

13 January 2026

Dear

Thank you for your request which I received on 10 December 2025, in relation to DNS CAS-01907-D7Q6Z1 - Nant Mithil Energy Park, Powys. You requested an unredacted version of the Environmental Statement.

### **Our response**

I have decided that information described in the enclosed list (Annex B) is exempt from disclosure under section regulation 12(5)(g) of the Environmental Information Regulations 2004 and is therefore withheld. The reasons for applying this exception are set out in full at Annex A in this letter.

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](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

Website: [www.ico.org.uk](http://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 Environmental Information Regulations 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 in accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

- the exact locations of nests (in connection with ground nesting birds and birds of prey) - Section 12(5)(g)
- breeding territories of ground nesting birds – Section 12(5)(g)
- badgers' setts and otters' holt – Section 12(5)(g).

As the Environmental Information Regulations do not specify what constitutes information that could cause harm if released, I have relied on the NBN Atlas list of sensitive species - [Natural Resources Wales -sensitive species list Wales.csv](#)

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

### **Engagement of section 12(5)(g) of the Environmental Information Regulations - the protection of the environment to which the information relates**

The Welsh Government believes that information relating to:

- the exact locations of nests (in connection with ground nesting birds and birds of prey),
- breeding territories of ground nesting birds and
- badgers' setts and otters' holt

should be exempt from disclosure.

### **Public Interest Test**

Regulation 12(5)(g) of the Environmental Information Regulations 2004 provides an exception to disclosure where release of information would be likely to adversely affect the protection of the environment to which the information relates. This exception is subject to the public interest test.

In applying the public interest test, the Welsh Government has considered all relevant circumstances of the request and whether, on balance, the public interest in maintaining the exception outweighs the public interest in disclosure.

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

The Welsh Government recognises that there is a public interest in:

- Transparency and openness, particularly in relation to nationally significant infrastructure projects such as the Nant Mithil Energy Park, a Development of National Significance application.
- Public participation in environmental decision-making, supported by access to environmental information in accordance with the principles of the Aarhus Convention.
- Public understanding of environmental impacts, including the consideration of protected and priority species within the Environmental Statement, to enable informed scrutiny of the assessment process.
- Accountability of public bodies, ensuring confidence that ecological information has been properly considered in reaching planning and consenting decisions.

### **Public interest arguments in favour of maintaining the exception**

The Welsh Government considers there to be a strong public interest in maintaining the exception in this case for the following reasons:

- The withheld information includes precise locations and detailed spatial data relating to ground-nesting birds, birds of prey, and protected mammals such as badgers and otters.
- These species are particularly vulnerable to disturbance, especially during breeding, nesting and rearing periods, when interference can result in nest abandonment, reproductive failure or the permanent loss of established territories.
- Disclosure of such information into the public domain would be likely to increase the risk of disturbance or damage, either through inadvertent access by members of the public or through deliberate interference, including activities such as egg collection, persecution or damage to resting sites.
- Badger setts and otter holts are legally protected features, and disclosure of their precise locations could facilitate unlawful interference or harm, contrary to wider conservation and biodiversity objectives.
- Any harm arising from disturbance or damage to these ecological receptors may be irreversible or difficult to remedy, undermining the long-term protection of the local environment.

The Welsh Government also notes that the presence of protected species, the potential ecological effects of the development, and proposed avoidance and mitigation measures have been publicly disclosed within the Environmental Statement in a manner that enables informed public understanding without revealing sensitive location-specific data.

### **Balance of the public interest**

The Welsh Government has carefully weighed the competing public interests in this case.

While there is a clear public interest in transparency and access to environmental information, this interest is materially outweighed by the public interest in preventing environmental harm and safeguarding protected species and habitats. The disclosure of precise locations of sensitive ecological features would provide limited additional benefit in

terms of public scrutiny but would significantly increase the risk of adverse environmental effects.

The public interest in transparency has been met through the disclosure of non-sensitive ecological information, summaries and assessments, ensuring that the decision-making process can be understood and scrutinised without compromising environmental protection.

## **Conclusion**

On balance, the Welsh Government is satisfied that the public interest in maintaining the exception under regulation 12(5)(g) outweighs the public interest in disclosure. The information has therefore been lawfully withheld in order to protect the environment to which it relates.