



11 August 2025

Dear ,

ATISN 24944: Letter from the UK Government on the Planning Infrastructure Bill amendments to NSIP pre-application consultation

Information requested

Thank you for your request which was received during a meeting with my colleague, Owen Struthers, on 14 July. You asked for:

A copy of the letter from the Minister of State for Housing and Planning Matthew Pennycook MP to the Cabinet Secretary for Economy, Energy and Planning Rebecca Evans which advises on amendments to the Planning and Infrastructure Bill in relation to consultation at the pre-application stage of the NSIP regime.

Our response

A copy of the information I have decided to release is enclosed.

I have decided that some of the information is exempt from disclosure under regulation 12(5)(a) or regulation 12(5)(f) of the Environmental Information Regulations and is therefore withheld. The reasons for applying these exceptions are 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,

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Application of exceptions

The 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:

- Information relating to Nature Restoration Fund (NRF) under Regulation 12(5)(a) or 12(5)(f)

This Annex sets out the reasons for the engagement of regulation 12(5)(a) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test. If regulation 12(5)(a) of the Environmental Information Regulations is considered to not be applicable, we consider that regulation 12(5)(f) would apply. This is due to the information being provided by the UK Government where they were under no legal obligation to supply it, did not supply the information in circumstances where it would be disclosed apart from under a request through the Environmental Information Regulations and the UK Government has not consented to its disclosure.

Engagement of regulation 12(5)(a) (international relations) of the Environmental Information Regulations

The Welsh Government believes that the information relating to NRF should be exempt from disclosure. The disclosure of this information is considered to have the potential to cause harm to relationships between the Welsh Government and UK Government.

Public Interest Test

This exception is qualified and therefore subject to the public interest test. In order to satisfy the public interest test in relation to the exception, 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 the release.

Public interest arguments in favour of disclosure

The Welsh Government acknowledges the presumption in favour of disclosure under Regulation 12(2) of the EIR. There is a public interest in the Welsh Government being as open and transparent as possible with how it operates. There is also public interest in understanding how the Welsh Ministers and UK Government work together to formulate policies. Disclosure would provide transparency in relation to intergovernmental relations and policy formulation which would be in the public interest. The NRF has generated public interest and disclosure of the information would increase transparency on this topic.

Public interest arguments in favour of withholding

The Welsh Government considers there could be harm to relations with the UK Government through disclosure of the information. The expectation of confidentiality of discussion between Ministers is well established in both convention and in practice and is set out in the Devolution Memorandum of Understanding, and the subsequent Review of Intergovernmental Relation, both jointly agreed between the four UK administrations.

These documents set out that intergovernmental discussions in relation to policy formulation are subject to principles which relate to sharing information and respecting confidentiality. It is considered that disclosure of the information, particularly where the UK Government were under no obligation to provide the information, could affect the trust and expectation of confidentiality which underpins many discussions between the Welsh Government and UK Government and the presumed 'safe space'. There is public interest in maintaining positive relations with the UK Government and ensuring that the Welsh Government's ability to continue constructive discussions at a Ministerial and official level with UK Government is not harmed.

Balance of public interest test

We consider that the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of disclosure. It is considered that the public interest in mitigating potential harm to relations between the Welsh Government and UK Government outweighs the public interest in providing transparency of intergovernmental relations. We have therefore decided to withhold the information.