

Meeting	Communities Scrutiny Committee
Date	19 April 2018
Subject	<b>Planning and the Welsh Language</b>
Scrutiny Log Reference	C10

The Communities Scrutiny Committee is requested to consider the following recommendation.

**That the Communities Scrutiny Committee recommends that the Joint Planning Policy Committee gives due consideration to the Recommendations and Further Comments/Questions by the Working Group and the Responses of the Panel (Appendix 1) by addressing the matters raised before continuing to hold a Public Consultation on the Supplementary Planning Guidance.**

**Gwynedd Council Full Meeting – 28 July 2017**

- 1 A Full Meeting of Gwynedd Council was held on 28 July 2017 to consider a report by the Cabinet Member for the Environment, recommending that the Council should adopt the *Gwynedd and Anglesey Joint Local Development Plan*.
- 2 The following observations in relation to the language were submitted in favour of the recommendation:
  - The plan should be adopted in full because without a development plan, there would be no control over sites outside the development boundaries which would lead to negative social and linguistic effects.
  - Refusing the plan would be more harmful to the language.
  - It was accepted that the plan was not perfect, but the report was a live document with an opportunity for it to be amended annually, according to need, by regular discussion, reviewing and monitoring.
  - It was possible to create unique supplementary planning guidance for Gwynedd which would protect our communities, not destroy them.
  - Encouraging the use of the Welsh language across all Welsh Authorities remained a priority. The future of the Welsh language relied on good jobs locally, our schools' language policy and the status of the language in communities.

- If Gwynedd Councillors did not accept the responsibility, the responsibility would be thrown back to Cardiff to a Minister who wasn't as sympathetic.
- 3 The following observations in relation to the language were submitted opposing the recommendation:
- No changes had been made to the housing figures agreed following the publication of the 2011 Census which had shown a reduction of 4% in the number of Welsh speakers.
  - Information requested in relation to the impact of development on the language since 2011 had not been received and without this information, the Council was not in a position to accept the Plan.
  - 1700 representations had been proposed during the 2015 consultation - many of which were objections, but many had been disregarded as the Council claimed that there was no robust evidence to support them.
  - The details and evidence contained in an independent report regarding the Plan's detrimental impact on the language had not been considered.
  - The recommendation should be refused and an opportunity sought to adapt the Plan appropriately and submit an enterprising and pioneering plan which would be suitable for our Welsh-speaking communities.
- 4 Proposals were made to defer the decision on the linguistic grounds of:
- Seeking more time to complete an independent linguistic assessment and to receive more specialist information in the field of planning.
  - Defer the decision in order to share information with new Members and undertake further work on the supplementary planning guidance, particularly the language guidance.
- 5 The result of the vote on the recommendation was tied.
- 6 The Chair used her casting vote in favour of the recommendation.
- 7 The Council's decision was to adopt the *Gwynedd and Anglesey Joint Local Development Plan 2011 to 2026*.
- 8 An amendment was added, noting that preparing the new *Supplementary Planning Guidance on Maintaining and Creating Unique and Sustainable Communities* should be prioritised.

#### **Briefing Meeting by the Cabinet Member for the Environment – 22 September 2017**

- 9 A Briefing Meeting was held by the *Cabinet Member for the Environment* for Members of the Communities Scrutiny Committee and the Language Committee on *Consultation, Scrutiny and Adoption Arrangements for the Supplementary Planning Guidance – Maintaining and Creating Unique and Sustainable Communities*.

- 10 It was noted that it was important to produce Guidance that was based on clear evidence and that the process of producing a document should not be rushed.
- 11 Members of the Communities Scrutiny Committee agreed to consider how they could best contribute to the work.

