

Cardiff Council

Statutory Screening Tool Guidance

If you are developing a strategy, policy or activity that is likely to impact people, communities or land use in any way then there are a number of statutory requirements that apply. Failure to comply with these requirements, or demonstrate due regard, can expose the Council to legal challenge or other forms of reproach.

For instance, this will apply to strategies (i.e. Housing Strategy or Disabled Play Strategy), policies (i.e. Procurement Policy) or activity (i.e. developing new play area).

Completing the Statutory Screening Tool will ensure that all Cardiff Council strategies, policies and activities comply with relevant statutory obligations and responsibilities. Where a more detailed consideration of an issue is required, the Screening Tool will identify if there is a need for a full impact assessment, as relevant.

The main statutory requirements that strategies, policies or activities must reflect include:

- **Equality Act 2010 - [Equality Impact Assessment](#)**
- **Welsh Government's [Sustainable Development Bill](#)**
- **Welsh Government's Statutory Guidance - [Shared Purpose Shared Delivery](#)**
- **[United Nations Convention on the Rights of the Child](#)**
- **[United Nations Principles for Older Persons](#)**
- **[Welsh Language Measure 2011](#)**
- **[Health Impact Assessment](#)**
- **[Habitats Regulations Assessment](#)**
- **[Strategic Environmental Assessment](#)**

This Statutory Screening Tool allows us to meet all the requirements of all these pieces of legislation as part of an integrated screening method that usually taken no longer than an hour.

The Screening Tool can be completed as a self assessment or as part of a facilitated session, should further support be needed. For further information or if you require a facilitated session please contact the Policy, Partnerships and Citizen Focus Team on 2078 8563 e-mail: siadavies@cardiff.gov.uk. Please note:

- **The completed Screening Tool must be submitted as an appendix with the Cabinet report.**
- **The completed screening tool will be published on the intranet.**

Statutory Screening Tool

Name of Strategy / Policy / Activity:	Date of Screening:
Band B 21 st Century Schools Programme	October 2017
Service Area/Section: Education & Lifelong Learning	Lead Officer: Nick Batchelar
Attendees: Self-assessment	

What are the objectives of the Policy/Strategy/Project/Procedure/Service/Function	Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]
<p>The 21st Century Schools and Education Programme is a unique collaboration between the Welsh Government (WG), the Welsh Local Government Association (WLGA) and local authorities. It is a major, long-term and strategic capital investment programme with the aim of creating a generation of 21st century schools in Wales. The programme focuses resources on the right schools in the right places, from early years through to post-16.</p> <p>The Council's proposed vision for Cardiff's Band B 21st Century School Strategy is to deliver <i>"Inspiring, sustainable, community-focused schools in which children and young people can achieve their potential."</i></p> <p>The programme has 4 main aims as follows:</p> <ul style="list-style-type: none"> Aim 1: To provide a sufficiency of school places across the city that are in the right place and are at the right size to enable the delivery of excellent education provision. Aim 2: To provide high quality educational facilities that will meet the diverse requirements of the 21st Century. Aim 3: To optimise the use of education infrastructure for the benefit of the wider community across Cardiff. 	<p>Cardiff City had the largest 21st Century School Programme in Wales and has benefitted greatly from the initial "Band A" investment programme of some £164 million. Since the approval of the "Band A" investment programme in 2014, there have been a number of significant factors that will influence the sufficiency of school places in Cardiff. These include:</p> <ul style="list-style-type: none"> A sustained rapidly growing population in the City that has seen it grow by 1.1% per annum, which is around 4,000 individuals. This has resulted in successive large Reception age cohorts of 4,200 pupils, continuing to enter the system and significantly exceeding the intakes in the last 10-year period. The most recent reception intake represents an increase of 28% that is over 800 more children compared to the 2006 intake of 3,381 pupils. The large primary cohorts are now age promoting to Secondary Schools and by September 2019, they will exceed the numbers of places available across the City at entry to year 7. As the City's population has grown so has the number of children with Additional Learning Needs. At present, 23.4% of pupils in Cardiff schools have an Additional Learning Need (ALN) and there are currently approximately 1,800 statements of ALN across the authority. Whilst, there are a number of specialist settings across the Cardiff, the needs presenting exceed the places available and will continue to do so into

- **Aim 4:** To ensure that Cardiff achieves best value from its resources to improve the efficiency and cost effectiveness of the education estate.

the future, creating an acute sufficiency issue.

