



## PLANNING COMMITTEE – 9<sup>TH</sup> MARCH 2016

**SUBJECT: WELSH GOVERNMENT CONSULTATION REVISIONS TO TECHNICAL ADVICE NOTE 20: PLANNING AND THE WELSH LANGUAGE**

**REPORT BY: CHIEF EXECUTIVE**

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### 1. PURPOSE OF REPORT

- 1.1 Welsh Government (WG) is currently running a consultation about changes Technical Advice Note 20: Planning and the Welsh Language. The purpose of this report is to consider the Council's response to the consultation.

### 2. SUMMARY

- 2.1 Sections 11 and 31 The Planning (Wales) Act are concerned with the Welsh language and came into force on 04 January 2016. Planning Policy Wales has been updated to reflect and take account of the Planning (Wales) Act 2015, with the revised Chapter 4 setting out the Welsh Government's planning policy on the Welsh language. The Planning Act introduces legislative provision for the Welsh language in the planning system, and ensures that it is given consistent and appropriate consideration in the preparation of development plans, and the making of planning decisions. These changes have triggered the need to update national planning guidance set out in Technical Advice Note 20: Planning and the Welsh language
- 2.2 Section 11 of the Planning (Wales) Act 2015 makes it mandatory for all local planning authorities to consider the effect of their Local Development Plans (LDPs) on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires local planning authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.
- 2.3 Section 31 of the Planning (Wales) Act 2015 clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.
- 2.4 The deadline for the submission of comments is 30 March 2016. A summary of the proposals is provided below, along with comments from officers. Should members agree with the officers' comments, they will then be adapted for completing the standard consultation form from WG.

### 3. LINKS TO STRATEGY

- 3.1 The report takes account of the adopted Caerphilly County Borough Local Development Plan up 2021.

## 4. THE REPORT

4.1 The main changes to the TAN 20 are as follows.

(a) The key driver for Local Planning Authorities to consider the Welsh language in their Local Development Plans is now the planning legislative framework – not the single integrated plan (SIP). References to the SIP have been removed, and the new references to the Well-being of Future Generations Act and Well-being Plans are not central to the TAN as the SIP previously was.

(b) The Planning (Wales) Act clarifies that the Welsh language may be a consideration for decision-makers where it is material to the application.

(c) It is acknowledged that the LDP preparation process cannot foresee every development that is proposed, and it is therefore proposed to allow LPAs to conduct a language impact assessment for certain windfall developments. These circumstances would normally be limited to residential developments of 10 or more dwellings in areas identified in the LDP as being of linguistic sensitivity or significance.

4.2 The consultation asks a number of questions which are set out below along with answers recommended by officers.

Q1) Do you agree that the implications of provisions contained in section 11 and section 31 of the Planning (Wales) Act are made clear in the revised TAN 20?

Yes (as regards section 11). Part B adequately sets out how a baseline is to be established and utilised in terms of embedding Welsh language considerations within the LDP.

Q2) Do you agree that local planning authorities should be able to identify areas where the language is a particularly sensitive matter for the purpose of unanticipated windfall applications in their Local Development Plans?

The Welsh language should always be taken into account as a material consideration where applicable in any case, both from the point of view of assessing the implications of a particular land use proposal on the social fabric of a particular place, as well as adhering to Welsh language legislation and policy more generally. The ability to specifically identify such places will be more applicable to some local authority areas than others in reality, therefore allowing LDPs for these to incorporate such measures is useful. However, it is not considered necessary to make this a requirement, especially in local authority areas where the Welsh language is clearly less of an issue in practical terms.

Q3) The guidance encourages local planning authorities to work with organisations such as the Welsh Language Commissioner and Menterau Iaith when identifying areas of linguistic sensitivity or significance. Do you agree with this approach?

Yes, although common ground between the organisations involved would be helpful as to what represents such an area, in order to fulfil the requirements of all parties.

Q4) Do you agree that it is acceptable for Language Impact Assessments to be undertaken when considering applications for large unanticipated windfall residential development in particularly sensitive areas defined in the LDP?

For developments over a certain scale in applicable locations, it would be appropriate for the need for such an assessment to be screened and then subsequently undertaken if it were demonstrated that the potential for an impact existed.

Q5) Do you agree that it should be the responsibility of local planning authorities to produce Language Impact Assessments?

Whilst the concept of a Language Impact Assessment is accepted, putting the onus on the LPA to undertake them appears incongruous with equivalent assessments carried out at planning application stage such as transport assessments and EIAs which are undertaken by the applicants/developers concerned. It is unclear as to why LPAs are charged with this requirement. It would seem more consistent with equivalent processes for applicants/developers to undertake such assessments, whose findings can then be verified on the basis of evidence collated and held by the LPA.

Q6) The consultation draft merges the policy advice provided by TAN 20 with the further non-prescriptive practical guidance in one combined document. Do you agree with this approach?

Yes. Combination of these two documents is helpful, for ease of reference.

Q7) The revisions to TAN 20 have been subject to a Welsh Language Impact Assessment. Do you agree that the assessment has accurately identified the impact of this guidance on the Welsh language?

Yes.

Q8) We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.

No.

## **5. EQUALITIES IMPLICATIONS**

5.1 There would be no equalities implications in respect of this recommended response.

## **6. FINANCIAL IMPLICATIONS**

6.1 None

## **7. PERSONNEL IMPLICATIONS**

7.1 None

## **8. CONSULTATIONS**

8.1 None

## **9. RECOMMENDATIONS**

9.1 That Officers reply to the questions set out in the consultation on the basis of the comments above, and any additional comments from Members.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 As set out in the report above.

## **11. STATUTORY POWER**

11.1 The Town and Country Planning Act 1990 and related acts and statutes.

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Background Papers: Consultation from Welsh Government