

<b>MEETING</b>	<b>Full Council</b>
<b>DATE</b>	<b>18 March 2016</b>
<b>TITLE</b>	<b>Joint Local Development Plan and the Welsh language</b>
<b>PURPOSE</b>	<b>To remind the Council of how the development of the Joint Local Development Plan has taken into account the interests of the Welsh language.</b>
<b>RECOMMENDATION</b>	<b>For information</b>
<b>AUTHOR</b>	<b>Nia Haf Davies, Planning Manager (Policy)</b>
<b>CABINET MEMBER</b>	<b>Cllr. Dafydd Meurig</b>

## **Background**

1. In accordance with section 4.12.1 (d) of the Constitution a letter was received from Cllr. Aled Evans which was signed by nine other councillors asking for a meeting of the Council to discuss "aspects of the LDP (Gwynedd and Anglesey), that is, the method used to evaluate the impact of this proposed plan on the Welsh language. We feel that what has been done is unacceptable regarding protecting the Welsh language, and we would like to consider further steps to reverse this weakness."

## **Context for making decisions about the Joint Local Development Plan**

2. The responsibilities of Gwynedd Council and Anglesey County Council and the Joint Planning Policy Committee were noted in the agreement which was signed by the two Councils individually in October 2010.
3. Under the agreement, the role of the individual Councils is to approve the Delivery Agreement and to adopt the Plan. Under the agreement, the role of the Joint Planning Policy Committee is to advise on the DA, advise on the Preferred Strategy document, agree on the Deposit Plan, agree on the focussed changes, and finally accept the Inspector's report before its submission to each of the Councils for approval. See

paragraph 30 below for information about the Joint Planning Policy Committee's decision about the Deposit Plan.

4. These responsibilities have been repeated in the original Delivery Agreement (DA) that was approved by each of the two Councils by October 2011. The DA has been supported by the Welsh Government. Therefore, there is an agreement between the two Councils and the Welsh Government on how and when the plan is prepared. Members are reminded of the Council's decision to accept an amendment to the timetable to be included in the Delivery Agreement during its meeting on the 3 March 2016.

### **The legislative and national planning policy context - preparing joint local development plans and assessing the impact on the Welsh language**

5. Each LPA must prepare Local Development Plan (LDP) for its area.
6. The LDP should be prepared in accordance with the Planning Act (Wales) 2015, Planning and Compulsory Purchase Act 2004, **Town and Country Planning (Local Development Plan) (Wales) 2005 Regulations**, PPW, especially Chapter 2 on development plans and the Local Development Plan Manual (2015).
7. The LDP should focus on local issues and objectives that are identified in local strategies and evidence base.
8. It is a requirement under Section 62 of the Planning and Compulsory Purchase Act 2004 that Councils carry out a **Sustainability Assessment** of the LDP and prepare a report on the findings of that assessment. The purpose of the Sustainability Assessment is to assess the social, economic and environmental strategy and policies contained in the LDP, from the outset of the process.
9. It is a requirement under Section 62 of the Planning and Compulsory Purchase Act 2004 that the Sustainability Assessment includes an assessment of the likely effects of the plan on the use of Welsh in the area.

### **An overview of the processes**

10. The flowchart in Appendix I to this report gives an overview of the process of preparing local development plans and the sustainability assessment, stating how and when the Council could incorporate a consideration of the Welsh language in formulating the Plan. This indicates where the consideration of the effects on the Welsh corresponds to the wider process of drawing up the Plan.

## The evidence

11. There are many useful sources of data and information on the use of Welsh. They include:
  - i. Census data
  - ii. Local strategies and initiatives
  - iii. Education provision
  - iv. Community facilities
  - v. Language Use Survey
  - vi. Anglesey and Gwynedd Housing and Language Survey, including Snowdonia National Park area
  
12. The Library of the Joint Local Development Plan includes the following documents that give an overview of information about the Welsh language in the Plan area. There are various other Topic and Background Papers in the Library concerning the infrastructure which is important to maintain and strengthen local communities - the local ingredients:
  - i. Topic Paper 10 Welsh Language and culture (2013)  
<https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/Supporting-documents-2015/Welsh-Language-and-Culture.pdf>
  - ii. Topic Paper 10A Gwynedd Language Profile (2014)  
<https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/Supporting-documents-2015/Language-Profile-Gwynedd.pdf>
  - iii. Topic Paper 10B Anglesey Language Profile (2014)  
<https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/Supporting-documents-2015/A-statistical-picture-of-the-position-of-the-Welsh-language-on-the-Isle-of-Anglesey.pdf>
  - iv. Housing and Language Survey (2014)  
<https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/Supporting-documents-2015/Gwynedd-and-Anglesey-Housing-and-the-Welsh-Language-Survey---FULL-REPORT-FINAL.pdf>

## Public participation and consultation (including input from Councillors) and decision-making

13. The Joint Planning Policy Unit has engaged with Councillors from both Councils several times during the Plan preparation process. The following paragraphs provide an overview of when and how input was received from Councillors and the public since 2011.

