

RTPI Cymru



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wales@rtpi.org.uk

13th June 2011

Planning Division
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

Dear Sir / Madam

Technical Advice Note 20: Planning and the Welsh Language

Thank you for the opportunity to respond to the above. The Royal Town Planning Institute (RTPI) is a membership organisation representing over 23,000 spatial planners; RTPI Cymru represents the interests of around 1,100 members in Wales. It exists to advance the science and art of town planning for the benefit of the public.

This document responds to the invitation to comment on the proposed changes to TAN 20: Planning and the Welsh Language. The response has been formed following consideration by RTPI Cymru's Policy and Research Forum.

RTPI Cymru welcomes the production of the revised draft TAN 20. Additional guidance on this topic has been requested by practitioners over many years.

The general approach of RTPI Cymru's comments is to seek clarified and effective guidance which gives full recognition of the needs and interests of the Welsh Language. RTPI Cymru shares the Government's goal of "revitalising the Welsh language and creating a bilingual Wales and of ensuring that the Welsh language is supported and encouraged to flourish as a language of many communities across Wales." Whilst the country is on that journey, RTPI Cymru recognises that the scale, location and timing of physical development, can both help and hinder the creation of a bilingual Wales.

In planning and managing development the land use planning system needs to plan on the basis that communities are not starting from the same linguistic position and that it has only limited influence on the growth and development of its use. Whilst it can be argued that the Welsh language and culture should and is an important part of the social fabric throughout Wales, in reality physical development has the potential to harm the language's position in areas where it is an important part of the social fabric of communities. In other areas where there are advances in terms of the ability to speak the language and its use in everyday life, the system needs to avoid placing unnecessary or onerous requirements on development. RTPI Cymru also recognises the potential role of planning to help safeguard Welsh speaking communities without in any way placing non Welsh speakers or communities at a disadvantage.

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Head Office: Royal Town Planning Institute 41 Botolph Lane London EC3R 8DL

Tel +44 (0) 20 7929 9494 Fax +44 (0) 20 7929 9490 Email online@rtpi.org.uk Website www.rtpi.org.uk

Registered charity number 262865

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RTPI Cymru has concern that the review does not appear to have evaluated the effect of both policy and research since the publication of TAN 20 in 2000, and over the stated narrow aim of the revision. For example, it would have expected reference to Iaith Pawb published in 2003 which provides the strategic framework for both analysing the position at the time of the Welsh Language within the various communities across Wales and also the action plan for the encouragement and development of its use as a community language. It would also expect reference to cross policy work such as actions on language and economic regeneration by the Welsh Language Board.

It is also surprising to note that the introduction contains no reference to the attempts made by local authorities themselves to develop methodologies for assessing impact. Whilst some attempts have been more successful than others, nevertheless there is a body of research and practice which the TAN could have made reference to in order to understand how the proposed advice has been drawn up. Such experiences that there are inevitably highlight the difficulties of acquiring relevant, useful and timely data, especially as the basis of making a refusal decision based on the impact on the use of the Welsh language of a community

We would recommend further revisions to the proposed revised TAN 20 in the light of the review of Iaith Pawb and other research and practice evidence available. RTPI Cymru would support that review, possibly as part of a stakeholder group.

Paragraph 7 of the Overview also suggests that the review is proposed as being only to provide further advice on how Welsh Language considerations will be taken into account in preparing local development plans. It has been clear since the preparation of the original TAN that additional advice is also needed by practitioners on how language considerations should be taken into account when dealing with planning applications. It is essential the revision of the TAN be broadened to meet that need.

In addition the narrow aim proposed does not appear to meet the broader proposal of the 'One Wales' agreement, set out in the draft revised TAN, which is to consider the use of language impact assessments for planning purposes, and does not limit that consideration only to development plans.

I trust you find the Forum's comments helpful but do not hesitate to contact me should you require any further clarification.

Yours sincerely,



Roisin Willmott
National Director
RTPI Cymru
PO Box 2465
Cardiff / Caerdydd
CF23 0DS
e-mail / e-bost: roisin.willmott@rtpi.org.uk

RTPI Cymru Response to:

Technical Advice Note 20 Planning and the Welsh Language (Draft) Consultation		
21 st March to 13 June 2011		
Name	Roisin Willmott	
Organisation	RTPI Cymru	
Address	PO Box 2465 Cardiff CF23 5BY	
E-mail address	roisin.willmott@rtpi.org.uk	
Type (please select one from the following)	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	X
	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
		X	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
<p>Planning Policy Wales (Edition 4 February 2011) states that the needs and interests of the language are a matter to be taken into account in the preparation of development plans. If it is intended to consider altering that position it would be a major policy change that would go well beyond revision of technical advice. If it is not proposed to consider altering the policy then the purpose of the question is unclear.</p>			

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
		X	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
<p>RTPI Cymru agrees that a screening process needs to be part of Sustainability Appraisals and Site Assessments. However, language impact assessment appears to be a discrete process requiring particular skills of preparation and analysis and where the initial screening supports the need for more in-depth work it would be better addressed as a separate exercise alongside but not subsumed within sustainability appraisal.</p>			

Q3	Should further guidance be provided on the integration of WLIA and Sustainability Appraisal?	Yes	No
		X	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
It is clear that local authorities at present need additional guidance on the preparation of both screening and assessments. RTPi Cymru suggests that this should be taken forward through appointing and supporting a stakeholder group to develop such advice.			

