

CYNGOR SIR POWYS COUNTY COUNCIL

Delegated Decision

16th May 2011

**REPORT AUTHOR: County Councillor Wynne Jones
Portfolio Holder for Regeneration & Development**

**SUBJECT: WAG Consultation on Draft Technical Advice Note 20
– Planning & the Welsh Language**

REPORT FOR: Decision

1.0 Summary

1.1 To approve the Council's response to the consultation on the draft Technical Advice Note (TAN) 20 – Planning & The Welsh Language.

2.0 Proposal

On the 21st March 2011 the Welsh Assembly Government (WAG) published draft TAN 20 for consultation. The draft TAN provides guidance on how Welsh language issues should be considered by local planning authorities. These issues need to be taken into account when Local Development Plans (LDPs) are prepared and decisions on planning applications are made. The consultation period concludes on 13th June 2011.

A standard consultation response form was issued with the draft TAN as attached as Appendix 1 to this report. This has been completed and it is recommended that the responses are approved as the Council's response to the consultation on draft TAN20.

Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

The Council's Welsh Language Officer has also commented on the Draft TAN and his comments combined in the response.

Recommendation:	Reason for Recommendation:
To approve the comments attached as Appendix 1.	To respond to the Welsh Assembly Government's Consultation on Draft Technical Advice Note 20 – Planning & the Welsh Language.

Relevant Policy (ies):	N/A
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Within Policy:	Y / N	Within Budget:	Y / N
Relevant Local Member(s):	N/A		
Person(s) To Implement Decision:	Peter Morris		
Date By When Decision To Be Implemented:	13 th June 2011		
Contact Officer Name:	Tel:	Fax:	Email:
Peter Morris	01874 612283	01874 612339	Peter.morris@powys.gov.uk

Background Papers used to prepare Report:

Draft Tan20

Consultation Form

Technical Advice Note 20 Planning and the Welsh Language

We want your views on our proposed update to Technical Advice Note 20 Planning and the Welsh Language.

Please submit your comments by 13th June 2011.

If you have any queries on this consultation, please email:

planconsultations-c@wales.gsi.gov.uk

Data Protection

Any response you send us will be seen in full by Welsh Assembly Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Assembly Government staff to help them plan future consultations.

The Welsh Assembly Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Assembly Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Technical Advice Note 20 Planning and the Welsh Language (Draft) Consultation

21st March to 13 June 2011

Name	Peter Morris	
Organisation	Powys County Council	
Address	Regeneration & Development Neuadd Brycheiniog Cambrian Way Brecon Powys LD3 7HR	
E-mail address	Peter.morris@powys.gov.uk	
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/> Yes
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	Should the needs and interests of the Welsh language be taken in to account when Local Development Plans are prepared?	Yes	No
		<input type="checkbox"/> ?	<input type="checkbox"/> ?

Do you have any additional comments?

To answer this question, further research is required to determine the effects of different types of development on the Welsh language over a long period of time. Only research of this type can determine what difference the planning system, including LDPs, can make to the Welsh Language. The TAN needs to be founded upon such evidence which at present appears to be absent.

The TAN takes a generally negative view of development in relation to language because it refers to mitigation i.e. dealing with the harmful effects of language. Does the evidence exist to prove that development is indeed harmful? Development may change the balance of the language speakers as a proportion but it can't reduce the number of language speakers/users. It is possible for instance that large scale housing development or economic development in a strong Welsh-speaking community might be beneficial to the language particularly in the long run as it may result in more people speaking Welsh especially if more children learn the language. Rather than mitigation, perhaps the planning system should be seeking to capture the benefits and opportunities for the language that development provides.

In contrast, restricting development could potentially be more harmful to the Welsh language as this would not increase the overall number of Welsh speakers, or put the language on a sustainable long term footing, although on paper it would indicate as a snap shot a high proportion of Welsh language speakers.

Q2	Do you agree that Welsh language Impact Assessment should be integrated with Sustainability Appraisal and Site Assessment processes that local planning authorities undertake when LDPs are prepared?	Yes	No
		<input type="checkbox"/> Yes	<input type="checkbox"/>

Do you have any additional comments?

Assuming the evidence exists to demonstrate the connection between the negative effects of development and Welsh language, then any Welsh Language Impact Assessment process should be integrated into the SA process. However, the site assessment process will include an SA i.e. sites will have to be SAed, so there is no need to duplicate the process.

Q3	Should further guidance be provided on the integration of WLIA and Sustainability Appraisal?	Yes	No
		<input type="checkbox"/> Yes	<input type="checkbox"/>
<i>Do you have any additional comments?</i> Guidance would be helpful.			

Q4	Do you agree that the possible impact on the use of the Welsh language should be considered when alternative development sites are identified for possible inclusion in the LDP?	Yes	No
		<input type="checkbox"/> Yes	<input type="checkbox"/>
<i>Do you have any additional comments?</i> Alternative site submissions must be appraised by proponents in accordance with the agreed LDP sustainability appraisal methodology so providing the SA is integrated with the WLIA then this will occur in any event.			

Q5	Do you agree that every LDP should include a statement setting out how the needs and interests of the Welsh language have been taken into account by the local planning authority?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/> No
<i>Do you have any additional comments?</i> This is a matter for the SA report rather than the LDP.			

Q6	Should local planning authorities monitor the impact of development on the Welsh language? Can you suggest appropriate indicators?	Yes	No
		<input type="checkbox"/> Yes	<input type="checkbox"/>
<i>Do you have any additional comments?</i> Monitoring information is useful because it informs future policy making. However, the indicators to be used for monitoring need to be established as part of any research undertaken to determine the effects of development on Welsh language. Monitoring short-term effects is likely to prove difficult because impacts are only likely to be measurable over the longer term.			

Q7	Do you agree with the range of mitigation measures that have been identified? Can you suggest any others?	Yes	No
		<input type="checkbox"/> Yes	<input type="checkbox"/>
<i>Do you have any additional comments?</i> The mitigation measures seem appropriate, although the use of the word 'mitigation' is not considered appropriate for the reason given in response to question 1 above.			

Q8	Should the Community Infrastructure Levy be used to fund Welsh language infrastructure?	Yes	No
		<input type="checkbox"/> Yes	<input type="checkbox"/>
<i>Do you have any additional comments?</i> Providing the legislation and regulations on CIL enable this.			

Q9

We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

Paragraph 4.1.1 of the draft TAN states that, "Planning applications should not be subject to Welsh language Impact Assessment" on the basis that the LDP will have been subject to a Welsh Language Impact Assessment integrated into the SA process. This seems a sensible suggestion where planning applications accord with the LDP, but in instances where departure applications or applications that were not foreseen in the LDP come forward, then a WLIA is still considered appropriate.

I do not want my name/or address published with my response (please tick)

How to respond

Please submit your comments by 13 June 2011, in any of the following ways:

Post	Email
Please complete the consultation form and send it to: Technical Advice Note 20 Consultation Planning Division Welsh Assembly Government Cathays Park Cardiff CF10 3NQ	Please complete the consultation form and send it to : planconsultations-c@wales.gsi.gov.uk [Please include 'Technical Advice Note 20 Consultation' in the subject line]
Additional information	
If you have any queries on this consultation, please email: planconsultations-c@wales.gsi.gov.uk Telephone: 029 2082 6166	