



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn 0300 025 6000
ebost cadw@llyw.cymru
www.cadw.gov.wales

Plas Carew, Unit 5/7 Cefn Coed
Parc Nantgarw, Cardiff CF15 7QQ
Tel 0300 025 6000
email cadw@gov.wales
www.cadw.gov.wales

Eich cyfeirnod
Your reference

ATISN 13017

Ein cyfeirnod
Our reference

Dyddiad
Date

28 March 2019

Llinell uniongyrchol
Direct line

Ebost
Email:

Dear ,

ATISN 13017 – PLANNING APPLICATION 18/0934/PA

Thank you for your email of 3 March requesting paper copies of the following information relating to planning application 18/0934/PA:

- (i) the Inspector's report;
- (ii) the Inspector's professional qualifications; and
- (iii) the guidance, policies and procedures that the Inspector relied on when deciding the application.

I have enclosed a copy of our Inspector's report which assesses the impact of the proposal on scheduled monument Pencreig-Fawr Camp. I can confirm that the Inspector holds a BA (Hons) History with Archaeology degree and is a member of the Chartered Institute for Archaeologists.

Cadw was a statutory consultee on the planning application but it is Pembrokeshire County Council that is responsible for the final decision. I can confirm that our Inspector had regard to national policy and guidance when producing the report. This guidance is available online at the following web links:

- [Planning Policy Wales](#)
- [Technical Advice Note 24: The Historic Environment](#)
- [Setting of Historic Assets in Wales](#)

As these documents can be accessed online, they are exempt from disclosure under Section 21 of the Freedom of Information Act (FOIA) as information that is reasonably accessible to the requestor by other means.

I have redacted the name and job title of the Inspector from the documentation that I am disclosing under section 40 of the FOIA. Section 40(2) of the FOIA sets out an exemption from the right to know if the information requested is personal information

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales' historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



of someone other than the requester and is protected by the Data Protection Act 2018 (DPA).

Personal data is defined in Section 3(2) of the DPA as: *“Personal data” means any information relating to an identified or identifiable living individual.* We have concluded that, in this instance, the name and job title of the official identified in the report amounts to the personal data of others, other than the person submitting the request (see Annex A).

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the General Data Protection Regulations (GDPR). We consider the principle being most relevant in this instance as being the first.

If you are dissatisfied with the Welsh Government’s handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government’s Freedom of Information Officer at:

Information Rights Unit
Welsh Government,
Cathays Park
Cardiff, CF10 3NQ
FreedomOfInformationOfficer@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,

Enclosures: 1. ATISN 13017 – Documents for release - Inspector’s report

ATISN 13017 – PLANNING APPLICATION 18/0934/PA

The first GDPR principle states:

...that personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to individuals;

We consider that the information highlighted falls within the description of personal data as defined by the DPA and that its disclosure would breach the first data protection principle.

Guidance from the Information Commissioner's Office (Personal information (section 40 and regulation 13) v 1.4) states:

If disclosure would not be fair, then the information is exempt from disclosure.

This approach was endorsed by the Court of Appeal in the case of Deborah Clark v the Information Commissioner and East Hertfordshire District Council where it was held:

"The first data protection principle entails a consideration of whether it would be fair to disclose the personal data in all the circumstances. The Commissioner determined that it would not be fair to disclose the requested information and thus the first data protection principle would be breached. (paragraph 63).

In this instance, we believe the data subjects have no expectation that their personal information would be made public.

The Information Commissioner has issued guidance on whether release of names of officials in disclosed emails would be unfair, and thus in breach of the first data protection principle. The guidance states:

In assessing whether employees can have a reasonable expectation that their names will not be disclosed, key factors will include their level of seniority and responsibility and whether they have a public facing role where they represent the authority to the outside world.

Where the officials in question are not senior staff, do not have a public facing role and where they are acting entirely in an administrative capacity, I have concluded that they have a reasonable expectation that their names will not be disclosed. It is my view, therefore, that disclosure of their names would breach the first data protection principle, and thus are exempt from release under section 40 of the FoIA.

For that reason, the information is being withheld under section 40(2) of the FoIA. This is an absolute exemption and not subject to the public interest tests.

