

# Welsh Government Integrated Impact Assessment

<b>Title of proposal:</b>	<b>Heritage Partnership Agreements — Regulations</b>
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<b>Minister / Deputy Minister responsible:</b>	<b>Dafydd Elis-Thomas, Deputy Minister Culture Sport and Tourism</b>
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## CONTENTS

Section 1. What action is the Welsh Government considering and why? .....	3
Section 2. What will be the effect on social well-being? .....	6
Section 3. What will be the effect on cultural well-being and the Welsh language? .....	8
Section 4. What will be the effect on economic well-being? .....	9
Section 5. What will be the effect on environmental well-being? .....	10
Section 6. Record of Full Impact Assessments Required .....	13
Section 7. Conclusion.....	14
Section 8. Declaration.....	16
Full Impact Ass .....	17
A. Equality Impact Assessment .....	17
B. Privacy Impact Assessment.....	24
C. Welsh Language Impact Assessment .....	29
D. Biodiversity Impact Assessment .....	30

## SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

The historic environment has shaped the character and culture of Wales and makes a powerful contribution to local distinctiveness. It is a powerful driver for community regeneration and makes a significant contribution to our nation's prosperity.

The fundamental statutory framework for the protection and management of the historic environment in Wales is provided by two pieces of legislation: the Ancient Monuments and Archaeological Areas Act 1979 (the 1979 Act) and the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act). Under the routine management regimes instituted for scheduled monuments and listed buildings by the 1979 and 1990 Acts respectively, an application for consent is required each time an owner proposes to carry out particular works that would affect a historic asset.

Such an arrangement works well for most owners who might only rarely, if ever, carry out such works. However, for owners of complex historic sites or groups of similar historic assets, such as canals or bridges, the need to make successive, and often repetitive, applications can be burdensome and time-consuming.

For example, Glandŵr Cymru (the Canal and River Trust in Wales) has 222 listed buildings, five scheduled monuments, seven conservation areas, eight historic parks and gardens, and parts of two World Heritage Sites in its ownership in Wales. During 2012/2013 they obtained one full listed building/scheduled monument consent and 29 clearances (where they prepared detailed documentation for a consenting authority to see whether listed building or scheduled monument consent was required).

Similarly, Welsh local authorities are responsible for some 960 listed bridges with a further 60 scheduled as monuments. All require constant maintenance, which involves the submission of numerous applications when bridges are hit and need repair.

In light of these and other issues, the Historic Environment (Wales) Act 2016 (the 2016 Act) amended the 1979 and 1990 Acts to introduce heritage partnership agreements for the Welsh historic environment.

A heritage partnership agreement is a voluntary arrangement between an owner and a consenting authority that can grant scheduled monument and/or listed building consent for specified works during the lifetime of the agreement. It will provide a long-term basis for the comprehensive and consistent management of change to designated assets.

Heritage partnership agreements will

- act as a focus for owners, consenting authorities and other parties to develop a partnership approach to the medium- to long-term management and maintenance of historic assets,
- increase certainty over the aspirations and requirements of all parties, and
- save time and resources for partners by reducing the number of occasions when consent is required for works.

For owners like Glandŵr Cymru, heritage partnership agreements will beneficially provide consents for agreed works and clear management plans identifying other works that can proceed without them.

An English Heritage pilot project on Cornish bridges considered the benefits of a heritage partnership agreement in circumstances very like those encountered by Welsh local authorities:

- similar, dispersed assets were in common ownership,
- common repair needs were occasioned by repeated vehicle damage, and
- a common specification for repair works could be agreed in advance.

It concluded that: ‘The main benefits are better results, time saved and red tape cut, but principally better working relationships.’

Before heritage partnership agreements can be brought into effect, the Welsh Ministers must make supporting regulations, which are specified in the 1979 and 1990 Acts.

The regulation-making powers are relatively narrow and only allow for:

- consultation
- publicity
- terms of the heritage partnership agreement; and
- termination of a heritage partnership agreement, or any provision thereof, by order of the Welsh Ministers or a local planning authority.

The regulations may also disapply, apply or reproduce provisions in the 1979 and 1990 Acts for the purpose of heritage partnership agreements.

A series of meetings have been held since 2014 between Cadw, selected local planning authorities and Glandŵr Cymru to develop the detailed proposals now set out in the draft regulations. Cadw has also met with Historic England to discuss their experience of implementing listed building heritage partnership agreements in England.

A regulatory impact assessment, which evaluated the costs and impacts of heritage partnership agreements, was prepared as part of the development of the 2016 Act. Additional costs arising from the regulations have been further analysed in a separate RIA.

By improving the protection and management of the Welsh historic environment, the 2016 Act and its associated measures, including the introduction of heritage partnership agreements, will contribute directly to the goals of ‘A Wales of vibrant culture and thriving Welsh language’, and ‘A Wales of cohesive communities’.

