

COMMUNITIES SCRUTINY COMMITTEE, 27 OCTOBER 2022

Present:

COUNCILLORS: Elin Hywel (Chair)

Stephen Churchman, Delyth Lloyd Griffiths, Annwen Hughes, Gwilym Jones, Linda Morgan, Edgar Owen, Llio Elenid Owen, Elfed Powell Roberts, Arwyn Herald Roberts, Beca Roberts, Peter Thomas, Rob Triggs, Rhys Tudur and Gruffydd Williams.

Officers in attendance:

Bethan Adams (Scrutiny Advisor), Rhodri Jones (Democracy Services Officer) and Eirian Roberts (Democracy Services Officer).

Present for item 5:

Councillor Dafydd Meurig (Cabinet Member for the Environment), Gareth Jones (Assistant Head of Environment) and Rebeca Jones (Planning Manager (Joint Planning Policy)).

Present for item 6:

Councillor Dafydd Meurig (Cabinet Member for the Environment), Wyn Williams (Countryside Manager) and Gareth Jones (Assistant Head of Environment Department).

Present for item 7:

Councillor Berwyn Parry Jones (Cabinet Member for Highways and Municipal Services and Gwynedd Consultancy), Steffan Jones (Head of Highways and Municipal Department) and Emlyn Jones (Assistant Head of Gwynedd Consultancy).

1. APOLOGIES

Apologies were received from Councillors Robert Glyn Daniels, Elwyn Edwards and Kim Jones.

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 committee meeting held on 28 September, 2022, as a true record.

5. NATIONAL AND LOCAL DEVELOPMENTS TO MANAGE THE EFFECT OF SECOND HOMES AND HOLIDAY LETS ON THE ABILITY OF LOCAL PEOPLE TO GAIN ACCESS TO HOUSING IN THEIR COMMUNITIES AND THE AMENDED LOCAL DEVELOPMENT PLAN.

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The report was presented by the Cabinet Member for the Environment, the Assistant Head of Environment and the Planning Manager (Joint Planning Policy). Attention was drawn briefly to the following principal points:

- It was explained that in the past there had been difficulties when trying to control the number of second homes in Gwynedd. This was because there were no regulations in place to prevent people from amending the use of their homes without the need to apply for planning permission.
- Details were given that a new use class had been made to convert housing into accommodation for students in Welsh cities and this had driven a scrutiny investigation to look at the possibility of creating a new use class for housing converted into second homes or holiday lets.
- An investigation was commissioned by the Cabinet in 2019 to look into this area and the inspection report was adopted in October 2020 which included recommendations on the grounds of planning, licensing and finance. The Welsh Government undertook further investigation and had very similar findings.
- It was confirmed that three further class uses had now come into effect, namely:
 - C3 – Main Home
 - C5 – Second Home
 - C6 – Short-term holiday lets
- It was noted that owners had the right to change between these use classes without planning permission. In order to manage this, an Article 4 Direction must be made. It was noted that this would give the Council powers to require owners to apply for planning permission before changing the use class of their houses.

Members were given an opportunity to ask questions and offer observations. During the discussion, the following matters were raised:

Attention was drawn to other campaigns that contributed to these developments such as Simon Brooks' report and the 'Hawl i Fyw Adra' organisation.

It was asked how the process of collecting evidence and data would be funded.

- In response to the query, the Head of the Environment Department acknowledged that there were three steps to ensure that article 4 came into effect. Currently, the department was prioritising the first step, namely collection of evidence that was being undertaken by the Joint Policy Service. Since this was unprecedented work, it was anticipated that there was a need for guidance from Counsel and therefore a need for additional finance.
- It was confirmed that additional planning officers would need to be recruited when article 4 comes into effect. It was likely that this would take place during 2023/24. An application had been submitted to the Welsh Government since September 2022 for additional resources to ensure that the Council was in a strong position to act effectively when article 4 came into force.
- It was explained that recruitment was a wider problem within the department due to the pressure to qualify and the language emphasis of the posts. It was confirmed that work was being undertaken to ensure that the department's jobs

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appealed to graduates. The department shares the opportunities available with universities in order to attract candidates.

It was asked whether it was possible to get a report on the development of the recruitment policy to consider whether the time-schedule to implement article 4 at the start of 2024 was achievable.

- In response to the query, the Assistant Head of Environment Department agreed that recruitment could be part of the department's report at the March 2023 meeting, however, the report would focus mainly on the options for the areas where the article four direction could be justified. It was emphasised that it was currently aimed to meet the timescale but this could change as it was difficult to anticipate what obstacles may arise knowing that the process was unprecedented.
- It was explained that the changes to the use class had been implemented since 20 October 2022. Since then the Department had been implementing the legislation when dealing with planning applications for new housing by using a planning condition to remove the right for a change of use from the main home (C3) to C5 and C6 uses. As a result, formal permission would be required to change the housing class use, and the aim was that this is done now before article 4 comes into effect.

It was also considered whether legislation was likely to create problems in areas where second homes were not currently a concern. It was asked whether consideration had been given to areas that bordered other authorities and whether there was collaboration with those authorities so that everyone followed the same rules.

