

# **The Vale of Glamorgan Council**

## **Cabinet Meeting: 14 March, 2016**

### **Report of the Cabinet Member for Regeneration**

#### **Planning Policy Wales Revisions to Technical Advice Note 20: Planning and the Welsh language**

##### **Purpose of the Report**

1. This report has been prepared to advise Cabinet of the Welsh Government's consultation and proposed revision of Technical Advice Note 20: Planning and the Welsh language which provides guidance on how Welsh language considerations should be taken into account by local planning authorities when Local Development Plans (LDPs) are prepared and decisions on planning applications are made.

##### **Recommendations**

1. That subject to consideration by Cabinet, this report and the completed consultation response form attached at [Appendix 1](#) is endorsed as the Council's formal response to the Welsh Government consultation on Technical Advice Note 20: Planning and the Welsh language.
2. That the report be referred to Planning Committee for information.

##### **Reasons for the Recommendations**

1. To obtain Cabinet's endorsement of the response submitted to the Welsh Government consultation on Technical Advice Note 20: Planning and the Welsh language.
2. To advise Planning Committee of the public consultation.

##### **Background**

2. The Welsh Government is committed to encouraging a bilingual Wales and to supporting and promoting the Welsh language across Wales.
3. The Well-being of Future Generations (Wales) Act 2015 seeks to improve the social, economic, environmental and cultural well-being of Wales. It contains seven well-being goals which certain public bodies (including local authorities and National Park authorities) must seek to achieve in order to improve well-being both now and in the future. One of the well-being goals is "A Wales of vibrant culture and thriving Welsh language".
4. The planning system can help create the conditions for the Welsh language to thrive, by facilitating development including new housing, new employment areas, improved

community facilities and schools. It can also help sustain existing services and facilities that support use of the Welsh language.

5. The Welsh Government's planning policy on the Welsh Language is set out in Section 4.13 of PPW the latest version of which was issued on 4 January 2016. This is supported by TAN 20: Planning and the Welsh language (October 2013) which provides further guidance on how local planning authorities should take account of the needs and interests of the Welsh language when producing development plans. TAN 20 applies equally to areas where the Welsh language is widely spoken as the first language of the community and to areas where it is less widely spoken – it enables and encourages Local Planning Authorities to take actions that are proportionate and suitable to the characteristics of the local area. TAN 20 is supplemented by practice guidance on planning and the Welsh language (June 2014).
6. The Welsh Government consultation seeks views on a revision of TAN 20 to reflect provisions contained in the Planning (Wales) Act 2015 that relate to the Welsh language. The Welsh Government is also proposing that elements of the TAN 20 Practice Guidance document are incorporated into TAN 20, so that all relevant guidance is contained in one place.
7. The revised TAN will provide local authorities with clarity regarding how Welsh language considerations should feed into the preparation of their LDP.
8. The consultation documents were issued on 4<sup>th</sup> January 2016 and responses are required by 30<sup>th</sup> March 2016. The consultation documents can be viewed on the Welsh Government website via the following link:

<http://gov.wales/consultations/planning/tan-20-planning-and-the-welsh-language/?lang=en>

## **Relevant Issues and Options**

9. The Planning (Wales) Act 2015 came into force on 4<sup>th</sup> January 2016 and Sections 11 and 31 relate to the Welsh language. The Planning Act introduces, for the first time, legislative provision for the Welsh language within the planning system and sections 11 and 31 ensure that the Welsh language is given consistent and appropriate consideration in both the preparation of development plans, and the making of planning decisions.
10. PPW 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 in respect of the Welsh language.
11. These changes have triggered the need to update national planning guidance as set out in TAN 20: Planning and the Welsh language.
12. Section 11 of the Planning (Wales) Act 2015 makes it mandatory for all local planning authorities to consider the effect of their LDP 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.
13. 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.

