



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ATISN 15730

6 January 2022

Dear

Request for Information – ATISN 15730

I wrote to you on 6 December regarding your request for information.

Information requested

1. All minutes of meetings and discussions, all correspondence and all email exchanges between the members of the Welsh Government's review panel on road schemes relating to their review of the Llanbedr bypass between 1 September and 30 November 2021.
2. All minutes of meetings and discussions, all correspondence and all email exchanges between the members of the review panel, either individually or collectively, and Welsh Government Ministers relating to the review of the Llanbedr bypass between 1 September and 30 November 2021.
3. All minutes of meetings and discussions, all correspondence and all email exchanges between Welsh Government Ministers relating to their consideration of the recommendations of the review panel and their decision to cancel the scheme.
4. The evidence submitted by the Snowdonia Society to the review panel in relation to the Llanbedr bypass.

Our Response

I apologise for the delay in responding to you. I confirm the Welsh Government holds information caught by your request. I have decided that some of the information however, is exempt from disclosure under Regulation 12(4)(d) - material in the course of completion, unfinished documents and incomplete data, of the Environmental Information Regulations and is therefore withheld. The reasons for applying this exception is set out in full at Annex A to this letter.



BUDDSODDWYR | INVESTORS
MEWN POBL | IN PEOPLE

Llywodraeth Cymru /
Welsh Government
Parc Cathays / Cathays Park
CF10 3NQ

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

For question 1, the information is already in the public domain. The minutes are published on [Roads review | GOV.WALES](#).

As for emails, these are being withheld under Regulation 12(4)(e) of the Environmental Information Regulations, internal communications. Please see Annex A for full reasoning.

For question 2, the panel minutes, as above, are published online. Emails are being withheld under Regulation 12(4)(e) of the Environmental Information Regulations, internal communications.

For question 3, the meeting was held on 22 November 2021 and the minutes are attached to this letter, at Annex B.

For your final question, the evidence submitted by the Snowdonia Society to the review panel in relation to the Llanbedr bypass is appended at Annex C.

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

Regulation 12(4)(e) – internal communications

Regulation 12(4)(e) states that a public authority may refuse to disclose information to the extent that—

(e) the request involves the disclosure of internal communications.

Guidance from the Information Commissioner has confirmed that this exception is drafted broadly and is a class based exception which covers all internal communications, not just those that are sensitive or actually reflect internal thinking. The concept of ‘internal communications’ covers a wide range of information and includes any information intended to be communicated to others or saved in a file where it may be consulted by others. I can confirm that the information held by the Welsh Government which is captured by your request amounts to internal communications.

Regulation 12(4)(e) is a qualified (public interest tested) exception. Even if the exception is engaged, public authorities must go on to apply the public interest test set out in regulation 12(1)(b). A public authority can only withhold the information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. Because of this, consideration has been given to the effects of disclosure to the world at large rather than any personal interest you may have in being provided with the information.

Public Interest Test

The Welsh Government acknowledges the presumption in favour of disclosure under Regulation 12(2) and we acknowledge there is a public interest in openness and transparency within Government, particularly in terms of ensuring transparent and accountable government by disclosing how the Welsh Government utilises its resources, spends public money and that both are invested wisely on behalf of the people of Wales.

The email exchanges between members of the Welsh Government's review panel on road schemes relating to their review of the Llanbedr bypass between 1 September and 30 November 2021, include details on a policy in formation which is likely to affect the environment.

It is important for good governance that officials are able to fully engage with each other and with Ministers and exchange and provide advice away from the public gaze and that there should be no disincentive in doing so. If officials believed their advice or freely exchanged views would be made public, it is likely to inhibit the future provision of advice and exchange of views, leading to less rigorous and in-depth exploration of options and impairment of the quality of decision making. Unless officials are able to provide options and advice surrounding proposed projects, the effectiveness of the project and the process of reaching decisions would be undermined. This would not be in the public interest.

The Welsh Government believes the public interest in this project is satisfied by the amount of information already published.

In this regard, the Welsh Government believes the balance of public interest to withhold the information outweighs the public interest to release it for the reasons outlined above. The information has therefore been withheld under Regulation 12(4)(e) of the EIRs.