REQUEST FOR INSPECTOR'S PROFESSIONAL ADVICE

NATURE OF PROPOSAL/CONSULTATION: Residential and associated development

LOCATION: X 211600 Y 226500 , Land formerly part of Pencraig Farm, Llangolman, SA66 7QL

REF: 18/0934/PA

FOR PLANNING CONSULTATIONS (DELETE THIS SECTION IF NOT USED)

The following designated historic assets are potentially affected by this proposed development. Please advise as to what impacts are likely in the relevant box below:

FOR EIA REQUESTS (DELETE THIS SECTION IF NOT USED)

The following designated historic assets are potentially affected by this proposed development. Please advise as to what impacts are likely and whether EIA is required in the relevant box below:

FOR GENERAL CONSULTATIONS (SPG, LDP, SEA etc) (DELETE THIS SECTION OF NOT USED)

Please provide any comments you wish to make on the consultation described above in the relevant box below:

FOR PLANNING APPLICATIONS INCLUDE:

Scheduled Ancient Monuments:

Please indicate in which of the 4 substantive responses this assessment falls (tick one box only)

- You have no comment to make
- You have no objection to the proposed development
- You have identified concerns in relation to the proposed development and have set out how these concerns can be addressed by the applicant;
 - Mitigation proposed
 - Further information required
- You object to the proposed development and have set out reasons for the objection.

If you conclude that the proposed development will have an adverse impact on a scheduled monument, please advise whether this impact will be **slightly** adverse, **moderately** adverse or **significantly** adverse.

Advice

PE285 Pencraig-Fawr Camp

This advice is given in response to a planning application for a One Planet Development comprising residential and associated development at Land formerly part of Pencraig Farm, Llangolman,

The application area is located some 180m southwest of scheduled monument PE285 Pencraig-Fawr Camp. The monument comprises the remains of an earthwork/stone-built enclosure. The date or precise nature of the enclosure is unknown, but it is likely to be later prehistoric or medieval. Pencraig-Fawr Camp is defended by a scarp, now between 1.2m and 2.5m high on the outside and level with the interior. On the west side the bank is preserved in the field boundary and is 6ft high with an external ditch.

The proposed development is for a One Planet development, built structures include a single storey dwelling, a workshop, a polytunnel, a potting shed a cold store, and wood store. The land will be used for a market garden, orchard and woodland.

The proposed development will be clearly visible from the scheduled monument which is on an elevated position. Once matured the site will appear from the monument to be mainly woodland and whilst some of the structures may be visible they will not be seen as alien structures in this agricultural landscape. Therefore, whilst there will be a change to the landscape surrounding the scheduled monument it will not alter the way it is understood, experienced and appreciated. Consequently it is my opinion that the proposed development will not have any impact on the setting of scheduled monument PE285.

[Job Title Redacted] [Name Redacted]

Date: 28th February 2019

Registered Parks and Gardens:

Please indicate in which of the 4 substantive responses this assessment falls (tick one box only)

- You have no comment to make**
- You have no objection to the proposed development**
- You have identified concerns in relation to the proposed development and have set out how these concerns can be addressed by the applicant**
 - Mitigation proposed**
 - Further information required**

- You object to the proposed development and have set out reasons for the objection.**
-

If you conclude that the proposed development will have an adverse impact on a registered park and garden, please advise whether this impact will be **slightly** adverse, **moderately** adverse or **significantly** adverse.

Advice

[Job Title Redacted]:
Date:

Registered Historic Landscape:

Please indicate in which of the 4 substantive responses this assessment falls (tick one box only)

- You have no comment to make**
- You have no objection to the proposed development**
- You have identified concerns in relation to the proposed development and have set out how these concerns can be addressed by the applicant**

- Mitigation proposed**
- Further information required**

- You object to the proposed development and have set out reasons for the objection.**
-

If you conclude that the proposed development will have an adverse impact on a registered historic landscape, please advise whether this impact will be **slightly** adverse, **moderately** adverse or **significantly** adverse.

Advice

[**Job Title Redacted**]:
Date:

World Heritage Sites:

Please indicate in which of the 4 substantive responses this assessment falls (tick one box only)

- You have no comment to make**
- You have no objection to the proposed development**
- You have identified concerns in relation to the proposed development and have set out how these concerns can be addressed by**

the applicant

- Mitigation proposed
- Further information required

You object to the proposed development and have set out reasons for the objection.

If you conclude that the proposed development will have an adverse impact on a world heritage site , please advise whether this impact will be **slightly** adverse, **moderately** adverse or **significantly** adverse.

Advice

[Job Title Redacted]:
Date:

FOR EIA (AND GENERAL CONSULTATION IF APPROPRIATE) ALSO INCLUDE (DELETE THIS SECTION IF NOT USED):

Listed Buildings/ Conservation Areas:

[Job Title Redacted]:
Date:

Historic Marine Environment:

[Job Title Redacted]:
Date: