

19 November 2025

Dear

Request for information - ATISN 26278

Information requested

Thank you for your request which I received on 21/10/2025. You asked for details about an arbitration between UK Onshore Gas Limited & Ors vs Welsh Ministers, specifically:

1. Confirmation on whether the Welsh Government holds a copy of the decision/ award by Lord Neuberger in the arbitration.
2. If the Welsh Government holds a copy of the decision/ award letter by Lord Neuberger, you have requested a copy.
3. If disclosure is refused, confirmation of the exemption(s) under the Environmental Information Regulations 2004, with reasons.

Our response

I can confirm that the Welsh Government holds the information captured by your request. Please see our response below:

1. Yes, the Welsh Government does hold a copy of a partial award.
2. This information is exempt from disclosure exempt under sections 12(4)(d) and 12(5)(b) on the Environmental Information Regulations.
3. Reasons for the information requested being withheld is found at Annex A.

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: Freedomofinformation@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 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:

2. A copy of the decision/ award letter by Lord Neuberger

This Annex sets out the reasons for the engagement of sections 12(4)(d) and 12(5)(b) **of the Environmental Information Regulations** and our subsequent consideration of the Public Interest Test.

Engagement of section 12(4)(d) of the Environmental Information Regulations – Unfinished Documents

The requested information is currently considered to be material still in the course of completion, so section 12(4)(d) has been engaged.

Engagement of section 12(5)(b) of the Environmental Information Regulations – The Course of Justice

This section has been engaged as the arbitration process is ongoing. Disclosure at this stage could prejudice the course of justice by undermining the confidentiality and integrity of the arbitration proceedings. It could also affect the ability of the parties to reach a settlement, as required by the terms of the 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

The information requested is still classified as an ongoing case. Release of the information would breach the terms of the arbitration, undermining the ability of parties to reach a settlement. To release the information to the world at this stage would be inappropriate because the case is ongoing and the documents are unfinished. It would be misleading to the public. It could also lead to readers misunderstanding the intended message, draw incorrect conclusions or spread incorrect information. Errors or inconsistencies can undermine trust even after a correct version is released. Releasing incomplete information can be especially harmful because arbitration relies heavily on confidentiality, accuracy and procedural fairness.

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 point 2 requested.