

The image shows a building under construction. In the foreground, there is a complex network of silver metal scaffolding. Behind the scaffolding, a brick wall is visible, with some windows and doorways. Above the brick wall, there is a wooden roof structure with a gable end. The sky is blue with some light clouds. The text is overlaid on the top left of the image.

The Report of the Commission for Welsh-speaking Communities on Town and Country Planning

The Commission for Welsh-speaking Communities
February 2025

Overview

The Commission for Welsh-speaking Communities was established by the Welsh Government following the publication of the *Second Homes: Developing New Policies in Wales* report. The report highlighted that Welsh-speaking communities are facing structural challenges. The Welsh Government asked the Commission to help it develop public policy to maintain the Welsh language in Welsh-speaking communities as in the rest of Wales. The Commission published its first report, *Empowering Communities, strengthening the Welsh Language*, in August 2024. The Commission committed there to publish this standalone report on Town and Country Planning due to the complexity of policy in the field, and to ensure that the matter receives proper consideration.

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Foreword by the Chair

It is an honour to present to the Welsh Government the report of the Commission for Welsh-speaking Communities on Town and Country Planning. When the Commission published in August 2024 its report on communities with a higher density of Welsh speakers, *Empowering communities, strengthening the Welsh language*, it committed to producing a separate report on planning. This reflected our conviction that Town and Country Planning is central to the future of Welsh as a community language and requires particular consideration. At the same time, it was obvious that there was a need to look at a number of national policies from an all-Wales perspective.

As we carried out our work, the Commission received a substantial amount of evidence on planning from planning authorities, professional bodies, organisations active in civil society and the public. We wish to thank everyone who presented evidence and who contributed to our discussions. We were also particularly fortunate to be assisted by the barrister Gwion Lewis KC and the planning consultant Owain Wyn FRTPI. The Commission thanks them for their considerable contributions.

During our deliberations, a consensus emerged that new policy steps will be required in the field of Town and Country Planning in relation to the Welsh language if we are to maintain the linguistic sustainability of our communities.

Dr Simon Brooks

Chair

Commission for Welsh-speaking Communities

1. Introduction

1.1 Language planning and town and country planning

'The planning system manages the development and use of land in the public interest.' These are the opening words of *Planning Policy Wales* (February 2024), the Welsh Government's main national policy document in the field of town and country planning. There are many examples of land in Wales being used in a way that benefits the Welsh language, among them Welsh-medium schools, Mentrau Iaith offices, the National Eisteddfod field and the family farms that form the backbone of the language in rural areas.

However, there are also examples of Welsh land being used in a way that is detrimental to the Welsh language and the communities where Welsh is spoken. It is the topic of second homes in Wales which has drawn the greatest attention in recent years, but many other types of development can be detrimental to the Welsh language in the wrong location, or if steps to mitigate the impact of a development on the Welsh language are not sufficient. There is a clear relationship between town and country planning and language planning, but the journey towards improving the understanding of this relationship, with a view to strengthening it, is merely beginning.

1.2 Core principles

It is not the function of this report to try to explain the planning regime in its entirety. However, as planning is an area that is less familiar to many than the other policy areas which fall within the Commission's terms of reference, such as education and the workplace, it would be useful to clarify some core principles before proceeding with recommendations.

At the heart of the planning regime is the development plan. Every local authority in Wales, and every National Park authority, must prepare a local development plan. The local development plan will include a series of policies stating what type of developments the authority seeks to encourage and where over a given period, and what type of developments are not likely to be approved, be that in general or in specific locations. There is a rigorous statutory process to follow when submitting a local development plan. The authority must consult extensively on the content of the draft plan before formally submitting it to the Welsh Government. The Welsh Government will then appoint a planning inspector to scrutinise the draft plan at public hearings before making recommendations on the content of the plan. There are several 'tests of soundness' that a local development plan must meet before an inspector can recommend that an authority may adopt the plan.

All local development plans stand alongside the Welsh Government's national development framework, *Future Wales: The National Plan 2040*. *Future Wales* is also part of each local planning authority's development plan and includes strategic guidance at national level on the direction of development in Wales up to 2040.

In due course, another tier of regional plans – strategic development plans – will also be part of development plans in Wales, but they have not yet been prepared.

Those making a decision on a planning application have a legal duty to do that in accordance with the development plan, unless a ‘material consideration’ indicates otherwise. One of the most notable material considerations is the *Planning Policy Wales* document quoted earlier. *Planning Policy Wales* sets out the national planning policies of the Welsh Government. Unlike *Future Wales: The National Plan 2040*, *Planning Policy Wales* is not part of the development plan. *Planning Policy Wales* sets out the main principles of the planning system in Wales as a whole; it discusses in considerable detail what must be achieved by development plans and decisions made in the planning system. Policies in the *Planning Policy Wales* document can be a significant ‘material consideration’, particularly if the local development plan is outdated.

