

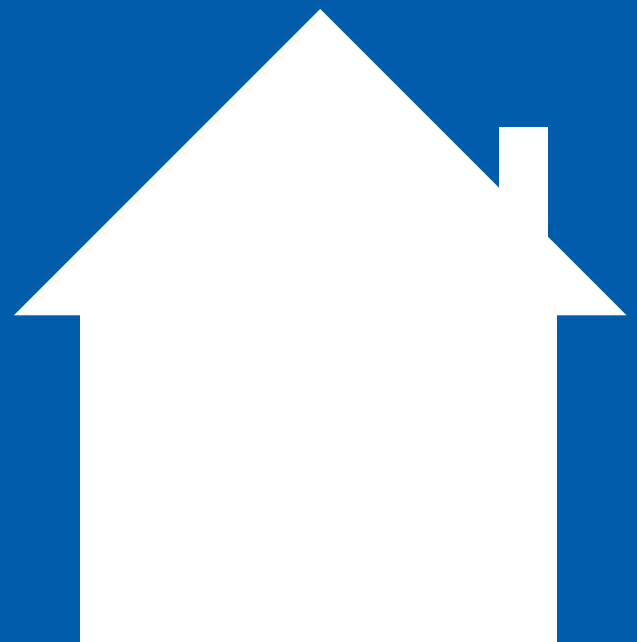
A Bill to establish the statutory purpose of the planning system; making Welsh a statutory material consideration in the planning process; put language impact assessments on a statutory basis; make local needs the starting point for determining the housing targets; establish a Planning Tribunal for Wales; establish the right for communities to appeal against planning applications; and other provisions concerning the planning system and managing real property.



# **PROPERTY AND PLANNING BILL FOR THE BENEFIT OF OUR COMMUNITIES (WALES)**

[AS INTRODUCED]

November 2014





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## Part 1

# Statutory Purpose of the Planning System

## 1. Statutory Purpose of the Planning System

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(1) The purpose of the town and country planning system is to regulate and control development and land use in a way that contributes to achieving the sustainable development goals, namely creating a country:

- (a) that is prosperous and innovative;
- (b) with a strong, healthy and just society;
- (c) using only its fair share of the world's resources;
- (ch) living within environmental limits;
- (d) where people participate in our cultures, which belong to us all, namely where the Welsh language thrives in our communities; and
- (dd) with a resilient and biodiverse natural environment

## 2. The Welsh language Development Continuum

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(1) For the purposes of sub-section 1(1)(d), the long term aim of the planning system in every part of Wales is a position where the Welsh language is the main community language.

(2) A local planning authority must publish a Welsh language action plan under the planning process about how it intends to achieve the objective in sub-section (1) by adopting one or more of the following priorities:

- (a) protecting the Welsh language;
- (b) strengthening the Welsh language; or
- (c) promoting the Welsh language

in all of its area or parts of it every 5 years after this part of the Act comes into force.

(3) If protecting the Welsh language is the priority chosen in accordance with sub-section (2)(a), the local planning authority may decide that the Welsh language is the main material consideration in the exercise of its planning functions in all its planning area or in any part or parts of it.

(4) A local planning authority must notify the following of its decision under sub-section (2):

- (a) the general public in the area concerned;
- (b) the Welsh Ministers; and
- (c) the Welsh Language Commissioner

(5) The Welsh Language Commissioner must give advice to local planning authorities and community councils regarding:

- (a) how to use their powers in sub-section (2); and
- (b) the steps to be taken in the exercise of its functions in accordance with planning the aim under sub-section (1).

(6) A local planning authority or community council must have due regard to any advice given to it by the Welsh Language Commissioner in accordance with sub-section (4).

## Part 2

# Material Considerations in all parts of Wales

### 3. Material Considerations in all parts of Wales

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(1) Add to section 70 of the Town and Country Planning Act 1990:

*“(2A) If the application relates to land in Wales, those considerations include the need to protect the official status of Welsh, and protect and encourage the use of Welsh as a community language.”*

(2) Add to section 62 of the Planning and Compulsory Purchase Act 2004:

*“(5A) In preparing a local development plan the authority must also have regard to the need, as one of its objectives, to protect the official status of Welsh, and to protect and encourage the use of Welsh as a community language.”*

(3) The Welsh Language Commissioner must issue guidelines regarding how sub-sections 70(2A) and 62 (5A) should be interpreted and review them every five years.