The introduction of heritage partnership agreements and associated guidance will encourage and support the appreciation, protection, maintenance and accessibility of the historic environment for present and future generations. More specifically, heritage partnership agreements will contribute positively towards the national indicator — ‘Percentage of designated historic environment assets that are in stable or improved conditions’ — introduced to measure progress towards the well-being goals.

Research has shown that construction workers in Wales spend over 40 per cent of their time working on the conservation, repair and maintenance of historic assets. Heritage partnership agreements will contribute to greater certainty and consistency about planned programmes of work.

## SECTION 2. WHAT WILL BE THE EFFECT ON SOCIAL WELL-BEING?

### 2.1 People and Communities

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect people and communities?**

Research carried out in Heritage Counts 2014<sup>1</sup> found that 90 per cent of survey respondents agreed that investment in their local historic environment made their area a better place and 92 per cent felt that historic-environment-led regeneration projects had raised pride in their area. According to Heritage Counts Wales 2018-19<sup>2</sup>, more than 218,000 people took part in cultural and heritage festivals in Wales, including Open Doors.

Whilst the regulations concerned with heritage partnership agreements are administrative and procedural in nature, they have built-in requirements for consultation and publicity that will positively contribute to public engagement and the understanding of proposed works to historic assets. Heritage partnership agreements could potentially improve community access to historic assets. For example, they might include specific works to improve footpaths and stiles to previously inaccessible scheduled monuments. This could encourage a greater sense of engagement and identity with the local area and offer health benefits from enhanced access to outdoor activities.

Heritage partnership agreements could also be set up for the repair of designated bridges in a local authority area. This would help to avoid lengthy road closures as consents for routine repairs could be agreed, alleviating delays for road users.

Generally, however, the regulations will have a minimal positive impact on people and communities.

### 2.2 Children's Rights

Our initial assessment is that neither the regulations nor the wider heritage partnership agreements will have an impact on children's rights. The agreements, however, may have some indirect benefits. By improving the long-term management of historic assets, the historic environment will be available for future generations to appreciate.

### 2.3 Equality

The Equality Impact Assessment is available at annex B below.

### 2.4 Rural Proofing

The proposals in the heritage partnership agreement regulations do not target rural areas specifically and the benefit of heritage partnership agreements will be similar for historic

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<sup>1</sup> [Heritage Counts 2014: the value and impact of heritage](#)

<sup>2</sup> [Heritage Counts Wales 2018-19: Heritage sector impacts and achievements](#)

assets in both rural and urban communities. However, 70 per cent of all scheduled monuments and nearly 20 per cent of listed buildings lie on agricultural land and farm holdings. Conservation of the historic environment is increasingly recognised as an integral part of the drive towards a more sustainable farming industry. Developing a heritage partnership agreement alongside any new agri-environment scheme or public good scheme which considers the pro-active, long-term management of historic assets will benefit the sustainable management of those assets.

## 2.5 Health

Our initial assessment is that the heritage partnership agreement regulations will have no direct impact on health.

However heritage partnership agreements may assist in the management of individual historic buildings in which health services are delivered. There are over a hundred listed buildings relating to health services such as health centres, hospitals, hospices and nursing homes. Heritage partnership agreements could provide new, more effective mechanisms for the management of these historic assets, resulting in buildings that are well maintained and easily accessible for service users now and in the future. Public bodies are likely to be targeted to develop such heritage partnership agreements.

In addition, well-maintained and easily accessible historic sites contribute to people's well-being, which was demonstrated in research carried out by English Heritage in 2014<sup>3</sup>. It showed that visiting heritage sites, such as historic towns, buildings, industrial and archaeological sites, had a significant positive relationship with life satisfaction. Surveys have also shown that visiting a heritage site can provide an environment to focus on walks and other activities which can enhance physical and mental well-being. By supporting the consistent, long-term management of elements of the historic environment, heritage partnership agreements may, therefore, indirectly foster people's well-being.

## 2.6 Privacy

**Will the proposal involve processing information that could be used to identify individuals?**

Yes

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<sup>3</sup> [Heritage Counts 2014: The value and impact of heritage](#)

## SECTION 3. WHAT WILL BE THE EFFECT ON CULTURAL WELL-BEING AND THE WELSH LANGUAGE?

### 3.1 Cultural Well-being

The Well-being of Future Generations (Wales) Act 2015's goal for culture is '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'. Culture includes museums, archives, libraries and the arts; heritage includes the built historic environment as well as intangible heritage such as traditions; arts encompasses performance and creative sectors including music, literature, theatre and art, whilst sports and recreation include both elite and community sports as well as opportunities to participate in wider outdoor recreation.

According to the National Survey for Wales 2017–18, 75 per cent of people said that they participated in arts, culture and heritage activities at least three times a year. Of these, 63 per cent had visited a heritage site in the last 12 months. Forty five per cent had visited a castle or ruin and 40 per cent a historic building that was open to the public. This indicates that a long-term approach to the management of historic assets is vital to ensure that people can continue to access and enjoy these sites and the events held in them. Heritage partnership agreements, in certain circumstances, will assist in the sustainable management of these assets.

