

TAFLEN BENDERFYNIAD AELOD CABINET CABINET MEMBER'S DECISION NOTICE

PWNC/ SUBJECT: Nodyn Cyngor Technegol: Cynllunio a'r iaith Gymraeg drafft diwygiedig / Technical Advice Note: Planning and the Welsh language revised draft

AELOD CABINET/ CABINET MEMBER

Y Cynghorydd Dafydd Meurig, Aelod Cabinet Rheoleiddio /
Cllr Dafydd Meurig, Regulatory Cabinet Member.

PENDERFYNIAD/ DECISION

Cyflwyno ymateb swyddogol y Cyngor i ymgynghoriad cyhoeddus Llywodraeth Cymru ynglyn a Nodyn Cyngor Technegol 20: Cynllunio a'r iaith Gymraeg drafft diwygiedig. Mae copi o'r ffurflen sylwadau sy'n rhoi atebion i gwestiynau'r wedi cael ei gynnwys fel atodiad.

To present the Council's formal response to the Welsh Government's public consultation about a revised draft Technical Advice Note 20: Planning and the Welsh language. A copy of the response form that provides answers to the set questions is attached.

RHESYMAU DROS Y PENDERFYNIAD/REASONS FOR THE DECISION

Ymateb i'r cwestiynau a ofynnir ynglyn a diwygiadau arfaethedig i Nodyn Cyngor Technegol 20, sy'n rhoi cyfle i'r Cyngor ddylanwadu ar ganllawiau cynllunio cenedlaethol am fater sy'n bwysig i gymunedau'r ardal.

Rhodddwyd sylw i farn Cynghorwyr ddaru fynychu sesiwn codi ymwybyddiaeth ar 8fed Mawrth, a gynhaliwyd ar y cyd gydag Awdurdod Cynllunio Parc Cenedlaethol Eryri wrth lunio'r ymateb.

Respond to set questions about proposed amendments to Technical Advice Note 20, which provides an opportunity for the Council to influence national planning guidance about a subject that is important to the area's communities.

Attention was given to the opinion of Councillors who attended a raising awareness session on the 8th March, which was held jointly with the National Park Planning Authority when preparing the response.

YSTYRIAETHAU PERTHNASOL/ RELEVANT CONSIDERATIONS

Yn dilyn newidiadau i'r drefn cynllunio a'r Gymraeg yn deillio o Ddeddf Cynllunio (Cymru) 2015 mae'n rhaid i Lywodraeth Cymru ddiwygio'i Nodyn Cyngor Technegol (NCT) 20: Cynllunio a'r iaith Gymraeg. Mae Deddf Cynllunio (Cymru) 2015 yn diwygio adran 70 o Ddeddf Cynllunio Gwlad a Thref 1990 ac yn dweud yn glir y gellid ystyried effeithiau ar ddefnyddio'r Gymraeg, "lle bo'n berthnasol i'r cais, wrth benderfynu ar gais am ganiatâd cynllunio". Er bod defnydd o'r Gymraeg eisoes yn ystyriaeth cynllunio, dyma'r gydnabyddiaeth gyntaf mewn deddfwriaeth. Mae hyn i'w groesawu. Mae'r galw i bob awdurdod cynllunio gynnwys, yn ei Arfarniad o Gynaliadwyedd, asesiad o effeithiau tebygol y Cynllun Datblygu Lleol ar ddefnyddio'r Gymraeg yn yr ardal hefyd yn cryfhau'r safbwynt polisi a chanllawiau cynllunio cenedlaethol cyfredol.

Mae ymateb y Cyngor i'r cwestiynau a ofynnir i'w weld yn Atodiad 1. Fel y gwelir o'r ymatebion yn yr atodiad, anghytunnir gyda rhannau o'r NCT. Credir bod y cyfarwyddyd yn y ddogfen yn arbennig o aneglur ynglyn â sut i dehongli rhannau o'r ddeddfwriaeth uchod yn ymwneud â cheisiadau cynllunio. Dyma'r prif sylwadau;

- Yn Neddf Cynllunio Gwlad a Thref 1990 mae cyfeiriad at unrhyw gais gynllunio lle mae'r iaith Gymraeg yn berthnasol. Fodd bynnag mae paragraff 3.1.3 yn mynd ymlaen i awgrymu nad oes angen i'r awdurdodau cynllunio lleol asesu effaith datblygiad arfaethedig ar yr iaith Gymraeg oni bai ei fod yn ddatblygiad preswyl ar safle ar hap (gweler yr ymateb llawn i gwestiwn 1 a chwestiwn 4, Atodiad 1)
- Nid oes unrhyw ddiffiniad neu gyfarwyddyd ar beth ydi ardal o sensitifrwydd ieithyddol ac nid oes cysondeb yn y termau a ddefnyddir (gweler ymateb llawn i gwestiwn 2 a chwestiwn 3, Atodiad 1)
- Credir dylai'r NCT wneud yn glir bod dyletswydd ar yr ymgeisydd ddangos sut roddwyd ystyriaeth i effaith ar iaith a chymuned wrth roi'r cynnig at ei gilydd ar gyfer cais cynllunio. Yn unol a'r drefn cynllunio arferol rol yr awdurdodau cynllunio lleol ydi gwirio'r wybodaeth. Credir y dylai awdurdodau rhoi cymorth a chyfarwyddyd ar sut i sicrhau bod gan yr ymgeisydd y wybodaeth briodol i'w gynorthwyo i lunio'r cynnig a/ neu baratoi datganiad neu asesiad ieithyddol lle bo'r angen. Cytunnir bod rol i'r Fenter Iaith, Comisiynydd Iaith ac yn y blaen i wneud hynny (gweler ymateb llawn i gwestiwn 5, Atodiad 1)

Following changes to the planning system and the Welsh language arising from the Planning (Wales) Act 2015 Welsh Government has to amend Technical Advice Note (TAN) 20: Planning and the Welsh language. The Planning Act (Wales) 2015 amended section 70 of the Town and Country Planning Act 1990 and clearly states that the effects on the use of the Welsh language can be considered, "where relevant to the application, in determining an application for planning permission". Although the use of the Welsh language is already a planning consideration, this is the first recognition in statute. This is welcomed. The requirement for every planning authority to include in its Sustainability Appraisal, an assessment of the likely effects of the LDP on the use of Welsh language in the area also strengthens the current national planning policy and guidance position.

