

18 April 2023

Dear

Request for information - ATISN 17298

I wrote to you on 24 March regarding your request for information.

Your request

You asked for the following information:

1. All reports regarding the plans, funding and work to reopen Abernant Tunnel and its current state
2. All reports regarding the plans, funding and work to reopen Rhondda Tunnel and its current state
3. All reports regarding the plans, funding and work to construct a Blaenrhondda-Rhigos Tunnel and its current state

Our Response

I can confirm we hold some of the information you have requested.

We hold no information for question 3.

For question 1, we hold three reports regarding the Abernant Tunnel. I am disclosing one of these, a study looking at the business case for reopening the disused Abernant railway tunnel for walking and cycling, and the other two, a final design report and an internal report, I have decided should be withheld under Section 43 of the Freedom of Information Act (Commercial Interests).

For question 2, we hold two reports regarding the Rhondda Tunnel. I am disclosing one of these, a final examination report, and the other, the business case report, I have decided should be withheld under Section 43 of the Freedom of Information Act (Commercial Interests).

My reasons for applying this exemption are set out in Annex A at the end of this letter.

Please note that there are also two reports that may be of interest which are publicly available and can be found here:

[Microsoft Word - Sustrans Rhondda Tunnel Report November 2015 - Final \(gov.wales\)](#)

[Microsoft Word - Sustrans Tunnels Main Report November 2015 - Final \(gov.wales\)](#)

Next steps

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

or Email: Freedomofinformation@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

Consideration For and Against Disclosure of Information

Decisions relating to non-disclosure have been taken with due consideration of the exemption identified under Section 43(2), commercial interests, of the Freedom of Information Act 2000 (FOIA).

Section 43 is a qualified (public interest tested) exemption and in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large, as the information is made available to anybody and everybody, not just the requestor. As such, when considering your request I have considered the wider effects of disclosure rather than any personal interest you may have in being provided with the information.

Section 43(2) – commercial interests

The exemption states:

- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The Welsh Government (WG) is of the view that revealing the information in relation to the business case report would be likely to prejudice the commercial interests of Rhondda Cynon Taf (RCT), who supplied us with this report in commercial confidence. The third party have raised concerns that the report contains information of a commercial nature that if released into the public domain would prejudice their ability to achieve best value in any related future procurement process. This would cause a loss to the public purse and disclosure of this information would be likely to prejudice their commercial interests.

Public Interest Test For Disclosure

The Welsh Government recognises the public interest in openness and transparency within government, for purposes of public accountability.

Public Interest Against Disclosure

Disclosure of this information would be likely to cause a loss to RCT and to the public purse, as described above, and it is not in the public interest that such losses should be incurred, except where there is some countervailing reason to do so.

Balance of Public Interest

For the balance of public interest to favour disclosure of this information, despite the fact that there would be a likely commercial; loss to RCT and the public purse, it is necessary that the public interest in favour of disclosure rise above a general duty for accountability and openness in government. This requested was of a general nature and this business case is captured by the request, but no countervailing reason has

been given as to why this commercial information should be released into the public domain. I have therefore decided that the balance of the public interest lies with withholding the business case report.