

Dear

ATISN 26831 – Review of TAN 18 and its effectiveness

Thank you for your request submitted on 25 March, which I received on the same day.

Your request asked for:

- Details of any work undertaken to progress the review of TAN 18, including internal scoping, research, consultation, or draft revisions.
- Any timelines, project plans, or decisions relating to whether and when this review will be completed.
- Copies of any reports, briefings, or analysis produced to assess the effectiveness, relevance, or impact of TAN 18.
- Any correspondence (internal or external) discussing the need for, or approach to, reviewing TAN 18.
- Any reasons recorded for delay, re-prioritisation, or cessation of the proposed review, if applicable.

Our response

I can advise that we have recently commenced a review of Technical Advice Note (TAN) 18: Transport (2007) and have set up a Technical Advisory Group (TAG) to help develop the evidence base to identify priorities for the review of the TAN.

The review of TAN 18 presents an opportunity to update the guidance contained in the TAN to bring it up to date with the current policy framework and to enhance consistency by aligning land use planning policy with transport policies, including Future Wales, Planning Policy Wales and Llwybr Newydd, thereby reflecting a more integrated approach.

The TAG consists of representatives from the Welsh Government (WG) Planning directorate, WG Transport team, Transport for Wales, Local Planning Authorities, and the Design Commission for Wales.

The first sessions of the TAG began in mid-November. The evidence review is likely to continue for the remainder of the Government term, and it will fall on the next government to consider the next steps forward for the review and update of TAN 18.

In terms of your request, I can advise the following:

Details of any work undertaken to progress the review of TAN 18, including internal scoping, research, consultation, or draft revisions.

- We do not hold information that constitutes consultation or draft revisions of TAN 18.

Any timelines, project plans, or decisions relating to whether and when this review will be completed.

- We do not hold this information at this time.

Copies of any reports, briefings, or analysis produced to assess the effectiveness, relevance, or impact of TAN 18.

- We do not hold this information at this time.

Any reasons recorded for delay, re-prioritisation, or cessation of the proposed review, if applicable.

- We do hold this information.

Information we are releasing

A copy of the information I have decided to release is enclosed. The documents are as follows:

- DOC 1 - Briefing from Officials to the Cabinet Secretary for Economy, Energy and Planning regarding the review of TAN 18.
- DOC 2 - Briefing from Officials to the Cabinet Secretary for Transport and North Wales regarding the review of TAN 18.
- DOC 3 - TAN 18 - Technical Advisory Group - Scoping Report
- DOC 4 - TAN 18 - Technical Advisory Group - Terms of Reference
- DOC 5 - TAN 18 - Technical Advisory Group - Meeting Agenda - Meeting 1
- DOC 6 - TAN 18 - Technical Advisory Group - Meeting Agenda - Meeting 2
- DOC 7 - TAN 18 - Technical Advisory Group - Meeting Agenda - Meeting 3
- DOC 8 - Email from Cabinet Secretary for Economy, Energy and Planning acknowledging the commencement of the review of TAN 18.

I have decided that some of the information is exempt from disclosure under regulation 12(4)(d) 'Information in the course of completion' of the Environmental Information Regulations and is therefore withheld. The reasons for applying these exceptions are set out in full at Annex 1 to this letter.

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 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 1

Application of 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.

We are withholding the following information:

- All notes from the Technical Advisory Group meetings.
- Any correspondence discussing the review of TAN 18.
- Any research or draft versions of documents relating to TAN 18.

This information is exempt from disclosure under regulation 12(4)(d) 'Information in the course of completion' of the Environmental Information Regulations.

This Annex sets out the reasons for the engagement of regulation 12(4)(d) 'Information in the course of completion' of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Engagement of regulation 12(4)(d) (Information in the course of completion) of the Environmental Information Regulations

The Welsh Government believes that information relating to the review of Technical Advice Note 18: Transport should be exempt from disclosure.

Regulation 12(4)(d) states:

*...a public authority may refuse to disclose information to the extent that—
(d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.*

These terms are not defined in EIRs but ICO guidance is that material which is still in the course of completion can include information created as part of the process of formulating and developing policy, where the process is not complete.

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 Welsh Government acknowledges the presumption in favour of disclosure under Regulation 12(2) and we acknowledge there is a public interest in openness and transparency within Government. There is a public interest in understanding how the Welsh Ministers update planning guidance documents. Disclosure would increase public trust in, and engagement with, the Welsh Government.

Public interest arguments in favour of withholding

Disclosure would harm the interests of the Welsh Government by leading to the loss of frankness and candour between Welsh Ministers and their officials and would be likely to

damage any future deliberations around policy development. The Welsh Ministers will publicise and publicly consult on the updated policy document when it is in final draft form. A working and evolving draft policy document is clearly incomplete.

Balance of public interest test

We believe that disclosing drafts of unfinished and incomplete policy documents would undermine the planning system. Communications between departments and Ministers include draft policy documents which are clearly 'material still in the course of completion, unfinished document, the publication of such documents would undermine the transparency and impartiality of the planning system which, in our view, would not be in the wider public benefit and is therefore being withheld. This is especially true due to the final policy document being issued and publicly available.