



# Complete Agenda

Democracy Services  
Council Offices  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**COMMUNITIES SCRUTINY COMMITTEE**

Date and Time

**10.30 am, THURSDAY, 4TH NOVEMBER, 2021**

Location

**Zoom**

Please contact for public access

Contact Point

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(DISTRIBUTED 27/10/21)

# **COMMUNITIES SCRUTINY COMMITTEE**

## **MEMBERSHIP (18)**

### **Plaid Cymru (10)**

#### Councillors

Gwynfor Owen  
Aled Wyn Jones  
Gethin Glyn Williams  
Dafydd Owen

Elwyn Edwards  
Linda Morgan  
Simon Glyn

Annwen Hughes  
Edgar Wyn Owen  
Berwyn Parry Jones

### **Independent (5)**

#### Councillors

Elwyn Jones  
Mike Stevens  
Angela Russell

Kevin Morris Jones  
Elfed Powell Roberts

### **Llais Gwynedd (2)**

#### Councillors

Robert Glyn Daniels

Owain Williams

### **Individual Member (1)**

#### Councillor

Stephen W. Churchman

### **Ex-officio Members**

Chair and Vice-Chair of the Council

### **Other Invited Members**

# **A G E N D A**

## **1. APOLOGIES**

To receive any apologies for absence.

## **2. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest

## **3. URGENT ITEMS**

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

## **4. MINUTES**

4 - 8

The Chairman shall propose that the minutes of the meeting of this Committee, held on 23<sup>rd</sup> September 2021 be signed as a true record.

## **5. JOINT LOCAL DEVELOPMENT PLAN REVIEW REPORT**

9 - 69

Cabinet Member: Councillor Gareth W Griffith

To present the Review Report and receive the Committee comments on its content.

## **6. RIGHTS OF WAY IMPROVEMENT PLAN**

70 - 111

Cabinet Member: Councillor Gareth W Griffith

To receive feedback and observations from the Scrutiny Committee on the final draft of the Rights of Way Improvement Plan and approve its use for a public consultation.

## **7. GOVERNANCE STRUCTURE AND DELIVERY ARRANGEMENTS OF THE GWYNEDD AND ANGLESEY PUBLIC SERVICES BOARD AND PROGRESS ON THE WELL-BEING ASSESSMENTS**

112 - 116

Cabinet Member: Councillor Dyfrig Siencyn

To review the Governance arrangements of the Gwynedd and Anglesey Public Services Board and provide an update on the work of the sub-groups. To report on the progress of the well-being assessments.

## **8. REVISED SCRUTINY WORK PROGRAMME 2021-22**

117

To submit a revised scrutiny work programme for 2021/22.

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## Communities Scrutiny Committee 23 September 2021

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### Present:

**COUNCILLORS:** Stephen Churchman, Glyn Daniels, Elwyn Edwards, Annwen Hughes, Aled Wyn Jones, Berwyn Parry Jones, Elwyn Jones, Kevin M Jones, Linda Morgan, Dafydd Owen, Edgar Wyn Owen, Gwynfor Owen, Angela Russell, Mike Stevens, Gethin Williams and Owain Williams.

### Officers present:

Vera Jones (Democracy and Language Service Manager), Bethan Adams (Scrutiny Advisor), and Natalie Jones (Democracy Services Officers).

### Present for item 5:

Councillor Dyfrig Siencyn (Council Leader), Councillor Gareth Griffith (Cabinet Member for the Environment), Dafydd Wyn Williams (Head of Environment Department) and Sophie Tyne Hughes (Climate Change Programme Manager).

### Present for item 6:

Councillor Catrin Wager (Cabinet Member for Highways and Municipal) and Huw Williams (Head of YGC), Dafydd Wyn Williams (Head of Environment Department).

### Present for item 7:

Councillor Catrin Wager (Cabinet Member for Highways and Municipal), Huw Williams (Head of YGC), Dafydd Wyn Williams (Head of Environment Department).

## 1. APOLOGIES

Apologies were received from Councillors Simon Glyn, Elfed Roberts, Linda Morgan and Kevin M Jones.

## 2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest or relevant dispensations were received.

## 3. URGENT ITEMS

There were no urgent items to note.

## 4. MINUTES

The Chair signed the minutes of the previous committee meeting held on 13 July 2021 as a true record.

## 5. CLIMATE CHANGE

### DECISION

**To accept the report and note the observations received.**

As an introduction, the Council Leader set out the background to the report, and emphasised the importance of providing an opportunity for the Committee to discuss the issue of Climate Change.

He explained that the Climate Change Board had now been established to offer a corporate overview of the work happening within the Council to find solutions. He discussed the Council's commitment to reduce its carbon emissions as a method of reaching net zero carbon by 2030, which was the target set by Welsh Government for Local Authorities. The Climate Change Manager, appointed to lead the corporate aspects of this work and coordinate cross-departmental work, was welcomed to the meeting.

Submitted - the report of the Climate Change Manager, referring to the work that had happened to date, including:

- Production of an action plan for the proposed work
- The steps to be taken in order to reduce the Council's environmental impact and its carbon footprint
- An explanation of how the Council's intended work, and what it has already done, to respond to the effects of Climate Change
- Note that the report summarises the main examples of the work

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

- The Programme Manager was welcomed to her new role.
- A member asked how the Climate Change Board had been established, and enquired about its membership. It was noted that some members had expertise in this field, and it was proposed that the Board should take advantage of this expertise.
- A request was made for information about the contact point within the Council if members became aware of an issue that related to climate change.
- A member referred to the report, in particular point 2.6, and asked whether the Council was taking advantage of re-using the waste produced, for example in road maintenance works.
- In relation to reaching net zero carbon, a request was made to clarify the methods to reach this target.
- A further explanation was requested about the impact of work schemes such as the Llanbedr by-pass, work on the sea-wall etc., on the Council's ability to reach net zero Carbon. It was noted that as part of the aim of reaching the target, there should be no restrictions imposed on the construction of important infrastructure.
- A question was asked about the work to deal with Ash Dieback, and how the Council intended to solve the problem, as trees were needed to deal with carbon emissions.
- 

In response to the observations it was noted:-

- The Climate Change Board included a representation of heads of department and members, and had been established as a board to give status to this field. It was added that consideration could be given to expanding its membership to other areas of expertise.
- It was suggested to the member that the Programme Manager should be the contact point if any matters arose, and that the purpose of the Scrutiny Committee was reinforced by means of the opportunity for members to draw the attention of officers to matters that arose within their wards.

- It was explained that the definition of net zero was an organisation's use of emissions in the justification of its Carbon Footprint.
- It was explained that the roadworks mentioned by the member were schemes run by the Welsh Government and Natural Resources Wales, that would not affect the Council's carbon footprint.
- The member was thanked for her work as the Biodiversity champion, and it was suggested that messages about the Council's work in the field of Climate Change needed to be promoted.
- It was noted that there was a work scheme to deal with Ash Dieback, to identify the number of affected trees so that trees with similar biodiversity could be planted to replace them. It was added that the trees played a significant role in Carbon absorption.
- It was noted that a bid for funding would be required to extend the post of Programme Manager for Climate Change. It was added that the role is important to co-ordinate and ensure cross-department understanding.

## **6. CLIMATE CHANGE - LOCAL FLOOD STRATEGY**

### **DECISION**

**To accept the report and note the observations received.**

The Cabinet Member for the Environment provided an introduction noting that flooding was one of the most prominent characteristics that showed us how Climate Change affected local communities. It was acknowledged that the impacts were already seen, in relation to extreme weather and flooding that destroyed our communities.

Emphasis was placed on the importance of flood prevention as the best way to safeguard residents in the face of Climate Change challenges.

The report was submitted noting that the strategy was a living document, and that it could be extended as developments arose. Members were guided through the report, which offered an explanation on the work of identifying the source of water in incidents of flooding.

It was added that engagement work was also taking place, and discussions with other departments to ensure that the messages reached the communities.

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

- Gratitude was expressed for the report, which provided a detailed illustration of the problems within the catchment areas. Reference was made to a problem in Cwm Pennant in relation to a property that had suffered as a result of flooding. It was suggested that locations under threat should be examined, as it was possible that they would suffer in future.
- A member asked whether there was a risk register to deal with problems, so that they could be mapped to anticipate where was at greatest risk of damage.
- Concern was expressed that floods occurred to an extent due to a lack of maintenance of rivers and streams, and it was suggested that modern construction methods should be considered in order to protect properties from future flooding.
- The Committee's attention was drawn to the recent staff turnover within the Council's departments, and that a wealth of local knowledge had been lost as staff left their posts.
- It was explained that there were gaps in the data on maps used by Natural Resources

- Wales as not all the water courses could be seen on them.
- The importance of including Councillors as part of any discussions, as there were flooding problems in numerous wards, was noted.
  - Clarification was sought on who was responsible for ensuring that the sea-wall in Talsarnau was safe, so that the local community was not at risk from any damage.

In response to the members' observations, the Head of Environment Department noted the following:-

- It was explained that people needed to be encouraged to declare whether their properties suffered from flooding so that a list could be created, and it was added that a number of people refused due to concern about the value of their properties.
- It was agreed that consideration should be given to methods of adapting the construction of houses so that they could be future-proofed to protect them from flooding.
- Sympathy was expressed with the member's concerns that local knowledge was being lost with the loss of staff, however, assurance was provided that the working relationship between the Council and other organisations was improving with everyone sharing the same information.
- It was noted that there was a scheme to educate people on methods to reduce the risk of flooding to their properties and the wider community as part of the preventative work.
- It was noted that Natural Resources Wales was responsible for the sea-wall, and it was agreed to arrange a conversation with them on this matter.

## **7. CLIMATE CHANGE - GWYNEDD FLOOD PREVENTION ASSETS**

### **DECISION**

#### **To accept the report and note the observations received.**

The report was submitted by the Head of Gwynedd Consultancy, and provided an overview of the situation in relation to the Council's assets. It was added that the Council had Land drainage and Coastal assets and their condition was inspected once, and in some cases, twice a year.

Members' attention was drawn to the categories used to identify the condition of the assets, in order to ascertain which required maintenance work as they were showing signs of strain.

The department's work programme was outlined, which included an examination of all the assets to ensure that they were in a safe condition, and members received an update on the situation.

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

- The members expressed their thanks for the comprehensive report, and expressed confidence that the Council was prepared for inclement weather and flooding due to the work that had been completed.
- Questions were asked about the inspection arrangements, how decisions about monitoring were made, and what was the timetable for delivering the work. A further question was asked about how rigid the arrangements were, and whether they could be amended if an asset was damaged.
- The department was thanked for its work in Penisarwaun and Rhiwlas since 2017, and its work there was praised.
- The Head of YGC and the Cabinet Member were thanked for their work.

- A question was asked about the Council's definition of an asset, as Canolfan Tregarth was facing damage due to flooding, and it was noted that the Council was eager for the community to be responsible for the pipes.

In response to the above observations, the following was noted:-

- It was explained that if there was concern that an asset not listed in the scheme required attention, one or more visits could be arranged and there was also a mechanism to undertake emergency works if necessary.
- In relation to Climate Change, increasing sea levels meant that further assets requiring possible maintenance work would be identified.
- In relation to defining 'assets' in this way, it was noted that consideration was given to any asset that protected communities from flooding.
- Assurance was given that the Head of Department would raise the matter with the Head of Highways and Municipal Department before reporting back to the councillor in relation to his question.

The meeting commenced at 10.30am and concluded at 12.15pm.

Chair



<b>Committee</b>	<b>COMMUNITIES SCRUTINY COMMITTEE</b>
<b>Date</b>	<b>4 November 2021</b>
<b>Title</b>	<b>JOINT LOCAL DEVELOPMENT PLAN REVIEW REPORT</b>
<b>Cabinet Members</b>	<b>Councillor Gareth W Griffith</b>
<b>Author</b>	<b>Gareth Jones – Assistant Head Environment Department</b>
<b>Purpose</b>	<b>To present the Review Report and receive the Committee comments on its content.</b>

## 1.0 Background

- 1.1 The Planning and Compulsory Purchase Act 2004 states that a Local Development Plan needs to be reviewed 4 years following adoption. The Joint Local Development Plan (JLDP) was adopted on 31 July 2017, therefore, in accordance with statutory requirement the date for initiating the review process was 31 July 2021.

Statutory Review		
1	PCPA 2004 (section 69) and Regulation 41	Statutory plan review at intervals of no longer than 4 years from the date of adoption. This may be triggered earlier if linked to plan end dates, plan preparation timescales or the LPA voluntarily reviewing a plan.

- 1.2 The Town and Country Planning (Local Development Plans) (Wales) Regulations 2005 and the Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations set out the steps that must be followed in preparing a Local Development Plan or a Review of a Local Development Plan (namely the preparation of a Replacement Plan). The regulations set out different steps to undertake a short form review or a full review. Please note that the two procedures are quite different and it is not optional which one will have to be followed. Welsh Government guidance clearly outlines the circumstances in which either of the procedures will have to be followed and this is outlined in the report below.
- 1.3 Before starting on a review of the LDP, the current plan must be reviewed and a Review Report prepared. The purpose of this stage has been set out in 2.1 and 2.2 with 2.3 including a summary of the Draft Review Report which can be seen in Appendix 1.

## 2.0 The Review Report (see Appendix 1)

- 2.1 The purpose of the Review Report is to look at all the evidence relevant to the Joint LDP and to draw a conclusion about the type of review that will be followed. This may be a full form review which constitutes the preparation of a new Plan, or a short form review which amounts to modifying certain parts of the current Plan.

2.2 In accordance with the guidance contained in the Development Plan Manual (Edition 3, March 2020), a Review Report should be published within 6 months of the date of commencement of the review. In relation to the Joint Local Development Plan, this means that there is a need to prepare the Review Report by the end of January 2022. The Development Plan Manual states that the Review Report should be concise and include the following:

- What information is being considered to inform a review of the Plan and why
- How the findings impact on the vision, aims and objectives of the plan, including the implementation of the strategy
- A review of each subject area of the Plan, clearly identifying what needs to be changed and which parts of the evidence base need updating to support the changes.
- Implications for the parts of the Plan that are not intended to be amended in terms of the coherence and efficiency of the Plan as a whole.
- Reconsideration of the Sustainability/Strategic Environmental Assessment and Habitats Regulations Appraisal.
- Consider and demonstrate the opportunities to prepare Joint LDPs with neighbouring LPAs and increase cross-boundary working.
- Clear conclusions as to why the full procedure (which constitutes the preparation of a new Plan) or the short form review procedure (which amounts to modifying parts of the current Plan) needs to be followed.

2.3 The Review Report contains the following parts:

#### **Part 1 - Introduction**

Introduction and background, which sets out the laws that requires consideration whilst undertaking the Review and outlines the work that will need to be done, the evidence base that is key to the review process and sets out what a Review Report is. This part also outlines that the purpose of the review report is not to detail any changes that will be made to the Plan, and that only by following the process of preparing a Revised Plan will it be possible to identify the detailed modifications that will need to be made to the Plan.

#### **Part 2 – Relevant information and issues**

Part 2 sets out the main changes in legislation and national, regional and local policy since the adoption of the current Plan, such as:

- Environment (Wales) Act 2016, The Well-being of Future Generations (Wales) Act 2015.
- Future Wales: The National Plan 2040 (the national development framework).

- Latest editions of Governmental Guidance e.g. Planning Policy Wales (Edition 11), Technical Advice Notes etc.
- Present circumstances of the Wylfa Newydd Scheme.
- Impact and recovery following Brexit and Covid 19 throughout the Plan area
- The Strategic Development Plan that will be prepared for the North Wales Region over the next few years.
- North Wales Growth Bid.
- Research into managing the use of houses as holiday homes and second homes - Developing new policies in Wales (Dr Simon Brooks) and any other relevant research.
- Strategies already in place by the Councils' e.g. housing strategies, economic development strategies etc.

This part also sets out other issues that influence and require further consideration such as climate change, matters relating to phosphate and household and population projections. It is considered that there are changes that are highlighted in this part, which are very significant and important to consider when revising the Joint LDP. The main findings of the three Annual Monitoring Reports that have been prepared note and conclude that the Plan, based on the evidence, generally works well, in accordance with the assessment undertaken against the monitoring framework.

### **Part 3 – LDP Review and Possible Changes**

This part sets out a review of the current Plan and sets out possible changes that will need to be made to the strategy, objectives and policies of the Joint Local Development Plan. This section has been set out in the order of the LDP below:

- Vision and strategic objectives.
- Strategy.
- Plan policies by LDP section:
  - Section 6.1 - 1 Managing Growth and Development - Safe, Healthy, Distinctive and Vibrant Communities
  - Section 6.2 - Managing Growth and Development - Sustainable Living
  - Section 6.3 - Managing Growth and Development - Economy and Regeneration
  - Section 6.4 - Managing Growth and Development - Supply and Quality of Housing
  - Section 6.5 - Managing Growth and Development - Natural and Built Environment.
- Proposals Map, Inset Plans and Constraints Map.

The preparation of the Replacement Plan (including a review of the relevant evidence base) will provide the opportunity to re-examine all the policies in the current Plan.

### **Part 4 – Evidence base review requirement**

This part sets out the requirements for reviewing or updating the evidence base to support or inform any changes to the Joint LDP. A list of examples of the evidence base necessary to prepare a Revised Plan is set out below:

- Assessment of Potential Sites
- Relevant Strategies and Plans
- Population and Housing
- Description of Housing and Spatial Growth
- Developing the settlement strategy
- Urban Capacity Study
- Retail
- Tourism
- Welsh Language and Culture
- Local Need Housing Market
- Identifying Gypsies and Travelers Sites
- Affordable Housing Viability Study
- Employment Land Study
- Renewable Energy Opportunities Study

As noted in the Review Report, it is emphasised that this list is not an exhaustive list and the need/demand to amend the evidence base may emerge as the preparation of the Replacement Plan progresses. Further the review process may identify the need to prepare a new evidence base.

This section also sets out the impact assessments that will have to be prepared as the preparation of the Replacement Plan progresses. Again, it is noted that all of the evidence base will need to be re-examined, in addition to carrying out new impact assessments.

#### **Part 5 – Joint working and preparation of a Joint Local Development Plan**

This part sets out the consideration that has been given to the prospect of joint working to prepare a Joint Local Development Plan, this is a required within the Review Report. As noted in the Report, there is a joint working agreement between Gwynedd and Anglesey Local Planning Authorities to prepare a Joint Plan. It is also noted that the

Service works closely with neighbouring Planning Authorities (e.g. Snowdonia National Park, Conwy County Borough Council, Powys County Council).

### **Part 6 – Conclusions and next steps**

Part 6 sets out the conclusions and the form of review that will need to be followed. It is noted that in line with the conclusions of the Annual Monitoring Reports that have been undertaken, the Plan is generally being implemented effectively and that the policies and targets in the monitoring framework are generally being achieved. However, as outlined in the Review Report, there have been significant changes in the national, regional and local context since the Plan was adopted, including issues beyond the Plan’s control, such as, the implications of the Covid pandemic, Brexit, population and household prospects, the uncertainty associated with Wylfa Newydd etc. At a regional level, it is important to highlight that the preparation of a Strategic Development Plan (SDP) will also have an impact on the development and content of the Replacement Plan.

The repercussions of these changes mean that there is a need to re-examine the policies of the current Plan as set out in Part 3 of the Review Report. As a result the evidence underlines the need for a **Full Form Review of the Plan**.

### **3.0 Next steps**

3.1 The table below sets out the timetable for reporting the Review Report:

Awareness Raising Sessions with all members (virtual)	To submit the Review Report and the steps to prepare a Revised Plan.	Gwynedd Council 2-11-21 & 5-11-21 Isle of Anglesey Council 1-11-21 & 8-11-21
Joint Local Development Plan Panel	Report on comments received during the public consultation	To be confirmed
Joint Planning Policy Committee	Agree a final version of the Review Report	To be confirmed
Isle of Anglesey Full Council	Submit a Final Copy of the Review Report to submit to the Welsh Government.	Date to be confirmed in March 2022

Gwynedd Council	Council	Full	Submit a Final Copy of the Review Report to submit to the Welsh Government.	3 March 2022
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3.2 As noted above, the Review Report will be subject to public consultation This consultation will seek the views of stakeholders and the public on the issues set out in the Review Report, the possible changes suggested in the document (if agreeing the type of review that is recommended), and to highlight any issues that need to be considered that are not included in the Review Report.

#### 4. Recommendations

4.1 The Communities Scrutiny Committee is asked to:

To consider the Draft Review Report and make representations about its content with particular regard to:

- (i) changes in the national and local context (whether there is any additional matter that should be included?) and the findings of the Annual Monitoring Reports in Part 2;
- (iii) issues that will need to be reviewed in the preparation of a Replacement Plan in Part 3;
- (iv) conclusions in part 6 of the Review Report

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## APPENDICES

### Appendix 1 – Joint Local Development Plan Draft Review Report



# Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026

Draft Review Report  
Consultation Document  
November 2021



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL



# **Draft Review Report Gwynedd and Anglesey Joint Local Development Plan**

**November 2021**



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# 1.0 Introduction

## Background

- 1.1 The Planning and Compulsory Purchase Act 2004 states that a Local Development Plan needs to be reviewed after a period of 4 years following its adoption. The Joint Local Development Plan (JLDP) was adopted on 31 July 2017 and therefore, the review of the Plan has commenced on 31 July, 2021.
- 1.2 The Town and Country Planning (Local Development Plans) (Wales) Regulations 2005 and the Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 set out the statutory steps that must be undertaken in reviewing the Local Development Plan. The regulations set out different steps to undertake a short form review or a full review of a Local Development Plan. Welsh Government guidance clearly outlines the circumstances in which either of the procedures will be followed. Please note that the two regimes are quite different and it is not optional which one will have to be followed. Following attention to the relevant considerations in the following Report the Report will reach a conclusion as to what review procedure will need to be undertaken, i.e. whether it is a short form review or a full review. The replacement JLDP will cover the plan period to 2036, which is the end of a 15-year period starting in 2021.
- 1.3 The Annual Monitoring Reports (AMR) are a key part of the process of reflecting on the performance including the successes and failures of the current Plan. Furthermore, the AMR's findings contribute to informing the development of the Revised Plan. The published AMR (3 in number) identifies concerns about some policy areas where the policy target set within the indicator has been missed. These failures did not in themselves justify the need for an early review of the Plan as the plan was, on the whole performing well. However, they are issues that will need to be considered as part of the Replacement Plan. See part 2.89 for more details.

## What is a Review Report

- 1.4 Preparing and receiving approval of the Review Report is the first step in the process of preparing a Replacement Plan. The Review Report will be a key part of the Councils' evidence base when the Replacement JLDP is submitted to the Welsh Government for examination.
- 1.5 This Review Report presents areas where the current LDP is achieving and performing well, as well as those areas where changes may be needed. **It is emphasised that the purpose of the Review Report is not to detail any changes that will be made to the Plan.** It will only be possible to identify the details of the changes that need to be made to the Plan in the process of preparing the Revised Plan and gathering the relevant information and evidence.
- 1.6 The Review Report will:

- summarise the findings of the Annual Monitoring Reports to date;
- review existing policies within the JLDP in accordance with the headings set out within the Plan;
- consider if there are contextual changes leading to the need to change aspects of the Plan;
- identify what further research/information gathering is required for the preparation of a Replacement Plan.
- assess relevant national, regional and local Plans/Strategies/Legislation that have come into force since the original Plan was adopted and consider the need to ensure that the Plan is aligned with current guidance;
- reach a conclusion on the appropriate procedure for undertaking the review and preparing a Replacement plan (full or short form review).

1.7 The Report contains the following parts:

Part 2

Part 2 sets out the main changes in legislation, national, regional and local policy that have come into force since the adoption of the current plan. It is considered that the changes highlighted in this part are important to consider when revising the JLDP. The main findings of the three Annual Monitoring Reports that have been prepared are identified along with other issues that may influence.

Part 3

This part sets out a review of the current Plan and sets out possible changes that will need to be made to the strategy, objectives and policies of the Joint Local Development Plan.

Part 4

This part sets out the requirements for reviewing or updating the evidence base to support or inform any changes to the JLDP.

Part 5

This part sets out the consideration that has been given to joint working and preparation of a Joint Local Development Plan.