### **Joint Planning Policy Committee**

- 12 An agreement was made between Gwynedd Council and Anglesey County Council on 8 November 2017 to establish a *Joint Planning Policy Committee*.
- 13 The Committee includes seven members from Gwynedd Council and seven members from Anglesey Council.
- 14 The Committee's main functions are to:
  - Receive the *Annual Monitoring Report* and offer advice on it prior to its submission to both Councils.
  - Adopt the *Supplementary Planning Guidance* for the *Joint Local Development Plan* which is common to both Councils.
  - Be responsible for reviewing the *Joint Local Development Plan*.
  - Present the *Review Report* and the revised *Delivery Agreement* for the *Joint Local Development Plan* to both Councils for their agreement.
  - Be responsible for amending the *Joint Local Development Plan* and for submitting the amended *Joint Local Development Plan* to both Councils for adoption.
  - Accept and advise on a draft *levy charge list* for public inquiry and the Inspector's recommendations prior to submission to the Cabinet / Executive Committee for a decision.
  - Accept and agree upon an annual report on the arrangements for joint governance and funding.
  - Appoint any panel or working group to assist the Committee to deliver its functions.
- 15 In relation to the Supplementary Planning Guidance that solely affects the administrative area of one Authority, these will be submitted to the Joint Planning Policy Committee for information only.
- 16 In these circumstances there will be formal consultation with the other Authority.
- 17 There will be an explanation within the Supplementary Planning Guidance outlining why it is relevant to only one Authority's administrative area.
- 18 It is important to note that matters relating to the adoption of any Amendment to the *Joint Local Development Plan* will be retained separately by both individual Councils.
- 19 Matters relating to Scrutiny will be retained by both Authorities separately.

### **Joint Local Development Plan Panel – 17 November 2017**

- 20 The *Joint Local Development Plan Panel* was established in the Joint Planning Policy Committee meeting on 17 November 2017.
- 21 The Panel and Committee have the same membership.

- 22 It is an operational working group, with the function of facilitating the work of creating consensus on key matters.
- 23 The Panel's objectives are to:
- Guide the Committee's decision on the *Annual Monitoring Reports* and *Plan Review Report*.
  - Publish draft *Planning Guidance*.
  - Assist the Committee to make decisions about the amended content of the *Local Development Plan*.
  - Assist the Committee to make a recommendation on the levy charge list to Gwynedd Council's Cabinet and Anglesey Council's Executive.
  - Accept, and take account of the observations made by the public and any stakeholder group/forum during periods of public engagement or statutory public consultation.
- 24 Its work commenced on 1 February 2018.

Planning and the Welsh Language Scrutiny Investigation

#### [Brief and Timetable](#)

The Investigation was established by the Communities Scrutiny Committee on 7 December 2017 and three Council Members were chosen to serve on the Investigation Working Group.

- 25 Its work commenced on 9 January 2018.

#### **Communities Scrutiny Committee 22 February 2018**

##### [22.2.18 Committee Report](#)

- 26 The Working Group's report was submitted to the Communities Scrutiny Committee on 22 February 2018, and the following Recommendations were adopted:  
(It is not possible to expand on the points as the Planning Service has noted its wish to keep the details confidential at present). Therefore, to summarise:
- 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 the 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.

**Joint Local Development Plan Panel – 22 March 2018** – APPENDIX 2 (for information)

- 27 The Working Group's report was submitted to the Panel, which included the following recommendations:
- 1A A clear statement is required in the Guidance 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.**
- 1B It needs to be stated clearly in the Guidance that the Developer needs to submit a Welsh Language Assessment and a Welsh Language Impact Assessment for every development that is referred to a public consultation.**
- 2 Panel members should receive advice and guidance from independent experts in the field of Linguistic Planning when preparing the new Supplementary Planning Guidance and prior to consulting on the new draft Guidance.**
- 3 Panel members should receive advice and guidance from independent experts in the field of Research and Analysis when preparing the new Supplementary Planning Guidance and prior to consulting on the new draft Guidance.**
- 4 Panel members should receive advice and guidance from independent experts in the field of Engagement and Consultation when preparing the new Supplementary Planning Guidance and prior to consulting on the new draft Guidance.**
- 5 Panel Members should request an extension to the Timetable if needed in order to deliver work of the highest possible standard.**

**The Communities Scrutiny Committee meeting 19 April 2018 (today)**

- 28 Members of the Communities Scrutiny Committee are asked to:**
- a) Consider the Report and Appendix 1.**
  - b) Decide on the next steps.**