



DYFODOL I'R IAITH

Comments on considering the Welsh language in planning matters

May 2014

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Dyfodol i'r Iaith

Dyfodol i'r Iaith (A Future for the Language) is a non-party political organisation that works for the benefit of the Welsh language. The organisation's aim is to influence through constitutional means on the substance and content of public policy and legislation in order to promote and nurture the development of the Welsh language in all policy areas. The organisation works for the good of Wales and its people, to gain respect and support for the language and ensuring that the Welsh language is a live issue on the political agenda.

This paper is in addition to the evidence presented by Dyfodol i'r Iaith to the consultation on the Planning Bill and both papers should be read together. Dyfodol's response to the Planning Bill is available here: (Welsh only) <http://www.dyfodol.net/2014/02/28/ymateb-ir-bil-cynllunio/>

1. Background

1.1. Dyfodol i'r Iaith welcomes the clear statement by the Welsh Government in its main planning policy that the system for planning the use of land should consider the needs and interests of the language and thereby contribute to its well-being.

1.2. Here are the three relevant paragraphs regarding the Welsh language in Wales' planning policy:¹

4.13. Supporting the Welsh language

4.13.1 *The Welsh language is part of the social and cultural fabric of Wales. The Welsh Government is committed to ensuring that the Welsh language is supported and encouraged to flourish as a language of many communities all over Wales. 'A living language: a language for living' sets out how the Welsh Government intends to achieve its goal of strengthening the use of the Welsh language in everyday life. The future well-being of the language across the whole of Wales will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities. The land use planning system should also take account of the needs and interests of the Welsh language and in so doing can contribute to its well-being.*

4.13.2 *All local planning authorities should consider whether they have communities where the use of the Welsh language is part of the social fabric, and where this is so it is appropriate that this be taken into account in the formulation of land use policies. All local planning authorities should*

¹ <http://wales.gov.uk/docs/desh/publications/140228chapter-4-en.pdf>

include in the reasoned justifications to their development plans a statement on how they have taken the needs and interests of the Welsh language into account in plan preparation, and how any policies relating to the Welsh language interact with other plan policies

4.13.3 It should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. Appropriate development plan policies about the broad scale, location and phasing of new development could assist in achieving this aim. Policies relating to affordable housing could also be of benefit. However, policies should not seek to introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

1.3. The problem is that the Government's desire to see the Welsh language being considered in planning matters is not addressed in practice. This problem has existed for many years and several individuals, planning experts, planning authorities and other organisations have tried to address this issue with varying results.

1.4. This paper outlines some ideas from Dyfodol i'r Iaith about how to consider the Welsh language in planning matters on a practical level. It suggests circumstances where the Welsh language should be a consideration in planning matters and a new regime of designating areas of linguistic sensitivity.

2. Action Points – Planning Bill

2.1. The first step is to ensure the proposed Planning Bill includes a clause ensuring that it is valid to consider the Welsh language in planning matters. At the moment consideration of the Welsh language in planning is contained in a guidance note and this guidance is open to be ignored by developers and planning authorities or to be challenged in a law court.

3. Designation of Areas

3.1. The second step is to decide in which areas of Wales it is essential or desirable to consider the Welsh language in planning matters.

3.2. When planning authorities and developers need to consider matters concerning the environment in planning they can refer to special designations in specific areas, for instance, a designation as a Site of Special Scientific Interest. This designation confers specific conditions to defend that area in planning matters.

3.3. Dyfodol i'r Iaith suggests creating a statutory body to designate areas of Wales as Areas of Linguistic Sensitivity. This body could be a new organisation or additional responsibilities and an appropriate budget could be allocated to the office of the Welsh Language Commissioner to designate these areas. The legal status of these areas would be similar to that of Sites of Special Scientific Interest.

