
COMMUNITIES SCRUTINY COMMITTEE, 09 MARCH 2023

Present:

COUNCILLORS: Elin Hywel (Chair)
Kim Jones (Vice-chair)

Stephen Churchman, Elwyn Edwards, Delyth Lloyd Griffiths, Annwen Hughes, Gwilym Jones, Edgar Owen, Llio Elenid Owen, Arwyn Herald Roberts, Elfed Powell Roberts, Peter Thomas, Rhys Tudur and Gruffydd Williams.

Officers in attendance:

Bethan Adams (Scrutiny Advisor), Rhodri Jones and Eirian Roberts (Democracy Services Officers) and Ellie Evans (Democracy Services Administrative Assistant)

Present for item 5:

Councillor Dafydd Meurig (Cabinet Member for the Environment), Gareth Jones (Assistant Head of Environment Department) and Heledd Jones (Team Leader – Joint Planning Policy Unit, Anglesey and Gwynedd).

Present for item 6:

Councillor Berwyn Parry Jones (Cabinet Member for Highways, Engineering and Gwynedd Consultancy), Steffan Jones (Head of Highways, Engineering and Gwynedd Consultancy) and Meirion Williams (Assistant Head of Highways, Engineering and Gwynedd Consultancy).

1. APOLOGIES

Apologies were received from Councillors Robert Glyn Daniels, Linda Morgan, Beca Roberts and Rob Triggs.

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 19 January, 2023 as a true record.

5. INTRODUCING THE ARTICLE 4 DIRECTION TO MANAGE THE USE OF SECOND HOMES AND SHORT-TERM HOLIDAY ACCOMMODATION

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

- Members were reminded that three further class uses had now come into effect, namely:
 - o C3 - Main Residence
 - o C5 - Second Home
 - o C6 - Holiday accommodation
- It was confirmed that house owners could change the use class of their houses without a planning application and the Article 4 Direction would control this, by adding the enforcement to make a planning application prior to changing the use class of their houses.
- It was emphasised that introducing the Article 4 was a way to manage housing stock within areas, and therefore facilitating the ability of local people to buy housing within their communities.
- It was reported that the process of introducing the direction was new and unprecedented and it was confirmed that the department was in the process of receiving legal counsel for the different aspects of the process.
- It was explained that the Article 4 direction was not relevant to the Eryri National Park planning authority area. However, officers in the department were working closely with the Park to share benefits/experiences.
- It was reported that there had been an increase in the numbers that transferred from being a residential unit to being a holiday accommodation business paying non-domestic rates.
- It was noted that consideration had been given to a series of area options before the officers concluded on the best way of introducing the Article 4 Direction, namely:
 - o Option 1: Dwyfor (Government pilot area)
 - o Option 2: Community/Town/City Council areas where the current provision of holiday homes is greater than 15% of the housing stock
 - o Option 3: Vulnerable Areas (areas under threat)
 - o Option 4: The whole of Gwynedd (Gwynedd Local Planning Authority Area).
- It was confirmed that the officers' research suggested that the favoured option to introduce the Article 4 direction was the whole of Gwynedd (Option 4). However, it was noted that it was not possible to be certain of the implications to the area. It was assumed that this was the simplest option going forward as there would be no doubt which areas fall under the control of the direction - apart from areas under the planning control of the Eryri National Park area.

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

A member noted that he was pleased that the recommendation was clear but was concerned about the possible impact on areas under the excess threshold for second homes and holiday accommodation of 15% of the housing stock.

The Assistant Head of the Environment Department explained that the implementation of the Article 4 direction would not change planning policies and the policies of the Joint Local Development Plan, would continue to be operational following the introduction of article 4.

In response to an enquiry regarding a definition of 'second homes and holiday accommodation', the Assistant Head of the Environment Department reported that there was no specific policy for holiday accommodation and second homes. However, it was explained that there was a clause in Policy TWR 2 that ensured that planning permission would not be granted should it affect Gwynedd housing stock. It was assured that every application would be dealt with on its own merit and therefore it was not possible to confirm that this clause in Policy TWR 2 would not prevent every planning application that affects the housing stock. It was also emphasised that there was a possibility that applicants would appeal against

decisions based on this clause. It was agreed that it would be beneficial to elaborate on the guidance in the Supplementary Planning Guidance (Tourist Facilities and Accommodation) should the Cabinet confirm the intention to implement the Article 4 direction.

