

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 26/30

Request Summary:

Request for information relating to the delay to publication of the Tree Strategy for Richmond Park SAC, including ExCom minutes, internal and external correspondence, and documentation relating to the formulation, development, and publication of the Strategy.

Information in Scope:

- Internal and external correspondence relating to the Tree Strategy
- ExCom and other meeting minutes
- Draft documents and supporting materials
- Stakeholder communications (e.g. Natural England) regarding the Strategy and its timing

Exemption / Exception Applied:

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

1. Engagement of the Exceptions

Regulation 12(4)(d):

The Tree Strategy itself, and certain supporting material, remain in the course of completion and are intended for publication, with an anticipated publication date of end of July 2026. Some requested information consists of draft or unfinished material, or material that forms part of the ongoing development of the final published version. This engages regulation 12(4)(d).

Regulation 12(4)(e):

Some of the requested material comprises internal correspondence, meeting minutes, draft positions, and internal exchanges about the timing of publication and related deliberations. As this material consists of internal communications for the purposes of the EIR, regulation 12(4)(e) is engaged.

2. Public Interest in Disclosure

Factors supporting disclosure include:

- **Transparency and accountability:** There is a clear public interest in openness regarding decision-making affecting a nationally significant environmental site.

- **Public confidence:** Disclosure may help address concerns about the delay to publication of the Strategy.
- **Environmental importance:** Richmond Park SAC is of high ecological importance, strengthening the case for scrutiny of management decisions.
- **Understanding decision-making:** Disclosure of minutes and correspondence could assist public understanding of governance processes and stakeholder engagement.

3. Public Interest in Maintaining the Exceptions

Regulation 12(4)(e) – Maintaining the exception

- **Safe space for internal discussion:** There is a strong public interest in preserving a private thinking space for internal discussion while the Strategy and its publication timing remain live.
- **Quality of decision-making:** Staff and decision-makers need space to test options, challenge assumptions, and discuss risks candidly before a settled position is reached.
- **Avoidance of confusion:** Releasing internal communications while matters remain under consideration risks disclosure of evolving views that may be incomplete, provisional, or taken out of context.
- **Temporary nature of the exception:** The weight in favour of maintaining the exception is strongest while the relevant discussions remain active and is expected to reduce once the Strategy is finalised and published.

Regulation 12(4)(d) – Maintaining the exception

- **Orderly completion and publication:** There is a public interest in allowing unfinished material to be completed and published in a final, accurate, and coherent form.
- **Protection against misleading impressions:** Draft or incomplete material may not reflect the final position and could create misunderstanding if disclosed prematurely.
- **Administrative efficiency:** Managing piecemeal disclosure of unfinished material alongside completion of the final Strategy would place an unnecessary burden on the organisation.
- **Defined publication timeframe:** The material is expected to be published within a defined and reasonable timeframe, which reduces the weight in favour of immediate disclosure.

4. Balance of the Public Interest

There is a strong public interest in transparency, particularly given the environmental significance of Richmond Park and interest in the delay to publication.

However, this must be balanced against:

- The strong public interest in protecting a safe space for internal communications while deliberations remain live (regulation 12(4)(e)); and

- The public interest in allowing unfinished material to be completed and published in a coherent final form (regulation 12(4)(d)).

The presumption under the EIR is in favour of disclosure, and that has been taken into account. However, in this case, the combined weight of the public interest in maintaining regulations 12(4)(d) and 12(4)(e) outweighs the public interest in disclosure at this stage. The public interest is better served by allowing internal deliberation to conclude and unfinished material to be published in a complete and coherent form.

5. Partial Disclosure Consideration

Partial disclosure has been considered.

- Some previously disclosed factual information (e.g. prior FOI releases on tree data) reduces the need for further disclosure at this stage.
- However, the majority of the requested material consists of internal communications and unfinished material. Extracting limited material at this stage risks creating a misleading or incomplete picture.

Accordingly, partial disclosure is not considered appropriate in this case.

6. Timing Considerations

The weight of both exceptions is time-sensitive:

- **Regulation 12(4)(e):** The need for a protected internal space is strongest while discussions about publication timing and related issues remain live.
- **Regulation 12(4)(d):** The exception is temporary and its weight will reduce once the Strategy is completed and published.

Following publication of the Tree Strategy (anticipated end of July 2026), the sensitivity of the information is expected to reduce, and disclosure may be reconsidered at that time.

7. Final Decision

Decision:

To withhold the requested information under regulation 12(4)(d) EIR and regulation 12(4)(e) EIR.

Justification:

Having taken into account the presumption in favour of disclosure under the EIR, the public interest in maintaining these exceptions outweighs the public interest in disclosure at this stage. In particular, there is a strong public interest in protecting internal communications while the matter remains live and in allowing unfinished material to be completed and published in an orderly and coherent manner within a defined timeframe.

8. Approval

Completed by:

Jane Townsend, Senior Information Governance Manager

Reviewed by:

James Cruddington, Head of Policy and CEO's Office

Approved by:

Darren Shaw, Director of Parks

9. Record Keeping

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