The Council's response to the questions that are asked is included in Appendix 1. As may be seen from the responses in the appendix, we disagree with parts of the TAN. It is considered that the guidance in the document is particularly unclear about how to interpret sections of the above legislation that deal with planning applications. Here are the main issues:

- The Town and Country Planning Act 1990 refers to any planning application where the language is relevant. However paragraph 3.1.3 goes on to suggest that there is no need for local planning authorities to assess the effect of proposed development on the Welsh language unless it is residential development on a windfall site (see full response to question 1 and question 4, Appendix 1)
 - There is no definition or guidance about what may be considered to be a linguistically sensitive area and there is a lack of consistency in the terminology used (see full response to question 2 and question 3, Appendix 1)
 - It is considered that the TAN should make it clear that it is the applicant's responsibility to demonstrate how effects on the language and the community have been considered at the pre-planning application design stage. In line with normal planning procedures it is the local planning authority's role to verify the information. It is considered that authorities should assist and provide guidance in order to ensure that the applicant has all the relevant to inform the formulation of the proposal and/ or prepare a linguistic statement or assessment, where appropriate. It is agreed that there is a role
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for Menter Iaith, Language Commissioner etc. to do this (see full response to question 5, Appendix 1)

BARN Y SWYDDOGION STATUDOL/ VIEWS OF STATUTORY OFFICERS

1. **Y Prif Weithredwr/ Chief Executive:-** Yn amlwg, mae'r Nodyn Canllaw Technegol hwn yn un allweddol o ran effaith datblygiadau ar yr Iaith Gymraeg. Mae hyn yn fater o'r pwys mwyaf i gymunedau o fewn y sir. Oherwydd hynny, mae'n eithriadol o bwysig bod y Nodyn Canllaw yn un cadarn y mae modd ei ddefnyddio a gweithredu yn briodol oddi fewn iddo. Mae'n bwysig felly bod y sylwadau sydd yn yr ymateb sydd yn amlygu gwendidau yn y drafft presennol yn cael sylw gan Lywodraeth Cymru." / *Clearly, this Technical Guidance Note is critical with regards to assessing the impact of developments on the Welsh language. This matter is of paramount importance to communities within the county. It is therefore extremely important that the Guidance Note is sound in order that it is usable and followed appropriately. It is therefore important that the comments within the response highlights the weaknesses in the current draft will receive attention by the Welsh Government.*

2. **Swyddog Monitro/ Monitoring Officer:-** "Dim sylwadau o ochr priodoldeb/ Nothing to add with regards to propriety.

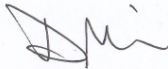
3. **Prif Swyddog Cyllid/Chief Finance Officer:-**

Dim i'w ychwanegu o safbwynt priodoldeb ariannol. / Nothing to add from a financial propriety perspective.

BARN YR AELOD LLEOL/ VIEW OF LOCAL MEMBER

Mater i'r Cyngor yw'r NCT / *The TAN is a matter for the Council*

LLOFNOD /SIGNED



DYDDIAD/ DATE

30.03.2016

FFURFLEN YMGYNGHORI

Diwygiadau drafft i Nodyn Cyngor Technegol 20: Cynllunio a'r Gymraeg

Rydym eisiau clywed eich barn am y newidiadau arfaethedig i ganllawiau cynllunio Llywodraeth Cymru ar yr iaith Gymraeg

Anfonwch eich sylwadau erbyn 30 Mawrth 2016.

Os oes gennych unrhyw gwestiynau am yr ymgynghoriad hwn, anfonwch e-bost at: planconsultations-d@cymru.gsi.gov.uk neu ffoniwch: 029 2082 1543

Diogelu data

Bydd staff Llywodraeth Cymru sy'n delio â materion yr ymgynghoriad hwn yn gweld eich ymateb yn llawn. Mae'n bosibl y bydd aelodau eraill o staff Llywodraeth Cymru yn gweld yr ymateb hefyd, er mwyn eu helpu i gynllunio ymgynghoriadau ar gyfer y dyfodol.

Mae Llywodraeth Cymru yn bwriadu cyhoeddi crynodeb o'r ymatebion i'r ddogfen hon. Mae'n bosibl hefyd y byddwn yn cyhoeddi'r ymatebion yn llawn. Fel arfer, mae enw a chyfeiriad (neu ran o gyfeiriad) yr unigolyn neu'r sefydliad a anfonodd yr ymateb yn cael eu cyhoeddi gyda'r ymateb. Mae hynny'n helpu i ddangos bod yr ymgynghoriad wedi'i gynnal yn briodol. Os nad ydych eisiau i'ch enw na'ch cyfeiriad gael ei gyhoeddi ticiwch y blwch isod. Byddwn wedyn yn cuddio'r manylion.