Whilst the heritage partnership agreement regulations are administrative and procedural in nature, the introduction of heritage partnership agreements will directly promote and protect culture and heritage. They will set out long-term plans for the sustainable management of historic assets, which will include the consents required for programmes of routine repairs and maintenance. These plans will be based on an agreed understanding of the significance of the assets and their conservation needs and will therefore contribute positively to the goal for culture.

### 3.2 Welsh Language

The framework for heritage partnership agreements is in primary legislation. The regulations cover the requirements for publicity and consultation only. Local authorities will have to deliver the requirements of the regulations bilingually in line with their Welsh language standards. Owners will be able to develop a heritage partnership agreement in Welsh or English. Guidance will be available to owners and local authorities in both Welsh and English.

During consultation we will also ask a specific question about the effect of the regulations on the Welsh language. We do not foresee there being a positive or negative effect on the language, but we would be interested in receiving ideas about whether there is a way of promoting the language further through the regulations.

## SECTION 4. WHAT WILL BE THE EFFECT ON ECONOMIC WELL-BEING?

Heritage Counts Wales 2018-19<sup>4</sup> states that the historic environment sector, heritage tourism and heritage construction together support 40,000 jobs which is nearly three per cent of Wales' total employment. In addition, the Construction Industry Training Board estimates that the 112,000 construction workers employed in Wales spend 43 per cent of their time working on the conservation, repair and maintenance of traditional buildings. Heritage partnership agreements can be a way of providing a long-term, holistic approach to the conservation, repair and maintenance of historic assets giving contractors and owners greater certainty and consistency about planned programmes of work.

Heritage partnership agreements simplify the consenting process and attendant administration by enabling consents to be given for specific works to be carried out during the lifetime of the agreement. This eliminates the need for repeated consent applications for similar works.

For consenting authorities, there will be time and resource savings over the long term as the number of minor or repetitive applications is reduced.

Owners will gain the flexibility to plan works to their historic assets over a period of time, confident in the knowledge that consents are already in place. By encouraging positive management, heritage partnership agreements will help owners avoid the costs of unnecessary repairs and repeated application fees and allow them to make the most of the economic value of their historic assets.

### Justice Impact

Please answer the following in relation to your proposal:

Are you bringing forward new primary legislation?

No

Are you creating, removing or amending an offence?

No

Could your proposal result in any other impact on the justice system e.g. through increased litigation, need for legal aid, appeal against a decision of a public body?

No

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<sup>4</sup> [Heritage Counts Wales 2018-19: Heritage sector impacts and achievements](#)

## SECTION 5. WHAT WILL BE THE EFFECT ON ENVIRONMENTAL WELL-BEING?

Protecting historic assets is an important consideration when responding to the risks arising from climate change. Interpreted broadly, historic assets include not only scheduled monuments and listed buildings, but also undesignated monuments and archaeological sites and historic buildings, parks and gardens, wrecks and townscapes and landscapes. The Historic Environment Group published a Historic Environment and Climate Change Sector Adaptation Plan<sup>5</sup> in 2020, which sets out in detail how climate change adaptation will be implemented to protect historic assets in Wales.

Poor management of historic assets can have a detrimental impact on the natural environment, for example, by disturbing bat roosts or contributing to flooding through poor drainage. Due to the duration of heritage partnership agreements, they will provide opportunities for the long-term management and enhancement of the natural, as well as the historic, environment. Within the context of heritage partnership agreements, for instance, owners will be able to take account of climate change and to consider appropriate action against issues such as flooding.

Environmental well-being is considered as part of any work to a historic asset. As heritage partnership agreements allow for the long-term planning and management of natural resources, they will contain consideration of the environment. Although each individual heritage partnership agreement will be different, it is envisaged that scheduled monument heritage partnership agreements will chime closely with any new agri-environment scheme/public good scheme which will generally benefit the environment including biodiversity, climate change and flood risk.

### 5.1 Natural Resources

#### 5.1a How will the proposal deliver one or more of the National Priorities in the Natural Resources Policy (NRP)?

Whilst the regulations for heritage partnership agreements are administrative and procedural, they can contribute to delivering the three national priorities in the NRP.

#### Delivering nature-based solutions

Heritage partnership agreements can include a plethora of different works, but, because agreements are likely to last 10 to 15 years, it will be easy to encourage owners to consider climate change adaptation and the mitigation of flood risks in agreements. The Climate Change Sector Adaptation Plan published in February 2020 and heritage partnership agreements will assist in delivering the actions identified in that plan. For instance,

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<sup>5</sup> <https://cadw.gov.wales/advice-support/climate-change/adapting-to-climate-change>

heritage partnership agreements should recognise that historic buildings require repairs that are sympathetic to original materials used in their construction; windows, therefore, should be replaced by timber from sustainable forests. The reuse of as much original material as possible protects the significance of the building and precious natural resources.

