

**Mr Dennis Clarke**  
request-887286-  
38b72523@whatdotheyknow.com

**13 September 2022**

Dear Dennis,

**ATI-23791a**

I am writing in respect of your request, received 17 August 2022, for information under the provisions of the Environmental Information Regulation (EIR) (2004).

**You requested NRW to provide you with;**

*The decision document relating to the grant of a Permit to the Incinerator on Barry Docks was issued on 07/02/2018 No. EPR/AB3790ZB.*

*Please supply me with copies of the drafts of this document. I am of course content to receive digital copies or to attend at your offices to view them, whichever is more convenient to you.*

**Our response;**

The requested information relating to copies of the draft decision making document to grant a Permit to the Incinerator on Barry Docks is exempt from disclosure under the following exceptions: **Regulation 12(4)(e)** – *Internal communications* + **Regulation 12(4)(d)** – *Information in course of completion*.

However, please find the attached Final Decision Document for Barry Biomass permit for your attention.

In coming to this conclusion we have completed a public interest test, see below, balancing the public interest in withholding this information against the public interest in disclosure.

I hope you find this information useful, however, if you are dissatisfied with our response you are entitled to pursue this matter through our appeals procedure, a copy of which is below

Yours sincerely



**Mari Llewelyn**  
Customer Hub Advisor

## Rights of appeal

If you are not satisfied with our response to your request, you can contact us to ask for our decision to be reviewed, please write to:

Miriam Jones  
Team Leader, Customer Hub  
Natural Resources Wales,  
Ty Cambria, 29 Newport Road, Cardiff CF24 0TP  
[accesstoinformationteam@naturalresourceswales.gov.uk](mailto:accesstoinformationteam@naturalresourceswales.gov.uk)

If you are still not satisfied following this, you can make an appeal to the Information Commissioner, who is the statutory regulator for Freedom of Information. The address is:  
Office of the Information Commissioner,  
Wycliffe House, Water Lane,  
Wilmslow, Cheshire SK9 5AF  
Tel: 0303 123 113  
Fax: 01625 524 510  
E-mail: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: <http://www.informationcommissioner.gov.uk>

## Public Interest Test

Legislation considered under: Environmental Information Regulations (EIR)

## Information Element

Copies of the draft decision making document to grant a Permit to the Incinerator on Barry Docks

## Factors of disclosure

Openness in the provision of information. NRW is mindful of the presumption of openness in approaches to requests for information under the Act, and of the strong public interest in openness, transparency, public understanding, and accountability in relation to the activities of public Authorities.

### Regulation 12(4)(e) - Internal communications

- Promoting the understanding of NRW decision making processes by disclosing draft documents
- Promoting the understanding of NRW decision making processes
- Disclosure may promote public confidence in the integrity of followed processes

### Regulation 12 (4)(d) – Information in the course of completion

- Provide reassurance to the public when disclosing information on NRW processes
- Committed to publishing information of strong public interest on how NRW is meeting its obligations

## Factors for Withholding

### Regulation 12(4)(e) - Internal communications

The purpose of this exception is to provide public authorities such as NRW with a 'safe space for discussion'.

Disclosing information within draft format could inhibit free and frank discussions and lead to a chilling effect on our officers future discussions, internal deliberation and decision making processes.

It is vital to protecting such deliberations and processes as they often relate, to the need of preserving a 'safe space' away from external scrutiny. This allows public authority staff to be able to communicate freely about issues / views, how they are resolved without the risk of disclosure, as this would prejudice the ability to conduct any future decision processes.

### Regulation 12 (4)(d) – Information in the course of completion

Disclosure of the draft document for this particular permit which includes internal communications has little value / interest for the public, as a finalised document is already within the public domain to view.

NRW believes that public authorities should be allowed 'safe space' in which to complete documents / statements within internal communications / draft documents away from public scrutiny.

### **Weighing the balance of the above. Reasons for final decision.**

In light of the above, there will always be a strong argument in favour of maintaining the above mentioned exceptions. It is very important that NRW has a 'safe space' to discuss internal decision making processes and to complete draft statements away from public scrutiny that could lead to assumptions. Additionally, the release of this information could have a chilling effect on the ways NRW officers express their views / decision making within future internal communications.

There is also little value in disclosing a document within draft format on our decision making when a final version is already within the public domain. The final version of the requested document has been provided to the customer.

Upon assessing the factors in the public interest test, we have assessed that the factors in favour of withholding the information outweigh the public interest factors in disclosing the information.