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Cynllunio a'r Iaith Gymraeg
Planning and the Welsh Language
Thursday 4th August 2011
Glyndŵr University, Wrexham
Seminar Notes

NOTE: These notes were taken by Roisin Willmott at the Seminar and are only a summary from the presentations. They should be taken as an indication of the general discussion only.

Seminar Chair: *Eira Hughes, Hughes Isherwood*

Planning and the Welsh Language: the way ahead - *Meri Huws, Chair, Welsh Language Board*

Language depends on strength and responds to demographic change. It is often contentious but there is a need to respond.

Planning can play a role at the heart of the issue. In 1993/94 the Welsh Language Board (WLB) held discussions regularly with local authorities. In 2005, the publication *Planning and the Welsh Language: the Way Forward*, was published.

There has been an impact of planning decisions in some areas; but the WLB has been sitting on the edge and has been frustrated that it is not able to do more. In the current situation the Board is very aware of the frustration that TAN 20 has not achieved what it could have.

There has been a lack of a clear strategy and leadership for when TAN 20 should be used; when should development not be approved because of linguistics? Councillors also do not always make for an easy life.

If TAN 20 is to be used, what data should be used? There is a need to standardise data. Is there a need for a centralised archive? Who should hold this data?

Is there an understanding of the symptoms of the impact of the Welsh language as planners? What is the % of speakers, do people understand the analysis, what is the interpretation? If the population is 50% speaking – is that 50% alive, or 50% dead?

There is a need for local authorities to recognise Welsh speaking areas; but on what basis do you make the judgment? There is a need to consider the nature of the Welsh language; WLB has information, but the Board ends in March 2012, so what will happen to this information. There needs to be a centralised database and an understanding of how to use it. The Board does not believe that individual local authorities should decide which areas should be developed. A resource to undertake this should be argued for.

The WLB recognises the strength of the recent consultation on TAN 20. But it lacks teeth.

Where next? The WLB recommends a reopening of the TAN 20 consultation. The new Government should at least be meeting to discuss it. A linguistic tool is needed. There needs to be a standardised methodology with direction of when and how to use data. Areas are very different e.g. Gwynedd and Flintshire, so the process needs to be standardised, not the outcome. The information needs to be standardised, this will help look at different factors and create common understanding of what needs there are. It should be a centralised not regionalised data source.

A meeting with John Griffiths, Huw Lewis and Leighton Andrews should be asked for. It will be difficult, but a joint meeting should be requested.

Setting the Context: background to current policy – *Aneurin Phillips, Snowdonia National Park* (note the comments made were personal and not that of the Authority)

Since 1998 just about every plan referred to planning and the Welsh language, but very broadly; policies were all about preventing damage, rather than promoting the language.

In Snowdonia developers need to provide Language Impact Assessments (LIAs) and set out mitigation measures where appropriate, this has received support from the Inspector and was discussed at a very public inquiry.

Looking back at planning decisions, how did appeals deal with the language? 27 appeals in Wales referred to language as a reason for refusal. However Local Planning Authorities (LPAs) are not willing to use it solely as a reason for refusal. But how can development be absorbed?

In Planning Policy Wales (PPW) edition 4, there are three paragraphs on the Welsh language. It recognises language and that planning should reflect this. However there has been no change since 2002. The responsibility is on LPAs to form policies without eroding the language in communities. However, property cannot not be managed on language criteria.

How effective has the current TAN 20 (2000) been? It does not give sufficient support to LPA officers. The unwillingness to take risk, with the threat of costs to an LPA, has led LPAs not to push the language, so it is done as part of the community assessment. So 16 LPAs came together to commission research by Bartlett University. Unfortunately they could not come up with a methodology; the report was published in 2005.

LPAs have included language within community assessments; but have not used TAN 20, it has not been good enough and lacks technical guidance.

The Welsh Government have never formally responded to the report. There is no basic change to the proposed TAN 20. The view of Snowdonia National Park Authority is that the draft TAN 20 is superficial, not clear when the Welsh language should be recognised, when and how to do an impact assessment. It is a missed opportunity.

For the future, an open study is needed to guide LPAs; advertisement regulations need to be changed to allow for bilingual provision; allow financial contributions from developers; and remove existing permissions for large applications that do not comply with the language.

Local Planning Policies for the Welsh Language – *Elliw Owen, Snowdonia National Park Authority*

In Snowdonia 60% of the population speak Welsh, and this is 80% in some communities.

The Vision for Snowdonia in its Local Development Plan (recently adopted) by 2035 includes measures to encourage the viability of the Welsh language and protect it.

There was a full assessment of policies on the community, not just on language; this allowed for a holistic view to be formed. Criteria based opportunities are spread across the policies. There is also a specific Welsh language policy which can request a LIA, if it is felt to be needed. This has been through a complete LDP Inquiry. As an example, Fferm Y Llew Coch in Bala, is a larger settlement proposal in the Plan. Gradual development and affordable housing has been allowed to reduce the impact.

The Inspector wanted to see more detail on when the policies would be applied, so Supplementary Planning Guidance (SPG) has been produced. Language issues can

be addressed as part of the Design and Access Statement (DAS) rather than standalone, or as part of an environmental statement. But there is concern on who will take be responsible for checking the Welsh language aspect; for example the Countryside Council for Wales (CCW) and Environment Agency Wales (EAW) have responsibility for checking other aspects.