Efallai y bydd yr enwau a'r cyfeiriadau sydd wedi'u cuddio yn cael eu cyhoeddi'n ddiweddarach, ond nid ydym yn credu y byddai hynny'n digwydd yn aml iawn. Mae Deddf Rhyddid Gwybodaeth 2000 a Rheoliadau Gwybodaeth Amgylcheddol 2004 yn caniatáu i'r cyhoedd gael gweld gwybodaeth a gedwir gan lawer o gyrff cyhoeddus, gan gynnwys Llywodraeth Cymru. Mae hyn yn cynnwys gwybodaeth heb ei chyhoeddi. Fodd bynnag, mae'r gyfraith hefyd yn ein galluogi i beidio â rhyddhau gwybodaeth mewn rhai amgylchiadau. Os bydd unrhyw un yn gofyn i gael gweld yr wybodaeth nad ydym wedi'i rhyddhau, bydd yn rhaid inni benderfynu a ddylid ei rhyddhau ai peidio. Pe bai rhywun yn nodi nad yw eisiau i'w enw na'i gyfeiriad gael ei gyhoeddi, byddem yn ystyried y ffaith bwysig hon. Fodd bynnag, efallai y bydd rhesymau pwysig weithiau dros ddatgelu enw a chyfeiriad rhywun, er ei fod wedi nodi nad yw eisiau i'r manylion hyn gael eu cyhoeddi. Byddem yn cysylltu â'r unigolyn hwnnw ac yn gofyn am ei farn cyn gwneud y penderfyniad terfynol i ddatgelu'r wybodaeth.

Cyfrinachedd

Mae'n bosibl y bydd ymatebion i ymgynghoriadau'n cael eu cyhoeddi – ar y rhyngwyd neu mewn adroddiad.

Os nad ydych eisiau i'ch enw a'ch cyfeiriad gael eu dangos ar unrhyw

ddogfennau rydym yn eu paratoi, nodwch hynny yma.

Os nad ydych am inni gyhoeddi'ch ymateb, dylech nodi hynny'n glir

FFURFLEN YMGYNGHORI

Diwygiadau drafft i Nodyn Cyngor Technegol 20: Cynllunio a'r Iaith Gymraeg

Dyddiad		
Enw	Cyngor Gwynedd	
Sefydliad		
Cyfeiriad	Stryd y Castell Caernarfon Gwynedd LL55 1SH	
Cyfeiriad e-bost:		
Rhif ffôn		
Math <i>(dewiswch un o blith yr isod)</i>	Busnesau	<input type="checkbox"/>
	Awdurdod Cynllunio Lleol	x
	Asiantaeth Llywodraeth/Sector Cyhoeddus arall	<input type="checkbox"/>
	Cyrff Cyhoeddus/Grwpiau Buddiant	<input type="checkbox"/>
	Y sector gwirfoddol (grwpiau cymunedol, gwirfoddolwyr, grwpiau hunangymorth, cwmnïau cydweithredol, mentrau, mudiadau crefyddol, sefydliadau dielw).	<input type="checkbox"/>
	Eraill (grwpiau nad ydynt yn cael eu rhestru uchod)	<input type="checkbox"/>

C1	Ydych chi'n cytuno bod goblygiadau adran 11 ac adran 31 o Ddeddf Cynllunio (Cymru) yn cael eu hesbonio'n glir yn y TAN 20 diwygiedig?	X
Cytuno		
Ddim yn cytuno nac anghytuno		
Anghytuno		x

Sylwadau pellach

Nid ydym yn cytuno bod rhan 31 o'r Ddeddf Cynllunio, sydd wedi arwain i newid yn Adran 70 o Ddeddf Cynllunio Gwlad a Thref 1990, wedi ei ddehongli yn hollol gywir yn yr NCT.

Yn y Ddeddf mae cyfeiriad at unrhyw gais gynllunio lle mae'r iaith Gymraeg yn berthnasol. Mae paragraff 3.1.2 yn adlewyrchu hynny: "Wrth benderfynu ar geisiadau ac apeliadau cynllunio unigol, gellir rhoi ystyriaeth i effeithiau ar ddefnyddio'r Gymraeg."

Fodd bynnag, mae paragraff 3.1.3 yn mynd ymlaen i awgrymu nad oes angen i'r awdurdodau cynllunio lleol "gynnal asesiad effaith ceisiadau cynllunio ar y Gymraeg gan y byddai hynny'n dyblygu gwaith yr AoG a phrosesau dewis safleoedd y CDLI". Ni chredir bod hynny'n gywir neu mae'r ffordd gyflwynir y wybodaeth yn gamarweiniol ac yn agored i'w gamddechongli. Credir bod y ddeddfwriaeth yn golygu byddai disgwyl i adroddiad dirprwyedig neu adroddiad pwyllgor am unrhyw gais cynllunio yn ymwneud a datblygiad lle mae lles yr iaith yn berthnasol ddangos bod yr argymhelliad ac felly'r penderfyniad wedi rhoi ystyriaeth i'r iaith.

Ychwanegir at y dryswch (1) ym mharagraff 3.2.1 – 3.2.3 pan sonnir eto am beidio ystyried effaith datblygiad ar safleoedd ar hap ar les yr iaith Gymraeg adeg cais cynllunio, ond eto sonnir am yr angen posib am fesurau lliniaru. Sut ellir argymhell mesurau lliniaru heb roi ystyriaeth i'r mater adeg cyflwyno cais cynllunio; (2) ym mharagraff 3.3.2 o'r NCT lle cyfeirir at ddatblygiadau preswyl ar hap yn unig.

