



Department for
Energy Security
& Net Zero

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Dr Rose O'Neill

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Our ref: EIR2025/16578

26 January 2026

Dear Dr Rose O'Neill,

Thank you for your email of 24 November in which you requested the following information:

This request relates to recommendation 19: Remove or constrain the National Park Duty in the Levelling Up and Regeneration Act 2023. We note that this recommendation (or issue) was mentioned in the interim report published in August 2025. Please can you share with us all information and evidence pertaining to this final recommendation including:

- *The evidence base, including any responses to the Call for Evidence and all other evidence, upon which this recommendation was based / deemed necessary.*
- *Any correspondence between Taskforce members and Departments in relation to this recommendation.*
- *Any analysis or rationale regarding the Report's statement that the duty "has caused confusion, and will likely delay and add cost, to nuclear development", with estimates of costs, etc.*
- *Any due diligence or impact assessment relating to implementation of this recommendation, for nuclear development, and for National Parks and National Landscapes more broadly.*
- *The list of National Landscapes and National Parks where the Taskforce consider that there may be conflict between the existing Protected Landscapes duty and nuclear development.*

We have considered your request in accordance with the Environmental Information Regulations 2004 ('the EIRs') as the information you request falls within the definition of 'environmental information' in the EIRs.

We will respond to your points in turn.

- The evidence base, including any responses to the Call for Evidence and all other evidence, upon which this recommendation was based / deemed necessary.

- The section of the final report covering Recommendation 19 was drafted by members of the Taskforce and supporting team and drew on the following publicly available sources:
 - National Parks and Access to the Countryside Act 1949
 - Countryside and Rights of Way Act 2000

- National Policy Statements, including Department for Energy Security and Net Zero. *Overarching National Policy Statement for Energy (EN-1)*. London: HM Government, 2023
- National Highways. *Applicant's Response to Secretary of State Letter dated 26 July 2024*
- Surrey Hills AONB Board Submission, 2024
- The Planning Inspectorate. *Gatwick Airport Northern Runway DCO – Decision Letter*, 2025
- Infrastructure planning blog 3: *How much protection does a national park or national landscape need 09 May 2025*

- Any correspondence between Taskforce members and Departments in relation to this recommendation.

We have included two emails (dated 6 June 2025 and 30 October 2025) from Mustafa Latif-Aramesh that are relevant to this. There is no other specific correspondence on this recommendation between Taskforce members and government departments.

In one of these emails, information has been redacted. Regulation 12(4)(e) provides that “a public authority may refuse to disclose information to the extent that the request involves the disclosure of internal communications”. Since the information is an internal communication within the nuclear regulatory taskforce, we have concluded that regulation 12(4)(e) is engaged and have withheld information accordingly.

This exception is subject to the public interest test. The key public interest considerations we have taken into account are set out below, and we have also applied a presumption in favour of disclosure as required by regulation 12(2) of the EIRs.

Underlying this exception is the principle that public authorities should have the necessary space to think in private. The need for a ‘safe space’ is particularly relevant in considering the public interest in this case because the information covers a variety of live issues, which Government officials need to discuss, review and test away from external interference and distractions. We consider that releasing the information at this time would risk damaging the internal decision-making process. This is because government officials and public authorities should have a safe space within which to think through and develop policy. Disclosure of related correspondence would affect this ‘safe space’. There may also be a ‘chilling effect’ if the information requested is released as those officials advising on this policy area may be less frank and candid in giving their views in the future if there is a possibility that their on-going thinking may be made public. This is likely to have an adverse impact on the quality of decision making.

Against that, there are of course arguments in favour of transparency of policy discussions generally. These include increasing public accountability and allowing the public to assess and influence the quality of decision making on policies such as those in relation to the development of this report. However, we have concluded that the public interest in disclosing the information is outweighed by the public interest in withholding the information.

Also, some information constitutes personal data and has been withheld. Regulation 12(3)(a) of the EIRs provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act (DPA) 2018. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be lawful, fair and transparent and must comply with one of the

conditions at Article 6(1) the UK General Data Protection Regulation (GDPR). We do not think that it is lawful, fair and transparent to release the names of junior members of staff and do not think that any of the relevant conditions apply.

- Any analysis or rationale regarding the Report's statement that the duty "has caused confusion, and will likely delay and add cost, to nuclear development", with estimates of costs, etc.

The Taskforce's statement reflects judgements based on qualitative evidence gathered during its review (listed above). The report does not include a quantified cost assessment.

- Any due diligence or impact assessment relating to implementation of this recommendation, for nuclear development, and for National Parks and National Landscapes more broadly.

- The list of National Landscapes and National Parks where the Taskforce consider that there may be conflict between the existing Protected Landscapes duty and nuclear development.

We have conducted a thorough search and can confirm that DESNZ does not hold any due diligence or impact assessment relating to implementation of this recommendation or document listing specific National Parks or National Landscapes where the Taskforce considers there may be conflict between the Protected Landscapes duty and nuclear development.

The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner's Office (ICO), who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, DESNZ has not conducted a public interest test in this case.

The Taskforce's final report explains that the statutory duty applies to all designated Protected Landscapes in England and Wales (National Parks and National Landscapes). The report does not identify individual areas or provide a list of sites.

We have provided, above, information and evidence under each of the specific areas you included which we hope provides a comprehensive and satisfactory response. If you require further information, please specify what information is required.

Appeals procedure.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original request and should be addressed to the Information Rights Team. It would be helpful if you can tell us why you are dissatisfied with the response to your request so we may address this during the internal review.

Information Rights Team
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Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Complaints can be made to the Information Commissioner via their website at: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>.

Yours sincerely,

DESNZ Nuclear Protection Directorate