In response to an additional query to amend the wording of Policy TWR 2 to include 'second homes', the Cabinet Member for the Environment confirmed that this would be a consideration as a new Local Development Plan is developed.

In response to a supplementary query, the Assistant Head of the Environment Department was confirmed that the term 'excess' was defined in Supplementary Planning Guidance – Tourist Facilities and Accommodation.

In response to a supplementary query, the Team Leader (Joint Planning Policy Unit - Anglesey and Gwynedd) confirmed that holiday accommodation was not included within the definition of 'housing stock'. It was noted that the policy had been drafted prior to the introduction of new planning legislation and therefore it was not possible (at the time) to differentiate between uses.

A member noted that the Welsh Government had responded to calls from campaigners but had created more bureaucracy. The best had to be made of the situation. References were made to financial sources to police the changes and the need for staffing resources. It was noted that by implementing the Article 4 direction in the Gwynedd Planning Authority area that this would impact the Eryri National Park Planning Authority, and the member greatly hoped that the direction would be implemented throughout the whole county.

In response to a query regarding the timing of the work to prepare the new Gwynedd Local Development Plan and matters regarding the Article 4 direction, the Assistant Head of the Environment Department explained that the Councils of Gwynedd and Anglesey had resolved not to act jointly with planning policies in future. Because of this, and as explained in the report to the Cabinet, there had been a delay with the work on the new Local Development Plan.

In terms of the concerns raised about resources, it was emphasised that the process of creating a package to recruit an officer to assist with the implementation of the Article 4 Direction had commenced.

A member asked about the timetable, in response the Assistant Head of the Environment Department noted that it was proposed to present a report on the favoured option to the Cabinet in April/May with the next step, if approved, to undertake a consultation.

In response to an enquiry, on how the direction would be implemented, the Cabinet Member for the Environment reported that financial support was being provided by the Government. It was acknowledged that the main challenge for the department in implementing the direction would be to appoint officers. It was explained that general recruitment processes were currently very challenging, however, the department was operating to attract officers - with the arrangements including job evaluation following the review of job descriptions, developing a recruitment package, employing a planning trainee within the Cynllun Yfory scheme, and the Service is part of the Council's Workforce Planning project. The Assistant Head of the Environment Department elaborated that it was difficult to anticipate exactly how many officers would be needed to implement the direction, and it was forewarned (despite the arrangements implemented) that recruitment could be challenging. Details were given that the Government had stated an intention to provide funding for the Dwyfor Area (namely Government pilot area) with housing work, however, the Council was also contributing financially with a one-off bid submitted to introduce the direction to other areas in the Gwynedd planning authority area.

In response to an additional query, the Assistant Head of the Environment Department acknowledged that additional financial challenges may derive from the Article 4 direction, such as legal challenges. However, details were given that the department had made bids for additional funding and it was hoped that any legal challenge could be funded via this budget.

Reference was made to a table in the report which presented a brief overview of the essential steps required together with setting a rough timetable to deliver these steps. The Team Leader (Joint Planning Policy Unit - Anglesey and Gwynedd) explained that legal guidance was awaited in terms of compliance with the requirement to warn those affected of the requirement for a notice.

The Cabinet Member for the Environment explained that the officers' conclusions included any area within the Eryri National Park area as the Park has its own independent planning control. Furthermore, parts of the Park are located in Conwy Council. The Assistant Head of the Environment Department elaborated that the Department was collaborating closely with the Park throughout the process to encourage them to introduce Article 4 themselves. It was explained that Park officers needed to consider their resources and the various impacts prior to introducing the direction.

It was noted by several members that the percentage considered as an excess of holiday accommodation had changed to be more than 15% of the housing stock, and that this figure was 10% in the past. In response to a query why this change had happened, it was explained by the Team Leader (Joint Planning Policy Unit - Anglesey and Gwynedd) that officers had looked at the previous Supplementary Planning Guidance in use with the Unitary Local Development Plan. In developing new Supplementary Planning Guidance, this supported the guidance that already existed to create a Joint Local Development Plan. It was elaborated that when the previous figure of 10% was in operation second homes and holiday accommodation were considered separately, where the figure of 15% included second homes and holiday accommodation. It was confirmed that officers had considered areas with a percentage of 15% or higher to consider whether the new arrangement is effective and fair.