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"/>	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
It appears onerous at present to expect the Welsh Language to be generally considered in regard to alternative sites, especially where the use of Welsh is limited. It could be stated clearly that this would not be universally required. It would be for local planning authorities to decide if it was needed in all or parts of their plan area because of factors such as of the scale of the development sites needed, and the sensitivity, in language terms, of the location.			

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
		X	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
There will continue to be a requirement that all local planning authorities set out their consideration of social and community issues generally. However, this is also a requirement for Community Strategies and given the strategic nature of the topic and the constant danger of overload on local development plans RTPi Cymru suggests that it might make more sense for such a statement (as indeed how social and community issues generally are taken into account) to be part of the overall Community Strategy but with a cross reference to that Strategy in the LDP			

Q6	Should local planning authorities monitor the impact of development on the Welsh language? Can you suggest appropriate indicators?	Yes	No
		X	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
There will be a need for local authorities who have policies related to the Welsh Language to monitor the effect of those policies. The results of the 2011 Census of Population will for now provide a significant and timely source of information for the development or update of a baseline for such a monitoring framework. Perhaps it could be suggested that such monitoring could be co-ordinated with the Education service monitoring of Welsh in the school system. One further possible measure would be a broad assessment of how many community groups in relevant areas such as chapels, urdd, merched y wawr, and so forth operate in Welsh or bilingually. The local mentrau iaith, often supported by local councils may be able to input the relevant information.			

Q7	Do you agree with the range of mitigation measures that have been identified? Can you suggest any others?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
<p>The range of mitigation measures is small but it is difficult to identify others. One possibility would be to add support for community facilities to ensure there is a potential for social groups operating in Welsh or bilingually to flourish alongside housing or employment growth. (Of course such facilities could also serve all residents not only Welsh speakers.)</p> <p>The discussion of mitigation measures is a recognition that there are circumstances where proposals can harm the needs and interests of the language and mitigation is needed. However there are also cases where a proposal may so harm the Language that mitigation is not possible. It should be clarified in the development control section of the TAN that where the impact would be significantly harmful and no mitigation is possible, that this can be a reason for refusal of planning consent. This has been the case in past decisions and clarity on this matter would be useful.</p>			

Q8	Should the Community Infrastructure Levy be used to fund Welsh language infrastructure?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
<i>Do you have any additional comments?</i>			
<p>It could be possible to add supporting social facilities, beneficial to the Welsh speaking communities and groups, where that can be shown to be appropriate, to the list of what the Community Infrastructure levy can support. Local authorities should define in their areas whether specific facilities would be required as a result of particular types of development, alongside other types of infrastructure that may also be required.</p> <p>If the CIL Regulations are changed to include revenue expenditure in the future, then other types of initiatives could be considered to mitigate impact on the Welsh language / affected communities.</p>			

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:

- A major weakness of the revised TAN is the lack of recognition that in some circumstances planning applications should be accompanied by a language impact assessment, especially for sites not contained in the development plan (such as windfall sites). It is important to avoid any unnecessary new burdens on applicants so it should be made clear that this would only be needed in exceptional circumstances. The sentence stating that applications should not be accompanied by language impact assessments should therefore be replaced. A possible rewording could be along the lines of: "Planning applications should not normally require a language impact assessment, however local planning authorities may require such an assessment in some circumstances." The guidance should broadly indicate such circumstances covering points such as being in a location where the Welsh Language is an important part of the community fabric, and where the scale and nature of the development would potentially cause major change. Also that the case for preparing a language impact assessment related to an application would be stronger where there is no up to date, adopted local development plan, itself prepared with a language impact assessment.
- In the section on planning control, further advice could be considered on the relationship of policy to safeguard the needs and interests of the Welsh Language with the recently issued guidance in TAN 6 on 'One Planet' developments. It could be clarified that such proposals proposed on the basis of environmental considerations should be subject to the same consideration in relation to safeguarding the Welsh Language as other proposals. Perceived environmental advantages should not outweigh consideration for the needs and interests of the Welsh language.
- The revised TAN suggests deleting guidance in the present version on planning services in Welsh. However the guidance on this matter in the Local Development Plans advice issued in 2005 is less clear and detailed than offered in the present TAN 20. For clarity the present advice should be updated and retained.
- The revised TAN would also remove reference to the Glossary of Welsh Planning Terms. That document was prepared to remedy a problem of local planning authorities inventing their own varied terms in development plans. The use of varied terms may lead to future legal debate and the Glossary should therefore be maintained and updated. The convenience of publishing the glossary in electronic form, including on the Planning Portal, means that should be a straightforward process.
- Alongside publication of the revised TAN there should be further consideration of the training needs to ensure the guidance is properly understood and applied. The RTPI in Wales may be in a position to assist with suitable events for local planning authorities and other practitioners. In addition training on this topic is required for the Planning Inspectorate.

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