

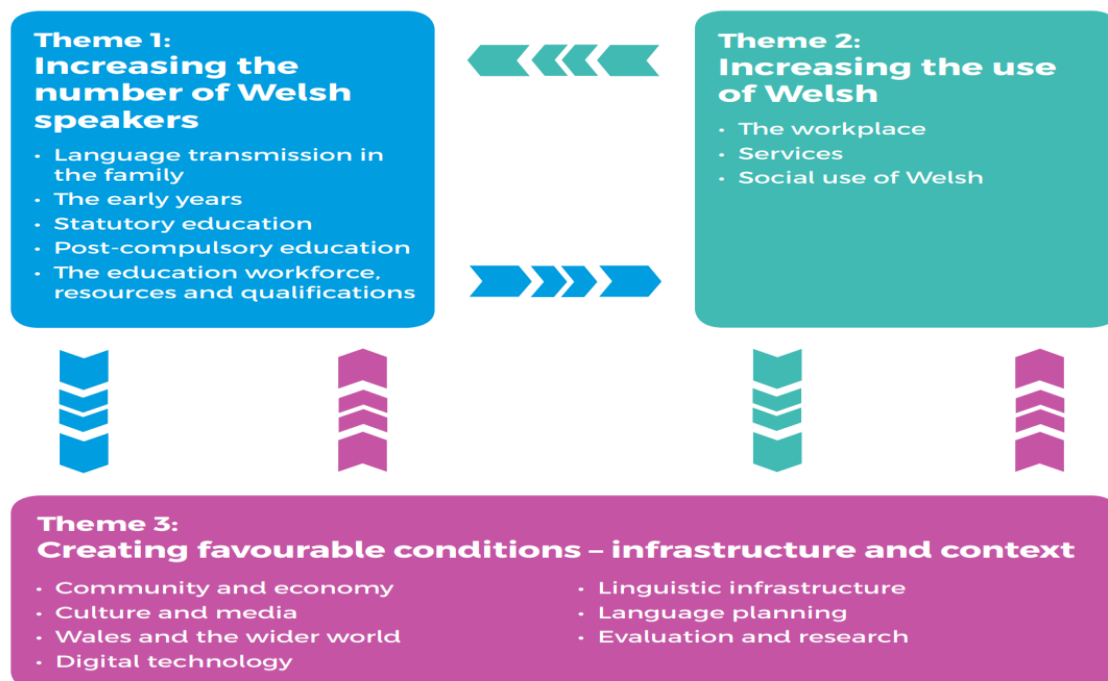
## E WELSH LANGUAGE IMPACT ASSESSMENT

*Cymraeg 2050* is our national strategy for increasing the number of Welsh speakers to a million by 2050.

The Welsh Government is fully committed to the new strategy, with the target of a million speakers included in its Programme for Government. A thriving Welsh language is also included in one of the 7 well-being goals in the Well-being of Future Generations (Wales) Act 2015.

We also have a statutory obligation to fully consider the effects of our work on the Welsh Language. This means that any Welsh Government policy should consider how our policies affect the language and those who speak it.

The [Cymraeg 2050 strategy](#) has three interrelated themes:



The headings under each theme outline the scope of activities that can affect the language.

As a general rule, if your policy has the potential to impact on people, it will impact in some way on Welsh speakers and therefore on the Welsh language.

1. **Does the proposal demonstrate a clear link with the Welsh Government’s strategy for the Welsh language? – [Cymraeg 2050 A million Welsh speakers and the related Work Programme for 2021-2026?](#) [Cymraeg 2050 work programme 2021-2026](#)**

The 'Cymraeg 2050' strategy for the Welsh language contains two main targets:

- the number of Welsh speakers to reach one million by 2050; and
- the percentage of the population that speak Welsh daily and can speak more than just a few words of Welsh, to increase from 10% (in 2013 to 2015) to 20% by 2050.

In order to realise this vision, *Cymraeg 2050* is based on three strategic themes:

1. increasing the number of Welsh speakers;
2. increasing the use of Welsh; and
3. creating favourable conditions – infrastructure and context.

