



Llywodraeth Cymru
Welsh Government



Technical Advice Note 20



Planning and the Welsh Language

October 2017

Millennium Centre photograph – Visit Wales

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
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This document consists of two sections – Part A and Part B. Part A provides supplementary guidance to Chapter 4 of Planning Policy Wales. Part B provides non-prescriptive practical guidance to Local Planning Authorities specifically on how the Welsh language may be given appropriate consideration in the planning system.



Part A - Policy Advice

1. Introduction

1.1 Background

1.1.1 This Technical Advice Note (TAN) should be read in conjunction with Planning Policy Wales (PPW), which sets out the land use planning policies of the Welsh Government. PPW, TANs and Circulars should be taken into account by planning authorities in the preparation of development plans and in determining planning applications.

1.1.2 PPW sets out the Welsh Government's land use planning policies, while TAN 2: Planning and Affordable Housing, TAN 6: Planning for Sustainable Rural Communities and TAN 23: Economic Development provide detailed planning advice which should be read alongside TAN 20.

1.2 Cancellation

Technical Advice Note (Wales) 20 "Planning and the Welsh Language" (October 2013) is cancelled. The supplementary document Technical Advice Note 20: Practice Guidance (June 2014) is also cancelled.

1.3 Purpose of the TAN

The purpose of this TAN is to provide guidance on how the Welsh language may be given appropriate consideration in the planning system and on compliance with the requirements of planning and other relevant legislation.

1.4 Planning context

1.4.1 The planning system in Wales is development plan-led, with adopted plans providing a firm basis for rational and consistent decisions on applications for planning permission and appeals. Every local planning authority (LPA) must prepare a Local Development Plan (LDP) for its area, while the Planning (Wales) Act 2015 enables Strategic Development Plans (SDPs) to be prepared on a cross-boundary, regional basis. It also makes provisions for Welsh Ministers to produce a National Development Framework (NDF), which will provide a spatial expression to Welsh Government policies across Wales. Adopted LDPs, SDPs and the NDF have development plan status.

1.4.2 LDPs should be prepared in accordance with:

- the Planning (Wales) Act 2015;
- the Planning and Compulsory Purchase Act 2004;
- the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005;
- Planning Policy Wales, specifically Chapter 2 on development plans; and
- the Local Development Plan Manual (2015).



1.4.3 LDPs should be focused on local issues and objectives, informed by local strategies and an evidence base. One of the issues requiring consideration when preparing a LDP is how the strategy and policies are likely to impact on use of the Welsh language and the sustainability of communities.

1.4.4 Section 62 of the Planning and Compulsory Purchase Act 2004¹ (PCPA) requires planning authorities to carry out a sustainability appraisal (SA) of the LDP and to prepare a report of the findings of the appraisal. The purpose of a SA is to assess the social, economic and environmental effects of the LDP strategy and policies from the outset of the process.

1.4.5 Section 62 PCPA requires the SA to include an assessment of the likely effects of the plan on the use of the Welsh language in the area. Section 61 PCPA requires LPAs to keep under review the matters which may be expected to affect the development of their area or the planning of its development, including the extent to which the Welsh language is used in the area. Part A, paragraphs 2.3 – 2.6 provide detailed advice as to how the SA should be used to assess the potential impact of the strategy, policies and allocations contained in the LDP on the Welsh language.

1.4.6 The PCPA enables the creation of SDPs to cover regions comprising a number of local authorities. SDPs may be prepared by Strategic Planning Panels, who must undertake a SA of the plan, including an assessment of its likely effects on the use of the Welsh language.

1.4.7 The Welsh Ministers are responsible for the preparation of a National Development Framework (NDF). The NDF will be subject to a SA and include an assessment of its likely effects on the use of the Welsh language.

1.4.8 Section 70(2) of the Town and Country Planning Act 1990² (TCPA) clarifies that considerations relating to the use of the Welsh language may be taken into account when determining applications for planning permission, so far as they are material to the application. This may apply to any application in any part of Wales. This provision does not give any additional weight to the Welsh language above any other material consideration.

