



# Complete Agenda

Democratic Services  
Council Offices  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**COMMUNITIES SCRUTINY COMMITTEE**

Date and Time

**10.30 am, THURSDAY, 9TH MARCH, 2023**

**This meeting will be webcast**

[https://gwynedd.public-i.tv/core/l/en\\_GB/portal/home](https://gwynedd.public-i.tv/core/l/en_GB/portal/home)

**Note: a briefing session will be held for members at 10:15am**

Location

**Virtually via Zoom**

Contact Point

**Rhodri Jones**

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# **COMMUNITIES SCRUTINY COMMITTEE**

## **MEMBERSHIP (18)**

### **Plaid Cymru (11)**

#### Councillors

Elwyn Edwards  
Elin Hywel  
Edgar Wyn Owen  
Beca Roberts

Delyth Lloyd Griffiths  
Kim Jones  
Llio Elenid Owen  
Rhys Tudur

Annwen Hughes  
Linda Morgan  
Arwyn Herald Roberts

### **Independent (6)**

#### Councillors

Gwilym Jones  
Peter Thomas  
Gruffydd Williams

Robert Glyn Daniels  
Elfed Powell Roberts  
Rob Triggs

### **Liberal Democrats / Labour (1)**

Councillor Stephen Churchman

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **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 - 14

The Chairman shall propose that the minutes of the meeting of this Committee, held on 19.01.2023 be signed as a true record.

## **5. INTRODUCING ARTICLE 4 DIRECTION TO MANAGE THE USE OF SECOND HOMES AND SHORT TERM HOLIDAY ACCOMODATION.**

15 - 91

To scrutinise the evidence base, the area options, and the favoured option for introducing the Article 4 Direction in the Gwynedd Local Planning Authority Area to enable the management of the transfer in use from residential dwellings to holiday use (second homes and holiday accommodation).

## **6. STREET CLEANLINESS.**

92 - 95

To scrutinise the arrangements to ensure clean and tidy communities.

# Agenda Item 4

COMMUNITIES SCRUTINY COMMITTEE (CRIME AND DISORDER), 19 JANUARY 2023

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## COMMUNITIES SCRUTINY COMMITTEE (CRIME AND DISORDER), 19 JANUARY 2023

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### **Present:**

**COUNCILLORS:** Elin Hywel (Chair)

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

### **Officers in attendance:**

Bethan Adams (Scrutiny Advisor), Rhodri Jones (Democracy Services Officer) and Ellie Evans (Democracy Services Administrative Assistant).

### **Present for item 5:**

Councillor Dilwyn Morgan (Cabinet Member for Adults, Health and Well-being), Mannon Trappe (Senior Safeguarding, Quality Assurance and Mental Health Manager) and Gwen Ffion Davies (Senior Operational Officer, Gwynedd and Anglesey Community Safety Partnership).

### **Present for item 6:**

Councillor Dyfrig Siencyn (Council Leader) and Sandra Lynne Thomas (Gwynedd and Anglesey Public Services Board Programme Manager).

### **Present for item 7:**

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

### **Present for item 8:**

Councillor Dafydd Meurig (Cabinet Member for the Environment), Dafydd Wyn Williams (Head of Environment Department) and Roland Thomas (Assistant Head of Environment Department).

## **1. APOLOGIES**

Apologies were received from Councillors Kim Jones, Robert Glyn Daniels, Stephen Churchman, Beca Roberts and Rob Triggs.

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

No declarations of personal interest were received.

## **3. URGENT ITEMS**

None to note.

## **4. MINUTES**

The Chair signed the minutes of the previous meeting of this committee held on 27 October 2022 as a true record.

## **5. ANNUAL UPDATE BY THE (GWYNEDD AND ANGLESEY) COMMUNITY SAFETY PARTNERSHIP**

The report was submitted by the Cabinet Member for Adults, Health and Well-being, Senior Safeguarding, Quality Assurance and Mental Health Manager and the Senior Operational Officer, Gwynedd and Anglesey Community Safety Partnership. Attention was drawn briefly to the following principal points:

- It was noted that this report detailed the 2021-22 period.
- It was explained that the partnership had been established in line with Local Authorities' statutory duty to work in partnership with the police, Health Service, Probation Service and the Fire and Rescue Service in line with the Crime and Disorder Act 1998 and Police and Criminal Justice Acts 2002 and 2006.
- It was explained that the partnership was looking at crime and disorder, substance misuse and reducing reoffending.
- It was explained that the partnership's priorities for the 2023-24 year was to prevent crimes and anti-social behaviour, tackling violent crime and serious organised crime, and safeguarding and building resilient communities and maintaining public safety.
- It was stated that the partnership had faced challenges over the past year. Specifically, the partnership had lost all of its grants as they had come to an end or had moved to a regional level (whole of North Wales). In addition, technological developments meant that new types of crimes had now reached the Gwynedd and Anglesey area. Although these counties were some of the safest places to live, incidents of Organized Crime Groups and county lines in the area with the partnership being aware of them.
- It was elaborated that shoplifting had increased 53.8% in Gwynedd, compared with 2021/22. It was believed that this derived from the general increase in living costs and it was expected for these types of crimes to increase in the coming months.
- A summary was provided of the partnership's work over the past year:
  - Training sessions were held by the Police's Economic Crimes Unit for Local Authority staff who worked with vulnerable people to draw attention to scams used by fraudsters.
  - The Safer Streets 2 project was completed in Bangor, with the installation of 42 additional CCTV cameras and more lights in the Hirael/Deiniol area of the city.
  - A SOC Group had been introduced for Gwynedd and Anglesey.
  - The regional group had been attended regularly to develop the Alcohol Harm Reduction Strategy in both Councils.
  - The Violence Against Women and Girls group was established in March. The partnership attended meetings regularly to provide input into the work of fostering confidence between women and the police.
  - A Regional Prevent Delivery Group was developed.
  - Cyngor Gwynedd received a White Ribbon Accreditation following the work of the Corporate Support Department.
  - The police were consulted to investigate the possibility of extending the current Safe Spaces Scheme provision.
- It was confirmed that all of these projects would continue to run over the next year and the partnership was going to continue to support all regional meetings and projects. The partnership was aware of the cost-of-living crisis which was

affecting the residents of Gwynedd and Anglesey and was looking to see how the partnership could reduce theft and shoplifting levels in the next period.

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

Additional information was requested on re-offending and how the partnership was attempting to reduce this.

- In response to the enquiry, the Gwynedd and Anglesey Community Safety Partnership's Senior Operational Officer confirmed that crime figures were provided by the police. It was noted that the police were comparing figures from the previous year with the current year. It was confirmed that good collaboration was happening between the partnership and the police to see what the priorities were for the year to come. Should there be an increase in re-offending, the partnership would deal with this by means of projects in order to deal with the needs of the police and the public. Unfortunately, it was not possible to gauge from the figures whether or not these were re-offences at this point in time.

In response to a member's questions, the Senior Safeguarding, Quality Assurance and Mental Health Manager noted that the Fire and Rescue Service was involved in creating the plan and were contributing to meetings.

A request was made for further information regarding the questionnaire drawn up in order to set the foundation to develop the partnership's plan.

- In response to the enquiry, the Senior Safeguarding, Quality Assurance and Mental Health Manager noted that the members of the partnership met face-to-face in pre Covid-19 times to discuss the plan. She explained that this was now done in the form of a simple questionnaire which sought a priority from all members of the partnership. She elaborated that the partnership would discuss the members' priorities in order to develop the plan for the following year. This had been a successful process during the lockdown period and therefore the partnership had continued to use it. It was felt that the questionnaire allowed members to provide more information than the former procedure since members had more time to consider their priorities.

A discussion was held on the future funding of the partnership since grants had been removed from Gwynedd and Anglesey and were now being controlled by the North Wales Region. A member asked whether there was a risk that the money that could be used in Gwynedd and Anglesey was likely to be used in the more urban areas of the region.

- In response to the enquiry, the Gwynedd and Anglesey Community Safety Partnership's Senior Operational Officer confirmed that there was no risk for Gwynedd and Anglesey to lose the budget completely. She elaborated that a section of the budget had been earmarked for Gwynedd and Anglesey and that Gwynedd and Anglesey could apply to the region for funding. She noted that the collaboration between the partnership and the region was very close.

It was considered how the partnership was dealing with the cost-of-living crisis from the perspective of domestic cases that were not crimes, since these had increased by 18.9% from the previous year.

- In response to the enquiry, the Senior Safeguarding, Quality Assurance and Mental Health Manager noted that this would be a major factor for the 2023/24 plan. It was not a factor for 2022/23 since the cost-of-living crisis had not started.

She explained that the partnership would work closely with the third sector to provide financial support.

The partnership was praised for the Radicalisation Reduction Fund. It was believed that it was a major problem for the residents of Gwynedd and Anglesey, particularly the young people in the areas. Enquiries were made as to whether work was being done to collaborate with schools to tackle the problem.

- In response to the enquiry, the Senior Safeguarding, Quality Assurance and Mental Health Manager noted that the police were leading on this via their Anti-terrorism Unit. She explained that they were learning about different skills to ensure that people were being safe on-line. Unfortunately, it was not possible to see how successful these sessions were as it was a new project. It was hoped to obtain measures in the future in order to be able to see whether the radicalisation figures had reduced.

The Chair asked whether it would be possible to obtain this information when it was available to the partnership.

Members gave thanks for the report.

#### **RESOLVED**

**To accept the report, noting the observations and supporting the priorities and direction of the work to the future.**

### **6. SCRUTINISING THE DRAFT WELL-BEING PLAN**

The report was submitted by the Council Leader and the Gwynedd and Anglesey Public Services Board Programme Manager. Attention was drawn briefly to the following principal points:

- It was explained that the Well-being Plan would be published in May, with the consultation being held until 6 March 2023.
- It was elaborated that the work to carry out the draft Well-being Plan had been developed over the past 18 months. Workshops had been held over the summer with board members in order to learn lessons from the previous well-being plan and set criteria in order to agree on new objectives. It was noted that the Gwynedd and Anglesey Public Services Board was eager to ensure that they added value by working together without duplicating work that would be carried out in any case.
- It was confirmed that the Public Services Board had drawn up three Well-being Objectives for the 2023-2028 period. These were fields where the Board believed that it was possible for the members to collaborate better to ensure the best possible outcomes for the people of Gwynedd and Anglesey. The draft objectives were:
  - We want to work together to mitigate the impact of poverty on the well-being of our communities.
  - We want to work together to prioritise the well-being and success of our children and young people.
  - We want to work together to support our communities to shift towards Zero Net Carbon.
- It was emphasised that the Welsh language was a golden thread that would be promoted in every field in the Board's plan.

- It was explained that the Board was continuing to consult by sharing the Draft Well-being Plan with town and community councils, the third sector, older people forums, looked after children and students at colleges and sixth forms.
- It was confirmed that the Board would adapt the draft well-being plan after a consultation period if needed before it would be submitted to the Full Council and published in May.

Members were given an opportunity to ask questions and offer observations. Members were reminded that the Committee was a statutory consultee. During the discussion, the following matters were raised:

Concern was shared about protecting the Welsh language in the Plan, particularly following the results of the recent Census. It was noted that although the report noted that the language was a golden thread, it had not been included as a specific objective in the new Plan. It was asked whether the Board was considering changing one of the objectives to include the Welsh language or adding an additional objective.

In response to the above comments:

- the Programme Manager - Gwynedd and Anglesey Public Services Board ensured that the language was embedded in all of the Board's work. The language had not been noted as an objective since all members of the Board were operating through the medium of Welsh already and therefore it was not a new target. It was noted that the Board would consider amending the plan in order to highlight the status of Welsh within the Plan.
- the Council Leader noted that the language sub-group was also working hard to ensure that the Welsh language was used by all members of the Board.

It was considered how the objectives would be funded and how likely it was that residents would succeed to follow them during the cost-of-living crisis.

- In response to these observations, the Council Leader confirmed that funding projects such as the Well-being Plan was very challenging. Since the UK Government was managing a lot of the funding, it would affect this. Nevertheless, the Board was seeking to come together to resolve the problems of the impacts of poverty in order to recover the situation.

Reference was made to well-being objective 2 and it was asked how partners were identified. In response, the Programme Manager - Gwynedd and Anglesey Public Services Board noted that discussions had been held with the Youth Service and consideration was given to amending the Board's membership after adopting the well-being objectives.

It was asked how the Board was hoping to aim towards carbon net zero, and the impact that this would have within the rural areas of Gwynedd and Anglesey.

In response to the query:

- the Council Leader noted that it was very important to attempt to reach carbon net zero. He emphasised that every local authority had a responsibility to reach for this goal. It was hoped that every partner within the Board would commit to reduce their carbon footprint and promote and facilitate the aspiration of reaching carbon net zero. It was not possible to share specific plans at present until the Board was able to share ideas in terms of what could work and what systems did not work as effectively.
- The Programme Manager - Gwynedd and Anglesey Public Services Board confirmed that it was possible to assess whether the partners were managing to commit to



reaching carbon net zero by setting measures. She explained that the Gwynedd and Anglesey Public Services Board was collaborating with similar boards nationally in an attempt to identify an effective method of measuring this.

**RESOLVED**

- (i) To accept the report.**
- (ii) To ask the Gwynedd and Anglesey Public Services Board to ensure protection for the Welsh language in the Well-being Plan.**
- (iii) That the Committee supports the well-being objective 'We will work together to alleviate the effect of poverty on our communities' well-being' as it is essential.**
- (iv) That we need to ensure that our children and young people are given every fairness.**

**7. GRASS CUTTING AND GROUNDS MAINTENANCE**

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

- It was explained that the report was an update to the proposed grass cutting arrangements submitted to the Committee in January 2022.
- It was reported that grass cutting and collecting trials were in the process of being held in order to promote the needs of wildlife and biodiversity. It was elaborated that the work of seeding the areas in the trials had been completed in October and that it would be possible to see whether they had been successful or not from April 2023 onwards.
- It was stated that the trials had been funded through grant receipts. The Council had managed to purchase grass cutting and collecting machines with this money and they could be used in the future.
- It was confirmed that the trials would be promoted at the Council's stall at the Llŷn ac Eifionydd National Eisteddfod 2023 in Boduan. It was shared that visitors to the eisteddfod were likely to pass by the trial areas and it was hoped that the wild-flowers would have grown by then so that they could notice the difference. It was hoped to share a positive message about the trials to the public and that the new system would save money.
- It was emphasised that health and safety was a very important consideration within the trial and it would not consider adding any area to the trials if it would have a negative impact on health and safety.
- The Environment Department was thanked for working so closely with the Highways and Municipal Department on these trials.
- It was expressed that a new contract with the grass cutting service was currently being developed for the next growing season. It was confirmed that it could be amended after the outcome of the trials was known, when the new policy would have been developed.

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

It was asked whether problems were likely to derive from the fact that the policy would not be ready before the contract was in place.

- In response to the enquiry, the Head of Highways and Municipal Department noted that this would not be a problem since the provision was included within the contracts in order to allow for such changes.

It was noted that the Committee had considered a report on this matter at the meeting on 13 January 2022. There was a query regarding the timetable in terms of adopting a new policy. In response to the query, the Head of Highways and Municipal Department noted that the policy had not been developed to date since full seasons were required for the trials. He explained that preparations for the trials had been carried out at the end of the last growing season. He confirmed that it was important for the department to assess how the trials were progressing before a policy was created. He noted, as a result, that it was possible to develop the policy by the end of September/October 2023.

Following the response, it was considered to invite the Department back to a meeting of the Communities Scrutiny Committee around December 2023.

It was asked whether there would be difficulties for the work in the future should further grant funding not be available.

- In response to the enquiry, the Head of Highways and Municipal Department noted that the grant was only one payment and the Council had managed to purchase machines to cut and collect grass with that money. He explained that the work could continue in the future because the machines continued to be in the Council's possession.

Members gave thanks for the report.

#### **RESOLVED**

- (i) To accept the report, noting the observations made during the discussion.**
- (ii) To ask the Department to present the results of the trials and the new grass-cutting policy to the Committee when timely.**

#### **8. AN OUTLINE OF THE WASTE AND RECYCLING REVIEW WORK PROGRAMME**

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

- It was confirmed that the waste and recycling collection service had been transferred to the Environment Department since October 2022. The Head of Department had been learning more about the service and becoming familiar with the work by going on routes with some of the workforce.
- It was explained that the service's workforce was very committed since they were providing a weekly service to around 63,400 dwellings across the county.
- It was stated that the recycling percentages of Wales were very good in comparison with other countries. It was explained that a target had been set by Welsh Government to recycle 70% of all domestic waste by 2025. It was a challenge for every local authority.
- Gratitude was expressed to the Highways and Municipal Department for the development of systems to ensure that the Gwynedd domestic recycling percentage was static at around 64%. Nevertheless, it was acknowledged that there was a need to do something major in order to meet the target of 70% by 2025. He noted that it was not possible to reach this by making minor changes to current procedures.
- It was explained that the service's working arrangements had changed from 12-hour shifts (three days on, three days off), to be working the same hours over 5 days a week. This was challenging over the Covid-19 period but now the workforce had adapted to this and was working on the Task and Finish baseline. It was hoped that

this would lead to savings within the service, but unfortunately the costs were more than anticipated. The department would revisit this arrangement to assess whether this optimised the service to its full potential.

- It was reported that waste collection costed £232 per dwelling. It was explained that this was the second highest amount in Wales.  
It was considered that this was because Gwynedd was a very vast county. Nevertheless, the service's performance was very good in terms of the recycling percentage.
- It was confirmed that there was a substantial overspend in the field of waste collection and treatment. Due to the physical nature of the work, staff sickness levels were high. It was acknowledged that this level was higher than some of the other authorities in Wales. This meant that some members of the workforce had to work additional hours. It was assumed that the overspend figures would be around £1.4 million this year on a budget of around £5 million.
- It was emphasised that workforce health and safety was central to the service. The Council did not have an obvious waste and recycling strategy. The department was hoping to develop this in the future to ensure that staff health and safety was protected.
- It was noted that the department received regular complaints that recycling boxes and bins had been damaged and that waste was blowing along the road as it had not been collected. It was assumed that this was an impact of staff sickness and the department was reassessing how to deliver the service in the most effective way. The Government was hopeful that local authorities would be able to sort waste on the kerbside.
- It was stated that the department was attempting to receive new technological systems to monitor the service in a timely way and to evaluate the service's performance. It was also hoped to develop a Portal so that people could see the reason why the waste had not been collected and when the next collection would be.
- It was confirmed that there were many contracts with providers so that the service could be maintained. It was reported that the department was eager to strengthen those contracts to reduce costs and improve the quality of the service.
- It was explained that the department had received support from WRAP Cymru to look at how the department could improve the service, in order to make it as simple and effective as possible.

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

It was asked whether a system existed where the Councillors received a message when waste had not been collected in order to share the information with the residents of their ward.

- In response to the enquiry, the Head of Environment Department noted that such a system was not in place at this time. The department hoped that such a system would be developed after looking at the workforce figures and receiving data to feed into the system.

A member suggested that the possibility of using the existing system of the Clean and Tidy Communities Team should be considered for members. It was noted in the meantime that steps should be taken to contact local members.

It was discussed that the department had altered routes so that the same staff members worked on the same routes. It was believed that this had been effective and it was considered whether the standard of the service was consistent through the county following the change.

- In response to the enquiry, the Head of Environment Department confirmed that the quality of the service being provided by the service was very good across the county. However, the department was seeking to change which routes the workers completed from time to time in order to avoid boredom and staff sickness. This meant that some difficulties arose when changing a route as different considerations needed to be kept in mind for different routes and therefore problems could arise from time to time.

In response to a question from a member in the context of income deriving from recycling materials, the Head of Environment Department provided assurance that recycling materials were processed responsibly. He explained that the income received for the materials was good but could be maximised if the materials were cleaner.

It was asked whether the department had a stock of recycling materials and how residents could enquire for new materials should anything happen to their boxes or bins.

- In response to the query, the Head of Environment Department noted that the department had a stock of recycling bins and boxes on a site near Clynnog Fawr. He explained that the first step would be to attempt to repair the recycling boxes, carts and bins, before issuing new materials to residents, in the hope of saving costs.

Attention was given to residents living in populated areas of the county, or in estates and flats and considering whether individuals should be more considerate of what they did with their waste in order to ensure that they did not blow away. Consideration was also given to whether the department would consider issuing large green bins in such situations, with keys supplied to those who used them. In response to the query:

- the Head of Environment Department confirmed that it would be excellent if everyone could handle their recycling equipment with care - such as ensuring that the lids were placed correctly on the containers. Nevertheless, this would be effective in all areas of the county, and not just in the most populated areas. It was confirmed that the plastic on the equipment was very hard and it was acknowledged that the boxes broke easily.
- the Assistant Head of Environment Department agreed that issuing large bins was a good option for some buildings and communities. However, unfortunately, the department's existing lorries could not pick up those types of bins and so they could not be emptied.

The recycling percentages figures of Gwynedd were compared with Ceredigion and Powys and it was considered how these counties were managing to recycle high percentages of waste. In response to the enquiry, the Head of Environment Department noted:

- one factor that was likely to impact Gwynedd's recycling percentages was that people did not necessarily place the recycling materials in the correct box or placed them in the green bin instead of recycling them. It was assumed that the other counties collected all recycling items in one bag and then staff and equipment sorted them. This is why the Department supported the idea of sorting recycling waste on the kerbside.
- the department encouraged anyone to contact them with complaints in order to obtain an understanding of the difficulties facing people and being able to develop resolutions. It was hoped that a number of complaints reduced in time as fewer problems arose within the service.
- Pembrokeshire had a fun and very innovative attitude towards the service and it was assumed that this led to more items being recycled. It was a similar county to Gwynedd but it was smaller. It was also noted that the service's workforce in Pembrokeshire had a close relationship with the staff of the county's offices, which encouraged good

performance at work. A relationship like this was something that the department hoped to nurture here in Gwynedd.

It was discussed whether the Department had considered obtaining large community bins in order to collect recyclable waste in some areas.

