

Appendix 1 - Recommendations of the Scrutiny Working Group - Planning and the Welsh language

Background

- 1 The Joint Local Development Plan Panel met on 22 March 2018. The Panel Chair agreed that the Scrutiny Working Group could present the 'Preparing for Consultation' report to the Panel. This report included a series of recommendations for the Panel to consider. Cllr. Gruff Williams, Cllr. Aled Evans, Cllr. Simon Glyn and Gareth H. James were given an opportunity to address the Panel and to answer questions. The Panel's response to the recommendations was requested by 6th April 2018.
- 2 The Panel had previously met on 26th January and 1st February to consider the first draft of the Supplementary Planning Guidance: maintaining and creating distinctive and sustainable communities. In accordance with the internal arrangements of the Isle of Anglesey County Council, comments were also received from the Senior Leadership Group. The Guidance was amended to respond to Panel's comments and those of the Senior Leadership Group, as well as the initial findings of the Scrutiny Working Group (submitted to Communities Scrutiny Committee on 22nd February 2018), when appropriate to do so. The Panel considered the revised Guidance and the initial arrangements for public consultation on 22nd March, alongside the recommendations of the Scrutiny Working Group.

Response of the Joint Local Development Plan Panel to the recommendations of the Scrutiny Working Group

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1a	That a clear statement is required in the Guidance that the Developer is required to go to public consultation on every development of 10 or more dwellings in an urban area and 5 or more dwellings in a village/rural area.	It is agreed that engagement and consultation with the communities and various other stakeholders is important when considering a proposed development in the pre- application period and post submission of the planning application. The draft Supplementary Planning Guidance goes beyond the Working Group's expectations in recommendation 1a. The Guidance does not exceed the requirements of planning regulations regarding public consultation before submitting a planning	<p>It's unclear to Members of the Working Group what is the clear statement in the Guidance.</p> <p>The Welsh Government Planning Directorate have stated that pre-application consultations must be held for all applications of 10 houses or more.</p> <p>It does not matter whether or not they are allocated in the Local Development Plan.</p>

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		<p>application. It places an emphasis on consultation and engagement with the public and other stakeholders regardless of the development (housing and employment/commercial) and wherever the site of the proposed development happens to be.</p> <p>Following receipt of the Panel's comments, the Senior Leadership Group of the Isle of Anglesey County Council, and the initial findings of the Scrutiny Working Group to the Gwynedd Council Scrutiny Committee, it was noted that relevant parts of the Guidance had been adapted to improve clarity regarding this issue.</p> <p>The new Diagram 5 in Section 2 of the Guidance sets out the expectations of the Authorities for engagement and consultation at the pre-application stage. It sets out planning regulations requirements for 'large' development in <u>Centres, Villages and the Countryside</u> to undertake a statutory public consultation before submitting a planning application. In terms of statutory planning requirements, a 'major' development is defined as:</p>	<p>This should be stated clearly and simply in the Guidance.</p>

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		<p>(i) a housing development of 10 or more units or where the site area is 0.5 ha or more (if the number of housing units on the site is unknown);</p> <p>(ii) provision of buildings(s) where the floor area created is more than 1,000 m²; or</p> <p>(iii) development on site with an area of 1 ha or more.</p> <p>Public consultation is therefore required for a 'large' development wherever it is located, whether it is an urban area or a rural area, which is different from, and beyond the requirements of, the Working Group's recommendation.</p> <p>When planning regulations do not require a statutory public consultation, the Guidance (in new diagram 5) sets out the need for an applicant to engage with relevant stakeholders for a 'small' (housing and employment/commercial) development wherever it is located.</p> <p>Where a Welsh Language Statement is required, paragraph 13 of the methodology given in Appendix 7 of the Guidance sets out</p>	

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		<p>the expectations of the Authorities that the applicant consults and engages with the local community about the proposal, regardless of size or its location.</p> <p>When a report is required about a Welsh Language Impact Assessment, paragraph 8 of the methodology given in Appendix 8 to the Guidance sets out the importance of engagement and consultation as part of the whole process of undertaking a Welsh language impact assessment. Paragraph 15 of the methodology is more to do with the engagement regime, and refers back to the new Diagram 5.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>	
1b	That a clear statement is required in the Guidance that the Developer is required to present a <u>Welsh Language Statement and a Welsh Language Impact Assessment</u> for every development that goes to public consultation	Policy PS 1 of the Plan determines when a Welsh Language Statement needs to be submitted and when it is necessary to submit a Welsh Language Impact Assessment report with planning applications. A copy of Policy PS 1 is attached in Appendix 1 of the Guidance.	Members of the Working Group are of the opinion that any consultation on 10 houses or more or 5 in rural areas, whether they are in the Plan or Windfall developments, should include a Language Assessment. This should be stated clearly and simply in the Guidance.