(4) A local planning authority must have due regard to the guidelines issued by the Welsh Language Commissioner under sub-section 3(3).

#### 4. Right to Reject or Allow Development on the basis of its Impact on the Welsh language

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(1) A local planning authority may reject or allow a proposed development solely on the basis of its impact on the Welsh language.

(2) In determining the impact of the proposed development on the Welsh language, a local planning authority must consider the following:

- (a) any comments made by the Welsh Language Commissioner;
- (b) any assessment of the impact on the Welsh language conducted under part 4 of this Act;
- (c) the Welsh standards specified by Welsh Ministers under section 26(1) of the Welsh Language Measure (Wales) 2011; and
- (d) the likely increase or the likely reduction in the use of Welsh as a result of any proposed development

### Part 3

## Assessing Impact on the Welsh language

#### 5. Assessments of Individual Developments' Impact on the Welsh language

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(1) Within 21 days of receiving an application for a proposed development, a local planning authority must decide whether the proposed development is likely to have a significant impact on the Welsh language.

(2) If a local planning authority comes to the conclusion that the proposed development would be likely to have a significant impact on the Welsh language in accordance with sub-section (1) above, the development must be referred to the Welsh Language Commissioner in order for her or him to commission an assessment of the proposed development on the Welsh language.

(3) After receiving a direction by a local planning authority under sub-section (2), the Welsh Language Commissioner must commission and publish a language impact assessment within 40 days.

(4) The Welsh Ministers must make regulations outlining which factors local planning authorities should be considered when making a decision under sub-section (1) above.

(5) The regulations made under sub-section (4) above must include categories of developments which must be referred to the Welsh Language Commissioner in order for her or him to commission an assessment of the impact of the proposed development on the Welsh language.

(6) When drafting regulations under sub-section (4) above, Welsh Ministers must give due regard to:

- (a) the Welsh language's official status Wales-wide;
- (b) the aim to ensure that the Welsh language the main community language in every part of Wales in section 2 of the section of this Act;
- (c) the principle that the planning system should promote and facilitate the use of the Welsh language at a community level in accordance with sub-section 1(1)(d) of this Act; and
- (ch) any comments made by the Welsh Language Commissioner in accordance sub-section (7) below

(7) Before publishing any regulations under sub-section (4) above, the Welsh Minister must consult with:

- (a) Welsh Language Commissioner; and
- (b) anyone else Welsh Ministers deem appropriate

(8) A local planning authority must have due regard to an assessment of the impact of proposed development on the Welsh language under sub-sections (2) and (3) before coming to a final decision on the proposed development.

(9) The bodies and individuals listed in sub-sections 24(1)(a)-(ch) of this Act may appeal to the Planning Tribunal for Wales against a local planning authority to not refer a proposed development to the Welsh Language Commissioner according sub-section (2) above.

(10) Following a hearing on appeal under sub-section (9) above, the Planning Tribunal for Wales may do the following:

- (a) confirm the original decision and refer the decision back to the local planning authority;
- (b) refer the planning application to the Welsh Language Commissioner in order for her or him to commission an assessment of the impact of the proposed development on the Welsh language in accordance with sub-section 5(2); or
- (ch) take any other step which the Tribunal deems appropriate

(11) This section does not prevent a local planning authority, Welsh Ministers nor the Planning Tribunal for Wales from referring any other planning applications to the Welsh Language Commissioner under section 6 of this Act.



## 6. Referring Planning Applications to the Welsh Language Commissioner

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(1) A local planning authority, the Welsh Ministers or the Planning Tribunal for Wales may refer a planning application to the Commissioner at any time before coming to a final decision on the application.

(2) Upon receiving a direction by a local planning authority, the Welsh Ministers or Planning Tribunal for Wales, the Welsh Language Commissioner must:

- (a) make comments on the application;
- (b) commission or conduct an assessment of the impact of the proposed development on the Welsh language;
- (c) return the referral with reasons for not taking action in accordance with (a) or (b); or
- (d) do anything else they consider appropriate in the circumstances.

(3) A local planning authority, Welsh Ministers or Planning Tribunal for Wales must have due regard to:

- (a) any comments made by the Welsh Language Commissioner in relation to the proposed development; and
- (b) any assessment of the impact of language in relation to the proposed development conducted or commissioned by the Welsh Language Commissioner.