- Cardiff's adopted Local Development Plan, maps the infrastructure required to facilitate and sustain the city's growth up to 2026. This involves the potential building of 41,415 homes over the period of the plan including sizeable strategic sites in the North and West of the City. These will be of up to 5000 homes in each area which will generate significant increases in pupil place demand and distribution across the city, continuing over the next 10 years.

Added to these acute sufficiency issues are the fact that the school estate in Cardiff is in a very poor condition overall. Whilst Band A will reduce the asset backlog by 14% (circa £17m), it still remains at a critical level at £68m. There are now three High Schools in Cardiff that are classed as "D" which is end of life and risk of imminent failure in terms of their condition. These are Cantonian High, Willows High and Fitzalan High. These schools must be prioritised in any Band B capital programme.

There are also 4 Special Schools that are "D" rated for suitability, in that they are deemed to have poor environments where the buildings seriously inhibit the staff's ability to deliver the curriculum. These special schools arguably house the most vulnerable learners in Cardiff and again will need to amongst the top priorities for any band B programme.

It is clear that the following issues need to be addressed in Band B:-

- Acute sufficiency issues in the secondary sector
- Acute sufficiency issues in the special sector
- Condition & suitability issues within the school estate

Part 1: Impact on outcomes and due regard to Sustainable Development

Please use the following scale when considering what contribution the activity makes:		
+	Positive	Positive contribution to the outcome
-	Negative	Negative contribution to the outcome
ntrl	Neutral	Neutral contribution to the outcome
Uncertain	Not Sure	Uncertain if any contribution is made to the outcome

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
1.1	People in Cardiff are healthy; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> <i>the promotion of good health, prevention of damaging behaviour, promote healthy eating/active lifestyles etc,</i> <i>vulnerable citizens and areas of multiple deprivation</i> <i>Addressing instances of inequality in health</i> 	x				<p>In Band B, the Programme aims to address the sufficiency of secondary school places across city and would prioritise the removal of category D condition schools. Welsh Government is committed to removing all "D" condition schools from Wales. By addressing the three category D condition schools, this would provide new environments incorporating community facilities.</p> <p>Within the proposed Band B Programme, there are four special schools that have been identified for investment. These schemes would address provision for the city's most vulnerable citizens.</p> <p>See 1.2 below – local schools for local children to encourage walking and cycling and promote health.</p> <p>See 1.3 below re crime prevention - Secure by Design.</p>
1.2	People in Cardiff have a clean, attractive and sustainable environment; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> <i>the causes and consequences of Climate Change and creating a carbon lite city</i> 	x				<p>The programme aims to provide schools of the right size. Minimising surplus places should mean high utilization rates (energy/water resources not used to heat and supply underutilised accommodation).</p> <p>The programme would provide new build schools that are BREEAM Excellent and EPC A rated to minimise running costs, and any detrimental environmental impact.</p> <p>The programme would remove accommodation that has a D rating for condition and replace with new facilities, thus improving</p>

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	+	-	Ntrl	Un-Crtn	
					<p>sustainability.</p> <p>The programme aims to provide local schools for local children to encourage use of non-polluting modes of transport.</p> <p>Water efficient measures would be built into building designs.</p>
<ul style="list-style-type: none"> <i>encouraging walking, cycling, and use of public transport and improving access to countryside and open space</i> 	x				<p>Locating provision central to the area it serves should minimise the use of cars or public transport and encourage walking and cycling to and from school.</p> <p>The limited scope for parking on a school site should encourage walking and cycling to school.</p> <p>Emphasis is placed on travel by active modes where this is possible and on providing the facilities and opportunities at school for students to travel by walking, cycling and public transport. Encouraging active travel to school is a very important means of increasing levels of physical activity in children and tackling the growing problem of childhood obesity. Reducing congestion at the school gate is key to ensuring the safety of pupils and to mitigating impacts on the local neighbourhood.</p> <p>Provision of parent parking places is generally not supported by Cardiff Council. This is because such provision would promote travel to school by car, generate local traffic, contribute to congestion and reduce pupil safety. Parking facilities provided at schools is generally only for staff and to meet operational needs.</p> <p>A Transport Assessment would be carried out for all schemes as part of the planning application process.</p> <p>A travel plan is created for each school, detailing proximity to public transport, as well as walking and cycling routes.</p> <p>Changes to the traffic and transport infrastructure would be</p>

