

15 October 2026

Dear

ATISN 27456 Request for information under the Environment Information Regulations 2004

Thank you for your request which Welsh Government received on Thursday 3 September 2026. You asked for information pertaining to the consultation on introducing stricter targets for fine particulate matter (PM_{2.5}) in Wales which was held between 17 November 2025 and 16 February 2026. Your request covered records created or received between 17 November 2025 and 25 August 2026, unless specified differently in an individual question. We have put your eight questions in bold below and added our response to each of these.

Our response

You may find published information pertaining to the matters set out in your request [here](#) and in [advice](#) received from the Clean Air Advisory Panel.

We have decided that some of the information is exempt from disclosure under regulation 12(5)(b) (the course of justice, the ability of a person to receive a fair trial, or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature) of the Environmental Information Regulations 2004 and is therefore withheld. The reasons for applying these exceptions are set out in full at Annex A to this letter.

1. Consultation responses

Please provide copies of all 42 responses to WG52778, including attachments, evidence and supplementary submissions.

Please find attached the 42 responses to WG52778. Only one respondent included additional information – NFU Cymru who included an Annex to their response. This Annex is included as part of their consultation response. Accompanying the consultation responses is a schedule of documents which includes the date and further details in respect of each of the numbered consultation responses.

2. Consultation analysis and decision records

Please provide the tables, spreadsheets, databases, coding frameworks, analysis matrices, briefings, internal reports or equivalent records used to

categorise, analyse or evaluate the responses, including any record showing:

how responses, arguments, evidence and recommendations were categorised;

the criteria used to distinguish expressions of opinion from scientific, technical, peer-reviewed, economic or modelling evidence, and to assess relevance, quality, independence or evidential weight;

which substantive recommendations were accepted, accepted in part, not adopted or deferred, together with the recorded reasons; and

which representations contributed to the new 2030 aspiration and why this was adopted as non-statutory policy rather than as a statutory target or interim milestone.

If no formal methodology, weighting system or decision log was used, please provide any other recorded information showing how these matters were considered.

- How responses, arguments, evidence and recommendations were categorised.

Two spreadsheets, containing tables, were used to categorise and analyse the responses and these are attached. We do not hold databases, coding frameworks, briefings, internal reports, or any other equivalent records used to categorise, analyse or evaluate the responses.

- The criteria used to distinguish expressions of opinion from scientific, technical, peer-reviewed, economic or modelling evidence, and to assess relevance, quality, independence or evidential weight.

The Welsh Government does not hold the information requested.

Which substantive recommendations were accepted, accepted in part, not adopted or deferred, together with the recorded reasons.

The Welsh Government does not hold the information requested.

- Which representations contributed to the new 2030 aspiration and why this was adopted as non-statutory policy rather than as a statutory target or interim milestone.

Consultation responses 29,31,36,37,38 contain direct mention of a 2030 aspiration. The Ministerial advice attached (MA/LGRRS/1385/26) provides more information on why the 2030 aspiration was adopted as non-statutory policy rather than as a statutory target or interim milestone.

3. AMCT Ambition and health evidence

Dementia, cognitive decline, dementia-specific morbidity, quality-of-life losses and associated social-care costs were not mentioned in Ricardo's health-impact assessment. Please provide any recorded assessment of this evidence and of whether those omissions could understate morbidity, QALY, NHS, social-care or wider economic benefits. Please also provide any record showing how the health benefits of 5 µg/m³ were weighed against the adopted 10 µg/m³ target and whether the consultation evidence informed subsequent advice to Ministers.

In relation to the requested timeframe, the Welsh Government does not hold the information requested.

4. PERT ambition and Ricardo modelling

The response records a proposal for a Population Exposure Reduction Target (PERT) of at least 35-40% by 2035, with 25% treated as a floor rather than a ceiling. This corresponds closely with PIRG Cymru's recommendation. Please provide the recorded analysis of that proposal, including whether 25% was considered the maximum reasonably achievable reduction or a value achievable with a high degree of confidence; any assessment or sensitivity analysis of values between 25% and 40%; and the reasons why greater ambition was not adopted.

In relation to the requested timeframe, the Welsh Government does not hold the information requested.

PIRG Cymru also challenged Ricardo's feasibility assumptions, including the treatment as speculative of measures already implemented or committed, such as the Welsh default 20 mph policy and the Port Talbot steelworks transition. Please provide records showing whether the baseline or scenarios were reconsidered and whether a scenario was tested incorporating measures already implemented, legally committed, funded or reasonably foreseeable. Please also provide relevant correspondence between the Welsh Government and Ricardo about consultation evidence, scenario assumptions, AMCT or PERT feasibility, or possible amendment of the targets.

In relation to the requested timeframe, the Welsh Government does not hold the information requested.

5. UK and international benchmarking

Please provide any UK or international comparative assessment undertaken by the Welsh Government, Ricardo, the Clean Air Advisory Panel or another adviser when developing or reviewing the AMCT and PERT. If no benchmarking was undertaken, please provide any recorded explanation of why it was considered unnecessary.

In relation to the requested timeframe, the Welsh Government does hold not the information requested; however, a PowerPoint presentation is attached which includes comparisons of targets in different UK jurisdictions.

6. Natural-contribution subtraction

Please provide the recorded analysis underpinning the proposed treatment of natural contributions, including how “natural contribution” will be defined; whether secondary inorganic aerosol derived wholly or partly from anthropogenic precursors may be subtracted; the evidence and analytical methods required to establish natural-source attribution; the arrangements for independent review or audit; and whether both unadjusted measured concentrations and adjusted figures will be published.