- In response to the query, the Planning Manager (Joint Planning Policy) acknowledged that they had to be mindful that the system does not create problems in areas where no issues currently exist. In order to try and prevent this, the department was following a continuous process of gathering evidence.
- It was confirmed that there was regular collaboration with the Eryri National Park Authority. Evidence gathered was shared with them, and the collaboration process was very positive thus far.

A member noted the need to give consideration to buffer zones. In response to a question regarding the size of the action areas of the article 4 direction, the Assistant Head of Environment Department noted that the area could be based on the electoral ward or a specific area. He expanded that no options in terms of the size of the area were discounted, and he agreed that there was a need to consider areas on the periphery of an area where a direction would be in force.

It was questioned how areas requiring an article 4 direction would be identified, and it was asked if there were specific criteria to accept these.

- In response to the query, the Planning Manager (Joint Planning Policy) noted that a great deal of evidence went in to identifying an area that requires the direction. These included the Welsh language, the situation of schools and how many houses are rented out as Short-term Holiday lets. Evidence collected regarding each aspect was considered in detail to see whether the area needs an article 4 direction and the information will also be used for the benefit of new policies in the Amended Local Development Plan.

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It was asked if enquiries were being made with the public to get the voice of the area's residents.

- In response to the query, the Planning Manager (Joint Planning Policy) noted that a consultation strategy was being developed with the communication team. There were no specific examples of how to undertake this, however, there was a need to ensure that we meet with the statutory requirements and give people in the area an opportunity to voice their opinion.

It was asked whether a year's notice had to be given to change a dwelling's use, what happens to housing sold prior to the article 4 direction coming into force, and the use class changing.

- In response to the query, the Assistant Head of the Environment Department noted that unfortunately it was not possible to prevent changes between the class uses during the sale of housing process until the article 4 direction had come into force. Although there was nothing that could currently be done in planning terms (apart from applications for new housing as already explained), it was possible that a new owner would have other interventions to consider such as taxation.

The members expressed their thanks for the report.

RESOLVED

- (i) To accept the report, noting the observations made during the meeting.**
- (ii) That a further report is submitted to the Committee at its meeting on 9 March 2023, examining the potential area options where use of an Article 4 Direction can be evidenced.**
- (iii) To ask the Department to include information about the consultation and recruitment in the report.**

6. INTRODUCING THE RIGHTS OF WAY IMPROVEMENT PLAN

The report was submitted by the Cabinet Member for Environment, the Countryside Manager and the Assistant Head of Environment. Attention was drawn briefly to the following principal points:

- The Cabinet Member for the Environment explained that the draft plan had appeared before this Committee prior to consultation and had been developed following the consultation undertaken over the summer. The consultation included 7 questions based on the action points
- A total of 294 responses were received to the questionnaire, with the majority indicating a general satisfaction with the rights of way improvement plan

Members were given an opportunity to ask questions and offer observations. During the discussion, the following matters were raised:

It was asked whether the department had considered seeking volunteers to assist them to improve rights of way? It was believed that people were eager to volunteer as this brought communities together. This would also be a good way of collaborating with town and community councils.

- In response to the query, the Countryside Manager noted that it was a challenge for officers to coordinate volunteers. Responding to an interest could be challenging at times as resources were not available to continuously support

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volunteers. It was also important to remember that health and safety issues needed to be considered with some aspects of volunteering. However, it was recognised that not enough advantage was taken of volunteering and included in the plan and there was room for improvement here.

- The Countryside Manager proceeded to confirm that there was a strong relationship with community and town councils especially with funding and grants issues. On-going work was undertaken to collaborate with town councils and public bodies.

It was noted that volunteers needed health and safety training and they could then undertake the work of inspecting footpaths. Praise was given to the work of the service considering the cuts to the budget.

It was asked how the plan would allow horses to travel safely along the paths bearing in mind obstructions such as gates and the proximity to road traffic.

- In response to the query, the Countryside Manager confirmed that regular applications were received from a horse society for permission to use more of the paths. Some paths were already suitable such as Lôn Las Ogwen. This path was wide and flat and suitable for horses and bicycles.
- The Countryside Manager proceeded to say that there was inconsistency in the types of paths that are part of the network and therefore horses and bicycles could not travel on every one. Work was being done to ensure that there was consistency across all the Lonydd Glas network and to get a safety assessment so that every user was safe when using the paths.

It was asked if work was being undertaken to make the paths more accessible to people with mobility difficulties or for people with vision impairment. It was assumed that some people had difficulties using the paths due to the distance between signs, especially if their vision was poor.

- In response to the query, the Countryside Manager noted that he was aware of these difficulties. The department had been working for some years to reduce the number of obstacles on the paths – such as replacing a stile with a gate, and if possible completely removing the gate to leave a gateway without any obstruction.
- It was expanded that this work was regularly reviewed. The department is continuing to learn as people use the paths and an equality impact assessment would be prepared for the plan.

It was asked whether it was possible to receive a report from the department regarding the condition of the footpaths network.

