

MEETING:	LANGUAGE SUB-COMMITTEE
DATE:	10 OCTOBER 2013
TITLE:	PLANNING AND THE WELSH LANGUAGE
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PURPOSE OF THE REPORT	<p>TO SUBMIT INFORMATION ON HOW THE WELSH LANGUAGE AND CULTURE ARE ADDRESSED IN RELATION TO:</p> <ul style="list-style-type: none"> • PLANNING APPLICATIONS; • PREPARING THE JOINT LOCAL DEVELOPMENT PLAN

1 Introduction

- 1.1 The Planning and Environment Service of the Regulatory Department were requested to submit a report to the Sub-committee in order to raise awareness of how the land use planning system addresses the Welsh language and culture at a local level. This report is in two parts, with:

Part 1 referring to the current planning policy context and how it is applied; and Part 2 referring to how the Welsh language is addressed as the Joint Local Development Plan is developed.

2 Part 1 – the current context and how it is applied

The current planning policy context

- 2.1 It is a requirement that planning applications are determined in accordance with the development plan unless relevant planning considerations dictate otherwise. This is the statutory test. Relevant planning considerations include National Planning Policy together with Technical Advice Notes (TAN). Those who make the decision have to come to a clear and coherent conclusion regarding how much weight is placed on relevant planning considerations. When there is variance between the assessment of the development plan and the assessment of the relevant planning consideration, a clear and coherent conclusion must be reached whether or not the weight is sufficient to outweigh the development plan.
- 2.2 The Gwynedd Unitary Development Plan (2009) (UDP) is the relevant development plan. It is available in: www.gwynedd.gov.uk/cdu
- 2.3 The Council has adopted a series of Supplementary Planning Guidance which explain relevant policies in the UDP. The Guidance is not a series of documents which create policy. The Supplementary Planning Guidance: Planning and the Welsh Language provides guidance on how to apply Policy A2 of the UDP. It is available in: <http://www.gwynedd.gov.uk/upload/public/attachments/1178/ccacynllunioariaithgymraeg.pdf>