- In response to the enquiry, the Head of Environment Department noted that bins like these had been effective in some communities in the past. However, the department would have to consider the public's attitude towards them before installing new bins since they were a very easy item to damage or misuse, creating additional costs to the department.

The fact that staff sickness rates were high was detailed, and it was asked how the department was supporting its workforce.

- In response to the enquiry, the Head of Environment Department noted that the health and safety of staff was central to the service. Staff circumstances were being monitored as soon as possible to ensure that nobody hurt themselves at work. He elaborated that the department was arranging training for the workforce on a regular basis to ensure that rules and good practice were followed.

In response to a member's question in the context of the workforce's view on the working method, the Head of Environment Department noted that the workforce was eager to discuss the work pattern. It was explained that initial discussions in terms of sickness issues and costs had been held with the unions and it was intended to visit the workforce with union officers.

It was enquired whether the department had any guidance regarding when the work programme would be ready. They were asked to return to the Scrutiny Committee when it was ready.

- In response to the enquiry, the Head of Environment Department noted that the Council's current cuts had affected the department's ability to develop a work plan at present. As the financial situation emerged, the department could work on its work programme. It was suggested that some elements of the work programme could be presented before this committee so that members could consider them.

Members gave thanks for the report.

#### **RESOLVED**

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

#### **9. COMMUNITIES SCRUTINY COMMITTEE FORWARD PROGRAMME 2022/23**

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

- It was reported that the Chair and Vice-chair attended regular meetings with the relevant Cabinet Members and Heads of Department. At a recent meeting with the Cabinet Member for Highways and Municipal and Gwynedd Consultancy, reference was made to the 'Local Flooding Strategy' item that had been scrutinised at the Committee meeting on 27 October 2022. The Head of Department and Cabinet Member were very eager for the committee to scrutinise the 'Flooding Risk Assessment' at the scrutiny committee in March since it was timely in the development of the Local Flooding Strategy.
- The members were asked to approve this amendment to the work programme.

#### **RESOLVED**

**To adopt the amended work programme for 2022/23.**

## **10. PERFORMANCE CHALLENGE MEETINGS**

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

- It was reported that one performance challenge meeting was held for the Highways and Municipal and Gwynedd Consultancy (YGC) work fields following the transfer of YGC to the Highways and Municipal Department.
- Members were reminded that there was an empty seat to represent the Communities Scrutiny Committee at the Environment performance challenge meeting.
- It was confirmed during the informal meeting of the Committee held on 27 October 2022 that the four existing representatives were given the opportunity to declare an interest. After responses were received, it was recommended:
  - That Councillor Llio Elenid Owen filled the empty seat on the Environment Performance Challenge meeting.
  - Councillors Stephen Churchman and Rob Triggs would represent the committee at the Highways and Gwynedd Consultancy performance challenge meetings, with Councillor Arwyn Herald Roberts acting as a reserve member.

### **RESOLVED**

**To elect Councillors Rhys Tudur and Llio Elenid Owen to attend performance challenge meetings for the Environment area of work.**

**To elect Councillors Stephen Churchman and Rob Triggs to attend performance challenge meetings for the Highways and Municipal and Gwynedd Consultancy area of work, with Councillor Arwyn Herald Roberts as reserve.**

The meeting commenced at 10.30 and concluded at 13:15.

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CHAIR

<b>Committee</b>	<b>COMMUNITIES SCRUTINY COMMITTEE</b>
<b>Date</b>	<b>9 March 2023</b>
<b>Title</b>	<b>Introducing Article 4 Direction to manage the use of second homes and short-term holiday accommodation</b>
<b>Cabinet Member</b>	<b>Councillor Dafydd Meurig</b>
<b>Author</b>	<b>Gareth Jones – Assistant Head of Environment Department</b>
<b>Purpose</b>	<b>To scrutinise the evidence base, the area options and the favoured option for introducing the Article 4 Direction in the Gwynedd Local Planning Authority Area to enable the management of the transfer in use from residential dwellings to holiday use (second homes and holiday accommodation).</b>

## 1. BACKGROUND

- 1.1 In the report to the Communities Scrutiny Committee on 27 October 2022, an overview was given of the national changes to legislation and planning policy, in relation to the management of second homes and holiday accommodation, and how the Council proposed to respond to those changes. It was agreed that a further report would be submitted to the Committee at its meeting on 9 March 2023, that included the evidence base and the potential area options for the Article 4 direction.
- 1.2 Amendments to planning legislation that has been in force since 20 October, 2022 enable Local Planning Authorities to respond to the challenges associated with second homes and holiday accommodation in a way that was not previously possible.
- 1.3 The changes to planning legislation include:-
- Amending the Town and Country Planning (Use Classes) Order 1987<sup>1</sup> to create three new use classes for Primary Residences (C3), Second Homes (C5) and Short-term Holiday Lets (C6);
  - Amending the Town and Country Planning (Permitted General Development) Order 1995 to allow unrestricted changes between the three new use classes (Primary Residences, Second Homes and Short-term Holiday Lets). Namely, no planning permission is required to move from one of the use classes to another;
  - Amend Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday lets in a local area must be considered when considering the housing requirements and policies in Local Development Plans (LDPs).

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<sup>1</sup>[Town and Country Planning \(Use Classes\) Order 1987 \(as amended\)](#)

- 1.4 As a result of these changes, dwelling houses depending on the use made of them when the legislative changes were announced, will be defined in accordance with the new relevant use class category. For example, a dwelling house that is the primary residence for an individual will be defined as C3 use (Primary Residence), a property used as a second home will be defined as C5 use (Second Home) and a property used as short-term holiday let will be defined as C6 use (Holiday Let). The new use classes and their definitions can be viewed in Appendix 2.
- 1.5 Owners will have the right to change the use of a dwelling house from one of the new use classes (C3, C5 and C6) to another use class, without having to gain planning permission, as the amendment to planning legislation will allow this (permitted development right). New planning applications for main residences/second homes/short-term holiday lets will receive planning permission for the relevant use class.
- 1.6 Should it be deemed appropriate, in order to restrict the change of use between the new use classes, the Local Planning Authority has the power to introduce what is called an **Article 4 Direction** for a specific area. An Article 4 Direction (depending on its content and scope) would remove the rights to change between the use classes without planning permission. It is possible to implement the Article 4 Direction for a specific area (no definition noted in legislation), provided that the process of presenting and receiving approval to the proposal have followed the correct procedures set out in the relevant legislation.
- 1.7 It is emphasised that issuing an Article 4 Direction does not prevent development but rather, it means that planning permission must be sought from the Local Planning Authority for the proposal. By enforcing the need to receive planning permission, it means that consideration is needed on the impacts of the development in accordance with the local and national planning policy context.

## **2. PURPOSE**

- 2.1 In accordance with what was agreed following a meeting of the Communities Scrutiny Committee on 27 October 2022, this paper is submitted for the Committee to scrutinise the evidence-base, the potential area options and the favoured option (see Appendix 1), in relation to introducing the Article 4 Direction in Gwynedd. In essence, the main purpose of introducing and implementing the Article 4 Direction would remove permitted development rights for the change the use of a residential dwelling (C3 use) into holiday use (C5 and/or C6 use class), and would mean that planning consent would be required to use the residential dwelling as a second home/holiday accommodation in the future.
- 2.2 Together with presenting an overview of the justification for the proposed direction, an overview is also submitted of the steps involved in the process of introducing the Article 4 Direction and the associated timetable.



### **3. PROPOSAL**

#### **3.1 The principle of the Article 4 Direction**

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

#### **3.2 Justifying the introduction of Article 4 Direction**

- 3.2.1 The attached paper (Appendix 1) highlights the relevant considerations associated with considering the propriety of implementing the Article 4 Direction for the Gwynedd Local Planning Authority area, but also looking at this within a county context.
- 3.2.2 The paper is split into 7 sections. This is a brief overview of paper's contents:-

##### **Part 1: Presentation**

- 3.2.3 An overview is given of the legislative changes and the new associated powers. Furthermore, an overview is included of the relevant context in terms of the propriety of issuing the Article 4 Direction, including giving consideration to the propriety of what is sought to be achieved via intervention in accordance with legislation, strategies and national and local planning guidance.

##### **Part 2: Provision and location of holiday accommodation and second homes**

- 3.2.4 To get an understanding of the seriousness of the matter and the propriety of implementing the Article 4 Direction, it is considered appropriate that an assessment is undertaken of the number of houses used as holiday accommodation (second homes and holiday accommodation) in Gwynedd. As there is no established regulatory procedure, finding accurate and full data in relation to numbers can be difficult. We depend on Council Tax information as this is the most reliable data source, however it is emphasised that this data is based on the users of the residential unit applying for the correct council tax/non-domestic business tax rates for their property.
- 3.2.5 The following table conveys the Council Tax data for those units that pay the second homes premium (Class B property where no one resides there permanently and where

the property is furnished) or paying non-domestic business tax rates as a holiday let in Gwynedd for a period of 4 years:-

	<b>Number of Domestic Properties</b>	<b>Number of second homes (excluding units with an occupancy restriction)</b>	<b>Number of Holiday Accommodation</b>	<b>Combined number</b>
<b>July 2018</b>	61,679	5,100	1,193	6293
<b>May 2019</b>	61,616	5,013	1,658	6671
<b>June 2019</b>	61,591	4,891	1,681	6572
<b>October 2019</b>	61,562	4,920	1,764	6684
<b>February 2020</b>	61,617	4,912	1,838	6752
<b>June 2020</b>	61,645	4,873	1,976	6849
<b>November 2020</b>	61,946	4,933	2,119	7052
<b>February 2021</b>	61,534	4,768	2,261	7029
<b>July 2021</b>	61,463	4,729	2,369	7098
<b>October 2021</b>	62,312	4,713	2,448	7161
<b>February 2022</b>	61,296	4,627	2,612	7239
<b>July 2022</b>	61,335	4,840	2,719	7559
	-344	-260	+1,526	+1266

3.2.6 Please note in the above table there is a reduction of 260 houses that used to pay the council tax premium between July 2018 and July 2022. During the same period the number of units that now pay the Non-domestic Business Rate has increased +1,526. Bearing in mind that there should be an additional 938 residential units (built during the period in the Gwynedd Local Planning Authority area and the Eryri National Park), it appears that the growth in the number of holiday accommodation is attributed to the transfer in use from domestic to non-domestic (Business Rate). Due to the existing system the financial benefits of transferring to pay the non-domestic business rate is a motivation for this transfer in use.

3.2.7 It is emphasised that Council Tax figures are a conservative estimate of the actual provision with other sources of information (Gwynedd Bed Stock Survey (2019) and 'Transparent Data', Visit Wales (2022)) estimating that there are between 3,700 and 4,500 short term holiday lets in Gwynedd during peak times.

3.2.8 As expected, the highest provision of holiday homes are available in the traditional areas of the Llŷn and Meirionnydd coast. However, recently it appears that there is an increase in the less traditional/urban locations. For example, in the Bangor area (including the Pentir Community Council area), back in July 2018 the rate of housing stock in holiday use (holiday accommodation or second homes) was 0.97%. By July 2022 the figure had increased to a rate of 2.38%. Although the percentage of housing stock in holiday use continues to be lower compared to other areas, this is a percentage increase of 141% over a period of four years. This is firm evidence that the number of holiday homes is generally increasing and is also spreading to less traditional areas of the county.

### **Part 3: Impact Assessment - Qualitative information**

- 3.2.9 In section 3 of the paper an analysis of other relevant research in this field (second homes and holiday accommodation) is presented, as well as reference to the evidence used in that work to assess the impact.
- 3.2.10 Generally when considering and assessing the impact of holiday accommodation and second homes, evident themes permeate through the relevant research, namely:-
- The impact on the housing market
  - Impact on community facilities
  - Impact on the Welsh language
- 3.2.11 The analysis of this work highlights that the provision of holiday accommodation and second homes within communities impact the factors referred to above, however, it is noted that it is not possible to state without doubt that the negative side-effects are restricted to being associated with the provision of holiday homes only, with the other factors also having an influence.

### **Part 4: Assessing the Impact - Primary/quantitative information**

- 3.2.12 This section presents a primary analysis of the impact on communities at the expense of having a number or high density of holiday homes.
- 3.2.13 Inevitably the demand for holiday accommodation affects the ability of local people on low wages to buy homes in popular holiday destinations. The median house price in Gwynedd (2021) was £175,000, with an average income of £26,315, the income to house price affordability ratio in the county is 6.7:1 (increased from 5.9:1 in September 2019). This means that on average 65.5% of the Gwynedd population have been priced out of the housing market.
- 3.2.14 This statistic increases significantly in the wards where there are a higher number of holiday homes. For example, in the Abersoch ward where 54.08% of the housing stock is in holiday use (holiday accommodation or second homes), the average median price for a house is £482,500. With the average household income at £36,086, the house prices to affordability ratio is far beyond double the county average at 13.4:1, this means that 96.1% of local people have been priced out of the market.
- 3.2.15 Together with impacting on house prices and affordability the paper discusses the impact on the provision of social facilities that satisfy the needs of the local population together with the impact on the Welsh language.

### **Part 5: Intervention Options**

- 3.2.16 Previously (prior to the changes in planning legislation), the ability of Local Authorities to control the housing market, i.e. who occupy the houses and the use made of them was restricted to new housing. The new measures introduced via the changes to planning legislation gives the power to issue the Article 4 Direction for a specific area and the ability to control the use made of residential dwellings for holiday purposes.

3.2.17 Alongside considering the propriety of implementing the Article 4 Direction, it is also appropriate to consider all the other control measures that can be implemented to get better control of the use of housing as holiday accommodation and second homes.

3.2.18 The other control measures that may currently be implemented or are being considered include:-

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

3.2.19 It is noted that a package of control measures need to be implemented to ensure the success of the broader objective sought to be achieved.

#### **Part 6: Area Options for an Article 4 Direction**

3.2.20 The evidence submitted in the paper highlights the need to implement and present the Article 4 Direction, to try to reverse the side-effects of holiday homes on communities and to ensure fairness and opportunities for Gwynedd residents.

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

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

3.2.22 In considering these options a detailed assessment of the relevant advantages and disadvantages has been undertaken. Furthermore, consideration will be given to how intervention will have a positive impact on Gwynedd communities.

#### **Part 7: Conclusions**

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

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

3.2.24 In order to seek to have control on the use made of residential housing and through this ensure there is appropriate provision of housing available to satisfy local needs, it is considered appropriate that the housing stock of the entire Local Planning Authority Area is protected by the introduction of the Article 4 Direction. By introducing the Article 4

Direction for the entire area this ensures that the amenities of the county's residents are protected. It also ensures that the vision and objectives of a range of relevant strategies and policies, are considered when assessing the propriety of the proposed development (in accordance with the local planning policy guidance). Furthermore, it is noted that this approach to issue the Article 4 Direction will ensure that there is no doubt regarding the geographical area where the intervention will be implemented, and will ensure that the residents of the entire county are subject to the same intervention/protection.

3.2.25 Following the analysis of the options discussed in Section 6 of the paper, it is noted that the favoured option in terms of presenting the Article 4 Direction is **Option 4: The whole of Gwynedd (Gwynedd Local Planning Authority Area)**. By operating in this manner, it is hoped that it will protect the vulnerable communities of Gwynedd in terms of their social, economic and cultural sustainability.

### **3.3 The Scope of the Article 4 Direction**

3.3.1 It is possible to tailor the scope of the Article 4 Direction to address what it seeks to achieve. With the aim of seeking to ensure that residential dwellings are protected for this purpose, it is concluded that the permitted development rights should be removed for the change of use of a residential dwelling (C3 use) into holiday use - be that a C5 or C6 use class. In the same manner, to facilitate the ability for second homes and short-term holiday lets (that have not been restricted via a planning right) to transfer back into residential use, it is not considered appropriate to interfere with the ability to do this by presenting the Article 4 Direction, therefore the unrestricted transfer from C5/C6 use to C3 use can continue. It is noted that the legislation allows for mixed uses of these use classes, for example change of use of being a pure C3 use to a mixed C3/C6 use. Following the above mentioned principle to protect the residential housing stock, it is proposed to limit mixed use that would lead to the loss of pure principal residence uses. It is possible to examine the scope and path of the permitted development rights that are proposed to be removed by the introduction of the Article 4 Direction in the last section of the Justification Report (Appendix 1).

### **4.0 NEXT STEPS**

4.1 It is a requirement to follow the procedures set out in legislation when presenting and implementing the Article 4 Direction. The procedure is outlined in the Town and Country Planning (Permitted General Development) Act 2022, as amended. In accordance with the latest amendment to the relevant legislation, it is possible to issue two types of Article 4 Direction, namely:-

- A Direction that comes into force directly which means that the Article 4 Direction comes into force prior to a public consultation.
- A Direction that does not come into force directly which means that a public consultation is held before the Article 4 Direction comes into force.

4.2 It is considered that advantages and disadvantages are associated with both paths. It is emphasised that the right to compensation that would be payable in the context of the Article 4 Direction that comes into force directly, is a significant risk for the Authority. In accordance with the need to avoid having to pay compensation, it is considered that the option of implementing the Article 4 Direction that does not come into force directly

would be appropriate to protect the Council's interests. This will include a 12-month notice prior to when the Article 4 Direction comes into force that will remove the right to compensation.

4.3 The following table gives a brief overview of the essential steps required together with setting a rough timetable to deliver these steps:-

<b>Step</b>	<b>Explanation</b>	<b>Timetable</b>
Approval to issue a notice	Report on the intention to a meeting of the Cyngor Gwynedd Cabinet to approve issuing a notice of the proposal and undertake the required publicity / consultation.	April/May 2023
Issue a notice	<ul style="list-style-type: none"> <li>• Public notice;</li> <li>• Site notice;</li> <li>• Notify persons affected;</li> <li>• Note a period of 21 days (or more) to present observations in relation to the Direction.</li> </ul>	May to July 2023
Approval of the Implementation of the Article 4 Direction	<ul style="list-style-type: none"> <li>• 12 months after issuing the notice;</li> <li>• Consider all the observations received.</li> </ul>	April/May 2024

4.4 As noted above, the procedure in terms of approving and implementing the Article 4 Direction has been set out in legislation. It is emphasised that the system in terms of receiving approval is relevant to the Gwynedd Local Planning Authority Area only. However, regular discussions take place with officers from the Eryri National Park Authority to ensure that there is integration between the expectations and the timetable of both Local Planning Authorities in terms of implementing the Article 4 Direction. The paper considers the impact of holiday homes and the operational options for the whole of Gwynedd, it will be a matter for the Eryri National Park to determine the path they wish to follow and receive an approval to the proposal.

4.5 In addition to undertaking the essential steps noted in the above table it is also intended to hold awareness raising sessions with members when the notice/observation period on the proposal is underway.

4.6 The Council has requested specialist legal counsel on the proposal, including an opinion on the prepared justification paper together with a view on the process to receive approval, issuing the notice and considering the observations received. It should be emphasised that the prescribed implementation timetable highlighted in the above table is based on the receipt of positive feedback on the legal counsel.

4.7 Together with the process of getting legal guidance, there is also associated preparatory work proceeding including preparing required materials to conduct the public consultation and raise awareness.

## **5.0 PRESENT AND IMPLEMENT**

5.1 In order to be able to assist with the process of presenting and implementing the Article 4 Direction and the additional burden this would mean to the Local Planning Authority, a formal application for resources has been submitted to the Welsh Government.

5.2 These additional resources would be to fund additional Planning Officers in the Planning Service in response to the inevitable increase that would derive in relation to applications, enquiries and associated complaints. This resource can also contribute to the work of preparing a new Local Development Plan for Gwynedd, and specifically any new planning policy involving second homes and short-term holiday accommodation.

5.3 Thus far, no formal confirmation has been received to the request for additional resources from the Welsh Government, however they have confirmed that financial support will be provided for a period up to the end of March 2026.

5.4 It has to be acknowledged that the recruitment of additional planning officers for a temporary period is challenging, however preparatory work to be able to appoint/advertise jobs is proceeding. As part of this, recruitment packages are being prepared and a draft example of the package for the post of a Senior Planning Officer can be seen in Appendix 3.

## **6. RECOMMENDATIONS**

6.1 The Scrutiny Committee is requested to accept the report and present any observations on the evidence base, the potential area options and the favoured option in Appendix 1, that will then be submitted to the Cabinet.

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## **APPENDICES**

Appendix 1: Paper to justify issuing the Article 4 Direction

Appendix 2: List of new use classes and their definitions

Appendix 3: Recruitment pack for Senior Planning Officer (draft)

**Paper justifying the introduction of the Article 4 Direction**

**Gwynedd Local Planning Authority Area**

DRAFT

**March 2023**



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## Part 1: Introduction

### Background

- 1.1 With the long-term aim of creating sustainable communities, ensuring a sufficient supply and a suitable choice of housing that meets the needs of local communities is crucial. High numbers of holiday accommodation and second homes ("holiday homes") can be a real threat to the social, cultural and economic prosperity of communities across Gwynedd.
- 1.2 Communities throughout Gwynedd face significant pressure due to the use of dwelling houses as holiday homes. As a result of this increasing pressure, which has been further highlighted over the past few years, there has been increasing pressure to implement a mechanism to obtain better control of the existing housing stock. It is hoped that implementing a range of effective management mechanisms will be a means of mitigating the side effects of holiday homes on communities, and contribute towards meeting the housing needs of the county's communities.
- 1.3 For the purposes of this paper, the term 'holiday homes' includes the following:-
- Short term holiday accommodation: A dwelling house (Use Class C3) not permanently occupied and is let for holiday use on a commercial basis.
  - Second homes: A dwelling house (Use Class C3) used by the owner occasionally (but is not their main place of residence), together with other visitors for holiday purposes.
- 1.4 Within this research paper, reference is made to 'holiday homes' when referring to the combination of 'short term holiday accommodation' and 'second homes' provisions. Where an issue specifically relates to either second homes or short term holiday accommodation, this will be clearly stated.

