

Assessing the Impact on Protected Characteristics, the Welsh Language and Socio-Economic Disadvantage

For help to complete this form see the *How to Undertake an Equality Impact Assessment* leaflet. You are also welcome to contact Delyth Gadlys Williams, Policy and Equality Officer on ext. 32708 or DelythGadlysWilliams@gwynedd.llyw.cymru for further assistance.

The Council's is required (under the Equality Act 2010) to consider the effect any change in policy or procedure (or the creation of a new policy or procedure), has on people with protected equality characteristics. The Council also has a general duty to ensure fairness and foster good relations. A timely Equality Impact Assessment must be undertaken before making any decision on any relevant change (i.e. which has an effect on people with protected characteristics).

The Council is also required, under the requirements of the Welsh Language Standards (Section 44 of the Welsh Language (Wales) Measure 2011) to consider the effect of a change in any policy or procedure (or the creation of a new policy or procedure), in its opportunities for people to use Welsh and to ensure that Welsh is not treated less favourably than English. This document therefore ensures that these decisions protect and promote the use of the Welsh language.

From April 1st 2021 the Council has a duty to have due regard to tackling socio-economic disadvantage in strategic decisions.

1) Details

1.1. What is the name of the policy / service in question?

Introducing Supplementary Planning Guidance (SPG): Managing the use of dwellings as holiday homes (second homes and short-term holiday accommodation)

1.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

The purpose of this Guidance is to highlight the local planning policy considerations following the implementation of the Article 4 Direction for the Gwynedd Local Planning Authority area. The planning policy guidance is included in the Joint Local Development Plan (Anglesey and Gwynedd). Although the Plan includes policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide officers and prospective applicants with all the detailed advice they need to inform proposals locally.

Following the implementation of the Article 4 Direction, it means that permitted development rights for the following uses have been revoked:-

- (a) Change of use from C3 to C5 or C6 and specific mixed uses;
- (b) Change of use from C5 to C6 or specific mixed uses;
- (c) Change of use from C6 to C5 or specific mixed uses.

Definition of the uses:-

C3 - Dwelling houses, used as a sole residence or main residence: Dwelling houses, used as a sole residence or main residence and occupied for more than 183 days in a calendar year.

C5 - Dwelling Houses, used apart from sole or main residence: Dwelling houses used apart from a sole residence or main residence and occupied for 183 days or less.

C6 - Short-term holiday accommodation: Dwelling houses used for commercial short-term lettings no longer than 31 days for each period of occupancy.

This means, for example, that planning permission needs to be obtained to change the use of a residential home that is a main residence (C3 Use) to a second home (C5 Use) or holiday accommodation (C6 Use).

Previously, these developments counted as 'permitted development rights' in accordance with the Town and Country Planning Order (Permitted General Development) 1995 (as amended), i.e. it was possible to change the use of a residential home to holiday use (holiday accommodation or second home) without the need to obtain planning consent for that use.

1.3 Who is responsible for this assessment?

Planning Policy Team Leader

1.4 When did you commence the assessment? Which version is this?

Version 1.

This Assessment has been prepared to support the consultation draft version of the Supplementary Planning Guidance. The Assessment will be part of an information pack that will be submitted to Cyngor Gwynedd's Cabinet to assist their decision to approve (or not) the publication of the SPG for a period of public consultation (6 weeks).

Following the decision, there will be a consultation period, before reporting the observations received during the public consultation period to the Cabinet for final approval.

During every step of the process it is intended to amend and adjust this assessment as needed.

2) Action

2.1 Who are the stakeholders or partners you need to work with to undertake this assessment?

Due to the nature of the SPG subject, it may have an indirect and direct impact on everyone (everyone needs a home to live in); as such, no specific partners or stakeholders have been contacted when undertaking the assessment.

To be able to give weight to the SPG as a material planning consideration (i.e. part of the relevant considerations when assessing and determining a planning application), and in accordance with the guidance included in the Development Plans Manual (Edition 3), SPG should be subject to a public consultation exercise and be adopted by decision of the Council. Furthermore, it is noted that:-

- A discussion should be held with development control officers.
- Relevant consultees should be consulted.
- Draft supplementary planning guidance should be made available for a public consultation.

To this end, we will liaise directly with the statutory consultants (specific consultation bodies) as noted in LDP Regulations (2005). Furthermore, it is intended to send correspondence to a list of individuals who have shown an interest in the Joint Local Development Plan. The database contains approximately 1,300 contacts.

The process of preparing, consulting and receiving approval (if decided to do so) of the SPG is undertaken in accordance with the guidance included in the Procedural Note for the Preparation and Adoption of Supplementary Planning Guidance and the Community Involvement Plan and related stakeholders, which has been prepared.