Part 6

Part 6 sets out the conclusions and form of review that will need to be followed.

## **2.0 Relevant information and issues**

### **Significance of contextual changes**

- 2.1 In the period since the adoption of the JLDP (31 July 2017) a range of national, local and regional legislation/policies and strategies have been published. In order to ensure that the Plan and its content is up to date, it will be necessary to ensure that consideration is given to these contextual issues that influence the content of the Plan. The Revised Plan will need to take account of the various new Acts, policy frameworks, updated guidance and evidence that has emerged at national, regional and local level.
- 2.2 Although not exhaustive, the following sets out those elements that will have the most significant influence in preparing the Revised Plan.

### **Legislative Changes**

#### **The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019.**

- 2.3 On 1 April 2019 an amendment to the General Permitted Development Order (GDPO) came into force relating specifically to energy, telecommunications and service developments. The most significant amendment is an amendment to Schedule 2, part 2 'Minor Operations' which introduces Classes D and E and establishes development rights for equipment and infrastructure for "recharging electric vehicles" provided that the proposals comply with the prescribed criteria.

#### **Planning (Wales) Act 2015**

- 2.4 The Planning (Wales) Act received Royal Assent in July 2015 and came into force in stages between October 2015 and January 2016. Although it was in force before the JLDP was adopted and before the public inquiry, it is considered useful to refer to it as it provides a basis for other contextual changes that need to be taken into account in the preparation of the Replacement Plan and subsequent monitoring. It presents a legal basis for the preparation of a National Development Framework (NDF) and Strategic Development Plans (SDPs).

#### **Environment (Wales) Act 2016**

- 2.5 The Act received Royal Assent on 21st March 2016, providing new legislation to proactively and sustainably manage Wales' natural resources. The Act includes a new biodiversity duty which aims to help reverse decline and ensure the resilience and future of long-term biodiversity in

Wales. The Act also gives Welsh Ministers the task of setting targets to reduce greenhouse emissions and set carbon budgets. It introduces new powers to increase the amount of materials to be recycled, as well as improving the quality of materials to be recycled. The act also places a duty on Natural Resources Wales (NRW) to prepare a State of Natural Resources Report and Area Statements.

### **Well-being of Future Generations (Wales) Act 2015**

- 2.6 Although the date of this Act is 2015, it came into force after the JLDP was submitted for examination (April 2016). The Well-being of Future Generations (Wales) Act received Royal Assent in April 2015 and came into force on 1 April 2016. The Act strengthens the current governance arrangements for improving the well-being of Wales by ensuring that sustainable development is at the heart of decision made by government and public bodies. It aims to make a difference to the lives of people in Wales in relation to a number of well-being goals including improving health, culture, heritage and the sustainable use of resources. The Act provides the legislative framework for the preparation of Local Well-being Plans, which replace Single Integrated Plans.
- 2.7 The act's seven well-being goals are as follows:
1. A prosperous Wales
  2. A resilient Wales
  3. A healthier Wales
  4. A more equal Wales
  5. A Wales of cohesive communities
  6. A Wales of Vibrant Culture & Thriving Welsh Language
  7. A globally responsible Wales
- 2.8 During the examination of the Joint LDP, the implications of the Act were addressed to ensure that the Plan reflected the aims contained in the Act.

## **Revisions to National Planning Policy guidance**

### **National Plans and Policies**

#### **Future Wales: The National Plan 2040 (2021)**

- 2.9 "Future Wales: The National Plan 2040" is the national development framework, setting the direction for development in Wales up to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including maintaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and well-being of our communities.

2.10 The National Plan identifies four regions for the future development of policy in Wales - North Wales, Mid Wales, South West Wales and South East Wales. Each region must have a Strategic Development Plan (SDP) that recognises the strengths and challenges in that region, and also complements the plans and work taking place in other regions. This means that regions should work well together to deal with issues that are occurring across the regions and maximise the opportunities for growth. Broadly speaking, SDPs will be prepared in a similar way to Local Development Plans, but will not replace them. LDPs will continue to focus on local planning policies but may be more concise and more focused once the SDP has been adopted. Overall, the Plans (SDP and LDPs) are expected to be in line with the Future Wales Plan.

#### **Planning Policy Wales Edition 11 (February 2021)**

2.11 This document has significant implications for the planning system in Wales and identifies the planning system as one of the main mechanisms for creating sustainable places, and that the principles of place creation are a tool to achieve this through plan making and determining planning applications. Since the LDP was adopted in July 2017, the Welsh Government has published a revised version of Planning Policy Wales (Edition 10) in December 2018. The document has been re-drafted to ensure that the seven well-being goals and five ways of working of the Well-being of Future Generations Act 2015 are fully integrated into planning policy. It also ensures that the concept of creating space is at the heart of national planning policy. This change ensures that planning decisions take account of all aspects related to well-being and provide new development that is sustainable and caters for everyone's needs. A factual update of Planning Policy Wales was published in February 2021 (Edition 11) to align it with the publication of Future Wales and include wider legislative, policy and guidance updates since Edition 10 was published in December 2018.

2.12 In addition, the following new or revised Technical Advice Notes have been published as well as revoking some of them since the JLDP was adopted in July 2017.

#### **Technical Advice Note (TAN 1): Joint Housing Land Availability Study (TAN1) (January 2015)**

2.13 Technical Advice Note (TAN) 1 has been revoked in its entirety as a result of the policy change to PPW which now outlines that Local Planning Authorities are expected to use their housing trajectory as the basis for monitoring the process of delivering their housing requirement.

#### **Technical Advice Note (TAN 8): Planning for Renewable Energy (July 2005)**

2.14 Following the publication of Future Wales: The National Plan 2040 (2021) TAN 8 was revoked.

#### **Technical Advice Note (TAN 15) Development, flooding and coastal erosion**

2.15 A new version of TAN 15 will come into force on 1 December 2021. Flood zones are outlined within the document and there will be different zones for flood risk from rivers, sea and surface water. The TAN puts much more emphasis on climate change and how to ensure that issues associated with this are avoided, restricted or mitigated. The updates and changes to TAN 15 include a greater focus on the development plan, and details on how to prepare effective Strategic Flood Consequences Assessments. Development advice maps will be replaced with a new Flood Map of Wales. The guidance contained in the new TAN will have to be given thorough consideration when preparing the Replacement Plan to ensure that any changes are in line with the guidance that has been set within TAN 15.

**Technical Advice Note (TAN 20): Planning and the Welsh Language (October 2017)**

2.16 TAN 20 provides guidance when considering the Welsh language as part of the process of preparing local development plans. TAN 20 contains advice on incorporating the Welsh language into development plans through Sustainability Assessments. Unless the proposed development is a major unexpected development, individual applications are not expected to include an individual assessment as key issues and themes will have been considered at the time of plan preparation. It includes procedures for unexpected large developments in areas where the language is of particular significance, and includes guidance on signs and notices.

2.17 In line with the previous version of this TAN, consideration was given to the Welsh language in the ongoing Sustainability Assessment of the JLDP. Unlike the expectations of TAN 20 October 2017, JLDP Policy PS 1 places an appropriate expectation on individual applications that meet certain thresholds to include an individual assessment and submit it as a Welsh Language Statement with the planning application alongside criterion for submitting a language impact assessment. This was approved because of the need to ensure that the proposed development is in line with the key issues and themes considered in the Sustainability Assessment at the time of preparing the LDP. In addition, this approach ensures that the impact of the development on the Welsh language is considered, when it is relevant to the planning application. The guidance has no current direct impact on the JLDP as Policy PS1, based on existing evidence, ensures that the Welsh language is taken into account when making decisions, when it is relevant to the application.

**Technical Advice Note (TAN) 21: Waste (February 2017)**

2.18 TAN 21 has been amended to reflect changes to the waste policy context set out in the revised Waste Framework Directive (Directive 2008/98 /EC on waste) and the Welsh Government's policy 'Towards Zero Waste' and the Collection, Infrastructure and Markets Sector Plan (CIMS). These changes have been made to update the way in which the planning process facilitates the introduction of sustainable waste management infrastructure. It also considers specific principles central to sustainable waste management, including the waste hierarchy, self-sufficiency and the concept of the nearest appropriate organisation.

**Technical Advice Note (TAN) 24: Historic Environment (October 2017)**

2.19 TAN 24 provides guidance on how the planning system considers the historic environment when preparing a development plan and making decisions on planning applications and listed buildings. This includes the introduction of Heritage Impact Assessments, new advice on Historic Assets of Special Local Interest and the inclusion of advice previously obtained in a range of documents.

### **Sustainable Urban Drainage System (SuDS) Policy**

2.20 Schedule 3 of the Flood and Water Management Act 2010 makes SuDS a mandatory requirement on all new developments involving more than one dwelling or building area greater than 100m. Since the 7th January 2019, all new developments of more than 1 dwellinghouse or where the construction area is 100 square metres or more will need to use SuDS for surface water disposal. The SuDS must be designed and built in accordance with the SuDS Statutory Standards (published by the Welsh Ministers) and SuDS schemes must be approved by the local authority acting in its SuDS Approval Body (SAB) role, before construction begins.

### **Energy: UK Government White Paper (December 2020)**

2.21 The White Paper details how an overhaul to transport, energy and infrastructure will provide "massively decarbonised power in the 2030s" and on the road towards net zero by 2050. The White Paper seeks to bring together energy-related policy across a number of sectors (i.e. from energy and the built environment, to transport and the industrial sectors). In addition, it is considering governance issues and is beginning to consider how energy systems and markets need to adapt to achieve the UK's 2050 net zero target. The Paper reinforces the Government's commitment to nuclear energy making it clear that it remains a key part of the national energy strategy. The paper (including any final version) will be a consideration for any future Wylfa Newydd power station scheme.

### **Building Better Places (July 2020)**

2.22 This document sets out the Welsh Government's planning policy priorities to assist in the recovery period following the Covid-19 pandemic crisis. The planning system should be a focus when considering built natural environment issues that have arisen from the pandemic. The document highlights the existing key planning policies and instruments that should be used by all sectors in the environmental, social, cultural and economic recovery of Wales, recognising the continuing need for Planners to operate within a wider context of priorities and action at all scales.

### **Natural Resources Policy (August 2017)**

2.23 In accordance with the Environment (Wales) Act 2016 the Welsh Government published a Natural Resources Policy (NRP) in August 2017. The focus of the NRP is the sustainable management of Wales' natural resources, to increase their contribution to achieving the aims of the Well-being of Future Generations Act. The NRP identifies three National Priorities:



Finding nature-based solutions; increasing renewable energy and more efficient use of resources; and adopting a place-based approach. The NRP also sets the context for Area Statements (which will be produced by Natural Resources Wales), ensuring that the national priorities for the sustainable management of natural resources inform local delivery. Local Planning Authorities will need to have regard to the relevant area statement when preparing an LDP. The implications of the relevant NRP and Area Statement will be taken into account in the preparation of the Revised Plan.

### **Prosperity for All: A Low Carbon Wales (March 2019)**

2.24 The document sets out Welsh Government's approach to cutting emissions and increasing efficiency in a way that delivers the wider benefits for Wales, ensuring a fairer and healthier society. It sets out policies and proposals aimed at reducing emissions and supporting the growth of the low carbon economy. Particularly important in relation to planning are the targets and policies introduced in the following sectors: power; buildings; transport; industry; land use, land use change and forestry; agriculture; and waste management. The implications of the Plan will be taken into account in the preparation of the Replacement Plan.

### **Welsh National Marine Plan (November 2019)**

2.25 The Welsh Government published Wales' first marine plan in November 2019. It sets out a national policy for the next 20 years for the use of the Welsh marine plan regions inshore and offshore. It has been prepared and adopted under the Marine and Coastal Access Act (MCAA) 2009. Applicants should use the Plan and supporting material to formulate proposals and license applications, and by public authorities and others to inform decision making and to understand the Welsh Government's policy for sustainable development in the Plan area.

### **National Strategy for Flood and Coastal Erosion Risk Management in Wales (October 2020)**

2.26 This Strategy replaces the 2011 Strategy. It is prepared under the terms of the Flood and Water Management Act 2010. The Strategy sets out how flood and coastal erosion risks across Wales will be managed. It sets objectives and measures for all partners to work towards over the life of this Plan, which will be 10 years unless significant policy updates are required before that time.

### **Llwybr Newydd: The Wales Transport Strategy (2021)**

2.27 It is the new transport strategy which sets out the vision for how the transport system can help to deliver the priorities for Wales, helping to put us on a pathway to creating a more prosperous, green and equal society. The vision is to create an accessible, sustainable and efficient transport system.

2.28 These are the three headline priorities for the next five years.

- Priority 1: Bring services to people in order to reduce the need to travel;
- Priority 2: Allow people and goods to move easily from door to door by accessible, sustainable and efficient transport services and infrastructure;
- Priority 3: Encourage people to make the change to more sustainable transport.

2.29 As well as setting a strategic direction it is developing nine mini-plans, explaining how delivery will be for different transport modes and sectors.

### **Community Infrastructure Levy (CIL)**

2.30 In November 2015, the Westminster Government commissioned an independent national review of the Community Infrastructure Levy (CIL) to:

*'To assess the extent to which CIL is or is able to provide an effective mechanism for funding infrastructure, and to recommend changes that would improve the way it works to support the Government's wider housing and growth objectives.'*

2.31 The review looked at the amount of revenue CIL generates, the types of development that pay CIL, impacts on viability, and how the community aspect of CIL is implemented. The independent review group reported in October 2016 and it was published in February 2017. The report is entitled "A New Approach to Developer Contributions to Ministers". This recommended changes to the CIL system. As part of the Wales Act 2017, CIL became a devolved matter with powers transferred to the Welsh Government in April 2018.

2.32 In this respect, a Transfer of Functions Order is required to allow the Welsh Ministers to modify existing secondary legislation. Thereafter, if the Welsh Ministers consider it appropriate to rewrite the CIL Regulations, then additional legislation may be required to allow this to happen. However, to date this has not been confirmed.

2.33 Having regard to the above, it is not clear at this stage how the Welsh Government will wish to deal with CIL, and in particular whether they wish to continue with what is in the current CIL Regulations, or whether they wish to develop specific improvements or abandon it altogether. The Gwynedd and Anglesey Joint Planning Policy Committee decided in September 2018 to defer undertaking the work that would be necessary to implement CIL in the Plan area until there is a clear understanding of CIL's future in Wales. It is also noted in the context of work undertaken regionally for CIL that there is a likelihood that it would not be viable to implement in the Plan area.

## **The regional context**

### **North Wales Growth Deal Bid**

- 2.34 In December 2017 the North Wales Growth Board (a partnership of Local Authorities and wider partners e.g. Higher Education, Further Education and The North Wales Mersey Deeside Business Council) submitted a Growth Deal application to the Welsh and UK Governments for £383m project funding for North Wales.
- 2.35 The proposals will act as a catalyst for a total investment of £1.3 billion in the North Wales economy, a profit of £3.40 for every pound spent. It is expected that over 5,000 jobs could be created from the potential investments within the Growth Deal in the areas of technology and innovation, sites for business, digital connectivity, skills, transport and Business support.
- 2.36 The North Wales Economic Ambition Board has been successful in securing a commitment of £240m from the Welsh and UK Governments.
- 2.37 The Growth Deal agreement was signed in December 2020. Work will now begin on the five programmes that make up the £1bn Deal led by the North Wales Economic Ambition Board.
- 2.38 The JLDP includes provision in its policies and proposals for sustainable development, with the economy an important part of the strategy. The commitment to the Growth Deal and subsequent implications will need to be fully considered during the revision of the Plan to ensure that the potential opportunities arising from it are maximised.

#### **North West Wales Area Statement - Natural Resources Wales**

- 2.39 The Statement is one of a series of seven Area Statements that have been prepared for the whole of Wales to help solve a range of complex challenges that society, and the natural environment, now face.
- 2.40 The Area Statement outlines the key challenges facing the area, what can be done to meet those challenges, how our natural resources can be better managed for the benefit of future generations. The Area Statement will be regularly updated and improved year on year in engaging with more people, gathering new evidence, presenting ideas, and working across boundaries to create opportunities.
- 2.41 The Area Statement, together with the other six statements is a collaborative response to what is known as the Natural Resources Policy, published by the Welsh Government in 2017, which sets out the main challenges and opportunities for the future sustainable management of Wales' natural resources. The content of the Area Statements is seen as an important source of evidence in the review of the Plan's policies.

#### **The local context**

## **Local Well-being Plans**

2.42 The Well-being of Future Generations (Wales) Act 2015 requires Councils, as representatives of the Public Services Board, to prepare a Well-being Plan. In May 2017 a Local Well-being Assessment was published for Gwynedd and Anglesey. Having considered the data and the views of people locally, the Board came to a conclusion on the main messages in the assessment. There are 9 main messages.

1. The need to maintain a healthy community spirit.
2. The importance of protecting the natural environment.
3. Understand the impact of demographic changes.
4. Protect and promote the Welsh language.
5. Promote the use of natural resources to improve health and well-being in the long term.
6. Improve transport links to enable access to services and facilities.
7. The need for high quality jobs and affordable homes for local people.
8. The impact of poverty on well-being.
9. Ensure that all children have the opportunity to succeed.

2.43 The Gwynedd and Anglesey Well-being Plan was completed setting out the 9 main messages above. The plan sets out 2 well-being objectives of thriving and long-term prosperous Communities and Healthy and independent Residents with a good standard of life. Six priorities have been identified to achieve both well-being objectives. The Gwynedd and Anglesey Well-being Plan, including any action plan will be monitored to ensure consistency of purpose and content with the JLDP. In this respect, the National Well-being Goals and the Council's Well-being Goals will need to be considered and discussed as part of a consistency analysis with the LDP aims.

## **North Anglesey Economic Regeneration Plan (April 2019)**

2.44 Following economic uncertainty associated with Wylfa and large employers such as Rehaui coming to an end, the North Anglesey Regeneration Plan was drawn up. The Regeneration Plan sets out a vision for the North Anglesey area and identifies five priority themes for investment by the County Council, its partners and by the Welsh Government. The document sets out a wide range of proposed measures that could benefit the area in the short, medium and long term. The Plan states:-

- Key issues affecting North Anglesey as identified by the community;
- A vision for North Anglesey;
- Five Priority Themes for regeneration; and
- Range of locally identified regeneration projects

## **Corporate Biodiversity Plan 2021-2022 - Isle of Anglesey County Council**

2.45 This Plan has been developed to ensure that environmental benefits arise from the way in which the County Council operates and makes decisions in ensuring compliance with the requirements

of section 6 (s6) of the Environment (Wales) Act 2016, namely maintaining and enhancing biodiversity and, in doing so, promoting the resilience of ecosystems, in undertaking its day-to-day activities.

- 2.46 The aim of Plan is to help maintain and enhance Anglesey's unique Biodiversity features, setting out clear and concise objectives that will be achieved by the Council between 2021 and 2022.
- 2.47 The Plan follows guidance received from the Welsh Government and considers the objectives of the Nature Recovery Action Plan for Wales (which identifies actions it can dispose of in the short term) setting a direction to remove long-term commitments beyond 2020. The Area Statement for North West Wales has recently been published by Natural Resources Wales and that Area Statement has been taken into account in the preparation of this Plan.

### **Interim Housing Strategy 2021 – Isle of Anglesey County Council**

- 2.48 The Interim Housing Strategy 2020-21 was approved by the Executive Committee 25/01/21. The Strategy replaces the previous Housing Strategy 2014-19 and seeks to respond to changes in circumstances. This Interim Strategy is a means of bridging the development of a Housing Strategy which will include the requirements of the Housing Support Grant and homelessness strategy from the Welsh Government. It will also provide information on how Housing Services and partners are responding to and continuing to respond to the coronavirus pandemic.
- 2.49 The Interim Strategy outlines 6 specific themes, namely:
- Theme 1 - Development of the right homes for Anglesey's future
  - Theme 2 - Making best use of existing housing stock and improving homes and communities
  - Theme 3 - Preventing a housing crisis and increasing housing options
  - Theme 4 - Support to promote housing independence
  - Theme 5 - Homes for longer lives
  - Theme 6 - The links between housing and the wider economy are fully realised

### **Gwynedd Council Housing Strategy (2019)**

- 2.50 Gwynedd Council's Housing Strategy was adopted in July 2019. The vision of the Housing Strategy is to:

"Ensure that the people of Gwynedd have access to a suitable, quality home, which is affordable and improves their quality of life."

- 2.51 The Strategy outlines five objectives that would need to be addressed if the Council is to achieve this vision:

1. No-one homeless in Gwynedd

2. Social housing available to all those who need one
3. Everyone's home in Gwynedd is affordable to them
4. Gwynedd Housing are environmentally friendly
5. Homes have a positive influence on the health and well-being of the people of Gwynedd.

### **Local Housing Market Assessment 2018-2023 Gwynedd Council (2019)**

2.52 Gwynedd Council's Local Housing Market Assessment was published in May 2019. The main message of the assessment is that an additional supply of affordable housing is needed for Gwynedd communities to what is currently available. Other key findings show that there will be increased demand for affordable housing across Gwynedd in the private ownership, private rental and social rent sectors, which cannot be addressed with the current supply. The LMHA also found that:

- Houses of median value and in the lower quartile are unaffordable for households with a median income;
- The private rental sector has grown substantially in Gwynedd over the past decade;
- Private rental levels are unaffordable for many low income households;
- The demand for social housing continues to be high across the area;
- The demand for one-bedroom social housing is not being addressed through the current stock;
- It is anticipated that the number of households will increase, and their size will decrease over the next decade;
- Long-term empty properties and restricted development sites could provide additional supply for the market;
- Based on population projections, 303 new households will be established every year in Gwynedd for the next five years;
- 707 additional social housing units are needed every year for five years to meet the current demand and the anticipated demand;
- 104 additional intermediate houses are needed every year for five years to meet the current demand and the anticipated demand.

### **Gwynedd Council Housing Action Plan 2020/21 – 2026/27**

2.53 The Action Plan was revised in December 2020. The purpose of the Action Plan is to outline how the Council will seek to address the objectives of Gwynedd Council's Housing Strategy (2019) now and up to 2026/27.

2.54 Over 30 schemes are outlined across the county which will enable the Council to:

- facilitate over 500 new affordable homes for sale or letting to Gwynedd residents including the construction of 100 new house;

- offering loans for 250 local first-time buyers;
- securing over 600 new social housing for Gwynedd including the purchase of 72 former social houses for rent to local people in line with the Council's new local lettings policy;
- extending a grant scheme to bring 250 empty homes back into use across the county;
- investing in environmentally friendly homes such as the innovative scheme currently in place in the Segontium area of Caernarfon;
- the development of 150 living units for homeless people in the county and the creation of 130 new units for vulnerable residents.

2.55 In order to deliver the plans, the Council will now reinvest £22.9 million of Council tax premium on second homes until 2026/27, along with other sources of funding including social housing grants and the funding raised through the Council's Asset Management Plan.

### **World Heritage Site – North West Wales Slate Landscape**

2.56 The North West Wales Slate Landscape was designated a UNESCO World Heritage Site (WHS) in July 2021. The landscape is the 33rd site of UNESCO World Heritage Sites in the UK, and the fourth in Wales, following Pontcysyllte Aqueduct, Blaenavon Industrial Landscape and Edward I Castles and Town Walls in Gwynedd. An SPG has been prepared by Gwynedd Council and Snowdonia National Park Authority to provide further guidance for decision makers and developers on the important considerations related to the WHS.

2.57 A Replacement Plan will need to ensure that appropriate references are made to the WHS together with ensuring that any designations do not compromise the value and special qualities of the designation.

### **Upcoming plans**

2.58 While updating the evidence base for the Replacement Plan it is anticipated that the following plans will be implemented or adopted and therefore it will be necessary to ensure that any matters within the documents are considered.

- Anglesey and Gwynedd Destination Management Plans
- Climate Change Action Plan
- Gwynedd Regeneration Framework which will include Area Regeneration Plans

### **Other issues that influence and need consideration**

#### **Climate Change**

2.59 The far-reaching impacts of climate change and extreme weather events are already evident across the Plan area. With the expected impacts set to worsen and be more extreme over the years, the Authorities are committed to trying to respond to the climate change crisis.

