

Freedom of Information Act Requests Information Released and other questions received

Date	Request
30.09.24	<p>Status of Public Footpaths, Woodlands and Llyn Mair</p> <p><i>“Could we have information as to the status of the footpaths around Coed Llyn Mair, have previous owners put a covenant in place on the footpaths, my understanding is that if a permissive path has been used for 20 years without there being a day a year closure, then they become a public right away, is this correct?”</i></p> <p>I can confirm that the footpaths around Llyn Mair are classed as permissive paths. A permissive path does not become a Public Right of Way (PRoW) automatically after 20 years – a PRoW can only be created by submitting an application to the local highways authority (in this case Cyngor Gwynedd) and a formal process will begin.</p> <p>In general, if the landowner has indicated that they are permissive paths only within that time, then no claim can be made as a Right of Way based on the usual 20 year rule, as is the case with Plas Tan y Bwlch (the footpath pamphlet has always indicated they are permissive paths).</p> <p>If paths have been used de facto without any form of notices or actions by landowners, then a claim can be made based on evidence. A landowner may also choose to dedicate a path as a PRoW (under Section 25 of the Highways Act 1980).</p> <p>Alternatively, if the local authority decides that there is a need for a footpath for the public good, a Public Path Creation Order can be created under Section 26 of the Highways Act 1980; but this is rare.</p>
11.10.24	<p><i>“What legal provision has been placed on any future owner to keep the permissive paths in the Plas woodland and around Llyn Mair?”</i></p> <p>None to date, this is still being discussed at Authority level. The Authority has already made it clear that its highest priority is to secure future access to the woodland around Llyn Mair.</p>

	<p><i>“Is there a legal covenant in place which would require the new owner to maintain access along the current network of paths.”</i></p> <p>No, not currently as the Authority remain the owners of the woodland and Llyn Mair. However, different options are being considered which include legal options or designations prior to any potential disposal.</p> <p><i>“Why can't the woodland and Llyn Mair be separated from the Plas buildings and formal gardens?”</i></p> <p>This is also an option which is under consideration and will be considered prior to any formal decision on the matter.</p> <p><i>“Why can't the National Park remain owners of this land? Land owners who have worked cooperatively with the National Park for nearly forty years should be consulted. Permissive paths on neighbouring land is only viable if the permissive paths on land owned by Plas Tan y Bwlch remain open.”</i></p> <p>Once again, this is also an option under consideration which will be given full consideration prior to any formal decision on the matter.</p>
30.09.24	<p>Plas Tan y Bwlch Board Minutes</p> <p><i>“Copy of all PTYB Board Minutes”</i></p> <p>The minutes of the Tan y Bwlch Board are published in the Performance and Resources Committee agendas which are all available on our website. PTYB-Board-Minutes.pdf</p>
30.09.2024	<p>Plas Tan y Bwlch Accounts</p> <p><i>“Copy of Plas Tan y Bwlch Accounts”</i></p> <p>I can confirm that the Authority does not have to publish separate accounts for Plas Tan y Bwlch. Instead, Plas Tan y Bwlch's financial transactions are reported within the Authority's general accounts in accordance with the expectations of the Local Government Accounts Regulations and Audit Regulations. These are published on the website: Publications - Park Authority</p> <p>However, as the accounts do not provide much detail I have attached the Revenue and Capital Outturn Reports for the last five financial years which have more information. Again, these are all reported and published through the Performance and Resources Committee programs on our website. In addition, budget update reports are</p>