The Welsh Government provides further guidance on the requirements of *Planning Policy Wales* in a series of Technical Advice Notes discussing a number of specific areas within planning. The contents of *Technical Advice Note (TAN) 20: Planning and the Welsh language* are particularly important to the work of the Commission and will be discussed further below. Like the policies in the *Planning Policy Wales* document, the advice in a Technical Advice Note can be a significant ‘material consideration’ when deciding a planning application.

Another document that demands attention in this report is the *Development Plans Manual*, a detailed document that will be familiar to planning authority officials responsible for preparing and implementing development plans. The *Development Plans Manual* contains practical guidance on how to prepare a development plan based on robust evidence.

1.3 Background to this report

As noted in the Commission’s first report published in August 2024, *Empowering communities, strengthening the Welsh language*, the Commission organised a workshop for town and country planning experts and language planners in October 2023 to discuss the relationship between these two policy fields. The Commission wishes to thank Owain Wyn FRTPI of BURUM – a chartered planner with considerable experience in the relationship between land use planning and language planning – for organising and holding the workshop, for bringing together and analysing background evidence, and for producing a comprehensive report with recommendations for the Commission. Owain Wyn’s report, and subsequent discussions within the Commission that followed, were the basis for the chapter on town and country planning published in *Empowering communities, strengthening the Welsh language*. This report builds on that work.

In the workshop, there was a general consensus among experts that a lack of guidance in town and country planning from a Welsh-language perspective was a barrier to developing measures that support Welsh-speaking communities. Written evidence received by the Commission in a ‘call for evidence’ between November 2022 and January 2023 showed that this feeling was widespread among

professional bodies and planning authorities, as well as among language organisations and campaigners. Planning authorities, for example, asked for clearer guidance to strengthen policies, with Eryri National Park Authority citing a need 'to strengthen *Planning Policy Wales*, TAN 20 and the *Development Plans Manual* to provide clear guidance for all Welsh Planning Authorities.'

The Commission is unanimous that more intensive interventions in the area of town and country planning than currently exist are urgently needed to ensure the linguistic sustainability of Welsh-speaking communities. Areas of higher density linguistic significance can be a specific vehicle for that by enabling policy variation, but further policy interventions in the field of planning in an all-Wales context are also needed to ensure the necessary progress.

The Commission decided to ask the barrister Gwion Lewis KC to examine the topic as well and compose the report published in this document. He was asked to consider the evidence mentioned above, carefully following the steps taken by the Commission in forming public policy recommendations, and the conclusions which the Commission had reached. He was also asked to base the report on the chapter published by the Commission in *Empowering communities, strengthening the Welsh language* and the recommendation made there (recommendation 35). The Commission wishes to thank Gwion Lewis KC for his work. The contents of the report were discussed carefully with the Chair of the Commission and have been approved by members who served on the Commission until August 2024 and who were responsible for *Empowering communities, strengthening the Welsh language*. It has also been approved by the Commission's new membership appointed in August 2024 to consider language policy in other parts of Wales.

2. Areas of higher density linguistic significance

2.1 Areas of linguistic sensitivity/significance in the planning regime

Technical Advice Note 20: Planning and the Welsh language already recognises that a local planning authority may ‘define areas within [its local development plan] where the Welsh language is considered to be of particular sensitivity or significance’ (para. 2.7.1). Nevertheless, ‘the [local planning authority] is not required to define such areas’ (para. 2.7.3). If a planning authority wishes to define such areas, ‘their rationale and boundaries must be supported by evidence’ in the preparation of the local development plan (para. 2.7.1). According to para. 2.7.2:

Defining such areas will enable the LPA to make it clear to communities and developers where the use of the Welsh language may be a consideration. It will also signal the areas where the LPA may outline a need for measures to mitigate the impacts of development on the Welsh language. [...]

It became clear to the Commission that local planning authorities are not currently consistent in their use of the concept of areas of ‘linguistic sensitivity’. This discrepancy was often raised in evidence received by the Commission. There is even inconsistency in the name used for such areas, with some authorities referring to areas of linguistic ‘sensitivity’ and others referring to linguistic ‘significance’. The dissatisfaction with the current provision for areas of linguistic sensitivity/significance is also evident in public policy literature. For example, the Welsh Language Commissioner noted in his 2019 survey of planning authority planning policies that ‘there is a demand from planning authorities for clear, national guidance on assessing language impact and defining areas of language sensitivity’ (Welsh Language Commissioner, 2019).