## 7. The Welsh Language Commissioner as a Statutory Consultee

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(1) The Welsh Language Commissioner is a statutory consultee in relation to local development plans and strategic development plans, as they are adopted and reviewed.

(2) The Welsh Language Commissioner must publish a review of each local development plan adopted prior to the coming into force of this Act.

(3) Local planning authorities must have due regard to any comments made by the Welsh Language Commissioner in relation to local development plans, or strategic development plans.

## 8. Assessments of development plans' impact on the Welsh language

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(1) In preparing and reviewing local development plans, a local planning authority must carry out an assessment of the plan's impact on the Welsh language.

(2) A local planning authority must publish a Welsh language impact assessment of its proposed local development plan prior to adoption.

(3) The Welsh Language Commissioner must publish guidelines on how to conduct or commission an assessment of the impact of a proposed development on the Welsh language within one year of this Act coming into force and review them every 4 years.

(4) The guidelines published under sub-section (3) must include a standard methodology for conducting impact assessments of proposed developments on the Welsh language.

(5) Before issuing guidelines under sub-section (3), the Commissioner must consult with:

- (a) the public in Wales; and
- (b) local authorities.

(6) In conducting or commissioning a Welsh language impact assessment of the plan under sub-sections (1) and (2), the local planning authority must act in accordance with any guidelines issued under sub-section (3)

## Part 4

# Respecting the Welsh language's Inheritance and Placenames

### 9. Placenames, house names and signs

(1) A local planning authority may not permit a proposed development unless the proposed development meets the following conditions:

- (a) that any sign erected or renovated as part of the proposed development, whether it is internal or external, is in Welsh;
- (b) that any names of places or any housing names used as part of the development are in Welsh; and

### 10. Improving provision and access to Welsh-medium education

(1) Where a development is one for housing, that development must improve the provision of and access to Welsh-medium education.

## 11. Protecting the Welsh language within existing developments

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(1) A local planning authority must not allow a change or removal of a Welsh language name, Welsh language street name or Welsh language geographical characteristic given to a development, part of the development or dwelling without the consent of the Welsh Language Commissioner.

## Part 5

# Local Needs as a basis for the Planning System

## 12. Local Needs Assessments

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(1) A local planning authority must conduct an assessment of local housing need (“the local needs assessment”) prior to formulating and reviewing a local development plan or a strategic development plan.

(2) When conducting the assessment of local need, a local planning authority must consult the following:

- (a) community councils; and
- (b) residents in its area

(3) The local needs assessment means assessing the factors listed in Schedule 1 in each electoral ward without basing it on any other factor.

(4) The local needs assessment must note the number of unoccupied housing units in the local authority area.

(5) In determining housing targets in the local development plan or a strategic development plan, the only permitted consideration is the local needs assessment published in accordance with this part of the Act.

## Part 6

# The Right to Rent

### 13. Establishing the Right to Rent for Local People

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(1) Local people have the right to rent a home, farm or business premises at reasonable rent and in satisfactory condition.

(2) A local authority satisfy meet the right in sub-section (1) above from the existing housing stock unless it is unsuitable.

(3) The community council, or, where there is no community council in the area in the question, the local authority, must, by the 1st of April of each year, determine the amount or amounts of rent considered to be a reasonable rent for each local authority.

(4) The community council, or, where there is no community council in the area in the question, the local authority, may specify a range of rental amounts deemed reasonable rent for areas within a local authority.

(5) In determining the amount in sub-section (3), the Welsh Ministers must have due regard to the following:

- (a) the level of average incomes in the local authority area concerned;
- (b) the impact of rental prices on poverty in the local authority area concerned; and
- (c) the effect that amount would have on the affordability of rents by considering the percentage of average incomes in the local authority area concerned the amount would represent.

(6) In sub-section (1), “satisfactory condition” means “satisfactory condition” as defined by the Welsh Housing Quality Standard.

(7) In sub-section (1), “local people” are:

- (a) people who have lived or worked in the area for a total 10 years out of the last 20 years
- (b) persons who are employed or who have a contract for services, whether in one or more permanent job, which constitutes full-time working hours in the area;
- (c) people who are self-employed, whether in one or more jobs, which is synonymous with full-time working hours in the area; or
- (ch) people who have lived in the area for a minimum total of 10 years during their lifetime

(8) A community council may decide on the meaning of ‘area’ in sections 13(7)(a)-(d), but the community area (with the property in question) cannot be more than 10 miles from the property’s site.

