

Meeting	Communities Scrutiny Committee
Date	14 June 2018
Subject	Update on the Welsh Language and Planning Investigation
Working Group Chair	Councillor Gruffydd Williams
Cabinet Member	Councillor Dafydd Meurig

BACKGROUND

- 1 The *Joint Local Development Plan for Gwynedd and Anglesey 2011-2026* was adopted by the Council at a Special Meeting on 28th July 2017.
- 2 *The Welsh Language and Planning Investigation* was established at the meeting of this Scrutiny Committee on 7th December 2017.
- 3 Here's the aim of the Investigation:

Part 1 (this specifically for the draft SPG)

- Step A Ensure that the Consultation Process on the draft Supplementary Planning Guidance (SPA) is an inclusive one;
- Step B Scrutinise the draft framework for preparing the Welsh Language Statement and a draft framework for preparing Welsh Language Effect Assessment;
- Step C Scrutinise how it is intended to implement the SPG in the context of the requirements of the new TAN20;
- Step CH Consider an Overview of the comments received by the public during public consultation on the draft SPG in order to present an opinion to the Joint Planning Policy Committee before the final SPG is adopted.

Part 2 (this specifically in the National policy/advice context)

- Step D Collect evidence to form ideas and suggestions for the consideration of Gwynedd Council's Environment Cabinet Member in order to influence National policy and planning guidances in the future.

WORK UP TO 22 February 2018

- 4 This is a brief update to Members of the Scrutiny Committee on the work of the Working Group so far.
- 5 The Working Group held 5 meetings between 9 January and 12 February.
- 6 During this period the attention has been focussed on the first leg of the Investigation:
Step A Ensure that the consultation Process on the draft Supplementary Planning Guidance (SPA) is an inclusive one;
- 7 The Planning Service informed us that they had held an engagement exercise on the current Supplementary Planning Guidance in June 2016.
- 8 They provided a list of approximately 100 stake holders who had been invited to take part in the exercise and a brief report was considered by the Working Group members.
- 9 Some of the organisations listed were invited at random to meet with members of the Working Group in order to seek their opinions on the current Guidance and to note any suggestions regarding how to improve it.
- 10 Working Group Members met with representatives of the following:
 - Welsh Language Commissioner
 - Bangor University Welsh Department
 - Cylch yr Iaith
 - Hanfod
 - Burum
 - Gwynedd Planning Department

MAIN FINDINGS UP TO 22 February 2018

- 11 Main Findings Of the Investigation so far
(It was not possible to elaborate due to the request of the Planning Service to maintain the details as confidential at present). Briefly then:
 - A clear statement is required stating that the developer needs to hold a public consultation on every development of 10 or more houses in an urban area and 5 or more in a rural/village area.
 - It needs to be stated that a Welsh Language Impact Assessment needs to be held on every development that is referred to a public consultation.
 - Members are concerned about the phraseology and format/style of the draft consultation document. It is difficult to see how members of the public are expected to understand the document in its current form and to contribute meaningfully to the consultation.

- Clear details are needed on the methodology of holding a Language Impact Assessment. This is a critical part of the Assessment. Full details of the methodology need to be included in the consultation.
- There is also ambiguity regarding the descriptions of a Welsh Language Statement, and the relevance of the mitigating steps.
- A clearer description is required of what is expected of the language specialist from the Council's perspective and external individuals or organisations and their role.
- Members consider that the intention of the Planning Service to present a report of all comments made by consultees and a revised draft of the Guidance to Members of the Working Group by 31 May 2018 rather ambitious. We request an assurance of the ability to achieve this on time.

12 Meeting of the Communities Scrutiny Committee on 22 February 2018

An update was given on the scrutiny investigation into planning and the Welsh Language by the chair of the Investigation, Councillor Gruffydd Williams. Attention was drawn to the main findings, and he noted that the findings, and the Committee's observations, would be included in a report that would be submitted to the Joint Planning Policy Panel on 9.3.18.