1.4.9 The planning system operates within the provisions of town and country planning legislation and other domestic and European legislation. In relation to the Welsh language and planning, the Equality Act 2010 and the Human Rights Act 1998 will be relevant and decision-makers should be mindful of the wider legal requirements.

1.5 The Well-being of Future Generations (Wales) Act 2015

1.5.1 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.



1.5.2 This well-being goal will be achieved through “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”³.

1.5.3 LPAs must have regard for well-being when preparing a LDP. The LDP vision, objectives and policies should be consistent with national well-being goals and with local well-being objectives and priorities, as set out in Well-being Plans.

1.6 The Welsh Language (Wales) Measure 2011

1.6.1 The Welsh Language (Wales) Measure 2011 made provision for the official status of the Welsh language in Wales and created a new legislative framework for the Welsh language. The Measure introduced Welsh Language Standards, which specify how the language should be used by public organisations in service delivery, operations and policy making.

1.6.2 It is a statutory requirement for the Welsh Ministers to adopt a strategy setting out how they propose to promote and facilitate the use of the Welsh language (section 78 of the Government of Wales Act 2006 refers). The Welsh Ministers must publish an annual report which explains how the proposals outlined in the strategy were implemented during that financial year.

1.7 The Welsh language

1.7.1 The Welsh language is part of the social and cultural fabric of Wales. It is spoken by 19% of the population⁴, and many others have some knowledge of the language or are in the process of learning it. There are substantial variations between the proportions of Welsh speakers in different communities, ranging from less than 8% in Blaenau Gwent to more than 85% in some parts of Gwynedd.

1.7.2 The Welsh Government’s aims and ambitions for the Welsh language are set out in the Welsh Language Strategy – Cymraeg 2050⁵. The strategy recognises the need to provide Welsh speakers with easily accessible opportunities to use their skills in social and work settings. The strategy also identifies the imperative need to create favourable circumstances to encourage the number of Welsh speakers. This involves securing goodwill towards the language and providing language infrastructure such as technology and legislation, but is also concerned with securing an economic and social future for Welsh speaking communities.

1.7.3 The future of the language across Wales will depend on a wide range of factors beyond the town and country planning system, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities. The planning system can contribute to the future well being of the Welsh language, by establishing the conditions to allow sustainable communities to thrive. For example, creating conditions for well-paid employment opportunities and a range of quality housing options are integral to planning for sustainable communities.



2. Local Development Plans and the Welsh Language

2.1 Considering the Welsh language during the preparation of Local Development Plans

2.1.1 It is a statutory requirement for all LPAs in Wales to prepare a LDP for their area⁶.

2.1.2 LPAs are required to consider the relationship of the LDP strategy, policies and site allocations with social and community needs and opportunities through a SA. Consideration of the likely effects of the LDP on the Welsh language is a mandatory element of the SA.

2.1.3 The Welsh Government is committed to a plan-led system, where decisions on planning applications and appeals are made in accordance with an adopted development plan, unless outweighed by other material considerations⁷. An up-to-date, adopted development plan, based on sound evidence, enables planning decisions to be made in a consistent, rational and transparent way.

2.1.4 The consideration of important issues affecting communities, the economy and the environment should take place during the preparation and subsequent reviews of LDPs to ensure they are integral in every planning decision.

2.1.5 When producing LDPs it is possible to assess the potential cumulative effects of development on the Welsh language across the plan area. This provides an opportunity to consider effects on local communities and the wider plan area together. Furthermore, one of the key benefits of a plan-led system is to give certainty and confidence to developers and to communities; the best way of doing this is to consider the use of the Welsh language during the preparation of LDPs.

2.2 Delivery agreement: Community Involvement Scheme

At the outset of LDP preparation local planning authorities are required to prepare a Community Involvement Scheme (CIS). The CIS should set out the methods used to enable people to contribute to the process of preparing LDPs. The approach taken by local planning authorities to their CIS will vary. Some authorities will have a high percentage of Welsh speakers, whilst in others Welsh speakers would be in the minority and therefore different involvement and engagement strategies may be required. Local authorities may prepare equality assessments which may also influence the CIS approach. The CIS provides an opportunity to seek community views on how Welsh language and culture interact with LDP policies and proposals. The CIS of all LPAs should comply with the applicable Welsh Language Standards.



