully understand the content. As a result, the training needed to be adapted to ensure that it could be displayed in video form, and that it was also more relevant to frontline staff.

This mainly applies to the Waste Collection and Treatment workforce which has around 200 members of staff and we have collaborated with a Corporate Safeguarding Promoter who has co-ordinated a video that will facilitate the delivery of the training to frontline staff.

Beepoke screens have been ordered for the depots and arrangements for the delivery of the training in video form to the Waste Collection and Treatment staff have now begun. We are confident that this will ensure that there will be a positive increase in frontline staff completing the training, and that this will be reflected in the report when we present to the next Scrutiny Committee.

**Appendix C – New Gwynedd Local Development Plan Delivery Agreement
Potential risks and response methods**

| Risk | Possible impact | Mitigation measures |
|--|---|---|
| 1. Further requirements deriving from new national legislation or guidelines | <ul style="list-style-type: none"> • Need to undertake more work to amend the Plan and work programme. • Programme slipping. | Monitor work being undertaken in terms of new legislations and guidelines so that we are in a good position to respond as early and effectively as possible to any change. |
| 2. Heavier work load than expected | <ul style="list-style-type: none"> • Programme slipping. • Failing to report to committees in a timely manner. | <ul style="list-style-type: none"> • Ensure a realistic timetable with flexibility. • Ensure that we consider how much time it takes to undertake every aspect of the work. • Consider additional resources. |
| 3. Substantial objections from consulted bodies | <ul style="list-style-type: none"> • Programme slipping. | <ul style="list-style-type: none"> • Flexibility in the timetable. • Ensure that we consult early (before the formal consultation periods) with specific bodies. |
| 4. Lack of political consensus | <ul style="list-style-type: none"> • Failure to agree on key aspects in the Plan. • Conflict undermining what is noted in the Plan. | Seek to resolve as much conflict as possible at the meetings of the Planning Policy Working Group and by discussing with leading Members e.g. portfolio leaders. |
| 5. Failing to report to a committee at an appropriate time | <ul style="list-style-type: none"> • Programme slipping | <ul style="list-style-type: none"> • Discuss the needs of the process with the organisers of the committees' annual programme in a timely manner |

**Appendix C – New Gwynedd Local Development Plan Delivery Agreement
Potential risks and response methods**

| Risk | Possible impact | Mitigation measures |
|--|--|---|
| 6. Lack of consensus between different departments of the Councils | Failure to agree on key aspects in the Plan. | <ul style="list-style-type: none"> • Ensure that we concur with the Council's priorities • Ensure that effective internal negotiation procedures are in place in terms of the Plan. |
| 7. Delay with translation/printing process | Programme slipping. | <ul style="list-style-type: none"> • Use external translators. • Share the translation work to different individuals/companies • Consider additional resources. |
| 8. Lack of funding available throughout the process of preparing the Plan. | <ul style="list-style-type: none"> • Failure to fund specific and important work tasks e.g. as part of the evidence base. • Programme slipping. | <ul style="list-style-type: none"> • Regular monitoring to ensure that funding is used in the most effective way possible. |
| 9. Change/loss of staff | <ul style="list-style-type: none"> • Loss of capacity and skills. • More pressure on the other officers. • Programme slipping. | <ul style="list-style-type: none"> • Consider additional resources. |
| 10. Lack of expertise | <ul style="list-style-type: none"> • Lower standard of work. • Failure to identify weaknesses and note suggestions when verifying work from consultants. • Problems in terms of ensuring the 'soundness' of the Plan. | <ul style="list-style-type: none"> • Train specific staff to specialise in different fields. • Use specialist consultants where the expertise is not within the service |

**Appendix C – New Gwynedd Local Development Plan Delivery Agreement
Potential risks and response methods**

| Risk | Possible impact | Mitigation measures |
|--|--|--|
| 11. PEDW failing to meet the timetable/targets | <ul style="list-style-type: none"> • Delay in terms of holding the investigation and/or receiving the report. | <ul style="list-style-type: none"> • Ensure close contact with the Planning Inspectorate to ensure an easy as possible process. This will also be a way of receiving an early notice regarding any problems. |
| 12. Plan failing the 'soundness' test | <ul style="list-style-type: none"> • The Plan cannot be adopted without having to undertake substantial further work. | Ensure that the LDP is sound by ensuring that we comply with procedures, acts, regulations, along with all specific soundness tests. |
| 13. Legal challenge | <ul style="list-style-type: none"> • Abolish the adopted LDP (or parts of it). • Additional work pressures. | Ensure that we comply with procedures, acts, regulations etc. |
| 14. Elections | <ul style="list-style-type: none"> • Programme slipping. • New members with different opinions regarding the contents of the Plan - priorities changing. | Ensure a realistic timetable with flexibility. |
| 15. Problems with IT work. / Problems in terms of GIS work | Programme slipping. | <ul style="list-style-type: none"> • Ensure a realistic timetable with flexibility. • Ensure that the Council's Information Technology Service is aware of the needs and programmes time for us. • Purchase bespoke software. |

**Appendix C – New Gwynedd Local Development Plan Delivery Agreement
Potential risks and response methods**

| Risk | Possible impact | Mitigation measures |
|---|---|--|
| 16. Results of the SA/SEA outlining unexpected problem(s). | <ul style="list-style-type: none"> • Additional work load. • Programme slipping. | <ul style="list-style-type: none"> • Ensure that the timetable is sufficiently flexible to cope with such a situation. • Consider additional resources. |
| 17. Consulted bodies failing to provide observations as quickly as expected. | Programme slipping. | <ul style="list-style-type: none"> • Ensure that specific groups are consulted with promptly within any relevant step in the process. • Seek to consult at times of the year where the majority of people are likely to be at work e.g. not during August or over Christmas. |
| 18. Receive significant late information. | <ul style="list-style-type: none"> • Programme slipping. • Additional work pressures. | Ensure that the timetable is sufficiently flexible to cope with such a situation. |
| 19. Unexpected major infrastructure projects proceeding | <ul style="list-style-type: none"> • Programme slipping. • Additional work pressures. | |
| 20. Consultations - not consulting in the best way to get to the right people | <ul style="list-style-type: none"> • Not getting responses to the content of the documents from a cross section of the community • Program slipping due to the need for more consultation work • Additional workload | Consider different methods of consultation to reach the people who have not been responding. Make an assessment following the consultation periods to see who has responded. |

| | |
|----------------------------|---|
| MEETING | Scrutiny Committee |
| DATE | 11 June, 2026 |
| TITLE | Cabinet Member for Highways, Engineering and YGC Performance Report 2025/26 |
| REASON FOR SCRUTINY | An opportunity for Members to discuss and scrutinise the Department's improvement measures and priorities |
| AUTHOR | Steffan Jones, Head of Highways, Engineering and YGC Department |
| CABINET MEMBER | The Councillor. June Jones |

1. Why does it need to be scrutinised?

To provide an update for Committee Members to scrutinise performance issues within the Department.

2. Background / Context

2.1 Background / Introduction

The purpose of this report is to update you on what has been achieved in the area I am responsible for as Cabinet Member for Highways, Engineering and YGC. This includes outlining the latest with the promises in the Council's Plan; the day-to-day work of the Department; as well as the latest in terms of savings plan and cuts.

We are implementing the Council's Plan for 2023-28, and here I report on the progress made during 2025/26. All issues have been the subject of discussion, I have challenged them at a performance challenge meeting, and I am satisfied with the Department's performance.

2.2 Logic and justification

2.2.1 Performance of Council Plan Projects

Progress against the milestones for the projects led by the Department within the 2023-28 Council Plan, can be seen in Appendix 1. We can see that the Department has made good progress against the main milestones of the projects within the Plan.

- **Extending play and socialising opportunities for children and young people in the County**

By receiving grant support from the Welsh Government, we have improved the quality and accessibility of 29 play areas/playgrounds for the benefit of children and young people in the county by either upgrading or fitting new equipment.

- **Flood Risk Assessment**

The Local Flood Strategy has been presented to the Welsh Government, and we have received their comments on the content. Formal confirmation is expected for approval in the first quarter of the year.

- **Clean and Tidy Communities**

Town Cleaners have been appointed in Caernarfon and Bangor which has been a great success. We will be extending the arrangements to the town of Pwllheli and Porthmadog for summer 2026. By purchasing bespoke road sweepers, the service has modernised its cleaning fleet thereby reducing reliance on vehicle hire.

2.2.2 The Department's day-to-day work (Performance Measures)

The Department's performance measures can be found in Appendix 2. There are 29 measures that reflect the purpose of the Department's services.

The measures are regularly discussed at the Performance Challenge and Support meetings and following our meeting in May this year 75.9% of the measures are reported as green. This is a confirmation of the good work noted against the performance of the services. Notice that 24.1% are recorded as amber and are receiving further attention as part of the discussions surrounding the challenge and support process. It is good to note that no measures have been recorded as being red.

Here is an overview of some of the Department's measures.

Corporate/Departmental Measures

These look at measuring the performance regarding Freedom of Information Requests, Mandatory Titles, Language Self-Assessment and the Department's sickness rate. It should be noted that our Freedom of Information request response percentage at the end of 2025/26 was 97.8%, which is a significant increase from last year and contributes to the Council's response rate. The department's work to encourage staff to complete the mandatory titles is also to be commended as there has been a significant leap since the beginning of the year. There is still work to be done, and we hope that the percentage will continue to improve whilst concentrating on the Safety module. We will be working with the Corporate Safety Trainer to achieve this.

Highway Maintenance

The service deals with defects on our roads very well but recognises that our procedures to ensure that work is accurately recorded on our systems to ensure reliable data needs to be reviewed.

Street Lighting

The service continues to respond to faults within their 5-day time target and indeed responds to them on average within 2.5 days. However, if there is a fault with an asset owned by the National Grid, they have 20 working days to respond which is beyond our control. This can at times cause frustration in terms of service to the customer.

Fleet Service

The service is performing very well and the work on the new fleet system has proven to be a great success. The transition of the Council's fleet to "green" vehicles continues with 89 of our cars/vans being electric or hybrid by the end of this year. According to a report by the Energy Service, by the Welsh Government - Gwynedd was second among rural authorities in Wales in terms of the number of "green" vehicles they had.

Streetscene and CCTV

During the year the service has been undertaking a review of the Streetscene Service and as a result piloting a new system for managing public bin collections. Bin locations have been digitally mapped, and information will be gathered on the contents and condition of the bins being emptied. This data will help program maintenance and prioritise future bin locations.

Public Toilets

During the year the service has managed to reduce the number of days it takes to respond to an enquiry. Looking at the year, the average number of days was 20 working days, but by the end of the year the number of days had dropped to 4 days on average. This work will continue and work will be done to look at other ways to help close enquiries in a timely manner for the customer.

Gwynedd Consultancy

YGC continue to perform well with 7 out of their 8 measures being green. The work programme remains healthy with several flood and engineering projects in place. The team offer a range of specialist consultancy services not only in Gwynedd but now across Wales.

YGC now works across the whole of Wales with regular work in place for several Local Authorities. The work programme remains healthy and ambitious, with a significant number of flood, civil engineering and environmental projects underway.

As well as providing core services such as flood risk management, infrastructure design, land surveys and construction, YGC now offers a wide range of specialist consultancy services that attract clients not only from Gwynedd but across the whole of Wales. The team works closely with public bodies, local communities and regional partners to provide sustainable solutions that improve safety, resilience and quality of life.

YGC's expertise in managing major projects, coupled with their strong technical capability, means they play a key role in developing critical infrastructure, improving flood defences, and delivering projects that support the Council's wider goals of decarbonisation, climate change adaptation and long-term planning.

I am pleased to note that YGC continues to grow its reputation as a team of consultants with engineering excellence in Wales, providing a professional, reliable and innovative service that makes a significant contribution to the county and beyond. Through this we are securing local job opportunities here in Gwynedd in the field of consultancy.

2.2.3 External Auditors' Reports

The Highways, Engineering and YGC Department holds, and maintains, three key BSI accreditations — ISO 45001 (Health and Safety), ISO 14001 (Environmental) and ISO 9001 (Quality) — which underpin our work across the Department. These standards ensure that we operate with the highest level of safety, environmental control and quality, and give our clients and partners confidence in the service provided. One of the requirements through the service level agreement we hold with the Trunk Road Agency is that we hold and retain these accreditations.

Following the external audits over the year, we can report very positively that a number of supportive comments have been received from the auditors. Most importantly, no issues were raised in relation to the keeping or maintaining of the standards, reflecting the organised and professional work of the team.

The outcome is evidence of the Department's continued commitment to improvement, transparency and leadership regarding best practice in Health and Safety, Environment and Quality, and supports our ability to deliver a high-quality service across all areas of our work.

2.2.4 Savings and Cuts Plans

The total Savings schemes for 2025-26 are £533,500. The Department has achieved a total of £212.5k, with a total of £130k being removed and a further £191k slipping. The Department will take action to greet the savings that have slipped during 2026-27.

3. Consultation

The report has been created based on information submitted to the most recent meeting to challenge and support the performance of the Department of Highways, Engineering and YGC, with the Corporate Director, Head of Department, Service Managers and myself attending the meeting.

Appendices

Appendix 1: Council Plan projects milestone progress report 2023-28

Appendix 2: The Departments' Performance Measures

Gwynedd Council Plan 2023-28 – Year 3 Priorities

Gwynedd Yfory: Giving our children and young people the best possible start in life

| Section | Project | What we want to achieve during the THIRD year 2025-26 (milestones): | CONCISE update on progress with milestones to date 23/10/25 | Is the milestone completed/likely to be received by the end of the financial completion year (Yes / No) |
|-------------------------------|--|---|--|---|
| Highways, Engineering and YGC | Extending play and socialising opportunities for children and young people in the county | <ol style="list-style-type: none"> 1. Our team will review the stock highlighting the high priority playing fields in order to consider an action plan. 2. A succesful bid has been submitted for SPF grant support. Provide a detailed programme of work to ensure the introduction of improvements within the grant requirements timetable. 3. Review internal procedures by introducing a maintenance service of playing fields | <ol style="list-style-type: none"> 1. Stock review work has taken place. An action plan is now in place. 2. Grant Support received by the Welsh Government to improve the quality and accessibility of play areas and playgrounds. Work has taken place to improve 29 play areas. 3. Part of the day to day work of the Tîm Tacluso Ardal Ni and Ground Maintenance Team. | <ol style="list-style-type: none"> 1. Yes 2. Yes 3. Yes |

| | | | | |
|--|--|--|---|--------|
| | | 4. Continue to work with Community and Town Councils as needed | 4. When an opportunity arises we will work to collaborate with Community and Town Councils. | 4. Yes |
|--|--|--|---|--------|

Green Gwynedd: Protecting the county's natural beauty, and responding positively to the climate change crisis

| Section | Project | What we want to achieve during the THIRD year 2025-26 (milestones): | CONCISE update on progress with milestones to date 23/10/25 | Is the milestone completed/likely to be received by the end of the financial completion year (Yes / No) |
|--------------------------------------|------------------------------|---|---|---|
| Highways, Engineering and YGC | Flood Risk Assessment | <ol style="list-style-type: none"> 1. Local Flood Strategy completed and submitted to Government (await feedback on the content to welcome any comments) 2. Implement the work plan associated with the Local Flood Strategy 3. Respond to any issues arising during the year in relation to the flood plain | <ol style="list-style-type: none"> 1. Feedback has been received from the Welsh Government confirming their approval of the strategy but a formal response has not yet been received. 2. Continuing as the day to day job 3. Over the last quarter the Service presented information to the area forums to discuss | <ol style="list-style-type: none"> 1. Yes 2. Yes 3. Yes |

| | | | | |
|--------------------------------------|-----------------------------------|---|--|--|
| | | | the strategy and the impacts of changes in the shoreline plan. The intention is to discuss the implications of any changes with the relevant Community and Town Councils. This will be scheduled for next year. | |
| Highways, Engineering and YGC | Clean and Tidy Communities | <ol style="list-style-type: none"> 1. Introduce a route optimisation system that will ensure effective and efficient cleaning routes for the street bin service. This investment is related to the cut/savings targets and the overspending position. Therefore, there will be an expectation for the system to partially meet the situation. 2. Town Centre Cleaners operating within Arfon and Meirionnydd and to be rolled out in Dwyfor. Monitor the efficiency and impact of this arrangement to be carried out during the year. 3. Strengthen the relationships of the Timau Tacluso by working with local organisations/communities with particular attention to public open areas. | <ol style="list-style-type: none"> 1. We are now looking at an internal development along with a new external system (which is being used by the Winter Maintenance Service). One unit has been installed to be able to map the routes in order to identify efficiency opportunities. 2. Town cleaners are now operational. We are monitoring the benefits to the Service and the impact on the towns. 3. The Timau Tacluso continue to work with Community and Town Councils along with requests from Council members. We will be liaising | <ol style="list-style-type: none"> 1. Yes 2. Yes 3. Yes |

| | | | | |
|--|--|--|--|---------------|
| | | <p>4. Modernisation of the Cleaning Fleet in order to reduce the reliance on hiring as well as ensure that the workforce has the bespoke vehicles to carry out the work.</p> | <p>with the Community and Town Council meetings in the new year to receive feedback from them on the work of the Timau Tacluso.</p> <p>4. Procured 8 specific road sweeping machines and are now looking at the rest of the fleet.</p> | <p>4. Yes</p> |
|--|--|--|--|---------------|

