

Report of Director of Placemaking, Decarbonisation and Engagement

Subject: PCC request for early surrender of the lease at The Grove, Public Convenience, St Davids

Purpose of Report

This report provides information to Members on a formal request received from Pembrokeshire County Council (PCC) regarding early surrender of the lease at The Grove, Public Convenience, St Davids.

Introduction/Background

Wider discussions between PCC and the National Park Authority regarding the provision of public toilets have been taking place since 2022.

In February 2023 the National Park Authority received a letter from the Chief Executive of Pembrokeshire County Council (PCC) regarding toilet facilities in Pembrokeshire. This letter set out the results of a PCC Cabinet decision in February and identified that if the National Park Authority was unable to financially contribute towards the provision of a number of toilet facilities around the coast, that PCC would close those facilities from the 5th November 2023.

Following receipt of this letter, a Members' Working Group was established by the Authority which considered this request in 2023. In September 2023 the National Park Authority considered the feedback from the Working Group and agreed the following:

1. To approve a formal offer to Pembrokeshire County Council to fund toilet facilities at specific locations within the National Park for a period of two years.
2. To agree that this offer be subject to a request for a commitment from Pembrokeshire County Council that it establish a working group consisting of representatives of the National Park, along with other relevant partners to develop a strategy to seek grant funding to improve general standards at locations around the coast and to develop an Accessible Coast project, submitting grant funded applications over this two year period.

The locations supported for funding were identified following consideration of a range of datasets. This included consideration of geographical data looking at the proximity of facilities to important environmental designations (for example Sites of Scientific Interest or Special Areas of Conservation). It also included consideration of the contribution facilities play in relation to key areas of work for the National Park

Authority such as use by its Education team for outdoor engagement and whether or not there were connections to emerging projects such as the National Park Authority's beach wheelchair schemes. Other factors such as impact on Blue Flag status were also detailed. Such criteria, as well as an understanding of levels of current public use and other information supplied by PCC's officers were used to generate a scoring system which identified which individual facilities contributed most significantly in terms of National Park purposes.

The locations that the National Park agreed to fund for a period of two years were:

West Angle
Freshwater East
Manorbier
Newport Sands / Traeth Mawr
Poppit Sands
Saundersfoot
Broad Haven North
Solva
St Brides Bay
Little Haven

Funding was not agreed for The Grove, St Davids.

Main Issues

PCC Officers have written to the Authority requesting that PCNPA accept early surrender of the lease at The Grove, St Davids.

The current lease is not due to expire until 2108.

The letter states:

“You will be aware through our conversations since November 2021, that the funding situation at PCC is reaching critical levels and as such our Cabinet made the difficult decision in February 2023 to close all toilets where no future funding stream could be identified. We are extremely grateful that your Authority have agreed to fund 10 of the 17 requested facilities for two years from April 2024, this has been a big step towards helping to secure the toilet network across Pembrokeshire.

Your Authority did not however agree to fund the facility at the Grove car park as it did not fit the criteria you worked through in order to reach conclusions on funding. One of the criteria used was proximately to others, recognising that there are public toilets available at a very short distance away at the Oriel Y Parc Visitor Centre. Having two public toilets so close to each other is an unnecessary burden on public finances therefore we are respectfully requesting an early surrender of the lease at the Grove toilets in order to further support the budget situation at PCC.

We fully appreciate that the terms of the lease in situ do not allow for a closure or early surrender however at the time of the lease being agreed the financial landscape was very different and it could not be predicted that we would ever see ourselves in the financial difficulties we are facing today and into the future.”

The PCNPA Estates Manager has highlighted that the toilet building at The Grove was constructed in 2010 because of a perceived need by Pembrokeshire County Council for a toilet facility in that location. He has also noted that no compensation payment for early surrender of the lease is proposed by PCC.

The Head of Regenerative Tourism has raised concerns that the closure of The Grove will result in increased usage and pressure on toilet facilities in Oriell y Parc and, given the financial pressures facing the Park Authority, keeping toilet facilities open at Oriell y Parc beyond the site's normal operating hours is not a realistic option. The Authority did however consider The Grove public convenience as part of its overall consideration of which toilet facilities to fund in responding to the PCC request in 2023 and did not identify this location as a key area requiring funding, in part because of other nearby facilities.