Concern was shared by several members that the over-provision figure of second homes and holiday accommodation of 15% of the housing in the areas was too much in some communities and could cause situations whereby more holiday homes are available in some areas than the current situation. Officers were asked to re-consider amending the relevant figure down to 10% for the whole of Gwynedd.

RESOLVED:

- **To accept the report, noting the observations made during the discussion.**
- **To recommend to the Cabinet to approve the favoured option in terms of introducing the Article 4 Direction, namely Option 4: The whole of Gwynedd (Gwynedd Local Planning Authority Area)'.**
- **To request that the planning policy officers re-visit the threshold to define over-provision of holiday accommodation and second homes in communities, during the process of drafting the new Local Development Plan.**

6. STREET CLEANLINESS

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

- It was explained that the street cleaning service covered all the public and adopted roads managed by the Council. These have been split into zones in accordance with their use:
 - o High-use zones - town centres mainly
 - o Medium-use zones - comprise residential areas mainly
 - o Low-use zones - comprise the less intensive areas which include rural county roads.
- It was confirmed that the waste and recycling collection service had recently been transferred to the Environment Department and this had given officers an opportunity to re-visit how the provision was delivered. The tidying-up service continued to be under the management of the Highways, Engineering and Gwynedd Consultancy Department.
- It was explained that a review of the service had been undertaken. Generally, it was recognised that the work of the service was very good, however, there were financial and health and safety matters to be addressed. It was reported that a timetable had been set to address the routes in the most efficient way by the end of the summer.
- Details were given that Keep Wales Tidy held an annual independent survey on street cleanliness.
- It was explained that the department was undertaking trials of 'Brighter Bins'. Five bins were part of the trial, and they use solar power and modern technology to make an automatic request to the department to be emptied when they are full.
- It was discussed that teaching children and the people of Gwynedd, as well as raising awareness of the effects of litter, was part of a process of changing behaviour to achieve long-term environmental benefits.
- It was reported on the Department's intention to combine street cleaning, enforcement elements and the tidying-up teams as one new Street Scene service.

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

In response to enquiries by members, the Head of the Highways, Engineering and Gwynedd Consultancy confirmed that enforcement teams currently faced capacity difficulties that led to a delay in the installation of new dog excrement bins after the department had received requests. However, it was confirmed that the Tidying-up Teams aimed to distribute bins as soon as possible and confirmed that only a limited number of bins were stored in the Council's possession.

A member noted that some individuals threw litter out of their cars. The member asked would it be possible to be more pro-active in the places where this was a regular problem e.g. lay-bys. In response, the Head of Department noted that the location mentioned by the member could be looked at to trial such an arrangement.

A member asked if there was a comparison of the costs linked to litter clearance and emptying bins. In response, the Head of Department noted that it was a matter to be included as part of the review.

In response to an enquiry regarding the challenges of preventing pollution, the Head of the Highways, Engineering and Gwynedd Consultancy Department noted that it was proposed to appoint a Communications Officer to educate people about the impact of pollution. It was hoped that this officer would be appointed by Easter.

Consideration was given to the responsibilities of individuals to ensure that their recycling equipment was undamaged to ensure that waste was not blown away prior to collection.

In a question about collaboration with large companies to find ways to reduce waste, it was reported by the Head of the Highways, Engineering and Gwynedd Consultancy Department had been in close contact with companies in the past. By now, these links had ended, however, there was an intention to nurture stronger links in the future with large companies in the area.

Consideration was also given to litter discharged from recycling lorries during their routes as the doors are not closed between collections. The Head of Highways, Engineering and Gwynedd Consultancy confirmed that this would be discussed with the teams.

The efficiency of the Brighter Bins pilot was discussed. In response to an enquiry, the Head of the Highways, Engineering and Gwynedd Consultancy stated that the pilot was in the early stages and it was not currently possible to assess its efficiency. It was confirmed that the department would have more understanding of the pilot results as it continued.

Staff were thanked for their good work during the discussion and specific attention was drawn to some areas. The Head of Highways, Engineering and Gwynedd Consultancy confirmed that he would report back to all the teams the thanks and appreciation of members.

Members gave thanks for the report.

RESOLVED

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

The meeting commenced at 10.30 a.m. and concluded at 12.45 p.m.

CHAIR