The Commission considers that a statutory designation of areas of higher density linguistic significance would go a long way towards providing the clarity required. The steps recommended by us in order to do this are discussed in section 3 of our first report, *Empowering communities, strengthening the Welsh language* (‘Areas of higher density linguistic significance’). Assuming that these steps are taken to designate areas of higher density linguistic significance by statute, what planning policies are needed in these areas to protect the interests of Welsh-speaking communities?

2.2 Lessons from the area of environmental policy

The Commission strongly believes that a clear policy framework is needed that clarifies the implications of the designation of an area of higher density linguistic significance for planning decisions. Currently, although *Technical Advice Note 20: Planning and the Welsh language* sets a policy basis for the designation of areas of linguistic sensitivity in development plans, it does not offer substantive guidance on how the designation should affect the decisions made on individual planning applications in these areas. Para. 2.7.2 of the note suggests that ‘the use of the Welsh language may be a consideration’ in deciding planning applications for land in these

areas, but there is no further guidance as to when that will be. The same paragraph suggests that the planning authority 'may outline a need for measures to mitigate the impacts of development on the Welsh language' in these areas, but there is no further guidance on when to request those measures and what kind of measures they might be.

Most problematic of all in the Commission's view, no standard is set in *Technical Advice Note 20*, or anywhere else, for what mitigation measures should achieve in the planning field from a Welsh language perspective. This can be contrasted with what is required to mitigate ecological damage in a 'Special Area of Conservation' ('SAC') protected by the Conservation of Habitat and Species Regulations 2017 ('Habitats Regulations 2017'). Under these Regulations, if a planning application is likely to have a significant effect on the SAC, the developer needs to show that there would be no adverse impact on the 'integrity' of the SAC after any mitigation measures have been taken. In the Commission's view, one can learn from these Regulations relating to areas of ecological significance when considering new planning policies for areas of higher density linguistic significance.

In particular, the Commission notes the provision made in regulations 63 and 64 of the Habitats Regulations 2017 for a planning application that is likely to affect a SAC. Broadly, in these regulations:

- If a 'project' (which includes a planning application) is not directly linked to, or necessary for, conservation management in the SAC, consideration must be given to whether it is 'likely to have a significant effect' on the SAC. This is known as the 'screening' process.
- When a likely significant effect on the SAC cannot be excluded, the decision-maker on the planning application must ensure that they have an 'appropriate assessment' of the implications of allowing the application taking account of the SAC's conservation objectives.
- The decision-maker on the planning application may not approve the application without first ensuring that it would not adversely affect the 'integrity' of the SAC (which usually means ensuring effective mitigation measures).
- If it cannot be demonstrated with certainty that the planning application would not adversely affect the integrity of the SAC, and if there are no 'alternative solutions' that would be less harmful to the SAC, the application will not be approved unless there are 'imperative reasons of overriding public interest' for granting the application and the necessary compensatory measures can be secured.

In the Commission's view, there is no reason, in principle, to scrutinise the effects of a planning application on an area of ecological significance in Wales more thoroughly than its effects on an area of higher density linguistic significance. Nor is there a reason, in principle, to mitigate the adverse effects of a planning application on an area of ecological significance more completely than its adverse effects on an area of higher density linguistic significance. Among the seven 'well-being goals' defined in section 4 of the Well-being of Future Generations (Wales) Act 2015 that all public bodies in Wales are required to follow, the ecological and linguistic goals have equal status:

Aim	Description of the aim
A resilient Wales.	A nation which maintains and enhances a bio-diverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example, climate change).
A Wales of vibrant culture and thriving Welsh language.	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.

The Commission believes that a clear framework should be provided for assessing the effects of a planning application on areas of higher density linguistic significance in the same way as is done for assessing the ecological effects of an application on a SAC. The evidence received by the Commission shows that planning authorities' methods of assessing the effects of planning applications on the Welsh language are highly inconsistent, with some authorities being more rigorous than others (and sometimes the same authority being inconsistent from one case to another). The Commission is concerned that this is allowed to happen because there is no law or policy that sets clear requirements for such assessments. This can be contrasted with the framework used to assess ecological effects in the Habitats Regulations 2017, a situation which the Commission considers indefensible given that ecological and linguistic goals have equal status under the Well-being of Future Generations (Wales) Act 2015.

Ideally, the new framework for assessing the impact of a planning application on areas of higher density linguistic significance would be secured in legislation, as happens in the area of ecological policy. If this is not feasible, the Commission recommends that *Planning Policy Wales* be amended to include the framework.