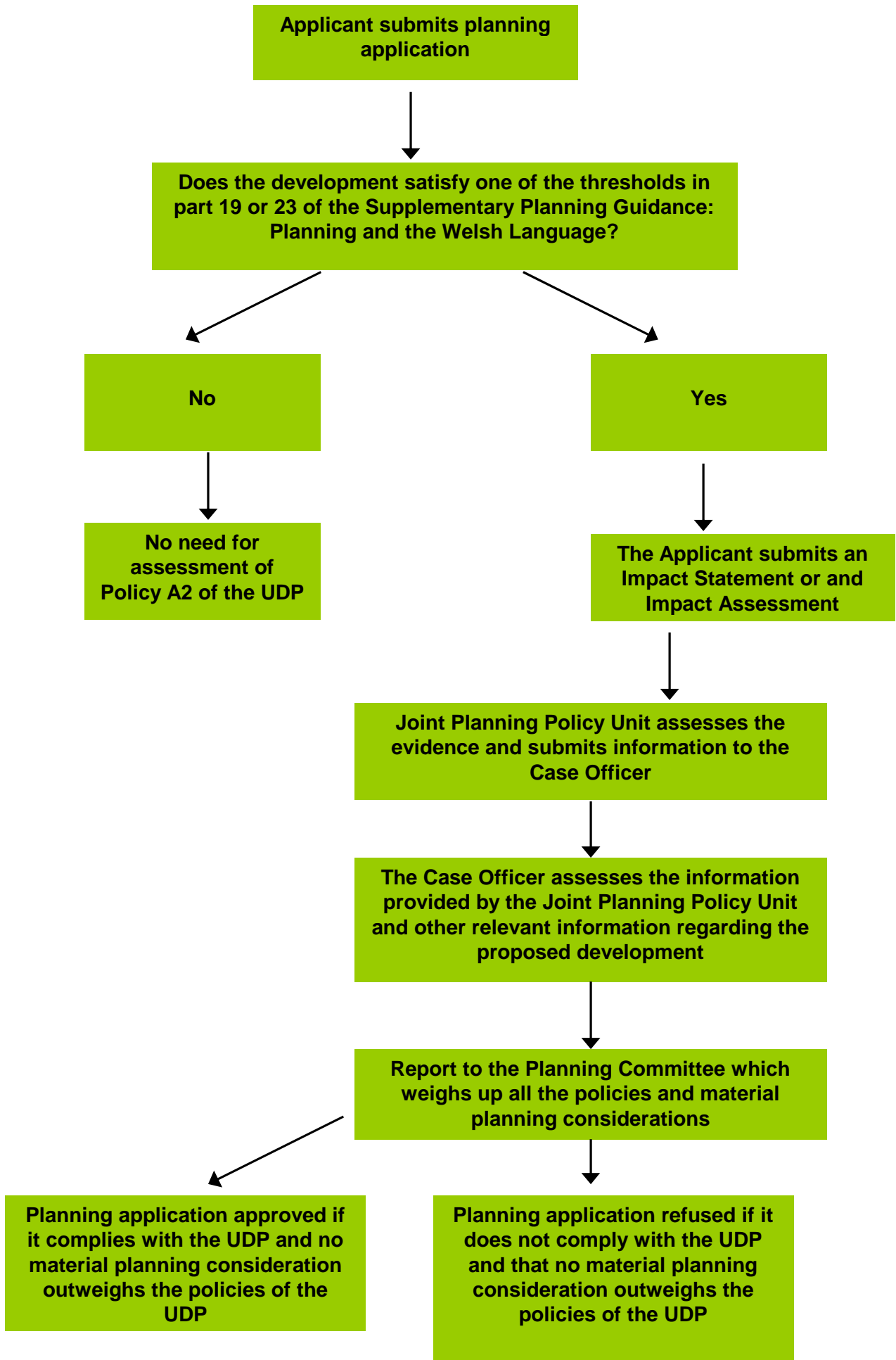
- 2.4 Planning Policy Wales (2012) is a Welsh Government land use policy. The document, along with the supporting guidance in Technical Advice Note (TAN) 20 on the Welsh Language (2000), states that the future well-being of the language will depend on a broad range of factors, in particular: education, demographic changes, community activities and a firm economic basis to maintain prosperous sustainable communities (paragraph 4.13.1 Planning Policy Wales). The land use planning system should also consider the needs and interests of the Welsh language and, in doing so, contribute to its well-being. However, TAN 20 also states that planning policies should not attempt to introduce any element of discrimination between individuals on the basis of their linguistic ability. The planning policy should not attempt to control the occupancy of houses for linguistic reasons (paragraph 9, TAN 20).
- 2.5 It should be remembered that dealing with planning applications involves the need to consider a number of different planning considerations, and that the weight afforded to those considerations will vary on a case by case basis. If the assessment of the development plan and the assessment of the material planning considerations arrive at the same conclusion then the decision maker can either allow or refuse in accordance with that conclusion. In some cases the assessment process will arrive at differing views. Bearing in mind the statutory test, if there is a conflict between the assessment of the development plan and the assessment of the material planning considerations, the decision maker will have to arrive at a clear and reasoned decision about whether the weight afforded to material planning considerations outweigh the weight afforded to the development plan.

Preparing the Unitary Development Plan

- 2.6 The aim of the Strategy is to encourage and facilitate a development which satisfies the needs of communities in a sustainable manner. A formal Sustainability Appraisal or a formal Linguistic Impact Assessment of the UDP was not required. However, evidence of the features and social aspects of areas in Gwynedd influenced the development of the UDP policies. For example, the pattern of house purchase and the existence of second/ holiday homes were examined to decide which settlements could cope best with open market housing development. Where there was more of a risk that new housing would be occupied by non-Welsh speaking incomers or would be used as second/holiday homes, land for open market housing was not designated in settlements such as Abersoch, Llanbedrog and Clynog.

Applying Policy A2 and the Supplementary Planning Guidance: Planning and the Welsh Language

- 2.7 The following chart shows the process.



