

SNOWDONIA NATIONAL PARK AUTHORITY

PLANNING AND ACCESS COMMITTEE 11 DECEMBER 2013

DELEGATED DECISIONS

Applications Approved

Application No.	Proposed	Location	Decision Date	Case Officer
NP2/11/676	Proposed hydro-electric scheme including construction of intake weir, turbine house and installation of underground pipes and ground mounted transformer in GRP cabinet	Land at Craflwyn and Hafod y Porth, Beddgelert.	06/11/13	Mr Richard Thomas
NP2/11/678A	Proposed hydro-electric scheme including construction of intake weir, turbine house and installation of underground pipes	Nant Cwm Gloch, Land at Cwm Cloch Isaf Farm, Beddgelert.	07/11/13	Mr Richard Thomas
NP2/11/682	Construction of new footbridge	Afon y Cwm, near Hafod y Porth, Beddgelert. LL55 4NG	08/11/13	Mr Richard Thomas
NP2/11/683	Proposed hydro-electric scheme including construction of intake weir, turbine house and installation of underground pipes	Afon Meillionen, Land near Meillionen, Beddgelert.	27/11/13	Mr Richard Thomas
NP2/11/90V	Construction of one detached shed to be used to keep machinery used in connection with the farm and campsite. Construction of second detached shed to be used to keep machinery used in connection with the farm and campsite including a lean-to workshop, housing for a wood boiler and installation of external flue	Llyn Gwynant Campsite, Hafod Lwyfog, Nant Gwynant. LL55 4NW	26/11/13	Mr Richard Thomas
NP2/11/AD24Q	Advertisement Consent to display 4 externally illuminated fascia signs	Pen y Pass Youth Hostel, Nant Gwynant. LL55 4NY	08/11/13	Mr Richard Thomas
NP2/11/AD681	Advertisements Consent to display one double sided free standing sign	Canolfan Deilen Lâs, Craflwyn, Beddgelert. LL55 4NG	08/11/13	Ms Sara Roberts
NP2/11/T201B	Variation of Condition 3 on planning permission NP2/11/T201A dated 06/02/2013 to allow for amendment to approved plan	Gwynfa, Caernarfon Road, Beddgelert, LL55 4UY	18/11/13	Mr Geraint Evans

NP4/12/159C	Construction of extension and conversion of garage into home office & link to utility room (amended scheme)	Orchard Cottage, Rowen. LL32 8YP	06/11/13	Ms Sara Roberts
NP4/12/205	Construction of single storey extension	Maes Teg, Rowen, Conwy, LL328YP	18/11/13	Ms Sara Roberts
NP4/15/14C	Installation of 1200 litre LPG tank	The Bungalow, Conway Road, Dolgarrog, Conwy, LL328JX	11/11/13	Ms Sara Roberts
NP4/29/454	Demolish existing shed and construction of new shed	Land opposite 1 Newgate Street, Penmachno, LL240UT	25/11/13	Ms Sara Roberts
NP4/32/336A	Construction of side extension and construction of side conservatory (amended design for conservatory)	Bryn Heulog, Trefriw. LL27 0QA	06/11/13	Ms Sara Roberts
NP4/32/99B	Demolition of existing dwelling and garage & construction of new detached dwelling and detached garage	Cilgwyn, Trefriw. LL27 0QA	14/11/13	Mr Richard Thomas
NP5/50/642A	Application for removal of Condition No.6 of Planning Consent NP5/42/30A dated 10/01/1975 to allow 10½ month occupancy period	Chalet E, Plas Panteidal, Aberdyfi. LL35 0RF	05/11/13	Mr Aled Lloyd
NP5/50/649A	Application to vary Condition No.2 of Planning Consent NP5/42/160L dated 27/09/1982 to allow 10 month holiday occupancy	Bayview, Chalet N23, Plas Panteidal, Aberdyfi. LL35 0RF	11/11/13	Mr Aled Lloyd
NP5/50/664	Application to vary Condition No.2 of Planning Consent NP5/42/160D dated 27/09/1982 to allow 10 month holiday occupancy	Owl's Hoot, Chalet 57, Plas Panteidal, Aberdyfi. LL35 0RF	11/11/13	Mr Aled Lloyd
NP5/50/BT665	Prior notification under Part 24 of The Town & Country Planning (General Permitted Development) Order 1995 to install 1 BT equipment cabinet	Land near 41 Maes Newydd, Aberdyfi. LL35 0HY	07/11/13	Ms Sara Roberts
NP5/50/L211B	Construction of rear extension and external staircase and slate roof on front dormer window	6 Nantiesyn, Aberdyfi, LL350NB	26/11/13	Mr R Huw Roberts
NP5/53/519	Formation of 2 off street parking pull ins	Land at Bro Eryl, Bala.	25/11/13	Ms Sara Roberts
NP5/53/LB232A	Listed Building Consent to remove steel chimney, replace cast iron rooflight, alterations to external render and alterations to front entrance,	Trem y Fron, 1 Heol yr Orsaf, Y Bala. LL23 7NG	14/11/13	Mr Gwilym H Jones
NP5/53/LB291A	Listed Building Consent for internal alterations including relocation of kitchen, installation of new heating & ventilation systems and repair of structural faults	36 Tegid Street, Bala. LL23 7EL	12/11/13	Mr Gwilym H Jones