During the ensuing discussion, the following points were highlighted by individual Members:

- The number of Welsh speakers in Gwynedd was declining and something needed to be done to maintain the numbers
- A language assessment must be independent and transparent. This should be welcomed as a definite step forward
- It was suggested that three dwellings in a windfall development should be considered, rather than five
- There was a need to consider the cumulative effect
- Information was needed about the impact of the developments

The work to date and the next steps were supported. It was reiterated that the information should be robust and that language was an integral part of the planning system here in Gwynedd.

UPDATE: 22 February – 19 April 2018

- ## 13 Step A – In order to complete Step A, the Working Group Members intend to do the following during February:
- Interview officers from Gwynedd Council's *Hunaniaith*/Language Unit
 - Consider the responses received in full by the Planning Service to the Engagement exercise in 2016.
 - Evaluate the engagement exercise against the *National Principles on Engagement with the public in Wales*.

- Consider details of the Consultation Plan for the new draft Guideline

14 **Step B Scrutinise the draft framework for preparing the Welsh Language Statement and a draft framework for preparing Welsh Language Effect Assessment;**

- Consider details of both draft frameworks
- Consider details of the current methodology
- Consider the details of the draft methodology

15 Meeting of the Local Development Plan Panel on 9th March 2018

- Members of the Working Group presented the 6 Recommendations (Appendix 1), Main Findings and comments of the Scrutiny Committee.
- The Panel rejected the 6 Recommendations.

16 **Meeting of the Communities Scrutiny Committee on 19 April 2018**

A report was submitted by the investigation's working group Chair requesting that the Scrutiny Committee recommend that the Joint Planning Policy Committee consider the recommendations and further comments of the working group, together with the responses of the Joint Planning Policy Committee, before proceeding with the Public Consultation on the Supplementary Planning Guidance.

In the presentation of the report a statement was given on the linguistic picture in Gwynedd. Members were reminded of the Council's Leader words, when he presented the Council's Plan 8.3.18, outlining the need to prioritise the Welsh language by continuing to give guidance and promote the use of Welsh at all times. The need to operate in an innovative way was added, and he suggested that the SPG in its current form did not address this in a way that would contribute to changing the pattern and reduction of Welsh speakers in Gwynedd. It was also noted that the working group considered that the SPG had not been prepared sufficiently to conduct a Public Consultation.

During the ensuing discussion, the following points were highlighted by individual Members:

- That the requirements of some of the recommendations were simple, and it was very disappointing that the Panel had refused the recommendations although there was strong evidence for the conclusions.
- Possibility that some recommendations were contrary to Policy PS1, however it was necessary to be more responsive to the situation
- It was necessary to consult with Language Organisations and the Language Officers at Bangor University and not just Council officers.
- That the recommendations placed 'flesh on the bones' to strengthen the guidance in accordance with the requirements of the Cabinet Member
- That the view of the officers to a statement 'that the time-schedule did not need to be extended' was difficult to understand

All the recommendations were discussed by considering the Panel's response and further observations / questions of the working group to those responses.

In response to the comments, the Planning Officers noted the following observations:

- That the observations of the working group had been addressed by giving more information on certain elements of the Guidance
- That the Guidance was clearer as a result of some comments
- That there was more pressure on the applicant to undertake the assessment work
- That it was expected that the applicant would achieve the relevant requirements - failure to do this could affect the determination. Pressure on the applicant to act appropriately
- To consider two of the recommendations (1a and 1b) policy PS1 would have to be modified. This is not possible or appropriate to the Panel's work.
- That the recommendations had not been ignored - some amendments had been made.
- That the linguistic preparatory work had been done with the support of the language officers and the Guidance did identify the situation of the Welsh language in Wales.
- In the context of research and analysis, it was noted that the Guidance included comprehensive information that the Policy Unit has to share with the applicant when preparing assessments.
- In the context of engagement and consultation, it was highlighted that the engagement principles had been considered and the engagement work had been addressed and the arrangements complied with the need. It was highlighted that the engagement plan had been considered by the Council's Engagement Officers and would be an appendix to the report submitted to the Joint Planning Policy Committee (26.4.18).
- In the context of extending the time-schedule to ensure that work of the highest possible standard was achieved, it was noted that it was the Panel's decision that no more time was required.