2.3 Sustainability Appraisal

2.3.1 The LDP should give consideration to the use of the Welsh language so far as it is relevant to the use of land. The mechanism for doing so is the SA which takes place during plan preparation. Where relevant to the use of land, the SA should include an assessment of evidence of the impacts of the spatial strategy, policies and allocations on the use of the Welsh language. Where evidence indicates a detrimental impact on the use of the Welsh language or other objectives, the LPA can assess whether the strategy should be amended or mitigation measures should be identified in the LDP.

2.3.2 Part B of this document provides detailed non-prescriptive practical guidance on how the Welsh language may be given appropriate consideration in the SA.

2.4 Evidence base - vision and objectives

2.4.1 LDPs must include a vision and land use objectives based on relevant local priorities and the evidence base. The requirement for LDPs to be 'sound' means they must be informed by robust evidence. LPAs will normally already have information on the use of the Welsh language, in particular information on the number of Welsh speakers obtained from the Census; records on the numbers of children receiving Welsh medium education; and information on the demand for Welsh medium education.

2.4.2 LPAs should work with key stakeholders and partners, including Public Services Boards, to consider the adequacy of the existing available information relating to the Welsh language. They should also consider whether any additional assessments are necessary, which may include local surveys or joint work with neighbouring authorities. This information can assist the SA of the plan and decisions on strategic development options; the methodology adopted should be based on robust evidence.

2.5 Strategic options and preferred strategy (pre-deposit)

2.5.1 This stage of plan preparation provides an opportunity for communities and stakeholders to influence the preferred long term development and land use strategy and suggest modifications or alternatives, providing they meet the LDP's objectives, are compatible with its vision and are based on robust evidence. The SA accompanying the preferred strategy should include the recording of the results of the appraisal work undertaken thus far, including predicting and evaluating the effects of the LDP options on social, environmental, economic and cultural objectives.

2.5.2 LDP strategic approaches which may support the language may include:

- positive promotion of local culture and heritage;
- planning the amount and the spatial distribution of new development and infrastructure, particularly where this would help to support community sustainability;
- phasing of strategic housing and employment developments;
- identifying areas of linguistic sensitivity or significance;



- directing strategic sites to communities where the evidence suggests the likely impact on the use of the Welsh language is positive;
- developing mitigation measures if evidence suggests the likely impact on the Welsh language to be negative.

2.5.3 At this stage the LPA should be able to make available the site assessment criteria used to identify any strategic sites and will be used to identify non strategic sites in the deposit LDP. The SA report should give details of the strategic assessment of sites on any site register. Where feasible it should identify sites which perform well against the SA framework and could contribute to the preferred strategy and those that do not, including recommending relevant changes to the plan.

2.6 Deposit plan considerations and preparation

2.6.1 The deposit plan is the plan considered by the LPA to be sound. The information supporting the plan should be sufficient to explain and justify the contents of the plan.

2.6.2 The LPA should ensure the plan strategy, policies and land allocations in the deposit LDP are consistent with the SA, which will have regard to the likely effects of the plan on the use of the Welsh language. Further evidence on how this has been achieved should be provided in the SA report and a short explanation as to how the SA has influenced the final LDP.

2.6.3 The distribution of economic growth can affect the social character and sustainability of communities. Policies to ensure there is a sufficient level and range of economic opportunities, including sites and premises, to support and develop local communities could also benefit the Welsh language. Further advice on how the planning system can support sustainable communities by providing an appropriate mix of housing and employment opportunities is provided in PPW and other TANs⁸.

2.6.4 LDP policies must not seek to introduce any element of discrimination between individuals on the basis of their linguistic ability. Planning policies must not seek to control housing occupancy on linguistic grounds.