### **Increasing renewable energy and resource efficiency**

Heritage partnership agreements can be used to encourage owners of historic assets to consider installing renewable energy systems as long as thought is given to protecting the fabric and character of the building along with the surrounding landscape or setting. The process of developing the agreements will assist owners to carefully consider the design and siting of micro-generation systems where applicable. The historic environment need not be excluded from securing a more sustainable future which can be achieved through careful management. Heritage partnership agreements can also encourage owners to save irreplaceable components of architectural heritage. Retaining and maintaining existing historic buildings is beneficial as replacing them will have significant energy, carbon and financial costs.

### **Taking a place-based approach**

Heritage partnership agreements are collaborative agreements between local planning authorities, Welsh Ministers, owners and occupiers and other organisations with an interest in the historic assets included. One of the aims of heritage partnership agreements is to take a holistic view of the management of different historic assets within an area which could contribute positively to its character and local distinctiveness. This means that they can achieve improvements for an area on a local level which local people should benefit from.

## **5.2 Biodiversity**

**To demonstrate compliance with Section 6 of the Environment (Wales) Act 2016, you must complete the Biodiversity Impact Assessment, at annex F below.**

## **5.3 Climate Change**

Climate change has been identified as one of the biggest threats facing our future generations. We need to reduce our emissions through decarbonisation action (5.3a) and to adapt to the impacts of climate change by increasing our resilience (5.3b).

### **5.3a Decarbonisation**

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect emissions in Wales?**

There will be no direct effect, positive or negative, on emissions. However, heritage partnership agreements will encourage owners to secure sustainable futures for listed buildings and scheduled monuments across Wales. This will not only save irreplaceable components of our architectural heritage, but also ensure that the energy embodied in their structures is not squandered by their destruction and replacement.

### **5.3b Adaptation**

**How (either positively or negatively), and to what extent (significant/moderate/minimal impact), will the proposal affect ability to adapt to the effects of climate change?**

The proposal to introduce heritage partnership agreements will have minimal direct impact on climate change.

Heritage partnership agreements will provide an opportunity for the consideration of the effects of climate change. Retaining and maintaining existing historic buildings is beneficial not least as their replacement has significant energy, carbon and financial cost implications. Consideration could be given to energy conservation measures with heritage partnership agreements which could contribute to reducing energy use whilst still maintaining the character of the historic building. Heritage partnership agreements will provide an opportunity to consider the long-term management of historic assets and climate change will be an important consideration.

### **5.4 Strategic Environmental Assessment (SEA)**

Strategic Environmental Assessment is not required for heritage partnership agreements as they will not have a significant effect on the environment and do not set a framework for future development consent projects.

### **5.5 Habitats Regulations Assessment (HRA)**

Habitats Regulations Assessment is not required as the proposal will not affect any protected sites.

### **5.6 Environmental Impact Assessment (EIA)**

An Environmental Impact Assessment is not required as the guidance is outside the scope of EIA regulations.

## SECTION 6. RECORD OF FULL IMPACT ASSESSMENTS REQUIRED

Impact Assessment	Yes/No	If yes, you should
Children's rights	No	Complete the Full Impact Assessment below
Equality	Yes*	Complete the Equality Impact Assessment below
Rural Proofing	No	Refer to the Integrated Impact Assessment Guidance
Health	No	Refer to the Integrated Impact Assessment Guidance
Privacy	Yes	Complete the Privacy Impact Assessment below
Welsh Language	Yes*	Complete the Welsh Language Impact Assessment below
Economic / RIA	Yes	Refer to the Integrated Impact Assessment Guidance
Justice	No	Complete the Justice System Impact Identification form on the intranet
Biodiversity	Yes*	Complete the Biodiversity Impact Assessment below
Climate Change	No	Refer to the Integrated Impact Assessment Guidance
Strategic Environmental Assessment	No	Refer to the Integrated Impact Assessment Guidance
Habitat Regulations Assessment	No	Refer to the Integrated Impact Assessment Guidance
Environmental Impact Assessment	No	Refer to the Integrated Impact Assessment Guidance

\* Mandatory for all proposals in order to meet statutory obligations.

## SECTION 7. CONCLUSION

Heritage partnership agreements were introduced in the Historic Environment (Wales) Act 2016. During the development of this Act, Cadw engaged with a range of historic environment stakeholders likely to be interested in or affected by the introduction of heritage partnership agreements.

In preparation for our consultation on the heritage partnership agreement regulations, we have enhanced our distribution list to make sure that notice of the exercise will be received by our regular stakeholders, those with a wider interest in the historic environment in Wales and protected characteristic groups. We will also give protected characteristic groups the opportunity to discuss with us directly any issues they feel we have not addressed.

The heritage partnership agreement regulations are procedural and administrative in nature and, as such, will have minimal direct impact on the assessments undertaken.

Heritage partnership agreements will, though, improve the sustainable management of Wales' designated historic assets through the creation of long-term management plans agreed by consenting authorities, owners and other interested parties working in voluntary partnership. The agreements will support integrated and coherent programmes of work over periods of years. This holistic, long-term approach to the management of historic assets will not only benefit the assets, but also bring savings to the parties involved.