NP5/54/273B	Proposed hydro-electric power scheme including construction of intake weir, turbine house and installation of underground and above ground pipeline	Afon Harnog, Esgairgawr, Rhydymain, Dolgellau.	27/11/13	Mr Richard Thomas
NP5/54/424	Change of use from former public toilets to workshop/studio, formation of new vehicular and pedestrian access and creation of new parking area	Former Public Toilets, Llanfachreth. LL40 2DY	12/11/13	Ms Sara Roberts
NP5/55/BT220	Prior notification under Part 24 of The Town & Country Planning (General Permitted Development) Order 1995 to install 1 BT equipment cabinet	Land opposite 4 Pont Fathew, Brynchrug.	15/11/13	Ms Sara Roberts
NP5/56/135C	Retrospective application to retain pond and boardwalk	Land forming part of Coed Gwern Woodland, Pantperthog.	26/11/13	Mrs Jane Jones
NP5/57/LB474D	Listed Building Consent for internal alterations including revised stair lobby arrangement, erect independent support structure and expose historic building fabric	Liverpool House, Upper Smithfield Street, Dolgellau. LL40 1ET	12/11/13	Mr Gwilym H Jones
NP5/58/543	Construction of side extension	Gors Dolgau, Dyffryn Ardudwy. LL44 2RQ	18/11/13	Ms Sara Roberts
NP5/58/544	Construction of summerhouse in rear garden	29 Glan Ysgethin, Talybont. LL43 2BB	08/11/13	Ms Sara Roberts
NP5/58/BT545	Prior notification under Part 24 of The Town & Country Planning (General Permitted Development) Order 1995 to install 1 BT equipment cabinet	Land near Elidir, Ffordd yr Orsaf, Dyffryn Ardudwy. LL44 2EE	04/11/13	Ms Sara Roberts
NP5/61/118C	Installation of 4kw solar panel array (40 panels) on roof	Tan y Castell Primary School, Harlech. LL46 2UE	06/11/13	Ms Sara Roberts
NP5/61/566	Replacement of flat roof with pitched slate roof, new rooflights and window	Wyndcote, Old Llanfair Road, Harlech. LL46 2SS	25/11/13	Ms Sara Roberts
NP5/61/BT567	Prior notification under Part 24 of The Town & Country Planning (General Permitted Development) Order 1995 to install 1 BT equipment cabinet	Land near Car Park, Bron y Graig, Harlech.	15/11/13	Ms Sara Roberts
NP5/62/303A	Demolish existing rear extension and construction of new rear extension	Ael y Bryn, Llanbedr. LL45 2LP	04/11/13	Ms Sara Roberts

NP5/64/LB96A	Listed Building Consent to retain alterations executed without consent to reroof adding insulation, install lead trays in chimneys, add new rooflights, alter rainwater goods, replace 2 no. windows, internal alterations including removal of partitions and alterations to ceilings, alterations to stairs, add central heating system, kitchen fittings, wood burning stoves and flues & alterations to outbuilding.	Glan Marchlas Farm, Llanegryn, Tywyn, LL369UF	14/11/13	Mr Gwilym H Jones
NP5/66/206A	Construction of extension	Sarn Badrig, Harlech. LL46 2RA	20/11/13	Mr Richard Thomas
NP5/69/16A	Change of use of land to form manège & construction of timber fence along boundary including access gate	Castell Mawr Farm, Rhoslefain. LL36 9NH	19/11/13	Ms Iona Thomas
NP5/69/362	Conversion of outbuilding into holiday accommodation together with construction of extension	Hafdy, Rhoslefain. LL36 9NB	26/11/13	Mr R Huw Roberts
NP5/69/BT368	Prior Notification under Part 24 of The Town & Country Planning (General Permitted Development) Order 1995 to install 1 BT equipment cabinet	Land to rear of Brookside, near the A493, Llwyngwrl.	07/11/13	Ms Sara Roberts
NP5/73/382	Formation of car park and off street parking pull ins, formation of recycling compound	Land at Y Glynnor, Gellilydan. LL41 4EW	25/11/13	Ms Sara Roberts
NP5/74/404C	Installation of 4kw solar panel array (16 panels) on roof	Dinas Mawddwy Primary School, Dinas Mawddwy. SY20 9LN	06/11/13	Ms Sara Roberts
NP5/75/224	Demolish lean to conservatory and erection of single storey extension in lieu	Pinelands, Pennal SY20 9LB	21/11/13	Ms Iona Thomas
NP5/77/296A	Construction of single storey extension	Tyn y Ffrwd, Llandecwyn. LL47 6YT	18/11/13	Ms Sara Roberts
NP5/77/36C	Conversion of cowshed to form additional bedrooms to existing property	Llidiart Garw, Eisingrug, Talsarnau. LL47 6UU	12/11/13	Mr Richard Thomas