2.7 Defined areas

2.7.1 LPAs may define areas within their LDP where the Welsh language is considered to be of particular sensitivity or significance. Any such areas must be made clear on the LDP Proposals Map and their rationale and boundaries must be supported by evidence.

2.7.2 Defining such areas will enable the LPA to make it clear to communities and developers where the use of the Welsh language may be a consideration⁹. It will also signal the areas where the LPA may outline a need for measures to mitigate the impacts of development on the Welsh language. The impact of defining any such areas is likely to be more successful if the LDP and Local Well-being Plan adopt complementary approaches.



2.7.3 The characteristics of these areas are likely to vary from one plan area to another. LPAs should not rely solely on Census data when assessing whether there is a rationale for identifying such areas in the LDP. The LPA should use all available high quality data sources¹⁰ to determine if it should define any areas. LPAs are not required to define such areas but any decision in this regard should be supported by robust evidence of whether it is appropriate to define such areas in their LDP.

2.8 Mitigation and enhancement

LPAs should identify preferred mitigation measures at an early stage of plan-making, to reduce or eliminate the potential negative impacts of development. Similarly, if the LPA expects measures to enhance the impact of development on the Welsh language this should be set out in the LDP. Potentially appropriate measures include phasing policies complementing the LDP's housing delivery trajectory, providing adequate affordable housing, allocating sites for 100% affordable housing for local needs, and the provision of employment opportunities and social infrastructure to sustain local communities¹¹.

2.9 Community Infrastructure Levy and section 106 obligations

2.9.1 To ensure mitigation measures are applied, the Community Infrastructure Levy (CIL) or section 106 agreements may need to be used. The provision of infrastructure supporting the use of the Welsh language may be included on a CIL charging schedule in accordance with all applicable law, including the provisions of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010.

2.9.2 The LDP could include measures and mechanisms to support the use of the Welsh language in accordance with all applicable law, through s.106 obligations.

2.10 Monitoring and reviewing the plan

LPAs are required to submit an Annual Monitoring Report (AMR) to the Welsh Government every year (31 October) following adoption of the LDP, which identifies the extent to which the development and land use objectives set out in the plan are being achieved. The AMR will assess the relevance and success of the LDP, monitor the performance of the LDP strategy and policies and it should identify if changes should be made to the plan. A monitoring framework contained in the LDP should identify the key challenges and reasons for revising and adjusting LDP policies. The framework could also include indicators in relation to the mitigation measures in the plan. Where LDP objectives complement those in other strategies, monitoring should highlight common targets and indicators.



2.11 Welsh Language Commissioner

2.11.1 The Welsh Language Commissioner has a responsibility for promoting and facilitating use of the Welsh language. The Commissioner is a consultee on LDPs, with the specific role of considering from an early stage the impact of LDP proposals and policies on the Welsh language.

2.11.2 LPAs may seek the support of the Commissioner in the gathering and assessment of evidence at pre-deposit stage and for the purposes of annual monitoring. The Commissioner may also provide assistance and support to LPAs in the process of defining areas of language sensitivity or significance.



3. Development Management

3.1 Determination of planning applications and appeals

3.1.1 The Welsh Government is committed to a plan-led system where decisions on planning applications and appeals are made in accordance with an adopted development plan, unless outweighed by other material considerations. Planning decisions should be concerned with the use of land rather than the identity or personal characteristics of the user.

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.



3.3 Welsh language impact assessments

3.3.1 The LPA is responsible for conducting any assessment and for determining its form. The logical opportunity for conducting an assessment would be following pre-application discussions and before the submission of a planning application. It is good practice for the LPA to consult with stakeholders including the Welsh Language Commissioner when determining if an assessment is justified and to define the scope and nature of the assessment. Impact assessments may be conducted for any type of windfall development proposals but LPAs should carefully consider what benefit is expected from assessing proposed employment, retail or commercial development.

3.3.2 Evidence from the language impact assessment may be material to the application and may inform whether measures to mitigate or enhance the impacts of the development on the use of the Welsh language should be applied.