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					considered as part of the Transport Investigations and Assessments for proposals.
<ul style="list-style-type: none"> <i>reducing environmental pollution (land, air, noise and water)</i> 			x		<p>If appropriate, as part of the BREEAM process, an acoustic report would be prepared to ascertain the site acoustic levels and the acoustic impact. A further report could be prepared for the proposals in line with the BB93 Acoustics for School requirements.</p> <p>Builders would be encouraged to minimise air, light and noise pollution during the construction period.</p>
<ul style="list-style-type: none"> <i>reducing consumption and encouraging waste reduction, reuse, recycling and recovery</i> 	x				<p>Contractors are required to demonstrate how they meet the requirements relating to consumption and waste reduction as set out by the Welsh Government and in the procurement framework (e.g. SEWSCAP).</p> <p>The following could be incorporated into new build designs:</p> <ul style="list-style-type: none"> • Sustainable urban drainage system • Solar hot water • Photovoltaic • Natural Ventilation • Control of solar gains • Rainwater Harvesting • A or A+ rated materials in accordance with BRE Green Guide to Specification <p>Cardiff Council, Waste Management would advise on the provision of waste and recycling collection on school sites.</p>
<ul style="list-style-type: none"> <i>encouraging biodiversity</i> 				x	Where required a Phase 1 survey (Preliminary Ecological Assessment) of a site would be undertaken to identify the main habitats and whether any detailed surveys for protected species

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						<p>are needed. If more detailed surveys are required recommendations to mitigate any impacts on biodiversity would be considered as part of the planning application for a project.</p> <p>A new build provides the opportunity to consider innovative ways to encourage biodiversity through the integration of the Eco-schools initiative into new build schemes.</p>
1.3	People in Cardiff are safe and feel safe; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> <i>reducing crime, fear of crime and increasing safety of individuals</i> <i>addressing anti-social behaviour</i> <i>protecting vulnerable adults and children in Cardiff from harm or abuse</i> 	x				<p>The South Wales Police's Crime Prevention Design Advisor would be consulted on all projects where appropriate and the recommendations considered and incorporated where practicable.</p>
1.4	Cardiff has a thriving and prosperous economy; Consider the potential impact on <ul style="list-style-type: none"> <i>economic competitiveness (enterprise activity, social enterprises, average earnings, improve productivity)</i> <i>Assisting those Not in Education, Employment or Training</i> <i>attracting and retaining workers (new employment and training opportunities, increase the value of employment,)</i> <i>promoting local procurement opportunities or enhancing the capacity of local companies to compete</i> 	x				<p>Schools provide employment.</p> <p>Investment in school buildings improves the learning environment that contributes to the delivery of a modern curriculum and should have a positive impact on the economy as it helps learners to achieve their potential. See 1.5 below.</p> <p>The Council aspires to maximise Community Benefits wherever possible, including benefits for children and young people, through its procurement practices, and has explicitly identified this as one aspects of its programme to promote children's rights as a participating member of the UNICEF Child Rights Partner Programme. This will be reflected in any and all tender documentation, on a project by project basis.</p> <p>The Council will work with contractors to ensure that their supply chains are aware of the Council's aspirations for Community Benefits. In line with Welsh Government guidelines on Community Benefits, the Council will strive to meet the benchmark targets. These four targets are:-</p>

