



# Assessing the Impact on the Characteristics of Equality, the Welsh Language and Socio-Economic Disadvantage

## Introduction of Article 4 Direction

The Authority 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 Authority 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 Authority 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 Authority has a duty to have due regard to tackling socio-economic disadvantage in strategic decisions.

### 1) Details

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

Introducing the Article 4 Direction to enable the management of the transfer / change in use from residential dwellings to holiday use (second homes and holiday lets).

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

It is proposed to introduce a Non-immediate Effect Article 4 Direction for the Eryri Local Planning Authority Area. Our intention is to remove permitted development rights for the following uses:-

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

Definition of the uses:-

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

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

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

This means, for example, following the implementation of an Article 4 Direction there will be a need to obtain planning permission to change the use of a residential home that is a main residence (C3 use) to a second home (C5 use) or holiday accommodation (C6 use).

These developments are currently regarded as 'permitted development rights' in accordance with the Town and Country Planning Order (Permitted General Development) 1995 (as amended), i.e. that the use of a residential house can be changed to holiday use (holiday accommodation or second home) without the need to obtain planning consent for that use.

### **1.3 Who is responsible for this assessment?**

Head of Planning Policy Team

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

Version 1.

This assessment was prepared as part of the evidence base and justification associated with the proposal. The assessment will be part of a package of information that will be submitted to ENPA Planning Committee to assist their decision to approve issuing a 'Notice' of the proposal (introducing the Article 4 Direction).

After the decision, there will be a period of engagement and seeking opinion, before reporting back to the Committee on the representations received and then receiving their final approval.

During every step of the process we 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?**

It is possible that the Article 4 Direction will affect everyone and therefore no specific partners or stakeholders have been contacted as part of the assessment.

In accordance with the Town and Country Planning (Permitted General Development) Act 1995 (as amended) there is a requirement to issue a notice of the intention (introduce an Article 4 Direction) giving people an opportunity to make representations on its content. The legislation notes that wherever possible, those directly affected by the proposal should be notified if it is considered reasonable to do so.

The proposal could have a direct impact on every residential property/individual who is looking for a house within the Eryri Local Planning Authority area as it restricts the unlimited use (removes the ability to use it as a second home and holiday accommodation) that can be made

of that property. Consequently, it is considered appropriate to try to send correspondence to every residential property within the Eryri Local Planning Authority notifying them of the proposal and noting the opportunities that will be available to submit observations.

The following methods will be used to advertise:-

- A dedicated webpage on the Authority's website [INCLUDE WEBSITE LINK]
- Social Media (Twitter, Instagram and Facebook)
- Site notice
- Corresponding with residential houses in the Local Planning Authority
- Conduct awareness raising sessions with the Local Communities via the Communities Forum
- Notify the nearby Local Planning Authorities

By undertaking an engagement process that goes beyond the legislative requirement, it is hoped that this will ensure that all relevant stakeholders are aware of the intention and their opportunity to voice their opinion through the appropriate methods.

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

Thus far, the measures taken to engage with the public have been limited. However, engagement will be an essential part of the next step of the process.

The engagement steps will be open (public engagement process) for all individuals to respond to it. The process of raising awareness referred to above (response to question 2.1) will be used along with a method for submitting representations as follows:-

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

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

The relevant legislation notes the need to hold an engagement period of at least 21 days To maximise the opportunities that are available for people to voice their opinion it is considered appropriate that the consultation period be extended to a minimum 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. Further, 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 ability to act in the way intended derives from changes that are taking place nationally. The changes associated with the planning procedure are part of a package of measures that have been implemented or are in the pipeline by the Welsh Government to respond to the housing crisis that exists at the expense of the lack of control over the use of housing as holiday lets and second homes.

One of the control measures implemented is the change to planning legislation, with this change placing the direction of implementation in the hands of Local Planning Authorities.

Since 20 October 2022, the following amendments have been made to planning legislation:-

- Amending the Town and Country Planning (Use Classes) Order 1987 to create 3 new use classes for Primary Residences, Second Homes and Short-term Holiday Lets.
- Amending the Town and Country Planning (Permitted General Development) Order 1995 in order to allow changes between the three new use classes (Primary Residences (C3), Second Homes (C5) and Short-term Holiday Lets (C6)) without the need for planning permission.
- Amend Planning Policy Wales to make it clear, when relevant, that the number of second homes and short-term holiday lets in a local area must be considered when considering the housing requirements and policies in Local Development Plans (LDPs).

