



Llywodraeth Cymru
Welsh Government

E-mail request

Our ref: ATISN
Date: 5 August 2021

Dear

ATISN 15311

Thank you for your request which I received on 8 July 2021. Your request has been dealt with under the Environmental Information Regulations (EIR) 2004.

You asked for the following:

all information held by the land management on Well Street Buckley Flintshire, formally know as Springfield farm (up to the end of this month).

Following our request for clarification on the exact information sought you confirmed you were seeking all information from 2006 – 2021 on the land at Well Street formally known as Springfield Farm Buckley or land north of Well Street.

Regulation 12(4)(b) of the EIR allows a public authority to refuse a request that is 'manifestly unreasonable'. Guidance from the Information Commissioner confirms that this exception can be used:

- when the cost of compliance with the request would be too great.

As outlined in our request for clarification, our initial search of electronic records within the Permanent Secretary's Group (in which Land Division sits) using the term 'Well Street, Buckley, has identified 7733 records – a combination of word documents, emails etc. The number of records would likely increase with any consideration of hard copy records or information within the email accounts of staff members within the division. The unrestricted search resulted in over 45,000 electronic records being identified.

We have attempted to quantify the scale of servicing the request and have assumed the following:-

- Each of the 7733 records referred to above would need to be accessed, analysed and logged by a Higher Executive Office (HEO).
- We have assumed that each record would on average take 5 minutes to investigate. We have presumed that 75% of records would follow a concurrent theme hence may take less

than 5 minutes to evaluate whilst others will contain large documents and may take hours to evaluate. This would equate to 38,665 minutes.

- We have not been able to accurately quantify hard copy only information and individual email account records of staff members. We do not think that it would be unreasonable to presume a 3 hour investigation per staff member. We suspect that there could be as many as 15 staff who would need to be contacted to service this Fol. 2700 minutes ranging from Director to Team Support grade.
- We have assumed supervisory oversight by a Senior Executive Officer equivalent to 5 seconds per minute. 41,365 minutes in total x 5 seconds = 3,447 minutes
- Total time expected to service these 7733 records is 44,812 minutes or 746 hours or 93 working days (assuming an 8 hour working day).
- Of the unrestricted 45,000 records we have assumed a 3 minute investigation by a Team Support officer. 135,000 minutes in total
- We have also assumed that 1% of these reports may need further investigation by a HEO at 5 minutes. 6,750 minutes.
- We have assumed supervisory oversight by a Senior Executive Officer equivalent to 5 seconds per minute. 141,750 minutes in total x 5 seconds = 11,812 minutes.
- Total time expected to service these 45,000 records is 153,562 minutes or 2,559 hours or 319 working days (assuming an 8 hour working day).
- Total time expected to service this request is 412 working days.
- This would equate to circa £80,000 in salary, pension and NI costs to the Welsh Government.

As a result of the above calculations, Welsh Government considers that reviewing the entire content of even the initial number of records identified in a granular way in order to identify what information was held and what could and equally could not be disclosed would entail a great cost in terms of staff time and resources. To that end we believe your request is 'manifestly unreasonable' within the meaning of Regulation 12(4)(b).

Regulation 12(4)(b) is a public interest tested exception. That means a public authority can only withhold information if the public interest in maintaining the exception outweighs the public interest in disclosing the information. We are mindful of the general public interest in transparency and accountability, and of the presumption in favour of disclosure and to read exceptions restrictively.

We have assumed that the work of the Team Support, the HEO, and the SEO would occur simultaneously and that it could be conducted in around 220 days. This is equivalent to a full working year.

We have therefore decided that the scope of this request represents a disproportionate burden to the Welsh Government

In addition, you have told Welsh Government Land Division that you are aware that the land at Well Street has been put forward by ClwydAlun Housing Association for outline planning permission for residential use. If the outline planning permission is successful then we assume that ClwydAlun will proceed with a full planning application. A full planning application will involve a public consultation.

We have assumed that the purpose of your Fol request is to assist you in your investigations of the site and to fully interact with the public consultation when appropriate. We have consulted with ClwydAlun and they confirm that they would expect that the public consultation will have concluded before our Fol investigations. As such the exercise to provide any information to you will be too late and therefore not an effective use of Welsh Government resources.

Welsh Government Land Division have serviced your other Fol requests and have answered your previous questions regarding the site. Land Division will consider any new requests for information you may submit in line with the FOI Act/Environmental Information Regulations.

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