PERFORMANCE MEASUREMENT AND SUPPORT HIGHWAYS, ENGINEERING AND YGC 2025/26



Year

2025/26

Month

March

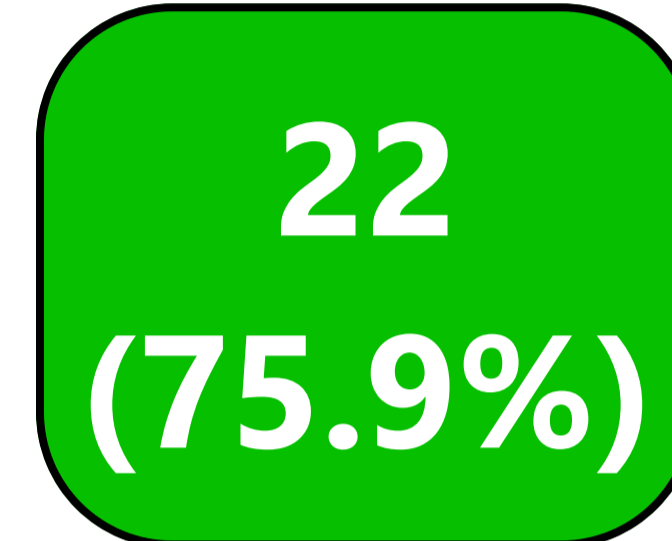
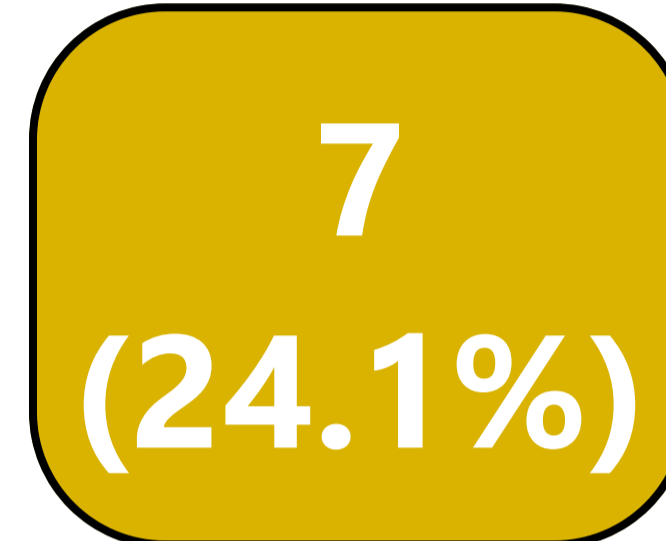


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Number of measures : 29

Reporting Period

31 March 2026



Summary of main points:

- Council Plan Improvement Priorities - all priorities completed this year
- Department Reviews - progress has been achieved with the reviews
- The Department's performance remains encouraging - no measures noted as red by the end of the year
- Work is underway to develop a customer satisfaction measure for playgrounds - it will be reported in next year
- A new measure is being developed for the A55 service

Year: 2025/26 | This Month: March | Last Month: February

Departmental

Last month: 72.0%

72.5%

PP-01 : Percentage of staff that have completed the mandatory titles (cumulative)

Steffan Jones

Departmental

Last month: 97.7%

97.8%

PP-02 : Percentage of Freedom of Information Requests that have been answered within 20 days (cumulative)

Steffan Jones

Departmental

Last month: 10.78

11.89

PP-03 : Number of sick days per FTE (cumulative)

Steffan Jones

Departmental

Last month: 97.2%

97.7%

PP-04 : Percentage of staff that have completed the Language Self Assessment (cumulative)

Steffan Jones

Highway Maintenance

Last month: 90.9%

87.9%

PP-05 : Percentage of critical defects made safe within 2 hours

Gareth Roberts

Highway Maintenance

Last month: 74.9%

84.1%

PP-06 : Percentage of safety defects made safe within target time

Gareth Roberts

Highway Maintenance

Last month: 9.8

3.2

PP-07 : Average number of days to respond to a pothole complaint

Adrian Wyn Williams

Highway Maintenance

Last year: 10.1%

9.7%

PP-08 : Percentage of class A,B and C roads that are in poor condition (yearly)

Ian Morgan

Street Lighting

Last month: 2.7

2.8

PP-09 : Average number of days to repair street lamps

Colin Worth

Street Lighting

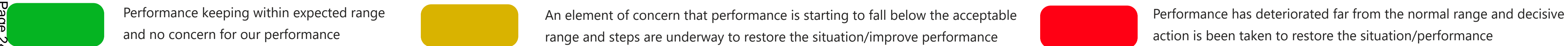
Last month: On track

On track

PP-10 : Street Lamps Energy Consumption

Colin Worth

Year: 2025/26
 This Month: March
 Last Month: February



Year: 2025/26
 This Month: March
 Last Month: February

| Public Toilets | Playgrounds | Building and Infrastructure | Business and Project Completion | Business and Project Completion |
|---|--|---|--|--|
| <p>Last month: 1.4</p> <p>4.3</p> <p>PP-21 : Average number of days to complete a Public Toilet enquiry</p> <p>Amanda Murray</p> | <p>Developing Measure</p> <p>Amanda Murray</p> | <p>Last month: On track</p> <p>Completed</p> <p>YGC-23 : Meet the Building Unit's financial target</p> <p>Gareth Lloyd Wright</p> | <p>Last month: On track</p> <p>Completed</p> <p>YGC-24 : Meet the YGC financial target</p> <p>Rhys Wynn Williams</p> | <p>Last month: 9.4</p> <p>9.1</p> <p>YGC-25 : Score out of 10 for Customer Satisfaction</p> <p>Sion Arwel Jones</p> |
| Water and Environment | Water and Environment | Water and Environment | Technical Service | Technical Service |
| <p>Last year: 76.2%</p> <p>82.5%</p> <p>YGC-26 : Percentage of assets in a satisfactory or better condition</p> <p>Rob Williams</p> | <p>Last month: 77.6%</p> <p>80.3%</p> <p>YGC-27 : Percentage of SuDS applications that have received a decision within the target (cumulative)</p> <p>Rob Williams</p> | <p>Last month: Monitoring</p> <p>Monitoring</p> <p>YGC-28 : Number of flood schemes completed</p> <p>Rob Williams</p> | <p>Ongoing measure</p> <p>90.7%</p> <p>YGC-29 : Percentage of structures in a satisfactory state or better (BCI Good state of repair)</p> <p>Owen Rhys Jones</p> | <p>Last year: 100.0%</p> <p>100.0%</p> <p>YGC-30 : Percentage of inspections completed (cumulative)</p> <p>Owen Rhys Jones</p> |

Year

Month

2025/26

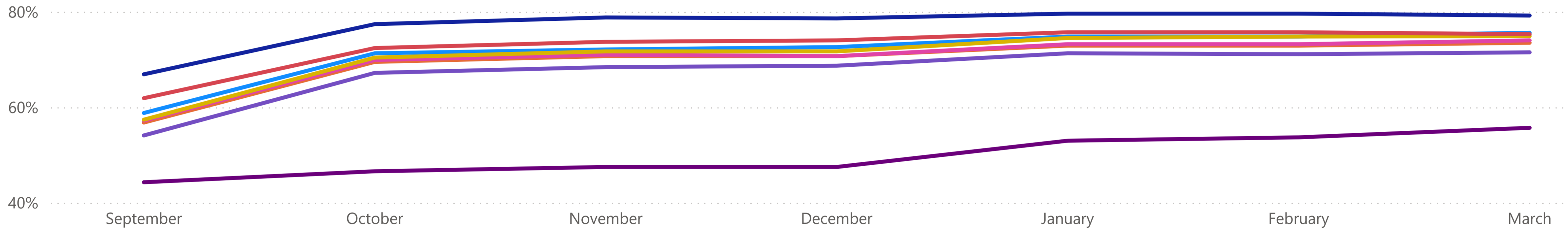
March

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PP-01 : Percentage of staff that have completed all 8 titles

Percentage of staff that have completed different titles by month

Title ● Data Protection ● Domestic abuse ● Equality ● Freedom of Information ● Health and Safety ● Language Awareness ● Prevent ● Protect



Behind the performance

The graph shows that there has been a significant increase in the number of staff who have completed the mandatory titles within the Department over the year.

Work has taken place to encourage staff to complete the titles as soon as possible. That said, there are challenges for frontline staff to access the modules on the self-service as they do not have email addresses.

Discussions have taken place with the Corporate Safeguarding Officer – a video version for the Safeguarding module has been produced which will certainly help us reach the frontline staff more easily.

| Title | Percentage completed |
|------------------------|----------------------|
| Domestic abuse | 79.2% |
| Data Protection | 75.6% |
| Protect | 75.3% |
| Prevent | 74.9% |
| Health and Safety | 74.0% |
| Equality | 73.5% |
| Language Awareness | 71.5% |
| Freedom of Information | 55.7% |

Year

Month

2025/26

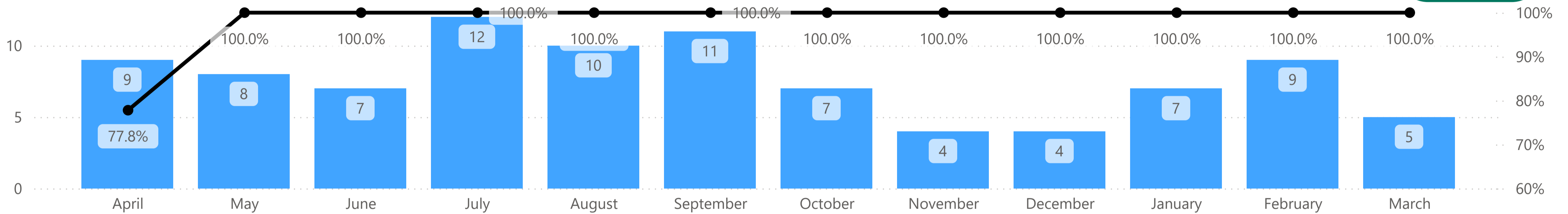
March

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PP-02 : Percentage of Freedom of Information Requests that have been answered within 20 days

Percentage of FOI requests answered within 20 days

● Number of requests in the month ● Percentage answered within 20 days



97.8%
% answered within 20 days

Behind the performance

The Department has received **93** Freedom of Information requests during 2025/26. With the exception of April, the Department has successfully responded to all freedom of information requests within 20 days. We answered two late during April.

The response percentage within 20 days is **97.8%** for the year.

The department's performance has certainly improved from the performance for 2024/25 when only 87.9% of applications were answered within the 20 days.

They have generally included requests enquiring about the number of potholes in a road, information about roads that had been closed, information about work on roundabouts, number of complaints about flags, information about Fixed Penalty Notices.

We will be looking to see if the data of some of the regular enquiries are appropriate to share on the Council's Open Data website. This in turn will hopefully reduce the burden on officers.

Year

2025/26

Month

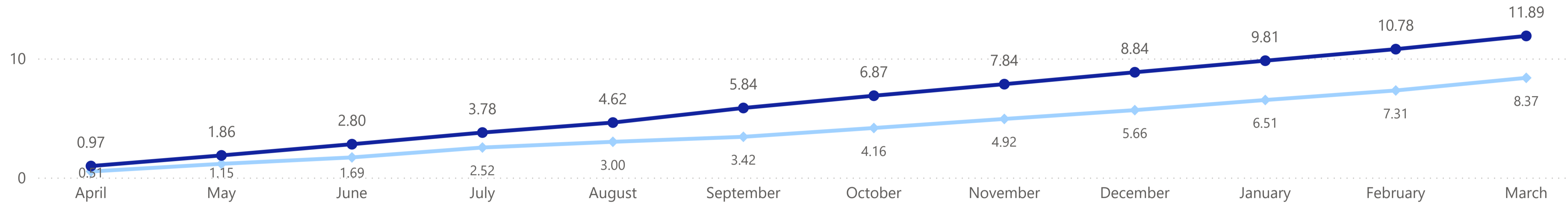
March

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PP-03 : Number of sick days per FTE

Number of sick days per FTE (cumulative)

Year ◆ 2024/25 ● 2025/26



Behind the performance

For 2025/26 the Department's average sickness per full-time equivalent was 11.89 days.

This year's sickness levels are higher than they were for last year. Having said that, the Department's figures this year follow a remarkably similar pattern to the one for the whole Council.

The figure for the whole Council by the end of the year was **13.01** days, so the Department's performance was better at **11.89 days**.

The Department has had a number of long-term illness cases (continuous periods of 28 days or more) this year that are pushing our average number of days up. The proportion of long-term illness is around **65%** of all illnesses in the Department this year.

Department has been placing various information pamphlets about support available with health issues around the offices and the Depots. Discussions are taking place with Byw'n lach in order to work together to offer sessions to our employees.

Year

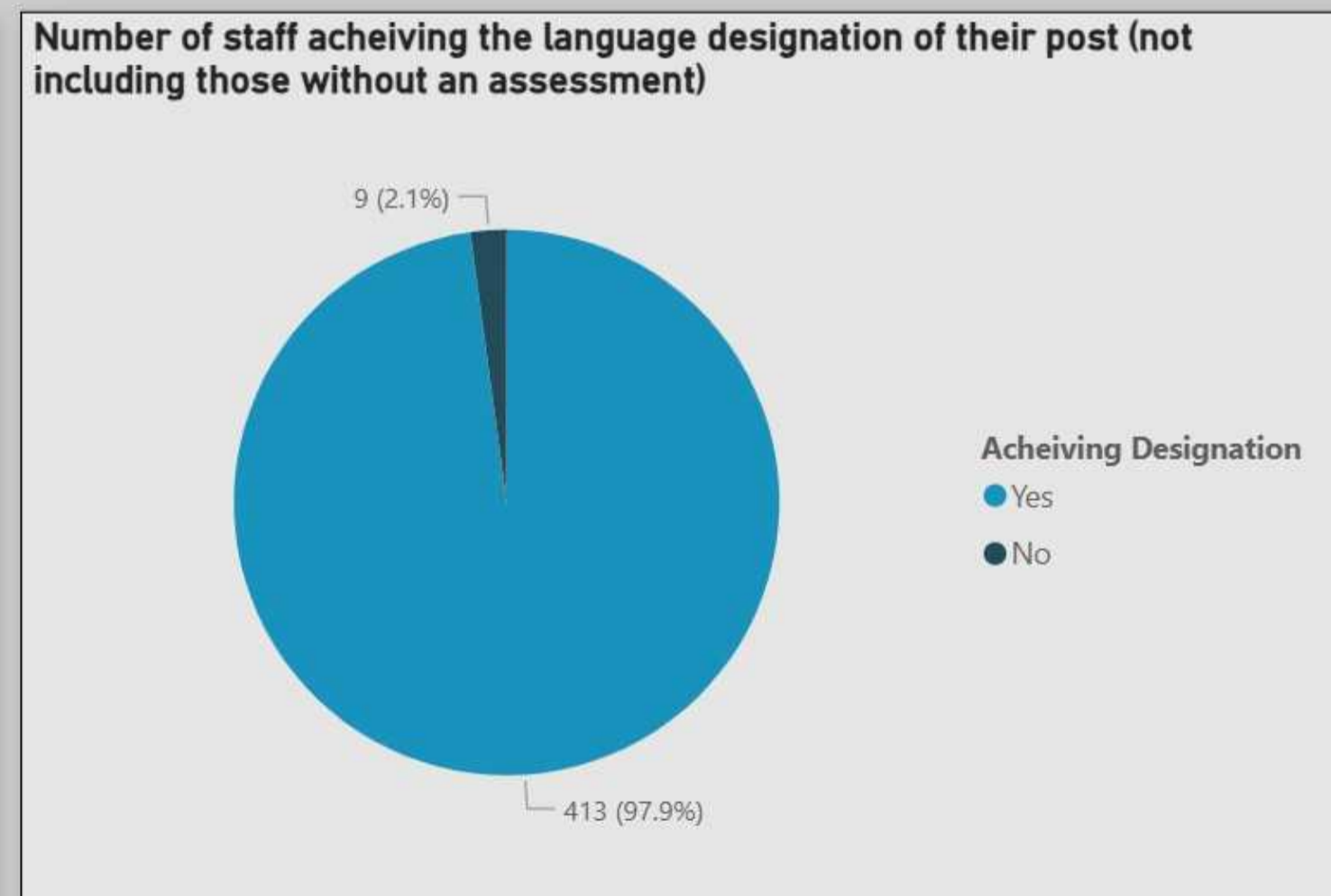
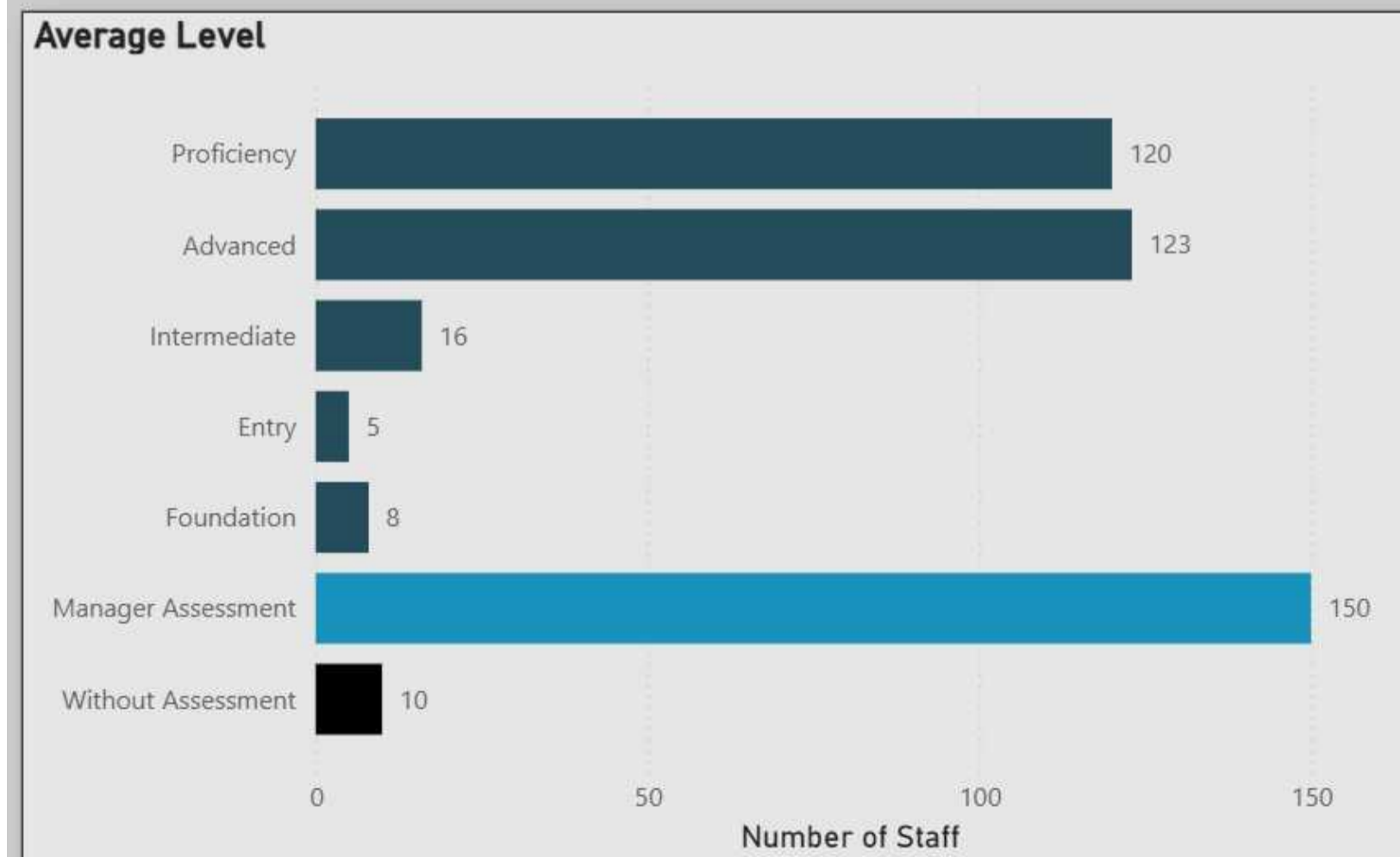
2025/26

Month

March

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PP-04 : Percentage of staff that have completed the Language Self Assessment



Behind the performance

- The Department employs 432 members of staff.
- 272 of the staff have completed the Language Self-Assessment which is 63.0%
- For a further 150 of the workforce (frontline), their line manager has completed an assessment on their behalf
- This leaves 10 who have no language assessment at all.
- **97.9%** of staff meet the language designation of their job.
- There are 9 members of staff who do not meet the language designation of their post. Of these, 2 are currently receiving support to learn.