(9) If there is no community council in the area in question, or the community council has not taken a decision to define the meaning of the ‘area’ under sub-section (8) above in the area in question, the meaning of ‘area’ in sections 13(7)(a)-(d), is the community area (and the property in question) or an area within 10 miles from the property’s site.

(10) In order to satisfy the right in sub-section (1), a local authority may use its compulsory purchase powers to purchase second homes or unoccupied housing units.

(11) Sub-sections (1) and (2) come into force five years after this Act receives Royal Assent.

## Part 7

# Planning for the Community

## 14. Meeting Local Need before Developing

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(1) A planning authority may not grant planning permission for new housing unless they meet local need which cannot be met from the existing housing stock.

(2) There is deemed to be a “local need which cannot be met from existing stock” when:

(a) there are housing requirements identified by the local need assessment published under Part 3 of this Act;

(b) a local authority has stated that there are no unoccupied housing units in its local needs assessment under sub-section 10(4); and

(c) a local authority has determined it is not feasible to use its compulsory purchase powers

(3) A local planning authority may insist that some holiday homes, second homes with unoccupied individual housing units are let to local people through the year at a reasonable rent where:

(a) there is a rental housing pressure for local people that cannot be met from the existing housing stock;

(b) holiday homes, second homes or housing units were unoccupied in a suitable location to meet the need exists; and

(c) over 10% of the community’s housing stock are holiday homes or second homes.

(4) A local authority may not act under sub-section (3) above unless it gives:

- (a) six months' notice of the authority's intention to use those powers to the owner of the housing unit;
- (b) the opportunity for the owner to sell the house to the authority; and
- (c) the opportunity for the owner to purchase another house which a local person does not need as a home

(5) It is determined whether a house is a "house which a local person does not need as a home" in sub-section (4)(c) above according to the local needs assessment conducted under part 5 of this Act.

## 15. Developments of significant benefit to the community and the Welsh language: applications for planning permission

In TCPA 1990, after section 62 insert—

*“Wales: applications for developments of significant benefit to the community and the Welsh language”*

*62 A Applications for developments of significant benefit to the community and the Welsh language*

*(1) A planning applicant may make an application to the Welsh Language Commissioner requesting a statement of significant benefit to the Welsh language.*

*(2) After receiving an inquiry under sub-section (1), the Commissioner must respond by stating whether the application is of significant benefit to the Welsh language or not within 30 days.*

*(3) The Commissioner must publish the criteria he will use when considering making a statement under sub-section (2).*

*(4) Applications of significant benefit to the community and the Welsh language must be made to community councils, or, where there is no community council in the area in question, to the local planning authority.*

*(5) The meaning of “applications of significant benefit to the community and the Welsh language” is an application for planning permission, where the proposed development is of significant benefit to the community and the Welsh language.*

*(6) For the purpose of sub-sections (2) and (5), a development is of significant benefit for the community and the Welsh language if-*

- (a) the application is for one unit of housing only;*

*(b) the application is for a development within an area where it has been decided that strengthening or protecting the Welsh language is the planning system priority in the area in question according to section 2 of the Property and Planning Act (Wales) 2014;*

*(c) the applicant is a local person, are local people, a co-operative, or a not-for-profit company; and*

*(ch) there is a condition that the housing can only be sold to a local person or people*

*(7) The meaning of “local people” in sub-section (6)(c)-(ch) is:*

*(a) people who have lived or worked in the area for a period totalling 10 years out of the last 20 years; or*

*(b) people who have lived in the area for at least a total of 10 years during their lifetime.*

*(8) A community council may decide on the meaning of ‘area’ in sub-sections (7)(a)-(b) above, but the community area (with the property in question) cannot be more than 10 miles from the property’s site.*

*(9) If there is no community council in the area in question, or the community council has not taken a decision to define the meaning of the ‘area’ under sub-section (8) above in the area in question, the meaning of ‘area’ in sub-sections (7)(a)-(b) above is the community area (and the property in question) or an area within 10 miles from the property’s site.*

