

Dear

Thank you for your request which I received on 31 March 2025. You asked for the following information:

- *PEDW's analysis of the initial decision to support needing to use the Coity Walia act for Mynydd Y Gaer wind farm.*
- *All further analysis by PEDW with respect to the challenge for Ti'r Isha, including where appropriate, consideration of how using the 2006 act would remove any influence of the commoners or conservators of the common to approve the proposed land exchange.*
- *PEDW's response to the challenge and the outcome, and the stakeholders consulted if any.*

Our response

PEDW received an application under s16 of the Commons Act 2006 for the deregistration and exchange of common land at the above site. The exchange is to facilitate the development of a purpose built facility adjacent to the M4 supplying businesses with green energy as part of the Bridgend Energy Hub scheme. A copy of the application is attached at Appendix A. This was not an application submitted as a Secondary Consent with a Development of National Significance Application.

The common is subject to the Coity Walia Commons Act 1976. Section 10 of that Act allows for the exchange of land subject to the consent of the Secretary of State and to the prior approval of a meeting of the commoners. (A copy of the Act is attached at Appendix B).

In response to the application a number of representations were received. Two of those (Attached at Appendix C) claim that the application should have been made under the Coity Walia Commons Act rather than the Commons Act 2006.

PEDW sought legal opinion as to whether the application had been submitted under the correct statutory provision. That advice was that the application should have been made under the Coity Walia Commons Act 1976. PEDW wrote to the parties to the application on 13 January 2025 to confirm our position. A copy of that is at Appendix D. Our legal advice is an exception from disclosure under Regulation 12(4)(e) Environmental Information Regulations and exempt from release under Regulation 42 of the Freedom of Information Act.

Following the applicants challenge of PEDW's position by Pre-action Protocol letter, further legal advice was sought. The legal advice received led PEDW to conclude that our stance should change. PEDW's Solicitors wrote to the applicants Solicitors confirming that we were changing our position and conceding that the application could be made under either the Commons Act or the Coity Walia Commons Act. PEDW confirmed to the interested parties to the application, our change of position on 10 April 2025. A copy of this letter is at Appendix E. No stakeholders were consulted about our decision to change our position.

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

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

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely