

23 January 2023

Dear

**ATISN 17008**

**Information requested**

Thank you for your request which I received on 30 December 2023.  
You asked for:

Confirmation of the number of buildings the Welsh Government has identified as between 11m and 18m in height, which are at risk; and what developers are responsible for those buildings as well as the name and address of the buildings.

**Our response**

A copy of the information I have decided to release is enclosed.

Through our Expressions of Interest for the Welsh Building Safety Fund, we have received 122 applications for buildings of 11m -18m in height. The first phase of the Welsh Building Safety Fund will conduct initial desk based and intrusive surveys.

The survey work being undertaken includes a comprehensive analysis of a range of areas, including fire doors. Following the completion of the survey, a report will be issued to the Responsible Person that sets out, in the consultant's opinion, whether the issues identified relate to construction faults, maintenance or leaseholder actions.

Until the surveys are completed the Welsh Government will be unable to confirm number of buildings by risk.

The data the Welsh Government holds from the Expressions of Interest is third party data and has not been compiled by the Welsh Government.

Identified Developers of buildings that have had an Expression of Interest submitted:

Barratt Homes  
Bellway  
Lovell  
Persimmon  
Redrow  
Taylor Wimpey  
Vistry  
Westmark Developments Ltd  
Kier Ltd  
McCarthy and Stone  
Developers named in Expressions of Interest:

Alexandra Court Management Ltd  
Andton Group  
Austin Smith Lord  
Bluebay Homes LTD  
Bristol House Property House  
Cadwyn Housing Association  
Caldey View Ltd  
Castle Building Development LTD  
CCHA  
Celtic Developments  
City Developments Limited and IOI Group  
City Lofts Developments  
CJ Construction  
Clyne Estate Management LTD  
Coastal and Country Development LTD  
Coastal Homes (Rhos) Ltd  
Court Property Developers Ltd  
Cowlin Construction  
D3 Property Developments  
David McCleans Bristol  
David McCleans S, Wales  
Dawnus  
Edenstone Land  
Ferrara Quay Ltd  
Gainsborough 4 Ltd  
GKV Developments Ltd  
Hacer Construction  
Hale Construction  
Higgs and Hill Homes Ltd  
HLN Group  
Icon Development  
Island Lofts Inc  
Ivor Jones and Percy Thomas  
J R Smart  
Jehu Project Services  
Jehu Project Services  
JG Hale  
Jisscourt  
Joylock Ltd  
Knole Properties Ltd  
LDP Development/RCT Homes  
Leadbitter Construction  
LJ Hope  
Loft Co  
McCleans  
Meadgate  
Mi-Space  
Morganstone  
Mumbles Group Ltd  
Pembrokeshire Property Development LTD

PG Group  
Piercefield Porperties Ltd  
PJ Livesey  
Plasdwr & Redrow  
Pochin  
Portabella  
PRW Construction  
Skomer Developments  
St Davids Homes plc  
St Davids/Sir Robert McAlpine  
St Thomas Loft Ltd  
Stuart Epps  
The Anchorage (Penarth) RTM Company Ltd  
Thornlea LTD  
Thornsett Structures Ltd  
TVE & Concertare  
United Living  
Valentine Homes LLP  
Walsall Housing Group  
Watkin Jones  
Wellington House Development  
Wilson Bowdon Developments

I have decided that some of the information is exempt from disclosure under **regulations 12(5)(a) & 12(5)(e)** of the **Environmental Information Regulations 2004** and is therefore withheld. The reasons for applying these exemptions 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.

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 addresses of buildings that have submitted an expression of interest to the Welsh Building Safety Fund.

This Annex sets out the reasons for the engagement of regulations 12(5)(a) & 12(5)(e) of the Environmental Information Regulations 2004, consideration of the Public Interest Test.

The Welsh Government believes that the building names and addresses of buildings with potential fire safety defect should be exempt from disclosure.

### ***Reg 12(5)(a)***

*A public authority may refuse to disclose information to the extent that its disclosure would adversely affect:*

- *International relations,*
- *defence,*
- *national security or public safety.*

Note: we are employing the 'national security or public safety' arm of this exemption.

Our reasoning for employing this exemption is that disclosure of a list of specific residential properties that are potentially at higher risk of severe fire damage, would provide a target for individuals or groups unknown to commit arson. Any attacks on these premises would clearly put tenants at significant risk, emergency services staff involved in fighting any such fires, and any other individuals within the vicinity of these buildings.

### **Public Interest Test**

We recognise that there is a general public interest in favour of disclosure, as the topic of building safety has a high public profile, and that residents of the properties that may have submitted an Expression of Interest wish to know whether their homes are at greater risk.

Whilst we are in the process of identifying those properties which require remedial work, we believe it is not in the wider public interest to put the residents at greater risk as a result of publicly identifying those buildings which will be subject to further investigation.

It should be noted that the Welsh Government have released information and are happy to continue releasing information to individual tenants in respect of whether their building has submitted an Expression of Interest, and if it requires an intrusive survey.

However, in this case it is felt that maintaining public safety outweighs the public interest of releasing the list publicly.

### **Reg 12(5)(e)**

*A public authority may refuse to disclose information to the extent that its disclosure would adversely affect:*

*The confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.*

We believe that disclosure of both lists would have a significant impact on the financial interests of their owners as disclosure could unnecessarily blight the buildings identified.

The Expressions of Interest received include a significant number of buildings that are out of scope for our programme. This list does not indicate that there is a significant fire risk to those buildings. Nor does their subsequent non-appearance in the list of those identified for more intrusive surveys indicate that there is not a fire risk to those properties.

Similarly, the list of buildings identified for intrusive survey are not necessarily buildings that have high risk of fire. Buildings were shortlisted for a variety of reasons alongside fire safety risk, including missing or out of date information. We will not know if there is a fire safety issue until surveys are carried out and the reports issued to Responsible Owners state this to be the case.

By releasing either list, there is significant risk that this would adversely affect the economic interests of the landlords, in that disclosure would affect their ability to let or sell the properties.

### **Balance of public interest test**

As set out in consideration of Reg 12(5)(a) we recognise both the specific interests of tenants and the wider public interest in building safety and knowing that work is underway to identify which buildings require remedial work, particularly given the length of time that has passed since the Grenfell Tower fire.

We are of the opinion that it is not in the wider public interest to release information that would adversely affect the legitimate economic interests of landlords, particularly where we are working with them to identify and resolve any issues. Disclosure runs a very real risk of the list being shared without any contextualising information, increasing the risk of harm to the landlord's economic interests.

To that extent we believe the public interest favours the maintaining of the Reg 12(5)(e) exception.