*(10) A community council or local planning authority must approve an application, whether with additional conditions or not, within 2 calendar months of the application meeting the conditions in sub-section (6) or (7), unless it is decided that the proposed development would be very damaging in delivering the statutory purpose of the planning system as defined in section 1 of the Property and Planning Act (Wales) 2014.*

## Part 8

# Priority for Local People

### 16. First Opportunity to Buy for Local People: Bringing House Prices within the reach of the Local Population

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(1) In respect of an area where the community council or the planning authority has decided, in accordance with section 2, that protecting the Welsh language is the priority of the planning system in the area, the local planning authority must, when granting planning permission for a development which includes the provision of new dwellings, impose conditions that will ensure that local people will be given effective priority when those dwellings are being sold (or re-sold).

(2) In sub-section (1), “local people” are:

(a) people who have lived or worked in the area for a total 10 years out of the last 20 years

(b) persons who are employed or who have a contract for services, whether in one or more permanent job, which constitutes full-time working hours in the area;

(c) people who are self-employed, whether in one or more jobs, which is synonymous with full-time working hours in the area; or

(ch) people who have lived in the area for a minimum total of 10 years during their lifetime.

(3) A community council may decide on the meaning of ‘area’ in sections 16(2)(a)-(d), but the community area (with the property in question) cannot be more than 10 miles from the property’s site.

(4) If there is no community council in the area in question, or the community council has not taken a decision to define the meaning of the ‘area’ under sub-section (3) above in the area in question, the meaning of ‘area’ in sections 16(2)(a)-(d), is the community area (and the property in question) or an area within 10 miles from the property’s site.

### 17. Ensuring houses for rent or for sale are advertised locally

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(1) Community councils may make regulations concerning the advertising of property for rent or for sale.

(2) A property owner must inform local people when a property is for sale or for rent in accordance with regulations made by community councils or local planning authorities in accordance with sub-section (3) below.



(3) A community council must, or, where there is no community council, the local authority, make regulations outlining how an owner must inform local people that property is for sale or for rent, which include, but are not limited to, the following requirements:

- (a) placing an advertisement in a prominent public place; and
- (b) placing an advert on a public website which is targeted at local people or people in Wales

(4) The meaning of 'local people' in this section is residents of the area within ten miles of the site of the property in question.

## Part 9

# Securing Affordable Housing

### 18. Securing Affordable Housing

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(1) A local planning authority must not permit a planning application for houses that are not affordable for local people.

(2) The meaning of 'houses that are not affordable for local people' is domestic property whose market value is higher than the threshold specified under sub-section (3) below.

(3) The community council, or, where there is no community council in the area in the question, the local authority, must, annually, determine the price or prices of housing it considers not affordable for each local authority.

(4) The community council, or, where there is no community council in the area in the question, the local authority, may specify a range of house prices it considers not affordable for areas within a local authority.

(5) When deciding on the price in sub-section (3), the community council or local authority must consider:

- (a) the level of average incomes in the local authority area in question;
- (b) the impact of house prices on poverty in the local authority area in question; and
- (c) the effect the price would have on housing affordability by considering the percentage of average incomes in the local authority area in question that the price would represent

(6) sub-section (1) comes into force 5 years after this Act receives Royal Assent.

## Part 10

# Reassessing Previous Planning Permission and Land Allocation

## 19. Reassessing Previous Land Allocation and Planning Permission

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- (1) The following must be rescinded:
  - (a) any planning permission granted; and
  - (b) any land in a local development plan or strategic development plan allocated five years or more ago and not used or implemented, or implemented or used only in part after the coming into force of this Act.
- (2) A holder of planning permission must apply to renew all other permission which has not been completed (whether or not the work has started or not) within the period allowed for the commencement of works on the proposed development.
- (3) If no request for permission is received in accordance with sub-section (2), the planning authority or community council must freeze the planning permission.
- (4) A local planning authority or community council must re-assess the permission frozen under sub-section (2) above by the local authority in accordance with:
  - (a) the statutory purpose of the planning system as defined in section 1 of this Act;
  - (b) the Welsh language continuum as defined in section 2 of this Act; and
  - (c) assessing the impact on the Welsh language as set out in part 3 of this Act
- (5) If the application does not comply with sub-section (4) above, the local authority must either rescind or change the planning permission.
- (6) The Welsh Ministers may make regulations in order to compensate developers whose planning permission is rescinded under this Part of the Act solely according to the loss against what was paid for the land and any investment in it, and not against the potential value of the land for development.