3.4 Mitigation and enhancement

3.4.1 Mitigation measures can reduce or eliminate potential adverse impacts of development on the Welsh language, while enhancement measures may deliver wider benefits from a development. Circumstances in which the LPA expect mitigation or enhancement measures to be applied should be identified in the LDP, while further matters of detail may be set out in supplementary planning guidance (SPG). These should provide the developer and decision maker with information relating to appropriate measures for the type and location of development. For large windfall developments, an impact assessment may identify additional or site-specific measures.

3.4.2 Mitigation measures may be applied to the permission either through conditions attached to a planning permission¹² or through section 106 obligations¹³. All conditions and section 106 obligations in relation to mitigating the impacts on the Welsh language – which are considered necessary to make the development acceptable in planning terms and which are directly related to the development – are required to comply with all applicable law¹⁴.



4. Signs and Advertisements

4.1.1 Signs can have a strong visible impact on the character of an area, including its linguistic character. They are also one method of promoting the distinctive culture of Wales, which is of significance to the identity of individual communities as well as the tourism industry. Policies in LDPs relating to signage and advertising subject to planning control may promote the provision of bilingual signs.

4.1.2 Detailed advice on signs and advertising, to encourage and assist bilingual provision, could be set out in SPG. Encouragement may also be given to using traditional Welsh names for new developments and streets.



Part B – Practice Guidance

Purpose of this section

- i. This section may assist LPAs give appropriate consideration of Welsh language issues during the preparation, monitoring and review of LDPs. This section is not prescriptive and is intended to provide practical suggestions of how the Welsh language could be appropriately considered during the production of LDPs, in accordance with national planning policy. LPAs may also find this section helpful when setting the scope and content of language impact assessments.
- ii. LPAs are best placed to make decisions affecting their area and their approach should continue to respect and reflect local trends and characteristics. This section contains guidance for LPAs on how Welsh language considerations could be incorporated into the SA of a LDP. The SA is an ongoing process which begins at the outset of preparing an LDP and continues when monitoring and reviewing the Plan. It will also be relevant to LPAs seeking to identify areas where the Welsh language is sensitive or significant in their LDPs.
- iii. This section provides an indicative list of relevant data which could form a baseline of evidence on the Welsh language in a plan area. LPAs should analyse and consider the implications of data and develop appropriate, measurable objectives and policies.

Local Development Plan preparation

- iv. This section outlines step-by-step how and when consideration of the Welsh language might be embraced by LPAs in the process of preparing a LDP.

Step 1 – Establish the baseline

1.1 The baseline will be a compilation of relevant statements, policies and data relating to the use of the Welsh language in the Plan area. The Assessment of Local Well-being and the Local Well-being Plan can be key sources of information and LPAs are encouraged to seek opportunities to work with, and benefit from the work of, Public Services Boards.

Local Well-being Plan

1.2 Public Services Boards will prepare Local Well-being Plans containing local objectives for the area designed to maximise the contribution of the Board to achieving the national well-being goals. In preparing a LDP the LPA must have regard to the Local Well-being Plan, for example by addressing how objectives relating to land-use and development will be delivered in the area.

1.3 When preparing a LDP and undertaking the SA, LPAs should make use of existing data wherever possible. For example the Assessment of Local Well-being produced by the Public Services Boards will provide an overview of the state of economic, social, environmental and cultural well-being in the area. Potential sources of additional data and evidence are listed below.



Gathering data

1.4 LPAs are expected to gather a range of evidence to support the LDP strategy, policies and site allocations. It may be helpful and appropriate to undertake joint working with neighbouring authorities at this stage. Useful sources for data on the use of the Welsh language may include:

- Other departments within the local authority, e.g. Education, Social Services, Leisure
- Office for National Statistics
- Welsh Language Commissioner
- StatsWales, Welsh Government
- Primary evidence e.g. residents' surveys, focus groups etc.

1.5 The following evidence may be relevant indicators of the use of the Welsh language in communities in the Plan area:

Census data

- The number of Welsh speakers and percentage of population able to speak Welsh at plan area, community, electoral division and ward levels. Are there spatial concentrations where the language is particularly widely spoken?
- How does the most recent data compare with 2001, 1991 etc.? Are the numbers of Welsh speakers increasing, decreasing or staying the same? Where are the greatest levels of change occurring?
- Do migration patterns affect the area's linguistic character?
- Does the age profile of Welsh speakers raise any issues?