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
						<ol style="list-style-type: none"> 1. Jobs 2. Apprenticeships 3. STEM Engagement 4. Training <p>These will build stronger communities and in turn develop the local economy to reduce social exclusion and poverty.</p> <p>Commissioning and Procurement will review all monitoring information in consultation with relevant contract managers and once validated outcomes will be recorded in a Community Benefits Register. The Community Benefits Board that was established in January 2017 will also oversee the development of an annual Community Benefits Report, including case studies, so that progress is widely reported, including to Welsh Government. All individual schemes within Cardiff's Band B Programme will include community benefits targets, will provide completed benefits measurement tools and will feed into the overall corporate community benefits register and feed into WG targets. These benefits are a critical part of Cardiff's Band B schemes to ensure wider social, environmental and economic issues are taken into account during the project life cycle.</p>
1.5	<p>People in Cardiff achieve their full potential;</p> <p>Consider the potential impact on</p> <ul style="list-style-type: none"> • promoting and improving access to life-long learning in Cardiff • raising levels of skills and qualifications • giving children the best start • improving the understanding of sustainability • addressing child poverty (financial poverty, access poverty, participation poverty) • the United Nations Convention on the Rights of a Child and Principles for Older persons 	x				<p>Investment in buildings enables schools to be best placed to provide the opportunities for learners to achieve their potential, which can address the link between disadvantage and attainment.</p> <p>A key focus of the programme is providing the best possible learning facilities and learning opportunities to inspire and enable young people to achieve their full potential. At secondary level, this should encourage young people to access post-16 provision, should reduce the percentage of school leavers not in education, employment and training and in turn should improve their life chances.</p>

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						New school builds will have a focus on community benefits and facilities and as such, there will be opportunities to address life-long learning.
1.6	Cardiff is a Great Place to Live, Work and Play Consider the potential impact on <ul style="list-style-type: none"> • promoting the cultural diversity of Cardiff • encouraging participation and access for all to physical activity, leisure & culture • <i>play opportunities for Children and Young People</i> • protecting and enhancing the landscape and historic heritage of Cardiff • <i>promoting the City's international links</i> 			x		<p>Consideration is given at the design stage to providing spaces that have the potential to be used by the community outside of school hours in response to local need.</p> <p>Partnerships with post 16 providers would continue to be explored.</p> <p>The Council's online sources are used to check whether there are any cultural heritage receptors recorded within a site.</p>
1.7	Cardiff is a fair, just and inclusive society. Consider the potential impact on <ul style="list-style-type: none"> • <i>the elimination of discrimination, harassment or victimisation for equality groups</i> 	x				<p>An Equality Impact Assessment in accordance with the Equality Act 2010 has been carried out on the Programme. Equality Impact Assessments are also carried out on each proposal and project. An initial equality impact assessment is carried out at the proposal stage and is updated following consultation. A further equality impact assessment is then carried out at the design stage on a new build scheme and to identify any reasonable adjustments that could be made to improve accessibility to existing accommodation. The equality impact assessment would take into account policies such as the Equality Act 2010, TAN 12: Design June 2009 as well as building regulations such as, BS8300, Part M and relevant Building Bulletins. Cardiff Council's Access Advisor is also given the opportunity to comment on new build designs.</p> <p>Recruitment of school staff</p> <p>The Council's recruitment/redeployment process ensures that good practice is followed including the application of the Council's policies on equal opportunities.</p>