Applications Refused

NP3/15/213	Proposed hydro-electric scheme including construction of one intake weir, turbine house, installation of underground pipes, and installation of underground electrical cable.	Afon Gafr, Fferm Ty Isaf, Nant Peris.	20/11/13	Mr Richard Thomas
NP3/15/214	Proposed hydro-electric scheme including construction of one intake weir, turbine house, installation of underground pipes, and installation of underground electrical cable.	Afon Dudodyn, Fferm Fron, Nant Peris.	26/11/13	Mr Richard Thomas
NP3/15/215	Proposed hydro-electric scheme including construction of intake weir, turbine house and installation of underground pipes	Afon Lâs, Pont Gwastandnant, Nant Peris.	20/11/13	Mr Richard Thomas
NP5/50/T396A	Construction of single storey rear extension	1 Moranedd, Aberdyfi. LL35 0NP	13/11/13	Ms Sara Roberts
NP5/55/219	Proposed hydro-electric scheme including construction of intake weir, turbine house and installation of underground pipes	Nant Dolgoch, Bryncrug.	25/11/13	Mr Richard Thomas
NP5/57/967A	Removal of Condition Nos. 3 & 4 of Planning Consent NP5/57/967 dated 01/09/2005	Glan y Gors, Dolgellau. LL40 1TD	15/11/13	Mr Aled Lloyd
NP5/57/967B	Construction of extension	Glan y Gors, Dolgellau. LL40 1TD	15/11/13	Mr Aled Lloyd
NP5/59/744	Full Application for construction of dwelling for agricultural worker	Land at Bryn Cyfergyd, Cwm Cynfal, Ffestiniog. LL41 4PT	06/11/13	Mr Richard Thomas
NP5/61/LU565	Construction of dwelling and garage and the formation of an access road connected to the plot.	Plot 24, Land at Ty Canol, Harlech, Gwynedd outlined in red on the attached plan.	22/11/13	Mr Richard Thomas
NP5/63/268	Proposed hydro-electric scheme including construction of intake weir, turbine house and installation of underground pipes and electrical cable	Afon Hesgyn, Cwm Hesgyn, Y Bala.	20/11/13	Mr Richard Thomas
NP5/70/136	Proposed hydro-electric scheme including construction of intake weir, turbine house, penstock, and installation of underground pipes	Afon Glyn, near Pant yr Onen, Llangower.	20/11/13	Mr Richard Thomas
NP5/71/444	Proposed hydro-electric scheme including construction of intake weir, turbine house and installation of underground pipes	Nant Eglwysarn, Dolhendre, Llanuwchllyn.	27/11/13	Mr Richard Thomas

NP5/71/LB272D	Retrospective application for the retention of a new extension and alterations including new porch, window changes, curtilage adjustment and works within the curtilage of the building	Tyn Y Ffridd, Llanuwchllyn, Bala, LL237UN	13/11/13	Mr Arwel Ll Thomas
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Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 11/09/13
Ymweliad â safle a wnaed ar 11/09/13

gan Gareth A. Rennie BSc(Hons) DipTP

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 05/11/13

Appeal Decision

Hearing held on 11/09/13

Site visit made on 11/09/13

by Gareth A. Rennie BSc(Hons) DipTP

an Inspector appointed by the Welsh Ministers

Date: 05/11/13

Appeal Ref: APP/H9504/A/13/2198689

Site address: Tyddyn Llan Caravan Park, Old Mill Road, Dwygyfylchi, Penmaenmawr, LL34 6TN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr David Williams against the decision of Snowdonia National Park Authority.
- The application Ref NP4/30/2L, dated 6 November 2012, was refused by notice dated 16 January 2013.
- The development proposed is the siting of a chalet for use as a managers accommodation.

Decision

1. The appeal is allowed and planning permission is granted for the siting of a chalet for use as a managers accommodation at Tyddyn Llan Caravan Park, Old Mill Road, Dwygyfylchi, Penmaenmawr, LL34 6TN in accordance with the terms of the application, Ref NP4/30/2L, dated 6 November 2012, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans received on the 2 July 2012 and 6 November 2012
 - 3) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business known as Tyddyn Llan Caravan Park, or a widow or widower of such a person, or any resident dependants.
 - 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; amenity space, and proposed and existing functional services above and below ground, and shall include for a maintenance and implementation programme for all landscaping. The landscaping shall be completed before the building is occupied or in accordance with a timetable

agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue in this case is the effect of the proposal on policies designed to control the provision of housing and protect the countryside.

