

## **ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE**

**Date:** Wednesday 9 January 2002  
**Time:** 2.00 to 5.00 pm  
**Venue:** Committee Room 3, National Assembly Building

## **CULTURE COMMITTEE'S REVIEW OF THE WELSH LANGUAGE**

### **Purpose**

The Committee is invited to consider the themes of the Culture Committee's Welsh Language review in relation to the EPT portfolio. The terms of reference to the review are at Annex A; a consultation paper outlining some themes the Committee is considering is at Annex B.

### **Background**

The Culture Committee is currently conducting a review of the Welsh Language and has asked each subject committee to examine its area of responsibility to Welsh language issues, and to consider the effect of its work on the language. The intention is to focus on the degree to which policies enable or prevent the growth of the Welsh language.

Two clear messages have already emerged from the review which are relevant to this Committee's work. These are:

- That the Welsh language be seen as a cross-cutting theme across all policy areas
- That local government and other agencies are looking to the Assembly to provide leadership in respect of the Welsh Language

### **Some possible themes and questions for consideration**

#### **General**

The Committee might consider whether it views the Welsh language as an integral part of its policy agenda and specifically, a cross-cutting theme which runs across its policy brief.

#### **Planning**

The Assembly's detailed guidance on planning and the Welsh language in 'Technical Advice Note (Wales) 20, The Welsh Language – Unitary Development Plans and Planning Control' ("TAN20") recognises that decisions about the location of new housing between different areas can affect the

character of those areas including the linguistic balance. In preparing their Unitary Development Plans, local authorities are guided to take account of the needs and interests of the Welsh language.

Early in the review, the Culture Committee received some interesting evidence relating to planning and the Welsh Language from Dr Mark Tewdwr-Jones of University College London. This evidence is attached for the Committee's consideration at Annex C, but briefly some of Dr Tewdwr-Jones's key recommendations for improving the context for planning and the Welsh Language are listed below:

- The Assembly needs to clarify the role of the national planning policy on the Welsh language for local authority use and this needs to occur as part of a wider statement on the relationship between culture, society, settlement, community and planning.
- Local planning authorities need to gather as much information as possible including not only up to date surveys of the linguistic profiles of each of their communities, but also housing needs surveys, migration patterns over a ten year period, the demand for local cost housing, the extent of new development etc.
- Following on from the above, it might be possible to designate "linguistic areas" where the language coupled with the features outlined above are so sensitive as to become primary considerations for decision makers and policy makers to refer to in the planning system.
- In respect of the national planning policy, the TAN could be worded more positively to encourage local planning authorities to take the initiative in relation to planning, the language and sustainable communities.
- In relation to the policy presumption in favour of development, the Assembly may wish to consider reversing the policy presumption in certain linguistically-sensitive areas, where the evidence exists that interests of acknowledged importance were being materially affected.
- In relation to the need for further research and good practice, the Assembly should commission research on either the feasibility of new measures to address linguistic issues within planning or else a study of the relationship between language, planning and community.

## **Sustainable Development**

In developing a Sustainable Development Action Plan, the Committee might wish to consider the needs of the Welsh language and how it fits into such a plan.

## **Action for Committee**

- The Committee is invited to consider the themes and questions listed above and to provide a formal written response to the Culture Committee by the end of February.

**Culture Committee Secretariat January 2002**

## **Annex A**

### **TERMS OF REFERENCE**

The review's terms of reference are as follows:

To seek to define more closely the National Assembly's established objective of 'creating a bilingual Wales'. The Committee will aim to suggest a concrete strategy of actions for achieving that objective.

The review will pay particular attention to the following themes:

- enabling people to use either language or both in all aspects of national life and in their communities;
- supporting Welsh as a family and community language;
- providing opportunities for people to learn Welsh, and to use it;
- promoting equal respect for both Welsh and English, and maintaining national consensus and goodwill about bilingualism.

The Committee will examine the work of the Welsh Language Board, and it will also examine the role and contribution of a range of other organisations. These will include agencies involved in economic development, tackling social exclusion, improving learning, and improving the quality of life.

