

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

IMPLICATIONS OF TAN 20 : PLANNING AND THE WELSH LANGUAGE - IN RELATION TO THE CONSIDERATION OF PLANNING APPLICATIONS

1. PURPOSE OF REPORT

- 1.1 The report seeks to update members on issues arising in relation to the consideration of planning applications from the publication of Welsh Government's Technical Advice Note 20 (TAN 20): Planning and the Welsh Language in October 2017.
- 1.2 It contains a recommendation on the approach to be taken when considering specified types of planning application, in respect of assessment of the potential impact of new development on the needs and interests of the Welsh language.

2. BACKGROUND.

- 2.1 Members will recall discussion at the November Committee on applications for outline planning permission for small residential developments in Bryneglwys and Clawddnewydd. Questions were raised over the requirement for appropriate assessments of impact with these applications on the character and language balance of those communities.
- 2.2 The Denbighshire Local Development Plan contains a specific policy – RD5 – which sets out circumstances in which applicants 'will normally be expected to submit' a Community Linguistic Statement or Community and Linguistic Assessment dependent on the type / scale of development involved. Policy RD5 is attached in full at the foot of the report. The policy was included in the Plan in accordance with guidance in a 2005 document "Planning and the Welsh Language: "The way ahead".
- 2.3 Since the adoption of the LDP, Officers have drawn the requirements of Policy RD5 to the attention of applicants, and Community Linguistic Statements / Impact Assessments have been submitted as part of proposals which exceed the thresholds in the policy.
- 2.4 TAN 20 has been circulating in draft form for some time and its formal publication now sets specific requirements on Local Planning Authorities in respect of

considering the impacts of development on the Welsh language. As TAN 20 post-dates the adoption of the LDP and Policy RD5, and reflects up to date national planning advice, significant weight will now be attached to it in the consideration of planning applications and appeals. In this context, Officers are alerting members to the key contents of the TAN and are recommending its contents be taken into consideration with regard to the consideration and determination of planning applications.

- 2.5 TAN 20 reaffirms the need for consideration of the likely effects on the Welsh language in preparation of an LDP through Sustainability Appraisal (SA), and it sets out steps to be followed in preparation and review of the LDP, in terms of how impacts on the language are to be assessed.
- 2.6 The impact of the LDP strategy on the Welsh language was the subject of a Sustainability Assessment as part of the LDP preparation process. This reviewed the potential effects of development on communities in the County and helped to inform decisions on the acceptability of the Plan, which was adopted in 2013. Sustainability Assessment will be an integral part of the review of the Plan.
- 2.7 In respect of the Development Management process, TAN 20 makes clear that the Welsh language remains a material consideration in dealing with applications for planning permission. This is consistent with Planning Policy Wales Edition 9, 2016, national Well-being goals, and Welsh Government's Welsh Language Strategy – Cymraeg 2050.
- 2.8 The pertinent sections of TAN 20 to the Development Management process are –
 - *3.1.2 In determining individual planning applications and appeals, considerations relating to the use of the Welsh language may be taken into account so far as they are material. Section 70(2) TCPA does not give any additional weight to the Welsh language above any other material consideration and decisions on all applications for planning permission must be based on planning grounds only and be reasonable.*
 - *3.1.3 Planning applications should not routinely be subject to Welsh language impact assessment, as this would duplicate the SA and LDP site selection processes. Provided that the SA has given due consideration to the Welsh Language, an impact assessment at application stage would not be based on any further information than that which has been presented during the plan preparation stage. The only exception to this is outlined below.*
 - *3.2 Windfall sites*
 - *3.2.1 The precise location and scale of individual windfall developments may not be known at the plan-making stage, but LPAs can consider the scale of their contribution and whether the level of anticipated windfall developments may impact on the use of the Welsh language. The broad scale of windfall development and its impact on the use of the Welsh language should be subject to scrutiny through the same SA processes as LDP policies and site allocations.*
 - *3.2.2 Applications to develop windfall sites should be assessed against the strategy and policies of an adopted development plan, and with regard to relevant national planning policies. When a LPA receives a proposal for a large*

development on a windfall site in an area it has defined as linguistically sensitive or significant, an assessment of the likely impact of the development on the Welsh language may be undertaken.

- *3.2.3 Large development would normally be defined as 10 or more residential dwellings or developments over 1,000 sq.metres or 1 hectare, but LPAs may set locally-appropriate thresholds in the LDP, based on evidence.*

2.9 The term 'windfall sites' is normally used to refer to those sites which become available for development unexpectedly and are therefore not included as allocated land in a planning authority's development plan, a typical example being previously developed sites. In the local context this would automatically apply to development sites outside defined development boundaries.

2.10 TAN 20 is now an up to date clarification of Welsh Government's position in relation to procedure to be followed in the assessment of planning applications. It makes clear that with the exception of windfall sites, planning applications should not routinely be subject to Welsh language impact assessment where this would duplicate the SA and LDP site selection processes. In Officers' opinion the TAN now has to be afforded significant weight, and it would be inappropriate to continue to insist on submission of assessments for developments within defined Development Boundaries in the LDP, as required by policy RD5.

2.11 Consequently, Officers suggest in the period up to the review of the LDP, that the Council apply the contents of Sections 3.1 and 3.2 of TAN 20 when considering planning applications for new development, which set out the more limited thresholds and circumstances in which assessment of the likely impact of development on the Welsh language needs to be undertaken.

3. RECOMMENDATION

3.1 That Members agree the approach to assessment of impacts of planning applications on the Welsh language be undertaken in accordance with Sections 3.1 and 3.2 of TAN 20 pending review of the LDP and policy RD5.

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HEAD OF PLANNING AND PUBLIC PROTECTION

Local Development Plan policy RD5

Policy RD 5 - The Welsh language and the social and cultural fabric of communities

In determining all planning applications, the needs and interests of the Welsh language will be taken into account. Development could be refused if its size, scale or location would cause significant harm to the character and language balance of a community.

To be able to make an informed decision on applications that may have an effect on the future of the Welsh language within communities, applicants will normally be expected to submit a:

- i) Community Linguistic Statement to accompany a planning application for smaller developments within villages, hamlets or the open countryside comprising proposals of the following kind: 5 residential units or more, commercial, industrial or leisure/tourism development with a floor area of 1000m² or more, development likely to lead to the loss of community facilities or employment opportunities, infrastructure projects with long term community impacts;
- ii) More detailed assessment in the form of a “Community and Linguistic Impact Assessment” to accompany a planning application in all settlements where developments are on a larger scale comprising proposals of the following kind: 20 residential units or more, commercial, industrial or leisure/tourism development with a floor area of 3000m² or more, large scale infrastructure projects with long term community impacts.

Developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh language. In appropriate circumstances, mitigation against any adverse effect will be secured through requiring a financial contribution by Section 106 or other means.