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Consultation Document

Planning and the Welsh Language

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

Date of issue: 04 January 2016
Action required: Responses by 30 March 2016

Overview	<p>This consultation seeks your views on revisions to Technical Advice Note 20: Planning and the Welsh language (TAN 20) 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.</p>
How to respond	<p>The closing date for replies is Wednesday 30 March 2016. You can reply in the following ways:</p> <p>Email Please complete the consultation response form at Annex C and send it to:</p> <p>planconsultations-d@wales.gsi.gov.uk</p> <p>Please include “TAN 20: Planning and the Welsh language consultation” in the subject line.</p> <p>Post: Please complete the consultation response form at Annex C and send it to:</p> <p>TAN 20 Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>
Further information and related documents	<p>Large print, Braille and alternative language versions of this document are available on request.</p> <p>Further related information can be found here:</p> <p>Planning Policy Wales (Edition 8, January 2016) Chapter 4 Planning for Sustainability paragraphs 4.12.1 - 4.12.3 http://gov.wales/topics/planning/policy/ppw/?lang=en</p> <p>Technical Advice Note 20: Planning and the Welsh language (2013): http://gov.wales/topics/planning/policy/tans/planning-and-the-welsh-language/?lang=en</p> <p>Local Development Plan Manual Edition 2 (2015): http://gov.wales/topics/planning/policy/policy-and-guidance-on-development-plans/ldpmanual/?lang=en</p>

Contact details

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Data protection

How the views and information you give us will be used

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

The Welsh 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 tell us this in writing when you send your response. 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 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.

What are the main issues?

1. Sections 11 and 31 The Planning (Wales) Act are concerned with the Welsh language and came into force on 04 January 2016. *Planning Policy Wales* has been updated¹ to reflect and take account of the Planning (Wales) Act 2015, with the revised Chapter 4 setting out the Welsh Government's planning policy on the Welsh language.
2. The Planning Act introduces, for the first time, legislative provision for the Welsh language in the planning system. Taken together, 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. These changes have triggered the need to update national planning guidance set out in Technical Advice Note 20: Planning and the Welsh language.
3. Section 11 of the Planning (Wales) Act 2015 makes it mandatory for all local planning authorities to consider the effect of their Local Development Plans 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.
4. 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.
5. This consultation seeks views on the proposed revisions to *Technical Advice Note 20: Planning and the Welsh language*. The revisions are intended to assist local planning authorities with implementing the provisions of the Planning (Wales) Act.

Where are we now?

6. Planning Policy Wales sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). This provides the framework for Local Development Plans and the decision making responsibilities of Local Planning Authorities.
7. The Welsh Government's planning policy on the Welsh Language is set out in Section 4.12 of Planning Policy Wales (PPW).
8. This is supported by Technical Advice Note (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

¹ [Planning Policy Wales, Edition 8](#) was issued on 4 January 2016

the Welsh language when producing plans. TAN 20 is supplemented by practice guidance on planning and the Welsh language (June 2014).

Why we are proposing changes to TAN 20

9. We are proposing to revise TAN 20 to reflect provisions contained in the Planning (Wales) Act 2015 that relate to the Welsh language, outlined at paragraphs 3 and 4 above. We are also proposing that elements of the TAN 20 Practice Guidance document be incorporated into TAN 20, so that all relevant guidance is contained in one place.

Consultation Proposals

10. We are consulting on revisions to *Technical Advice Note 20: Planning and the Welsh language* which is contained in **Annex A**. The main changes to the guidance are:

- The key driver for Local Planning Authorities to consider the Welsh language in their Local Development Plans is now the planning legislative framework – not the single integrated plan (SIP). References to the SIP have been removed, and the new references to the Well-being of Future Generations Act and Well-being Plans are not central to the TAN as the SIP previously was.

Paragraph 1.6 in Part A contains changes to this effect.

- The Planning (Wales) Act clarifies that the Welsh language may be a consideration for decision-makers where it is material to the application.

Paragraph 3.1 in Part A gives some further detail.

- It is acknowledged that the LDP preparation process cannot foresee every development that is proposed, and it is therefore proposed to allow LPAs to conduct a language impact assessment for certain windfall developments. These circumstances would normally be limited to residential developments of 10 or more dwellings in areas identified in the LDP as being of linguistic sensitivity or significance.

Paragraphs 3.2 and 3.3 of Part A cover this issue .

Consultation Questions

11. The consultation is focussed on gathering views on the aspects of TAN 20 that have been revised. The elements of the guidance that have not been changed are not under review. The consultation questions are as follows:

Q1	Do you agree that the implications of provisions contained in section 11 and section 31 of the Planning (Wales) Act are made clear in the revised TAN 20?
Q2	Do you agree that local planning authorities should be able to identify areas where the language is a particularly sensitive matter for the purpose of unanticipated windfall applications in their Local Development Plans?
Q3	The guidance encourages local planning authorities to work with organisations such as the Welsh Language Commissioner and <i>Mentrau Iaith</i> when identifying areas of linguistic sensitivity or significance. Do you agree with this approach?
Q4	Do you agree that it is acceptable for Language Impact Assessments to be undertaken when considering applications for large unanticipated windfall residential development in particularly sensitive areas defined in the LDP?
Q5	Do you agree that it should be the responsibility of the local planning authorities to produce Language Impact Assessments?
Q6	The consultation draft merges the policy advice provided by TAN 20 with the further non-prescriptive practical guidance in one combined document. Do you agree with this approach?
Q7	The revisions to TAN 20 have been subject to a Welsh Language Impact Assessment (see Annex B). Do you agree that the assessment has accurately identified the impact of this guidance on the Welsh language?

Q8

We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.

12. The consultation response form can be found at **Annex C**. The form also provides an opportunity to make additional comments when replying to these questions.
13. Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential please indicate this on your consultation response.

