

16/04/2025

Dear ,

ATISN 24574 Brechfa Dau Wind Farm

Information requested

Thank you for your request which we received on the 24th of March. You asked for the following information relating to the inclusion of “Brechfa Dau Wind Farm” in the National Energy System Operator’s Transmission Entry Capacity Register:

1. The location of the proposed development, preferably as an OS 8-digit code.
2. If this location is the same as the site for the previously cancelled Brechfa Forest East wind farm project.
3. The current scoping document for the project.

Our response

We have decided that items 1 and 2 in your request are exempt from disclosure under section 12(5)(e) of the Environmental Information Regulations, and the information is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

By “current scoping document for the project”, I assume you mean the Environmental Impact Assessment (EIA) Scoping Document commonly prepared for wind farm developments and other projects as part of their planning applications.

A scoping document does not exist at this time. If the project progresses to the point where a planning application is made, then the EIA Scoping Document will be published by the relevant planning authority after submission, and members of the public will be able to submit their comments on it at that time.

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 A

EIR - Engagement of Section 12(5)(e)

Regulation 12(5)(e) states a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.

Officials have carefully considered all of the information captured by this request and consider that some of the information in question should be exempt under Regulation 12(5)(e) of the Environmental Information Regulations 2004 – Commercial or industrial information.

This is a public interest tested exemption, which means that in order to withhold information under its provisions, it has to be shown that the public interest in withholding the information outweighs that in releasing it.

Public interest arguments in favour of release

1. Local communities often have a strong interest in proposed developments in their local area. Residents may feel that a proposed development could enhance their local area, or may be of detriment to their area, or a combination of the two. Potential impacts of development include factors that may affect quality of life for local residents or house prices. There is therefore a public interest in knowing about the locations of proposed developments as early as possible.

Public interest arguments in favour of withholding

1. We understand the development is still in the early stages of scoping and the location and layout of a possible project has not been finalised. Once the project is sufficiently developed to be able to present information with confidence, this information will be shared with people living near the proposed project as part of pre-planning consultation. Providing information that is not finalised could risk raising either public concerns or expectations that may not be realised. This would not be in the public interest.
2. The public interest arguments set out above in favour of release are addressed through the planning system. When planning discussions take place with the relevant planning authority, detailed information about the proposed development is made public and the public are invited to submit their comments. This is done through a carefully managed process set out in legislation. Selective release of partial information prior to the planning process being engaged would undermine the integrity of the planning process. This would not be in the public interest.
3. It is important for companies to share commercially sensitive information with us in the confidence that that information will not then enter the public domain and damage their wider commercial interests and opportunities. Where disclosure of the requested information would undermine confidence of business processes,

allowing competitors commercial advantage, disclosure of such information would not be in the public interest.

Conclusion

On balance we consider that at this stage the public interest in disclosing project information is outweighed by the public interest considerations in favour of withholding the information for the reasons above. We have therefore withheld some information, namely points 1 and 2 requested.