Dylai'r NCT wneud yn glir i'r darlennydd y bydd effaith datblygiad ar les yr iaith yn derbyn ystyriaeth yn achos pob cais cynllunio perthnasol.

Dylai'r awdurdod lleol gael yr hawl yn ddiamheuol i bennu maint a'r math o ddatblygiad sydd angen mwy o wybodaeth i asesu'r effaith ar yr iaith. Mewn llawer i achos ni fydd hyn yn golygu asesiad ieithyddol lawn ond gwybodaeth bellach i sicrhau cydymffurfiaeth gyda pholisïau'r Cynllun Datblygu neu/a gwybodaeth er mwyn negodi mesuriadau lliniaru effeithiol.

Credir ei bod hi'n bwysig nodi mai'r egwyddor o ddatblygu sy'n derbyn cefnogaeth ar lefel Cynllun a bod hynny'n cael ei wneud ar sail nifer o ragdybiaethau, e.e. bod datblygiad tai yn darparu tai sydd yn mynd i fod yn fforddiadwy i gyflogau lleol (boed

Atodiad 1

nhw'n dai fforddiadwy NCT 2 neu'n dai marchnad agored); bod cyflogwyr newydd yn mynd i roi mesurau yn eu lle i hyrwyddo'r iaith yn y lle gwaith; bod datblygiad yn mynd i allu digwydd gam wrth gam, ayyb. Heb neges clir yn y NCT y bydd disgwyl i unrhyw ddatblygiad perthnasol ddangos yn y cais cynllunio sut mae sylw wedi ei roi i'r iaith gallai'r NCT danseilio polisïau a chanllawiau cynllunio atodol (gan gynnwys briffiau datblygu) a gyhoeddir gan awdurdodau cynllunio lleol.

Awgrymir bod y NCT yn cyfeirio at yr angen am ganllawiau cynllunio atodol er mwyn rhoi arweiniad i ymgeiswyr am ganiatâd cynllunio ynglyn a pa fath o ddatblygiadau allai gael effaith bositif ar gymunedau, pa fath o wybodaeth a ddisgwylir mewn datganiad cynllunio efo cais cynllunio, pa fentrau/ brosiectau lleol sydd ar gael, disgwyliadau i weithio gyda chymunedau, gwybodaeth am y fenter iaith, ayb.

C2	Ydych chi'n cytuno y dylai awdurdodau cynllunio lleol, yng nghyd-destun ceisiadau ar hap, fedru clustnodi yn eu Cynlluniau Datblygu Lleol, ardaloedd lle mae'r iaith yn fater arbennig o sensitif?	X
	Cytuno	
	Ddim yn cytuno nac anghytuno	
	Anghytuno	x

Sylwadau pellach

Mewn rhai ardaloedd mae'n bwysig ystyried sefyllfa'r iaith Gymraeg yn ardal y Cynllun Datblygu yn ei gyfanrwydd. Mae paragraff 2.7.1 yn cadarnhau hynny gan bwysleisio'r angen am dystiolaeth. Mewn rhai awdurdodau mi fydd yn anodd penderfynu union "sensitifrwydd" neu bwysigrwydd y Gymraeg yng nghyd-destun ystyriaethau materol eraill. Ni ddylid cyfyngu ystyriaethau i safleoedd ar hap yn unig ond i unrhyw gais lle mae'r iaith Gymraeg yn faterol bwysig fel y dywedir yn rhan 31 o Ddeddf Cynllunio Cymru 2015. Tra gall adnabod ffiniau i ardaloedd lle mae cymeriad/ nodweddion yr iaith yn debyg i'w gilydd fod yn fuddiol, credir y dylid cadw mewn cof y gallai datblygiad gael effaith ofodol wahanol yn dibynnu ar y datblygiad ei hun, e.e. datblygiad cyflogaeth.

C3	Mae'r canllawiau'n annog awdurdodau cynllunio lleol i weithio gyda sefydliadau megis swyddfa Comisiynydd y Gymraeg a'r Mentrau Iaith wrth nodi ardaloedd sydd o sensitifrwydd neu arwyddocâd ieithyddol. Ydych chi'n cytuno â hynny?	X
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Atodiad 1

Cytuno	x
Ddim yn cytuno nac anghytuno	
Anghytuno	

Sylwadau pellach

Mi fydd angen sefydlu methodoleg debyg ar draws Cymru i adnabod yr ardaloedd hyn er mwyn sicrhau elfen o gysondeb, ond yn y lle cyntaf dylai'r ACLI feddu'r hawl i ddatblygu methodoleg ei hunain mewn cydweithrediad a'r Fenter Iaith a/ neu i gyd-fynd a'i strategaeth gorfforaethol. Hwyrach bod cyfle i'r Comisiynydd Iaith lunio canllawiau ymarfer da fel modd cymorth cychwynnol. Dylai'r Comisiynydd hefyd ymateb yn ffurfiol i sut mae'r ACLI yn gwneud asesiadau cynllunio yn yr Arfarniad Cynaliadwyedd ar Gynlluniau Datblygu Lleol gyda'r bwriad o argymhell gwelliannau neu gymorth pellach i sicrhau arfarniad grymus a chywir.

Byddai'n ddefnyddiol gwybod yn y lle cyntaf beth mae'r Llywodraeth yn olygu gydag ardal sydd o sensitifrwydd ieithyddol – ai ardaloedd lle mae canran siaradwyr Cymraeg wedi disgyn o dan drothwy penodol? Yn yr un modd ai'r ardaloedd lle mae 70% neu fwy yn siaradwyr Cymraeg ydi'r ardaloedd o arwyddocâd ieithyddol?