The RTPI Cymru Position – Owain Wyn, Burum

TANs are to provide guidance; to expand on policy. For TAN 20 to a certain extent there is not a lot to expand on in PPW – there are only three paragraphs.

There are communities where Welsh is strengthening, some small areas where the use of Welsh is increasing, for example Pontcanna in Cardiff. How can it be promoted / strengthened in these areas?

There has been no review since 2000. We thought that research would be undertaken, but this has not happened.

RTPI Cymru is concerned about the scope of the TAN. There seems to be too much for LPAs to do. The scale of development needs to be looked at, this should be done at a higher level. If mitigation cannot be built into a scheme, then this should be a reason for refusal. Also TAN 6 talks about social integration, but there is limited cross-referencing between TAN 6 and TAN 20.

To move forward, the Draft TAN needs to be reconsidered. We shouldn't sit back as in 2005 and wait for something to happen. The policy and legislative context may be an opportunity to move forward and reflect our aspirations.

The Legal Perspective – Emyr Jones, 9 Park Place (for precise wording, see the written paper).

TANs, in general - are they consistent with current national and local policy? Is there any technical guidance? Does it achieve the aims and objectives of policy?

'Social fabric' is the key term for TAN 20. Comparing paragraph 4.12.2 in PPW with the draft TAN 20, there is a change in the language; the TAN 20 wording is weaker than in PPW.

There also needs to be a definition in the areas to be considered.

But why was there a change in the wording, was it intended to weaken it?

The TAN contains no technical guide. There should be technical advice in a TAN; this is a clear weakness. Inspectors may not have the experience to deal with this issue.

The most important and disappointing element is paragraph 4.1.1 in the TAN which does away with the need to conduct a LIA at the application stage. The One Wales commitment was to revisit TAN 20 with a view to use LIA where there is a shortage of housing. This gave a narrow focus on the lack of housing. This does not strengthen the Welsh language policy. The misdiagnosis in One Wales has led to the wrong emphasis in the draft TAN 20.

There is also a difference between the Welsh and English language versions of the TAN. Should it read "not necessary" or "should not"?

There is also a timing issue between the old and new TAN 20 and the timing of LDPs. LDPs need to take account of the new TAN 20 which places an emphasis on LDPs; developers can argue against LIA. Is this sentence reasonable?; it may be challengeable. TAN 20 needs a clause; it needs to say "only in exceptional circumstances will LIA be needed at appeal".

The process needs to be kept simple; general policies are needed to assess applications and provide for requiring information e.g. LIAs.

The draft TAN 20 is disappointing. It doesn't give technical guidance e.g. highways and flood relief have technical guidance. There is a lack of review and research. It undermines the good practice which already exists. Did One Wales set out to do this?

Mynytho: Affordable housing and business unit project – *Walis George, CEO Tai Eryri*

This presentation describes an employment and housing project undertaken by Cywaith – a local regeneration company, part of Tai Eryri, in Botwnnog, a small Welsh speaking community.

Living Welsh in “viable areas”, what makes the difference is the link between employment, housing and the Welsh language.

The project is in a Communities First area, which was important, and a Rural Exceptions site. Local linkages were important to provide communication with local communities.

They were unable to stipulate that Welsh speakers only could live in the housing, but there were other ways of promoting this.

An enterprise site was also constructed which was built for Welsh language businesses and this was a catalyst to support other local businesses. But what difference did the project make on the ground? A tool has been devised to measure this.

Data collection looked at various criteria, including how the % of housing compared to the local community; how it had affected in-migration. A scoring system was devised. They also intend to look at the houses the tenants have vacated – who has moved in?

For the future, there will be further trials to see if this tool can be used for other housing schemes in the future.

Undertaking Welsh Language Impact Assessments – *Rhys Davies, Director, CDN Planning*

When is a LIA needed? The Snowdonia SPG is very useful in determining this. TAN 20 does not provide guidance on this. It also needs to be applicable to commercial / employment applications too, as well as tourism schemes.

Looking at what to consider in an LIA, a range of factors were suggested, including: other developments in the past five years and what their impact has been on the community; look at the opportunities for work and investment and how to mitigate any negative impact. From experience, companies are willing to listen and work with communities. There is a need to assess the impact on various parts e.g. the impact on local services e.g. schools, care and health etc and social and cultural conflict.

The local area is defined as part of the LIA and this depends on the scale of the development. An area profile is built up, consultation carried out and at the end of the process, mitigation methods developed to increase the situations where Welsh is used, and provide unique selling points for the project.

A simple scoring system is used, with 18 headings to assess the impact. This gives a basic assessment and there is then a need to look at the evidence behind the scoring and the individual components. It is a simple but effective system, but a more complex system is needed to be developed for the future, particularly for larger schemes. LIA needs strong guidance, rather than everyone devising their own methods.

General Discussion

There was a general discussion around whether there were other factors that affect the levels of usage of the Welsh language. It was accepted amongst delegates, that planning could only do so much and could only deal with new development.

It was suggested that the Living Language, published in December 2010, may be the answer to promoting the use of the Welsh language.

The delegates agreed that research was needed, as well as technical guidance and that this should be a priority by the Welsh Government.