We also support our staff to attend relevant training. This year the following have attended

- 1 x Entry Course 2
- 1 x Intermediate Course 2 – Dysgu Cymru
- 1 x Using Welsh Advanced Course – Nant Gwrtheyrn
- 1 x Confidence Building Course

The Business Unit advertises staff when courses are available and supports any individual who would wish to attend. A reminder goes out for the 10 who don't have an assessment at all.



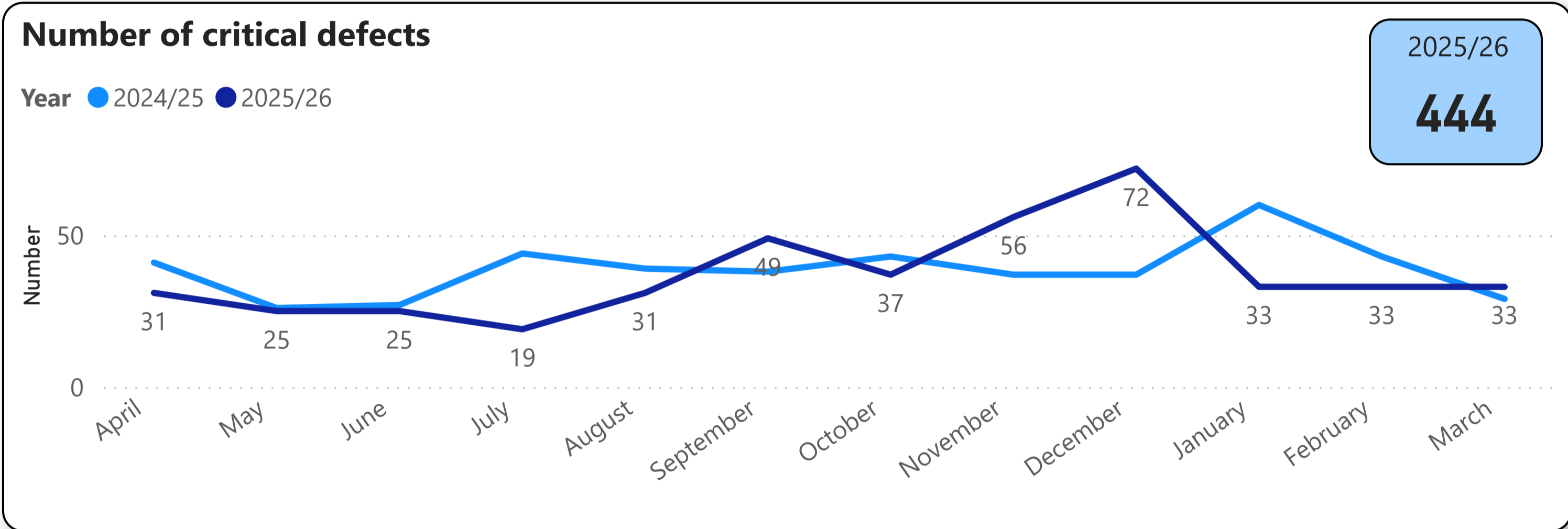
Purpose of Service :
To enable the public to travel on Gwynedd's roads safely and unhindered

Year
2025/26

Month
March

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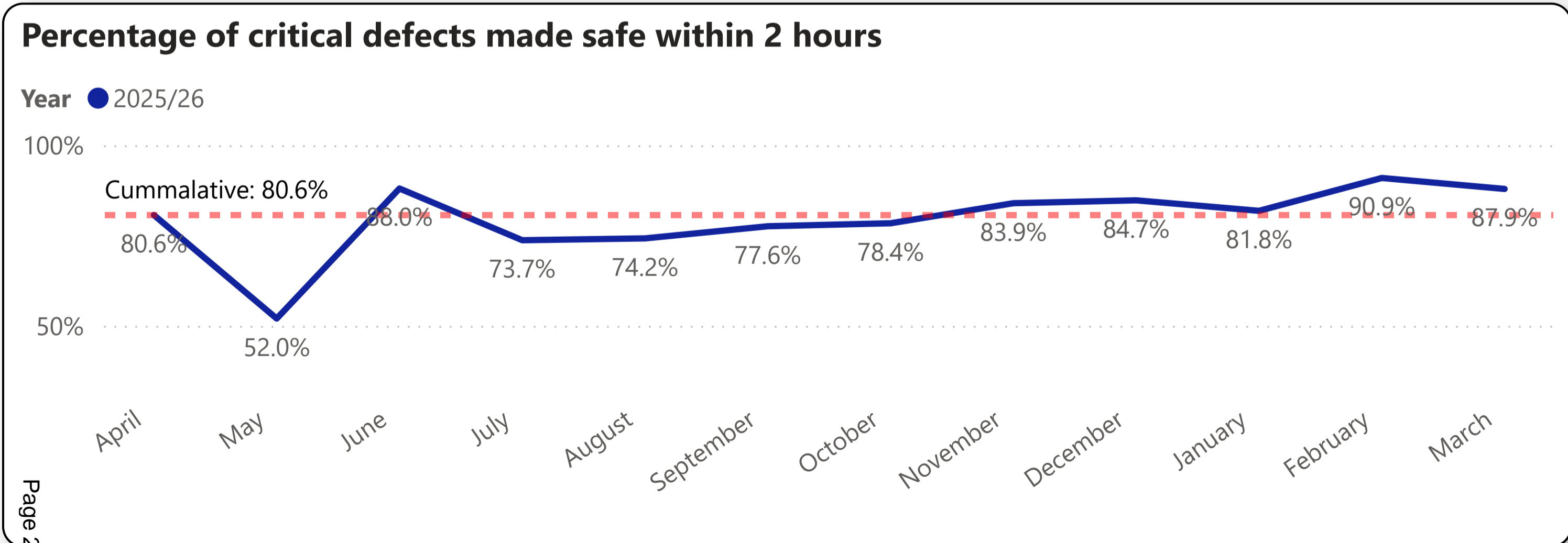
PP-05 : Percentage of critical defects made safe within 2 hours



Behind the performance

Critical Defect: The target response for this type of defect is within 2 hours.

A critical defect is a situation where the inspector considers the risk to safety to be high enough to require immediate attention such as a fallen tree, a missing lid. Here are examples of critical defects the service has dealt with this year.



There were 444 critical defects during 2025/26 which is 20 fewer than in 2024/25. The defect numbers follow seasonal patterns with more defects seen during the winter season.

Out of the 444 defects:

- **358 (80.6%)** were made safe within two hours
- **86 (19.4%)** were made safe after the target of two hours



Purpose of Service :

To enable the public to travel on Gwynedd's roads safely and unhindered

Year

2025/26

Month

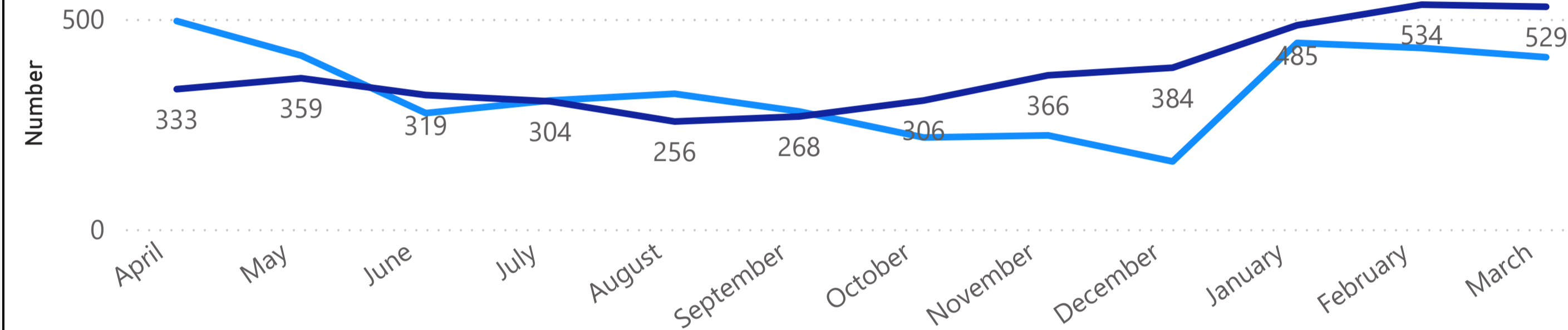
March

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PP-06 : Percentage of safety defects made safe within target time

Number of safety defects

Year ● 2024/25 ● 2025/26



Behind the performance

Safety Defect: Respond before the end of the next working day.

A safety defect is one that requires a response as soon as possible in order to eliminate a potential risk of injury to service users. Here are examples of safety defects the service has dealt with this year.



There were 4,443 safety defects during 2025/26 which is 466 more than in 2024/25. We see that there is a seasonal pattern to the number of defects, with more occurring during the winter.

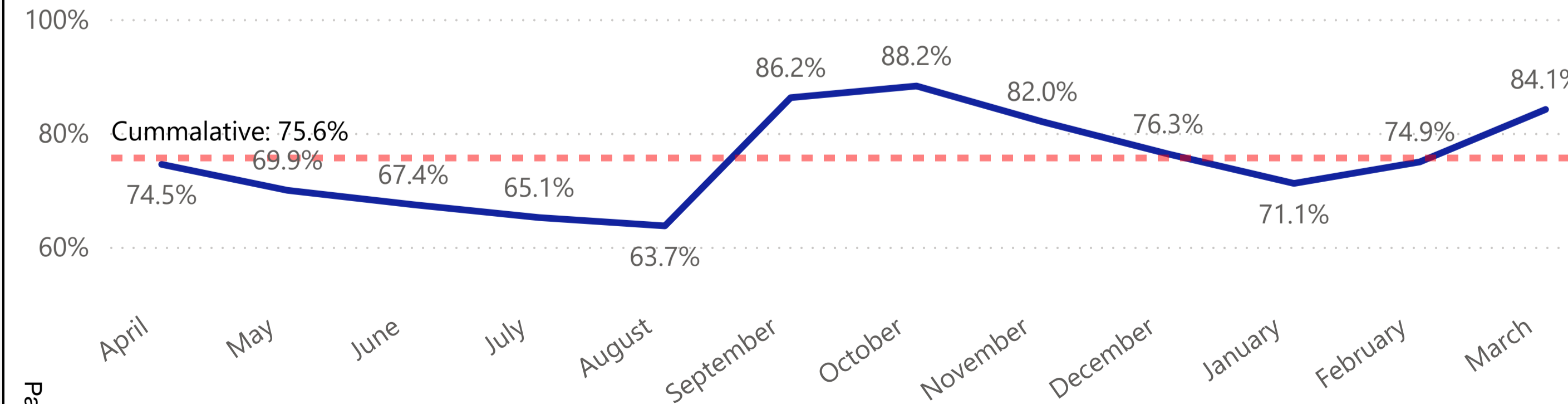
Out of the 4,443 defects,

- **3,359 (75.6%)** were made safe within target
- **1,084 (24.4%)** were made safe after the target

Many of the workforce receive their work through i-pads, which is a more effective way of working, making receiving and closing work easier. The changes as a result of the adoption of this electronic procedure is starting to show in the statistics, and it is expected to see an increase as all areas make full use of i-pads.

Percentage of safety defects made safe within target time

Year ● 2025/26





Purpose of Service :

To enable the public to travel on Gwynedd's roads safely and unhindered

Year

2025/26

Month

March

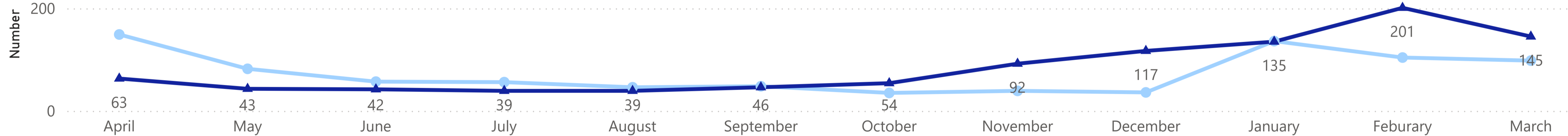


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PP-07 : Average number of day to respond to a pothole enquiry

Number of Pothole enquiries

Year ● 2024/25 ▲ 2025/26



Behind the performance

The line graph compares the numbers of "pothole" complaints that have been received through the FFOS system.

The number of complaints received this year has increased by 130 compared to 2024/25.

For the year the average number of days to complete an enquiry was 24 days. The performance of the service has improved over the year and by March 2026 the number of days that customer had to **wait for a response had decreased to 3.2 days.**

This stems from training received on the Ffos system for our road inspectors, as well as increased use of i-pads to respond directly from the work site. This has resulted in better and timely answers for customers about the status of their service requests. The rollout of i-pads will be expanded across the service which will ensure a further improvement in performance.



Purpose of Service :

To enable the public to travel on Gwynedd's roads safely and unhindered

Year

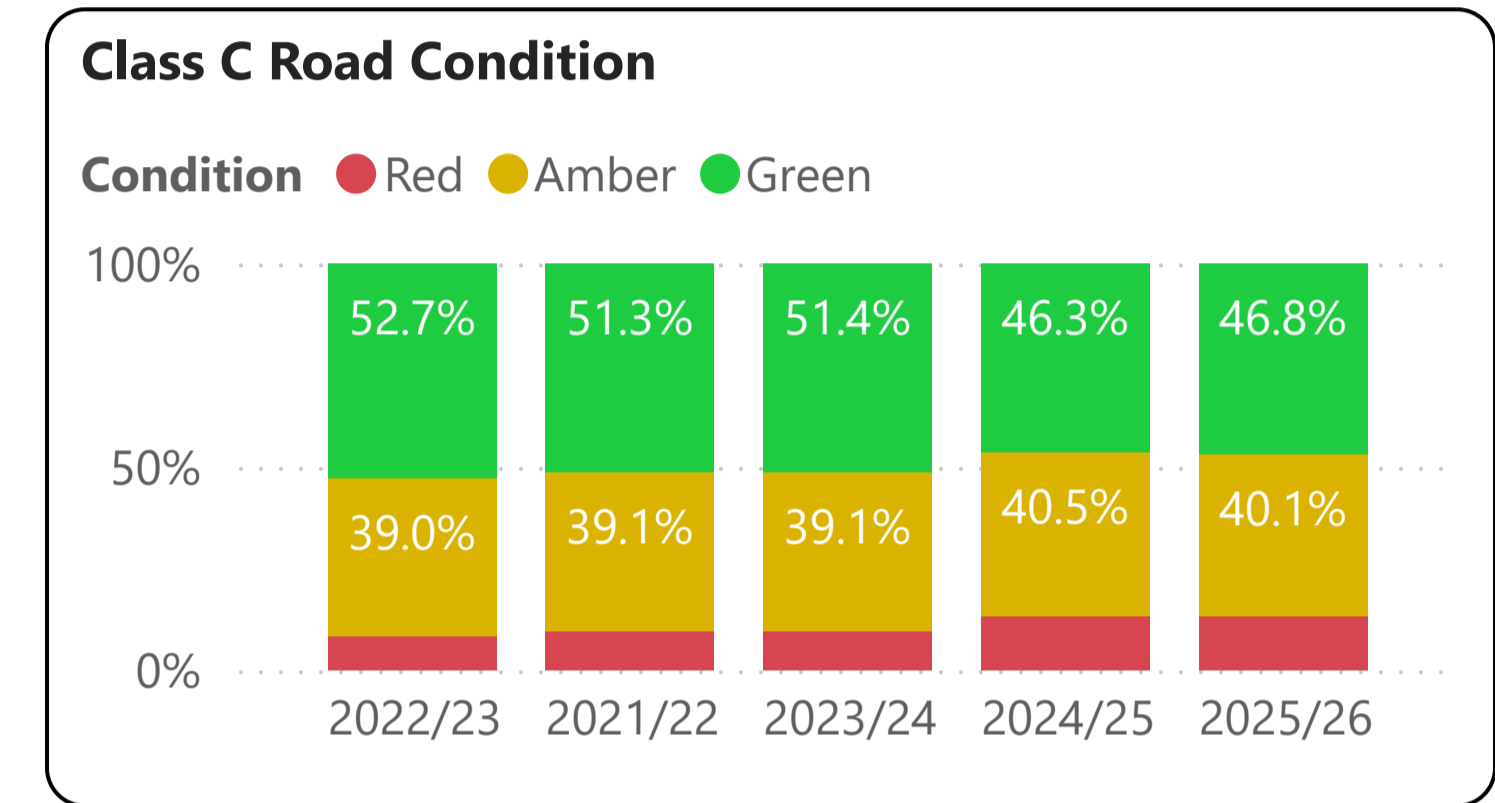
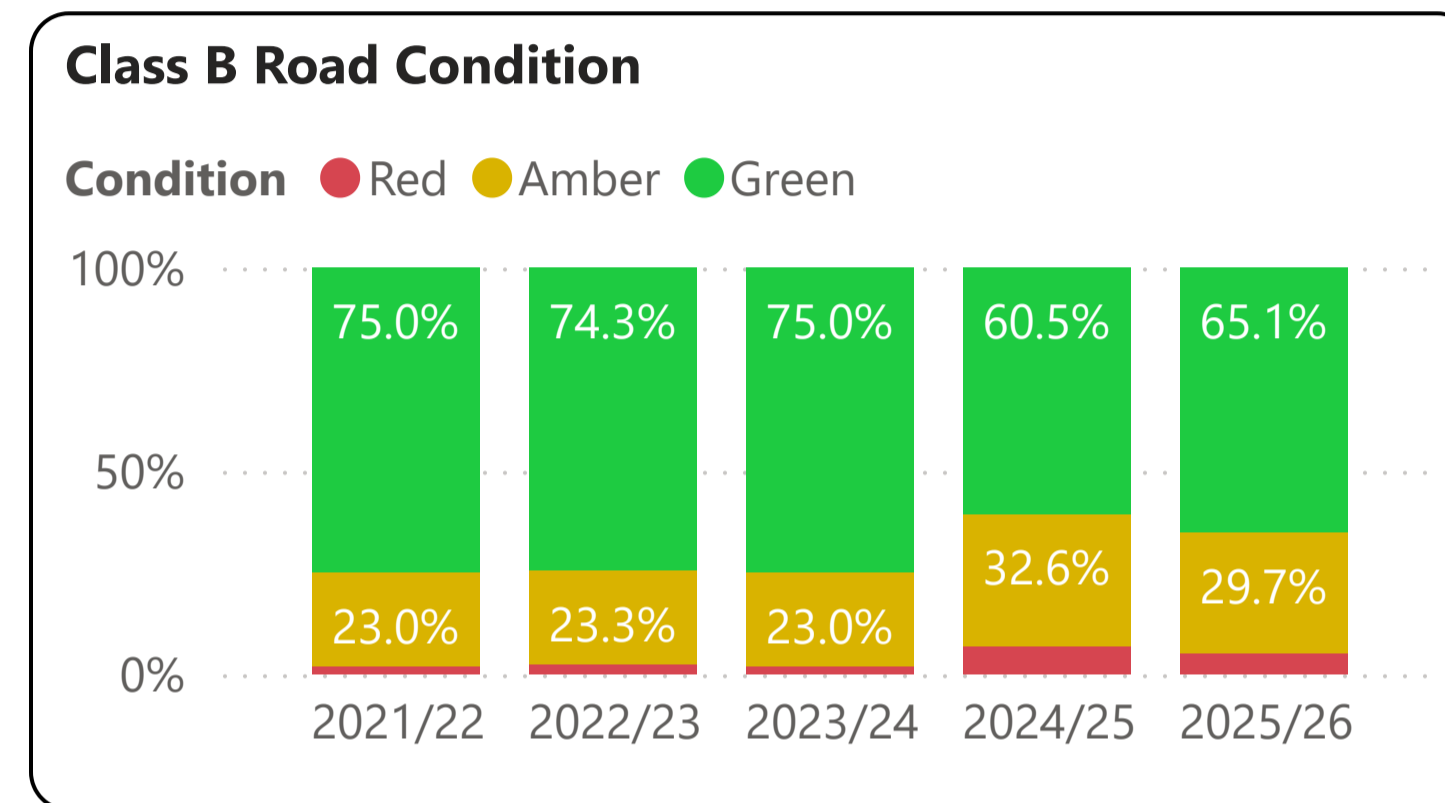
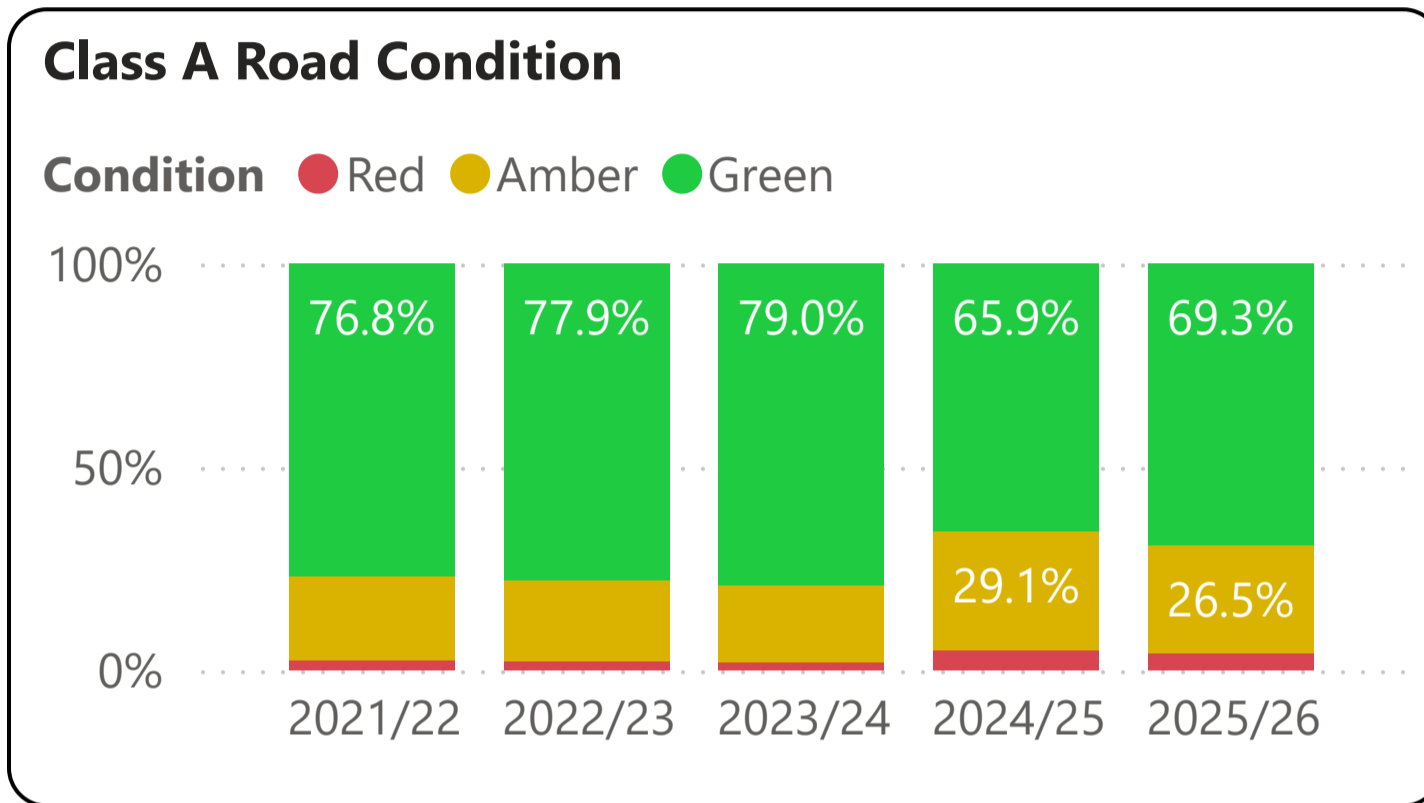
2025/26

Month

March

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PP-08 : Percentage of class A,B and C roads that are in poor condition



Behind the performance

The graphs show the results of technical tests on our Class A, B and C roads, which are undertaken by WDM on behalf of the Council.

Green = Road, generally, in good condition, no defects need further inspections.

Amber = Road exhibiting defects requiring inspection soon to identify suitable repair work.

Red = Condition is generally poor and will likely require planned maintenance soon.

Keeping the percentage of our roads in red condition below 8% is considered acceptable.

You will see that the percentages of our roads within the green have fallen between 2021/22 and 2024/25 despite the capital investment by the Council. Our Class A roads decreased by nearly 11%, Class B roads 15% and Class C roads by 4.5% over the period. But as you can see, the 2025/26 figures show that that gradual decline within the Class A and B roads has now been reversed, and the Class C roads remain constant. We are confident that the improvement in the condition of our roads will continue as a result of the Local Government Borrowing Initiative investment over 2025/26 and 2026/27.

Total percentage of class A,B and C roads that are in poor condition

9.7%

A = 4.2% (27km)
 B = 5.2% (21km)
 C = 13.2% (228km)

Historically the Service only had information as a result of the safety checks as a record of the condition of our Unclassified roads. The Service has decided to proceed with an "AI" technology system to analyse information that is being collected by taking video of the roads as the inspector conducts an inspection. This will assist in keeping a record of the improvement in unclassified road condition as a result of the Local Government Borrowing Initiative investment.



Purpose of Service :

To enable the public to feel safe on Gwynedd's roads, footpaths and public spaces through the maintenance of lighting units, light signs and traffic lights.

Year

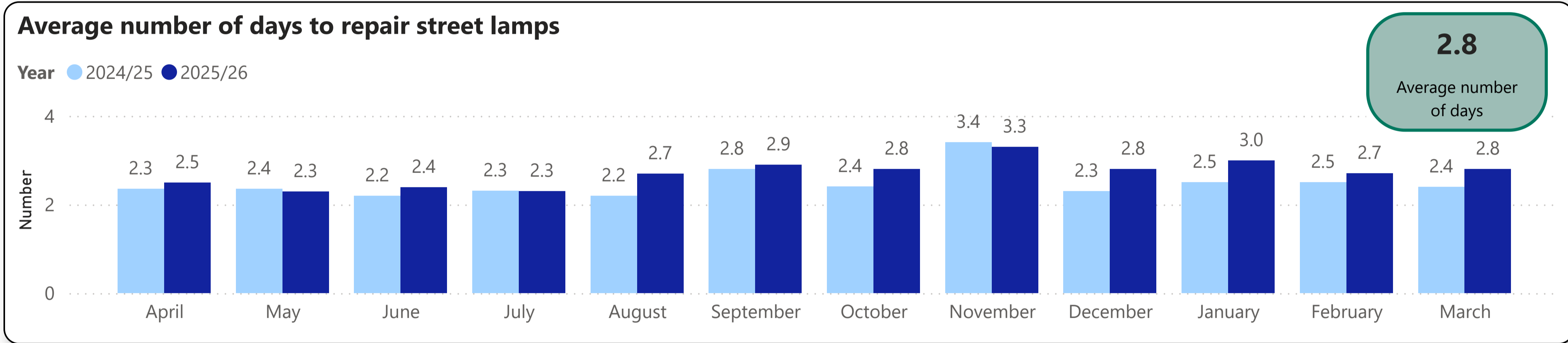
2025/26

Month

March

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PP-09 : Average number of days to repair street lamps



| Month | Number of faults |
|--------------|------------------|
| April | 177 |
| May | 181 |
| June | 136 |
| July | 202 |
| August | 272 |
| September | 188 |
| October | 386 |
| November | 739 |
| December | 506 |
| January | 586 |
| February | 537 |
| March | 498 |
| Total | 4,408 |

Behind the performance

The service target for street lamp repair is 5 days.

For 2025/26, the average time to repair a street lamp was 2.8 days.

During March Scottish Power was responsible for repairing a further 20 faults. Of these, they have completed 5 of them in an average of 22 days.

The other 15 defects remain unrepaired.

To tackle the situation with Scottish Power, Gwynedd as part of the North Wales Lighting Group has been discussing how to put pressure on Scottish Power. Flintshire is now working with us to put pressure on the company to visit the site sooner so that we can avoid issuing exceptions which cause them to fail to complete work within the target.



Purpose of Service :

To enable the public to feel safe on Gwynedd's roads, footpaths and public spaces through the maintenance of lighting units, light signs and traffic lights.

Year

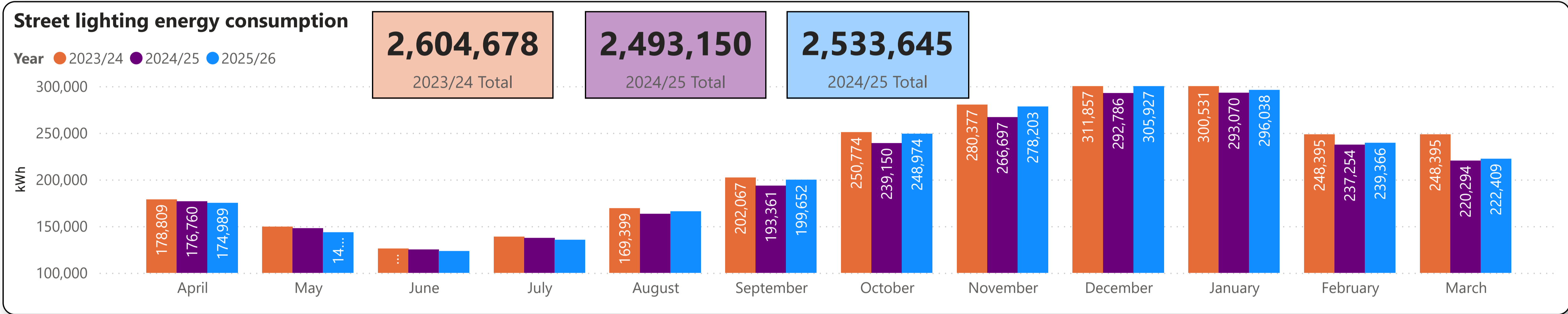
2025/26

Month

March

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PP-10 : Street lighting energy consumption (kWh)



Behind the performance

During 2025/26 the energy use of street lights and road signs is fairly stable as expected and following a seasonal pattern.

Since the adoption of the former trunk road a significant number of street lighting assets have transferred into our possession and therefore explain the slightly higher energy consumption compared to 2024/25.

Housing developments take place in any year and the length of the road and any asset will transfer to our services to be maintained. Since April 2025 the Street Lighting service has adopted 64 new assets.



Purpose of Service :

To enable the public to feel safe on Gwynedd's roads, footpaths and public spaces through the maintenance of lighting units, light signs and traffic lights.

Year

2025/26

Month

March

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PP-11 : Percentage of Inspection Schedule completed

| Area | Number of columns due for inspection | Number completed | % completed |
|----------------|--------------------------------------|------------------|---------------|
| Arfon | 1,243 | 1,243 | 100.0% |
| Dwyfor | 742 | 742 | 100.0% |
| Meirionnydd | 461 | 461 | 100.0% |
| Gwynedd | 2,446 | 2,446 | 100.0% |

Behind the performance

All of the inspections for 2025/26 have been completed, a total of 2,446.

Of the 2,446 inspection

- 25 defects were detected in Arfon
- 5 defects were detected in Dwyfor
- 3 defects were detected in Meirionnydd

Street lamp inspections continue to be carried out in line with the work programme, and we have been able to complete what was feasible within the budget available this year. The critical deficiencies identified during these audits have been addressed and resolved, ensuring that no immediate security risks remain.

However, the service has a significant backlog of uncompleted audits. This is mainly due to the fact that there is not enough budget available to cover all the necessary work, especially when taking into account rising maintenance costs and the increasing demand for restoration work.

This position highlights the importance of securing additional funding or different delivery methods to enable the service to keep up with the statutory and operational requirements associated with the maintenance of street lights.



Purpose of Service :

The Council's fleet assists Council departments in providing a wide range of services to the residents of Gwynedd from waste collection to highway maintenance and pupil transport.

Year

2025/26

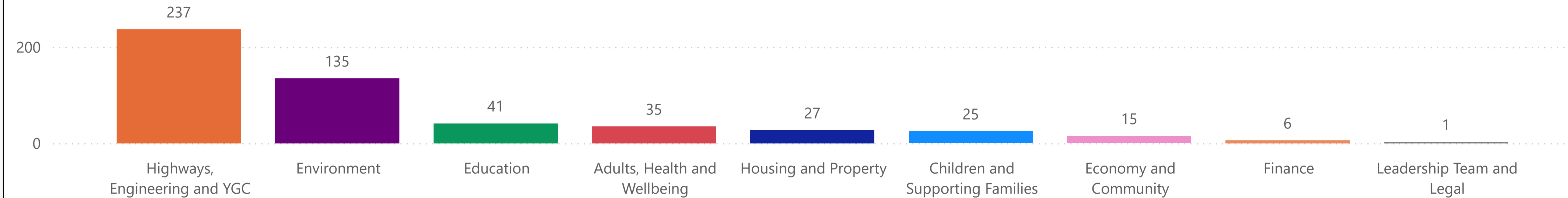
Month

March

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Total Council Fleet

Total Council Fleet by Department



| Department | Total fleet | Funded | Not funded | Have been upgraded | Hired |
|----------------------------------|-------------|------------|------------|--------------------|-----------|
| Leadership Team and Legal | 1 | 1 | 0 | 0 | 0 |
| Housing and Property | 27 | 25 | 0 | 2 | 0 |
| Highways, Engineering and YGC | 237 | 194 | 7 | 11 | 25 |
| Finance | 6 | 0 | 4 | 1 | 1 |
| Environment | 135 | 103 | 2 | 18 | 12 |
| Education | 41 | 9 | 31 | 1 | 0 |
| Economy and Community | 15 | 11 | 3 | 1 | 0 |
| Children and Supporting Families | 25 | 4 | 17 | 3 | 1 |
| Adults, Health and Wellbeing | 35 | 24 | 9 | 1 | 1 |
| Total | 522 | 371 | 73 | 38 | 40 |

Behind the performance

Here we see information to give context on the situation of the Council's fleet as a whole, mainly when considering the financial implications for the refurbishment of the vehicles. It now is:-

- 522 vehicles are part of the Council's Fleet, with 71.1% placed on future funding plans
- 73 (14.0%) are self-funded within services.
- 38 (7.3%) vehicles remain part of the Fleet despite a new vehicle being provided.
- 40 (7.7%) vehicles were hired by Council services.

A report has been produced by the Fleet Manager to address the additional vehicles seen in services. Initial discussions have taken place with the Finance Department, with the long-term intention of transferring full control of vehicles to the Fleet Service.



Purpose of Service :

The Council's fleet assists Council departments in providing a wide range of services to the residents of Gwynedd from waste collection to highway maintenance and pupil transport.

Year

2025/26

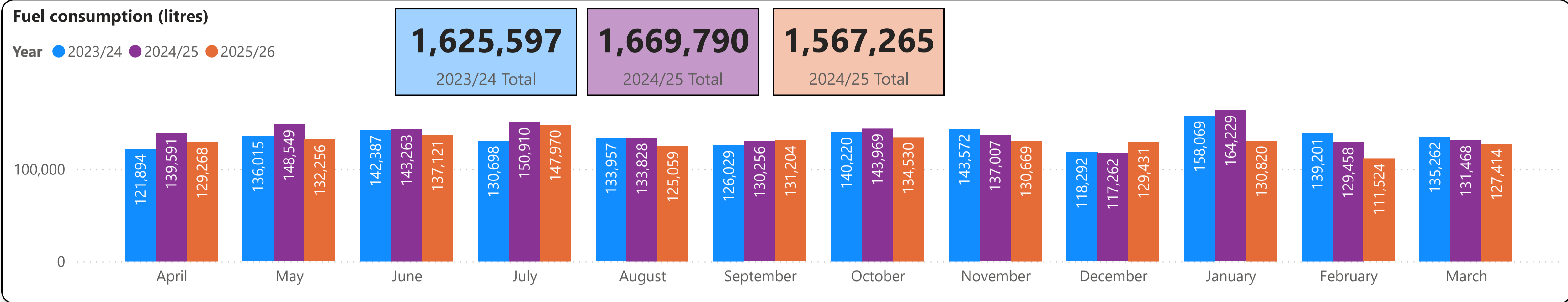
Month

March



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Fuel consumption by Gwynedd fleet



Behind the performance

Here is information on the Council's fleet fuel consumption situation.