Noder hefyd bod cwestiwn C4 yn cyfeirio at 'ardaloedd arbennig o sensitif' – felly mae angen sicrhau cysondeb yn y termau a ddefnyddir yn y ddogfen.

C4	Ydych chi'n cytuno ei bod yn dderbyniol cynnal Asesiadau o'r Effaith ar yr Iaith wrth ystyried ceisiadau annisgwyl am ddatblygiadau preswyl mawr ar safleoedd ar hap mewn ardaloedd arbennig o sensitif a ddiffinnir yn y CDLI?	X
Cytuno		
Ddim yn cytuno nac anghytuno		
Anghytuno		x

Sylwadau pellach

Dylai safleoedd ar hap ddim cael eu cyfyngu at safleoedd preswyl yn unig. Mae'n ymweld o ddarllen brawddeg olaf paragraff 3.3.1 y NCT Drafft bod peth hyblygrwydd i ACLI i ddiffinio datblygiad preswyl mawr ond nid oes cyfeiriad at fathau eraill o ddatblygiadau a all fod yn sylweddol groes i'r cynllun datblygu. Gall hyn gynnwys datblygiadau twristiaeth, cyflogaeth neu fwriad sy'n cau neu yn amharu ar gyfleusterau cyhoeddus.

Mae paragraff 3.3.1 yn awgrymu mai dim ond safleoedd tir llwyd du allan i drefi all arwain at ddatblygiad ar hap a all gael effaith ar les yr iaith. O gofio oes Cynllun a digwyddiadau yn y gorffennol, gall safleoedd tir llwyd arwyddocaol ddod i'r amlwg du mewn i drefi hefyd. Mae NCT 23 yn annog awdurdodau i lunio polisiau economaidd sy'n ddigon hyblyg i allu rhoi ystyriaeth ffafriol i ddatblygiadau sy'n cynnig cyfleoedd cyflogaeth ar dir nad ydi'n cael ei warchod na'i ddynodi ar gyfer cyflogaeth. Mewn rhai ardaloedd mae'n anatod mai ar dir gwyrdd byddai'r rheini'n cael eu cynnig.

Hwyrach i rai awdurdodau mae hyn yn fater cymharol ddibwys, ond lle mae'r posibilrwydd i ddatblygiadau llai ar hap gael effaith mwy mae angen yr hawl i ofyn am asesiad ieithyddol.

Mae paragraff 3.2.2. yn anghyson hefyd gyda paragraph 4.13.5 o PCC (fersiwn 8 2016) sydd yn cyfeirio at ddatblygiadau mawr yn unig heb unrhyw son am ddatblygiadau preswyl nac ychwaith yr hawl i ACLI fod yn hyblyg wrth ddiffinio ceisiadau mawr.

Ym mhellach i'r uchod nid ydym yn ystyried bod y Canllaw Drafft nac ychwaith paragraph 4.13.5 o PCC fersiwn 8 yn ddehongliad cywir o'r newidiadau yn Neddf Cynllunio 2015.

C5	Ydych chi'n cytuno mai'r awdurdodau cynllunio lleol ddylai fod yn gyfrifol am baratoi Asesiadau o'r Effaith ar yr Iaith?	X
	Cytuno	
	Ddim yn cytuno nac anghytuno	
	Anghytuno	x

Sylwadau pellach

Dylai cyflwyno gwybodaeth am sut gall datblygiad gael effaith niwtral neu bositif ar yr iaith lle bo'r iaith yn fater berthnasol fod yn greiddiol i gyflwyno ceisiadau cynllunio. Lle mae angen mwy o wybodaeth dylai casgliadau Asesiad neu Ddatganiad ar effaith ddatblygiad hefyd fod yn greiddiol i gyflwyno cais lle bo'r iaith yn faterol berthnasol. Gall manylder y wybodaeth sydd angen ei gyflwyno amrywio yn dibynnu ar y math o gais. Mae'n gyfle i'r ymgeisydd ddangos bod y cais yn cyd-fynd a'r Cynllun Datblygu neu, os yw'n gwyro oddi wrtho, ni fydd effaith negyddol ar yr iaith a'r gymuned leol yn ei gyfanrwydd.

Atodiad 1

Credir bod cyfle i dynnu sylw ymgeisydd, trwy e.e. CCA, at y Fenter Iaith, y Gwasanaeth sydd gyda chyfrifoldeb am hyrwyddo'r iaith ac unrhyw wefan sy'n cofnodi manylion cyswllt ymgynghorwyr priodol.

Rôl yr ACLI, efallai mewn ymgynghoriad a'r Fenter Iaith neu Uned Iaith y Cyngor (neu Wasanaeth sydd gyda chyfrifoldeb i hyrwyddo'r iaith), fydd asesu'r wybodaeth a gyflwynwyd gyda'r cais cynllunio, yn ogystal a'r sail dystiolaeth a ddatblygwyd i gefnogi datblygiad y Cynllun ac unrhyw ganllawiau cynllunio atodol perthnasol. Yn y rhan fwyaf o achosion, lle mae'r cais yn cyd-fynd a dynodiad a pholisïau perthnasol yn y CDLI, ni ragwelir unrhyw wrthdaro. Gan gyfeirio at yr ymateb i G1, gellid gofyn am ychydig mwy o wybodaeth i sicrhau mesuriadau lliniaru addas.