## Part 11

# Support for First Time Buyers

### 20. Offering a Programme to Support First Time Buyers

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(1) After a local planning authority has completed its local needs assessment in accordance with part 5 of this Act, it must consider offering financial support programme for first-time buyers.

(2) The community council, or, where there is no community council in the area in the question, the local authority, must define the local people it considers 'local first-time buyers' in regulations.

(3) The community council, or, where there is no community council in the area in the question, the local authority, must publish guidance about the nature of the financial support programme in sub-section (1).

(4) The meaning of 'local people' in sub-section (2) is-

(a) people who have lived or worked in the area for a total of 10 years out of the last 20 years; or

(b) people who have lived in the area for a minimum total of 10 years during their lifetime

(5) A community council may decide on the meaning of 'area' in sections 20(4)(a)-(b), but the community area (with the property in question) cannot be more than 10 miles from the property's site.

(6) If there is no community council in the area in question, or the community council has not taken a decision to define the meaning of the 'area' under sub-section (5) above in the area in question, the meaning of 'area' in sections 20(4)(a)-(b), is the community area (and the property in question) or an area within 10 miles from the property's site.

## Part 12

# Second Homes

### 21. Requirement to be Registered: Second Home Owners

(1) No person may purchase a property which is not their main dwelling unless the owner is registered in respect of the property by the local housing authority for the area in which the property is located.

(2) An owner who fails to comply with this section commits an offence and is liable on summary conviction in respect of owning more than one home not registered, to a fine not exceeding level 3 on the standard scale.

(3) In a case against the owner for an offence committed under this section the fact that the owner has a reasonable excuse for failing to comply is a defence.

(4) A local authority may compulsorily purchase a property in connection to which an offence was committed under sub-section (2).

### 22. Rights of Second Home Owners to Rent Out Houses

(1) The owner of a property which is not her or his main residence must notify the local authority if the property is unoccupied for a period longer than three consecutive months or a total of three months in any 12-month period.

(2) An owner of property which is not he or his main residence may not rent out that property for rent for only part of the year.

(3) A local tenant has the right to stay in a property which is not her or his main dwelling of the owner throughout the year, for a reasonable rent as defined in part 6 of this Act.

(4) An owner who fails to comply with this section commits an offence and is liable on summary conviction in respect of owning more than one home not registered, to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this Part, “local people” are:

(a) people who have lived or worked in the area for a total 10 years out of the last 20 years;

(b) people who are employed or who have a contract for services, whether in one or more permanent job, which constitutes full-time working hours in the area;

(c) people who are self-employed, whether in one or more jobs, which is synonymous with full-time working hours in the area; or

(ch) people who have lived in the area for a minimum total of 10 years during their lifetime

(6) A community council may decide on the meaning of ‘area’ in sections 19(5)(a)-(d), but the community area (with the property in question) cannot be more than 10 miles from the property’s site.

(7) If there is no community council in the area in question, or the community council has not taken a decision to define the meaning of the ‘area’ under sub-section (6) above in the area in question, the meaning of ‘area’ in sections 19(5)(a)-(d), is the community area (and the property in question) or an area within 10 miles from the property’s site.

(8) The meaning of “local tenant” is someone renting local properties according to the definition in sub-section (5).

## Part 13

# Planning Tribunal for Wales

### 23. Planning Tribunal for Wales

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(1) The Planning Tribunal for Wales is established (referred to in this legislation as the “Tribunal” or “y Tribiwnlys”).

(2) The National Assembly for Wales will appoint the members of the Tribunal

(3) The Welsh Ministers must appoint the Tribunal as the body responsible for dealing with planning appeals.

(4) Schedule 2 makes further provision for the Tribunal.

### 24. The Right to Appeal

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(1) The following may appeal to the Tribunal against a decision to permit a planning application:

(a) The community council for the area in which the planning application is made;

(b) The Future Generations Commissioner;

(c) The Welsh Language Commissioner; or

(ch) Any person who objected to the original planning application.

