

FOI PROCEDURE: ANNEX B – PUBLIC INTEREST TEST (PIT) TEMPLATE

Purpose:

This template must be completed where a qualified FOI exemption (or EIR exception) requires a Public Interest Test (PIT).

FOI Reference Number: FOI 26/26

Request:

Natural England has previously shared with me the fact you have been preparing a tree strategy for Richmond Park SAC. I notice that it has not been published on your website, despite the legal protection from which the habitats in the SAC benefit under The Conservation of Habitats and Species Regulations 2017.

Please can you send me:

1. The Royal Parks tree strategy for Richmond Park SAC ("the tree survey")?
2. Survey and other data including on the trees and their supporting habitat in Richmond Park SAC on which the tree survey will be, is being or has been based?

Information in Scope:

Draft and final versions of the Tree Strategy for Richmond Park SAC, together with survey data and supporting information that underpin the Strategy and are intended to form part of the planned publication package.

Exemption / Exception Applied:

- Regulation 12(4)(d) EIR – Material in the course of completion, unfinished documents, or incomplete data

1. Engagement of the Exception

The requested information is environmental information for the purposes of the Environmental Information Regulations 2004, as it concerns the condition of elements of the environment, including trees and supporting habitat within Richmond Park SAC, and measures affecting or likely to affect those elements. Regulation 12(4)(d) may apply where the requested material is still in the course of completion, consists of unfinished documents, or comprises incomplete data. The Tree Strategy for Richmond Park SAC is a live document that is still being finalised, and some of the survey material and supporting information remain subject to review, validation, and contextualisation before publication. The Royal Parks has indicated that the Strategy is expected to be available from the end of July 2026. Disclosure at this stage could result in the release of draft, incomplete, or insufficiently contextualised material. In considering this exception, The Royal Parks must apply the presumption in favour of disclosure under regulation 12(2) and assess whether, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosure.

2. Public Interest in Disclosure

Factors supporting disclosure include:

- Transparency and accountability: Disclosure would promote openness about how The Royal Parks manages Richmond Park SAC and develops strategic environmental policies.

- Public confidence: Early access may increase public trust, particularly given the environmental sensitivity of Richmond Park and public interest in tree management.
- Environmental scrutiny: The Tree Strategy relates to conservation and environmental management, areas where there is a strong public interest in informed debate.
- Timeliness: The requester may argue that delays in publication heighten the public interest in understanding the reasons for those delays.

3. Public Interest in Maintaining the Exception

Factors supporting withholding the information include:

- Orderly publication: There is a strong public interest in allowing public authorities to publish information in a planned, accurate, and coherent manner.
- Accuracy and quality: Draft strategies, working documents, and preliminary data may be incomplete or subject to change. Premature disclosure risks misinterpretation or unnecessary concern.
- Consistency of messaging: Publishing incomplete material could conflict with the final version, causing confusion and undermining confidence in the final Strategy.
- Administrative efficiency: There is a public interest in avoiding piecemeal disclosure where the information is shortly due to be published in a more complete and accessible form.
- Resource impact: Managing piecemeal disclosure alongside final publication would place an unnecessary administrative burden on The Royal Parks.

4. Balance of the Public Interest

The Royal Parks recognises the strong public interest in transparency and environmental accountability, and has applied the presumption in favour of disclosure under regulation 12(2). In this case, however, that public interest is outweighed by the public interest in avoiding disclosure of draft strategy material and incomplete supporting data before the work has been finalised, quality assured, and properly contextualised. Given the defined and relatively near publication timeframe (end of July 2026), and the risk that premature disclosure could mislead or confuse the public debate, the balance of the public interest favours maintaining regulation 12(4)(d) at this time.

5. Partial Disclosure Consideration

Partial disclosure has been considered. However, separating draft strategy material, supporting data, or associated working information from the final published package would create a significant risk of disclosing incomplete environmental information without the necessary explanation, caveats, and final analysis. The Royal Parks has also considered whether any information can reasonably be extracted and disclosed now without creating a misleading impression; on the current facts, this is not considered appropriate while the Strategy and underlying material remain in development.

6. Timing Considerations

The weight in favour of maintaining the exception is expected to reduce once the Tree Strategy and its supporting material are finalised and published. At that stage, regulation 12(4)(d) will no longer apply to material that is no longer in the course of completion or incomplete. The anticipated publication date provides assurance that withholding is temporary and proportionate.

7. Final Decision

Decision:

To withhold the requested information under regulation 12(4)(d) EIR – material in the course of completion, unfinished documents, or incomplete data.

Justification:

Having applied the presumption in favour of disclosure, The Royal Parks considers that the public interest in maintaining regulation 12(4)(d) outweighs the public interest in disclosure at this time, given the clear intention and timeframe for publication and the risks associated with releasing draft or incomplete environmental information prematurely.

8. Approval

Completed by: Senior Information Governance Manager

Reviewed by:

Head of Policy and CEO's Office

Approved by:

Director of Parks

9. Record Keeping:

This Public Interest Test will be retained within the EIR case file in accordance with The Royal Parks' information governance and records management procedures.