

17 October 2025

Dear

**ATISN 26206 - Scheduled Monument Consent 2857**

Thank you for your request which I received on 1 October. You asked for:

*Scheduled Monument Consent:*

1. *Is the interested parties list a statutory list?*
2. *Is this list published?*

*Scheduled Monument Consent 2857*

3. *The application details including maps, plans and reports, and details of the conditions attached to the consent.*

**Our response**

Questions 1 and 2 - I can confirm that Section 5(3) of the Historic Environment (Wales) Act 2023 specifies the statutory consultees when proposing a monument for scheduling or when formally amending a scheduling. As previously advised, there is no statutory requirement to consult when determining scheduled monument consent.

Question 3 - I have decided to release the following documents. I have redacted personal information of individuals under Regulation 13 of the Environmental Information Regulations 2004 and my reasoning for doing so is set out at Annex A.

- Doc 01 - Pumsaint SMC Application - [Redacted - Regulation 13 Personal Data]
- Doc 02 - Scheduled Monument Consent - Final letter - [Redacted - Regulation 13 Personal Data]
- Doc 03 - SMC 01 - Site location plan

Exceptions

There is an exception for information provided in confidence (Regulation 12(5)(e)) and information adversely affecting intellectual property rights (Regulation 12(5)(c)).

For Regulation 12(5)(e) to be engaged the information needs to satisfy three tests:

1. the information was shared in an arena where a duty of confidence was expressly provided by the party receiving the information or was shared in an arena where a duty of confidence can be assumed to exist;
2. the information possesses the necessary 'quality of confidence'; and
3. the information must be worthy of protection.
4. For Regulation 12(5)(c), it must be demonstrated that: the information is protected by IP rights;

5. the person(s) holding the IP rights would suffer harm (infringement alone will not necessarily result in harm);
6. the identified harm is a consequence of the infringement or the loss of control over use of the information; and
7. the IP rights holder could not prevent the harm or loss by enforcing their IP rights.

The following documents include confidentiality and/or copyright statements;

- Design drawings
- Design detail
- Archaeological evaluation 1 report
- Archaeological evaluation 2 report
- Written Scheme of Investigation
- Preliminary heritage appraisal
- Supplementary archaeological review
- Soil analysis and compression review
- Access options appraisal

I am currently awaiting clarification from the data owner as to the harm that will be caused if the documents are released so that I can apply the public interest test. I aim to reply to you on these matters by 14 November 2025.

### **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 the Information Rights Unit, Welsh Government,

Cathays Park, Cardiff, CF10 3NQ or Email: [Freedom.ofinformation@gov.wales](mailto: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 the 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

### Regulation 13 of the Environmental Information Regulations 2004

I have decided to withhold the following information: Information being withheld	Section number and exception name
Personal information including names, email addresses, car registration plates, phone numbers and images that could identify individuals	Regulation (13) of the Environmental Information Regulations: the information requested includes personal data of which the applicant is not the data subject.