- 2.60 In March 2019, Gwynedd Council declared a Climate Change Emergency, with the Isle of Anglesey County Council also declaring a climate change emergency in September 2020. The statements meant that the Councils were committed to trying to respond positively to the challenges facing them now and in the future, and committed to prepare a Climate Change Action Plan to achieve specific objectives. The Aim of the Councils is to ensure that the area remains a vibrant, viable and sustainable home for our children and our children's children for generations to come.
- 2.61 It will be essential to interweave the objectives highlighted in the Climate Change Action Plan within the Replacement Plan to ensure that the Plan is a facilitator in achieving those objectives.
- 2.62 Scottish Power is taking a leading role in delivering an innovative campaign, Carbon Zero Communities. The aim of the campaign is to support local communities to achieve the goal of being net zero. Anglesey is one of the rural communities involved in the campaign. The implications of the campaign will need to be taken into account when preparing the Replacement Plan.

### **Wylfa Newydd**

- 2.63 During the process of drawing up the original Plan there was an intention to develop a new nuclear site (Wylfa Newydd) near the existing Wylfa site on the coastal edge of north Anglesey, after the UK Government declared that it was one of the options as a suitable site to generate nuclear energy. Due to the nature of the intention it would have been an Infrastructure Project of National Importance, which meant the need to submit a Development Consent Order (DCO) in order to receive a planning permission.
- 2.64 In light of the need to plan for a major infrastructure project that was anticipated to be realised during the lifetime of the Plan, there was a requirement to provide a local policy framework that would enable the Authority to respond to the challenges that would arise from the project together and take advantage of the economic and social opportunities.
- 2.65 On the 27th January 2021 the DCO was withdrawn by Horizon Nuclear Power. The application was withdrawn due to the lack of an investor to the project and the lack of a new funding policy from the Government.
- 2.66 In light of the lack of investment/certainty associated with Wylfa Newydd, it is considered that this will be a significant contextual change in the preparation of the Replacement Plan and could have a significant impact on the Plan's growth strategy and instruments compared to the original Plan.



2.67 Policy 24 – 'North West Wales and Energy', Future Wales notes that the Government supports North West Wales as a location for new energy developments and investment. Proposed developments associated with the Anglesey Energy Island Programme and Wylfa Newydd are supported in principle as a means of generating significant economic benefits for the area as well as generating renewable or low carbon energy.

### **National Grid**

2.68 Associated with the Wylfa Newydd development for a new nuclear power station, the National Grid submitted a DCO on 7 September 2018. This application was part of the North Wales Connections Project to install a 400kV electric connection from the proposed Wylfa Newydd development.

2.69 Due to Hitachi's decision to delay with the proposal of developing the new Nuclear Power Station, on 20 February 2019, the National Grid formally withdrew its application for a DCO. Consequently, neither the Examining Authority nor the Planning Inspectorate considered the application.

### **Covid Pandemic**

2.70 At the beginning of 2020, the Covid-19 pandemic struck the world. The spread of the virus and the need to protect lives led to restrictions being placed on the lives of Welsh residents. These restrictions meant that there was an order for people to stay at home and only to travel where there was a real need (that is, to work where it was not possible to work from home and to shop for food). Since the strict restrictions came into force in March 2020, there has been a relaxation of the rules over a period of time which has meant that some of the normal (pre-Covid) life activities have been able to continue. The pandemic continues to affect all parts of the world and its aftereffects will inform public discussions and decisions for years to come.

2.71 In the wake of the pandemic the ability for people to be working from home has emerged, there has been an increased demand for people to be spending their holidays in Wales (due to travel restrictions) and there is a greater general demand for space outside for people to enjoy, whether it is street space or space around their home that allows people to socialise outdoors safely. The importance of the quality and accessibility of our local areas to people's health and well-being has been highlighted even more during the worst periods of the pandemic.

2.72 The pandemic is likely to affect aspects of everyone's lives for years to come and is likely to be leading to a demand for change in the way we live and work. Considering the impact of the pandemic and planning for a future will be an essential part of the process of preparing the Replacement Plan.

2.73 The Welsh Government published a document 'COVID-19 Reconstruction: Challenges and Priorities' which sets out the issues that must be responded to as a result of the pandemic. The approach to responding to these challenges has implications for the planning system as people use places differently, travel less and spend more time working from home. The planning system must respond to current and future changes and contribute to sustainable recovery.

### **Brexit (Port)**

2.74 Although the short-term effects associated with Brexit are well-known, there is in fact little baseline information/data about the long-term impacts.

2.75 As part of the preparation of the Replacement Plan it is likely that it would be beneficial to undertake detailed research to look at the effects of Brexit on the local economy.

2.76 One of the obvious effects of Brexit in the short term is the impact on Holyhead Port. The fact that the United Kingdom has left the European Union without an agreement requires additional checks to be carried out on goods that will travel out of the UK before they are allowed into the EU. That meant the need to carry out additional checks on heavy goods that are being transferred from Holyhead to Dublin. It is likely that this procedure will lead to delays, which means that plans are needed in place to tackle the heavy goods vehicles that will wait their turn to travel to Ireland.

2.77 The Port of Holyhead is recognised as the Strategic Gateway that facilitates international connectivity in Policy 10 of Futures Wales and Welsh Government are committed to works *with operators, investors and local authorities to support Strategic Gateways and maintain their international connectivity roles*. In accordance with Future Wales in order to maximise the benefit locally, to the region and for Wales, the Revised Plan will have to ensure that it supports the Port of Holyhead.

### **Phosphate**

2.78 The JLDP area is characterised by its rich environmental qualities and is home to a number of areas and features designated because of their environmental importance, including Afon Gwyrfai and Afon Glaslyn Special Areas of Conservation (SACs).

2.79 Following new evidence on the environmental impacts of phosphate in watercourses, Natural Resources Wales (NRW) has assessed the 9 River SACs in Wales. This assessment based on tighter targets for the water quality of watercourses showed that phosphorus spread was widespread in Welsh SAC rivers with over 60% of water bodies missing the challenging targets.

2.80 As a result of this failure, NRW has issued 'planning advice to ensure that environmental capacity does not deteriorate further. This 'advice' relates to all River SACs to which its catchment area extends in the Joint Local Development Plan area including Afon Glaslyn and Afon Gwyrfai.

2.81 Consideration of the implications of the guidance received from Natural Resources Wales will be an essential part in formulating the policies in the Replacement Plan together with considering the implications of the guidance on the proposed allocations within the Plan.

### **Biodiversity**

2.82 Biodiversity underpins our lives and livelihoods and supports the functioning and resilience of ecosystems in oceans, wetlands, lakes, rivers, mountains, forests and agricultural landscapes. Our economy, health and well-being depends on healthy, resilient ecosystems, which provide us with food, clean water and air, the raw materials and energy for our industries and protect us against hazards, such as flooding and climate change.

2.83 Environmental pressures are causing global biodiversity decline at rates not previously encountered in human history and the rate of species extinction is accelerating. Following the industrial revolution the UK has become one of the most nature-depleted countries in the world.

2.84 Within the Replacement Plan, due consideration will need to be given to enhancing the resilience of our ecosystems and the benefit that they provide. The National Plan seeks to ensure that the planning system will ensure wildlife is able to thrive in healthy, diverse habitats, both in urban and rural areas, recognising and valuing the multiple benefits to people and nature.

2.85 Enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure is a key aim of the National Plan, with the introduction of The National Forest of Wales and creating more woodland cover being a means of achieving a resilient ecosystem.

### **Household and population projections**

2.86 In referring to a Housing Requirement within a Development Plan paragraph 4.2.6 of Planning Policy Wales states:

*"The latest Welsh Government local authority level Household Projections for Wales, alongside the latest Local Housing Market Assessment (LHMA), and the Well-being Plan for a plan area, will form a fundamental part of the evidence base for development plans. These should be considered together with other key evidence in relation to issues such as what the plan is seeking to achieve, links between homes and jobs, the need for affordable housing, Welsh language considerations, and the deliverability of the plan, in order to identify an appropriate strategy for the delivery of housing in the plan area. Appropriate consideration must also be given to the wider social, economic, environmental and cultural factors in a plan area in order to ensure the creation of sustainable places and cohesive communities."*

2.87 It must be remembered that household projections estimate the number of households in the future and are based on population projections and assumptions relating to household members and characteristics. Planning authorities will need to assess whether the different elements of the projections are appropriate to their area, and if not, should undertake modelling, based on robust evidence, to identify alternatives.

2.88 Since adopting the Plan the Welsh Government has released population and household projections for 2014 (published in March 2017) and for 2018 (published in August 2020). The key changes to Gwynedd and Anglesey are as follows:

2014-base Projections

- The 2014 population projections show that Gwynedd's population levels will increase from 124,835 to 131,416 between 2021 and 2036, this is an increase of 5.3%. For Anglesey there is a population decline from 70,162 to 68,803 between 2021 and 2036, this is a reduction of 1.9%.
- The 2014 household projections show an increase in Gwynedd from 55,078 to 58,831 between 2021 and 2036 an increase of 6.8%. For Anglesey there is an increase from 31,376 to 31,456, an increase of 0.2%.

2018-base projections

- The 2018 population projections show that Gwynedd's population levels will increase from 124,936 to 130,219 between 2021 and 2036, this is an increase of 4.2%. For Anglesey there is a population decline from 69,879 to 69,468 between 2021 and 2036, this is a reduction of 0.6%.
- The 2018 household projections show an increase in Gwynedd from 55,006 to 58,340 between 2021 and 2036 of an increase of 6.1%. For Anglesey there is an increase from 31,314 to 31,856 an increase of 1.7%.

2.89 The Joint Local Development Plan Preferred Strategy (May 2013) took account of the Welsh Government's 2008-base projections (as well as other growth scenarios). Going forward to the Deposit Plan (2015) the Welsh Government's 2011-base projections were available. The findings of the 2011-base projections for Gwynedd and Anglesey were as follows:

2011-base projections

- The 2011 population projections show that Gwynedd's population levels will increase from 121,523 to 127,557 between 2011 and 2026 this is an increase of 5%. For Anglesey there is a population decline from 69,913 to 69,877 between 2011 and 2026 this is a reduction of 0.1%.
- The 2011 household projections show an increase in Gwynedd from 52,411 to 56,711 between 2011 and 2026 of an increase of 8.2%. For Anglesey there is an increase from 30,655 to 31,541 which is an increase of 2.9%.

2.90 It should be noted that the 2011-base changes is for the period 2011 to 2026 while the latest 2014-and-2018-base figures, highlighted above, are for the period 2021 to 2036. In addition, the above figures are for the whole of Gwynedd, consideration will have to be given to the impact of the part of Gwynedd's population and households that fall within the National Park and therefore not part of the Gwynedd Local Planning Authority Area.

2.91 In line with Planning Policy Wales the Welsh Government's projections will be an important source of evidence when considering the level of growth over the period of the Replacement Plan.

### **Second homes and short-term holiday accommodation**

2.92 Due to the increased demand and provision of holiday accommodation across the Plan area and the impact it is having on the housing market, the Joint Planning Policy Service has led on a piece of work relating to 'Managing the use of Housing as Holiday Homes'. The aim of the research paper was to consider possible options for managing the use of housing as holiday accommodation. This work was brought to the Welsh Government's attention and implored on them to consider and take forward some of the recommendations arising from the work. Following the presentation of the work, further work on the subject has been prepared on behalf of the Government, with a promise that the Government will give further consideration to an ambitious three pronged control mechanism that could be implemented in the future.

2.93 The three-pronged approach will focus on the following:

1. Support – addressing affordability and availability of housing
2. Regulatory framework and system – looking at planning law and introducing a statutory registration scheme for holiday accommodation
3. Fairer contribution - using local and national tax systems to ensure that second home owners make a fair and effective contribution to the communities in which they buy.

2.94 It will be necessary to ensure that any developments in this area are taken into account during the preparation of the Replacement Plan and that consideration is given to how any control mechanism which may be implemented or is intended to be implemented could influence the policies contained within the Replacement Plan.

### **Findings of the Annual Monitoring Reports**

2.95 In the period since the original Plan was adopted, three Annual Monitoring Reports have been published and submitted to the Government. Annual Monitoring Reports are the main mechanism for assessing the delivery and implementation of the Plan's strategy. The conclusions of the Annual Monitoring Reports set out the Performance of the Plan in accordance

with a set of specific indicators which have included in the monitoring framework. Furthermore, any challenges and failures will be highlighted.

2.96 Overall the results of the three AMRs indicate that the Plan's policies are performing effectively. However, it is highlighted that significant contextual changes, such as the publication of Future Wales, the global pandemic, Brexit and the withdrawal of Wylfa Newydd Development Consent Order, have occurred since the Plan was adopted and it is therefore recognised that the implications of these issues need to be responded to as part of the preparation of the Replacement Plan. Despite the contextual changes, it is considered that the JLDP policies remain relevant and provide a robust planning framework for determining planning applications across the Plan area. Some of the main conclusions arising from the Annual Monitoring Reports are as follows:-

#### Overall performance of the Plan

- No policies have been identified as failing to meet the plan's objectives;
- Some of the indicators reported relate to decisions made prior to the adoption of the Plan;
- Since adoption, the Councils have adopted 9 Supplementary Planning Guidance;
- Appeals decisions that have been made since the Plan was adopted have generally supported the Plan's policies and strategy. Appeals decisions do not undermine JLDP policies.

#### Housing Issues

- Permission has been granted for 1325 new residential units (including applications to reconsider or extend the expiry date of existing permissions) since the Plan was adopted. There were 511 units (38.6%) for affordable housing;
- 476 affordable housing units have been completed since the Plan was adopted;
- The land bank for housing (sites with existing permission) in 2021 in Gwynedd and Anglesey excluding units the LDP identifies as unlikely to be developed during the Plan period was 1,994 units (1451 not started and 543 under construction) of which 512 were for affordable units (397 units not started and 115 units under construction);
- It is noted that 3924 units were completed in the Plan area between the start date 2011 and 2021, while the trajectory in the Plan indicates a figure of 4475 units up to this period. Therefore, this is 12.3% (551 units) lower than the figure in the trajectory. Part of this shortfall arises from the delay in implementing major infrastructure projects in the Plan area. A revised trajectory has been prepared for the remainder of the Plan period on the basis of information to the end of AMR 3 period together with input from the Housing Stakeholder Group;
- Since the Plan was adopted permission has been granted for 5 local market houses, being the only example in Wales of implementing a Local Market Housing Policy;

- 47% of the housing units<sup>[1]</sup> granted since the adoption of the Plan are within the Subregional Centre and the Urban Service Centres. 23% of units permitted were within the Local Service Centres with a further 30% permitted in Villages, Clusters and in the Open Countryside;
- In the period since the Plan was adopted, 34.4% of housing units completed in the Joint Local Development Plan area are located on sites allocated for housing;
- The average density of new housing consents in the Plan area (since the Plan was adopted) is 29.5 units per hectare;
- Out of the units granted permission and completed since the adoption of the Plan the percentage of affordable housing is just below 50%.

#### Other Issues

- 3 Linguistic assessments have been submitted together with 81 linguistic statements. Since the Adoption of the Plan no application contrary to policy PS 1 has been granted;
- One of the strategic objectives of the JLDP is to facilitate diversity in the rural economy, that objective has been successful, with permissions granted for a range of employment uses;
- Planning Permission has been granted for renewable schemes which have the potential to contribute a total of 52.4GWh within the JLDP area.

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[1] New permission for housing or permission to reassess and extend the date on which prior permission expires

### 3 LDP review and possible changes

#### Strategic objectives and vision

3.1 When the vision for the original Plan was drawn up, it was considered to convey the type of place that the Plan area seeks to be. Together with the strategic objectives the overall context for the Plan is set and shows how economic, social and environmental considerations can be balanced to facilitate sustainable development. The Plan's vision is set out as follows: -

***"By 2026, Anglesey and Gwynedd will be recognized for their vibrant and lively communities that celebrate their unique culture, heritage and environment and for being places where people choose to live, work and visit."***

3.2 The strategic objectives and vision of the Plan were formulated taking account of national, regional and local policies, plans and programmes together with the evidence base prepared in drawing up the Plan.

3.3 As well as having a vision, there was also a need to develop a number of objectives that list actions that were required to achieve that vision. The strategic spatial objectives define what was desired to be achieved. They show how future developments could help us to realise the spatial vision and address the key issues. They respond to the economic, social and environmental elements of the vision and have informed the development of strategic and detailed policies in the Plan.

3.4 The vision and objectives will need to be re-visited as part of the preparation of the Replacement Plan ensuring that they remain relevant and up-to-date and respond to the challenges and opportunities in the Plan area.

#### Strategy

3.5 In general the Plan Strategy responds to the evidenced need to make provision for new homes and jobs as well as to protect the unique social, cultural and environmental character of the area. It provides for land uses required for a specified period of time, facilitating alternative policy-compliant legacy uses in the long term. It sets a level of growth that is considered to represent the most robust, balanced and appropriate approach, given all relevant factors, including work undertaken by housing forecasts and economic forecasts.

3.6 The Plan area has a dispersed settlement pattern of towns, villages and other groups of buildings, and high levels of private car use, so the need to reduce greenhouse gas and carbon emissions is challenging. The evidence refers to five broad categories of settlements within the Plan area, as reflected in the spatial element of the Plan Vision. These are;

- i. Subregional Centre
- ii. Urban Service Centres



- iii. Local Service Centres
- iv. Villages
- v. Clusters

- 3.7 In order to respond to the opportunities and challenges of the area and to achieve the overall Vision and Objectives of the Plan, the above spatial strategy for the distribution of development across the Plan area has been adopted. It ensures that development is directed to locations that are sustainable in terms of size, function, character, facilities, transport links, social and environmental capacity. It supports the use of policies that encourage the most appropriate level of development for all settlements.
- 3.8 There is an emphasis and duty to ensure that the Spatial Strategy of the Plan achieves sustainable development objectives. When preparing the Replacement Plan, it will be essential to ensure that the growth strategy caters for the needs of the area, whilst achieving the aim of promoting development in the most sustainable locations for alternative transport services and links and protecting the Welsh heritage values of the area.

## **Plan Policies**

### **Section 6.1 - Growth Management and Development – Safe, Healthy, Distinctive and Vibrant Communities**

#### Welsh language and culture

- 3.9 Policy PS 1 (Welsh Language and Culture) provides guidance on the requirement for planning applications in the area to give consideration to promoting and supporting the Welsh language.
- 3.10 PPW (2021) states that planning authorities must consider the likely effects of its development plans on the use of the Welsh language as part of the Sustainability Appraisal. It highlights that policies and decisions should not introduce any element of discrimination between individuals based on their linguistic ability, and should not seek to control housing tenure on linguistic grounds. Paragraph 3.29 states that language impact assessments may be carried out in relation to major developments not identified in a development plan proposed in areas of particular sensitivity or importance to the language.
- 3.11 The Plan recognises that the Welsh language is part of the social and cultural fabric of the whole Plan area. Where there is an intention to develop, consideration must be given to improving and protecting the language and culture and maintaining existing communities is key to this. A Welsh Language Impact Assessment informing the Sustainability Appraisal was prepared for the Plan. This linguistic assessment considered the suitability of the indicative housing supply to individual Centres and Villages. Policy PS 1 states that a Statement may be requested where a development individually or cumulatively provides more than the indicative housing provision for the settlement. The review will need to re-consider the Strategy and/or the distribution of

housing growth within the Plan, and this will also require a review of the current suitability and form of policy PS 1.

- 3.12 Supplementary Planning Guidance has been adopted: Maintaining and creating distinctive and sustainable communities that provide a specific methodology on preparing an Welsh Language Assessment or Statement. The AMRs have monitored how many Welsh Language Statements and Assessments have been submitted since the Plan was adopted. In this period 3 Welsh Language Impact Assessments have been presented together with 81 Welsh Language Statements. The AMR reports on the number of planning permissions where Welsh language mitigation measures are required with a trigger level being when one application is granted contrary to Policy PS 1. To date no application contrary to policy PS 1 has been granted. Any changes to Policy PS1 following the review will also result in the need to review the SPG.

#### Infrastructure and Developer Contributions

- 3.13 Strategic Policy PS 2 (Infrastructure and Developer Contributions) aims to ensure sufficient provision of essential infrastructure is either already available or provided in a timely manner. This overarching policy is supported by more detailed policies relating to infrastructure provision.
- 3.14 The policies relating to infrastructure and developer contributions in the JLDP are generally consistent with the latest edition of Planning Policy Wales (Ed. 11, 2021). It is considered that the existing policies in the Plan reflect the requirements outlined in the updated PPW as well as the Welsh Government Guidance set out in the "Building Better Places" guidance. Both the updated PPW and Future Wales place a focus on new types of infrastructure, including electric vehicle charging infrastructure, digital infrastructure, and mobile telecommunications. While the JLDP includes guidance on digital infrastructure and mobile telecommunications, the inclusion of guidance/policies relating to electric vehicle charging infrastructure will need to be considered during the review.
- 3.15 Overall, the performance of the indicators that relate to the Plan's infrastructure policies are performing well, meaning that it is considered that the relevant policies are continuing to be implemented effectively. No planning applications have been approved where they are contrary to the policies relating to infrastructure since the Plan's adoption. The target to prevent developments from being approved where there is insufficient infrastructure in any one year is therefore being met. In addition, no developments have been approved contrary to Plan policies which led to a loss of viable community facilities. Supplementary Planning guidance on Planning Obligations was adopted in September 2019 and aims to ensure that developments contribute toward the provision of the necessary infrastructure and measures required to mitigate their impact. It also aims to provide clarity to developers, agents and other stakeholders regarding the basis on which planning obligations will be secured.
- 3.16 The evidence base which informed the formulation of these policies will be re-assessed as part of the review process. As part of the review, an assessment of infrastructure provision and needs will be undertaken to identify the capacity and availability of existing and planned infrastructure.

The need for further clarification and guidance around the infrastructure policies (ISA 1, ISA2, and ISA3) to assist in the decision making process has been identified.

#### Open Spaces

- 3.17 The JLDP has adopted the Fields in Trust standard of 2.4 hectares of recreational open space per 1000 population to meet the objective of increasing opportunities for people to participate in active and healthy communities.
- 3.18 Future Wales, Planning Policy Wales and Building Better Places recognise the importance of creating places and the value of public open spaces in our cities, towns and villages.
- 3.19 The AMR has not identified any issues with the implementation of the open space policy in relation to the protection of existing public open spaces, in securing the provision of new open spaces or a financial contribution in relation to new residential developments.
- 3.20 It is foreseen that the Open Space Assessment will need to be updated during the preparation of the Replacement Plan to ensure that it is correct and includes updated information in relation to the provision.

#### Information and Communication Technology

- 3.21 Presently there is a strategic policy (PS 3) which states support for information and communications technology developments subject to appropriate protection measures and that new overhead wires are placed underground if it does not have an impact on other interests. In line with the guidance in Planning Policy Wales (PPW) at the time of the preparation of the JLDP the national development management policy on telecommunications systems was not repeated within the plan rather there was a cross-reference to them.
- 3.22 PPW (Edition 11 February 2021) outlines the Government's support for electronic communications infrastructure particularly given an increase in working from home. There should be proactive but thoughtful planning to protect the character of particular areas. Development plans should outline policies based on criteria to guide development to suitable locations. Policy 14 in Future Wales supports increased mobile phone provision. The Government will identify Mobile Telecommunications Operating Zones where there is a poor service presently with a commitment for government, planning authorities and telecommunications operators to work together to improve the service in such locations.
- 3.23 In light of the change within PPW and the publication of Future Wales it will be necessary to amend this part of the Plan taking into account future needs within the Plan area and to prepare a criteria based policy for guiding developments to suitable locations.

#### Sustainable transport, development and accessibility

- 3.24 Policy PS 4 (Sustainable Transport, Development and Accessibility) supports transport improvements that maximise accessibility particularly by foot, bike and public transport; policy TRA 1 (Transport Network Developments) which includes criteria for improvements to the transport network, highlights the type of developments that will be supported for transfer

between different modes of transport, when transport assessments will be required with applications and highlighting transport plans for protection; policy TRA 2 (Parking standards) stating that parking provision should be in accordance with the Council Parking Standards; TRA 3 (Protection of Disused Railways) a policy rejecting proposals which prevents the possibility of re-opening the infrastructure of old or disused railways for rail or alternative transport purposes; policy TRA 4 (Transport Impact Management) is the most sustainable means of transport.