14. These elements have been incorporated into the revised TAN 20.
15. Members are no doubt aware the Council's LDP is currently being considered by an independent inspector at inquiry and the LDP is required to comply with all relevant and up-to-date guidance and legislation which might affect the Plan. In this regard, although the Welsh language formed a consideration during the development of the Deposit LDP, initial considerations by the inspector have resulted in the Council having proposed an additional statement on the Welsh language which will form a part of the future Matter Arising Changes consultation.
16. Notwithstanding the above, in respect of the Welsh language, the original SA Scoping Report for the Vale of Glamorgan LDP which drew on the results of the 2001 Census identified that 8.5% of the Vale's population could speak, read and write Welsh. This compared to a national average of 15.8%. Within the Vale of Glamorgan 83.55% of the population were identified as having no knowledge of the Welsh language at all compared to 72.19% across Wales as a whole.
17. A similar situation was identified within the 2011 Census which indicated that 8.2% of the Vale's population could speak, read or write Welsh compared to the national average of 14.6% and 83.7% of the Vale's population possessed no Welsh language skills at all compared with an all Wales average of 73.4% of the population. While the importance of the Welsh culture and heritage has been recognised in the Plan having assessed the densities of Welsh language use across the Vale of Glamorgan it is not considered to be an issue which requires to be specifically addressed within the Plan and the proposals within the Plan are not considered to be likely to have a detrimental impact upon Welsh culture, heritage or language within the Vale of Glamorgan.
18. As is now standard practice with Welsh Government consultation exercises, a series of consultation questions have been posed in relation to the revised TAN20. In this regard, while the Council has made a number of comments in response to the consultation questions which it hopes will assist the Welsh Government to formalise its policy position, it is not considered that the revisions to the TAN20 will give rise to significant changes within the Vale of Glamorgan at this time. The Council's proposed response to the consultation questions is at [Appendix 1](#).

### **Resource Implications (Financial and Employment)**

19. The response to the consultation has been formulated by officers within the Planning and Transportation Division within existing budgets. It is not anticipated that the revisions to TAN 20 Planning and the Welsh Language will result in additional resource implications for the Council.

### **Sustainability and Climate Change Implications**

20. The LDP should give consideration to the use of the Welsh language so far as it is relevant to the use of land. Where evidence indicates a detrimental impact on the use of the Welsh language or other objectives the LPA will need to assess whether the strategy should be amended or mitigation measures should be identified in the LDP. There are no climate change implications resulting from the revisions proposed to TAN20.

## **Legal Implications (to Include Human Rights Implications)**

21. PPW and TANs set out the Welsh Government's planning objectives across a range of topic areas. Local authorities should develop through their community strategies and development plans clear strategies and policies for the contributing to achieving these objectives. There are no specific Human Rights implications of this report however the consideration of the Welsh language through the planning system is enshrined within a number of legislative Acts.

## **Crime and Disorder Implications**

22. The Vale of Glamorgan Adopted Unitary Development Plan (1996-2011) and the emerging Local Development Plan (2011 - 2026) both contain policies which seek to create accessible and safe built environments.

## **Equal Opportunities Implications (to include Welsh Language issues)**

23. A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation will benefit all sectors of the community of the Vale of Glamorgan.

## **Corporate/Service Objectives**

24. An Inclusive and Safe Vale' is one of the well-being outcomes in the draft corporate plan with a supporting objective 'reducing poverty and social exclusion'. There is also a well-being outcome 'An Aspirational and culturally vibrant Vale' with a supporting action 'valuing culture and diversity'.

## **Policy Framework and Budget**

25. PPW sets the context for sustainable land use planning policy within which Local Authorities' statutory Local Development Plans (LDPs) are prepared and development control decisions on individual planning applications and appeals are made. PPW is supplemented by a suite of topic based TANs and procedural guidance is contained within circulars and policy clarification letters.
26. It is important that planning policy continues to evolve to accommodate changing circumstances. Accordingly, the Welsh Government (WG) continually monitors PPW and TANs in relation to their objectives for Wales and when necessary, publishes updated national planning guidance.
27. This is a matter for Executive decision.

## **Consultation (including Ward Member Consultation)**

28. No specific consultation with Ward Members has been undertaken.

## **Relevant Scrutiny Committee**

29. Economy and Environment.

## **Background Papers**

Revision of Technical Advice Note 20 Planning and the Welsh Language  
Planning Policy Wales Chapter 4 Planning for Sustainability

## **Contact Officer**

John Marks – Senior Planner, Planning Policy

## **Officers Consulted**

Operational Manager Legal - Committee Reports

Operational Manager Accountancy

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Head of Regeneration and Planning

Huw Issac – Head of Performance and Development

Tim Greaves – Equalities Coordinator

## **Responsible Officer:**

Rob Thomas – Managing Director