
COMMUNITIES SCRUTINY COMMITTEE, 07 NOVEMBER 2024

Present:

COUNCILLORS: Annwen Hughes (Chair)
Llio Elenid Owen (Vice-chair)

Stephen Churchman, Elwyn Edwards, Elin Hywel, Beca Roberts, Delyth Lloyd Griffiths, Rhys Tudur, Linda Morgan, Arwyn Herald Roberts, Jina Gwyrfai, Robert Glyn Daniels, Peter Thomas, Rob Triggs and Gruffydd Williams.

Officers present:

Bethan Adams (Scrutiny Advisor) and Rhodri Jones (Democracy Services Officer).

Present for item 5:

Dafydd Williams (Head of Environment Department), Gareth Jones (Assistant Head, Environment Department), Bob Thomas (Planning Policy Team Leader), and Llywela Haf Owain (Senior Language and Scrutiny Advisor).

1. APOLOGIES

Apologies were received from Councillors Edgar Wyn Owen and Elfed Powell Roberts.

2. DECLARATION OF PERSONAL INTEREST

A declaration of personal interest was received from Councillor Rhys Tudur, for Item 5 as he had been a member of the Welsh Communities Commission in the past. It was not a prejudicial interest, and he did not withdraw from the meeting during the discussion.

3. URGENT ITEMS

None to note.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 12 September 2024 as a true record.

5. PLANNING AND WELSH-SPEAKING COMMUNITIES

The report was presented by the Head and the Assistant Head of the Environment Department and the Leader of the Planning Policy Team. The Senior Language and Scrutiny Advisor was also present to give guidance on matters pertaining to the Welsh language.

The Head of the Environment Department took the opportunity to thank Councillor Dafydd Meurig for his support to the Department and his passion for the Welsh language and planning matters throughout his time as the Cabinet Member for the Environment. The Chair on behalf of the Committee reiterated the gratitude to the former Cabinet Member.

It was reported that protecting the Welsh language was very important to the Department and that he had worked jointly with the Language Unit to prepare this report.

It was confirmed that the Supplementary Planning Guidance – 'Maintaining and Creating Distinctive and Sustainable Communities' was in effect to ensure that the impact of developments on the Welsh Language received due attention within the planning field. It was detailed that there were two principal criteria within this Guidance to ensure that developers understood the importance of submitting a language impact assessment / statement when presenting an application for planning permission. It was explained that it was the developers' responsibility to provide a language assessment for any development, noting that the Council would not assist them to do this beyond the guidance given within the Supplementary Planning Guidance.

It was explained that the Supplementary Planning Guidance gives detailed guidance to developers and prospective applicants regarding Welsh language considerations. It was elaborated that it also provided a methodology on how to develop Welsh language impact statements and assessments. It was confirmed that the Department had commenced the process of developing a new Local Development Plan for the Gwynedd Planning Authority Area (except for the areas of the County that are within the National Park's boundaries). It was noted that this process provided an opportunity to consider and revise procedures, policies and the Supplementary Planning Guidance. It was highlighted that there would be an opportunity for Elected Members and the Communities Scrutiny Committee specifically to give input as part of the process of developing the new Plan.

It was noted that there had been examples in the past of planning applications that had been refused for reasons relating to insufficient evidence regarding the Welsh language. It was explained that some of these cases had also been refused on a planning appeal to the Welsh Government.

It was emphasised that the planning field operated within a statutory framework and a framework of national policies. It was explained that these set the basis and context for Gwynedd Planning Policy and affects and limits what may be included within the Local Development Plan. It was explained that further information on national, regional and local policy matters had been included within the Report.

Reference was made to Policy PS 1 'The Welsh Language and Culture' from the Joint Local Development Plan. It was explained that the policy set out the requirements in terms of considering the Welsh Language. The thresholds included in Appendix 1 of the report were highlighted.

It was pointed out that the planning system could promote the Welsh language by encouraging developers to use Welsh or bilingual names as well as using Welsh names in businesses.

It was reported that there was concern about the use made of the housing stock in Gwynedd as many local houses had been converted into second homes and short-term holiday lets in the last few years. Members were reminded that the Article 4 Direction had been operational since 1 September 2024 to get to grips with this challenge. It was hoped that this would ensure more control of the current housing stock, as planning permission was required to change a property from a main residency into a second home or short-term holiday let. It was considered that this would satisfy the housing needs of local communities and encourage the Welsh language to flourish in Gwynedd.