- 3.25 PPW (2021), as the PPW in existence when the Plan was prepared, continues to support the reduction of private car travel by promoting more journeys by foot, bike and public transport. There is a sustainable transport hierarchy which now includes a reference to very low emission vehicles and it is known that they have an important role to play in decarbonising transport especially in rural areas that lack public transport services. The planning system is encouraged to support the development of charging points as part of new developments. Future Wales sets out the requirements for the provision of electric vehicle charging points for non-residential developments. Parking spaces within new developments should reflect the local context. A Transport Assessment must be carried out with planning applications for developments falling within the categories set out in TAN 18. Future Wales includes International, National and Regional Connectivity policies (Policies 10 to 12) this complements the guidance in PPW (2021) and also refers to the development of the North Wales metro which is a new integrated transport system that provides a more frequent and faster unified service using trains, buses and light rail. In 2021 the Welsh Government has published 'A New Route: The Wales Transport Strategy' and 'Electric vehicle charging strategy for Wales'. The Government announced in June 2021 that they are freezing new road projects while a review takes place.
- 3.26 The Replacement Plan should take account of the contextual changes within National policy and guidance highlighted above to ensure that these will be in compliance with transport policies in the Plan.

## **Section 6.2 - Growth Management and Development - Sustainable living**

### Sustainable Development and Climate Change

- 3.27 Strategic Policy PS 5 (Sustainable Development) is an overarching policy that aims to ensure that development is consistent with the principles of sustainable development. The aim of Strategic Policy PS 6 (Alleviating and Adapting to the Effects of Climate Change) is to ensure that all development considers the impact on climate change. Climate change continues to be an ever pressing issue since the adoption of the JLDP with effects and implications becoming more evident as time passes.
- 3.28 Future Wales re-affirms the importance of climate change, stating that both the FW and PPW aim to ensure that the planning system focuss on delivering a decarbonised and resilient Wales

by "driving sustainable growth and combating climate change by guiding strategic development over the next 20 years".

- 3.29 Consideration should also be given to the implications of the Sustainable Urban Drainage System Policy (January 2019), where all new developments of more than 1 dwelling house or where the construction area is 100 square metres or more will require sustainable drainage systems (SuDS) for surface water. In addition Low Carbon Wales (March 2019) sets out the Welsh Government's approach to cut emissions and increase efficiency in a way that maximises wider benefits for Wales, ensuring a fairer and healthier society. It sets out policies and proposals that are intended to reduce emissions and support the growth of the low carbon economy. Consideration should be given to modifying relevant policies so that they are aligned with the above documents.
- 3.30 Overall, the performance of the Plan's indicators that relate to Policy PS 6 are performing well meaning that it is considered that the relevant policies are being implemented effectively. The main issue identified in the AMRs relates to indicator D21 where the targets of 50% renewable energy potential being delivered by 2021 have not been achieved. A review of the Plan could identify barriers in certain renewable sectors and provide a more feasible potential target in any amended Plan. Monitoring for the flood risk policies shows that only one application for highly vulnerable development has been permitted in flood zone C2 since the Plan's adoption (conversion of a chapel into a dwelling). This planning application was granted by the Planning Committee is contrary to official recommendation. It is also noted that full planning applications were permitted on sites that were wholly/partly within a C1 flood zone; as part of the process of assessing the planning applications information was collected regarding the compliance of the planning applications with the tests contained in Technical Guidance Note 15 (Flooding); it was determined that they complied with the requirement of the tests set out in TAN 15. It is noted that the emerging revised TAN 15 will need to be considered as part of the Plan process.
- 3.31 Policy PCYFF 1 (Development Boundaries) sets out the difference between dealing with applications within the development boundary and those outside; PCYFF 2 (Development Criteria) a policy highlighting priority criteria that are not greeted elsewhere in the Plan; PCYFF 3 (Site Design and Shaping) and PCYFF 4 (Design and Landscaping) highlight design considerations that should be met with development; policy PCYFF 5 (Carbon Management) which expects developments to demonstrate how a contribution of renewable or low carbon energy technology has been addressed to meet the requirements of the electricity and heat proposal; policy PCYFF 6 (Water Conservation) which ensures that proposals include water conservation measures where practicable.
- 3.32 These are general issues that are considered for the vast majority of planning applications. Any changes within national and local policy and guidance in these areas as well as the suitability of existing policies will have to be reviewed in a Replacement Plan.

#### Renewable Technology

- 3.33 The Strategic Policy (PS 1) and Policies ADN 1 (Onshore Wind Energy), ADN 2 (Solar PV Energy) and ADN 3 (Other Renewable and Low Carbon Energy Technology) seek to ensure that the area fulfils its potential as a lead area for initiatives based on renewable or low carbon technologies as well as balancing the impact of renewable energy developments on the environment and communities.
- 3.34 The wind turbine typology supported within policy ADN 1 is based on the findings of the Landscape Capacity and Sensitivity Study in the Plan area. In line with the Welsh Government's Planning for Renewable and Low Carbon Energy - A Handbook for Planners (2015) the Plan identified potential opportunity sites for solar PV farms of 5MW or more.
- 3.35 In the Welsh Government's National Development Framework (NDF) (Draft) (2019) there were priority Areas for solar and wind identified within the Plan area. When Future Wales (2021) was published these had been taken out. The NDF Consultation Report (September 2020) explains that some of the wind priority areas have been refined following concerns from the Ministry of Defence that it wanted to protect its estate and strategic training areas. For solar priority areas the solar industry identified the need for flexibility in the policy position because in their opinion, solar is more agile in responding to grid capacity and because applications for solar farms do not have as much impact on the wider landscape as wind turbines. The Welsh Government accepted this and decided to remove the areas identified for solar development from the NDF.
- 3.36 With the adoption of Future Wales in 2021 and the publication of a revised PPW to reflect this, TAN 8 'Planning for Renewable Energy' has been replaced.
- 3.37 PPW (2021) includes an energy hierarchy and targets for renewable energy generation. The planning system is expected to make an active contribution to help secure the delivery of these targets in terms of new renewable energy generation capacity and promote energy efficiency measures in buildings. All onshore wind applications of 10MW or more and all other energy generating sites of between 10 and 350MW are major developments and are submitted directly to the Welsh Ministers under the Development of National Significance (DNS) process and are considered under Future Wales policies.
- 3.38 Paragraph 5.9.14 of PPW (2021) states that planning authorities should assess the opportunities for renewable and low carbon energy in their area and use the evidence to establish spatial policies in their development plan, which identify the most appropriate locations for energy development below 10MW.
- 3.39 Indicator D21 sets targets for greening the potential renewable energy resources identified in the Plan. It was expected that 50% of this of 1,113.35 GWh for electricity and 23.65 GWh for heat would have been covered by 2021. However, up to 2021, only 52.4 GWh for electricity and no GWh for heat has been prepared.

- 3.40 In terms of onshore wind there have been no significant new sites proposed since the Plan was adopted. There is an existing application to extend permission on an existing windfarm on Anglesey. For solar farms potential opportunity sites have been identified, however applications that have been granted permission such as Rhyd y Groes Rhosgoch (49.99MW) and recent pre-application enquiries have all been located outside these potential opportunity sites. The evidence with these intentions highlights the importance of access to capacity on the national grid as a key factor for site selection and that an element of these sites contains high quality agricultural land. High quality agricultural land was one reason why some areas were not identified as potential sites of opportunity in the Plan.
- 3.41 Existing policies relating to renewable energy will have to be amended to reflect the National contextual changes that have taken place since the Plan was adopted.

#### Managing coastal change

- 3.42 Following the publication of revised versions of Planning Policy Wales (Edition 10 in 2018 and then Edition 11 in 2021), there is now national planning policy guidance included in relation to the relevance of Shoreline Management Plans to Local Development Plans.
- 3.43 Planning Policy Wales (Edition 11, 2021) states that Shoreline Management Plans set out long-term local policy frameworks for coastal risk management. It is highlighted that the priorities contained in the Shoreline Management Plan should influence and inform the preparation of development plans. In those circumstances where it is clearly stated that coastal defences will no longer be maintained, development plans should include clear and specific policies to manage development in such areas, including where they feel that development would be unsuitable or that specific features should be taken into account.
- 3.44 Furthermore, in October 2019 the Welsh Government consulted on a revised version of Technical Advice Note (TAN) 15: Development, flooding and coastal erosion. The revised version of the TAN covers guidance on coastal erosion and flooding in the same document. The draft TAN 15 of the guidance supports the guidance included in Planning Policy Wales and emphasises the need to use the evidence contained in the Shoreline Management Plan when formulating, considering spatial strategy and potential development sites in the relevant Development Plan.
- 3.45 In October 2020 the Welsh Government published the new National Strategy for Flood and Coastal Erosion Risk Management in Wales. The Strategy sets out the long-term policies for flood management, as well as the measures that organisations such as Natural Resources Wales, local authorities and water companies will implement over the next decade to improve the way they plan, prepare and adapt to climate change over the century, including taking account of the guidance contained within the Shoreline Management Plan.
- 3.46 No review of the Shoreline Management Plan (SMP) 2 has taken place in the period since the adoption of the JLDP and the guidance contained in that document which influenced the current JLDP is therefore still of relevance. However, as noted above, there is now a greater emphasis on Local Authorities to be incorporating and acting on the guidance contained in the Shoreline

Management Plan, it will therefore be appropriate to ensure that the relevant Policy contained in the JLDP (Policy ARNA 1: Coastal Change Management Area) is aligned with the National Planning Policy guidance.

### **Section 6.3 - Growth Management and Development – Economy and Regeneration**

#### Infrastructure projects of national importance and related developments

3.47 During the preparation and adoption of the JLDP there were two Nationally Significant Infrastructure Projects (NSIPs) underway, namely: -

- Construction of a new nuclear power station near Wylfa (Wylfa Newydd);
- Proposal by National Grid to undertake improvements / new works to the National Grid Connection Lines which would link the Wylfa Newydd site to a headland substation and beyond.

3.48 It was considered important to ensure that the Plan set a clear policy framework to assist the Councils in addressing and responding to the NSIP proposals. Therefore, a range of policies relating to the NSIP were included together with policies for related developments within the Plan.

3.49 Section 43 of the Wales Act 2017 published on 1st April 2018 now allows related development to be included within the Development Consent Order (DCO). As a result of the legislative change since the preparation and adoption of the JLDP the LPA would no longer be the determining authority in relation to relevant applications. As a result of this legislative change, some of the policies contained within the Plan are either partially or wholly unnecessary (Strategic Policy 9 to Strategic Policy 12).

3.50 Horizon submitted a Development Consent Order (DCO) application for the development of a nuclear power station (Wylfa Newydd) on the 1st of June, 2018. The application was subject to examination by a Panel of Planning Inspectors, appointed by the Secretary of State for the Ministry of Housing, Communities and Local Government. The Public Inspection ended (closed) on 23rd April 2019. At the end of the inspection, the Panel had 3 months to report to the Secretary of State for Business, Energy and Industrial Strategy outlining their conclusions and recommendation on whether to grant permission for the intention, with the final decision to be made by the Secretary of State on or before 23 October 2019 (6 months after the examination deadline).

3.51 The decision-making date was re-set to 31 March 2020 to allow further information on environmental impacts and other outstanding issues to be received.

3.52 Following the restrictions relating to the Covid-19 pandemic it was decided by the Secretary of State to reassign the statutory deadline for this application to 30 September 2020, as parliament was not sitting. It was intended that a statement confirming the new deadline for a decision



would be made to the House of Commons and the House of Lords in accordance with section 107(7) of the Planning Act 2008 as soon as possible after the resumption of Parliament.

- 3.53 On the 22nd September, 28th September and 18th December 2020 Horizon sent correspondence to the Secretary of State requesting a postponement to the decision of Wylfa Newydd Development Consent Order (DCO). It was noted that the reason for asking to postpone the decision was due to ongoing discussions with a third party who had expressed an interest in proceeding with the development of a new nuclear power station following Hitachi's withdrawal. On the 27th January 2021 the Development Consent Order was withdrawn by Horizon Nuclear Power. The application was withdrawn due to the lack of an investor to the project and the lack of a new funding policy from the Government. As such it meant that Hitachi had decided to wind up Horizon as an operational development entity by 31 March 2021.
- 3.54 Linked to the Wylfa Newydd development for a new nuclear power station, National Grid submitted a Development Consent Order application on 7 September, 2018. This application was part of the Connecting North Wales Project for the installation of a 400kV electrical connection from the proposed Wylfa Newydd development.
- 3.55 Due to Hitachi's decision to delay the proposed development of the New Nuclear Power Station, on February 20, 2019 National Grid formally withdrew its application for an DCO. As a result, neither the Examining Authority nor the Planning Inspectorate gave further consideration to the application.
- 3.56 Due to the circumstances set out above, there is now uncertainty about the future of Wylfa Newydd due to the lack of developer and investment. It is considered appropriate to undertake a full review of the policies within the Plan relating to an Nationally Significant Infrastructure Projects. Further, there is also a need to re-visit the Plan Strategy which partly responded to the opportunities and demand that would result from the realisation of developments of national significance.
- 3.57 In line with the guidance contained in Future Wales: The National Plan 2040, the Welsh Government supports the North West Nuclear Arc initiative which is a shared vision (with the UK Government, universities and the National Nuclear Laboratory) to deliver the positive impacts that the nuclear sector could have in terms of investment, skills and training. It is noted that the 'Anglesey Energy Island' programme also seeks to co-ordinate action in relation to new energy developments to ensure maximum benefits for the area. It will be necessary to ensure that the Replacement Plan includes policies that will facilitate the vision within Future Wales and the Energy Island Projects.
- 3.58 During the preparation of the Replacement Plan, it will be necessary to take into consideration any changes associated with Wylfa Newydd, ensuring that the Plan is able to respond to those changes as necessary. The Replacement Plan will need to reflect the objectives and vision of Future Wales, the Energy Island Programme and the Isle of Anglesey County Council in relation to energy developments in order to influence and maximise the benefit to the area.

### Providing Opportunities for a prosperous Economy

- 3.59 One of the main objectives of the Plan was to facilitate the strategies of both Councils to grow and diversify the economy of the Plan area. The policy framework was informed by the Employment Land Review (2014) undertaken to assess current employment sites located in local authorities and project the future requirement for employment land during the plan period.
- 3.60 Performance indicators in the AMR have assessed the effectiveness of the safeguarded and allocated employment land. In terms of safeguarded employment sites, the indicators showed that although the policies were effective in protecting the sites from non-B1 (Business), B2 (General industrial) and B8 (Storage and Distribution), the rate of planning permission for new employment use was lower than expected. Similarly, the performance indicator in relation to allocated sites showed that the total allowable employment land fell below the cumulative requirement set out in the policy target. The Plan is a facilitator in the provision of employment site. Further, the Plan's policies ensure that employment developments are located in the most appropriate/suitable locations. It must be emphasised that the economic climate (i.e. impact of Wylfa Newydd, Brexit, Covid pandemic) is significantly different from when the Plan was adopted and this is considered to have had a significant impact on the number of employment land that has been taken up.
- 3.61 The effectiveness of the Plan's policy in relation to rural diversification (CYF 6) was also monitored in the AMR. This indicator suggests that the policy has been effectively implemented to approve new small-scale business applications and, therefore, contribute to ensuring economic prosperity and employment opportunities in rural areas.
- 3.62 As part of the preparation of the Replacement Plan, a new Employment Land Review study will be required and this will need to consider the impact of Brexit, Covid and the current situation (at the time) relating to the future of Wylfa Newydd. The Employment Land Review will also need to take account of Future Wales objectives for the Plan area.

### Visitor Economy

- 3.63 The tourism policies in the plan seek to support the development of an all year round tourism industry, whilst balancing its impact on local communities and the economy and ensuring that the natural, built and historic environment is protected.
- 3.64 PPW recognises that the role of tourism is vital to economic prosperity and job creation in many places in Wales, and requires plans to provide a framework to maintain and develop high quality, well-located tourism facilities. Future Wales recognises the importance of the tourism sector to the north Wales economy, and the importance of opportunities to support coastal destinations, former industrial sites such as quarries and attractions, and new outdoor and active facilities.

- 3.65 The AMR has not identified any issues related to the implementation of tourism policies, and no action has been identified. However, general concerns were raised about issues that do not form part of any specific indicators relating to the provision of self-catering holiday accommodation and temporary/permanent caravan sites.
- 3.66 The Covid-19 pandemic and Brexit have seen an increase in the number of people choosing to stay for holidays in their own country ('staycation') rather than travelling abroad. As a result, there has been an increase in demand for self-catering holiday accommodation in the plan area, which has also put a strain on the local housing market, with a number of houses in the traditional tourist areas having been bought as second homes. This has led to tensions between the tourism sector and the local community as a result of the huge increase in the number of tourists visiting parts of the plan area.
- 3.67 Policy TWR 2 (Holiday Accommodation) addresses the issue of overprovision of self-contained holiday accommodation in some communities and the adopted Tourism Facilities and Accommodation SPG sets a threshold for overprovision, and has offered further guidance on the issue.
- 3.68 The Joint Planning Policy Service has recently undertaken research "Managing the use of a dwelling as holiday homes" to gain a better understanding of the issue. This research along with other relevant research will need to be used as evidence in reviewing the policies to help address the changes and impacts on the sector.
- 3.69 Alternative camping accommodation ('glamping') is an evolving industry, with new forms of accommodation available on the market. Camping without travelling long distances is seen as a cheaper option than other types of holiday accommodation, and many existing sites can be in prominent locations along the coast and in the open countryside. Policies TWR 3 (Static Caravan, Chalets and Permanent Alternative Camping Accommodation Sites) and TWR 5 (Touring Caravan, Camping and Temporary Camping Accommodation Sites) allow improvements to existing sites, and seek to encourage new development of high quality in terms of scale, design, layout and appearance in the landscape.
- 3.70 The camping policies in the Plan will need to be reviewed, and give consideration to community and environmental issues and the requirements of the camping sector. The Landscape Sensitivity and Capacity Study (2014) may need to be reviewed to inform the policies in the new plan.
- 3.71 During the preparation of the Replacement Plan, it is considered necessary to review the policies in the JLDP relating to tourism to ensure that they remain relevant and comply with the relevant planning policy context and contextual changes, along with considering the content of Destination Management Plans (Anglesey and Gwynedd) and any other related strategies.

#### Town Centres and Retail Developments

- 3.72 Strategic policy PS12 (Town Centres and Retail) and MAN 1 (Proposed Town Centre Developments), MAN 2 (Principal Retail Areas) and MAN 3 (Retail Outside Defined Town Centres but within Development Boundaries) seek to protect, enhance and support town centres/retail

centres across the plan area, and policies MAN 4 (Protection of Shops and Pubs in Villages), MAN 5 (New Village Retail Developments) and MAN 6 (Rural Retail) seek to provide small scale retail opportunities in rural areas.

3.73 Future Wales contains policies that seek to support urban centres and ensure that significant developments are located within town and city centres, and PPW promotes retail and commercial centres as the most suitable location for a range of activities additional to retail services. The emphasis on place-making in PPW is also significant in change management and in the development of retail and commercial centres.

3.74 The evidence base that contributes to the development of the plan's policies includes the Retail Study and the Retail Topic Paper. In the years since these documents were prepared (2013/14), the retail climate has changed significantly with the increasing growth in online shopping and the Covid-19 pandemic which has contributed to the closure of a significant number of major national and local retail and commercial businesses. Building Better Places – Creating Places and the Covid-19 Recovery (July 2020) calls on the planning system to respond to this situation by ensuring our retail and commercial centres can operate as flexibly as possible.

3.75 The JLDP establishes a retail hierarchy and the Retail Study identifies an additional need for:

- 7913m<sup>2</sup> of the floor area of comparison goods in Bangor
- 200m<sup>2</sup> of convenient goods floor area and 176m<sup>2</sup> of comparison goods area in Caernarfon
- 172m<sup>2</sup> of convenient goods floor area and 772m<sup>2</sup> of comparison goods area in Pwllheli
- 492m<sup>2</sup> of convenient goods floor area in Llangefni.

3.76 Although the Annual Monitoring Reports (AMR) have not identified any specific issues with the implementation of retail policy, since the adoption of the JLDP, the number of planning applications for new retail use (A1 - Shops) in Bangor, Llangefni and Pwllheli has been relatively low; indeed, it is applications to change of use from A1 (Shops) use to other uses, such as A2 (Financial and Professional Services), A3 (Food and Drink) or C3 (Housing) that are submitted. Due to a lack of progress and pressure for A1 developments in these particular retail centres, the demand for retail developments appears not to be in line with the conclusions of the Retail Study. As a result of the contextual changes, during the progression of the Plan review, it is likely that a new Retail Study will be required to determine whether the conclusions of the previous study (2013) remain relevant.

3.77 In developing a revised evidence base other issues should be considered, such as changing the overall focus of the subject to focus on retail and commercial developments and the notion of place making, in line with more recent national policy and guidance.

## **Section 6.4 - Growth Management and Development – Housing Supply and Quality**

### Housing Scale

3.78 The Plan has identified a growth level of 7,184 residential units in the period 2011-26. The basis for this figure was set out in Topic Paper 4 'Describing Housing Growth'. The figure is based on demographic, social, environmental and economic considerations alongside factors in relation

to the requirements of national policies and practical aspects such as the capacity of settlements to accommodate the growth.

- 3.79 Information from the Annual Monitoring Reports shows that annual and cumulative housing provision has consistently fallen below the target figures set out in the Joint Local Development Plan. By the end of the AMR 3 period (2020/21) there were 551 fewer units completed compared to the figure projected in the adopted Plan housing trajectory (-12.3%) or 866 fewer units if compared to the average annual development rate (-18.0%).
- 3.80 The annual development level has not met the corresponding figure in the housing trajectory in any year since the Plan was adopted and has only met the average development figure once (in 2018/19). It is therefore considered that the growth figure needs to be re-looked at to consider its suitability and also review the method of establishing this figure. Consideration should be given to whether the rationale and the different elements involved in the establishment of the growth figure remain suitable and also assess if there are new aspects that also need to be considered. It is important to undertake this work in the context of the requirements of the Development Plan Manual (Edition 3, March 2020), in terms of considering matters such as, for example, the latest population and household projections, past development rates, migration patterns and considerations in relation to the Welsh language. It will also be important to consider the influence of the Strategic Development Plan for the North Wales region as a hub in Future Wales.
- 3.81 The process of revising the plan provides an opportunity to re-look at the most appropriate levels of growth therefore taking into account the associated factors. The level of growth is a vital core element of the Plan's overall strategy. In reviewing the growth figure and housing strategy it will be vital to consider the impact of Brexit and the Covid-19 pandemic. Another aspect that will have to be considered is the uncertainty in relation to the future of Wylfa Newydd following the withdrawal of the Development Consent Order Application.

#### Housing Location

- 3.82 The Annual Monitoring Reports have not highlighted problems relating to the distribution of growth between the different tiers of the Plan. However, the Replacement Plan will need to consider how the proposed growth can be effectively distributed on the basis of the settlement strategy. The proposed growth in all relevant settlements will need to be considered on the basis of any revision to the Plan's growth figure and also in terms of the Plan's strategy. Some settlements have already reached their level of growth and the Replacement Plan needs to take account of the apportionment of housing between the different settlements. It is believed in this regard that the way in which different settlements have been categorised should also be re-looked at to ensure that the housing growth there fits effectively with the Plan's strategy. It is likely that the position within some individual settlements has changed since the Plan was adopted in terms of the facilities and services that are evident in them. It will therefore be

necessary to re-consider the information highlighted in Topic Paper 5, 'Developing the Settlement Strategy' to ensure that specific settlements receive sustainable housing growth.