Reasons

3. Development Policy 22 of the Eryri Local Development Plan (LDP) says that within the National Park (NP) extensions to existing static caravan sites will not be permitted. It also says that the redevelopment of sites which may include improving or extending facilities, within existing boundaries will be supported.
4. Strategic Policy: Housing (G) of the LPD says that new housing in the NP will be required to meet the needs of local communities and that 100% affordable housing will be sought on unallocated sites within the housing development boundaries of Service Settlements.
5. In this case the proposed development is for the siting of a chalet on land owned by the caravan site in order to provide manager's accommodation. In the context of the above policies the proposed development appears to fall between two stools.
6. It does represent an extension to an existing site, in that the site of the chalet is partially within an area used as a maintenance yard, which has the benefit of planning permission, and partially within land that is held as part of the site but which has no permission. It also increases the number of static units on the site. On the other hand it also represents a new residential unit within a service settlement, but is not proposed as affordable housing.
7. Although the caravan site itself falls outside the settlement boundary and is within open countryside for the purposes of policy, the site of the proposed chalet is within the settlement boundary. The provisions of Technical Advice Note 6 (TAN 6) have been deemed by the National Park Authority (NPA) not to apply in this case and the application was not made under these terms.
8. Nevertheless, the proposal in this case is to provide manager's accommodation for the site as the existing manager has retired and his current accommodation, a large detached property close to the site entrance has been sold to a family member. The appellant makes the case that there is a continuing need for site security, maintenance, the operation of an effective fire safety plan, and as office space to provide a point of contact for residents. This, it is asserted, requires a 24hr presence on site.
9. This is finely balanced. Even so I consider that this is a significant material consideration in this case. There are no facilities on site and the provision of a point of contact and a constant security presence would be vital for the running of the site. The proposed accommodation would allow for the monitoring of occupation of the site,

security, particularly at night, and an immediate response in the event of an emergency. There may be, as the Authority has stated, other residential accommodation in the village or nearby. Nevertheless this would not provide the constant presence that such a site would require. The appeal site would extend the site to a degree but it would be within the natural boundaries of the site and within an area that is seen as a functional part of the site.

10. The appeal site does lie within the housing development boundary of Dwygyfylchi and there is no provision within the proposal for affordable housing. The chalet is not intended as an affordable residential unit. To this extent the proposal conflicts with the terms of Strategic Policy – Housing (G) of the LDP.
11. Nevertheless, the LDP as a whole recognises that the tourism economy is crucial to the economy of the NP and this is supported by national guidance within PPW and Technical Advice Note 13 to promote the rural economy. In this case the proposal is for residential accommodation to support an existing tourist business. I consider that this carries some significant weight. Moreover, the development would be a modest one and the occupation of the chalet could be tied to the business through an appropriate condition.
12. Tying these threads together, I conclude that the proposal would, overall, result in little harm to the character and appearance of the area or the special qualities of the NP, and it would allow the continuation or extension of the management facilities on the site. The occupation could be tied to the business of the caravan site through condition and would not contribute to the overall housing stock of the settlement in that respect. It is finely balanced but I consider that in light of these material considerations the proposal would not conflict with the spirit and purpose of Strategic Policy – Housing G or Policy 22 of the LDP in this case, and would not undermine their application in other cases.
13. The proposed chalet would lie close to an the boundary of an existing property, even so the level of activity from the chalet would be of a low level and would not be very different to the activity on and around the appeal site at the moment. I conclude that there would be very little impact on the living conditions of the residents of the adjacent property as a result. Moreover, I have included a condition requiring appropriate boundary treatments and landscaping of the site in order to further control impacts on that property.
14. I have also included a condition restricting the occupancy of the chalet to employees of the business. I disagree however, in this context, that there is a need for a condition specifically preventing its use as a holiday let or restricting the occupation to a certain period of the year.
15. Consequently for the reasons given above, and having considered all other matters raised in writing and at the hearing, that the appeal should be allowed.

Gareth A. Rennie

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr John Maloney	Appellant's representative
Mr Berwyn Owen	Appellant's Agent

FOR THE LOCAL PLANNING AUTHORITY:

Geraint Evans	Planning Officer
Rebeca Jones	Planning Policy Officer

DOCUMENTS

1 Letter of notification

PLANS

A Application plans

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/10/13

gan Alwyn B Nixon BSc(Hons) MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 13 Tachwedd 2013

Appeal Decision

Site visit made on 22/10/13

by Alwyn B Nixon BSc(Hons) MRTPI
an Inspector appointed by the Welsh Ministers
Date: 13 November 2013

Appeal Ref: APP/H9504/A/13/2202123

Site address: Land near Peniel Terrace, Nantmor, Beddgelert, Gwynedd, LL55 4YH

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs Neil and Ian Douglass against the decision of Snowdonia National Park Authority.
 - The application Ref NP2/11/146C, dated 28 August 2012, was refused by notice dated 21 January 2013.
 - The development proposed is the erection of a pair of semi-detached 2-storey 2 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the proposed development would satisfy prevailing objectives for the locality concerning the provision of new housing in a manner which contributes towards meeting local affordable housing need.

Reasons

3. The proposal seeks to erect a pair of modest semi-detached dwellings of traditional architectural appearance and external materials on an area of open ground adjacent to Peniel Terrace in Nantmor. Nantmor is identified as a Smaller Settlement in the adopted Eryri Local Development Plan (LDP). LDP strategic policy Housing (G) supports the development of up to two dwellings for 100% affordable housing to meet local need within Smaller Settlements, if the site is immediately adjacent to a property highlighted on the settlement inset map. The proviso as to location is met. However, the policy requires that planning permission for a new affordable dwelling be subject to a legal agreement to ensure that it remains affordable in perpetuity for a local person in housing need as defined in paragraphs 5.41 and 5.42 of the LDP.
4. For the appellants it is said that the appeal land was acquired in 1989 for the intended purpose of providing two future family homes for them to live in their own village and continue an existing manufacturing business from a workshop which supplies the

family's retail outlets in Porthmadog and Criccieth. Both appellants have been registered with social housing providers in the area since 2009. It is argued that since this proposal is to provide independent private affordable housing and does not involve a social housing provider it should not be subject to a restriction to ensure that the properties remain as affordable dwellings in perpetuity.