If it is deemed appropriate, in order to restrict the change of use between the new use classes (C3, C5 and C6), the Local Planning Authority has the power to introduce what is called an Article 4 Direction for a specific area. The purpose of an Article 4 Direction (depending on its content and scope) would remove the rights to change between the use classes without planning permission. It is possible to implement the Article 4 Direction for a specific area (no definition noted in legislation), provided that it is possible for Local Authorities to justify the proposal.

The comprehensive justification paper has been prepared to support the principle of introducing an Article 4. The evidence gathered in relation to seeking to evidence how the high number or high concentration of self-catering holiday lets and second homes are having a detrimental impact on the county's communities. These impacts include affecting house prices, local infrastructure and the Welsh language.

By looking through Council Tax data it can be seen there has been a consistent increase in the combined number of second homes and short-term holiday lets in Gwynedd and Conwy over recent years. One of the patterns that has emerged in Gwynedd is the higher increase in short-term holiday lets and a drop in the ownership of second homes. The taxation procedure and the introduction of the Council tax premium for second homes have contributed to this trend. Further, due to the existing system, the financial advantages of transferring over to non-domestic business rates is a motivation for transfer in use.

The combined percentage of second homes and self-catering holiday accommodation of 17.4% for the National Park area is significantly higher than the combined percentage for the areas of Gwynedd and Conwy counties. The numbers for community councils within or partly within the

National Park show the same pattern as Gwynedd and Conwy, namely an increase in the combined total of second homes and holiday accommodation since 2020.

A core part of the justification linked to this route of action is to look at how the provision of second homes and holiday accommodation affects the communities of Eryri.

Inevitably the demand for holiday accommodation affects the ability of local people on lower wages to buy homes in popular holiday destinations. Over 50% of household are being priced out of the housing market in every area of Snowdonia. See wide areas where over 60%, 70% and 80% have priced out of the market especially in the Northern and Southern areas. The figure for Eryri as a whole, based on the lowest quartile of income and house prices, is 65.5%. The 'Paper Justifying the Introduction of Article 4 Guidance' elaborates on this.

Together with impacting on house prices and affordability the justification paper also discusses the impact on the provision of social facilities e.g. schools that satisfy the needs of the local population together with the impact on the Welsh language.

When considering taking action through the planning intervention (introducing the Article 4 Direction) it is also appropriate to consider the other options that could be implemented. Inevitably, with any such interventions, there will be an impact, be it positive or negative.

The other control measures that could be implemented or are being considered include:-

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

We have concluded there is a need to implement a package of control measures to ensure the success of the wider aim we are seeking to achieve which is to overturn the impacts of holiday homes on communities and ensure fairness and opportunities for Eryri residents.

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

- Option 1: Areas where the current provision of holiday homes is higher than the specific threshold of the housing stock;
- Option 2: Threshold areas and surrounding communities threatened by encroachment;
- Option 3: The whole of Eryri (Eryri Local Planning Authority Area)

When considering these options, it is important that consideration is given to the disadvantages of our chosen route. The 'Justifying issuing an Article 4 Direction' paper seeks to introduce an analysis of those advantages and disadvantages. Following the engagement process and before reaching a final conclusion on the proposal the paper and this assessment will need to be reviewed to ensure that all relevant considerations have received due attention.

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

- Impact on the value of property on the open market;

- Will lead to an increase in the number of holiday homes in areas that are not subject to the same protection.

The hope is that introducing the Article 4 Direction will ensure better control of the use made of residential houses thus ensuring an appropriate provision of housing available to satisfy local needs. After assessing the options, it was concluded that the proposed route should be to introduce an Article 4 Direction for the Eryri Local Planning Authority Area (Option 4). It is hoped that by introducing the Article 4 Direction for the entire area that it will ensure that the amenities of the county's residents are protected, including those individuals with protected equality characteristics. It will also ensure that the vision and objectives of a range of relevant strategies and policies, are considered when assessing the propriety of the proposed development (in accordance with the local planning policy guidance). Note that these policies and strategies have also been subject to a relevant Impact Assessment. Furthermore, it is noted that this method of introducing the Article 4 Direction will ensure there is no doubt regarding the geographical area where the intervention will be implemented and will ensure that the residents of the entire county are subject to the same intervention/protection.