As part of the process of conducting the public consultation, the following measures will be taken to raise awareness and promote the public engagement period:-

- Material in the Council's main Offices (Caernarfon, Dolgellau and Pwllheli)
- Material in the county's local libraries
- Supplementary Planning Guidance webpage
- Social media (Instagram, X and Facebook)
- Notify the nearby Local Planning Authorities

A standard comment submission form to accompany the SPG will be provided in electronic and paper format.

It is hoped that the consultation arrangements noted above will ensure that all relevant stakeholders are aware of the proposal and their opportunity to have their say through the appropriate media.

2.2 What measures have you taken to engage with people with equality characteristics, regarding the Welsh language or with communities (either of place or of need) that live with socio-economic disadvantage?

Thus far, public engagement steps have been limited. However, consultation will be an essential part of the next step in the process.

The engagement steps will be fully open (a public consultation process) for any individual to respond to. The process of raising awareness referred to above (response to question 2.1) will be used along with a method for submitting observations as follows:

- A tailored questionnaire using suitable on-line software (Limesurvey)
- Paper questionnaire
- Opportunity to respond by letter
- Opportunity to respond via e-mail
- Opportunity to discuss the proposal with relevant officers

To facilitate the process of submitting observations on the proposal, it will be possible (upon request) to receive a copy of the documents in various languages and formats. It is hoped that this will provide people with the flexibility, especially those with protected characteristics to have input in the process.

Although there is no specific guidance as to the consultation requirements/method, in order to maximise the opportunities available for people to have their say it is considered appropriate that the consultation period is held for a 6-week period.

In accordance with the requirements of the Welsh Language Standards, Section 44 Welsh Language Measure (Wales) 2011, a specific question will be asked as part of the process to enable measuring and assessing the impact of the decision on the Welsh language. Furthermore, in accordance with good practice a series of equality questions will be asked to ensure that a cross-section of people respond.

2.3 What was the result of the engagement?

Not applicable at this time.

2.4 On the basis of what other evidence are you operating?

The guidance contained within the SPG is derived from the Anglesey and Gwynedd Joint Local Development Plan.

It should be noted that the process of preparing a Local Development Plan is one that involves a number of statutory steps including the need to carry out an Equality Impact Assessment along with a Welsh Language Impact Assessment. As a result, it is emphasised that the SPG elaborates on policies that have already been subject to close examination.

The adopted Development Plan, namely the Anglesey and Gwynedd Joint Local Development Plan, sets out the local planning policy framework to make planning decisions. In accordance with the requirements outlined in section 38(6) of the Planning and Compulsory Purchase Act 2004, it is required that Planning decisions are made in accordance with the development plan unless there are relevant planning considerations indicating otherwise.

Although the Plan includes policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide officers and prospective applicants with all the detailed advice they need to inform proposals locally. To provide this detailed advice, the Council has/is preparing a range of Supplementary Planning Guidance (SPG) to support the Plan.

Furthermore, the legislative changes relating to the changes to the use classes came into force following the adoption of the Joint Local Development Plan (together with the implementation of the accompanying Article 4 Direction). As such, it is highlighted that the policies of the Plan have not been prepared with the wider objective of the Article 4 Direction in mind, therefore the preparation of the SPG is a means of providing the relevant guidance.

2.5 Are there any gaps in the evidence that needs to be collected?

It is considered that the evidence that has been gathered is robust and fit for purpose. It is emphasised that the guidance is based on the Joint Local Development Plan which has already been subject to a public consultation period and a thorough assessment process. Any gaps that emerge during the undertaking of the public consultation period will be addressed and acted upon as appropriate.

3) Identifying the Impact

3.1 The Council must give due regard to the effect any changes will have on people with the equality characteristics noted below. What impact will the new policy/service or the proposed changes in the policy or service have on people with these characteristics?

Characteristics	What type of impact? *	In what way? What is the evidence?
Race (including nationality)	Positive	<p>The introduction of the Supplementary Planning Guidance will provide further guidance on the local planning policy consideration following action on the associated Article 4 Direction.</p> <p>As part of the consultation process on the Draft SPG, the relevant documents that will be prepared to facilitate the submission process will note clearly that individuals can receive the documents in different formats and languages.</p> <p>No additional consultation needs have been identified for this characteristic.</p> <p>It is emphasised that the SPG is introducing further guidance to the policies contained within the Joint Local Development Plan (Joint LDP) and is not introducing new policies. The Joint LDP has already been the subject of a thorough assessment process during its preparation and adoption.</p> <p>The implementation of the SPG can have an impact on the housing market, causing lower prices, which will affect local residents with a home in the area along with people with second homes or holiday accommodation. It could therefore benefit people who wish to buy houses in the area, including local residents, people wanting to return to the area or people from other areas / countries.</p>
	Negative	<p>Having said this, some negative side-effect is also expected, which will particularly affect local residents as there will be a limit to the use that can be made of the residential unit. Furthermore, the intervention can be a deterrent to individuals wishing to invest in the holiday home market, whether they are local or not.</p>
Disability		<p>The introduction of the Supplementary Planning Guidance will provide further guidance on the local planning policy</p>

