12 November 2026

Dear

ATISN 260044: Formal Request under the Environmental Information Regulations 2004 - Glyndŵr National Park Designation Order

Information requested

Thank you for your request which was received on 16 October 2026. You have requested documents generated between 1 December 2025 and 13 October 2026 relating to the Welsh Government's announced "provisional view to refuse" the Glyndŵr National Park Designation Order and its indication that it was minded not to proceed to a public local inquiry at that stage.

In particular, you requested:

1. Ministerial briefings, submissions, decision logs, internal memoranda and related advice provided to Ministers concerning a provisional view to refuse the Designation Order and not proceed to a public inquiry.
2. Assessments, analyses and related documents concerning alternative mechanisms to National Park designation, including comparisons between National Park Authority arrangements and other landscape, planning or governance mechanisms, and any consideration of how such mechanisms would apply to areas within the proposed designation boundary, including Evaluation Area 20.
3. Financial, economic and proportionality assessments, modelling, advice and correspondence concerning the costs and benefits of the proposed National Park, including impacts on local authorities and consideration of projected environmental and economic benefits.
4. Assessments, reviews and supporting documentation concerning statutory duties and environmental outcomes, including biodiversity, ecosystem resilience, Well-being of Future Generations considerations and Section 6 Environment (Wales) Act 2016 considerations in relation to the proposed designation.
5. Correspondence and records of engagement between Welsh Government and local authorities, including emails, letters, meeting records and related documents concerning local authority objections to the proposed National Park and the subsequent provisional decision not to proceed with a public inquiry.

Our response

The information you requested is enclosed.

I have decided that some of the information is exempt from disclosure under sections 12(4)(d), 12(4)(e), 12(5)(b) and 13(1) of the Environmental Information Regulations and is therefore withheld. The reasons for applying these exceptions are set out in full at Annex A to this letter.

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 exemptions/exceptions

The Freedom of information Act/Environmental Information Regulations provide a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

I have decided to withhold the following information:

- Regulation 13 - Personal data of correspondents
- Regulations 12(4)(d) and 12(4)(e) -Internal communications and Information in the course of completion – Incomplete internal information
- Regulation 12(5)(b) - Course of justice, legal proceedings and legal professional privilege: Legal advice

This Annex sets out the reasons for the engagement of section(s) 12(4)(d), 12(4)(e), 12(5)(b) and 13(1) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

Engagement of regulation 12(4)(d) (Material in the course of completion, unfinished documents or incomplete data) of the Environmental Information Regulations 2004

The Welsh Government believes that information comprising draft budgetary information, financial planning assumptions, incomplete financial data and early assessments of potential risks should be withheld from disclosure under regulation 12(4)(d) of the Environmental Information Regulations 2004.

The withheld information forms part of ongoing financial planning and decision-making processes. The information contains assumptions, projections and preliminary assessments which had not been finalised at the time of the request and, in some cases, were subsequently revised as additional information became available. Disclosure of incomplete or unfinished information would be likely to give a misleading impression of the Welsh Government's position and could undermine public understanding of the issues under consideration. The information does not represent final decisions, approved budgets or settled assessments.

Public Interest Test

In order to satisfy the public interest test in relation to regulation 12(4)(d), it is necessary to conclude that the public interest in withholding the information outweighs the public interest in disclosure.

Public interest arguments in favour of disclosure

Disclosure would promote openness and transparency regarding the Welsh Government's consideration of environmental matters, would increase public understanding of how financial and operational decisions are developed and would support public participation in environmental decision-making and accountability for the use of public resources.

There is a general public interest in ensuring access to information held by public authorities.

Public interest arguments in favour of withholding

The information is incomplete and reflects work in progress rather than settled positions or final decisions. Disclosure of unfinished data and provisional assumptions could mislead the public by presenting information that is subject to change and does not provide a complete picture of the matter under consideration.

There is a public interest in allowing officials and decision-makers the necessary space to develop and refine information before it is finalised, without requiring they justify figures, planning assumptions, estimates and other provisional data that they understand is likely to change and constitutes a working assumption only.