#### Preparation of the Public Participation Plan, that is the second part of the DA

14. Public consultation: 14 April 2011 – 2 June 2011;
15. Anglesey County Council and Gwynedd Council approved the DA on 13 September and 20 October 2011, respectively.

#### Reviewing the evidence base and deciding on the vision, objectives and strategy

16. Public participation phase: 8 November 2011 – 31 January 2012;
17. Seminars for every Councillor: 25 November 2011 (Anglesey); 5 December 2011 (Gwynedd); 7 December 2011 (Gwynedd);
18. Meetings of various groups including: Key Stakeholders Group; Llais Ni; Housing Group; Older People Groups; Children and Young People Group; Disability groups.
19. Joint LDP Panel, Joint Planning Policy Committee, Gwynedd Council Board, Anglesey Board of Commissioners in order to obtain a decision about the strategic direction.

#### Developing the Preferred Strategy document

20. Seminars for all Councillors on various topics: October 2012, December 2012, January 2013;
21. Joint LDP Panel, Joint Planning Policy Committee, Gwynedd Council Cabinet, Anglesey County Council's Executive Committee, with the latter two making a decision on the content of the preferred strategy, with the latter two deciding on the Preferred Strategy.

#### Preparing the Deposit Plan

22. Language Committee: October 2013 - Information on the linguistic impact assessment methodology;
23. The Language Committee decided to set up a Task and Finish Group - Planning and the Welsh language, whose membership would include a cross-section of Members. The purpose of the Group was to provide input on behalf of Gwynedd Council, to ensure that the Council's strategic objectives relating to the Welsh language would be fed into the process of preparing planning policies for the Joint Local development Plan. It met in November 2013, January 2014 - discussion about the linguistic impact methodology, the evidence base, developing settlement profiles to assess the impact. No suggestions were made to amend the methodology or suggestions about any additional sources of evidence;
24. The Joint Planning Policy Unit's Manager presented information to a meeting of Arfon Area Language Groups: February 2014;

25. Seminar for all Councillors from both Councils on housing issues: May 2014;
26. Seminar for all Councillors and representatives of Community Councils on various issues: October 2014, November 2014;
27. Joint LDP Panel: monthly between July 2013 - November 2014 – considered the comments submitted about the Preferred Strategy as well as analysis of evidence;
28. Gwynedd Cabinet and Anglesey's Executive Committee accepted a report about the Deposit Plan and supported it: December 2014;
29. Joint Planning Policy Committee decides on the content of the Deposit Plan in December 2014, and therefore its soundness having considered the representations and the evidence, and approved it for public consultation.

### **Sustainability Assessment (including Sustainability Environmental Assessment)**

30. The Sustainability Assessment process, which includes the SEA, is a statutory requirement and is an iterative process from the outset. A recognised methodology which is applied country wide was used to proceed through the Sustainability Assessment process. After considering various plans and programmes and the extensive evidence base, a Scoping Report was published for public consultation in July 2011. Following the public consultation a Sustainability Framework was prepared which included a series of objectives, questions and indicators. A copy of the Sustainability Assessment Framework is available in Annex 2. In accordance with legislation and policy and national planning guidelines, the Sustainability Framework incorporates a consideration of the Welsh language in terms of its relevance to land use. The Sustainability Framework has been used to assess the strategic options, sites and policies of the Plan throughout the process. The Language Impact Assessment has assisted the Sustainability Assessment process to come to a conclusion about how the strategy and policies are likely to affect the use of Welsh, and the sustainability of communities.
31. The Sustainability Assessment Report of the Preferred Strategy and the Sustainability Assessment Report of the Deposit Plan were both published for public consultation at the same time as the Preferred Strategy document and the Deposit Plan in May 2013 and February 2015, respectively.  
<https://www.gwynedd.llyw.cymru/en/Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Joint-Local-Development-Plan/Appraisals-and-Assessments.aspx> A Final report on the Sustainability Assessment will form part of the Examination Library.

