



Llywodraeth Cymru
Welsh Government

5 June 2025

Dear ,

Complaint in respect of ATISN 24466

I have considered your complaint in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request or via the internet.

You submitted your request for information (our reference ATISN 24666) in which you asked for the following information.

- The first name of an Inspector appointed by the Welsh Ministers, G Hall, who considered and determined planning appeal CAS-03747-T5M5P5 Site address: Millers Arms, Mathern Road, Mathern, Monmouthshire NP16 6JD.
- Can you provide me a list of all planning inspectors (with their first and surnames listed) who determined cases submitted to PEDW (Planning and Environment Decisions Wales) in 2024 and 2025.

Following our disclosure, you submitted a request for an internal review as outlined at Annex 1 to this letter.

Review outcome

Your request for information was considered under the Environmental Information Regulations (EIR) and I have considered the decision to not release the name of the Inspector or provide a list of all planning inspectors (with their first and surnames listed).

Regulation 13 (personal data) of the EIR provides an exemption from the usual presumption in favour of disclosing information to requesters as follows:



(1) To the extent that the information requested includes personal data of which the applicant is not the data subject, a public authority must not disclose the personal data if—

(a) the first condition is satisfied, [...]

(2A) The first condition is that the disclosure of the information to a member of the public otherwise than under these Regulations—

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

The names of PEDW employees constitutes personal data for the purposes of regulation 13(1) above. It is therefore necessary to consider whether disclosure of the personal data requested would contravene any of the data protection principles whereby the exemption applies.

I have considered whether there is lawful basis for disclosure, by being necessary for the purposes of the legitimate interests pursued by the requester and whether such interests are overridden by the interest or fundamental rights and freedoms of the data subject which require protection of personal data.

I have had regard to The Supreme Court judgement in *South Lanarkshire Council v Scottish Information Commissioner* [2013] said that this involved considering the following three steps:

- is the third party seeking access to the information pursuing a legitimate interest?
- is disclosure necessary to meet those interests?
- do the legitimate interests outweigh the interests and rights of the individual employee?

From your correspondence, I deduce that you pursue the information to publish the full names of Inspectors in future press articles relating to appeal decisions, for the



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purpose of openness and transparency of the decision-making process. I do not consider it is necessary to disclose full names including forenames for this purpose and therefore cannot conclude it is a legitimate interest. Inspectors can clearly be identified and distinguished from other Inspectors by their initial and surname.

Furthermore, I note the concerns previously identified in PEDW's response of 2 April, about the implications for Inspectors in having their full name released, and the implications this could have for parties attempting to contact them, potentially for malicious purposes. The well-being, health and safety of our employees is an important consideration.

Welsh Government acknowledges the legitimate interest in openness and transparency that release of the information would engender. However, and in the absence of any stated interest of your own, we are unable to identify any other specific legitimate interest in the release of the information. This conclusion relates equally to both requests as the same considerations apply.

I have also considered your request in relation to *Felixstowe Ex p. Leigh* [1987], that sets out that anonymity cannot apply to anybody "who can said to be a judicial or quasi-judicial person" and you highlighting the same judgement makes clear "An inspector at a planning inquiry is by statutory instrument disentitled from being anonymous." I would note that the case predates all three of the UK's Data Protection Acts.

PEDW's practice of publishing names in the form of an initial and surname (rather than full name) does not provide absolute anonymity, in the way described in the judgement being cited as precedent. The statutory instrument¹ (applicable in Wales) requires that parties are notified of the name of the appointed person (the Planning Inspector) in cases determined by Hearing or Inquiry. PEDW satisfy this requirement in practice using the initial and surname in the notification letters and does not consider there is legitimate reason to publish the full names of Planning Inspectors, given the potential harm to individual inspectors from harassment by aggrieved parties.

¹ The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017 (27 & 36).



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I further note that the case in point (planning appeal reference CAS-03747-T5M5P5) was determined by written representation procedure, rather than the relevant Hearing or Inquiry procedure.

Therefore, I am satisfied that the correct decision was reached in the previous response to you dated 2 April.

Next steps

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

Website: www.ico.org.uk

Yours sincerely

Victoria Robinson
Chief Planning Inspector, PEDW



Annex 1

ATISN NUMBER: 24466

Dear information officer,

I wish to challenge the incorrect and unlawful decision to refuse to release information requested under the Freedom of Information Act 2000.

I requested:

The first name of an Inspector appointed by the Welsh Ministers, G Hall, who considered and determined planning appeal CAS-03747-T5M5P5 Site address: Millers Arms, Mathern Road, Mathern, Monmouthshire NP16 6JD.

And

Can you provide me a list of all planning inspectors (with their first and surnames listed) who determined cases submitted to PEDW (Planning and Environment Decisions Wales) in 2024 and 2025.

I had made this request under the Freedom of Information Act after the Welsh Government press office had declined, via email, to provide the information requested in part one of my request (essentially the first name for planning inspector G Hall). This request was directed to the Welsh Government press office following my initial approach, via telephone, to PEDW.

I made the second part of the request, a list of planning inspectors, in order to save time, both for myself and others, for when I next read a planning inspector's report which fails to include their first and second names.