Compared to 2024/25 with 2025/26 we have seen a 6.1% reduction in our fuel consumption.

This equates to 102,525 litres less fuel which equates to around £155,049 at today's prices.

This reduction is a result of two main reasons. First, the transition of many vehicles from traditional fuel to electric ones. Secondly, favourable weather which means less use of gritting vehicles etc during the year.

Please note, the figures above do not include any journeys undertaken by the Council grey fleet. The Fleet Service is not responsible for these journeys. Further, it does not include the purchase of petrol for equipment through fuel cards.



Purpose of Service :

The Council's fleet assists Council departments in providing a wide range of services to the residents of Gwynedd from waste collection to highway maintenance and pupil transport.

Year

2025/26

Month

March



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PP-12 : Percentage of planned safety inspections completed

| Month | Number of planned safety inspections | Number completed | As percentage |
|--------------|--------------------------------------|------------------|---------------|
| October | 167 | 165 | 98.8% |
| November | 169 | 162 | 95.9% |
| December | 178 | 170 | 95.5% |
| January | 176 | 174 | 98.9% |
| February | 159 | 155 | 97.5% |
| March | 177 | 176 | 99.4% |
| Total | 1,026 | 1,002 | 97.7% |

| Reason | Number of occurrence |
|--|----------------------|
| Appointment not arranged | 13 |
| Appointment not attended | 6 |
| Vehicle off road | 5 |
| Total number of missed appointments | 24 |

Behind the performance

As part of the Council's vehicle maintenance arrangements, the workshops are responsible for carrying out regular safety checks on the vehicles. In the past year the Fleet Service has introduced a new procedure for notifying and arranging appointments. It is a statutory requirement for the Fleet Service to complete inspections on the vehicles within one working week. This measure goes further than our statutory requirements and looks at the performance of the workshop to be completed within a day.

These figures show the number of inspections that the workshops were expected to complete as well as the percentage that have been completed on time.

It was not possible to complete all checks due to reasons set out in the table on the right above.

When vehicles miss appointments the Fleet Service will have to reschedule appointments with the relevant service which creates difficulties for the workshops. If a service does not deliver the vehicle to the workshops, the Fleet Service may suspend the service from using the vehicle.

One of the reasons for the failures over the winter is that gritting vehicles failed an inspection because they were out for 24 hours during the period. It should be noted that the failed inspections are completed at the earliest possible opportunity.



Purpose of Service :

The Council's fleet assists Council departments in providing a wide range of services to the residents of Gwynedd from waste collection to highway maintenance and pupil transport.

Year

2025/26

Month

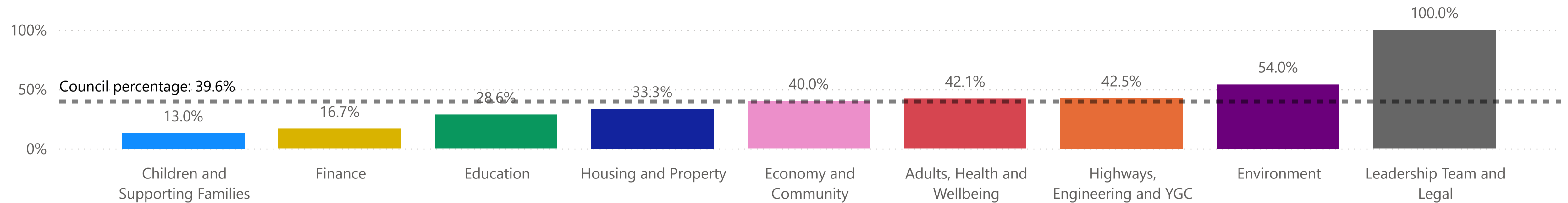
March



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PP-13 : Percentage of Council Cars and Vans that are "green" vehicles

Percentage of Council Cars and Vans that are "green" vehicles, by Department



| Service within PPYGC Department | Electric | Petrol Hybrid | "ICE" | % Green |
|---------------------------------|-----------|---------------|-----------|--------------|
| Street Lighting | 1 | 2 | 1 | 75.0% |
| Fleet Service | 5 | 0 | 3 | 62.5% |
| Streetscene Service | 10 | 0 | 6 | 62.5% |
| Highways | 6 | 0 | 10 | 37.5% |
| Municipal Assets | 4 | 0 | 7 | 36.4% |
| YGC | 4 | 1 | 14 | 26.3% |
| Grounds Maintenance | 1 | 0 | 4 | 20.0% |
| Ash Dieback | 0 | 0 | 1 | 0.0% |
| Total | 31 | 3 | 46 | 42.5% |

Behind the performance

This is a measure to illustrate the Council's position on transitioning to green vehicles. The Welsh Government has a target of 100% by the year 2030. The Energy Service (Welsh Government) reported that Gwynedd Council has the **second highest number of green vehicles** in its fleet compared to rural authorities in Wales. The Fleet Service will continue on the program of renewing vehicles for green ones when the infrastructure allows.

The Whole Council

- 89 (40%) of the 225 cars or vans are now green (electric or hybrid).
- Of the remaining 136 diesel/petrol vehicles, 57 are either renewed and maintained, hired or have no funding plans for them.

Highways, Engineering and YGC Department

- 34 (43%) of the 80 cars or vans are green (electric or hybrid).
- Of the remaining 46 diesel/petrol vehicles, 26 (59%) are either renewed and maintained, hired or have no funding plans for them.



Purpose of Service :

The Council's fleet assists Council departments in providing a wide range of services to the residents of Gwynedd from waste collection to highway maintenance and pupil transport.

Year

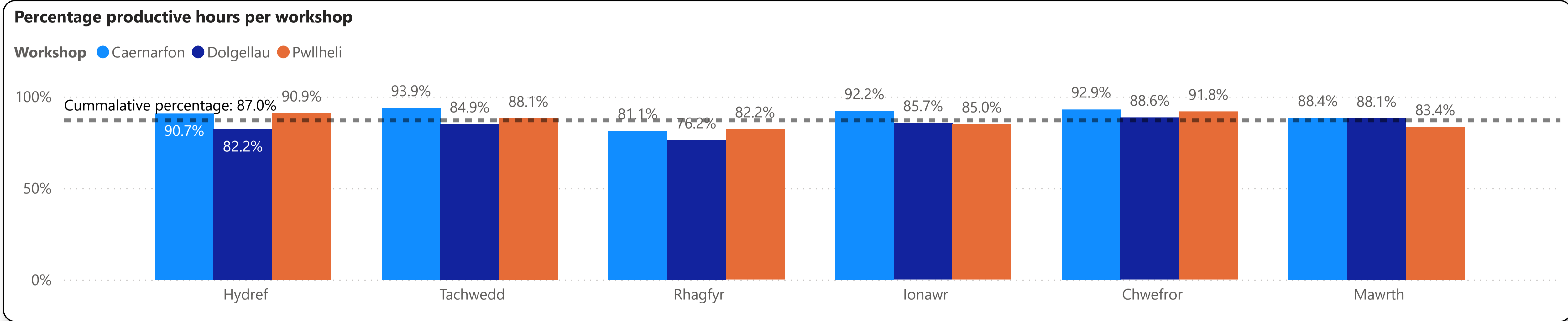
2025/26

Month

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PP-14 : Percentage of productive hours



Behind the performance

The productivity of the workshops compares the time recorded working on vehicles against the number of hours the individuals were available. This measure offers an assessment that focuses on how the workforce uses its time.

To ensure that the workshops are cost effective, we aim for an 86.5% rate in the number of productive hours. We have reached this target this year with 87.0%.

This information is reported monthly to the Workshop Management Team where we then identify opportunities to improve our performance. This could be moving work from one workshop to another, or identifying opportunities from outside the Council to bring in income.

As we transition the fleet to green vehicles, we're starting to see demand on the workshops decrease. This will have a negative impact on the workload of the workshops and their ability to reach the expected level. The Service is monitoring this situation and looking at options to reduce the risk.



Purpose of Service :

The Council's fleet assists Council departments in providing a wide range of services to the residents of Gwynedd from waste collection to highway maintenance and pupil transport.

Year

2025/26

Month

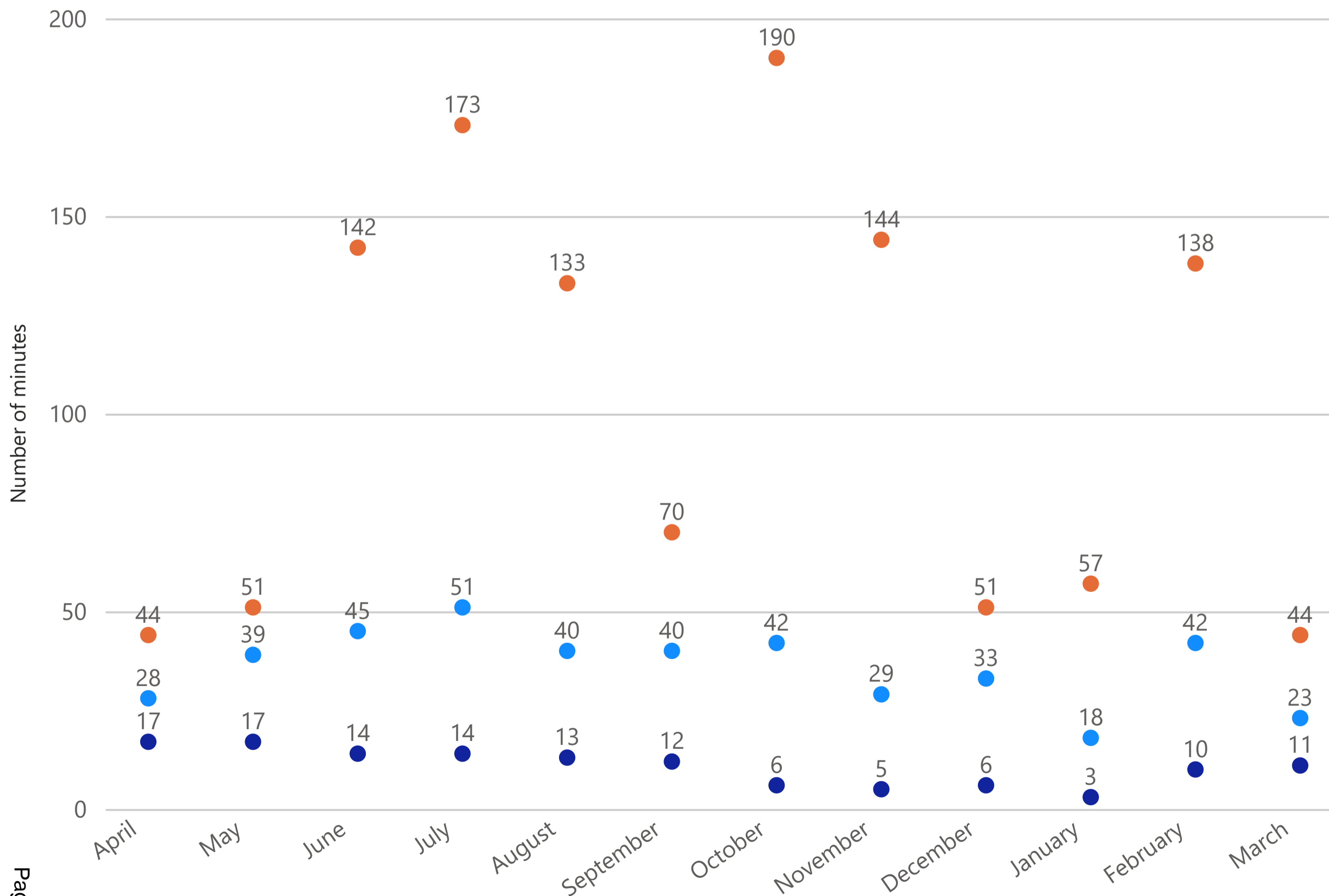
March

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PP-15 : Percentage of requests completed within target

Number of minutes to complete a service request

Points ● Average ● Least ● Most



156
Number of requests

87.8%
Percentage completed within target

Behind the performance

This measure shows the number of minutes it takes for the service to complete a service request.

These include applications for:

- Vehicle hire
- Access to fuel
- Adding drivers to the register
- Training requests
- Access to Fleet system

We have a target to complete these **within 1 hour** of receipt of the request. During 2025/26 we have successfully completed **87.8%** of requests within the hour.

The majority of requests that are not completed within the hour are requests to hire vehicles. These usually take more time, especially when a specialist vehicle needs to be found.



Purpose of Service :

The Council's fleet assists Council departments in providing a wide range of services to the residents of Gwynedd from waste collection to highway maintenance and pupil transport.

Year

2025/26

Month

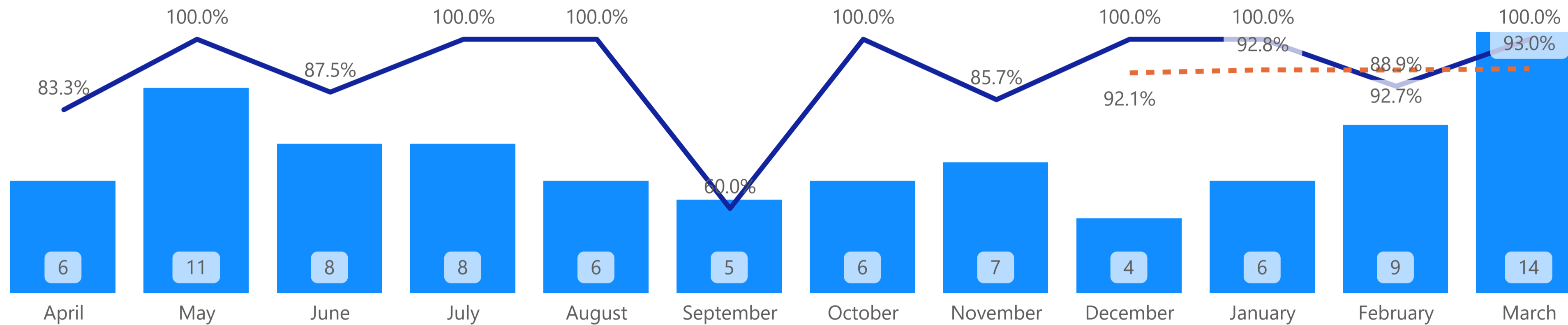
March

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PP-16 : Percentage of heavy vehicles that pass their MOT

Percentage of heavy vehicles passing their MOT

● Number of MOT tests ● % which passed ● % which passed Nationally



93.3%
Percentage of heavy vehicles that pass their MOT since 1st A...

Behind the performance

This measure shows the number of MOT tests that have been carried out on the Council's heavy vehicles and the percentage that have passed the first time.

MOT testing on heavy vehicles is carried out by the DVSA and this measure shows the success of the workshops to prepare them to the expected levels. The level of first time pass nationally (across the UK) is also shown as a comparison on the graph.

When a failure occurs, an internal investigation will be conducted to try to find the reason for the failure. These failures are used as opportunities to identify weaknesses in our arrangements and identify ways to improve. Following internal discussions with the teams we have identified a specific training that we would like our technicians to undertake. The Service is in the process of looking at sources to fund the training and qualification.



Purpose of Service :

Provision of clean and tidy streets and public areas

Year

2025/26

Month

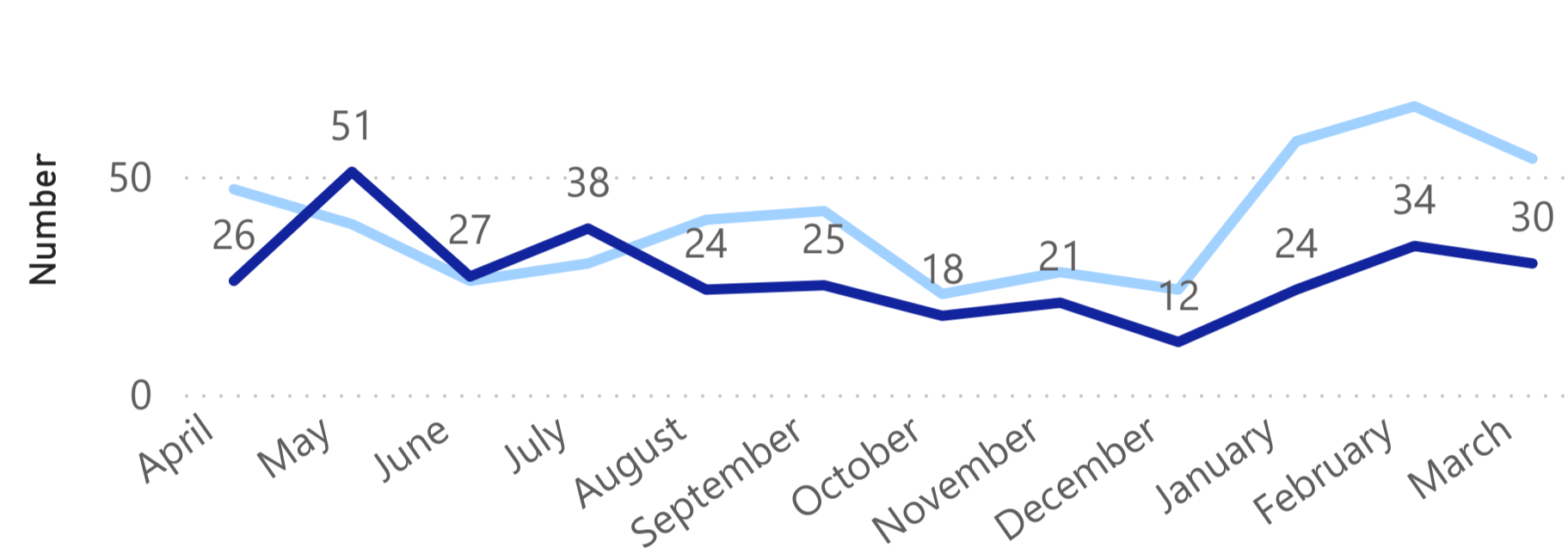
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PP-17 : Number of fly-tipping cases per 1,000 population

Number of illegal fly-tipping cases

Year ● 2024/2025 ● 2025/2026



Behind the performance

The data shows that the number of fly-tipping incidents this year is lower than in the previous year. During 2025/26 330 cases were recorded which is 147 fewer cases than during 2024/25. The decrease is partly the result of thorough investigations by the Enforcement Team.

