

**DRAFT TAN20:
PLANNING AND THE
WELSH LANGUAGE**

DLP BRIEFING NOTE 48

Prepared by
DLP Planning Ltd

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www.dlpconsultants.co.uk





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Bedford

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Draft TAN20: Planning and the Welsh Language

On 21 March the Welsh Assembly Government (WAG) published for consultation a draft Technical Advice Note, proposed to replace existing TAN20 '**The Welsh Language - Unitary Development Plans and Planning Control**'.

The consultation document includes eight questions on the draft TAN- the deadline for responses is 13 June 2011.

This draft TAN stems from part of the *One Wales* agreement, which committed to reviewing and reissuing the TAN "**with a view to allowing local authorities to use Language Impact Assessments for planning purposes in areas of housing pressure.**" Its purpose is to provide guidance on the role of the planning system in supporting the Welsh language in the preparation of LDPs and the determination of planning applications.

It is stated in paragraph 2.1.2 that the planning system "**should take account of the needs and interests of the Welsh language and in so doing can contribute to its well being.**" Paragraph 1.3.2 of the draft TAN explains that "**one of the key issues that LDPs need to address is how the land use planning system can be used to support the use of the Welsh language and sustainability of Welsh language communities.**"

Welsh LPAs should consider how an LDP relates to the social needs and problems of its area. If the use of Welsh language is considered, using all available evidence, to be a significant part of the social fabric of any of their communities, the needs and interests of the language should be taken into account in the formulation of the LDP.

Welsh Language Impact Assessments (WLIA) allow for the identification of possible impacts on the language that may arise from development. WLIA should form an integral part of the **Sustainability Appraisal (SA)** process when preparing an LDP. The objectives for a SA/WLIA should be developed through the LDP vision which is drawn from the community strategy.

Following on from this, LPAs should aim to prepare spatial strategies (e.g. the distribution of growth and development) that take into account the ability of different areas and communities to accommodate development without eroding the language. The various options being considered by the LPA should be subject to the WLIA as part of the SA to "**predict the social, Welsh language, environmental and economic effects.**" This work should then lead to the deposit LDP paying full regard to the needs and interests of the Welsh language.

Paragraph 3.6.2 of the draft TAN sets out possible approaches to support the language, including the provision of adequate affordable housing and employment opportunities. It is clear that a balanced policy approach is necessary to sustain and benefit the language against other issues.

The draft TAN does however state that linguistic ability should not lead to discrimination; it states that "**planning policies should not seek to control housing occupancy on linguistic grounds.**"

In terms of development management, the needs and interests of the Welsh language may be a material consideration. Paragraph 4.1.1. states that "**planning applications should not be subject to WLIA**", however it is explained that this is because the LDP policies will have been already subjected to such as assessment. Where the LDP has already been adopted prior to a WLIA, or in cases where the LDP is afforded limited weight due to it still being prepared, it is not clear whether or not a WLIA will be necessary.

The draft TAN also notes that mitigation measures may be used if potential adverse effects on the language have been identified when an application is being determined. It also sets out that Welsh language infrastructure could be required, where appropriate, through the Community Infrastructure Levy. Finally, bilingual signs and advertising are covered briefly, being generally encouraged.

The TAN does not provide any advice on how to undertake WLIA's, but there is guidance available from other sources that is recognised as providing a robust methodology for similar language assessments.

Should you wish to comment on the draft TAN (and there are implications here for the promoters of 'alternative sites' to LDPs as well as for LPAs), DLP Planning would be pleased to assist. Furthermore, if you require a WLIA, please don't hesitate to contact the Cardiff office of DLP.

*Os hoffwch chi'r ddogfen yma yn Gymraeg, cysylltwch â'r swyddfa Caerdydd
If you would like this document in Welsh, please contact our Cardiff office*

Bedford (Design)

3rd Floor
8 Goldington Road
Bedford
MK40 3LG
T 01234 261 266
F 01234 353 715

Bedford (Planning)

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH
T 01234 832 740
F 01234 831 266

Bristol

2A High Street
Thornbury
Bristol
BS35 2AQ
T 01454 410 380
F 01454 410 389

Cardiff

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ
T 029 2064 6810

Reading

2 Richfield Place
12 Richfield Avenue
Reading
RG1 8EQ
T 0118 939 1004
F 0118 939 1005

Sheffield

11 Paradise Square
Sheffield
S1 2DE
T 0114 228 9190
F 0114 272 1947

briefings

BEDFORD

DLP Planning Ltd
4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

t 01234 832 740
f 01234 831 266

bedford@dlpconsultants.co.uk

DLP Design Ltd
8 Goldington Road
Bedford
MK40 3LG

t 01234 261 266
f 01234 347 413

bedford@dlp-design.co.uk

BRISTOL

DLP Planning Ltd
DLP Transportation Ltd
2A High Street
Thornbury
Bristol
BS35 2AQ

t 01454 410 380
f 01454 410 389

bristol@dlpconsultants.co.uk

CARDIFF

DLP Planning Ltd
28 Cathedral Road
Cardiff
CF11 9LJ

t 029 2064 6810

cardiff@dlpconsultants.co.uk

READING

2 Richfield Place
12 Richfield Avenue
Reading
RG1 8EQ

t 0118 939 1004
f 0118 939 1005

reading@dlpconsultants.co.uk

SHEFFIELD

11 Paradise Square
Sheffield
S1 2DE

t 0114 228 9190
f 0114 272 1947

sheffield@dlpconsultants.co.uk