3 Part 2 – preparing the Joint Local Development Plan (JLDP)

Context

- 3.1 Many statutory steps have to be undertaken prior to being able to adopt the Joint LDP. The Delivery Agreement gives details regarding how it is intended to go through the steps and when. The Delivery Agreement can be seen on the Council's website: http://www.gwynedd.gov.uk/gwy_doc.asp?cat=7073&doc=26553&Language=2. The table in Appendix A of this report shows the main steps and the current timetable for achieving the individual steps. The bold print shows where we are at present, i.e. working towards publishing the Deposit Plan for public consultation in May 2014.
- 3.2 Robustness test C2, which the Joint LDP Inspector will address, states that the work of preparing the local development plan should consider national policy.
- 3.3 In 2011, an amended draft of TAN 20 was published for public consultation. That referred to the need for local development plans to be subject to a Welsh Language Impact Assessment and it would not be a requirement to undertake an assessment when submitting a planning application. It has been mentioned recently that the final TAN 20 will be published during October 2013.

How will consideration be given to the Welsh language when preparing the Joint LDP?

The Sustainability Appraisal

- 3.4 The Joint LDP has to ensure that the developments are economically, socially and environmentally sustainable. In order to do so, the Planning and Compulsory Purchase Act 2004 states that the Joint LDP must be the subject of a Sustainability Assessment (SA) and to report on the findings of this work throughout the process of preparing the Plan.
- 3.5 The Joint LDP will deal with linguistic and cultural matters, equality matters and health matters. The SA process will assess the effect of the Joint LDP on these matters.
- 3.6 The SA process involves establishing a SA Framework which means developing sustainability objectives and indicators. The SA Framework of objectives is used to systematically identify, describe and evaluate the positive and negative environmental effects of a plan or programme. These objectives are distinct from the plan objectives, though they will often overlap with them. The SA Framework has identified 11 objectives dealing with environmental, social and socio-economic aspects thus far. Each sustainability objective is supported by many sub-objectives which will facilitate the assessment of policies and proposals in the Joint LDP and will help with interpreting the general main objective. A set of proposed indicators have also been drawn up to monitor the performance of the Joint LDP and these have been included in the framework. These indicators have been chosen to focus on the key issues arising. This element of the SA process has recognised the significance of the Welsh language in the lives of people and children in the Joint LDP area. The table below notes the relevant sustainability objective. An Initial SA Report which includes the draft AS Framework can be seen on the Council website in:

**4. Protect, promote and improve the experience of the Welsh language
(SEA Topics: Cultural Heritage)**

Will the plan...

- Protect and improve the opportunities to promote and develop the Welsh language?

Proposed Indicators:

- Number / % of Welsh speakers

- 3.7 This aspect of the SA process will be informed by information which will come to hand as a result of undertaking the Welsh Language Impact Assessment at key stages in the process of preparing the Joint LDP.

The Linguistic Impact Assessment (LIA)

- 3.8 The LIA of the Plan is a repetitive process and the assessment will have to be reviewed when aspects of the Plan change as it moves towards creating a Deposit Plan. The Impact Report on the Welsh Language (May 2013) describes the methodology used, records statistical evidence thus far and records the conclusions of the assessment thus far. This document can be seen by clicking on the following:
http://www.gwynedd.gov.uk/upload/public/attachments/1183/1_asesiad_effaith_ar_yr_iath_gymraeg.pdf As the process is repetitive and as the evidence base develops, the document will be changed over the coming months.
- 3.9 The following table summarises the process which will be followed:

KEY STAGES OF ASSESSMENT PROCESS	COMMENTS
<pre> graph TD A[Baseline Analysis of the Welsh Language] --> B[Current position of the Welsh language] A --> C[Monitored Planning Developments / Amendments] B --> D[Linguistic Changes over Specific Periods] C --> D D --> E[Cross-tabulation Analysis] E --> F[Draw attention to the Main Issues which arise from the Baseline Analysis] F --> G[Linguistic Impact Assessment of the Preferred Strategy] G --> H[Assessment of the Selected Proposed Sites against Specific Criteria] H --> I[Linguistic Impact Assessment of the Deposit Plan] </pre>	<ul style="list-style-type: none"> ▪ Collection of data covering the 5 themes outlined in Planning and the Welsh Language (2005) - Ward and LHMA level profiles. These will form the basis for decision-making in the assessment. ▪ Collection of monitored development e.g. number of houses built. ▪ Trend analysis will show how potential drivers of change have developed over time. ▪ Cross-tabulation assessment of data as part of baseline analysis will demonstrate relationships between variables. ▪ Identification of main issues arising from baseline analysis. ▪ Qualitative assessment based on quantitative analysis using 18 pre-determined specific criteria. ▪ Assessment of sites using 12 criteria based questions as basis for making decisions. Sites which are deemed likely to have an adverse impact on the Welsh language will be filtered out based on subjective analysis using quantitative data. ▪ Qualitative assessment based on quantitative analysis using 18 pre-determined specific criteria.