Premature disclosure could undermine the integrity and effectiveness of ongoing financial planning and decision-making processes. Finalised information, including confirmed budgets and decisions, will be published or disclosed at the appropriate

time, allowing public scrutiny based on accurate and complete information. The provision of accurate data and quality assured information will also improve public trust in the working of Government.

Balance of Public Interest Test

The Welsh Government recognises the public interest in transparency and in enabling public understanding of how environmental and financial decisions are developed. However, in this case the information comprises unfinished documents, incomplete data and provisional assessments which do not represent final positions. We consider there to be a stronger public interest in ensuring that decisions are informed by complete and accurate information and that the public is not misled by the disclosure of material that remains subject to revision.

On balance, the public interest favours withholding the information under regulation 12(4)(d) of the Environmental Information Regulations 2004. Accordingly, the information has not been disclosed.

Engagement of regulation 12(4)(e) (Internal communications) of the Environmental Information Regulations 2004

The Welsh Government believes that information comprising internal communications between officials relating to budget planning, financial assumptions, risk assessments and potential options should be withheld from disclosure under regulation 12(4)(e) of the Environmental Information Regulations 2004.
The withheld information consists of internal discussions and exchanges between officials as part of the policy development and decision-making process. These communications contain preliminary views, advice, challenge, and consideration of potential risks and options. Officials require a private thinking space in which to explore issues fully and candidly before recommendations are refined and decisions are reached. Disclosure of these internal communications would be likely to undermine the ability of officials to engage in free and frank discussion and could inhibit the effective development of policy and decision-making.

Public Interest Test

In order to satisfy the public interest test in relation to regulation 12(4)(e), it is necessary to conclude that the public interest in withholding the information outweighs the public interest in disclosure.

Public interest arguments in favour of disclosure

As above, disclosure would promote openness and transparency regarding the Welsh Government's consideration of environmental matters, would increase public understanding of how financial and operational decisions are developed and would support public participation in environmental decision-making and accountability for the use of public resources.

There is a general public interest in ensuring access to information held by public authorities.

Public interest arguments in favour of withholding

There is a strong public interest in protecting a safe space for officials to discuss issues candidly, test assumptions, explore options and challenge proposals during the policy development process. Disclosure of internal communications would be likely to inhibit the free and frank exchange of views, reducing the quality of advice and decision-making. The communications contain preliminary opinions and discussions which do not necessarily reflect the Welsh Government's final position.

The public interest is served by decisions being informed by robust internal debate and challenge before conclusions are reached and communicated publicly. Disclosure of internal communications relating to ongoing or evolving matters would be likely to lead to misunderstanding of issues that are still under consideration and subject to change.

Balance of Public Interest Test

The Welsh Government recognises the importance of transparency and accountability and acknowledges that disclosure would contribute to public understanding of how environmental matters are considered internally. However, there is a significant public interest in ensuring that officials have a safe space within which to exchange views, provide advice and test options candidly throughout the policy and decision-making process.

On balance, the Welsh Government considers that the public interest in maintaining the exception outweighs the public interest in disclosure. The effective conduct of internal discussions and the quality of decision-making would be likely to be prejudiced if such communications were routinely disclosed. Accordingly, the information has been withheld under regulation 12(4)(e) of the Environmental Information Regulations 2004

Engagement of 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

The Welsh Government believes that information comprising legal advice provided by Legal Services should be withheld from disclosure under regulation 12(5)(b) of the Environmental Information Regulations 2004.

The withheld information consists of confidential communications between Welsh Government officials and legal advisers for the purpose of obtaining and providing legal advice. The information attracts legal professional privilege (LPP), which is a fundamental principle of law designed to protect the confidentiality of legal advice and ensure that clients are able to seek and receive legal advice openly and candidly.

Disclosure of legally privileged advice would adversely affect the course of justice by undermining the principle of legal professional privilege. Legal advisers and their clients must be able to communicate freely and frankly without concern that those communications may subsequently be disclosed. Releasing such information would prejudice the Welsh Government's ability to obtain comprehensive legal advice and could prejudice its legal position in relation to current or future matters.

Public Interest Test

In order to satisfy the public interest test in relation to regulation 12(5)(b), it is necessary to conclude that the public interest in withholding the information outweighs the public interest in disclosure.