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		<p>Following receipt of the Panel's comments, the Senior Leadership Group of the Isle of Anglesey County Council's comments, and the initial findings of the Scrutiny Working Group to the Gwynedd Council Scrutiny Committee, relevant parts of the Guidance have been adapted to improve clarity regarding this issue.</p> <p>When Policy PS 1 does not require a Statement or an Assessment, the Guidance sets out the expectations for development that fall below the thresholds. Reference is made to Diagram 3 (new), Diagram 5 (new) and Appendix 5 - the screening process. This is done to ensure that all relevant developments take into account their impact on/ contribution to the communities.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>	<p>It is stated in Appendix 8 of the draft Guidance that a Sustainability Assessment of the Local Development Plan has been influenced by a Welsh Language Impact Assessment.</p> <ul style="list-style-type: none"> - How has it been influenced? <p>Three steps are noted for holding an Assessment:</p> <ol style="list-style-type: none"> 1 Identify and assess the relevant baseline information <ul style="list-style-type: none"> - What information was considered for the LDP? - What information needs to be considered before submitting a Planning Application? 2 Assess the proposed effect on the Welsh language. <ul style="list-style-type: none"> - What information was considered for the LDP? - What information needs to be considered before submitting a Planning Application? 3 Where appropriate identify mitigation, protection, improvement and expansion measures.

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			<ul style="list-style-type: none"> - Which measures were applied for the LDP? - Which measures need to be considered before submitting a Planning Application? - Are the measures proportionate to the likely effects?
2	<p>That Panel Members receive advice and guidance from independent specialists in the field of Language Planning when preparing the new Supplementary Planning Guidance before consulting on the new draft Guidance.</p>	<p>It is agreed that there is a need for advice and guidance from various stakeholders when preparing each of the Supplementary Planning Guidance to ensure that they give guidance and advice to applicants for planning permission and planning officers and the Planning Committees regarding the use of relevant policies. The report introducing the Supplementary Planning Guidance confirms that their preparation has been the subject of input from several specialist officers within both Councils.</p> <p>In the case of preparing this Supplementary Planning Guidance, preparatory work has meant getting detailed input from Planning Officers and Language Development Officers in both Councils. Discussions were also held with an officer from Menter Iaith Môn and an officer from the Welsh Government's Welsh Language Division. In addition, the Joint</p>	<p>It appears that the Panel is of the view that specialist should have a marginal role in preparing for consultation.</p> <p>Members of the Working Group are of the opinion that the current draft document is unsuitable in its present form.</p> <p>The Planning Committee has the opportunity to be innovative in this field of work by discussing the draft document in detail with specialists before consulting with the public and stakeholders.</p>

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		<p>Planning Policy Unit was able to take advantage of linguistic planning sessions held by the University of Aberystwyth in 2015.</p> <p>The Panel noted that the Consultation Plan for this Guidance refers to consultation with the Office of the Welsh Language Commissioner and Welsh Government's Welsh Language Division during the public consultation period, as well as giving special interest groups an opportunity to contribute to the process of preparing the final Guidance.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments and the arrangements for obtaining expert opinion during the public consultation period, it is not considered that an additional change is required.</p>	
3	<p>That Panel Members receive advice and guidance from independent specialists in the field of Research and Analytics when preparing the new Supplementary Planning Guidance before consulting on the new draft Guidance.</p>	<p>In terms of this recommendation, it was noted that the role of the Guidance is to provide guidance on how to use relevant Local Development Plan Policies. It is not intended to report on research.</p> <p>It was noted that the explanation behind this recommendation refers to research</p>	<p>It is noted by the Panel that there are references to documents and lists in the Guidance.</p> <p>Members of the Working Group are of the opinion that this is insufficient and that a more specific and clear guidance is needed in the Guidance before consultation begins.</p>

