

Welsh Language Impact Assessment

Revisions to Technical Advice Note (TAN) 20: Planning and the Welsh language

November 2015

Welsh Language Impact Assessment

Title: <u>Revisions to Technical Advice Note (TAN)</u> <u>20: Planning and the Welsh language</u>	WLIA Reference No <i>(completed by WLU):</i>				
Name of person completing form:	Jonni Tomos				
Date:	November 2015				
Policy lead:	Jonni Tomos				
Contact details:	Jonni.tomos@wales.gsi.gov.uk 029 2082 1543				
Programme/Project Type <input type="checkbox"/> Policy <input type="checkbox"/> Project or programme <input type="checkbox"/> Legislation <input type="checkbox"/> Research, evaluation <input type="checkbox"/> Grant <input type="checkbox"/> Services <input type="checkbox"/> Business change <input type="checkbox"/> Contracts, tenders <input type="checkbox"/> Infrastructure <input type="checkbox"/> Construction, Capital <input type="checkbox"/> ICT <input checked="" type="checkbox"/> Other (Please specify below)					
Revisions to an existing land use planning guidance document					
Costs: How much is the projected whole life cost for the programme/project? If below £25k, then a full WLIA is not always required (see guidance).					
Under £25k	£25k - £49k	£50 - £249K	£250K - £1m	Over £1m	
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Of the above, please provide details if there are any identified costs directly associated with the Welsh language? No additional costs to local planning authorities or the development industry are anticipated as a result of this work					
How long is the programme/project expected to run?					
Up to 1 yr	Up to 2yrs	Up to 5yrs	Up to 10yrs	More than 10 yrs	Unknown
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Key milestone dates for the programme/ project:					
Revisions to TAN 20 will be issued in draft form for consultation from 4 January 2016					

– 28 March 2016. Following analysis of consultation responses, and the making of necessary changes to the draft, it is anticipated that the final version will be published in autumn 2016

STAGE 1: PLANNING

What are the aims and objectives of the policy?

What are the desired outcomes/ what constitutes 'success'?

Technical Advice Notes (TANs) provide detailed advice on planning matters, primarily for the benefit of Local Planning Authorities (LPAs). TANs supplement national planning policies contained in Planning Policy Wales, and provide advice to LPAs on specific planning matters, in the context of preparing Local Development Plans (LDPs) and taking decisions on applications for planning permission.

TAN 20 is being revised to reflect provisions contained in the Planning (Wales) Act 2015. The purpose of the review is to assist LPAs in the delivery of statutory requirements outlined in the Act. The TAN will be considered effective if all LPAs demonstrate in the short-to-medium term that their LDPs have been prepared with regard for the Welsh language. This will be measured by reflecting on whether LDPs are successfully adopted or reviewed through the formal LDP independent examination process.

Over a longer period of time (3-5 years) we will monitor decisions on applications for planning permission taken by local planning authorities, and appeals determined by the Planning Inspectorate, where the Welsh language is cited as a material consideration. The guidance will be considered successful if the vast majority of appeals against decisions which cite impact on the Welsh language as a material consideration and a reason for refusal are dismissed. If more appeals are upheld than is normal (across all appeals), it may indicate that local planning authorities are citing the Welsh language where it is not material to the application.

What policy options have been considered?

and

What impacts will there be if the policy is *not* implemented?

The Planning (Wales) Act 2015 requires LPAs to incorporate of the impacts of the LDP on use of the Welsh language into the broader Sustainability Appraisal (SA) of the LDP. This is a statutory requirement and the guidance has been drafted to reflect that requirement. The legislation provides the basis of the policy, therefore no other options were considered.

TAN 20 will advise LPAs on *how* the language assessment can be incorporated in to the SA. If the policy is not implemented it is likely that the task will be undertaken inconsistently. One of the aims of the Planning (Wales) Act is to improve consistency of services and processes across Welsh LPAs.

Does the programme demonstrate a clear link with the Welsh Government's strategy for

the Welsh language - <i>laith fyw: laith byw</i>?
Yes. The strategy contains a commitment to “explore every practical step to strengthen the Welsh language within the planning system”. The revised TAN 20 will ensure that the provisions of the Planning (Wales) Act will be implemented, in line with the stated objective of the <i>laith fyw; laith byw 2015-16 Action Plan</i>
What are the impacts/ effects (both positive and/or adverse) on the Welsh language you have identified at the initial planning stage i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?
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. 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 LPAs to take actions that are proportionate and suitable to the characteristics of the local area
Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? To what extent are Welsh language interest groups likely to respond positively to the proposals?
The guidance is aimed primarily at Local Planning Authorities, but it also contains relevant information and advice to the development industry and the general public. The Welsh Government wants a planning system that is fair and consistent, and the Planning (Wales) Act has introduced a number of measures that enhance opportunities for the public to have their say on planning proposals. Welsh language interest groups were engaged extensively during the development of the Planning (Wales) act. Issuing draft guidance is the next stage of implementing the statutory provisions and therefore the document should be broadly welcomed by interest groups.
Where an assessment was not completed, or no impacts were identified, please provide a full account for record keeping purposes? (This could be used in the Welsh Language Tribunal in future)
N/A
What actions/ further work has been identified at the initial planning stage? e.g. data requirements, need for peer review, external engagement with Welsh speaking groups, identify stakeholders or consultation list, need to contact Welsh Language Unit for advice)?
A consultation on proposed changes to TAN 20 will help identify whether the proposed approach provides LPAs with the flexibility to respond appropriately to local