- 3.83 As well as considering the distribution of housing by settlement, it is considered that the Replacement Plan also needs to consider the delivery of new housing. It will be necessary to ensure that the growth is achieved in a sustainable way that is in line with the Plan's strategy. This would mean greater certainty in terms of delivering the growth in a way that would maintain and promote linguistic, social, economic and environmental aspects.
- 3.84 One aspect that the Replacement Plan will have to consider is the suitability of housing allocations to meet a proportion of the growth figure. Information for the period up to the end of 2020/21 highlights that 655 fewer units (-44.6%) were completed on housing designations than were expected in line with the housing trajectory while 300 more units (+21.5%) were developed on large windfall sites (5+ units) compared to the figure in the trajectory. Please also note that by the end of AMR 3 planning permission did not exist for 30 of the 69 housing allocations in the Plan. Work in relation to the housing trajectory in Annual Monitoring Report 3 envisages that 930 units on designated sites would be developed following the end of the Plan period (i.e. after 2026). Whilst a delay is expected between site designation and development, consideration must be given to the suitability of existing housing allocations. As set out in the Development Plan Manual (Edition 3, March 2020) careful justification will be required to include designations carried forward from a previous plan in a revised plan. It is noted that a significant change in circumstances will be required to demonstrate that sites can be achieved and justify their inclusion again. Robust evidence will be required that such sites can be achieved.
- 3.85 It will be important to consider the best possible locations for the housing allocations in terms of availability, viability and also ensuring that they comply with the Plan's strategy and other planning considerations. Designations in the Plan should not be retained if there isn't evidence which shows that they are considered suitable in terms of meeting an element of the growth figure. Updating the Urban Capacity Assessment will be important when considering the windfall provision to accompany the housing allocations.

#### Local Market Housing

- 3.86 Permission has been granted for 5 local market units with 1 such unit completed during 2019/20 (information to end of AMR period 3). Please note that Policy TAI 5 in relation to Local Market Housing introduced an entirely new policy principle which was not evident in previous development plans. On this basis it is believed that a time delay continues between the adoption of the JLDP, the acceptance of a policy principle that is completely new in the relevant settlements and then the construction of such housing. Whilst it is considered important to maintain the policy in order to meet the needs of the relevant communities, consideration will need to be given to whether any detail in the policy needs to be changed to promote consents and further development.

3.87 In terms of specific housing policies it will be important to re-examine the evidence underlying Policy TAI 5 (Local Market Housing) to consider the breadth of the area for which the policy relates. This evidence will include, for example, affordability ratio, percentage of people priced out of the market, percentage of second homes, migration trends, council tax bands in the area. Other sources of evidence may also have to be considered. Research is also needed to understand the reasons for the low number of local market units that have received planning permission and developed. Aspects such as the lack of potential opportunities to provide such units and lack of knowledge of the policy can therefore be considered. Whilst not many have been allowed and developed since the Plan was adopted, the principle and purpose of the Policy in promoting more sustainable housing markets in those areas where profound problems are evident, is something that certainly needs further consideration.

#### Type of Housing

3.88 The Type of Housing section of the Plan includes Policy TAI 8 (Appropriate Mix of Housing) which is a policy to ensure that all new residential development contributes to improving the balance of housing and meets the needs identified for the community as a whole; TAI 9 (Subdivision of Existing Properties into Self-Contained Flats & Houses in Multiple Occupation (HMOs)) a policy which ensures that buildings are suitable for division without adversely affecting neighbouring amenities and gives a threshold at a level of houses in multiple occupation within Wards; TAI 10 (Campus Style Accommodation for Construction Workers) a policy that applies to temporary accommodation provided to construction workers required in connection with large-scale construction projects (other than the Wylfa Newydd Project); TAI 11 (Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for the Elderly) a policy that highlights sustainable placement considerations and need with such developments; TAI 12 (Purpose Built Student Accommodation) policy highlighting considerations to be met for supporting additional purpose-built student accommodation; TAI 13 (Replacement Dwellings) a policy which highlights considerations to be met for supporting housing re-building within and outside development boundaries; TAI 14 (Residential Use of Caravans, Mobile Homes and other forms of Non-Permanent Accommodation) a policy which as an exception permits the use of non-permanent accommodation as temporary residence for temporary workers during the construction of a particular construction project or for the establishment of a new rural enterprise.

3.89 Policy TAI 8 and the Supplementary Planning Guidance 'Housing Mix' ensure that material consideration is given to ensuring that an intention provides residential units that improve the balance of housing and help to meet the needs of the community as a whole. An application was rejected at Morfa Nefyn on the grounds that it did not provide units for the needs of the local community and the Council's decision was supported by an Inspector in its decision of the Appeal in April 2021. The policy criteria should be reviewed to ensure that they are still suitable for such a policy in the Replacement Plan.

- 3.90 Policy TAI 9 distinguishes between sites within a development boundary and properties in the countryside. Within the development boundary with applications for houses in multiple occupation there is a threshold at which the number of units should not exceed 25% within 2 Bangor Wards and 10% remaining Wards of the Plan area. A Planning Inspector in an appeal in 2017 supported this threshold figure in the policy and rejected an application for a change of dwelling to a HMO. There has been no significant reduction in the number of units licensed as houses in multiple occupation in Bangor however this evidence base will have to be reviewed when amending the Plan. For unit criteria in the open countryside the suitability of these should be considered given the emphasis of sustainable placements in PPW.
- 3.91 No applications have been submitted for consideration under Policy TAI 10, this may be due to delays in some large-scale construction projects. The evidence base for major projects should be reviewed to assess the need for a policy type in the revised Plan.
- 3.92 Some applications have been dealt with under Policy TAI 11 and no problem appears to have been highlighted with the policy. The preparation of the Revised Plan will provide an opportunity to obtain the input of the care sector into the suitability of the current policy.
- 3.93 Policy TAI 12 was prepared as there was pressure with a number of applications for dedicated student accommodation in Bangor. In recent years there has been a significant reduction in the number of applications for this type of development. Evidence will need to be gathered from the University for expected changes in student numbers on a need for more bespoke accommodation to update the Plan. If a similar policy is prepared in a revised Plan the reference within criterion (1) should be changed to obtain support for the intention from a higher education institution as the University has stated that they were not willing to comment with private developments.
- 3.94 A large number of applications have been submitted under Policy TAI 13 for house reconstruction. A great deal of detail needs to be reviewed within the policy criteria to ensure consistency with other housing policies in the Plan. National policy for sustainable development should be reviewed and development justified within development boundaries to ensure that suitable residential units are not demolished in order to build larger units.
- 3.95 Few applications have been considered against policy TAI 14 to date. The preparation of a revised Plan will enable consideration to be given to the need for this type of policy in the revised Plan.

#### Affordable Housing

- 3.96 Policy PS 18 (Affordable Housing) sets a target for the minimum number of affordable housing to be provided through the Plan; TAI 15 (Affordable Housing Threshold and Classification) is a policy that sets a threshold at which affordable units need to be prepared and a percentage of affordable housing expected in different house price areas; TAI 16 (Exception Sites) is a policy



that supports the intention for 100% affordable housing on sites immediately adjacent to the development boundary.

- 3.97 PPW (2021) supports that community need for affordable housing is a material planning consideration. A target should be included in the Plan for a number of affordable units ensuring that this can be addressed and is viable. The new 'Development Quality Requirements for Wales' standards were published in July 2021 and all publically funded affordable units should meet these standards through condition / Agreement 106 and satisfy the "space requirement" in appendix A and B. Paragraph 4.2.32 states that authorities must provide for affordable housing led sites i.e. sites with at least 50% affordable housing.
- 3.98 Indicator D47 sets targets every 2 years for meeting the target of 1,572 affordable units by 2026. In the period 2015 to 2021 a total of 626 affordable units have been completed. In order to meet the target set out for 2022, 201 affordable units will need to be built by the end of March 2022. The Plan's housing growth level is 866 units below the expected figure by 2020/21. The majority of this slippage has occurred on sites designated for housing in the Plan. These sites would have been expected to prepare a percentage of affordable housing and therefore this is partly responsible for the lower than expected level of affordable units that has been completed since 2015.
- 3.99 The thresholds and percentage of affordable housing expected within different housing price areas in Policy TAI 15 are based on evidence from the Affordable Housing Viability Assessment. Indicator D50 monitors changes in residual values across the house price areas. Due to the limited number and types of developments in some of the House Price Areas monitoring has been looking at the overall picture in the Plan area. The growth in house prices in the Plan area between 2016 and 2020 was around 10% which is a modest growth of 2% per annum. For the period 2020 to 2021 there was also a significant increase of 15.5% in Gwynedd and Anglesey seeing a significant increase of 15% in the same period. In relation to construction costs (based on a change in tender prices) these show an increase of 1.1% between 2019 and 2020, however there is a 1% reduction between 2020 and 2021. Overall there has been a 12.6% increase in construction costs since 2016. The dramatic increase seen this year is seen as a departure from the long-term practice and on this basis, this needs careful consideration going forward into 2022. This has been a time of economic and political change that may traditionally have created viability problems and challenges. The situation on paper therefore is that the Council can maintain its existing policies in site-specific discussions, however, the long-term picture is less certain. Prices may be increasing as a result of a unique set of factors including the Covid-induced trend for moving and strengthening the job market through furlough. An update to the Affordable Housing Viability Assessment will enable a review of policy TAI 15 to ensure that the thresholds and percentage of affordable housing sought are viable to prepare.
- 3.100 Policy TAI 16 supports the intentions for 100% affordable housing on sites that are outside but immediately adjacent to the development boundary if the criteria within the policy are met. Indicator D49 monitors a number of permitted planning applications on rural exception sites

since the Plan was adopted; permission has been granted for 79 affordable units on 13 exception sites. Recent discussions have taken place relating to the size of development which can be considered under, the policy states that the proposal should be small scale and commensurate with the size of the settlement. The question is whether small scale should be more clearly defined for this type of development and the preparation of evidence for a revised Plan will provide an opportunity to look at this issue.

3.101 The 'Anglesey Housing Strategy 2022-27' consultation document states that in the next 3 years there will be an increase in the Council's stock of approximately 175 units and RSL homes of approximately 150 units. Gwynedd Council's 'Housing Action Plan' states that 100 Council houses will be built in the period 2020 to 2027 and around 265 RSL homes in the next two years. Discussions with the Housing Services of the two Councils together with RSLs will consider identifying opportunities for identifying affordable housing-led housing sites.

#### Accommodation for gypsies and travellers

3.102 TAI 17 (Protection of Existing Gypsy and Traveller Sites) is a policy that protects the Gypsy site in Llandygai and any new site that has been granted and implemented; TAI 18 (Gypsy and Traveller Site Designations) a policy that recognises an increase in the number of pitches on the Llandygai site and the development of a new site at Penhesgyn to meet the need from the Gypsy and Traveller Accommodation Needs Assessment 2016; TAI 19 (Sites for Permanent or Mobile or Temporary Gypsy and Traveller Pitches) a policy setting out the criteria to be met for the provision of permanent, touring or temporary additional sites.

3.103 PPW (2021) supports the need to undertake a Gypsy and Traveller Accommodation Needs Assessment with sufficient sites allocated in the Plan for any residential and/or transient need that has not been met at present. In Future Wales policy 19 'Strategic Policies for Regional Planning' lists what Strategic Development Plans should include and the list includes the needs of gypsies and travellers.

3.104 Indicators D56 to D59 monitor the preparation of a permanent site at Penhesgyn (D56), an extension to Llandygai (D57), temporary sites (D58) and unauthorised encampments (D59). To note that there are delays in the development of the Penhesgyn site due to a change of circumstances on the tolerated site on Pentraeth Lane whilst an extension of 5 units and an improvement to the existing plots have taken place on the Llandygai site. Permission has been granted for the development of a temporary site in the centre of Anglesey however due to cost increases there are delays in the site development timetable. Further work is needed on identifying a temporary site in the Holyhead area while Gwynedd Council uses part of a car park in Caernarfon when a temporary site is required there. Monitoring of unauthorised sites has not highlighted a significant problem within any part of the Plan area.

3.105 Both Councils are committed to undertaking an assessment of the needs of Gypsies and Travellers during 2021 with a final report to be submitted to the Welsh Government in 2022.

3.106 The Replacement Plan will take account of the findings of this assessment, however in the light of future guidance in Future Wales consideration should be given to what detail is expected to be included in a Local Development Plan for Gypsy and Traveller issues given Policy 19 in Future Wales.

## **Section 6.5 - Growth Management and Development – Natural and Built Environment**

### Protecting and enhancing the natural environment

3.107 The policies contained in the 'Protecting and Enhancing the Natural Environment' section of the Plan dealt with nature and landscape conservation and recognised the key role of the planning system in protecting and enhancing the natural environment. These policies recognise the statutory protection afforded to internationally and nationally designated landscapes, sites / habitats and biodiversity species.

3.108 In terms of landscape policies only a major development within an AONB has been monitored within the AMR and it is concluded that Policy PS 19 and Policy AMG 1 are being implemented effectively.

3.109 The relevant performance indicator monitored by the AMR concluded that any planning permission granted did not adversely impact the biodiversity or geodiversity value of international / national designations. As a result, all consents are considered to be in compliance with policy PS 19, and the policy continues to be implemented effectively. This was also the case for the performance indicator relating to locally important biodiversity or geodiversity value.

3.110 The evidence base that informs the development of landscape-based policies includes the LANDMAP database, the Snowdonia and Anglesey Seascape Character Assessment Study, the LUC Report 'Review of Special Landscape Areas in Gwynedd and Anglesey and the Landscape Sensitivity and Capacity Study (2014). It is unlikely that this evidence has changed significantly since they were prepared/updated.

3.111 In addition to statutory responsibilities, the biodiversity policies have been guided by Local Biodiversity Action Plans and existing designated sites of regional or local significance. Although geodiversity issues are unlikely to have changed significantly, the information in relation to the biodiversity of the area will need to be updated. Biodiversity and Geodiversity policy within Future Wales and PCCW incorporates strengthening the role and importance of biodiversity considerations in the planning system, following on from the Environment Act

### Protecting and enhancing heritage assets

3.112 Heritage Asset policies are geared towards protecting the historic environment while also ensuring that it adapts and continues to respond to the needs of the current world. These policies have been prepared in the context of relevant Legislation, Circulars, Regulations and Directions and the national development control policies.

3.113 The Heritage Assets performance indicator monitored the effectiveness of policies PS20 and AT1, and published SPG on Heritage Assets. The AMR that has been published to date indicates that no applications were approved that did not comply with PS20 and AT1, it is therefore considered that the policies are being implemented effectively. In addition, following the publication of TAN 24 together with a number of CADW publications, there was no longer considered to be a need for specific SPG on the matter.

3.114 The policies are generally considered to be operating effectively. However, as part of the process of preparing a Replacement Plan, the policies will need to be reviewed to ensure that they reflect any legislative changes (e.g. The Historic Environment (Wales) Act (2016)), national planning policy and guidance (e.g. PPW. TAN 24 (Historic Environment)) and contextual changes for example the North West Wales Slate Landscape inscription as an UNESCO World Heritage Site.

### Waste Management

3.115 The LDP Waste policies were prepared based on the national and regional planning policy guidance, with particular attention being given to the National Waste Strategy Towards Zero Waste – One Wales: One Planet which provided the general framework for the management of all wastes. This document is supported by a Collections, Infrastructure and Markets Sector Plan (the CIMSP). In accordance with that Plan Development, Plans are required to identify the types of locations where materials and waste management would be likely to be acceptable.

3.116 Whilst the evidence presented in the AMR to date indicates that the waste policies are generally seen as robust and fit for purpose, consideration will need to be given to the need to respond to changing circumstances throughout the process of creating a Replacement Plan. The information and analysis presented in the Regional Waste Plan will inform this process and provide a basis for action on the waste outcomes in each local authority area, and the region as a whole.

### Minerals

3.117 As part of the planning process for Minerals within the JLDP, the main objective was to ensure that supply was managed in a sustainable manner and to achieve the best balance between the environmental, economic and social considerations. Minerals policies have been produced based on the Regional Technical Statement (RTS) (1st Review, August 2014). The Regional Technical Statement outlined how demand for aggregates over a 25 year period to 2036 will be met and provides a strategic basis for local development plans. The 2nd RTS Review is in the process of being adopted by the authorities.

3.118 The 2nd Review of the Regional Technical Statement (RT2) states that where local authorities are unable to meet their individual indicative share to provide mineral aggregates, all local authorities within that subregion (Conwy, Snowdonia National Park, Anglesey and Gwynedd) need to work together and collaborate to ensure that the overall proportion of the subregion continues to be met and to provide a consistent supply of aggregate minerals across the subregion.

3.119 The monitoring of the Minerals policies set out in the three AMR's indicates that the policies are working effectively. However, the Replacement Plan will need to consider the implications of the recommendations in the 2nd RTS Review for the minerals strategy set out in the LDP together with any changes to existing government guidance.

### **Proposals Maps, Inset Maps and Restrictions Maps**

3.120 In order to reflect the changes that will be made to the Plan the proposals/inset maps will need to be amended in accordance with those amendments.

3.121 Although the Constraints Map is not formally part of a JLDP, it is considered useful to identify those spatial areas identified by other bodies/processes e.g. statutory landscape designations. The printed Constraints Map for the LDP represents a point in time and contains a number of designations that have been updated since the adoption of the JLDP and are therefore out of date. Moving forward, it is hoped that the Constraints Map will be produced in electronic form with public access which will allow it to be updated as required.

### **Supplementary Planning Guidance**

3.122 The policies contained in the JLDP are supported by a range of Supplementary Planning Guidance. The purpose of SPG is to:

- assist applicants and their agents in preparing planning applications and guide them in discussions with officials on how to use relevant policies in the Joint Local Development Plan before submitting planning applications,
- assisting officers in assessing planning applications, and officers and councillors in making decisions about planning applications, and
- assist Planning Inspectors in making decisions on appeals.

3.123 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide officers and potential applicants with all the detailed advice they need to inform proposals. In order to provide this detailed advice, the Councils have prepared a series of Supplementary Planning Guidance to support the Plan with more detailed guidance on a range of topics and issues to assist in the analysis or implementation of the Plan's policies and proposals.

3.124 Appendix 9 of the Joint Local Development Plan contains a table of SPG which has/or will be prepared together with the timetable envisaged for their preparation. The adopted SPGs are now used as a material planning consideration when making decisions on planning applications:-

<b>Supplementary Planning Guidance</b>	<b>Date of adoption</b>
Housing Mix	October 2018

Open Spaces in New Housing Developments	March 2019
Local Market Housing	March 2019
Affordable Housing	April 2019
Maintaining and creating distinctive and sustainable communities	July 2019
Planning Commitments	September 2019
House re-construction and conversion in the countryside	September 2019
Change of use of community facilities and services, employment sites, and retail units	January 2021
Facilities and Accommodation for Tourists	March 2021

3.125 A review of the existing SPG including recently revised and adopted SPG will be undertaken as part of the revision of the Plan. Further, the Plan review process may identify the need to prepare new SPG.

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## 4 Evidence base review requirements

### Evidence gathering

- 4.1 To inform the Replacement Plan, some aspects of the evidence base prepared to support the current LDP will need to be updated. Inevitably some aspects of that evidence base will be out of date with the need to update/replace it to reflect the current circumstances/policy framework as essential. The table below provides a list of anticipated studies/evidence base that will need to be prepared or reviewed as part of the Replacement Plan process (it is noted that the table below is not an exhaustive list).
- 4.2 The revision or replacement of the evidence base will provide an opportunity to gain a better understanding of the land use requirements of both counties during the lifetime of the Replacement Plan as well as considering the implications of the Covid pandemic and any contextual or policy changes that have taken place since the adoption of the current plan.
- 4.3 List of examples of the evidence base necessary to prepare a Revised Plan:-

<b>Text</b>	<b>Clarification</b>
Candidate Sites Assessment	Ensure that a complete and comprehensive assessment of the candidate sites (designations) within the JLDP is undertaken, ensuring that there are no restrictions that would hinder their development during the lifetime of the Replacement Plan.
Relevant Strategies and Plans	Ensure that the review of relevant strategies reflects current guidance.
Population and Housing	Consider the type of tenure and demand for housing to address the future needs of households.
Describing the Housing Growth and Spatial Strategy	Amend in line with up-to-date information to identify the needs of population and households during the lifetime of the Replacement Plan.

Text	Clarification
Developing the settlement hierarchy	Ensure that the Strategy continues to reflect the current situation and the role of those settlements in the wider geographical context.
Urban Capacity Study	Undertake an assessment of the amount of brownfield land that could contribute to housing need in the Plan area.
Retail	Undertake a retail survey to identify the role of retail centres during the lifetime of the Plan.
Tourism	Prepare a paper that identifies the challenges associated with the increase in the demand for tourism accommodation and the potential local policy response to that.
Welsh Language and Culture	Update the existing evidence base.
Local Market Housing	Undertake a review of the current Policy and identify any possible amendments to extend the Policy more widely.
Identification of Gypsy and Traveller sites	Seek to identify the need for permanent and transient pitches during the lifetime of the Plan.
Affordable Housing Viability Study	Advise on achievable and viable targets and thresholds for affordable housing.
Employment Land Study	Assess the need for employment land suitable for all employment sectors and future regional employment aspirations.
Renewable Energy Opportunities Study	To consider the renewable energy resource available within the Plan area to help shape a renewable energy target.



- 4.4 It is emphasised that the above list is not definitive and the need/demand to amend the evidence base including new evidence base when appropriate may emerge as the preparation of the Revised Plan progresses. Ongoing dialogue with other Local Authorities will help to achieve maximum efficiencies and consistency in evidence gathering/sharing and agree methodology where possible.

## **Impact Assessments**

- 4.5 As part of the Plan revision process compliance with the Sustainability Appraisal requirements will be required. This would mean that the Sustainability Appraisal framework will need to be re-visited together with the Strategic Environmental Assessment included in the adopted Plan and revised as necessary. Due to the importance of the Welsh language as part of the social and cultural fabric of the whole plan area it is the intention to carry out a Welsh Language Impact Assessment during the process of preparing a Replacement Plan. This will inform the Sustainability Appraisal. The Sustainability Appraisal/SEA process is an integral part of the development of the LDP and a means of ensuring that the policies in the LDP promote sustainable development by integrating the key economic, environmental, social and cultural objectives into the development of the JLDP policies and proposals and taking into account any significant impacts on the environment.
- 4.6 A Habitats Regulations Assessment of the JLDP will need to be undertaken to determine if the policies and designations contained in the Plan are likely to affect European designated sites.
- 4.7 In addition to the requirements of the Sustainability Appraisal/SEA, it will be necessary to demonstrate how the JLDP contributes to the objectives of the Well-being Act and the 5 ways of working that have been identified in the Well-being of Future Generations Act. The Development Plan Manual states that the requirements of the Well-being of Future Generations Act are an essential part of the development/review of the Sustainability Appraisal framework.
- 4.8 A Well-being of Future Generations (Wales) Act 2015 came into force on 1 April 2016. As the Joint Local Development Plan had been submitted to the Government for examination before this date the Plan was not required to meet the well-being objectives as set out within the act. However, the JLDP was considered compatible with the well-being objectives.

## 5 Joint working and preparation of a Joint Local Development Plan

- 5.1 In accordance with Section 72 of the Planning and Compulsory Purchase Act (2004) and LDP Regulation 36 Local Planning Authorities may decide to undertake the preparation and adoption of a Joint Local Development Plan. The Government considers that there are circumstances in which joint working and planning offers significant benefits in terms of the quality of the plans, and addressing cross-border issues. It is emphasised that, following a single administrative process, a more holistic and consistent policy approach could make more effective and efficient use of resources and deliver better planning outcomes across the wider area. It is highlighted that a JLDP could include two or more Local Planning Authorities.
- 5.2 In 2010, Gwynedd Council and the Isle of Anglesey County Council agreed to establish joint working arrangements for the provision of a planning policy function. The joint working agreement resulted in the establishment of the following:-
- The creation of a Joint Planning Policy Unit (now a Joint Planning Policy Service) to carry out the planning policy functions for the Gwynedd and Anglesey Local Planning Authority area.
  - Prepare a Joint Local Development Plan for the Local Planning Authority Area of both authorities.
  - Establish a Joint Planning Policy Committee (JPPC) as a cross-border decision-making body
- 5.3 Following a review of joint working arrangements in 2017 the joint working arrangements remain in place. A further review of the joint working arrangements is planned shortly (end of 2021/early 2022) to ensure that a joint working agreement exists during the period of preparing a Revised Plan and beyond.
- 5.4 Gwynedd and Anglesey Joint LPA is the only joint development plan that has been prepared in Wales. The process of preparing the original Plan was therefore groundbreaking in terms of the principle of joint working as well as the democratic function of preparing and approving the Plan. The preparation of the Plan is considered to have been successful and that therefore there is a business case to continue with the same arrangements for the future.
- 5.5 It is noted that there is an intention to work with other neighbouring Local Planning Authorities (e.g. Snowdonia National Park, Conwy County Borough Council, Powys County Council) in preparing the Replacement Plan, receiving their input in relation to the development of the Plan and ensuring that the Plan is compatible with those authorities' Plans. Furthermore, as appropriate, there may be opportunities to undertake joint studies/evidence base development.

