

14/10/2025

Dear

**ATISN 25190**

### **Information requested**

Thank you for your request which we received on 26/09/25. You asked for the following information regarding the UK Onshore Gas Limited et al v Welsh Ministers arbitration:

1. The legal seat of the arbitration.
2. The arbitration rules that governed the procedure.
3. The names of any expert witnesses retained by the parties for the arbitration.
4. The name of the court before which the Partial Award is being challenged.
5. The case number for the court proceedings.
6. The dates of any forthcoming court hearings in relation to the award challenge.
7. The grounds on which the award is being challenged.
8. The names of counsel representing the parties before the court.
9. The amount of legal fees incurred by the Welsh government to date in defending the arbitration and court proceedings.

### **Our response**

A copy of the information we have decided to release is enclosed at Annex A.

We have decided that some of the information is exempt from disclosure under regulation 12 (5)(b) of the **Environmental Information Regulations** and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex B 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](mailto: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

1. London
2. LCIA procedure and UNCITRAL Arbitration Rules 2021
3. Information withheld. Release of this information would be a breach of the terms of the arbitration.
4. High Court of Justice, Business & Property Courts of England & Wales (KBD), Commercial Court
5. CL-2025-000178
6. There are no forthcoming court hearings at this time.
7. Information withheld. Release of this information would be a breach of the terms of the arbitration.
8. Names of counsel for the arbitration were provided previously. Since there are no hearings scheduled in relation to the challenge there are no further names to provide.
9. Information withheld. Release of this information would be a breach of the terms of the arbitration.

## Annex B

### **Application of exemptions/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.

We have decided to withhold the following information:

3. The names of any expert witnesses retained by the parties for the arbitration.
7. The grounds on which the award is being challenged.
9. The amount of legal fees incurred by the Welsh government to date in defending the arbitration and court proceedings.

This Annex sets out the reasons for the engagement of regulation 12(5)(b) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

### **Engagement of regulation 12(5)(b) of the Environmental Information Regulations**

The Welsh Government believes that the information listed above should be exempt from disclosure as a) this is in ongoing legal process in which a final award has not yet been made, and b) release of this information would breach the terms of arbitration.

### **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption(s), 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**

The release of information can enhance public understanding of environmental issues. Disclosure may help ensure that justice is seen to be done. It supports procedural fairness and may help correct misleading claims. Information that reveals or prevents misconduct or helps avoid the miscarriage of justice, is generally considered to be in the public interest to disclose.

### **Public interest arguments in favour of withholding**

Release of the information would breach the terms of the arbitration. Release of this information could impact the ability of the affected parties to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.

### **Balance of public interest test**

On balance, we consider that the public interest in disclosing information is outweighed by the public interest considerations in favour of withholding the information for the reasons above. We have therefore withheld information, namely points 3, 7 and 9 requested.