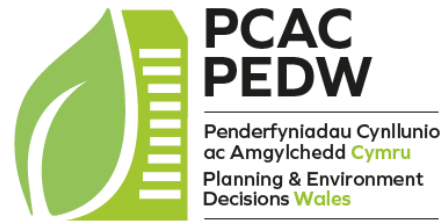


Adeilad y Goron,  
Parc Cathays, Caerdydd,  
CF10 3NQ



Crown Buildings,  
Cathays Park  
Cardiff, CF10 3NQ

Eich Cyf/Your Ref:  
Ein Cyf/Our Ref: ATISN 18762  
Dyddiad/Date: 18 August 2023

Annwyl / Dear

Thank you for your request which I received on 21 July 2023. You asked for the following information:

The correct, up to date, direct links to environmental information duly listed in Appendix 2 of the Planning Inspector's requisite Report for the Morlais Demonstration Zone.

## **Refusal**

The Environmental Information Regulations 2004 (EIR) give rights of public access to information held by public authorities.

A public authority is entitled to refuse a single extremely burdensome request under regulation 12(4)(b) of the EIRs as “manifestly unreasonable”, (and it is satisfied that the public interest test favours maintaining the exception).

In assessing whether the cost or burden of dealing with a request is “manifestly unreasonable”, a public authority may consider:

- the nature of the request and any wider value in the requested information being made publicly available;
- the importance of any underlying issue to which the request relates, and the extent to which responding to the request would illuminate that issue;
- the resources available to respond (and the extent to which this would be distracted from delivering other services); and
- the context in which the request is made, which may include the burden of responding to other requests on the same subject from the same requester.

## **Public interest in the disclosure of information.**

Welsh Government recognises the individual and potentially wider public interest in disclosure to promote transparency and accountability of public authorities, greater public

awareness and understanding of environmental matters, a free exchange of views, and more effective public participation in environmental decision making, all of which ultimately contribute to a better environment.

**Public interest in withholding the information.**

The documents in scope of your request were previously published but, in line with normal practice, they were removed from the web following the decision of the Welsh Ministers.

I have therefore assessed it would take considerable time (and would therefore be manifestly unreasonable) to replicate/collate the legacy information to respond to the request for information which I have determined would not meet any wider public benefit to do so.

The information requested was important before the Ministerial decision was reached but, in line with normal practice, the information has been de-published following the final decision being made.

Furthermore, with the passing of time since the decision was made, I do not believe that strengthens any wider public interest to, at this point, undertake the exercise required to collate information and respond to the request.

I have set out an Annex 1, further information to support my assessment that the public interest in withholding outweighs the case for disclosure.

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 e-mail: [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

Telephone: 0303 123 1113

Website: [www.ico.org.uk](http://www.ico.org.uk)

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 1

### **Application of Reg 12(4)(b) of the Environmental Information Regulations, 2004.**

Although this request falls under the Environmental Information Regulations 2004 (EIR) rather than the Freedom of Information Act 2000 (FOI), [the ICO has confirmed](#) that when considering whether it would be 'manifestly unreasonable' to provide the information under Regulation 12(4)(b) of the EIR, it is useful to use the threshold set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as a starting point. This limit is set at £600, which equates to 24 hours of work to comply with the request.

PEDW holds two electronic files for this case. Due to the way that data was transferred from the former Planning Inspectorate for Wales to the Welsh Government in October 2021, these files are not properly sub divided. One file contains over 500 documents. The other contains over 2000 documents.

As the data is not properly organised and named, in many cases it requires a user opening the document to identify what it is. Even assuming that some documents would only require opening and quickly checking to see if they needed to be included in the request without any further work, this is still an average of 1 minute per document.

Once all of the information captured by the request has been located we would need to consider whether or not the information can be released to the World. As this information is now held beyond the normal, publicly stated, retention period of one year from the date of the decision there will be personal data within the captured information that if disclosed would breach the GDPRs. Such information would need to be redacted before the information could be released. As any such redactions are necessary to assure compliance with other legislation, under the EIRs such work can be taken into consideration when considering whether complying with a request could be classed as 'manifestly unreasonable'.

PEDW Business Support team has undertaken a random sampling of documents and timed the process of redaction. The results were:

| <b>Document Length</b>                   | <b>Staff time to redact</b> |
|------------------------------------------|-----------------------------|
| 79 pages                                 | 31 minutes                  |
| 66 pages                                 | 25 minutes                  |
| 1 page                                   | 3 minutes                   |
| 0 pages to redact, checking content only | 1 minute                    |

The average time per document based on the above would be:

$$(31 + 25 + 3 + 1) \div 4 = 15 \text{ minutes or } 0.25 \text{ hours}$$

Assuming 0.25 hours per document, worst case scenario of working through all 2,500 documents the total staff time would be 625 hours.

Assuming best case scenario of working only on the 390 documents listed in the relevant Appendix, the total staff time would be 97.5 hours.

Due to the way the files were transferred it is likely that the figure would be much higher than the 'best case scenario'. Averaging the two gives:

$$(625 + 97.5) \div 2 = 361.25 \text{ hours}$$

The above figures show that even in the best case scenario, the time required to process this request is well above the starting point threshold of 24 hours of staff time.