The Welsh Government confirmed – in a response dated April 2 - it held the information but refused to release it, claiming data protection prevented the release of the information under Environmental Information Regulations and that it wouldn't release the information to protect the inspector "from consequences of their decisions, including harassment, intimidation and physical harm".

I will set out the reasons why I think it is only logical and correct for the inspector to be identified and also why I think it is wrong in law, and the relevant judgement *R v.*



Felixstowe Ex p. Leigh [1987], that sets out that anonymity cannot apply to anybody “who can said to be a judicial or quasi-judicial person”.

It should be noted the same judgement makes clear “*An inspector at a planning inquiry is by statutory instrument disentitled from being anonymous.*”

If this statutory instrument had been overturned or superseded the Welsh Government should cite the relevant legislation and how it overturns this longstanding legislation. As it hasn't and has erroneously cited Environmental Information Regulations, when it should instead turn to rules and procedures of planning appeals and inquiries and legislation governing them, it has made a mistake and overlooked that a planning inspector cannot be anonymous. The proper process of conducting a planning inquiry/appeal, in which the inspector must be properly identified, also means the data protection regulations cited by the Welsh Government aren't engaged.

Though the inspector is referred to as ‘G Hall’ this is insufficient to properly identify the inspector in line with legislation and with accepted procedures at every other stage of the planning process.

When councillors who form a planning committee make a decision they are acting in a “quasi-judicial role” it therefore it follows an inspector, in deciding a planning application or appeal, is also performing a quasi-judicial role. The same has to be said for officers of a local planning authority who also have delegated powers to determine planning applications.

It should be noted that at every other stage of the planning process the first and second names of those making applications and deciding them are known and published as part of the process.

When decisions are made by the planning committee the first and second names of the committee members are known to all attending the planning meeting, viewing the meeting online and reading the minutes (when published). The names of the members of the planning committee will also be listed in other council minutes and



published on the council's website and they will have been elected under their first and second names.

Any report by a local planning authority's officers, whether recommending a decision to the planning committee, or effectively making the decision under delegated powers will have the officer's first and second names included in the report, which will also be authorised by a senior officer who is also identified by their first and second names.

Applicants are also asked to provide their first and second names on planning application forms which are available to the public.

Before dealing with the legal point that the inspector's name cannot be withheld, I feel I should also make the point it is a simple case of treating all involved in the planning application/decision and appeal process equitably that the inspector's first and second names should also be available. It cannot be right that only the inspector can have their first name withheld while the first and second names of all other participants are published as part of the process.

This risks setting the inspector as a "breed apart" and somehow, without any explanation, as superior to all others involved. While obviously the inspector has essentially the "final say" on a decision giving the impression they are in some way above all others, including elected councillors, in the process risks undermining public confidence in the planning system and that it treats all applicants and decision makers equitably.

As stated the refusal to provide the inspector's first name is unlawful.

In *R v. Felixstowe Ex p. Leigh* [1987] that great Welshman Tasker Watkins VC specifically references planning inspectors and deals with the point of facing the "consequences of their decisions" the refusal to release the requested information cites.

The judgement states: *"So far as I have been able to ascertain, anonymity has never been claimed other than by the number of justices I have mentioned by anyone who can said to be a judicial or quasi-judicial person. This applies as much to High Court judges and circuit judges as to, for example, members of tribunals. An inspector at a planning inquiry is by statutory instrument disentitled from being anonymous. It would, I think, be thought outrageous by trade unions and employers associations if*



*they were not entitled to know the identity of members of employment tribunals.
Many of the persons I have mentioned are subjected to criticism, vilification even at*

times, and suffer from being pestered by telephone and otherwise by persons who bear some grievance, and moreover, occasionally by being wrongly approached by the press. But such intrusions into their private lives judges and others have inevitably to put up with as a tiresome if not worse incidence of holding judicial office."

The judgement also makes the point the names of jurors, who it is acknowledged are "unhappily subject to interference" are announced in open court before they take the oath.

The judgement states: *"There is, in my view, no such person known to the law as the anonymous JP"*.

Clearly neither can there be an anonymous planning inspector and as set out in the judgement *"An inspector at a planning inquiry is by statutory instrument disentitled from being anonymous."*

The important principle of open justice is also stated in the judgement and states: *"I do not myself see how it can be properly be said that the ends of Justice could in any respect be served by justices withholding their names from the general public or at the very least from those who essentially are concerned with the proceedings, namely the parties to them, their legal representatives and the press present in court to report those proceedings."*

It should be noted here that most planning appeals are decided on paperwork, sometimes following a site visit, so there is no opportunity for the press to attend to see the inspector make a decision (unless the inspector wishes to invite a reporter to attend at their office and sit and watch them reading documents and writing a report).

At public inquiries, or hearings held in public, the inspector will introduce themselves by first and second name and, from my memory, there is often a name card at the front of the inspector's desk.



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I believe this letter has made clear the legal principle that a “quasi-judicial person” must be identifiable and, of course, to be identifiable requires that a person’s first and second names are available which, as I’ve made the point, applies to all other decision makers, and applicants, at every other stage of the planning process.

As set out the decision to refuse my request was wrong in law and I look forward to your decision and receiving the information the public are clearly entitled to.