5. I do not accept this argument. It is clear from the LDP that strategic policy Housing (G) is part of the plan's strategy to balance protection of the National Park's landscape, natural environment and cultural heritage (consistent with the statutory purposes of a national park), with adequate provision of affordable housing in order to sustain local communities within the park. Accordingly, the Smaller Settlements are locations where new housing may be permitted only where such housing provision would contribute towards meeting any identified local affordable housing need, both initially and in the longer term. Whilst the grant of planning permission on the basis sought might represent an affordable means of obtaining housing in the locality for the appellants, without an ongoing restriction to ensure their availability to those who qualify as being in local affordable housing need the 2 dwellings would effectively merely become additions to the open-market residential accommodation in the area, rather than remaining as housing specifically for those in affordable housing need.
6. I conclude that to permit the proposed development, without a suitable mechanism proffered to secure the proposed dwellings as affordable housing on an ongoing basis, would be contrary to strategic policy Housing (G) of the development plan. It would fundamentally conflict with the plan's aim of limiting the circumstances in which new dwellings may be built in Nantmor, in order to balance protection of the national Park with meeting local affordable housing needs. Although it is argued that an affordable housing restriction would be an unfair imposition in financial terms, it is plain that prevailing policies do not permit new house building in Nantmor except to meet identified local affordable housing need. Without such a restriction, the dwellings would not fulfil the purpose of the LDP's housing policies on an ongoing basis.
7. I have considered all other matters. The suggestion that there is no homeless local person in Nantmor at present requiring affordable housing is not good argument for houses to be built without appropriate controls as to their future availability to meet local affordable housing needs. I do not know the circumstances of the barn conversion permissions referred to, and in any event these permissions do not alter the validity of the recently-adopted LDP strategy on which my decision rests. Whilst I consider the design of the dwellings acceptable, including in terms of their effect on the setting of the adjacent listed Peniel Terrace, this does not disturb my conclusions on the main issue. Overall, I find no considerations which are sufficient to outweigh the clear conflict with the provisions of the LDP which the proposal before me would represent.
8. Accordingly, and having regard to all matters raised, the appeal does not succeed.

Alwyn B Nixon

Inspector

Planning Policy Wales Technical Advice Note 20: Planning and the Welsh language

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1. Introduction

1.1 Background

1.1.1. This Technical Advice Note (TAN) should be read in conjunction with Planning Policy Wales (PPW), which sets out the land use planning policies of the Welsh Government. PPW, TANs and Circulars should be taken into account by planning authorities in the preparation of development plans and in determining planning applications.

1.1.2. PPW sets out the Welsh Government's land use planning policies. TAN 2 Planning and Affordable Housing, TAN 6 Planning for Sustainable Rural Communities and draft TAN 23 Economic Development provide detailed planning advice and should be read alongside this TAN.

1.2 Cancellation

Technical Advice Note (Wales) 20 "The Welsh Language – Unitary Development Plan and Planning Control" (June 2000) is hereby cancelled.

1.3 Purpose of the TAN

The purpose of this TAN is to provide guidance on how the planning system considers the implications of the Welsh language when Local Development Plans (LDPs) are prepared, including the important roles of the Single Integrated Plan and LDP Sustainability Appraisal (SA).

1.4 Planning context

1.4.1 Local Development Plans should be prepared in accordance with the Planning and Compulsory Purchase Act 2004, The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, Planning Policy Wales, specifically Chapter 2 on development plans, and LDP Wales (Local Development Plans Wales: Policy and Preparation of LDPs). Further guidance on the preparation of LDPs is provided in the Local Development Plan Manual.

1.4.2. Local Development Plans are intended to be focused on local issues and objectives, informed by relevant community strategies and an evidence base. Depending on what significance is assigned to the Welsh language in a plan area or part of the area, one of the issues that LDPs may need to address is how the land use planning system can be used to consider and, if necessary, mitigate any effects of development on the Welsh language and the sustainability of Welsh language communities.

1.4.3. Section 39 of the Planning and Compulsory Purchase Act 2004 requires authorities to prepare an LDP with the objective of contributing to the

achievement of sustainable development. Section 62(6) of that Act requires an authority to carry out an appraisal into the sustainability of the LDP and to prepare a report of the findings of the appraisal. The purpose of sustainability appraisals is to assess the economic, environmental and social effects of the strategy and policies in an LDP from the outset of the process. Section 3 below provides detailed advice as to how the Sustainability Appraisal should be used to assess the potential impact of the strategy, policies and allocations contained in the LDP on the Welsh language.