- 5.6 The Town and Country Planning (Strategic Development Plan) (Wales) Regulations (the 2021 Regulations) were published on 18 March 2021 and will come into force on 28 February 2022. The Regulations set out the procedure for preparing Strategic Development Plans (SDPs). In accordance with those Regulations there will be a duty to prepare a Regional Development Plan under the supervision of the Corporate Joint Committee.
- 5.7 Therefore, inevitably, regional co-operation will proceed jointly with the replacement of the Plan. It is hoped that the process of preparing an SDP will ensure that there is coherence between the Local Development Plan and the Strategic Development Plan in terms of strategy and vision for the local area and regionally.

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## 6. Conclusions and next steps

- 6.1 In line with the conclusions of the Annual Monitoring Reports that have been undertaken it is noted that the Plan is generally being implemented effectively and that the policies and targets set for them are being achieved. Despite the fact that there are no substantive issues highlighted in the Annual Monitoring Reports, due to contextual changes together with issues beyond the control of the JLDP, such as the implications of the Covid pandemic, Brexit, population and household projections and the uncertainty associated with Wylfa Newydd it is considered appropriate that a **Full Plan Review is undertaken.**
- 6.2 At the expense of the contextual issues that have a direct and indirect impact on the Plan's strategy it is inevitable that the changes that will need to be made to the Plan are going to be significant.
- 6.3 Furthermore, there is a need to ensure that the Plan is based on the most recent national planning policy guidance, including the national planning framework, Future Wales: the National Plan 2040.
- 6.4 It is emphasised that the preparation of Strategic Development Plans (SDPs) will also have an impact on the development and content of the Revised Plan. It is anticipated that these plans will be prepared in parallel, and that the Joint Planning Policy Service will be required to provide input into the process of preparing the SDP.

# Agenda Item 6

<b>COMMITTEE</b>	<b>COMMUNITIES SCRUTINY COMMITTEE</b>
<b>DATE</b>	<b>4 November 2021</b>
<b>TITLE</b>	<b>SUBMISSION OF THE DRAFT RIGHTS OF WAY IMPROVEMENT PLAN</b>
<b>CABINET MEMBER</b>	<b>Councillor Gareth W Griffith</b>
<b>AUTHOR</b>	<b>Dafydd Wyn Williams, Head of Environment Department</b>
<b>PURPOSE</b>	<b>To receive feedback and observations from the Scrutiny Committee on the final draft of the Rights of Way Improvement Plan and approve its use for a public consultation.</b>

## 1. BACKGROUND

1.1 A draft version of the Right of Way Improvement Plan (RoWIP) was submitted to the Scrutiny Committee meeting on 25 February 2021. The Committee's decision was:

- To accept the draft plan and note the observations received during the meeting and incorporate them into the document for public consultation.
- That the final version is submitted before the committee following the consultation period.

1.2 Following the Committee, the representatives of the Access Forums were contacted to obtain their views on the draft plan. After these meetings and upon hearing the comments of the Scrutiny Committee, the document was amended, with the intention that it would be released for public consultation before this Scrutiny Committee meeting.

1.3 It should be noted that a Local Authority is expected to provide a minimum of 12 weeks for the consultation on the draft RoWIP. Unfortunately, due to pressure and a reduced capacity in the Countryside Service over the summer months, it was not possible to prepare a final draft to be released for public consultation, as well as analyse the response, before the date of this meeting.  
I apologise for having to report that the timetable has slipped once again.

## 2. UPDATE

2.1 The version being submitted before the Committee includes amendments and additions and apart for a few changes in emphasis, the direction of the Actions remains unchanged.

The main changes are noted in the body of the document.

2.2 Despite the delay, the RoWIP is being prepared at a time of change in the countryside access field and I believe that having an overview of the changes will be useful to the Committee.

2.3 **Access Reform Programme:** Natural Resources Wales and the Government have established the Programme to consider changes to access legislation, and attention is given to the following fields:

- Increasing the range of activities permitted under the Countryside and Rights of Way Act and creating new access land in coastal areas.
  - Increasing the range of activities that the public can undertake, with permission, on public footpaths (cycling and horse-riding permissible on footpaths), improving processes and reducing the systemic pressures associated with managing the temporary diversion of rights of way, closing them for a short period, and undertaking stock management work on them.
  - Improving the process of creating, storing and communicating statutory access maps.
  - The role and administration of Local Access Forums
  - Control of dogs in the countryside.
- 2.4 The recommendations deriving from the work have yet to be publicised and no clear guidance has been received from Welsh Government on the way forward. Nevertheless, the far-reaching impacts that may arise as a result of the Access Reform Programme should not be disregarded.
- 2.5 **The visitor economy:** Rights of way that allow access to highlands and coastal areas have been key to the growth of the tourism sector in Gwynedd and they will certainly have an important role to play in the future as the Council considers the sustainable visitor economy principles.
- 2.6 The designation of the Slate Landscape World Heritage Site is likely to bring opportunities to develop access in these areas, but challenges are also anticipated, e.g. striking a balance between access and safeguarding heritage features.
- 2.7 **Resources:** Part 2.6 of the draft plan discusses resources and the increasing pressures on the Countryside Service to maintain the rights of way infrastructure and process orders. Although the situation in terms of core budgets remains difficult, an increase was seen over the past two years in the availability of grants, mainly from Welsh Government.
- 2.8 For the 20/21 and 21/22 years, nearly £400k was received to improve the rights of way network as well as a similar amount to upgrade the Lonydd Glas.
- 2.9 The presumption is that the grants will continue for the coming years, which raises a question about the Service's current capacity to take advantage of and make the best use of the grants, considering that rights of way officers are also responding to day-to-day matters.

### 3. RECOMMENDATION

- 3.1 The Communities Scrutiny Committee is asked to offer observations on the final draft Rights of Way Improvement Plan and subject to incorporating the observations, to authorise the Environment Department to use it for the purpose of public consultation. The Department will report back to the Scrutiny Committee after the consultation period.

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## APPENDICES

Appendix 1: Gwynedd Rights of Way Improvement Plan (final draft)

**Gwynedd Council**

**RIGHTS OF WAY IMPROVEMENT PLAN**

**REVIEW**

**Public consultation document**

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## **The Vision**

The vision of this Plan is that in Gwynedd we have access to the countryside, coast and green spaces that is available, is fit for purpose and safe to use.

To achieve the vision 3 themes have been identified which are key to delivering the ROWIP.

### **Theme A: Maintain and manage the Rights of Way Network and access to the countryside**

### **Theme B: The definitive map and statement**

### **Theme C: Assessing and meeting consumer needs**

Statements of Action are presented for each theme; these will be the core objectives of the ROWIP.

It is emphasised that the ROWIP is not required to include detailed work programs for its life span, annual or biannual work programmes will be prepared by the Countryside Service.

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## **PART 1. Background**

### **1.1 Purpose of the Rights of Way Improvement Plan**

The Countryside and Rights of Way (CROW) Act 2000 placed a duty on Local Authorities to prepare a Rights of Way Improvement Plan (RoWIP), a strategic plan to manage, develop and promote the rights of way in their area.

The first RoWIP was prepared in the period between 2003 and 2007, and adopted in November 2007.

### **1.2 Preparing the new RoWIP**

In 2016, the Welsh Government presented guidelines for Local Authorities to prepare a new RoWIP. In preparing the RoWIP it is a requirement of the Act that the following receive attention:

- The extent to which rights of way satisfy the public's requirements now and in the future.
- The opportunities offered by public rights of way for physical exercise and other recreational activities and to enjoy the outdoors.
- How accessible are local rights of way for blind or partially sighted persons and for others with mobility difficulties?

In addition, the amended RoWIP should ensure that it gets to grips with the following:

- Evaluation to what extent the previous RoWIP was achieved.
- An evaluation of the network's current condition and its history.
- Opportunities to contribute to the objectives of Active Travel
- Opportunities to contribute to Well-being objectives
- Opportunities to contribute towards achieving other plans and priorities.

### **1.3 Description of the Gwynedd Area**

**Landscape:** Gwynedd has a spectacular landscape, and its quality is reflected in the landscape designations of the Snowdonia National Park and the Llŷn Area of Outstanding Natural Beauty. These include numerous Sites of Special Scientific Interest and Special Conservation Areas to protect habitats, species and geological features.

**The people of Gwynedd:** According to the 2011 Census, 121,874 people lived in Gwynedd, an increase of 5,031 since the 2001 census, with 65.4% able to speak Welsh. 49.2% of the population were men and 50.8% were women with 96.5% describing their ethnic group as white and mainly from Wales or other UK countries. The Welsh Government estimate that the population of Gwynedd will continue to gradually increase to 126,200 in 2024 and 130,600 by 2034. It is also estimated that there will be an increase in the population aged over 75 years that will mainly be responsible for the increase in population. The population density in Gwynedd is low, 0.5 person per hectare compared with the Wales average of 1.5 person per hectare.

**The economy:** In the context of the RoWIP, there are two economic sectors that strongly influence access to the countryside, namely tourism and agriculture. It is estimated that over 7 million people visit Gwynedd annually, and on average, this contributes approximately 1 billion a year for the County's economy. Various tourism businesses employ around 16,000 jobs. During the 2010 - 2020 decade, an increasing emphasis was made to market Gwynedd as an attraction for various outdoor activities with walking identified as the most popular activity amongst visitors. Activities in the countryside such as cycling and mountain biking, climbing, observing wildlife and sailing are also popular activities.

Traditionally, agriculture has been the cornerstone of Gwynedd's economy and despite major changes since the Second World War; it continues to be a key industry that employs at least 5,000 people in 1,200 businesses. It is evident by now that a great number of agricultural businesses have diversified to be part of the tourism sector.

#### **1.4 Gwynedd Council**

Gwynedd Council is the local authority that encompasses the areas of the former District Councils of Arfon, Dwyfor and Meirionnydd. Although these geographical divisions no longer have a formal status the fact that Council's main offices are in Caernarfon, Pwllheli and Dolgellau means that some services continue to be undertaken based on the three areas.

The Council is responsible for all local government services including education, care, highways, planning and development control.

75 councillors are elected to represent the County's electorate; the Cabinet leads the Council, which is responsible for setting a strategic direction and operational policies.

#### **1.5 The Strategic Context**

The RoWIP cuts across and overlaps with local and national strategies and plans. These are the most relevant:

## **Gwynedd Council Plan 2018-23**

This document identifies seven ambitions for the Council and people of Gwynedd, namely

- Enjoy happy, healthy and safe lives;
- Receive an education of the highest quality which will enable us to do what we want to do;
- Earn a sufficient salary to be able to support ourselves and our families;
- Live in quality homes within our communities;
- Live in a natural Welsh speaking society;
- Live with dignity and independently for as long as possible;
- Take advantage of the beauty of the County's natural environment.

### **Well-being Plans**

The Well-being of Future Generations (Wales) Act 2015 placed a duty on public bodies to assess and prepare a well-being plan that meets with seven aims stated in the Act, namely

- A prosperous Wales;
- A more resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales where the Welsh language and culture is thriving;
- A globally responsible Wales.

The main messages of the Gwynedd Well-being Assessment that have been reflected in the Well-being Plan were:

- The need to maintain the healthy community spirit which is key to well-being;
- The importance of protecting the natural environment;
- Understanding the effect of the changing demography of our area;
- Protecting and promoting the Welsh language;
- Promoting the use of natural resources to improve health and well-being in the long term;
- Improving transport connections to enable access to services and facilities;
- The need for high quality jobs and housing that is affordable for local people;
- The effect of living in poverty on well-being;
- Ensuring every child has the opportunity to succeed.

### **Health** *(addition)*

The Covid crisis has emphasised the importance of access to the countryside in maintaining and improving the health and well-being of Gwynedd's residents.

We know that physical activity benefits both mental and physical health, it contributes to increasing stamina and reducing stress.

Welsh Governments Healthy Weight, Healthy Wales strategy states that 60% of the population of Wales is overweight or obese, with the percentage increasing year on year. Measures to reduce the problem include:

- Increase Active Travel opportunities
- Increase physical activity and exercise opportunities.

Paths and green spaces have an important role to play in improving the health of the people of Gwynedd as they are free to the user and accessible to the majority of the population.

### **Anglesey and Gwynedd Joint Local Development Plan**

A plan that sets the strategic direction for land use in Gwynedd and Anglesey.

Policy PS4 is relevant to the aims of RoWIP.

Sustainable Transport, Development and Accessibility relevant to the RoWIP

Where possible safeguard, improve, enhance and promote and public rights of way (including footpaths, bridleways and byways) and cycleway networks to improve safety, accessibility (including disabled people) by these modes of travel and to increase health, leisure, well-being and tourism benefits for both local residents and visitors.

### **Environment (Wales) Act 2016**

Part 1 of the Act presents the principles of a sustainable management method of working with natural resources namely how animals, plants, air, water, minerals and the land interact together and their link to people's well-being. The method to achieve this is by producing Area Statements. The Statements will note the priorities, risks and opportunities to manage our natural resources. Natural Resources Wales lead on the work of preparing seven Area Statements. The council areas of Gwynedd, Anglesey and Conwy have been included in the North West area statement.

The Statements consider public access provision and it is expected that they will be important documents when it comes to implement and fund the aims of RoWIP.

### **Active Travel (Wales) Act 2013**

Active travel is travelling on foot or by bicycle for the purposes of work, education, to use public facilities, shopping. Travel for recreation is not considered active travel in the context of the Act.

The Act placed a statutory duty on Local Authorities to produce Active Travel maps for communities designated as Active Travel centres. These are the Gwynedd active travel centres:

Bangor, Caernarfon, Porthmadog, Barmouth, Bethesda and Rachub, Pwllheli, Dolgellau, Tywyn, Y Felinheli and Caeathro

Following a public consultation in 2016, maps have been prepared and these can be viewed on the Council's website.

<https://www.gwynedd.llyw.cymru/cy/Cyngor/Dweud-eich-dweud/Canlyniadau-yngyngoriadau/Cynllun-Trafnidiaeth-Lleol-ar-y-Cyd.aspx>

Although the focus is on the urban areas, Active Travel schemes are an opportunity to create better connections within 45 minutes of travel to the centres. The rights of way network, as well as Lonydd Glas, are key to the development and growth of active travel in Gwynedd.

### **Tourism**

The tourism sector is a key part of Gwynedd's economy with enjoyment of the countryside and beaches being the main reason given by 63% of visitors for visiting the County (*Gwynedd Tourism Review 2019*)

Over the past decade, the Gwynedd Destination Management Plan (2013 - 20) has led the Council's approach to tourism. The main objectives of the Plan were to:

- extend the tourist season,
- Increase visitor spending,
- improve the quality of the visitor experience,
- improve the integration of tourism with other aspects of life,
- enhance the natural, built and cultural environment

The Covid pandemic has had a significant impact on the sector in Gwynedd with hotels and attractions having been closed for long periods. Following the relaxation of travel restrictions in the summer of 2020, some negative impacts of tourism on communities and the environment were seen. This has stimulated a debate about what type of tourism industry is appropriate and sustainable for Gwynedd. In response, the Council will consider the industry in the context of the following principles:

- Celebrate and respect our communities, language and culture
- Maintain and respect our environment

- Ensure that the benefits to Gwynedd's communities are no greater than any disadvantages

### **Llŷn AONB Management Plan**

It is a requirement to prepare and review a Management Plan for the Llŷn Area of Outstanding Natural Beauty (AONB) in accordance with the requirements of the Countryside and Rights of Way Act.

The Plan discusses eight themes that are relevant to the AONB, including Rights of Way and Access.

Policies relevant to rights of way and access

**MP1. Maintain, protect and promote key public rights of way in the area and ensure that they are available for use without obstruction.**

**MP2. Maintain the National Coast Path and create new links in accord with national standards and guidelines.**

**MP3.** Promote the use of local circular routes and open access land in Llŷn.

**MP4** Improve the provision for public rights of way (PRoW) users, including horse riders, cyclists and disabled people.

The AONB Team officers work closely with rights of way officers and the coastal path to implement plans and improvements on the ground.

### **Snowdonia National Park Plan**

The Snowdonia National Park is required to prepare the National Park's Plan in accordance with the requirements of Section 61 of the Environment Act 1995 that sets two statutory purposes for the National Parks.

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the Park.
- Promote opportunities for the understanding and enjoyment of the special qualities of the National Park, by the public.

Statategic Polisi L in The National Park Local Development Plan (2016 – 2031)states:

- Within the National Park walking and cycling, improved access to public transport and provision of facilities will be encouraged.
- The recreational routes identified on the proposals map will be safeguarded from development which would prevent their use as recreational routes.



## 1.6 The Countryside Service and Ffordd Gwynedd

The Countryside Service is one of the Services that sits within the Environment Department. Other Services include - Planning, Public Protection, Public Transport, Parking and Street Works, Traffic and Projects and Building Control.

At the Departmental level, the Countryside Service works closely with other Services as well as with the Highways and Municipal Department, Legal Service and Estates Service.

In 2016, the current Service structure was created to deliver the following areas of work and duties:

- Maintain and manage the rights of way network and other routes such as the Lonydd Glas.
- Dealing with legal and enforcement issues related to the rights of way network including updating the Definition Map and Statement.
- Develop and maintain the Coastal Path and work with organizations and communities to improve access opportunities.
- Address planning issues relating to rights of way, biodiversity, tree protection and landscape quality of the Llyn Area of Outstanding Natural Beauty (AONB)
- Implement projects, to improve access, protect habitats, and manage lands in the care of the Service.

In November 2021 there were 15 staff in the Service including the Countryside Manager operating within the following teams.

- Rights of Way and Access - 7 officers
- Biodiversity - 4 officers
- Llyn AONB - 3 officers

Of the 15 officers, 4 are temporary posts dependent on grants.

Gwynedd Council adopted the culture of Ffordd Gwynedd - Putting the People of Gwynedd at the heart of everything we do. Each service will undertake a Ffordd Gwynedd review that involves analysing working arrangements and processes identifying barriers, risks and opportunities. The following summarises the main risks identified in relation to Countryside Service access work:

- Reduced resources due to cuts resulting in a decline in service and how much the team can achieve
- Extra work pressure due to reduced staff causing increased workload and stress.

- Vexatious cases taking unequal officer time
- Lack of maintenance increases risk of accidents to consumers and insurance claims against the Council.
- Failure to deal with orders leading to challenges from applicants through the Planning Inspectorate.

## **1.7 Evaluation to what extent the previous RoWIP was achieved**

When preparing the review it is necessary to re-visit the previous Gwynedd Council RoWIP, prepared between 2005 and 2007, and adopted as a Plan in November 2007.

The original RoWIP includes a Statement of Action split into six Themes namely:

Theme 1: Condition of the Rights of Way Network

Theme 2: The Definitive Map and Statement

Theme 3: Managing the network

Theme 4: Understanding User Needs

Theme 5: Current Access Provision

Theme 6: Promotion and Publicity

The six Action Themes comprise a total of 43 individual actions or options subject to funding availability.

The previous RoWIP managed to set a direction and guidance for the work of managing and maintaining the access network in Gwynedd, and it is reasonable to gather that the majority of the actions have been fully or partially achieved.

Appendix 1 gives an overview of what has been achieved by the previous RoWIP.

## **1.8 Access reform**

In 2015, and in 2017, Welsh Government consulted on the possibility of changing countryside access legislation. The 2017 consultation looked at the following areas:

- Increase opportunities for outdoor recreation.
- Simplifying the processes to record and register rights of way
- Assess ways to improve communication regarding rights of way and responsible behaviour in the countryside.

Following the 2017 consultation, the Government put in place a process to consider in detail how some aspects of legislation could be changed to reducing bureaucracy on local authorities and how access opportunities could be extended.

In 2019, the task of looking in detail at a number of recommendations commenced, task groups were established under the lead of Natural Resources Wales looking at:

1. amending technical provisions around creating, diverting and extinguishing rights of way
2. removing the anomaly that prevents organised cycling events on bridleways
3. repeal some areas of the Countryside and Rights of Way (CROW) Act that are proving costly and inefficient, such as the 2026 deadline for registering lost ways.
4. Creating multi use paths , allowing cycling and horse riding on public footpaths,
5. Extending access land to the coast and cliffs.
6. Prepare one statutory digital map of all rights of ways, access land and national trails.

The task groups are due to report to Welsh Government with their recommendations on the way forward during 2021.

## **1.9 Climate Change**

Gwynedd Council has declared a Climate Emergency, which conveys that the Authority recognises and is prepared to take action and to influence others to take steps to mitigate the effects of climate change.

The effects include

- Increased frequency of extreme weather events is already being felt in the County.
- Increased flood risk, 23,244 Gwynedd residents live in areas of high flood risk.
- Sea levels are predicted to rise by up to 1.9m by the year 2100; sea level rise is already a threat to coastal communities such as Fairbourne.

The above is already having an impact on path infrastructure, from loss of bridges, erosion of footpaths to loss of paths due to coastal cliff erosion. The implications of climate change must be considered when planning for the creation of new routes and major improvements to existing ones.

The Council will be preparing a Climate Change Action Plan that will set the direction for responding to the challenge. Woodlands and public green spaces are carbon stores that, through effective management can contribute to reducing the Council's carbon emissions.

## Part 2: Theme A

# Maintenance and management of the Rights of Way Network and access to the Countryside

## 2.1 The Rights of Way Network in Gwynedd

Gwynedd Council is responsible for the Rights of Way network, which is approximately 3800km long. A public right of way is defined as a highway available for public use to be used, free of charge, in accordance with its status and at any time.

Status		Length (km)
Footpath	walkers	3345
Bridleway	Walkers, horse riders, cyclists	305
Restricted Byway	Walkers, horse riders, cyclists, horse and carriage	79
Byway open to all traffic	Walkers, horse riders, cyclists, horse and carriage, motorised vehicles	39

In addition to the registered rights of way network, other access provision available to the public includes:

- Lonydd Glas and Permissive Paths : over 60km
- Open Land (CROW Act 2000): 105,029ha (mainly mountain land within the National Park Area)

Since 2007, approximately 50km of new rights of ways have been created in order to establish the Wales Coast Path in Gwynedd and to develop new multi-use paths such as Lôn Gwyrfai and Lôn Las Ogwen.

## 2.2 Responsibilities

Gwynedd Council is the highways authority with a statutory duty to protect and maintain the network. The public, community councils and others turn to the Council to safeguard and resolve practical and legal matters that arise.

The Council's main maintenance responsibilities are:

- Rights of way signage when paths leave the highway

- The surface of the most rights of way is the responsibility of the Council.
- Bridges and Structures
- Management of vegetation and removal of obstructions

It is the landowner's responsibility to maintain and repair path furniture such as stiles and gates including those installed by the Council and the National Park on category 1 and 2 path or as part of access improvement schemes.

## **2.2 Condition of the Network**

Gwynedd Council has never undertaken a full assessment of the condition of its rights of way network. The most comprehensive survey was undertaken as part of the work to prepare the original RoWIP in 2004/05 when approximately 35% of the network was assessed.

Up to 2012/13 an annual assessment of 5% of the network was undertaken, this survey was carried out in line with national guidelines for measuring the performance of Welsh Local Authorities.

These surveys were stopped due to the lack of staff resources to administer and process the data. It was also felt that such a small sample, considering the size of the Gwynedd network and the associated effort, was an ineffective use of scarce resources.

Data from a number of sources was used to try to convey a picture of the network's condition and the financial implications of its maintenance. The primary sources were the Ramblers Association members as part of their Pathwatch campaign and information gathered by Council and National Park officers was used. A summary of the information can be seen in table 2.

However, it must be acknowledged that the lack of core information about the condition of the network is a barrier to measuring the effectiveness of current working arrangements and policies.

