



Llywodraeth Cymru
Welsh Government

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By email only to:

Eich cyfeirnod Your reference	ATISN 14957
Ein cyfeirnod Our reference	
Dyddiad Date	26 March 2021
Llinell uniongyrchol Ebost Email:	

Dear

ATISN 14957 – Delisting Casework

Thank you for your request which was received on 26 February, asking how many delisting requests have been made in the last five years, and how many of these resulted in delisting.

I can advise you that from 2016/17 – 2020/21 we considered 57 buildings for delisting. 32 buildings were delisted in this time. I have attached a table at Annex A which details the buildings and the reason for delisting.

You have also asked if we can provide copies of any successful delisting requests. I consider that the release of the information would constitute unfair processing of the personal information (the first data protection principle being fairness), so I have decided that this information is an exception under section 12(5)(f) and section 13 of the Environmental Information Regulations 2004 and is therefore withheld. I considered whether I could redact the personal information from the delisting requests but doing so would give you no more information about the reason behind the request other than what I have provided in Annex A. The reasons for applying this exception are set out in full at Annex B to this letter.

However, advice on asking for a building to be delisted is provided in *Planning Policy Wales - Technical Advice Note 24: The Historic Environment* and our good practice guidance *Understanding Listing in Wales*, published [here](#).

Gwasanaeth amgylchedd hanesyddol Llywodraeth Cymru yw Cadw, sy'n gweithio i sicrhau bod amgylchedd hanesyddol Cymru yn hygyrch ac yn cael ei ddiogelu'n dda.

Cadw is the Welsh Government's historic environment service working for an accessible and well-protected historic environment for Wales.

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



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



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,

Annex A - ATISN 14957 – Table of Buildings Delisted in the period 2016/17 – 2020/21:

Building	Reason	Date Delisted
Pont Briwet, Penrhyndeudraeth/Talsarnau, Gwynedd	Demolished with listed building consent.	18/08/2016
The Grange Hotel, Rhyl, Denbighshire	Demolished with listed building consent.	18/08/2016
1-3 Market Street, Newtown, Powys	Demolished with listed building consent.	16/06/2017
K M Bowen Automobile Engineers, Mill Parade, Pillgwenlly, Newport	Demolished with listed building consent (fire damaged).	26/07/2017
Former Ynysderw tin-plate works, Pontardawe, NPT	Demolished with listed building consent.	27/07/2017
Pen-y-bont Cottage, Llanllugan, Dwyriw, Powys	Demolished with listed building consent.	23/08/2017
U-plan Farm range at Green Grove, Llanfihangel Ystrad, Ceredigion	Demolished with listed building consent.	25/08/2017
Lime kiln at Sandyhaven Pill, Walwyn's Castle, Pembrokeshire	The lime kiln was listed in error. It is not one of the best examples of its type and other better preserved examples are listed.	20/11/2017
Powder House, Garn Road, Garn-yr-Erw, Blaenavon, Torfaen	Re-designated as a Scheduled Monument	04/12/2017
Boundary Stone N of Cwm Onen, Dinas Cross, Pembrokeshire	No longer in situ having been removed or destroyed.	19/12/2017
Penallta Colliery Electricity Building, Gelligaer, Caerphilly	Demolished with listed building consent	19/12/2017
Cwm Mynydd Fach, Llansadwrn, Llanwrda, Camarthenshire, SA19 8NB	The building was listed in error – it is a modern iteration of a traditional cottage.	23/01/2018
Disused Cottage at Walnut Tree Farm, Goetre Fawr, Monmouthshire	Misidentified as an early C18 cottage. It is not a good example of its type and its qualities were further diminished by mid and late C20 alterations.	25/05/2018
Cucumber Hill, Wiston, Pembrokeshire	Demolished with listed building consent.	20/07/2018
Alexon House, Pontypridd, RCT	Demolished with listed building consent.	25/07/2018

Bryn Nantllech, Llanfairtalhaiarn, Llanbeder Dyffryn Clwyd, Conwy	The farmhouse has been so altered that it no longer meets the criteria for listing.	30/07/2018
Pont Cytir, Holyhead	Demolished during work to construct the A55 Trunk Road.	31/01/2019
Pont Penllech Nest, Holyhead	Demolished during work to construct the A55 Trunk Road.	31/01/2019
Pen-pil (aka Penpill Farm Kennels), Trowbridge	The building has been the subject of unsympathetic renovation and fire damage and no longer retains sufficient historical fabric to meet the criteria for listing.	11/04/2019
Brynglorian Farm Outbuildings, Conwy	Extensive alterations in the 1980s resulted in the loss of integrity and historic character and they now no longer meet the criteria for listing.	08/05/2019
Capel Bethel y Bedyddwyr, Pwllheli, Gwynedd	The building has been altered and lost its integrity and historic character and no longer meets the criteria for listing.	30/05/2019
Nant-yr-henglawdd farmhouse and farm range, Cwm Rhiweirth, Llangynog, Powys	The buildings have been extensively altered resulting in the critical loss of their special interest. As a consequence of the alterations, the buildings no longer meet the criteria to be listed.	28/06/2019
Ty Mawr, Nebo, Llanllyfni, Gwynedd	The original building has been demolished and the replacement building has no historic character and does not meet the criteria for listing.	04/09/2019
Wavecrest, Freshwater E, Lamphey	Demolished with listed building consent following a fire.	09/10/2019
St Tygwydd, Llandygydd, Beulah	Demolished with listed building consent.	16/03/2020
Privy of Rocklea Cottage, Trellech Utd, Monmouthshire	Demolished.	05/02/2021
Former IRA Prison Camp, Llandderfel, Gwynedd	Building collapsed.	02/03/2021
Siloam Independent Chapel, Castle, Swansea	Demolished under emergency powers following a fire.	04/03/2021
Libanus Baptist Chapel, Cwmbwrla,	Demolished under emergency powers	08/03/2021