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	<ul style="list-style-type: none"> <i>has the community or stakeholders been engaged in developing the strategy/policy/activity?</i> <i>how will citizen participation be encouraged (encouraging actions that consider different forms of consultation, through more in depth engagement to full participation in service development and delivery)?</i> 			x		<ul style="list-style-type: none"> Public and statutory consultation is carried out, if required. Relevant departments in the Council are engaged. Submission of designs to the Design Commission for Wales (DCfW) Review Panel can be undertaken. The Design Equalities Advisory Group (DEAG) and/or the Cardiff Council Access Focus Group (CCAFG) that includes representatives from external groups would be given the opportunity to comment at the design stage. South Wales Police's Crime Prevention Design Advisor can be consulted, if appropriate.
	EQUALITY IMPACT ASSESSMENT (This is attached on page 16)					
1.8	The Council delivers positive outcomes for the city and its citizens through strong partnerships Consider the potential impact on <ul style="list-style-type: none"> strengthening partnerships with business and voluntary sectors the collaboration agenda and the potential for shared services, cross-boundary working and efficiency savings 	x				<p>Modern school facilities can provide flexible spaces for partnership working (integrated services) and use as valuable community assets (potential for efficiency savings).</p> <p>The local authority is keen to ensure schools promote creativity at the heart of learning. The Council has recognised that some of our communities need support to raise aspirations and create a culture of achievement, underpinned by a high quality education. There is a need to develop the relationship between business and education so that young people leave education with the skills and competences to be work ready. As a way to forge close working links between the city's education provision and its successful creative sector; the Creative Education Partnership Cardiff was launched in March 2016 and works to strengthen productive links between schools and the sector to support young people in education and to ensure the strength and vibrancy of the future workforce in the region. The Founder Partners have come together to provide the initial impetus behind the initiative, but the Partnership is open to all who have an interest and a contribution to make. The Partnership is shaped through a Steering Group consisting of representatives of the</p>

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						<p>Founder Partner bodies - Amgueddfa Cymru - National Museum Wales; BBC Wales; Cardiff Council; Cardiff Metropolitan University; Cardiff and Vale College; Creative & Cultural Skills UK; Welsh National Opera; Wales Millennium Centre; University of South Wales. Cardiff West Community High School is the first 'pathfinder school' to pilot this partnership. This school is being built within Band A and have already benefitted from working with partners who operate within the creative economy of the city. If successful, this partnership model could be replicated with other sectors in the regional economy e.g. science, technology engineering, for example.</p> <p>Feasibility discussions have been initiated with neighbouring local authorities to determine if there would be any benefits of providing facilities to address pupils identified with SEN within Band B.</p>

SUMMARY OF APPRAISAL (highlight positive and negative effects of the policy / plan / project being assessed, demonstrating how it contributes to the economic, social and environmental sustainability of the city):

Economic

- A key focus of the programme is providing the best possible learning facilities and learning opportunities to inspire and enable young people to achieve their full potential. At secondary level, this should encourage young people to access post-16 provision, should reduce the percentage of school leavers not in education, employment and training and in turn should improve their life chances.

- Schools provide employment.
- The Welsh Government have created robust community benefit targets that Cardiff Council will consider in all schemes. These are based around jobs, apprenticeships, STEM Engagement and training. All individual schemes within Cardiff's Band B Programme will include community benefits targets and they are a critical part of Cardiff's Band B schemes to ensure wider social, environmental and economic issues are taken into account during the project life cycle.
- Modern school facilities can provide flexible spaces for partnership working (integrated services) and can be valuable community assets (potential for efficiency savings).

Social

- Investment in buildings enables schools to be best placed to provide the opportunities for learners to achieve their potential.
- Consideration is given at the design stage to providing spaces that have the potential to be used by the community.
- An Equality Impact Assessment in accordance with the Equality Act 2010 has been carried out on the Programme (see page 16)
- Equality Impact Assessments are also carried out on each proposal and project. An initial equality impact assessment is carried out at the proposal stage and is updated following consultation. A further equality impact assessment is then carried out at the design stage on a new build scheme and to identify any reasonable adjustments that could be made to improve accessibility to existing accommodation. The equality impact assessment would take into account policies such as the Equality Act 2010, TAN 12: Design 2014 as well as building regulations such as, BS8300, Part M and relevant Building Bulletins.
- The South Wales Police's Crime Prevention Design Advisor would be consulted on all projects where appropriate and the recommendations considered and incorporated where practicable.
- Locating provision central to the area it serves should encourage walking/cycling to school and should have a positive impact on the health and well-being of pupils.