We are also seeing the benefits of regular collaboration with the IT unit, which ensures that notices from the public are promptly passed on to the enforcement officers. This is essential to enable officers to properly inspect material before it is cleared. As a result, officers are able to gather robust evidence, strengthening court cases where offenders refuse to pay a Fixed Penalty Notice.

In fact, fly-tipping in the County, occurs due to the behaviour of a very small percentage of our residents who choose to commit crime (2.8 cases per 1,000 population in 2025/26). Securing prosecutions against this relatively small number of offenders along with making sure that every successful prosecution gets publicity on different social media platforms deters more crime. This definitely makes a difference and reinforces the message that the residents of Gwynedd and the Council do not tolerate pollution. Any offender will face the risk of being prosecuted in court and fined £400. If the offenders have registered with Natural Resources Wales they may also lose their waste carrier licence and even lose their vehicle.



Examples of the type of fly-tipping cases that have been cleared this year by the service



Purpose of Service :

Provision of clean and tidy streets and public areas

Year

2025/26

Month

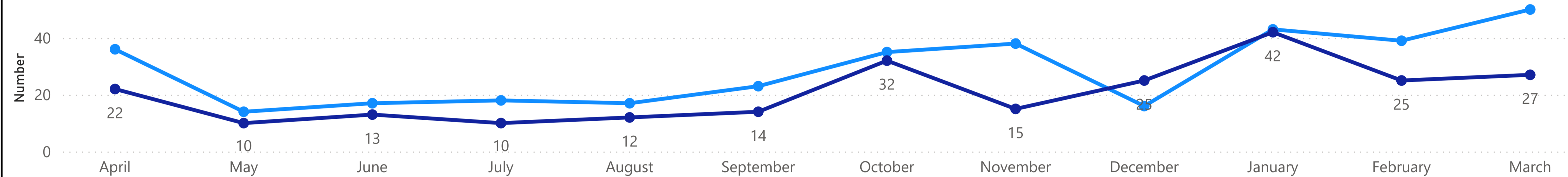
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PP-18 : Average number of days to respond to a "Dog Fouling" enquiry

Number of "Dog Fouling" enquiries

Year ● 2024/25 ● 2025/26



Behind the performance

The graph shows that the number of enquiries/complaints regarding dog fouling in 2025/26 has decreased compared to last year by 99 cases. The number of days to respond to a dog fouling query has decreased over the year and by March the number of days the customer had to wait for a response was 2.3 days on average.

Steps in progress:-

Fines: There has been an increase in the number of Fixed Penalty Notices issued this year.

Enforcement: Regular patrols are carried out by Enforcement officers in problem areas in order to monitor compliance and tackle crime.

Street cleaning: The Street Cleaning service makes an important contribution to maintaining street cleanliness and reducing dog fouling problems.

Dog poop bags: We continue to provide free dog poop bags through our libraries, Siop Gwynedd and leisure facilities, as well as directly to some Community Councils.



Purpose of Service :

Provision of clean and tidy streets and public areas

Year

2025/26

Month

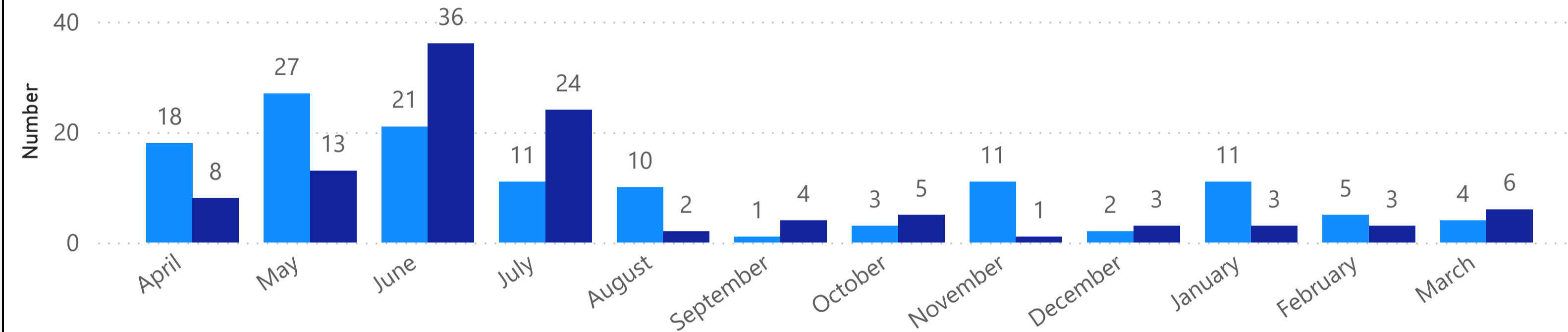
March

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PP-19 : Percentage of Fixed Penalty Notices paid

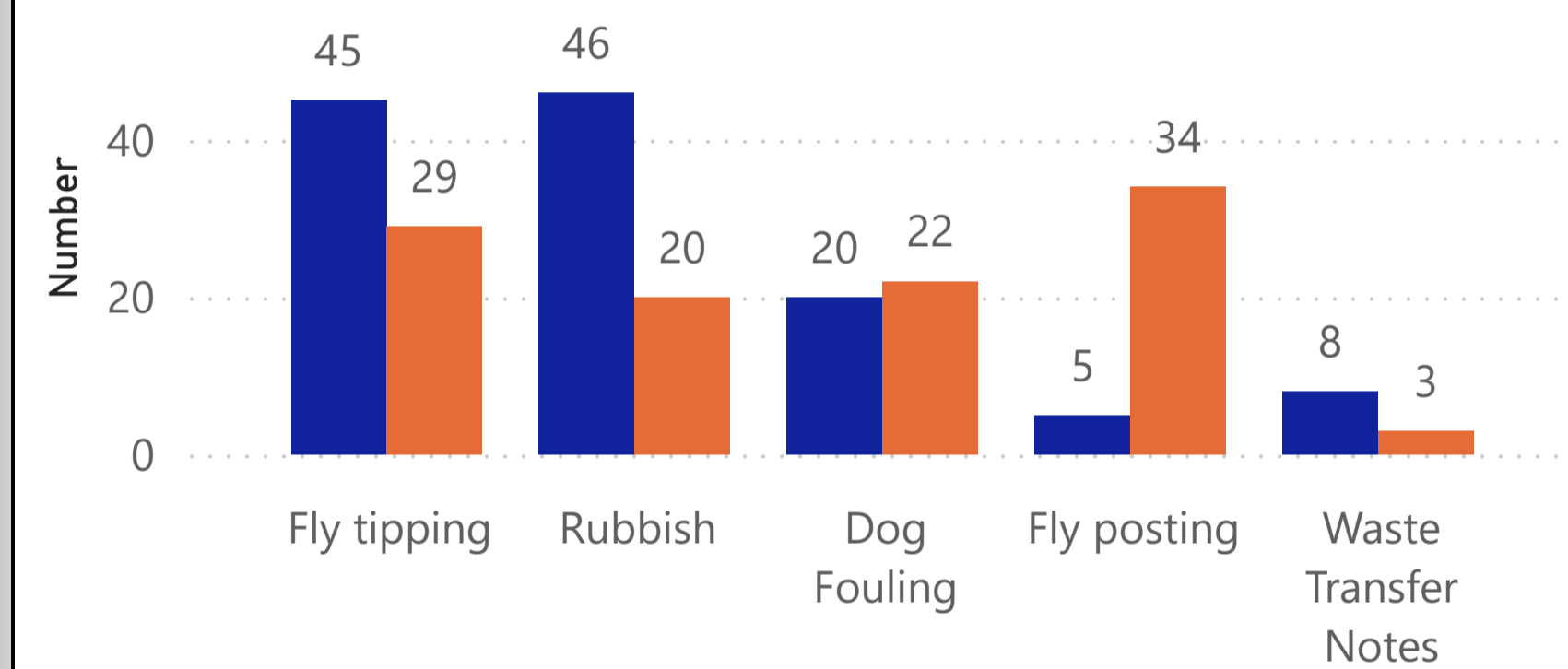
Number of Fixed Penalty Notices

Year ● 2024/25 ● 2025/26



Type of crime

Year ● 2024/25 ● 2025/26



Behind the performance

During 2025/26 108 Fixed Penalty Notices were issued, which is 16 fewer than for 2024/25.

We have ensured that 71.3% of the FPN have been paid this year. This implies a steady level of payment collection.

The number of cancelled cases has fallen significantly to 10.2% in 2025/26 from 26.6% in 2024/25. As a result of investigations and solid evidence prior to the issuance of FPNs, along with a follow-up on unpaid FPNs, there is a reduction in the number of cases being cancelled.

Court cases also show variation, with a decrease between 2023/24 and 2024/25, but an increase this year to 3.7%. This suggests that more cases are being notified or enforced through the legal system.

| Year | Number | % paid | % cancelled | % court case | % not paid |
|---------|--------|--------|-------------|--------------|------------|
| 2023/24 | 72 | 72.2% | 25.0% | 2.8% | 0.0% |
| 2024/25 | 124 | 71.0% | 26.6% | 1.6% | 0.8% |
| 2025/26 | 108 | 71.3% | 10.2% | 3.7% | 14.8% |

While we primarily as a service favour educating people, we also have an income target to complete and at the moment there is no concern about realising it.



Purpose of Service :

To promote local ownership and develop a sense of community pride by working at a community level while building relationships with local groups/organisations, volunteers and the third sector

Year

2025/26

Month

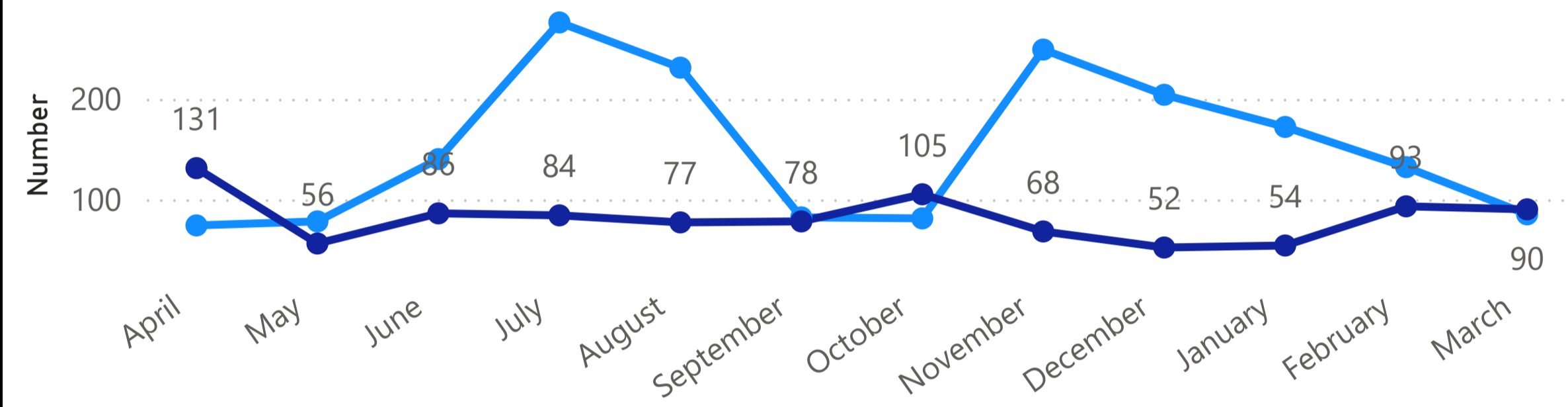
March

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PP-20 : Number of requests for work assigned to the Tim Tacluso

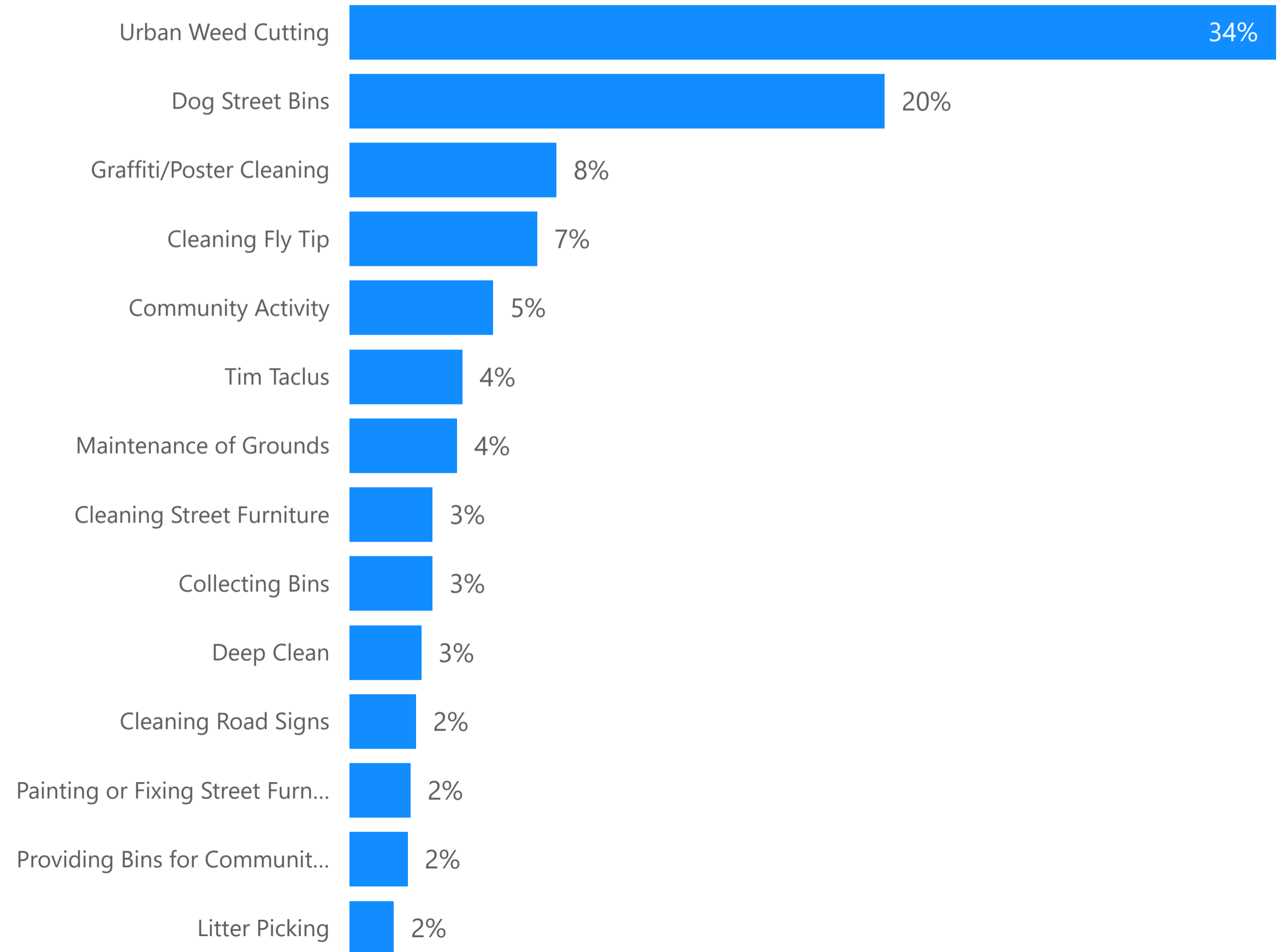
Nifer of requests for work

Year ● 2024/25 ● 2025/26



Type of work requests for the team

Year ● 2025/26



Behind the performance

The good work of the tidying up team along with the street cleaning service is certainly proving valuable when looking at the results of the recent GLÂN report.

The report is carried out by Keep Wales Tidy which is used to monitor levels of cleanliness across local authorities, which are measured in accordance with the revised Code of Practice for Litter (COPLAR).

For 2025 the number of sites inspected in Gwynedd reaching the acceptable level was **64.5%** compared to 58.5% in Wales as a whole.

For sites identified as streets, the percentage of Gwynedd receiving Grade A or B was **88.8%** compared to 84.7% across Wales.



