

17th April 2026

Dear

ATISN 26842 Environmental Information Request, Ragwort Code of Practice (Wales, 2026)

Thank you for your request which I received on 27 March 2026. You asked for:

- Copies of any summaries, analyses, or internal reports evaluating responses to the public consultation on the proposed amendments.
- Any documents identifying key themes, concerns, or disagreements raised by consultees.
- Copies of draft versions of the Code produced after the consultation closed, where these show substantive changes in wording, emphasis, or policy.
- Any tracked-change or annotated drafts, where available.
- Internal communications (including emails, briefing notes, and submissions) discussing:
 - changes to risk thresholds (e.g. distance criteria),
 - statements relating to toxicity and diagnosis (including the absence of a specific diagnostic test),
 - the legal framing of responsibilities (including statements that the presence of ragwort is not in itself unlawful),
 - the evidential basis for statements regarding dermal exposure to ragwort,
 - the balance between biodiversity considerations and control measures.
- Any scientific advice, literature reviews, or expert input relied upon in revising:
 - statements on toxicity,
 - diagnostic uncertainty,
 - risk assessment methodology,
 - and the potential for absorption of pyrrolizidine alkaloids through the skin.
- Any ministerial submissions, briefing papers, or decision records explaining the rationale for changes made between the consultation draft and the final published Code.
- Any internal discussion, advice or analysis relating to changes in the overall framing of the Code, including:
 - the move towards a more risk-based approach to ragwort management,
 - the role of uncertainty and variability in the description of toxicity and risk,
 - and any changes in how control measures versus risk management are presented.

Our response

I can confirm that we hold information relating to your request. From my preliminary assessment, I find that that your request is likely to be very time consuming to deal with.

In the first instance, I am of the view that the information you want me to search for is environmental information and as such I have considered your request under the Environmental Information Regulations 2004 (EIRs). 'Environmental information' is

defined in the Regulations as (inter alia) ‘information on measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, and also factors such as substances, energy, noise, radiation or waste likely to affect the state of the elements of the environment above’. The policy and guidance on the control of ragwort falls within the definition set out in the Regulations.

I have concluded that your request is both voluminous and complex and will be very time consuming to deal with. Under the EIRs, there is no appropriate costs limit above which public authorities are not required to deal with requests for information. However, Reg 12(4)(b), manifestly unreasonable request, can apply if the cost or burden of dealing with a request is too great. This position was confirmed in the Upper Tribunal case of *Craven v The Information Commissioner and the Department of Energy and Climate Change* [2012] UKUT442 (AAC).

“Taking the position under the EIR first, it must be right that a public authority is entitled to refuse a single extremely burdensome request under regulation 12(4)(b) as “manifestly unreasonable”, purely on the basis that the cost of compliance would be too great (assuming, of course, it is also satisfied that the public interest test favours maintaining the exception). The absence of any provision in the EIR equivalent to section 12 of FOIA makes such a conclusion inescapable.”

In order to understand the scope of this request, officials undertook preliminary work to identify where information may lie and what would be necessary to extract and collate that information. Work was undertaken to identify the number of relevant documents in our electronic document management system that might fall within the scope of this request, starting from a week before the close of the consultation in January 2024 up until the date the revised code was published in March 2026.

Approximately 365 documents were identified that could fall within scope of the request. A sampling exercise was conducted on 40 of those documents to determine how long it would take to consider whether each of those 40 documents contained relevant information relating to any of the specific points made in the request. Although identifying the 365 documents could be done through appropriate search strategies, to see if documents are in scope of this request, and to find previous renditions with annotations, tracked changes or notes as requested, is a manual process that requires each document to be manually evaluated.

This exercise did not include the time taken to extract relevant material from those documents and only identified whether the document held information in scope or not. It took on average over 5 minutes to consider each document from the sample. Using 5 minutes as a baseline it would take in excess of 30 hours to locate documents. This is a conservative estimate and does not include time taken to extract and prepare any such documents.

Public Interest Test

Reg 12(4)(b) is subject to the public interest test. I have given consideration to the public interest in disclosing the information. The Welsh Government recognises the general public interest in openness and transparency and that releasing the

information would help the public gain a better understanding of the topics in question and decisions made to improve policy and guidelines on the control of ragwort. The matter is clearly of public interest and was subject to a public consultation that led to the enactment of the new policy.

However, we have published the public consultation document setting out the aims of updating the 2011 code. A list of all the organisations who were contacted for responses to the consultation has also been published on GOV.WALES: [Ragwort consultation](#). In addition, we have published the summary of the consultation responses, and it is our policy to make all the responses available on request. This must partially meet the public interest in understanding what is behind this policy. The question is whether there is an over-riding public interest in seeing the very specific information you have requested that would countervail the burden on the authority imposed by undertaking this level of discovery. In view of the public consultation and the information already published in the public domain, I do not believe such countervailing considerations apply.

The Welsh Government therefore considers the balance of the public interest lies in favour of refusing your request. This is because it is believed your request would place a substantial and unreasonable burden on Welsh Government resources which are already stretched, and on balance it is considered the public interest would be better served by not deploying our resources in undertaking core work. As part of these considerations we have applied the statutory presumption in favour of disclosure under Reg12(2) of the Regulations, but our view is that the significant burden that this request would impose outweighs the public interest in releasing this information.

Your request is therefore refused under Reg 12(4)(b) – manifestly unreasonable, of the EIRs, for the reasons outlined above.

The Welsh Government publishes a practical guide on making requests for information on GOV.WALES: [Requesting information from the Welsh Government](#).

This will explain how you may wish to narrow down and focus your request, e.g., by describing the information you hope to locate, as well as any associated dates or other information that would assist us in identifying and locating the information you require.

Further Information

In addition to our response above you might be interested in the following background information and in the summary of consultation responses document which is available on GOV.WALES: [Consultation outcome: Code of Practice on the control of ragwort](#).

The consultation document, the summary of consultation responses document, and the revised version of the code explain the aim of the code which is to provide guidance on how to prevent the spread of common ragwort where it poses a threat to the health and welfare of horses and livestock. It does not seek to eradicate common ragwort, as ragwort is a native plant which is important for biodiversity. It

seeks to find a balance between the needs of landowners and occupiers grazing and feeding their livestock, and the need to protect biodiversity.

The consultation set out the aims of updating the 2011 version of the code by:

- updating the names of organisations and relevant contacts
- updating references to legislation and legal requirements where new legislation has been introduced
- changes relating to advice around best practice measures.

In reviewing the responses to the consultation and making the final revisions to the code, particular focus was given to updating legal and best practice requirements in relation to waste disposal and ragwort control methods where there have been significant changes since 2011. In addition to these changes, and based on a review of the published literature, the following key changes were made in efforts to balance the concerns raised in the consultation responses on biodiversity and animal welfare:

- The distance at which ragwort is considered to pose a 'higher' risk of spreading to land used for keeping or grazing horses and livestock, or land used for feed/forage production, has been reduced from 50m to 35m.
- Emphasis has been placed on correctly identifying common ragwort to avoid removal of non-target plants, and to convey that the code does not seek to eradicate ragwort or to control it indiscriminately due to its benefits for biodiversity.
- Reference to the Wildlife and Countryside Act 1981 has been included to confirm that it is an offence for any person, not being an authorised person, to intentionally uproot any wild plant including common ragwort.
- More explanation has been provided on the importance of good pasture management to help prevent ragwort from establishing and becoming a problem.
- Additional information has been included on the enforcement process for the Weeds Act 1959.

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,