## **ANNEX B**

**The following themes will provide the structure for the Review and the final report. It would be helpful if you could address the themes in this form in your submission. We have included Priorities, Measures and Potential Barriers that have already been identified in reports and discussions about the Welsh language. You may wish to respond to or add to these in your submission.**

**These Main Themes are ‘political’ in the sense that they are about supporting people in their communities and citizens in relation to their democratic government. There are also five crosscutting issues that come from theoretical work on bilingualism and language planning. The theory is based on studies of communities throughout the world that have dealt with bilingualism..**

## **THEME: FAMILIES AND COMMUNITIES**

This theme in particular should be considered in conjunction with the cross cutting themes outlined below. The Education Committee will review the formal side of bilingual education. Its evidence will be collected separately. This review considers nursery education and Welsh-for-adults provision which is developed by the various communities below.

## **PRIORITIES:**

- Families
- Geographical Communities (including heartland communities)
- Institutional Communities (Statutory and Voluntary)
- Corporate Communities
- Distance Communities
- Young people outside school environment
- Migration to and from Welsh heartland areas

## **MEASURES:**

- Language Planning
- Community Empowerment
- Training
- Family and Community Support Measures
- Dynamic Enabling Agencies
- Sustainable development
- Connectivity and access to new technology
- Effective partnerships

## **POTENTIAL BARRIERS:**

- Lack of resources

- Lack of new ideas
- Planning regulations
- Top-down bureaucracy
- Digital Divide

## **THEME: ECONOMIC DEVELOPMENT**

Without economic activity, communities die. Without a community languages die. Economic development, particularly in traditional 'heartland' communities, is the lifeblood of the language maintenance. Historical examples are found in the quarrying areas of North Wales and the West Wales coalfield; a more recent example is found in the independent production sector supplying S4C, Antur Teifi and Menter a Busnes.

### **PRIORITIES:**

- Encouraging and supporting initiatives, particularly community initiatives, in areas where the Welsh language is strong, for Objective 1 funding.
- Ensure that these areas are not excluded from the information society because of location.
- Providing incentives for creating bilingual resources.

### **MEASURES:**

- Encourage bilingual entrepreneurship through additional incentives.
- Providing affordable broadband connectivity to all parts of Wales.
- Provide training and supporting the New Economic opportunities for SMEs employing a bilingual workforce.
- Consider tax or rates incentives for SMEs operating bilingually.

### **POTENTIAL BARRIERS:**

- Failure to understand that economic development is essential for language development.
- Failure to embrace the opportunities in New Technology that are not limited by location.
- Failure to incorporate mainstream economic thinking on consumer behaviour into language planning.

## **THEME: RESEARCH AND DEVELOPMENT**

There are many gaps in the information required to develop a clear picture of the current situation. Full census data will not be available until 2003. Information will be required to prioritise initiatives that may be recommended by the Committee.

### **PRIORITIES:**

- Set up the process of collecting the basic data on the current situation of the Welsh language.
- Set benchmarks to measure the effectiveness of current policy and investment in key areas.
- Set up professional research to map the effectiveness of bilingual provision in Wales.
- Research and develop traditional and new ways of enabling and distributing creative resources in the Welsh language.

### **MEASURES:**

- Establish a partnership of agencies, S4C, BBC Radio Cymru, Wales Tourist Board, WDA, Welsh Language board and others with research capacity to pool resources.
- Welsh Language Board to audit current research and create and co-ordinate a future all-Wales research plan.
- Create database of research supported by a Welsh HE institution for use by those involved in projects and linked to European research.
- Ensure that this provides the basis for mid and long-term planning of public investment.

### **POTENTIAL BARRIERS:**

- Failure to face up to the need to justify public investment
- Allow the tradition institutional deals to continue
- Lack of trust in an open and accountable democratic process

### **THEME: PROMOTING BILINGUALISM AND MAINTAINING**

#### **NATIONAL CONSENSUS AND GOODWILL**

Where the minority of people are bilingual and the majority recognises the right of the individual citizen to access services in either or both languages, there is evidence that a stable and durable language arrangement can be found. Finding consensus on this way forward is one of the themes of this review.

### **PRIORITIES:**

- Build on the vision of a bilingual, multi-cultural, democratic Wales.
- Create a perception of the Welsh language as a unique resource.
- Define the relationships between citizen, the community and government.

## **MEASURES:**

- The National Assembly to lead on the development of holistic policies.
- Make Welsh language resources available in every community including web communities.
- Analyse attitudes and through a partnership of agencies promote the concept of bilingualism throughout Wales.