It was confirmed that the planning field and the Welsh Language was very complex and was affected by factors beyond Gwynedd such as national regulations and the census

results. It was added that there were rules in force to ensure that Local Authorities do not control the language of new housing occupants. However, it was emphasised that the Gwynedd policies and guidance ensured that developments were granted in the right areas leading and contributing to the development of sustainable communities.

During the discussion, the following observations were made:-

It was asked on what linguistic grounds had planning applications been rejected, had these applications not submitted a language impact statement / assessment as part of the application? In response to the query, the Assistant Head confirmed that applications were refused on linguistic grounds if the information presented in language statements was not sufficient, or if insufficient linguistic information had been included as part of the entire application. It was confirmed that there had been cases in the past where planning applications had been refused because of the challenges being made on applications.

There was concern that only the developers assess the language impact of planning developments, with the Language Unit providing expert opinion on what they submitted. Concern was raised that this allows developers to focus on the positive points of the development in order to receive planning permission, rather than completing balanced research. It was added that it was difficult for members of the Planning Committee to challenge these language statements due to a lack of evidence. It was proposed to invite Community and Town Councils to make linguistic observations to the Council in response to local planning applications. In response to the comments, the Assistant Head confirmed that not all information submitted by developers was accepted unconditionally. It was stressed that the Planning Service and Language Unit officers challenge the information received to ensure accuracy.

Reference was made to the Language Unit's language statement checklist noting that some of the considerations go beyond linguistic elements. It was noted that all questions and considerations on the checklist should be central to the Welsh language. It was pointed out that there was no reference to births within the checklist. It was noted that this topic should receive fair consideration from developers when formulating a language impact statement / assessment. In response to the comments, the Senior Language and Scrutiny Advisor confirmed that the checklist was not exhaustive with all the considerations the Language Unit completes when responding to language statements, but included the main points for consideration. The Advisor assured the members that births did receive the consideration of Language Unit officers if there was concern about the numbers of Welsh speakers in areas given the census figures. It was added that it was an opportunity to consider adding the inclusion of facts of this type as necessary information for developers as they set about formulating a language impact statement / assessment.

It was asked what research and evidence was available to prove that no significant harm had been done to the Welsh language in allowing planning developments. In response, the Assistant Head confirmed that corporate research had been completed by the Council some years ago detailing the County's housing developments. It was explained that the research sought to assess the language of house occupants in the area and further information about who previously lived in the houses. It was noted that the percentage of Welsh speaking occupiers in new housing developments in Gwynedd was consistent with the percentage of Welsh speakers in Gwynedd as a whole. This was considered to be very positive results, but it was noted that this had been completed during the previous Local Development Plan.

It was noted that the Welsh language was central to the Well-being of Future Generations Act and Thriving Welsh Language Communities. The Assistant Head agreed and took pride in the importance of the Welsh language in a number of considerations.

Considerations and concerns were expressed about the impact of the Housing Allocations Policy on Gwynedd communities. In response, the Assistant Head stressed that this policy applied to the Housing and Property Department and did not fall within the responsibilities of the Planning Service. The importance of Housing Associations was recognised, and their ability to provide homes for individuals and families in need. They were thanked for working with the Council. It was also noted that there was extensive evidence about the need for affordable housing in Gwynedd but there was no way to influence the language of those home occupants. Private developments were highlighted, and it was noted that the Council had no influence on their occupation either.

It was asked whether Council procedures need to be monitored more frequently than every 5 years as set out in the Report. The Assistant Head confirmed that the Joint Local Development Plan was monitored annually, with an annual Report prepared. It was confirmed that a specific monitoring framework and indicators were in place. It was acknowledged that the need to carry out specific research had not been identified as an indicator, but he noted that this may be a consideration as the Plan is reviewed.

In response to a query, the Assistant Head confirmed that the Welsh language is central to the Department's work for all the planning authority's areas. It was emphasised that no area received more detailed consideration than others in terms of linguistic needs.