After completing this assessment, the intention is to issue an Article 4 Direction for the whole of Eryri (option 3). The engagement process that will be held after issuing the notice will offer an opportunity to voice opinion on the proposal and the implementation path. Any representations received will require due attention and this Assessment along with the supporting documents will need to be amended before reaching a final decision on the proposal.

Please refer to the 'Paper Justifying the Introduction of Article 4 Guidance' for more information on the evidence base on which action will be taken.

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

We consider that the evidence that has been gathered is robust and fit for purpose. Nevertheless, it should be borne in mind there is no guarantee of impact at this point, as implementing an Article 4 Direction for this type of use has never been done before. We would therefore be eager to seek the opinion of the people of Eryri on this matter. Should any other useful evidence emerge we will use it to improve our report and our way of working.

## 3) Identifying the Impact

### 3.1 The Authority 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	Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, that is, a proposal must obtain planning consent from the Local Planning Authority.

	Negative	<p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> <p>The main aim of the intervention is to ensure there is better control of the use made of houses thus ensuring an appropriate provision of housing available to meet the needs of individuals who are searching for a home.</p> <p>As part of the engagement process the relevant documents that will be prepared to facilitate the process of submitting representations will clearly note that individuals can receive the documentation in various formats and languages.</p> <p>This could affect the housing market, causing lower prices, which will affect local people who have a home in the area along with people with second homes or holiday lets. It could therefore benefit people who wish to buy houses in the area, including local people, people wanting to return to the area or people from other areas / countries.</p> <p>Having said that, some negative impact is also expected, that will have a particular impact on local residents as owners right to use their residential home for holiday purposes will be restricted. Further, the intervention could be a barrier for individuals wishing to invest in the holiday home market, whether they are local or not.</p>
<b>Disability</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p>

		<p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p> <p>The main aim of the intervention is to ensure there is better control of the use made of houses thus ensuring an appropriate provision of housing available to meet the needs of individuals who are searching for a home.</p> <p>It is possible that there will be an impact on the housing market, meaning that house prices will fall. This could mean that more disabled people will be in a position to purchase a suitable house, or, will have more money left over to make adaptations after they buy it. It should be noted that families that have a disabled family member are statistically more likely to experience financial poverty than families who do not have a disabled family member (page 60 of <i>Is Wales Fairer?</i>, Equality and Human Rights Commission).</p> <p>As part of the engagement process the relevant documents that will be prepared to facilitate the process of submitting representations will clearly not that individuals can receive the documentation in various formats and languages.</p> <p>Falling house prices could also cause negative impacts. There may be cases where an individual has decided to adapt their residence to make it suitable to their needs based on the certainty that the investment will be recovered in the value of the property. The decision to invest could be made when the value of the property is higher, at a time when no restrictions exist on the use of the residence. Therefore, in light of the intervention (introducing an Article 4 Direction) there is a risk of financial losses in such cases.</p>
	Negative	

		<p>It is also a possibility that there will be a fall in the number of holiday lets and therefore there will be fewer holiday lets available that meet the needs of individuals with specific impairments.</p>
<b>Sex</b>	No impact	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<b>Age</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> </ul>

	Negative	<ul style="list-style-type: none"> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>On average 65.6% of the Eryri's population has been priced out of the housing market. This percentage has been increasing over the years meaning that individuals who wish to access the housing market find it very difficult to do so. It is often young people who face this challenge. It is therefore hoped that this intervention will have a positive impact on those individuals, and individuals of all ages.</p> <p>Should there be a reduction in house prices in light of introducing an Article 4 this could have a disproportionately negative impact on older people if they intend to sell their family home to buy a smaller house to release equity.</p> <p>In addition, a young couple rather than someone older would be more likely to be in a negative equity situation as the time since they bought the property in the first place is shorter, and therefore the time since they got a mortgage. If a couple wants to move and buy a bigger house because their family is growing, a negative equity situation would create a problem for them under this situation.</p> <p>In a situation where a person or group of people inherits a house in Eryri, the Article 4 Direction could limit the options of what can be done with that property, if it is kept.</p> <p>There can be many reasons why a beneficiary might want to keep the inherited property as a second home or use it as short term holiday accommodation e.g. the property is a childhood family home which is left to siblings, the property may be held in trust for minor beneficiaries etc. Difficulties can arise if the beneficiaries are unable to obtain planning permission to change the use of the property to a second home or holiday accommodation.</p> <p>If the property had an outstanding mortgage and negative equity, in these circumstances it would have a negative impact on the beneficiaries as the circumstances would make it unviable to sell, and they would prefer to use the property as holiday accommodation and use the income to pay down the remaining mortgage and gain back equity. However, to negate this, the option to rent the property to a family as a permanent dwelling would still be available, although the income from this would not be as high.</p>
<b>Sexual orientation</b>	No impact	Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be