Mae'r tuedd yn y maes cynllunio i'r ymgeisydd gyfiawnhau ei ddatblygiad ac ni welir pam y dylid newid y drefn ar gyfer gwybodaeth ieithyddol. Wedi dweud hyn mi fydd yn bwysig i ACLI ddangos yn glir trwy ei bolisïau a Chanllawiau Cynllunio Atodol sut fath o asesiad iaith neu ddatganiad ieithyddol sy'n addas ar wahanol ddatblygiadau gan bennu trothwyon pendant. Credir bod hi'n bwysig pwysleisio pa ffynonellau tystiolaeth sydd ar gael amdan y cymunedau a'r ardal ehangach. Gyda chymorth swyddfa Comisiynydd yr Iaith efallai bod modd cyfeirio at arfer da a sefydlu sesiynau hyfforddiant i gefnogi Awdurdodau Cynllunio Lleol. Tra mae ymgymryd ag asesiad yn edrych ar wybodaeth ffeithiol am sefyllfa'r iaith (gallu ieithyddol, defnydd o'r iaith, ayb) mae angen gwybodaeth ffeithiol am elfennau eraill o gymunedau a bod yn oddrychol hefyd, h.y. gwneud dadansoddiad ar sail dealltwriaeth am yr ardal.

Wrth son am ganllawiau cynllunio atodol, noder nad ydi'r NCT drafft ond yn cyfeirio at CCA wrth son am arwyddion. Awgrymir bod y NCT yn rhoi arweiniad pendant ynglyn a rôl CCA, efallai gan awgrymu eu bod nhw'n cael eu datblygu mewn ymgynghoriad a'r Fenter Iaith a/ neu'r Gwasanaeth o fewn y Cyngor sydd a chyfrifoldeb am lunio'r Strategaeth Iaith/ hyrwyddo'r iaith Gymraeg.

C6	Yn y ddogfen ddrafft a baratowyd at ddibenion ymgynghori, mae'r cyngor polisi a roddir yn TAN 20 yn cael ei gyfuno â'r canllawiau ymarferol pellach, sydd heb fod yn rhai rhagnodol. Ydych chi'n cytuno â hynny?	X
	Cytuno	x
	Ddim yn cytuno nac anghytuno	
	Anghytuno	
Sylwadau pellach		

Atodiad 1

C7	Cynhaliwyd Asesiad o'r Effaith ar y Gymraeg yng nghyswllt y newidiadau i DAN 20 (gweler Atodiad B). Ydych chi'n cytuno bod yr asesiad hwnnw'n gywir o ran y modd y mae'n amlinellu'r effaith y bydd y canllawiau'n ei chael ar y Gymraeg?	X
	Cytuno	x
	Ddim yn cytuno nac anghytuno	
	Anghytuno	
Sylwadau pellach		

C8	Rydym wedi gofyn nifer o gwestiynau penodol. Os oes unrhyw faterion cysylltiedig nad ydym wedi mynd i'r afael â nhw, mae croeso ichi roi gwybod inni.	X
-----------	---	----------

Sylwadau pellach

Rydym eisoes mewn ymateb i Cwestiwn 1 wedi mynegi barn am sut mae'r NCT yn dehongli'r ddeddfwriaeth. Hoffwn hefyd dynnu eich sylw at bryderon ynglyn beth ymddengys fel diffyg cysondeb rhwng rhan 4 o Bolisi Cynllunio Cymru a'r NCT, yn benodol pan sonnir am sefyllfaoedd pan gallai fod angen asesiad effaith iaith. Yn ychwanegol, hoffwn gymryd y cyfle i fynegi pryder ynglyn a sut mae Polisi Cynllunio Cymru yn dehongli'r ddeddfwriaeth a'r ffaith bod y diwygiad i Bolisi Cynllunio Cymru wedi digwydd heb ymgynghoriad cyhoeddus

Mae Cyngor Gwynedd yn awyddus iawn i gael NCT sydd yn mynd i'w gynorthwyo i gynllunio mewn modd cadarnhaol, gan hwyluso'r datblygiadau mae cymunedau'r Sir eu hangen. Rydym yn credu bod y NCT diwygiedig yn gyfle euraidd i roi'r bachyn i awdurdodau cynllunio lleol allu rhoi negeseuon clir i ddatblygwyr arfaethedig o ran beth ydi'r disgwyliadau. Er mwyn sicrhau bod y wybodaeth orau yn cael ei gyflwyno adeg cais cynllunio ac felly sicrhau bod penderfyniadau yn cael eu gwneud yn brydlon a chadarn, credir bod hi'n bwysig i'r NCT roi arweiniad clir o ran y fethodoleg/ dull a ddylid ei ddefnyddio.

Atodiad 1

Sut i ymateb

Anfonwch eich sylwadau erbyn 30 Mawrth 2016 drwy ddefnyddio unrhyw un o'r ffyrdd canlynol:

E-bost	Post
Llenwch y ffurflen ymgynghori a'i hanfon i: planconsultations-d@cymru.gsi.gov.uk [Rhowch "TAN 20: Ymgynghoriad am Gynllunio a'r Gymraeg" fel testun y neges.]	Llenwch y ffurflen ymgynghori a'i hanfon i: Ymgynghoriad ar DAN 20 Y Gangen Polisi Cynllunio Y Gyfarwyddiaeth Gynllunio Llywodraeth Cymru Parc Cathays, Caerdydd CF10 3NQ

Gwybodaeth ychwanegol

Os oes gennych unrhyw gwestiynau am yr ymgynghoriad hwn:

E-bost: planconsultations-d@cymru.gsi.gov.uk

Rhif ffôn: 02920 821543

Annex C

CONSULTATION FORM

Draft revisions to Technical Advice Note 20: Planning and the Welsh language

We want to know your views on the proposed changes to the Welsh Government's planning guidance on the Welsh language .