It was asked whether community size was considered when assessing planning applications. It was detailed that there was no requirement to submit a language impact statement / assessment for any development of less than 5 houses, considering this may have a detrimental effect on communities with a low population. In response to the comments, the Assistant Head confirmed that the consideration given is commensurate with the scale and location of the development. It was pointed out that this can lead to the need to submit a Welsh language impact statement / assessment for developments of less than 5 houses. It was emphasised that there had been instances in the past where a language assessment was required for the development of 1 house if the Indicative Growth level in that area had reached its maximum. It was confirmed that Local Members can ask developers to submit a language assessment for a development, and they could also submit comments as the Local Member. However, there was no way of guaranteeing that the developments reached the threshold levels of different assessments, and it was noted that a language impact statement / assessment will not be submitted with all planning applications as a result.

The Language Unit was thanked for its work in providing the checklist for language assessments. It was asked whether officers interpret data to ensure it is up-to-date and accurate. In response to the comments, the Assistant Head confirmed that the expertise of the Language Unit officers fed into the planning process. It was recognised that there was no specific qualification that language or planning officers had to complete to present language assessments. It was confirmed that they used all the information available to them given the interventions that limit the planning system nationally and regionally. Members were reminded that the Council's procedures go beyond Welsh Government requirements, noting that it was timely for the Government to review their regulations to ensure greater support for the Welsh language in this field across Wales. Furthermore, it was confirmed that the Local Development Plan was robust as it had been challenged and approved by the Welsh Government.

Reference was made to Technical Advice Note (TAN) 20: Planning and the Welsh language, and to consider when it would be reviewed by the Welsh Government. In response, the Assistant Head confirmed that the recent report and recommendations of the Commission for Welsh-speaking Communities might encourage the Welsh Government to change policies at a national level.

It was pointed out that the report stated that the Welsh Language Commissioner 'should' be consulted in the preparation of a Local Development Plan. It was questioned if this was standard as it was felt that the Commissioner must be contacted when preparing the revised Plan. In response, the Assistant Head agreed that contacting the Welsh Language Commissioner should not be an optional step in preparing the plan and he assured members that the department had contacted the Commissioner when preparing the current Local Development Plan. Furthermore, the Planning Policy Team Leader stressed that the Department would consult the Commissioner when preparing the New Local Development Plan.

It was noted that the Report made clear that the authority can encourage people to retain traditional Welsh names for new developments and streets in line with TAN 20, and considered whether it was possible for the Authority to enforce Welsh names on such developments to reflect the language and culture of the area. In response to the query, the Planning Policy Team Leader confirmed that this reference was a direct quote from the TAN 20 policy indicating that this change may be a specific comment for the Welsh Government to consider during their next review of the policy. The Assistant Head added that Cyngor Gwynedd's policies detailed signage. It was detailed that policy PS 1 of the Joint Local Development Plan imposed a planning condition on any new housing and commercial developments to secure a Welsh name on their signs. It was elaborated that the Planning Service was part of the Gwynedd Native Place Names Protection Project Board and they worked together to strive and promote prospective applicants to consider the language and highlight its importance within the area's culture.

In response to a query on monitoring the language impact of the sale and purchase of houses within areas when considering planning applications, the Assistant Head explained that this was a very complex process. It was explained that it was very difficult to obtain evidence on the direct effect of the Article 4 Direction and other interventions. It was noted that the Council was currently undertaking research into the impact of a Council Tax Premium, adding that the Planning Service was using a monitoring framework to consider the impact of the Article 4 Direction on the area. It was reported that the Department was also developing a Supplementary Planning Guidance which addresses the new use class policy issues that exist since the Direction came into force, until the LDP has been adopted, indicating that this is a challenging process. He recognised that they would need to gather data for approximately 2 years so that the actual impact of these interventions could be assessed. It was confirmed that the data collected would be included in the development of a new Local Development Plan and will receive attention from a language impact perspective.

It was asked how the Department addresses the cumulative impact of developments when considering each individual planning application. In response, the Planning Policy Team Leader confirmed that the Department used a housing monitoring system. It was clarified that this system had been in use since the current Local Development Plan was developed in 2011. It was confirmed that the system could effectively provide information on other developments that had been carried out in specific areas. It was explained that this did not include data on changes in housing associations tenancies, but it was noted that the information was held by the housing associations themselves.