### Purpose and Structure of Report

- 1.5 The aim of this report is to consider, justify and reach a conclusion regarding the possibility of introducing an Article 4 Direction in order to control the use of houses in the Gwynedd Local Planning Authority (LPA) area (or a specific area of the LPA), in accordance with the new powers introduced by the Welsh Government through a recent amendment to planning legislation. A thorough assessment has been carried out of all possible options, in order to try to identify the preferred option and reach a final conclusion regarding the need to introduce an Article 4

Direction and (if relevant) the area where it should be implemented. The paper considers the impact and assesses options for the entire Gwynedd county area. However, it is emphasised that the conclusions of this paper are only relevant to the Gwynedd Local Planning Authority area, it will be a matter for Eryri National Park (which is the relevant Local Planning Authority) to decide which route they prefer to follow.

1.6 The Report is divided as follows:-

Part 2: Provision and location of holiday accommodation and second homes

Part 3: Assessment of impact – qualitative information

Part 4: Impact assessment - Primary/quantitative information

Part 5: Intervention options

Part 6: Article 4 Area Options

Part 7: Conclusions

## Context

1.7 Following increasing pressure on the Government to respond to the challenges facing communities at the expense of holiday homes, on the 20th of October 2022, the Government introduced changes to planning legislation, which meant that Local Planning Authorities could respond to the concerns, by tailoring the control measures to local circumstances. It is noted that one of a series of control measures is the amendment to planning legislation, with other measures linked to the taxation procedure, the provision of affordable housing that meets the needs of communities and the compulsory licensing of holiday accommodation being implemented, in progress or being considered.

1.8 The changes to planning legislation that have come into force include:-

- The amendment of the Town and Country Planning (Use Classes) Order 1987<sup>1</sup> to create new use classes for Main Homes, Secondary Homes and Short Term Holiday Accommodation.

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<sup>1</sup>[Town and Country Planning \(Use Classes\) Order 1987 as amended](#)

- The amendment of the Town and Country Planning (General Permitted Development) Order 1995<sup>2</sup> to allow permitted changes between the new use classes for Main Homes, Secondary Homes, and Short Term Holiday Accommodation.
- The amendment of Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday accommodation in a local area must be taken into account when considering the housing requirements and policies in Local Development Plans (LDPs).

1.9 The amendment to the Town and Country Planning (Use Classes) Order 1987 and the definition of the new use classes are as follows:-

Use Class	Explanation
Class C3. Dwelling House; Main Homes	<p>Use of a dwelling house as a sole residence or main residence, which is occupied for more than 183 days in a calendar year by - (a) a single person or by people who are considered to form one household;</p> <p>(b) no more than six residents who live together as one household, where care is provided for the residents; or</p> <p>(c) no more than six residents who live together as one household, where care is not provided for the residents (except for use which is in class C4).</p> <p>Interpreting Class C3:</p> <ul style="list-style-type: none"> <li>• When calculating the 183 days, any time spent by one household in accommodation provided for occupational purposes, such as oil rigs or barracks, contributes to the 183 days</li> </ul>
Class C5. Dwelling House; Secondary homes	<p>Use as a dwelling house, other than as a sole or main residence, occupied for 183 days or less by –</p> <p>(a) one person or by people who are considered to form one household;</p> <p>(b) no more than six residents who live together as one household, where care is provided for the residents; or</p>

<sup>2</sup> [Town and Country Planning \(General Permitted Development\) Order 1995 as amended](#)

	<p>(c) no more than six residents who live together as one household, where care is not provided for the residents (except for use within class C4).</p> <p>Interpreting Class C5:</p> <ul style="list-style-type: none"> <li>For the purposes of Class C5(a), "one household" is interpreted in accordance with section 258 of the Housing Act 2004</li> </ul>
Class C6. Short term let accommodation	Use of a dwelling house as commercial short-term letting accommodation for a period not exceeding 31 days (for each occupation period).

Table 1: New Use Class Definitions

- 1.10 The associated amendment to the Town and Country Planning (General Permitted Development) Order 1995 means that it is possible to change from the use classes referred to above without restriction, that is without having to receive planning permission. For example, it is not be necessary to receive planning permission to go from being a Dwelling House (Main Home) to being a Dwelling House (secondary home) and vice versa.
- 1.11 In accordance with the Government's guidance, as long as it is possible for Local Authorities to testify appropriately, it would be possible to introduce an Article 4 Direction in order to revoke the permitted development rights for a defined area. The regulations in relation to Article 4 Direction, with immediate effect, state that it is possible to introduce an Article 4 Direction when the Local Planning Authority:-
- “consider that the development to which the Direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area;”*
- 1.12 It is emphasised that the same legislative requirement in terms of the need to justify the Article 4 Direction does not exist for an Article 4 Direction with out immediate effect.
- 1.13 The introduction of an Article 4 Direction is one of the methods available to Local Planning Authorities to enable them to respond to the specific needs of their areas. They give Local Planning Authorities the ability, when considered appropriate, to restrict 'permitted development' rights, which would otherwise apply by virtue of the General Permitted Development Order. It is emphasised that the introduction of an Article 4 Direction does not prevent development but, instead, means that planning permission must be obtained from the Local Planning Authority for the proposal. By enforcing the need to receive planning permission,

it means that the impacts of the development need to be considered in accordance with the local and national planning policy context.

## Aim and Vision

- 1.14 When considering the implementation of an Article 4 Direction or any control measure, it is essential to have clarity about what is sought to be achieved through the intervention. Protecting and maintaining Welsh and Welsh-speaking communities, which offer opportunities for people to live and work in them, is a core objective of national and local strategies/legislation.
- 1.15 At a national level the *Well-being of Future Generations Act (Wales)*<sup>3</sup> provides the commitment, tool and legal ambition to improve our social, cultural, environmental and economic well-being. *The Well-being of Future Generations Act* requires public bodies in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent ongoing problems such as poverty, health inequalities and climate change.
- 1.16 The principles of the Well-being Act are reiterated in *Future Wales: the National Plan 2040*<sup>4</sup>, specifically so in Policy 4 - Supporting Rural Communities, with the requirement to create sustainable and vibrant rural communities. The need to consider how age-balanced communities can be achieved, where depopulation should be reversed and the role of affordable and open market housing, employment opportunities, local services and greater mobility, should be emphasised when meeting these challenges.
- 1.17 The Gwynedd Council Plan 2018 - 2023, which is the Council's five-year Plan, identifies a range of 'Improvement Priorities'. The 'Improvement Priorities' are the areas upon which focus is believed to be needed, as there is a need to increase or improve the current situation.
- 1.18 '*Improvement Priority 4: Access to suitable homes*' identifies the need to develop diverse, innovative and green housing proposals that people can live in throughout their lives, as well as offering early support to those who need it. It is noted that the Council will intervene to encourage a range of support and accommodation options in order to respond to the needs of the population today, and for future generations. Hand in hand with this, it must be ensured that the steps taken respect the culture of the county's communities. Linked to achieving this

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<sup>3</sup> [Well-being of Future Generations Act Wales 2015](#)

<sup>4</sup> [Future Wales: the National Plan 2040, Llywodraeth Cymru](#)

objective is the need to have control of the use of houses as holiday accommodation and second homes.

1.19 In 2020, the Gwynedd Council Housing Action Plan 2020/21-2026/27<sup>5</sup> was prepared and approved. The purpose of this plan was to establish specific projects, giving the residents of Gwynedd a fair chance to secure suitable homes. The overall aim of the Action Plan is to:-

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

1.20 In order to achieve this goal, there are 5 objectives that have been included in the Plan, namely:-

- Objective 1 – To ensure that no one is homeless in Gwynedd
- Objective 2 – To increase the opportunities for Gwynedd residents to obtain a tenancy in a social house
- Objective 3 – To help Gwynedd residents to own a home in their community
- Objective 4 – Gwynedd housing is environmentally friendly
- Objective 5 - Gwynedd housing has a positive influence on the health and well-being of the county's residents

1.21 The general vision contained in the Gwynedd and Anglesey Joint Local Development Plan<sup>6</sup> notes:-

*"By 2026, Anglesey and Gwynedd will be recognised 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."*

1.22 In order to meet this vision, the Plan area will need to better meet the housing needs of communities in terms of supply, type, quality, energy efficiency, location and affordability, as well as ensuring that the Welsh language is an integral part of the community.

1.23 The vision contained in the Gwynedd and Môn Local Development Plan is supported in the Eryri Local Development Plan<sup>7</sup>, which notes:-

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<sup>5</sup> [Gwynedd Council Housing Action Plan 2020/21 – 2026/27](#)

<sup>6</sup> [Anglesey and Gwynedd Jopint Local Development Plan](#)

<sup>7</sup> [Eryri Local Development Plan 2016 - 2031](#)

*“By 2035 Snowdonia will continue to be a protected and evolving landscape, safeguarded and enhanced to provide a rich and varied natural environment; providing social, economic and well-being benefits nationally and internationally.*

*National Park purposes will be delivered through a diverse and prospering economy adapted to the challenges of climate change and founded on natural resources – its landscape qualities, opportunities for learning and enjoyment, cultural and natural heritage. With thriving bilingual and inclusive communities partnership working will have demonstrated that more can be achieved through working together.*

*Communities will have adopted innovative solutions in a changing World – a low carbon economy will have strengthened residents’ link with the environment, providing a better standard of living and ensuring Snowdonia’s reputation as an internationally renowned National Park and one of the nation’s breathing spaces.”*

- 1.24 The current housing situation and the lack of provision of affordable housing that meets the needs of communities means that there is a need to act urgently in order to try to protect the vulnerable communities of Gwynedd and realise the vision of national legislation, national and local policy guidance and the statutory strategies referred to above.



## Part 2: Provision and location of holiday accommodation and second homes

### Overview

- 2.1 In order to try to get a better understanding of the seriousness of the problem, it is essential to gather information relating to the baseline data regarding the number of holiday homes that exist across the county. Gathering accurate information in relation to the number and location of holiday homes can be difficult, as there is no single source of accurate/reliable information. Private accommodation let on an *ad hoc* basis, usually through marketing platforms such as AirBNB, is much harder to calculate as they become available from time to time, and their use as holiday accommodation comes to an end without any formal notification. As such, it is difficult to assess the seriousness of the situation, and it must be based on the best information available.
- 2.2 Since the summer of 2018, the Joint Planning Policy Service has been gathering council tax information regarding the numbers of second homes and holiday accommodation per community/town/city council across the county. As well as providing information regarding the specific uses in question, information is also received regarding the number of residential units for each area.
- 2.3 It is, therefore, noted that the information presented below is based on council tax information, i.e the units that have qualified for the payment of the following rates of taxation:

Description	Explanation
Domestic property	Domestic property paying council tax.
Second home	Class B property where no one lives permanently in the property and where the property is furnished.
Self catering holiday accommodation	Payment of Non-Domestic Business Rates for Self Catering Accommodation

Table 2: Definition of Uses

- 2.5 The information gathered by the Joint Planning Policy Service (Gwynedd and Anglesey) was used to prepare a research paper, 'Controlling the Use of Houses as Holiday Homes'<sup>8</sup>. This research highlights the seriousness of the problem in communities of Gwynedd, and includes a recommendation regarding the need to change planning legislation in order to obtain better

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<sup>8</sup> [Controlling the Use of Houses as Holiday Homes, Joint Planning Polisi Service](#)

control of the situation (among other control mechanisms). Cyngor Gwynedd's Cabinet approved this research in December 2020 and the work was submitted for the attention of the Government. In response to this work, together with calls from other organisations/groups, the Government was prompted to respond to the crisis by introducing a range of appropriate control measures for holiday accommodation and second homes.

2.6 The chart below, together with the following table, summarises the information regarding the number of second homes and holiday accommodation in Gwynedd since 2018:-

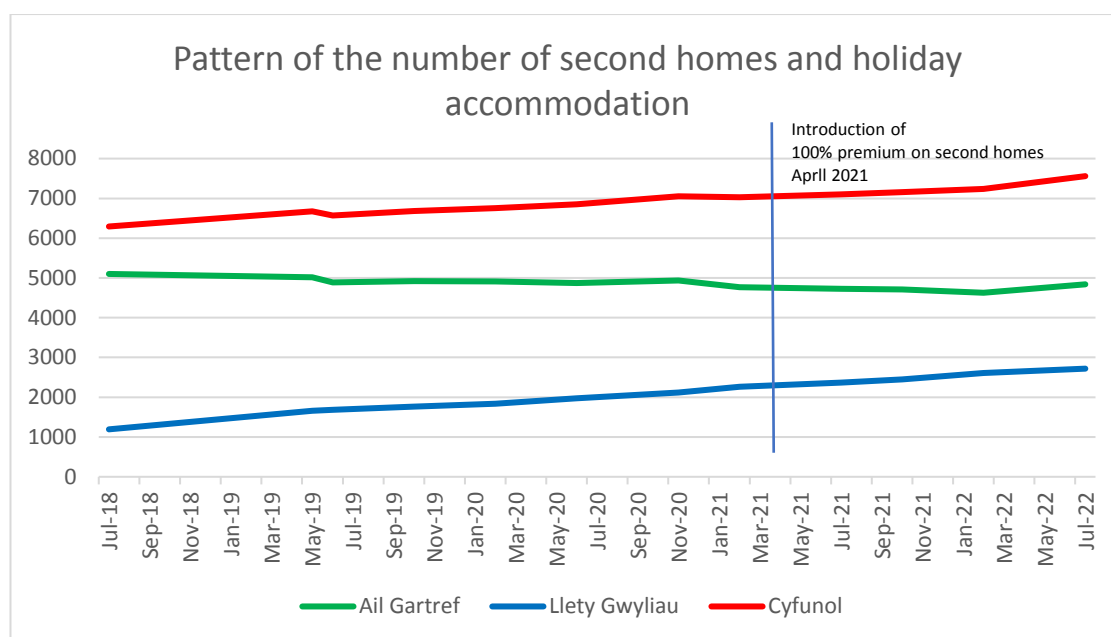


Chart 1: Pattern of holiday homes (source, Finance Department, Cyngor Gwynedd)

	No. of Domestic Properties	No. of second homes (excluding occupancy-restricted units)	No. of Holiday Accommodation	Combined no.
<b>July 2018</b>	61,679	5,100	1,193	6293
<b>May 2019</b>	61,616	5,013	1,658	6671
<b>June 2019</b>	61,591	4,891	1,681	6572
<b>October 2019</b>	61,562	4,920	1,764	6684
<b>February 2020</b>	61,617	4,912	1,838	6752
<b>June 2020</b>	61,645	4,873	1,976	6849
<b>November 2020</b>	61,946	4,933	2,119	7052
<b>February 2021</b>	61,534	4,768	2,261	7029
<b>July 2021</b>	61,463	4,729	2,369	7098
<b>October 2021</b>	61,312	4,713	2,448	7161

<b>February 2022</b>	61,296	4,627	2,612	7239
<b>July 2022</b>	61,335	4,840	2,719	7559
	<b>-344</b>	<b>-260</b>	<b>+1,526</b>	<b>+1266</b>

Table 3: Change in numbers 2018 to 2022 (source, Finance Department, Cyngor Gwynedd)

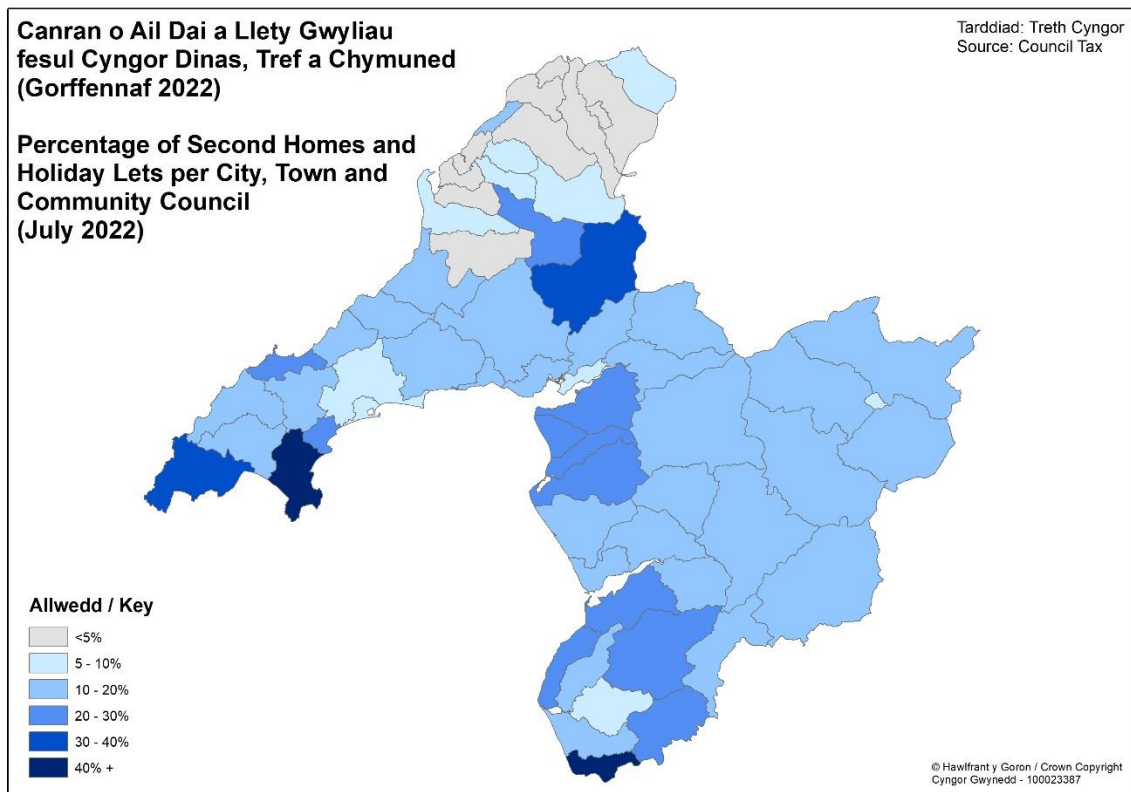
- 2.7 One pattern that has come to light in recent years is not only the combined increase in the number of second homes and holiday accommodation across the county but the fact that those increases are more evident in terms of the number of self-catering holiday accommodation.
- 2.8 Since April 2017, Local Authorities in Wales have the right to raise a second home premium of up to 100% (rising to 300% in April 2023) of the standard rate of council tax on properties where it is nobody's sole or main dwelling, and the property has either been furnished (second home) or unfurnished for over 12 months (long-term empty). The previous regulations gave the Council discretion to charge full Council Tax, or to allow a reduction of 25% or 50%, to classes of second homes, and to allow a reduction of 50% (or a reduction at a lower percentage), or no discount at all, on long-term empty properties that have been empty for six months or more.
- 2.9 On the 1st of April 2018, a premium rate of 50% was set on eligible second homes by Cyngor Gwynedd, with the rate rising to 100% on the 1st of April 2021, which is the highest possible rate that can currently implemented. The Council has resolved to raise the rate to 150% from April 2023 onwards.
- 2.10 Due to the taxation situation linked to second homes, it appears that more residential units are now transferring over from paying the second home premium to paying non-domestic business rates on those units. Self-catering holiday accommodation is eligible to be listed for non-domestic business rate and, depending on its rateable value, could be eligible for small business rate relief, meaning that the property makes no financial contribution towards the taxation procedure.
- 2.11 The transfer in the housing stock, with residential houses that used to pay the standard council tax or pay the council tax premium paying the non-domestic business rate, means that Gwynedd's housing stock is being eroded over a period of time and not increasing as would be an expected growth pattern.
- 2.12 Note from the table above (Table 3), that there is a reduction of 344 houses that used to pay domestic council tax between 2018 and July 2022. In the same period, there was a reduction of 260 units that used to pay the council tax premium (second homes). During this period, it is noted that the number of new houses completed is 930 units (including the Snowdonia National Park Authority). Therefore, when considering the true reduction in the number of residential

units in Gwynedd, it is noted that it is actually around 1,334 units. In the same period, 110 holiday accommodation units have received planning permission (although it is not known whether those permissions have been implemented or not). The housing stock that has been lost (1,334) is likely to have been attributed (to a large extent) to the growth in the number of self-catering holiday accommodation (+1,526), together with new holiday accommodation units that have received permission (+110), making a total of 1,444.

2.13 It is, therefore, emphasised that the ability to transfer easily between uses means that there is no efficient management of the existing housing stock. Furthermore, it is not possible to foresee or predict, to the best of our ability, what the local population’s future housing needs will be, since the current housing stock is being eroded.

