

2 February 2024

Dear

ATISN 20041 – Request for Information

Information requested

Thank you for your request which I received on 2 January 2024. You asked for:

All documents, reports, emails and any other correspondence to and from Welsh Government ministers and/or officials relating to the change in plans regarding the A483 junction to

1. Planning Inspectors dealing with the LDP
2. Planning and legal officers at WCBC
3. Any other public body, e.g. NMWTRA
4. Redrow

between the dates of 1 February and 1 May 2023

Our response

I have decided that the information we hold is exempt from disclosure under section 12(4)(e) of the Environmental Information Regulations and is therefore withheld. The reasons for applying this exception is set out in full at Annex A to this letter.

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: Freedom.ofinformation@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

Application of exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

Internal communications, that is, emails, between Welsh Government Planning officials relating to this matter.

This Annex sets out the reasons for the engagement of section 12(4)(e) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Engagement of section 12(4)(e) (Internal Communications) of the Environmental Information Regulations

The Welsh Government believes that emails and communications from a planning official to others in Welsh Government should be exempt from disclosure. The topic of this request is currently subject to a judicial review, and it is our belief that placing such communications in the public domain ahead of that review would be likely to lead to publicity and a focus on this material that would be detrimental to the judicial process of scrutiny.

Public Interest Test

In order to satisfy the public interest test in relation to the exemption, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

Welsh Government recognises the strong public interest in the openness and transparency of Government. The matter is clearly of public interest, and the judicial review process demonstrates both the public interest in understanding how decisions have been made and ensuring that that they are made appropriately.

Public interest arguments in favour of withholding

The judicial review process is a statutory process for the review of decisions that is designed to examine a matter impartially, and within a framework that protects the process from undue influence. It is therefore not in the public interest to release

information ahead of the completion of the review, that might in any way prejudice, or be seen to prejudice that process.

Balance of public interest test

The public interest in disclosure is a strong one, and the public interest is finely balanced in this case between a duty to transparency and accountability and a need to avoid damage to a process that itself promotes transparency and accountability.

In my consideration, I have taken account of the fact that the judicial review is a time limited process, and when that process is complete, that the public interest in maintaining the exception will fall. As this is therefore a time limited exemption, the duty to transparency can be met by disclosure at a later date. In view of this, I take the view that the balance of public interest favours withholding this information at this time.