The regulations for heritage partnership agreements have a built-in requirement for consultation and publicity. This will have a positive impact on public engagement and local understanding of works being carried out to historic assets in the area. Research has found that people feel that investment in the historic environment makes their area a better place in which to live, improving social well-being.

The long-term nature of the agreements provides owners with the opportunity to take account of climate change and to consider appropriate action for future events such as flooding. The agreements will also afford opportunities to consider the carefully managed use of renewable energy systems that can offer significant energy, carbon and financial savings.

The importance of arts, culture and heritage has been highlighted in the National Survey for Wales. The long-term management of our designated historic assets is vital so that present and future generations can continue to appreciate these nationally important sites. Heritage partnership agreements will assist individuals and organisations to make appropriate decisions for the long-term conservation of those historic assets. The agreements will directly promote and protect culture and heritage as they embody an integrated and holistic approach to the sustainable management of historic assets.

Heritage partnership agreements have been developed in accordance with the sustainable development principle with the aim of achieving well-being goals set out in the Well-being of Future Generations Act 2015. By improving the management and conservation of the Welsh historic environment, the agreements will contribute to the goals of 'A Wales of

vibrant culture and thriving Welsh language'. More specifically, they will contribute positively towards the national indicator — 'Percentage of designated historic environment assets that are in stable and improved conditions' — introduced to measure progress towards the well-being goals.

The consultation exercise will assist us in identifying any negative impacts that have not been considered, or to identify further opportunities that could be maximised.

Individual heritage partnership agreements will be monitored and reviewed as there is a legal requirement to do so. Cadw will receive a copy of every heritage partnership agreement and in many cases will be a party to agreements. As a result, Cadw will be in a position to review the guidance and the regulations and to amend them, if appropriate.

In addition, as part of the ongoing evaluation of the implementation of the Historic Environment (Wales) Act 2016, reviews will be undertaken to monitor the number of agreements that are in place along with the conservation benefits that the agreements have brought about.

## SECTION 8. DECLARATION

### Declaration

I am satisfied that the impact of the proposed action has been adequately assessed and recorded.

Name of Senior Responsible Officer / Deputy Director:

Department:

Date:

## FULL IMPACT ASSESSMENTS

### A. EQUALITY IMPACT ASSESSMENT

#### 1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

The historic environment is a vital part of our shared cultural heritage. It shapes our sense of place and contributes to our well-being and quality of life. Historic assets such as listed buildings and scheduled monuments play an important role in the Welsh historic environment, often as focal points within our urban and rural communities where they make significant economic, social and cultural contributions as visitor attractions, businesses, community, education and leisure facilities and homes.

This means that listed buildings and scheduled monuments must be managed in a timely and appropriate way to ensure that they are as accessible as possible whilst ensuring that what makes them historically significant is protected.

The Historic Environment (Wales) Act 2016 introduced heritage partnership agreements. An equality impact assessment was carried out for the 2016 Act.<sup>6</sup> The regulations that must be made in conjunction with heritage partnership agreements require publicity and consultation arrangements for these voluntary agreements. The consultation and publicity regulations proposed for scheduled monument heritage partnership agreements differ in some respects from those proposed for listed building heritage partnership agreements. This is a result, in part, because the regulations derive from different parent Acts. More importantly, however, it reflects that there are likely to be substantive differences in the character of works undertaken under the two types of heritage partnership agreements. Because the works that can be carried out on scheduled monuments are more rigidly circumscribed, the works covered by scheduled monument heritage partnership agreements are apt to be more limited in scope and of narrower interest. Moreover, scheduled monuments are often, but not invariably, in more isolated, rural locations, out of the public gaze. Listed buildings, on the other hand, are more likely to be in communities and be accessible to the public or have immediate amenity value. Furthermore, the works permitted to listed buildings within the context of heritage partnership agreements may have greater impact on their significance and will be of wider general interest.

The scheduled monument regulations propose that before making or varying a scheduled monument heritage partnership agreement, the Welsh Ministers will send drafts of the agreement to the owner and other parties who might have an interest in it. The Welsh Ministers will also publish by electronic means:

- the location of the monument/s covered by the proposed agreement,
- a summary of the agreement (with a full copy provided on request), and
- details of how to make representations regarding the agreement.

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<sup>6</sup> <https://gov.wales/sites/default/files/publications/2019-07/equality-impact-assessment-template.pdf>

The listed building regulations, on the other hand, anticipate that the consultation and publicity arrangements will ordinarily fall to local planning authorities as the relevant consenting authorities. They must consult with the Welsh Ministers and any occupiers of buildings subject to the draft agreements who are not also parties to them; consultation with owners is not required since they must be parties.

Publicity will entail the electronic publication of:

- a summary of the draft agreement or draft variation,
- location information for the assets affected,
- instructions on how to make representations, and
- information on where the draft heritage partnership agreement is available for inspection.

Notices will also be sent to interested groups and specialists to ensure that a wide range of people are given the opportunity to comment on the draft documents.