### The current provision

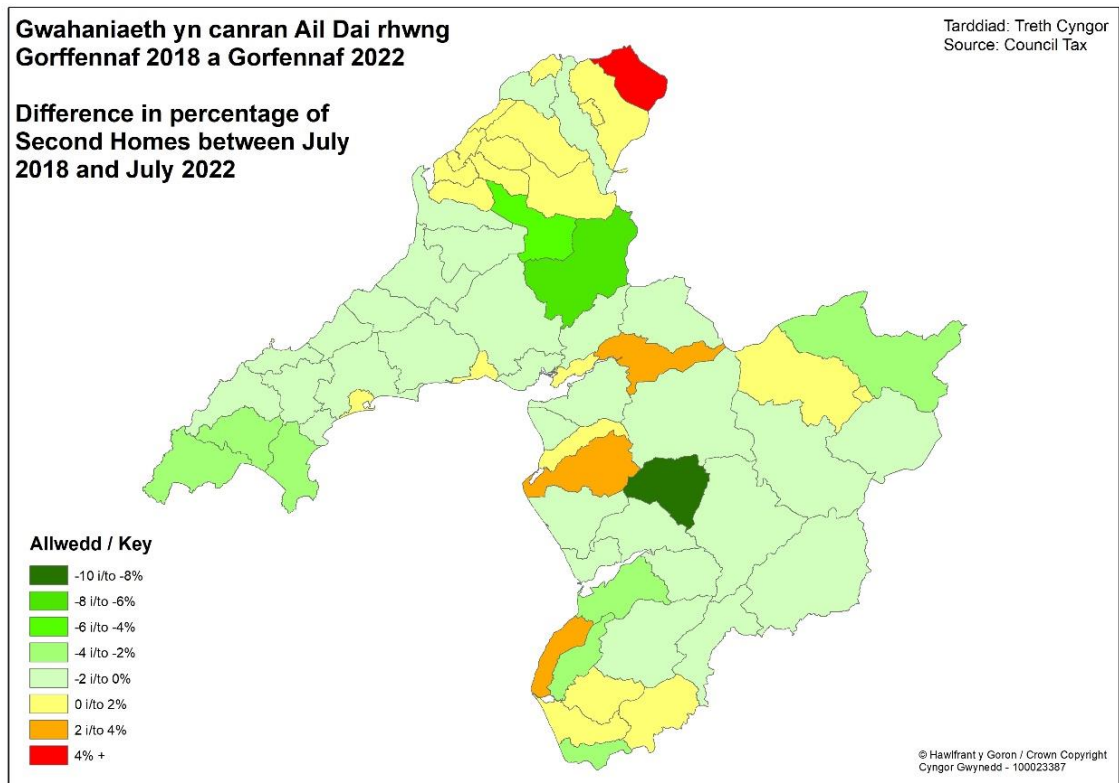
2.14 Naturally, there are big differences in terms of the ownership of second homes and holiday accommodation across the county. Traditionally, the coastal areas of Llŷn and Meirionnydd are the areas where there is the highest density of holiday homes, as represented by the following map:-



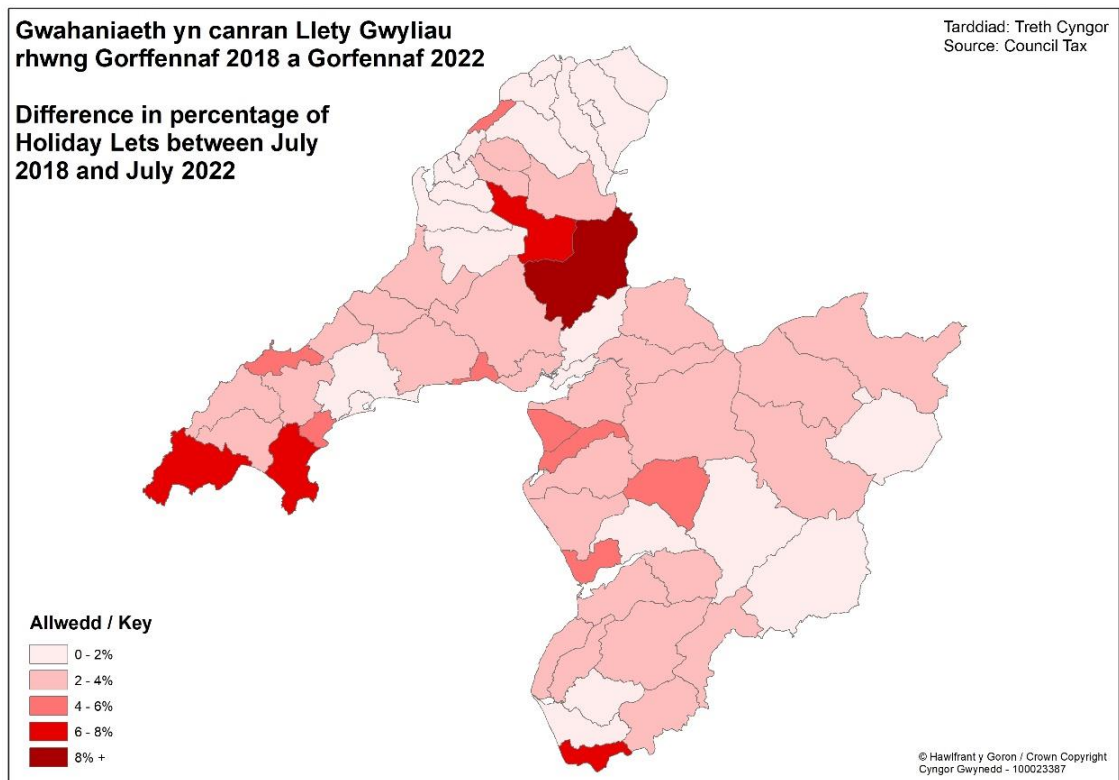
Map 1: Provision of holiday accommodation and second homes in Gwynedd (source, Finance Department, Cyngor Gwynedd)

2.15 As has already been discussed, the combined number of holiday accommodation and second homes across the county is on the rise. However, the following map represents the change in

the number of second home ownership over the last four years and then the change in the number of holiday accommodation:-



Map 2: Percentage change map of second homes 2018 to 2022 (source, Finance Department, Cyngor Gwynedd)



Map 3: Percentage change map of holiday accommodation 2018 to 2022 (source, Finance Department, Cyngor Gwynedd)

2.16 Please note from the map above, (map 2), that the provision of second homes has fallen in the 'traditional' areas but that there is a slight increase in the provision of second homes in the less traditional/urban areas. Conversely, the provision of holiday accommodation over the last four years has been on the rise in all parts of Gwynedd.

2.17 Despite the fact that there are areas of Gwynedd where the provision of holiday accommodation and second homes is relatively small, as highlighted above, the provision in the urban communities appears to be on the rise. The following chart represents the increase in the ownership of second homes and holiday accommodation in the urban centers (shown by area, Arfon, Dwyfor and Meirionnydd):-

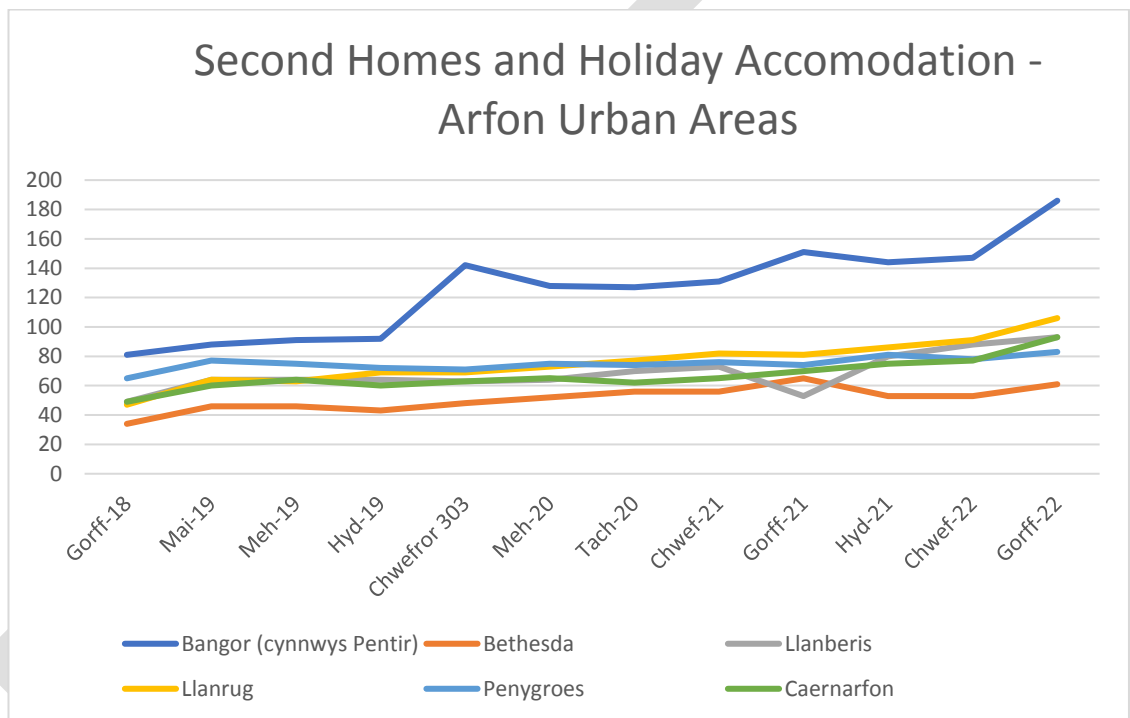


Chart 2: Pattern of Arfon Urban Areas (source, Finance Department, Cyngor Gwynedd)

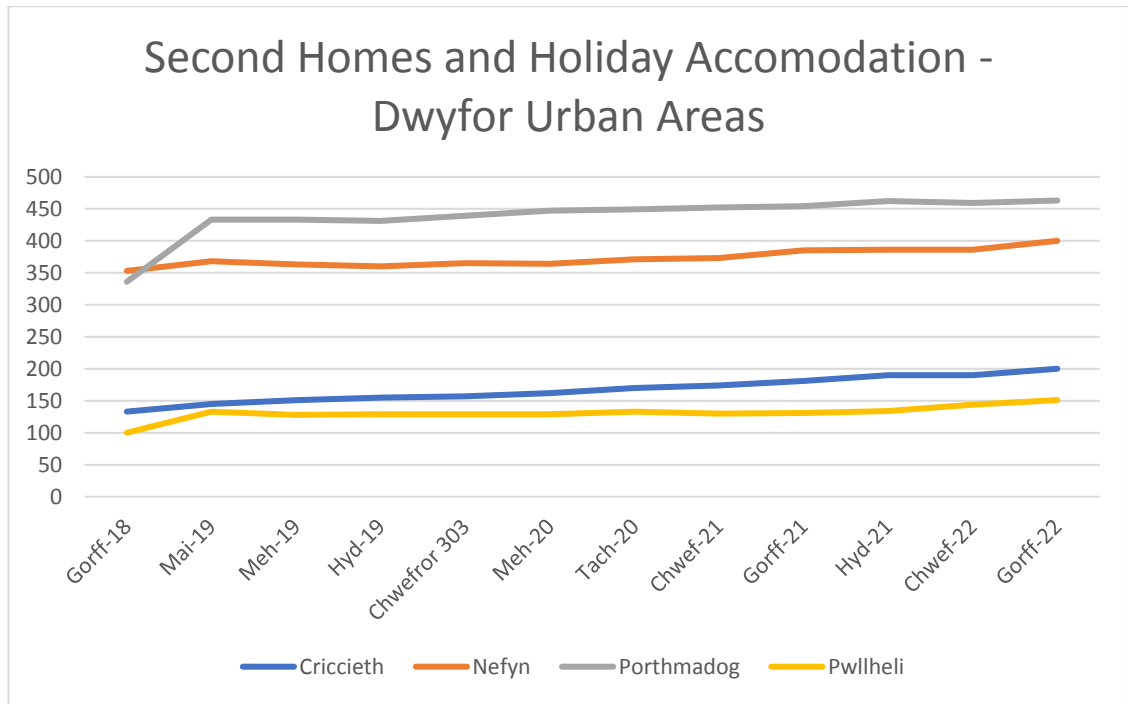


Chart 3: Pattern of Dwyfor Urban Areas (source, Finance Department, Cyngor Gwynedd)

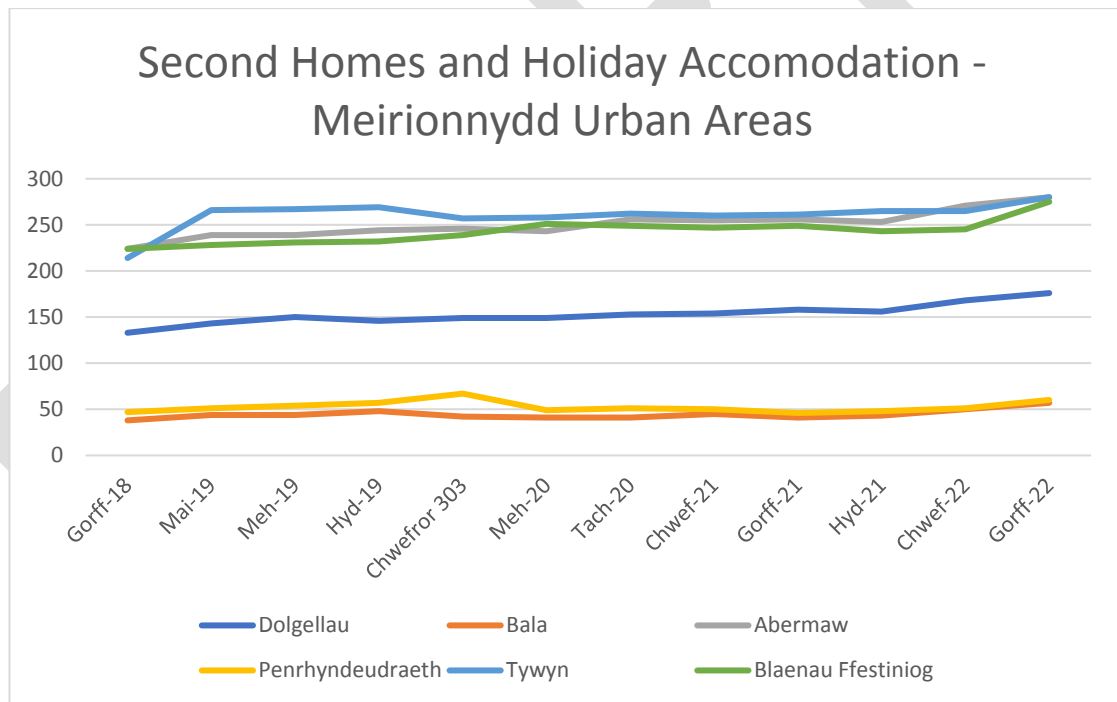


Chart 4: Pattern of Meirionnydd Urban Areas (source, Finance Department, Cyngor Gwynedd)

2.18 In the Bangor area for example (including the Pentir Community Council area), back in July 2018 there were 73 holiday homes (second homes and holiday accommodation), which is a rate of 0.97% of the housing stock. By July 2022, the figure had increased to 186, which is a rate of 2.38%. Although the percentage of housing stock that is in holiday use remains lower compared to other areas, this increase is a percentage increase of 141% over a period of four years. This is strong evidence that the number of holiday homes are on the rise in general but are also spreading to areas in the County that are beyond the traditional areas for holiday homes.

## Inconsistency of data

- 2.19 A 'Bed Stock Survey' was carried out by Gwynedd Council in 2019. The purpose of the survey was to calculate the number of visitor accommodation available in Gwynedd. Between June 2018 and February 2019, Gwynedd Council's Tourism, Marketing and Events Service, in partnership with Visit Wales, carried out county research on the accommodation provision available for visitors. This was done using information from key partners, e.g. planning, licensing, grading, accommodation agencies, etc., along with internet research and telephone interviews.
- 2.20 The 'Bed Stock Survey' found that a total of 2,424 self-catering holiday accommodation units were available during the survey period, with an additional 745 units being advertised on Airbnb. The number of short-term holiday units available on the Airbnb platform only represents a snapshot in terms of the accommodation actually available at the time of the survey. The survey found that the total number of short term lets holiday accommodation for the survey period was 3,169. It is not known how many of these units are residential dwellings used for holiday purposes. Some of the units may have received specific planning permission as holiday accommodation. The figure also includes all types of holiday accommodation units, e.g. chalets and caravans. Information from the Council Tax department relating to the number of properties paying Self-Catering Non-Domestic Business Rates for the same period (July 2018) totalled 1,193. It is, therefore noted that it is clear that the number of units available does not completely reflect the number of units that paid the non-domestic business rates in Gwynedd. It can, therefore, be assumed that some of the short-term holiday accommodation is either liable to pay the second home premium or to pay the standard Council Tax. The inconsistencies between the Council Tax figures and the Holiday Accommodation figures (the Bed Stock Survey) suggest that a proportion of the second homes is being used as holiday accommodation to be let for a short period (at least) .
- 2.21 Another useful source of information is 'Transparent Intelligence' data. 'Transparent Intelligence' is a 3rd party data supplier, appointed by Visit Wales on behalf of the Welsh Government. Data is provided in relation to short term letting accommodation marketed on the Airbnb, Vrbo, Tripadvisor and Booking.com platforms. Although this data is checked and processed by the Welsh Government, it should not be used as an accurate official calculation of the number of properties. It should, rather, only be used to highlight the potential size of the sector and trends. During July 2022, the number of houses available on the marketing platforms in Gwynedd was 4,499. It is noted that July appears to be the month where the most properties are available,



with the monthly average over a period of the first 8 months of 2022 (January to August) being 3,921. As stated above in paragraph 2.6 (table 3), during the same period (July 2022), 2,719 properties paid the non-domestic business rate. It is, therefore, highlighted that the provision of holiday accommodation is actually higher than that conveyed in the Council Tax data.

- 2.22 The evidence above proves that gathering accurate and complete information in relation to the number of holiday homes is difficult as the holiday home market is unregulated. Although Council Tax figures are considered to be the most accurate source of information, it is not entirely reliable and is dependent on holiday home operators applying the correct council tax/non-domestic business rate category for their property. The inconsistencies between the Gwynedd Bed Stock Survey, 'Transparent Data' and the Council Tax figures highlight this problem.

## Part 3: Impact Assessment - Qualitative information

- 3.1 A number of recent researches have been carried out in relation to investigating the impact of holiday accommodation and second homes on communities. The main general aim of this research is to try to suggest and find control measures that can be implemented in order to mitigate the effects of holiday accommodation and second homes.
- 3.2 The Planning Policy Service prepared a research paper, 'Managing the Use of Houses as Holiday Accommodation' in 2020. This research is referred to and is used as a basis of evidence in a number of the reports/researches referred to in the following paragraphs. Furthermore, there is an update of that work included in Part 4 of this Report.
- 3.3 There are obvious themes arising from the research in terms of the impact of holiday accommodation and second homes on communities. The subsequent part (Part 4) of this paper will attempt to gather information and quantitative/primary evidence in order to support these assumptions regarding the effects.

### The Housing Market

- 3.4 One of the main general assumptions is the impact on the housing market. There is general criticism that holiday homes push house prices higher due to demand which, in turn, means a lack of supply of affordable housing to meet local need.
- 3.5 During 2021, research commissioned by the Government was published, 'Second homes: Developing new policies in Wales, Dr Simon Brooks (2021)<sup>9</sup>. This work recognised that it is impossible to say whether second homes are mainly responsible for the inflation in house prices in areas under pressure. Reference was made to the fact that the areas under pressure were the same areas that are popular with permanent migration from other parts of the United Kingdom. Therefore, it is recognised that there is actually little evidence that second homes are the main cause for "*...high house prices as opposed to buyers moving to these areas to reside there.*" Nevertheless, it is recognised that it is not possible to ignore the obvious relationship between second homes and higher house prices.
- 3.6 Cyngor Gwynedd has recently undertaken a period of public consultation linked to the 'Ardal Ni 2035' project. The intention of the 'Ardal Ni 2035' project is to hold a conversation and discuss with local communities in order to identify what is important to residents and how they would

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<sup>9</sup> [Second Homes: Developing new policies in Wales, Dr Simon Brooks \(2021\)](#)

like to see their area develop over the next 10-15 years. At the end of the engagement work, 13 unique Neighborhood Regeneration Plans will be developed, which will reflect the aspirations of the local communities of Gwynedd. Initial engagement work linked to 'Ardal Ni 2035' has tried to identify the main issues that concern communities throughout Gwynedd. Out of the 13 areas, 5 of the areas identified a lack of affordable housing as the main issue that is 'not good' in their area (Bro Dysynni, Llŷn, Pwllheli, Ffestiniog and Porthmadog).

- 3.7 At the expense of the increase and demand for holiday accommodation, the natural attraction is for home owners (including private landlords) to transfer their property (private rental) to the holiday accommodation market due to the additional profit that can be made by letting property to this particular market. Research by the Local Government and Housing Committee in its work 'Second Homes, (2022)<sup>10</sup> emphasised that,

*"...the private rental sector plays an important role in ensuring that a mix of housing accommodation is available to meet different needs and circumstances. We are very concerned by the anecdotal evidence that landlords are increasingly moving their properties from this sector to the short term lets market. We are aware that there are long waiting lists for people needing social housing, and a shortage of private rented sector accommodation in some areas is exacerbating the problem."*

- 3.8 In an attempt to further examine and assess the impact that the loss of private rental housing is having on holiday accommodation, the Bevan Institute has published research, 'Holiday Rental Accommodation and the private rental sector, (2022)<sup>11</sup>'. This report offers a unique analysis of holiday rental accommodation advertised by one of the most prominent companies operating in the sector, Airbnb. The report recognises that a number of other agencies and platforms provide holiday rental accommodation and, therefore, the sector is likely to be larger than the one suggested in the report.

- 3.9 The report found that there are 21,718 holiday units listed in Wales on the Airbnb website, with 14,343 of them appearing to be units that would be suitable to live in permanently. It is noted that this corresponds to 31% of Gwynedd's private housing stock. If these units were to transfer back to the housing stock and to the private rental market, it would provide affordable rental

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<sup>10</sup> [Second Homes: The Local Government and Housing Committee \(2022\)](#)

<sup>11</sup> [Holiday Lets and the Private Rental Sector, Bevan Foundation \(2022\)](#)

housing opportunities/options and accommodate a gap that currently exists in the housing market.

## Community Facilities

- 3.10 A high concentration of holiday homes can have a significant effect on the vitality of communities, as recognised in the Local Government and Housing Committee's research, which states:

*"Communities need people to survive. If large numbers of homes within towns and villages lie empty for large parts of the year, it is inevitable that a lack of customers will force businesses to close during the quieter periods, leaving remaining residents without those amenities. We are concerned that public services will also suffer; without key workers living in those areas, it will either be impossible to provide essential services such as health and social care, or the cost of doing so could make them unsustainable. It is likely to be the elderly and the vulnerable most adversely affected. We are aware that some of the local authority areas with the largest numbers of second homes also have relatively low average incomes, and this can make affordability issues more acute."*

- 3.11 The Local Government and Housing Committee recognises that the visitor economy is extremely important for Wales, but is concerned that the economic benefits are outweighed by the negative effects in some areas. Emphasis is placed on the need to ensure a sustainable tourism sector that does not adversely affect communities or replace them, i.e. communities should not be displaced for the benefit of tourism.