		<p>taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<b>Religion or belief (or non-belief)</b>	No impact	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>

<b>Gender reassignment</b>	No impact	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<b>Pregnancy and maternity</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p>

		Should there be a reduction in prices in light of introducing Article 4 it is likely that this would be beneficial to young families wanting to buy a home.
<b>Marriage and civil partnership</b>	No impact	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>No specific impact of implementing Article 4 has been identified for this characteristic. The Equality Advisor will look at the accessibility of the planning system for every protected characteristic and suggest reasonable improvements as needed.</p>
<b>The Welsh language</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p> <ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul>

		<p>The intention of implementing the Article 4 Direction across the Local Planning Authority area means that everyone in the area will be subject to the same restrictions. A series of area options that were considered in the justification paper for implementation also sought to assess the impact of implementing it on a specific area basis rather than for the entire Eryri Local Planning Authority Area. It was concluded that implementing the Article 4 Direction in a specific area only would have a negative impact on the population and the communities where the intervention would not apply, it would also therefore have an impact on the Welsh language. It is hoped that implementing it across the entire county will have the best possible positive impact.</p> <p>The changes enable the Local Planning Authorities to tailor their local planning policies to support the use of the Welsh language, and to attempt to ensure there is housing provision available to meet the specific needs for residential houses.</p> <p>Trying to improve the opportunities for people to live in their indigenous communities is advantageous to the prosperity of the Welsh language and its use.</p> <p>The decision does not directly affect the status of the Welsh language or opportunities to use it, however affordability figures show us that a high percentage the people of Eryri 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> <p>Implementing this change is part of a package of broader strategic interventions to seek to protect those communities where there is a high number of Welsh-speakers and therefore it is believed that the decision will have a positive, indirect impact on the language.</p> <p>Refer to the 'Welsh Language Impact Assessment' document for a more detailed analysis.</p>
<b>Socio-Economic Disadvantage</b>	Positive	<p>Introducing and confirming the Article 4 Direction will enable planning control which means that mandatory steps must be taken to be able to change use, i.e. a proposal must obtain planning consent from the Local Planning Authority.</p> <p>In relation to submitting the planning application there will be a period of engagement with those affected. This means there would be an opportunity for any person to submit observations on the proposal. This means that the process of introducing an Article 4 Direction will:-</p>

	Negative	<ul style="list-style-type: none"> <li>• reduce the probability of the discrimination caused when members of the public do not receive information about changes that affect them or who feel that they do not have the ability to influence;</li> <li>• approve consulting and seek the opinion of those who are affected.</li> </ul> <p>It is also intended to implement the Article 4 Direction across the Local Planning Authority area meaning that the implementation will be the same in every area.</p> <p>Since implementing in this way is unprecedented, it is impossible to fully anticipate the side-effects. One possible side-effect is the potential impact on the value of residential property. A reduction in house prices could mean that more people will be able to afford to buy houses (see question 2.4 for more information on how the housing market is currently affecting local people).</p> <p>It is also expected that more property will be available in the area for people who wish to have a home here, whether they are local people or people moving to the county from other areas.</p> <p>On the other hand, should it affect property values, there is a chance that this could affect the living standards of the owners of the property in question and could push them to a position of economic disadvantage.</p> <p>Further, there is a threat that the proposal will affect the tourism sector, with fewer holiday lets that could then lead to fewer people being employed in the sector which would have associated implications on the labour market.</p>
Human Rights	Neutral	<p>After considering all 14 Articles in the Human Rights Act 1998, which set out the fundamental rights and freedoms that everyone in the UK is entitled to; no direct or indirect infringements were identified by the introduction of an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995.</p> <p>It is important to note that <b>Article 8</b> does not apply, as the right to respect for one's home does not confer a right to a house. Article 8 is primarily a right to enjoy your current home in peace. This means that public authorities should not prevent you from entering or living in your home without a very good reason, and they should not enter without your permission. This applies whether you own your home or not.</p> <p><b>Article 14</b> requires that all rights and freedoms set out in the Human Rights Act must be protected and applied without discrimination; and is therefore not relevant in this case, as</p>

		the introduction of the Article 4 Directive will not infringe on any of the human rights set out in the Act.
--	--	--

