

# 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](mailto: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](http://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
<b>General</b>	-	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"> <li>• 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;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <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>



<b>Race (including nationality)</b>	Positive	<p><b>Summary of the observations in relation to the positive impact relating to race (including nationality):</b></p> <ul style="list-style-type: none"> <li>• It was considered that it would give everyone the opportunity to live in their communities – regardless of their background.</li> <li>• 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.</li> </ul>	<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><b>Summary of the observations in relation to the negative impact relating to race (including nationality):</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• It is a form of ethnic cleansing.</li> <li>• The proposal is completely racist, creates a divide between the English and Welsh.</li> <li>• The proposal is xenophobic.</li> <li>• Causes discrimination amongst the Welsh race which represents the majority of house owners in Gwynedd.</li> <li>• Preventing people from England from accessing affordable accommodation is racist.</li> </ul>	<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"> <li>• 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.</li> <li>• The justification paper does not give due attention to the proposal's impact on people from different backgrounds (beyond Wales).</li> <li>• 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.</li> </ul>	
<b>Disability</b>	Positive	<p><b>Summary of the observations submitted in relation to the positive impact relating to disability:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Ensures sufficient provision of housing for people with specific disability requirements.</li> <li>• 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.</li> <li>• Mae llety gwyliau yn cael effaith ar amwynder preswyl trigolion cyfagos a chan hynny yn effeithio'n andwyol ar iechyd meddwl.</li> </ul>	<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>

			<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><b>Summary of the observations submitted in relation to the negative impact relating to disability:</b></p> <ul style="list-style-type: none"><li>• The intention will cause financial hardship which will affect personal mental health.</li><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• Adequate provision of suitable accommodation for individuals with disabilities is required.</li><li>• If the tourism sector is impacted there will be fewer opportunities for individuals with disabilities to work.</li><li>• 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&amp;B's unsuitable and wish for the privacy of their own accommodation, which Article 4 will make more difficult.</li></ul>	
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<b>Sex</b>	Positive	<b>Summary of the observations submitted in relation to the positive impact relating to sex:</b>  No specific comment raised.	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.
	Negative	<b>Summary of the observations submitted in relation to the negative impact relating to sex:</b> <ul style="list-style-type: none"> <li>• Proposal is likely to adversely affect women. Tourism creates many jobs often allowing flexibility around school times.</li> <li>• The short-term letting community in Gwynedd is incredibly diverse, with women making up more than two-thirds of Airbnb Hosts.</li> <li>• 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.</li> </ul>	
<b>Age</b>	Positive	<b>Summary of the observations submitted in relation to the positive impact relating to age:</b> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Living next to holiday accommodation could have an impact on older people causing them to feel anxious.</li> </ul>	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.  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.
	Negative	<b>Summary of the observations submitted in relation to the negative impact relating to age:</b> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	

		<ul style="list-style-type: none"><li>• This will also impact on young Welsh speaking families coming into the area who would attend local schools.</li><li>• The young will leave Wales and with them goes the future of the Welsh language.</li><li>• Those approaching retirement will be particularly hard hit as their sole investment will diminish financially (more socio-economic impacting).</li><li>• It will not help younger main residents get on the housing ladder as available properties will still be too expensive.</li><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• A property market which is hostile to mortgage lenders will favour older purchasers as they will have the financial capabilities 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.</li></ul>	
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<b>Sexual orientation</b>	Positive	<p><b>Summary of the observations submitted in relation to the positive impact relating to sexual orientation:</b></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>
	Negative	<p><b>Summary of the observations submitted in relation to the negative impact relating to sexual orientation:</b></p> <p>No specific comment raised.</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>
<b>Religion or belief (or non-belief)</b>	Positive	<p><b>Summary of the observations submitted in relation to the negative impact relating to belief (or non-belief):</b></p> <ul style="list-style-type: none"> <li>• On religious/cultural or nationality basis, Welsh people I have met and know are very welcoming and accepting of all. However they can be</li> </ul>	<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>

		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"> <li>• 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;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <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><b>Summary of the observations submitted in relation to the negative impact relating to belief (or non-belief):</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	
<b>Gender reassignment</b>	Positive	<p><b>Summary of the observations submitted in relation to the positive impact relating to gender reassignment:</b></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><b>Summary of the observations submitted in relation to the negative impact relating to gender reassignment:</b></p> <p>No specific comment raised.</p>	