## **2.3 Categorisation**

Before expanding on the network's condition, the categorisation system has to be considered. The Council adopted categorisation some 15 years ago in order to prioritise its efforts and resources to maintain paths. The system was established jointly with Town and Community Councils, the outcome was to place the majority of rights of way within one of five categories based on an assessment of their use and importance in terms of connectivity and potential to upgrade them. For convenience, the number of categories was reduced to four in 2010. Table 1 gives the category definition and the percentage of the network in each category.

**Table 1**

Category	Definition	% of the network;
1.	Paths that facilitate people's movements. These usually have significant usage or for connections within towns, villages or between public transport facilities, car parks and leisure attractions.	15
2.	Popular paths mainly used for recreational purposes including paths around communities, circular walks or access to beaches or promoted paths.	27
3.	Paths, whilst being less used, form significant connections between the paths in categories 1 and 2 or between communities.	46
4.(5)	Paths with only occasional use but still form part of a full and effective network. These can include possible connections between communities where there is not much to encourage walking.	12

As the main purpose of the categorisation system was to prioritise resources it was integrated within the Authority's Rights of Way Policies (*these are discussed in part 2.7*)

- Policy 1.3 deals with the Maintenance of stiles and gates
- Policy 1.4 deals with the maintenance of surfaces and controlling vegetation
- Policy 1.8 deals with surveys and the frequency of inspections of the condition of rights of way.

During the 2000's the maintenance of categories 1, 2 and 3 was prioritised, due to reduced resources since 2014 priority has been given to categories 1 and 2 only, which is approximately 42% of the network.

It would be reasonable to assume that a commitment to the categorisation system would in time impact on the physical condition of the paths. This impact can be seen by looking at the items of work undertaken on paths within the individual categories, for example for the year 2017 /18 the following were recorded

Work items on Category 1 paths	650
Work items on Category 2 paths	658
Work items on Category 3 paths	582
Total number of work items	1,890

This trend can also be seen in Table 2, showing the range and distribution of problems identified on 1.021 km of rights of way in categories 1, 2 and 3 , approximately 27% of the Gwynedd network. (source Pathwatch, recorded by Gwynedd and SNPA staff, 2018 )

Table 2

Main problems / deficiencies	Category 1	Category 2	Category 3
Type of problem	Number of problems	Number of problems	Number of problems
Roadside signs missing / broken	24	22	86
Missing / broken Way markers	23	23	35
Ladder stile /	1	4	19
Stile with one or two steps	1	8	26
Stone stile	0	1	1
Kissing gate	1	3	17
Gate < 1.2m	0	3	24
Gate 1.2m - 2m	2	7	21`
Gate /	0		10
Steps	2	1	1
Bridges < 2m	2	10	31
Bridges 2m - 5m	0	3	1
Bridges > 5m	3	4	1
Surface in poor condition	36	69	46
Side overgrowth / invasive plants	25	17	28
Surface vegetation	6	22	34
Felled trees	2	29	22
Land Use / quarry / forestry			17
Other	10	10	29

Whilst this information is, only a snapshot of the condition of the network it clearly points towards the conclusion that the condition of paths in categories 1 and 2 is overall better than those in categories 3 and 4.

During the public consultation conducted in 2017, there was some criticism of the categorisation system as it inevitably results in the deterioration of paths in the lower categories.

## 2.4 Problems encountered on rights of way

Problems on rights of way can be divided into three main types

**Minor problems** - seasonal overgrowth, fallen tree limbs, localised seasonal flooding, poorly installed and maintained furniture or lack of signage. These problems will be inconvenient to the user but do not necessarily make the path unusable.

**Major problems** - flooding and drainage problems, unsafe or dangerous bridges, landslips or fallen trees, defective and dangerous furniture, badly eroded surface. These problems are likely to make the path unusable but can in most cases be resolved with adequate resources.

**Deliberate obstructions** - paths obstructed by fences, walls or other barriers and by locked gates. It may be possible to resolve some of these problems with better furniture and signage, they may also be resolved with discussions between officers and the landowner or their representative, if this fails the Council will have to take enforcement action.

These problems are evident in the responses received to the Public Consultation Questionnaire.

61.2% of those who answered stated they had come across a problem when using rights of way. Summary of response

Table 3.

Problem encountered	% of respondents
Deliberately blocked paths	54.3
Lack of signs or misleading signs	29.3
Overgrowth / fallen trees	28
Gates / stiles in poor condition	39.2
Bridges in poor or dangerous condition	21.4
Aggressive dogs	26.5

**STATEMENT OF ACTION - 1**

**1a. Continue to prioritise paths in category 1 and 2**

Although there is some criticism of the categorisation system; in the short term, this is the most practical system to keep the most popular paths in a satisfactory condition.



It should be acknowledged that it is not possible to give full attention to every path in Categories 1 and 2, and the lack of maintenance on the remainder of the network leads to a backlog of work and costs if these are to be restored to an acceptable standard.

#### **1b. Update and re-categorisation**

It is intended to reassess path categories and update if necessary to create a network that better reflects the needs of the County's communities. The work will be undertaken in conjunction with Community and Town Councils with input from the National Park, Local Access Forums and user groups.

#### **1c. Assessing the state of the network**

The Ffordd Gwynedd review has highlighted that we do not have basic information about the condition of the network.

A survey of the condition of Gwynedd's rights of way will be carried out to be used to establish a baseline against which to measure performance, assist in the re-categorization of paths and to prioritise projects for grant funding. To be effective the condition survey has to be carried annually and will require input from volunteers or temporary staff.

## **2.6 Resources for rights of way**

The function to maintain the rights of way together with the funding lies within the Countryside Service. During the lifespan of the original RoWIP, the annual core budget for maintaining rights of way was reduced from £351k in 2007, to £170k in 2019. During this period, the Service lost five front line staff, two Rights of Way inspectors and three Countryside wardens.

From the existing budget, approximately £32,000 is allocated to support maintenance work (annual cut of vegetation) carried out by Community and Town Councils this leaves approximately £143,000 for everything else. Because of the categorisation system, the majority of the expenditure will be on category 1 and 2 paths, i.e. approximately 42% of the network (around 1,700km).

The Service is also responsible for maintaining the Lonydd Glas network; the core budget of £16,000 has remained fixed since 2010.

A sum of £50,000 has been allocated from the Councils structures budget towards maintaining and upgrading bridges and other structures on the rights of way network. This amount is not sufficient to build new bridges that are often in difficult to reach locations and over fast flowing rivers.

According to the original RoWIP, an annual budget of **£380,586** was required to maintain the furniture and control annual vegetation growth on category 1, 2 and 3 paths. This estimate remains relevant, and if only paths in categories 1 and 2 are considered and

bearing inflation in mind (average of 3%); a baseline budget of **£232k** is required to maintain category 1 and 2 paths in a satisfactory condition. A satisfactory condition is defined as an unobstructed, signposted path with furniture that is safe and easy to use; the nature of the furniture will vary according to the status of the right of way.

Due to the reduction in the core budget for staff and maintenance, the majority of the budget is now used for reactive work, in response to queries and complaints. Priority is given to health and safety issues and problems on popular routes.

It is often not possible to take action if the issue involves significant work and costs, for example repairing or refurbishing a bridge, resurfacing a path or making safe a retaining wall. In such situations there may be no alternative but to do temporary work or even close part of a path.

In order to make the major improvements to paths which forms links between communities or attractions the Service takes advantage of grant funding. Here are some examples of grants received between 2010 and 2020:

- Over £ 900,000 was received through the Rights of Way Improvement fund between 2010 and 2017.
- £ 100k from the Coastal Communities fund towards the establishment of 18 circular walks off the Coast Path.
- The contribution of Active Travel grants has enabled improvements to the Greenways and to routes identified as Active Travel routes.
- In 2020/21 £ 243,446 was secured from the Welsh Government's Improving Access grant program and £ 145, 976 at 21/22.
- Between 2017 and 2020, £ 85,000 of grant funding was received towards access improvements within the Llŷn AONB area.

This funding is to be welcomed but care is needed to ensure that it does not become an additional burden on staff who also have to respond to day to day issues.

Additional pressures on the budget is anticipated due to more frequent extreme weather events and the advent of the ash die back disease that has affected the majority of ash trees in the County.

#### **STATEMENT OF ACTION 2**

2a. The impact of extreme weather and other pressures on the rights of way maintenance budget will be monitored.

2.b Efforts will be made to identify and secure grants for strategic network improvements, prioritising:

- upgrading bridges and structures
- improving accessibility of paths
- multi-use routes
- joint access and biodiversity projects

We must ensure that we have sufficient staff resources to effectively apply for and implement grant projects.

## 2.7 Policies

Following the publication of the original RoWIP, a Public Rights of Way Policies document was prepared and published. The current document can be viewed on the Council's website

<https://www.gwynedd.llyw.cymru/cy/Trigolion/Dogfennau-trigolion/Parcio,-ffyrdd-a-theithio/Polisiau-Hawliau-Tramwy.pdf>

The purpose of this document is to summarise and explain the Council's responsibilities and to give guidance for the physical maintenance of the network together with the legal processes to protect and revise public rights of way.

The policy document places great emphasis on the Categorisation system, nevertheless, it is stressed that Categorisation is a system to prioritise resources and does not remove the Council from its statutory duties to maintain and protect the whole network including a responsibility for the public's health and safety, whatever the path category. When the Service receives reports from the public, priority has to be given to issues that may have an impact on public health and safety, including that of Council staff. In responding to such reports Countryside Service officers have to assess the risk and determine what action to take. If the damage is significant, for example a collapsed bridge or a path lost to the sea, there will be no choice but to close the path and try to secure resources to restore it. In such cases, priority is given to paths within category 1 and 2.

The document continues to be an effective tool and sets the basis for the Service's work, however, due to the reduction in staff resources and finance it is no longer possible to implement some of the document's recommendations. For example:

- Policy 1.8 Surveys and Inspections - it is not practically possible to maintain the level of condition surveys in accordance with the policy, namely that 50% of category 1 network paths are to be surveyed annually.
- The budget does not allow a proactive programme to cut vegetation and for improvements.

Since the publication of the Policies document, some changes have been seen in land use and farming methods that have an impact on rights of way.

- Policy 2.11 Electric Fences - it is necessary to review this policy to reflect the increase in use of electric fences for stock management.
- Clear guidance is required on the measures needed in response to ash die back.

#### **STATEMENT OF ACTION 3**

3a. Priority is given to respond to enquiries where there is a danger to public safety.

3b. The Rights of Way Policy document will be updated to reflect the levels of current resources and other factors that have influenced the management of rights of way over the last decade.

## **2.8 Enforcement**

The Rights of Way Policies document outlines how officers will implement actions to force landowners and others to remove obstructions and protect public rights. The public can also present a formal notice to the Highways Authority to act to open an obstructed right of way.

In the vast majority of cases, every effort is made to resolve a dispute by persuasion and discussion with landowners and users. In the end, this approach leads to a better relationship between different parties and reduces the burden of bureaucracy. Since 2015, the Countryside Service has made only two cases of formal enforcement, which is evidence of the staff's ability to negotiate and to take fair and commensurate action in line with the circumstances.

In accordance with the Categorisation policies, priority is given to enforcement efforts for category 1 and 2 rights of way.

#### **STATEMENT OF ACTION 4**

**4a.** We aim to open up and have a well signed public rights of way network

**4.b** Every effort will be made to resolve disputes by discussing and negotiating with landowners and stakeholders.

If there is no other option but to take formal proceedings, then efforts will be prioritised for category 1 and 2 paths.

## **2.9 Motor Vehicles** *(additional)*

Users of 4x4 motor vehicles, motorcycles and cars have the legal right to use byways open to all traffic as well as the unclassified road network. Although the status allows for use by vehicles the surface is often not suitable for use by modern vehicles. Overuse of byways and some unclassified roads can cause surface damage as well as adversely affect biodiversity and the landscape.

There are significant costs associated with repairing byways that are beyond the Countryside Service budgets. Unclassified roads are the responsibility of the Highways Department who also find it difficult to bear the costs.

Although there are instances of vehicle and motorcycle abuse occurring throughout the County, the greatest impact is in the uplands within the National Park area. The Council's Environment and Highways Departments are working with the National Park to try and manage the problem and support efforts to work with user groups to ensure responsible and sustainable use of byways open to all traffic and unclassified roads.

## **2.10 Maintenance of the Coast Path**

Gwynedd has played a key role in the development of the Wales Coast Path, with 300km or close to 25% of the Coastal Path in the County.

National standards were established to maintain the path and to ensure consistency throughout Wales. Since 2015, coastal Local Authorities in Wales have received annual funding towards maintaining the Coastal Path. Funding is apportioned according to a national formula, currently £643 is given for every km of paths or other access rights and £20 for every km for sections of the Coast Path on roads, beaches or promenades. This arrangement means that Gwynedd receives approximately £80,000 a year towards the maintenance of the Coast Path.

### **STATEMENT OF ACTION 5**

Gwynedd will continue to maintain the Coastal Path in accordance with national standards subject to the continuation of the current funding arrangement.

## **2.11 Information systems**

Since around 2005 rights of way, officers have used the Countryside Access Management System (CAMS) a digital system for collecting and recording information about the condition of the rights of way network. In 2014/15, the use of system was reviewed to take advantage of technology that enabled remote working. Since 2015 officers have been, using tablets

while out in the field to record work and problems. The value of having mobile technology has been demonstrated during the Covid pandemic, allowing rights of way officers to continue working.

The CAMS system was considered as part of the Service's Ffordd Gwynedd review and it was concluded that the system was an important tool for the work of the service, especially the ability to work remotely. However, it was recognised that the function for recording enquiries and complaints was difficult to use and was not being fully utilised.

The Council is receiving an increasing number of requests for service from its website. It is already possible for the public to report a problem or make a complaint about a right of way from the Rights of Way web page. Contact can also be made by visiting the path layer on the online map. It is important that the information on the web site is regularly reviewed and updated.

Although the current resource is extremely useful, technology is constantly evolving and ways to make better use of the website to present and exchange information to the public should be explored.

#### **ACTION STATEMENT 6**

**6.a** Having a fit for purpose technology is essential for recording information and working effectively in the field. Attention will be given to how best to make best use of the existing system and how it can be adapted to better meet the requirements of the Service.

**6.b** Rights of way and access information on the Gwynedd web site will be reviewed and updated when required.

## **2.12 Partnership working**

Many agencies and organisations contribute to providing countryside access in Gwynedd. The Countryside Service has a successful record of working in partnership to achieve common goals for the benefit of all.

### **2.12.1 Snowdonia National Park Authority**

The Snowdonia National Park Authority (SNPA) plays an important role in providing countryside access in those parts of Gwynedd and Conwy Council areas within the Park.

Snowdonia attracts over 4 million visitors a year, in 2018; there were 557,991 visitors to Snowdon and 66,241 to Cader Idris.

There are 2,409km (1,497 miles) of rights of way in the Park area, which is nearly 64% of Gwynedd's total network with about 375km (233 miles) being routes promoted by the SNPA.

Gwynedd Council is the statutory highways authority with responsibility for all legal matters relating to rights of way within the Park area of Gwynedd. SNPA is responsible for open access land in accordance with the Countryside and Access Act 2000.

Over the years, the Park has concentrated effort and resources to maintain the most used routes and develop circular routes that serve local communities as well as visitors. They have also secured funding for the development of multi-purpose paths such as Lôn Gwyrfai and have begun to develop the Snowdon Circuit, which is a low-level route around Snowdon.

The original ROWIP stated the intention to negotiate a formal agreement between Gwynedd Council and the Park in order to establish a more integrated approach to access. The two authorities have agreed principles for joint working that recognises the roles of both organisations. Further steps will be needed over the coming years to build and strengthen the relationship.

#### **ACTION STATEMENT 7**

The Countryside Service will work with SNPA to develop effective working arrangements to ensuring that rights of way are maintained and improved within the Park area.

### **2.12.2 Community and Town Councils**

Gwynedd Council recognises the importance of the work and input of the Community and Town Councils in maintaining rights of way within their areas. An engagement exercise over the winter of 2016/17 showed that the vast majority of Community and Town Councils were keen to see popular routes maintained and improved. Many councils understood that access opportunities are important to the economy and the well-being of local people.

In order to support the work of the Community Councils in maintaining paths the Countryside Service operate a long-standing arrangement to reimburse some of their costs. However, a reduction in the core budget has meant that this contribution has also been reduced. Up to 2016 approximately £ 70,000 was repaid annually to the Community Councils, however since 2016 the total contribution has been reduced to £ 32,000. The funding should only be used to maintain paths in category 1 and 2.

As a result of the change the number of community Councils taking advantage of the opportunity has reduced from 53 in 2016 to 48 in 2019 (note that some Councils have never been part of the arrangement and that the 5 Penllyn Councils act as one entity under the

Penllyn Partnership). The reduction in funding available to the Community Councils has meant that the Council has had to take on the additional work in many areas. On the other hand, some Community and Town Councils have increase the use of their own budgets in order to maintain paths within their area.

#### **ACTION STATEMENT 8**

Continue to work with Community and Town Councils to support their maintenance of locally important footpaths.

### **2.12.3 Landowners**

The vast majority of public rights of way cross private land and property and therefore it is essential that Countryside Service officers develop good relationships with a wide range of landowners and land managers. Without a constructive relationship, it would be extremely difficult to manage and improve access to the countryside.

The National Trust owns large areas of coastal land and has been a key partner in the development of the Coast Path.

Although a high percentage of paths are on agricultural and forestry land there are also paths within towns and villages, industrial estates, holiday centres and even crossing private gardens. The existence of paths close to houses can impact the privacy of residents and in such cases; staff must show diplomacy and tact when dealing with sensitive situations.

### **2.12.4 Natural Resources Wales**

Natural Resources Wales (NRW) collaborates and influences the work of the Countryside Service in a number of ways.

- NRW is a significant landowner, particularly of forestry land in Meirionnydd, the Service must work with land managers to ensure that forestry works do not damage or infringe on public rights of way.
- NRW is responsible for administering the Wales Coast Path grant that pays for a project officer, maintenance and improvements. It also manages other several grant funds including support for work within the Llŷn AONB
- NRW leads on the preparation and updating of the Area Statements and co-ordinates the Access Reform Programme.



### 2.12.5 User Groups

Contact with members of different user groups occur in a variety of ways. They assist the Service by reporting problems and identifying where improvements are needed.

In addition, they provide valuable assistance when a new route or improvements are being considered, for example from the perspective of a wheelchair user or by cyclists and horse riders.

Local representatives also respond to consultations on legal orders as well as lobbying and bringing issues to the attention of local and national politicians.

### 2.13 Volunteers

The Countryside Service has endeavoured over the years to support and increase volunteering opportunities for individuals and organisations. Volunteers have contributed to work on the rights of way network, the Lonydd Glas and on nature reserves and woodlands.

Volunteers are able to undertake a wide variety of tasks; however, supporting a volunteer workforce cannot happen without support and the organisational work undertaken by Service staff. At all times the main consideration has to be the health and safety of volunteers and to ensure that they have the equipment and materials to achieve the task.

There is now a better understanding of the benefits that individuals gain from volunteering

- improvement in physical and mental health,
- socialising,
- gaining new experiences and skills.

There is an increase in interest in volunteering, however, to be effective a dedicated member of staff is required to organise work and liaise with volunteers.

#### **ACTION STATEMENT 9**

The Service will identify opportunities to extend and strengthen links with organisations and individuals who are keen to volunteer and will seek funding to support their work.

### 2.15 Local Access Forums

Local Access Forums are statutory bodies that provide independent advice on access and outdoor recreation issues. Forum members represent a wide range of users and landholder interests.

There are three Local Access Forums in operation in the Gwynedd area. These are:

- Arfon and Dwyfor Forum - administered by the Countryside Service
- National Park North Forum - administered by SNPA
- National Park South Forum - administered by SNPA

The Forums respond to consultations by Government and public bodies on issues that will influence access and land use in Wales.

DRAFT

**Part 3:**  
**Theme 2. The Definitive Map and Statement**

### **3.1 What is the Definitive Map and Statement?**

The introduction of the National Parks and Access to the Countryside Act 1949, made it a requirement for local authorities to prepare a definitive map and statement.

The first step, that was started in the early 1950s, was to conduct a survey of the footpaths, bridleways or roads used as public paths. The survey led to the preparation of a draft map and then a provisional map. During the process, there was an opportunity for individuals, organisations and landowners to make representations and object to proposals to register rights of way.

The final step was to prepare the definitive map, in the case of Gwynedd this entailed two maps namely the definitive map for Merionethshire (publication date 13.8.1964) and the Caernarvonshire definitive map (publication date 2.1.1975).

### **3.2 Use and importance of the Definitive Map and Statement.**

The Definitive Map is the foundation of the Authority's work in the field of rights of way and is key to the work of managing the Rights of Way network. This is the record that shows the location and status of the right of way and it cannot be altered in any way unless a legal order is confirmed.

The map's accuracy is vitally important when the Council considers Planning applications, or for prospective land or property buyers. Failure to consider the definitive map may lead to a dispute between neighbours and between individuals and the Council.

The Definitive Map is kept by the Countryside Service on A1 sized sheets, and hard copies are provided to the public, developers and landowners upon request. There is a digital version of the map that is used on Council mapping systems and provided to the Ordnance Survey; however, current legislation does not acknowledge the digital versions as the true definitive map.

In 2019, the digital version was placed on the Council's external website.

<https://www.gwynedd.llyw.cymru/map/default.htm?iaith=cy&xC=257293&yC=336548&layer=29&level=1>

The map can be used to submit a query or complaint regarding the condition of a specific path. Although the online map is an effective way of presenting information, it should not

be depended upon to resolve uncertainty regarding the line of a path, and the public are encouraged to arrange to see a hard copy of the definitive map.

#### **STATEMENT OF ACTION 10**

10a. Keep and update the definitive map and written statement

10b Maintain and update the map on the Council's website and promote its use.

### **3.3 Definitive Map Modification Orders (DMMO):**

Any user, landowner or land occupier can apply to the highway authority to modify the Definitive Map. This is done via a Definitive Map Modification Order, in accordance with section 53b of the Wildlife and Countryside Act 1981.

When preparing the application the applicant must gather and present information to support the order, the Council will assess the application based on the evidence. The evidence may be evidence of use or documentary and historical evidence.

It is vital that the Council take a balanced view of the application and to give supporters and objectors a fair opportunity to present arguments in favour and against the Order.

Where possible efforts will be made to find a solution between the various interests, however, the likelihood is that the majority of applications will be sent to the Planning Inspectorate for determination, in many cases the matter is determined at a Public Inquiry.

Due to the emphasis on accuracy and the quality of evidence and given the likelihood of having to justify the determination to accept or refuse an application in a public inquiry, it is inevitable that the process is heavy in terms of the officers' time.

Due to a series of budgetary cuts since 2010, currently one dedicated member of staff is available to deal with DMMOs as well as other orders. Consequently, there is a backlog of applications and as of January 2020, 60 applications had been registered. The public are able to see the full list DMMO applications on the Council's website.

On average, the Council receives three new application a year, currently it takes at least four years for a DMMO application to be completed especially if it leads to a Public Inquiry.

Of the 60 outstanding registered applications, 29 pre date the 1996 reorganisation of Local Government. It must be noted that the legislation does not allow the authority to disregard any application regardless of the date it was registered.

If an application has not been decided within 12 months of registration, the applicant may ask the Planning Inspectorate to set a timeframe for the Council to reach a decision

The demand for DMMO's is beyond the current capacity to process and therefore cases have to be prioritised. Policy 3.3 of the Gwynedd Rights of Way Policy document sets out the criteria for prioritising applications however experience of recent years has shown that there is a need to strengthen the criteria and to include a system to score and rank applications.

### **3.4 Public Path Orders (PPO)**

If the Council considers that, a change to the Definitive Map is desirable then this may be made using several legal procedures and Public Path Orders. The main motivation for the Council in making or supporting a PPO is the resultant benefit to the network and users.

For example, S25 of the Highways Act 1980 is used to create new paths via an agreement with the landowner; S25 has been used successfully to improve the Coastal Path line.

A right of way may be diverted by using S119 of the Highways Act 1980; it is a useful tool to avoid hazard spots or to solve a dispute between a landowner and users.

### **3.5 Legal Event Orders (LEO)**

The purpose of the LEO is to record onto the Definitive Map the changes that stem from DMMO, PPO or other events such as Side Road Orders made because of highway improvements.