## **POTENTIAL BARRIERS:**

- That we confuse language revitalisation with cultural maintenance.
- That we discuss issues of 'ethnic membership' rather than a plural society.

## **THEME: PUBLIC INVESTMENT AND DELIVERY STRUCTURES**

This theme is concerned with taking the holistic view of language planning. It is about including language as a crosscutting theme in any or all public investment in people and communities.

### **PRIORITIES:**

- The future role of the Welsh Language Board.
- The creation of a dynamic network of delivery systems.
- Establish mechanisms of accountability
- To make full use of S4C's television service and the BBC's Radio Cymru to deliver popular and relevant entertainment, information and education in the Welsh Language.

### **MEASURES:**

- Specify the functions of the Welsh Language Board as co-ordinator and light-touch regulator.
- Resource the Board adequately to perform its functions (these will be defined in the strategy that evolves during the review.)
- Create a forum to consider the annual broadcast plans presented by S4C and BBC Radio Cymru to OFCOM.
- Enable sustainable initiatives that will become the dynamic network of delivery.

## **POTENTIAL BARRIERS:**

- That we talk about subsidy rather than investment in people, communities and democratic choice.
- That we fail to use the liberating forces of new communication technologies.
- That we continue with top-down bureaucratic solutions

There are also five key cross cutting themes which should be fully considered when discussing all issues. These are:

**1. Normalisation** - It is fundamental in a bilingual country that both languages are used normally in every context according to the choice of individual citizens. The normalisation of the use of both Welsh and English in all state and macro-corporate and micro-corporate activities needs to be recognised and enhanced. It means

- Enabling people to use either or both languages in everyday life
- Broadening the range of contexts for the Welsh language
- Encouraging the acceptance of bilingualism in public administration, commercial transactions and in the workplace

**2. Language Transmission** – factors which will determine whether the language is sustained from generation to generation and interventions necessary to ensure that this happens

**3. Community sustainability** – factors which will determine whether the use of the Welsh language is sustained and developed within communities – whether they be geographical communities, institutional communities, corporate communities or distance communities

**4. Language continuum development** – the enhancing of language skills and areas of use and increasing confidence in the use of the language

**5. The development of diglossic situations** – enhancing opportunities where Welsh is an obvious means of communication.

**ANNEX C**

NATIONAL ASSEMBLY FOR WALES CULTURE COMMITTEE

WELSH LANGUAGE REVIEW

STATEMENT BY

DR MARK TEWDWR-JONES

UNIVERSITY COLLEGE LONDON

16 MAY 2001

## **1. Introduction**

1.1 My interests in this subject are specific to language and planning, rather than language planning. I am a chartered town planner and researcher in planning and governance issues. The Welsh language has been a material planning consideration in the formulation of development plans and in determining planning applications since 1988. The production of Circular 53/88, followed by the release of the more recent Technical Advice Note 20 in 2000, provides Wales with a unique opportunity compared to other parts of the UK.

1.2 Planning is predominantly about the use and development of land, rather than with the users and developers of land. The Welsh language is what-might-be-termed in planning terminology, a social or cultural matter rather than a land use subject. These issues are notoriously difficult to embrace within a tight legal planning system designed to regulate land on physical characteristics alone. Although Wales has benefited from the provision of a national policy on the Welsh language and its relationship to planning, it remains a relatively under-utilised policy within local authorities as there exists a great deal of uncertainty and nervousness on the part of professional planners as to how exactly the policy should be used and in what circumstances. There is a great opportunity for this policy to be used far more effectively in the creation of sustainable communities across Wales and in safeguarding language interests in the face of the pressure for new development.

## **2. The Uncertainty of 'Doing Something' in Planning**

2.1 There is a clear relationship between language and geography, of course, but this tends to be analytical: the west and north of Wales are the traditional Welsh-speaking heartlands. We can gauge, for example: migration patterns; the rise or decline of Welsh language speaking communities; and the impact caused by new housing development or the escalation of second and/or holiday homes. But there also exists a relationship between language and planning, and the potential here is for policy-makers and professional planners to draft policies and make decisions that actively safeguards Welsh speaking communities, or takes account of the pressure for new housing, or promotes housing for local Welsh-speaking people. This is why the uncertainty exists within Wales: it is centred on the proactive possibilities to 'do something'.

