



Llywodraeth Cymru
Welsh Government

11 December 2019

Dear,

ATISN 13602

Thank you for your request which I received on **22 October** about **renewable energy schemes supported by the Welsh Government Energy Service**.

The number of projects changes frequently, due to the nature of project development. I therefore enclose a full list of the total projects that the Service is supporting at the current time. I also enclose a list of renewable energy projects that have been completed with support from the Welsh Government Energy Service and previous Welsh Government renewable energy schemes.

We do not hold the addresses of all the organisations.

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

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 1

I have decided to withhold the following information:

Information being withheld	Section number and exemption name
Name of the organisation of projects in development	12(5)(f) of the Environmental Information Regulations (The interests of the person who provided the information.)

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

ICO guidance states that: to refuse environmental information under the exception in regulation 12(5)(f), public authorities will need to establish that:

- the information is not on emissions;
- the interests of the person providing the information to the public authority will be adversely affected by disclosure;
- the person providing information was not under any legal duty to provide it;
- the public authority is not entitled to disclose the information provided;
- the person providing the information has not consented to disclosure; and
- the public interest in maintaining the exception outweighs the public interest in disclosing the information.

The intention behind this exemption is to prevent the disclosure of any information that would, on the balance of probabilities, cause harm to the supplier of the information.

Some of the information captured by your request relates to renewable energy projects that are in an early stage of consideration. We have received representations that the release of the information requested would be likely to be prejudicial to such projects because:

- Drawing attention to projects in development will be damaging from a stakeholder perspective, and give scrutiny to projects before they are appropriately developed. This could prejudice the projects themselves and cause associated financial loss.
- The majority of the projects in development have not yet gone through to public consultation. Pre-empting the public consultation by premature publication could prejudice the outcome of the project.
- Sharing the information on projects in development at this stage could lead to increased interest in the land which could increase project costs. This would cause clear financial losses to the groups who have provided this information.

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.

Public interest arguments in favour of disclosure

There is a clear public interest in release of this information into the public domain. The subject of renewable energy is of interest at local and national levels, and public engagement in local renewable projects is often crucial to their success.

There is also a public interest in the openness and transparency of government, and all these weigh in favour of release of the requested information.

Public interest arguments in favour of withholding

Although the interest in this information being shared with the public is clearly acknowledged above, it is not necessary that all details of the projects are disclosed at this stage. All projects will have public consultation built in, allowing an appropriate forum for the public to engage with the proposals.

The danger of release of the information at this stage is that, as described above, many of these projects would be subject to inappropriate scrutiny if the information were release at this early development stage. In particular, we believe the risk of community led projects being displaced by developer led projects, should their development plans be made public would not be in the public interest. Neither is it in the public interest that such projects be allowed to fail because of premature publication of their plans.

Balance of public interest test

On balance, the risk to the public interest in release of the information *at this time* does not outweigh the public interest in withholding. However it is clearly in the public interest that all projects that proceed beyond initial development should involve public consultation, and once that has begun, we would have no further objection to release of the requested information.