1.5 Legislative framework

1.5.1 The planning system operates within the provisions of town and country planning legislation and other domestic and European legislation. In relation to the Welsh language and planning, the Equality Act 2010 and the Human Rights Act 1998 will be relevant and decision makers should be mindful of the wider legal implications.

1.5.2 The Welsh Language (Wales) Measure 2011 made provisions for the official status of the Welsh language in Wales and created a new legislative framework for the Welsh language.

1.5.3 It is a statutory requirement for the Welsh Ministers to adopt a strategy setting out how they propose to promote and facilitate the use of the Welsh language¹ (section 78 of the Government of Wales Act 2006 refers). The Welsh Ministers must publish an annual plan which explains how they will implement the proposals outlined in the strategy during that financial year. The strategy outlines the vision of the Welsh Government.

1.5.4 This TAN supports that vision and provides guidance in relation to land use planning.

1.6 The Welsh language

1.6.1. The Welsh language is part of the social and cultural fabric of Wales. It is spoken by nearly 19% of the population, and many others have some knowledge of the language or are in the process of learning it. There are substantial variations between the proportion of Welsh speakers in different communities, varying from below 6% to above 85%. While most fluent Welsh speakers were born and educated in Wales, many people who have moved to Wales from other parts of the United Kingdom or elsewhere have learned the language and make a valuable contribution to the use of the language and the communities in which they now live.

1.6.2. It is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. One of the aims of the Welsh Government is to reverse this trend; the creation of jobs to sustain communities and the local economy is a key priority.

¹ A living language: a language for living - Welsh Language Strategy 2012 – 2017

1.6.3. In some areas both the number of Welsh speakers and the use made of the language is increasing, but in other areas there is a decline. The future of the language across the whole of Wales will depend on a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities. The land use planning system should where feasible and relevant contribute to the future well being of the Welsh language by establishing the conditions to allow sustainable communities to thrive.

2. Single Integrated Plans

2.1 Role of local authorities

2.1.1. Local authorities have an important leadership role at the local level, as well as being key service providers. They are being encouraged, supported by their partners, to prepare a single integrated plan², informed by a needs assessment, outlining the strategy and priorities for their areas.

2.1.2. The single integrated plan must be prepared in accordance with the local authority's Welsh language scheme prepared under the Welsh Language Act 1993, and in due course with Welsh language standards imposed on the authority by the Welsh Language Commissioner under the Welsh Language (Wales) Measure 2011 as a result of subordinate legislation made by Welsh Ministers. Single integrated plans should give due consideration to the Welsh language as part of their strategic needs assessment. Any specific outcomes regarding the language may be identified in such a plan as one of its priorities e.g. protecting the current level of use of the language or ensuring the bilingual provision of services meets local need.

2.2 Single integrated plans

2.2.1. *Shared Purpose, Shared Delivery* outlines how local authorities and their partners can discharge their statutory responsibilities relating to community strategies as part of the preparation and delivery of a single integrated plan. Single integrated plans should set out the overarching strategic and long term framework for the local area. Section 62(5) of the Planning and Compulsory Purchase Act 2004 requires a local authority in preparing the LDP to have regard to any relevant community strategy.

2.2.2. Single integrated plans and LDPs need to be complementary. LDPs should express, in appropriate land use planning terms, those elements of the single integrated plan that relate to the development and use of land, provided that those elements conform with national and international policy and obligations, including national objectives regarding the Welsh language, and so far as compatible with EU law or the European Convention on Human Rights.

2.2.3 The priorities of single integrated plans should be reflected, where appropriate, in LDPs, including any Welsh language priorities that relate to the use of land. Such language priorities should be based on the single needs assessment which should analyse the data at community level. Therefore, single integrated plans should include evidence about the significance of the Welsh language as part of the social fabric in some or all of the local authority area where it has been identified.

² Shared Purpose – Shared Delivery – Welsh Government Guidance on Integrating Partnerships and Plans

3. Local Development Plans and the Welsh Language

3.1 Introduction

3.1.1. It is a statutory requirement that all local planning authorities in Wales should prepare a Local Development Plan.

3.1.2 In preparing LDPs, local planning authorities are required to consider the relationship of the plan strategy, policies and site allocations with social and community needs and opportunities via a Sustainability Appraisal.

3.2 Sustainability Appraisals

3.2.1. Where a single integrated plan has identified the protection and/or enhancement of the Welsh language as a priority for an area, the LDP should consider this priority in so far as it is relevant to the use of land. The mechanism for doing so is the Sustainability Appraisal (SA) and associated site assessment processes that take place during plan preparation. Where relevant to the use of land, the SA should assess evidence of the impacts of the spatial strategy, policies and allocations on the Welsh language. Where evidence indicates a detrimental impact, given the single integrated plan priority, mitigation measures should be identified in the LDP or the strategy should be amended.

3.2.2. Where a local authority does not consider the Welsh language to be of significance in any or some parts of the local planning authority area, the LDP should include reference either to the evidence that supports the absence of policies on land use and the Welsh language or to the lack of evidence that supports policies on land use and the Welsh language.

