

29 October 2025

Dear

Request for Information - ATISN 26207

Further to your request for information dated 1 October 2025. You asked for the following information regarding s278 technical agreements and s38 technical agreements between 1st September 2025 and 30th September 2025:

In each case you wanted:

Developer, Site Name, Date Technical Approval submitted, Date Technical Approval granted, Bond Value, Road and Sewer Designer, Planning Permission Reference

Our Response

The Welsh Government approved one s278 technical agreement during the timescale you stipulated, most of the information is below but the bond value is being withheld.

| | |
|-----------------------------------|-------------------------------------|
| Developer: | Delves and Co Ltd |
| Site Name | Costa Coffee, Buttington, Welshpool |
| Date Technical Approval submitted | 21/05/2025 |
| Date Technical Approval granted | 28/05/2025 |
| Bond Value | withheld |
| Road and Sewer Designer | Healey Consulting Ltd |
| Planning Permission Reference | 21/1749/RES |

The Freedom of Information Act 2000 (FOIA) provides 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 information and have set out in **Annex A** the relevant exemptions under the FOIA we believe are applicable and why we believe the information should not be disclosed. This includes our consideration of the public interest test.

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 contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

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

The FOIA provides 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 information in line with the below exemption under the FOIA:

- Section 43(2) – Commercial interests

This annex sets out the reason(s) for the engagement of this Section of the FOIA and our subsequent consideration of the Public Interest test.

Section 43(2) – commercial interests

Section 43(2) covers any information that if disclosed that would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The information requested contains financial and commercial information which, should it be disclosed, would be likely to prejudice Delves and Co Ltd and companies engaged in commercial discussions with them. To reveal the information would be likely to prejudice their commercial interests should the information associated with this matter be disclosed. The information would reveal commercially sensitive information not otherwise publicly available and which, if disclosed would be likely to prejudice the company's future contracts.

Disclosing the information would give any competitors a distinct commercial advantage and stepping stone which would be likely to put the company's own business at risk and therefore prejudice their ability to engage in future commercial activities. We do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest.

Public interest arguments in favour of release

We understand that releasing the information would potentially help your business as a bond provider for housebuilders.

Public interest arguments in favour of withholding

We take the view that Section 43(2) is intended to ensure that information is not disclosed that would be likely to prejudice the commercial interests of any person (including the public authority holding it). To freely disclose the information would give any competitors a distinct commercial advantage and stepping stone which would be likely to put their business at risk and therefore prejudice the company's ability to engage in future commercial activities. Delves and Co Ltd does not have access to similar information on its competitors as they do not publish it, so would be

at a significant disadvantage. We believe the resultant harm should the bond value be released, could be injurious to Delves and Co Ltd.

The information on the bond value would prejudice the firm's commercial interests. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. I further do not believe there is a public interest in prejudicing the commercial interests of the company by the release of this information.

I am aware that, as a general rule, the sensitivity of some information may be likely to reduce over time; therefore, the age of the information, or timing of the request, may be relevant in determining whether to apply an exemption, or where the public interest may lie. In this case, however, the information captured is very much current information. I believe therefore that the balance of the public interest falls in favour of withholding the information.

Conclusion

We believe that it is within the wider public and commercial interest of Delves and Co Ltd to withhold the information related to this request in order to prevent putting Delves and Co Ltd at a unfair competitive disadvantage.

The Welsh Government endeavours to ensure it is as transparent as possible, in particular through the media, publication of documents, Ministerial Written Statements and public statements in the Senedd. We take the view that, on balance, this public interest has been satisfied and the information requested has been withheld under section 43(2) of the Act for the reasons set out above.