<b>Pregnancy and maternity</b>	Positive	<p><b>Summary of the observations submitted in relation to the positive impact relating to pregnancy and maternity:</b></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><b>Summary of the observations submitted in relation to the negative impact relating to pregnancy and maternity:</b></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"> <li>• 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;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <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>
<b>Marriage and civil partnership</b>	Positive	<p><b>Summary of the observations submitted in relation to the positive impact relating to marriage and civil partnership:</b></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>

	Negative	<p><b>Summary of the observations submitted in relation to the negative impact relating to marriage and civil partnership:</b></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>
<b>The Welsh language</b>	Positive	<p><b>Summary of the observations submitted in relation to the positive impact relating to the Welsh language:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• It will help create a fairer housing market and will help to keep Welsh speakers in their communities.</li> <li>• 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.</li> <li>• 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.</li> <li>• It can benefit the Welsh language by avoiding displacement of Welsh speakers to other areas (caused by high house prices &amp; low affordability).</li> </ul>	<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>

		<ul style="list-style-type: none"> <li>• Stem the decline of opportunities to use the Welsh language and stabilise the status of the Welsh language in the community.</li> <li>• 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.</li> <li>• Safeguard the rights of the language in the county and prevent further linguistic deterioration.</li> <li>• 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.</li> <li>• Enable people to return to their native area to live and protect the Welsh language.</li> <li>• It will protect the indigenous Welsh house-names in the area.</li> <li>• Introducing the Article 4 Direction will be a step towards reinforcing and protecting the Welsh language in our communities and keeping them alive.</li> <li>• Preserving the number of Welsh-speaking permanent residents in the area ensures schools and community groups remain active.</li> <li>• This is an important step towards protecting the Welsh language as the rightful language of Gwynedd communities.</li> </ul>	<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><b>Summary of the observations submitted in relation to the negative impact relating to the Welsh language:</b></p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• 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</li><li>• 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.</li><li>• Article 4 is indirectly discriminatory against Welsh speakers and all local residents.</li><li>• 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.</li></ul>	
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		<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The article is indirectly discriminatory against Welsh speakers and residents and infringes on Article 8 of the Human Rights Act.</li> </ul>	
<b>Socio-Economic Disadvantage</b>	Positive	<p><b>Summary of the observations submitted in relation to the positive impact relating to socio-economic disadvantage:</b></p> <ul style="list-style-type: none"> <li>• This will improve opportunities for people in the lower socio economic groups.</li> <li>• It will be beneficial for dealing with homelessness</li> <li>• 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.</li> <li>• Ensure that residents of the county from all socio-economic backgrounds are able to live in their own area.</li> </ul>	<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>

	<ul style="list-style-type: none"><li>• 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.</li><li>• 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;</li><li>• The Article will positively impact economically disadvantaged people by keeping property prices at a more affordable level.</li><li>• Introducing the Article 4 Direction will improve equality in Gwynedd communities by making housing more affordable for people on local salaries.</li><li>• It will help to create communities that are economically viable and this ultimately will help people who face socio-economic disadvantage.</li><li>• 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.</li><li>• 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.</li><li>• 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</li></ul>	<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><b>Summary of the observations submitted in relation to the negative impact relating to the socio-economic disadvantage:</b></p> <ul style="list-style-type: none"> <li>• It will adversely effect the poorest in society those in rented homes or those home owners with little equity or on shared ownership schemes.</li> <li>• 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.</li> <li>• This article will significantly impact those who are socio-economically disadvantaged, and it will more than likely push them into further disadvantage and poverty.</li> <li>• 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.</li> <li>• 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</li> </ul>	

		<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"><li>• The socio-economically disadvantaged would benefit from more social housing being built, not from stealing peoples freedoms.</li><li>• Will make it ebeb more difficult for the socio-economically disadvantaged to purchase a home due to the lack of mortgages.</li><li>• 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).</li><li>• 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.</li><li>• 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.</li></ul>	
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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?
<b>Abolishing illegal discrimination, harassment and victimisation</b>	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.
<b>Promoting equal opportunities</b>	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.
<b>Encouraging good relationships</b>	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:

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.