Environmental sustainability

- Delivery of this programme would include removing accommodation that is rated D (poor) for condition with more energy efficient new build accommodation.
- The programme aims to provide schools of the right size. Minimising surplus places should mean high utilization rates (energy/water resources not used to heat and supply underutilised accommodation).
- The programme would provide new build schools that are BREEAM Excellent and EPC A rated.
- The programme would remove or replace accommodation that is rated poor for condition (D rating).
- Contractors are required to demonstrate how they meet the requirements relating to consumption and waste reduction as set out by the Welsh Government and in the procurement framework (e.g. SEWSCAP).
- The programme aims to provide local schools for local children to encourage use of non-polluting modes of transport.
- Limiting the scope for parking should encourage walking and cycling to school.
- Consideration is given to improving the road infrastructure, walking routes and public transport.
- If required, a Phase 1 survey (Preliminary Ecological Assessment) of a site would be undertaken to identify the main habitats and whether any detailed surveys for protected species are needed. If more detailed surveys are required recommendations to mitigate any impacts on biodiversity would be considered as part of any planning application.

WHAT ACTIONS HAVE BEEN IDENTIFIED OR CHANGES BEEN MADE TO THE POLICY / PLAN / PROJECT AS A RESULT OF THIS APPRAISAL:
All projects Recommendations made in the Equality Impact Assessment /Traffic Assessment at the design stage would be taken into account in the planning application Design & Access Statement. A detailed Environmental Assessment (including Ecological Appraisal) would be completed if required as part of any planning application for an individual project.

Part 2: Strategic Environmental Assessment Screening

		Yes	No
2.1	Does the plan or programme set the framework for future development consent?	x	
2.2	Is the plan or programme likely to have significant, positive or negative, environmental effects?		x

Is a Full Strategic Environmental Assessment Screening Needed? <ul style="list-style-type: none"> ▪ If yes has been ticked to both questions 2.1 and 2.2 then the answer is yes ▪ If a full SEA Screening is required then please contact the Sustainable Development Unit to arrange (details below) 	Yes	No X An SEA has been undertaken (attached)
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If you have any doubt on your answers to the above questions regarding SEA then please consult with the Sustainable Development Unit on 2087 3228 sustainabledevelopment@cardiff.gov.uk

Part 3: Habitat Regulation Assessment (HRA)

		Yes	No	Unsure
3.1	Will the plan, project or programme results in an activity which is known to affect a European site, such as the Severn Estuary or the Cardiff Beech Woods?		x	
3.2	Will the plan, project or programme which steers development towards an area that includes a European site, such as the Severn Estuary or the Cardiff Beech Woods or may indirectly affect a European site?		x	
3.3	Is a full HRA needed?		x	

Details of the strategy will be sent to the County Ecologist on completion of the process to determine if a Habitat Regulation Assessment is needed. For further information please phone 2087 3215 or email biodiversity@cardiff.gov.uk

Appendix X – Statutory Requirements

It is possible that the Impact Screening Tool will identify the need to undertake specific statutory assessments:

- **Equality Impact Assessment:** *This assessment is required by the Equality Act 2010 and Welsh Government's Equality Regulations 2011.*
- **Sustainable Development Bill:** *The Bill, when it comes into effect, will require sustainable development (SD) to be a central organising principle for the organisation. This means that there is a duty to consider SD in the strategic decision making processes.*
- **Shared Purpose Shared Delivery-** *The Welsh Government requires local authorities to produce a single integrated plan to meet statutory requirements under a range of legislation. Cardiff Council must therefore demonstrate its contribution towards Cardiff's own integrated plan; ["What Matters"](#).*
- **United Nations Convention on the Rights of the Child:** *The Children Act 2004 guidance for Wales requires local authorities and their partners to have regard to the United Nations Convention on the Rights of a Child.*
- **United Nations Principles for Older Persons:** *The principles require a consideration of independence, participation, care, self-fulfillment and dignity.*
- **The Welsh Language Measure 2011:** *The measure sets out official status for the Welsh language, a Welsh language Commissioner, and the freedom to speak Welsh.*
- **Health Impact Assessment:** *(HIA) considers policies, programmes or projects for their potential effects on the health of a population*
- **Strategic Environmental Impact Assessment:** *A Strategic Environmental Assessment (SEA) is an European Directive for plans, programmes and policies with land use implications and significant environmental effects.*
- **Habitats Regulations Assessment:** **The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 provides a requirement to undertake Habitats Regulations Assessment (HRA) of land use plans.**