National Survey for Wales/Welsh Language Use Survey data

- Ability in Welsh in addition to fluency and frequency of speaking Welsh at a local authority level, available annually.
- How does the most recent data compare with previous surveys? Are Welsh speakers speaking Welsh more or less often? Are there fewer or more fluent Welsh speakers? Are there fewer or more non-fluent Welsh speakers?
- In which situations do Welsh speakers use the language? Do they use it socially? Do they use it in work? Do they use it when dealing with public organisations?

Local strategies and initiatives

- What are the authority's stated aims and objectives for the language in its Well-being Plan, Welsh language action plans and strategies?
- Are the authority's strategies consistent with its Welsh language action plan?
- What are the priorities and action areas of the local Menter Iaith?



Education provision

- How many children, and what proportion of all children, receive Welsh-medium education?
- Is the demand for Welsh-medium education fully met? How do English-medium and Welsh-medium schools compare in terms of surplus places?
- What percentage of children educated through the medium of Welsh at primary stage move into Welsh-medium secondary education?
- Where is the demand for Welsh-medium education based? Where are the Welsh medium schools? How do these compare with proposed housing developments?¹⁵
- What are the local education authority's intentions with regard to new school provision or rationalisation?
- How many people are enrolled on Welsh for Adults courses?

Economic factors

- How many people are estimated to use Welsh in their workplace?
- What are the opportunities to use the language in the workplace? Is it used always, frequently, occasionally etc?
- What is the current and anticipated employment situation? Is unemployment a particular problem for any specific section of society?
- Is there a concentration of Welsh speakers in certain employment sectors?
- Are any major employment initiatives and/or construction projects expected during the plan period?

Community facilities

- What activities and societies are available through the medium of Welsh?
- Are there Welsh medium local media outlets, e.g. radio stations, newspapers?
- Where are the community facilities which offer opportunities for people to converse in Welsh? Are they in accessible, sustainable locations? What is the future planned provision of such facilities?

Step 2 - Analysing the data

2.1 Once data has been gathered it will be necessary to analyse it and consider how and to what extent use of the Welsh language is material to the use of land and how this may be reflected in the LDP. It will also be necessary to consider whether the language is an issue of equal significance across the plan area, or whether it would be more appropriate to consider specific areas within the plan area. Geographic Information Systems can be a useful tool to identify whether the language is a plan area-wide issue or not, by mapping those elements of the evidence base which have a spatial dimension. This exercise could help LPAs determine whether there are areas of linguistic sensitivity or significance in the plan area.



2.2 A key task at this stage is for the authority to determine whether the LDP can make a contribution to wider objectives. It should be borne in mind the tools available to deliver this are LDP policies, relating to the use and development of land as specified in town and country planning legislation and which cannot introduce inappropriate consideration or any element of discrimination into the process.

2.3 The LPA's approach is likely to be influenced by some or all of the following factors:

- Can the majority, or a significant number of the population, speak Welsh within communities in the plan area?
- Are the numbers of Welsh speakers generally increasing or decreasing?
- Migration patterns and the age profile of those moving out of, and into, the area. What demands does this place on services and infrastructure?

2.4 LPAs might also consider what policies and provisions for the Welsh language were included in previous development plans in the area:

- Were objectives achieved?
- Were policies used and were they used appropriately?
- What lessons have been learnt from previous plans to inform the LDP approach?

Step 3 - Assessment of LDP options, policies, site allocations and Welsh language SA objectives

3.1 The LDP objective(s) concerning the Welsh language, set at Step 2 above, is expected to be part of a broad set of objectives the LDP is designed to achieve. The SA will normally consist of an assessment against specific sustainability objectives, which should include the Welsh language. Various aspects of the LDP will be assessed against these sustainability objectives as it takes shape, including the options, draft policies and draft site allocations. This assessment would usually take the form of a scoring matrix, where likely impacts of the proposals are scored on a scale, and supplemented by a commentary explaining the rationale for the score.