Please submit your comments by 30 March 2016

If you have any queries on this consultation, please email: planconsultations-d@wales.gsi.gov.uk or telephone: 029 2082 1543

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you do not want your name and address to be shown on any documents we produce please indicate here

If you do not want your response to be shown in any document we produce please indicate here

CONSULTATION FORM

Draft Revisions to Technical Advice Note 20: Planning and the Welsh language (Consultation)

Date		
Name	Gwynedd Council	
Organisation		
Address	Shirehall Street Caernarfon Gwynedd LL55 1SH	
E-mail address		
Telephone		
Type <i>(please select one from the following)</i>	Businesses	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above)	<input type="checkbox"/>

Q1	Do you agree that the implications of provisions contained in section 11 and section 31 of the Planning (Wales) Act are made clear in the revised TAN 20?	X
	Agree	
	Neither Agree nor Disagree	
	Disagree	x

Further comments

We do not agree that section 31 of the Planning Act, which has led to a change in Section 70 of the Town and Country Planning Act 1990, has been interpreted completely accurately in the TAN.

Reference is made in the Act to any planning application where the Welsh language is relevant. Paragraph 3.1.2 reflects that: “In determining individual planning applications and appeals, considerations relating to the use of the Welsh language may be taken into account.”

However, paragraph 3.1.3 goes on to suggest that local planning authorities do not need to undertake a “Welsh language impact assessment, as this would duplicate the SA and LDP site selection processes”. It is not believed that this is correct or the method in which the information is presented will be misleading and open to misinterpretation. It is believed that legislation means that a delegated report or a committee report on any planning application relating to developments where the well-being of the language is relevant would be expected to show that the recommendation, and thus the decision, had given consideration to the language.

The confusion is added to further (1) in paragraph 3.2.1 – 3.2.3 where reference is once again made to not considering the impact of developments on random sites on the Welsh language at the planning application stage; however, reference is made to the possible need for mitigation measures. How can mitigation measures be recommended without giving consideration to the matter at the planning application stage; (2) in paragraph 3.3.2 of the NCT where reference is made to random residential developments only.

The TAN should make it clear to the reader that an impact on the well-being of the language will be considered in the case of each relevant planning application.

The local authority should be given an undisputed right to determine the size and type of development where more information is required to assess the impact on the language. In many cases, this will not result in a full language assessment but to the submission of further information to ensure compliance with the policies of the Development Plan and/or information in order to negotiate effective mitigation measures.

It is believed that it is important to note that the principle of development is supported on a Plan level and that this is made based on a number of presumptions, e.g. that housing development provides houses that will be affordable to local salaries (whether or not they are TAN 2 affordable housing or open market housing); that new employers will put measures in place to promote the language in the workplace; that the development can happen in phases, etc. Without having a clear message in the TAN, any relevant development will be expected to show in the planning application how attention has been given to the language and the TAN could undermine supplementary planning policies and guidance (including development briefs) published by local planning authorities.

It is suggested that the TAN refers to the need for supplementary planning guidance in order to give guidance to applicants seeking planning permission regarding the type of developments that could have a positive impact on communities, the type of information expected in a planning statement with a planning application, what initiatives/projects are available locally, expectations to work with communities, information on the *menter iaith* etc.

Q2	Do you agree that local planning authorities should be able to identify areas where the language is a particularly sensitive matter for the purpose of unanticipated windfall applications in their Local Development Plans?	X
	Agree	
	Neither Agree nor Disagree	
	Disagree	X
Further comments		
<p>In some areas it is important to consider the situation of the Welsh language in the Development Plan area as a whole. Paragraph 2.7.1 confirms this and emphasises the need for evidence. In some authorities, it would be difficult to decide upon the exact “sensitivity” or importance of the Welsh language in the context of other material considerations. Considerations should not be restricted to random sites only but to any application where the Welsh language is of material importance as stated in section 31 of the Planning (Wales) Act 2015. Whilst it can be beneficial to identify areas where the character/features of the language are similar, it is believed that it</p>		

should be borne in mind that development can have a different spatial impact, subject to the development itself, e.g. an employment development.

Q3	The guidance encourages local planning authorities to work with non-statutory consultees such as the Welsh Language Commissioner and <i>Mentrau Iaith</i> when identifying areas of linguistic sensitivity or significance. Do you agree with this approach?	X
	Agree	x
	Neither Agree nor Disagree	
	Disagree	

Further comments

A common methodology will need to be established across Wales to identify these areas in order to ensure an element of consistency; however, the LPA should initially have the right to develop its own methodology in cooperation with the *Menter Iaith* and/or to coincide with its corporate strategy. There may be an opportunity for the Language Commissioner to draw up good practice guidance as an initial aid. The Commissioner should also formally respond to how the LPA undertakes planning assessments in the Sustainability Appraisal on Local Development Plans with the aim of recommending improvements or further assistance to ensure a powerful and accurate appraisal.

It would be useful to know initially what the Government means when it refers to an area of linguistic sensitivity – are they areas where the percentage of Welsh speakers has fallen below a particular threshold? Similarly, is it the areas where 70% or more of the population are Welsh speakers that are considered to be areas of linguistic significance?

It is also noted that question Q4 refers to ‘particularly sensitive areas’ – therefore, there is a need to ensure consistency in the terminology used in the document.