Purpose of Service :

To provide clean and safe facilities for Gwynedd residents and visitors

Year

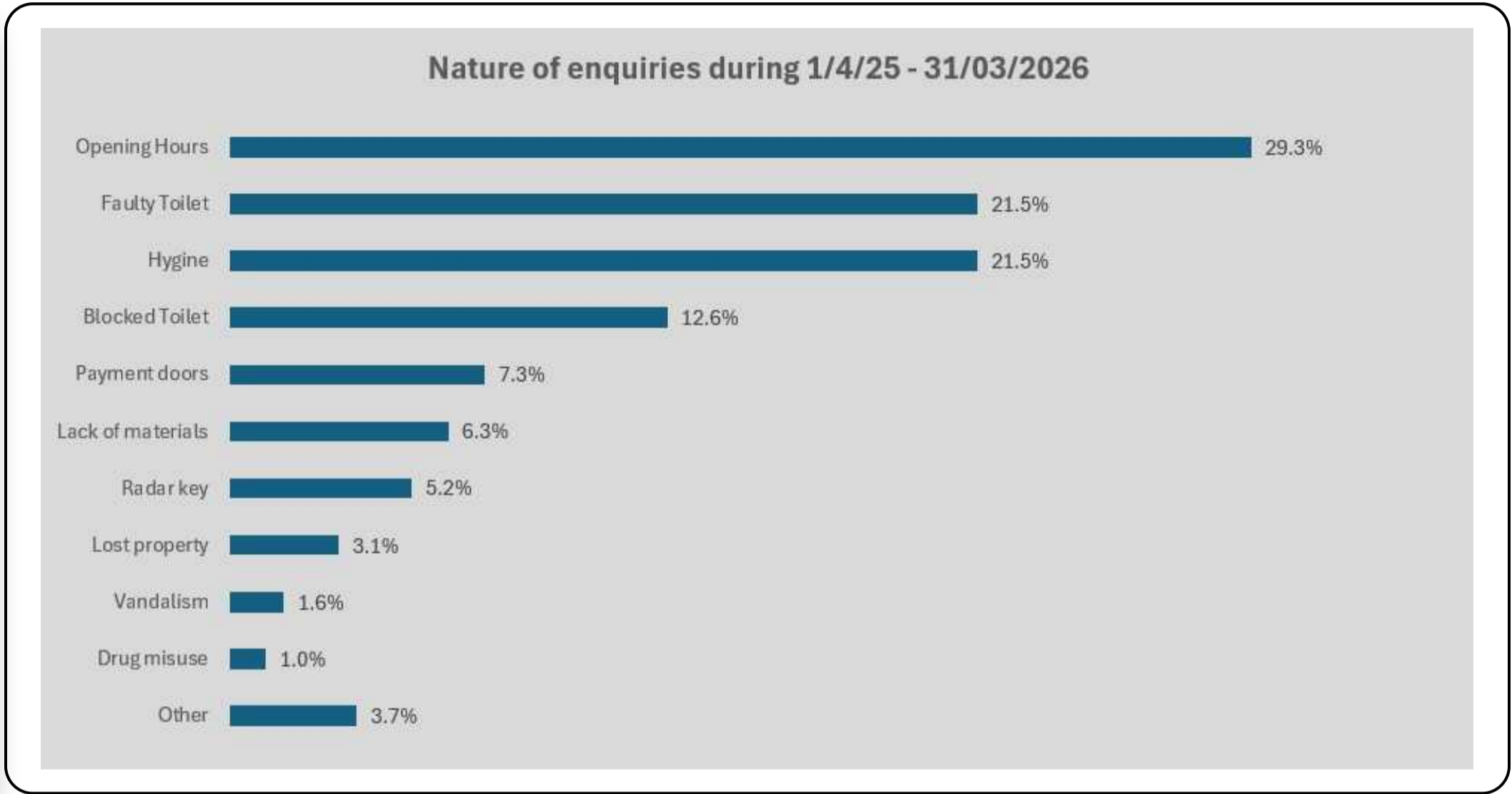
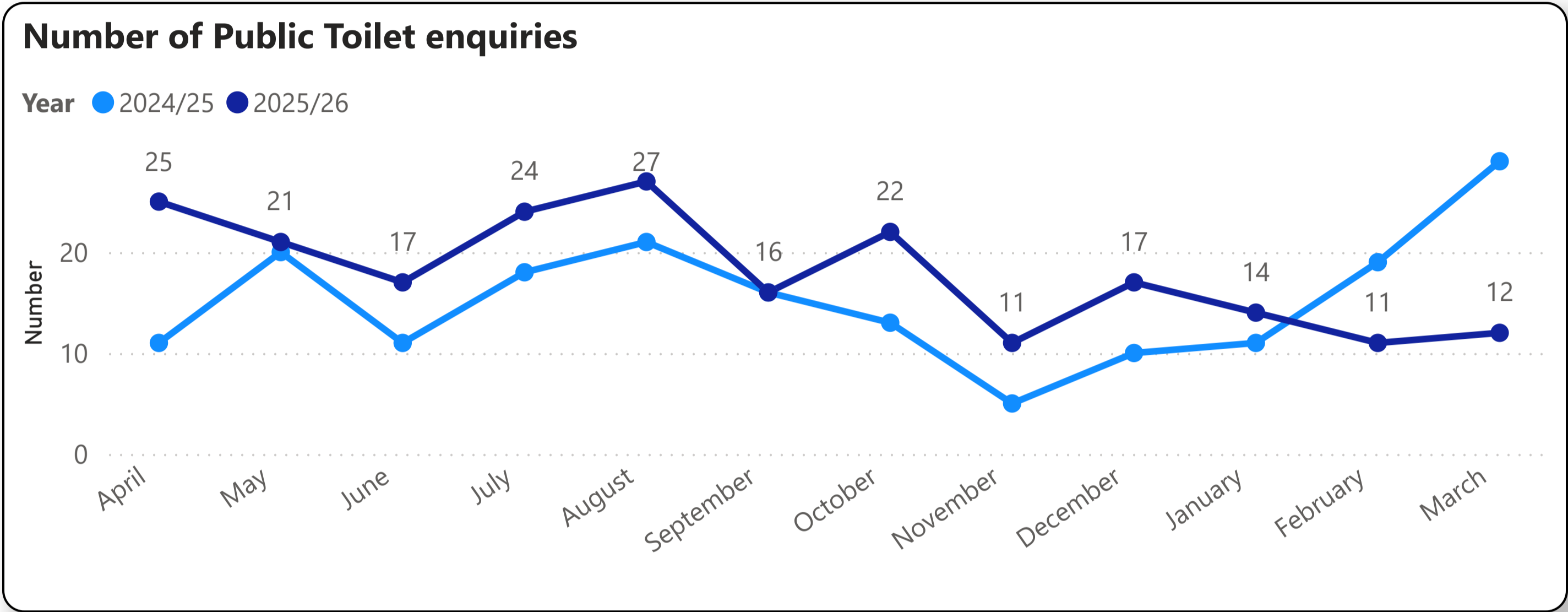
2025/26

Month

March

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PP-21 : Average number of days to respond to a Public Toilet enquiry



Behind the performance

The Municipal Service is responsible for providing and maintaining 60 public toilets across the county. In addition, the service is responsible for administering and inspecting 37 toilets which are part of the community toilet scheme.

The service received a total of 217 enquiries during 2025/26. This is a slight increase of 33 compared to last year.

The nature of the enquiries varies greatly from enquiring about opening hours to complaints about damaged equipment. The response time can therefore vary greatly. Approximately 29% of enquiries can be reported to relate to opening hours, 22% relate to a faulty toilet and a further 22% to toilet hygiene and cleanliness.

Throughout the year the service has succeeded in reducing the number of days it takes to for a customer to receive a response to their request. Looking at the whole year the average was 20 days, but by March **the average number of days had dropped to 4 days**. This work will continue and the service will look to deliver i-pads to the team leaders to further facilitate the timely closure of enquiries for the customer.



Purpose of Service :

Maintain a high standard service to YGC Building Unit customers that is competitive and meets customer requirements to enable the service to meet the annual income target

Year

2025/26

Month

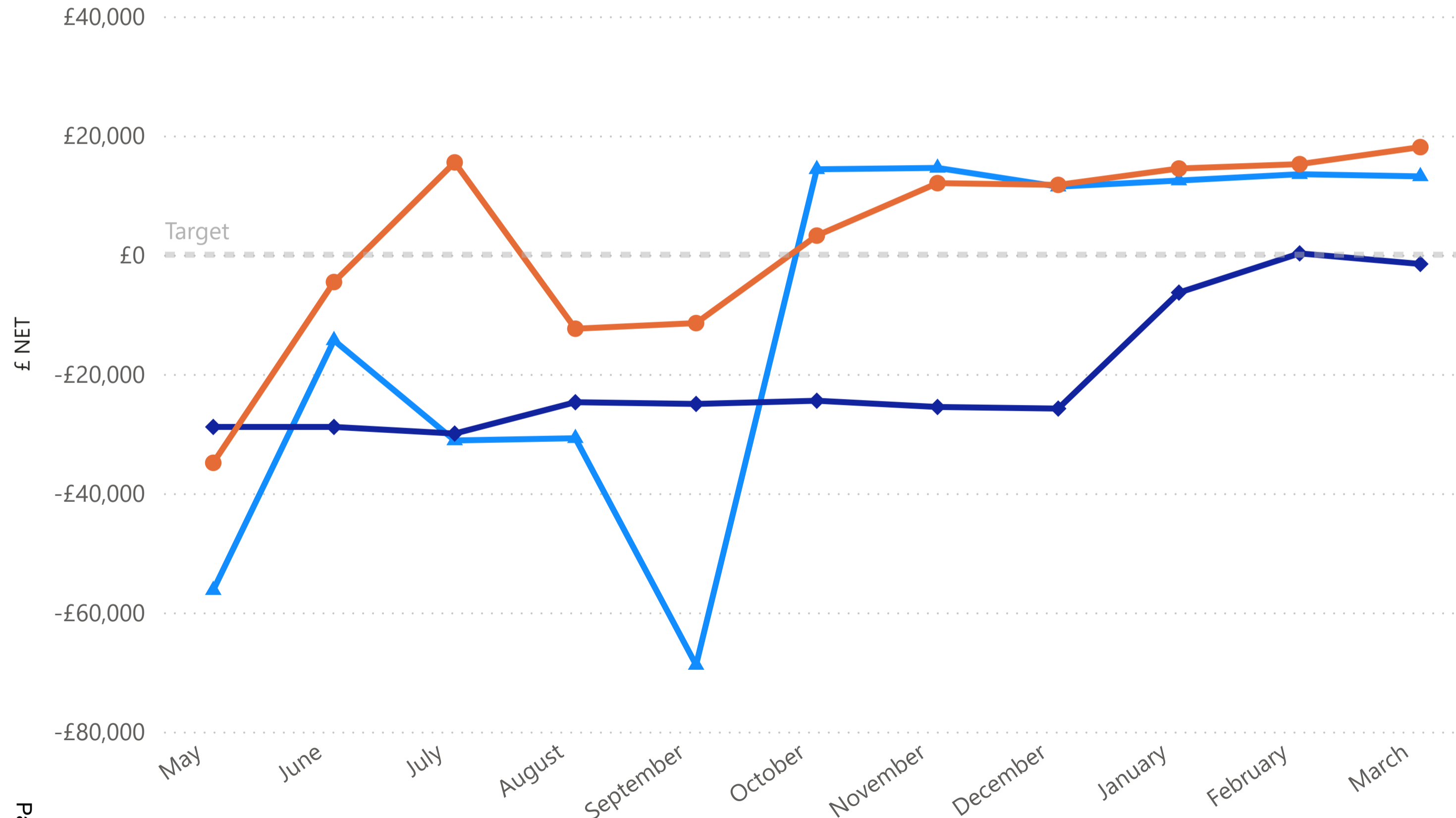
March

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YGC-23 : Meet the Building Unit's financial target

Monthly comparison - Building Unit

Year ▲ 2023/24 ◆ 2024/25 ● 2025/26



Behind the performance

The performance of the teams has been good on their projects, with three new members of staff employed by the building surveyors and building services teams.

Additional work has recently been sourced from the Housing and Property Department (including maintenance and decarbonisation) with the teams reviewing the programme and the resource that will be required.

Beneficial meetings with the Housing and Property Department have recently been held where the work programme has been discussed and with this in mind, we are looking to recruit a new Building Surveyor.

The service reached its financial target for the year 2025/26.



Purpose of Service :

Maintain a high quality service for YGC customers that is competitive and meets the customers requirements to enable YGC to reach the annual income target

Year

2025/26

Month

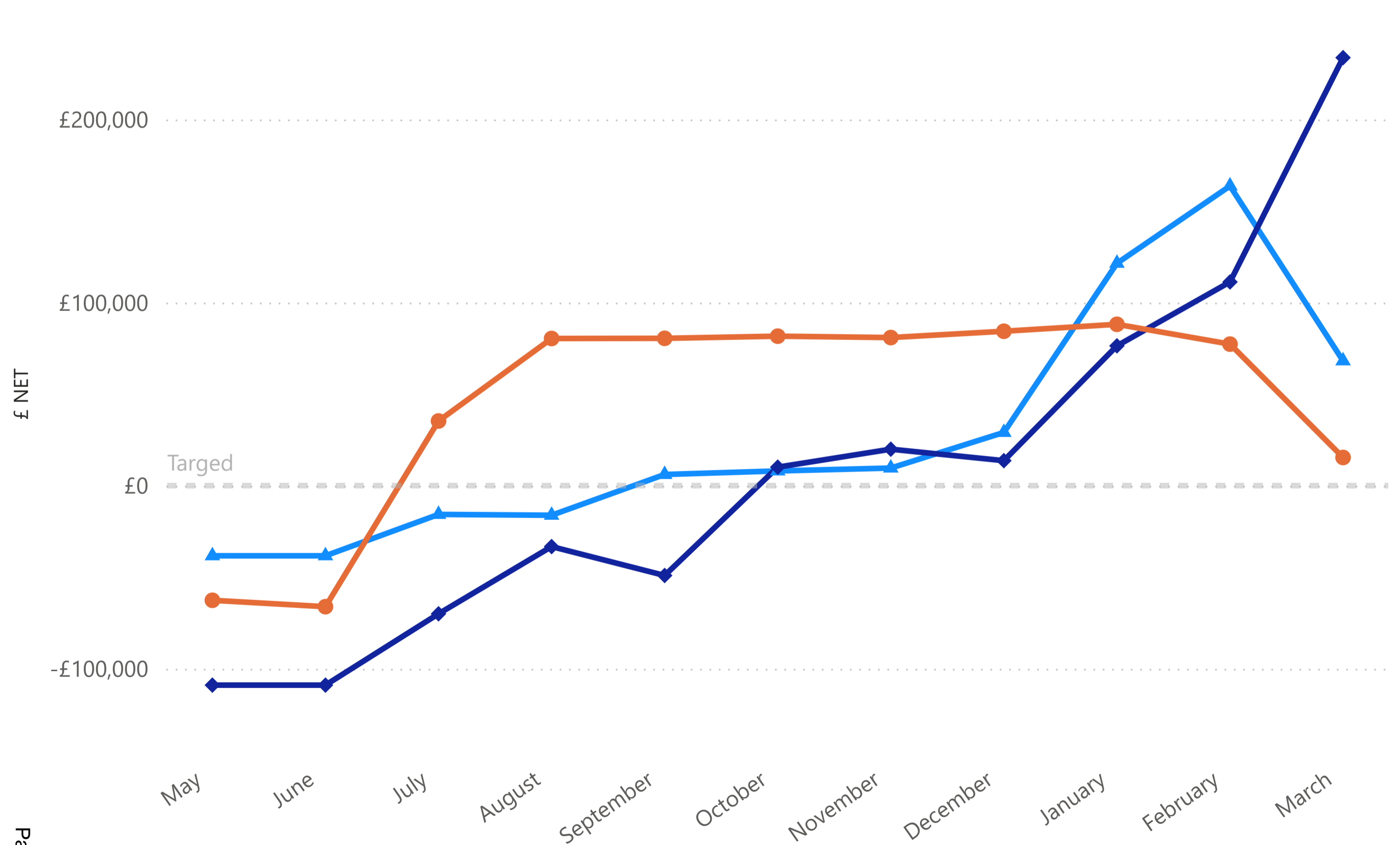
March

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YGC-24 : Meet YGC financial target

Monthly comparison - YGC Service

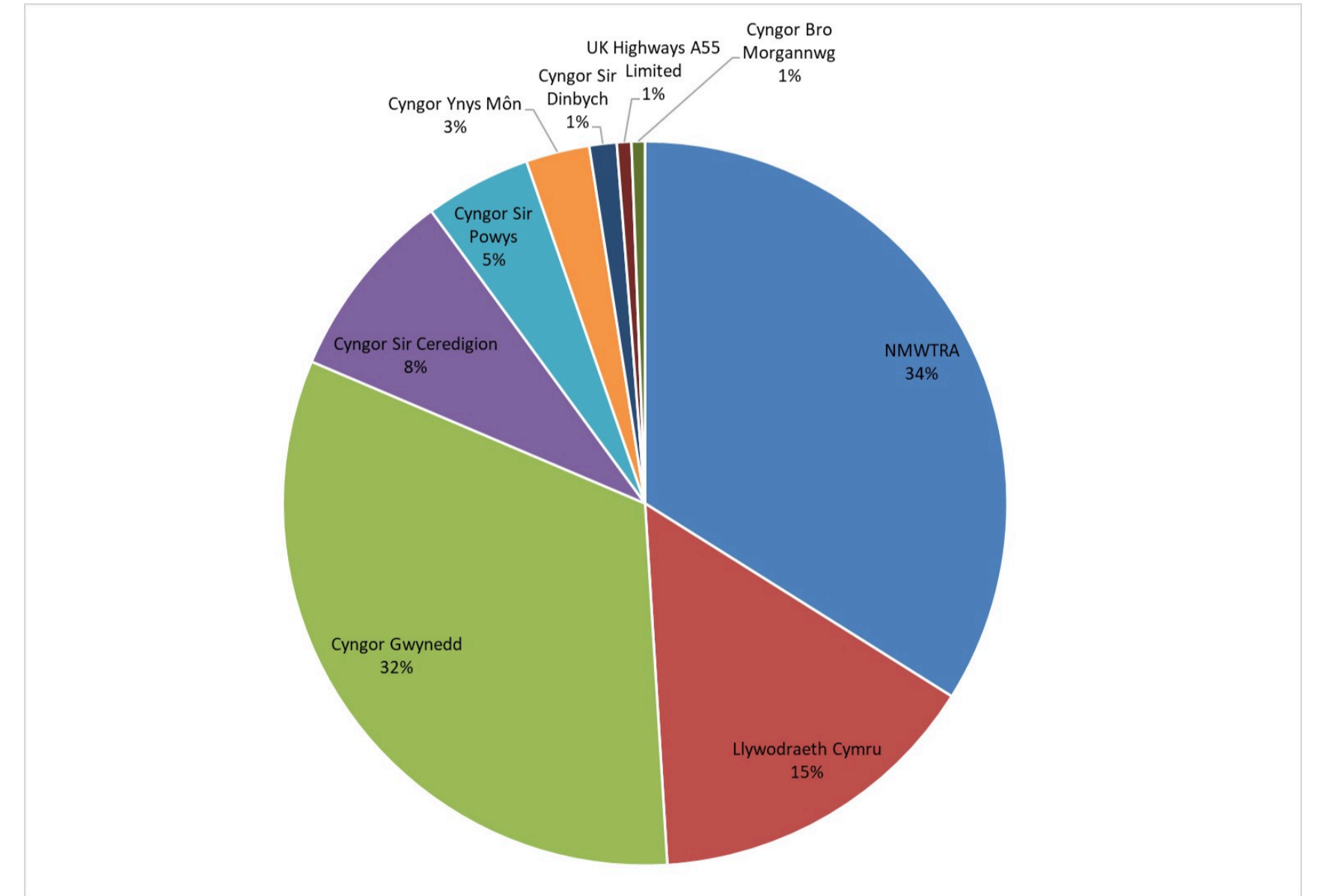
Year ▲ 2023/24 ◆ 2024/25 ● 2025/26



Behind the performance

The 2025-26 target was £8.2 million. £16k of profit was made above the target.

