

17 April 2024

Dear

ATISN 19360 – Request for information

Information requested

Thank you for your request received by Welsh Government on 29 January. I apologise for the delay, this is due to an administrative error.

Our response

The information you requested is enclosed.

1. Any advice the Welsh Government received from NRW or other arm's length bodies about bird conservation at Gilestone Farm

Following a search of our paper and electronic records, I have established that the information you require is not held by the Welsh Government. Welsh Government has however, received independent advice from Dr Tim Mackrill, Roy Dennis Wildlife Foundation which is publicly available on the Welsh Government website.

[Gilestone Farm: osprey conservation plan | GOV.WALES](#)

2. An outline of how much money the Welsh Government has spent in total on Gilestone Farm and any associated costs

£4,387,098.18 to 31 March 2024. This figure includes the acquisition of the site, associated costs relative to the acquisition and costs incurred since purchase to 31 March 2024

3. The total rent paid to the Welsh Government for Gilestone Farm

I have decided that the information is exempt from disclosure under sections 43 of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption is set out in full at Annex A to this letter.

4. The dates, locations and attendees of all meetings held between Welsh Government Ministers and/or officials, and the Chief Executive of Green Man since the purchase of Gilestone Farm

As this request specifies "locations", I have taken this request to mean face-to-face meetings. As the request also specifies Gilestone Farm, I have taken this request to only include meetings specifically regarding the Gilestone Farm site and not the wider Green Man Festival.

Since the acquisition of Gilestone Farm, only one face-to-face meeting has taken place with the Chief Executive of Green Man and officials. This meeting took place at Theatr Brycheiniog on 17 March 2023. Notes from this meeting are publicly available on the Talybont-on-Usk Community Council website.

<https://www.talybont.org/gilestone-farm2/previous/2>

5. How much the Welsh Government spent on site security for Gilestone Farm in the calendar year 2023

£2,901.75

6. How much was spent developing and delivering the Osprey Conservation Plan for Gilestone Farm

£4,995

7. Information on ongoing security costs at Gilestone Farm, broken down to monthly costs

8. Summary of ongoing costs from Gilestone Farm's Osprey Conservation Plan

9. Welsh Government's on-going monthly running costs for Gilestone Farm

Requests 7, 8 and 9 have been grouped into the following response.

Following a search of our paper and electronic records, I have established that the information you require is not held by the Welsh Government. Whilst there will be ongoing costs associated with Gilestone Farm, they will vary according to need and will not be set costs.

10. A Summary of the overall total expenses and costs of Gilestone Farm for the Welsh Government in the calendar year 2023, less the income received from the farm

£30,061.85

11. Summary of revenue generated at Gilestone Farm since it has been owned by the Welsh Government

12. Provide a summary of the total level of income that Gilestone Farm has generated for the Welsh Government through rental or other activities, since the Welsh Government purchased the farm

Requests 11 and 12 have been grouped into the following response.

I have decided that the information is exempt from disclosure under sections 43 of the Freedom of Information Act and is therefore withheld. The reasons for applying this exemption is 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

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:

Copies of the below under Section 43 – Commercial interests:-

- The total rent paid to the Welsh Government for Gilestone Farm
- Summary of revenue generated at Gilestone Farm since it has been owned by the Welsh Government
- Provide a summary of the total level of income that Gilestone Farm has generated for the Welsh Government through rental or other activities, since the Welsh Government purchased the farm

This Annex sets out the reasons for the engagement of sections 43 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Section 43(2) – commercial interests

The exemption states:

- (2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The Welsh Government (WG) is of the view that revealing the information whilst commercial and legal discussions regarding the future of the property continue would place WG under a disadvantage in the ongoing negotiations surrounding the site. The Welsh Government would like to emphasise that this is a time limited exemption until the conclusion of commercial discussions around the future of the property. Disclosure of this information at this time would be likely to prejudice the ongoing negotiations and as such, the commercial interests of Welsh Government. The information would reveal commercially sensitive information not otherwise publicly available.

Public Interest Test For Disclosure

The Welsh Government recognises the public interest in openness and transparency within government, particularly in terms of ensuring an accountable government by disclosing how the Welsh Government spends public money and that the money is invested wisely.

Public Interest Against Disclosure

Disclosure of this information would prejudice ongoing commercial negotiations as release would reveal commercially sensitive information not otherwise publicly available. Disclosure of this information would provide competitors and potential interested parties access to a level of information not otherwise available to them. This would be likely to enable them to obtain an advantage when negotiating with Welsh Government. We do not believe facilitating this type of unfair competitive advantage would be in the wider public interest. This is a time limited exemption until the conclusion of commercial discussions around the future of the property.

To freely disclose the information would give private entities negotiating with Welsh Government a distinct commercial advantage and stepping stone which would be likely to prejudice the ability of WG to engage in fair and level playing field for commercial activities. We believe the resultant harm should this information be released, to be substantial and would disadvantage Welsh Government, and as such the public purse, during commercial negotiations.

Whilst the withheld information would be of interest to other commercial entities, we do not believe it would be of sufficient interest to the wider public to countervail the public interest in withholding the information. Release of the information would also allow potential competitors access to a level of detail that they otherwise wouldn't have, so as to enable them to obtain a commercial advantage by understanding and potentially copying the methodology, their processes and business case. I do not believe that facilitating this type of unfair competitive advantage would be in the wider public interest. I further do not believe there is a public interest in prejudicing the commercial interests of the Welsh Government or the company by the release of this information.

I am aware that, as a general rule, the sensitivity of information is likely to reduce over time; therefore the age of the information, or timing of the request, may be relevant in determining whether to apply an exemption, or where the public interest may lie. In this case, however, the information captured is very much current information and is relevant to ongoing commercial negotiations. I believe therefore that the balance of the public interest falls in favour of withholding the information.