3.2 LPAs are expected to amend and improve their options, policies and allocations as a result of outcomes of the SA process.

LDP options

3.3 The preferred strategy of the LDP will derive from a series of strategic options. These options will set out potential levels of growth and key locations for growth. LPAs should identify how each option is expected to impact on the use of the Welsh language. Details on how to assess options through the SA can be found in section 6.3 of the LDP Manual¹⁶.



Draft LDP policies

3.4 The assessment of policies is likely to be a gradual process, spread across LDP preparation. Draft policies relating to the LDP strategy will be contained in the Preferred Strategy, whilst detailed policies will emerge during preparation of the Deposit Plan. All policies should be assessed against SA objectives, with any changes made as a result of the assessment logged in the SA report.

3.5 Key policy matters to be assessed may include:

- Housing
 - the scale and location of growth
 - the type, tenure and size of proposed new homes
 - affordable housing policies and targets
 - phasing policy
 - windfall housing developments.
- Employment land
 - the scale and location of the provision
 - provision for local businesses, SMEs and large-scale inward investment schemes.
- Community facilities and education infrastructure
 - the location of proposed facilities and proximity to residential areas
- Planning obligations
 - the appropriate use of s.106 agreements and/or the CIL charging schedule for the delivery of infrastructure supporting the Welsh language.
- Signage
 - encouragement for Welsh language signage, which can lead to developing Welsh as a visible feature in an area.

3.6 This is not intended as an exhaustive or exclusive list. LPAs may feel other policies could have potential effects on the Welsh language.

Draft site allocations

3.7 The SA of options and policies will inform levels of anticipated growth which are appropriate and reasonably balanced between the social, economic, environmental and cultural priorities and considerations for the Plan area – including the Welsh language. To deliver the LDP growth aspirations the authority must allocate land for particular land uses, including housing, employment, retail and community facilities.



3.8 Welsh language considerations may be relevant to the LPA's site selection process. For instance, it may be more appropriate and sustainable in some areas to meet housing need through one large housing allocation, supplemented by a phasing scheme; in others however, a number of smaller sites spread across a number of settlements might be preferable. The size and tenure of dwellings may also affect whether a development has a positive or negative effect on the language. Similarly, the LPA's approach to site allocations should be consistent with their strategy for educational infrastructure and community facilities.

3.9 Maintaining and enhancing use of the Welsh language may require the provision of appropriate employment and community facilities. The LDP may play a role either by protecting existing facilities or allocating land for the development of new facilities.

Step 4 - Mitigation measures

4.1 Following the assessment of the LDP strategy, policies and site allocations against SA objectives, it should become apparent if, and where, specific measures are required to mitigate impacts on the use of the Welsh language. Part A contains guidance on potential mitigation measures at section 3.4.

4.2 Measures to mitigate adverse impacts, and actions to promote positive impacts, should be identified at the development plan-making stage:

- By outlining possible mitigation measures during the plan-making process, the developer will be informed of the implications of those measures when it comes to preparing a planning application. This allows fully costed proposals to be submitted with the consequence of significantly reducing the need to make amendments. This also benefits the LPA which must determine the application and deal with amendments to schemes.
- From the community's point of view, it means they should not be presented with planning proposals that inadequately address language issues and which can sometimes result in campaigns to significantly change or refuse planning applications. More constructive and positive community involvement can be gained at the plan-making stage, reducing potential conflict at the planning application stage.

4.3 Mitigation measures should be set out in the Deposit Plan, and matters of detail may also be included in SPG. This could include site specific development briefs.



Step 5 - Monitoring the LDP and keeping evidence up to date

5.1 Guidance on monitoring and reviewing LDPs is contained in Part A paragraph 2.10, and will be of particular relevance to those LPAs with an adopted LDP.

5.2 Following the adoption of a LDP, it is important for LPAs to implement the monitoring framework, to assess whether the policies are used appropriately and are contributing to the delivery of the LDP strategy.