(2) An appeal is to be allowed to the Tribunal under sub-section (1) on the grounds that the application is:

- (a) contrary to the statutory purpose of the planning system as defined in section 1 of this Act;
- (b) contrary to one or more statutory material considerations of the planning system as defined in section 3 of this Act;
- (c) contrary to the local development plans or plan of the area or areas in which the application is made;
- (ch) contrary to the Welsh language development continuum according to section 2 of this Act;
- (d) one in which the local authority has an interest;
- (dd) a development of national significance;
- (e) one brought with an environmental impact assessment; or
- (f) one recommended for refusal by a planning officer

(3) The Welsh Ministers must specify the maximum costs that can be claimed as a result of a case before the Tribunal.

(4) When determining costs under sub-section (3), Welsh Ministers must ensure:

- (a) easy access for persons and communities to the planning process;  
and
- (b) equality between applicants and objectors in terms of access to the planning process

## 25. Public hearings

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(1) Subject to the Tribunal's regulations, cases before the Tribunal are to be held in public.

(2) The Tribunal must keep a verbatim written record of its hearings.

## Part 14

# Abolishing the Right to Buy

### 26. Abolishing the Right to Buy Social Housing

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- (1) The following sections are repealed:
- (a) section 171 of the Housing Act 1985;
  - (b) section 171A of the Housing Act 1985;
  - (c) section 16 of the Housing Act 1996; and
  - (ch) section 16A the Housing Act 1996.

## Part 15

# Local Control over the Planning System

### 27. Additional Powers for Community Councils

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- (1) A community council may, at any time before a local planning authority makes a final decision on a planning application, call in a proposed development in its area.
- (2) After calling in a planning application under sub-section (1) above, a community council may do one or more of the following:
- (a) place conditions, or additional conditions, on the planning application;
  - (b) refuse the planning application;
  - (c) approve the planning permission;
  - (ch) refer the planning application to the Future Generations Commissioner; or
  - (d) refer the planning application to the Welsh Language Commissioner
- (3) The bodies and persons listed in sub-sections 24(1)(b)-(ch) of this Act may appeal to the Planning Tribunal for Wales against a decision made by the community council under sub-section (2) above.
- (4) An appeal held under sub-section (3) above must be based on one or more of the reasons listed in section 24(2) of this Act.

## 28. Community Councils Powers regarding development plans

(1) Before a local development plan or strategic development plan is adopted, a community council may comment on it.

(2) A local planning authority or strategic planning panel must give due regard to any comments made by a community council under sub-section (1) above.

## Part 16

# Interpretation

## 24. Definitions

(1) “Substantial benefit to the Welsh language” means a condition in which the Welsh language prospers in terms of its official status and its status as Wales’ own language, and is safeguarded, strengthened and promoted as a community language.

(2) “Safeguarding the Welsh language” means the situation in which it is determined that Welsh is the main language of the community, but where there is a threat to its continuance in that state.

(3) “Strengthening the Welsh language” means a situation in which it is determined that there is considerable use of the Welsh language, but further steps are required to ensure that Welsh is the main language of the community.

(4) “Promoting the Welsh language” means a situation in which it is deemed that the language is a language of the minority where action is needed to raise awareness of it, strengthen its status and promote its use at a community level.



## Schedule 1

# Local Needs Assessments

- (1) A local needs assessment must consider the following matters:
- (a) demographics, including consideration of the birth and death rates, in the area of electoral ward in question;
  - (b) average incomes in the area of electoral ward in question;
  - (c) the state of the Welsh language in the area of electoral ward in question;
  - (d) an analysis of the existing housing stock in the area of electoral ward in question, including the private rental stock, the need for new build, unoccupied housing units, holiday homes and second homes;
  - (dd) the local need for homes for rent in the area of the electoral ward in question;
  - (e) the needs of first-time buyers in the area of the electoral ward in question;
  - (f) homes for people with special needs in the area of the electoral ward in question;
  - (ff) community care needs in the area of the electoral ward in question;
  - (g) homelessness in the area of the electoral ward in question;
  - (ng) improving the condition of the housing stock and meeting the Welsh housing quality standard in the area of the electoral ward in question;
  - (h) the provision for cemeteries in the area of electoral ward in question;
  - (i) the strategy and investment in energy efficiency in the area of the electoral ward in question;
  - (l) businesses and farms to rent in the area of the electoral ward in question;
  - (ll) the cost of meeting these needs over a period of 5 years in the area of electoral ward in question; and

# Notes

# Notes



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