However, it is also proposed that notices must be placed on or near sites to inform those with no internet access. This not only reflects current practice for listed building consent, but will be a pragmatic course of action since listed buildings are generally more accessible to the public.

The works included in heritage partnership agreements are likely to be routine or repetitive works where a common specification for the work can be agreed in advance. They are, therefore, likely to be of little interest for those not directly affected by or involved in the works.

However, in some circumstances, proposed heritage partnership agreements may be of particular interest to people with protected characteristics. For example, a university developing a heritage partnership agreement that included works to improve access arrangements would be expected to engage with groups representing disabled people.

Protected characteristic groups will be consulted on the proposed regulations and associated guidance.

#### **Record of Impacts by protected characteristic:**

<b>Protected characteristic or group</b>	<b>What are the positive or negative impacts of the proposal?</b>	<b>Reasons for your decision (including evidence)</b>	<b>How will you mitigate Impacts?</b>
Age (think about different age groups)	There is unlikely to be any direct positive or negative impact on age as a result of the HPA regulations or guidance. There may be some indirect impact depending on the works	The regulations, which set out consultation, publicity and other administrative arrangements for heritage partnership agreements (HPAs), are procedural in nature.	These assumptions will be tested during the consultation on the regulations and associated guidance document.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	<p>contained in an HPA, but these will be different for each agreement and will need to be considered as each is developed.</p>	<p>The requirements are based on current scheduled monument consent (SMC) and listed building consent (LBC) procedures.</p> <p>While the proposed publicity and consultation arrangements make use of online notices and mechanisms, they do not rely upon them exclusively. This recognises that a significant percentage of older people do not have regular access to the internet. According to the National Survey of Wales 2018–19, amongst people aged 50 or older, 22 per cent do not personally use the internet, while the figure rises to 51 per cent amongst those 75 or older.<sup>7</sup></p>	<p>Information will be posted on site for listed building HPAs and copies of draft scheduled monument agreements will be provided on request.</p>
Disability (think about different types of disability)	<p>There is unlikely to be any direct positive or negative impact on disabled people as a result of the HPA regulations.</p> <p>If an HPA will affect access, the guidance sets</p>	<p>The regulations, which set out consultation, publicity and other administrative arrangements for HPAs, are procedural in nature.</p> <p>If a consent that it provides is likely to</p>	<p>These assumptions will be tested during the consultation on the regulations and associated guidance document.</p>

<sup>7</sup> <https://gov.wales/sites/default/files/publications/2019-11/digital-inclusion-basic-digital-skills.pdf>

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
	out how an access statement should be prepared.	<p>impact on access, then an HPA should include an access statement as part of the detailed plan for the HPA.</p> <p>Individual work schemes could have an impact and each HPA will need to consider this as part of the agreement.</p>	
Gender Reassignment (the act of transitioning and Transgender people)	The regulations and guidance are unlikely to have a specific impact on transgender people.	The regulations, which set out consultation, publicity and other administrative arrangements for HPAs, are procedural in nature. Individual work schemes could have an impact and each HPA will need to consider this as part of the agreement.	These assumptions will be tested during the consultation on the regulations and associated guidance document.
Pregnancy and maternity	The regulations and guidance are unlikely to have a specific impact on pregnant women or people with young children.	The regulations, which set out consultation, publicity and other administrative arrangements for HPAs, are procedural in nature. Individual work schemes could have an impact and each HPA will need to consider this as part of the agreement.	These assumptions will be tested during the consultation on the regulations and associated guidance document.
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum)	The regulations and guidance are unlikely to have a specific impact on any particular minority group.	<p>The regulations, which set out consultation, publicity and other administrative arrangements for HPAs, are procedural in nature.</p> <p>If an HPA affects an asset which is used, occupied</p>	These assumptions will be tested during the consultation on the regulations and associated guidance document.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
seekers and Refugees)		or owned by a minority group, the expectation is that appropriate arrangements will be made for the group's participation in the HPA publicity or consultation exercise.	
Religion, belief and non-belief	The regulations and guidance are unlikely to have a specific impact on any particular religion or belief / non-belief group.	The regulations, which set out consultation, publicity and other administrative arrangements for HPAs, are procedural in nature. If an HPA affects an asset which is used, occupied or owned by any particular religion, belief or non-belief group, the expectation is that the publicity or consultation will be appropriate to those interests.	We will be testing these assumptions during the consultation of the regulations and associated guidance document.
Sex / Gender	The regulations and guidance are unlikely to have a specific impact on any particular sex or gender.		These assumptions will be tested during the consultation on the regulations and associated guidance document.
Sexual orientation (Lesbian, Gay and Bisexual)	The regulations and guidance are unlikely to have a specific impact on any particular sexual orientation category.	If an HPA affects an asset which is used, occupied or owned by a group with protected characteristics, the expectation is that appropriate publicity or consultation will be undertaken.	These assumptions will be tested during the consultation on the regulations and associated guidance document.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Marriage and civil partnership	The regulations and guidance are unlikely to have a specific impact marriage and civil partnerships		These assumptions will be tested during the consultation on the regulations and associated guidance document.
Children and young people up to the age of 18	The regulations and guidance are unlikely to have a specific impact on children and young people.	If an HPA affects a building used by young people, appropriate engagement will be undertaken to inform the agreement.	These assumptions will be tested during the consultation on the regulations and associated guidance document.
Low-income households	If a low-income household owns a listed building or scheduled monument and wish to develop an HPA they may be disadvantaged since the initial costs to develop the agreement could be high. The agreements are likely to last for between 10-15 years and may require input by specialists to define the scope of the proposed works, assess their impact and prepare a statement of significance.	<p>Although effort has been taken to keep the requirements to a minimum in the regulations, an understanding of the impact of the works on the significance of the historic asset in question is required in order to make sure that the HPA will not have a detrimental effect on the nationally important asset. The detail required will depend on the nature of the works and the asset in question, but as the agreements are likely to last up to 15 years the scoping work is important to the development of an effective agreement.</p> <p>Over the 15-year duration of an HPA it is</p>	We have provided template agreements in the guidance. Cadw will advise owners and local planning authorities on the structure and content of HPAs but are unable to provide resource to assist in their preparation. We have tried to keep any other requirements on owners and local planning authorities to the minimum so as not to introduce additional burdens.