- In response to the query, the Countryside Manager confirmed that a sample of the condition of paths in 6 communities were available. These samples indicated the inconsistencies in the network. This could be for several reasons such as the landscape. There was a new system of managing and responding to complaints by now. In looking at the complaints, the types of enquiries received may be explored to make a further assessment of the condition of the paths.

Thanks were expressed for the report.

RESOLVED

- (i) To accept the report and approve that the Environment Department prepare a final version of the Rights of Way Improvement Plan and to incorporate the**

recommendations of the Scrutiny Committee in relation to including further information regarding volunteers and access for all matters.

(ii) Recommend that the Cabinet adopt the Rights of Way Improvement Plan.

7. LOCAL FLOOD STRATEGY

The report was presented by the Cabinet Member for Highways and Municipal and Gwynedd Consultancy, the Head of Highways and Municipal Services and the Assistant Head of Gwynedd Consultancy. Attention was drawn briefly to the following principal points:

- The Head of Highways and Municipal Department explained that the document detailed inland and coastal flooding risks but that these were considered separately.
- The inland flooding risks were discussed and it was explained that each area was considered independently in order to state the risks that impact on different parts of the county. In the past, it was considered that too local a consideration had been made and therefore the department was eager to look at areas according to catchment areas in order to ascertain the more real risks.
- The coastal flooding risks were discussed. It was emphasised that the department wanted to ascertain the most vulnerable areas in order to apply for grants to get materials to protect them.

Members were given an opportunity to ask questions and offer observations. During the discussion, the following matters were raised:

It was asked by approximately how much the sea level would rise as a result of the climate change impact, and what could be done to prevent this and the situation in the Fairbourne area.

- In response to this query, the Assistant Head of Gwynedd Consultancy noted that there was a presumption that the sea level would increase by approximately a metre in the future due to climate change. He explained that there was a specific plan for the Fairbourne area in the context of mitigating the impact and the effect on the community. He noted that a community impact assessment would be undertaken.

Reference was made to the department's intention to look regularly at the catchment areas to review their flooding risks. It was asked how the department would undertake this.

- In response to the query, the Assistant Head of Gwynedd Consultancy confirmed that a number of minor projects were being implemented within the catchment areas to get clear information about each area. These projects are rectified prior to the submission of information to Natural Resources Wales who feed the information into their database.
- It was expanded that it was possible to use Natural Resources Wales' map to see how many properties there would be in a high-risk area in the catchment area. As information was fed regularly into the database, this information was likely to consistently change. As the department worked in high risk areas and resolved problems, the information would be fed back to Natural Resources Wales for them to update their information.
- It was emphasised that although this process took time, the priorities that would need to be followed would change with time to ensure that flood prevention support went to the areas where it was most needed. The information was transferred from

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the department to Natural Resources Wales twice a year. This was sufficient for the department.

It was noted that it was key to consider what side effects the projects to safeguard the coast in one catchment area had on nearby areas. It was possible that resolving coastal flooding risks in one community had a negative impact on another area. It was important to take these risks into consideration when trying to produce a framework.

In response to observations in the context of flooding risks in Pwllheli and Porthmadog, it was noted that Natural Resources Wales led on plans in these areas. It was explained that there was input from the Department and enquiries would be made regarding the timetable. A member emphasised the importance of communication with communities.

Reference was made to the department's strategy to look at inland and coastal flooding separately. It was asked if there was a risk for the full picture to be lost by not considering both together.

- In response to this query, the Assistant Head of Gwynedd Consultancy emphasised that this was not a problem. Since projects were implemented as parts of catchment areas, these impacts would not be lost.
- It was expanded upon that there was collaboration with many organisations such as Natural Resources Wales, and Town and Community Councils. In the past, collaboration had been challenging. The situation had improved by now and everyone had a shared vision and aspiration.

Thanks were expressed for the report.

RESOLVED

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

8. COMMUNITIES SCRUTINY COMMITTEE FORWARD PROGRAMME 2022/23

The report was presented by the Scrutiny Advisor and she briefly drew attention to the following main points:

- It was confirmed that the committee had adopted the work programme at the previous meeting on 28.09.2022. Since then one report had slipped back on the timetable, namely the 'Well-being Plan' item. A request had been made to officers to present this report to the committee in January. Four items had already been programmed for January and therefore there was a need to prioritise.
- It was explained that the item 'Amended Local Development Plan' had been timetabled for January. It was confirmed that an information session for members had been held recently. It was proposed to remove this item from the January timetable and give priority to the 'Well-being Plan' report in its place. There was a need to scrutinise the well-being plan as it would inform the priorities of the Gwynedd and Anglesey Public Services Board for the next period.

In response to an enquiry about the contents of the item 'Amended Local Development Plan' it was confirmed that it was only the plan's time-schedule/process that would be scrutinised, not the contents of the plan itself. This information has already been shared in the information session to members.

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RESOLVED

- (i) To prioritise the 'Well-being Plan' item for the 19 January 2023 meeting and remove the 'Amended Local Development Plan' item.**
- (ii) To adopt the amended work programme for 2022/23.**

The meeting commenced at 10.30 a.m. and concluded at 12.35 p.m.

CHAIR