## The Welsh Language

- 3.12 One of the side effects that is unique to Wales, and even more so in Gwynedd, is the effect on the Welsh language. The Local Government and Housing Committee expressed concern about the evidence that a high number of second homes, especially in strongholds of the Welsh language, has a detrimental effect on the number of Welsh speakers and on the viability of the Welsh language as a community language in those areas.
- 3.13 On the other hand, Dr Simon Brooks points out that the assumption that second homes are harmful to the language stems from the perception that they were bought in competition with

local Welsh speakers who, as a result of them being unable to buy property, leave the community. Despite this point of view it is noted that:-

*"...the linguistic impact of second homes which are currently in use as second homes is relatively neutral as they are normally empty. But the conversion of more dwelling houses into second homes could be very detrimental to the Welsh language as well as being unacceptable from a social justice perspective."*

- 3.14 It is, therefore, recognised that a further increase in the number of houses used as holiday accommodation and second homes can have a significant effect, not only on the Welsh language, but in terms of social injustice and local people's ability to live and work in the area they were raised.

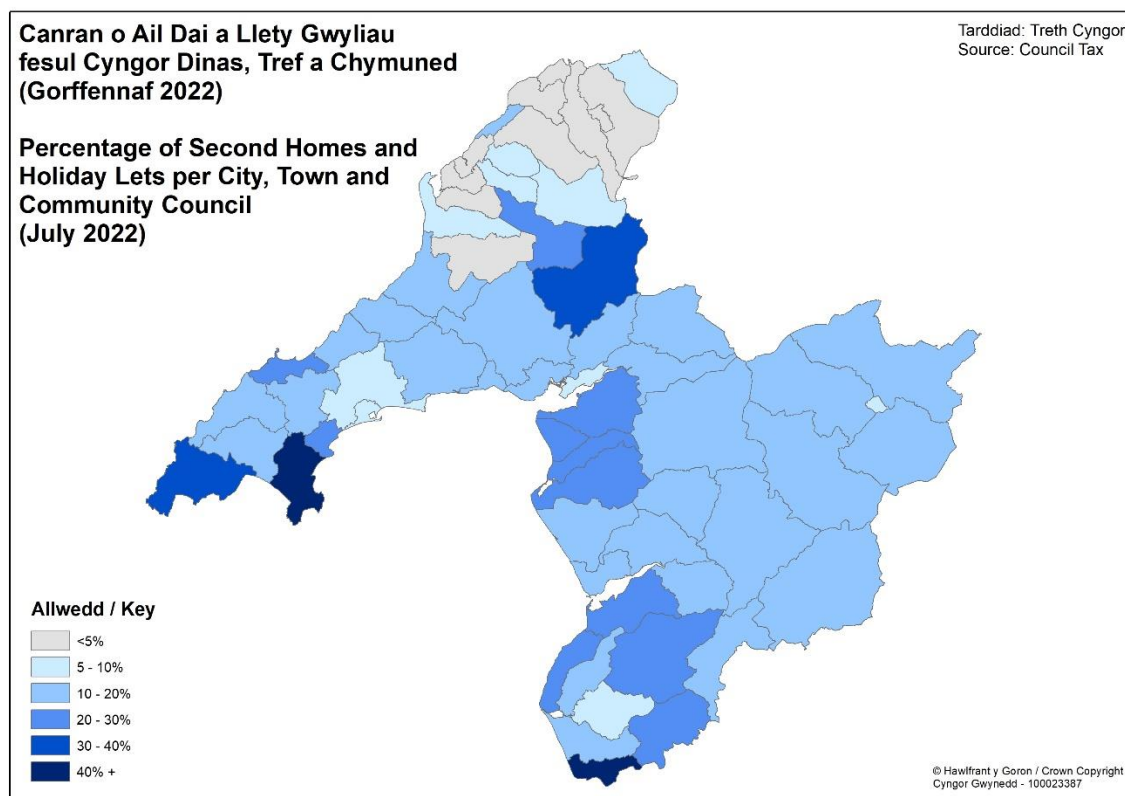
## Part 4: Impact Assessment - Primary/quantitative information

### Purpose

4.1 This section of the report seeks to identify what effects, if any, holiday homes can have on communities, based on primary/quantitative data. Issues related to the impact of holiday homes on communities include:-

- Lack of housing supply to meet local need;
- Impact on local services, amenities of local residents and the community;
- Lack of inactive population in order to maintain and support local community facilities;
- Seasonal work opportunities

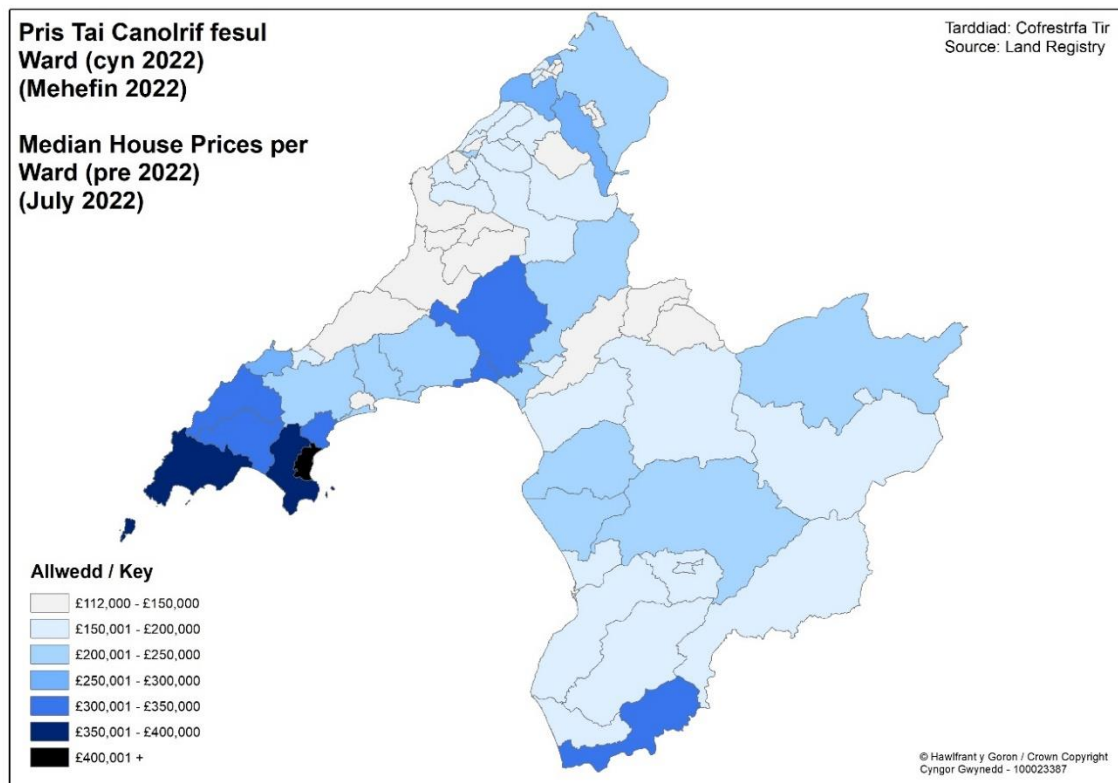
4.2 The map below shows the distribution of holiday homes throughout Gwynedd. It shows that the highest levels of holiday home ownership are along the coast, along with parts of the Eryri National Park. It is emphasised that the information has been mapped on the basis of city, town and community council areas and that may not reflect the true situation and may hide the true nature of the problem, as some settlements within these areas have much higher levels of holiday home ownership than others.



Map 4: Classification of second homes and self-catering holiday accommodation (source, Department of Finance, Cyngor Gwynedd)

## Impact on House Prices and Affordability

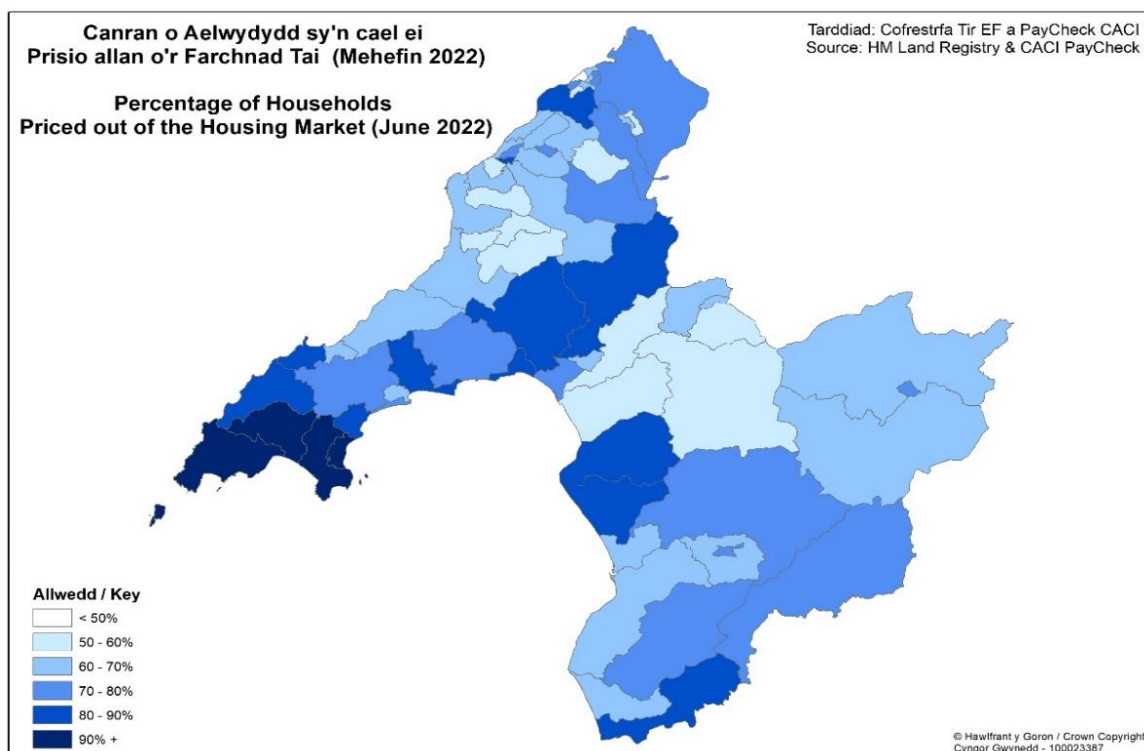
- 4.3 Combined low wage rural economies, restrictions on the supply of new housing and external demand for housing are factors, which affect house prices and put many local people at a disadvantage in the local housing markets. The map below shows the median house price per ward in Gwynedd.



Map 5: Median Price of Gwynedd Wards (house price source, Land Register, source PayCheck income data, CACI)

- 4.4 Looking at the above map and comparing it with a map of the distribution of holiday homes across the county, there appears to be a clear relationship between holiday home ownership and affordability, with those areas with higher numbers of holiday homes facing serious challenges in terms of affordability. The median house price for Gwynedd (2021) was £175,000, and with an average income of £26,315, the ratio of income to house price affordability in the county is 6.7:1 (increased from 5.9:1 in September 2019). This means that, on average, 65.5% of the population of Gwynedd have been priced out of the housing market.
- 4.5 This statistic increases significantly in the wards where there are higher numbers of holiday homes. For example, in Abersoch ward where 54.08% of the housing stock is in holiday use (holiday accommodation or second home), the average median price for a house is £482,500. With an average household income of £36,086, the ratio of house prices to affordability is well over double the county average at 13.4:1, meaning that 96.1% of local people have been priced

out of the market. The map below shows the percentage of households that have been priced out of the housing market, by ward.



Map 6: Priced out of the market (house price source, Land Register, source PayCheck income data, CACI)

4.6 The map shows that the affordability ratio is much higher in the more attractive rural and coastal areas, which matches the pattern shown in map 4, which shows the distribution of holiday homes.

4.7 The table below shows the five wards where the ratio of house prices to affordability is highest, with the five wards located in Llŷn:-

Ward	Median House Price	Median Household Income	Affordability Ratio	% priced out of the market
Abersoch	£482,500	£36,086	13.4:1	96.1
Aberdaron	£380,000	£26,403	14.4:1	96.1
Botwnnog	£310,390	£24,536	12.7:1	91
Llanengan	£361,000	£30,207	12:1	90.1
Tudweiliog	£305,000	£25,842	11.8:1	90.0

Table 4: The top 5 Wards - Ratio of house prices to affordability in Gwynedd (source of house prices, Land Register source PayCheck income data, CACI)

4.8 Conversely, the following table presents information for the five wards where the ratio of house prices to affordability is the lowest:-



Ward	Median House Price	Median Household Income	Affordability Ratio	% priced out of the market
Tregarth & Mynydd Llandygai	£297,500	£32,664	9.1:1	56.3
Tudweiliog	£305,000	£25,842	11.8:1	55.8
Tywyn	£169,000	£23,206	7.3:1	54.3
Waunfawr	£186,500	£30,341	6.1:1	51.1
Y Felinheli	£181,000	£33,670	5.4:1	50.9

Table 5: The lowest 5 Wards - Ratio of house prices to affordability in Gwynedd (source of house prices, Land Register source PayCheck income data, CACI)

4.9 The data regarding the ratio of house prices to affordability clearly shows that there is a housing affordability problem across the authority's area, with over 50% of the local population being priced out of the housing market in the areas where the ratio is at its lowest.

4.10 During 2021, 6 properties in Gwynedd were sold for more than £1 million. These 6 properties were located in Abersoch. 2 of them were sold for over £2.5 million, and these were the most expensive properties to be sold throughout Wales during 2021. Over a period of 6 years (from 2015 until 2021) 18 properties have been sold for over £1 million in Gwynedd, which meant that a third of these sales took place in 2021.

### Impact on rural services

4.11 One of the main impacts of houses used as holiday homes, is that that property is no longer available for use by permanent residents. Where there are high numbers of holiday homes, this can mean fewer families in the settlement throughout the year to use services such as schools, public buses and post offices. The lack of constant/regular use of these services is a threat to the viability of the communities. Furthermore, there is a threat that businesses that provide a service to local people will be changed to businesses aimed at the non-resident/tourist population and, along with houses that stand empty for much of the year, this can undermine the sustainability of the community.

4.12 Over the years, a number of schools in Gwynedd have closed as a result of a reduction in the number of pupils. Ysgol Gynradd Aberdyfi (where the percentage of holiday homes in the

community is 44.59%) closed in 2010 and Ysgol Gynradd Abersoch (48.36% housing stock is holiday homes) closed in December 2021.

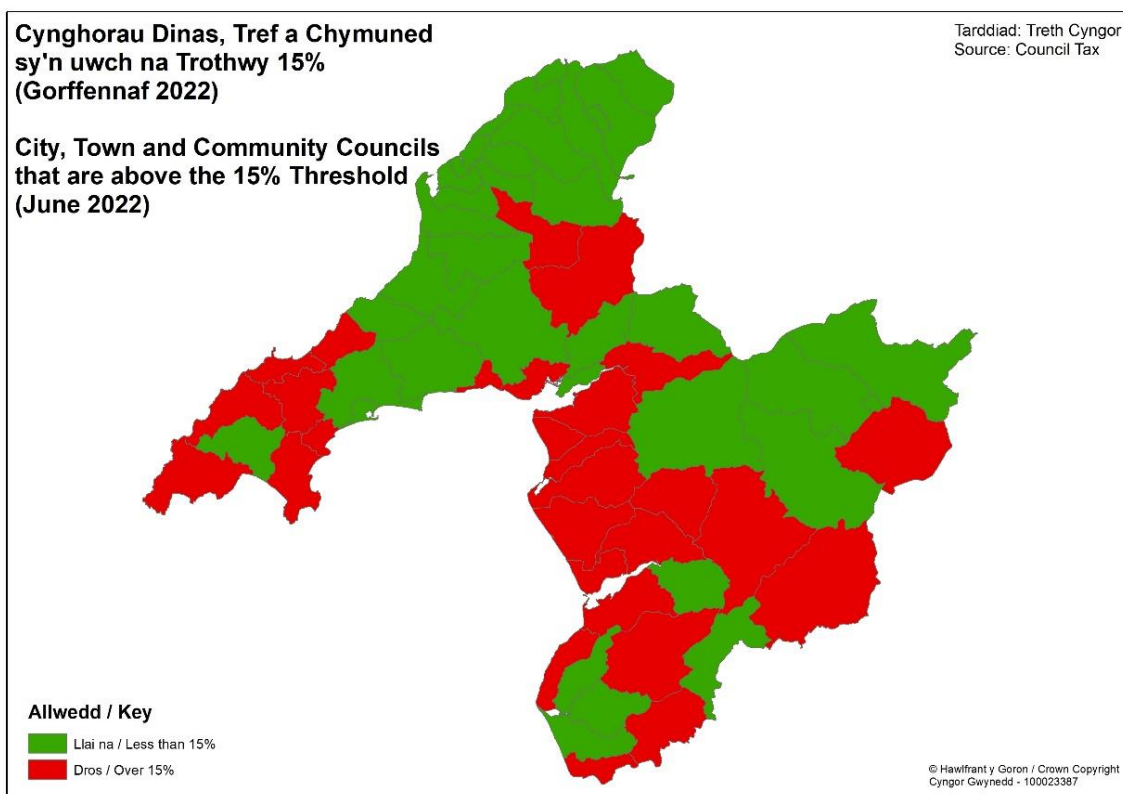
- 4.13 It is acknowledged in the 'Rural education action plan', Welsh Government<sup>12</sup> that *'There are significant benefits – academic, cultural and social – to learners and communities through the delivery of high-quality education in small and rural schools . This can be critical in engaging learners and families from the most disadvantaged backgrounds in rural areas and raising learner aspirations, as well as making a significant contribution to the long-term sustainability of the local community.'* It is, therefore, considered that trying to protect the rural schools and the obvious benefit that derives from them for the wider community is absolutely essential, and that ensuring that there are affordable opportunities for people to be able to live and raise a family within the communities in question is going to contribute to the prosperity of the schools in question.
- 4.14 Although there is no definitive figure when it is considered that the level/numbers of holiday homes affect the sustainability of a community. As part of their evidence base for their Local Development Plan's housing policies, the Lake District National Park Authority has referred to two reports which address the issue. The first is *'Housing: An Effective Way to Sustain our Rural Communities'* where it states, *'the percentage of holiday homes should not be more than 20 per cent as this appears to affect the sustainability of any village.'* The second report, *'The Cumbria Housing Strategy 2006/2011'* goes a step further through its 'Balance Indicators', suggesting that the percentage should not exceed 10 per cent. The National Park Authority uses this information as a guide when examining the impacts that second homes have on the sustainability of any community.
- 4.15 These reports were used as an evidence base to formulate planning policies in the Lake District National Park's Local Plan, in order to try to help reverse the imbalance in the local housing market, by allowing new settlements where they contribute to meeting the identified Local affordable need. In all cases, the policy states that all new houses will be restricted to being the person's main residence.
- 4.16 Based on the Lake District research, the current Supplementary Planning Guidance: Facilities and Accommodation for Tourists, which has been prepared to support the relevant policies within the Gwynedd and Anglesey Joint Local Development Plan, provides guidance as to when it is considered that there is an oversupply of holiday accommodation in an area, meaning that there is no capacity for more. A threshold of 15% is set. That is, in the areas where 15% or more

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<sup>12</sup> [Rural Education Action Plan, Welsh Government \(2018\)](#)

of the existing housing stock is in holiday use, no favorable consideration can be given to applications for new holiday accommodation within the Community/Town/City Council area in question. Two exceptions to this threshold have been identified, namely applications linked to a listed building and an application linked to an established rural enterprise.

4.17 The map and the following table represent the current areas where there is 15% or more of the housing stock in holiday use:-



Map 7: 15%+ Community/Town/City Councils (source, Department of Finance, Cyngor Gwynedd)

<b>Community/Town/City Council</b>	<b>% Combined</b>
Llanengan	48.36%
Aberdyfi	44.59%
Beddgelert	34.22%
Aberdaron	33.50%
Llanfair	29.05%
Llanfihangel Y Pennant	27.60%
Llanbedrog	27.30%
Nefyn	24.62%
Betws Garmon	24.50%

<b>Community/Town/City Council</b>	<b>% Combined</b>
Llangelynin	20.24%
Y Ganllwyd	19.79%
Llanelltyd	19.60%
Criccieth	19.46%
Barmouth	19.28%
Brithdir & Llanfachreth	18.96%
Maentwrog	18.86%
Porthmadog	18.65%
Pistyll	18.57%

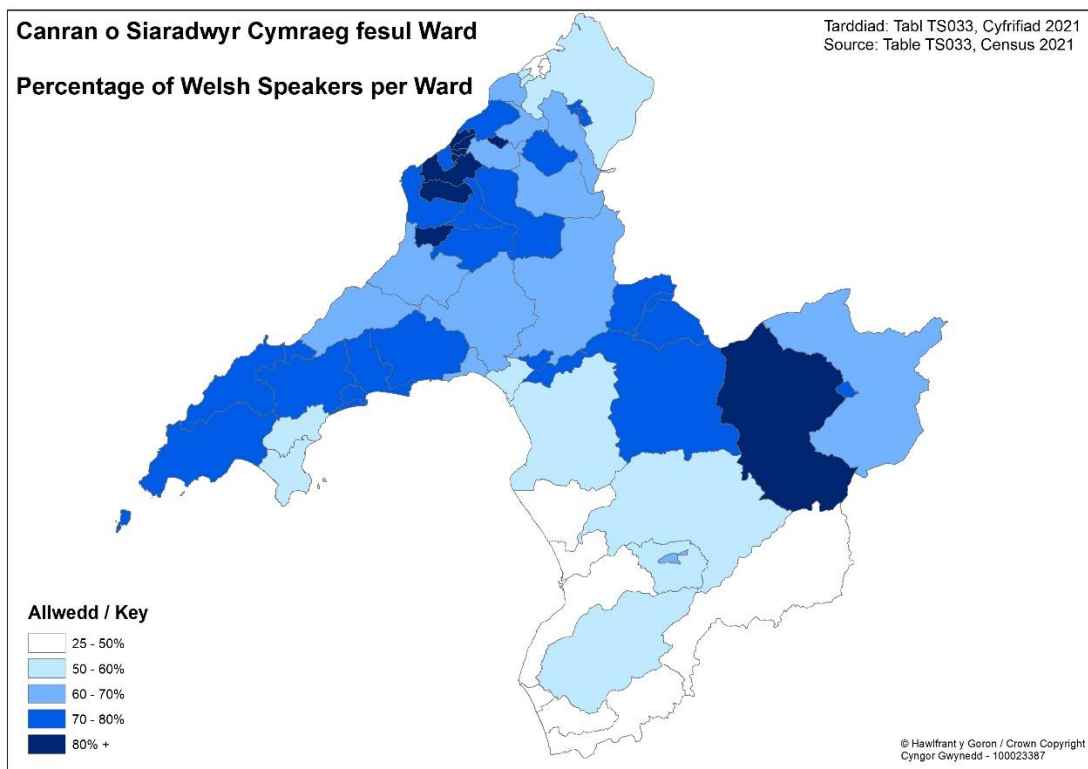
Pennal	23.19%	Tudweiliog	18.56%
Llanbedr	22.76%	Mawddwy	16.67%
Arthog	22.75%	Llangywair	15.79%
Harlech	21.00%	Buan	15.32%
Talsarnau	20.94%	Dyffryn Ardudwy	15.01%

Table 6: 15+ Community/Town/City Councils (source, Department of Finance, Cyngor Gwynedd)

- 4.18 The concept of a threshold and that there is a critical point being reached, which has a harmful effect which means the ability to justify the need for intervention, is an important consideration. It is likely that a point is reached where it can be accepted, without a doubt, that the number of second homes and holiday accommodation within communities has a detrimental effect.
- 4.19 It must be remembered that there are areas within a Community/Town/City Council area where there are significant differences in the ownership of second homes and holiday homes. Therefore, using data based on such wide areas does not fully convey an accurate picture in all cases.