3.3 Considering the Welsh language in Development Plans

Local Planning Authorities may consult the Welsh Government's further guidance "A Practical Guide for the consideration of the Welsh language in Development Plans"³ if impacts on the Welsh language are being assessed as part of the Sustainability Appraisal.

3.4 Delivery agreement: Community Involvement Scheme

At the outset of LDP preparation local planning authorities are required to prepare a Community Involvement Scheme (CIS). The CIS should set out the methods that will be used to enable people to contribute to the process of preparing LDPs. The approach taken by local planning authorities to their CIS will vary. Some authorities will have a high percentage of Welsh speakers,

³ Due in 2014

whilst in others the Welsh speakers would be in the minority and therefore different involvement and engagement strategies may be required. Local authorities may prepare equality assessments which may also influence the CIS approach. The CIS provides an opportunity to engage communities in an ongoing debate about the interaction between the Welsh language and culture and proposed new development.

3.5 Evidence base – vision and objectives

3.5.1. LDPs must include a spatial vision and land use objectives based on relevant priorities in the community strategies and the evidence base. The requirement for LDPs to be ‘sound’ means that they must be informed by robust empirical evidence. Substantial information on Welsh language use will already exist within an authority, in particular information on the number of Welsh speakers obtained from the census, records on the numbers of children receiving Welsh medium education; records of the demand for Welsh medium education and the number of Welsh learners. Where Welsh language enhancement or protection is a stated local authority priority, the SA must consider the impact of land use and development policies set out in the LDP on achieving that priority.

3.5.2. Local planning authorities together with key stakeholders and partners should consider the adequacy of the existing information in relation to land use implications and the scope for any additional assessments necessary which may include local surveys or joint work with neighbouring authorities so as to inform on language effects relevant to development and land use planning. This information should inform the SA of the plan and decisions on strategic development options; the methodology adopted should not be based on subjective judgements not supported by robust evidence.

3.6 Strategic options and preferred strategy (pre-deposit)

3.6.1. This stage of plan preparation provides an opportunity for communities and stakeholders to influence the preferred long term development and land use strategy and suggest modifications or alternatives, providing they meet the LDP’s objectives, are compatible with its vision and are based on robust evidence. The SA appraisal accompanying the preferred strategy should include the recording of the results of the appraisal work undertaken thus far, including predicting and evaluating the effects of the LDP options on the social (including the Welsh language where appropriate), environmental and economic objectives.

3.6.2. LDP Strategic approaches to support the language might include:

- positive promotion of local culture and heritage;
- planning the amount and the spatial distribution of new development and infrastructure particularly where this would help to support community sustainability;
- phasing of strategic housing and employment developments; and

- directing strategic sites to communities where the evidence suggests that the likely impact on the use of the Welsh language is positive or, if the evidence suggest the likely impact to be negative, those impacts can be mitigated.

3.6.3. At this stage the local planning authority should also make available the site assessment criteria that have been used to identify any strategic sites and will be used to identify non strategic sites in the deposit LDP. If the Welsh language has been identified as a significant part of the social fabric of a community, site assessment criteria should include the potential impact on Welsh language. The SA report should cover a strategic assessment of sites on any site register identifying, where feasible, those that perform well against the SA framework and could contribute to the preferred strategy and those that do not, including recommending relevant changes to the plan.

3.7 Deposit plan considerations and preparation

3.7.1. The deposit plan is the plan that the local planning authority considers to be sound. The information supporting the plan should be sufficient to explain and justify the contents of the plan.

3.7.2. Where the Welsh language has been identified as a significant part of the social fabric of some or all of the community, the local planning authority should build on earlier LDP preparation and ensure plan strategy, policies and land allocations in the deposit LDP have regard to the needs and interests of the Welsh language. All LDPs should include a short reasoned justification of the regard had by the local planning authority to social, economic and environmental considerations, including the needs and interests of the Welsh language, and how any policies relating to the Welsh language interact with other plan policies. The further evidence on how this has been achieved should be provided by the SA report and a short explanation as to how the assessment has influenced the final document.

3.7.3. The distribution of economic growth can also affect the social character and sustainability of communities. Policies to ensure that there is a sufficient level and range of economic opportunities, including sites and premises, to support and develop local communities could also benefit the Welsh language. Further advice on how the planning system can support sustainable communities by providing an appropriate mix of housing and employment opportunities is provided by PPW and national planning guidance⁴.

3.7.4. LDP policies which take into account the needs and interests of the Welsh language should not seek to introduce any element of discrimination between individuals on the basis of their linguistic ability. Planning policies should not seek to control housing occupancy on linguistic grounds.

⁴ Planning Policy Wales: Chapters 7 Economic Development and 9 Housing; TAN 2 Planning and Affordable Housing, TAN 6 Planning for Sustainable Rural Communities, draft TAN 23 Economic Development.

3.8 Mitigation

3.8.1. At this deposit stage, building on the earlier mitigation considerations, possible approaches to support the Welsh language include provision of mitigation measures such as appropriate phasing policies, adequate affordable housing, including sites for 100% affordable housing for local needs, and the provision of employment opportunities and social infrastructure to sustain local communities.