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
		likely that the owner will save money as they will not need to repeatedly apply for consent for works. However, the initial outlay may be difficult for a low-income household.	

### Human Rights and UN Conventions

Consideration was given to Human Rights during the development of the Historic Environment (Wales) Act 2016. The agreements are voluntary so there is no requirement for any owner of an historic asset to enter into an HPA. As part of the development of an agreement, there will be full consultation with all parties involved and they will be given the opportunity to challenge and disagree with its contents. The various parties will be under no obligation to sign up for an agreement if they do not wish to do so.

## B. PRIVACY IMPACT ASSESSMENT

Please send your assessment to the Information Rights Unit ([DataProtectionQueries@gov.wales](mailto:DataProtectionQueries@gov.wales)) copied to your Information Asset Owner.

<p>Name of Information Asset Owner</p> <p>Gwilym Hughes</p>
<p>PIA reference number (A unique number to identify this PIA such as DivDate or this document's ishare id)</p> <p>A28397190</p>
<p>Please describe your proposal:</p> <p>(i) <i>If this is a change to an existing system/ project/ process/ policy then please outline the present arrangements and how personal data is currently processed.</i></p> <p>(ii) <i>Detail how the new system/ project/ process/ policy will work, including how the personal data will be processed and whether the personal data will be shared with 3<sup>rd</sup> parties.</i></p> <p>A heritage partnership agreement is a voluntary agreement which grants consent for specified works to be carried out over an extended period of time. The information required in a heritage partnership agreement will include: details of the parties to the agreement; locations and descriptions (including maps) of the historic assets concerned and details of the proposed works. The primary legislation requires consultation and publicity to be undertaken before the agreement can go ahead and the regulations will set out the arrangements for this.</p> <p>Listed building heritage partnership agreements will be administered by local planning authorities and Cadw will receive a copy when adopted.</p> <p>Scheduled monument heritage partnership agreements will be led and administered by the Welsh Ministers.</p> <p>Location and descriptive information for scheduled monuments and listed buildings is already available to the general public on Cof Cymru, Cadw's online database of designated historic assets in Wales. This will be the extent of the information we will be sharing as part of the consultation and publicity requirements for heritage partnership agreements.</p>

Heritage partnership agreements are voluntary and initiated by the owners of historic assets. The agreements may include some personal information such as a name or address, but these will only be publicly available (i.e. at the consultation and publicity phase) with the agreement of the owner. The arrangements for heritage partnership agreements are based on those currently in place for listed building and scheduled monument consents and there are privacy assessments in place for both processes.

Cadw's website sets out how personal data is currently used. Please see the sections in the link attached on Listed Building Designation and Consents and Scheduled Monuments Designation and Consent: <https://cadw.gov.wales/privacy-policy>

Has privacy impact screening or assessment already been carried out?

- ~~• Yes: please provide date and outcomes~~
- No

Please tick the personal data items that will be processed:

### Personal

Name ✓

Name address ✓

Business address ✓

Postcode ✓

Email address ✓

Telephone numbers ✓

Date of birth

Driving licence number

Passport / ID card number

Photographs / images (which could be used to identify an individual)

Other (please specify)

### Sensitive

Racial / ethnic origin

Political opinions

Biometric data e.g. DNA, finger-prints

Personal financial information (e.g. bank or credit card details)