### Impact on the Welsh Language

- 4.20 According to the 2021 Census, 64.4% of Gwynedd's residents are Welsh speakers. The number of Welsh speakers varies greatly, with the highest percentage in Hendre (Caernarfon), which is 86.1% of Welsh speakers, Llanrug which is 86% and Peblig (Caernarfon), with 84.3% of Welsh speakers. The percentage of holiday homes in these areas is 1.95% in the Caernarfon Town Council Area and 7.44% in the Llanrug Community Council Area. The map below shows the percentage of Welsh speakers per ward (based on the new Ward boundary 2022).



Map 8: Percentage of Welsh speakers per Ward in Gwynedd (Source: Census 2021, ONS)

- 4.21 In areas where there is a high proportion of holiday homes, the figure drops to 39.5% in Aberdyfi, where holiday home ownership is 44.95%, and 55.2% in Abersoch (includes Llanengan), where holiday home ownership is 46.36%. It is noted that the comparison between holiday accommodation provision and language ability is based on comparing wards with a Community Council area, as such it is not an entirely accurate comparison. It is emphasised for example that the provision of holiday homes is based on the Abersoch Community Council area while the language ability is based on the ward area which includes the wider area of Llanengan.
- 4.22 Although the Census gathers information about the resident population and it is true to say that, similar to house prices, the Welsh language suffers as a result of more people migrating from outside Wales to rural areas, there is a notable pattern between high levels of holiday home ownership and the ability to speak Welsh. This is likely to be attributed to the fact that there is a reduction in the number of houses available for the local population. As a result, a shortfall in the supply of available housing will lead to higher house prices, resulting in the local population being priced out of the housing market.
- 4.23 In relation to the Welsh language, creating sustainable communities where the Welsh language has been completely immersed within communities and providing and recreating the social context necessary to use the Welsh language as part of society's normal use is essential in order to protect and encourage the growth of the Welsh language.

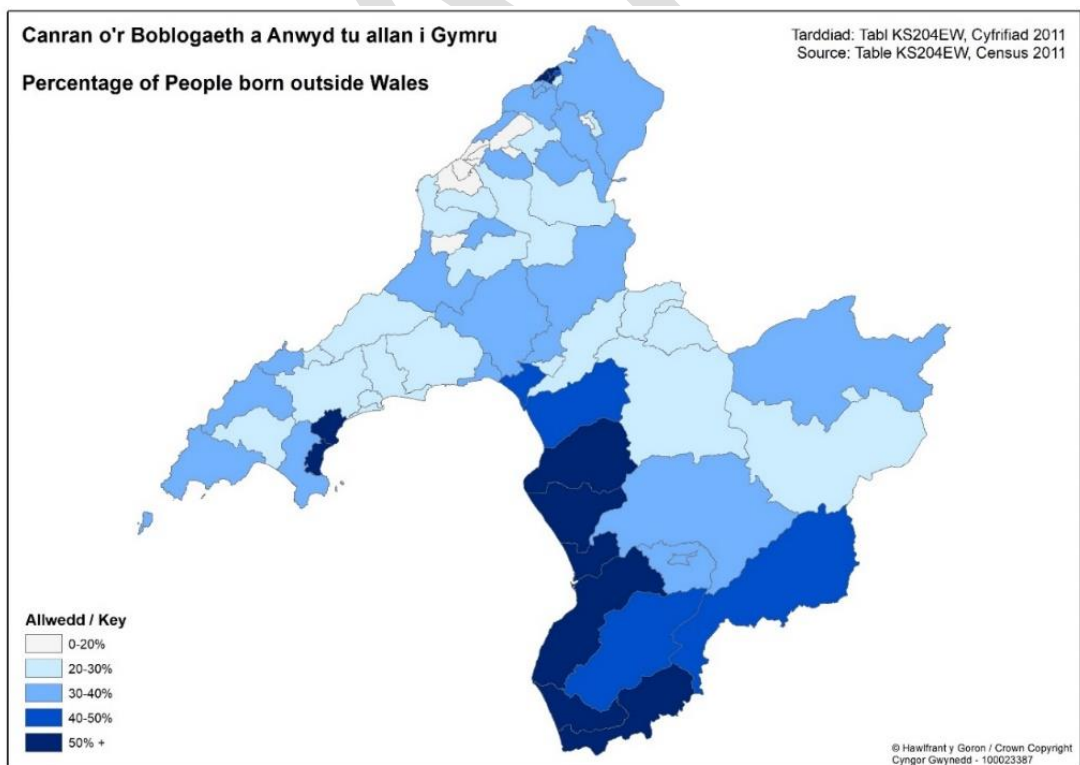
4.24 With the Welsh Government's commitment to reach one million Welsh speakers by 2050, the ability to have better control over the housing stock and, thereby, try to ensure that there is an adequate and affordable provision of housing for local people, is a means of assisting this aim.

### Change in the population

4.25 At the turn of the century, the problems facing rural communities were rural depopulation and the demise of villages. By now, the general picture is one of increasing wealth, with more people wanting to move to the countryside. With demand higher than supply, it is pushing house prices beyond the reach of many people.

4.26 Older people from more affluent areas will have more disposable income for property, either as a full-time home or as a second home, with plans to move into it permanently after retirement.

4.27 This has led to young people moving out of the areas and older people moving in. According to the 2011 Census, over 50% of the population in the majority of areas with higher levels of second homes and holiday let accommodation, were born outside Wales, which is shown on the map below.



Map 9: Percentage of people born outside Wales by ward in Gwynedd (Source: Census 2011, ONS)

4.28 The table below shows the top five wards in Gwynedd, outside Bangor, with the highest percentage of the population of residents born outside Wales. Bangor wards have not been

included in the table as the presence of the University has led to a high population of students, with some having been born outside Wales:-

<b>Ward</b>	<b>The percentage of people born outside Wales</b>
Llangelynin	63.2%
Aberdyfi	59.4%
Tywyn	56.1%
Abersoch	55.3%
Dyffryn Ardudwy	52.9%

Table 7: Top five wards, population born outside Wales.

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## Part 5: Intervention options

- 5.1 Previously (before the Planning legislation was changed), local authorities' ability to control the housing market, i.e. who occupies houses and the use made of them, was limited to new houses. The new measures that have been introduced through the changes to planning legislation and the intervention options, enable Local Authorities to respond in a flexible manner to the challenge facing communities with a high rate of holiday homes, in accordance with requirements and the circumstances of specific areas.
- 5.2 It is essential that appropriate consideration is given to all the control measures and that they can be implemented in order to obtain better control of the use of houses as holiday accommodation and second homes. It is recognised that it is necessary to act on a package of measures to ensure the success of the aim sought to be achieved.

### Intervention through Planning Policies

- 5.3 Currently, one intervention mechanism where control of residential houses can be sought is by limiting the use made of residential developments where planning permission is necessary. The policies contained in the Gwynedd and Môn Joint Local Development Plan include requiring residential developments, depending on the scale and location of the development, to include affordable housing for local needs. Furthermore, a local market housing policy will be implemented for some dwellings within the Plan area (Policy TAI 5).
- 5.4 When appropriate, placing a condition of main residence on new houses could be a means of ensuring that those new houses are not, in turn, used for other purposes, such as a second home/holiday accommodation. The main objective of such a mechanism would be to contribute to tackling any imbalance within specific housing markets within the Plan area and to maintain and strengthen vulnerable communities. It could also help to achieve a wider social policy goal, such as maintaining or strengthening Welsh-speaking communities.
- 5.5 Information available from other local planning authorities where a main place of residence policy has been introduced, suggests that imposing a main place of residence condition would mean reducing the price of a property (95% of the equivalent value on the open market) (Northumberland), as it would restrict the use made of it. It is, therefore, noted that such a restriction could be a means of securing lower cost market houses within the housing market. However, as long as they were to live in a property as a main place of residence, it would not be possible to have a restriction on who would be eligible to buy the property.



- 5.6 When examining information regarding the use made of new residential units that have received permission since the base date of the Joint Local Development Plan (2011) up to the summer of 2021, in Gwynedd it appears that 24 residential units, which received planning permission during this period are now in holiday use. That is, they are either used as a second home or as self catering holiday accommodation (13 units pay the second home premium and 11 pay non-domestic business rate).
- 5.7 This information highlights the fact that the number of new residential houses that are used for holiday purposes is, in fact, limited and that the established housing stock is, in fact, used for that use.
- 5.8 As part of the process of preparing a New Local Development Plan, it will be possible to give further consideration to the principle of introducing local planning policy guidance, which would limit the use of houses as a main place of residence. However, in the meantime, the amendments to planning legislation (20 October 2022), which now define specific use classes for a main home (C3), second home (C5) and short-term accommodation (C6), enable the restriction on the use of new houses (C3) by placing a planning condition on permissions, which would remove the permitted development right. It is considered that imposing a condition restricting the use of a residential house/houses as a main dwelling only, along with blocking the development right allowed in order to move from one of the use classes to another, would ensure that there is control over the use of the residential unit, where there is evidence that the control is necessary. This will also ensure that the residential house meets the need identified for housing during the Plan period.

## Financial Intervention

- 5.9 Section 139 of the Housing Act (Wales) 2014<sup>13</sup> amends the Local Government Finance Act 1992<sup>14</sup> and enables a billing authority (County Council or County Borough Council) in Wales to remove any reduction given to long-term vacant dwellings and temporarily occupied dwellings and apply a higher amount of council tax (premium). The powers given to local authorities are discretionary.
- 5.10 Since 1 April 2017, local authorities have had the the ability to charge a premium of up to 100% of the standard rate of council tax on property where it is nobody's sole or main dwelling and

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13 [Housing Act \(Wales\) 2014](#)

14 [Local Government Finance Act 1992](#)

where the property has been furnished (second home) or unfurnished (long-term empty) for over 12 months. The previous Regulations gave the Council discretion to charge full Council Tax, or to allow a reduction of 25% or 50%, to second home classes, and to allow a reduction of 50% (or a reduction at a lower percentage), or no discount at all, on long-term empty properties that have been empty for six months or more.

- 5.11 In April 2018, Cyngor Gwynedd raised a premium of 50% on furnished property (class B) where it was nobody's sole or main dwelling, and 50% on unfurnished and unoccupied property where it was nobody's sole or main dwelling. Since April 2020, the premium rate in Gwynedd has risen to 100%.
- 5.12 The power was introduced for local authorities to increase the maximum premium charged to 300% from 1 April 2023 onwards through the Council Tax (Long Term Empty Dwellings and Dwellings Occupied Periodically) (Wales) Regulations 2022, which came into existence in March 2022 and which will come into force on 1 April 2023. This change is part of a wider package of changes, announced by the Welsh Government, as part of a wider commitment to tackle the problems of second homes and unaffordable housing facing many communities in Wales.
- 5.13 The discretion given to local authorities to raise a premium was intended to be a means of assisting local authorities to do the following:
- restore the use of long-term empty homes in order to provide safe, secure and affordable homes; and
  - assist local authorities to increase the supply of affordable housing and improve the sustainability of local communities.
- 5.14 Despite the fact that Local Authorities have the power to charge a premium on second homes, and the associated financial disadvantage for the owners of such properties, there is a general concern that properties let as self-catering holiday accommodation transfer to the non-domestic rate system, such as business property. Due to the availability of Small Business Rates Relief on Non-Domestic properties, they make no contribution to local taxes. Therefore, the tax income from these properties accumulates at a national level and is lost from the council tax income available to contribute directly to the budgetary requirements of the authorities concerned.
- 5.15 Property is listed for local tax purposes in one of two lists. Domestic property is banded and listed for Council Tax, where all other non-domestic properties have a Rateable Value, which is calculated and placed on the Non-Domestic Rate Schedule (colloquially referred to as Business

Rates). The Rateable Value and description of the property are calculated and determined by the Valuation Office, which is an agency of the Inland Revenue.

5.16 Since 1 April 2010 in Wales, property that is commercially available to let as self-catering holiday accommodation can be valued for non-domestic rates, provided that the Valuation Office Agency (VOA) is satisfied:

- That it will be available for commercial letting as self-catering accommodation for short periods totalling 140 days or more in the following 12 month period;
- that the taxpayer's interests in the property enable them to let it for such periods;
- in the 12 months before the assessment, it has been available for commercial letting as self-catering accommodation for short periods for a total of 140 days or more;
- the short periods it has been placed in trade have totalled at least 70 days during that period.

5.17 From 1 April 2016, the following criterion were added to the criteria:-

- by businesses that include a number of self-catering properties in the same location or very close to each other, the option to take an average of the number of let dates for the property to meet the criterion of 70 days, where they are let by the same business or related businesses

5.18 From 1 April 2023, these letting requirements for classifying self-contained properties as non-domestic properties are changing. The minimum number of days a property is required to be available for letting in a 12 month period will increase to 252 days and the minimum number of days it is actually required for let will increase to 182 days.

5.19 Non-Domestic Rates (NDR) have been fully devolved to Wales since April 2015. They are collected by Local Authorities and paid into a national 'pool' which is administered by the Welsh Government. They are redistributed to the Welsh Authorities through the Local Government Settlement formula, based on the population aged 18 and over, regardless of the amount of income raised by each Authority.

5.20 On 1 April 2018, a new permanent scheme came into effect from the Welsh Government, which provided business rates relief to eligible small businesses. Eligible businesses must comply with the following requirements:

- eligible business properties with a rateable value of up to £6,000 will receive 100% relief; and
- those with a rateable value of between £6,001 and £12,000 will receive rates relief on a tapered basis from 100% to zero

5.21 Rateable value is the value assigned to a non-domestic property by the Valuation Office Agency, and is based on the property's annual market rent, size and use. The Valuation Office Agency reviews these values every five years.

5.22 Small Business Rates Relief (SBRR) in Wales is fully funded by the Welsh Government and is the largest Non-Domestic Rates Relief scheme operating in Wales. It provides mandated property rate relief in accordance with their rateable value and their broad use category.

5.23 The financial taxation implications is one vehicle that can be used in order to gain control of the provision, together with being a means of accumulating funds in order to finance schemes that seek to mitigate the impact of and provide affordable housing within vulnerable communities. It is noted, however, and this point of view is recognised by the Government, that the taxation element is only one vehicle needing to be implemented, in conjunction with a range of other mechanisms in order to ensure their efficiency.

## Licensing

5.24 Local authorities in Wales have no powers to regulate short term holiday accommodation through a licensing procedure. There has been a call for the Government to introduce a statutory licensing/registration scheme for self-catering holiday accommodation providers.

5.25 It is considered that a compulsory licensing scheme for short-term holiday accommodation, let on a commercial basis (either permanently or occasionally), would be a means of regulating parts of the industry (such as private accommodation let through user websites) by addressing health and safety concerns and enabling local authorities to better understand how and where short term accommodation operates in their area. Furthermore, by having a compulsory licensing system, it would mean that information is gathered through a single data source in relation to the number of short term holiday accommodation within the authority's area. Having a complete data source would enable better control and clarity in relation to the number and concentration of holiday accommodation in specific areas.

5.26 As a result, local planning policies, through the Local Development Plan and associated Supplementary Planning Guidance, can address the issues associated with having high numbers of holiday accommodation in areas under pressure by implementing a policy that limits the number of short-term holiday accommodation, in a manner similar to the policy currently in

force in relation to Multiple Occupancy Houses within the Anglesey and Gwynedd Joint Local Development Plan.

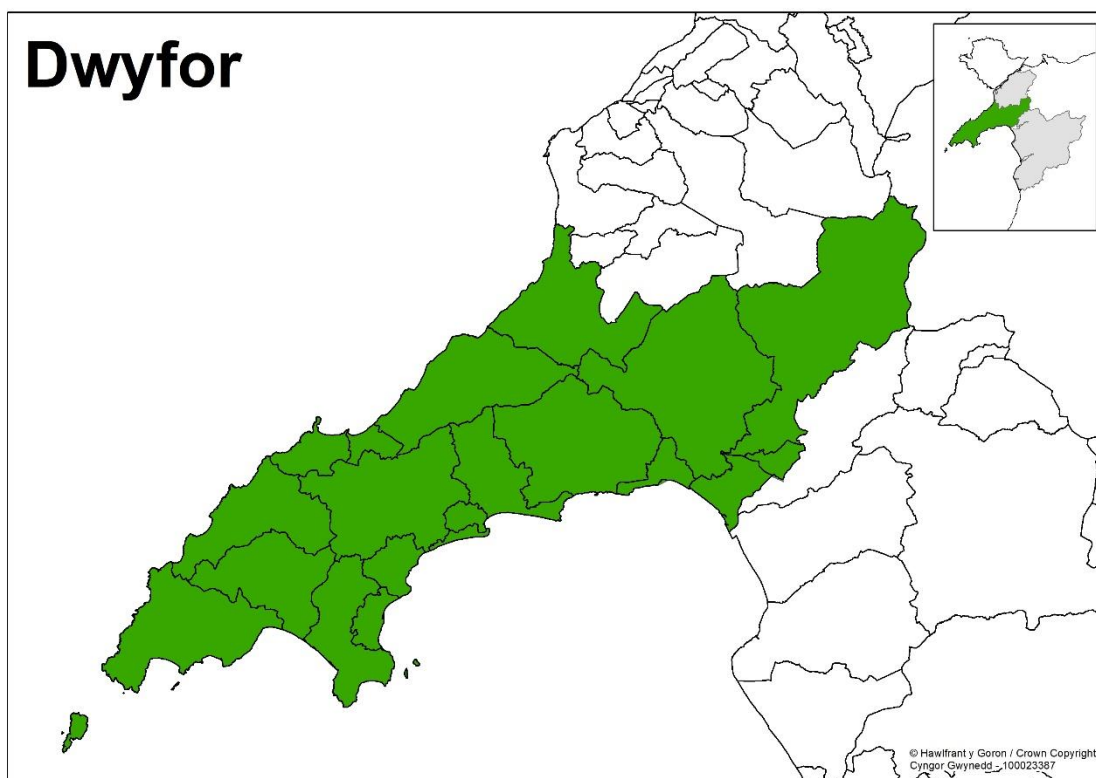
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## Part 6: Article 4 Direction Area Options

- 6.1 The evidence presented in this report highlights the need to act urgently, in order to try to reverse the side effects of holiday homes on communities and ensure fairness and opportunities for the residents of Gwynedd. With the change in the planning legislation, comes the power for Local Planning Authorities to respond in accordance with the local circumstances and concerns.
- 6.2 There is little guidance from the Government in relation to justifying the implementation of the Article 4 Direction. The legislative guidance in relation to the Article 4 Direction with immediate effect, states that Local Planning Authorities should only consider making Article 4 Directions in exceptional circumstances, when evidence suggests that exercising permitted development rights would have an adverse effect on local amenity or on the process of planning the area appropriately. The same guidance does not exist for following the Article 4 approach without immediate effect.
- 6.3 It is considered that there are 4 possible options in terms of areas where it is justifiable to consider implementing the Article 4 Direction, namely:-
- Option 1: Dwyfor (Government pilot area)
  - Option 2: Areas where the current provision of holiday homes is more than 15% of the housing stock
  - Option 3: Vulnerable Areas (areas under threat)
  - Option 4: The whole of Gwynedd
- 6.4 When considering these options a detailed assessment of the advantages and disadvantages will be carried out. Furthermore, consideration will need to be given to how the intervention will have a positive effect on the communities of Gwynedd, ensuring that it contributes to the wider objective of introducing the Direction.