2.2 Planning is a potentially powerful and useful tool in the creation of sustainable communities and in taking a balanced and reasoned approach in safeguarding the Welsh language while allowing for the appropriate scale and type of development that is needed throughout Wales. The planning profession in Wales is, in my view, prepared to utilise the guidance contained within the Technical Advice Note more fully than hitherto but requires more guidance, information and best practice examples on the use of the policy for determining planning applications.

2.3 The policy as it stands could be made much more clearer, but not necessarily stronger since

each development case should be determined on its merits. Government departments have always been reluctant to stipulate in explicit terms the scenarios under which policies could be utilised in practice and have rather relied on judgements in the British courts to shape the use of national policies for decision-making purposes. We may have to wait a considerable time, however, for a challenge to be made to the use of the national planning policy on the Welsh language, since this usually relies on an individual local planning authority being prepared to enter the protracted and expensive process of High Court challenge to an appeal decision of the Planning Inspectorate. The number of occasions planning inspectors have utilised the policy to determine planning appeals remains comparatively rare in any case.

2.4 The onus therefore currently falls on both the National Assembly and local planning authorities in Wales. The NAW needs to clarify the role of the national planning policy on the Welsh language for local authority use, and this needs to occur as part of a wider statement on the relationship between culture, society (or social inclusion), settlement, community and planning.

### **3. Improving the Context for Planning and the Welsh Language**

3.1 The national policy recognises the importance of taking the Welsh language into account in determining applications for housing developments, large scale developments, economic development proposals, and for settlement policies. Planners must ensure that sustainable communities are created and a linguistic balance created. What the policy does not do is go into detail about how local planning authorities should achieve that and, as was discussed above, this is where the problem lies.

#### **a) Possible responses for local planning authorities**

3.2 In my opinion, local planning authorities need to gather as much information as possible. This includes not only up to date surveys of the linguistic profiles of each of their communities, but also housing needs survey, migration patterns over a ten year period, the demand for local cost housing, the extent of new development - both residential and economic - in the locality over a ten year period, and an audit of the land showing where growth might be accommodated and where landscape designations exist to protect the best physical features of the land.

3.3 This evidence would need to be gathered and periodically updated prior to decisions being made and local policies drafted. It seems to me that it might be possible to designate "linguistic areas", where the language coupled with those other features highlighted above are so sensitive as to become primary considerations for decision makers and policy makers to refer to in the planning system. There would be no biased thinking in this type of designation or weighted statements to promote the interests of Welsh speakers only, or of banning non-Welsh and/or non-local people. It would simply be a designation or a context within which individual decisions could be made. I doubt at the present time whether such a designation could be made for inclusion in the development plan (that remains a statutory land use and development document) but it would be possible to designate such an area within a document which was non-statutory and which could then be cross-referenced

within the plan (the Assembly would also need to issue new policy guidance to local authorities stipulating that weight should be given to such designations).

3.4 I do not think such a designation, or indeed a policy included within a development plan that sought to provide housing land for local needs only, would necessarily fall foul of the Human Rights Act 1998. Providing local planning authorities gathered the necessary background information in terms of the language profile, the housing needs profile, migration, employment patterns and travel to work areas within each locality, sufficient justification could be demonstrated as to why a proactive policy was being promoted to benefit certain local people. The language issue here would only be one consideration among many; this would be vital for the purposes of planning law.

3.5 Although there is a danger that the media and others might see such policies as potentially discriminatory, I actually think from a planning and legal perspective the adoption of linguistic designations and locals-only policies could be viewed as acceptable. The issue here is to promote such policies as positive devices aimed to assist local people. The objective would not be to stop certain groups of people entering the housing market or to prohibit certain groups of people migrating to the area. This would have to be handled sensitively of course, but the positive aspect would need to be stressed continuously - a positive device to help local communities and not as a device to stop non-local people buying property. It is a matter of semantics, perhaps, but in law and in planning it makes a great deal of difference.