3.4. We foresee that the work of designating areas would be done by electoral ward using

data about the number of Welsh speakers in the ward, changes in the number of Welsh speakers, population estimates and other statistics in order to designate the level of linguistic sensitivity in the ward. We suggest there would be different levels of sensitivity e.g. wards where more than 60% are Welsh speakers; the next level would be between 40% and 60%; then between 20% and 40%; and lastly below 20%. We foresee, for instance, that consideration of the impact of a housing development on the Welsh language would be desirable rather than compulsory in areas with fewer than 20% of Welsh speakers. In every other area consideration of the effect of the development on the Welsh language should be compulsory.

3.5. As the makeup of communities can change rapidly the designating body would review the status of Areas of Linguistic Sensitivity every five years.

4. Gathering evidence

4.1. One of the main weaknesses of the present planning system is the lack of empirical evidence of the impact of developments on the Welsh language. The designating body would have the duty to review the impact of new developments in Areas of Linguistic Sensitivity. This would mean a database of evidence would be gathered over time that would give a sounder basis to Language Impact Assessments.

4.2. The designating body should also review the impact of past developments, including developments that were granted permission by the Planning Inspectorate even though the Welsh language was a factor when the original planning application was refused e.g. in 1999 Gwynedd County Council refused permission to build a housing estate in Brynchrug because the development would have an impact on the nature of the local community. The developer's appeal was granted by the Planning Inspectorate. A current example is the development proposed in Penybanc, Carmarthenshire.

4.3. The database of evidence would be available to planning authorities, developers and others to contribute comments and as a reference point when undertaking language impact assessments.

5. The Circumstances of a Language Assessment and Creating an Assessment Tool.

5.1. It would be unreasonable to call for a language impact assessment for every single planning application in an Area of Linguistic Sensitivity. For instance it would not be expected for a house owner to have to undertake a language impact assessment when presenting an application to build and extension to the house.

5.2. We suggest several specific circumstances where a language assessment on in Area of Linguistic Sensitivity would be compulsory:

- If the number of dwellings in one development increases the size of the village /

community by more than 5% or 30 dwellings, whichever is the smallest.

- In smaller developments or applications for individual dwellings, if the number of empty dwellings in the village / community is more than 20%
- Consideration should be given to the estimated market value of the dwelling/s and whether the price is within the reach of the average household in the village / community.
- In applications for employment developments does the development principally meet the need for local jobs?

5.3. In circumstances where a Language Assessment is necessary an Assessment Tool should be created that uses an acknowledged methodology that has been approved by the Welsh Government and/or the Welsh Language Commissioner. The Assessment Tool will take into consideration the matters outlined above and any other matters deemed to be relevant.

6. Signs and Advertisements

6.1. Signs and advertisements contribute to the visual and social character of the area. It is possible to promote the use of the Welsh language in the planning system in particular through permission for signs and advertisements.

6.2. In Areas of Linguistic Sensitivity with more that 40% Welsh speakers the planning authorities should refuse permission for English only signs.

6.3. In areas of Linguistic Sensitivity with more than 40% Welsh speakers Welsh names should be used on streets in new housing developments.

6.4. Every planning authority expects new businesses to use bilingual signage.

7. Mitigation

7.1. It is also possible to use mitigation measures to promote the use of the Welsh language in specific areas. This can be a planning condition or through the use of Section 106 of the Community Infrastructure Levy.

7.2 In our evidence to the consultation on the Planning Bill Dyfodol i'r Iaith suggested including a clause in the Bill allowing the use of monies allocated under Section 106 of the Community Infrastructures Levy to promote the Welsh language.

7.3. Here are some examples of how mitigation measures could benefit the Welsh language locally and promote the use of the language:

- Providing affordable housing for local need
- Agreement to provide housing for those on local housing waiting lists.
- Local labour contracts
- Support and funding for local skills training initiatives
- Support and funding for local Language Initiatives (Mentrau Iaith)
- Support and funding for community activities in the Welsh language
- Support and funding for local Welsh schools.
- Providing a language awareness pack for potential house buyers.
- Providing and funding language lessons for staff in employment developments.
- Providing and funding language lessons for the community in larger housing developments.
- Providing and funding intensive and residential language lessons in the above examples.

We hope that these suggestions will support the Government to realise their aspirations with regard to the Welsh language and Planning.

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May 2014

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