

29 November 2023

Dear

## **ATISN 19201 – Request for Information**

### **Information requested**

Thank you for your request which I received on 28 November 2023. You asked for:

Copies of any correspondence or documentation pertaining to the proposed Parc Solar Caenewydd, including all infrastructure associated with the solar park including the battery storage facility and underground cabling, including:

- Any documentation pertaining to Parc Solar Caenewydd, between the Welsh Government (WG) and Taiyo Power & Storage Ltd. St Giles Square, London.
- Also between the Welsh Assembly Government and Pegasus Group, Great Park Road, Bristol.

Copies of any Risk Assessment, Health and Safety study, Ecological or Environmental Impact study pertaining to Parc Solar Caenewydd, either conducted internally by the WG; or by Taiyo, or by Pegasus Group, or by any private individual or company associated with WAG, Taiyo or Pegasus.

### **Our response**

Some of the information you have requested is available here:

<https://planningcasework.service.gov.wales/searchresults?q=01900>

In addition I am attaching 18 email chains captured by your request.

I have decided that some of the information is exempt from disclosure under regulation 13 of the Environmental Information Regulations and is therefore withheld. The reasons for applying this exception 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.

While not the direct subject of your request, the following information may be of interest to you if you wish to follow the progress of this proposed development.

This proposal is a potential Developments of National Significance (DNS) planning application. These applications are normally determined by the Welsh Ministers. PEDW is the division of the Welsh Government responsible for processing DNS planning applications. The best e-mail address to use for queries about DNS is [PEDW.infrastructure@gov.wales](mailto:PEDW.infrastructure@gov.wales).

Further information about PEDW's role and that of our Inspectors is available online: <https://www.gov.wales/planning-and-environment-decisions-wales/protocol>

Guidance on the DNS process is available online.

- Guidance for communities: <https://www.gov.wales/developments-national-significance-dns-engaging-process>
- Guidance for applicants and Local Planning Authorities: <https://www.gov.wales/developments-national-significance-dns-procedural-guide>

The documents that PEDW publishes in relation to this case are available via the planning casework portal:

<https://planningcasework.service.gov.wales/searchresults?q=01900>

As the proposal is still at the pre-application phase, PEDW is not accepting any representations about it. At this stage, any concerns should be raised directly with the developers. Their website is available here:

<https://www.parcsoarcaenewydd.co.uk/>

All DNS applications are subject to a rigorous examination by an independent Planning Inspector, who will carefully consider all the evidence from all parties before making a decision or recommendation.

If you have any further queries about the DNS process once you have read PEDW's guidance, please contact them via [PEDW.infrastructure@gov.wales](mailto:PEDW.infrastructure@gov.wales) or 0300 123 1590.

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:

- Names and email addresses of correspondents – Regulation 13 – Personal information

This Annex sets out the reasons for the engagement of regulation 13 of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

### **Engagement of Regulation 13 (personal data) of the Environmental Information Regulations (“EIR”)**

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 EIRs 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 EIRs 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**

The personal data is the name of correspondents in the correspondence captured by this request. There is a legitimate interest in understanding the context of communications, and from which and to which organisations the correspondence was addressed.

### **2. Is disclosure necessary?**

Disclosure of the personal data is not necessary for the legitimate interest, where we can provide the context of the request instead. By replacing the names with the context we are able to maintain the context for which a legitimate interest exists without disclosing personal data, which affects the fundamental rights of the data subjects under data protection legislation.

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

Because the redaction meets the legitimate interest and so disclosure of the personal data is not necessary, there is no need to further consider the balance of interests, and the information is withheld.