### Option 1: Dwyfor

- 6.5 Traditionally, Dwyfor is the area with the highest number of holiday homes, and this is also the area where there has been the highest demand from local communities to take action. As a result, the Government chose the Dwyfor area as their pilot scheme area in order to implement measures that would address the impact that significant ownership of holiday homes has on communities.
- 6.6 The following map represents the geographical area of Dwyfor which extends from the head of Llŷn up to Eryri National Park:-



Map 10: Dwyfor Area

6.7 The following table presents information regarding the wards (before 2022) that make up the Dwyfor area, along with presenting information for the provision of holiday homes and measurable factors that are affected (affordability and the ability to speak Welsh) by holiday homes within those communities:-

Ward	% Holiday Homes (holiday accommodation and second homes)	Ranking in Gwynedd	% Welsh speakers	Ranking in Gwynedd	% Priced out of the market	Ranking in Gwynedd
Aberdaron	30.43%	4	74.2%	42	96.1	2
Abererch	5.31%	46	79.8%	59	80.3	15
Abersoch	54.08%	1	43.5%	9	96.1	1
Clynnog	13.16%	22	73.2%	38	69.0	40
Criccieth	18.16%	12	64.2%	26	86.0	9
Dolbenmaen	11.99%	26	67.6%	30	88.2	6
Efailnewydd/Buan	9.42%	33	74.3%	43	74.7	23
Llanaelhaearn	12.24%	23	73.8%	40	85.6	54

Llanbedrog	25.57%	7	54.0%	17	73.0	8
Llanengan	33.19%	3	63.4%	25	65.1	4
Llanystumdwy	10.08%	30	77.0%	51	70.8	25
Morfa Nefyn	28.19%	6	72.0%	35	68.0	13
Nefyn	17.42%	14	76.1%	50	60.5	41
Porthmadog (East)	4.26%	50	80.1%	60	76.9	35
Porthmadog (West)	28.88%	5	57.0%	20	80.2	19
Porthmadog- Tremadog	20.33%	9	66.8%	28	63.8	16
Pwllheli (North)	5.67%	42	79.1%	57	79.3	48
Pwllheli (South)	7.81%	38	78.3%	53	58.4	63
Tudweiliog	17.31%	15	73.9%	41	69.1	5

Table 8: Dwyfor area information (source Finance Department, Land Register, PayCheck, CACI)

- 6.8 For the measurable factors that are considered to be directly affected by a high density of holiday homes, the position (ranking) of the ward in question, in relation to all of Gwynedd, is noted. The position of the ward is highlighted in order to try to reflect whether the severity of the problem and the side effect is worse in the area in question or not.
- 6.9 It is emphasised that the above data is represented at ward level in order to be able to make a fair comparison with the factors that are being considered/assessed. That is, the data is assessed for the same geographical area.
- 6.10 Looking at the table above, it is highlighted that there are areas of Dwyfor that have exceptionally high rates of holiday homes, with 7 areas (Abersoch, Llanengan, Aberdaron, Porthmadog (West), Morfa Nefyn, Llanbedrog and Porthmadog-Tremadog) within the top 10 in Gwynedd. It is also noted that some of the areas, including areas in the heart of the Llŷn (Llannor and Pwllheli) have lower rates and are comparable with other areas in Gwynedd. In the same way, 7 of the wards are located in the top 10 in terms of the proportion of the population priced out of the market, with Abersoch, Aberdaron, Llanengan and Llanbedrog included in the top 10 areas with a high proportion of second homes and holiday accommodation.
- 6.10 Interestingly, only one area (Abersoch) is in the top 10 in terms of the lowest percentage of Welsh speakers in the county. Despite the fact that the situation of the Welsh language appears to be healthier in Dwyfor, compared to other areas of Gwynedd, which have a high density of second homes, it must be emphasised that Dwyfor is one of the strongholds of the Welsh language and, therefore, the situation of the language in comparison with other areas of



Gwynedd appears to be healthy. It is noted, however, when looking at the decline over the years, that it highlights the fact that the language is fragile there. In order to protect and ensure the prosperity of the language, it is considered necessary to make every possible attempt to ensure that the Welsh language is not further weakened. It is also worth noting that the Welsh language speakers' data is based on the 2011 Census data. Currently, it is not possible to compare data from the 2021 census with the other factors (priced out of the market) due to the ward boundary changes in Gwynedd.

- 6.11 It must be emphasised that the information presented above is based on ward area, before 2022. It is quite likely that there are pockets of areas within these areas where there is a higher concentration of holiday homes compared to the wider area .
- 6.12 If all of Dwyfor were to be included as the area where the Article 4 Direction is introduced, it is going to mean that some communities currently not facing high rates of holiday homes will be controlled and protected through the intervention. Furthermore, implementing it for Dwyfor alone would mean that there are other areas of Gwynedd that are under increasing pressure, being excluded from the intervention, despite the fact that it can be justified. Consideration must also be given to the fact that it is not possible to measure and predict the effect that the introduction of the Direction for Dwyfor alone would have on the surrounding and wider area, possibly causing further dispersion of the problem and the associated side effects.

### Option 2: 15%+ Community Council Areas

- 6.13 As already stated in part 4, the approach included in the Supplementary Planning Guidance: Tourism Facilities and Holiday Accommodation, in terms of considering the over-provision of holiday homes in communities, has recognised that there is a critical point in terms of the provision of holiday homes which affects the viability and sustainability of those communities. The threshold in terms of the provision included in the Supplementary Planning Guidance is 15%. This threshold means that applications for holiday accommodation in a community council area should not be given favorable consideration where the current provision of the housing stock used as holiday homes (holiday accommodation and second home) is beyond the 15 % threshold.
- 6.14 The table below conveys the information for the wards where the current housing stock provision is beyond the 15% threshold. Furthermore, information is presented regarding other factors affected in the context of Gwynedd as a whole:-

Ward	% Holiday Homes (holiday	Ranking in Gwynedd	% Welsh speakers	Ranking in Gwynedd	% Priced out of	Ranking in Gwynedd

	accommodation and second homes)				the market	
Abersoch	54.08%	1	43.5%	9	96.1	1
Aberdyfi	37.02%	2	35.5%	4	80.8	14
Llanengan	33.19%	3	63.4%	25	65.1	4
Aberdaron	30.43%	4	74.2%	42	96.1	2
Porthmadog (West)	28.88%	5	57.0%	20	80.2	19
Morfa Nefyn	28.19%	6	72.0%	35	68.0	13
Llanbedrog	25.57%	7	54.0%	17	73.0	8
Llanbedr	23.54%	8	50.8%	13	86.2	10
Porthmadog-Tremadog	20.33%	9	66.8%	28	63.8	16
Llangelynin	19.38%	10	35.9%	5	56.4	46
Harlech	19.34%	11	54.1%	18	65.2	69
Criccieth	18.16%	12	64.2%	26	86.0	9
Barmouth	17.78%	13	41.5%	8	69.5	37
Nefyn	17.42%	14	76.1%	50	60.5	41
Tudweiliog	17.31%	15	73.9%	41	69.1	5
Brithdir and Llanfachreth/Ganllwyd/Llanelltyd	17.26%	16	63.2%	24	76.4	20
Bryn-crug/Llanfihangel	15.58%	17	52.1%	15	71.2	29

Table 9: 15%+ Community/Town/City Council area information (source Finance Department, Land Register, PayCheck, CACI)

6.15 In the same way as the assessment carried out for the Dwyfor area, there seems to be a more obvious connection between the provision of holiday homes and the percentage of households that are priced out of the market. By introducing the Article 4 Direction for areas that are currently under pressure, it is hoped that it would be a means of controlling the housing market within those communities. It is also hoped that the intervention would, in turn, lead to holiday homes coming back into use as permanent residential houses, contributing to the stock and provision of houses that would be available within as a main place of residence for the local population. However, as already stated, when considering introducing the intervention for the

Dwyfor area alone, it is difficult to predict what the impact of the intervention will be on the wider housing market. However, it is considered possible to predict that there would be more demand for holiday homes in those areas not facing the intervention. In turn, that would impact on the housing market, pushing house prices out of the reach of the local population.

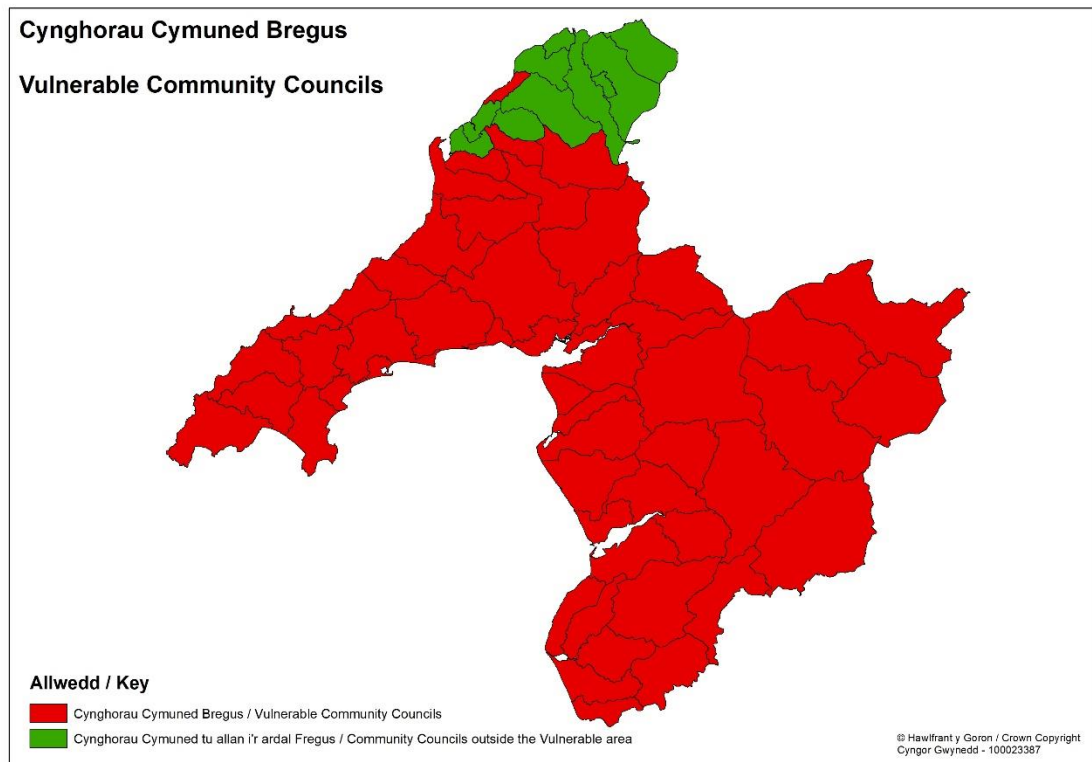
- 6.16 Another concern in relation to action for 15%+ communities is the fact that the figure and the threshold are based on a specific point in time. For example, an area may have provision that is beyond the 15% threshold when the Article 4 Direction is implemented, however, with time the figure could fall, meaning that the community would be below the threshold. With the changes in the pipeline in relation to the requirements in order to qualify to pay non-domestic business rates and the possibility of raising the premium for second homes, it is expected that there will be a reduction in the number of residential units used for holiday purposes. Due to the procedure and process associated with the introduction of the Article 4 Direction, it is not possible to be responsive to these changes and, therefore, it could mean that the intervention is in effect in areas of Gwynedd where the density is not as high as other areas that are possibly on the rise.

### Option 3: Vulnerable Areas

- 6.17 The assessment presented above in relation to Option 1 (Dwyfor) and Option 2 (15%+ Community Council Areas) highlights the concerns associated with introducing the Direction for a specific area and the implications/side effect that that could then have on the surrounding wider area.
- 6.18 There are areas of Gwynedd, where the numbers of second homes and holiday accommodation do not appear high on the surface, however, the numbers are increasing, meaning that a tipping point is likely to be reached, adversely affecting those communities, in the same way as what has been seen and witnessed in other areas.
- 6.19 As the transfer in use from a residential house to the use of a holiday home (second home or holiday accommodation) can happen easily and as the process of introducing the Article 4 Direction is one where it is necessary to follow a prescriptive procedure and obtain the Authority's approval, it does not enable flexibility to respond quickly to any change in circumstances.
- 6.20 In order to provide some flexibility and to try to predict what the future patterns will be in terms of numbers and the associated threat, it is considered appropriate to assess the appropriateness of implementing the Article 4 Direction for Vulnerable Areas. Areas are defined in accordance with the following qualities:-

- Dwyfor Pilot Area (Option 1);
- Provision of second homes and holiday accommodation (15% Community Council areas) which have been considered in Option 2;
- Areas threatened in terms of numbers, i.e. those areas where the current provision is above 10% of the housing stock;
- Areas adjacent to 15% Community Councils (threat of spread from the areas under pressure)

6.21 The map below highlights the area that would be included as an Option 3 area: Vulnerable Areas:-



Map 11: Vulnerable Areas

6.22 Note from the map that Dwyfor and Meirionnydd as a whole would be included within the area, along with those areas of Arfon which border Eryri National Park. The areas exempted would be the urban areas of Arfon and the surrounding communities.

#### Option 4: The whole of Gwynedd (Gwynedd Local Planning Authority Area)

6.23 It is recognised that there are areas of Gwynedd where the provision of holiday homes is relatively low. It is noted, however, that there is an increase in the number of holiday homes in the less traditional areas, such as urban areas. It is considered that this pattern has possibly been

attributed to the fact that there are more houses and choice available to buy in these areas and, therefore, the prices are lower. Furthermore, urban areas are locations that are attractive in terms of their accessibility to wider areas of England and Wales.

- 6.24 It is emphasised that the objective of implementing the Article 4 Direction would be to protect the communities of Gwynedd and the benefits of the people of Gwynedd, ensuring that opportunities exist for people to be able to live in their communities. Protecting the existing housing stock by controlling use is part of this wider objective.
- 6.25 The lack of certainty regarding the implications of the Article 4 Direction and the lack of ability to be responsive to changes in circumstances causes concern. For example, if the Direction were implemented for an area of Gwynedd alone, there is a chance that that action would have an adverse effect on the neighbouring housing market, as well as the type of side effects mentioned in part 4 of the report. The process of preparing an Article 4 Direction in response to such circumstances would take too much time, considering the need to give 12 months' notice before action can be taken to avoid requests for compensation. It is, therefore, considered that there is a real threat to the housing market and to neighbouring communities.
- 6.26 Although, on the surface, second homes and holiday accommodation do not have a typical effect on communities across all of Gwynedd, protecting Gwynedd's communities and the long-term ability of the county's residents and future generations to be able to live in the county is essential. Therefore, in essence, it is considered that protecting the current housing stock across the Gwynedd Local Planning Authority area is essential in order to be able to plan ahead for future needs.

## Part 7: Conclusions

### The Favoured Option

- 7.1 As the implementation of the Article 4 Direction in this manner is unprecedented, it is not possible to predict or measure the implications that could arise from its implementation. Inevitably, it is likely that intervention by introducing an Article 4 Direction and, therefore, controlling the use made of residential units, would have a (possibly minimal) effect on the value of the property on the open market. It was noted in part 5 that research carried out in Northumberland in relation to the implementation of a main place of residence condition on new houses, found that a property with a main place of residence condition on it, would be equivalent to 95% of its value on the open market. Therefore, it is inevitable that the Article 4 Direction would have a similar effect on house prices.
- 7.2 Another effect is the possible increase in the ownership of holiday homes in those areas not restricted by the Direction, meaning that the problem moves from one area to another. This can be a real threat to the communities affected.
- 7.3 Because an Article 4 Direction would revoke the unrestricted ability to use a house for holiday purposes, it is possible that this could have an impact on the tourism sector. However, it is noted that housing already in holiday use when the new legislation was introduced will be defined according to the use and as such the holiday use can continue without any intervention. Further, it is emphasised that the Article 4 Direction would be a control mechanism, not a prevention mechanism. Ensuring that the local planning policy framework is fit for purpose and supports a sustainable tourism sector will be vitally important in considering any future provision.
- 7.4 The current housing situation in Gwynedd is critical. On average, 65.5% of the population have been priced out of the housing market. It was noted in Part 1 of the paper that a number of national and local policy guidance and strategies attempt to address the lack of provision of affordable housing and people's ability to live in their communities, reversing the social inequality that currently exists.
- 7.5 It was highlighted in Part 4 that there is a correlation between the provision of holiday homes and affordability. It is, therefore, considered reasonable to conclude that the provision of holiday homes is one of the factors that contribute towards affordability problems in communities and people's ability to own houses.

- 7.6 The Council's commitment to respond to the challenges facing communities with a high density of holiday homes is reflected in the approach in terms of the taxation procedure. Following the power to be able to increase the Council tax premium by up to 300% from April 2023 onwards, the Council has decided to raise the premium rate from the current 100% to a rate of 150% from April 2023 onwards. This decision is justified after considering local factors affecting the housing market and the availability of homes (specifically second homes and holiday accommodation). Furthermore, increasing the premium means that it is possible to finance a range of projects in the Council's Housing Action Plan (in line with an increase in inflation).
- 7.7 In order to try to gain control over the use made of residential houses and, thereby, ensuring an appropriate provision of houses available to meet local needs, it is considered appropriate that the housing stock of the whole county of Gwynedd (which includes the entire Gwynedd Local Planning Authority area) needs to be protected through the introduction of the Article 4 Direction. By introducing the Article 4 Direction for the whole area, it ensures that the amenities of the county's residents are protected, as well as ensuring that the vision and objectives of a range of relevant strategies and policies receive consideration when assessing the appropriateness of the prospective development (in accordance with local planning policy guidance). It is further noted that this handling of the presentation of the Article 4 Direction would ensure that there is no doubt about the geographical area where the intervention is carried out and ensure that the residents of the entire county are subject to the same intervention/protection.
- 7.8 Following the analysis of the options discussed in Part 6 of the paper, it is noted that the preferred option in terms of introducing the Article 4 Direction is **Option 4: The whole of Gwynedd (Gwynedd Local Planning Authority Area)**. It is hoped that, by acting in this way, it will protect the vulnerable communities of Gwynedd in terms of their social, economic and cultural sustainability.

### Approach of the Article 4 Direction

- 7.9 Procedures set out in legislation must be followed when introducing and implementing an Article 4 Direction. The procedure is set out in the Town and Country Planning Act (General Permitted Development) 1995 as amended. In accordance with the recent amendment to the relevant legislation, it is possible to present two types of Article 4 Direction, namely:-
- A Direction that comes into force directly, which means that the Article 4 Direction comes into force before public consultation.

- A Direction that does not come into force directly, which means that there is a public consultation before the Article 4 Direction comes into force.

7.10 It is considered that there are advantages and disadvantages associated with both approaches. It is emphasised that the right to compensation payable in relation to the Article 4 Direction with immediate effect, is a significant risk for the Authority. In accordance with the need to avoid having to pay compensation, it is considered that the option of implementing an Article 4 Direction without immediate effect and which includes a 12 months notice period before the Article 4 Direction comes into force (which revokes the right to compensation), is the appropriate option to take in order to protect the Council's interests.

### Scope of the Article 4 Direction

7.11 In order to protect the communities of Gwynedd and ensure that the housing stock is not lost without control to holiday use, it is considered appropriate that the Article 4 Direction removes development rights that allows a change of use from use class C3 to C5 and C6. Similarly, in order to facilitate the ability for second homes and short-term holiday accommodation (which are not restricted through planning permission) to transfer back to the housing stock, it is not considered appropriate to interfere with the ability to do so by introducing the Article 4 Direction. The unrestricted transfer of C5 to C6 use will, therefore, be able to continue.

7.12 The following table presents information in terms of the scope of the Article 4 Direction and the permitted development rights intended to be revoked:-

Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
Class C3 (Dwellinghouses used as sole or main residences)	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to protect and gain control of the existing housing stock.
	Class C6 (Short-term lets)	✓	In order to protect and gain control of the existing housing stock.
	Mixed use combining Class C3 (Dwellinghouses used	✓	In order to protect and gain control of the existing housing stock.



Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
	as sole or main residences) with Class C6 (short-term lets)		
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) with Class C6 (short-term lets)	✓	In order to protect and gain control of the existing housing stock.
Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	Class C3 (Dwellinghouses used as sole or main residences)	×	Need to encourage the transfer back to use as a main place of residence.
	Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) with Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C3 (Dwellinghouses used as sole or main	✓	Need to consider the current provision of holiday accommodation and consider the impact of the

Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
	residences) with Class C6 (short-term lets)		proposal on the amenities of nearby residents.
Class C6 (short-term lets)	Class C3 (Dwellinghouses used as sole or main residences)	×	Need to encourage the transfer back to use as a main place of residence.
	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.
	Mixed use combining Class C3 (Dwellinghouses used as sole or main residences) with Class C6 (short-term lets)	×	Need to encourage the transfer back to use as a main place of residence.
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) Class C6 (short-term lets)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.
Mixed use combining Class C3 (Dwellinghouses	Class C3 (Dwellinghouses used as sole or main residences)	×	Need to encourage the transfer back to use as a main place of residence.

Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
used as sole or main residences) with Class C6 (short-term lets)	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.
	Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences) Class C6 (short-term lets)	✓	In order to try to ensure that there is control of the use, and to encourage the transfer to use as a main place of residence.  Further, there is a need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
Mixed use combining Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	Class C3 (Dwellinghouses used as sole or main residences)	x	Need to encourage the transfer back to use as a main place of residence.
	Class C5 (Dwellinghouses, used otherwise than as sole or main residences)	✓	In order to try to ensure that there is control of the use, and to encourage the

Use Class	Use Class Proposed change	Restriction by way of Article 4 Direction?	Explanation
Class C6 (short-term lets)			transfer to use as a main place of residence.
	Class C6 (short-term lets)	✓	Need to consider the current provision of holiday accommodation and consider the impact of the proposal on the amenities of nearby residents.
	Mixed use combining Class C3 (Dwellinghouses used as sole or main residences) with Class C6 (short-term lets)	×	Need to encourage the transfer back to use as a main place of residence.

Table 10: Revocation of Permitted Development Rights



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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2022 Rhif 994 (Cy. 211)**

**2022 No. 994 (W. 211)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2022

The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2022

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987 (O.S. 1987/764) ("y Gorchymyn Dosbarthiadau Defnydd").

Mae'r Gorchymyn Dosbarthiadau Defnydd yn pennu dosbarthiadau defnydd adeiladau neu dir arall at ddibenion adran 55(2)(f) o Ddeddf Cynllunio Gwlad a Thref 1990. Mae adran 55(2)(f) yn darparu nad datblygiad yw newid defnydd pan fo'r defnydd blaenorol a'r defnydd newydd o fewn yr un dosbarth. Nid oes angen caniatâd cynllunio ar newidiadau defnydd nad ydynt i'w hystyried fel eu bod yn cynnwys datblygiad.

Mae erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd yn rhestru defnyddiau sydd wedi eu heithrio o'r dosbarthiadau defnydd a nodir yn yr Atodlen i'r Gorchymyn hwnnw. Mae erthygl 2(2) yn diwygio erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd er mwyn cynnwys swyddfeydd betio ar y rhestr honno. Mae erthygl 2(3) yn hepgor swyddfeydd betio o ddsbarth defnydd A2.