Q4	Do you agree that it is acceptable for Language Impact Assessments to be undertaken when considering applications for large unanticipated windfall residential development in particularly sensitive areas defined in the LDP?	X
	Agree	

Neither Agree nor Disagree		
Disagree		x
Further comments		
<p>Random sites should not be restricted to residential sites only. It appears from reading the final sentence of paragraph 3.3.1 of the Draft TAN that there is some flexibility in the LPA to define major residential development but there is no reference to other types of developments that could be completely contrary to the development plan. This can include tourism or employment developments or a proposal that closes or disrupts public facilities.</p> <p>Paragraph 3.3.1 suggests that only brownfield sites located outside towns can lead to a random development that could impact the well-being of the language. Bearing in mind the lifespan of the Plan and past events, significant brownfield sites can become available inside towns also. TAN 23 encourages authorities to draw up economic policies that are flexible enough to give favourable consideration to developments that offer employment opportunities on land that is not protected or designated for employment. In some areas, it is inevitable that these would be proposed on green land.</p> <p>This may be a relatively immaterial issue for some authorities; however, where it is possible for smaller random developments to have a greater impact, there is a need for the right to request a linguistic assessment.</p> <p>Paragraph 3.2.2 is also inconsistent with paragraph 4.13.5 of PPW (version 8 2015) which refers to major developments but there is no reference at all to residential developments or to the right for the LPA to be flexible when defining major applications.</p> <p>Further to the above, we do not consider that the Draft Guidance or paragraph 4.13.5 of PPW version 8 is a correct interpretation of the changes in the Planning Act 2015.</p>		
Q5	Do you agree that it should be the responsibility of the local planning authorities to produce Language Impact Assessments?	X
Agree		

Neither Agree nor Disagree	
Disagree	x

Further comments

Information submitted on how a development can have a neutral or positive impact on the language where the language is a material issue should be at the core of submitting planning applications. Where further information is needed, the conclusions of an Assessment or Statement on the impact of a development should also be at the core of submitting an application where the language is of material relevance. The level of detail of the information that needs to be submitted should vary depending on the type of application. It is an opportunity for the applicant to show that the application is in line with the Development Plan or, if it deviates from it, that there will be no negative impact on the language and the local community in its entirety.

It is believed that there is an opportunity to draw the applicant's attention, by means of e.g. SPG, to the *Menter Iaith*, the Service with responsibility for promoting the language and any website that records the contact details of appropriate consultants.

The role of the LPA, possibly in consultation with the *Menter Iaith* or the Council's Language Unit (or Service with responsibility for language promotion), will be to assess the information submitted with the planning application, as well as the evidence base developed to support the development of the Plan and any relevant supplementary planning guidance. In the majority of cases, where the application coincides with the designation and relevant policies of the LDP, no conflict is anticipated. By referring to the response to Q1, one could ask for additional information to ensure suitable mitigation measures.

There is a tendency in the planning field for the applicant to justify his development and it cannot be seen why the process should be changed in relation to linguistic information. Nevertheless, it will be important for LPA to show clearly by means of its policies and Supplementary Planning Guidance the type of language assessment or linguistic statement that is suitable for various developments and to determine firm thresholds. It is believed that it is important to emphasise which evidence sources are available regarding the communities and the broader area. With the assistance of the Language Commissioner's office, it may be possible to refer to good practice and establish training sessions to support Local Planning Authorities. Whilst undertaking an assessment considers factual information about the situation of the language (linguistic ability, use of the language etc.), factual information is also needed about other elements of communities and to also be subjective, i.e. analysis based on an understanding of the area.

When referring to supplementary planning guidance, note that the draft TAN only refers to SPG when referring to signs. It is suggested that the TAN gives firm guidance regarding the role of SPG, and possibly suggests that they are developed in consultation with the *Menter Iaith* and/or Council Service with responsibility for drawing up the Language Strategy / Welsh language promotion.

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Q6	The consultation draft merges the policy advice provided by TAN 20 with the further non-prescriptive practical guidance in one combined document. Do you agree with this approach?	X
	Agree	x
	Neither Agree nor Disagree	
	Disagree	
Further comments		

Q7	The revisions to TAN 20 have been subject to a Welsh Language Impact Assessment (see Annex B). Do you agree that the assessment has accurately identified the impact of this guidance on the Welsh language?	X
	Agree	x
	Neither Agree nor Disagree	
	Disagree	
Further comments		

Q8	We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.	X
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Further comments

We have already expressed our views regarding how the TAN interprets the legislation in our response to Question 1. We would also wish to draw your attention to concerns regarding what appears to be a lack of consistency between part 4 of Planning Policy Wales and the TAN, specifically when reference is made to situations where a language impact assessment could be required. In addition, we would like to take this opportunity to express concern regarding how Planning Policy Wales interprets the legislation and the fact that the amendment to Planning Policy Wales was made without a public consultation.

Gwynedd Council is very eager to obtain a TAN that will assist it to plan in a positive way, and facilitate developments that are needed by the County's communities. We believe that the amended TAN is a golden opportunity to give local planning authorities the ability to convey clear messages to prospective developers in terms of what the expectations are. To ensure that the best information is submitted at the planning application phase and thus ensure that decisions are made in a timely and robust way, it is believed that it is important for the TAN to give clear guidance in terms of the methodology / method that should be used.

How to respond

Please submit your comments by 30 March 2016, in any of the following ways:

Email	Post
<p>Please complete the consultation form and send it to : planconsultations-d@wales.gsi.gov.uk [Please include TAN 20: Planning and the Welsh language consultation in the subject line]</p>	<p>Please complete the consultation form and send it to: TAN 20 Consultation Planning Policy Branch Planning Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p>

Additional information
<p>If you have any queries about this consultation, please Email: planconsultations-d@wales.gsi.gov.uk Telephone: 029 2082 1543</p>