The Commission considered whether it would be sufficient to amend *Technical Advice Note 20* to include the framework. However the Commission, was unanimous that this major policy change should be included in *Planning Policy Wales* as the purpose of the Technical Advice Notes is not to introduce new policies but to provide further guidance on policies in *Planning Policy Wales*. However, *Technical Advice Note 20* would be the appropriate home for further policy guidance on how to provide a comprehensive assessment of the impact of a planning application on areas of higher density linguistic significance, and the types of actions that can effectively mitigate adverse effects.

Recommendation 1: A clear framework should be provided for assessing the effects of a planning application on areas of higher density linguistic significance in the same way as is done for assessing the effects of a planning application on Special Areas of Conservation. Ideally, this should be done in legislation. If this is not feasible, *Planning Policy Wales* should be amended to include the new framework.

Recommendation 2: *Technical Advice Note 20* should be amended to provide detailed guidance on how to provide a comprehensive assessment of the effects of a planning application on areas of higher density linguistic significance, and the types of actions that can effectively mitigate adverse effects.

3. Areas which are not of higher density linguistic significance

As the Commission pointed out in its first report, *Empowering communities, strengthening the Welsh language*, the Welsh language is a living community language in all parts of Wales. 'Higher density' is a technical term for defining areas with a high density of speakers as a percentage of the population locally. This is not to say that other areas of Wales are not significant in terms of the Welsh language and as communities where Welsh is spoken. Nor does it mean that it is not possible for a planning application to have significant adverse effects on the Welsh language outside areas of higher density linguistic significance.

The Commission believes that a developer should provide an independent assessment of the effects of a planning application on the Welsh language if the planning authority considers after a screening process that the application is likely to have a significant effect on the Welsh language outside areas of higher density linguistic significance. This should ideally be provided for in legislation or, if that is not possible, by amending *Planning Policy Wales*.

The amended legislation or policy should state that 'special regard' must be had to the importance of a thriving Welsh language when considering the assessment of the effects of the planning application on the Welsh language as part of deciding the application. There is legislative precedent for requiring local planning authorities to have 'special regard' to a matter when assessing a planning application, namely in the context of listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on those making decisions on planning applications to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The Commission recommends that provision should be made as follows in legislation, or in *Planning Policy Wales*, for planning applications that may have a significant impact on the Welsh language outside areas of higher density linguistic significance:

In considering whether to grant planning permission to a development that is likely to have a significant impact on the Welsh language outside areas of higher density linguistic significance, the local planning authority or, as the case may be, Welsh Ministers must have special regard to the importance of a thriving Welsh language.

In this context, the Commission emphasises that significant impacts on the Welsh language can encompass positive effects as well as adverse effects. As a result, a duty to have special regard to the importance of a thriving Welsh language would not necessarily militate against approving an application if the local planning authority were of the view that the proposed development could strengthen the Welsh language outside areas of higher density linguistic significance. In the view of the Commission, the recommended provision would be likely to strengthen the relationship between land use planning and language planning by encouraging sustainable developments which are beneficial to the Welsh language, as well as making it more difficult for an authority to approve developments which are detrimental to the language.

Recommendation 3: Legislation or *Planning Policy Wales* should state that a developer needs to provide an independent assessment of the effects of a planning application on the Welsh language if the planning authority considers after a screening process that the application is likely to have a significant impact on the Welsh language outside areas of higher density linguistic significance.

Recommendation 4: Legislation or *Planning Policy Wales* should state that the decision-maker on a planning application must have special regard to the importance of a thriving Welsh language when considering whether planning permission should be granted to a development that is likely to have a significant impact on the Welsh language outside areas of higher density linguistic significance.

Recommendation 5: *Technical Advice Note 20* should be amended to provide detailed guidance on what is required in order to have ‘special regard’ to the importance of a thriving Welsh language outside areas of higher density linguistic significance in the circumstances described in Recommendation 4.

4. Other changes to *Planning Policy Wales*

As well as considering how national planning policies could be strengthened to guard against developments detrimental to the Welsh language, the Commission also considered the extent to which these policies lay a clear and firm foundation for positive planning in favour of the Welsh language and the communities where Welsh is spoken.