In response to a question regarding how weaknesses in policies could be adapted, it was noted that it was proposed to monitor the policies annually. With the Joint Local Development adopted since July 2017, it was added that there was no evidence to justify that the policies were not working thus far.

In response to a suggestion that Gwynedd's wish was to adapt the Guidance to prioritise the Welsh Language and that it could act on its own, it was noted that this was legally possible, but practically, there would be substantial risks for the Council. It was added that the arrangement had ensured financial savings and separation would undermine the good working relationship between both Councils who had been pioneers in the field. The Chairman added that there was no evidence of a difference of opinion between Gwynedd and Anglesey.

In response to the discussion, the Head of Environment Service noted that it was expected that the Joint Policy Committee would have an opportunity to consider the

observations and further questions submitted by the Working Group together with the comments of the Scrutiny Committee.

It was proposed and seconded to submit the additional observations of the Working Group and the Scrutiny Committee for consideration to the Joint Planning Policy Committee.

It was proposed and seconded to accept the recommendations

RESOLVED:

- **To submit the additional observations of the Working Group and the Scrutiny Committee for consideration to the Joint Planning Policy Committee.**
- **To accept the recommendations and submit them to the Joint Planning Policy Committee.**
- **To ask the policy officers for the panel's full response to the engagement principles.**

17 Meeting of the Joint Policy Planning Committee on 26th April 2018

The Committee resolved to:

- **Accept the 6 Recommendations of the Scrutiny Committee**
- **Postpone the consultation on the draft Guidelines**
- **Correspond with the Welsh Government in order to receive confirmation of the aim to direct every Planning Application to a Public Enquiry to include a Language Impact Assessment.**
- **Contact the Working Group Members and Specialists in order to receive direction with the modification of draft Guideline on matters relating to Language Planning, Research and Analysis, Engagement and Consultation.**

18 The following information was received from the Planning Policy Manager:

- **Intention to send a letter to the Welsh Government to request rights to change policy in local development plans and rights to change the threshold to set a requirement to hold a public enquiry before submitting a planning application for 5 houses in villages and rural areas instead of 10 houses.**
- **Intention to send the letter in the week commencing 28 May 2018.**
- **Intention to commission external competent specialists to undertake a critical assessment of the *Supplementary Planning Guidance*, and in particular Section 2 of the Guidance.**
- **Put arrangements in place in order to receive quotations to undertake the work. (Full details of the arrangements have not been received. It is understood that the successful specialist is expected to present a report by 6 July 2018.)**
- **It is intended to present the Welsh Government's response, the Specialist's Report and the Revised Guideline to the Joint Local Development Plan Panel and the Joint Planning Committee during July/September 2018.**

19 **The following response was sent by Members of the Scrutiny Working Group**

- **Ask a more direct question to the Welsh Government – Is there any reason why every application by a developer to build 10 or more houses in an urban area and 5 or more houses in a rural area cannot be referred to a public enquiry to include a language assessment?**
- **It is highly unlikely that one consultant would be a specialist in the fields of Planning, Language Planning, Data and Analysis and Engagement and Consultation.**
- **Your expectations may be slightly too ambitious.**
- **It is possible that some specialists would be ready to contribute their specialisms if you were to contact them directly.**

20 **There has been no response to date to these comments.**

21 **In addition, Members of the Scrutiny Working Group have considered how it is intended to implement the Supplementary Planning Guidance in the context of the requirements of the new Technical Advice Note 20.**

- **Consideration given to – *Technical Advice Note 20 – Planning and the Welsh Language***
- **Consideration given to Discussion Document – *Local Housing Needs and the Welsh Language in the Planning System.***
- **Meeting to discuss the above with the *Arfon Assembly Member.***