At present, the Authority does not have an identified use for the building if it were to be returned to PCNPA, however, it could be used as storage for Oriell y Parc although some capital investment will be required to re-configure the internal layout. Any potential change of use would obviously be subject to National Park planning.

Financial considerations

There is currently no rent payable to PCNPA from PCC for the toilet building. The rent payable is £1 if demanded. PCC are required however under the terms of the existing lease to provide a public toilet facility. The cost to PCC of running this are approximately £6,600 per annum.

If returned to PCNPA the building would become the liability of PCNPA, however there would be no legal requirement for PCNPA to provide a toilet facility – this building could be re-used as general storage for Oriell y Parc with minimal investment.

Risk considerations

PCNPA could seek to maintain the lease as existing but there is a risk that PCC still seek to refuse to operate the facility. In such a circumstance the only avenue open to the Authority to enforce the provisions of the lease would be to take legal action. Members would need to decide whether this would be expedient or in the spirit of public collaboration. It is also worth noting that, to date, we have received no representation from St Davids City Council to maintain the existing lease arrangements as a means of keeping the Grove car park toilet facilities open for public use.

PCNPA could also seek to negotiate an amended lease which reduced the opening period of the current toilet facility but retained the requirement for PCC to operate a toilet facility in this location. There is no certainty that PCC will support this option.

If returned to PCNPA the building becomes the National Park Authority's liability along with any associated investment, change of use, security, and maintenance costs.

Compliance

No compliance issues are anticipated from this proposal.

Human Rights/Equality issues

The Public Equality Duty requires the Authority to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. This means that, in the formative stages of our policies, procedure, practice or guidelines, the Authority needs to take into account what impact its decisions will have on people who are protected under the Equality Act 2010 (people who share a protected characteristic of age, sex, race, disability, sexual orientation, gender reassignment, pregnancy and maternity, and religion or belief).

Whilst PCNPA has no legal duty to provide toilet facilities, provision of payment towards maintaining these facilities is likely to support PCC in reducing the impacts on groups with protected characteristics that would otherwise be negatively impacted by their closure. In this particular case, a decision not to invest in this location was influenced in part by the availability of other nearby facilities.

Biodiversity implications/Sustainability appraisal

No biodiversity implications result from this proposal.

Welsh Language considerations

No Welsh Language implications are anticipated from this proposal.

Wider implications

The potential closure of this facility relates to wider cost-saving measures being sought by Pembrokeshire County Council given its budgetary pressures. The National Park Authority is also facing significant budgetary pressures and the previous approach approved in September 2023 of just over £110k per year for two years was assessed as being the maximum contribution the National Park Authority could support. Surrendering the current lease at the Grove car park site will place additional costs on the Authority but these are manageable in the short-term. Surrendering the lease will mean that there is no longer provision for 24 hour toilet facilities within this part of St Davids.

Conclusion

PCC are requesting early surrender of their lease on The Grove, Public Conveniences, St Davids as part of their wider cost-saving measures being introduced in relation to public toilets in Pembrokeshire as a result of significant budgetary pressures.

No compensatory payment to PCNPA is proposed.

The National Park Authority considered whether or not to fund The Grove as part of its overall consideration of toilet facilities in responding to the PCC request in 2023 and did not identify this location as a key area requiring funding, in part because of other nearby facilities.

The closure of The Grove is likely to increase usage of toilets in Oriely Parc with associated cleaning costs, however these facilities are not accessible when the centre is closed.

PCNPA has a number of options available to it, these include:

1. Declining the request
2. Seeking to negotiate a variation in the lease terms that reduce the level of opening hours but mean that PCC continue to provide the facility
3. Accept the request and seek to negotiate a compensation payment.
4. Accept the request but do not seek to negotiate a compensation payment.

Recommendation:

To agree a preferred option and approach in relation to the Grove, public conveniences.

Background Documents

*Previous committee reports 20th September 2023 National Park Authority.

Author: Sara Morris

Consulted/engaged with (internal and/or external stakeholders): Jess Morgan, Andrew Muskett, Gary Meopham, Claire Bates, James Parkin.