Whilst the Disused Mine and Quarry Tips (Wales) Bill (the Bill) itself does not seek to directly contribute to the fulfilment of the *Cymraeg 2050*'s two main targets, the Bill can be linked to theme 2 – *increasing the use of Welsh* – and theme 3 – *creating favourable conditions*. While it is not possible to quantify the impact of the Bill on the Welsh language, the provisions will impact on the Welsh language in different ways.

One element of the Bill is the establishment of a new Welsh Government sponsored public body. The new expert body (the "Authority") will exercise regulatory, compliance, and advisory functions when implementing the new tip management regime. The Authority will adopt the principle that, in the conduct of its public business and communication in Wales, it will treat the Welsh and English languages on the basis of equality in appropriate circumstances and when reasonably practicable. The Authority will act in accordance with the requirements of the Welsh Language Standards.

The Bill provides for the Authority to be added to Schedule 6 of the Welsh Language (Wales) Measure 2011. The addition of the Authority to Schedule 6 will impose Welsh language standards on the Authority. This will allow the Authority to engage with the Welsh Language Commissioner over the implementation of the applicable standards at the earliest possible point, reducing the length of time before the Commissioner issues a compliance notice. Following receipt of a compliance notice, the Authority will be allocated an implementation period of at least six months before becoming subject to the Welsh Language Commissioner's powers of enforcement. This approach will ensure the Authority is compliant with the relevant Welsh Language Standards from the earliest possible point from its establishment.

Additionally, the Authority will be responsible for the creation of an electronic register that will contain maps and information on disused tips, such as tip name, location, unique identifier, categorisation, and the date of the most recent inspection of the tip. The Authority will be required to ensure the public has access to the electronic register, maps and information on the tip. The Welsh Ministers will be able to specify additional content to be included in the register by regulation (if needed) after consulting with the Authority.

To pre-emptively ensure consistency with the Welsh Language Standards, the public-facing register will be bilingual. This will help further the Welsh Government's strategy for the Welsh language by ensuring that the Welsh language is at the heart of innovation in digital technology to enable the use of Welsh in all digital contexts.

2. Describe and explain the impact of the proposal on the Welsh language and explain how you will address these impacts in order to improve outcomes for the Welsh language.

- **How will the proposal affect Welsh speakers of all ages (both positive and/or adverse effects)? You should note your responses to the following in your answer to this question, along with any other relevant information:**
- **How will the proposal affect the sustainability of Welsh speaking communities<sup>1</sup> (both positive and/or adverse effects)?**

The overarching aim of the Bill is to ensure that disused tips do not threaten human welfare by reason of their instability and therefore, communities and critical infrastructure by introducing a consistent and robust system of assessment, registration, management and oversight of disused tips in Wales. The Authority's main objective, as provided for in the Bill, is to ensure that disused tips do not threaten human welfare by reason of their instability. The Authority will undertake a range of activities, including assessment and subsequent categorisation of disused tips, monitoring and functions and the creation and maintenance of an electronic register of disused tips. The new regime has been designed to reduce the likelihood of future landslides, thereby safeguarding human welfare, Welsh communities, including Welsh speaking communities, and infrastructure that is in close proximity to disused tips.

The Bill will be introduced in the Senedd in both Welsh and English and it will replace the UK English-language Act, the Mines and Quarries (Tips) Act 1969, which currently applies to disused tips in Wales. Any subsequent secondary legislation and guidance from Welsh Ministers will also be in both languages, allowing people to interact with the legislation in this important area through their preferred language.

- ♦ **How will the proposal affect Welsh medium education and Welsh learners of all ages, including adults (both positive and/or adverse effects)?**

The Bill has no direct links with education, it has no anticipated effects (positive or adverse) on Welsh medium education and Welsh learners.

- ♦ **How will the proposal affect services<sup>2</sup> available in Welsh (both positive and/or adverse effects)? (e.g. health and social services, transport, housing, digital, youth, infrastructure, environment, local government etc.)**

While proposals will be developed and ultimately delivered bilingually, there are no other anticipated effects on existing services. As a public body, the Authority will be required to comply with the Welsh language standards. Consequently, any public-facing services the new Authority provides will be done bilingually. For example, any

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<sup>1</sup> These can be close-knit rural communities, dispersed social networks in urban settings, and in virtual communities reaching across geographical spaces.