## Language Impact Assessment

32. The Language Impact Assessment of the Plan is an iterative process, which takes account of Welsh and its use in terms of the relevance to land use from the outset. Therefore, in order to have a basis for the Sustainability Assessment, the Language Impact Assessment includes an assessment of the evidence on the effects of the strategy, policies and spatial designations on the Welsh language and its use, and the sustainability of communities. It helps Councils assess how the Plan will address its vision and objectives.
33. Before starting the Language Impact Assessment process, the views of the Language Units of both Councils were sought. There was agreement about using the recognised methodology to carry out the process, which is a methodology that aligns with guidance developed by a consortium of planning authorities and other partners that included the Language Board (“Planning and the Welsh Language: The Way Ahead”) and technical planning guidance issued by the Welsh Government. The same methodology is applied by other authorities at the plan preparation stage and to consider relevant planning applications.
34. The process starts by collecting, recording and analysing information in order to gain an understanding of the social and economic characteristics of the Plan area. The information is recorded in a series of Topic and Background Papers, which is in the Examination Library.
35. The Language Impact Assessment like the Sustainability Appraisal then looks at communities in a holistic way, giving due regard to language as an element which is an integral part of community life and activities within it. This can be considered as an extension of a sustainable methodology in which a number of economic, social and environmental factors influence each other and where change in one domain influences another. Where appropriate, it identifies/ supports mitigation and positive interventions that will be a means of helping communities thrive.
36. A Report on the Welsh Language Impact Assessment was published, which included a description of the methodology and conclusions of the Assessment and the development of the Preferred Strategy as a background document at the same time as the public consultation on the Preferred Strategy document in May 2013. The report can be seen here <https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Appraisals-and-Assessments/Language-Impact-Assessment.pdf>
37. A second edition of the Report on the Language Impact Assessment, which recorded the conclusions about the strategy, policies and proposals of the Deposit Plan, was published as a background document for public consultation at the same time the Deposit Plan was published in February 2015. It identifies mitigation measures and positive interventions. <https://www.gwynedd.llyw.cymru/en/Council/Documents---Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Supporting-documents/Supporting-documents-2015/Language-impact-assessment.pdf> Table 7 in section 5 of Deposit Plan describes the link between the objectives, policies and monitoring indicators. The third edition of the Report on the Language Impact Assessment is part of the Examination Library.

## **The public consultation on the Deposit Plan: February - March 2015**

38. Objections were received during the public consultation period on the Deposit Plan which raised concerns over the impact of facilitating 7,184 housing units in the Plan area during the Plan period (2011-2026). Some of the objectors referred to the conclusions of the Language Impact Assessment. It is emphasised that every objections submitted during the public consultation period have been considered, firstly during Panel meetings during 2015 and then in the Joint Planning Policy Committee on the 29 January 2016.

## **Joint Planning Policy Committee decision - January 2016**

39. The Joint Planning Policy Committee decided that the Plan continues to be 'sound', subject to a number of focussed changes, and should be submitted to the Welsh Government for Public Examination. <https://democracy.cyngor.gwynedd.gov.uk/ieListDocuments.aspx?CId=247&MId=260&Ver=4>
40. The Joint Planning Policy Committee's decision to refer the Plan to the submission stage for Examination has been made and steps are now being taken to implement the decision on behalf of both Councils. This accords with the agreement between Gwynedd and Anglesey and the Joint Planning Policy Committee's delegated powers. On this basis it isn't possible to go back and undo this decision or re-open elements of the Plan. By making this decision the authorities have found that the Plan is sound (just as they did when they approved the Deposit Plan in December 2014). It is emphasised that the Examination will now provide objectors with an opportunity to present their cause.
41. The Focussed Changes referred to above in paragraph 39 includes 11 Focussed Changes that were approved having fully considered the objections referred to in paragraph 38, i.e. the objections about the effect of the Plan on the Welsh language.

## **Consultation about the Focussed Changes**

42. The Schedule of Focussed Changes is subject to public consultation until 13 April 2016. The document can be seen at <https://www.gwynedd.llyw.cymru/en/Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Joint-Local-Development-Plan/Joint-Local-Development-Plan.aspx>
43. Representations in support and objections about the Focussed Changes will be registered and forwarded to the Planning Inspectorate so that the Inspector can consider them. The objectors will have the right to take part in relevant hearings in order to present their case.

## **The Public Examination**

44. An independent Inspector will be appointed by the Planning Inspectorate to conduct the Examination. The appointed Inspector's role is to conduct an independent

assessment of the overall soundness of the plan and that it meets the statutory requirements for its preparation. This means addressing key issues at the heart of the Plan. The opponents who want to see changes to the Plan and who have expressed a wish to be heard by the Inspector will be invited to attend the relevant Public Hearings. Currently it is anticipated that the Public Hearings will take place during September and October 2016. More information about the Public Hearings programme will be released during the Pre-Meeting Hearings.

## **Conclusion**

45. That the process has been totally inclusive, with a number of opportunities throughout the process for Councillors and communities to contribute, in accordance with the Delivery Agreement, which was approved by the Councils at the start of the process
46. That the Joint LDP preparation process has met the statutory requirements, including consideration of the Welsh language and its use in terms of relevance to land use.

Appendix 1: Flowchart – Overview of processes to prepare local development plans

Appendix 2: Sustainability Appraisal Framework