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		<p>commissioned by both Councils and the Snowdonia National Park Authority, with the input from the Welsh Language Board. The explanation refers specifically to one of the messages from that research. The methodology for carrying out work related to a Statement and Assessment identifies in-migration (and emigration) as key issues that the applicant would need to consider (with advice and guidance from a competent person) in drawing up the proposed development.</p> <p>It is agreed that detailed consideration of data and information is important in considering the impact of development on communities. Appendix 2 contains a list of documents referred to in the body of the Guidance. A link to web pages is provided where documents can be found. They are therefore relevant to the text of the Guidance.</p> <p>Appendix 3 provides a list of recognised sources. The Welsh Government's Welsh Language Division assisted in compiling the list.</p> <p>It is emphasised that an applicant is expected to make thorough enquiries about the sources</p>	<p>It is noted that competent persons within the two Councils use sources to check the Statement and Assessment.</p> <p>Members of the Working Group are of the opinion that more details are required in order to make the work more robust and to enhance the credibility of the work by including:</p> <ol style="list-style-type: none"> 1 Job Titles 2 Job Descriptions 3 Details or Matrix of how the applications are checked.

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		<p>when preparing the planning application. Equally, competent officers within both Councils will use the sources to check the Statement and Assessment. The public consultation period will provide an opportunity for anyone to suggest additional sources of data and information.</p> <p>The applicant, with the help of a competent person, is expected to use the data and information in the relevant sources when they consider what the impact of the proposed development is on the community/area of influence, and decide how the development can be adapted or how to introduce mitigating measures to ensure that the development is acceptable in terms of land use planning. The Planning Service, with the help of competent officers in relevant matters, will check the use of information and data from the applicant before reaching a conclusion on the proposed development.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>	

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4	<p>That Panel Members receive advice and guidance from independent specialists in the field of Engagement and Consultation when preparing the new Supplementary Planning Guidance before consulting on the new draft Guidance.</p>	<p>Appendix 9 to the Plan has identified which new supplementary planning guidance is necessary to support the Plan. The list was prepared during the preparation of the first draft of the Plan (the Deposit Plan). It is not the role of the individual Guidance to record this approach. Nor is it the role of the Guidance to record why the Guidance was not prepared alongside the Plan. The draft scope of each of the Guidance was prepared and published during the Public Examination of the Plan (2016).</p> <p>It was noted that the Panel had commented on the first draft of the Guidance to improve the clarity of the Guidance. It was noted that changes had been made to address the weaknesses identified, as well as issues raised by the Senior Leadership Group (Isle of Anglesey County Council) and the initial findings of the Scrutiny Working Group in its report to the Communities Scrutiny Committee on 22/2/18.</p> <p>The public consultation period will provide an opportunity to obtain views from various stakeholders about the Guidance.</p>	<p>It is noted by the Panel that changes have been made to address the weaknesses identified in the first draft.</p> <p>It would be good to see those changes, and to see if they are substantial.</p> <p>Although the Panel noted in its meeting with Members of the Working Group on 22 March that it intended to give due consideration to both documents presented by Members of the Working Group for their attention.</p> <p>It does not appear that the Panel has given careful consideration to those documents.</p> <p>Here are links to those documents:</p> <p>National Principles for Public Consultation: https://participation.cymru/wp-content/uploads/2017/02/PC-National-Principles-Poster3.pdf</p> <p>Principles into Practice: https://participation.cymru/wp-content/uploads/2017/02/nationalprinciples</p>

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		<p>It was noted that the joint Planning Policy Unit had prepared a draft Consultation Plan with regard to the standards referred to, and in consultation with the Council's engagement officers. The arrangements explain when and how to make representations, how the comments will be considered (by whom and when) and how to find out about the final decision about the content of the Guidance.</p> <p><u>Panel's Decision</u> - as a result of the adjustments made in response to previous comments, it is not considered that an additional change is required.</p>	<p>The Joint Planning Policy Committee Members are requested to give detailed consideration to these documents before embarking on the Public Consultation.</p>
5	<p>That Panel Members request to extend the Timetable if required in order to produce work of the highest possible standard.</p>	<p><u>Panel's Decision</u> - based on the above, an extended timetable is not required.</p>	<p>Members of the Joint Planning Policy Committee are requested to address the recommendations in full before embarking on Public Consultation.</p>