Swansea	following a fire.	
Telephone Call-box, Llysfaen, Conwy	The telephone call box has been removed.	09/03/2021
Sundial at St Cynfran's, Llysfaen, Conwy	The Sundial was vandalised and the brass plate stolen. The plinth remains but no longer has the same special interest as when it was first listed, it therefore no longer meets the criteria for listing.	11/03/2021
Rocklea Cottage, Trellech Utd, Monmouthshire	Lost special interest due to renovations.	17/03/2021

Annex B - ATISN 14957 – 12(5)(f) and 13 of the Environmental Information Regulations 2004

I have decided to withhold the following information:

Information being withheld	Section number and exception name
Correspondence from individuals to Cadw requesting that a building be considered for delisting.	Section 12(5)f of the Environmental Information Regulations: “Interests of the person who provided information to the public authority.”
Personal information of members of the public engaging with Cadw over the listing process.	Regulation (13) of the Environmental Information Regulations: the information requested includes personal data of which the applicant is not the data subject.

Engagement of Regulation 12(5)(f)

ICO guidance states that: to refuse environmental information under the exception in regulation 12(5)(f), public authorities will need to establish that:

- the information is not on emissions;
- the interests of the person providing the information to the public authority will be adversely affected by disclosure;
- the person providing information was not under any legal duty to provide it;
- the public authority is not entitled to disclose the information provided;
- the person providing the information has not consented to disclosure; and
- the public interest in maintaining the exception outweighs the public interest in disclosing the information.

The intention behind this exemption is to prevent the disclosure of any information that would, on the balance of probabilities, cause harm to the supplier of the information.

The subject matter associated with the request appears to be contentious and therefore the possibility of one party taking action, of whatever kind, within this contentious environment cannot be discounted. I am also mindful that the release of information under the Environmental Information Regulations is not just release to an individual, but publishing of information to the world.

As the request for delisting is a voluntary process, and we would not normally release this information, and as the person (or persons) making the representation to Cadw are considered unlikely to consent to disclosure, I find that the exception is engaged.

Public interest arguments in favour of disclosure

The release of information relating to the work of Cadw and Welsh Government is important within the context of ensuring transparency and openness in Government and ensuring that information is placed in the public domain that allows for public scrutiny of Government decisions and trust in the working of Government.

Public Interest arguments in favour of withholding

It is necessary to ensure public engagement in the process by which buildings of special architectural or historic interest are identified, that the process be protective of those who choose to engage with Government and make applications for delisting. In the event that this were not so, fewer individuals would be willing to engage with the process and the public benefit of that engagement would be damaged. This would damage trust in Government and the process of engagement.

Public Interest conclusion

With this in mind, on balance I believe that the public interest lies in favour of withholding the information due to the need to ensure that the individual involved is protected from harm.

Engagement of Regulation 13

Regulation 13 of the EIRs sets out an exception from the duty to disclose if the information requested is personal data protected by the General Data Protection Regulations (GDPR).

Personal data means information which relates to a living individual who can be identified from that data; or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

I consider that information regarding names and addresses of members of the public, as well as information relating to their private lives to be personal information.

Guidance from the Information Commissioner's Office states:

- The starting point is to consider whether it would be fair to the data subject to disclose their personal data;
- If disclosure would not be fair, then the information is exempt from disclosure.

I have assessed that individuals concerned would have a reasonable expectation that their personal data would be kept confidential and not disclosed to the world at large. It would be unfair to the individual concerned to release their personal data. Disclosure would give rise to unfair and unwarranted intrusion on the individual's privacy in the circumstances of this case, and has the potential to cause unnecessary and unjustified harm to the individual in this case.

Release of this information may also breach article 8 of the European Convention on Human Rights – a right to respect for one’s “private and family life, home and correspondence.”

I have thus concluded that in in this case, disclosure would not have been within the reasonable expectation of the individual and the loss of privacy would cause unwarranted distress. It is my view that disclosure of would breach the first data protection principle, and thus are exempt from release under regulation 13 of the Environmental Information Regulations 2004.