	<p>presented to the Performance and Resources Committee during the year and these are available to you through the Performance and Resources Committee agendas as well.</p> <p>Revenue-and-Capital-Outturn-Reports.pdf</p>																												
30.09.24	<p>Annual Running Costs and Income Streams</p> <p><i>“Could you provide details of how much of the £250,000 it costs to run PTYB yearly, is spent on the woodland and Llyn Mair.”</i></p> <p>I can confirm that none of the £250,000 annual cost of running Plas Tan y Bwlch is spent on the maintenance of the woodland and Llyn Mair. Significant spend over the last decade on clearing rhododendron, bamboo and yellow asalia, dangerous tree clearance work and habitat improvement has all been financed through grant funding. Staff resources on this work has been funded from the core funding of the Conservation, Woodland and Agriculture service.</p> <p><i>“The precise financial report that the Head of Finance presented to the Board - it was referred to in the July 2022 minutes.”</i></p> <p>Plas Tan Y Bwlch Financial Update 2021-22</p>																												
14.10.24	<p><i>“Breakdown of £75,000 Mothballing Costs”</i></p> <p>Since the £75K figure was reported, costs have increased and it is now estimated that mothballing costs would be in the region of £130K annually. Below is the breakdown of individual elements:</p> <table data-bbox="392 1332 1212 1921"> <tr> <td>Gas Cost (annual)</td> <td>£48,000</td> </tr> <tr> <td>Electricity Cost (annual)</td> <td>£8,000</td> </tr> <tr> <td>Business Rates</td> <td>£37,490</td> </tr> <tr> <td>Security and Fire Alarm Maintenance</td> <td>£5,500</td> </tr> <tr> <td>Boiler Maintenance and Testing</td> <td>£3,500</td> </tr> <tr> <td>Gutter Cleaning and Maintenance</td> <td>£4,000</td> </tr> <tr> <td>Building Maintenance</td> <td>£5,000</td> </tr> <tr> <td>Grass Cutting in gardens and entrances</td> <td>£8,000</td> </tr> <tr> <td>Hydro-electricity Turbine Maintenance</td> <td>£2,500</td> </tr> <tr> <td>Security Company</td> <td>£32,000</td> </tr> <tr> <td>Total</td> <td>£153,990</td> </tr> <tr> <td>Less Hydro-electric Feed In Tariff</td> <td>£21,000</td> </tr> <tr> <td>Less Telephone Mast Income</td> <td>£3,500</td> </tr> <tr> <td>Estimate Annual Net Cost</td> <td>£129,490</td> </tr> </table>	Gas Cost (annual)	£48,000	Electricity Cost (annual)	£8,000	Business Rates	£37,490	Security and Fire Alarm Maintenance	£5,500	Boiler Maintenance and Testing	£3,500	Gutter Cleaning and Maintenance	£4,000	Building Maintenance	£5,000	Grass Cutting in gardens and entrances	£8,000	Hydro-electricity Turbine Maintenance	£2,500	Security Company	£32,000	Total	£153,990	Less Hydro-electric Feed In Tariff	£21,000	Less Telephone Mast Income	£3,500	Estimate Annual Net Cost	£129,490
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14.10.24	<p>Repair and Maintenance Costs</p> <p><i>"Breakdown of £3million repair and maintenance costs required over next 10 years"</i></p> <p>The following 3 Spreadsheets gives full details:</p> <p>212167 Planned Maintenance 020222 NMW 212167 Plas Tan y Bwlch - updated ME Costs 212167 PTYB Ind. Maintenance Budget</p>						
30.09.24	<p>Partnerships</p> <p><i>"The Authority's Partnership Policy and any details about the intended organisation e.g. any documents."</i></p> <p>I am sorry, we cannot give you this information. Firstly, I can confirm that the Authority does not have a formal policy on Partnerships. Secondly, we cannot disclose any information relating to current discussions with a potential partner at this time. The information is classified as commercially sensitive at this point, and is therefore exempt information under Section 43(2) of the Freedom of Information Act 2000. However, the minutes of the latest Plas Tan y Bwlch Board meeting will be published in the Performance and Resources Committee agenda on the 27th of November, where more details will be available.</p> <p><i>"Details of the process followed when advertising or trying to form a Partnership recently."</i></p> <p>I am attaching the former Chief Executive's report to the Authority on the 7th of February 2024: Plas Tan y Bwlch Report At this meeting the Authority decided to invite interest from other potential partners for the operational management / development of Plas Tan y Bwlch, and at the same time offer Plas Tan y Bwlch on the open market for potential buyers, allowing a period of up to 6 months for this.</p>						

	<p>Following the meeting, officers immediately set about holding further discussions with private companies, third sector bodies and a community group that operated mainly in the outdoor or environmental field on the possibility of forming a Partnership to run Plas Tan y Bwlch. Before choosing an agent and offering the property on the open market, it was necessary to complete the requirements for an energy efficiency assessment, take pictures and prepare details which took several weeks to complete. Because of this, it was at the end of July 2024 when the property was launched on the open market, with the details also indicating that an option of discussing a possible Partnership remains.</p>
30.09.24	<p>Selling a Public Asset</p> <p><i>"Any guidelines followed in the sale of public property."</i></p> <p><u>Property Disposal Policy</u></p> <p><i>"Details of any valuation work done with other companies other than Carter Jonas."</i></p> <p>I can confirm that companies that specialise in commercial property and estates have been contacted due to the need for advice regarding the impact of the leases on the neighbouring chalets that have long-term rights. One company confirmed that they were unable to take on the project and another company did not respond to the request. Two companies came to advise, Carter Jonas and Fine & Country. After weighing up the service and support that was offered, Carter Jonas was chosen as the agent as they demonstrated prior experience and success with dealing with long-term leases and with selling similar properties.</p>
14.10.24	<p><i>"Details of the second price obtained for the Plas referred to in the minutes 09/23."</i></p> <p>This information is exempt information under Section 43(2) of the Freedom of Information Act 2000 as it is information that could damage the commercial and financial interests of the Authority, as it could unduly influence the potential market to the detriment of the Authority. This information will remain exempt until either the sale of the property has been completed or the Authority decides to permanently withdraw the property from the open market after clearly stating that disposal of the asset is now not an option. Accordingly, your request for this information is refused for the time being.</p>

14.10.24

“What is the statutory process for the disposal of a public historic property and lands?”

The process is entirely dependent on the status of the building and / or land in question.

In this case, the Authority holds the freehold to Plas Tan y Bwlch. This title is registered with HM Land Registry and there are no matters appearing on this title that would appear to impact upon the Authority disposing of all or part of its holding.

Concerns were raised at the Drop-in session that the Authority has failed to comply with certain requirements pursuant to Section 123 of the Local Government Act 1972, in particular with a disposal of an open space. Open Space is defined as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.

The Authority’s solicitor has indicated that on balance as Plas Tan y Bwlch was purchased with the intention of establishing a Study Centre and has been used as such for many years, that public access to the same has been enjoyed to date through a network of permissive paths only, it is unlikely that the grounds could be considered a public garden and the requirements set out in Section 123 would not therefore be applicable to any sale of Plas Tan y Bwlch.

It has also been confirmed that the asset is not classed as being in the Guardianship of the Local Authority. A Guardianship may only be terminated by a local authority once Welsh Ministers have been consulted and that the Guardian is satisfied that satisfactory arrangements have been made for ensuring the preservation of the monument or that it is no longer practicable to preserve the monument. Subsequent clarification on the history and the intention behind the purchase has resulted in confirmation, based on the information provided, that the building would not appear to be in the Guardianship of the Local Authority and does not therefore require termination after consultation with Welsh Ministers.

The only duty the Authority has is to ensure that the asset is not ‘undervalued’ when it’s disposed of.

The Authority recognises that it would also however be expected and prudent as part of any disposal to undertake an assessment of any potential buyer’s ability to fund necessary repairs and improvements to Plas Tan y Bwlch and what future plans they have for the property.

<p>14.10.24</p>	<p><i>“Are there any liabilities on grants to be returned to Welsh Government if the asset is sold? What are they”</i></p> <p>There are no liabilities or grants repayable to Welsh Government on disposal of the asset.</p> <p><i>“Bearing in mind that WG accounts for a large percentage of funding of the National Park via grants and other funding streams, is there a legal requirement or a common courtesy good practice that a Minister is consulted prior to the disposal of an important heritage asset such as PTYB. If so, has this been done and when”</i></p> <p>Discussions are ongoing with Welsh Government Officers on the potential disposal of the asset. No direct contact has been made with Ministers (as this would be highly unusual), but they are briefed on the latest developments regarding this via WG Officers.</p> <p>We believe that via WG Officers, the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies (who has responsibility for the National Parks) is kept abreast of developments, and in addition, Eluned Morgan, The First Minister for Wales received a briefing on the 27th of August 2024.</p>
<p>11.10.24</p>	<p>Plas Tan y Bwlch Staff</p> <p><i>"2023 report from the Datrys company on staffing issues etc at the Plas"</i></p> <p>I regret to inform you that your request for this information is being refused, as this information is exempt from public release under Section 40(2) and Section 41(1) of Freedom of Information Act 2000.</p> <p>Section 40(2) refers to personal data. This exception is used as the report contains sensitive personal data about members of staff at Plas Tan y Bwlch, which, if released, would likely cause great distress, pain and embarrassment to the individuals concerned, and therefore there is no sufficient justification in releasing the report into the wider public domain. Doing so would be an unnecessary intrusion into the lives of the individuals concerned.</p> <p>Section 41(1) refers to Information provided Confidentially. This exception is used because the staff members who have provided information about staffing issues and other issues at Plas Tan y Bwlch, have been assured that the process would be confidential. Releasing this information would constitute a breach of confidentiality, and those involved could take legal action against the Authority if we released the information in the public domain.</p>

22.10.24	<p>Business Plans and Feasibility Studies</p> <p><i>"Feasibility study / business plans dating back to 2013 and one after that"</i></p> <p>The following documents are relevant to your application:</p> <ul style="list-style-type: none"> i) Business Plan 2012-15 ii) Business Plan 2016-19 iii) Business Plan 2015-19 draft iv) Future Developments Report v) Plas Tan y Bwlch Development Proposal vi) Pplas Tan y Bwlch Options Report vii) Update on Plas Tan y Bwlch 23.09.20 viii) Business Case for Continuing with B&B Type Accommodation at Plas ix) House Manager's Report x) Plas Tan y Bwlch Update 09.02.22 <p>It can be seen from the reports above that there was an intention to invest significantly in upgrading some elements of Plas Tan y Bwlch in 2019 in order to develop a New Business Plan for the future; but when the UK went into lockdown in March 2020 the business had to be shut down. Since then, it has been difficult for Plas Tan y Bwlch to maintain any kind of viable business due to the combination of the impact of Covid-19 and the many associated lockdowns, the national problem of staff recruitment from 2021 (especially in the hospitality industry), the dramatic drop in demand for public courses and residential stays from schools, and the condition of the house and the necessary expenditure on maintenance.</p>
22.10.24	<p>Plas Tan y Bwlch Building Survey</p> <p><i>"The Property department's report on the building in 2022"</i></p> <p>Building Survey - Main House Floor-and-Window-Plans_Redacted.pdf Ancilliary-Buildings-Building-Survey_Redacted.pdf Building Survey - Graigwen Chalet</p>

	<p>Chalets located on the Estate</p> <p><i>“Who owns the freehold to the chalets and what are the access rights.”</i></p> <p>The Authority owns the freehold title to all the Chalets located on the land. The Authority owns both the freehold and leasehold title of the one Chalet which is under ownership of the Authority and included in the sale. All other Chalets’ leasehold titles are owned by private owners.</p> <p>Access rights are similar for all Chalets. The lease for Chalet 2 is attached as an example and Part 1 of the Schedule sets out the access rights. Copies of the leases for other Chalets can be obtained through the Land Registry for a fee.</p> <p><u>Official Copy (CYM273163-LEASE-03 Dec 1964)</u></p>
14.10.24	<p>Impact Assessments</p> <p><i>“Has an impact assessment been carried out in terms of the potential loss of the asset to the local community?”</i></p> <p>In line with statutory requirements, an Equality Impact Assessment has been carried out and a Welsh Language Impact Assessment.</p> <p><u>Equality Impact Assessment</u> <u>Welsh Language Impact Assessment</u></p>
	<p>Legal Covenants</p> <p><i>“Legal covenants on the land and Rights of Way?”</i></p> <p>Please see above responses which has covered this. Copies of the full deeds are publicly available from the Land Registry for a fee.</p>
	<p>Public Consultation</p> <p><i>“When will the full public consultation take place?”</i></p> <p>The Open Day held on the 14th of October 2024 was part of the public consultation. Following this, all interested parties have been invited to submit written comments for the Authority’s consideration.</p> <p>This is an ongoing process, and any decisions moving forward will be communicated clearly with the public</p>