situations, whilst fostering consistent approaches and methods where possible throughout Wales. The Impact Assessment will be updated to report on any changes made to TAN 20 as a result of consultation responses.

STAGE 2: IDENTIFYING AND ASSESSING IMPACTS

Impact Assessment Summary

Summarise the detailed impact assessment carried out together with the scores assigned.

Positive effects/ impacts:

- The guidance provides clarity and certainty that the Welsh language should be a matter considered by all local planning authorities when preparing 10-15 year Local Development Plans
- The guidance enables local planning authorities to develop nuanced approaches, by determining locally, what constitutes an area of linguistic sensitivity or significance. This is a move away from uniform, subjective judgements, eg. only in areas where more than X% of the population speak Welsh is the language a planning consideration

Adverse effects/ impacts:

None

Opportunities to promote the Welsh language e.g. status, use of Welsh language services, use of Welsh in everyday life, Welsh at work increased?

- The guidance reminds local planning authorities of their duties to engage with stakeholders and the local population when preparing and reviewing Local Development Plan, and the importance of doing so in both Welsh and English

Evidence/ data used including demographic profile when considering the effects/ impacts:

- The guidance encourages local planning authorities to make use of varied sources of information and indicators on the use of the Welsh language, rather than depending solely on Census data

What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment?

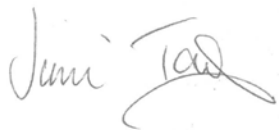
Positive: X
 Adverse:
 Neutral:
 Unknown:

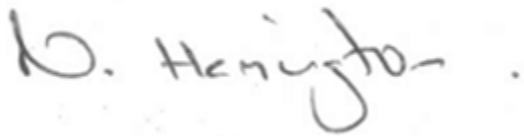
Decision following IA

- | | |
|---|---------------------------------------|
| 1. No major change | <input checked="" type="checkbox"/> X |
| 2. Adjust the policy to improve impacts | <input type="checkbox"/> |
| 3. Continue the policy with mitigation measures | <input type="checkbox"/> |
| 4. Stop and remove the policy | <input type="checkbox"/> |

<p><i>If answered 2,3, or 4 above – then answer the following:</i> How will you address these impacts in order to improve the outcomes for the Welsh language? Details of mitigation measures/ action points/ alternative options to reduce adverse impacts and increase positive outcomes:</p> <p>N/A</p>
<p>If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about the Welsh Language Impact Assessment and Welsh language related issues?</p>
<p>A public consultation on the revisions to TAN 20 is to take place from 4 January – 30 March 2016. The consultation seeks views on the substantive changes to TAN 20 and draws attention to this impact assessment. There will be an opportunity to revise this impact assessment ahead of the final publication of TAN 20 in summer/autumn 2016.</p>
<p>STAGE 3: POST CONSULTATION AND PREPARING FOR PUBLICATION, MONITORING AND EVALUATION</p>
<p>Following consultation, what changes have you made to address any Welsh language issues that were raised?</p>
<p>N/A</p>
<p>How will you monitor the ongoing effects during the implementation of the policy?</p>
<p>N/A</p>
<p>Please outline how you will continue to capture effects/ impacts in future monitoring and evaluation?</p>
<p>N/A</p>
<p>Any other comments – ongoing results of evaluations, emerging impacts</p>
<p>N/A</p>

4. Declaration

Policy lead:
*The policy does have an impact upon the Welsh language. Where there were identified adverse impacts or missed opportunities, the appropriate amendments and actions have been put in place.
Name:
Jonni Tomos
Department:
Planning Directorate
Date (s):
19 November 2016
Signature:

Planned Review Dates:
Summer 2016

SRO ENDORSEMENT and REVIEW	
I am satisfied that the WLIA is an accurate reflection of the programme/project at this stage of development. By signing, I am able to confirm that the Welsh Language Standards have been given the appropriate attention. I will re-assess the programme/project at key stages throughout the life of the programme/ project, including policy reviews.	
 Signed (Senior Responsible Owner)	Date:26 November 2015
Signed (Senior Responsible Owner)	Review Date
Signed (Senior Responsible Owner)	Review Date

Annex B

Signed (Senior Responsible Owner)	Review Date
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