<sup>2</sup> The Welsh Language Strategy aims to increase the range of services offered to Welsh speakers, and to see an increase in use of Welsh-language services.

data made public by the Authority, such as the register, will be published in Welsh and English. This will ensure that the Welsh language will be treated no less favourably than the English language and that there are no adverse effects on opportunities for people to use the Welsh language.

During the consultation on the [Coal Tip Safety \(Wales\) White Paper](#), we sought views on the effects the proposed new regulatory framework for disused tips in Wales would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. Respondents believed that the proposals would have a positive or negligible effect on the Welsh language. The importance of accessibility for Welsh-speaking communities and the requirement for the Authority to act in accordance with the Welsh Language (Wales) Measure 2011 was also highlighted.

- ◆ **How will you ensure that people know about services that are available in Welsh and are able to access and use them as easily as they can in English? What evidence / data have you used to inform your assessment, including evidence from Welsh speakers or Welsh language interest groups?**

Respondents to the consultation indicated a strong preference for the bilingual delivery of communications and services under the proposed regulatory framework. All information regarding the Bill will be published bilingually. Additionally, the Authority and the services it will deliver will be done in accordance with the Welsh language standards set out in the Welsh Language Standards (No.2) Regulations 2016.

- ◆ **What other evidence would help you to conduct a better assessment?**
- ◆ ***How will you know if your policy is a success?***

The main purpose of the Bill is to prevent disused tips from threatening human welfare by reason of their instability. The Bill will achieve this by establishing a regime for the assessment, registration, monitoring and management of disused tips.

The Authority will be required to produce and publish a corporate plan and an annual report, and these are ways which the Authority can be scrutinised and held to account. The Annual report will also have to be laid before the Senedd and this provides an opportunity for further scrutiny.

## Coal tip safety White paper consultation

Detailed below is a [summary of responses](#) to questions 21 and 22 of the Coal Tip Safety White Paper consultation pertaining to the Welsh language.

### Question 21

We would like to know your views on the effects that the proposed new regulatory framework for disused coal tips in Wales would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Of the 20 responses received to this question, 12 (60%) considered the proposals will have a positive effect on the Welsh language. Several respondents noted the need for the supervisory authority to comply with existing measures under the Welsh Language Act. Respondents highlighted the need for a fully bilingual organisation and in particular the ability of the public to request and access information through the medium of Welsh. The need to maintain historic or traditional Welsh names for the tips was also raised. One respondent provided the following comment: *"We think that the Legislation, Policies and Guidance should be bilingual along with the forms and report templates, but the technical submissions should be submitted in English. It would be prohibitively expensive for statutory authority and/or individual landowners to translate reports. Given the timescales for completion of certain documentation following entry of a tip onto the register and the limited pool of experienced staff, the time delays in translation could also mean non-compliance with the new legislation."* Five respondents (25%) considered the proposals would have no effect on the Welsh language, and three respondents (15%) were unsure. No respondents considered the proposals would have a negative effect on the Welsh language. 24 respondents did not provide a response.

## Question 22

Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Seventeen responses were received to this question. Several respondents noted the need to ensure the new Welsh Language Standards are met and for the authority to be bilingual. One respondent noted: *"To encourage engineers to work in this environment there should be no language barriers in place."* Another respondent noted the need for clarity in terms of which organisation (for example, Welsh Government, local authorities) is responsible for ensuring the standards are met. One respondent noted that all local authorities need to be given a clear direction in ensuring the requirements of the Welsh Language Act are met. Finally, one respondent commented the publicly available asset register should be bilingual: "In particular, it should be straightforward for the register to accommodate all the names by which a site is known, by including a suitable field in the database". This will aid accessibility and support Welsh Government objectives of fostering Welsh language, culture and Welsh place names. Two respondents commented they did not consider the proposals would impact on the Welsh language. 27 respondents provided no response.

Of the 44 responses we received 53% did not respond to this specific question.

47% did offer comments and the consensus from these comments was that the use of bilingual language was the preferred option.