The Welsh Government does not hold any recorded analysis of the kind requested. However, for completeness, the definition of ‘natural contribution’ is provided in regulation 16(3) of the draft consultation regulations (The Air Quality (Fine Particulate Matter) (Wales) Regulations 2026).

7. Monitoring, modelling and uncertainty

The response records support for stronger monitoring and transparency but states that the assessment arrangements will not change.

Please provide the recorded assessment underlying that decision, including consideration of network density and geographical representativeness; urban, rural, coastal and North Wales coverage; local hotspots; population-weighted exposure; deprivation and exposure inequalities; modelling and source-apportionment uncertainty; and the ability to detect relatively small changes as concentrations decline.

Please also provide any recorded consideration of whether the system can demonstrate progress towards 10 µg/m³ by 2030 where feasible, rather than only determining statutory compliance in 2035.

In relation to the requested timeframe, the Welsh Government does not hold the information requested.

8. Plaid Cymru manifesto commitments

For the period 7 May to 3 September 2026, please provide any recorded consideration, briefing, advice or correspondence concerning the implications for the draft PM_{2.5} regulations of Plaid Cymru's commitments to work with local authorities on adopting WHO clean-air standards, particularly around schools, care homes and other places occupied by vulnerable populations, and to keep pace with European environmental-protection and public-health standards (Plaid Cymru, 2026).

This should include whether the commitments prompted or are expected to prompt reconsideration of the 10 µg/m³ by 2035 AMCT or the 25% PERT; whether a statutory pathway towards 5 µg/m³ was considered; and whether additional measures, monitoring requirements or interim targets were considered for vulnerable populations.

Ministerial advice was submitted to the Cabinet Minister for Rural Resilience and Sustainability on 6 August 2026 on the PM_{2.5} regulations. The Ministerial advice is attached.

PowerPoint presentation slides on the development of the PM_{2.5} targets are also attached.

An email (dated 14 May 2026) which contains consideration of the Plaid Cymru manifesto commitments is attached.

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: Application of exceptions

The Environmental Information Regulations 2004 provide members of the public with a right to request access to environmental information held by public authorities. Disclosure under the EIR is not treated as a private disclosure to the requester alone. When considering whether information should be disclosed, a public authority therefore considers the implications of the information being made publicly available; the requester's particular circumstances or reasons for seeking the information will not normally be relevant.

We have decided to withhold the following information under Regulation 12(5)(b):

- All items of legal advice received in relation to the options for taking forward the PM_{2.5} regulations.

This Annex sets out the reasons for the engagement of regulation 12(5)(b) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

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.

Engagement of Regulation 12(5)(b) of the Environmental Information Regulations 2004

The Welsh Government considers that all items of legal advice should be exempt from disclosure. The information is subject to legal professional privilege (LPP), as it comprises confidential communications between policy officials and lawyers for the purpose of seeking or providing legal advice. LPP protects the confidentiality of communications between a client and their legal adviser for the purpose of obtaining legal advice. This enables clients to communicate fully and frankly with their legal advisers and to obtain legal advice on the basis of all relevant circumstances.

Public Interest Test

Public interest arguments in favour of disclosure

There is a significant public interest in openness and transparency in the development of the proposed PM_{2.5} air quality targets. The proposals concern matters of environmental protection and public health, and there is a public interest in enabling scrutiny of the considerations informing the Welsh Government's approach.

Disclosure of the information could contribute to public understanding of the decision-making process, including the legal considerations relevant to the development of the proposals. It could also provide greater transparency about the

basis on which decisions affecting air quality and associated health outcomes have been reached.

We have therefore given appropriate weight to the public interest in transparency and accountability in relation to this issue.

Public interest arguments in favour of withholding

There is, however, a strong public interest in maintaining the confidentiality of communications protected by legal professional privilege. LPP enables clients, including public authorities, to seek and receive candid legal advice in confidence. This supports properly informed and lawful decision-making and is an important part of the administration of justice.

In this case, the information comprises confidential legal communications between Welsh Government officials and their legal advisers concerning matters relevant to the development of the PM_{2.5} proposals. Disclosure would reveal the substance of privileged communications rather than merely the fact that legal advice was sought.

There is a significant public interest in Welsh Government officials being able to obtain legal advice in confidence when considering the exercise of statutory functions and the requirements of environmental legislation. Maintaining that confidentiality enables relevant issues to be explored fully with legal advisers so that decisions can be taken on a properly informed legal basis.

Balance of public interest test

We recognise the significant public interest in transparency and accountability in the development of the PM_{2.5} proposals, particularly given their environmental and public health implications. We have also taken into account the presumption in favour of disclosure under regulation 12(2) of the EIR.

We have weighed those considerations against the strong public interest in maintaining legal professional privilege and, in particular, in ensuring that Welsh Government officials are able to seek and obtain confidential legal advice to support properly informed and lawful decision-making. In this case, disclosure would reveal the substance of confidential legal communications.

Having considered the circumstances of this particular information, we consider that the public interests favouring disclosure are outweighed by the strong public interest in maintaining the confidentiality of the privileged legal communication. We have therefore concluded that the public interest in maintaining the exception outweighs the public interest in disclosure, and the information is withheld under regulation 12(5)(b).