As noted above, the *Planning Policy Wales* document provides a comprehensive statement of the Welsh Government's national policies in town and country planning. Its main objective is to ensure that the planning regime in Wales contributes to sustainable development while improving social, economic, environmental and cultural well-being in line with the objectives of the Well-being of Future Generations (Wales) Act 2015. To this end, the Welsh Government favours the 'Placemaking' approach described as 'a holistic approach to planning and design of development and spaces' (p. 14). It is noted that five Key Planning Principles should guide all development plans in Wales, including *Future Wales* (para. 2.13), namely:

- Growing our economy in a sustainable manner
- Making best use of resources
- Facilitating accessible and healthy environments
- Creating and sustaining communities
- Maximising environmental protection and limiting environmental impact

Figure 5 in *Planning Policy Wales* sets out 37 'outcomes' to be worked towards within the framework of these five principles. One of the desired outcomes under 'Creating and Sustaining Communities' is 'Enables the Welsh language to thrive'. It is interesting to note the use of proactive language when discussing the Welsh language ('enable' and 'thrive'). That can be contrasted with the more reactive language used in reference to the environment and climate change ('reducing environmental risks' and 'resilient to climate change').

However, in response to the Commission's call for evidence, RTPI Cymru and Eryri National Park Authority noted that *Planning Policy Wales* needs to provide clearer and more comprehensive guidance on the relationship between 'Placemaking' and the Welsh language. The Commission agrees. There are merely five short paragraphs of policy guidance in *Planning Policy Wales* on the subject 'The Welsh language and Placemaking' (paragraphs 3.25-3.29). Compare this to the sections on heritage and the environment in the document, where there is much more detailed guidance. The extent of the current policy guidance on 'The Welsh Language and Placemaking' in *Planning Policy Wales* is as follows:

- It is noted that the Welsh language is 'part of the social and cultural fabric' in Wales and that the land use planning system needs to 'take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal.' (para. 3.25)
- Planning authorities must 'consider the likely effects of their development plans on the use of the Welsh language' (para. 3.26) and include a 'statement'

on how they ‘have taken the needs and interests of the Welsh language into account in plan preparation’. (para. 3.27)

- It is stated that ‘considerations relating to the use of the Welsh language may be taken into account by decision makers [of planning applications] so far as they are material’ to those applications. (para. 3.28)
- ‘If required, language impact assessments may be carried out in respect of large developments not allocated in a development plan which are proposed in areas of particular sensitivity or importance for the language.’ (para. 3.29)

The Commission believes that much more clear and detailed policy guidance is needed on the subject of ‘The Welsh Language and Placemaking’ to ensure the linguistic sustainability of Welsh-speaking communities.

The Commission has already recommended that *Planning Policy Wales* be strengthened by (i) setting out a new framework for assessing the effects of planning applications on areas of higher density linguistic significance; and (ii) stating that special regard must be had to the importance of a thriving Welsh language in deciding whether to approve an application that could significantly affect the Welsh language outside areas of higher density linguistic significance. The Commission believes that *Planning Policy Wales* could be further strengthened from a Welsh-language perspective by:

- including a thriving Welsh language as one of the Key Planning Principles at the beginning of the document and providing specific and detailed guidance on how the town and country planning regime can be used to enable the Welsh language to thrive;
- explaining how the town and country planning system should implement the language planning principles in the *Cymraeg 2050: A million Welsh speakers* strategy;
- describing the purpose of areas of higher density linguistic significance and guiding planning authorities on how to give them due regard when preparing development plans.

Recommendation 6: *Planning Policy Wales* should be strengthened from a Welsh language perspective by including more clear and detailed guidance on the topic ‘The Welsh Language and Placemaking’. Among the changes recommended by the Commission, a thriving Welsh language should be included as one of the Key Planning Principles and it should be explained how the town and country planning system should implement the language planning principles in the *Cymraeg 2050: A million Welsh speakers* strategy.

In addition, the Commission strongly considers that the need to undertake an assessment of the impact of a planning application on the Welsh language should not be limited, as it is currently in *Planning Policy Wales*, to ‘large developments not allocated in a development plan’ (para. 3.29). In recommending a new framework for providing an assessment of the significant impacts of a planning application on areas of higher density linguistic significance (see Recommendation 1 above), the Commission wishes to make clear that it recommends the use of this framework for all planning applications that are likely to have a significant impact on areas of higher

density linguistic significance, not only ‘large developments not allocated in a development plan’. The rationale behind limiting the need for an impact assessment to such developments is the belief that requiring an impact assessment of an application broadly supported by the development plan would ‘duplicate the work’ that the planning authority has already undertaken in assessing the effects of the local development plan on the Welsh language (see para. 3.1.3 *Technical Advice Note 20*). By this logic, it is only for ‘windfall sites’ – that is, sites not already set aside for development in the development plan – that the likely effects of a planning application on the Welsh language should be assessed.