The completion and processing of LEO ensures that the Definitive Map is updated and kept current.

#### **STATEMENT OF ACTION 11**

**11.a** Additional resources are required to reduce the backlog of order cases.

**11.b** Procedures will be introduced to rank DMMO applications so as to make the best and most efficient use of available resources

The procedure will be explained to applicants and will be used to respond to appeals made to the Planning Inspectorate.

### **3.5 Cartographic problems and anomalies**

The Definitive Map has several types of discrepancies or anomalies for example, differences between what is shown on the map and what is written in the accompanying statement, paths that end without any link to another path or highway, the line of a path shown going through a pre-existing building or structure.

Many of the discrepancies date back to the time when the draft map and the provisional map were prepared, nevertheless, such discrepancies can be grounds for a dispute between landowners and the Council and between one owner and another.

To resolve a large number of these anomalies, a DMMO process has to be followed; again, this would have significant resource implications.

The 2007 RoWIP, noted that around 200 anomalies had been identified requiring a DMMO to resolve them. Since then, unless cases have arisen that mean that it is essential to resolve a discrepancy it has not been possible to respond to the vast majority of the 200 anomalies. It is unlikely that resources will allow these anomalies to be resolved in the future and they have to be dealt with on a case-by-case basis.

#### **STATEMENT OF ACTION 12**

The list of discrepancies and anomalies on the definitive map will be kept under review, steps will be taken to resolve them if resources permit.

### **3.6 Lost Ways**

The term 'lost ways' is used to describe paths that have never been identified and recorded on the definitive map. The Countryside and Rights of Way Act, 2000 imposed a deadline of January 2026 to register 'lost ways', based purely on historical documentary evidence that is pre 1949.

It is worth noting that this Section of the Act has not been implemented in Wales and is under review within the Access Reform Programme.

## Part 4 : Theme C. Meeting users' needs

### 4.1 To what extent do local rights of way satisfy the public now and in the future.

In order to try to identify users' needs the public were given an opportunity to give their views in an engagement campaign in 2017. There were 1,386 valid responses; a full report of the questionnaire's findings can be seen in Appendix 2.

It should be borne in mind that individuals, whatever their physical abilities, belong to more than one group of users.

In response to the Rights of Way questions

- 43.6% of those who responded said that they walked on public rights of way daily
- In response to the question "What are your main reasons for using Rights of Way?", 71.7% answered in order to keep fit, 59.1% to watch wildlife and enjoy the countryside and 38.8% said to take the dog for a walk.
- 61.2% of those who answered had come across a problem when using rights of way.
- One of the main findings of the consultation was that circular paths and local paths were favoured by the majority of users rather than long distance paths.
- In response to question asked in the Questionnaire, "Do you believe that the existing rights of way network is suitable and meets the needs of most users?" 44% stated that they were satisfied and 41% stated that they were not (15% had not answered)
- In response to a question regarding how the network could be improved, of those who answered they were not satisfied with the network, a high percentage were keen to see more cycle paths, bridleways and 18.3% believed that cyclists and horse riders should have the right to use the majority of footpaths.
- There was strong support to amend legislation to facilitate the work of Local Authorities to create and revise rights of way.

In addition to the questionnaire, the opinions of the Town and Community Councils and the Access Forums were sought. There were clear themes from the consultation namely the desire to have -

1. A network that provides easy connections within communities for recreation, keeping fit and active travel.
2. A network that offers better provision for all user groups.

## **4.2 Walkers**

Walkers have the right to use the whole rights of way network, with many walking their dogs or with a pram or a child's pushchair.

National evidence indicates that a walk of approximately three miles is what is usual for most people. The 2017 consultation demonstrated that many people wanted to have circular paths that are close to communities, convenient, and safe to use. This need was demonstrated during Covid lockdown in 2020 that showed increase use of path close to communities.

Many the paths can be improved for the benefit of all users by implementing the principles of least obstructive access, namely replacing stiles with gates and, if possible removing gates subject of course to the need for stock management.

## **4.3 Cyclists**

Over the past decade cycling both on and off the highway has grown in popularity.

Cyclists can use rights of way that are bridleways, restricted byways and byways that are open to all traffic. Additionally, Gwynedd has a network of Lonydd Glas that are multi-use paths mainly developed on former railway lines.

The Lonydd Glas are also part of the national cycling network, Lôn Las Cymru (Number 8) that uses a combination of Lonydd Glas, quiet lanes and paths on Natural Resources Wales' forestry land.

The Lonydd Glas have also been identified as Active Travel paths as they provide easy travel between communities -

- Lôn Las Ogwen – Bangor – Glasinfryn – Tregarth – Bethesda
- Lôn Las Menai – Caernarfon – Y Felinheli
- Lôn Eifion – Caernarfon- Groeslon, Penygroes, Bryncir

The current network was developed and upgraded over a period of 20 years, the main paths now have a tarmacadam surface and major improvements have taken place as a result of



securing grants, e.g. opening 'Twnnel Tywyll' (dark tunnel) creating a direct connection between Tregarth and Bethesda.

#### **4.4 Horse riders**

Only 10% of the rights of way network is available to horse riders. In addition, current provision is fragmented and this means that it is not possible to follow a journey without having to venture onto the highway. As there are obvious dangers linked to horse riding on a busy main road, the British Horse Society and other equestrian groups campaign to improve the provision for horse riders.

The Council can act to improve provision by

- Carrying out physical improvements to bridleways and existing byways, this may include modifying gates to make them easier to open and close when on horseback. Horse riders are also eager to have full use of the Lonydd Glas network. Currently, use is permitted on Lôn Las Ogwen and sections of Lôn Eifion, in the past it was resolved to limit the use of Lonydd Glas for the safety of horse riders and other users.
- Registering new rights or upgrading existing rights via the DMMO process. As noted in section 3.3, this system is often contentious and the majority of landowners and managers are unwilling to cooperate to upgrade a right of way from a footpath to a bridleway or byway.
- Include provision within Active Travel plans and projects, although equestrian use is not a consideration under current Active Travel guidance.

#### **4.5 Assessing the needs of people with sensory and mobility impairment**

According to the 2011 Census, 20.5% of the population of Gwynedd stated that their day-to-day activities were limited due to disability. It was noted that 9.7% (11,824) had a high level of restriction and 10.8% (13,184) had a low level of restriction.

The Council has a duty, in everything the Authority does to conform to the requirements of the Equalities Act 2010, to reduce inequality be that based on race, age, physical disability, religion or sexual orientation. It must also has to take into consideration the Well-being of Future Generations Act.

In the context of access to the countryside, the main attention is on how it is possible to respond to the needs of individuals with mobility difficulties or are blind or partially sighted.

In response to the consultation, 7% of those who responded stated that they did not use rights of way due to disability, age or poor health reasons.

It has to be recognised that the landscape and topography of Gwynedd will be a barrier to some users; however, this should not be an excuse not to take practical and reasonable steps to improve access for all.

Practical steps -

- Implement the principle of least restrictive access in relation to rights of way and Council managed paths. The obvious example would be to replace a stile with a gate, and if possible to totally remove the gate.
- Install a tap rail on bridge parapets or boardwalks to assist blind or partially sighted persons to familiarise themselves with the location.
- Paths with level surfaces without potholes are much safer and convenient to use by wheelchairs and individuals who find it difficult to keep their balance.

Although practical steps are important, it is also necessary to consider that paths can be promoted by making use of mobile technology, signage and information in a way that is easy to reach and read. An obvious example would be to ensure that an interpretation panel is at a height that a wheelchair user could read it.

The Countryside Service has endeavoured over the years to understand and act for the benefit of individuals with sensory impairment. Nevertheless, there is room for closer cooperation with organisations and user groups to better understand the needs and aspirations of all users.

#### **STATEMENT OF ACTION 13**

13a. Implement the least restrictive principle of access - replace stiles with gates where possible.

13b. Identify and improve paths within convenient reach of communities to be used by local people and by people with mobility and sensory impairments.

13. c Work with partners within and outside the Council to identify opportunities to improve access for all.

13d. Raise awareness and promote paths that are suitable for all.

## **4.5 The demand for multi-use paths**

It is evident from consultation with user groups and from enquires to the Countryside Service that there is a desire amongst a significant section of users for more multi-use paths. These are paths for walkers, cyclists and horse riders, which also meet with the needs of people with mobility difficulties.

Multi-use paths such as the Lonydd Glas can provide for recreation, keeping fit, for Active Travel (going to and from work or school) and are a valuable resource for the tourism industry in Gwynedd.

Whilst the Council has successfully collaborated over the years with others to extend the Lonydd Glas network and other multi-use paths, there are however legal and practical factors that can stop or delay progress, such as:

- To enable higher rights (cycling and horse riding) on an existing public footpath, the status of the path has to be changed. If the landowner does not support the change the Council or a third party has to resort to the use of the DMMO procedure or an order under S26 of Highways Act 1980. A path can also be upgraded to a Cycle Track under the Cycle Track Act 1984, but this would not permit equestrian use. In all cases, the legal process can be complex and can take many years to complete.
- In order to extend the Lonydd Glas network on land that has no legal public access rights. The path corridor would have to be purchased or new rights created.
- There are substantial costs associated with creating new multi-use paths, e.g. the total cost of extending Lôn Las Ogwen between Tregarth and Bethesda including opening 'Twnnel Tywyll' was approximately £800,000.
- Due to their popularity and range of users, multi user paths require a higher level of maintenance.
- Not everyone agrees with permitting every use of a path, there are concerns about safety, especially conflict between different users and in relation to uncontrolled dogs or feeling intimidated by horses or bikes ridden at speed. Whilst these concerns should not be dismissed, they can be overcome with good design, information and engagement with users.

The need for multi user paths is addressed within the Access Review process, with proposal for cyclists and horse riders to be allowed to use existing public footpath. The outcome of the Review is expected during 2021, however any legislative changes may take a long time to implement.

#### **STATEMENT OF ACTION 14**

14a. The Council will favour improvements to the network that offer multi-use provision.

14b. Unless sound safety reasons exist, use of the Lonydd Glas network by horse riders should be permitted.

## 4.7 Promoted Paths

The Council has over the years to provide circular and long distance paths that facilitate and encourage access for the benefit of local residents and to meet the aspirations of tourists to enjoy the beauty and heritage of Gwynedd. These routes often follow a theme related to local history or wildlife.

The importance of walking tourism to the rural economy is clear, walking tourism is estimated to bring £ 550million annually to the Welsh economy with the coastal path accounting for £ 32m.

Most promoted routes use public rights of way, quiet roads and paths on land owned by organisations such as the National Trust. In creating a promotional route the Council recognises that the paths must be well maintained ensuring that the furniture is intact, safe and the paths clearly signed.

The Council Tourism Service has worked with the Countryside Service over the years to promote and market promoted routes locally, nationally and internationally. Most of the marketing takes place on the Snowdonia Mountains and Coast website. Although less popular now, traditional methods such as a leaflet, booklet or information panel are still used to promote a route. In recent years, it has become common for the information to be available only on the web and on smartphone apps.

Many routes and trails are promoted on line by organisations and enterprises who act independently of the Council or the SNPA.

Technology offers new opportunities, for example, the Coast Path has been filmed and can be followed using Google Street on Google maps.

Many promoted paths have been established with the help of one-off grants, not only by the Council but also by Community and Town Councils, regeneration agencies and community enterprises. This investment means that many paths are improved for the benefit of the wider community but in most cases grant funding does not provide for ongoing maintenance and upkeep. The costs of this work has to be borne by the Countryside Service, there are however, exceptions such as the Coast Path which receives an annual maintenance grant and the Snowdonia Slate Path which is managed as a Social Enterprise.

Unfortunately, some promoted paths have deteriorated due to lack of maintenance. Alternative means of maintaining promoted routes must therefore be considered, for example:

- Rationalise the routes and concentrate resources to ensure that a smaller number of routes are in good condition.
- Encourage organisations who are considering establishing a promoted path with grant aid to consult with the Countryside Service at an early stage to discuss its creation and long-term maintenance.
- Establish and maintain a volunteer workforce.

During the Covid lockdown, local residents were very interested in rediscovering their localities and there was an increase in the use of paths close to towns and villages. Not only should efforts be made to improve the physical condition of the paths but also to promote them locally.

#### **Statement of Action 15**

15a. The Service will assess the quality and use of promoted paths and consider their rationalising if there are no mechanism for their continued maintenance. This work can be undertaken as part of a Categorisation review.

15b. Priority will be given to promoting access opportunities close to local communities

#### **4.8 Biodiversity**

Biodiversity and the ecosystem we live in are central to people's enjoyment of the countryside. The rights of way network, Lonydd Glas and open country allow people to enjoy and appreciate nature.

Gwynedd Council is required to maintain and enhance biodiversity in all that the Authority does in accordance with S6 of the Environment (Wales) Act 2016. Section 6 states that “A public authority must seek to protect and enhance biodiversity when exercising its functions in Wales, thereby promoting the resilience of ecosystems...”

Many of Gwynedd's lands, rivers and coast are designated for their ecological and geological importance. In addition, Gwynedd's countryside is dotted with areas supporting various species of mammals, birds, plants, reptiles and insects. Lands whether designated or not are important for wildlife and a balance must be struck between access needs and the protection of habitats and species. Care should always be taken when carrying out path improvements and upgrades as well as timing of annual maintenance to avoid disturbing nesting birds and cutting wildflowers.

It must be acknowledged that situations may arise where access and biodiversity needs conflict but with careful planning and engagement a solution can be found. Opportunities should be taken to develop projects that combine work to conserve biodiversity and provide access.

**Action Statement 16**

The Countryside Service will consider biodiversity matters when carrying out works to maintain and improve paths and will promote good practice amongst its partners. Opportunities will be sought to implement schemes that benefit biodiversity and improve access.

#### **4.9 Agri-environment schemes following Brexit**

Britain's departure from the European Union requires the creation of a new framework for supporting the agricultural sector. For decades, schemes such as Tir Gofal and Glastir have contributed to improving natural habitats and restoring landscape features such as cloddiau and stonewalls. Although some landowners took the opportunity to create permissive paths there has been no direct support towards maintaining the rights of way network. There is the potential to incorporate maintaining rights of way within a new regime for subsidy payments to landowners.

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# Agenda Item 7

<b>Committee</b>	<b>Communities Scrutiny Committee</b>
<b>Date</b>	<b>4ydd Tachwedd 2021</b>
<b>Title</b>	Governance Structure and Delivery Arrangements of the Gwynedd and Anglesey Public Services Board, and progress report on the Well-being Assessments.
<b>Cabinet Member</b>	<b>Cllr Dyfrig Siencyn</b>
<b>Purpose</b>	To review the Governance arrangements of the Gwynedd and Anglesey Public Services Board and provide an update on the work of the sub-groups. To report on the progress of the well-being assessments.

## 1. Introduction and context

- 1.1 The aim of the Well-being of Future Generations Act (2015) is to improve the economic, environmental and cultural well-being of Wales. The Act highlights seven well-being goals and five ways of working in order to give public bodies a common purpose.
- 1.2 The Gwynedd and Anglesey Public Services Board was established in 2016, in accordance with the Well-being of Future Generations (Wales) Act 2015. A Public Service Board (PSB) has been established for all Local Authorities in Wales to ensure collaboration among public bodies to create a better future for the people of Wales. The decision made by Anglesey Council's Executive was to establish a Public Services Board. (PSB) for Anglesey which would collaborate with the Gwynedd Public Services Board.
- 1.3 During 2017 the Gwynedd and Anglesey Public Services Board divided our communities into 14 smaller areas in order to carry out detailed research, and learn more about the well-being of those areas. The information was published in the form of the Well-being Assessments. The information gathered from the assessments was used to shape the PSB's priorities which have been confirmed in the Well-being Plan (2018). The following priorities were agreed:
  - The Welsh language
  - Homes for local people;
  - The effect of poverty on the well-being of our communities;
  - The effect of climate change on the well-being of our communities;
  - Health and care of adults and the wellbeing and achievement of children and young people
- 1.4 Every five years, in accordance with one of the statutory requirements of the Well-being of Future Generations Act (2015), Public Service Boards must prepare and publish an assessment of the state of the economic, social, environmental and cultural well-being of their areas. The Gwynedd and Anglesey Public Services Board has started the process of reviewing the Well-being Assessment.
- 1.5 Once again the Assessments will draw together a range of information about the communities of Anglesey and Gwynedd. This means that we will examine research, gather data and engage with our residents to ascertain what is good about our communities, and which aspects are not so positive. This will also be an opportunity to consider the challenges and opportunities facing our communities, and to consider the impact of Covid-19 and Brexit on them. A progress report on the work is below.

## 2. The Governance Arrangements of a Public Service Board

- 2.1** As highlighted in the Terms of Reference of the Public Services Board, the Board has four statutory members, along with guest participants who contribute towards the duties of the Board.
- 2.2** The Board has established sub-groups to support it to implement its functions. An update on the work of the sub-groups is provided below. It was reported last time to the scrutiny committee that the Board has four sub-groups, namely the Welsh Language, Climate Change, Health and Social Care and Homes for local people.
- 2.3** At the Board's meeting held in June, it was agreed to wind-up the homes sub-group as its work did not add further value to the current schemes of the individual bodies. It was confirmed that the housing associations and Local Authorities were continuing with the work of developing innovative houses. It has been noted that there is a desire and enthusiasm to continue with the relationship of collaboration created by the sub-group, to enable discussion and the sharing of ideas / knowledge and good practice in the field of housing development for the future.
- 2.4** An update on the work of the sub-groups is provided below.

### 2.4.1 Objective 1 – Communities that thrive and flourish in the long term

Priority	Update on the work of the sub-group	What does the sub-group deliver that adds value to the current schemes of public bodies?	Proposed timescale
<b>The Welsh Language</b>	During the Board's meeting in September, approval in principle was granted to a project to promote the use of the Welsh language when the public use our first contact services.	Collaboration on this project could lead to an increase in the use of the Welsh language (and the desire to use it from choice) when engaging with us as public organisations.	Part 1 of the work to be completed summer 2022.
<b>Climate Change</b>	During the Board's meeting held in September, it was agreed to support the work of Natural Resources Wales to engage with the residents of Porthmadog on climate change issues. The sub-group will prioritise Porthmadog as one of the first areas to work with, with the intention	The anticipated outcomes of collaboration are to: Develop communities that are able to adapt, manage and mitigate climate change. Change the focus to wider Climate Change rather than solely Flooding. Various groups of people / agencies / organisations /	Porthmadog will be the priority for the sub-group for the next six months, and then continue to work with the other areas during 2022/23

	of moving forward to work with other communities in Gwynedd and Anglesey that are at risk of flooding in future.	partners collaborating. Establish two-way communication arrangements between members of the community and public bodies	
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#### 2.4.2 Objective 2 – Residents that are healthy and independent with a good standard of living

Two priority fields, namely 'Health and Care of adults' and 'Welfare and success of children and young people' address objective 2. It was agreed to establish one sub-group to address both priorities, namely the Integrated Health and Care of the West Group.

Priority	Update on the work of the sub-group	What does the sub-group deliver that adds value to the current schemes of public bodies?	Proposed timescale
<b>Health and Care</b>	The purpose of the sub-group is to bring together key partners in the field of health and care to collaborate on responding to obstacles that prevent integrated working. We have already reported that the sub-group has specific work streams, namely adults, children and mental health. The work of updating the remits of the work streams is in progress. The transformation work within the work streams is funded by the Integrated Care Fund (ICF) and the Transformation Fund (TF). The funds come to an end in 2022. Senior leaders have received information from the Government that a further five-year funding programme will	Collaboration arrangements continue to be developed	Due to the pressures that have been facing organisations in the field due to the pandemic it is likely that these workstreams will not re-establish themselves / organise their plans until the new year.

	<p>replace it, although this has yet to be confirmed. There is acknowledgement that the community transformation programme that has started is long-term and ambitious, that will require significant resources and capacity for many years to ensure that the work is delivered. Planning work will happen jointly between the key partners in preparation for the work of making applications for the new funding programme.</p>		
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**2.5** The pandemic has had an impact on the progress of all the sub-groups. It is anticipated that the sub-groups will recommence the work by focussing solely on one or a few projects initially.

**2.6** During the last board meeting in September, a discussion was held on resources, where it was agreed to jointly fund the language sub-group's reception area project, as the partners considered that the project would add value to the organisations' existing schemes. Over the next 6-12 months, it is anticipated that the Board's work programme will be the Well-being Assessments, publishing them and recommencing the work of the sub-groups.

### **3. Well-being Assessments**

**3.1** As noted above, there is work in progress to update the well-being assessments. The work of analysing the engagement work and the findings of our partners is ongoing. Additionally, the work of updating the data for the well-being assessments is being completed by Gwynedd Council research team.

**3.2** The regional PSB grant was used to commission Glyndŵr University to collaborate on the well-being assessments in north Wales. In addition, a regional workshop has been arranged in order to hear from under-represented groups, in relation to matters that affect their well-being.

**3.3** The timetable for the Well-being Assessments is as follows: The assessments will be published by May 2022 and the Well-being Assessment by May 2023. Draft versions of the assessments will be published by October/November 2021. A 12-week consultation period on the well-being assessments will begin in December 2021.

### **4. Monitoring**

- 4.1** The four sub-groups noted above are accountable to the Public Services Board in relation to delivering any commissioned work. The sub-groups will update the Board on progress every quarter, and their submitted progress reports will be challenged and discussed at Board meetings.
- 4.2** The Board's support team also has a role to play between Board meetings to support and maintain the work of the sub-groups. In addition, an annual report to summarise progress will be published by the Board as it works towards achieving its strategic aims.

## **5. Scrutiny arrangements**

- 5.1** The Board's work will be checked regularly by the Scrutiny Committees of Gwynedd Council and the Isle of Anglesey County Council.
- 5.2** The Well-being of Future Generations Act and associated national guidelines<sup>1</sup> note three roles for scrutiny committees of Local Authorities when providing democratic accountability for the Public Services Board:
- Reviewing the governance arrangements of the PSB
  - Statutory consultee on the Well-being Assessment and the Well-being Plan
  - Monitoring progress of the efforts of the PSB in the implementation of the Well-being Plan
- 5.3** The Public Services Board is currently subject to scrutiny by the designated Scrutiny Committees of Gwynedd and Anglesey local authorities. At the inception of the PSB it was agreed that a joint scrutiny panel between the 2 counties would be developed to undertake this work across Gwynedd and Anglesey, and consideration was given to establishing a joint scrutiny committee. It was concluded that they did not recommend establishing a panel at present but rather to focus on aligning timetables and reconciling scrutiny arrangements across both Counties. It would be possible for both Councils to jointly review these arrangements again in due course.
- 5.4** It is recommended that the scrutiny committees scrutinise the Board's work twice a year in the future rather than 3 times as it did in the past. It is anticipated that the 6 months in the timetable will allow for the Board to make significant progress and to submit more detailed reports for scrutiny.

## **6. Equality Impact Assessment**

- 6.1** The Public Services Board's support team has considered and identified the need for impact assessments (e.g., Language and Equality) and assessments will be developed and used when the Board engages with our communities on specific points and to update the Well-being Assessments. The first version of the impact assessment for the well-being assessments was submitted to the Board during its meeting in September.

## Communities Scrutiny Committee

### Work Programme 2021/22

<b>13/07/2021</b>
<ul style="list-style-type: none"><li>• Public Services Board Annual Report</li><li>• Salt Bins</li><li>• Transport – Social Value</li></ul>
<b>23/09/2021</b>
<ul style="list-style-type: none"><li>• Climate Change</li><li>• Coastal Assets</li><li>• Water and Flood Risk</li></ul>
<b>04/11/2021</b>
<ul style="list-style-type: none"><li>• Joint Local Development Plan Review Report</li><li>• Rights of Way Improvement Plan</li><li>• Governance Structure and Delivery Arrangements of the Public Services Board, and progress report on the Well-being Assessments.</li></ul>
<b>13/01/2022</b>
<ul style="list-style-type: none"><li>• Annual Update by the Community Safety Partnership</li><li>• Street Cleanliness</li><li>• Grass Cutting and Ground Maintenance</li></ul>
<b>10/03/2022</b>
<ul style="list-style-type: none"><li>• Parking Task Group</li><li>• Climate Change</li><li>• Update – Salt Bins</li></ul>