Here are our customers this year



The workflow going in to the start of 2026-27 financial year is very strong. Through discussions with our main clients it is possible to see that adequate work is available for the remainder of the year, and therefore the profile of the work that has been programmed is consistent with those of previous years.



Purpose of Service :

Maintain a high quality service for YGC's customers and clients that is competitive and meets its requirements

Year

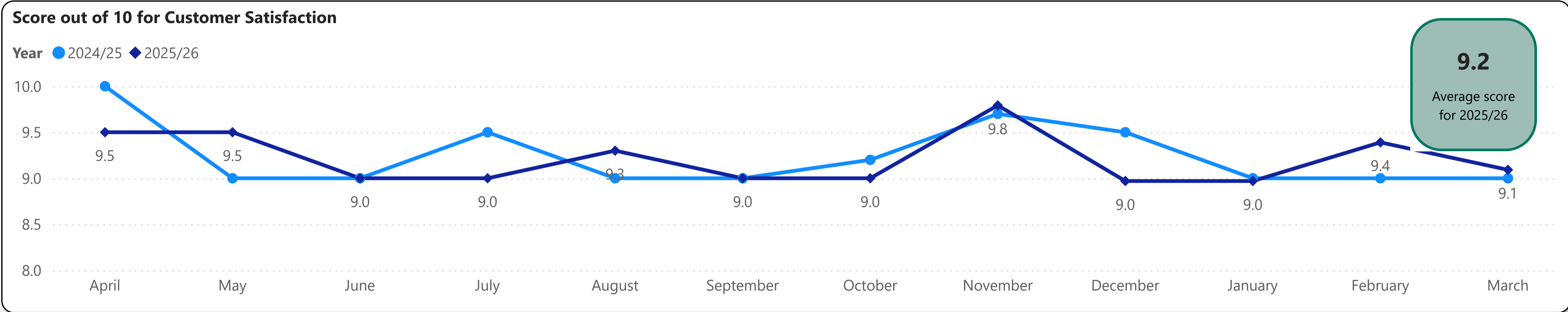
2025/26

Month

March

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YGC-25 : Score out of 10 for Customer Satisfaction



Behind the performance

NMWTRA

The score has remained fairly constant throughout the financial year with the final score increasing to 9.4. We received 130 projects during the financial year from the agency.

Civil

At the end of the financial year, 210 questionnaires were sent out to the clients. 24 responses were received. The majority of responses gave a score of 10, with some of the clients sharing very positive comments about the work of YGC staff.

Housing and Property

18 questionnaires were sent out at the end of the financial year to the Housing and Property Department, with only 1 response received with a score of 10 which is very positive.

SuDS

Questionnaires continue to be sent out with each SuDS application decision. Unfortunately, no response was received during the financial year.



Purpose of Service :

Maintain the County's coastal and inland asset maintenance program in a safe and timely manner to reduce flood risk to Gwynedd's residents

Year

2025/26

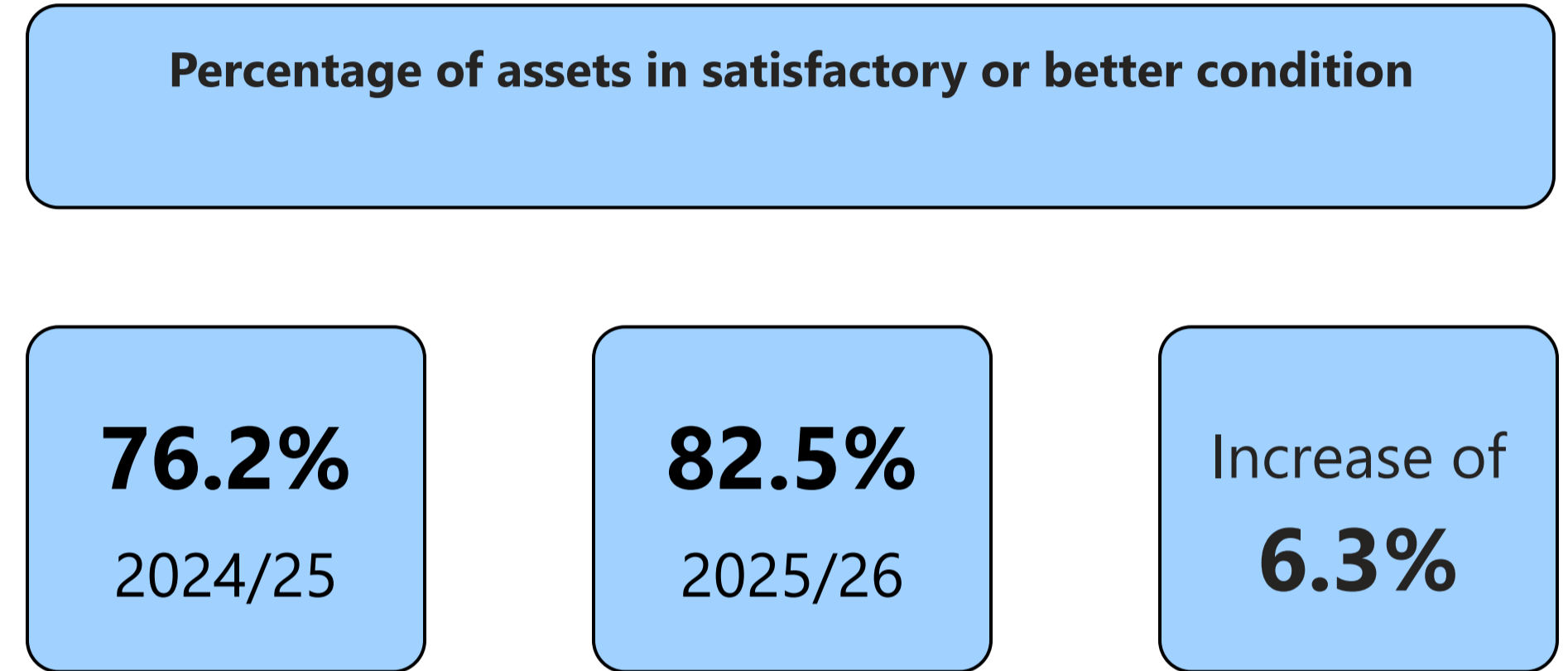
Month

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YGC-26 : Percentage of assets in satisfactory or better condition

| Year | 2024/25 | | 2025/26 | |
|-----------------|------------|---------------|------------|---------------|
| | Number | Percentage | Number | Percentage |
| 1. Very good | 3 | 1.5% | 13 | 5.4% |
| 2. Good | 68 | 33.7% | 90 | 37.5% |
| 3. Satisfactory | 83 | 41.1% | 95 | 39.6% |
| 4. Bad | 21 | 10.4% | 17 | 7.1% |
| 5. Very bad | 27 | 13.4% | 25 | 10.4% |
| Total | 202 | 100.0% | 240 | 100.0% |



Behind the performance

In 2025 the unit audited 240 of the 299 assets, with an increase in assets scoring a Target Grade of 3 or better.

Some assets/units have been deemed unsustainable for repair and are therefore not being audited, either because of their condition or because they are part of a wider study or plan.

The information in the table summarises the results of the year while comparing them with the results of 2024/25.

A programme of maintenance work has been completed for the year and is likely to have raised the score of the assets again (no formal audit of the score being carried out following completion of work)

The programme has included improvements to coastal structures at Tywyn, Criccieth, Y Felinheli and Caernarfon as well as works to refurbish structures on watercourses in the Bethesda area.

Percentage change between the two years is positive with a **6.3% increase** in assets above the target grade of 3.



Purpose of Service :

Review SuDS applications in a timely manner and ensure proposed developments meet Welsh Government regulations.

Year

2025/26

Month

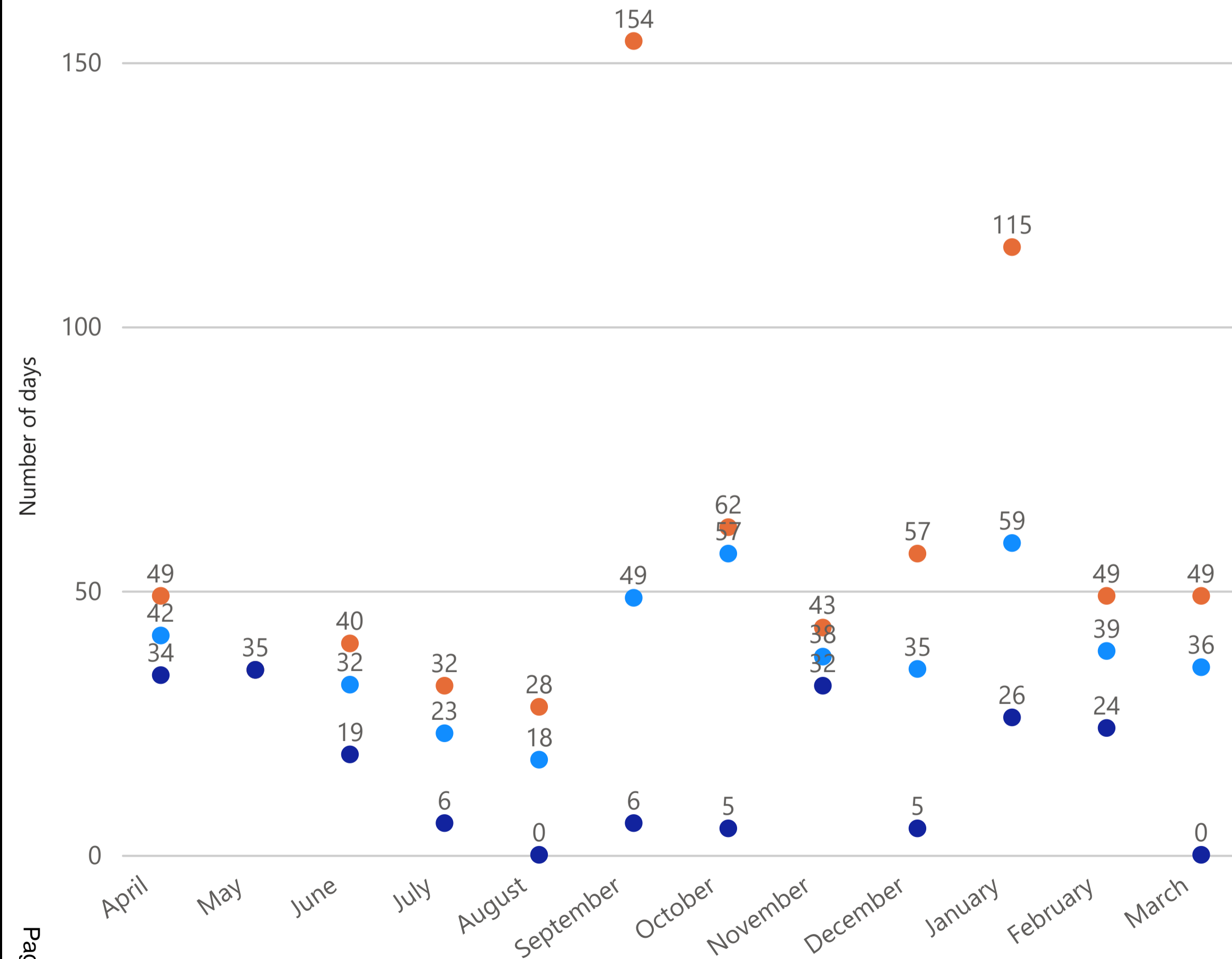
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YGC-27 : Percentage of SuDS applications that have received a decision within the target

Number of days to approve SuDS applications

● Average ● Highest ● Lowest



66

Number of applications approved

80.3%

Percentage approved within the target

Behind the performance

Since the 7th of January 2019 all new developments of more than 1 house, or where the building area is 100m² or more, are required by statutory law in Wales to provide sustainable drainage systems (SUDS) for surface water management.

SUDS plans must be approved by Gwynedd Council through the SUDS Approval Body, before construction can begin. All applications will be considered against the Welsh Government's national standards.

The statutory time to approve an application is 7 weeks or 49 days.

The main reason why applications are not approved within the statutory time frame is that officers allow more time for the applicants in some cases to submit additional information, rather than having to reject the applications. The service believes this is a better way in terms of customer care even though it means an application is approved late.

In addition to the above the service has also given views on over 300 planning applications, relating to drainage and flooding issues.



Purpose of Service :

Reduce flood risk in Gwynedd in addition to upgrading existing assets

Year

2025/26

Month

March



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YGC-28 : Number of flood schemes completed

| Scheme | Description | Status |
|------------------------|---|----------------------------------|
| Bontnewydd | Detailed design and full business case for Bontnewydd flood mitigation measures | Back on program |
| Hirael | Construction of coastal defences has started since May 2023 | Back on program |
| Mynydd Llandegai | Detailed design and full business case for a range of measures to reduce the risk of surface water flooding and flooding of common watercourses | Back on program |
| Cadnant Caernarfon | Screen upgrade on the culvert of the River Cadnant, Caernarfon | Completed |
| Gerddi Traphont Bermo | Coastal protection for the Barmouth Viaduct Gardens area, including a new barrage, surface water system and property level protection | Program slipped / Cost increases |
| Groeslon | Detailed design including watercourse and culvert improvements to reduce the risk of obstructions in the river | Still on program |
| Prom Y Gogledd Abermaw | Detailed design and full business case for coastal protection for the north Prom area in Barmouth | Still on program |
| Waunfawr | Detailed design to mitigate flooding problems in the culverts of Cae'r Waun and Pant y Waun | Still on program |

Behind the performance

Most of the work on the Hirael scheme has now been completed. However, some elements are still dependent on the completion of a related project by Welsh Water.

In Barmouth, the detailed design work for the North Promenade continues to progress well and in line with the programme. A physical model of the scheme has been created at Imperial College London, and will be used to assess any potential impact on the flood risk from the works. The detailed design phase is expected to take about two years to complete.

With the Viaduct Scheme in Barmouth we are working with the contractor to ensure that the programme does not slip further – this is based on the amount of work that will be possible before the summer period (as the traffic control system needs to be removed).

There are plans to go out to tender for the next phase for the Mynydd Llandygai and Bontnewydd schemes so that work on the sites can start before the end of the summer.



Purpose of Service :

Maintain bridges and retaining walls on the Gwynedd network

Year

2025/26

Month

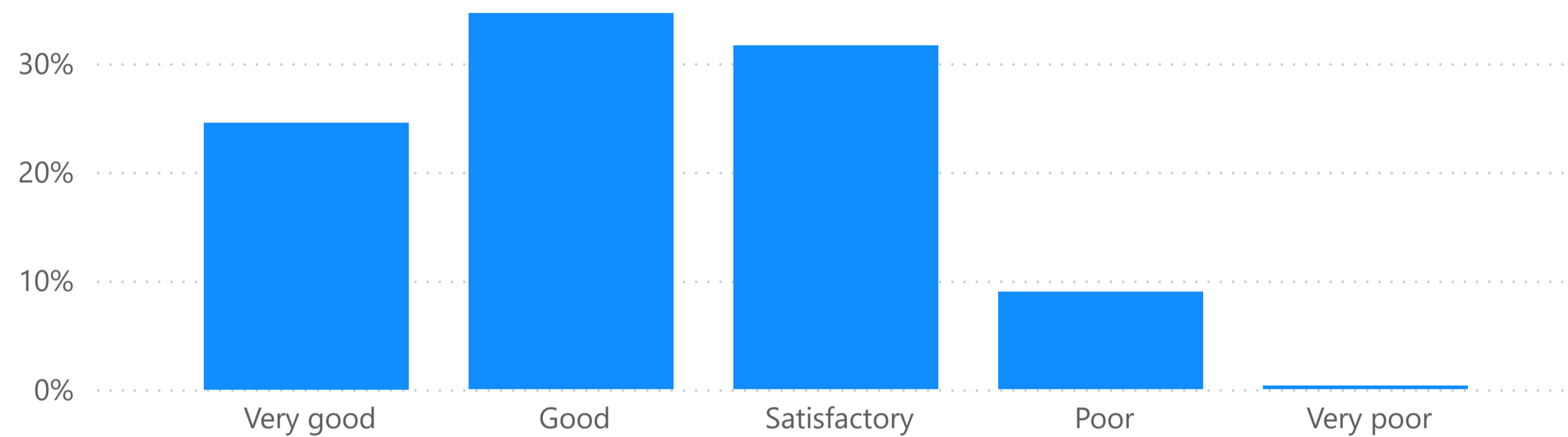
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YGC-29 : Percentage of structures in satisfactory condition or better based on the BCI score state of "good repair"

Canran strythurau ym mhob cyflwr



Behind the performance

This data summarises the state of our road bridge stock in Gwynedd. We are responsible for a total of 631 road bridges.

The BCI (Bridge Condition Index) score indicator is used to find out the condition of our road bridges.

This score is derived from the data following the latest inspection of our bridges and takes into account all the elements of the structure.

A structure is considered to be in a satisfactory condition if the BCI score is greater than 65.

Gwynedd's road bridge stock is generally good with 91% with a score of 65 or above. A review of all structures that have scored less will be carried out by an engineer, and any concerns that arise will receive a special assessment, and appropriate restoration work.

For structures where larger issues are discovered, they will be managed under the standard for managing sub-standard structures until a solution is possible.

| BCI Score | Score boundaries | Number of structures | % BCI "State of good repair" |
|--------------|------------------|----------------------|------------------------------|
| Very good | 90 and above | 180 | 24.5% |
| Good | 80 to 89 | 35 | 34.6% |
| Satisfactory | 65 to 79 | 226 | 31.6% |
| Poor | 40 to 64 | 122 | 9.0% |
| Very poor | 39 and under | 51 | 0.3% |
| Total | | | 100.0% |



Purpose of Service :

Maintain bridges and retaining walls on the Gwynedd network

Year

2025/26

Month

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YGC-30 : Percentage of inspections completed

| Inspections | Number to inspect | Number inspected | % inspected |
|--|-------------------|------------------|---------------|
| Arfon Class 1 and 2 | 52 | 52 | 100.0% |
| Dwyfor Class 1 and 2 | 65 | 65 | 100.0% |
| Meirionnydd Class 3 and non-classified | 251 | 251 | 100.0% |
| Total | 368 | 368 | 100.0% |

Behind the performance

We as a service are responsible for Gwynedd's road bridge inspection and maintenance programme.

We examine a total of 631 bridges over a two-year program.

This year's inspection programme of 368 bridges has been completed as can be seen in the table above.