

16 January 2023

Dear

## **ATISN 20014**

### **Information requested**

Thank you for your request which I received on 14 December. You asked for:

1. All correspondence between Welsh Government, The Green Man Festival (including the Company and the individuals behind that festival) as well as with Powys County Council and the Brecon Beacon National Park in relation to the proposed use of the site and such Licences/permissions as may be required **between 1<sup>st</sup> January 2021 to date.**
2. Copies of all emails from or to Jane Dodds MS which relate to Gilestone Farm and its proposed use over the period of the last 18 months.

### **Our response**

1. I have decided that the information is exempt from disclosure under section 12 of the Freedom of Information Act and regulation 12(4)(b) of the Environmental Information Regulations and is therefore withheld. The reasons for applying these exemptions are set out in full at Annex A to this letter.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. If you do refine your request in this way, this will be treated as a new request.

2. Please see the attached Doc 1 which includes the information requested.

### **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:

- *All correspondence between Welsh Government, The Green Man Festival (including the Company and the individuals behind that festival) as well as with Powys County Council and the Brecon Beacon National Park in relation to the proposed use of the site and such Licences/permissions as may be required **between 1<sup>st</sup> January 2021 to date.***

This Annex sets out the reasons for the engagement of section(s) 12 of the Freedom of Information Act and regulation 12(4)(b) of the Environmental Information Regulations and our subsequent consideration of the Public Interest Test.

### **Engagement of FOIA section 12 (The appropriate limit) of the Freedom of Information Act and regulation 12(4)(b) (Manifestly unreasonable) of the Environmental Information Regulations**

Your request for all correspondence, captures many thousands of items of correspondence. In an exercise, one official who holds copies of such correspondence checked how many items potentially in scope were in their email system. By way of a suitable keyword search they established that there were 4,848 in the last 12 months alone. There are two other officials who are expected to have as many, or more such emails, and some other officials may have much smaller numbers.

It is likely that many of these emails are not in scope of your request. It is necessary to review the emails to establish whether they refer to “the proposed use of the site and such Licences/permissions”. Although many will be found not to be captured, the wide interpretation as to what is meant by proposed use of the site would mean that very large numbers of these are captured. In order to establish if an email is captured, it must be reviewed and considered against your request. This will be a manual process, and on the basis that this would take, on average, 3 minutes per item, we estimate that the total time to process this request will not be less than 727 hours, which is very substantially over the appropriate limit for FOI of 24 hours.

Further it is likely that much of the information requested, but not all of it, would fall under the Environmental Information Regulations. As it would not be possible to locate the environmental information without carrying out the above search, the search for the environmental information would also be manifestly unreasonable.

## **Public Interest Test**

In order to satisfy the public interest test in relation to the exemption(s), it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to *outweigh* the public interest arguments in favour of release.

### **Public interest arguments in favour of disclosure**

The information requested relates to a matter of clear public interest. The use of the site is a matter of public interest, and discussions relating to that use may also hold public interest for some of the captured information. There is also a public interest in the openness and transparency of government.

### **Public interest arguments in favour of withholding**

In order to carry out the searches for this information it would be necessary for the policy officials who hold the bulk of this information to cease their public tasks so as to process this request. This would impact on public policy and would place unnecessary burden on the public purse.

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

Although there is a strong public interest in this case and the matter of proposed use of the site, the balance of the public interest does not favour stopping the work of policy officials to conduct hundreds of hours of searching through documents that are, for the most part, mundane and administrative in nature. The information is therefore withheld.