Public interest arguments in favour of disclosure

The Welsh Government recognises that there is a public interest in the openness and accountability of government, and that releasing the requested information would help the public gain a better understanding of the basis upon which the Minister reached her view.

Public interest arguments in favour of withholding

That there is a public interest served in public authorities being able to access advice which benefits from legal professional privilege was noted in the judgment of Bellamy v the Information Commissioner and DTI [EA/2005/0023] in which the tribunal, on the subject of LPP said:

> "there is a strong element of public interest inbuilt into the privilege itself. At least equally strong countervailing considerations would need to be adduced to override that inbuilt interest….it is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear case…".

The Welsh Government agrees with this view that it is important to maintain legal professional privilege and considers that, in the absence of at least equally strong countervailing considerations, any disclosure of information covered by legal professional privilege would be likely to result in substantial harm.

Legal advisers need to be able to present the full picture to their clients which includes legal arguments in support of a position and any relevant counterarguments. This is what underpins the long-established principle of legal professional privilege.

It is in the nature of legal advice that it often sets out the possible arguments both for and against a particular view. If recipients or providers of legal advice believe that it is likely that the legal advice would be published, especially in respect of an ongoing matter, then this would have an adverse effect on whether such advice is commissioned or provided and how comprehensive it is. This would be likely to result in substantial harm to the quality of decision-making since it would not be fully informed.

Moreover, disclosure of its legal advice has a significant potential to prejudice the Government's ability to defend its legal interests - both directly by unfairly exposing legal arguments to others who may seek to challenge the Government's action or position, and indirectly by diminishing the reliance it can place on the advice having been properly considered and presented without fear or favour.

Balance of Public Interest Test

The Welsh Government recognises the public interest in transparency and accountability and acknowledges that disclosure would provide greater insight into the legal considerations relating to this matter. However, there is a particularly strong public interest in protecting legal professional privilege and ensuring that public authorities can obtain and consider legal advice in confidence.

The Information Tribunal has recognised that there is a strong public interest inherent in legal professional privilege and that compelling countervailing factors are generally required to justify disclosure. Having considered the circumstances of this case, the Welsh Government does not consider that the public interest in disclosure is sufficient to outweigh the substantial public interest in maintaining legal professional privilege.

On balance, the public interest favours withholding the information. Accordingly, the information has been withheld under regulation 12(5)(b) of the Environmental Information Regulations 2004.

Regulation 13– Personal data

Regulation 13(1) together with the conditions in Regulation 13(2)(a)(i) and 13(2)(a)(ii) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 2018 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Regulation 13(1) of the EIRs, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

> *"processed lawfully, fairly and in a transparent manner in relation to the data subject"*

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

> *"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".*

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:-

- The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
- The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. **Legitimate interests**

   We recognise that there is a legitimate interest in transparency and accountability in relation to the Welsh Government's handling of this matter. In particular, there is a legitimate interest in understanding which organisations and senior decision-makers were involved in the development and consideration of the issues under discussion.

2. **Is disclosure necessary?**

   We do not consider the disclosure of the names and contact details of junior officials, administrative staff, or individuals who are not acting in a senior decision-making or public-facing capacity to be necessary to meet that legitimate interest. The disclosed information identifies the relevant organisations, teams and decision-making processes involved. Disclosure of the personal data would not significantly enhance public understanding of the matters under consideration, nor is it necessary to provide accountability for the decisions taken

3. **The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms**

   We have concluded that, on balance, the legitimate interests in disclosure do not outweigh the rights and freedoms of the individuals concerned. The individuals whose personal data has been withheld are not senior officials, public spokespersons or decision-makers accountable for the matters covered by the request. In many cases, they were copied into correspondence for administrative, operational or supporting purposes only.

   These individuals would have a reasonable expectation that their personal information would be used for the conduct of official business and not disclosed into the public domain in response to an EIR request. Disclosure would be likely to interfere with their privacy rights and would not provide any meaningful additional insight into the substance of the information requested.

   We therefore consider that disclosure of this personal data would be unlawful under Article 5(1)(a) of the UK GDPR and the information has been withheld under regulation 13(1) of the Environmental Information Regulations 2004.