The Commission is not convinced that the high-level linguistic impact assessment undertaken for the local development plan is sufficient to meet the need for a linguistic impact assessment of an individual planning application. When the high-level linguistic impact assessment is prepared for the local development plan, it is impossible to know, for example, exactly what type and mix of housing will be proposed in due course in planning applications for the sites set aside for housing in the plan. It is also impossible to predict what percentage of the housing in a future planning application will be affordable housing. National and local planning policies allow a lower percentage of affordable housing in a planning application than the target set in the development plan if the economic conditions when the application is made are such that meeting the target is not feasible. Such things are dependent on the state of the market when the application is made – a market that will be highly volatile over the lifetime of a plan that will last, typically, for at least ten years.

Due to market volatility and the fact that the environment does not stand still, the law requires planning authorities to consider the environmental impacts of new housing twice: first when preparing the local development plan and once more when considering individual applications in due course. There is no justification for treating the Welsh language differently.

Recommendation 7: The new framework for providing an assessment of the significant effects of a planning application on areas of higher density linguistic significance should be used for all planning applications that are likely to have such significant effects. The new framework should not be limited to planning applications for large developments not allocated in a development plan.

In relation to planning applications that may have an impact on the Welsh language outside areas of higher density linguistic significance, the Commission recommended above that provision be made in legislation or in *Planning Policy Wales* for requiring an assessment of the effects of the application on the Welsh language if the planning authority considers after a screening process that the application is likely to have a significant impact on the Welsh language. The Commission wishes to emphasise again that for the reasons explained above, the need for such an assessment should not be limited to applications for windfall sites not set aside for development in the development plan.

Recommendation 8: If the planning authority considers after a screening process that a planning application is likely to have significant effects on the Welsh language outside areas of higher density linguistic significance, the

developer should prepare an assessment of those effects. *Planning Policy Wales* should not state that the need for assessment is limited to applications for windfall sites.

5. Other changes to *Technical Advice Note 20*

The Commission has already recommended significant changes to *Technical Advice Note 20* in the context of the proposed new framework for assessing the effects of planning applications on areas of higher density linguistic significance. However, it became clear to the Commission during its work that a comprehensive review of *Technical Advice Note 20* is needed, which would extend further than these changes.

In particular, the Commission believes that the Welsh Government should review and amend *Technical Advice Note 20* to provide clearer advice and guidance on how to prepare Welsh language impact assessments for different types of developments. In the Commission's view, guidance is needed on the specific considerations that arise in the assessment of developments in the following areas: housing, employment, retail, commerce, tourism, transport and energy. This advice should also provide specific guidance on appropriate mitigation and enhancement actions for different types of development, accepting that the actions appropriate for one type of development are not necessarily going to be appropriate to mitigate or enhance the effects of a different type of development on the Welsh language.

Recommendation 9: *Technical Advice Note 20* should be reviewed and amended in its entirety to provide more specific advice and guidance on how to prepare Welsh language impact assessments for different types of developments. This advice should also provide specific guidance on mitigation and improvement actions tailored for developments of different types.

6. Wider review of other Technical Advice Notes

In this report, the Commission recommends far-reaching but necessary changes to *Planning Policy Wales* and *Technical Advice Note 20* to ensure the sustainability of Welsh-speaking communities. These changes, particularly the recommended provision for areas of higher density linguistic significance, would have implications for some other Technical Advice Notes. For example, *Technical Advice Note 4: Retail and commercial developments* would be incomplete and potentially misleading if it did not refer to the new framework for assessing planning applications (including applications for retail and commercial developments) in these areas.

The Commission believes that the following Technical Advice Notes would need to be reviewed to ensure that proper consideration is given in them to the new policy framework for areas of higher density linguistic significance:

- *Technical Advice Note 3: simplified planning zones*
- *Technical Advice Note 4: retail and Commercial Development*
- *Technical Advice Note 6: planning for sustainable rural communities*
- *Technical Advice Note 13: tourism*
- *Technical Advice Note 18: transport*
- *Technical Advice Note 23: economic development*
- *Technical Advice Note 24: the historic environment*

The Commission notes that some of these Technical Advice Notes are substantially out of date and there is no obvious procedure for updating them. The Commission does not consider it necessary to update all the above Technical Advice Notes at the same time as the necessary recommended changes are made to *Planning Policy Wales* and *Technical Advice Note 20*. *Planning Policy Wales* and *Technical Advice Note 20* should be amended as a matter of priority and the above Technical Advice Notes updated as soon as possible thereafter.

Recommendation 10: The Welsh Government should review Technical Advice Notes 3, 4, 6, 13, 18, 23 and 24 to ensure that proper consideration is given in them to the new policy framework for areas of higher density linguistic significance.