Religious beliefs	Mother's maiden name
Trade union membership	NI number (or equivalent)
Physical / mental health conditions	Tax, benefits or pensions records
Sexual life	Health or social service records e.g. Housing or Child Protection
Criminal & court records (inc. alleged offences)	Employment records (inc. self-employment and voluntary work)
Educational records	Other (please specify)
<p>If sensitive personal data is being processed, is this data being collected mandatorily (i.e. without the data subjects having an option to not provide it)?</p> <ul style="list-style-type: none"> <li><input checked="" type="radio"/> Yes</li> <li><input type="radio"/> No</li> </ul>	
For the personal data being processed, please indicate	
<p>Who the data controller is?</p> <p>Local planning authorities and Welsh Ministers</p>	<p>Details: Listed building heritage partnership agreements will be administered and managed by local planning authorities.</p> <p>Scheduled monument heritage partnership agreements will be administered and managed by Cadw on behalf of the Welsh Ministers.</p>
Any data processors	Details: N/A
Will the data be shared	<p>Details: Some data will be shared during the consultation and publicity phase. The notice on site and on relevant websites may have the owners address but only with their permission. Owners can request that their name is redacted. The data we share would be information on the location of the historic asset and not individual owners.</p>

<p>Sections 9ZA and 9ZB of the Ancient Monuments and Archaeological Areas Act 1979 and 26L and 26M of the Planning (Listed Buildings and Conservation Areas) Act 1990-require the Welsh Ministers to make regulations to set out the consultation and publicity arrangements for heritage partnership agreements. To ensure that the consultation and publicity that takes place is a meaningful exercise, it is necessary to make the location of any historic asset covered by an agreement known.</p>
<p>Have legal Services confirmed that the basis outlined above provides the necessary gateway for processing (including any proposed sharing)?</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• <del>No</del></li> </ul>
<p>Will the proposal involve new or significantly changed processing of personal data about each individual?</p> <ul style="list-style-type: none"> <li>• <del>Yes</del></li> <li>• No</li> </ul>
<p>Data Handling</p> <p>Will the personal data be consolidated, linked or matched with data from other sources?</p> <ul style="list-style-type: none"> <li>• <del>Yes</del></li> <li>• No</li> </ul>
<p>Does the proposal involve new or changed data collection, retention or sharing policies/practices for personal data?</p> <ul style="list-style-type: none"> <li>• <del>Yes</del></li> <li>• No</li> </ul> <p>Cof Cymru currently makes publicly available locations and descriptions for all scheduled monuments and listed buildings in Wales. Heritage partnership agreements will therefore not introduce any new collection, retention or sharing policies.</p>
<p>Technology</p> <p>Will the proposal involve the introduction of privacy-intrusive technologies such as</p> <ul style="list-style-type: none"> <li>• Smart cards</li> </ul>

- RFID tags
- Biometrics
- Visual surveillance (e.g. CCTV)
- Digital image and video recording
- Profiling, data mining or logging electronic traffic
- Locator technologies (e.g. GPS, mobile phone tracking)
- Other

N/A

Will the proposal have the effect of enabling identification of individuals who were previously anonymous?

- Yes
- No

## C. WELSH LANGUAGE IMPACT ASSESSMENT

1. Welsh Language Impact Assessment reference number (completed by the Welsh Language Standards Team, email: [Safonau.Standards@gov.wales](mailto:Safonau.Standards@gov.wales)):
2. 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 2017-2021? No

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 The proposed regulations and guidance will have a neutral impact on the Welsh language. The framework for heritage partnership agreements is in primary legislation. The regulations cover the requirements for consultation, publicity and certain administrative functions. Local authorities will have to deliver the requirements of the regulations in compliance with Welsh Language standards. Owners will be able to develop a heritage partnership agreement in Welsh or English. Guidance will be available to owners and local authorities in both Welsh and English.

During consultation we will also ask a specific question about the effect on the Welsh language.

## D. BIODIVERSITY IMPACT ASSESSMENT

### Consider Questions 1 - 9 for ALL policies:

The heritage partnership agreement regulations are administrative and procedural in nature. They do not set new policy for the protection and management of historic assets in Wales.

#### Embedding biodiversity

**1. How will your proposal integrate biodiversity into decision making?**

In the context of these regulations this is not applicable.

**2. Has your proposal ensured biodiversity is accounted for in business decisions?**

In the context of these regulations this is not applicable.

**3. How does your proposal improve understanding and raise awareness of the importance of biodiversity, encouraging others to act?**

In the context of these regulations this is not applicable.

#### Improving our evidence, understanding and monitoring

**4. Have you used the best available evidence of biodiversity to inform your proposal and this assessment?**

In the context of these regulations this is not applicable.

**5. Have you used up to date knowledge of the key impacts on biodiversity to make evidence-based decisions?**

In the context of these regulations this is not applicable.

**6. Can your proposal contribute to our body of knowledge for biodiversity?**

In the context of these regulations this is not applicable.

#### Governance and support for delivery of biodiversity action

**7. Can your proposal support biodiversity action in any way?**

In the context of these regulations this is not applicable.

**8. Can your proposal help to build capacity for biodiversity action?**

In the context of these regulations this is not applicable.

**9. Have you recorded decisions and actions to maintain and enhance biodiversity?**

In the context of these regulations this is not applicable.