The members were pleased that the Department agreed that the Welsh language was important to all areas within the planning authority and beyond. It was considered whether it would be useful to add a measure for assessing whether the Welsh language rates were 'decreasing', 'stable' or 'increasing', to receive consideration when assessing planning applications. In response to the comments, the Assistant Head noted that this was one potential element that should be considered when developing a new Local Development Plan. The need to assess such ideas was emphasised to ensure that they would not lead to a negative language impact in some areas. The Senior Language and Scrutiny Advisor added that the Commission for Welsh Speaking Communities had recommended the introduction of Areas of Linguistic Significance in their recommendations to the Government, and they looked forward to the Government's comments on this proposal.

Officers were asked for their views on what would improve the efficiency of language impact statements / assessments and how to develop best practice within this area. In response to the query, the Assistant Head confirmed that the close collaboration between the planning service and the Language Unit helped to ensure that language impact statements / assessments were assessed effectively.

It was considered whether it was possible to re-visit language impact statements / assessments to assess if what had been assumed had been realised, and to challenge further if necessary. The Assistant Head noted that the experience of the Language Unit and Planning Service officers in assessing the language impact statements / assessments was advantageous to enable comparison of the actual language impact of development from what was said within the original assessment.

Consideration was given to language assessments in a planning appeals context. It was asked whether a decision to refuse a planning application had been upheld on appeal due to language issues. The Assistant Head confirmed that cases of refused planning applications due to language matters had also been refused on appeal. Pride was expressed that the Council's policies regarding the Welsh language had been tested within the system and shown to be sound.

It was asked how 'community' was defined within the planning context. In response, the Assistant Head confirmed that definitions of 'community', 'settlements', 'town', 'villages' and others were continuously addressed during the development of a new Local Development Plan.

Members expressed their gratitude for the report and for the work the Department and Council undertake to protect the Welsh language.

RESOLVED

- 1. To accept the report, noting the observations made during the discussion.**
- 2. That the Committee requests the Welsh Government to review 'Planning Policy Wales' and 'Technical Advice Note (TAN) 20: Planning and the Welsh language' to ensure that the Welsh language receives appropriate consideration.**
- 3. To request that the Housing Associations provide data to the Council to assess the information on the Welsh language in the planning field.**
- 4. To recognise that no specific qualification has been developed for assessing the linguistic impact of planning developments. To recommend that the Environment Department and the Language Unit contact the Coleg Cymraeg**

Cenedlaethol and Bangor University to encourage them to develop suitable training.

- 5. Community and Town Councils should be reminded that they are free to make representations on the potential linguistic impact that local planning developments may have on the area.**
- 6. Consideration should be given to conducting language planning training for Councillors to enable them to assist Community and Town Councils in making representations on the language impact of planning developments.**

6. COMMUNITIES SCRUTINY COMMITTEE FORWARD PROGRAMME

The report was presented by the Scrutiny Advisor.

Members were reminded that a revised Forward Programme for 2024/25 had been approved at the meeting of this Committee on 12 September 2024.

It was explained that the item 'New Local Development Plan – Strategic Options, Vision and Objectives' had slipped from this meeting to the 23 January 2025 meeting. It was noted that the item 'Climate and Nature Emergency Plan: Annual Report 2023/24' had also been scheduled for this meeting, but a request had been received to re-schedule it for the January 2025 meeting.

It was reported that the item 'Public Toilets' had been scheduled for this meeting, but before the agenda was published a message was received to state that it would not be possible to present the report to this meeting. It was explained that there was a need to scrutinise the item before presenting the Public Toilets Strategy to the Cabinet. The recommendation to schedule this item for the 20 March 2025 meeting was confirmed to ensure that there was an opportunity for scrutiny to add value prior to the Cabinet's consideration of the Strategy.

RESOLVED

1. To schedule the following items:

- 'Climate and Nature Emergency Plan: Annual Report 2023/24' for the 23 January 2025 meeting.**
- 'Public Toilets' for the 20 March 2025 meeting.**

2. To adopt a revised programme of work for 2024/25.

The meeting commenced at 10.30am and concluded at 12.45pm.

CHAIR