

Explanatory Note: Draft Property and Planning Bill

Cymdeithas yr Iaith Gymraeg
cymdeithas.org



- Cymdeithas yr Iaith Gymraeg has been campaigning for over twenty-five years for a new planning system, campaigning for status for the language in the planning system. The group's first Property Act handbook was published in 1992 and was based on the following six principles:
 1. Assessing Local Need
 2. The Right to a Home for a Fair Rent or Price in the Local Community;
 3. Support for First Time Buyers
 4. Priority for Local People
 5. Planning for the Community
 6. Reassessing Planning Permission
- On December 4th 2013, the Welsh Government published its draft Planning Bill and consultation document: in the 174 pages, there was not a single word about the Welsh language. The final Government bill is expected to be published later this year.
- The 2011 Labour Manifesto promised that they would "legislate to create more sustainable communities through the planning system". In the 2009 document *One Nation One Planet*, the Welsh Government defined sustainability with reference to the Welsh language.
- In October 2013, Cwmni Iaith published a summary of the main findings from the government consultation on the Welsh language, the Cynhadledd Fawr - it called for changes to the planning system and said population movement is the 'biggest current challenge' to the language.
- The 2011 Census results showed a drop in the number of people over 3 years old who can speak Welsh, from 20.76% of the population in 2001 to 19% in 2011. In 2011, there were 157 electoral divisions (18%) where over half the population could speak Welsh. This is lower than the 192 electoral divisions (22%) in 2001. There was a decrease in the number of electoral divisions where over 70% of the population could speak Welsh from 54 in 2001 to 39 in 2011.
- Since the Census results, Cymdeithas yr Iaith has published its "Living Manifesto" which includes 38 policies with the aim of strengthening the Welsh language. Cymdeithas has prioritised six policy changes - including transforming the planning system for the benefit of our communities - insisting the Government should implement them following the 2011 Census results.

Main proposals in Cymdeithas yr Iaith Gymraeg's Property and Planning Bill

Establishing the Statutory Purpose of the Planning System (Clause 1): We have based our statutory purpose on the Welsh Government independent advisory group's recommendation published in its 2012 report, as well as the Welsh Government's draft sustainable development goals and the work of the third sector sustainable development alliance. It would ensure consistency between the Future Generations Bill and the Planning Bill, and provide a clear direction for the whole system.

Making the Welsh language a Statutory Planning Consideration (Clause 2): This section would ensure that the Welsh language can be a reason for refusing and permitting planning applications in all parts of the country, with advice from the Welsh Language Commissioner to help planning authorities with interpretation.

Welsh Language Development Continuum (Clause 3): This section would offer a clear route to Cymdeithas's aims on a community level, namely recognising the potential of every community to become a Welsh-speaking community, working towards that in every part of the country. In areas where the community council decides that the aim is to protect the Welsh language, the community council may decide that the Welsh language is the main planning consideration in its area.

The Welsh Language's Official Status in the Planning System (Part 2): These sections would put independent language impact assessments on a statutory basis, thereby offering a strong evidence base in order for planning authorities to permit or reject applications on the basis of their language impact. For major developments (10 houses or more), language impact assessments would be compulsory. Every planning development would also have to comply with the basic requirements in section 9 e.g. ensuring signage in Welsh.

Local Need as the Basis for the Planning System (Part 3): This part places a statutory duty on local authorities to conduct a regular assessment of local housing needs: it would be the starting point for determining the housing targets, rather than population projections based on historical migration patterns. It would eliminate the uncertainty in terms of (i) who is responsible for setting the housing targets, namely the local authority under this Bill; and (ii) what are the considerations in forming those targets.

The Right to Rent (Part 4): This part creates the right for local people to rent houses at a reasonable rent, by placing a duty on local authorities to satisfy that right.

Planning for the Community (Part 5): This part would make it illegal to give planning permission for new build housing unless they satisfy local need that cannot be met from the present housing stock. Section 13 creates a shortcut for types of developments which would be beneficial for the language and Welsh communities more generally.

Priority for Local People (Part 6): This part would give the first opportunity for local people to purchase housing in areas where protecting the language is the planning aim in the area.

Planning Inspectorate for Wales (Rhan 11): These sections establish a Planning Tribunal for Wales in place of the Planning Inspectorate, creating the right for a third party to appeal and creating a fair playing field for applicants and objectors.

Useful Links

cymdeithas.org/maniffestobyw

cymdeithas.org/6pheth

cymdeithas.org/dogfen/bil-eiddo-chynllunio-er-budd-ein-cymunedau-drafft-ymgynghorol