\* Delete as appropriate

**3.2 The Authority 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.**

<b>General Duties of the Equality Act</b>	<b>Does it have an impact?*</b>	<b>In what way? What is the evidence?</b>
<b>Abolishing illegal discrimination, harassment and victimisation</b>	No	The main aim of the Article 4 Direction is to seek to facilitate and secure opportunities for people to live in their communities. Therefore it is not acting on the basis of any illegal discrimination, harassment or persecution.
<b>Promoting equal opportunities</b>	Yes	The main aim of the Article 4 Direction is to seek to facilitate and secure opportunities for people to live in their communities. It will also add to people's opportunity to influence what is happening in their community.
<b>Encouraging good relationships</b>	Yes	The proposal could promote good relationships with people in Eryri's communities as in time, it will help to give the people of Eryri the opportunity to live in their area of choice. Therefore it is hoped there will be a feeling of fairness and equal opportunity within Eryri's communities. Having said this it could have a negative impact, and the possibility of misinterpreting the proposal could cause bad feeling.

\* to be deleted as appropriate

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

The process of preparing and approving the Article 4 Direction will be in accordance with the requirements of the Welsh Language Standards (Welsh Language Measure (Wales) 2011).
---

As noted in 3.1 above, there will be a positive impact on the balance of communities, as hopefully, introducing the Article 4 Direction will secure a greater provision of housing to meet local needs.

Refer to the 'Welsh Language Impact Assessment' document for a more detailed analysis.

**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 engagement process, there will be a need to revisit this aspect to ensure that the feedback received is reflected as part of the justification and the supporting documents to justify the proposal.

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

As noted in part 2 above, the main aim of introducing the Article 4 Direction will be to try to overturn the social inequality that exists in some of Eryri's communities, seeking to secure that a provision of housing (including affordable housing) is available to meet local need. As we have mentioned in 2.4, on average 65.6% of Eryri's population have been priced out of the housing market.

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

Not applicable as it is not a strategic issue.

## **4) Analysing the Results**

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

It is believed that introducing the Article 4 Direction will have a positive impact on all individuals including individuals who have protected equality characteristics.

The social inequality that exists at the moment in some communities due to the lack of available housing along with house prices that are beyond their reach is creating an unsustainable divided society. In an effort to seek to overturn the current situation introducing the Article 4 Direction, will provide an opportunity to assess the propriety of any proposal that involves changing the use of a residential home to holiday use, whether that is a holiday let or a second home. It is hoped that this would create a fairer society and would ensure opportunities for all to be able to live in their area of choice.

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

The Assessment (see part 3 above) identifies some potential impacts that could derive from implementing the Article 4 Direction for the entire Eryri Local Planning Authority area. It is not anticipated that these are significant impacts. The assessment will be updated following the statutory consultation 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 process of making the decision and justifying the proposal of introducing the Article 4 Direction, every effort has been made to ensure that negative impacts are highlighted and mitigated.

After the engagement period, if it becomes apparent that there are impacts that have been excluded from this assessment an amended version of the assessment will be prepared and submitted to the Planning Committee when making the final decision in terms of whether or not to approve and implement the Article 4 Direction. 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 specific Monitoring Framework will be prepared that will include a number of indicators to monitor the implementation of the Article 4 Direction. As appropriate, the Monitoring Framework could include indicators that involve assessing impact on equality characteristics, the Welsh language and socio-economic disadvantage.

Further discussions will be held with officers in the Authority regarding the above to obtain their input and guidance when drawing up and formalising the Monitoring Framework.

Following the engagement period, if deemed appropriate, the Monitoring Framework and the Impact Assessment will be reviewed/updated as needed.