5.3 It is important LPAs have a 5-year housing land supply in place. The requirement to maintain a 5-year supply of readily developable housing land in each LPA across Wales remains a key planning policy requirement of the Welsh Government¹⁷. There is a need, therefore, to ensure all allocated sites are deliverable and contribute to the land supply.

5.4 The LPA should also keep its evidence base up to date, in order to evaluate whether the LDP is having an effect on the objectives. This might require conducting studies or research occasionally to update information. An accurate evidence base will also be valuable for the production of AMRs and for the periodic reviews of the LDP.



Abbreviations

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|------|---|
| AMR | Annual Monitoring Report |
| CIL | Community Infrastructure Levy |
| LDP | Local Development Plan |
| LPA | Local Planning Authority |
| NDF | National Development Framework |
| PCPA | Planning and Compulsory Purchase Act 2004 |
| PPW | Planning Policy Wales |
| SA | Sustainability Appraisal |
| SDP | Strategic Development Plan |
| SME | Small and Medium-sized Enterprises |
| SPG | Supplementary Planning Guidance |
| TAN | Technical Advice Note |
| TCPA | Town and Country Planning Act 1990 |



References

- ¹ As amended by Section 11 of the Planning (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/4/section/11/enacted
- ² As amended by Section 31 of the Planning (Wales) Act 2015 www.legislation.gov.uk/anaw/2015/4/section/31/enacted
- ³ The Well-being of Future Generation (Wales) Act 2015 www.gov.wales/docs/dsjlg/publications/150623-guide-to-the-fg-act-en.pdf
- ⁴ According to the 2011 Census, 562,000 people (19% of the population) aged three and over were able to speak Welsh in Wales. www.gov.wales/statistics-and-research/census-population-welsh-language/?lang=en
- ⁵ Cymraeg 2050: Welsh Language Strategy www.gov.wales/topics/welshlanguage/welsh-language-strategy-and-policies/cymraeg-2050-welsh-language-strategy/?lang=en
- ⁶ Section 62 Planning and Compulsory Purchase Act 2004 www.legislation.gov.uk/ukpga/2004/5/section/62
- ⁷ See section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) TCPA www.legislation.gov.uk/ukpga/2004/5/section/38
- ⁸ Planning Policy Wales: www.gov.wales/topics/planning/policy/ppw/?lang=en Chapter 7 – Economic Development and Chapter 9 – Housing www.gov.wales/topics/planning/policy/tans/tan2/?lang=en; TAN 2 Planning and Affordable Housing, TAN 6 Planning for Sustainable Rural Communities www.gov.wales/topics/planning/policy/tans/tan6/?lang=en; TAN 23 Economic Development www.gov.wales/topics/planning/policy/tans/tan-23/?lang=en
- ⁹ See Part A, paragraph 3.2
- ¹⁰ See Part B, paragraph 1.4 for examples of potential sources
- ¹¹ Further detail on mitigation is included at Part A, paragraph 3.4 and in Part B, step 4
- ¹² See Welsh Government Circular 016/2014: The Use of Planning Conditions in Development Management www.gov.wales/docs/desh/publications/141007circular16-2014-en.pdf
- ¹³ See Welsh Office Circular 13/97 Planning Obligations www.gov.wales/docs/desh/policy/970708circular1397en.pdf and part 11 of the Community Infrastructure Levy Regulations 2010 www.legislation.gov.uk/ukdsi/2010/9780111492390/contents
- ¹⁴ Specifically, Regulation 123 of the Community Infrastructure Levy Regulations 2010 www.legislation.gov.uk/ukdsi/2010/9780111492390/contents



- ¹⁵ Local authorities will be aware of The Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 www.legislation.gov.uk/wsi/2013/3048/contents/made
- ¹⁶ Local Development Plan Manual – Edition 2 (2015) www.gov.wales/docs/desh/publications/151007local-development-plan-manual-edition-2-en.pdf
- ¹⁷ See Technical Advice Note 1: Joint Housing Land Availability Studies, 2015 www.gov.wales/topics/planning/policy/tans/tan1/?lang=en