7. Review of *Future Wales: The National Plan 2040*

As explained above, *Future Wales: The National Plan 2040* is the Welsh Government's national development framework that sets a strategic direction for the use of Welsh land over the next twenty years. It sets out a strategy for addressing:

key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. (p. 6)

The Commission strongly believes that the current version of *Future Wales* does not do enough to recognise that the situation of the Welsh language varies across Wales and that alternative options in terms of incentivising the growth of the Welsh language in different areas need to be considered in the context of the objectives of *Cymraeg 2050: a million Welsh speakers*. The Commission notes that the sustainability of the Welsh language was assessed at a Wales-wide level in the Integrated Sustainability Appraisal prepared for *Future Wales*. It is also noted that the document *Future Wales: monitoring and review* (Welsh Government, 2021) does not consider the spatial distribution of Welsh speakers in terms of where they live and work in Wales.

The Commission believes that *Future Wales* and the Integrated Sustainability Appraisal prepared for it need to be reviewed to give fuller consideration to the spatial distribution of Welsh speakers and the implications of this for the national development framework. This would not be inconsistent with the national context of *Future Wales* as the document already provides specific policies for four regions of Wales (North, Mid, South-West, South-East) (see Policies 20-36). In this regard, it is of concern to the Commission that no reference to the Welsh language or Welsh-speaking communities is found in Policy 19 in *Future Wales*, the policy which sets out a framework for the content of the strategic development plans for these regions. As a result, the policy gives no guidance to corporate joint committees as they prepare strategic development plans on the policies that would contribute to thriving Welsh-speaking communities.

The statutory designation of areas of higher density linguistic significance would be a further stimulus to ensure that *Future Wales* gives due regard to the Welsh language and Welsh-speaking communities.

Recommendation 11: *Future Wales: The National Plan 2040* should be reviewed in light of a new statutory designation of areas of higher density linguistic significance in order to give fuller consideration to the spatial distribution of speakers of the Welsh language and the implications of this for the national development framework.

Recommendation 12: A reference to the Welsh language and Welsh-speaking communities should be added in *Future Wales* Policy 19, and guidance should be included for corporate joint committees, as they prepare strategic development plans, on the policies that would contribute to thriving Welsh-speaking communities.

8. Review of the *Development Plans Manual*

The *Development Plans Manual* provides guidance to planning authority officers responsible for preparing and implementing development plans. It was last updated in 2020, mainly to add guidance for the preparation of the new strategic development plans.

The Commission considers that the manual needs to provide much more detailed and comprehensive guidance on the consideration given to the Welsh language when formulating development plans. There are currently only two paragraphs of guidance on this subject, in section 4 of the manual (paragraphs 4.13-4.14). Reference is made there to the statutory duty of a planning authority to ensure that the Sustainability Appraisal of the development plan includes an assessment of the likely effects of the plan on the use of the Welsh language but there is no substantive guidance on how to prepare this assessment.

The guidance also does not refer to the statutory duty of local planning authorities under the Welsh Language (Wales) Measure 2011 to comply with Welsh language policy-making standards when formulating, reviewing or revising policies in the local development plan (Standards 88-90, Welsh Language Standards (No. 1) Regulations 2015) or when publishing a consultation document relating to these policies (Standards 90-92, Welsh Language Standards (No. 1) Regulations 2015). There is a brief general discussion of the Welsh Language (Wales) Measure 2011 and the Welsh language standards in section 7 of the guidance (paragraphs 7.13-7.15) but the impression is given there that only the service delivery standards apply to the preparation of a local development plan; there is no suggestion that the policy-making standards also apply.

It is of concern to the Commission that the *Development Plans Manual* makes no reference to Welsh language policy-making standards. This omission needs to be rectified urgently because the Welsh language policy-making standards set out detailed and specific assessment requirements that go beyond the basic statutory duty to ensure that the Sustainability Appraisal of the development plan includes an assessment of the likely effects of the plan on the use of the Welsh language. For example, as well as requiring a planning authority to consider what effects the development plan policies would have on opportunities to use the Welsh language (Standard 88), the policy-making standards also require planning authorities to consider how the policies could be formulated so that they have positive, or more positive, effects on opportunities to use the Welsh language (Standard 89). They also require authorities to consider how the policies could be formulated so that they would not have adverse effects, or would have reduced adverse effects, on opportunities to use the Welsh language (Standard 90). A planning officer would not be aware of these important requirements from reading the current manual.

The Commission notes that the Welsh Language Tribunal considered the requirements of the policy-making standards in the context of school reorganisation in its decision in *Swansea City and County Council v Welsh Language Commissioner* (Case No: TYG/21/01). The Commission recommends that the Welsh Government consult with the Welsh Language Commissioner to ensure that the

Development Plans Manual is amended to have due regard to the policy-making standards and the Tribunal's decision.