3.10 Appendix 5 of the Linguistic Impact Assessment Report on the Welsh Language (May 2013) records the conclusions of the assessment of the draft Preferred Strategy. The questions contained in Appendix B of this report were used to facilitate the assessment.

The work thus far – the Preferred Strategy document (May 2013)

- 3.11 The Preferred Strategy document (May 2013), which was the subject of public consultation until 27 June 2013, provides the vision and the strategic aims which is the foundation of the Joint LDP strategy. The strategy aims to achieve four strategic outputs. The strategy will be achieved by implementing a series of strategic policies, detailed policies and proposals. The current strategic policies can be seen in the Preferred Strategy document and the Deposit Plan will include the detailed policies and proposals. The Preferred Strategy document can be seen on the Council's website in: http://www.gwynedd.gov.uk/upload/public/attachments/1182/hoff_strategaeth_mai_2013_1.pdf. Appendix C includes a copy of the vision, the relevant strategic aims and the Strategic Policy regarding the Welsh Language. However, if the remainder of the Strategic Policies are examined, a series of policies can be seen which will facilitate the infrastructure which vibrant communities require: various housing types; appropriate accessible employment opportunities; accessible community facilities and services.

The evidence and its development

- 3.12 Appendix 2 and Appendix 4 of the Linguistic Impact Report on the Welsh Language (May 2013) summarise the evidence base thus far. More information is available in Subject Paper 10: The Welsh Language (May 2013) for the planning policy context and it provides an overview of the situation thus far regarding the Welsh language. The Subject Paper can be seen on the Council's Website in:

http://www.gwynedd.gov.uk/upload/public/attachments/1182/Papur_Testun_10_LIA_Report_Terfynol_C_Census_2011.pdf

- 3.13 The Topic Paper will be updated after more evidence has been gathered. The additional information sources include:
- 2011 Census. Appendix CH of this report lists the Census tables which provide a picture of the position in 2011.
 - The Housing and Language Project. Questionnaires are being sent out to: (a) houses purchased during 2008 – 2012 in the wards of Llanrug, Clynnog, Hirael, Diffwys a Maenofferen, South Dolgellau and Abersoch (b) houses constructed in Gwynedd during 2007-2012. The purpose of the questionnaire is to obtain a picture of the households and then to see whether there is a correlation between this and the position of the Welsh language. This Project is part of a wider project under the Council's Strategic Plan;
 - Local Market Housing Project. This project looks for, and analyses evidence to ascertain whether a policy which promotes housing to satisfy specific local needs for open market housing can be justified. This type of housing, along with other infrastructure, could enable residents to remain in specific rural communities.
 - The use of the language in primary schools, namely evidence on pupils' standards; the language used during play time and so on; the language of meetings of Governing Bodies.
 - Local Action, namely a tool developed by the Welsh Language Board to undertake research to obtain a picture of the nature of an area: information regarding social aspects and characteristics; measuring the viability of the Welsh language locally in terms of its visual status, the use made of spoken Welsh and the value given to the Welsh language by residents. Mapping the

information on a county level and receive information from communities which have used the tool locally.

4. Next steps

- Until the Joint LDP's adoption, continue to operate in accordance within the existing planning policy context i.e. the Gwynedd UDP, Supplementary Planning Guidance, Planning Policy Wales, TAN 20
- Analyse and apply the new TAN 20 when it is published.
- Work with other planning authorities
- Bring all the research information referred to in 3 above together, and continue to develop the evidence base for the Joint LDP, which will eventually replace the UDP.
- Present a report to the Joint LDP Panel about the development of various policies that will facilitate the development of the community infrastructure required to maintain active communities between October 2013 and January 2014
- Report to Gwynedd Council's cabinet about the Deposit Plan in February 2014
- Report to the Joint Planning Policy Committee in March 2014
- Consult about the Deposit Plan in May 2014