

Dear

18 July 2022

## **Request for Information – ATISN 18631**

Thank you for your request for information dated 20 June.

### **Information requested**

Documents relating to the future development of the recently acquired BP Baglan Bay site.

Such as:

Masterplans or feasibility studies, and/or consultants briefs to produce thereof.  
Site constraints and contamination reports.  
Correspondence relating to the site with NPTCBC, such as engagement around the Local Development Plan or with the regeneration department.

### **Our response**

I can confirm that we hold some information relating to feasibility studies, and/or consultants briefs, site constraints and contamination reports. However, these are considered exempt from disclosure under section **35(1) (a), formulation of government policy** of the **Freedom of Information Act** and is therefore withheld. The reasons for applying this exemption 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](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: 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 (FoIA) 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.

This Annex sets out the reasons for the engagement of section 35 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

### **Engagement of section 35(1) (a) ‘formulation of government policy’ of the FoIA**

The information in question relates to information which officials will consider, together with further information which will result from further studies which are currently being undertaken, in providing recommendations and options to be considered by the Minister in order to develop the Welsh Government’s policy in relation to the site.

As the information is clearly related to the formulation of our policy on this matter, I would suggest the exemption is clearly engaged.

### **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 public interest in the understanding how the Welsh Government is intending to support the economic and environmental regeneration of the site and how public money will be spent.

### **Public interest arguments in favour of withholding**

To protect the integrity of the development of the policy process and all organisations and individuals involved, we are withholding the information requested.

The release of partial information relating to Policy development in such a sensitive area which is likely to generate strong feelings from a range of stakeholders may be easily taken out of context. Disclosure could illustrate a range of options that are being considered in the formulation of the policy based only on the information currently available and without the benefit of the further work currently underway and so present an incomplete picture.

It should be noted that given the planned work being completed in relation to the site, it is proposed that officials will be supplemented with future information as technical work for the site is progressed and the WG’s plans for the site are developed. Once all the information has been compiled, officials will then provide the Minister with advice and recommendations to consider for the development of the policy for this site.

Making this information publicly available would prejudice future policy development.

**Balance of public interest test**

The Welsh Government believes that, on balance, the wider public interest lies in withholding the information.

The Wellbeing of Future Generations Act (WFGA) 2015 represents the overarching framework guiding the development and delivery of the programme workstreams. The seven Well-being Goals and the five ways of working (WoW) defined within the Act will be embedded throughout the programme and will continue to underpin the steps towards the site's future regeneration. The future development options of the Baglan Bay site will align with legislation and policy with a focus on the WFGA 2015 and other key relevant legislation including Environment (Wales) Act 2016 (EWA).

As such, we believe the balance lies in favour of maintaining the exemption.