Recommendation 13: The Welsh Government should review and revise the contents of the *Development Plans Manual* to include much more detailed and comprehensive guidance on the consideration given to the Welsh language when formulating development plans. As part of this review, the Welsh Government should consult with the Welsh Language Commissioner to ensure that the revised manual has due regard to Welsh language policy-making standards and provides detailed guidance on how to comply with them when formulating, reviewing or revising policies in development plans.

9. Improving training

Finally, the Commission also received evidence that there may be a shortage of appropriate knowledge and skills among some practitioners in land use planning in terms of the principles of language planning. Similarly, it is also recognised that there is a shortage of appropriate knowledge and skills among some language planning practitioners in the field of land use planning.

Recommendation 14: The Welsh Government should work with RTPI (the Royal Town Planning Institute), language planners and universities to review higher education provision to ensure practitioners, graduates and students are equipped with the correct skills for language planning in relation to land use planning.

10. List of recommendations

Recommendation 1: A clear framework should be provided for assessing the effects of a planning application on areas of higher density linguistic significance in the same way as is done for assessing the effects of a planning application on Special Areas of Conservation. Ideally, this should be done in legislation. If this is not feasible, *Planning Policy Wales* should be amended to include the new framework.

Recommendation 2: *Technical Advice Note 20* should be amended to provide detailed guidance on how to provide a comprehensive assessment of the effects of a planning application on areas of higher density linguistic significance, and the types of actions that can effectively mitigate adverse effects.

Recommendation 3: Legislation or *Planning Policy Wales* should state that a developer needs to provide an independent assessment of the effects of a planning application on the Welsh language if the planning authority considers after a screening process that the application is likely to have a significant impact on the Welsh language outside areas of higher density linguistic significance.

Recommendation 4: Legislation or *Planning Policy Wales* should state that the decision-maker of a planning application must have special regard to the importance of a thriving Welsh language when considering whether planning permission should be granted to a development that is likely to have a significant impact on the Welsh language outside areas of higher density linguistic significance.

Recommendation 5: *Technical Advice Note 20* should be amended to provide detailed guidance on what is required in order to have ‘special regard’ to the importance of a thriving Welsh language outside areas of higher density linguistic significance in the circumstances described in Recommendation 4.

Recommendation 6: *Planning Policy Wales* should be strengthened from a Welsh language perspective by including more clear and detailed guidance on the topic ‘The Welsh Language and Placemaking’. Among the changes recommended by the Commission, a thriving Welsh language should be included as one of the Key Planning Principles and it should be explained how the town and country planning system should implement the language planning principles in the strategy of *Cymraeg 2050: A million Welsh speakers*.

Recommendation 7: The new framework for providing an assessment of the significant effects of a planning application on areas of higher density linguistic significance should be used for all planning applications that are likely to have such significant effects. The new framework should not be limited to planning applications for large developments not allocated in a development plan.

Recommendation 8: If the planning authority considers after a screening process that a planning application is likely to have significant effects on the Welsh language outside areas of higher density linguistic significance, the developer should prepare an assessment of those effects. *Planning Policy Wales* should not state that the need for assessment is limited to applications for windfall sites.

Recommendation 9: *Technical Advice Note 20* should be reviewed and amended in its entirety to provide more specific advice and guidance on how to prepare Welsh language impact assessments for different types of developments. This advice should also provide specific guidance on mitigation and improvement actions tailored for developments of different types.

Recommendation 10: The Welsh Government should review Technical Advice Notes 3, 4, 6, 13, 18, 23 and 24 to ensure that proper consideration is given in them to the new policy framework for areas of higher density linguistic significance.

Recommendation 11: *Future Wales: The National Plan 2040* should be reviewed in light of a new statutory designation of areas of higher density linguistic significance to give fuller consideration to the spatial distribution of speakers of the Welsh language and the implications of this for the national development framework.

Recommendation 12: A reference to the Welsh language and Welsh-speaking communities should be added in *Future Wales* Policy 19, and guidance should be included for corporate joint committees as they prepare strategic development plans on policies that would contribute to thriving Welsh-speaking communities.

Recommendation 13: The Welsh Government should review and revise the contents of the *Development Plans Manual* to include much more detailed and comprehensive guidance on the consideration given to the Welsh language when formulating development plans. As part of this review, the Welsh Government should consult with the Welsh Language Commissioner to ensure that the revised manual has due regard to Welsh language policy-making standards and provides detailed guidance on how to comply with them when formulating, reviewing or revising policies in development plans.

Recommendation 14: The Welsh Government should work with RTPI (the Royal Town Planning Institute), language planners and universities to review higher education provision to ensure practitioners, graduates and students are equipped with the correct skills for language planning in relation to land use planning.