3.6 As far as actual decisions are concerned in relation to utilising national and local policies in relation to the Welsh language, local authorities could be more proactive in this regard at the present time. It remains quite a complex issue, but it would require local planning authorities proving - in legal speak - "demonstrable harm to an interest of acknowledged importance". The Welsh language is an interest of acknowledged importance and has been awarded that status indirectly as a consequence of the existence of a national planning policy. Demonstrable harm may be created where development would effect that interest in some way. Once again, it would require the local planning authority possessing the evidence, survey and data information in order to press ahead with a particular decision. There is a presumption in favour of development, and one that accords with the provisions of the development plan, but these matters could be affected or even overturned if an interest of acknowledged importance was so materially affected.

#### b) Possible responses for the National Assembly

3.7 Firstly, in relation to the national planning policy on the Welsh language. Calls have been made for a stronger form of national planning policy in relation to the Welsh language. At the present time, I do not see the need for a more strongly worded document issued by the Assembly. The planning system operates predominantly at the local level within a framework or set of guidelines and policies issued nationally. Local planning authorities have always been in the best place to judge matters of concern to their communities and to draft policies within their plans and issue decisions in relation to new development projects. The Technical Advice Note could, however, be worded far better and more positively to encourage local planning authorities to take the initiative in relation to planning, the language and sustainable communities. For example, the policy could be reworded to suggest that local authorities may wish to carry out regular linguistic surveys, housing need surveys,

migration pattern assessments, second home use in areas, in order to provide a context upon which local decisions could be made.

3.8 Secondly, in relation to the policy presumption in favour of development. The Assembly may wish to consider reversing the policy presumption in certain linguistically-sensitive areas, again where the evidence existed that interests of acknowledged importance were being materially affected. This is a potential minefield, but there are other areas within planning where a reverse presumption exists (e.g. green belts). Providing the reasoned justification was made in positive terms - to assist local communities with a defined need - this may be feasible.

3.9 Thirdly, in relation to the need for further research and good practice. The Assembly should commission research on either the feasibility of new innovative measures to address linguistic issues within planning or else a study of the relationship between language, planning and community. As part of this research, an essential step would be to assess the extent to which Circular 53/88 and TAN20 have been used in practice by local planning authorities and the Planning Inspectorate and in what scenarios.

## PROFILE

Dr Mark Tewdwr-Jones BSc Dip TP PhD MRTPI FRSA FRGS

Dr Mark Tewdwr-Jones is Reader in Spatial Planning and Governance at The Bartlett School of Planning, University College London. A native of Treorchy and a graduate of Cardiff University, Mark joined the Department of City and Regional Planning at Cardiff as a lecturer in 1992 until 1999, when he became Senior Lecturer, then Reader, at the Department of Land Economy at the University of Aberdeen. He joined UCL in January 2001. Before 1992, he was a planner in local government in the South West of England.

Mark's specialist research interests are predominantly in the fields of planning, housing, government and politics. He has published over 70 papers and book chapters, produced two books *British Planning Policy in Transition* (UCL Press, 1996) and *Rural Second Homes in Europe* (with Nick Gallent, for Ashgate, 2000) and has a further two books in print: *The European Dimension of British Planning* (with R.H. Williams, for Spon Press, 2001) and *Planning Futures* (with Philip Allmendinger, for Routledge, 2002). He has contributed to numerous conferences at home and overseas and has been a Visiting Research Fellow at universities in the United States, South Africa and the Czech Republic.

His current interests are in: urban development and urban architecture; spatial planning in Europe; devolution and decentralisation of policy-making in Wales and Scotland; and the relationship between inward investment, the planning process and regional economic development. He has advised the Welsh Office and NAW on planning policy and housing matters, including the establishment of the separate Planning Guidance Wales publications in 1996 and was the first to call for the production of a National Spatial Planning Framework for Wales in 1998. He has written

extensively on the subject of second homes and territorial planning and has spoken on many occasions to local politicians, professional planners and the media in Wales on related subjects.

He has undertaken numerous research projects for government departments, including "The Effectiveness of Planning Policy Guidance", "The Impact of the EU on UK Planning", and "Spatial Planning and Peripherality".

Mark is European Editor of the journal *International Planning Studies* and serves on the Editorial Board of *Planning Theory and Practice*, and has acted as a Planning Advisor to the Institute of Welsh Affairs. In 1998-99, he served as Chairman of the Mid and West Wales Strategic Planning Forum and acted as the Independent Inspector for the production of regional guidance at the Examination in Public. He is currently a member of the Royal Town Planning Institute Research Panel.