		every protected characteristic and suggest reasonable improvements as needed.
Age	<p>Positive</p> <p>Negative</p>	<p>The introduction of the Supplementary Planning Guidance will provide further guidance on the local planning policy consideration following implementation of the associated Article 4 Direction.</p> <p>As part of the consultation process on the Draft SPG, the relevant documents that will be prepared to facilitate the submission process will note clearly that individuals can receive the documents in different formats and languages.</p> <p>No additional consultation needs have been identified for this characteristic.</p> <p>It is emphasised that the SPG is introducing further guidance to the policies contained within the Joint Local Development Plan (Joint LDP) and is not introducing new policies. The Joint LDP has already been the subject of a thorough assessment process during its preparation and adoption.</p> <p>On average, 65% of the Gwynedd population has been priced out of the housing market. This percentage has been increased over the years meaning that individuals who wish to access the housing market find it very difficult to do so. It is often young people who face this challenge. It is hoped that the SPG will have a positive impact on those individuals, and on individuals of all ages.</p> <p>Should there be a reduction in house prices in light of the guidance contained in the SPG, this could have a disproportionate negative impact on older people if they intend to sell the family home to buy a smaller house in order to release equity.</p>
Sexual orientation	No impact	No specific impact of introducing the Supplementary Planning Guidance has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.
Religion or belief (or non-belief)	No impact	No specific impact of introducing the Supplementary Planning Guidance has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.
Gender reassignment	No impact	No specific impact of introducing the Supplementary Planning Guidance has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.
Pregnancy and maternity	No impact	No specific impact of introducing the Supplementary Planning Guidance has been identified for this characteristic. The Equality

		Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.
Marriage and civil partnership	No impact	No specific impact of introducing the Supplementary Planning Guidance has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.
The Welsh language	Positive	<p>The introduction of the Supplementary Planning Guidance will provide further guidance on the local planning policy consideration following action on the associated Article 4 Direction.</p> <p>As part of the consultation process on the Draft SPG, the relevant documents that will be prepared to facilitate the submission process will note clearly that individuals can receive the documents in different formats and languages.</p> <p>No additional consultation needs have been identified for this characteristic.</p> <p>It is emphasised that the SPG is introducing further guidance to the policies contained within the Joint Local Development Plan (Joint LDP) and is not introducing new policies. The Joint LDP has already been the subject of a thorough assessment process during its preparation and adoption.</p> <p>The guidance contained within the SPG highlights the need to ensure that any prospective development complies with the guidance contained within the Joint LDP, which includes Strategic Policy 1 (Welsh Language and Culture).</p> <p>Trying to improve the opportunities for people to live in their indigenous communities is advantageous to the prosperity of the Welsh language and its use.</p> <p>The decision does not directly affect the status of the Welsh language or opportunities to use it, however affordability figures show us that a high percentage of Gwynedd residents cannot afford to buy a new home because of the gap between average salaries and house prices. This means that young people are more likely to move out of the county to find work opportunities that will provide better salaries and a better chance of being able to afford to buy a property. This outward migration leads to a change in demography which in turn affects linguistic viability in our communities.</p>
Socio-Economic Disadvantage		The introduction of the Supplementary Planning Guidance will provide further guidance on the local planning policy consideration following action on the associated Article 4 Direction.

3.2 The Council has a duty under the 2010 Equality Act to contribute positively to a fairer society by promoting equality and good relations in its activities regarding the following characteristics – age, gender, sexual orientation, religion, race, gender reassignment, disability and pregnancy and maternity. The Council must give due attention to the way any change affects these duties.