3.8.2. Supplementary Planning Guidance could specify the mitigation measures to support LDP policies. Possible mitigation measures may include:

Housing

- Phasing the number of houses to be built.
- Provision of affordable housing⁵ for local needs.

Employment

- Local labour contracts and training initiatives.
- Provision of bilingual signs within and outside the establishment.

Education

- Support and funding for language induction and staff language lessons.
- Support and funding for cultural and language initiatives/projects to encourage the use of the language within communities.
- Support for the provision of school places in Welsh medium schools.
- Support and funding for language and cultural awareness initiatives.

3.9 Community Infrastructure Levy and Section 106 obligations

3.9.1. To ensure that these mitigation measures are applied, the Community Infrastructure Levy or Section 106 agreements may need to be used where an up to date adopted plan is in place. The provision of Welsh language infrastructure may, in appropriate circumstances, be included on a Community Infrastructure Levy charging schedule in accordance with all applicable legislation, including the provisions of the Planning Act 2008 and the Community Infrastructure Levy Regulations.

3.9.2. The LDP could include in relation to S.106 obligations measures and mechanisms to support the viability of the Welsh language as far as they are related to the planning system.

3.10 Site allocation representations

⁵ Affordable housing is defined as housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. (Technical Advice Note 2 Planning and Affordable Housing (2006))

3.10.1. Where an authority has received representations on alternative sites at the deposit stage, the proponents of the alternative sites are responsible for providing all relevant information required at this stage of the plan's preparation, including the sustainability appraisal information for the site.

3.10.2. Where these alternative sites fall within areas where the Welsh language has been identified as a significant part of the social fabric of the community, the proponent is responsible for including such information in the site's SA.

3.10.3. The local planning authority will have SA guidance available on the work required by the proponent for alternative sites and will have baseline data and assessment methodologies available.

3.11 Monitoring and reviewing the plan

3.11.1. The Annual Monitoring Report (AMR) is the mechanism for reviewing the relevance and success of the LDP and will identify any necessary changes. A monitoring framework should identify the key challenges and opportunities for an LDP, and possible ways forward for revising and adjusting LDP policies. Local planning authorities are required to submit an AMR to the Welsh Government following adoption of the LDP identifying the extent to which the land use objectives set out in the plan are being achieved.

3.11.2. Where the Welsh language is considered to be a significant part of the social fabric of some or all of the community, appropriate Welsh language indicators should be identified in the LDP and monitored. These could also include indicators in relation to the mitigation measures in the plan. Authorities should seek to integrate their approach to monitoring and survey with other work, particularly with the single integrated plan. Where LDP objectives complement those in other strategies, monitoring should highlight common targets and indicators.

3.11.3. Local Planning Authorities that adopted a local development plan before this TAN 20 was issued should consider re-visiting their approach to the Welsh Language at the 4-year review stage, if supported by evidence.

3.12 Welsh Language Commissioner

An independent Welsh Language Commissioner was created as a result of the Welsh Language (Wales) Measure 2011, and has a responsibility for promoting and facilitating use of the Welsh language. The Commissioner is a consultee on LDPs, with the specific role of considering from an early stage the impact of LDP proposals and policies on the Welsh language.

4. Development Management

4.1 Determination of planning applications and appeals

4.1.1 Local planning authorities should determine planning applications in accordance with the adopted development plan unless material considerations indicate otherwise. Planning decisions should be concerned with the use of land rather than the identity or personal characteristics of the user.

4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh language into account. Planning applications should not be subject to Welsh language impact assessment, as this would duplicate LDP site selection processes where LDP objectives indicated the need for such an assessment.

4.2 Windfall sites

All local planning authorities will have assessed the implications of their development plan strategy, policies and allocations on the Welsh language. As LDPs include an allowance for non-allocated sites (windfall sites) for various types of development, planning applications on non-allocated sites should not be subject to a further Welsh language impact assessment.

4.3 Mitigation

4.3.1. Where applicable the LDPs, CIL Schedule and Supplementary Planning Guidance should include mitigation measures (see section 3.6). These should provide the developer and decision maker with information relating to appropriate mitigating measures for the type and location of development (Section 38 of the Planning and Compulsory Purchase Act).

4.3.2. The mitigation measure will have to be applied to the permission either through conditions (see circular 35/95 The use of Conditions in Planning Permissions) or through Section 106 obligations (see circular 13/97 Planning Obligations and part 11 of the Community Infrastructure Levy Regulations 2010). All section 106 obligations in relation to mitigating the impacts on the Welsh language which are considered necessary to make the development acceptable in planning terms and which are directly related to the development are required to comply with Regulation 123 of the Community Infrastructure Levy Regulations 2010.

5. Signs and Advertisements

5.1.1. Signs can have a very visible impact on the character of an area, including its linguistic character. They are also one method of promoting the distinctive culture of Wales, which is of significance both to the identity of individual communities as well as the tourism industry. Policies in LDPs relating to signage and advertising, subject to planning control, may promote the provision of bilingual signs.

5.1.2. Detailed advice on signs and advertising, to encourage and assist bilingual provision, could be set out in Supplementary Planning Guidance to the LDP. Encouragement may also be given to using traditional Welsh names for new developments and streets.