

12 March 2026

Dear

**ATISN 26500 NANT MITHIL WIND FARM:
REVIEW OF PEDW DECISION WITH RESPECT TO DISCLOSURE OF
INFORMATION**

Following your request for an internal review with respect of PEDW's decision not to disclose information, I have undertaken a formal review of the case. Having completed that review, I am writing to notify you that I have decided to uphold the original refusal to disclose the information requested.

On a preliminary matter, I note your letter of 4 February states that "No reasons were given" for PEDW's decision not to disclose the requested information. This is not the case and I would refer you to the letter of 13 January in which PEDW sets out, in Annex A, the reasons for withholding the information.

In conducting my review, I have considered the reasons set out in the 13 January letter from PEDW, your letter of 4 February along with other relevant documentation and the relevant statutory framework.

You make a comparison between the disclosure of a previous ES in 2024 ('the 2024 ES') and the (sought) disclosure of the current ES ('the 2025 ES'). I have concluded that the two situations are not comparable. In 2024, the 2024 ES was voluntarily disclosed by a private entity (the applicant) under confidentiality requirements. You are now seeking the disclosure of the 2025 ES by a public authority (PEDW) under a statutory regime. This request is different for a number of reasons, including the fact that confidentiality conditions could not properly be imposed in relation to a disclosure under the statutory regime – any disclosure would inevitably be to the world at large.

- (1) To be clear, Mr Woodfield's integrity is not in question nor is there any suggestion that he has, or would, breach any confidentiality undertaking. This does not change the fact that, for the reasons given above, the release of the (currently redacted) information in the 2025 ES under EIR would represent a much wider disclosure than that effected in relation to the 2024 ES.
- (2) I assess that it would still be entirely legitimate for the applicant to release the information you seek under conditions of confidentiality, should the applicant choose to do so. However, as you will appreciate, that possibility is not something over which PEDW has any control.

- (3) Regarding the nature of the public interest test, regulation 12(5)(g) only applies where disclosure “*would adversely effect... **the protection of the environment to which the information relates***” (emphasis added).

I agree that it must be shown that an adverse effect would occur, but that effect must be on the protection of the environment, not the environment itself. In this case, revealing the locations of breeding sites would inevitably compromise (i.e. have an adverse effect on) the protection of the relevant environment for the reasons originally given in Annex A to PEDW’s letter. Disclosure of this information would make it possible for members of the public (intentionally or otherwise) to harm or disrupt a number of protected species which they could not do if the information was not disclosed. To put it another way, where secrecy is a key part of the protection of an environment, the destruction of that secrecy inevitably has an adverse effect on that protection.

- (4) Regarding the public interest test balancing exercise itself:

- (i) The presumption in favour of disclosure and the need for cogent reasons to refuse disclosure are acknowledged. However, in this case the inevitable compromising of the protection of the relevant environment by disclosure to the world at large (the only form of disclosure possible under the statutory regime) weighs heavily against disclosure. It appears to me that regulation 12(5)(g) was enacted precisely to cater for situations such as this one.
- (ii) You state that Mr Woodfield will be unable to make meaningful comments on the redacted version of the 2025 ES. I do not accept that it is necessary to know the exact location of breeding sites for various species for you to make representations on the application.

For the reasons I have set out above, the outcome of my internal review is that the information will continue to be withheld.

If you remain dissatisfied with this response you 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

Yours sincerely,

Chief Officer, National Security and Resilience