Mae erthygl 2(4)(c) yn cyfyngu dosbarth defnydd C3 i ddefnyddio tŷ annedd fel unig breswylfa neu brif breswylfa a feddiannir am fwy na 183 o ddiwrnodau mewn blwyddyn galendr.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) ("the Use Classes Order").

The Use Classes Order specifies classes of use of buildings or other land for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990. Section 55(2)(f) provides that a change of use is not development where the former use and the new use are both within the same class. Changes of use which are not to be taken to involve development do not require planning permission.

Article 3(6) of the Use Classes Order lists uses which are excluded from the classes of use set out in the Schedule to that Order. Article 2(2) amends Article 3(6) of the Use Classes Order to include betting offices in that list. Article 2(3) removes betting offices from use class A2.

Article 2(4)(c) limits use class C3 to use of a dwellinghouse as a sole or main residence and occupied for more than 183 days in a calendar year.

Mae erthygl 2(4)(e) yn cyflwyno dosbarth defnydd newydd C5 sy'n cwmpasu defnyddio tŷ annedd heblaw am fel unig breswylfa neu brif breswylfa a feddiannir am 183 o ddiwrnodau neu lai mewn blwyddyn galendr.

Mae erthygl 2(4)(f) yn cyflwyno dosbarth defnydd newydd C6 sy'n cwmpasu defnyddio tŷ annedd at ddibenion gosod byrdymor masnachol am ddim hwy nag 31 o ddiwrnodau ar gyfer pob cyfnod meddiannu.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Is adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

Article 2(4)(e) introduces a new use class C5 which covers use of a dwellinghouse other than as a sole or main residence and occupied for 183 days or fewer in a calendar year.

Article 2(4)(f) introduces a new use class C6 which covers use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Planning Division of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

**2022 Rhif 994 (Cy. 211)**

**2022 No. 994 (W. 211)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2022

The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2022

*Gwnaed* 26 Medi 2022  
*Yn dod i rym* 20 Hydref 2022

*Made* 26 September 2022  
*Coming into force* 20 October 2022

Mae Gweinidogion Cymru, drwy arfer eu pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 55(2)(f) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac sy'n arferadwy bellach ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of their powers conferred on the Secretary of State by sections 55(2)(f) and 333(7) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Order.

**Enwi, cychwyn a chymhwys**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) (Diwygio) (Cymru) 2022 a daw i rym ar 20 Hydref 2022.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Title, commencement and application**

1.—(1) The title of this Order is the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 and it comes into force on 20 October 2022.

(2) This Order applies in relation to Wales.

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(1) 1990 p. 8.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 55 ac adran 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo: *gweler* y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p. 8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi, ac mae'r swyddogaethau hynny yn swyddogaethau perthnasol fel y'u diffinnir ym mharagraff 30(2).

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(1) 1990 c. 8.

(2) The functions of the Secretary of State under section 55 and section 333(7) of the Town and Country Planning Act 1990 (c. 8) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): *see* the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant functions as defined in paragraph 30(2).

## **Diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987**

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987(1) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 3(6)(j) mewnosoder—

“(k) as a betting office.”

(3) Yn Rhan A o'r Atodlen, ym mharagraff (c) o Ddosbarth A2 (gwasanaethau ariannol a phroffesiynol) hepgorer—

“(including use as a betting office)”.

(4) Yn Rhan C o'r Atodlen—

(a) yn Nosbarth C2, yn lle “class C3 (dwelling houses)” rhodder “Class C3. Dwellinghouses, used as sole or main residences”;

(b) ym mhennawd Dosbarth C3, yn lle “Dwellinghouses”, rhodder “Dwellinghouses, used as sole or main residences”;

(c) yn Nosbarth C3 yn lle “(whether or not as a sole or main residence)” rhodder “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) yn “Interpretation of Class C3”—

(i) ar ôl “C3” hepgorer “(a)”;

(ii) ar ôl “Housing Act 2004.” mewnosoder—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person's occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) ar ôl Dosbarth C4 mewnosoder—

### **“Class C5. Dwellinghouses, used otherwise than as sole or main residences**

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer by—

(a) a single person or by people to be regarded as forming a single household,

(b) not more than six residents living together as a single household where care is provided for residents, or

## **Amendment of the Town and Country Planning (Use Classes) Order 1987**

2.—(1) The Town and Country Planning (Use Classes) Order 1987(1) is amended as follows.

(2) After article 3(6)(j) insert—

“(k) as a betting office.”

(3) In Part A of the Schedule, in paragraph (c) of Class A2 (financial and professional services) omit—

“(including use as a betting office)”.

(4) In Part C of the Schedule—

(a) in Class C2, for “class C3 (dwelling houses)” substitute “Class C3. Dwellinghouses, used as sole or main residences”;

(b) in the heading of Class C3, for “Dwellinghouses”, substitute “Dwellinghouses, used as sole or main residences”;

(c) in Class C3 for “(whether or not as a sole or main residence)” substitute “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) in “Interpretation of Class C3”—

(i) after “C3” omit “(a)”;

(ii) after “Housing Act 2004.” insert—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person's occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) after Class C4 insert—

### **“Class C5. Dwellinghouses, used otherwise than as sole or main residences**

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer by—

(a) a single person or by people to be regarded as forming a single household,

(b) not more than six residents living together as a single household where care is provided for residents, or

---

(1) O.S. 1987/764 a ddiwygiwyd gan O.S. 2011/988 ac O.S. 2016/28 (Cy. 10). Nid yw'r diwygiadau eraill yn berthnasol i'r Gorchymyn hwn.

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(1) S.I. 1987/764 amended by S.I. 2011/988 and S.I. 2016/28 (W. 10). Other amendments are not relevant to this Order.



- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

#### **Interpretation of Class C5**

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) ar ôl Dosbarth C5 mewnosoder—

#### **“Class C6. Short-term lets**

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

#### **Interpretation of Class C5**

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) after Class C5 insert—

#### **“Class C6. Short-term lets**

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
26 Medi 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin

Minister for Climate Change, one of the Welsh  
Ministers  
26 September 2022

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# Senior Planning Officer: Second Homes and Short-term Holiday Lets Recruitment Pack



Llywodraeth Cymru  
Welsh Government

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CYNGOR  
GWYNEDD

# Welcome

Thank you for showing an interest in applying for this important position.

Gwynedd is a special county, and the Council is keen to see our communities and the people of the county flourish.

As part of this ambition, the Council is committed to ensuring that the people of Gwynedd have access to suitable housing in their communities.

Cyngor Gwynedd has carried out detailed research on managing the use of houses as holiday homes which highlighted the seriousness of the problem. Recommendations were presented to the Government which included changing planning legislation to obtain better control of the situation.

Since then, the Government has consulted and has now introduced changes to legislation and planning policy to help manage the impact of second homes and short-term holiday accommodation.

This means that it is possible, where there is evidence, for councils to establish an Article 4 Direction. This means that it would be necessary to submit a planning application to change the use of a property to a second home or short-term holiday accommodation.

As this change is unprecedented, the Welsh Government is committed to supporting the work in the Dwyfor Pilot area and the Council is in the process of establishing a specific unit that will be responsible for introducing and implementing these innovative changes in the Authority's Planning area.



# Job Advertisement: Senior Planning Officer (Second Homes and Short-term Holiday Lets)

**£xxxxxx - £xxxxxx along with Local Authority pension contribution**

Cyngor Gwynedd is establishing a new specific unit that will deal with the new duties brought about by the implementation of Article 4 Direction in the Authority area.

Gwynedd will likely be the first council in Wales to implement the innovative changes in the planning field. As a member of this new team, we are keen to appoint an individual who will be able to make a contribution to the work for the benefit of the communities of Gwynedd.

This role will relate to all planning aspects in relation to second homes and short-term holiday lets in the Gwynedd Planning Authority area.

All details of the position, other background details, and details about how to apply can be found on the Council's website [www.gwynedd.llyw.cymru/jobs](http://www.gwynedd.llyw.cymru/jobs)

In the meantime, if you would like an informal chat about any aspect of the role, please contact Gareth Jones, Assistant Head of the Environment Department by emailing [xxxxxxxxxx@gwynedd.llyw.cymru](mailto:xxxxxxxxxx@gwynedd.llyw.cymru) in the first instance.

We look forward to receiving your application.

**Closing date:** xxxxxxxx



# Job Description

## **PURPOSE OF THE POST**

- Ensure that the people of Gwynedd are at the centre of everything we do.
- Providing a planning service for Cyngor Gwynedd's planning authority area.

## **RESPONSIBILITY FOR RESOURCES (e.g. staff, finance, equipment)**

- Carry out duties related to providing an effective planning service.
- Mentor and offer guidance to the Planning Officers.
- Responsibility for personal computer equipment.



# Job Description

## MAIN DUTIES

- Carry out development management and compliance duties including dealing with requests for advice and significant or complex planning requests, preparing reports to the Planning Committee and delegated reports.
- Process planning applications and requests for advice before submitting an application effectively and efficiently in accordance with statutory needs and local policies and guidelines.
- Represent the Planning Service and present reports in planning committees, planning visits and relevant meetings as required.
- Prepare statements and reports for planning appeals and represent the Authority as a professional witness in appeals, hearings and public inquiries including significant or complex planning applications.
- Investigate cases of non-compliance with planning regulations / laws which include those that are complex in nature and contentious.
- Deal with and contribute to the work of handling enforcement cases and appeals as necessary to include preparing reports on representing the Authority as a professional witness in appeals, hearings, investigations and court cases.



## MAIN DUTIES (continued)

- Provide professional advice and guidance to developers, the public and all other users of the planning service.
- Ensure a close working relationship with Local Members and City / Town / Community Councils and offer guidance on planning matters as necessary.
- To ensure sustainable and quality new developments in order to contribute to protecting and improving the natural and built environment and the aim of creating sustainable communities.
- In consultation with the Planning Policy Manager, Planning Manager (Development Management and Compliance) and the Assistant Head, contribute to the work of the Planning Policy Service in preparing a new Local Development Plan for the Gwynedd planning authority area, to ensure a Plan that complies with the statutory requirements and address the needs of the communities in the area socially, economically and environmentally for the future. This may include preparing complex planning work for:
  - evidence base for text papers
  - documents and presentations for the statutory public consultations as well as briefing sessions for Elected Members
  - evidence for submission to the public examination
- Contribute to the preparation of any revised / new Supplementary Planning Guidelines to support the policies of the current Joint Local Development Plan and the new Plan.
- Contribute to the process of preparing policy documents and other strategies by offering guidance on the suitability of sites.



## **MAIN DUTIES (continued)**

- Work closely with the Planning Policy Service on proposals and planning applications, which include plans that are significant or complex in nature, as well as with planning appeals and enforcement.
- Contribute to projects and research work that is a high priority for the Council and represent Gwynedd on project teams and county, cross-county, regional and national meetings, which touch on the area of work and duties the Team.
- Delegate on behalf of the Development Management or Enforcement Team Leaders on issues relevant to the Teams / Service.
- Assist the Development Management or Enforcement Team Leaders to ensure that the duties of the Service are implemented effectively.
- Contribute towards the performance of the Service in accordance with the Council's corporate arrangements.
- Act in accordance with principles established in relevant laws (e.g. Health and Safety, Well-being and Future Generations Act, Social Services and Well-being Act, Data Protection Act) and adhere to them.

## **SPECIAL CIRCUMSTANCES (e.g. the need to work unsociable hours, special working arrangements, etc.)**

- Meetings outside normal working hours occasionally.





# Person Specification

## Personal Attributes

### Essential:

A welcoming personality.

An eye for detail and accuracy.

Honesty, self-confidence, decisive and flexible.

Ability to accept responsibilities and to communicate effectively.

Ability to work under pressure and as part of a team.

The ability to inspire and manage staff effectively.

Dedicated to delivering good customer service and always looking for ways to improve the service.

An individual who conveys enthusiasm about the work.

Have a clean and valid driving license along with use of a car.

## Relevant Qualifications and Training

### Essential:

A degree or similar qualification in Town and Country Planning or in a specialist subject relevant to the Service's field of work.

### Desirable:

A postgraduate qualification in a relevant subject.

Membership of the RTPI or RIBA or of another relevant professional association or body.



# Person Specification (continued)

## Relevant Experience

### Essential:

Worked for at least 2 years in the planning field with Development Management and or Planning Compliance work.

Dealt with a variety of planning applications including complex and contentious applications.

Negotiate, discuss and offer advice to relevant individuals and customers on development management issues.

Prepared reports to, and present reports / information to planning committees.

Presented evidence in appeals.

Dealt with planning compliance issues.

### Desirable:

Manage staff.

Giving evidence at a public inquiry.

Working in the planning policy area.

Working in Local Government.

Work to tight schedules and under pressure.

Contribute to the process of monitoring and managing performance.

Collaborate with various officers and Elected Members.

## Skills and Knowledge

### Essential:

Detailed knowledge and understanding of Planning Acts, Environmental Acts, Regulations and relevant policies.

A thorough understanding of work processes in the field of Development Management.

The ability to provide guidance to customers on planning matters in a clear and firm manner, and to provide policy guidance on issues of development mand enforcement.

Strong verbal and written communication skills.

Relevant skills for preparing and presenting reports.

Understanding of Local Government work arrangements.

Ability to use computer packages.

### Desirable:

Knowledge of the area and the dedication to protect and improve the urban and rural environment.

Understanding of GIS software.

Understanding of various other computer packages.

# Person Specification (continued)

## Language Requirements

### Listening and Speaking

Able to confidently present all aspects of the post verbally in both Welsh and English.

### Reading and Comprehension

Able to use and correctly interpret any information from various sources to carry out all aspects of the job.

### Writing

Able to present written information with confidence in the form of a letter and report and respond to written requests conveying information, opinions and ideas clearly and in a manner that is suitable for the audience. (Assistance is available to check the language.)



# Timetable and application process

To apply for the post, go to [www.gwynedd.llyw.cymru/jobs](http://www.gwynedd.llyw.cymru/jobs)

We ask that you review the Job Description and Person Specification and complete your application in accordance with the requirements.

Applications should be submitted by XXXX 2023, with interviews to be held on a date to be decided shortly afterwards.

Contact Gareth Jones, Assistant Head of the Environment Department by emailing [xxxxxxxxx@gwynedd.llyw.cymru](mailto:xxxxxxxxx@gwynedd.llyw.cymru) if you would like a conversation to discuss the post.

If you have any questions about the process, contact [DesgAdnoddauDynol@gwynedd.llyw.cymru](mailto:DesgAdnoddauDynol@gwynedd.llyw.cymru)



Llywodraeth Cymru  
Welsh Government

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# Agenda Item 6

<b>Committee</b>	Communities Scrutiny Committee
<b>Date</b>	9 March 2023
<b>Title</b>	Street Cleanliness
<b>Cabinet Member</b>	Councillor Berwyn Parry Jones
<b>Author</b>	Steffan Jones, Head of Highways, Engineering and YGC (Gwynedd Consultancy)
<b>Purpose</b>	Ensure Clean and Tidy Communities

## 1. Introduction

- 1.1 We recognise the importance of creating a feeling of pride in our surroundings by ensuring that the communities of Gwynedd are clean and tidy. A poor-quality local environment has negative, far-reaching effects. It affects well-being, prevents people from using green spaces and it is even associated with higher rates of offending and anti-social behaviour, and it also affects the economy and tourism.
- 1.2 As part of the Environmental Protection Act 1990, the Council has a statutory duty to ensure that main roads and other public spaces are free of litter. In order to secure high standards of cleanliness, we provide a wide range of services which ensures that our streets and public open spaces are clean.
- 1.3 This report will outline the main developments from the smart bins pilot, the street cleaning vision and the progress made after the Tîm Tacluso 'Ardal Ni' were founded.

## 2. Background and Current Situation

### 2.1. Street Cleaning

2.1.1 Street cleaning is something that happens throughout the year and the activities include:

- clearing litter
- disposing of dead animals
- cleaning dog-fouling
- removing anything that has been fly-tipped
- emptying litter bins and dog fouling bins
- removing anything else that has been discarded
- cleaning public places - cyclic routes
- sweeping roads and pavements - cyclic routes.

- 2.1.2 The Service cleans all public sites and adopted roads that are managed by the Council. Areas have been split into zones according to their use. The High-use zones are the town centres mainly; the Medium-use zones comprise of residential areas mainly, whilst the Low-use zones comprise the less intensive areas which include rural County roads.
- 2.1.3 In the past, the elements of street-sweeping and the emptying of public waste bins were incorporated in the Waste Collection and Recycling Service, with one manager responsible for all the activities and the internal business units providing additional services. Following the Cabinet's decision in September 2022 to transfer the elements of collecting, recycling and handling waste to the Environment Department, the Street Cleaning Service stood independently.
- 2.1.4 This reorganisation gave the Department the opportunity to explore how all Street Cleaning Services are operated in practice. As a result, a high-level review of the Service's activities was carried out to identify the barriers to running it effectively and efficiently, and to offer recommendations for improvements going forward.
- 2.1.5 Back in January last year, we reported that our cleaning rotas and routes required updating in order to respond to the additional pressures in light of increased tourism but also alternative arrangements of collecting waste.
- 2.1.6 As well as raising a number of other matters, the review confirmed the need to review the current street-cleaning and bin collection routes in order to determine whether they are fit for purpose or if financial and efficiency savings can be made. Work has already begun on re-examining these routes.
- 2.1.7 Our work team is to be commended for their dedication and for the work that is carried out by them. However, we have identified a weakness in communication with the team, and this will be addressed in order to ensure that they have input on any proposed changes.

## **2.2 Tîm Tacluso 'Ardal Nî'**

- 2.2.1 As a department, our priority is to ensure Clean and Tidy Communities. We have five 'Tîm Tacluso' in operation since September last year, and they undertake work that contributes to improving the appearance of our streets and environment.
- 2.2.2 We are pleased to report that the Teams are busy enhancing our County and making a visible difference.
- 2.2.3 In order to realise what was promised within our Cabinet report and make the best use of IT, we have introduced a digital form in FFOS for receiving requests for work from local members. We have received several requests and the Project Officer/Team Leader is responsible for responding to them and forwarding them to the relevant Teams' portable tablets. The portable tablets enable the teams to update the requests and attach photographs of their work whilst out working within our communities.
- 2.2.4 There is a new development taking place within the members' portal which is a 'hub' for the Teams. The FFOS form will be uploaded there as well as the teams' routes on an interactive map. We intend to add to this hub by uploading a customer satisfaction questionnaire together with photos/details of the teams' work.

- 2.2.5 The work of the teams will go a step further than the department's maintenance work and will focus on deep cleaning. To realise this, a specialist street-cleaning and gum removal machine and specialist graffiti removal equipment will be purchased.
- 2.2.6 They currently use diesel vehicles to transport their equipment and materials. However, there are plans afoot to replace these with bespoke electric vehicles.
- 2.2.7 Since the Teams were introduced, we have been promoting their work on social media. We intend to expand on this work in order to demonstrate the value of the Teams and the difference they make within our communities.

### **2.3 Street Services – Street Cleanliness / Smart Bins Trial**

- 2.3.1 Litter accumulates in the different zones over various timeframes. An area's cleanliness is assessed against a standard as noted below:
- Grade A – no litter or refuse
  - Grade B – predominantly free of litter and refuse apart from some small items
  - Grade B+ – no more than three small items of litter
  - Grade C – widespread distribution of litter and/or refuse with minor accumulations
  - Grade D – heavily affected by litter and/or refuse with significant accumulations.
- 2.3.2 The results of an independent survey by Keep Wales Tidy were received which show what percentage of the County's streets are clean in comparison with the national figure. As part of the 2022/23 survey, 141 individual cross-sections were examined. Grade B or higher was awarded to 95% of these streets, namely streets deemed as having an acceptable level of cleanliness by the public.
- 2.3.3 In order to secure high standards of cleanliness, we invested in sensors and smart bins to experiment with modern technology. As part of this trial, five 'Brighter Bins' sensors were installed which monitor the capacity of our bins. These sensors are very useful in that they create an automatic request for work for the unit when the bins require emptying. In addition, five smart bins were purchased through the 'Caru Cymru' grant last year. These bins operate on solar energy, and they compact the contents between 7 and 10 times before sending out a sensor message to inform the works unit that the bin is full.
- 2.3.4 Several of these types of bins would reduce the need to empty bins as frequently. Therefore, we hope to add to the numbers of smart bins in future and look at replacing all the bins in one town/village in order to measure their efficiency.
- 2.3.5 There will also be an emphasis on introducing recycling bins on the street so as to ensure we give the residents and visitors of Gwynedd the opportunity to recycle while out in our communities.

### 3. Next Steps

- 3.1 No-one likes to see litter or mess on our streets, or anything that affects the County's image. Unfortunately, some still cause harm to our environment by not disposing of their waste responsibly which is an eyesore and has a detrimental effect on the environment.
- 3.2 We will introduce a behavioural change campaign in order to achieve environmental benefits in the long term.
- 3.3 Educating our children is essential and raising awareness of the effects of litter. Therefore, we will develop a program to visit schools.
- 3.4 Volunteers are very important and there are already campaigns underway across the County for picking-up small items of litter and arranging events for clearing items that have been disposed of unlawfully.
- 3.6 Our vision therefore is to bring all of this together by:

<u>Action</u>	<u>Schedule</u>
Firstly, reviewing our arrangements for the cleaning rotas, ensuring that they respond to demand, and looking again at our resources for carrying out this work	By the end of this summer.
Coordinating work by volunteers when they undertake minor litter-picking.	By the end of September 2023.
Working across sectors for holding campaigns.	A long-term project which has begun.
Addressing litter on rural road verges.	Work will commence this Spring.
Introducing recycling bins on the street in order to maximise recycling of materials	Medium term.
Taking advantage of information technology developments e.g. smart bins.	Medium term.
Adapting as a new code of practice is published	Medium term/long term.