General Duties of the Equality Act	Does it have an impact?*	In what way? What is the evidence?
Abolishing illegal discrimination, harassment and victimisation	No	The Supplementary Planning Guidance (derived from the adopted Local Development Plan) does not operate on the basis of any unlawful discrimination, harassment or persecution.
Promoting equal opportunities	Yes	The main aim of the guidance contained within the Supplementary Planning Guidance is to seek to provide clear policy guidance on the planning policy considerations that apply when considering planning applications. The guidance contained within the Guidance seeks to facilitate and secure opportunities for people to live in their communities. It will also add to people's opportunity to influence what happens in their community through the submission and consultation process on the associated planning applications.
Encouraging good relationships	Yes	The proposal can promote good relationships with people within Gwynedd communities as it would help to give the people of Gwynedd the opportunity to live in their area of choice. Therefore, it is hoped there will be a feeling of fairness and equal opportunity within Gwynedd's communities. Having said this, it could have a negative impact, and the possibility of misinterpreting the proposal could cause bad feeling.

* to be deleted as appropriate

3.3 How does your proposal ensure that you work in accordance with the requirements of the Welsh Language Standards (Welsh Language (Wales) Measure 2011), to ensure that the Welsh language is not treated less favourably than English and that you seize every opportunity to promote the Welsh language (beyond providing services bilingually) and increase opportunities to use and learn the language in the community?

The process of preparing and approving the SPG will be in accordance with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011).

As noted in 3.1 above, there will be a positive impact on the balance of communities as, it is hoped, the guidance contained within the Guidance highlights the wider objective of the joint Local Development Plan, which is to protect the county's communities, create balanced communities and ensure that there are opportunities for people to live locally.

3.4 What other measures or changes could you include to strengthen or change the policy / practice in order to have a positive impact on people's opportunities to use the Welsh

language, and to reduce or prevent any adverse effects that the policy / practice may have on the Welsh language?

Following the consultation process it will be necessary to re-visit this aspect to ensure that the feedback received is reflected and incorporated into the final document.

3.5 How does the proposal show that you have had due regard to the need to address inequality caused by socio-economic disadvantage? (Note that this is about closing inequality gaps rather than just improving outcomes for everyone)?

As noted in part 2 above, the main objective of the guidance contained within the Supplementary Planning Guidance is to seek to reverse the social inequality that exists in some of Gwynedd's communities, seeking to ensure that there is provision of housing available to meet local need. It is hoped that the leadership promotes the creation of sustainable and balanced communities in line with the core objective of the Joint Local Development Plan.

3.6 What other measures or changes might you include to strengthen or change the policy / practice to show that you have had due regard to the need to reduce disproportionate outcomes as a result of socio-economic disadvantage, in accordance with the Socio-Economic Act?

Not applicable as it is not a strategic issue.

4) Analysing the Results

4.1 Is the policy therefore likely to have a significant, positive impact on any of the above and what is the reason for this?

It is believed that the introduction of the SPG will have a positive impact on all individuals including individuals with protected equality characteristics.

The social inequality that currently exists in some communities due to the lack of available housing along with house prices that are beyond their reach is creating an unsustainable divided society. In an attempt to try to overturn the current situation, the SPG is going to provide the opportunity to assess the appropriateness of any proposal relating to changing the use of a residential house to holiday use, whether that be holiday accommodation use or second home in accordance with local planning policy guidance. It is hoped that this will create a fairer society and will ensure opportunities for all to be able to live in their area of choice.

4.2 Is the policy therefore likely to have a significant, negative impact on any of the above and what is the reason for this?

The Assessment (see part 3 above) identifies some potential impacts that may result from the implementation of the SPG. It is not anticipated that these are significant impacts. This assessment will be updated following the engagement period and it will certainly note any significant negative impacts that are highlighted.

4.3 What should be done?

Choose one of the following:

Continue with the policy / service as it is robust	
Adapt the policy to delete any barriers	
Suspend and delete the policy as the detrimental impacts are too big	
Continue with the policy as any detrimental impact can be justified	✓
No further action at this time because it is too soon to decide, or there is insufficient evidence	

4.4 If continuing with the project, what steps will you take to reduce or mitigate any negative impacts?

As part of the decision-making process associated with the adoption of the SPG, every attempt has been made to ensure that negative impacts are highlighted and mitigated.

After the engagement period, if it becomes apparent that there are impacts that have been excluded from this assessment, a revised version of the assessment will be prepared and submitted to Cabinet when making the final decision whether or not to adopt the SPG. That Assessment will offer an opportunity to address any crucial matters.

4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.

See response to 4.4 above.

5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

A monitoring framework has been prepared which is specifically relates to the Article 4 Direction. In relation to the monitoring framework, some of the indicators relate to the process of considering planning applications arising from the implementation of the Article 4 Direction. The Supplementary Planning Guidance is a core element of the considerations that apply for Planning applications.

Further discussions with Officers within the Authority regarding the above will be undertaken to receive their input and guidance in pursuing reporting on the Monitoring Framework.

Following the engagement process, if deemed appropriate this Monitoring Framework will be reviewed/updated as required. This assessment will also be updated.

