



RECORD OF DELEGATED OFFICER DECISION

SUBJECT:

Welsh Government Consultation: Proposed changes to Technical Advice Note 20: Planning and the Welsh Language.

PURPOSE OF ATTACHED REPORT:

The purpose of the report is to approve the attached consultation document: Proposed changes to Technical Advice Note 20: Planning and the Welsh Language.

DELEGATED DECISION (Date):

It is agreed:-

The Consultation Response Form, as attached to this report as APPENDIX 1 in respect of a Welsh Government Consultation: Proposed changes to Technical Advice Note 20: Planning and the Welsh Language is approved for submission to Welsh Government by 30 March 2016.


Chief Officer Signature

C. BEADSHAW
Print Name

22/3/16
Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

AS

16-3-16

CONSULTEE CABINET MEMBER SIGNATURE

DATE

Allen

16/3/16

OFFICER CONSULTEE SIGNATURE

DATE

Directorate:	Regeneration and Planning
Contact Name:	
Designation:	
Tel.No.	

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

**MUNICIPAL YEAR 2011 - 2012
REPORT TO ACCOMPANY DECISION OF
CHIEF EXECUTIVE**

**Part 1
(Non Confidential)**

**Welsh Government Consultation:
Proposed changes to Technical Advice
Note 20: Planning and the Welsh
Language**

1. PURPOSE OF THE REPORT

To consider the Welsh Government consultation: *Proposed changes to Technical Advice Note 20: Planning and the Welsh Language* and to agree the consultation response form at Appendix 1 for submission to Welsh Government.

2. RECOMMENDATIONS

2.1 It is recommended that:

The Consultation Response Form, as attached to this report as APPENDIX 1 in respect of a Welsh Government Consultation: *Proposed changes to Technical Advice Note 20: Planning and the Welsh Language* is approved for submission to Welsh Government by 30 March 2016.

3. BACKGROUND

3.1 Technical Advice Note (TAN) 20 provides advice on considering the use of the Welsh language in development planning and in development management. Both Planning Policy Wales and TAN 20 state that the Welsh language is a material consideration in the planning system.

3.2 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 already 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.

3.3 The Act introduces, for the first time, legislative provision for the Welsh language in the planning system and seeks to ensure that the Welsh

language is given consistent and appropriate consideration in both 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*.

3.4 The main proposed changes relate to the following matters:

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

3.5 The draft document includes both policy advice and practice guidance, and Welsh Government is seeking the views of local planning authorities, developers and other interested stakeholders on whether the amended TAN makes it clear to all the implications of the provisions in the Planning (Wales) Act 2015 on planning for the Welsh language.

4. CONTENT OF THE CONSULTATION

4.1 The Consultation Document asks a number of questions on the changes to the TAN. The questions are set out below with a recommended response from the Council.

Question 1: 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?

4.2 The implications that are now embedded in planning law are generally the same to those that the authority was required to do to comply with Planning Policy Wales. For example, we would have assessed the impact of our Local Development Plan on the Welsh Language as part of the current review process even if the requirement had not been included in the legislative framework.

RCT Response to Question 1: It is agreed that the implications are made clear in the revised TAN.

Question 2: 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?

- 4.3 The revised TAN suggests that where the Welsh Language Assessment undertaken as part of the LDP process identifies areas of 'linguistic sensitivity or significance' it is open to authorities to designate these areas in their LDP. It is then suggested that where an unexpected large development proposal comes forward that could impact on a designated area, then an individual Welsh Language Impact assessment should be carried out as part of the consideration of that planning application.
- 4.4 The revised TAN sets out a range of types and sources of information that would be useful in establishing through the LDP process the extent of the use of the Welsh Language in the plan area. Some of the information we already collect, some is collected by partners and some will be available in the public domain, so the information collection that is recommended is not particularly onerous. However, there is little detailed guidance on what would constitute a linguistically sensitive or significant area or how to mitigate against the affects of development on that area.

RCT Response to Question 2: It is agreed that there will be sufficient information available to assess the use of the Welsh Language in the plan area, however, more guidance should be provided on what would constitute a linguistically sensitive or significant area and how to plan for and mitigate against the affects of development on that area.

Question 3: The guidance encourages local planning authorities to work with non-statutory consultees such as the Welsh Language Commissioner and Mentrau Iaith when identifying areas of linguistic sensitivity or significance. Do you agree with this approach?

- 4.5 The Council is already working with these bodies to meet the standards set out in the Welsh Language measure and it makes sense that we build on these partnerships when assessing the Welsh Language through the LDP review process.

RCT Response to Question 3: It is agreed that local planning authorities should work with non-statutory consultees such as the Welsh Language Commissioner and Mentrau Iaith when identifying areas of linguistic sensitivity or significance.

Question 4: 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?

- 4.6 The revised TAN suggests that because the impact of development on the Welsh language will have been assessed during the LDP process then for the most part individual developments will not need to be assessed at planning application stage. The exception that is suggested is where a large development proposal comes forward that was not anticipated by the LDP and such a development would potentially affect a linguistically sensitive

area. In what is likely to be a relatively rare occasion it seems logical that an individual assessment should be carried out for that development.

RCT Response to Question 4: It is agreed that Language Impact Assessments should be undertaken when considering applications for large unanticipated windfall residential development in particularly sensitive areas defined in the LDP

Question 5: Do you agree that it should be the responsibility of the local planning authorities to produce Language Impact Assessments?

4.7 All other assessments that are required to accompany a planning application (eg Transport, Ecology, Air Quality, etc) are the responsibility of the applicant who also meets the cost for their preparation. These studies are then assessed by the relevant expert officers either within the Council or in statutory bodies such as NRW who then advise the Council. It is considered that the same approach should be adopted with language assessments and therefore it should not be the responsibility of the Local Planning Authority to prepare a language assessment for an individual planning application.

RCT Response to Question 5: It is not agreed that it should be the responsibility of the local planning authorities to produce Language Impact Assessments. It is considered that the same approach should be adopted with language assessments as is the case with all other assessments that are required to accompany a planning application (eg Transport, Ecology, Air Quality, etc) which are the responsibility of the applicant. Given that these applications will be for sites that are a departure from the adopted LDP then it is not reasonable that the Council should bear the cost of producing the language assessment.

Question 6: 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?

4.8 Previously the supplementary advice in the TAN and the practice guidance were contained in separate documents. It is now proposed to include both within one revised TAN20 document which is welcomed.

RCT Response to Question 6: The merger of policy advice provided by TAN 20 with the further non-prescriptive practical guidance in one combined document is agreed

Question 7: The revisions to TAN 20 have been subject to a Welsh Language Impact Assessment (see Annex B). Do you agree that the assessment has accurately identified the impact of this guidance on the Welsh language?

RCT Response to Question 7: It is agreed that the Welsh Language Impact Assessment at Annexe B to the TAN has accurately identified the impact of this guidance on the Welsh language?

5 **CONCLUSION**

- 5.1 The TAN reflects changes to legislation in relation to the Welsh Language and Planning but in practice the implications are no more onerous than the authority would otherwise have adhered to through the existing policy requirements. As such, it is recommended that no objections are raised to the revised TAN and agree the consultation response form attached at Appendix 1 for submission to Welsh Government.

