

14 October 2025

Dear

ATISN 26232

Thank you for your request which I received on 15 September 2025. You asked for the following information:

Copies of all correspondence (including emails, letters, reports, internal memos, and other communications) held by PEDW between:

1. *PEDW and Persimmon Homes (or their representatives)*
2. *PEDW and any statutory consultee, including Natural Resources Wales*
3. *Internal PEDW communications*

relating to the Fairwood Terrace appeal that specifically address:

- *The Burry Inlet SAC and nutrient neutrality issues*
- *The application of the Habitats Regulations (including TLSE or Appropriate Assessment requirements)*
- *The decision to postpone the scheduled hearing*
- *The rationale and timeline for requesting further environmental information from the developer.*

Our response

I have concluded that some of the information requested is exempt from disclosure under Section 40(2) of the Freedom of Information Act 2000 – Personal information. Please see further details on this exemption and reasoning at Annex 1.

Please find enclosed documents:

2024-06-27 Consultee Comment – NRW

2025-05-28 IP Rep NRW

2025-06-23 Decision to change procedure

2025-08-21 Letter to Parties re; HRA on Marine SAC info

2025-08-21 E-mail to Parties with Inspector request

2025-09-03 From App Request for extension

2025-09-08 To App agree to extension

2025-09-08 From App Ack of extension

2025-09-08 From Inspector Scheduling to Inspector

2025-09-08 To Inspector from Casework Lead

2025-09-10 Re; event

PEDWITM Habitats Regulations Assessment (HRA) – September 2025. This document is a Chapter from the Inspector's Training Manual (ITM)

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 e-mail: 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*

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 1

Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 1998 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual. I have concluded that this relates to the e-mail addresses, telephone numbers (and other associated personal information) of those exchanging correspondence.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

"processed lawfully, fairly and in a transparent manner in relation to the data subject"

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

- 1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;*
- 2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;*
- 3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.*

Our consideration of these tests is set out below:

1. Legitimate Interest Test

The Welsh Government recognises there is a legitimate interest in being able to identify individuals involved in any discussions (to help understand the reason for their involvement). We do not believe, however, there is any legitimate reason why the personal data would need to be released in order to follow and understand those discussions. The Welsh Government cannot identify any other legitimate interest in

you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request - we do not believe it is necessary to disclose personal data to understand the information.

3. The Balancing Test

As it has been concluded it is not necessary to disclose the personal information caught by the request, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under Section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.